

SCHEDULE A: Applications with Recommendation

10/0642

Item No: 06

Date of Committee: 01/10/2010

Appn Ref No:
10/0642

Applicant:
Wellburn Care Homes

Parish:
St Cuthberts Without

Date of Receipt:
08/07/2010

Agent:
Ward Associates Planning
Consultants

Ward:
Dalston

Location:
Scalesceugh Hall, Carleton, Carlisle CA4 0BT

Grid Reference:
344775 549681

Proposal: Proposed 47 Bed Residential Care Home With Associated 6 Close Care Cottages To Be Constructed Within The Grounds

Amendment:

1. Submission of a further Heritage Statement;
 2. Submission of a full bat survey;
 3. Submission of amended plans increasing the length of the wall surrounding the "close-care" dwellings and together with the provision of a wall to screen the disabled access ramp, which is positioned on the east elevation of the main house.
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REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

The application raises particular, and in the local area, novel issues in relation to the intended development of the close-care residential cottages having regard to adopted policies on the location of residential development.

1. Constraints and Planning Policies

Ancient Monument

Public Footpath

The proposal relates to development which affects a public footpath.

Listed Building

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H13 - Special Needs Housing

Local Plan Pol LE4 - River Corridors

Local Plan Pol LE6 - Scheduled/Nat. Imp. Ancient Mon.

Local Plan Pol LE8 - Archaeology on Other Sites

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): bearing in mind the previous use of the premises, it is considered that the existing access is acceptable in connection with the proposed use. The Highway Authority has no objection to the proposal;

Local Environment (former Community Services) - Drainage Engineer: no comments received;

United Utilities: no comments received;

Cumbria County Council - (Archaeological Services): records show that the site lies in an area of high archaeological potential. Scalesceugh Hall is believed to be located on the line of a Roman road and a Roman milestone and a large number of Roman kilns have been recorded immediately south of the Hall. These kilns and a Roman fort that lies to the west of the site are legally protected as Scheduled Monuments. It is therefore likely that archaeological remains may survive on the site and that these would be disturbed by the proposed development.

It is consequently recommended that an archaeological evaluation and, where

necessary, a scheme of archaeological recording of the site be undertaken in advance of the development. This programme of work can be secured through the imposition of two planning conditions that are recommended be imposed with any grant of planning permission;

Natural England: Natural England (NE) is a non-departmental public body. Its statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NE has considered the proposal against the full range of its' interests in the natural environment. Based on the information provided with the application, its comments are as follows:

NE is not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application.

NE is also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land or the areas of search for new national landscape designations.

Local site: Wreay Woods

NE notes that the location of the proposed development is adjacent to Wreay Woods Nature Reserve. It therefore recommends that the Council should consult the appropriate individuals/bodies who may also wish to comment on the nature conservation implications of the proposals.

Protected Species

NE objects to the proposed development on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason NE recommends that the Council either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies.

NE's concerns relate specifically to the likely impact upon Bats and Badgers. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 '*Biodiversity and Geological Conservation -Statutory Obligations and their impact within the Planning System.*' NE would welcome the completion of a Full Bat Survey, which should be conducted prior to the determining of this application.

The Council may wish to note the implications of the case *R v Cheshire East Borough Council*. The judgement of this case found that the Council has a specialised duty in respect of species protected under European legislation. Further information can be obtained from NE's website via the following link:

http://www.naturalengland.org.uk/images/WoolleyVsCheshireEastBC_tcm6-12832

Where a development affects a species protected under the Conservation of Habitats and Species Regulations 2010, a licence from NE would be required in order to allow prohibited activities, such as damaging breeding sites or resting places, for the purpose of development. The following criteria, as set out under Regulation 53, must be satisfied for such a licence to be granted:

- the purpose of the actions authorised must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- there must be "no satisfactory alternative" to the actions authorised; and
- the actions authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Where a licence from NE is required for any operations that affect protected species; this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a licence is issued and failure to comply can result in a fine or custodial sentence.

Bats

Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2010. These statutory instruments protect both the species themselves and their associated habitats. Please note that places which bats utilise for shelter are protected regardless of whether they are present or not. For further information please refer to NE's Bat Mitigation Guidelines, which can be downloaded from its website.

NE notes that a Bat Survey conducted by Sam Griffin, of Open Space Ecological, Landscape and Tree Consultants, dated June 2010, has been submitted as part of the proposal.

The report indicates that bats are present with the development site. Page 7 of the report states that in relation to the first emergence survey "only 2 surveyors were used and it is considered highly likely that bats are roosting within the hall itself". NE also notes from page 10 of the report that the emergence survey was conducted on the "elevations of the existing buildings affected by the proposal only" and that "no attempt was made to survey the other sections of the hall...if alterations that are likely to affect bats (i.e. works to the roof, roof voids or exterior walls) are proposed for the rest of the hall, a full bat survey must be conducted".

The Bat Mitigation Guidelines (p23) state "As a minimum, the survey should normally cover any land or structures which are proposed for development." As there will be alterations involving works to the roof of an existing building (South East Elevation 10007-03B), NE therefore advises that a full bat survey should be conducted. NE also notes from page 4 of the report indicates that the extension will involve the removal of sections of tiled roof allowing new roof lines to join. The Bat Mitigation Guidelines also suggest "For phased developments, the entire site should be surveyed".

NE also notes that the report indicates that bats may potentially be roosting within the trees which will be felled as part of the development. The recommendations for any mitigation and precautionary measures as outlined in the current report may require revision in light of the findings from the full survey.

Badgers

Badgers are protected under the Badger Act 1973, which protects badgers whilst in their setts, and the Protection of Badgers Act 1992 which was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting and consolidates past badger legislation. Under the Act, it is an offence to:

- wilfully kill, injure or take a badger, or to attempt to do so;
- cruelly ill-treat a badger; or
- interfere, with intention, a badger sett by (a) damaging a sett or any part of one; (b) destroying a sett; (c) obstructing access to or any entrance of a sett; (d) causing a dog to enter a sett; or (e) disturbing a badger when it is occupying a sett.

The purpose of this legislation is to ensure that badgers are humanely treated. There is no provision in the legislation for culling badgers for the purpose of development and no provision for any action that will cruelly ill-treat badgers.

Where it can be demonstrated that interference with a badger sett is both unavoidable and will not adversely affect the population of badgers, it may be possible to obtain a licence from Natural England. However, it should be noted that any such interference should only be considered as a last resort and that Natural England places restrictions on both the timing and methodology of any works affecting a badger sett.

A guide on Badgers and Development can be downloaded from NE's website.

The potential for the proposal to impact on badgers should be ascertained before development can proceed.

Breeding Birds

All wild birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended) during the nesting season. Work must not begin if nesting birds are present on site and should occur outside of the bird nesting season (March through to August, although weather dependant). If building works are undertaken during the bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. If breeding birds are found during this survey, the nest should not be disturbed and works should be delayed until nesting is complete and any young birds have fledged.

Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites. Further guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.

NE notes from the bat survey report that evidence of the presence of nesting birds has been identified.

Other Protected Species

If there is any reasonable likelihood of any other protected species (such as red squirrels) being affected by this development, or should any protected species be found during the construction process, all work should stop in order to allow further surveys to be undertaken by a suitably licensed ecologist.

NE also commented that the Council may also find the following useful:

Local Authority Biodiversity Duty And Opportunities For Enhancement

Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

Planning Policy Statement (PPS) 9 "Biodiversity and Geological Conservation" also expects local authorities to prevent harm to biodiversity and geological Interests. Part (vi) of the Key Principles makes it clear how the government expects the Council to consider planning decisions that could lead to harm to biodiversity and geological interests. Section 10 on ancient woodland and section 12 on networks of natural habitats describe how these particular biodiversity features should be protected from development.

When considering applications the Council should maximise opportunities in and around developments for building in beneficial feature as part of good design, such as the Incorporation of roosting opportunities for bats or the installation of bird nest boxes. This is in accordance with the duty on the council described above and in paragraph 14 of PPS 9.

Sustainable Design

NE believes in encouraging the adoption of the principles of sustainability in all plans and projects. NE support the implementation of standards such as; The Code for Sustainable Homes (information at: <http://www.communities.gov.uk/planningandbuilding/theenvironment/codesustainable1>) and BREAM (information from: <http://www.breeam.org>.) both of which are concerned with a range of measures from building design to water and energy use.

However, sustainable design and construction entails a wider range of considerations, including development which conserves and enhances the distinctive landscape and townscape character, and conserves and enhances biodiversity, amongst other points.

In relation to biodiversity, a useful guide 'Biodiversity by Design' has been produced by the TCPA: <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, NE expects to be consulted on any additional matters, as determined by

Carlisle City Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. NE retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to its attention.

Subsequent to the above comments being provided, NE has reviewed the General Habitats and European Protected Species Scoping Survey together with the full bat survey. In response to this information NE has confirmed that it no longer objects to the application, subject to the imposition of appropriate conditions to ensure the implementation of mitigation measures to safeguard the bats and other protected species;

English Heritage - North West Region: This former country house dates from 1746, although largely rebuilt in 1913-14 by architect Alexander N Paterson for John R Harrison. The core of the site is an elegant sandstone property, which despite some alteration and addition, survives in good condition. The exterior of the core historic building remains essentially unaltered, with a remarkable survival of internal features of very high quality.

The south-west (garden facing) elevation imposes a formality to the design, incorporating paired square bays with tri-partite windows, surmounted by gables. The elevation is symmetrical and focused on the central, curved bay, which is supported by ionic pillars fronting an open vestibule. This is linked to the garden by a curved, double staircase with a decorative, wrought-iron balustrade. It is consequently evident that the formal garden setting is integral to the design significance of the hall.

The list description confirms that the hall's design represented, *"the very latest flowering of the country house tradition in England"* and clearly merits its status as a designated heritage asset. Consequently, this proposal must be considered in the light of PPS5: *"Planning for the Historic Environment"*. Policies HE6, HE7, HE9 and HE10 are of particular relevance to this case.

The Proposal

English Heritage (EH) previously supported the change of use and conversion of the hall to ten residential apartments (application nos. 08/1195 and 09/0690). The existing consents include the removal of the modern additions to the listed hall and the restoration of its relationship with the garden setting. EH was, therefore, of the opinion that the approved scheme presents a positive use which would both sustain and enhance the heritage asset, removing encroachments upon the hall and its setting. However, EH is not convinced that such a positive case has been made for the more intensive development of the site now presented.

The current proposal presents a development which retains the existing modern additions, extending both the attached "skills centre" and the historic building to link it to the adjacent "bungalow" block. It further proposes the adaptation of the garden terrace to accommodate vehicle access to the cluster of 4 residential blocks located in the garden, along with more parking areas. The proposal would, therefore, result in a more intensive use of the site, as well as the further alteration of the historic building.

However, despite the evident impact on both the fabric of the Listed Building and its setting the application fails to demonstrate how this potential erosion of the character and appearance of the Listed Building and its setting is justified or mitigated. The submitted "Heritage Statement" outlines relevant policies designed to frame development of this form, but fails to provide adequate analysis of either the interior fabric or the hall's exterior appearance and setting. The proposal, consequently, fails to provide any understanding of the potential impact on the significance of the heritage asset, contrary to the requirements of PPS5 Policy HE6.1.

