

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
11/0118

Applicant:
The Cornwall Light and
Power Company Ltd

Parish:
Arthuret

Date of Receipt:
14/02/2011

Agent:
REG Windpower

Ward:
Longtown & Rockcliffe

Location:
Land at Hallburn Farm, Hallburn, Longtown,
Carlisle, Cumbria

Grid Reference:
341304 567849

Proposal: Six Wind Turbines With A Tip Height Not Exceeding 126.5m, Access Tracks, Crane Hardstandings & Outrigger Pads, Control Building, Underground Electrical Cables And Temporary Construction Compound

Refuse Permission

- Reason:** The Eskdalemuir monitoring site is part of the seismic network of the International Monitoring System established to help verify compliance with the nuclear arms Comprehensive Test Ban Treaty. In order to ensure compliance with the Treaty, which also requires that Parties not interfere with the verification system, a noise budget has been allocated by the Ministry of Defence within a safeguarding area around Eskdalemuir. At present this budget has been reached and the proposed turbines will generate additional seismic noise that will compromise the capability of the UK to detect distant nuclear tests and breach the agreement under the Comprehensive Test Ban Treaty.
- Reason:** The proposed development would have direct impact on the operational effectiveness of Air Traffic Control radar at Spadeadam. The potential loss of radar contact which could occur as a result of this development represents an unnecessary distraction. The necessity to switch radar to mitigate the impact of this development will lead to unacceptable delay in maintaining primary contact in the correct manner. The impact from this proposed development would also establish an unacceptable precedent impacting on radar returns. The overall impact of this

development would be detrimental to a safe and efficient Air Traffic Service.

3. **Reason:** The proposed development has the potential to impact on a number of bird species. In the absence of sufficient information to assess this impact there is potential for a significant impact on pink-footed geese as well as other Special Protection Area bird species such as Barnacle Geese, Lapwing and Curlew. A suitable scheme has not been provided to mitigate the impact of this development on bird species. This would be contrary to the objectives of policies DP7 (European Natura 2000 Sites) and CP2 (Biodiversity) of the Carlisle District Local Plan 2001-2016
4. **Reason:** In the absence of sufficient information to determine this impact the proposed development could have an adverse impact on the ability to comprehend Roman military planning and land use and could therefore represent an adverse impact on the Outstanding Universal Value of Hadrian's Wall World Heritage Site. This would be contrary to the objectives of policy LE5 (Hadrian's Wall World Heritage Site) of the Carlisle District Local Plan 2001-2016

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy And Development Principles - Policy DP7 - European Natura 2000 Sites

Except where there are imperative reasons of overriding public interest, proposals that would have an impact on a European Natura 2000 site* will not be permitted unless it can be objectively demonstrated that they would be unlikely to have a significant adverse effect, either alone or in combination with other plans or projects.

*For the purposes of this policy European Natura 2000 sites include Ramsar sites and provisional SPAs.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most

likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE5 - Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

Item no: 02

Appn Ref No: 10/1025	Applicant: Banks Renewables (Mossgrove Windfarm) LTD	Parish:
Date of Receipt: 15/11/2010	Agent: Mr M. Simpson	Ward: Lyne
Location: Land to the North of Woodside, Roadhead, Carlisle, CA6 6PG	Grid Reference: 353200 579295	

Proposal: Temporary Installation For 3 Years Of A Wind Monitoring Mast 80m High

Withdrawn by Applicant/or by default

Item no: 03

Appn Ref No: 11/0506	Applicant: University of Cumbria	Parish: Carlisle
Date of Receipt: 14/06/2011 13:00:29	Agent: Swarbrick Associates	Ward: Stanwix Urban
Location: University of Cumbria, Brampton Road, Carlisle, CA3 9AY	Grid Reference: 340423 557239	

Proposal: Retention Of 2No. Existing Temporary Classrooms, Provision Of 6No. Additional Classrooms And Provision Of Cycle Store Together With

Change Of Use Of Lawn To Front Of Main Building To Form Additional
19No. Car Parking Spaces

