

# AGENDA

## Development Control Committee

**Friday, 11 April 2014 AT 10:00**

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

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions.

### **Declarations of Interest**

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

### **Public and Press**

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

### **MINUTES OF PREVIOUS MEETINGS**

To note the Minutes of the site visits held on 9 April 2014

### **PART A**

**To be considered when the Public and Press are present**



## **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

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

<b><u>Planning Committee Front Cover</u></b>	<b>5 - 8</b>
<b><u>Planning Committee Index</u></b>	<b>9 - 10</b>
<b><u>01 13 0331</u></b>	<b>11 - 42</b>
<b><u>02 11 1063</u></b>	<b>43 - 66</b>
<b><u>03 13 0881</u></b>	<b>67 - 74</b>
<b><u>04 13 0778</u></b>	<b>75 - 110</b>
<b><u>05 14 0124</u></b>	<b>111 - 122</b>
<b><u>06 14 0129</u></b>	<b>123 - 138</b>



**07 14 0013**

**139 - 146**

**08 14 0120**

**147 - 162**

**Schedule B - E**

**163 - 252**

**A.2 UPDATE ON HOUSING STANDARDS REVIEW & PERMITTED DEVELOPMENT RIGHTS**

**253 - 260**

The Development Manager to submit a report that provides an update for Members on recent changes to national planning legislation affecting housing standards, permitted development rights and update on the National Planning Practice Guidance (Copy Report ED.16/14 herewith)

**PART B**

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

-NIL-

**Members of the Development Control Committee**

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

**Labour** – Mrs Bradley, McDevitt, Mrs Riddle, Scarborough (Chairman), Mrs Warwick, Whalen (Vice Chairman), Bowditch (sub), Ms Franklin (sub), Ms Patrick (sub)

**Liberal Democrat** - Mrs Luckley, Gee (sub)

**Independent** - Craig, Betton (sub)



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



# **Development Control Committee Main Schedule**

## **Schedule of Applications for Planning Permission**

11th April 2014



## **The Schedule of Applications**

This schedule is set out in five parts:

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

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

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

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



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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 28/03/2014 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 02/04/2014.

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



# SCHEDULE A

# SCHEDULE A



## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>13</u> /0331 A	Land to the North East of Scaurbank Wood, Longtown	<u>RJM</u>	11-42
02.	<u>11</u> /1063 A	Garden Walk, Edmond Castle, Corby Hill, Carlisle, Cumbria, CA4 8QD	<u>BP</u>	43-66
03.	<u>13</u> /0881 A	South View, The Green, Houghton, Carlisle, CA3 0LN	<u>ST</u>	67-74
04.	<u>13</u> /0778 A	Land between Dalston Road and Stanhope Road, Carlisle	CH	75-110
05.	<u>14</u> /0124 A	Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX	<u>BP</u>	111-122
06.	<u>14</u> /0129 A	Former Fire Station, Warwick Street, Carlisle, CA3 8QW	<u>SD</u>	123-138
07.	<u>14</u> /0013 A	Bramblebeck Cottage, Moor Park, Thurstonfield, Carlisle, CA5 6HB	<u>RJM</u>	139-146
08.	<u>14</u> /0120 A	The White Quey PH, Stoneraise, Durdar, Carlisle, CA5 7AT	<u>ST</u>	147-162
09.	<u>14</u> /9002 C	The Courts, English Street, Carlisle, Cumbria, CA3 8NA	<u>ST</u>	165-167
10.	<u>14</u> /9001 C	Kingmoor Infant School, Hether Drive, Lowry Hill, Carlisle, Cumbria, CA3 0ES	<u>SO</u>	168-171
11.	<u>12</u> /0829 C	Land Adj. To Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA	<u>SD</u>	172-173
12.	<u>12</u> /0793 D	Land bounded by Hammonds Pond, Oaklands Drive and Durdar Road, Carlisle	<u>ARH</u>	175-188
13.	<u>12</u> /0832 D	Land adjacent 445 Durdar Road, Durdar, CA2 4TT	<u>SO</u>	188-194
14.	<u>13</u> /0655 D	Former Dairy Site, Holywell Crescent, Botcherby, Carlisle, CA1 2TD	<u>ARH</u>	194-203
15.	<u>13</u> /0787 D	Land at Orchard Gardens, Houghton, Carlisle, CA3 0LH	<u>BP</u>	203-209

Date of Committee: 11/04/2014



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Applications Entered on Development Control Committee Schedule

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Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>13/0792</u> D	Land to rear of The Whins and adjacent to Sewage Works, Allenwood, Heads Nook	<u>SD</u>	209-214

Date of Committee: 11/04/2014



## SCHEDULE A: Applications with Recommendation

13/0331

Item No: 01

Date of Committee: 11/04/2014

**Appn Ref No:**  
13/0331

**Applicant:**  
Mr & Mrs Fisher

**Parish:**  
Arthuret

**Agent:**  
Edwin Thompson

**Ward:**  
Longtown & Rockcliffe

**Location:** Land to the North East of Scaurbank Wood, Longtown

**Proposal:** Formation Of Slurry Lagoon

**Date of Receipt:**  
02/05/2013

**Statutory Expiry Date**  
27/06/2013

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of Siting A Lagoon Is Acceptable In This Location
- 2.2 Whether The Scale And Design Of Proposed Slurry Lagoon Is Acceptable
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact Of The Proposal On The Environment And Biodiversity Issues
- 2.6 The Impact Of The Development On Human Rights And The Aarhus Convention
- 2.7 Whether Any Adverse Impact Would Occur To The Woodland

#### 3. Application Details

##### The Site

- 3.1 The application seeks Full Planning Permission for the formation of a slurry lagoon on land to the north east of Scaurbank Wood, approximately 0.85 miles (1.37 kilometres) from the centre of Longtown. The site is in open



countryside on land that is currently in agricultural use. To the north and west of the site is Stackbraes Wood which is designated as a Dedicated Woodland. To the east and south is agricultural land bounded by hedgerows. Adjacent and to the west is Powdrake Beck.

## **Background**

- 3.2 The main farm steading is located at Smalmstown, Longtown which is approximately 1.3 miles (2.1 kilometres) west of the application site as measured directly. The application was accompanied by a Design and Access Statement together with additional supporting information prepared by the applicant's agent which outlines the following:
1. Smalmstown Farm is a mixed farming business including grassland and arable production combined with livestock, predominantly sheep and cattle. Currently the stock levels stands at approximately 1000 dairy cows;
  2. the farm presently has 500,000 gallons of slurry storage which is inappropriate to the modern requirements of the herd;
  3. the proposal is for an excavated earth-banked slurry lagoon to provide the facility for the holding of approximately 2,000,000 gallons of slurry which is considered appropriate to the amount of agricultural land available for spreading. This also reflects the storage capacity for more than 5 months in line with both best agricultural practice and Nitrate Vulnerable Zone (NVZ) regulations, future proofing the scheme against potential regulator requirements;
  4. the proposed storage capacity generates greater flexibility in the application of slurry allowing it to be more accurately tailored to the requirements of the land and to derive maximum benefit to both agricultural production and the natural environment;
  5. the proposed slurry lagoon would facilitate the use of an umbilical slurry application system to the 600 acres occupied around the site, reducing the use of slurry tankers and agricultural traffic in the area.
- 3.3 The application was deferred at the meeting of this Committee in July 2013 to obtain additional information. Given the nature of the issues raised by residents and to give a proper assessment as to the potential impact of the proposal, the Council employed the Agricultural Development Advisory Service (ADAS) to produce a report. This document is reproduced in full in the schedule following this report.
- 3.4 ADAS was originally formed in 1946 as the National Agricultural Advisory Service (NAAS) advising the Ministry of Agriculture Fisheries and Food (MAFF) before becoming the Agricultural Development and Advisory Service in 1971. It became an executive agency of MAFF in 1992 and was privatised in 1997, since when the company has been just known as ADAS. The credentials of ADAS are suited to the issues involved with this application and why they were chose to provide the Council with an appropriate assessment and evaluation of the lagoon. Their website states that ADAS is the UK's largest independent provider of environmental consultancy, rural development services and policy advice with their consultants have a



“breadth and depth of expertise spanning the entire environmental sector together with crop and livestock research and our waste contracting and composting business.”

## **The Proposal**

- 3.5 The proposal seeks consent for the formation of an earth banked slurry lagoon that would be accessed along a permissive right of way, 310 metres to the east of the junction with Netherby Road.
- 3.6 The submitted drawings illustrate a quadrilateral slurry lagoon located adjacent to the northern boundary of the field. The lagoon would measure between 59 and 70 metres wide and 65 and 85 metres in length. The lagoon would be bounded by an earth bund measuring 15.7 metres in width and 2.8 metres in height from the external ground level around the lagoon. It would have a storage capacity of approximately 2,000,000 gallons (9,092,183.76 litres) and the depth of the lagoon would be 3.5 metres.
- 3.7 Adjacent to the northern end of the lagoon would be a graded vehicular access to allow the lagoon to be filled from agricultural vehicles.
- 3.8 A 1.8 metre high protective fence topped with barbed wire to an overall height of 2 metres would enclose the perimeter of the lagoon. The bund of the lagoon would be re-soiled and re-seeded with grass. The existing hedgerow to the east and west of the lagoon would be allowed to grow and thicken whilst a new landscaping belt is to be planted along its northern and western boundary.

## **4. Summary of Representations**

- 4.1 A total of 1409 responses have been received. This application was initially advertised by means of 2 site notices. In response, 358 letters of objection and a petition containing 232 signatures against the proposal have been received which included 32 letters from the same 2 individuals. The main issues raised are summarised as follows:
  - 1. the proposal will result in increased vehicle movements through Longtown;
  - 2. there is the potential that the vehicles transporting the slurry may overturn in Longtown which has happened recently;
  - 3. the vehicular access to the woods is inappropriate;
  - 4. children and young persons play in the lane and the across the adjoining agricultural land. The proposal may result in persons accessing the lagoon which may lead to a tragic accident;
  - 5. the storage of slurry in lagoon will lead to an odour nuisance to properties along Lovers Lane and other areas of Longtown;
  - 6. the area is prone to flooding and any slurry from the site may leak into adjoining watercourses and contaminate Powdrake Beck and the River Esk as well as the water table in the area. The River Esk is a SSSI;
  - 7. the site is in close proximity to a Public Footpath;



8. there is no provision for the lagoon to accommodate additional rainfall in addition to the planned 2 million gallons of slurry;
9. the lagoon could be located closer to the farm steading;
10. there are more than 150 pathogens in manure lagoons which have found to affect human health especially those with a weakened immune system which would affect the living conditions of occupiers of nearby properties contrary to the report;
11. an Ecological Assessment covering direct and indirect effects on protected species should have been submitted and Natural England consulted;
12. due to the amount of earth that would be moved, an assessment should be undertaken under EIS guidelines;
13. the development will affect people's human rights;
14. there has been enough airborne contamination in the area from Chapelcross and Sellafield without another source of pollution;
15. expert evidence should be provided regarding the impact of wind and direction of travel in the area.

4.2 Following the consultation of the report produced by ADAS for the Council, 1051 letters of objection have been received and the main issues raised are summarised as follows:

1. there is an unjustifiable risk of pollution to the water tables, the River Esk and Powdrake Beck;
2. there is no calculation for precipitation regarding overflow/ flooding;
3. there will be harmful emissions from the lagoon. Bio-aerosol and pathogens travel further depending on wind direction and the lagoon is too near a town of this size;
4. there will be an inevitable increase of disease spreading pests/ vermin/ rats/ flies and birds in an around homes and the river;
5. any development should conserve or enhance the character of the land. This is so near to a historic woodland and joining an ancient woodland as well as being close to the town;
6. emissions and pathogens will be emitted from a permanent structure rather than occasional spreading;
7. the development will raise concerns about highway safety as well as leave a mess on the road due to the number of vehicle movements;
8. the examples provided in the ADAS report are not as large as this one and were on or near to farms and not close to towns;
9. the ADAS report does not answer the questions raised by residents;
10. the development will adversely affect tourism in and around the Longtown area;
11. the proposal has resulted in a feeling of anger, worry and frustration for the people of Longtown;
12. the movement of tankers through Longtown increases the chances of an accident with the possibility of the slurry being spilt;
13. the existing smell of slurry is disgusting and a permanent lagoon would be worse;
14. there is a risk of children or wildlife getting in the lagoon;
15. the applicant doesn't own the land and he should build the lagoon on his own farm;



16. the lagoon will affect house prices and put people off moving to the area;
17. the Environment Agency and ADAS knew their role i.e. to be supportive of the applicant's slurry lagoon application;
18. actual data and detailed information regarding the pathogen dangers of the slurry lagoon has already been provided to the Council by objectors. That information has NOT been fully and correctly considered, by an expert with specialist dairy slurry pathogen knowledge, within either the Environment Agency or ADAS;
19. it is rubbish for the Environment Agency and ADAS to be so dismissive of the dire health dangers of the pathogens flowing, in various ways, from the slurry lagoon. We do not know the cause of a whole host of illnesses and diseases;
20. a high proportion of Longtown residents have low/lower immune systems;
21. the applicants need to confine their "1000+" cow trading activity so that the slurry consequences can be dealt with via lagoons on their own farms with high bunds, to protect against flooding, if necessary;
22. the desire of the applicants to make more money should not be at the expense of any pathogen health threats, of any extent at any time, to Longtown residents;
23. further research needs to be carried out to determine if the site is ancient woodland before a planning decision is made;
24. paragraph 118 of the NPPF requires planning permission to be refused unless the development outweighs the loss;
25. if the Council are minded to approve the application, a 30 metre buffer should be provided between the site and the woodland;
26. the Environment Agency stated that they did not view the test pits but still withdrew their objection disregarding EA guidelines and regulations on the word of the agent;
27. the applicant's own vehicles have been seen travelling through Longtown at night, contrary to the Environment Agency's own guidelines;
28. the application should not have been allowed to get this far. Common sense should have been applied and the application refused rather than seeming to opt to use Longtown as a dumping ground;
29. no alternative options have been explored such as siting the lagoon at one of the applicant's other farms or installing an anaerobic digester;
30. the lagoon could result in the release of gases and nitrates detrimental to the health of residents and visitors to the area.

## **5. Summary of Consultation Responses**

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

Arthuret Parish Council: - the application is not supported. The Parish Council are concerned about:

- the size of the lagoon close to a residential area;
- the increase amount of traffic to and from the lagoon through Longtown;
- Health & Safety concerns regarding flooding in the area and the possibility of pollution of the water course;



- reference to the drain on the plan is actually a ditch;
- the potential smell from the site would affect the community as the wind direction varies and is not always from the west;
- there are safety concerns for anyone children (in particular) as a crust forms over the top of the slurry that would appear safer than it actually is;

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - the Agency has advised that all earth banked slurry lagoons need to provide an adequate thickness of low permeability deposits around their sides and base to provide containment, and to reduce the potential for the structure to pollute groundwater. It is therefore essential that the development follows the appropriate guidance and the agent has stressed that the lagoon will comply in their latest submission.

There is concern that there is not a sufficient in-situ thickness of clay in the location of trial pit 1, but we do not have a scale from the available photographs to confirm this. The agent has stated that they will ensure the appropriate thickness of clay for the lagoon and will import additional clay if necessary.

Given the above and the fact that the Agency's prior approval under the SSAFO regulations will be required before the lagoon can be used, the previous objection has been drawn and the proposal accepted subject to the imposition of a condition and an advisory note.

Following the further consultation regarding the ADAS report, no further comments have been made;

Public Health England: - in terms of other potential public health impacts of the proposed slurry lagoon, it is not envisaged that bioaerosol generation would be an issue to any of the nearby sensitive residential receptors. It is worth mentioning that there is very limited direct evidence of bioaerosol emissions from farming activities such as this. It is known that possible health effects from bioaerosol exposure may include exposure to infectious diseases, allergic reactions, respiratory symptoms and lung function impairment; however, bioaerosol levels generated from composting sites (which it is appreciated the proposed lagoon isn't), which have been found to be high close to the facility, have been shown to drop to background levels within 250m of the site and can be greatly reduced by good practice at the installation. At this time PHE is not aware of any research that would suggest that any bioaerosol generation from slurry sites would impact at greater distances. Given that the nearest residential properties are between 530m – 585m from the application site this would indicate that this is unlikely to be an issue. It should be said that PHE would expect that the design, construction and management of slurry storage will prevent or minimise emissions and that this will be controlled through planning and compliance with industry good practice.

Continuing Respiratory Care Education is currently trying to source some expertise with regard to bioaerosols and potential associated health implications on another matter. This may require seeking advice from other



organisations such as the Health and Safety Laboratory (HSL).

With regard to airborne releases from the slurry lagoon, it is likely that many volatile compounds may be released from the lagoon, the most prevalent being ammonia, hydrogen sulphide, methane and carbon dioxide, which may be released in varying quantities depending on the season and weather conditions and following particular procedures having been carried out e.g agitation. However, it seems likely that any exposure to such emissions at a level that may pose a risk to health would occur only in the immediate vicinity of the facility and not hundreds of metres away, thus is of more concern to farm workers as an occupational issue.

It should be said that such airborne releases may give rise to nuisance odours which we would expect to be investigated by local authority environmental health colleagues if reported to be an issue by local residents. PHE would recommend that the applicant has an odour management plan, including procedures to keep odour levels to a minimum and identified actions if odour complaints are identified to be an issue. Provided the site is well managed and maintained this should ensure that any odorous emissions are kept to a minimum.

Obviously there is the potential for release of slurry from the lagoon into local water courses, whether through leaching of slurry through the lagoon foundation into the water table or overspill of slurry during periods of heavy rainfall. However, it is understood that the applicant, following pre-application discussions with the Environment Agency, submitted plans which detail a lagoon design to include a 1.5m clay foundation which complies with appropriate Regulations and inclusion of a 0.75m freeboard, to enable the lagoon to cope with additional capacity demands following increased levels of precipitation.

Based on the information supplied in the planning application information, taking into account the comments you have already provided and on subsequent consideration of any gaseous emissions and bioaerosol generation, the proposal does not present any obvious cause for public health concern providing it is well managed and maintained and the relevant environmental legislation and guidance are complied with.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP2, CP5, CP6, CP11, CP13, LE1 and LE25 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) is also a material planning consideration in the determination of this application. The proposal raises the following planning issues.

#### **1. Whether The Principle Of Siting A Lagoon Is Acceptable In This Location**



- 6.2 Criterion 1 of Policy LE25 of the Local Plan states that proposals for farm buildings and structures should be sited, where practical, to integrate with existing farm buildings and/or take advantage of the contours of the land and any natural screening.
- 6.3 The site is located in open countryside and on agricultural land. Although the structure would not be adjacent to existing agricultural buildings or structures, planning policies do not preclude the principle of development solely for this reason. Moreover, Policy LE25 accepts that agricultural development may not always occur adjacent to agricultural structures and the proposal must be considered against any potential impact that may occur as a result of the development. The principle of development is therefore acceptable.
- 6.4 Residents have suggested in their objections, that alternative siting or means of dealing with the slurry should be explored.
- 6.5 Residents have raised objections concerning possible increase in odour. The lagoon could not be resited as the majority of the 600 acres farmed is to the south of the River Esk and is also within a designated Flood Zone. The land is in agricultural use over which slurry is currently spread. Given that the majority of the residential properties nearest the site i.e. those along Lovers Lane, are over 585 metres from the lagoon and that the lagoon would be landscaped to minimise any visual impact, the lagoon would not create any additional adverse impact on the living conditions of the occupiers of these properties through noise or odours to those usually associated with the rural area to warrant refusal.

## **2. Whether The Scale And Design Of Proposed Slurry Lagoon Is Acceptable**

- 6.6 The economics of modern farming encourages increasing herd sizes requiring additional or improved slurry and manure stores. Slurry and manure are a source of valuable nutrients essential for crop needs. A well designed slurry system can help maximise these benefits. New larger stores can bring significant benefits to the farmer and better protect the environment. Slurry can be stored safely until conditions are right for spreading. These would include times of crop need and avoidance of wet weather and sensitive times to neighbours.
- 6.7 The NPPF together with Policies CP1 and CP2 of the Local Plan seek to ensure that proposals for development in the rural area conserve and enhance the special features and diversity of the different landscape character areas. Development proposals are expected to take advantage of the contours of the land and any existing natural screening and incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape.
- 6.8 The land is within an area designated as Urban Fringe Landscape; however, this designation has been superseded by the more recently introduced NPPF.



It is acknowledged that the lagoon would be in open countryside; however, any visual impact that the lagoon would have would be lessened by the bunds being reseeded with grass following completion. In addition, the site is adequately screened by Scaurbank Wood to the west and north of the site with hedgerows along the eastern and southern boundaries. Although there would be views of the lagoon from the permissive right of way, wider public views would be significantly limited and the development would not adversely affect the character or appearance of the area.

- 6.9 The application site does not fall within the newly enlarged NVZ, there is widespread belief that these zones will eventually be extended across the whole region. In addition to specific dates for non-spreading of slurry, the NVZ requirements ask each farm to show that it has the capacity to store 5 months production of slurry and a lagoon of this scale would achieve this requirement.
- 6.10 The Environment Agency initially objected to the application on the basis of the siting and construction method of the structure. Following discussions between the Agency and the applicant's agent, the objection has been withdrawn subject to the imposition of a condition and an advisory note.
- 6.11 When the application was previously considered, Members requested that the ground would be impermeable. The suggested planning condition requires the lagoon to be constructed from a 1.5 metre depth of clay and the advisory note states that lagoon must be controlled by the "Water Resources (Control Of Pollution) (Silage, Slurry And Agricultural Fuel Oil) (England) Regulations 2010 and as amended 2013 (SSAFO)". The construction of the lagoon is therefore enforceable under both the planning consent and moreover the Agency's legislation which will ensure that the lagoon is fit for purpose.

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

- 6.12 Policies CP5 and LE25 of the Local Plan both seek to ensure that there would be no adverse effect on the living conditions of the occupiers of residential amenity of adjacent properties. Within the immediate vicinity of the lagoon there are a number of residential properties, the closest of which being Crofthead which is 530 metres to the north-west, Moor Cottage which is 570 metres to the south-east of the site together several dwellings along Lovers Lane the closest of which is number 21 that is 585 metres from the application site.
- 6.13 Residents are highly concerned about potential emissions from the lagoon including odour and bioaerosols and the general adverse effect that the development would have on the residents and visitors of Longtown.
- 6.14 Following the deferral of the application and in light of the concerns from residents, Officers have visited the site with representatives from Public Health England (PHE) and a response has been received in this respect. PHE have provided a detailed response which is reproduced in the



Consultation Responses of this report; however, it is useful for Members to note the salient points, namely:

- PHE does not envisage that bioaerosol generation would be an issue to any of the nearby sensitive residential receptors;
- there is very limited direct evidence of bioaerosol emissions from farming activities such as this;
- given that the nearest residential properties are between 530m – 585m from the application site this would indicate that this [bioaerosol generation from slurry] is unlikely to be an issue;
- with regard to airborne releases from the slurry lagoon, it is likely that many volatile compounds may be released from the lagoon; however, it seems likely that any exposure to such emissions at a level that may pose a risk to health would occur only in the immediate vicinity of the facility;
- provided that the site is well managed and maintained this should ensure that any odorous emissions are kept to a minimum;
- based on the information supplied in the planning application information, this facility does not present any obvious cause for public health concern providing it is well managed and maintained and the relevant environmental legislation and guidance are complied with.

6.15 In addition, ADAS were consulted to provide an assessment of the proposal. In summary, the following assessments are contained within the report:

#### Bioaerosols

- The proposed development will in our opinion very likely constitute a potential source of bio-aerosols and in this regard the consultation responses are valid.
- For a risk [from bioaerosols] to be posed to human health there would need to be a clear pathway for bioaerosols to be carried to sensitive receptors and a mechanism for a human health response to be caused. In this regard we would suggest that the opinion expressed by Public Health England is valid and is made with due account of the evidence available. There is very little information contained in the cited references supplied by objectors which would conflict with this opinion.
- Studies have been undertaken measuring bioaerosol emissions from an intensive pig farm. In general, no elevated emissions were found at distances greater than 200m, though one study noted measurements of bacteria at 477m from a mechanically ventilated poultry house.
- One of the main sources of bioaerosols in the UK is commercial composting and hence much of the available research relates to this sector. We would therefore suggest that in the absence of guidance relating specifically to bioaerosols in agriculture that it is appropriate to refer to research from the composting sector when assessing this proposal. A report prepared by the Health and Safety Laboratory for the Health and Safety Executive in 2010 (*Bioaerosol emissions from waste composting and the potential for workers' exposure. Research Report:*



RR786) showed that at some commercial composting sites, bioaerosol levels were higher in a minority of samples between 100m and 250m downwind of the processing areas. The report concluded that the composting operations studied affected bioaerosol concentrations up to 250m from the site.

### Odour

- No significant new odour emissions related to land applications would be introduced by the proposed lagoon.
- The higher rates of applications that are facilitated by the use of an umbilical hose and low level tractor mounted application bars should mean that slurry would be spread more quickly, so that the duration of odour emissions is reduced. The capability to spread slurry at higher rates should also provide the applicants with more discretion about the timing of slurry applications, and therefore greater opportunity to avoid spreading when adverse wind conditions could carry odours towards sensitive receptors.

### Emissions

- Dispersion modelling of other agricultural developments with a similar emission rate indicates a likely acceptable odour footprint radius of around 400m. Orientation in relation to prevailing winds and experience from elsewhere suggests that under normal conditions there would be minimal odour impact from the proposed lagoon on residential receptors to the south of the lagoon even if no natural crust forms on the proposed lagoon.
- The Odour Management Plan should include a provision to ensure that the lagoon is completely emptied of potentially biologically active settled solids at least once each calendar year. With such precautions in place the lagoon is unlikely to have any significant off-site impact in the residential areas of Longtown.

### Comparison with common practice elsewhere in the UK

- the operational and practical benefits of the proposed slurry lagoon store on land at Scaurwood and Netherby in combination with spreading slurry to land are as follows:
  1. Slurry could in future be transferred to the lagoon by tankers over a longer time period because slurry currently has to be transported and spread with tankers all in one operation in limited time windows when soil, crop and weather conditions are appropriate. The lagoon will provide the opportunity for lower rates of tractor/tanker movements per day over longer time periods than the current intense transport activity at times when weather, soil and crop conditions are suitable for slurry spreading;
  2. The lagoon will allow the use of low level boom-based spreading



equipment fed from umbilical pipelines, which will generate lower levels of odour and “aerosols” emissions during slurry applications than otherwise currently arise from spreading with tankers with nozzles and splash plate systems which spray slurry up into the air;

3. Land applications of slurry will be able to be made at higher rates from a local lagoon, and therefore will be of shorter duration. The applicant will thus have more flexibility about the timing of spreading with regard to both crop/soil conditions and weather conditions. This could well mean that the operator will be able to postpone or delay spreading on land close to housing and therefore more sensitive to odours, if the wind conditions are adverse, until the wind changes direction, whereas currently the time pressures caused by lower work rates will not allow this discretion;
  4. Higher rates of slurry applications through the umbilical application equipment will mean that spreading operations will be of shorter duration, and therefore that odour emissions from land applications of slurry will be of shorter duration than currently.
- 6.16 Having consulted on these findings, the letters of objection continue to raise concerns about the effect of the development on the health of residents of Longtown and people using the footpath adjacent to the site.

#### **4. Impact Of The Proposal On Highway Safety**

- 6.17 It is acknowledged that agricultural vehicles will travel through Longtown from the applicant's farm to the application site to fill the lagoon; however, these same vehicles already have to make the same journey to spread the slurry on the land. In the further information received from the applicant, it details that the number of vehicle movements to the site would reduce from on average 7 a day to 5 day of the working week and would negate the need for any vehicles to travel along Swan Street, Mary Street and Lovers Lane; however, the size of the tankers would increase from 2,400 gallons to 3,000 gallons or larger.
- 6.18 The proposal would utilise an umbilical cord system which would pump the slurry onto the adjoining land. The applicant has provided additional information which is reproduced following this report, which shows the reduced number of vehicle movements that would result in the immediate locality as a result of using this system. Despite the potential for movement of larger slurry tankers along Netherby Road, the Highway Authority has raised no objection to this application.

#### **5. Impact Of The Proposal On The Environment And Biodiversity Issues**

- 6.19 As the report has outlined, planning policies recognise the important varied roles of agriculture and its need to become more competitive, sustainable and environmentally friendly whilst complying with changing legislation and associated guidance.



- 6.20 As previously stated, under the Water Framework Directive, areas of land are being designated as NVZs. Although, currently not within an NVZ it is envisaged that within the next ten years, the land farmed, together with the rest of the UK will be included with the NVZ, in order to meet the increased demands of European Legislation on Nitrates.
- 6.21 Part of NVZ legislation, imposes a closed period when no spreading of slurries are allowed. This period is from 1st August to 31st December for arable land or 1st September to 31st December for grassland. In addition, from the 1st January until the last day of February the maximum amount of slurry that can be applied at any one time is 50 cubic metres per hectare with at least three weeks between each individual application. Farms, therefore, have to ensure that they have a minimum of five months storage capacity to meet NVZ requirements.
- 6.22 The applicant's agent has outlined in the Supporting Statement that Smalmstown Farm currently has storage for 500,000 gallons of slurry which is inadequate for their needs; therefore, there is an overriding need, essential for the farming business, for additional slurry capacity to be provided.
- 6.23 Objections have been received on the basis that there is the potential for slurry to leach from the lagoon into the surrounding water table and watercourses and pollute Powdrake Beck and the River Esk. The lagoon has been designed such that it will be formed with a minimum depth of 1.5 metres of clay with an appropriately sized earth bank with a clay core. Pre-application discussions took place between the applicant and the Environment Agency with regard to the siting and construction of the lagoon. The lagoon was resited in accordance with the Agency's advice and the formal consultation response to this application raises no objection. Notwithstanding this, there is a separate requirement for the applicant to comply with the proposal is required to comply with the 'Code of Good Agricultural Practice', the 'Silage, Slurry and Fuel Oils Regulations' and 'CIRIA Report 126: Farm Waster Storage Guidelines for Construction'.
- 6.24 All work must be carried out in accordance with "Water Resources (Control Of Pollution) (Silage, Slurry And Agricultural Fuel Oil) (England) Regulations 2010 and as amended 2013 (SSAFO)". Under this Legislation farmers are required to give 14 days prior notification to the Environment Agency. The Agency will then carry out an assessment of risk. If they consider that the lagoon has not been properly constructed, under the aforementioned legislation they can serve a "works notice" which can prevent or forestall commissioning of the lagoon; however, this further inspection by the Agency should not preclude planning permission being granted.
- 6.25 A further point raised by the objectors about the lack of provision to accommodate any rainfall within the lagoon. The structure has been designed with a 0.75 metre freeboard which is an area between the potential height of the slurry and the embankment. This area would be sufficient to cope with any additional capacity demands placed on the lagoon and is an industry standard.



- 6.26 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.27 The Councils GIS Layer has identified that the site has the potential for bats and breeding birds to be present on or in the vicinity of the site. As the proposed development would be located on agricultural land and would not involve disturbance of any related habitats, the development would not harm a protected species or their habitat.
- 6.28 Some of the objectors have suggested that an assessment under the Environmental Impact Assessment (EIA) is required. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 contain lists of Projects under Schedule 1 and Schedule 2. If the project is listed in Schedule 1, an EIA is mandatory.
- 6.29 Schedule 2 of the EIA regulations describes certain types of development where EIA may be required if the development has the potential to give rise to 'significant' environmental effects. 'Applicable thresholds and criteria' and 'indicative thresholds and criteria' are provided in Schedule 2, which help determine the need or otherwise for an EIA.
- 6.30 The only agricultural project is for "projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes" where the threshold for requiring an EIA is when the area of development exceeds 0.5 hectares. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area may not be Schedule 2 development. Such projects do not usually require further screening or an EIA. In this instance, the site area exceeds 0.5 hectares, however, the relevant trigger is whether the site falls within the first column and is therefore classed as uncultivated or semi-natural land.
- 6.31 Cultivated land includes land that has been subject to ploughing, rotavating, harrowing, tining, discing and re-seeding. The land has previously been ploughed and re-seeded and can't therefore be considered to be uncultivated land. The proposal does not fall within Schedule 2 of the regulations and no further requirement or an EIA are required.

## **6. The Impact Of The Development On Human Rights And The Aarhus Convention**

- 6.32 The objectors have raised concerns about the impact of the development on



the Human Rights of the residents of Longtown.

- 6.33 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

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

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

- 6.36 In addition, an objector has also raised the issue that the proposal would conflict with the Aarhus Convention. The following explanation of the Convention is taken from the European Commission website:

"The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the "Environment for Europe" process. It entered into force on 30 October 2001.

The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for:

- the right of everyone to receive environmental information that is held by public authorities ("**access to environmental information**"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively disseminate environmental information in their



possession;

- the right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("**public participation in environmental decision-making**");
- the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("**access to justice**")."

6.37 The application together with the revised information has been subject to public and transparent consultation and there is no conflict with the Aarhus Convention.

## **7. Whether Any Adverse Impact Would Occur To The Woodland**

6.38 Adjacent to the site is a Dedicated Woodland and an objection has been received from the Woodland Trust. The Trust cites paragraph 118 of the NPPF which states:

“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;”

6.39 The development of the lagoon does not infringe into the woodland area. The Trust acknowledge that the woodland is not included on the ancient woodland inventory but that further research is required. Paragraph 118 advises that there should be no loss of ancient woodland unless this is outweighed by the development. As stated, there would be no loss of woodland and this requirement under the NPPF is misapplied.

6.40 The Trust has advised that a 30 metre buffer area is provided between the woodland and the lagoon. Currently a distance of 10 metres would exist between the woodland and the proposed development. In order to achieve this distance, the lagoon would have to be made narrower but to retain the capacity would have to be made longer thereby meaning that it will be closer to the residential properties. This is an issue raised very recently and as such the applicant has been sought for his views. It is anticipated that an update will be available to Members at the Committee meeting.

## **8. Other Matters**

6.41 Concern has been raised in regard to the prevention of unauthorised access to the lagoon from children and animals. The lagoon will be enclosed by a



1.8 metre high non-climbable fence topped with barbed wire together with lockable gates. The height of which will be in excess of the Health & Safety Executive requirements under their legislation "Construction (Design and Management) Regulations" (2007). It is therefore considered that these will reduce any possible risks to human and animal welfare.

- 6.42 Although the lagoon would be sited away from the farm steading, the practical reasons in relation to the 600 acres farmed in the immediate vicinity have already been discussed. In addition, the lagoon could not be sited at Smalmstown as the land is within Flood Zone 3.
- 6.43 Objectors have raised concerns that the site is prone to flooding. Whilst the land may be subject to some localised flooding, it is not within a designated flood zone. As discussed in the earlier paragraphs, the scale and method of construction would ensure that the development would not result in pollution of the surrounding watercourses.
- 6.44 The application site is located adjacent to a footpath which is not a Public Footpath but rather it is a permissive right of way. The development would not prohibit the right of access along the right of way and whilst the development would be visible, it would be well related to the boundaries of the site and the adjacent woodland and would not be detrimental to the character of the area.
- 6.45 Residents have raised concerns that the development would be detrimental to house prices in the area. Members will be aware that this issue has been proven through planning case law not to be a material consideration in the determination of application.

## **Conclusion**

- 6.46 The proposal is for a large slurry lagoon in the undeveloped open countryside and unrelated to the applicant's farm. It is, however, well related to the land which the applicant farms and would ideally be positioned for the application of the slurry. Planning policies do allow for agricultural development to take place in the countryside provided that no adverse impact would occur on the character or appearance of the area. The report has demonstrated that given the scale and design of the lagoon together with the topography of the land and additional landscaping, no such adverse impact on the character of the area would occur. The principle of development is therefore acceptable.
- 6.47 The economics of modern farming encourages increasing herd sizes requiring additional or improved slurry and manure stores. Slurry and manure are a source of valuable nutrients essential for crop needs. A well designed slurry system can help maximise these benefits. New larger stores can bring significant benefits to the farmer and better protect the environment. Slurry can be stored safely until conditions are right for spreading. These would include times of crop need and avoidance of wet weather and sensitive times to neighbours.
- 6.48 The proposal to develop a large slurry lagoon on this site has generated



a significant number of objections from residents who are concerned about the potential impact on their health and overall living conditions. In light of this, the Council has undertaken extensive and valuable consultation with Public Health England and employed a consultant to advise and to allow Officers to properly evaluate such issues. The responses show that there are organisms and pathogens in the lagoon; however, given the orientation with the residential properties and the distance from the houses, no adverse impact on the health of residents would occur from the lagoon. In terms of users of the footpath, even short term exposure when passing the site would not be detrimental to an individual's health.

- 6.49 The Highway Authority has raised no objection.
- 6.50 The Environment Agency have raised no objection to the proposed lagoon subject to the imposition of a planning condition and an advisory note. The applicant is required to comply with the regulations enforced by the Agency in terms of the construction and commissioning of the structure who in turn will ensure that it is fit for purpose. Consequently, there should be no adverse impact on any nearby watercourse.
- 6.51 In all aspects, the proposal is compliant with current planning policies and is recommended for approval.

## **7. Planning History**

- 7.1 There is no planning history associated with this land.

## **8. Recommendation: Grant Permission**

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

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

- 2. The approved documents for this Planning Permission comprise:
  - 1. the Planning Application Form received 24th April 2013;
  - 2. the Site Location Plan received 29th April 2013 (Drawing no. F203/SL004 Rev B);
  - 3. the Site Plan received 24th May 2013 (Drawing no. F203/SL002 Rev B);
  - 4. the Identification Plan received 24th April 2013 (Drawing no. F203/SL003 Rev B);
  - 5. the Environment Agency Flood Risk Maps: Smalmstown Steading received 24th May 2013;
  - 6. the Agricultural Land Occupied With Proposed Slurry Lagoon received 29th April 2013;



7. the Existing Tanker Movements For The Spreading Of Slurry Over Holding received 24th May 2013;
8. the Proposed Tanker Movements For The Spreading Of Slurry Over Holding received 24th May 2013;
9. the Design And Access received 24th April 2013;
10. the Soil Report Slurry Lagoon, Scaurbank, Longtown received 24th April 2013;
11. the Notice of Decision; and
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The 2 metre high protective fencing and gates around the lagoon detailed on Drawing no. F203/SL002 Rev B received on 24 May 2013 shall be completed prior to the lagoon being brought into use. The fencing and gates shall not be altered or removed without the prior written approval of the Local Planning Authority.

**Reason:** To ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. The development hereby approved shall proceed in accordance with the approved plans and a clay liner to a minimum depth of 1.5 metres below the base of the lagoon and through the bank of the lagoon must be provided.

**Reason:** To protect groundwater quality from pollution accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

5. The lagoon hereby approved shall not be brought into use until an Odour Management Plan has been submitted to the Local Planning Authority and approved in writing. The approved plan shall be reviewed and formally re-submitted for written approval by the Local Planning Authority every three years or within 21 days of an odour related complaint being received by the Council. The agreed Odour Management Plan shall be implemented and retained thereafter prior to the first use of the development.

**Reason:** To ensure that the proposal does not adversely affect the living conditions of the occupiers of residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

6. No agitation or stirring of slurry in the lagoon shall take place at weekends or on bank holidays.

**Reason:** To ensure that the proposal does not adversely affect the living conditions of the occupiers of residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

7. No development shall take place until details of a landscaping scheme have



been submitted to and approved in writing by the Local Planning Authority.

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

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 CP5 of the Carlisle District Local Plan 2001-2016.

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# SITE LOCATION PLAN SCALE 1:5000

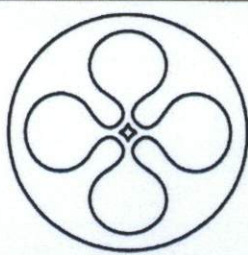


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100m Grid Reference:  
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Latitude, Longitude:  
55.02, -2.96

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Proposed Slurry Lagoon Smalmstown  
Longtown, Carlisle, Cumbria, CA6 5LH

Drawing no. F203/SL004

Drawn by JPT

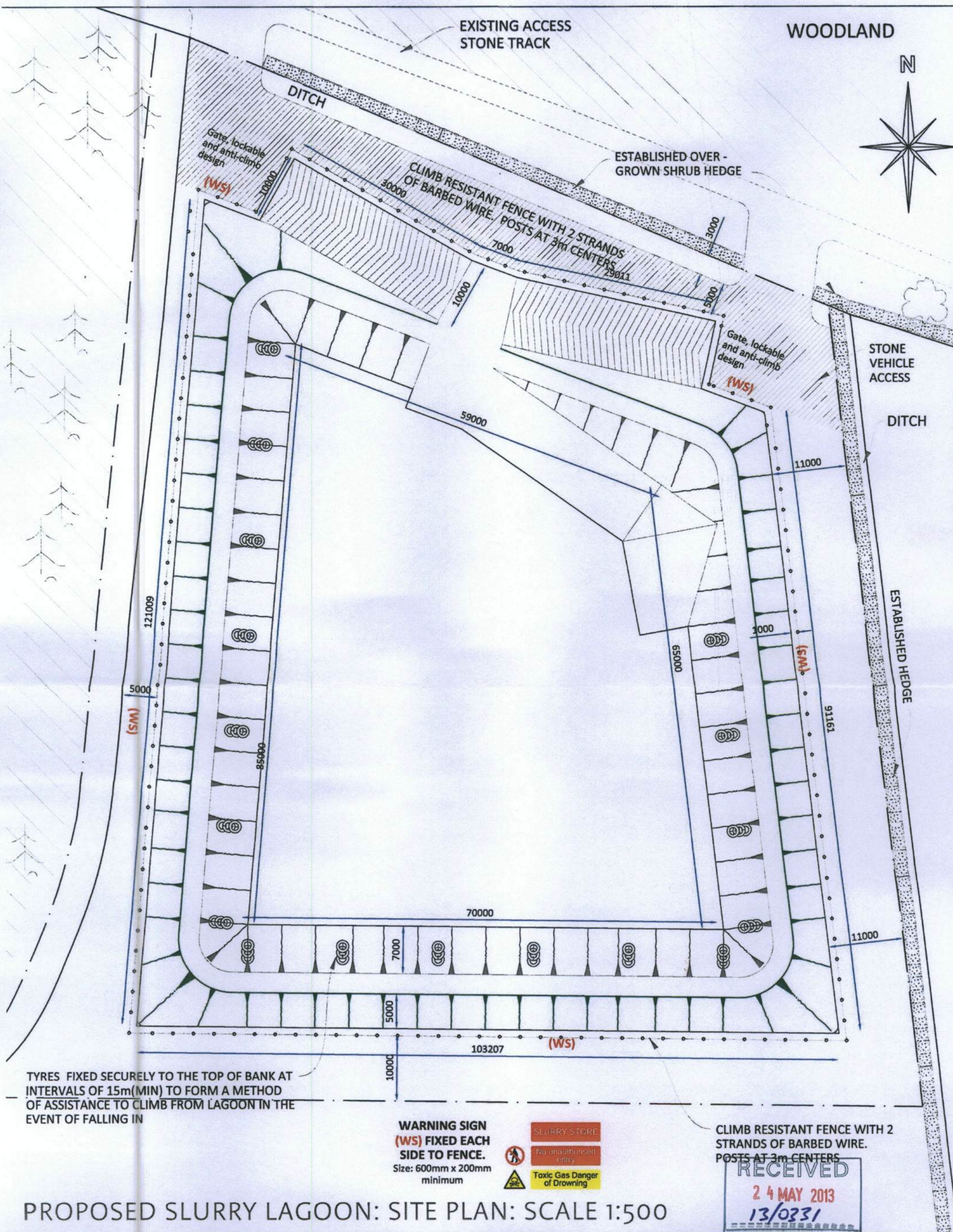
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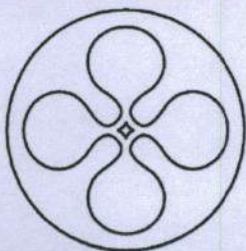
Rev.  
**B**