The submitted "Design & Access Statement" recognises that Scalesceugh Hall, *"enjoys a high standard of landscaping"* as a *"legacy of its time as a family home"* (para 5.9). The Council will be aware that PPS5 Policies HE7.2 and 7.5 require that any new development should both avoid conflict with the heritage asset's conservation and make a positive contribution to its character and distinctiveness. Similarly, PPS5 Policy HE10 requires that development schemes should positively contribute to the setting, or better reveal the heritage asset.

However, the impact of the new vehicle access across the garden terrace and the erection of the incongruous collection of dormer- bungalows within the garden is not evaluated in the submission. The proposal fails to demonstrate how these units can be accommodated without diminishing the significance of the garden setting. The submitted elevations simply confirm that the setting of the hall will be further eroded and compromised by the development. The conclusion must be that the impact of the proposal would conflict with the objectives and requirements of Policies HE7.2, HE7.5 and HE10.

There is a presumption in favour of the conservation of Scalesceugh Hall as a designated heritage asset, and it is clear that its significance will be further compromised by these proposals. It is consequently necessary (in accordance with PPS5 Policy HE9.4) to consider whether the proposal delivers the optimum viable use for the hall, in the interests of its long-term conservation.

However, there is also no convincing evidence submitted which would demonstrate that the extent of proposed development is the minimum necessary to secure the significance of the Listed Building. On the contrary the fabric and setting of the hall would appear to be further harmed by the current proposal, diminishing its significance and value as a heritage asset. The proposal must, therefore, be considered to conflict with PPS5 Policies HE9.1 and HE9.4.

Conclusion and Recommendation

EH is concerned that the proposal fails to demonstrate an appropriate justification for the extent of new development and alteration proposed for this important heritage asset. While EH clearly welcome the attempt to secure a viable use for Scalesceugh Hall, it is of the opinion that the necessity for the extent of compromise to the heritage asset has not been demonstrated. EH is, therefore, of the view that the applicants should be advised to consider a more modest development of the site. This will require detailed analysis of the significance of the site's components (including its archaeology) to fully understand their individual value and contribution to the complex. This is necessary in order to present a development which clearly and positively enhances the fabric and setting of Scalesceugh Hall.

EH, therefore, objects to the proposal in its current form and would recommend that

Planning Permission and Listed Building Consent are refused for the reasons outlined above.

Subsequent to these comments, the applicants met with a representative of English Heritage and the Conservation Officer on-site, as a result of which English Heritage has re-considered its position and has responded [as set out below] to confirm that its objections are withdrawn.

The revised comments are made in a letter dated 13th September and state:

"Reference is made to EH's letter of 11 August 2010 and the e-mail received on 10th September 2010 from Richard Borrows of Ward Associates, following a site meeting on 02 September 2010.

The e-mail included the following details:

- *Revised Heritage Statement – dated 10.09.10*
- *Letter from Sanderson Weatherall, dated 09. September 2010, regarding the Marketing exercise.*
- *Drawings: 10007-04B; 10007-08A*

English Heritage Advice:

English Heritage is grateful for the opportunity to explore amendments and points of clarity to the proposal, and can confirm that these revisions (outlined above) have addressed its concerns. EH is now confident that the proposed use will secure a sustainable use for the hall which would preserve its significance and is, therefore, able to support this application.

English Heritage would simply emphasise the need to finalise details of materials and landscaping, although these should be achievable with the imposition of conditions.

Recommendation:

English Heritage support this proposed development, although your Council is urged to address the issues of materials and landscaping details through the imposition of appropriate conditions. English Heritage, therefore, recommend that the application is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice";

Ramblers Association: comments awaited;

Planning - Planning Policy & Conservation - Peter Messenger: The Hall is an extremely attractive listed building with fine external elevations and, in the main part of the Hall, a wealth of internal detail. The scheme for conversion to apartments which was approved in 2004 (04/0584) involved some compromise with several of the internal features, notably in the main entrance hall. This scheme which does not require the same degree of sub-division involves far fewer alterations to these interior features and this is a prime consideration in supporting this application. The most significant alteration which is proposed here involves the introduction of a disabled access ramp at the front entrance. This ramp is set to one side of the porch where the levels are better but it does mean that an existing small window has to be replaced with a new doorway. Having examined all of the possible options, including

that there should be no ramp, the Conservation Officer has come to the conclusion that the loss of the window and its replacement with a well detailed door and door surround is acceptable.

The proposed units at the back of the site were an initial concern but having visited the site the Conservation Officer feels that their scale is appropriate to the site while the design is simple and does not compete with the Hall. In addition to this, both existing and proposed screening, add further protection to the setting of the Listed Building.

The modern buildings to the north of the Hall are being amalgamated in a way which improves their current appearance and the Conservation Officer has no objections to this part of the proposal.

Subject to details and samples of all new materials being conditioned, as well as window and door joinery details, and masonry mouldings, the Conservation Officer would support the approval of these two applications;

Local Plans (Tree Preservation), Economic Development: the following comments/observations are made-

Tree Protection:

A condition must be attached to the letter of consent, should it be forthcoming, requiring a scheme of tree protection. The location of the tree protection barriers, and their specification, along with the implementation of the scheme must be agreed in writing prior to commencement on site.

The location of site compounds/facilities and stores must be outwith the tree protection area.

Landscaping:

A condition must be attached to the letter of consent, should it be forthcoming, requiring a detailed landscaping scheme to be agreed in writing prior to commencement of any works on site. The scheme must help mitigate the loss of existing trees providing suitable native species as well as replacement feature plantings;

Green Spaces - Countryside Officer: no comments received;

Cumbria County Council - (Highway Authority - Footpaths): Footpath No 129020 crosses the access road to the site. Could some form of traffic management be put in place to ensure user safety;

St Cuthberts Without Parish Council: support the development but add the following comments-

1. Materials for the new build should be sympathetic with the existing buildings;
2. The adequacy of sewerage/water treatment should be investigated following development; and
3. the above comments also apply to the related application for Listed Building

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Scalesceugh Lodge	19/07/10	
The Sycamores	19/07/10	
2 Scalesceugh Gardens	19/07/10	
Middle Orchard	19/07/10	
4 Scalesceugh Gardens	19/07/10	
The Orangery	19/07/10	
The Cottage	19/07/10	
Granary Cottage	19/07/10	
Stable Cottage	19/07/10	
The Barn	19/07/10	
High Scalesceugh	19/07/10	
Dalston		Support

- 3.1 The application has been publicised through the display of Statutory Notices on site and published in the local Press. In addition, neighbour notification letters have been sent to the occupiers of 11 properties at Scalesceugh Gardens and at High Scalesceugh.
- 3.2 There have been no representations received as a result of these measures although Councillor Allison, as a Ward Councillor, has written to support the proposals.

4. Planning History

- 4.1 Planning consent was originally granted in November 1963 for the change of use of Scalesceugh Hall from a country house to the present use. Two years later consent was granted for the conversion of Dower House to two flats.
- 4.2 Various other consents for small extensions or for the erection of freestanding buildings as workshops were obtained in 1966. In 1982, planning approval was obtained for the erection of a new single storey building to accommodate 5 no. severely handicapped persons.
- 4.3 In 1986 planning consent was secured to undertake an extension to provide a lift shaft and machine room to serve the main building.
- 4.4 Planning Permission was granted in 1995 for the extension of the existing skills centre building, together with a new link to the hall and the sub-division of one of the existing bedrooms.
- 4.5 In February 2000 outline consent was granted for the erection of 5 dwellings in the redundant walled garden area. Approval of Reserved Matters was

obtained in respect of the site access road and the erection of a house on Plot 1 in October 2000. In December of the same year Approval of Reserved Matters in respect of the dwelling at Plot 5 was secured and a further Reserved Matters Approval for the remaining 3 plots was obtained in March 2001. All of these plots have been constructed on what is now known as Scalesceugh Gardens and are occupied.

- 4.6 Planning Permission was also granted in 2004 for the change of use of the hall to 10no. residential units together with the part demolition of attached accommodation (04/0584). The time scale for this approval was later extended by three years as a result of an application [reference 08/1195] that was approved in December 2008.
- 4.7 In August 2009, after the Hall was "Listed", an application for Listed Building Consent was granted to undertake the work to convert the building to 10 residential units i.e. as "renewed" by the planning permission granted in 2008.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Scalesceugh Hall stands in extensive formal gardens to the west side of the A6 approximately 1/2 mile south of Junction 42 of the M6. It was built in 1913-14 as a large country house, in Neo-Georgian style with strong vernacular influences. Despite its later conversion to a residential care home, currently occupied by the Cumbria Cerebral Palsy Society, it survives in remarkably good and original condition with an unaltered exterior and a good level of survival of very high quality internal features.
- 5.2 The Hall, together with its earlier attached farmhouse, dated 1746, was only Listed in 2005 following the receipt of an application in 2004 to convert the Hall to apartments. The Society had decided to dispose of the Hall and to seek approval for its conversion as it considered that it was both uneconomical and impractical to alter the internal arrangement of the Hall sufficiently to comply with the provisions of the Care Standards Act 2000. Planning Approval for the conversion to apartments was granted in 2004 with the close involvement of the City Council's Planning and Conservation Officers. That approval has since been extended until 2012, in order to allow the Society to plan its re-location to other premises within the urban area, part of which was the proposed development of land at Garlands Road, Carleton [for which planning permission was granted in July 2004].

Background

- 5.3 As Members may recall, following the approval they obtained for the site in 2004, the Society reviewed the form of accommodation to be provided at Garlands Road in 2008. That review resulted in a new application for which planning permission was duly secured in January 2009, to develop an alternative scheme. It comprises single storey specialist care accommodation

for wheelchair disabled persons but in the form of 8 apartments as opposed to the 10no. residents bedrooms with en-suite facilities and shared dining and recreational areas within the 2004 permission. In every sense the revised proposals are intended to provide a much higher standard of accommodation than hitherto provided or envisaged, are intended to encourage greater levels of independence whilst still having essential support close at hand for when it is required, and is aimed at fully integrating residents within the wider community. The site is being developed and will shortly be completed.

- 5.4 In addition, after unsuccessful attempts to identify suitable sites in the intervening years, two other locations where accommodation for the remainder of the Society's residents will be met have now been identified. These are at Lister Court and Low Meadows [both within urban Carlisle] with the former also being developed as the "skill centre" where residents can obtain training. Those sites, being developed by Impact Housing Association and Eden Housing Association but with the Society's involvement, are currently under construction with Lister Court being close to completion.
- 5.5 Linked to these initiatives, the Society needs to dispose of the property and has marketed Scalesceugh Hall, with the planning approval for its conversion. However, in a highly inactive housing market, it has attracted little interest. Instead, the current applicants have been attracted by the building and its potential to provide specialist accommodation as a residential care home.