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form, received 30 June 2011;
 2. Design & Access Statement, received 30 June 2011;
 3. Pre-development Arboricultural Report, received 5 August 2011;
 4. Location Plan, received 30 June 2011 (Drawing No. 1451.p.01a);
 5. Block Plan, received 15 June 2011 (Drawing No. 1451.p.02);
 6. Existing Site Plan, received 5 August 2011 (Drawing No. 1451.p.03a);
 7. Proposed Block Plan, received 18 August 2011 (Drawing No. 1451.p.04g);
 8. Existing Car Park, received 7 July 2011 (Drawing No. 1451.b.05);
 9. Proposed Site Plan, received 18 August 2011 (Drawing No. 1451.p.05f);
 10. Plans & Elevations, received 12 August 2011 (Drawing No. 1451.p.06c);
 11. Plans & Elevations, received 15 June 2011 (Drawing No. HD/CRS/05/d);
 12. Proposed Cycle Store, received 11 August 2011 (Drawing No. 1451.p.07b);
 13. Proposed Site Plan - Car Parking, received 18 August 2011 (Drawing No. 1451.p.08c);
 14. Existing Site Plan - Parking & Cycle, received 5 August 2011 (Drawing No. 1451.p.09);
 15. Foundation Layout, received 18 August 2011 (Drawing No. 1451.p.10a);

16. the Notice of Decision; and
17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The portacabins hereby approved shall be removed from the site not later than five years of the first installation of the portacabins (installation date to be notified in writing to the Local Planning Authority one month prior) unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.

Reason: The site is in/ adjacent to the Hadrian's Wall World Heritage Site. The development is of a temporary nature and any longer period would be inappropriate in association with Policies LE5, LE7 and CP5 of the Carlisle District Local Plan 2001-2016.

4. No development shall take place until full details of a landscaping scheme, 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 in accordance with the programme to be agreed in writing 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 Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

5. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge to be agreed in writing with the Local Planning Authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works, in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to the commencement of the development hereby approved a Method Statement detailing the materials and means of construction for the no dig portion of the new car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed and be completed in

accordance with the approved Method Statement.

Reason: To protect trees and hedges during development works, in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

7. Within one month of the grant of planning permission, the developer shall have submitted to the Local Planning Authority for their approval in writing in three months, a revised Travel Plan for the campus; which shall identify the measures that are to be taken to promote the use of sustainable transport modes with specific targets to be achieved; and that provision be made for the annual revision and review of the Plan at the end of each academic year; with any changes to be implemented by the commencement of the second term of the respective 'following academic year'.

Reason: To aid in the delivery of sustainable transport objectives, with particular emphasis on the likely number of students and staff on campus in the following academic year, and to support Local Transport Plan Policies WS1 and LD4 and Structure Plan Policy T31.

8. Within 3 months of the portacabins hereby approved being brought into use, the new car parking area shall be constructed in accordance with the approved plans. Any such parking provision shall be retained and be capable of use 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 and LD8 and Structure Plan Policy T32.

9. Prior to the portacabins hereby approved being brought into use, the secure cycle store shall be constructed in accordance with the approved plans. The cycle store shall be retained and be capable of use 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 and LD8 and Structure Plan Policy T32.

10. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the development hereby approved. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of the development. Within 2 months of the completion of the development, 3

copies of the 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 examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

11. The surface water drainage shall be in strict accordance with the details contained on Drawing 1451.p.10a (Foundation Layout), received 18 August 2011, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that surface water is disposed of in a satisfactory manner, in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

12. The foundations of the portacabins hereby approved shall be in strict accordance with the details contained on Drawing 1451.p.10a (Foundation Layout), received on 18 August 2011, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect any underlying archaeology and to accord with Policy LE10 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development, the colour of the portacabins hereby approved, shall be agreed in writing with the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance for the portacabins, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The relevant planning policies against which the application is required to be assessed are Policies DP8, LC11, LE5, LE7, LE10, LE12, LE19, CP3 and CP5 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Impact Of The Proposals On The Stanwix Conservation Area

The new portacabins would be sited on part of an existing gravel car park, which lies in front of the halls of residence. They would have a maximum height of 3.5m and would be painted a cream colour. They would be sited 110m back from Brampton Road and would be partly screened by the existing trees along the Brampton Road

frontage and along the north-east boundary of the site. The proposal involves the relocation of a grass bund to the south-east of the portacabins and this would provide landscaping, which would be secured by condition. The cycle store would be small in scale and would be sited immediately to the front of the main campus building. The new parking area would be sited adjacent to the existing car park that lies in front of the main campus building. It would be largely screened by existing trees. In light of the above, the proposals would not have an adverse impact of the Stanwix Conservation Area.