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Drawing no. F203/SL002

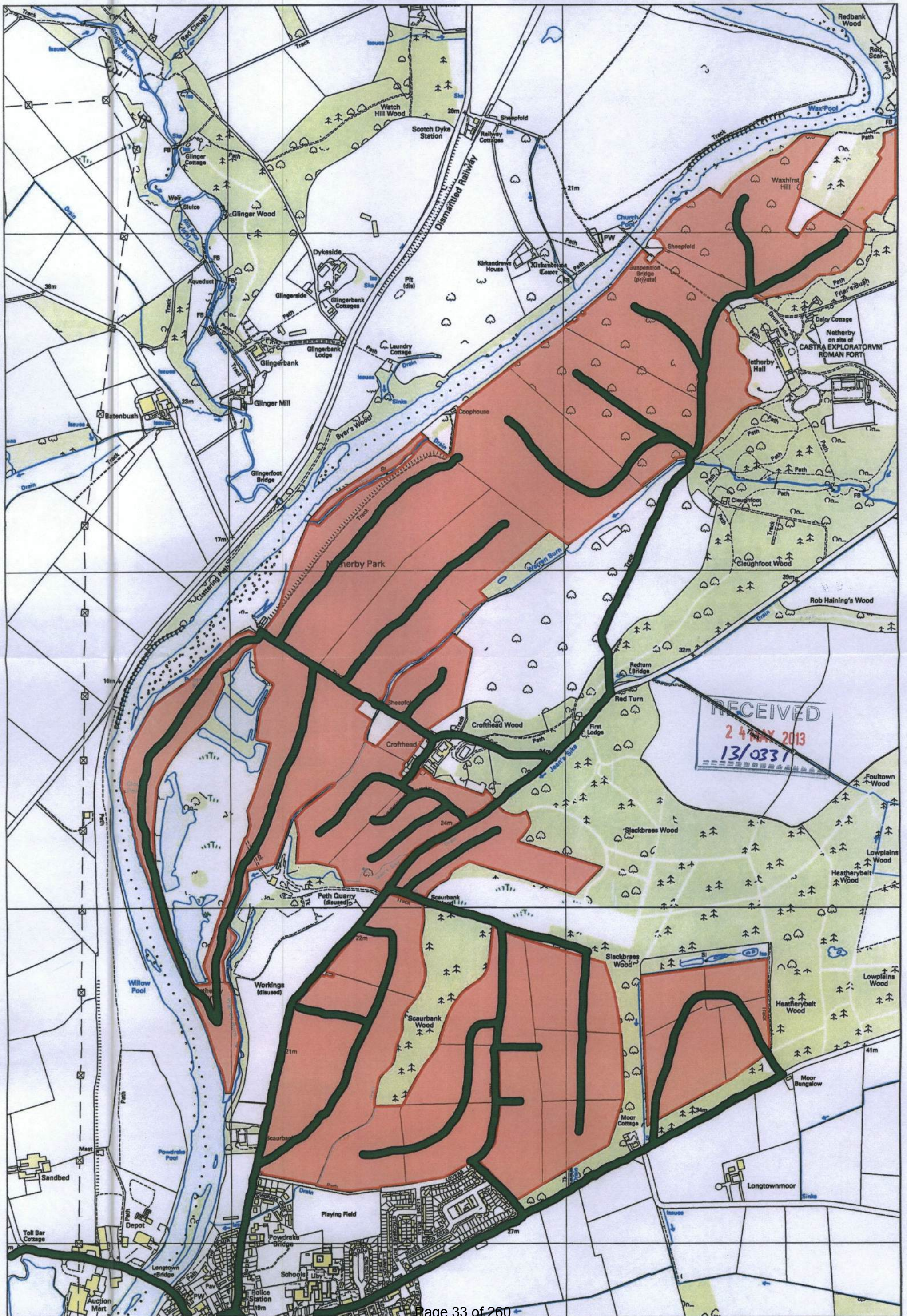
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Date  
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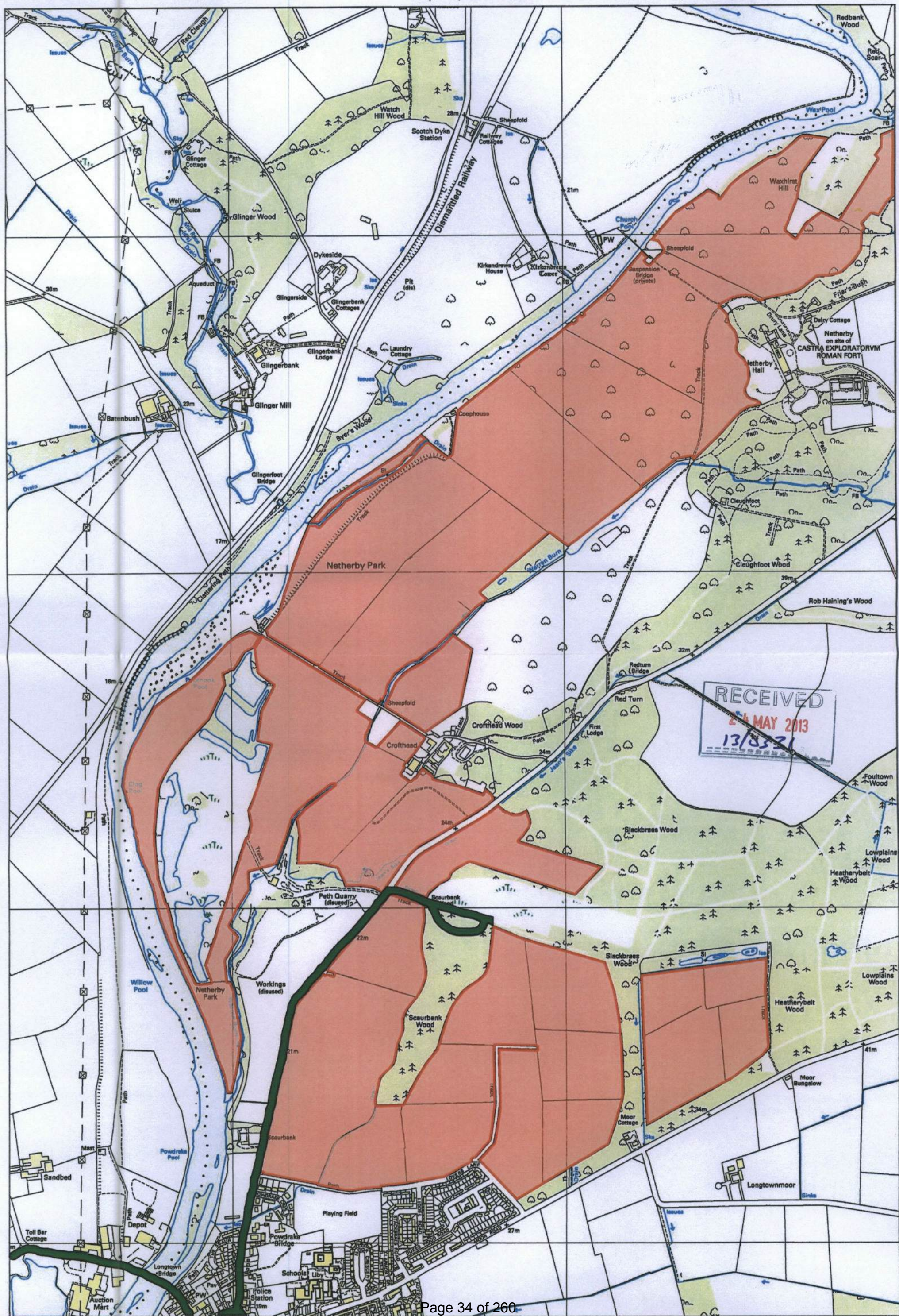
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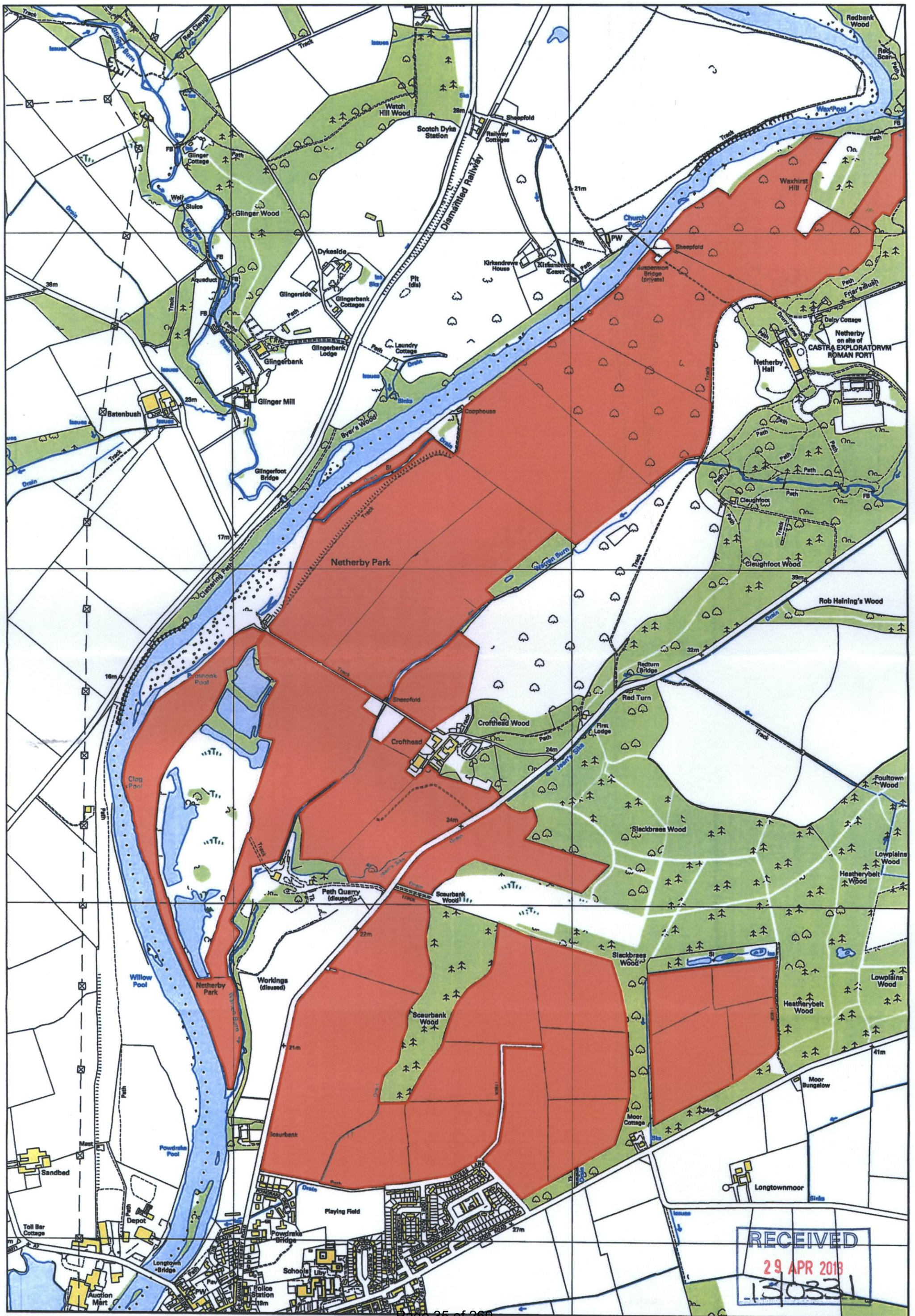



A2) Proposed: tanker movements for the spreading of slurry over the holding



 Agricultural land occupied with proposed slurry lagoon  Indicative tanker routes

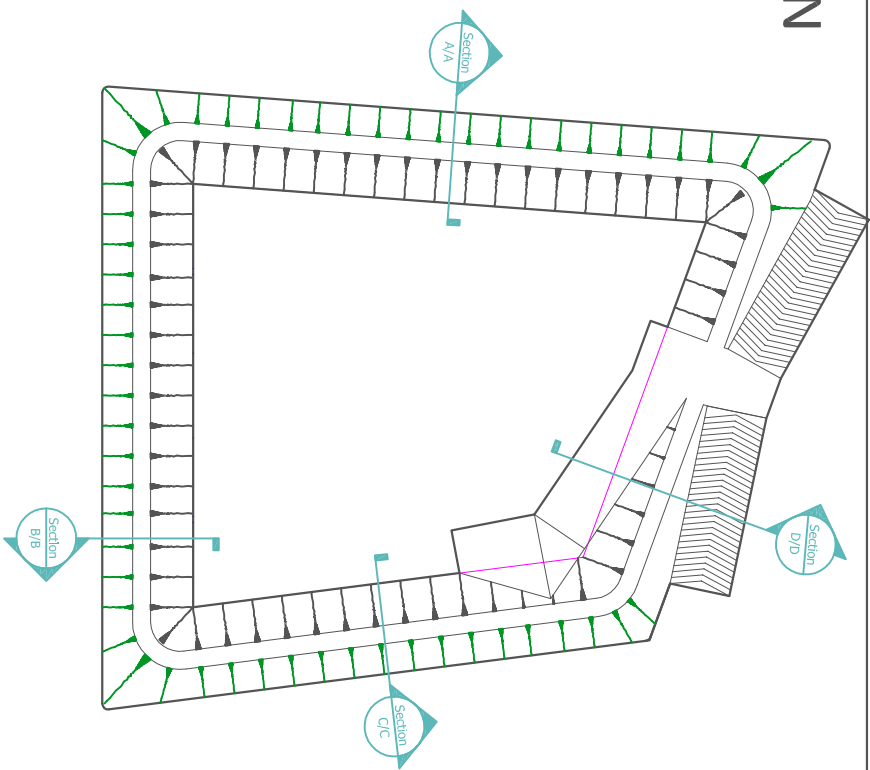




 Agricultural land occupied with proposed slurry lagoon



IDENTIFICATION  
PLAN

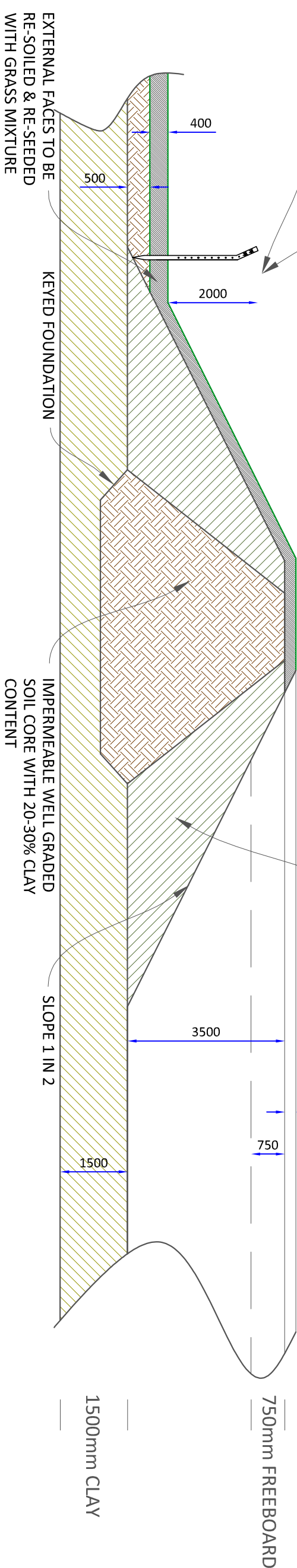


**WARNING SIGN**  
**(WS) FIXED EACH SIDE TO FENCE.**  
Size: 600mm x 200mm minimum

**SLURRY STORE**  
**No unauthorised entry**

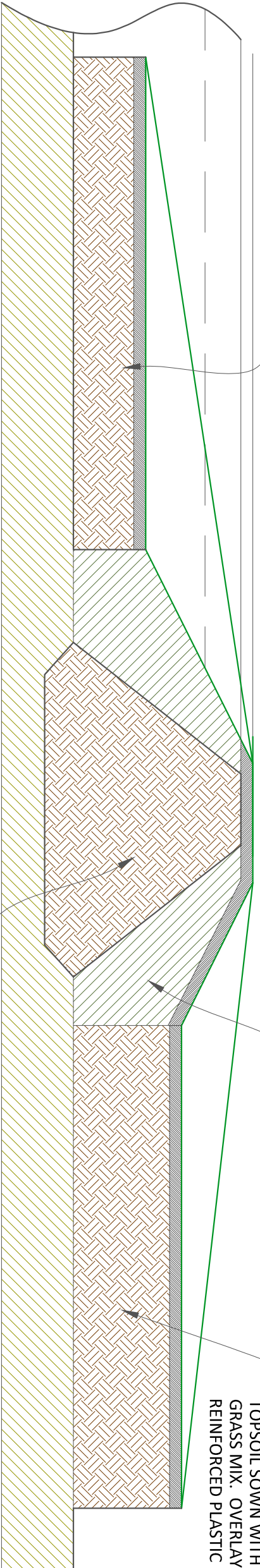
**Toxic Gas Danger of Drowning**

CLIMB RESISTANT FENCE WITH 2 STRANDS OF BARBED WIRE. POSTS AT 3m CENTERS



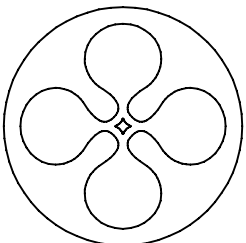
SECTION A-A / B-B / C-C SCALE 1:100

ACCESS RAMP CONSTRUCTED FROM IMPERMEABLE WELL GRADED SOIL WITH 20-30% CLAY CONTENT WITH 250mm TOPSOIL SOWN WITH A GRASS MIX. OVERLAY WITH REINFORCED PLASTIC MESH.



SECTION D-D SCALE 1:100

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Drawing no. F203/SL003

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Date  
05.04.12

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Rev.

**B**





Richard Maunsell  
Economic Development  
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Civic Centre  
Carlisle  
CA3 8QG

ADAS UK Ltd  
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Thorpe Park  
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LS15 8GB

24<sup>th</sup> February 2014

Dear Richard

**Planning Application 13/0331 – Proposed 2M galloon slurry lagoon on land to the North East of Scaurbank Wood, Longtown**

Thank you for your recent instruction in connection with our independent review of submissions relating to the above planning application. I am pleased to present the findings of our work.

Our terms of instruction were to address the following issues, which are dealt with in turn in the remainder of this letter.

- A review of objector comments and consultee responses relating to emissions to air;
- A review of the reference sources cited by objectors in respect of emissions to air and potential impacts on public health;
- Independent opinion of the risk presented to health and amenity;
- Overview of the agricultural justification for the proposal and comparison with common practice in the UK; and
- Recommendations for further information from the applicant or planning conditions for Carlisle City Council as appropriate.

As agreed, the main focus of our work has been on emissions to air potentially associated with the proposed development. We have briefly reviewed responses relating to other areas but have not assessed these in detail.

Review of objector and consultee responses relating to emissions to air

The statutory consultee responses of greatest relevance to emissions to air are those from the Environment Agency and Public Health England.

The Environment Agency objected to the proposal for design reasons (relating to the specification of the clay lining) but did not raise any issues relating to emissions to air.

Public Health England submitted a detailed response which concluded that the proposal *“does not present any obvious cause for public health concern providing it is well managed and maintained and that the relevant environmental legislation and guidance is complied with”*.

Arthuret Parish Council objected to the scheme, raising several concerns including *“the smell from the site would affect the community, wind direction varies and is not always from the west”*.



A number of additional objections have also been received from local residents. These raise a range of issues but those relating to emissions to air generally fall into two categories; odour and health risks presented by airborne pathogens and micro-organisms. The latter for the remainder of this letter are referred to as bioaerosols.

#### Review of reference sources cited by objectors in respect of emissions to air

A number of reference sources have been provided by local objectors, which it is stated support their reasons for objection. It is not within the remit of our instruction to provide a full rebuttal to this information although we have completed a high level review of the main content and relevance of the references provided. We have accessed at least the abstract for all but one of the cited references.

In general, the main theme of the references relate to the presence of pathogens in livestock waste, the potential for release or transmission of these pathogens and the resultant risk to health. Many of the references deal with the release of organisms to water and are therefore outside the scope of our instruction.

Some of the research cited describes scenarios where humans are in direct contact with land on which slurry has been spread (such as through camping) or direct contact with livestock (such as occupationally as a farmer or vet, or recreationally as a visitor to a petting farm). These scenarios are not comparable to what is being proposed at the application site but nevertheless would indicate that even direct exposure to slurry or with diseased animals results in a very low risk of infection to humans.

Other references confirm the fact that cattle slurry or other animal manures are potential sources of pathogens. This is an acknowledged fact and therefore it is not surprising that an evidence base of scientific literature exists to support this. However, the key issue when assessing the proposal is whether it would present a pathway for these pathogens to affect humans, and if so then what human health responses may result. We have found that there is very little of substance in the quoted references which would help to address this question and therefore in general these references should be regarded as being of no more than indirect relevance to the application.

#### Independent opinion of the risk presented to health and amenity

In addressing this area of instruction we set out our opinions separately for odour and bioaerosols, as whilst the two are related, bioaerosols present a potential health issue whilst odour is primarily an amenity matter.

#### **Bioaerosols**

The proposed development will in our opinion very likely constitute a potential source of bio-aerosols and in this regard the consultation responses are valid. This is in common with many other types of agricultural activities, including slurry spreading which already takes place locally. However, for a risk to be posed to human health there would need to be a clear pathway for bioaerosols to be carried to sensitive receptors and a mechanism for a human health response to be caused. In this regard we would suggest that the opinion expressed by Public Health England is valid and is made with due account of the evidence available. There is very little information contained in the cited references supplied by objectors which would conflict with this opinion.

There has been limited research into the emission of bioaerosols from intensive livestock operations. A report published by the Environment Agency in 2008 (*Bioaerosols, dust and particulates potentially emanating from intensive agriculture and potential effects on human health. Science Report – SC040021/SR4*) summarised the results of bioaerosol studies at a number of intensive pig and poultry farms. A number of these studies measured bioaerosol emissions at varying distances from the source. In general, no elevated emissions were found at distances greater than 200m, though one study noted measurements of bacteria at 477m from a mechanically ventilated poultry house. In this instance, it should be noted that air and potentially “light” air borne dusts would be forced out of



the poultry house at roof height at an accelerated rate and such conditions would not be found with the proposed development.

One of the main sources of bioaerosols in the UK is commercial composting and hence much of the available research relates to this sector. We would therefore suggest that in the absence of guidance relating specifically to bioaerosols in agriculture that it is appropriate to refer to research from the composting sector when assessing this proposal. Commercial composting is predominantly a dry process which requires mechanical agitation of wastes and hence would in most cases be expected to be a more significant source of bioaerosol emissions than would a slurry lagoon.

A report prepared by the Health and Safety Laboratory for the Health and Safety Executive in 2010 (*Bioaerosol emissions from waste composting and the potential for workers' exposure. Research Report: RR786*) showed that at some commercial composting sites, bioaerosol levels were higher in a minority of samples between 100m and 250m downwind of the processing areas. The report concluded that the composting operations studied affected bioaerosol concentrations up to 250m from the site. This has since become reflected in Environment Agency and Association for Organics Recycling (Afor) guidance (*Composting and potential health effects from bioaerosols: our interim guidance for permit applicants*, EA, 2010 and *Standardised protocol for the monitoring of bioaerosols at open compost facilities*, EA and Afor, 2011) that assessment of bioaerosols should be undertaken when sensitive receptors are located within 250m of a potential source.

The EA and Afor guidance does not imply that proposals at less than 250m of sensitive receptors will automatically be unacceptable, only that a detailed assessment should be undertaken in such circumstances. In this case the nearest properties in Longtown are more than 500m distance from the application site. Therefore with reference to the above research and guidance, detailed assessment of bioaerosols would not usually be a requirement for a proposal of this nature, nor would it be expected that the proposal would present unacceptable risks to human health.

Slurry spreading is likely to occur on land between the proposed lagoon and Longtown and at times may take place within less than 250m of sensitive receptors. Slurry spreading however already takes place in the area around Longtown and there is nothing to suggest that the proposal would increase the risk to residents. Indeed, slurry spreading is a widespread activity in rural areas throughout the UK, often within 250m of sensitive receptors, and there is very limited evidence that this poses a threat to human health.

## **Odour**

### **Emissions from Slurry Spreading**

In terms of odour emissions the lagoon will not introduce any new slurry spreading or land application operations. Our understanding from the site visit is that the proposed lagoon is intended to improve the efficiency with which slurry can be transported to, and applied on, land at Netherby and Scaurbank. To that extent no significant new odour emissions related to land applications would be introduced by the proposed lagoon.

In relation to odour emissions from land on which slurry is spread, the higher rates of applications that are facilitated by the use of an umbilical hose and low level tractor mounted application bars should mean that slurry would be spread more quickly, so that the duration of odour emissions is reduced. The capability to spread slurry at higher rates should also provide the applicants with more discretion about the timing of slurry applications, and therefore greater opportunity to avoid spreading when adverse wind conditions could carry odours towards sensitive receptors. The low level spreading equipment that can be used with umbilical systems also provides an opportunity to reduce odour emissions from the spreading/application operation in comparison with traditional tanker spreading arrangements.

### **Emissions from the Lagoon**



The location of the lagoon is relatively remote in relation to potentially sensitive residential receptors. Slurry lagoons are not in our experience normally the cause of significant odour complaints, and in the case of dairy farms even more rarely because natural crusts usually form a natural “biofilter” which reduce odour emissions. In this case the bedding and feeding systems at Smalmstown are such that formation of a crust is less likely, so that odour emissions are less likely to be mitigated by a crust.

Odour impact can be assessed by analogy and even assuming a relatively biologically active effluent, data taken from other sites would indicate that odour emissions from the surface of the lagoon are unlikely to exceed 30 European odour units per second per square metre ( $\text{ou}_\text{E}/\text{s}/\text{m}^2$ ) of lagoon surface. With a lagoon surface area of approximately 5,250  $\text{m}^2$ , total odour emissions could thus amount to around 157,500  $\text{ou}_\text{E}/\text{s}$ . Dispersion modelling of other agricultural developments with a similar emission rate indicates a likely acceptable odour footprint radius of around 400m. Orientation in relation to prevailing winds and experience from elsewhere suggests that under normal conditions there would be minimal odour impact from the proposed lagoon on residential receptors to the south of the lagoon even if no natural crust forms on the proposed lagoon.

Higher rates of odour emissions may arise during the short periods when the lagoon is stirred and mixed prior to emptying, so these activities would have to be managed using an agreed Odour Management Plan and taking account of wind and weather conditions. The Odour Management Plan should include a provision to ensure that the lagoon is completely emptied of potentially biologically active settled solids at least once each calendar year. With such precautions in place the lagoon is unlikely to have any significant off-site impact in the residential areas of Longtown.

#### Assessment of agricultural need and comparison with common practice elsewhere in the UK

We understand that the dairy farming enterprise at Smalmstown Farm is based on land at Smalmstown and two further parcels of land at Netherby Estate and at Howend. The Netherby land is most relevant to this proposal due to the proximity to residents of Longtown. This land is used to grow fodder and crops to feed the dairy herd and other stock at Smalmstown Farm and the agricultural cycle is completed by returning slurry and manure from the dairy unit as fertilisers for the land over which the crops and forage are produced.

The Farm Waste Management Plan provided by the Applicant shows that approximately 518 acres are available and used for land spreading at Smalmstown Farm and Howend and approximately 575 acres of land at Netherby. The proposal is to build a slurry lagoon at Scaurbank Wood to service the land at Netherby, which represents in excess of 50% percent of the land fertilised by manure and slurry from the dairy herd.

We understand that current practice is for slurry to be transferred by tractor and tankers/spreaders to the land at Netherby at times when the land is available for spreading. Thus for example when silage has been cut there is the opportunity to apply slurry to fertilise re-growth of grass, but the imperative is currently to get slurry applied as soon and as quick as possible to minimise the potential for scorch and slurry contamination of the grass re-growth. The fact that the same machinery (tankers with a rear nozzle/splash plate broadcasting outlet) has to be used to both transporting and spreading slurry inevitably limits the rate at which slurry can be transported and spread. The proposed slurry lagoon would provide a buffer storage capacity at Netherby so that slurry can be transported more efficiently without the need to both transport and spread slurry with the same tanker/spreader.

In our opinion the operational and practical benefits of the proposed slurry lagoon store on land at Scaurwood and Netherby in combination with spreading slurry to land are as follows:

- a) Slurry could in future be transferred to the lagoon by tankers over a longer time period because slurry currently has to be transported and spread with tankers all in one operation in limited time windows when soil, crop and weather conditions are appropriate. The lagoon will provide the opportunity for lower rates of tractor/tanker movements per day over longer



time periods than the current intense transport activity at times when weather, soil and crop conditions are suitable for slurry spreading.

- b) The lagoon will allow the use of low level boom-based spreading equipment fed from umbilical pipelines, which will generate lower levels of odour and “aerosols” emissions during slurry applications than otherwise currently arise from spreading with tankers with nozzles and splash plate systems which spray slurry up into the air.
- c) Land applications of slurry will be able to be made at higher rates from a local lagoon, and therefore will be of shorter duration. The applicant will thus have more flexibility about the timing of spreading with regard to both crop/soil conditions and weather conditions. This could well mean that the operator will be able to postpone or delay spreading on land close to housing and therefore more sensitive to odours, if the wind conditions are adverse, until the wind changes direction, whereas currently the time pressures caused by lower work rates will not allow this discretion.
- d) Higher rates of slurry applications through the umbilical application equipment will mean that spreading operations will be of shorter duration, and therefore that odour emissions from land applications of slurry will be of shorter duration than currently.

It is for the applicant to demonstrate compliance with regulation and best practice. However, we would note that the construction of slurry lagoons of this nature is broadly consistent with the objectives of Nitrate Vulnerable Zones (NVC) regulations. Three recent examples of similar approved applications (albeit with a smaller storage capacity) in the north of England are:

- 1,700,000 gallon slurry lagoon at Demesne Farm, Clitheroe;
- 1,200,000 gallon slurry lagoon at Marton Hall Farm, Skipton; and
- 1,500,000 gallon slurry lagoon at Whinnymire Farm, Clapham.

#### Recommendations for further information from the applicant or planning conditions

An atmospheric dispersion modelling study of the proposal would help to quantify odour and other emissions and would likely provide greater certainty and transparency in terms of assessing the impact and communicating this to third parties. However there would be a significant cost and time implication for the applicant and the question has to be asked whether this is a proportionate or reasonable requirement given the nature of the development proposed. Our suggestion would be that it is not although ultimately this is for the planning authority to decide.

If the decision is taken to grant planning permission then we would recommend that a condition be set to ensure that an Emissions Management Plan is submitted and approved by your authority prior to the commencement of development. This should detail the measures proposed to manage and maintain the site such that the risk of emissions to air are minimised, and to allow that operations unavoidably giving rise to emissions, such as slurry spreading, are planned and implemented in such a way as minimises the risk of harm to amenity of residents.

I trust that this response meets your requirements. Please do not hesitate to contact me should you require any further information.

Yours Sincerely



Robert Edwards  
Principal Consultant, EIA and Air Quality  
**ADAS UK Ltd**  
Environment Group



## SCHEDULE A: Applications with Recommendation

11/1063

**Item No: 02**

Date of Committee: 11/04/2014

**Appn Ref No:**  
11/1063

**Applicant:**  
Hayton Construction  
Limited

**Parish:**  
Hayton

**Agent:**  
Space Designed Solutions  
Limited

**Ward:**  
Hayton

**Location:** Garden Walk, Edmond Castle, Corby Hill, Carlisle, Cumbria, CA4 8QD

**Proposal:** Erection Of A Single Terrace Of 4no. Two Storey Holiday Let Units With Associated Access And Parking

**Date of Receipt:**  
08/12/2011

**Statutory Expiry Date**  
02/02/2012

**26 Week Determination**

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### REPORT

**Case Officer:** Barbara Percival

#### Addendum

Members will recall that this application was deferred at the meeting of the Development Control Committee on the 7th June 2013 in order to obtain a Business Plan from the Applicant and to undertake an independent viability assessment of the Business Plan. This purpose of this summary is now to provide an update since the presentation of the previous committee report and should be read in conjunction with the main report below.

The main issue that Members have to establish is the issue of sustainable development. Sustainable development is the fundamental principle of the National Planning Policy Framework (NPPF); however, there is no clear definition of sustainable development within the Framework. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to highlight that the policies in paragraphs 8 to 219, taken as a whole, constitutes the Government's view of what sustainable development in England means in practice for the planning system.

This guidance is expanded in paragraph 7 of the NPPF which outlines that there are three dimensions to sustainable development: economic, social and environmental all of which give rise to the need for the planning system to perform a number of roles.



Paragraph 14 of the NPPF highlighting that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking"*. For decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.

Accordingly, whether or not development is sustainable is one of balance i.e. where disbenefits are outweighed by benefits and there is no clear conflict with the NPPF, it is sustainable.

As previously outlined above, the first of the three dimensions to sustainable development Members are required to consider in respect of this application is the economic role.

### **An Economic Role**

This economic role the NPPF advocates is fundamental to building a strong, responsive and competitive economy. The Applicant has submitted a Business Plan which has been the subject of an independent viability assessment of the Business Plan. As the Business Plan contains commercially sensitive information the Independent Assessors have prepared a shorter report which contains their comments and observations with regard to the proposed development. In order to assist Members, this report has been reproduced within the papers for this application within the Main Schedule.

The report summarises the contents of the Business Plan and raises questions in respect of the standard of accommodation likely to be achieved given its location and lack of amenities; however, accepts that *"woodland walks and a quite retreat can often be used as a marketing tool and selling point for such accommodation"*. Acknowledging that assuming realistic tariffs are in line with local competition then there would be a demand in this location, drawing comparisons with existing units at Edmond Castle.

The Independent Assessors go on to accept that the predicted occupancy level of 40-50% in the first year as outlined in the Business Plan is realistic in the current economic climate but suggests that 10-12 week charge-out period at peak rate, at the present time, to be more achievable as opposed to the 15 week charge-out rate as detailed in the Business Plan. Going on to outline that it would be feasible to expect the average occupancy of the units to mirror that of existing holiday units at



Edmond Castle (60%).

The report concludes that based on their experience and having taken into account all the relevant factors including other holiday lets within Edmond Castle whilst they do not entirely concur with the submitted Business Plan they are of the opinion that the properties ought to generate a gross letting income per cottage in the region of 60% of the Business Plan's projected figures. It is noted that objections have been raised to the findings of the Council's independent assessment however it is nevertheless considered that the proposed development would be viable and would help to support existing employment opportunities.

In overall terms, the proposal satisfies the objectives of the NPPF as the development would not only help to support the economic viability of Edmond Castle Estate itself but would have the potential to benefit other businesses and visitor attractions within the District as a whole.

### **A Social Role**

The proposed holiday units would allow visitors to enjoy a pleasant rural countryside location, thereby, satisfying the objectives of this dimension of sustainable development as outlined by the NPPF.

### **An Environmental Role**

The NPPF seeks to ensure that developments contribute to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity. This guidance is also reiterating in the relevant Development Plan policies. The NPPF and Policy DP1 outline that all proposals for development will be assessed against the ability to promote sustainable development. Whilst Policy EC16 seeks to promote the distinctive environment, culture and history of the area as a tourist attraction whilst conserving and enhancing the special features and diversity of the differing landscape character area.

The development proposal is located within a semi-rural location on previously developed land within a woodland setting. In line with the foregoing policy guidance, discussions have taken place with the Agents during both the processing of the application and the assessment of the Business Plan as to why the Applicant has chosen this particular location. The Agent has during this time maintained that the development has been chosen to take advantage of a previously felled area of woodland, the woodland setting with under canopy views would provide a unique selling point, its proximity to Edmond Castle would allow close management as and when required and that the proposal would utilise the existing road network thereby minimising disruption by road building.

The Tree Survey and its Addendum identifies that the proposal would involve the felling of six mature trees within the site and a further two trees within the drainage field. Operational works required would also be undertaken to other trees within and adjoining the application site and drainage field. Neighbouring residents have raised objections to the loss of these trees, the impact of existing trees on the development and the impact on biodiversity. Members should be aware that the



relevant surveys have been submitted as part of the application upon which the Statutory Consultees have commented and have raised no objections subject to the imposition of mitigation measures. The concerns of the objectors have been noted; however, given that the Statutory Consultees do not share these concerns it would be difficult to substantiate a refusal of the application on environmental grounds.

In summary, paragraph 14 of the Framework highlights the need for any adverse impacts to be weighed with the benefits of the development in the context of the presumption in favour of sustainable development that runs through the Framework as a “golden thread”. In the terms of the Framework, the benefits of the scheme (economic, social and environmental) significantly and demonstrably outweigh any perceived adverse impact of the scheme.

## **1. Recommendation**

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

## **2. Main Issues**

- 2.1 Whether the principal of development is acceptable.
- 2.2 Whether the scale and design of the proposal is acceptable.
- 2.3 Impact of the proposal on the character of the area.
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring residents.
- 2.5 Impact of the proposal on biodiversity.
- 2.6 Whether the method of disposal of foul and surface water are appropriate.
- 2.7 Impact of the proposal on highway safety.
- 2.8 Other Matters.

## **3. Application Details**

### **The Site**

- 3.1 Members will recall that this application was deferred at a previous meeting of this Committee to allow Members the opportunity to visit the site. Since then amended details have been received in respect of the proposed method of disposal of the foul and surface water drainage together with updated ecology surveys and an Addendum to the submitted Tree Survey.
- 3.2 The application site is a parcel of land located at the southern end of Garden Walk . Access to the proposed development would be via a private access road approximately 520 metres north of the A69 Carlisle to Newcastle Road.
- 3.3 The character of the application site is that of a semi-rural landscape with the properties of Garden Walk and their domestic curtilages located to the north west. Belts of mature trees border the site with several mature trees located



within the application site itself. The application site also has an undergrowth of regenerating Elder, Sycamore, Lime and Rhododendron and grassed areas.

## **The Proposal**

- 3.4 This proposal seeks Full Planning Permission for the erection of a terrace of four holiday units each of which would have two off-street parking spaces. The Design and Access and Planning Statements submitted as part of the application outlines that the development would form part of a strategy to complete the restoration of the Edmond Castle Estate and to ensure the Estates long term future in conjunction with the Estates associated shooting pursuits of Hayton High Estate.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of seven neighbouring properties and the posting of a Site Notice. In response, several letters/e-mails of objection has been received.
- 4.2 The letters/e-mails identifies the following issues:
1. detrimental impact on the character of the area.
  2. ability of proposed sewage package treatment plant to serve development.
  3. contrary to policies of Carlisle District Local Plan 2001-2016.
  4. impact on trees and biodiversity.
  5. potential to lead to future development within the Edmond Castle Estate.
  6. impact on highway safety.
  7. loss of privacy, increase in noise, loss of light and overshadowing.
  8. inappropriate scale and design.
  9. use inappropriate in residential area.
- 4.3 Further letters/e-mails have been received in respect of the revised drainage, ecology and tree surveys.
- 4.4 The letters/e-mails reiterates the previous objections raised together with additional concerns, namely:
1. the ability of the proposal to support the local economy in light of



economic uncertainty.

2. the need for the holiday accommodation in light of recent tourism statistics.
3. development not sustainable in the context of the NPPF.

- 4.5 Since reconsulting on the assessment of the business plan a further three objections and one comment has been submitted. The objections raise concerns about the predicted occupancy levels in the consultant's assessment and therefore the return on investment to support the estate. They therefore question the overall viability and sustainability of the proposal.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Highway Authority): - no objection as the proposal does not affect the highway;  
Hayton Parish Council: - do not wish to make any representations on the original proposal or the revised proposal;  
Natural England - relating to protected species, biodiversity & landscape: - recommend the imposition of conditions to the original proposal with no further issues raised in respect of the revised proposal;  
Community Engagement - Housing Strategy, 7th Floor: - as the application is for 4no. 3bed holiday lets there will be no required for affordable housing in line with H5 of the Local Plan;  
Forestry Commission: - no response received;  
United Utilities: - no objections with no additional comments received in respect of the revised proposals;  
Local Environment, Streetscene - Drainage Engineer: - no objections subject to gaining necessary consent from Environment Agency and Building Control.  
No further comments received in respect of the revised proposals;  
Environment Agency: - no objections to the revised sewage drainage proposal subject to the imposition of an informative.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016. Of particular relevance are Policies DP1, CP1, CP2, CP3, CP5, CP7, CP12, EC11, EC16 and T1 of the Local Plan 2001-2016.



- 6.3 The National Planning Policy Framework (NPPF), adopted 27th March 2012, is also a material planning consideration in the determination of this application. The NPPF has a presumption in favour of sustainable development with 12 core planning principles which should underpin plan-making and decision-taking.
- 6.4 Paragraph 215 of the NPPF outlines that due weight should be given to the relevant policies in existing Plans according to their degree of consistency with the NPPF (the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given).
- 6.5 The proposals raise the following planning issues:
1. Whether The Principle Of Development Is Acceptable
- 6.6 Paragraph 28 of the NPPF outlines Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.7 The aforementioned advice is elaborated in Policies DP1, EC11 and EC16 of the Carlisle District Local Plan 2001-2016. Policy DP1 of the Local Plan seeks to promote sustainable development through concentrating development in the urban area then Key and Local Service Centres. Outside of these locations, in the remote rural area, new development has to be assessed against the need to be in the location specified or is required to sustain existing businesses. Policy EC11 and EC16 highlighting that changes in agriculture over recent decades has resulted in a decline in farm-related jobs. As a result there is now a need to strengthen the economy in rural areas, thereby, helping the countryside to diversify, flourish and sustain itself. Policy EC11 and EC16 sets out the criteria against which proposals will be assessed the main factors being compatibility of the proposed use with the surrounding operations, scale, landscape impact, highway capacity including access and parking arrangements.
- 6.8 This proposal seeks Full Planning Permission for the erection of a terrace of four holiday units each of which would have two off-street parking spaces. The Design and Access and Planning Statements submitted as part of the application outlines that the development would form part of a strategy to complete the restoration of the Edmond Castle Estate and to ensure the Estates long term future in conjunction with the Estates associated shooting



pursuits of Hayton High Estate. The proposed units would also be in close proximity of a section of a National Cycle Network, Sustrans Route 72, an established tourist attraction which passes through the village of Hayton (approximately 1.25 km/0.8 ml to the south east).

- 6.9 In the context of the foregoing policy advice, the proposal would help provide economic viability for an existing land-based rural tourist enterprise. Given its close proximity to the Local Service Centre of Hayton and Sustrans Route 72 the proposal would also have the potential to support existing services within Hayton itself. Furthermore, the proposal is compatible in scale with other rural operations and would not have a significant adverse impact on the character of the surrounding countryside.
- 6.10 Accordingly, subject to the imposition of relevant conditions ensuring that the holiday units shall not be occupied as permanent accommodation, the proposal is compliant with the relevant Development Plan policies.

## 2. Whether The Scale And Design Of The Development Is Acceptable

- 6.11 Criterion 2 of Policy EC11 and criterion 1 of Policy EC16 of the Local Plan (2001-2016) requires tourism development to be in scale with the surrounding area. Neighbours have raised concerns in respect of the scale and design of the development on its immediate neighbours in Garden Walk. It is acknowledged that the proposal would increase the number of properties in Garden Walk from six to ten; however, the scale of the holiday units would be well related to the existing properties in Garden Walk and provide adequate access and car parking provision. The design and proposed materials are also comparable to other buildings within the Edmond Castle Estate.

## 3. Impact Of The Proposal On The Character Of The Area

- 6.12 The character of the application site is that of a semi-rural landscape with the properties of Garden Walk and their domestic curtilages located to the north west. Belts of mature trees border the site with several mature trees located within the application site itself. The application site also has an undergrowth of regenerating Elder, Sycamore, Lime, Rhododendron and grassed areas.
- 6.13 Policy EC11 states that any new building required as part of a diversification scheme must be well related to an existing group of buildings and blend into the landscape through the use of suitable materials, design and siting. This emphasis on ensuring development does not have an unacceptable adverse effect on the landscape is reiterated in Policy EC16. Policy CP3 seeks the protection and retention of existing trees.
- 6.14 When assessing the character of the area, it is evident that there are a variety of residential properties of differing ages and styles both within Garden Walk and the Edmond Castle Estate itself. The proposed design and scale of the holiday units, with their use of vernacular details and traditional materials, is similar to other properties within Edmond Castle Estate. Furthermore, the development would be viewed against a backdrop of mature trees, thereby,



minimising any potential visual impact that the development may have.

- 6.15 The application site, associated drainage field and adjoining land contains a number of mature trees and associated undergrowth. In accordance with Policy CP3, a Tree Survey and an Addendum was submitted as part of the application which highlighted that the development would require the removal of six trees within the application site and a further two trees within the drainage field. Operational works required would also be undertaken to other trees within and adjoining the application site and drainage field.
- 6.16 Although, there is a presumption in favour of retaining existing trees on development sites, each application is dealt with on its own merits. A judgement, therefore, has to be made on whether the removal of and operational works to the trees would have a significant impact on the local environment and its enjoyment by the public. In order to assess amenity the key factors are visibility, individual and wider impacts. Based on the foregoing, it is evident that the six trees within the application site can only be viewed by those occupiers of the existing properties on Garden Walk whilst the two trees within the drainage field would be viewed by the occupiers of properties within Edmond Castle, Sutcliffe House and Irthing View. The removal of the trees, although regrettable, would have minimal impact as their removal would be viewed against the wider backdrop of other mature trees. To mitigate any potential visual impact, a landscaping condition is recommended to ensure that a landscaping scheme is submitted prior to the occupation of the units. Further conditions are also recommended which will seek to ensure that the remaining trees are protected during the development of the site should the scheme be approved.
- 6.17 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections to the proposal subject to the imposition of conditions.
- 6.18 On the basis of the foregoing, the proposal would not have a detrimental impact on the character of the area nor would they form a discordant feature within the street scene.

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

- 6.19 Criterion 5 of Policy CP5 of the Local Plan seeks to ensure that there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development. Supplementary Planning Document (SPD) "Achieving Well Designed Housing" outlines that in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). It goes on to highlight that the creation of varied development may require variations in the application of minimum distances.
- 6.20 The proposed units would be located to the south east of the nearest residential property, 1 Garden Walk, and would be so orientated that the minimum distance as outlined in the SPD would be exceeded i.e. 14 metres



between the blank gable of Unit 4 and 1 Garden Walk. Accordingly, given the orientation of the holiday units with number 1 Garden Walk together with the intervening distances between the properties, the development should not lead to problems associated with loss of privacy or overshadowing.

- 6.21 It is acknowledged that the proposed use will inevitably lead to an increase the level of pedestrian and vehicular activity to Garden Walk. In mitigation, however, the development is at the entrance of Garden Walk, thereby, negating the need for visitors to the development to proceed any further along Garden Walk. Adequate off-road parking provision has also been provided within the curtilage of the development.
- 6.22 Accordingly, the proposal would not have such a detrimental impact on the living conditions of neighbouring residents to warrant a refusal of the application.

## 5. Impact Of The Proposal On Biodiversity

- 6.23 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.24 The application was originally accompanied by a Phase 1 Habitat Survey together with other Ecological Surveys for Protected Species all of which have recently been updated. Natural England has been consulted on both and advises the imposition of conditions.
- 6.25 In respect of the Surveys undertaken only recommendations/mitigation measures were suggested in respect of breeding birds, bats and existing trees. These measures have been included within the suggested conditions for the development. A further condition has also been included on the advice of Natural England requiring the submission of biodiversity enhancement measures including the siting of bat and bird boxes, fruit bearing native trees and shrubs and nectar-rich plants for invertebrates.
- 6.26 The Local Planning Authority, in this instance, is satisfied that it would not be in the public interest to refuse permission because the mitigation strategy outlined in the supporting documents will ensure that the proposal will ensure the development would not harm the favourable conservation of the species or their habitats.

## 6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate



- 6.27 Policy CP12 requires that development proposals should not result in the discharge of inadequately treated sewage or effluent's that could impact on the water quality in the surrounding area. Accordingly, when drawing up sewerage proposals for any development the first presumption must always be to provide a system of foul drainage discharging into a public sewer. Only, if by taking into account the cost and/or practicability, it can be shown to the satisfaction of the Local Planning Authority that connection is not feasible, a package sewage treatment plant should be considered. In order to assess, the likely impact on the environment, amenity and public health planning permissions should be accompanied by a full assessment of the proposed package treatment plant.
- 6.28 As Members will be aware, the original proposal proposed the connection of the foul drain to a package sewage treatment plant with its discharge combining with the surface water run off entering the lake to the south west of the development.
- 6.29 The current proposal now proposes that the surface water should go to soakaways to the south west and south east of the application site. The foul drainage would go to a package sewage treatment plant with the outfall from the plant now discharging into a drainage field to the south west of the site. Further clarification has been sought and received from the Applicant's Drainage Engineer in respect of the impact of the potential impact of surrounding trees on the drainage field and percolation test results.
- 6.30 The City Council's Building Control Section has been consulted and is satisfied that the proposed system is compliant with Part H2 of Schedule 1 of the Building Regulations 2010 (as amended)(Waste Water Treatment Systems and Cess Pools). Furthermore, any works in respect of the package sewage treatment plant and its associated drainage field would also be subject to regular inspections during the Building Regulation process should the applicant choose the City Council's Building Control Section.
- 6.31 The City Council's Landscape Architect/Tree Officer also offers no objection to this aspect of the scheme subject to the imposition of conditions.
- 6.32 Accordingly, the proposal accords with the objectives of Policy CP12.

## 7. Impact Of The Proposal On Highway Safety

- 6.33 Access to the proposed holiday units would be via an existing private access track with 2no. off-street parking spaces for each unit provided within the curtilage of the development. Cumbria County Council, as Highways Authority, has been consulted and are satisfied that the additional traffic associated with the use would have no significant implication on the surrounding highway network.
- 6.34 Neighbours have provided a map which appears to illustrate a footpath running along the south-eastern boundary of number 1 Garden Walk which



they consider would be obstructed by the development. Cumbria County Council's Countryside Access Officer has been consulted and has confirmed that there are no recorded public rights of way in the vicinity of the site. In such instances this would be a separate matter outwith the planning matter.

- 6.35 The proposal would, therefore, not have a detrimental impact on highway safety to warrant a refusal of the application on highway grounds.

## 8. Other Matters

- 6.36 Concerns have been raised in respect of future development on Edmond Castle Estate. The concerns of the objectors have been noted; however, as each application is dealt with on its own merits this issue can not be considered as a material planning consideration.

- 6.37 Issues in respect of the maintenance of the highway network is a Civil Matter and can not be dealt with under Planning Legislation.

- 6.38 Objectors have questioned the need for additional tourism facilities. This issue has been assessed under the policies of the Local Plan and the NPPF as discussed earlier in the report.

## Conclusion

- 6.39 When considering the location of the proposal, it is appreciated that Garden Walk is not within the Local Service Centre at Hayton; however, the proposal is compliant with the objectives of the Development Plan and the NPPF. The main thrust of which is the presumption of sustainable development that runs through the Framework as a "golden thread" to support the sustainable growth and expansion of all types of business and enterprises in rural areas.

- 6.40 The scale of the holiday units would be well related to the existing properties in Garden Walk and provide adequate access and car parking provision. The design and proposed materials are also comparable to other buildings within the Edmond Castle Estate. Furthermore, the proposal would not have a detrimental impact on the living conditions of neighbouring properties through loss of privacy or overshadowing. In respect of intensification of use, the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection.

- 6.41 Any potential impact on the character of the area and biodiversity would be mitigated by the imposition of relevant conditions. Adequate provision for the disposal of foul and surface water has been provided. The proposal would not have a detrimental impact on highway safety.

- 6.42 The proposal has been assessed in accordance with the Development Plan with planning considerations taken into account; the recommendation is for approval as the benefits of the scheme outweigh any perceived adverse impacts highlighted by the objectors.



## **7. Planning History**

- 7.1 Early in 2011, an application for erection of 4no. terrace dwellings with pedestrian access and basement car park was withdrawn (application reference 10/1010).

## **8. Recommendation: Grant Permission**

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 8th December 2011;
2. the Design and Access Statement received 8th December 2011;
3. the Planning Proposal Document received 8th December 2011;
4. the Desktop Study for Environmental History received 8th December 2011;
5. the Phase 1 Habitat, Badger and Bat Survey produced by Echoes Ecology Limited received 8th December 2011;
6. the Phase 1 Habitat, Badger and Bat Survey produced by Echoes Ecology Limited received 8th December 2011;
7. the Phase 1 Habitat, Badger, Bat and Nesting Bird Survey produced by Echoes Ecology received 30th April 2013;
8. the Contract Bat Survey produced by Echoes Ecology Limited received 8th December 2011;
9. the Breeding Bird Survey produced by Echoes Ecology Limited received 8th December 2011;
10. the Otter, Water Vole and Red Squirrel Survey produced by Echoes Ecology Limited received 8th December 2011;
11. the Otter, Water Vole and Red Squirrel Survey produced by Echoes Ecology Limited received 30th April 2013;
12. the Sewage Treatment and Disposal System Report produced by D Clayton received 30th April 2013;
13. the Report on the results of the infiltration Testing of land produced by D Clayton received 13th May 2013;
14. the Additional Information produced by D Clayton received 9th May 2013;
15. the Tree Survey produced by Edwin Thompson received 24th October 2012;
16. the Addendum to Tree Survey produced by Edwin Thompson received 30th April 2013
17. the Site Plan received 8th December 2011 (Drawing Number 1304 001 Rev B);



18. the Site Plan as Existing received 8th December 2011 (Drawing Number 1304 005);
19. the Proposed Plans received 8th December 2011 (Drawing Number 1304 012 Rev A);
20. the Proposed Elevations received 8th December 2011 (Drawing Number 1304 013 Rev A);
21. the Site Plan as Proposed received 23rd October 2012 (Drawing Number 1304 015 Rev D);
22. the Block Plan received 20th September 2012 (Drawing Number 1304 016 Rev G);
23. the Site Drainage Plan received 7th May 2013 (Drawing Number 1213.20 01 Rev A);
24. the Viability Assessment submitted by Edwards and Partners dated 11th March 2014;
25. the Notice of Decision; and
26. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

4. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

5. A bound register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall contain details of those persons occupying the premises, their name, normal permanent address and the period of occupation of the premises by them.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.



