

AGENDA

Development Control Committee

Friday, 25 July 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 approve and sign the Minutes of the meetings held on 9 April 2014, 11 April 2014 and 16 May 2014.
[Copy Minutes in Minute Book Volume 41(1)]

To note the Minutes of the site visits held on 23 July 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.

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<u>Schedule B - E</u>	125 - 222
A.2 <u>REVOCATION OF TREE PRESERVATION ORDER 43 and 57</u>	223 - 228

The Landscape Architect / Tree Officer to submit a report on the Revocation of Tree Preservation Order No.43, Stone House, Hayton and Tree Preservation Order No.57 Chatsworth Square. (Copy Report ED.24/14 herewith)

PART B

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

Members of the Development Control Committee

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

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

Liberal Democrat - Gee, Allison (sub)

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

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

25th July 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 11/07/2014 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 15/07/2014.

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>14/0346</u> A	Land to the rear of Edna's Cottage, North End, Burgh By Sands, Carlisle, CA5 6BD	<u>SD</u>	11
02.	<u>14/0401</u> A	Land south west of Bankdale Park, Wreay, Carlisle	<u>SO</u>	21
03.	<u>14/0316</u> A	Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle	<u>RJM</u>	41
04.	<u>12/0735</u> A	Land to the north of Midtown Farm, Kirkbampton, CA5 6JB	<u>ST</u>	57
05.	<u>14/0406</u> A	Field Adjoining Purdoms Crook, Sandysike, Carlisle, CA6 5ST	<u>RJM</u>	73
06.	<u>14/0332</u> A	Land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria	<u>SD</u>	83
07.	<u>14/0360</u> A	Land Adj Greenacre, Burnrigg, Warwick Bridge, Cumbria	<u>SD</u>	93
08.	<u>14/0342</u> A	Land adjacent Woodcote, Durdar Road, Carlisle, CA2 4TL	<u>RJM</u>	103
09.	<u>14/0414</u> A	Land Part Field 6259, Scotby, Carlisle	<u>SD</u>	113
10.	<u>13/0639</u> C	Greenlands, Wreay, Carlisle, CA4 0RR	<u>SO</u>	127
11.	<u>14/0117</u> C	Farndale, Sandy Lane, Heads Nook, Brampton, CA8 9BQ	<u>RJM</u>	130
12.	<u>14/9003</u> C	Land West of Bogburn Bridge and North of the Firs, Englishtown, Longtown, CA6 5NJ	<u>BP</u>	132
13.	<u>14/9004</u> C	Land to West Of Becklees Farm, Adjacent To Local Unclassified Road Between Sarkhall and Beckside, Longtown, Carlisle, Cumbria, CA6 5NQ	<u>SD</u>	140
14.	<u>14/9009</u> C	Inglewood Infant School, School Road, Carlisle, CA1 3LX	<u>SD</u>	148*
15.	<u>12/0990</u> C	Woodlands View, Sandysyke, Longtown, Carlisle, CA6 5SR	<u>RJM</u>	151

Date of Committee: 25/07/2014

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>14/0129</u> D	Former Fire Station, Warwick Street, Carlisle, CA3 8QW	<u>SD</u>	154
17.	<u>13/0841</u> D	Land behind Townfoot Farm, Castle Carrock, Brampton, CA8 9LT	<u>SD</u>	157
18.	<u>13/0905</u> D	Land to the rear of Nos. 55-65, Scotby Road, Scotby, Carlisle, CA4 8BD	<u>BP</u>	161
19.	<u>13/0546</u> D	L/Adj Fallowfield, Plains Road, Wetheral, Carlisle, CA4 8LE	<u>BP</u>	167

SCHEDULE A: Applications with Recommendation

14/0346

Item No: 01

Date of Committee: 25/07/2014

Appn Ref No:
14/0346

Applicant:
Mr W E Pattinson

Parish:
Burgh-by-Sands

Agent:

Ward:
Burgh

Location: Land to the rear of Edna's Cottage, North End, Burgh By Sands,
Carlisle, CA5 6BD

Proposal: Erection Of 1No. Bungalow (Outline)

Date of Receipt:
12/05/2014

Statutory Expiry Date
07/07/2014

26 Week Determination

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 Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Impact Of The Proposal On Listed Buildings, The Conservation Area And The AONB
- 2.5 Highway Matters

3. Application Details

The Site

- 3.1 This proposal is seeking outline planning permission for the erection of a dwelling on land to the rear of Edna's Cottage, Burgh-by-Sands. The site is currently used as an allotment and is in private ownership. It currently contains a greenhouse, a shed and a number of planting beds. It lies to the

rear of Edna's Cottage but sits at a significantly higher level. A hedge separates the site from Edna's Cottage.

- 3.2 Edna's Cottage is a Grade II Listed dwelling that lies within the Burgh-by-Sands Conservation Area. Meadow View, which is a bungalow, adjoins the application site to the south and is separated from it by a wall. The greenhouse and bungalow are sited on the boundary with Meadow View. Leigh Cottage, which is a Grade II Listed cottage of clay dabbin construction, adjoins the site to the north. Fields lie to the east of the site and are separated from it by a post and wire fence.
- 3.3 There is an existing access to the site which runs directly to the south of Leigh Cottage and this links to a field gate which provides access into the site. The applicant, the occupier of Leigh Cottage and a local farmer have a right of way over the access.

The Proposal

- 3.4 This proposal is seeking outline planning permission for the erection of one dwelling on this site. The Design & Access Statement that accompanies the application states that a bungalow would be built to the rear of the site, with the main windows overlooking the field. The bungalow would be finished in render under a slate roof.

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 four neighbouring properties. In response three letters of objection have been received which make the following points:
- Edna's Cottage is a Grade 2 Listed Building and the Conservation Area has been extended to include this dwelling. Its rural setting , with open fields to the rear, is an important part of its character;
 - the application site is significantly higher than Edna's Cottage and even a bungalow would be visible from the road and the height difference will accentuate the intrusiveness and dominance of the new building over the much lower lying Edna's Cottage;
 - any building to the rear will be visible as a backdrop to Edna's Cottage;
 - the proposed new building would adversely affect the setting of Edna's Cottage by adversely affecting the character and appearance of the immediate locality;
 - the proposal would have an adverse impact on the adjacent conservation area- the objective should be to conserve and enhance the characteristics of the conservation area but the proposed development does neither;
 - the raised level of the site means that any dwelling on this site would overlook Edna's Cottage and deprive it of its privacy to an unacceptable extent;
 - the site is currently used as an allotment which would be lost if the development goes ahead;

- Policy H9 states that 'tandem' development, consisting of one house immediately behind another and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered to the front house;
- the houses in North End follow a linear pattern which is surrounded by countryside and this would be compromised by the establishment of a double row of development parallel to the road which would be harmful to the setting of the village;
- the building of a modern bungalow which would be surrounded on two sides by Grade II Listed Buildings would not relate well to the form and character of the existing settlement in this location;
- Meadow View would lose privacy as a property on this site would overlook this dwellings garden, conservatory and living room areas;
- Leigh Cottage is of clay dabbin construction and is Grade II Listed - the access would be via the shared right of way immediately next to this dwelling . The access track is narrow and has a drainage channel next to the house, which is 18 inches wide and 3ft deep at its deepest - this would be hazardous for vehicles, pedestrians and for the house;
- there would be a loss of privacy to Leigh Cottage caused by pedestrian and vehicular traffic within inches of the windows of Leigh Cottage and there will be traffic noise within inches of the windows which are not double glazed as the dwelling is listed.

4.2 Cllr Collier has objected to the proposal for the following reasons:

- another building will put further pressure on an already overloaded and outdated sewerage system.
- any building on this site will affect the setting of 2 neighbouring clay dabbin Listed Buildings.
- the amenity of the neighbouring property (Leigh Cottage) would be compromised as the entrance would be directly alongside the windows of the property and so affect its privacy.
- the access is too close to significant local vernacular clay walled buildings.
- the run off from this new property would affect the material (clay dabbin) of Leigh and Edna's Cottage
- double banked houses/bungalows are not in keeping with the area.
- in this area of the Solway AONB, the building would be visible from the eastern approach and so alter the gateway to the village.
- the building of this property would significantly alter the height of the properties within the village.

5. Summary of Consultation Responses

Solway Coast AONB Unit: - comments awaited;
 Local Environment - Environmental Protection: - no objections - normal conditions relating to contamination should apply;
 English Heritage - North West Region: - no objections;
 Cumbria County Council - (Econ. Dir. Highways & Transportation): - comments awaited;
 Burgh-by-Sands Parish Council: - objects to the proposal for the following reasons: another building will put further pressure on an already overloaded

and outdated sewerage system; any building on this site will affect the setting of 2 neighbouring clay dabbin Listed Buildings; the amenity of the neighbouring property (Leigh Cottage) would be compromised as the entrance would be directly alongside the windows of the property and so affect its privacy; the access is too close to significant local vernacular clay walled buildings; the run off from this new property would affect the material (clay dabbin) of Leigh and Edna's Cottage; double banked houses/bungalows are not in keeping with the area; in this area of the Solway AONB, the building would be visible from the eastern approach and so alter the gateway to the village; the building of this property would significantly alter the height of the properties within the village;

United Utilities: - only foul water should drain to the public sewer with surface water draining in the most sustainable way. Permeable paving should be used on all driveways and other hard-standing areas;

Cumbria County Council - Drainage: - comments awaited.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP9, H1, H9, LE7, LE12, LE19, CP3, CP5, CP12, CP13 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:
1. Whether The Proposal Would Be Acceptable In Principle
- 6.2 The application site lies within the village of Burgh-by-Sands, which is identified as a Local Service Centre in the adopted Local Plan. The village contains a range of services including a school, public house and village hall. The erection of a dwelling on this site would, therefore, be acceptable in principle.
2. Whether The Scale And Design Would Be Acceptable
- 6.3 These matters are reserved for subsequent approval and do not form part of this application. The Design and Access Statement makes reference to a bungalow and given the elevated nature of the site and the adjacent Listed Building, the height of any dwelling would need to be kept low. A condition has, therefore, be added to the permission to ensure that the proposed dwelling is single-storey.
3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 6.4 Edna's Cottage lies to the front of part of the application site and lies at a significantly lower level. The rear elevation of this property, which faces the application site, only has two ground floor windows, one of which is obscure glazed, and a glazed porch. If the proposed dwelling is a bungalow which is sited away from the boundary with Edna's Cottage it would not have an adverse impact on the occupiers of Edna's Cottage, particularly if the existing

hedge on the rear boundary is retained.

- 6.5 Meadow View, which is a bungalow, adjoins the site to the south and this property has a conservatory attached to the rear. The erection of a bungalow on the site would ensure that the new dwelling would not be over-dominant when viewed from Meadow View and there would be no loss of light or overshadowing given that Meadow View lies to the south of the application site. The new bungalow could be designed so that it has no primary windows facing Meadow View or suitable boundary treatment could be erected along the boundary between Meadow View and the application site to limit overlooking between the dwellings.
- 6.6 The proposed access to the new dwelling runs directly in front of the south elevation of Leigh Cottage, which has four windows at ground floor level. The applicant has a right of way over the access as does a local farmer (to access the fields to the rear) and this access could, therefore, be used by vehicles. Whilst the erection of a dwelling on this site could increase the vehicle movements passing Leigh Cottage, this would not be significant enough to warrant refusal of the application.
- 6.7 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of that dwelling through loss of light, loss of privacy or over-dominance.

4. Impact Of The Proposal On The Listed Buildings, The Conservation Area And The Solway Coast AONB

- 6.8 The application site lies within the Solway Coast AONB and adjacent to the Burgh-by-Sands Conservation Area and the Grade II Listed Edna's Cottage. In addition, the access would run directly in front of the Grade II Listed Leigh Cottage. The site is well related to the existing settlement and the rear boundary of the dwelling would tie in with the rear boundary of Meadow View, which adjoins the site to the south. Dwellings to the north extend further east than the application site.
- 6.9 The Council's Heritage Officer has been consulted on the application. He has no objections to the erection of a dwelling on this site providing that it is one to one-and-a-half stories in height and the proposed materials draw on the traditional palette of Burgh-by-Sands and modern materials are avoided. The applicant has indicated that a bungalow would be erected on this site. If it was carefully sited and an acceptable design it would not have an adverse impact on the adjacent listed buildings or the conservation area. An existing access, which passes Leigh Cottage, would be used to provide access to the new dwelling.
- 6.10 The Council's Heritage Officer has noted that the adjacent listed buildings, in particular Leigh Cottage, could be adversely affected during the construction of the dwelling. A condition has, therefore, been added to the permission to ensure that the applicant submits a Construction Method Statement prior to the commencement of development.
- 6.11 In light of the above, the proposal would not have an adverse impact on the

Solway Coast AONB, the conservation area or the adjacent listed buildings.

5. Highway Matters

- 6.12 County Highways has been consulted on the application. It has no objections to the proposal subject to the imposition of a condition which requires the first 5m of the access to be surfaced in bituminous or cement bound materials. The Council's Heritage Officer would not want to see the existing access upgraded as this could have an adverse impact of the adjacent clay dabbin. This condition has not, therefore, been added to the proposed consent.

Conclusion

- 6.13 In overall terms, the proposal is acceptable in principle. The scale and design of the dwelling would be addressed through a Reserved Matters application but would be restricted to a single-storey dwelling. The dwelling could be located on the application site without having an adverse impact on the occupiers of any neighbouring properties. The proposal would not have an adverse impact on the Solway Coast AONB, the adjacent Conservation Area or an adjacent Listed Buildings. Appropriate access and parking could be provided. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning policies.

7. Planning History

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

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) The expiration of 3 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. The approved documents for this Outline permission comprise:

1. the submitted planning application form, received 17 April 2014;
2. Design & Access Statement, received 12 May 2014;
3. Desktop Study, received 12 May 2014;
4. Location Plan, received 17 April 2014 (Dwg 01);
5. the Notice of Decision; and
6. 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 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. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP12 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) 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.

9. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 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 CP5 of the Carlisle District Local Plan 2001-2016.

10. Prior to the commencement of development, a Construction Method Statement shall be submitted for approval in writing by the Local Planning Authority. The development shall then be constructed in accordance with the Construction Method Statement.

Reason: To ensure that the proposal does not have an adverse impact on the adjacent Listed Building, in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

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

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.

12. 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.

13. The dwelling shall be in the form of a single storey construction only.

Reason: To ensure that the proposal does not have an adverse impact on the adjacent conservation area and listed buildings and to protect the privacy and amenity of the neighbouring residents in accordance with Policies LE12, LE19 and CP5 of the Carlisle District Local Plan 2001-2106.

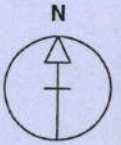


TITLE NUMBER
CU178275

LOCATION PLAN

CUMBRIA : CARLISLE

DWG01



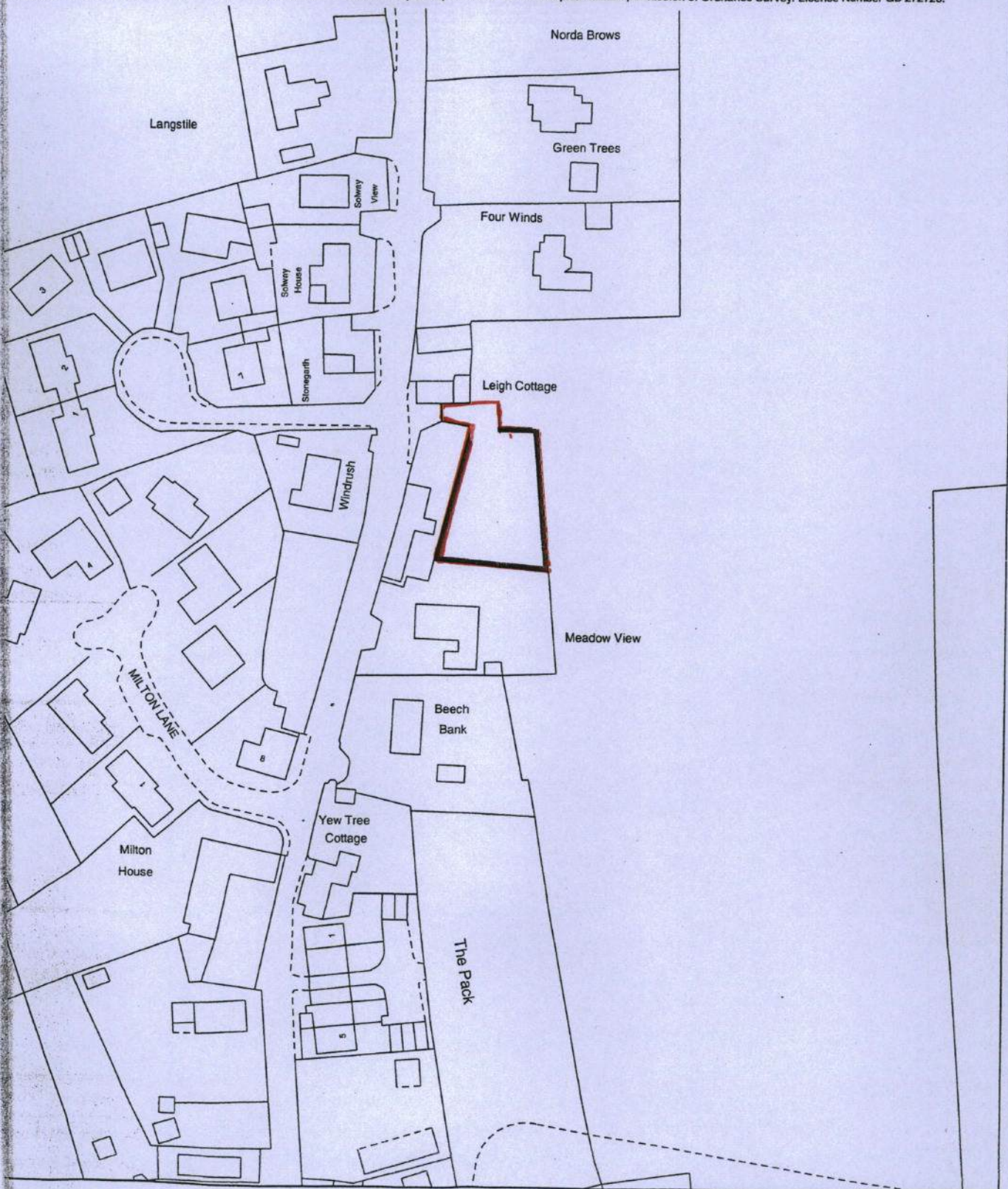
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17 APR 2014

14/03/16



SCHEDULE A: Applications with Recommendation

14/0401

Item No: 02

Date of Committee: 25/07/2014

Appn Ref No:
14/0401

Applicant:
OwnPower

Parish:
Dalston

Agent:
Stephenson Halliday

Ward:
Dalston

Location: Land south west of Bankdale Park, Wreay, Carlisle

Proposal: Variation Of Conditions 2 (Approved Documents) And 13 (To Vary Turbine Tip Height From 76.5 Metres To 79 Metres) Of Previously Approved Permission 13/0853

Date of Receipt:
13/05/2014

Statutory Expiry Date
07/07/2014

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

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 potential contribution of the scheme towards the generation of renewable energy
- 2.3 The impact of the proposed revised turbine height on the landscape and visual character of the area including cumulative impacts
- 2.4 The impact on the revised turbine height on residential properties (noise and shadow flicker)
- 2.5 Air safety: Carlisle Airport and Ministry of Defence
- 2.6 Impact upon highway safety and public footpaths
- 2.7 Impact on horse riding/safety
- 2.8 Impact upon local ecology and nature conservation
- 2.9 Impact upon heritage assets
- 2.10 Other matters

3. Application Details

The Site

- 3.1 This application relates to fields located approximately 525 metres to the south-west of Bankdale Park near Wreay which form part of Mellguards Farm Unit. Mellguards Farm is located approximately 3.3km south-west of the application site and falls within the administrative area of Eden District Council.
- 3.2 The application site relates to five fields and is approximately 0.93 hectares in area. The application site is wholly within the administrative area of Carlisle City Council and is situated to the north of a plantation known as Great High Plantation.

Background

- 3.3 Members of the Development Control Planning Committee granted planning permission in January 2014, under application reference 13/0853, for the erection of a single wind turbine 50m to hub height, 76.5m to tip height, together with associated infrastructure and access track.
- 3.4 The turbine approved under application 13/0853 was to be finished in either a white, grey or off-white colour. Access to the turbine was to be via an existing farm track which was to be upgraded to provide a surface width of 4 metres. Two new sections of track (approximately 572 and 194 metres in length) were to be constructed from the existing track into the turbine field. One of the routes was for delivery and installation of the turbine only and would be reinstated to its current state after commissioning of the turbine. The new access to the south would remain for maintenance purposes. In order to construct the access track two sections of hedgerow removal were required (12m at the access point of the highway onto the existing access track and 5m where the new temporary access track crosses into the turbine field). Both sections of hedgerow were to be reinstated following commissioning of the turbine.
- 3.5 To facilitate the construction of the turbine a temporary crane platform and assembly area was proposed which would have a total footprint of 525m². The transformer and associated electrical equipment would be contained in a cabinet located at the base of the turbine on a concrete plinth. The substation would measure 2m x 2m x 2m and would be finished in a pale grey semi matt surface. Stripped soils would be placed over the turbine footing, crane pad and access track and revegetated.
- 3.6 It was anticipated that the turbine would be connected to the national grid via the 11KV line which is located to the south-east of the turbine. The connection would be made via a underground cable which would be within land under the applicants ownership.

The Proposal

- 3.7 Since the original approval the applicant has undertaken discussions with the

turbine manufacturer Enercon and it has transpired that the original turbine proposed, an E53 turbine, may no longer be available to install at the site. This is because the turbine manufacturer believes that the E53 turbine on a 50m mast would be adversely affected by turbulence from the nearby woodland and would therefore not work as effectively as it could thereby reducing the energy yield of the turbine and funds available via Ownpowers Bankdale Energy Conservation Trust. In such circumstances the turbine manufacturer has suggested two different options to deal with this issue: 1) an E48 turbine with a 55m mast, 24m blade length and 79m tip height or 2) an E53 turbine on a 60m mast, 26.5m blade length and 86.5m tip height.

- 3.8 In order to deal with the issue raised by the turbine manufacturer the applicant has decided to proceed with option 1) amending the approved turbine to an E48 turbine with a 55m mast, 24m blade length and 79m tip height. The current proposal therefore seeks permission to vary conditions 2 (the approved list of documents) and 13 (the height of the turbine) of previously approved planning application 13/0853 accordingly.
- 3.9 Members are reminded that condition 2 of planning approval 13/0853 specified all the approved plans and list of documents accompanying the application. In order to deal with the change in the turbine specifications the applicants have updated the text to the environmental report, landscape and visual assessment together with the ecology, transport and cultural heritage reports. The wind turbine details have been updated, revised Landscape and Visual Assessment figures and visualisations have also been submitted together with a revised noise assessment.
- 3.10 With regard to condition 13 Members are reminded that this condition specifically stated that planning approval 13/0853 related to a turbine with a tip height of 76.5 metres. It is therefore requested that this condition is varied to allow a turbine with a tip height of 79 metres.
- 3.11 The main changes therefore between the previous approval and the variation of conditions application are:
1. A 5m increase in hub height of the turbine
 2. A decrease in blade length by 2.5 metres and a decrease in rotor diameter by 5m
 3. A 2.5m increase in tip height of the turbine.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 35 properties. In response 49 letters of objection (43 of which have signed a standard letter) and one letter of comment have been received during the consultation period.
- 4.2 The 43 standard letters of objection raise the following:

1. Procedural matters in relation to public consultation on the original wind turbine application
 2. Impact upon local landscape and amenities
- 4.3 The remaining letters of objection cover a number of matters which are summarised as follows:
1. Scale of turbine in relation to the site
 2. Impact upon local community
 3. Procedural matters in relation to public consultations on wind turbine applications
 4. Cumulative and environmental impact
 5. Turbine will not be viewed as a pair with the High Burnthwaite turbine as dimensions will be different
 6. Need to amend turbine details indicates lack of comprehensive surveys by the applicant. Queries raised as to what other issues are unresolved
 7. Impact upon landscape and visual amenity from the increase in height of turbine
 8. Visual assessment shows major/moderate effects on road users in viewpoints 1, 2 and 11 and on residents in viewpoints 2 and 5
 9. Efficiency of the turbine being located near a woodland.
 10. Efficiency of turbines as a renewable source
 11. Noise
 12. Overbearing and overshadowing
- 4.4 The letter of comment covers a number of matters which are summarised as follows:
1. Comments in relation to the impact of the High Burnthwaite turbine on the living conditions of Foulbridge
 2. Turbines should be erected where landowners can see them
 3. Bankdale Park turbine is infinitely better than the High Burnthwaite turbine

5. Summary of Consultation Responses

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

Dalston Parish Council: - whilst proposal may increase the power output from the turbine it also increases the visibility of the structure which is to the detriment of the environment. Has the physical structure of the turbine, including the foundations, been strengthened to accommodate the increase in blade size?

Carlisle Airport: - no objection;

MOD Safeguarding - for all wind turbine application consultations: - no objections subject to the imposition of two conditions;

Royal Society for the Protection of Birds: - no response received during the consultation period;

National Air Traffic Services: - no objection;

Civil Aviation Authority: - no response received during the consultation period;

Joint Radio Co: - no response received during the consultation period;

BBC: - no response received during the consultation period;

Cumbria Wildlife Trust: - no response received during the consultation period;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - no observations;

Natural England - relating to protected species, biodiversity & landscape: - no comment;

British Horse Society: - no response received during the consultation period;

Department for Transport (Highways Agency): - no objection;

Eden District Council: - no comment.

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 comprises the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).
- 6.3 The National Planning Policy Framework (NPPF) is also a significant 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. Members should note that two of the core planning principles are to support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources whilst recognising the intrinsic character and beauty of the countryside.
- 6.4 The NPPF indicates that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and it should be recognised that even small-scale projects

provide a valuable contribution to cutting greenhouse gas emissions. The NPPF indicates that Local Planning Authorities should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. The NPPF also states that in determining applications for wind energy development Planning Authorities should follow the approach set out in the National Policy Statement for Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). The National Planning Policy Statement for Energy Infrastructure generally relates to large wind farms however it gives guidance on technical considerations when dealing with onshore wind farms.

- 6.5 Under "The Promotion of the Use of Energy from Renewable Sources Regulations 2011" there is a duty on the Secretary of State to ensure that the renewable share in 2020 is at least 15%.
- 6.6 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character. A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.
- 6.8 Other material considerations include Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas and the National Planning Policy Framework Planning Practice guidance (06/03/14).
- 6.9 When assessing this application it is considered that there are ten main issues, which are addressed in turn:

1. The Principle Of Development

- 6.10 The principle of a wind turbine on this site has already been assessed and established as acceptable under planning reference 13/0853. The impacts of the changes to the turbine specifications (as stated in paragraph 3.11) are discussed below:

2. The Potential Contribution Of The Scheme Towards The Generation Of Renewable Energy

- 6.11 As stated above the NPPF indicates that Local Planning Authorities should not require applications for energy development to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting green house gas emissions.

- 6.12 There was previously regional and sub regional renewable energy targets within the North West of England Regional Spatial Strategy and the Cumbria and Lake District Joint Structure Plan however these documents have now been revoked.
- 6.13 Notwithstanding the revocation of the RSS it is acknowledged that much of the evidence that underpins the targets of the RSS with regard to renewable energy is still relevant.
- 6.14 The Climate Change Act (2008) set legally binding carbon budgets for the UK which aim to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. The UK Renewable Energy Strategy 2009 includes a target of delivering more than 30% of our electricity generated from renewable sources by 2020. In addition to these targets it is acknowledged that the NPPF includes a strong message that we should promote and support the delivery of renewable and low carbon energy and associated infrastructure in moving towards a low carbon economy. Wind energy is widely considered to be a proven, viable and rapidly developing energy technology, with the UK having access to 40% of the entire European wind resource (EN-1).
- 6.15 The landscape of Carlisle District is not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and elsewhere, will not survive, in the future, unless the serious effects of climate change are addressed.
- 6.16 The revised specification of turbine would still provide a total installed capacity of 500kW. The supporting statement indicates that the application will help secure the economic viability of the applicants farm by creating alternative energy. Supporting information also indicates that the proposal will also help to provide lower energy bills to those living in the surrounding community which will be done by establishing a trust. The trust will be dedicated to using a proportion of the income generated by the wind turbine to invest in measures to reduce energy bills in homes, farms and community buildings close to the project. The proposal will therefore provide a contribution to meeting energy needs for the UK which would help address the impacts of climate change.

2. The Impact Of The Proposed Revised Turbine Height On The Landscape And Visual Character Of The Area Including Cumulative Impacts

- 6.17 As stated above, the NPPF indicates that Planning Authorities should approve applications if the impacts are, or can be made, acceptable. The NPPF explains that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 118 indicates that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused. The NPPF also indicates that great weight should be given to conserving landscape and

scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty (AONBs).

- 6.18 It is important that a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (houses and rights of way etc) that relate to individual outlooks within that landscape. These issues are separately discussed as follows:

i) Landscape

- 6.19 The site is not located within an Area of Outstanding Natural Beauty. The turbine will be within category 5b (Low Farmland) as defined in the Cumbria Landscape Character Assessment. The Cumbria Wind Energy Supplementary Planning Document indicates that this landscape type has moderate landscape capacity to accommodate turbine development that is defined as a “small group or, in exceptional circumstances a large group (6-9 turbines).” A small group is 3-5 turbines. It is clear that a single turbine is within the size limits suggested for this landscape type.
- 6.20 The Landscape Character Guidance for category 5b indicates that energy infrastructure including large scale wind energy generation should be carefully sited and designed to prevent this sub type becoming an energy landscape. Prominent locations should be avoided and appropriate mitigation should be included to minimise adverse affects.
- 6.21 The site where the turbine is to be located comprises relatively flat pasture land in an agricultural landscape with field boundaries being mainly hedgerows with occasional mature hedgerow trees. A row of high voltage electricity pylons (approximately 38 metres in height) which are visible within the local landscape run through an adjacent field to the west of the site in a north to south formation. There is also a plantation of mature trees located to the south of the application site.
- 6.22 The surrounding landscape continues to be relatively flat with several farms, dwellings and pockets of woodland dotted throughout the landscape. Generally the land is flatter to the south and west and more rolling to the north and east. There are two small-scale wind turbines (25 metres to tip) in operation at Bankdale Farm which are located approximately 1.03 km to the north of the proposed development. Whilst the area is intensively managed there are pylons, roads and farm sheds in the landscape but they are not dominant in the landscape scene except when seen at close proximity.
- 6.23 It was considered, under application 13/0853, that a turbine with a tip height of 50 metres and a hub height of 76.5 would not have a significant adverse impact upon the character of the landscape. This was because the turbine would be viewed against a backdrop of power lines and pylons from the country roads to the east and west. The hub height of the turbine would be a similar height to the pylons and would not, in itself, undermine the visual character of the area. It was considered that the proposal would increase the man-made elements in the area, have a significant change to the skyline and would add a more noticeable increase in activity due to the large moving rotor

however the impacts would be local in effect and would diminish with distance. The turbine would cause some element of harm to the landscape and visual character of the area however in the context of the appeal decision for a wind turbine of a similar height at High Burnthwaite (Appeal Ref:APP/E0915/A/12/2186158) it was not considered that this harm would be significant especially as the immediate surrounding landscape has already been influenced by man-made elements.

- 6.24 It is also noted that the turbine approved under application 13/0853 would be required to be fitted with aviation lighting, as requested by the MOD, however it was not considered that the aviation lighting would cause a significant adverse impact on a landscape which already has a significant number of man-made influences.
- 6.25 Consent is now being sought for a turbine with a hub height of 55 metres and a tip height of 79 metres. There has been no fundamental change to the landscape of the surrounding area since the previous approval. Members should however be aware that a discharge of conditions application has been approved for the turbine at High Burnthwaite Farm which clarifies that the turbine to be installed for this farm now has a maximum tip height of 74 metres opposed to the approved 78 metre tip height. In the context of the original approval for this site (application reference 13/0853) it is not considered that the change in hub and tip height for the proposed turbine would have a substantial adverse impact upon the landscape of the surrounding area to warrant refusal of the application on this basis.

ii) Visual Impact

- 6.26 With regards to visual impact it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. Right to a view is not a material planning consideration and the focus of the planning system is to regulate the use and development of land in the public interest.
- 6.27 When assessing visual impact upon occupiers of neighbouring properties it is also important to apply the "Lavender Test". Outlook from a private property is a private interest rather than a public interest however in 3 previous appeal decisions; North Tawton (Denbrook), Enifer Downs and Shooters Bottom, Inspector Lavender indicated that where turbines are present in such number, size and proximity that they represent an unpleasantly, overwhelming and unavoidable presence in a main view from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and unsatisfactory place to live. It is therefore not in the public interest to create such living conditions where they did not exist before.
- 6.28 In relation to the impact on the visual amenities of residential properties it is acknowledged that there a number of residential properties and farm steadings scattered within the landscape particularly but not exclusively those located along the roads to the east, west and south of the site. The closest dwellings to the revised turbine location are Bankdale Park and Greenlands Equestrian Centre located approximately 695 and 660 metres respectively to

the north-east. The nearest properties after this are Foulbridge situated approximately 800 metres to the north-east and Longrigg Cottage located 839 metres to the west.

