

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

12th March 2010

Applications Entered on Development Control Committee Schedule

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04.	<u>10/0050</u> B	Dalston Agricultural Showfield, Glave Hill, Dalston, CA5 7QA	<u>DNC</u>	69
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14.	<u>09/0216</u> D	Former Stables, Horsebox & Lorry Park, Land adjacent Blackwell House, Durdar Road	<u>AMT</u>	194
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Applications Entered on Development Control Committee Schedule

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16.	<u>09/1085</u> D	Carlisle College, Strand Road, Carlisle, CA1 1NB	<u>ARH</u>	201
17.	<u>08/0472</u> D	Former Cavaghan & Gray Limited, London Road, Carlisle, CA1 3EU	<u>ARH</u>	206

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 26/02/2010 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 03/03/2010.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

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SCHEDULE A

SCHEDULE A: Applications with Recommendation

09/0985

Item No: 01

Date of Committee: 12/03/2010

Appn Ref No:
09/0985

Applicant:
Caldew Hospital Ltd

Parish:
Carlisle

Date of Receipt:
06/11/2009

Agent:
Taylor & Hardy

Ward:
Denton Holme

Location:
Caldew Hospital, 64 Dalston Road, Carlisle, CA2
5NW

Grid Reference:
339228 555292

Proposal: Redevelopment To Provide New Hospital With In And Out Patient
Facilities

Amendment:

1. Revised proposals received on 14th January illustrate the following amendments:
 - An overall reduction in floor area of each floor by 64sqm. Overall reduction in the height of the building of 0.95m.
 - An overall reduction in width of Phase 1 by 1.5m and reduction in the maximum width of Phase 2 from 18.0m to 13.5m
 - All gable windows are shown opaque. All the upper floor windows will have translucent manifestations to minimise any privacy issues.
 - Car parking increased to 37 spaces. The applicants will instigate a Green Travel Plan to encourage car-sharing etc. and will adopt an allocated parking system.
 - The revised site plan shows the building set down, with a retaining wall around it, to enable retention of existing ground levels around the trees.
 - The revised site plan includes a note about reinforcing the site boundaries.
 - The floor area of each patient room has been decreased by 2.7sqm.
 - Bedroom windows removed from 1st floor of elevation facing Bedford Road and re-sited to front and rear of Phase 2 block.
 - Windows To RMO flat at 2nd floor of Bedford Road elevation re-moved and re-located to face to front of Phase 2 block.
 - All external lighting will be at low level, e.g. via bollards etc.
 - Applicants propose to incorporate any redeemable features from the existing building within the interior design of the new building.
 - The applicants would accept a Percent for Art condition.
 - The scheme will incorporate the recommendations of the Designing Out Crime Officer, as stated in the Design Notes.
 - The drawings are now re-titled 'Caldew'.
 - The disabled parking bays and door protection measures are shown.

- Other recommendations of the Access Officer will be incorporated into the detailed design.
2. 2nd February 2010: Updated Design & Access Statement received.
 3. 22nd February 2010- further revisions received showing:
 1. The building moved two metres further from the boundary with properties on Bedford Road;
 2. The roof plant on the rear section of the building brought in from the two flank walls so the eaves height nearest to the boundaries is lower; and
 3. The building principally finished in facing brickwork instead of render, the latter only being used around the immediate entrance threshold.

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

The application is before the Committee as a result of the receipt of a number of objections, including requests to address the Committee under the "Right To Speak" Policy.

1. Constraints and Planning Policies

Tree Preservation Order

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

RSS Pol DP 1 - Spatial Principles

RSS Pol DP 5 - Manage Travel Demand. Reduce Need to Travel

RSS Pol DP 7 - Promote Environmental Quality

RSS Pol L 1 - Health,Sport,Recreation,Cultural and Education

RSS Pol RT 2 - Managing Travel Demand

RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

RSS Pol CNL 2 - Sub-area Development Priorities for Cumbria

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

Joint St. Plan Pol T31: Travel Plans

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol LC13 -Doctors' Surgeries & Health Centres

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

Local Plan Pol LE16 - Historic Structures and Local Listings

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

2. Summary of Consultation Responses

Cumbria Constabulary - Crime Prevention: the initial consultation response advised that, unfortunately, the submitted Design and Access Statement made no reference to the intended security measures for this development (Paragraph 87 DCLG Circular 1/2006 - Guidance on Changes to the Development Control System). The response added that, although the Constabulary was consulted by the architect as part of the pre-application enquiry process, the various measures discussed were not mentioned within the planning application. It was presumed that this omission is an oversight and that the applicants merely needed to clarify their proposals on this issue, in order to comply with Policy CP17 of the Local Plan (Designing Out Crime).

Since the above response [received on 29th January] regarding this application, the Constabulary has received further information from Taylor and Hardy on behalf of the applicant. This information acknowledges the issues raised and advises that they shall be addressed. The Constabulary is now satisfied that this application complies with Policy CP17 of the Local Plan;

Cumbria County Council - (Highway Authority): it is considered the existing access and car parking facility is acceptable in connection with the proposed development. It is therefore confirmed that the Highway Authority has no objection to the proposal. It is, however, recommended that two conditions be incorporated into

any consent your Council may be minded to issue. These are incorporated within the recommendation.

Following receipt of the revised layout with increased car parking, the Highway Authority has advised that the above recommendation still applies and that the County Council has no further comments to make;

Development Services Planning & Housing Services - Conservation Section:
this building is not Listed nor is it within a Conservation Area. The Conservation Officer has, however, been asked to inspect the building and give a view as to the possibility of it being added to the Statutory List.

The building was originally constructed as the parsonage for St James' Church. It was designed by Daniel Birkett and built in 1863. It is a prominent building and has considerable townscape merit. The building was designed in the Gothic style, of two storeys and is built of red sandstone laid to narrow courses with buff sandstone for occasional bands and detailing. Chamfered stone plinth.

It has a number of fine details which include the following:

Various windows with 1, 2 and 3 lights, some with flat heads with moulded chamfered mullions and others with cusped heads or pointed arches with red sandstone colonettes for mullions, with sash windows with large panes.

Stone mullioned, single storey, bay window set across the corner of what was the Drawing Room. Adjacent to this is a two storey bay. Canted on the ground floor (formerly the Dining Room) with red sandstone colonettes. Three light, pointed window with colonettes on the first floor and quatrefoil opening in the gable above.

Coped gables with hipped and gabled dormers. Large chimneys with banded sandstone.

The floor plan is still intact, despite the introduction of partitions. In particular the Hall and Staircase are intact and many of the original fireplaces survive. A few of the original internal doors survive. The original design shows a porch at the entrance. It is not clear whether this was ever constructed as there is little evidence of scarring on the wall. The main entrance has a moulded chamfer and shouldered lintel.

Having investigated the building in detail the Conservation Officer is of the opinion that despite the buildings significant features the alterations that have been carried out, both internally and externally, have damaged the integrity of the building. A building as late as this would normally be expected to be fairly intact for it to merit listing and he considers that the alterations that have been made to the building suggest that it is not likely to be Listed.

It is understood that an application to English Heritage for listing has been submitted. In view of this current planning application the Conservation Officer would expect the listing issue to be dealt with reasonably quickly;

Development Services Planning & Housing Services - Local Plans: The application is to replace an existing medical facility in an outdated building with a coteremporary designed modern building. The development raises no policy issues, as it is a sustainable development location (Policy DP1) and presents an innovative design approach which reflects the function of the building (Policy CP5). The only outstanding issue is that as the proposed floorspace is 2838 sq m, Policy LC15 applies, which makes provision for works of public art in prescribed circumstances. Developers are normally expected to allocate 1% of construction costs towards the inclusion of art, which could a stand alone feature, part of the fabric of the building etc. This aspect should be discussed with the developer;

Community Services - Drainage Engineer: The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. The applicant indicates disposal of surface water to a sustainable drainage system, which is an acceptable method of disposal. There is no knowledge of flooding issues at this site;

United Utilities - (water & wastewater): there are no objections but, in accordance with PPS25, surface water must not be allowed to discharge to the foul/combined sewer. This prevents foul flooding and pollution of the environment. The surface water must discharge to SUDS, as stated in the application form. The site must be drained on a separate system with only foul drainage connected to the foul sewer;

Environment Agency (N Area (+ Waste Disp)): As the site falls within Flood Zone 1 and is less than 1 hectare the Agency advises the Council to uses its Flood Risk Matrix for advice on surface water management good practice.

Advice for the applicant:-

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated building cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movement on one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>;

Urban Designer (Carlisle Renaissance): the existing building on the site is of considerable townscape interest. The proposed building has some visual merit, but in my view is discordant with the scale of the plot and with adjacent residential properties. It would however be likely to be eminently appropriate on another site but I do not consider its design merit to outweigh the townscape loss of the former vicarage.

The Urban Designer's views on the amendments has also been received. He states "*Regardless of whether it is listed or not or in a conservation area in my view the existing building makes a positive contribution to the streetscene. It is an attractive example of Victorian gothic architecture and while not apparently listable because of internal alterations, has townscape merit. The site of this building isn't the one which I would look to house a building of this scale and modernity.*"

While eminently suitable for a site such as that initially considered, adjacent to the Cumbria Infirmary, I question its contribution to quality or placemaking on Dalston Road. The CGIs are fine in themselves but would be more useful if they had a site context.

On the PPS1 test, I don't think that this building takes the opportunities available for improving the character and quality of the area";

Development Services Planning & Housing Services - Access Officer: The design and access statement has been noted. Please note the following comments:

External: The proposed site plan does not identify the location of the disabled parking bays. There is no footpath identified around the building or bordering the parking bays of the car park if there are to be paths, dropped kerbs should be provided adjacent to any disabled parking bays and at the drop off point to enable disabled people, mums with buggies etc to access the pavement. Guarding should be provided to the outward opening automatic entrance doors.

Ground Floor: No details of heights etc of the servery and reception desk given - consideration to be given to these areas. Induction loop to be provided at the reception desk with signage to inform people it is fitted. Seating within the waiting area to provide chairs with and without arms. Lift is to have audible, sensory and visual instructions, signage etc. Consideration to be given to BS9999 regarding evacuation and lift usage due to the usage of the building and a disabled inpatient room facility. The toilet within the day ward does not specify if this is to be fitted out as a disabled WC. The only alternative disabled WC is what is provided for disabled visitors and staff. This needs to be identified on the plans or noted within the design and access statement.

First Floor: The toilet on the first floor does not specify if this is to be fitted out as a disabled WC. This needs to be identified on the plans or noted within the design and access statement.

Second Floor: Consideration should be given to the fitting out of the male and female changing/shower/WC facility to also accommodate disabled patients needs. The toilet next to the tea station does not specify if this is to be fitted out as a disabled WC. Consideration should be given to this and marked on the drawings or identified in the access and design statement.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance can be sought from BS8300:2009. The applicants should be aware of their duties within the DDA;

Forestry Commission: no comments received;

Development Services Planning & Housing Services - Local Plans (Trees): the Tree Officer is broadly happy with the proposal subject to suitable tree protection measures to include for the provision of tree protection barriers, appropriate

measures for carrying out works within the root protection areas and the installation of special surfaces within the protected areas.

Since the original tree survey, arboricultural implications assessment and tree protection plan were produced the position of the building has changed. To ensure that the tree protection barriers and the areas where special measures to mitigate damage to trees, where works are to be carried out in the root protection areas are clearly identified, a new arboricultural implications and tree protection plan should be produced.

Where there remains a need to carry out works or construction within the tree protection area these should be carried out in accordance with the methods set out in Chapter 5 Tree Protection Measures of the Arboricultural Implication Assessment of Trees at Caldey Hospital produced by All About Trees dated 3 July 2009;

Cumbria County Council - (Archaeological Services): records indicate that the hospital building proposed for demolition was a former vicarage which was erected in 1864. Externally the building retains the majority of its original architectural features while internally, although much has been altered by its use as a hospital, a few elements of the original design also survive. It is therefore considered that the building is of some historic importance and so I recommend that an archaeological building recording programme be undertaken in advance of demolition. It is advised that this be secured by attaching a negative condition to any planning consent the City Council may otherwise be minded to grant. A suggested form of words has been provided for the condition and its reason;

Environmental Protection Services- Food, Health & Safety Team: in principle this Unit has no objections to these proposals. The Agent has been contacted in writing to request that he discusses associated food safety issues.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
54 Dalston Road	17/11/09	Objection
66 Dalston Road	17/11/09	Objection
68 Dalston Road	17/11/09	Comment Only
70 Dalston Road	17/11/09	Objection
72 Dalston Road	17/11/09	Objection
37 Dalston Road	17/11/09	Objection
39 Dalston Road	17/11/09	Objection
41 Dalston Road	17/11/09	
43 Dalston Road	17/11/09	
45 Dalston Road	17/11/09	
47 Dalston Road	17/11/09	
49 Dalston Road	17/11/09	Objection
51 Dalston Road	17/11/09	Support
53 Dalston Road	17/11/09	
55 Dalston Road	17/11/09	
57 Dalston Road	17/11/09	
59 Dalston Road	17/11/09	

61 Dalston Road	17/11/09	
63 Dalston Road	17/11/09	
4 Bedford Road	17/11/09	Objection
6 Bedford Road	17/11/09	Objection
8 Bedford Road	17/11/09	Objection
10 Bedford Road	17/11/09	Objection
12 Bedford Road	17/11/09	Objection
14 Bedford Road	17/11/09	Objection
21 Weardale Road	17/11/09	
23 Weardale Road	17/11/09	
25 Weardale Road	17/11/09	
27 Weardale Road	17/11/09	
29 Weardale Road	17/11/09	
31 Weardale Road	17/11/09	
33 Weardale Road	17/11/09	Objection
35 Weardale Road	17/11/09	Objection
37 Weardale Road	17/11/09	
39 Weardale Road	17/11/09	
41 Weardale Road	17/11/09	
43 Weardale Road	17/11/09	
45 Weardale Road	17/11/09	
47 Weardale Road	17/11/09	
49 Weardale Road	17/11/09	
51 Weardale Road	17/11/09	
53 Weardale Road	17/11/09	
55 Weardale Road	17/11/09	
57 Weardale Road	17/11/09	Objection
59 Weardale Road	17/11/09	
Wallflowers	17/11/09	Objection
58 Dalston Road	17/11/09	
60 Dalston Road	17/11/09	Objection
62 Dalston Road		Objection
64 Dalston Road	17/11/09	
Braeside		Support
18 Nairn Way		Support
2 St Andrews Close		Support
29 Bassenthwaite Street		Support
Department Of Orthopaedics, Cumberland Infirmary		Support
19 Glaramara Drive		Support
2 Kirkbeck Road		Support
Radiology Department		Support
25 North Street		Support
25 North Street		Support
Lawburn Sheild Farm		Support
5 Rudchester Close		Support
2 Raughton Cottages		Support
2 Raughton Cottages		Support
65 Low Moorlands		Support
49 Scalegate Road		Support
18 Ashford Way		Support
87 Pennington Drive		Support
87 Pennington Drive		Support
19 Dalston Road		Support
57 Summerfields		Support
21 Ferguson Road		Support
11 Newfield		Support
Department Of Orthopaedixs		Support
9 Ash Grove		Support
Cllr - Denton Holme		Objection
223 Wigton Road		Support
7 Musgrave Terrace		Support

Irton House Farm	Support
Claybottom Farm	Support
Beckside	Support
112 Briar Bank	Objection
9 Whinlatter Way	Support
7 King Edward Fauld	Support
80 Adelaide Court	Support
223 Wigton Road	Support
Irton House Farm	Support
35 The Green	Support
Awel Falls	Support
124 Newtown Road	Support
40 Stanhope Road	Support
Cumberland Infirmary	Support
119 Lund Crescent	Support
19 Glaramara Drive	Support
Ophthalmologist	Support
Radiologist	Support
Consultant Orthopaedic Surgeon	Support
Heatherfield	Support
Consultant General Surgeon	Support
Consultant Physician & Gastroenterologist	Support
Sunnyside	Objection
Blythe Wood	Support
Blythe Wood	Support
133 Newlaithes Avenue	Support
19 Troon Close	Support
19 Troon Close	Support
Riverview	Support
34 Stanhope Road	Support
5 The Sawmills	Support
East Croft	Support
Parkside	Support
4 Capon Hill	Support
Birkindale	Support
Ireby Mill	Support
Arthuret House	Support
11 Whinsmoor Drive	Support
61 Waldergrave Road	Support
5 Carleton Fields	Support
Eastbank	Support
Donaldson House	Objection
109 Whernside	Objection
Ivy Cottage	Support
Arthuret House	Support
181 Whernside	Support
11 Bedford Road	Objection
9 Bedford Road	Objection
10 Bedford Road	Objection
8 Bedford Road	Objection
The Chase	Objection
49 Dalston Road	Objection
49 Dalston Road	Objection
96 Winscale Way	Objection
74 Collingwood Road	Objection
104 Winscale Way	Objection
18 Nairn Way	Support
Four Trees	Objection
48 Dalston Road	Objection
29 Elbra Farm Close	Support
Lyndhurst	Support
Lindens	Support

4 Shap Grove	Support
6 Arlington Avenue	Objection
6 Arlington Avenue	Objection
Springfield	Support
Kegstones	Support
Springfield	Support
33 Weardale Road	Objection
33 Weardale Road	Objection
33 Weardale Road	Objection
Ivy Cottage	Support
15 Abbots Road	Objection
20 Morley Street	Objection
Wallflowers	Objection
Elm Tree Barn	Support
7 Scawfell Road	Objection
11 St James Road	Objection
Beck House	Objection
66 Burgh Road	Support
25 Dalston Road	Objection
20 Arthuret Drive	Support
108 Durdar Road	Support
52 Dalston Road	Objection
73 Dalston Road	Objection
8 Empire Road	Objection
9 Whinlatter Way	Support
14 High View Grove	Support
Ratten Castle	Support
Ratten Castle	Support
Bridge House	Support
202 Denton Street	Objection
Turnberry House	Support
Robgill Tower	Support
2 Briar Rigg	Support
26 Greenrow Meadows	Support
Robgill Tower	Support
Low House	Support
Low House	Support
66 Dalston Road	Petition
Yew Cottage	Support
Manor Croft	Support
Quarryside	Support
131 Cherry Park	Support
7 Bedford Road	Objection
3 Bedford Road	Objection
5 Bedford Road	Objection
13 Bedford Road	Objection
15 Bedford Road	Objection
1 Montgomery Court	Support

- 3.1 The proposals have been publicised through the display of a Site Notice, publication of a Notice in the Public Notices column of the Cumberland News and direct written notification by letters sent to the occupiers of 50 properties on Dalston Road, Weardale Road, and Bedford Road that are immediate neighbours.

3.2 In response to publicity given to both the initial submission, and to subsequent revisions, there have been 159 letters, petitions or e-mails received regarding these proposals. There are several instances of more than one response having been made from the same household. Of the 50 households around the site that were notified in writing, objections have been received from occupiers of 19 of those properties while the occupiers of one household have responded in support of the application. From all of the publicity measures, there are 57 letters or e-mails from persons who write to oppose the application and 100 letters or e-mails from persons who write to support the application. A petition, opposing the application, has been received and it contains 328 signatures from addresses mainly within Carlisle but also some beyond the city including addresses outside the District. One letter of "comment" has also been received from the occupier of one of the 50 households surrounding the application site.

3.3 The reasons of objection in letters and e-mails are summarised as follows:

1. The loss of the existing stone-built Victorian former Vicarage to St James Church in Denton Holme;
2. The increased height and scale of the proposed development in relation to the building occupying the site, and its neighbours;
3. The resultant increase in traffic from the new hospital coupled with more traffic on Dalston Road from housing development at Morton;
4. Inadequate parking within the site that will lead to consequent increases in on-street parking in the area;
5. The scale, design and materials proposed for the external finishes of the new building are out of keeping with Victorian neighbouring properties;
6. It will cover more of the site area and will result in the loss of natural light to surrounding properties;
7. It will lead to loss of privacy in relation to nearby homes through overlooking;
8. The development will have an adverse effect on trees within the site and on local wildlife;
9. It will cause increased noise and pollution;
10. There will be a reduction in road safety due to the intensification of development;
11. It will cause light pollution;
12. This development should be on an industrial estate;
13. The application site is important as part of the Victorian development and

related social history of Denton Holme and should be retained as a living example for children to appreciate how the city was developed;

14. This development should be sited at the Infirmary as originally planned;
- 3.4 The letters and e-mails of support generally come from patients or former patients. Many bear addresses from within Carlisle although there are a number from persons living beyond the city, including several from outside Cumbria. Whilst almost all are not "local" to the immediate area, one letter is from a household that specifically states that the writers live directly opposite the site while another supporter lives further north on Dalston Road.
- 3.5 There are 3 versions of an almost identical "standard" letter of support that has clearly been made available to patients and their families. These state that the writers offer support for the proposals, that the hospital will be a great asset to the area, and that to have a fully functioning private hospital in the area again will give Carlisle something that is long overdue. In addition to those which provide the signatory's address, a further 56 copies have been submitted from persons who are currently patients or Carlisle residents but do not state their actual address.
- 3.6 Distinct from the versions of the "standard" letter of support, 18 e-mails or letters supporting the application have also been received. The writers of these identify the following matters in their correspondence:
 1. A private hospital is very important for Carlisle: the location is ideal, it will bring money into the local economy, jobs and private health care not currently available in the area;
 2. A pensioner points to wider benefits such as not having to travel 60 miles for private healthcare or if he needs care on the NHS and would like to be able to get it closer to home;
 3. Private healthcare frees up NHS beds for those who cannot afford to pay for their own treatment;
 4. The new design of the build will make the hospital comply to the care quality regulations which at present the old building can not;
 5. Residents living opposite the entrance [for 13 years] have never had any kind of problem with Caldew Hospital, which has been very considerate neighbours, with staff and visitors seeming to respect the fact that the Hospital is in a residential area.
 6. While sorry to see the old building go the new plans seem innovative, fit for purpose and perfectly suited to the 21st century;
 7. The proposed building is modern and futuristic which is perfect for a new hospital;
 8. The people of Carlisle and surrounding areas should have the choice of

NHS or private. This must be a plus for North Cumbria and for the people of Carlisle;

9. A new hospital would offer a much needed quicker route to the treatment of illness, whether as private patients or via NHS waiting lists relief;
 10. The subject use of this building over the last 20 years or more has alleviated the ever increasing waiting lists of NHS patients waiting for treatment at the Cumberland Infirmary by having their treatment carried out at this hospital;
 11. The [existing] building is architecturally attractive, but we have to move forward with the times as this is for the future of ourselves and our children;
 12. A writer dreads to think what will happen to this land if permission is not granted;
 13. The staff and patients of Caldew Hospital deserve a purpose built building instead of a converted vicarage that obviously does not have the requirements needed;
 15. The site has been a private hospital for many years and as far as the writer is aware there have never been problems with traffic or parking and so cannot see why this would become an issue;
- 3.7 There are also 15 letters or e-mails supporting these proposals from Consultants who have provided services from both the Cumberland Infirmary and the Caldew Hospital. The majority of those writers use a "template" of identical text although there are also four letters individually submitted by specialists. The signatories to these letters are General Surgeons, Orthopaedic Surgeons, Radiologists, a Consultant Physician and Gastroenterologist, Ophthalmologists, an Oral and Maxillofacial Surgeon, a Urology Consultant and an ENT Consultant. Some letters, while providing details of the writer's specialism, omit an address but they clearly indicate that the authors are based in Carlisle and have utilised the facilities at the Cumberland Infirmary and Caldew Hospital. They make the following points:
1. The building of the new hospital will benefit both Private and NHS patients alike;
 2. The present building is outdated and not functional for modern healthcare which is badly needed within Cumbria. This state of the art building will give Carlisle a service it can be proud of, rivalling that of other areas;
 3. The hospital has been on this site for 25 years working as a fully functioning hospital until July 2008 when the previous owners closed the facility. Caldew Hospital Ltd took on the facility making it possible for the people of Cumbria still to have private care without travelling to Newcastle or Lancaster for consultation. Unfortunately, as there is no private

operating now locally, the patients still have to travel for this. The function of this hospital will relieve the need to travel for most patients, bring new services to the area and new consultants;

4. It is also a base for the NHS contract which is run by Ramsey Healthcare. Those patients who at present have to travel to Kendal would have the opportunity to be operated on as well as have their consultation within Carlisle;
5. Present staffing would be boosted to compliment the increase in services. Also retention and recruitment of the Consultant body within Cumbria will become more stable giving a bigger pull to new consultants within the NHS who wish to have a private practice in their own time within the area;
6. While the vast majority of Consultants' work is undertaken within the NHS at the Cumberland Infirmary, the lack of available operating space and the inappropriate nature of the old Caldew Hospital denies the opportunity for patients to have either choice over venue, or for there to be extra capacity for the NHS to flex in to when occasions require it;
7. Although undoubtedly redevelopment will bring both construction jobs and increased employment at the Caldew Hospital, the main driver by far has to be that it will bring the opportunity of choice for patients in North Cumbria and South West Scotland;
8. In the NHS there is extremely limited operating theatre capacity for planned elective surgery at the Cumberland Infirmary. Over the past few years large numbers of NHS patients have been shipped out to independent units considerable distances away, to centres such as Newcastle, Lancaster, Kendal, and Darlington;
9. One of the Consultants specifically identifies he has no shares in the business, that his earnings from private practice represent a modest proportion of his income and that his support for these proposals is not significantly motivated by financial interest.

3.8 The applicants submitted a number of revisions to the proposals in January and re-notification and invitation to comment on those changes was given to all persons who made representations about the initial submission. That resulted in two e-mails from "supporters" reiterating their position, four e-mails from objectors maintaining opposition and 13 copies of a pro-forma objection letter from the occupiers of properties on Bedford Road, 5 of these households writing for the first time. The grounds of objection listed in those letters are:

- the scale, design and materials are unsuitable for the area;
- the height of the building will lead to loss of privacy, blockage of light and excessive noise for adjacent houses;
- car parking allocation is totally inadequate and will cause problems in surrounding streets;
- plans show eleven trees to be removed even though trees are listed;

- demolition of a fine Victorian building is not in keeping with plans for a proposed city of culture and should be investigated by a Conservation Officer.
- 3.9 One letter contains supplementary comments that:
- development at St Mary's Gate was not approved due to it being too modern in that it was *"too contemporary and did not fit in with nearby brick buildings and that was an industrial setting"*. [In fact, it was in a Conservation Area and next door to a Listed Building]. The writer considers that Caldew must be classed as too contemporary and not in keeping with the surrounding area
 - The writer also considers it interesting to note that other cities of culture do not destroy and Glasgow recently broadcast its pride in preserving and maintaining its Victorian buildings so why not Carlisle
- 3.10 Another signatory to that standard letter has separately written to raise a series of points concerned with impacts on views from the writer's home [including trees], traffic congestion on Dalston Road resulting in side streets being used as rat -runs, belief that the development is too large for the site and that it should be on the outskirts of the city.
- 3.11 Members should note that the preamble to the petition states that the signatories oppose the proposed development of the current site but adds that they are *"happy that this site should remain a hospital and believe that some development is a way forward but this should be done in a more sympathetic way, more in keeping with the local area"*.
- 3.12 Following an invitation originally extended by the applicants in December to local residents to meet with them and discuss the proposals, two meetings have been held during February with occupiers of properties on Bedford Road. Those have resulted in further amendments to the application comprising substitution of the intended rendered finish with facing brickwork to the key elevations, re-siting of the building a further two metres from the Bedford Road boundary and the removal of part of the roof mounted plant on the rear wing to further reduce its overall height. All commentators on the application have been notified of these amendments and comments have been requested by 8th March: any further representations received will be reported verbally.

4. Planning History

- 4.1 The proposals relate to premises currently occupied by Caldew Hospital but which were originally built in 1864 as the Vicarage for St James Church.
- 4.2 In 1983 planning permission was granted for the conversion of the Vicarage to a "consultants group diagnostic centre". A year later approval was obtained to extend the ground floor to provide an x-ray room.
- 4.3 In 1987 permission was secured to widen the access and in June 1989 approval was given to add a six-bedroom extension. In June 1992 a further

approval was given to add a 7 bedroom extension together with internal alterations and additional car parking.

- 4.4 Aside from the extensions to the original building, there have also been approvals to site "portacabin" type buildings for use for storage (1990 onwards), as accommodation for the physiotherapy department (1992 onwards but expired in 2006) and the temporary siting of a single storey timber framed extension to form a unit for day surgery patients (June 1998 and renewed in August 2004). The latter expired in August 2007.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application described in the heading to this Report seeks Full Planning Permission for the re-development of the existing Caldew Hospital, which occupies the former St James Vicarage, located on the north-west side of Dalston Road almost opposite the junction with Empire Road.
- 5.2 The site extends to just under 0.4 hectares in area. It is surrounded by semi-detached residential properties at Bedford Road and Weardale Road, and by mainly terraces of older houses on the opposite side of Dalston Road and to each flank of the site's frontage to Dalston Road, although it is partly bordered by a garage/parking court off Bedford Road and an area of allotment space between the site and the rear boundaries of 27-31 Weardale Road. The site's boundaries are formed by mixtures of stone walling to the road frontage, brick walling and chain link fencing to the north-east boundary, brick walling and wooden fencing to the south-west boundary and close-boarded wooden fencing to the rear boundary.
- 5.3 As Members will recall from the Site Visit in December, although built in 1864 of sandstone walling under a slate roof, the property has been extensively altered and extended in modern times, including unsightly flat roofed appendages to the rear. Similarly, the original room plan and some of the internal detailing has been lost through its adaptation to a private hospital, the use to which the building has been put for over a quarter of a century.
- 5.4 There are, within the grounds of the existing hospital, a number of mature trees several of which are afforded protection under Tree Preservation Order No. 66 [there are 14 trees individually specified in the Order]. The most significant trees are generally located adjacent to the south-west and north-east perimeters of the site, supplemented by areas of shrubbery that reinforce the overall sense of enclosure the site possesses. However, a walnut tree, a copper beech and two no. beech trees are situated nearer to the road frontage and towards the centre of the site almost in the foreground of the existing building.
- 5.5 The existing use operates out of the former Vicarage [situated almost centrally within the site] and its modern additions to the rear but also from an

adjacent "portacabin" style building positioned close to the rear of the site, alongside the north-east boundary. Vehicular access is from a driveway leading from almost the centre-point of the site's road frontage onto Dalston Road, that then skirts around the north-east side of the building.

- 5.6 Car parking is currently provided to the front of the building, on tarmac areas between the back wall of the extended building and the fence forming the site's rear boundary [with Weardale Road] and alongside the side boundary [north-east]. The position of the existing access from Dalston Road is to be retained in its existing form to serve the proposed development but all car parking would be provided within the front portion of the site.

Background

- 5.7 The planning application is accompanied by existing and proposed site plans, floor plans of each level of the development [it has 3 storeys], proposed elevations, a section through the site, Computer Generated Images [CGIs] illustrating the proposed building, together with supporting Bat and Barn Owl Surveys, an Arboricultural Report assessing the trees at the site, a detailed Report evaluating the condition of specific existing trees, and a Design & Access Statement. The development is not of such scale as to require a Transport Assessment but, instead, the application is accompanied by a Transport Form.
- 5.8 Members should note that many of the representations opposing the application are based upon the premise that the existing building should not be removed because of its age, its appearance, its character and its historical associations, both with St James' Church and the social history of Denton Holme. Whilst it is perfectly understandable that local people have become attached to a building that some may once have been very familiar with, and that they would prefer to see retained, the facts of the matter are that it is not a Listed Building nor is it situated in a Conservation Area and it is not in residential use. Consequently, the applicants do not need any form of "planning" permission to demolish it [although they need to give prior Notice of that intention under the Building Regulations].
- 5.9 Following preliminary discussions about the proposals, prior to this application being made, the issue of its candidature for "Listing" was considered by Officers, cognizant of its charm and appearance when viewed from Dalston Road. However, having inspected the property, including its interior, the Conservation Officer advised that, in his opinion, it was not of sufficient merit to be included on the statutory list. In particular, the alteration of the interior and the addition of extensions at the rear have significantly reduced the quality and character of the building. As a result, he concluded that it did not warrant a request being made to English Heritage that it be "Listed". His views are fully reported in Section 2 of this Report under the Summary of Consultation Responses. Members should, however, be aware that English Heritage has received a formal request from a member of the public that the building is Listed and, at the time this Report was prepared, was considering that request. Officers will report further on that aspect at the Committee meeting.

Details of the Proposals

- 5.10 The applicants intend the wholesale demolition of all existing buildings within the site to facilitate its' proposed redevelopment, consisting of the construction of a new, purpose designed, modern hospital offering both in-patient and out-patient care facilities. The proposed development would be undertaken in two Phases, the initial Phase being the rearmost section with Phase 2 being a wing that would project towards Dalston Road. When fully completed, there would be a total of 6 no. consulting rooms; a 4 no. bed day-ward; 20 no. in-patient bedrooms; an operating suite with two operating theatres and associated 3 no. bed and 2 no. bed recovery wards; a physiotherapy unit; an x-ray suite; and related laboratory facilities, together with a flat for the Resident Medical Officer. Since the initial submission of this application in November, the applicants have revised these details to reduce the footplate and height of the building, to re-site it further from the Bedford Road boundary, to re-orientate or remove windows from flank elevations to protect privacy, and have increased the area of car parking envisaged.
- 5.11 The proposed building would, in overall terms, have a broadly T-shaped footprint. The top of the "T" would face towards Weardale Road to the north-west and it would, following amendment, extend [at the closest point] to within 0.9 metres of the north-eastern and to within 7 metres of the south-western flank boundaries. Its flank walls would, accordingly, be approximately 20 metres from the nearest main rear wall of homes on Bedford Road and almost 28 metres from the rear walls of two existing homes [numbers 29 and 31] on the cul-de-sac section of Weardale Road, separated from those homes by the intervening allotments. The rear wall of the proposed building would be located about 9 metres off the rear site boundary but be positioned approximately 31-32 metres away from the back walls of the houses on Weardale Road.
- 5.12 The stem of the "T", which is generally much more slender, would project towards Dalston Road. It would also be three storeys in height but it stands further off the flank boundaries. It would contain the physiotherapy unit, the x-ray suite and laboratory areas at ground floor, 6 no. single person bedrooms with en-suite facilities at first floor, a 1 bedroomed flat for the resident medical officer in part of the second floor area with the pathology lab taking up the remainder of the accommodation being provided at that level.
- 5.13 The stem is attached to the main block by a link corridor at each of the three floor levels. Plant and equipment would be located within roof service areas that are stepped back from the perimeter walls. A single storey section is located approximately 6 metres from the boundary with properties on Bedford Road. The remainder of the "stem" of the "T" steps back further and is about 12.5 metres from the closest point of the boundary with homes located on Bedford Road. It is, similarly, 19 metres from the boundary with the allotments and the boundary to the rear garden of number 62 Dalston Road.

- 5.14 Existing trees adjacent to the rear boundary of the site will be retained although two trees close to the north-east boundary and three small trees adjacent to the south-west boundary close to the flank walls of the main block will be removed [none are covered by the TPO]. All other, generally more mature, trees close to those boundaries will be retained.
- 5.15 One significantly larger, prominent, foreground tree, a Walnut that is included within TPO No. 66, is also recommended to be removed. That is required, regardless of the outcome of the present application, because a virulent fungal infection has been detected and the tree is structurally unsound. A further, foreground tree within the TPO [a Beech] was also specifically examined due to the presence of fungal infection but that is not as advanced and the tree specialist's Report advises retention but regular [5 yearly] inspection and monitoring of the tree.
- 5.16 As Members observed on the site visit in December, the ground levels are much lower at the rear of the site than they are near to the site frontage with Dalston Road. The proposed siting of the main building would take advantage of that change in level so the ground floor, as proposed, would sit lower [almost 2 metres] than the ground floor of the existing building.
- 5.17 The proposed development would contain the following accommodation within the main block of the proposed hospital [Phase 1]:

Ground Floor: this provides the entrance; reception and waiting areas; WC's for males, females and persons with disabilities; a cafe with related kitchen and servery; admin offices and staff rooms/staff changing rooms; pharmacy; 6 no. consulting rooms; a 4 no. person ward for day-care patients; treatment room; utility and stores together with a "back-of-house" area. It would have lifts at either end, one to afford general access to the upper floors from the reception area with the other being specifically to serve the top floor operating suite. It would also have stair accesses, sited at the rearmost corners of each end, that would extend to the two upper floors of accommodation;

First Floor: this would provide 14 no in-care patient bedrooms, with one being specifically designed for disabled users, all with en- suite facilities; a nurse station with related office; day lounge; galley kitchen; clean and dirty utility rooms; cleaners' cupboard and stores; an assisted bathroom; and toilet; and

Second Floor: this floor would contain all of the accommodation required for the operating suite consisting of two no. operating theatres with associated scrub areas, anaesthetic rooms and pre-op rooms; instrument stores/ autoclave facilities; swab sluice facilities; packing room; separate male and female changing/shower/wc rooms; a 2 no. bed recovery ward; a 3 no. bed recovery ward; endoscopy area; staff areas and offices; a tea station; toilets and stores.

- 5.18 Phase 2 would provide the physiotherapy unit, stores and X-ray suite at ground floor; 6 no. in-patient rooms; stores and a utility store at first floor level; and the 1 no bed flat for the Resident Medical Officer, the Pathology Lab and a catheter lab/hybrid theatre at second floor level.
- 5.19 The accommodation is, clearly, intended to create a substantially enhanced hospital from that which has existed at the site for many years, albeit that it has in very recent years its activity has been much more limited and, seemingly, confined to out-patient facilities. Modern standards of care now required, coupled with the need for inclusive design to cater for all levels of physical ability, imposes space standards that are far in excess of those presently available at Caldew Hospital. Suggestions in some objection letters that the existing building could be extended or further adapted to provide this standard of facility are wide of the mark. Similarly, although several people state they have no objections to the hospital continuing at its existing level, the reality is that it does not actually work very well and cannot deliver the quality of accommodation that modern, private or publicly funded, healthcare now expects.
- 5.20 The proposed building would provide approaching 4 times the floorspace currently available at the existing building [2646m² as opposed to 713m² gross areas]. The consulting and operating hours will be from 08.30 until 20.00 hours but there will be no accident or emergency service. As indicated earlier, the development would need to be undertaken as two Phases with the main block at the rear being built first, enabling most of the existing building to remain in use, with the second Phase following on when Phase 1 is finished and the facilities in the exiting building re-locate into that. The existing sandstone and slate building would be demolished at that stage and replaced by the Phase 2 block.
- 5.21 Derived from its intended use and the space standards it requires, the proposed building has a larger footprint, that extends over all three floors of the intended accommodation, than is taken up by existing buildings. Its perimeter walls are all sited nearer to the rear and side site boundaries than is the case with the present building but, as set out in para 5.11, the minimum distances that the Council's adopted policies normally require to be met [between facing windows serving habitable rooms within new and existing neighbouring development] are satisfied. The maximum height of the building is not significantly different from the ridge height of the former Vicarage but, although the rounding of corners attempts to soften its impact, its enlarged footprint means that the proposed building has greater volume and bulk. As Members observed on the site visit the scale of some existing properties, including closely neighbouring on Dalston Road, provides 3 active floors of accommodation so a development that provides 3 floors of accommodation is not, in itself, inconsistent with the immediate surroundings.
- 5.22 Its' original proposed external finishes were, however, markedly in contrast with the surrounding area where red brick and slate roofs are predominant [the former Vicarage is a rare sandstone faced building in its wider context]. The proposed development was first envisaged to be finished with a brickwork plinth but otherwise its walling is proposed as a white finished,

acrylic-based render. Windows, doors and areas of curtain walling are proposed to be finished in dark grey powder-coated aluminium, with matching vertical infill panels, and there are areas of strong featured glazing at the entrance/reception area, extending upwards to the floors directly above, and also where the stair access is expressed at the base of the "T". Roofs would be finished in a proprietary membrane roofing system, coloured in copper patina.

- 5.23 The original Design and Access Statement indicated that the proposed combination of white render and crisp curtain walling to facades was intended to reflect the clean, clinical image of the new hospital while the copper patina roof was selected to compliment the verdant backdrop provided by existing trees within the site. The starkness of the proposed white finish, when the predominant hues on existing buildings are red/brown, was a considerable cause of objection from many people and, through further discussions with the applicants has now led to the scheme being modified so that all of the principal elevations would be finished in facing brickwork [with render being retained around the entrance area to define the access point to the building]. Full details of the brick selected for the development would require to be submitted for later approval.
- 5.24 The potential adverse effect on the privacy of neighbouring homes, from windows in the upper areas of elevations nearest to boundaries, was also identified as a concern by Officers very early in pre-application discussions. The applicants have endeavoured to address that issue, however, by both the internal planning of the accommodation and the precise siting of the building and its elements. As such, windows in the lower two floors of the rear facade, serving the consulting rooms and 4 no. bed day-ward at ground floor and 8 of the patient bedrooms at first floor, are 31-32 metres distant from windows in the rear walls of homes in Weardale Road. That is well in excess of the 21 metres that the Council's draft SPD titled "Achieving Well Designed Housing" expects to see from, for example, habitable room windows in a new house in relation to the habitable room windows in an existing home. In addition, the operating suite at second floor level is laid out so that there are no windows in active rooms with only a band of high level windows to a service corridor being incorporated in that upper elevation.
- 5.25 Similarly, in relation to the opposite wall of the main block, windows serving the other 6 no. patient bedrooms and the office, day lounge and clean utility rooms at first floor [south-east facing] view towards Dalston Road. Likewise, the top floor accommodation is designed so that the windows to the theatre recovery wards, the changing areas and the offices also view towards Dalston Road. However, the stem of the "T" actually means that some face towards the first and second floor rear wall of that arm. Accordingly, most of those windows would be barely discernible from Dalston Road.
- 5.26 The only windows in the side wall of the main block of accommodation, i.e. Phase 1, that face towards neighbouring properties on Bedford Road serve the "back of house area" at ground floor, the lift lobbies to the operating suite and the lobbies to the stairwell. Windows to toilets, the tea station, the dirty utility room and the rear stair well in the opposite side elevation face in the general direction of the cul-de-sac of properties at Weardale Road. The site

does not, however, actually have boundaries with residential properties at that point but borders the adjacent allotments. In all instances, however, the windows in the side walls of Phase 1 will be fitted with opaque glazing.

- 5.27 Within the long, more shallow stem of the "T" that extends towards Dalston Road there were originally windows facing Bedford Road at ground floor [serving the physiotherapy unit and the access corridor]; first floor [two of the patient bedrooms and the service corridor] and at second floor [lounge to the RMO flat and the service corridor]. The windows to the physio unit, and those serving the patient rooms and residential flat above, were indicated as being located 21 metres from the main rear walls of numbers 4 and 6 Bedford Road while those serving the access corridor were located circa 28 metres away. However, since these initial proposals, the applicants revisions to the scheme now remove all 1st and 2nd floor windows from that facade and there is only a single ground floor window to the "back of house" area. Boundary fencing and the presence of mature trees along the boundary will, even in that instance, provide intermediate screening and filtering of direct views.
- 5.28 The facade of that wing which faces to the north-east has ground floor windows to the physiotherapy area; windows serving 4 no. of the patient rooms and a stair well at first floor; with a matching set of 4 no. windows serving the catheter lab/hybrid theatre at second floor level together with a further stairwell window. Essentially, however, those windows overview the proposed car parking area and the allotments beyond, and do not directly face any windows of residential properties. Windows that were originally positioned in the flank wall of that wing, serving an in-patient bedroom and a utility room at 1st floor and the RMO flat at 2nd floor have now been re-located on the elevation facing towards Dalston Road.
- 5.29 The forward most point of the development would be set back 30 metres from the stone wall forming the site's front boundary with Dalston Road. With the exception of the windows at ground floor to the x-ray suite and a utility room at ground floor and the 1st and 2nd floor windows described in the preceding paragraph, the only other glazing would be to the corner stair tower. This section of the building would, of course, be sited well behind the main tree screen on the Dalston Road frontage and project no further towards that street than the existing building. It is, moreover, set well back from the mature trees alongside the south-west boundary with properties on Bedford Road and from trees near to the boundary with the allotments. It is also intended to retain the existing tree screen alongside the boundary with Weardale Road.
- 5.30 The application originally provided for a total of 30 parking spaces, all provided within the front part of the site and between the stem of the "T" and the north-east site boundary. That has now been re-organised and the amended site layout plan illustrates parking for 37 vehicles. Service deliveries and refuse collection would entail vehicles manoeuvring/reversing within the service courts to the parking spaces but that is not really any different than occurs at present.
- 5.31 In order to understand how the development would be "managed" to avoid adverse impacts upon the local area, through increased activity, traffic or

parking pressures on local roads, the applicants have been asked to furnish more information about the levels of use when the hospital was more active and how it is envisaged that use would compare with the proposed replacement hospital.

- 5.32 The response received has been compiled from the experience of the Manager of the Caldeu Hospital since 1992, from Minutes of the AGM of the Hospital held in November 1997 and from admission records for 2006-2007. For example, during the year ending September 1997 Caldeu Hospital treated 466 in-patients and 476 day patients, and 989 theatre cases. The number of persons attending for physiotherapy was 2066 with the total number of treatments provided to them being 6051. A further 576 persons attended for X-rays, including 229 who required ultrasound examination. After 1997, activity at the Hospital increased so that, during the 12 month period ending in September 2007, the number of in-patients treated was 1251 with 5756 out-patients being treated, 1200 operations being carried out and circa 950-1000 persons attending for x-ray appointments.

- 5.33 Staffing levels in 2006/2007 consisted of:

<u>Ward Staff:</u>	23 persons of whom 2 were full-time and 21 part-time posts
<u>Theatre Staff:</u>	6 persons of whom 4 were full-time and 2 part-time posts
<u>Physio Staff:</u>	2 persons, 1 being full-time and 1 being part-time posts
<u>Catering Staff:</u>	5 persons, 1 being full-time with 4 part-time posts
<u>Admin Staff:</u>	12 persons, 7 being full-time with 5 part-time posts
<u>Cleaners:</u>	4 persons, all part-time employees
<u>Casual Staff:</u>	12 persons, all part-time [recruited as required] posts
<u>Consultants:</u>	54 persons with variable work patterns and clinics.