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

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

7. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence. The approved scheme shall be fully implemented prior to the commencement of use of any unit hereby permitted.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy EC16 of the Carlisle District Local Plan (2001-2016).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions shall be carried out on the units hereby permitted without the permission of the Local Planning Authority.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of the neighbouring residents and safeguard the character of the area in accordance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

9. No development shall be commenced on site, including site work of any description, until a Detailed Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction process. The Statement shall provide for:

- i. the method of construction for all works in the root protection area of the retained trees.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

10. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, 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. 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 Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

11. 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. Any landscaping scheme should include fruit-bearing trees and shrubs together with nectar-rich plants.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy CP2 and Policy CP3 of the Carlisle District Local Plan 2001-2016.

12. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of use of any unit hereby permitted or completion of the development, whichever is the sooner.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the birds requirement/recommendations contained within the Action Plan in Section 5.2 of the Breeding Bird Survey and Section 5.4 of the Phase 1 Habitat, Badger, Bat and Nesting Bird Survey prepared by Echoes Ecology Limited dated 30th June 2011 and 30th April 2013 respectively.

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

14. The development hereby approved shall not be carried out otherwise than in complete accordance with Bat Mitigation Method Statement contained within Appendix II of the Contract Bat Survey, Section 5.2 of the Phase 1 Habitat, Badger and Bat Survey and Section 5.4 of the Phase 1 Habitat, Badger, Bat and Nesting Bird Survey prepared by Echoes Ecology Limited dated 30th June 2011 and 30th April 2013 respectively.

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

15. A scheme for the provision of bat and bird roosting boxes shall be submitted within two months of the grant of this permission and subsequently approved



in writing by the Local Planning Authority .

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

16. 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 in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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


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

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NOTES AND AMENDMENTS			
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REV	DESCRIPTION	DATE	BY
B	Updated	08/11	GRG

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11/1063

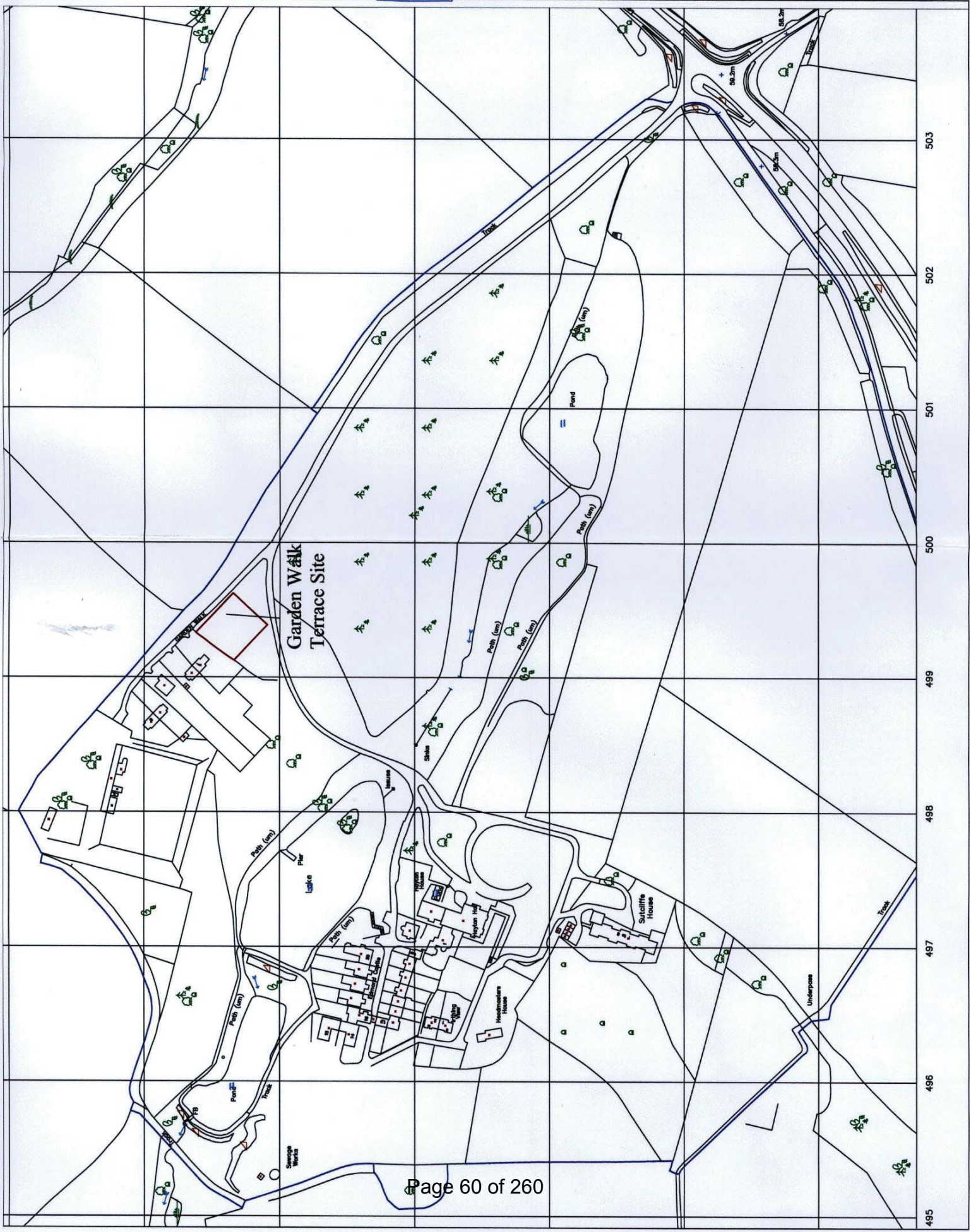


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PROJECT:  
Haydon Construction Ltd  
Proposed Holiday Lets 4 No.  
Garden Walk  
Blairmont Castle, County Hill  
Lisnaree  
County Wick

SCALE	1:2000	DATE	08/11	SHEET No.	1	CAD FILE	
PROJECT NUMBER	1304	REVISED NUMBER	001	REVISION	B		





NOTES AND AMENDMENTS  

Notes and amendments are to be followed in preference to printed conditions and particular are to be taken into account when preparing the final drawing. No liability is accepted for errors or omissions in the printed conditions or in the final drawing.

REVISIONS  

REV	DESCRIPTION	ISSUED/CHG	DATE

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f: 01258 528861 www.ashwooddesign.co.uk

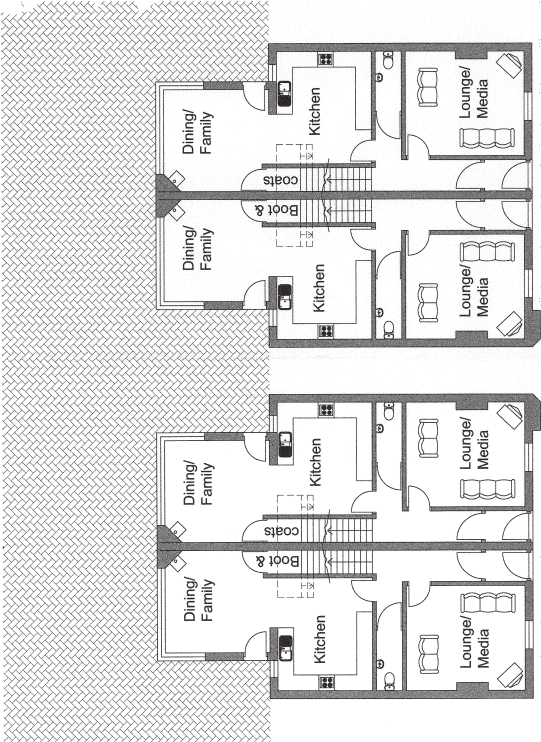
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Haydon Construction Ltd  
Proposed Holiday Lets 4 No.  
Garden Walk  
Edmond Castle, Cowby Hill  
Leisure  
New Hope  
2008

DRAWING TITLE  
Site Plan  
As Existing  
Drawing number  
1304 005

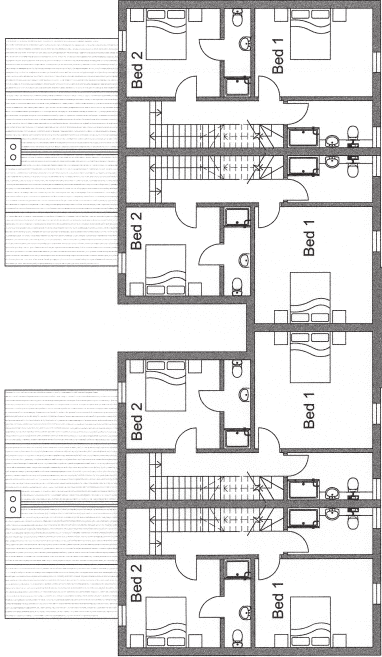
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DRAWING NUMBER  
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AUTOCAD  
1304005



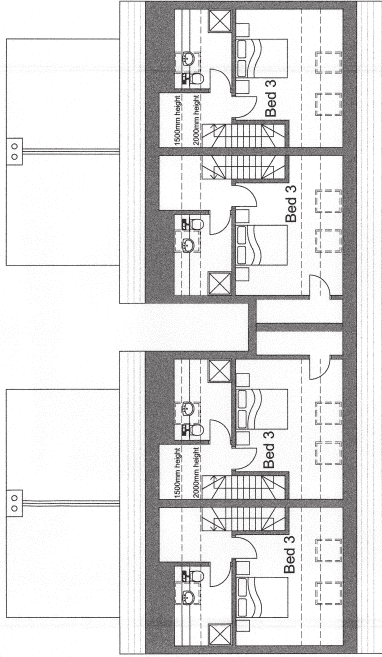




GROUND FLOOR PLAN



FIRST FLOOR PLAN



ATTIC PLAN

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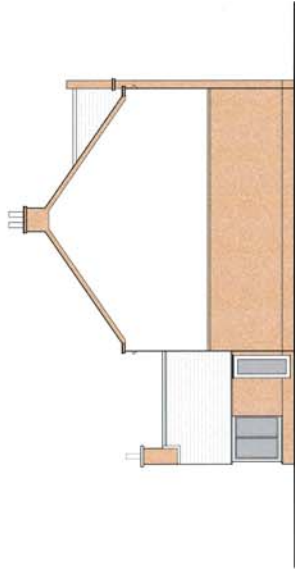
Project  
Haydon Construction Ltd  
Proposed Holiday Lets 4 No.  
Garden Walk  
Title  
Proposed Plans

Scale	Date	Drawn	Check	Date
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Project No.	Drawing No.	Revision		
1304	012	A		

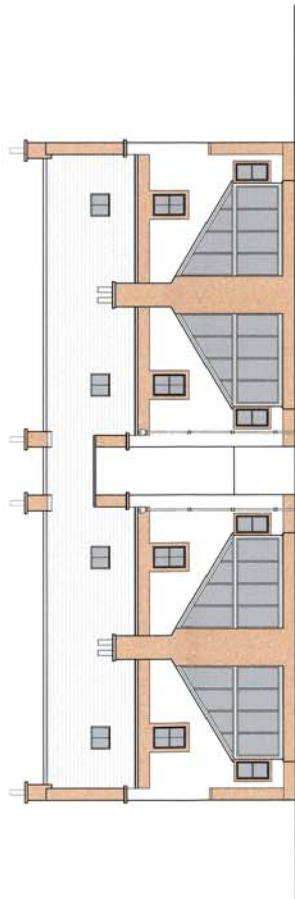




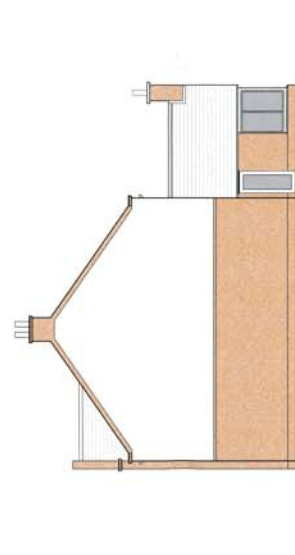
FRONT ELEVATION (NORTH)



GABLE ELEVATION (EAST)

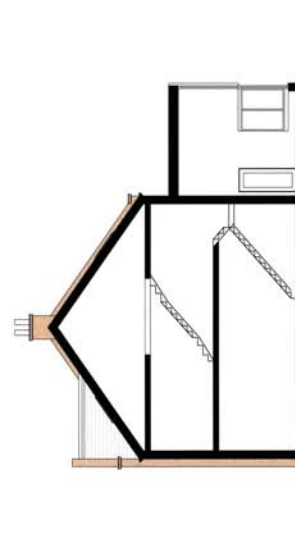


REAR ELEVATION (SOUTH)



GABLE ELEVATION (WEST)

MATERIALS / COLOURS  
Walls: White  
Ground Floor: Ashlar sandstone, Buff  
First Floor: Buff coloured render, Off white  
Roof: Slate  
Windows / Doors: White  
Timber: White painted  
Rain Water Goods: Aluminium profile, Buff to match sandstone



SECTION



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Haydon Construction Ltd  
Proposed Holiday Lets 4 No.  
Garden Walk

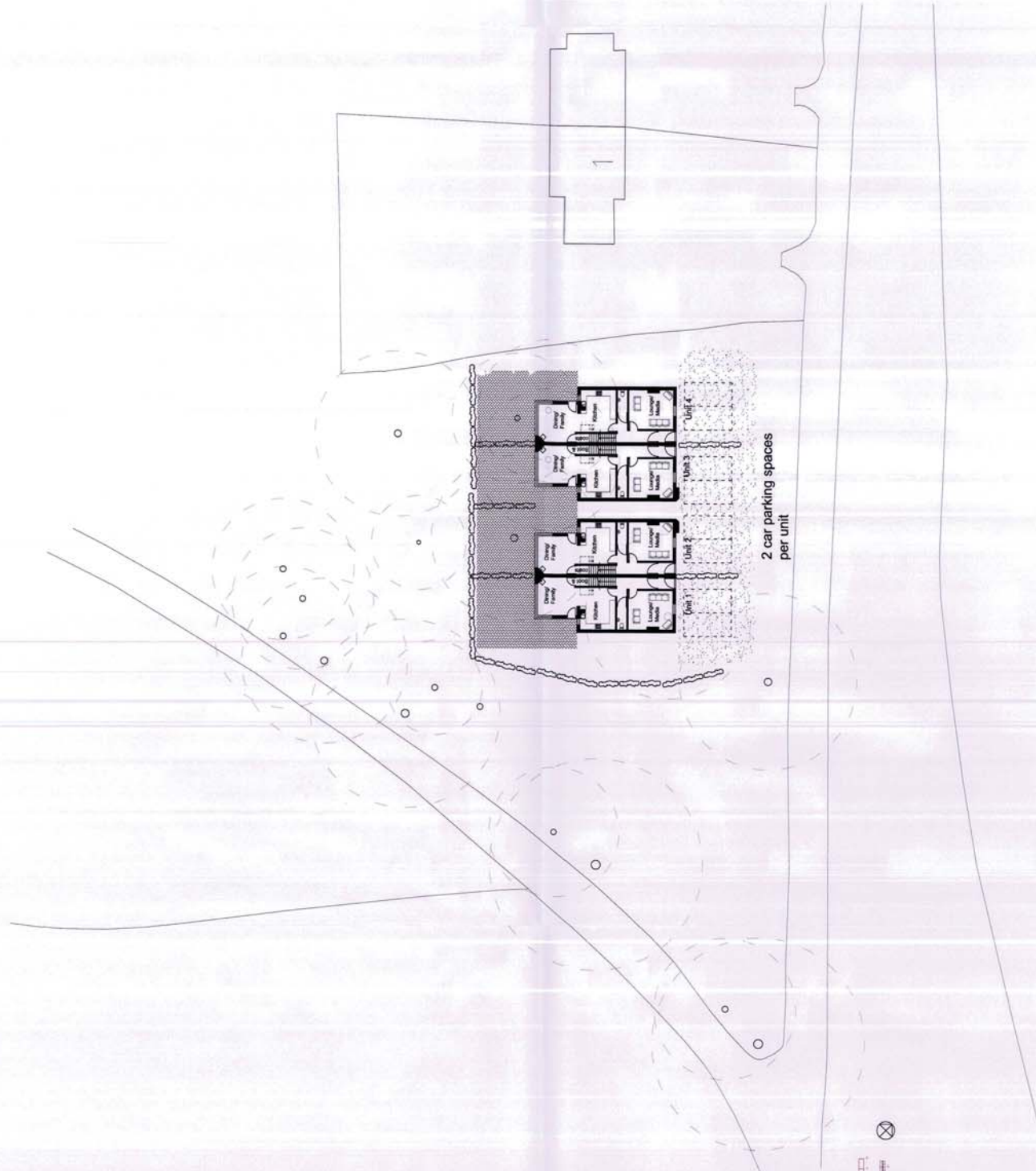
Proposed Elevations

Drawn By	Check By	Date
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1304	013	25/11/11
		Sheet
		A



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REVISIONS			
No.	Revised	Date	By
A.	Additional items added	05/12	05/12
B.	Car parking and layout shown	05/12	05/12
C.	Drainage network, fence boundaries	05/12	05/12



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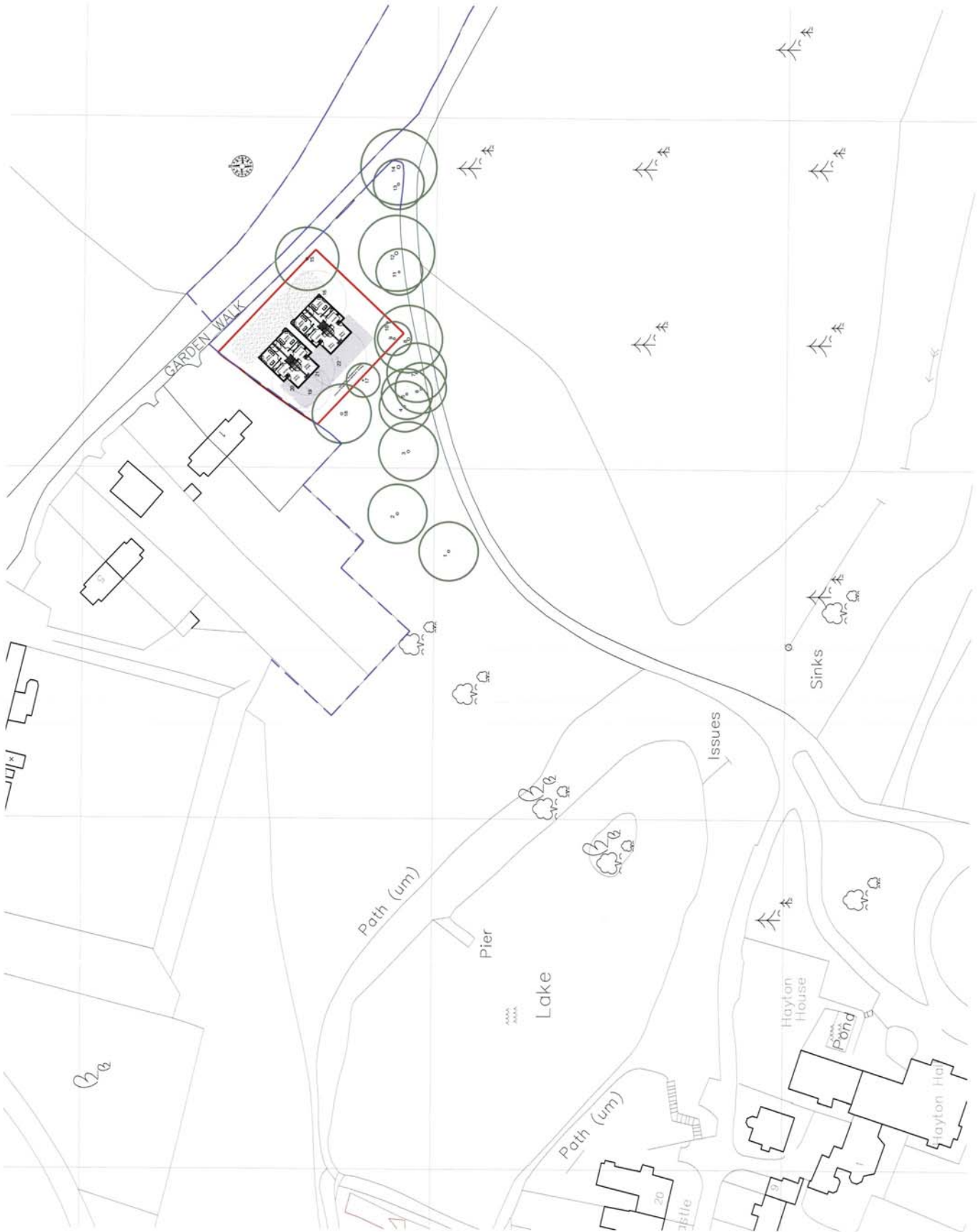
Drawn By:  
Haydon Construction Ltd  
Proposed Holiday Lets 4 No.  
Garden Walk  
Site Plan as Proposed

No.	Rev.	Date	By
1300	A1	08/02/2013	LVP
1304	015		D



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REVISIONS	
No.	Description
A	Proposed drainage system added
B	Change water level
C	Surface drainage route modified
D	Change of drainage system
E	Change of drainage system
F	Change of drainage system



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**Planning**

Hayton Construction Ltd  
 Proposed Holiday lets 4 No.  
 Garden Walk

Block Plan  
 BLUE LINE OWNERSHIP ADDED

No.	Rev.	Date	By	Check
1500	A1	LVP	31/03/13	
1304	016			G



1. The contractor shall check and verify dimensions of the site and any existing structures before commencing work.
  2. This drawing is to be used with and checked against any other drawings.
  3. The contractor shall ensure that all work is carried out in accordance with the relevant standards and specifications.
  4. This drawing and the work shall be subject to inspection and approval by the relevant authorities.
- Drawings 1 to 10 and should be kept without contact.



proposed holiday wing

GARDEN WALK



boundary within tree planted area, based on perception level map 3m from adjacent site boundaries

Red drain taken through boundary etc with every effort taken to cause no disturbance to mature trees

Big Full 8ft treatment plant

Trees to be removed as per report 30.04.13

drainage field as designed in accompanying report and shown under canopy lying the drive

boundary within tree planted area, based on perception level map 3m from adjacent site boundaries

No.	Tree	Remarks
1	Small	Remove
2	Small	Remove
3	Small	Remove
4	Small	Remove
5	Small	Remove
6	Small	Remove
7	Small	Remove
8	Small	Remove
9	Small	Remove
10	Small	Remove
11	Small	Remove
12	Small	Remove
13	Small	Remove
14	Small	Remove
15	Small	Remove
16	Small	Remove
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19	Small	Remove
20	Small	Remove
21	Small	Remove
22	Small	Remove

**SPACE**  
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Haydon High Estate  
Eatonville Castle  
Haydon  
Carlisle

Proposed Holiday Letting Units (4No.)  
Site Drainage Plan  
Garden Walk  
Revised Scheme As Proposed  
16.04.2013 1213.20  
1:500  
LP  
01



## SCHEDULE A: Applications with Recommendation

13/0881

Item No: 03

Date of Committee: 11/04/2014

**Appn Ref No:**  
13/0881

**Applicant:**  
Mr Rodney Lovell

**Parish:**  
Stanwix Rural

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Stanwix Rural

**Location:** South View, The Green, Houghton, Carlisle, CA3 0LN

**Proposal:** Rear Extension To Existing Stable Block (Part Retrospective)

**Date of Receipt:**  
16/12/2013

**Statutory Expiry Date**  
10/02/2014

**26 Week Determination**

---

### REPORT

**Case Officer:** Shona Taylor

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The Principle Of Development
- 2.2 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.3 Impact Of The Proposal On The Character Of The Area
- 2.4 Highway Issues
- 2.5 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The application site currently consists of a single dwelling, a detached garage, an existing stable building, and a sand riding arena, with fields to the rear. It is located off a private road, accessed via The Green, Houghton.
- 3.2 This application was deferred at the previous meeting of this committee in



order to allow Members to undertake a site visit.

## **The Proposal**

- 3.3 The proposal is seeking approval for the erection of a small single storey storage room and tack store to the side of the existing timber stable block of South View House, Houghton.
- 3.4 The existing stable block is a timber frame assembly on a concrete base, with a similar hard standing facing the garden on the south side. The stable block lies adjacent to the outbuildings of South View and alongside the fence boundary of the garden, with a gate access to the riding arena and field beyond.
- 3.5 A short brick base wall has been constructed level to the concrete hard standing, forming the outline of the proposed extension. This application is seeking approval to build up off these brick base walls, using timber boarding and a pitched felt roof, similar to the main stable block. The ridge and eaves heights will remain exactly as the current stable block, and all finishes will be identical.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and a notification letter sent to two neighbouring properties. In response two letters of objection have been received; one from an Agent on behalf of a neighbour, and one from the Ward Councillor. The grounds of objection are summarised as;
- The proposal would be situated to the rear of the neighbouring property, and within a short distance of Orchard Close, Houghton;
  - The level of equestrian activity in the area is already such that this further development will result in unacceptable impacts upon residential amenity, in terms of noise, odour and general disturbance;
  - No information regarding lighting or waste removal measures has been submitted;
  - The extension of the stable block beyond the applicants residential curtilage into the countryside is unacceptable;
  - The proposal will constitute an over concentration of a use in one locality, which will adversely affect the residential amenity of the neighbouring properties.
  - The land this extension will serve is mostly covered with vehicles, and there are currently no horses on the site.

## **5. Summary of Consultation Responses**

Cumbria County Council - Highways & Transport: - no objections;  
Stanwix Rural Parish Council: - no objections, subject to a condition tying the development to use for equestrian purposes.

## **6. Officer's Report**



## **Assessment**

- 6.1 At the last meeting of this Committee, issues were raised regarding the applicants living arrangements, along with whether or not this application for equestrian development should be allowed, as the applicant does not currently have any horses on the site. The applicants agent has confirmed that at present the applicant is living in a caravan to the rear of the site, whilst internal alterations to the property are carried out. The applicant has confirmed that he does have horses, which are looked after by his children, and it is their intention to bring them to South View once the stables are extended and the house is renovated.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and LE24 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) which was adopted 27th March 2012 is also a material planning consideration in the determination of this application. The proposal raises the following planning issues:

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

- 6.2 Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Policy LE24 of the Local Plan discuss the issue of equine development. Paragraph 32 of PPS7 recognises that horse riding and other equestrian activities are popular forms of recreation in the countryside and is generally supportive of the principle of development.
- 6.3 Policy LE24 of the Local Plan states that the development of stables, horse riding schools and/or riding centres in the rural area will be permitted provided that: there will be no detrimental effect upon the landscape and character of the area; adequate access arrangements and on-site car parking can be achieved; the scheme will not have a detrimental effect upon nearby properties or surrounding land uses; the scheme reuses existing buildings where possible and any associated new build, where necessary, should be located within an existing group of buildings; the surrounding roads and bridleways are adequate for the increased use by horseriders, with the roads being suitable for both riders and motorists; the issue of lighting is addressed to ensure that there is no impact on surrounding uses; and the intensity of use is appropriate for the character of the area.
- 6.4 This application is an extension to an existing premises, and as such, the applicant currently keeps horses on the land and there are existing buildings on the site to assist the applicant with their upkeep and welfare. The proposal would provide additional stables for the horses, and due to its small size, would not give rise to an unacceptable intensification of the use of the site. The applicant lives on the site and as such it is not considered that the development will generate any additional traffic. Accordingly, the proposal raises no issues regarding sustainability or conflict with Policy DP1 of the Local Plan is raised.



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

- 6.5 It is considered that the nature of the proposal, in the context of the existing use, and the stables approved and constructed under application 96/0627, would not harm the living conditions of the neighbouring residents. The proposed structures are also of sufficient distance so as not to lead to any problems associated with overshadowing.

## **3. Impact Of The Proposal On The Character Of The Area**

- 6.6 When considering this application it is pertinent to reiterate that the site already contains permanent stables approved under 96/0627. The proposed structure will be set within the backdrop of an equestrian property, by virtue of its being attached to the existing stables, and adjacent to the sand arena. The property is on the edge of the village of Houghton, where horsiculture is part of the landscape. As such, it is considered that the proposal is in keeping with the character of the area.

## **4. Highway Issues**

- 6.7 The Highway Authority have raised no objections to the development as proposed. They have noted that the site takes immediate access from a private track, but consider that the additional store room and tack store at the property will have minimal impact upon the surrounding Highway network.

## **5. Other Matters**

- 6.8 The Parish Council have requested that a condition is imposed in order to restrict the building for equestrian purposes only. Given that the application proposal is for a tack room and store for a stable block, Members will need to consider whether or not this condition would be appropriate.

## **Conclusion**

- 6.9 Overall it is considered that the proposed extension will not appear intrinsically out of place or scale in the surrounding landscape. The proposal is sited adjacent to the existing stable block. In such circumstances, and in the context of the existing use of the site, the proposal will not exacerbate any harm to the living conditions of neighbouring residents. On this basis, the proposal is recommended for approval.

## **7. Planning History**

- 7.1 Application 13/0879 which follows this item in the schedule is seeing approval for the change of use from agricultural land to use for vehicle storage (retrospective);
- 7.2 In 2009 permission was granted for the erection of a detached bungalow and detached garage (application reference 09/0634);



- 7.3 In 2006 permission was granted for the erection of a detached domestic double garage (application reference 06/1162);
- 7.4 In 2000 permission was granted for the erection of a detached dwelling and garage (application reference 00/0446);
- 7.5 In 1996 permission was granted for the change of use from agricultural land to domestic, erection of stable/garage block and hay store (application reference 96/0627);
- 7.6 In 1996 permission was granted for the conversion of redundant barn to dwelling (application reference 96/0080);
- 7.7 In 1992 permission was granted for the erection of a building for use as a cattle shed and fodder store (application reference 92/0340).

## **8. Recommendation: Grant Permission**

1. The approved documents for this Planning Permission comprise:
1. the submitted planning application form;
  2. the location plan received 7th November 2013;
  3. the block plan received 7th November 2013;
  4. the proposed plans received 7th November 2013;
  5. the design and access statement received 7th November 2013;
  6. the Notice of Decision; and
  7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The extension to the stables hereby permitted shall be used only for private purposes relating to the stabling of horses and storage of associated equipment and feed and no other commercial, industrial and/or retail activity shall take place without the prior permission of the local planning authority.

**Reason:** To control the precise nature of the use to safeguard the living conditions of neighbouring residents and character of the area and in accordance with Policy LE24 of the Carlisle District Local Plan 2001-2016.

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RECEIVED

7 - NOV 2013

13/0881

340500m

340600m

## Proposed Stable Extension

Smithy Cottage

Orchard Holme

South View

Stonedale

ORCHARD GARDENS

559200m

559200m

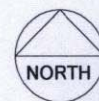
559100m

559100m

340500m

340600m

0m 25m



Project

Proposed Stable Extension South View. Houghton

Drawing

Location Plan

Revision

Scale

1:1250

Detail

Job.no.

13-128-02

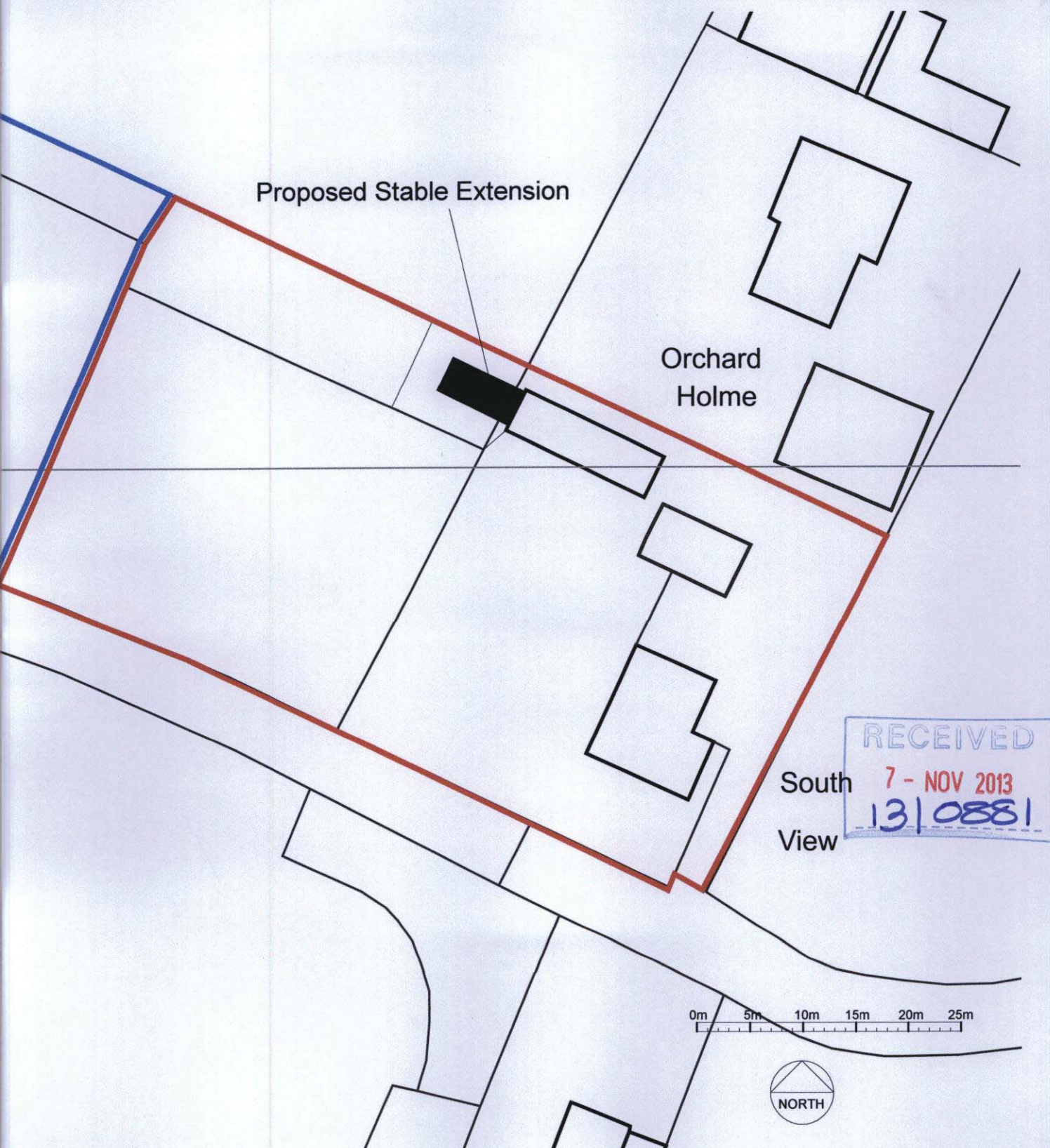
Date


nov'13

Black Box Architects Limited.  
Rickerby Buildings  
Currock Road  
Carlisle. Cumbria. CA2 4AU  
Tel: 01228 402 200

**BLACK BOX**  
architects





Project	<b>Proposed Stable Extension South View. Houghton</b>				Black Box Architects Limited. Rickerby Buildings Currock Road Carlisle. Cumbria. CA2 4AU Tel: 01228 402 200	
Drawing	<b>Block Plan</b>	Revision		Scale	<b>1:500</b>	 <b>BLACK BOX</b> architects
Detail		Job.no.	<b>13-128-01</b>	Date	<b>nov'13</b>	





existing stable building hard standing



existing stable building



corner of dwarf bwk wall ( new store )



General Site Plan

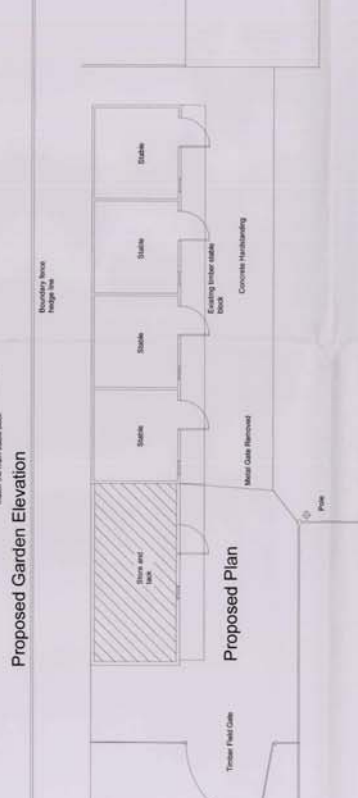
General Location Plan 1:1250 Scale



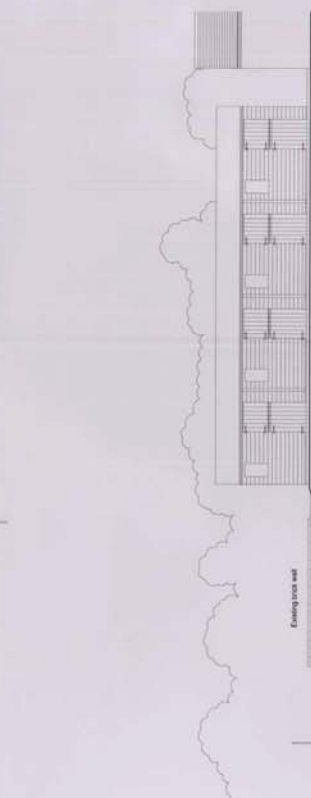
<b>BLACK BOX</b> Black Box Architects Limited Rotherby Buildings Church Road South View Houghton Leamington Spa CV34 4JU Tel: 01928 402 200	
<b>Proposed Stable Extension</b> Scheme: South View Houghton Type: Elevations and Plans Scale: 1:1250 plan / elevations Date: Nov 13 Job No: 13-128-03A Revision: A	
www.blackboxarchitects.com info@blackboxarchitects.com	



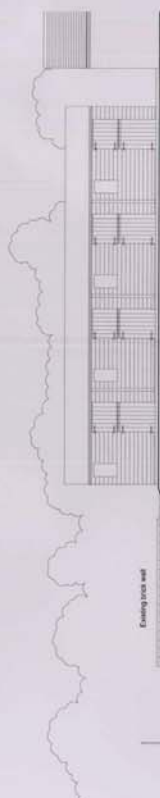
Proposed Side and Rear Elevations



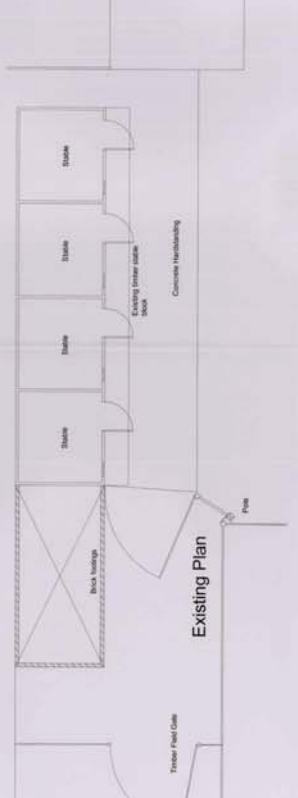
Proposed Garden Elevation



Proposed Plan



Existing Garden Elevation



Existing Plan



## SCHEDULE A: Applications with Recommendation

13/0778

Item No: 04

Date of Committee: 11/04/2014

**Appn Ref No:**  
13/0778

**Applicant:**  
Aldi Stores Ltd

**Parish:**  
Carlisle

**Agent:**  
Signet Planning

**Ward:**  
Denton Holme

**Location:** Land between Dalston Road and Stanhope Road, Carlisle

**Proposal:** Erection Of Foodstore With Associated Vehicular Access, Pedestrian Access And Cycle Path; Car Parking Associated With The Store And Provision Of 7No. Parking Bays For Use By Residents At No's. 20, 22, 24, 26, 28, 30, 32 Dalston Road Only; Hard And Soft Landscaping Works

**Date of Receipt:**  
02/10/2013

**Statutory Expiry Date**  
01/01/2014

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement. Should the necessary agreement not be in place in a reasonable time that authority to refuse the application be delegated to the Director of Economic Development.

#### 2. Main Issues

- 2.1 Principle
- 2.2 Retail Impact
- 2.3 Design and Scale
- 2.4 Highways and Traffic
- 2.5 Impact on Neighbouring Properties
- 2.6 Cycling
- 2.7 Contamination
- 2.8 Landscaping
- 2.9 Other Matters



### **3. Application Details**

#### **The Site**

3.1 The site is approximately 0.94ha and forms the southwestern corner of a larger site which is the location of the former Laing's construction company. The site is relatively flat where this proposal is situated although overall it slopes downwards from south to north. The site is currently disused and all buildings have now been demolished including in recent years the former office buildings which fronted Dalston Road. The site is surrounded by a 3m (check) metal palisade fence which provides a secure boundary to the whole site.

3.2 The site fronts onto Dalston Road with a vehicular access point and a low wall with metal railings to the road frontage. The site adjoins nos. 20-32 (check) Dalston Road. The site also fronts Stanhope Road with a further access point near to the Stanhope Road/Dalston Road junction. Further along Stanhope Road past the proposed site is an electricity substation. There are no internal site boundaries existing within the former Laing's site but the larger site is screened by trees to the north adjacent Dow? Beck and residential properties on Finn Avenue, and to the east is the former railway alignment and properties at John Robert Gardens with the apartment block overlooking the site. Opposite the site frontage on Dalston Road is the vehicular access to the adjacent CN Group offices and headquarters.

#### **The Proposal**

3.5 This proposal is seeking full planning permission for a foodstore of 1,532 sqm gross for Aldi Stores Ltd. The building is single storey with a ridge height of 5.46m. The building floor plan dimensions are 30m by 50.2m. The store entrance is orientated towards Dalston Road at the south east corner of the building. The loading area is to the west elevation with a refrigeration plant to the southern elevation enclosed by a timber fence.

3.6 The site access will be taken off a new access road which is proposed for the whole site and is intended to serve future development. A single lane entry is proposed with a two lane exit for right turn/left turn traffic exiting onto Dalston Road. At its junction with Dalston Road a new "right turn" area is provided for traffic from the Shaddongate direction and a new "right turn" area for traffic from the Dalston direction accessing the CN offices.

3.7 Car parking is provided around the north and east sides of the store with a total of 101 spaces including 5 accessible spaces and 9 parent and child bays. Five cycle stands are being provided accommodating cycle parking for 10 cycles. A pedestrian link is provided to Dalston Road with two links to Stanhope Road including a cycle path. Low level shrub planting and new trees are proposed.



3.8 Seven additional parking bays are provided to the rear of 20-32 Dalston Road to provide off-road parking bays for each of the properties intended for the sole use of the residents.

#### **4. Summary of Representations**

4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 90 neighbouring properties. In response 5 letters of objection have been received and the main issues raised are summarised as follows:

- Not happy that the proposed residential parking is not to be made secure by residents only locking access gates at the entrance and some form of fencing.
- At least the existing metal palisade fencing should be moved around the bays to make it secure
- Welcome Aldi's application in general but concerns relate to access for cars and the scheme should be altered. The Cn site is already busy and access on to Dalston Road can be difficult at peak times of day. Access to the development is not adequate for the increase in traffic that would be expected. Would ask that alternatives are reviewed. Particular concerns over closeness of Junction Street lights, short arrowed holding lanes for one car will lead to other waiting cars causing obstruction, we have large vehicles accessing the site which need the whole road width to manoeuvre, this becoming the main entrance for further development of the site would double up the problems. Access for all future development of the remainder of the site should be from Stanhope Road. The vehicle access to Aldi should be moved 30/50 metres up Dalston Road. This would give modest direct access to their car park which will need a modest redesign. This will allow a longer "right turn lane" for both CN and Aldi. This will slightly increase the amount of land Aldi will have to give up for the road improvement. A rough sketch has been provided to explain this. This has ended up with the experts and their theory on one side and local people with their practical experience on the other.
- On highway grounds don't address issues identified by the CN Group which would threaten their business. Should be on a similar basis as Pettril bank with access off Stanhope Road and a box junction at Stanhope Road/Wigton Road to keep traffic flowing. Most of the traffic will come from the west of the city. Laing's Stanhope entrance was used by vehicles with car access on Dalston Road. Pettril Bank Road appears to work well and nearby housing not affected in peak times. Further planned housing on this site will only add to traffic problems. Design plans should be reconsidered in regard of orientation and positioning of the store to sort problem junctions now as it could be trading disaster for



those in immediate vicinity and those trying to travel to work. Don't object to Aldi which will be an asset for the west side of the City but do object to the plans and highway plans. No cycle lane exists on Shaddongate Road and should adopt a shared pedestrian/cycle use on the wide pavement from opposite Paddy's Market to where it narrows at Dixon's Chimney. Aldi should contribute to making cycling safer within their 5 mile radius area they wish to cover for their potential customers. Could include on site a safe cycling store for one or two cycles. The road survey does not appear to comment on speed of vehicles.

4.2 Sixteen comments have also been received raising the following points:

- Would like it sympathetically landscaped
- Concern about the openness of the area with low shrubs and low fencing which will lead to groups gathering. Area should be secured by a wall with access through to Stanhope Road. Proposed parking bays are open and will not be used by residents as they are not secure. They are not interested in supplying residents with security.
- Asked for a secure gated area for parking residents cars to free up space on Dalston Road and improve traffic flow. Been given a parking area surrounded by kick boards which is unacceptable. Observed anti-social behaviour in the lane and if it was opened up even more would not feel safe parking a car there and would encourage individuals to congregate.
- Additional information received about landscaping but not clear whether it is a perimeter fence for the whole site or if part which is it? It is still a cheap option. A wall would reduce noise and light pollution to neighbouring residents. It was always previously secured by a wall.
- Who will be responsible for policing of the residents only parking. It is unacceptable not to provide any form of barrier as indiscriminate parking will occur. Why can't Aldi come to an arrangement with neighbours to erect a gate themselves is this just cost cutting. I will not be keen to park in dedicated bays when they will not be visible from ground level of my property. I hope the existing area is not taken away from the front of the properties.

4.3 Eleven of the comments are pleased to see cycleway access at the store but consider that more opportunity should be given to cycle away from the main road. Reference made to a link to the Caldew Cycleway from Dalston Road known as "Pirelli Way", a direct link to Winscale Way and hence Morton. These would give many more opportunities for journeys by cycle and link Morton to the Caldew Cycleway for the first time. The store will be a major traffic-generator and urge the City Council to do everything it can to put in measures to encourage and allow cycling as a sustainable form of transport to be used more.

4.4 40 letters of support have also been received (39 on proforma cards) which show general support for the proposal in this location. The following summarises the



issues raised:

- It would save me travelling to the store on Scotland Road or Harraby
- It is a good store and would not have to travel to Kingstown to shop
- Ideal site put to good use rather than being an empty eyesore
- It would regenerate the area
- Won't have very far to travel to the nearest shop
- Would save having to travel uphill with shopping
- People in the area will be able to shop without using a car
- Good quality and good priced store (competitive)
- Will create much needed employment in the area
- A vital investment in the area increasing local shopping choice
- Would improve the opinion of the community/be good for the neighbourhood
- Don't have access to a car so this would really help
- More sustainable option than other supermarkets in the area
- Ample parking and good access

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - This development was the subject of PAA and thus the submitted details have addressed most to the points raised, hence the submitted details are acceptable to this Authority, though I make these points:

- The design for the access off Dalston Rd includes localised widening to allow for the right turn lanes which, whilst within the Highway corridor extends NE beyond the limit of the site plan. these works involve the moving back of the NW kerb and losing some of the 'verge area' as well as alterations to roadmarkings. it is understood the kerb/footways along the Dalston Rd and Stanhope Rd site frontages are to be reconstructed (thus removing 3 redundant access points) and the part of the new access road is also to be Dedicated as Highway. This access road will also serve for the future development of the remainder of the former Laing site. All these works will be under a highways Act 1980 Section 278 Agreement with this Authority.
- The Transport Assessment has proven that the immediate junctions should operate well within capacity, however the problems of indiscriminate parking that occurs, particularly around the Dalton Rd/Stanhope St and Dalston Rd/Nelson St junctions is acknowledged and indeed additional private parking is provided to the rears of Nos:20 - 32 Dalston Rd; thus if problems occur at the aforementioned junctions this authority would have to give due consideration to additional waiting restrictions in the vicinities of these junctions, it is anticipated these would typically be a measure to be addressed through the Travel Plan process.
- The transport assessment is considered particularly robust as this will be the third ALDI store in Carlisle, the others being on the A7 Kingstown Rd and A6 London Rd, about 1.5miles north and south of the City Centre, this store west of the city Centre and the River Caldew with its 2 restrictive crossing points is well served to serve the western side of the City and the adjacent



Dentonholme, Dowdales and Caldewgate residential areas. in any event the junctions modelled are well within capacity, subject to the highway corridors not being constricted by parked vehicles.