- 6.29 Bankdale Park is orientated south-east with primary windows on its principle elevations. The property also has a first and second floor window on its south-west elevation. There is a substantial belt of mature trees located along the south and eastern boundaries of the site which would filter views of the turbine especially in the summer months. It was acknowledged under the previous application that views of the turbine would be possible from gaps in the existing landscaping and during the winter months however it was not considered that the turbine located at a distance of approximately 695 metres would have a significant overbearing/dominant impact upon the living conditions of the occupiers of this property to warrant refusal of permission. It is not considered that the change in hub and tip height of the turbine would have a significant impact upon the living conditions of Bankdale Park to warrant refusal of the proposed variation condition application on this basis.
- 6.30 Greenlands Equestrian Centre is orientated south south-east. Its principle windows are on the south-east elevation. There are also windows on the western gable of the property. Under the previous application it was considered that views of the turbine from this property would be possible however they would be at an oblique angle and at a distance of over 660 metres. The proposed amendments to the turbine specification does not change this view.
- 6.31 Foulbridge is a two storey farm house orientated west. It was considered under the previous application that any views of the turbine from this property would also be at an oblique angle however they are likely to be substantially or completely screened by the mature trees which surround Bankdale Park. The proposed amendments to the turbine specification does not change this view.
- 6.32 Longrigg Cottage is a single storey property orientated north to south. Views of the proposed turbine would be possible from primary windows on the east elevation however given the separation distances between this property and the proposed turbine location (over 839 metres) it was not considered under the previous application that the proposal would appear substantially dominant or over bearing to warrant refusal on the impact upon the living conditions of Longrigg Cottage. It is not considered that the change in hub and tip height of the turbine would have a significant impact upon the living conditions of Longrigg Cottage to warrant refusal of the proposed variation of condition application on this basis.
- 6.33 Views of the turbine will also be possible from other properties located along the country roads to the east, south and west as well as to the north. Given the separation distances of other properties in the surrounding area from the turbine, oblique angles of view, intervening landscaping or the typography of the land, it was not considered under the previous application that the proposal would have a sufficient adverse impact upon the living conditions of the occupiers of any other neighbouring properties to warrant refusal of

permission on this basis. Again, the proposed amendments to the turbine does not change this view.

iii) Cumulative Impact

- 6.34 There are a number of turbines which are erected/consented or proposed within 2km of the site. The turbines which are erected are 2no. 24.5 metre to tip turbines at Bankdale Farm located approximately 1.04 km to the north, 1no. 21 metre to tip turbine at Park House Farm located approximately 3.23 km to the north-east of the site and 1no. 14.4 metre to tip turbine situated approximately 2.57km to the north- east. A 78 metre to tip turbine has been consented at High Burnthwaite Farm approximately 0.76km to the north-west however the discharge of conditions application for this site now indicates that the turbine height has been reduced to 74 metres. A 77 metre to tip turbine at Greenlands Farm (1.4 metres north-east of the application site) under reference 13/0639 has been refused planning permission and dismissed at appeal.
- 6.35 The site is located in close proximity to the administrative boundary for Eden District Council. Within Eden District Councils boundary the closest operational turbine is at Thackwood which is 12 metres in height. The closest turbine within Eden District currently undetermined is a 1 x 35 metre to tip height at Toppin Hill. Eden District Council has recently refused a 1x 35 metre to tip height at Southwaite with no appeal submitted at the time of writing this report. A 1 x 77 metre to tip height turbine was also refused at Southwaite and dismissed at appeal. All of these turbines are however over 3km from the application site.
- 6.36 It is acknowledged that objectors and Eden District Council raised concerns under application 13/0853 regarding the cumulative impact of man-made structures within the area. It was considered under application 13/0853 that whilst some of the properties around the site would have views of some or all of the turbines erected/consented/proposed as described above it is not considered that any of the residential properties around the site would have simultaneous views of all turbines. The Officer's Report for application 13/0853 considered that the turbine proposed was a similar height to the consented turbine at High Burnthwaite and within a similar landscape context. Given the separation distances between the two turbines it was considered that the proposal would cause an extension cumulative effect with the High Burnthwaite Turbine. Due to the comparable size, scale and design of the turbines, along with the distances between the turbines and the surrounding residential properties, it was considered that from most viewpoints within the landscape the proposed turbine would register in the view as being part of the existing proposal, limiting the visual impact. Furthermore given the size of the two turbines at Bankdale Farm and the separation distances it was not considered that the proposed turbine would have a significant cumulative impact with the small scale turbines at Bankdale Farm.
- 6.37 Although the tip height for the turbine at High Burnthwaite has been amended it is still considered that the turbine now proposed for the application site with an increased hub height of 5 metres and an increased tip height of 2.5 metres

would cause an extension cumulative effect with the turbine approved at High Burnthwaite Turbine. The difference of hub and tip heights between the two turbines (5 metres) would not be significantly noticeable at a distance causing the two turbines to be still viewed as a pair of a comparable size, scale and design within the landscape thus limiting the visual impact.

- 6.38 Overall, given the separation distances of the operational/consented turbines from the application site it is not considered that the proposed amendments to the size of the turbine would have a significant cumulative impact upon the surrounding landscape/residential properties to warrant refusal of the application on this basis.

3. The Impact On The Revised Turbine Height On Residential Properties (Noise And Shadow Flicker)

- 6.39 The NPPF indicates that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. The NPPF also indicates that in determining planning applications for wind energy planning authorities should follow the approach set out in the National Policy Statement For Renewable Energy Infrastructure (read with relevant sections of the Overarching National Policy Statement For Energy Infrastructure). The aforementioned documents indicate that the impact of noise from a wind farm should be assessed using "The Assessment And Rating Of Noise From Wind Farms (ETSU-97)".
- 6.40 The recommended absolute noise levels within ETSU-R-97 cover two time periods: i) the quiet daytime period (defined as between 18.00 and 23.00 hours during the normal working week, between 13.00 and 23.00 hours on a Saturday and all day during Sunday, 07.00 to 23.00 hours); and ii) the night-time period (defined as between 23.00 and 07.00 hours). The absolute limit within ETSU-R-97(in low noise environments) lies between levels of 35 to 40 dB at LA90, 10 min day time level. The actual value chosen within this range should depend on the number of dwellings in the neighbourhood of the wind farm, the effects of noise limits on the number of kWk generated together with the duration and level of exposure. The guidance in ETSU-R-97 states that noise limits from wind farms should be limited to 5dB (A) above background noise levels for day/night time with the exception of low noise environments. The fixed limit for night-time is 43dB (A).
- 6.41 A Noise Impact Assessment has been undertaken for the amended specification of turbine which indicates that the noise levels from the proposed turbine will be less than 35da at all residential properties which is in accordance with ETSU-R-97. The Noise Assessment also indicates that the proposed noise from the amended wind turbine will meet the requirements of ETSU-R-97 guidance when considered cumulatively with other operational, consented or proposed turbines. There will be two properties (High Burnthwaite and Bankdale Farm) which will be between 35 to 40db however these higher levels are a result of turbines at their own respective properties. The difference in noise levels at the aforementioned properties as result of the proposed turbine is not significant, in such circumstances a noise level between 35- 40db is acceptable at these properties in this instance.

Environmental Services have been consulted on this information and have raised no objections. Relevant noise conditions have been imposed within the original planning consent granted by Members to ensure that the turbine operates in accordance with ETSU-R97.

6.42 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. The proposed revised specification of turbine will have an operating frequency of less than 60 rpm which is less than the frequency capable of giving rise to health effects.

6.43 Research and computer modelling on flicker effects have demonstrated that there is unlikely to be a significant impact at distances greater than ten rotor diameters from a turbine (i.e. 480 metres in this case). The companion guide to PPS22 which is still relevant in terms of flicker effect indicates that in the UK only properties within 130 degree either side of north, relative to a turbine can be affected by Flicker Effect. No residential properties are located within this distance. Relevant conditions have been imposed under the original consent (13/0853) requesting a scheme to deal with the effects of shadow flicker in the event of a complaint. In such circumstances it is not considered that the amendments to the turbine specification would have an adverse impact upon any occupiers of neighbouring properties in terms of shadow flicker.

4. Air Safety: Carlisle Airport and Ministry of Defence

6.44 The site is situated within the safeguarding zone of Carlisle Airport. The Airport have raised no objections to the amended turbine specifications.

6.45 The Ministry of Defence has also been consulted on the proposed development and has raised no objections subject to the imposition of two conditions regarding aviation lighting and construction details. Relevant conditions addressing the MODs comments have been imposed within the original planning consent.

6.46 In such circumstances it is not considered that the amended turbine specifications would have an adverse impact upon the safeguarding zone and operations of Carlisle Airport or the MOD.

5. Impact Upon Highway Safety and Public Footpaths

6.47 There are no public footpaths in close proximity to the site. There are also no statutory guidelines which recommend minimum separation distances from highways or public right of ways/footpaths. The original planning consent considered that the proposed turbine was of sufficient distance from any adjacent highway that should any part of the structure fail, this would not fall onto the highway. Whilst a glimpsed view of the turbine would be visible from neighbouring roads, this would not be sufficient to cause a distraction to drivers. The proposed amended specifications to the previously approved

turbine does not change this view.

- 6.48 The relevant Highways Authority and Highways Agency have been consulted on the current application and have raised no objections. In such circumstances it is not considered that the revised turbine height would have an adverse impact upon highway safety. Relevant highway conditions have been imposed within the original consent.

6. Impact on horse riding/safety

- 6.49 Paragraph 56 of the Companion Guide to PPS22 recognises that the British Horse Society (BHS) has “suggested” 200 metre exclusion zones around bridle paths to avoid wind turbines frightening horses, but goes on to explain that, although desirable, it is not a statutory requirement. There are no public bridleways near to the site however Greenland's Equestrian Centre is situated approximately 660 metres to the north-east. The BHS has been consulted on the revisions to the proposed turbine and have not raised any objections during the consultation period.
- 6.50 The proposed amended turbine is still considered to be clearly visible upon approach from surrounding roads and will not be an unexpected feature in the landscape leading to a sudden disturbance. In such circumstances it is not considered that the amendments to the application would cause a sufficient adverse impact upon horses to recommend refusal.

7. Impact Upon Local Ecology And Nature Conservation

- 6.51 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities 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), and 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. In this case, the proposal relates to the siting of a wind turbine within agricultural land.
- 6.52 The Councils GIS Layer has identified that the site has the potential for breeding birds. The original application for this site was accompanied by an Ecological Appraisal which comprises of two elements an Extended Phase 1 Habitat Survey and a desk study.
- 6.53 The desk study indicated that the site does not form part of any statutory or non-statutory designated sites and there are no Sites of Special Scientific Interest or Cumbria Wildlife Sites within 2km. The study identified breeding birds within 2km of the site and records of red squirrels, badger, brown hare, polecat and hedgehog throughout the area. No bats were recorded within the area however it was considered unlikely that bats were not present.

- 6.54 The site survey identified that the site consisted of five fields and two small woods. All five fields are laid down to silage crop dominated by rye-grass which is species poor. Hedgerows were present within the site with two areas of plantation adjacent. The Ecological Appraisal noted that 12 metres of a low hawthorn hedgerow will be removed to widen the existing access into the site which will be reinstated once construction is complete. There would also be a loss of 5 metres of hedgerow to provide the temporary access track which will also be reinstated. The survey identified that the hedgerow removal had the potential to impact upon breeding birds therefore the ecological appraisal recommended that the hedgerow removal is undertaken outside of the breeding bird season.
- 6.55 The ecological appraisal noted that the hedgerows surrounding the site are likely to be used by bats therefore the turbine has been sited over 60 metres from hedgerows. The appraisal stated that of the species recorded within 2km of the turbine only lapwing has the risk of collision with turbine blades however the risk of collision is low in the absence of breeding habitat. Although Barn Owls had been recorded within the Southwaite area and are likely to hunt occasionally along the hedgerows of the application site they were not however considered to be at risk from collision as they generally hunt at low level within 3m of the ground.
- 6.56 The proposed turbine approved under application 13/0853 complied with Natural England's Guidance (TIN051) on a 50 metre buffer zone between turbines and trees/hedges. The revised specification of turbine would still comply with this advice as the turbine location has not changed. Members should be aware that relevant conditions have been included within the original consent to prevent an adverse impact upon protected species or their habitat.
- 6.57 Natural England has been consulted on the revised specifications of the turbine and has raised no objections. The RSPB and Cumbria Wildlife Trust (CWT) have also been consulted on the revised specifications of turbine and have raised no objections during the consultation period.

8. Impact Upon Heritage Assets

- 6.58 It was not considered under the original application that the proposed turbine would have an adverse impact upon the nearest Listed Building, High Burnthwaite Farm, located approximately 1100 metres from the application site. The Council's Heritage Officer has raised no objections to the revised height of the turbine. Given the separation distances from the proposed turbine and any Listed Buildings it is not considered that the revisions to the previous approval would have an adverse impact upon the setting of any Listed Buildings.

9. Other Matters

- 6.59 Members will recall that the site of the turbine was relocated 50 metres further south, under application 13/0853, to avoid an adverse impact upon existing radio links. The JRC has been consulted on the amended turbine height and has not raised any objections during the consultation period. It is therefore not

considered that the revised specification of turbine would cause signal interference of sufficient weight to determine consideration of the proposal.

- 6.60 The proposal has been considered against the provisions of the Human Rights Act 1998. 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 variation of conditions to the original consent.

Conclusion

- 6.61 In conclusion the proposal involves the erection of a single turbine which will off-set the electric costs of Mellguards Farm, sustaining the farms future growth and development.
- 6.62 National planning policy promotes targets for renewable energy and looks to Local Authorities to support proposals for renewable energy developments which do not have unacceptable impacts.
- 6.63 The principle of a turbine on this site has already been assessed and established as acceptable under application 13/0853. Members are reminded that the benefits of a turbine on this site is that the turbine would produce energy from a renewable source which would help address the impacts of climate change. The landscape of Carlisle District is not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and elsewhere, will not survive, in the future, unless the serious effects of climate change are addressed. As discussed within the report the revisions to the turbine height would not have a significant impact upon the landscape, air safety, ecology/conservation, horse riding/safety, highway/bridleway safety, the setting of listed buildings or on occupiers of non associated neighbouring properties in terms of noise/shadow flicker.
- 6.64 The turbine would be prominent locally within the landscape providing movement at high level and would be visible from some of the primary windows/gardens of residential dwellings within the vicinity. Taking account of the scale and technical specifications of the revised turbine height, as well as the levels of screening from nearby properties or the positioning of residential properties in relation to the turbine, along with the electricity pylons to the west of the site, it is considered that the revised turbine height will not have a significant detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents, as discussed within the report above.
- 6.65 On the basis of the previously approved scheme together with the amendments proposed it is considered that on balance the benefits of the proposed development would significantly outweigh its limited adverse impact upon the landscape/living conditions of the occupiers of neighbouring properties. Accordingly the amendments are considered to be compliant with the criteria of the relevant planning policies and the variation of conditions application is therefore recommended for approval. All other conditions of the

approved scheme remain applicable and therefore a suitably worded condition has therefore been imposed within the Decision Notice.

7. Planning History

- 7.1 In 2013 Full Planning Permission was granted for the erection of a single wind turbine 76.5m to tip height, 50m to hub height together with associated infrastructure and access track (reference 13/0853).

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 Variation Of Condition Application comprise:

1. the submitted Planning Application Form received 9th May 2014;
2. the Site Location Plan received 13th May 2014 (Figure P02);
3. the Variation of Conditions Report received 9th May 2014 (Dated May 2014);
4. the Environmental Report received 9th May 2014 (Dated May 2014);
5. the Update Report received 9th May 2014 (Dated May 2014);
6. the Volume 2: Appendices received 9th May 2014 (Dated May 2014);
7. the Revised LVIA Figures and Visualisations received 9th May 2014 (Dated May 2014);
8. the Wind Turbine Detail received 13th May 2014 (Figure 05);
9. the Wind Turbine Noise Assessment received 10th June 2014;
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.

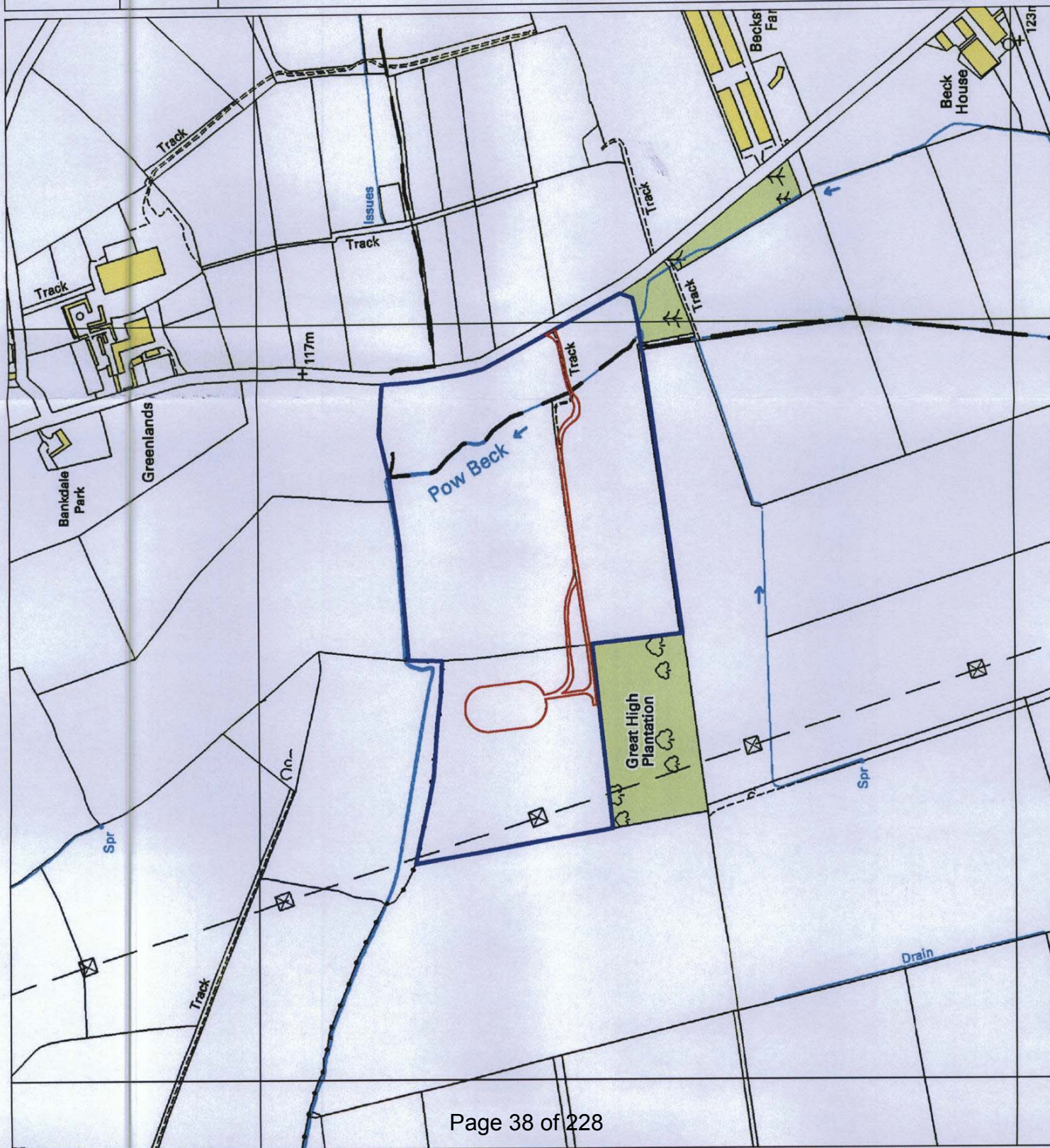
3. The development shall be carried out in accordance with the remaining conditions attached to the "Full Planning" permission approved under application 13/0853.

Reason: For the avoidance of doubt.

FIGURE P02
Site Location Plan

KEY

	Application Boundary
	Ownership Boundary

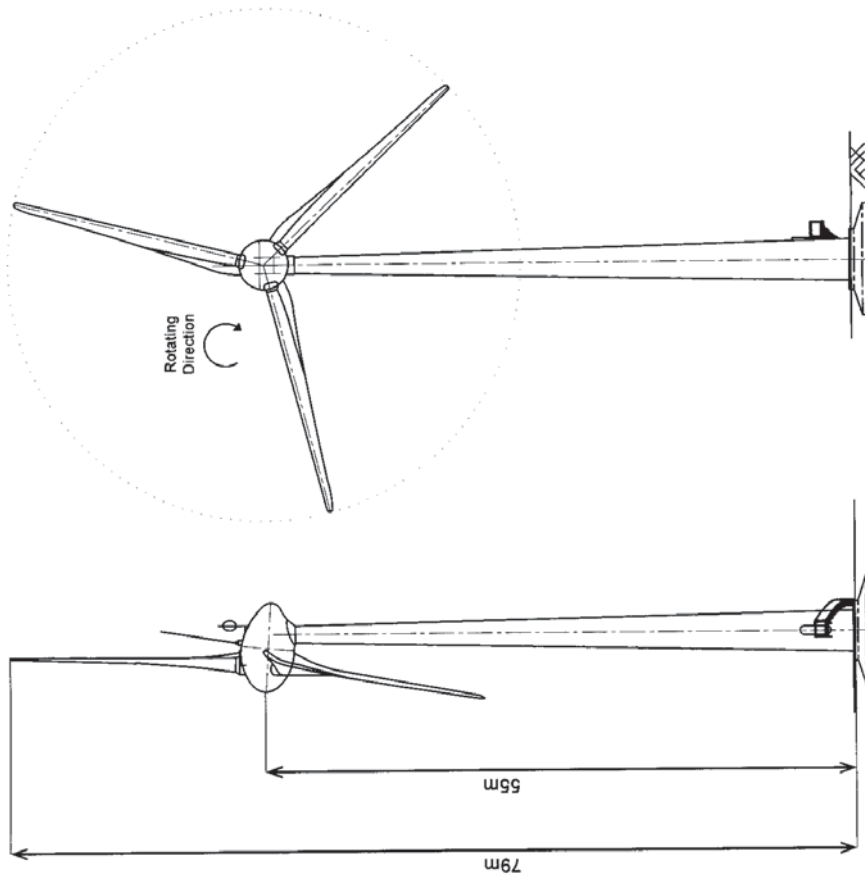


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DATE	BY	PAPER	SCALE	QA	REV
NOV 2013	EK	A3	1:5,000	LL	A

FIGURE 05
Wind Turbine Detail



RECEIVED
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DATE	BY	PAPER	SCALE	QA	REV
MAY 2014	EK	A3	1:500	LL	A

SCHEDULE A: Applications with Recommendation

14/0316

Item No: 03

Date of Committee: 25/07/2014

Appn Ref No:
14/0316

Applicant:
Messrs D & S Cooper

Parish:
Wetheral

Agent:
Jock Gordon

Ward:
Wetheral

Location: Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle

Proposal: Residential Development (Outline)

Date of Receipt:
10/04/2014

Statutory Expiry Date
05/06/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is granted Authority to Issue approval subject to the satisfactory completion of a legal agreement. If the S106 agreement is not completed within a reasonable time, Authority to Issue is requested to the Director of Economic Development to refuse the application.

2. Main Issues

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

3. Application Details

Introduction

- 3.1 Members will recall that this application was deferred at the previous meeting of this Committee to undertake a site visit.
- 3.2 This application seeks Outline Planning permission for residential development on land adjacent to Wetheral Methodist Church, Wetheral. The site is currently in agricultural use and occupies an area of approximately 0.43 hectares. The site is located to the west of the village, adjacent to Scotby Road, with properties to the east and south-east.
- 3.3 The site is bounded by a mature hedgerow to the frontage and along the western boundary with a large oak tree in the south-west corner. The topography of the land rises upwards to the north-east.

Proposal

- 3.4 The application seeks Outline Planning permission with all matters reserved. The Design and Access Statement which accompanies the application states that the layout of the site is currently undetermined but will incorporate a number of 3/4 bedroom family properties, each having amenity space and parking provision for at least 3 cars. The scale of the dwellings will be similar to existing properties sited either side of the road leading into the village.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 6 of the neighbouring properties. In response, 19 letters of objection have been received and the main issues raised are summarised as follows:
 - 1. there is no primary school in Wetheral and no future plans have been suggested. No more houses should be built without such educational facilities;
 - 2. there is no information regarding the proposed accesses. The road that links Scotby and Wetheral is already busy and congested and the site is on a dangerously sharp bend;
 - 3. development of the site will have a detrimental visual impact when entering the village from the west;
 - 4. there is no need for another large development in Wetheral. Carlisle does not have the population or industrial growth to attract people to live here;
 - 5. if approved, these developments will have a significant impact on village life;
 - 6. the application site is outside the settlement boundary for the village;
 - 7. the Housing Site Selection process has identified 2 other sites to the south of Wetheral that would provide another 100 houses over the next 15 years. Any additional development is unnecessary;
 - 8. the National Planning Policy Framework suggests that planning should be development plan led. The site is additional to and not part of the plan and should therefore be refused;
 - 9. the site is adjacent to the Methodist Church where parking is already an

- issue when the church is in use;
10. the proposal to retain an access to the field behind would enable access to that land for further development which would be a further obtrusive development;
 11. this additional housing would create a further precedent for ribbon development along roads leading into the village rather than maintaining the nature of the village;
 12. the land is currently used to graze beef cattle and prime agricultural land should not be used to build houses on;
 13. the proposal is contrary to the Rural Masterplanning in Carlisle District which states that important views that frame the edge of the village are unlikely to be suitable for development;
 14. the development will put additional pressure on water and sewage utilities which are already at capacity;
 15. the area is subject to localised surface water flooding. There is no provision to upgrade the infrastructure until at least 2020. Septic tanks can't be seen as a viable option as an alternative to mains drainage;
 16. the proposal will result in the destruction of a well established hedge;
 17. the type of housing proposed will be expensive housing and will not make any provision for younger or older residents who are being forced out of the village due to high prices.

5. Summary of Consultation Responses

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

Clerk to Wetheral PC, Downgate Community Centre: - no objection but there are concerns regarding the access to any new properties onto the busy road where there is a dangerous bend in the road. There are also concerns regarding surface water drainage in the area;

Local Environment - Environmental Protection: - no objection.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application. Policy considerations in relation to this application state that whilst development should be considered

against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF. 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 Reference is made by the objectors to the site being outside the settlement boundary identified in the Local Plan. The NPPF does not advocate the use of settlement boundaries and Members will note from the previous paragraph that the NPPF is a material consideration. With regard to this issue, limited weight can, therefore, be given to the fact that the site is outwith the settlement boundary and the principle of development remains acceptable.
- 6.4 The site is well related to Wetheral with both footpath and road links. The application site is rectangular with the adjacent Methodist church forming a natural end to the village and discouraging the potential for further ribbon development. Although an access is retained adjacent to the eastern boundary, this is reasonable for continued access to the agricultural land beyond. Any future application for housing development, should one be submitted, would have to be considered on its merits and this is not a reason to view the current proposal negatively. Wetheral itself has services and amenities and the development of housing on this site will support these. In light of these issues, the development of the site for housing is consistent with the policies in the NPPF.
- 6.5 The objectors refer to the proposed housing allocations in the emerging Local Plan together with Rural Masterplanning in Carlisle District. Carlisle City Council successfully bid to the Homes and Communities Agency Rural Masterplanning Fund for help with deciding on future options for the location of housing and other new development in the district's rural areas. The work has been carried out in collaboration with the Commission for Architecture and the Built Environment (CABE) and the information gathered will form an evidence base contributing to the new Local Plan.
- 6.6 The City Council are working with Parish Councils and rural communities in 22 of the larger villages and small towns (including Brampton, Longtown and Dalston). Detailed settlement profiles are being drawn up for each village. The profiles look at existing services and their capacity, for example the number on the school roll, frequency of bus services, viability of the shop/pub etc. Local information is gathered about local housing, employment and community needs of these villages. The City Council is also looking at how villages relate to each other, for example, where the children go to primary school, access to public transport and health care, and where the nearest shop is located. The surrounding landscape is also assessed and important views into and out of villages identified, together with areas of wider landscape which frame the edge of the village and are unlikely to be suitable for development.
- 6.7 The Rural Masterplanning and the emerging Local Plan will shape the future development of the District; however, limited weight can be attached to these documents which, in respect of the latter, is still progressing through the consultation process. Notwithstanding this, any housing land allocation does

not preclude the submission of applications on windfall sites which must be considered on their merits.

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

- 6.8 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this frontage site within the village will have a significant impact on the character of the area unless it is sympathetically designed.
- 6.9 The objectors have raised concerns that the scale of development would not be in keeping with the character of the area.
- 6.10 The application is submitted in outline form only with all other matters reserved. Although the Design and Access Statement makes reference to the site being potentially developed with 3/4 bedroom houses with a footprint of 16 metres by 12 metres, this is only indicative and any detailed scheme would have to be considered at the Reserved Matters application stage. The applicant has indicated that any subsequent scheme would reflect the scale and design of the neighbouring properties to the east of the site.
- 6.11 Likewise, any subsequent application would have to demonstrate that the development would achieve adequate amenity space and off-street parking. On balance, the application has only been submitted in outline form and the impact on the character and appearance of the dwellings within the streetscene would be considered at a later stage.

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

- 6.12 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visual intrusiveness.
- 6.13 The development would have to be designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and be compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable.
- 6.14 Given the orientation of the application site, it is likely that the proposed buildings within it, occupiers of the proposed and existing neighbouring properties would not suffer from an unreasonable loss of daylight or sunlight nor would it be over-dominant; however, as the application seeks only to establish the principle of development, these issues can't be established at

this stage.

4. Highway Issues

- 6.15 The proposal does not give any detail regarding the vehicular accesses to be formed suffice to say that they will comply with the Highway Authority requirements and will provide sufficient incutillage parking provision for 3 vehicles.
- 6.16 The site is within the 30mph speed limit of the village but it is acknowledged that it is close to a bend in the road on the periphery of the village where drivers may still be exceeding this limit. It is further recognised that events at the Methodist church will generate some parking requirements due to the lack of any dedicated parking provision. The objectors have identified these issues and are concerned about the potential detrimental impact on the users of the highway should permission be granted.
- 6.17 There are no parking restrictions along the road leading into Wetheral. Any vehicular obstruction would be a matter for Cumbria Constabulary as the relevant enforcement agency to pursue. The Highway Authority in their response to the consultation on this application has raised no objection subject to the imposition of 5 highway conditions. On the strength of the Highway Authority's view, the proposal is acceptable in highway terms subject to the imposition of these conditions.

5. Drainage

- 6.18 Objectors have raised concerns about the drainage and the ability of the local infrastructure to cope with additional demand. It is widely accepted that the drainage infrastructure in the area is nearing capacity and United Utilities propose to upgrade the infrastructure, although there is no current timescale for this.
- 6.19 There is a clear policy requirement to provide adequate provision for foul and surface water facilities; however, due to the fact that only outline planning permission is sought by this application, there are no details of either surface water or foul drainage provision. These would have to be agreed at a subsequent applicant stage through consultation with the relevant interested parties. If such details prove to be unacceptable, it may be that the residential development would stall as a result. It would therefore be appropriate to impose conditions requiring the submission of additional information relating to these 2 issues.

6. Biodiversity

- 6.20 The Councils GIS Layer has identified that there are potentially otters, red squirrels, bats, barn owls and breeding birds within or in the vicinity of the site. As the proposed development would involve the development of agricultural land and would potentially provide additional natural habitat through the imposition of a landscaping condition and minimal disturbance to the hedgerow frontage, this is considered to be of benefit. Using the

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

7. Impact On Existing Trees

- 6.21 As previously identified in this report, there is large oak tree in the corner of the site and a mature hedgerow to the south and west. Any development would have to take account of these features and retain them as much as possible. Although a Hedge Survey and Tree Survey have been submitted with this application, the Council's Tree Officer has requested further information. It is anticipated that this will be available for Members, together with the Tree Officer's response prior to the meeting. Should these prove acceptable, it would be appropriate to impose a number of conditions requiring that adequate protection measures are put in place to safeguard the tree and the hedges during the construction process.