- 5.34 With the exception of Consultants, the applicants believe that the foregoing staffing numbers are high and are directly attributable to the poor layout and inefficiencies within the existing premises, thereby requiring more staff to run it. They contend that the proposed new, purpose-built accommodation would be better laid out with enhanced opportunities for patient management and supervision so that, although it is significantly larger in area, it will require comparable staff numbers to those employed in 2006/2007.
- 5.35 The greatest number of jobs would be provided by nursing staff and they would operate a shift system; as such there would be a fixed night-shift from 21.30-07.30 hours; the day shifts would commence at 07.30 [some nursing staff might only work to 15.00 hours, some to 17.00 hours and some until 21.30 hours, all being dependent upon the employee's domestic circumstances]. Reception staff would be in attendance from 0800-1800 hours while Admin would be staffed from 0900-1700 hours. Theatre staff would work from 0800-1900 hours, physio staff between 0830-1800 hours, catering staff between 0730-1930 hours and cleaning staff would work between 0730-2000 hours. The largest "turn-around" in staff, i.e. nursing shift-changes, occurs when there is least other activity such as admissions, out-patient Clinics, visiting or arrival/departure of other staff such as Admin or Theatre Staff. Similarly, Consultants attend at varying times during the day and for varying duration.

- 5.36 All Consultants are based at the Cumberland Infirmary and most of their working hours are spent at that location. Clinics provided at the Caldew Hospital are consequently organised around the Consultants' availabilities and vary according to the "specialism". For example, Cardiology, Oral and Maxillofacial Surgery, Counselling and Radiology Clinics are all held very infrequently; clinics for Rheumatology are held once a month; Dermatology is held once in every two weeks; Gynaecology, Neurology, Ophthalmology, Urology and Plastic Surgery clinics are held once a week; ENT and General Surgery clinics are held 3 times per week while Orthopaedic clinics are held 4 times per week. The duration of a clinic also varies considerably and is entirely dependent upon the number of referrals. At most there is a morning or afternoon "clinic" lasting up to 2 or 2.5 hours whereas with certain specialisms, there may be only a single patient with an appointment lasting 25-20 minutes. Only 1/2 clinics would be held during any morning or afternoon and these would operate on a strict appointment system.
- 5.37 Admissions for in-patient treatments are from 0800-0830 while those arriving for the pm operating list attend between 1230-1330. Discharged patients leave between 1700-1900 hours. Since in-patients' stays are generally short, such as for a day or overnight e.g. for post-operative recovery, there is minimal visiting. Even when patient visiting happens, the applicants state that, since the Caldew Hospital has an "open-visit" policy, there is no particular acute "pressure" at concentrated times.

Assessment

- 5.38 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise. In essence, the Development Plan seeks to regulate the amount and location of development required within the District to meet the community's needs for housing, employment, social and community facilities, transport, leisure and recreation, retail and other land uses. It seeks to balance such requirements against (and/or reconcile them with) economic objectives, infrastructure capacities and environmental considerations.
- 5.39 As Members know, the Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, saved and extended Policies within the Cumbria and Lake District Joint Structure Plan 2001-2016, and the provisions of the Carlisle District Local Plan 2001-2016.
- 5.40 Of those, the Cumbria and Lake District Joint Structure Plan has diminishing relevance due to the passage of time since its adoption (April 2006) and the fact that the majority of its policies and proposals have been superseded by

the more up to date provisions of the Regional Spatial Strategy (RSS) and District Local Plan (both adopted September 2008). Nonetheless, "saved" Policy ST5 remains applicable in placing priority on new development being focussed on the County's key service centres, with Carlisle being particularly identified, in order to foster its regional role, as the location where major development should take place.

- 5.41 That emphasis upon Carlisle as the location where major development should be concentrated is manifested in the spatial Policies of both the RSS (Policies RDF1, CNL1 and CNL2) and the District Local Plan Policy DP1. The recent (2008) Cumbria Strategic Partnerships' non-statutory (in Development Plan terms) "Cumbria Community Strategy 2008-2028" and its supporting "Cumbria Sub-Regional Spatial Strategy" (which covers the same period) further recognises Carlisle's status and, in pursuit of its objective *"to secure a sustainable level and pattern of development that creates balanced communities and meets need"* advocates that the city continues to be the focus for major development.
- 5.42 In considering the current application against the spatial objectives of these policies it is readily apparent that the proposed site is, in a highly sustainable location. Notably, it is in relatively close proximity to the city centre with good transport links [including immediate access to public transport services] and is convenient for the Cumberland Infirmary for which it, in some senses, functions as a satellite facility as well as providing private healthcare. The site, consequently, fully satisfies the overall broad policy imperative of locating major development in Carlisle, consistent with the city's role as a regional centre.
- 5.43 It would, equally, be difficult to argue that it is the wrong location for this use as it has successfully and, seemingly satisfactorily, co-existed with the surrounding residential communities for much of the last 27 years. It would seem also to have, in the past, been more actively used than in recent years and, albeit larger than at its previous peak, the facilities now envisaged are largely being restored to the site rather than a new, untried expansion of healthcare facilities.
- 5.44 The application site is shown on the Proposals Maps which accompany the adopted District Local Plan as being situated within a Primary Residential Area [PRA] where Policy H2 of the Plan is applicable. As is apparent from the Policy, and its supporting text, that does not preclude the use of properties in such areas for purposes other than residential. Indeed, Policy H2 specifically acknowledges that applications for non-residential development may be appropriate in such areas, including proposals for "community" activities. Moreover, it is generally acknowledged within the planning system that the provision of healthcare facilities within residential areas is acceptable although this normally embraces GP or Dental Surgeries, Opticians and Chiropodists as well as local pharmacies. Policy H2 does, however, impose a test in relation to the acceptability of such uses by requiring them to be of appropriate "scale" and for the nature of likely impact, including the effects of traffic or parking, to be acceptable.

- 5.45 Local Plan Policy LC13 makes specific provision for proposals for further medical centres, health centres or doctor's surgeries within the District subject to 4 criteria being satisfied. The first is that the site is within specific identified sustainable settlements, of which Carlisle is accorded highest priority, and it is accessible for public transport; second, that appropriate car parking standards can be achieved; third, that the amenity and quality of the surrounding environment, including residential amenity, is safeguarded; and finally, that satisfactory access can be achieved.
- 5.46 In assessing the proposals against those criteria, it is apparent that the first and fourth are fully met not least as the site has operated, in location and accessibility terms, satisfactorily for many, many years. In relation to criterion 2, the Highway Authority has accepted the applicant's supporting Transport Information and the proposed level of on-site parking, and requires only the applicants' submission and implementation of a Travel Plan. Further information has, nonetheless, been sought from the applicants in relation to the operational management of the proposed development, including usage of the limited parking envisaged, as this is patently a major concern of local residents. The car parking now proposed is also increased above the level the Highway Authority regarded as acceptable.
- 5.47 In relation to criterion 3, it is a matter of judgement whether the intensification of the hospital functions that are proposed would bring unacceptable harm to the quality and amenity of the surrounding environment, in particular whether it would seriously detract from residential amenity. It is particularly necessary to identify in what ways these considerations would be detrimentally affected, however, since the layout of the accommodation and the general siting of the building achieves the necessary separation distance from neighbouring development that is intended to ensure no unacceptable diminution of privacy. Other matters such as unacceptable noise or nuisance from this use within a PRA would, similarly, not seem to have been an issue over the years that the site has been used as an hospital. It is difficult to see how these would become significant factors because of this application.
- 5.48 Whilst it is evident many people who have commented on the application would prefer the existing building and site to remain undisturbed, this ignores the fact that the building has already been much altered and extended and has lost much of its original plan form and features. Similarly, neither the building nor the site has any specific conservation or amenity status that affords it special protection, apart from the provisions relating to trees covered by the TPO. In that regard, however, there is no adverse effect since the one tree, of those covered by the Order, that is to be removed is seriously diseased and would need to be removed whether or not this application is approved. All other trees that would be removed are not afforded protection by the Order.
- 5.49 It is a fact that just as, in the 1980's, the building evidently out-lived its

usefulness as a Parsonage [and so the church disposed of it] it has, likewise, now ceased to satisfactorily function as a Private Hospital. It does not provide the internal space and layout standards such premises generally now provide while it is also not suited to the needs of those with disabilities or who have mobility problems. Its limitations constrain its ability to meaningfully attract private healthcare investment and consultants to enhance medicare provision in the city. It will not survive in its present form and either needs to be re-developed on its existing site or an alternative site found. Maintaining the "status quo" is simply not an option.

- 5.50 The publicity and notification process has yielded a number of representations about these proposals. Most of the support the application has received has been provided by existing or former patients or consultants whereas the objectors are, by and large, residents living close to the site. A number of issues have been raised and been considered, including effects on privacy, lack of adequate parking and loss of trees or landscape features.
- 5.51 Some residents have also referred to the presence within the site of red squirrel, a protected species. To ascertain if that is a relevant consideration Officers have contacted Natural History staff based at Tullie House and asked for comments upon that aspect. The Biological Data Officer has replied and advised that there are no records of squirrel [red or grey] within this site or its immediate vicinity. They have also contacted Cumbria Wildlife Trust whose "Save Our Squirrels Conservation Officer" has advised: *"I have no knowledge of squirrels around the hospital and would doubt there would be any significant red squirrel population in such an urban area...however it is possible that they use the area if there are enough trees present"*. He suggested further investigation within the site, including evidence of feeding signs [if any conifers are present] or dreys. With those aspects in mind the applicants were asked to appoint a specialist to undertake an appropriate site investigation to establish whether the site is used by red squirrel for nesting or feeding.
- 5.52 The Report that has been commissioned has been undertaken by a Ecological and Environmental Consultancy and comprises a walkover and visual site survey, reviewing the selection of trees and shrubs therein for their food potential, identifying the possible presence of dreys [nests] and other indicators such as scratch marking or droppings. It identified that the nature of the existing vegetation within the site offers low food potential, that no dreys were observed, or squirrel sighted, there was no evidence of scratch marking on trees or presence of droppings and the close proximity to residential gardens also makes the site unsuitable for breeding. The Report concludes that the proposed development site is of low suitability for red squirrel with probable casual observations of individual animals. It regards the proposed redevelopment of the site as likely to have little impact on red squirrel and, hence, makes no recommendations for mitigation measures for this species. The Report adds, however, that all trees should be visually checked for individual animals or potential dreys before any felling and advocates re-planting using native trees to benefit all wildlife as part of related landscaping proposals for the development.

- 5.53 The bulk of the opposition to the development stems from a combination of regard for the existing building and the perception that what is proposed to replace it is unsuitable in design terms. Those concerns are, partly, understandable in relation to the applicants' initial aspirations to finish the building in a striking white render but the amendment of the proposals to utilise facing brickwork, the dominant facing material in this area, should resolve concerns about the starkness of the new building. In respect of other design issues, the scale and siting, position of window openings in relation to privacy, height and massing are regarded as acceptable given the overall site area and plot coverage.

Conclusion

- 5.54 Planning policy clearly supports the principle of locating development intended to serve the community as a whole within the most sustainable, and hence accessible, locations where the greatest possible choice of modes of transport is available. This site meets that requirement and the proposals seek to re-invest in a use that has operated successfully from this location for almost 27 years. The principle of the site being suitable for this use should not, therefore, be an issue although Members are fully entitled to be satisfied that the impacts arising from re-development are acceptable, particularly in relation to the provisions of Policies H2, LC13 and CP5 of the adopted Local Plan.
- 5.55 The design of the proposed new building has evolved since the proposals first emerged. In that process the applicants have endeavoured to engage local residents and to listen to concerns raised by those who would be most affected. That has brought changes in the siting, the height, the locations and glazing to window openings in the proposed new hospital and to the materials used in its construction. Those changes are regarded as beneficial and should ensure a building that is more at ease within the area than first proposed. Similarly, however, it is important to consider more than just what the building will look like but what it will bring to the sub-region. In that regard, the nature and quality of the accommodation that is being provided and its contribution to healthcare not just in Carlisle but in Cumbria, SW Scotland and the Borders should not be ignored or under-estimated. Indeed, the fact that a sizeable number of Consultants have highlighted the existing private care deficiencies within the area, and the benefits for all of the community that will be derived from the provision of new premises, is a testament to the significance of these proposals.
- 5.56 Members are, consequently, recommended to approve the proposed development with the associated package of conditions set out below.

6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposals have been assessed against the relevant provisions of the Act but are not considered to be prejudicial to the wider interests it seeks to safeguard.

7. Recommendation - Grant Permission

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

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

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

3. 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 include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall include particulars of plant species and those trees and shrubs that are 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.

4. All planting, seeding or turfing comprised in the approved details of

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Trees or hedges chosen for retention in the landscaping scheme shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the Local Planning Authority.

Reason: To protect trees and hedges during development works.

6. For the duration of the development works existing trees to be retained shall be protected by suitable tree protection fencing which must be in accordance with the specification within British Standard BS 5837: 2005 Trees in relation to construction: Recommendations Fig. 2. The Authority shall be notified at least seven days before work starts on site so that protective fencing 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.

7. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

Reason: To protect trees and hedges during development works.

8. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the trees. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

Reason: To protect trees and hedges during development works.

9. Particulars of height and materials of the proposed replacement boundary fences shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby permitted.

Reason: To ensure the protection of the privacy of adjacent occupiers

and to afford satisfactory screening in accord with the objectives of Policy H2 of the Carlisle District Local Plan 2001-2016.

10. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31

11. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval. Any additional or modified measures shall be brought into effect within two calendar months of the approval by the Local Planning Authority

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31.

12. The proposed car parking areas shall be provided and available for use prior to the occupation of Phase 1 of the development unless a scheme of phased implementation, in accord with the intended phasing programme for the development, is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate car parking facilities are provided to serve the development.

13. Prior to the carrying out of any demolition works the existing building occupying the site shall be recorded in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority in advance of the permitted development. Within 2 months of the commencement of construction works, 3 copies of the resultant report shall be furnished to the Local Planning Authority.

Reason: To ensure ensure that a permanent record is made of the building prior to its demolition as part of the proposed development.

14. Prior to the occupation of the building there shall be submitted to, and approved in writing by, the Local Planning Authority details of a scheme of Public Art or craft work to be funded by the developers in a publicly

accessible/visible place or incorporated within the development itself.

Reason: To ensure that the development complies with the Council's objectives for encouragement of new public art in accord with the Councils "Per Cent For Art" objectives as set out under Policy LC15 of the Carlisle District Local Plan 2001-2016.



Ordnance Survey

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- 6 NOV 2009
2009/0985

PLAN

PLAN

REDEVELOPMENT OF
CARDEW HOSPITAL,
CARLISLE

EXISTING SITE PLAN

2504

8-00

FEB-09

12508A1

15500A3

MARIO MINICHELLA ARCHITECTS

M

M

A

2007/06/18



REVISION DATE / DESCRIPTION

- A: 24/07/09
- 01) general redesign
- B: 08/05/09
- 01) layout moved & revised
- 02) phase 2 wing altered
- C: 13/01/10
- 01) re-design
- C: 13/01/10
- 01) re-design
- D: 14/01/10
- 01) wing & parking altered
- E: 18/02/10
- 01) PHASE 1 MOVED
- 2.0M N.E.



PLANNING

REDEVELOPMENT OF
CALDWELL HOSPITAL,
CARLISLE

PROPOSED SITE PLAN

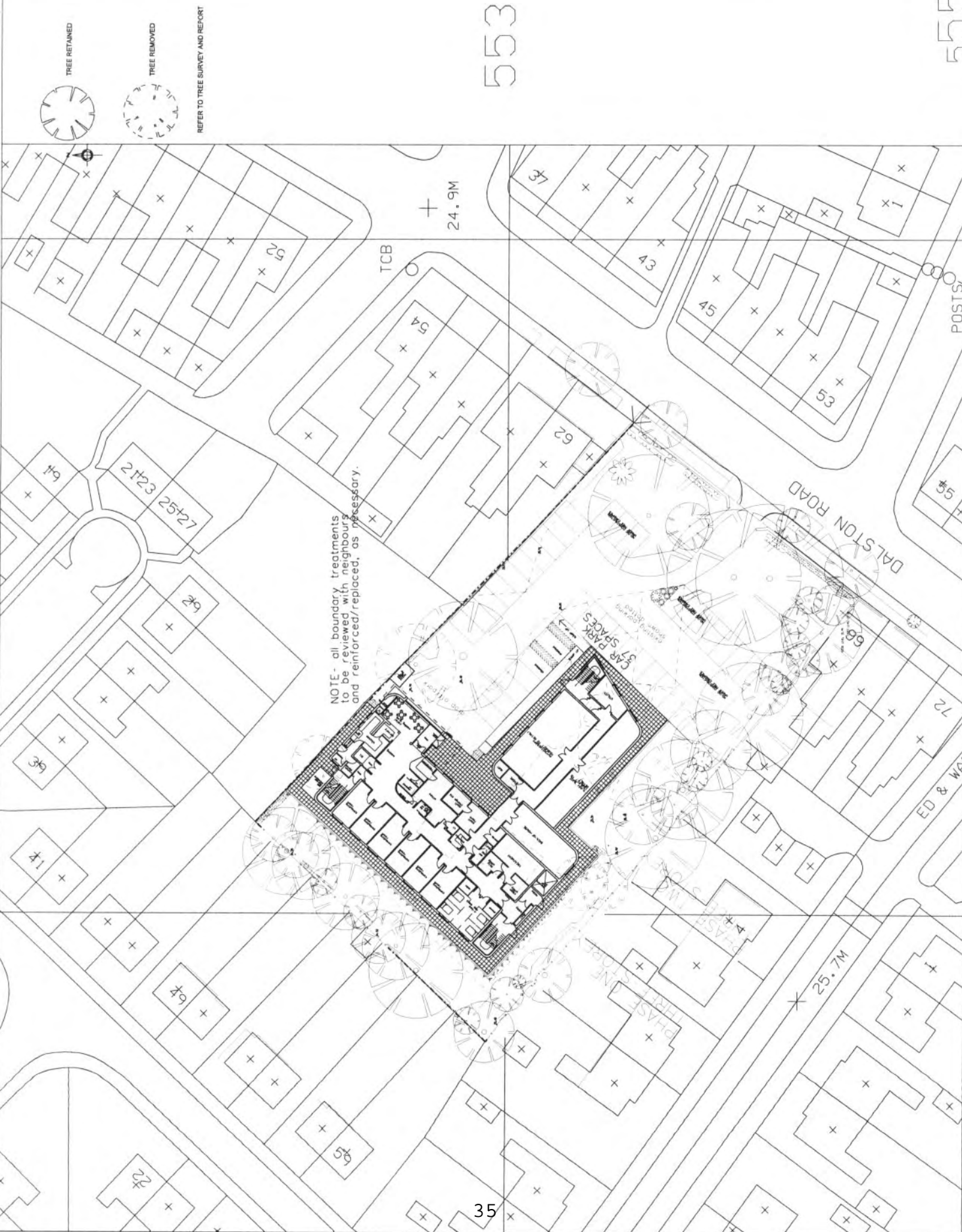
PROJECT NO.	2504
CLIENT	C-100
DATE	FEB-09
DESIGNER	1-500043

MARIO MINICHELLA ARCHITECTS

10 ALBERT STREET
CARLISLE
CB3 9JF

01534 616666
01534 616667

www.mario-minicella.co.uk



[illegible]

GROUND FLOOR PLAN

	
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PLANNING	
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REDEVELOPMENT OF
CALDEW HOSPITAL,
CARLISLE

PROPOSED LEVEL 00

INVENTORY NO.	2504	CHARGED NO.	C-101	REMARKS	D
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DATE FEB-09	SCALE 1:1000A1 1:2000A3	DRAWN BY
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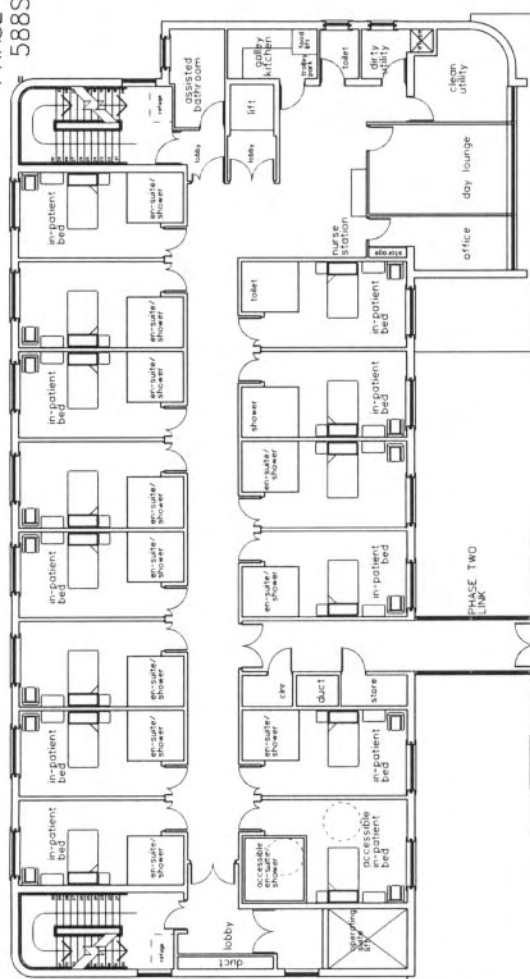
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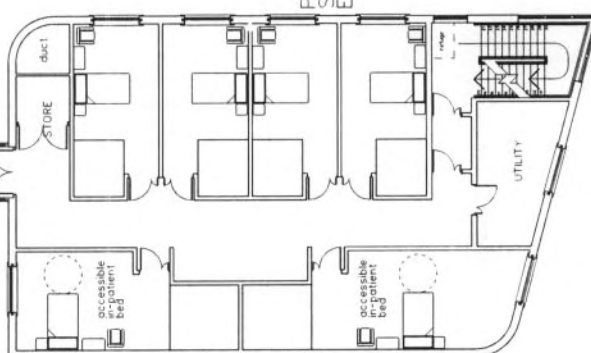
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D: 15/02/10
 01) PHASE 1 MOVED
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PHASE 1 INTERNAL AREA
= 588SQM

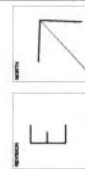


PHASE 2 INTERNAL AREA
= 272SQM



PHASE-TWO:
SIX BEDROOMS
ETC.

A: 2/4/07/06
(1) general redesign
B: 09/06/06
(1) building moved & rotated
(2) paving 2 wing altered
C: 13/01/10
(1) re-design
D: 14/01/10
(1) Penth lab added
E: 18/02/10
(2) Ceph Lab note added
(2) Amph Theatre
(3) 3301 coors added to RMO
lat.
F: 18/02/10
(1) PHASE 1 MOVED
2.0M N.E.



PLANNING

REDEVELOPMENT OF
CALDEW HOSPITAL,
CARLISLE

PROPOSED LEVEL 02

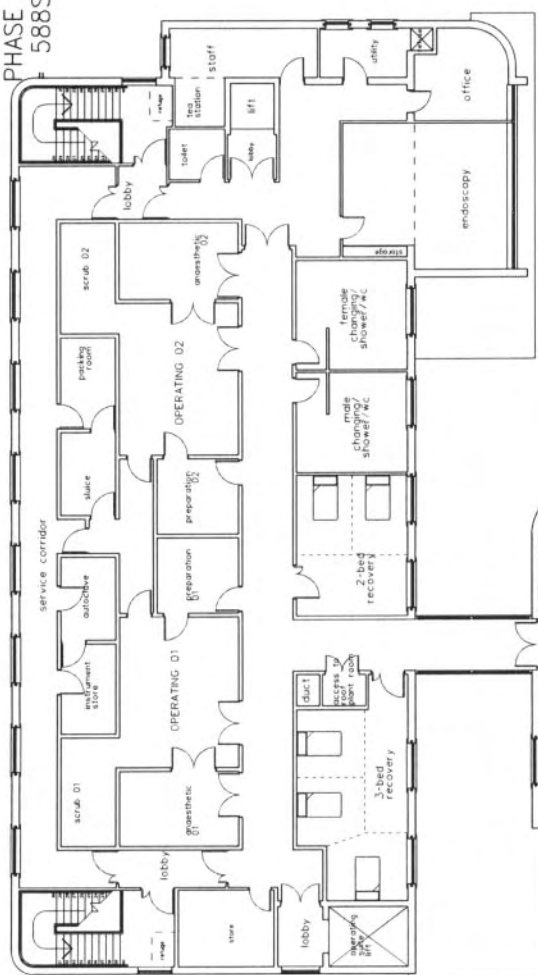
PROJECT NO. 2504	DRAWING NO. C-103	REVISION E
DATE FEB-09	SCALE 1:1000A1 1:2000A3	DESIGN BY

MARIO MINCHELLA ARCHITECTS

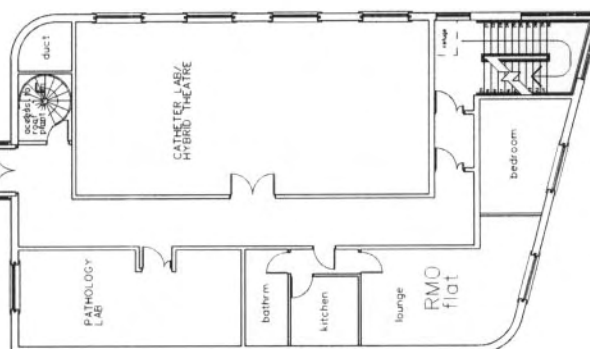


1980年	1981年
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PHASE 1 INTERNAL AREA
= 588SQM



PHASE 2 INTERNAL AREA
= 272SQM



SECOND FLOOR PLAN

WALLS -
BRICKWORK PLUMB AND WALLS WITH
THROUGH-COLOURED RENDER SYSTEM.
COLOUR WHITE TO PANELS AS INDICATED

COLOUR MATCH TO PANELS AS INDICATED

WIDOWS/ DOORS/CURTAIN WALLING -
POWDER-COATED ALUMINUM DOUBLE-GLAZED SYSTEM
WITH INTEGRAL, DORMER, RA, TIGHT BARR, GREY
WITH MATCHING RUFFL PANELS

ROOFS -
LUMINOUS COPPER PATINA GREEN SINGLE SLOPE SYSTEM
WITH MATCHING STANDING SEAMS

SOFFITS & EAVES -
POWDER COATED ALUMINUM PROFILED
EAVES AND SOFFITS TO MATCH ROOFING COLOUR

PLANTINGS -
ALUMINUM LOUNGE SYSTEM POLYESTER POWDER COATED
RA, TIGHT

LIGHTING -
DOWNLIGHTS INCORPORATED INTO ROOF SOFFITS

TONGUE -
SUBJECT TO SEPARATE APPLICATION
MANUFACTURING GLAZING PANELS



REVISIONS

X	DESIGN (1) LAMP NO. 107 additional added to 107 lamp
W	DESIGN - No change
Y	DESIGN - PL PHASE 1 MOVIES 2.00
NO PLASTIC BUSH SHORTENED	
NO FACING BRICKMAN ADDED	
W	DESIGN additional bracket added to 102 alternative
W	DESIGN additional bracket added to 102 alternative

REVISION	
E	

STAGE	PLANNING
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REDEVELOPMENT OF CALDEW HOSPITAL, CARLISLE

PROPOSED ELEVATIONS

PROJECT NO. 2504	DRAWING NO. C-104	REVISION E
DATE JUNE - 09	SCALE 1:100 @ A1 1:200 @ A3	DRAWN BY

MARIO MINCHELLA ARCHITECTS

3 FRONT STREET
CLEADON VILLAGE
TYNE AND WEAR
SIRE TIG

T: 0191 8274841
F: 0191 8190448
W: www.tb-cs-6.rnf

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<p> </p>	<p> </p>

REVISION DATE / DESCRIPTION

rev A 130809

(01) building moved Southwards

rev B 040110

(01) building raised 1.0m

(02) existing retaining wall & slope shown

rev C 130110

(01) re-design

rev D 030210

(01) re-drawn with site levels

rev E 140510

(01) S.M.M.-ALE SITE SECTION ADDED

PLAN

REDEVELOPMENT OF CALDEW HOSPITAL, CARLISLE

PROPOSED SITE SECTIONS

PROJECT NO. 2504

CLIENT C-105 E

DATE JUNE-09

SCALE 1:2500

PROJECT NO. 15000A3

MARIO MINICHELLA ARCHITECTS

1. A. MINICHELLA

2. J. MINICHELLA

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SITE SECTION FROM NORTH-WEST TO SOUTH-EAST

SITE SECTION FROM SOUTH-WEST TO NORTH-EAST

40



EXISTING AERIAL VIEW OF THE SITE FROM
THE SOUTH-WEST



PROPOSED AERIAL VIEW OF THE SITE FROM
THE SOUTH-WEST SHOWING RENDERED WALLS
(NOW SUPERCEDED)



LATEST PROPOSED AERIAL VIEW OF THE SITE FROM
THE SOUTH-WEST SHOWING BRICKWORK WALLS



GROUND LEVEL VIEW
LOOKING FROM THE EAST

AERIAL VIEW
LOOKING FROM THE EAST

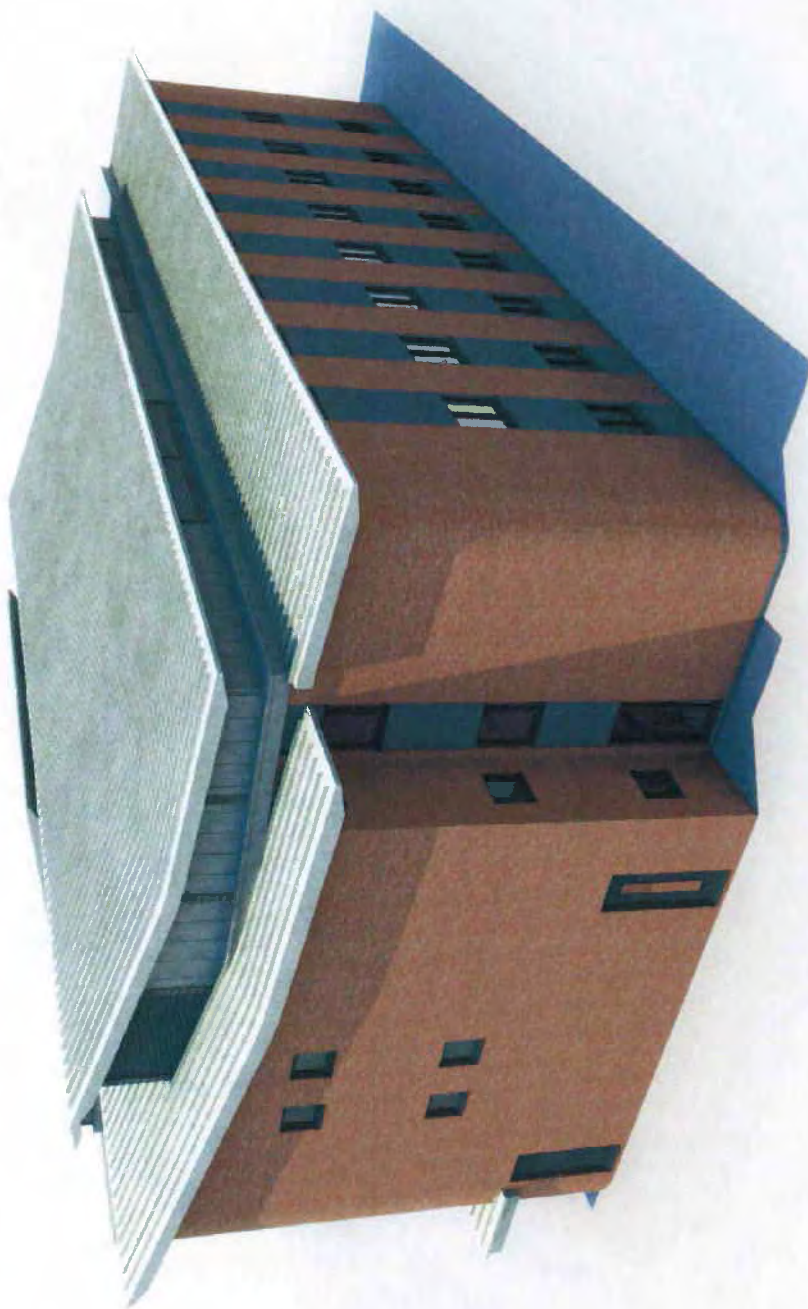




GROUND LEVEL VIEW
LOOKING FROM THE SOUTH WEST



AERIAL VIEW
LOOKING FROM THE SOUTH



AERIAL VIEW
LOOKING FROM THE NORTH

SCHEDULE A: Applications with Recommendation

09/1135

Item No: 02

Date of Committee: 12/03/2010

Appn Ref No:
09/1135

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
30/12/2009

Agent:
Mr Christopher Heap

Ward:
Stanwix Rural

Location:
Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Grid Reference:
338317 556513

Proposal: Temporary Consent For Existing Steel Palisade Security Fences Located
At Each End Of Viaduct (Retrospective Application) (LBC)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

Fifteen letters of objection have been received to this application and the accompanying planning application and the Council's Countryside Officer has objected to the application.

1. Constraints and Planning Policies

Site Of Special Scientific Interest

The proposal relates to land or premises situated within or adjacent to a Site of Special Scientific Interest.

Ancient Monument

Public Footpath

The proposal relates to development which affects a public footpath.

Flood Risk Zone

Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to an advisory note being added re not obstructing public footpaths;

Cumbria County Council - (Archaeological Services): no comments;

English Heritage - North West Region: no comments;

Conservation Officer, Economic Development: note that the existing security arrangements on this Grade II Listed Viaduct have been 'temporary' since 1998 and that, so far, there has been no satisfactory proposal put forward for a permanent solution to either close the bridge entirely to public access, or to provide a scheme which would allow safe access onto the viaduct. Since the Authority has only now asked to regularise the situation by insisting on a listed building consent application for the temporary installation of a security fence, then some time should be given for the applicant to come forward with a positive plan for the future solution to this problem. I would suggest that, if approved, the application should be conditioned such that a solution should be agreed with the Authority within 6 months and any agreed solution should be installed before the end of the year at the very latest, otherwise the existing security fence should be removed after the end of the six month period if no alternative solution has been agreed. In the meantime, the applicant should be requested to improve the visual image of the security screen by first of all making the whole truly rectangular, rather than leaving its current jagged outline, and secondly that the metalwork should be over painted, preferably with a railway related scene, and finished with an anti-graffiti coating, sacrificial or otherwise, and that it should be inspected periodically to remove any accumulated graffiti.

Regardless of the presence of this security arrangement, trespass onto the bridge has not been prevented, and there are probably no acceptable permanent measures that could be taken to do so. The applicant should, therefore, also consider the alternate scenario of removing the barriers to allow public access, but at the same time replacing, re-setting or repairing the copings, and providing a guard-railed track centrally across the bridge which would give the public safe access. Should they choose to venture outside the 'protected' area, then they would do so at their own risk, with similar consequences to the current situation.

The applicant should be making a statement at this stage, before determination, confirming the future plans and timescales, and unless these measures are put in place the application should be refused and the security arrangements should be

removed immediately.

Following discussions with the applicant, a temporary fence which is the same height for its whole length and is painted with or without a railway scene and coated in an anti-graffiti system, would be acceptable as a temporary solution, until the works are undertaken to repair the listed structure and until a suitable long-term solution is found. Given that the finances are unavailable until April 2011 the temporary consent should reflect this;

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

Kingmoor Parish Council: comments awaited;

Ramblers Association: comments awaited;

Cumbria County Council - (Highway Authority - Footpaths): Waverley Viaduct is not legally recorded as a Public Right of Way on the County Council's Definitive Map of Public Rights of Way. To claim a route as a Right of Way applications need to be made to Andy Sims, Rights of Way Mapping Officer, Countryside Access Team, Cumbria County Council, Lonsdale Building, The Courts, Carlisle;

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

Hadrians Wall Heritage Limited: comments awaited;

(Former Comm/Env.Services) - Green Spaces - Countryside Officer - RURAL AREA: over the last few years various barriers have been installed, vandalised, repaired then replaced in order to keep pedestrians from crossing the bridge. Why after all these years is 'temporary' permission being applied for - it is time for a permanent solution to this issue. The bridge should be opened up for pedestrian access as it provides a fantastic footpath link. Admittedly there is a great deal of antisocial behaviour in this location which has contributed to the damage of the fencing, but another reason why the security fence is under so much pressure is largely because people are desperate to have the link open. No security measures have so far worked, therefore, why not open it up, and fence off a footpath down the centre of the bridge? This solution would mitigate any danger from falling due to the bridge coping stones being removed. The existing security fence is extremely unsightly and not in keeping with a urban fringe countryside site. If indeed the fence is too become a permanent addition to the bridge then more thought needs to be given to the appearance of the fence. Therefore it is for these reasons that I cannot support this planning application.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

Stainton Farm	05/01/10	
Waverley View Farm	12/01/10	
1 Stainton Road		Objection
1 The Barrel House		Objection
3 Granville Rd		Comment Only
21 Etterby Lea Road		Objection
5 St George's Crecent		Objection
1 Stainton Road		Objection
10 Knowefield Avenue		Objection
40 Crown Road		Objection
13 Beaver Road		Objection
53 East Dale Street		Objection
104 Lowry Hill Road		Objection
4 Lyne Close		Objection
17 Fulmar Place		Objection
188 Newtown Road		Objection
69 Granville Road		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. Fifteen letters of objection have been received to the applications for planning permission and Listed Building Consent, and these make the following points:

- Waverley Viaduct has been extensively used as a public footpath and a means of crossing the River Eden for the last 40 years the bridge has scenic merit and is an asset to the city;
- it appears that the viaduct has been used uninterrupted for over 40 years since the railway closed in 1969, so why is the viaduct not a Right of Way? If it is a Right of Way how can permission be given for barriers that will close the route off?
- the owners of this Grade 2 listed structure have not fulfilled their responsibilities properly - the low parapet along the sides of the bridge has not been kept in good repair and the piers under the water should be inspected in case they are in need of remedial work;
- the existing steel fencing is an ugly blight on the landscape;
- hundreds of people have been using this bridge weekly for the pleasure of walking, cycling and even going to work, saving a long detour via Eden Bridge which trebles the journey time. It provides a useful walking route from Etterby to Newtown;
- as a listed structure it should be repaired, made safe and re-opened as a Public Right of Way;
- BRB have stated that the bridge is in good repair generally. If Carlisle City Council or Sustrans were to agree to purchase the viaduct for a nominal fee BRB would pay the City to construct a proper stone parapet which would be vandal proof - this nearly happened several years ago but

Sustrans pulled out due to access problems;

- the City Council should consider taking ownership of the bridge from BRB in return for a financial consideration commensurate with the costs of the long-term and proper maintenance of the structure;
- the palisade fencing should be removed and replaced by fences in the middle of the viaduct so that pedestrians can use the bridge;
- if things stay as they are the bridge will decay to the point where it cannot be made safe and will have to be demolished;
- the fences are not preventing people from crossing the bridge - there are too many users who are determined to retain access. The gate is often open but even when the gate is locked people still cross the bridge, but it is more hazardous for them to do so. The fencing is, therefore, making the viaduct less safe;
- the application should be refused, the barrier removed and gain access rights and re-open the viaduct as a footpath/ cycleway;
- the barriers prevent access to emergency services - the man who recently drowned in the river might have been saved if the bridge was freely open;
- some has recently dug a sizeable hole under the fencing.

3.2 Cllr Bainbridge considers that whilst the bridge has been a feature for many years, it is of little value to the area in its current condition. The larger areas of the steel fencing could be covered in green vinyl in order to mitigate the visual impact.

4. Planning History

4.1 In September 2000, planning permission and Listed Building Consent were granted for maintenance work to the bridge, including masonry repairs, re-pointing, tie bars and patress plate installation, painting and fencing works (00/0459 & 00/0466).

5. Details of Proposal/Officer Appraisal

5.1 This application for Listed Building Consent, relates to the same development at Waverley Viaduct as proposed under application 09/1094, which precedes the report in the schedule. The principal issues raised by the application are set out in the report for application 09/1094.

6. Human Rights Act 1998

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

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

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

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

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

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

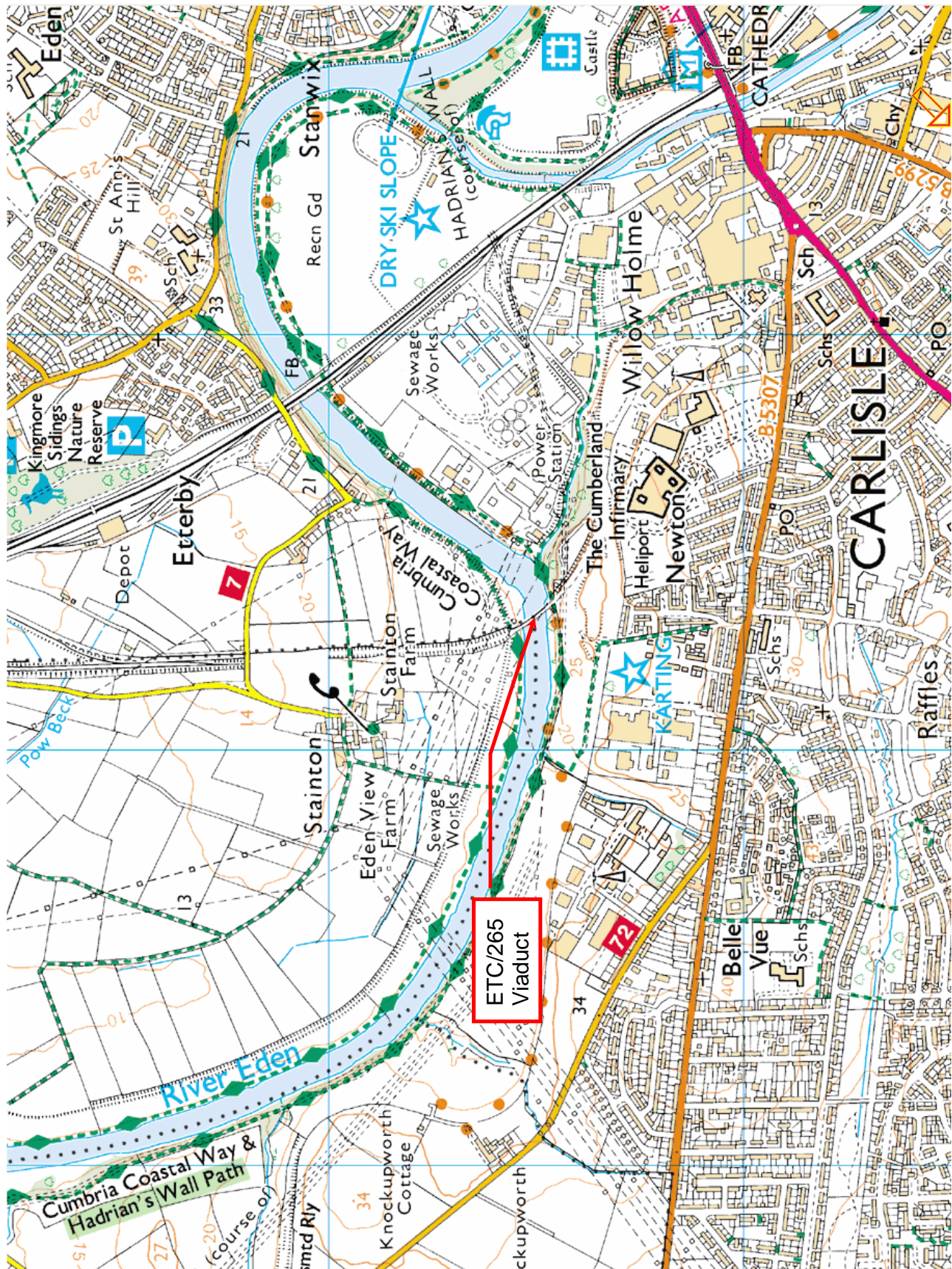
7. Recommendation - Grant Permission

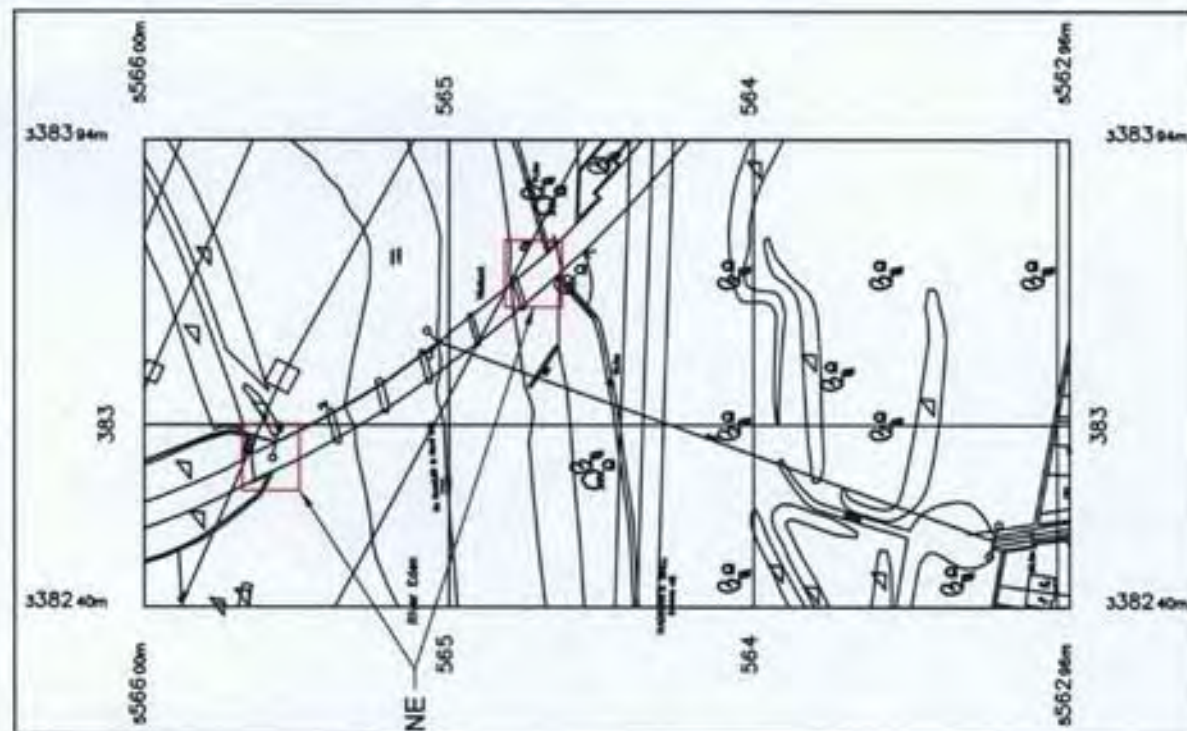
1. Within 1 month of the date of this consent, the applicant shall submit details of the appearance of the fence together with details of the proposed colour and finish. These details shall be implemented within 2 months of the date of this consent.

