

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

26th January 2007

## **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 12/01/2007 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 17/01/2007.

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.



## Applications Entered on Development Control Committee Schedule

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03.	06/1357 A	Recreation Field, The Green, Dalston, Carlisle, CA5 7QB	JT	54
04.	06/1339 A	School House, Raughton Head, Dalston, Carlisle, CA5 7DD	RJM	66
05.	06/1306 A	Gosling Bridge PH, Kingstown Road, Carlisle, CA3 0AT	SG	80
06.	06/1085 A	Land adjacent Kano Cottage, Low Wood Farm, Burnrigg, Warwick Bridge, Carlisle	RJM	95
07.	06/1275 A	The Walled Garden, Holme Eden, Warwick Bridge, Carlisle	SG	111
08.	06/1386 A	Yew Tree Farm, Fenton, Carlisle, CA8 9JZ	ARH	124
09.	06/1248 A	Heads Nook Post Office and Stores, Heads Nook, Brampton, CA8 9AE	RJM	140
10.	06/0307 A	Former Highways Depot, Station Road, Brampton	ARH	167
11.	06/1303 A	Land opposite Castlegate Cottage, Castle Carrock, Brampton, CA8 9LT	RJM	207
12.	06/0667 A	Former Cavaghan & Gray Limited, London Road, Carlisle, CA1 3EU	ARH	226
13.	07/0004 A	Cycle and Footpath adjoining Stead McAlpine, Cummersdale	ARH	261
14.	06/1136 B	Milton Hall, Milton, Brampton, Cumbria, CA8 1JA	RJM	280
15.	07/0002 B	Holly Cottage, Newtown, Carlisle, Cumbria, CA6 4ET	DNC	329

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19.	06/9016 C	3 Alfred Street North, Carlisle, CA1 1PX	SG	348
20.	06/9020 C	Former Crown Courts, English Street, Carlisle, CA3 8NE	NH	350
21.	06/0134 C	L/A part field 7765, Newtown Farm, Newtown, Blackford, Carlisle	ARH	352
22.	03/1362 D	St Nicholas Retail Park, St Nicholas Gate, St Nicholas, Carlisle	RJM	354
23.	06/1301 D	Land adjacent to Warwick Mill Business Centre, Warwick Mill Business Park, Warwick Bridge, Carlisle, CA4 8RR	ARH	357

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SCHEDULE A

## SCHEDULE A: Applications with Recommendation

06/1144

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**Item No: 01**

**Date of Committee: 26/01/2007**

**Appn Ref No:**  
06/1144

**Applicant:**  
Mr R Thompson

**Parish:**  
Carlisle

**Date of Receipt:**  
26/09/2006

**Agent:**  
Jock Gordon

**Ward:**  
Botcherby

**Location:**  
The Beeches, Wood Street, Botcherby, Carlisle,  
CA1 2SF

**Grid Reference:**  
342295 555666

**Proposal:** Erection of conservatory to rear of property (revised proposal with uPVC in lieu of timber)

**Amendment:**

1. Change of colour of UPVC units from bottle green to white.

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## REPORT

### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as the applicant's wish to exercise their right to speak in support of the application.

### **Planning Policies:**

#### **Listed Building**

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

#### **Conservation Area**

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

#### **Listed Building in a Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the Wood Street Conservation Area.

## **SCHEDULE A: Applications with Recommendation**

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### **Health & Safety Executive Consultation**

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

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy E38: Historic environment**

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

### **Carlisle District Plan Environment - Policy E34**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent

## **SCHEDULE A: Applications with Recommendation**

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properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

## **SCHEDULE A: Applications with Recommendation**

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### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE14 - Alterations to Listed Buildings**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;

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- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection

**Development Services Planning & Housing Services - Conservation/Richard Majewickz:** Given the history of the property, unfortunately I cannot object to the principle of a UPVC conservatory, however, the dark green finish proposed could be too much of a contrast with the existing building. I have asked the Agent to ask his Client to consider white instead and they have agreed to the change.

**Development Services Planning & Housing Services - Conservation/Peter Messenger:** In 2005 an application for a timber conservatory was approved for the previous owner (05/0606) together with the replacement of the existing windows with PVCu windows. The background to this application was that prior to the building being listed two flat roofed extensions were built onto the back of the building, as well as French doors being inserted and metal framed windows were inserted into the rear elevation. The owners at the time wanted to replace these windows and by altering the shape of the openings they were hoping to improve the appearance of the rear elevation. In order to try and retrieve part of the character at the rear of the building the proportions of some of the windows were altered to get rid of the modern horizontal emphasis.

It was not possible to convince the owners to replace their metal windows with timber sliding sashes and the Council could not have insisted on this. A compromise was reached where the windows would be replaced with sash windows but these would be constructed of PVCu. At the same time it was agreed that a timber conservatory of an appropriate design could be constructed at the rear of the building which would not damage or detract from the character of the listed building.

At the time consideration was given to the possible use of PVCu for the conservatory. It was considered that the introduction of such a large expanse of PVCu framing would be far more intrusive and overall it would create an unfortunate and alien feature that was damaging to the character of the building. Consent was therefore granted for the windows to be in PVCu and the conservatory in timber.

The current application seeks to replace the approved timber conservatory with a PVCu structure. The proposal introduces a structure that is similar to the one described above in shape, size and materials and as such I have the same comments to make. The proportions of the building are acceptable however it is the appearance of the PVCu framing that creates a discordant element on the rear elevation of this property. The broad, flat, un moulded framing to the glazing panels



## **SCHEDULE A: Applications with Recommendation**

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gives a flat and monotonous appearance to this structure which detracts from the character of this historic building.

Attempts have been made to improve the appearance of the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact that they were to be made in PVCu. Approval in this instance was considered appropriate because of this incremental gain. There is no similar gain in accepting PVCu framing for the proposed conservatory. In this instance the large amount of framing will detract from the buildings character whereas the timber framing that has already been approved has a more traditional look with greater depth and moulding to the framing.

In conclusion I consider that the proposal to construct the conservatory in PVCu framing should be refused on the grounds that this would be detrimental to the character and appearance of the listed building.

### **Summary of Representations:**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

██████████ 17 Wood Street

02/10/06

This application has been advertised by means of site and press notices as well as a notification letter sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 2005, under application reference number 05/0606, Listed Building Consent was given for the erection of a timber framed conservatory and replacement of existing metal framed sliding slash windows with PVCU sliding sash windows plus timber French doors in window opening.

In 2005, under application reference number 05/0599, planning permission was given for the erection of a conservatory to the rear.

#### **Details of Proposal:**

#### **Summary of Reasons for the Decision**

## SCHEDULE A: Applications with Recommendation

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Members may recall that this application was deferred at the Committee Meeting on 15/12/06 to allow for a site visit. The application seeks full permission to extend the rear of The Beeches, Wood Street, immediately to the west of St Andrews Close. The property is a two storey semi-detached house constructed from render under a slate roof. It is bounded to the north by a 0.6m stone wall with 2m wood panelling and to the west by larch lap fencing and mature planting. To the east it is bounded by a 0.6m stone wall and mature planting. The property is a Grade II Listed Building and located within the Wood Street Conservation Area. A separate application for listed building consent has been submitted under application 06/1145.

It is proposed to extend the property by means of a conservatory to the rear. Permission was granted in 2005 under application 05/0599 for the erection of a similar conservatory. The current application seeks to revise the proposal by utilising white UPVC in lieu of timber.

Government policy on the protection of historic buildings is contained within Planning Policy Guidance 15: Planning and the Historic Environment. Paragraph 3.3 of this document states that:

*'there should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out...for alteration or demolition'.*

Para 3.12, in relation to the alterations and extension of listed buildings states that;

*'in judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question' ; and*

*'Many listed buildings can sustain some degree of sensitive alteration to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly to the extent to which they can accommodate change without loss of special interest';*

and that;

*'some listed buildings are the subject of successive alteration or extension: in such case it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest'.*

In considering proposals to alter and extend a listed building, para 3.15 notes that;

*'Achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise; but it is rarely impossible, if reasonable flexibility and imagination are shown by all parties involved'.*

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The relevant planning policies against which the application is required to be assessed are Policy E38 of the Cumbria and Lake District Joint Structure Plan, Policies E34, E43 and H14 of the Carlisle District Local Plan and Policies CP4, LE14, LE20 and H11 of the Carlisle District Local Plan Redeposit Draft.

In such a context it is considered that the proposal raises the following planning issues:

**a) The impact of the proposal on the amenities of neighbouring residents**

Policy H14 of the Carlisle District Local Plan and Policies CP4 and H11 of the redeposit Draft (2001-2016) seek to ensure that extensions are of good design and of an acceptable scale. It also seeks to protect the amenity of adjacent properties. Permission has been granted for a conservatory of similar size and design under application reference 05/0599. As this application only seeks to alter the external finish of the conservatory, it has already been established that the proposal would not adversely affect the amenities of its neighbours on the basis of loss of light, over dominance, or, privacy.

**b) Whether the proposal is appropriate to this Listed Building, and, safeguards the character of Wood Street Conservation Area**

Policy E38 of the Joint Structure Plan, Policy ZE34 of the Carlisle District Local Plan and Policy LE14 of the Redeposit Draft (2001-2016) require that development proposals for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building. Any proposals which adversely affect the listed building will not be permitted.

The property is also located within the Wood Street Conservation Area. Policy E38 of the Joint Structure Plan, Policy E43 of the Carlisle District Local Plan and Policy LE20 of the Redeposit Draft (2001-2016) require that development proposals should preserve or enhance their character. Any new development or alterations to existing buildings should be sympathetic with the setting, scale, density and physical characteristics of Conservation Areas.

As noted, approval was granted under application reference no 05/0599 for a conservatory of similar size and design. The only change which this application introduces is the utilisation of UPVC in lieu of timber. At the time of the original application, the Conservation Area Advisory Committee and Conservation Officer raised no objection to the scale or proportion of the proposed conservatory. It is therefore considered that the only remaining issue is whether the use of white UPVC in lieu of timber would be appropriate given the status of the property as a listed building in a conservation area.

In consideration of these issues, the following points are deemed to be relevant:

1. While the front of the property retains its original character, the rear has been significantly altered through the replacement of original features with

## SCHEDULE A: Applications with Recommendation

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UPVC sash windows, UPVC soffit's, UPVC fascias, UPVC patio doors and two two-storey flat roofed extensions.

2. Given the height and construction of the rear boundaries of the property, the only part of the Conservation Area from which the conservatory could be viewed would be from St Andrews Close to the east. It should be noted that even from this location, views of the conservatory would be largely obscured by the presence of trees, bushes and an existing out-building.
3. On the request of the Conservation Officer, the applicant has agreed to change the colour of the UPVC units from bottle green to white.

This application has led to a difference in stance. On the one hand the City Council's Conservation Officer originally indicated that the the rear elevation of the property had been altered to such a degree that it would be inappropriate to refuse the proposal based on its impact on the listed building. His only stipulation was that the colour of the units be changed from bottle green to white, which the applicants agreed to.

Conversely, the Principal Conservation Officer (PCO) has subsequently stated that;

*'Attempts have been made to improve the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact they were made from UPVC. Approval in this instance was considered appropriate because of this incremental gain'.*

While accepting that the proportions of the proposed conservatory are acceptable, the PCO considers that:

*'the appearance of the UPVC framing creates a discordant element on the rear of the property'; 'the broad, flat, unmoulded framing to the glazing panels gives a flat and monotonous appearance to the structure which detracts from the character of this historic building'; and 'there is no gain in accepting UPVC framing for the proposed conservatory.*

In this instance the PCO considers that the large amount of framing will detract from the buildings character whereas the timber framing that has already been approved has a more traditional look with greater depth and moulding to the framing.

The PCO recommends that the application be refused on the grounds that it would be detrimental to the character and appearance of the listed building.

In response to the comments from the Principal Conservation Officer, the applicants agent responded in a letter dated 4th December 2006. In this letter he refutes the assertion that the framing is 'broad, flat and unmoulded' and states that it is in fact similar in detail to the timber framing which had been approved under application 05/0599. The Principal Conservation Officer responded in a letter dated 5th

## **SCHEDULE A: Applications with Recommendation**

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December 2006. In this he restates his point that the use of PVCu is unacceptable due to the adverse impact it would have on the listed building. On the 20th December, a further letter was received from the applicants agent again outlining perceived inaccuracies in the Principal Conservation Officers response. Full copies of all of the correspondence are contained within the main Schedule.

On the basis of the foregoing it is apparent that national Planning Policy Guidance and policies within the Cumbria and Lake District Joint Structure Plan, Carlisle District Local Plan and Carlisle District Local Plan Revised Redeposit Draft all provide a general presumption against development which would adversely affect the character or setting of a listed building. In determining whether the proposal would have an adverse impact, consideration needs to be given to the current status of the property.

As such, the key issue is whether the previous alterations have altered the character of the building to such a degree that the erection of a UPVC conservatory would not lead to further deterioration of character. This needs to be considered in light of the fact that permission has already been granted for a conservatory of similar size and design in timber.

On balance, it is considered that the arguments weigh in favour of refusal although this is far from a straightforward situation.

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### **Human Rights Act 1998**

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this

## SCHEDULE A: Applications with Recommendation

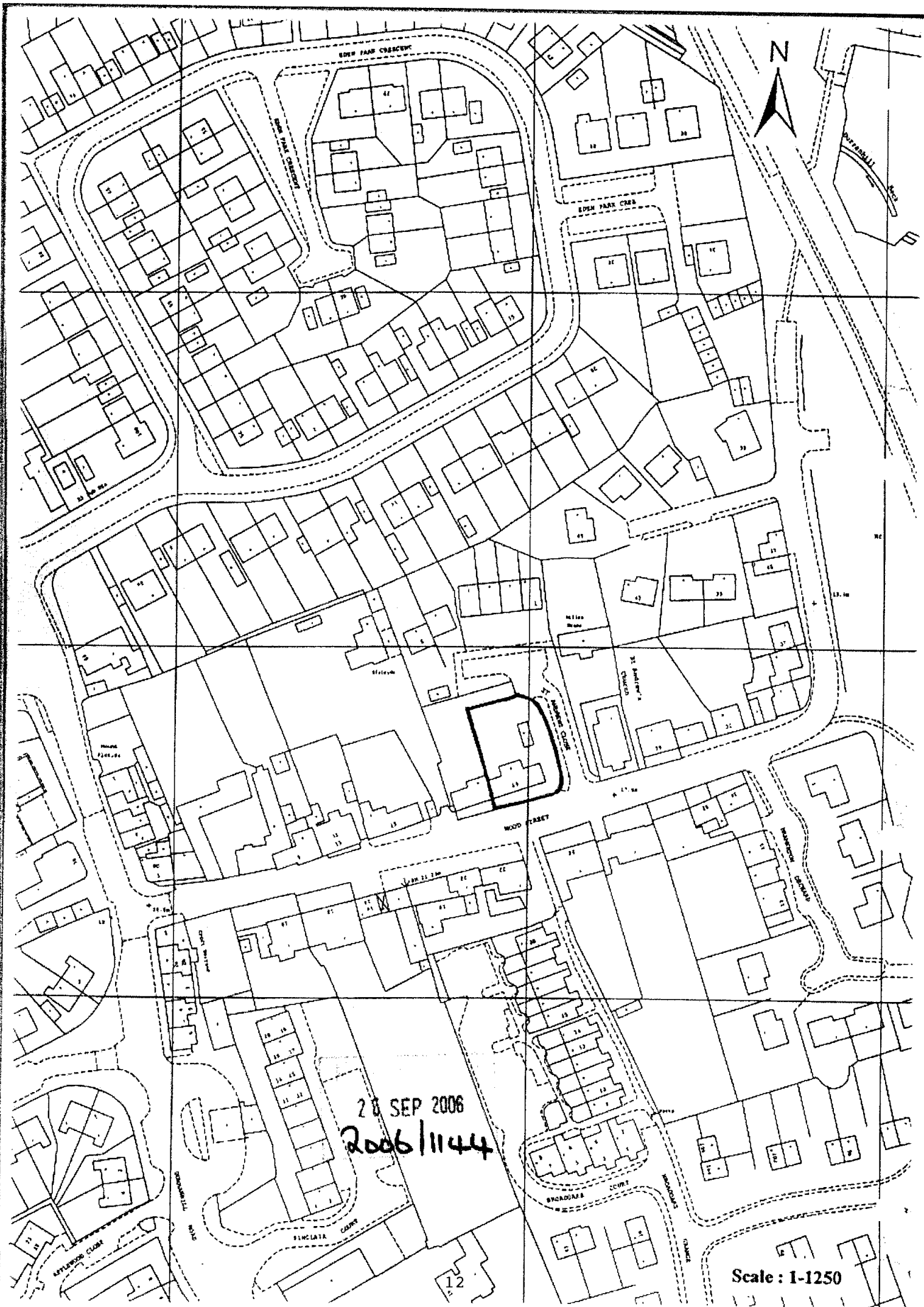
06/1144

instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

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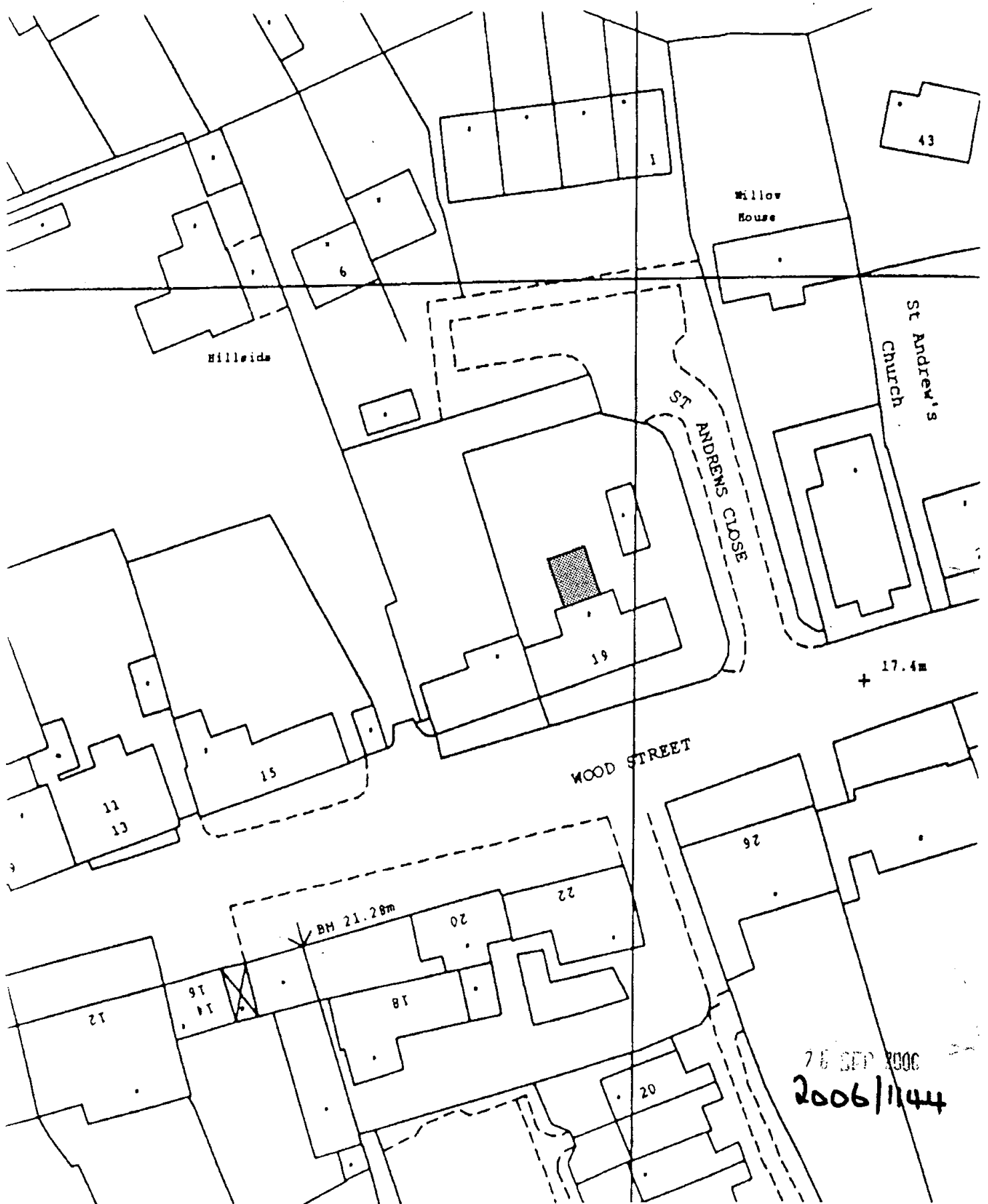
### **Recommendation:** Refuse Permission

1. **Reason:** The proposed conservatory is located to the rear of the Beeches, Wood Street, a Grade II Listed Building in the Wood Street Conservation Area. The proposal seeks to erect a conservatory in white PVCu to the rear of the dwelling. While the proportions of the conservatory are considered acceptable, it is deemed that a large expanse of PVCu framing would create an unfortunate and alien feature which would damage the character of the listed building. The proposal is therefore contrary to Policy E38 of the Cumbria and Lake District Structure Plan (2001-2016), Policy E34 of the Carlisle District Local Plan and Policy LE14 of the Carlisle District Local Plan Revised Redeposit Draft (2001-2016).
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20 SEP 2006  
2006/1144

Scale : 1-1250



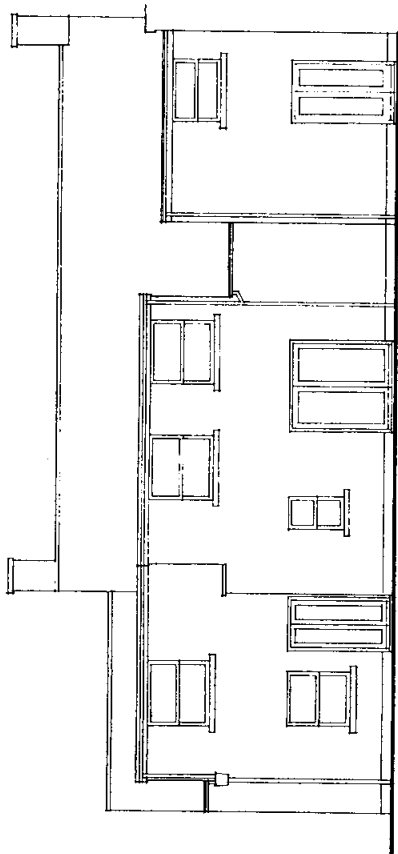
**PROPOSED CONSERVATORY**

**SITE PLAN**

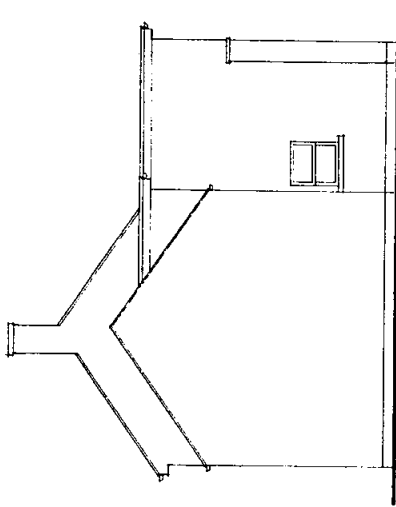
**THE BEECHES - WOOD STREET - CARLISLE**

**SCALE : 1 - 500**

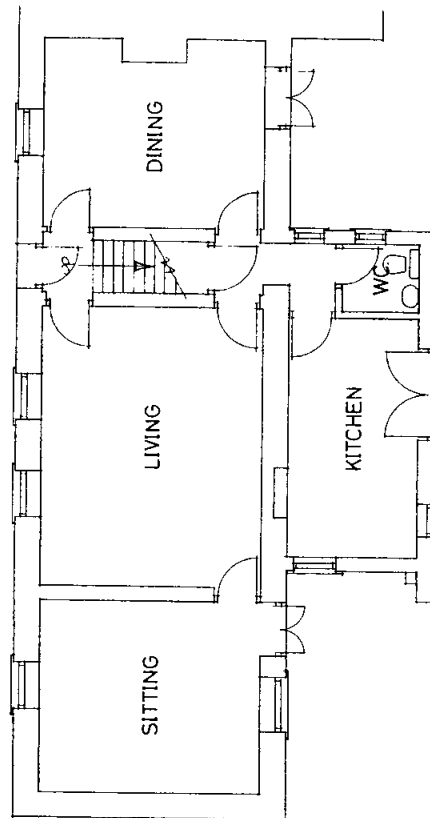




REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

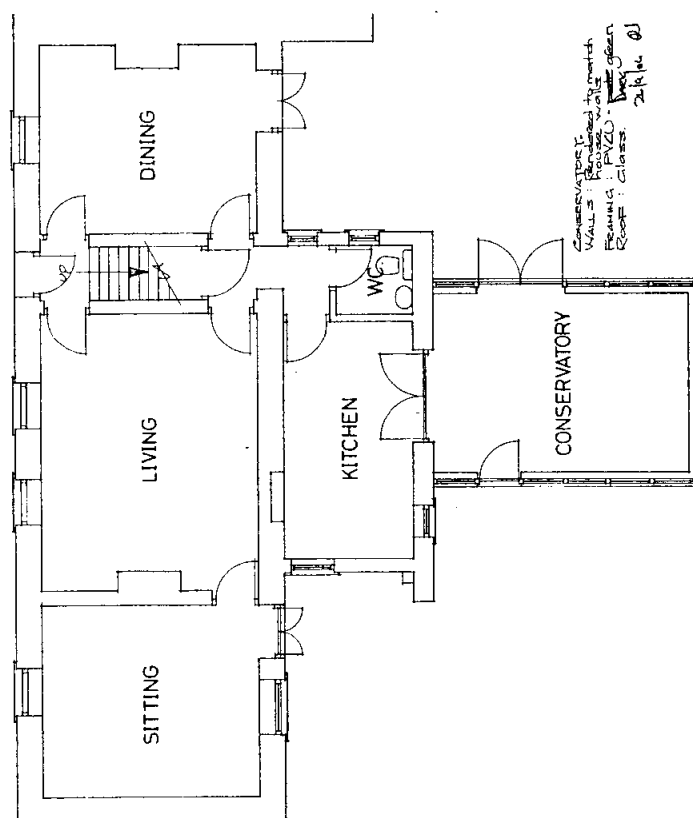
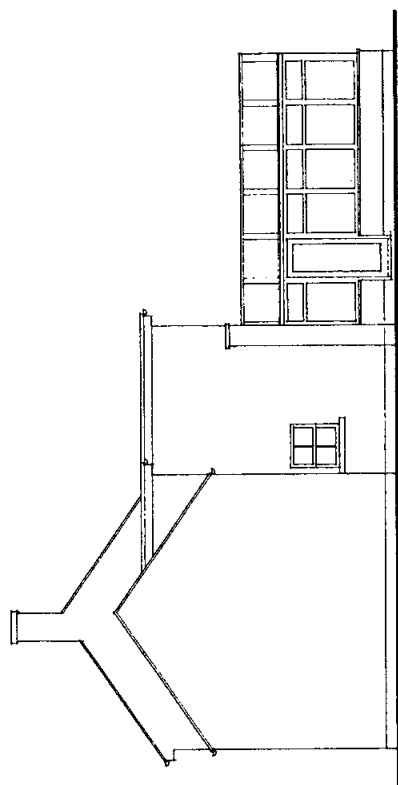
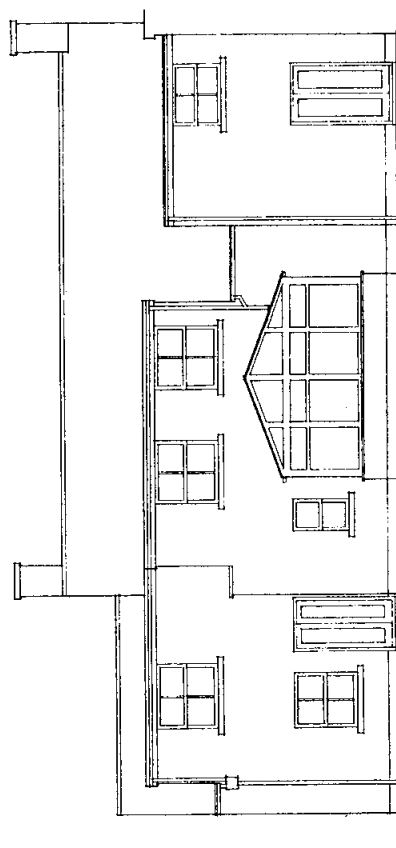
AS EXISTING

21 SEP 2005  
2005/1144

PROPOSED CONSERVATORY & ALTERATIONS  
THE BEECHES - WOOD ST. - CARLISLE

ORG. No. 1426 / 1  
SCALE: 1-50  
DATE: MAY 2005

ARCHITECT  
17, BODDY ROAD  
CARLISLE CA2 8NS  
TEL: 01228 54357



AS PROPOSED

441119002  
26 SEP 2002

PROPOSED CONSERVATORY & ALTERATIONS  
THE BEECHES - WOOD ST. - CARLISLE

**DRO. No. 1426 / 3**  
**SCALE: 1-50**  
**DATE: MAY 2005**

**JOCK MACPHERSON**  
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Tel. 609-291-1100

06\_1144 & 1145 The Beeches, Wood Street 05 16.11.2006.jpg



06\_1144 & 1145 The Beeches, Wood Street 04 16.11.2006.jpg



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06\_1144 & 1145 The Beeches, Wood Street 02 16.11.2006.jpg





06\_1144 & 1145 The Beeches, Wood Street 01 16.11.2006.jpg



**JOCK GORDON**  
**ARCHITECTURAL SERVICES**

Tel. 01228 543289  
Fax. 01228 543289

47 SCOTLAND ROAD, CARLISLE, CA3 9HS

4 December 2006

Colin Godfrey  
Development Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

ITEM 03  
06/1144  
SCHEDULE A  
PAGE 48

PLANNING & HOUSING SERVICES	
REF	06/1144 + 1145
05 DEC 2006	
RECORDED	MM
SCANNED	
PASSED TO	CG
ACTION	

Dear Sir

THE BEECHES, WOOD STREET, CARLISLE  
PROPOSED CONSERVATORY  
APPN REF 06/1144 & 1145

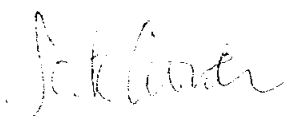
The applicant has requested that I write to you to highlight an error in Peter Messenger's internal memo to you of 22 November. In his memo, which was dated the day after the 8 week determination period for the applications, Peter states that the proportions of the conservatory are acceptable, but the appearance of the pvcu framing is not, and he states that the framing is broad, flat, and unmoulded.

This is incorrect, as you were made aware of at your meeting with the applicant on 1 December in the Civic Centre, when he showed you and Peter Messenger a sample of the proposed framing, which has shape and moulding details similar to that of timber framing. I understand that he left a sample of the framing with you to present to the Development Control Committee at the meeting on 15 December.

I also attach a copy of a fax from Alan Taylor, Development Control Manager, relating to the application. Please ensure that the members of the committee receive a copy of this letter and the attachment, as well as being shown the sample of the proposed framing.

The applicant would like the Committee to know of his dissatisfaction in the way the applications have been dealt with, especially the way the recommendation to the Committee has been changed from approval to refusal, after the Manager of Development Control stated in his fax that the applications should be approved.

Yours sincerely



Jock Gordon (Agent)



08/11 2006 09:23 FAX 01226 810362

TAYLOR & HARDY LTD

002

**Bob Taylor**

**From:** Alan Taylor [AlanT@carlisle-city.gov.uk]  
**Sent:** 08 November 2006 08:17  
**To:** 'Bob Taylor'  
**Cc:** Colin Godfrey; Richard Majewicz  
**Subject:** RE: The Beeches WOOD STREET Dick Thompson

Together with Colin Godfrey, who is the Case Officer, I spoke to Alan about this on Monday morning expressing my concern at the absurdity of us "refusing" something that Peter seems to think we'd lose on Appeal; that his colleague Richard Majewicz had looked at and thought was OK; that Colin had thought was OK, etc. I think originally Alan backed "backed" Peter's views on the basis that we shouldn't disagree with our Conservation Officer but when we went through it again on Monday we brought him round to the view that we take it to Committee, write a Report that is favourable but round Peter's comments together with the facts regarding the changes that had already been carried out to the building i.e. upvc windows in the rear elevation. We agreed that Dick should proceed on the basis of proposing white upvc framing to the conservatory (it was originally proposed as green which would have been inconsistent with the window colouring) and we now have a letter from Jack (I think) asking for it to go to Committee and requesting a Right to Speak.

I think the Appeal route is unnecessary.

Alan

> -----Original Message-----  
> From: Bob Taylor [SMTP:Bob.Tanner@taylorandhardy.co.uk]  
> Sent: 07 November 2006 14:37



## Development Services

### Planning and Housing Services

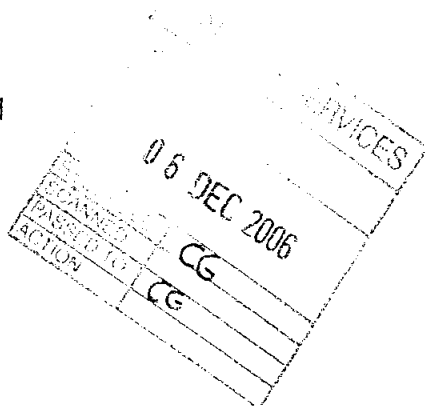
Head of Planning and Housing: A C Eales Dip TP MRTPI

Civic Centre • Carlisle • CA3 8QG

Phone (01228)817000 • Fax Planning (01228)617199 Housing (01228)817346 • Typetalk 18001 (01228)817193

E-mail Development Control [dc@carlisle.gov.uk](mailto:dc@carlisle.gov.uk) • Local Plans & Conservation [lp@carlisle.gov.uk](mailto:lp@carlisle.gov.uk) • Housing [housing@carlisle.gov.uk](mailto:housing@carlisle.gov.uk)

Mr J Gordon  
47 Scotland Road  
Carlisle  
CA3 9HS



Please ask for:

Peter Messenge

Direct Line:

01228 817191

E-mail:

[PeterMe@carlisle.gov.uk](mailto:PeterMe@carlisle.gov.uk)

Your ref:

Our ref:

PM/06/1144 and 1145

05 December 2006

Dear Mr Gordon

### **PROPOSED PVCU CONSERVATORY, THE BEECHES, WOOD STREET, BOTCHERBY, CARLISLE. REF 06/1144 AND 1145.**

I refer to your letter of 4<sup>th</sup> December concerning the above proposal and my purported comments on the merits of the scheme. While I was away from work due to illness Alan Taylor was informed by your client or his agent that I considered this application should be refused and that he would "win" any subsequent appeal. The subsequent correspondence to which you refer took these comments at face value and took the view that if this was an accurate representation of my opinion the application should be approved. To take such a case to appeal would be a waste of everyone's time and expense.

Unfortunately this was not an accurate representation of my opinion but I was unable to contradict these comments until I returned to work. In the discussions I had with Dick Thompson on site my position was quite clear, the use of PVCu material for the conservatory was unacceptable and the reasons are set out in my memo to the Planning Officer. I explained to Mr Thompson that he would have to appeal the decision, if the Council supported my view and the application was refused. It would then be determined by an independent Inspector on the merits of the case.

If I considered that there was no possibility of the Council winning the appeal I would not waste anyone's time or money by insisting on the application being refused and then going through the appeal process. My professional view would be that an application should be approved in those circumstances. The circumstances of this case are not the same and I consider the application should be refused.



INVESTOR IN PEOPLE

Finally I commented that the PVCu framing is broad, flat and unmoulded. I agree this was incorrect. The frames do have a slight moulding to the edges but unfortunately they are still broad and flat, giving an unacceptable appearance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Messenger'. The signature is fluid and cursive, with the first letter 'P' being large and prominent.

**P Messenger**

Principal Conservation Officer

**Colin Godfrey**

**From:** Peter Messenger  
**Sent:** 06 December 2006 08:48  
**To:** Colin Godfrey  
**Subject:** CAAC Minute for 22/11/06 Applications 06/1144 and 1145

Colin

The Minute for the CAAC meeting for the Beeches PVC Conservatory applications is as follows:

"The Committee support the Council's consistency of approach to extensions such as this which is to be constructed in PVCu, a bland material that adds nothing to the appearance of this historic building. The use of this material in the proposed conservatory extension is detrimental to the character of the listed building. Alterations and extensions to listed buildings should be seen to enhance and improve the character of the building."

Peter

Our Ref : RT/J/C06/069

Development Control Manager,  
Planning & Housing Services,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	06/1144
21 DEC 2006	
MH	
CG	
1-1	

Refs : 06/1144 &  
06/1145

20<sup>th</sup> December, 2006

**For the attention of Mr. Colin Godfrey**

Dear Mr. Godfrey,

**THE BEECHES, WOOD STREET, BOTCHERBY, CARLISLE**  
**ERECTION OF CONSERVATORY TO REAR OF PROPERTY**  
**(REVISED PROPOSAL) uPVC IN LIEU OF TIMBER**

In connection with the above applications which were deferred at the Committee Meeting on Friday, 15<sup>th</sup> December, 2006 I am writing to comment on various matters raised in the Committee Report and related correspondence. I would be grateful if a copy of this letter was made available to Members of the Committee prior to the site visit.

The relevant Local Plan Policy, E34, requires that applications should have regard to the ***"character and detailing of the existing building."***

That policy provided the context to the previous approval granted in July 2005 (L.P.A. Reference : 05/0606). The Applicant at that time was the current Applicant and not a previous owner. The reference in the Committee Report in the memorandum from Peter Messenger is clearly erroneous.

The detailing of the uPVC windows is illustrated in the photographs included within the Committee Report and establishes the ***"existing character."***

It is that context, i.e. the history of the proposal and its current appearance, that led the Council's Conservation Officer (Richard Majewicz) to state that he could not object to the principle. My understanding, from correspondence with the Development Control Manager by email, was that other Officers within the Department think that with this context the current proposal is acceptable. At no time in that correspondence (attached for convenience) was it suggested that Mr. Messenger had indicated that he would ***"win"*** any subsequent appeal.

It is clear from the Committee Report that the Principal Conservation Officer takes a different view. This appears to be based, in part, on a view that the appearance of the uPVC framing will be "**broad, flat unmoulded**". As you know the Applicant has provided samples to illustrate that the uPVC will have some moulding. It would be helpful if Members of your Committee were shown the samples at the site visit. I understand, from correspondence, from Mr. Messenger to Mr. Gordon, dated 5<sup>th</sup> December 2006, that he agrees that the reference in his Committee Report was to that extent "**incorrect.**"

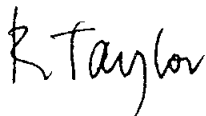
It is also significant to note that the comments of the Conservation Advisory Committee that alterations and extensions to Listed Buildings should be seen to enhance and improve the character of the building, go beyond the requirements of the Local Plan Policy E34.

It is clear from the Committee Report that the situation is finely balanced and far from straightforward.

In this case the Applicant suggests that the Council should take a pragmatic view based upon the current appearance of the premises and approve the application.

If there are any matters arising that you wish to discuss or clarify please do not hesitate to get in touch.

Yours sincerely,



**BOB TAYLOR**

## Bob Taylor

---

**From:** Richard Majewicz [RichardM@carlisle-city.gov.uk]  
**Sent:** 08 November 2006 09:28  
**To:** Alan Taylor; 'Bob Taylor'  
**Cc:** Colin Godfrey  
**Subject:** RE: The Beeches WOOD STREET Dick Thompson

Alan - I'm OK with this proposed route - Richard.

> -----Original Message-----

> From: Alan Taylor  
> Sent: 08 November 2006 08:17  
> To: 'Bob Taylor'  
> Cc: Colin Godfrey; Richard Majewicz  
> Subject: RE: The Beeches WOOD STREET Dick Thompson  
>

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Speak.

> I think the Appeal route is unnecessary.

> Alan

> -----Original Message-----

> From: Bob Taylor [SMTP:bob.planners@taylorandhardy.co.uk]  
> Sent: 07 November 2006 14:37  
> To: 'Alan Taylor'  
> Subject: The Beeches WOOD STREET Dick Thompson  
>

> Alan I gather you have spoken to Dick about his proposal for a uPVC  
> conservatory. As I understand it Peter says "no" but others think that  
> in context its ok and that it will probably be supported at appeal.  
> Dick says you suggest getting it to Committee in December and me to  
> speak on his behalf. Is that correct? If so what is the mechanics of  
> getting it to Committee? Does it need a Councillor to call it in? Dick  
> is concerned about the 6 week delay. If it is unlikely to succeed in  
> December he thinks he might as well take the refusal and start the appeal now. Any  
thoughts?

> Bob

> This e-mail has been scanned for all viruses by Star. The  
> service is powered by MessageLabs. For more information on a  
> proactive  
> anti-virus service working around the clock, around the globe,  
> visit:  
> <http://www.star.net.uk>

,>

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**PRESENTATION TO THE DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 15<sup>TH</sup> DECEMBER 2006  
THE BEECHES, WOOD STREET, BOTCHERBY, CARLISLE  
ERECTION OF CONSERVATORY WITH uPVC IN LIEU OF TIMBER**

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The relevant Local Plan Policy E34 requires that applications should have regard to the ***"character and detailing of the existing building."***

That policy provided the context to the previous approval granted in July 2005 (L.P.A. Reference: 05/0606). The Applicant at that time was the current Applicant and not a previous owner as the Committee Report states.

The detailing of the uPVC windows is illustrated in the photographs included within the Committee Report and establishes the ***"existing character"***.

It is in that context, i.e. the history of the proposal and its current appearance, that led the Council's Conservation Officer to state that he could not object to the principle.

I understand from correspondence with the Development Control Manager, that other Officers within the Department think that with this context the proposal is acceptable.

Clearly the Principal Conservation Officer takes a different view. This appears to be based in part on a view that the appearance of the uPVC framing will be ***"broad, flat"***. The Applicant has provided samples to illustrate that the uPVC will have some moulding and the Principal Conservation Officer accepts that his comments reproduced in the Committee Report ***"incorrect"***.

It is also significant to note that the comments of the Conservation Area Advisory Committee that alterations and extensions to Listed Buildings should be seen to enhance and improve the character of the building, go beyond the requirements of the Local Plan policy.

It is clear that the situation is finely balanced and, as the Committee Report states, far from a straightforward situation, particularly in the context that my Client was advised that the application would be reported favourably.

In these circumstances I would suggest that the application needs very careful consideration and it may well be advisable for the Committee to visit the site.

RT/J/C06/069  
15<sup>th</sup> December, 2006

**PRESENTATION TO THE DEVELOPMENT CONTROL COMMITTEE**  
**FRIDAY, 15<sup>TH</sup> DECEMBER 2006**  
**THE BEECHES, WOOD STREET, BOTCHERBY, CARLISLE**  
**ERECTION OF CONSERVATORY WITH uPVC IN LIEU OF TIMBER**

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RT/J/C06/069  
15<sup>th</sup> December, 2006

## SCHEDULE A: Applications with Recommendation

06/1145

---

**Item No: 02**

Date of Committee: 26/01/2007

**Appn Ref No:**  
06/1145

**Applicant:**  
Mr R Thompson

**Parish:**

**Date of Receipt:**  
26/09/2006

**Agent:**  
Jock Gordon

**Ward:**  
Botcherby

**Location:**  
The Beeches, Wood Street, Botcherby, Carlisle,  
CA1 2SF

**Grid Reference:**  
342295 555666

**Proposal:** Erection of conservatory to rear of property (revised proposal with uPVC in lieu of timber) (LBC)

**Amendment:**

1. Change of colour of UPVC units from bottle green to white.

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## REPORT

### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant's wish to exercise their right to speak in support of the application.

### Planning Policies:

#### **Listed Building**

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

#### **Conservation Area**

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

#### **Listed Building in a Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the Wood Street Conservation Area.

### **Health & Safety Executive Consultation**

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

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy E38: Historic environment**

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

### **Carlisle District Plan Environment - Policy E34**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and

## **SCHEDULE A: Applications with Recommendation**

06/1145

- detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
  3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
  4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
  5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
  6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
  7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
  8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
  9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
  - 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE13 - Proposals Affecting Listed Buildings**

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE14 - Alterations to Listed Buildings**

## SCHEDULE A: Applications with Recommendation

06/1145

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection

**Development Services Planning & Housing Services - Conservation/Richard Majewickz:** Given the history of the property, unfortunately I cannot object to the principle of a UPVC conservatory, however, the dark green finish proposed could be too much of a contrast with the existing building. I have asked the Agent to ask his Client to consider white instead and they have agreed to the change.

**Development Services Planning & Housing Services - Conservation/Peter Messenger:** In 2005 an application for a timber conservatory was approved for the previous owner (05/0606) together with the replacement of the existing windows with PVCu windows. The background to this application was that prior to the building being listed two flat roofed extensions were built onto the back of the building, as well as French doors being inserted and metal framed windows were inserted into the rear elevation. The owners at the time wanted to replace these windows and by altering the shape of the openings they were hoping to improve the appearance of the rear elevation. In order to try and retrieve part of the character at the rear of the building the proportions of some of the windows were altered to get rid of the modern horizontal emphasis.

It was not possible to convince the owners to replace their metal windows with timber sliding sashes and the Council could not have insisted on this. A compromise was reached where the windows would be replaced with sash windows but these would be constructed of PVCu. At the same time it was agreed that a timber conservatory of an appropriate design could be constructed at the rear of the

## **SCHEDULE A: Applications with Recommendation**

06/1145

building which would not damage or detract from the character of the listed building.

At the time consideration was given to the possible use of PVCu for the conservatory. It was considered that the introduction of such a large expanse of PVCu framing would be far more intrusive and overall it would create an unfortunate and alien feature that was damaging to the character of the building. Consent was therefore granted for the windows to be in PVCu and the conservatory in timber.

The current application seeks to replace the approved timber conservatory with a PVCu structure. The proposal introduces a structure that is similar to the one described above in shape, size and materials and as such I have the same comments to make. The proportions of the building are acceptable however it is the appearance of the PVCu framing that creates a discordant element on the rear elevation of this property. The broad, flat, unmoulded framing to the glazing panels gives a flat and monotonous appearance to this structure which detracts from the character of this historic building.

Attempts have been made to improve the appearance of the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact that they were to be made in PVCu. Approval in this instance was considered appropriate because of this incremental gain. There is no similar gain in accepting PVCu framing for the proposed conservatory. In this instance the large amount of framing will detract from the buildings character whereas the timber framing that has already been approved has a more traditional look with greater depth and moulding to the framing.

In conclusion I consider that the proposal to construct the conservatory in PVCu framing should be refused on the grounds that this would be detrimental to the character and appearance of the listed building.

### **Summary of Representations:**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

17 Wood Street

02/10/06

## SCHEDULE A: Applications with Recommendation

06/1145

This application has been advertised by means of site and press notices as well as a notification letter sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In 2005, under application reference number 05/0606, Listed Building Consent was given for the erection of a timber framed conservatory and replacement of existing metal framed sliding slash windows with PVCU sliding sash windows plus timber French doors in window opening.

In 2005, under application reference number 05/0599, planning permission was given for the erection of a conservatory to the rear.

#### **Details of Proposal:**

Members may recall that this application was deferred at the Committee Meeting on 15/12/06 to allow for a site visit. The application seeks listed building consent to extend the rear of The Beeches, Wood Street, immediately to the west of St Andrews Close. The property is a two storey semi-detached house constructed from render under a slate roof. It is bounded to the north by a 0.6m stone wall with 2m wood panelling and to the west by larch lap fencing and mature planting. To the east it is bounded by a 0.6m stone wall and mature planting. The property is a Grade II Listed Building and located within the Wood Street Conservation Area. A separate application for full planning permission has been submitted under application 06/1144.

It is proposed to extend the property by means of a conservatory to the rear. Permission was granted in 2005 under application 05/0606 for the erection of a similar conservatory. The current application seeks to revise the proposal by utilising white UPVC in lieu of timber.

Government policy on the protection of historic buildings is contained within Planning Policy Guidance 15: Planning and the Historic Environment. Paragraph 3.3 of this document states that:

*'there should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out...for alteration or demolition'.*

Para 3.12, in relation to the alterations and extension of listed buildings, states that;

*'in judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question'; and*

*'Many listed buildings can sustain some degree of sensitive alteration to*



## SCHEDULE A: Applications with Recommendation

06/1145

*accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly to the extent to which they can accommodate change without loss of special interest';*

and that;

*'some listed buildings are the subject of successive alteration or extension: in such case it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest'.*

In considering proposals to alter and extend a listed building, para 3.15 notes that;

*'Achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise; but it is rarely impossible, if reasonable flexibility and imagination are shown by all parties involved'.*

The relevant planning policies against which the application is required to be assessed are Policy E38 of the Cumbria and Lake District Joint Structure Plan, Policies E34 and H14 of the Carlisle District Local Plan and Policies CP4, LE13, LE14 and H11 of the Carlisle District Local Plan Redeposit Draft.

In such a context it is considered that the proposal raises the following planning issue:

### **a) Whether the proposal is appropriate to this Listed Building.**

Policy E38 of the Joint Structure Plan, Policy ZE34 of the Carlisle District Local Plan and Policy LE14 of the Redeposit Draft (2001-2016) require that development proposals for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building. Any proposals which adversely affect the listed building will not be permitted.

As noted, approval was granted under application reference no 05/0599 for a conservatory of similar size and design. The only change which this application introduces is the utilisation of UPVC in lieu of timber. At the time of the original application, the Conservation Area Advisory Committee and Conservation Officer raised no objection to the scale or proportion of the proposed conservatory. It is therefore considered that the only remaining issue is whether the use of white UPVC in lieu of timber would be appropriate given the status of the property as a listed building.

In consideration of these issues, the following points are deemed to be relevant:

1. While the front of the property retains its original character, the rear has been significantly altered through the replacement of original features with

## SCHEDULE A: Applications with Recommendation

06/1145

UPVC sash windows, UPVC soffit's, UPVC fascias, UPVC patio doors and two two-storey flat roofed extensions.

2. On the request of the Conservation Officer, the applicant has agreed to change the colour of the UPVC units from bottle green to white.

This application has led to a difference in stance. On the one hand the City Council's Conservation Officer originally advised that the rear elevation of the property had been altered to such a degree that it would be inappropriate to refuse the proposal based on its impact on the listed building. His only stipulation was that the colour of the units be changed from bottle green to white, to which the applicants agreed.

Conversely, the Principal Conservation Officer (PCO) has subsequently stated that;

*'Attempts have been made to improve the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact they were made from UPVC. Approval in this instance was considered appropriate because of this incremental gain'.*

While accepting that the proportions of the proposed conservatory are acceptable, the PCO considers that:

*'the appearance of the UPVC framing creates a discordant element on the rear of the property'; 'the broad, flat, unmoulded framing to the glazing panels gives a flat and monotonous appearance to the structure which detracts from the character of this historic building', and 'there is no gain in accepting UPVC framing for the proposed conservatory.*

In this instance the PCO considers that the large amount of framing will detract from the buildings character whereas the approved timber framing provides a more traditional look with greater depth and moulding to the framing.

Consequently, the PCO recommends that the application be refused on the grounds that it would be detrimental to the character and appearance of the listed building.

In response to the comments from the Principal Conservation Officer, the applicants agent responded in a letter dated 4th December 2006. In this letter he refutes the assertion that the framing is 'broad, flat and unmoulded' and states that it is in fact similar in detail to the timber framing which had been approved under application 05/0599. The Principal Conservation Officer responded in a letter dated 5th December 2006. In this he restates his point that the use of PVCu is unacceptable due to the adverse impact it would have on the listed building. On the 20th December, a further letter was received from the applicants agent again outlining perceived inaccuracies in the Principal Conservation Officers response. Full copies of all of the correspondence are contained within the main Schedule.

On the basis of the foregoing it is apparent that national Planning Policy Guidance and policies within the Cumbria and Lake District Joint Structure Plan, Carlisle

## SCHEDULE A: Applications with Recommendation

06/1145

District Local Plan and Carlisle District Local Plan Revised Redeposit Draft all provide a general presumption against development which would adversely affect the character or setting of a listed building. In determining whether the proposal would have an adverse impact, consideration needs to be given to the current status of the property.

As such, the key issue is whether the previous alterations have altered the character of the building to such a degree that the erection of a UPVC conservatory would not lead to further deterioration of character. This needs to be considered in light of the fact that permission has already been granted for a conservatory of similar size and design in timber.

On balance it is considered that the arguments weigh in favour of refusal although this is far from a straightforward situation.

---

### Human Rights Act 1998

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

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

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

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

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

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

---

### Recommendation: Refuse Permission

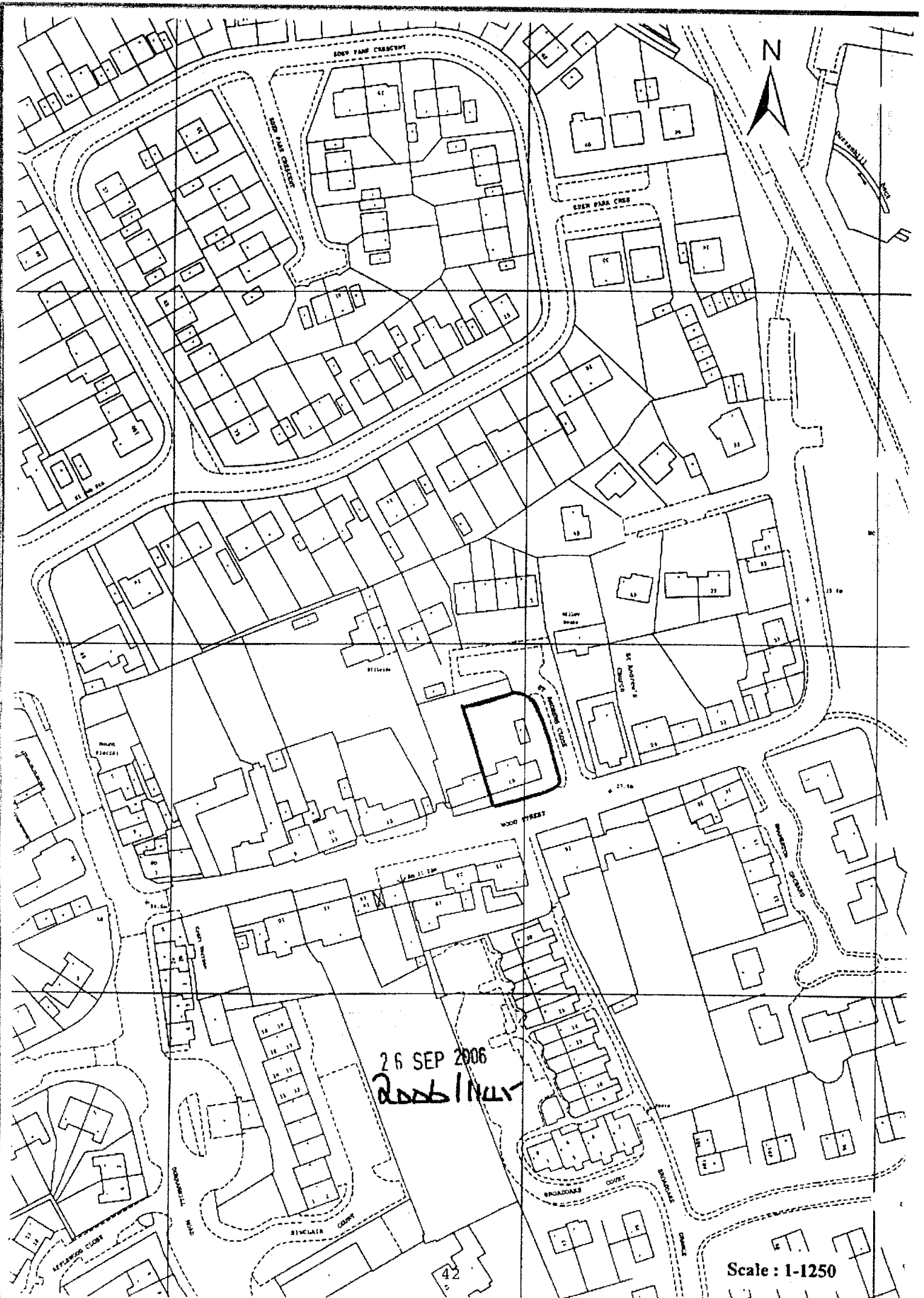
- Reason:** The proposed conservatory is located to the rear of the Beeches, Wood Street, a Grade II Listed Building in the Wood Street Conservation Area. The proposal seeks to erect a conservatory in white PVCu to the rear of the dwelling. While the proportions of the conservatory are considered acceptable, it is deemed that a large expanse of PVCu framing would create an unfortunate and alien

## **SCHEDULE A: Applications with Recommendation**

06/1145

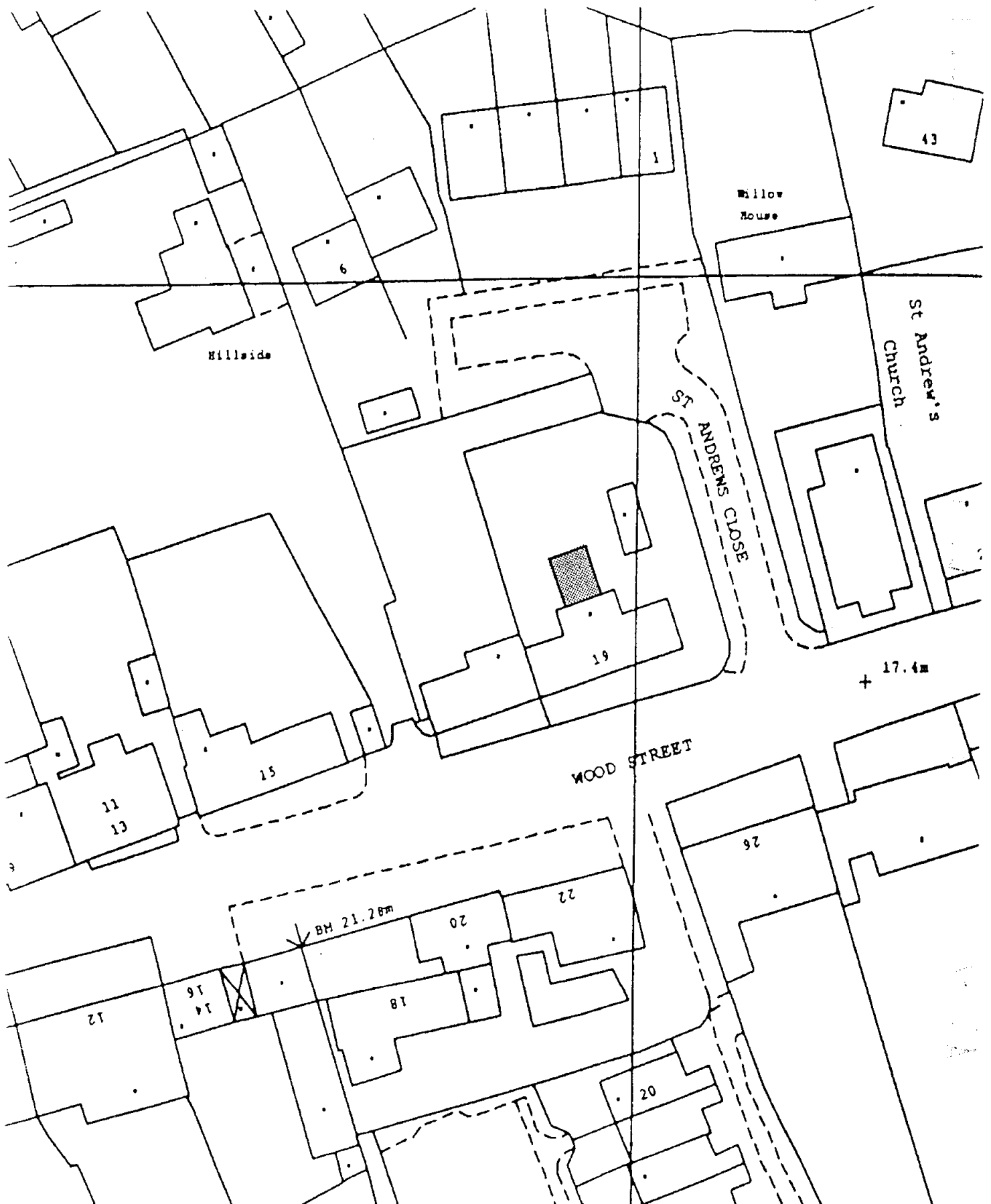
feature which would damage the character of the listed building. The proposal is therefore contrary to Policy E38 of the Cumbria and Lake District Structure Plan (2001-2016), Policy E34 of the Carlisle District Local Plan and Policy LE14 of the Carlisle District Local Plan Revised Redeposit Draft (2001-2016).

---



26 SEP 2006  
R. D. B. / N. L. V.

Scale : 1-1250



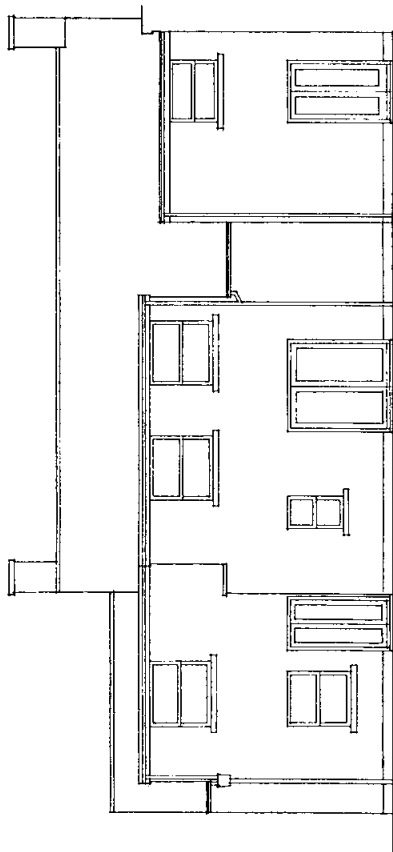
PROPOSED CONSERVATORY

26 SEP 2006  
2006/1145

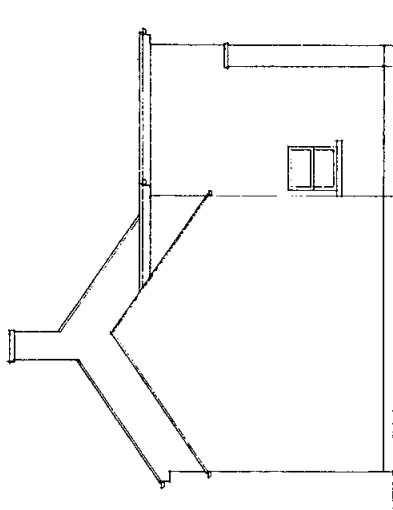
SITE PLAN

THE BEECHES - WOOD STREET - CARLISLE

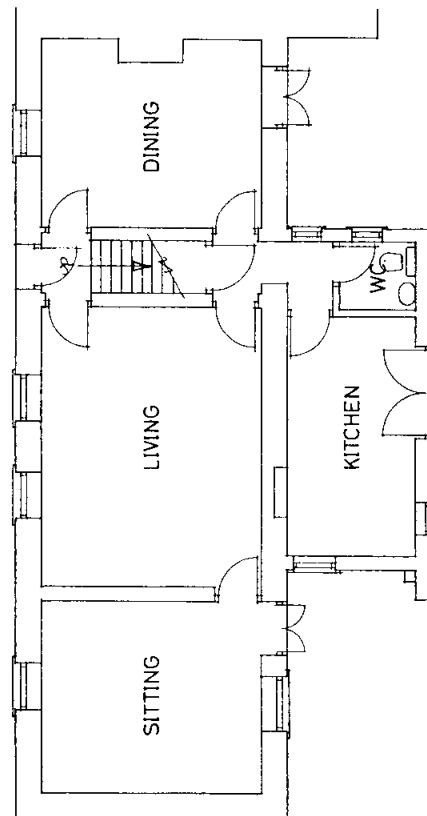
SCALE : 1 - 500



REAR ELEVATION



SIDE ELEVATION

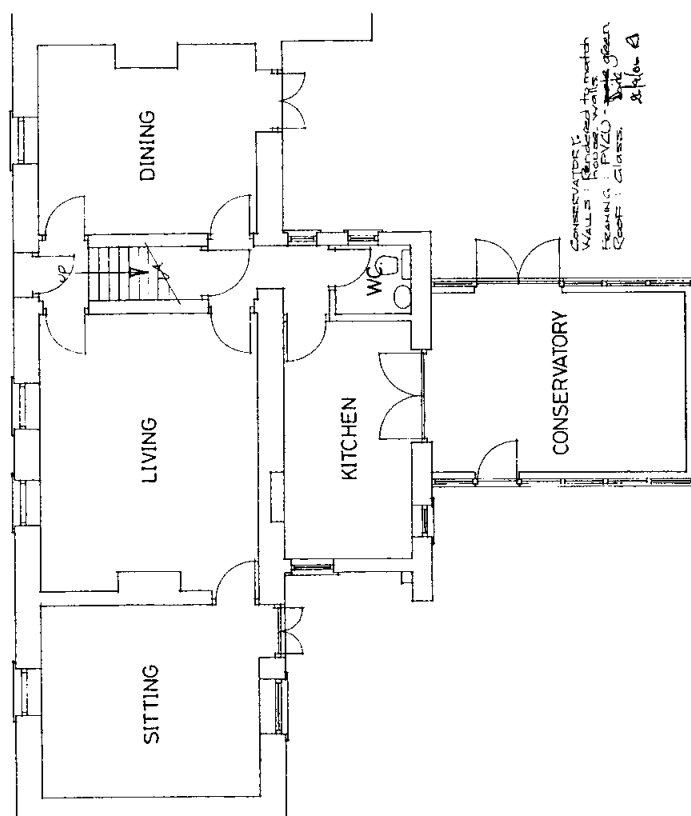
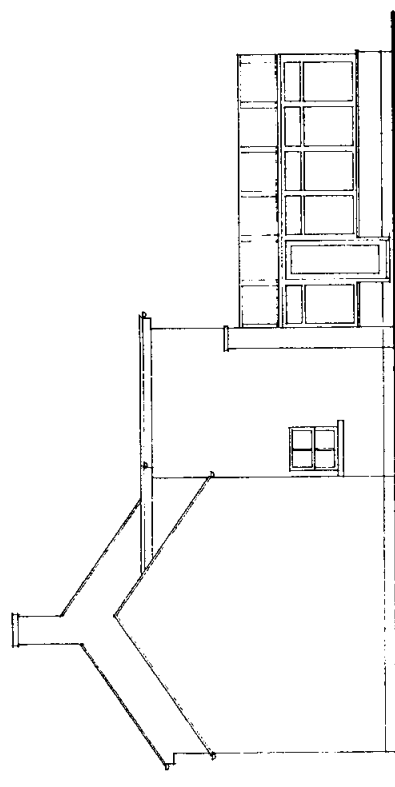
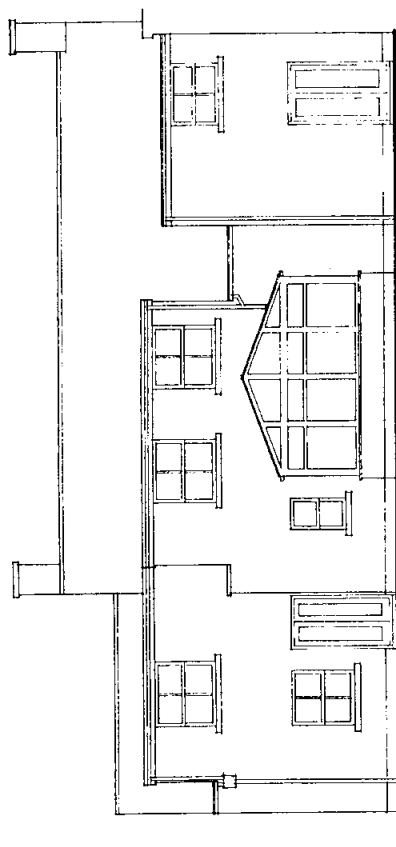


GROUND FLOOR PLAN

AS EXISTING

21 SEP 2005  
1006/1145

<p>PROPOSED CONSERVATORY &amp; ALTERATIONS THE BEECHES - WOOD ST. - CARLISLE</p>	<p>DRG. No. 1426/1 SCALE: 1-50 DATE: MAY 2005</p> <p>JOHN DODD ARCHITECTURAL SERVICES 47 SCITLAND ROAD CARLISLE CA9 3HG TEL: 01228 64389</p>
--	--



AS PROPOSED

26 SEP 2008  
2006/11/25

26 SEP 2006  
2006/11/25

PROPOSED CONSERVATORY & ALTERATIONS  
THE BEECHES - WOOD ST. - CARLISLE

DRG. No. 1426/3  
SCALE: 1-50  
DATE: MAY 2005

**NOOK GORDON**  
**ARCHITECTURAL SERVICES**  
47 SCOTLAND ROAD  
CARLUISLE CA3 9HG  
Tel 01228 543289



Chartered Town Planners

Our Ref : RT/J/C06/069

Development Control Manager,  
Planning & Housing Services,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	06/1144
21 DEC 2006	
RECORDED	MH
CG	
1-1	

Refs : 06/1144 &  
06/1145

20<sup>th</sup> December, 2006

**For the attention of Mr. Colin Godfrey**

Dear Mr. Godfrey,

**THE BEECHES, WOOD STREET, BOTCHERBY, CARLISLE**  
**ERECTION OF CONSERVATORY TO REAR OF PROPERTY**  
**(REVISED PROPOSAL) uPVC IN LIEU OF TIMBER**

In connection with the above applications which were deferred at the Committee Meeting on Friday, 15<sup>th</sup> December, 2006 I am writing to comment on various matters raised in the Committee Report and related correspondence. I would be grateful if a copy of this letter was made available to Members of the Committee prior to the site visit.

The relevant Local Plan Policy, E34, requires that applications should have regard to the ***"character and detailing of the existing building."***

That policy provided the context to the previous approval granted in July 2005 (L.P.A. Reference : 05/0606). The Applicant at that time was the current Applicant and not a previous owner. The reference in the Committee Report in the memorandum from Peter Messenger is clearly erroneous.

The detailing of the uPVC windows is illustrated in the photographs included within the Committee Report and establishes the ***"existing character."***

It is that context, i.e. the history of the proposal and its current appearance, that led the Council's Conservation Officer (Richard Majewicz) to state that he could not object to the principle. My understanding, from correspondence with the Development Control Manager by email, was that other Officers within the Department think that with this context the current proposal is acceptable. At no time in that correspondence (attached for convenience) was it suggested that Mr. Messenger had indicated that he would ***"win"*** any subsequent appeal.

It is clear from the Committee Report that the Principal Conservation Officer takes a different view. This appears to be based, in part, on a view that the appearance of the uPVC framing will be "**broad, flat unmoulded**". As you know the Applicant has provided samples to illustrate that the uPVC will have some moulding. It would be helpful if Members of your Committee were shown the samples at the site visit. I understand, from correspondence, from Mr. Messenger to Mr. Gordon, dated 5<sup>th</sup> December 2006, that he agrees that the reference in his Committee Report was to that extent "**incorrect.**"

It is also significant to note that the comments of the Conservation Advisory Committee that alterations and extensions to Listed Buildings should be seen to enhance and improve the character of the building, go beyond the requirements of the Local Plan Policy E34.

It is clear from the Committee Report that the situation is finely balanced and far from straightforward.

In this case the Applicant suggests that the Council should take a pragmatic view based upon the current appearance of the premises and approve the application.

If there are any matters arising that you wish to discuss or clarify please do not hesitate to get in touch.

Yours sincerely,



**BOB TAYLOR**

## Bob Taylor

---

From: Richard Majewicz [RichardM@carlisle-city.gov.uk]  
Sent: 08 November 2006 09:28  
To: Alan Taylor; 'Bob Taylor'  
Cc: Colin Godfrey  
Subject: RE: The Beeches WOOD STREET Dick Thompson

Alan - I'm OK with this proposed route - Richard.

> -----Original Message-----

> From: Alan Taylor  
> Sent: 08 November 2006 08:17  
> To: 'Bob Taylor'  
> Cc: Colin Godfrey; Richard Majewicz  
> Subject: RE: The Beeches WOOD STREET Dick Thompson

>  
> Together with Colin Godfrey, who is the Case Officer, I spoke to Alan  
> about this on Monday morning expressing my concern at the absurdity of  
> us "refusing" something that Peter seems to think we'd lose on Appeal;  
> that his colleague Richard Majewicz had looked at and thought was OK;  
> that Colin had thought was OK, etc. I think originally Alan backed "backed"  
> Peter's views on the basis that we shouldn't disagree with our  
> Conservation Officer but when we went through it again on Monday we  
> brought him round to the view that we take it to Committee, write a  
> Report that is favourable but Report Peter's comments together with  
> the facts regarding the changes that had already been carried out to  
> the building i.e. upvc windows in the rear elevation. We agreed that  
> Dick should proceed on the basis of proposing white uPVC framing to  
> the conservatory (it was originally proposed as green which would have  
> been inconsistent with the window colouring) and we now have a letter  
> from Jock (I think) asking for it to go to Committee and requesting a Right to  
Speak.

>  
> I think the Appeal route is unnecessary.

> Alan

> -----Original Message-----

> From: Bob Taylor [SMTP:bob.planners@taylorandhardy.co.uk]  
> Sent: 07 November 2006 14:37  
> To: 'Alan Taylor'  
> Subject: The Beeches WOOD STREET Dick Thompson

>  
> Alan I gather you have spoken to Dick about his proposal for a uPVC  
> conservatory. As I understand it Peter says "no" but others think that  
> in context its ok and that it will probably be supported at appeal.  
> Dick says you suggest getting it to Committee in December and me to  
> speak on his behalf. Is that correct? If so what is the mechanics of  
> getting it to Committee? Does it need a Councillor to call it in? Dick  
> is concerned about the 6 week delay. If it is unlikely to succeed in  
> December he thinks he might as well take the refusal and start the appeal now. Any  
thoughts?

> Bob

>

>

>

>

>

> This e-mail has been scanned for all viruses by Star. The  
> service is powered by MessageLabs. For more information on a

> proactive

> anti-virus service working around the clock, around the globe,

> visit:

> <http://www.star.net.uk>

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>  
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## Development Services

### Planning and Housing Services

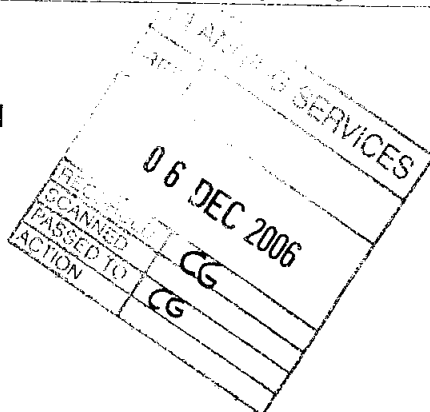
Head of Planning and Housing: A C Eales Dip.TP MRTPI

Civic Centre • Carlisle • CA3 8QG

Phone (01228)817000 • Fax Planning (01228)817199 Housing (01228)817346 • Typetalk 18001 (01228)817193

E-mail Development Control: dc@carlisle.gov.uk • Local Plans & Conservation: lpc@carlisle.gov.uk • Housing: housing@carlisle.gov.uk

Mr J Gordon  
47 Scotland Road  
Carlisle  
CA3 9HS



Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Peter Messenger

01228 817195

PeterMe@carlisle.gov.uk

PM/06/1144 and 1145

05 December 2006

Dear Mr Gordon

### **PROPOSED PVCU CONSERVATORY, THE BEECHES, WOOD STREET, BOTCHERBY, CARLISLE. REF 06/1144 AND 1145.**

I refer to your letter of 4<sup>th</sup> December concerning the above proposal and my purported comments on the merits of the scheme. While I was away from work due to illness Alan Taylor was informed by your client or his agent that I considered this application should be refused and that he would "win" any subsequent appeal. The subsequent correspondence to which you refer took these comments at face value and took the view that if this was an accurate representation of my opinion the application should be approved. To take such a case to appeal would be a waste of everyone's time and expense.

Unfortunately this was not an accurate representation of my opinion but I was unable to contradict these comments until I returned to work. In the discussions I had with Dick Thompson on site my position was quite clear, the use of PVCu material for the conservatory was unacceptable and the reasons are set out in my memo to the Planning Officer. I explained to Mr Thompson that he would have to appeal the decision, if the Council supported my view and the application was refused. It would then be determined by an independent Inspector on the merits of the case.