2. Impact On The Listed Building

The front section of the building that lies between the main campus building and the halls of residence is listed. The area immediately to the front of this building would remain as a gravel car park. The portacabins would be located a minimum of 20m away from the listed building and would be separated from it by car parking spaces. The cycle store and additional car parking spaces would be screened from the listed building by the main campus building and the existing trees. The proposal would not, therefore, have an adverse impact on the listed building.

3. Impact On The Hadrian's Wall World Heritage Site

English Heritage has raised no objections in principle to the proposals but has requested that a number of issues are addressed prior to the determination of the application. It has requested further information on the form and depth of the foundations for the portacabins; confirmation that no below ground services would be required for the portacabins; consideration should be given to reducing the length of the bund; further information should be provided on the construction of the bund and on the proposed landscaping to be planted on the bund; further information should be provided on the foundations/ ground disturbance associated with the cycle store; and further information should be provided on the construction detail of the car park.

It is anticipated that all of these issues should be resolved by the submission of further details by the applicant. Additional conditions might be required to ensure that the proposals are implemented in accordance with these details.

4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

The portacabins would be sited over 140m away from the dwellings on Brampton Road, which would directly face the application site and over 80m away from the rear elevation of the nearest property on Vallum Close. Existing and proposed landscaping would help to screen the buildings from these properties. The cycle store and extended car park would be sited well within the site, in close proximity to the main campus building. In light of the above, the proposal would not 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.

5. Parking & Highway Issues

Whilst the proposal is adding additional accommodation which has the potential to

increase student numbers, a cycle store for 28 bikes and an additional 19 car parking spaces would be provided on site. The university has recently introduced a 'uni-hopper' bus service, which allows students to purchase a weekly ticket for £5 and this allows them to travel on any Reays bus within the city and surrounding area.

In recent years there has been a problem with students parking vehicles in the roads around the site although there were a number of empty spaces within car parks within the campus. This was because the university were charging students for permits to park within the site. The university has confirmed that it will no longer be charging students to park on site and this issue will be addressed through a revised Travel Plan, which will be submitted as part of this application. County Highways is also looking at introducing parking restrictions in Tarraby Lane to help resolve the parking problems in this area.

In light of the above, County Highways has confirmed that it has no objections to the proposals subject to conditions that require the construction of the car park and cycle store and the submission of a revised Travel Plan.

6. Impact On Trees

The Council's Tree Officer has requested that a tree survey is submitted to assess how the proposals would impact on existing trees, some of which are the subject of Tree Preservation Orders and all of which lie within the Stanwix Conservation Area. Providing that the proposal does not adversely affect any existing trees, which are worthy of retention (by the use of 'no dig' construction techniques in root protection areas) the Tree Officer has no objections to the proposals, subject to the imposition of suitable conditions.

Conclusion

Providing that the issues raised by English Heritage and the Council's Tree Officer are satisfactorily addressed, the proposals would not have adverse impact on: the Stanwix Conservation Area; the adjacent Listed Building; the Hadrian's Wall World Heritage Site; the living conditions of the occupiers of any neighbouring properties; or on trees. Highway matters have been satisfactorily addressed. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC11- Educational Needs

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where educational facilities are proposed outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1.

Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE5 - Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE7 - Buffer Zone On Hadrian's Wall World Heritage Site

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that:

- 1 the proposal reflects the scale and character of the existing group of buildings; and
- 2 there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE10 - Archaeological Field Evaluation

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated either before planning applications are determined or in exceptional circumstances by the use of condition. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character

and materials.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Spatial Strategy And Development Principles - Policy DP8 - University Development

Proposals for the expansion of University education in Carlisle will be acceptable providing that:

- 1 it is of a scale that reflects the surrounding area; or
- 2 it results in the refurbishment of a vacant building; and
- 3 does not detract from the amenity and quality of the surrounding environment; and
- 4 satisfactory access can be achieved.