8. The Provision Of Affordable Housing

- 6.22 When considering the issue of affordable housing, Policy H5 of the Local Plan sets thresholds for the provision of affordable housing. Given the nature of the proposal and the size of the site, there is a policy requirement to provide 20% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution and subject to the completion of a S106 Agreement, there is no policy conflict.

9. Other Matters

- 6.23 Some of the objectors have made reference to the fact that there is no primary school within the village and the neighbouring schools are nearing capacity. Although there is no indication on housing numbers for the site, it is unlikely that the proposal would generate the number of houses required for the applicant to provide an education contribution.

10. The Impact On Human Rights

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

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

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

by the Authority to regularise any breach of planning control;
Article 8 recognises the "Right To Respect for Private and Family Life".

- 6.25 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.
- 6.26 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.27 In overall terms, the application seeks only to establish the principle of housing development on the site which is acceptable under the provisions of the NPPF. The proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal are subject to appropriate planning conditions and would be given careful consideration at the time of any subsequent application to ensure that the scheme would be well related to the existing built form of the village. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits.
- 6.28 Although concerns have been expressed about the potential detrimental impact on the users of the highway and general highway safety, the Highway Authority has raised no objection subject to the imposition of appropriate conditions. Further planning conditions deal with landscaping, tree and hedge protection together with foul and surface water drainage. Subject to the completion of a Section 106 agreement to secure an affordable housing contribution, the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

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

8. Recommendation: Grant Subject to S106 Agreement

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. The approved documents for this Outline Planning Permission comprise:

1. the Planning Application Form received 10th April 2014;
2. the Location Plan received 10th April 2014 (Drawing no. 3023/1);
3. the Block Plan received 10th April 2014 (Drawing no. 3023/2);
4. the Design and Access Statement received 10th April 2014;
5. the Stage One Desk Top Study Assessment of Likelihood of Contamination of Proposed Development Site received 10th April 2014;
6. the Tree Survey received 10th April 2014;
7. the Hedge Survey received 10th April 2014;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

3. 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.

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

Reason: To ensure the materials are appropriate to the building and character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

Reason: In order that the approved development is appropriately located within the topography of the land in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to the commencement of development hereby approved by this permission a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the investigation and, where possible, the inclusion of SUDs and shall be constructed and completed in accordance with the approved plans prior to the occupation of any dwelling.

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

7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to 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. The development shall then be undertaken in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

8. Prior to the commencement of development hereby approved, details of a landscaping scheme shall be 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.

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

10. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 90 metres, measured down the centre of the access road/ access(es) and the nearside channel line of the major road have been provided at the junction of the access road(s) / each access with the County highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted

development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

11. The vehicular crossing(s) over the footway, including the lowering of kerbs, shall be carried out to the standards of the Highway Authority.

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

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

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

13. Details showing the provision of parking spaces (in accordance with the Cumbria Parking Standards) and vehicle turning spaces within the site (for each dwelling), which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval in writing. The development shall not be brought into use until any such details have been approved and the parking and turning space(s) constructed. The parking and turning space(s) shall not thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

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

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

15. 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.

16. Within the tree protection fencing approved by Condition 15:

1. no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree;
2. no equipment, machinery or structure shall be attached to or supported by a retained tree;
3. 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;
4. no alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority;
5. the tree protection measures shall be retained in good condition and to the satisfaction of the local authority 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.

17. Prior to the commencement of development hereby approved, a Method Statement detailing the type of materials and construction methods to be used in the Root Protection Areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the trees on and adjacent the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

18. 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 or alterations to the dwellings within the meaning of Schedule 2 Part (1) shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that the character and appearance of the area is not adversely affected by inappropriate extensions in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

This written scheme of investigation will include the following components:

1. An archaeological evaluation;
2. An archaeological recording programme the scope of which will be dependant 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 in accordance with Policy LE9 of the Carlisle District Local Plan 2001-2016.

20. Where the results of the programme of archaeological work referred to in the above condition make it appropriate, there shall be carried out within two years 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.

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 in accordance with Policy LE9 of the Carlisle District Local Plan 2001-2016.

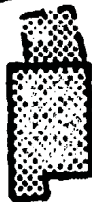
21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary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

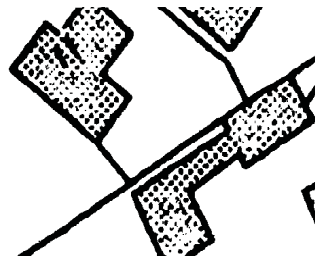
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Policy LE29 of the Carlisle District Local Plan 2001-2016.

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

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



Redcroft



Croft
Villa

EXISTING
FIELD ACCESS

10 APR 2014
14/02/16

PROPOSED RESIDENTIAL DEVELOPMENT

PART FIELD NUMBER 1553 - WETHERAL - CARLISLE

BLOCK PLAN

DRG. NO. 3023/2

SCALE : 1-500

SCHEDULE A: Applications with Recommendation

12/0735

Item No: 04

Date of Committee: 25/07/2014

Appn Ref No:
12/0735

Applicant:
Mr Brown

Parish:
Burgh-by-Sands

Agent:
H&H Land & Property

Ward:
Burgh

Location: Land to the north of Midtown Farm, Kirkbampton, CA5 6JB

Proposal: Erection Of A Single Wind Turbine 24.6m Hub Height, 34.2m Tip Height
And New Access Track

Date of Receipt:
24/08/2012 23:00:12

Statutory Expiry Date
19/10/2012 23:00:12

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 potential contribution of the scheme towards the generation of renewable energy
- 2.2 The impact of the proposed development on the landscape and visual amenity of the area including cumulative impacts
- 2.3 The impact on residential properties (noise and shadow flicker)
- 2.4 Eskdalemuir Seismological Recording Station
- 2.5 Impact on highway safety and public footpaths
- 2.6 Other matters

3. Application Details

The Site

- 3.1 Midtown Farm consists of a farmhouse and buildings located within the centre of Kirkbampton, a village within Allerdale District.

- 3.2 The application site is located four fields to the rear of the farm steading, just within Carlisle District, and is surrounded by agricultural land. The field is laid to grass and is either grazed or cut for silage. The application site is located over 650 metres to the north of the farm steading within a field, with adjoining agricultural fields delineated by hedges, post and wire fences and hedgerow trees. The application site is categorised as being within sub-type 5b Lowland - Low Farmland as identified in the Cumbria Wind Energy Supplementary Planning Document (2007) and the Cumbria Landscape Character Guidance and Toolkit (2011).

The Proposal

- 3.3 The application seeks permission for the erection of 1no. 50kw wind turbine, which will have three blades, and be situated on a steel tower. The turbine will have a hub height of 24.6m and a tip height of 34.2m.
- 3.4 Access to the turbine will be via the existing track adjacent to midtown farm, and additional track to the next two fields which form the application site.
- 3.5 The application is accompanied by a Design and Access Statement, a noise predictions assessment; a desktop bird survey; an Aviation Report; an LVIA; and a Photo Montage.

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 three neighbouring properties. In response seven letters of objection have been received along with one comment and one letter of support. The grounds of objection are summarised as;
1. the cumulative effect of the large number of turbines in the solway plain is excessive;
 2. the location of the tubines in the solway plain between the Lake District National Park, the AONB and adjacent to the Hadrians wall trail is unacceptable;
 3. the increasing number of turbines will effect visitors and tourism in the area;
 4. the cumulative effect of these turbines must be taken into account;
 5. this proposal is near to an Area of Outstanding Natural Beauty;
 6. the view from the village across the Solway to the scottish hills will be spoiled by the intrusion of a wind turbine;
 7. this is yet another example of the defacement of the Cumbrian Landscape;
 8. there is a lack of information regarding the proposal;
 9. property prices will be affected;
 10. turbines are domineering and overpowering in small rural villages;
 11. the proliferation of turbine applications and permissions in this locality is a threat to the rural landscape;
- 4.2 A comment has been received from a representative of Kirkbampton Parish

Council, who whilst not a statutory consultee, have commented as the adjacent parish. Their letter states that they do not object to this proposal, but that they have concerns that there is an increasing number of turbines in and around their Parish, which will have cumulative effects on the area.

- 4.3 The single letter of support states that it is good to see people in the village supporting sustainable energy.

5. Summary of Consultation Responses

Royal Society for the Protection of Birds: - no response received;
Ramblers Association: -no response received;
Burgh-by-Sands Parish Council: - object to the proposal due to concerns regarding cluster groups of turbines, also, the farm that this turbine relates to is not within the district or parish;
Natural England - no objections due to the size and location of the proposal;
National Air Traffic Services: - no objections;
MOD Safeguarding: - no objections subject to the inclusion of one condition;
Joint Radio Co: - no objections;
Green Spaces - Countryside Officer: - no response received;
Local Environment - Environmental Protection: - no objections;
Cumbria County Council - Highway Authority - Footpaths: -no response received;
Cumbria County Council - Highway Authority: - no objections subject to one condition;
Cumbria Wildlife Trust: - no response received;
Carlisle Airport: - no objections;
Allerdale District Council: - no response received.

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 comprises the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).
- 6.3 The National Planning Policy Framework (NPPF) is also a significant 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. Members should note that two of the core planning principles are to support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources whilst recognising the intrinsic character and beauty of the countryside.

- 6.4 The NPPF indicates that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF indicates that Local Planning Authorities should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. The NPPF also states that in determining applications for wind energy development Planning Authorities should follow the approach set out in the National Policy Statement for Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). The National Planning Policy Statement for Energy Infrastructure generally relates to large wind farms however it gives guidance on technical considerations when dealing with onshore wind farms.
- 6.5 Under "The Promotion of the Use of Energy from Renewable Sources Regulations 2011" there is a duty on the Secretary of State to ensure that the renewable share in 2020 is at least 15%.
- 6.6 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character. A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.
- 6.8 Other material considerations include Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas, and circular 11/95
- 6.9 When assessing this application it is considered that there are six main issues, namely:
1. The potential contribution of the scheme towards the generation of renewable energy
 2. The impact of the proposed development on the landscape and visual amenity of the area including cumulative impacts
 3. The impact on residential properties (noise and shadow flicker)
 4. Eskdalemuir Seismological Recording Station
 5. Impact on highway safety and public footpaths
 6. Other matters

1. The Potential Contribution Of The Scheme Towards The Generation

Of Renewable Energy

- 6.10 As stated above the NPPF indicates that Local Planning Authorities should not require applications for energy development to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting green house gas emissions.
- 6.11 It is noted that there was previously regional and sub regional renewable energy targets within the North West of England Regional Spatial Strategy and the Cumbria and Lake District Joint Structure Plan however these documents have been revoked.
- 6.12 Notwithstanding the revocation of the RSS the Case Officer acknowledges that much of the evidence that underpins the targets of the RSS with regard to renewable energy is still relevant.
- 6.13 The Climate Change Act (2008) set legally binding carbon budgets for the UK which aim to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. The UK Renewable Energy Strategy 2009 includes a target of delivering more than 30% of our electricity generated from renewable sources by 2020. In addition to these targets it is acknowledged that the NPPF includes a strong message that we should promote and support the delivery of renewable and low carbon energy and associated infrastructure in moving towards a low carbon economy. Wind energy is widely considered to be a proven, viable and rapidly developing energy technology, with the UK having access to 40% of the entire European wind resource (EN-1).
- 6.14 The landscape of Carlisle District is not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and elsewhere, will not survive, in the future, unless the serious effects of climate change are addressed.
- 6.15 The proposed development would provide a total installed capacity of 50kW. The proposal will therefore provide a contribution to meeting energy needs for the UK which would help address the impacts of climate change.

2. The Impact Of The Proposed Development On The Landscape And Visual Amenity Of The Area Including Cumulative Impacts

- 6.16 As stated above, the NPPF indicates that Planning Authorities should approve applications if the impacts are, or can be made, acceptable. The NPPF explains that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 118 indicates that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused. The NPPF also indicates that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty (AONBs).

6.17 It is important that a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (houses and rights of way etc) that relate to individual outlooks within that landscape. These issues are separately discussed as follows:

i) Landscape

6.18 The application site is within an area defined as Lowland with moderate Landscape Capacity in Map 8 of the Landscape Capacity Assessment (2006) which accompanies the Cumbria Wind Energy Supplementary Planning Document. This document considers that an area of moderate landscape capacity is able to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbines are within the size limits suggested for this landscape type.

6.19 The site where the turbine is to be located comprises relatively flat pasture land in an agricultural landscape with field boundaries being mainly hedgerows with occasional mature hedgerow trees. Small woodland blocks and shelter belts are dispersed across the area.

6.20 The local landscape continues in a gently rolling characteristic and is largely farmed pasture. Several settlements, farms, dwellings and pockets of woodland are dotted throughout the landscape. The landscape is typical of lowland agricultural land in north-west Cumbria.

6.21 A single turbine with a height of 9m to hub is the nearest neighbouring turbine at Aikrigg Cottage, Thurstonfield and is located 1.95kms from this proposal. There are other turbines in the locality, however, the majority are located within Allerdale, including the turbines at Orton Airfield, a distance of approximately 3km away.

6.22 The applicants' Landscape and Visual Impact Assessment (LVIA) states that the open and relatively flat nature of the landscape in the study area means that new additions to the landscape can potentially be seen from some distance. However, it goes on to say that because there is little elevated land the extensive presence of hedgerows and trees form an effective shield from many public viewpoints.

6.23 The Officer is in agreement with the findings of the submitted LVIA, that, within the local context, the turbine would appear as a prominent feature but would not cause unacceptable harm to the local landscape character, a broad rolling farmland landscape.

6.24 ii) Visual Impact

With regards to visual impact it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. It is noted that right to a view is not a material planning consideration and the

focus of the planning system is to regulate the use and development of land in the public interest.

- 6.25 When assessing visual impact upon occupiers of neighbouring properties it is also important to apply the “Lavender Test”. It is noted that outlook from a private property is a private interest rather than a public interest however in 3 previous appeal decisions; North Tawton (Denbrook), Enifer Downs and Shooters Bottom, Inspector Lavender indicated that where turbines are present in such number, size and proximity that they represent an unpleasantly, overwhelming and unavoidable presence in a main view from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and unsatisfactory place to live. It is therefore not in the public interest to create such living conditions where they did not exist before.
- 6.26 In relation to the impact on the visual amenities of residential properties it is noted that there are various clusters of settlements, along with scattered residential properties in the surrounding area, particularly but not exclusively those located adjacent to the roads immediately to the south and also, further to the north of the site. The closest residential properties are three remote farms, Burgh Moor House, Shield Farm and Farhill, along with those properties to the northern side of the road running through Kirkbampton and Thurstonfield. All of the nearest neighbouring properties are all over 650m from the proposed turbine.
- 6.27 Whilst it is accepted that some dwellings in the vicinity would experience direct views of the turbines from primary windows or gardens, it is the Officers view that the separation distances are such that the turbine could not be said to be overbearing or dominant. As such it is considered that the turbine would not cause a sufficient demonstrable harm on the living conditions of the occupiers of these properties to warrant refusal of the application on this basis.

3. The Impact On Residential Properties (Noise and Shadow Flicker)

- 6.28 The NPPF indicates that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. The NPPF also indicates that in determining planning applications for wind energy planning authorities should follow the approach set out in the National Policy Statement For Renewable Energy Infrastructure (read with relevant sections of the Overarching National Policy Statement For Energy Infrastructure). The aforementioned documents indicate that the impact of noise from a wind farm should be assessed using "The Assessment And Rating Of Noise From Wind Farms (ETSU-97).
- 6.29 A Noise Impact Assessment has been submitted along with this application. The standard assessment methodology for wind turbine noise is ETSU-R-97. The information submitted with this application indicates that the proposed wind turbine will operate within the parameters of this. The Council's Environmental Services team has been consulted on the proposed development and has raised no objections.

- 6.30 In relation to the above, the noise levels generated by the proposed turbine are deemed acceptable and would not have an adverse impact upon the occupiers of any surrounding residential properties to warrant refusal of the application.
- 6.31 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. The proposed turbine will have an operating frequency between 30.8 - 41 rpm (depending on the wind speed) which is significantly less than the frequency capable of giving rise to health effects.
- 6.32 Research and computer modelling on flicker effects have demonstrated that there is unlikely to be a significant impact at distances greater than ten rotor diameters from a turbine (i.e. 96 metres in this case). The companion guide to PPS22 which is still relevant in terms of flicker effect indicates that in the UK only properties within 130 degree either side of north, relative to a turbine can be affected by Flicker Effect. No residential properties fall within this zone. Whilst other European Countries have guidelines of 30 hours per year and 30 minutes per day for acceptable levels of shadow flicker, there is no guidance for England. The affects of shadow flicker are however easy to mitigate for example by shutting down the relevant turbine during periods when it could occur. As the impact of shadow flicker can be controlled by the imposition of a suitably worded condition it is not considered that the proposal would cause a sufficient harm to the living conditions of neighbouring residents with regard to shadow flicker to refuse the application on this basis.

4. Eskdalemuir Seismological Recording Station

- 6.33 The UK seismic monitoring site is at Eskdalemuir near Langholm. The facility is part of the seismic network of the International Monitoring System set up to help verify compliance with the Comprehensive Test Ban Treaty which bans nuclear test explosions. The Treaty requires that States Parties shall not interfere with the verification system, of which Eskdalemuir is an element.
- 6.34 The original consultation response from the MoD explains that the application site is approximately 47.86km from the seismological recording station at Eskdalemuir and falls within its statutory safeguarded area. Research jointly commissioned by the DTI, BWEA and the MoD has confirmed that wind turbines of the current design generate seismic noise which can interfere with the operational functionality of the Station. In order to ensure that the UK complies with the Comprehensive Nuclear Test-Ban Treaty, a noise budget based on the findings of the research of 0.336nm rms has been allocated by the MoD for a 50km radius surrounding the Station. Their response concluded that the reserved noise budget had been reached.
- 6.35 Latterly, on the 22nd May 2014, an interim guidance update was announced

identifies that:

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

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

- 6.36 On the basis of this announcement, on the 23rd June 2014, the MoD confirmed in writing that they were withdrawing their previous objection to this development.

5. Impact Upon Highway Safety and Public Footpaths

- 6.37 There are no statutory guidelines which recommend minimum separation distances from highways or public right of ways. Whilst a glimpsed view of the turbine would be visible from neighbouring roads, it is not considered that this would be sufficient to cause a distraction to drivers.
- 6.38 The Highway Authority has recommended a condition relating to the proximity of a public right of way, and the applicants responsibility to ensure it is not obstructed at any time.
- 6.39 As the Highway Authority have raised no objections it is considered that the proposal will not have a detrimental impact upon highway safety.

6. Other Matters

- 6.40 It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbine's location, it is not considered that they are of sufficient weight to determine consideration of the proposal.

Conclusion

- 6.41 The proposal is in accordance with the overall objectives of Government energy policy. The benefits include effective protection of the environment through the reduction of greenhouse gas emissions and the prudent use of natural resources by reducing reliance on fossil fuels. These benefits are of significant weight.
- 6.42 In conclusion the proposal involves the erection of a single turbine, 34.2m in height, at land to the north of Midtown Farm, Kirkbampton. National planning policy promotes targets for renewable energy and looks to Local Authorities to support proposals for renewable energy developments which do not have unacceptable impacts.
- 6.43 Taking account of the scale and technical specifications of the proposal, as

well as the levels of screening from nearby properties, it is considered that the turbine will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

- 6.44 It is considered that the proposed development accords with the provisions of the Carlisle District Local Plan 2001-2016 and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Local Plan and, as such, is recommended for approval subject to the imposition of appropriate conditions.

7. Planning History

- 7.1 There is no relevant planning history.

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;
2. The Site Location Plan received 24th August 2012;
3. The General Location Plan received 24th August 2012;
4. The Block Plan received 24th August 2012;
5. The Turbine Elevation Drawing received 24th August 2012;
6. The Wind Turbine Aviation Report received 24th August 2012;
7. The Design and Access Statement received 24th August 2012;
8. The Noise Assessment received 24th August 2012;
9. The Desktop Bird Survey received 24th August 2012;
10. The Photo Montage received 24th August 2012;
11. The Landscape and Visual Impact Assessment Report received 24th August 2012;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months the operator shall give notice in writing to the local planning authority of the date this event occurs. Unless the local planning

authority gives notice in writing to the contrary the use shall cease and the turbine and all components, listed in condition 2 above, shall be removed from the site within 6 months of the date notified to the local planning authority for the purposes of this condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

4. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related structures shall be removed from the site which shall be reinstated to its original condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

5. As soon as reasonably practicable following completion of construction of the turbine on the site, the applicant shall provide written confirmation to the Scottish Ministers, the Planning Authority and the Ministry of DEfence of the following:-

1. the actual position of each turbine in eastings and northings (each to six figures); and
2. the hub height and rotor diameter of each turbine (in metres).

Reason: In the interests of air safety and in accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

6. No logos, advertisements, lettering, lights or other information (other than that required for health and safety purposes or required for legal reasons including aviation safety) shall be displayed on the turbine, nor shall it be illuminated without the prior written approval of the local planning authority.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No construction works of any kind shall take place during the breeding bird season (1st March - 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.

8. The applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. If it is anticipated that the proposed development will hamper the continued safe use of the footpath, the Applicant must apply for a temporary closure of the footpath.

Reason: To support Local Transport Plan Policies W1 and W2.



General Location of Midtown Farm



Crown Copyright 2009.
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Licence number 0100004177

Date: July 2012
Our Ref:
Plan No:
Scale @ A3: 1:10,000

0 80 160 320 Meters

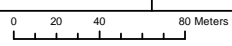
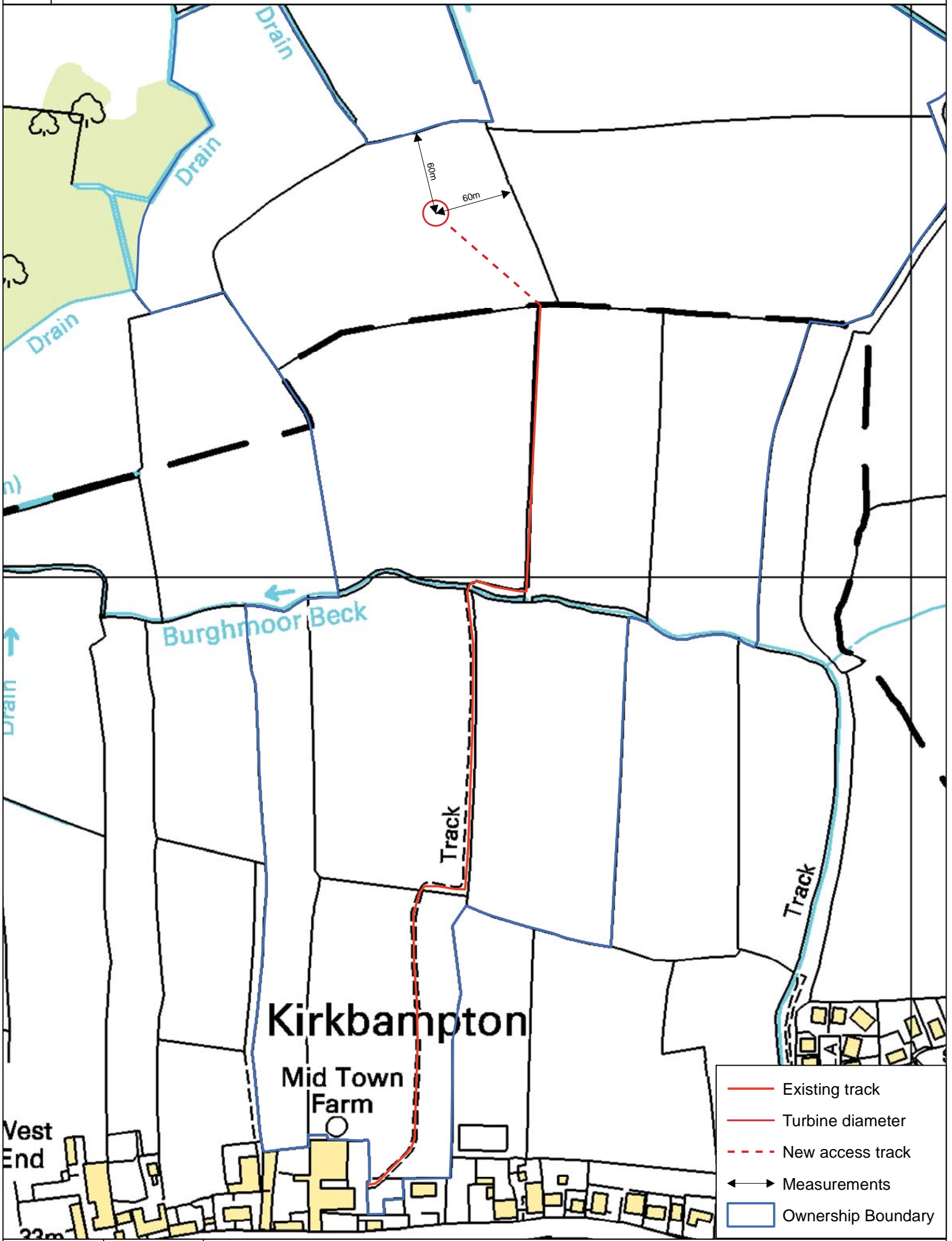
H&H LAND AND PROPERTY
Land and Property Surveyors

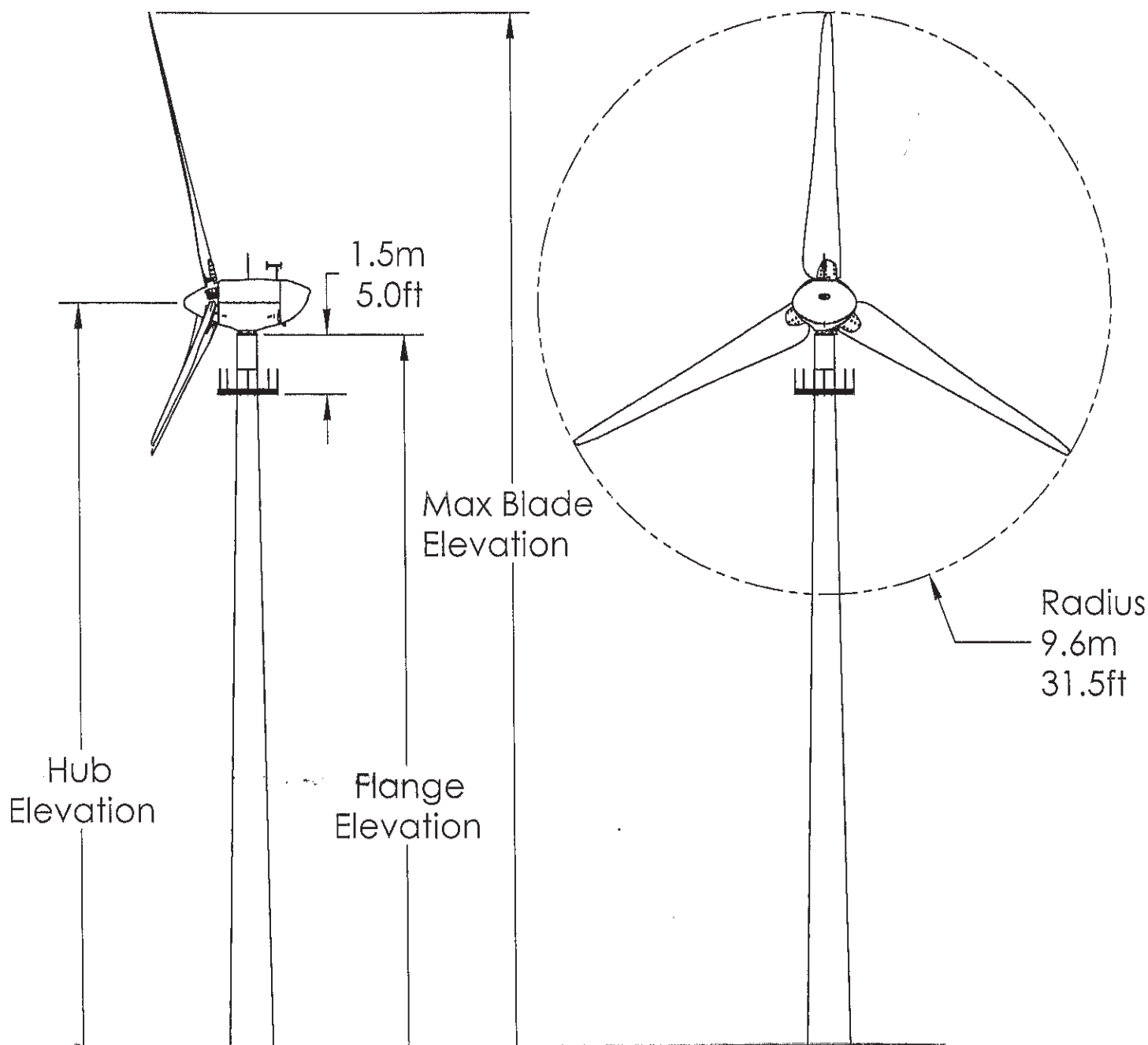
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Borderway, Rosehill, Carlisle, CA1 2RS Tel: 01228 406260 www.hhland.co.uk



Location Plan





Turbine Elevations – Scale 1:200@A4

Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries Only
97.1	29.6	100.4	30.6	131.9	40.2	North America Only
116.1	35.4	119.4	36.4	150.9	46.0	North America Only
135.8	41.4	139.1	42.4	170.6	52.0	North America Only

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are available in a permitting package on a per-tower basis.

Endurance
wind power

E-3120 Elevation

SIZE	DWG. NO.	REV.
A	E-3120 - 50 kW Monopole	A

SCHEDULE A: Applications with Recommendation

14/0406

Item No: 05

Date of Committee: 25/07/2014

Appn Ref No:
14/0406

Applicant:
Gardners Guns Ltd

Parish:
Arthuret

Agent:
SPACE Designed Solutions Longtown & Rockcliffe Ltd

Ward:

Location: Field Adjoining Purdoms Crook, Sandysike, Carlisle, CA6 5ST

Proposal: Variation Of Condition 3 Of Previously Approved Permission 07/0749 To Discontinue Shooting On Sundays And Bank Holidays; Proposal Of New Shooting Days And Times Of Tuesday To Saturday Inclusive From 10am To 4pm

Date of Receipt:
20/05/2014

Statutory Expiry Date
14/07/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Potential Noise And The Impact Of The Proposal On The Amenities Of Neighbouring Residents
- 2.3 The Impact On Public Safety
- 2.4 Highway Safety
- 2.5 Human Rights
- 2.6 Other Matters

3. Application Details

The Site

3.1 This application seeks Full Planning permission for variation of a planning

condition to extend the hours when shooting can occur on field adjoining Purdhams Crook, Sandysike, Carlisle. The site is located adjacent to the A7 between Carlisle and Longtown and is situated approximately betwixt the junction for Sandysike and the junction for Westlinton. The site is flanked to the west by a high and established hedgerow and punctuated by a vehicular access. The main A7 road is to the west with the River Lyne and agricultural land on remaining boundaries.

- 3.2 There are no immediate residential properties adjoining the site although there are in the wider vicinity.
- 3.3 The site itself comprises of 3 rifle ranges of 50 metres, 100 metres and 150 metres, each enclosed by a 2.5 metre high earth bund. Portable structures are at the end of each range to provide accommodation for individuals whilst using the range. The ranges are towards the eastern boundary of the site and are orientated in a north to south direction. Further to the south is an open area of ground where clay pigeon shooting takes place.

Background

- 3.4 Planning permission was granted in 2007 for the use of the land and was subject to a condition restricting the period during which the site could be used. Condition 3 reads:

“The use of the land hereby permitted shall take place only on Sundays and Bank Holidays (excluding the Christmas period) between 11-00 and 16-00 hours.”

- 3.5 The reason given reads:

“To prevent disturbance to nearby occupants in accordance with Policies CP4 and CP5 of the Revised Redeposit Draft Local Plan (2001 - 2016).”