If I considered that there was no possibility of the Council winning the appeal I would not waste anyone's time or money by insisting on the application being refused and then going through the appeal process. My professional view would be that an application should be approved in those circumstances. The circumstances of this case are not the same and I consider the application should be refused.



INVESTOR IN PEOPLE

Finally I commented that the PVCu framing is broad, flat and unmoulded. I agree this was incorrect. The frames do have a slight moulding to the edges but unfortunately they are still broad and flat, giving an unacceptable appearance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Messenger'. The signature is written in a cursive style with a large initial 'P'.

**P Messenger**

Principal Conservation Officer

## **Colin Godfrey**

---

**From:** Peter Messenger  
**Sent:** 06 December 2006 08:48  
**To:** Colin Godfrey  
**Subject:** CAAC Minute for 22/11/06 Applications 06/1144 and 1145

Colin

The Minute for the CAAC meeting for the Beeches PVC Conservatory applications is as follows:

"The Committee support the Council's consistency of approach to extensions such as this which is to be constructed in PVCu, a bland material that adds nothing to the appearance of this historic building. The use of this material in the proposed conservatory extension is detrimental to the character of the listed building. Alterations and extensions to listed buildings should be seen to enhance and improve the character of the building."

Peter

**JOCK GORDON  
ARCHITECTURAL SERVICES**

Tel. 01228 543289  
Fax. 01228 543289

47 SCOTLAND ROAD, CARLISLE, CA3 9HS

4 December 2006

Colin Godfrey  
Development Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

ITEM 03  
06/1144  
SCHEDULE A  
PAGE 48

PLANNING & HOUSING SERVICES	
REF	06/1144 + 1145
05 DEC 2006	
RECORDED	MM
SCANNED	
PASSED TO	CG
ACTION	

Dear Sir

THE BEECHES, WOOD STREET, CARLISLE  
PROPOSED CONSERVATORY  
APPN REF 06/1144 & 1145

The applicant has requested that I write to you to highlight an error in Peter Messenger's internal memo to you of 22 November. In his memo, which was dated the day after the 8 week determination period for the applications, Peter states that the proportions of the conservatory are acceptable, but the appearance of the pvcu framing is not, and he states that the framing is broad, flat, and unmoulded.

This is incorrect, as you were made aware of at your meeting with the applicant on 1 December in the Civic Centre, when he showed you and Peter Messenger a sample of the proposed framing, which has shape and moulding details similar to that of timber framing. I understand that he left a sample of the framing with you to present to the Development Control Committee at the meeting on 15 December.

I also attach a copy of a fax from Alan Taylor, Development Control Manager, relating to the application. Please ensure that the members of the committee receive a copy of this letter and the attachment, as well as being shown the sample of the proposed framing.

The applicant would like the Committee to know of his dissatisfaction in the way the applications have been dealt with, especially the way the recommendation to the Committee has been changed from approval to refusal, after the Manager of Development Control stated in his fax that the applications should be approved.

Yours sincerely



Jock Gordon (Agent)



## SCHEDULE A: Applications with Recommendation

06/1357

---

**Item No: 03**

**Date of Committee: 26/01/2007**

**Appn Ref No:**  
06/1357

**Applicant:**  
Dalston Tennis Club

**Parish:**  
Dalston

**Date of Receipt:**  
13/12/2006

**Agent:**  
Gray Associates

**Ward:**  
Dalston

**Location:**  
Recreation Field, The Green, Dalston, Carlisle, CA5  
7QB

**Grid Reference:**  
336757 549579

**Proposal:** 9no. 6.7m lighting columns to courts 3 & 4

**Amendment:**

---

### REPORT

#### Reason for Determination by Committee:

This application is for determination by the Committee due to the receipt of five letters of objection and two objectors who wish to exercise their right to speak.

#### Planning Policies:

##### **Carlisle District Plan Leisure - Proposal L2**

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

##### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC1- Leisure Development**

Proposals for leisure development will be acceptable provided that:

1. there is a need for the development; and
2. the development is of an appropriate scale for the locality;
3. if the proposal is not for a central site, all options for sites in the centre have been thoroughly assessed; and
4. there will be no unacceptable impact on existing centres; and
5. the site is accessible by public transport, walking and cycling; and
6. appropriate car parking and satisfactory access to the site can be achieved; and
7. The proposal does not have an adverse impact on the amenity of the surrounding area and land uses.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these

## **SCHEDULE A: Applications with Recommendation**

06/1357

distances.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objection;

**English Nature:** in the previous responses to this application (06/0820) dated 4 October 2006 and 27 November 2006, Natural England raised the issue of potential

## SCHEDULE A: Applications with Recommendation

06/1357

impact on National and European Protected Species. The protection afforded these species is explained in Part IV and Annex A of *ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*

English Nature's initial concerns were mainly related to bats which may use both the hedgerow to the east and the tree/hedge line to the south of the site. The revised scheme appears to have further reduced 'lightspill' onto the surrounding areas. Particular attention should be given to ensuring that any mature trees with hollows or crevices that bats may use for roosting, are not illuminated as a result of this application. As long as light over-spill levels are at an absolute minimum and no lights are angled to shine directly on either of these two areas, then it is our opinion that the risk to protected species is acceptably low.

However, if any other information such as representations from other parties highlights the confirmed presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of *Circular 06/2005*.

**Environmental Protection Services:** verbally confirmed: that there is no objection to this proposal providing that there is no resulting light pollution affecting any residential property so as to constitute a statutory nuisance. The avoidance of nuisance from light spill has been addressed in this application and providing that the design criteria for this type and location of the light fittings to be installed are such as to avoid nuisance occurring then the proposal would be considered satisfactory;

**Development Services Planning & Housing Services - Conservation/Peter Messenger:** the proposed scheme has been examined and consider that this is an improvement on the earlier proposal which had 8m high floodlights. These lights will still be visible but they will be less intrusive than the previous scheme;

**Dalston Parish Council:** comments awaited;

**Council for Protection of Rural England:** comments awaited.

### Summary of Representations:

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 29 The Green	19/12/06	
[REDACTED] 30 The Green	19/12/06	
[REDACTED], Boulder Garth	19/12/06	Objection
[REDACTED] Highwalls	19/12/06	Objection
[REDACTED] 33 The Green	19/12/06	
[REDACTED] 34 The Green	19/12/06	
[REDACTED] Skyreholme	19/12/06	
[REDACTED] 36 The Green	19/12/06	

## SCHEDULE A: Applications with Recommendation

06/1357

██████████	35 The Green	19/12/06	Objection
██████████	17 Gilbert Road	19/12/06	
██████████	37 The Green	19/12/06	Objection
██████████	26 The Green		Objection

This application has been advertised in the form of a site notice and direct notification of 12 neighbouring properties. Five letters of objection have been received which highlight the following concerns:

1. The proposed columns are too high in the context of the area.
2. The proposal will affect the surrounding wildlife
3. The development is in open countryside
4. The proposal will have a negative impact on the Conservation Area
5. The proposal will introduce an urban element to a rural area.
6. The high level of light pollution produced

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

The site has been subject to several planning applications; in 1996 permission was granted for the erection of nine 6.7 high floodlights. Members will remember an application was brought before Committee in 2006 for six eight metre columns; this application was withdrawn.

#### **Details of Proposal:**

The application seeks approval to install flood lighting on the existing tennis courts at Dalston Recreational Field, The Green, Dalston. The site which is situated to the west of a row of detached properties, is accessed via an existing vehicular access situated between 28 and 29 The Green. The overall site consists of a bowling green to the north and 2no. tennis courts to the south. In the middle, the site is subdivided by a pavilion. The site lies on the periphery of the Dalston Conservation Area. Along the boundary of the site with 31 and 32 The Green, there is a 3 metre high hedge. The site is surrounded by open countryside on three sides, on the east boundary are residential detached properties.

The portion of the site that is subject of this application, comprises of 2no. tennis courts and it is proposed to erect 9no. 6.7 metre high lighting columns. The columns will be positioned at each corner of the tennis courts together with one centrally at either side and one column will be positioned in the centre of the court; the columns will be permanently fixed and coloured green. The proposed lighting will be a box fitting which allows very close control of the spillage and will result in low light glare.

The relevant planning policies against which this application is required to be assessed are policies L2, H17 and E43 of the Carlisle District Local Plan and Policies LC1, CP5 and LE26 of the Carlisle District Local Plan Redeposit Draft.

The proposal raises the following planning issues.

## **SCHEDULE A: Applications with Recommendation**

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### **1. Character Of The Area**

Planning policies contained within the adopted and emerging Local Plan require that development proposals do not adversely affect the character or amenity of the area. In this instance, these objectives are re-enforced by policies that seek to ensure that development proposals are in sympathetic with the setting and physical characteristics of the adjoining Conservation Area.

Members will note concerns have been raised by the objectors regarding the height of the columns. The lighting columns will be visible both during the day and at night when the lights are in use; however, the proposed height of the columns is significantly less intrusive than the previously proposed 8 metre columns. This view is reflected in the Conservation Officers comments. Whilst the columns will be visible on the sky line; however, their visual impact will not be sufficiently detrimental or harmful to the character of the area to warrant refusal, a view re enforced by the Councils Conservation Officer.

The area is designated a Primary Leisure Area in the Local Plan, which aims to support in leisure areas in providing leisure activities. In order for the facilities to be sustained and the potential of the site maximised, planning policies recognise the need for continuing development, subject to consideration against the relevant policy criteria. This proposal is trying to enhance an already existing facility to make full use in accordance with the guidance in Policy LC2 of the Carlisle District Local Plan Redeposit Draft.

Members will be aware from the planning history that precedes the main body of this report, that planning consent was granted in 1996 for the erection of 9no. 6.7 metre high lighting columns. In 2006, permission was granted for the erection of a recreational hall, the construction is partially completed and will measure 7.7 metres in height, it is considered this structure is more intrusive than the current proposal. This application is a revision from the application submitted and subsequently withdrawn in 2006 for the erection of 9no 6.7 metre high lighting columns.

An indicative plan of the lighting has been submitted with the plan; however due to advancement in the design of the lighting a condition has been attached for details of the lighting to be submitted before the commencement of the application.

### **2. Residential Living Conditions**

The site does have residential properties adjacent to the eastern boundary and the living conditions of the occupiers of these properties should be protected from light pollution. The diagram that is reproduced following this report, illustrates the lux levels that will emanate from various points around the site. On the basis of this information, the diagram clearly shows the light spillage will be minimal at the boundary of any residential property. Should Members be minded to grant approval of this application, it would be appropriate to attach a condition that the lights to be switched off by 9pm to safeguard the living conditions of immediate neighbours.

Environmental Protection Services have confirmed that the information submitted

## SCHEDULE A: Applications with Recommendation

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been in the application is sufficient to address the issue of light spillage onto neighbouring properties.

### 3. Impact upon wildlife

Concerns have been raised regarding wildlife in the surrounding area and, as such Natural England have been consulted. It is their view that the revised scheme has further reduced the amount of light spillage and that the potential effect on the wildlife is low.

### 4. Other Matters

Amongst the other issues previously addressed in this report, the objectors who have raised the point that there is no proven need for the floodlights; However, there is no guidance which states evidence is required to justify such an application and, as previously stated in the report, proposals to improve facilities within existing Primary Leisure Areas are encouraged.

In conclusion, the proposal is supporting an existing leisure use in order to maximise the facilities. The columns, together with the resulting haze, will be visible on the skyline but the overall visual intrusion is considered to be minimal. Furthermore, this would be outweighed by reason of planning guidance strongly supporting and encouraging the improvement of leisure facilities. Members are reminded that the principle of the proposal has already been accepted with the granting of permission for floodlights in 1996, therefore, the application is recommended for approval.

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## Human Rights Act 1998

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

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

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

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

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

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

## SCHEDULE A: Applications with Recommendation

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is considered not to be significant enough to warrant the refusal of permission.

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### **Recommendation:** Grant Permission

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

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

2. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

**Reason:** To ensure that the development accords with the scheme approved by the local planning authority in accord with Policy H17 of the Carlisle District Local Plan.

3. The lighting scheme hereby approved, consisting of lights with a lux level of 25 lux, shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority.

**Reason:** To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

4. Prior to the lighting system hereby approved being brought into use, the luminaries/columns shall be connected to an appropriate time switch which shall be maintained to ensure that the luminaries are automatically switched off between the hours of 9pm and 9am everyday throughout the year.

**Reason:** To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

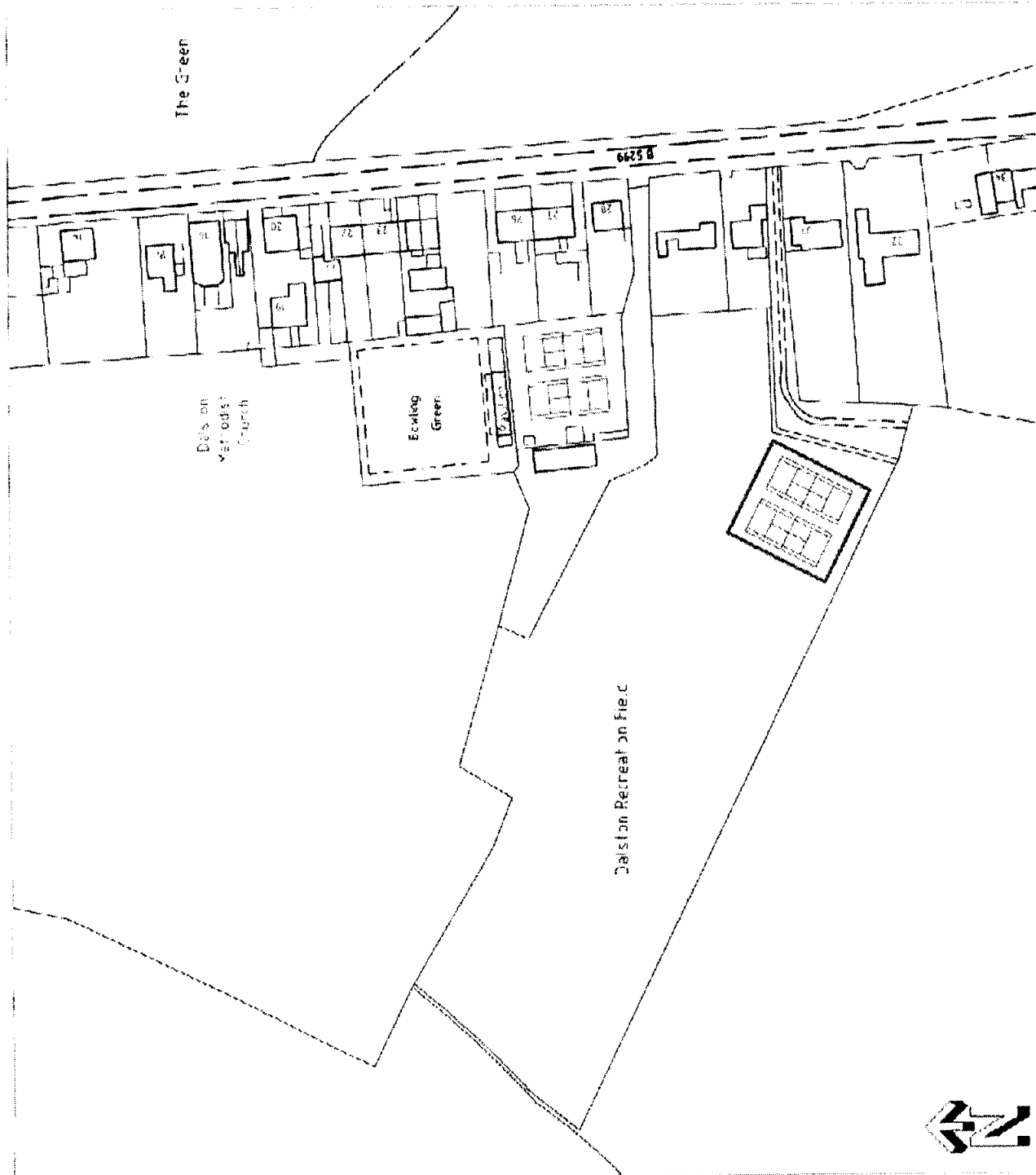
5. Notwithstanding any description of the lighting in the application no development shall be commenced until details of the lighting have been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

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NOTES  
 8m x 6.7m girth columns as  
 shown to be colour coded  
 green.  
 Scheduling external data to  
 show.

Revised Status  
 Rev: Date: 11/11/2006  
 8 00:00 6.7m columns in view of 8m columns 03

1/11/06

## GRAY ASSOCIATES

Architectural & Building Surveying Services  
 100, 101, 102, The Square, Exeter, Devon, EX1 1PH  
 Tel: 01392 810136 Email: gray@gray.co.uk

1/11/06

Holly Octage  
 The Green  
 Deiston  
 Cattle  
 CAE 706

Drawing

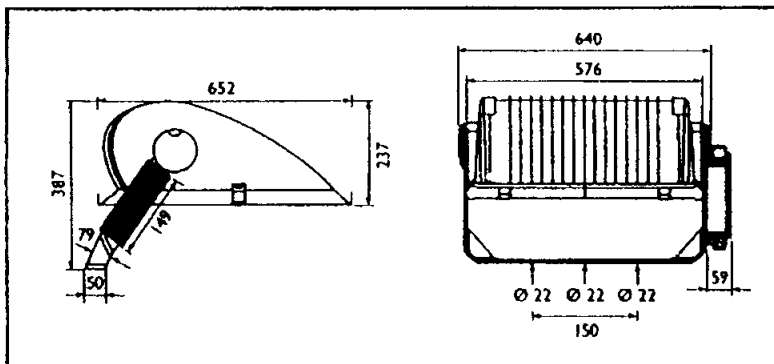
Title: Local Plan  
 Scheme: Planning to Courts 3 & 4  
 Scale: 1:1 250 @ A3  
 Date: Oct 2006  
 Orig No: 111  
 Drawn: D Gray  
 22 NOV 2006  
 2006/1357

# Columns & Floodlight elevations

- ◆ Parallel sided tubular steel with a single reduction in the tube size above the base compartment
- ◆ Manufactured from steel tube
- ◆ Designed and manufactured to BS5649/EN40/94
- ◆ Hot dip galvanised to BS EN ISO 1461
- ◆ Base compartment doors and door openings with semi-circular ends to avoid possible stress concentrations at the corners of the opening.

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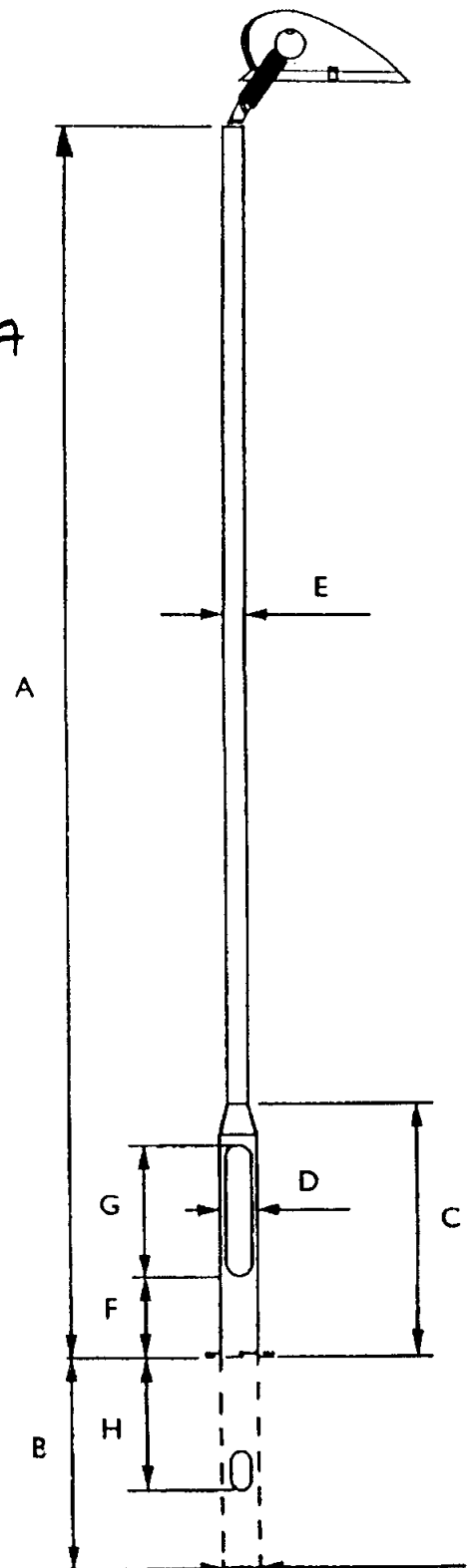
## Floodlight dimensions



## Column dimensions

A	B	C	D	E	F	G	H	door width
5m	800	980	140	76	300	500	500	100
6m	1000	1030	140	89	300	600	500	115
8m	1200	1250	168	89	300	600	500	115
10m	1500	1250	168	114	425	600	500	115

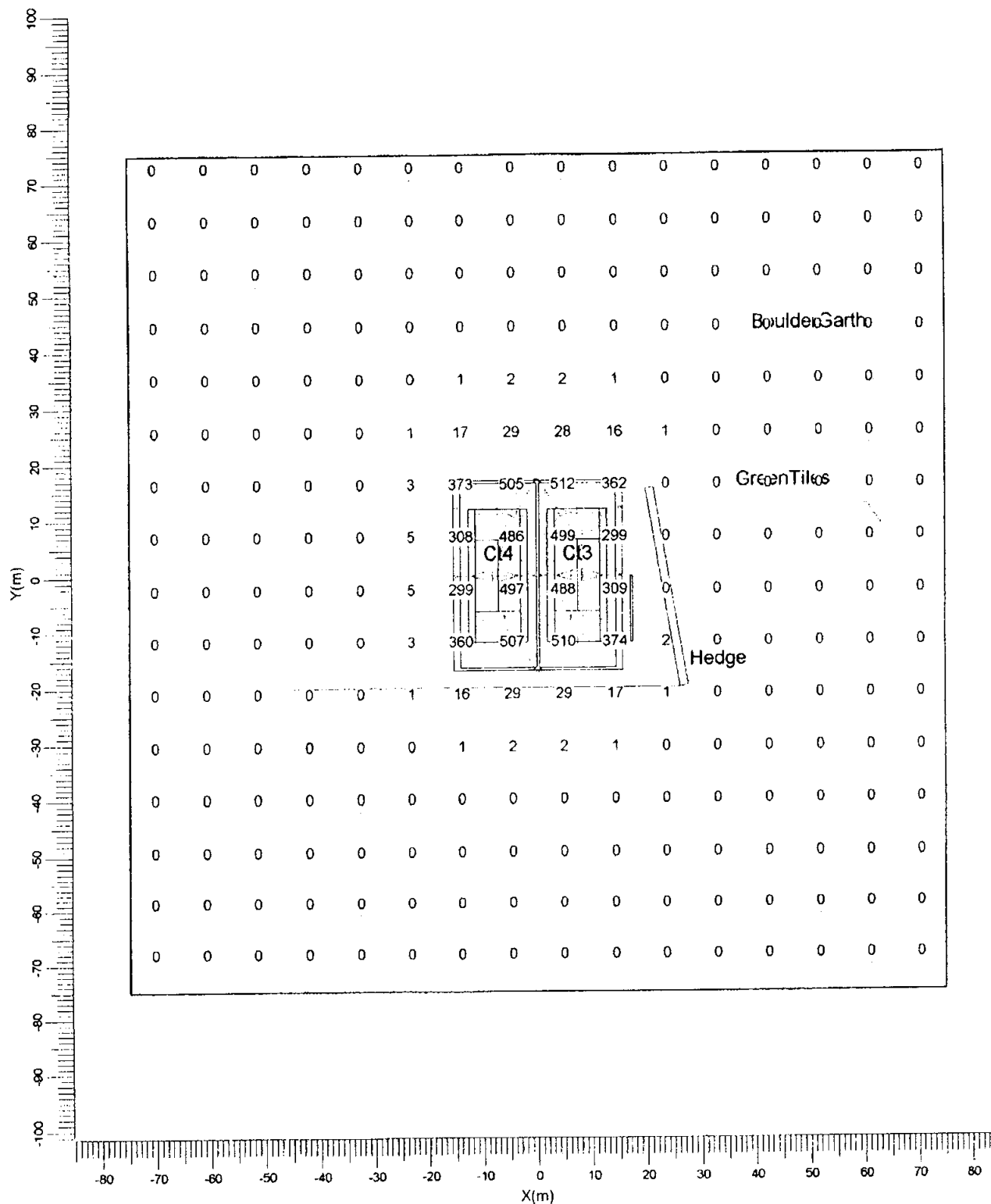
Galvanised Tubular steel columns to BS5649  
Quality assured to BS5750



### 3.8 OVERSPILL: Graphical Table

ALL LIGHTS ON

Grid : OVERSPILL at Z = 0.00 m  
Calculation : Surface Illuminance (lux)



Average  
27.0

Minimum  
0.0

Min/Ave  
0.00

Project maintenance factor  
0.80

Scale  
1:1000

## SCHEDULE A: Applications with Recommendation

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**Item No: 04**

**Date of Committee:** 26/01/2007

**Appn Ref No:**  
06/1339

**Applicant:**  
Mr T J Fynn

**Parish:**  
Dalston

**Date of Receipt:**  
20/11/2006

**Agent:**

**Ward:**  
Dalston

**Location:**  
School House, Raughton Head, Dalston, Carlisle,  
CA5 7DD

**Grid Reference:**  
337897 545290

**Proposal:** Removal of condition 2 of approval 04/1497 to change the use of an annex to a separate unit of accommodation

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee due to the applicant wishing to exercise his right to speak.

#### Planning Policies:

##### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open

## **SCHEDULE A: Applications with Recommendation**

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countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity**

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

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

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### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment**

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

1. the site is well related to the landscape of the area and does not intrude into open countryside; and
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. the layout of the site and the design of the buildings is well related to existing property in the village; and
4. the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. appropriate access and parking can be achieved; and
6. the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria

## **SCHEDULE A: Applications with Recommendation**

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above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H7- Agricultural and Forestry Need**

Within the remainder of the Plan area, outside areas covered by Policy H1 and Proposal H16, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need. The size of dwelling should be commensurate with the scale of the business to which it relates.

Section 106 agreements will be used to ensure that such dwellings are only occupied by those working in agriculture or forestry.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines**

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

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

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objection;

**Development Services Planning & Housing Services - Local Plans:** The proposal is to remove a planning condition to allow an annex, currently used by the applicant's disabled daughter, to be used as a separate dwelling. Permission was granted in December 2004 for the annex subject to a condition that it should remain part of the overall planning unit, and that it should not be sold, let or used independently from the main house.



## SCHEDULE A: Applications with Recommendation

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The applicant has an outstanding objection to the settlement boundary of Raughton Head as defined in the Carlisle District Local Plan deposit draft. This is based on the assumption that if his property was within the settlement boundary, housing development would be permitted under Policy H1 of the re-deposit draft.

Notwithstanding this, the property lies outside the boundary of Raughton Head, and as Rachel Lightfoot's letter of 1<sup>st</sup> March 2005 states, the property is considered to be in open countryside. Policy H7 states clearly that outside established communities, permission will not be given for new dwellings in the countryside unless supported by an agriculture or forestry need.

The applicant's covering letter sets out a case for special needs arising from his daughter's disability. Policy H13 of the Local Plan makes provision for special needs housing, providing that the proposal is consistent with other policies of the Plan.

Whilst this proposal is clearly not consistent with Policies DP1, H1 and H7, the very particular personal circumstances of the applicant need to be addressed, together with what Local Plan policy is trying to achieve in restricting new rural housing. When considering sustainability issues, it is important to take into account the fact that the applicant is making provision for long term care of a family member at home, rather than in an alternative location which would necessitate many trips by car for visiting and other purposes. In addition, the two elements of the living accommodation effectively function as one family house, therefore the use is not intensified. I consider on balance that very limited harm would be caused to established planning policy by allowing this proposal as an exception to normal policy;

**Dalston Parish Council:** no comment.

### Summary of Representations:

#### **Representations Received**

Initial:

Consulted:

Reply Type:

 Haythwaite House

Support

This application has been advertised by means of a site notice. At the time of writing this report, 1 letter of support has been received from the occupier of a nearby property that raises the following issues:

1. The removal of the condition will not impact on the appearance of the development;
2. Planning permission has been granted in recent years for other similar barn conversions; and
3. The applicant does not want a situation where his daughter is left tied to both the main house and the annex.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

Planning permission was granted in 2004 for the conversion of a barn to residential accommodation as an annex to the main dwelling.

#### **Details of Proposal:**

This application seeks full planning permission to remove a planning condition at School House, Raughton Head, Dalston. The site comprises the main original 18th Century cottage together with a converted barn that was granted planning permission as a residential annex in 2004. The site is located 90 metres to the south west of the settlement boundary as proposed in the Carlisle District Local Plan Redeposit Draft. The site is otherwise surrounded by undeveloped open countryside.

When planning permission was granted in 2004, condition 2 was attached to the consent, which states that:

*"This permission relates to the addition of supplementary domestic accommodation to, and related internal re-arrangements of, the existing family accommodation at the premises, all of which shall be occupied as one planning unit by members of the applicants family or those of their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the accommodation hereby approved, independently of the remainder of the overall property."*

The reason given states that:

*"The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site in accord with Policy H17 of the Carlisle District Local Plan."*

This application seeks to remove this planning condition to allow the barn to be occupied independently of the main dwellinghouse. In support of the application, the applicant has submitted additional documentation, a copy of which is reproduced following this report. In summary, the applicant argues at length about the proposed demarcation of the settlement boundary. In addition to this, the applicant states that the condition imposes unreasonable and unworkable restrictions on the usage of the accommodation; and that the barn is occupied by the applicant's disabled daughter to allow independence, the application was made for annex accommodation following advice from Officers in light of the (then) rural housing moratorium. There was no mention made of settlement boundaries.

The relevant planning policies against which the application is required to be

## SCHEDULE A: Applications with Recommendation

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assessed are Policies E8, E22, H6 and T7 of the Carlisle District Local Plan and Policies CP1, CP11, H7 and T1 of the Carlisle District Local Plan Redeposit Draft.

It may be helpful for Members to be aware of the detailed background to the planning permission granted in 2004 for the conversion of an adjacent barn to residential accommodation as annex accommodation. In support of the proposal, the applicant a letter that reads as follows:

*"The reason for this application is to provide independent but easily accessible accommodation for our daughter who is severely mentally impaired after suffering a massive brain haemorrhage and also suffers from Aphasia and Hemianopsia. My wife and I are her carers and she requires continuous supervision but as an adult she also needs her own space."*

The accommodation was intended to allow the applicant to provide immediate care to his daughter without the need to make very frequent journeys into Carlisle where she previously lived on her own. The view of Officers at the time was that the formation of a self-contained dwelling would be resisted, as it was contrary to planning policies. This was re-enforced by the presence of the Moratorium; however, it was considered that the formation of annex accommodation would be compliant with planning policies, subject to the imposition of a restrictive occupancy condition, and would provide the accommodation necessary for the applicant's daughter. In short, a level of independence but immediate access to care and support which was clearly required at certain times.

Members will recall that Policy H1 of the Carlisle District Local Plan (in its Deposit Draft and Re-Deposit Draft form) establishes a hierarchical approach to housing within the District in line with sustainable objectives. In summary, the bulk of new housing in the district is expected to be focussed upon the urban area of Carlisle, followed by the two Key Service Centres of Brampton and Longtown with more limited development within the rural area being accommodated within villages which perform a service function. Unlike its predecessor Policy H5 of the adopted Local Plan, where 80 named settlements within the District were considered acceptable for some level of development subject to a number of policy criteria being satisfied, the District Plan review identifies a much narrower concentration on a relatively low number of villages within the rural area.

Within that approach, Raughton Head is identified within the Local Plan Re-Deposit Draft's Policy H1 as a Local Service Centre where *small-scale development will be located in accordance with (the objectives of) Policy EDP1 and other policies of the plan to ensure that 7 policy criteria are satisfied.*

The emerging Policy further provides that specific settlement boundaries are identified for the 20 settlements listed as Local Service Centres. Those boundaries have been defined, initially within the Deposit Draft Plan, and have been out to consultation as part of the public consultation process associated with the Local Plan review. Those boundaries have been drawn tightly around established development patterns or significant amenity areas such as playing fields within the settlements to avoid future sprawl.

## SCHEDULE A: Applications with Recommendation

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In relation to the current proposal, Members will note from the Plan which follows (showing the proposed settlement boundary at Raughton Head) that the property subject of this application is located almost 90 metres beyond the boundary and, hence, is isolated from the remainder of the village.

Since the site is located outwith the settlement boundary as identified within the Carlisle District Local Plan Redeposit Draft, it falls to be considered against Policy H6 of the Carlisle District Local Plan and Policy H7 of the Local Plan Redeposit Draft. These Policies require that development proposals outwith defined settlements in the open countryside are adequately justified by a proven agricultural or forestry need. This approach is reflective of the advice within Policy ST7 of the Cumbria and Lake District Joint Structure Plan Proposed Modifications, with development in the open countryside being permitted only in exceptional circumstances.

It should be noted that the applicant has objected to this boundary in the Local Plan; however, Local Plans Officers have confirmed that the Council will contest this objection and the decision will therefore, ultimately be that of the Inspector at the Local Plan Inquiry.

Paragraphs 5.4 and 5.5 of Policy H1 of the Local Plan Redeposit Draft reinforce this approach by stating that in most cases it will be more acceptable to locate new housing within the settlement rather than outside its boundary and that proposals which will extend a settlement in such a way as to act as a precedent for the release of other land for development beyond the village limits will not be acceptable.

In mitigation, the applicant has submitted a lengthy letter detailing the reasoning behind the submission of the application and why he feels that the proposal is acceptable. The applicant argues that:

1. The condition imposes unreasonable and unworkable restrictions on the usage of the accommodation;
2. The reason given for the condition refers to Policy H17 of the Local Plan that relates to residential amenity whilst there are no other properties near the site;
3. The barn is occupied by the applicant's disabled daughter to allow independence; and
4. The application was made for annex accommodation following advice from Officers in light of the then current moratorium. There was no mention made of settlement boundaries.

Paragraph 21 of the Annex entitled 'The Planning System: General Principles' to Planning Policy Statement 1 'Delivering Sustainable Development' states that:

*"Unless otherwise specified, a planning permission runs with the land. Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of business which are of value to the welfare of the local community, may be material to the consideration of a planning application. In such circumstances, a permission may be made subject to a condition that is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations, however."*

## SCHEDULE A: Applications with Recommendation

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Taking each of applicant's points in turn:

- It is difficult to see how the condition is 'unreasonable and unworkable'. The use of the condition is common practice where the accommodation is ancillary to that of the main dwelling and is in a location where planning permission would otherwise not be granted. The barn provides more than adequate accommodation to allow it to be used for the purpose for which planning permission was granted and having been implemented, is currently being used for that purpose;
- Policy H17 seeks to protect residential amenity and this is now updated by Policy CP5 of the emerging Local Plan. Whilst there are no residential properties immediately adjacent to the site, the subdivision of the two buildings may result in a loss of amenity to one or more of the occupiers of these buildings. The barn is situated at right angles to the main dwellinghouse with a small parking area to the frontage and curtilage to the rear. The only possible place for the occupier of the barn to park vehicles, should it be occupied independently, would be in front of the main dwelling, which is also the main aspect of the property. Should consent be granted for the removal of the condition, this would undoubtedly adversely affect the living conditions of the occupiers of this property and would conflict with the objectives of the current and proposed planning policies;
- The barn has been converted and allows independence for the applicant's daughter; and
- The final point raises the issue of the Moratorium. Historically, planning policies in the adopted Local Plan for the District allowed for infill development within settlements and conversion of barns to dwellings, both subject to the specified criteria. Following the Regional Planning Guidance that restricted the numbers of dwellings that could be granted in both the urban and rural parts of the District, a Moratorium was imposed to reduce the number of outstanding planning permissions in the rural area. To apply and reaffirm this enhanced spatial strategy, the emerging Local Plan seeks to define the boundaries of settlements and further strict the number of dwellings granted consent in the rural area. At the time of the Moratorium, Officers did not consider the site acceptable for a separate residential unit, even without this temporary policy restriction and this view remains the case today.

The relevant criteria of PPS1 have been considered and whilst the circumstances surrounding the applicant are exceptional, it is not considered that there are material considerations sufficient to warrant approval of the application contrary to current planning policies.

Furthermore, any approval for planning consent on this site would lead to a precedent for other similar proposals within the curtilage of the adjacent properties, which the Local Planning Authority would find difficult to resist.

A letter of support has been received from the occupier of a nearby property. The author of this letter details again the reasoning behind the application and point out

## SCHEDULE A: Applications with Recommendation

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that if the applicant were to die, his daughter would be left with both the main house and the barn and infers that due to her medical circumstances, would not be able to manage both buildings. The letter continues by stating that the conversion has been to a high standard.

The letter also makes reference to recent barn conversions at Hall Hills Farm, Raughton Head, Sprunston Farm, Durdar, Whins Farm, Raughton Head and land at Thrangholme, Raughton Head. With regard to the reference to the first two of these sites, planning permission was granted under the adopted Local Plan which, subject to consideration against the relevant policy criteria, allowed for the conversion of barns to residential use. There is no record of any planning applications at the latter two sites and would require the submission of additional information to allow further investigation.

The applicant has been asked to submit further information detailing the subdivision of the curtilage together with on-site car parking provision. At the time of writing this report, this information is outstanding.

In conclusion, the original development to convert the attached barn to ancillary residential accommodation was required to meet the needs of the applicant to provide suitable care for his daughter; however, the proposed development that would result in the formation of a self-contained dwelling is within the curtilage of an existing property that is located outwith the settlement boundary of Raughton Head. Planning policies require that development takes place within the designated villages and not in open countryside. Whilst Members may feel some sympathy for the applicant's circumstances, it is important to bear in mind that there has been no material change in circumstances since the original planning application in 2004; the applicant is still able to provide the appropriate and accessible level of care to his daughter.

The planning application should be determined in accordance with the relevant planning policies. Should circumstances change in the future, the appropriate course of action would be to lodge a further planning application that would be judged on its merits at that time. The current application is premature and is contrary to current planning policies and is therefore recommended for refusal.

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### Human Rights Act 1998

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

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

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

## SCHEDULE A: Applications with Recommendation

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to regularise any breach of planning control;

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

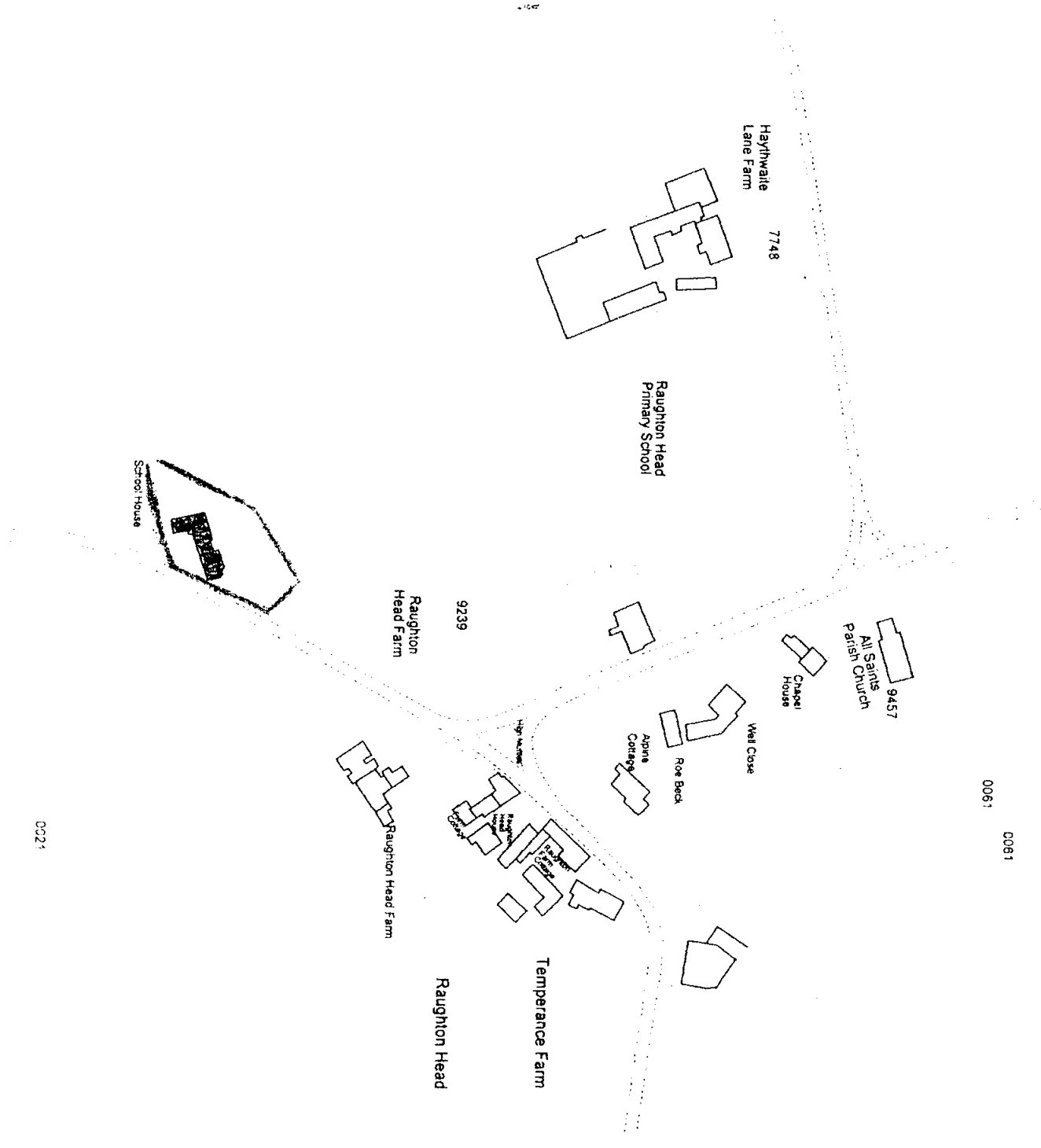
**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The applicants rights are respected, however, the proposal is considered to be contrary to acknowledged interests of importance.

---

### **Recommendation: Refuse Permission**

1. **Reason:** The site of the proposed development is located outwith the settlement boundary of Raughton Head. Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need or only in exceptional circumstances. Although the application provides documentation in support of the application due to personal circumstances, this is insufficient to outweigh current planning policies. The proposed development is also not put forward as the basis of meeting a local need. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements. The proposal is contrary to the objectives of the advice within Policy H6 (Agricultural and Forestry Need) of the Carlisle District Local Plan; Policy H7 (Agricultural and Forestry Need ) of the Carlisle District Local Plan Redeposit Draft; and Policy H1 (Location of New Housing Development) of the Carlisle District Local Plan Redeposit Draft.
-



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06/1339

**CHANGE OF USE FROM AN ANNEX TO A SEPARATE UNIT OF  
ACCOMODATION BY THE REMOVAL OF CONDITION NO 2 IMPOSED  
IN APPROVAL 04/1497 CONVERSION OF BARN TO RESIDENTIAL  
ACCOMODATION AT SCHOOL HOUSE, RAUGHTON HEAD, CA5 7DD.**

**SITE LOCATION PLAN 1 : 2500 NOVEMBER 2006**



Planning Services,  
Carlisle City Council,  
Civic Centre,  
Carlisle,  
CA3 8QG

06/1339

School House,  
Raughton Head,  
Carlisle,  
CA5 7DD

Tel: 01697 476044

Email: [thomasfynn@hotmail.com](mailto:thomasfynn@hotmail.com)

17<sup>th</sup> November 2006.

Dear Sirs,

**CHANGE OF USE FROM AN ANNEX TO A SEPARATE UNIT OF  
ACCOMMODATION BY THE REMOVAL OF CONDITION NO 2 IMPOSED  
IN APPROVAL 04/1497 CONVERSION OF BARN TO RESIDENTIAL  
ACCOMMODATION AT SCHOOL HOUSE, RAUGHTON HEAD, CA5 7DD.**

I enclose four copies of the Application for Planning Permission for the above together with four copies of the Location Plan and the fee of £135.00. As there are no physical alterations required to the property and as appropriate access and car parking provision already exists, there are no supporting drawings as all details are as submitted for Approval 04/1497.

**Condition No 2**

Condition No 2 imposes unreasonable and unworkable restrictions on the usage of the accommodation, the reasoning for which is stated in the Particulars of Decision as being in accord with Policy H17 of the Carlisle District Local Plan, which policy relates to Residential Amenity and the accommodation as designed does not contravene any of the five categories of development stated. Furthermore the accommodation does not contravene any of the categories of development included in the Carlisle District Local Plan 2001-2016-Revised Redeposit Version, which is yet to be adopted.

The Barn Conversion which conforms to policies H8, H11 and H13 was for the use of my disabled daughter, to allow her as much independence as possible, the application for it as an Annex was on the advice of your Department in order to avoid the restrictions of the Moratorium then in existence. There was no reference made by your Department at that time to any settlement boundaries in fact you assured us that we could apply for the Annex to become a separate independent dwelling once the Moratorium was lifted.

**Settlement Boundaries**

As the current plan policy does not contain settlement boundaries and decisions on whether a property is in or outside a village are a matter of judgement, it is my contention that School House is within the village boundary and not in open countryside and this is supported by the following facts and observations.

1. School House was occupied over a considerable period of time by a number of Head Teachers at Raughton Head School (hence I presume that is how it got its name) and is separated from the school buildings by the "School Field" which was the original playing field prior to the tarmac playground being constructed.

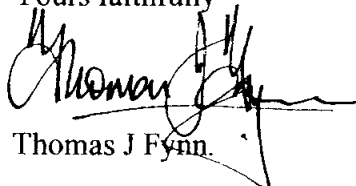
2. The village name sign "Raughton Head" was situated some 250 metres south of School House and last year was moved to a new location 100 metres south of School House to be incorporated with the new 30mph restriction signs. (Both these locations are indicated on the enclosed road map of Raughton Head.)
3. When looking at this road map it is quite apparent that School House is within the village cluster, it is separated from it's nearest northerly neighbour, Raughton Head Farm, by a distance of 60 metres (not some 90 metres as stated in the Town Clerk and Chief Executive's letter to me dated 31<sup>st</sup> May 2005) and the nearest property along the road south of School House, namely Chapel Lane is approximately a half a mile distant. (Both these locations are also indicated on the enclosed road map of Raughton Head)
4. If you consult the 1860-65 Ordnance Survey of CUMBERLAND First Edition, you will see that the open Hamlet of Raughton Head was bounded to the North by the Parish Church, to the South by School House, to the West by Haythwaite Lane and to the East by Temperance Farm (then known as the Dukes Head Inn) This is exactly the same today. All development has taken place within this area, not one building has been erected outside of it and this is definitive of where the settlement boundary was and still is.
5. Local residents, some of whom are descendents of families who have lived in the area for generations, are quite adamant that School House has always been an integral property within the village settlement and that the garden of School House was even used for educational purposes for the school children.
6. The barn at the Whins (indicated on the enclosed road map and clearly in open countryside), was given full approval in 2004 to be converted as a separate unit of accommodation and despite my query regarding this to the Head of Planning Services, an explanation has never been received.
7. The Planners making the judgement as to whether or not a property is within or outside the settlement boundary are presumably the same ones who have been involved in the preparation of the proposed explicit settlement boundary included in the Draft Carlisle District Local Plan to run until 2016 and which has yet to be subject to a Public Enquiry. I am aware that there are at least 8 formal objections from local people lodged against this explicit boundary, a line that has been drawn with total lack of appreciation of the village, it's houses, it's graveyard and it's War Memorial.

### **General Considerations**

Five years ago my daughter suffered a massive sub arachnoid haemorrhage and a partial Frontal Lobotomy which has left her Registered Blind/ Partially Sighted and suffering from Aphasia, I am her only Carer and her whole future is dependent on her having her own separate independent dwelling.

I request that this Application be decided by the Planning Committee and not under delegated powers by the Planning Department.

Yours faithfully



Thomas J Fynn.

## SCHEDULE A: Applications with Recommendation

06/1306

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**Item No: 05**

**Date of Committee:** 26/01/2007

**Appn Ref No:**  
06/1306

**Applicant:**  
The Spirit Group

**Parish:**  
Carlisle

**Date of Receipt:**  
16/11/2006

**Agent:**  
Cliff Walsingham &  
Company

**Ward:**  
Belah

**Location:**  
Gosling Bridge PH, Kingstown Road, Carlisle, CA3  
0AT

**Grid Reference:**  
339732 558437

**Proposal:** Proposed external seating area.

**Amendment:**

1. Omission of proposed play area, provision of two car parking spaces and 2.2 metre high screen fence to the eastern side of the proposed external seating area.
2. Relocation of proposed external seating area a further 6 metres from the rear boundary of those properties on Abottsford Drive.

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## REPORT

### Reason for Determination by Committee:

This application is brought before the Development Control Committee as two local residents and a local Councillor wish to exercise their right to speak against the proposed development. The applicant's agent also wishes to exercise their right to speak in favour of the application.

### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H2**

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

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent

## **SCHEDULE A: Applications with Recommendation**

06/1306

residential areas and their amenity; and

4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Plan Shopping - Proposal S15**

Within the Plan area, proposals for uses within Use Class A3 (food and drink,

## **SCHEDULE A: Applications with Recommendation**

06/1306

including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H2 - Primary Residential Areas**

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

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

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

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

1. satisfactory housing conditions can be achieved; and
2. the proposal will complement the existing character of the area; and
3. the proposal will not adversely affect the amenity of the area; and

## **SCHEDULE A: Applications with Recommendation**

06/1306

4. satisfactory access can be provided; and
5. appropriate parking arrangements can be made.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

## **SCHEDULE A: Applications with Recommendation**

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In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines**

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

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC10 - Food and Drink**

Within the Plan area, proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that:

1. The proposal does not involve unacceptable disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Throughout the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Proposals for A3, A4 and A5 related uses should be situated in accessible locations, within or adjacent to existing centres in line with the sequential approach in PPS6 unless material considerations dictate otherwise.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objection.

## SCHEDULE A: Applications with Recommendation

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In response to the amended plans submitted 20th December the Highway Authority made the following comments.

"The application shows three disabled parking spaces at present. It is proposed to remove one to create the timber decked area. There are a further two parking spaces proposed for the opposite side of the decked area; however, they are not marked as designated disabled persons spaces. It is recommended that at least one is marked as such should the application be approved".

**Development Services Planning & Housing Services - Access Officer:** awaiting comments;

**Environmental Protection Services:** awaiting comments.

### Summary of Representations:

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 1 Windsor Way	22/11/06	
[REDACTED] 5 Abbotsford Drive	22/11/06	Objection
[REDACTED] 7 Abbotsford Drive	22/11/06	
[REDACTED] 9 Abbotsford Drive	22/11/06	Objection
[REDACTED] 18 Moorville	22/11/06	Undelivered
[REDACTED] 20 Moorville,	22/11/06	
[REDACTED] Premier Travel Inn	22/11/06	
[REDACTED] 113 Kingstown Road	22/11/06	
[REDACTED] 115 Kingstown Road	22/11/06	
[REDACTED] 117 Kingstown Road	22/11/06	
[REDACTED] 119 Kingstown Road	22/11/06	
[REDACTED] 121 Kingstown Road	22/11/06	
[REDACTED] 123 Kingstown Road	22/11/06	
[REDACTED] 125 Kingstown Road	22/11/06	
[REDACTED] 127 Kingstown Road	22/11/06	
[REDACTED] 129 Kingstown Road	22/11/06	
[REDACTED] 2 Windsor Way,	22/11/06	
[REDACTED] 3 Windsor Way	22/11/06	Objection
[REDACTED] 4 Windsor Way	22/11/06	Objection
[REDACTED] 6 Windsor Way,	22/11/06	
[REDACTED] Gosling Bridge Hotel,	22/11/06	
[REDACTED] 1 Abbotsford Drive,	22/11/06	
[REDACTED] 3 Abbotsford Drive,	22/11/06	

This application has been advertised by means of a site notice and notification letters sent to twenty four neighbouring properties. In response four letters of objection have been received. The grounds of objection are summarised as being;

1. the location of the proposed play area in relation to the neighbouring properties;
2. the location of the external seated play area in relation to the neighbouring properties;
3. the loss of car parking spaces;



## **SCHEDULE A: Applications with Recommendation**

06/1306

4. the scheme will exacerbate the existing parking problems on Windsor Way; and
5. an increase in the size of the external seating area will result in increased noise disturbance.

Members should note that in respect of the first point raised the proposed play area has been omitted from the application as originally submitted.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In November 2006 a retrospective application for advertisement consent was submitted, application 06/1385, as the signage erected was not in accordance with that approved under application 06/1042. At the time of writing this report the application 06/1385 had not been determined.

In October 2006 advertisement consent was granted, under application 06/1042, for the erection of illuminated and non-illuminated signage

In August 2006 planning permission was granted, under application 06/0708, for the erection of an extension to the licensed premises to provide an enlarged dining area together with modifications to the existing window openings and alterations to the existing external seated area.

In 2005 advertisement consent was granted, under application 05/0151, for the erection of illuminated hotel signage.

In 2004 planning permission was granted, under application 04/1666, for the erection of an extension to the rear of the premises to provide a disabled toilet.

In 2003 planning permission was granted, under application 03/0626, for the erection of a two storey wing to the hotel to provide twenty additional bedrooms together with the rearrangement of the car park to provide seven additional car parking spaces.

In 2000 advertisement consent was granted, under application 00/0599, for the erection of wall mounted signs, car park direction signs and a free standing name sign on the road frontage.

In 1998 planning permission was granted, under application 98/0900, for the erection of a twenty bedroom extension to the existing accommodation block.

In 1997 advertisement consent was granted, under application 97/0790, for the erection of an illuminated double-sided post mounted sign.

In 1995 advertisement consent was sought, under application 95/0686, for the erection of an externally illuminated fascia and board signs on the building together with four freestanding post signs. The application was withdrawn.

## **SCHEDULE A: Applications with Recommendation**

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In 1993 advertisement consent was granted, under application 93/0418, for the erection of four illuminated sign boards and the erection of a freestanding internally illuminated box sign.

In 1992 planning permission was granted, under application 92/0763, for the erection of a children's play area.

In 1990 advertisement consent was granted, under application 90/1282, for the erection of an illuminated road side sign.

In 1990 advertisement consent was granted, under application 90/0642, for the erection of wall mounted signs and a low level free standing sign.

In 1990 planning permission was granted, under application 90/0298, for the erection of a thirty bedroom extension to the existing public house.

In 1990 advertisement consent was granted, under application 90/0226, for the erection of a free standing sign and wall sign.

In 1989 planning permission was granted, under application 89/1146, for the erection of a twenty eight bedroom extension to the existing public house.

In 1988 advertisement consent was granted, under application 88/0969, for the erection of a free standing sign and wall mounted sign.

In 1987 planning permission was granted, under application 87/0950, for the erection of the public house and flat together with associated car parking and landscaping.

### **Details of Proposal:**

This application seeks full planning permission for the erection of an external seating area at The Gosling Bridge Public House. The Public House is located off Kingstown Road, which is the main thoroughfare into the city when approaching Carlisle from the north. The application site is located to the north of the junction of Windsor Way and Kingstown Road. The surroundings are wholly residential with the exception of the Premier Travel Inn located immediately to the north of the application site. The site is identified the Carlisle District Local Plan as lying within the Primary Residential Area. A plan indicating the location of the premises and its relationship with the adjoining properties is reproduced following this report.

The proposal, as amended since first received by the omission of a play area and relocation of the seating area, seeks approval for the formation of an external seating area to the south elevation of the building. The decked area, which would be constructed from timber, would project 7.2 metres from the building and measure 8.7 metres in width. Along the western elevation of the decked area would be a 2.2 metre high timber fence to screen the proposal from the residents of Abbotsford Drive located to the east of the application site. The remainder of the decked area would be enclosed by a 1 metre high timber fence. The proposal involves a reconfiguration of the existing parking layout in the area; however, two parking bays,

## **SCHEDULE A: Applications with Recommendation**

06/1306

one of which is a disabled car parking bay, would be lost.

The relevant planning policies against which the application is required to be assessed are Policies H2, H17, T7 and S15 of the Carlisle District Local Plan and Policies H2, CP4, CP5, T1 and EC10 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

With regards to this application the main issue to consider is whether the proposal will adversely affect the living conditions of neighbouring properties as a result of the potential noise and disturbance generated through the use of the external seating area.

Members will note that four letters of objection have been received in response to the application. The objections raised have been summarised earlier in this report.

The external seating area is located within 35 metres of the rear elevations of Nos. 1 and 3 Abbotsford Drive and the plans that accompany the application illustrate that the seating area, which covers approximately 63 square metres, has the capacity to accommodate 48 external drinking covers. As such the use of the seating area has the potential to generate a significant level of noise and activity typically associated with a public house, particularly during the summer months when patrons may be inclined to sit out late into the evenings. Under the Gosling Bridge's drinks license patrons would be able use the proposed seating area until 1 a.m. The potential level of disturbance generated by the use of this area is such that the living conditions of those properties on Abbotsford drive may be adversely affected through noise generation. For this reason it is recommended that this application be refused.

Members will note that local residents have also expressed concern regarding the loss of car parking spaces. It is acknowledged that the proposal would result in the loss of two car parking bay, one of which is a disabled parking bay. Whilst the formal comments of the Highway Authority have yet to be received in response to the most recent amended plans, the Highway Authority has commented verbally that they do not consider that the loss of 2 parking spaces to be significant. The Highway Authority maintain their view that the car park remains adequately sized to serve the public house. Therefore, despite local residents concerns regarding the loss of car parking spaces, Members are advised that this reason in its own right is not sufficient to substantiate a refusal.

For the reasons previously highlighted in this report it is the opinion of this authority the use of the external seating area has the potential to generate an unacceptable level of noise and disturbance that would be detrimental to the living conditions of the residents of Abbotsford Drive. As such Members are advised to refuse this application.

---

### **Human Rights Act 1998**

Several provisions of the above Act can have implications in relation to the

consideration of planning proposals, the most notable being:

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

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

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

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

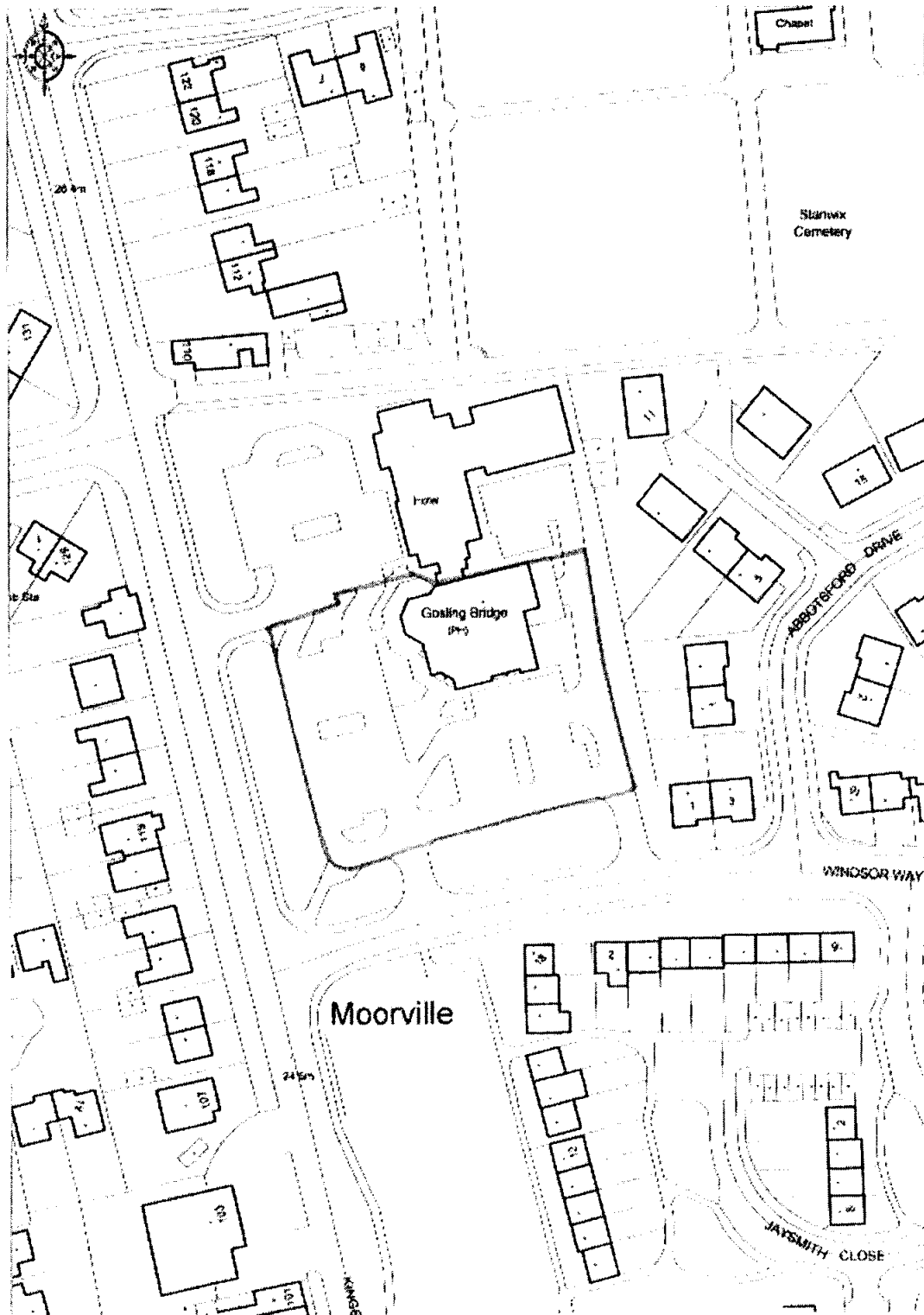
Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

---

### **Recommendation: Refuse Permission**

- 1. Reason:** The formation of the seating area will result in an intensification of external activity within this predominantly residential area, including use of the seating area late into the evening, which would lead to an overall increase in the levels of noise, disturbance and anti-social behaviour likely to be experienced by immediate and nearby residents. The potential level of disturbance generated is such that the proposal would have an unacceptable adverse impact upon living conditions of neighbouring properties, in particular Numbers 1 and 3 Abbotsford Drive which would be located within 35 metres of the seating area. As such, the proposal would be contrary to the objectives of criterion 1 of Policy S15 (Food and Drink) of the Carlisle District Local Plan; criterion 1 of Policy EC10 (Food and Drink) of the Carlisle District Local Plan 2001-2016 Redeposit Draft; criterion 3 of Policy H17 (Residential Amenity) and criterion 3 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Redeposit Draft.
-

**The Gosling Bridge Public House, Kingstown Road,  
Carlisle, CA3 0AT.**



Ordnance Survey

© Crown Copyright 2006. All rights reserved. Licence number 100020449. Plotted Scale 1:1250

Isingham and Company, Brandon House, King Street, Knutsford, Cheshire. W  
Tel 01565 757500, Fax 01565 757501,  
e mail:knutsford@walsingplan.co.uk



NOTES:  
1. This plan is a preliminary design and is subject to change without notice.  
2. The client is responsible for providing accurate information for this design.  
3. The design is based on the information provided by the client.  
4. The design is not a guarantee of performance or results.  
5. The design is not a substitute for professional advice.  
6. The design is not a substitute for a professional opinion.  
7. The design is not a substitute for a professional report.  
8. The design is not a substitute for a professional statement.  
9. The design is not a substitute for a professional certificate.  
10. The design is not a substitute for a professional seal.

DATE: 2006  
BY: [Signature]  
FOR: [Signature]

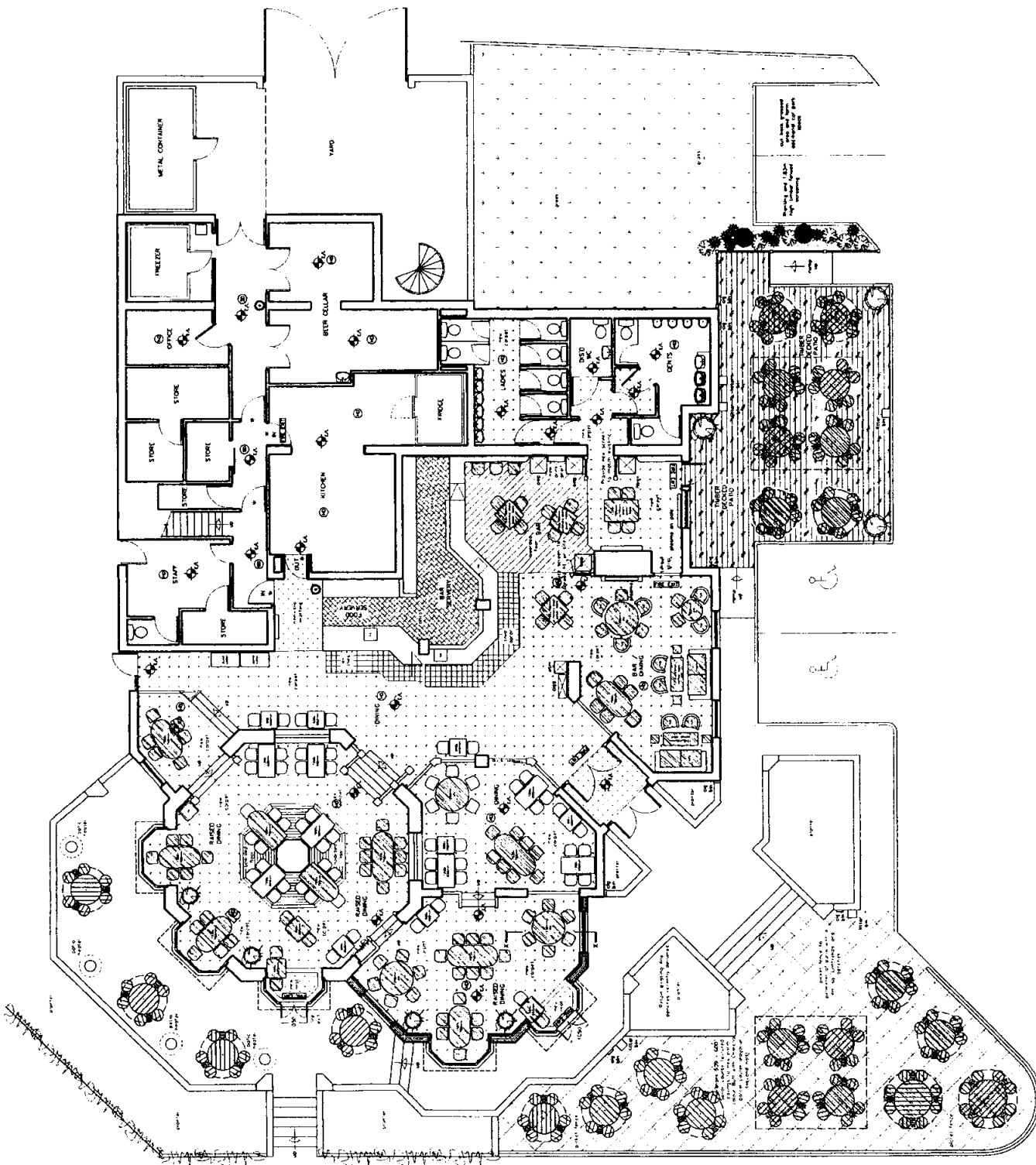
RECEIVED  
20 DEC 2006  
2.008/206

**PROJECT INFORMATION**  
PROJECT: PROPOSED Overland Floor Plan  
DATE: 2006  
BY: 421.09  
FOR: A

**CLIENT**  
The Oakridge Bridge  
Kingsway Road  
Cardiff, CF10 1AT  
SPEL GROUP

**SCALE**  
1:100  
DATE: 2006  
BY: 421.09  
FOR: A

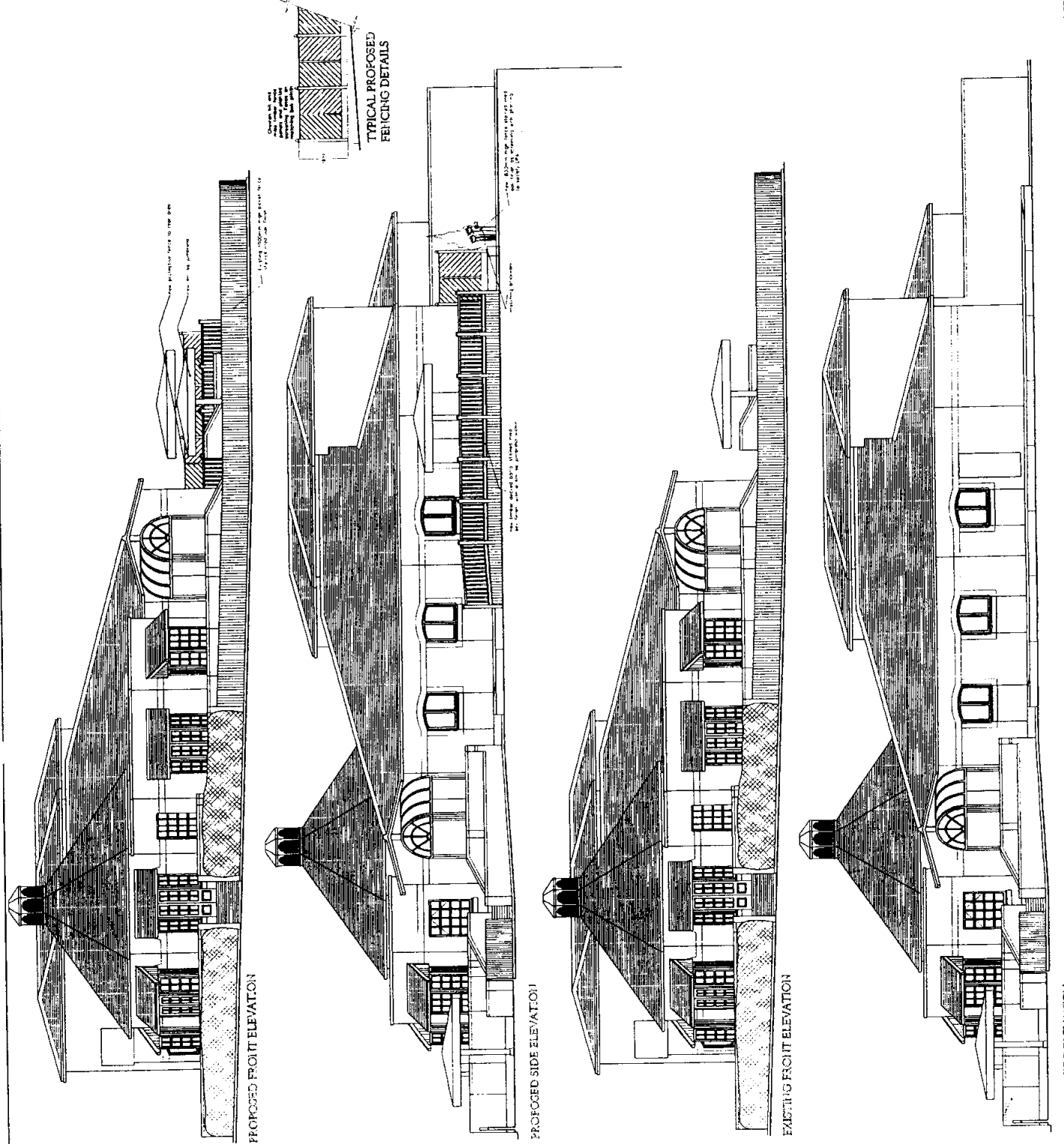
**IMMID and Associates Ltd**  
1 Bedford Court, Willemans Way  
CF10 1AT  
Cardiff, Wales  
Tel: 01495 4444  
Fax: 01495 4444  
Email: info@immid.co.uk



NOTES:  
 1. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 2. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 3. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 4. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 5. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
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 7. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 8. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 9. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.  
 10. The proposed development is shown on the site plan and is subject to the approval of the relevant authorities.

RECEIVED  
 20 DEC 2006  
 2006/130X

PROJECT  
 External Elevations  
 DRAWN BY  
 The Consulting Engineer  
 11, The Old Rectory  
 Church Lane, CA1 1AT  
 01432 866666  
 01432 866667  
 01432 866668  
 01432 866669  
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**Sam Greig**

\* Sent e-mail acknowledging 05.01.07

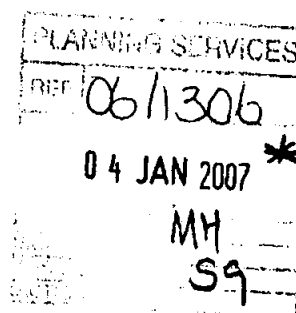
**From:** Clive Cunio [clive.cunio@walsingplan.co.uk]  
**Sent:** 04 January 2007 14:35  
**To:** samg@carlisle.gov.uk  
**Subject:** Request to speak at Planning Committee - The Gosling Bridge, Carlisle.

Dear Sam,

Further to our conversation earlier this morning and on behalf of my client, I wish to reserve the right to speak in favour of the proposed development at committee on 26 January.

Please could you forward any relevant info to me as required.

Many thanks



**Clive Cunio**

Dip TRP MRTPI

Senior Planning Consultant

Cliff Walsingham & Company, Brandon House, King Street, Knutsford, Cheshire. WA16 6DX

Tel 01565 757500

Fax 01565 757501

Mob 07900 430847

e mail clive.cunio@walsingplan.co.uk

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## SCHEDULE A: Applications with Recommendation

06/1085

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**Item No: 06**

Date of Committee: 26/01/2007

**Appn Ref No:**  
06/1085

**Applicant:**  
Mr & Mrs R Hodgson

**Parish:**  
Wetheral

**Date of Receipt:**  
01/12/2006

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land adjacent Kano Cottage, Low Wood Farm,  
Burnrigg, Warwick Bridge, Carlisle

**Grid Reference:**  
347843 555894

**Proposal:** Erection of residential dwelling (outline)

**Amendment:**

---

### REPORT

#### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee to the applicant's agent wishing to exercise her right to speak.

#### Planning Policies:

##### **Gas Pipeline Safeguarding Area**

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

##### **Health & Safety Executive Consultation**

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

##### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

## **SCHEDULE A: Applications with Recommendation**

06/1085

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity**

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment**

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

1. the site is well related to the landscape of the area and does not intrude into open countryside; and
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. the layout of the site and the design of the buildings is well related to existing property in the village; and
4. the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. appropriate access and parking can be achieved; and
6. the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

## **SCHEDULE A: Applications with Recommendation**

06/1085

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill) Wetheral		

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H7- Agricultural and Forestry Need**

Within the remainder of the Plan area, outside areas covered by Policy H1 and Proposal H16, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need. The size of dwelling should be commensurate with the scale of the business to which it relates.

Section 106 agreements will be used to ensure that such dwellings are only occupied by those working in agriculture or forestry.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines**

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

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

## SCHEDULE A: Applications with Recommendation

06/1085

### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** no objection subject to the imposition of highway conditions;

**Environment Agency (N Area (+ Waste Disp)):** the proposed development is approximately 25 metres from a United Utilities foul sewer. The Agency's policy is that the non-mains drainage option intended for this development should only be considered where connection to the public foul sewer is not technically or financially viable. This approach is reinforced in the advice to Local Authorities through Circular 03/99: Planning Requirements in the respect of the use of Non-Mains Sewerage incorporating Septic Tanks in New Development.

**Commercial & Technical Services - Drainage Engineer:** the applicant indicates disposal of foul sewage to a private sewage treatment plant or septic tank. The applicant must ensure through the Building Control process that the plant is adequately sized to meet treatment demand. The applicant must also obtain any necessary consent for the plant from the Environment Agency and planning permission if the plant serves more than one property.

The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal.