- There is a minor error in the Travel Plan at Table 3.1, furthermore Service 69 is the only service to pass along the section of Dalston Rd between Stanhope Rd and Junction St. Service 64A is the only one using Stanhope Rd. though there are many more services use Wigton Rd, all these stops are within 400m of the site.
- The Travel Plan should have £6,600 administrative costs for the Annual Review process secured through the usual T&CP Act 1991 Sec.106 Agreement.

Any consent should be subject of conditions provided;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - No objection

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - Following additional comments the welded mesh fence to form the residents car parking area is welcomed in providing protection against intrusion to this space. It is important to establish a more robust site perimeter treatment with a view to preventing unauthorised vehicle access and deterring unwelcome pedestrian access. Grateful for further information on preventing crime and anti-social or nuisance occurring on site but still have some reservations regarding gating the access road outside opening hours  
Planning - Access Officer: - Design and access statement only quotes part of policy CP15 but does not inform how the criteria will be met. There are no toilets for customers with one WC and one wheelchair accessible WC for staff. Plans indicate the entrance doors are glazed and is assumed automatic but applicant needs to confirm this. Provision of parking bays for disabled people and parents and toddlers is acceptable. Bollards are located in line with the access zone which prevents disabled people i.e. a wheelchair user accessing the path. The location of cycle parking obstructs access path for disabled people. Plans show pedestrian route to the main entrance with specific crossing but not on the artist's impression. A sign at the entrance may be advantageous to direct pedestrians to the designated route. Dropped kerbs should be provided at the turn off. Policy Cp15 should be adhered to and guidance taken from approved Doc M and BS8300/2009.

Cumbria County Council - Drainage: - No comments

Northern Gas Networks: - No objections

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): -

There was a pollution incident in August 2007 that resulted in oil contamination on this site. Permission should only be given with a condition to protect groundwater from residual contamination and a further condition to provide a scheme to deal with risks associated with contamination (wording provided). Without the condition the development would pose an unacceptable risk to the environment and we would wish to object to the application.

Food Hygiene (former Community - Environmental Services - Food, Health & Safety): - If the application is successful the applicant should contact the Division to be advised with regards to legislative compliance for food hygiene and occupational health and safety. The noise control measures appear to



be appropriate for the type of premises envisaged. If the existence of a statutory noise nuisance was established in the future, the planned works would not preclude appropriate enforcement action. Should bear in mind that other parts of the site outside the scope of this application are currently designated as potential housing land.

## **6. Officer's Report**

### **Assessment**

6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, H16, EC5, EC7, and LE29 of the Carlisle District Local Plan 2001-2016 and the National Planning Policy Framework and recently published National Planning Policy Guidance.

The proposals raise the following planning issues:

- Whether the Principle of development is acceptable
- Whether the Retail impact is acceptable
- Design and Scale
- Accessibility, Highways and Traffic
- Impact on neighbouring properties
- Cycling
- Contamination
- Landscaping

### **1 Whether the Principle of the development is acceptable**

6.2 The proposed site forms part of a mixed use land allocation within Proposal H16 of the Carlisle and District Local Plan 2001-16 (CDLP). The allocation recognised the under-utilised nature of the site since the Laing's operation ceased and although some uses continued this was not making optimal use of a brownfield site within the City. The former use was for employment and although employment uses would be ideal, given the nature of the surrounding residential use, the allocation recognised the potential for 70% of the site to change to residential use. Additional uses would be considered to maximise regeneration effects of development. (CDLP paragraph 5.96). The Local plan proposal also considers that access should be taken from Stanhope Road and this is discussed further in the highways section of this report.

6.3 As part of the Local Plan only one other site was allocated for mixed use development and that was the former Cavaghan and Gray site on London Road. Members will note that Aldi have developed on that site however the context of the two sites is different. During the production of the adopted Local Plan it was considered that the former Cavaghan and Gray site, whilst having the same



proportion of residential development, should specifically include small commercial premises to complement local facilities including the existing parade of shops on Pettril Bank Road. No such specific commercial allocation was considered for the former Laing's site which is the subject of this application.

6.4 As Proposal H16 in the adopted CDLP is not specific about a foodstore use it is pertinent to consider other policies in the Local Plan which are relevant to this application.

6.5 Policy EC5 relates to Large Stores and Retail Warehouses. The policy refers to large stores with large adjacent customer car parks and although the policy is intended primarily for stores with gross floor space over 2,500sqm paragraph 4.25 states that where stores smaller than 2,500sqm are being assessed but have similar requirements they will be considered under this policy. This proposal by Aldi for a supermarket of 1,532sqm gross is similar in nature to other supermarkets and therefore it is appropriate to consider it in relation to Policy EC5.

6.6 Where a site is not specifically allocated for retail use (as in the case of this site) qualitative and quantitative need has to be demonstrated and that no more sequentially preferable site exists. In addition 6 criteria have to be satisfied which are:

- There is an essential requirement to transfer bulky customer loads from store to car;
- The site is widely accessible by public transport;
- The proposal is of a scale which will not seriously affect the viability, vitality or regeneration of the City Centre;
- Additional traffic can be satisfactorily accommodated within the surrounding road network;
- There will be no harm to the visual character of the area or the amenities at adjoining land uses;
- There will be no unacceptable effect on overall travel patterns.

The individual impacts of each of these criteria are discussed in detail in later sections of this report.

6.7 Policy EC7 of the CDLP relates to Neighbourhood facilities and broadly relates to stores in the region of no more than 1,500sqm. It could be argued that this policy should relate to this proposed application. The policy considers that neighbourhood supermarkets would be acceptable provided that they are well related to local shopping provision and 4 other criteria. The nearest identified local shopping district centre is on Wigton Road which is xxxm from the proposed store. As well as a parade of shops, churches and a small supermarket it cannot be said that this propose store which fronts to Dalston Road is well related. This proposal should therefore not be considered against Policy EC7.



6.8 It therefore remains that in the context of the Carlisle and District Local Plan 2001-16 the proposed application should be considered against Proposal H16 and Policy EC5. It should be noted that since the production of this plan the Government has sought to make considerable changes to national planning policy by the publication of the National Planning Policy Framework (NPPF) in March 2012. It is therefore necessary to consider whether the two policies in the adopted plan are in accordance with the NPPF and whether the proposed store complies with the NPPF in principle and detail.

6.9 In the context of Proposal H16 and the mix of uses proposed for this site the NPPF states at paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment uses where there is no prospect of a site being used for that purpose. Although the Council's policy primarily allocates the land for residential development this part of the NPPF could be considered to relate to the alternative employment uses as part of the mixed development. In this context it could reasonably be argued that the Local Plan policy has failed to deliver the employment part of the site and there has been no prospect for its development. In addition the development of a supermarket does create jobs albeit not in the traditional employment land use context. A flexible interpretation of the Council's Local Plan policy may therefore be compliant with the NPPF in this context.

6.10 In relation to Policy EC5 the NPPF strongly reinforces the vitality of town centres (in this case Carlisle City Centre) as the prime location for retail development. Local Plans should reinforce this principle and therefore Policy EC5 is compliant with the NPPF in this context. Paragraph 26 of the NPPF states that when assessing applications for retail development outside of town centres local planning authorities should require an impact assessment, although the default threshold is set at 2,500sq metres which is larger than this proposal. This assessment should include the impact of the proposal on existing, committed and planned public and private investment in a centre or centres within the catchment area of the proposal and the impact of the proposal on town centre vitality and viability up to five years from when the application is made. Where an application fails the sequential test (that is not in Carlisle City Centre) or is likely to have significant adverse impact it should be refused.

6.11 In consideration of the policy context of the Development Plan and the NPPF this proposal may therefore be compliant in principle provided that there are no significantly adverse individual impacts. These impacts are considered in detail in subsequent sections of this report.

## **2 Whether the Retail Impact is Acceptable**

6.12 As set out in paragraph 6.12 above the NPPF requires any proposals to be assessed against the vitality and viability of the City Centre as well as other planned



investment in centres. Whilst the threshold for the NPPF is set at 2,500sq metres and this proposal is for 1,532 sq m the applicant has undertaken a retail assessment to enable full consideration to be given to the impacts this proposal would have on the City's retail offer. It should be noted that in the context of the NPPF there is no distinction between any out-of-centre sites and once the City Centre or planned investment is considered the competition between other out-of-centre stores should not be a reason for refusal. In this context the main impacts to consider are on Carlisle City Centre and the planned Morton District Centre.

6.13 In terms of retail impact, the context for any retail proposals is the Carlisle Retail Study 2012. The retail study found that there was no need to specifically plan for additional convenience floorspace within the city as projected capacity was only available at the latter stages of the Local Plan under preparation. By 2030 there would be capacity to accommodate the scale of this proposed store. The findings of the study continued to support the allocation of the Morton District Centre and that any proposals outside the development plan would have to demonstrate that they would not undermine the planned delivery of Morton nor impact on its viability. The Council should also maintain its convenience offer in local centres. Members should also be aware that in line with the conclusions of that study further work is being undertaken on a City Centre Masterplan. This Masterplan work primarily focusses on the projected available capacity for comparison goods retail in order to ensure that the City Centre role is enhanced. Although the scale of this development could be accommodated on City Centre Masterplan sites as illustrated in the preferred options they are primarily for comparison shopping development and not specifically designated for a supermarket.

6.14 Given that the scale of development is 1,532 sq m the applicants planning statement considers the various local centres which the Council's Retail Study should maintain but concludes that there are no sites available in local centres in relation to Wigton Road, Newlaithes at Morton or Denton Holme.

6.15 In terms of the sequential test if no sites are available it is considered in planning terms to have regard to an out-of-centre location and therefore the application is acceptable in sequential terms.

6.16 Whilst it is noted that the proposed store is below the threshold for impact assessments the context of the City Council's Retail Study identifying limited spare capacity for convenience goods and the need to still deliver the City Council's Local Plan Strategy for the City Centre and Morton it is apposite to consider the retail impacts of this scale of development.

6.17 In this context the assessment identifies the impact on existing stores throughout the city, the proposed Morton Store and with amended data takes into account the unbuilt but committed Tesco store at Viaduct Estate Road. Members



will be aware that no detailed planning permission has come forward for the Morton store but it remains a key commitment in the Council's Local Plan and is located on the western fringe of the City in the same catchment area as this proposal. In the absence of an identified detailed plan for the Morton Store the applicant has assessed different scenarios to fully demonstrate the impact of this proposed development.

6.18 Given the limited expenditure capacity available in the City, it is considered that any new store developed will impact on existing stores. For the City Centre the main store is Tesco Metro on Blackfriars Street/Victoria Viaduct which currently overtrades and given the proximity of the proposed site to the City Centre will have a marked impact on current trading levels but would not overall affect the viability of the City Centre. The additional main impacts are likely to be on Tesco at Warwick Road, Morrisons at Kingstown Road, Asda at St Nicholas Retail Park and Sainsbury's at Caldewgate. All these stores are considered to be out-of-centre and therefore any assessed impact is a matter for competition between stores and not a matter to consider under the requirements of the NPPF.

6.19 In line with the NPPF requirements for retail impact assessments the applicant has undertaken analysis of the impacts in 5 years time including the likelihood that the Morton District Centre superstore will be developed at that time. As the proposed Aldi is within the same catchment area it is envisaged that there will be some impact from the development however this would not be significant to affect the viability of the store. The proposed Morton store is of a comparable size to Sainsbury's in Caldewgate and it is anticipated that by 2018 the trade diversion to the Morton store will still be in excess of that at Sainsbury's indicating that the development of the District Centre would remain viable albeit below the main three stores of Tesco at Warwick Road, Asda at Kingstown and Morrisons. The level of trading envisaged would be just below that of Sainsbury's when it considered to invest in Caldewgate.

6.20 With regard to the requirements of the NPPF the potential impacts on the City Centre and Morton District Centre are acceptable and the proposal would not prejudice the Council's plan strategy. As the proposal complies with the sequential test and does not raise significant adverse impacts the retail impact of the proposal is acceptable.

6.21 It should be noted that although a retail impact assessment has been submitted by the applicant and these details considered in evaluating the proposals, the scale of this proposed development is below the threshold as advised in the NPPF for consideration of such issues and that should be taken into account when considering the overall proposed development.

### **3 Design and Scale**



6.22 Policy CP5 Design of the Carlisle District Local Plan (2001-16) states that proposals should be assessed in relation to local context and the form of surrounding buildings along with appropriate materials and detailing, taking into account any local architectural features and ensuring all components are well related to each other.

6.23 The proposed development is single storey and has been designed to limit its height being 1.5 metres lower than the ridge height of adjacent residential properties ensuring that it takes into account the local context. The site is gently sloping away from the residential properties and therefore the impact will be reduced and a flat roof construction is proposed. The main materials of white painted sand cement render and glazing will complement the existing mix of brick and render in the local area. The glazed section will wrap around the store to maximise use of natural light and the development includes other energy efficiency measures such as recycling of heat from refrigeration units. The developer is also keen to promote sustainable construction methods utilising locally sourced materials in their construction.

6.24 Following concerns raised in relation to residents parking a 2m high wire mesh fence

#### **4 Accessibility, Highways and Transport Assessment**

6.25 The proposed store will take its access directly from Dalston Road, proposing a single access road for this development and the development of the remainder of the site currently allocated for residential development. The positioning of the building allows ample space for customer parking and 101 spaces are proposed. Disabled parking (5), parent and child parking (9) are located close to the entrance of the store for convenience. Covered cycle parking is also provided. Three dedicated pedestrian/cycle paths are being provided to link directly to the store. This single access point will also provide access for servicing vehicles but these will be directed towards the north-western end of the store where a loading area is to be provided.

6.26 The Council's Local Plan considered that the scale of development proposed for the whole site may be better served if access was also to be considered from the site's frontage with Stanhope Road. In particular this proposed location for Aldi is where an access had recently been used and is currently gated off. The whole former Laings site had two access points however the proposal is to access all development from Dalston Road.

6.27 A detailed transport assessment has been undertaken and extensive pre-application consultation with the Highway Authority to determine a workable and satisfactory arrangement for accessing/egressing the site. A detailed objection has



been received from the Cumbrian Newspapers Group who has an access to their building nearby directly off Dalston Road. The objection considers that the existing access combined with access to John Robert Gardens and the location of Junction Street traffic lights in one direction and the Stanhope Road/Pugin Street junction in the other all combine to create congestion when the additional traffic from the former Laings site is added to the mix. The objector had proposed a mini-roundabout is proposed which could assist with reducing waiting times and ease access arrangements for all if this was practicable.

6.28 The applicant has considered the objection and find that at weekday and Saturday peak hours their proposal will create minimal additional queuing and the traffic light junction will remain within capacity. The proposed holding lanes will allow access to both the proposed Aldi and Cumbrian Newspapers Group site based upon surveys and TRICS data analysis. The transport assessment considers the worst case scenario and the chances that more than 1 vehicle waiting to turn right at the same time are limited. The proposed modifications to the road layout will still enable traffic to turn right from the proposed development and Cumbrian Newspaper Group will not be detrimentally impacted upon.

6.29 Consultations with the Highway Authority on the Transport Assessment specifically considered Dalston Road from the Junction Street traffic lights to its junction with Stanhope Road including access for Cumbrian Newspapers Group. This was taken into account in the modelling of the proposed access arrangements and factored into the proposed road layout. The highway authority have considered the suggestion of a roundabout (or mini-roundabout) and such a road layout would not work at its best unless there were balanced flows of traffic which would not be the case for the access points for Aldi and Cumbrian Newspaper Group.

6.30 The Highway Authority highlighted some concerns in relation to existing parking arrangements but acknowledge that the proposal includes additional parking provision to the rear of nos. 20-32 Dalston Road and additional waiting restrictions may need to be put in place but would be addressed through the travel plan process.

6.31 Consequently the Highway Authority has no objection to the proposed development subject to a number of conditions and travel plan compliance.

## **5 Impact on neighbouring Properties**

6.32 The proposed development site is directly adjacent to numbers 20-32 Dalston Road as well as opposite a number of properties on Stanhope Road to the west and to the east is located John Robert Gardens.

6.33 Policy CP6 Residential Amenity of the Carlisle District Local Plan 2001-16



seeks to ensure that any development within a residential area does not have unacceptable adverse impact on residential amenity. In general the operation of a supermarket can have impacts from the increased number of vehicular movements to the site or the operation of equipment particularly air-conditioning of chilling equipment.

6.34 With regards to equipment operation any external equipment for air condition or chilling has been located at the south western corner of the proposed development which would be surrounded by a 3m high fence. Environmental Health has been consulted on the application and raised no objection.

6.35 Delivery vehicles may also be a source of noise nuisance however the design of the store incorporates a delivery ramp, shelter canopy and dock leveller system to enable unloading directly into the warehouse area of the store. This minimises the requirement for forklift trucks, scissor lifts or cages and with the additional turning off engines during delivery there is very limited noise generated.

6.36 Noise may also be generated from the operation of a car park albeit that the nearest property is 2.5m away and separated by landscaping. The orientation of the store has been directed away from residential properties so that the most desirable parking spaces are further away and those closest to residential dwellings less likely to be used. This will minimise the impact. In addition it is proposed to put in place a condition limiting the opening hours to reduce any impact based upon operational hours of the London Road and Kingstown Road stores which also have residential properties nearby.

6.37 Properties at 20-32 Dalston Road currently have an on-street disc parking area directly in front of their properties on Dalston Road. During pre-application consultation it was identified that the proposed new junction arrangements may impact on the ability to park at the front or the residents' perception of how safe their vehicles would be with increased traffic.

6.38 As a consequence the proposed development has been designed to include the provision of a parking area to the rear of 20-32 Dalston Road with the intention that this would be used for residents only with access from Stanhope Road. Initially residents raised concerns that this area was not secure and there was no mechanism by which only residents would be able to access the area without other visitors to the store using it as a general car park. The scheme was redesigned to include a 2m high green welded mesh fence to surround the parking area. Further investigation was undertaken but the land is not all within the control of the applicant and therefore they are not in a position to gate the access so that residents have keys to park their vehicles. Further discussion with colleagues within the Council who provide Alley gates consider that this may be an option and the applicant has agreed to the provision of £2,500 for the provision of alley gates for this area.



6.39 Residents still remained concerned that although the proposed fencing is secure and allows visibility the design is basic and does not complement the rear of their properties. A design of more robust structure with low walls, piers and metal fencing would enhance the development the proposed mesh fencing and provision of parking area already greatly enhance existing provision.

6.40 Concerns have been raised about anti-social behaviour which occurs in this area and has already led to the closure of the footpath to the rear of properties in John Robert Gardens. The additional fencing around the parking area has alleviated some concerns and welded mesh is a more secure type of fencing however there are still concerns that the development of a store itself would lead to anti-social behaviour around the store and its car park.

6.41 The Police Crime Prevention Design Advisor has therefore suggested a number of crime prevention measures for operation of the store including the use of CCTV and a number of prevention measures relating to doors, windows, glazing and lighting for which ALDI have provided additional details. One concern remains outstanding in relation to closing off the store and its car park when the store is not open through gating the road entrance. The applicant do not wish to implement gating of the access unless there are specific issues to deal with. It would not be in the interests of the operator to tolerate ant-social behaviour and they have given their assurance that should such issues arise they would implement the necessary measures.

## **6            Cycling**

6.42 As part of the application it is proposed to provide five Sheffield style cycle stands close to the entrance of the store. This will provide parking for ten cycles in a prominent location with natural surveillance from store users. Access by cycle is to be further enhanced by a cycle path link through to Stanhope Road alongside a footpath link.

6.43 Members will be aware that Carlisle's network of cycle paths is increasing and the applicants had been asked to consider the provision of an additional cycle link through to Wigton Road at the north east part of the former Laing's site. This would provide a direct link from Dalston Road to Wigton Road. The applicants however consider that this would be best served by their provision of a small cycle link to Stanhope Road and that road already provides sufficient through route. In addition as their site only forms part of the former Laing's site it is not within their control to put an additional link in place.

6.44 In considering the options for cycle links it should also be noted that there is no route identified from the work undertaken on the Sustrans network for Carlisle which



would connect at this point and therefore no scheme currently exists for this area. A number of objectors have raised cycling provision as an issue however several refer to the Pirelli link. This is over 1km away from the site and it would be unreasonable to consider such provision in the context of this application as it would not be compliant with the Community Infrastructure Regulations 2010 (as amended) which considers that any contribution or planning obligation should be necessary for the proposed development.

6.45 A more local reference has been made to improved provision along Caldewgate from Shaddon Mill to The Maltings with works to the existing pavement to make it suitable for dual use. The transport assessment considers that the impacts are very localised as referred to in the section of this report on highways and therefore any works towards Caldewgate would also be beyond the scope of reasonable expectation of contributions from this proposed development.

6.46 Given the considerations and proposed provision for cycle parking the proposal complies with the required provision and no additional contributions should be sought.

## **7 Contamination**

6.47 The proposed development is on the former Laings builders site and as such is a brownfield development. Development of such a site is to be encouraged wherever possible however previous uses can cause additional difficulties where some contamination of land may have occurred. Policy LE29 of the Carlisle District Local Plan 2001-16 consider that proposals will be acceptable provided that any contamination is dealt with satisfactorily and suitable measures taken to protect the future users of the site and its environs. In this instance the larger extent of the former Laings site is also adjacent to Dow Beck to the north.

6.48 Environmental Health and the Environment Agency have been consulted and 3E Engineering Consultants has undertaken additional work and liaised directly with the Environment Agency. As a result of this work raised no objection is made to the proposed development provided that satisfactory measures are undertaken and propose a condition to be added to any consent.

## **8 Landscaping**

6.49 A mix of hard and soft landscaping features are provided across the site. The boundaries will be lightly landscaped with low level shrubs and kick rail fencing. The proposed landscaping scheme was enhanced following a community consultation. This includes tree planting and shrub planting in the areas closest to residential properties to enhance its visual appearance. In order to ensure that this happens the council Landscape/Architect/tree officer has request that a condition be put on



the permission for the submission of a detailed landscaping scheme as well as ensuring that any planting is maintained for a minimum of five years to become established and any failing specimens replaced.

## **Conclusion**

- 6.50 Considering the proposed development against Local Plan policies, the NPPF and NPPG the proposal is compliant with the policy requirements relating the principle of the store's location and its potential impact on retail provision. The proposed development also complies with policies relating to . On this basis the application is recommended for approval subject to a legal agreement covering a contribution towards alleygates for the resident parking area and monitoring of the travel plan.
- 6.51 Subject to suitably worded planning conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to design, highways and transport, landscaping and contamination.
- 6.52 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.53 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) a financial contribution of £2,500 toward alley gates for the residents parking area;
  - b) an administration contribution of £6,600 for the ongoing monitoring and review of the Travel Plan for a 5-year period;

## **7. Planning History**

- 7.1 In 1994, under application 94/0094, planning permission was refused for redevelopment of site and erection of food and non-food retail stores with ancillary accommodation, car parks, service areas, new vehicular access and landscaping.
- 7.2 In 1996, under application 96/0530, advertisement consent was granted for the erection of a non-illuminated double sided 'V' sign.
- 7.3 In 2001 a demolition notice was received seeking approval for demolition of redundant joinery works.
- 7.4 In 2009 a demolition notice was received seeking approval for demolition of former offices and buildings.
- 7.5 In 2010 under application 10/0247 permission was granted for the erection of a 2.4m high pallisade security fence to the boundary of the site after demolition of existing buildings.



**8. 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. The approved documents for this Planning Permission comprise:
  1. the submitted planning application form received 1st October 2013;
  2. the site location plan (drawing reference 0224 - AL(0) 01) received 1st October 2013;
  3. the existing site survey plan (drawing reference 0224 - AL(0) 02) received 1st October 2013;
  4. the existing site plan (drawing reference 0224 - AL (0) 03) received 1st October 2013;
  5. the proposed site plan (drawing reference 0224 - AL (0) 04) received 21st November 2013;
  6. the proposed floor plan (drawing reference 0224 - AL (0) 05) received 1st October 2013;
  7. the proposed roof plan (drawing reference 0224 - AL (0) 06) received 1st October 2013;
  8. the proposed detailed building elevations (drawing reference 0224 - AL (0) 07) received 1st October 2013;
  9. the proposed streetscape elevations (drawing reference 0224 - AL (0) 08) received 1st October 2013;
  10. the proposed landscaping plan (drawing reference 0224 - AL (0) 09) received 1st October 2013;
  11. the Phase I Geo-Environmental Assessment received 1st October 2013;
  12. the Sustainability Statement received 1st October 2013;
  13. the Extended Phase 1 Survey received 1st October 2013;
  14. the Design and Access Statement received 1st October 2013;



15. the Draft Travel Plan received 1st October 2013;
16. the Noise Impact Assessment received 1st October 2013;
17. the Statement of Community Involvement received 1st October 2013;
18. the Transport Assessment received 1st October 2013;
19. the Equipment Schedule received 1st October 2013;
20. the Inverter elevations received 1st October 2013;
21. the Heat Plant plans received 1st October 2013;
22. the welded mesh fence (drawing reference AA (77) 24) received 18th November 2013;
23. the Rectangular Attenuator Model Data Sheet received 1st October 2013;
24. the Elta Fan Data for Model SLC630/4-2 received 1st October 2013;
25. the Noise Control Data Sheet received 1st October 2013;
26. the Planning Statement and Retail Assessment received 1st October 2013;
27. the Notice of Decision; and
28. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The retail store hereby permitted shall be used for the sale of food and ancillary comparison goods, and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy EC5 of the Carlisle District Local Plan (2001-16)

4. Not more than 20% of the net sales area of the retail/food store hereby approved shall be used for the sale of comparison goods

**Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly



in respect of the potential trading effects upon the City Centre in accord with policy EC5 of the Carlisle District Local Plan (2001-16).

5. The maximum gross floorspace of the retail/food store hereby permitted shall not exceed 1,532 square metres; and there shall be at no time any additional floorspace created, whether by extension, internal alterations including installation of mezzanine floors, or roofing over of outdoor areas, unless approved in writing by the local planning authority.

**Reason:** In order to control the precise nature and scale of the retail.

6. The proposed retail/food store hereby permitted shall not be open for trading except between 0800 hours and 23.00 hours on Mondays-Saturdays or between 10:00 hours and 18:00 hours on Sunday.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy S15 of the Carlisle District Local Plan.

7. No deliveries to or from the retail/food store hereby permitted shall take place before 07:00 hours or after 23:00 hours on Mondays to Saturdays and 08:00 hours to 19:00 hours on Sundays.

**Reason:** To safeguard the living conditions of neighbouring residents in accordance with policy H6 of the Carlisle District Local Plan (2001-16)

8. 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.

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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 and E19 of the Carlisle District Local Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of 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.

11. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

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

12. The access roads parking areas, cycle & footpaths shall be designed, constructed, lit and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted for approval before work commences on site. No work shall be commenced until a full specification has been approved.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7 & LD8.

13. 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 operational thereafter.

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

14. 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 & plant, site offices/stores/welfare facilities required for the construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

15. The development shall not be occupied until the access, turning and parking



facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** In the interests of highway safety and in accordance with Policies H16 and T7 of the Carlisle District Local Plan.

16. The Travel Plan shall be the subject of Annual Review/reporting to review its effectiveness, for a period of 5 years post opening. Any measures found necessary as part of the Annual Review of the Travel Plan shall be submitted to the Local Planning Authority for approval and thence delivery within the year following the Review.

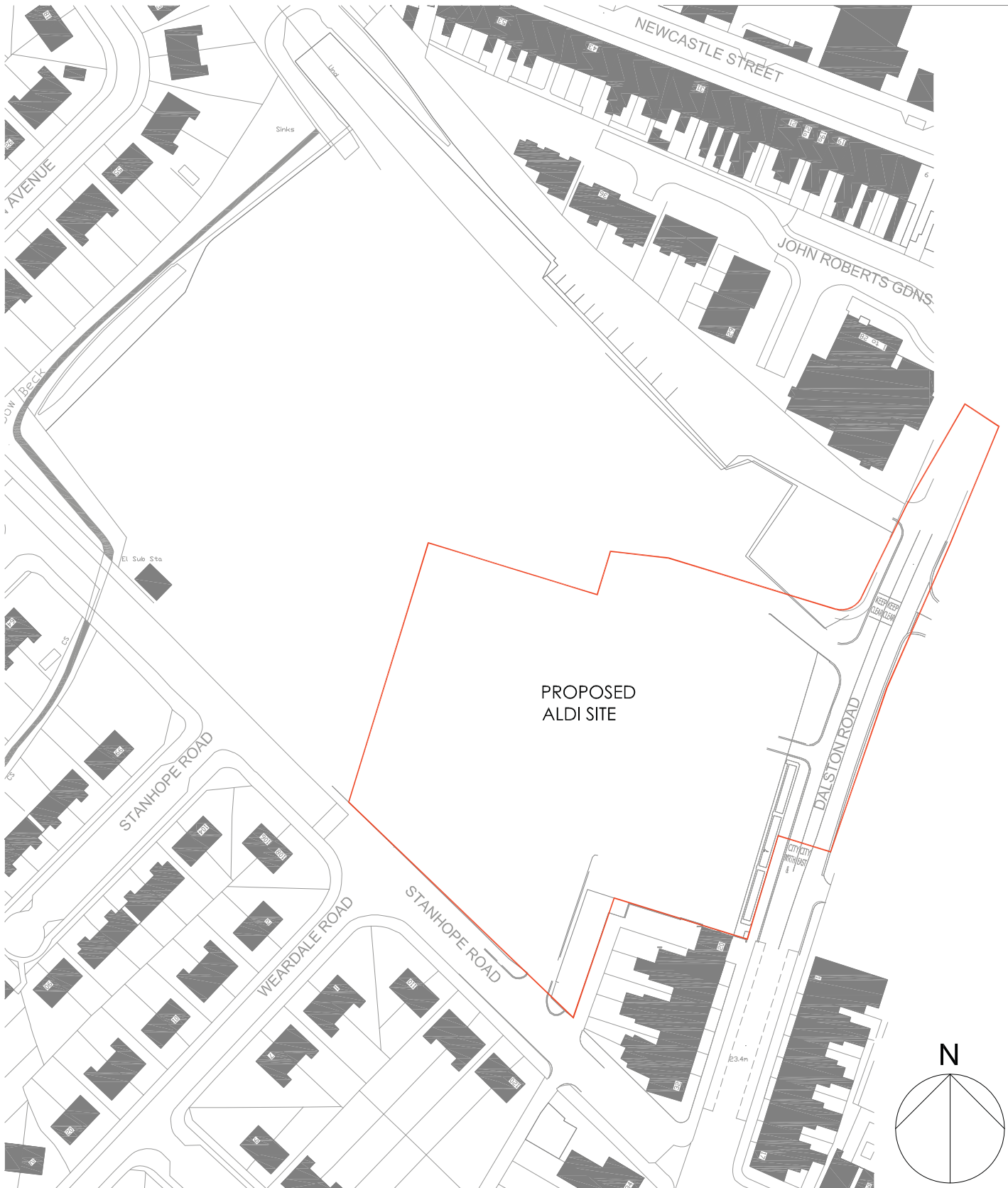
**Reason:** To aid in the delivery of sustainable transport objectives.  
To support Local Transport Plan Policies: WS3, LD4.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect groundwater from residual contamination.

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Client

**Aldi Stores Ltd**

Project Address

**Dalston Road, Carlisle**

Drawn

**JWC**

Checked by

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Date

**22.08.13**

Scale

**1:1250 @ A4**



Project

**Aldi - Carlisle**

Drawing Title

**Site Location Plan**

Drawing Number

**0224 - AL(0)01**

Revision

Page 97 of 260

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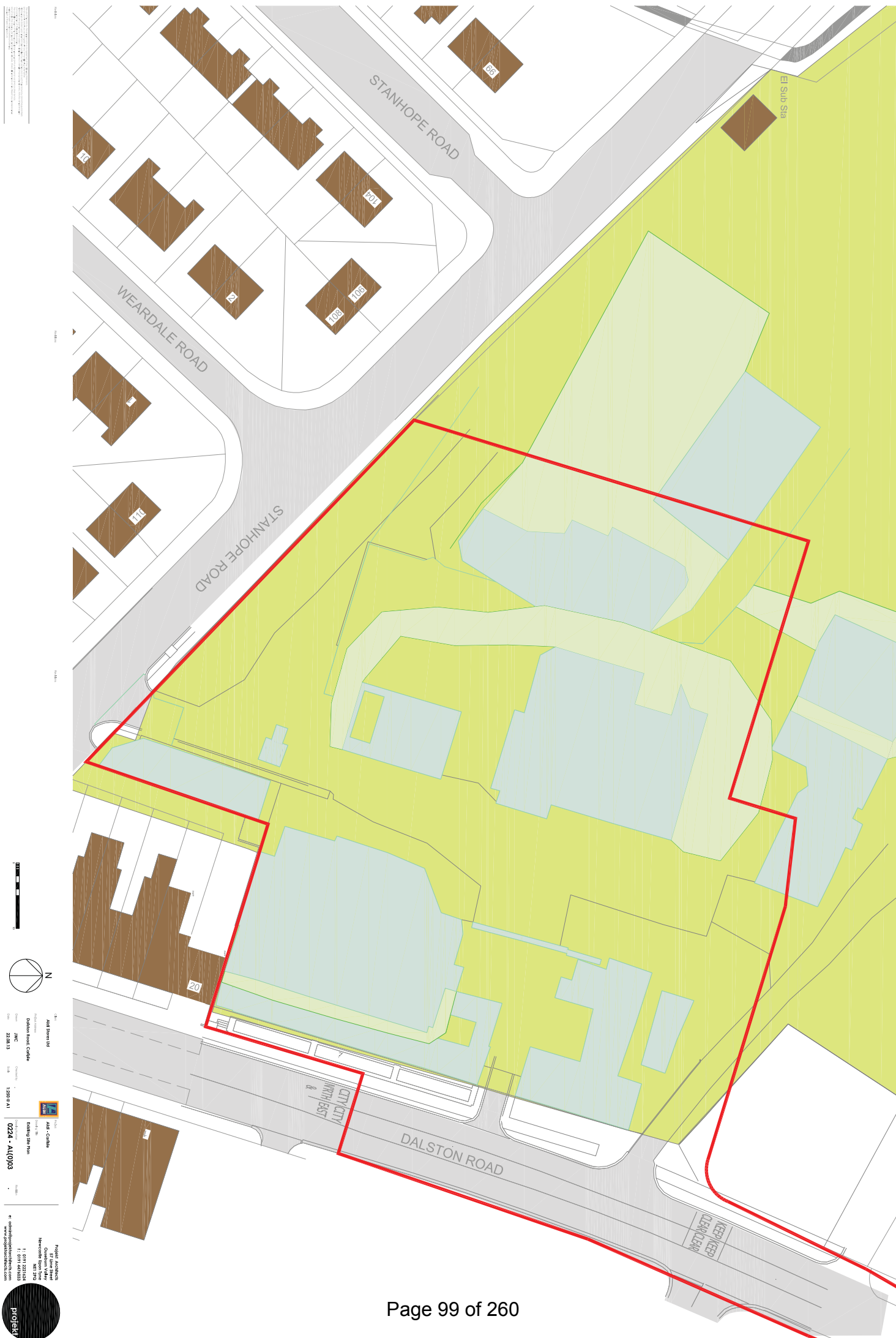
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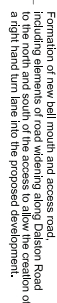
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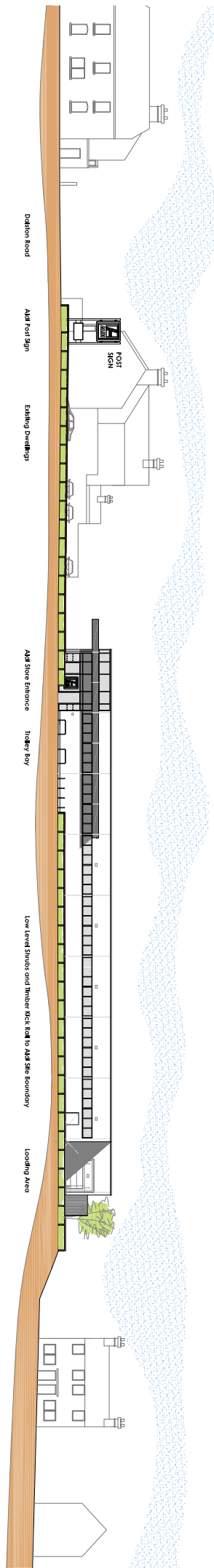
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**project**

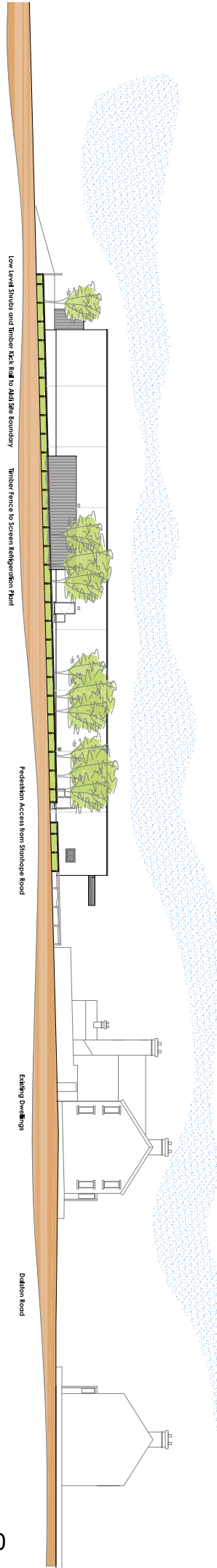




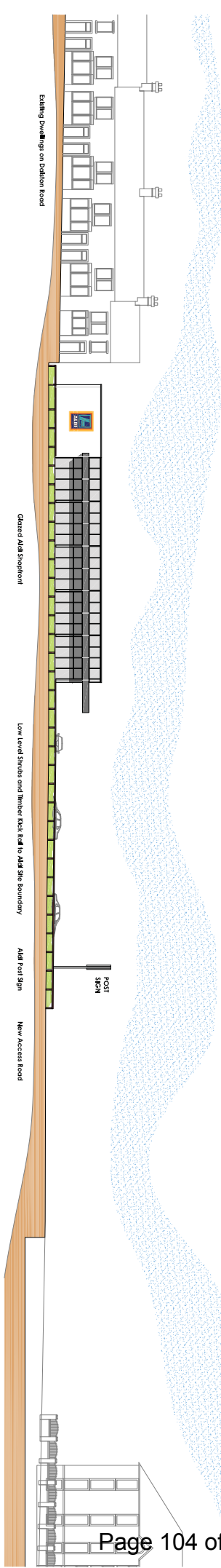




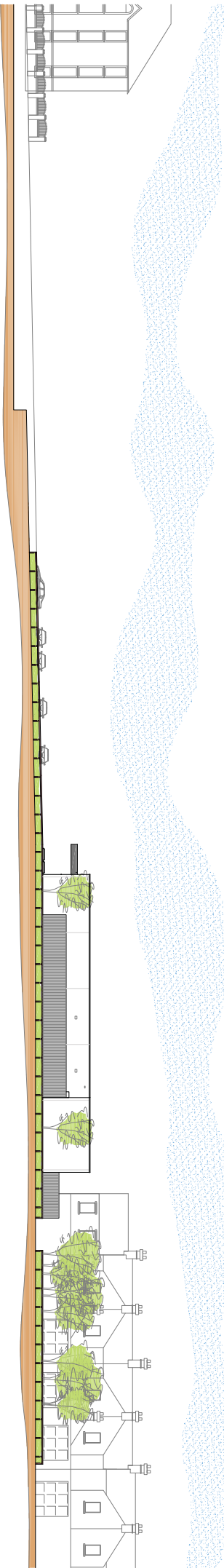
**NORTH ELEVATION** View from New Access Road



**SOUTH ELEVATION** View from Stanhope Road



**EAST ELEVATION**      **View from Dalston Road**

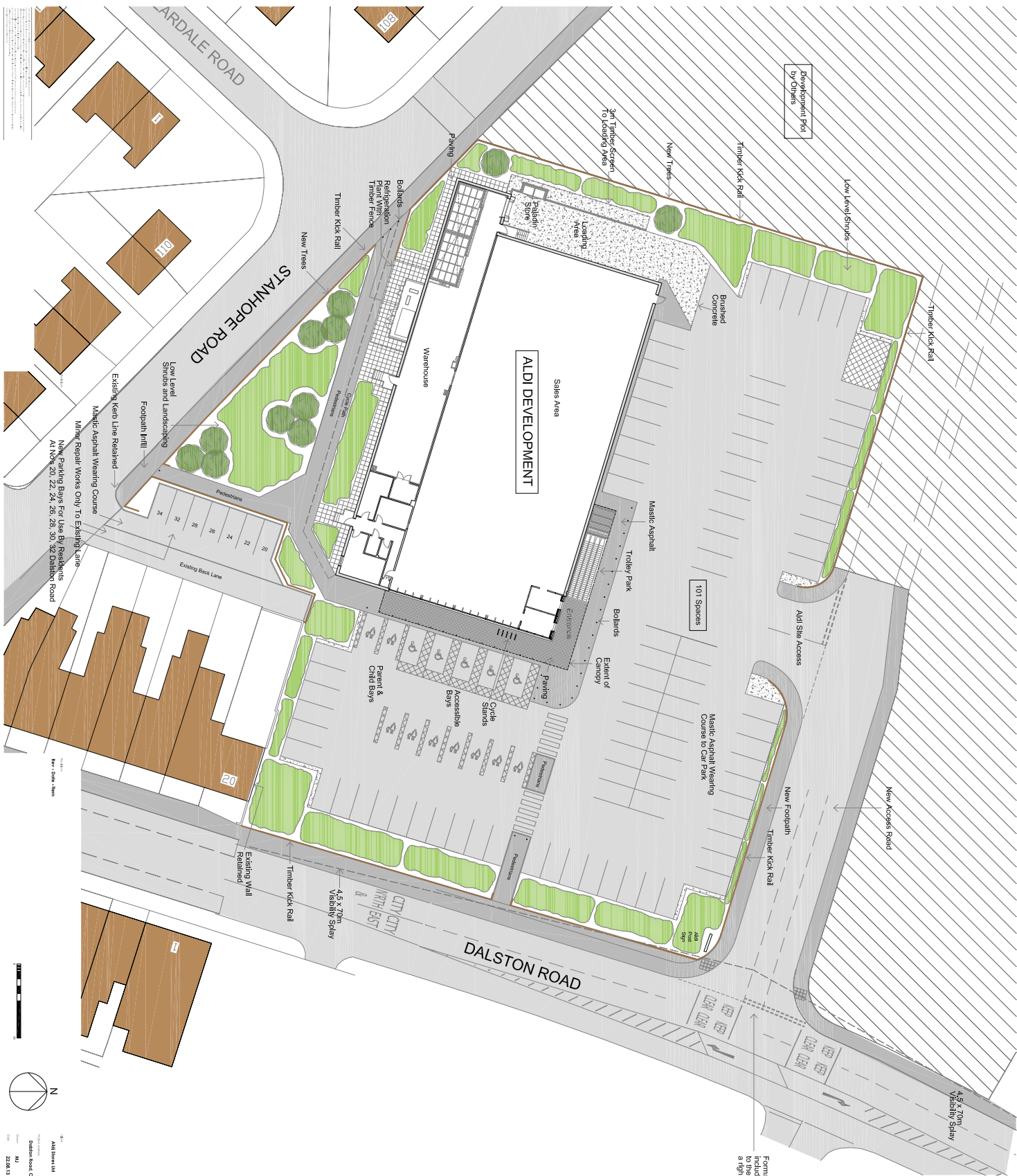


**WEST ELEVATION**      **View from Development Plot**

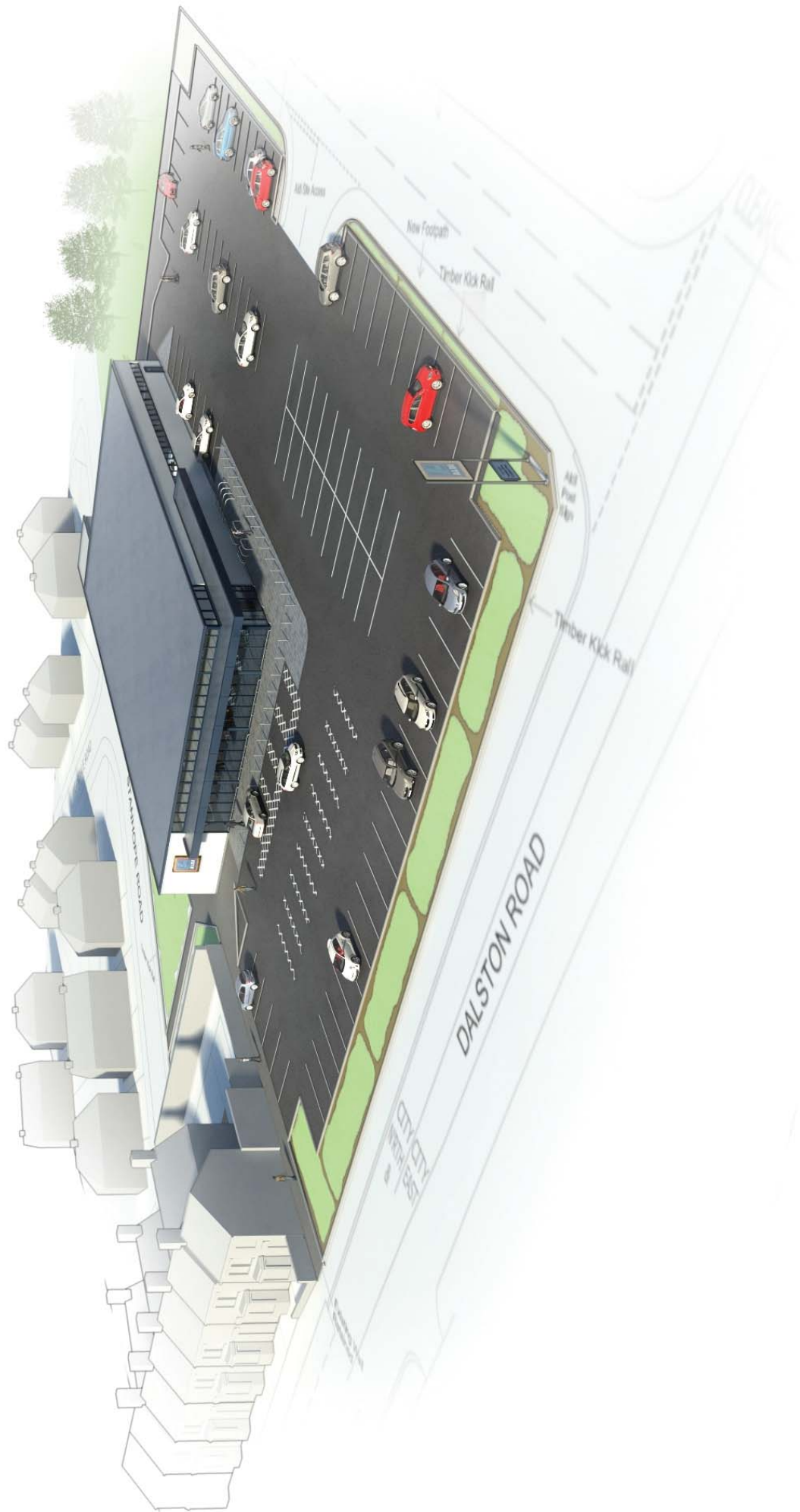
**Note: Adjacent buildings and levels shown for indicative purposes only.**







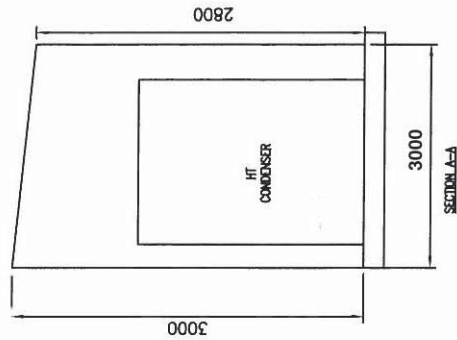
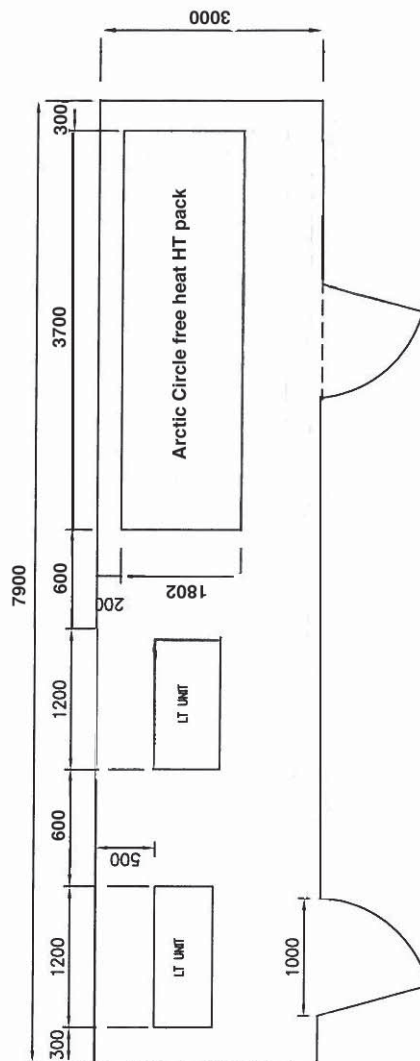
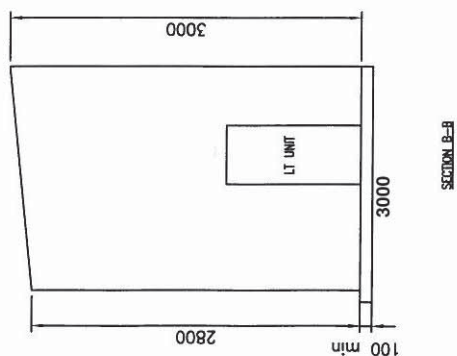












Title: Arctic Circle Free Heat Plant  
Compound Aldi Stores

DCR  
Dm:  
Rev:

Job No:



DO NOT SCALE

AIR OFF

AIR ON

AIR ON

1500

1802

STUB EXIT HERE.