Reason: In order to ensure a satisfactory appearance to the fencing, in compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

2. The fence hereby approved, shall be removed and there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority by not later than the 31st March 2011.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified.





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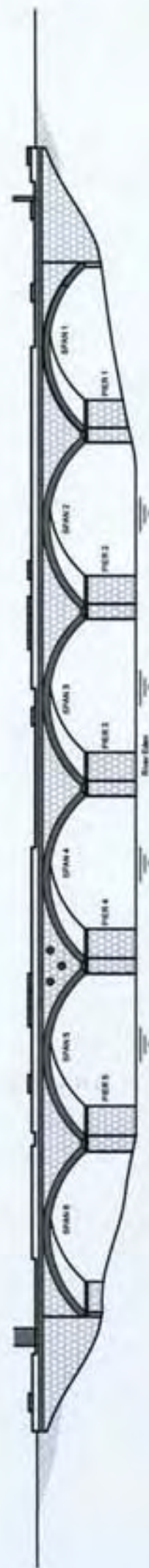
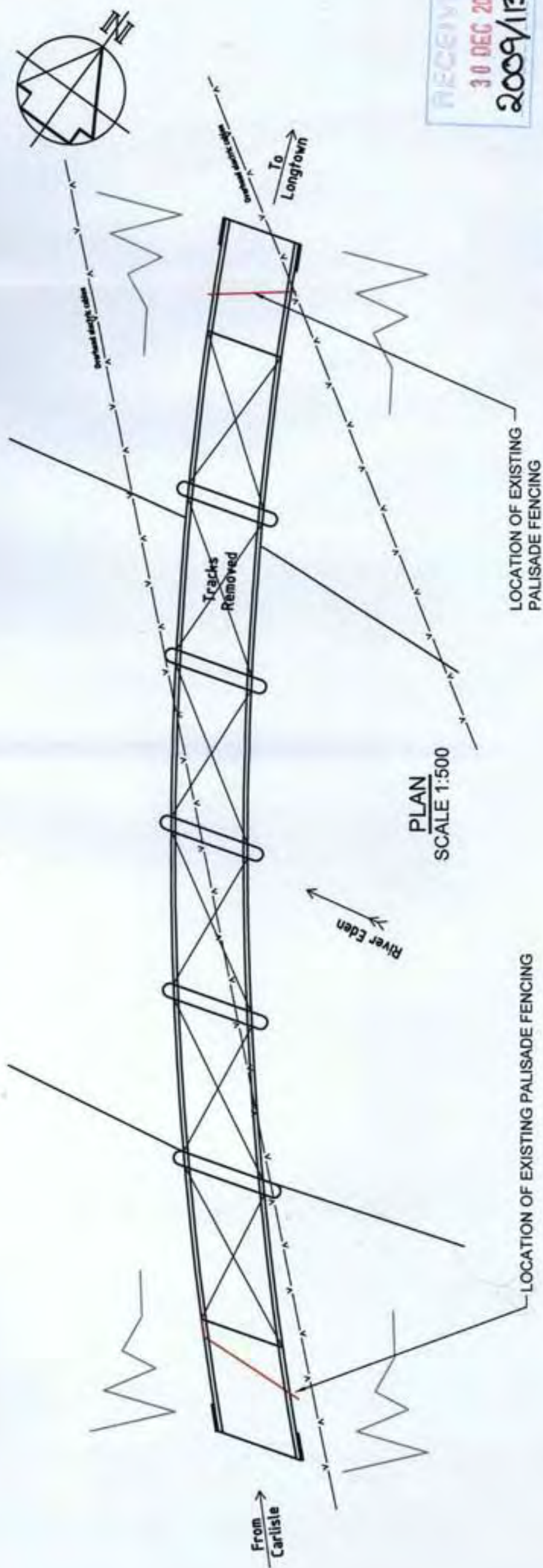
ORDNANCE SURVEY EXTRACT

NTS

30 DEC 2009
2009/1135

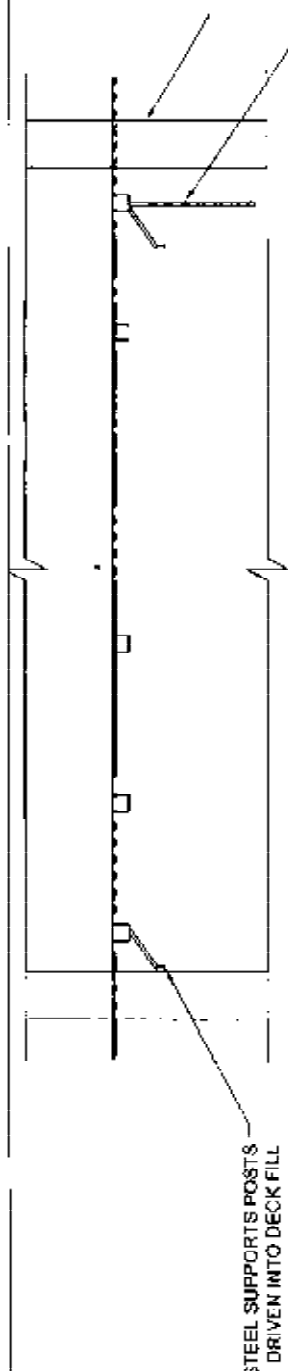
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REV	REVISION DATE	PURPOSE OF REVISION	DRAWN	CHECKED	APPROVED
<div> <div>  <p>1st FLOOR, NORTHERN HOUSE, 9 ROUGIER STREET, YORK, YO1 8HZ, ENGLAND TEL:+44(0)1904 661 700 FAX:+44(0)1904 661 801 WEBSITE: WWW.JACOBS.COM</p> </div> <div> <p>BRB (Residuary) Ltd</p> </div> </div>					
<div> <div>  <p>BRB (Residuary) Ltd</p> </div> <div> <p>MAJOR WORKS PROGRAMME 2009-2012</p> </div> </div>					
DRAWING TITLE					
STRUCTURE ETC 265 BRIDGE					
SITE PLAN					
DRAWING STATUS					
CONSTRUCTION					
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JACOBS No.		B12360-AR			
CLIENT No.					
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B123600-ETC 265-001					
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THIS DRAWING IS NOT TO BE USED IN WHOLE OR PART OTHER THAN FOR THE INTENDED PURPOSE AND PROJECT AS DEFINED ON THIS DRAWING. REFER TO THE CONTRACT FOR FULL TERMS AND CONDITIONS.					

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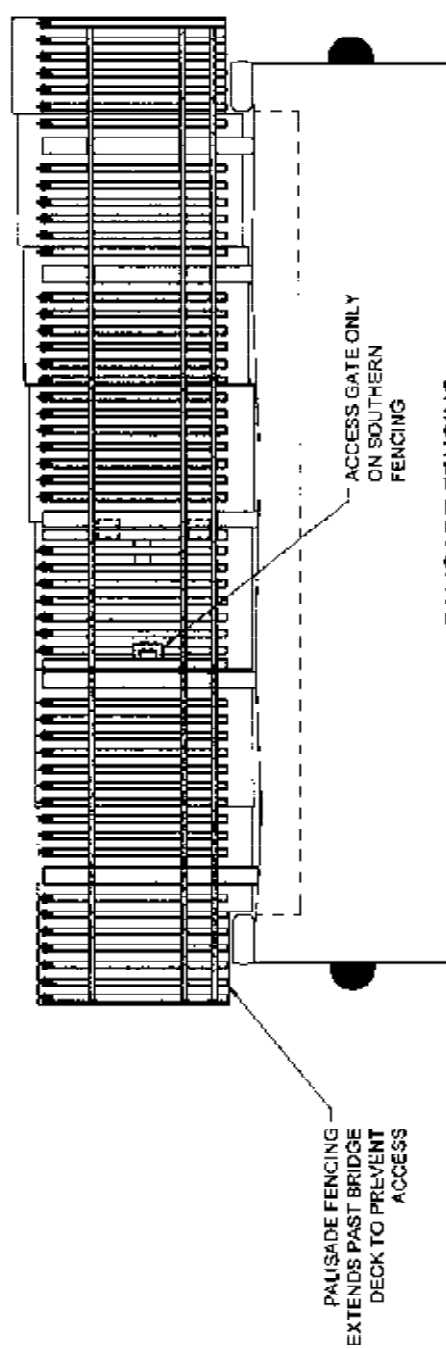
-	22.12.09	FOR INFORMATION PURPOSES	CWH	CSH	-
REV	REVISION DATE	PURPOSE OF REVISION	DRAWN	CHECKED	APPROVED
JACOBS 1st FLOOR, NORTHERN HOUSE, 9 ROUGIER STREET, YORK, YO1 6HZ, ENGLAND TEL:+44(0)1904 881 700 FAX:+44(0)1904 881 801 WEBSITE: WWW.JACOBS.COM					
CLIENT  BRB (Residuary) Ltd					
PROJECT MAJOR WORKS PROGRAMME 2009-2012					
DRAWING TITLE STRUCTURE ETC 265 BRIDGE BLOCK PLAN					
DRAWING STATUS FOR INFORMATION PURPOSES ONLY					
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CLIENT No.					
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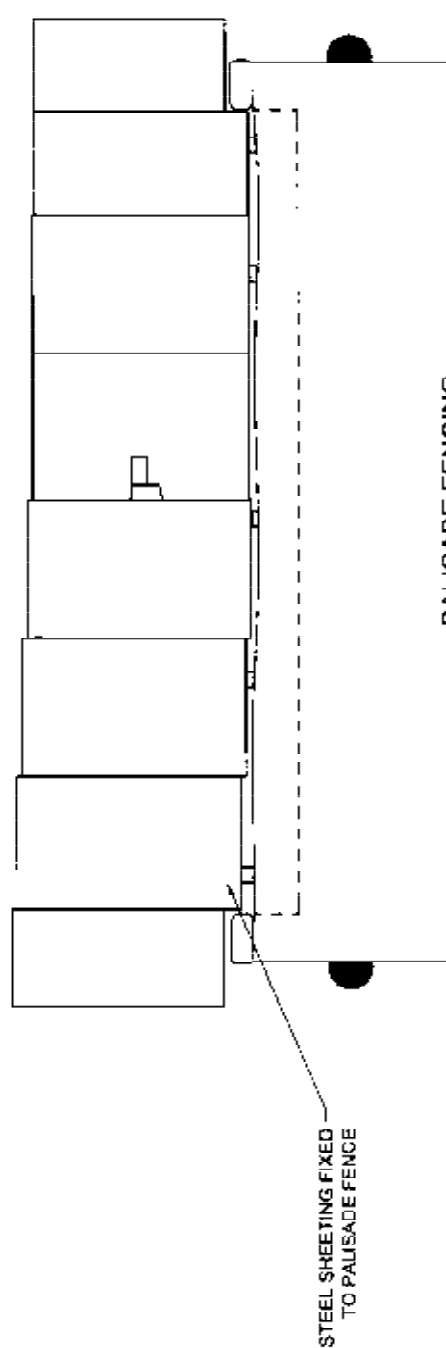


PALISADE FENCING PLAN
SCALE 1:50

PALISADE OUTSTAND EXTENDS TO PREVENT ACCESS AND PROVIDE STRUCTURAL RIGIDITY TO FENCING



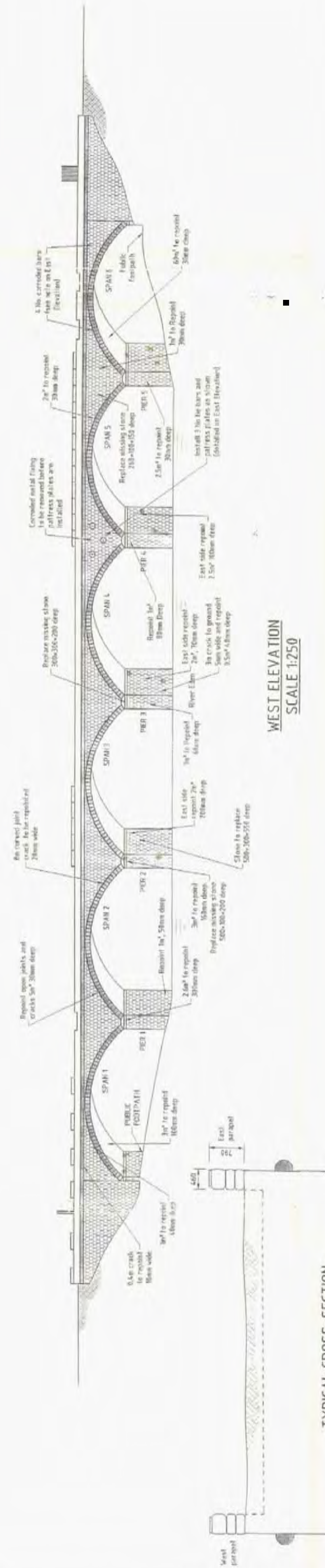
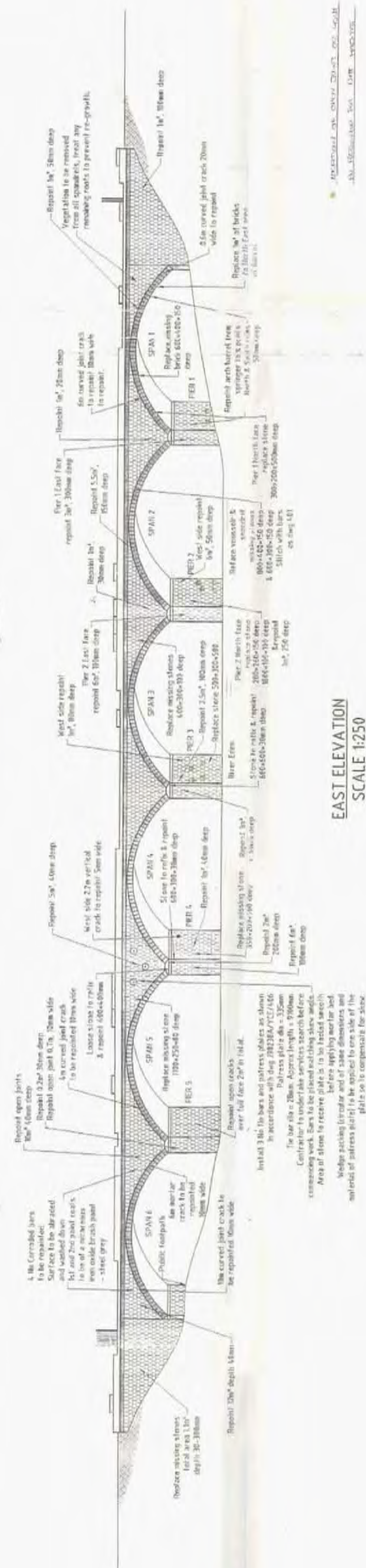
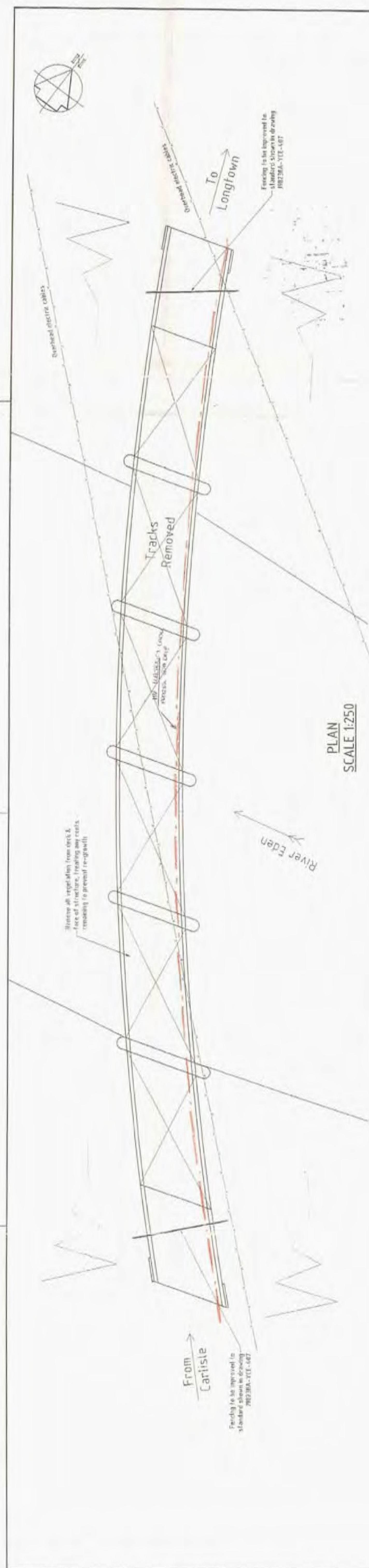
**PALISADE FENCING
FROM BRIDGE DECK LOOKING OUT**
SCALE 1:50



**PALISADE FENCING
OPPOSITE ELEVATION**
SCALE 1:50

2009/135

REV	22.12.09	FOR INFORMATION PURPOSES	CHG	CHK	APPROVED
	REVISION DATE	PURPOSE OF REVISION	UNAME	CHECKED	
JACOBS 1TH FLOOR, ROCKEFELLER HOUSE, 9 ROSS STREET, YORK, YO1 1WZ, ENGLAND TEL: +44(0)1904 481 170 FAX: +44(0)1904 481 501 WEBSITE: WWW.JACOBS.COM					
CLIENT BRB (Residualy) Ltd					
PROJECT MAJOR WORKS PROGRAMME 2009-2012					
DRAWING TITLE STRUCTURE ETC 265 BRIDGE PALISADE FENCING ELEVATION					
DRAWING STATUS FOR INFORMATION PURPOSES ONLY					
SCALE: 1:50 @ A3		DO NOT SCALE			
JACOBS NO: B12360-AR					
CLIENT NO:					
DRAWING NUMBER					
B123600-ETC 265-003					
REV					
THIS DRAWING IS NOT TO BE USED IN WHOLE OR PART UNLESS TOWN FOR THE INTENDED PURPOSE AND SUBJECT AS SET OUT IN THIS DRAWING. REFER TO THE CONTINUED P.28 FOR FULL TERMS AND CONDITIONS.					



NOTES	<p>1 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION WHICH DETAILS THE REPAIR METHODS. REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING DRAWINGS:</p> <ul style="list-style-type: none"> -J98238A - YCE-401 Planning back new and replacement Brickwork to existing (any orientation) -402 Brick-A and Masonry repairs stitching system for Archway Separation. -403 Replacement of defective brickwork in Arch Rings -404 Repairing of Cracking - Freestanding Stitching System -405 Grouting of Bricks Arch and masonry -406 Spalling Mortar and patching plans. -407 Palladeo fence construction
CLINBYT	 <div>Rail Property Ltd</div>
DESIGNED BY	GIBB <small>(Incorporated in Scotland under No. SC252320)</small>
CHECKED BY	AS SHOWN
DRAWN BY	NO SCALE
APPROVED BY	DATE 26/11/99
CONTRACT NO	J98238A-YCE-432
REV	0
Rail Property 98/99 Majwks Repairs to ETC 265 – Eden Viaduct General Arrangement ? Rail Property Ltd.	

Jacobs UK Ltd

1st Floor, Northern House
7-9 Rougier Street, York,
YO1 6Hz, UK
Tel: +44 (0) 1904 661700
Fax: +44 (0) 1904 661801

Design & Access Statement

ETC/265 – ENGINEERING OPERATION

The structure is a six span skewed viaduct which comprises entirely of masonry carrying a disused railway formation over the River Eden.

The structure is in a rural location carrying private lands over the river. The Temporary fencing is in place for public safety and asset security until a permanent security solution is implemented at a later date.

There is no access to restrict

Please see drawings included with the planning application for reference.

Christopher Heap
Civil Engineer
Jacobs UK Ltd

2009/135

SCHEDULE A: Applications with Recommendation

09/1094

Item No: 03

Date of Committee: 12/03/2010

Appn Ref No:
09/1094

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
30/12/2009

Agent:
Mr Christopher Heap

Ward:
Stanwix Rural

Location:
Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Grid Reference:
338317 556513

Proposal: Temporary Consent For Existing Steel Palisade Security Fences Located
At Each End Of Viaduct (Retrospective Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

Fifteen letters of objection have been received to this application and the accompanying LBC application and the Council's Countryside Officer has objected to the application.

1. Constraints and Planning Policies

Site Of Special Scientific Interest

The proposal relates to land or premises situated within or adjacent to a Site of Special Scientific Interest.

Ancient Monument

Public Footpath

The proposal relates to development which affects a public footpath.

Flood Risk Zone

Listed Building

The proposal relates to a building which has been listed as being of Special

Architectural or Historic Interest.

Local Plan Pol CP5 - Design

Local Plan Pol LE2 - Sites of Special Scientific Interest

Local Plan Pol LE4 - River Corridors

Local Plan Pol LE7-Buffer Zone Hadrians Wall W.Herit.Site

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LC2 - Primary Leisure Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to an advisory note being added re not obstructing public footpaths;

Cumbria County Council - (Archaeological Services): no comments;

English Heritage - North West Region: no comments;

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

Planning - Planning Policy & Conservation - Richard Majewicz: note that the existing security arrangements on this Grade II Listed Viaduct have been 'temporary' since 1998 and that, so far, there has been no satisfactory proposal put forward for a permanent solution to either close the bridge entirely to public access, or to provide a scheme which would allow safe access onto the viaduct. Since the Authority has only now asked to regularise the situation by insisting on a listed building consent application for the temporary installation of a security fence, then some time should be given for the applicant to come forward with a positive plan for the future solution to this problem. I would suggest that, if approved, the application should be conditioned such that a solution should be agreed with the Authority within 6 months and any agreed solution should be installed before the end of the year at the very latest, otherwise the existing security fence should be removed after the end of the six month period if no alternative solution has been agreed. In the meantime, the applicant should be requested to improve the visual image of the security screen by first of all making the whole truly rectangular, rather than leaving its current jagged outline, and secondly that the metalwork should be over painted, preferably with a railway related scene, and finished with an anti-graffiti coating, sacrificial or otherwise, and that it should be inspected periodically to remove any accumulated graffiti.

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Cumbria County Council - (Highway Authority - Footpaths): Waverley Viaduct is not legally recorded as a Public Right of Way on the County Council's Definitive Map of Public Rights of Way. To claim a route as a Right of Way applications need to be made to Andy Sims, Rights of Way Mapping Officer, Countryside Access Team, Cumbria County Council, Lonsdale Building, The Courts, Carlisle;

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long-term and proper maintenance of the structure;

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4.1 In September 2000, planning permission and Listed Building Consent were granted for maintenance work to the bridge, including masonry repairs, re-pointing, tie bars and patress plate installation, painting and fencing works (00/0459 & 00/0466).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This proposal is seeking temporary retrospective planning permission for the erection of steel palisade security fencing at each end of the Waverley Viaduct, River Eden, Willowholme, Carlisle. Waverley Viaduct is a listed structure and an application for Listed Building Consent (09/1135) has also been submitted.

Background

5.2 Waverley Viaduct, which is owned by BRB (Residuary) Ltd, is a six span viaduct constructed entirely of masonry, which was built to carry a railway line across the river and as a consequence only has low parapet walls along

its edges. It has been the subject of regular vandalism over the years and the owner is keen to prevent public access to the viaduct in order to reduce vandalism and for public safety reasons, until a suitable long-term solution can be agreed. The owner is currently working up a scheme to repair the parapet wall.

- 5.3 The County Council's Definitive Map of Public Rights of Way identifies Rights of Way adjacent to Waverley Viaduct on the north and south sides of the River Eden, but does not identify a Right of Way across the viaduct. However, prior to the erection of the fencing, the viaduct was well used as a footpath link across the River Eden. Even with the fencing in place, a number of people are still crossing the viaduct, either through the gate at the southern end of the bridge, which is often forced open, or by climbing around the edge of the fencing at the southern end of the bridge and climbing down a ladder, which has been put in place at the northern end of the bridge.
- 5.4 The applicant's favoured long-term solution is for the erection of reinforced concrete walls across both ends of the viaduct. This work, together with the repairs to the listed structure, would be undertaken between April 2011 and March 2012, when finances would be available. The City Council favour a long-term solution that would allow pedestrian access across the bridge.
- 5.5 BRB has indicated that it would be prepared to give the viaduct to the City Council and provide a lump sum for future maintenance.

The Proposal

- 5.6 The proposal is seeking temporary retrospective planning permission for the palisade fences, with steel sheeting attached, which are located at either end of the viaduct. The fencing is approximately 2.2m high, although the height varies slightly across its length. The steel sheeting at the southern end of the viaduct, which is covered in red spray paint, contains a gate, which provides access to the bridge.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed include Policies CP5, LE2, LE4, LE7, LE12, LE13 and LC2 of the Carlisle District Local Plan 2001-2016.
- 5.8 The proposal raises the following planning issues:
1. Impact On The Character Of The Area And On The Listed Waverley Viaduct
- 5.9 The steel sheeting looks very unsightly, with that at the southern end being covered in red spray paint. The fencing is clearly visible from the surrounding area, including from the public footpaths that run in close proximity to the northern and southern ends of the viaduct. It has a significant adverse impact on the character of the area and on the listed viaduct, which is constructed of stone and only has a low parapet wall along

its edge.

- 5.10 The owner of the viaduct is trying to prevent public access to reduce the risk of vandalism and for public safety reasons. Given that Waverley Viaduct is not identified on the County Council's Definitive Map of Public Rights of Way, the closure of the route to the public is not an issue that can be given any weight.
- 5.11 The owner is currently working up a scheme to repair the parapet wall and is trying to come up with a long-term solution for the viaduct. The current fencing, which prevents public access, is very unsightly and is not acceptable. However, a more sympathetic fence would be acceptable as a temporary measure until a suitable permanent solution is agreed with the City Council. This can be secured by way of a condition. The owner's long-term solution, to erect a reinforced concrete wall at either end of the viaduct would not be acceptable to the City Council and an alternative solution would need to be put forward. The granting of a temporary consent would allow the City Council to explore BRB's offer to give the viaduct to the City Council, together with a lump sum for future maintenance.

Conclusion

- 5.12 The current fence is unsightly and has an adverse impact on the character of the area and on the listed viaduct. A more sympathetic fence, of the same height across its length and painted in a dark coloured anti-graffiti paint, would be acceptable as a temporary solution (until 31 March 2011) and this can be secured by condition. This would allow the owner to come up with a long-term solution that is acceptable to the City Council.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. Within 1 month of the date of this planning permission, the applicant shall submit details of the appearance of the fence together with details of the proposed colour and finish. These details shall be implemented within 2 months of the date of this planning permission.

Reason: In order to ensure a satisfactory appearance to the fencing, in compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

2. The fence hereby approved, shall be removed and there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority by not later than the 31st March 2011.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified.

SCHEDULE B: Reports Requiring Further Information

10/0050

Item No: 04

Date of Committee 12/03/2010

Appn Ref No:
10/0050

Applicant:
J. J. Lattimer Limited

Parish:
Dalston

Date of Receipt:
19/01/2010 13:02:52

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Dalston Agricultural Showfield, Glave Hill, Dalston,
CA5 7QA

Grid Reference:
336831 549981

Proposal: Formation Of Car Parking Areas To Serve Dalston Medical Practice Along With Proposed Convenience Store/Two Residential Units; Subject Of Planning Application Ref: 08/1254. Provision Of Reinforced Grass Surfacing To Area Between Two Car Parking Areas. Formation Of Access To Dalston Medical Practice From Townhead And Access Convenience Store/Two Residential Units From Glave Hill (08/1254)

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

This application is brought before the Committee for determination as it is likely that the determination will be contrary to the recommendation of a statutory consultee.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Conservation Area

The proposal relates to land or premises situated within the Dalston Conservation Area.

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol LE8 - Archaeology on Other Sites

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan CP15 - Access, Mobility and Inclusion

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): The layout shown on the plan submitted with the application is a marked improvement to the plan submitted during the pre application discussions. The applicant has therefore taken on board all the comments made.

The application gives a clear indication of the parking need for the surgery and the parking provision for the Co-op remains unchanged.

As the movement of the current surgery access is highway benefit I can confirm that I have no objection to this application but would recommend that the following conditions are included in any consent you may grant:

1. The development shall not commence until visibility splays providing clear visibility of 2.4m by site maximum as measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town 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.

To support Local Transport Plan Policies: LD7, LD8

2. The new access to the surgery as detailed on Drawing No 1411/p/02 revA shall be constructed and brought into use prior to any works commencing on the new surgery car park.

Reason: To ensure that the proposed new access road is constructed within a

reasonable timescale, in the interests of highway safety (and general amenity). To support Local Transport Plan Policies: LD5, LD7, LD8

3. Before the development is occupied (car park in use) the existing access (to the surgery carpark) to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

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

4. 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.
To support Local Transport Plan Policies: LD5, LD7, LD8

5. 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.
To support Local Transport Plan Policies: LD7, LD8

Environment Agency (N Area (+ Waste Disp)): The Environment Agency have no comments to make on this application as it falls outside the scope of referrals we would wish to receive.

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:

I have no objection to the proposal providing this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Cumbria County Council - (Archaeological Services): The following comments made on an earlier application(09/358) are still appropriate:

Records indicate that the site lies in an area of architectural potential as it is located on the edge of the medieval village of Dalston with its 12th century Church of St Michael and numerous 18th century dwellings. Earthwork remains survive nearby on the Green that relate to the development of the village. It is therefore considered likely that remains related to the development of the village survive below ground on

the site and that they would be disturbed by the construction of the car park. I therefore recommend that any ground works associated with the development should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a Watching Brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a condition in any planning consent, using the following suggested form of words:

'An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in advance of the permitted development. Within two months of the completion of the permitted development, 3 copies of the report shall be furnished to the Local Planning Authority.'

The reason for the condition is to afford a 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.

English Heritage - North West Region: No comment - the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Planning - Planning Policy & Conservation: Reply Awaited

Planning - Access Officer:

No objections to the proposed changes to the car park servicing the store and residential development.

No objections to the proposal to grass-crete the adjacent area of land.

Please note the following comments for the "Area of Surgery Car Park":

- Dropped kerbs and tactile warning should be provided to the foot path adjacent to the disabled parking bays - to the end of the pathway and adjacent to the hashed areas.
- A crossing area between the footway and the entrance should be appropriately marked.
- Dropped kerbs and tactile warning should be in place to the corners to each side of the pavement at the new entrance to this car park.
- The dispensary is reached by a path leading from stepped access from the pavement area – these steps should have nosings and tactile warnings to the top and bottom.

For individuals who can't manage steps or are wheelchair users, the dispensary is reached by travelling from the pavement at the entrance to the car park with no designated path to the dispensary. It is assumed that the surface is of a suitable material to travel on. It would be preferred if a specific

ramped access from the pavement was available alongside the stepped access with a designated path.

- Consideration may be given to a drop off/collection point beside the dispensary for individuals visiting the dispensary only. Currently individuals travelling by car must travel from the car park through the access route to the car park to get to the dispensary with no allocated paths or alternatively travel through the building.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance can be sought from BS8300:2009. Applicants should be aware of their duties within the DDA.

Cumbria Constabulary - Crime Prevention:

With regard to the above proposal, I wish to make the following observations. From a Community Safety perspective, car parks can generate a crime issue (persistent attacks by generally known offenders) or anti-social activity and nuisance gathering.

You may be aware that numerous car parks across the City were previously favoured targets for vehicle related crime e.g. The Sands, The Lanes multi-storey, The Cumberland Infirmary. Crime levels on these facilities have dropped considerably, due to the relevant operators investing heavily in security measures - mainly CCTV and joining the Safer Parking Scheme (The national initiative to address vehicle related crime). We still have a couple of sites that attract unwelcome and nuisance gathering e.g. St Nicholas Gate. Devonshire Walk suffered similar problems, until City Council introduced locking gates and surface speed restrictors). I am therefore mindful of similar activity being attracted to the proposed site, to the detriment of surrounding residents and legitimate visitors.

Perimeter Security

To address these issues, it is important that car parks have well defined perimeter treatments (so that vehicle entry/exit can only occur via the designated access points). Utilising thorny or spiked planting will also deter pedestrian access. I note the central portion of the site shall be gated - and this should prevent unauthorised access (gate type and proposed locking mechanism?). Consideration should be given to gating the other facilities - but this obviously depends on practicalities and identifying someone who shall be responsible for opening and closing procedures.

The proposal also refers to removable estate fencing. This type is suitable for demarcation purposes, but how 'removable' is removable? I'm just thinking of some youngsters deciding to stack some panels elsewhere or trying to throw them down the adjacent slope?

Layout

Where possible, car parking spaces should be laid out in straight rows, and orientated towards the primary source of natural surveillance (usually the associated building(s)). This measure is intended to maximise the surveillance opportunities

across the site, so that any unusual activity may be noticed. (Unfortunately, the Convenience Store car park (and associated residential spaces) are quite detached from the buildings so opportunities are reduced. Consequently, casual supervision must be drawn from surrounding buildings and the creation of activity by legitimate users.

Security Lighting

The Design and Access Statement advises of the intention to illuminate the car parking spaces. I presume illumination shall be throughout darkness hours, rather than just between operating/trading hours? (I note the precautions against light spillage and pollution). I calculate the uniformity of illuminance to be approx 33%, which is sufficient (25% is considered to be absolute minimum). Uniformity of light is generally more important than intensity, so that the human eye can more easily differentiate between areas of light and shade. The colour rendition index of the proposed light sources is also important, so that colours can be easily distinguished. The lamp fittings should be vandal-resistant.

Landscaping

I note the intention to landscape the site, especially to mitigate vehicle headlamps. However the overall scheme should not impede surveillance opportunities or create hiding places. A strict maintenance programme should be implemented to prevent plants becoming too overgrown.

Pedal Cycle Parking

The cycle parking is well placed, close to the surgery entrance, which shall generate reasonable levels of activity and casual supervision. 'Sheffield' type stands are considered best practice, so that cycles can be 'D'-locked or chained via frame and wheel. Consideration may also be given to providing protection from the weather to encourage use over longer periods - provided the covers do not obscure views.

(The applicants responded to the issues raised by the Crime Prevention/ Architectural Liaison Officer as follows:

- *The car park perimeters will include for:-*
 1. *the retention of existing stone wall/ post and wire fence to north western boundary (to Glave Hill) reinforced with new perimeter planting scheme;*
 2. *western boundary to Surgery retains the existing post and wire fence;*
 3. *southern and south eastern boundaries abutting car parks will have new stone walls 1.5 – 1.8m high along with screen planting;*
 4. *car park boundaries contiguous with Showfield access route are to receive estate style fencing 1.2m high as indicated on drawing 1411-p-02, this fencing will be removable to allow use of the car parking areas during the annual Dalston Show and include for a robust post and socket arrangement with panels bolted together to avoid potential for unauthorised removal.*
- *Access to the central part of the site will be controlled by a lockable field gate; probably with a sliding bar and padlock.*

- *It would be difficult to gate the surgery car park for practical reasons. However given the location of the access route into this car park, unauthorised or nuisance use may be naturally discouraged.*
- *Access to the store/ residential car park would need to be available at all times.*
- *The store car parking layout has been developed for operational reasons and to allow space for turning of delivery vehicles. There would be a degree of surveillance for the residential units and the existing dwellings on Glave Hill.*
- *It is envisaged that the car parks would be illuminated throughout the hours of darkness on photocell controls. Light fittings would be vandal resistant and appropriate colour rendition considered.*
- *The planting scheme would be subject to an ongoing maintenance regime to ensure areas do not become overgrown.*
- *Thank you for the suggested use of 'Sheffield' type cycle stands – this will be borne in mind at detailed design stage. Provision of a covered to this area may pose difficulties in Planning terms and perhaps potential for nuisance gathering.)*

The Architectural liaison Officer had no further comments to make.

Planning - Local Plans (Trees): The location for the proposed car park is within the Dalston Conservation Area on a green field site that from aerial photographs appears to show a ridge and furrow field pattern and is likely therefore to be of archaeological, cultural and historic significance.

Dalston is designated in the Carlisle District Local plan as a local service centre. As such it is considered that some journeys to such sustainable locations can be made without cars. The creation of car parks only encourages car use and cannot therefore be considered sustainable.

I consider the loss of this open green area to car parking would have a detrimental impact on the character of the Conservation Area and destroy the pattern of the historic landscape feature that is the ridge and furrow system.

In conclusion it is considered that the proposal is contrary to Policies DP1, T2, LE19 and CP3 of the Carlisle District Local Plan 2001 - 2016.

Dalston Parish Council: Object to the application and recommend refusal for the following reasons:

1. the application is considered 'piecemeal' - in an attempt to address problems in design and the requirements of different user groups.
2. concern over visibility when exiting Glave Hill were raised. Parish Councillors believe that visibility is impaired at this exit and highlighted that this exit is situated on the only pedestrian footway into the village from Townhead Road with users being subjected to increased traffic entering and exiting the car park.

It was also agreed that the previous comments on application 09/358 still apply. The following comments were made:

1. the scale of the building, including the residential units and car park combined, was considered unsympathetic and out of character with the village (because of the overall size of the development)
2. the development was considered unsuitable for Dalston, a rural village with a traditional village centre containing listed buildings of architectural significance and within a conservation area
3. the car park and HGV turning space was to be situated in an area with a known flooding problem. The type of surface and run-off was of concern.
4. the suitability and safety of lorries turning/reversing in the same space as a public car park
5. concern regarding the security issues arising from the car park arising from the car park being at a distance and screened from a public highway.

Northern Gas Networks: Northern Gas Networks advise that they have no objections but advise that there may be apparatus in the area that may be at risk during construction works and should the application be approved, NGN require the promoter of the works to contact them directly to discuss their requirements in detail . NGN also advise:

1. should diversionary works be necessary they will be fully rechargeable
2. the extract from the mains record of the area covered by the proposals shows only mains owned by NGN in its role as a Licensed Gas Transporter
3. privately owned networks and gas mains owned by other GT`s may also be present in this area and information with regard to such pipes should be obtained from the owners
4. service pipes, valves, siphons, stub connections,etc are not shown but their presence should be anticipated

Conservation Area Advisory Committee: Reply awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	25/01/10	
2 The Green	25/01/10	
54 Glebe Close	25/01/10	
37 Carlisle Rd	25/01/10	
Yew Tree House	25/01/10	
14 The Green	25/01/10	
5 Madam Banks Road	25/01/10	
Bank Croft	25/01/10	

Highbury	25/01/10	
Dalston House	25/01/10	Comment Only
Old Veterinary Surgery	25/01/10	
Glave Hill House	25/01/10	
Whin View	25/01/10	
7 Townhead Road	25/01/10	
1 Craiktrees	25/01/10	
10 The Square	25/01/10	
The Cornmill	25/01/10	
15 Victoria Place	25/01/10	
1 The Square	25/01/10	Undelivered
Cllr - Dalston	25/01/10	
Dalston Victory Hall Management Committee, Hollin Bush	25/01/10	
29 Caldew Drive	25/01/10	
Low Fauld	25/01/10	
23 The Square	25/01/10	
21 Burnsall Close	25/01/10	
Glave Hill House	25/01/10	
28 Nook Lane Close	25/01/10	
20 Station Road	25/01/10	
Hawthorn Cottage	25/01/10	
13 The Square	25/01/10	
21 Glebe Close		Objection

3.1 Publicity was given to the proposal by both press and site notice and by direct notification of neighbouring occupiers. At the time of writing this report one letter of objection had been received pointing out that ' the Dalston showfield was left to the people of Dalston to enjoy; it is a greenfield site. It also is an area that is used by swallows for feeding every summer, the loss of this area will be detrimental to wildlife, particularly as the grass is left to grow thereby attracting insect life and in turn sustaining the birdlife. It is not acceptable to turn this area into parking for a shop, the medical practice or anything else. It is an area that attracts wildlife and should be left alone. A wildlife impact study should be carried out before any decision is taken'.

3.2 One other letter was received, commenting on the overall scheme as follows:
' When we were asked away back if we were broadly in favour of a new Co-op Store many of us were in favour BUT I am very dissappointed with the outcome. The whole plan of parking, the store, houses, lorry turning, unsafe entrances, usage of the car parks on Show Day to me looks awful and unworkable and some good landscaping will be needed. How long will the removable fences last and how long before they are taken down for the fun of it! I feel what I say or think will not change the plans but coming back to townhead road on the left hand side we have a car park a recycling site which has grown too large for the center of the village and then a stone wall with a very old rusty barbed wire fence a very untidy entrance to the show field and the same to the surgery. I would ask you to put some pressure on to have it all landscaped and make Town head Road attractive to walk down.I have asked asked before to have the bins screened with no results so I hope you can do better. '

4. Planning History

- 4.1 The eastern part of the site was the subject of planning application reference 08/358 for the provision of a car park to serve the proposed convenience store and two residential units (application ref 08/1254). The Committee agreed on 10 September 2009 to grant authority to issue consent for both applications subject to the completion of a Section 106 agreement.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for full planning permission (1) for the formation of parking areas within Dalston Agricultural Showfield to serve (a) Dalston Medical Practice and (b) the proposed convenience store and two of the three residential units which were the subject of planning application reference 08/1254 and (2) for reinforced grass surfacing between the two car parking areas and to the north of the latter car park.
- 5.2 The proposed development lies within the northeastern part of the Showfield, currently in agricultural use and at a higher level than the main part of the field. The car parks are bounded to the north west and north by the existing Surgery and car park and Glave Road and to the east and south by the Victory Hall car park, the proposed convenience store/residential units and the rear of the housing on The Green.
- 5.3 The site lies within the Dalston Conservation Area and is adjacent to two Grade II listed buildings Nos 1 and 2 The Green.

Background

- 5.4 The 0.14ha car park for the convenience store and residential units is a modification of the layout of the car park shown in application 09/0358 for which the Committee granted authority to issue (subject to a Section 106 agreement). The access, via the rear of the convenience store, and number of spaces, remains the same but the western boundary has been straightened and the screen planting transferred from its northern edge to the rear of the stone wall forming the boundary between the Showfield and Glave Hill. This car park will include a turning path for a 12m x 2.5m rigid truck.
- 5.5 The proposed car park for Dalston Medical Practice involves blocking up the existing entrance (but leaving a pedestrian footway) and forming a new access (bituminous surfacing) with improved visibility to the north west and providing 32 parking spaces (including 2 disabled spaces), 22 pedal cycle racks and motorcycle parking within a 0.117ha site to the south of the surgery. The western boundary will comprise a stone wall with screen planting and there will also be screen planting to the north east.
- 5.6 The surfacing material of the car parks will be concrete permeable paviers such as Tobermore Hydropave Attenuation/Infiltration System to allow

stormwater to be retained and discharged in a controlled manner to ground and/or surface water sewers. The Showfield access will comprise a porous paving system, covered with soil which is grassed and therefore gives the appearance of a grass surface.

- 5.7 It is proposed to erect steel estate fencing approximately 1.2m high on the car park boundaries alongside the Showfield access route and on the northern boundary of the convenience store car park. The fencing will be removable to allow use of the car parking areas during the annual Dalston Show and will include a robust post and socket arrangement with panels bolted together to avoid potential for unauthorised removal. The applicant has advised that (1) access to the central part of the site will be controlled by a lockable field gate, probably with a sliding bar and padlock and (2) the car parks would be illuminated throughout hours of darkness on photocell controls, with light fittings being vandal resistant.
- 5.8 The Design and Access Statement submitted with the application includes the following information:
1. an assessment of maximum requirements with reference to Parking Guidelines in Cumbria (September 1997) was carried out. While the requirements in respect of disabled, cycles and motorcycles is met, the standard in relation to car parking spaces is 15 less than the maximum requirement.
 2. the car parking layout has been designed to comply with relevant standards and allows for operational parking and visitor parking for the Medical Practice and delineation between the convenience store parking and parking areas for residents and visitors to the dwelling.
 3. lighting to illuminate car parking areas and access routes will be fitted with guarding to avoid light pollution.
 4. entrance to the Medical Practice provides for separate pedestrian and vehicular access points and the designated parking spaces for the disabled will be laid out in accordance with BS800 and located within 25 metres of the closest point into the Medical Practice.
 5. pedestrian access routes will be barrier free with coarse textured pavements or setts leading to level access thresholds at doors. Footways around the building will be illuminated by building mounted lighting and pedestrian routes will be distinguished by colour and texture.

Assessment

- 5.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan

(2001 - 2016) (adopted 9/9/2008), extended policies of the Joint Cumbria and Lake District Structure Plan (2006) and the North West of England Plan Regional Spatial Strategy to 2021.

5.10 In consideration of this application Policies CP3, CP4, CP5, CP10, CP15, CP17, LE8, LE12, LE19 and T2 of the Carlisle District Local Plan are relevant. The relevant aspects of these policies seek to ensure that:

1. development respects the character of Conservation Areas;
2. sites of archaeological significance or high archaeological potential are appropriately evaluated;
3. the amenity of residential areas is protected from inappropriate development where the use is of an unacceptable scale, leads to an unacceptable increase in traffic or noise or is visually intrusive;
4. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
5. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
6. any increase in surface water run-off will not create or exacerbate flooding problems; and
7. satisfactory access is available and appropriate levels of car parking provision is made.
8. development does not affect the setting of a listed building
9. development proposals make provision for easy, safe and inclusive access and inclusive access to. into or within buildings and facilities
10. development should not lead to the loss of the best and most versatile agricultural land

5.11 With regard to the development plan objectives and issues raised by consultees and objectors:

1. the principle of a car park in this location to serve the proposed convenience store and two of the three associated residential units (ref 08/1254) has already been established in the approval of a car park under ref 09/358. Subject to reimposition of the conditions attached to the original permission, it is considered that the proposed changes to the car park (straightening the western boundary, defining the northern boundary by park fencing and relocating screen planting from the northern boundary to the rear of the wall bounding the highway at Glave Hill) will not have a significantly adverse effect on the character of Dalston Conservation Area, the listed buildings at 1-2 The Green or the amenity of adjacent properties.