There is no knowledge of flooding issues at the site;


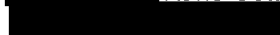
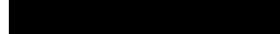
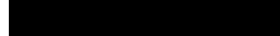
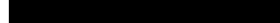
**Northern Gas Networks:** comments awaited;

**Wetheral Parish Council:** without clear settlement boundaries, the Parish Council are unsure if the development would fall outside the hamlet of Burnrigg;

**Health and Safety Executive:** the HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### Summary of Representations:

#### **Representations Received**

Initial:	Consulted:	Reply Type:
 Kano Cottage	07/12/06	Objection
 Croft Farm	07/12/06	
 Robin Hill	07/12/06	
 Holme View	07/12/06	
 Low Wood Farm	07/12/06	

This application has been advertised by means of a site notice and direct notification to the occupiers of 5 of the neighbouring properties. At the time of writing this report, one letter of objection has been received and raises the following issues:

## **SCHEDULE A: Applications with Recommendation**

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1. The road adjacent to the site is not wide enough to take extra traffic.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no planning history associated with this site.

#### **Details of Proposal:**

This application seeks outline planning consent for the erection of a dwelling on Land adjacent Kano Cottage, Burnrigg, Warwick Bridge, Carlisle. The site currently forms part of land belonging to Low Wood Farm Burnrigg and is located immediately to the north of Kano Cottage, the northern most property on the western side of the road leading northwards from Burnrigg linking Warwick Bridge to Broadwath.

No details have been provided of the proposed property and all of the 5 standard "Reserved Matters" i.e. layout, scale, appearance, access and landscaping, are intended to be provided at a later date, should outline approval be granted.

The site is currently undeveloped open countryside and is bounded to the east by a stone wall measuring approximately 1.6 metres in height, beyond which is the County highway. Open countryside lies to the west and north of the proposed site, beyond which to the north is a public footpath and a copse of trees. The site rises slightly from east to west.

The key issue raised by this proposal is that of the principle of development in this location and to assist Members in that regard, there is a raft of planning policy guidance contained in Policies E8, E22, H6 and T7 of the Carlisle District Local Plan and Policies CP1, CP11, H1, H7 and T1 of the Carlisle District Local Plan Redeposit Draft.

In essence, however, Policy H1 of the Carlisle District Local Plan Redeposit Draft organises settlements in a hierarchy with the primary focus for new housing development being the urban area of the district; followed by the Key Service Centres of Brampton and Longtown which have a broad range of amenities and services; and finally, selected villages which perform a service role within the rural area. These villages are sub-divided into two groups, the first being the 20 larger villages that act as Local Service Centres and where the scale and nature of development will be determined by local form and character. The second group of 21 essentially small villages possessing very limited facilities and, hence, providing basic service provision, is regarded as being capable of accommodating only small scale infill development.

To assist Members to determine applications within the largest rural centres, Inset Plans have been drawn up for Brampton and Longtown while, at the next level in the spatial strategy for housing, settlement boundaries have been drawn up around the Local Service Centres as advised in Regional Planning Guidance 13.

## **SCHEDULE A: Applications with Recommendation**

06/1085

Members need to be aware, that Burnrigg is not a settlement identified within the Carlisle District Local Plan Redeposit Draft under the provisions of Policy H1 and, thus, any development proposals within Burnrigg must be considered against Policy H6 of the Carlisle District Local Plan and Policy H7 of the Local Plan Redeposit Draft. These policies require that development proposals outwith defined settlements are adequately justified by a proven agricultural or forestry need. This approach is reflective of the advice within Policy ST7 of the Cumbria and Lake District Joint Structure Plan, with development in the open countryside being permitted only in exceptional circumstances.

Paragraphs 5.4 and 5.5 of Policy H1 of the Local Plan Redeposit Draft reinforce this approach by stating that even when considering development proposals for the identified villages to which the Policy relates, in most cases it will be more acceptable to locate new housing within the settlement rather than outside its boundary. It follows that proposals which will extend the a settlement in such a way as to act as a precedent for the release of other land for development beyond the village limits will not be acceptable.

The applicant's agent has submitted a statement in support of the application, a copy of which is reproduced following this report. The issues outlined in this document are as follows:

1. The application site is owned by the applicant's parents and would be a cost effective way to purchase a property;
2. The site is physically well related to the existing development and would not result in any demonstrable harm to the character of the area;
3. PPG3 requires that there should be adequate housing provision in rural areas to meet the needs of local people;
4. Although Burnrigg is not specifically mentioned in Policy H1 of the Local Plan, and the issue of local need should be given due weight;
5. The proposal conforms to the criteria within Policy H1;
6. A S106 agreement could be entered into to ensure local occupancy; and
7. The applicants have both family and business ties with the area.

It may be helpful to Members to outline the evolution of housing policy leading to the present position. Historically, Policy H5 of the adopted Local Plan for the District allowed for the development within 80 identified villages and hamlets subject to the criteria listed as part of the Policy text being met. Following the adoption of Regional Planning Guidance, which restricted the number of dwellings that could be granted in both the urban and rural parts of the District, a Moratorium was imposed to reduce the number of outstanding planning permissions in the rural area. That Moratorium has since been removed with, in its place, dependence being placed upon the spatial strategy set out in the Structure Plan policy guidance and the related provisions of the emerging Local Plan to better manage both the amount and the location of dwellings granted consent in the rural area. Clearly, if that approach is to have any sense the Council must resist granting planning permission on an 'ad hoc' basis.

The applicant argues that there is a need for the development in terms of providing



## **SCHEDULE A: Applications with Recommendation**

06/1085

housing for a couple seeking accommodation in the area and that although Burnrigg is not listed in Policy H1, the criteria is still applicable. The inherent weakness in that argument is, of course, the fact that Policy H1 is clearly not applicable since Burnrigg is not listed as a settlement to which the Policy applies. Moreover, even if Burnrigg had been included in the Policy, the application site is not a gap site as identified in the supporting text of Policy H1 (where it relates to the smaller service villages) and approval would extend the linear development of the settlement into open countryside, contrary to the objectives of the Policy.

Whilst the practice of entering into S106 agreements is used to secure the provision and retention of new rural housing accommodation for occupation by local persons in perpetuity, can be appropriate as an "exception" where a clear and identified local need has been established (by an RSA for example as part of its review of rural housing needs in an entire community) that is not the case in this instance and is therefore irrelevant.

Furthermore, even if Members were sympathetic to the proposal it has to be noted that the development of this site would leave an additional area of land between the site and the public footpath to the north; therefore, any approval for planning consent on this site, would lead to a precedent for other proposals which the Local Planning Authority would find difficult to resist.

### **Other matters**

In response to the comments received from the Environment Agency, the applicant's agent has been contacted and asked to revise the application details. At the time of writing this report, no response has been received.

Although one letter of objection has been received, the issues raised refer to highway issues. Members will note that the Highway Authority has no objection to the proposal.

### **Conclusion**

In conclusion the proposed development is in outwith any identified settlement within Policy H1 of the emerging Local Plan and would result in an extension of the built development into the undeveloped open countryside. Although a supporting statement has been submitted with this application, development of the site would conflict with current and emerging planning policies and the application is therefore recommended for refusal.

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## **Human Rights Act 1998**

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

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants

## SCHEDULE A: Applications with Recommendation

06/1085

seeking to develop or use land or property and those whose interests may be affected by such proposals;

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

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

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

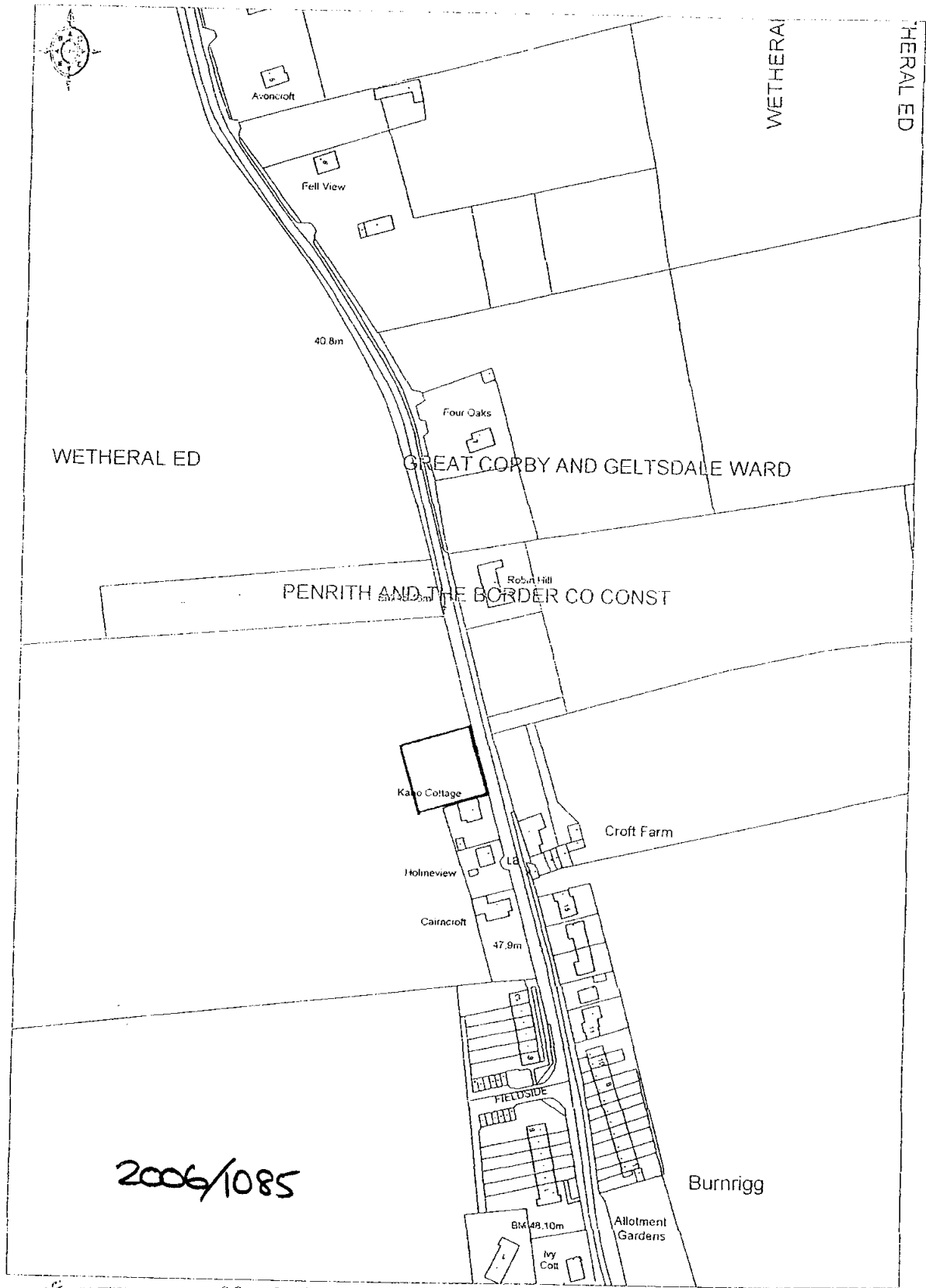
The applicants rights are respected, however, the proposal is considered to be contrary to acknowledged interests of importance.

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### **Recommendation: Refuse Permission**

- 1. Reason:** The site of the proposed development is located outwith the settlement boundary of Warwick Bridge. Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need or only in exceptional circumstances. This application does not provide any evidence to support a special need for a dwelling in this location and the proposed development is also not put forward as the basis of meeting a local need. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements. The proposal is contrary to the objectives of the advice within Policy H6 (Agricultural and Forestry Need) of the Carlisle District Local Plan; Policy H7 (Agricultural and Forestry Need ) of the Carlisle District Local Plan Redeposit Draft; and Policy H1 (Location of New Housing Development) of the Carlisle District Local Plan Redeposit Draft.
- 2. Reason:** The proposal is located outwith the settlement of Burnrigg and is an area of undeveloped open countryside. In this location the proposed development would be conspicuous, expanding the existing ribbon development and thereby increasing its intrusion into the countryside to the detriment of the rural character of the area. The proposal would establish an undesirable precedent which would make it difficult to resist further such applications, that would be detrimental and erode the character and visual amenity of the open countryside contrary to the objectives of Policy E8 (Remainder of the Rural Area) of the Carlisle District Local Plan and Policy CP1 (Landscape Character/ Biodiversity) of the Carlisle District Local Plan Redeposit Draft.

# LAND AT BURNRIGG

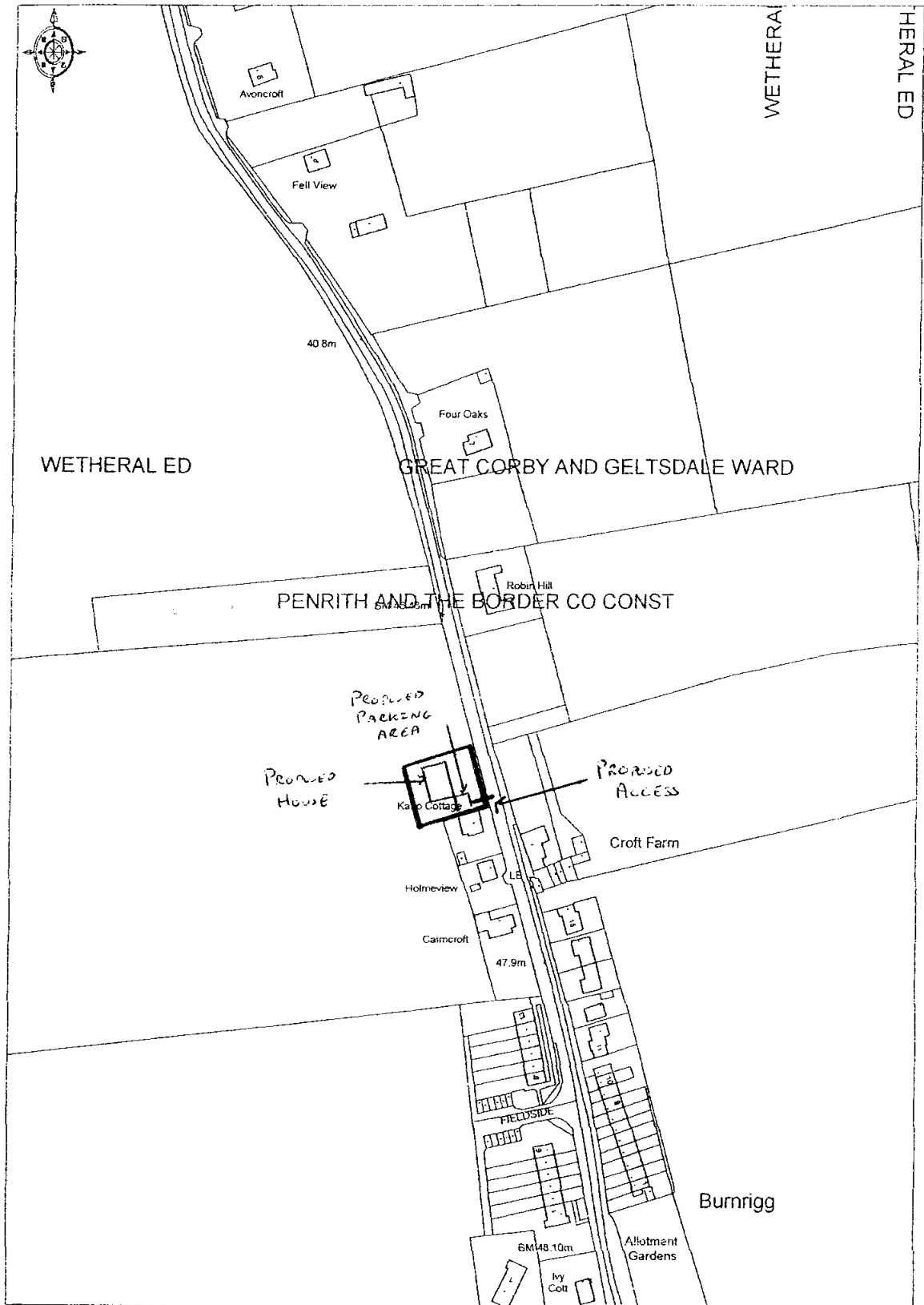


Ordnance Survey

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# LAND AT BURNRIGG



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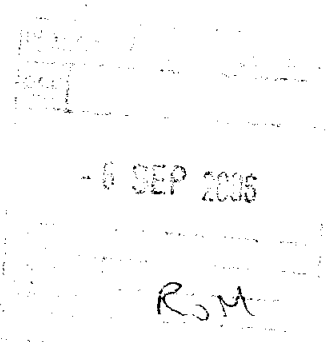
e-mail: [julie.liddle@borderway.com](mailto:julie.liddle@borderway.com)

Mr R J Maunsell  
Planning Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Our Ref: JL/FMC/HM132

Your Ref:

Date: 5 Sept 06



Dear Sirs

**Proposed Residential Development at Burnrigg, Warwick Bridge**

Please find enclosed a planning application on behalf of the Mr & Mrs Richard Hodgson for a dwelling to be erected on land owned by Mr J Gorst at Low Wood Farm, Warwick Bridge, Carlisle. This letter and the enclosed application are to be taken into account and given positive weight in the consideration of this application.

From the outset we would confirm that our clients are content to accept a local occupancy condition on a grant of planning permission.

**Application Site**

The application site is land owned by Anne Hodgson's parents at Low Wood Farm and lies to the east of the main steading, in the village of Burnrigg. The location is suitable because this would be the most cost effective method of a young couple being able to purchase a property whilst remaining in the area. Property in the area is prohibitively expensive.

The site chosen has a close physical and functional relationship to other properties within the Burnrigg area. It is not outlying from the village boundary nor is it likely to cause demonstrable harm to the area in general. The proposal would be commensurate in size to the applicant's financial position which means the development would integrate sensitively into the character and appearance of the area.

Most development in the area lies at either side of the main road, through the village, in single plots. This proposal would be in keeping with this design.

Cont/



PPG3 Housing, Development Plan & Wider Material Considerations

Para's 69 - 71 of PPG3, amongst other things states that *'there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sure sufficient land available either within or adjoining existing villages to enable these local requirements to be met.'*

Para 18 of the update to PPG3 'Planning for Sustainable Communities in Rural Areas' is also relevant to this application.

The current local plan is the redeposit draft dated August 2005. Burnrigg is not specifically named in the redeposit draft Local Plan, Policy H1 Location of New Housing Development, and therefore the applicants ask that this proposal is given consideration having regard to the issue of local need.

The proposal conforms to the Policy H1 criteria. This policy states amongst other things that the site should be well related to the landscape of the area, would be well related in scale, form and character of the existing settlement, is well related to existing property in the village, does not adversely affect the amenity of neighbouring property, and can achieve appropriate access and car parking.

The proposal is within the settlement frontage and does not conflict with policy H1 criteria. The policy states that section 106 agreements may be used to ensure local occupancy to provide for an identified need. The applicants are identified as a local young couple who wish to remain in the locality. Policy H1 states that housing identified through the needs survey will be focussed on named settlements *'unless other specific locations can be justified.'*

Planning Assessment

The dwelling proposed is to be occupied by Mr Richard Hodgson and his wife Anne Hodgson. The applicants married 18 months ago and are having great difficulty in finding local housing at an affordable price.

Richard Hodgson could not remain on his family farm as his parents and his brother's family farm at the holding and the farm cannot support three families in the present agricultural climate.

Cont/

- 3 -

Mr R J Maunsell

05 September 2006

Since leaving his parents farm Richard has built and managed his photography business. Anne Hodgson is a hairdresser and has over the past three and a half years built up a hairdressing business at her parents' farm at Low Wood, Warwick Bridge. She too is a sole trader and has an established clientele from the surrounding area. Re-locating elsewhere would severely damage her business.

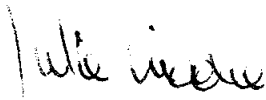
Detailed design would be controllable by the LPA at the Reserved Matter stage.

We would invite the Council to grant planning permission for the proposed development. If however there are any detailed matters arising we would ask the Local Planning Authority for a list of specific points on which further advice is sought.

We would be grateful if we could be kept appraised of progress, advised if the application will be referred to Committee, provided with a copy of the officer's report at the earliest opportunity and provisionally registered to speak.

If you require any further information please do not hesitate to contact me.

Yours sincerely

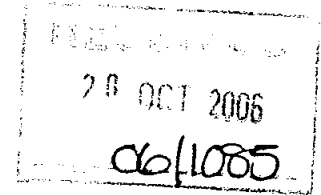


Ms. J Liddle

Encl x 5 to cheque

## DESIGN & ACCESS STATEMENT

MR & MRS R. HODGSON  
5 CORBY GATES  
GREAT CORDBY  
CA4 8LJ



### 1.0 USE

The use of the proposed development will be for a home for a young recently married local couple.

### 2.0 AMOUNT

One dwelling only

### 3.0 LAYOUT

As this is an outline application the layout of the dwelling is, at this time, uncertain. The following points are indicative only:

- The dwelling will be in keeping with properties in the area.
- At this time the intention would be to build a house rather than a bungalow.
- The dwelling must be of sufficient size for young family.
- It is intended that the access to the house will include access for the disabled.

### 4.0 SCALE

The intention is for the dwelling to be located in enclosure OS 7487. There is a strip of woodland to the North of the site which will shield the development from traffic entering the village and so no change of view will be observed. Burnrigg is a linear village and therefore the view from neighbouring houses will not be affected.



The dwelling will be built in materials which are in-keeping with the surrounding area and in scale with its rural surroundings.

#### **5.0 LANDSCAPING**

The landscaping of the development will be grassed areas surrounding the dwelling with an existing sandstone wall to the roadside which is the same boundary that is currently in place.

#### **6.0 APPEARANCE**

It is intended the dwelling is in keeping with its rural surroundings and other properties in the vicinity. Obviously over time the property will 'settle in' to the surrounding aided by the growth of vegetation.

#### **7.0 ACCESS**

The Highways Agency have not been asked to comment on the proposed access but being on a straight road it is proposed that visibility will not be a problem. There is currently an agricultural access at this point.

## SCHEDULE A: Applications with Recommendation

06/1275

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**Item No: 07**

Date of Committee: 26/01/2007

**Appn Ref No:**  
06/1275

**Applicant:**  
Cumbrian Homes Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
09/11/2006

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
The Walled Garden, Holme Eden, Warwick Bridge,  
Carlisle

**Grid Reference:**  
347300 556900

**Proposal:** Retrospective Application For Window And Door Rearrangement To House Types 1, 3, 4, 6, 7, 9, 10, 12 And 15, Together With The Installation Of 3no. Collapsible Plates And Associated Speed Humps In Order To Ensure Compliance With The One Way System.

**Amendment:**

1. Inclusion of three sets of collapsible plates and associated speed humps.

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## REPORT

### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of five letters of objection in response to the original plans submitted.

### Planning Policies:

#### **Health & Safety Executive Consultation**

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

#### **Affecting the Setting of a Listed Building**

#### **Carlisle District Plan Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the

## **SCHEDULE A: Applications with Recommendation**

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provision of public open space;the relationship to adjacent development.

### **Carlisle District Plan Environment - Policy E35**

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE13 - Proposals Affecting Listed Buildings**

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed

## SCHEDULE A: Applications with Recommendation

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building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** the Highway Authority previously opposed this development in 2003 by resolution from the Development Control and Regulation Committee, one reason being the inadequacy of the internal road layout. The developer chose not to build a road network that met the requirements of the Cumbria Design Guide on the basis that it remains private. Hence, the Highway Authority has no highways interest in this application;

**Wetheral Parish Council:** no comment;

**Highways Agency - (A69 Road Link Consultants):** in response to the 2003 application the Highways Agency advised the City Council that planning permission may be granted subject to a number of conditions, which were outlined on the TR110 form.

Although the Highways Agency does not object to the retrospective application for the windows and doors rearrangement, they are of the opinion that the changes to the one way system are not in line with the conditions outlined in their previous response. Without the originally conditioned measures being implemented, including the installation of collapsible plates, the Highways Agency is concerned that the one way system applied for by the applicant would have a detrimental impact upon highway safety.

The original road layout conditioned by the TR110 form was established in the interests of maintaining the safety of traffic on the road and to ensure that the A69 Trunk Road might continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act.

Therefore, in the interests of highway safety the conditions of the original application, and in particular the layout of the highway, should be imposed.

### Summary of Representations:

#### **Representations Received**

Initial:	Consulted:	Reply Type:
[REDACTED], 1 Holme Eden Farm Cottages	14/11/06	
[REDACTED] 2 The Steadings	14/11/06	
[REDACTED] 2 Holme Eden Farm Cottage	14/11/06	
[REDACTED] Beck Grange	14/11/06	

## SCHEDULE A: Applications with Recommendation

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	Cairn House	14/11/06	
	1 Holme Eden Hall	28/11/06	
	2 Holme Eden Hall	28/11/06	
	3 Holme Eden Hall	28/11/06	
	4 Holme Eden Hall	28/11/06	Objection
	5 Holme Eden Hall	28/11/06	
	6 Holme Eden Hall	28/11/06	
	7 Holme Eden Hall	28/11/06	
	8 Holme Eden Hall	28/11/06	
	9 Holme Eden Hall	28/11/06	
	10 Holme Eden Hall	28/11/06	
	11 Holme Eden Hall	28/11/06	
	12 Holme Eden Hall	28/11/06	
	2 Holme Eden Farm	14/11/06	
Cottages			
	3 Holme Eden Farm	14/11/06	
Cottages			
	4 Holme Eden Farm	14/11/06	Undelivered
Cottages			
	Esk House	14/11/06	
	Brookside	14/11/06	
	The Corn Mill	14/11/06	
	1 Little Corby Road	14/11/06	
	Two Hoots	14/11/06	
	Eden Holme	14/11/06	
	Beechwood	14/11/06	
	Holme Eden Lodge	14/11/06	
	Governing Body of	14/11/06	
Warwick Bridge School			
	1 The Steadings	14/11/06	Comment Only
	3 Holme Eden Courtyard		Objection
	24 Summerfields		Objection
	2 Holme Eden Steading		Objection
	Council Offices		Objection

This application has been advertised by means of site and press notices as well as notification letters sent to thirty four neighbouring properties. In response five letters of objection have been received. The grounds of objection are summarised as being;

1. The absence of any means of enforcing the one way system, which was agreed under applications 01/0869 and 03/1130, would be detrimental to highway safety; and
2. The recessing of the 'no entry' signs from their previous position at the junction of the private road with the A69, adjacent to the Lodge, just after Warwick bridge, will of the increase danger and confusion at an already hazardous junction.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In May 2002 planning permission and listed building consent were granted under applications 01/0787 and 01/0788 respectively, for the conversion of Holme Eden Abbey to form twelve apartments.

## **SCHEDULE A: Applications with Recommendation**

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At the same time planning permission and listed building consent were granted, under applications 01/0869 and 01/0870 respectively, for the erection of 15 dwellings within and adjacent to the walled garden.

The permissions relating to the Abbey and the walled garden were linked by means of a Section 106 agreement, whereby work on the refurbishment of the Abbey had to take place before the development of the walled garden progressed.

In February 2004 a revised planning permission and listed building consent was granted, under applications 03/1130 and 03/1131 respectively, for the erection of 16 dwellings within and adjacent to the walled garden.

In September 2005 advertisement consent was refused, under application 05/0788, for the erection of a sales information board.

In March 2006 listed building consent was granted, under application 06/0142, for raising of the segmental arch.

### **Details of Proposal:**

This application relates to the walled garden associated with Holme Eden Abbey, Warwick Bridge. The walled garden is located on the north side of the A69, to the east of Holme Eden Abbey. It is opposite Warwick Bridge School, and adjacent to a courtyard of sandstone cottages, known as Holme Eden Cottages. The wall itself, which is Grade II Listed, is some 3 metres high, constructed from hand made bricks, and encloses what in former times would have been the kitchen garden for the Abbey but more recently, been used as allotments. The area within the walled garden and its perimeter has since been developed following the grant of permission for the erection of 16 dwellings.

This current proposal seeks to regularise the current situation, as the dwellings erected on plots 1, 3, 4, 6, 7, 9, 10, 12 and 15 have not been implemented in accordance with the approved drawings. The difference between the approved dwellings and those erected relates to the fenestration detail to the ground floor rear elevation of those properties.

When this current application was originally submitted it also sought permission to retain the existing one way system without complying with the requirements of condition 3 of application 03/1130, which required the submission and implementation of a scheme to ensure that the one way system approved as part of the earlier application could not be abused. Following the comments of the Highways Agency the current application has been amended to include the installation of three sets of collapsible plates, together with associated speed humps, at key intervals to ensure compliance with the aforementioned one way system, and hence secure compliance with the original traffic management objectives

The relevant planning policies against which the application is required to be assessed are Policies H16 and E35 of the Carlisle District Local Plan and Policies

## **SCHEDULE A: Applications with Recommendation**

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CP4 and LE13 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

Members will note that five letters of objection have been received in response to the application as originally submitted. The objections raised have been summarised earlier in this report.

The proposals raise the following planning issues:

### **1. Whether the Alterations to the Fenestration Detail is Acceptable**

Under the approved scheme the ground floor rear elevation of the dwellings on the aforementioned plots comprised a centrally located six pane single window, framed by a set of French doors on either side, which would have served a kitchen and living room. The current application proposes to substitute the French door serving the kitchen with a door and a window.

The rear elevation of these properties is screened from any public vantagepoint by the walled garden. Irrespective of this, the alteration to the fenestration detail detracts from neither the appearance of the dwellings or the setting of the Grade II listed walled garden in which they are situated. As such the alterations are compliant with Policies H16 and E34 of the adopted Local Plan.

### **2. Whether the Alterations to the One Way System are Acceptable**

When planning permission was sought in 2001 and 2003 the principal concerns related to the access and egress arrangements from both the walled garden and the Abbey. After lengthy consideration by the Development Control Committee a one way system was agreed whereby vehicles would enter the site via the eastern entrance and exit the site adjacent the Lodge, 60 metres to the east of Warwick Bridge. Any person entering the site would have to comply with the one way system, with the exception of the residents of Holme Eden Cottages who had an existing right to exit the site via the eastern entrance.

In respect of the 2001 and 2003 applications the Highways Agency provided an indicative scheme illustrating how the proposed one way system would work, which involved the installation of a series of 'no entry'/directional signs and four sets of collapsible plates to ensure that there was no means of abusing the one way system.

Following the occupation of the dwellings the City Council received complaints that the one way system was not being adhered to. Upon closer investigation it was evident that whilst the 'no entry'/directional signs had been erected the collapsible plates had not been installed.

The applicants had opted not to install collapsible plates for two reasons. Firstly, they had concerns that they may inhibit access by emergency vehicles. Secondly, they were concerned that if the exit road were to become obstructed by either a fallen tree or localised flooding the collapsible plates would prevent the occupants of either the Abbey or the walled garden exiting the site.

## **SCHEDULE A: Applications with Recommendation**

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Whilst the concerns of the applicants are noted, the Highways Agency has taken the view that the safe use of the A69 is paramount and that the collapsible plates are required to ensure this. In light of the strength of objection expressed by the Highways Agency the applicants have agreed to install three collapsible plates, the locations of which are identified by the amended plans received 11th January. Although no formal response has been received from the Highways Agency at the time of writing this report they have indicated, verbally, that these details are acceptable to them.

If Members are minded to approve this application it is recommended that an appropriate condition is imposed requiring details of the precise location and design of the plates and associated speed humps to be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency. In order to overcome the applicants concern that the plates may inhibit access in the event of an emergency the prospective design details of the plates could include an override system should such a need occur. In the interests of highway and pedestrian safety it is reasonable to request that these details be provided within 3 months and that they are subsequently installed within a further 2 months of being agreed by the Local Authority.

### **3. Other Matters**

A local resident has expressed concern that the 'no entry' signs have been relocated from the previous position at the entrance to the Lodge, at the junction of the private access road with the A69, and resited a further 40 metres into the site. The resident's concern is that this may cause further confusion as any person not familiar with the site may mistakenly try to gain access to either the Abbey or the walled garden via the Lodge only to realise that access is restricted by the one way system.

In response to this Members, are advised that the 'no entry' signs were relocated by the applicant when they realised that they had not been sited in the location originally requested by the Highways Agency. The applicant has replaced the 'no entry' signs at the Lodge with advanced warning signs of one way system to prevent unnecessary confusion. It would not be appropriate to site the 'no entry' signs at the junction of the private access road with the A69 as the occupier of the Lodge and any persons with fishing rights over this stretch of the River Eden still have a right of access to use this junction against the flow of the one way system.

In conclusion, the proposed alterations to the dwellings are acceptable. Similarly, the proposed measures to ensure that the use of the one way system is adhered to are acceptable subject to the imposition of the aforementioned condition to ensure that the collapsible plates are installed.

In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies. For the reasons detailed in this report it is recommended that the application be approved.



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### Human Rights Act 1998

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

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

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

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

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

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

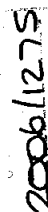
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### Recommendation: Grant Permission

1. Within 3 months from the date of this permission, details of the siting and design of the collapsible plates and speed humps to be installed shall be submitted to and approved, in writing, by the Local Planning Authority. The collapsible plates and speed humps shall be installed in accordance with the approved details within 2 months of those details having been approved by the Local Planning Authority.

**Reason:** In the interests of highway safety and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

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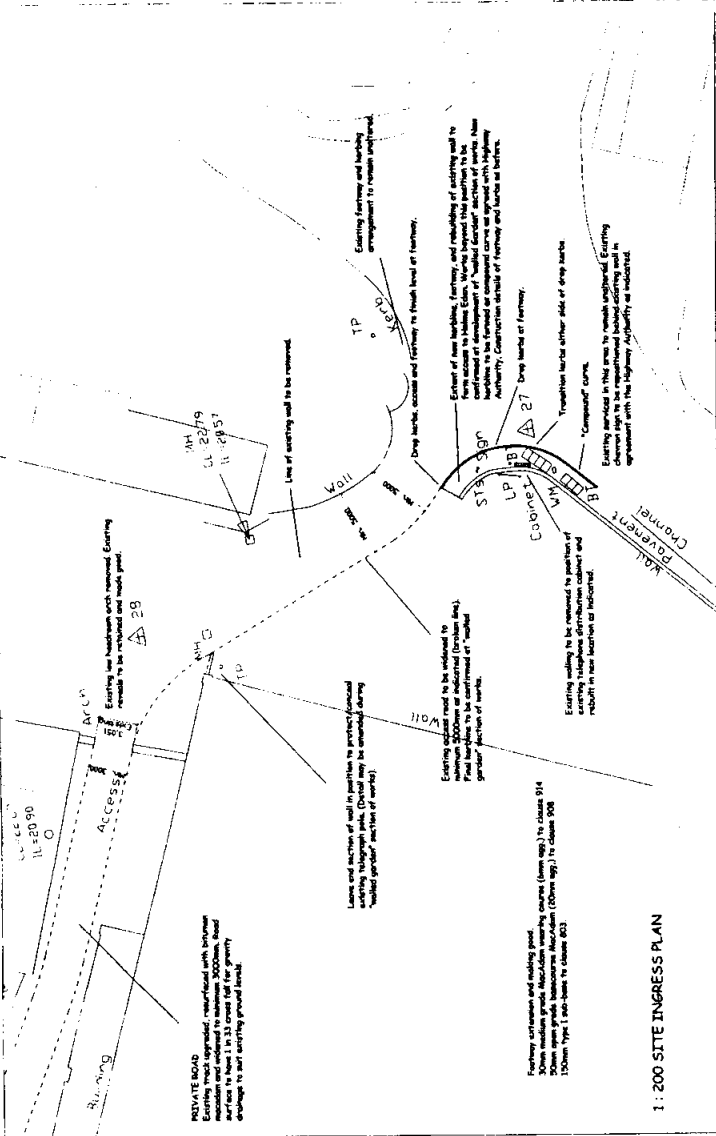


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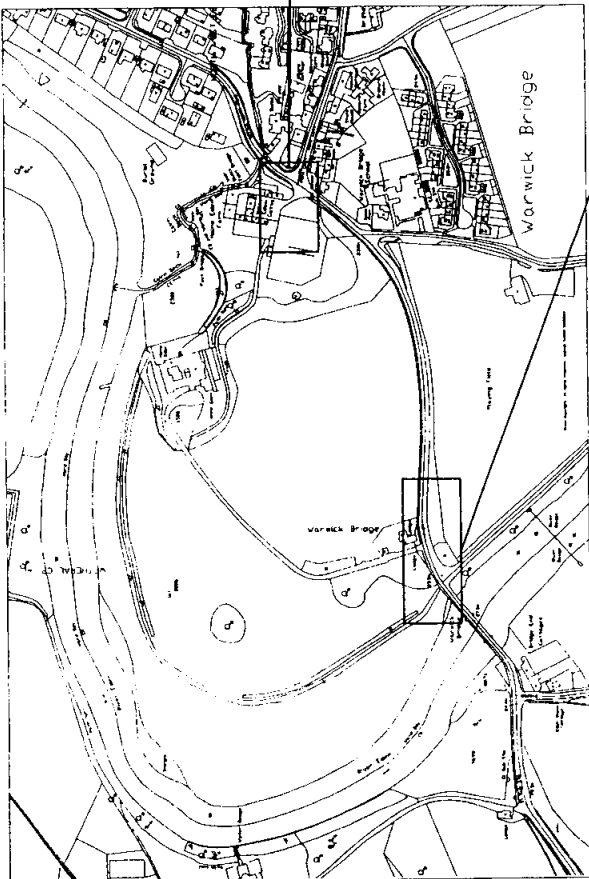
REAR ELEVATION

FRONT ELEVATION





1:200 SITE INGRESS PLAN



1:2500 SITE LOCATION PLAN

Authorisation: 28/07/03  
Drawing No: 1722/0056  
Road construction related



limited  
15 Brunel Street  
Carlisle CA1 3PB  
Tel: 01228 521887  
Fax: 01228 818582  
mail@htgl.demon.co.uk



Client: CUMBRAN  
INDUSTRIALS LTD

Project: LUGAR EDEEN, WARWICK  
BRIDGE, CARLISLE

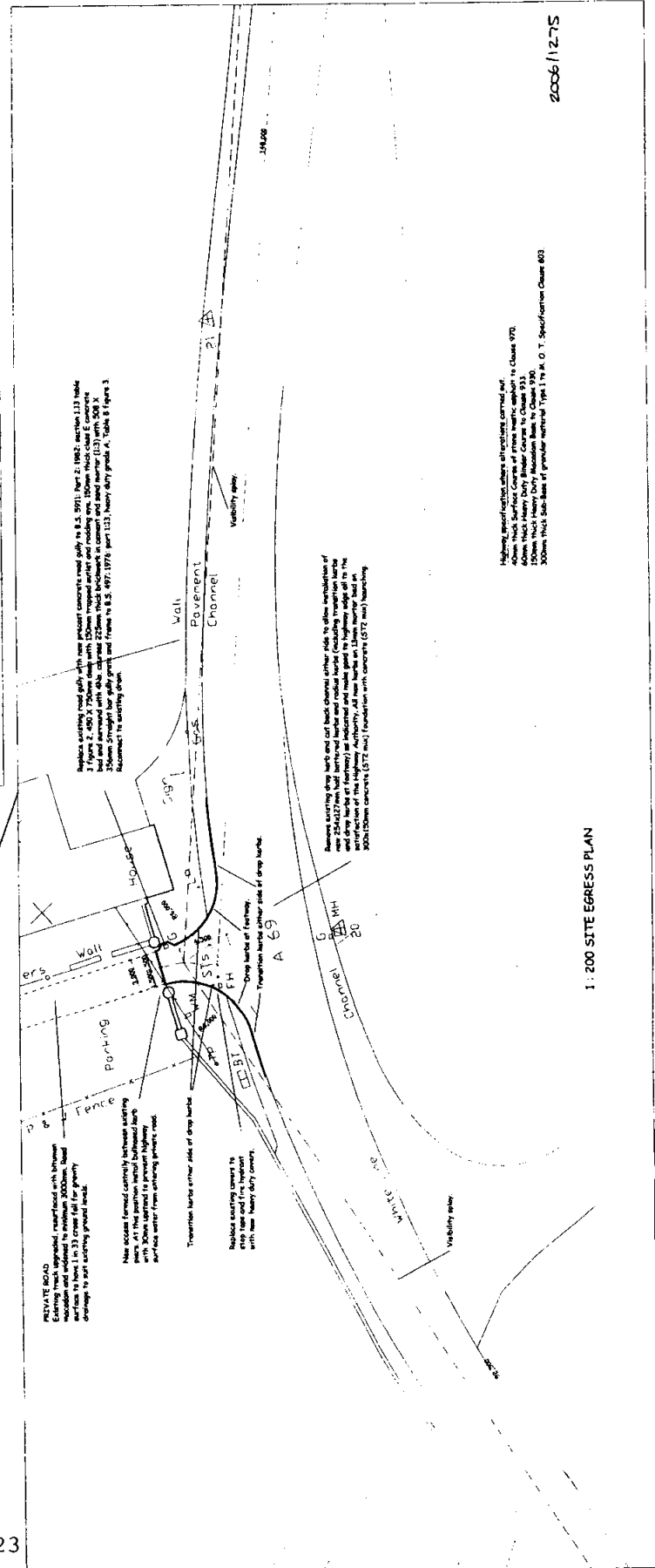
Type: ROAD FUNCTIONS

Drawn: B. Day

Date: 06/03

Scale: 1:200 & 1:2500

Drawing No: 1722 / 0056b



1:200 SITE EGRESS PLAN

2006/11/27/5

Highway specifications where appropriate carried out.  
Down Thick Surface Course of prime quality asphalt to Class 973.  
Down Thick Heavy Duty Binder Course to Class 933.  
Down Thick Heavy Duty Surface Course to Class 903.  
Down Thick Heavy Duty Surface Course to Class 873.  
Down Thick Heavy Duty Surface Course to Class 843.

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## SCHEDULE A: Applications with Recommendation

06/1386

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**Item No: 08**

**Date of Committee: 26/01/2007**

**Appn Ref No:**  
06/1386

**Applicant:**  
Mr Nigel Thompson

**Parish:**  
Hayton

**Date of Receipt:**  
06/12/2006

**Agent:**  
Mr Neil Gibson

**Ward:**  
Hayton

**Location:**  
Yew Tree Farm, Fenton, Carlisle, CA8 9JZ

**Grid Reference:**  
350111 556077

**Proposal:** Ground floor extension providing larger kitchen including dining/living room area

**Amendment:**

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## REPORT

### Reason for Determination by Committee:

This application has been reported to Members because the agent is an employee of Carlisle City Council who is acting on behalf of his sister and brother-in-law.

### Planning Policies:

#### **Airport Safeguarding Area**

#### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

#### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to

- height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
  3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
  4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
  5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
  6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
  7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
  8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
  9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
  10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises**



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Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

### Summary of Consultation Responses:

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

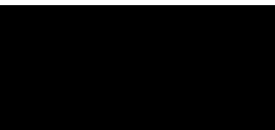
**Community Services - Drainage Engineer:** Comments awaited.

**Hayton Parish Council:** The Council does not wish to make any representation on the proposal detailed above.

**Carlisle Airport:** Carlisle Airport has no objection to this proposal.

### Summary of Representations:

#### **Representations Received**

Initial:		Consulted:	Reply Type:
	Pear Tree House	08/12/06	
	The Orchard	08/12/06	
	The Hayloft	08/12/06	
	The Byre	08/12/06	

This application has been advertised by means of a site notice and notification letters sent to four neighbouring properties. No verbal or written representations have been made during the consultation period.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In 2004, under application 04/0316, full planning permission was granted for a barn conversion to hat hire and special occasion dresswear outlet plus two independent studios together with alterations to access.

In 2005, under application 05/0411, full planning permission was granted for the removal of condition 5 attached to planning approval 04/0316 to allow retention of access.

### **Details of Proposal:**

Yew Tree farmhouse is located on the southern side of the road forming the western approach to the hamlet of Fenton. The property comprises a two storey traditional farmhouse attached to which there are two former barns, and, a detached range of single storey barns. The aforementioned barns are also of a traditional form and construction with natural stone walls and slate roofs. The two storey barns have been converted into a unit ("The Loft") retailing women's clothes operated by the applicant's wife. The applicant also has an office within part of the unit.

The current application involves the erection of an "L" shaped single storey extension to enlarge the kitchen and dining room on the "rear"/south elevation. Externally, the proposed extension is shown to have stone walls and a slate roof - see attached copies of plans.

In consideration of this application it is felt that the two main issues are:

- a) The impact of the proposal on the living conditions of neighbouring residents; and,
- b) Whether the proposal is appropriate to the dwelling.

When assessing these issues it is felt that the following points need to be kept in mind:

#### **a) The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

Policy H14 of the adopted Local Plan, and, Policies CP4, CP5 and H11 of the Local Plan Redeposit Draft (2001-2016) seek to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking.

When assessing the application on this basis it is evident that the proposed extension has a width that varies from 5.05 metres to 10.1 metres, a length that varies from 4.3 metres to 6.35 metres and a total ridge height of 4.35 metres. There will be four windows, two velux windows and French doors located on the southern elevation, and, two windows and French doors located on the western elevation of the proposed development.

The proposed extension is shown to be located 5 metres from the boundary and 8.5 metres from the end wall of the neighbouring house to the east ("Pear Tree House"). No windows are, however, proposed on the east elevation of the extension.

There are no properties located to the south or west of the application site.

On this basis it is considered that the proposal will not adversely affect the living conditions of the occupiers of the neighbouring properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

## **SCHEDULE A: Applications with Recommendation**

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### **b) Whether The Proposal Is Appropriate To The Dwelling**

Policy H14 of the Local Plan require that extensions are of good design, aim to enhance the quality of the existing environment and are of an acceptable scale.

In such a context it is felt that the proposal is modest in size, complements the design of the existing dwelling, and will use materials to match the existing property.

### **c) Other Matters**

Members need to be aware that although Mr Gibson is an employee of Carlisle City Council, he has not been involved in the processing of the application outside of his role as an agent.

In conclusion, it is considered that the proposed extension complies with the criteria of Policy H14 of the adopted Local Plan, and, Policies CP5 and H11 of the Local Plan Redeposit Draft 2001-2016.

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### **Human Rights Act 1998**

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

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

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

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

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

This application has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not considered sufficient to merit the refusal of permission.

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### **Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years

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beginning with the date of the grant of this permission.

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

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory external appearance for the completed development.

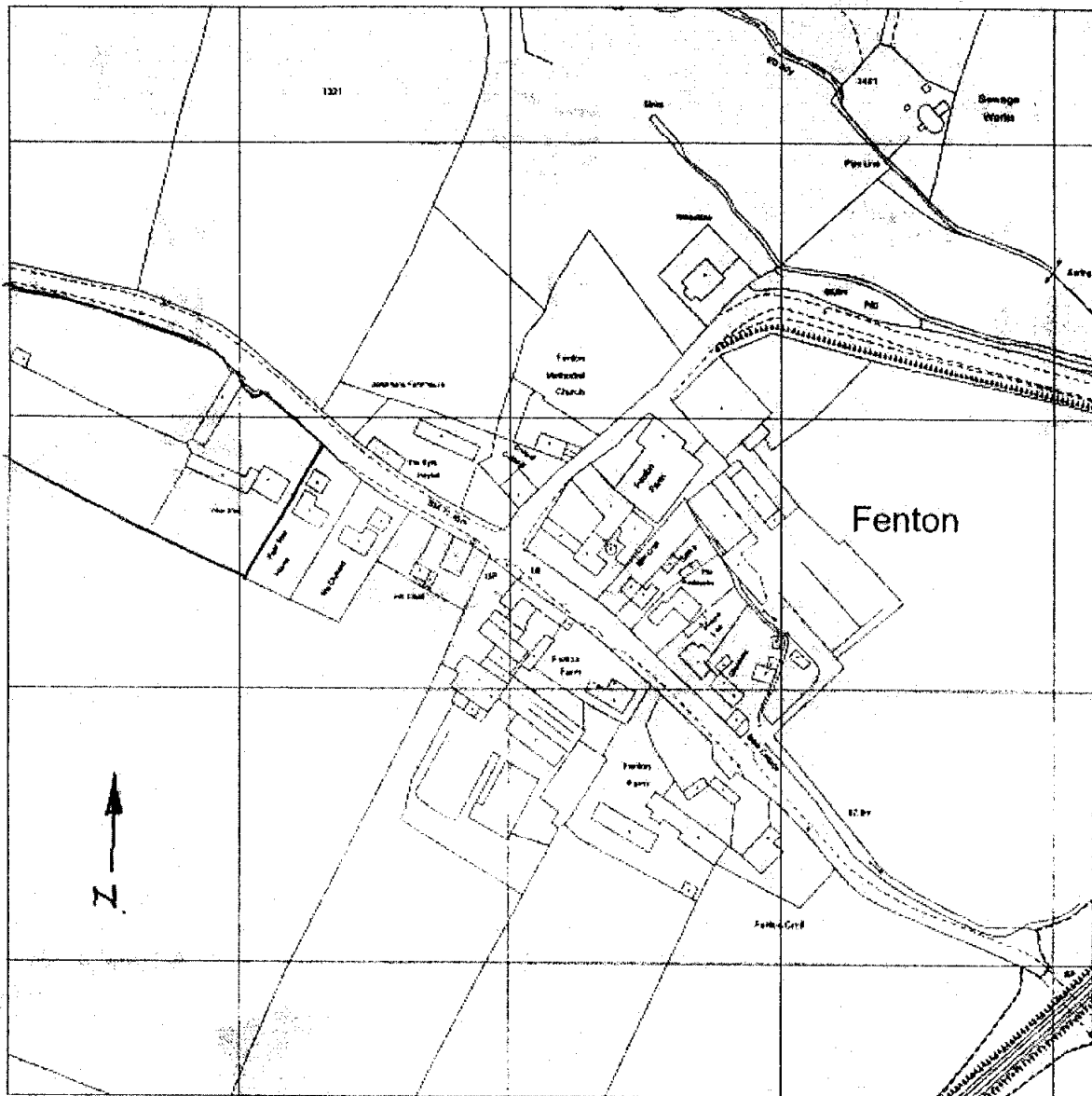
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the east elevation of the extension without the prior consent of the local planning authority.

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

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# Siteplan®

1:2500 Scale

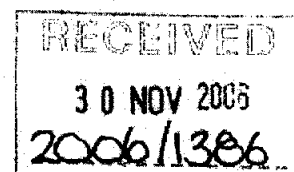
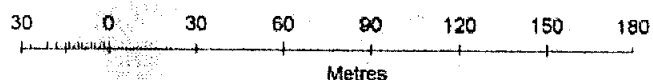


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The alignment of tunnels is approximate.

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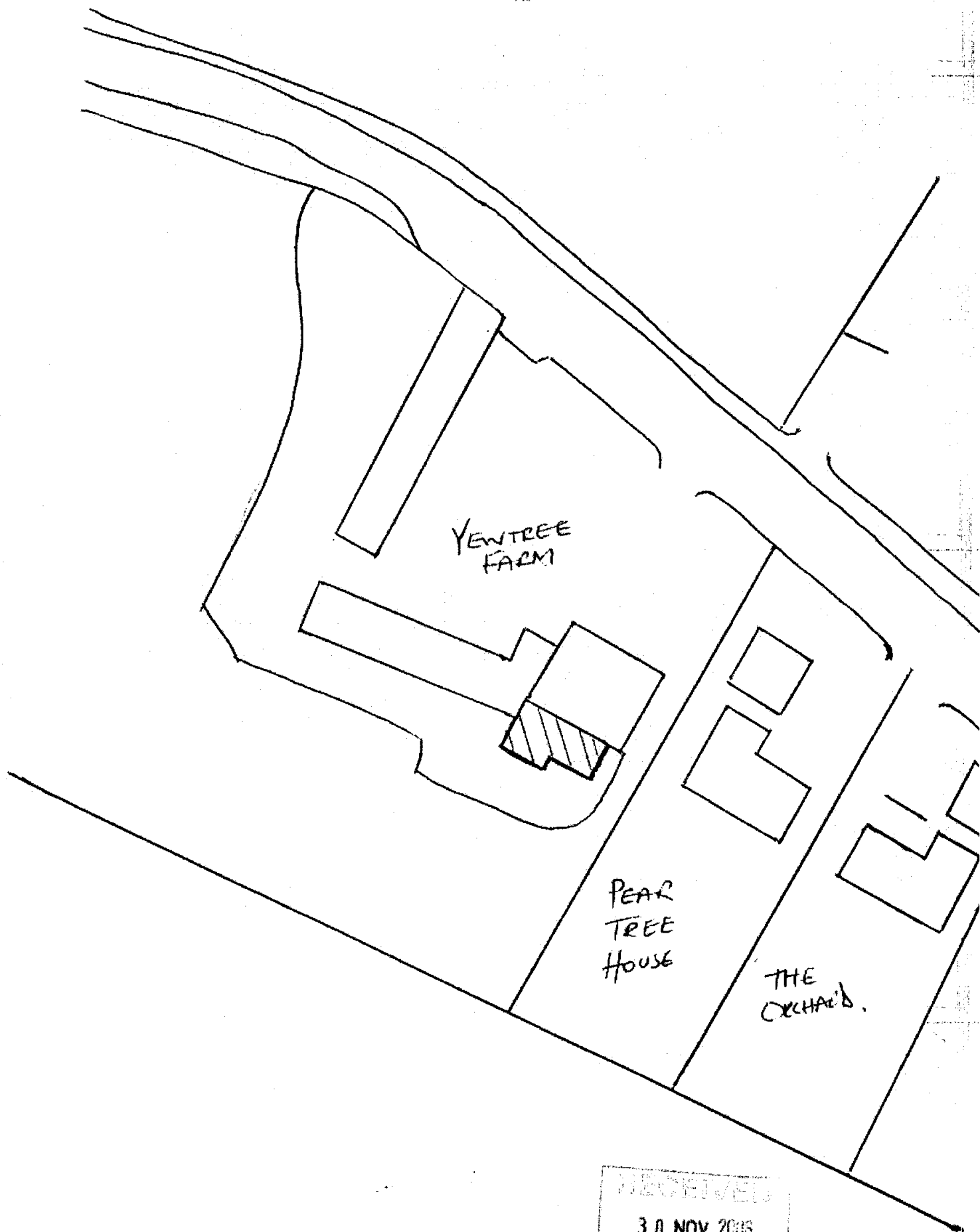
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Centre coordinates : 350215mE 556050mN

National Grid sheet reference at centre of this Siteplan: NY5056SW.

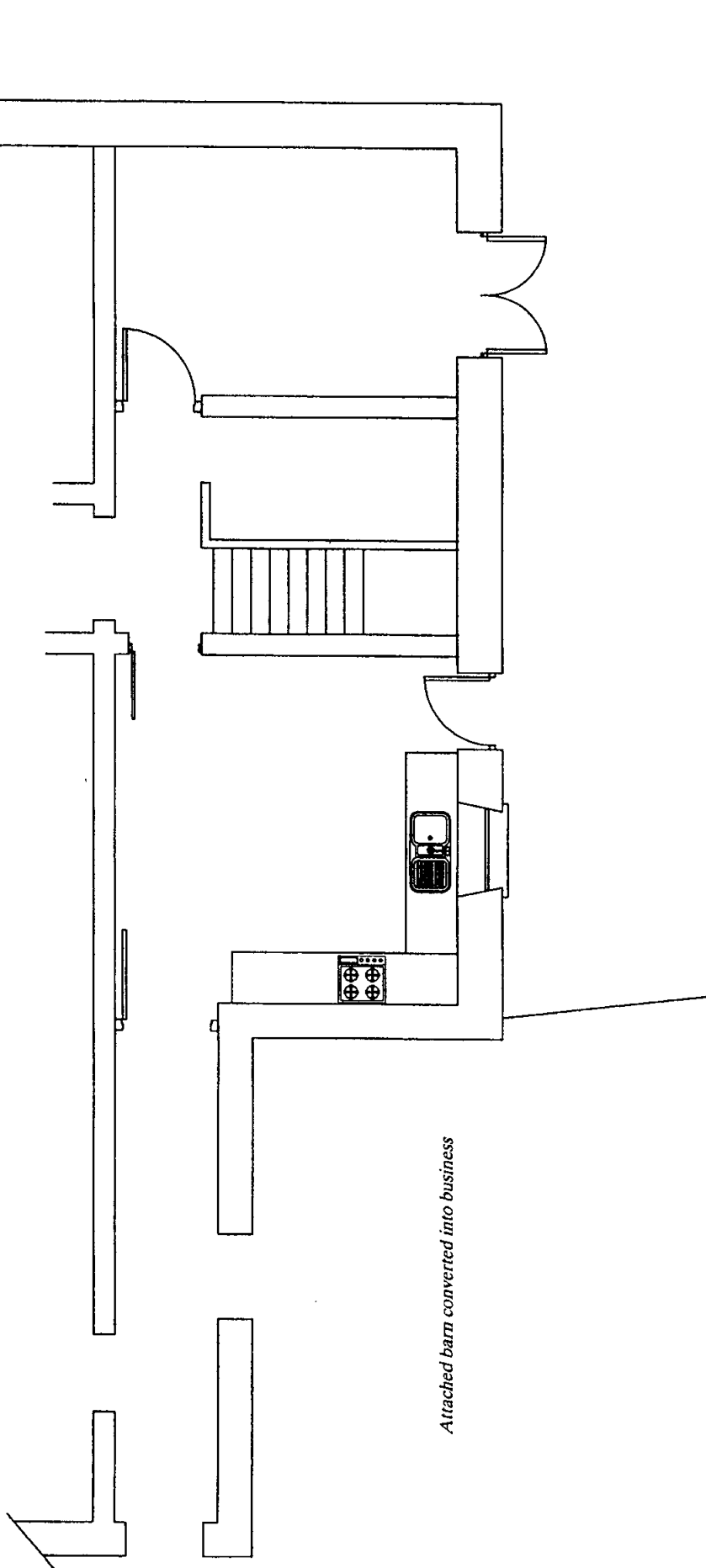
Supplied by : Westmorland Gazette  
Serial Number : 608



YEW TREE FARM FENTON

Block Plan @ 1:500

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30 NOV 2006  
2006/1306

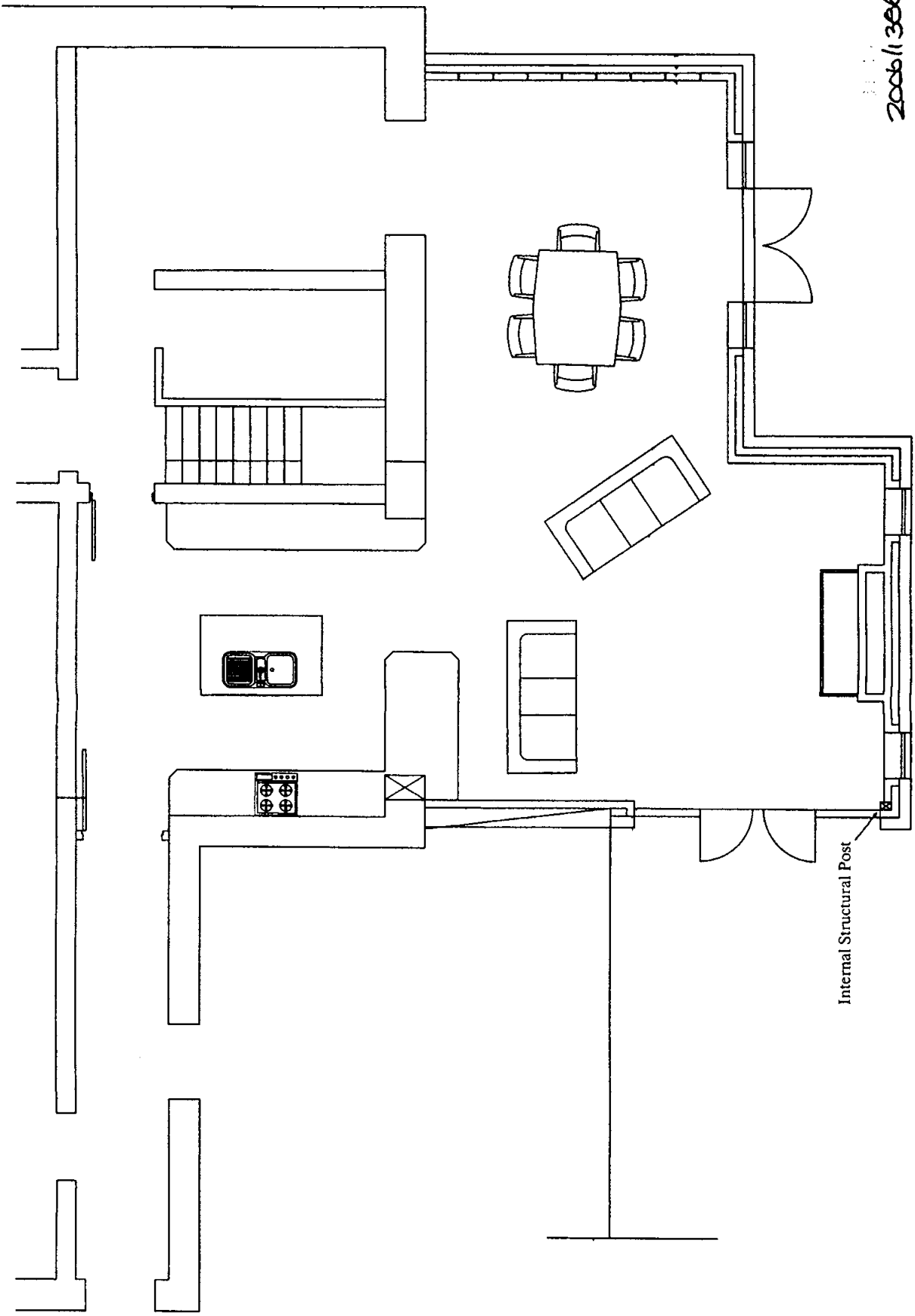


Attached barn converted into business

06/1386

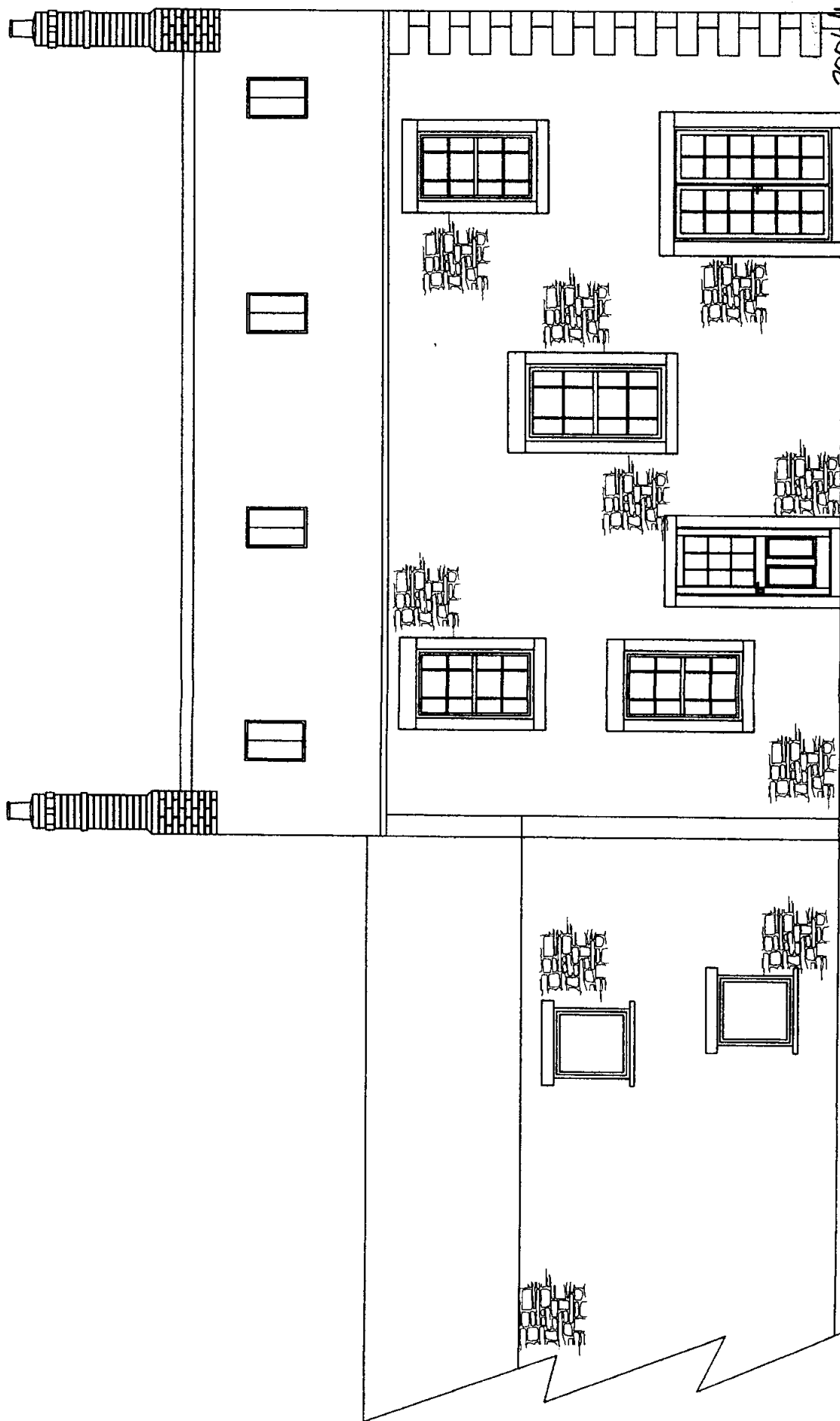
Drawn By	Scale	1:50	Planning Drawings	Elevations	Existing Ground Floor Plan	Description
Date	October 06	Rev				Proposed Kitchen / Diningroom Extension for Mr & Mrs N Thompson Yewtree Farm Fenton Carlisle Cumbria
Drawing No	nb/kit/01					

2006/1306

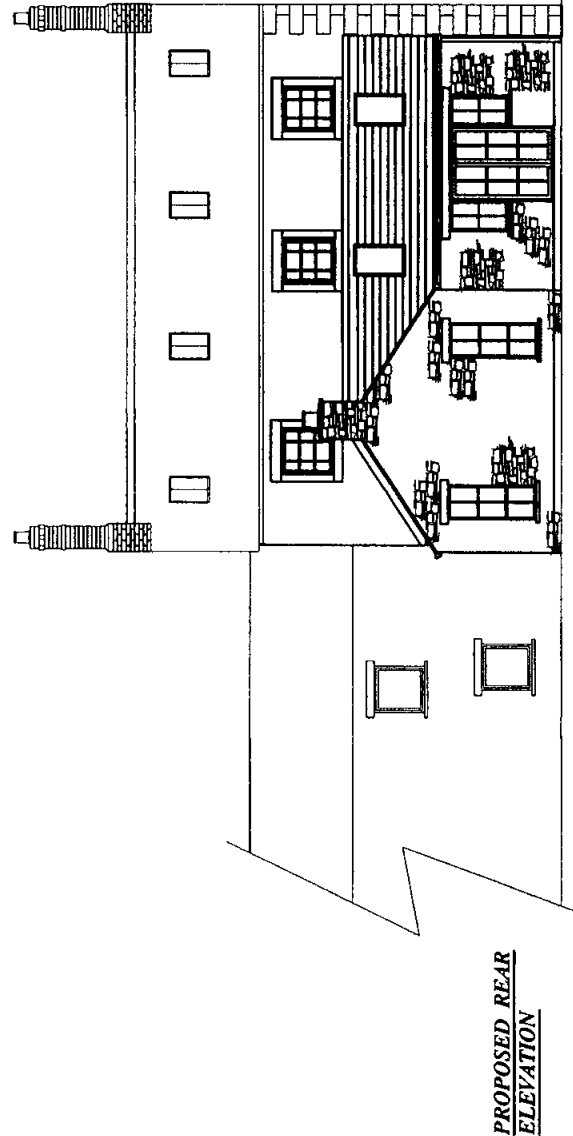
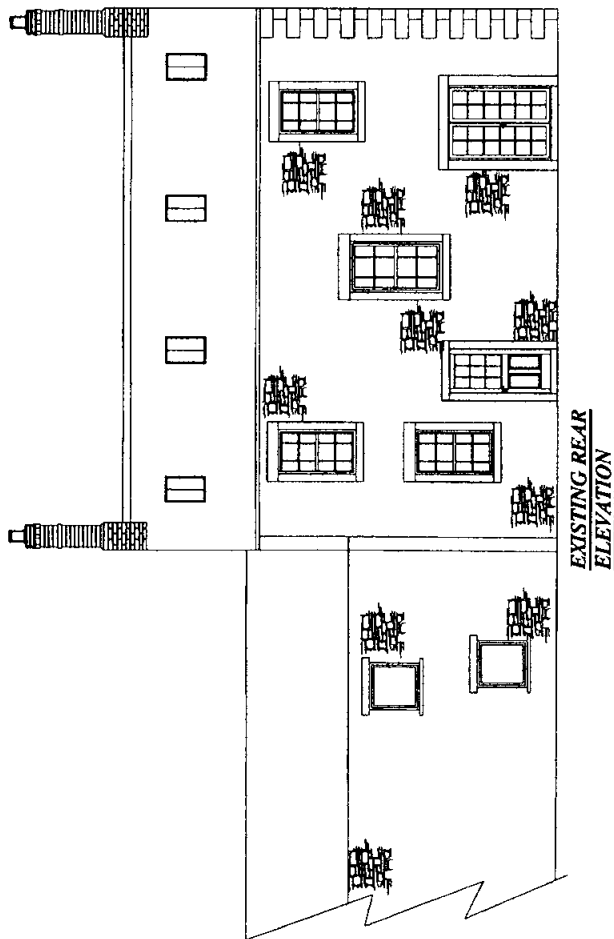


Drawn By	Scale	1:50 / 1:100	Planning Drawings	Elevations	Proposed Floor Plan	Description
Date	Rev					Proposed Kitchen / Diningroom Extension for Mr & Mrs N Thompson Yewtree Farm Fenton
Drawing No						Carlisle Cumbria





Drawn By	Scale	1:50	Planning Drawings	Elevations	South Elevation	Description
Date	October 06	Rev			Existing rear Elevation	Proposed Kitchen / Diningroom Extension for Mr & Mrs N Thompson Yewtree Farm Fenton Carlisle Cumbria
Drawing No	nb/kit/01					

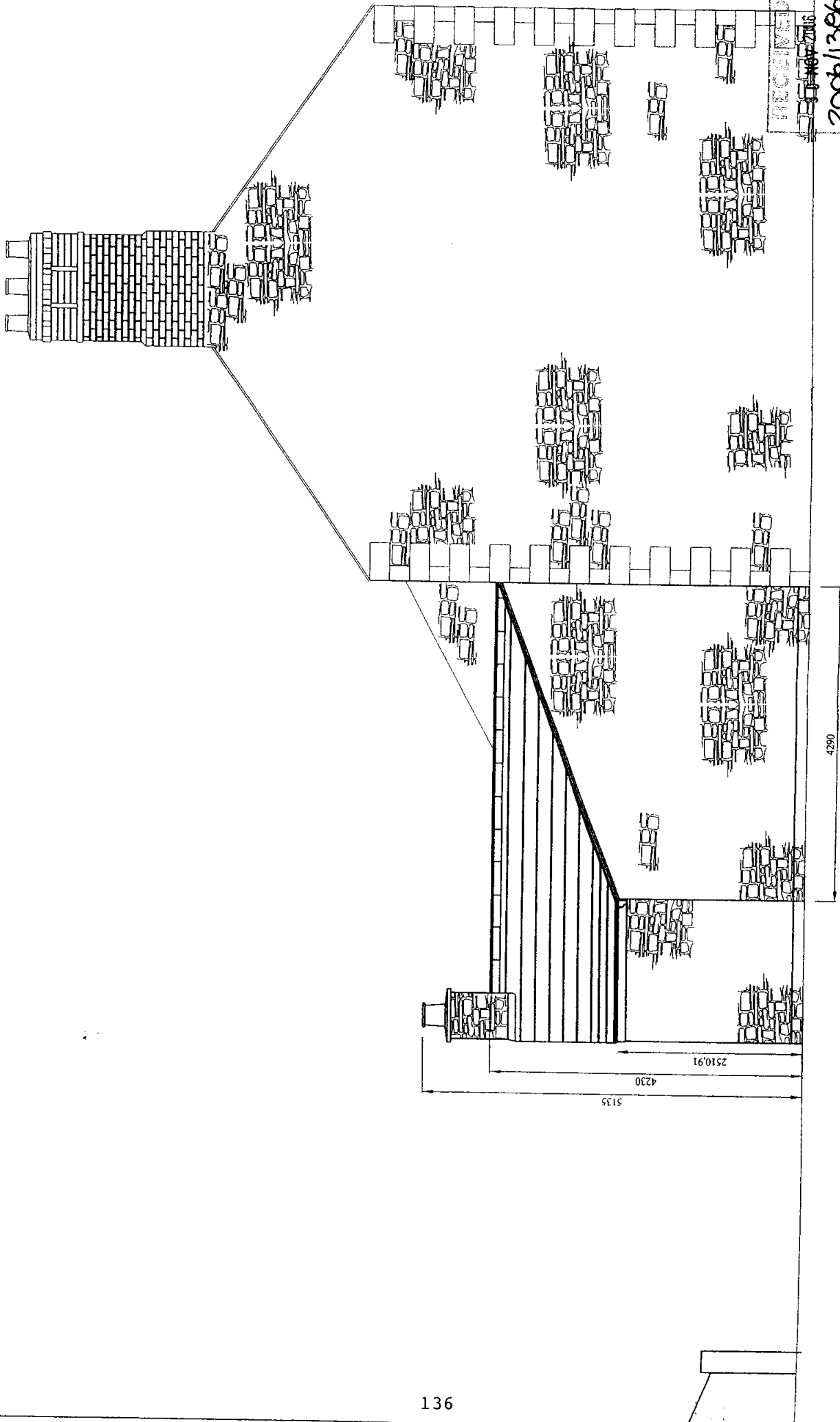


# **Material**

Roof - Welsh Slate to match existing.  
 Walls - Selected sandstone.  
 Windows - White pvcu double glazed to match existing.  
 Doors - White pvcu double glazed to match existing.  
 Sandstone cills and heads.  
 Roof lights by Velux.