Proposal

- 3.6 The application seeks consent to vary the condition to relinquish shooting on Sundays and Bank Holidays and instead allow shooting on Tuesdays to Saturdays between 1000 hours and 1600 hours.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 3 properties. In response, 4 letters of objection have been received and the main issues raised are summarised as follows:

- 1. noise pollution from this site is already acute and extreme and an extra 4 days use will add to this;
- 2. despite complaints to the Council that the site is being used in breach of the existing condition restricting the days it can be used, the applicant

- continues to do so;
- 3. the site is adjacent to farmland and a working farm. The use is distressing to livestock who become nervous and agitated;
- 4. such a use can't be considered safe next to land used by cattle and sheep;
- 5. when shooting occurs, the livestock take refuge on a narrow piece of land adjacent to the river and in the past, stock have been lost;
- 6. clays shatter and this, together with the plastic wad, land on the adjacent agricultural land;
- 7. material also falls into the river which is the only means of drinking water for the livestock. Ingestion of this material can lead to vet intervention or worse;
- 8. information provided on the previous application relating to the parking provision shows land not in the applicant's ownership;
- 9. the use should be in a more rural, remote location;
- 10. the noise from the rifle shooting is constant and disruptive resulting in a sharp loud cracking noise which is frightening to neighbours and livestock;
- 11. the use is off-putting to visitors to the area who fish the river;
- 12. if lead is being used in the shot, it will result in it falling into the river to the detriment of the fish;
- 13. the access to the site is inappropriate and may result in an accident for people turning from the A7;
- 14. there may be stray bullets from the site;
- 15. the existing arrangements are a minor, noise polluting nuisance to the residents and businesses in the area. The increased use would affect the nearby dog breeding facility as a dogs hearing is far more acute and would affect older dogs and whelps.

4.2 One comment has been received which states that the hours of use are restrictive for working people and questions whether shooting would be permitted on Sundays if noise moderators are fitted and a noise limit set.

4.3 Also in response, 8 letters of support have been received which raise the following issues:

- 1. this is an excellent facility that allows people to practice their sport;
- 2. it is an invaluable facility within the region and if approved, it would attract more users from a wider area with valuable benefits in trade for the local community;
- 3. this is the only approved outdoor range in the area with facilities for civilians to practice target marksmanship at distances up to 150 metres;
- 4. the facility provides a safe, secure environment with minimum disturbance to the surroundings;
- 5. there will be very little impact on the neighbours;
- 6. this application should be supported;
- 7. the concession of halting use on Sundays and Bank Holidays indicates the applicant is not ignoring the concerns of his neighbours;
- 8. the range allows disabled person the freedom to shoot;
- 9. there is no disturbance to neighbouring livestock;
- 10. the range meets all the safety regulations required by the Home Office;
- 11. the noise from the range is absorbed by the construction of the firing

- range together with the noise of the A7;
- 12. valuable asset in the locality;
- 13. only large range of its kind in Cumbria and Southern Scotland.

5. Summary of Consultation Responses

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

Arthuret Parish Council: - the Parish Council support local business. Neighbouring properties, however, should be consulted;

Local Environment - Environmental Protection: - the shooting range shall be controlled so that any noise from the use shall not cause a statutory noise nuisance to other property in the locality;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - no objections.

6. Officer's Report

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) together with Policies CP6, EC11 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue to establish in the consideration of this application is the principle of development as defined by the increase in business operation. Since the adoption of the local plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Planning policies, both at national and local level, allow for the expansion of economic activities undertaken in rural areas. The local plan policy is subject to 4 criteria which require that the use should be complementary to or compatible with the agricultural operations in the rural area; and be compatible with the character and scale of the operation and its landscape character; and not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and be capable of providing adequate access and parking arrangements.
- 6.4 The existing use on the site was granted permanent planning consent and not as a temporary use. The business has been established for a number of years and it follows, therefore, that the principle of the expansion of the use is acceptable subject to consideration against the policy criteria and other planning policies which are discussed in the following paragraphs.

2. Potential Noise And The Impact Of The Proposal On The Amenities Of Neighbouring Residents

- 6.5 The use of the site includes rifles and shotguns. The relevant clay target shooting criteria was set by the Chartered Institute of Environmental Health; (CIEH) Clay Target Shooting entitled 'Guidance on the Control of Noise', published in January 2003.
- 6.6 There is strict guidance in terms of noise emanating from any site and in particular, Chapter 6 provides criteria on noise measurement and assessment and in summary states:
- 'The BRE [Building Research Establishment] research suggests that there is no fixed shooting noise level at which annoyance starts to occur. Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55 dB(A), and highly likely to occur at a mean shooting noise level (mean SNL) above 65 dB(A).'
- 6.7 The site has been operating for 7 years since planning permission was granted in 2007. The objectors are concerned about the noise generated from the use of the site and the impact on both residents, visitors to the area and livestock. The Government's National Planning Practice Guidance (NPPG) states that "noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment."
- 6.8 In consideration of this application involving noise issues, the NPPG requires local planning authorities to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.
- 6.9 At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed' effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment. As noise levels escalates through various stages until it reaches the highest extreme, noise exposure can cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise and this situation should be prevented from occurring.
- 6.10 Policy CP6 of the Local Plan seeks to protect the living conditions of occupiers of neighbouring properties from inappropriate development including those that would generate a significant increase in noise levels.
- 6.11 The previous planning application in 2007 included an Acoustic Survey produced by Wakefield Acoustics and included an assessment of noise readings from the 2 nearest residential properties and the layby adjoining

Lynebank Hotel whilst shooting clay pigeons using a 12 bore shotgun on the site. In all 3 locations, the recorded readings during the shooting were below the 55dB(A) as required in the Environmental Health Guidance on the Control of Noise for Clay Target Shooting and it was stated that as such, the proposed use should not give rise to noise complaints. Since the site began to be used for shooting purposes, Environmental Health Officers have confirmed that no complaints have been received by the Council in respect of unacceptable noise from the site.

- 6.12 The applicant has confirmed that 75% of the rifles fired on the range are moderated, meaning that the sound emissions from the muzzle are significantly reduced through the use of a noise moderator or silencer. Of the remaining 25%, the majority of these are antique weapons which can't be moderated but are only fired on limited occasions. The shotguns are generally only used once per month for club meetings except where competitions are held.
- 6.13 The issue for Members to consider therefore, is whether the variation in the planning condition, and allowing 3 extra days shooting on the site, would result in unacceptable levels of noise and disturbance and thereby affect the living conditions of the occupiers of neighbouring properties. The existing consent allows for the use of the site on 1 day at the weekend and the proposal would not alter this. The consent also allows the site to be used on Bank Holidays when background noise levels are arguably lower and when people can reasonably expect to enjoy peace and quiet. The use on bank holidays would be relinquished by this application.
- 6.14 During the course of the site visit, Officers observed shooting taking place on the site using both rifles and shotguns. Sheep were present in the field on the opposite bank of the river and were undisturbed by the shooting taking place.
- 6.15 Shooting is a rural pursuit and whilst it is acknowledged that the use of the site is more of a commercial venture and therefore more intensive. On balance, the increased use of the site of 3 days and the additional hour each day sought on the overall five days, would not give rise to significant levels of noise and disturbance to the occupiers of neighbouring properties, visitors or livestock, such to warrant refusal of this application. This is supported by the original noise report and the consultees who have informed this application.

3. Range Safety And The Impact On Public Safety

- 6.16 The Home Office circular 031/2006 'Firearms' makes it clear that range safety is primarily the responsibility of range owners and operators. Paragraph 11 states that it is anticipated that most ranges will use The National Small-bore Rifle Association and the National Rifle Association scheme. However, it is for each range owner/ operator to decide what steps to take to ensure their range is safe.
- 6.17 The applicant has submitted the following in support of the application:

1. Home Office certification;
 2. National Rifle Association certification;
 3. the ranges are British Association for Shooting & Conservation (BASC) approved;
 4. The facility is never used solely by 1 person;
 5. at least 1 Range Conducting Officer (RCO) is present at all times when the site is in use.
- 6.18 All rifle owners are a member of the club operated by the applicant and must undergo or have achieved a particular level of training. More recent members to the club must be supervised at all times by a club member and no guns are stored at the facility. An RCO of the club must be present when the ranges are in use and it is his or her role to supervise the overall safety of the site. To become an RCO, that individual must be a full member of the club and have passed a complete training schedule. When a member has finished shooting, the RCO will conduct various inspections and implement procedures to ensure that no loaded weapons are carried off the ranges. A red flag is flown on site at all times, regardless of whether shooting is taking place and there are appropriate warning signs around the site.
- 6.19 The ranges were originally designed in consultation with Firearms Officers from Cumbria Constabulary. The rifles are shot from inside a structure down an open bunded range. There is an overhang on the outside of each of these structures which limits the trajectory of any weapon fired and prohibits a round to be fired over the height of the bund at the end of the range.
- 6.20 As part of the consultation process, Cumbria Constabulary has provided comments and in particular, Officers asked for this to be provided in conjunction the Firearms Officers from the Constabulary. Members will note that no objection has been received and that no complaints have been made in respect of the use of the site or regarding concerns about public safety.

4. Highway Safety

- 6.21 The objectors have raised concerns about the vehicular access to the site which is taken directly from the A7 road. This a particularly busy stretch of road linking Cumbria with the Scottish Borders and is heavily used. It is also subject to the national speed limit of 60 mph. Visibility is clear in both directions when exiting the site and there is sufficient parking provision within the site. The increased use of the site is not likely to result in significant levels of vehicles to the site over and above the existing numbers. In response, Cumbria County Council as the Highway Authority has raised no objection.

5. The Impact On Human Rights

- 6.22 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".

- 6.23 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.
- 6.24 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. Other Matters

- 6.25 Reference is made in the objection to pieces of broken clay and other fired material entering adjoining land and the watercourse. With regard to the latter, the applicant has confirmed that the shotgun cartridges used on site do not contain lead but steel. The only shotgun cartridges permitted to be used on the site use fibre wads which are biodegradable and not plastic wads. In addition, condition 5 of the planning permission prohibits the use of lead shot on the site and this condition would remain unaltered.
- 6.26 The layout of the site was designed such that the clay pigeon area is enclosed by a bund and that guns are discharged in the air at such an angle that the shot would be rendered harmless if it travelled beyond the bund. The traps are mobile and are set such that account is taken of the position of the guns and the wind direction. This remains the same for the steel shot but is less likely to stray outwith the site due to the weight. The applicant has informed Officers that the fragments of broken clay pigeons degrade after few periods of rainfall. If material does fall onto adjoining land, this is a civil matter and an operational matter for the applicant to resolve with the adjoining land owner.

Conclusion

- 6.27 The site is located in open countryside albeit adjacent to agricultural land with residential properties in the wider area. The site has been in operation since planning permission was granted 7 years ago. Planning policies support the principle of the expansion of rural based businesses, subject to an appropriate assessment against other planning related matters.
- 6.28 The increased use of the site has the potential to generate increased levels of noise and disturbance; however, the originally submitted noise assessment

found that noise levels in the 3 nearest noise sensitive locations would be within acceptable limits. Since the use commenced, the Council has not received any noise nuisance complaints.

- 6.29 The site continues to be bound to operate within the parameters of its Home Office licence and Cumbria Constabulary has raised no objection to the increase use of the site.
- 6.30 Consent of this application would allow the expansion of an established rural based business. All matters have been appropriately and robustly assessed against national and local planning policies and found to be acceptable. The application is therefore recommended for approval.

7. Planning History

- 7.1 In 2004, planning permission was granted for the change of use of part of ground floor of the applicant's dwelling to a gun dealers and fishing tackle shop (including testing of guns and rods in adjoining fields). The planning permission (04/1462) restricted the period for testing guns to between 1000 and 1200 hours on Saturdays and to no more than 20 days per year.
- 7.2 In 2007, planning permission was granted for the use of the field for a shooting range on Sundays & Bank Holidays (excluding the Christmas Period) between the hours of 1000 and 1700 hours together with the erection of a 4 metre high flagpole for a warning flag.

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).

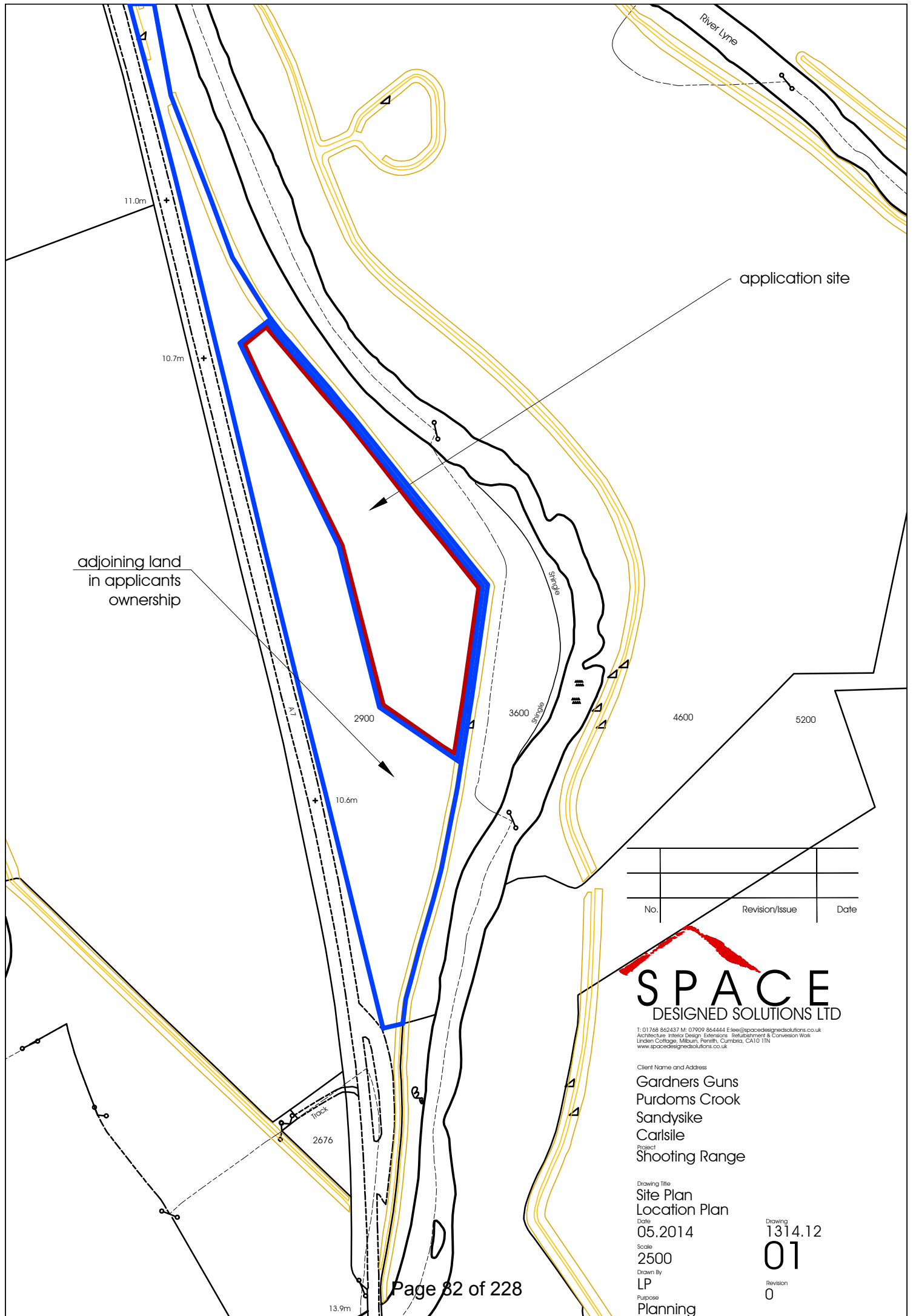
2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 12th May 2014;
2. the Site Plan Location Plan received 20th May 2014 (Drawing no. 1314.12 01 Rev 0);
3. the Notice of Decision.

Reason: To define the permission.

3. The development shall be carried out in accordance with the remaining conditions attached to the Full Planning permission approved under application 07/0749.

Reason: For the avoidance of doubt.



No.	Revision/Issue	Date

SPACE

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Client Name and Address
Gardners Guns
Purdoms Crook
Sandysike
Carlisle
Project
Shooting Range

Drawing Title
Site Plan
Location Plan
Date
05.2014
Scale
2500
Drawn By
LP
Purpose
Planning

Drawing
1314.12
01
Revision
0

SCHEDULE A: Applications with Recommendation

14/0332

Item No: 06

Date of Committee: 25/07/2014

Appn Ref No:
14/0332

Applicant:
Mr Thompson

Parish:
Wetheral

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

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

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

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

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

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

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

3. Application Details

The Site

- 3.1 The application site currently forms part of a field that lies on the edge of Burnrigg and approximately 600m from the edge of Warwick Bridge. A former land settlement dwelling, which sits within a large plot, adjoins the site to the south. A further former land settlement dwelling lies approximately

70m to the north of the site, with a field being located in between, which contains a large wooden shed. Fields adjoin the site to the rear.

- 3.2 The road from Warwick Bridge to Burnrigg runs to the front of the site. A hedge and a narrow verge separate the field from the road. There is an existing field gate, in the south-west corner of the site, which provides access.

The Proposal

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

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice as well as notification letters sent to fourteen properties. Thirteen letters of support and one letter of comment have been received. The letters of support make the following points:

- support the proposals as they will give much needed affordable housing in the Parish where house prices are at their peak in the Carlisle area;
- more affordable housing for local people is very important to the community and is essential to retain local people in their local area;
- younger generation can't pay the house prices in rural areas and are forced to live in the city, when their core support is in the rural area;
- support this proposal as it will help to deliver affordable housing on the

Greenacres site;

- it is heartening to see that the Parish Council is in support of the proposals and recognises that there is significant need for these type of proposals in order to deliver affordable housing in the parish;

- the dwellings would a few minutes walk away from a vast number of local services including supermarkets, doctors, butchers and regular bus services in Warwick Bridge;

- the proposal can only benefit the local community and keep the village flourishing;

- more development would mean more options and choice both to people looking to move within and into this area;

- the sympathetic arrangement of the proposed dwelling, coupled with the proactive approach taken in relation to providing affordable housing should carry great positive weight for this application;

- the proposal appears a well designed and considered application that in the context of the current housing situation, nationally and locally, should be viewed favourably and therefore approved;

- this application is a suitable use for the existing land;

- the new dwellings will blend in well with the local landscape and existing neighbouring dwellings which adjoin the proposed development;

- application 13/0941 at Broadwath Holdings was granted planning permission earlier this year;

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

5. Summary of Consultation Responses

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

Wetheral Parish Council: - support - no observations;

Northern Gas Networks: - no objections;

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

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

Housing: - the sites are not ideally located for affordable housing (in respect of proximity to public transport, services & amenities), as they are both in the countryside outside Warwick Bridge – although neither is particularly deeply rural. Application 14/0360 is the better located of the two sites, as it is slightly closer to Warwick Bridge, and there is a footpath adjacent to the proposed

dwellings. Carlisle's Housing Need and Demand Study (November 2011) identified that 71% of the affordable housing need was for social or affordable rental accommodation. However, these sites would be unlikely to be suitable/viable to a local Housing Association. If the applicant wished to let them on an affordable rental basis themselves, the rent must be no more than 80% of a market rent (to be assessed by a RICS qualified surveyor and agreed with the Council) The applicant would need to provide the Council with a policy or proposal for allocating the properties to local people in need of affordable housing. Alternatively, there is a smaller need for low cost home ownership properties. The Council manages a discounted sale scheme with properties sold at a 30% discount from open market value, which also applies upon each successive resale. Smaller properties would be preferable, as we have had problems in the past on rural schemes where even with a 30% discount they weren't affordable. The Housing Need and Demand Study states that the largest requirement for affordable housing by property size in the Rural Carlisle East Housing Market Area is for 45.9% 2-bed properties, followed by 24.1% 3-bed.

6. Officer's Report

Assessment

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

1. Whether The Proposal Would Be Acceptable In Principle

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

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

- there is a dire under supply of affordable housing in the rural area and a lack of bungalows;

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

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

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

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

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

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

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

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

4. Affordable Housing

6.9 The applicant is proposing to erect an affordable dwelling on this site, which

could be either for affordable rent or discounted sale. The Council's Housing Development Officer considers that this site would be unlikely to be suitable/viable as a Housing Association property. If the applicant wanted to let the dwelling on an affordable rental basis themselves, the rent must be no more than 80% of a market rent and the applicant would need to provide the Council with a policy or proposal for allocating the property to local people in need of affordable housing. If the dwelling is for discounted sale, smaller properties would be preferable as there have been problems in the past on rural schemes, where even a 30% discount does not make the scheme affordable.

6.10 As referred to in paragraph 3.5 of this report, the applicant has offered to link application 14/0360 which would include an affordable bungalow. If both applications were approved, this link would be undertaken through a S106 legal agreement.

6.11 The Council's Housing Development Officer has raised concerns about the location of the housing, which he considers is not ideally located for affordable housing, in respect of public transport, services and amenities.

5. Highway Matters

6.12 The revised plan that has been submitted only shows visibility splays of 53m to the north and 56m to the south, which would not be sufficient. County Highways, however, notes that the site is located within a 30mph area and the applicant has stated that they can achieve over 100m visibility. It, therefore, has no objections to the proposal, subject to the imposition of conditions, one of which would cover the provision of visibility splays of 90m.

Conclusion

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

7. Planning History

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

8. Recommendation: Refuse Permission

1. **Reason:** The application site lies outside a settlement in an unsustainable location. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless

there are special circumstances. The special circumstances put forward by the applicant are not considered to be sufficient to justify a new dwelling in this location. The proposal is, therefore, contrary to Policies DP1 & H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.



LOCATION PLAN

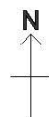
1:2500

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

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

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

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GRADIENT = $\frac{41.75\text{m} - 40.39\text{m}}{46.4\text{m}}$
= **2.93%**

	A	Amended Visibility splay to take account of bonnet length at request of Local Highway Authority					NB	NB	18.06.14
REV		DESCRIPTION	BY	CHK	APP	DATE			

2 St. James Gate
Newcastle upon Tyne
Tyne & Wear
NE1 4AD

TEL: +44 (0)191 255 7300
FAX: +44 (0)191 255 7301
E-MAIL: enquiries@newcastletyne.com

The logo for Wyg is a circular emblem. Inside the circle, the letters 'wyg' are written in a white, lowercase, cursive script. The background of the circle is black with a dense, vertical, wood-grain-like texture.

Project:
LAND AT FOUR OAKS, BURNRIGG

Drawing Title:
PROPOSED SITE ACCESS JUNCTION
VISIBILITY SPLAYS & GRADIENTS

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

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GRADIENT = 41.75m - 40.39m / 46.4m
= 2.93%

GRADIENT = 43.4m - 41.75m / 43.5m
= 3.79%

2.4m by 53.0m visibility splay

2.4m by 56.0m visibility splay

REV	DESCRIPTION	BY	CHK	APP	DATE
A	DESIGN VISIBILITY SPLAY TO THE SOURCE OF TRAFFIC ON THE ADJACENT ROAD	TH	NB	NB	18.06.14

Client: NIGEL THOMPSON DEVELOPMENTS

2 St. James Gate
Newcastle Upon Tyne
NE1 4AD
TEL: +44 (0)191 255 7300
Project No. A081087
e-mail: newcast@wyg.com

Project: LAND AT FOUR OAKS, BURNRIGG

Drawing Title: PROPOSED SITE ACCESS JUNCTION
VISIBILITY SPLAYS & GRADIENTS

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

SCHEDULE A: Applications with Recommendation

14/0360

Item No: 07

Date of Committee: 25/07/2014

Appn Ref No:
14/0360

Applicant:
Mr Thompson

Parish:
Wetheral

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

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

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

Date of Receipt:
28/04/2014

Statutory Expiry Date
23/06/2014

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

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

3. Application Details

The Site

- 3.1 The application site forms a field that is currently used for the grazing of horses. A dwelling (Greenacres), which has some stables within the curtilage, lies to the south of the site and is separated from it by a track that provides access to fields. A track, which is a Public Right of Way and which

provides access to Warwick Mill Business Centre and Warwick Bridge adjoins the site to the north, with a dwelling (St Christoph) being located beyond this. A dwelling (Wood House) and fields lie to the west of the site, with fields also adjoining the site to the east (rear).

- 3.2 The road from Warwick Bridge to Burnrigg runs to the front of the site, with Warwick Bridge being located approximately 350m to the north of the site. A hedge and a narrow verge separates the field from the road. There is an existing field gate in the centre of the hedge, which provides access to the field.

The Proposal

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

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice as well as notification letters sent to nineteen properties. Nine letters of support and one letter of objection have been received. The letters of support make the following points:
- support the proposals as they will give much needed affordable housing in the Parish where house prices are at their peak in the Carlisle area;
 - more affordable housing for local people is very important to the community and is essential to retain local people in their local area;
 - younger generation can't pay the house prices in rural areas and are forced to live in the city, when their core support is in the rural area;

- it is heartening to see that the Parish Council is in support of the proposals and recognises that there is significant need for these type of proposals in order to deliver affordable housing in the parish;
- the dwellings would a few minutes walk away from a vast number of local services including supermarkets, doctors, butchers and regular bus services in Warwick Bridge;
- the proposal can only benefit the local community and keep the village flourishing;
- more development would mean more options and choice both to people looking to move within and into this area;
- the sympathetic arrangement of the proposed dwelling, coupled with the proactive approach taken in relation to providing affordable housing should carry great positive weight for this application;
- the proposal appears a well designed and considered application that in the context of the current housing situation, nationally and locally, should be viewed favourably and therefore approved;
- this application is a suitable use for the existing land;
- the new dwellings will blend in well with the local landscape and existing neighbouring dwellings which adjoin the proposed development;
- application 13/0941 at Broadwath Holdings was granted planning permission earlier this year;

4.2 The letter of objection makes the following points:

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

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - objects to the proposal as the required visibility splays cannot be achieved;
 Wetheral Parish Council: - objects on the grounds of highway concerns - this

is a busy local road and the site is situated just over the brow of a hill, with poor visibility;

Local Environment - Environmental Protection: - no objections;

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

Northern Gas Networks: - no objections;

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

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

6. Officer's Report

Assessment

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

1. Whether The Proposal Would Be Acceptable In Principle

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

6.3 Para 55 of the National Planning Policy Framework (NPPF) states that to

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

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

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

6.5 Whilst Policy H6 (Rural Exception Sites) does allow affordable housing in locations where market housing would not usually be permitted, the sites still have to be well related to the settlement where the need is identified and respect local landscape character. This site is not considered to be well related to Warwick Bridge. Indeed, the Council's Housing Development Officer has stated that the site is not ideally located for affordable housing, in respect of proximity to public transport, services and amenities.

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

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

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

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

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

4. Affordable Housing

- 6.9 The site covers an area of 0.28 hectares and so an affordable housing contribution of 10% would be required. In order to deal with this requirement the applicant is proposing to provide one affordable unit on this site which would equate to 50%. He is also proposing to erect an affordable dwelling on another site (14/0332). If the two sites are considered together, this would equate to a 66% contribution. The two sites could be linked by a Section 106 Agreement if this was considered appropriate.
- 6.10 This site with or without the addition of site 14/0322 provides for affordable housing with a cross subsidy to pay for that development from open market housing. The NPPF has introduced the potential for cross subsidy of market housing to assist with affordable housing delivery. Paragraph 54 states that Local Planning Authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. This application is for only two dwellings and with application 14/0322 the total number of units is 3. This does not comply with the intention of the NPPF to assist in affordable housing delivery which is aimed at more comprehensive schemes rather than piecemeal development throughout the countryside.
- 6.11 The Council's Housing Development Officer considers that the proposed affordable dwelling would be unlikely to be suitable/ viable to a local Housing Association property. If the applicant wanted to rent the property on an affordable basis themselves, the rent must be no more than 80% of a market rent and the applicant would need to provide the council with a policy or proposal for allocating the properties to local people in need of affordable housing. The Housing Development Officer has raised concerns about the location of the housing, which he considers is not ideally located for affordable housing, in respect of public transport, services and amenities.

5. Highway Matters

- 6.12 County Highways has recommended refusal of the application as the proposed access to the site is unsatisfactory since the required visibility cannot be achieved at the junction with the county highway. As a consequence, the intensification of use, which would result from the proposed development, would be unacceptable in terms of highway safety.
- 6.13 Wetheral Parish Council has also objected to the proposal on highway

grounds. It notes that the access would be onto a busy road, situated just over the brow of a hill, with poor visibility.

Conclusion

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

7. Planning History

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

8. Recommendation: Refuse Permission

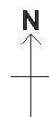
1. **Reason:** The application site lies outside a settlement in an unsustainable location. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The special circumstances put forward by the applicant are not considered to be sufficient to justify new dwellings in this location. The proposal is, therefore, contrary to Policies DP1 & H1 of the Carlisle District Local Plan 2001-2016 and Paragraphs 54 and 55 of the National Planning Policy Framework.
 2. **Reason:** The proposed access by which vehicles associated with this proposal would leave and re-join the county highway is unsatisfactory since the required visibility of 2.4 metres x 215 metres cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.
-



LOCATION PLAN
1:2500

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

OS Mastermap
06 February 2013, ID: MDP-00205977
www.malcolmhughes.co.uk
1:2500 scale print at A3, Centre: 347881 E, 556114 N
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MALCOLM HUGHES
LAND SURVEYORS
Chartered Land Surveyors



Tel: 0161 926 0650



No.	Date	Revision	Initial

ALPHA DESIGN

Architectural Services
 Member of the Chartered Institute of
 Architectural Technologists

Tel: 01900 829199 email: go@edcumbria.co.uk

Project

LAND ADJACENT TO 'GREENACRES',
 WARWICK BRIDGE,
 CARLISLE

Client

NIGEL THOMPSON
 DEVELOPMENTS LTD

Drawing

REVISED SITE PLAN

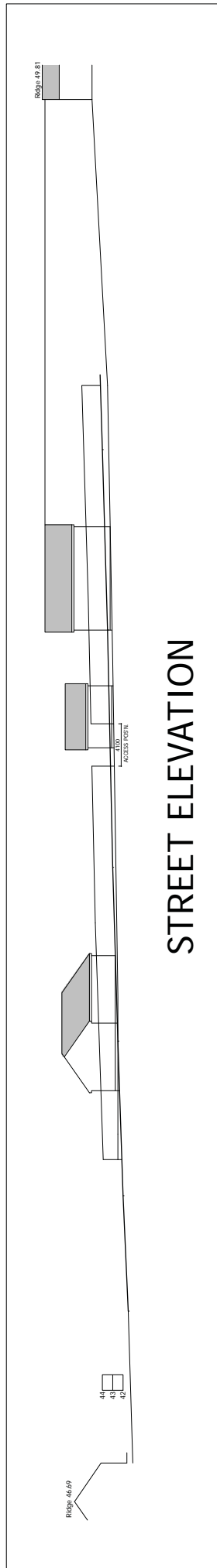
Scale 1:200 @ A1 Drawn GB

Checked Date FEBRUARY 2014

Drawing No.

13/01/790 - 04

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ALPHA DESIGN

Architectural Services
Member of the Chartered Institute of
Architectural Technologists

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

Project

LAND ADJACENT TO 'GREENACRES',
WARWICK BRIDGE,
CARLISLE

Client

**NIGEL THOMPSON
DEVELOPMENTS LTD**

Drawing

STREET ELEVATION

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

13/01/790 - 05

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SCHEDULE A: Applications with Recommendation

14/0342

Item No: 08

Date of Committee: 25/07/2014

Appn Ref No:
14/0342

Applicant:
Mr Mckenzie

Parish:
St Cuthberts Without

Agent:
Black Box Architects
Limited

Ward:
Dalston

Location: Land adjacent Woodcote, Durdar Road, Carlisle, CA2 4TL

Proposal: Erection Of 1no. Dwelling (Outline)

Date of Receipt:
23/04/2014

Statutory Expiry Date
18/06/2014

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 Principle of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwelling Is Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact Of The Proposal On Biodiversity
- 2.6 Method of Disposal of Foul And Surface Water
- 2.7 The Impact On Human Rights
- 2.8 Potential For Contaminated Land

3. Application Details

The Site

- 3.1 The application site is located approximately 92 metres east of Durdar Road, along a private shared driveway. Immediately adjacent to the west of the site

is single storey bungalow. Further to the east is a property currently being constructed and beyond that, is a group of 4 dwellings in a courtyard arrangement. Historically, the latter has been developed from a farmhouse and the conversion of outbuildings to 3 residential properties.

- 3.2 The application site, equating to approximately 390 square metres, is enclosed by a palisade fencing and is used for the storage of vehicles. A mature hedge also bounds the western flank of the site and the remaining land being in agricultural use.

The Proposal

- 3.3 The application seeks Outline Planning Permission for the erection of 1 dwelling with all matters reserved. The submitted drawings are indicative and illustrate a single storey 2 bedroom property with incurtilage parking for 2-3 vehicles. The building measures 16.2 metres in length and the width would vary between 5.2 metres and 8.5 metres.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 2 of the neighbouring properties. In response, 2 letters of objection and 1 comment have been received and the main issues raised are summarised as follows:
1. the principle of further housing in the area is not acceptable;
 2. the owner of the access road are concerned about disruption during ongoing building works;
 3. there has been construction in the lane during building works. Further planning permission will cause more disruption.