2. the current level of staff and visitor parking (10 spaces) for the Dalston Medical Practice (DMP) is less than a quarter of the spaces recommended as maximum requirements by Cumbria CC and the access is substandard. Subject to specified conditions, County Highways have no objection to the proposal. It is considered that the proposed car park and new access for the DMP will (1) provide convenient car parking for staff and visitors (2) reduce the pressure for parking elsewhere in the town centre and (3) result in improved traffic and pedestrian safety. The site is visually quite well contained by adjacent buildings, existing boundaries (planting and the wall along Glave Hill) and the natural topography. Appropriate planting along the western and northeast boundaries should provide effective screening of the car park from Glave Hill and the remainder of the Showfield. Subject to clarification of the Highway conditions and submission of satisfactory landscaping, hard surface finishes and lighting details, the DMP car park should not (adversely affect the character of the conservation area or the amenity of adjacent properties to a significant degree. It is considered that the setting of the listed buildings at 1-2 The Green, which are over 60 metres from the application site will not be significantly affected

3. the reinforced grass surfacing, which will facilitate access to the Showfield during inclement weather conditions will have the appearance of a grass surface

4. the potential archaeological importance of the site, which lies within the medieval village, has been recognised and a condition requiring a Watching Brief could be attached

5. with regard to the development contributing to creating a safe and secure environment, a condition could be attached requiring submission of details of the lock to be employed on the field access gate. The need for revised wording for Condition 13 of permission reference 09/358(dealing with the arrangements for securing the convenience store car park during hours of the store closure) to allow access for residents of the two associated residential units) is under discussion.

6. the applicant has previously submitted a Tree Survey for the convenience store car park indicating that the root protection areas will not be affected by the development and that tree protection barriers will be erected (conditions required);

7. the applicant proposes to use permeable pavements in the car parks to allow stormwater to be retained and discharged in a controlled manner to ground and surface water sewers, subject to porosity tests on site. The porous paving system proposed for the areas between and adjacent to the car parks is claimed to have high void spaces to allow storage capacity for rainfall from storm events. It is also claimed that (1) storm water is slowed in movement across and through the surfaces, which deposits suspended sediments and increases time to discharge (2) suspended pollutants and moderate amounts of engine oil are consumed by active soil bacteria. A condition could be

attached requiring submission of details of a scheme for the provision of surface water drainage works to reduce the increased risk of flooding.

8. with regard to access, mobility and inclusion, the Access Officer has no objections to the changes to the car park servicing the store and residential development or to the porous 'grass' paving system but has pointed out the need (1) to install dropped kerbs and tactile warning in specific locations (2) for appropriate marking of the the crossing area between the footway and the entrance. Suggestions have also been made with regard to the provision of a ramped access to the dispensary and a drop off/ collection point beside the dispensary for individuals visiting that facility only. (The applicant`s attention could be drawn to these by an informative).

9. with regard to the loss of agricultural land and the issues raised by the objector, only a small proportion of the Showfield is being changed from grass to hardstanding. While this loss is regrettable, it is not considered that, on balance, the extent of the loss of agricultural land and habitat is sufficient to warrant a refusal of this application which will facilitate the provision of a convenience store and three residential units, with associated parking and provide additional parking for the Dalston Medical Practice. Providing the additional parking will present an opportunity for environmental improvements to The Square.

10. the comments made in the second representation which are relevant to the proposed development have been addressed above

11. with regard to the issues raised by the Parish Council:

1. it is acknowledged that the application seeks to resolve two different parking issues. The resolution of multiple issues is not an uncommon approach in planning applications which must satisfactorily address the relevant Development Plan issues and other material considerations

2. subject to the imposition of appropriate conditions, including visibility splays, County Highways have raised no objection to the proposal

3. the issues raised in the Parish Council`s response to the original application (09/358) have been addressed in this report.

Conclusion

5.12 Subject to (1) the re-imposition of appropriate conditions relating to the agreed earlier application for the convenience store car park (09/358) (2) submission of satisfactory details of landscaping, hard surface finishes and lighting for the Dalston Medical Practice car park (3) details of the reinforced surface (including drainage specifications) and (4) clarification of conditions proposed by consultees, it is considered that the proposed development will accord with the provisions of the Development Plan. As there are no material considerations which indicate that it should be determined to the contrary, it will be determined in

accordance with the Development Plan. Subject to consideration of responses still awaited from consultees and other objections which may be received, the application is recommended for approval.

- 5.13 As (1) there are outstanding replies from consultees and (2) at the time of writing this report the period for representations has not expired, it is not considered possible to make a full recommendation. An update and recommendation will be presented to the Committee.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal is being considered with due regard to the provisions of the Act.

7. Recommendation

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existing LOCATION PLAN
1-1250

swarbrick
associates

CHARTERED ARCHITECTS
10 Adelaide Street
Cardiff CA1 1LP

Tel: 01228 595552 Fax: 01228 595554
 Email: info@weagrickassociates.co.uk
 Website: www.weagrickassociates.co.uk

CLAYE HILL, DALSTON

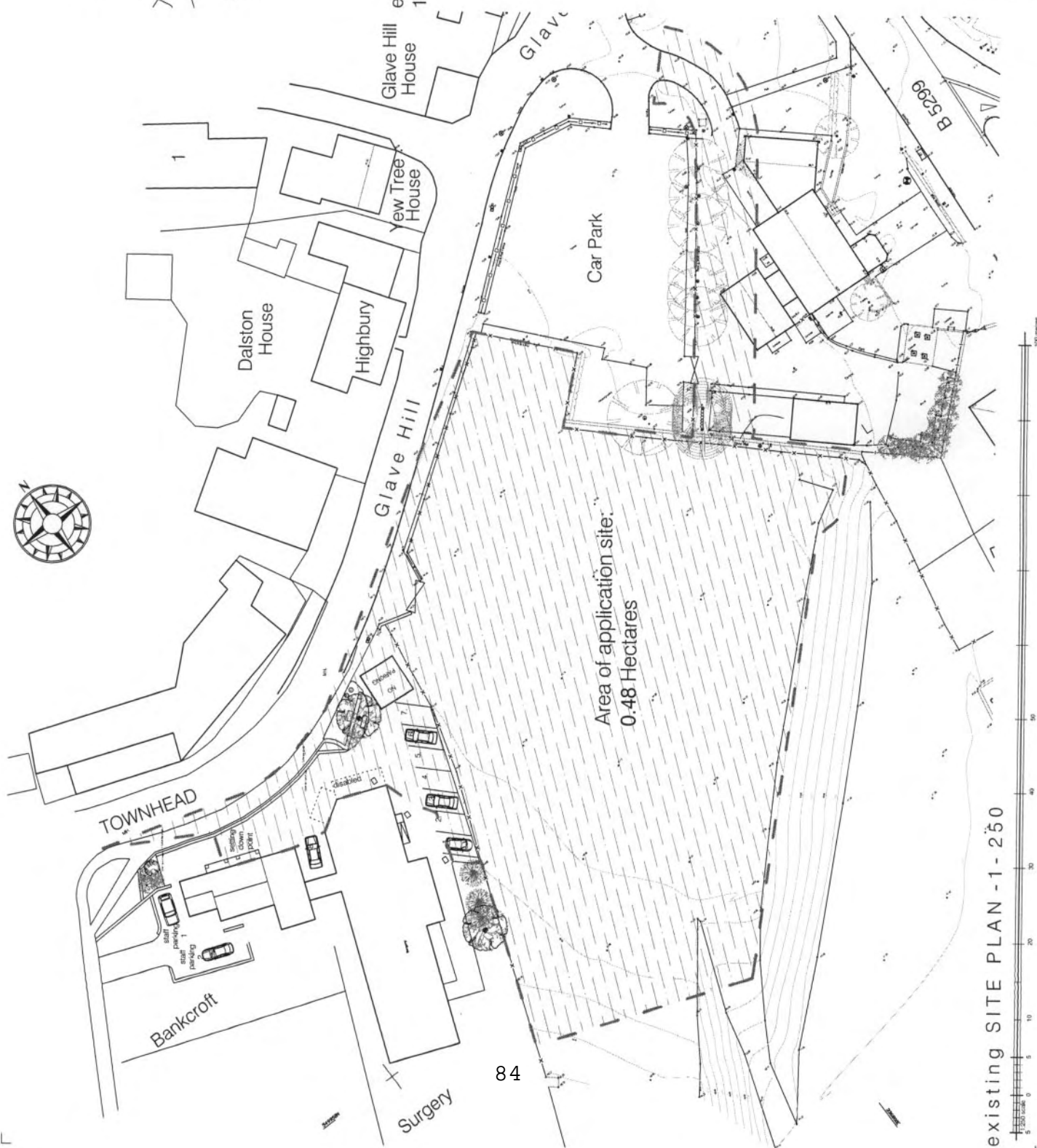
J. J. Lardner Limited
The Office, Rosemary, Montserrat, Caribbea

Proposed Car Parks and Access
Alford Hill, Ossett, CA5 7QA

AG NO: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 10


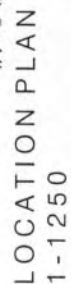
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Order 1-250, 1-1250 (04) Date: 12.01.10

Insider's	Description	Date
A	Set beneficiary amount.	13.07.10

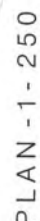


existing SITE PLAN - 1-250

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Section	Description	Date
A	Site boundary extends.	13.01.10



SCHEDULE A: Applications with Recommendation

08/1254

Item No: 05

Date of Committee: 12/03/2010

Appn Ref No:
08/1254

Applicant:
JJ Lattimer Ltd

Parish:
Dalston

Date of Receipt:
19/12/2008

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Ben Hodgson Bodyworks, Dalston Service Station,
The Square, Dalston, Carlisle, CA5 7QA

Grid Reference:
336861 550000

Proposal: Removal Of Existing Garage Buildings And Erection Of Convenience Store And Three Residential Units (Revised Proposals Submitted on 7th July 2009)

Amendment:

1. Submission of revised plans for (1) alterations to car park boundary details and pedestrian access from the car park to two of the residential units and (2) formation of a footpath link from the entrance to the convenience store to the B5299 opposite Kingsway.
-

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

One of the conditions attached to the draft decision notice for this application (for which authority to issue was agreed, subject to a Section 106 agreement, at the September 2009 meeting of the Development Control Committee) cannot be implemented due to change of circumstance. Committee authority is therefore sought to vary that condition.(See Section 5 (Details of proposal/Officer Appraisal) of this Report for an Update and recommendation).

1. Constraints and Planning Policies

Conservation Area

The proposal relates to land or premises situated within the Dalston Conservation Area.

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE10 - Archaeological Field Evaluation

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

Local Plan Pol CP9 - Devel., Energy Conservation and Effic.

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol T2 - Parking in Conservation Areas

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol EM 1- Integrated Enhancement &Prot.of Reg.Env.Assets

RSS Pol RDF 2 - Rural Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): Awaiting reply to consultation on the (minor) revisions)dated 17/09/09.

Responded with a number of comments relating to the application and to subsequent revisions. Comments made on the latest proposed revisions (July 2009) included the following:

- 1. The applicant has once again provided parking space on site for both the residential and retail elements and there is therefore no justification to require a financial contribution for either the parking down the Kingsway nor the pedestrian refuge across the B5299. It is, however, still reasonable to require a contribution towards the installation of a pedestrian refuge on Townhead Road, the improvement of the Bus infrastructure and the advertisement of waiting restrictions. The indicative costs for these works/contributions are calculated at £13,585;*

- 2 *Due to the revised servicing arrangements there will be a need to condition the timing of the deliveries, as this will need to happen before the car park is in use, if the turning is to be available.;*

It is, therefore, recommended that the following conditions are included in any consent your Council might grant:

"1. The development shall not commence until agreement has been reached for the funding by the developer of –

- a) The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green), Townhead Road and Kingsway.*
- b) The introduction of a pedestrian refuge on Townhead Road,*
- c) The creation of bus boarding/alighting platforms and associated clearways on the B5299.*

The details of these improvements shall be approved by the Planning Authority prior to construction commencing and executed prior to occupation of any part of this development.

2. The whole of the access area(s) shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

3. The use shall not be commenced until the access road, footways, parking and servicing requirement details have been approved and constructed in accordance with these approved plans. All such 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.

4. 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 substantial completion of the construction works.

5. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any weekday and Saturdays. All such movements shall leave and access the public highway in a forward direction."

For the avoidance of doubt, neither of the applications the foregoing recommendations relate to can be dealt with in isolation. Both permissions need to be implemented. It would be nonsensical to allow the store without any parking provision (if the applicant does not provide for this parking elsewhere in Dalston), as mentioned in an earlier recommendation to the previous version of this application, or to create the parking without the store. It is strongly recommended that these applications are linked within any consents your Council might grant;

Dalston Parish Council: Awaiting reply to consultation on the (minor) revisions)dated 17/09/09.

The following response aggregates comments made in two letters the Parish Council submitted in relation to the amended plans submitted on 7th July 2009. These were discussed at a Parish Council meeting held on 14th July at which a request for a Site Visit by the DC Committee and a "Right to Speak" on this and the related application for the car park (09/0358) was reiterated:

"At its meeting held on 14th July 2009, attended by thirty local residents, Dalston Parish Council resolved by a narrow margin to object to the revised application 08/1254 on the grounds of scale of the development. It was felt that it would be acceptable as a convenience store, but with the inclusion of three residential units the proposals for that site were too large. It was also agreed that the proposed vehicular access was potentially dangerous.

It should be pointed out that the two amended plans shown on the planning portal, although one was an amended description, was confusing";

Dalston Parish Council at its meeting held on 9th September 2009 resolved to object to the revised plan (1384/p/08 revision F) or application Ref 09/358 (Car Park) but reiterated their concerns about the proposal for the convenience store/residential units as follows:

- *The scale of the building, including the residential units and car park combined, was considered unsympathetic and out of character with the village, because of the overall size of the development.*

Environment Agency (N Area (+ Waste Disp)): previously responded as follows:

The Agency is in receipt of an Environmental Risk Assessment for Ben Hodges Bodyworks by Elliott Environmental Surveyors Ltd dated 23 February 2009 (ref. EES09-04) which it is believed has been sent to yourselves.

The Agency has reviewed the Report, with respect to controlled waters only.

Through submission of the above report the Agency withdraws its objection to the application provided that any approval includes the following condition:

Condition

"Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. *Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

2. *The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
3. *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved".

Community Services - Drainage Engineer: reply awaited;

United Utilities: responded to the original proposal as follows:

There is no objection to the proposal providing the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU's Service Enquires on 0845 7462200 regarding connection to the water mains/public sewers.

The above comments have essentially been reiterated in response to consultation on the revised proposal submitted on 7th July 2009;

Environmental Services (Contaminated land): A response is awaited to the revised proposal submitted on 7 July;

Environmental Services (Environmental Quality): Agree with the condition required by Environment Agency but request the ' human health risk' is added as a reason on the EA condition as well as the water protection reason.

Development Services Planning & Housing Services - Conservation Section: Awaiting reply to consultation on the (minor) revisions) dated 17/09/0

The response received in relation to the revised proposals submitted on 7th July was as follows

"Following the receipt of an amended scheme which has taken on board most of the suggested improvements, the visual appearance of this scheme has improved greatly. Unfortunately one of the consequences of putting the servicing on the rear is that there is now a need for space to turn service vehicles.

Parking was not originally part of this proposal but the applicant has now submitted an application to provide such parking together with the space for service vehicles to turn. I have commented on this application, 09/0358, to the effect that the land required for this provision extends into a part of the Conservation Area that still retains its rural character and this will be damaged by the proposal. I would suggest that as servicing is required, the developments expansion into the Showfield should be restricted to the space needed for vehicles to turn.

On the issue of parking for this development I would make the following comments. Space that might have been available for turning or for disabled parking is being taken up by the applicant's desire to include residential development within the site. The current store has no parking provision and customers do not appear to be disadvantaged by having to carry their shopping bags to wherever they have managed to park, whether this is in the Square, the Victory Hall car park on Townhead Road or on the Kingsway. I agree with English Heritage that parking is an important issue that requires a co-ordinated approach rather than being dealt with by piecemeal applications";.

Development Services Planning & Housing Services - Local Plans (Trees)

Earlier comments are as follows:

The site is located within the Dalston Conservation Area, and the trees present on site will be protected by virtue of their location within the Conservation Area.

Proposals for the trees on site are contained within the Pre-Development Arboricultural Report, and the Interim Tree Report.

There are no objections to the removal of trees 3, 12, and 13

Groups listed as trees 1, 4 and 5 should be reduced in height to 2.5m and maintained as hedges.

Tree 2 should be coppiced and allowed to re-grow.

Trees 6 11 are to be retained and these trees will help screen and soften the new development. However, the successful retention of the trees will be dependent on careful treatment throughout the development process. The works to install the new hard-standing within the root protection area of these trees must be subject to a separate method statement based on the recommendations at 6.5 of the pre-development arboricultural report and drawing No 1384/ p/ 06, rev.0.

Tree protection barriers will be required for the duration of the development and these must be in accordance with the Pre-development Arboricultural Report Appendix 6, and Fig. 3 Tree Protection Plan.

Subsequent to these comments and in response to the revised proposals received on 7th July, the Tree Officer/Landscape Officer advises that he is satisfied with the amended planting proposals following the intended removal of existing trees along the western boundary

Northern Gas Networks:

Northern Gas Networks advise that there are no objections but cautions that there may be apparatus in the area that may be at risk during construction works. Should the application be approved, NGN require the promoter of the works to contact them to discuss their requirements in detail. NGN also advise that:

1. *" should diversionary works be necessary they will be fully rechargeable;*
2. *the extract from the mains record of the area covered by the proposals shows only mains owned by NGN in its role as a Licensed Gas Transporter;*
3. *privately owned networks and gas mains owned by other GT's may also be present in this area and information with regard to such pipes should be obtained from the owners; and*
4. *service pipes, valves, siphons, stub connections, etc are not shown but their presence should be anticipated"*

Cumbria County Council - (Archaeological Services): responded to the original proposal as follows:

" Records show that the site lies in an area of archaeological potential being located on the edge of the medieval village of Dalston with its 12th century Church of St Michael and numerous 18th century dwellings. Earthwork remains survive nearby on The Green that relate to the development of the village and the first edition map shows that Close Hall was located on the proposed development site during the mid nineteenth century. It is therefore considered likely that archaeological remains related to the development of the village survive below ground on the site and that they would be damaged or destroyed by the development.

It is, therefore, recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development and advise that this work should be undertaken at the expense of the developer. It is considered that this programme of work can be secured through the inclusion of two model conditions in any planning consent. The first condition would secure the implementation of an archaeological evaluation and recording programme prior to development commencing and the second would where appropriate, require an archaeological post-excavation assessment and analysis, preparation of a site archive for deposition at a store, completion of an archive report and publication of the results in suitable journal as approved beforehand by the LPA."

A response to the revised proposals submitted on 7th July 2009 states that the foregoing comments remain pertinent and two conditions are recommended (securing an archaeological evaluation and, where necessary, a scheme of archaeological recording) if planning permission is granted;

Cumbria Constabulary - Crime Prevention: Awaiting reply to consultation on the (minor) revisions)dated 17/09/09.

The following observations were made on earlier proposals:

"Convenience Store and Residential Units – Demarcation of Space:

Parking provision for residential Unit 1 encroaches across one of the store primary display windows. It occurs to me that members of the public will be attracted by this window and may attempt to enter the site via the private access point. I believe it will be necessary to deter store customers from entering via this route and attempting to short-cut alongside the east elevation to enter the store at the main entrance. This may be achieved by creating a narrower access point, and placing appropriate signage that the space is private. A suitable physical barrier shall be required at the end of the car parking space, perpendicular to the store window.

The drawings supplied do not indicate the nature of the boundary around the entrance to Unit 2. Consequently it is difficult to ascertain the intended use or ownership of the adjacent space, i.e. next to the rear store emergency exit.

The boundary treatment adjacent to the bin store has been depicted as a ranch style fence (providing surveillance opportunities into the space) – yet this type of fencing shall merely serve as a climbing aid to enter this semi-private space. As this space contains two access points to the store, I would recommend a welded mesh fence, to at least 2.4 metres. The brick wall abutting the fence should be of similar height and topped with a triangular-profiled coping stone, in order to deter climbing or walking along the wall."

Physical Security Measures:

A previous response advises of recommendations regarding security standard exterior doors and windows for the dwellings and store;

The officer has also advised that the height of the section of boundary fence adjacent to the raised decking area at the bottom of the rear garden of No1 currently presents a security issue.

Conservation Area Advisory Committee:

Further to the revisions received in July, the Committee has considered the proposals again and has commented as follows:

"The Committee felt that the consultation process had been successful and the applicant had made considerable improvements to the scheme although the Committee was still concerned about the provision of residential accommodation which took up valuable space for servicing and the concomitant need to provide turning and parking outside of the site";

Access Officer:

The following response was received in relation to the revised proposal submitted on 7th July 2009:

"Pedestrian Access from the junction of The Green and Glave Hill has an appropriate width and is to be surfaced with course textured concrete paviors or setts. The entrance door is to be automatic and consideration is to be taken regarding lighting and ironmongery.

There are separate comments regarding the provision of disabled parking as per application 2009/0358.

Within the drawings supplied there is no external trolley park marked beside the retail unit. If this was to change, it would need to be notified to the planning department. Assuming there is a trolley area within the retail area on entering the store, it should be located appropriately so as not to cause any obstruction.

Please note: Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance is available within BS8300/2009. Applicants should be aware of their duties within the DDA";

English Heritage:

In relation to the revised application of 7 July, English Heritage provided general observations that they represent a positive response to its previous comments regarding the previous application, particularly the revised siting of the building to achieve a more effective enclosure and also the positioning of the service area to the rear of the building. English Heritage therefore accepts the principles of the revised scheme but has no further comments to make and is content that the Local Planning Authority resolves any outstanding detailed design issues;

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	06/01/09	Objection
Dalston House	06/01/09	
Old Veterinary Surgery	06/01/09	
Glave Hill House	06/01/09	Objection
Whin View	13/01/09	Objection
1 Craiktrees	09/07/09	Objection
10 The Square	15/01/09	
The Cornmill	07/05/09	Objection
Dalston Victory Hall Management Committee, Hollin Bush	09/07/09	Objection
2 The Green	06/01/09	
Highbury	06/01/09	
Yew Tree House		Objection
14 The Green		Support
High Meadow		Objection
22 The Green		Objection
9 The Green		Objection
7 Townhead Road		Support
15 Victoria Place		Support
1 The Square		Undelivered
Cllr - Dalston		Comment Only

29 Caldew Drive	Objection
Low Fauld	Objection
23 The Square	Objection
21 Burnsall Close	Support
Glave Hill House	Objection
28 Nook Lane Close	Comment Only
20 Station Road	Objection
Hawthorn Cottage	Objection
13 The Square	Objection
54 Glebe Close	Support
37 Carlisle Rd	Support

3.1 Publicity has been given to the revised proposal by press and site notice and by direct notification of neighbours. Representations with regard to the original proposals and subsequent amendments were received from 26 persons. Of the representations, 17 were against the proposal and 6 in favour of it. (3 offered comments)

3.2 The key issues raised to the range of proposals by the objectors were as follows:

1. Traffic & Parking Issues

1.1 Parking was identified in the Dalston Village Plan (2005) as one of the biggest problems facing the community.

1.2 Preliminary plans showed 70 parking spaces on adjacent land.

1.3 There is insufficient parking (even for staff) for the proposal together with proposed parking restrictions in The Square, which, will exacerbate existing road safety hazards resulting from vehicles being parked on access roads/drives, close to junctions on pavements and grass verges (creating a quagmire). A particular parking and pedestrian safety problem was envisaged at the junction of Townhead Road with the B5299.

1.4 Cannot rely on using the Victory Hall car park which was provided for use by the locals (use of car park would result in lack of space for Victory Hall users, many of whom are elderly).

1.5 Conflict between delivery vehicles and customer parking.

1.6 Inadequate turning space and access for service vehicles.

1.7 Transport Survey is flawed and does not offer solutions to the parking problem.

1.8 Vehicle weight limit in village should be enforced.

1.9 Access road is an inappropriate scale.

1.10 Creation of road safety hazards particularly from vehicles exiting from the unsatisfactory site access, the proposed turning arrangements and

traffic island. This could result in lorries reversing from/onto Townhead.

2. Impact On Residential Amenity, Character Of The Conservation Area & The Setting Of The Adjacent Listed Building

2.1 The site is a primarily residential area and, by reason of scale, un-neighbourly form, illumination, signage, siting of plant and refuse bins, the presence of delivery and customer vehicles and customers (particularly in early morning and late evening), the development would adversely affect the living conditions of nearby residents through noise and disturbance, litter, loss of privacy, anti-social behaviour and overbearing visual impact.

2.2 The scale and form of the proposal, together with additional light pollution detracts from the setting of the adjacent Grade II Listed Building and the character of Dalston Conservation Area.

2.3 Trolley management is needed to prevent trolleys being scattered around the village.

2.4 Footpaths constructed across the open space in front of the building will adversely affect the character of the Conservation Area.

3. Other Issues

3.1 Plans are of insufficient scale, and inappropriate type, to allow proper assessment of environmental impact.

3.2 No need for another food store, particularly as a supermarket is planned for the west side of Carlisle.

3.3 Proposal should be linked to plans for the old Co-op building to ensure that it is not left vacant.

3.4 Proposal is sited outwith the 'trading area'.

3.5 Site is best suited to residential development (previous owner sold the site for residential accommodation for retired persons and first time buyers).

3.6 Impact on viability of existing small businesses in the village.

3.7 Energy efficiency measures should be included in the buildings (especially the houses).

3.8 Calling Dalston a 'town' fails to recognise its 'village' identity and the need for development to reflect the rural nature of the village.

3.9 Loss of telephone box.

3.3 Those in favour of the proposal referred to (1) the inadequacy of the existing store in terms of restricted access to shelves, with no real chance of

improvement, for people in wheelchairs and with pushchairs (2) the attractiveness of a larger store with some off-road parking which would reduce congestion in The Square and (3) the fact that the new store would encourage people to shop in the village instead of travelling to Carlisle and replace existing buildings with something more in character.

- 3.4 Some of the grounds of objection were accompanied by positive suggestions of ways of resolving the issues, including (1) double yellow lines at the approach to the junction on Townhead Road and (2) restricting the residential accommodation to a single flat, thereby releasing land for additional parking and/or relocation of waste receptacles etc.

4. Planning History

- 4.1 The planning history of the site relates to its existing use as a garage and petrol filling station and provision of a car showroom (BA2224) with the subsequent installation of extractor ducts and flues (04/1304) and a steel framed shed for use as a commercial garage (06/878). The most relevant proposals to this application are (1) an application (reference 09/0358) to form a car park for customers of the convenience store and occupants of two of the residential units (for which the Committee agreed Authority to Issue in September 2009 (subject to a Section 106 agreement) and (2) a revised application for the store car park and a car park for the Dalston Medical Practice (10/50) both in part of the adjacent Show Field. A report on the latter application is also on this agenda.

5. Details of Proposal/Officer Appraisal

Update (FEBRUARY 2010):

The Development Control Committee in September 2009 in granting authority to issue permission for this application, and for a related application for car park (09/358) agreed to a condition preventing occupation of the convenience store and residential units until the car park had been completed. Condition 2 stated as follows:

The convenience store and residential units hereby approved shall not be occupied until the car park approved under reference 09/358 has been implemented in accordance with the approved plans. The car park 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.

Approval was also subject to completion of a Section 106 agreement to contribute to various highway improvements. The Section 106 agreement could not be completed as the owners of the Showfield were not prepared to dispose of the land to the applicants on the originally agreed terms. An application seeking to slightly modify the shape and boundary/ screen planting details (10/50), and to provide a car park for thr Dalston Medical Practice, has been submitted and is the subject of report elsewhere on this Agenda. If application 10/50 is approved this will effectively supersede the previous proposal for the convenience store car park (09/358) and it

will be necessary to reword Condition 2 as follows:

The convenience store and residential units hereby approved shall not be occupied until the car park approved under reference 10/50 has been implemented in accordance with the approved plans. The car park 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.

Recommendation: It is recommended that, subject to the approval of application ref 10/50, the Committee agree Authority to issue permission for application ref 08/1254 with Condition 2 amended and subject to a Section 106 agreement to contribute to associated highway improvements.

THE ORIGINAL COMMITTEE REPORT IS REPRODUCED BELOW FOR INFORMATION ONLY.

Introduction

- 5.1 This is an application for Planning Permission and Conservation Area Consent to demolish existing buildings and erect a convenience store and three residential units at Blain's Garage, Glave Hill, Dalston. The application site, extending to 0.154ha, lies immediately south of The Square and is bounded by an area of open space to the north; the B5299, No 1 The Green and Dalston Show Field to the east and south; and by the Victory Hall car park to the west.
- 5.2 At the Committee's meeting held on 29th May Members resolved to defer consideration of the above proposal in order to await (a) a response to consultation with English Heritage; (b) amended plans from the applicant; and c) to await a further report on the application at a future meeting of the Committee coupled with a Report and recommendation in relation to the associated application (Ref 09/358) for a car park in the adjacent field.
- 5.3 At present the site, which slopes from west to east, contains three separate buildings. The main building is two storey and is of grey painted render, with artificial stone on the north elevation, and a corrugated roof. A single storey flat roofed brick built extension, with a large display window lies to the north. The main building also has a flat roofed wooden extension to the east. To the west is a utilitarian building, also of grey painted render with a corrugated roof but with large flues projecting from the roof and a large window to wall ratio. Close to the southern boundary is a mono-pitch building of block and render containing two garages and an office.
- 5.4 The boundary with the car park is 1 metre high mesh fencing while the boundary with number 1 The Green is a wall topped by a screen fence. The curtilage of number 1 is at a lower level than the application site ranging from approximately 0.6m at the drive entrance to over 1.8m along the southern boundary. Access to the site is currently taken from Townhead Road and the

B5299.

- 5.5 There are groups of trees (coniferous and deciduous) along the northwestern boundary and on the boundary with number 1 The Green. A telephone box is located to the west of the existing access road in the northwest corner of the site.
- 5.6 The application site lies within the Dalston Conservation Area and adjacent to Grade II Listed Buildings (numbers 1 & 3 The Green). Dalston is designated a Local Service Centre in the Carlisle District Plan

Background

- 5.7 The revised proposal comprises the demolition of the existing garage buildings and the erection of a convenience store (with approximately 290 square metres of retail space and 80 square metres of storage space) and three residential units. The residential units will comprise a two bedded unit on both the ground and first floor (accessed from the proposed car park in the Show Field) with a three bedded unit extending to the floor over the retail space and accessed from a ground floor lobby fronting onto the B5299. The other major amendment since Members last saw the application is the proposal to service the building from the rear with a lay-by being provided for service vehicles parallel to the access to the associated car park (the Report on which follows under App Ref 09/0358). The access road will be 4.8 metres wide with a 2 metre wide footpath linking the car park with the store entrance and Glave Hill. There is also a footpath link from the store entrance to the junction and a short path linking the entrance to the B5299 opposite the entrance to Kingsway. The bin storage area and air conditioning units will be sited to the rear of the building.
- 5.8 The orientation of the main street frontage now follows the dominant building line on the B5299 before returning on the corner opposite the entrance to Kingsway. The scheme is designed to look like three separate buildings with the highest section being in the centre. This section, containing the rear part off the retail floor space, part of the storage space and the three bedroom unit above, has an eaves height of 5 metres and a ridge height of 10 metres. The entrance elevation faces the southern entrance to The Square. The other components comprise (1) a single storey element containing the front of the retail unit which has an eaves height of 3.5 metres and a ridge height of 8 metres and (2) the residential units (with a ridge at right angles to the main building) to the south abutting the commercial element and with measurements of 4 metres to the eaves and 8 metres to the ridge.
- 5.9 The detailed design of the building has been substantially modified to reflect the vernacular of other buildings within the centre of Dalston. Features such as gable projections, half dormers, chamfered corners and stone copings which, together with steeper roof pitches, have been incorporated in the revised design. There are three shop windows on the east elevation and one on the north elevation all with arched lintels. The entrance door has a similar arched feature and smaller domestic scale windows either side.

- 5.10 The proposed materials are predominantly coloured render to walls with feature quoins to some external corners with stonework (natural or reconstituted) being used on the projecting gable of the central section; stone copings and ridge tiles; roof coverings in natural slate; shop front windows and rainwater goods in polyester powder coated aluminium with other windows in UPVC. Roofs will be covered in natural slate and external areas will be surfaced with paviers/setts to footways and the entrance area with tarmac to car parks and entrance roads. The delivery area is linked by a ramp to the entrance.
- 5.11 The original proposal to retain the trees along the northwest boundary has been modified and it is now intended to remove all of the trees and plant a new tree screen. It is also proposed to retain and reinforce the existing screen planting and timber fence in the southwest corner of the site while a scheme of shrub planting is proposed on the northeast part of the site and along the boundary between the service lay-by and the residential element.
- 5.12 The original proposal was accompanied by a Transport Statement, an Arboricultural Report, a Flood Risk Assessment, an Environmental Risk Assessment and a Design and Access Statement. The Transport Statement concluded that;
1. as the convenience store will be operated by the Co-op and replace the existing Co-op convenience store within the Square, the proposals would not be expected to produce any significant change in local travel patterns or any increase in the frequency of accidents;
 2. the development would be reasonably located to promote trips by sustainable transport, including linked trips with other facilities in Dalston town centre;
 3. the original proposed parking arrangements, with 8 shopper's parking spaces and four residential parking spaces, were considered reasonable for the development which is adjacent to the town centre. A parking survey had also suggested that any overspill retail parking that did occur at peak times could be accommodated in existing parking areas in the vicinity of the site;
 4. overall, the original proposals are considered reasonable in transport terms.
- 5.13 The Arboricultural Report identified the position, type and condition of trees on the site, together with their crown spread and root protection area. The report concluded that the redevelopment of the site can be carried out in accordance with BS5837 (2005) and will not cause significant harm to the trees recommended to be retained, provided that recommendations are followed with regard to the erection of protective fencing, the method of removal and replacement of existing tarmac and pruning.
- 5.14 The Flood Risk Assessment, submitted within the original application,

incorporates the Environment Agency's advice that a long term 100 year design flood level of 41.6 metres should be adopted. The Assessment concluded that (1) since the lowest point on site is 42.19 metres, the site should lie within Flood Risk Zone 1 and (2) the floor levels of the new building (43.3 metres) are set considerably higher than the recommended level. (The revised proposals show the floor level of the shop to be 42.5 metres and that of the housing to be 43.2 metres).

- 5.15 The Environmental Risk Assessment concluded that the risk to the environment from potential contaminants in soils, groundwater, vapours and gases is generally assessed as medium. The Report recommends specific measures to address the issues associated with the previous land use. These include removal of the tank farm and pipework and further risk assessments for gas and groundwater.
- 5.16 A revised Design and Access Statement has been submitted, following concerns expressed by the Conservation Officer and English Heritage, setting out the applicant's justification for the form of the development as follows:

Layout

A variety of options for possible layout configurations were investigated and the layout shown on the drawings submitted was selected for the following reasons:

1. the main street frontage of the building now follows the dominant building line on the B5299 and the design of the building reflects the local vernacular.
2. the floor level of the building is set 800mm below the previous proposal.
3. the 2no. bedroom unit is accessed from the B5299 with the provision of two parking spaces to the front. Introducing access to the accommodation to the front improves the domestic scale of the proposals, particularly with reference to the adjoining property.
4. the applicant has negotiated the purchase of part of the adjacent field to the south of the proposed development to provide parking for the convenience store and two of the residential units.

Scale

The location of the proposed building on the junction of Glave Hill and The Green (B5299) has been considered in the context of the proposed building and the scale of existing neighbouring buildings. The site forms an important fulcrum to the village, particularly when coupled with the grassed amenity space to the north east.

The proposed building responds to both its intended uses and context in presenting an inviting frontage further defined by the open porch entrance. The roof design also provides visual interest and breaks down the buildings

mass. Adjacent to the south eastern boundary the roof has been lowered to a more domestic scale than the original proposals.

Landscaping

The layout now proposed takes a sensitive approach to the existing tree planting present on the site. It was originally envisaged that the majority of the trees would be retained although a fir tree requires removal as this is located adjacent to the existing garage building and falls within the footprint of the proposed building. The preferred option was initially to retain the screen planting alongside the new roadway. However this has proved to be impracticable, due to necessary reduction of ground levels, and so existing trees will be removed and a replacement band of tree planting will be provided. The existing screen planting to the south eastern/western boundaries will be retained and trees trimmed as suggested in the Tree Report. To further soften the impact of the building a scheme of shrub planting will be implemented in specific areas indicated on the application drawings.

Appearance

As the site is located on the edge of the Village Centre it is appropriate that the design and materials should complement the surroundings and to this end there has been a conscious approach to facilitate a domestic feel to the building.

Access

The location of the site is such that it is in easy walking distance of the Village Centre and is less than eighty metres from the existing Co-operative store. Pedestrian access to the store and residential units is via a footway from the junction of The Green (B5299) and Glave Hill and will be barrier free with course textured concrete paviors or setts leading to level access thresholds at doors.

There are designated parking spaces for the disabled, laid out in accordance with BS8300, within the proposed car parking area which is subject to the associated planning application (ref: 09/0358). Footways around the building will be illuminated by building mounted lighting. Pedestrian and vehicular routes will be distinguished by colour and texture. All access doors, corridors and circulation areas will be in at least to the minimum widths stipulated in BS8300. The entrance door into the store will be automatic opening with ironmongery visually contrasting with its surroundings.

Assessment

- 5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes, Planning Policy Statements and material representations) indicate otherwise. Currently, the Development Plan comprises the North

West of England Plan Regional Spatial Strategy to 2021, extended policies of the Cumbria and Lake District Joint Structure Plan (adopted 2006) and the Carlisle District Local Plan 2001-2016 (adopted in September 2008).

5.18 PPS1: Delivering Sustainable Development sets out the Government's aims for sustainable development. Its objectives include encouraging development that embraces social progress which recognises the needs of everyone; provides effective protection of the environment; and reduces the need to travel by car. Action to achieve the first includes the need to address accessibility (both in terms of location and physical access) and to improve choice for all members of the community in relation to jobs, health, housing, education, shops, leisure and community facilities. PPS 1 also stresses the importance of good design in achieving sustainable development.

5.19 In consideration of this application Policies DP1, DP2, RDF2, EM1(C), CNL1 and CNL2 of the North West of England Plan Regional Spatial Strategy to 2021 and Policies DP1, CP5, CP6, CP7, CP9, CP15, CP16, CP17, H1, LE10, LE12, LE17, LE19, LE27, LE29 and T1 of the Carlisle District Local Plan are pertinent. These policies seek to ensure that:

1. there is fair access to services for rural communities with appropriate development proposals being focussed in Key and Local Service Centres;
2. development respects the character of Conservation Areas and the character and setting of Listed Buildings;
3. sites of archaeological significance or high archaeological potential are appropriately evaluated;
4. the amenity of residential areas is protected from inappropriate development where the use is of an unacceptable scale, or leads to an unacceptable increase in traffic or noise or is visually intrusive;
5. where appropriate, locally sourced materials are used to maintain the local character of buildings and their environment;
6. proposals take account of the need for energy conservation and efficiency measures are encouraged;
7. provision is made for easy, safe and inclusive access to, into and within buildings and facilities;
8. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
9. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
10. a Flood Risk Assessment is carried out where development is proposed in a floodplain;

11. a Risk Assessment is submitted clearly identifying contaminant sources, pathways and human and environmental receptors together with measures to treat, contain and control contamination;
 12. satisfactory access is available and appropriate levels of car parking provision are made;
- 5.20 With regard to the Development Plan objectives, the issues raised by consultees and the material planning considerations raised in representations:
1. the development of a replacement convenience store and residential accommodation in the centre of Dalston which is a Local Service Centre is considered to be appropriate in principle;
 2. the required archaeological evaluation of the site, which lies on the edge of the medieval village of Dalston, can be the subject of a condition;
 3. the applicant has advised that it is intended to include high levels of insulation in excess of Part 2A of the Building Regulations (as there is a mixture of domestic and retail space there will also be acoustic separation in the construction to accord with the Building Regulations);
 4. the issue concerning the trees adjacent to the northwest boundary has been resolved by proposed replacement planting of a new tree screen. Submission of details and implementation of a landscaping scheme can be required by a condition;
 5. the Environmental Agency has no objection in relation to flooding;
 6. levels of illumination have been specified and can be controlled by condition. Illuminated signage will have to be the subject of an application for Advertisement Consent;
 7. with regard to the need for trolley management, a trolley park will be located in the proposed car park in the Show Field;
 8. the submitted plans are considered adequate to allow the environmental impact of the proposal to be assessed;
 9. as the old Co-op building is not in the ownership of the applicant, it is not possible to control its future use. Planning permission would however be needed for a change of use from shop;
 10. the applicant has amended the store opening hours to between 7am and 10.00pm and delivery times can be the subject of a condition;
 11. surface water is to be discharged to a surface water sewer. Given that the existing site has a hard surface, it is unlikely that the proposed development will result in a greater level of runoff. An informative can be attached requiring the applicant to contact United Utilities regarding the

possible need for attenuation;

12. although the air conditioning external condenser is now located to the rear of the building, it is within 25 metres of the nearest dwelling (from which it is separated by the building). Dwellings on Townhead lie within 50 metres and, given the possibility of noise nuisance, a condition could be attached requiring submission of details
13. the applicant has submitted an Environmental Risk Assessment in relation to ground contamination associated with the previous and current uses. The Environment Agency has withdrawn its original objection subject to a condition being attached which requires (1) additional site investigation to provide information for detailed risk assessment for all receptors that may be affected; (2) the site investigation results; (3) the detailed risk assessment; (4) a remediation strategy and (5) a verification plan to demonstrate that the works are complete and any necessary monitoring is in place.
14. County Highways consider the upgraded access to be suitable and the level of parking for the development adequate. The wider issue of the need for additional town centre parking remains to be tackled. Highways are also satisfied that the increase in levels of traffic above that which could be generated by the garage would not result in congestion in the immediate vicinity, or cause danger to pedestrians and other road users provided that (1) waiting restrictions are introduced at the junction of Carlisle Road, Townhead and Kingsway and (2) a pedestrian refuge is installed on Townhead Road. A contribution of £13,585 is required towards the cost of installing the pedestrian refuge on Townhead Road, the improvement of the bus infrastructure and the advertisement of waiting restrictions
15. With regard to impact on residential amenity and the setting of a listed building, the proposed building is almost 40m from residential properties in Townhead. Their outlook is mainly onto the single storey parts of the building and will be partly screened by planting. However the outlook from the northern window of the living room of No 1 The Green is directly onto the gable of the highest part of the development which has a ridge height of 10m and obliquely onto the gable of the residential element which has a ridge height of 8m. It has become the practice of the Council to seek a minimum distance of 12m between primary windows and a directly facing gable. The distance between the window of No1 The Green and the facing gable of the stair access to Unit 3 is approximately 14m. Although the distance from the same window to the side of the store (which is viewed at an angle) is less (approximately 7m) the outlook could be partly screened by appropriate boundary treatment. It should be borne in mind that the existing outlook is to garage buildings and a forecourt. The issue as to whether the proposed development has created a heightened security risk is currently under discussion.
16. With regard to the impact on the character of the Conservation Area, the design includes vernacular features and materials. However, the ridge of

the central part of the proposed development is 2m higher than that of the building originally proposed. As the floor level has been reduced by 0.8m, the actual height of the central 'feature' element is therefore 1.8m higher than the existing garage. This part of the proposal amounts to only a third of the floor space with other elements (the residential element and the first floor of the retail element) having a slightly lower ridge height than the existing building. However, it is accepted that the footprint of the building is 60% greater than that of the existing building (occupying 30% of the site opposed to 19%) and it has a greater mass. The proposed development will result in the Co-op relocating to a new larger unit (290 square metres of retail space instead of 165 square metres) on an existing commercial site to the southwest of The Square with, unlike the existing store, dedicated servicing and parking space (09/0358).

17. The applicant advises that the new unit will carry 60% more stock items which will tend to reduce the need to travel to supermarkets elsewhere.
18. The applicant has advised that the telephone box which has to be removed to allow the access road to be widened will be replaced.

Conclusion

- 5.21 While there are outstanding replies from consultees, and the period for representations on the revised proposals for this development has not expired, given the minor changes it is not envisaged that they will result in (1) a substantial increase in the number of objections or (2) additional material grounds of objection. It is considered reasonable to conclude that the proposal will (1) increase shopping choice for all members of the community and (2) contribute to reducing travel to other food stores outwith Dalston, thereby contributing to sustainable development objectives.
- 5.22 The proposal also has the advantage of removing non-traditional buildings from a prominent site in juxtaposition to the village centre within Dalston and, by removing a major traffic generator from The Square, provide an opportunity to achieve environmental improvements in that location. The new structure and car park, and the additional activity generated by them, will clearly have a potential impact on (1) the living conditions of the occupiers of adjacent and nearby residential properties (2) the character of the Dalston Conservation Area and (3) the setting of the listed building. I consider however that the impact has been partly mitigated by the changes made to the siting and design of the building and associated landscaping. I also consider that further mitigation can be achieved through the attachment of appropriate conditions.
5. 23 Subject to (1) no material additional grounds of objection being raised and (2) satisfactory resolution of the outstanding security issue, it is considered that the proposed development accords with the provisions of the Development Plan. As there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Development Plan. The application is recommended for approval subject to (1) the applicant entering into a Section 106 Agreement to make a

contribution of £13,585 towards the cost of installing the pedestrian refuge on Townhead Road, the improvement of the bus infrastructure and the advertisement of waiting restrictions and (2) appropriate conditions.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered giving due regard to the provisions of the Act. It is not considered that the proposal would conflict with the Act. Where any conflict is perceived it is not considered that such conflict would be significant enough to warrant refusal of the application.

7. Recommendation -

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 convenience store and residential units hereby approved shall not be occupied until the car park approved under reference 09/358 has been implemented in accordance with the approved plans. The car park 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 appropriate parking provision in accordance with the objectives of Policies CP6 (Criterion 3), T1 and T2 of the

Carlisle District Local Plan 2001-2016.