2006/1306

Drawn By	Scale	1:100	Planning Drawings	Elevations	South Elevation	Description
Date	October 06	Rev				Proposed Kitchen / Diningroom Extension for Mr & Mrs N Thompson Yewtree Farm Fenton
Drawing No	nb/kit/01					Carlisle Cumbria



Description

Proposed Kitchen / Diningroom  
 Mr & Mrs N Thompson Yewtree  
 Carlisle Cumbria

East Elevation

Proposed East Elevation

Planning Drawings

Scale 1:50 /

Rev

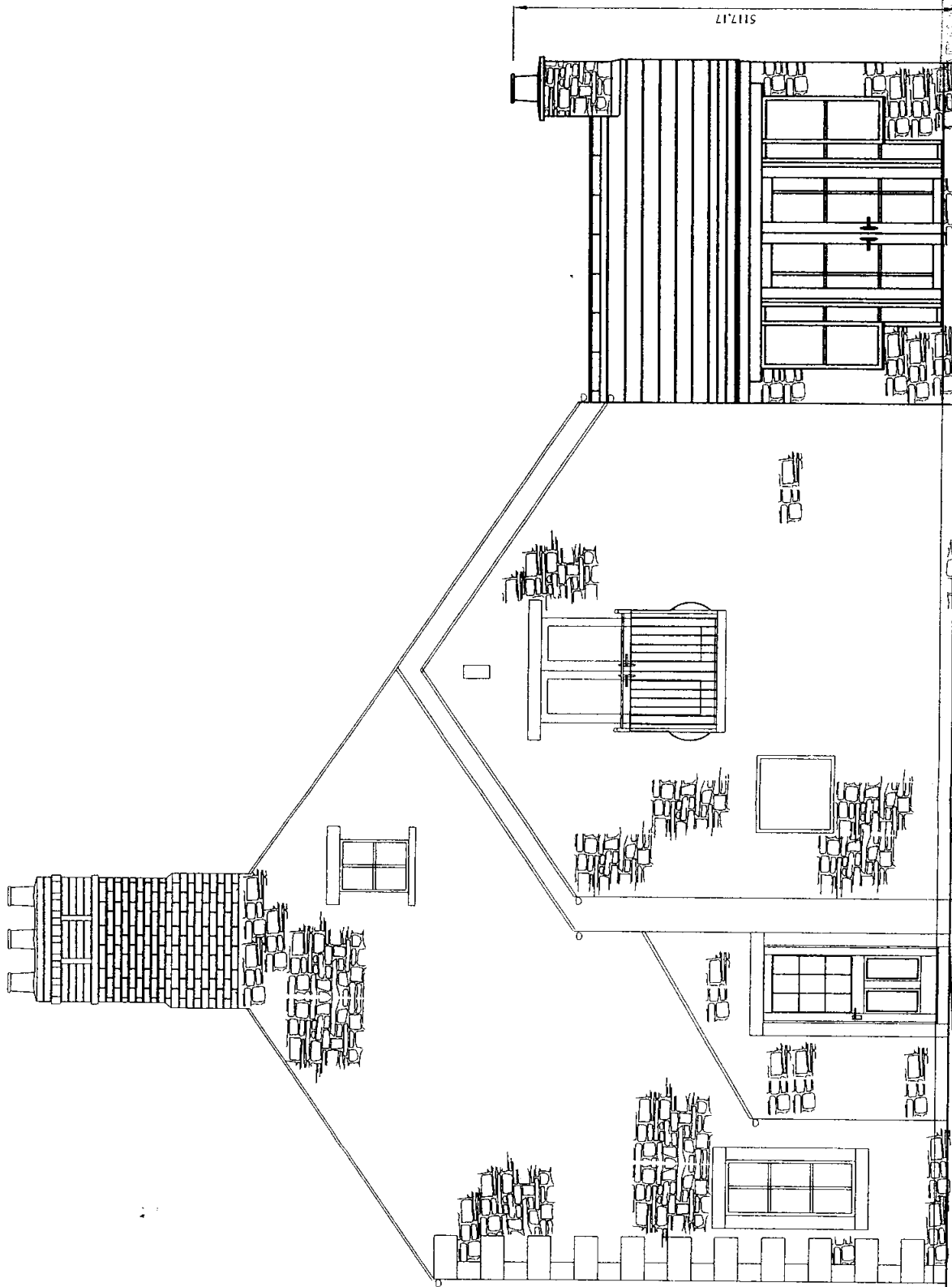
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Date

Drawing No



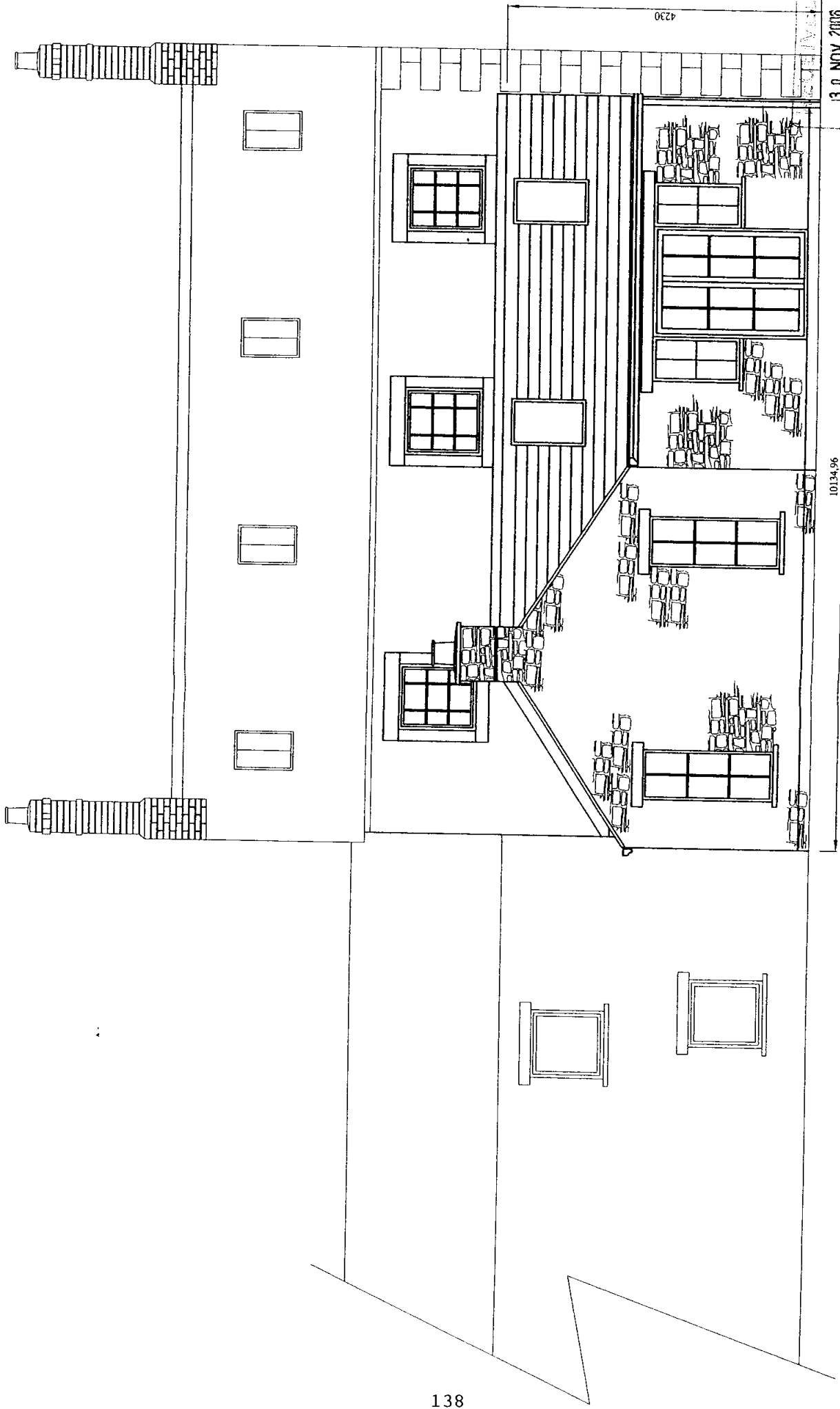
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Description		West Elevation			
Proposed Kitchen / Diningroom Extension for Mr & Mrs N Thompson Yewtree Farm Fenton Carlisle Cumbria		Proposed West Elevation			
Drawn By		Scale	1:50	Planning Drawings	
Date	October 06	Rev			
Drawing No	nb/kit/01				



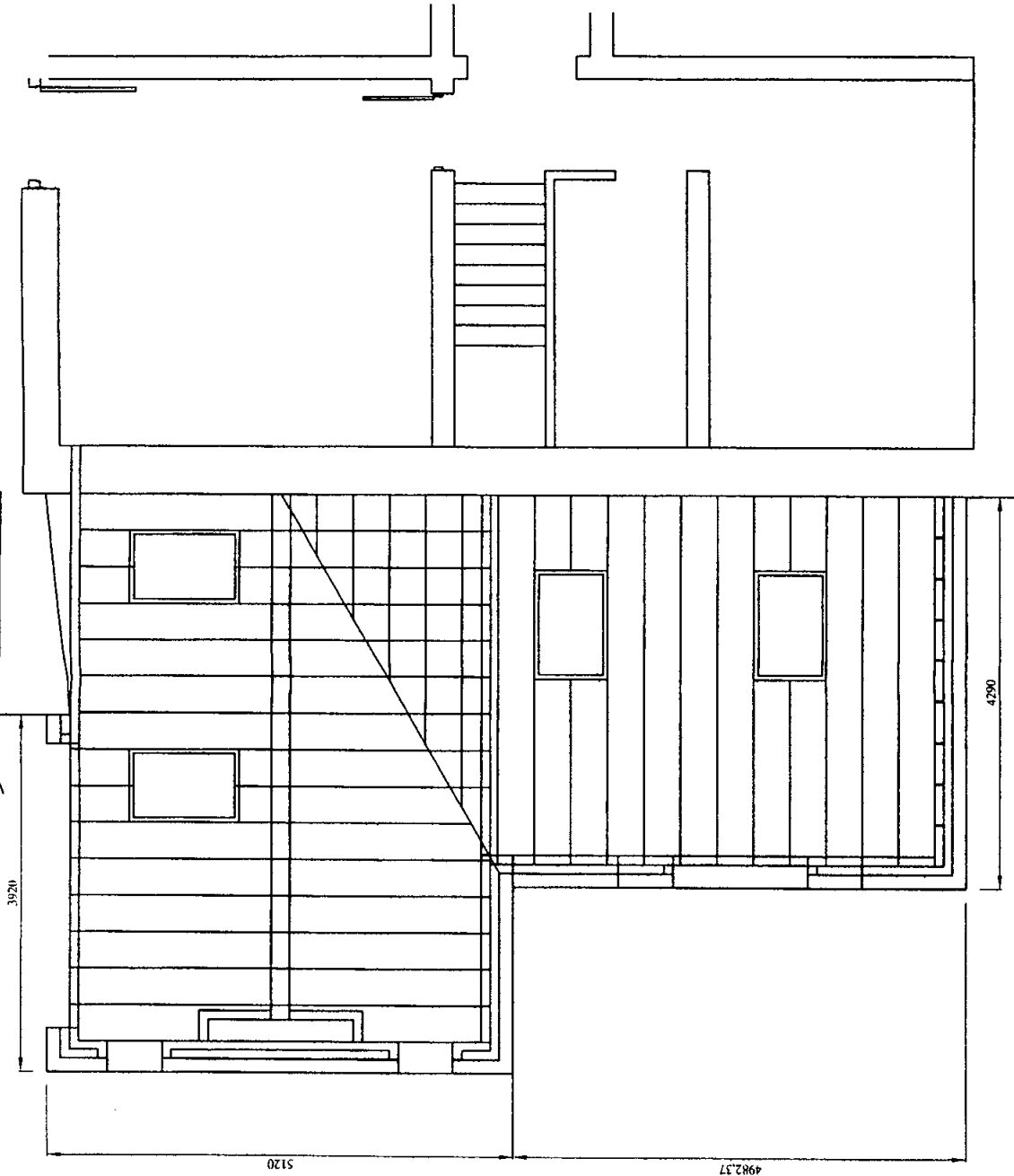
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Drawn By		Scale	Planning Drawings	Elevations	Description	
Date	October 06	1:50			Proposed Kitchen / Diningroom J	
Drawing No	01/01	Rev			Proposed Rear Elevat	
					Mr & Mrs N Thompson Yewtree Farm, Denton	
					Carlisle Cumbria	

THE LOFT



ROOF PLAN

2006/1386

Drawn By	Scale	Planning Drawings	Elevations	Description
Date	1:50			Proposed Kitchen / Diningroom Extension for
Drawing No	Rev			Mr & Mrs N Thompson Yewtree Farm Fenton
	np/kit/01			Carlisle Cumbria

## SCHEDULE A: Applications with Recommendation

06/1248

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**Item No: 09**

**Date of Committee:** 26/01/2007

**Appn Ref No:**  
06/1248

**Applicant:**  
Mr J Robinson

**Parish:**  
Wetheral

**Date of Receipt:**  
16/11/2006

**Agent:**  
G R Stephen

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Heads Nook Post Office and Stores, Heads Nook,  
Brampton, CA8 9AE

**Grid Reference:**  
349503 555074

**Proposal:** Conversion Of 1no. Dwelling And Shop To 3no. Dwellings

**Amendment:**

---

## REPORT

### Reason for Determination by Committee:

The application is brought for determination by Members of the Development Control Committee due to an objection having been received from Wetheral Parish Council.

### Planning Policies:

#### **Waste Disposal Site**

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

#### **Carlisle District Plan Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing

## **SCHEDULE A: Applications with Recommendation**

06/1248

property in the village; and

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Halbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Carlisle District Plan Shopping - Proposal S11**

Within villages, proposals for the development of or extension to village shops and post offices, including proposals which will assist in their retention, will be permitted, provided that:

1. The scale and design of the proposal does not adversely affect the local built environment or landscape; and
2. It does not adversely affect the amenity of surrounding residential property; and



## **SCHEDULE A: Applications with Recommendation**

06/1248

3. Appropriate servicing and parking arrangements can be made.

### **Carlisle District Plan Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

1. the site is well related to the landscape of the area and does not intrude into open countryside; and
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. the layout of the site and the design of the buildings is well related to existing property in the village; and
4. the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. appropriate access and parking can be achieved; and
6. the proposal will not lead to the loss of amenity open space within or at the edge

## SCHEDULE A: Applications with Recommendation

06/1248

- of the settlement; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhiton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to

## **SCHEDULE A: Applications with Recommendation**

06/1248

- development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
  8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
  9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
  10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment**

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines**

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

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;

## **SCHEDULE A: Applications with Recommendation**

06/1248

2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. accessibility by and availability of, other forms of transport.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC12 - Sustaining Rural Facilities and Services**

Outside the key service centres of Brampton and Longtown, the change of use of a local shop, public house, post office, doctor's surgery, dental surgery, school, bank, church/chapel, village hall or other facility considered important to the community will only be permitted where it can be demonstrated that:

1. Its current use is no longer viable and there is currently scope for an alternative community use; and
2. There is adequate alternative provision in the locality to serve the local community; and
3. All options for their continuance have been fully explored.

Proposals for the development of or extension to village services and facilities, including proposals which will assist in their retention, will be permitted provided that:

1. The scale and design does not adversely affect the local built environment and respects local landscape character; and
2. It does not have an adverse impact upon residential amenity; and
3. Appropriate parking and servicing arrangements can be made.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** bearing in mind the previous use of the premises, the existing is acceptable in connection with the proposed use. The Highway Authority, therefore, has no objection;

**Wetheral Parish Council:** the Parish Council was unable to support this application because it felt that the application did not comply with Policy EC12 of the Local Plan nor was it in accordance with sustainability objectives. The Council had no evidence to indicate that the post office/ shop was no longer viable nor that all options for its continuance had been fully explored. The Parish Council would require information and evidence on both these matters to enable it to support the application.

### **Summary of Representations:**

#### **Representations Received**

## SCHEDULE A: Applications with Recommendation

06/1248

Initial:

Consulted:

Reply Type:

	1 Cairn Terrace	22/11/06	Objection Comment Only
	2 Cairn Terrace	22/11/06	
	3 Cairn Terrace	22/11/06	
	1 Cairnwood	22/11/06	
	2 Cairnwood	22/11/06	
	Martindale	22/11/06	
	Farthing House	22/11/06	
	Eden Holme		
	Woodlands		

This application has been advertised by means of a site notice and direct notification to the occupiers of seven of the neighbouring properties. At the time of writing this report, two letters of objection have been received and the main issues are summarised as follows:

1. the shop and Post Office was a valuable asset to residents of the village;
2. the development should allow for sufficient parking provision;
3. the conversion will result in additional traffic movements to and from the village;
4. although there is a bus route linking the village and Carlisle which is very lengthy and inconvenient; and
5. the new window and door frames should be compatible in size and pattern to the original timber sashes.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Planning permission was granted in 2004 for the conversion of the existing planning unit to form a shop with living accommodation over and separate dwelling.

#### **Details of Proposal:**

This application seeks full planning permission for development of the premises at Heads Nook Post Office & Stores, Heads Nook, Brampton for housing.

The shop is currently vacant having ceased trading several months ago and is part of a two storey building with the former shop together with a hallway, living room and kitchen on the ground floor with a bedroom, 3no. ensuite bedrooms, a bathroom, an office and storage accommodation above.

A rear yard separates the building from adjacent houses to the south-west whilst a vehicular access road detaches the houses to the south-east. The site is attached to a neighbouring house to the north-east and fronts the pavement, adjacent to the County highway. It is located centrally within the village.

The proposal involves the subdivision of the building to form 3no. self contained

## **SCHEDULE A: Applications with Recommendation**

06/1248

properties. Each would contain a kitchen and living room on the ground floor, with two of the three units also providing a dining area, and all would have 2no. bedrooms and a bathroom above. To facilitate the conversion it will be necessary to undertake internal alterations to the building; externally, the existing shop front will be replaced by 3no. windows and a door. A pair of doors will be inserted in the rear elevation and 2no. windows to the first floor north-west elevation would also be added.

The relevant planning policies against which the application is required to be assessed are Policies H5, T1, T7, E22 and S11 of the Carlisle District Local Plan and Policies H1, CP4, CP5, CP11, T1 and EC12 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

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

Policy H1 of the Carlisle District Local Plan Redeposit Draft organises settlements in a hierarchy with the primary focus for new housing development being the urban area of the district; followed by the Key Service Centres of Brampton and Longtown which have a broad range of amenities and services; and finally, selected villages which perform a service role within the rural area. These villages are sub-divided into two groups, the first being the 20 larger villages that act as Local Service Centres and where the scale and nature of development will be determined by local form and character. Heads Nook features in this list.

An objection has been received from the Parish Council and from some local residents regarding the loss of the shop, which is considered to be a valuable local amenity. Clearly, local services such as village shops and Post Offices contribute to the viability of the local economy and can give a sense of local community. The applicant's agent has submitted additional information in response to these objections, copies of which are reproduced following this report. These documents set out how the premises was closed by the applicant due to its economic unviability and how the business was re-opened for a short period by another person but subsequently closed for the same reason. Furthermore, it would appear that due to national reorganisation of the Post Office's services, which as Members will be aware has been well-publicised in the press, the Post Office will not grant a licence to operate a sub-branch in Heads Nook, nor can they offer any encouragement for future development. Consequently, whilst the loss of a community asset such as the village shop and Post Office is regrettable, the latter forms a substantial element of the overall business and the inability to renew the licence is outwith the applicant's control.

Although there is no proposal to provide alternative facilities within the village, there are services in Warwick Bridge, 2.5 kilometres (1.5 miles) north-west of the village. Part of the applicant's argument is that it is these comprehensive range of shops and services that contributed to the need for the current application and that Warwick Bridge can continue to serve the residents of Heads Nook.

The physical alterations to the façade of the building would be minimal and the

## **SCHEDULE A: Applications with Recommendation**

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redevelopment to the existing shop front area would be sympathetic and proportionate to the character of the exiting frontage of the building.

### **2. Residential Amenity**

The site is bounded by residential properties on three sides, the fourth being the village hall that is separated from the application site by the main road through the village. The proposed redevelopment would, therefore, be compatible with the surrounding land uses. Although the proposal seeks to create 3no. dwellings on the site, the development will contribute to the smaller housing stock in the area which could potentially meet the needs of first time buyers in the area.

Although there is a property, which at it closest point is approximately 10 metres from the site to the south-west, there are existing residential use rights within the application site and the proposal does not involve any additional first floor windows on this elevation. The two first floor windows proposed in the north-west elevation would overlook the rear yard area and the gable of the adjacent property beyond. The pair of doors in the rear elevation would be at ground floor level and again, would open onto the yard and a timber fence beyond. The development would not result in an issue of overlooking or loss of privacy to the occupiers of adjacent properties.

### **3. Highway Issues**

On the basis of the previous use of the site and nature and location of the site, the Highway Authority has not raised any objection to the application.

### **Conclusion**

In conclusion the proposed development is within the proposed settlement boundary of the emerging Local Plan and Heads Nook is identified as suitable for residential development, subject to meeting the relevant policy criteria. Whilst the loss of the village shop and Post Office is regrettable, the continued economic viability is outwith the control of the planning system and it would be unreasonable to refuse an application for the redevelopment of the site on this basis. The principle of housing on the site is acceptable and the development would not adversely affect the living conditions of the occupiers of adjacent or nearby neighbouring properties or result in any highway issues, contrary to current planning policies.

---

### **Human Rights Act 1998**

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

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

## SCHEDULE A: Applications with Recommendation

06/1248

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

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

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

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.

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### **Recommendation:** Grant Permission

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

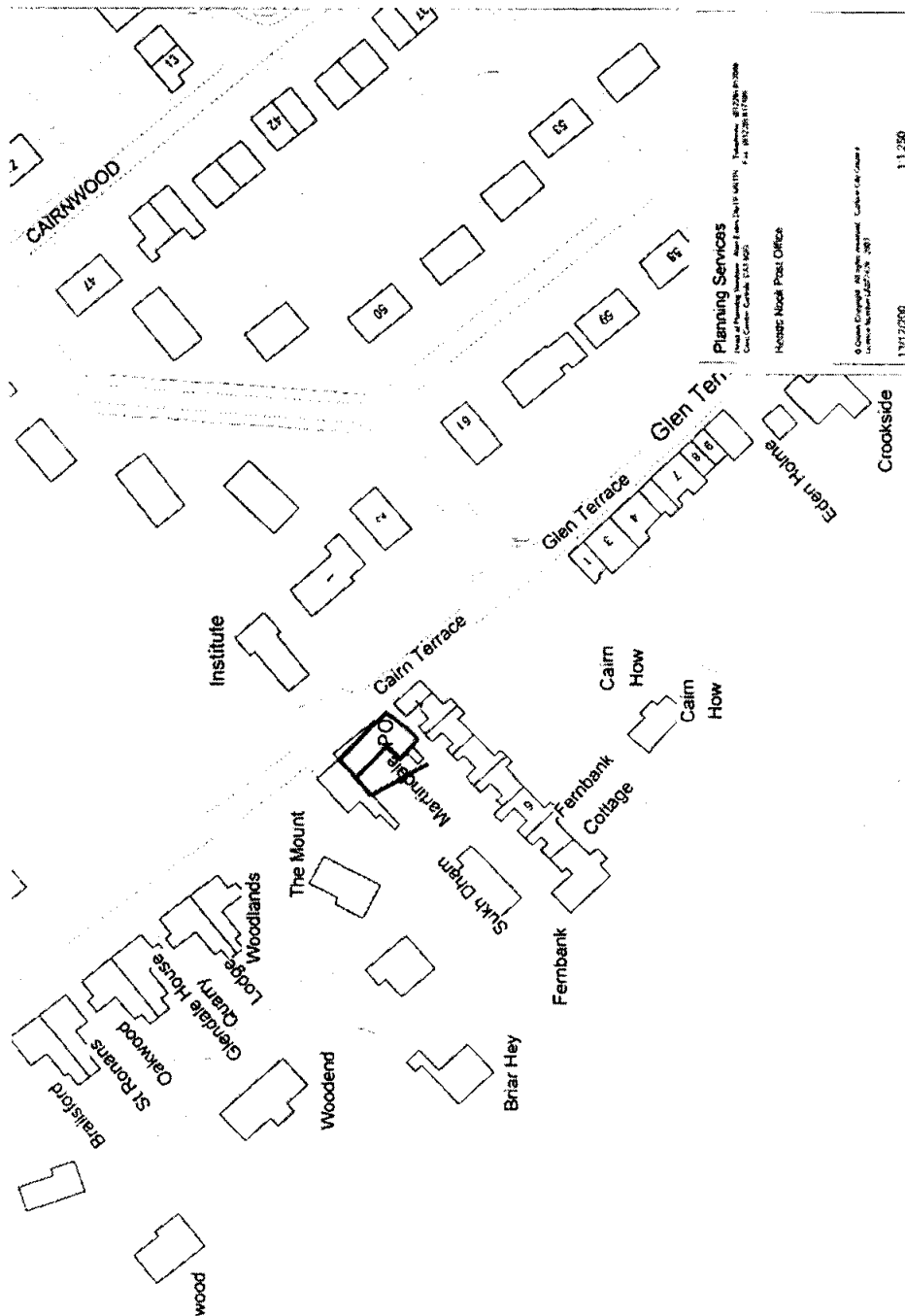
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be formed 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 H14 of the Carlisle District Local Plan.

---





**GR & AJ STEPHEN**  
The Barn,  
Crooked Holme,  
Longtown Road,  
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duncan@grajstephen.co.uk

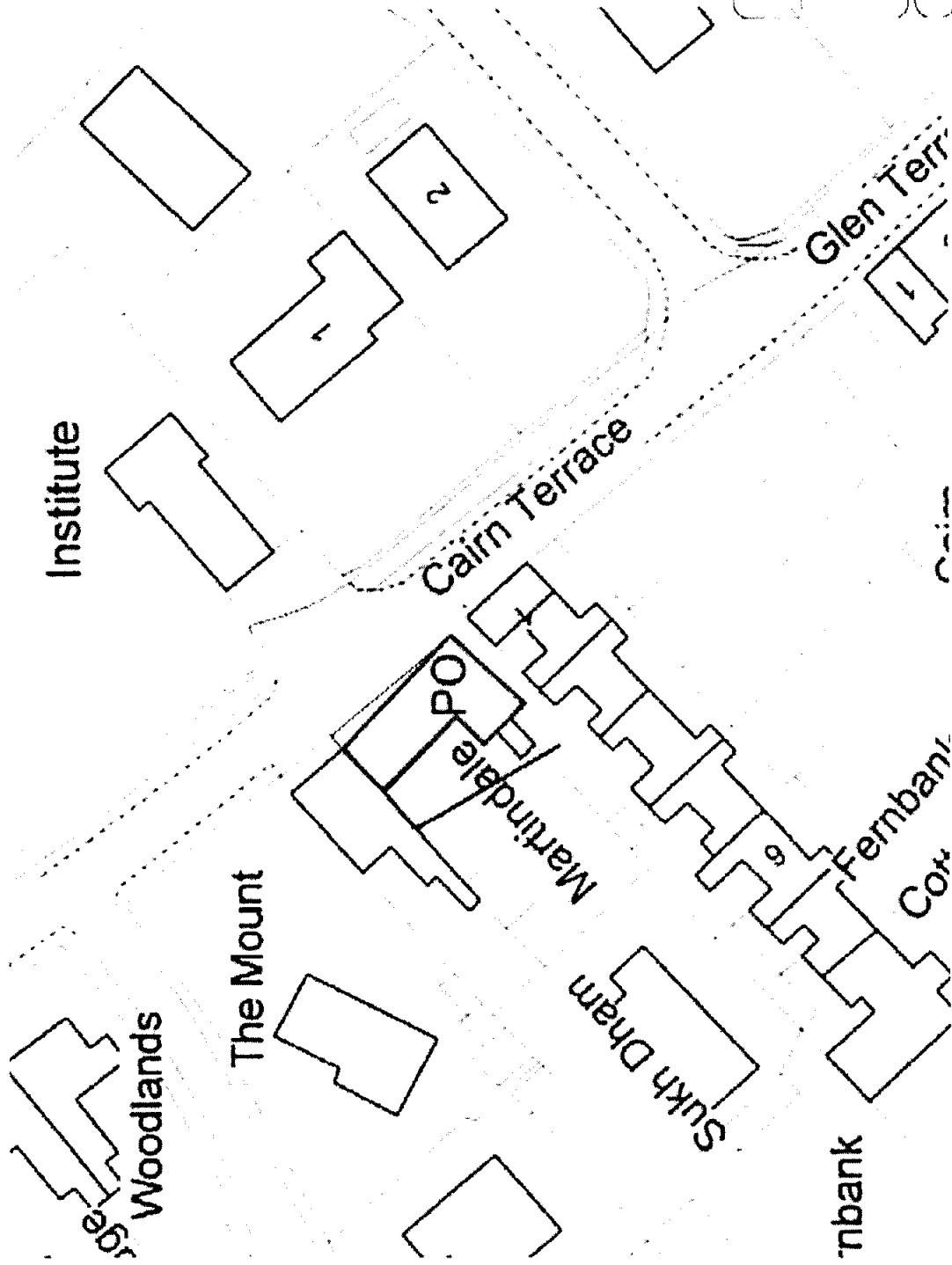
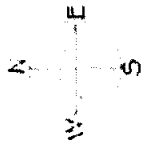
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Date : Aug 2006      Revision :

Proposed Alteration to  
Heads Nook Post Office  
Heads Nook  
Carlisle, Cumbria  
For Mr J Robinson,

Location plan 1:1250

2006/12/13

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 email address : gr@grajstephen.co.uk  
 aj@grajstephen.co.uk

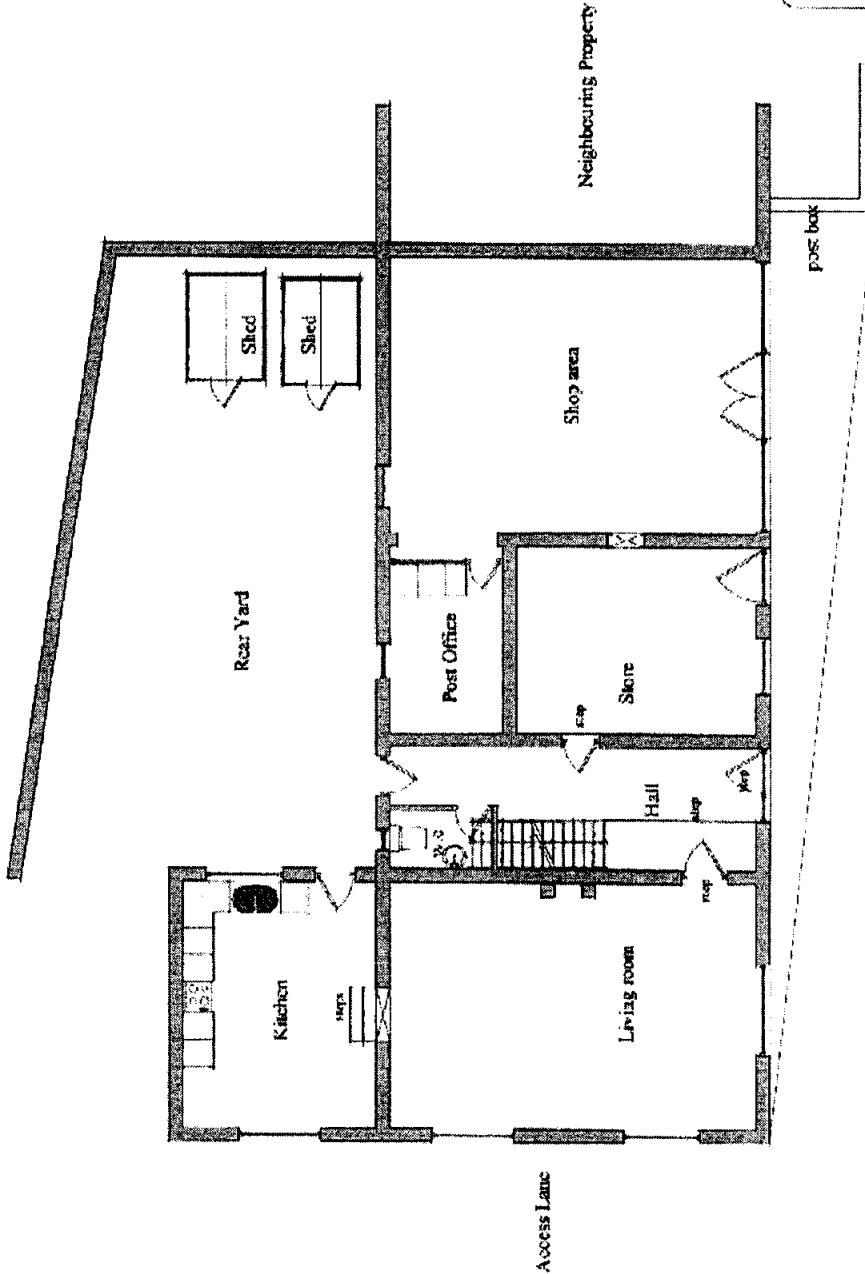
Job : 06/141  
 Date : Aug 2006  
 Scale : 1:500  
 Revision :

Proposed Alteration to  
 Heads Nook Post Office  
 Heads Nook  
 Carlisle, Cumbria  
 For Mr J Robinson,

Site Plan 1:500  
 002

2006/1243

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Existing Ground Floor Plan

GR & AJ STEPHEN  
 The Barn,  
 Crooked Holme,  
 Longdane Road,  
 Brampton,  
 Cumbria.  
 Telephone 01677 3338  
 email address gr.andajstephen.co.uk

Job No 06/141 Scale 1:100  
 Date Aug 2006 Revision

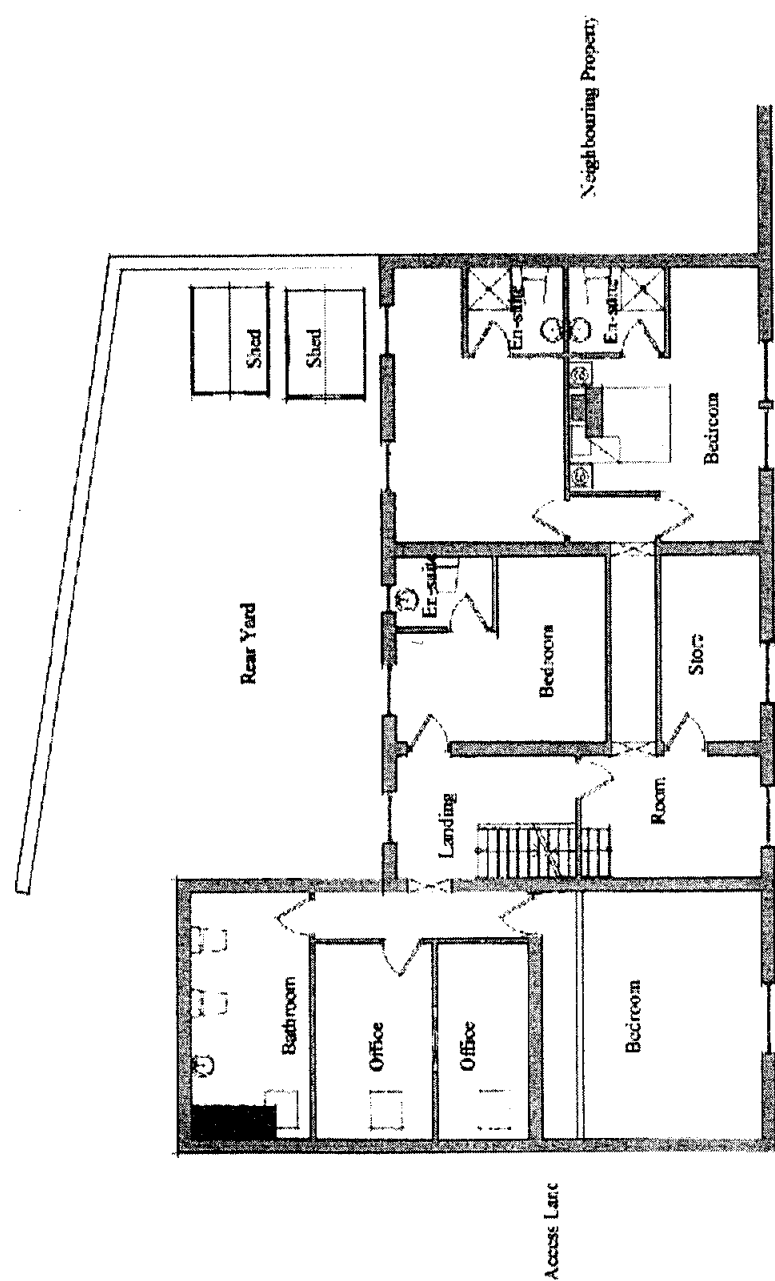
Proposed Alteration to  
 Heads Nook Post Office  
 Heads Nook  
 Carlisle, Cumbria  
 For Mr J Robinson,

Existing Ground Floor Plan 003

2006/1248

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Head Office

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Existing First Floor Plan

**GR & AJ STEPHEN**  
The Barn  
Crooked Holme  
Longtown Road  
Barnsley  
S70 2JH  
Telephone 016977 3333  
www.grandajstephen.co.uk

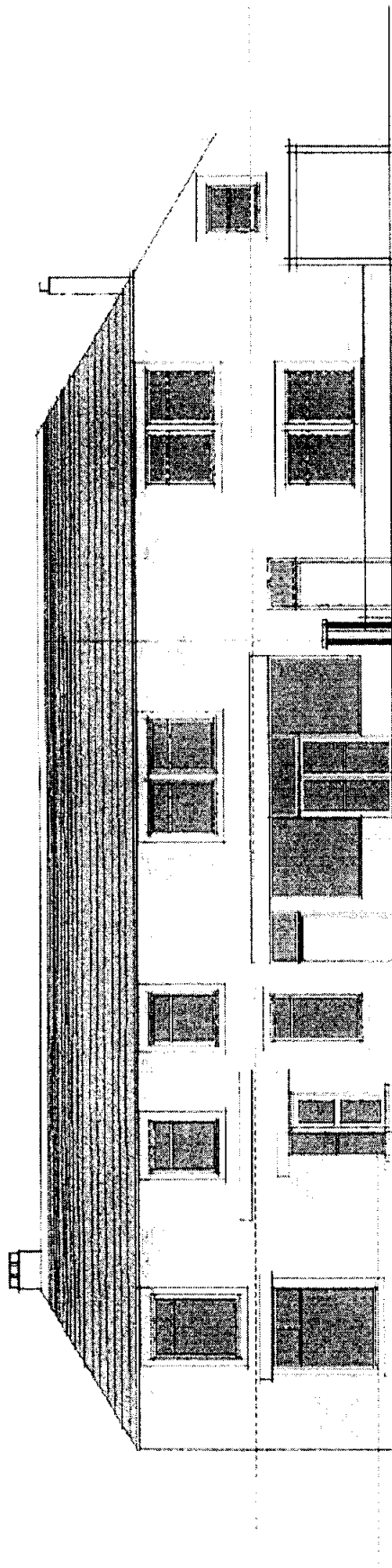
Job : 06/141 Scale : 1/100  
Date : Aug 2006 Revision :

Proposed Alteration to  
Heads Nook Post Office  
Heads Nook  
Carlisle, Cumbria  
For Mr J Robinson.

Existing First Floor Plans C04

2006/1248

Neighbouring Property



Existing Front Elevation

**GR & AJ STEPHEN**  
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 Langdon Road,  
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 Telephone 016977 3338  
 email address: gr@grajstephen.co.uk  
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Job : 04/092 Scale : 1:100  
 Date : Aug 2006 Revision :

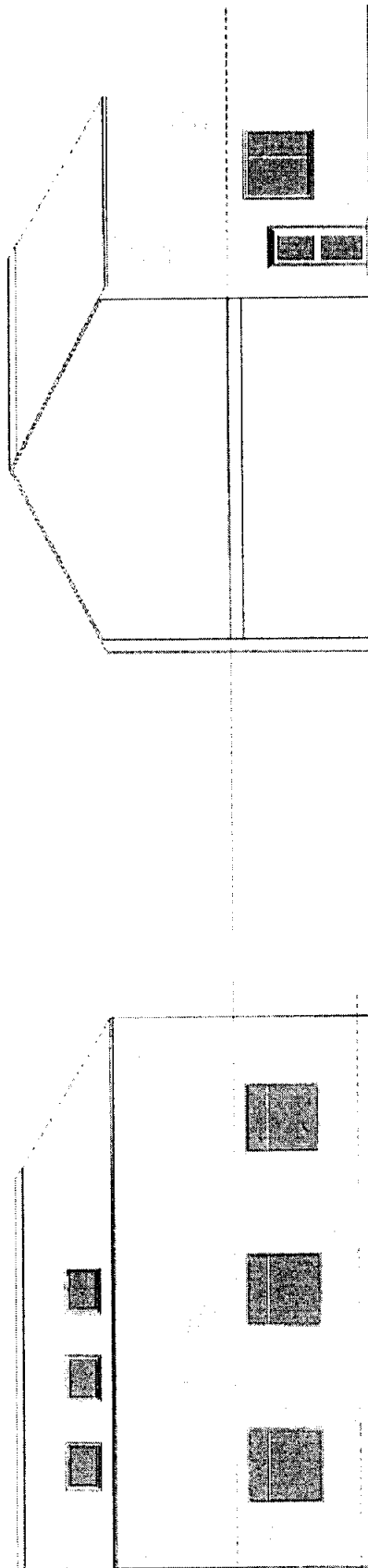
Proposed Alteration to  
 The Post Office at  
 HeadsNook  
 Cumbria  
 For Mr & Mrs Robinson

Existing Elevations

012

2006/1743

# Existing Side Elevations



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Job : 04/092 Scale : 1:100  
 Date : Aug 2006 Revision :

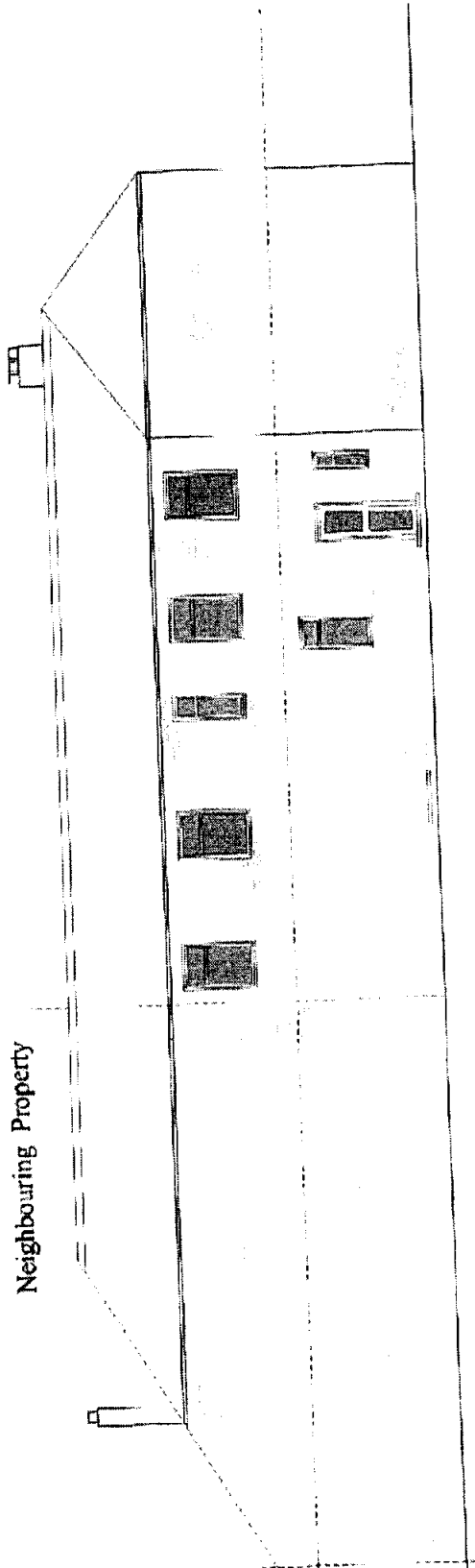
Proposed Alteration to  
 The Post Office at  
 HeadsNook  
 Cumbria  
 For Mr & Mrs Robinson

Existing Elevations 013

2006/1243

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Neighbouring Property



Existing Rear Elevation

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Job : 04/992  
 Date : Aug 2006  
 Scale : 1/100  
 Revision :

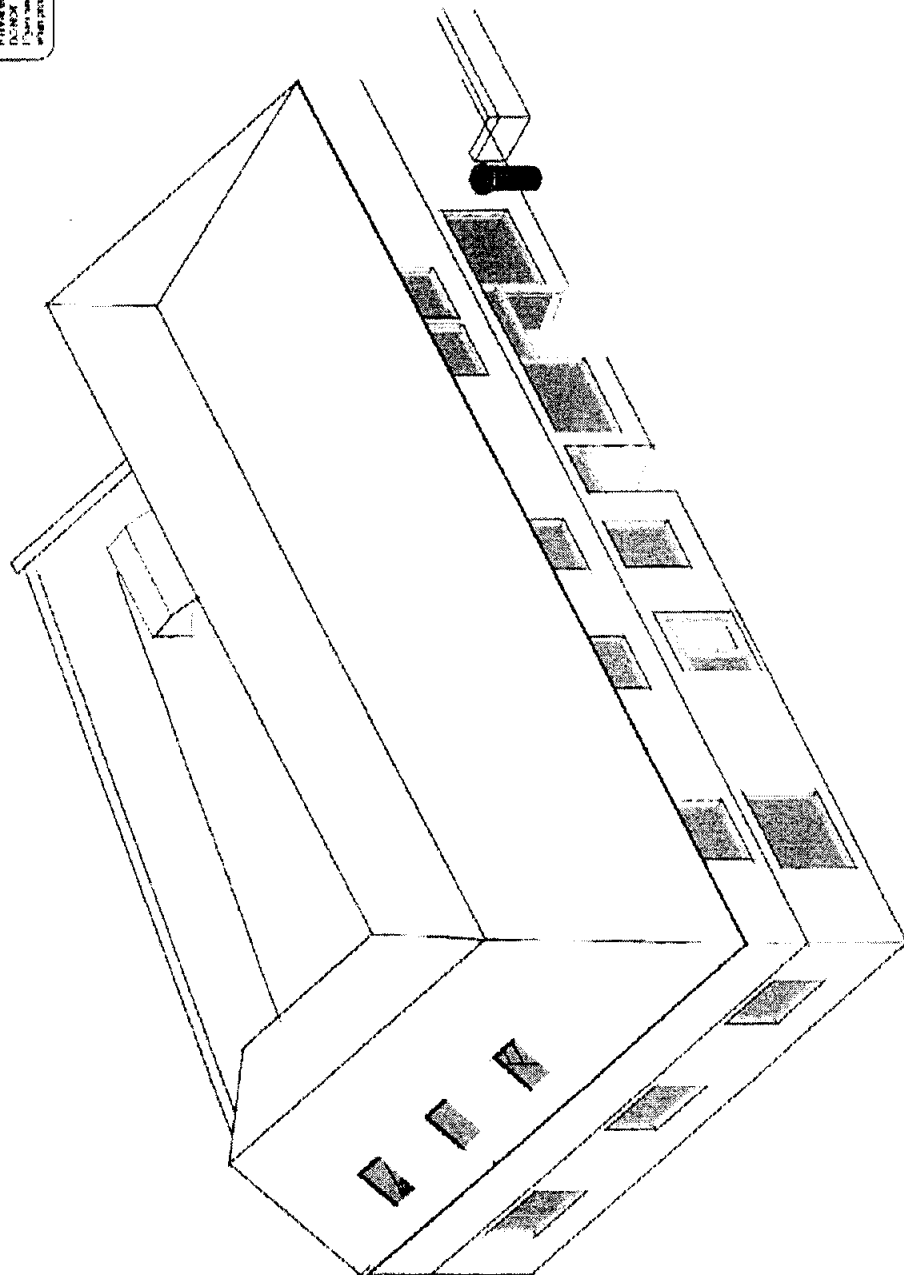
Proposed Alteration to  
 The Post Office at  
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 Cumbria  
 For Mr & Mrs Robinson

Existing Elevations

014

2006/1243

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Existing View From The East

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Job : 04/032 Scale : m/s  
 Date : Aug 2006 Revision :

Proposed Alteration to  
 The Post Office at  
 HeadsNook  
 Cumbria  
 For Mr & Mrs Robinson

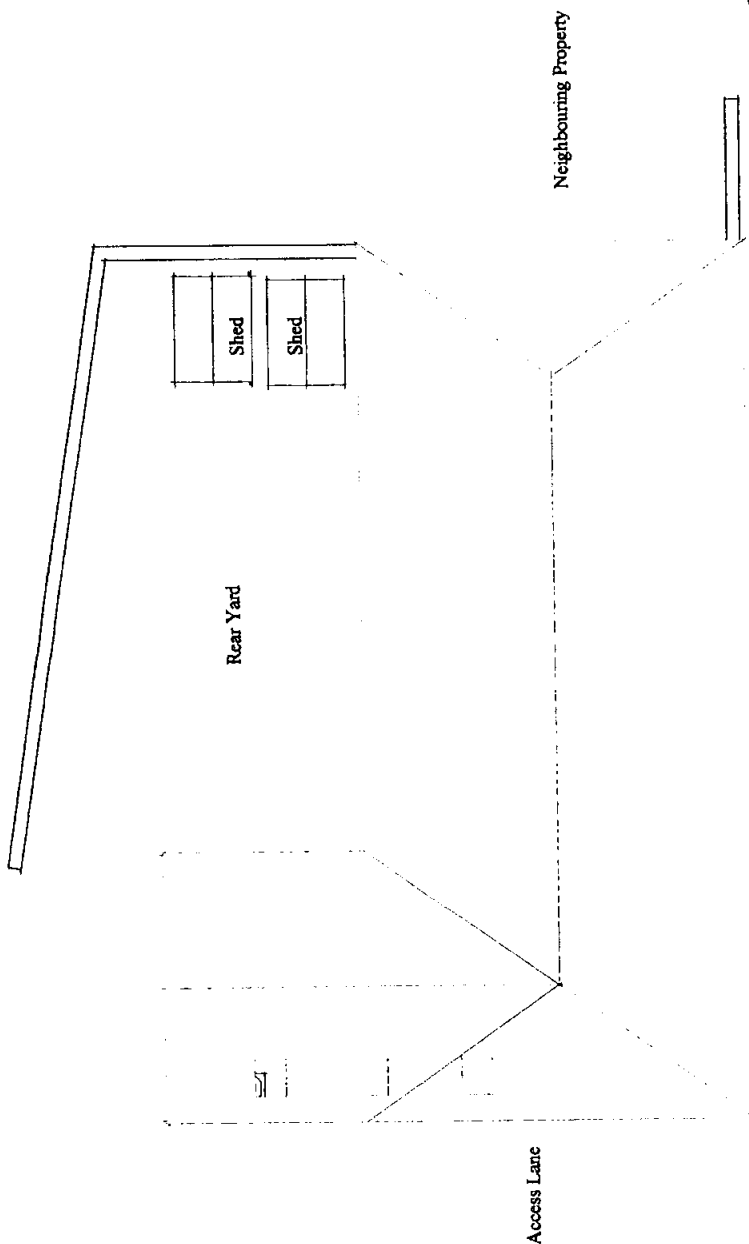
Existing View

021

2006/1248



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Existing Roof Plan

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Job : 06/141  
Date : Aug 2006  
Scale : 1:100  
Revision :

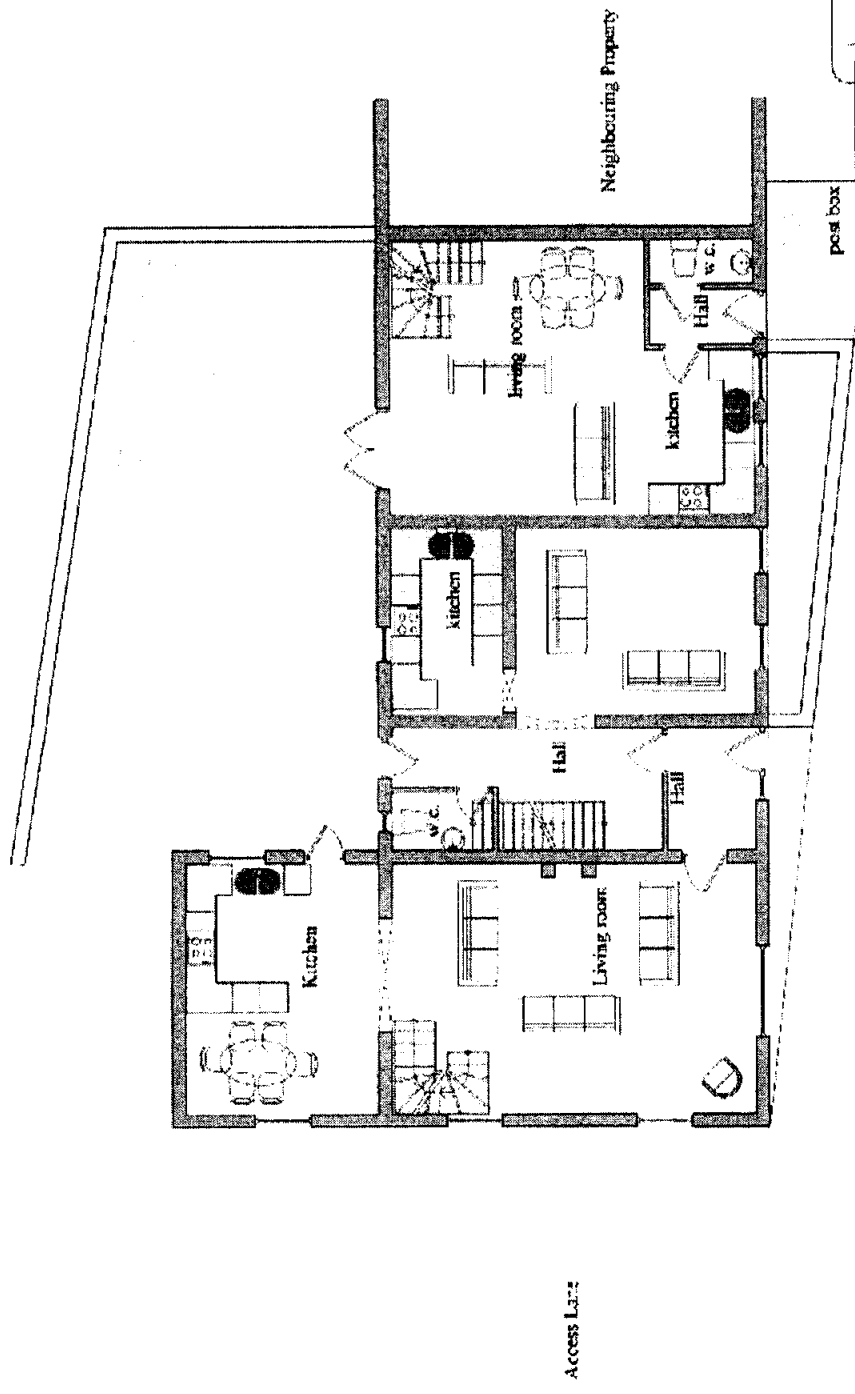
**Proposed Alteration to  
Heads Nook Post Office  
Heads Nook  
Carlisle, Cumbria  
For Mr J Robinson,**

**Existing Roof Plans**

005

2006/1243

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Proposed Ground Floor Plan

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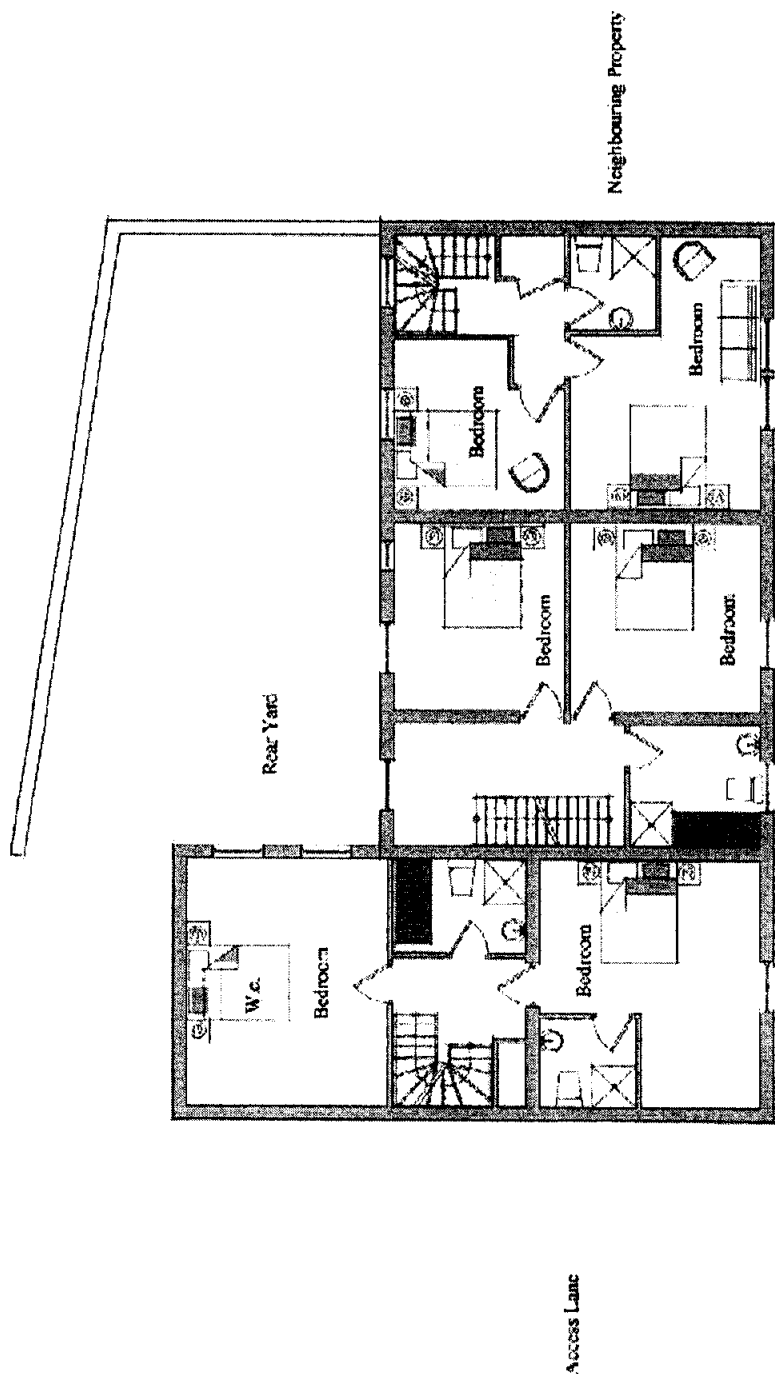
Job: 06/141 Scale: 1:100  
 Date: Aug 2006 Revision:

**Proposed Alteration to  
 Heads Nook Post Office  
 Heads Nook  
 Carlisle, Cumbria  
 For Mr J Robinson,**

**Proposed Ground Floor 030**

2006/12/42

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## Proposed First Floor Plan

GR &amp; AJ STEPHEN

**The Barn,  
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Longtown Road,  
Brampton,  
Cumbria**  
Telephone 016977 3338

Job : D67141      Scale : 1:100  
Date : Aug 21/86      Revision :

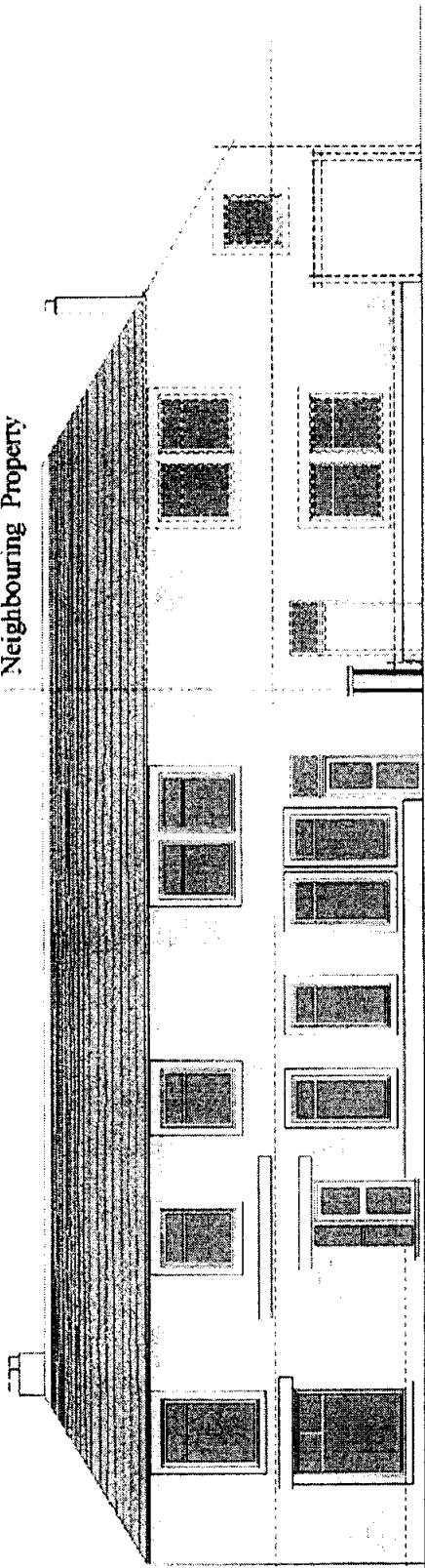
Proposed Alteration to  
Heads Nook Post Office  
Heads Nook  
Carlisle, Cumbria  
For Mr J Robinson,

Proposed First Floor

2006/12/18

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Neighbouring Property



Proposed Front Elevation

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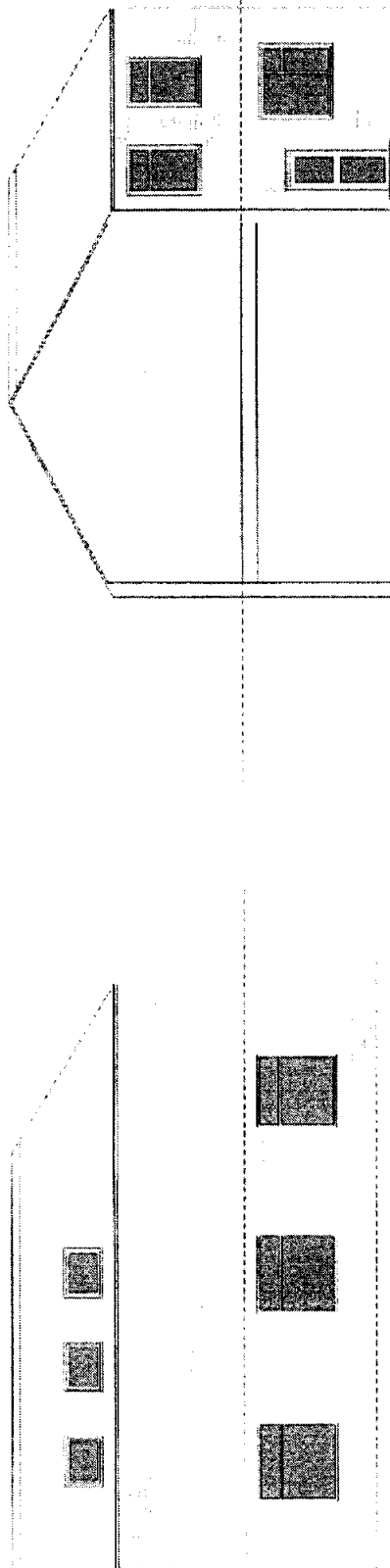
Job: 06/141 Scale: 1:100  
 Date: Aug 2006 Revision:

Proposed Alteration to  
 The Post Office at  
 Head's Nook  
 Cumbria  
 For Mr & Mrs Robinson

Proposed Elevations 035

2006/12/43

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Proposed Side Elevations

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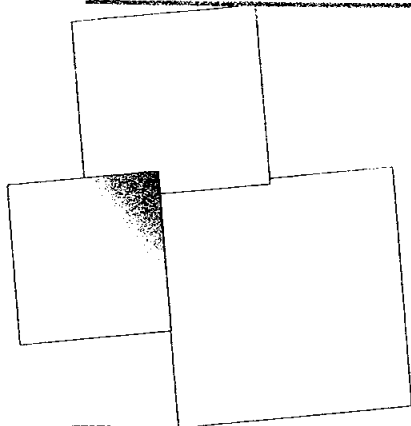
Job : 06/141  
 Date : Aug 2006  
 Scale : 1:100  
 Revision :

Proposed Alteration to  
 The Post Office at  
 HeadsNook  
 Cumbria  
 For Mr & Mrs Robinson

Proposed Elevations

036

2006/12/48



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9 January 2007

Mr R Maunsell  
Department of Environment & Development  
Planning Services Division  
The Civic Centre  
Carlisle  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	06/1248
10 JAN 2007	
RECORDED	KL
SCANNED	
PASSED TO	RSM
ACTION	

Dear Mr Maunsell

**Re: Alterations to Heads Nook Post Office, Heads Nook, Carlisle**  
**Appcn No: 06/1248**

Further to your letter of 19 December and the comments from Wetheral Parish Council, I respond as follows:

Whilst it is all well and good for the Parish Council to wish the above to remain as a shop and say that it does not satisfy planning policy EC12, reality has forced my client to re-evaluate his options as detailed below in our response to this policy.

1. Clearly the current use as a village shop/post office was not viable as the shop has now been closed for some time due to lack of support. There is also little scope for an alternative community use.
2. There must have been adequate alternative provision in the locality because the shop was not fully supported.
3. This is the second time in as many years that this shop has had to close due to lack of support. The unviability of this shop cannot be in question especially after recent reports in the national press regarding the government's closure of post offices.

In conclusion, as you will see from the attached letters the Post Office would not grant a licence to operate a sub-branch in Heads Nook, nor could they offer any encouragement for future development. It is also clear that Hill's Garage in Corby Hill, which is open from early morning until late evening, provides the services which people in Heads Nook require.

We believe that my client has made every effort to maintain the shop for the people of Heads Nook's use, but clearly it was not required. We would ask therefore, that you approve the planning application as submitted.

Yours sincerely



*P.P.*

G R Stephen  
enc:

*J A Robinson  
Apple Tree Cottage  
Hornsby  
Carlisle  
CA8 9HF*

The Chief Planning Officer  
Carlisle City Council  
Civic Centre  
Carlisle

4<sup>th</sup> January 2007

Dear Sir or Madam

Planning Application re The Old Corn Mill, Heads Nook, Carlisle, CA8 9AD

I understand an objection has been presented by Wetheral Parish Council with regard to the above application for three apartments and with particular reference to the fact that the village will lose premises suitable for a shop/post office. I thought it would be helpful to all concerned to outline the history behind the application.

I bought the property, comprising residential premises and an area formerly used as a shop over two years ago. The property was unoccupied and the shop had closed at the time of purchase. I obtained planning permission to separate the main house from the shop area and to provide living accommodation above the shop. It was my intention to find someone willing to re-open the shop. To this end, I advertised extensively over a period of two years looking for someone to either rent or buy the shop area but to no avail. In fact no interest in taking on this project was expressed by anyone at any stage during the two years. However, during last year the occupiers of the adjoining property decided they would in fact like to re-open the shop. Considerable expense was incurred in renovating the shop area and getting it 'ready for business'. As the village residents and the Parish Council will be aware, the business had to close down after eight weeks of trading due to lack of support. If there is concern regarding the fact that there is no post office in the village then it is my understanding that the powers that be would be extremely unlikely to allow a post office to re-open at a time when it is their clear intention to close many small post offices down.

Having received little or no income from the former shop area of the property during my ownership and having found that a village shop cannot apparently survive in Heads Nook, I have decided the best way forward would be to convert the premises into three apartments, thus providing much needed local housing.

I trust this clarifies the position but if you require any further information please let me know.

Yours faithfully

J A ROBINSON

Copy to: Wetheral Parish Council



*Mrs M Buck  
The Old Corn Mill  
Heads Nook  
Carlisle  
CA8 9AD*

The Chief Planning Officer  
Carlisle City Council  
Civic Centre  
Carlisle

8th January 2007

Dear Sir or Madam

Planning Application re former shop at Heads Nook

Until recently I rented the house next door to the former shop in Heads Nook. The property was owned by Mr J Robinson who I understand has now applied for planning permission to convert the former shop into apartments. I understand from Mr Robinson that an objection has been raised regarding the change of use and thought it might be helpful if I told you of my experience.

During the first two years I lived at Heads Nook the shop premises were empty although I know Mr Robinson tried constantly to let the premises. Eventually during last year I decided to take on the shop myself. Before opening the shop I sent out numerous flyers to village residents asking what they required from a village shop. Quite a few were returned asking for newspapers, flowers, eggs, milk, etc. The shop duly opened during the summer with very slow business which did not improve and the business made a considerable loss. This loss could not be sustained indefinitely and after approximately two months it was obvious that the shop would not be used by local people and therefore, sadly, I had to make the decision to close down. I feel a contributing factor may have been the close proximity of a Spa shop and filling station at Little Corby.

Prior to opening the shop I contacted the Post Office to see if they would grant a licence to operate. However, they were unable to give any commitment or encouragement to the project and in view of recent announcements it seems unlikely they will allow a Post Office in Heads Nook again.

Yours faithfully

Mrs M Buck

## SCHEDULE A: Applications with Recommendation

06/0307

---

**Item No: 10**

**Date of Committee: 26/01/2007**

**Appn Ref No:**  
06/0307

**Applicant:**  
Cumbria County Council

**Parish:**  
Brampton

**Date of Receipt:**  
08/03/2006

**Agent:**  
Taylor & Hardy

**Ward:**  
Brampton

**Location:**  
Former Highways Depot, Station Road, Brampton

**Grid Reference:**  
353795 561036

**Proposal:** Erection of 24no. dwellings

**Amendment:**

1. Revised layout and house type plans received on the 21st April 2006 showing the erection of 23 dwellings.
2. Revised layout plans received on the 30th May 2006.
3. Revised layout plan showing the provision of six low cost units.
4. Revised layout plan received on the 28th November 2006 showing the erection of 24 dwellings.
5. Revised layout plan received 29th November 2006 showing the erection of 24 dwellings involving changes to proposed plots 9, 10, 11, and, 12-15.
6. Revised layout plan received on the 8th January 2007 showing the deletion of two parking spaces adjoining turning head by proposed plots 17 and 18.

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## REPORT

### Reason for Determination by Committee:

This is a major application which raises a number of sensitive issues of local significance.

### Planning Policies:

**Carlisle District Plan  
Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of

## **SCHEDULE A: Applications with Recommendation**

06/0307

most planning applications.

### **Carlisle District Plan Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

### **Carlisle District Plan Environment - Policy E55**

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

### **Carlisle District Plan Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and

## SCHEDULE A: Applications with Recommendation

06/0307

5. Accessibility by and availability of other forms of transport.

### Carlisle District Plan Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

Dwellings	Site	Ha.
i. Morton Carlisle	41.00	1.025*
ii. Garlands Carlisle	17.80	445*
iii. Warwick Road, Carlisle	5.10	128*
iv. Brisco Road, Carlisle	3.30	83*
v. RAF 14MU Site No. 4	3.50	90*
vi. Windsor Way, Carlisle	8.04	200*
vii. Scotby, Carlisle	2.30	58*
viii. William Howard Lower School, Brampton	1.00	25*
ix. Barras Lane, Dalston	2.99	50
x. Nook Lane, Dalston	1.47	20
xi. Ladyseat, Longtown	0.87	22*
<b>Total</b>	<b>87.37</b>	<b>2,146</b>

\*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential development not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

### Carlisle District Plan Housing - Proposal H2

## **SCHEDULE A: Applications with Recommendation**

06/0307

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Carlisle District Plan Housing - Proposal H3**

Within the Capon Tree Road area of Brampton, shown in the Brampton Inset Proposals Map residential development will be permitted, provided:

1. The proposed development is of high quality, sympathetic to the character of the area;
2. The proposal is of low density with no more than five dwellings per hectare;
3. The proposed development does not involve the loss of existing mature trees.

### **Carlisle District Plan Housing - Proposal H4**

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and
2. The proposal will complement the existing character of the area; and
3. The proposal will not adversely affect the amenity of the area; and

## **SCHEDULE A: Applications with Recommendation**

06/0307

4. Satisfactory access can be provided; and
5. Appropriate parking arrangements can be made.

### **Carlisle District Plan Housing - Proposal H8**

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

### **Carlisle District Plan Housing - Proposal H9**

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and
2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and
3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

### **Carlisle District Plan Housing - Proposal H15**

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

### **Carlisle District Plan Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

### **Carlisle District Plan Employment - Proposal EM2**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be

## **SCHEDULE A: Applications with Recommendation**

06/0307

acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

### **Carlisle District Plan Environment - Policy E31**

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

### **Policy ST1: A Sustainable Vision for Cumbria**

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

### **Policy ST2: Assessing impact on sustainability**

Development or land use change affecting important environmental, social and economic assets should be assessed in terms of benefits and disbenefits. Where appropriate this will require transport, environmental and other impact assessments to assess the full effect of new development and identify the need for any mitigation.

### **Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land

## **SCHEDULE A: Applications with Recommendation**

06/0307

use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
  - a) the appropriate reuse of existing buildings worthy of retention, followed by
  - b) the reuse of previously developed land and only then
  - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
  - a) sites with little or no flood risk, followed by
  - b) sites with low or medium flood risk, and only then
  - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.



### **Policy E38: Historic environment**

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP5 (CP16) Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP6 (CP17) Use of Traditional Materials**

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment. Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP9 (CP22) Sustainable Drainage Systems**

When the following conditions apply, sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/ calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP10 (CP23) Protection of Groundwaters and Surface waters**

Proposals for development which would cause demonstrable harm to the quality,

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quantity and associated ecological features of groundwater and surface waters will not be permitted.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment**

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP14 (CP29) Accessibility, Mobility and Inclusion**

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 *'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'*.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP16 (CP34) Planning Out Crime**

The design of all new development must contribute to creating a safe and secure

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environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

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

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

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H3 Residential Density**

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft POLICY H4 Residential Development on Previously Developed Land and Phasing of development**

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

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### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H5 Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE20 (LE18) Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or

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flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;

6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** The submitted layout details are not satisfactory for the following reasons:

- 1 The carriageway width of the estate road at the junction with Station Road should be 5.5m and incorporate 10.5m radius kerbs to each side.
- 2 The required visibility splay of 70m x 2.4m x 70m should be indicated on the plan to ensure that this can be achieved.
- 3 The required footway connection from the estate road to Tree Road should be indicated.
- 4 As part of the development proposals it will be necessary for disabled access ramp crossings to be provided at the estate road junction and at the Tree Road junction.
- 5 Access drives should be a minimum length of 6m as measured from the rear of the footway.
- 6 Single width access drives should be provided (rather than double width), and these should be a minimum length of 12m for two vehicle parking within each plot.
- 7 A multiplicity of accesses at the turning head will lead to a conflict in traffic movements and this is not acceptable in terms of highway safety.

The turning head should be extended to the southern boundary of the site to prevent the formation of a 'ransom strip' and possibly allow for an extension of the estate road into the adjacent field (The north point on Capita Symonds proposed layout drawing is incorrect).

A stage one safety audit should also be carried out as part of the detailed planning stage.

In relation to the revised plans comments are awaited.

**Brampton Parish Council:** The Parish Council wishes a roadside pavement of an

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appropriate width on the Station Road boundary, and, appropriate road markings at the junction. House designs should complement the vernacular of the area.

**Commercial & Technical Services - Drainage Engineer:** Comments awaited.

**United Utilities (former Norweb & NWWA):** No further comment to add to those contained in letter of 26th April 2005 relating to application number 05/0264.

**Cumbria Constabulary - Crime Prevention:** Comments awaited.

**Carlisle Airport:** Regret that have to object to the proposal. This is a large development and it is located close to the airport in an area clearly designated on the Airport official Safeguarding Map as being one within which all development ought to be objected to.

Carlisle Airport plans to grow its flying operation and there will, in future, be an undoubted increase in movements including jet and turboprop aircraft. This will entail an increase in operating hours and engine noise, thus raising the spectre of public protest. It must be a matter of public record that the Airport objected to this development on the stated grounds and amplified its reasoning on the issue of noise and increased operating hours.

No doubt purchasers of these properties, should the development go ahead, will be informed by their legal advisors of the existence of this objection.

**Environmental Protection Services - Housing Strategy:** . The Station Road site is well located within a key service centre, and as such its proximity to services, amenities and employment makes it an ideal location for the provision of an element of affordable housing.

A Brampton Housing Need Survey (2005) was commissioned through Cumbria Rural Housing Trust (CRHT). The report identifies 42 households in need of affordable housing within Brampton parish.

Unfortunately, the CRHT report details only the no. of bedrooms required, rather than the actual property type requirements for those households identified as being in housing need, which obviously restricts our ability to make more specific recommendations on any development in Brampton in relation to dwelling types.

The majority of need is for 2 and 3 bedroom properties – the most popular being 2-beds (20: almost half of households in need), followed by 3-beds (14 – a third), dropping to 7 households requiring 1-beds, and only 1 needing 4 or more bedrooms.

Although there are no 2-bedroom properties included in the Station Road planning application, the development would only be expected to meet an element of the need identified in the CRHT survey, and the affordable 3-bed units would still be

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meeting part of the significant need for affordable 3-bedroom accommodation identified by CRHT.

CRHT have recommended renting as the most suitable tenure in the case of 38 of the 42 households in need of affordable housing (with regard to the 4 households where shared equity is the recommended option, 2 needed 2-bedroom accommodation & 2 needed 3-beds).

The affordable housing (as recommended by CRHT) would be best provided in partnership with a RSL (or other affordable housing provider) partner. In relation to RSLs working locally who provide general needs housing, the developers agent is probably familiar with Impact & Two Castles, who have a good recent development record in the Carlisle area, and both already manage properties in Brampton. Home North West also manage properties in Brampton, and Carlisle Housing Association is the largest RSL in the area, although they have not developed any new schemes for some time.

Two other organisations who may be interested in this particular development are Penrith-based Eden Housing Association, which has built up a portfolio of properties in Carlisle's rural areas over recent years, and Brampton Rural Housing Society. Brampton Rural (although not actually a RSL) owns and manages over 150 rented properties in the Brampton area, and has an office in the town. They are currently interested in increasing their stock in Brampton itself, using the proceeds from selling off more deeply rural properties as vacancies arise.