5. Summary of Consultation Responses

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

St Cuthberts Without Parish Council: - the application is supported;

Local Environment - Environmental Protection: - no objection;

United Utilities: - in accordance with the NPPF, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

6. Officer's Report

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, T1 and LE29 of the Carlisle District Local Plan 2001-2016. The Supplementary Planning Document

(SPD) "Achieving Well Designed Housing" is also of relevance. The proposal raises the following planning issues.

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Paragraph 215 of the NPPF highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.
- 6.4 When assessing the application site against the foregoing policies, it is acknowledged that this is a small group of dwellings, close to what was a former farm steading; however, in the context of the NPPF the site cannot be considered either a village or a settlement.
- 6.5 An application for 1 dwelling in 2013 (application reference 13/0651) to the east of the site was considered to be in an isolated rural location and therefore a new home in the countryside. Paragraph 55 of the NPPF outlines that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 6.6 In the report to Members of the Development Control Committee, it was concluded that the application failed the policy tests that underpinned the assessment of that application insofar as no essential need was claimed; the proposal did not involve the development of a heritage asset or redundant or disused building, and the design of the building was not of exceptional quality.
- 6.7 On considering the wider area, Members considered that the application, including the principle of development in this location, was acceptable and planning consent was issued for that development. In the consideration of this application, the approval of planning permission on the neighbouring site is a material factor. Although this does not grant wholesale approval of the principle of development on this or neighbouring land, given that this site is better related to the neighbouring building and that the Council has granted consent in this location, the principle of further residential development is acceptable in this instance.

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

- 6.8 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.9 The application has been submitted in outline only with all details reserved; however, an indicative layout has been included with the details. The site is constrained in area measuring 33 metres in length by 17.4 at its widest point narrowing to 3.4 metres at the narrowest point to the north.
- 6.10 The site is relatively small and is an irregular shape and not considered large enough to accommodate a dwelling. Once space is provided within the site for a dwelling, together with a driveway and parking and turning areas for vehicles, there would be little outdoor amenity space left and the site would appear cramped and overdeveloped. In addition, development on this site would bear little resemblance to the scale and character of the neighbouring properties in the locality.
- 6.11 The NPPF encourages good design and specifically paragraph 58 requires that planning decisions should aim to ensure that developments function well, add to the quality of the area and respond to local character. Although the plans submitted with the application are indicative only and any design issues could be resolved within the reserved matters application but notwithstanding this, the size of the site would not change and for these reasons, the proposal would conflict with planning policies.

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

- 6.12 Planning policies also require that consideration is given to the living conditions of the occupiers of neighbouring properties. The proposed site boundary is 6 metres at the closest point from the neighbouring bungalow to the west which has a window in the gable. The window is a secondary window and a mature high hedge and palisade fence demark the boundary. Although there are no details as to whether the existing boundary treatment would remain, appropriate boundary details could be controlled through the imposition of conditions.
- 6.13 As such, the principle of residential development on the site would not compromise the living conditions of the occupiers of that property through loss of light, loss of privacy or over dominance subject to the imposition of conditions.
- 6.14 Given the relationship of the site to the nearest residential dwellings, any

dwelling on this site would achieve the Council's minimum distances between dwellings as stated in the Council's Supplementary Planning Document 'Achieving Well Designed Housing'.

4. Impact Of The Proposal On Highway Safety

- 6.15 The application site is accessed via a private access. Cumbria County Council, as Highways Authority, has been consulted and raises no objections subject to the imposition of conditions. Accordingly, the proposal would not have any significant highways or traffic implications.

5. Impact Of The Proposal On Biodiversity

- 6.16 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is within agricultural land, using the guidance issued by Natural England, the development would not harm a protected species or their habitat; however, an Informative could be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

6. Method of Disposal of Foul And Surface Water

- 6.17 The application forms do not identify any means of foul drainage but show that the surface water would be dealt with by means of a soakaway. Whilst the principle is acceptable further details would be required to assess the suitability of the proposals.

7. Human Rights

- 6.18 The appellant's human rights have been properly considered and taken into account as part of the determination of the application. Article 8 of the Human Rights Act 1998 provides that:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.

8. Potential For Contaminated Land

- 6.19 Due to the fact that the site is currently used to store vehicles, there is the potential for contaminants to be present in the ground; however, this could be mitigated through the imposition of a condition.

Conclusion

- 6.20 No justification has been submitted with the application to weigh against the general interest in conforming to planning policy. For the reasons outlined above it is considered that the size of the site is insufficient and would result

in a cramped form of development that would be detrimental to the character of the area contrary to local and national policies designed to protect the countryside.

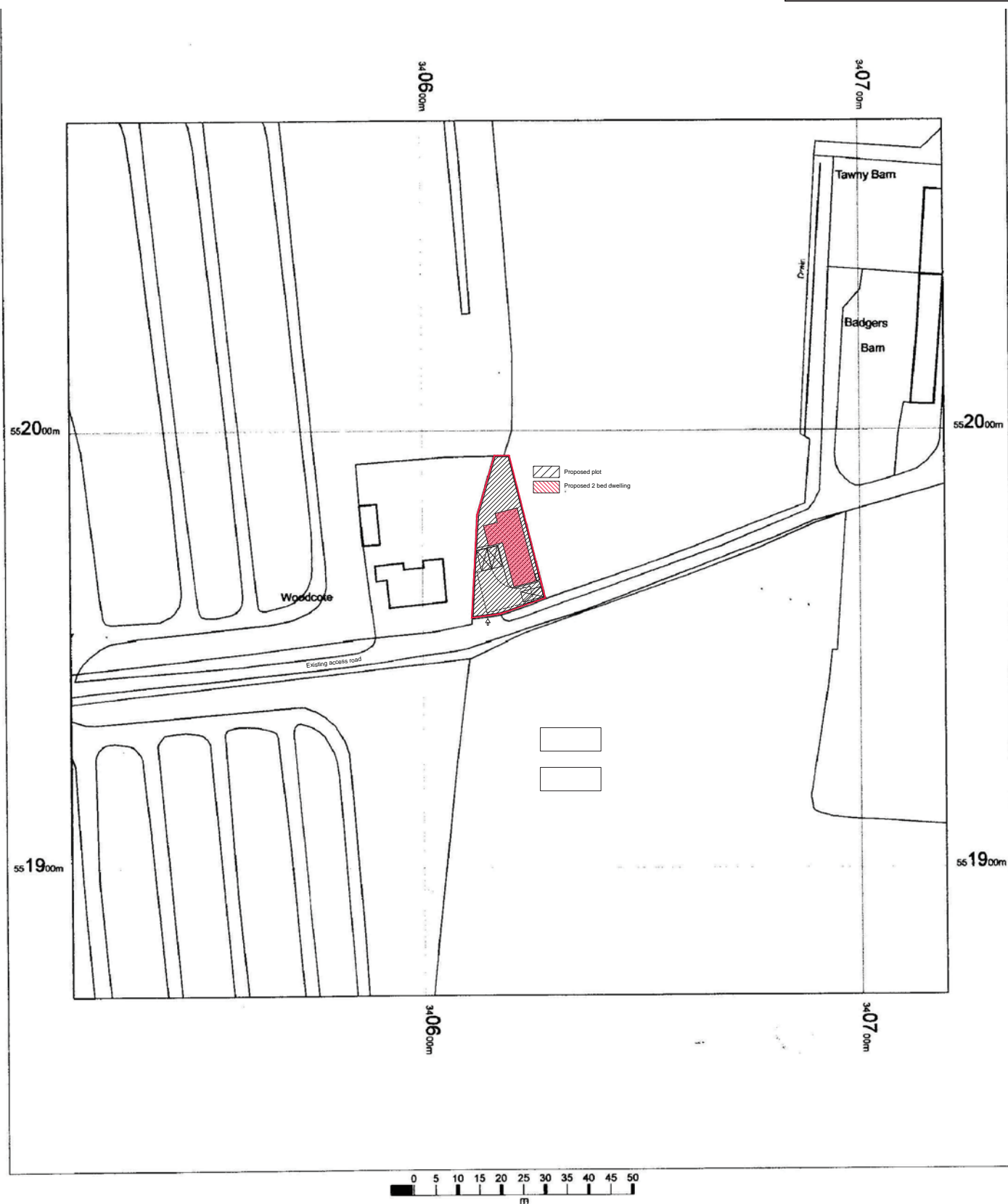
- 6.21 In overall terms, the proposed site is located in a rural location and given the relationship with nearby properties and planning consent recently granted by Members of the Development Control Committee, these are material considerations that have to be taken into account in the determination of this application. The principle of residential development on the site cannot be disputed and is therefore acceptable.
- 6.22 Due to the significantly constrained form and size of the site, development to provide a dwelling would appear cramped and overdeveloped and would result in an obtrusive feature that would appear alien within the context of the character and appearance of the area. For this reason, the proposal is contrary to planning policies and is recommended for refusal.

7. Planning History

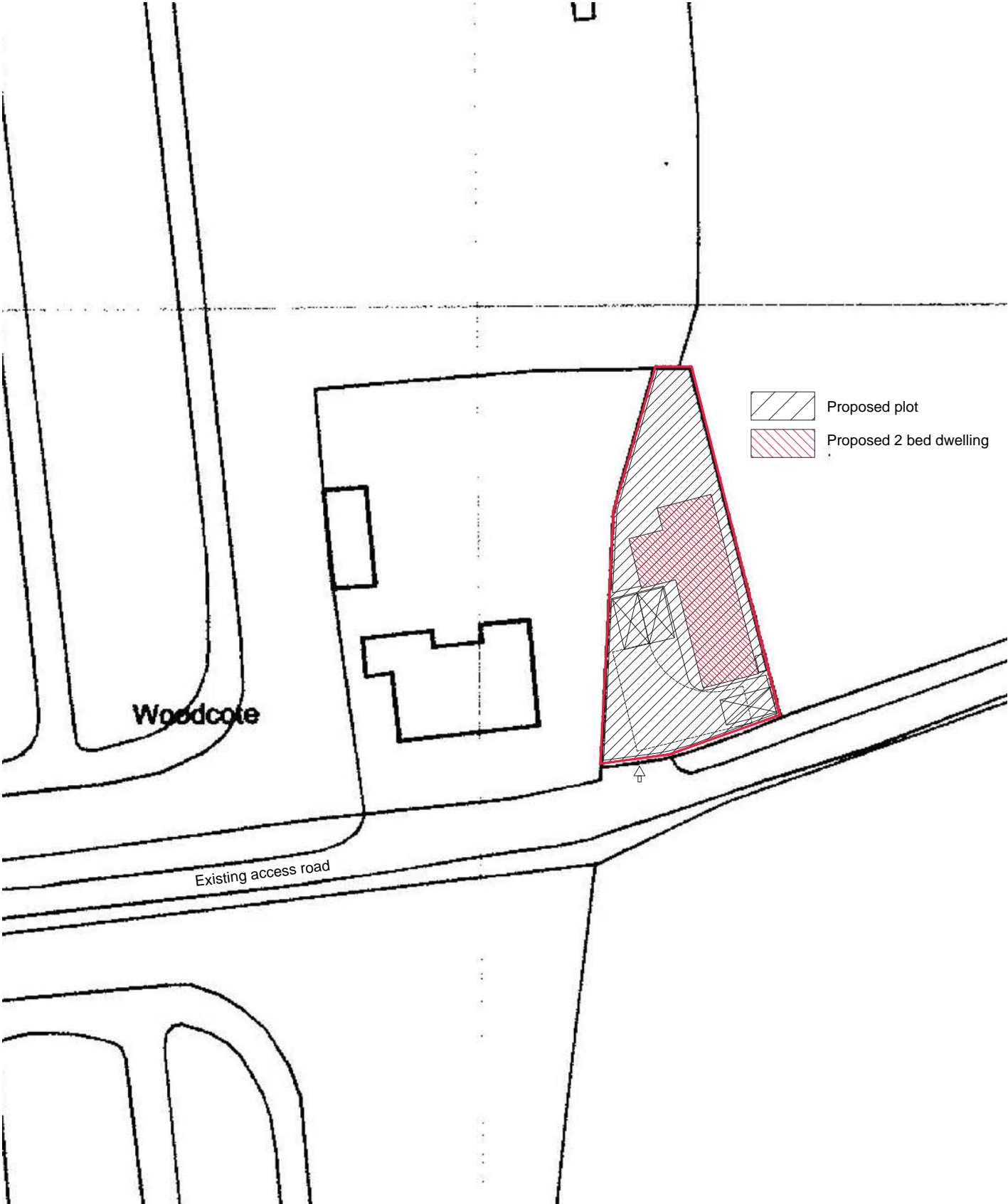
- 7.1 Planning permission was refused in 1992 for the erection of a dormer bungalow based on the principle of the development.

8. Recommendation: Refuse Permission

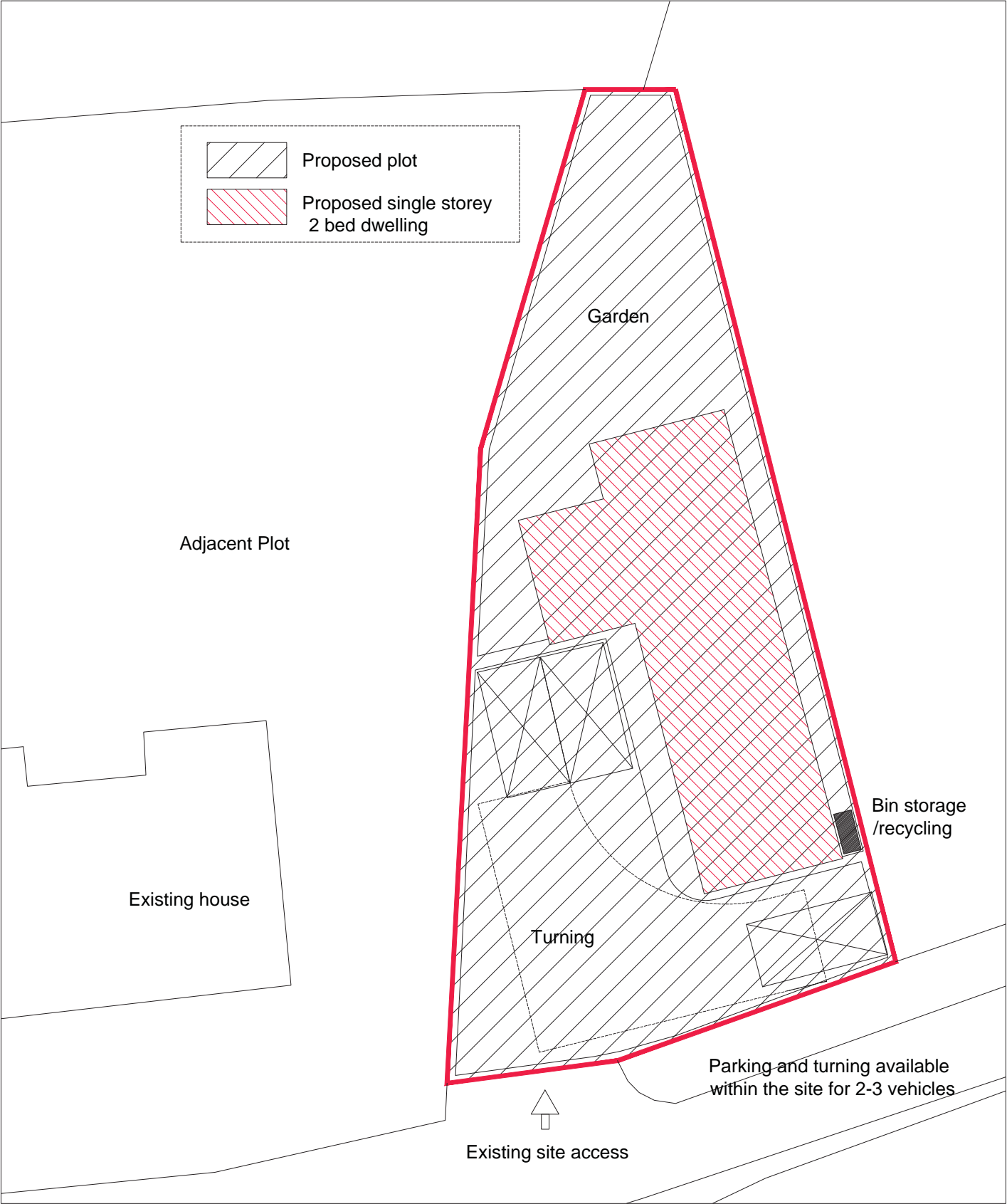
1. **Reason:** The site is physically constrained by its size and form. The site is of an insufficient size to accommodate a dwelling and the proposal in its current form would constitute overdevelopment of the site. Subsequently, it is considered that the development would appear cramped and the design of the proposal would be harmful to the character of the surrounding properties and the wider character of the area. The proposed development is therefore contrary to paragraph 58 of the National Planning Policy Framework and criterion 1 and 4 of Policy CP5 (Design) and criterion 2 and 3 of Policy H1 (Location of New Housing Development) the Carlisle District Local Plan 2001-2016.
-




Project	Plot near Carlisle Racecourse			Black Box Architects Limited. Rickerby Buildings Currock Road Carlisle, Cumbria. CA2 4AU Tel: 01228 402 200	
Drawing	Outline Planning	Revision		Scale	1:1250
Detail	Site Location	Job.no.	14-120-01	Date	Apr-14



Project	Plot near Carlisle Racecourse				<div>Black Box Architects Limited.</div> <div>Rickerby Buildings</div> <div>Currock Road</div> <div>Carlisle, Cumbria. CA2 4AU</div> <div>Tel: 01228 402 200</div> <div> <div></div> <div>BLACK BOX architects</div> </div>	
Drawing	Outline Planning	Revision		Scale		
Detail	Block Plan	Job.no.	14-120-02	Date		
					1:500	Apr-14



Project	Plot near Carlisle Racecourse				Black Box Architects Limited. Rickerby Buildings Currock Road Carlisle, Cumbria. CA2 4AU Tel: 01228 402 200		 BLACK BOX architects
Drawing	Outline Planning		Revision	Scale	1:200		
Detail	Site Layout		Job.no.	Date	Apr-14		

SCHEDULE A: Applications with Recommendation

14/0414

Item No: 09

Date of Committee: 25/07/2014

Appn Ref No:
14/0414

Applicant:
Mr Percival

Parish:
Wetheral

Agent:
Positive Planning Solutions

Ward:
Wetheral

Location: Land Part Field 6259, Scotby, Carlisle

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

Date of Receipt:
19/05/2014

Statutory Expiry Date
14/07/2014

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

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

3. Application Details

The Site

- 3.1 This application is seeking planning permission for the erection of a dwelling on part of OS field no.6259, Ghyll Road, Scotby. The application site lies in the south-west corner of a field at the end of Ghyll Road and would lie adjacent to an existing agricultural building. A track runs along the northern boundary of the site, with a track, which is a public bridleway, also running along the western boundary. Both of the tracks are separated from site by hedgerows. A field gate provides access to the site from Ghyll Road. A large detached bungalow, Meadowbank, which sits on an elevated site, lies

to the west of the application site, with a further bungalow (26 Ghyll Road) being located to the north-west.

Background

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

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

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

The Proposal

3.4 The proposal is seeking planning permission for the erection of a detached dwelling on this site. The front elevation would have the appearance of a dormer bungalow, with the rear elevation being two-storey. The proposed dwelling would face the properties on the northern side of Ghyll Road. The front elevation would contain two small pitched roof dormer windows, a small pitched roof porch and would contain an integral garage. The rear elevation would be two-storey and would contain a two-storey gable, which would have a Juliette balcony. It would have a ridge height of 7.4m and would be constructed of red multi bricks under a grey tiled roof.

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

4. Summary of Representations

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

- adjacent to bridle path.

5. Summary of Consultation Responses

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

Wetheral Parish Council: - support - no observations;

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

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

Northern Gas Networks: - no objections;

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

6. Officer's Report

Assessment

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

1. Whether The Proposal Is Acceptable In Principle

6.2 Whilst it is acknowledged that Scotby is a Local Service Centre, the site is physically and visibly separated from the existing dwellings on Ghyll Road by an existing track and is poorly related to the existing settlement. This view was shared by the Inspector when he dismissed an appeal in January 2014, which sought permission for a dwelling on this site. He considered that a dwelling on this site would effectively extend the built-up area into the countryside, spreading an urban type of development beyond the intersection of Ghyll Road with the two bridleways, which is a natural boundary to the village and it would be incongruous in an essentially agricultural setting. He concluded that the proposed house would represent an intrusion of urban form into the open countryside and would not relate well to the character and appearance of the landscape of the area.

6.3 In light of the above, it is clear that a proposed dwelling in this location would lead to an unacceptable intrusion into the countryside and would not sit well with the built form of the settlement. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016. Whilst the National Planning Policy Framework (NPPF) states that Local Planning Authorities should apply a presumption in favour of sustainable development, the harm created by a dwelling in this location would override this.

6.4 Whilst it is noted that the proposal would provide the applicants with a self build dwelling and it would be occupied by the applicant's daughter, who

would be on hand to assist in the husbandry of the animals kept by the applicant in the adjacent barn and field, these matters are not sufficient enough to outweigh the harm created by a dwelling in this location. Members should note that the applicant has not applied for an agricultural worker's dwelling.

6.5 The NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances have put been forward by the applicant that would justify a new dwelling in this location.

6.6 In light of the above, the proposal is contrary to Criterion 1 of Policy H1 and Paragraph 55 of the NPPF.

2. Whether The Scale & Design Would Be Acceptable

6.7 The front elevation of the dwelling would have the appearance of a dormer bungalow, with the rear elevation being two-storey. The dwelling would have a ridge height of 7.4m. The adjacent properties are conventional bungalows and the size and scale of the proposed dwelling would not in keeping with the surrounding properties and would have an adverse impact on the character of the area.

6.8 In dismissing the appeal for a dwelling on this site, the Inspector noted that the proposed house, which would be adjacent to a low, modern agricultural shed that lies within the field, would appear much higher and more prominent and it would be incongruous in an essentially agricultural setting. Whilst the height of the dwelling has been reduced from 9.1m to 7.4m it would still be higher than the agricultural building to the east and would not relate well in scale to the bungalows that line both sides of Ghyll Road as its eastern end, especially the smaller bungalows on the northern side of the road.

6.9 The proposal would, therefore, be contrary to Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

Conclusion

6.11 In overall terms, the proposed site forms part of a field and is not well related to the existing dwellings in Ghyll Road. Erecting a large two-storey dwelling on this site would, therefore, form a prominent intrusion into the open countryside and would have an adverse impact on the character of the area. The proposal is, therefore, contrary to Criterion 1 of Policy H1 and Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016 and Para 55 of

the NPPF.

7. Planning History

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

8. Recommendation: Refuse Permission

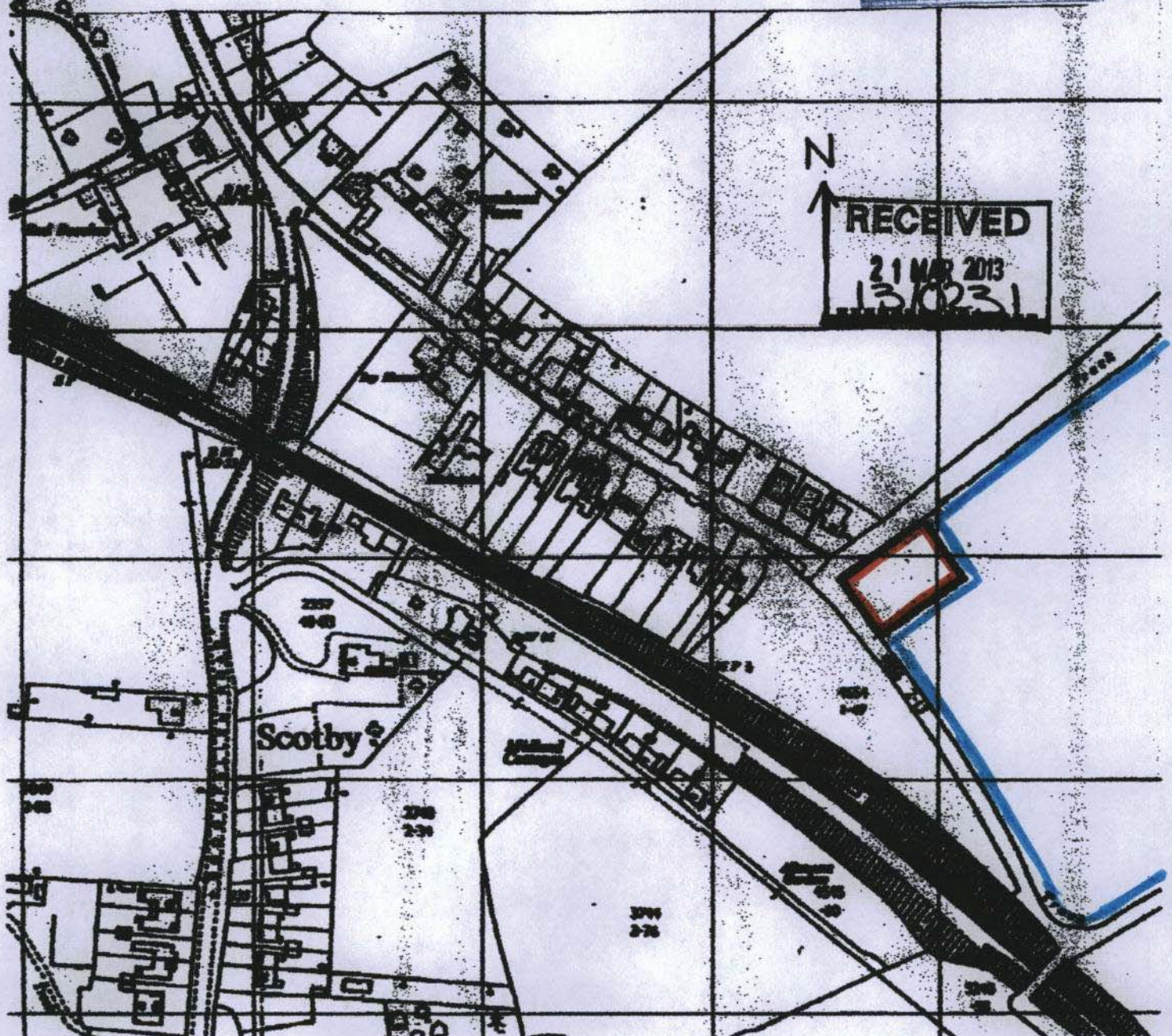
1. **Reason:** The application site lies outside the settlement boundary of Scotby in the corner of a field and is separated from the existing dwellings on Ghyll Road by a track. It is physically and visibly separated from the built form of the settlement and intrudes into the open countryside. The dwelling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

SITE LOCATION PLAN

DRAWING N° GR/DWELL/SLP

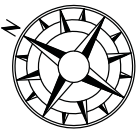
SCALE 1:2500

RECEIVED
19 MAY 2014
2014/04/14

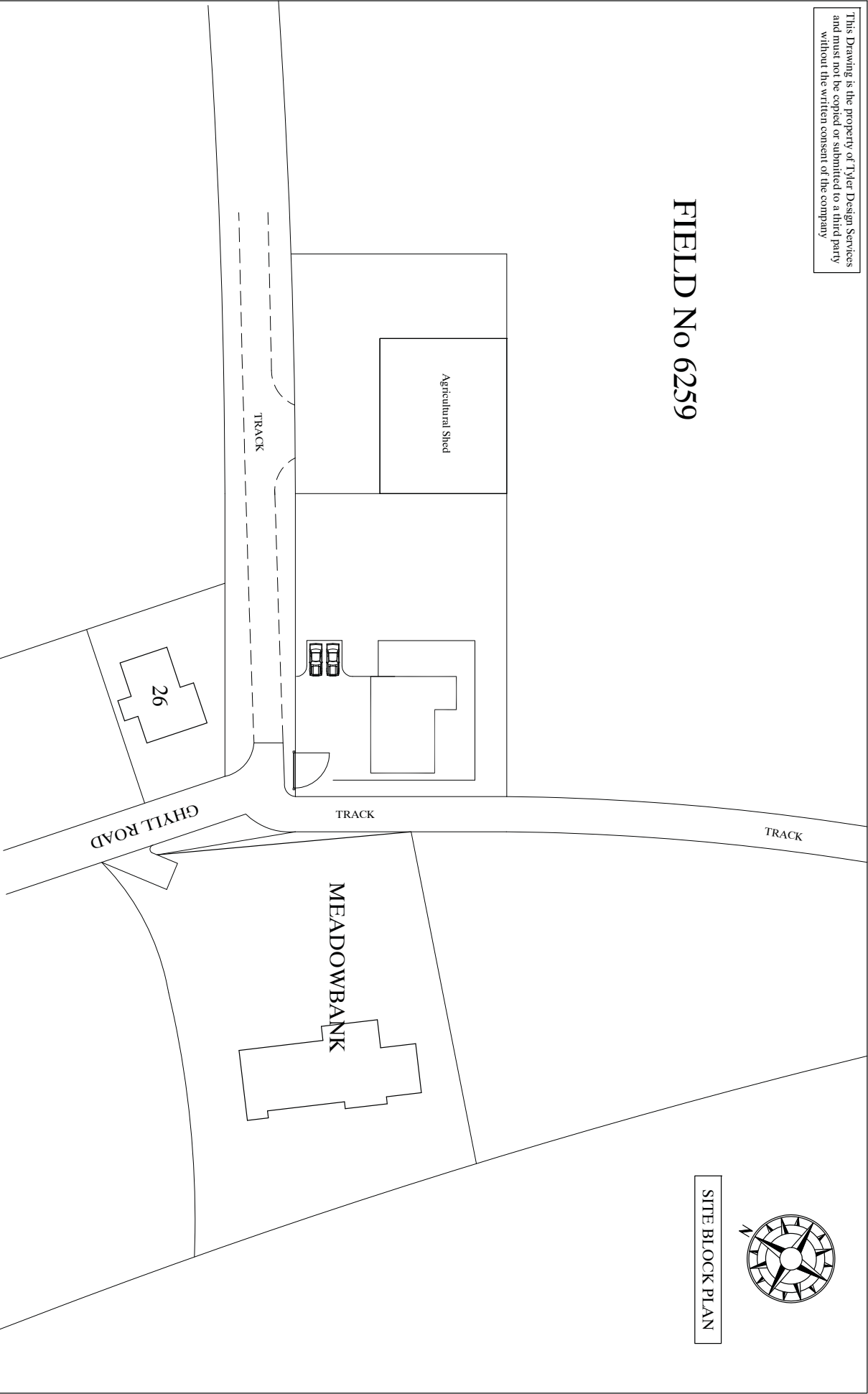


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FIELD No 6259

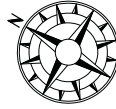


SITE BLOCK PLAN



Rev.	Date	Description
A	01 / 01 / 13	Original Issue
Proposed New 4 Bedroom detached Dwelling complete with attached single Garage Land to Part Field No 6259 - adjacent to Ghyll Road, Scooby, Carlisle, Cumbria CA4 8BR for Mr. R. W. Percival.		
Drawn By		G. Tyler
Scale		1:500
Date		1st January 2013
Drawing No		GR / DWELL / SBP1 Rev B

This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company



Site Layout Plan

Scale - 1 : 200

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

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

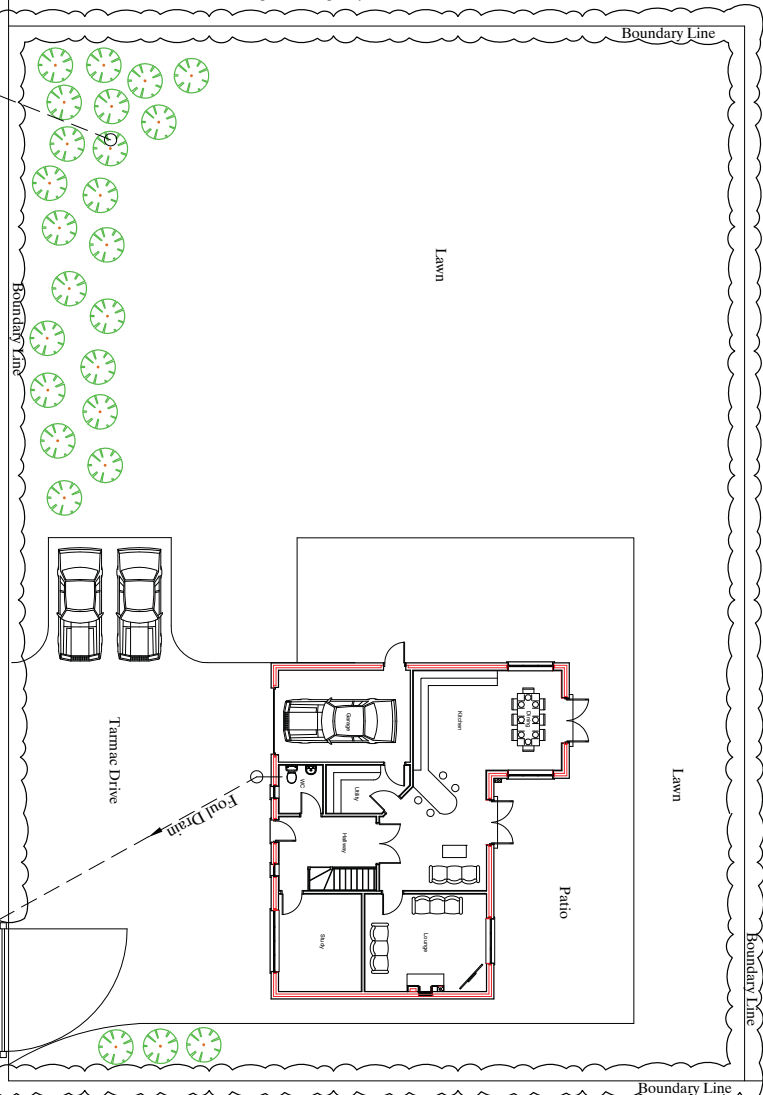
New Thorn Hedge
Reasonable dense at base and growing to a height of approximately 1.2 Metres - but some reinforcement / replanting required
Hedge to be regularly trimmed and maintained

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

Surface water to Existing Ditch

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

Existing Sewer in "Chyll Road"

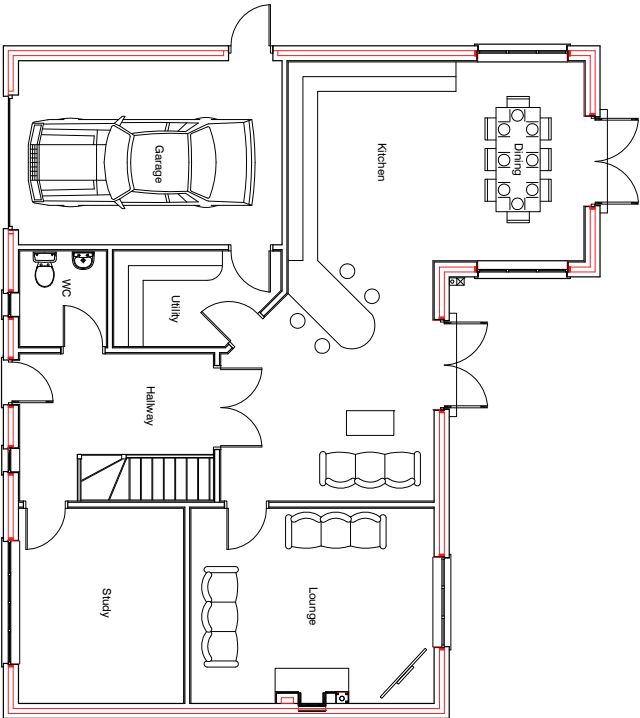


Proposed New 4 Bedroom detached Dwelling complete with attached single Garage at Land adjacent to "The Millions" Ghyll Road, Scotby, Carlisle, Cumbria CA4 8BR for Mr. R.W. Percival.