3. The whole of the access area(s) 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, LD8

4. The use shall not be commenced until the access road, footways, parking and servicing requirement details have been approved and constructed in accordance with these approved plans. All such provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

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

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

6. Before the development is occupied the existing, unused access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

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

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to

be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that appropriate measures are taken treat, contain and control contaminated land in accordance with the objectives of Policies LE29 and CP11 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 (Criterion7) 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 the objectives of Policy CP5 (Criterion 7) of the Carlisle District Local Plan 2001-2016.

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

Reason: To protect trees and hedges during development works in accordance with the objectives of Policy CP5 (Criterion 6) of the Carlisle District Local Plan.

11. No development shall commence within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains and to ensure compliance with Policy LE10 of the Carlisle District Local Plan 2001-2016

12. Where appropriate, an archaeological post-evaluation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and the publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA..

Reason: To ensure that a permanent and accessible by the record by the public is made of the archaeological remains that have been disturbed by the development in accordance with the objectives of Policy LE10 of the Carlisle District Local Plan 2001-2016.

13. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criterion 5), CP6 (Criterion 4) and CP17 (Criterion 6) of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with the objectives of Policy CP5 (Criterion 1) of the Carlisle District Local Plan 2001-2016.

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

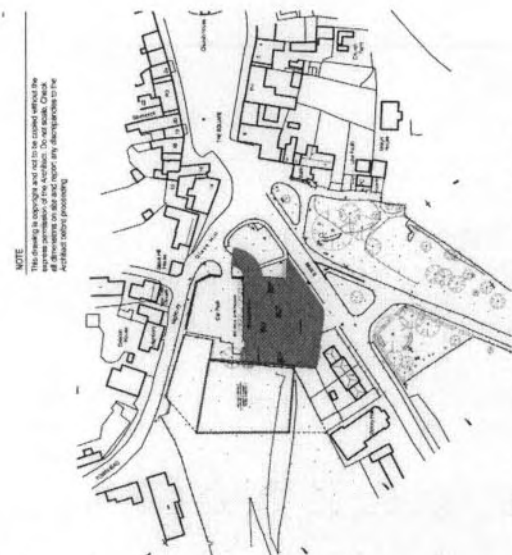
Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP5 (Criterion 1) of the Carlisle District Local Plan 2001-2016.

16. The premises hereby permitted shall not commence trading before 07-00 hours or remain open for business after 22-00 hours on any day.
- Reason:** To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criterion 5) and CP6 (Criterion 3) of the Carlisle District Local Plan 2001-2016.
17. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any day. All such movements shall leave and access the public highway in a forward direction.
- Reason:** In the interests of road safety and to support Local Transport Plan Policy LD8.
18. No deliveries shall take place between the hours of 10-00pm on one day and 7-00am the following day.
- Reason:** To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criterion 5) and CP6 (Criterion 3) of the Carlisle District Local Plan (2001-2016).
19. Prior to the commencement of development, the applicant shall submit, for the written approval the Local Planning Authority, details of:
1. a 3 metre length of 1.8 metre high solid fencing to be erected along the boundary with No 1 The Green adjacent to the raised sitting area; and
 2. a barrier to be erected adjacent to the parking area for Unit No 1 to prevent direct access to the convenience store entrance. The fence shall be erected prior to the commencement of works on site and the barrier shall be erected prior to the commencement of the use of the shop.
- Reason:** To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001-2016).
20. The proposed ranch style fencing adjacent to the the bin store shall be replaced by a welded mesh fence details of which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of the use of the shop.
- Reason:** To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001-2016).
21. Prior to the installation of the air conditioning system, the applicant shall submit, for the written approval the Local Planning Authority, details (including sound levels) of the air conditioning external condensers.

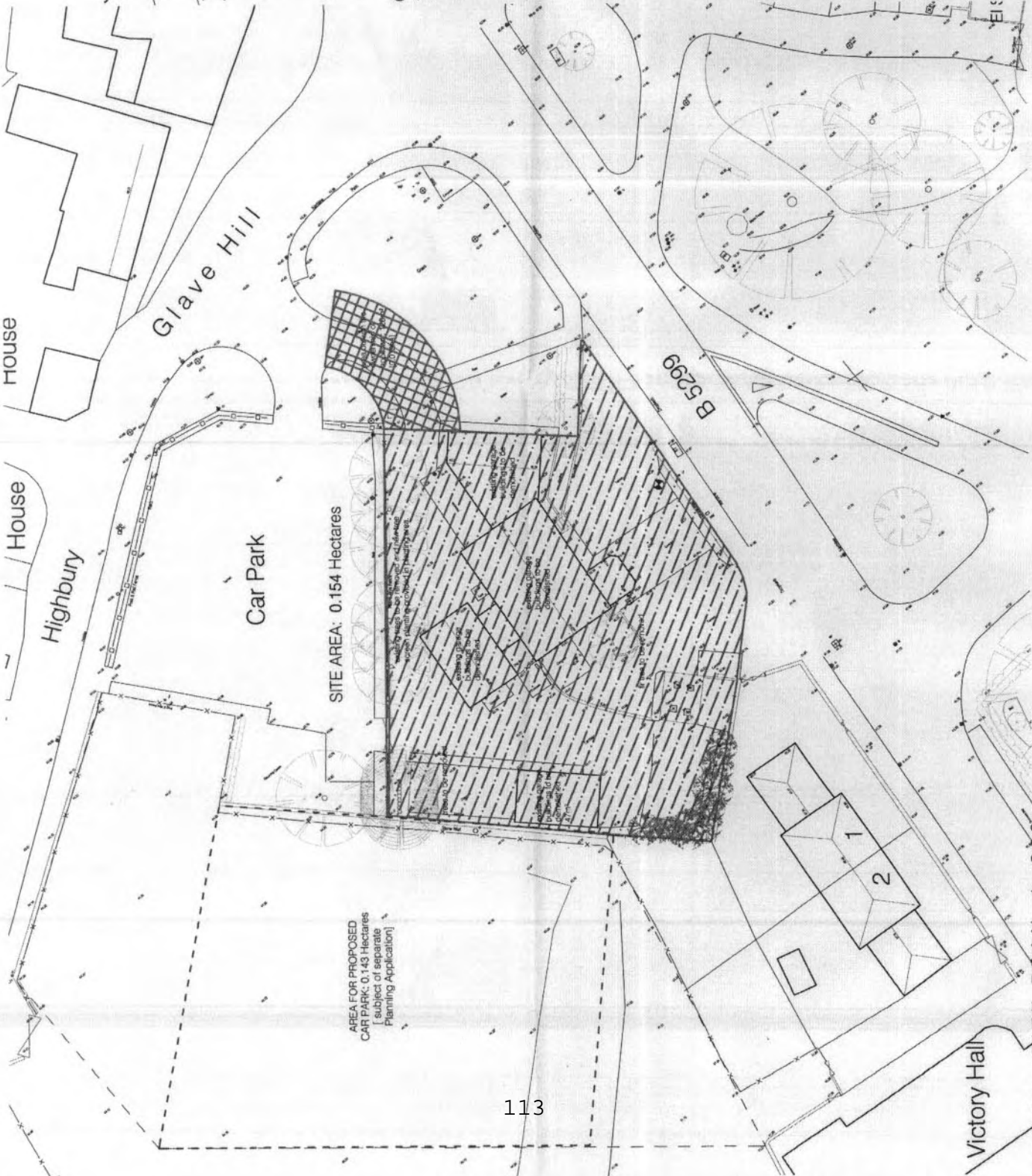
Reason: To prevent potential disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criterion 5) and CP6 (Criterion 3) of the Carlisle District Local Plan (2001-2016).

NOTE

This drawing is a preliminary and not to be used without the approval of the client. It is the client's responsibility to ensure all dimensions on site and report any discrepancies to the Architect before proceeding.



existing LOCATION PLAN
1-1250



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swarbrick
ASSOCIATES
CHARTERED ARCHITECTS
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Tel: 01223 355552 Fax: 01223 355554
E-Mail: info@swarbrickassociates.co.uk
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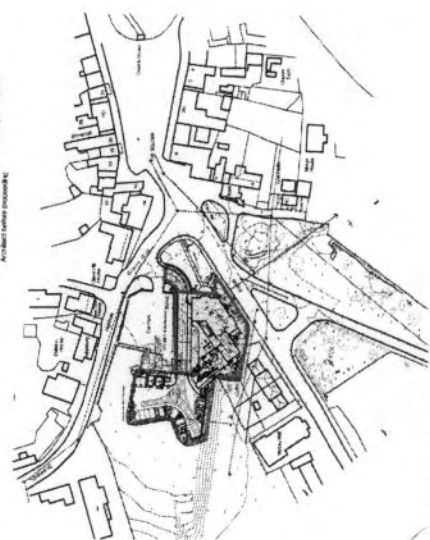
BLAIRS GARAGE, DALSTON

Client: J. J. Laidlaw (traded)
Architect: Swarbrick Associates, Manchester, Greater Manchester, UK
Project: Conversion of former Blairs Garage into a residential development of 10 flats and 10 parking spaces.
Site and Location: Dalston, Manchester, UK

DWG NO: 1384/p/01 rev B
Scale: 1:200 1:1000 (A1) Date: 21.04.08

Revision	Description	Date
1	Issued for planning application	21.04.08
2	Revised for planning application	16.07.08

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LOCATION PLAN
1-1250

swarbrick
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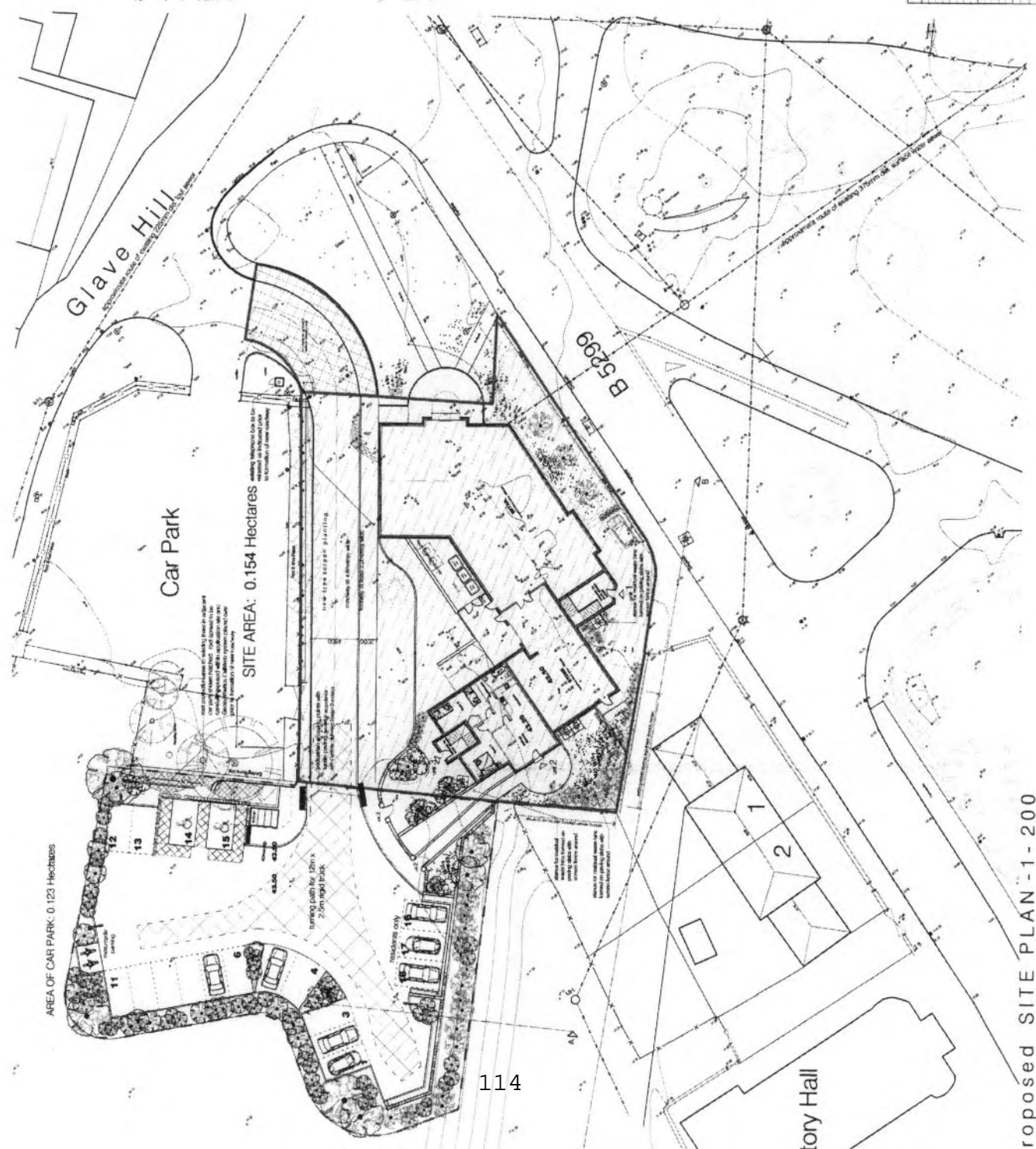
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 Website: www.bentley.co.uk

BLAINE GARAGE, DALSTON

PROJECT:
Neurological Characteristics of Normal and Abnormal
Development of Children with Epilepsy, CNA, JCA

1384/p/06 rev.J

Participant	Readability	Date
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roposed SITE PLAN - 1-200

SCHEDULE A: Applications with Recommendation

09/1107

Item No: 06

Date of Committee: 12/03/2010

Appn Ref No:
09/1107

Applicant:
Mr Ray Robinson

Parish:
Burgh-by-Sands

Date of Receipt:
18/12/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Burgh

Location:
Land at the garden of Burn Bank, St Lawrence
Lane, Burgh By Sands

Grid Reference:
332040 558928

Proposal: Erection Of Detached 4no. Bed Dwelling With Garage

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The Parish Council has objected to the proposal due to concerns that it will put further pressure on an already overloaded and inadequate drainage system and cause further problems.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Ancient Monument

Gas Pipeline Safeguarding Area

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

Conservation Area

The proposal relates to land or premises situated within the Burgh-By-Sands Conservation Area.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE7-Buffer Zone Hadrians Wall W.Herit.Site

Local Plan Pol CP5 - Design

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Environment Agency (N Area (+ Waste Disp)): Station Drain is designated 'main river' and the prior written consent is required for any works in, over, under or within 8m of the 'main river'. The Agency issued Flood Defence Byelaws Consent G415 for Permanent Works on 1.12.09. This Consent provides the Agency's agreement in principle that a dwelling can be constructed within 8m of the watercourse. The Agency is expecting to receive a further permanent works application for the proposed bridge and applications dealing with temporary works;

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

Cumbria County Council - (Archaeological Services): no comments;

English Heritage - North West Region: no comments;

Burgh-by-Sands Parish Council: objects to the application due to concerns that it will put further pressure on an already overloaded and inadequate drainage system and cause further problems. Also unhappy about infill building on existing garden sites within the Conservation Area - this is changing the traditional open layout and design of the village;

Solway Coast AONB Unit: comments awaited;

Northern Gas Networks: no objections;

Planning - Planning Policy & Conservation - Peter Messenger: no objections;

Local Environment (former Community Services) - Drainage Engineer: The applicant indicates disposal of foul sewage to the mains (public) sewer and the disposal of surface water to a soakaway which is acceptable. The Drainage Engineer is not aware of flooding issues at this site but is aware of surface water flooding in the village which at times may have affected the public sewer. Drainage issues near the Village Hall are currently being investigated by the Making Space for Water Group and a survey will be carried out in due course - this survey will not affect drainage at this site. The applicant will need consent from the Environment

Agency before the access is constructed;

Local Plans (Tree Preservation), Economic Development: no objections, subject to a satisfactory landscape scheme being implemented to replace the trees and hedge that are being lost;

United Utilities: no objections, provided only foul drainage is connected to the foul sewer. Surface water should discharge to a soakaway as stated on the application.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Wood Cottage	06/01/10	
Burnbank	06/01/10	
1 St Lawrence Lane	06/01/10	
2 St Lawrence Lane	06/01/10	
3 St Lawrence Lane	06/01/10	
The Foxgloves	06/01/10	
Bon Accord	06/01/10	
2 West End	06/01/10	

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to eight neighbouring properties. No verbal or written representations have been made during the consultation period.

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking full planning permission for the erection of a detached four bedroom dwelling, with attached garage, on land adjacent to Burnbank, St Lawrence Lane, Burgh-by-Sands. The host dwelling, Burnbank, is a one and a half storey property, which is constructed of white painted stone, under a slate roof and lies within the Burgh-by-Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty and the Hadrian's Wall Military Zone World Heritage Site Buffer Zone. An area of hardstanding is located to the front of Burnbank and this is adjoined by two outbuildings, one of which is attached to the dwelling and one is detached. The front garden to Burnbank, part of which forms the application site, which is located to the north of the outbuildings, slopes downhill away from the dwelling. A stream, which is designated as a 'Main River' by the Environment

Agency, runs through the garden, which is enclosed by hedges.

- 5.2 A bungalow, Wood Cottage, adjoins the application site to the west and part of the garden to this property would form part of the rear garden to the new dwelling. The access to Wood Cottage runs along the northern boundary of the application site, beyond which lies an area of woodland. St Lawrence Lane runs along the eastern boundary of the site, with the detached properties of The Foxgloves and Bon Accord being located on the opposite side of St Lawrence Lane to the application site.

The Proposal

- 5.3 The proposal is seeking to erect a detached two-storey dwelling, with an attached single garage. The dwelling would contain a living room, dining room, kitchen and toilet to the ground floor and four bedrooms (one en-suite) and a bathroom to the first floor. The dwelling would also contain an attached single garage, which would have a utility room to the rear. The main dwelling would measure 5.1m to the eaves and 7.5m to the ridge. It would be constructed of clay facing brick, with artstone quoins, lintels and cills, under a slate roof.
- 5.4 A new access would be created off St Lawrence Lane and a bridge would be constructed over the stream, which would be otherwise retained as an open watercourse. The new dwelling would have gardens to the front, rear and side and the existing hedge along the northern and eastern (adjacent to St Lawrence Lane) boundaries would be retained. A new post and wire fence and beech hedge would form the western (rear) boundary of the property, whilst a new 1.8m timber boarded fence would be erected along the boundary with Burnbank.

Assessment

- 5.5 The relevant planning policies against which the application is required to be assessed include Policies DP1, H1, DP9, LE7, LE19, CP5, CP12 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposal raises the following planning issues:
1. The Principle Of Residential Development
- 5.7 Policy H1 of the Carlisle District Local Plan 2001-2016 deals with the location of new housing development. Burgh-by-Sands is identified as a Local Service Centre within the Policy and the application site lies within the defined settlement boundary. Small-scale residential development on the site is, therefore, acceptable in principle.
2. Whether The Scale And Design Of The Proposal Are Appropriate
- 5.8 The two-storey section of the property would measure 11.4m in width, with a single-storey garage being attached to the property. The dwelling would measure 7.5m to the ridge, which is comparable to the ridge height on the

host dwelling. However, due to the existing site levels, the proposed new dwelling would be approximately 1m lower than the host dwelling. The dwelling would be constructed of clay facing brick, with artstone quoins, lintels and cills, under a slate roof. In light of the above, the scale and design of the proposal would be acceptable.

3. The Impact Of The Proposal On The Burgh-by-Sands Conservation Area, The Solway Coast AONB And The Hadrian's Wall World Heritage Site

- 5.9 The site is located within the Burgh-By-Sands Conservation Area, the Solway Coast Area Of Outstanding Natural Beauty (AONB) and the Buffer Zone of the Hadrian's Wall World Heritage Site. The scale and design of the proposed dwelling would be appropriate. The most prominent views of the dwelling would be of the front elevation and the north (side) elevation. The front elevation is well designed and would incorporate a two-storey gable, a single-storey porch, an attached single-storey garage and artstone quoins, lintels and cills, under a slate roof. The north elevation has been designed so that it is of visual interest and would contain artstone quoins, windows at ground floor and first floor level with artstone surrounds and a brick chimney. The proposed dwelling would not, therefore, have an adverse impact on the Conservation Area, the Area of Outstanding Natural Beauty or the Hadrian's Wall Buffer Zone

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

- 5.10 The host dwelling, Burnbank, has two outbuildings on its northern side and these would lie between this property and the new dwelling. The new dwelling would have an attached single-storey garage nearest to Burnbank and this would be approximately 11.5m away from its front elevation, which would not directly face the new dwelling. The two-storey section of the dwelling would be some 15m away from the front elevation of Burnbank and this side elevation would not contain any windows.
- 5.11 Part of the garden of the dwelling to the rear, Wood Cottage, would form part of the rear garden to the new dwelling. Wood Cottage, which sits in a large plot, would be at right angles to the new dwelling and views from this dwelling would be unaffected. The provision of a new beech hedge on this boundary would maintain privacy within the gardens of both properties.
- 5.12 The dwellings on the opposite side of St Lawrence Lane, The Foxgloves and Bon Accord, which would not lie directly opposite the new dwelling, would be a minimum of 30m away from the front elevation of the new dwelling.
- 5.13 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. Other Matters

- 5.14 The Parish Council has objected to the proposal, as it is concerned that it will put further pressure on an already overloaded and inadequate drainage

system and cause further problems. The applicant is proposing to discharge foul sewage to the main sewer and surface water to soakaways. Both United Utilities and the City Council's Drainage Engineer consider that this is acceptable and neither has objected to the application.

- 5.15 As the new dwelling would be within 8m of a 'Main River' the prior written consent of the Environment Agency is required. The Environment Agency has agreed, in principle, that the dwelling can be constructed in the location shown on the submitted plans.

6. Conclusion

- 5.16 In overall terms, the proposed dwelling is acceptable in principle and the scale and design of the dwelling are acceptable. The proposed dwelling would not have an adverse impact on the Burgh-by-Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty or the Hadrian's Wall World Heritage Site Buffer Zone. The proposal would not have an adverse impact on the living conditions of the occupiers of adjacent properties through loss of light, loss of privacy or over-dominance. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

4. The proposed boundary treatment shall be erected in strict accordance with the details indicated on Plans 09047-02, received on 18 December 2009, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: To ensure the privacy and amenity of the occupiers of Burnbank, Wood Cottage and the proposed dwelling, in accordance with Policies CP5 of the Carlisle District Local Plan 2001-2016.

5. 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 in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the south elevation of the dwelling without the prior consent of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



revision
Revision Date Description

320

Revised by

ARCHITECTS
PLUS

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123

Project
BURNBANK, BURGH BY SANDS
PROPOSED DWELLING
Drawing
321
LOCATION PLAN

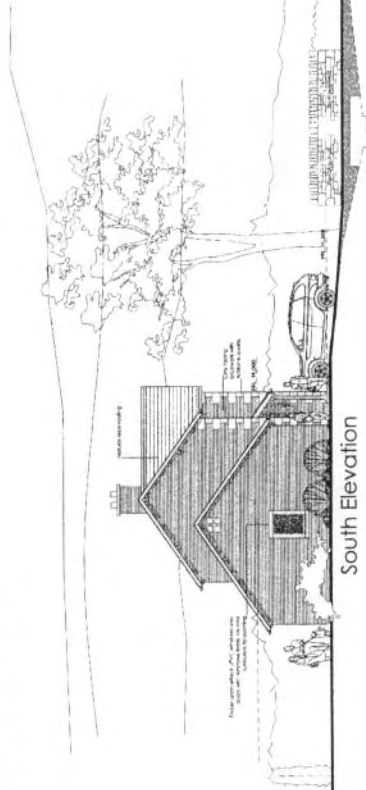
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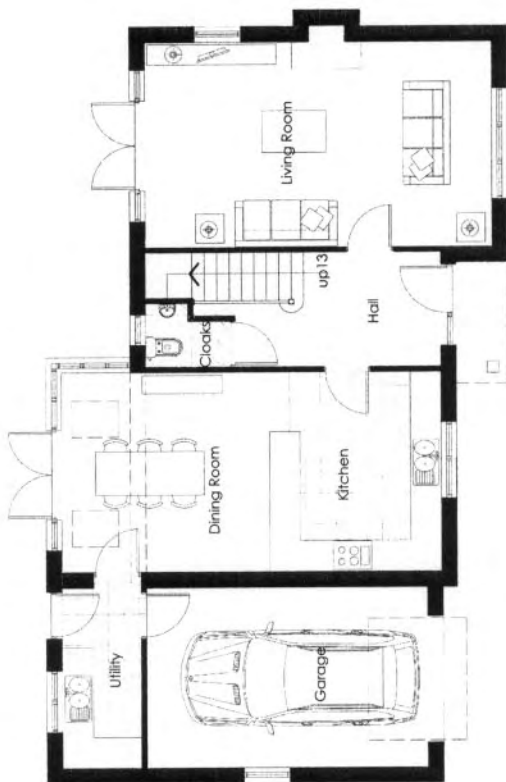




First Floor Plan



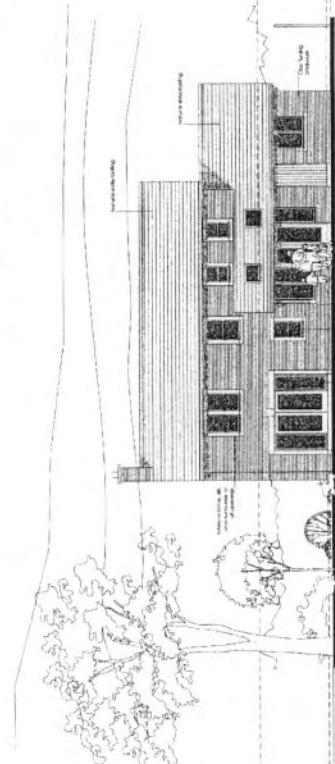
South Elevation



Ground Floor Plan



East Elevation



West Elevation

North Elevation

SCHEDULE A: Applications with Recommendation

10/0144

Item No: 07

Date of Committee: 12/03/2010

Appn Ref No:
10/0144

Applicant:
Mr A Harid

Parish:
St Cuthberts Without

Date of Receipt:
16/02/2010

Agent:
Jock Gordon

Ward:
Dalston

Location:
Dhaka Restaurant, London Road, Carleton, Carlisle
CA1 3DS

Grid Reference:
342750 552939

Proposal: Erection Of Wall Mounted Externally Illuminated Sign Together With The Retention Of 3No. Floodlights That Illuminate The "Dhaka Tandoori" Sign (Revised Application)

Amendment:

1. Alterations to the colour scheme to ensure that it is keeping with the existing premises sign.
-

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant is a City Councillor.

1. Constraints and Planning Policies

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC17 - Advertisements

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection, subject to the imposition of one planning condition that relates to the proposed lighting;

St Cuthberts Without Parish Council: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Fell View	18/02/10	
Aztech Asbestos Removal Specialists	22/02/10	
1 Carleton Farm	18/02/10	
2 Carleton Farm	18/02/10	
3 Carleton Farm	18/02/10	
4 Carleton Farm	18/02/10	
The Green Bank Public House, Carleton	18/02/10	
Carleton Motor Body Repairs, Carleton	18/02/10	
Contract Scaffolding, Carleton	18/02/10	
Carlisle Demolition Ltd., Carleton	18/02/10	
6 Carleton Farm Mews	18/02/10	
Carleton Farm House	18/02/10	
5 Carleton Farm	18/02/10	
6 Carleton Farm	18/02/10	

- 3.1 This application has been advertised by means of a site notice and notification letters sent to fourteen neighbouring properties. At the time of preparing this report no verbal or written representations have been made, although the consultation period does not expire until the 19th March.

4. Planning History

- 4.1 In 2006 temporary advertisement consent was granted by the Development Control Committee for erection of a sign which advertised that the restaurant was the winner of the “Chef of the year competition 2000 & 2001”.
- 4.2 That consent was renewed in 2006 and 2009; however, a further application for its retention in 2010 was withdrawn following advice from Officers’ that it was unlikely to be supported.
- 4.3 There are a number of other applications relating to the development of the restaurant, none of which are specifically relevant to this current application.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks approval for the erection of illuminated signage at the Dhaka Restaurant, Carleton. The premises currently trades as an Indian restaurant and is located on the A6, which is the main thoroughfare into the city from the southeast. Whilst the surroundings to the application site are predominantly residential the site is adjacent to a cluster of commercial

properties, which comprise Carleton Motor Body Repairs, Contract Scaffolding, Carlisle Demolition Ltd and The Green Bank Public House.

Background

- 5.2 In 2006 temporary advertisement consent was granted by the Development Control Committee for a sign that advertised an award that was won in 2000 and 2001. Further temporary renewals of that consent were granted in 2007 and 2009. The purpose of restricting the consent was to reflect the fact that the sign was of a temporary nature in that it provides an acknowledgement of an award obtained by the premises for specific period of time and to prevent a permanent display of advertisement clutter on the primary facade of the premises.
- 5.3 The current temporary consent expires on 12th March 2010. An application for the retention of the existing sign was submitted in January this year, however, it was withdrawn following advice from Officers' that a further temporary consent was unlikely to be supported.

The Proposal

- 5.4 The proposed sign would be located below the name of the premises on the front elevation of the property. It would advertise that the restaurant was the winner of the "Chef of the year competition 2000 & 2001". The sign would be constructed from aluminium with a white background and blue lettering. The colour scheme reflects the style of the existing restaurant sign. It would be positioned 2.1 metres above ground level, measuring 1.65 metres in width, 1 metre in height, with a depth of 75 mm.
- 5.5 The previously approved temporary sign was illuminated by three down lighters which are located at eaves level. This current application seeks to retain these lights to illuminate the main premises sign and erect a further down lighter above the sign hereby proposed.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies CP6 and EC17 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposals raise the following planning issues:
1. Whether The Signage Is Appropriate To The Premises And Its Locality.
- 5.8 The proposed sign is half the width of that which was previously approved. Its white background complements the building's white painted façade and its position is more discreet. The size and siting of the sign does not dominate the front elevation of the building and it is appropriate to the premises. The signage is seen in conjunction with the existing signage on the premises and against the backdrop of this small cluster of commercial properties. As such, the signage is appropriate to the premises and its locality.

- 5.9 In respect of the previously approved sign, the Council expressed the view that whilst it was not inappropriate to the building, if displayed on a temporary basis, however, the Council would not wish it to be advertised permanently. This was partly as the sign was of a temporary nature, in that refers to awards obtained in 2000 and 2001, which is the choice of the applicant, but also as Officers' wished to prevent unnecessary advertisement clutter on the building's principal elevation.
- 5.10 Although the proposed sign still refers to awards that were won in 2000 and 2001, this is the prerogative of the applicant and the display of the proposed sign on a more permanent basis would not result in any demonstrable harm given that it is smaller and more discreetly located. In light of the above, it is the Officer's opinion that it is not necessary to restrict the display of the sign to a temporary period.

2. The Impact Upon The Living Conditions Of Any Neighbouring Properties.

- 5.11 On the opposite side of the road to the application site is a residential property that has windows which face towards the Dhaka Restaurant. A resident of this property had previously expressed concern that the sign causes light pollution thereby affecting the occupants living conditions.
- 5.12 With regard to this point Members should note that the lights illuminating the sign shine downwards over the sign thereby minimising the effect of light spillage. Members should also note that by having approved the previous application they have accepted that the impact of the illumination, in terms of light pollution, is within tolerable limits. This judgement was made on the proviso that a condition was imposed that prevented the sign from being illuminated after 10.30 pm. In order to safeguard the living conditions of local residents Members are advised that the same condition is recommended.

3. Highway Matters.

- 5.13 The Highway Authority has raised no objections to the application, subject to the imposition of a planning condition that would prevent direct rays of light from the source of illumination being visible to drivers using the highway.

Conclusion

- 5.14 In overall terms the scale, design and illumination of the sign is appropriate to the premises and it does not compromise the visual amenity of the area. Subject to the imposition of an appropriate condition requiring the lighting to be turned off at 10.30 pm neither the sign nor its illumination will detract from the living conditions of any neighbouring properties. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies. As such, it is requested that Members grant Officers' authority to issue an approval following the expiry of the consultation period.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with Regulation 13(5) of the Town and Country Planning (Control of Advertisements) Regulations 1992.

2. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

3. Any advertisements or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

Reason: To accord with Schedule 1 of the Town and Country Planning

(Control of Advertisements) Regulations 1992.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

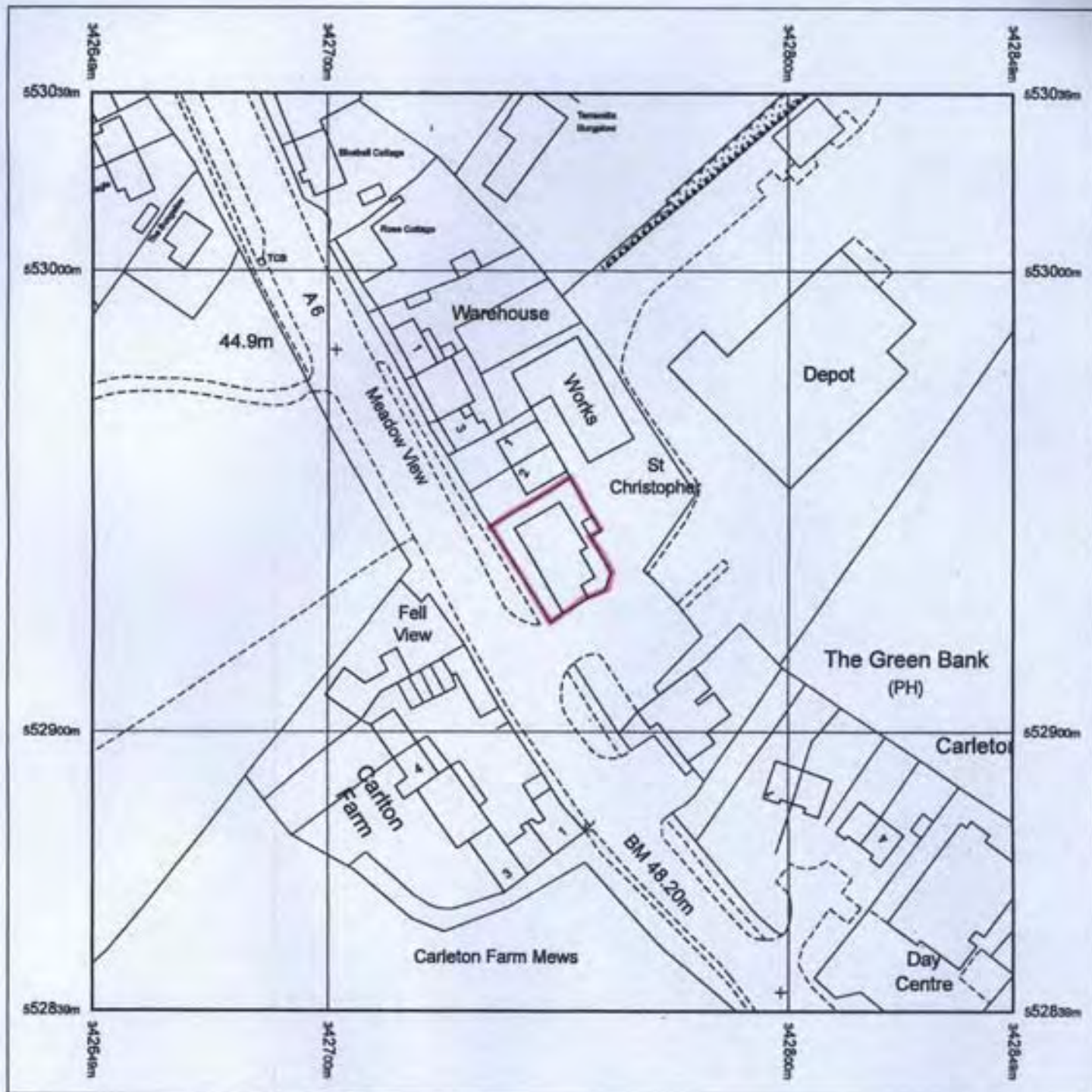
Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

7. The lighting hereby approved shall not be illuminated between 2230 hours and 0900 hours on any day throughout the year.

Reason: To ensure the living conditions of the neighbouring properties are protected in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway and the lighting units shall be maintained in that respect thereafter.

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



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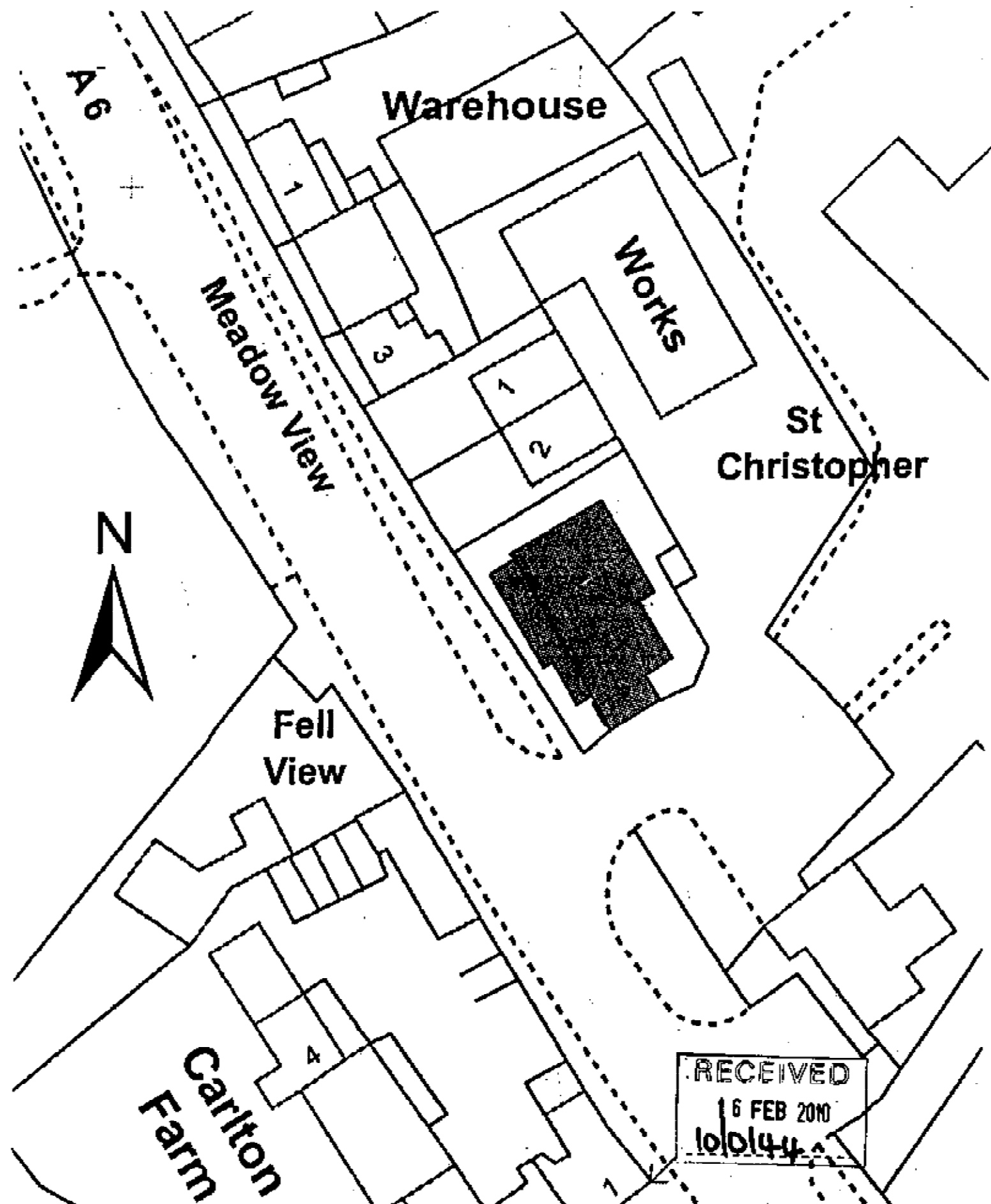


PROPOSED ILLUMINATED SIGNAGE

LOCATION PLAN

DHAKA RESTAURANT - CARLISLE

SCALE : 1-1250



PROPOSED ILLUMINATED SIGNAGE

SITE PLAN

134

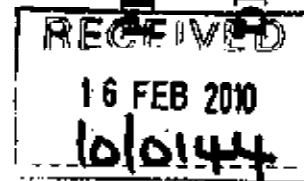
DHAKA RESTAURANT - CARLETON - CARLISLE

Scale : 1-500

Winner of the prestigious curry

*"Chef of the Year
Competition 2000 & 2001"*

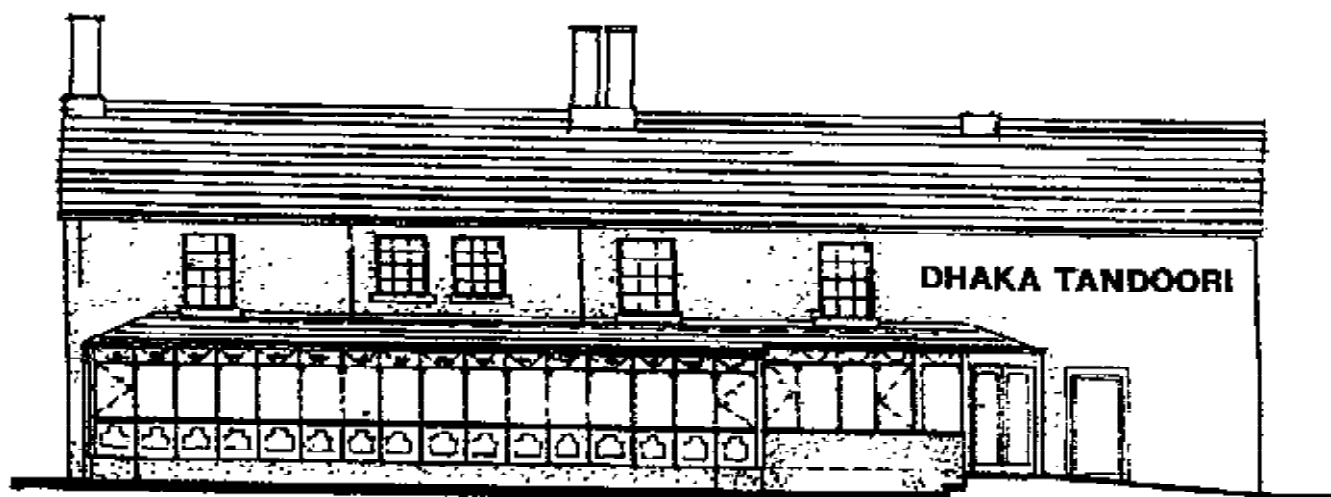
Held by the Chartered Institute of Environmental Health



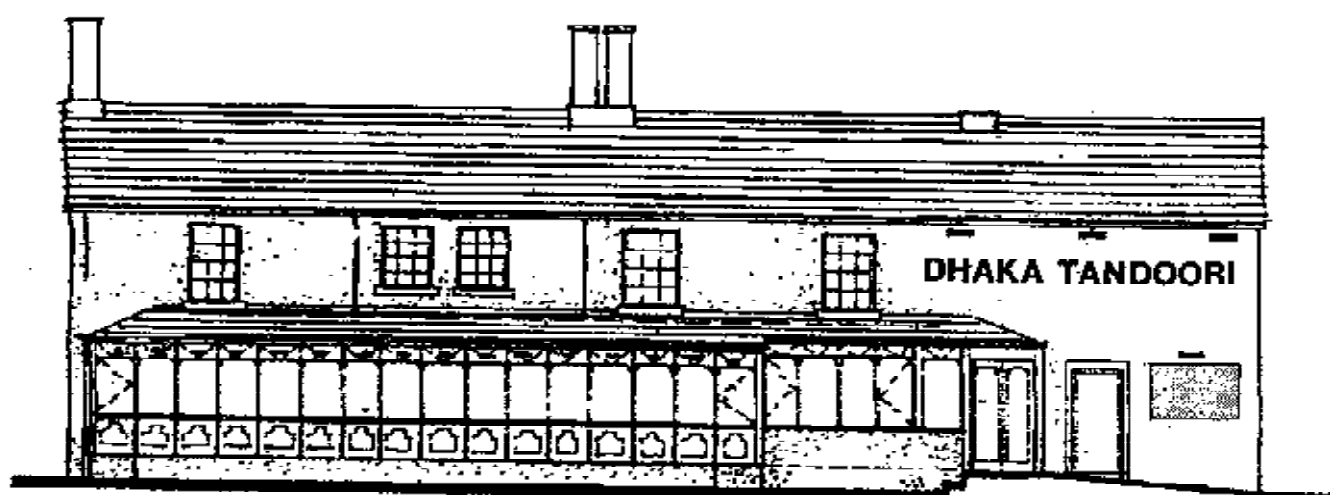
PROPOSED ILLUMINATED SIGNAGE

SHAKA TANDOORI RESTAURANT - CARLETON

DETAILS OF SIGN



WEST ELEVATION AS EXISTING



WEST ELEVATION AS PROPOSED

DETAILS OF SIGN :

Size - 1650mm long x 1000mm high x 75mm deep

Materials - Aluminium background / acrylic lettering

Colours - White background / blue lettering

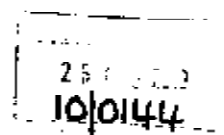
Illumination - Flood lighting directed onto sign from above by
one NLSL2X26 lamp - 360mm x 100mm x 90mm
(Same illumination as exists for restaurant sign)

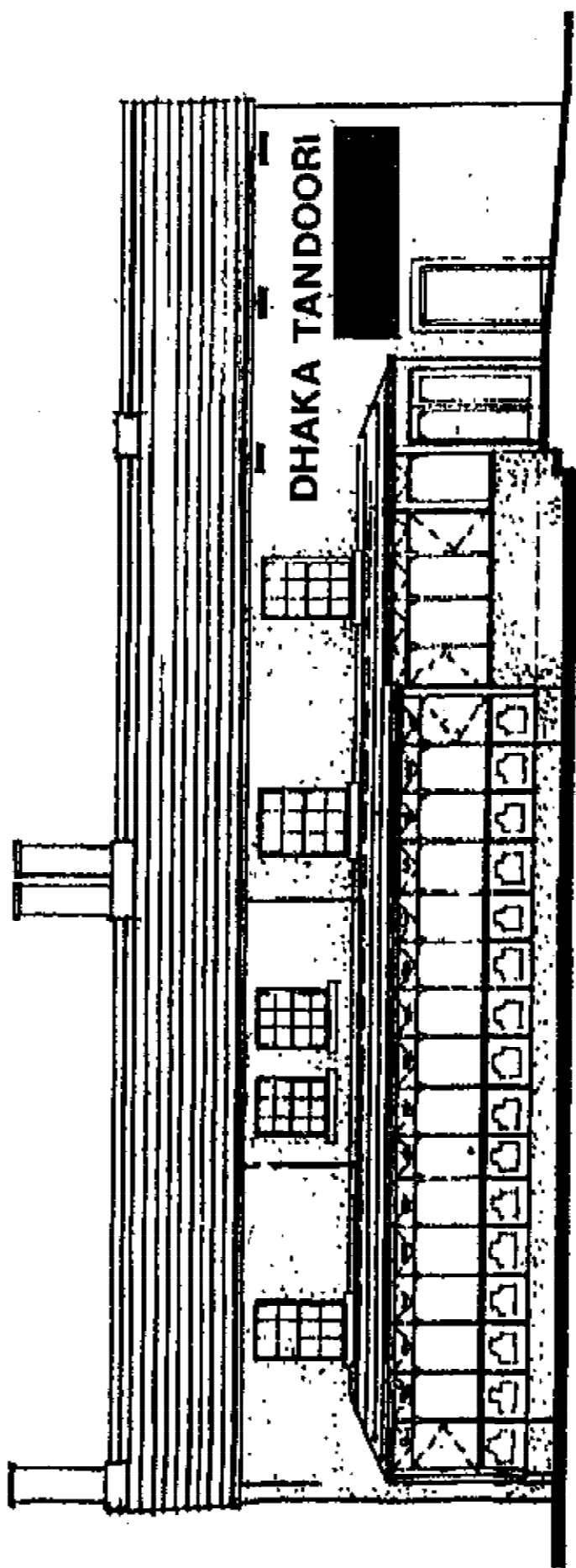
PROPOSED ILLUMINATED SIGNAGE

DHAKA RESTAURANT - CARLETON - CARLISLE

DRG. NO. 1586/3

Scale : 1-100





WEST ELEVATION

DHAKA RESTAURANT - CARLETON - CARLISLE
PREVIOUSLY APPROVED SIGNAGE

DRG. NO. 1586/2

Scale : 1-100

10/01/44

SCHEDULE A: Applications with Recommendation

09/1120

Item No: 08

Date of Committee: 12/03/2010

Appn Ref No:
09/1120

Applicant:
Mr Martin Doherty

Parish:
Beaumont

Date of Receipt:
22/12/2009

Agent:

Ward:
Burgh

Location:
Land at Field 4490, Monkhill, Cumbria

Grid Reference:
334442 558905

Proposal: Substitution of cabin type relating to previously approved permission
09/0017

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

Four letters of objection have been received.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Ancient Monument

Gas Pipeline Safeguarding Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC16 - Tourism Development

Local Plan Pol H7 - Agric,Forestry and Other Occup.Dwgs

Local Plan Pol LE5 - Hadrian's Wall World Heritage Site

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

2. Summary of Consultation Responses

Beaumont Parish Council: no comments;

Northern Gas Networks: no objections;

Cumbria County Council - (Archaeological Services): no comments;

Cumbria Constabulary - Crime Prevention: comments awaited;

Environment Agency (N Area (+ Waste Disp)): note that foul sewage will be disposed of via a new package treatment plant - this should be in accordance with DETR Circular 3/99 and the Environment Agency should be contacted for advice about applying for a Discharge Consent. Building Regs should be consulted on the siting and installation of the sewage treatment system and soakaway;

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

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): comments awaited;

Local Environment (former Community Services) - Drainage Engineer: comments awaited;

Local Plans (Tree Preservation), Economic Development: no comments;

Planning (former Planning & Housing Services) - Local Plans, Planning - Planning Policy & Conservation: no objections;

Solway Coast AONB Unit: no objections;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: no objections;

English Heritage - North West Region: no objections, provided that the advice of the County Archaeologist is followed regarding appropriate archaeological mitigation;

Hadrians Wall Heritage Limited: support the proposal, but need to ensure that the new building is of good quality and does not create a detrimental visual intrusion.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
26 Skiddaw Road	29/12/09	
Gracelands	29/12/09	
Glenstrae	29/12/09	Objection
Hollow Creek Farm	29/12/09	
Greenstones	29/12/09	
Cllr - Burgh by Sands	29/12/09	
Mylen House	29/12/09	
Ridge Lea	29/12/09	
Lock House	29/12/09	
Millfield	29/12/09	
Linsum	29/12/09	Objection
Castle Cottage	29/12/09	
8 Longburgh Fauld	29/12/09	
Loughrigg	29/12/09	
Friars Garth	29/12/09	
Northview Farm	29/12/09	
Riverview	29/12/09	Objection
Santor	29/12/09	
Bushy Bank	29/12/09	
Ivy Cottage	29/12/09	
Yeavinger	29/12/09	
The Old Windmill	29/12/09	
Mill Farmhouse	29/12/09	
Beaumont House	29/12/09	
Monkhill Methodist Chapel, Monkhill	29/12/09	
Braelees Cottage	29/12/09	
Harrys	29/12/09	
Cuswin	29/12/09	Objection

3.1 This application has been advertised by means of a site notice as well as notification letters sent to 28 neighbouring properties. In response, four letters of objection have been received, which make the following points:

- the proposal is very significantly larger than the existing plan;
- this holiday complex is growing before it's even built;
- 94% of the community oppose the development so and an extension to it is absurd;
- the flooding that has been present for November and December calls into question the suitability of the site;
- the original concept of a place for people walking Hadrian's Wall seems lost as the site is now a destination in itself, regardless of location;

- proposal is unnecessary, would spoil the rural area and disrupt local country life in Beaumont;
- the revised application is for a different class of cabin - the original cabin was a service cabin, the revised application is for a residential cabin comprising of bedrooms and adds 12 sq m of floor space;
- the claim that a similar cabin is not available is unacceptable;
- there is no disabled access and no direct external access to the toilets.