Details Of The Proposals

- 5.6 The application seeks Full Planning Permission and envisages both the adaptation of the main building and some more recent additions to provide a 47 person residential care home coupled with the development within part of the grounds of six "close care" cottages, these being occupied under leasehold arrangements and providing associated, but variable, levels of care [dependent upon "need"] being provided within the main premises. Further details of these units, and the proposed contractual arrangements for their occupation [and related "planning" controls through a S106 Agreement] follow later.
- 5.7 In order to facilitate the adaptation of the care home to provide accommodation for a further 20 residents some notable internal and external works are required. Where these relate to the original and more architecturally sensitive elements of Scalesceugh Hall, which are housed within the ground floor and stair well of the main building, physical intervention has been kept to a minimum. It is these rooms that contain the building's most ornate features that reflect its status as a country house. The proposed ground floor plan identifies that these features, such as the elaborate fireplaces, panelling and cornice work, will remain unaffected. Where intervention is proposed, it is to remove the more recent and architecturally insensitive partitions that were added prior to the building being Listed.
- 5.8 On the upper floor of the main building more significant internal alterations are proposed to achieve the minimum space standards required to comply with the Care Standards Act 2000. Many of these areas have already been

substantially altered as a consequence of its former use as a care home. These internal alterations to the main house will not result in any external alterations to the exterior of the building, although some changes will be effected through the creation of a first floor extension to the rear of the building, which would house three additional bedrooms. The extension would be sited on top of a later addition to the Hall, which does not form part of the building's "special character". The external finish of the extension, including the fenestration detail, is designed to complement the appearance of the main hall.

- 5.9 The applicant's supporting Heritage Statement recognises that the level of alteration to the later additions to the hall is more significant. These alterations are as a consequence of correctly understanding the significance of the heritage asset, with the proposed works avoiding any detrimental impact upon its special character. For the most part the alterations are internal and relate to the subdivision of rooms; however, some external alterations are proposed by the way of extensions, but also improvements to less sympathetic additions and fenestration detail.
- 5.10 Whilst it is the applicant's intention to preserve the character of the building, such as its multi-pane sliding sash window and moulded timber doors, it is recognised that there is an operational cost implication in doing so. From the operator's perspective, the retention of these characteristic features has significant implications in respect of heating and maintenance costs. It is anticipated that the heating costs will be offset to some degree through the installation of a ground source heat pump; however, to support the viability of the scheme it is also proposed to erect six "close care" cottages.
- 5.11 The cottages would be located within the western extent of the grounds, beyond the twentieth century additions to the Scalesceugh Hall and its formal gardens. The cottages would be available on a leasehold basis whereby occupiers would be contracted into care provision at the Hall. The occupiers of the cottages would have the option to increase the level of care provided in accordance with their needs, as dictated by advancing age or health/mobility problems.
- 5.12 The applicant's recognise that the provision of unfettered housing development in this location would be at odds with the general thrust of the Council's Local Plan housing policies and, therefore, the applicant's consultants have submitted a draft Heads of Terms for a S106 agreement to regulate the use of the "close care" accommodation to ensure that it is linked in perpetuity with the facilities that would be provided by the care home. The draft Heads of Terms identify, inter alia, that the occupants would be restricted to the over 55's, that the accommodation could not be used for holiday/business use and that the occupants must have entered into an agreement to purchase a minimum care package that would be provided for by the care home.
- 5.13 The proposed dwellings, which comprise two pairs of semi-detached properties and two detached units, would be positioned to take account of the fall in ground levels which occur from north to south across this section of the

site the site. All six dwellings are one and a half storeys in height, with accommodation provided over two floors, the upper floor being provided within the roof void thereby minimising the height of the dwellings. The units are designed to cater for the future needs of the occupants and the units will be DDA compliant. All the units incorporate a bathroom, bedroom, open plan living room/kitchen to the ground floor with an ensuite bedroom/study to the first floor. Externally the dwellings would be finished with wet dash render, concrete tiles to the roofs, multi-pane upvc framed windows, with pre-cast surrounds, and an Oak frame to the portico which is positioned on the front elevation.

- 5.14 The application is supported by a suite of drawings and a range of detailed specialist studies. These include a Design and Access Statement; a Heritage Statement; a Tree Survey Report; a General Habitats and European Protected Species Scoping Survey Report; a Bat Survey, together with a statement confirming the suitability of the geology to accommodate renewable ground sourced heat energy which would be capable of supporting the heating and hot water requirements of the entire development.

Assessment

- 5.15 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, CP16, CP17, H13, LE4, LE6, LE8, LE12, LE13, LE15 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.16 Planning Policy Statement (PPS) 5 "Planning For The Historic Environment", which was issued in March 2010, also provides an overview of Government guidance in relation to the historic environment. Members should note that PPS5 supersedes Planning Policy Guidance Note (PPG) 15 "Planning and the Historic Environment" and PPG 16 "Archaeology and Planning", which previously would have been referred to when considering applications of this nature.
- 5.17 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.18 The use of Scalesceugh Hall by Cumbria Cerebral Palsy Society, as a care home, falls within Use Class C2 of the Use Classes Order and, therefore, the reuse of the building, as proposed by this submission, does not constitute a change of use. The sole issue to consider in respect of the alterations to the Hall itself relate to whether or not the physical changes are in keeping with the character of the Listed Building, which is discussed in greater detail below in the successive paragraphs.
- 5.19 In terms of the "close care" accommodation, the creation of residential dwellings outside of the settlements identified within Policy H1 of the Local Plan would normally be viewed negatively; however, in this instance [as described in paragraph 5.12] the nature of the accommodation and its occupation would be regulated through a legal agreement to ensure that the accommodation remain intrinsically linked with the facilities provided by the

care home. Whilst open market housing would typically be resisted in such locations, Policy H13 of the Local Plan allows for the provision of special needs housing such as this. The provision of this type of accommodation remains a novel concept, with the only similar such accommodation provided being at the Low Meadow "Extra Care" scheme which was promoted by the City Council and is currently being developed by Eden Housing Association.

- 5.20 If Members are minded to support this application it is requested that Officers are granted "authority to issue" an approval subject to the completion of the Section 106 agreement to regulate the above.

2. Whether The Impact Upon The Character And Setting of The Listed Building Is Acceptable.

- 5.21 As Members will be aware from the background information outlined in the paragraphs 5.3 - 5.5 there is an extant permission to convert Scalesceugh Hall to provide 10 residential units. As part of the consideration of these earlier applications it was recognised that the re-use of Scalesceugh Hall would provide an "enabling or funding source" for the Society's objectives elsewhere in the City, which would ensure the provision of accommodation that would be better suited to the needs of the Society's residents. Although the principle of the development, together with the alterations required to deliver that scheme were accepted, the means of subdividing the premises to provide that accommodation involves a far greater level of physical intervention than is proposed by this current application; a point that has been made by the Council's Conservation Officer.
- 5.22 Should the extant residential scheme be implemented in the future physical alterations to the building would be regulated as a consequence of the Hall's Listed status; however, the subdivision into separate ownerships would, inevitably, result in the prospect that individual treatment by new owners could detract from the building's unity. Of greater concern, however, is the fact that a consent to convert the building to 10 units has existed since 2004 without any takers. As part of the updated Heritage Statement a letter has been provided by Sanderson Weatherall, a firm of Chartered Surveyors and Property Consultants, who have advised that there is a real prospect that the building could stand vacant for another 3-4 years before the market recovers to such an extent that the re-use of the building for residential purposes offers a viable proposition.
- 5.23 Notwithstanding the fact that the approved residential scheme remains extant, the applicant's supporting documents identify that the effective sub-division of the Hall would not represent the ideal future use of the building that was built as a single entity. The alterations to the plan form of a building designed as a single, grand Edwardian property could, ultimately, be compromised by the necessary works.
- 5.24 In contrast, the current proposals provide the opportunity for the re-use of the building as a single entity, thereby ensuring more sympathetic physical alterations to the fabric of the building. The building's most striking architectural and historic features, which are located on the ground floor of the

main hall, would be retained, with the level of intervention being restricted to the removal of more recent partitions. The greatest level of alterations to the building is located in the less architecturally sensitive wings that were added at a later date. The majority of these works are internal; however, where external works are proposed they will enhance the appearance of the building.

- 5.25 English Heritage has been involved as part of the consultation process and, whilst its Officers were broadly supportive of the principle of the development, it objected to the scheme. Its' concerns stemmed from the provision of the "close care" accommodation within the grounds of the Listed Building and the access thereto, together with the fact that the Heritage Statement did not contain sufficient explanation or justification for the alterations proposed. Following the submission of revised plans English Heritage has withdrawn its objection. The amended scheme comprises the submission of a more detailed Heritage Statement, an extension to the walls that lie adjacent to the "close care" cottages and the provision of a wall to screen the disabled access ramp that is to be sited on the east elevation of the main house. Although the amended scheme is supported by the Council's Conservation Officer and English Heritage, this is subject to the imposition of planning conditions to regulate the type of materials to be used and the provision of additional landscaping to partially screen the "close care" accommodation from the formal gardens situated in front of the Hall.

4. The Impact Of The Proposal Upon Protected Species.

- 5.26 In its' consultation response Natural England has commented that it is not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application; however, Natural England originally objected to the scheme on the basis that the development has the potential to affect protected species and that insufficient survey information had been provided to assess that impact. Members should be aware that in making these comments Natural England did not have access to the General Habitats and European Protected Species Scoping Survey.
- 5.27 The above survey has since been reviewed by Natural England, together with a full bat survey. The bat survey concludes that whilst bats are present in the building and within some of the surrounding trees the bats are not located in areas where work is to be carried out. In order to safeguard the bats, as well as other protective species a series of mitigation measures have been outlined. These measures can be implemented, in part, through the imposition of a specific condition to safeguard the bats, but also through a condition that requires the applicant to produce a Construction Environmental Management Plan, which will demonstrate how bats and other protected species will be safeguarded throughout the construction phase. Following consideration of this information Natural England has withdrawn its objection to the scheme, subject to the imposition of appropriate conditions to ensure that the mitigation measures are implemented.

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

- 5.28 The nearest residential properties to the site comprise a cluster of detached dwellings known as Scalesceugh Gardens, which occupy an elevated position to the east of the site. The nearest of these dwellings is located approximately 60 metres from the building and, therefore, it is not envisaged that the living conditions of the occupiers would be affected as a result of the physical changes proposed. Similarly, whilst these properties share the same access road as the Hall it is not envisage that the increased occupancy levels would generate significantly higher volumes of traffic that would be detrimental to the residents living conditions.

6. Access And Parking Provision.

- 5.29 The Highway Authority has confirmed that the existing access arrangements are acceptable to serve the proposed development, without the imposition of any highway related planning conditions.
- 5.30 The County Council's Footpath Officer has, however, highlighted that Footpath No. 129020 crosses the access road to the site and has questioned whether some form of traffic management arrangement could be put in place to ensure user safety. Members will appreciate that this arrangement exists at present and probably has done for several years. Officers' have not been made aware of any conflict between pedestrian and vehicular movements and, consequently, it is the Officers' view that a long term solution it is not necessary. Notwithstanding this viewpoint, there is potential for conflict during the construction phase and, therefore, it is recommended that the Construction Environmental Management Plan [referred to in paragraphs 5.27] could include a scheme to control traffic management/pedestrian safety during the construction phase.