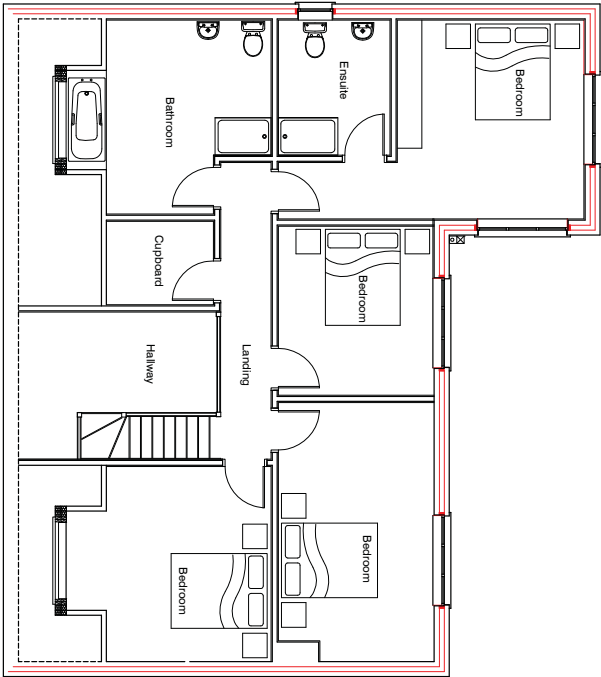
B	01 / 05 / 14	Amended
A	01 / 04 / 14	Original Issue
Rev.	Date	Description

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

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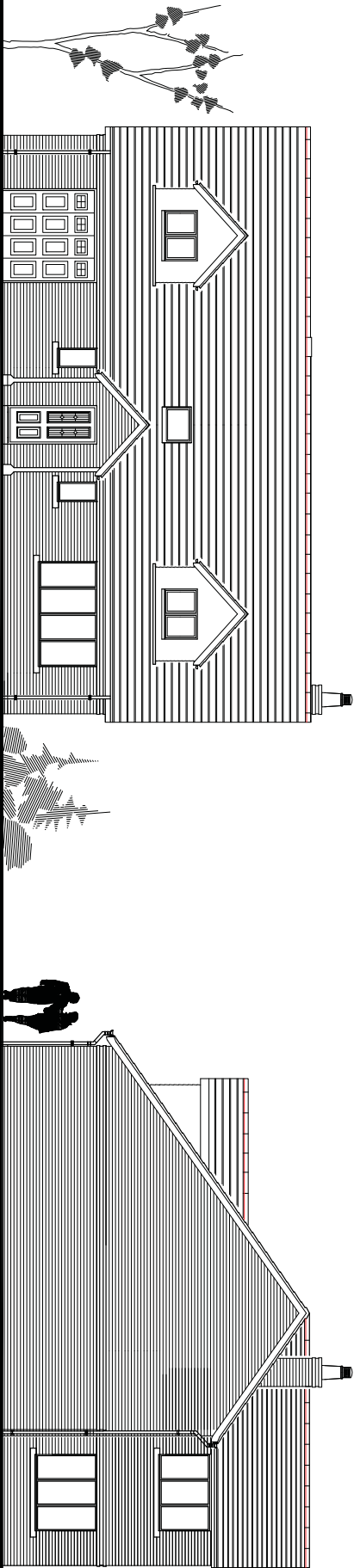
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

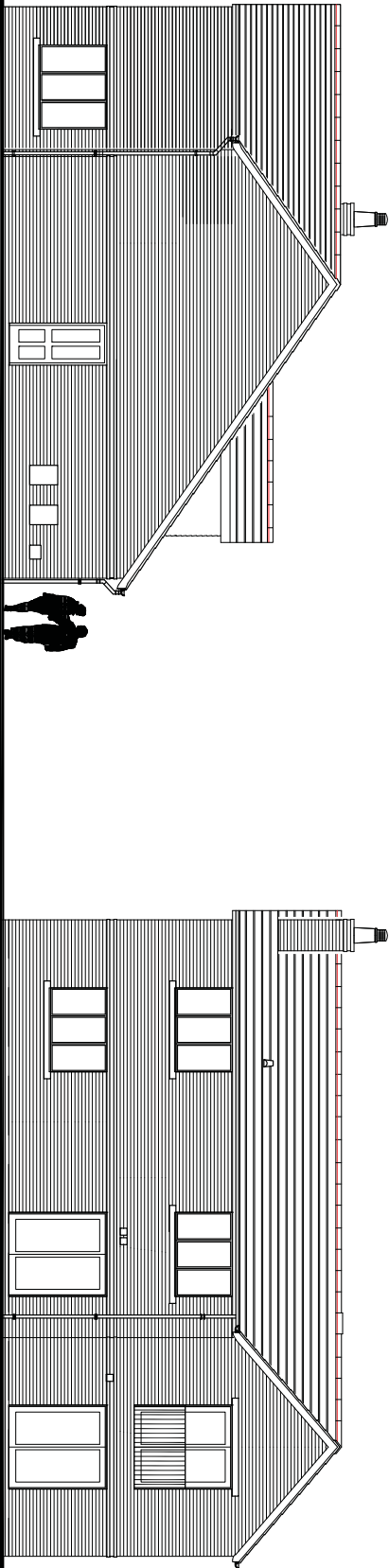
B	01 / 04 / 14	Amended Dwelling	<div> <div> Proposed New 4 Bedroom detached Dwelling complete with attached single Garage at Land adjacent to "The Mill Holmes" Ghyll Road, Scotby , Carlisle, Cumbria CA4 8BR for Mr. R.W. Percival. </div> </div>		
Rev.	Date	Description			
			Drawn By	G.Tyler	
			Scale	1:100	
			Date	1st April 2014	
			Drawing No	GR / DWELL / FP1	Rev B

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Proposed Front Elevation

Proposed Side Elevation



Proposed Side Elevation

Proposed Rear Elevation

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

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

Item No: 10		Between 07/06/2014 and 11/07/2014	
Appn Ref No: 13/0639	Applicant: Harmony Energy	Parish: St Cuthberts Without	
Date of Receipt: 03/09/2013	Agent: Mr Michael Coates	Ward: Dalston	
Location: Greenlands, Wreay, Carlisle, CA4 0RR		Grid Reference: 342703 548363	
Proposal: Erection Of A Single Wind Turbine 500Kw, 50m To Hub Height, 77m To Tip Height With Associated Infrastructure And Access Track			
Amendment:			

REPORT

Case Officer: Suzanne Osborne

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The appeal site relates to a field approximately 650 metres to the north-east of Greenlands Equestrian Centre at Wreay. Full Planning Permission was sought for a single 500Kw wind turbine, 50m to the hub, 77m to the tip with associated infrastructure and access track.

The application was determined under the City Council's Scheme of Delegation on the 21st November 2013 when it was refused on the following grounds:

"The turbine is a tall, man made intrusion that cannot be deemed protective of the intrinsic character and beauty of its immediate surroundings. Due to the size, scale and position of the proposed turbine it is considered to be detrimental to the landscape and visual character of the local area and that these effects outweigh the potential benefits associated with scheme. The proposal is therefore considered to be contrary to the objectives of Policy CP1, criterion 2 of Policy CP5 together with criteria 1 and 3 of Policy CP8 of the Carlisle District Local Plan 2001-2016."

The main issue the Inspector considered in respect of the appeal was the effect of the proposed turbine on the character and appearance of the surrounding countryside and whether any adverse effect would be outweighed by the benefits associated with renewable energy generation.

The Inspector acknowledged that the turbine would be situated in an elevated position at a height of 116 metres AOD some 200 metres to the west of the M6 motorway. The Inspector stated that the appeal site lies on higher ground above the valley where, from a number of directions, the proposed turbine would appear as a skyline feature out of scale with the rolling and relatively enclosed landscape setting at this point. The Inspector recognised that there was a latticed telecommunications mast some 400 metres to the south west which gives some vertical emphasis to the landscape however the Inspector confirmed that the mast is a much lower structure than the proposed turbine and of a scale which relates comfortably to the landscape form.

The Inspector acknowledged that the site of the turbine is in an area considered by the Cumbria Wind Energy Supplementary Planning Document (SPD) to have an overall moderate capacity to accommodate individual turbines and small groups of turbines. The Inspector however recognised that the SPD indicates that turbine development will not always be appropriate in more sheltered valleys or undulating fringes where it would be over dominant and conflict with more irregular land cover patterns. The Inspector considered the appeal site to be in such a location.

The Inspector went on to state that the turbine would be seen by a number of receptors (walkers, horse riders, nearby properties, residents of the village of Wreay, drivers on the motorway and users of local roads) as a disruptive skyline element, out of scale with its setting. The Inspector agreed with the applicants Landscape Visual Impact Assessment (LVIA) that visual effects would be moderate however the Inspector stated that from close to the turbine it would appear intrusive and out of scale, often against the skyline and often with only a disconcertingly partial view of the blades. The Inspector gave considerable weight to the harmful effect of the turbine on these near distance views.

With regard to cumulative impact the Inspector considered that the consented turbines on the lowland to the west would be seen in association with the appeal proposal from a number of long distance views but from this range any adverse cumulative effect would be unlikely. The Inspector stated the principle visual harm is within a 2 kilometre radius of the site and it was found that the proposed turbine would have a significant adverse effect on both the character and the appearance of the surrounding landscape.

The Inspector recognised the benefits of the proposal which would contribute to the national target of reducing greenhouse gases by saving 730 tonnes of carbon dioxide emissions a year and generating an average of 1,391,000KWh of electricity a year from wind energy. The Inspector also acknowledged the proposal would make the farming enterprise at Greenland's carbon neutral and would help to secure the future of existing jobs and create a further 23.5 man years of employment.

The Inspector attached significant weight to the economic, social and environmental benefits however the Inspector stated that these benefits did not outweigh the harm to the character and appearance of the local landscape. The Inspector therefore concluded that the appeal should be dismissed.

Appeal Decision: Appeal Dismissed

Date: 25/06/2014

Item No: 11

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0117

Applicant:

Mr R Deeble

Parish:

Wetheral

Date of Receipt:

19/02/2014

Agent:**Ward:**

Great Corby & Geltsdale

Location:Farndale, Sandy Lane, Heads Nook, Brampton,
CA8 9BQ**Grid Reference:**

347937 555515

Proposal: Erection Of Detached Domestic Garage**Amendment:**

REPORT**Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Householder Appeals**Report:** This appeal related to an application for "Full" planning permission for the erection of a detached domestic garage at Farndale, Sandy Lane, Heads Nook, Brampton.

The application was refused for the following reason:

“The proposal, by virtue of its scale, massing and position within the site is not wholly discordant with architectural features in the wider locality; however, in juxtaposition to the existing building within the site, the proposal would not be well related and would not respond to the context and form in relation to height, scale, massing or design. 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, criteria 1 of Policy CP5 (Design) and Policy H11 (Extensions to Existing Residential Dwellings) of the Carlisle District Local Plan 2001-2016.”

The Inspector considered that the main issue in the consideration of the appeal was the main issue is the effect of the proposed development on the character and appearance of the area.

The appeal site includes a detached bungalow, garage, and large garden, and occupies a position adjacent to fields at the rear. Planning permission has recently been approved on the site for a replacement dwelling which initially included a detached garage but following concerns from Officers about the scale of the development, the garage was removed from the application.

Consequently, the applicant applied in a separate application to build the garage and advised that this would be built in conjunction with the approved replacement dwelling; however, in the absence of a revised application including both the approved dwelling and the detached garage, the application was assessed in the context of the existing site and bungalow only.

The Inspector acknowledged the applicant's intention to build both the house and the garage but identified that there is no guarantee of this and the detached garage was assessed as a standalone development proposal in the context of the existing site and bungalow.

The Inspector commented that the proposed garage is a large detached building located towards the northern end of the site, close to the boundary with the adjoining field. Whilst noting that the design approach and detailing of the garage would not be uncharacteristic of development within the surrounding area, due to its overall size and composition the garage would appear as an overly large and obtrusive building, the scale of which would dominate the existing bungalow.

Occupying an isolated position set away from the bungalow, the garage would appear as an intrusive and incongruous form of development in the context of both the site and the immediate area and in context with the existing bungalow, the proposal would have an adverse effect on the character and appearance of the appeal site and the area.

For these reasons, the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 26/06/2014

SCHEDULE C: Applications Determined by Other Authorities

Item No: 12

Between 07/06/2014 and 11/07/2014

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:

REPORT

Case Officer: Barbara Percival

City Council Observations on the Proposal:

Decision: City Council Observation - Raise Objection(s)

Date: 14/03/2014

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 11/06/2014

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: GP Energy Ltd
Laurel House
Polmaise Road
Laurelhill Business Park
Stirling

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 19 February 2014.

viz: Restoration of Coalbed Methane exploration drilling site back to former agricultural use

Land west of Bogburn Bridge and north of The Firs, Englishtown, Longtown, Carlisle, Cumbria, CA6 5NJ

Subject to due compliance with the following conditions:

Time Limit

1. This permission shall be for a limited period only expiring 9 months from the date of this permission, by which date all plant, machinery and structures together with all materials used to engineer the site, including hardcore, geotextile membrane and culverting shall have been removed from the site and the site shall have been restored in accordance with the approved scheme of restoration.

Reason: In order to define the term of the permission and to secure the restoration of the site in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.

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 Planning Application Form - dated 19 February 2014
 - b. Englishtown Planning Supporting Statement - submitted 19 February 2014
 - c. Drawing - Englishtown Site Boundary- dated 11 February 2014
 - d. Drawing - Englishtown Indicative Site Layout - 002 -Rev 01
 - e. Drill Site Lighting Units
 - f. Drilling Rig Appendix
 - g. Rig 16 - Rig Move Load List
 - h. Water Additives Appendix
 - i. The details or schemes approved in relation to conditions attached to this permission.
 - j. This Decision Notice

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

Waste Management Plan

3. No development shall commence on the site until a waste management plan has been submitted to, and approved in writing by, the local planning authority. The plan shall provide that: hardcore/crushed rock; waste water; and other waste materials recovered from the site are removed to appropriately permitted waste facilities.

When approved the waste management plan shall be implemented in full.

Reason: To ensure that contaminated waste materials do not cause contamination outside of the site, and to protect groundwater or surface water in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.

Hours of Operation

4. The operation of any drill rigs for the purposes of this development shall not continue for a cumulative period exceeding 2 weeks (that is to say 14 days or 480 hours).

Reason: To minimise the potential for an adverse impact from noise on sensitive receptors arising from the development in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.

5. Other than for operations for the use of drill rigs for the preparation and capping of the borehole, (which may be carried out 24 hours per day seven days per week), no other use, operation or activity for the development hereby permitted shall be carried out outside of the following hours:

07.00 to 17.00 hours Mondays to Fridays

08.00 to 13.00 hours Saturdays

and not at all on Sundays, Bank or other Public Holidays.

Reason: To minimise the potential adverse impact from noise on sensitive receptors arising from the development hereby permitted in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.

6. No operation or activity required in connection with the drilling, capping and decommissioning of the boreholes shall be carried out so as to permit any ground water or other fluids or contaminants to run-off to the surface of the site. For the avoidance of doubt the operations or activities controlled by this condition shall include pumping, transfer, or storage of oil, waste water, cement or other chemicals.

Reason: To protect groundwater or surface water in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.

7. No sub soil or topsoils shall be removed or sold from the site.

Reason: To safeguard soil resources for restoration in accordance with Policy DC 15 of the Cumbria Minerals and Waste Development Framework.

Highways and Traffic

8. All vehicles under the operators control used to transport mineral or waste to or from the site via the highway shall be sheeted or otherwise contained.

Reason: In the interests of highway safety and other highway users.

9. No vehicle shall leave the site in a condition that would deposit mud, slurry or other material on the public highway.

Reason: To prevent the vehicles carrying material on to the public highway in the interests of highway safety, in accordance with Policy DC 1 of the Cumbria Minerals and Waste Development Framework.

Noise and Lighting

10. All vehicles under the site operators' control including plant hired or contracted in on a short term basis that are fitted with reversing alarms shall only use a white noise type.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

11. All plant, machinery and vehicles used on site shall be effectively silenced at all times and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

12. No operation of drilling rigs and associated equipment shall take place on the site until acoustic barriers providing a minimum of 15 dBA sound attenuation have been erected to the southern boundary of the site. The acoustic barriers shall remain in place until the completion of phase 3.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

13. No artificial lighting units shall be installed on the site unless they are positioned or shielded so as to be incapable of direct sight from any residential property outside the site.

Reason: To safeguard the amenity of local residents by ensuring that light from the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

Restoration and Aftercare

14. The restoration and aftercare scheme detailed in the approved planning statement shall be implemented in full. For the avoidance of doubt the operator shall:
- Notify the local planning authority of the date of completion of the restoration in writing within 48 hours.
 - Invite representatives of the local planning authority and the landowner to a site meeting not more than 1 year after the completion of the restoration to identify and agree any remedial works required to achieve a satisfactory restoration.
 - Implement any agreed works and convene a further aftercare meeting not more than 2 years after the completion of the restoration.

Reason: To secure the satisfactory restoration of the site to an agricultural use in accordance with Policy DC 16 of the Cumbria Minerals and Waste Development Framework.

Approved Documents

15. From the commencement of the development to its completion, a copy of the approved scheme and any other documents subsequently approved in accordance with this permission shall always be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure that those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

INFORMATIVES (permission specific)

Groundwater

The applicant should refer to the Environment Agency regulatory position statement LIT9054 which applies to oil and gas wells which were drilled before 1st October 2013 (available on the website at: <https://brand.environment-agency.gov.uk/mb/lrVsC>). The applicant must ensure that the development complies with the requirements of this position statement.

Section 106 Agreement

Your attention is drawn to the fact that this development is subject to a legal obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure a contribution to provide for the repair of any damage to the highway caused by the development, and the routing and management of traffic associated with the development under the control of the applicant.

Dated the 11 June 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
- 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.
6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed “Notes in respect of Appeals to The Secretary of State”).

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: Planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 13

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/9004

Applicant:

GP Energy Ltd

Parish:

Kirkandrews

Date of Receipt:

24/02/2014

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Longtown & Rockcliffe

Location:

Land to West Of Becklees Farm, Adjacent To Local
Unclassified Road Between Sarkhall and Beckside,
Longtown, Carlisle, Cumbria, CA6 5NQ

Grid Reference:

335160 571570

Proposal: Restoration Of Coalbed Methane Exploration Drilling Site Back To
Former Agricultural Use

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 17/03/2014

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 13/06/2014

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: GP Energy Ltd
Laurel House
Polmaise Road,
Laurelhill Business Park
Stirling

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 19 February 2014.

viz: Restoration of Coalbed Methane exploration drilling site back to former agricultural use

Land to West of Becklees Farm, adjacent to local unclassified road between Sarkhall and Beckside, Longtown, Carlisle, Cumbria, CA6 5NQ

Subject to due compliance with the following conditions:

Time Limit

1. This permission shall be for a limited period only expiring 9 months from the date of this permission, by which date all plant, machinery and structures together with all materials used to engineer the site, including hardcore, geotextile membrane and culverting shall have been removed from the site and the site shall have been restored in accordance with the approved scheme of restoration.

Reason: In order to define the term of the permission and to secure the restoration of the site in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.

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 19 February 2014
 - b. Becklees Planning Supporting Statement - submitted 19 February 2014
 - c. Drawing - Becklees Site Boundary - dated 11 February 2014
 - d. Drawing - Becklees Indicative Site Layout - 002 -Rev 01
 - e. Drill Site Lighting Units
 - f. Drilling Rig Appendix
 - g. Rig 16 - Rig Move Load List
 - h. Water Additives Appendix
 - i. Pease Sound Barrier Specification - submitted 26 March 2014
 - j. The details or schemes approved in relation to conditions attached to this permission.
 - k. This Decision Notice

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

Waste Management Plan

3. No development shall commence on the site until a waste management plan has been submitted to, and approved in writing by, the local planning authority. The plan shall provide that: hardcore/crushed rock; waste water; and other waste materials recovered from the site are removed to appropriately permitted waste facilities.

When approved the waste management plan shall be implemented in full.

Reason: To ensure that contaminated waste materials do not cause contamination outside of the site, and to protect groundwater or surface water in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.

Hours of Operation

4. The operation of any drill rigs for the purposes of this development shall not continue for a cumulative period exceeding 2 weeks (that is to say 14 days or 480 hours).

Reason: To minimise the potential for an adverse impact from noise on sensitive receptors arising from the development in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.

5. Other than for operations for the use of drill rigs for the preparation and capping of the borehole, (which may be carried out 24 hours per day seven days per week), no other use, operation or activity for the development hereby permitted shall be carried out outside of the following hours:

07.00 to 17.00 hours Mondays to Fridays

08.00 to 13.00 hours Saturdays

and not at all on Sundays, Bank or other Public Holidays.

Reason: To minimise the potential adverse impact from noise on sensitive receptors arising from the development hereby permitted in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.

6. No operation or activity required in connection with the drilling, capping and decommissioning of the boreholes shall be carried out so as to permit any ground water or other fluids or contaminants to run-off to the surface of the site or into any watercourse. For the avoidance of doubt the operations or activities controlled by this condition shall include pumping, transfer, or storage of oil, waste water, cement or other chemicals.

Reason: To protect groundwater or surface water in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.

7. No sub soil or topsoils shall be removed or sold from the site.

Reason: To safeguard soil resources for restoration in accordance with Policy DC 15 of the Cumbria Minerals and Waste Development Framework.

Highways and Traffic

8. All vehicles under the operators control used to transport mineral or waste to or from the site via the highway shall be sheeted or otherwise contained.

Reason: In the interests of highway safety and other highway users.

9. No vehicle shall leave the site in a condition that would deposit mud slurry or other material on the public highway.

Reason: To prevent the vehicles carrying material on to the public highway in the interests of highway safety, in accordance with Policy DC 1 of the Cumbria Minerals and Waste Development Framework.

Noise and Lighting

10. All vehicles under the site operators' control including plant hired or contracted in on a short term basis that are fitted with reversing alarms shall only use a white noise type.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

11. All plant, machinery and vehicles used on site shall be effectively silenced at all times and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

12. No operation of drilling rigs and associated equipment shall take place on the site until acoustic barriers have been erected to the south and east boundary of the site as specified under condition 2 i) of this consent. The acoustic barriers shall remain in place until the completion of phase 3.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

13. No artificial lighting units shall be installed on the site unless they are positioned or shielded so as to be incapable of direct sight from any residential property outside the site.

Reason: To safeguard the amenity of local residents by ensuring that light from the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework.

Restoration and Aftercare - Detailed Restoration Scheme

14. No development shall commence on the site until a detailed restoration scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of:

- a. The final site contours ;
- b. Repair and replacement of hedgerows removed prior to the previous development
- c. Measures to prevent prevent silt and other deleterious matter from entering the surface water system.

When approved the restoration scheme shall be implemented in full within the timescale approved in condition 1 of this permission.

Reason: To secure the satisfactory restoration of the site to an agricultural use in accordance with Policy DC 16 of the Cumbria Minerals and Waste Development Framework.

-

15. The aftercare scheme detailed in the approved planning statement shall be implemented in full. For the avoidance of doubt the operator shall:
- a. Notify the local planning authority of the date of completion of the restoration in writing within 48 hours.
 - b. Invite representatives of the local planning authority and the landowner to a site meeting not more than 1 year after the completion of the restoration to identify and agree any remedial works required to achieve a satisfactory restoration.
 - c. Implement any agreed works and convene a further aftercare meeting not more than 2 years after the completion of the restoration.

Reason: To secure the satisfactory restoration of the site to an agricultural use in accordance with Policy DC 16 of the Cumbria Minerals and Waste Development Framework.

Approved Documents

16. From the commencement of the development to its completion, a copy of the approved scheme and any other documents subsequently approved in accordance with this permission shall always be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure that those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

INFORMATIVES (permission specific)

Environment Agency Regulatory Position

The applicant should refer to the Environment Agency regulatory position statement LIT9054 which applies to oil and gas wells which were drilled before 1st October 2013 (available on the website at: <https://brand.environment-agency.gov.uk/mb/lrVsC>). The applicant must ensure that the development complies with the requirements of this position statement.

Section 106 Agreement

Your attention is drawn to the fact that this development is subject to a legal obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure a contribution to provide for the repair of any damage to the highway caused by the development, and the routing and management of traffic associated with the development under the control of the applicant.

Dated the 13 June 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
- 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.
6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed “Notes in respect of Appeals to The Secretary of State”).

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/9009

Applicant:

The Governors

Parish:

Date of Receipt:

10/06/2014

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Harraby

Location:

Inglewood Infant School, School Road, Carlisle,
CA1 3LX

Grid Reference:

342079 554232

Proposal: Extension To Form Two Multi-Use Rooms

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 24/06/2014

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 04/07/2014

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Inglewood Infant School
School Road
Harraby
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 6 June 2014.

viz: Extension to form two multi-use rooms

Inglewood Infant School, School Road, Harraby, Carlisle, CA1 3LX

Subject to due compliance with the following conditions:

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Scheme

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form – dated 5 June 2014
 - b. Plans numbered and named:
 - i) 11078-05-Rev.C – As Proposed Plan and Elevations
 - ii) 11078-06-Rev.P02 – Site Location
 - c. This Decision Notice

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

Dated the 4 July 2014

.....
Signed: Angela Jones
Assistant Director of Environment & Regulatory Services
on behalf of Cumbria County Council.

NOTES

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

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (Tel. 03708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities Plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.

Item No: 15

Between 07/06/2014 and 11/07/2014

Appn Ref No:
12/0990

Applicant:
Mr Jim Devers

Parish:
Arthuret

Date of Receipt:
05/12/2012

Agent:
Talking Travellers

Ward:
Longtown & Rockcliffe

Location:
Woodlands View, Sandysyke, Longtown, Carlisle,
CA6 5SR

Grid Reference:
338435 566161

Proposal: Variation Of Condition 2 Of Previously Approved Application 09/0886 To Allow The Occupation Of Two Plots By The Applicants & Their Families (Retrospective)

Amendment:

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeal related to an application for "Full" planning permission for variation of a planning condition at Woodland View, Sandysyke, Longtown. Temporary planning permission was granted by the Planning Inspectorate for 4 traveller pitches but was subject to a condition restricting the occupancy to named persons. The application sought to consent to vary the condition to allow 2 different families to reside on 2 of the pitches. The application was refused for the following reason:

“There is no proven general need for additional Gypsy sites in the area and the applicant's circumstances appear to be such that it cannot be concluded that continued occupation of the current site outweighs the potential to occupy alternative sites. The proposal would thus be contrary to Policy H14 (Gypsies and Travellers) of the Carlisle and District Local Plan 2001-2016 which seeks to ensure proposals for Gypsies and Travellers stem from an identified need.”

The Inspector considered that the main issue in the consideration of the appeal was the whether the condition should be varied to meet the needs of the appellant, his wife, his son and daughter-in-law and their dependents.

The Inspector noted that the future identification of traveller sites remains relevant to this appeal and that the appellant and his family have sought other pitches in the area without success. The Inspector was satisfied that, at present, there are no pitches available for them in the area and they would be homeless if they did not stay at the appeal site. Moreover, the pitches they occupy are not new provision but are already identified as temporary pitches in current calculations.

With regard to the appellant's human rights, the Inspector considered the particular needs of the children to be a primary consideration. The site provides a settled base until such time as the permission expires for them to have access to education. If the appeal were to be dismissed there would be interference with the human rights of the appellant and his family who would have to vacate the site and who would be made homeless as a result. The fact that there are no other sites within the District where they will be able to go is also of considerable weight but given that sites are to be identified as part of the Local Plan process, this cannot be taken as a permanent situation. The appellant acknowledged that the planning permission remained a temporary consent. Nonetheless, as this is not a new site and it is evident that the family has been living there for several years, the Inspector concluded conclude that it is appropriate.

The Inspector recognised the objector's argument that the land ownership situation within the site is a little ambiguous but opined that as the permission allows for 8 caravans, of which no more than 4 should be static caravans, occupation by the objector as well as the appellants would not be in conflict with the terms of the permission. She clarified that animosity/ dispute between various members of the family is not a matter for the planning system to address.

For these reasons, the appeal was allowed.

Appeal Decision: Appeal Allowed

Date: 02/07/2014

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 16

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0129

Applicant:

Carlisle City Council

Parish:

Date of Receipt:

19/02/2014 08:00:12

Agent:

Day Cummins Limited

Ward:

Castle

Location:

Former Fire Station, Warwick Street, Carlisle, CA3
8QW

Grid Reference:

340054 556222

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

Amendment:

REPORT

Case Officer: Stephen Daniel

Details of Deferral:

Members will recall at Committee meeting held on 11th April 2014 that authority was given to the Director (Economic Development) to issue approval subject to undertaking further discussions with the Ministry of Justice to agree the imposition of additional conditions to address their concerns about the impact of the proposed arts centre on the operation of the courts.

This has been completed and the approval was issued on 20th June 2014.

Decision: Grant Permission

Date: 20/06/2014

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 19 February 2014;
 2. Design, Access & Heritage Statement, received 19 February 2014;
 3. Flood Risk Assessment, received 11 April 2014;

SCHEDULE D: Reports on Previously Deferred Decisions

4. Contamination Assessment, received 20 February 2014;
5. Transport Form, received 13 March 2014;
6. Site Location Plan, received 19 February 2014 (Dwg No. 3852-01);
7. Existing Floor Plans & Site/ Block Plan, received 19 February 2014 (Dwg No. 3852-02);
8. Existing Elevations, received 19 February 2014 (Dwg No. 3852-03);
9. Proposed Floor Plans & Site/ Block Plan, received 6 May 2014 (Dwg No. 3852-04 Rev A);
10. Proposed Elevations, received 6 May 2014 (Dwg No. 3852-05 Rev A);
11. Construction Management Plan, received 29 May 2014;
12. Letter from Day Cummins Architects setting out Proposed Noise Mitigation Measures (dated 29 May 2014), received 29 May 2014;
13. the Notice of Decision; and
14. 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

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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 windows shown on the Proposed Floor Plan (Dwg No. 04 Rev A), received on 6 May 2014 as obscure glazed, 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.