MAINS INCOMING

2225

3700

3.7M STEALTH-MULTI WITHOUT INVERTER

CLEARANCE REQUIRED  
HERE TO REMOVE  
INVERTER COVER AND  
GIVE ACCESS TO  
INVERTER.

2225

3700

3.7M STEALTH-MULTI WITH INVERTER

4102

Stealth - Multi 3.7 w/o Inverter.

Stealth - Multi Footprint 3.7	3700mm x 1500mm
Footprint to include Elec-Panel Overhang	3700mm x 1802mm
Height	2225mm
Weight	2575Kg.

Stealth - Multi 3.7 with Inverter.

Stealth - Multi Footprint 3.7 with Inverter	3700mm x 1500mm
Footprint to inc. Elec-Panel Overhang & Inverter	4102mm x 1802mm
Height	2225mm
Weight	2750Kg.

Material:

Finish:

Tolerance:

ARCTIC CIRCLE LTD.  
COLDNOSE COURT, COLDNOSE ROAD  
ROTHERHAM IND. ESTATE,  
ROTHERHAM S60 6JL  
TELEPHONE: 01432 273333  
FAX: 01432 264616

arctic circle

SHEET 1 OF 1

SCALE: 1:30

REV. NAME DATE

AMENDMENT STANDARD

CLIENT SITE

DATE APPROVED

DRAWN BY

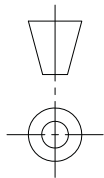
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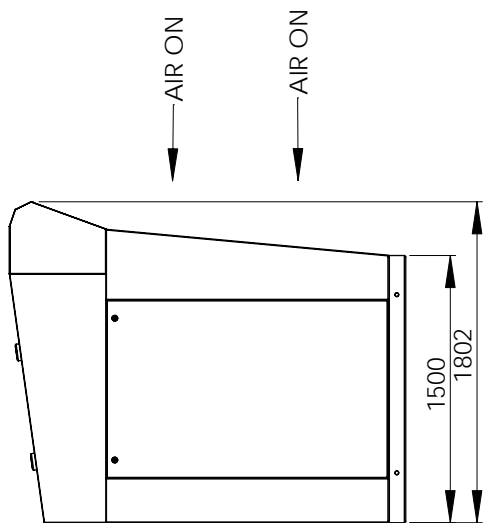
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## MAINS INCOMING



2225

### 3.7M STEALTH-MULTI WITHOUT INVERTER

3700

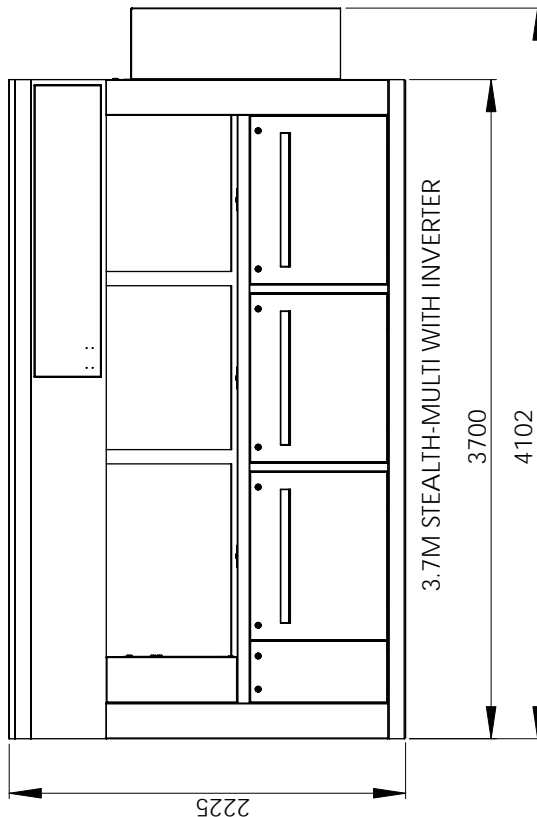
Stealth - Multi 3.7 w/o Inverter.

Stealth - Multi Footprint 3.7	3700mm x 1500mm
Footprint to include Elec-Panel Overhang	3700mm x 1802mm
Height	2225mm
Weight	2575Kg.

Stealth - Multi 3.7 with Inverter.

Stealth - Multi Footprint 3.7 with Inverter	3700mm x 1500mm
Footprint to inc. Elec-Panel Overhang & Inverter	4102mm x 1802mm
Height	2225mm
Weight	2750Kg.


CLEARANCE REQUIRED  
HERE TO REMOVE  
INVERTER COVER AND  
GIVE ACCESS TO  
INVERTER.



### 3.7M STEALTH-MULTI WITH INVERTER

3700

4102

<div></div> <div>arctic circle</div>	ARCTIC CIRCLE LTD. COLDNOSE COURT, COLDNOSE ROAD ROTHERHAM IND. ESTATE, ROTHERHAM, S61 1HN TELEPHONE: 0114 321 273333 FAX: 011432 264616		Material:								TITLE:			
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## SCHEDULE A: Applications with Recommendation

14/0124

Item No: 05

Date of Committee: 11/04/2014

**Appn Ref No:**  
14/0124

**Applicant:**  
Mr Paul Holder

**Parish:**  
Dalston

**Agent:**

**Ward:**  
Dalston

**Location:** Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX

**Proposal:** Change Of Use Of Golf Practice Range/Course To Provide Extension To Existing Caravan Park To Form 16no. Additional Stances For Holiday Use (Revised Application)

**Date of Receipt:**  
18/02/2014

**Statutory Expiry Date**  
15/04/2014

**26 Week Determination**

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the proposal on living conditions of neighbouring residents
- 2.3 Impact of the proposal on Grade II\* Listed Building
- 2.4 Impact of the proposal on Ancient Monument
- 2.5 Impact of the proposal on landscape character
- 2.6 Method of disposal of foul and surface water
- 2.7 Impact of the proposal on highway safety

#### 3. Application Details

##### The Site

- 3.1 Dalston Hall Caravan Park is located in a relatively isolated location on the eastern side of the B5299 Carlisle to Dalston road. The centre of Dalston with its services is located approximately a mile south west from the entrance



of the site.

## **The Proposal**

- 3.2 The application seeks Full Planning Permission for the change of use of part of a golf practice range/course to provide an additional 16no. stances for static caravans. Immediately adjacent to the application site is a parcel of land which has extant Planning Permission for the creation of 9no. static pitches.
- 3.3 A belt of sporadic trees runs along the north western boundary with an area of more extensive planting to the north east. Two further groups of trees lie immediately to the south of the site.
- 3.4 Access to the site would be via an existing access road which has its junction with the B5299 Carlisle to Dalston Road. The access road also serves Dalston Hall Hotel, Dalston Hall Golf Club (in the applicant's ownership) and Holly Lodge located at the entrance of the access road.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of three neighbouring properties and the posting of a Site Notice. In response, two letters of objection has been received together with a Petition of support containing sixteen signatories.
- 4.2 The letter of objection identifies the following issues:
  - 1. the access road is in urgent need of repair and should be repaired by the caravan site due to the increase in traffic which has developed over the last 10 years.
  - 2. increase in traffic past residential property.
  - 3. contrary to Policy EC15 and LE12 of the Local Plan.
  - 4. adverse impact on the setting of Grade II\* Listed Building.
  - 5. negative impact upon adjacent business.
- 4.3 The petition has been signed by local businesses in and around Dalston which accompanied the application and has been recorded as such. The comments include:
  - 1. Good for the community and area.
  - 2. If this brings more people into the community. This is good all round.
  - 3. Superb and good for local businesses.



4. Likely to be beneficial for local businesses.
5. Generates valuable income for the local economy.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the proposal will not have a material affect on existing highway conditions, therefore, there are no objections to the proposal;

Dalston Parish Council: - no comments;

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - site benefits from a sewage discharge permit issued by the Environment Agency (EA), the applicant has provided data to the EA, based on current occupancy rates that the existing sewage treatment plant has sufficient capacity to remain within the discharge limits. The site will need to record daily water usage to ensure that daily discharge rates remain within permit limits;

Cumbria Constabulary - North Area Community Safety Unit: - no observations or comments to offer in respect of the proposal;

Cumbria County Council - (Archaeological Services): - no objections and do not wish to make any comments or recommendations;

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

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016. Of particular relevance are Policies DP1, CP1, CP2, CP3, CP5, CP12, EC15, LE6, LE12 and T1 of the Carlisle District Local Plan 2001-2016.
- 6.3 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (March, 2014) are also material planning considerations in the determination of this application. The main thrust of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 6.4 Paragraph 215 of the NPPF highlights that due weight should be given to the relevant policies in existing Plans according to their degree of consistency with the NPPF (the closer the policies in the Plan to the policies in the



Framework, the greater the weight that may be given).

6.5 The proposals raise the following planning issues:

**1. Whether The Principle Of Development Is Acceptable**

- 6.6 Paragraph 7 of the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental all of which give rise to the need for the planning system to perform a number of roles. The NPPF goes on to highlight that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 6.7 Paragraph 14 of the NPPF outlining that "*there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*". This is further reiterated in paragraphs 25 and 28 which highlight that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development; and that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.8 The aforementioned advice is elaborated in Policies DP1 and EC15 of the Carlisle District Local Plan 2001-2016. Policy DP1 of the Local Plan seeks to promote sustainable development through concentrating development in the urban area then Key and Local Service Centres. Outside of these locations, in the remote rural area, proposals for new development are to be assessed against the need to be in the location specified or is required to sustain existing businesses. Policy EC15 of the Local Plan, recognises that proposals for the development of caravan sites are a valuable tourist facility; however, proposals have to demonstrate compliance with the criteria identified within the policy and are, likewise, not in conflict with any other relevant planning policies.
- 6.9 In light of the foregoing and in overall terms, the principle of an expansion to the existing caravan park is supported by policies both within the NPPF and



the Local Plan; however, a more detailed analysis illustrating compliance with the policies of the NPPF together with the relevant policies within the Local Plan will be discussed below.

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

- 6.10 Holly Lodge is sited at the entrance of the access road which serves the existing caravan site, Dalston Hall Golf Course and Dalston Hall Hotel. It is inevitable that there would be some increase in traffic using the access road; however, in respect of the caravan site business this would be off-set by the noticeable decrease in membership and paying golfers to the golf course.
- 6.11 In comparison to the existing uses and relationship to neighbouring properties, it is considered that the proposal will not exacerbate any problems associated with noise and disturbance.
- 6.12 At this stage Members should note that the planning consultant acting on behalf of the operator of Dalston Hall has raised objections to the proposal with regard to visual impacts but with specific regard to the setting of Dalston Hall as a grade II\* Listed Building (as opposed to any other receptor points) as well as maintaining that the proposal will have an adverse impact upon the landscape character of the surrounding area. The issues of the impact on the setting of a Listed Building and landscape character (i.e. the landscape impacts that relate to the characteristics of the landscape) will now be addressed.

## **3. Impact Of The Proposal On The Setting Of The Grade II\* Listed Building**

- 6.13 Dalston Hall Hotel, a Grade II\* Listed Building, is located approximately 70 metres south west of the south western corner of the application site. As such a judgement has to be taken as to the impact of the development on the Listed Building and its setting.
- 6.14 English Heritage had produced a document entitled 'The Setting of Heritage Assets' which was intended to be read in conjunction the now superseded Planning Policy Statement 5: Planning for the Historic Environment. Whilst some reference in the document is now out-of-date, English Heritage believes that the document still contains useful advice and case studies. The document sets out English Heritage's guidance on managing change within the setting of heritage assets.
- 6.15 The document provides a definition of the setting of a heritage asset as *"the surroundings in which [the asset] is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage assets (paragraph 132). However, in paragraph 134,



the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.16 The Planning Practice Guidance (March, 2014) explains that when assessing any application for development which may affect the setting of a heritage asset, authorities may also need to consider the fact that developments which materially detract the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation. In relation to assessing harm the Guidance confirms that such a judgement is for the decision taker having regard to the circumstances of the case and the policy in the NPPF. In general terms it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.17 In this case the Listing Record describes Dalston Hall as originally being a fortified house dating from the mid or late Fifteenth century. In 2013, under application numbers 13/0440 and 13/0401, planning permission and Listed Building Consent were renewed for a first floor extension and ground floor conversion to form 8 rooms in the east wing and erection of a two storey lodge comprising 12 rooms at Dalston Hall. The topography of the surrounding area is such that Dalston Hall is located at a lower level than that of the application site. Indeed, when within the grounds of Dalston Hall itself, excluding the car park area, there are no views of the caravan park due to the lower ground level, the existing boundary treatments and mature landscaping. It is only from within rooms at first floor level and above that parts of the Caravan Park are visible albeit at an oblique angle and then this is partially obscured by existing mature landscaping. In respect of this application (and in the context of the extant permission and consent granted under 13/0440 and 13/0441, and the concerns raised on behalf of the proprietor), it is considered that any adverse impact will not seriously affect the setting of Dalston Hall and that this impact can be satisfactorily addressed by additional landscaping.
- 6.18 English Heritage has not raised any objections to the proposal.

#### **4. Impact Of The Proposal On The Ancient Monument**

- 6.19 The remains of Bishop's Dyke, a medieval earthwork, is located to the north of the application site which is a legally protected as Scheduled Monument. The Design and Access Statement, submitted as part of the application, acknowledges the presence of the Ancient Monument and outlines that the Ancient Monument would not be affected by the development. Cumbria County Council's Historic Environment Officer has been consulted and has not raised any objections to the proposal.

#### **5. Impact Of The Proposal On Landscape Character**

- 6.20 In relation to the impact on the landscape, tourism proposals are supported by policies within the NPPF and the Local Plan provided that there is no



adverse impact on the character of the area. The site falls within Type 5a Ridge and Valley and is neighboured by Type 5b Low Farmland (Insert 1 of the "Cumbria Landscape Character Guidance and Toolkit" 2011) (CLCG). The Ridge and Valley sub type is characterised by a series of ridges and valleys that rises gently towards the limestone fringes of the Lakeland Fells. The key characteristics include well managed regular shaped medium to large pasture fields; hedge bound fields interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages; and that large scale structures are generally scarce.

- 6.21 In consideration of the proposal, the application has been submitted against the current denuded backdrop of the existing golf course and caravans mitigated by the existing belts of mature landscaping. In such a context it is evident that the proposal will not be detached from the existing caravan park and the location is not considered to be highly visible. Furthermore, the scheme proposes the retention of existing landscaping together with additional planting which, if Members consider appropriate, can be enhanced by further landscaping works. Accordingly, it is considered that any impact can be satisfactorily mitigated and enhanced through additional landscaping (which can be undertaken to reflect the existing characteristics of the Ridge and Valley sub type) together with the imposition of relevant conditions regarding the external colour of all new caravans, and external lighting.

## **6. Method Of Disposal Of Foul Water**

- 6.22 Policy CP12 of the Local Plan seeks to protect the quality of ground and surface waters against the risk of pollution from the inadequate provision of foul water drainage systems. The submitted drawings and documents submitted as part of the application outline that foul drainage would go to an existing package sewage treatment plant serving the caravan site.
- 6.23 The Environment Agency has been consulted and has confirmed that it has no objections to the proposal as the relevant discharge licence has been obtained by the applicant. Furthermore, the Agency are satisfied that based on the current occupancy rates the existing treatment plant has sufficient treatment capacity to remain within discharge limits. Accordingly, the proposed method for the disposal of foul drainage is considered acceptable.

## **7. Impact Of The Proposal On Highway Safety**

- 6.24 It is inevitable that there would be some increase in traffic to the caravan park as a result of the proposal. However, this increase could be off-set by a decline in visitors to the golf club. Cumbria County Council, as Highways Authority, has been consulted and has no objections to the proposal. Accordingly, it is considered that the application would not have such an impact on highway safety as to warrant a refusal of permission.

## **8. Benefits**

- 6.25 The submitted application form identifies that the site currently provides



employment to four full time workers and a single part-time worker. The comments from interested parties have also highlighted the wider benefits to the local community in having such a facility.

## **9. Other Matters**

- 6.26 Objections had been raised by the occupier of a neighbouring property as to the poor condition of the access track serving both Dalston Hall Caravan Park and Dalston Hall. Although a civil matter, the applicant has subsequently confirmed that the access driveway has been repaired at their expense.

## **Conclusion**

- 6.27 In overall terms, the principle of development is considered to be acceptable. Furthermore, subject to the imposition of relevant conditions (including the provision of additional landscaping), it is considered that the proposal would not have a detrimental impact on Dalston Hall (a grade II\* Listed Building) or its setting; the Bishop's Dyke Ancient Monument; and the landscape character of the area. In addition, it is considered that the proposal will not lead to any demonstrable harm to the living conditions of the occupiers of any neighbouring properties, nor have a detrimental impact on highway safety. The proposed method for the disposal of foul water is acceptable.
- 6.28 Accordingly, the recommendation is for approval subject to the imposition of relevant conditions.

## **7. Planning History**

- 7.1 The site and adjacent fields have a long and varied history through its use as a caravan site and golf course.
- 7.2 In 2013, under application numbers 13/0440 and 13/0401, planning permission and Listed Building Consent were renewed for a first floor extension and ground floor conversion to form 8 rooms in the east wing and erection of a two storey lodge comprising 12 rooms at Dalston Hall.
- 7.3 Dalston Hall is also the subject of a current application, reference number 14/0101, for the erection of a marquee.

## **8. Recommendation: Grant Permission**

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

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



2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form received 18th February 2014;
  2. the Design and Access Statement received 18th February 2014;
  3. the Tree Survey received 27th February 2014;
  4. the site and block plan (drg. no. GP.3);
  5. the Notice of Decision; and
  6. any such variation as may subsequently be approved in writing by the Local Planning Authority.
- Reason: To define the permission.
3. The static caravans shall only be occupied between the 1st March and the 31st January the following year.
- Reason:** To ensure that the approved caravans are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC15 of the Carlisle District Local Plan 2001-2016.
4. The static caravans shall be used solely for holiday use and shall not be occupied as permanent accommodation.
- Reason:** To ensure that the approved caravans are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC15 of the Carlisle District Local Plan 2001-2016.
5. The static caravans which occupy the stances hereby approved shall be finished in Acadia Green or Cedar Brown and remain so unless agreed in writing by the Local Planning Authority.
- Reason:** To safeguard the landscape character of the area in accordance with Policy CP1 of the Carlisle District Local Plan 2001-2016.
6. No caravan shall be occupied until the foul drainage system for each caravans occupying the stances hereby approved is connected to the package sewage treatment plant as indicated on Drawing Number GP.3.
- Reason:** To ensure that adequate foul drainage facilities are available in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.
7. All works comprised in the approved details of landscaping as indicated on Drawing Number GP.3 shall be carried out in the first planting and seeding season following the occupation of the first caravan 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 in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

8. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, 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. 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 Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

9. Prior to installation details of any proposed means of external lighting to serve the extension to the existing caravan park hereby permitted shall be submitted to and approved in writing beforehand by the Local Planning Authority.

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

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## SCHEDULE A: Applications with Recommendation

14/0129

Item No: 06

Date of Committee: 11/04/2014

**Appn Ref No:**  
14/0129

**Applicant:**  
Carlisle City Council

**Parish:**

**Agent:**  
Day Cummins Limited

**Ward:**  
Castle

**Location:** Former Fire Station, Warwick Street, Carlisle, CA3 8QW

**Proposal:** Erection Of Two Storey Extension Together With Internal Alterations  
And Refurbishment To Create An Arts Centre

**Date of Receipt:**  
19/02/2014 08:00:12

**Statutory Expiry Date**  
16/04/2014 08:00:12

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Proposals Would Be Acceptable
- 2.3 Impact Of The Proposals On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Highway Matters
- 2.5 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The main fire station building, is an L-shaped two-storey building, which fronts onto Warwick Street and Peter Street. The Warwick Street elevation contains a number of large openings, which are covered by grey metal up and over doors, which link to the former fire appliance area. The ground floor of the building also contains a kit area, communications rooms, stores,



a kitchen and toilets. The upper floor contains a number of offices, sleeping quarters, recreational areas, communication rooms and a kitchen. A yard is located to the rear of the main building and this contains some outbuildings and the former drill tower. There is an existing vehicular access into the yard from Peter Street.

- 3.2 The former fire station forms an integral part of an important group of purpose built civic buildings which were designed by Percy Dalton and constructed in the 1940s, comprising the fire station, police station and magistrates courts. The magistrates courts adjoins the site to the east and north, with the former police station also adjoining the site to the east. Housing built at the same time, originally for police and fire brigade personnel but now occupied as residential properties, stands opposite the site on Warwick Street. Peter Street runs along the western site boundary and this contains a surface level car park that is operated by the City Council and some residential properties.

## **Background**

- 3.3 In November 2013, planning permission was granted for the temporary change of use of the old fire station into a Pilot Arts Programme (13/0813). This has allowed the Council to test out the different spaces for a range of different arts/entertainment formats and to market the building for different uses.

## **The Proposal**

- 3.4 The proposal is seeking planning permission to create an arts centre in the old fire station on a permanent basis. This would involve minor alterations to the building to reconfigure existing spaces into functioning and viable venue spaces, the erection of a two-storey extension to the rear of the building and the erection of a two-storey escape stair also to the rear.
- 3.5 The large openings on the Warwick Street elevation, which link to the former fire appliance area, would be retained with five retaining large doors that would be of similar appearance to the existing doors. One of the openings would be changed to an emergency exit and would incorporate doors with glazing above. Some existing doors and windows on the Warwick Street elevation would be replaced by an additional up and over door to match the existing. The two large openings on the Peter Street elevation, which currently contain grey up and over doors, would be retained. One of these would contain doors and glazing and this would act as the main entrance to the arts centre with the other being glazed. A canopy would be added above the entrance. Signage would also be added to the building but this would be subject to a separate advertisement consent application.
- 3.6 A two-storey extension would be added to the rear of the building on part of the existing yard. The majority of this would be attached to the rear of the Warwick Street elevation and would project out 4.8m. Part of this extension would be attached to the rear of the Peter Street elevation and this would project out 4.6m. The extension would be constructed of a mixture of



forticrete blockwork coloured to match the existing building and brick with aluminum windows and doors, under a flat roof. A small two-storey stair tower would be also be added to the northern end of the Peter Street elevation. This would project out a maximum of 3.5m and would contain a staircase that would be used as a fire escape. It would be constructed of silver/ grey metal cladding panels.

- 3.7 The former fire appliance area, which occupies the ground floor of the main section of the building that fronts onto Warwick Street, would be converted into a main auditorium. This would be used as a performance and activity space and could be used for live music, comedy, theatre activities and exhibitions and would be able accommodate 250 people seated or 350 people standing. The former kit area, which fronts onto Peter Street, would contain the main foyer/ reception area and this would include a bar/ cafe, a box office and staff toilets. The ground floor of the extension would contain customer toilets and a backstage working area, which would have access from the rear service yard and access to the main stage area. The extension would also incorporate a staircase and lift to provide access to the first floor.
- 3.8 Two studios would be provided at first floor level, one above the main foyer/ reception area (Studio 1) and one above the western end of the main auditorium, adjacent to Peter Street (Studio 2). Studio 1 would be a flexible space that could be used for a variety of functions, including performances, workshops, conference hire and it would have a capacity of 96 seated and 120 standing. Studio 2 could be used for a variety of uses including dance, exercise classes, music activities, cinema or talks and would have a capacity of 120 seated. A bar area would be provided between the two studios. The existing small rooms that are located above the main auditorium could be used in conjunction with the main spaces and could have a variety of uses, including offices, meeting rooms, rehearsal space, changing rooms and artist's studios. The first floor of the extension would contain customer toilets, showers and dressing rooms.
- 3.9 The rear yard would remain primarily as a service access yard for deliveries and loading/ unloading, with some space also being available for limited staff parking. There might also be an opportunity to provide some tables for the cafe in the yard during the summer months. A new 1.8m paladin fence would be erected along the eastern boundary of the yard to the rear of the magistrates court building.
- 3.10 The applicant has applied to use the building from 8am to 11.30pm Monday to Saturday and from 9am to 10.30pm on Sundays and Bank Holidays.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty-one neighbouring properties. Three letters of support have been received which make the following points:



- the multi-use arts centre proposed will bring a new vitality to this currently slightly quiet and underused area of the northern city centre;
- Save Our Streets support the application and considers that the addition of an arts centre to the Rickergate neighbourhood is viewed as an asset which will contribute to the life of the Rickergate community. It also preserves the facades and architectural integrity of the building as a Fire Station and as part of the Laing/ Dalton complex of buildings, which includes the old Police Station, Magistrate's Court, old Fire Station and houses in Warwick Street;
- the trial period seems to have been very successful and supported by varied, diverse and inclusive arts/ community groups within the city;
- making use of an existing building owned by the Council makes economic sense;
- aware that a number of former fire stations in the country have been very successfully converted into Arts Centres and that the buildings lend themselves to this sort of conversion;
- Rickergate has always had a number of students living in the area and having an Arts Centre in the centre of the city in which the student population and the wider community have a stake in will make for a more inclusive and cohesive environment;
- this will be of benefit to the students and the wider community and will encourage more local young people to consider the University of Cumbria as a first choice location for pursuing their studies;
- the proposed Arts Centre fits into the Carlisle Plan making use of the locally significant buildings in an area which already has a distinctive identity and a real sense of place;
- the conversion to an Arts Centre makes good use of the existing fire station building in relation to the risk to buildings in the event of a breach in the flood defences;
- query why the proposed conversion of the old fire station into an Arts Centre is not included in the City Centre Master plan. Development of Rickergate is mentioned in the plan, but no reference is made to an Arts Centre in Rickergate;
- apart from the five car parking spaces there are no further references to car parking provision. In view of the likelihood of increased traffic, more car parking spaces should be provided for the residents and small businesses of Rickergate;
- traffic plans for the city seem to be looking to re-route traffic from West Tower St. and Castle Way through Warwick Street and Peter Street. How will this impact on the area, particularly when the streets will be busy with young people and families attending events at the Arts Centre?

## **5. Summary of Consultation Responses**

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

Planning - Access Officer: - Comments provided to ensure the applicant is reminded of their duty under the Equalities Act;

Local Environment - Environmental Protection: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - suggested some security measures that should be considered;

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): -



objects to the lack of an adequate FRA;  
Cumbria County Council - (Archaeological Services): - no objections, subject to conditions.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, EC3, LE19, LE27 and CP5 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
1. Whether The Proposals Would Be Acceptable In Principle
- 6.2 This application is seeking planning permission to change the use of the building to an arts centre. The building is located within the city centre, in close proximity to bus stops and a number of car parks and would, therefore, be a good location for an arts centre that has the potential to attract a large number of visitors. In light of the above, the proposal would be acceptable in principle.
2. Whether The Scale And Design Of The Proposals Would Be Acceptable
- 6.3 The changes to the existing building would be minimal and the character of the building would be retained. The large openings on the Warwick Street and Peter Street elevations would be retained, with the majority retaining large doors that would be similar in appearance to the existing doors. One of the openings on the Warwick Street elevation would be changed to an emergency exit and would incorporate doors with glazing above. The two large openings on the Peter Street elevation would be glazed with one containing doors that would form the main entrance to the building. A metal and glass canopy would be added above the entrance.
- 6.4 A two-storey extension would be added to the rear of the building on part of the existing yard. The majority of this would be attached to the rear of the Warwick Street elevation, with part being attached to the Peter Street elevation. The extension, which would not be visible from outside the site, would be constructed of a mixture of forticrete blockwork coloured to match the existing building and brick with aluminum windows and doors, under a flat roof. A small two-storey stair tower, which would be used as a fire escape, would be also be added to the northern end of the Peter Street elevation. This would be small in scale, would be constructed of silver/ grey metal cladding panels and would not be readily visible from outside the site.
- 6.5 The rear yard would be retained for deliveries and servicing of the arts centre and five parking spaces would also be retained. The only change would be the erection of a 1.8m paladine fence towards the eastern boundary of the site in close proximity to the rear of the magistrates court.



- 6.6 In light of the above, the scale and design of the proposals would be acceptable.
3. Impact Of The Proposals On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 6.7 The building lies in close proximity to a number of residential properties on Warwick Street and Peter Street and the proposed use has the potential to cause a noise nuisance to residents. In order to prevent this, the building would have high levels of noise insulation both within the existing building and the proposed extension.
- 6.8 The applicant is seeking to open the arts centre from 8am until 11.30pm from Monday to Saturday and from 9am until 10.30pm on Sundays and Bank Holidays. Given the proximity of residential properties, the 11.30pm closing time allows the cafe/bar areas to be cleared post performance and should avoid large numbers of people exiting the building at the same time. This would therefore minimise impact on residential properties in the area. The hours are considered to be reasonable given that the building is located within the city centre.
- 6.9 The magistrates court adjoins the site to the east and north and has a number of windows in the rear elevation of the building, which face onto the courtyard. A dressing room window at first floor level in the new extension would face the rear elevation of the magistrates court at a distance of 5.6m. This room would not be open to the public but it is suggested that the window is obscure glazed to prevent overlooking issues. The only other windows that would face the magistrates court would serve a staircase and would be 19.6m away. Some doors, that would provide access from the foyer/ reception area to the yard, would also face the magistrates court but these would be 24m away. In the summer months the cafe might have some tables out in the rear yard but it is not anticipated that these would generate significant levels of noise.
- 6.10 The above measures would ensure that the building would not have an adverse impact on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

#### 4. Highway Matters

- 6.11 County Highways has been consulted on the application and requested that the applicant submits a Transport Form, to identify the number of proposed vehicle movements to the site. Following receipt of this and confirmation that the building would be serviced from the rear yard the Highways Authority has no objections to the proposal.

#### 5. Other Matters

- 6.12 The Environment Agency has objected to the proposals as the applicant has not submitted a bespoke Flood Risk Assessment (FRA). Whilst flooding issues are dealt with in the Design & Access Statement, this does not meet the minimum standards in line with the guidance on flood risk in the NPPF.



In the absence of an acceptable FRA the Environment Agency has objected to the granting of planning permission. The applicant has submitted additional information in order to satisfy the concerns of the Environment Agency and this is currently under consideration. Members will be updated on this matter at the meeting.

- 6.13 The County Archaeologist has been consulted on the application and considers that the ground works of the proposed development have the potential to disturb Roman remains and finds. Consequently, he has recommended that the ground works associated with the development should be subject to a programme of archaeological recording and a condition has been added to cover this issue.

## **Conclusion**

- 6.14 In overall terms, the proposals would be acceptable in principle. The scale and design of the proposals would be acceptable and they would have an adverse impact on the occupiers of any neighbouring properties. In all aspects, the proposals are compliant with the objectives of the relevant adopted Local Plan policies.

## **7. Planning History**

- 7.1 In November 2013, planning permission was granted for the change of use from the Old Fire Station to a temporary pilot arts programme (13/0813).

## **8. Recommendation: Grant Permission**

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

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

2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form, received 19 February 2014;
  2. Design, Access & Heritage Statement, received 19 February 2014;
  3. Contamination Assessment, received 20 February 2014;
  4. Transport Form, received 13 March 2014;
  5. Site Location Plan, received 19 February 2014 (Dwg No. 3852-01);
  6. Existing Floor Plans & Site/ Block Plan, received 19 February 2014



(Dwg No. 3852-02);

7. Existing Elevations, received 19 February 2014 (Dwg No. 3852-03);
8. Proposed Floor Plans & Site/ Block Plan, received 19 February 2014 (Dwg No. 3852-04);
9. Proposed Elevations, received 19 February 2014 (Dwg No. 3852-05);
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. The proposed arts centre shall not be open for trading except between 08.00 hours and 23.30 hours on Mondays to Saturdays and between 09.00 hours and 22.00 hours on Sundays and Bank Holidays.

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

5. Prior to the commencement of development, a written scheme of archaeological investigation must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, 3 copies of the archaeological report shall be furnished to the Local Planning Authority.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the first floor window in the east elevation of the two-storey extension, which serves the male dressing room, shall be obscure glazed (to a minimum of Level 3) and non-opening and thereafter retained as such to

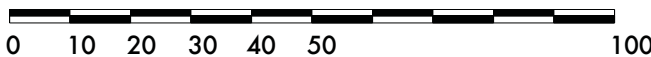
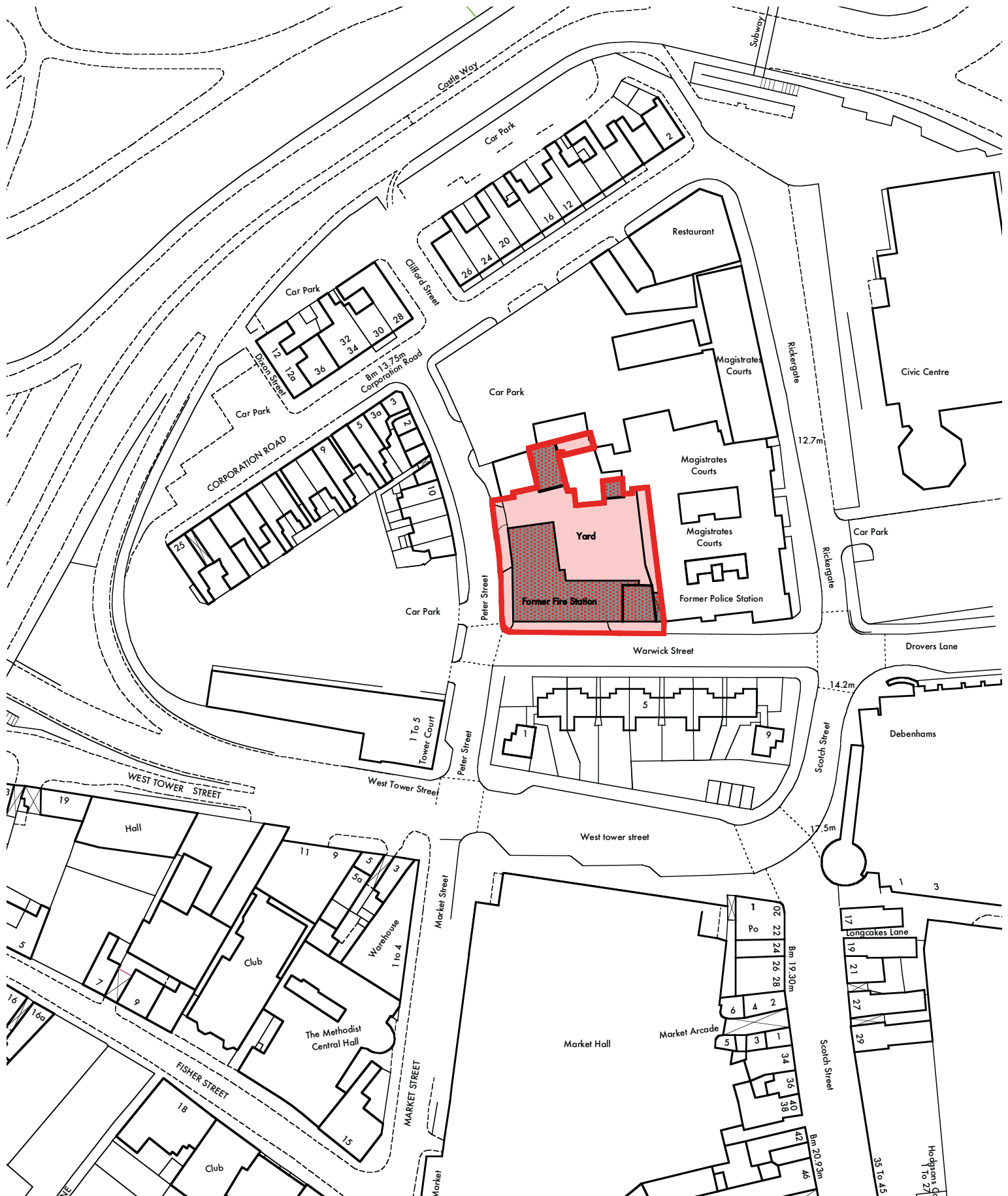


the satisfaction of the Local Planning Authority.

**Reason:** In order to protect the privacy of the magistrates court in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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**Site Location Plan**  
**1:1250**

**old fire station arts centre**

CARLISLE  
CITY-COUNCIL  
  
www.carlisle.gov.uk

Drawing Nr.  
**3852-01**  
Site Location Plan  
February 2014







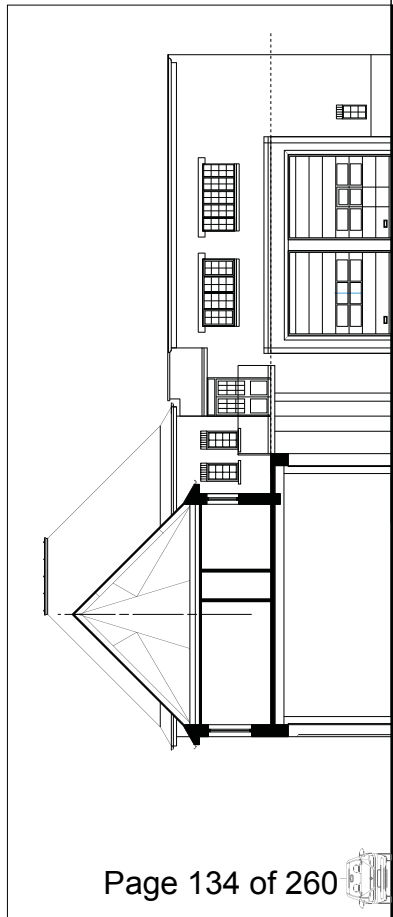




West Elevation  
Peter Street  
1:100



South Elevation  
Warwick Street  
1:100



East Elevation / Section  
to Yard  
1:100



North Elevation / Section  
to Yard  
1:100



Key Plan  
1:500

Rev	Date	Comments	Rev	Date	Comments
Client: Carlisle City Council					
Project: Proposed Arts Centre, Old Fire Station, Warwick Street / Peter Street, Carlisle					
Drawn: PB					
Checked: PB					
Scale: 1:100					
Date: 12/2/14					
Paper Size: A1					
Project No: 3652					
Drawing No: 03					
Floor: -					

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Proposed Arts Centre, Old Fire Station,  
Warwick Street / Peter Street, Carlisle

Existing Elevations

Drawn: PB

Checked: PB

Scale: 1:100

Date: 12/2/14

Paper Size: A1

Project No: 3652


Drawing No: 03

Floor: -

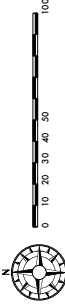




PROPOSED Site Plan / Block Plan  
1:200



**Site Location Plan**  
1:1250



Rev	Date	Comments	By
1			

Client: **Carlisle City Council**

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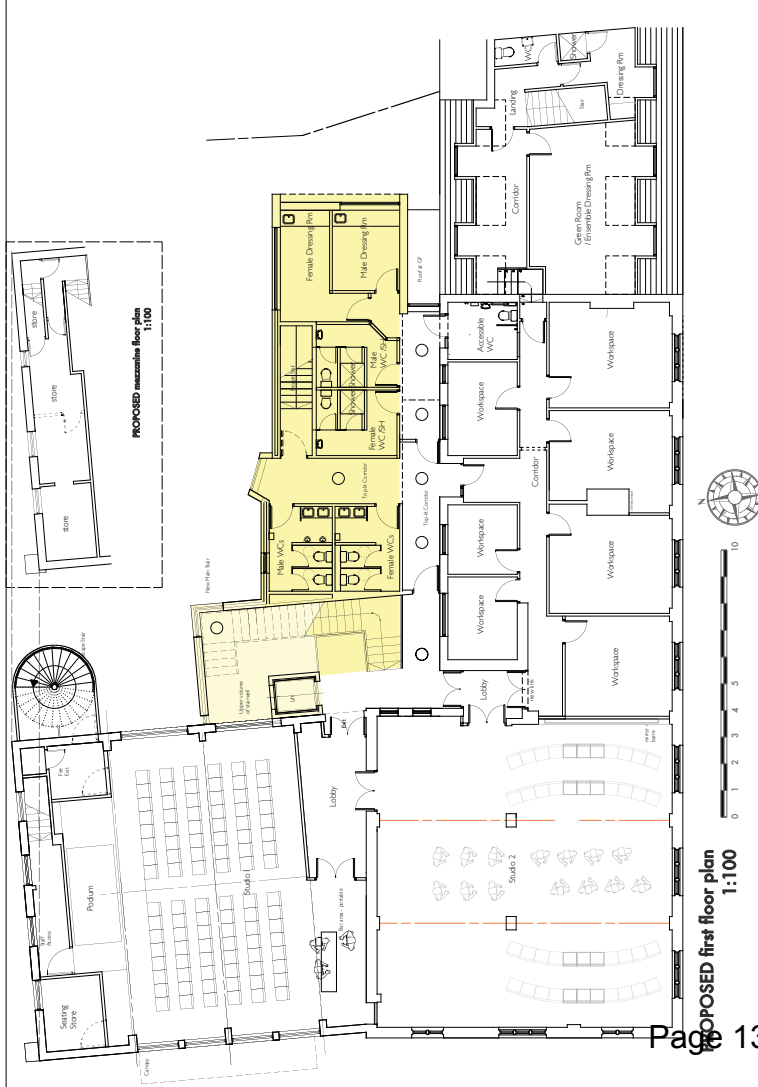
Project: **Proposed Arts Centre, Old Fire Station,  
Warwick Street / Peter Street, Carlisle**

Drawing Title: **Proposed Floor Plans & Site Plan/Block Plan**

Drawn	Checked	Scale	Sheet No.
PH	PH	1:100 & 1:200	04

3852

old fire station arts centre



PROPOSED first floor plan  
1:100



PROPOSED ground floor plan  
1:100







DATE		CONTRACT NO.	
CITY		PROJECT NO.	
SHEET NO.		TITLE	
<p><b>CARLISLE CITY COUNCIL</b></p>  <p><b>DAY CUMMINS LIMITED</b> Architects &amp; Surveyors Lakeside Business Park Colindale Avenue, Colindale London NW9 1QT Tel: 01900 820700 Fax: 01900 820701 www.day-cummins.co.uk</p>			
<p><b>Proposed Arts Centre, Old Fire Station, Warwick Street / Peter Street, Carlisle</b></p>			

3815

South Elevation  
Warwick Street

- > doorways - cladding & translucent panels
- > openings sealed behind - acoustics

SIGNAGE PROPOSALS

- SGNACE PROPOSALS**

②: External light fittings  
③: Emergency light fittings (type to agreed with LPA)  
④: All fire exit positions

**Former doorways:** distinctive infills for event displays, graphics and to provide acoustic and visual buffer to the streetscape

- > illuminated / variable / blackout options
- > avoid moving parts / ease maintenance

DOORWAY TREATMENT PROPOSALS

- DOORWAY TREATMENT PROPOSALS**  
Translucent panels set into outer cladding of infill portions  
Backlit by low-energy e.g. LED lighting i.e. subtle / low impact / low maintenance  
Potential to carry events programme / promotion information  
Colour safe, details, finish and lighting to be agreed in writing with LPA



old fire station arts centre

Carlisle City Council  
Proposed Arts Centre  
The Old Fire Station  
Warwick Street / Peter Street  
Carlisle







## SCHEDULE A: Applications with Recommendation

14/0013

Item No: 07

Date of Committee: 11/04/2014

**Appn Ref No:**  
14/0013

**Applicant:**  
Mr Swainson

**Parish:**  
Burgh-by-Sands

**Agent:**  
Gray Associates Limited

**Ward:**  
Burgh

**Location:** Bramblebeck Cottage, Moor Park, Thurstonfield, Carlisle, CA5 6HB

**Proposal:** Change Of Use Of Small Area Of Field To Residential; Erection Of Detached Domestic Garage

**Date of Receipt:**  
05/02/2014

**Statutory Expiry Date**  
02/04/2014

**26 Week Determination**

---

### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Proposal Is Appropriate To The Dwelling
- 2.2 The Impact On The Character And Appearance Of The Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Biodiversity

#### 3. Application Details

##### The Site

- 3.1 Moorpark Farm is located between Moorhouse and Thurstonfield and is immediately adjacent to the B5307 County highway. Moorhouse is approximately 590 metres to the east and Thurstonfield lies 570 metres to the west.
- 3.2 The site comprises of a one and a half storey detached dwelling constructed



from facing brick under a slate roof. The property is set back some 14.5 metres from the front boundary which itself comprises of a 1 metre high stone wall. The property is situated within a reasonable curtilage.

- 3.3 The vehicular access is located to the west of the property which is taken from one of the farm entrances. Beyond the access to the west, are a series of modern agricultural buildings and the original farmhouse. The property and the farm steading are enveloped by open countryside.

## **Background**

- 3.4 When outline planning permission was granted for the dwelling in 2002, the consent included the provision of a curtilage 14.5 metres to the front of the property and 12.5 metres to the rear. At the time of the Officer's site visit in the assessment of this application, the rear boundary was only approximately 5 metres from the back of the house some 7.5 metres short of its consented position. As the planning permission has been implemented, the boundary could be extended and the remaining land used as curtilage without the need for further consent.

## **The Proposal**

- 3.5 This application seeks "Full Planning" permission for the change of use of agricultural land to domestic curtilage together with the erection of a detached garage. The land would be to the south-east corner of the property between the house and the road. The area of agricultural land measures approximately 91 square metres in area and the garage would be sited mainly on this land and partially within the existing domestic curtilage.
- 3.6 The double garage would encompass a storage area at the southern end and would be single storey. The structure would be constructed from facing brickwork incorporating a stone plinth and stone detail under a slate roof. The gable of the garage would face the highway and vehicles would access the garage from the existing entrance to the property and across the front of the dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupier of a neighbouring property. No representations have been received.

## **5. Summary of Consultation Responses**

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

Burgh-by-Sands Parish Council: - the following objections have been received:



1. it extends the property into a green-field site and there is adequate space on the existing site for a garage;
2. it will affect the views of an open space within Burgh Moor;
3. there is no visible route of access.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), Policies CP1, CP2, CP5 and H11 of the Carlisle District Local Plan 2001-2016 and the Supplementary Planning Document "Achieving Well Designed Housing". The proposal raises the following planning issues.

#### **1. Whether The Proposal Is Appropriate To The Dwelling**

- 6.2 The proposed garage would be located forward of the front elevation close to the boundary with the highway and would be proximately visible within the character of the area. Due to its siting, the scale and overall size of the building would result in an obtrusive development that would be poorly related to the existing dwelling and would be inappropriate to its setting.
- 6.3 The proposed garage, therefore, constitutes development inconsistent with the requirements of Policy H11 of the Local Plan and the Supplementary Planning Document "Achieving Well Designed Housing" which seeks to ensure that extensions are of an appropriate scale and must not dominate the original dwelling.

#### **2. The Impact On The Character And Appearance Of The Area**

- 6.4 The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, and is a material consideration in planning decisions. The document places an emphasis on the promotion of sustainable growth whilst also protecting the environment.
- 6.5 The guidance sets out a number of core land-use planning principles in paragraph 17, which underpin both plan-making and decision-taking. The core principles embrace good design and protect character, stating that planning should; *"always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings;"* and *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*. The requirement for good design is further emphasised in paragraph 64 stating that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*



- 6.6 The land on which the building would be sited would be approximately 0.5 metres higher than the level of the adjoining road. The view when approaching from Moorhouse would be of the rear elevation of the building, an expanse of 9 metres, although this would be partially screened by the hedgerow to the adjoining field, the roof would clearly still be visible. When approaching from the opposite direction, due to the low stone wall to the front of the property, would expose the site and enhance the prominence of the building. Due to the scale and siting of the building and the elevated nature of the land, the development would not be well related to the existing property and would adversely affect the character and appearance of the area.
- 6.7 To assist the applicant in achieving the objective of building a garage, Officers advised that the curtilage of the property could be extended to the rear in accordance with the extant consent and the proposed garage resited. Subject to a slight reduction in height, the building may then be exempt from planning permission. In response, a short reply was received verbally from the agent to the effect that this would affect the visibility to the adjacent farm buildings thereby affecting the security of the farm.
- 6.8 Although security can be a material consideration, in this instance the garage would not inhibit direct views over the junction of the farm access with the County highway and with visibility over the entrance to the property and much of the farm access unaffected. Anyone passing would not be able to do so unnoticed.
- 6.9 In addition, there are a 2 other entrances to the farm which are not visible from the property and the applicant's are unable to monitor most of the farm buildings which are, themselves, screened by other farm buildings. Therefore, limited weight is attached to this argument which is outweighed by the adverse visual impact that would result on the character of the area.