In relation to the design of the scheme, we are impressed with the way the affordable housing units are mixed in with the market housing on the plans, rather than clustered together. In conclusion, our main concern is in relation to the actual number of affordable units. Priority 3.1 of the Housing Strategy Action Plan sets a target of 25-30% of developments to be affordable, based on need. The current planning application for Station Road allows for 6 affordable units (25% of the 24 properties in the development). We feel that in a case such as this, where an independent consultant has carried out a very recent housing need survey (sent to 100% of households in Brampton), which has identified a significant level of need for affordable housing, that around 30% affordable housing on the scheme would be justifiable. In the light of such robust evidence of housing need in Brampton, we recommend that 7 affordable units (just over 29%) should be affordable, rather than the 6 in the current application.

**Environment Agency (N Area (+ Waste Disp)):** In the Introduction of the above



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report reference is made to a Phase I Land Quality Assessment (Desk Study Report) which the Agency are not in receipt of. The Agency are aware that contamination of the ground was caused by diesel spillage when the site was managed by David Graham. Is there any reference to this in the Desk Study or does it contain a conceptual model of pollutant linkages from which the ground investigation was based?

The 4 leachate samples analysed to determine risk to Controlled Waters are not representative of porewater concentrations on the site and all samples exceed the criteria. A justification for sample spacing, depth and number is required for this limited number of samples.

The intrusive investigation was shallow and unlikely to have been sampled at appropriate depths i.e. below the invert level of the Underground Storage Tanks (UST). The capacity and dimensions of the USTs should be submitted and a comparison made between the depth of investigations. The samples taken may be representative of contamination in the surface layers for harm to human health, but they may only represent the smear zone of a contaminant plume from a hydrogeological perspective. If glacial till is present, there may be further contamination perched over this material as a sink for the original source term. The information produced to date is insufficient to reflect this scenario

The limit of detection for sulphide is too high and therefore data for this substance cannot be used to qualitatively assess the impact to Controlled Waters.

The elevated concentrations of carbon dioxide adjacent to the existing diesel UST are likely to represent the by-products from natural bio-remediation of diesel lost in the ground. The high concentrations represent falling barometric conditions which suggest there is an area of hydrocarbon contamination which was not discovered during the investigation.

Gas protection measures within the buildings are recommended despite the removal of hydrocarbon hotspots since the contamination may be deeper than the limit of excavations.

Borehole logs and details of borehole construction are missing from the report.

The hydrogeological assessment is poor as there are insufficient water samples to triangulate the hydraulic gradient within the superficial deposits. There is no information to prove the lateral extent of glacial till underlying the sand and gravels.

This work should form the first part of an intrusive ground investigation and a second phase is required to intercept groundwater within the major aquifer and intercept further groundwater data from the aquifer in the sands and gravels.

Details of surface water drainage should be supplied as soakway discharges to ground are not acceptable unless the point source discharge is down gradient of any contamination on site.

In line with environmental good practice and source control of quantity and quality of

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surface water run-off we would strongly advocate the use of sustainable drainage techniques. For residential developments if practical we would encourage the use of porous paving systems and roofwater recycling.

Development that increases impermeable area and discharges surface water directly to positive drainage systems and thence to receiving watercourses without attenuation or treatment is detrimental to ecology and flood risk management.

**Council for Protection of Rural England:** The site is designated a Primary Employment Area by Policy EM2 of the Local Plan. As such, redevelopment for alternative uses should only be considered if continuing employment use is determined to be unviable through an up to date assessment.

An assessment of your current housing land supply figures would indicate that sufficient land exists either with planning permission, under construction or built, in order to meet Carlisle's Structure Plan requirement to 2011. A strict application of PPG3 would indicate no further approvals are necessary at this time.

How far the development goes to address local housing needs should therefore be assessed via an up to date local housing needs survey.

Pending compliance with the above points, the CPRE have no objections to this proposal. Failure to examine these issues would result in objection however.

**Cumbria County Council - (Archaeological Services):** No wish to make any recommendations or comments.

**Planning Services - Local Plans (Trees):** The proposal is acceptable in relation to the trees so long as the distances of the trees to the nearest walls of the properties and roads are as shown.

The developer should, prior to commencement, provide a written method statement for the demolition of the existing buildings adjacent the trees, and removal of the tarmac surface beneath the trees. This should not only include how they intend to carry out these operations but also how the trees are to be protected during these operations. The method statement should be agreed with the Council prior to commencement of any operations.

A number of trees will have to be felled to allow this proposal to proceed. Including new trees in a landscaping scheme will mitigate the loss of a number of trees from the site, although no landscaping scheme has yet been submitted at this time.

**Environmental Protection Services:** No part of the development hereby permitted shall commence until:

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- (a) there has been submitted to and approved by the Local Planning Authority ("the LPA") a remediation scheme ("the Remediation Scheme"), which shall:
  - (i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
  - (ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and
- (b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and
- (c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:
  - (i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,
  - (ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
  - (iii) future monitoring proposals and reporting. To protect the environment and prevent harm to human health awaited.

**Urban Design Officer:** The former depot site lies within the Brampton Conservation Area, fronting the prominent Station Road and bounded to the north by a well-used footpath. As such a high quality design solution is called for.

In relation to the originally submitted plans it was considered that the application lacked key information with regard to: any indication of boundary treatments around or within the site; there is no Design Statement explaining the design philosophy behind the scheme, how and why this particular layout was arrived at, and why the proposed building forms and elevations are as they are. Brampton has a readily

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apparent typical building form and a palate of locally distinctive design elements and materials. While the application form identifies brick, render and stone the elevations provided are unclear in how these elements are to be deployed. Elements such as strongly articulated door and window surrounds, use of local red triassic sandstone, natural slate, render and articulation of roofscape through substantial chimneys are typical of Brampton and should be employed in any 'traditionally inspired' development proposal. House type B suggests some of these qualities but types A, C and D do not. This lack of clarity is exacerbated by the small scale of the submitted elevations, marked as 1:100 but in fact 1:200. Plot numbers are absent. For purposes of comment I am numbering the units 1-24 anti-clockwise from the south west.

### **House Type A**

Lacking in annotation and drawn at 1:200 the proposed house type does not have sufficient detail or clarity to enable a full judgement on its design to be made. Overly glazed front doors; absence of any evident window hierarchy in the front elevation; lack of articulation in the roofscape due to omission of chimney stacks; and unrelieved blank gables suggest a very poor quality proposal. As such, I would recommend a substantial rethink of plots 5, 6, 9, 10, 17 and 18. The frontage parking as proposed is likely to result in an extremely poor quality streetscape and an alternative format should be investigated.

### **House Type B**

Though lacking in annotation the overall form is acceptable. Adequately scaled chimney stacks, garages pulled back from the main face of the building, stone or artstone window surrounds and natural slate roofs as proposed are commended. However, the main facing material is ambiguous, the lintel details on the rear elevation unclear, and the glazed front doors inappropriate. Elevations are absent for the detached garage relating to plot numbers 1 and 2, type B. Plots 7 and 8 Type B units are inexplicably shown as stepping back rather than paired. No elevations are present for this variation. Units 15 and 16 Type B propose single garages for which elevations are absent. On plots 3, 4, 7, 19, 20, 21 and 22, garages are pulled to the fore of the façade, contradicting and weakening the design indicated in the coloured elevations and plans.

### **House Type C**

Comment relating to House Type A apply equally to Type C. The prominent garage link, pushed forward from the main face of the buildings is particularly weak, especially as this house type is proposed as the termination of the main view into the site from Station Road.

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### House Type D

Comment relating to House Type A and C apply equally to Type D. The prominent garage and under-articulated roofscape are weak. Unit 11 proposes a gap between the unit and its boundary fence that has clearly been given no thought.

### General Comment & Layout.

The lack of competent design input into the composition of this scheme is readily apparent. Units are placed arbitrarily, making a vague attempt to avoid the root areas of retained trees, but are poorly related to one another, with no apparent logic to separation distances and position. Units 1 and 2 at least address the main road. The remaining units show little attempt to create a place framed by buildings, but are rather a turning head with units dotted around. The position of the units in their plots lacks coherency, especially in the parking-dominated type A units and in the garden layouts of plots 17 to 24, which deflect sharply for no apparent reason to the north west. Detail is absent on how the existing hedges to the front of the site are integrated into the scheme, or what the boundary treatments to the north might be. No indication is given as to the nature of surfaces within the site, and as to how these relate to its Conservation Area setting.

I would have no hesitation in recommending refusal of the scheme as it stands, on grounds of the adverse impact of its design on the Conservation Area.

In relation to the revised plans, considered that the proposal represents an improvement which has sought to address the previous comments.

**Conservation Area Advisory Committee:** In relation to the revised plans the proposal was considered to be an improvement on the earlier details although there are still weaknesses. The siting of the first units on the north side of the road could be positioned to make better use of the site and its trees. The design of these first units on the north and south side of the entrance to the development should be improved to make a more positive statement and enhance the quality of the scheme. The mixture of materials with a predominance of render should be rectified and stonework used throughout on the main elevations with artstone for the rear elevations.

**Housing Services:** Would like to comment on two issues raised by the County as follows:

i) The number of affordable housing unit on the site.

Would like to re-iterate the request for 7 affordable units (rather than the 6 offered), made in my previous memorandum of 16th March 2006. This is on the basis of the correct interpretation of the target set out in the Housing Strategy 2005 - 2010 Action Plan for:

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25-30% of developments to be affordable/social units and/or commuted sum payments based on need...

In essence, where a high level of need is proved, we would be expecting around 30% affordable units on a new site. The redeposit draft of the Local Plan acknowledges the need to relate affordable housing need on new developments with the requirements of the housing Strategy:

In considering affordable housing development the Council will have regard to its Housing Strategy in order to achieve the current mix and number of units for each site. The Council's housing services will be involved in negotiations on the type of housing to be provided to ensure local need is being addressed.

The key issue here is that of the level of identified housing need. My previous memorandum highlighted the fact that the June 2005 housing need survey of Brampton, commissioned by the City Council through Cumbria Rural Housing Trust, identified 42 households in need of affordable housing. Our recommendation for 7 affordable units (just over 29%) rather than 6 (25%) are therefore based in the stipulation of the Housing Strategy that between 25 and 30% of units should be affordable/social: "based on need". With such a strong level of evidence of need (i.e. a recent housing need survey carried out by an independent consultancy) we feel the recommendation for 7 units, rather than 6, is entirely justified.

ii) Clause 1.2 of the fourth schedule (re transfer of units to a RSL)

Would have concerns regarding the County's proposed rewording of the schedule if that were indeed likely to lead to a considerable delay in the transfer of the affordable units. Obviously, we would leave any compromise wording to Legal Services.

### Summary of Representations:

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] How Glen	14/03/06	
[REDACTED], S & S Railhead Garage	14/03/06	
[REDACTED], Lyndene	14/03/06	
[REDACTED], Elm Cottage	14/03/06	
[REDACTED] Willow Tye	14/03/06	Objection
[REDACTED] Dandy Croft	14/03/06	
[REDACTED] Franleigh House	14/03/06	
[REDACTED] Clover Hill	14/03/06	
[REDACTED] Hill Crest	14/03/06	
[REDACTED] Lyndholme	14/03/06	
[REDACTED] Linden Lea	14/03/06	
[REDACTED] 1 Tree Gardens	14/03/06	Objection
[REDACTED] Edgewood	14/03/06	
[REDACTED] - Brampton		Comment Only

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This application has been advertised in the form of press and site notices, and, the direct notification of the occupiers of 13 neighbouring properties.

One written representation has been received during the consultation period. The following observations have been received:

On viewing revised planning application for the Council Yard note that you require the pavement to run round into tree road. There are three surface water drains situated on this corner which from time to time have been overcome by water deluge from Tree Road and Station Road resulting in flooding at the corner mentioned.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1951, under application BA 750, approval was given for the erection of an open shed.

In 1966, application BA 4363, approval was given for canteen accommodation.

In 1971, BA 6454, approval was given for new office accommodation.

In 1981, 80/1014, on objections were raised to the provision of an underground 2000 gallon petrol tank.

In 1983, 83/0586, approval was given for a salt storage barn.

In 1985, application number 85/0750 and 85/0811, approval was given respectively for an extension to provide shower/drying rooms, and, erection of a salt storage barn.

In 2005, under application 05/0264, outline planning permission was refused for residential development. The two stated reasons for refusal being:

- 1) The proposal will result in a significant amount of additional housing that would compound the existing oversupply of "market led" houses within the rural area of Carlisle District contrary to Ministerial advice contained in PPG3 "Housing", Policy UR7 of RPG13 and Policy H17 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Changes, June 2004. The proposed scheme has not been advanced on the basis of meeting a local need which could have provided an exceptional justification contrary to the moratorium adopted by the Council's Development Control Committee on the 16th July 2004, and, Policy H19 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Changes, June 2004.
- 2) In the light of the current restrictions on the supply of housing in the rural area of Carlisle District, the proposal represents a significant addition of dwellings the determination of which in advance of the

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Carlisle District Local Plan (Deposit Draft) (2001-2016) Inquiry in December 2005 would prejudice its results contrary to Ministerial advice contained in PPS1 "Delivering Sustainable Development".

This refusal of permission is currently the subject of an outstanding appeal.

### **Details of Proposal:**

Members will recollect that at their Meeting on the 2nd June 2006 they resolved to give authority to the Head of Planning and Housing Services to issue approval for the erection of 23 dwellings subject to:

- i) no objections being received with regard to the revised plans prior to the expiry of the publicity period; and,
- ii) the satisfactory completion of a Section 106 Agreement covering the provision of seven affordable units.

Following this decision subsequent discussions have led to parties representing the applicant to query certain conditions and the need to provide the seven affordable units. The applicant has also submitted a series of revised plans increasing the number of dwellings to 24.

At the time of preparing this report the formal comments of the Highways Authority and the Parish Council are awaited on the revised plans. In such circumstances an updated report will be presented to Members but what follows is a resume of the current proposal.

### **1. SITE DESCRIPTION**

The application site is approximately 0.8ha in extent, located to the immediate west of the now dismantled railway track/spur, and, approximately 50 metres to the east of the Tree Road/Station Road junction. To the south of the site there is agricultural land with a barn located adjacent to the boundary. To the west and south-west of the site there are residential properties at Tree Road and Tree Gardens. There is an electricity sub-station sited on the eastern boundary of the site.

The site, was formerly used as a depot for the County Council's highways maintenance teams consisted of storage areas for road grit/salt, road signs, top dressing, and, maintenance/refueling for the associated vehicles. In the southern part of the site there is a relatively large open fronted salt/grit store, and, a vehicle maintenance workshop. The northern section has three main buildings consisting of an office, joiners workshop, and, a tin shed. In addition, there are two above ground fuel tanks, and, two underground storage tanks. The site primarily has a tarmac surface with some areas of concrete hardstanding and grass. Mature trees also cross the site.

Vehicular access to the site is via Station Road. A public footpath runs along the eastern boundary following the line of the dismantled railway track.



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The site lies within the recently extended Brampton Conservation Area.

### **2. BACKGROUND INFORMATION ON THE APPLICATION**

The application, which seeks full permission, involves the demolition of the existing structures and the re-development of the site. The scheme Members considered at their Meeting on the 2nd June 2006 detailed a modified access; the provision of a pavement; the erection of a total of 23 semi-detached dwellings based around a single access road with a turning head ie at a density of 30 dwellings per hectare. The proposed dwellings were, apart from a terrace of three houses, all semi-detached units.

In comparison, the revised plans received on the 8th January 2007 show the erection of a detached house; eight pairs of semi-detached houses; a terrace of three houses; and, a terrace of four houses.

The application was originally accompanied by a letter from the agent, a Land Quality Assessment Site Investigation Report, and, an Arboricultural Report. The aforementioned letter explains, amongst other things, that:

- It is clearly a previously developed site in the terms of PPG3 (Annex C) well within the urban area of Brampton and relatively close to the Town Centre.
- Brampton is identified in the Cumbria and Lake District Joint Structure Plan as a Key Service Centre where new development will be focussed.
- The site is shown as a Primary Employment Area under the terms of Policy EM2 of the Carlisle District Local Plan. Whilst that policy presumes in favour of retaining the existing use, it notes that exceptions may be permitted. One of those exceptions is where the existing use adversely affects adjacent residential properties. It is understood that there have been complaints in the past because of the activities of the Depot in respect of vehicles and the use particularly during the winter months.
- The Redeposit version of the Carlisle District Local Plan allocates the site for residential purposes under the terms of Policy H16. No objection to that allocation has been made. Consequently considerable weight can be attached to the policy.
- The intention is to modify the existing highway and, as such, it would seem to be appropriate to impose a Grampian style planning condition in order to achieve these highway works.
- It is understood that up to 55 people could have worked from the site in the past and the level of trip generation was greater than will be the case with the residential development. As such there will be a net reduction in vehicle movements. The level of development is clearly below the threshold where a Transport Assessment is required.

- The layout plan shows that satisfactory distances can be maintained between existing properties such there will be no privacy issues.

The Land Quality Assessment Site Investigation Report recommends: the removal and off-site disposal of the localised areas of hydrocarbon "contamination"; the existing tanks and any associated infrastructure/hydrocarbon contamination removed; the removal of decommissioned services; dust suppression during earthworks; construction workers should adopt appropriate health and safety measures; adoption of surface water control measures during construction; further gas monitoring should be undertaken following removal of the diesel USTs ; soil gas protection measures, if required, should be designed in accordance with BRE Report 414 and CIRIA Report 149 should be incorporated into buildings in the western area of the site; appropriate mitigation measures within the built development; removal of buried structures; and, appropriate foundations are designed.

The Arboricultural Report concludes that the Beech tree T1 and Silver Birch trees T8, T9 and T10 are important features within the local landscape and the loss of these would be detrimental to the local environment. The remaining trees on the proposed development area do not contribute to the conservation value of the site. The Report recommends the carrying out of a programme of tree works prior to the commencement of development following which substantial protective fencing should be erected.

### 3. ASSESSMENT OF THE PROPOSAL

At the time of previously considering application 06/0307 the main planning issues were held to be whether the advantages outweigh the disadvantages with regard to:

- i) Whether the site would be appropriate for residential use in the light of current national, regional and local planning policies in respect of new housing;
- ii) Whether the application is premature in advance of the inquiry into the Carlisle district local plan (redeposit draft)(2001-2016);
- iii) Whether the proposal would be detrimental to the character of this part of Brampton Conservation Area;
- iv) Whether the proposal would be detrimental to the amenities of neighbouring residents and/or appropriate in the light of its relationship to neighbouring uses;
- v) Whether the proposal meets the Council's objectives with regard to the provision of affordable/social housing; and,
- vi) Whether the proposal, by the potential creation of a "ransom strip" would prejudice the development of neighbouring land.

It is appreciated that these issues inter-relate to a certain degree but in order to

## **SCHEDULE A: Applications with Recommendation**

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clarify matters they will be separately assessed.

**i) Whether The Site Would Be Appropriate For Residential Use In The Light Of Current National, Regional And Local Planning Policies In Respect Of New Housing.**

Policy H4 of the CDLP states that within Brampton, outside designated Primary Residential Areas, applications for residential development will be permitted subject to the satisfaction of a number of criteria. Policy EM2 also highlights that within Primary Employment Areas exceptions may be permitted for other uses outside of Classes B1, B2 and B8 providing that it is judged acceptable in relation to a series of criteria including that the existing use of the site adversely affects or could adversely affect adjacent residential properties. In the case of this application anecdotal evidence has indicated that the current use of the site has adversely affected the amenity of the existing adjacent residential properties.

This aside, Policies H4 and EM2 pre-date the guidance on housing development in what was PPG3 (now replaced by PPS3), and, RPG13.

In relation to this issue it was appreciated that the scheme relates to brownfield land within an identified Key Service Centre. In such a context it is considered that the proposal would not undermine the aims of up to date national, regional and Structure Plan policies in respect of new housing development.

**ii) Whether The Application Is Premature In Advance Of The Preparation Of The Carlisle District Local Plan (deposit Draft)**

When considering this issue it is felt that the following points need to be kept in mind:

- a) Ministerial advice contained in the attachment to PPS1, "The Planning System: General Principles", identifies in paragraph 17 that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan (DP) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DP by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DP.
- b) Based on the lifting of the previously imposed Moratorium and no objections having been made concerning its allocation for residential purposes under Policy H16 of the CDLP Redeposit Draft (2001-2016) it is considered that the bringing forward in advance of the Inquiry commencing on the 3rd July of this year would not prejudice its results.
- iii) Whether The Proposal Would Be Detrimental To The Character Of This Part Of Brampton Conservation Area.**

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PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"**. PPG15 goes on to advise that special regard should be had to matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

In such a context it is considered that the design of the proposed dwellings is acceptable and not fundamentally different to those already "agreed" at the previous Committee Meeting.

### **iv) Whether The Proposal Would Be Detrimental To The Amenities Of Neighbouring Residents And/or Appropriate In The Light Of Its Relationship To Neighbouring Uses**

In the case of the revised plan, the proposed dwellings backing onto Tree Road are shown to be 75 metres to 65 metres from their counterparts facing wall. In relation to 1 Tree Gardens, the end wall is 16 and 18 metres respectively from the nearest main walls of the proposed dwellings on plots 10 and 11. The proposed dwellings on plots 10 and 11 are also at an oblique angle to 1 Tree Gardens. Based on the foregoing it is felt that the proposal should not be detrimental to the amenities of the neighbouring residents.

In the case of the proposed dwellings on plots 15 and 16 they are sited in relatively close proximity to an agricultural building(s). In mitigation this land is, however, designated as a Primary Residential Area under the Proposals Map of the Carlisle District Local Plan, and, any prospective purchaser should become apparent of the situation.

### **v) Whether The Proposal Meets The Council's Objectives With Regard To The Provision Of Affordable/social Housing**

In the case of affordable/social housing PPG3 establishes that a community's need for low cost/subsidised housing is a material planning consideration. The Government's advice recognises that it may be desirable in planning terms for new housing on sites which are large enough to incorporate a reasonable mix and

## **SCHEDULE A: Applications with Recommendation**

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balance of house types and sizes to cater for a range of housing needs.

Policy H19 of the SP (2001-2016) sets the provision of affordable housing on sites of more than 0.4 ha or in developments of 10 or more dwellings.

The revised plans show the provision of seven low cost units as previously agreed.

### **vi) Whether The Proposal, By The Potential Creation Of A "ransom Strip" Would Prejudice The Development Of Neighbouring Land**

Under the Proposals Map of the Carlisle District Local Plan the neighbouring land to the east is designated a Primary Residential Area. The submitted layout plan indicates a cul-de-sac with a turning head at the eastern most section. The proposed turning head, however, falls short of the boundary. In so doing it creates a potential ransom strip for vehicular access from this site to the neighbouring land. Case Law has, however, established that it is not for the Council, acting as the local planning authority, to interfere in the commercial interests of businesses. It is, however, possible for the Council to impose a condition requiring the extension of the roadway up to the boundary of a site provided that:

- a) It fairly and reasonably related to the provisions of the development plan;
- b) It fairly and reasonably related to the permitted development; and,
- c) It must be such as a reasonable planning authority could properly impose.

As such, the suggested way forward would be to impose a condition which safeguards land within a development site for future access to adjoining land without the construction of the linking section.

## **4. CONCLUSION**

It is recognised that the scheme relates to designated brownfield land within an identified Key Service Centre. On the basis that no objections are raised by interested parties the proposal will be recommended for approval.

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## **Human Rights Act 1998**

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

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

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

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

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

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

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### 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. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area, in accordance with Policies H4 and E43 of the Carlisle District Local Plan.

3. The carriageway and footways 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

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

## SCHEDULE A: Applications with Recommendation

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5. No dwelling shall be occupied until a new access has been constructed onto Station Road with 10.5 metre radius kerbs to give a minimum carriageway width of 5.5 metres in accordance with details submitted to and approved before hand in writing by the local planning authority.

**Reason:** To ensure adequate access is available for each occupier in accordance with Policy H4 of the Carlisle District Local Plan.

6. No development shall commence until visibility splays providing clear visibility of 70 metres x 2.4 metres x 70 metres measured down the centre of the exit road and the nearside channel line of the trunk road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

**Reason:** In the interests of highway safety, to ensure compliance with Policy H4 of the Carlisle District Local Plan.

7. No dwelling shall be occupied until a footway connection from the estate road along Station Road to Tree Road has been provided in accordance with details approved beforehand by the local planning authority.

**Reason:** In the interests of highway safety in accordance with Policy H4 of the Carlisle District Local Plan.

8. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**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.

9. Before each dwelling is occupied its associated off street parking shall be provided together with vehicular access thereto and the associated turning area in accordance with the approved plans. The access, spaces for garage and/or parking, and, turning area shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure that each dwelling is provided with parking and thus comply with policy H4 and T7 of the Carlisle District Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General

## SCHEDULE A: Applications with Recommendation

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Permitted Development) Order revoking and re-enacting that order with or without modification) no fences, gates, walls or other development, impediment or obstruction shall be erected or created on the land shown hatched on the approved drawing no.xy33.

**Reason:** To safeguard land within the development site for future access to adjoining land identified in the Carlisle Desitict Local Plan as a Primary Residential Area.

11. 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.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policies E43 and H4 of the Carlisle District Local Plan.

12. 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 Policies E43 and H4 of the Carlisle District Local Plan.

13. Particulars of height and materials of all screen walls and 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 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 Policies E43 and H4 of the Carlisle District Local Plan.

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

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

15. All works comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

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

16. 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



## SCHEDULE A: Applications with Recommendation

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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 effective in accord with Policy E15 of the Carlisle District Local Plan.

17. No development shall commence until a written method statement for the demolition of the existing buildings and removal of the tarmac adjacent to and beneath the trees to be retained has been submitted to and approved in writing by the local planning authority. The aforementioned statement shall not only include how the developer intends to carry out these operations but also how the trees are to be protected during these operations. The development shall be carried out in accordance with the approved method statement.

**Reason:** To protect the trees during development works in accordance with Policies E19 of the Carlisle District Local Plan.

18. No part of the development hereby permitted shall commence until:

- (a) there has been submitted to and approved by the Local Planning Authority ("the LPA") a remediation scheme ("the Remediation Scheme"), which shall:
  - (i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
  - (ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and
- (b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and
- (c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:

## SCHEDULE A: Applications with Recommendation

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- (i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,
- (ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
- (iii) future monitoring proposals and reporting. To protect the environment and prevent harm to human health awaited.

**Reason:** To protect the environment and prevent harm to human health.

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

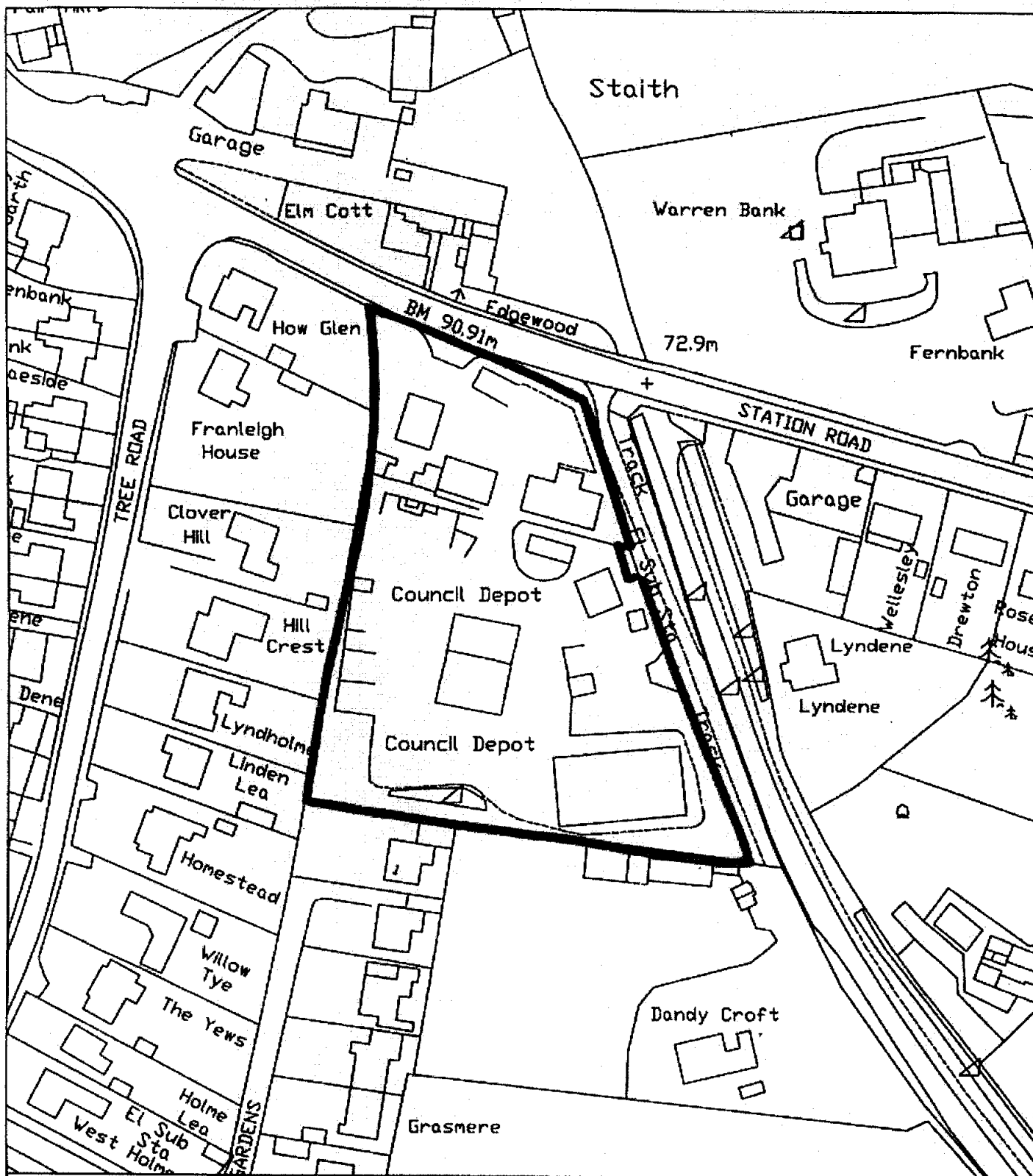
**Reason:** To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

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

**Reason:** To maintain the special visual character of the locality in accordance with Policy E43 of the Carlisle District Local Plan.

21. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

**Reason:** To maintain the special visual character of the locality in accordance with Policy E43 of the Carlisle District Local Plan.



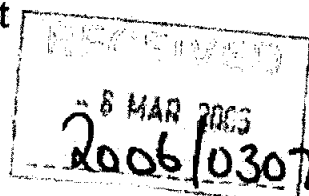
Cumbria County Council

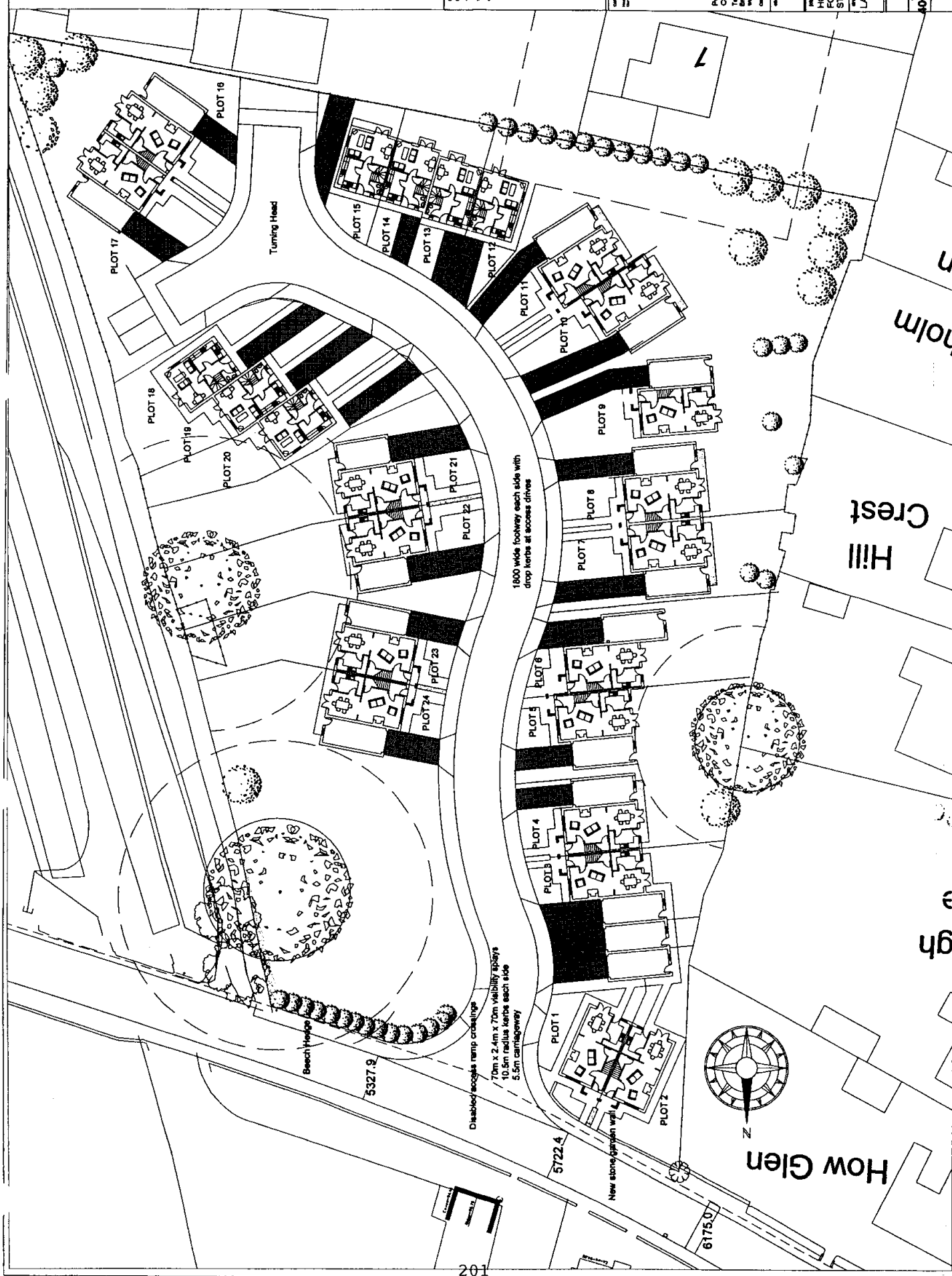
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C/O Capita Symonds  
The Capita Building  
Kingmoor Business Park  
Carlisle  
CA6 4SJ



Highways Depot  
Station Road  
Brampton





Plot No.	Area (sq. m)	Area (sq. ft)
1	1000	11000
2	1000	11000
3	1000	11000
4	1000	11000
5	1000	11000
6	1000	11000
7	1000	11000
8	1000	11000
9	1000	11000
10	1000	11000
11	1000	11000
12	1000	11000
13	1000	11000
14	1000	11000
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23	1000	11000

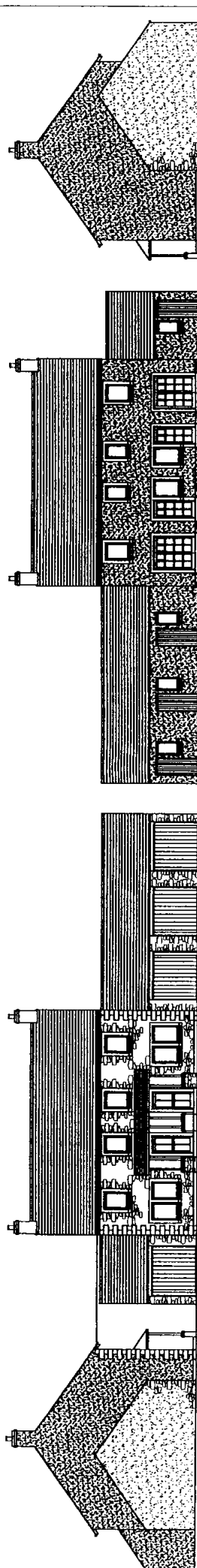
**RECEIVED**  
CAPITA SYMONDS  
CL/087

Permit Local Practice  
Clifford M. Symonds, Chartered, C111  
Tel: 01753 34222 Fax: 01753 34221  
www.capitasymonds.co.uk  
Clifford M. Symonds, Chartered, C111  
Clifford M. Symonds, Chartered, C111

**HOUSING DEVELOPMENT**  
**FORMER HIGHWAYS DEPOT**  
**STATION ROAD, BRAMPTON**  
**LAYOUT PLAN AS PROPOSED**

Scale	RD	MH	24.05
1:200			

All dimensions to be checked on site  
Do not scale drawing

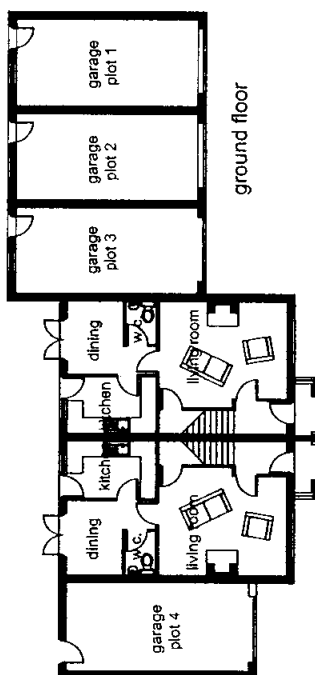


side elevation  
plot numbers 3 & 4

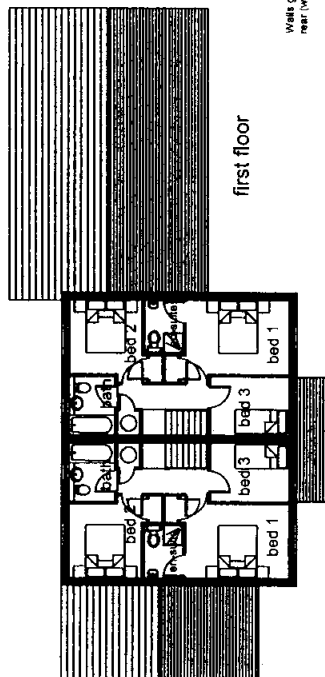
front elevation

rear elevation

side elevation



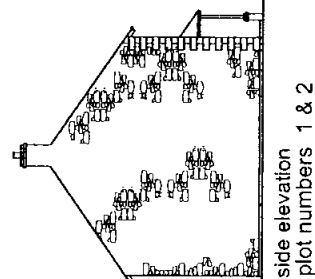
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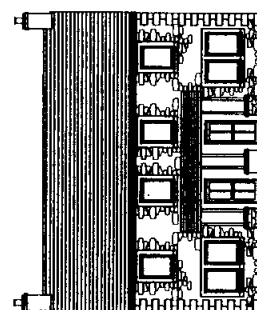
first floor

Walls generally natural stone with render to gables and rear (where indicated) over blocks at corners  
Roof to be natural slate  
Windows and Doors to be in timber  
Natural stone surrounds to window and doors

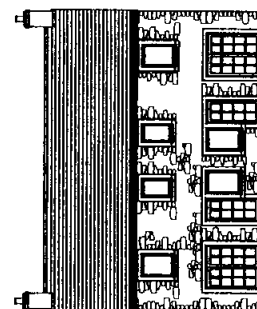
CAPITA SYMONDS



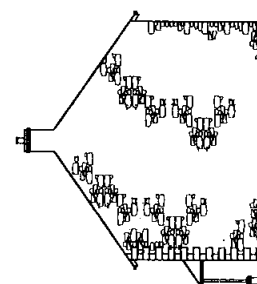
side elevation  
plot numbers 1 & 2



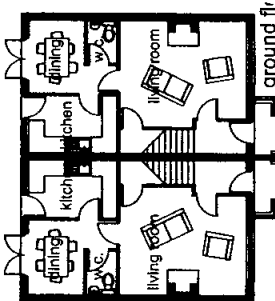
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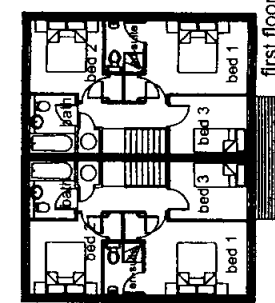
rear elevation



side elevation



ground floor



first floor

Project:  
Brampton House Development

Title:  
House Types  
(sheet 1 of 5)

Scale:  
1:100

Date:  
April 2006

Drawing No.

4064204/P/01

Notes:  
Outline

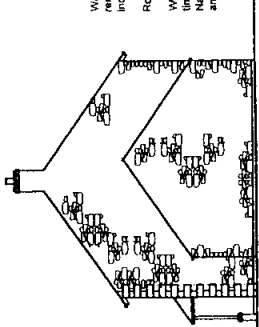
Rev C

The Capital Building  
Highgate Business Park, Letchworth, Cambs, UK  
Tel: 01455 778888 Fax: 01455 778889  
Email: [info@capitalsymonds.co.uk](mailto:info@capitalsymonds.co.uk)

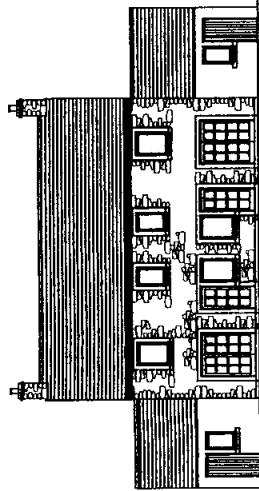
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Do not scale drawing

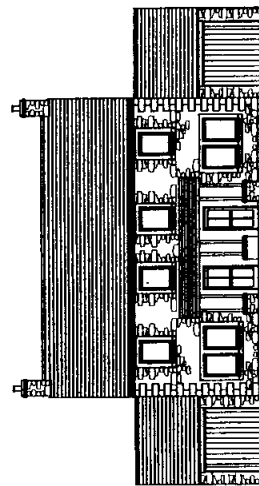
Walls generally natural stone with  
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Roof to be natural slate  
Windows and Doors to be in  
timber  
Natural stone surrounds to window  
and doors



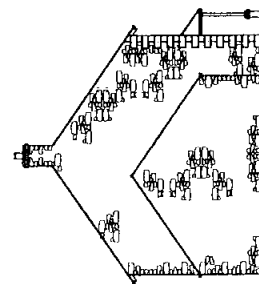
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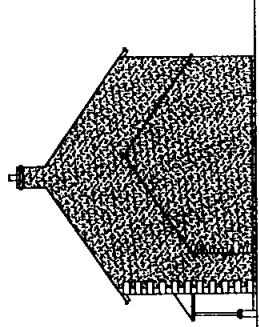
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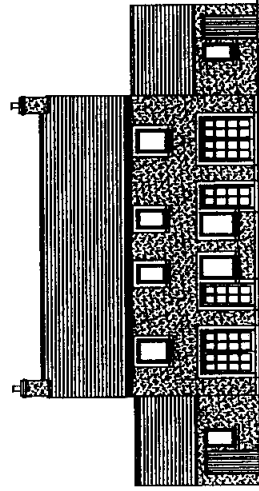
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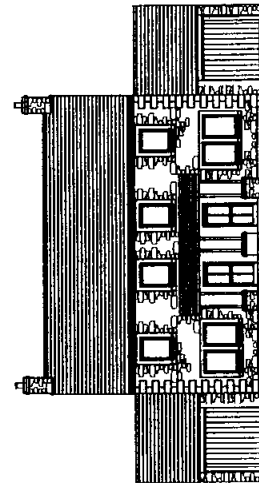
side elevation  
plot numbers 23 & 24



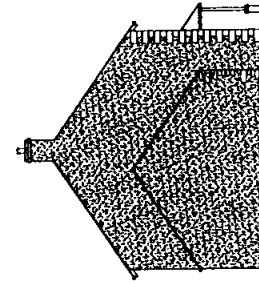
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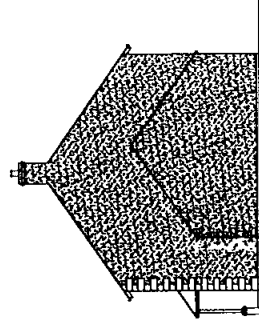
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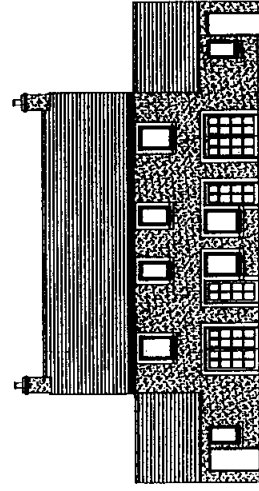
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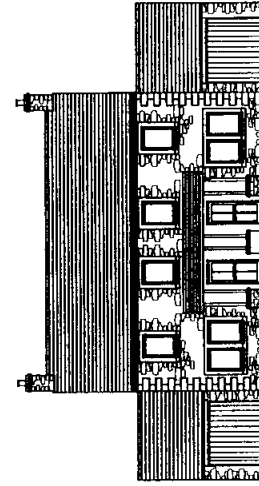
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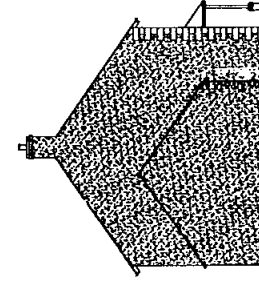
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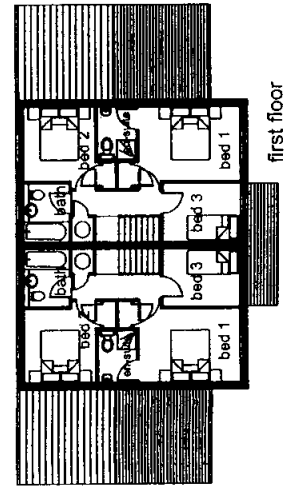
rear elevation



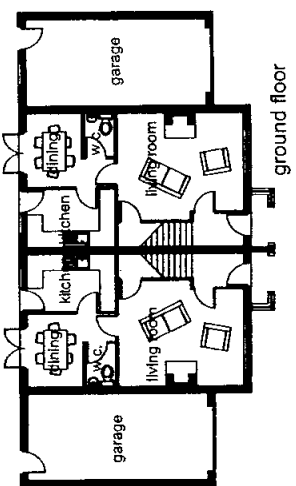
front elevation



side elevation  
plot number 7 & 8, 16 & 17



first floor

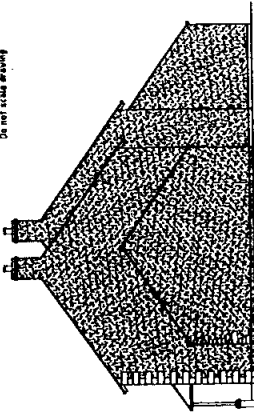


ground floor

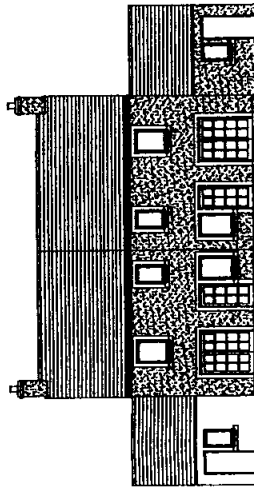
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Revision: A  
Date: 10/10/06  
Author: CAPITA SYMONDS  
Client: The Capital Building  
Project: Brampton House Development  
Title: House 1/1000  
Scale: 1/100  
Date: April 2006  
Drawing No: 4064204/P/02  
Rev C  
Drawn: D. Smith  
Checked: D. Smith

204

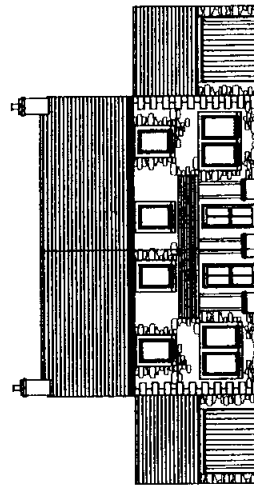
All dimensions to be checked on site  
Do not scale drawing



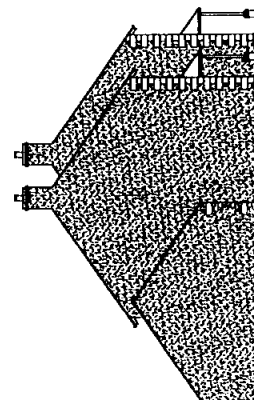
side elevation



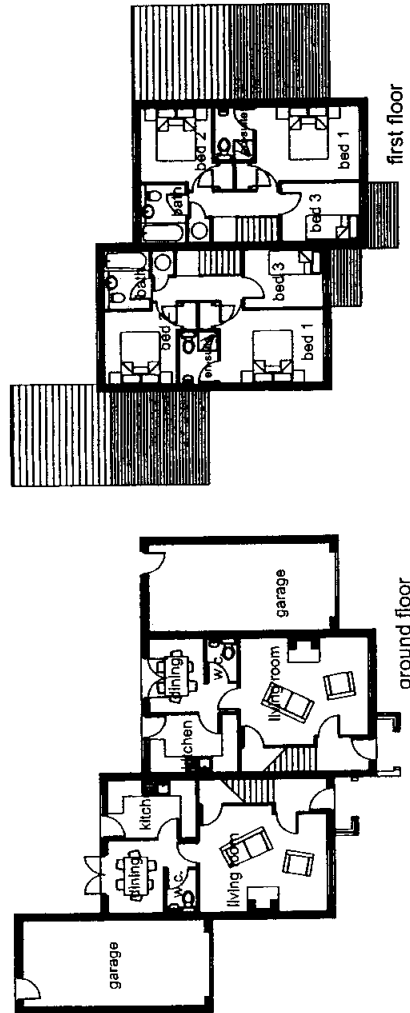
rear elevation



front elevation



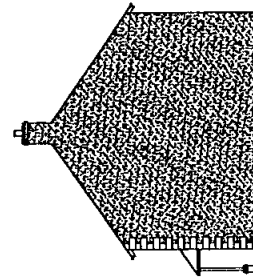
side elevation  
plot numbers 5 & 6



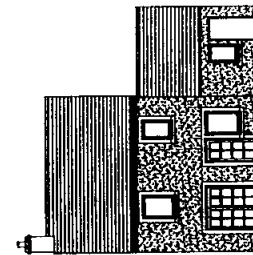
first floor

ground floor

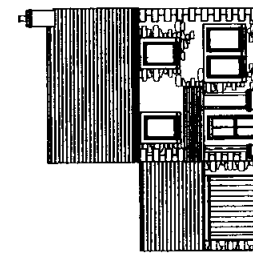
Walls generally natural stone with  
brickwork at corners and around  
indicated (quoin blocks at corners  
indicated)  
Roof to be natural slate  
Windows and Doors to be in  
Natural stone surrounds to window  
and doors



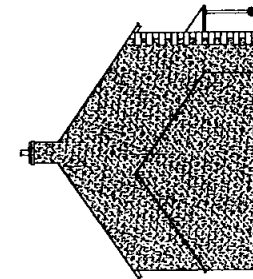
side elevation



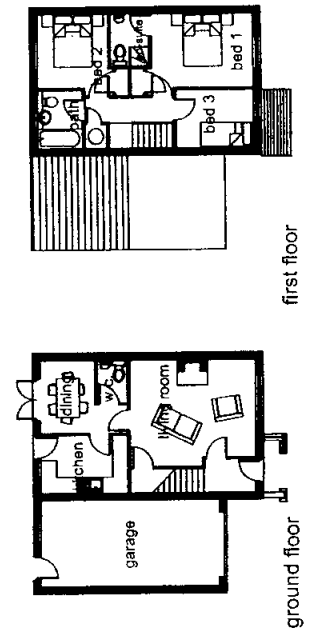
rear elevation



front elevation



side elevation  
plot number 9



first floor

ground floor

Number	Revision	Author	Date	By
1	1	Capita Symonds	10/04/04	AS

Project:  
Brampton House Development

Title:  
House Types  
(Sheet 4 of 5)

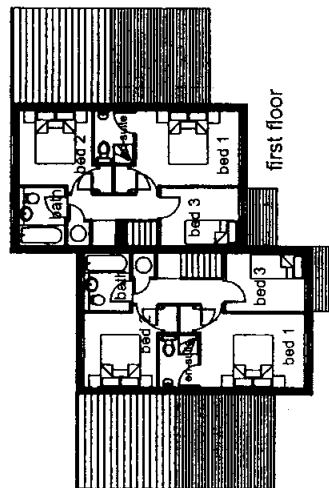
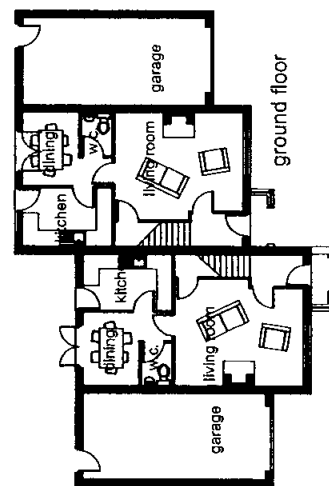
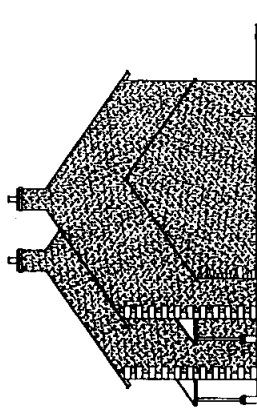
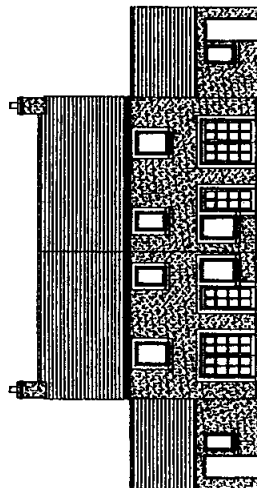
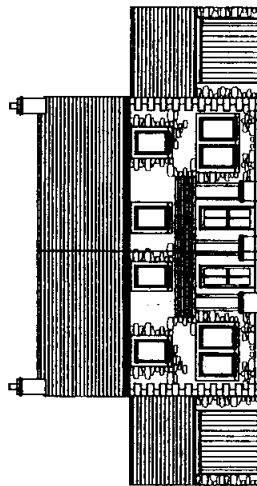
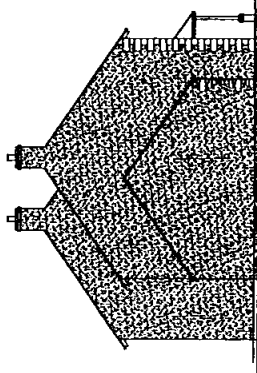
Scale:  
1:100

Drawing No:  
4064204/P/04

Drawn:  
D. Webb

Rev B





Revision Number	Revision Date	Approvers	Info-Us
<p><b>The Castle Building</b>  <b>Thompson Business Park, Corning, GA 31613</b>  <b>Phone: 706/776-2200</b>  <b>Fax: 706/776-2201</b>  <b>Email: <a href="mailto:info@usinfo.org">info@usinfo.org</a> or <a href="mailto:info@usinfo.usa.net">info@usinfo.usa.net</a></b></p>			
<p><b>Class#</b></p>			<p><b>Info-Us</b></p>

Walls generally natural stone with render to gables and near (where indicated) quoil blocks at corners

Roof to be natural slate

Windows and Doors to be in timber

Natural stone surrounds to window and doors

Project:  
Brampton House Development

Title:  
house types  
(sheet 4 of 5)

Scale:  
1:100

Date:  
April 2000

Drawing No.  
4.064.204/P/05

Drawn  
C. Webb

## SCHEDULE A: Applications with Recommendation

06/1303

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**Item No: 11**

**Date of Committee:** 26/01/2007

**Appn Ref No:**  
06/1303

**Applicant:**  
Mr & Mrs Armstrong

**Parish:**  
Castle Carrock

**Date of Receipt:**  
13/11/2006

**Agent:**  
Jock Gordon

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land opposite Castlegate Cottage, Castle Carrock,  
Brampton, CA8 9LT

**Grid Reference:**  
354200 555680

**Proposal:** Erection Of One Detached Dwelling (outline) Together With The  
Provision Of 2no. Parking Spaces For Castle Gate Cottage

**Amendment:**

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## REPORT

### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to an objection having been received from the Parish Council.

### Planning Policies:

**Airport Safeguarding Area**

**Public Footpath**

The proposal relates to development which affects a public footpath.

**Flood Risk Zone**

**Carlisle District Plan  
Environment - Policy E4**

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

## **SCHEDULE A: Applications with Recommendation**

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Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

### **Carlisle District Plan Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

### **Carlisle District Plan Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery

## **SCHEDULE A: Applications with Recommendation**

06/1303

of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment**

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP9 - Landscapes of County Importance**

Within Landscapes of County Importance, 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

## SCHEDULE A: Applications with Recommendation

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particular landscape within which it is to be sited.

Development required 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.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

1. the site is well related to the landscape of the area and does not intrude into open countryside; and
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. the layout of the site and the design of the buildings is well related to existing property in the village; and
4. the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. appropriate access and parking can be achieved; and
6. the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

## SCHEDULE A: Applications with Recommendation

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Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines**

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

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

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** the unadopted lane shown on the 1:500 scale site plan is in fact Public Footpath 110001. The plot is currently the garden to Castle Gate Cottage on the opposite site of the B6413 and currently has the garage and off-street parking for that property. The Highway Authority would also point out that the aforementioned footpath is intended to form the access to the Townfoot Farm development (06/0973) for which consent has been granted. That consent requires the developer to upgrade the access. From the viewpoint of this application, whilst there is no objection from a highway point of view to the further development of the site for a single dwellinghouse, the applicant has given no indication whether it is proposed to provide replacement parking for Castlegate Cottage. Given the severe dip in the road where the stream crosses (this forms the northern boundary of the plot) which comprises visibility, the existing access will have more traffic when the 06/0973 development is completed and on-highway parking space is already at a premium and would suggest refusal of the application if alternative provision for Castlegate Cottage is not provided. Alternatively, the Highway Authority suggest an appropriate condition be attached to any consent requiring details of the parking and turning arrangements within the site for both the new dwelling and Castle Gate Cottage.

**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 soakaway, which is an acceptable method of disposal.

## SCHEDULE A: Applications with Recommendation

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The proposed site is located within a flood risk area and as such the applicant should consult with the Environment Agency for advice.

Public sewers run across this site and as such the applicant should consult United Utilities;

**United Utilities (former Norweb & NWWA):** comments awaited;

**Castle Carrock Parish Council:** the Parish Council raises the following comments and observations.

Concerns have been voiced that the proposed development would be situated outside the existing boundary of the village, thereby setting a precedent for further such applications. At present, there is a natural boundary formed by a lane leading from the road to farmland and outbuildings. The Parish Council are concerned about the use of this footpath for the proposed development and for the a different development (ref: 06/0973).

The parcel of land where the property would be situated lies next door to other similar parcels of land that might also be deemed "suitable" as building plots. This would thereby extend the village still further, particularly since, although the planning application states that the plot is a domestic garden, it has only recently been physically altered from a grazing field. What is to prevent the next field, and then the next field, from being converted to garden and subsequently housing?

Castle Carrock as you are of course aware, is already gaining an additional 9 properties with the Montgomery Homes development on Sid's Field, and a further 4 dwellings in the Townfoot Farm development. These are at least within the boundaries of the village.

**Ramblers Association:** provided that there is no interference with the public right of way over adjacent Public Footpath 110001, there is no objection to the proposal;

**East Cumbria Countryside Project:** the Public Footpath 110001 must be kept open at all times during and after development;

**Carlisle Airport:** no objection;

**Cumbria County Council - (Archaeological Services):** no comment; and

**Development Services Planning & Housing Services - Local Plans:** the proposal site is situated on the edge of the village of Castle Carrock which is identified as a local service centre in policy H1 of the redeposit draft Carlisle District Local Plan. All local service centres within the plan have settlement boundaries which reflect the built up extent of that particular village.

Development within the settlement boundary of Castle Carrock, dependant upon the criteria set within Policy H1, may be considered acceptable. The proposal site, however, is on the edge of the village falling outside the settlement boundary. Policy

## SCHEDULE A: Applications with Recommendation

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H1 recognises that, occasionally, situations may arise where sites on the edge of local service centres may be suitable for development. The policy sets out the following criteria in paragraph 5.4 against which proposals of on the edge of settlements should be assessed,

Sites may be permitted on the edge of villages providing they:

1. relate well to and are contained by the existing landscape features of the area
2. relate well to the form, scale and character of the rest of the village; and
3. the scheme does not adversely affect the amenity of adjacent dwellings.

The impact of the proposed dwelling on the landscape is a key factor in assessing whether or not the proposal is acceptable. The site falls within a landscape of County Importance; therefore Policy DP9 should also be used to assess the suitability of the proposal for the location. The site in its current state appears to have significantly changed in appearance since the refusal of a previous application for a dwelling on the site (99/0753). The erection of a large double garage, new walling and paving (00/0812) have given the site a 'developed/ residential' appearance. The remainder of the site has been altered to form a garden for Castle Gate Cottage which, coupled with the new garage, walls etc, in my opinion both visually and physically extends the reach of the village to Castle Carrock Beck.

Attention should be drawn to a representation that has been made during the local plan consultation process regarding the settlement boundary for Castle Carrock. The question of whether or not this land should fall within the boundary of Castle Carrock will therefore be considered at the local plan inquiry scheduled for July 2007. As a result only limited weight can be attached to the extent of the settlement boundary at this point.

In conclusion, it is felt that the site has a well-defined boundary which would contain the development and avoid setting a precedent for any future intrusion into the open countryside. The character and appearance of the site, in my opinion, is residential in nature and in its current form would appear to extend the village to Castle Carrock beck.

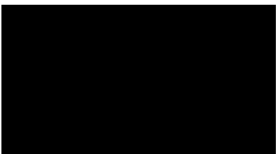
### **Summary of Representations:**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

	Peels Garth	16/11/06
	Castlegate	16/11/06
	Castlegate Cottage	16/11/06
	Townfoot Farm	23/11/06
	Aldergate	23/11/06

This application has been advertised by means of a site notice, a pres notice and direct notification to the occupiers of 5 of the neighbouring properties. At the time of writing this report, no representations have been received.



## **SCHEDULE A: Applications with Recommendation**

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### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1999, planning permission was refused for the erection of a detached dwelling. A subsequent appeal to the Planning Inspectorate was dismissed.

Planning permission was granted in 2000 for the demolition of an existing single storey extension and garage and erection of two storey extension comprising kitchen, utility room and conservatory with en-suite bedroom and bathroom above together with detached garage on other side of road

#### **Details of Proposal:**

This application seeks outline planning consent for the erection of a dwelling on land at Castle Gate Cottage, Castle Carrock. The site is located on the northern boundary of the village and currently forms part of the domestic curtilage belonging to Castle Gate Cottage, on the opposite side of the road. A detached double garage is located adjacent to the southern boundary of the site, close to the public footpath. The site slopes down to the beck to the north and is bounded by a stone wall adjacent to the County highway that runs adjacent to the eastern boundary with sparse planting to the west. The site is designated as being of County Landscape Importance and is immediately adjacent to the North Pennines Area of Outstanding Natural Beauty.

The site measures approximately 0.18 hectares and is currently used as domestic curtilage. Outline planning permission is sought to determine whether the principle of a dwelling on the site is acceptable, with all matters being reserved for subsequent approval with the exception of the means of access. The accompanying Design and Access Statement states that the scale of the dwelling will be two storey and that the design and use of materials will be complementary of the adjacent properties.

The relevant planning policies against which the application is required to be assessed are Policies E4, E22 and T7 of the Carlisle District Local Plan and Policies CP1, CP11, H1, and T1 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

#### **1. The principle of development**

Castle Carrock is a settlement identified within the Local Plan Redeposit Draft as a local service centre. In consideration of this application, Policy H1 of the Carlisle District Local Plan Redeposit Draft organises settlements in a hierarchy with the focus for development being the urban area of the district, following this the Key Service Centres of Brampton and Longtown which have a variety of amenities and services. Outside these areas the Redeposit Draft Local Plan identifies a number of villages which have some service provision such and could accommodate some

## SCHEDULE A: Applications with Recommendation

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small scale infill development. Around the built up extent of these local service centres a boundary line has been drawn in response to guidance in Regional Planning Guidance 13 to focus any new development within its settlement boundary to support the local services.

In essence, however, Policy H1 of the Carlisle District Local Plan Redeposit Draft organises settlements in a hierarchy with the primary focus for new housing development being the urban area of the district; followed by the Key Service Centres of Brampton and Longtown which have a broad range of amenities and services; and finally, selected villages which perform a service role within the rural area. These villages are sub-divided into two groups, the first being the 20 larger villages that act as Local Service Centres and where the scale and nature of development will be determined by local form and character; Castle Carrock features in this list.

### 2. Development outwith the settlement boundary

The proposed site is immediately north of the proposed settlement boundary that follows the line of the footpath to the south of the site. In this respect, planning policies, through the introduction of the settlement boundaries, seek to provide more co-ordinated residential development within villages.

Members will note from the planning history reproduced earlier within this report, that planning permission was refused for the erection of a dwelling on this site in 1999. The applicant subsequently lodged an appeal to the Planning Inspectorate and the appeal was dismissed. A copy of the decision letter is reproduced following this report.

Members will note from the attached Inspector's decision, that paragraph 13 concludes with:

*"I consider that the Council's concern, shared by the Parish Council, regarding the prospect of further extensions to frontage development is well founded. If the appeal prospect were to be considered to be acceptable there would remain other undeveloped land (outside the present appeal site) between the proposed dwelling and the stream suggested as an appropriate boundary for the village."*

### 3. Current planning situation

Since the refusal of planning permission and the dismissal of the appeal for the dwelling, planning permission was approved for an extension to the applicant's property that included the erection of a detached garage on the opposite side of the road that consists of the current application site. The remaining part of the site, from the garage to the beck to the north, has been used as domestic curtilage and contains a couple of domestic timber structures, albeit the use has occurred without the benefit of planning permission.

Members will note from the consultation response from Officers in Local Plans, that Policy H1 of the emerging Local Plan sets out criteria against which proposals on the

## **SCHEDULE A: Applications with Recommendation**

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edge of settlements should be assessed. The character of the site has undoubtedly changed from the time of the planning appeal decision insofar as it has become domestic in its appearance. The beck to the north of the site still forms a natural boundary to the site and the footprint of the proposed dwelling would be adjacent to the existing garage and to the those buildings to the south. The proposal would be well related to and contained by the existing landscape features of the area; the proposal would be well related to the form, scale and character of the surrounding development; and the scheme would not adversely affect the amenity of adjacent dwellings. Moreover, Local Plans Officers have indicated that they are unlikely to challenge the objection to the proposed settlement boundary during the Local Plan Inquiry.

Although the Inspector's comments relating to the impact of the development on the edge of settlement were comprehensive, by approving the development for the extension in 2000, that included the double garage, the Local Planning Authority has accepted development on this site. The double garage is substantial in its visual appearance and the character of the site has changed from being agricultural/ open countryside to being more domestic.

### **4. Highway issues**

The Highway Authority originally raised the issue regarding the potential loss of parking provision for the occupier of Castle Gate Cottage. Amended drawings have now been received that illustrate dedicated parking provision for 2no. spaces. Although the Highway Authority has been reconsulted, no response has been received at the time of writing this report, it is considered that the amended plans appropriately address the issue raised.

### **5. Other matters**

The Parish Council has raised concerns regarding the principle of development, the first of which relates to vehicular access and the potential conflict with development that was recently granted planning permission. In this respect, Members should note that the Highway Authority has raised no objection.

Secondly, the Parish Council raises the issue of the potential precedent that any approval on the site might raise. The application must be considered against the relevant planning policies and any future application for additional development must likewise be considered accordingly.

Finally, the issue is raised about other development within the village that, in the view of the Parish Council, are at least within the confines of the village. As referenced earlier, there are objections to the proposed village boundary within the emerging Local Plan and as such, the proposal has to be considered in terms of the adopted planning policies.

### **6. Conclusion**

In overall terms, the merits of the application are finely balanced. On the one hand the site is outwith the proposed settlement boundary of the emerging Local Plan,

## SCHEDULE A: Applications with Recommendation

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albeit given the objection to the boundary, this is a matter that will be settled at the Local Plan Inquiry. Members must therefore consider whether significant weight can be attached to this together with the Planning Inspector's decision letter relating to the earlier application. On the other hand, planning policies do allow for development on the edge of Local Service Centres subject to the relevant criteria. Since the appeal decision, there has been a significant material change in the character and appearance of the site insofar as it has become aesthetically domestic and the site would be well contained. The applicant seeks consent for 1 no. dwelling within the site and this could be restricted by way of a planning condition.

On balance this, coupled with the fact that the site would not conflict with the policy criteria relating to development on the edge of settlements and would not adversely affect the visual character of the landscape of County importance, the proposal is acceptable.

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### Human Rights Act 1998

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

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

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

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

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

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.

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### Recommendation: Grant Permission

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

## SCHEDULE A: Applications with Recommendation

06/1303

- (i) The expiration of 3 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

3. Prior to the commencement of development hereby approved, 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 works harmonise as closely as possible with the existing building and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

4. Prior to the commencement of development hereby approved, details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

5. Prior to the commencement of development hereby approved, 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 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.

6. The 2no. parking spaces shall be provided and capable of being used prior to the occupation of the dwelling hereby approved and shall be retained and

## **SCHEDULE A: Applications with Recommendation**

06/1303

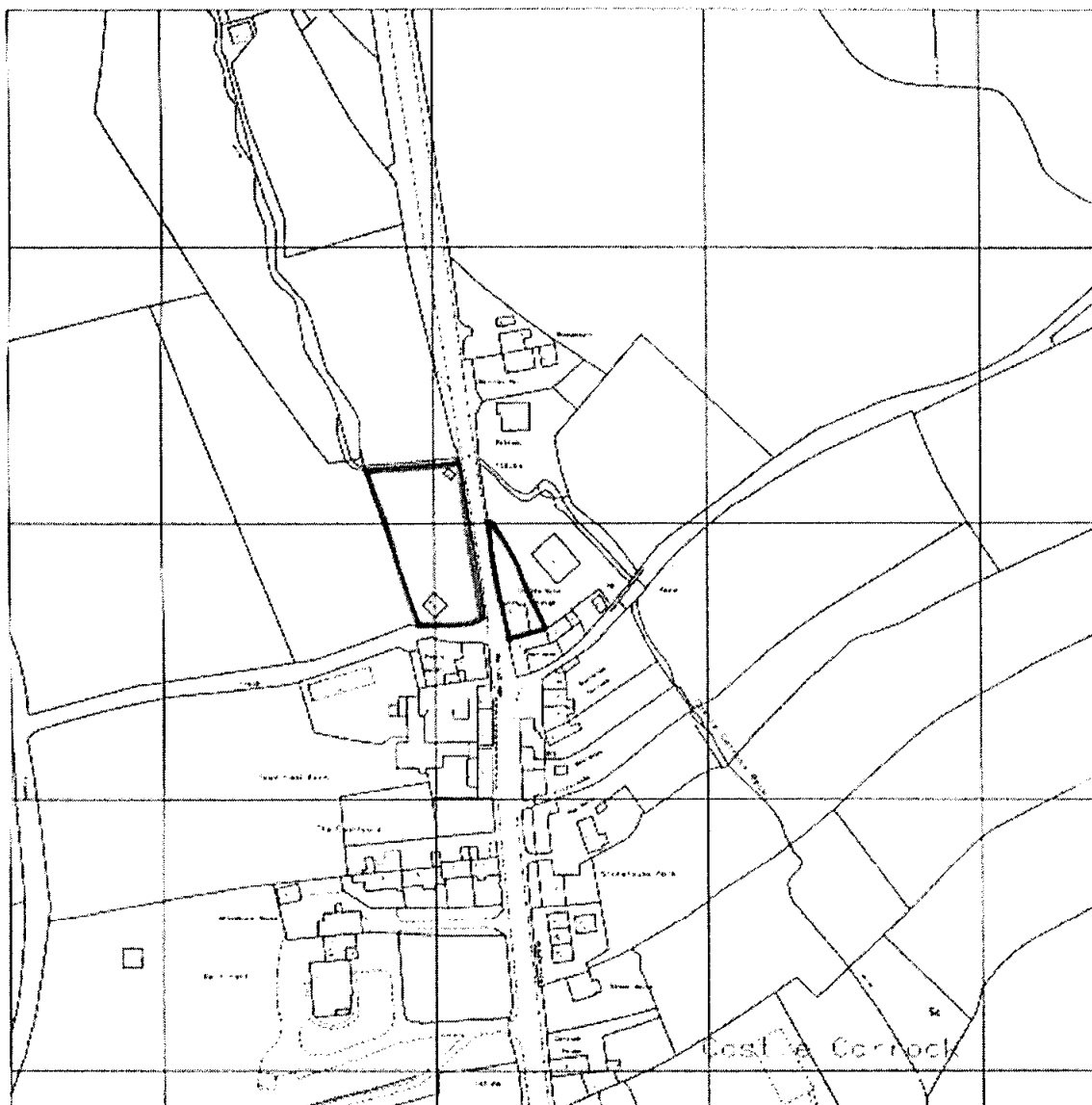
capable of being used by the occupiers of Castle Gate Cottage.

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

7. Not more than one dwelling with garage shall be erected on the site.

**Reason:** To ensure that the development respects the scale and character of buildings in the locality in accordance with the objectives of Policy H5 of the Carlisle District Local Plan.

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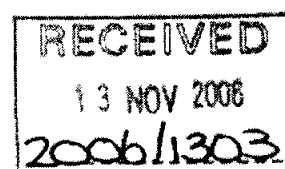
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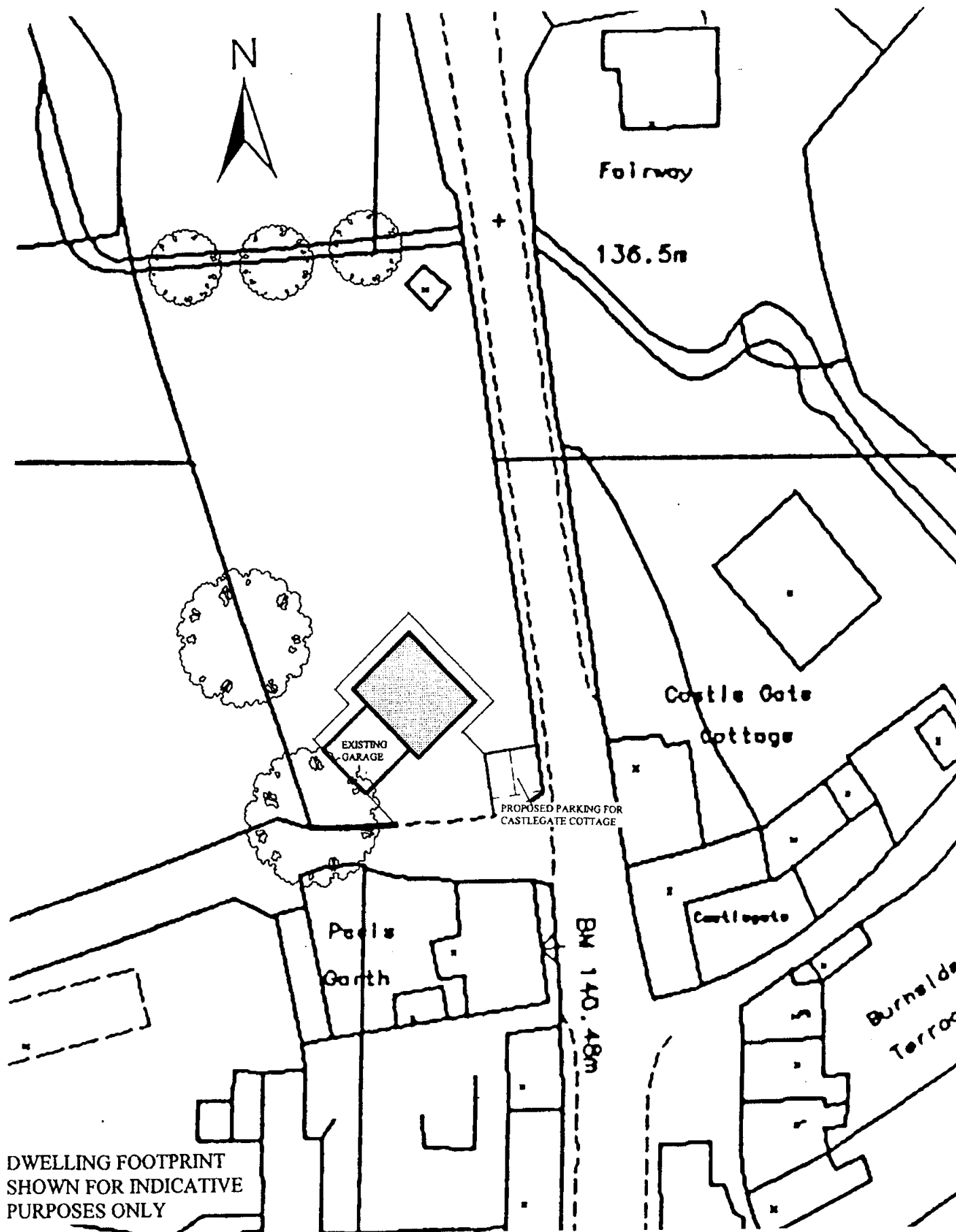


Centre Coordinates: 354244 555636

National Grid sheet reference at centre of this Siteplan: NY5455

Supplied by: Blackwells  
Serial Number: 00442500





PROPOSED DETACHED DWELLING

2006/1303

SITE PLAN

CASTLE GATE COTTAGE - CASTLE CARROCK

Scale : 1-500



**DESIGN & ACCESS STATEMENT  
FOR  
PROPOSED DETACHED DWELLING  
AT CASTLE GATE COTTAGE - CASTLE CARROCK**

The application is for outline permission only, to determine whether the proposal is acceptable in principle.