4. Planning History

- 4.1 In 2008, under application reference 08/1043, an application for the change of use of agricultural land to holiday accommodation comprising of 2no self-catering cabins, 3no, camping cabins, services, 10no. tent pitches, access road, alterations to existing vehicular access and placement of 1no. dwelling for occupation by site manager was withdrawn.
- 4.2 In May 2009, an application for the change of use of agricultural land to holiday accommodation comprising of 2no self-catering cabins, 3no, camping cabins, services, 10no. tent pitches, access road, alterations to existing vehicular access and placement of 1no. dwelling for occupation by site manager (revised proposal) was approved (09/0017).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking planning permission for the substitution of the approved service cabin at Roman Wall Holiday Lodges at field 4490, Monkhill, with a larger service cabin.

Background

- 5.2 Roman Wall Holiday Lodges was granted planning permission at Committee in May 2009. The permission comprises 2 self-catering cabins, 3 camping cabins, a service cabin, a site owner's/manager's cabin and 10 tent pitches.
- 5.3 The applicants are proposing to buy second hand cabins for use as a service cabin and as a site owner's/manager's cabin. Due to delays in receiving planning permission, the applicants lost the service cabin and the site owner's/manager's cabin which they had reserved and lost the deposit which they had put down to secure these cabins. The applicants have now found, and placed deposits on, two replacement cabins, which differ in size to those on the approved plans.
- 5.4 The new site owner's/managers cabin is smaller than that which has been granted planning permission and the substitution of the new cabin for the

approved cabin has, therefore, been dealt with as a 'non-material minor amendment'. The new service cabin is, however, larger than the approved service cabin, and so planning permission is required.

The Proposal

- 5.5 The proposed service cabin would be of timber construction and would measure 6.1m in width, 11.5m in length, 2.3m to the eaves and 3.4m to the ridge. The cabin would contain a kitchen, a cafe, 2 toilets/showers, a drying room, a storage room and a reading room. Disabled access would be provided by a portable ramp.
- 5.6 The approved service cabin was of timber construction and measured 6m in width, 7.1m in length, 2.3m to the eaves and 3.4m to the ridge. A 2m wide verandah was attached to one end of the cabin and a disabled access ramp, measuring 10.3m ran along the side of the cabin.

Assessment

- 5.7 The relevant policies against which this application is required to be assessed are Policies DP1, DP9, CP1, CP4, CP5, CP6, EC16, H7, LE5 and LE29 of the Carlisle District Local Plan 2001-2016.

1. Whether The Proposal Is Acceptable In Principle

- 5.8 Planning permission already exists to develop this site for holiday accommodation. This proposal is simply seeking to swap the approved service cabin, which is no longer available, for a larger service cabin, which is currently available to purchase second hand. The proposal is, therefore, acceptable in principle.

2. The Impact Of The Proposal On Landscape Character And On The Solway Coast AONB

- 5.9 The service cabin would be located within the centre of the site and would have 3 camping barns located directly to the south and 2 self-catering cabins located directly to the north. The height and width of the service cabin is the same as the approved cabin. Whilst it is acknowledged that the proposed cabin would be approximately 4.4m longer than the approved service cabin this would not have an adverse impact on landscape character or on the AONB, given that the service cabin is located centrally within the site and given the presence of existing boundary hedges, which would help to screen the building from views from outside the site.

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

- 5.10 There are no properties in close proximity to the site and given that the proposal is merely seeking to substitute one cabin for another, there would be no adverse impact on any neighbours.

Conclusion

- 5.11 The principle of holiday accommodation on this site has already been established by the earlier approval. The proposal would not have an adverse impact on landscape character, on the Solway Coast AONB or on the occupiers of any neighbouring properties. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. This permission relates solely to the development of 2 self catering cabins, 3 camping cabins and 10 tent pitches which should be used solely for short term holiday letting for not more than 21 days at any time and following the expiry of such period those persons occupying the cabin / pitch shall not re-occupy any pitch / cabin within 28 days.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the local planning authority not to permit additional residential development and to ensure compliance with Policy H1 and EC16 of the Carlisle District Local Plan

3. The key workers accommodation, camping cabins, self catering cabins, service cabin, washing/drying room, storage shed and all associated infrastructure including any hardstanding shall be removed from the site, and the ground reinstated to its former condition, within 6 months of the facility ceasing to operate.

Reason: To ensure that the accommodation is only occupied in association with the operation of the tourist facility and that the development complies with the objectives of Policy H1 and EC16 of the Carlisle District Local Plan (2001-2016).

4. The key workers accommodation, identified on the block plan, shall be occupied only by the site manager and his/her immediate family.

Reason: To ensure that the accommodation is only occupied in association with the operation of the tourist facility and that the development complies with the objectives of Policy H1 and EC16 of the Carlisle District Local Plan (2001 - 2016).

5. The site manager/owner shall keep a register to monitor the occupation of the 2 self catering cabins, 3 camping cabins and 10 tent pitches hereby approved. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested and shall contain details of those persons occupying the self catering cabins, camping cabins and tent pitches, their name, normal permanent address and the period of occupation.

Reason: To ensure that the self catering cabins, camping cabins and tent pitches are not occupied as permanent residential accommodation and to ensure that the development complies with Policies H1 and EC16 of the Carlisle District Local Plan (2001 - 2016).

6. Other than those trees identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy CP3 of the Carlisle District Local Plan.

7. All works comprised in the approved details of landscaping shall be carried

out in the first planting and seeding season following the occupation of the building/dwelling or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policy CP3 and EC16 of the Carlisle District Local Plan.

8. Before the use of the site hereby permitted commences, the whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in accordance with details submitted to, and approved in writing by, the Local Planning Authority.

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

9. The development shall not commence until visibility splays providing clear visibility of 2.4metres by 70metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town 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. To support Local Transport Plan Policies: LD7, LD8

10. The use of the development shall not be commenced until the access has been formed with 4.5 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 6 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

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

11. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

12. The use shall not be commenced until the parking requirements have been constructed in accordance with the approved plan. Any such 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 parking provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7, LD8

13. The use hereby permitted shall not be commenced until drainage works to serve the development have been completed in accordance with the proposed Sewage Treatment and Disposal System recommended in the report prepared by Mr D Clayton of Lakeland Environmental Management and dated 6th April 2009

Reason: To ensure that adequate drainage facilities are available.

14. The use hereby permitted shall not be commenced until a scheme for the harvesting of surface water 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 the appropriate treatment of surface waters

15. Prior to the commencement of the hereby permitted development on any part of the site there shall be submitted to and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development and the development shall thereafter proceed only in accordance with the approved phasing plan and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To secure in the public interest a satisfactorily correlated order of development.

Land Registry
Official copy of
title plan

Title number CU162374
Ordnance Survey map reference NY3458NW
Scale 1:1250 enlarged from 1:2500
Administrative area Cumbria: Carlisle

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RECEIVED

22 DEC 2009

2009/1120

Lock House

4400

Marshall
Methodist
Church

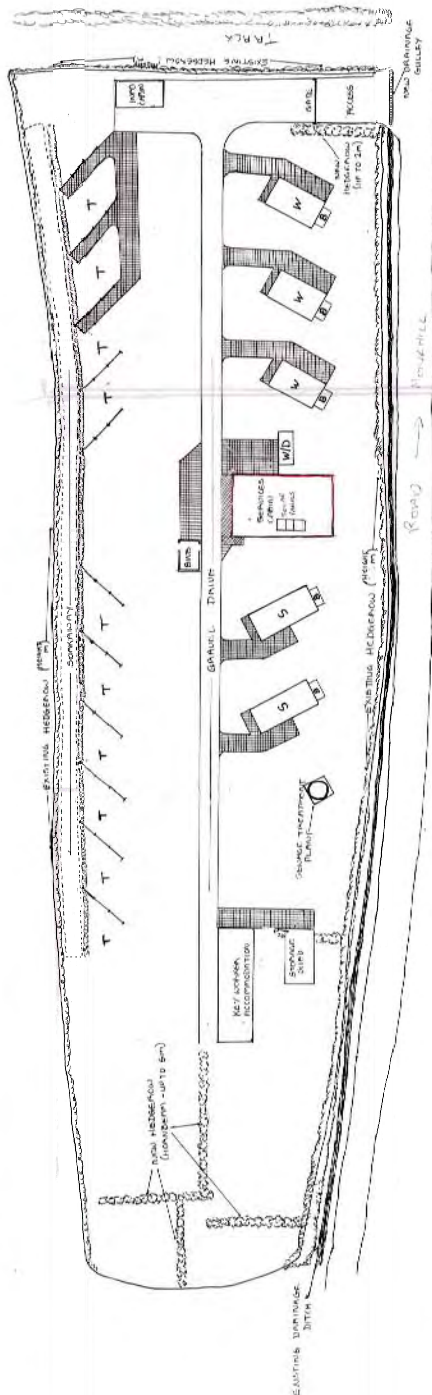
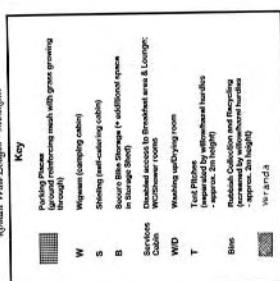
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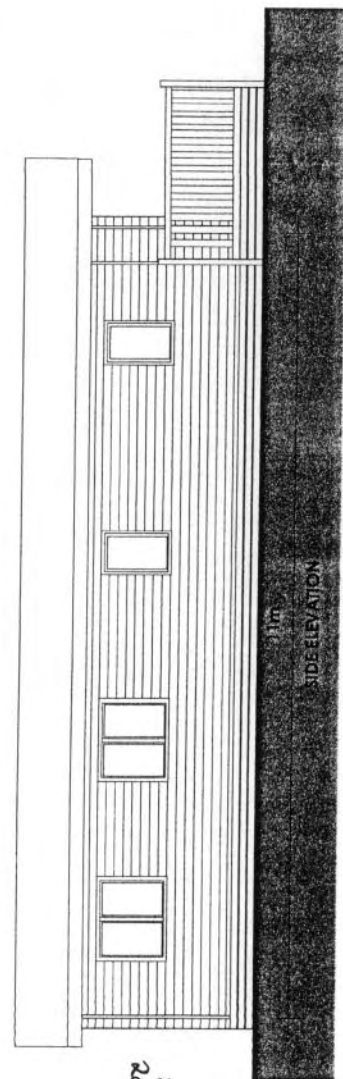
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College

Driveway

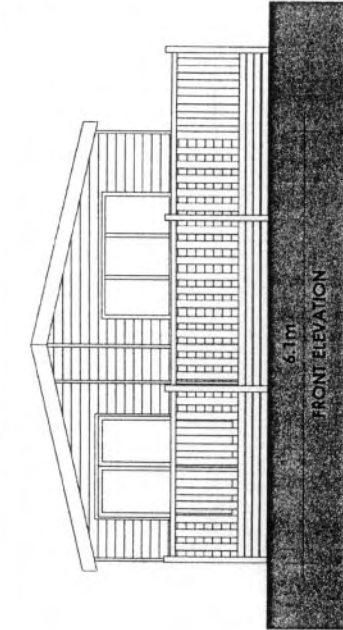
Mill Farm House

The
Driver's Rest
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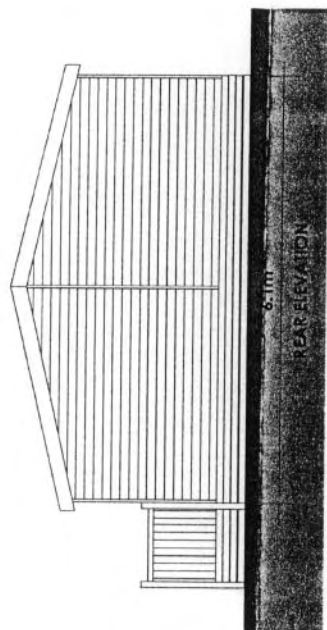




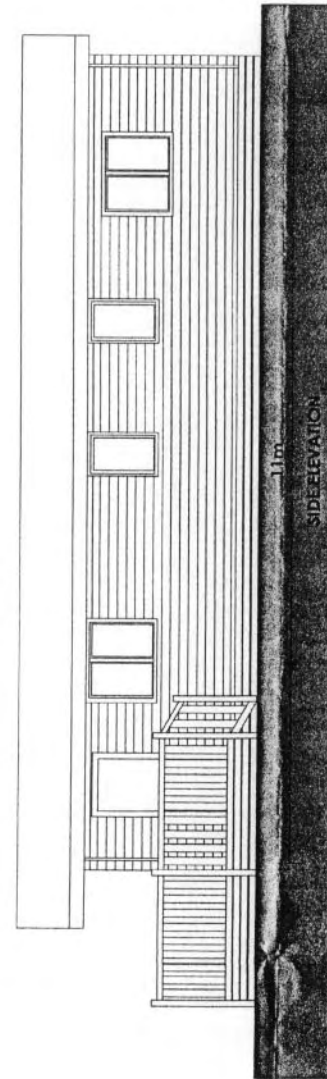
REAR ELEVATION



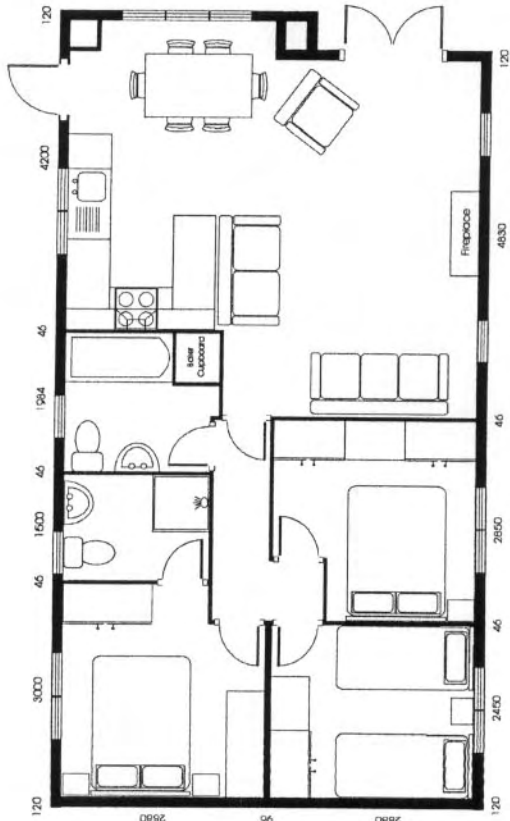
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



ROOF CONSTRUCTION:

13 Degree Roof Pitch - ridge height under 4.00 metres

Glass fibre reinforced blumised impregnated strip
slates, AA grade, on underlay, on 12mm plywood, on
125 x 50mm rafters with 80mm rockwool insulation,
60mm Rockwool insulation
All fascia, barge boards and rainwater goods included
All extractor fans to be fitted with non return
flaps to prevent back movement of air.
Mechanical ventilation to be provided to give
min. 3 air changes per hour in toilet areas
Exhaust fans have timer switch to continue
for at least 15 minutes after use.
Provide trickle ventilators to all windows.

All doors and windows to be double glazed with 6mm air gap.
All doors and windows to be draft sealed.
Glass and doors to be fire rated and level to be placed with
laminated or toughened glass to comply with BS 6206:1981.

WALL CONSTRUCTION

22mm (nom) lag bogs
5mm cavity
12mm plywood
63 x 38 CLS studing @ 600 c/c
60mm Rockwool insulation batts
1200 gauge polythene vapour barrier
12mm lag split lag linings

FLOOR CONSTRUCTION

65 x 315 G/ten edge and center beams
125 x 50mm under joists @ 400cc
60mm Rockwool insulation
80mm Rockwool insulation
18mm exterior grade plywood

FOUNDATION CONSTRUCTION

150 mm 1:2.4 mix concrete slab with 300 x 600 mm edge
thickness, damp proof membrane, 50 mm sand blinding on m/s.
The bearing pressure under the base is less than 75 kN/m² square
metre.

General drawing notes

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4. The drawing is to be used as a guide only and is not to be used for construction purposes.
5. Report any discrepancies to Pirelog immediately.
6. All drawings are to be used in conjunction with any other relevant engineers / consultants drawings or other information where applicable.

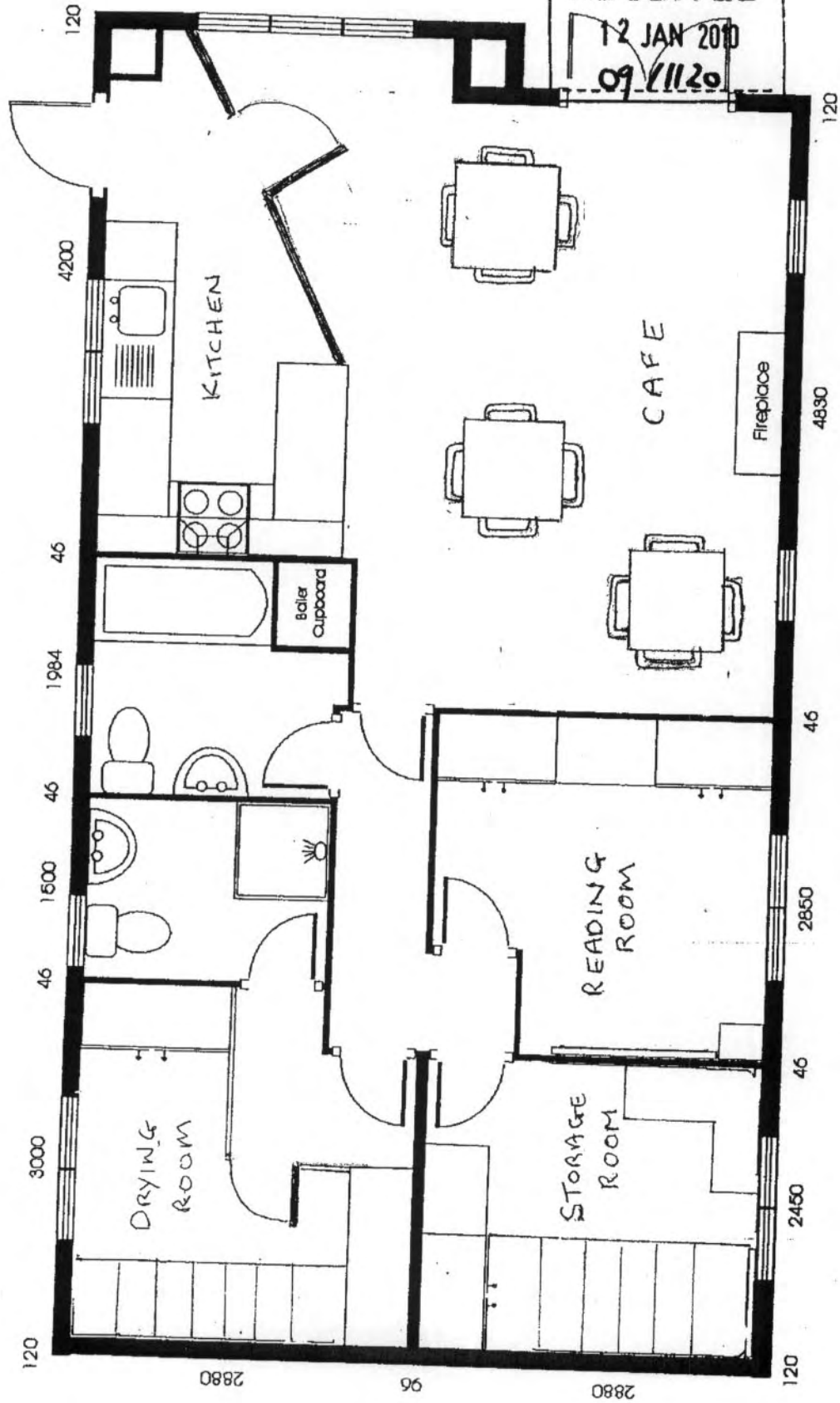
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MIR M O'HEERTY	ROMAN WALL LODGES
SCALE 1/50	20/12/09

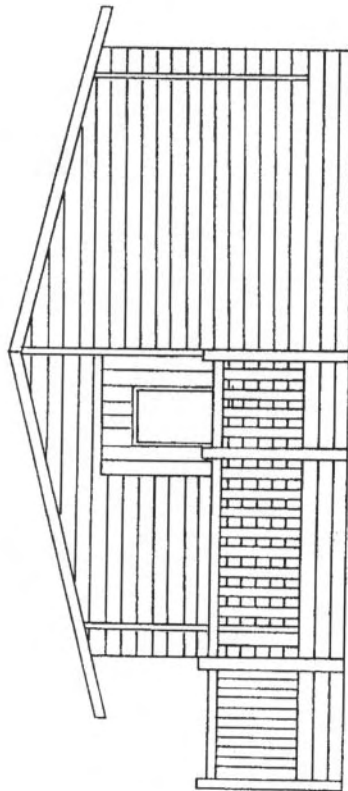
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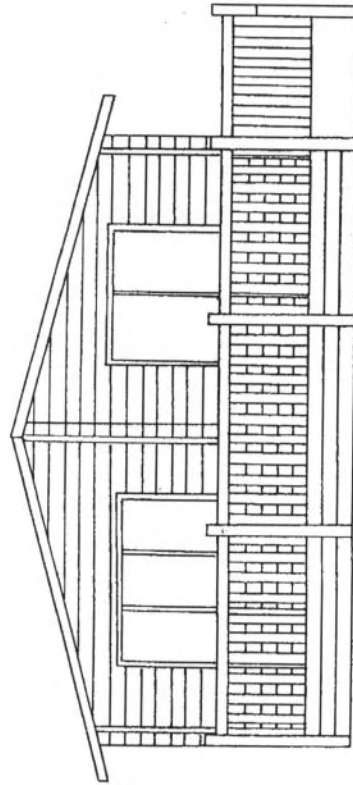
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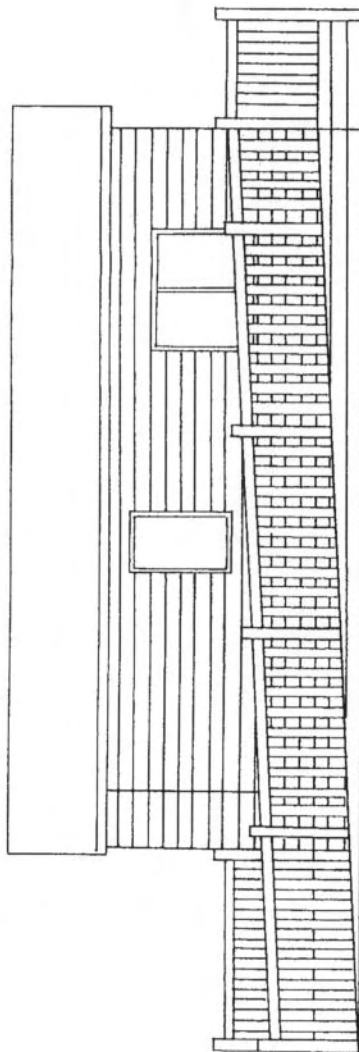
REAR ELEVATION



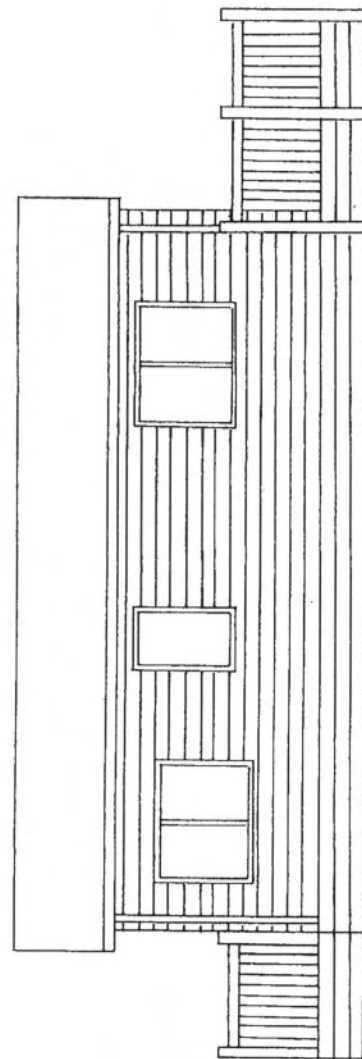
FRONT ELEVATION

22 DEC 2009
2009/1119

SERVICE CABIN
ORIGINAL REAR ELEVATIONS
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
<i>John Doherty</i> 13/10/08



SIDE ELEVATIONS



SIDE ELEVATION

22 DEC 2009
2009/1119

SERVICE CABIN
RECORDED ORIGINAL ELEVATIONS
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
<i>Peter Doherty</i> 13/10/08



ISG/BW

27 April 2009

Mr M Doherty and Ms J Ballantyne
2 Crosby Moor
Crosby
Maryport
CUMBRIA
CA15 6RS

Dear Martin and Julie

Ref. Haddon 46 ex Darwin Forest

This is to confirm that following your telephone call on Friday, we understand that your planning decision has again been delayed. As a result we shall regrettably have to put this lodge back up for sale.

Unfortunately, due to the length of time we have been waiting for your planning approval to come through, we are no longer able to keep the lodge in storage and your deposit will be forfeited.

We hope that when your planning is successful you will contact us again to see what we have available.

Yours sincerely,

IAN S GRANT
Sales and Marketing Director

PineLog Limited
Recreation Business Park, Balfordwell, Derbyshire LE15 0JY
Tel 01829 814481 Fax 01629 814431
email: info@pinelog.co.uk www.pinelog.co.uk

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SCHEDULE A: Applications with Recommendation

08/0754

Item No: 09

Date of Committee: 12/03/2010

Appn Ref No:
08/0754

Applicant:
Mr Johnstone

Parish:
Rockcliffe

Date of Receipt:
15/08/2008

Agent:
Heine Planning
Consultancy

Ward:
Longtown & Rockcliffe

Location:
Deerview, Adj Ghyll Bank Caravan Site, Low
Harker, CA6 4DG

Grid Reference:
338416 560977

Proposal: Change Of Use To Caravan Site With Associated Works (New Access, Hard Standing, Brick Wall, Amenity Block, Landscaping And Septic Tank) For Single Gypsy Family (Partly Retrospective)

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

In the light of the history of the neighbouring site and the on-going efforts of the Council in addressing the needs of Gypsies and Travellers.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol H14 - Gypsies and Travellers

2. Summary of Consultation Responses

United Utilities (former Norweb & NWWA): no objection to the proposal.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development;

Community Services - Drainage Engineer: comments awaited;

Environmental Services - Environmental Quality: comments awaited;

Rockcliffe Parish Council: consideration was given to a retrospective planning application for change of use to a caravan site etc, for a single Gypsy family at the above location - appn ref 08/0754. It was resolved that:

The Parish Council understands that the City Council is at present applying for funding for a site to accept gypsies and travellers to prevent "one off" applications of this type being allowed. They would therefore oppose this development. It is also not in the local plan. There is room on the existing site next door at Ghyll Bank Caravan Park, and this applicant, in the view of the Parish Council, should be redirected there. Finally, allowing this application to go through would merely create a precedent and would further encourage similar applications;

Northern Gas Networks: no objections;

Cumbria County Council - (Highway Authority): no objection to the application but would recommend that 4 conditions are imposed.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

2 Old Harker

Objection

3.1 One objection letter has been received and the following points have been raised:

1) I would object once again on the grounds that full planning permission will set a precedent and would allow the other applications for the Ghyll Bank site who have applied for consent but been limited to a maximum of three years stay. application no 07/0522 along with application 08/0350 which is under consideration.

2) This is now the fourth retrospective planning application for the Ghyll Bank complex. The Planning appeals Inspector limited the number of pitches on this site to a maximum of fifteen, in his opinion any increase would have a major detrimental impact on the surrounding established community of Low Harker. These applications are in my opinion an underhand way of increasing the number of pitches above the limit recommended by the Inspector by a further seven placings now making the pitches available 22.

3) The Ghyll Bank site is nowhere near full (my last count of caravans was five) Mr Francis stated on the last application that he had no problem with the Families using his site, there is a marked reluctance on the part of Travellers to use this site. On the grounds of need there are sufficient places both on the Ghyll Bank site and at Hadrians Park less than a couple of miles away to accommodate any need your figures show a provision of 100 pitches and the 2007 Biannual count showed occupancy of between 64 and 94.

4) Ghyll Bank although used by the Travelling community is not a designated Gypsy site under the Local Plan and as such should have the same Moratorium on building imposed as the rest of the surrounding area ie: only infill housing allowed in Todhills. Low Harker is a Unique community nestled between the A7 and the Rockcliffe road and would lose visual amenity and character The Ghyll Bank site is very visual this application in particular is right next to the road which is also a well known dangerous junction. there was an accident there as recently as the first of September this year.

5) Policy H14 Carlisle and District Local Plan 2001-2016(Any proposal should not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site). I believe that this development will do all of these. The other retrospective applications were granted due to the closure of the Transit site at Hadrians camp, this has now been re-opened and having spoken to Mr Bowman he has no problem with people using the Transit site in a responsible manner.

6) Circular 01/2006 states:

Sustainable communities : Increased provision is likely to damage the established community of Low Harker irreparably.

Education: Local provision (The nearest schools are at Rockcliffe or Blackford both over two miles away neither having a Local bus service from Low Harker this will mean an increase in car journeys to either of these schools)

Health: Local provision (Nearest doctor is either Stanwix or Longtown again both over a couple of Miles away, nearest Bus to Longtown is an 800 yard walk to Harker or a 500 yard walk to Crindledyke for Stanwix, neither of these roads have pavements. I still believe the ratio of Travellers to Local people is wrong especially if the Ghyll Bank site is ever to become fully populated and could lead to unrest.

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members may recollect that in November 2008 the Committee resolved to defer consideration of this application in order to await the receipt of further information concerning the proposed means of drainage. In December 2008 the agent provided a note from the company that had installed a septic tank with 2800 litres capacity along with a soakaway in the application site. In response it was requested that the results of a percolation test as part of a comprehensive drainage report was submitted. That drainage report has yet to be received. In August 2009 the agent stated that it was her understanding that the applicant's personal circumstances had not changed.
- 5.2 In November 2009 it was reported that two caravans were on the site. The most recent visit by the Case Officer on the 25th February 2010 showed the site to be vacant and not in use.
- 5.3 In order to help remind Members about the scheme a description follows of the site's features, the nature of the proposal, and an updated exposition of what are considered to be the main issues.

Site Description

- 5.4 Deerview is to the immediate west of Ghyll Bank Caravan Park, Low Harker. At the time of the site visit, the property comprised of a partly erected boundary wall with 1.4 m high piers and what appears to be an installed septic tank.
- 5.5 The application site, which measures approximately 12m by 42 m, is located to the east of the A74 on the southern side of the road leading from Harker

Bridge to Low Harker. There is a mature hedge approximately 2 metres high to the immediate east and west as well as a field access. To the immediate south and west there is an open field; to the south-east Ghyll Bank Caravan Park, a caravan storage compound (i.e. "Carlisle Caravan Storage") and a recently approved private Gypsy -Traveller site with 12 pitches based from Ghyll Bank House, and two existing private Gypsy -Traveller sites for single families known as Cryndlebeck Stables (formerly Ghyll Bank Stables), and Ghyll Bank Yard. To the north and north-east of the site there are Harker electricity sub-station, and buildings occupied by FPL and Haulage Express Ltd.

5.6 This application seeks permission for the change of use of to a private Gypsy-Traveller site comprising two caravans and a utility block served by a septic tank. The caravans would comprise a static caravan or single unit mobile home and touring caravan. The utility block, which is shown to measure 4 metres by 5 metres and constructed externally with brick walling and a tiled roof, would provide the necessary bathroom, laundry and cooking facilities.

5.7 The application is accompanied by a letter from the agent inclusive of a Design and Access Statement which, amongst other things, makes the following points:

1. the site would be occupied by a single Gypsy family i.e. Mr Mark Johnstone and his daughter Charley;

2. the existing hedgerow along the road frontage forward of the boundary would be continued to comprise a mixture of hawthorn and privet with two standard trees;

3. Mr Johnstone is a Scottish Traveller born at Bellshill, Lanarkshire. His wife died very suddenly from a brain tumour on the 14th April 2008. He is a general dealer and still travels all over the Scotland and England. He is presently doubling up on Plot 8 occupied by his sister in law at Mellishaw Park Lancaster. This is where his wife was taken ill and died and as such there are too many bad memories for him and his daughter and they do not want to stay. He feels that he has need to be settled especially as he wants somewhere for his daughter to live whilst he is travelling. That is why he has decided to make a site of the land owned at Low Harker;

4. Mr Johnstone has previously stopped on Mr Francis' site at Ghyll Bank. He bought the land off someone who in turn had bought it from Mr Francis. He has owned it for about 2 years. He has cousins who live in the Carlisle area;

5. the site is not within an AONB or County Landscape - it is accepted that the proposal is harmful to the character and appearance of the open countryside in so far as use is made of the corner of a large field. However, the proposal is small scale with a road frontage of less than 15m; the area is not designated; it is well screened on the eastern side and along the road frontage; it adjoins a much larger caravan site; it is located in an area characterised by other mixed development; and no business use is proposed from the site;

6. the site is located on the edge of Carlisle within reasonable distance of shops and other community facilities such as schools etc and given the small scale of the proposal it is most unlikely to have any impact on adjoining land uses in terms of traffic, noise, disturbance etc; and

7. regard should also be had to guidance on housing in of PPS3 Housing - paragraph 71 states that where authorities cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably planning applications for housing having regard to other policies of the PPS.

Background Information

- 5.8 Prior to May 2007 there was provision for at least 100 caravans for use by the Gypsy community comprising two “private” Gypsy sites within the District, namely Hadrians Park and Ghyll Bank Caravan Park.
- 5.9 In the case of Hadrians Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrians Park.
- 5.10 In relation to Ghyll Bank permission had been given for 15 permanent pitches and 15 pitches that allowed occupation for up to 28 days. Although having been used by Gypsy families there were no conditions imposed that restricted occupation of any pitch to Gypsies or Travellers.
- 5.11 In the intervening period there have, however, been a series of changes in the provision for Gypsies and Travellers with regard to not only Hadrians Park and Ghyll Bank Park but also at Ghyll Bank House. In addition, the University of Salford published in May 2008 a final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA).
- 5.12 On the 1st May 2007 the transit site at Hadrians Park was closed and the caravans removed. On the 20th November 2007 during a Special Neighbourhood Forum meeting held at Houghton School, the proprietor allegedly explained that he wanted the freehold of Hadrian’s Park; he would be willing to spend his own money to carry out all necessary upgrades; and, he was intending to re-open the transit site. At the time of preparing this report, the transit site has yet to be upgraded at Hadrian’s Park although there is evidence of re-use.
- 5.13 In November 2008, under application 08/0976, planning permission was given for the re-instatement of use of Ghyll Bank Caravan Park as a Gypsy and Traveller site with 15 pitches but managed either by or on behalf of the City Council. Work is on-going such that the expectation is for Ghyll Bank Caravan Park to be ready for use by the end of March 2010.
- 5.14 In April 2009, under application 08/1204, planning permission was given for a private Gypsy and Traveller site with 12 pitches at Ghyll Bank House. During

a telephone conversation with the Case Officer in February 2010 the applicant/owner of Ghyll Bank House confirmed that the weather had delayed the commencement of implementation but the intention is for the ground works and services to be completed and then units to be accommodated before the end of 2010.

5.15 Members will also be aware that under application reference numbers 07/0522, 07/1083 and 08/350 temporary planning permission has been given for private Gypsy -Traveller sites at Ghyll Bank Stables, Parkfield Stables (Newtown), and Ghyll Bank Yard.

5.16 In May 2008 the University of Salford published a final report of the Cumbria GTAA the conclusions of which were that between 2007-2012 there is an additional need within Carlisle District for 29 residential pitches; between 2012-2016 there is a requirement for 6 additional residential pitches; and an additional transit need in Cumbria as a whole between 2007-2016 of 35 pitches that has then been equally split to 5 pitches per district and for the Lake District National Park. These conclusions were, however reached on the basis that Carlisle District had 30 authorised pitches i.e. at a time when the transit site at Hadrians Park was closed and no account made of provision at Ghyll Bank Caravan Park. In effect the Cumbria GTAA indicates a total need for 59 pitches up to 2012, and this to rise to 62 by 2016. This compares to current actual provision of 30 permanent pitches (and 30 transit pitches) at Hadrians Park; 15 pitches at Ghyll Bank Caravan Park; and 3 single family pitches. Account also needs to be made of the expected provision of 12 pitches at Ghyll Bank House. As such, by the end of 2010 it is expected that total provision of residential pitches in the District will be 60 compared to the required 59 with no account taken of the available transit provision. This figure only being two short of the required provision for 2016.

Assessment

5.17 At a general level, Government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.

5.18 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks, amongst other things, to create sustainable communities where gypsies have fair access to suitable accommodation, education, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.

5.19 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area; the accuracy of the data used to assess need; information on pitch availability on public and private sites; personal circumstances; and alternative accommodation options. Paragraphs 45 and 46 explain that where there is unmet need, but no available gypsy and traveller site provision in an area but

there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

5.20 The North West of England Plan: Regional Spatial Strategy to 2021 does not contain any policy on Gypsies and Travellers. Policy H14 of the Carlisle District Local Plan 2001-2016 provides guidance and requires that where there is an identified need the City Council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet five criteria. These are: the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance; there would be no adverse impact on the local landscape; appropriate access and parking can be achieved; the proposed site is reasonably accessible to community services; and the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site. Policies CP11 and CP12 of the Local Plan 2001-2016 also seek to ensure that development safeguards the quality of surface and groundwaters, and is not permitted without adequate foul drainage.

5.21 On this basis it is considered that the main issues with regard to this application are:

- 1) the effect of the proposal on the character/appearance of the surrounding area;
- 2) the suitability of the proposed means of foul and surface water drainage; and
- 3) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally, the specific needs of the applicant and his family, and the matter of their Human Rights.

5.22 When considering the impact of the proposal on the character and appearance of the area, the site is read as being within an area of scattered development associated with the countryside. It could therefore be argued that the development would have the effect of interrupting the rural character of the area although the site is neighboured by development in the form of Ghyll Bank Caravan Park.

5.23 In regard to the issue of drainage, there are serious concerns over the suitability of the proposed means of drainage, particularly in the absence of the requested drainage report from a qualified engineer.

5.24 In regard to the question of need, it is not contested that there is a national, regional and county need for gypsy site provision. However, in the case of Carlisle District significant effort has been undertaken and is ongoing such that by the end of 2010 it is expected that total provision of residential pitches in the District (inclusive of those subject to a temporary permission) will be 60 compared to the required 59 with no account taken of the available transit provision. This figure is only two short of the required provision of pitches for 2016. The official bi-annual count of Gypsy caravans undertaken

on the 28th February 2010 indicates a total of 54 caravans at Hadrians Park with a total of three unauthorised sites at Ghyll Bank, Sandysike, and Chandler Way. The unauthorised site at Ghyll Bank is occupied by the previous owner of the whole of Ghyll Bank Caravan Park who retained ownership of the area previously associated with the warden's accommodation; the Sandysike site is the subject of a current application; and the Chandler Way site is occupied by a family known to be reluctant to use existing sites. The lack of exclusivity for the use of a number of pitches at Hadrians Park is acknowledged but there is no evidence of the respective site operator changing his letting policy. In effect it is considered that there is adequate provision for Gypsy and Traveller accommodation in the area that surpasses the required provision for 2012 and nearly meets the need for 2016.

- 5.25 The applicant and his daughter currently reside in Lancaster with his sister in law and wish to move because of the memories following the death of his wife. If planning permission was to be refused for the current proposal this would not appear to lead to moves to evict them from the site.

Conclusion

- 5.26 This application was submitted in July 2008 and the site currently remains vacant. It is considered that the proposal is in a prominent location and would be highly intrusive, notwithstanding the neighbouring Caravan Park and uses, and thereby detrimental to the rural character and appearance of the area. In the absence of the requested drainage report there are serious concerns over the suitability of the proposed means of foul drainage. In addition, there does not appear to be a proven general need for additional Gypsy sites in the area up to at least 2012, and the applicant's circumstances appear to be such that it cannot be concluded that a move from his current site is essential on the grounds put forward.
- 5.27 Based on the foregoing the proposal is recommended for refusal.

6. Human Rights Act 1998

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Article 8 the Right to respect for private and family life. Article 1 of protocol 1 relates to the Protection of Property and bestows the Right for the Peaceful enjoyment of possessions. In response, it is considered that the Council are fulfilling its obligation with regard to designated Gypsy sites, and the refusal of permission would not inevitably lead to moves to evict the applicant from where he now resides. As such it is considered that the refusal of permission would neither represent an interference with his home and family life, (respect for which is incorporated in Article 8 of the European Convention on Human Rights), nor be disproportionate to the harm caused to the public interest.