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

- 6.10 Whilst planning policies may allow the principle of development, policies also require that consideration is also given to the living conditions of the occupiers of neighbouring properties. The only property close to the application site is Moorpark Farm which is within the same ownership and separated by agricultural buildings. Given the orientation of the application site with this properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties and the proposal will not result in a loss of privacy or unreasonable overlooking.

### **4. Biodiversity**

- 6.11 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is partly within the curtilage of an existing dwelling and involves development of agricultural land, it is not considered that the



development would harm a protected species or their habitat. Natural England's standing advice states that in this instance, no protected species surveys are required but works should proceed with caution requires that an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## **Conclusion**

- 6.12 In overall terms, the property is within a large plot and the principle of additional domestic accommodation on the site is considered to be acceptable; the scale of the garage would be disproportionate and obtrusive to the character and appearance of the existing dwelling. The design is not reflective of the existing property and in combination of these factors, the development would adversely affect the wider landscape character and the proposal would conflict with the objectives of the relevant Local Plan policies and Supplementary Planning Document.

## **7. Planning History**

- 7.1 Outline planning permission was refused in 2002 for the erection of a bungalow to house an agricultural worker.
- 7.2 In 2002, outline planning consent was granted for the erection of an agricultural workers bungalow and formation of a new access.
- 7.3 Planning permission was granted in 2003 for the erection of a former bungalow for occupation by an agricultural worker.
- 7.4 In 2004, planning consent was granted for a revised proposal for the erection of a dormer bungalow for occupation by an agricultural worker following the approval of outline planning consent.

## **8. Recommendation: Refuse Permission**

1. **Reason:** The proposal, by virtue of its scale, massing and position within the site would not be well related to the existing building. The garage would be visually dominant within the site and would result in an awkward intrusion into open countryside. In this location, the proposal represents an inappropriate development that would result in a discordant feature within the rural area and due to the aforementioned reasons would be detrimental to the character of the local landscape. The proposal is therefore contrary to the National Planning Policy Framework and Policy H11 (Extensions to Existing Residential Dwellings) of the Carlisle District Local Plan 2001-2016.
-



Location Plan (1:1,250)



Revision Status			Initials
Rev	Date	Amendments	

Agent

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Client

**W Swainson & Son**

Moor Park Farm

Thurstonfield

Carlisle

**CA5 6HB**

Drawing

Title: Location Plan

Scheme: New Double Garage to Serve Dwelling

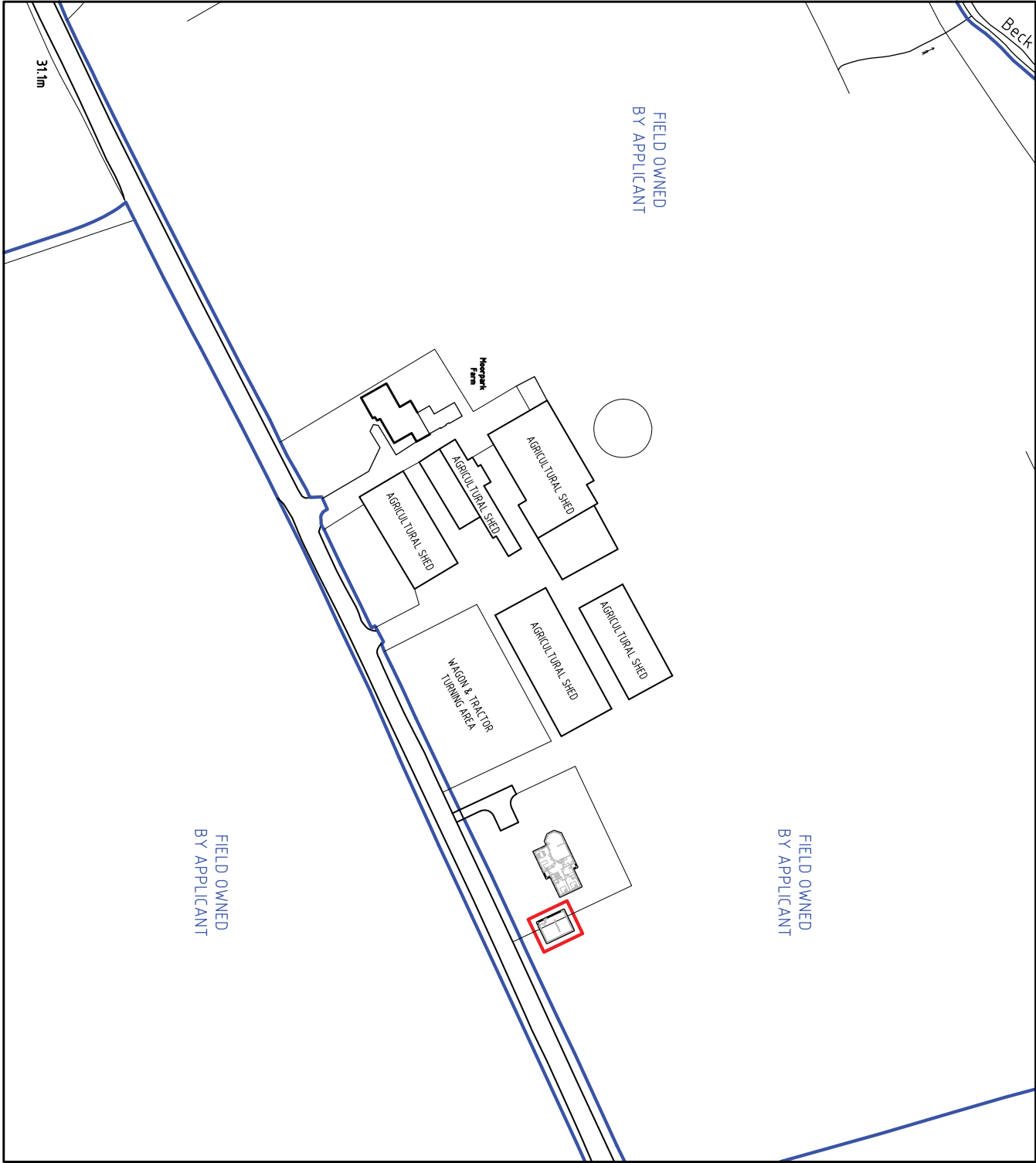
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Date: Dec 2013

Dwg No.: D-03

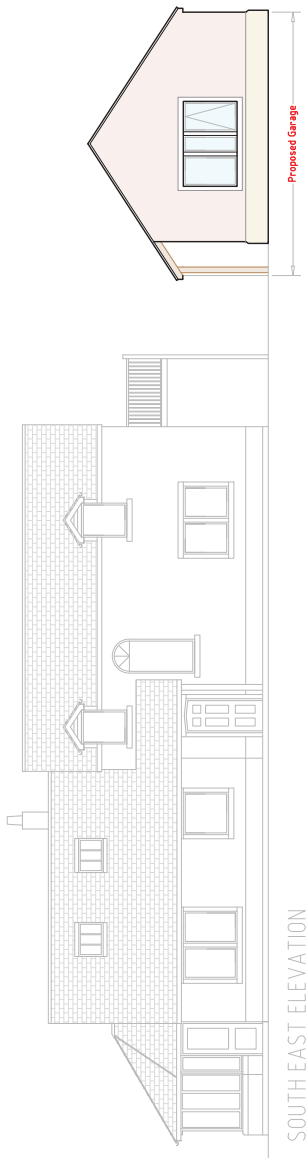
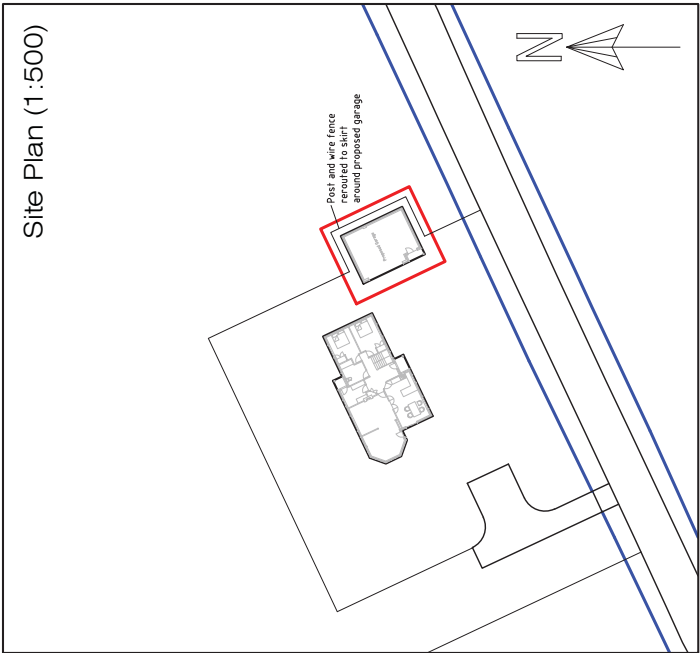
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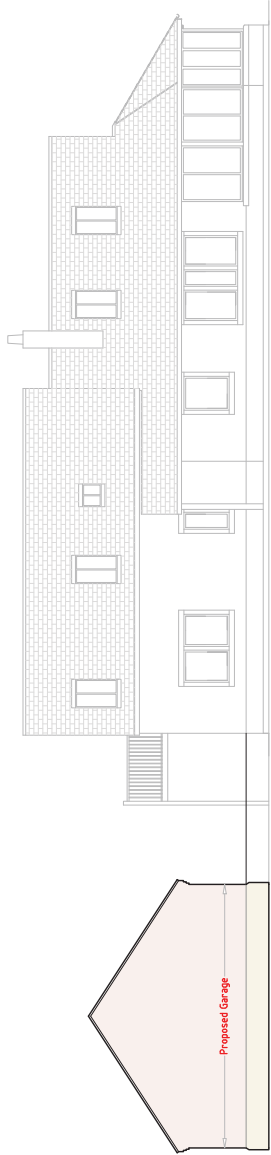




Site Plan (1:500)

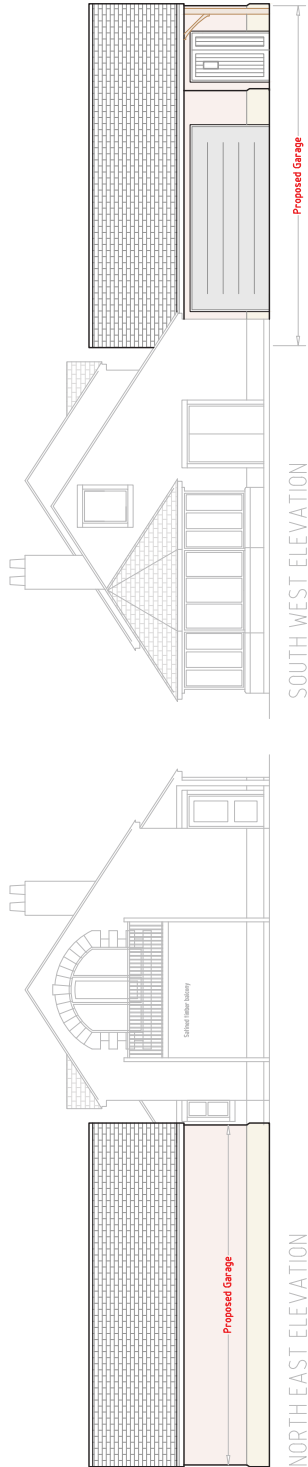


SOUTH EAST ELEVATION



NORTH WEST ELEVATION

All detailing, such as stone pinn, gable materials to closely resemble those on existing dwelling



SOUTH WEST ELEVATION

NORTH EAST ELEVATION

Revision Status	Rev	Date	Amendments	Initials

Agent

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Client

**W Swainson & Son**  
Moor Park Farm  
Thurstonfield  
Carlisle  
CA5 6HB

Drawing

Title Elevations & Site Plan

Scheme: New Double Garage to Serve Dwelling

Scale: 1:100 & 1:500

Date: Dec 2013

Dwg No.: D-01

Drawn: D Gray

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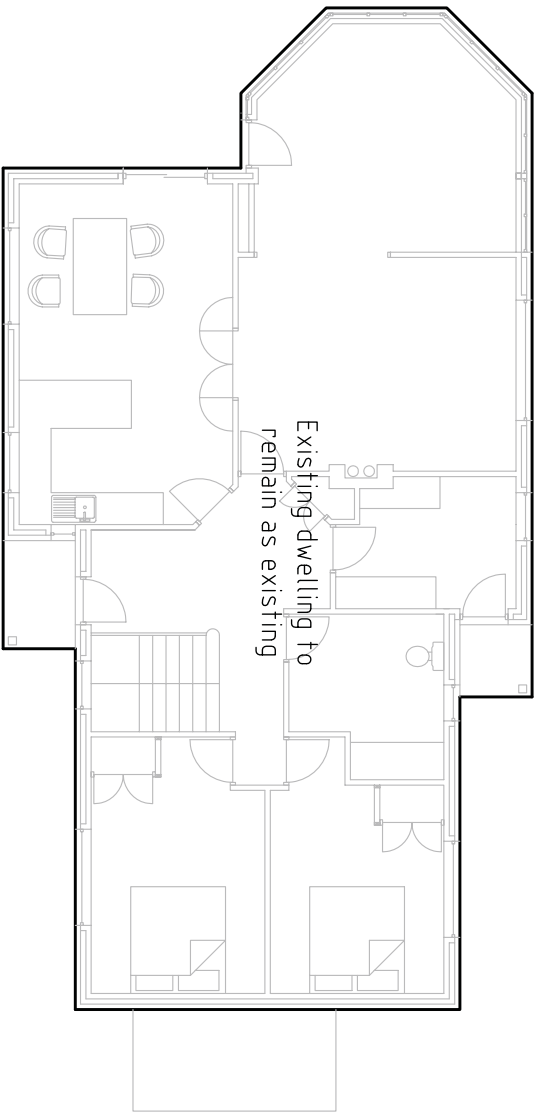
## GRAY ASSOCIATES LTD

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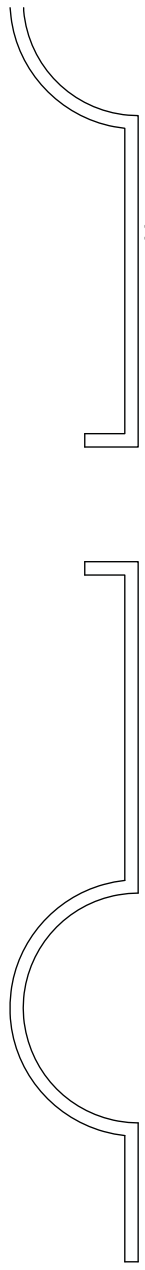
Client

W Swainson & Son  
Moor Park Farm  
Thurstonfield  
Carlisle  
CA5 6HB

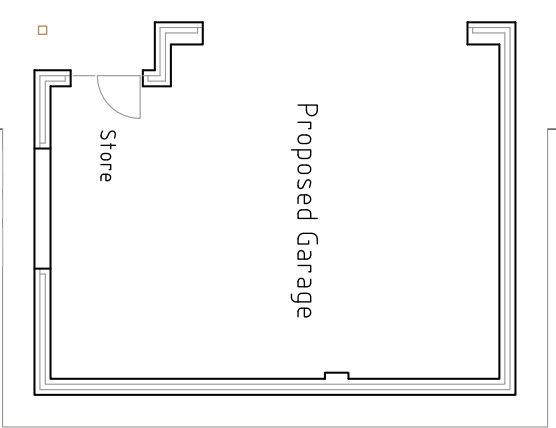
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Existing garden wall retained



Proposed Garage



Store



Drawing  
Title: Floor Plan  
Scheme: New Double Garage to Serve Dwelling  
Scale: 1:100  
Date: Dec 2013  
Dwg No.: D-02  
Drawn: D Gray



## SCHEDULE A: Applications with Recommendation

14/0120

Item No: 08

Date of Committee: 11/04/2014

**Appn Ref No:**  
14/0120

**Applicant:**  
MW SIPP Trustees Ltd

**Parish:**  
St Cuthberts Without

**Agent:**  
South Bank Architects

**Ward:**  
Dalston

**Location:** The White Quey PH, Stoneraise, Durdar, Carlisle, CA5 7AT

**Proposal:** Implementation Of Approved Extensions And Outbuildings Of  
Previously Approved Application 12/0458; Change Of Use From Public  
House To 5no. Dwellings (Revised Application)

**Date of Receipt:**  
18/02/2014

**Statutory Expiry Date**  
15/04/2014

**26 Week Determination**

---

### REPORT

**Case Officer:** Shona Taylor

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Whether The Proposal Is Appropriate To The Property And To The Surrounding Area.
- 2.3 The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.4 Highway Issues
- 2.5 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The existing buildings on the site are the remains of a complex of stone farm buildings with slated roofs. The buildings were latterly used as a large family public house, with ancillary residential accommodation to the first floor. A



single storey flat roofed extension with a glazed octagonal conservatory exists to the east of the property. There is also an extensive tarmac surfaced car park to the north and east of the site.

- 3.2 The pub closed in 2006 and has lain vacant ever since. It is currently boarded up, and has been the subject of break-ins and vandalism and is now uninhabitable. The dilapidated state of the building and large area of abandoned tarmac surfaced car parking has created an eyesore which has become a concern for the local community.

## **The Proposal**

- 3.3 The application seeks approval for the change of use of The White Quey into five dwellings. The property was previously a large Public House, with residential accommodation at first floor, but which has fallen into disrepair since this use ceased.
- 3.4 The houses converted from the original stone building will retain all of the existing internal and external stone walls, with infill and new external walls constructed in stone to match the existing. The roofs are to be natural slate and all windows will be painted timber, replacing the existing upvc and aluminium windows.
- 3.5 The proposal is also seeking approval for the erection of a single storey outbuilding to the rear of the site, as garages for the units.
- 3.6 The proposal takes the same form as the 2012 approval for two luxury dwellings which was granted under delegated powers (12/0548).

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to neighbouring properties. In response four letters of objection have been received. The grounds of objection are summarised as;
1. no evidence has been submitted in support of the claim that the two homes which already have consent have been advertised;
  2. there is a shortage of large family homes in certain rural areas, and two large houses with paddocks for horses would have been much more in keeping;
  3. the plans show a large part of the White Quey site will remain with the developer, there are suspicions that long term intent is to apply for new build housing;
  4. where will the responsibility lie for looking after the remainder of the site and for any on-going sewerage related problems if it does not belong to the new purchasers of the dwellings?
  5. there are serious reservations about how the sewage from the proposed new properties will be dealt with, previously, the sewage had to be pumped to the main sewage system at Durdar, and it was not unusual for the pipes to be blocked with the result that effluent flowed into nearby



- becks and streams;
6. a neighbour notes within the submitted documents, the possibility of constructing a footpath between the site and Durdar, this would be inappropriate and would spoil the character of the rural area;
  7. there are outstanding drainage and fencing issues, who will retain responsibility for the site?

## **5. Summary of Consultation Responses**

Cumbria County Council - Highways & Transport: - no objections subject to conditions;  
St Cuthberts Without Parish Council: - no response received;  
Local Environment - Environmental Protection: - no objections subject to a condition.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, H1, H8 and T1 of the Carlisle District Local Plan 2001-2016 (the full text of these follows).

The proposals raise the following planning issues:

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

- 6.2 Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application. The Framework seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.
- 6.3 With regard to the conversion of existing buildings, the NPPF is permissive of such proposals where "the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting".
- 6.4 The application involves the re-use of a disused building and in doing so will lead to an enhancement of the building, using materials to match the existing and reinstalling some original features, including timber windows. This will therefore lead to an enhancement of the immediate setting at a prominent position on the roadside. The proposal is therefore consistent with the NPPF.
- 6.5 In light of the above, the proposal is acceptable in principle.

#### **2. Whether The Proposal Is Appropriate To The Property And To The Surrounding Area.**

- 6.6 The proposal involves the removal of the existing single storey modern extension and conservatory, exposing the remaining stone facades. It is then proposed to extend the original building, by erecting a two storey wing to the



south of the property to reflect the original form of the farm complex. The majority of the tarmac parking area would be removed, and all of the existing upvc and aluminium windows will be replaced with painted timber windows. The proposed outbuilding to the rear of the site to form the garages would also be of good quality.

- 6.7 As such it is considered that the alterations will enhance the appearance of the premises, and will not have a detrimental impact upon the character or appearance of the property.

### 3. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.8 Due to the location of the building, and the distance to any neighbouring properties it is not considered that the proposal would have any impact as a result of loss of light, overlooking or overdominance.

### 4. Highway Issues

- 6.9 The Highway Authority have raised no objections to the proposal subject to the imposition of four standard highway conditions, along with a requirement for a Construction Management Plan to be submitted requiring construction activity to be outside school muster times.

### 5. Other matters

- 6.10 Some neighbours have raised concerns regarding the drainage of the site. Following the Applicants meeting with the Parish Council, they have incorporated a sustainable drainage system in the form of a pond to the centre of the development, to collect any rainwater run off and overflow into the brook. Additionally, they have stated that the existing septic tanks and drainage system will be examined and tested and any necessary upgrading will be implemented. Should the existing drainage system not be capable of being repaired then the foul drainage will be dealt with on site by an independent sewage treatment plant.
- 6.11 Additionally, in response to neighbour queries about the remainder of the White Quay site, the applicant has stated that the remaining land outside the new development would be laid to meadow with a regular cut as part of a long term maintenance plan.

## Conclusion

- 6.12 In overall terms the proposed change of use of the property to form five residential units is in accordance with the NPPF. Subject to the imposition of appropriate conditions the appearance of the premises and the surrounding area can be safeguarded. There are no nearby residents that would be affected by the proposal. In all aspects the proposal is considered to be compliant with the objectives of the relevant policies, and on this basis, the proposal is recommended for approval.



## **7. Planning History**

- 7.1 In 2012 A Change Of Use From Public House To 2no. Dwellings, Partial Demolition And Extension Together With Associated Outbuildings was granted (12/0548);
- 7.2 In 2009 permission was granted for an extension to the bar/lounge area to provide play area (97/0660);
- 7.3 In 1991 Advertisement consent was given for the display of 3 elevational signs and 2 play area signs (91/0826);
- 7.4 In 1991 permission was granted for an extension to the public house and restaurant 91/0207;
- 7.5 In 1986 permission was granted for the conversion of the existing barn to a restaurant (86/0204).

## **8. Recommendation: Grant Permission**

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

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

- 2. The approved documents for this Planning Permission comprise:
  - 1. the submitted planning application form;
  - 2. the existing site plan received 18th February 2014;
  - 3. the existing location plan received 18th February 2014;
  - 4. the existing plans received 18th February 2014;
  - 5. the proposed plans received 18th February 2014;
  - 6. the proposed site plan received 18th February 2014;
  - 7. the existing elevations received 18th February 2014;
  - 8. the proposed elevations received 18th February 2014;
  - 9. the proposed outbuildings plans and elevations received 18th February 2014;
  - 10. the planning statement received 18th February 2014;
  - 11. the existing images received 25th May 2012;
  - 12. the contaminated land assessment received 18th February 2014;
  - 13. the Notice of Decision; and
  - 14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

- 3. Samples or full details of all materials to be used on the exterior shall be



submitted to and approved in writing by the Local Planning Authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2012.

4. 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 CP1 of the Carlisle District Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant/septic tank has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent pollution of the water environment and to ensure compliance with Policy CP11 of the emerging Carlisle District Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwellings shall be carried out without the permission of the Local Planning Authority.

**Reason:** The Local Planning Authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. 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 unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 and LD8.



8. 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 and to support Local Transport Plan Policies LD7 and LD8.

9. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities 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.

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

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

11. No development shall take place until a Construction Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Site Management Plan shall include details limiting the construction activity to outside of school muster times.

**Reason:** In the interests of Highway safety.

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

Site investigations should follow the guidance in BS10175.

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

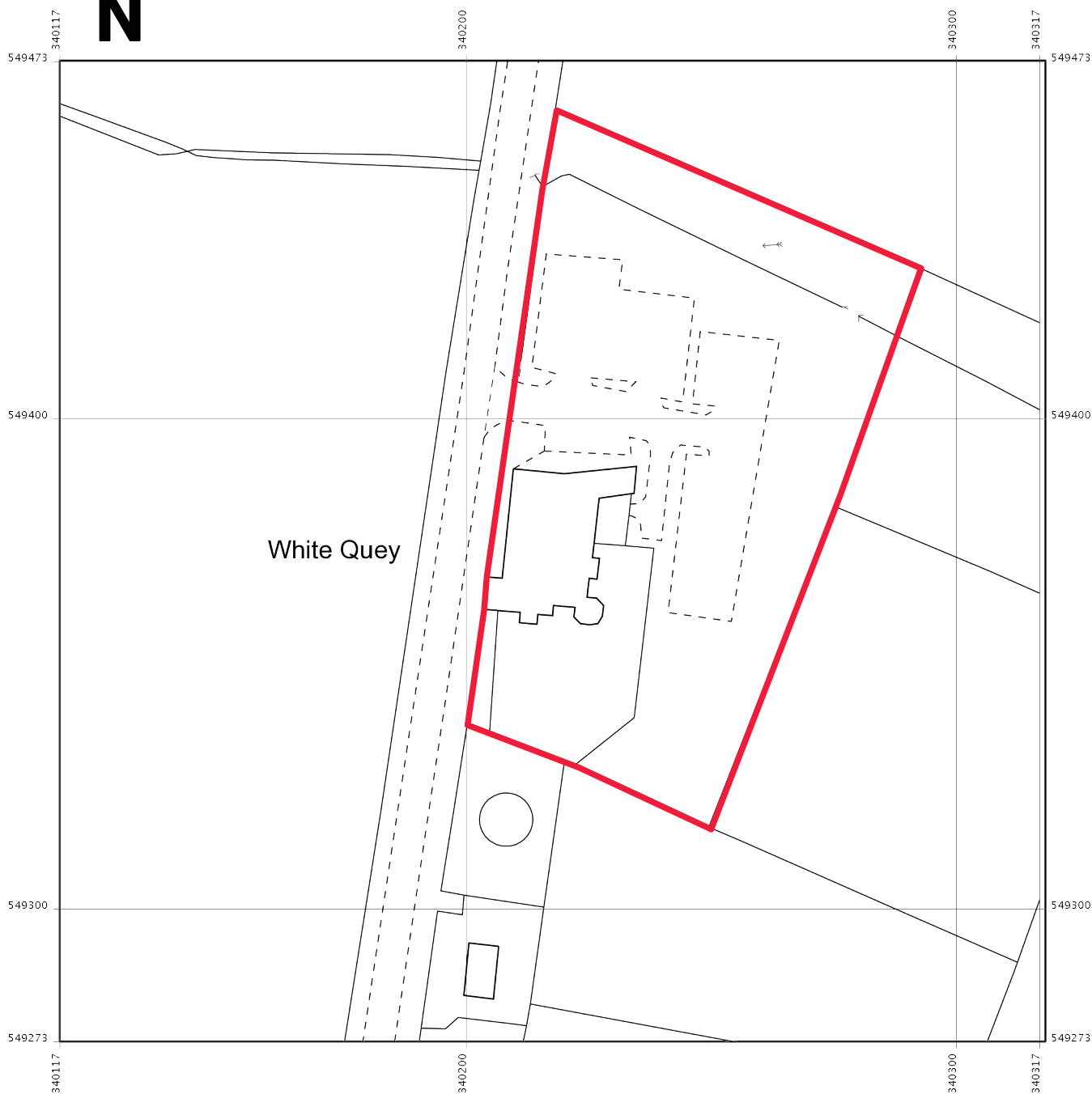
**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with



those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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Project

The White Quey  
Stoneraise, Durdar,  
Carlisle, CA5 7AT

Scale

1:1250

Drawing no

**S2808/SLP**

Title

Location Plan

Date

July 2013

**south bank architects**  
south bank architects

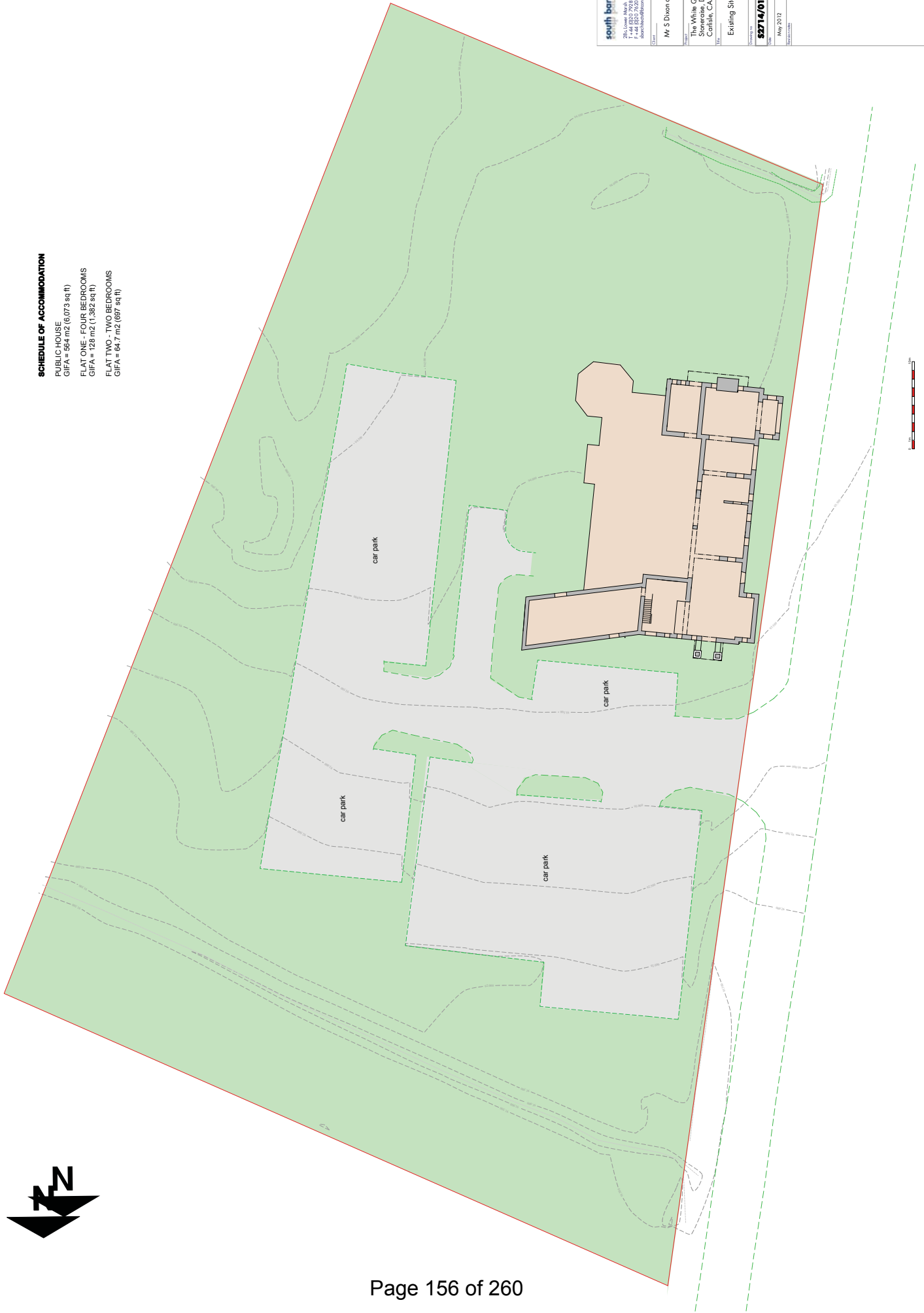
28a Lower Marsh London SE1 7RG  
T +44 (0)20 7928 6144  
architecture@southbankarchitects.co.uk





**SCHEDULE OF ACCOMMODATION**

PUBLIC HOUSE  
GIFA = 584 m<sup>2</sup> (6,073 sq ft)  
FLAT ONE - FOUR BEDROOMS  
GIFA = 128 m<sup>2</sup> (1,382 sq ft)  
FLAT TWO - TWO BEDROOMS  
GIFA = 64.7 m<sup>2</sup> (697 sq ft)



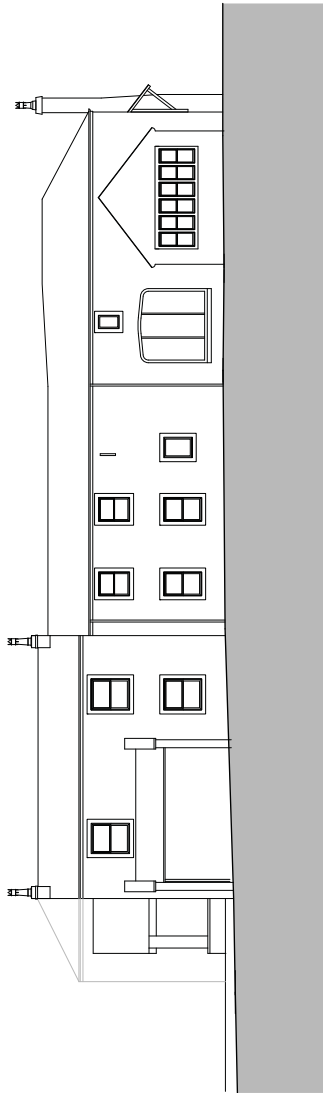
<b>south bank architects</b> The White Quay 7-11 The Quay, Newcastle, NE1 7TG Tel: 01672 2921 01 Fax: 01672 2921 06 Email: info@southbankarchitects.co.uk	
Client	Mr S Dixon and Mr J Peart
Project	The White Quay Stonehouse, Durdar, Carlisle, CA5 7AT
Title	Existing Site Plan
Drawing No	82714/01
Scale	1:200 @ A1
Date	May 2012
Drawn By	GB
Checked By	

As prepared for the proposed development, dated 10th May 2012

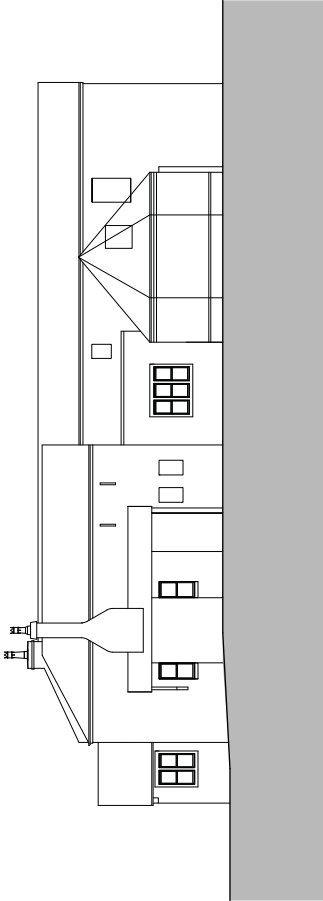




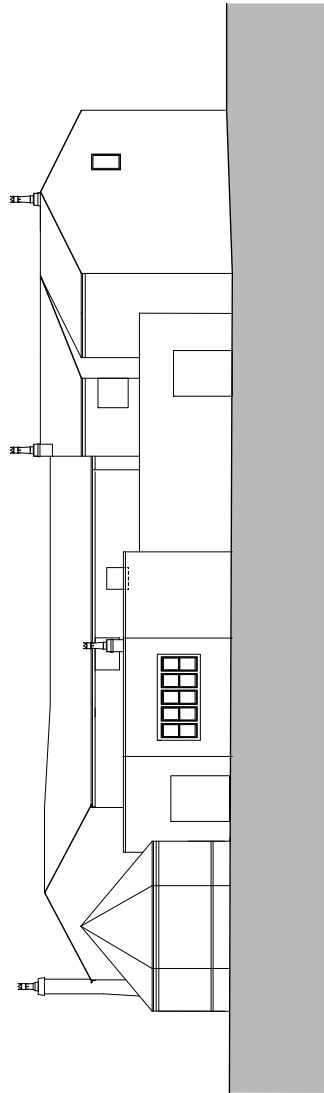




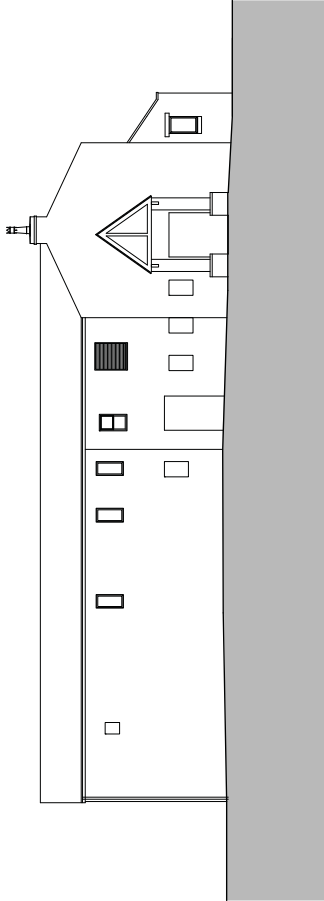
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



<b>south bank architects</b> 300 Main Street, Suite 200 Portland, ME 04101 Phone: (207) 858-1770 Fax: (207) 858-1771 Email: info@southbankarchitects.com	
Project Name Mr. S. Dixon and Mr. J. Peart	Project Address The White Quarry Stonewall, Durand, Carleton, CA 5 7A1
Project Type Existing Elevations	Project Number \$2714/03
Project Date May 2012	Project Status GB
Project Location 1.00 @ A1	
Project Notes May 2012	



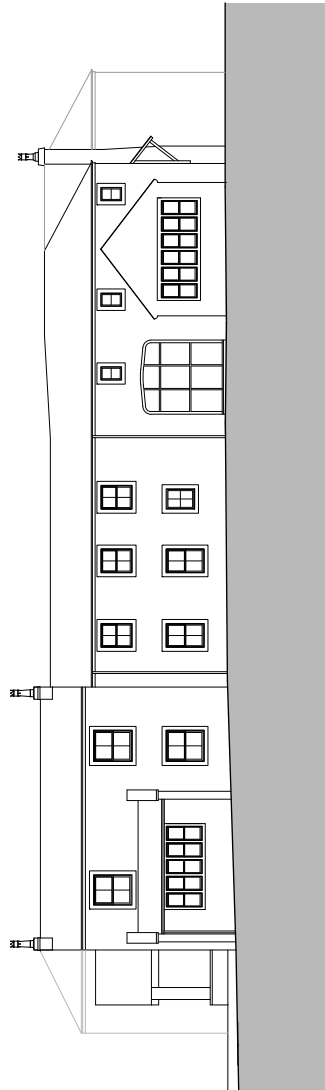
garden	roadway	car parking
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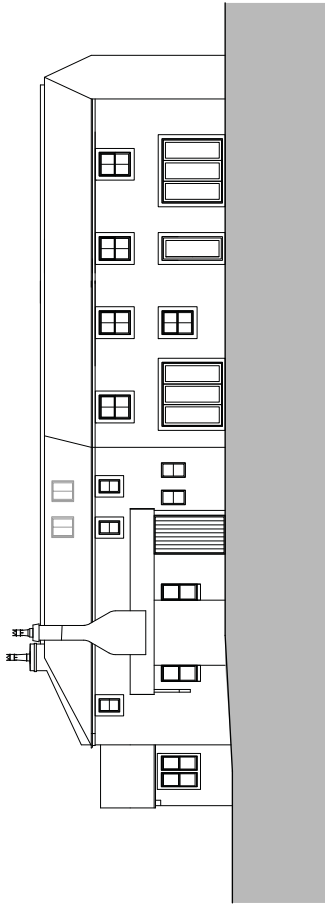




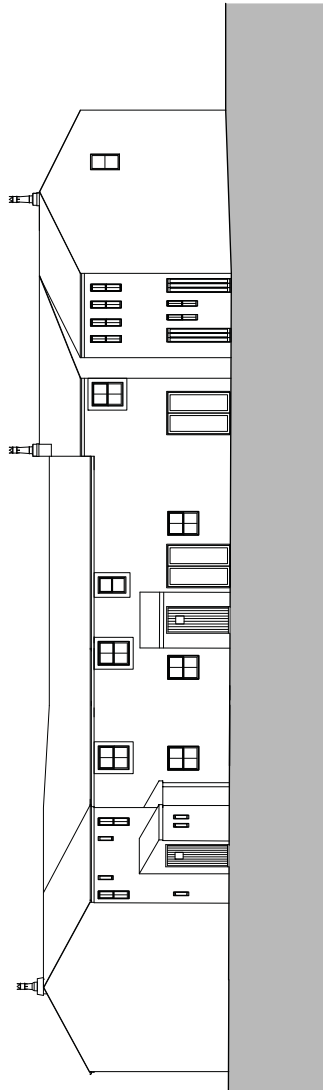




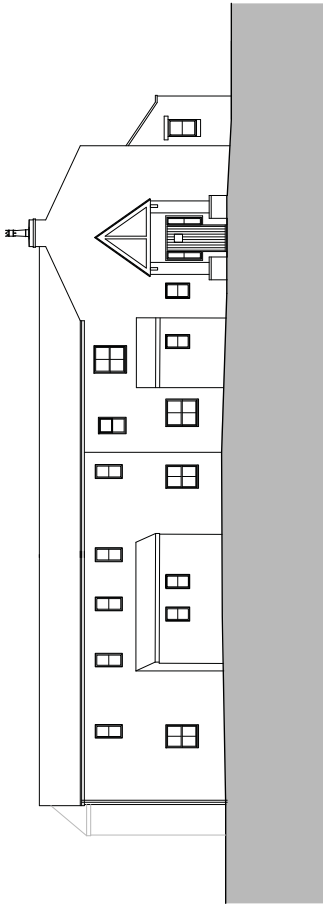
WEST ELEVATION



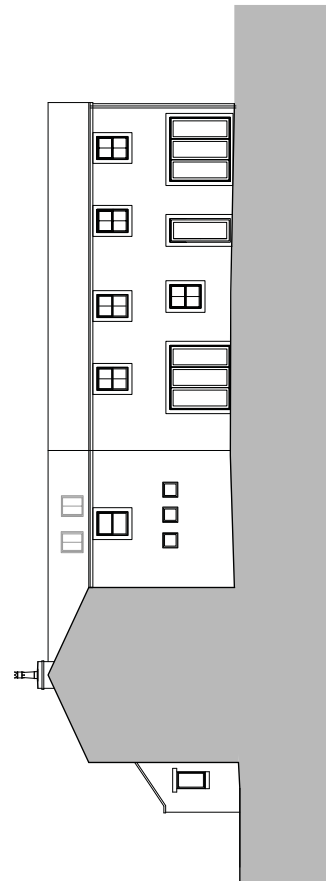
SOUTH ELEVATION



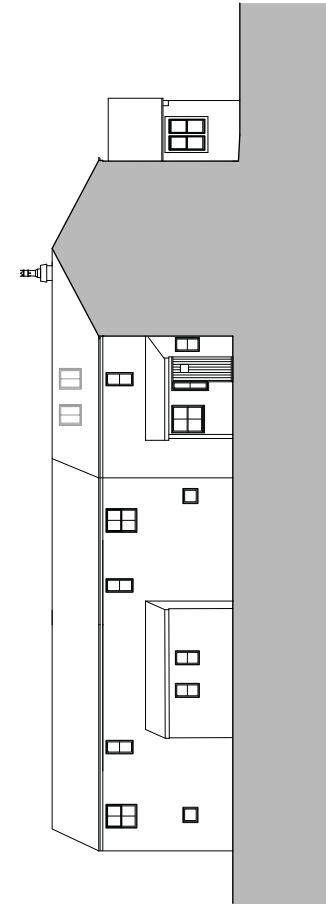
EAST ELEVATION



NORTH ELEVATION



SECTION AA

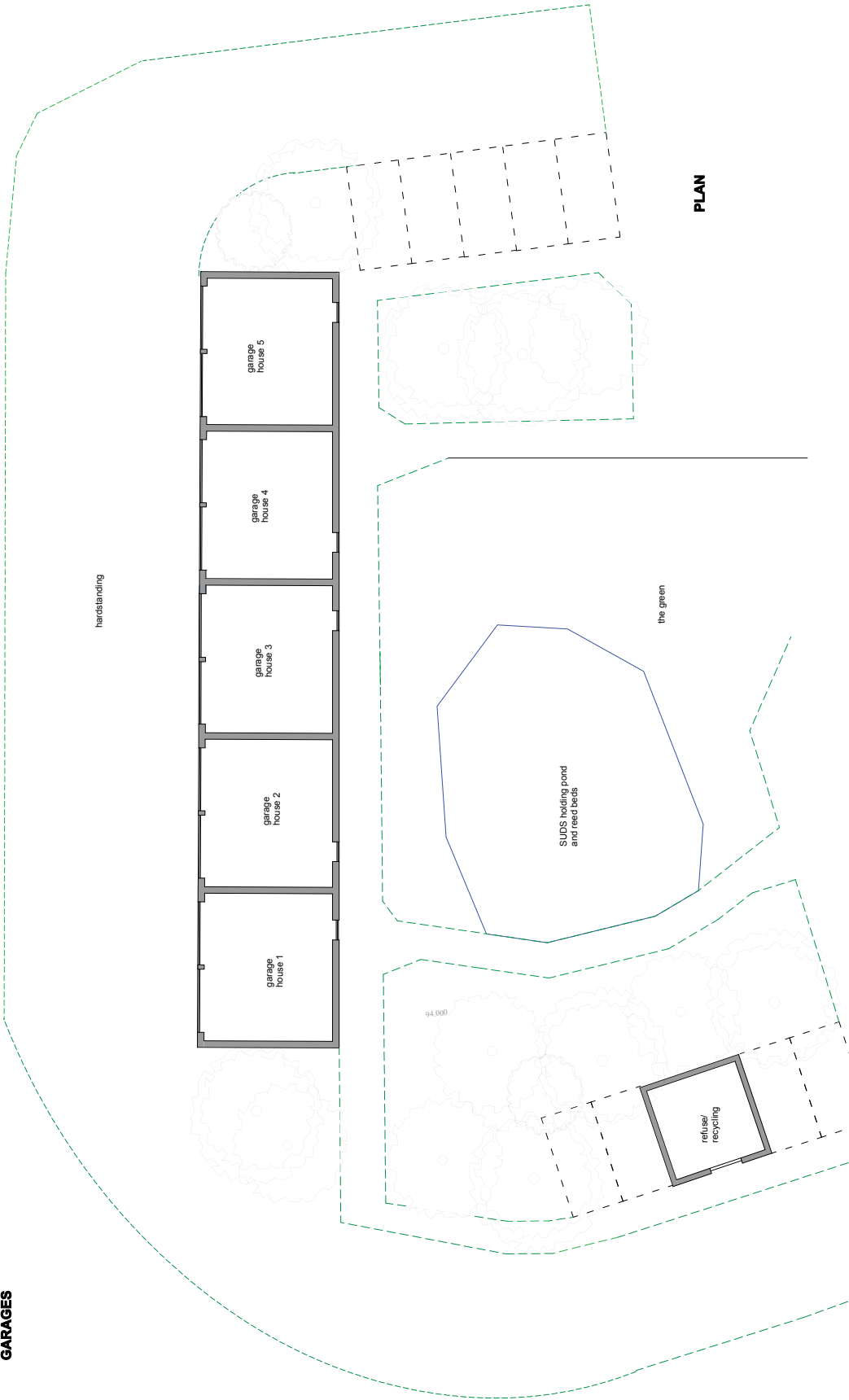
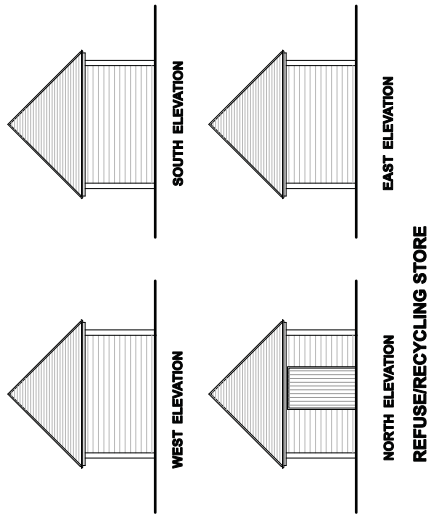
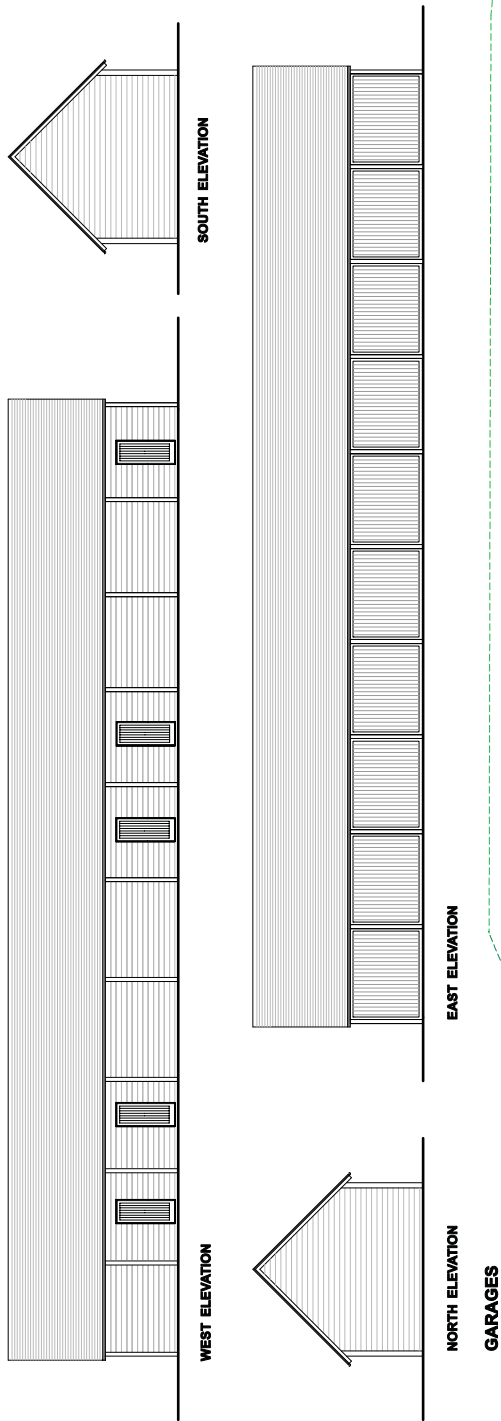


SECTION BB



<b>south bank architects</b> 300, The White Quay, Stonehouse, Durdar, Cardiff, CA5 7AT T +44 (0)20 7623 0145 F +44 (0)20 7623 0145 info@southbankarchitects.com		Client	MV SFP Trustees Ltd	
Drawing no: 52808/13A Date: May 2012 Drawn by: GB Checked by: GB Scale: 1:100 @ A1 Title: Existing Building Proposed Elevations		Project	The White Quay, Stonehouse, Durdar, Cardiff, CA5 7AT	
rev A - Oct 2013 - planning submission		Project	Existing Building Proposed Elevations	





<b>south bank architects</b>	
The White Quay Stonemason, Durdar, Canfield, CA5 7AT	
Tel: 01203 7621 01/04 Fax: 01203 7621 04/05 Email: info@southbankarchitects.com	
Client	MV SFP Trustees Ltd
Project	The White Quay Stonemason, Durdar, Canfield, CA5 7AT
Site	Outbuildings Plan and Elevations
Drawn by	1.00 @ A1
Check by	1.00 @ A1
Date	May 2012
Scale	GB
Project No	52808/14A
Rev A	Oct 2013 - planning submission



# SCHEDULE B

# SCHEDULE B



# SCHEDULE C

# SCHEDULE C



## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 09**

Between 07/02/2014 and 28/03/2014

**Appn Ref No:**

14/9002

**Applicant:**

Cumbria County Council -  
Mr Stephen Leaper

**Parish:**

Carlisle

**Date of Receipt:**

30/01/2014

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Currock

**Location:**

The Courts, English Street, Carlisle, Cumbria, CA3  
8NA

**Grid Reference:**

340211 555617

**Proposal:** Installation Of Cast Iron Downpipe And Hopper To Discharge To New  
Gulley (LBC)

**Amendment:**

### REPORT

**Case Officer:** Shona Taylor

### City Council Observations on the Proposal:

**Decision:**

**Date:**

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 12/03/2014

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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## Department for Communities and Local Government

Mrs E Lunn  
Via email: emma.lunn@cumbria.gov.uk

**Please ask for:** Michelle Peart  
**Tel:** 0303 444 8042  
**Email:** Michelle.peart@communities.gsi.gov.uk  
  
**Your ref:** 1/14/9002  
**Our ref:** NPCU/LBC/H0900/73569  
  
**Date:** 12 March 2014

Dear Mrs Lunn

### **Planning (Listed Buildings and Conservation Areas) Act 1990 Application for Listed Building Consent**

**Address: The Courts, English Street, Carlisle, Cumbria, CA3 8NA**

I am directed by the Secretary of State for Communities and Local Government to refer to your email of the 28 February 2014 with enclosures, concerning your Council's application for Listed Building Consent for installation of cast iron downpipe and hopper to discharge to new gulley at the above address. The application was made in accordance with the provisions of Regulation 13 of the Planning (Listed Buildings and Conservation Area) Regulations 1990.