All matters are reserved except for access.

**USE :**

The use is for a single detached dwelling, on a garden site, within the settlement of Castle Carrock.

**LAYOUT :**

The site lies to the north of the village, on the eastern side of the main distributor road through the village, with existing properties on either side of the road. The site area is 1800m<sup>2</sup>, which is more than adequate to provide parking and amenity space.

**SCALE :**

The scale of the dwelling is two storey, to complement the existing neighbouring dwellings.

**APPEARANCE :**

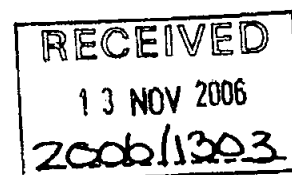
The design of the building will be in harmony with the existing neighbouring properties, in the use of materials and detailing.

**LANDSCAPING :**

The site is the garden of Castle Gate Cottage. The western and northern boundaries are well screened by mature hedging and trees, plus a beck to the northern boundary; which provide substantial and definite boundaries to the open sides of the site.

**ACCESS :**

The proposed vehicular and pedestrian access are existing, to the existing garage of Castle Gate Cottage. The access drive from the road to the dwelling will be hard surfaced, with gradients complying with Building Regulations requirements for disabled access into a dwelling.





# Appeal Decision

site visit held on Monday, 15 May 2000

by **Keith Smith BA (Econ) DipTP DPA FRTPI ACIS**

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
Tollgate House,  
Houlton Street  
Bristol BS2 9DJ  
☎ 0117 987 8927

Date:

**22 MAY 2000**

## Appeal : T/APP/E0915/A/00/1038260/P5

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr and Mrs G Armstrong against Carlisle City Council.
- The site is located on land the north of Peels Garth, Castle Carrock, near Brampton, Carlisle.
- The application (ref: 99/0753), dated 10 September 1999, was refused on 5 November 1999.
- The development proposed is the erection of a new detached two storey dwelling for domestic use.

**Decision:** The appeal is dismissed.

## Procedural matters and the appeal proposal

1. The appeal application sought full permission for the erection of a detached dwelling as shown on drawings nos.96/753/01-03. The proposal envisages removal of derelict petroleum storage tanks that lie beneath the southern portion of the application site.
2. As part of the accompanied inspection I was shown the site of a dwelling, at present under construction, on the east side of the B6413 to the rear of Castle Gate Barn. This development was referred to in the representations as being the subject of an outline planning permission, granted by the Council in February 1999 (Local Planning Authority ref.98/0979).

## The site, its surroundings and planning history

3. Castle Carrock is a small village, some 6km to the south of Brampton and 12km to the east of Carlisle, accessed by the B6413. The site, at present unused and overgrown apart from a single domestic garage, lies at the northern extremity of the village on the west side of the B6413. To the west and north are open fields. To the south is an unmade track which provides access to agricultural land as well as forming a public footpath. Beyond the track is frontage development. On the east side of the B6413 built development extends further beyond the appeal site and includes the new dwelling under construction (see paragraph 2 above).
4. The village has a range of services including a shop, school and two public houses. There is a mix of dwelling types with some recent additions in the form of infill plots and conversions.

## Planning policy background

5. The Development Plan for the locality comprises the Cumbria and Lake District Joint Structure Plan 1991-2006, adopted in 1995 [CLDJSP] and the adopted Carlisle District Local Plan [CDLP] of September 1997. The B6413 marks the boundary between the North

Pennines Area of Outstanding Natural Beauty and the Landscape of County Importance, protected by Policies 11 and 12 of the CLDJSP. Policy 40 allows for small scale housing development in settlements where this would help to sustain the local community and would be in sympathy with the scale and character thereof.

6. Policy H5 of the CDLP allows small scale residential developments to be permitted in villages such as Castle Carrock provided there would be no intrusion into open countryside and the details of the development were considered acceptable in terms of scale, design and relationship to the form and character of the settlement.
7. National policy guidance, as referred to in the representations, is provided in Planning Policy Guidance [PPG] Notes 3 "Housing" and 7 "The Countryside – Environmental Quality and Economic and Social Development". Both PPGs emphasise the importance of securing a sensitive relationship to the existing pattern of settlement as well as avoiding damage to their character or the appearance of the countryside.

#### **The main issue**

8. The main issue in this case is whether the proposal would, having regard to the objectives of operative planning policies, unacceptably extend the developed frontage of the village into open countryside.

#### **Reasons and Conclusions**

9. The Council took no issue regarding CLDJSP Policies 11 and 12, which seek to provide landscape protection to the two designated areas. Similarly in relation to three criteria contained in Policy H5 of the CDLP the Council raise no objections. These criteria include impact on the highway network, loss of amenity open space or best and most versatile agricultural land. I agree with that assessment.
10. The appellants considered that the proposal would not result in an extension of the developed frontage into the countryside. The site of the dwelling was formerly a petrol filling station and, as such, formed part of the settlement. In the absence of other opportunities for development within the village the site should be regarded as suitable for the erection of a new dwelling. Such a development would assist in sustaining facilities currently enjoyed by the local community, in accord with the general objectives of CLDJSP Policy 40. Although the proposal might not be viewed as "infilling" it would represent a reasonable "rounding-off" of built development on the west side of the B6413. The proposal need not be regarded as an adverse precedent, as alleged in the reason for refusal, in the same way that the new dwelling under construction on the east side of the B6413 was accepted by the Council as being appropriate in all the circumstances.
11. I note the extent of the former petrol filling station as shown on drawing no.96/753/01 and photographs submitted as appendix 1 to the appellants' representations. It appears to me that the appeal proposal envisages a development extending well beyond these parameters in terms of both the building form and residential curtilage (as shown on drawing no.96/753/02). In this context I agree with the Council that the appeal proposal would extend the built up frontage of the village. It is stated that the proposal would not only "round-off" development but also that the stream and tree belt would provide a defensible boundary for the village along the west side of the B6413. This may well be so but in my view the new boundary would offer no compelling advantage over the existing, which is formed by the track/public footpath just to the north of Peels Garth.

## APPEAL DECISION

12. I do not see that the former use of the site represents a compelling argument in favour of the current proposal. The site has become integrated into the countryside and whilst the final removal of the former storage tanks may well be desirable I am not persuaded, on the evidence, that it is necessary in terms of public amenity, health or safety. I also have to bear in mind that the means through which their removal would be secured conflicts with the objectives of Policy H5 of the CDLP and Policy 40 of the CLDJSP and the general countryside protection objectives of PPGs 3 and 7.
13. I consider that the Council's concern, shared by the Parish Council, regarding the prospect of further extensions to frontage development is well founded. If the appeal proposal were to be considered to be acceptable there would remain other undeveloped land (outside the present appeal site) between the proposed dwelling and the stream suggested as an appropriate boundary for the village. Accordingly I conclude that the proposal would represent an unacceptable extension of frontage development into the countryside.

### Other issues

14. The appellants drew my attention to two further matters. Firstly, the absence of opportunities for infill development within the settlement of Castle Carrock and secondly, the apparent inconsistency of application of Policy H5 as evidenced by the grant of permission for a dwelling to the rear of Castle Gate Barn.
15. The first matter appears to me to be an issue more appropriately addressed at a review of the Development Plan rather than for consideration on a piecemeal basis through the development control or appeal process, notwithstanding that Policy H5 allows some flexibility in its application. The second matter was disputed by the Council on the basis that the other development site had an established road frontage between existing development and no encroachment of the countryside would result. I consider that these site circumstances are sufficient to distinguish the two proposals.
16. No other matter raised has been sufficient to affect my conclusion on the main issue identified.

### Formal Decision

17. For the reasons given above and in exercise of the powers transferred to me, I hereby dismiss the appeal.



Inspector.

## SCHEDULE A: Applications with Recommendation

06/0667

Item No: 12

Date of Committee: 26/01/2007

**Appn Ref No:**  
06/0667

**Applicant:**  
Woodford Land Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
31/05/2006

**Agent:**  
King Sturge LLP

**Ward:**  
Harraby

**Location:**  
Former Cavaghan & Gray Limited, London Road,  
Carlisle, CA1 3EU

**Grid Reference:**  
341870 553940

**Proposal:** Outline application (all matters reserved) for mixed use development  
(residential, foodstore and employment units)

**Amendment:**

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## REPORT

### Reason for Determination by Committee:

In the light of the potential significance of the proposal.

### Planning Policies:

#### **Gas Pipeline Safeguarding Area**

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

#### **Carlisle District Plan Employment - Proposal EM2**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

**Carlisle District Plan**  
**Employment - Proposal EM17**

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

**Carlisle District Plan**  
**Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**Carlisle District Plan**  
**Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan**  
**Environment - Policy E24**

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

**Carlisle District Plan**  
**Environment - Policy E31**

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

**Carlisle District Plan**  
**Environment - Policy E55**

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

**Carlisle District Plan**

### **Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

#### **Carlisle District Plan**

### **Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

#### **Carlisle District Plan**

### **Housing - Proposal H8**

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

#### **Carlisle District Plan**

### **Housing - Proposal H15**

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

#### **Carlisle District Plan**

### **Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

#### **Carlisle District Plan**

### **Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Leisure - Proposal L8**

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements and wherever possible with 0.5 km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

### **Carlisle District Plan Leisure - Proposal L9**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

### **Carlisle District Plan**



## **Shopping - Proposal S8**

Proposals for neighbourhood supermarkets within or adjacent to the larger neighbourhood centres, identified on the Proposals Map, will be acceptable providing that:

1. It is well related to existing local shopping provision; and
2. It does not adversely affect the amenity of any adjacent residential areas; and
3. Appropriate access, parking and security arrangements can be achieved; and
4. Appropriate landscaping is an integral part of the scheme.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP5 (CP16) Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP6 (CP17) Use of Traditional Materials**

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment. Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP8 (CP19) Development Energy Conservation and Efficiency**

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss. These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP9 (CP22) Sustainable Drainage Systems**

When the following conditions apply, sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and

2. Hydraulic design details/ calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy CP10 (CP23) Protection of Groundwaters and Surface waters**

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment**

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy CP14 (CP29) Accessibility, Mobility and Inclusion**

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 *'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'*.

## **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP15 (CP30) Public Transport, Pedestrians and Cyclists**

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

## **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP16 (CP34) Planning Out Crime**

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

The following points should be applied to all development proposals:

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

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

## **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H1 Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in

Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

1. the site is well related to the landscape of the area and does not intrude into open countryside; and
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. the layout of the site and the design of the buildings is well related to existing property in the village; and
4. the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. appropriate access and parking can be achieved; and
6. the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale	
Cumwhinton	Dalston	Gilsland	
Great Corby	Great Orton		Hallbankgate
Hayton	Heads Nook		Houghton
Irthington	Raughton Head	Rockcliffe	
Scotby	Smithfield	Thurstonfield	
Warwick Bridge (including Little Corby & Corby Hill)			
Wetheral			

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo	
Carleton	Cotehill	Cumwhiton	
Durdar	Faugh	Harker	
Hethersgill	How Mill	Lanercost	
Laversdale	Low Row	Monkhill	
Moorhouse	Talkin		Todhills
Walton	Warwick-on-Eden	Wreay	

### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H3 Residential Density**

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding

development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**POLICY H4 Residential Development on Previously Developed Land and Phasing of development**

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy H5 Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Proposal H16 Site Specific Residential Land Allocations**

To provide for housing needs an additional 4955 dwellings are required between April 1st 2002 and March 31st 2016. This figure takes account of the number of outstanding permissions at 1st April 2002. Making allowances for windfall sites provision, land for a further 2190 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. The additional sites, are set out in the table below and subsequent paragraphs. All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy LE8 Archaeology on Other Sites**

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy LE30 (CP26) Land Affected by Contamination**

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

1. Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
2. Cause the contamination of adjoining land or allow contamination to continue;
3. Lead to the contamination of any watercourse, water body or aquifer;
4. Have an unacceptable adverse effect on habitats and ecosystems

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**POLICY LE31 (CP27) Derelict Land**

Development involving the reclamation of derelict land and buildings will be permitted provided that the land has been remediated to a standard that is fit for the proposed land use. The proposed land use shall also be appropriate to the location, and the development and accompanying landscaping are in keeping with the surroundings. Where the derelict land has reverted to a natural state its quality, and the importance as a green area, will be taken into account in any decision about its future development.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**POLICY T1 (T3) Parking Guidelines**

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft**  
**Policy LC4 (LC2) Children's Play and Recreation Areas**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m<sup>2</sup> per hectare  
Informal playspace 270m<sup>2</sup> per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being carried out by the City Council as required by PPG 17.

Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LC15 (LC12) Percent for Art**

The City Council will require the provision of works of Public Art when dealing with applications for development schemes that will have a significant visual impact. Developers will usually be expected to allocate a minimum of 1% of their construction costs for the inclusion of Public Art. This money should fund the provision of art in a publicly accessible/ visible place or incorporated within the development itself.

The following indicates the threshold for the requirement:

1. housing developments of 20 dwellings or over; and/or
2. development of 1000sq. metres and over; and/or
3. development in a prominent location or on a major transport route.

#### **Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC7 (EC8) Neighbourhood Facilities**

Proposals for neighbourhood supermarkets and other shopping proposals within or adjacent to the district centres, identified on the Proposals Map, will be acceptable providing that:

1. it is well related to existing local shopping provision; and
2. it does not adversely affect the amenity of any adjacent residential areas; and
3. appropriate access, parking and security arrangements can be achieved; and
4. appropriate landscaping is an integral part of the scheme.
5. it does not affect the viability or vitality of the district centre

In order to minimise the impact on nearby centres conditions may be imposed to restrict the sale of non-food goods in such stores and limit the size of stores to reflect the scale of the district centre.



## **Summary of Consultation Responses:**

### **1. Cumbria County Council - (Highway Authority): Transport Policy**

The brief overview of relevant policy omits current national policy on retail contained in PPS 6, as well as the requirement for a Green Travel Plan at the proposed foodstore set out in PPG 13.

### **2. Development Site**

The layout of the development and its content are illustrative at present. It is therefore noted that future reserved matters applications or a new detailed application may well result in a different land use mix as well as different vehicle access locations. If so, a revised Transport Assessment will be required.

There is no pedestrian or cycle link between the residential area and the foodstore/ B1 units, and there is no direct pedestrian or cycle route between the foodstore and London Road. A link between the residential area and the foodstore/ B1 units would be beneficial, and a link between the foodstore and London Road would better tie in with the bus stops, pelican crossing and cycle facilities on London Road. It would be helpful if these facilities are shown on the development drawing.

Vehicle access junctions are covered in the next section.

### **3. Local Highway Network**

#### **a. Extent of Highway Network**

The local highway network considered in the Transport Assessment does not include the nearby London Road/ Cumwhinton Road traffic signals junction. The traffic impacts of the development at the Cumwhinton Road junction should be assessed, since queues of southbound vehicles frequently extend back to the London Road/ Petteril Bank Road priority junction, thereby affecting its operation. Owing to the proximity of the Cumwhinton Road junction it is my view that it should be considered to be a sensitive location.

#### **b. Traffic Survey**

The surveyed traffic flows from Eastern Way indicate that the left-turn to London Road south is greater than the right-turn towards the city centre. This does not accord with my site observations, nor expectations. In addition the traffic survey was undertaken on Thursday 20<sup>th</sup> April, only two days after Easter Monday on 17<sup>th</sup> April. Although the local schools were back, I am concerned that the traffic flows may still have been affected by the Easter break. It is my view that a second traffic survey should be carried out to verify the traffic flows used in the Transport Assessment.

#### **c. A6 London Road**

No comment.

d. London Road/ Eastern Way

This junction does not have pelican crossings.

Observations on site of queue lengths and the frequency of call of the pedestrian stage are required to enable the models for the existing operation at the junction to be validated. No such information has been provided in the Transport Assessment.

The LINSIG window shown at page 8 of the report indicates infinitely long right-turn lanes on both London Road approaches. On the ground, the right-turn lanes are some 6 to 7 pcus in length. The use of infinitely long lanes will overstate the capacity of the junction.

e. London Road/ Petteril Bank Road

This section should note that the ghost island right-turn lane at the junction is sub-standard in length.

Although the visibility distances at a set back of 2.4m comply with TD 42/95, such a set back distance should only be used in „exceptionally difficult circumstances“. It is not clear what are the exceptionally difficult circumstances in this case.

Observations on site of queue lengths are required to enable the models for existing operation to be validated.

Queuing back from the London Road/ Cumwhinton Road traffic signals junction, along with platooning of traffic from the Cumwhinton Road junction and the Eastern Way traffic signals junction are relevant for an accurate assessment of this priority junction.

f. Carloli Drive/ Site Access

Visibilities from Cumbria Design Guide would be appropriate.

g. Petteril Bank Road/ Site Access

Reference within the Transport Assessment to a stagger distance between the foodstore vehicle access and Welsh Road taken from the Cumbria Design Guide is inappropriate, since this refers to residential roads. It is my view that a stagger distance of 20m is insufficient, especially as any queue of vehicles waiting to turn right into the foodstore/B1 units access will interfere with the operation of Welsh Road. A revised junction layout is considered necessary.

h. Accident History

It is notable that the London Road/ Petteril Bank Road priority junction has a poor safety record. The nearby pelican crossing and traffic signals, poor visibility, and high flows on London Road are contributory factors. Remedial measures are indicated as part of the road safety programme, but the nature and timing of those works are not indicated within the Transport Assessment.

The poor safety record of the Petteril Bank Road junction is a concern given the increase in traffic flows at the junction, particularly right-turn into Petteril Bank Road (which has a sub-standard ghost island) and the turns out of Petteril Bank Road (which has poor visibility).

A junction improvement is considered necessary to overcome the poor visibility and layout deficiencies so that it can accommodate the additional traffic flows generated by the development.

#### **4. Accessibility**

##### **a. Public Transport**

It is not clear from the report how the bus travel isochrones have been calculated. For example are waiting and interchange times included?

Waiting facilities at the nearby bus stops should be investigated and any need to upgrade existing facilities should be identified.

Considering a one-hour travel time by bus in my view overstates the accessibility of the site.

##### **b. Cycling**

It is not clear from the report what cycle speed has been assumed in order to calculate the isochrones.

##### **c. Pedestrians**

It is not clear from the report what walking speed has been assumed in order to generate the isochrones. If the normal assumption of 1.2m/s has been used, then areas beyond the 25-min isochrone are beyond the 13 reasonable walking distance criterion in PPG13.

#### **5. Trip Generation and Assignment**

##### **a. Housing Development**

TRICS land use category „Private Mixed Housing“ states that no particular dwelling type should predominate by more than 75% (i.e. houses, flats, bungalows etc). However, the illustrative development layout indicates a split of 79% houses and 21% apartments. In trip generation terms, there is a significant difference between houses and apartments, with the trip rates for houses being approximately twice those for apartments. It is my view that separate TRICS 85<sup>th</sup> percentile rates should be derived for private houses and private apartments.

##### **b. Supermarket Development**

The use of TRICS mean trip rates is not considered appropriate and does not comply with CCC's TA Guidelines. A site near to the top of the rank order should be used as a proxy 85<sup>th</sup> percentile site or the size range should be suitably extended

In the submitted TA a 50% discount has been applied in the number of vehicle trips generated by the foodstore because it is located in a residential area. This discount is not acceptable.

The correct IHT terminology for non-primary trips is „pass-by“ and „diverted“. Given the configuration of the local highway network, diverted trips need to be considered as new trips.

c. Light Industrial Development

From the Planning Statement the industrial units are envisaged to be B1, however TRICS land use category „Industrial Estate“ has been used within the Transport Assessment which mainly consists of sites listed as B2. A more appropriate TRICS category should be used.

d. Committed Development Traffic

In the absence of traffic flows generated by the committed development which have been previously approved by Cumbria County Council, the TA predicts the committed development flows themselves. The use of TRICS mean trip rates is not considered appropriate and does not comply with CCC's TA Guidelines. A site near to the top of the rank order for each element of the committed development should be used as a proxy 85<sup>th</sup> percentile site or the size ranges should be extended.

e. Assignment of Development Traffic

The TA uses turning proportions taken from the April 2006 traffic surveys to assign vehicle trips generated by the development. This is considered inappropriate.

For example, as shown at Figure B5 in the Transport Assessment, only one-quarter of residential development traffic has been assigned to London Road north (towards the city centre) which is a similar proportion to that assigned to the left-turn out of the site onto Carlol Drive towards the residential areas of Upperby and Currock. This is considered unrealistic. The Upperby/ Currock route is also not considered an attractive rat-run towards the city centre avoiding London Road.

As also shown at Figure B5, vehicle trips generated by the retail element on the development have not been assigned in a similar manner to that used for the committed retail development. Using turning proportions for assignment purposes at the Petteril Bank Road junction results in an assignment for inbound development vehicle trips which differs significantly from that for outbound traffic.

A more appropriate method of assignment should be used for development generated traffic.

## **6. Operational Assessment**

a. Assessment Traffic Flows

Refer to relevant comments above. It is also noted that despite the retail element on

the development, the Transport Assessment does not consider traffic impacts on a Saturday.

b. Junction Capacity Assessment - London Road/ Eastern Way

Refer to relevant comments above.

At the Eastern Way traffic signals junction, observations on site of queue lengths, frequency of call of the pedestrian stage, and green and cycle times are required to enable the results of the models for existing operation to be validated.

The summary results for the existing junction layout should include predicted queues.

While introducing MOVA control at the junction is considered beneficial, I have concerns regarding the suggestion in the TA to extend the left-turn lane on Eastern Way and operating Carliol Drive and Eastern Way in separate stages. First, the Transport Assessment does not make clear whether or not the extended left-turn lane on Eastern Way can be delivered within the adopted highway boundary. Secondly, running the side roads in separate stages is more likely to reduce capacity at the junction than increase it. Instead it is suggested that consideration should be given to introducing an indicative green arrow to assist the right-turn from Eastern Way.

The results of DfT and TRL tests show that the installation of MOVA at junctions typically reduces overall vehicle delay by between 10% and 15%. The actual benefits vary with operation at the junction, i.e. high flow congested junctions are prime candidates. My previous experience suggests that the savings in overall junction delay equate to increasing junction capacity by 3% to 5%.

It is considered that increasing the saturation flow of each lane at a junction by up to 5% represents a reasonable approach for modelling the benefits of MOVA in LINSIG.

The summary results for the proposed junction layout scenarios should include predicted queues. In addition, the model results for the proposed improvements can not be trusted with any degree of certainty unless they are based on existing layout models which have been validated against on-site observations.

It is agreed that running Eastern Way and Carliol Drive in separate stages will represent an improvement in safety at the junction.

c. Junction Capacity Assessment - London Road/ Petteril Bank Road

The model results for future operations with the existing junction layout can not be trusted with any degree of certainty unless they are based on models for existing operations which have been validated against on-site observations.

The arrival profile of vehicles at the Petteril Bank Road junction is directly affected by operation of the Eastern Way and Cumwhinton Road traffic signals. As a result, PICADY is not considered the appropriate modelling tool.

It is suggested that a TRANSYT network is set up covering the Eastern Way, Petteril Bank Road and Cumwhinton Road junctions, along with the pelican crossing immediately north of London Road/ Petteril Bank Road.

d. Parking - Housing Development

No comment.

e. Parking - Supermarket Development

The Transport Assessment does not include an assessment of car parking accumulation for the foodstore.

In accordance with Cumbria County Council's Parking Guidelines, the foodstore should include motorcycle parking spaces.

f. Parking - Light Industrial Development

Refer to my comments above on parking for the foodstore.

There are a number of matters which I feel need to be addressed by the TA, and I list the main issues below:

- The report makes no reference to a Green Travel Plan for the foodstore.
- The April 2006 traffic survey was carried out soon after Easter Monday. A second traffic survey should be undertaken to verify the traffic flows. The report does not include a Saturday assessment.
- Assessment of development traffic at the London Road/ Cumwhinton Road traffic signals junction is not included.
- The results of the models for the London Road/ Carlisle Drive/ Eastern Way traffic signals and the London Road/ Petteril Bank Road priority junction have not been validated against on-site observations.
- The LINSIG model for the Eastern Way traffic signals overstates its capacity.
- A junction improvement is considered necessary at the Petteril Bank Road junction to overcome its poor visibility and layout deficiencies and to improve road safety.
- The stagger distance of the foodstore/ B1 units from Welsh Road is considered insufficient.
- Further clarification is required on the isochrones calculated for bus services, cyclists and pedestrians.

More appropriate TRICS 85<sup>th</sup> percentile trip generation rates should be derived for the residential, supermarket and B1 elements on the development, along with the

committed development on London Road. A 50% discount in the foodstore vehicle trips is not acceptable.

The method of assignment used for development generated traffic is considered inappropriate.

There are concerns regarding the deliverability of the proposed extended left-turn lane on Eastern Way and the capacity benefit of running Eastern Way and Carlol Drive in separate stages.

The use of PICADY and LINSIG to model operations at separate junctions in isolation is considered inappropriate. A TRANSYT network should be set up covering London Road between the Eastern Way and Cumwhinton Road junctions.

The report does not include car parking assessments for the foodstore and the B1 units.

I trust the above is of assistance and suggest that further consideration in particular to the items listed above to produce an adequate Transport Assessment for the development.

**Environment Agency (N Area (+ Waste Disp)):** Within Flood Zone 1, therefore, Flood Risk Assessment required.

**Commercial & Technical 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 an existing drain. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal rather than to an existing drain, as this is the most sustainable method.

No knowledge of flooding issues at this site.

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

The developer should be made aware of that there is a trunk main north of the site within a 10 metre easement, 5 metres either side of the centre side of the main.

A water supply can be made available to the proposed development. 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. The water mains will need extended to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 and 43 of the Water Industry Act 1991. Water

pressure in this area is regulated to around 20 metres head. This should be taken into account when designing the internal plumbing.

Should this application be approved the applicant must contact our water fittings section at Warrington.

Any water mains connections to the site must be properly disconnected to prevent the risk of waste and contamination. Any necessary disconnection or diversion of the private mains must have the approval of the pipeline owner and be carried out to our standards at the applicant's expense.

The development is shown to be adjacent to/include our electricity substation site and therefore, it is essential that the applicant check that they are within their own land ownership and that UU maintenance and/or access rights are maintained.

The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also refer to the relevant document produced by the HSE - HS(G) 47-Avoiding danger from underground services.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be made aware of our requirements for access to inspect, maintain, adjust, repair, or alter our substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

**Cumbria County Council - (Archaeological Services):** Records indicate that the application site lies in an area of some archeological potential. It is located adjacent to the Roman road that ran to the fort and town at Carlisle and Roman finds have been revealed in the vicinity (Historic Environment Record no. 536, 18931 & 18940). The site also lies on raised ground above the River Petteril and would have been an ideal location for prehistoric activity. The geotechnical survey of the site indicated that much of it has been disturbed by 20th century industrial development, but it also identifies areas of minimal disturbance where former ground surfaces exist. It is therefore considered likely that archaeological remains survive in these areas and that they would be damaged or destroyed by the proposed development.

Consequently, it is recommended that an archaeological investigation of the site be undertaken in advance of development and advise that these works be secured by attaching a negative condition to any planning consent you may otherwise be minded to grant. Suggests the following form of word based on the model given in PPG16 (paragraph 30).

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



This written scheme will include the following components:

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

**Head of Leisure Services:** Comments awaited.

**Environmental Protection Services:** No objections.

**Cumbria Constabulary - Crime Prevention:** Awaiting response.

**Cumbria County Council - Transport & Spatial Planning:** The County Council's Development Control and Regulation (DC&R) Committee considered the following application at its meetings on 31st July 2006.

The committee resolved that no objection be raised to the application subject to: Carlisle City Council having regard to the matters set out in paragraphs 3.10, 3.11, 3.14 and 3.20 of the report considered by DC&R on 31st July 2006, and attaching the conditions set out in Annex 1 of this report to any permission that it is minded to grant. A copy of the report to this meeting is enclosed.

No objection being raised to the proposal by the County Council in its role as the Highways Authority and any recommended Highways conditions being incorporated.

Should you or your Development Control/Planning Committee make a contrary recommendation my Council may wish to have further discussions at a joint member meeting. I should also be grateful if you would send me a copy of the Decision Notice of my records.

**Planning Services - Urban Designer:** Awaiting response.

**Local plans and Conservation Manager:** Based on an initial impression from the application further time will be needed to consider the reports accompanying the proposal.

The site is identified for mixed use development in the Redeposit Draft Local Plan. On the process through to consultation Members requested that the proposed uses for the site include commercial as well as employment and housing. The proposed application therefore reflects these uses with up to 70% housing (not checked % split), employment and commercial (supermarket). The mixture of uses in itself will pose difficulties in establishing a satisfactory relationship between the uses within the site and the surrounding area. There are no objections to the Local Plan specifically relating to this site and as it is the only brownfield site in the area for housing development it is unlikely to generate issues of prematurity.

The agents have asked what uses for the employment part of the site. Research has

revealed that whilst the Council provides starter units there are fewer workspaces of the next size up for expansion of those businesses. These units would provide for this need. The proximity of these units may leave insufficient space for screening (unless leylandi) which needs to be addressed.

With regards to the supermarket, this will inevitably replace some of the employment space of the site and the applicants would no doubt argue that retail provides employment for some people. Discussion has been around the potential for a discount food operator and the scale should reflect this. Overall this means that the amount of employment on the site is significantly lower than the previous use. I have not had an opportunity to read the submitted report on retail impact, which accompanies the application.

The housing numbers on the site are not significantly different from the numbers indicated in the Redeposit Plan and therefore I do not consider there is an issue with this. The supply position for the urban area as at April 1st 2006 was only 4 years, the allocated sites (Morton) being tied into the Local Plan Inquiry. We have also granted only a few permissions this year on urban housing sites. There is therefore not an issue with the numbers of housing proposed on this site.

Given that there is an indicative layout residential amenity needs to be secured although I note all matters are reserved for this outline application. The site layout indicates it is possible to achieve a mix of units across the site from flats to detached houses which is a good mixture in accord with policy. On detail the central layout looks as if it should be amenity space but happens to be able to accommodate housing. As there is amenity and open space in the vicinity there may be no requirement on this site and I trust that Leisure services will provide more information.

Additional comments on the reports are to follow.

### **Summary of Representations:**

#### **Representations Received**

Initial:		Consulted:	Reply Type:
	2 Baird Road	05/06/06	
	4 Baird Road	05/06/06	
	52	05/06/06	
	54	05/06/06	
	56	05/06/06	
	58	05/06/06	
	60	05/06/06	
	6 Baird Road	05/06/06	
	8 Baird Road	05/06/06	
	10 Baird Road	05/06/06	
	12 Baird Road	05/06/06	
	14 Baird Road	05/06/06	
	16 Baird Road	05/06/06	
	18 Baird Road	05/06/06	
	20 Baird Road	05/06/06	
	22 Baird Road	05/06/06	
	24 Baird Road	05/06/06	

26 Baird Road	05/06/06
28 Baird Road	05/06/06
30 Baird Road	05/06/06
32 Baird Road	05/06/06
34 Baird Road	05/06/06
36 Baird Road	05/06/06
38 Baird Road	05/06/06
40 Baird Road	05/06/06
42 Baird Road	05/06/06
44 Baird Road	05/06/06
46 Baird Road	05/06/06
48 Baird Road	05/06/06
50 Baird Road	05/06/06
52 Baird Road	05/06/06
54 Baird Road	05/06/06
56 Baird Road	05/06/06
58 Baird Road	05/06/06
60 Baird Road	05/06/06
62 Baird Road	05/06/06
64 Baird Road	05/06/06
66 Baird Road	05/06/06
68 Baird Road	05/06/06
70 Baird Road	05/06/06
72 Baird Road	05/06/06
74 Baird Road	05/06/06
76 Baird Road	05/06/06
286 London Road	05/06/06
288 London Road	05/06/06
290 London Road	05/06/06
292 London Road	05/06/06
294 London Road	05/06/06
296 London Road	05/06/06
298 London Road	05/06/06
300 London Road	05/06/06
302 London Road	05/06/06
10 Broome Court	05/06/06
12 Broome Court	05/06/06
14 Broome Court	05/06/06
16 Broome Court	05/06/06
18 Broome Court	05/06/06
20 Broome Court	05/06/06
22 Broome Court	05/06/06
24 Broome Court	05/06/06
26 Broome Court	05/06/06
28 Broome Court	05/06/06
30 Broome Court	05/06/06
32 Broome Court	05/06/06
328 London Road	05/06/06
330 London Road	05/06/06
1 Petteril Bank Road	05/06/06
3 Petteril Bank Road	05/06/06
5 Petteril Bank Road	05/06/06
7 Petteril Bank Road	05/06/06
9 Petteril Bank Road	05/06/06
11 Petteril Bank Road	05/06/06
13 Petteril Bank Road	05/06/06
15 Petteril Bank Road	05/06/06
17 Petteril Bank Road	05/06/06
19 Petteril Bank Road	05/06/06
21 Petteril Bank Road	05/06/06
23 Petteril Bank Road	05/06/06
25 Petteril Bank Road	05/06/06

Undelivered

	27 Petteril Bank Road	05/06/06
	345 London Road	05/06/06
	347 London Road	05/06/06
	1 Carliol Close	05/06/06
	2 Carliol Close	05/06/06
	3 Carliol Close	05/06/06
	16	05/06/06
	18	05/06/06
	20	05/06/06
	22	05/06/06
	24	05/06/06
	26	05/06/06
	28	05/06/06
	30	05/06/06
	32	05/06/06
	34	05/06/06
	36	05/06/06
	38	05/06/06
	40	05/06/06
	42	05/06/06
	44	05/06/06
	46	05/06/06
	48	05/06/06
	50	05/06/06

This application has been advertised in the form of Press and Site notices and the direct notification of the occupiers of 103 neighbouring properties. At the time of preparing the report no observations have been received to date.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The site has a relatively extensive site history which since the year 2000 consists of the following:

In January and October 2000, under application nos. 00/0018 and 00/0868 permission was given for the installation of plant to house blast freezers; and, the demolition of tray wash/store and erection of an extension to provide a bakery, boiler house, workshop, and relocation of silo.

In 2001, application 01/0604, permission was given for the erection of a vacuum cooling unit and associated pump house.

In 2002 application 02/0594 permission was granted for demolition of tray store and erection of holding freezer.

Earlier this year under application 06/0638 planning permission was given for the reclamation/remediation of the former factory site.

### **Details of Proposal:**

#### **1. INTRODUCTION**

Members will recollect that at their Meeting on the 29th September they resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to: a) no objections being received from the Highways Authority with regard to the revised Transport Assessment, the Council's Green Spaces concerning the proposed contribution towards POS, and, the Government Office for the North West; b) the receipt of a 'Final Development Profile' plan which accords with the plan approved under application 06/0638; c) the imposition of relevant conditions; and, d) the completion of a Section 106 Agreement concerning the provision of affordable housing and the payment of the commuted sum with regard to the POS.

Following this decision subsequent discussions have led the Highways Authority to confirm that they do not have any fundamental objections to the proposal subject to the imposition of relevant conditions. The applicant also submitted a revised plan showing the intended contours for the site.

During the Meeting on the 15<sup>th</sup> December 2006, Members subsequently resolved to defer consideration of the application in order to allow discussions and clarification be undertaken over the proposed „Final Development Profile“ of the site.

In the intervening period the applicant has submitted an updated set of cross sections of the site illustrating the proposed profile of the site, and, the Case Officer has undertaken a further site visit.

## **2. SITE DESCRIPTION**

This application relates to the former Cavaghan and Gray factory located on the southern side of London Road to the east of the junction with Carliol Drive and Eastern Way. The site is bounded to the south by dwelling houses fronting Baird Road, and, to the east by Petteril Bank Road.

The site is 3.3ha (8.1 acres) in area and approximately 39 metres Above Ordinance Datum (AOD). The property comprised of a bakery; a food production factory; a pastry building; and several smaller ancillary buildings and stores. The site was previously used as a food manufacturing plant for the production of potato topped fishmeals, frozen baby food, and, Heinz food production. Hard standing covered the majority of the site. A house and associated garden at the Junction of London Road and Petteril Bank Road is included as part of the site. Three electricity sub-stations and two water abstraction boreholes are located within the site. Access to the site is currently either via London Road, Carliol Drive, or, Petteril Bank Road.

## **3. BACKGROUND INFORMATION ON THE APPLICATION**

The submitted application seeks outline permission for a mixed-use scheme comprising the demolition of the existing structures and the re-development of the site for residential, a food store, and, Use Class B1(c) light industrial units. An illustrative layout plan indicates that approximately 70% of the site would be for residential purposes with the remainder consisting of a single storey food store of 1635 square metres gross, and, four B1(c) units each of 2,750 square metres. Vehicular access to the residential element of the site will be achieved from Carliol

Drive whilst the food store and light industrial units will be accessed from Petteril Bank Road.

The application is accompanied by a Transport Assessment, Retail Assessment, Design Statement, Planning Statement, and, an Air Quality Assessment.

The Transport Assessment (TA) indicates that the existing highway network can accommodate the development proposals with some recommended improvements at the London Road/Eastern Way junction concerning lane widening and signal controls. The TA also recommends that further accident investigation work be undertaken at the London Road/Eastern Way junction.

The Retail Assessment concludes that:

- The proposed food store will serve a local catchment;
- There is a clear qualitative need for the development, with the catchment benefiting from a discount type of food operator within an accessible location and also providing a physical and social regeneration benefit;
- The food store will provide the opportunity for linked trips to the nearby Petteril Bank neighbourhood shopping centre. There will be no adverse impact on vitality and viability of the convenience retail offer within the catchment area, and it may indeed support the neighbourhood centre, which may otherwise decline.

The Design Statement sets out the principles behind the design and layout.

The Planning Statement highlights, amongst other things, that:

- The situation in respect of residential amenity is particularly relevant as the Cavaghan and Gray operations were run on a 24-hour day, 7 days a week basis which as a B2 (General Industrial) operation attracted complaints in particular with regard to noise and odours;
- The Redeposit Local Plan contains a specific policy allocating 70% of the application site for residential development, with the balance seen as a possible opportunity for commercial development, including employment units.
- The current application relates to a brownfield site that is in a sustainable location with accessibility to a range of jobs and services by a variety of means of transport.
- The proposed mixed-use development is in accordance with Government advice in PPS1, PPG3 and PPG13.
- The former operations at the site were clearly no longer able to meet modern day requirements and furthermore they were constructed to meet the particular needs of a specific business.

- The provision of modern dwellings will provide a diverse range of housing types and sizes.
- The proposal will deliver the requirements for the provision of open space or alternatively a financial contribution to upgrade existing local facilities.
- The development will also make a contribution to assisting those local households who cannot afford to buy their own home.
- The application is providing a net addition to the supply of Local Employment Sites, as a "windfall" opportunity. Although the application is being made on a speculative basis, but based on the English Partnerships Employment Densities, there is an indication that about 100 jobs could be provided in the small business units and food store.

The Air Quality Assessment concludes that concentration levels would generally increase following the proposed development, although this increase would be marginal, and, no exceedences of current UK Air Quality Strategy objectives have been predicted.

#### **4. ASSESSMENT OF THE PROPOSAL**

When the application was considered at the previous Meetings of the Committee on the 29<sup>th</sup> September and 15<sup>th</sup> December it was held that the main planning issues were whether the advantages outweigh the disadvantages with regard to:

- i) Whether the application was premature in advance of the Inquiry considering the Carlisle District Local Plan (Redeposit Draft)
- ii) Whether the proposed residential development of the site was appropriate in the light of its allocation for employment use in the current Local Plan, and, with regard to retail policy;
- iii) Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
- iv) Whether the proposal would be detrimental to the living conditions of neighbouring residents;
- v) Whether the proposal would be detrimental to the character of the area;
- vi) Whether the proposal meets the objectives of the Development Plan with regard to the provision of a play area/public open space;
- vii) Whether the proposal meets the objectives of the Development Plan with regard to security and provision of Public Art;
- viii) Whether the proposal would be detrimental to highway safety.

In the light of the discussions and consequent decisions reached during the

aforementioned Committee Meetings, and with specific regard to above issues iv) and v), the matter requiring resolution has revolved around the proposed profile of the site prior to sale by the current applicant.

In order to clarify matters, the applicant has consequently submitted a series of plans that compare between the proposed Final Development Profile and the levels approved under application 06/0638; the original ground profile prior to demolition and the Final Development Profile; and, the roof heights of the former factory buildings with the likely residential development. These plans indicate that in the south-eastern part of the site the final levels after topsoil will be higher than the approved remediation levels by 0.5 metres at the maximum; across the site the proposed final levels are either marginally higher or marginally lower than the original profile; and, the redevelopment of the site should have less of a physical impact on the occupiers neighbouring properties than the former factory.

The applicant has also highlighted that a condition could be imposed which either requires foundation levels to be in accordance with the indicated levels, or, that the proposed levels of buildings have to be submitted and approved prior to construction.

## **5. CONCLUSION**

On the basis of the foregoing it is recommended that authority be given to the Head of Planning and Housing Services to issue approval for the proposal subject to: a) no objections being received from the Government Office for the North West; b) the imposition of relevant conditions; and, c) the completion of a Section 106 Agreement concerning the provision of affordable housing and the payment of the commuted sum with regard to the POS.

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### **Human Rights Act 1998**

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

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

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

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

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



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**Recommendation: Grant Permission**

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

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

2. Approval of the details of the siting, design, external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority in writing before any development commences.

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

3. Prior to the commencement of 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 residential development which 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.

4. 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.

5. The highway works involving the construction of the respective estate road(s) serving the residential development (area "A" as identified on drawing number W892/14 Revision A) shall be carried out according to the following phasing:
- i) no residential unit shall be occupied until the respective estate road to serve such unit has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use;
  - ii) Immediately following the completion (by the plastering out) of the final unit the highway works shall be completed to adoptable standards.

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

6. The highway works involving the construction of the respective access road(s) serving the food store and employment units (area "B" as identified on drawing number W892/14 Revision A) shall be carried out according to the following phasing:
- i) no development shall take place until the respective access road(s) has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use;
  - ii) immediately following the completion (by the provision of an electricity supply) of any unit the highway works shall be completed to adoptable standards

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

7. The food store or any employment unit hereby approved 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 the conceptual design shown on drawing number CS017005/05/100Rev.1 in the Transport Assessment dated September 2006 produced by Capita Symonds.

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

8. Prior to either the commencement of use/trading from the food store or any employment unit hereby approved, or, the completion (by the plastering out)/occupation of 70 residential units hereby approved, work shall be completed to improve the junction of London Road with Eastern Way and Carlisle Drive in accordance with a full specification submitted to and approved in writing beforehand by the local planning authority. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

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

9. Before any residential unit, employment unit, or, the food store is occupied

and/or commences trading the respective off street parking shall be provided together with vehicular access thereto and the associated turning area in accordance with plans submitted to and approved in writing beforehand by the local planning authority. The access, parking, and, turning area shall be used for no other purpose without the prior approval of the local planning authority.

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

10. Before the occupation of any residential unit, employment unit, or, the food store hereby approved 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.

11. Before any respective development with regard to the residential units, employment units, or, the 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 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.

12. 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.

13. 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.

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 1m of clean cover a geotextile will be required in gardens of residential properties.

**Reason:** To protect the environment and prevent harm to human health.

14. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the residential units, employment units and food store hereby given consent 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.

15. No residential development shall take place until details of a landscaping scheme has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policies E9 of the Carlisle District Local Plan.

16. All works comprised in the approved details of landscaping for the constituent phases of the residential development hereby given consent shall be carried out contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following the completion of that phase of the development.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy E9 of the Carlisle District Local Plan.

17. Before the commencement of development of either the food store or any employment unit details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policies E9 of the Carlisle District Local Plan.

18. All works comprised in the approved details of landscaping for either the food store or any employment unit hereby given consent 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.

19. 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 effective in accord with Policy E15 of the Carlisle District Local Plan.

20. This permission relates to the use 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.

21. The gross minimum total floorspace of the employment units hereby given consent shall be 1,100 square metres.

**Reason:** In order to ensure the provision of adequate employment units to serve the locality.

22. The Class B1 (c) employment units hereby given consent shall be provided to a wind and watertight finish (including external walls, windows, doors and roofs to building, but to a shell standard only) within 6 months of the food store hereby given consent being open for business otherwise the aforementioned store shall cease trading.

**Reason:** To ensure the provision of the employment units.

23. No goods or materials shall be stored or displayed for sale on the open areas of either the food store or any employment unit hereby given consent without the written 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.

24. The food store hereby given consent shall have a maximum gross floorspace of 1,635 square metres.

**Reason:** In order to control the precise nature and scale of the retail outlet and thereby comply with the underlying objectives of retail policy contained in the Development Plan.

25. No deliveries to or from the food store hereby given consent 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.

26. The food store hereby given consent 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.

27. 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 given consent.

**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.

28. 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 given consent.

**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.

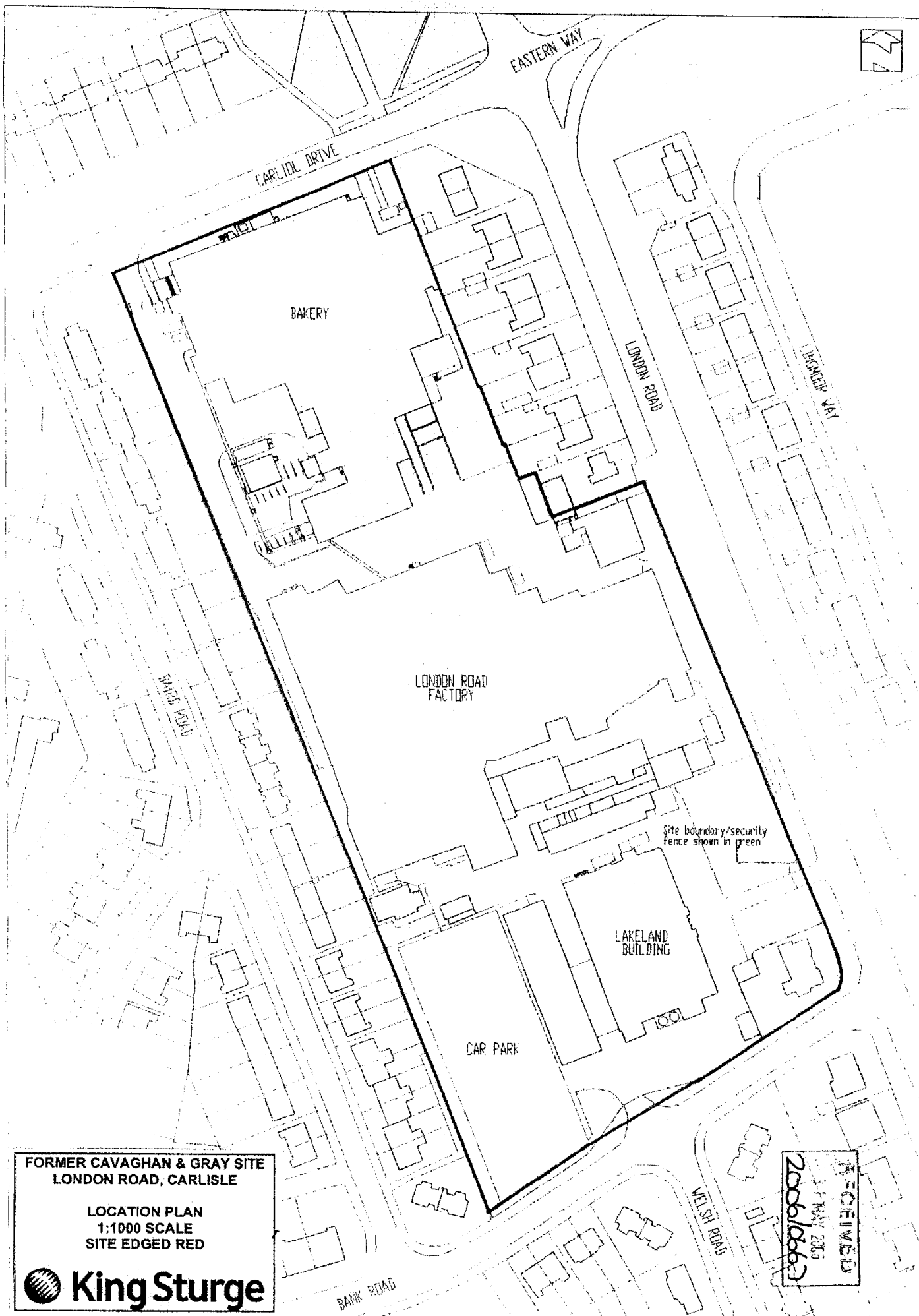
29. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the respective elements of the development hereby given consent.

**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.

30. 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 disposal.

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## SCHEDULE A: Applications with Recommendation

07/0004

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**Item No: 13**

Date of Committee: 26/01/2007

**Appn Ref No:**  
07/0004

**Applicant:**  
Carlisle City Council

**Parish:**  
Cummersdale

**Date of Receipt:**  
03/01/2007

**Agent:**  
Culture & Community

**Ward:**  
Dalston

**Location:**  
Cycle and Footpath adjoining Stead McAlpine,  
Cummersdale

**Grid Reference:**  
339350 553294

**Proposal:** New Ramp Linking Low And High Level Cycleways At Millstream,  
Cummersdale

**Amendment:**

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### REPORT

#### **Reason for Determination by Committee:**

This application is being reported to Members in anticipation of comments from interested parties.

#### **Planning Policies:**

##### **Carlisle District Plan Environment - Policy E10**

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and
2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.



## **SCHEDULE A: Applications with Recommendation**

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### **Carlisle District Plan Environment - Policy E11**

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or
2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

### **Carlisle District Plan Environment - Policy E12**

Development which would adversely affect the nature conservation interests of wild life sites and other sites of nature conservation significance will not be permitted unless:

1. The harm caused to the value of those interests is clearly outweighed by the need for the development; and
2. Where practical any environmental feature lost is replaced with an equivalent feature.

### **Carlisle District Plan Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

### **Carlisle District Plan Environment - Policy E21**

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes, and will identify appropriate locations for public access and water-related sport and recreation.

### **Carlisle District Plan Environment - Policy E56**

When considering proposals for new development including changes of use where

## **SCHEDULE A: Applications with Recommendation**

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the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to , from and within buildings. In addition the City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and other s with mobility problems.

### **Carlisle District Plan Transport - Proposal T15**

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

### **Carlisle District Plan Leisure - Proposal L2**

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

### **Carlisle District Plan Leisure - Proposal L5**

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE2 - Sites of International Importance**

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. there is no alternative solution; and
2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial

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consequences of primary importance for nature conservation.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE3 - Sites of Special Scientific Interest**

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. the reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSIs; or
2. the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE4 - Other Nature Conservation Sites**

Development which would have a detrimental effect on Regionally Important Geological/Geomorphological Sites, County Wildlife Sites and other sites of nature conservation significance, Local Nature Reserves and Ancient Woodlands will not be permitted unless:

1. The harm caused to the value of those interests is clearly outweighed by the need for the development; and
2. Where practical, any environmental feature lost is replaced with an equivalent feature.

The City Council will seek to protect existing and establish additional Local Nature Reserves on areas of land which have ecological or geological value.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE5 - River Corridors**

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space and for wildlife. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes and will identify appropriate locations for public access and water related sport and recreation. The City Council will also consider improving the opportunities for economic development in relation to the rivers as an asset for the City.

Permission will not be granted for developments which are likely to have a detrimental impact on nature conservation, public access the quality of the landscape or recreational facilities found within river corridors.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft**

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### **Core Development Policies - Policy CP15 - Public Transport, Pedestrians and Cyclists**

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - Planning Out Crime**

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

The following points should be applied to all development proposals:

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC2 - Primary Leisure Areas**

Within Primary Leisure Areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Development or change of use of Primary Leisure Areas to non-sport or recreation uses will not be permitted unless:

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1. an alternative open space can be provided which is equivalent in terms of size, quality, accessibility, usefulness and attractiveness; or
2. the Open Space, Sports and Recreational Facilities Audit indicates that the ward has a surplus of open space.

The Local Planning Authority will aim to achieve the following standards of recreational open space provision:

- 3.6 hectares of land/1000 population of informal and formal grassed, wooded or landscaped land, and small amenity areas of public open space;
- 1.86 hectares of playing pitches/1000 population;
- all dwellings should be within 3km of an open space of at least 20 hectares which provides general facilities for recreational activity within a landscaped setting;
- all dwellings should be within 1km of an open space of between 5 and 20 hectares which provides general facilities for recreation provision within a landscaped setting;
- all dwellings should be within 400 metres of an open space of between 2 and 10 hectares which caters for informal recreational needs;
- all dwellings should be within 200 metres of a small formal or informal open space between 0.2 and 2 hectares that is suitable for informal use and has high amenity value.

Permission will not be given for development where it would lead to a reduction in the target for recreational open space provision/1000 population in the ward in which it is proposed.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC8 - Rights of Way**

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy E34: Areas and features of national and international conservation importance**

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

## SCHEDULE A: Applications with Recommendation

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1. there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
  - i. There is no alternative solution; and
  - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
  - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
  - i. There is no satisfactory alternative; and
  - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
  - iii. The proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.
- 4 In the case of national areas of nature conservation interest, where the reasons for the development outweigh the national nature conservation value of the site.

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1 Grade II\* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I Grade II\* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

## **SCHEDULE A: Applications with Recommendation**

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### **Cumbria and Lake District Joint Structure Plan 2001 – 2016**

#### **Policy E35: Areas and Features of nature conservation interests other than those of national and international conservation importance**

Development and other land use changes that are detrimental to these nature conservation interests will not be permitted unless the harm caused to the value of those interests is outweighed by the need for the development. Where development is permitted the loss of nature conservation interest should be minimised and, where practicable, mitigation should be provided.

These nature conservation interests are defined as:

- County Wildlife Sites (CWSs)
- Regionally Important Geological or Geomorphological Sites (RIGGS)
- The UK Biodiversity Action Plan Priority Habitats that occur in Cumbria
- Species of Conservation Importance in the North West Region that occur in Cumbria
- Landscape features of major importance for wild fauna and flora, which are essential for migration dispersal and genetic exchange
- Local nature reserves

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016**

#### **Policy C42: Flood risk and development**

Development proposals should take into account an assessment of the risk of flooding and be in accordance with the search sequence outlined in Policy ST3.

Development will not be permitted on functional floodplains within areas with a high risk of flooding, except for essential transport and utilities infrastructure that cannot be located elsewhere, including port related development. Land use changes not requiring built development may be permitted provided adequate warning and evacuation procedures are in place, and existing buildings incorporate floodproofing measures.

Elsewhere development that reduces flood risk or aids the operation of functional floodplains will be supported.

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016**

#### **Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
  - a) the appropriate reuse of existing buildings worthy of retention, followed by
  - b) the reuse of previously developed land and only then

## **SCHEDULE A: Applications with Recommendation**

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- c) the use of previously undeveloped land,
- 2. seek sites that are or will be made accessible by public transport, walking or cycling,
- 3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
  - a) sites with little or no flood risk, followed by
  - b) sites with low or medium flood risk, and only then
  - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

- 4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
- 5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
- 6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
- 7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Comments awaited.

**Cummersdale Parish Council:** Comments awaited.

**Environment Agency (N Area (+ Waste Disp)):** Comments awaited.

**Ramblers Association:** Comments awaited.



## SCHEDULE A: Applications with Recommendation

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**East Cumbria Countryside Project:** Thank you for the consultation on this application. I have two comments:-

1. Although this path is widely believed to be a cycleway, to the best of my information it has no legal status as such, no appropriate order ever having been made. The consequence of this is that the only public status on this route is that of Public Footpath.

2. It is important that that public access for walkers on the definitive line of Public Footpath 129021 should not be compromised or restricted in any way, during or after development.

**English Nature:** Comments awaited.

**Cumbria Constabulary - Crime Prevention:** Comments awaited.

**Access Officer:** Comments awaited.

### Summary of Representations:

#### **Representations Received**

Initial:	Consulted:	Reply Type:
[REDACTED] 47	05/01/07	
Cummersdale Road		
[REDACTED] Linton House	05/01/07	
[REDACTED] High Cummersdale Croft	05/01/07	
[REDACTED] 17A Gilbert Road	05/01/07	
[REDACTED] 39 Gilbert Road	05/01/07	
[REDACTED] 16 Rashdall Road	05/01/07	
[REDACTED] 170 Richardson Street	05/01/07	
[REDACTED] 9 The Oval	05/01/07	
[REDACTED] 124 Warwick Road	05/01/07	
[REDACTED] The Croft	05/01/07	
[REDACTED] 170 Richardson Street	05/01/07	
[REDACTED] Carlisle Access	05/01/07	

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In 2000, under application 00/0035, planning permission was given for the construction of a 2.5 metre unsegregated cycle track.

Last year, under 06/0879, an application for the provision of a ramp linking high and low level cycle track at Millstream was withdrawn.

### **Details of Proposal:**

#### **1) Site Description**

This application relates to the confluence of the Caldew cycle track with an unsurfaced public footpath to the immediate north of the Stead McAlpin premises at Cummersdale. The footpath runs parallel with the River Caldew at a lower level to the tarmac surfaced cycle track.

The River Caldew is part of the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden Special Area of Conservation (SAC). The application site is located within a Flood Zone and the surrounding fields part of a designated Primary Leisure Area under the Carlisle District Local Plan.

#### **2) Background Information**

This stretch of the Caldew cycle track was given planning permission in March 2000 thus allowing the linking of Denton Holme with Dalston. However, an acknowledged difficulty with the cycle track, which has subsequently been implemented, occurs where the existing steps linking the upper and lower sections of the cycle track have been retained adjoining the Stead McAlpin premises. This significantly hampers the effective use of the track by disabled people and guardians/parents of young children using pushchairs.

Members may recollect that at the time of processing an application (ref. no. 04/0718) for the re-development of a site at Graham Street in Denton Holme the developers, Story Homes, completed a Unilateral Undertaking confirming their willingness to provide a ramp to serve the Caldew cycle track as a replacement to the existing steps.

The current application has been submitted on the basis of gaining the necessary planning permission for the proposed ramp. A separate application for Land Drainage Consent will be shortly submitted to the Environment Agency.

The submitted plans indicate the widening and surfacing of the footpath that forks to a new ramp built into or as part of the bank joining the cycle track. The proposed ramp would be constructed upon a granular sub-base with macadam base and wearing courses. Where necessary, the bank would be shored up by stone filled gabion baskets. The ramp is to be edged in timber with treated timber fencing, and, at a gradient of 1:15. It is likely that the proposed scheme would involve the removal of three Hawthorn hedge trees.

A Design and Access Statement (D&AS) and a Flood Risk Assessment (FRA) accompany the application. The D&AS explains that the design of the ramp has taken into account the need to have a minimum impact on the existing flora and fauna; the whole purpose is to enable access by disabled people; and, it reflects comments made by Cumbria Constabulary and Carlisle Access Group.

## **SCHEDULE A: Applications with Recommendation**

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The FRA highlights that the existing cycle track is located outside of a Flood Zone as designated under PPG 25 Development and Flood Risk. The site of the proposed ramp is, however, located within Flood Zone 2 and known to have flooded in January 2005. The Environment Agency's Flood Zone mapping indicates that the site is at low to medium risk of fluvial flooding with a 0.1% - 1% annual probability of occurrence. It is alleged that the ramp should not exacerbate the risk of flooding elsewhere; incorporates stone filled gabion baskets which should be resistant to future flooding; and, the elevated nature of the cycle track should allow any users to view the extent of any flooding.

### **3) Assessment**

When considering this application it is held that the main issues revolve around whether the advantages outweigh any harm caused in terms of the character of the area, the risks caused by future flooding, and, the flora and fauna of the area.

In relation to the character of the area, it is evident that the area consists of Ash and Sycamore trees and the remnants of a relatively old Hawthorn hedge. The more significant trees are along the top of the riverbank. In such a context it is considered that the loss of three Hawthorn hedge trees, and the retention of the remaining hedge and riverbank trees, should not be significant in terms of visual amenity. The design of the proposed cycle track has also been based on providing an effective ramp which can, as far as possible, blend in with the slope of the site.

In terms of the risks posed by flooding, the proposed ramp would at the lower levels be built into the slope. Any increase in volume of the slope is at the higher level and therefore considered unlikely to be insignificant as a cause for flooding elsewhere. The stone filled gabion baskets should also be resistant to damage from flood waters.

Finally, based on the nature and scale of the proposed works it is considered that the water quality of the River Caldwel will not be significantly affected during either the construction or operation of the ramp and cycle track. Generally, the proposal is not likely to have a significant effect on the site integrity or features of interest of the River Eden SAC.

At this stage the proposal is recommended for approval subject to the awaited comments of interested parties.

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### Human Rights Act 1998

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

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

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

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

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

This application has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not considered sufficient to merit the refusal of permission.

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### 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. Before the completion of the ramp by the laying of the macadam wearing course the existing stile at the Mill Stream, as identified on drawing number 04-C-10000/100/A, shall be removed and the footpath/cycle track reinstated in accordance with plans submitted to and approved beforehand by the local planning authority.

**Reason:** In order to enable the effective use of the cycle track.

3. For the duration of the development works a suitable barrier shall be erected adjacent to the River Caldey/ Mill Stream capable of preventing soil, debris or construction material entering the Caldey River in accordance with details submitted submitted to and approved in writing beforehand by the local planning authority.

**Reason:** To avoid pollution and siltation of the river/mill stream and subsequently reduce the water quality and spawning ground

## SCHEDULE A: Applications with Recommendation

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quality for a variety of freshwater species such as Atlantic Salmon, Lamprey and native White-Clawed Crayfish.

4. For the duration of the development works there shall be no tipping, stacking, nor compaction of the ground by any other means along the riverside of the Caldew.

**Reason:** To maintain riverside habitat and water quality.

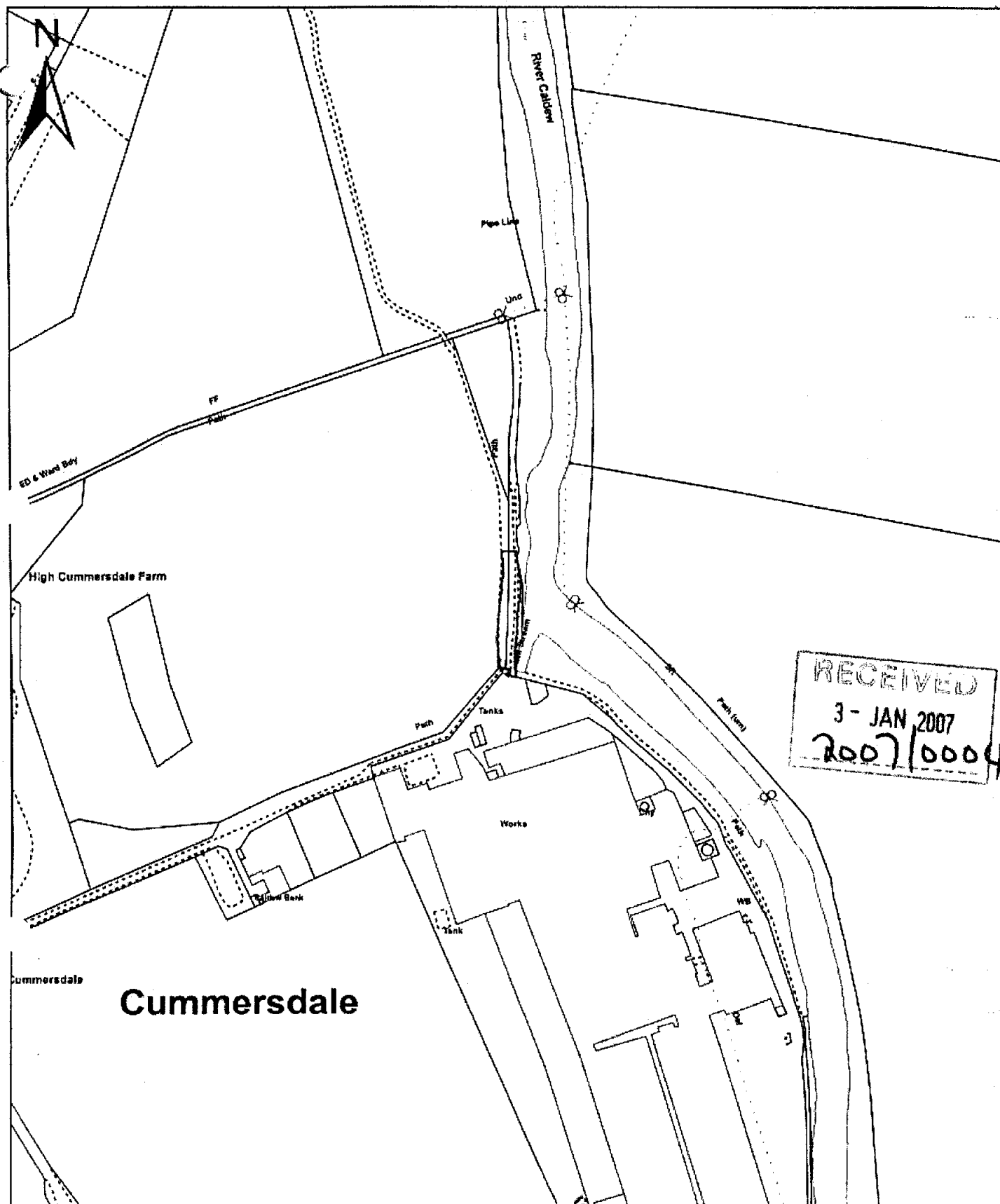
5. Prior to the expiry of one week following completion of the development all equipment, (excess) materials, fuel and waste arising from the work shall be removed from the site.

**Reason:** To prevent materials entering the watercourse and reduce the risk of habitat damage from any such materials.

6. 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.

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land adjoining Stead McAlpine, Cummersdale

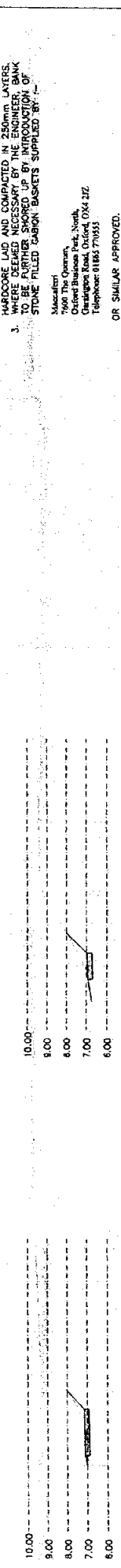
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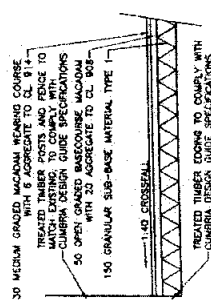
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG



1. AREA TO BE CHECKED FOR STABILITY BY ENGINEER PRIOR TO INITIAL WORK COMMENCING.
2. EXISTING EMBANKMENT TO BE BENCHED AND BROUGHT UP TO FOUNDATION LEVEL USING GRANULAR HARDWARE LAID AND COMPACTED IN 250mm LAYERS, WHERE DEEMED NECESSARY BY THE ENGINEER, BANK TO BE FURTHER SHORED UP BY INTRODUCTION OF STONE PITCH FABRIC BASKETS SUPPLIED BY...
- 3.

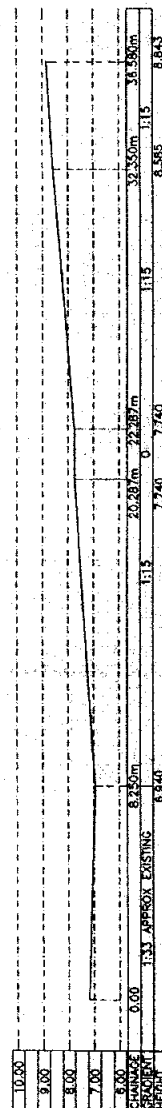
**Maccafferri**  
7600 The Quorum,  
Oxford Business Park, North,  
Garrington Road, Oxford, OX4 2JZ  
Telephone: 01865 770553

OR SIMILAR APPROVED.

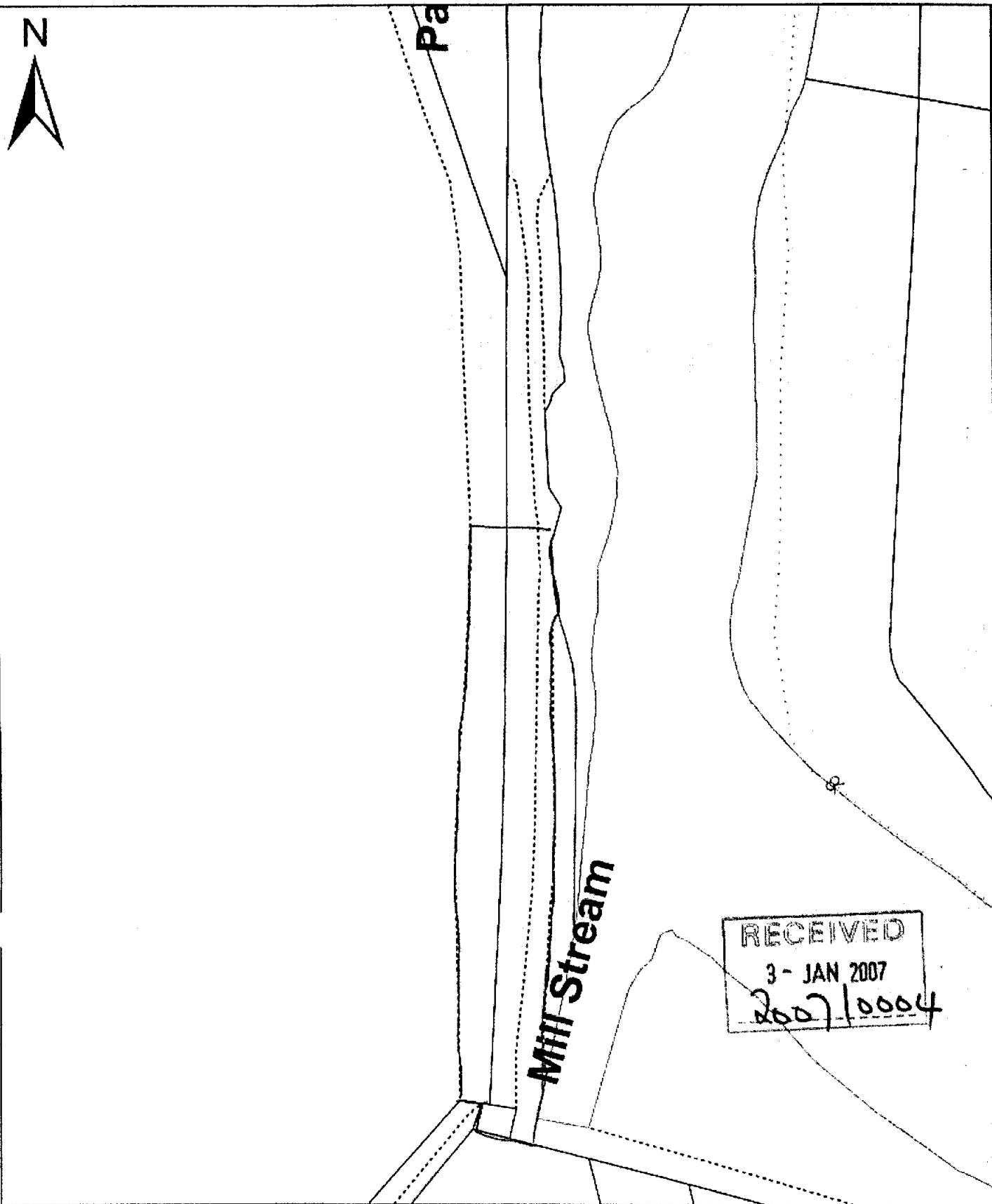


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SECTION G-G  
LONG SECTION



land adjoining Stead McAlpine, Cummersdale

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## SCHEDULE B: Reports Requiring Further Information

06/1136

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**Item No: 14**

**Date of Committee: 26/01/2007**

**Appn Ref No:**  
06/1136

**Applicant:**  
Northcare Developments  
Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
30/10/2006

**Agent:**  
Blue Sky Planning

**Ward:**  
Brampton

**Location:**  
Milton Hall, Milton, Brampton, Cumbria, CA8 1JA

**Grid Reference:**  
354949 560128

**Proposal:** Demolition Of Remaining Building And Erection Of A Residential Mental Health Centre For Children And Adolescents Including Ancillary Staff Accommodation (Within Use Class C2) Including Access, Parking And Boundary Treatment

**Amendment:**

---

### REPORT

#### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the proposed nature of the development.

#### Planning Policies:

##### **Airport Safeguarding Area**

##### **Carlisle District Plan Environment - Policy E4**

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

##### **Carlisle District Plan Environment - Policy E19**

## **SCHEDULE B: Reports Requiring Further Information**

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In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Carlisle District Plan Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

### **Carlisle District Plan Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or

## **SCHEDULE B: Reports Requiring Further Information**

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3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Employment - Proposal EM10**

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP9 - Landscapes of County Importance**

Within Landscapes of County Importance, 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 to be sited.

Development required 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.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP2 - Trees and Hedges on Development Sites**

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

1. the location of existing trees and hedges;

## **SCHEDULE B: Reports Requiring Further Information**

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

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

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

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where

- appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP9 - Sustainable Drainage Systems**

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment**

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

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion**

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - Planning Out Crime**

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

The following points should applied to all development proposals:

1. Security measures should be an integral part of the design
1. Developments should be laid out and buildings positioned to maximise natural



## SCHEDULE B: Reports Requiring Further Information

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- surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
2. Public and private spaces should have clearly defined boundaries.
  3. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
  4. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
  5. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
  7. CCTV may be considered necessary in certain circumstances. Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines**

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

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

### **Summary of Consultation Responses:**

**Brampton Parish Council:** no comment;

**National Care Standards Commission:** the Commission for Social Care Inspection can only give consideration to the facility once an application to register has been submitted;

**Network Rail:** comments awaited;

**North Cumbria Health Authority:** the Primary Care Trust (PCT) recently met with the developers and prior to this meeting, it was understood that this development aimed at accommodating residents within a 60 mile radius of the site. While the PCT are not opposed to this development, a medium secure Child and Adolescent Mental Health Service (CAMHS), the PCT is not aware of a local demand level to enable sustainment by Cumbrian residents. During the last 10 years there have been four admissions to this type of service from North Cumbrian residents, whereas in contrast the proposal by the developers is for a thirty bed unit.

During the discussion it became evident that the developers catchment area would

## **SCHEDULE B: Reports Requiring Further Information**

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not be restricted to Cumbria and that the organisation would provide a service on at least a regional basis, accepting referrals from areas such as Liverpool and Manchester. Furthermore, there was suggestion that potentially the unit could accept youths requiring mental health intervention transferred from the Youth Justice System.