Item no: 04

Appn Ref No:
11/0463

Applicant:
Mr D Clark

Parish:
Stanwix Rural

Date of Receipt:
02/06/2011

Agent:
Jock Gordon

Ward:
Stanwix Urban

Location:
28 Whiteclosegate, Carlisle, Cumbria, CA3 0JD

Grid Reference:
341191 557885

Proposal: Sub-Division Of Existing Detached Dwelling To Form Two Flats

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 consent comprise:

1. The Planning Application Form received 2nd June 2011;
2. The site location plan received 2nd June 2011 (Drawing No. 1995/1);
3. The site plan received 5th July 2011 (Drawing No. 1995/3A);

4. The block plan received 2nd June 2011 (Drawing No. 1995/2);
5. The existing elevations and floor plans received 2nd June 2011 (Drawing No. 1995/4);
6. The proposed elevations and floor plans received 2nd June 2011 (Drawing No. 1995/5);
7. The proposed elevations and floor plans of the detached garage received 2nd June 2011 (Drawing No. 1995/6);
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 materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees to be retained, in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The protective fencing shall thereafter be retained at all times during construction works on the site.

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

5. The access drive and parking area shall be of a “no dig” construction in accordance with details to be submitted to and approved, in writing by the Local Planning Authority. No development shall commence on the dwelling hereby approved until the access and parking area have been constructed in accordance with the approved details.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. No services trenches shall be positioned within the root protection area of those trees to be retained, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence until details of the height and materials to be used in the construction of the proposed boundary walls/fences have been submitted to and approved, in writing, by the Local Planning Authority.

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

8. The use of the development shall not be commenced until the access has been formed to give a minimum access lane width of 4.5m (for the shared access) and 4.1m for the access to Flat 1, and that part of the access road extending 5 metres into the site from the existing highway has been constructed in accordance with details submitted to and approved, in writing, by the Local Planning Authority.

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

9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to 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.

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

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

11. The access and parking/turning arrangements shall be substantially met before any building works commences on site so that construction traffic can park and turn clear of the highway. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior 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 in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

Summary of Reasons for the Decision

This application seeks "Full" planning permission to subdivide No.28 Whiteclosegate to create two flats. The property is situated on the southern side of Brampton Road, at the north eastern fringe of the city. The application proposes to subdivide the property to create one flat to the ground floor with another flat to the first floor, both of which would have two bedrooms. In order to accommodate the development the flat roof entrance porch and bay window are to be removed. Other than this change, there are no other notable external alterations to the property, although a window in the first floor side elevation, which overlooks the front garden of No.26 Whiteclosegate, is to be blocked up.

It is proposed that the first floor flat would be accessed from the front elevation, with a new access formed and parking/turning provision made available for two vehicles within the front garden. The flat would have access to a garden at the rear of the property that measures approximately 45 sqm in area. The garden is detached from the flat itself and would be accessed via the northern side of the property.

The ground floor flat would be accessed from the rear elevation, via its proposed garden area which is located directly behind the property. A detached double garage would be provided to serve this flat which would be located to the rear of the existing dwelling. Pedestrian and vehicular access to the garage and the ground floor flat would be via the southern gable of the property. This access lane would also serve the proposed dwelling that is to be sited in the rear garden of No. 28 Whiteclosegate.

The relevant planning policies against which the application is required to be assessed are Policies H2, H9, H12, CP5, CP12, CP17, LE7 and T1 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following planning issues:

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

The application site, which lies within the urban area of Carlisle, is designated as a "Primary Residential Area" in the adopted Carlisle District Local Plan. As such, the

principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

2. Whether The Layout And Appearance Of The Development Is Acceptable.

The proposal involves limited alterations to the appearance of the house, other than the removal of the entrance porch to the front elevation which will improve the appearance of the building. Both flats would have parking provision for two vehicles, with adequate garden space, drying areas and storage provision for recycling/refuse bins.