The Secretary of State has considered the information submitted by your Council in support of the application and noted that English Heritage has no objections, and no representations or objections were made by Amenity Societies or other third parties to the proposals.

Therefore the Secretary of State hereby grants Listed Building Consent for the above works subject to the following conditions:

1. The works to which this consent relates must have begun before the expiration period of three years from the date of this consent.
2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise of the following:

National Planning Casework Unit  
Department for Communities and Local Government  
5 St Philips Place  
Colmore Row  
Birmingham B3 2PW

Tel: 0303 44 48050  
npcu@communities.gsi.gov.uk



- a) The submitted application form – dated 21 January 2014
- b) Photo submitted illustrating the route of the proposed hopper and downpipe
- c) Boundary Plan, showing the extent of the boundary of the site owned by Cumbria County Council, and the location of the new downpipe.
- d) Document “Specification for new downpipe, hopper and gulley at The Courts, English Street, Carlisle”
- e) The Decision Notice

This letter does not convey any consent or approval required under any enactment, byelaw, order, or regulation, other than Section 8 and 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A separate Note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged in the High Court.

Attention is also drawn to the enclosed Note relating to the provisions of the Chronically Sick and Disabled Persons Act 1970.

Yours sincerely

Mike Walton  
Planning Manager

Encs



## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 10**

Between 07/02/2014 and 28/03/2014

**Appn Ref No:**

14/9001

**Applicant:**

Cumbria County Council  
ccc

**Parish:**

**Date of Receipt:**

16/01/2014

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Belah

**Location:**

Kingmoor Infant School, Hether Drive, Lowry Hill,  
Carlisle, Cumbria, CA3 0ES

**Grid Reference:**

339200 558486

**Proposal:** Erection Of Temporary Building, Housing 2No Classrooms And  
Associated Toilet Provision For A Period Commencing March 2014 And  
Terminating 31st October 2014

**Amendment:**

### REPORT

**Case Officer:** Suzanne Osborne

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 04/02/2014

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 03/03/2014

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2010

**NOTICE OF PLANNING CONSENT**

To: Cumbria County Council  
The Parkhouse Building  
Kingmoor Business Park  
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 9 January 2014.

**viz: Erection of temporary building, housing two classrooms and associated toilet provision for a period of one year commencing March 2014**

**Kingmoor Infant School, Hether Drive, Lowry Hill, Carlisle, Cumbria, CA3 0ES**

Subject to due compliance with the following conditions:

**Time Limit**

1. The portacabin shall only be on the site from 01 April 2014 to 31 October 2014. The portacabin shall be removed from site prior to 01 November 2014, and the ground shall be reinstated to the existing car parking and garden areas.

*Reason: In order to secure removal of the portacabins after the temporary period, and reinstatement of the land.*

**Approved Scheme**

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
  - a. The submitted Application Form - dated 08/01/2014;
  - b. Covering letter from Doug Forrest, Architects Plus, dated 8 January 2014;
  - c. Supporting Statement - Kingmoor Infant School, Temporary Classroom Building - dated 8 January 2014;
  - d. Additional information provided in letter from Doug Forrest, Architects Plus, dated 27 January 2014;
  - e. Plan - Location Plan - Temp Accommodation, Plan no 12063-1-34A, dated 01.14;
  - f. Plan - Block Plan - Temp Accommodation, Plan no 12063-1-33A, dated 01.14;
  - g. Plan - Kingmoor Infant School, Temporary Accommodation, Plan no 12063-1-32, dated 01.14;
  - h. The details or schemes approved in relation to conditions attached to this permission;
  - i. This Decision Notice.

*Reason: To avoid confusion as to what comprises the approved scheme & ensure the development is carried out to an approved appropriate standard.*



## CONSTRUCTION TRAFFIC MANAGEMENT

3. The development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- a) the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
  - b) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - c) Timing of the proposed construction works and deliveries.

Once approved the development shall be carried out in accordance with the approved CTMP.

*Reason: In the interests of highway safety.*

Dated the 3 March 2014

Signed: Jim Savege  
Corporate Director of Environment & Community Services  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- The policies and reasons for the approval of this planning application are set out within the planning officers' report on the application which can be viewed online via: [Onlineplanning.cumbria.gov.uk/ePlanningOPS/searchPageLoad.do](http://Onlineplanning.cumbria.gov.uk/ePlanningOPS/searchPageLoad.do)
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (*see point 5 of Appendix*)
- Any approval to be given by the Corporate Director of Environment & Community Services or any other officer of Cumbria County Council shall be in writing.



## **APPENDIX TO NOTIFICATION OF PLANNING DECISION**

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (Tel. 03708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities Plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £97 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.



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**Item No: 11** Between 07/02/2014 and 28/03/2014

**Appn Ref No:**  
12/0829

**Applicant:**  
Story Construction Limited

**Parish:**

**Date of Receipt:**  
05/10/2012

**Agent:**  
Positive Planning Solutions

**Ward:**  
Belle Vue

**Location:**  
Land Adj. To Thomas Lane, Burgh Road Industrial  
Estate, Carlisle, CA2 7NA

**Grid Reference:**  
337895 556233

**Proposal:** Change of Use of Vacant Field to Create Additional Yard Storage For  
Existing Business (Revised Application)

**Amendment:**

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## **REPORT**

**Case Officer:** Stephen Daniel

### **Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal relates to the change of use of a vacant field to create additional storage for existing business on land adjacent to Thomas Lane, Burgh Road Industrial Estate, Carlisle.

The application was refused at committee in April 2013 for the following reasons:

*1. The proposed site is an undeveloped field that lies between two existing industrial estates and is designated as Urban Fringe Landscape in the Carlisle District Local Plan 2001-2016. Within areas of Urban Fringe Landscape permission will not be given for development which adversely affects the open character of the area. The proposed use of a large part of the site for the storage of office cabins, containers and other bulky equipment, would have an adverse impact on the open character of the area and would be contrary to Policy LE1 (Urban Fringe Landscape) of the Carlisle District Local Plan 2001-2016.*

*2. The site is currently undeveloped and is an important wildlife habitat, within the urban area. The proposal to level the site and to create a storage area would have an adverse impact on the biodiversity of the site. The proposal is, therefore, contrary to Policy CP2 (Biodiversity) of the*



## **SCHEDULE C: Applications Determined by Other Authorities**

*Carlisle District Local Plan 2001-2016 which seeks to conserve and enhance the biodiversity value of the areas which they affect.*

The Inspector considered that the proposed development would not retain the open aspect of the site as it would result in a significant area of open storage, within a newly engineered landform, that would house a variety of large and bulky items. Whilst these might be moved on and off the site, there could be no control over how much of the site would be used for storage at any one time and it is likely that much of the flat area created would be used. Consequently, the openness of the area, and the green buffer it provides between two existing industrial estates, would be irretrievably lost. The additional landscaping proposed would not outweigh the loss of the overall area of open space. On this issue, the Inspector concluded that the proposed development would materially harm both the character and appearance of the site and surrounding area, contrary to the provisions of Policy LE1 of the Local Plan and the aims of the NPPF.

The Inspector also considered that the site is of nature conservation significance and he was concerned that the necessary assessments and surveys have not been undertaken to confirm the extent of such interest or the possibility of harm to protected species on the site, and areas of ecological importance close to it. He concluded on this matter, that it has not been shown that nature conservation interests on the appeal site can be adequately protected, therefore, it is likely that material harm would be caused to them by the proposed development.

The appeal was therefore dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 07/02/2014



# SCHEDULE D

# SCHEDULE D



## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 12**

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

12/0793

**Applicant:**

Story Homes

**Parish:**

St Cuthberts Without

**Date of Receipt:**

20/09/2012 23:00:42

**Agent:**

Positive Planning Solutions Ltd

**Ward:**

Dalston

**Location:**

Land bounded by Hammonds Pond, Oaklands Drive and Durdar Road, Carlisle

**Grid Reference:**

340586 553114

**Proposal:** Erection Of 318no. Dwellings (Including 66no. Affordable Dwellings), Associated Open Space and Infrastructure

**Amendment:**

### REPORT

**Case Officer:** Angus Hutchinson

#### Details of Deferral:

Members will recall at Committee meeting held on 20th December 2013 that authority was given to the Director (Economic Development) to issue approval subject to the satisfactory completion of a Section 106 Agreement securing:

- a) the payment of a commuted sum towards improvements to the CCTV system serving Hammonds Pond (£10,000); improve the drainage to the football pitches at Hammonds Pond (£40,000); improvements to the skate park at Hammonds Pond (£133,000); carry the diversion, re-instatement and provision of lighting to two footpaths at Hammonds Pond (£185,000);
- b) the transfer an area of land to form an extension to Hammonds Pond to the City Council;
- c) the payment of the commuted sum (£171,000 plus an administration fee of £8,500) requested by the Education Authority;
- d) the provision to each unit of a refuse wheeled bin;
- e) the provision of the affordable housing (66 units with 35 in the form of low cost units, and 31 as rented units - the 35 low cost units comprise x10 two bed apartments; x23 three bed houses; and x2 four bed houses, and the affordable rented units are specified as x10 two bed apartments; x15 three bed houses; and x2 four bed houses);
- f) the payment of £10,000 to enable improvements to be carried out to the Caldew Cycleway;
- g) the submission of a full Travel Plan involving the appointment of a Travel Plan Co-ordinator (to produce annual reports until one year after the



## SCHEDULE D: Reports on Previously Deferred Decisions

- completion of the final property) and a target reduction of 10% in AM and PM peak hour trips;
- h) the payment of a Travel Plan bond in favour of the County Council to be used in the event that the targets have not been achieved i.e. £77,175 (based on the cost of an annual Carlisle Megarider bus ticket multiplied by the proposed reduction in the number of AM and PM peak hour car trips multiplied by 5 years), and an administration contribution of £6,600; and
  - i) the City Council's monitoring fee of £300 per commitment.

The S106 Agreement has been completed and approval was issued on 13th March 2014.

**Decision:** Granted Subject to Legal Agreement

**Date:** 13/03/2014

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 21st September 2012 and accompanying letters from the agent dated 21.02.13 (inclusive of attached Development Plot Schedule), 22.04.13, 10.07.13 and 10.12.13;
2. the Location Plan (drawing number BLA-LP1 Rev A) received 21st February 2013;
3. the Site Layout Plan (drawing number 20868-05 Rev X);
4. Site Context Photographs 3 & 4 received 21st September 2012;
5. the Site Context Plan (drawing number L1) received 21st September 2012;
6. the Site Appraisal Plan (drawing number L2) received 21st September 2012;
7. the Visual Appraisal Plan (drawing number L4) received 21st September 2012;
8. the Street Elevations 1 of 2 (drawing number SE-01 Rev C) received 21st September 2012 (amended);
9. the Street Elevations 2 of 2 (drawing number SE-02 Rev C) received 21st September 2012;



## **SCHEDULE D: Reports on Previously Deferred Decisions**

10. House Type 1 (Handed) (drawing numbers PLP2H; PLE2/4H; PLE2/5H; PLE2/6H; PLE2/7H) received 21st February 2013;
11. House Type 5 (Handed) (drawing numbers PLP1H; PLP2H; PLE1/4H; PLE2/4H Rev A) received 21st February 2013;
12. House Type 6 (Handed) (drawing numbers PLP1H Rev A; PLE1/3H Rev C; PLE1/4H Rev D; PLE1/8H Rev C; PLE1/11H Rev B) received 21st February 2013;
13. House Type 9 (Handed) (drawing numbers PLP3H Rev A; PLE3/1H) received 21st February 2013;
14. House Type 11 (Handed) (drawing numbers PLP1H Rev A; PLE1/1H Rev A; PLE1/4H Rev A) received 21st February 2013;
15. House Type 12 (Handed) (drawing numbers PLP1H; PLP2H; PLE1/2H; PLE2/4H) received 21st February 2013;
16. House Type 14 (Handed) (drawing numbers PLP1H; PLP2H; PLE1/3H; PLE1/5H; PLE2/1H) received 21st February 2013;
17. House Type 16 (Handed) (drawing numbers PLP1H; PLE1/2H; PLE1/3H) received 21st February 2013;
18. House Type 20 (Handed) (drawing numbers PLP1H; PLE1/1H; PLE1/2H) received 21st February 2013;
19. House Type 28 (Handed) (drawing numbers PLP1H; PLE1/1H; PLE1/2H; PLE1/3H) received 21st February 2013;
20. House Type 32 (Handed) (drawing numbers PLP1H; PLE1/4H; PLE1/5H; PLE1/7H) received 21st February 2013;
21. House Type 4-2 (drawing numbers PLP1; PLE1/1; PLE1/10; PLE1/11) received 21st February 2013;
22. House Type 32 (drawing numbers CRL-PLP1; CRL-PLE1/4; CRL-PLE1/7) received 21st February 2013;
23. House Type 28 (drawing numbers PLP1; PLE1/2; PLE1/3; PLE1/1) received 21st February 2013;
24. House Type 21 (drawing numbers PLP1; PLE1/1; PLE1/2; PLE1/3) received 21st February 2013;
25. House Type 20 (drawing numbers PLP1; PLE1/1; PLE1/2) received 21st February 2013;



## **SCHEDULE D: Reports on Previously Deferred Decisions**

26. House Type 1 (drawing numbers PLP2; PLE2/4; PLP4; PLE2/5; PLE2/6; PLE2/7; PLE4/4; PLE4/7) received 21st February 2013;
27. House Type 2 (drawing numbers PLP1; PLP3; PLE1/3; PLE3/3) Received 21st February 2013;
28. House Type 5 (drawing numbers PLP1; PLP2; PLE1/4; PLE1/5; PLE2/4) received 21st February 2013;
29. House Type 6 (drawing numbers PLP1 Rev A; PLE1/4 Rev B; PLE1/8 Rev A; PLE1/11) received 21st February 2013;
30. House Type 9 (drawing numbers PLP1 Rev A; PLP3 Rev A; PLE1/2; PLE1/5; PLE1/6; PLE3/1) received 21st February 2013;
31. House Type 10 (drawing numbers PLP1; PLP2; PLE1/4; PLE1/5; PLE1/6; PLE2/1) received 21st February 2013;
32. House Type 11 (drawing numbers PLP1; PLE1/1; PLE1/4) received 21st February 2013;
33. House Type 12 (drawing numbers PLP1; PLP2; PLP3; PLE1/2; PLE2/4; PLE3/1) received 21st February 2013;
34. House Type 13 (drawing numbers PLP1; PLP2; PLP3; PLE1/1 Rev A; PLE1/2; PLE1/3; PLE1/5; PLE1/7; PLE2/2; PLE3/6; PLE3/7) received 21st February 2013;
35. House Type 14 (drawing numbers PLP1; PLP2; PLE1/3; PLE1/4; PLE1/5; PLE2/1) received 21st February 2013;
36. House Type 16 (drawing numbers PLP1; PLE1/2; PLE1/3) received 21st February 2013;
37. Detached Garages (drawing number SG1-EPS1) received 21st February 2013;
38. the Boundary Details (drawing numbers BD-03; BD-15; BD-24; BD-29; BD-35) received 21st September 2012;
39. the External Layout 1 of 6 (drawing number 001 Rev P2) received 21st February 2013;
40. the External Layout 2 of 6 (drawing number 002 Rev P2) received 21st February 2013;
41. the External Layout 3 of 6 (drawing number 003 Rev P2) received 21st February 2013;
42. the External Layout 4 of 6 (drawing number 004 Rev P2) received 21st



## **SCHEDULE D: Reports on Previously Deferred Decisions**

- February 2013;
43. the External Layout 5 of 6 (drawing number 005 Rev P2) received 21st February 2013;
  44. the External Layout 6 of 6 (drawing number 013 Rev P1) received 21st February 2013;
  45. the Development Plot Schedule received 21st February 2013;
  46. Plan 1 of 3 (drawing number PL-01 E);
  47. Plan 2 of 3 (drawing number PL-02 E);
  48. Plan 3 of 3 (drawing number PL-03 E);
  49. the Elevation Treatment Plan (drawing number ML01 Rev E);
  50. the Boundary Treatments (drawing number BT01 Rev E);
  51. Site Sections 1 of 2 (drawing number 011 Rev P2) received 21st February 2013;
  52. Site Sections 2 of 2 (drawing number 012 Rev P2) received 21st February 2013;
  53. the Drainage Layout 1 of 6 (drawing number 006 Rev P2) received 21st February 2013;
  54. the Drainage Layout 2 of 6 (drawing number 007 Rev P2) received 21st February 2013;
  55. the Drainage Layout 3 of 6 (drawing number 008 Rev P2) received 21st February 2013;
  56. the Drainage Layout 4 of 6 (drawing number 009 Rev P2) received 21st February 2013;
  57. the Drainage Layout 5 of 6 (drawing number 010 Rev P2) received 21st February 2013;
  58. the Drainage Layout 6 of 6 (drawing number 014 Rev P1) received 21st February 2013;
  59. the Development Phasing Plan (drawing number Indd01) received 21st September 2012;
  60. the Flood Risk and Surface Water Assessment received 21st September 2013;



## **SCHEDULE D: Reports on Previously Deferred Decisions**

61. the Phase 1 Geo-Environmental Ground Investigation Report received 21st September 2012;
62. the Design and Access Statement received 21st September 2012;
63. the Transport Assessment received 21st September 2012;
64. the Interim Travel Plan received 21st September 2012;
65. the Planning Statement received 17th October 2012;
66. the Community and Stakeholder Engagement Statement received 17th October 2012;
67. the Ecology Report;
68. the Bat Survey Report;
69. the Tree Report;
70. the Affordable Housing Plan (drawing number 20868-06);
71. the SUDS Design Plan (drawing number 677-01B);
72. the Secondary Access Plan to Scalegate Road (drawing number ITM7072-GA-028);
73. the Bus Tracking Plan (drawing number SL030.90.9.SL.TL1);
74. the Engagement Report;
75. the Materials Schedule (Rev A);
76. Public Rights of Way (drawing number SL030.90.9.PRW Rev B);
77. the Notice of Decision; and
78. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement on any part of the site there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted in terms of:
  1. the provision of pedestrian and vehicular connectivity;



## SCHEDULE D: Reports on Previously Deferred Decisions

2. the provision of foul and surface water drainage infrastructure;
3. the delivery of other services such as gas, electricity and telecommunications;
4. the provision of storage receptacles for waste and recyclable materials for each residential unit including suitable accessing arrangements for recyclable/waste collection vehicles;
5. the provision of bat friendly ridge tiles, and bat and bird boxes; and
6. the undertaking of flood mitigation measures.

The development shall thereafter proceed only in accordance with the approved phasing plan and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the site is developed in a co-ordinated manner.

4. Prior to the commencement of development a Construction Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures; waste minimisation and management measures; wheel washing; use of vibro-compaction machinery/vibration management; dust management; external lighting; security; vehicle control within the site; full compliance with all of the mitigation measures detailed in the "Air Quality Assessment for Proposed Residential Development Land at Durdar Road, Blackwell, Carlisle"; localised traffic management; measures to prevent silt entering watercourses; and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the Local Planning Authority.

**Reason:** To safeguard the living conditions of neighbouring residents and mitigate impacts on ecology in accordance with Policies CP2, CP5, CP6 and LE2 of the Carlisle District Local Plan 2001-2016.

5. No construction work associated with the development 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 Bank Holidays).

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

6. Before site works commence on any phase of the hereby permitted development; plans shall be submitted for the prior approval of the Local Planning Authority, indicating adequate land for the site offices, materials



## SCHEDULE D: Reports on Previously Deferred Decisions

storage and parking for plant/vehicles engaged in the construction operations associated with that Phase of the development. Such land, including, the vehicular access(es) thereto, shall be used for, or be kept available for these purposes at all times until completion of the said Phase of the construction works.

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

7. Prior to the commencement of the construction of the dwellings hereby permitted on plot numbers 68 to 73 (as detailed on drawing number 20868 PI-01 Rev. D) a scheme/revised plan(s) shall be submitted detailing how the aforementioned residential units will be accessed by Cumbria Fire Service. The development shall thereafter proceed only in accordance with the approved scheme/revised plan(s).

**Reason:** In order to ensure effective access.

8. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

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

9. No development shall take place until full details of the proposed 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 CP5 of the Carlisle District Local Plan 2001-2016.

10. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those hedges and trees to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off



## SCHEDULE D: Reports on Previously Deferred Decisions

the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon, no fires lit, and no cement mixed. 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 25mm 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 hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until a method statement for any work within the root protection area of those trees and hedges to be retained has been submitted to and agreed, in writing, by the Local Planning Authority. The method statement should provide details on any surface to be installed, the timing of the works and how the works are to be implemented. The development shall be carried out in accordance with the approved statement.

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

12. No development hereby permitted shall commence 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 to and approved in writing beforehand by the Local Planning Authority. This written scheme of investigation will include the following components:

- a) an archaeological evaluation; and
- b) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation.

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

13. When the results of the programme of archaeological work referred to in the above condition make it appropriate, there shall be carried out (within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority): an archaeological post-excavation assessment and analysis; the preparation of a site archive ready for deposition at a store; the completion of an archive report; and the preparation and submission of a report of the results for publication in a suitable specialist journal.



## SCHEDULE D: Reports on Previously Deferred Decisions

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

14. The carriageways, footways, cyclepaths etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval by the Local Highways Authority as part of a Highways Act 1980 Section 38 Agreement, before roadworks commence on site. These details shall be in accordance with the standards laid down in the Cumbria Design Guide, all works so approved, shall be constructed before the development (or relevant phase thereof) is considered complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

15. No residential unit hereby permitted shall be occupied until the respective estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use together with the associated means of vehicular and pedestrian access, parking provision, and drainage in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority. The access and parking facilities shall thereafter be retained and capable of use at all times and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure that the matters specified are designed and provided to ensure a minimum standard of access when the development is brought into use.

16. (i) Prior to any site work commencing, full detailed engineering design of the Durdar and Scalegate Rd access points must take place and have a Stage 2 Road Safety Audit carried out, all to the satisfaction of the Local Highways Authority. (If a satisfactory means of access cannot be attained the development cannot commence).

(ii) The access from Durdar Rd. (C1036), shall be substantially met before any sitework (other than precursory works like site investigations) commences so that constructional traffic can safely access the site. No works can commence within the Highway until the developer has entered into a Highways Act 1980 Section 278 Agreement with the Local Highways Authority. This access shall be used for the construction of the infrastructure works and build out of Phases 1 & 2.

(iii) Upon completion of Phase II the Scalegate Rd. (C1037) access and link road shall have been constructed and be used for the construction traffic associated with Phases 3 & 4. Where practicable this will be routed via the



## SCHEDULE D: Reports on Previously Deferred Decisions

C1037 southward to the C1017 so as to minimise construction traffic travelling through the Upperby & Currock residential areas.

(iv) Prior to siteworks commencing, the T&CP Act 1990 Sec:257 Diversion Order for Public Footpaths 129014 & 109371 shall have been obtained. Detailed proposals shall be submitted for approval, which indicate how the Footpaths are to be maintained usable and diverted in accord with the Construction programmes. The entire route shall be surfaced drained and lit to adoptable standard (including the length through Hammonds Park to Scalegate Rd.) by the time Phase II completes.

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

17. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, and footways/footpaths.

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

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

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

19. No development hereby permitted shall commence until:

a) A site investigation has been carried out to include monitoring for methane gas and carbon dioxide, such monitoring to be carried out over a period of 4/6 calendar months duration with a minimum of six readings taken over that period. The readings shall be taken at times of falling barometric pressure where ever possible and some readings must be taken when the pressure is around or below 1000mb;

b) there have been submitted by way of a report to the Local Planning Authority (LPA) the results of the investigation together with, for the approval of the LPA, a scheme of any remedial measures which are identified in the Site Investigation as necessary to combat effectively any risk to future occupiers and property from methane gas and/or carbon dioxide (the Scheme); and

c) following approval in writing by the LPA of the Scheme or agreement in writing by the LPA that no remedial measures are necessary, the development



## SCHEDULE D: Reports on Previously Deferred Decisions

shall be undertaken in complete accordance with the Scheme.

**Reason:** To ensure that any risks which may arise from the generation of migratory gas from the site and adjacent land is minimised.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment (in accordance with the guidance in BS10175) must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the prior approval in writing of the Local Planning Authority.

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

**Reason:** To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

21. All works comprised in the approved details of means of enclosure and boundary treatment for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

**Reason:** To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected as part of the development hereby permitted without the prior permission of the Local Planning Authority.

**Reason:** The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

23. Prior to the commencement of development details of the height of any residential unit hereby permitted in relation to the existing and proposed



## SCHEDULE D: Reports on Previously Deferred Decisions

ground/road levels and the height of the proposed finished floor levels (inclusive of any garages) shall be submitted to and approved, in writing, beforehand by the Local Planning Authority. The levels shown shall be related to metres above Ordnance Datum (AOD).

**Reason:** In order that the approved development overcomes any problem associated with the topography of the area, safeguards the living conditions of neighbouring residents, and reduces the risk of flooding in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

24. In each Phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable broadband, telephone, electricity and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

In providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers.

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority.

**Reason:** To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

25. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of 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 visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

26. No residential unit hereby permitted shall be occupied until an external lighting scheme that minimises any potential impacts of light pollution has been completed in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To safeguard the ecology and environment of the area.

27. Full engineering details, including calculations, Discharge Consent(s) and approval for channel improvement measures to the Wire Mire Beck, with



## SCHEDULE D: Reports on Previously Deferred Decisions

measures to intercept groundwater discharges that currently occurs through the site (including the protection/improvement/replacement as necessary, of the piped watercourses that are known to pass through Phases 3&4 to the Beck/Hammonds Pond) shall be submitted to the Local Planning Authority for approval prior to any infrastructure works (other than the site accesses) commencing. All such approved works shall be implemented to an agreed programme in accordance with the constructional Phases and shall be maintained operational thereafter.

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

28. No residential unit hereby permitted shall be occupied until the respective foul and surface water drainage works (inclusive of the provision of a shut of valve on the outflow from the SUDS pond and how the respective works shall be maintained and managed after completion) have been completed in accordance with the details submitted to and approved in writing beforehand by the Local Planning Authority. The drainage scheme submitted shall be on the basis of the surface water discharging into the SUDS pond and foul water discharging into the 900mm diameter sewer located at the north of the development site.

**Reason:** To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

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**Item No: 13**

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
12/0832

**Applicant:**  
Mr Scott

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
12/10/2012

**Agent:**  
Planning Branch Ltd

**Ward:**  
Dalston

**Location:**  
Land adjacent 445 Durdar Road, Durdar, CA2 4TT

**Grid Reference:**  
340520 551470

**Proposal:** Erection Of 5no. Dwellings (Outline Application)

**Amendment:**

**REPORT**

**Case Officer:** Suzanne Osborne



## SCHEDULE D: Reports on Previously Deferred Decisions

### Details of Deferral:

Members will recall at Committee meeting held on 25 January 2013 that authority was given to the Director (Economic Development) to issue approval subject to the completion of a S106 Agreement to secure the provision of an affordable house and a financial contribution to be used by St Cuthbert's Without Parish Council towards the maintenance of play facilities within the parish. The S106 Agreement has been completed and approval was issued on 6 March 2014.

**Decision:** Granted Subject to Legal Agreement

**Date:** 06/03/2014

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:

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

1. the submitted planning application form received 17th December 2012;
2. the site location plan received 23rd October 2012 (Drawing No. LOC3);
3. the site plan received 3rd December 2012 (Drawing No.S1);
4. the Design and Access Statement received 8th October 2012;
5. the Contaminated Land Risk Assessment received 8th October 2012;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.



## SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To define the permission.

4. The dwellings to be erected on Plots 1 and 5 shall be of single storey construction only and the dwellings to be erected on plots 2, 3 and 4 should be no higher than 1.5 storeys.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters (including details of foul sewage connection) has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

6. For the avoidance of doubt, neither surface water nor highway drainage shall connect into the public sewerage system (directly or indirectly). .

Reason: To ensure that adequate drainage facilities are available. In accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

7. 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 in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

8. 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 in compliance with the objectives of Policy CP5 of the Carlisle District



## SCHEDULE D: Reports on Previously Deferred Decisions

Local Plan 2001-2016.

9. 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 H1 of the Carlisle District Local Plan 2001-2016.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no dormer window or rooflight shall be inserted above the ground floor on the south elevations of plots 1 and 5 without the prior written consent of the Local Planning Authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H11 of the Carlisle District Local Plan 2001-2016.

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 (including along the southern periphery of the proposed access) have been submitted to and approved, in writing, by the Local Planning Authority.

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

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

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

13. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005



## SCHEDULE D: Reports on Previously Deferred Decisions

shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, 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. 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 Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

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

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

15. 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 H1 of the Carlisle District Local Plan 2001-2016.

16. The shared access way shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering drawings,



## SCHEDULE D: Reports on Previously Deferred Decisions

shall be submitted for approval before work commences on site. No work other than the consented access to the previously approved dwelling (planning references 11/0528 and 12/0104), site clearance and earthworks, shall be commenced until a Highways Act 1980, Section 38 agreement has been executed with the local Highways Authority. All works so approved shall be constructed before the development is regarded as complete.

**Reason:** To ensure a minimum standard of construction in the interests of Highway Safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

17. Visibility splays providing clear visibility of 120metres measured along the nearside channel lines of the public road from a position 2.4 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, shall be provided and maintained thereafter. 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, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be permitted to grow so as to obstruct these visibility splays.

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

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

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

19. Details showing the provision within each house site for the access parking, turning and loading & unloading of vehicles, in accord with the Cumbria Parking Standards, shall be submitted to the Local Planning Authority for approval. No dwelling shall be brought into use until such details have been approved and these facilities shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure a minimum standard of parking provision is made within the site for vehicles visiting the site. To support Local Transport Plan Policies LD7, LD8.

20. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.



## SCHEDULE D: Reports on Previously Deferred Decisions

**Reason:** To protect the public sewer.

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**Item No: 14**

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0655

**Applicant:**  
Top Notch Contractors Ltd

**Parish:**

**Date of Receipt:**  
20/08/2013 13:02:41

**Agent:**  
Hyde Harrington

**Ward:**  
Botcherby

**Location:**  
Former Dairy Site, Holywell Crescent, Botcherby,  
Carlisle, CA1 2TD

**Grid Reference:**  
342261 555062

**Proposal:** Residential Development (Outline Application)

**Amendment:**

### REPORT

**Case Officer:** Angus Hutchinson

#### Details of Deferral:

Members will recall at Committee meeting held on 15th November 2013 that authority was given to the Director (Economic Development) to issue approval subject to the satisfactory completion of a Section 106 Agreement to secure:

- a) the payment of a commuted sum (£107,838) towards sports and play provision; and
- b) the provision to each unit of a refuse wheeled bin.

The agreement has been completed and the approval was issued on 26th March 2014.

**Decision:** Granted Subject to Legal Agreement

**Date:** 26/03/2014

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



## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

- 2. Before any work is commenced, details of the layout, scale, appearance, 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. The approved documents for this planning consent comprise:

- 1. The Planning Application Form dated the 19th August 2013;
- 2. The site location plan, Block Plan (drawing number 70490), the Topographic survey- As existing (1 and 2) (drawing numbers 70490/Topo/01 and 02), the Topographic survey - With proposed road junction (drawing number 70490/Topo/03 Rev. A);
- 3. Planning Statement (received 20.08.13);
- 4. Scoping Survey for European Protected Species ( OpenSpace ref: OP-CWS Dairy SCS28v1);
- 5. Daytime Roost Inspection Survey (OpenSpace ref: OP-CWSDairy-BAT65v1);
- 6. Affordable Housing Statement (received 20.08.13);
- 7. Drainage Statement (reference number RO/11042.1) prepared by RWO Associates;
- 8. Tree and Hedge Survey Report (OpenSpace ref: OP-CWS Dairy-TRE35v1);
- 9. Phase 1:Dest Top Study Report (Project No: 13-085) prepared by arc environmental;
- 10. Noise Survey and Facade Acoustic Design (report no. 2717.2) prepared by Apex Acoustics Ltd;
- 11. Design and Access Statement (received 20.08.13);
- 12. The Notice of Decision; and
- 13. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.



## SCHEDULE D: Reports on Previously Deferred Decisions

4. Prior to the commencement on any part of the site there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted in terms of:

1. the provision of pedestrian and vehicular connectivity;
2. the provision of foul and surface water drainage infrastructure;
3. the delivery of other services such as gas, electricity and telecommunications;
4. the provision of storage receptacles for waste and recyclable materials for each residential unit including suitable accessing arrangements for recyclable/waste collection vehicles; and
5. the provision of bat friendly ridge tiles, and bat and bird boxes.

The development shall thereafter proceed only in accordance with the approved phasing plan and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the site is developed in a co-ordinated manner.

5. The development of the proposed residential units shall not be commenced until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the residential units;

b) the timetable for the making available of the affordable housing in relation to the programme for completion of construction works and the occupancy of the residential units;

c) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Provider is involved;

d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing unless other arrangements are agreed in writing by the Local Planning Authority; and

e) if applicable, the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and means by which such occupancy criteria shall be enforced.



## SCHEDULE D: Reports on Previously Deferred Decisions

**Reason:** To ensure sufficient affordable housing is delivered on site, in accordance with Policy H5 of the Carlisle District Local Plan and the National Planning Policy Framework.

6. Prior to the commencement of development a Construction Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, wheel washing, use of vibro-compaction machinery/vibration management, dust management, external lighting, security (inclusive of the railway boundary), provision of Armco safety barriers, demolition and clearance works near to the operational railway infrastructure, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the Local Planning Authority.

**Reason:** To safeguard the living conditions of neighbouring residents and mitigate impacts on ecology and operational railway infrastructure in accordance with Policies CP2, CP5, CP6 and LE2 of the Carlisle District Local Plan 2001-2016.

7. 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 materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

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

9. No development shall take place until full details of the proposed 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.



## SCHEDULE D: Reports on Previously Deferred Decisions

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 CP5 of the Carlisle District Local Plan 2001-2016.

10. Any clearance of or damage to trees, saplings, bramble scrub, hedgerows or demolition of the existing building shall take place in accord with the proposed mitigation and recommendations contained in the "Daytime Roost Inspection Survey" (ref: OP-CWSDairy-BAT65v1) and "Scoping Survey for European Protected Species" (ref: OP-CWS Dairy-SCS28v1) prepared by OpenSpace.

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

11. Any clearance works associated with the hereby permitted development shall be undertaken in accordance with the recommendations and mitigation identified in the "Scoping Survey for European Protected Species at the Former CWS Dairy, Botcherby, Carlisle" (March 2013) prepared by OpenSpace.

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

12. No construction work associated with the development 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 Bank Holidays).

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

13. No development approved by this permission shall be commenced until a Full Flood Risk Assessment together with a fully developed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Flood Risk Assessment and Drainage Strategy shall provide:

1. details of the surface water drainage scheme that ensures that for a range of annual flow rate probabilities up to and including the 1% annual probability (1 in 100 year event), the developed rate of runoff into a receiving watercourse should be no greater than the undeveloped rate of runoff for the same event. The volume of run-off should be ideally dealt with at source primarily by the use of Sustainable Drainage Systems (SUDS), which could



## SCHEDULE D: Reports on Previously Deferred Decisions

effectively negate any need to discharge to a watercourse.

2. sufficient pollution prevention measures are designed into the Drainage Strategy in order to avoid impacts on the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

14. No development shall commence until a comprehensive foul drainage scheme identifying the location of the proposed connection point(s) into the existing foul drainage system, and a flow and load impact assessment to demonstrate that the existing foul drainage system has the capacity to cope with the increased load, have been submitted to and agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

15. No dwelling shall be occupied until the respective foul and surface water drainage works, submitted under the above conditions 13 and 14, have been completed in accordance with the details approved by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

16. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected (inclusive of the 1.8 metre high solid noise mitigation barrier surrounding the site) have been submitted to and approved in writing, by the Local Planning Authority. All works comprised in the approved details of means of enclosure and boundary treatment for the constituent phases of development, with the exception of the noise mitigation barrier, shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

**Reason:** To ensure that the details are acceptable and to ensure that the



## SCHEDULE D: Reports on Previously Deferred Decisions

work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected without the prior permission of the Local Planning Authority.

**Reason:** The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

18. Prior to the commencement of development details of the height of any residential unit hereby permitted in relation to the existing and proposed ground levels and the height of the proposed finished floor levels (inclusive of any garages) shall be submitted to and approved, in writing, beforehand by the Local Planning Authority.

**Reason:** In order that the approved development overcomes any problem associated with the topography of the area, safeguards the living conditions of neighbouring residents in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

19. No development shall commence until further investigation works have been undertaken to assess the nature and degree of contamination and a consequent report prepared and submitted to the Local Planning Authority. Should any contamination be identified a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the approved remediation measures, a remediation report must also be submitted to the Local Planning Authority for approval in writing.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

20. Prior to the commencement of the hereby permitted development a Phase 2 intrusive ground investigation shall be carried out the results of which shall be submitted to and approved in writing beforehand by the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be



## SCHEDULE D: Reports on Previously Deferred Decisions

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

21. The carriageway, footways, and provision of ramps on each side of every junction shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details with levels and full engineering details, shall be submitted with the first Reserved Matters application to the Local Planning Authority. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 4.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

22. No residential unit hereby permitted shall be occupied until the respective estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use together with the associated means of vehicular and pedestrian access, parking provision, drainage, and provision of any necessary Armco barriers in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority. The access and parking facilities shall thereafter be retained and capable of use at all times and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure that the matters specified are designed and provided to ensure a minimum standard of access when the development is brought into use.

23. No development shall commence until visibility splays providing clear visibility of



## SCHEDULE D: Reports on Previously Deferred Decisions

43 metres measured along the nearside channel lines of the public road from a position 2.4 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

24. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, and footways/footpaths.

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

25. Before any development takes place, a plan shall be submitted for the prior written approval of the Local Planning Authority reserving adequate land for the storage of materials, 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 provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

26. In each Phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable broadband, telephone, electricity and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

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.



## SCHEDULE D: Reports on Previously Deferred Decisions

**Reason:** To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of 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 visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

28. No residential unit hereby permitted shall be occupied until a 1.8 metre solid barrier surrounding the site and the respective minimum glazing (for all windows) and ventilation strategy options identified in the "Noise Survey and Facade Acoustic Design" report number 2717.2 prepared by Andrew C Gibson of Apex Acoustics Limited have been fully installed and completed.

**Reason:** To safeguard the living conditions of the occupiers of the residential units.

29. No residential unit hereby permitted shall be occupied until an external lighting scheme that minimises any potential impacts of light pollution has been completed in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To safeguard the ecology and environment of the area.

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**Item No: 15**

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0787

**Applicant:**  
Mr & Mrs Percival

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
04/10/2013 14:33:38

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
Land at Orchard Gardens, Houghton, Carlisle, CA3  
0LH

**Grid Reference:**  
340607 559189

**Proposal:** Residential Development Of Approximately 6no. Bungalows (Outline)

**Amendment:**



## SCHEDULE D: Reports on Previously Deferred Decisions

### REPORT

**Case Officer:** Barbara Percival

#### Details of Deferral:

Members will recall at Committee meeting held on 15th November 2013 that authority was given to the Director (Economic Development) to issue approval subject to the satisfactory completion of a legal agreement in respect of a contribution to affordable housing provision.

The agreement has been completed and the approval was issued on 24th March 2014.

**Decision:** Granted Subject to Legal Agreement

**Date:** 24/03/2014

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

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

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

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

3. The approved documents for this Outline Planning Permission comprise:
  1. the submitted planning application form received 4th October 2013;
  2. the Design and Access Statement received 4th October 2013;
  3. the Assessment of Likelihood of Contamination received 4th October 2013;
  4. the Tree Survey received 4th October 2013;



## SCHEDULE D: Reports on Previously Deferred Decisions

5. the Hedge Survey received 4th October 2013;
6. the location plan received 4th October 20123 (Drawing Number 3002/1);
7. the block plan received 4th October 2013 (Drawing Number 3002/2);
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. Notwithstanding the details shown in the application, the dwellings subject of this approval shall be no higher than 1.5 storeys and be able to achieve the minimum distances as outlined in the Supplementary Planning Document 'Achieving Well Designed Housing'.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and the Supplementary Planning Document 'Achieving Well Designed Housing'.

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

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

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

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

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

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



## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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

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

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

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

11. Within the tree protection fencing approved by Condition 10:

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



## SCHEDULE D: Reports on Previously Deferred Decisions

development.

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

12. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority before building work commences. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or willfully destroyed within the following five years shall be replaced by appropriate nursery stock. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

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

13. The estate road shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval with the first Reserved Matters Application. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is considered complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7 and LD8.

14. The house accesses, parking area etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details shall be submitted with the Reserved Matters Application. No work shall be commenced until a full specification has been approved.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7 and LD8.

15. Before any construction work takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the storage of materials, parking of vehicles/plant engaged in the construction operations and such land, including the vehicular access thereto, shall be used for these purposes at all times until completion of the construction works.



## SCHEDULE D: Reports on Previously Deferred Decisions

**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. To support Local Transport Plan Policies: LD8.

16. Full details of the surface water drainage system shall be submitted to the Local Planning Authority with the first Reserved Matters Application. All approved works shall be implemented as required by the development phasing and shall be maintained operational thereafter.

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

17. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7 and LD8.

18. No work associated with the construction of the residential unit 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 H2 of the Carlisle District Local Plan 2001-2016.

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

Site investigations should follow the guidance in BS10175.

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

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those



## SCHEDULE D: Reports on Previously Deferred Decisions

to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

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**Item No: 16****Between 22/02/2014 and 28/03/2014****Appn Ref No:**  
13/0792**Applicant:**  
Mr Watson**Parish:**  
Wetheral**Date of Receipt:**  
07/10/2013 08:00:09**Agent:**  
Ashton Design**Ward:**  
Great Corby & Geltsdale**Location:**  
Land to rear of The Whins and adjacent to Sewage Works, Allenwood, Heads Nook**Grid Reference:**  
349215 555198**Proposal:** Residential Development (Outline)**Amendment:**

### REPORT

**Case Officer:** Stephen Daniel

#### Details of Deferral:

Members will recall at Committee meeting held on 20th December 2013 that authority was given to the Director (Economic Development) to issue approval subject to the completion of a S106 to secure a financial contribution towards the provision of affordable housing. The S106 has been completed and approval was issued on 26th March 2014.

**Decision:** Granted Subject to Legal Agreement**Date:** 26/03/2014

1. 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.



## **SCHEDULE D: Reports on Previously Deferred Decisions**

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. The approved documents for this Outline comprise:

1. the submitted planning application form, received 7 October 2013;
2. Planning Statement, received 8 October 2013;
3. Desk Study - Land Contamination, received 8 October 2013;
3. Site Location & Existing Site Plan, received 7 October 2013 (Dwg. No. P1307/01);
4. Proposed Site Layout, received 7 November 2013 (Dwg. No. P1307/02A);
5. Indicative House Design, received 8 October 2013 (Dwg. No. P1307/03);
6. Tree Survey, received 7 October 2013 (Dwg. No. P1307/05);
7. Desk Top Contamination Study, received 7 October 2013 (Dwg. No. P1307/06);
8. Visibility Splay & Road Width Information, received 6 December 2013 (Dwg. No. P1307/04B);
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

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



## SCHEDULE D: Reports on Previously Deferred Decisions

work is commenced.

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

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

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

6. 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 the design and materials to be used are appropriate and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

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

8. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the planning application proposing surface water runoff from the development site discharging into the soakaway. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect



## SCHEDULE D: Reports on Previously Deferred Decisions

into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

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

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

**Reason:** To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. The access road, parking areas etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details shall be submitted with the Reserved Matters Application. No work shall be commenced until a full specification has been approved.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

11. A plan shall be submitted with the Reserved Matters Application, reserving adequate land for the storage of materials, parking of vehicles/plant engaged in the construction operations and such land, including the vehicular access thereto, shall be used for these purposes at all times until completion of the construction works.

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

12. The vehicular access ramp leading off the public highway shall be constructed and drained to the specification of the Local Highways Authority.

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



## SCHEDULE D: Reports on Previously Deferred Decisions

13. Full details of the surface water drainage system shall be submitted to the Local Planning Authority with the reserved matters application. All approved works shall be implemented as required by the development phasing and shall be maintained operational thereafter.

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

14. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7, LD8.

15. A full Tree Survey shall be submitted with the Reserved Matters application. This shall identify the Root Protection Areas (RPAs) of the trees and hedges and to retained on and adjacent to the site. The access road shall be constructed outside the RPAs or a no dig solution shall be used within the RPAs, the details of which shall be agreed in writing with the Local Planning Authority.