**Carlisle Airport:** comments awaited;

**Environment Agency (N Area (+ Waste Disp)):** although the Agency acknowledge that this proposal falls within 250 metres of a landfill site, the Agency no longer comment on landfill gas issues;

**Environmental Protection Services:** no comment.

**Cumbria County Council - (Archaeological Services):** comments awaited;

**United Utilities (former Norweb & NWWA):** no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer;

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

**Development Services Planning & Housing Services - Access Officer:** comments awaited;

**Development Services Planning & Housing Services - Local Plans (Trees):** comments received are as follows:

1. The site is a large open area with large mature trees either side of the entrance, fringed by woodland to the south and with a group of large trees to the north.
2. The trees are not protected either by Preservation Orders or by virtue of being within a Conservation Area. However they provide a considerable degree of amenity and consideration should be given to their care during development.
3. The site has been cleared of most of the existing buildings and the rubble from the site clearance has been dumped beneath the crowns and immediately adjacent the trunks of a number of trees along the woodland boundary. Removal of the rubble to a location that does not affect the trees should be carried out prior to the commencement of any development.
4. The developer should commission an arboricultural report to advise on the health and safety of the trees and provide details of any tree management/works that are required. A number of the trees are cause for concern due to existing significant defects.
5. Tree protection barriers should be erected in accordance with BS 5837 Trees on development sites.
6. A landscaping scheme should be submitted and approved prior to the commencement of any work on site. The scheme must redress the loss of trees that will arise from the arboricultural survey and should therefore be done in conjunction with that survey.

## SCHEDULE B: Reports Requiring Further Information

06/1136

Further comments received on 20 December 2006 read as follows:

A tree inspection and report for the trees to the rear of Lindens, Milton Hall, Brampton has been received.

All the trees recommended for removal have significant defects, mostly large cavities and associated decay or large weak forks that are showing signs of instability. Therefore it is considered that it would be good management if the work to the trees detailed in the report were carried out as soon as possible.

Regards the remainder of the woodland this would benefit from a sympathetic management regime, and a woodland management plan to cover at least a five year period should be produced and implemented by the owners. This would have the two-fold effect of identifying and dealing with dangerous trees thereby fulfilling the owners responsibilities regards the safety of those using the woodland, and ensuring the long term viability of the woodland for years to come;

**Cumbria County Council - (Highway Authority):** the layout details shown on the submitted plans are satisfactory from a highway perspective and the Highway Authority has no objection to the proposal.

To reduce uncertainty amongst non-local drivers, it would be appropriate to sign the health centre from the A689.

**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 an existing system, this was not clarified in the application. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal, as this is the most sustainable method.

There is no knowledge of flooding issues at this site;

**Cumbria Constabulary - Crime Prevention:** Cumbria Police has no objections to this application.

The proposed premises will be deemed to be a 'Secure' unit under the terms of the Mental Health Act.

Various measure shall be implemented to prevent any resident or patient leaving the establishment without staff knowledge. We were advised that it would be extremely unlikely that any patient or resident would be allowed outside the premises perimeter and never without an escort. Arrangements are in hand to draw up partnership protocol documents, ratifying the circumstances when a police response would be required.

### Summary of Representations:

## SCHEDULE B: Reports Requiring Further Information

06/1136

### Representations Received

Initial:	Consulted:	Reply Type:
	Lone Oak	07/11/06
	Oak View	07/11/06
	Lindens	07/11/06
	Ivyholme	07/11/06
	Milton Hall Lodge	07/11/06
	Station Sawmill	07/11/06
	Binney Bank	07/11/06
	1 Joseph Wilson Memorial	07/11/06
	2 Joseph Wilson Memorial	07/11/06
	3 Joseph Wilson Memorial	07/11/06
	4 Joseph Wilson Memorial	07/11/06
	5 Joseph Wilson Memorial	07/11/06
	6 Joseph Wilson Memorial	07/11/06
	Milton Hall Farm	07/11/06
	1 Howgate	07/11/06
	2 Howgate	07/11/06

This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 16 of the neighbouring properties. At the time of writing this report, no representations have been received.

### Details of Proposal/Officer Appraisal:

#### Planning History:

Planning permission was granted in 1990 for a new pitched corrugated cladding to replace flat roof.

Again in 1990, planning consent was granted to install 3no. gas tanks and alterations to form boiler room.

Later in 1990, planning permission was granted for an extension to provide bedrooms and recreational facilities.

Planning permission was granted in 1991 for the conversion of a stable block to restaurant and bar facilities.

In 1992, planning consent was granted for the formation of residents sitting room.

A revised proposal for the formation of residents sitting room was granted later in 1992.

## **SCHEDULE B: Reports Requiring Further Information**

06/1136

In 1995, planning consent was granted for an additional extension to the stable block bar, provision of a gymnasium within and attached to the main building and provision of new sewage pumping station.

Planning permission was granted in 1996 for the retention of a new vehicular access.

Also in the same year, an application for advertisement consent for the erection and display of 1no. fascia sign and 1no. pole mounted sign was withdrawn.

In 1997, planning permission was granted for the change of use of part of the ground floor to a function room, W.C.s and kitchen for use by residents and general public (retrospective).

A planning application for the removal of condition 04 attached to approval no: 91/0078 to allow use of restaurant and bar by the general public was withdrawn.

Later in the same year, planning consent was granted for the removal of condition of application 97/0109 to allow permanent use of function room/ restaurant facilities.

In 1999, planning permission was granted for the erection of an entrance porch.

Planning permission was granted in 2001 for the erection of an external fire escape from first floor of nursing home to ground east wing.

In 2003, planning consent was granted for:

1. the demolition of redundant vacant care home and construction of purpose built care home to meet NCSC standards;
2. demolition of disused gymnasium and construction of eight bed unit to provide extra care facilities;
3. demolition of building and construction of unit to house staff accommodation.

### **Details of Proposal:**

The application seeks planning consent to redevelop the site of the former Milton Hall Nursing Home at Milton, Brampton, close to Brampton railway station. The majority of the buildings that previously occupied the site have now been demolished with only one building remaining centrally within the site. Mature trees fringe much of the site to the south and west with open countryside to the north and east although several residential properties front the access road to the east. The site is within a County Landscape.

The proposal involves the construction of two buildings. The principal of these is a two-storey main block which would contain the entrance/reception area, administration, recreational, educational, and support services (including kitchen facilities) together with extensive rear wings providing 32 bedrooms with associated lounge, treatment and recreational areas. The building would be finished from a combination of materials including reconstituted slate, aluminium, aluminium

louvres, render, brick plinths, red cedar boarding and sliding sash aluminium windows.

Standing detached from that main block is a proposed two-storey building staff accommodation building sited closer to the access road to the east. It would provide 6no. single ensuite bedrooms, a kitchen, dining room and sitting room, with the same accommodation replicated on the first floor. The building would be constructed from materials to match those of the proposed adjacent building.

The relevant planning policies against which the application is required to be assessed are Policies E4, E19, E22, T1, T7, H17 and EM10 of the Carlisle District Local Plan and Policies DP9, CP2, CP4, CP5, CP9, CP11, CP14, CP16 and T1 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

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

The site is currently derelict, having previously accommodated a nursing home, the bulk of which has now been demolished. The site is, consequently, a brownfield site which holds an extant planning permission for a 68no. bed care home (granted in 2003). Whilst if we were dealing with a green field site, this location would not ordinarily be viewed favourably under the current policy climate, the very recent previous use of the site together with the extant planning permission, and smaller scale of the proposed scheme clearly have to be acknowledged as material considerations which favour the proposals.

The principal use of the building would be as a secure residential mental health centre for children and adolescents. This would be a similar use to the established use on the site; however, reference is made in the consultation response from North Cumbria Health Authority that potentially the unit could accept youths requiring mental health intervention transferred from the Youth Justice System. The primary purpose of the development is to provide a secure residential mental health care facility for children and adolescents. Given the specialist nature of this development, it is perhaps inevitable that patients may also be treated from the Youth Justice System; however, Members will note that Cumbria Constabulary has no objection to the application.

Initially, it was not apparent that the use of the site was as a secure mental health care facility. Additional background information has been requested from the applicant regarding the use of the site as a secure mental health care facility. At the time of writing this report, the information is outstanding but it is anticipated that this will be available for reproduction for Members' attention in the Supplementary Schedule.

### **1. The Effect Of The Development On The Character Of The Area**

Not only is the site located outwith any recognised settlement, the site is within an area designated as being of County Landscape Importance. In this context, planning policies are more restrictive on terms of the visual impact on the character

of the area, given the particular designation of the countryside. The site slopes from east to west and is bounded by mature trees. The proposed development would largely take place centrally and to the west of the site and in this context, the existing trees would serve as adequate screening to the development. The impact, therefore, on the character of the area would be minimal.

### **2. The Scale And Design Of The Development**

The site is bounded by established woodland and the topography is such that there is a 2 metre fall across the site from east to west. The buildings are proposed to be set back within the site, with the access taken from the eastern boundary. The residential accommodation building would be located towards the frontage of the site with the vehicular and pedestrian access routes adjacent and leading up to the main building.

It is proposed that the two-storey element would form the public façade to the site and would serve to screen the more private wards to the rear. The layout of the building has been designed to maximise the topography of the site, the existing landscaping and to take account of the views surrounding the site, particularly to the north over the ha-ha.

The adjacent properties to the site are of traditional appearance and construction, primarily finished from natural stone under a natural slate roof. The design of the proposed buildings is contemporary in their appearance and would be finished in a style to match using render, cedar cladding, reconstituted slate and aluminium roofs. Given the character of the site and the details of the proposal, the scale and design of the proposal would not be inappropriate or obtrusive.

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

The site has previously been used as a care home and there is an extant planning consent for the redevelopment of the site to construct a substantial care facility. In this respect, the principle of the use of the site for care purposes and its re-development for care use is established and the proposal would not conflict with that. It is accepted that the site has been vacant for several years and its redevelopment will bring about some disturbance to the adjacent residential properties while being undertaken. Nonetheless, when concluded and in use the nature of the centre would not give rise to a significant increase in traffic or noise from the site, over and above the previous use, sufficient to adversely affect the living conditions of the occupiers of the nearby residential properties and warrant refusal of the application.

The buildings are proposed to be sited within the context of the site. Residential properties are located to the east, adjacent to the highway that links Brampton Station with Milton. The proposed residential building would be 14 metres to the north-west of the nearest property whilst the main building would be 46 metres to the west of nearest property. In this respect, the proposal would not adversely affect the living conditions of the occupiers of these properties through over-dominance, loss of light or loss of privacy.

### 4. Other Matters

The site is bounded by significant areas of mature trees that serve to screen the site. Planning policies along with the Council's Supplementary Planning Guidance seek to protect the trees from unacceptable development. The Council's Tree Officer requested a tree inspection for the report and has met with a representative of the applicant on site. His findings state that all the trees recommended for removal have significant defects and therefore, it would be good management if the work to the trees detailed in the report are carried out as soon as possible.

The applicant has indicated that there is an existing collection tank, sensor system and pump set for foul drainage within the site area. There is then a pumping main through the site, along the road verge to an existing collecting chamber on the main drainage system. The foul drainage of the development would connect into this drainage system.

Owing to the fact that patients would be supervised at all times and to the protocols to be drawn up by the management team of the facility, Cumbria Constabulary has raised no objection to the proposed development.

### Conclusion

In overall terms the principle of the redevelopment of the site has been established through the previous use of the site and the extant planning consent. Furthermore, the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the building is acceptable in relation to the context of the site. It is anticipated that the additional information requested will be available for Members prior to the date of the Committee meeting.

---

### Human Rights Act 1998

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

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

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

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

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right



## **SCHEDULE B: Reports Requiring Further Information**

06/1136

for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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.

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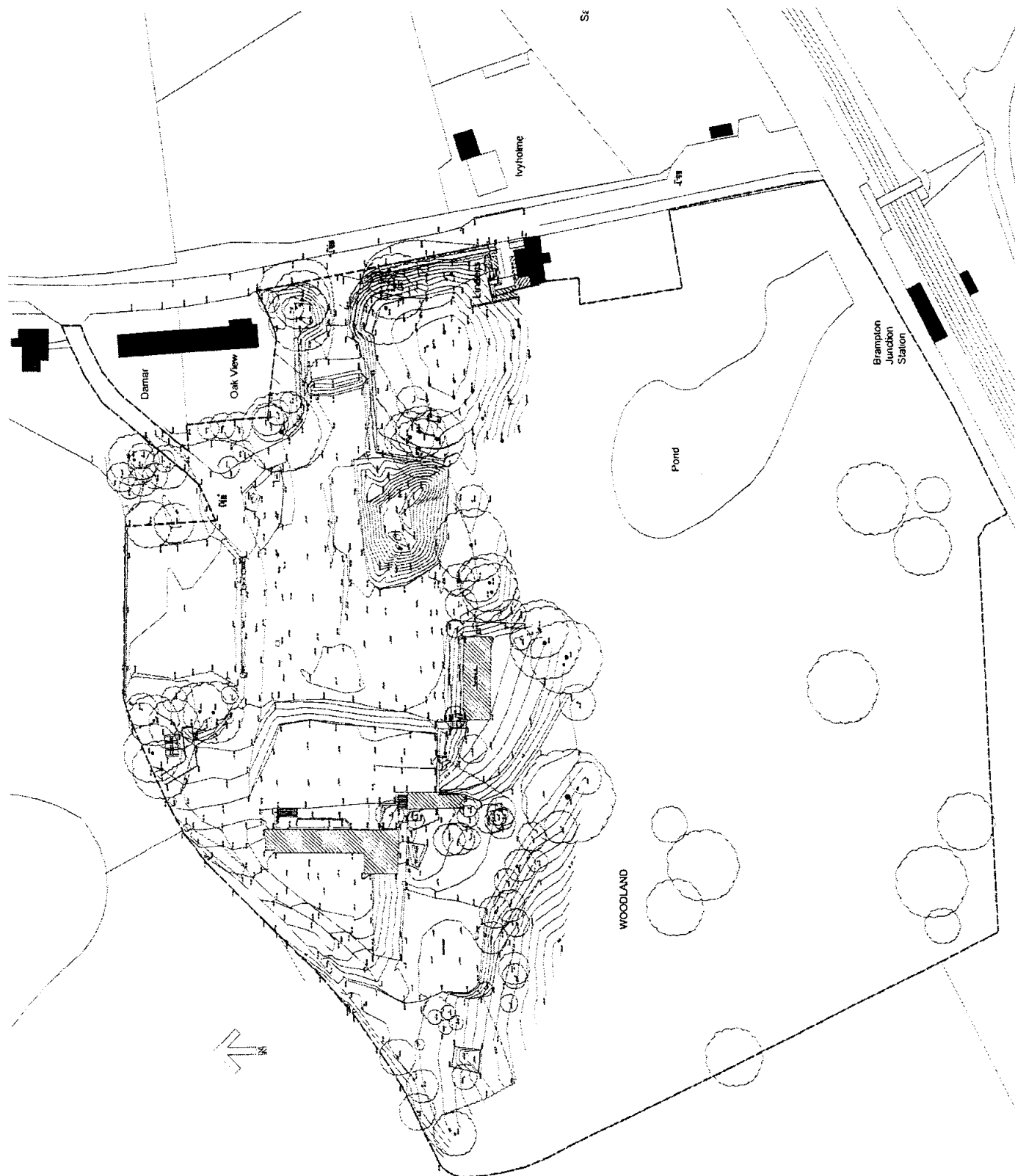
### **Recommendation:**

#### **Reason for including report in Schedule B**

A full report and recommendation is unable to be made at this time as the applicant has been requested to submit additional specific information relating to the end use of the site.

---

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Northcare Developments Ltd.

Carlisle Children & Adolescent  
Mental Health Centre

## Existing Site Plan

[illegible]

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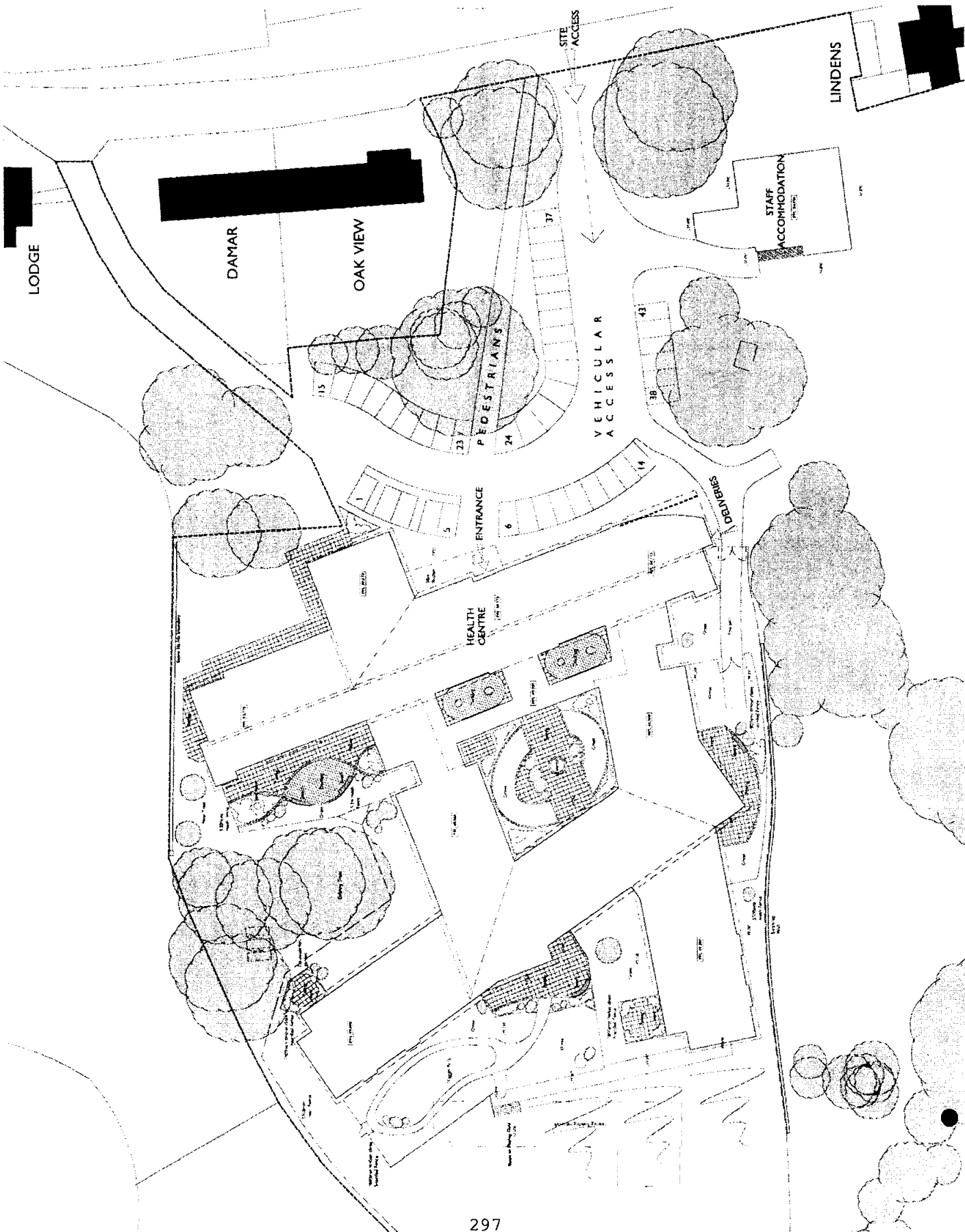
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05/11/2006

Proposed Site Plan

1:500	Planning
Author	P. Shaw
Checker	M. Baghill
Designer	N. Carter
05112	D 11' A

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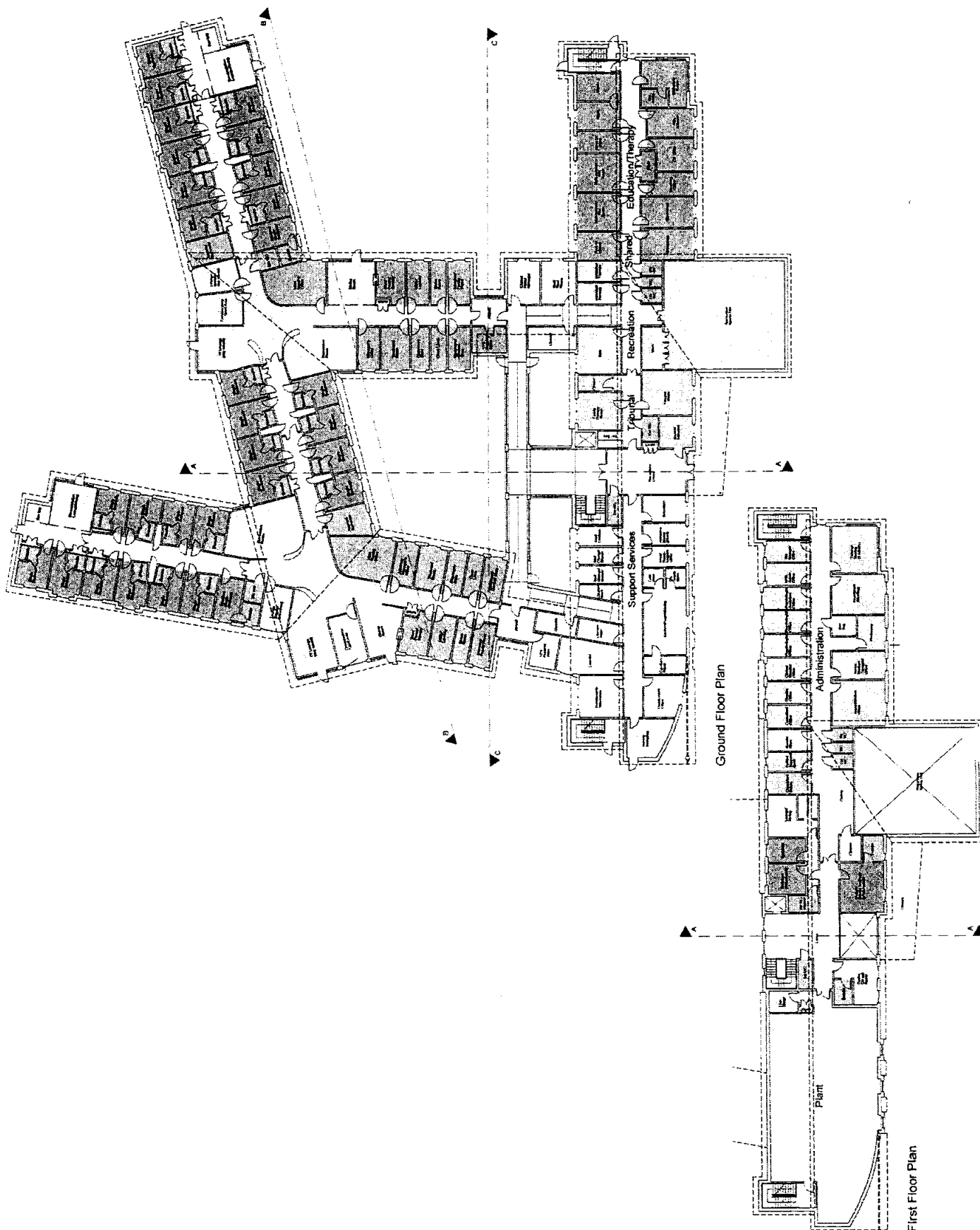
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Mental Health Centre

05/12/06

Proposed Site Layout

Scale	1:250	Planning
Author	F. Shaw	
Check	M. Bishop	
Drawn	M. Bishop	
Project	M. Bishop	
Revision		
Date	05/12/06	D 112 A

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**Carlisle Children & Adolescent  
Mental Health Centre**

06/1136

DATE	TIME				
05/11/12	1:200	Planning			A
NAME	ROOM	SUBJECT	DATE		
M. Bapista					
M. Bapista					
M. Bapista					
M. Carter					

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KEY:  
Reconstituted Slate  
Standing Seam Aluminium  
Single Membrane Flatroof



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TEL: 0443208 8700 FAX: 0443208 8700  
E-MAIL: design@deveraux.co.uk www.deveraux.co.uk

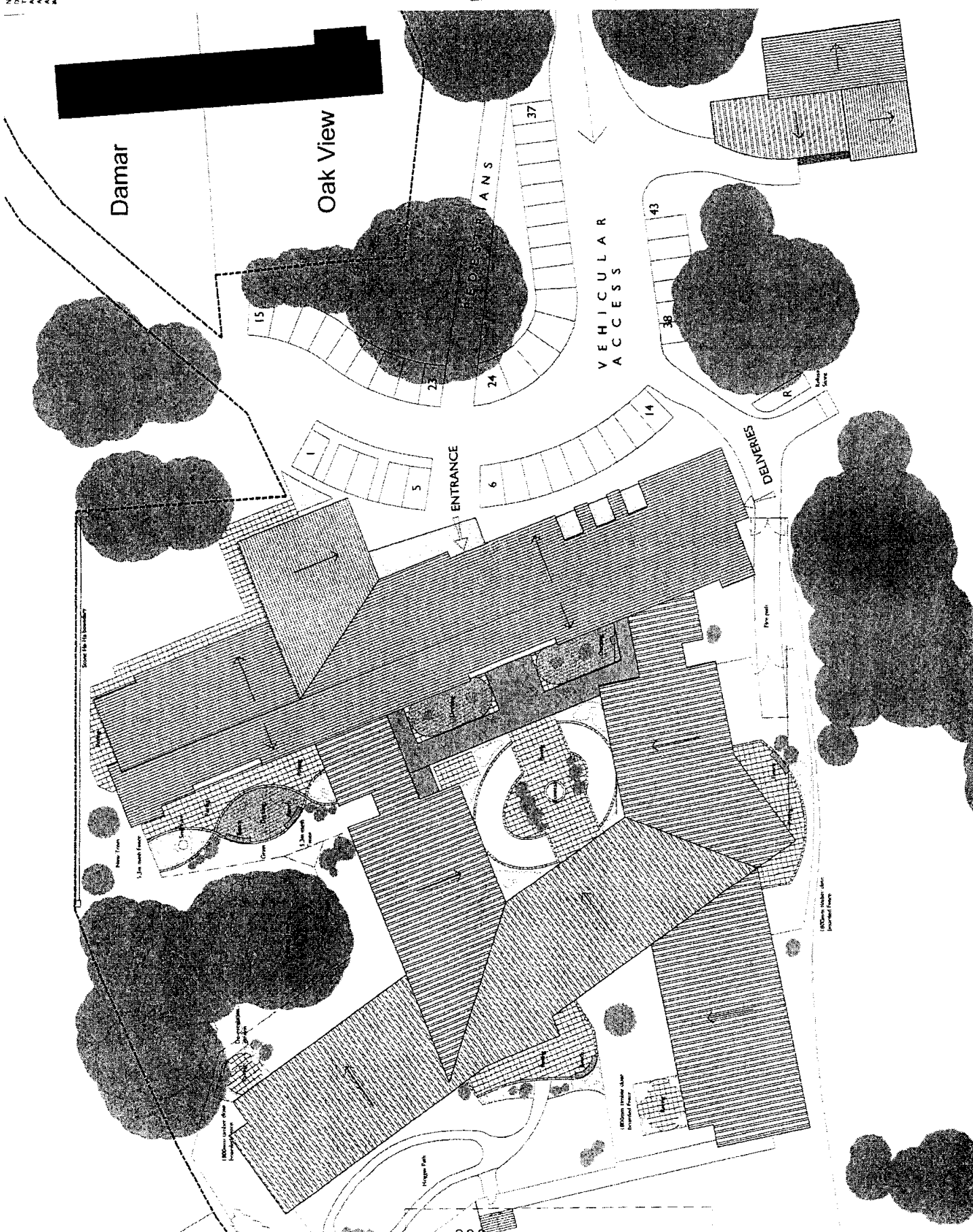
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Carlisle Children & Adolescent  
Mental Health Centre

Proposed Roof Plan

cell126

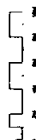
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Checker	M. Hughes	
Drawn	M. Carter	
Date	05/11/12	D 115 A



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# KEY:

1. Reconstituted slate roof
2. Standing seam aluminium roof
3. Satin anodised aluminium louvres
4. Through-colour render
5. Engineering brick plinth
6. Western Red Cedar boarding
7. Horizontal sliding-sash satin anodised aluminium framed windows
8. Satin anodised aluminium framed clerestory windows
9. Satin anodised aluminium framed curtainwall



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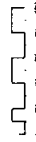
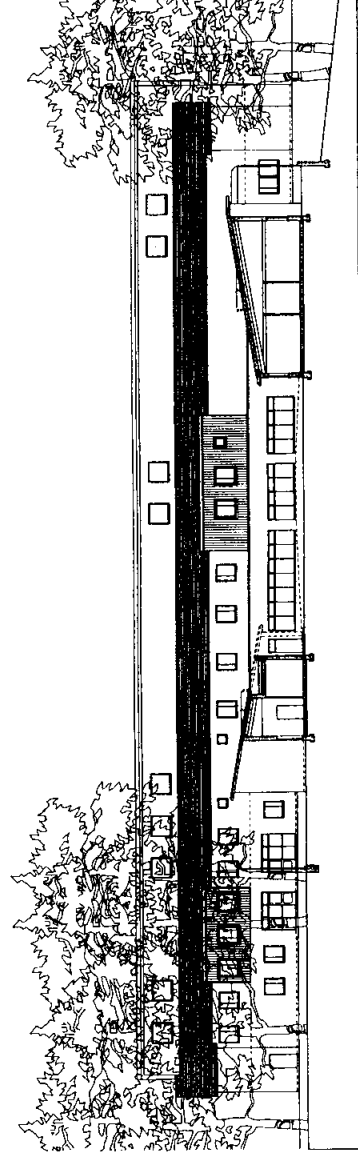
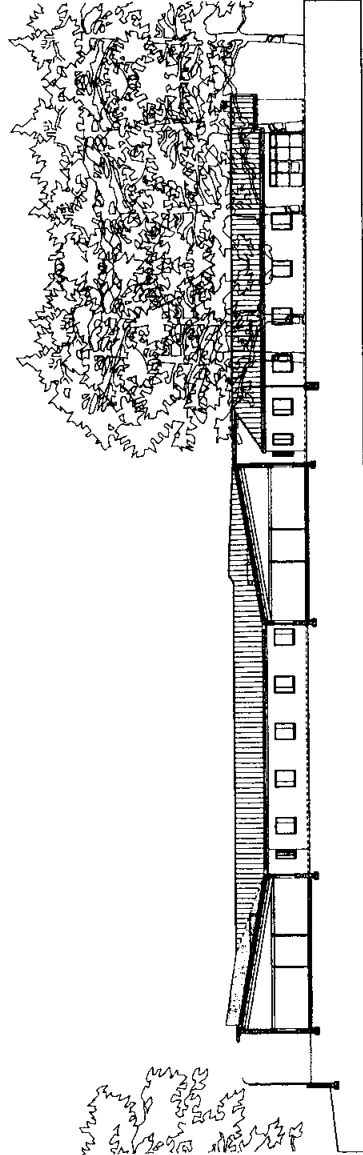
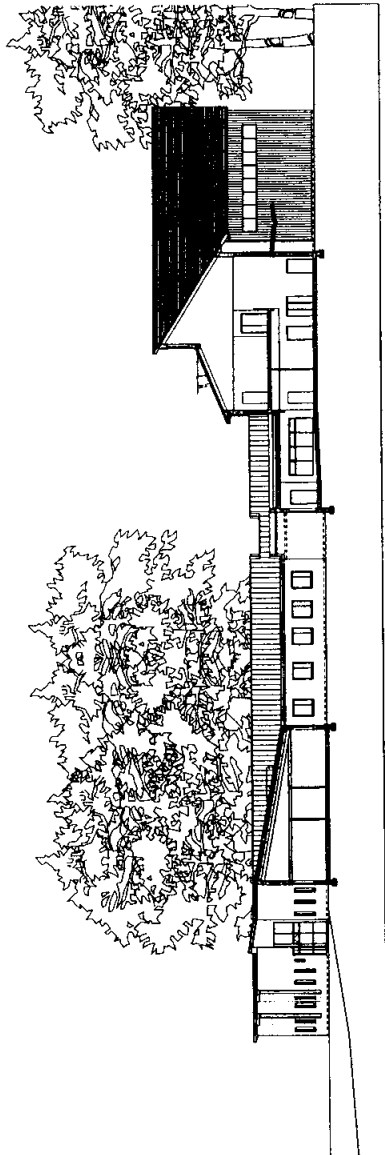
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Carlisle Children & Adolescent  
Mental Health Centre

Health Centre  
General Elevations

Scale	1:200	Planning
Date	M. Bagriata	07/06/2006
Drawn	M. Bagriata	07/06/2006
Checked	M. Center	07/06/2006
Project	05112	D   A

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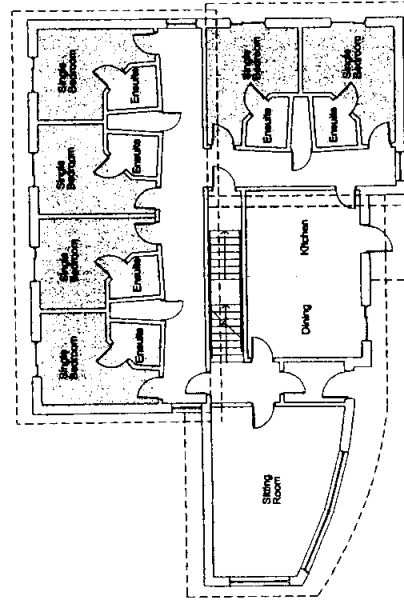
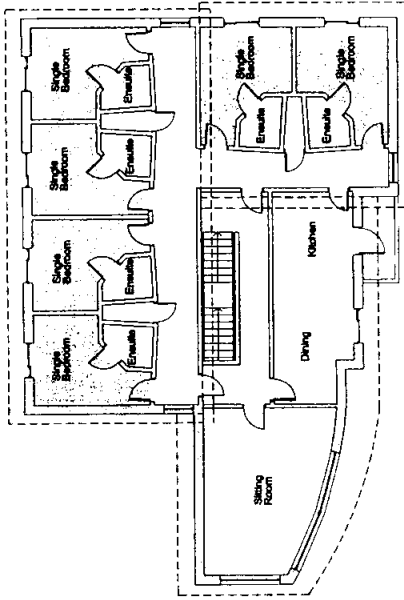
Carlisle Children & Adolescent  
 Mental Health Centre

Health Centre  
 General Sections

Scale 1:1	1:200	Planning	07/06/2006
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Checker	M. Baptista	07/06/2006	
Reviewer	M. Carver	07/06/2006	
05112	D	118	A

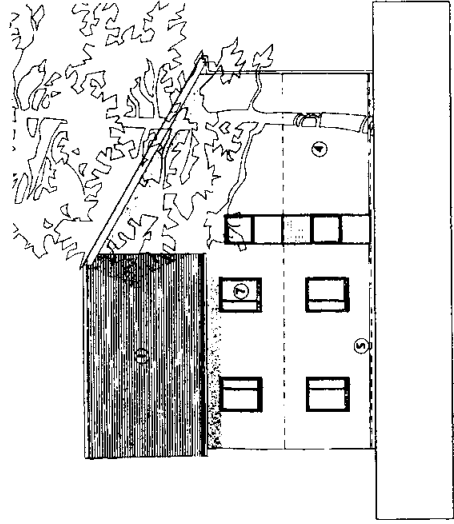
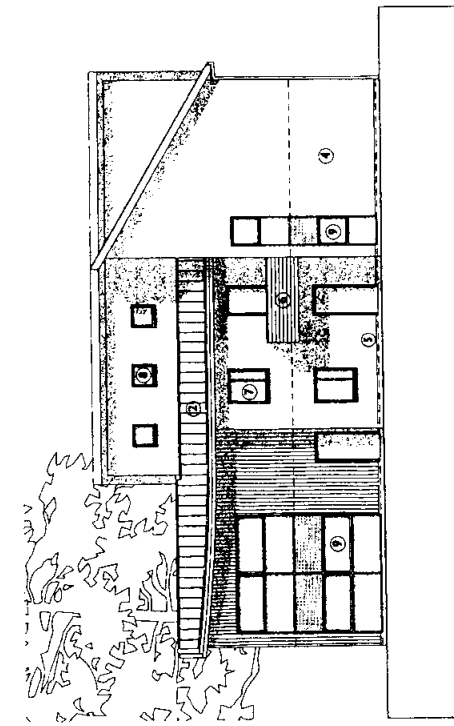


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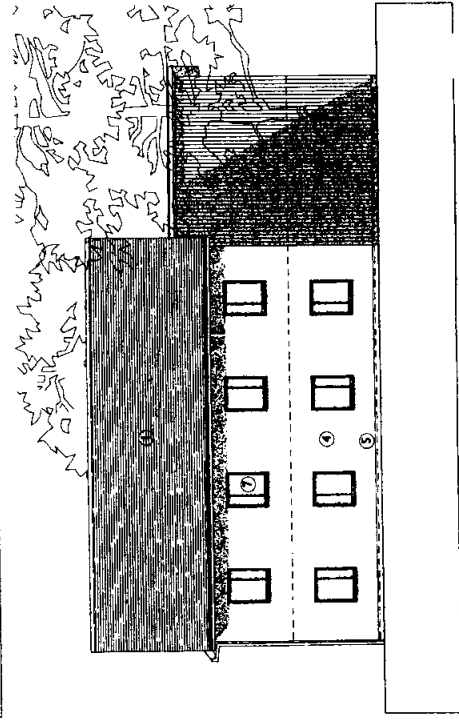
KEY:

1. Reconstituted slate roof
2. Standing seam aluminium roof
3. Satin anodised aluminium louvers
4. Through-colour render
5. Engineering brick plinth
6. Western Red Cedar boarding
7. Horizontal sliding-sash satin anodised aluminium framed windows
8. Satin anodised aluminium framed clerestory windows
9. Satin anodised aluminium framed curtainwall



4.400 Higher Street Level  
 2.10 Lower Street Level  
 2.100 1st Floor M  
 4.400 2nd Floor M

4.400 Higher Street Level  
 2.10 Lower Street Level  
 2.100 1st Floor M  
 4.400 2nd Floor M



4.400 Higher Street Level  
 2.10 Lower Street Level  
 2.100 1st Floor M  
 4.400 2nd Floor M

4.400 Higher Street Level  
 2.10 Lower Street Level  
 2.100 1st Floor M  
 4.400 2nd Floor M

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Northcare Developments Ltd.

Carlisle Children & Adolescent  
 Mental Health Centre

Staff Accommodation Building  
 General Plans & Elevations

Scale	1:100	Planning
Author	M. Baptista	07062006
Check	M. Baptista	07062006
Drawn	M. Baptista	07062006
Reviewed	M. Baptista	07062006

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Northern Developments Ltd.

Carlisle Children & Adolescent  
Mental Health Centre

Proposed Site Plan

SCALE	1:1250	DATE	01 OCT 2008
DRAWN	P Shaw	CHECKED	M Bazzani
DATE	01 OCT 2008	DATE	01 OCT 2008
PROJECT	Carlisle Children & Adolescent Mental Health Centre	CLIENT	Northern Developments Ltd.
PROJECT NO.	05112	D	120



**BRAMPTON – FORMER  
MILTON HALL SCHOOL  
SITE, MILTON**

**NORTHCARE  
DEVELOPMENTS LTD**

**PLANNING STATEMENT**

**SEPTEMBER 2006**

26 SEP 2006  
2006/1136

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## **APPENDICES**

**Appendix 1 - Site Survey and Section Drawings (Existing)**

**Appendix 2 - Design Statement**

**Appendix 3 - Access Statement**

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475 Godstone Road  
Caterham  
Surrey  
CR3 0BL

**Contact: Jonathan Best**

**Tel: 01883 621 041**

**Fax: 01883 621 043**

## **1.0 INTRODUCTION**

- 1.1 Northcare Developments Ltd is a well-established operator with over 18 years experience in the care industry. Chief Executive and owner Jennifer Houghton has built the company to around 20 high quality care facilities across the UK. The company has developed excellent working relationships with all the Local Authorities, Health Authorities and Registration Units within the areas it operates.
- 1.2 The application site has a long history of use by Class C2 residential institutions. Milton Hall School was a specialist secure school until its closure around 1980, after which it became used as a care home. In 2003, planning permission was granted for the demolition of the buildings on the site, and construction of a purpose built care home extra care facilities and staff accommodation. The buildings have now been demolished. The site forms part of a grouping of properties that include houses, employment functions and a railway station. The wider setting is rural.
- 1.3 Northcare Developments owns the site. Rather than implement the extant permission, the company wishes instead to construct a children's and adolescent mental health centre, also within Class C2, for which the site is ideally suited. This will accommodate approximately 30 children and adolescents in good quality, secure accommodation, along with a range of educational, health and welfare and leisure facilities. The buildings have been designed for the site, to ensure that it is of a high quality and relates appropriately to the surrounding area. The facility will be an important employment generator, providing 80-100.
- 1.4 The application comprises drawings and perspectives of the proposed scheme, along with a transport report and this planning statement. We have consulted with the Council's Officers, neighbours and other interest groups on the proposals. Where possible, we have sought to incorporate into the proposals the comments made from these parties.
- 1.5 This statement sets out the site and surrounding area, explains the application proposals and reviews the planning policy background. It then sets out the planning justification for the proposals in terms of the principle of the use, specific benefits of the service it will provide, along with the design, transport and other issues.

## **2.0 SITE AND SURROUNDING AREA**

- 2.1 Brampton is located approximately 8 miles east of Carlisle, with Milton being approximately 1¼ miles further to the south east across the A69. The site is located west of a small road, between Brampton Station and the A689 road.
- 2.2 Milton Hall was a specialist secure school. Its rural setting, close to Brampton, was ideal for that purpose. Most of the buildings have now been demolished, although a derelict two storey building and the access to the site remains. Immediately north and south of the access are residential properties. The station is about 40m further south, alongside which is a sawmill.
- 2.3 The topography of the site is one of falling levels to the south and west, although views into and out of the site from both directions are limited by the presence of large mature trees. The strongest views are to the north across a ha-ha. The presence of trees and boundary planting restrict views in and out of the site to the east, other than through the access.
- 2.4 Further afield, Milton is located within attractive rolling countryside, although the abovementioned tree cover screens it in most directions, except to the north.
- 2.5 We enclose at Appendix 1 a 1:500 site survey plan of the site with related photographs, a 1:200 scale site survey plan as well as site sections.

### **3.0 THE PROPSOAL**

3.1 It is proposed to construct a Children's & Adolescent's Mental Health Centre on the site, which is a residential institution within Class C2 of the Use Class Order.

3.2 The scheme will comprise a main building west of the site entrance, with access and parking in between, and a separate staff accommodation block. The internal areas of the scheme are broadly divided into three related, but separate, areas: -

- First the entrance and support areas to the main block. This will be two storeys high, accessible to all and provide facilities such as administration, recreation and educational areas.
- Second, the single storey residential areas for the children and adolescents which will have restricted access; and
- Third the separate two storey staff accommodation block, located south of the main access.

#### **Main Block Frontage**

3.3 Upon entering the site, the principle view will be of the main building which is two storey from this view, and contains the entrance and support areas. Parking and landscaping are to be in front (as shown on perspective No.158). The building will have a modern design to establish a new character for the site, but will use traditional materials to relate to the surrounding area.

3.4 This part of the building will accommodate the sole public entrance to the building and a reception area. From this entrance, there will be easy access to the support services area (e.g. laundry and workshop areas), Tribunal areas for the children and their families to meet, a recreation area including a sports hall and gym and then education areas including classrooms, library and multi purpose rooms.

3.5 There will be access from the reception to the first floor which will provide accommodation for meetings, offices, visitor accommodation and plant. Details are shown on the floor plans drawing.

3.6 The design and materials of the two storey element to the main block is highlighted on perspective drawings 150, 151, 154, 157, 158, 159, 160 and 161.

### **Main Block Rear**

- 3.7 The development will accommodate up to 30 children and adolescents, each in single rooms with en suite facilities, overlooking the countryside or internal courtyard areas. This part of the development is within the main block behind the entrance area. It will also include lounge, dining and general relaxation rooms, as well as nursing treatment and other rooms.
- 3.8 The single storey height of the building, and single pitched roofs, ensures that the development does not appear bulky from the north, west or southern elevations. Again the design is modern, with traditional materials. This is shown on perspective drawings 150, 152-156 as well as 162-164.
- 3.9 There is tight control between the front and rear areas, with careful use of corridors and door locks to ensure that access between the two parts of the development are controlled.

### **Staff Accommodation**

- 3.10 This is a separate building within the overall use of the site, to accommodate staff. The building will not be used separately from the rest of the development.
- 3.11 This annex building adopts the same design principles as the main building, is located close to the main building and will provide accommodation for 12 members of staff.
- 3.12 West of the main buildings, outdoor spaces is provided for use by the children and adolescents occupying the site. This comprises smaller areas of informal space and a larger area for formal recreation
- 3.13 The smaller informal area will be bounded by domestic scale 1.8m close boarded fences, the location of which is shown on the site layout plan.
- 3.14 The formal recreation provision will be to the west. This area and other parts of the site will be enclosed by a mesh 5.3m high fence connecting to each end of the building. This will effectively enclose the site, whilst being of a nature that will allow views through into, and out of, the site. Again the location of the fence is shown on the proposed site layout drawing.
- 3.15 The perspective drawings (all except 160 & 162) illustrate the relatively modest effect of the enclosure on views of the proposed development.



- 3.16 The location of the site is ideal for the proposed purpose. The quiet rural setting will be therapeutic for the children occupying the development, and provide considerable rural employment close to the homes and services of Brampton and Carlisle.

#### **4.0 COMMUNITY INVOLVEMENT**

**4.1** Northgate have met, and explained, the proposals to the following local stakeholders: -

- (a) Neighbouring properties;
- (b) The Parish Council;
- (c) Local medical practices; and
- (d) The Police.

**4.2** The scheme generally been well received in terms of it meeting a need in a suitable form. Clearly, the neighbours have expressed concerns, however, they do seem to accept that the design of the scheme addresses the safety and security needs of this type of development.

**4.3** Clearly, the formal position of these parties will be confirmed during the Council's public consultation on the application.

**5.0 ENVIRONMENTAL IMPACT**

- 5.1 A formal letter has been sent to the Council under the Environmental Impact Screening Opinion Regulations, seeking confirmation as to whether an EA assessment is required.
- 5.2 The proposed scheme comprises redevelopment of a previously developed site that is not in the flood plain and will not attract significant transport movements.
- 5.3 Accordingly, we do not consider that the proposed development will have any adverse effects on the environment, and therefore trust that no EA will be required.

## **6.0 PLANNING HISTORY**

6.1 Whilst the site has a long history of Class C2 Residential Institution use, the site is now cleared based upon a planning permission 03/1004 which was granted on 21 November 2003. This provided full consent for the following:

- Demolition of redundant vacant care home and construction of purpose built care home to meet NCSC standards;
- Demolition of disused gymnasium and construction of eight bed unit to provide extra care cottages; and
- Demolition of buildings and construction of unit to house staff accommodation.

6.2 The permission, if fully implemented, would provide for a full care home development. The design of this scheme is relatively standardised and unlikely to relate well to the locational context or to significantly enhance the quality of the area.

## 7.0 PLANNING POLICY

### Government Guidance

7.1 **PPS1, Delivering Sustainable Development**, was issued in 2005. It states that Sustainable development is the core principle underpinning planning, which is based upon the simple idea of ensuring a better quality of life for everyone (para 3). The government has four aims of sustainable development: -

- Social progress recognising the needs of everyone;
- Effective protection of the environment;
- The prudent use of natural resources; and
- The maintenance of high and stable levels of economic growth and employment (para 4).

7.2 Planning should facilitate and promote sustainable and inclusive patterns of development by:-

- Making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- Contributing to sustainable economic development;
- Protecting and enhancing the environment including the quality and character of the countryside;
- Ensuring high quality development through good and inclusive design;
- Ensuring that development supports existing communities and contributes towards the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community (para 5).

7.3 **PPG3 Housing** was published in 2000. Whilst this note, and the subsequent draft PPS which will replace it, primarily concerning conventional housing within Class C3, we note that the Government intends that everyone should have the opportunity of a decent home, and that the housing needs of all in the community should be recognised (para 1). Such considerations should apply to children and adolescents in need of specialist residential accommodation, as well as conventional housing.

7.4 **PPS7 concerns Sustainable Development in Rural Areas**, and was issued in 2004. This Statement seeks to raise the quality of life and environment in rural areas, to promote sustainable patterns of development, as well as to promote the development of the English Regions to reach their potential.

- 7.5 The guidance addresses the re-use and replacement of buildings in the countryside. (Whilst the re-use of buildings does not strictly apply to the subject site, the approach is relevant given the recent planning permission and resultant demolition of the former buildings establishes a commitment to buildings in this location).
- 7.6 The Government supports the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes is usually preferable, but residential conversions may be more appropriate in some locations.
- 7.7 The Government also supports the replacement of suitably located existing buildings of permanent design in the countryside, where this would result in a more acceptable and sustainable development, and the impact of the building on its surroundings and landscaping.

#### **Local Plan Policies**

- 7.8 The Carlisle Local Plan was adopted in 1997. The Plan is under review. The revised Deposit Draft 2001-2016 was published in September 2005, and is scheduled to be considered at a planning inquiry beginning January 2007.
- 7.9 The application site is located in the countryside. There is no designation covering the site in either the adopted or draft versions, although there is an ancient woodland designation covering the woods to the south of it.
- 7.10 The Local Plan Policy H19 states that

*"Proposals which relate to special or particular housing needs (e.g. the elderly, mentally and physically disabled, the homeless etc) will be acceptable provided that:*

- 1. They are consistent with other policies of the plan,*
- 2. The council is satisfied that there is a need which is not being met elsewhere; and*
- 3. The site is appropriate for that need".*

- 7.11 The policy is retained in the revised deposit plan, under reference H13.
- 7.12 The Local Plan also promotes Rural Diversification. Policy EM11 states: -

*"Within the rural area proposals for the reuse and adaptation of buildings of permanent construction for commercial, industrial or recreational uses will be acceptable subject to the following criteria: -*

- 1. The form, bulk and general design of the buildings are in keeping with the surroundings;*
- 2. Adequate access and appropriate parking arrangements are made;*
- 3. Any increased traffic generated by the proposal can be accommodated by the existing highway network;*
- 4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape."*

7.13 The emerging policy, referenced EC11, amends the adopted plan as follows: -

*"Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposals reuses or adapts existing traditional buildings of permanent construction for commercial, industrial or recreational uses...Proposals should:-*

- 1. Be complementary to or compatible with the agricultural operations in the rural area; and*
- 2. Be compatible with the character and scale of the operation and its landscape character; and*
- 3. Not lead to any increase in traffic levels beyond the capacity of the surrounding local highway network; and*
- 4. Be capable of providing adequate access and parking arrangements".*

## **8.0 PLANNING STATEMENT**

8.1 We consider that the following represent the main planning considerations: -

- Need for the proposal and suitability of the site for the proposed use;
- Compatibility of the proposals to agriculture and the landscape character;
- Transport Issues
- Design and access Issues.

8.2 Our assessment of the proposals in terms of these three issues is set out below.

### **Need for the Proposal/ Site Suitability**

- 8.3 There is a substantial need for children's and adolescent mental health centre facilities across the UK. Mental health problems affect c.1.1million children<sup>1</sup>. The overwhelming majority are treated appropriately within the community, but there are about 45,000 with need of in-patient care. There is an acute shortage of beds (under 150 nationally) and therefore the Government is encouraging the provision of new accommodation both within and outside the NHS.
- 8.4 Northcare Developments is therefore proposing a number of mental health facilities for children and adolescents in the UK. The proposed development subject to this application seeks to provide such a facility of an excellent standard to serve this area.
- 8.5 The proposed development will provide 30 single en suite bedrooms for the children and adolescents to be accommodated. These will be in two self contained parts at the rear of the main building. Each room will be of a size and specification to meet the highest standards.
- 8.6 The centre has been designed to meet the overall living requirements of those occupying it. This comprises educational facilities, medical and therapeutic rooms and leisure facilities. The building has been arranged to provide calming views over the countryside where possible, with controlled access between separate parts.
- 8.7 This will ensure that the development is of a high quality and meets the specific needs of the occupiers. Notwithstanding the location of the site outside the urban area, redevelopment of this previously developed site (with C2 permission) for the specific use proposed will provide decent accommodation and meet the requirements for social justice. Therefore, it accords with PPS1, PPG3 and Local Plan Policy H19.

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<sup>1</sup> Aged under 19 years.



### **Development in the Countryside**

- 8.8 The proposed development will provide 80-100 jobs of a diverse nature (managerial, professional, manual etc) which will help to meet diversify and expand the range of economic activities in this area and to meet rural employment needs in accordance with the objectives of PPG7 and Local Plan policy EC11.
- 8.9 Indeed, the proposed physical buildings and operation of them will be compatible with agricultural uses and the landscape character of the area, in accordance with criteria 1 and 2 of EC11, whilst the traffic levels and parking (see below) are also appropriate (criteria 3 and 4).
- 8.10 Whilst the proposal is not to re-use or adapt an existing rural building, the proposed development is similar in that it replaces a previous development on the site and will supersede a permitted scheme (Local Plan policy EM11).
- 8.11 Therefore the proposed development will meet a need for this type of facility at a location that accords with national and Local Planning Policy.

### **Transport**

- 8.12 The application is accompanied by a Transport Statement. This explains the accessibility of the site by a choice of means of transport, that the application is acceptable in terms of car borne trips on the road network and provides a travel plan for the proposed development.
- 8.13 On the basis of this report, it is considered that the site is suitably accessible, accords with the guidance in PPG13 as well as the criteria of Local Plan Policies EM11 and EC11.
- 8.14 The design of the development has been undertaken to relate to the location of the development, and the intended use of it. It represents a high quality, yet functional design. The design concept is set out in the statement at Appendix 2.
- 8.15 The architects have considered from the outset the need for all members of the community to be able to access the development, and an Access statement is enclosed at Appendix 3.

## **9.0 CONCLUSIONS**

- 9.1 The proposed development will meet a need for safe and secure accommodation for children and adolescents in an appropriate form, provide suitable employment in the rural area at a site that is accessible by a choice of means of transport in accordance with national and local planning policies.

## Executive Care Options

### Carlisle Children and Adolescent Mental Health Centre

#### Design Concept

**Devereux Architects Limited**

The new health centre is proposed as a 30 bed unit to provide residential, educational and recreational facilities for children and adolescents with mental health issues.

The location for the new unit is on the site of the demolished Milton Hall in Brampton, and is within a rural location, bounded by trees, with an approximate 2 metre drop across the site from east to west.

The site ownership extends beyond the new building proposed location to encompass further woodland and a pond. Within this ownership the site falls away steeply to the south and west. There is the shell of a small agricultural building to the west of the site, which is proposed to be demolished. Access to the site is from the east.

On entering the site, it is proposed that there is a small 2 storey staff residence for 12 staff members to the south of the main access. This building has been designed using similar form and materials to the main building. The vehicular and pedestrian approach road then lead up to the main health centre building.

The first element of the main building that is encountered, is 2 storey and acts as a front of house public façade. Reception, tribunal, recreation, education and occupational therapy are all located at the ground floor level, with staff offices and plant located above to the first floor. The building has been designed with a contemporary feel using render and reconstituted slate with western red cedar boarding used to break up the elevation and identify the main sports hall within.

The 2 storey element is used to screen and protect the more private ward areas to the west, with the exception of some aluminium curtain walling giving views from the main reception into a landscaped courtyard behind.

The wards themselves are accessed via a ramp, taking advantage of the natural site gradient, which is contained within a glazed link. It is the intention that views out are maximised as one passes from one element to another to help orientation and way finding through the building.

The wards themselves are contained within 2 main areas and have a grading of semi public day spaces to private bedroom areas from east to west, as one progresses deeper into the site. The form of the ward buildings is determined by the function, in that the intention is to have a high level, inaccessible eaves where the residents have garden access. This restricts the potential for residents to get onto the roof areas. This has been achieved with a standing seam aluminium monopitch roof, which can be pitched at a very low angle to reduce the impact of the roofscape.

The change in roof material also helps give a distinct identity between the residential element to the building and the educational and recreational elements. Combined with good views out, this helps the resident to get a sense of travel between 'home' and 'work or recreation'.

The 2 storey element to the front of house building also screens the mesh security fence which encloses and secures the resident garden areas. Within the mesh fence there will be small individual gardens for each ward and to an area adjacent to the classrooms and activity rooms for occupational therapy. It is intended that only small, supervised groups will use the gardens for access to fresh air. The area to the west of the site, beyond the demolished agricultural building, may also be used for some sports activity, but again this is only intended to be in small supervised groups.

The building form has been created to fit the landscape and ensure that all of the mature trees are retained. The main views out from the site are to the north, over the existing stone ha-ha. It is here that the main therapy rooms and therapy gardens are located to maximise this view.

The new building has been designed to be fully accessible for wheelchair users. The following points have been incorporated into the building design:

Building approach

- The approach pathways to the building will have gradients of no more than 1 in 20.

Entrance

- The main entrance doorways into the building will have a minimum 1 metre wide clear opening. The door will be glazed but framed with a central stile. Manifestations will be added to the glazing if required.
- The main entrances will have a flush threshold.
- The main lobbies into the building will be deep enough to allow wheelchair manoeuvrability.

Internal Access

- All internal corridors will have a width in excess of 2 metres. The corridors open out into wider areas along their length.
- All internal doorways will have a minimum clear opening of 800mm generally, with single leaf doors.
- All doors will have a 300mm wall zone adjacent to the opening edge of the door for wheelchair access and manoeuvrability.
- An independent wheelchair user WC is provided to each department area.
- An assisted bathroom is provided to each ward area.
- All rooms will be wheelchair accessible with 1500mm clear turning circle zones.

Access to First Floor

- A lift is provided for access to first floor

Garden Access

- All access doors to external garden areas will have flush thresholds. External paths are provided to garden areas to give suitable wheelchair access.

Internal fixtures and Fittings /Ironmongery

- The fixtures and fittings and ironmongery will be set at suitable heights for wheelchair access, as long as this does not conflict with the operational policy of the unit for resident care.

**Note:**

This list is not exhaustive and the building will comply with Approved Document M: 2004

**Foul Drainage Proposal**

**10 October 2006**

It is understood that there is an existing collection tank, sensor system and pump set for foul drainage within the site area. We also understand that there is a pumping main through the site and along the road verge to an existing chamber on the main drainage system adjacent to the property 'Binney Bank'. We understand that the mains pump system from Milton Village also discharges into this chamber.

It would be the intention for the new health centre, to connect the foul drainage into this system utilising the pump to discharge to the main foul sewer.

06/11/36

**Carlisle Children and Adolescent Mental Health Centre**

**Sustainability Report**

06/11/30

10 October 2006

As members of the Green register, Devereux Architects constantly strive to design buildings that are as sustainable as possible. The use of the BRE Green Guide to Specification and other design guidance is integral to our specification work. We also have our own sustainability checklist as part of our quality assurance procedure to ensure sustainability is considered at the start of design and throughout all stages of the design process.

Sustainability Criteria	Inclusion within Health Centre Proposal
Building form	It is advisable to have a 15 metre optimum depth of plan to achieve natural cross ventilation and day lighting. All elements of the new health centre have a plan depth of 12 metres with a central access corridor.
Orientation	The building orientation is such that some internal shading will be required to areas with curtain wall glazing. It is not possible to provide external brise soleil due to the potential health and safety risk this could cause to the resident patients.
Natural Light	Natural daylight has been maximised within the health centre wherever possible. The ward areas have day spaces at the junction of the T form with the bedrooms and it is here that areas of full height curtain walling have been located. These day spaces are either open to the corridors or have glazed screens, thus light is maximised to the adjacent corridor areas minimising the requirement for artificial lighting.  To the two storey element of the health centre has a clerestory roof light which brings light into the staff area corridor.  The link corridor between the two wards and the two storey building is also fully glazed.
Natural Ventilation	All windows within the unit will be opening to provide natural ventilation throughout. The depth of plan is sufficient to allow cross flow of air through the building. As a result there will only need to be mechanical ventilation to rooms requiring it under the building regulations - wc's ensuites, bathrooms and kitchens - and some larger areas with a higher occupancy level will have some comfort cooling.
Structure	The building will be load bearing masonry with concrete plank flooring to provide thermal mass to aid maintenance of even temperature and aid cooling. This can work in conjunction with controlled natural ventilation.
Materials	Rendered blockwork cavity wall construction - Green Guide 'A' rating.
	Brickwork and blockwork cavity wall construction - Green Guide 'A' rating.



	Western Red Cedar boarding - Green Guide 'A' rating. This material has a relatively fast speed of construction and is a sustainable material.
	Standing seam aluminium roof - Green Guide 'A' rating.
	Reconstituted slate roof - Green Guide 'A/B' rating.
	Aluminium framed windows and curtain walling - Green Guide 'B' rating.
	Internal blockwork partitions - Green Guide 'A' rating.
Passive Heating	It may be possible to explore some passive heating within the scheme proposal as the detail design develops. This could include use of south facing glazed sun spaces or exposed thermal mass to modify temperature fluctuations
Carbon emissions	A carbon emissions calculation can be carried out during the detail design process
Insulation	CFC / HCFC free zero ODP (ozone depletion) insulation to be specified
Glazing	The type of glazing used will be dependent on a number of factors including the safety/ security requirement and the u value requirements to accord with Building regulations Approved Document L2A
Conservation	Water efficiency measures will be considered. This should include: <ul style="list-style-type: none"> <li>• Aerated taps</li> <li>• Thermostatic control/ temperature limiters - Architect N13 spec</li> <li>• Low volume dual flush WC's</li> <li>• Low flow rate showers</li> </ul>
Reduction of Waste during construction	It may be possible to include the following within the detail design and construction stages <ul style="list-style-type: none"> <li>• Pod construction for ensuite shower rooms to the bedrooms</li> <li>• Requirement for contractors to reduce construction waste</li> <li>• Requirement for contractors to sort and reuse/recycle construction waste on-site.</li> </ul>
Trees	The existing trees on the site are retained
Existing features	The existing hedgerows and pond are retained

Previously developed land	The health centre is sited on the location of the demolished Brampton Hall
Contaminated land	The land is considered suitable for development without the presence of major contamination
Environmental Impact	It may be possible to re-use the stone from the existing derelict coach house for use in garden and boundary walls.
BRE Green Guide to specification	The BRE Green Guide to specification has been used and will be continually referenced in the specification of materials for the development



## SCHEDULE B: Reports Requiring Further Information

07/0002

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**Item No: 15**

Date of Committee: 26/01/2007

**Appn Ref No:**  
07/0002

**Applicant:**  
Mr & Mrs Greig

**Parish:**  
Westlinton

**Date of Receipt:**  
02/01/2007

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Holly Cottage, Newtown, Carlisle, Cumbria, CA6  
4ET

**Grid Reference:**  
338752 562435

**Proposal:** Two Storey Side Extension To Provide Garage, Wc And Bedroom With  
En-Suite

**Amendment:**

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### REPORT

#### Reason for Determination by Committee:

This application is brought before the Committee for determination as the applicants are related to an officer employed in Planning and Housing Services.

#### Planning Policies:

##### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

##### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate

## **SCHEDULE B: Reports Requiring Further Information**

07/0002

scale and not dominate the original dwelling.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
  - a) the appropriate reuse of existing buildings worthy of retention, followed by
  - b) the reuse of previously developed land and only then
  - c) the use of previously undeveloped land,

## **SCHEDULE B: Reports Requiring Further Information**

07/0002

2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
  - a) sites with little or no flood risk, followed by
  - b) sites with low or medium flood risk, and only then
  - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

### **Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity**

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

## SCHEDULE B: Reports Requiring Further Information

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In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Reply awaited

**Westlinton Parish Council:** Reply awaited

### **Summary of Representations:**

#### **Representations Received**

Initial:

Consulted:

Reply Type:



Westerley  
Leagate  
Braeman

05/01/07  
05/01/07  
05/01/07

Publicity to the proposed development was given by direct notification of neighbouring properties and the period for representations does not expire until 26th January. To date no representations have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Previous planning permissions have been granted for;

1. Alterations to raise part of the single storey roof to form a first floor bedroom (96/552)
2. Erection of a kitchen extension (04/883)
3. Change of use from agricultural land to domestic garden(06/498)

#### **Details of Proposal:**

This is an application for full planning permission for the erection of a two storey side extension to Holly Cottage, which is located at the western limit of Newtown of Rockcliffe to the south of the unclassified road linking the settlement to the A7. The

## **SCHEDULE B: Reports Requiring Further Information**

07/0002

property is one of a pair of freestanding semi-detached houses built mainly of brick with slate roofs and characterised by steep roof pitches, gable fronted projections to the front and half dormer windows.

The extension, which will contain a garage and wc on the ground floor with an additional bedroom (ensuite) on the upper floor, will involve the partial demolition of the existing extension. The latter has two storeys at the rear and a single storey at the front with the 2.4m difference in height resulting in an pronounced assymetrical dual pitched roof with a velux on the front pitch.

The proposed extension will have a footprint of approximately 28 square metres and will have the same ridge height as the original house. The front wallhead will be slightly lower (0.7m) than the rear giving a much less assymetrical roof than the existing extension. The extension will be constructed of brick on the front elevation, with render on the side and rear elevations, and will have two half dormer windows on the front elevation to match the existing. A single window is proposed in the gable of the upper storey.

The front section of the garage, which will project 0.65m forward of the upper floor, will have a monopitch roof which will be extended over the entrance door.

Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require 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 objections) indicate otherwise.

In consideration of this application Policy H14 of the adopted Carlisle District Local Plan, Policies H11, CP4 and CP5 of the Redeposit Draft (2001 - 2016) and Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, are relevant.

The relevant aspects of these policies seek to ensure that extensions to existing residential premises:

- (a) are appropriate to the dwelling, its design and setting (and in particular are of an appropriate scale and do not dominate the original dwelling) and;
- (b) do not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight.
- (c) are of high standards of design

Taking account of the development plan objectives:

1. although the house has been previously extended (11 square metres) and the foot print of the proposed extension is over 40% larger than the original house, given:



- (a) the size of the plot (approximately 420 square metres)
- (b) that the house is one of a pair of freestanding semi-detached properties
- (c) that the external materials and architectural details of the extension will match the existing house and;
- (d) the existing extension will be replaced by a more traditional form of building, it is considered that the proposal is appropriate to the existing dwelling and its setting.

2. the front and rear windows of the extension overlook the applicant's gardens and do not directly face any residential property. The nearest property on the north side of the unclassified road, is almost 30 metres from the extension. The gable window overlooks agricultural land.

In view of the scale, design, siting and orientation of the extension, and the position of the windows, it is not considered that the amenity of adjacent properties are adversely affected by either poor design, unreasonable overlooking or unreasonable loss of daylight and sunlight.

3. the proposed development is considered to improve the appearance of the existing property

It is considered that the proposed development accords with the provisions of the Development Plan and unless material considerations are raised by neighbours or consultees which indicate that it should be determined to the contrary, it should be determined in accordance with the Development Plan.

An update on the responses from consultees and neighbouring occupiers will be presented to the Committee together with an appropriate recommendation.

---

### Human Rights Act 1998

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

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

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

## SCHEDULE B: Reports Requiring Further Information

07/0002

to regularise any breach of planning control;

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

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

The determination of the application will take account of the above Protocol.

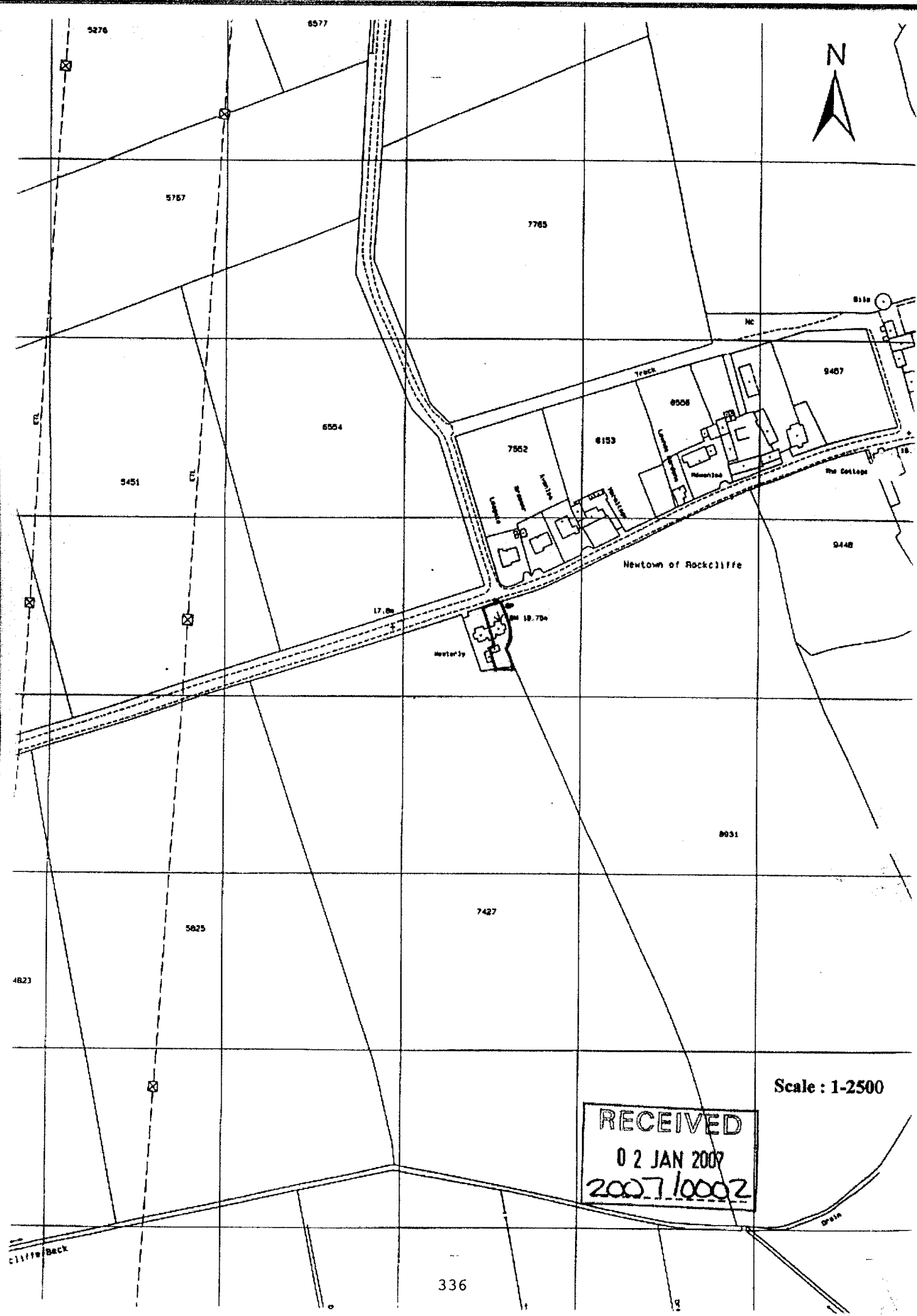
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### **Recommendation:**

#### **Reason for including report in Schedule B**

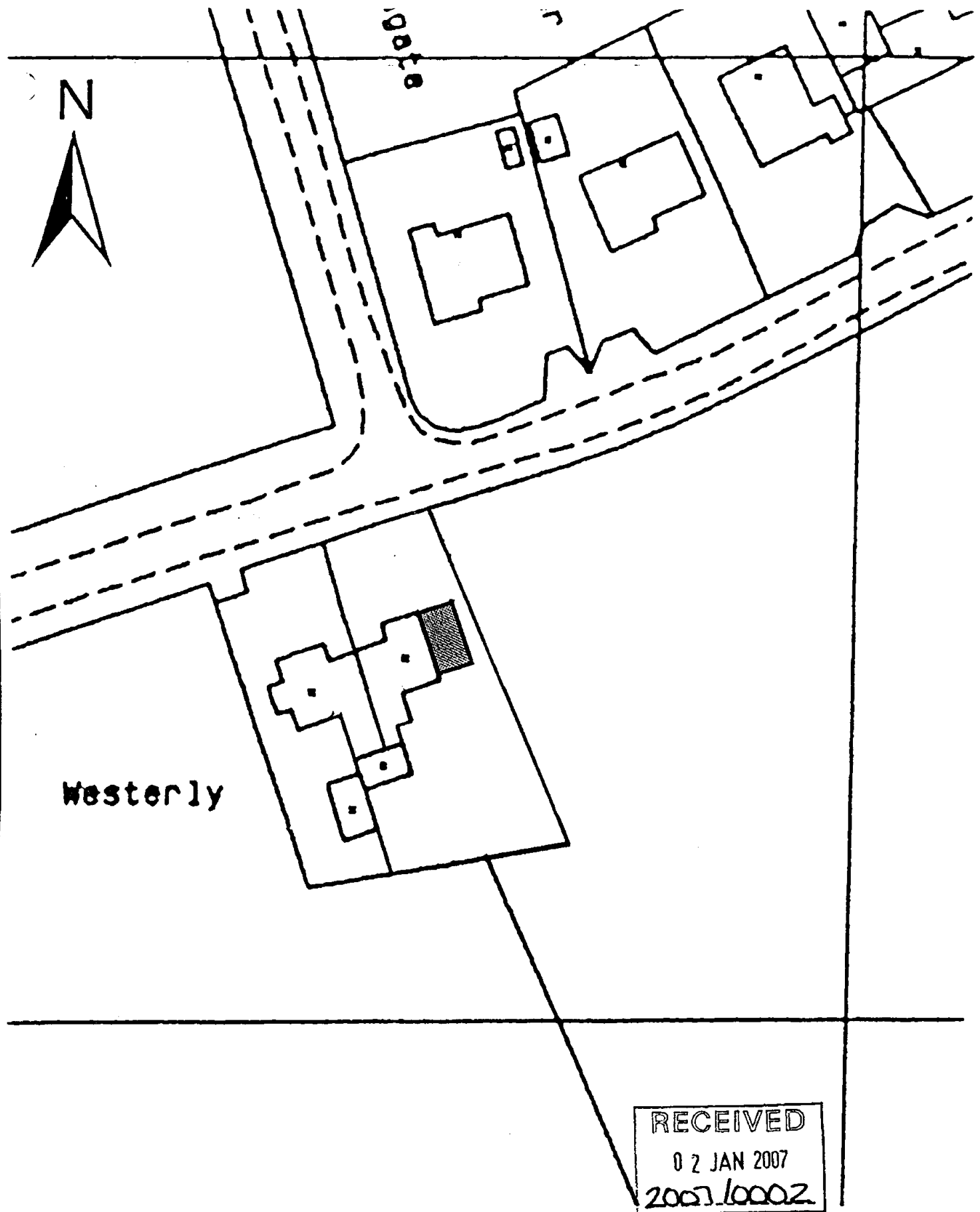
A recommendation on the proposed development cannot be made as there are outstanding replies to consultations and the period allowed for representations does not expire until 26th January.