7. Archaeology.

- 5.31 The County Council's Historic Environment Officer has identified that the site lies in an area of high archaeological potential. Scalesceugh Hall is believed to be located on the line of the Roman Road and a Roman milestone and a large number of Roman tile kilns have been recorded immediately to the south of the hall.
- 5.32 It is therefore likely that significant archaeological remains survive below ground and that these would be damaged or destroyed by the proposed development. To address this issue the Historic Environment Officer has advised that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site should be undertaken in advance of development, both of which could be secured through the imposition of two planning conditions.

8. Whether The Proposed Landscaping Is Acceptable.

- 5.33 The Council's Landscape Architect has confirmed that the proposed development is acceptable in principle, but that planning conditions are required to ensure the submission of a detailed landscaping scheme and the

erection of tree protection barriers to safeguard the trees/hedges during the construction phase. The implementation of the landscaping scheme and the erection of appropriate protective barriers can be ensured through the imposition of two planning conditions that are recommended.

Conclusion

- 5.34 In overall terms, the principle of the proposed development is acceptable. Officers' accept that the "close care" units are required to safeguard the viability of the scheme as well as future maintenance of the Hall. The provision of these units, together with the physical alterations to the Scalesceugh Hall can be accommodated with detriment to the character and setting of the Listed Building, subject to the imposition of conditions to regulate the materials used, the detailing of windows, doors and masonry moulding, together with the submission of an appropriate landscaping scheme that will serve to enhance the building's setting. Similarly, the use can be accommodated with prejudicing the living conditions of nearby residential dwellings or any protected species.
- 5.35 If Members accept are minded to grant planning approval it is requested that "authority to issue" the approval is bestowed subject to the completion of a S106 agreement to regulate the use of the "close care" accommodation to ensure that it is linked in perpetuity with the facilities that would be provided by the care home.

Informative Notes to Committee:

1. Section 106 Agreement with Authority to Issue

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

6. Human Rights Act 1998

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

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

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

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

- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 The proposals are not in conflict with the operative provisions of the Act.

7. Recommendation - Grant Subject to S106 Agreement

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

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

2. The approved documents for this planning permission comprise:

**SCHEDULE OF PLANS, DOCUMENTS AND VISUAL ILLUSTRATIONS
[DETAILS TO BE INSERTED], THE NOTICE OF DECISION, ETC**

Reason: To define the permission.

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Details of all new windows, doors and masonry mouldings, in the form, of quarter or full-size drawings including sections, shall be submitted for prior written approval by or on behalf of the Local Planning Authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

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

shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared, which has benefits for local wildlife and to ensure compliance with Policies CP2 and CP5 of the Carlisle District Local Plan 2001-2016.

7. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP2 and CP5 of the Carlisle District Local Plan 2001-2016.

8. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water disposal has been approved, in writing, by the Local Planning Authority in consultation with Natural England.

Reason: To prevent pollution of the water environment in accordance with Policies LE4 and CP12 of the Carlisle District Local Plan 2001-2016.

9. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority. This written scheme shall include the following components:

i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and

ii) An archaeological recording programme the scope of which shall be dependant upon the results of the evaluation and shall be in accordance with the written scheme of investigation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until full details of the bat mitigation measures, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

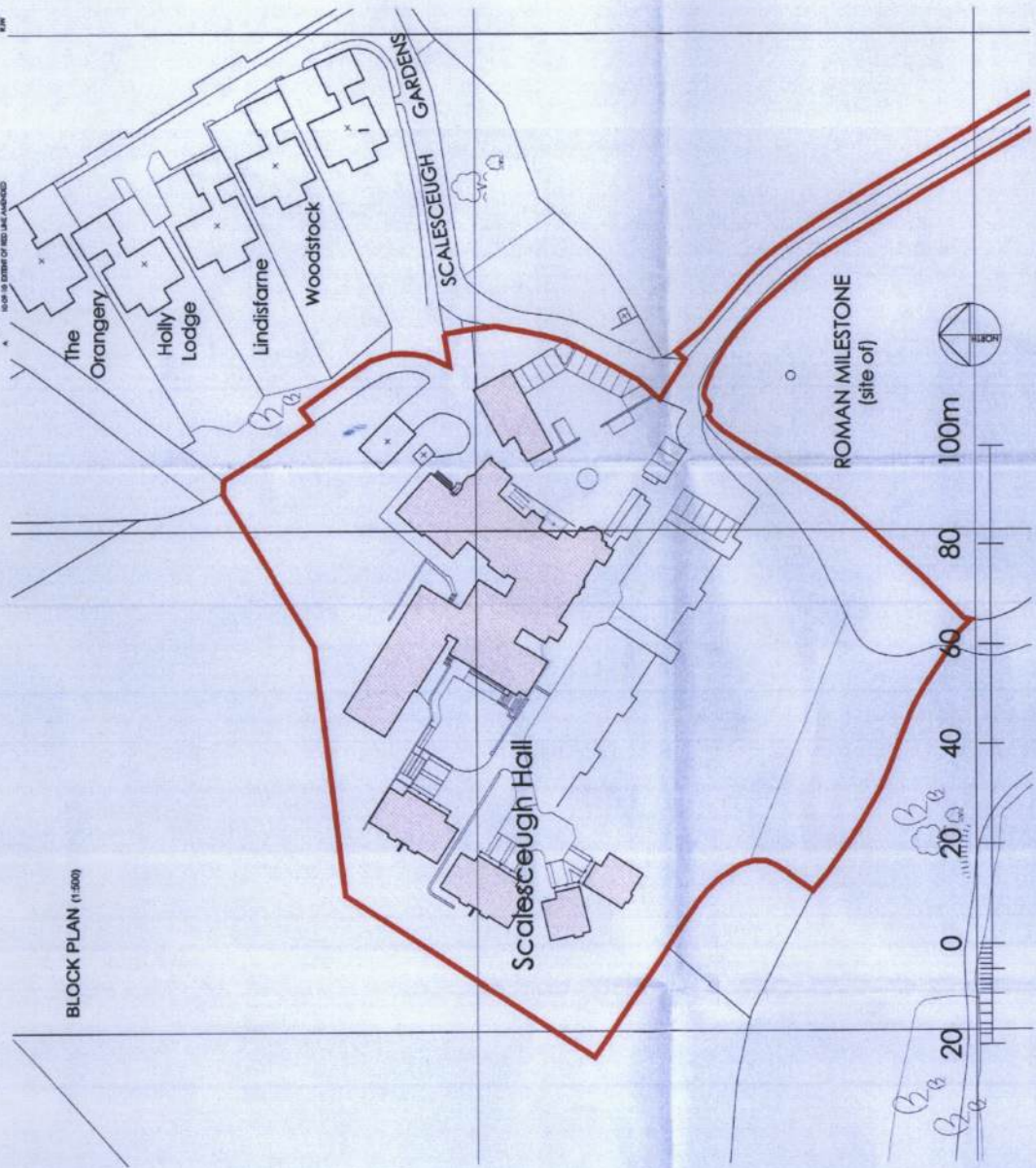
12. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, measures to prevent pollution including the management of site drainage, the construction hours of working, vibration management, dust management, vehicle control within the site and localised traffic management and other matters to be agreed with the Local Planning Authority.

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

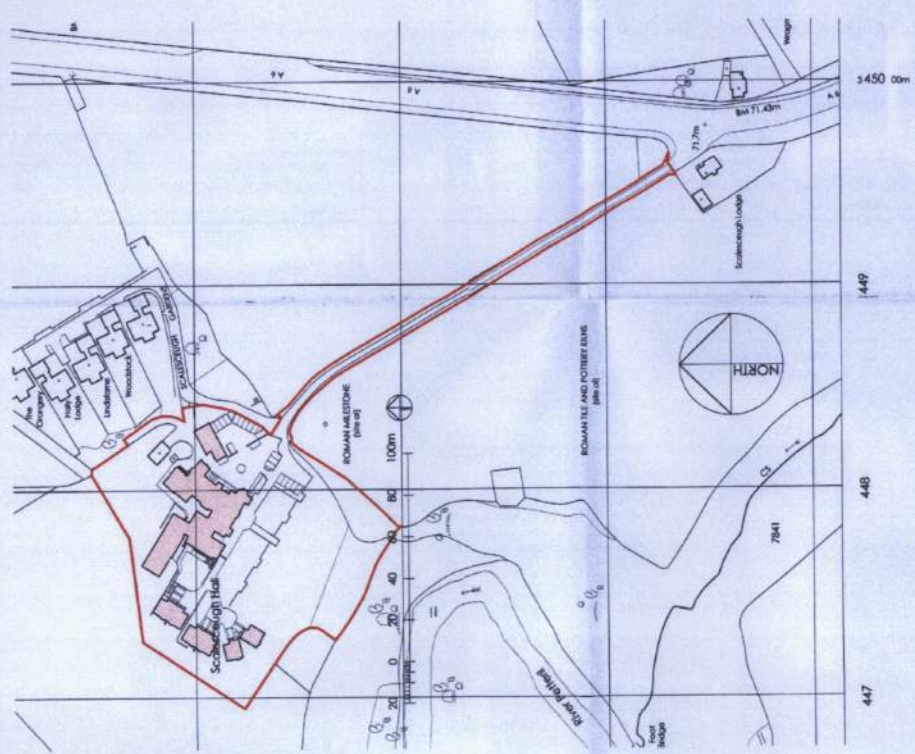
Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Petteril in accordance with Policies CP2, CP5 and LE4 of the Carlisle District Local Plan 2001-2016.

The drawings are prepared for the client's use only. They are not to be used for any other purpose without the written consent of the architect. Any alterations must be made to the drawings at the client's expense and to the architect's responsibility.

BLOCK PLAN (1:500)