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

The proposal involves the conversion of the existing building without significant alterations. Consequently, the change of use of the dwelling itself to form two units will not detract from the living conditions of the neighbouring residents through loss of light, loss of privacy or overlooking.

The access road that leads to the rear of the site will serve the ground floor flat as well as the dwelling to be sited in the rear garden of the property. In terms of traffic generation it is not considered that the increased use of this access road will prejudice the living conditions of the occupants of No.26 Whiteclosegate or the first floor flat hereby proposed.

4. Highway Matters

The Parish Council has expressed concern regarding the access arrangements and the speed at which vehicles travel along this stretch of road. Whilst their concerns are noted, the Highway Authority has raised no objections to the access arrangements to serve either Flat 1 or 2.

These access arrangements are almost identical to those approved under the "Outline" scheme that has been approved. The only notable change relates to the intensification of the use of the access to the rear of the site, which would be used by the occupiers of the ground floor flat as well as the dwelling approved under the "Outline" consent. Given that the Highway Authority has not raised any concerns regarding the increased use of this access road it is the Council's view that the application could not be refused on this basis.

5. Landscaping.

The Council's Landscape Architect highlighted that the access road and rear parking area are situated within the root protection area of adjacent trees and, therefore, any work required to form these aspects of the proposal would need to be created by a "no dig" method and that protective fencing should be erected to safeguard these trees during the construction phase. The provision of these measures has been secured through the imposition of suitably worded planning conditions.

In overall terms, the principle of the proposed development is acceptable. The flats

could be accommodated without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. Adequate car parking and amenity space could also be provided to serve the units. In all aspects the proposal is compliant with the objectives of the Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016 Housing - Policy H2 - Primary Residential Areas

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

- 1 existing areas of open space and other amenity areas are safeguarded; and
- 2 the proposed development does not adversely affect the amenity of adjacent residential property; and
- 3 the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- 4 satisfactory access and appropriate parking arrangements can be achieved.

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016 Housing - Policy H9 - Backland Development

Proposals for housing development, where appropriate, in large back gardens or behind existing housing developments will be acceptable providing that:

- 1 the scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
- 2 there is no loss of amenity to surrounding properties; and
- 3 existing landscape features are retained and additional planting is included as

- an integral part of the scheme; and
- 4 appropriate access and car parking can be achieved.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H12 - Subdivision Of Houses And Houses In Multiple Occupation

Proposals for the subdivision of houses into smaller units, or for change of use to a house in multiple occupation will be acceptable provided that:

- 1 there is no loss of amenity to surrounding residential properties, including loss of privacy through overlooking and through noise transmission; and
- 2 appropriate access and car parking provision can be achieved; and the proposal ensures the creation of units of a good standard and does not result 3 in the creation of substandard units; and
- 4 the internal layout of accommodation, provision of amenities, outside drying space, where appropriate, and bin space is sufficient to provide future occupiers with an adequate standard of amenity.

Proposals for additional subdivision of properties within Chatsworth Square and Portland Square will not be acceptable

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;

- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advice on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE7 - Buffer Zone On Hadrian's Wall World Heritage Site

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that:

- 1 the proposal reflects the scale and character of the existing group of buildings; and

- 2 there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

Carlisle District Local Plan 2001 - 2016
Transport - Policy T1- Parking Guidelines For Development

The level of car parking provision for development will be determined on the basis of the following factors:

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

Item no: 05

Appn Ref No:
10/0791

Applicant:
Mr Swailes

Parish:
Westlinton

Date of Receipt:
30/08/2010 08:00:20

Agent:
MJN Associates

Ward:
Longtown & Rockcliffe

Location:
Greenacres, Newtown, Blackford, CA6 4ET

Grid Reference:
338699 562729

Proposal: Positioning Of Chalet For Temporary Residential Use For Care Of Mares In Foal

Decision: Refuse Permission

Date: 12/11/2010

Decision of: Cumbria County Council

Decision Type: Appeal Dismissed

Date: 07/06/2011