7. Prior to the Arts Centre being brought into use, the proposed fence to the rear (west) of the Magistrates Court, shown on the Proposed Site Plan/ Block Plan (Dwg No. 04 Rev A), received on 6 May 2014, shall be erected. The fence shall then be retained in place at all times thereafter.

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

8. The development shall be undertaken in strict accordance with the Construction Management Plan, received on 29 May 2014.

Reason: In order to protect the Magistrates Court and the occupiers of neighbouring properties from unacceptable noise levels, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. There shall be no deliveries to the yard to the rear of the proposed Arts Centre between 10:00 hours and 13:00 hours and between 14:00 hours and 16:00 hours Monday to Friday and between 10:00 hours and 13:00 hours on Saturdays.

Reason: In order to protect the Magistrates Court from unacceptable noise levels, in accordance with Policy CP5 of the Carlisle District Local

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Plan 2001-2016.

10. There shall be no outside seating in the yard to the rear of the proposed Arts Centre between 10.00 hours and 17.00 hours from Monday to Friday.

Reason: In order to protect the Magistrates Court from unacceptable noise levels, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. The development shall be undertaken in strict accordance with the Noise Mitigation Measures, which are set out in a letter from Day Cummins Architects (dated 29 May 2014 and received on 29 May 2014).

Reason: In order to protect the Magistrates Court from unacceptable noise levels, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Item No: 17

Between 07/06/2014 and 11/07/2014

Appn Ref No:
13/0841

Applicant:
Mr Briggs

Parish:
Castle Carrock

Date of Receipt:
31/10/2013

Agent:
Neil Withington
Architectural Design

Ward:
Great Corby & Geltsdale

Location:
Land behind Townfoot Farm, Castle Carrock,
Brampton, CA8 9LT

Grid Reference:
354168 555639

Proposal: Erection Of 4no. Dwellings

Amendment:

REPORT

Case Officer: Stephen Daniel

Details of Deferral:

Members will recall at Committee meeting held on 20 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

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affordable housing.

The S106 Agreement was completed and approval was issued on 11 June 2014.

Decision: Granted Subject to Legal Agreement

Date: 11/06/2014

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 18 October 2013;
2. Design & Access Statement, received 18 October 2013;
3. Desk Top Study, received 31 October 2013;
4. Tree/ Hedgerow Survey, received 18 October 2013;
5. Location Plan & Block Plans, received 18 October 2013 (Dwg No. 13-003-03);
6. Site Plan, received 4th December 2013 (Dwg No. 13-003-02A);
7. Plans & Elevations, received 18 October 2013 (Dwg No. 13-003-01);
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.

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 dwellings in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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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.

5. 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.

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings 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.

8. 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

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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.

9. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

10. No dwelling shall be occupied until its vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8.

11. The dwellings shall not be occupied until visibility splays at the junction of the combined access road with the B6413, providing clear visibility of 43metres measured along the nearside channel lines of the public road from a position 2.4metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05metres, have been provided. 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 the visibility splays.

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

12. The whole of the vehicular access area along Public Footpath 110001 shall be constructed and drained to the specification of the Local Highways Authority.

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

Item No: 18

Between 07/06/2014 and 11/07/2014

Appn Ref No:
13/0905

Applicant:
North Homes

Parish:
Wetheral

Date of Receipt:
12/11/2013 23:00:10

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Land to the rear of Nos. 55-65, Scotby Road,
Scotby, Carlisle, CA4 8BD

Grid Reference:
344021 555620

Proposal: Erection Of 3no. Bungalows (Outline)

Amendment:

REPORT

Case Officer: Barbara Percival

Details of Deferral:

Members will recall at Committee meeting held on 7 March 2014 that authority was given to the Director (Economic Development) to issue approval subject to the completion of a S106 Agreement to deal with the provision of affordable housing. The S106 Agreement has been completed and approval was issued on 3 July 2014.

Decision: Granted Subject to Legal Agreement

Date: 03/07/2014

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:

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

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

2. Before any work is commenced, details of the access, appearance, landscaping, layout, 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 24th February 2014;
2. the Preliminary Environmental Risk Assessment received 13th November 2013;
3. the Preliminary Environmental Risk Assessment Appendix 4 - Historic Maps only received 13th November 2013;
4. the Tree Survey received 12th November 2013;
5. the Extended Phase 1 Habitat Survey received 12th November 2013;
6. the location plan received 12th November 2013 (Drawing Number 13 14 00d);
7. the indicative access arrangements received 5th February 2014 (Drawing Number 11118 01 Rev C);
8. the site plan received 5th February 2014 (Drawing umber 13 14 06J);
9. the Notice of Decision; and
10. 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

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2001-2016 and the Supplementary Planning Document 'Achieving Well Designed Housing'.

5. Prior to the commencement of development, a scheme for foul and surface 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 from the site discharging into 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 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 form of development and to prevent undue increase in surface water run-off and to reduce the risk of flooding in this area in accordance 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.

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.

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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 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

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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 whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

The access and internal parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic must park and turn clear of the highway. Once complete they shall be retained capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority

Reason: The carrying out of building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues. To support Local Transport Plan Policies: LD5, LD7 & LD8.

14. The first Reserved Matters Application shall include details showing the provision within each site for parking (commensurate with the Cumbria standards), turning, loading/unloading of vehicles, so vehicles enter and leave in a forward direction. The development shall not commence until such details have been approved and the facilities constructed; and the approved facilities shall be kept available for these purposes at all times thereafter and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies: LD7 & LD8.

15. 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 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.

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

This written scheme will include the following components:

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

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

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

Reason: To protect nesting birds in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

18. No site clearance or works to the retained trees shall take place unless the absence of squirrel dreys has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To establish the absence of a Protected Species in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

19. 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 H2 of the Carlisle District Local Plan 2001-2016.

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

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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 in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

21. No development, hereby permitted, shall commence until an Ecological Mitigation Statement (EMS) for the translocation of the snow drops within the application site has been submitted to and agreed, in writing, by the Local Planning Authority. The EMS shall include details of the ground conditions, siting, extent of existing and proposed planting, the timetable for the works, and the subsequent management of the area involved. The development shall thereafter be carried out in accordance with the approved EMS.

Reason: In order to ensure that adequate protection is afforded to the snow drops in support of Policy CP2 of the Carlisle District Local Plan 2001-2016.

Item No: 19

Between 07/06/2014 and 11/07/2014

Appn Ref No:
13/0546

Applicant:
Mr & Mrs D Stevens

Parish:
Wetheral

Date of Receipt:
16/07/2013

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
L/Adj Fallowfield, Plains Road, Wetheral, Carlisle,
CA4 8LE

Grid Reference:
346233 555232

Proposal: Erection Of Dwellings (Outline)

Amendment:

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REPORT

Case Officer: Barbara Percival

Details of Deferral:

Members will recall at Committee meeting held on 11 October 2013 that authority was given to the Director (Economic Development) to issue approval subject to the completion of a Section 106 Agreement in respect of a commuted sum towards off-site affordable housing provision. The S106 agreement has been completed and approval was issued on 19 June 2014.

Decision: Granted Subject to Legal Agreement

Date: 19/06/2014

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 16th July 2013;
 2. the Statement on the Drainage Aspects received 16th July 2013;
 3. the Statement on Land Contamination received 16th July 2013;
 4. the Statement on the Archaeological Aspects received 16th July 2013;
 5. the Tree Survey Report received 16th July 2013;
 6. the site location plan received 16th July 2013 (Drawing No. 08/023/1);

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7. the details of the proposed new access and indicative layout received 3rd October 2013 (Drawing No. 11021-04C);
8. the existing and proposed site access received 3rd October 2013 (Drawing No. 11021-05A);
9. the topographic survey received 16th July 2013 (Drawing No. 2108/1)
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.

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

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

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

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

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

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

7. 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.

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8. 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.

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

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

10. Within the tree protection fencing approved by Condition 9:

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

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

11. 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

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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.

12. Before development commences a detailed Method Statement shall be submitted to and approved in writing by the Local Authority of how the works are to be undertaken within the root protection areas of the retained trees identified as Trees T1-T3, T8 and T9-T11 in the Tree Survey compiled by OpenSpace dated July 2013. The works within the root protection areas must thereafter be undertaken in accordance with the agreed Method Statement.

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

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

Reason: To protect nesting birds in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. The whole of the vehicular access area bounded by the carriageway edge and the gate pillars shall be constructed and drained to the specification of the Local Highways Authority. For the avoidance of doubt this also includes the link footway, stopping up of the existing access and realigned boundary wall along the frontage of the development.

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

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

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

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16. The driveways, parking/turning areas etc shall be designed, constructed, drained and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted to the Local Planning Authority for approval before work commences on site.

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

17. The proposed dwellings shall not be occupied until the access and parking facilities have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and be 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 Policies: LD5, LD7, 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 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

SCHEDULE D: Reports on Previously Deferred Decisions

receptors in accordance with Policy CP13 of the Carlisle District
Local Plan 2001-2016.

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/06/2014 and 11/07/2014

Appn Ref No:
12/0855

Applicant:
Charles Church

Parish:
Cummersdale

Date of Receipt:
19/10/2012

Agent:

Ward:
Dalston

Location:
L/A Peter Lane bounded by Dalston Road,
Cummersdale, Carlisle, Cumbria

Grid Reference:
338100 553300

Proposal: Erection Of 103no. Dwellings (Reserved Matters Application Pursuant To
Outline Approval 00/0439)

Amendment:

Decision: Grant Permission

Date: 07/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
13/0545

Applicant:
Mr Steven Crooks

Parish:
Carlisle

Date of Receipt:
15/07/2013

Agent:

Ward:
Castle

Location:
Yew Tree, 2 Lonsdale Street, Carlisle, CA1 1DQ

Grid Reference:
340294 555853

Proposal: Variation Of Condition 2 Of Previously Approved Permission 04/0284 To
Allow Opening Between 08:00 To 04:00 Thursday To Monday And 08:00
To 03:00 Monday To Thursday Except Public Holidays Which Will Open
Until 04:00

Amendment:

Decision: Grant Permission

Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0011

Applicant:
Mr McCrone

Parish:
Dalston

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/01/2014 16:00:07

Hopes Land Agency

Dalston

Location:

Pasturewood, High Bridge, Dalston, Carlisle, CA5
7DR

Grid Reference:

339725 544195

Proposal: Change Of Use Of Part Field For Use For Proposed Camping Lodges
And Associated Hard Standing

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0185

Applicant:

Mr Graham Stewart

Parish:

Irthington

Date of Receipt:

14/04/2014

Agent:

Mr Rodney Jeremiah

Ward:

Stanwix Rural

Location:

Highfield Moor, Crosby on Eden, Carlisle, CA6 4QY

Grid Reference:

345889 561318

Proposal: Conversion Of Disused Barn To 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 09/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0188

Applicant:

Persimmon Homes
Lancashire

Parish:

Carlisle

Date of Receipt:

11/03/2014

Agent:

Ward:

Denton Holme

Location:

Former Penguin Factory, Westmorland Street,
Carlisle, CA2 5HL

Grid Reference:

339590 555028

Proposal: Variation Of Condition 2 (Approved Plans) Of Previously Approved
Application 11/0120

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 16/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0194

Applicant:
Mr R Cameron

Parish:
Orton

Date of Receipt:
11/03/2014

Agent:

Ward:
Burgh

Location:
South Lodge Cottage, Great Orton, Carlisle, CA5
6JX

Grid Reference:
335860 552482

Proposal: Erection Of Single Storey Rear Extension To Provide Additional Living
Accommodation Together With Decking

Amendment:

Decision: Grant Permission

Date: 18/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0209

Applicant:
Lovell Partnership Ltd

Parish:

Date of Receipt:
13/03/2014 23:00:10

Agent:
Day Cummins Architects

Ward:
Belle Vue

Location:
Land between Raffles Avenue and Dalton Avenue,
Carlisle

Grid Reference:
338311 555475

Proposal: Discharge Of Conditions 4 (Highways); 7 (Construction Management
Plan); 11 (Foul And Surface Water Drainage) And 12 (Scheme For
Disposal Of Surface Water) Of Previously Approved Permission 13/0564

Amendment:

Decision: Grant Permission

Date: 24/06/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0213

Applicant:
Mr G G Beattie

Parish:
Brampton

Date of Receipt:
14/04/2014

Agent:

Ward:
Brampton

Location:
20 Stanley Road, Brampton, CA8 1DU

Grid Reference:
353180 561642

Proposal: Erection Of Garage And Shower Room/W.C. To Side Elevation
Amendment:

Decision: Refuse Permission

Date: 09/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0219

Applicant:
Mrs Helen Campbell

Parish:
Carlisle

Date of Receipt:
24/03/2014

Agent:

Ward:
Morton

Location:
73 Langrigg Road, Carlisle, CA2 6DJ

Grid Reference:
338757 554810

Proposal: Demolition Of Existing Garage And Erection Of Two Storey Side
Extension To Provide Garage On Ground Floor With Bedroom Above

Amendment:

Decision: Grant Permission

Date: 26/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0225

Applicant:
Mr Tom Johnston

Parish:
St Cuthberts Without

Date of Receipt:
22/04/2014

Agent:
Green Cat Renewables

Ward:
Dalston

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

High Burnthwaite Farm, Durdar, Carlisle

340943 548170

Proposal: Discharge Of Condition 5 (Aviation Lighting); 6 (Turbine Details); 10 (Pre Construction Ecology Survey) And 11 (Shadow Flicker) Of Previously Approved Permission 12/0089

Amendment:

Decision: Partial Discharge of Conditions
10/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0227

Applicant:
Story Homes

Parish:
St Cuthberts Without

Date of Receipt:
18/03/2014 23:00:34

Agent:

Ward:
Multiple Wards

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

Grid Reference:
340586 553114

Proposal: Discharge Of Conditions 3 (Phasing Of Development); 4 (Construction Management Plan); 6 (Land For Construction Operations); 8 (Hard Surface Finishes); 9 - Partial (Landscape Works); 10 (Protective Fence); 12 (Programme Of Archaeological Work); 13 (Archaeology Post-Excavation Assessment); 14 (Carriageways, Footways, Cyclepaths); 19 (Methane Gas/Carbon Dioxide); 23 (Ground/Road/Floor Levels); 24 (Underground Ducts) And 26 - Partial (External Lighting Scheme) Of Previously Approved Permission 12/0793

Amendment:

Decision: Partial Discharge of Conditions
17/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0228

Applicant:
Mr Darren Brown

Parish:
Carlisle

Date of Receipt:
19/03/2014

Agent:
Mr Miles Hodgson

Ward:
Yewdale

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

27 Housesteads Road, Carlisle, CA2 7XG

Grid Reference:

336721 555372

Proposal: First Floor Side Extension Over Existing Garage And Utility To Provide
1No. En-Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0234

Applicant:

J & C Brough

Parish:

Irthington

Date of Receipt:

27/03/2014

Agent:

Hopes Land Agency

Ward:

Stanwix Rural

Location:

Seat Hill, Irthington, Carlisle, CA6 4PS

Grid Reference:

348286 563351

Proposal: Proposed Roof Over Existing Midden

Amendment:

Decision: Grant Permission

Date: 18/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0242

Applicant:

Mr Mattinson

Parish:

Carlisle

Date of Receipt:

21/03/2014

Agent:

John Lyon Associates Ltd

Ward:

Morton

Location:

29 Deepdale Drive, Carlisle, CA2 6LS

Grid Reference:

338427 553936

Proposal: Erection Of Single Storey Rear Extension To Provide Dining Room; Two
Storey Side And Front Extension To Provide Garage On Ground Floor
With 1No. En-Suite Bedroom Above; Front Porch

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0245

Applicant:
AS & CE Coulthard

Parish:
Westlinton

Date of Receipt:
25/03/2014

Agent:
Pegasus Group Ltd

Ward:
Longtown & Rockcliffe

Location:
Justicetown Farm, Westlinton, Carlisle, CA6 6AH

Grid Reference:
337357 564282

Proposal: Variation Of Condition 2 (Approved Plans) Of Previously Approved
Permission 13/0815

Amendment:

Decision: Grant Permission

Date: 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0246

Applicant:
Lovell Partnerships Ltd

Parish:

Date of Receipt:
04/04/2014

Agent:
Ainsley Gommon
Architects

Ward:
Belle Vue

Location:
Site K, Thomlinson Avenue, Raffles Estate, Carlisle,
CA2 7BF

Grid Reference:
338177 555551

Proposal: Variation Of Conditions 2 (Approved Documents) And 3 (Materials) Of
Previously Approved Application 13/0623 To Vary The Brick Type

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0269

Applicant:
Mr Michael Nicholson

Parish:
Kirklington Middle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
16/05/2014

Agent:
Abacus Building Design

Ward:
Lyne

Location:
The Lake, Blackford, Carlisle, CA6 4EW

Grid Reference:
341364 564586

Proposal: Erection Of Steel Framed Agricultural Building
Amendment:

Decision: Grant Permission

Date: 11/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0272

Applicant:
Mr Hampton

Parish:
Stanwix Rural

Date of Receipt:
22/04/2014

Agent:
Finesse PVCU Ltd

Ward:
Stanwix Rural

Location:
The Old Cobblestones, Brunstock Mews, Brunstock,
Carlisle, CA6 4QG

Grid Reference:
341720 559477

Proposal: Insertion Of Window To Side Elevation; Erection Of Sun Room To Side
Elevation (LBC)
Amendment:

Decision: Grant Permission

Date: 16/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0299

Applicant:
Story Homes

Parish:
Kingmoor

Date of Receipt:
03/04/2014 11:00:20

Agent:

Ward:
Stanwix Rural

Location:
Crindledyke, Carlisle, Cumbria

Grid Reference:
337819 560300

Proposal: Discharge Of Condition 33 (Trespass Proof Fence) Of Previously
Approved Permission 09/0617

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 27/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0306

Applicant:
Story Homes

Parish:
St Cuthberts Without

Date of Receipt:
04/04/2014 13:00:47

Agent:

Ward:
Multiple Wards

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

Grid Reference:
340586 553114

Proposal: Discharge Of Conditions 4 (Silt Management Plan); 11 - Part - (Tree Protection Measures) And 16 (Access) Of Previously Approved Permission 12/0793

Amendment:

Decision: Partial Discharge of Conditions
19/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0311

Applicant:
Mr N Meah

Parish:
Carlisle

Date of Receipt:
08/04/2014

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Stanwix Urban

Location:
14 Knowefield Avenue, Carlisle, CA3 9BQ

Grid Reference:
340095 557567

Proposal: Erection Of Single Storey Rear Extension To Provide Dining Area, 1No. Bedroom, W.C. And Store

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 13/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0312

Applicant:
Mr Smith

Parish:
Carlisle

Date of Receipt:
08/04/2014

Agent:
Jock Gordon

Ward:
Morton

Location:
64 Dunmail Drive, Carlisle, CA2 6DG

Grid Reference:
338719 555039

Proposal: Erection Of Two Storey Rear Extension To Provide Kitchen On Ground Floor With Bedroom And Extended Bedroom Above

Amendment:

Decision: Grant Permission

Date: 18/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0315

Applicant:
CEP (Carlisle) Ltd

Parish:

Date of Receipt:
09/04/2014 11:00:13

Agent:
IGB Architectural Design

Ward:
Denton Holme

Location:
Former Carlisle Trailer Centre, Junction Street,
Carlisle, CA2 5XH

Grid Reference:
339584 555620

Proposal: Minor Alterations And Rear Extension To Existing Link Building;
Widening Of Vehicular Access

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0318

Applicant:
Travis Perkins PLC

Parish:
Kingmoor

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
16/04/2014

Agent:
MJM CE

Ward:
Stanwix Rural

Location:
CCF, Unit G Duchess Avenue, Kingmoor Park
North, Carlisle, CA6 4SN

Grid Reference:
338443 559985

Proposal: Erection Of 2 Metre High Fence And Gates To Create A Secure External
Storage Yard

Amendment:

Decision: Grant Permission

Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0323

Applicant:
Mr Reay

Parish:
Beaumont

Date of Receipt:
14/04/2014

Agent:
H&H Land and Property

Ward:
Burgh

Location:
Park Farm, Grinsdale, Carlisle, CA5 6DS

Grid Reference:
336867 558052

Proposal: Extension To Existing Agricultural Shed

Amendment:

Decision: Grant Permission

Date: 09/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0325

Applicant:
Mr & Mrs Brown

Parish:
Wetheral

Date of Receipt:
23/04/2014

Agent:
Abacus Building Design

Ward:
Wetheral

Location:
Land adjacent Whoof House, Aglionby, Carlisle,
CA4 8AQ

Grid Reference:
344572 556365

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Application 13/0619

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 13/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0326

Applicant:
Magnus Homes Limited

Parish:
Wetheral

Date of Receipt:
16/04/2014

Agent:
Ashwood Design
Associates

Ward:
Wetheral

Location:
Land to the rear of Lime House, Wetheral, Carlisle,
Cumbria, CA4 8ET

Grid Reference:
346524 554435

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 13/0562

Amendment:

Decision: Grant Permission

Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0328

Applicant:
Conlon & Sons Limited

Parish:
Carlisle

Date of Receipt:
14/04/2014

Agent:
Mr Ian Burgess

Ward:
Castle

Location:
Conlon & Sons Ltd, 19-21 Bank Street, Carlisle,
CA3 8HJ

Grid Reference:
340175 555861

Proposal: Display Of 1No. Non Illuminated Fascia Sign And 1No. Non Illuminated
Projecting Sign (LBC)

Amendment:

Decision: Grant Permission

Date: 09/06/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0330

Applicant:
Mr Paci

Parish:

Date of Receipt:
14/04/2014 16:01:54

Agent:
Powrie-Smith Architects

Ward:
Botcherby

Location:
407 Warwick Road, Carlisle, CA1 2RZ

Grid Reference:
342072 555951

Proposal: Temporary Use Of Land To Be Used As A Hand Car Wash And Valeting Business (Revised Application Of Previously Approved 13/0648)

Amendment:

Decision: Grant Permission

Date: 09/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0333

Applicant:
Mrs Rachel Stamper

Parish:
Carlisle

Date of Receipt:
21/05/2014

Agent:

Ward:
Castle

Location:
55 Coledale Meadows, Carlisle, CA2 7NZ

Grid Reference:
338277 556292

Proposal: Erection Of Single Storey Side Extension To Provide Playroom (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0334

Applicant:
Parochial Church Council

Parish:
Wetheral

Date of Receipt:
30/04/2014

Agent:
Jock Gordon

Ward:
Great Corby & Geltsdale

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land adjacent to St Pauls Church, Warwick Bridge,
Cumbria, CA4 8RF

Grid Reference:

347341 556250

Proposal: Change Of Use Of Part Of Field To Form Car Park For St Paul's Parish Church

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0336

Applicant:

Mr & Mrs P Brown

Parish:

Cumrew

Date of Receipt:

15/04/2014

Agent:

TSF Developments Ltd

Ward:

Great Corby & Geltsdale

Location:

Burbank Cottage, Cumrew, Heads Nook, Brampton,
CA8 9DG

Grid Reference:

354918 549558

Proposal: Erection Of Two Storey Side Extension To Provide Family Room And Study On Ground Floor With En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

14/0337

Applicant:

Maris Properties Ltd

Parish:

Burgh-by-Sands

Date of Receipt:

14/04/2014 23:00:09

Agent:**Ward:**

Burgh

Location:

Hill Farm, Thurstonfield, Carlisle, CA5 6HG

Grid Reference:

331302 556738

Proposal: Erection Of 3no. Dwellings Together With Associated Access And Landscaping (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 09/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0339

Applicant:
Mr Mckenzie

Parish:
Carlisle

Date of Receipt:
23/04/2014

Agent:
Black Box Architects
Limited

Ward:
Castle

Location:
Pedestrian Arms, Newtown Road, Carlisle, CA2 7JB

Grid Reference:
338656 555915

Proposal: Residential Development (Outline)

Amendment:

1. Change of description

Decision: Grant Permission

Date: 16/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0340

Applicant:
Skoda

Parish:
Kingmoor

Date of Receipt:
28/04/2014

Agent:
Perfectionist Projects

Ward:
Stanwix Rural

Location:
Telfords, Chandler Way, Parkhouse, Carlisle, CA3
0JY

Grid Reference:
338896 559836

Proposal: Display Of Internally Illuminated And Non Illuminated Signage

Amendment:

Decision: Grant Permission

Date: 20/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0341 Mr Blain Wetheral

Date of Receipt: **Agent:** **Ward:**
17/04/2014 Anders Roberts & Assoc Wetheral

Location: **Grid Reference:**
Land to the rear of Ivy House, Ghyll Road, Scotby,
Carlisle, CA4 8BT 344255 554659

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Application 10/0279

Amendment:

Decision: Grant Permission

Date: 17/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No: **Applicant:** **Parish:**
14/0344 Lovell Partnership Ltd

Date of Receipt: **Agent:** **Ward:**
25/04/2014 Ainsley Gommon
Architects Belle Vue

Location: **Grid Reference:**
Site K, Thomlinson Avenue, Raffles Estate, Carlisle,
CA2 7BF 338177 555551

Proposal: Display Of Non Illuminated Signage To Include Flag Poles And
Directional Boards

Amendment:

Decision: Grant Permission

Date: 20/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No: **Applicant:** **Parish:**
14/0347 Mr Forster Castle Carrock

Date of Receipt: **Agent:** **Ward:**
21/04/2014 23:00:05 Sandy Johnston Architect Great Corby & Geltsdale

Location: **Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

Longdyke Barn, Heads Nook, Carlisle, CA8 9DW

353988 554413

Proposal: Discharge Of Conditions 5 (Boundary Walls And Fences); 6 (Landscaping Scheme); 8 (Surface Water Drainage); 9 (Foul Drainage) And 13 (Bird Nesting Survey) Of Previously Approved Permission 13/0549

Amendment:

Decision: Grant Permission

Date: 13/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0348

Applicant:
Mrs Donna Morris

Parish:

Date of Receipt:
24/04/2014

Agent:

Ward:
Morton

Location:
17 Deepdale Drive, Carlisle, CA2 6LS

Grid Reference:
338467 553981

Proposal: Two Storey Side And Rear Extension To Provide Kitchen, W.C. And Utility Room On Ground Floor With 2No. Bedrooms And Shower Room Above

Amendment:

Decision: Grant Permission

Date: 17/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0349

Applicant:
Mr K McGlasson

Parish:
Hayton

Date of Receipt:
06/05/2014

Agent:
Gray Associates Limited

Ward:
Hayton

Location:
40 Hurley Road, Little Corby, Carlisle, CA4 8QF

Grid Reference:
347880 557321

Proposal: Erection Of First Floor Side Extension To Provide 1no. En-Suite Bedroom And 1no. Boxroom

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 12/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0350

Applicant:
Cumbrian Properties ELA
Ltd

Parish:
Carlisle

Date of Receipt:
08/05/2014

Agent:
Manning Elliott

Ward:
Upperby

Location:
Former Rose And Crown, Upperby Road, Carlisle,
CA2 4JL

Grid Reference:
340907 553789

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 13/0188

Amendment:

Decision: Grant Permission

Date: 26/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0357

Applicant:
Reiver Lodges Limited

Parish:
Rockcliffe

Date of Receipt:
15/05/2014

Agent:

Ward:
Longtown & Rockcliffe

Location:
Reiver House, Harker, Carlisle, CA6 4DS

Grid Reference:
339510 560909

Proposal: Relocation Of Coffee Shop & Change Of Use From Cafe To Offices
Together With External Alterations

Amendment:

Decision: Grant Permission

Date: 02/07/2014

Between 07/06/2014 and 11/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0361

Applicant:
Mr Middleton

Parish:
Brampton

Date of Receipt:
28/04/2014

Agent:
Architectural Design Ltd

Ward:
Brampton

Location:
Kirby Moor School, Longtown Road, Brampton, CA8
2AB

Grid Reference:
352419 561475

Proposal: Erection Of Single Storey Building To Provide 2no. Classrooms And An
Assembly Room

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0365

Applicant:
Mr Rees

Parish:
Wetheral

Date of Receipt:
12/05/2014

Agent:

Ward:
Wetheral

Location:
Wetheral Village Hall, Steele's Bank, Wetheral,
Carlisle, CA4 8HD

Grid Reference:
346462 554311

Proposal: Change Of Use From Village Hall To 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 30/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0366

Applicant:
Mr Rees

Parish:
Wetheral

Date of Receipt:
12/05/2014

Agent:

Ward:
Wetheral

Location:
Wetheral Parish Council Offices, Steele's Bank,

Grid Reference:
346462 554311

SCHEDULE E: Decisions Issued Under Delegated Powers

Wetheral, Carlisle, CA4 8HD

Proposal: Change Of Use From Offices To 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 30/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0367

Applicant:
Mrs Gibson

Parish:
Hethersgill

Date of Receipt:
02/05/2014

Agent:
Tsada Building Design
Services

Ward:
Lyne

Location:
Land opposite Rigghead Cottage, Hethersgill,
Carlisle, CA6 6HH

Grid Reference:
347920 567449

Proposal: Erection Of Livestock Shed

Amendment:

Decision: Grant Permission

Date: 27/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0369

Applicant:
Mr Davidson

Parish:
Stanwix Rural

Date of Receipt:
28/04/2014 23:00:05

Agent:
Ian Carrick (Designs)

Ward:
Stanwix Rural

Location:
The Barley House, Brunstock Mews, Brunstock,
Carlisle, CA6 4QG

Grid Reference:
341708 559487

Proposal: Installation Of Satelite Dish, Air Source Heat Pump And Flue;
Conversion Of Upper Floor Of Garage To Provide First Floor Living
Accommodation; Installation Of 3No. Conservation Skylights (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 07/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0371

Applicant:
Ashton Design

Parish:
Hethersgill

Date of Receipt:
30/04/2014

Agent:

Ward:
Lyne

Location:
Kirklington Hall, Kirklington, CA6 6BB

Grid Reference:
343521 567396

Proposal: Discharge Of Conditions 3 (Construction Method Statement); 4 (Repointing); 5 (Windows And Doors); 6 (Method Statement); 7 (Surface Water Drainage); 8 (Materials); 11 (Level 3 Survey); 13 (Hard Surface Finishes) And 15 (Foul Drainage Scheme) Of Previously Approved Permission 13/0305

Amendment:

Decision: Grant Permission

Date: 16/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0373

Applicant:
Mr Beattie

Parish:
Kirkandrews

Date of Receipt:
29/05/2014

Agent:
H&H Land and Property

Ward:
Longtown & Rockcliffe

Location:
Guards Mill Farm, Guards Mill, Gretna, DG16 5JA

Grid Reference:
333441 567537

Proposal: Erection Of Agricultural Workers Dwelling (Outline)

Amendment:

Decision: Refuse Permission

Date: 04/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0374 Mr Peter Whipp Dalston

Date of Receipt: **Agent:** **Ward:**
02/05/2014 Architects Plus (UK) Ltd Dalston

Location: **Grid Reference:**
Hawksdale Hall, Dalston, Carlisle, CA5 7BX 337436 547700

Proposal: Demolition Of Single Storey Boiler, Coal And Oil Store And Erection Of
Single Storey Extension Within Rear Courtyard To Provide Additional
Living Accommodation (LBC)

Amendment:

Decision: Grant Permission **Date:** 27/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No: **Applicant:** **Parish:**
14/0375 Mr Stephen Perry Carlisle

Date of Receipt: **Agent:** **Ward:**
08/05/2014 Belah

Location: **Grid Reference:**
91 Kingstown Road, Carlisle, CA3 0AL 339706 558239

Proposal: Erection Of Garage To Rear Garden Area

Amendment:

Decision: Grant Permission **Date:** 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No: **Applicant:** **Parish:**
14/0376 Mr Timothy Price Brampton

Date of Receipt: **Agent:** **Ward:**
30/04/2014 Brampton

Location: **Grid Reference:**
Land at The Barn, Park Barns, Irthington, Carlisle,
CA6 4NQ 350539 559712

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 5 (Details Of Mobile Home) And 6 (Foul Drainage) Of Previously Approved Application 12/0824

Amendment:

Decision: Partial Discharge of Conditions
19/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0377

Applicant:
Maris Properties Ltd

Parish:
Burgh-by-Sands

Date of Receipt:
30/04/2014 16:02:36

Agent:

Ward:
Burgh

Location:
Hill Farm, Thurstonfield, Carlisle, CA5 6HG

Grid Reference:
331265 556719

Proposal: Erection Of 3no. Dwellings Together With Associated Access And Landscaping