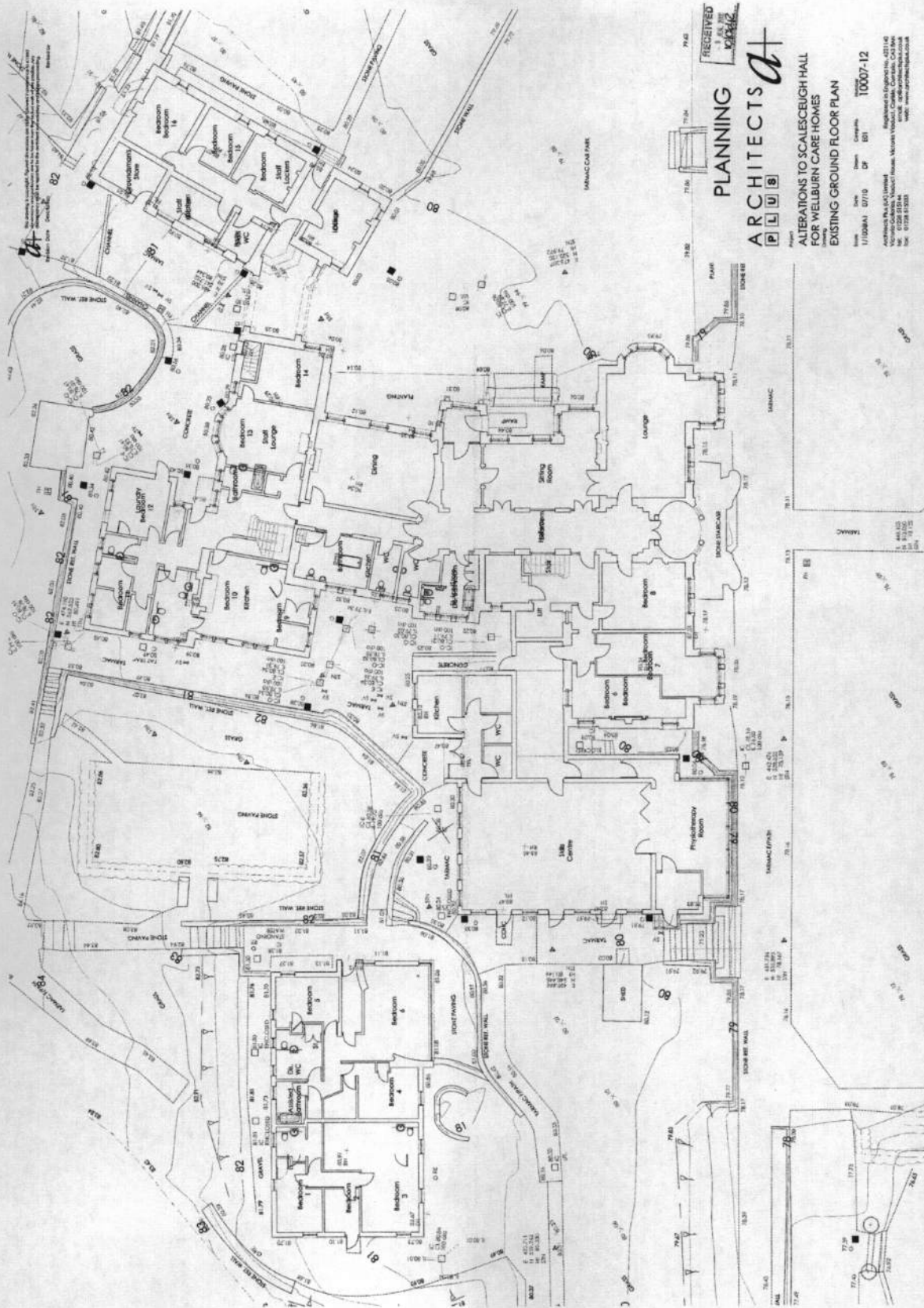
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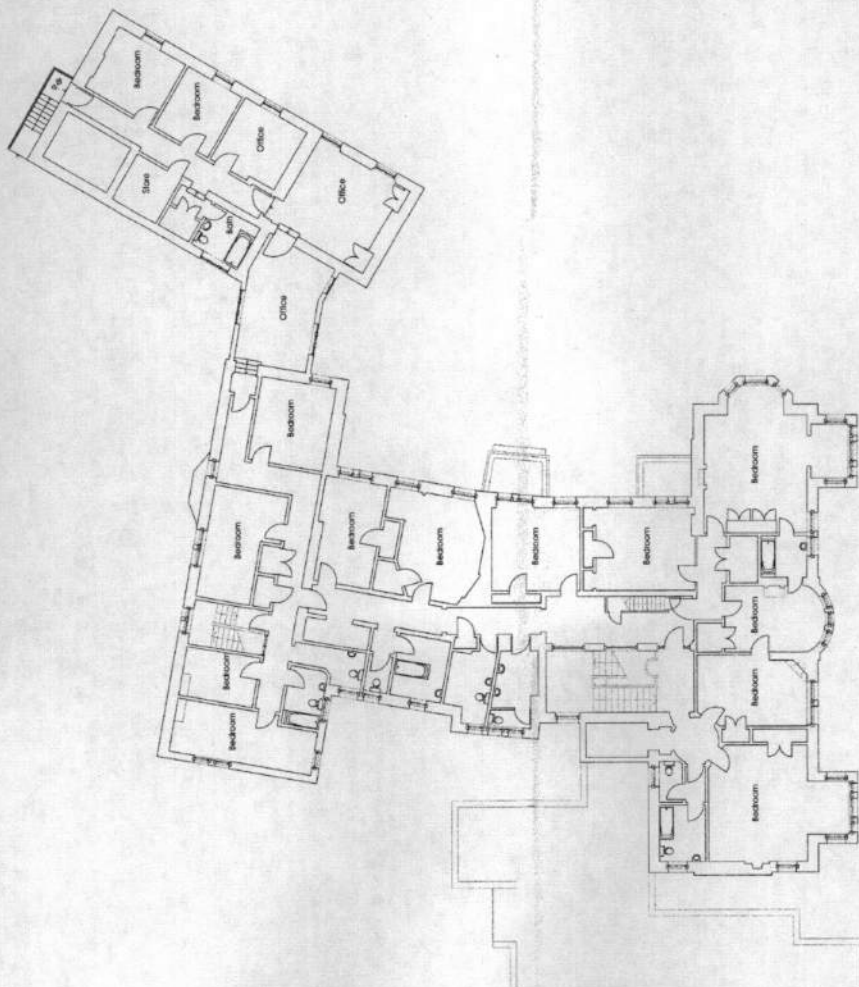


PLANNING
 ARCHITECTS **at**
P L U S

Project: SCALESCEUGH HALL
 WELLBURN CARE HOMES
 SITE LOCATION & BLOCK PLAN
 Scale: 1/500
 Date: 07.10
 Drawn: EOI
 Checked: 10007-11A

Registered in England No. 4251140
 Architects: Scalesceugh Hall
 Wellburn Care Homes
 Ltd. 01228 515144
 Fax: 01228 515333
 Web: www.pplusarchitects.co.uk





RECEIVED
 10/04/13

PLANNING
 ARCHITECTS 
 PLU S

Project:
 Alterations to Scalesleigh Hall
 for Welburn Care Homes
 Drawing:
 EXISTING FIRST FLOOR PLAN

Date: 1/10/2011
 Drawn: DP
 Checked: DP
 10007-13

Architects Plus Ltd
 10007-13
 Registered in England No. 4271140
 Registered in Wales No. 4271140
 VAT No. 912 228 5511
 Tel: 01228 551114
 Fax: 01228 551115
 Email: info@architectsplus.co.uk
 Website: www.architectsplus.co.uk



PLANNING

ARCHITECTS **PLUS** *a+*

ALTERATIONS TO SCALESCEUGH HALL
FOR WELLBURN CARE HOMES
PROPOSED SITE PLAN

Code	Date	Drawn	Comp.No	Number
1/2008A1	05/10	RJW	P01	10007-04B

Architech Plus (UK) Limited
Victoria Galleries, Voaduct House, Victoria Warduct, Carlisle, Cumbria, CA3 8BH
tel: 01228 515144
fax: 01228 515033
Registered in England No. 4211140
email: ap@architechplus.co.uk
web: www.architechplus.co.uk

EXISTING PARTITIONS TO BE DEMOLISHED SHOWN RED
NEW PARTITIONS SHOWN RED HATCHED

PLANNING
ARCHITECTS
P L U S

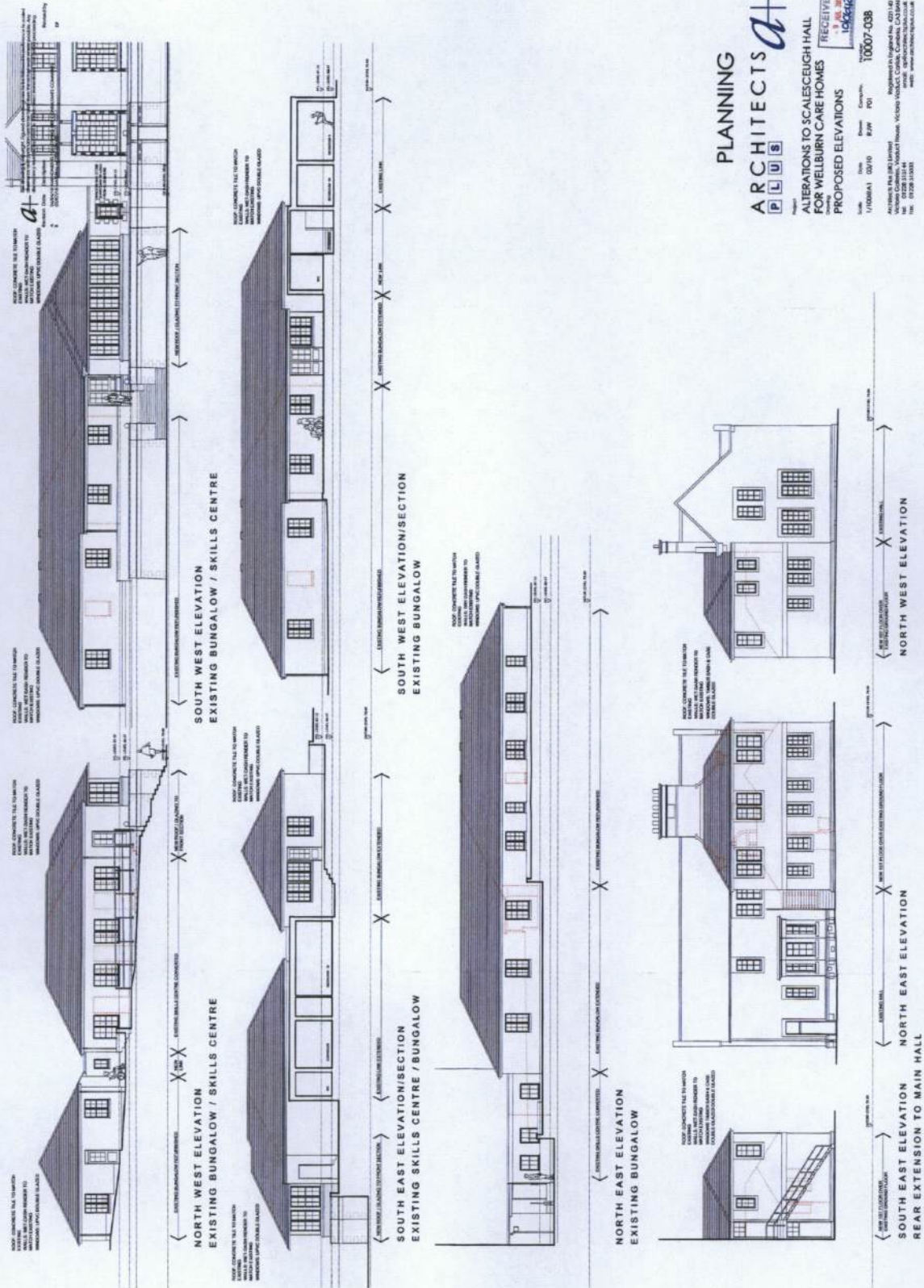
ALTERATIONS TO SOCIAL RESIDENCES

PLANNING
ARCHITECTS *a+*
PLU^S

ALTERATIONS TO SCALESCEUGH HALL
FOR WELLBURN CARE HOMES
PROPOSED FIRST FLOOR PLAN

Model	1100BA1	Date	03/10	Drawn	RJW	Comp. by	FOI
Revision							
10007-02B							

Autodesk, Inc. (US) Limited
 Victoria Woodard, Customer Care
 Tel: 01 226 34 5033
 Email: custcare@autodesk.co.uk
 Web: www.autodesk.co.uk
 Registered in England No. 0271140
 Victoria Woodard, Customer Care
 Email: custcare@autodesk.co.uk
 Web: www.autodesk.co.uk