---



Scale : 1-2500

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200710002

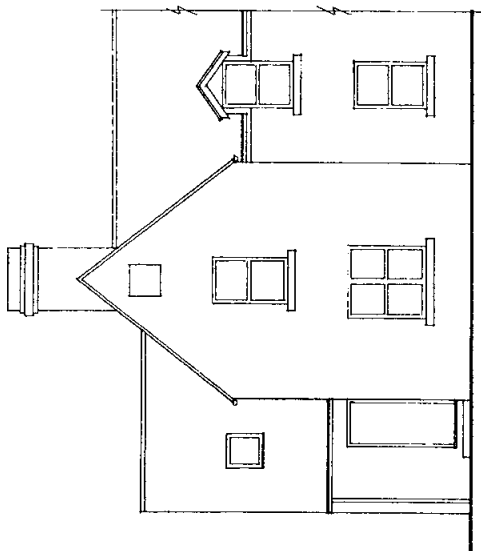


**PROPOSED EXTENSION**

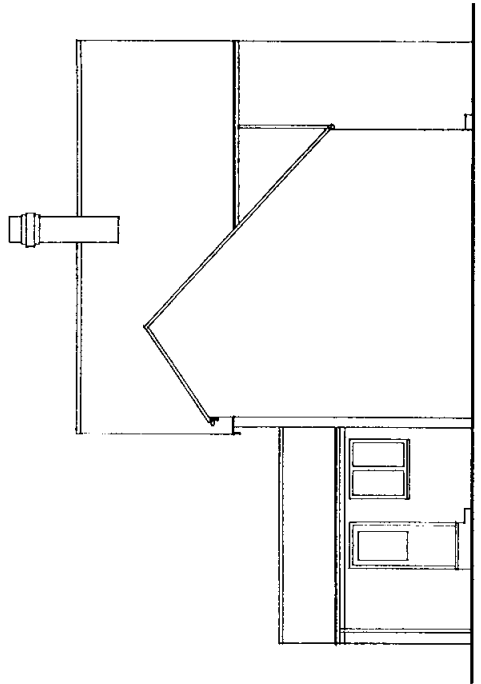
**SITE PLAN**

**HOLLY COTTAGE - NEWTOWN**

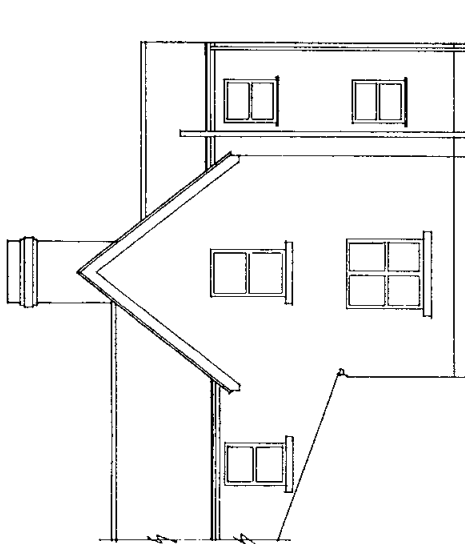
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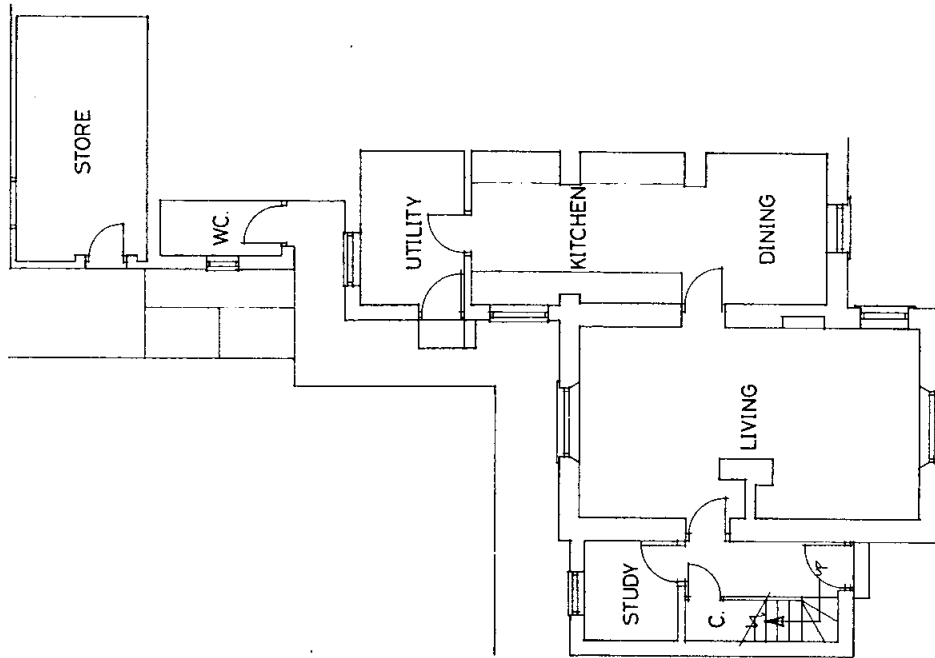
FRONT ELEVATION



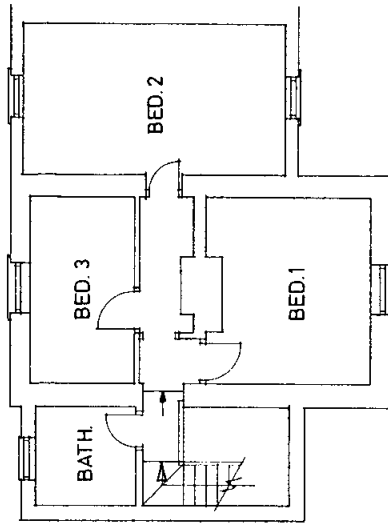
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



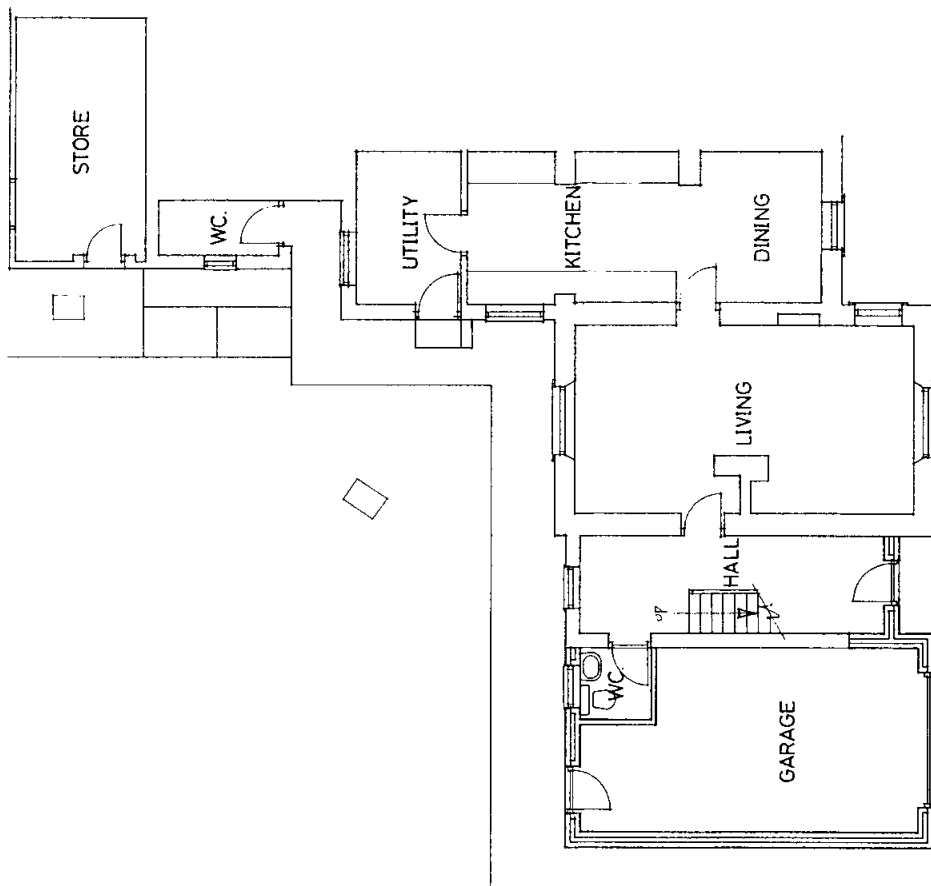
FIRST FLOOR PLAN

RECEIVED  
12 JAN 2007  
2007/10002

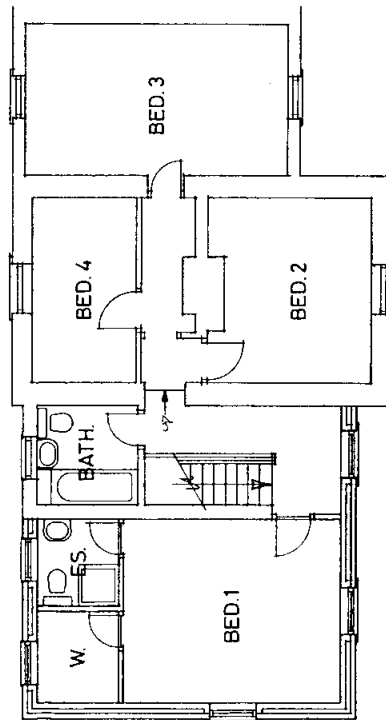
AS EXISTING

PROPOSED EXTENSION  
HOLLY COTTAGE - NEWTOWN

DWG. No. 1627/1  
SCALE 1:50  
DATE OCT 2006



GROUND FLOOR

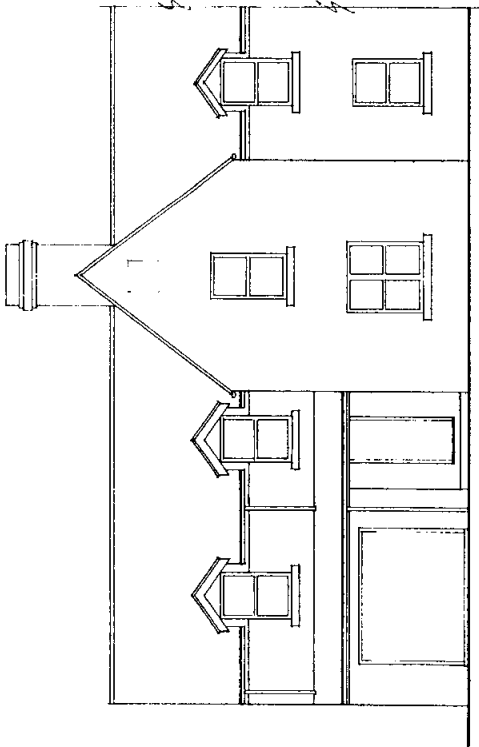


FIRST FLOOR

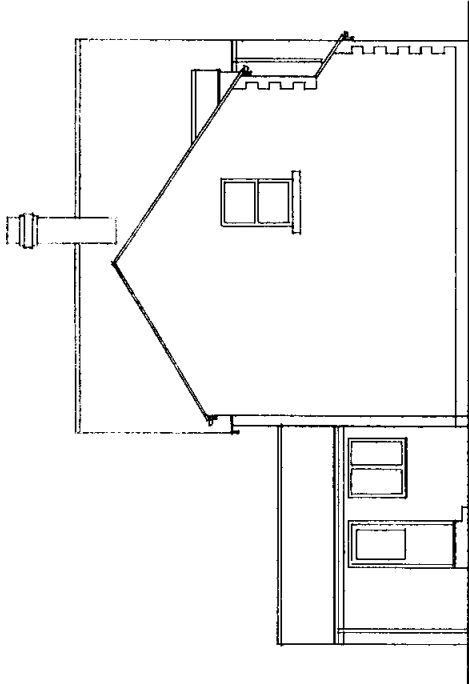
FLOOR PLANS  
AS PROPOSED

RECEIVED  
11 JAN 2007  
2007/0002

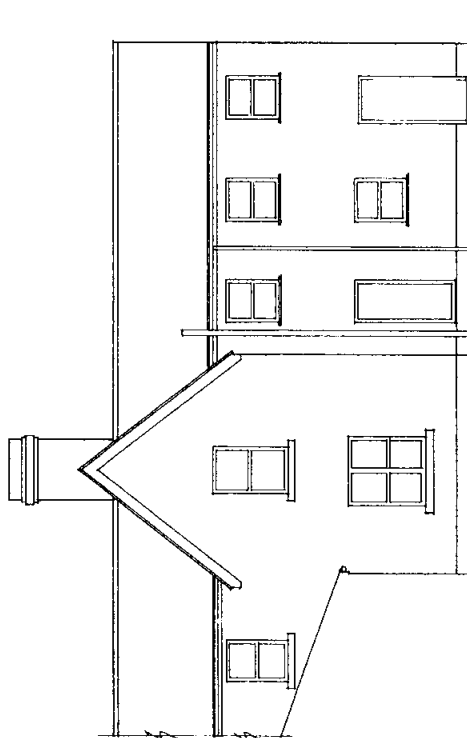
PROPOSED EXTENSION HOLLY COTTAGE - NEWTOWN	
DRG. No. 1627/3	DATE: OCT. 2006
SCALE: 1-50	



FRONT



SIDE



REAR

# ELEVATIONS

AS PROPOSED

RECEIVED  
11 JAN 2007  
200716002

PROPOSED EXTENSION  
HOLLY COTTAGE - NEWTOWN

DRS. No. 1627/2

SCALE: 1-50

DATE: OCT 2006

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 16**

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9015

**Applicant:**  
Margaret Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
17/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Castle

**Location:**  
3 Alfred Street North, Carlisle, CA1 1PX

**Grid Reference:**  
340582 555794

**Proposal:** Erection Of Advertisement Signage To The Front Of The Building  
**Amendment:**

---

### Report

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 06/11/2006

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default

**Date:** 07/12/2006

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

---



Your ref:  
Our ref: NAL/1/06/9015/HDH-S

07 December 2006

COUNTY COUNCIL

**Economy, Culture  
and Environment**

**Environment Unit**

Mr Eales  
Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
Cumbria  
CA3 8QG

PLANNING SERVICES	
REF	06/9015
11 DEC 2006	
RECORDED	MS
SCANNED	
PASSED TO	SA
ACTION	

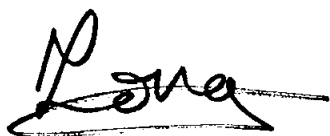
County Offices, Kendal  
Cumbria, LA9 4RQ  
Tel: 01539 773426  
Fax: 01539 773439  
Email: [developmentcontrol@cumbriacc.gov.uk](mailto:developmentcontrol@cumbriacc.gov.uk)

Dear Mr Eales

**PROPOSAL: ERECTION OF ADVERTISEMENT SIGNAGE TO THE FRONT OF BUILDING**  
**LOCATION: 3 ALFRED STREET NORTH, CARLISLE, CUMBRIA**  
**REF NO: 1/06/9015**

I am writing to inform you that the above application has now been withdrawn. If you have any queries please contact me on the above telephone number.

Yours sincerely



Nick Long  
Team Leader

Email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 17**

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9013

**Applicant:**  
Margaret Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
16/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Castle

**Location:**  
15 Portland Square, Carlisle, CA1 1QQ

**Grid Reference:**  
340586 555664

**Proposal:** Erection of advertisement signage to the front and rear of the building

**Amendment:**

---

### Report

#### City Council Observations on the Proposal:

**Decision:** Withdrawn by Applicant/or by default

**Date:** 11/12/2006

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default

**Date:** 07/12/2006

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

---

Your ref:  
Our ref: NAL/1/06/9013/HDH-S

07 December 2006

COUNTY COUNCIL

Economy, Culture  
and Environment

Environment Unit

Mr Eales  
Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
Cumbria  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	06/9013
11 DEC 2006	
RECORDED	
SCANNED	
PASSED TO	Bm
ACTION	

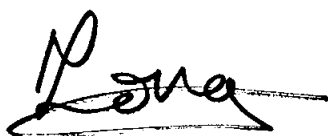
County Offices, Kendal  
Cumbria, LA9 4RQ  
Tel: 01539 773426  
Fax: 01539 773439  
Email: [developmentcontrol@cumbriacc.gov.uk](mailto:developmentcontrol@cumbriacc.gov.uk)

Dear Mr Eales

**PROPOSAL:** ERECTION OF ADVERTISEMENT SIGNAGE TO THE FRONT AND REAR OF BUILDING  
**LOCATION:** PORTLAND SQUARE, CARLISLE, CUMBRIA  
**REF NO:** 1/06/9013

I am writing to inform you that the above application has now been withdrawn. If you have any queries please contact me on the above telephone number.

Yours sincerely



Nick Long  
Team Leader

Email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

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

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**Item No: 18**

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9014

**Applicant:**  
Margaret Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
16/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Castle

**Location:**  
15 Portland Square, Carlisle, CA1 1QQ

**Grid Reference:**  
340586 555664

**Proposal:** Affixation of two signs, one at the front and one at the rear of the building  
**Amendment:**

---

### **Report**

#### **City Council Observations on the Proposal:**

**Decision:**

**Date:**

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default

**Date:** 07/12/2006

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

---

Your ref:  
Our ref: NAL/1/06/9014/HDH-S

07 December 2006

## COUNTY COUNCIL

### Economy, Culture and Environment

#### Environment Unit

County Offices, Kendal  
Cumbria, LA9 4RQ  
Tel: 01539 773426  
Fax: 01539 773439  
Email: [developmentcontrol@cumbriacc.gov.uk](mailto:developmentcontrol@cumbriacc.gov.uk)

Mr Eales  
Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
Cumbria  
CA3 8QG

PLANNING SERVICES	
REF	06/9014
11 DEC 2006	
RECORDED	
SCANNED	
PASSED TO	RM
ACTION	

Dear Mr Eales

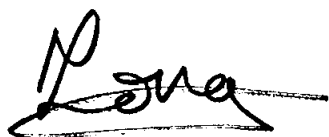
**PROPOSAL:** LISTED BUILDING CONSENT FOR AFFIXATION OF TWO SIGNS ONE AT THE FRONT  
AND ONE AT THE REAR ENTRANCE

**LOCATION:** PORTLAND SQUARE, CARLISLE, CUMBRIA

**REF NO:** 1/06/9014

I am writing to inform you that the above application has now been withdrawn. If you have any queries please contact me on the above telephone number.

Yours sincerely



Nick Long  
Team Leader

Email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 19**

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9016

**Applicant:**  
Margaret Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
17/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Castle

**Location:**  
3 Alfred Street North, Carlisle, CA1 1PX

**Grid Reference:**  
340582 555794

**Proposal:** Affixation of signage to the front of the building

**Amendment:**

---

### Report

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 06/11/2006

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default

**Date:** 07/12/2006

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

---

Your ref:  
Our ref: NAL/1/06/9016/HDH-S

07 December 2006

## COUNTY COUNCIL

### Economy, Culture and Environment

#### Environment Unit

County Offices, Kendal  
Cumbria, LA9 4RQ  
Tel: 01539 773426  
Fax: 01539 773439  
Email: [developmentcontrol@cumbriacc.gov.uk](mailto:developmentcontrol@cumbriacc.gov.uk)

Mr Eales  
Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
Cumbria  
CA3 8QG

CUMBRIA SERVICES	
REF	06/9016
11 DEC 2006	
RECORDED	
SCANNED	
PASSED TO	SA
ACTION	

Dear Mr Eales

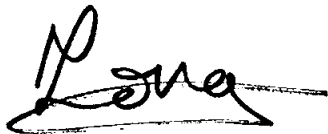
**PROPOSAL: LISTED BUILDING CONSENT FOR AFFIXATION OF SIGNAGE TO THE FRONT OF THE BUILDING**

**LOCATION: 3 ALFRED STREET NORTH, CARLISLE, CUMBRIA**

**REF NO: 1/06/9016**

I am writing to inform you that the above application has now been withdrawn. If you have any queries please contact me on the above telephone number.

Yours sincerely



Nick Long  
Team Leader

Email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)



## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 20** Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9020

**Applicant:**  
P & TSU

**Parish:**  
Carlisle

**Date of Receipt:**  
26/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Currock

**Location:**  
Former Crown Courts, English Street, Carlisle, CA3  
8NE

**Grid Reference:**  
340211 555620

**Proposal:** Creation of flower beds to the exterior of the building

**Amendment:**

---

### Report

#### City Council Observations on the Proposal:

**Decision:** Withdrawn by Applicant/or by default

**Date:** 11/12/2006

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default

**Date:** 07/12/2006

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

---

Your ref:  
Our ref: NAL/1/06/9020/HDH-S

07 December 2006

COUNTY COUNCIL

**Economy, Culture  
and Environment**

**Environment Unit**

County Offices, Kendal  
Cumbria, LA9 4RQ  
Tel: 01539 773426  
Fax: 01539 773439  
Email: [developmentcontrol@cumbriacc.gov.uk](mailto:developmentcontrol@cumbriacc.gov.uk)

Mr Eales  
Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG

PLANNING SERVICES	
REF	06/9020
11 DEC 2006	
RECORDED	
SCANNED	
PASSED	NH
ACTION	

Dear Mr Eales

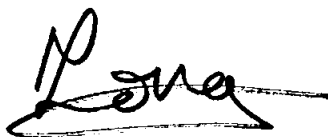
**PROPOSAL: LISTED BUILDING CONSENT FOR CREATION OF FLOWERBEDS TO THE EXTERIOR OF  
THE BUILDING**

**LOCATION: FORMER CROWN COURTS, ENGLISH STREET, CARLISLE**

**REF NO: 1/06/9020**

I am writing to inform you that the above application has now been withdrawn. If you have any queries please contact me on the above telephone number.

Yours sincerely



Nick Long  
Team Leader

Email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

## SCHEDULE C: Applications Determined by Other Authorities

06/0134

---

**Item No: 21**

Between 21/11/2006 and 12/01/2007

**Appn Ref No:**  
06/0134

**Applicant:**  
Mr Peter Carrigan

**Parish:**  
Westlinton

**Date of Receipt:**  
17/02/2006

**Agent:**  
Beresford Webb

**Ward:**  
Longtown & Rockcliffe

**Location:**  
L/A part field 7765, Newtown Farm, Newtown,  
Blackford, Carlisle

**Grid Reference:**  
338820 562629

**Proposal:** Use of part of land for siting of caravan for gypsy family together with erection of stables/tack room

**Amendment:**

---

### Report

**Decision on Appeals:**

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

**Type of Appeal:** Public Inquiry

**Report:** Members will recall that planning application 06/0134 for use of part of land for siting a gypsy family together with erection of stables/tack room at L/A part field 7765, Newtown Farm, Newtown, Blackford was refused by Committee Members on the 21st April 2006. In such circumstances an appeal was made by the applicant in the form of a public enquiry.

The Planning Inspector identified four main issues in the appeal;

1. Whether there is a need for sites in the area for occupation by gypsy families;
2. Whether the appellant has particular needs for a Gypsy caravan site;
3. The effect of the proposal on the character and appearance of the surrounding area;
4. Whether the appeal site is in a sustainable location.

The Inspector reached the decision that the appeal is allowed in part. He has allowed the development of stables and tackroom but not the use of part of the land for siting for gypsy family.

**Appeal Decision:** Appeal Part Allowed

**Date:** 22/11/2006

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SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 22**

Between 08/11/2006 and 12/01/2007

**Appn Ref No:**  
03/1362

**Applicant:**  
Possfund Custodian  
Trustees Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
12/12/2003

**Agent:**  
PDC Limited

**Ward:**  
Currock

**Location:**  
St Nicholas Retail Park, St Nicholas Gate, St  
Nicholas, Carlisle

**Grid Reference:**  
340722 555100

**Proposal:** Alterations to existing retail units, part demolition and erection of  
new retail warehousing for the retail sale of bulky goods.

**Amendment:**

---

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 19th November 2004 that authority was given to the Head of Planning and Housing Services to issue approval subject to the applicant entering into a Section 106 Agreement to secure funding for a contribution towards the installation of CCTV. This agreement was made on the 11th November 2005

**Decision:** Grant Permission

**Date:** 09/11/2006

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
  - (i) The expiration of 5 years from the date of the grant of this permission, or
  - (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external

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

appearance of the buildings, and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. The development shall not commence until such time as the junction of St Nicholas Gate/ London Road/ Brook Street has been signalized, in 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

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 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; to support Local Transport Plan Policies: S3 and LD9.

5. 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 25 of the Cumbria and Lake District Structure Plan .

6. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

**Reason:** To ensure that materials to be used are acceptable and to ensure compliance with Policy 25 of the Lake District Structure Plan

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

7. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

9. The premises hereby approved shall be used for the sale of builders and plumbers merchants materials; floor coverings; DIY and garden centre goods; furniture; furnishings; garden equipment; car, cycle and motor cycle accessories and spares including fitting bays for the fitting of spares and replacement parts and the carrying out of car servicing, MOT inspections, fault diagnosis and related repairs and for ancillary cleaning, treating and polishing; cycles, electrical goods; camping goods or leisure goods (except clothing and footwear) office furniture, office equipment and office stationery; and for the sale of pets and pet supplies; and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking or re-enacting that Order.

**Reason:** In such a location the Local Planning Authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area and to ensure compliance with Policy S2 of the Carlisle District Local Plan

10. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. This written scheme shall include the following components, which on completion of each will trigger the phased discharge of the condition:

1. An archaeological desk-based assessment and evaluation, in

## SCHEDULE D: Reports on Previously Deferred Decisions

accordance with the agreed written scheme of investigation :

2. A programme of archaeological recording , the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation
3. A scheme of post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report and submission of a publication report.

**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 E30 of the Carlisle District Local Plan.

11. This permission shall be in respect of the refurbishment and partial redevelopment of the retail park, involving the demolition of the existing tyre depot, rationalisation of existing access arrangements and erection of additional gross retail floorspace not exceeding a net increase of 2963 m2 .

**Reason:** For the avoidance of doubt and to ensure compliance with Policy S2 of the Carlisle District Local Plan.

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**Item No: 23**

Between 08/11/2006 and 12/01/2007

**Appn Ref No:**  
06/1301

**Applicant:**  
Warwick Mill Business  
Village

**Parish:**  
Wetheral

**Date of Receipt:**  
13/11/2006

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land adjacent to Warwick Mill Business Centre,  
Warwick Mill Business Park, Warwick Bridge,  
Carlisle, CA4 8RR

**Grid Reference:**  
347782 556718

**Proposal:** Change of use of paddock/pasture land to car parking and allotments to individual gardens

**Amendment:**

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**Report**



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

### **Details of Deferral:**

Members will recall at Committee meeting held on 15th December 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to the Highways Agency and Natural England not raising any objections prior to the expiry of the consultation period. No objections were raised prior to the expiry of the consultation period and the approval was issued on 8th January 2007.

**Decision:** Grant Permission

**Date:** 08/01/2007

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

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

2. No part of the development hereby permitted shall commence until:
  - (a) a desktop study has been carried out to investigate the likelihood for contamination to be present on the site ('the Desktop Study') and been submitted to the Local Planning Authority ("the LPA") in writing for approval;
  - (b) in the event that the results of the Desktop Study provided for in paragraph (a) above reveals that contamination is likely on the site, a sampling and analytical strategy shall be submitted to the LPA in writing for approval, which shall contain details of a site investigation to be carried out on the site pursuant to paragraph (c) below; and,
  - (c) following approval of the sampling and analytical strategy under paragraph (b) above, there has been carried out a site investigation and upon completion thereof a report in writing specifying such hazards as are identified as a result of the site investigation, and such measures as may be required to remedy such hazards, has been submitted to the LPA for its approval in writing.

**Reason:** To protect the environment and prevent harm to human health.

3. Before the commencement of development a detailed arboricultural report setting out the proposed tree works and landscaping shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In accordance with Policy E19 of the Carlisle District Local Plan.

## SCHEDULE D: Reports on Previously Deferred Decisions

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 commencement of use 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 E19 of the Carlisle District Local Plan.

5. Before the commencement of development a scheme detailing the associated "lighting levels/contours" for the proposed lighting serving the car park hereby given consent shall be submitted to and approved in writing by the local planning authority. The proposed lighting shall be undertaken, completed and retained thereafter in full compliance with the approved scheme.

**Reason:** To avoid unnecessary light pollution and safeguard the living conditions of the neighbouring residents.

6. No more than 70% of the parking spaces to be provided as part of this development shall be brought into use until the parking provision on the remainder of the Warwick Mill Business Centre has been re-configured in accordance with drawing number 05097-02F.

**Reason:** In order to ensure that the approved scheme is fully implemented and thereby ensure that the safety and efficiency of the A69 trunk road is maintained.

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/0235

**Applicant:**  
The Dean & Chapter of  
Carlisle

**Parish:**  
Carlisle

**Date of Receipt:**  
24/02/2006

**Agent:**  
Butress Fuller Alsop  
Williams

**Ward:**  
Castle

**Location:**  
The Deanery, 5, 9 and 10 The Abbey, Carlisle CA3  
8TZ

**Grid Reference:**  
339834 555914

**Proposal:** External metal bars to protect ground floor windows on the West wall  
side of the building (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/0390

**Applicant:**  
Mr B Bailey

**Parish:**  
Carlton

**Date of Receipt:**  
31/03/2006

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land at barn at Saughtreegate, Nr Cumrew, CA8  
9DN

**Grid Reference:**  
353840 551320

**Proposal:** Conversion Of Redundant Barn Into Single Family Dwelling (Revised  
Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/0730

**Applicant:**  
Solway Homes Ltd

**Parish:**  
Orton

**Date of Receipt:**  
14/06/2006

**Agent:**

**Ward:**  
Burgh

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

The Barn, Cross House farm, Great Orton, Carlisle,  
CA5 6NA

**Grid Reference:**

332848 554271

**Proposal:** Conversion of barn to dwelling (revised application with amended layout)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/0731

**Applicant:**

Solway Homes Ltd

**Parish:**

Orton

**Date of Receipt:**

14/06/2006

**Agent:**

**Ward:**

Burgh

**Location:**

The Barn, Cross House Farm, Great Orton, CA5  
6NA

**Grid Reference:**

332848 554271

**Proposal:** Conversion of barn to dwelling and construction of garage (revised  
proposal) (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/0885

**Applicant:**

Messrs Graham

**Parish:**

Waterhead

**Date of Receipt:**

25/10/2006

**Agent:**

Hopes of Wigton

**Ward:**

Irthing

**Location:**

Miller Hill, Gilsland, Brampton CA8 7DE

**Grid Reference:**

359064 566331

**Proposal:** Silage store east (phase one) (retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/12/2006 and 12/01/2007

<b>Appn Ref No:</b> 06/0886	<b>Applicant:</b> Messrs Graham	<b>Parish:</b> Waterhead
<b>Date of Receipt:</b> 11/10/2006	<b>Agent:</b> Hopes of Wigton	<b>Ward:</b> Irthing
<b>Location:</b> Miller Hill, West Hall, Brampton, CA8 7DE	<b>Grid Reference:</b> 359064 566331	
<b>Proposal:</b> Silage store west (phase 2) (Retrospective)		
<b>Amendment:</b>		

<b>Decision:</b> Grant Permission	<b>Date:</b> 06/12/2006
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Between 02/12/2006 and 12/01/2007

<b>Appn Ref No:</b> 06/0887	<b>Applicant:</b> Messrs Graham	<b>Parish:</b> Waterhead
<b>Date of Receipt:</b> 03/10/2006	<b>Agent:</b> Hopes of Wigton	<b>Ward:</b> Irthing
<b>Location:</b> Miller Hill, Gilsland, Brampton CA8 7DE	<b>Grid Reference:</b> 359064 566331	
<b>Proposal:</b> Hardstanding and feed area (phase three) (Retrospective)		
<b>Amendment:</b>		

<b>Decision:</b> Grant Permission	<b>Date:</b> 04/12/2006
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Between 02/12/2006 and 12/01/2007

<b>Appn Ref No:</b> 06/1036	<b>Applicant:</b> R P & A K Lindsay	<b>Parish:</b> Rockcliffe
<b>Date of Receipt:</b> 03/10/2006	<b>Agent:</b>	<b>Ward:</b> Longtown & Rockcliffe
<b>Location:</b> Land at Metalbridge, Blackford, Carlisle CA6 4HG	<b>Grid Reference:</b> 335671 564509	
<b>Proposal:</b> Erection Of Building For Livestock Housing And Milking (Phase One)		

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 02/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1037

**Applicant:**  
R P& A K Lindsay

**Parish:**  
Rockcliffe

**Date of Receipt:**  
03/10/2006

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land at Metalbridge, Longtown, Carlisle CA6 4BS

**Grid Reference:**  
335671 564509

**Proposal:** Erection Of Milking Parlour (Phase Two)

### Amendment:

**Decision:** Grant Permission

**Date:** 02/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1099

**Applicant:**  
Moto Hospitality Ltd

**Parish:**  
Rockcliffe

**Date of Receipt:**  
13/10/2006

**Agent:**  
CgMs Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Todhill Service Station (North Bound), Carlisle, CA6 4HA

**Grid Reference:**  
337320 562180

**Proposal:** Relocation of existing pole sign.

### Amendment:

**Decision:** Grant Permission

**Date:** 05/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1120

**Applicant:**  
Lee Mark Norris

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

23/10/2006

Castle

**Location:**

2-4 Spencer Street, Carlisle, CA1 2BG

**Grid Reference:**

340371 556006

**Proposal:** Change of use from office to education and training (retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1122

**Applicant:**

Midas Vehicle  
Management Ltd

**Parish:**

Stanwix Rural

**Date of Receipt:**

01/11/2006

**Agent:**

**Ward:**

Stanwix Rural

**Location:**

Whiteclosegate Garage, Brampton Old Road,  
Carlisle, CA3 0JN

**Grid Reference:**

341240 558110

**Proposal:** Change of use of land to increase vehicles allowed for sale from 10 to 40  
(retrospective)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1126

**Applicant:**

Mr Hunt

**Parish:**

Wetheral

**Date of Receipt:**

11/10/2006

**Agent:**

**Ward:**

Wetheral

**Location:**

22 Broomfallen Road, Scotby, Carlisle, CA4 8DE

**Grid Reference:**

344213 554483

**Proposal:** Single story extension to provide extended kitchen and dining area

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 06/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1139

**Applicant:**  
Mr Davies

**Parish:**  
Carlisle

**Date of Receipt:**  
25/09/2006

**Agent:**  
Taylor & Hardy

**Ward:**  
Castle

**Location:**  
48 Abbey Street, Carlisle, CA3 8TX

**Grid Reference:**  
339788 555955

**Proposal:** Variation of condition No.3 attached to L.P.A. ref No. 01/0447 to extend the opening hours to those stated on the premises licence dated 31st October 2005, i.e. Sunday - 11.00 am to 12.20 am; Monday to Thursday - 11.00 am to 12.50am; Friday to Saturday - 11.00 am to 1.50 am; and on Christmas Eve, Easter Sunday and public holidays up to 2.00 am and up to 5.00 am on New Years Eve.

**Amendment:**

**Decision:** Refuse Permission

**Date:** 08/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1146

**Applicant:**  
James Carr

**Parish:**  
Wetheral

**Date of Receipt:**  
25/10/2006

**Agent:**  
Eden Rivers Trust

**Ward:**  
Wetheral

**Location:**  
Land to north of Aglionby and south of river Eden adjacent to Strickland, Aglionby, Carlisle

**Grid Reference:**  
344366 557498

**Proposal:** Erection of a single storey timber building

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1160

**Applicant:**  
Mr W Gamble

**Parish:**  
Kirklington Middle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
09/10/2006

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Lyne

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

**Grid Reference:**  
341360 564600

**Proposal:** Conversion of agricultural outbuildings to provide utility room, shower room, 2 bedrooms & living room

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1171

**Applicant:**  
Humax Horticulture Ltd

**Parish:**  
Kirkandrews

**Date of Receipt:**  
18/10/2006

**Agent:**  
K Woodruff

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Mill Hill Bungalow, Mill Hill, Gretna, Carlisle, CA6  
5HU

**Grid Reference:**  
333731 567819

**Proposal:** Demolition of Mill Hill Bungalow to be replaced by new dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1173

**Applicant:**  
Mr Ronald Wood

**Parish:**  
Carlisle

**Date of Receipt:**  
26/10/2006

**Agent:**  
Jock Gordon

**Ward:**  
St Aidans

**Location:**  
70 Victoria Place, Carlisle, CA1 1LR

**Grid Reference:**  
341122 555965

**Proposal:** Retrospective application for installation of timber decking to rear garden.

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1179

**Applicant:**  
Mr Neil Stuart

**Parish:**  
Wetheral

**Date of Receipt:**  
10/10/2006

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**  
6 The Beeches, Great Corby, Carlisle, CA4 8LP

**Grid Reference:**  
347117 554627

**Proposal:** Extension to form extended living room, utility room, additional bedroom and en-suite

**Amendment:**

**Decision:** Refuse Permission

**Date:** 04/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1183

**Applicant:**  
D McKenzie

**Parish:**  
Hayton

**Date of Receipt:**  
10/10/2006

**Agent:**  
Green Design Group

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Netherton Farm, Castle Carrock, Brampton, CA8 1LR

**Grid Reference:**  
353799 557081

**Proposal:** 2 no. replacement dwellings (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1188

**Applicant:**  
Mr K Ferguson

**Parish:**  
Dalston

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

27/10/2006

Dalston

**Location:**

18 Brow Nelson & adjoining land, Dalston, Carlisle,  
CA5 7LE

**Grid Reference:**

337755 552569

**Proposal:** Change of use of land from agriculture to domestic and formation of new access

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1191

**Applicant:**

Comet Group Plc

**Parish:**

Carlisle

**Date of Receipt:**

25/10/2006

**Agent:**

Blue Sky Planning Ltd

**Ward:**

Belah

**Location:**

Unit B1 Greymoorhill Retail Park, Parkhouse Road,  
Carlisle, CA3 0JR

**Grid Reference:**

339388 559596

**Proposal:** The commencement of the installation of a mezzanine floor for purposes within use class A1 and its subsequent completion without planning permission

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1193

**Applicant:**

Klondyke Group Ltd

**Parish:**

Stanwix Rural

**Date of Receipt:**

07/11/2006

**Agent:**

**Ward:**

Stanwix Rural

**Location:**

Houghton Hall Garden Centre, Houghton, Carlisle,  
CA6 4JB

**Grid Reference:**

341081 559900

**Proposal:** Variation of planning condition no.12, ref no 05/0477 to allow the display of garden buildings, greenhouses, gazebos, summer houses together

## SCHEDULE E: Decisions Issued Under Delegated Powers

with sales office outwith the areas identified within the planning permission

### Amendment:

**Decision:** Withdrawn by Applicant/or by default

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1195

**Applicant:**

Mr D Carlyle

**Parish:**

Hayton

**Date of Receipt:**

13/10/2006

**Agent:**

Architects Plus (UK) Ltd

**Ward:**

Great Corby & Geltsdale

**Location:**

Former Hare & Hounds Inn, Talkin, Brampton, CA8 1LE

**Grid Reference:**

354906 557398

**Proposal:** Alterations to provide conservatory, utility room and cloakroom

### Amendment:

**Decision:** Grant Permission

**Date:** 08/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1196

**Applicant:**

Mrs H Graham

**Parish:**

Brampton

**Date of Receipt:**

11/10/2006

**Agent:**

Tsada Building Design Services

**Ward:**

Brampton

**Location:**

Tarnway, Paving Brow, Brampton, CA8 1QT

**Grid Reference:**

353458 560625

**Proposal:** Erection of garage and utility (revised plans)

### Amendment:

**Decision:** Grant Permission

**Date:** 04/12/2006

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Between 02/12/2006 and 12/01/2007

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
06/1202

**Applicant:**  
Mr N Cooper

**Parish:**  
Wetheral

**Date of Receipt:**  
12/10/2006

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Wetheral

**Location:**  
Cotehill Station House, Cotehill, Carlisle, CA4 9SX

**Grid Reference:**  
349122 550390

**Proposal:** Ground floor breakfast/sunroom

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 07/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1206

**Applicant:**  
Mr & Mrs Bowditch

**Parish:**  
Carlisle

**Date of Receipt:**  
13/10/2006

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
4 St Georges Crescent, Carlisle, CA3 9NL

**Grid Reference:**  
339936 556889

**Proposal:** Erection Of Garage To Front Elevation And Replacement Extended  
Balcony To Rear Elevation And New Soil Pipe

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1207

**Applicant:**  
Mike Downham

**Parish:**  
Solport

**Date of Receipt:**  
13/10/2006

**Agent:**  
Jill Jones

**Ward:**  
Lyne

**Location:**  
Low Luckens, Roweltown, Carlisle, CA6 6LJ

**Grid Reference:**  
349345 572636

**Proposal:** Composting toilet facility in centre of car park

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 08/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1208

**Applicant:**  
Mr Tony Carr

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
25/10/2006

**Agent:**  
Mr David Shankland

**Ward:**  
Dalston

**Location:**  
Ingledene The Orchard, Durdar Road, Carlisle, CA2  
4SF

**Grid Reference:**  
340105 553193

**Proposal:** Extensions to ground floor to provide wc and study together with creation of first floor to provide 1no en-suite bedroom, 2no bedrooms and bathroom together with a detached double garage

### Amendment:

**Decision:** Grant Permission

**Date:** 18/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1210

**Applicant:**  
Mr Philip Bradbury

**Parish:**  
Carlisle

**Date of Receipt:**  
23/10/2006

**Agent:**

**Ward:**  
Belah

**Location:**  
11 Oakshaw Close, Carlisle, CA3 0EQ

**Grid Reference:**  
338923 558056

**Proposal:** Erection of a single storey rear extension to provide a kitchen and conservatory

### Amendment:

**Decision:** Refuse Permission

**Date:** 11/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

06/1211                                      Mr Adrian Hill                                      Carlisle

**Date of Receipt:**                                      **Agent:**                                      **Ward:**  
16/10/2006    Morton

**Location:**    **Grid Reference:**  
29 Bedford Road, Carlisle, CA2 5QE    339048 555327

**Proposal:** Ground floor extension to provide sun lounge, utility room and  
WC/shower room with verandah on roof level

**Amendment:**

**Decision:** Refuse Permission    **Date:** 11/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**                                      **Applicant:**                                      **Parish:**  
06/1212    Mr & Mrs Pickering    Hayton

**Date of Receipt:**                                      **Agent:**                                      **Ward:**  
16/10/2006    Tsada Building Design    Hayton  
Services

**Location:**    **Grid Reference:**  
Land adjacent to Lane End Inn Hayton Lane End,    351062 558669  
Hayton, Brampton

**Proposal:** Change of use of agricultural field to paddocks, stables and exercise  
arena for private use

**Amendment:**

**Decision:** Refuse Permission    **Date:** 08/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**                                      **Applicant:**                                      **Parish:**  
06/1217    Covenant Healthcare Ltd    Carlisle

**Date of Receipt:**                                      **Agent:**                                      **Ward:**  
31/10/2006    Foy Planning Consultancy    Castle

**Location:**    **Grid Reference:**  
Land South West of Cumberland Infirmary, Carlisle    338687 556057  
CA2 7HU



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection of new acute private hospital  
**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1218

**Applicant:**  
Mr G Highmore

**Parish:**  
Arthuret

**Date of Receipt:**  
20/10/2006

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
16 The Scaur, Longtown, CA6 5NU

**Grid Reference:**  
337919 568925

**Proposal:** Erection of single detached dwelling (outline application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1219

**Applicant:**  
Mr & Mrs Highmore

**Parish:**  
Arthuret

**Date of Receipt:**  
18/10/2006

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
16 The Scaur, Longtown, CA6 5NU

**Grid Reference:**  
337919 568925

**Proposal:** Two storey extension to provide bedrooms, sitting room and garage, and single storey extension to provide sunroom, with pitched roof over existing store, and open porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1222

**Applicant:**  
Scott Rattray

**Parish:**  
Hayton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
27/10/2006

**Agent:**

**Ward:**  
Hayton

**Location:**  
The Garth, Hayton, Carlisle, Cumbria

**Grid Reference:**  
350675 557740

**Proposal:** Removal of condition 3 of application 92/0938 to enable annex to be occupied as separate dwelling together with the erection of a two storey extension to provide living room on the ground floor with 2 bedrooms, dressing room and en-suite above

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1223

**Applicant:**  
Mr J Reid

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
19/10/2006

**Agent:**  
DMS Designs

**Ward:**  
Dalston

**Location:**  
2 Valley Drive, Carlisle, CA1 3TB

**Grid Reference:**  
343046 553949

**Proposal:** Erection of outbuilding to provide accommodation for exhibition canaries

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1224

**Applicant:**  
Steven Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
31/10/2006

**Agent:**

**Ward:**  
Morton

**Location:**  
Land adjacent to 34 Hallin Crescent, Carlisle, CA2 6JA

**Grid Reference:**  
338456 554373

**Proposal:** Erection Of 2no. Bedroom Bungalow

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 10/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1229

**Applicant:**  
Mr Chris Stevens

**Parish:**  
Wetheral

**Date of Receipt:**  
07/11/2006

**Agent:**  
Oakland Garden Offices  
Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
3 Wentworth Terrace, Great Corby, CA4 8LN

**Grid Reference:**  
347200 554775

**Proposal:** Cedar clad timber framed studio/outbuilding.

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1231

**Applicant:**  
Ms Hazel Carter

**Parish:**  
Waterhead

**Date of Receipt:**  
23/10/2006

**Agent:**  
Rodney Jeremiah

**Ward:**  
Irthing

**Location:**  
2 Shaws Cottages, Gilsland, Brampton, CA8 7AW

**Grid Reference:**  
363402 567684

**Proposal:** Extensions to provide front porch, rear dining room, utility room and study to side, carport and 1st floor sunroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1232

**Applicant:**  
Mrs Stamper & Ms  
Hodgson

**Parish:**  
Burgh-by-Sands

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
23/10/2006

**Agent:**  
Jock Gordon

**Ward:**  
Burgh

**Location:**  
Land at Croft House, Thurstonfield, Burgh by  
Sands, Carlisle, CA5 6HE

**Grid Reference:**  
331445 556703

**Proposal:** Erection of single detached dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1233

**Applicant:**  
Story Construction Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
23/10/2006

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
Story Construction, Burgh Road Industrial Estate,  
Carlisle, CA2 7NA

**Grid Reference:**  
337739 556244

**Proposal:** Additional store building

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1234

**Applicant:**  
Mr Michael Welsh

**Parish:**  
Carlisle

**Date of Receipt:**  
08/11/2006

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
20 Etterby Lea Crescent, Carlisle, CA3 9LG

**Grid Reference:**  
339680 557488

**Proposal:** Erection of detached study/store in rear garden

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1235

**Applicant:**  
Mr Mark Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
14/11/2006

**Agent:**

**Ward:**  
Harraby

**Location:**  
13 Highgreen Croft, Carlisle, CA1 3HP

**Grid Reference:**  
342592 553445

**Proposal:** Conservatory To Rear Of Property  
**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1236

**Applicant:**  
Mr & Mrs S Frizell

**Parish:**  
Arthuret

**Date of Receipt:**  
24/10/2006

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Beechwood, Broomshill, Longtown, Carlisle, CA6  
5TS

**Grid Reference:**  
343050 568100

**Proposal:** South Gable Extension, For Kitchen, Playroom, Hall & Cloakroom On  
Ground Floor & Bedroom, En-Suite & Living Room & Balcony

**Amendment:**

**Decision:** Refuse Permission

**Date:** 02/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1237

**Applicant:**  
Russell Armer Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
25/10/2006

**Agent:**

**Ward:**  
Botcherby

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

8 St Josephs Gardens, Banks Lane, Carlisle, CA1  
2UQ

**Grid Reference:**

341952 555613

**Proposal:** Amended design of house to include conservatory (retrospective).

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1240

**Applicant:**

Mr R O'Dowd

**Parish:**

Cumrew

**Date of Receipt:**

01/11/2006

**Agent:**

G R & A J Stephen

**Ward:**

Great Corby & Geltsdale

**Location:**

Oak Tree View, Cumrew, Carlisle, CA8 9DD

**Grid Reference:**

354850 550857

**Proposal:** Erection of detached double garage to front and erection of rear canopy to house.

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1241

**Applicant:**

Dr & Mrs Tarn

**Parish:**

Burgh-by-Sands

**Date of Receipt:**

25/10/2006

**Agent:**

Amdega

**Ward:**

Burgh

**Location:**

The Gin, 7 Longburgh Fauld, Longburgh Village,  
Burgh By Sands, Carlisle, CA5 6AE

**Grid Reference:**

330987 558914

**Proposal:** Erection of a rear conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/12/2006

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1242

**Applicant:**  
Winnie Tsang

**Parish:**  
Carlisle

**Date of Receipt:**  
25/10/2006

**Agent:**  
Richard Miller

**Ward:**  
Denton Holme

**Location:**  
116-118 Denton Street, Denton Holme, Carlisle,  
CA2 5HB

**Grid Reference:**  
339729 554972

**Proposal:** Variation of condition 4 attached to planning permission 88/0874 to allow the premises to trade between the hours of 08.30am and midnight on any day

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1252

**Applicant:**  
ARC Eden Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
01/11/2006

**Agent:**

**Ward:**  
Botcherby

**Location:**  
1C Wavell Drive, Rosehill Industrial Estate, Carlisle,  
CA1 2ST

**Grid Reference:**  
342765 555716

**Proposal:** Erection of 2no. non-illuminated signs (Arc Eden)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1253

**Applicant:**  
Mr & Mrs Swarbrick

**Parish:**  
Carlisle

**Date of Receipt:**  
03/11/2006

**Agent:**

**Ward:**  
Belah

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

1 Caledonian Buildings, Etterby Road, Carlisle, CA3  
9PG

**Grid Reference:**

338928 557193

**Proposal:** Extensions and improvements to provide additional living  
accommodation to form two individual properties

**Amendment:**

**Decision:** Refuse Permission

**Date:** 29/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1255

**Applicant:**

Miss Paula Henderson

**Parish:**

Carlisle

**Date of Receipt:**

30/10/2006

**Agent:**

**Ward:**

Currock

**Location:**

7 Claire Street, Carlisle, CA2 4EY

**Grid Reference:**

340703 554468

**Proposal:** Change of use of pavement/highway land to domestic garden  
(Retrospective).

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1257

**Applicant:**

I J & G Prudham

**Parish:**

Cumwhitton

**Date of Receipt:**

06/11/2006

**Agent:**

Edwin Thompson

**Ward:**

Great Corby & Geltsdale

**Location:**

Whitefield Farm, Cumwhitton, Brampton, CA8 9HD

**Grid Reference:**

351284 550704

**Proposal:** Erection of agricultural livestock/general purpose building

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/12/2006

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1258

**Applicant:**  
Mr Frank Lowe

**Parish:**  
Wetheral

**Date of Receipt:**  
03/11/2006

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Wetheral

**Location:**  
Low Cotehill Farm, Cotehill, Carlisle, CA4 0EJ

**Grid Reference:**  
347305 550521

**Proposal:** Single storey extension to form bedroom and en-suite shower room to existing courtyard development

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1259

**Applicant:**  
Mr Allen

**Parish:**  
Carlisle

**Date of Receipt:**  
31/10/2006

**Agent:**  
Alan Fox Design

**Ward:**  
St Aidans

**Location:**  
27 Vasey Crescent, Carlisle, CA1 2BG

**Grid Reference:**  
341049 555639

**Proposal:** Conservatory to rear elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1260

**Applicant:**  
Mr & Mrs Buchanan

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
31/10/2006

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
Stile Farm, Linstock, Carlisle, CA6 4PZ

**Grid Reference:**  
342830 558430

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Erection of a field shelter for pet pony

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1261

**Applicant:**  
Mr J D Steel

**Parish:**  
Carlisle

**Date of Receipt:**  
13/11/2006

**Agent:**

**Ward:**  
Castle

**Location:**  
35 Lonsdale Street, Carlisle, CA1 1BJ

**Grid Reference:**  
340385 555916

**Proposal:** Change Of Use From Part Single Residential Dwelling To 5 One  
Bedroom Apartments

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1263

**Applicant:**  
Mr & Mrs A E Leslie

**Parish:**  
Dalston

**Date of Receipt:**  
31/10/2006

**Agent:**

**Ward:**  
Dalston

**Location:**  
2 Glebe Close, Dalston, Carlisle, CA5 7JE

**Grid Reference:**  
336310 549973

**Proposal:** Bedroom, bathroom and en-suite extension plus conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1265

**Applicant:**  
Harrison Homes (Cumbria) Carlisle  
Ltd

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
03/11/2006

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Harraby

**Location:**  
Former Highgrove Dairy, Harraby Green, Carlisle

**Grid Reference:**  
341330 554457

**Proposal:** Residential development comprising 1no. 1 bed apartment, 41no. 2 bed apartments, 23no. 3 bed dwellings, and 33no. 4 bed dwellings together with increasing the width of Harrison Way to allow for two way traffic movement and a 1.8m pavement

**Amendment:**

1. Revised plans received 16.11.06 showing an increase in distance between blocks S.14 and S.15, and, the creation of a "buffer zone".
2. Revised plans received 29.11.06 amending the design of the units in blocks S.3, S.8 and S.12.

**Decision:** Grant Permission

**Date:** 13/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1267

**Applicant:**  
Ms Julie Durham

**Parish:**  
Carlisle

**Date of Receipt:**  
07/11/2006

**Agent:**  
Mr P J Forster

**Ward:**  
Currock

**Location:**  
107 Beaumont Road, Carlisle, CA2 4RL

**Grid Reference:**  
340203 553514

**Proposal:** Single storey rear extension to form kitchen/diner

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1269

**Applicant:**  
Mr Mike Pratt

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
02/11/2006

**Agent:**  
Ashton Design

**Ward:**  
Lyne

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**  
The Orchard, Smithfield, Carlisle, CA6 6BT

**Grid Reference:**  
344138 564729

**Proposal:** Proposed alterations to provide first floor accommodation, double garage, study, utility & dining room

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1270

**Applicant:**  
HSBC Bank Plc

**Parish:**  
Carlisle

**Date of Receipt:**  
08/11/2006

**Agent:**  
Mr A Thatcher

**Ward:**  
Castle

**Location:**  
29 English Street, Carlisle, Cumbria, CA3 8JT

**Grid Reference:**  
340131 555852

**Proposal:** The Installation Of 2no External Automated Teller Machines (ATM's)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 03/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1271

**Applicant:**  
Mr Martin Scott

**Parish:**  
Wetheral

**Date of Receipt:**  
24/11/2006

**Agent:**

**Ward:**  
Wetheral

**Location:**  
6 Alby Terrace, Cumwhinton, Carlisle, CA4 0AU

**Grid Reference:**  
346384 551250

**Proposal:** Erection Of A Shed And Covered Area (Carport) In Corner Of Paddock Adjacent To Property (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/01/2007

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Between 02/12/2006 and 12/01/2007

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
06/1272

**Applicant:**  
HSBC Bank Plc

**Parish:**  
Carlisle

**Date of Receipt:**  
08/11/2006

**Agent:**  
Mr A Thatcher

**Ward:**  
Castle

**Location:**  
29 English Street, Carlisle, Cumbria, CA3 8JT

**Grid Reference:**  
340131 555852

**Proposal:** The Installation Of 2no External Automated Teller Machines

**Amendment:**

**Decision:** Refuse Permission

**Date:** 03/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1276

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
13/11/2006

**Agent:**  
Mark Beveridge

**Ward:**  
Castle

**Location:**  
Bitts Park Tennis Courts, Mayors Drive, Carlisle

**Grid Reference:**  
339839 556405

**Proposal:** Replacement Of Existing 4 Grass Tennis Courts With 4 New Porous Tarmacadam Tennis Courts; Floodlighting To All 4 New Courts and Provision Of Removable Tennis Airdome For Two Of The New Courts (To Be Erected Between September & April Each Year).

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1278

**Applicant:**  
Mr Chris Jones

**Parish:**  
Carlisle

**Date of Receipt:**  
06/11/2006

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Upperby

**Location:**  
43 Petteiril Bank Road, Harraby, Carlisle, CA1 3AP

**Grid Reference:**  
341811 553780

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Proposed first floor extension over garage and day room

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1279

**Applicant:**  
Mr C M Chung

**Parish:**  
Carlisle

**Date of Receipt:**  
06/11/2006

**Agent:**  
Jock Gordon

**Ward:**  
Currock

**Location:**  
79 Blackwell Road, Carlisle, CA2 4AJ

**Grid Reference:**  
340574 554566

**Proposal:** Variation of condition no.2 under planning approval no. 05/1017 - to trade between the hours of 11.00 & 22.30 and shall not trade on Tuesdays

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1280

**Applicant:**  
M Sport Ltd

**Parish:**  
Orton

**Date of Receipt:**  
06/11/2006

**Agent:**  
Jock Gordon

**Ward:**  
Burgh

**Location:**  
Motor Workshop, Cardewlees, Carlisle

**Grid Reference:**  
334553 551477

**Proposal:** Erection of roof flue ducts for vehicle spray booth

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

06/1281                      Mr Martin                      Orton

**Date of Receipt:**                      **Agent:**                      **Ward:**  
06/11/2006                      Gray Associates                      Burgh

**Location:**                      **Grid Reference:**  
Orton Grange Farm, Orton Grange, Carlisle, CA5  
6LA                      335204 551972

**Proposal:** Extension to steel framed agricultural shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
06/1282                      Mr I & H Noble                      Brampton

**Date of Receipt:**                      **Agent:**                      **Ward:**  
06/11/2006                      Tsada Building Design  
Services                      Brampton

**Location:**                      **Grid Reference:**  
Land to rear of Oulton House, Brampton, CA8 1SR                      352595 561043

**Proposal:** Variation of planning permission 02/1314 to allow implementation of consent not in accordance with conditions 2,3 and 4 (retrospective application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
06/1285                      G & D Whitfield                      Orton

**Date of Receipt:**                      **Agent:**                      **Ward:**  
07/11/2006                      A1 Buildings Ltd                      Burgh

**Location:**                      **Grid Reference:**  
Orton Rigg Farm, Orton Rigg, Great Orton, Carlisle,  
CA5 6LL                      333042 552351

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Erection of agricultural building for storage of livestock

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1288

**Applicant:**  
Mr T Carter

**Parish:**  
Beaumont

**Date of Receipt:**  
14/11/2006

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Burgh

**Location:**  
Ratlingate House, Ratlingate Lane,  
Kirkandrews-on-Eden, Carlisle, CA5 6DW

**Grid Reference:**  
335721 557869

**Proposal:** Two Storey Extension To Rear Elevation To Provide Enlarged Kitchen, Porch, Utility Room And Garage On Ground Floor, With 1no En-Suite Bedroom At First Floor Level (revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1289

**Applicant:**  
Whitbread PLC

**Parish:**  
Carlisle

**Date of Receipt:**  
08/11/2006

**Agent:**  
Ashleigh Signs Ltd

**Ward:**  
Belah

**Location:**  
Premier Travel Inn, Park House Road, Carlisle, CA3  
0HR

**Grid Reference:**  
339393 559768

**Proposal:** Erection of illuminated and non-illuminated signage

**Amendment:**

**Decision:** Refuse Permission

**Date:** 03/01/2007

---

Between 02/12/2006 and 12/01/2007



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
06/1292

**Applicant:**  
Mr & Mrs Young

**Parish:**  
Carlisle

**Date of Receipt:**  
08/11/2006

**Agent:**  
Mr David Shankland

**Ward:**  
Upperby

**Location:**  
79 Upperby Road, Carlisle, CA2 4JE

**Grid Reference:**  
340874 553892

**Proposal:** Two Storey Extension To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1293

**Applicant:**  
Mr Andrew Megson

**Parish:**  
Carlisle

**Date of Receipt:**  
09/11/2006

**Agent:**

**Ward:**  
Yewdale

**Location:**  
102 Yewdale Road, Carlisle, CA2 7SN

**Grid Reference:**  
337483 555452

**Proposal:** Two storey extension to provide kitchen/dining room with en-suite bedroom above (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1294

**Applicant:**  
Border Toyota

**Parish:**  
Kingmoor

**Date of Receipt:**  
15/11/2006

**Agent:**  
Hawes Signs Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Border Toyota, Parkhouse Road, Kingstown,  
Carlisle, CA3 0RJ

**Grid Reference:**  
339059 559918

**Proposal:** Erection of 3no Pole Mounted Signs

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Refuse Permission

**Date:** 03/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1296

**Applicant:**  
Mr John Ranson

**Parish:**  
Brampton

**Date of Receipt:**  
09/11/2006

**Agent:**  
Edenholme Building  
Services

**Ward:**  
Brampton

**Location:**  
36 Millfield, Brampton, Carlisle, CA8 1TT

**Grid Reference:**  
353450 560890

**Proposal:** Erection of garage and 2 storey extension to existing dwelling and installation of roof mounted solar collecting panels

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1304

**Applicant:**  
Mr & Mrs Martindale

**Parish:**  
Wetheral

**Date of Receipt:**  
13/11/2006

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
3 Greenacres, Wetheral, Carlisle, CA4 8LD

**Grid Reference:**  
346242 555173

**Proposal:** Two Storey Extension To Provide Garage, Living & Bed Rooms, Plus Entrance Porch & Replacement Of Flat Roof With Pitched Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1310

**Applicant:**  
Mr A Holliday

**Parish:**  
Dalston

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

14/11/2006

**Agent:**

**Ward:**

Dalston

**Location:**

Sunnybank, Stockdalewath, Carlisle

**Grid Reference:**

338927 544979

**Proposal:** Proposed two storey extension to the rear elevation of Sunnybank to provide dining room & bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1311

**Applicant:**

David & Lorna Isabella  
Pigg

**Parish:**

Dalston

**Date of Receipt:**

28/11/2006

**Agent:**

**Ward:**

Dalston

**Location:**

18 The Square, Dalston, Carlisle, CA5 7PT

**Grid Reference:**

336867 550097

**Proposal:** Change Of Use Of Ground Floor From Offices To Butchers Shop & Delicatessen

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1313

**Applicant:**

Mr & Mrs D Cox

**Parish:**

Wetheral

**Date of Receipt:**

14/11/2006

**Agent:**

**Ward:**

Wetheral

**Location:**

59 Scotby Village, Scotby, Carlisle, CA4 8DP

**Grid Reference:**

344071 555150

**Proposal:** Creation of pitched roof over existing two storey extension

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 22/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1315

**Applicant:**  
Mr & Mrs Wilkinson

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
14/11/2006

**Agent:**  
Phoenix Architects

**Ward:**  
Dalston

**Location:**  
Barn at Park Fauld Farm, Durdar, Carlisle, CA5 7LT

**Grid Reference:**  
339455 551200

**Proposal:** Conversion of redundant agricultural and domestic ancillary accommodation to holiday let (retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1316

**Applicant:**  
Mr Geoff Horky

**Parish:**  
Kingmoor

**Date of Receipt:**  
14/11/2006

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
1 Holm Garth, Cargo, Carlisle, CA6 4AR

**Grid Reference:**  
336763 559293

**Proposal:** Entrance porch and garage to ground floor, en-suite bedroom to first floor (revised)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1317

**Applicant:**  
Magnus Homes Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2006

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Belah

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Grounds of St Anns House, Etterby Scaur, Carlisle,  
CA3 9PD

**Grid Reference:**

339083 557283

**Proposal:** Demolition Of Existing 4no Self Contained Flats And Erection Of 4no Link Houses Plus New Garage To Main House (Revised/Retropective Proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1319

**Applicant:**

Magnus Homes Limited

**Parish:**

Carlisle

**Date of Receipt:**

15/11/2006

**Agent:**

Black Box Architects  
Limited

**Ward:**

Belah

**Location:**

Grounds of St Anns House, Etterby Scaur, Carlisle,  
CA3 9PD

**Grid Reference:**

339083 557283

**Proposal:** Removal Of Tarmac Surfaces Within The Grounds And Formation Of Block Paviers/tegular Paviers And Landscaped Driveways. Widening And Re-Building Of Brick Boundary Wall Entrance. Restoration Of Original Entrance To St Ann's House With New Gate Pillars/Railings. Demolition Of Existing 4no Self Contained Flats And Erection Of 4no Link Houses Plus New Garage To Main House (Revised/Retropective Proposal).

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1320

**Applicant:**

Holmegate Farms Ltd

**Parish:**

Wetheral

**Date of Receipt:**

14/11/2006

**Agent:**

H & H Bowe Ltd

**Ward:**

Wetheral

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Holmeigate Farm, Aglionby, Carlisle, CA4 8AP

345408 557957

**Proposal:** Erection of general purpose storage building

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1321

**Applicant:**  
J C Haynes

**Parish:**  
Nether Denton

**Date of Receipt:**  
24/11/2006

**Agent:**  
Alan Pixton

**Ward:**  
Irthing

**Location:**  
Cleugh Head Farm Cottages, Low Row, Brampton,  
Cumbria, CA8 2JB

**Grid Reference:**  
359571 561959

**Proposal:** Conversion Of Former Farm Cottage Into Two Holiday Cottages  
(Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1323

**Applicant:**  
Mr Philip Dhillon

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2006

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Stanwix Urban

**Location:**  
65 Longlands Road, Carlisle, CA3 9AE

**Grid Reference:**  
341041 557531

**Proposal:** Formation Of New Entrance Porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/01/2007

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Between 02/12/2006 and 12/01/2007

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
06/1324

**Applicant:**  
@ Cyber Cafe

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2006

**Agent:**  
Phoenix Architects

**Ward:**  
Castle

**Location:**  
8 Devonshire Street, Carlisle, CA3 8LP

**Grid Reference:**  
340200 555734

**Proposal:** Erection Of Non Illuminated Signage (Retrospective)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 03/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1325

**Applicant:**  
@ Cyber Cafe

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2006

**Agent:**  
Phoenix Architects

**Ward:**  
Castle

**Location:**  
8 Devonshire Street, Carlisle, CA3 8LP

**Grid Reference:**  
340200 555734

**Proposal:** Erection Of Non Illuminated Signage (Retrospective) (LBC)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 03/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1329

**Applicant:**  
Mr T J Parsons

**Parish:**  
Carlisle

**Date of Receipt:**  
16/11/2006

**Agent:**

**Ward:**  
Belah

**Location:**  
106 Lowry Hill Road, Lowry Hill, Carlisle, CA3 0DH

**Grid Reference:**  
338916 558736

**Proposal:** Replacement And Extension Of Existing Timber Framed Conservatory

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 05/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1330

**Applicant:**  
Wragg Mark-Bell Solicitors  
Limited

**Parish:**  
Dalston

**Date of Receipt:**  
24/11/2006

**Agent:**

**Ward:**  
Dalston

**Location:**  
16-17 The Square, Dalston, Carlisle, CA5 7PY

**Grid Reference:**  
336872 550082

**Proposal:** Installation Of Brass Plaque.

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1333

**Applicant:**  
George Garton

**Parish:**  
Brampton

**Date of Receipt:**  
17/11/2006

**Agent:**

**Ward:**  
Brampton

**Location:**  
New Mills Trout Farm, Brampton, CA8 2QS

**Grid Reference:**  
354900 561750

**Proposal:** Change Of Use From Workshop To Farm Shop

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1334

**Applicant:**  
George Garton

**Parish:**  
Brampton

**Date of Receipt:**  
17/11/2006

**Agent:**

**Ward:**  
Brampton



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
New Mills Trout Farm, Brampton, CA8 2QS

**Grid Reference:**  
354900 561750

**Proposal:** Change Of Use From Tack Room/stable To Provide 2no. Bedrooms For Existing Flat

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1335

**Applicant:**  
Mrs Diana Lynch

**Parish:**  
Wetheral

**Date of Receipt:**  
20/11/2006

**Agent:**  
S & H Construction

**Ward:**  
Great Corby & Geltsdale

**Location:**  
7 NER Cottages, Great Corby, Carlisle, CA4 8LW

**Grid Reference:**  
347209 554520

**Proposal:** Rear Extension To Provide Kitchen, Bedroom, Shower And Enlarged Bathroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1336

**Applicant:**  
Mr Philip Bell

**Parish:**  
Carlisle

**Date of Receipt:**  
20/11/2006

**Agent:**

**Ward:**  
Denton Holme

**Location:**  
147 Richardson Street, Carlisle, CA2 6AL

**Grid Reference:**  
339373 554448

**Proposal:** Two Storey Extension To Provide Ground Floor Kitchen And Utility Room With Study And Dressing Room Above Together With Relocation Of Store And Formation Of Additional Vehicular Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2007

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1338

**Applicant:**  
Mr Gerry Salkeld

**Parish:**  
Carlisle

**Date of Receipt:**  
20/11/2006

**Agent:**  
S & H Construction

**Ward:**  
Castle

**Location:**  
7 Peel Street, Carlisle, CA2 7AS

**Grid Reference:**  
338803 555817

**Proposal:** Rear Single Storey Extension With Pitched Roof To Provide Enlarged Kitchen Together With Formation Of Pitched Roof Over Existing Store

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1344

**Applicant:**  
Mr & Mrs Armstrong

**Parish:**  
Carlisle

**Date of Receipt:**  
20/11/2006

**Agent:**

**Ward:**  
Yewdale

**Location:**  
174 Yewdale Road, Carlisle, CA2 7SD

**Grid Reference:**  
337120 555400

**Proposal:** Erection Of Attached Garage (Amendment To Appn Ref 06/0790)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1345

**Applicant:**  
Ms Tracy Bennett

**Parish:**  
Rockcliffe

**Date of Receipt:**  
20/11/2006

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
3 Heathlands Cottage, Harker Road Ends, Carlisle

**Grid Reference:**  
337942 561316

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Extension To Create Kitchen, New Bedroom And Garden Room At Ground Floor Level To Rear Garden Area (Revised Proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1352

**Applicant:**

Mr & Mrs C Johnston

**Parish:**

Wetheral

**Date of Receipt:**

22/11/2006

**Agent:**

Phoenix Architects

**Ward:**

Great Corby & Geltsdale

**Location:**

15 Burnrigg, Heads Nook, Brampton, CA8 9BH

**Grid Reference:**

347891 555844

**Proposal:** Conversion Of Garage To Bedroom, Extension To Provide Breakfast Room And Utility Together With Formation Of Pitched Roof Over Existing Flat Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1353

**Applicant:**

Mrs M McGregor

**Parish:**

Arthuret

**Date of Receipt:**

22/11/2006

**Agent:**

Tsada Building Design Services

**Ward:**

Longtown & Rockcliffe

**Location:**

55 Dukeswood Road, Longtown, CA6 5UJ

**Grid Reference:**

338739 569182

**Proposal:** Two Storey Gable Extension To Form Day Room And Bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/01/2007

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Between 02/12/2006 and 12/01/2007

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
06/1354

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
30/11/2006

**Agent:**  
Martin Faulder

**Ward:**  
Denton Holme

**Location:**  
Bousteads Grassing, Rome Street, Carlisle, CA2  
5LG

**Grid Reference:**  
340066 554855

**Proposal:** Move Existing Steel Portal Frame To Side Of Yard, And Reclad With  
Metal Composite Panels, Building To Continue As Vehicle Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1355

**Applicant:**  
Mr & Mrs Reavey

**Parish:**  
Brampton

**Date of Receipt:**  
06/12/2006

**Agent:**  
Anglian Home  
Improvements

**Ward:**  
Brampton

**Location:**  
8 Berrymoor Road, Brampton, CA8 1DH

**Grid Reference:**  
353037 561415

**Proposal:** Conservatory To The Rear Elevation (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1359

**Applicant:**  
Mr J C Bannister

**Parish:**  
Burtholme

**Date of Receipt:**  
23/11/2006

**Agent:**  
Ashton Design

**Ward:**  
Irthing

**Location:**  
High Barn, Banks, Brampton, CA8 2JH

**Grid Reference:**  
356738 564522

**Proposal:** Renewal Of Planning Approval 01/1147 For The Erection Of Double

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

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:** 10/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1360

**Applicant:**

Mr Stephen Holliday

**Parish:**

Carlisle

**Date of Receipt:**

24/11/2006

**Agent:**

**Ward:**

Botcherby

**Location:**

397 Pennine Way, Harraby, Carlisle, CA1 3RU

**Grid Reference:**

343097 554638

**Proposal:** Proposed Two Storey Front And Side Extension To Provide Extended Kitchen, Dining Room And Wc With First Floor En-Suite Bedroom And Extended Bathroom

### **Amendment:**

**Decision:** Grant Permission

**Date:** 11/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1366

**Applicant:**

Edmond Castle Estates Ltd

**Parish:**

Hayton

**Date of Receipt:**

05/12/2006

**Agent:**

Robert Tarbuck

**Ward:**

Hayton

**Location:**

Hayton Hall, Edmond Castle, Corby Hill, Carlisle, CA4 8QD

**Grid Reference:**

349700 558600

**Proposal:** Demolition Of Existing Buildings And Erection Of 7no. New Dwellings (Revised Application)

### **Amendment:**

**Decision:** Grant Permission

**Date:** 09/01/2007

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1367

**Applicant:**  
Edmond Castle Estates  
Ltd

**Parish:**  
Hayton

**Date of Receipt:**  
27/11/2006

**Agent:**  
Robert Tarbuck

**Ward:**  
Hayton

**Location:**  
Hayton Hall, Edmond Castle, Corby Hill, Carlisle,  
CA4 8QD

**Grid Reference:**  
349700 558600

**Proposal:** Demolition Of Existing Buildings And Erection Of 7 New Dwellings (LBC)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 09/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1374

**Applicant:**  
Lanercost C of E Primary  
School

**Parish:**  
Burtholme

**Date of Receipt:**  
06/12/2006

**Agent:**  
G R & A J Stephen

**Ward:**  
Irthing

**Location:**  
Land Adjoining Lanercost C of E Primary School,  
Lanercost, Nr Brampton, Cumbria, CA8 2YL

**Grid Reference:**  
355907 563845

**Proposal:** Change Of Use Of Land To Create New Car Parking Area  
**Amendment:**

**Decision:** Grant Permission

**Date:** 12/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1375

**Applicant:**  
Edmond Castle Estates  
Ltd

**Parish:**  
Irthington

**Date of Receipt:**  
06/12/2006

**Agent:**

**Ward:**  
Stanwix Rural

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Watch Cross, Irthington, Carlisle, CA6 4NE

**Grid Reference:**

347456 559917

**Proposal:** Internal Alterations To Incorporate Existing Flat And Dwellinghouse Together With The Conversion Of The Adjacent Coach House To Form A 3no. Bedroom Dwellinghouse (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1377

**Applicant:**

Mr A Monkhouse

**Parish:**

Stanwix Rural

**Date of Receipt:**

30/11/2006

**Agent:**

HTGL Architects Ltd

**Ward:**

Stanwix Rural

**Location:**

Complete Engineering Services, Holme End,  
Crosby on Eden, Carlisle, CA6 4RA

**Grid Reference:**

346650 558340

**Proposal:** Removal Of Condition No.3 Of Planning Approval Ref 06/0665 Which States That " The Premises Shall Be Occupied As Ancillary Accommodation By Complete Engineering Services And At No Time Shall Any Part Be Sub-Divided And Occupied Independently"

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**

06/1380

**Applicant:**

Mr & Mrs Morris

**Parish:**

Carlisle

**Date of Receipt:**

28/11/2006

**Agent:**

**Ward:**

Morton

**Location:**

43 Eskdale Avenue, Carlisle, CA2 5QY

**Grid Reference:**

338696 555129

**Proposal:** Extension To Provide Kitchen, Dining Room And Bedroom

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 10/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1381

**Applicant:**  
Messrs T W Martin

**Parish:**  
Orton

**Date of Receipt:**  
01/12/2006

**Agent:**

**Ward:**  
Burgh

**Location:**  
Tempest Tower, Little Orton, Carlisle, CA5 6EP

**Grid Reference:**  
334886 555241

**Proposal:** Portal Steel Framed Extension For Milking Parlour To Provide Covered Collecting Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1384

**Applicant:**  
Mr Paul Ellis

**Parish:**  
Bewcastle

**Date of Receipt:**  
29/11/2006

**Agent:**  
John Lyon Associates

**Ward:**  
Lyne

**Location:**  
Park School House, Bewcastle, Carlisle, Cumbria, CA6 6PP

**Grid Reference:**  
355103 575457

**Proposal:** Single Storey Bedroom Extension

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/1413

**Applicant:**  
John Constable

**Parish:**  
Carlisle

**Date of Receipt:**  
08/12/2006

**Agent:**

**Ward:**  
St Aidans



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**  
206a Greystone Road, Carlisle, CA1 2BY

**Grid Reference:**  
341475 555802

**Proposal:** Removal Of Former Shop Display Windows And Replacement With Three Smaller Windows.

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/01/2007

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9018

**Applicant:**  
Brampton Skip Hire Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
24/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Brampton

**Location:**  
Warren House Farm, Newcastle Road, Brampton,  
CA8 2HY

**Grid Reference:**  
354050 561300

**Proposal:** Renewal of temporary planning permission for continued use of waste transfer station/recycling facility for a further 2 years

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 04/12/2006

---

Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9019

**Applicant:**  
Brampton Skip Hire Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
24/10/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Brampton

**Location:**  
Warren House Farm, Newcastle Road, Brampton,  
CA8 2HY

**Grid Reference:**  
354050 561300

**Proposal:** Two static caravans placed at the far end of the site for security reasons

**Amendment:**

**Decision:** City Council Observation - Observations

## SCHEDULE E: Decisions Issued Under Delegated Powers

Date: 04/12/2006

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9023

**Applicant:**  
William Sinclair  
Horticulture Ltd

**Parish:**  
Hethersgill

**Date of Receipt:**  
08/12/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Lyne

**Location:**  
Bolton Fell Peat Works, Hethersgill, Carlisle, CA6  
6JL

**Grid Reference:**  
348669 569820

**Proposal:** Creation Of A Bark-Storage Area And Use Of A Mobile Fractional  
Bark-Screening Plant

**Amendment:**

**Decision:** City Council Observation - Observations  
**Date:** 04/01/2007

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Between 02/12/2006 and 12/01/2007

**Appn Ref No:**  
06/9025

**Applicant:**  
Mr Alan Rutter

**Parish:**  
Carlisle

**Date of Receipt:**  
19/12/2006

**Agent:**  
Cumbria County Council

**Ward:**  
Denton Holme

**Location:**  
Robert Ferguson School, East Dale Street, Carlisle,  
CA2 5LA

**Grid Reference:**  
339826 554844

**Proposal:** Internal Alterations And Provision Of External Disabled Ramp

**Amendment:**

**Decision:** City Council Observation - Observations  
**Date:** 09/01/2007

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