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0379

Applicant:
Mr Johnstone

Parish:
Orton

Date of Receipt:
08/05/2014

Agent:
Gray Associates Limited

Ward:
Burgh

Location:
Merlewood, Nealhouse, Carlisle, CA5 6LH

Grid Reference:
333709 551427

Proposal: Relocation Of Vehicular Access Within Existing Paddock; Demolition Of Existing Single Storey Extensions And Erection Of Two Storey And Single Storey Extensions To Provide Additional Living Accommodation

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0380

Applicant:
Mr Betton

Parish:
Carlisle

Date of Receipt:
02/05/2014

Agent:
Black Box Architects
Limited

Ward:
St Aidans

Location:
23 Brunton Avenue, Carlisle, CA1 2AU

Grid Reference:
341295 555821

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen
Amendment:

Decision: Grant Permission

Date: 10/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0381

Applicant:
Mr Armstrong

Parish:
Carlisle

Date of Receipt:
02/05/2014

Agent:
CONCEPT

Ward:
Botcherby

Location:
483 Warwick Road, Carlisle, CA1 2SB

Grid Reference:
342460 556024

Proposal: Erection Of Single Storey Rear Extension To Provide Extended
Kitchen/Dining Area

Amendment:

Decision: Grant Permission

Date: 11/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0382

Applicant:
James Allan Builders
(Carlisle) Limited

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
13/05/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
3 Compton Street, Carlisle, CA1 1HT

Grid Reference:
340431 556080

Proposal: Discharge Of Conditions 4 (Parking During Construction) And 7 (Details Of Windows & Doors) Of Previously Approved Application 14/0081

Amendment:

Decision: Grant Permission

Date: 17/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0384

Applicant:
Mr Reed

Parish:
Carlisle

Date of Receipt:
07/05/2014

Agent:

Ward:
Belah

Location:
19 Bailey Road, Carlisle, CA3 0HG

Grid Reference:
339054 558327

Proposal: Erection Of Two Storey Side And Rear Extension To Provide Lounge, Kitchen/Dining Area And Utility On Ground Floor With 2no. Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 13/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0386

Applicant:
Mrs Beth Thurman

Parish:

Date of Receipt:
07/05/2014

Agent:

Ward:
Castle

Location:
33-35 Bank Street, Carlisle, CA3 8HJ

Grid Reference:
340193 555866

Proposal: Change Of Use Of First And Second Floors From Offices To Beauty Salon

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 26/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0387

Applicant:
Mr & Mrs S Carruthers

Parish:
Kirkandrews

Date of Receipt:
02/05/2014

Agent:
TSF Developments Ltd

Ward:
Longtown & Rockcliffe

Location:
29 & 30 Gaitle Bridge, Gaitle, Longtown, Carlisle,
CA6 5LU

Grid Reference:
335968 568528

Proposal: Revised House Type (Plot 1) Of Previously Approved Permission
10/0766

Amendment:

Decision: Grant Permission

Date: 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0389

Applicant:
Ms Ruth Allan

Parish:
Farlam

Date of Receipt:
07/05/2014

Agent:
Matavai Bay

Ward:
Irthing

Location:
Stoneybridge Gate Cottage, Hallbankgate,
Brampton, CA8 2PF

Grid Reference:
359094 559127

Proposal: Demolition Of Existing Rear Extension; Erection Of Single Storey Rear
And Side Extensions To Provide Reconfiguration Of Accommodation
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 01/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0393

Applicant:
Mr A McKeown

Parish:
Wetheral

Date of Receipt:
07/05/2014

Agent:
Jock Gordon

Ward:
Wetheral

Location:
Land to west of Quarry House, Wetheral Pasture,
Carlisle

Grid Reference:
345974 553443

Proposal: Discharge Of Condition 11 (Foul & Surface Water Drainage) Of
Previously Approved Application 13/0450

Amendment:

Decision: Grant Permission

Date: 01/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0394

Applicant:
Little Jems Nursery

Parish:
Carlisle

Date of Receipt:
15/05/2014

Agent:
Mr Jeffery

Ward:
Currock

Location:
4-5 Woodrouffe Terrace, Carlisle, CA1 2EH

Grid Reference:
340740 555163

Proposal: Addition Of 1No. Dormer Window To Rear Elevation Of No. 4
Woodrouffe Terrace; Internal Alterations To Lower Ceiling To Form New
Attic Space To Be Used As Office And Staff Room For Existing
Children's Nursery

Amendment:

Decision: Grant Permission

Date: 30/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0395

Applicant:
Little Jems Nursery

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
13/05/2014

Agent:
Mr Jeffery

Ward:
Currock

Location:
4-5 Woodrouffe Terrace, Carlisle, CA1 2EH

Grid Reference:
340740 555163

Proposal: Addition Of 1No. Dormer Window To Rear Elevation Of No. 4 Woodrouffe Terrace; Internal Alterations To Lower Ceiling By 450mm To Form New Attic Space To Be Used As Office And Staff Room For Existing Children's Nursery (LBC)

Amendment:

Decision: Grant Permission

Date: 30/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0398

Applicant:
Mr D Johnston

Parish:
Wetheral

Date of Receipt:
09/05/2014

Agent:
TSF Developments Ltd

Ward:
Great Corby & Geltsdale

Location:
The Coach House, Heads Nook, Brampton, CA8 9AG

Grid Reference:
349034 555859

Proposal: Conversion Of Existing Premises To 3no. Dwellings (Revised Application)

Amendment:

Decision: Grant Permission

Date: 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0400

Applicant:
Mr Jason Horrocks

Parish:

Date of Receipt:
16/05/2014

Agent:
Mr Chris Kyle

Ward:
Denton Holme

Location:
Rooms 2 & 19, Bourne House, Milbourne Street, Carlisle, CA2 5XF

Grid Reference:
339621 555810

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change Of Use From B1 To D1 Allowing Medical Assessments`

Amendment:

Decision: Grant Permission

Date: 01/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0402

Applicant:
Picton Capital Limited

Parish:
Carlisle

Date of Receipt:
14/05/2014

Agent:
Trident Building
Consultancy

Ward:
Castle

Location:
6-12 English Street, Carlisle, CA3 8HX

Grid Reference:
340036 555922

Proposal: Internal Alterations To Include The Removal Of Staircases And Infilling
Of Openings To Units 8, 10 & 12 (LBC)

Amendment:

Decision: Grant Permission

Date: 26/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0403

Applicant:
Mr Richard Westall

Parish:
Kirkandrews

Date of Receipt:
12/05/2014 08:00:09

Agent:
Abacus Building Design

Ward:
Longtown & Rockcliffe

Location:
Millees Farm, Longtown, Carlisle, CA6 5NE

Grid Reference:
338542 572663

Proposal: Change Of Use Of Redundant Agricultural Stone Barn To 2No.
Dwellings; Change Of Use Of Section Of Agricultural Paddock To Create
2No. Residential Gardens For Dwellings; Installation Of New Foul
Drainage System

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 07/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0405

Applicant:
Mr & Mrs O Roberts

Parish:
Dalston

Date of Receipt:
12/05/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Dalston

Location:
Low Fauld, 13 The Square, Dalston, Carlisle, CA5
7PH

Grid Reference:
336938 550041

Proposal: Discharge Of Conditions 3 (Materials); 4 (Hard Surface Details); 9
(Surface Water Drainage) And 10 (Foul Water Drainage) Of Previously
Approved Permission 13/0997

Amendment:

Decision: Grant Permission

Date: 19/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0409

Applicant:
CeX Ltd

Parish:
Carlisle

Date of Receipt:
13/05/2014

Agent:
DMU Designs Ltd

Ward:
Castle

Location:
Mountain Warehouse, 42 Scotch Street, Carlisle,
CA3 8PU

Grid Reference:
340070 556063

Proposal: Alterations To Shopfront; Installation Of Internal Shutter; Internal
Alterations; Display Of Non Illuminated Signage (LBC)

Amendment:

Decision: Grant Permission

Date: 26/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0412 Mrs Sarah Buckley St Cuthberts Without

Date of Receipt: **Agent:** **Ward:**
14/05/2014 Dalston

Location: **Grid Reference:**
The Barn, High Scalesceugh, Carleton, Carlisle,
Cumbria, CA4 0BT 344783 549883

Proposal: Change Of Use From Field To Garden; Erection Of Timber Garage And
Provision Of Hardstanding

Amendment:

Decision: Grant Permission **Date:** 01/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No: **Applicant:** **Parish:**
14/0413 Mr Marrs Beaumont

Date of Receipt: **Agent:** **Ward:**
20/05/2014 Gray Associates Limited Burgh

Location: **Grid Reference:**
Braeside, Monkhill, Carlisle, CA5 6DB 334404 558612

Proposal: Erection Of Single Storey Side Extension To Provide Additional
Bedroom (Part Retrospective)

Amendment:

Decision: Grant Permission **Date:** 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No: **Applicant:** **Parish:**
14/0417 Mr & Mrs McGuinness

Date of Receipt: **Agent:** **Ward:**
20/05/2014 NWAD Denton Holme

Location: **Grid Reference:**
162 Nelson Street, Carlisle, CA2 5NH 339363 555309

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Story Rear Extension To Provide Kitchen And Dining Room

Amendment:

Decision: Grant Permission

Date: 18/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0418

Applicant:
Renault Trucks

Parish:

Date of Receipt:
19/05/2014

Agent:
Martin Boyd Architectural
Services

Ward:
Belah

Location:
20b Millbrook Road, Kingstown Industrial Estate,
Carlisle, CA3 0EU

Grid Reference:
339312 559321

Proposal: Erection Of Single Storey Extensions To Provide Showroom
Area/Reception To Front And Side And Workshop Extension To Rear;
Installation Of Entrance Security Gate And Fence

Amendment:

Decision: Grant Permission

Date: 04/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0419

Applicant:
Oakmere Homes Limited

Parish:
Arthuret

Date of Receipt:
15/05/2014 16:00:55

Agent:
MCK Associates Limited

Ward:
Longtown & Rockcliffe

Location:
Former Sawmill Site, Netherby Road, Longtown,
CA6 5NS

Grid Reference:
338154 568946

Proposal: Discharge Of Condition 5 (Landscaping Scheme) Of Previously
Approved Permission 13/0790

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0421

Applicant:
Electricity North West Ltd
& United Utilities Group
Property Services Ltd

Parish:

Date of Receipt:
16/05/2014

Agent:
BR1Studio

Ward:
Denton Holme

Location:
Hadrians Mill, Nelson Street, Carlisle, CA2 5BJ

Grid Reference:
339467 555315

Proposal: Non Material Amendment Of Previously Approved Permission 13/0804
Amendment:

Decision: Amendment Accepted
12/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0422

Applicant:
Cumbrian Properties ELA
Limited

Parish:

Date of Receipt:
19/05/2014

Agent:
Manning Elliott

Ward:
Upperby

Location:
Former Rose And Crown, Upperby Road, Carlisle,
CA2 4JL

Grid Reference:
340907 553789

Proposal: Discharge Of Conditions 3 (Sample Of Materials); 4 (Hard And Soft
Landscaping); 5 (Boundary Details); 6 (Surface Water Drainage) And 11
(Meter Boxes) Of Previously Approved Permission 13/0188

Amendment:

Decision: Grant Permission

Date: 27/06/2014

Between 07/06/2014 and 11/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0423

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
02/06/2014

Agent:

Ward:
Harraby

Location:
Former Border TV Studios & Hewdens Hire Centre,
Brunel Way/Stephenson Road, Carlisle, CA1 3NU

Grid Reference:
342033 554497

Proposal: Display Of 2No. Non Illuminated Free Standing Site Sale Boards

Amendment:

Decision: Grant Permission

Date: 07/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0427

Applicant:
Mr M & Mrs C Bell

Parish:
Carlisle

Date of Receipt:
20/05/2014

Agent:

Ward:
Belle Vue

Location:
17 Acredale Road, Carlisle, CA2 7QT

Grid Reference:
336911 556030

Proposal: Erection Of Single Storey Side Extension To Provide 2No. Bedrooms

Amendment:

Decision: Grant Permission

Date: 18/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0429

Applicant:
Mr Peter Whipp

Parish:
Dalston

Date of Receipt:
20/05/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Dalston

Location:
Hawksdale Hall, Dalston, Carlisle, CA5 7BX

Grid Reference:
337436 547700

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Demolition Of Single Storey Boiler, Coal And Oil Store And Erection Of Single Storey Extension Within Rear Courtyard To Provide Additional Living Accommodation

Amendment:

Decision: Grant Permission

Date: 27/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0431

Applicant:
Mr Gordon

Parish:
Arthuret

Date of Receipt:
21/05/2014

Agent:

Ward:
Longtown & Rockcliffe

Location:
Briar Lea, Brampton Road, Longtown, Carlisle, CA6 5TN

Grid Reference:
338459 568345

Proposal: Change Of Use From Part B&B To 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0432

Applicant:
Mr Fawkes

Parish:
Hayton

Date of Receipt:
20/05/2014 23:00:06

Agent:
Black Box Architects
Limited

Ward:
Hayton

Location:
Thistledown, Allenwood, Heads Nook, Brampton, CA8 9AE

Grid Reference:
349575 555261

Proposal: Erection Of Single Storey Rear And Side Extensions To Provide Living Room, Utility And Shower Room; Erection Of Porch To Front Elevation Together With Internal Alterations (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 18/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0433

Applicant:
Carlisle City Hostel Ltd

Parish:

Date of Receipt:
22/05/2014

Agent:

Ward:
Castle

Location:
36 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339765 555972

Proposal: Display Of Non Illuminated Wall Mounted Signage To Front Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 30/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0434

Applicant:
Ms Guinness

Parish:
Burtholme

Date of Receipt:

Agent:
Sandy Johnston Architect

Ward:
Irthing

Location:
The Heugh, Walton, Brampton, CA8 2JW

Grid Reference:
353619 565100

Proposal: Change Of Use From Holiday Cottage To 1no. Dwelling

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 02/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0435

Applicant:
Mr Nunn

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
23/05/2014

Agent:
Plan B Building Drawing
Ltd

Ward:
Denton Holme

Location:
18 Goschen Road, Carlisle, CA2 5PF

Grid Reference:
339244 554941

Proposal: Two Storey Side Extension To Provide Store, W.C., Sitting Room And
Extended Kitchen To Ground Floor With 1No. Bedroom And Bathroom
Above

Amendment:

Decision: Grant Permission

Date: 01/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0437

Applicant:
Mr & Mrs Branch

Parish:
Hayton

Date of Receipt:
23/05/2014

Agent:
PF&K Planning

Ward:
Hayton

Location:
Hayton Stores, Hayton, Brampton, CA8 9HR

Grid Reference:
350826 557759

Proposal: Change Of Use Of Property From Mixed Use Comprising Residential &
Retail To Wholly Residential

Amendment:

Decision: Grant Permission

Date: 04/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0440

Applicant:
Mr & Mrs Elwen

Parish:
Solport

Date of Receipt:
22/05/2014 13:00:08

Agent:
Taylor & Hardy

Ward:
Lyne

Location:
Meadow View, New Pallyards, Hethersgill, Carlisle,
CA6 6HZ

Grid Reference:
346889 571288

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Certificate Of Existing Lawfulness For Unrestricted Dwellinghouse

Amendment:

Decision: Grant Permission

Date: 10/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0442

Applicant:
Sculpture House

Parish:
Carlisle

Date of Receipt:
27/05/2014

Agent:

Ward:
Castle

Location:
2 Annetwell Street, Carlisle, CA3 8BB

Grid Reference:
339695 556061

Proposal: Change Of Use From Tattoo Studio To Hair Salon

Amendment:

Decision: Grant Permission

Date: 07/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0443

Applicant:
Mr R Peart

Parish:
Irthington

Date of Receipt:
27/05/2014

Agent:

Ward:
Stanwix Rural

Location:
Woodside, Newby East, Carlisle, CA4 8RA

Grid Reference:
348436 559327

Proposal: Change Of Use Of Private Kennels To Boarding Kennels For Dogs (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 04/07/2014

Between 07/06/2014 and 11/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0444

Applicant:
Mr/Ms Aston

Parish:
Dalston

Date of Receipt:
22/05/2014 16:00:14

Agent:
Brier Associates

Ward:
Dalston

Location:
Beech House, Stockdalewath, Dalston, Carlisle,
CA5 7DN

Grid Reference:
338561 545206

Proposal: Erection Of Canopy Over Entrance (LBC)

Amendment:

Decision: Grant Permission

Date: 26/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0447

Applicant:
Mr Hinton-Smith

Parish:
Solport

Date of Receipt:
27/05/2014

Agent:

Ward:
Lyne

Location:
Friarhill Gate, Roweltown, Carlisle, CA6 6LN

Grid Reference:
348363 573143

Proposal: Discharge Of Conditions 3 (Sectional Drawings); 4 (Velux Roof Windows) And 5 (New Joinery) Of Previously Approved Planning Application 11/0076

Amendment:

Decision: Grant Permission

Date: 17/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0448

Applicant:
Mr Aimers

Parish:
Carlisle

Date of Receipt:
27/05/2014 11:00:08

Agent:

Ward:
Belah

Location:
146 Lowry Hill Road, Carlisle, CA3 0ER

Grid Reference:
338923 558435

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Removal Of Existing Car Port And Single Storey Garage Conversion;
Erection Of 2 Storey Side Extension To Provide Garage, Hallway And
Sun Room On Ground Floor, With Self Contained Granny Annex
Above

Amendment:

Decision: Grant Permission

Date: 08/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0450

Applicant:
Carlisle Shopping Centre

Parish:

Date of Receipt:
03/06/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
Car Park Level 1, The Lanes Shopping Centre,
Carlisle, CA3 8NX

Grid Reference:
340178 556046

Proposal: Change Of Use Of 6no. Parking Spaces In Existing Car Park And
Internal Alterations To Provide W.C. Accommodation

Amendment:

Decision: Grant Permission

Date: 09/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0455

Applicant:
Mrs Pamela Graham

Parish:
Carlisle

Date of Receipt:
29/05/2014

Agent:

Ward:
Morton

Location:
Morton Community Centre, Wigton Road, Carlisle,
CA2 6JP

Grid Reference:
338265 554993

Proposal: Replacement Of Timber Conservatory With A New UPVC Conservatory
(LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0456

Applicant:
Cavaghan & Gray

Parish:
Carlisle

Date of Receipt:
03/06/2014

Agent:
Ashwood Design
Associates

Ward:
Harraby

Location:
Cavaghan and Gray Limited, Durranshill Industrial
Estate, Carlisle, CA1 3NQ

Grid Reference:
341871 554390

Proposal: Extension To Existing Chilled Storage Room

Amendment:

Decision: Grant Permission

Date: 07/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0458

Applicant:
Cavaghan & Gray

Parish:
Carlisle

Date of Receipt:
05/06/2014

Agent:
Ashwood Design
Associates

Ward:
Harraby

Location:
Cavaghan & Gray (Riverbank Site), Brunel Way,
Durranshill Industrial Estate, Carlisle, Cumbria

Grid Reference:
341871 554848

Proposal: Erection Of Effluent Treatment Plant, Fine Refrigeration Chiller Units;
Alterations To Existing Building To Facilitate New Staff Canteen And
Welfare Facilities

Amendment:

Decision: Grant Permission

Date: 07/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0461

Applicant:
Mr Waitt

Parish:
Burgh-by-Sands

Date of Receipt:
30/05/2014

Agent:
PlanB Building Drawing

Ward:
Burgh

Location:
Ashbank, Burgh by Sands, Carlisle, CA5 6AX

Grid Reference:
332318 559018

Proposal: Removal Of Existing Front Monopitch Canopy And Replacement With
New Stone Effect Flat Roofed Portico

Amendment:

Decision: Grant Permission

Date: 08/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0462

Applicant:
Mr C Notman

Parish:
Carlisle

Date of Receipt:
30/05/2014

Agent:

Ward:
Castle

Location:
68 Aglionby Street, Carlisle, CA1 1JS

Grid Reference:
340750 555751

Proposal: Removal Of Existing Conservatory And Erection Of Single Storey
Sunroom To Rear

Amendment:

Decision: Grant Permission

Date: 04/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0463

Applicant:
Mr R Deeble

Parish:
Wetheral

Date of Receipt:
30/05/2014

Agent:
Jock Gordon

Ward:
Great Corby & Geltsdale

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Farndale, Sandy Lane, Heads Nook, Brampton,
CA8 9BQ

347918 555495

Proposal: Discharge Of Conditions 3 (Materials); 5 (Surface Water Drainage); 6 (Foul Drainage) And 9 (Tree/Hedge Protection) Of Previously Approved Permission 13/0916

Amendment:

Decision: Grant Permission

Date: 03/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0468

Applicant:
Mr Tom Hutchinson

Parish:
Wetheral

Date of Receipt:
30/05/2014

Agent:
Philip Turner Associates

Ward:
Wetheral

Location:
42 Croft Park, Wetheral, Carlisle, CA4 8JH

Grid Reference:
346380 554483

Proposal: Erection Of Single Storey Extensions To Provide Bedroom, Conservatory And En-Suite; Conversion Of Garage To Utility Room Together With Internal Alterations

Amendment:

Decision: Grant Permission

Date: 24/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0471

Applicant:
Mr & Mrs I Hodgson

Parish:
Burgh-by-Sands

Date of Receipt:
03/06/2014

Agent:
Johnston & Wright

Ward:
Burgh

Location:
Holme Eden House, Burgh by Sands, Carlisle, CA5 6EH

Grid Reference:
333755 561235

Proposal: Erection Of Single Storey Extension To Provide Double Garage, Office And Shower Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 10/07/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0475

Applicant:
Citadel Estates Ltd

Parish:
Wetheral

Date of Receipt:

Agent:
Sandy Johnston Architect

Ward:
Great Corby & Geltsdale

Location:
Co-Op, King George Court, Warwick Bridge,
Carlisle

Grid Reference:
347689 556819

Proposal: Erection Of New Canopy Roof Over Existing Service Yard

Amendment:

Decision: Wdn - Permitted Dev./Appn. not required

Date: 12/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0487

Applicant:
Mr Mike Hope

Parish:

Date of Receipt:
05/06/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
53 West Walls, Carlisle, CA3 8UH

Grid Reference:
339768 555959

Proposal: Conversion Of Existing Property To 3no. Flats

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 12/06/2014

Between 07/06/2014 and 11/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0488

Applicant:
Mr Mike Hope

Parish:

Date of Receipt:
05/06/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
53 West Walls, Carlisle, CA3 8UH

Grid Reference:
339768 555959

Proposal: Conversion Of Existing Property To 3no. Flats (LBC)

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 12/06/2014

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0502

Applicant:
Mrs Dominique Casson

Parish:

Date of Receipt:
12/06/2014

Agent:

Ward:

Location:
Millerground, Fenton Lane End, How Mill,
Brampton, CA8 9LE

Grid Reference:
350993 555545

Proposal: Discharge Of Condition 5 (Protective Fence) Of Previously Approved
Application 13/0598

Amendment:

Decision: Partial Discharge of Conditions
25/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0507

Applicant:
Irthington PCC

Parish:
Irthington

Date of Receipt:
12/06/2014

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Newtown Village Green, Newtown, Irthington

Grid Reference:
349959 562791

Proposal: Non Material Amendment Of Previously Approved Application 12/0991
Amendment:

Decision: Amendment Accepted
19/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0512

Applicant:
Mrs Sally Cartwright

Parish:

Date of Receipt:
16/06/2014

Agent:
Sam Fletcher Architect
BArch DipArch

Ward:
Harraby

Location:
89 Hillary Grove, Carlisle, CA1 3JQ

Grid Reference:
342378 553895

Proposal: Non Material Amendment Of Previously Approved Permission 14/0147
Amendment:

Decision: Amendment Accepted
19/06/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0531

Applicant:
Mr R Deeble

Parish:
Wetheral

Date of Receipt:
23/06/2014

Agent:
Jock Gordon

Ward:
Great Corby & Geltsdale

Location:
Farndale, Sandy Lane, Heads Nook, Brampton,
CA8 9BQ

Grid Reference:
347919 555496

Proposal: Non Material Amendment Of Previously Approved Permission 13/0916
Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Amendment Accepted
10/07/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/0544

Applicant:
Two Castles Housing
Association / Hearthstone
Homes Ltd

Parish:
Wetheral

Date of Receipt:
25/06/2014

Agent:
Alpha Design

Ward:
Wetheral

Location:
Land adjacent Quentin Gardens, Peter Gate,
Cumwhinton, Carlisle, CA4 8DX

Grid Reference:
345275 552677

Proposal: Non Material Amendment Of Previously Approved Permission 13/0702
Amendment:

Decision: Amendment Accepted
08/07/2014

Date:

Between 07/06/2014 and 11/07/2014

Appn Ref No:
14/9008

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
30/05/2014

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Castle

Location:
1-5 Alfred Street North, Carlisle, CA1 1PX

Grid Reference:
340583 555794

Proposal: Change Of Use From Office To Drug & Alcohol Services Day Centre
With Various Internal Alterations, Temporary Change Of Use For Three
Years

Amendment:

Decision: City Council Observation - Observations

SCHEDULE E: Decisions Issued Under Delegated Powers

Date: 24/06/2014

Report to Development Control Committee

Agenda
Item:

A.2

Meeting Date: 25 July 2014
Portfolio: Economy and Enterprise
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDER 43 STONE
HOUSE, HAYTON & 57 CHATSWORTH SQUARE
Report of: Director of Economic Development
Report Number: ED. 24/14

Purpose / Summary:

This report proposes the revocation of Tree preservation Order 43 Stone House, Hayton and Tree Preservation Order 57 Chatsworth Square as part of the ongoing Tree Preservation Order Review

Recommendations:

Tree Preservation Order 43 and 57 be revoked.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** Planning Practice Guidance “Tree Preservation Orders and trees in conservation areas” advises Local Authorities to keep their Tree Preservation Orders under review, and where appropriate vary or revoke the Order.
- 1.2** Examples of reasons to vary or revoke Tree Preservation Orders include:
- (i) Land has been developed;
 - (ii) Trees, for whatever reason, no longer merit protection by an Order;
 - (iii) Trees standing when the Order was made have been removed; or
 - (iv) Errors within the Tree Preservation Order may come to light. When an error comes to light the Local Planning Authority should consider using its variation and revocation powers set out in the Town and Country Planning Act 1990 SCHEDULE 1 Section 13 to put it right.
- 1.3** Tree Preservation Order 43 Stone House Hayton was identified as not accurate; several trees shown on the Order no longer exist and the land has been developed resulting in the map being out of date.
- 1.4** A replacement Tree Preservation Order was made and confirmed prior to proposing the revocation of Tree Preservation Order 43 Stone House Hayton so there will be no loss of protection to the important trees on the site.
- 1.5** Tree Preservation Order 57 Chatsworth Square protects trees that are also protected by their location in the Chatsworth Square/Portland Square Conservation Area. The Tree Preservation Order was made in 1983, nine years prior to the designation of the conservation area.
- 1.6** Conservation areas provide protection to the trees similar to that afforded to trees protected by Tree Preservation Orders. Anyone wishing to carry out works to a tree in a conservation area must give six weeks prior notification of the proposed works to the local planning authority.
- 1.7** Having a Tree Preservation Order on trees in a conservation area, unless circumstances dictate otherwise, such as the receipt of unacceptable prior notifications, represents an unnecessary level of bureaucracy and management.

- 1.8** There have been no notifications to work on the protected trees since 1995. The conservation area protection will ensure that no works can be carried out, other than certain exempted works, without the agreement of the local planning authority.

2. PROPOSALS

- 2.1** Tree Preservation Order 43 Stone House, Hayton and Tree Preservation Order 57 Chatsworth Square be revoked.

3. CONSULTATION

- 3.1** Consultation was carried out with the property and land owners affected by Tree Preservation Order 43 Stone House, Hayton, and in respect of Tree Preservation Order 57, the Chatsworth Square Garden Management Company Ltd.

- 3.2** No responses were received.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** Government guidance requires local Planning authorities to review their Tree preservation Orders ensuring they are accurate, up-to-date and enforceable.
- 4.2** Tree Preservation Order 43 Stone House, Hayton remains valid but has been superseded, is not accurate, and remains a land charge on the properties. As a matter of good practice and to avoid confusion Tree Preservation Order 43 Stone House, Hayton should be revoked.
- 4.3** The trees in Chatsworth Square benefit from the protection afforded by the conservation area. In order to remove an unnecessary duplication of protection, it is recommended that Tree Preservation Order 57 be revoked.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** Helps create a pleasant environment in which to live and work and engendering a pride in place.

Contact Officer: Charles Bennett **Ext:** 7535

Appendices attached to report: Appendix 1 Maps of Tree Preservation Order 43 Stone House, Hayton and Tree Preservation Order 57 Chatsworth Square.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

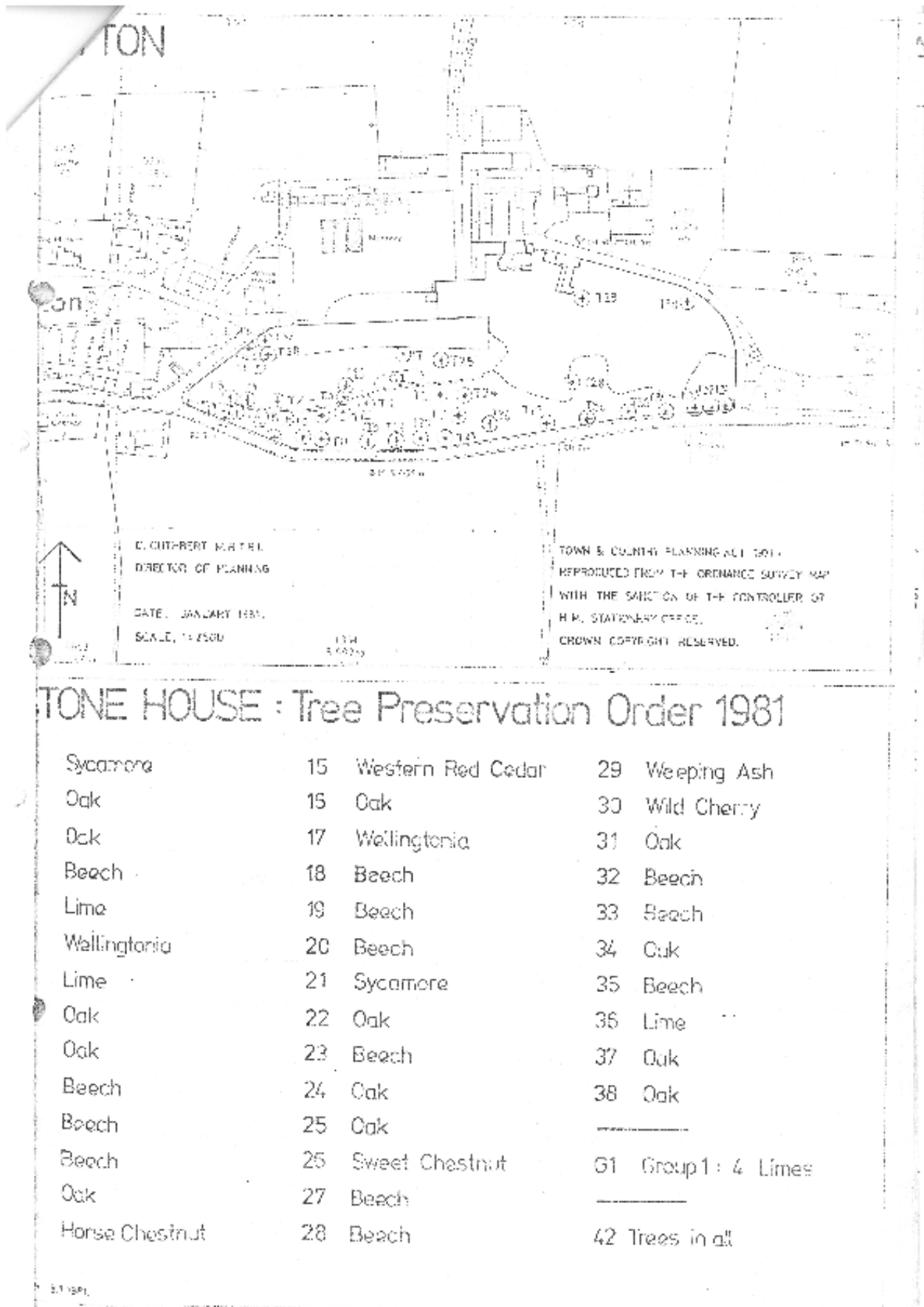
Economic Development – None

Governance – None

Local Environment – None

Resources - Financial penalties could be incurred if a maladministration complaint regarding the management of Tree Preservation Orders is upheld.

Appendix 1
Tree Preservation Order 43 Stone House Hayton Map



Tree Preservation Order 57 Chatsworth Square