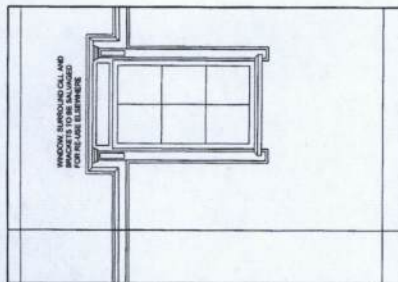


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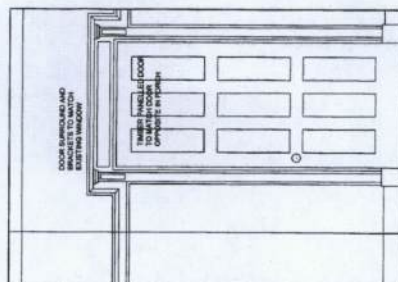
ARCHITECTS
PLUS

ALTERATIONS TO SCALESCEUGH HALL
 FOR WELBURN CARE HOMES
 PROPOSED ENTRANCE ALTERATIONS

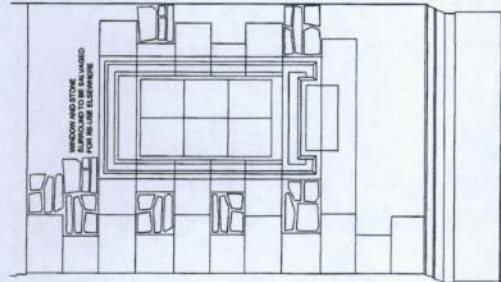
Scale 1:50 Date 07/10 Drawn DF Project 10007-08A
 Architects Plus (UK) Limited
 10007-08A
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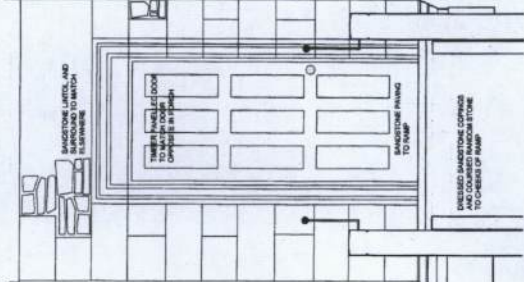
EXISTING INTERNAL ELEVATION (1:20)



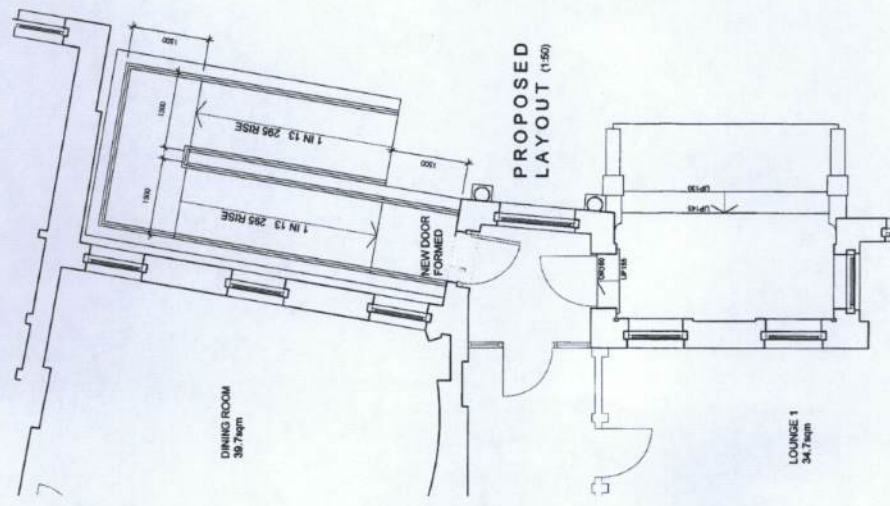
PROPOSED INTERNAL ELEVATION (1:20)



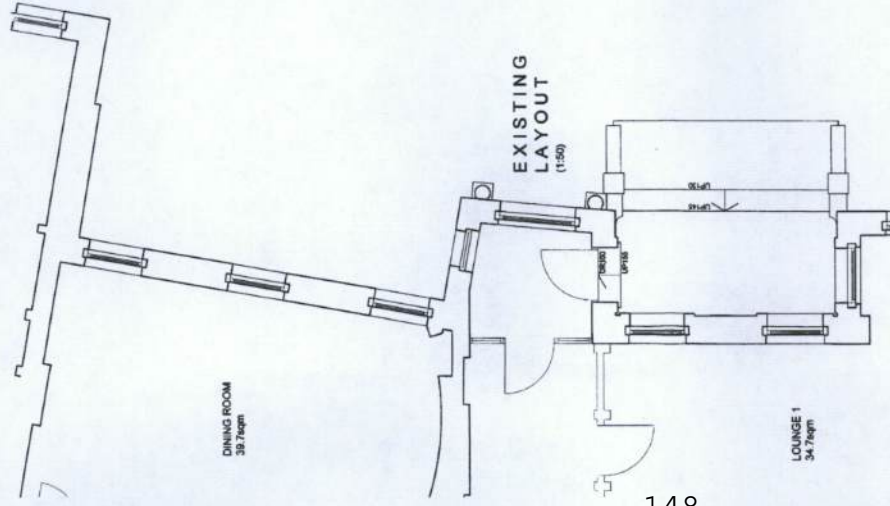
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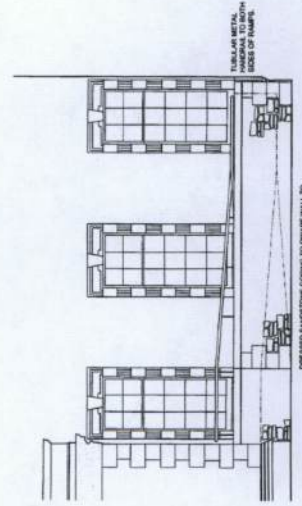
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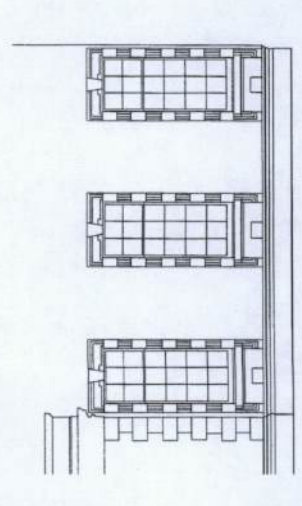
PROPOSED LAYOUT (1:50)



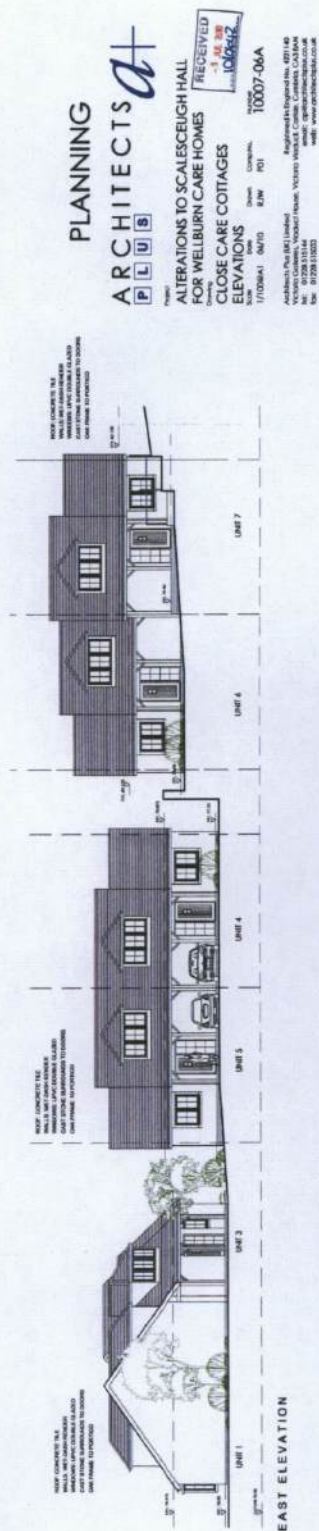
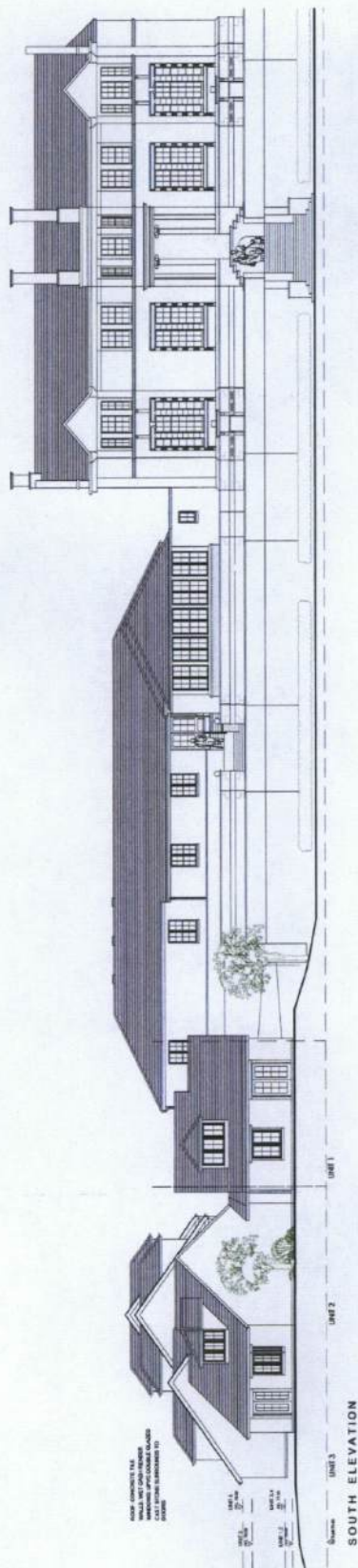
EXISTING LAYOUT (1:50)



PROPOSED ELEVATION (1:50)



EXISTING ELEVATION (1:50)



SCHEDULE A: Applications with Recommendation

10/0643

Item No: 07

Date of Committee: 01/10/2010

Appn Ref No:
10/0643

Applicant:
Wellburn Care Homes

Parish:
St Cuthberts Without

Date of Receipt:
08/07/2010

Agent:
Ward Associates Planning
Consultants

Ward:
Dalston

Location:
Scalesceugh Hall, Carleton, Carlisle CA4 0BT

Grid Reference:
344775 549681

Proposal: Proposed 47 Bed Residential Care Home With Associated 6 Close Care Cottages To Be Constructed Within The Grounds (LBC)

Amendment:

1. Submission of a further Heritage Statement;
2. Submission of a full bat survey;
3. Submission of amended plans increasing the length of the wall surrounding the "close-care" dwellings and together with the provision of a wall to screen the disabled access ramp, which is positioned on the east elevation of the main house.

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

This application is included in the Schedule because it is intrinsically linked to the "Full" planning application for the redevelopment of Scalesceugh Hall, which precedes this Report in the Schedule.

1. Constraints and Planning Policies

Ancient Monument

Public Footpath

The proposal relates to development which affects a public footpath.