**Reason:** In order to protect existing trees and hedges in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

16. For the duration of the development works existing trees and hedges to be retained shall be protected by a suitable barrier, the position of which shall be indicated on a plan and agreed in writing by the Local Planning Authority before development works commence. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

17. The site should be developed for a maximum of five dwellings.

**Reason:** To ensure that the rural character of the area is retained and to ensure that the proposed access is acceptable, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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# SCHEDULE E

# SCHEDULE E



## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
10/0673

**Applicant:**  
Mr G Bowman

**Parish:**  
Wetheral

**Date of Receipt:**  
15/09/2010

**Agent:**  
Manning & Elliott

**Ward:**  
Wetheral

**Location:**  
Eden Brows, Armathwaite, Carlisle, CA4 9SY

**Grid Reference:**  
349690 549535

**Proposal:** Conversion Of Former Outbuildings To Create Two Residential Dwellings (One 4 Bedroom House And One 3 Bedroom Cottage) (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
12/0376

**Applicant:**  
Simtor Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
04/05/2012

**Agent:**  
Taylor & Hardy

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Warwick Mill Business Village, Warwick Mill,  
Warwick Bridge, Carlisle, Cumbria, CA4 8RR

**Grid Reference:**  
347844 556537

**Proposal:** Renewal Of Unexpired Permission Application Ref: 09/0312 For The Redevelopment Of Former Scrapyard For Mixed Workshop Use For Purposes Falling Within Use Classes B1 (b and c), B2 And B8 (Revised Application)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 10/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
12/0729

**Applicant:**  
Flexx Gym Ltd

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
21/09/2012

**Agent:**

**Ward:**  
Brampton

**Location:**  
Unit 11 Old Brewery Yard, Craw Hall, Brampton,  
Cumbria, CA8 1TR

**Grid Reference:**  
353359 560885

**Proposal:** Change Of Use To A Gymnasium (Use Class D2) (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
12/1037

**Applicant:**  
Harrison Homes (Cumbria)  
Limited

**Parish:**

**Date of Receipt:**  
19/12/2012

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Harraby

**Location:**  
Former Highgrove Dairy, Harraby Green, Carlisle

**Grid Reference:**  
341312 554316

**Proposal:** Change Of House Type To Plot No. 51 Of Previously Approved  
Application 11/0945

**Amendment:**

**Decision:** Granted Subject to Legal Agreement

**Date:** 06/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0456

**Applicant:**  
Lovell Partnerships Ltd

**Parish:**

**Date of Receipt:**  
12/06/2013

**Agent:**  
Ainsley Gommon  
Architects

**Ward:**  
Belle Vue

**Location:**  
Site J, Thomlinson Avenue, Raffles Estate, Carlisle,

**Grid Reference:**  
338205 555637



## SCHEDULE E: Decisions Issued Under Delegated Powers

CA2 7BF

**Proposal:** Erection Of 6no. Affordable Dwellings And 15no. Affordable Bungalows

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0496

**Applicant:**  
Mrs Woodmass

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
21/06/2013 13:00:06

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Land to east of Village Green, Brunstock, Carlisle

**Grid Reference:**  
341896 559600

**Proposal:** Erection Of 3no. Dwellings

**Amendment:**

**Decision:** Granted Subject to Legal Agreement

**Date:** 06/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0642

**Applicant:**  
Mr Austen Davies

**Parish:**  
Walton

**Date of Receipt:**  
20/08/2013

**Agent:**  
Waugh & Musgrave

**Ward:**  
Irthing

**Location:**  
The Centurion Inn, Walton, Brampton, CA8 2DH

**Grid Reference:**  
352199 564326

**Proposal:** Change Of Use Of Ground Floor Public House And Associated First Floor Letting Bedrooms To 1no. Dwelling; Alterations And Extensions To Form Ground Floor Gazebo And First Floor Balcony (Retrospective)

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Refuse Permission

**Date:** 24/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0699

**Applicant:**  
Mr Mulholland

**Parish:**  
Orton

**Date of Receipt:**  
09/09/2013

**Agent:**  
Sternwind Ltd

**Ward:**  
Burgh

**Location:**  
Land To Rear Of Midtown Farm, Great Orton,  
Carlisle, CA5 6NA

**Grid Reference:**  
331808 553999

**Proposal:** Discharge Of Condition 5 (Aviation Lighting) Of Previously Approved  
Permission 12/0345

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0754

**Applicant:**  
Mr Danson

**Parish:**  
Bewcastle

**Date of Receipt:**  
18/09/2013 13:00:08

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Lyne

**Location:**  
Dir Tup, Roadhead, Carlisle, CA6 6PF

**Grid Reference:**  
351306 576937

**Proposal:** Change Of Use Of Barns To 3no. Residential Dwellings (Part  
Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0837

**Applicant:**  
Mrs Jenny Minnion

**Parish:**  
Farlam



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
04/11/2013

**Agent:**  
Mr Stephen Mansbridge

**Ward:**  
Irthing

**Location:**  
Plane Head Cottage, Hallbankgate, Brampton, CA8  
2NJ

**Grid Reference:**  
357797 559747

**Proposal:** Single Storey Rear Extension To Provide 1no. Bedroom And 1no. Bathroom And Internal Alterations; Replacement Windows And Rainwater Goods; Re-Roofing And Associated Alterations (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0849

**Applicant:**  
Mrs Jenny Minnion

**Parish:**  
Farlam

**Date of Receipt:**  
04/11/2013

**Agent:**  
Mr Stephen Mansbridge

**Ward:**  
Irthing

**Location:**  
Plane Head Cottage, Hallbankgate, Brampton, CA8  
2NJ

**Grid Reference:**  
357797 559747

**Proposal:** Single Storey Rear Extension To Provide 1no. Bedroom And 1no. Bathroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0884

**Applicant:**  
Mrs Tunnclyff

**Parish:**  
Wetheral

**Date of Receipt:**  
07/11/2013 23:00:06

**Agent:**  
Ashton Design

**Ward:**  
Great Corby & Geltsdale

**Location:**  
22 Broadwath Holdings, Heads Nook, Brampton,

**Grid Reference:**  
349093 554642



## SCHEDULE E: Decisions Issued Under Delegated Powers

CA8 9EJ

**Proposal:** Change Of Use Of Existing Garage To 3 Bedroom Cottage

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0947

**Applicant:**  
The Watson Hall

**Parish:**  
Castle Carrock

**Date of Receipt:**  
30/01/2014

**Agent:**  
Mr Brian Edmundson

**Ward:**  
Great Corby & Geltsdale

**Location:**  
The Watson Hall, Castle Carrock, Brampton, CA8  
9LU

**Grid Reference:**  
354307 555426

**Proposal:** Upgrade Of Existing Heating System With Installation Of 2No. External  
Air Source Heat Pump Units And 2No. Internal Fans (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0990

**Applicant:**  
Mr & Mrs James Bell

**Parish:**  
Scaleby

**Date of Receipt:**  
10/01/2014

**Agent:**  
Johnston & Wright

**Ward:**  
Stanwix Rural

**Location:**  
L/A West Brighten Flatt, Scaleby, Carlisle, CA6 4LA

**Grid Reference:**  
345730 564053

**Proposal:** Variation Of Condition 2 (Approved Documents) Of Previously Approved  
Application 12/0038

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 03/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0994

**Applicant:**  
Mr Lightowler

**Parish:**  
Wetheral

**Date of Receipt:**  
13/01/2014

**Agent:**  
Clive Elsdon Building  
Design

**Ward:**  
Wetheral

**Location:**  
Land adjacent Westwinds, Lambley Bank, Scotby,  
Carlisle, CA4 8BX

**Grid Reference:**  
343745 554965

**Proposal:** Erection Of 1No. Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/0998

**Applicant:**  
Animals In War Memorial  
Monument

**Parish:**

**Date of Receipt:**  
06/01/2014

**Agent:**

**Ward:**  
Castle

**Location:**  
Hardwicke Circus, Carlisle

**Grid Reference:**  
340119 556376

**Proposal:** Erection Of Animals In War Memorial Monument

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/1002

**Applicant:**  
Mr S Sanderson

**Parish:**  
Wetheral



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
30/12/2013

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Inglenook, Lambley Bank, Scotby, Carlisle, CA4  
8BX

**Grid Reference:**  
343749 554878

**Proposal:** Erection Of 1no. Dwelling With Family Annexe (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/1006

**Applicant:**  
Vodafone Limited

**Parish:**  
Dalston

**Date of Receipt:**  
15/01/2014

**Agent:**  
Mono Consultants Ltd

**Ward:**  
Dalston

**Location:**  
Nestle UK Limited, Dalston, Carlisle, CA5 7NH

**Grid Reference:**  
337382 550919

**Proposal:** Installation Of A 15m High Lattice Tower With 6no. Antennas Fixed To  
The Headframe And 3no. Remote Radio Units (18m To Top) Together  
With 3no. Equipment Cabinets At Ground Level

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/1008

**Applicant:**  
Mr Barnes

**Parish:**

**Date of Receipt:**  
13/01/2014

**Agent:**  
Johnston & Wright

**Ward:**  
Stanwix Urban

**Location:**  
Land adjacent 13 Grosvenor Place, Carlisle, CA3  
9LL

**Grid Reference:**  
339578 557384

**Proposal:** Erection Of 1no. Single Storey Dwelling



## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 10/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
13/1010

**Applicant:**  
Kingmoor Park Properties  
Ltd

**Parish:**  
Kingmoor

**Date of Receipt:**  
30/12/2013

**Agent:**  
How Planning

**Ward:**  
Stanwix Rural

**Location:**  
Brunthill, Kingmoor Park, Carlisle CA6 4SJ

**Grid Reference:**  
338365 559435

**Proposal:** Discharge Of Conditions 5 (Landscaping Plan); 8 (Archaeological Written Scheme Of Investigation); 11 (Drainage Strategy); 13 (Highways Detail); 19 (Habitat Management Plan); 21 (Construction Environmental Management Plan) And 23 (Lighting Strategy) Of Previously Approved Permission 09/0170 And Condition 3 (Phasing Plan) Of Variation Of Condition Application 13/0912

### Amendment:

**Decision:** Partial Discharge of Conditions  
17/03/2014

**Date:**

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0001

**Applicant:**  
Mr T Fynn

**Parish:**  
Dalston

**Date of Receipt:**  
14/01/2014

**Agent:**

**Ward:**  
Dalston

**Location:**  
School House, Raughton Head, Dalston, CA5 7DD

**Grid Reference:**  
337897 545290

**Proposal:** Removal Of Condition 2 Of Previously Approved Permission 04/1497 To Change The Use Of An Annex To A Separate Unit Of Accommodation

### Amendment:



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Withdrawn by Applicant/or by default

**Date:** 12/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0003

**Applicant:**  
PROPCO

**Parish:**  
Hayton

**Date of Receipt:**  
10/01/2014

**Agent:**  
SPACE Designed  
Solutions Ltd

**Ward:**  
Hayton

**Location:**  
Skellion Farm, How Mill, Brampton, CA8 9JL

**Grid Reference:**  
352400 557188

**Proposal:** Erection Of 1no. Holiday Letting Unit On Site Of Redundant Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0004

**Applicant:**  
PROPCO

**Parish:**  
Hayton

**Date of Receipt:**  
10/01/2014

**Agent:**  
SPACE Designed  
Solutions Ltd

**Ward:**  
Hayton

**Location:**  
Skellion Farm, How Mill, Brampton, CA8 9JL

**Grid Reference:**  
352401 557170

**Proposal:** Conversion Of Barns To Form 2No. Dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

14/0005 Harmony Energy Ltd Orton

**Date of Receipt:** 09/01/2014  
**Agent:** T. J. Coates Ltd  
**Ward:** Burgh

**Location:** Spital Syke Farm, Broomhills, Orton Road, Carlisle, CA5 6JR  
**Grid Reference:** 335874 554553

**Proposal:** Discharge Of Conditions 5 (Aviation Lighting); 7 (Access Track); 10 (Breeding Bird Survey); 11 (Noise Assessment) And 12 (Repairs To Highways) Of Previously Approved Application 13/0447

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:** 14/0007  
**Applicant:** Mrs S Willoughby  
**Parish:** Stanwix Rural

**Date of Receipt:** 08/01/2014  
**Agent:** Jock Gordon  
**Ward:** Stanwix Urban

**Location:** 34 Whiteclosegate, Carlisle, CA3 0JD  
**Grid Reference:** 341194 557940

**Proposal:** Conversion Of Outbuilding To Form 1no. Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:** 14/0008  
**Applicant:** The Church Commissioners for England  
**Parish:** Cummersdale

**Date of Receipt:** 07/01/2014  
**Agent:** Smiths Gore  
**Ward:** Dalston

**Location:**  
**Grid Reference:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

Land At Morton Bounded by Wigton Road, Peter  
Lane And Dalston Road, Carlisle, Cumbria

338287 553535

**Proposal:** Certificate Of Existing Lawfulness Of The Demolition Of Cummersdale  
Grange Farm Complex

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/02/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0012

**Applicant:**  
Mr Studholme

**Parish:**  
Orton

**Date of Receipt:**  
10/01/2014

**Agent:**  
Gray Associates Limited

**Ward:**  
Burgh

**Location:**  
Orton Park Farm, Great Orton, Carlisle, CA5 6JU

**Grid Reference:**  
335156 552551

**Proposal:** Discharge Of Conditions 5 (Aviation Lighting) And 12 (Noise  
Assessment) Of Previously Approved Permission 13/0323

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0014

**Applicant:**  
Mr Jonathan Rook

**Parish:**  
Orton

**Date of Receipt:**  
21/01/2014

**Agent:**

**Ward:**  
Burgh

**Location:**  
Stonerigg, Great Orton, Carlisle, Cumbria, CA5 6NA

**Grid Reference:**  
333128 555321

**Proposal:** Erection Of Replacement Dwelling

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 17/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0015

**Applicant:**  
Citadel Estates Ltd

**Parish:**  
Wetheral

**Date of Receipt:**  
14/01/2014

**Agent:**  
Holt Planning Consultancy  
Ltd

**Ward:**  
Wetheral

**Location:**  
Skelton House, Wetheral, Cumbria CA4 8JG

**Grid Reference:**  
346434 554574

**Proposal:** Discharge Of Conditions 3 (Materials); 4 (Hard Surface Finishes); 5 (Landscaping Scheme); 6 (Method Statement For Root Protection Area); 8 (Surface Water Drainage); 9 (Levels); 11 (External Lighting); 12 (Protected Species/Wildlife Mitigation Measures Scheme) And 15 (Construction Vehicle Parking) Of Previously Approved Permission 10/1066

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0018

**Applicant:**  
Mr Bell

**Parish:**  
Arthuret

**Date of Receipt:**  
13/01/2014 16:00:20

**Agent:**  
Bruce Armstrong-Payne  
Planning

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Unit 9, Sandysike, Longtown, Carlisle, CA6 5SR

**Grid Reference:**  
338843 566086

**Proposal:** Discharge Of Condition 5 (Surface Water Drainage) Of Previously Approved Permission 12/0452

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/03/2014

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0019

**Applicant:**  
Mr Hayes

**Parish:**  
Arthuret

**Date of Receipt:**  
15/01/2014 16:00:16

**Agent:**  
H&H Land and Property  
Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
The Paddock, Bush on Lyne, Longtown, CA6 5TR

**Grid Reference:**  
340918 566469

**Proposal:** Replacement Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0021

**Applicant:**  
Hunley Bank Farm Ltd

**Parish:**  
Scaleby

**Date of Receipt:**  
14/01/2014 13:00:09

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Hunley Bank Farm, Scaleby, Carlisle, CA6 4LB

**Grid Reference:**  
345836 564812

**Proposal:** Proposed Side Extension To Workshop To Form Shaving And General  
Purpose Agricultural Storage

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0024

**Applicant:**  
Maris Properties Limited

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
15/01/2014

**Agent:**

**Ward:**  
Burgh



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Hill Farm, Thurstonfield, Carlisle, CA5 6HG

**Grid Reference:**

331300 556771

**Proposal:** Discharge Of Conditions 4 (Hard & Soft Landscape Works); 5 (Boundary Treatments); 6 (Surface Water Drainage) & 8 (Highway Drainage) Of Previously Approved Application 13/0777

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/0026

**Applicant:**

Mr Barwick

**Parish:**

Carlisle

**Date of Receipt:**

29/01/2014

**Agent:**

Dixon Landscapes Ltd

**Ward:**

Castle

**Location:**

36a Portland Place, Carlisle, CA1 1RL

**Grid Reference:**

340459 555619

**Proposal:** Change Of Use From Commercial To 1no. Dwelling (Part Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/0028

**Applicant:**

Ms Jocelyn Holland

**Parish:**

Wetheral

**Date of Receipt:**

20/01/2014

**Agent:****Ward:**

Wetheral

**Location:**

Moorhouse Cottage, Warwick on Eden, Carlisle,  
CA4 8PA

**Grid Reference:**

346144 556140

**Proposal:** Removal Of Condition 3 (Restriction On Occupation) Of Previously Approved Permission 01/1025

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 28/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0029

**Applicant:**  
Mrs Patricia MacDonald

**Parish:**  
Dalston

**Date of Receipt:**  
24/01/2014

**Agent:**

**Ward:**  
Dalston

**Location:**  
1 The Green, Dalston, Carlisle, CA5 7QB

**Grid Reference:**  
336869 549969

**Proposal:** Replacement Of 3no. Windows (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0032

**Applicant:**  
Mr M Parker

**Parish:**  
Carlisle

**Date of Receipt:**  
20/01/2014

**Agent:**

**Ward:**  
Morton

**Location:**  
19 Bedford Road, Carlisle, CA2 5QE

**Grid Reference:**  
339082 555303

**Proposal:** Two Storey And Single Storey Rear Extension To Provide New Kitchen, Kitchenette, Living Room And 1No. En-Suite Bedroom on Ground Floor With 2No. Bedrooms Above; Alterations To Internal Layout

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0034

**Applicant:**  
Mr Thompson

**Parish:**  
Hayton



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
30/01/2014

**Agent:**  
Holt Planning Consultancy  
Ltd

**Ward:**  
Hayton

**Location:**  
L/A Willowdale, Fenton, Carlisle

**Grid Reference:**  
350241 556138

**Proposal:** Erection Of 2No. Detached Dwellings (Outline)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0035

**Applicant:**  
Canvas Strecher Bars

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
20/01/2014

**Agent:**  
JPR Building Design Ltd

**Ward:**  
Dalston

**Location:**  
Stribers, 23 Newbiggin Road, Durdar, Carlisle, CA2  
4UJ

**Grid Reference:**  
340767 551022

**Proposal:** Demolition Of Existing Bungalow And Erection Of 2no. Dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0036

**Applicant:**  
Cumbria Partnership NHS  
Foundation Trust

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
23/01/2014

**Agent:**  
Johnston & Wright

**Ward:**  
Dalston

**Location:**  
Acorn Centre Rehabilitation Unit, Carleton Clinic,  
Cumwhinton Drive, Carlisle, CA1 3SX

**Grid Reference:**  
343481 553494

**Proposal:** Change Of Use Of Vacant Land To Activity Area Including Secure



## SCHEDULE E: Decisions Issued Under Delegated Powers

Storage Enclosure And 4no. Floodlights

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0037

**Applicant:**  
Mr C Nelson

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
20/01/2014

**Agent:**  
Mr A Fox

**Ward:**  
Dalston

**Location:**  
Howgill Farm, Carleton, Carlisle, CA4 0BS

**Grid Reference:**  
344700 550500

**Proposal:** Demolition Of Existing Unit And Erection Of Agricultural Building For  
Storage Of Implements (Revised/Part Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0038

**Applicant:**  
Mr Sykes

**Parish:**  
Cumrew

**Date of Receipt:**  
23/01/2014

**Agent:**  
CONCEPT

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Helme Farm, Cumrew, Heads Nook, Brampton,  
CA8 9DD

**Grid Reference:**  
354852 550775

**Proposal:** Conversion Of Existing Barn To Provide Living, Kitchen & Dining Room;  
Erection Of Single Storey Extension To Provide Additional  
Accommodation And Basement Office/Games Room Together With  
Erection Of Detached Double Garage

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 04/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0039

**Applicant:**  
Mr Sykes

**Parish:**  
Cumrew

**Date of Receipt:**  
22/01/2014

**Agent:**  
CONCEPT

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Helme Farm, Cumrew, Heads Nook, Brampton,  
CA8 9DD

**Grid Reference:**  
354852 550775

**Proposal:** Conversion Of Existing Barn To Provide Living, Kitchen & Dining Room;  
Erection Of Single Storey Extension To Provide Additional  
Accommodation And Basement Office/Games Room Together With  
Erection Of Detached Double Garage (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0040

**Applicant:**  
Ms MacGillivray

**Parish:**  
Hayton

**Date of Receipt:**  
21/01/2014

**Agent:**  
Butler Haig Associates

**Ward:**  
Hayton

**Location:**  
Troutbeck Cottage, Heads Nook, Brampton, CA8  
9AR

**Grid Reference:**  
348560 556918

**Proposal:** Demolition Of Existing Agricultural Buildings, Change Of Use Of Existing  
Building With Alterations And Extensions To Provide 1No. Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2014

---

Between 22/02/2014 and 28/03/2014



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
14/0041

**Applicant:**  
Kendal Vintners Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
20/01/2014

**Agent:**

**Ward:**  
St Aidans

**Location:**  
1 Furze Street, Carlisle, CA1 2DL

**Grid Reference:**  
341096 555435

**Proposal:** Variation Of Trading Hours Condition (Allowed At Appeal) Of Application  
Ref: 06/1420 To Allow Opening Hours Till 10pm 7 Days A Week  
(Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0043

**Applicant:**  
Mr & Mrs Charlton

**Parish:**  
Carlisle

**Date of Receipt:**  
22/01/2014

**Agent:**  
IGB Architectural Design

**Ward:**  
Yewdale

**Location:**  
146 Holmrook Road, Carlisle, CA2 7TJ

**Grid Reference:**  
336894 555068

**Proposal:** Erection Of Two Storey Side Extension To Provide Extended Dining  
Room On Ground Floor With 2no. Bedrooms And Bathroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0045

**Applicant:**  
Magnus Homes Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
21/01/2014

**Agent:**  
Ashwood Design  
Associates

**Ward:**  
Wetheral

**Location:**

**Grid Reference:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

Land to the rear of Lime House, Wetheral, Carlisle, 346524 554435  
Cumbria, CA4 8ET

**Proposal:** Variation Of Condition 2 (Approved Documents) Of Previously Approved Planning Application 13/0562

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0047

**Applicant:**  
Ms Linda Waring

**Parish:**  
Nicholforest

**Date of Receipt:**  
22/01/2014

**Agent:**  
Mr Rodney Jeremiah

**Ward:**  
Lyne

**Location:**  
The Bridge Inn, Penton, Carlisle, CA6 5QB

**Grid Reference:**  
343829 576508

**Proposal:** Conversion Of Disused Shed To Form Self Contained Annex (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0048

**Applicant:**  
Pirelli Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
22/01/2014

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

**Ward:**  
Denton Holme

**Location:**  
Pirelli Tyres Limited, Dalston Road, Carlisle, CA2 6AR

**Grid Reference:**  
338863 553693

**Proposal:** Variation Of Conditions 3 (Construction Site Management Plan); 4 (Biodiversity Management & Enhancement Plan); 5 (Landscaping Scheme); 6 (Planting & Seeding); 7 (Replacement Cricket Square) And 10 (Scheme For Surface Water) Of Previously Approved Application 13/0606



## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 24/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0049

**Applicant:**  
Mr Christian Judd

**Parish:**  
Cumrew

**Date of Receipt:**  
23/01/2014

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Rising Sun Farm, Cumrew, Heads Nook, Cumbria,  
CA8 9DD

**Grid Reference:**  
354465 550840

**Proposal:** Erection Of Two Storey Rear Extension; Internal Alterations Within Domestic Storage Barn To Provide Additional Living Accommodation And Single Storey Extension; Extension To Existing Basement To Provide Playroom

### Amendment:

**Decision:** Grant Permission

**Date:** 12/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0050

**Applicant:**  
Mr Howard

**Parish:**  
Burtholme

**Date of Receipt:**  
23/01/2014

**Agent:**  
Countryside Consultants

**Ward:**  
Irthing

**Location:**  
St Marys Vale, Lanercost, Brampton, CA8 2HL

**Grid Reference:**  
356464 563611

**Proposal:** Demolition Of Outbuilding (Building E) (LBC)

### Amendment:

**Decision:** Grant Permission

**Date:** 04/03/2014

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 22/02/2014 and 28/03/2014

<b>Appn Ref No:</b> 14/0053	<b>Applicant:</b> Mr Barry Devlin	<b>Parish:</b> Carlisle		
<b>Date of Receipt:</b> 24/01/2014	<b>Agent:</b> Mr Steve Buttler	<b>Ward:</b> Castle		
<b>Location:</b> 81 Warwick Road, Carlisle, CA1 1EB	<b>Grid Reference:</b> 340550 555854			
<b>Proposal:</b> Installation Of 1no. Rooflight (LBC/Retrospective Application)				
<b>Amendment:</b>				

**Decision:** Grant Permission

**Date:** 28/02/2014

---

Between 22/02/2014 and 28/03/2014

<b>Appn Ref No:</b> 14/0055	<b>Applicant:</b> Mr I T Graham	<b>Parish:</b> Burtholme		
<b>Date of Receipt:</b> 24/01/2014	<b>Agent:</b>	<b>Ward:</b> Multiple Wards		
<b>Location:</b> Moorfield, Walton, Brampton, Cumbria, CA8 2JW	<b>Grid Reference:</b> 354358 565420			
<b>Proposal:</b> Variation Of Condition 4 Of Previously Approved Application 10/0487 To Allow The Boarding Of 28no. Dogs And 8no. Cats At Any One Time				
<b>Amendment:</b>				

**Decision:** Grant Permission

**Date:** 28/02/2014

---

Between 22/02/2014 and 28/03/2014

<b>Appn Ref No:</b> 14/0059	<b>Applicant:</b> Mr A Irving	<b>Parish:</b> Kirklington Middle
<b>Date of Receipt:</b> 31/01/2014	<b>Agent:</b> PFK Land Agency	<b>Ward:</b> Lyne
<b>Location:</b> East Cliff, Kirklington, Carlisle, Cumbria, CA6 6DD	<b>Grid Reference:</b> 341613 565804	



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection of Agricultural Storage Building (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0060

**Applicant:**  
Russell Armer Limited

**Parish:**  
Dalston

**Date of Receipt:**  
24/01/2014

**Agent:**

**Ward:**  
Dalston

**Location:**  
Plots 1-3, Hawksdale Pastures, Welton Road,  
Dalston, Carlisle, CA5 7EJ

**Grid Reference:**  
336034 547118

**Proposal:** Variation Of Condition 4 Of Previously Approved Application 09/1001  
Allowing The Restoration Of The Mill Wheel And Omitting The Glazed  
Viewing Platform (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0061

**Applicant:**  
Messrs Martin

**Parish:**  
Orton

**Date of Receipt:**  
24/01/2014 16:00:48

**Agent:**  
H&H Land and Property

**Ward:**  
Burgh

**Location:**  
Tempest Tower Farm, Little Orton, CA5 6EP

**Grid Reference:**  
334823 555349

**Proposal:** Installation of Anaerobic Digester Plant (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/03/2014

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0063

**Applicant:**  
Anderson's (Denton  
Holme) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
29/01/2014

**Agent:**  
Richard Dryell Architect

**Ward:**  
Denton Holme

**Location:**  
Denton Holme Sawmills, Denton Street, Carlisle,  
Cumbria, CA2 5EQ

**Grid Reference:**  
339895 555191

**Proposal:** Discharge Of Condition 3 (Surface Water Drainage) Of Previously  
Approved Permission 13/0632

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0066

**Applicant:**  
Messrs T W Martin

**Parish:**  
Orton

**Date of Receipt:**  
30/01/2014

**Agent:**

**Ward:**  
Burgh

**Location:**  
Tempest Tower, Little Orton, Carlisle, CA5 6EP

**Grid Reference:**  
334829 555353

**Proposal:** Erection Of Steel Portal Frame Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0067

**Applicant:**  
The Watson Hall

**Parish:**

**Date of Receipt:**  
30/01/2014

**Agent:**  
Mr Brian Edmundson

**Ward:**  
Great Corby & Geltsdale



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

The Watson Hall, Castle Carrock, Brampton, CA8  
9LU

**Grid Reference:**

354307 555426

**Proposal:** Upgrade Of Existing Heating System With Installation Of 2no. External  
Air Source Heat Pump Units And 2no. Internal Fans

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/0068

**Applicant:**

Mr John McIntosh

**Parish:**

Carlisle

**Date of Receipt:**

06/02/2014

**Agent:****Ward:**

Denton Holme

**Location:**

Denton Business Park, Denton Street, Carlisle,  
Cumbria, CA2 5EL

**Grid Reference:**

339778 555258

**Proposal:** Variation Of Conditions 2, 5, 7, 15, 16, 17 And 18 of Previously  
Approved Permission 09/0815 To Allow Demolition To Take Place

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/0069

**Applicant:**

Mr John McIntosh

**Parish:**

Carlisle

**Date of Receipt:**

06/02/2014

**Agent:****Ward:**

Denton Holme

**Location:**

Denton Business Park, Denton Street, Carlisle,  
Cumbria, CA2 5EL

**Grid Reference:**

339778 555258

**Proposal:** Discharge Of Condition 12 (Parking During Construction Works) Of  
Previously Approved Permission 09/0815



## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 13/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0075

**Applicant:**  
Mr Evans

**Parish:**  
Kingwater

**Date of Receipt:**  
03/02/2014 16:00:07

**Agent:**  
JPR Building Design Ltd

**Ward:**  
Multiple Wards

**Location:**  
Bowman House, Walton, Brampton, CA8 2BA

**Grid Reference:**  
354677 566838

**Proposal:** Erection Of Two Storey Extension To Provide Hall On Ground Floor With Staircase To First Floor Above

### Amendment:

**Decision:** Grant Permission

**Date:** 19/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0076

**Applicant:**  
Mr Wood

**Parish:**

**Date of Receipt:**  
31/01/2014 23:00:06

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Castle

**Location:**  
18-22 Devonshire Street, Carlisle, CA3 8LP

**Grid Reference:**  
340221 555744

**Proposal:** Change Of Use From A2 (Building Society) To A4 (Public House); Installation Of New Shop Front And Retractable Awning (Revised Application)

### Amendment:

**Decision:** Grant Permission

**Date:** 19/03/2014

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0077

**Applicant:**  
Mr Wood

**Parish:**

**Date of Receipt:**  
31/01/2014 23:00:06

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Castle

**Location:**  
18-22 Devonshire Street, Carlisle, CA3 8LP

**Grid Reference:**  
340221 555744

**Proposal:** Display Of Fascia Signage With Integral Downlighters (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0078

**Applicant:**  
Miss Irwin

**Parish:**

**Date of Receipt:**  
03/02/2014 23:00:04

**Agent:**  
Mr Clarkson

**Ward:**  
Castle

**Location:**  
44 Abbey Street, Carlisle, CA3 8TX

**Grid Reference:**  
339780 555958

**Proposal:** Internal Alterations To Ground Floor Including Stud Partition Walls And Installation Of Sinks (LBC)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 18/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0080

**Applicant:**  
Kingmoor Park Properties  
Limited

**Parish:**  
Kingmoor

**Date of Receipt:**

**Agent:**

**Ward:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

03/02/2014

How Planning

Stanwix Rural

**Location:**

Brunthill, Kingmoor Park, Carlisle, CA6 4SJ

**Grid Reference:**

338109 559796

**Proposal:** Discharge Of Condition 15 (Contamination) Of Previously Approved Application 09/0170

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0081

**Applicant:**  
Allan Builders Limited

**Parish:**

**Date of Receipt:**  
04/02/2014

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

**Ward:**  
Castle

**Location:**

3 Compton Street, Carlisle, CA1 1HT

**Grid Reference:**

340431 556080

**Proposal:** Change Of Use Of Office Accommodation To 5no. Flats, Demolition Of Existing Extensions And Erection Of 3no. Flats And Associated Parking

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0082

**Applicant:**  
Ms Serina Caton

**Parish:**

**Date of Receipt:**  
07/02/2014

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**

51 Dukes Wood Road, Longtown, Carlisle, CA6 5UJ

**Grid Reference:**

338720 569175

**Proposal:** Erection Of Two Storey Side And Rear Extension To Provide Car Port, Living/Dining Room, WC And Hall On Ground Floor With 2no. Bedrooms And Bathroom Above

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 10/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0083

**Applicant:**  
Lovell Partnership Limited

**Parish:**

**Date of Receipt:**  
04/02/2014

**Agent:**  
Ainsley Gommon  
Architects

**Ward:**  
Belle Vue

**Location:**  
Site K, Thomlinson Avenue, Raffles Estate, Carlisle,  
CA2 7BF

**Grid Reference:**  
338157 555551

**Proposal:** Discharge Of Conditions 4 (Footpaths And Footways); 7 (Construction Management Plan) And 12 (Surface Water Disposal) Of Previously Approved Permission 13/0623

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0084

**Applicant:**  
Mr David Jones

**Parish:**  
Farlam

**Date of Receipt:**  
04/02/2014

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

**Ward:**  
Irthing

**Location:**  
The Cheering Place, Forest Head, Brampton, CA8  
1LX

**Grid Reference:**  
357226 557465

**Proposal:** Demolition Of Existing Sun Room; Erection Of Single Storey Extension To Front Elevation To Provide Porch And Utility Room; Two Storey Extension To Side Elevation To Provide Sun Room On Ground Floor With 1No. En Suite Bedroom Above ; Two Storey Extension To Rear Elevation To Provide Gym On Ground Floor With Office Above

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 24/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0087

**Applicant:**  
Mr C Bowers

**Parish:**  
Wetheral

**Date of Receipt:**  
04/02/2014 16:00:10

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Wetheral

**Location:**  
Tynedale, Plains Road, Wetheral, Carlisle, CA4 8LA

**Grid Reference:**  
346323 555053

**Proposal:** Demolition Of Previous Rear Extension; Erection Of Two Storey Side Extension To Provide Garage And Utility On Ground Floor With 1No. En Suite Bedroom Above; Erection Of Single Storey Rear Extension To Provide Living/Dining/Kitchen Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0097

**Applicant:**  
Pirelli Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
07/02/2014

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

**Ward:**  
Denton Holme

**Location:**  
Pirelli Tyres Limited, Dalston Road, Carlisle, CA2 6AR

**Grid Reference:**  
338863 553693

**Proposal:** Discharge Of Condition 8 (Soil Investigation Report) Of Previously Approved Planning Application 13/0606

**Amendment:**

**Decision:** Partial Discharge of Conditions  
19/03/2014

**Date:**

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0098

**Applicant:**  
Denton Tyres

**Parish:**  
Carlisle

**Date of Receipt:**  
07/02/2014

**Agent:**  
Mr T Gibson

**Ward:**  
Belah

**Location:**  
60-61 Parkhill Road, Kingstown Industrial Estate,  
Carlisle, CA3 0EX

**Grid Reference:**  
339117 559335

**Proposal:** Installation Of 2 Roller Shutter Doors To Existing Building; Demolition Of  
Existing Building; Extension To Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/03/2014

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0100

**Applicant:**  
Story Homes

**Parish:**  
Dalston

**Date of Receipt:**  
07/02/2014 13:00:19

**Agent:**

**Ward:**  
Dalston

**Location:**  
Land between Townhead Road and Station Road,  
Dalston

**Grid Reference:**  
336722 550172

**Proposal:** Discharge Of Conditions 16 And 17 Of Previously Approved Permission  
12/0878

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0107

**Applicant:**  
Story Homes

**Parish:**  
Dalston

**Date of Receipt:**  
11/02/2014 16:00:29

**Agent:**

**Ward:**  
Dalston



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Land between Townhead Road and Station Road,  
Dalston

**Grid Reference:**

336722 550172

**Proposal:** Discharge Of Condition 4 (Bat Method Statement) Of Previously  
Approved Permission 13/0797

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/0114

**Applicant:**

Amber Taverns Ltd

**Parish:**

Carlisle

**Date of Receipt:**

17/02/2014

**Agent:**

Chris Shanley Innovations  
Ltd

**Ward:**

Castle

**Location:**

The Caledonian, 17 Botchergate, Carlisle, CA1 1QP

**Grid Reference:**

340326 555598

**Proposal:** Removal Of All Existing Signs; Display Of Illuminated And Non  
Illuminated Signage

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/0116

**Applicant:**

Carlisle Window Systems

**Parish:**

Carlisle

**Date of Receipt:**

17/02/2014

**Agent:**

Sam Fletcher Architect

**Ward:**

Harraby

**Location:**

Carlisle Window Systems Limited, Stephenson  
Road, Durranshill Ind. Estate, Carlisle, CA1 3NU

**Grid Reference:**

342125 554730

**Proposal:** Proposed Extension To Factory To Provide Storage (Revised  
Application)



## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 26/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0117

**Applicant:**  
Mr T Deeble

**Parish:**  
Wetheral

**Date of Receipt:**  
19/02/2014

**Agent:**  
Jock Gordon

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Farndale, Sandy Lane, Heads Nook, Brampton,  
CA8 9BQ

**Grid Reference:**  
347937 555515

**Proposal:** Erection Of Detached Domestic Garage

### Amendment:

**Decision:** Refuse Permission

**Date:** 20/03/2014

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0144

**Applicant:**  
Mrs Janice Caryl

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
24/02/2014

**Agent:**

**Ward:**  
Burgh

**Location:**  
16 Amberfield, Burgh by Sands, Carlisle, CA5 6AS

**Grid Reference:**  
332704 558862

**Proposal:** Non Material Amendment Of Previously Approved Planning Application  
13/0681 To Include A Window To The Side Elevation

### Amendment:

**Decision:** Amendment Accepted  
03/03/2014

**Date:**

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Between 22/02/2014 and 28/03/2014



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
14/0145

**Applicant:**  
Kingmoor Park Properties  
Ltd

**Parish:**  
Kingmoor

**Date of Receipt:**  
25/02/2014

**Agent:**  
How Planning

**Ward:**  
Stanwix Rural

**Location:**  
Brunthill, Kingmoor Park, Carlisle CA6 4SJ

**Grid Reference:**  
338109 559796

**Proposal:** Non Material Amendment Of Previously Approved Planning Application  
13/0709

**Amendment:**

**Decision:** Amendment Accepted  
18/03/2014

**Date:**

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Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0170

**Applicant:**  
Cumberland Building  
Society

**Parish:**  
Brampton

**Date of Receipt:**  
03/03/2014

**Agent:**  
John Lyon Associates

**Ward:**  
Brampton

**Location:**  
Cumberland Building Society, 19-21 Front Street,  
Brampton, CA8 1NG

**Grid Reference:**  
352964 561045

**Proposal:** Non Material Amendment Of Previously Approved Permission 13/1000

**Amendment:**

**Decision:** Amendment Accepted  
12/03/2014

**Date:**

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**  
14/0178

**Applicant:**  
Mr David Mallinson

**Parish:**  
Dalston

**Date of Receipt:**

**Agent:**

**Ward:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

04/03/2014

Mr B F Child

Dalston

**Location:**

Garage/Workshop, Cardew Lodge, Cardew,  
Dalston, Carlisle, CA5 7JQ

**Grid Reference:**

333768 549120

**Proposal:** Non Material Amendment Of Previously Approved Permission 12/0424

**Amendment:**

**Decision:** Amendment Accepted

20/03/2014

**Date:**

---

Between 22/02/2014 and 28/03/2014

**Appn Ref No:**

14/9003

**Applicant:**

GP Energy Ltd

**Parish:**

Kirkandrews

**Date of Receipt:**

24/02/2014

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Longtown & Rockcliffe

**Location:**

Land West of Bogburn Bridge and North of the Firs,  
Englishtown, Longtown, CA6 5NJ

**Grid Reference:**

334352 572439

**Proposal:** Restoration Of Coalbed Methane Exploration Drilling Site Back To  
Former Agricultural Use

**Amendment:**

**Decision:** City Council Observation - Raise Objection(s)

**Date:** 14/03/2014

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# Report to Development Control Committee

Agenda  
Item:  
**A.2**

Meeting Date: 11 April 2014  
Portfolio: Economy and Enterprise  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework  
Public / Private Public

Title: UPDATE ON HOUSING STANDARDS REVIEW AND  
PERMITTED DEVELOPMENT RIGHTS  
Report of: Director of Economic Development  
Report Number: ED.16/14

## Purpose / Summary:

This report provides an update for Members on recent changes to national planning legislation affecting housing standards, permitted development rights and update on the National Planning Practice Guidance.

## Recommendations:

That the report be noted.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	



## **1. BACKGROUND**

- 1.1 During 2013 the Department for Communities and Local Government consulted on proposed changes to a number of remaining planning documents following the significant changes brought about by the introduction of the National Planning Policy Framework. The Government considered that although much of the previous guidance had been removed there were still areas which could be changed to streamline the planning system even further.

## **2. UPDATE TO CHANGES INTRODUCED**

### **2.1 Housing Standards Review**

- 2.2 In 2010 the Government announced an industry led examination of housing standards and to find a way to simplify them. The Local Housing Delivery Group reported in June 2012. The group decided the best way to consider standards was by theme including energy, accessibility, security and water. The Group concluded that there was scope for rationalisation and called for as much material as possible to be put into national Building Regulations.

- 2.3 A consultation was undertaken between August and October 2013.

- 2.4 In response to the Local Housing Delivery Group Report and the Government's consultation the Government proposes the following changes through the Building Regulations system:

- **Access**

Minimum access standards in Part M (Access to and use of buildings) will be retained. In addition, an optional level of accessibility will be introduced in Part M which will set out criteria for age friendly, accessible and adaptable housing. The Government will also set out within Part M an optional standard which will set out criteria setting out the specific needs of wheelchair adaptable and accessible housing.

These optional levels would not be universally mandatory, but local authorities will be able to adopt them to meet local needs, according to local circumstances or individual needs, and subject to viability testing.

- **Security**

The Government recognises the value of a single minimum security standard for new homes, based on industry's best practice. The Government is considering the evidence on whether such a standard should be applied to all new homes, as a



Building Regulation applied nationally or whether it would be more proportionate if applied on a local basis.

- **Water**

The Government propose to introduce a new, tighter level of water efficiency into the Building Regulations, to be set at 110 litres/person/day (lpd). This would be an optional higher level in addition to the current level of 125 lpd which could only be applied in areas with specific local needs (such as water stress). This would be chosen by the local authority. Government is considering the best way to define areas of water stress to ensure this works in practice.

- **Energy**

The Government proposes a “Building Regulations only” approach, with no optional additional local standards in excess of the provisions set out in Part L of the Regulations.

In Budget 2013 the Government reaffirmed its commitment to implement the zero carbon homes policy for new homes from 2016. This will be achieved through a strengthening of the energy performance requirements in Part L of the Building Regulations (incorporating carbon compliance, energy efficient fabric and services), and the delivery of allowable solutions.

- **Space**

The Government believes that it is right that local communities and neighbourhoods have the ability to shape the nature of new development in their local areas. However, a proliferation of localised and varying space standards creates a potentially significant barrier to delivery of housing. The Government will therefore develop a new national standard – not a Building Regulation - which will offer a consistent set of requirements with regard to the internal area of new homes. This will have two different sets of specifications, based on a consolidation of existing space standards used by authorities across the country. Application of the standard will be optional for local authorities to use and they will need to justify its application according to evidenced needs and subject to local plan viability testing. This will help to balance the needs of local communities whilst ensuring that the home building industry can deliver at volume in a cost effective manner.

- **Other Standards**

Government considered a range of other issues in the Housing Standards Review consultation. The Government is not taking forward any work on these matters during this Parliament.

## **2.5 Permitted Development Right Changes**

- 2.6 The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 came into force on the 6<sup>th</sup>



April 2014. The most significant change introduced is for the permitted change of use from agricultural buildings to residential use subject to a prior approval process.

2.7 The following changes have been made:

- Article 3 makes a number of amendments in relation to permitted development rights for dwellinghouses in Part 1 of Schedule 2 to the General Permitted Development Order. As a result, none of the Part 1 rights will apply where buildings have become dwellinghouses under the new change of use permitted development rights at Class IA and MB of Part 3 of this Order. There are some minor amendments and clarifications to the prior approval
- Article 4 allows premises which have become registered nurseries under the new and expanded permitted development rights at Class K and MA of Part 3 of Schedule 2 to the General Permitted Development Order (see article 5 of this Order) to build higher fences or walls next to highways.
- Article 5 introduces a number of new permitted development rights for change of use, some of which include permission for limited operational development:
  - New Class CA allows a building used as a shop to be used as a bank, a building society, a credit union or a friendly society.
  - New Class IA allows buildings used as shops or for the provision of financial or professional services to change to residential use.
  - Class K is expanded to allow buildings used for a variety of uses to become nurseries.
  - New Class MA allows agricultural buildings to become schools or nurseries.
  - New Class MB allows agricultural buildings to change to residential use.
- Conditions, limitations and restrictions are applied to each of the new rights, and in some cases the prior approval of the local planning authority is required in relation to certain matters in particular with Class MB prior approval covers transport and highways impact, noise impact, contamination risk, flooding risk and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use.
- Article 6 prevents developers using existing rights to build or extend agricultural buildings within ten years of having changed the use of an agricultural building under new Class MA or MB of Part 3 of Schedule 2
- Article 7 allows premises which have become registered nurseries under the expanded Class K to take advantage of operational development rights for schools under Part 32 of Schedule 2.
- Article 8 clarifies that local planning authorities are not required to determine applications for prior approval under Parts 1 and 3 of Schedule 2 to the General Permitted Development Order within 8 weeks. There is no need to require the local planning authority to determine such applications because failure to determine them



within the period specified for prior approval means that development which complies with any other conditions, limitations and restrictions attached to the development in question is authorised by the General Permitted Development Order.

## **2.9 National Planning Practice Guidance (NPPG)**

2.10 Following the Taylor Review of the Government intended to reduce the additional 7,000 pages of planning guidance available to a single on-line resource for planning practice guidance. In August 2013 the resource was launched as a working draft and as of the 6<sup>th</sup> March the Government finalised the guidance and as a result has cancelled some previous guidance. Any changes to guidance will be incorporated into this on-line resource.

2.11 The specific updates are:

- issuing robust guidance on flood risk, making it crystal clear that councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed
- making clear that local plans can pass the test of soundness where authorities have not been able to identify land for growth in years 11 to 15 of their local plan, which often can be the most challenging part for a local authority
- explaining how student housing, housing for older people and the re-use of empty homes can be included when assessing housing need
- ensuring that infrastructure is provided to support new development, and noting how infrastructure constraints should be considered when assessing suitability of sites
- stressing the importance of bringing brownfield land into use and made clear that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers
- noting that councils should also be able to consider the delivery record (or lack of) of developers or landowners, including a history of unimplemented permissions; this will also serve to encourage developers to deliver on their planning permissions
- incorporating the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for consideration
- allowing past over-supply of housing to be taken into account when assessing housing needs



- on the 5 year supply of sites, confirming that assessments are not automatically outdated by new household projections
- clarifying when councils can consider refusing permission on the grounds of prematurity in relation to draft plans
- encouraging joint working between local authorities, but clarifying that the duty to co-operate is not a duty to accept; we have considered and rejected the proposals of HM opposition to allow councils to undermine green Belt protection and dump development on their neighbours' doorstep

For Members information the Planning Practice Guidance covers the following topics:

• Advertisements	• Air quality
• Appeals	• Before submitting an application
• Climate change	• Conserving and enhancing the historic environment
• Consultation and pre-decision matters	• Crown Development
• Design	• Determining a planning application
• Duty to cooperate	• Ensuring effective enforcement
• Ensuring the vitality of town centres	• Environmental Impact Assessment
• Flexible options for planning permissions	• Flood Risk and Coastal Change
• Hazardous Substances	• Health and wellbeing
• Housing and economic development needs assessments	• Housing and economic land availability assessment
• Land affected by contamination	• Land Stability
• Lawful development certificates	• Light pollution
• Local Plans	• Making an application
• Minerals	• Natural Environment
• Neighbourhood Planning	• Noise
• Open space, sports and recreation facilities, public rights of way and local	• Planning obligations



green space	
• Renewable and low carbon energy	• Rural Housing
• Strategic environmental assessment and sustainability appraisal	• Travel plans, transport assessments and statements in decision-taking
• Tree Preservation Orders and trees in conservation areas	• Use of Planning Conditions
• Viability	• Water supply, wastewater and water quality
• When is permission required?	

### **3. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

**3.1** That Members note the changes which have been made to national planning legislation

**Contact Officer:** Chris Hardman

**Ext:** 7502

**Appendices  
attached to report:**

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – n/a**

**Deputy Chief Executive – n/a**

**Economic Development – as the report**

**Governance – n/a**



**Local Environment – n/a**

**Resources – n/a**