7. Recommendation - Refuse Permission

1. **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 a move from his current site is essential on the grounds put forward. The site of the proposed development is located within an area of sporadic development unrelated to any existing settlement. In this location the proposal would be unduly conspicuous, consolidating the existing development to the detriment of the rural character of the area. The proposal would thus be contrary to Policy H14 of the Carlisle and District Local Plan 2001-2016 which seeks to ensure proposals for Gypsies and Travellers stem from an identified need and ensure that there would be no adverse impact on the local landscape.
2. **Reason:** In the absence of adequate information to the contrary regarding the applicant's proposed means of foul drainage to serve the proposed residential accommodation, together with lack of information with regard to the associated disposal of surface water, it is considered that the proposal will result in an increased risk of pollution to ground and surface waters contrary to Policies CP11 and CP12 of the Carlisle District Local Plan 2001-2016.
-

RECEIVED

25 JUL 2003

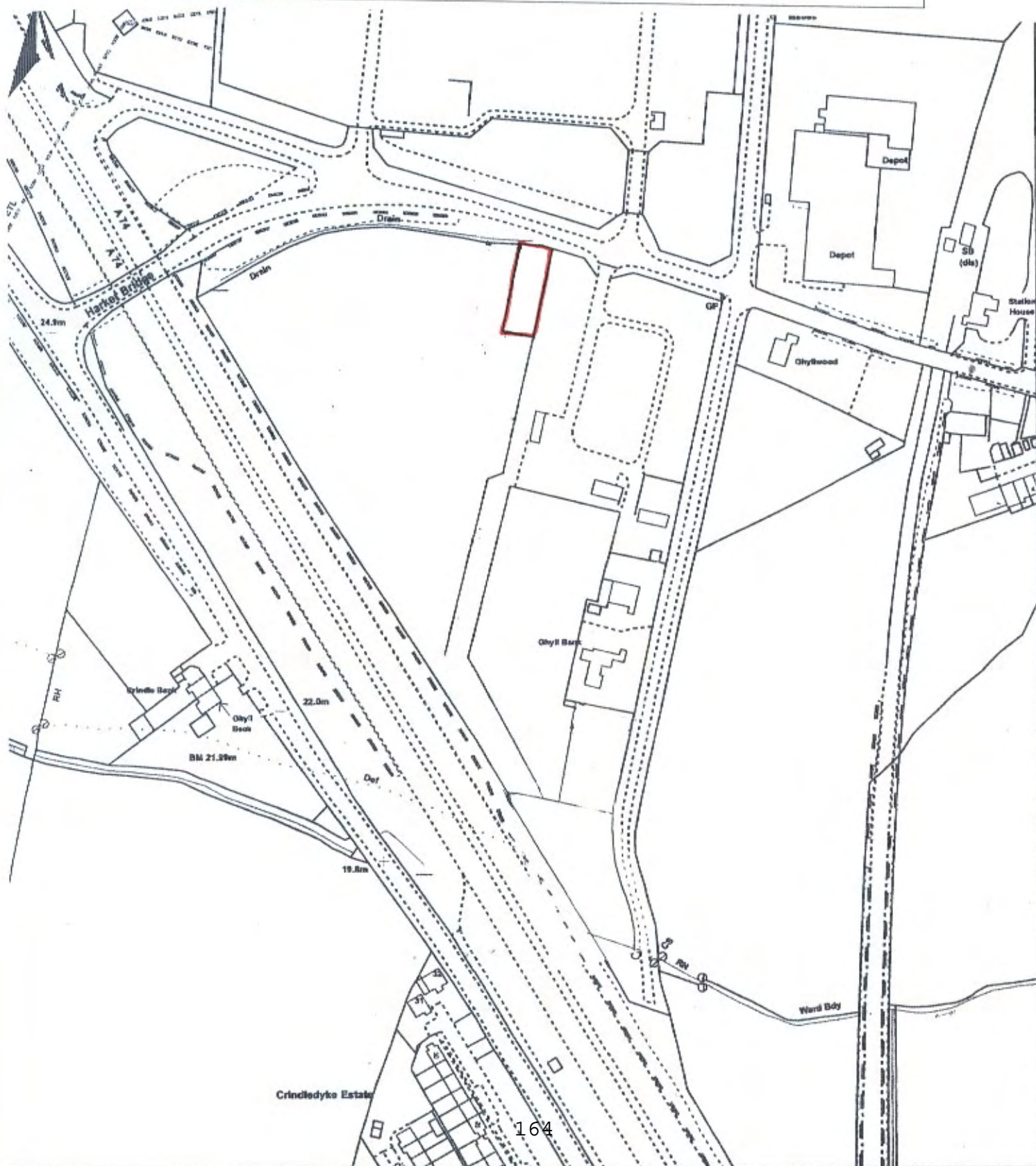
08/0754

DEERVIEW, LAND ADJOINING GHYLL BANK, LOW HARKER, CARLISLE

Client: MR MARK JOHNSTONE

Drwg 1 LOCATION PLAN

Scale 1:2500



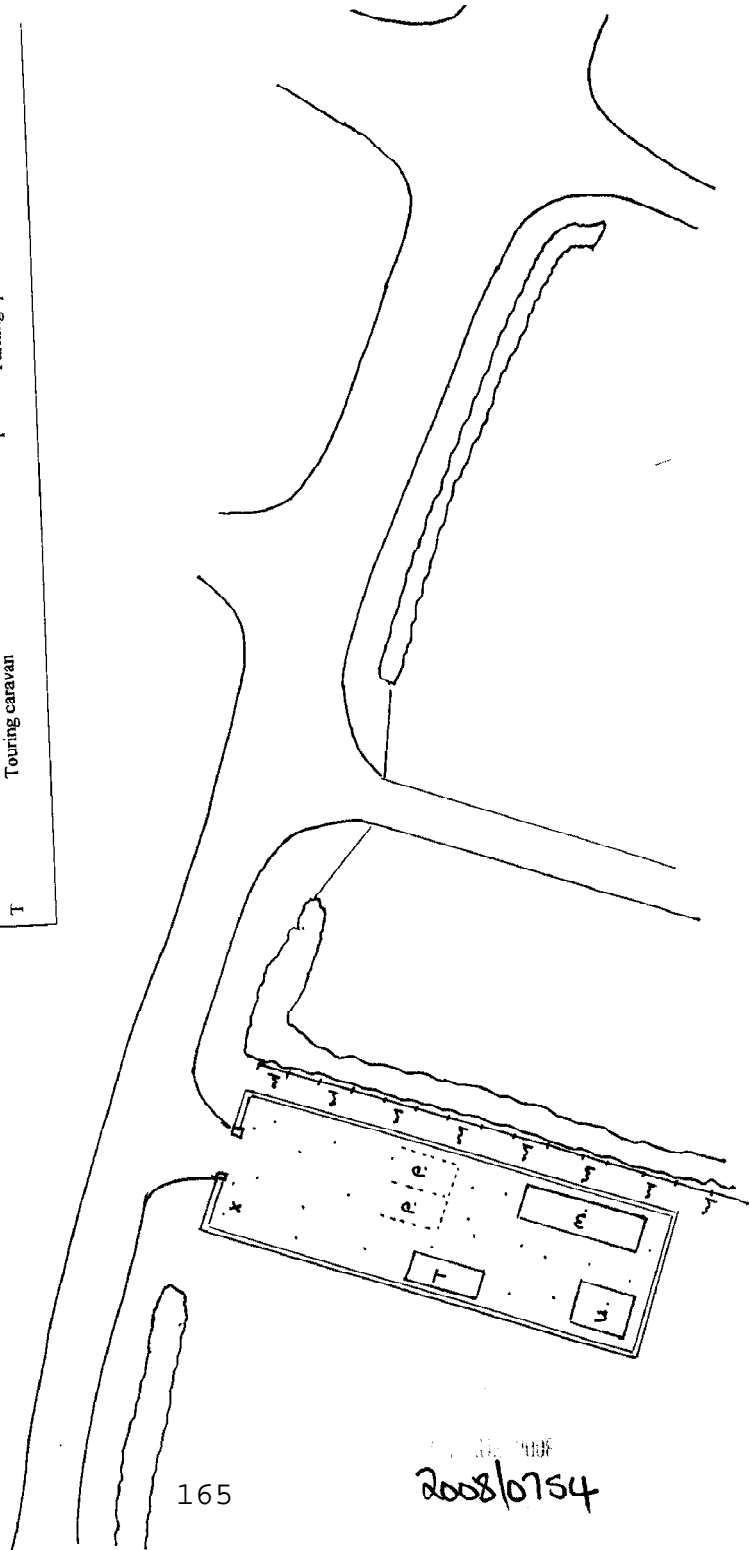
DEERVIEW, LAND ADJOINING GHYLL BANK, LOW HARKER, CARLISLE
 Client: MR MARK JOHNSTONE

2 PROPOSED SITE BLOCK PLAN (REV A)

Drwg

Scale 1:500

Key	Blockwork wall	Panel fence
Y	Embankment	Hedgerow
X	Hard standing	Septic tank
U	utility block	Mobile home
T	Touring caravan	Parking space



Field entrance

Boundary wall

Septic tank

Parking for 2 vehicles

Touring caravan

Utility Block

Static caravan or single unit mobile home

New access to high way specification

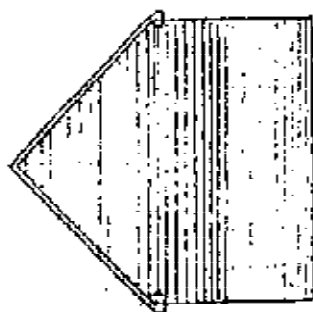
Yard laid to hardstanding

Proposed landscaping
(hedgerow to match adjoining)

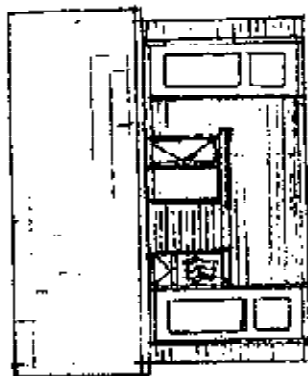
Existing embankment

Existing post and panel fence

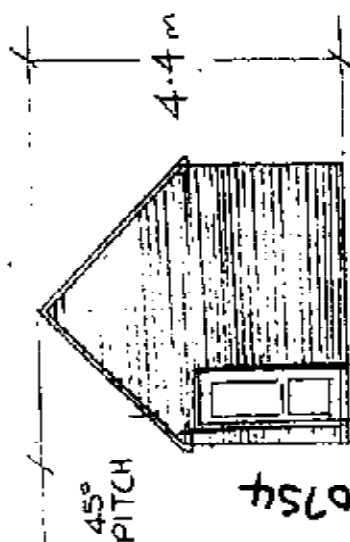
08/0754



END ELV.

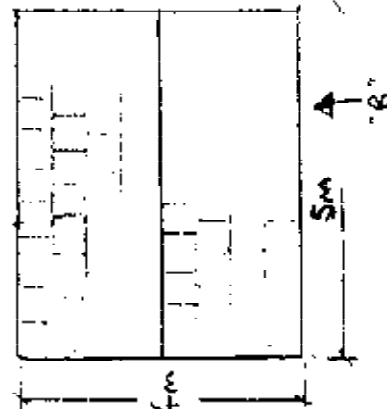
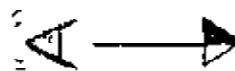


VIEW "A"

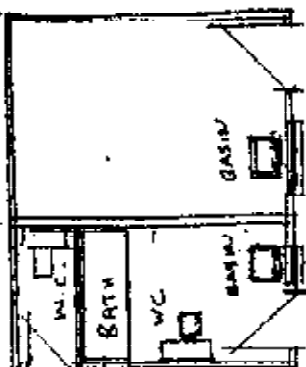


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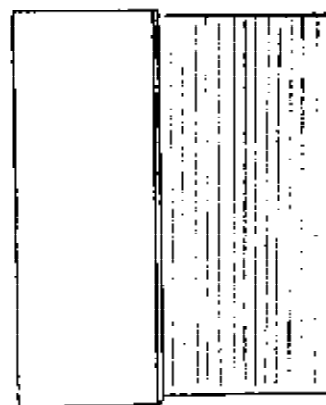
2008/0754



PLAN VIEW



FLOOR PLAN



VIEW B (REAR)

Proposed Utility/ Bathroom block

Scale 1/100

Face brickwork to suit LPA

Tiles to suit LPA

Foul water to septic tank

Surface water to new soakaway

08/07/04

Heine Planning Consultancy

Alison T Heine B.Sc, M.sc, MRTPI

10 Whitehall Drive, Hartford, Northwich, Cheshire CW8 1SJ

Tel: 01606 77775 e-mail: heineplanning@btinternet.com

L1- J125-CCC

22 July 2008

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

Dear Sir/ Madam

Re: Planning application for Change of Use of land from agricultural land to caravan site for stationing of 2 caravans for single Gypsy family with new access, hard standing, small utility room, septic tank and wall

Applicants: Mr M Johnstone

Site: Deerview, land adjoining Ghyll Bank, Low Harker, Carlisle CA6 4DG

I am instructed to submit an application for the change of use of land adjoining Ghyll Bank, at Low Harker for a private caravan site for a single Gypsy family. The application is part retrospective in so far as the access, hardstanding, wall and septic tank have all been constructed/ installed.

The application is submitted electronically with this supporting statement which incorporates a design and access statement. The following are posted separately:-

1. Four location plans with the application site edged red
2. Four copies of the site plan
3. Four copies of the plan and elevations of the proposed utility block.

The application is submitted with a Certificate A. His solicitor has all the paperwork and is arranging for the deeds to be transferred into his name. It is anticipated that this will all be completed by the end of July. The applicant will pay the planning fee of £335 over the counter.

In this statement I consider

1. Site
2. Proposal
3. Design and Access statement

4. Gypsy status
5. Policy
6. Summary of issues

1. Site

The site is known to you. The site lies to the NE of Carlisle in Low Harker on an unnamed classified road which runs west off the A7 across the A74 to the Kingstown area of Carlisle. This is an area of mixed development on the edge of the city. There is a large electricity plant on the north side of the road (Harker Road Ends) and a mixture of commercial and residential uses in the area. The eastern boundary adjoins the caravan site at Ghyll Bank run by Mr W Francis where in June 2005 permission was granted for 15 permanent mobile home pitches (LPA ref 05/0263). To the south of Ghyll Bank is a large caravan storage yard and two further small family caravan sites. The western and southern boundaries of the site adjoins a field beyond which is the A74.

The site measures approximately 12m wide and 42m in length with a 2m wide earth embankment up to the boundary with the adjoining caravan site. It is enclosed by a 1.2m high wall constructed from block work and stone blocks with 1.4m high piers to be infilled with small fence panels. The land lies approximately 0.5m lower than the adjoining caravan site which is screened by a mature hedgerow and fence panels.

A new access has been created off the highway. There is no need for any dropped kerb but the access needs to be constructed to highway standards. The grass verge is 5m wide.

2. Proposal

Permission is sought for a change of use with operational development to station 2 caravans on the land together with a septic tank and amenity block. The amenity block would provide bathroom/ laundry. The static caravan would all be laid on a concrete base to comply with Caravan Site regulations. The site would be occupied by a single Gypsy family. Living on the site would be Mr Mark Johnstone and his daughter.

3. Design and Access

Use: Use of the site is as a private residential Gypsy-Traveller site. The local plan fails to identify suitable locations for Gypsy-Traveller sites in this district nor does it provide any guidance or layout criteria for Gypsy-Travellers sites. Regard must therefore be had to the requirements of standard Caravan Site Licences and CLG Guidance on the design of sites for Gypsies and Travellers. There is a need for

- access from properly surfaced roads
- hardstandings for caravans and 6m separation distance between occupied caravans
- parking space for cars
- electricity and drinking water supplies
- washing facilities

- sewerage disposal
- refuse collections
- fire extinguishers
- boundary treatment

These are all provided/ capable of being provided

Amount: 1 caravan site for 2 caravans, 1 utility building measuring 5m x 4m and 4.4m high, associated boundary treatment, hardstanding with off road parking and manoeuvring space for 2 vehicles, and septic tank.

Layout: The yard measures approximately 12.5m wide and 42 m long. It is sited in the NE corner of a field fronting the road. A static caravan would be site towards the back of the site in the SE corner with a small utility room facing. A touring caravan and car parking would be kept at the front. There is space for vehicles to turn and exit in forward gear. The septic tank is just within the gateway for ease of maintenance/ emptying.

Appearance: The site is enclosed by a blockwork wall and stone pillars. The yard area is all laid to hardstanding comprising a hardcore base surfaced to MOT Grade 1 clean stone or road scalpings. The caravans would be stationed on a concrete plinth. The applicants live in their caravans. The design and appearance of touring and static vans can not be prescribed as these can be changed just like a motor vehicle. The caravans occupied by the applicants on this site are typical of most Gypsy-Traveller sites. These are low level structures which provide compact living accommodation. The touring caravan is of design commonly seen in the drives of many residential properties. A small utility building would be provided. If consent is permanent this would be constructed from brick with a tile roof in materials to be agreed. If temporary permission is granted a building of a similar size would be constructed from timber or other prefabricated material for easy of dismantling.

Landscaping: The existing hedgerow along the road frontage would be continued across the site frontage forward of the boundary wall to comprise a mixture of hawthorn mix and privet with two standard trees selected from Rowan, silver birch, ash or field maple. The grass verge would be reseeded.

Access: A new access has been created off the road across the grass verge. There is a similar access into the adjoining field. The new access would be surfaced to highway standards for the first 5m back to the site entrance. Gates would open inwards. The visibility splay would be kept clear of any planting/ obstruction higher than 0.6m

4. Gypsy status

Permission is sought for a Mr Mark Johnstone to live on the land with his daughter Charley who is aged 17. Mr Johnstone is aged 39. He is a Scottish Traveller born at

Bellshill Lanarkshire. His father is from Stirling and has a plot on a site at Grangemouth near Falkirk. His mother (nee Brown) was from Helensburgh but is now dead. From the age of 9 his family lived and travelled mostly all over England, especially around Lancashire, Stafford, Lichfield, Walsall, Birmingham, Wisbech and London. He has lived most of his life on the road. He has never lived in a house and has never owned a site. He has 4 brothers and 1 sister and they live all over. One brother has a site in East Kilbride but most are on the road and doubling up on sites. He has an Uncle (George Johnstone) on a site at Haslingden Road, Blackburn, an Aunt (Lee) on the Council sites at Ewood Park Blackburn, an Uncle (Sandy Smith) on the Whinney Hill site in Accrington and his wife's sister (Kathleen Burke) has a plot at Mellishaw Park Lancaster where he is doubling up at the moment.

Mr Johnstone married his wife, Audrey Burke, 19 years ago. The couple lived on the road and travelled all over Scotland and England. His wife was from a family of Scottish Travellers living in Coatbridge Lanarkshire. She died tragically and very suddenly from a brain tumour on 14 April 2008. He is a general dealer and still travels all over. He is presently doubling up on Plot 8 occupied by his sister in law (wife's sister), a Mrs Kathleen Burke (she married a Burke as well as being a Burke by birth) at Mellishaw Park Lancaster. The site is being improved at the moment and a lot of families are being decanted onto different pitches so this doubling up is tolerated. This is where his wife was taken ill and died. There are too many bad memories for him and his daughter and they do not want stop in the town. He feels that he has need to be settled especially as he wants somewhere for his daughter to live whilst he is travelling. He could not leave her on her own whilst he goes in search of work. This is why he has decided to make a site of land owned at Low Harker.

He has previously stopped on Mr Francis' site at Low Harker. He bought the land off some one who in turn had bought it from Mr Francis. He has owned it for about 2 years. He has cousins who live in the Carlisle area.

5. Policy

Government advice is given in C 1/2006. A partial review of the RSS is to be carried out with a view to publication of the revised RSS by 2009 to address the need for more Gypsy-Traveller sites in the region.

In March 2007 the NW Regional Gypsy and Traveller Accommodation Need Assessment was published. This identified a need for between 332-386 additional pitches in the North West region over a 5 year period from 2006. For Cumbria the need was identified as 12 pitches plus 16 pitches for Travelling show people. The study reported just before the transit site at Hadrian's Park was closed. A sub regional GTAA has since been carried out by Salford University for Cumbria. The draft report was published in March 2008. This identified a need for 32 additional pitches in Carlisle 2007-2012. Significant weight should be attached to this finding.

The land is located in open countryside unprotected for any other reason. There is no policy for Gypsy sites in the Structure Plan. The Development Plan comprises Policy H14. This was not informed by a needs assessment as was recommended by Circular 1/94, PPG 3, PPG 12 and letter sent to all local authorities, and as now recommended by Circular 1/2006 and required by the Housing Act 2004. It is a criteria based policy which states that proposals for Gypsy site will be acceptable provided that

1. The site is not within an AONB or County Landscape.
2. There would be no adverse impact on the local landscape
3. Appropriate access and parking can be achieved
4. The site is reasonably accessible to community services
5. The proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

The site is not within an AONB or County Landscape. It is accepted that the proposal is harmful to the character and appearance of the open countryside in so far as use is made of the corner of a large field. However, it is not considered that this impact is so adverse to justify refusal given:

- the proposal is small scale with a road frontage of less than 15m
- the area is not designated on account of the need to protect its openness or for reasons of landscape or wildlife interests
- it is well screened on the eastern side and along the road frontage to the west and scope exists for additional screening across the site frontage.
- it adjoins another, much larger caravan site which has planning permission for 15 permanent mobile home pitches for year round occupation.
- it is located in an area characterised by other mixed development
- no business use is proposed from the site
- the concerns of the Council could be addressed by condition.

Although a new access has been created this is on a relatively straight stretch of road which usually carries low levels of traffic although at present there is additional construction traffic in association with some works at the electricity plant. To the right the access benefits from the visibility splay to Ghyll Bank Caravan Park. To the left visibility is more limited on account of the bend in the road but this is similar for the adjoining caravan park which has potential to generate much more traffic. The gateway is recessed 5m from the edge of highway and the access would be surfaced with bound material. The other criteria of Policy H14 are capable of being complied with. The site is located on the edge of Carlisle within reasonable distance of shops and other community facilities such as schools etc and given the small scale of the proposal is it most unlikely to have any impact on adjoining land uses in terms of traffic, noise, disturbance etc.

Regard should also be had to guidance on housing in PPS3 Housing. Paragraph 71 states that where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where Local Development Documents have not been reviewed to take account policies in the PPS or there is less than 5 years supply of deliverable sites, they should consider favourably planning applications for housing having regard to other policies of the PPS.

6. Summary

Permission is sought for a private caravan site for a family who have resorted and resided in the area and have need to be settled. Use is made of a greenfield site in open countryside. The applicant relies on his Gypsy-Traveller status. There is no alternative provision at present. The adopted local plan relies on a criteria based policy which provides little guidance as to where would be considered suitable for a site. However, the Council has previously accepted that Low Harker is a suitable location for private caravan sites. The Council has also approved permission for a site at Newton of Rockcliffe which is about 1km to the north. This is a land use that is difficult to accommodate in urban areas or in protected rural areas. National guidance now accepts that sites in the open countryside not otherwise designated or protected on account of their landscape, historic or conservation interests are acceptable in principle. Sites at risk from flooding are not considered suitable.

This development is capable of complying with most of the criteria of adopted policy H14 which requires consideration of 5 criteria. No business use is proposed from the site. It is acknowledged that the proposal would impact on the character and appearance of the area, but this is a localised impact which is capable of being addressed by condition, and there are other material considerations in support of this application which would outweigh this harm.

If you require any further information or wish to discuss any aspect of this case, please do not hesitate to contact me.

Yours faithfully

Mrs Alison T Heine

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE C

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SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 10

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/9047

Applicant:

Scotts Company UK Ltd

Parish:

Kirkandrews

Date of Receipt:

27/11/2009

Agent:

Cumbria County Council

Ward:

Longtown & Rockcliffe

Location:

Solway Moss Peat Works, Mill Hill, Gretna,
Dumfries & Galloway, DG16 5HU

Grid Reference:

333800 567857

Proposal: Extension To Existing Packing Building And Erection Of Hopper Housing
Amendment:

REPORT

Case Officer: Angus Hutchinson

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 18/12/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 18/02/2010

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Scotts Company UK Ltd
Richardson House
Gretna Loaning
Mill Hill
Gretna

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 19 November 2009.

**viz: Extension to existing packing building and erection of hopper housing
Solway Moss Peat Works, Mill Hill, Gretna, Dumfries & Galloway, DG16 5HU**

subject to due compliance with the following conditions:

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

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

2. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

Dated the 18th day of February 2010

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

Cumbria Minerals and Waste Development Framework - Core Strategy and Generic Development Control Policies - April 2009

Policy DC1 TRAFFIC AND TRANSPORT

Proposals for minerals and waste developments should be located where they:

- a) are well related to the strategic route network as defined in the Local Transport Plan, and/or
- b) have potential for rail or sea transport and sustainable travel to work, and
- c) are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users and on community amenity, where an appropriate standard of access and traffic routing can be provided, and appropriate mitigation measures for unavoidable impacts are provided.

Policy DC2 GENERAL CRITERIA

Minerals and Waste proposals must, where appropriate, demonstrate that:

- a) noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
- b) there will be no significant degradation of air quality (from dust and emissions),
- c) public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made, and
- d) carbon emissions from buildings, plant and transport have been minimised.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species,

how residual and/or mineral wastes will be managed
the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,
the use of appropriate and well maintained and managed equipment, phasing and duration of working, progressive restoration, hours of operations, and appropriate routes and volumes of traffic
other mitigation measures

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 18th day of February 2010



.....
Signed: Shaun Gorman
The Head of Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

09/0224

Item No: 11

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/0224

Applicant:

Ms C Scott

Parish:

Orton

Date of Receipt:

29/05/2009

Agent:

Ward:

Burgh

Location:

Orton Grange Farm Shop, Great Orton, Carlisle,
Cumbria, CA5 6LA

Grid Reference:

335537 552178

Proposal: Display Of 2No. Directional Signs (Retrospective Application)

Amendment:

REPORT

Case Officer: Shona Taylor

Decision on Appeals:

Appeal Against: Against Advert Decision

Type of Appeal: Written Representations

Report: The appeal site relates to Orton Grange Farm Shop, Great Orton. Retrospective Advertisement Consent was sought for two directional signs. The signs were located approximately 900m from each other, on either side of Orton Grange Farm Shop. They were positioned on opposite sides of the road to each other, so that traffic travelling on the A595 in either direction can see the signage. The signs were erected in September 2008 and were identical. They featured green text and design on a white background. They each measured 2.4m in width and 1.2m in height, and were erected on wooden stands, which were hidden from view by the hedge on the roadside.

The application was determined under delegated powers on the 24th July 2009 when it was refused on the following grounds:

"The proposed advance directional signs because of their location in open countryside are physically unrelated to the premises that they advertise. As such, they are obtrusive and represent a discordant feature that is detrimental to the landscape qualities of this rural area, which is designated an Area of Special Control of Advertisements. The continued display of the signs would, therefore, be contrary to the objectives of Planning Policy Guidance Note 19 (Outdoor Advertisement Control) and Policy EC18 (Areas of Special Control of Advertisements) of the Carlisle District Local

SCHEDULE C: Applications Determined by Other Authorities

09/0224

Plan 2001-2016."

The Inspector outlined that the main issues in the case were the effect of the proposal on the character and appearance of the locality, and whether the signs are necessary in the interests of highway safety.

The Inspector considered that the signs have an isolated, obtrusive and alien appearance in this otherwise attractive countryside setting. He also considered that the additional advertising provided by the signs may result in higher numbers of customers calling at the complex, with which a number of full time and other jobs are associated. However, in his judgement, the potential business and employment benefits would not be sufficient to outweigh the harm that the appeal scheme causes to the character and appearance of the countryside.

The Inspector concluded that the signs harm the character and appearance of the locality and are not necessary in the interests of highway safety and the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 28/01/2010

SCHEDULE C: Applications Determined by Other Authorities

Item No: 12

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/9050

Applicant:

W & M Thompson
(Quarries) Ltd

Parish:

Farlam

Date of Receipt:

11/01/2010

Agent:

Cumbria County Council

Ward:

Irthing

Location:

Silvertop Quarry, Hallbankgate, Brampton CA8 2PE

Grid Reference:

358750 560640

Proposal: To Sell The Clay Overburden As An Engineering Clay For Flood Defences to Locally Sensitive Areas. It Is Proposed That The Shortfall Of Inert Material required To Achieve Restoration Levels Will Be Imported To Site. The Rest Of the Quarry Will Be Worked In Accordance With The Current Planning Permission Conditions.

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 26/01/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 24/02/2010

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995

NOTICE OF PLANNING CONSENT

To: W & M Thompsons (Quarries) Ltd
Development and Environmental Manager
W & M Thompson (Earthworks) Ltd
Low Prudhoe
Prudhoe
Northumberland
NE42 6PL

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 18 December 2009.

viz: To sell the clay overburden as an engineering clay for flood defences to locally sensitive areas. It is proposed that the shortfall of inert material required to achieve restoration levels will be imported to site. The rest of the quarry will be worked in accordance with the current planning permission conditions.
Silvertop Quarry, Hallbankgate, Brampton, Cumbria, CA8 2PE

subject to due compliance with the following conditions:

1. This permission shall be for a limited period only expiring on 16 December 2018, by which date the operations hereby permitted shall have ceased.

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

2. 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.

3. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

4. No operation hereby permitted by this permission, shall take place outside the following hours:

07:00 to 17:30 hours Monday to Fridays
07:00 to 12:30 hours on Saturday

And not at any time on Sundays, Bank or Public Holidays.

However this condition shall not operate so as to prevent carrying out outside of these hours of essential maintenance of plant and machinery used on the site for this development.

Reason: To protect the amenities of local residents in accordance with Policy 2 of Cumbria Minerals and Waste Local Plan 1996-2006.

5. All HGV vehicles leaving the site shall use the wheel wash which shall be maintained for the life of the approved operation.

Reason: In the interests of highway safety and to prevent any build up of debris on the highway.

6. The access road from the wheel wash to the public highway shall be maintained with a tarmacadamed or concrete surface free of potholes and detritus for the duration of the development hereby permitted.

Reason: To ensure that broken road surface material or other detritus is not carried onto the public highway in accordance with policy 1 of the Cumbria Minerals and Waste Local Plan 1996-2006.

7. No HGVs shall be permitted to enter or leave the site unsheeted.

Reason: To prevent any incident of dust emissions adversely affecting the amenities of nearby residential property in accordance with Policy 4 of the Cumbria Minerals and Waste Local Plan.

8. No vehicles plant and machinery operated on the site in connection with the development hereby permitted shall be used unless fitted with effective silencers and maintained in accordance with the manufacturers or suppliers specification.

Reason: To minimise any potential for disturbance to local residents in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996-2006.

9. The operator shall provide, implement and maintain such suppression measures as may be agreed by the Local Planning Authority to minimise the emission of dust from the development hereby permitted.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the site boundary.

10. The total numbers of heavy goods vehicles leaving the site, including HGV's from Silvertop Quarry and the recycling plant shall not exceed 150 on any weekday and 75 on Saturdays. A record of all heavy goods vehicles leaving the site each

site each day shall be maintained by the operator and access to this record shall be afforded to the local planning authority on request.

Reason: To keep acceptable levels of impact of lorry traffic on the amenity of local residents and other road users.

11. The site shall be restored and aftercare undertaken in accordance with the scheme approved under planning application 1/97/9021.

Reason: To ensure the site is restored upon completion of development

Dated the 24th day of February 2010



.....
Signed: Shaun Gorman
The Head of Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 (AS AMENDED)

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

Cumbria Minerals and Waste Development Framework - Core Strategy and Generic Development Control Policies - April 2009

Policy DC1 – Traffic and Transport

Proposals for minerals and waste developments should be located where they:

- a) are well related to the strategic route network as defined in the Local Transport Plan, and/or
- b) have potential for rail or sea transport and sustainable travel to work, and
- c) are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience
- of other road users and on community amenity,
- where an appropriate standard of access and traffic routing can be provided, and
- appropriate mitigation measures for unavoidable impacts are provided.

Policy DC2 – General Criteria

Minerals and Waste proposals must, where appropriate, demonstrate that:

- a) noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
- b) there will be no significant degradation of air quality (from dust and emissions),
- c) public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made,

- d) carbon emissions from buildings, plant and transport have been minimised,
- e) issues of ground stability have been addressed.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species,
- how residual and/or mineral wastes will be managed,
- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,
- the use of appropriate and well maintained and managed equipment,
- phasing and duration of working,
- progressive restoration,
- hours of operations,
- appropriate routes and volumes of traffic, and
- other mitigation measures.

DC3 – Cumulative Environmental Impacts

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

- a) impacts on local communities,
- b) all environmental aspects including habitats and species, landscape character, cultural heritage, air quality, ground and surface water resources and quality, agricultural resources and flood risk,
- c) the impact of processing and other plant,
- d) the type, size and numbers of vehicles generated, from site preparation to final restoration and potential impacts on the highway network, safety and the environment,
- e) impacts on the wider economy and regeneration,
- f) impacts on local amenity, community health and recreation facilities and opportunities.

Regional Spatial Strategy 2008 saved Cumbria and Lake District Joint Structure Plan (2001 – 2016)

Policy EM7 – Minerals Extraction

Plans and strategies should make provision for a steady and adequate supply of a range of minerals to meet the region's apportionments of land-won aggregates and requirements of national planning guidance. This will take into account:

- the national significance of the Region's reserves of salt, silica sand, gypsum, peat and clay (including fireclay);
- the need to maintain land banks of permitted reserves of certain minerals as identified in relevant government guidance ⁽¹⁰⁾ including silica sand and materials for the cement industry;

- the contribution that substitute, secondary or recycled sources, or imports from outside the Region, should make;
- the potential supply of marine dredged aggregate in contributing towards overall regional aggregate needs, applying the principles of sustainable development alluded to in relevant government guidance ⁽¹⁰²⁾ and reflect any future Marine Spatial Planning arrangements.

Minerals extraction forms an exception to the sequential approach set out in the Core Development Principles.

Carlisle District Local Plan 2001 – 2016

Policy DP9 Landscapes of County Importance

Within landscapes of county importance, permission will only be given for development provided that :

1. There is no unacceptable adverse effect on the distinctive landscape character and features of the area; and
2. The proposal preserves or enhances the special features and character of the particular landscape within which it is sited.

Development require to meet local infrastructure needs which can not be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 24th day of February 2010

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
on behalf of the Council.

SCHEDULE D

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SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 13

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0670

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
17/08/2009

Agent:
Johnston & Wright

Ward:
Multiple Wards

Location:
Land Behind John Street Hostel, Shaddongate,
Carlisle CA2 5LG

Grid Reference:
339475 555900

Proposal: Change of Use from Existing Car Park to Proposed Resource and Training Centre with Associated Offices and Workshop as well as Car Parking and Landscaping (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Details of Deferral:

Members will recall at Committee meeting held on 2nd October 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to:

1. the expiry of the consultation period regarding the design and access issues;
2. the receipt of satisfactorily amended details regarding the Access Officers further comments;
3. the receipt of a Method Statement detailing pollution prevention measures;
4. the imposition of a condition requiring the development to be undertaken in accordance with the Flood Risk Assessment as suggested by the Environment Agency; and
5. revised drawings deleting the rendered band from the north elevation

These details have been finalised and the approval was issued on 11th February 2010.

Decision: Grant Permission

Date: 11/02/2010

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).

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2. No development hereby approved by this permission shall be commenced until 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. The development shall then be undertaken in accordance with the approved details.

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

3. No development hereby approved by this permission shall be commenced until particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

4. No development hereby approved by this permission shall be commenced until have been submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

5. An Archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Following its completion, three 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 investigation and recording of such remains in accordance with Policy LE7 of the Carlisle District Local Plan 2001-2016.

6. No development hereby approved by this permission shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP5 of the Carlisle District Local Plan

SCHEDULE D: Reports on Previously Deferred Decisions

2001-2016.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development hereby approved by this permission shall be commenced until details of the Sustainable Urban Drainage system has been submitted to and approved in writing by the Local Planning Authority. These details should include the type of SUDS; hydraulic design details/calculations; pollution prevention and water quality treatment measures together with details of pollutant removal capacity; operation, maintenance and adoption details; and any details related to the attenuated release of water from the site including any measure for the re-use of greywater. The development shall then be undertaken in accordance with the approved details.

Reason: In order to ensure that surface water run-off is not unacceptably increased by the development in accordance with the objectives of Policy CP10 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall be commenced until details of the siting and design of the removable floodgates have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In order to ensure that adequate mitigation measures are provided during times of flooding in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

10. The development hereby approved shall be undertaken in accordance with the approved Flood Risk Assessment (FRA) produced by Johnston and Wright, referenced 11381 and dated July 2009 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; and

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2. Production of a Flood Action Plan (FAP), detailing the required actions of the building management team on issue of flood watch and flood warning and identification and provision of safe route(s) into and out of the site to an appropriate safe haven; and
3. Implementation of Flood-proofing measures detailed in section 6a of the FRA are incorporated in the proposed development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the Flood Action Plan (FAP) is produced and actions are followed to protect the building and ensure safe access and egress from and to the site; and to reduce the risk of flooding to the proposed development and future occupants in accordance with the objectives of Policy LE27 of the Carlisle District Local Plan 2001-2016.

11. No development hereby approved by this permission shall commence until a Method Statement detailing the pollution prevention measures has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the any contaminants do not leach from the site in accordance with the objectives of Policy LE29 of the Carlisle District Local Plan 2001-2016.

Item No: 14

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0216

Applicant:
ND Homes

Parish:
St Cuthberts Without

Date of Receipt:
20/03/2009 08:03:25

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Former Stables, Horsebox & Lorry Park, Land adjacent Blackwell House, Durdar Road

Grid Reference:
340211 552948

Proposal: Residential Development To Provide 42No. Dwellings (33No. Houses and 9No. Apartments) - Works To Be Carried Out Include New Build, The Conversion Of Existing Buildings And Works To Form Two Improved Vehicular Accesses Including The Demolition Of No.68 Durdar Road.

Amendment:

SCHEDULE D: Reports on Previously Deferred Decisions

REPORT

Case Officer: Alan Taylor

Details of Deferral:

Members will recall at Committee meeting held on 29th May 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to:

1. the Assessment of Likely Significant Effects under the Habitats Direction confirming there are no significant adverse effects upon wildlife interests,
2. the imposition of a condition requiring the submission and approval of site levels and finished floor levels; and
completion of a S106 Agreement to ensure the developer contribution to the Connect2 scheme.

These items have been completed and the approval was issued on 28th January 2010.

Decision: Granted Subject to Legal Agreement

Date: 28/01/2010

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

This written scheme will include the following components:

- i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation.

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

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3. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

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.

4. Prior to the carrying out of any construction works the existing buildings termed in the 2005 archaeological assessment report as '68 Durdar Road', the 'south building' and the 'south range' shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and, following its completion, 3 copies of that survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration and demolition as part of the proposed development.

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

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

6. Pedestrian crossing facilities should be provided on each side of every junction throughout the development in accordance with the DETR's publication 'Guidance on the Use of Tactile Paving Surfaces'. Details of all such crossing facilities shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy

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L5.

7. The development shall not commence until such time as the widening of Durdar Road in order to accommodate vehicles turning right into the development and junction improvement works have been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policies: LD5, LD7, and LD8.

8. 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 and to support Local Transport Plan Policy LD8.

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

Reason: In the interests of highway safety and to support Local Transport Plan Policies S3, S4 and LD9.

10. 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 designed to achieve the relevant requirements of Level 4 of the Code for Sustainable Homes and shall be fully installed and/or constructed in accordance with the approved plans and be capable of operational use prior to the occupation of the dwellings hereby approved.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP10 of the Carlisle District Local Plan 2001-2016.

11. 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

SCHEDULE D: Reports on Previously Deferred Decisions

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP3 and CP5 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 ground floor finished floor levels of all of the proposed dwellings and garages, together with levels of the proposed access roads and parking areas, shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and in accord with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. No works or development shall be carried out until the Local Planning Authority has approved in writing the full details of the tree protection barriers to be erected to protect the trees to be retained as stated in the Carlisle Racecourse Housing Development Tree Survey dated 7th October 2008 that forms part of the approved plans.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy E19 of the Carlisle District Local Plan 2001-2016.

14. The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- a) No equipment, machinery or materials shall be brought onto the site for the purpose of the development until the tree protection barriers have been erected in accordance with the plans and particulars which shall have been previously approved in writing by the Local Planning Authority;
- b) If the barriers are broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Local Planning Authority;
- c) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above, or below the ground, the ground levels shall not be altered, no excavations shall be made, nor shall any fires be lit, without the written consent of the Local Planning Authority.

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Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy E19 of the Carlisle District Local Plan 2001-2016.

15. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation proposals as identified within Section E of the Bat Roost Inspection Survey undertaken by OpenSpace. In addition:

i) not more than 14 days prior to the commencement of any demolition of buildings or works of conversion of buildings identified within the Bat Roost Inspection Survey as having the potential to be used by bats, there shall be carried out a full occupancy survey to establish the possible presence of bats; and

ii) as a result of i), no commencement of work shall be undertaken until works for the exclusion of bats has been undertaken by a bat consultant under license from Natural England;

Reason: In order to avoid any harm to protected species of wildlife in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

16. Prior to the commencement of the development, a scheme for wildlife enhancement, based upon the recommendations within the Ecological Survey undertaken by Rigby Jerram and the Barn Owl Survey undertaken by OpenSpace shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed, in relation to each phase of the development, prior to the occupation of any dwelling within that phase.

Reason: In order to achieve enhancement of biodiversity in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

Item No: 15

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0217

Applicant:
ND Homes

Parish:
St Cuthberts Without

Date of Receipt:
20/03/2009 08:03:25

Agent:
Taylor & Hardy

Ward:
Dalston

Location:

Grid Reference:

SCHEDULE D: Reports on Previously Deferred Decisions

Former Stables, Horsebox & Lorry Park, Land
adjacent Blackwell House, Durdar Road

340211 552948

Proposal: Works Of Demolition, Alteration And Extension In The Curtilage Of A
Listed Building Relating To Residential Development (LBC)

Amendment:

REPORT

Case Officer: Alan Taylor

Details of Deferral:

Members will recall at Committee meeting held on 29th May 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to:

1. the Assessment of Likely Significant Effects under the Habitats Direction confirming there are no significant adverse effects upon wildlife interests,
2. the imposition of a condition requiring the submission and approval of site levels and finished floor levels; and
completion of a S106 Agreement to ensure the developer contribution to the Connect2 scheme.

These items have been completed and the approval was issued on 28th January 2010.

Decision: Granted Subject to Legal Agreement

Date: 28/01/2010

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Prior to the carrying out of any construction works the existing buildings termed in the 2005 archaeological assessment report as '68 Durdar Road', the 'south building' and the 'south range' shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and, following its completion, 3 copies of that survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration and demolition as part of the proposed development.

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Item No: 16

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1085

Applicant:
Carlisle College

Parish:
Carlisle

Date of Receipt:
11/12/2009

Agent:
Ryder Architectural Ltd

Ward:
Castle

Location:
Carlisle College, Strand Road, Carlisle, CA1 1NB

Grid Reference:
340510 556100

Proposal: Demolition Of Blocks B & C Of The Existing College And Erection Of A Replacement (3000 square metres) College Building With Parking For Limited Vehicles On Site (Revised Application)

Amendment:

REPORT

Case Officer: Angus Hutchinson

Details of Deferral:

Members will recall at Committee meeting held on 29th January 2010 that authority was given to the Head of Planning and Housing Services to issue approval subject to the expiration of the advertisement period; receipt of satisfactory revised details concerning the provision of a pediment detail to the top of the proposed building; the imposition of additional and/or revised conditions regarding access by disabled people; security measures; and the protection of existing trees as stipulated on the submitted landscaping scheme.

These issues have been satisfactorily concluded and the approval was issued on 23rd February 2010.

Decision: Grant Permission

Date: 23/02/2010

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).

SCHEDULE D: Reports on Previously Deferred Decisions

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide for the payment of a commuted sum of £29750 by the applicant as a contribution towards improvements to the cycle network in the immediate vicinity, the upgrade of the current pedestrian facilities (across Victoria Place), and to enable a review to take place of the local waiting restrictions in operation.

Reason: In accordance with Policy CP16 of the Carlisle District Local Plan 2001-2016.

3. Not to commence demolition and site clearance until a construction management plan ("the plan") specifying the route of vehicles to/from the site, measures for construction traffic accessing the site, and hours of operation have been submitted to and approved in writing by the Local Planning Authority. Construction traffic shall only follow the approved route(s), and enter and leave the site via accesses and at times of the day as contained in the agreed construction management plan.

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

4. The measures identified in the Travel Plan shall be implemented by the applicant within 12 months of the development (or any part thereof) commencing use. An annual report reviewing the effectiveness of the Travel Plan, including any necessary amendments or measures shall be subsequently prepared by the applicant/occupier and submitted to the LPA for approval and thereafter implemented.

Reason: To aid in the delivery of sustainable transport objectives in accordance with the underlying objectives of Policy CP16 of the Carlisle District Local Plan 2001-2016.

5. Not to commence development (outside of demolition and site clearance) until details have been submitted to and approved in writing by the Local Planning Authority of the proposed alterations to the link bridge, substation, smoking shelters, and details showing the extent that the fenestration is to be set back from the external face of any wall.

Reason: In accordance with Policies CP5 and CP6 of the Carlisle District

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Local Plan 2001-2016.

6. Not to commence demolition or site clearance until a plan has been submitted to and approved in writing by the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

7. The parking areas shall be constructed and drained in accordance with plans to be submitted to and approved in writing beforehand by the Local Planning Authority and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure the proposed off-street parking is provided in accord with Policy T1 of the Carlisle District Local Plan 2001-2016.

8. Ramps shall be provided on each side of every road junction to enable wheelchairs, pram's and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences (outside of demolition and site clearance). Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7 and Structure Plan Policy L49.

9. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations (inclusive of demolition, site clearance and construction) and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.