Listed Building

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

2. Summary of Consultation Responses

Planning - Planning Policy & Conservation - Peter Messenger: The Hall is an extremely attractive Listed Building with fine external elevations and, in the main part of the Hall, a wealth of internal detail. The scheme for conversion to apartments which was approved in 2004 (04/0584) involved some compromise with several of the internal features, notably in the main entrance hall. This scheme which does not require the same degree of sub-division involves far fewer alterations to these interior features and this is a prime consideration in supporting this application. The most significant alteration which is proposed here involves the introduction of a disabled access ramp at the front entrance. This ramp is set to one side of the porch where the levels are better but it does mean that an existing small window has to be replaced with a new doorway. Having examined all of the possible options, including that there should be no ramp, I have come to the conclusion that the loss of the window and its replacement with a well detailed door and door surround is acceptable.

The proposed units at the back of the site were an initial concern but having visited the site I feel that their scale is appropriate to the site while the design is simple and does not compete with the Hall. In addition to this, both existing and proposed screening, add further protection to the setting of the Listed Building.

The modern buildings to the north of the Hall are being amalgamated in a way which improves their current appearance and I have no objections to this part of the proposal.

Subject to details and samples of all new materials being conditioned, as well as window and door joinery details, and masonry mouldings, the approval of these two applications is supported;

Cumbria County Council - (Highway Authority): the Highway Authority has no objections to the LBC application as it is considered that the proposal does not affect the highway;

St Cuthberts Without Parish Council: support the development but add the following comments-

1. Materials for the new build should be sympathetic with the existing buildings;
2. The adequacy of sewerage/water treatment should be investigated following development;

Local Environment - Drainage Engineer: no comments received;

United Utilities: comments awaited;

Cumbria County Council - (Archaeological Services): does not wish to make any recommendations or comments;

Natural England: Natural England (NE) is a non-departmental public body. Its statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NE has considered the proposal against the full range of its' interests in the natural environment. Based on the information provided with the application, its comments are as follows:

NE is not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application.

NE is also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land or the areas of search for new national landscape designations.

Local site: Wreay Woods

NE notes that the location of the proposed development is adjacent to Wreay Woods Nature Reserve. It therefore recommends that the Council should consult the appropriate individuals/bodies who may also wish to comment on the nature conservation implications of the proposals.

Protected Species

NE objects to the proposed development on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason NE recommends that the Council either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies.

NE's concerns relate specifically to the likely impact upon Bats and Badgers. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 *'Biodiversity and Geological Conservation -Statutory Obligations and their impact within the Planning System.'* NE would welcome the completion of a Full Bat Survey, which should be conducted prior to the determining of this application.

The Council may wish to note the implications of the case R v Cheshire East Borough Council. The judgement of this case found that the Council has a specialised duty in respect of species protected under European legislation. Further information can be obtained from NE's website via the following link:

http://www.naturalengland.org.uk/images/WoolleyVsCheshireEastBC_tcm6-12832

Where a development affects a species protected under the Conservation of Habitats and Species Regulations 2010, a licence from NE would be required in order to allow prohibited activities, such as damaging breeding sites or resting places, for the purpose of development. The following criteria, as set out under Regulation 53, must be satisfied for such a licence to be granted:

- the purpose of the actions authorised must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- there must be "no satisfactory alternative" to the actions authorised; and
- the actions authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Where a licence from NE is required for any operations that affect protected species; this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a licence is issued and failure to comply can result in a fine or custodial sentence.

Bats

Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2010. These statutory instruments protect both the species themselves and their associated habitats. Please note that places which bats utilise for shelter are protected regardless of whether they are present or not. For further information please refer to NE's Bat Mitigation Guidelines, which can be downloaded from its website.

NE notes that a Bat Survey conducted by Sam Griffin, of Open Space Ecological, Landscape and Tree Consultants, dated June 2010, has been submitted as part of the proposal.

The report indicates that bats are present with the development site. Page 7 of the report states that in relation to the first emergence survey "only 2 surveyors were used and it is considered highly likely that bats are roosting within the hall itself". NE also notes from page 10 of the report that the emergence survey was conducted on the "elevations of the existing buildings affected by the proposal only" and that "no attempt was made to survey the other sections of the hall...if alterations that are likely to affect bats (i.e. works to the roof, roof voids or exterior walls) are proposed for the rest of the hall, a full bat survey must be conducted".

The Bat Mitigation Guidelines (p23) state "As a minimum, the survey should normally cover any land or structures which are proposed for development." As there will be alterations involving works to the roof of an existing building (South East Elevation 10007-03B), NE therefore advises that a full bat survey should be conducted. NE also notes from page 4 of the report indicates that the extension will involve the removal of sections of tiled roof allowing new roof lines to join. The Bat Mitigation Guidelines also suggest "For phased developments, the entire site should be surveyed".

NE also notes that the report indicates that bats may potentially be roosting within the trees which will be felled as part of the development. The recommendations for any mitigation and precautionary measures as outlined in the current report may require revision in light of the findings from the full survey.

Badgers

Badgers are protected under the Badger Act 1973, which protects badgers whilst in their setts, and the Protection of Badgers Act 1992 which was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting and consolidates past badger legislation. Under the Act, it is an offence to:

- wilfully kill, injure or take a badger, or to attempt to do so;
- cruelly ill-treat a badger; or
- interfere, with intention, a badger sett by (a) damaging a sett or any part of one; (b) destroying a sett; (c) obstructing access to or any entrance of a sett; (d) causing a dog to enter a sett; or (e) disturbing a badger when it is occupying a sett.

The purpose of this legislation is to ensure that badgers are humanely treated. There is no provision in the legislation for culling badgers for the purpose of development and no provision for any action that will cruelly ill-treat badgers.

Where it can be demonstrated that interference with a badger sett is both unavoidable and will not adversely affect the population of badgers, it may be possible to obtain a licence from Natural England. However, it should be noted that any such interference should only be considered as a last resort and that Natural England places restrictions on both the timing and methodology of any works affecting a badger sett.

A guide on Badgers and Development can be downloaded from NE's website.

The potential for the proposal to impact on badgers should be ascertained before development can proceed.

Breeding Birds

All wild birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended) during the nesting season. Work must not begin if nesting birds are present on site and should occur outside of the bird nesting season (March through to August, although weather dependant). If building works are undertaken during the bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. If breeding birds are found during this survey, the nest should not be disturbed and works should be delayed until nesting is complete and any young birds have fledged.

Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites. Further guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.

NE notes from the bat survey report that evidence of the presence of nesting birds has been identified.

Other Protected Species

If there is any reasonable likelihood of any other protected species (such as red squirrels) being affected by this development, or should any protected species be found during the construction process, all work should stop in order to allow further surveys to be undertaken by a suitably licensed ecologist.

NE also commented that the Council may also find the following useful:

Local Authority Biodiversity Duty And Opportunities For Enhancement

Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

Planning Policy Statement (PPS) 9 "Biodiversity and Geological Conservation" also expects local authorities to prevent harm to biodiversity and geological Interests. Part (vi) of the Key Principles makes it clear how the government expects the Council to consider planning decisions that could lead to harm to biodiversity and geological interests. Section 10 on ancient woodland and section 12 on networks of natural habitats describe how these particular biodiversity features should be protected from development.

When considering applications the Council should maximise opportunities in and around developments for building in beneficial feature as part of good design, such as the Incorporation of roosting opportunities for bats or the installation of bird nest boxes. This is in accordance with the duty on the council described above and in paragraph 14 of PPS 9.

Sustainable Design

NE believes in encouraging the adoption of the principles of sustainability in all plans and projects. NE support the implementation of standards such as; The Code for Sustainable Homes (information at: <http://www.communities.gov.uk/planningandbuilding/theenvironment/codesustainable1>) and BREAM (information from: <http://www.breeam.org>.) both of which are concerned with a range of measures from building design to water and energy use.

However, sustainable design and construction entails a wider range of considerations, including development which conserves and enhances the distinctive landscape and townscape character, and conserves and enhances biodiversity, amongst other points.

In relation to biodiversity, a useful guide 'Biodiversity by Design' has been produced by the TCPA: <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, NE expects to be consulted on any additional matters, as determined by

Carlisle City Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. NE retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to its attention.

Subsequent to the above comments being provided, NE has reviewed the General Habitats and European Protected Species Scoping Survey together with the full bat survey. In response to this information NE has confirmed that it no longer objects to the application, subject to the imposition of appropriate conditions to ensure the implementation of mitigation measures to safeguard the bats and other protected species;

English Heritage - North West Region: This former country house dates from 1746, although largely rebuilt in 1913-14 by architect Alexander N Paterson for John R Harrison. The core of the site is an elegant sandstone property, which despite some alteration and addition, survives in good condition. The exterior of the core historic building remains essentially unaltered, with a remarkable survival of internal features of very high quality.

The south-west (garden facing) elevation imposes a formality to the design, incorporating paired square bays with tri-partite windows, surmounted by gables. The elevation is symmetrical and focused on the central, curved bay, which is supported by ionic pillars fronting an open vestibule. This is linked to the garden by a curved, double staircase with a decorative, wrought-iron balustrade. It is consequently evident that the formal garden setting is integral to the design significance of the hall.

The list description confirms that the hall's design represented, *"the very latest flowering of the country house tradition in England"* and clearly merits its status as a designated heritage asset. Consequently, this proposal must be considered in the light of PPS5: *"Planning for the Historic Environment"*. Policies HE6, HE7, HE9 and HE10 are of particular relevance to this case.

The Proposal

English Heritage (EH) previously supported the change of use and conversion of the hall to ten residential apartments (application nos. 08/1195 and 09/0690). The existing consents include the removal of the modern additions to the listed hall and the restoration of its relationship with the garden setting. EH was, therefore, of the opinion that the approved scheme presents a positive use which would both sustain and enhance the heritage asset, removing encroachments upon the hall and its setting. However, EH is not convinced that such a positive case has been made for the more intensive development of the site now presented.

The current proposal presents a development which retains the existing modern additions, extending both the attached "skills centre" and the historic building to link it to the adjacent "bungalow" block. It further proposes the adaptation of the garden terrace to accommodate vehicle access to the cluster of 4 residential blocks located in the garden, along with more parking areas. The proposal would, therefore, result in a more intensive use of the site, as well as the further alteration of the historic building.

However, despite the evident impact on both the fabric of the Listed Building and its setting the application fails to demonstrate how this potential erosion of the character and appearance of the Listed Building and its setting is justified or mitigated. The submitted "Heritage Statement" outlines relevant policies designed to frame development of this form, but fails to provide adequate analysis of either the interior fabric or the hall's exterior appearance and setting. The proposal, consequently, fails to provide any understanding of the potential impact on the significance of the heritage asset, contrary to the requirements of PPS5 Policy HE6.1.

The submitted "Design & Access Statement" recognises that Scalesceugh Hall, *"enjoys a high standard of landscaping"* as a *"legacy of its time as a family home"* (para 5.9). The Council will be aware that PPS5 Policies HE7.2 and 7.5 require that any new development should both avoid conflict with the heritage asset's conservation and make a positive contribution to its character and distinctiveness. Similarly, PPS5 Policy HE10 requires that development schemes should positively contribute to the setting, or better reveal the heritage asset.