10. The operator shall maintain on site during operations (inclusive of demolition, site clearance and construction) a water bowser or other dust suppression

SCHEDULE D: Reports on Previously Deferred Decisions

system and during periods of dry weather shall spray the haul roads working areas, plant area and stock piling areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

Reason: To prevent disturbance: nearby occupants.

11. 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 (outside of demolition and site clearance) is commenced.

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

12. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence (outside of demolition and site clearance), and the approved scheme shall be implemented in accordance with a phasing scheme for the works hereby approved.

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

13. Notwithstanding the submitted details, no development (outside of demolition and site clearance) shall take place until details of a landscaping scheme has been submitted to and approved by the Local Planning Authority.

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

14. All works comprised in the approved details of landscaping shall be carried out by not later than the end of the planting and seeding season following the commencement of use of the hereby permitted development.

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

16. 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 specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

17. Prior to the commencement of development (outside of demolition and site clearance) there shall be submitted to and approved in writing by the Local Planning Authority details of the proposed security measures with particular regard to the prevention of vehicle access to the Campus Boulevard and access to the site via Strand Road; the management of delivery vehicle access across the plaza via Compton Street; the means of enclosure/boundary treatment (inclusive of the proposed car park), lighting, cycle parking and CCTV. All of the aforementioned security measures shall be fully carried out in accordance with the approved details prior to the commencement of use of the development hereby permitted.

Reason: In order to ensure that the development complies with Policy CP16 of the Carlisle District Local Plan 2001-2016.

18. Prior to the commencement of development (outside of demolition and site clearance) there shall be submitted to and approved in writing by the Local Planning Authority details of the proposed measures to enable access by disabled people with particular regard to the design of the two disabled parking bays on Strand Road; the provision of disabled parking spaces within the car park off Hartington Street; and the levels and surfacing of the paved and car park areas. All of the aforementioned measures shall be fully carried out in accordance with the approved details prior to the commencement of use of the development hereby permitted.

Reason: In order to ensure that the development complies with Policy CP15 of the Carlisle District Local Plan 2001-2016.

19. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated July 2008 and referenced A043955, produced by White Young Green and the following mitigation

SCHEDULE D: Reports on Previously Deferred Decisions

measures detailed within the FRA:

- Limit the surface water run-off generated by 1:100 year (1% annual probability of occurrence) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; and
- Incorporate all the flood resilient construction measures as detailed in the conclusion of the FRA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future users.

Item No: 17

Between 16/01/2010 and 26/02/2010

Appn Ref No:
08/0472

Applicant:
Mr Plumb

Parish:
Carlisle

Date of Receipt:
19/06/2008

Agent:
Projekt Architects

Ward:
Harraby

Location:
Former Cavaghan & Gray Limited, London Road,
Carlisle, CA1 3EU

Grid Reference:
341870 553940

Proposal: Proposed Aldi Supermarket And Single Storey Workshop Development
Amendment:

REPORT

Case Officer: Angus Hutchinson

Details of Deferral:

Members will recall at Committee meeting held on 2nd October 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to the completion of a Section 106 Agreement concerning the payment of £31,970 as a contribution towards the improvements to the London Road and Eastern Way junction; the imposition of an additional condition seeking to ensure that within three years of the retail/food store commencing to trade the employment units are completed to a wind and watertight finish; and the comments of interested parties on the revised scheme. The Section 106 has now been completed and the associated decision notice was formally issued on 26th February 2010.

SCHEDULE D: Reports on Previously Deferred Decisions

Decision: Granted Subject to Legal Agreement

Date: 26/02/2010

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

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

3. The highway works involving the construction of the respective access road(s) serving the retail/food store and any employment unit hereby permitted shall be carried out according to the following phasing:
 - i) no development shall take place until the access from Petterill Bank Road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use, or, the developer can demonstrate suitable alternative means of access during the construction period; and
 - ii) immediately following the completion (by the provision of an electricity supply) of any unit all the highway works shall be completed to adoptable standards.

Reason: In the interests of highway safety.

4. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with a plan submitted to and approved beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

SCHEDULE D: Reports on Previously Deferred Decisions

5. Before the occupation of any employment unit, or, the retail/food store hereby permitted the existing accesses shall be permanently closed and the highway crossings and boundaries shall be reinstated in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority.

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

6. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the parking, turning and loading areas and means of vehicular access thereto have been fully completed in accordance with plans submitted to and approved beforehand by the Local Planning Authority.

Reason: To ensure that the development is served by a parking area in accordance with the underlying objectives of Policy T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

7. Before any respective development with regard to the employment units or the retail/food store commences, details 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 permitted, and that land (including vehicular access thereto) shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

8. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.

9. If contamination not previously identified is found to be present during development (i.e. building works), no further development shall be carried out (unless otherwise in writing by the local planning authority) until the developer has submitted and obtained written approval from the local planning authority, the report shall detail how this unsuspected contamination shall be dealt with and the development shall be executed in accordance with the agreed details.

SCHEDULE D: Reports on Previously Deferred Decisions

In complying with this condition, the words 'contamination not previously identified' shall mean; substances present in soil or groundwater in concentrations in excess of the agreed site-specific remediation target as defined in the 'remediation plan'.

It should be also noted that where a cover system is used as a remediation strategy, 1 metre of clean cover of a geotextile will be required in gardens of residential properties.

Reason: To protect the environment and prevent harm to human health.

10. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the employment units and retail/food store hereby permitted shall be submitted to and approved in writing by the local planning authority before any respective site works commence.

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

11. Before the commencement of development of either the retail/food store or any employment unit, and notwithstanding the submitted details, a landscaping scheme showing the planting of larger trees at the entrance/exit roundabout and along the London Road frontage 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 Policies E9 of the Carlisle District Local Plan.

12. All works comprised in the approved details of landscaping for either the retail/food store or any employment unit hereby permitted shall be carried out contemporaneously with the completion of each unit.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy E9 of the Carlisle District Local Plan.

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

effective in accord with Policy E15 of the Carlisle District Local Plan.

14. This permission relates to the use of the ground floor of the employment units for purposes only falling within Class B1 (c) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and ensure that the proposal is not contrary to Policy H17 of the Carlisle District Local Plan.

15. The gross minimum total floorspace of the employment units hereby permitted shall be 1,100 square metres.

Reason: In order to ensure the provision of adequate employment units to serve the locality.

16. After the expiration of three years from the commencement of use the hereby permitted retail store shall cease trading unless the Class B1(c) employment units also hereby given permission have been completed on site to a wind and watertight finish (including all external walls, windows, doors and roofs).

Reason: To ensure provision of the employment units.

17. No goods or materials shall be stored or displayed for sale on the open areas of either the retail/food store or any employment unit hereby permitted without the written prior approval of the local planning authority.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area and living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

18. The retail store hereby permitted shall only be used for the sale of food and ancillary comparison goods, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy S2 of the Carlisle District

SCHEDULE D: Reports on Previously Deferred Decisions

Local Plan.

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

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy S2 of the Carlisle District Local Plan.

20. The maximum gross floorspace of the retail/food store hereby permitted shall not exceed 1,635 square metres; and there shall be at no time any additional floorspace created, whether by extension, internal alterations including installation of mezzanine floors, or roofing over of outdoor areas, unless approved in writing by the local planning authority.

Reason: In order to control the precise nature and scale of the retail outlet and thereby ensure compliance with the underlying objectives of Policy S2 of the Carlisle District Local Plan.

21. No deliveries to or from the retail/food store hereby permitted shall take place before 07.00 hours or after 21.00 hours on Monday to Saturdays and 08.00 hours to 19.00 hours on Sundays.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

22. The retail/food store hereby permitted shall not commence trading before 08.00 hours and shall not trade after 20.00 hours on Monday to Saturday, and 10.00 hours to 18.00 hours on Sunday.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

23. Samples or full details of all materials to be used on the exterior of all buildings shall be submitted to and approved in writing by the local planning authority before any work is commenced on the respective elements of the development hereby permitted.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

SCHEDULE D: Reports on Previously Deferred Decisions

24. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence on the respective elements of the development hereby permitted.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

25. Particulars of height and materials of all screen walls and boundary fences, inclusive of the proposed railings, shall be submitted to and approved by the local planning authority prior to the commencement of the respective elements of the development hereby permitted.

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

26. Prior to the commencement of development (and notwithstanding any description in the application and conditions 2, 17 and 31 imposed under 06/0667) there shall be submitted to and approved in writing details of the proposed security measures with particular regard to lighting, access to the trolley park, cycle parking, and, CCTV. The retail units and workshops hereby permitted shall not be brought into use/commence trading until the aforementioned works have been fully implemented in accordance with the approved details.

Reason: In order to ensure that the development complies with Policy CP16 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

27. No development approved by this permission shall be commenced until an overall scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory and co-ordinated means of surface water.

SCHEDULE E

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/01/2010 and 26/02/2010

Appn Ref No:
02/0738

Applicant:
Mr A Wallace

Parish:
Burgh-by-Sands

Date of Receipt:
22/07/2002

Agent:

Ward:
Burgh

Location:
Low Moorhouse Cottage, Moorhouse, Carlisle, CA5
6EL

Grid Reference:
333483 556625

Proposal: Single storey extension to rear of property to provide utility room and change of use of outbuilding to form 3no bedrooms and bathroom

Amendment:

Decision: Finally Disposed of Application
02/02/2010

Date:

Between 16/01/2010 and 26/02/2010

Appn Ref No:
04/1086

Applicant:
TMS

Parish:
Carlisle

Date of Receipt:
30/07/2004

Agent:
Mr J H Sewell

Ward:
Harraby

Location:
TMS, Site 6, Brunel Way, Durranshill Industrial
Estate, Carlisle, CA1 3NQ

Grid Reference:
341788 554597

Proposal: Extension to provide additional storage area

Amendment:

Decision: Finally Disposed of Application
18/02/2010

Date:

Between 16/01/2010 and 26/02/2010

Appn Ref No:
08/0167

Applicant:
CWS Retail Financial
Services

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
21/02/2008

Agent:
Futurama Ltd

Ward:
Dalston

Location:
Co-op Food Store, The Square, Dalston, Cumbria,
CA5 7PJ

Grid Reference:
336905 550082

Proposal: Display Of Fascia Sign And 1 No. Internally Illuminated Projecting Sign
Amendment:

Decision: Grant Permission

Date: 17/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0015

Applicant:
Norbrook Laboratories

Parish:
Wetheral

Date of Receipt:
12/01/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
Ferry Cottage, Great Corby, Carlisle, Cumbria

Grid Reference:
346999 554439

Proposal: Reconstruction Of Existing Cottage With Raised Floor Level And
Extension

Amendment:

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0270

Applicant:
Norbrook Laboratories

Parish:
Wetheral

Date of Receipt:
17/04/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
Corby Woods Near Ferry Cottage, Great Corby,
Carlisle, CA4 8LR

Grid Reference:
346999 554439

Proposal: Construction Of Temporary Access Track Through Woods For Access
For Reconstruction Works At Ferry Cottage (Retrospective)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0311

Applicant:
Norbrook Laboratories

Parish:
Wetheral

Date of Receipt:
17/04/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
Corby Woods Near Ferry Cottage, Great Corby,
Carlisle, CA4 8LR

Grid Reference:
346999 554439

Proposal: Construction Of Retaining Wall Adjacent To Footpath To Ferry
Cottage/River Eden (Retrospective)

Amendment:

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0314

Applicant:
Mr Park

Parish:
Wetheral

Date of Receipt:
20/04/2009 08:01:30

Agent:
Mr Craig

Ward:
Wetheral

Location:
Beckfoot, Parkett Hill, Scotby, CA4 8BZ

Grid Reference:
343966 555200

Proposal: Erection of 2no. 2 Storey Detached Dwellings (Outline Application)
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 23/02/2010

Between 16/01/2010 and 26/02/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
09/0493

Applicant:
Norbrook Laboratories

Parish:
Wetheral

Date of Receipt:
18/06/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
Ferry Cottage, Great Corby, Carlisle, Cumbria

Grid Reference:
346999 554439

Proposal: Conservation Area Consent For Demolition Of Surviving Walls To Ferry Cottage (Retrospective)

Amendment:

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0511

Applicant:
Two Castles Housing
Association

Parish:
Carlisle

Date of Receipt:
25/06/2009 16:02:29

Agent:
HMH Architects

Ward:
Belle Vue

Location:
Land adjacent to Low Meadow / Brookside, Belle
Vue, Carlisle

Grid Reference:
337887 555864

Proposal: Erection Of 29no. Dwellings With Associated Parking And Landscaping, New Access Road And Substation

Amendment:

Decision: Grant Permission

Date: 17/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0808

Applicant:
Glenmore Trust

Parish:
Rockcliffe

Date of Receipt:
23/11/2009

Agent:
Holt Planning Consultancy

Ward:
Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Heathlands Farm, Harker Road Ends, Harker,
Carlisle, CA6 4HN

Grid Reference:

337561 561389

Proposal: Change Of Use Of Former Farmstead To Non-Residential Institution (Class D1) To Provide Day Care Facilities For Adults With Learning Disabilities; Erection Of Extension To Main Office/Kitchens To Provide Ancillary Cafe/Shop; Erection Of Ancillary Detached Art-Cabin; Formation Of Wildlife Walks; Picnic Areas And Wildlife Enclosures/Habitats, And Use Of Land For Siting Polytunnels, Temporary Office Portakabin, And The Keeping Of Horses (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 18/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/0849

Applicant:

Your Move

Parish:

Carlisle

Date of Receipt:

22/12/2009

Agent:

Atlas Display

Ward:

Castle

Location:

Your Move, 19 Fisher Street, Carlisle, CA3 8RF

Grid Reference:

340027 556028

Proposal: Display Of 1no. Externally Illuminated Fascia Sign And 1no. Non-Illuminated Hanging Sign

Amendment:

Decision: Refuse Permission

Date: 22/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/0920

Applicant:

Eden Housing Association

Parish:**Date of Receipt:**

27/10/2009

Agent:

Day Cummins Limited

Ward:

Belle Vue

Location:

Land adjacent to Low Meadow/Brookside, Belle

Grid Reference:

337949 555856

SCHEDULE E: Decisions Issued Under Delegated Powers

Vue, Carlisle

Proposal: Discharge of Conditions 2 (Reserved Matters); 3 (Section 106 Agreement); 4 (Floor Levels); 5 (Phasing Plan); 6 (Utility Services - Distribution); 7 (Utility Services - Access Covers); 8 (Highways - Design, Construction, Drainage, Street Lighting); 11 (Highways - Parking, Turning, Loading/Unloading Areas); 12 (Highways - Construction Phase Vehicle Parking Areas); 14 (Landscaping); 16 (Bat Survey); 17 (Boundary Walls And Fences); 18 (External Finishes); 19 (Paving And Surfacing); 20 (Surface Water Drainage); 21 (Surface Water Drainage) And 22 (Foul Drainage) Relating To Previously Approved Application 07/1372

Amendment:

Decision: Grant Permission

Date: 26/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/0951

Applicant:
Mr Barry Pluckrose

Parish:
Carlisle

Date of Receipt:
30/10/2009

Agent:
Phoenix Architects

Ward:
St Aidans

Location:
23-31 Brook Street, Carlisle, CA1 2HZ

Grid Reference:
340923 555187

Proposal: Re-Development Of Former Housing Site To Form 8no. 3 Bedroomed Terraced Town Houses (Revised Application)

Amendment:

Decision: Refuse Permission

Date: 25/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1007

Applicant:
Irving Builders Limited

Parish:
Carlisle

Date of Receipt:
12/11/2009 08:00:37

Agent:
Black Box Architects
Limited

Ward:
Currock

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

209 Blackwell Road, Carlisle, CA2 4DN

340333 554211

Proposal: Demolition Of Existing House And Workshop Buildings And Erection Of 5 Terraced Housing

Amendment:

Decision: Grant Permission

Date: 09/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1016

Applicant:
Mrs Morrow

Parish:
Kingmoor

Date of Receipt:
23/11/2009

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Stanwix Rural

Location:
29 Edenside, Cargo, Carlisle, CA6 4AQ

Grid Reference:
337011 559585

Proposal: Demolition Of Existing Double Garage And Erection Of 2 Storey Side Extension To Provide Granny Annex On Ground Floor, With Study Above (Revised Application)

Amendment:

Decision: Grant Permission

Date: 18/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1025

Applicant:
H Jobson & Partners Ltd

Parish:
Arthuret

Date of Receipt:
18/11/2009 13:00:14

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
16-20 English Street, Longtown, CA6 5SD

Grid Reference:
337935 568607

Proposal: Demolition And Removal For Prefabricated Out Building, Removal Of Part Of Two Storey Toilet And Storage Area. Construction Of Portal Framed Warehouse Building And Alteration To Remaining Store To Form Loading Dock And First Floor Storage Area

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

1. Revised Drawings Illustrating A Pedestrian Access Door To The West Elevation Together With The Proposed Use Of Facing Brickwork To The West Elevation.

Decision: Grant Permission

Date: 26/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/1026

Applicant:

H Jobson & Partners Ltd

Parish:

Arthuret

Date of Receipt:

18/11/2009 13:00:14

Agent:

Tsada Building Design
Services

Ward:

Longtown & Rockcliffe

Location:

16-20 English Street, Longtown, CA6 5SD

Grid Reference:

337935 568607

Proposal: Demolition And Removal For Prefabricated Out Building, Removal Of Part Of Two Storey Toilet And Storage Area. Construction Of Portal Framed Warehouse Building And Alteration To Remaining Store To Form Loading Dock And First Floor Storage Area.

Amendment:

Decision: Grant Permission

Date: 26/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/1027

Applicant:

Mrs Beverly Thompson

Parish:

Carlisle

Date of Receipt:

25/11/2009

Agent:

Ward:

Stanwix Urban

Location:

3 Scotland Road, Stanwix, Carlisle, CA3 9HR

Grid Reference:

339994 556990

Proposal: Change Of Use Of Tanning Studio To A1 Retail

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 18/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1032

Applicant:
Julius Deane

Parish:
Hethersgill

Date of Receipt:
20/11/2009 13:01:11

Agent:
Gray Associates Limited

Ward:
Lyne

Location:
Rigg Head, Kirklington, Carlisle, CA6 6DR

Grid Reference:
344490 566881

Proposal: Refurbish Existing Farmhouse And Rebuild Small Lean To Section To Rear (LBC)

Amendment:

Decision: Grant Permission

Date: 29/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1035

Applicant:
Mrs Felicity
Kaye-Krzeczkowski

Parish:
Carlisle

Date of Receipt:
25/11/2009

Agent:
Abrahams Dresden LLP

Ward:
Castle

Location:
42 Aglionby Street, Carlisle, CA1 1JP

Grid Reference:
340679 555671

Proposal: Removal Of Condition 3 (Personal Condition) Relating To Planning Application 94/0871

Amendment:

Decision: Grant Permission

Date: 22/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1038

Applicant:
Impact Housing

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Association

Date of Receipt:
24/11/2009 08:01:04

Agent:
Croft Goode Limited

Ward:
Currock

Location:
Land At Regent Street, Carlisle, CA2 4HD

Grid Reference:
340756 554712

Proposal: Erection Of 7no Apartments With Associated Management And Communal Facilities Plus 4no Family Houses

Amendment:

Decision: Grant Permission

Date: 26/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1039

Applicant:
Mr Robert Ackerley

Parish:
Hethersgill

Date of Receipt:
24/11/2009

Agent:

Ward:
Lyne

Location:
Henrys Hill, Kirklington, Carlisle, Cumbria, CA6 6EA

Grid Reference:
345880 567736

Proposal: Extension To Free Range Egg Hen Unit

Amendment:

Decision: Grant Permission

Date: 18/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1041

Applicant:
Property Matters

Parish:
Carlisle

Date of Receipt:
10/12/2009

Agent:
Albany Sign Display

Ward:
Stanwix Urban

Location:
Zenya Hair & Beauty, 1 Mulcaster Crescent,
Scotland Road, Carlisle, CA3 9EB

Grid Reference:
340025 557187

Proposal: Display Of 1no. Double Sided Free Standing Sign (Retrospective)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 18/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1044

Applicant:
Mr P Collins

Parish:
Wetheral

Date of Receipt:
26/11/2009

Agent:
Jock Gordon

Ward:
Wetheral

Location:
Land between 16 & 17 Faustin Hill, Wetheral,
Carlisle, CA4 8JZ

Grid Reference:
346442 554989

Proposal: Discharge of Conditions 2, 3, 4, 5, 6 & 8 Of Previously Approved
Planning
Application 09/0106

Amendment:

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1045

Applicant:
Mr & Mrs Hunter

Parish:
Carlisle

Date of Receipt:
26/11/2009

Agent:
Jock Gordon

Ward:
Belle Vue

Location:
22 Berkeley Grange, Carlisle, CA2 7PW

Grid Reference:
337878 555981

Proposal: Single Storey Side Extension to Provide Playroom and Utility Room

Amendment:

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
09/1052

Applicant:
Mrs Saunderson

Parish:
Carlisle

Date of Receipt:
01/12/2009

Agent:
HTGL Architects Ltd

Ward:
Stanwix Urban

Location:
58 Brampton Road, Carlisle, CA3 9AU

Grid Reference:
340779 557433

Proposal: Demolition Of Existing Garage And WC And The Construction Of New Kitchen/Utility/WC/Shower On The Ground Floor With Dressing Room/Study Area On The First Floor (Revised Application)

Amendment:

Decision: Grant Permission

Date: 26/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1053

Applicant:
Carlisle City Council

Parish:
Rockcliffe

Date of Receipt:
02/12/2009

Agent:
Johnston & Wright

Ward:
Longtown & Rockcliffe

Location:
Ghyll Bank Caravan Site, Low Harker, Carlisle, CA6 4DG

Grid Reference:
338453 560929

Proposal: Discharge Of Condition 12 Relating To Planning Application Ref: 08/0976

Amendment:

Decision: Grant Permission

Date: 21/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1056

Applicant:
Mr R Swailes

Parish:
Carlisle

Date of Receipt:
02/12/2009

Agent:

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

St Bedes Social Club, Silloth Street, Carlisle, CA2
5UR

Grid Reference:

339216 555748

Proposal: Demolition Of Social Club And Erection Of 6No. 3 Bed Dwellings

Amendment:

Decision: Grant Permission

Date: 27/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/1057

Applicant:

Carlisle City Council

Parish:

Carlisle

Date of Receipt:

11/12/2009

Agent:

Mr Peter Vincent

Ward:

Botcherby

Location:

Land Between 71 & 110 Borland Avenue,
Botcherby, Carlisle, CA1 2TF

Grid Reference:

341729 555276

Proposal: Erection Of An 8 Metre High Mast And CCTV Camera With Associated 6
Metre High Receiver Mast In Melbourne Park For Community Safety
Surveillance Purposes

Amendment:

Decision: Grant Permission

Date: 18/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/1061

Applicant:

Miss Helen Blake

Parish:

Kingmoor

Date of Receipt:

09/12/2009

Agent:

Ward:

Stanwix Rural

Location:

Dabbing Cottage, Cargo, Carlisle, CA6 4AW

Grid Reference:

336556 559156

Proposal: Demolition Of Existing Two Storey Dabbing Cottage And Garage (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1062

Applicant:
Mrs Barbara Mackay

Parish:
Brampton

Date of Receipt:
02/12/2009

Agent:
Mr David Lamond

Ward:
Brampton

Location:
Shaw Brow, Naworth, Brampton, CA8 2QX

Grid Reference:
356579 561188

Proposal: Ground Floor Alterations And Extensions To Existing Dwelling To Create
Granny Annexe With Two Storey Extensions To Provide Additional
Bedrooms And Living Space

Amendment:

Decision: Grant Permission

Date: 27/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1064

Applicant:
Maris Properties Ltd

Parish:
Carlisle

Date of Receipt:
07/12/2009

Agent:

Ward:
Belah

Location:
Land at The Enterprise Public House, Briar Bank,
Carlisle, CA3 9SN

Grid Reference:
339023 557865

Proposal: Erection of 6no. Dwellings, Access, Parking and Associated
Landscaping (Revised Application)

Amendment:

Decision: Grant Permission

Date: 27/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

09/1065 Mr Henderson Dalston

Date of Receipt: **Agent:** **Ward:**
10/12/2009 Mr Hetherington Dalston

Location: **Grid Reference:**
The Gill Farm, The Gill, Dalston, Carlisle, CA5 7JP 335697 549346

Proposal: Erection Of 70m x 25m Slurry Lagoon (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 25/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No: **Applicant:** **Parish:**
09/1067 Mr Baxter Solport

Date of Receipt: **Agent:** **Ward:**
11/12/2009 Mr Jeremiah Lyne

Location: **Grid Reference:**
Park House Farm, Easton, Longtown, Carlisle, CA6 5RR 345938 572555

Proposal: Erection Of New Agricultural Building

Amendment:

Decision: Grant Permission

Date: 05/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No: **Applicant:** **Parish:**
09/1069 McDonald's Restaurant Ltd Carlisle

Date of Receipt: **Agent:** **Ward:**
04/12/2009 16:02:18 Planware Ltd Belah

Location: **Grid Reference:**
McDonald's Restaurant, Grearshill Road, Kingstown, Carlisle, CA3 0ET 339396 559460

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Refurbishment Of Restaurant And Patio Area, With Extension And Changes To Elevations; Installation Of Customer Order Display

Amendment:

1. Proposed Floor Plans
2. Revised Existing Floor Plan

Decision: Grant Permission

Date: 22/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1070

Applicant:
McDonald's Restaurant
Ltd

Parish:
Carlisle

Date of Receipt:
04/12/2009 16:02:18

Agent:
Planware Ltd

Ward:
Belah

Location:
McDonald's Restaurant, Grearshill Road,
Kingstown, Carlisle, CA3 0ET

Grid Reference:
339396 559460

Proposal: Replacement And New Signage Comprising 4No. Fascia Signs, 5No. Freestanding Signs, And 1No. Customer Order Display (All Internally Illuminated)

Amendment:

1. Proposed Site Layout And Advertisement Drawings

Decision: Grant Permission

Date: 20/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1078

Applicant:
Mr & Mrs David Turner

Parish:
Dalston

Date of Receipt:
05/01/2010

Agent:
Telford Planning
Associates

Ward:
Dalston

Location:
Former Mushroom Farm, Land to the Rear of

Grid Reference:
335384 551786

SCHEDULE E: Decisions Issued Under Delegated Powers

Brindle, Orton Grange, Carlisle, CA5 6LB

Proposal: Demolition Of Existing Disused Buildings And Structures And Erection Of 1No. Bungalow (Outline Application)

Amendment:

Decision: Refuse Permission

Date: 24/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1079

Applicant:
CLP Wind Projects

Parish:
Arthuret

Date of Receipt:
24/12/2009

Agent:

Ward:
Longtown & Rockcliffe

Location:
Hallburn Farm, Hallburn, Longtown, Carlisle, CA6 5TW

Grid Reference:
341304 567849

Proposal: Temporary Installation For 3 Years Of A Wind Monitoring Mast 16m High, Supported By Guy-Wires, Complete With Instrumentation

Amendment:

Decision: Grant Permission

Date: 18/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1083

Applicant:
Platinum Homes Ltd

Parish:
Brampton

Date of Receipt:
11/12/2009 16:00:09

Agent:
John Lyon Associates Ltd

Ward:
Brampton

Location:
Warren Bank, Station Road, Brampton, CA8 1EX

Grid Reference:
353865 561098

Proposal: Discharge Of Conditions 2, 3 & 4 Of Previously Approved Application 09/0828

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1084

Applicant:
Mr & Mrs Rigg

Parish:
St Cuthberts Without

Date of Receipt:
11/12/2009 16:00:13

Agent:
Andrew Nash Associates

Ward:
Dalston

Location:
Wragmire Cottage, Scalesceugh, Carleton, Carlisle,
CA4 0BT

Grid Reference:
345000 549430

Proposal: Erection Of First Floor Extension To Provide 1no. Bedroom And
Bathroom Together With New Pitched Roof To Replace Existing Flat
Roof Over Utility

Amendment:

Decision: Grant Permission

Date: 01/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1086

Applicant:
Mr & Mrs Toth

Parish:
Carlisle

Date of Receipt:
21/12/2009

Agent:
Tsada Building Design
Services

Ward:
Stanwix Urban

Location:
9 Lansdowne Close, Carlisle, CA3 9HN

Grid Reference:
340039 558126

Proposal: Removal Of Flat Roof Over Garage And Day Room To Allow For First
Floor Extension To Provide Bathroom, Laundry Room And
1No.Bedroom

Amendment:

Decision: Grant Permission

Date: 15/02/2010

Between 16/01/2010 and 26/02/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
09/1087

Applicant:
Kilnstown Farm Ltd

Parish:

Date of Receipt:
05/01/2010

Agent:
Tsada Building
DesignServices

Ward:
Lyne

Location:
Kilnstown, Roweltown, CA6 6PN

Grid Reference:
353500 574144

Proposal: Erection Of Lean To Calf Unit

Amendment:

1. Drawing Numbers 5/12/2009/1a And 5/12/2009/2a Illustrating Internal Elevations

Decision: Grant Permission

Date: 19/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1088

Applicant:
Mr Richard Woodmass

Parish:
Stanwix Rural

Date of Receipt:
06/01/2010

Agent:
Hogg & Robinson Design
Services

Ward:
Stanwix Rural

Location:
Harene, Linstock, Carlisle, CA6 4PZ

Grid Reference:
342490 558278

Proposal: Erection Of Agricultural Building (Revised Application)

Amendment:

Decision: Grant Permission

Date: 22/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1090

Applicant:
McDonald's Restaurant
Ltd

Parish:
Carlisle

Date of Receipt:
22/12/2009

Agent:
Planware Ltd

Ward:
Belah

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Mcdonald's Restaurants Ltd, Grearshill Road,
Carlisle, CA3 0ET

Grid Reference:

339396 559460

Proposal: Existing Pole Sign Height Increased By 2 Metres

Amendment:

Decision: Refuse Permission

Date: 25/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/1091

Applicant:

Mr Aplin

Parish:

Dalston

Date of Receipt:

22/12/2009

Agent:**Ward:**

Dalston

Location:

The Old Barn, Raughton Head Hill, Raughton Head,
Carlisle, CA5 7DD

Grid Reference:

337982 546279

Proposal: Change Of Use Of Agricultural Land To Residential Garden Together
With The Siting Of Garden Shed & Oil Tank

Amendment:

Decision: Grant Permission

Date: 22/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

09/1093

Applicant:

Mr Roy Little

Parish:

Arthuret

Date of Receipt:

15/12/2009

Agent:**Ward:**

Longtown & Rockcliffe

Location:

Esk House, Graham Street, Longtown, CA6 5NR

Grid Reference:

338045 568827

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen,
Utility & WC

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 22/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1095

Applicant:
Dr Ansari

Parish:
Dalston

Date of Receipt:
30/12/2009

Agent:
Suburban Studios

Ward:
Dalston

Location:
Former Telephone Exchange Station, Hawksdale
Road, Dalston, Carlisle, CA5 7BX

Grid Reference:
336295 546494

Proposal: Change Of Use From Telephone Repeater Station To Short Term
Holiday Accommodation

Amendment:

Decision: Grant Permission

Date: 19/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1098

Applicant:
Nestle UK Ltd

Parish:
Dalston

Date of Receipt:
05/01/2010

Agent:
Story Construction Limited

Ward:
Dalston

Location:
Nestle UK Limited, Dalston, Carlisle, CA5 7NH

Grid Reference:
337378 550813

Proposal: Temporary (36 Months) Siting Of 21m2 Container For Use As A Staff
Shop Together With Fencing And Dedicated Parking Spaces

Amendment:

Decision: Grant Permission

Date: 09/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Condition 5 Of Previously Approved Appn 08/0592

Amendment:

Decision: Grant Permission

Date: 10/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1106

Applicant:
Mr Coulthard

Parish:
Dalston

Date of Receipt:
17/12/2009 16:01:04

Agent:
Carrock Architects

Ward:
Dalston

Location:
Roewath Cottage, Stockdalewath, Dalston, Carlisle,
CA5 7DP

Grid Reference:
338819 544530

Proposal: Removal Of Existing Single Storey Extension And Erection Of
Replacement Two Storey Extension To Provide Hydrotherapy Pool On
Ground Floor With 2no. Bedrooms Above Together With En-Suite
Extension On Existing Roof Terrace

Amendment:

Decision: Grant Permission

Date: 23/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1109

Applicant:
Mr Raymond Grieve

Parish:
Hayton

Date of Receipt:
18/12/2009

Agent:
Nicola Hedley

Ward:
Hayton

Location:
The Mount, How Mill, Brampton, CA8 9JU

Grid Reference:
351175 556338

Proposal: Erection Of 3no. Stables For Domestic Use

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1113

Applicant:
Messrs Bimson & Martin

Parish:
Beaumont

Date of Receipt:
18/12/2009

Agent:

Ward:
Burgh

Location:
Monkhill Hall Farm, Monkhill, Carlisle CA5 6DD

Grid Reference:
334387 558299

Proposal: Extension to Poultry Unit

Amendment:

Decision: Grant Permission

Date: 28/01/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1114

Applicant:
Aspire Consulting
(Europe) Ltd

Parish:
Carlisle

Date of Receipt:
21/12/2009

Agent:
Taylor & Hardy

Ward:
Belah

Location:
Unit 1, Kingmoor Industrial Estate, Kingmoor,
Carlisle CA3 9QJ

Grid Reference:
338787 557772

Proposal: Change Of Use Of Part Of Unit 1 To Form "Wellness Centre" (Revised Application)

Amendment:

Decision: Grant Permission

Date: 22/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1116

Applicant:
Dalston Tennis Club

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
21/12/2009

Agent:
CT Planning Ltd

Ward:
Dalston

Location:
Recreation Field, The Green, Dalston, Carlisle CA5 7QB

Grid Reference:
336785 549543

Proposal: Discharge Of Condition 4 (Details Of Lighting Including The Provision Of Baffles) Of Previously Approved Application 07/1383

Amendment:

Decision: Grant Permission

Date: 02/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1121

Applicant:
Mr M Ruddick

Parish:
Burgh-by-Sands

Date of Receipt:
22/12/2009

Agent:
Jock Gordon

Ward:
Burgh

Location:
L/A Croft House, Thurstonfield, Carlisle CA5 6HE

Grid Reference:
331452 556700

Proposal: Discharge Of Conditions 3 (Reserved Matters), 4 (Material Samples); 5 (Hard Surface Finishes); 6 (Levels And Heights); 7 (Landscaping Details) 10 (Surface Water Discharge); 12 (Construction Vehicle Parking) And 14 (Site Parking) Of Previously Approved Permission 08/0867

Amendment:

Decision: Grant Permission

Date: 15/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1122

Applicant:
Mr & Mrs Peart

Parish:
Wetheral

Date of Receipt:
22/12/2009

Agent:
Jock Gordon

Ward:
Wetheral

Location:
92 Greenacres, Wetheral, Carlisle, CA4 8LD

Grid Reference:
346217 555004

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: First Floor Extension Above Existing Garage/Utility To Provide En-Suite Bathroom And Dressing Room

Amendment:

Decision: Grant Permission

Date: 01/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1124

Applicant:
Mr John Robinson

Parish:
Brampton

Date of Receipt:
29/12/2009

Agent:
TSF Developments Ltd

Ward:
Brampton

Location:
Lyndale, Tree Road, Brampton, Cumbria, CA8 1TX

Grid Reference:
353557 560807

Proposal: Erection Of Front And Side Ground Floor Extensions To Provide Enlarged Living Room, Garage And Kitchen; Provision Of First Floor Accommodation With 2No. Bedrooms And Shower Room Including 4No. Velux Windows And 2No. Solar Panels

Amendment:

Decision: Grant Permission

Date: 09/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1125

Applicant:
G & J Seddon Ltd

Parish:
Carlisle

Date of Receipt:
23/12/2009

Agent:
Condy & Lofthouse Ltd

Ward:
Botcherby

Location:
The Inglewood, Pennine Way, Carlisle, CA1 3QD

Grid Reference:
342170 554539

Proposal: Demolition Of Existing Public House And Construction Of New 70 Bed Residential Care Home And Day Centre

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1128

Applicant:
St George Healthcare Ltd

Parish:
Brampton

Date of Receipt:
23/12/2009 13:03:46

Agent:
Langton Associates

Ward:

Location:
Land and site of former Milton Hall, Milton

Grid Reference:
354936 560064

Proposal: Discharge of Condition 2 (Samples of Materials);
3 (Landscaping Scheme); 5 (Foul and Surface
Water Drainage); 6 (Hard Surface Finishes);
8 (Tree Protection); 9 (Tree Protection Barriers) and
11 (Screen Walls and Fences) of Previously Approved
Application 07/0091

Amendment:

1. Pre-development Arboricultural Report

Decision: Grant Permission

Date: 12/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1130

Applicant:
Cavaghan & Gray Group
Ltd

Parish:
Carlisle

Date of Receipt:
24/12/2009

Agent:
Ashwood Design
Associates

Ward:
Harraby

Location:
Cavaghan & Gray, Eastern Way, Carlisle, CA1 3NQ

Grid Reference:
341832 554360

Proposal: Alterations To Factory To Include Removal Of Sludge Tank;
Construction Of Screen Wall To South West Corner Of The Site;
Construction Of Lean To Plant Room With Mezzanine Over For Cooling
Tower; Installation Of New Spiral Freezer With External Plant Room And
Cooling Tower

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 09/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1131

Applicant:
Brampton Medical Group

Parish:
Wetheral

Date of Receipt:
24/12/2009

Agent:
Green Design Group

Ward:
Wetheral

Location:
Wetheral Doctors Surgery, Wetheral, Carlisle CA4
8BA

Grid Reference:
346602 554535

Proposal: Discharge Of Condition Relating To Planning Application 09/0827

Amendment:

Decision: Grant Permission

Date: 18/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
09/1132

Applicant:
Mr Antony Pirt

Parish:
Rockcliffe

Date of Receipt:
05/01/2010

Agent:
Johnston & Wright

Ward:
Stanwix Rural

Location:
24 Harker Park Road, Harker, Carlisle, CA6 4HS

Grid Reference:
339779 560772

Proposal: Erection Of Family/Dining Room And Enlarge Bedroom In Roofspace

Amendment:

1. Revised drawing number 11422-02B received 5th February 2010 reducing size of glazed screen and adding roof windows to rear extension.

Decision: Grant Permission

Date: 19/02/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/01/2010 and 26/02/2010

Appn Ref No: 09/1133	Applicant: Mrs Dorothy Nicholson	Parish: Westlinton
Date of Receipt: 29/12/2009	Agent: M Lindsay (Builder)	Ward: Longtown & Rockcliffe
Location: Arndore, Westlinton, Carlisle CA6 6AL		Grid Reference: 337672 563595
Proposal: Single Storey Side Extension to Provide Dining Room and Enlarged Kitchen		
Amendment:		

Decision: Grant Permission

Date: 24/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No: 09/1134	Applicant: Mr & Mrs Paul Simpson	Parish: Carlisle
Date of Receipt: 29/12/2009	Agent: Carlisle City Council	Ward: Botcherby
Location: 50 Merith Avenue, Carlisle, CA1 2TP		Grid Reference: 342121 555398
Proposal: Erection Of Single Storey Rear Extension To Provide Bedroom		
Amendment:		

Decision: Grant Permission

Date: 09/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No: 09/1137	Applicant: North Homes Ltd	Parish: Carlisle
Date of Receipt: 20/01/2010	Agent: Derwent Design Consultancy	Ward: St Aidans
Location:		Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

The London Tavern, London Road, Carlisle

340930 555081

Proposal: Alteration To Existing Window Opening To Form New Door

Amendment:

Decision: Grant Permission

Date: 22/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0001

Applicant:
Mr Armstrong

Parish:
St Cuthberts Without

Date of Receipt:
06/01/2010

Agent:
Mr Vevers

Ward:
Dalston

Location:
11 Moorside Drive, Carlisle, CA1 3TE

Grid Reference:
343037 554120

Proposal: First Floor Extension Above Existing Garage To Provide En-Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 09/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0002

Applicant:
G and J Brown

Parish:
Irthington

Date of Receipt:
06/01/2010

Agent:

Ward:
Stanwix Rural

Location:
Lane End Farm, Irthington, Carlisle, CA6 4NE

Grid Reference:
348339 559818

Proposal: Extension To Existing Silage Clamp

Amendment:

Decision: Grant Permission

Date: 26/02/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0006

Applicant:
Mr Dilip Kumar De

Parish:
Carlisle

Date of Receipt:
05/01/2010

Agent:
S & H Construction

Ward:
Belle Vue

Location:
20 Kirkstead Close, Belle Vue, Carlisle CA2 7RE

Grid Reference:
336759 555908

Proposal: Single Storey Side Extension To Provide 1No. Bedroom And Shower Room

Amendment:

Decision: Grant Permission

Date: 12/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0007

Applicant:
Mr Bannister

Parish:
Burtholme

Date of Receipt:
05/01/2010 13:00:40

Agent:
Ashton Design

Ward:
Irthing

Location:
High Barn, Banks, Brampton, CA8 2JH

Grid Reference:
356738 564522

Proposal: Renewal Of Planning Approval 06/1359 For The Erection Of Double Garage With Room Over And Terrace, Alterations To Existing Store To Form Bedroom And Ensuite And Alterations To Existing Dwelling

Amendment:

Decision: Grant Permission

Date: 16/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0010

Applicant:
Mr Timothy Finch

Parish:
Scaleby

Date of Receipt:
06/01/2010

Agent:
Abacus Building Design

Ward:
Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Hillfield House, Scaleby, Carlisle, CA6 4LB

Grid Reference:

346091 564536

Proposal: Ground Floor Rear Extension To Provide 2no. En-Suite Bedrooms With Dressing Room

Amendment:

Decision: Grant Permission

Date: 26/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

10/0017

Applicant:

Mr Henderson

Parish:

Dalston

Date of Receipt:

18/01/2010

Agent:

David Hetherington
Environmental And
Planning Services

Ward:

Dalston

Location:

The Gill Farm, The Gill, Dalston, Carlisle, CA5 7JP

Grid Reference:

335701 548543

Proposal: Earth Banked Silage Clamp

Amendment:

Decision: Grant Permission

Date: 24/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:

10/0020

Applicant:

Mr Ian Mattock

Parish:

Carlisle

Date of Receipt:

11/01/2010

Agent:

Ward:

Stanwix Urban

Location:

13 Lansdowne Court, Stanwix, Carlisle, Cumbria,
CA3 9HW

Grid Reference:

340352 558068

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0028

Applicant:
The Environment Agency

Parish:
Kingmoor

Date of Receipt:
11/01/2010 16:00:57

Agent:
Damson Design Limited

Ward:
Stanwix Rural

Location:
Plot D Kingmoor Park North, Duchess Avenue,
Kingmoor Business Park, CARLISLE, CA6 4SN

Grid Reference:
338131 560087

Proposal: Erection Of Depot/Satellite Office And Storage Yard For Environment Agency Comprising Industrial Building With Car Parking To Front And Enclosed Storage Yard To Rear.

Amendment:

Decision: Grant Permission

Date: 15/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0038

Applicant:
Mr David Donoghue

Parish:
Orton

Date of Receipt:
15/01/2010

Agent:
Mr Miles Hodgson

Ward:
Burgh

Location:
Grove House, Holme Croft, Baldwinholme, Carlisle,
CA5 6LQ

Grid Reference:
333826 551938

Proposal: First Floor Extension Above Existing Garage To Provide Master Bedroom

Amendment:

Decision: Grant Permission

Date: 12/02/2010

Between 16/01/2010 and 26/02/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0057

Applicant:
Mrs Rebecca Higgins

Parish:
Wetheral

Date of Receipt:
20/01/2010

Agent:

Ward:
Wetheral

Location:
Barbfell Barn, Cross House Farm, Cotehill, Carlisle,
CA4 0DY

Grid Reference:
346884 550435

Proposal: Discharge of Condition 4 (Hard Surface Finishes) Of Previously
Approved Application 05/0546 (Revised Application)

Amendment:

Decision: Grant Permission

Date: 25/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0058

Applicant:
Mrs Mary Higgins

Parish:
Wetheral

Date of Receipt:
20/01/2010

Agent:

Ward:
Wetheral

Location:
Tomary Cottage (previously North Barn, Croft
House Farm), Cotehill, Carlisle CA4 0DY

Grid Reference:
346876 550444

Proposal: Discharge of Condition 3 (Hard Surface Finishes) Of Previously
Approved Application 05/0547 (Revised Application)

Amendment:

Decision: Grant Permission

Date: 25/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0060

Applicant:
Mr & Mrs D Hartley

Parish:
Wetheral

Date of Receipt:
21/01/2010

Agent:
Mr Nigel Peart

Ward:
Wetheral

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

L/A Field 2700, Broomfallen Road, Scotby, Carlisle, 344250 554010
CA4 8DG

Proposal: Non Material Amendment For Substitution Of Roof Materials And
Alterations To Front Elevation Of Appn 05/0049

Amendment:

Decision: Amendment Accepted
02/02/2010

Date:

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0065

Applicant:
Russell Armer Ltd

Parish:
Dalston

Date of Receipt:
22/01/2010 16:00:09

Agent:

Ward:
Dalston

Location:
Hawksdale Pastures, Welton Road, Dalston

Grid Reference:
336025 547130

Proposal: Discharge Of Condition 2 (Material Samples) Of Previously Approved
Application 08/0128

Amendment:

Decision: Grant Permission

Date: 11/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0066

Applicant:
Russell Armer Ltd

Parish:
Dalston

Date of Receipt:
22/01/2010 16:00:15

Agent:

Ward:
Dalston

Location:
Hawksdale Pastures, Welton Road, Dalston

Grid Reference:
336025 547130

Proposal: Discharge Of Conditions 2 (Material Samples) and 8 (Programme Of
Archaeological Work) Of Previously Approved Application 08/0182

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 18/02/2010

Between 16/01/2010 and 26/02/2010

Appn Ref No:
10/0075

Applicant:
Mr H Watson

Parish:
Brampton

Date of Receipt:
26/01/2010

Agent:

Ward:
Brampton

Location:
Orchard House, Land Adjacent Capon Tree House,
Capon Tree Road, Brampton

Grid Reference:
353065 560145

Proposal: Discharge Of Conditions 2, 3, 4, 6, 7, 8, 9 & 12 Of Previously Approved
Appn 06/1416

Amendment:

Decision: Grant Permission

Date: 11/02/2010