However, the impact of the new vehicle access across the garden terrace and the erection of the incongruous collection of dormer- bungalows within the garden is not evaluated in the submission. The proposal fails to demonstrate how these units can be accommodated without diminishing the significance of the garden setting. The submitted elevations simply confirm that the setting of the hall will be further eroded and compromised by the development. The conclusion must be that the impact of the proposal would conflict with the objectives and requirements of Policies HE7.2, HE7.5 and HE10.

There is a presumption in favour of the conservation of Scalesceugh Hall as a designated heritage asset, and it is clear that its significance will be further compromised by these proposals. It is consequently necessary (in accordance with PPS5 Policy HE9.4) to consider whether the proposal delivers the optimum viable use for the hall, in the interests of its long-term conservation.

However, there is also no convincing evidence submitted which would demonstrate that the extent of proposed development is the minimum necessary to secure the significance of the Listed Building. On the contrary the fabric and setting of the hall would appear to be further harmed by the current proposal, diminishing its significance and value as a heritage asset. The proposal must, therefore, be considered to conflict with PPS5 Policies HE9.1 and HE9.4.

Conclusion and Recommendation

EH is concerned that the proposal fails to demonstrate an appropriate justification for the extent of new development and alteration proposed for this important heritage asset. While EH clearly welcome the attempt to secure a viable use for Scalesceugh Hall, it is of the opinion that the necessity for the extent of compromise to the heritage asset has not been demonstrated. EH is, therefore, of the view that the applicants should be advised to consider a more modest development of the site. This will require detailed analysis of the significance of the site's components (including its archaeology) to fully understand their individual value and contribution to the complex. This is necessary in order to present a development which clearly and positively enhances the fabric and setting of Scalesceugh Hall.

EH, therefore, objects to the proposal in its current form and would recommend that

Planning Permission and Listed Building Consent are refused for the reasons outlined above.

Subsequent to these comments, the applicants met with a representative of English Heritage and the Conservation Officer on-site, as a result of which English Heritage has re-considered its position and has responded [as set out below] to confirm that its objections are withdrawn.

The revised comments are made in a letter dated 13th September and state:

"Reference is made to EH's letter of 11 August 2010 and the e-mail received on 10th September 2010 from Richard Borrows of Ward Associates, following a site meeting on 02 September 2010.

The e-mail included the following details:

- *Revised Heritage Statement – dated 10.09.10*
- *Letter from Sanderson Weatherall, dated 09. September 2010, regarding the Marketing exercise.*
- *Drawings: 10007-04B; 10007-08A*

English Heritage Advice:

English Heritage is grateful for the opportunity to explore amendments and points of clarity to the proposal, and can confirm that these revisions (outlined above) have addressed its concerns. EH is now confident that the proposed use will secure a sustainable use for the hall which would preserve its significance and is, therefore, able to support this application.

English Heritage would simply emphasise the need to finalise details of materials and landscaping, although these should be achievable with the imposition of conditions.

Recommendation:

English Heritage support this proposed development, although your Council is urged to address the issues of materials and landscaping details through the imposition of appropriate conditions. English Heritage, therefore, recommend that the application is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice";

Ramblers Association: comments awaited;

Green Spaces - Countryside Officer: comments awaited;

Local Plans (Tree Preservation), Economic Development: the following comments/observations are made-

Tree Protection:

A condition must be attached to the letter of consent, should it be forthcoming, requiring a scheme of tree protection. The location of the tree protection barriers, and their specification, along with the implementation of the scheme must be agreed in writing prior to commencement on site.

The location of site compounds/facilities and stores must be outwith the tree protection area.

Landscaping:

A condition must be attached to the letter of consent, should it be forthcoming, requiring a detailed landscaping scheme to be agreed in writing prior to commencement of any works on site. The scheme must help mitigate the loss of existing trees providing suitable native species as well as replacement feature plantings;

Cumbria County Council - (Highway Authority - Footpaths): Footpath No 129020 crosses the access road to the site. Could some form of traffic management be put in place to ensure user safety.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Scalesceugh Lodge	20/07/10	
The Sycamores	20/07/10	
2 Scalesceugh Gardens	20/07/10	
Middle Orchard	20/07/10	
4 Scalesceugh Gardens	20/07/10	
The Orangery	20/07/10	
The Cottage	20/07/10	
Granary Cottage	20/07/10	
Stable Cottage	20/07/10	
The Barn	20/07/10	
High Scalesceugh	20/07/10	

- 3.1 The application has been publicised through the display of Statutory Notices on site and published in the local Press. In addition, neighbour notification letters have been sent to the occupiers of 11 properties at Scalesceugh Gardens and at High Scalesceugh.
- 3.2 There have been no representations received as a result of these measures although Councillor Allison, as a Ward Councillor, has written to support these proposals.

4. Planning History

- 4.1 Planning consent was originally granted in November 1963 for the change of use of Scalesceugh Hall from a country house to the present use. Two years later consent was granted for the conversion of Dower House to two flats.

- 4.2 Various other consents for small extensions or for the erection of freestanding buildings as workshops were obtained in 1966. In 1982, planning approval was obtained for the erection of a new single storey building to accommodate 5 no. severely handicapped persons.
- 4.3 In 1986 planning consent was secured to undertake an extension to provide a lift shaft and machine room to serve the main building.
- 4.4 Planning Permission was granted in 1995 for the extension of the existing skills centre building, together with a new link to the hall and the sub-division of one of the existing bedrooms.
- 4.5 In February 2000 outline consent was granted for the erection of 5 dwellings in the redundant walled garden area. Approval of Reserved Matters was obtained in respect of the site access road and the erection of a house on Plot 1 in October 2000. In December of the same year Approval of Reserved Matters in respect of the dwelling at Plot 5 was secured and a further Reserved Matters Approval for the remaining 3 plots was obtained in March 2001. All of these plots have been constructed on what is now known as Scalesceugh Gardens and are occupied.
- 4.6 Planning Permission was also granted in 2004 for the change of use of the hall to 10no. residential units together with the part demolition of attached accommodation (04/0584). The time scale for this approval was later extended by three years as a result of an application [reference 08/1195] that was approved in December 2008.
- 4.7 In August 2009, after the Hall was "Listed", an application for Listed Building Consent was granted to undertake the work to convert the building to 10 residential units i.e. as "renewed" by the planning permission granted in 2008.

5. Details of Proposal/Officer Appraisal

- 5.1 This application for Listed Building Consent, relates to the same development at Scalesceugh Hall, Carleton, as proposed under application 10/0642, which precedes the Report in the Schedule insofar as it relates to the alterations to the Listed Building.
- 5.2 The application is acceptable in terms of the impact upon the character and setting of the Listed Building. The principal issues raised by the application are set out in the Report for application 10/0642.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposals are not in conflict with the operative provisions of the Act.

7. Recommendation - Grant Permission

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The approved documents for this planning permission comprise:

SCHEDULE OF PLANS, DOCUMENTS AND VISUAL ILLUSTRATIONS [DETAILS TO BE INSERTED], THE NOTICE OF DECISION, ETC

Reason: To define the permission.

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Details of all new windows, doors and masonry mouldings, in the form, of quarter or full-size drawings including sections, shall be submitted for prior written approval by or on behalf of the Local Planning Authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

10/0660

Item No: 08

Date of Committee: 01/10/2010

Appn Ref No:
10/0660

Applicant:
Mr David Bimson

Parish:
Beaumont

Date of Receipt:
15/07/2010

Agent:
Taylor & Hardy

Ward:
Burgh

Location:
Land at Monkhill Hall Farm to east of Monkhill Hall,
Monkhill, Burgh by Sands

Grid Reference:
334397 558420

Proposal: Erection Of An Agricultural Workers Dwelling (Outline)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The Parish Council has objected to the application and four letters of objection have been received from local residents.

1. Constraints and Planning Policies

Ancient Monument

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

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

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

Local Plan Pol LE10 - Archaeological Field Evaluation

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

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

2. Summary of Consultation Responses

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

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

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

County Land Agent (Capita Symonds): concluded that:-

- there is a clearly established existing functional need in relation to this holding for one full-time worker, actively involved in the management of this unit, to be resident on, or immediately adjacent, to it;
- there is a labour requirement in excess of two full-time workers and, therefore, the labour requirement test is met;
- the business is financially viable and, therefore, the financial viability test is met;
- at the present time, the existing dwelling on the land at Longburgh meets the requirement to house the one full-time worker, actively involved in the management of this unit that is required to be resident on or immediately adjacent to this holding. That dwelling, however, is at some distance from the main steading at Monkhill Hall Farm, which is the site of the greatest functional need;
- planners should satisfy themselves whether the previous residential conversions and sales by the applicant, of former farm buildings at Monkhill Hall Farm, constituted evidence of lack of agricultural need or possible abuse of the planning system, in accordance with paragraph 5 of Annex A to PPS7;
- the applicant's son Matthew, who works part-time on the holding, currently lives in his own dwelling adjoining the farm. With his experience, he is able to meet elements of the functional need on the holding although he does not have the experience to manage all aspects of the farm business;

Beaumont Parish Council: the proposed dwelling would extend the village boundary; question the need for the dwelling, as there are properties for sale within the neighbouring developed farmyard; siting of a mobile home has already been rejected; previous applications to extend the village have been refused.

Cumbria County Council - (Archaeological Services): no objections, subject to a condition requiring an archaeological watching brief to be undertaken;

English Heritage - North West Region: comments awaited;

Hadrians Wall Heritage Limited: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 Monkhill Fauld	19/07/10	
2 Monkhill Fauld	19/07/10	
3 Monkhill Fauld	19/07/10	
4 Monkhill Fauld	19/07/10	
5 Monkhill Fauld	19/07/10	
Monkhill Hall	19/07/10	Objection
The Stable	19/07/10	Objection
Gracelands	19/07/10	Objection
Mill Croft	19/07/10	
Ridgelea	19/07/10	
The Old Windmill		Objection
Bushy Bank		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to twelve neighbouring properties. Five letters of objection have been received (although one was received after the consultation period ended) and these make the following points:

- the proposal would extend the boundary of the village;
- the proposal would be on greenfield land;
- the applicant has built and sold 5 dwellings, which are located in the old farm steading - this site could have provided an appropriate agricultural worker's dwelling;
- there are a number of properties for sale within close proximity to the poultry unit, including one in the courtyard - these could provide suitable accommodation. Other suitable properties have recently been sold or withdrawn from the market due to lack of interest, including an agricultural worker's dwelling;
- when the applicant applied to build/ extend the poultry unit they should have considered accommodation;
- one of the properties is owned by the applicant's son, who works on the farm - this fulfils the need for a worker to be within 'sight and sound' of the enterprise;
- panic in the flock is not a common occurrence (this has been confirmed by the operators of other large scale poultry units and vets);
- in relation to panic in the flock, the area is quiet, with the only noise coming from the applicants;

- the size of the dwelling seems extremely large for two people - most agricultural dwellings are smaller than this;
- will the applicants need a house at Moorhouse if they build a poultry unit there in the future or will they run this unit from Monkhill?;
- the Council's plan states that further development is not suitable for Monkhill;
- disagree that three farm workers are needed to run the farm;
- not aware of any intruders or incidents of theft at the farm - the dwellings adjacent to the farmyard should deter intruders;
- more development in Monkhill will increase drainage/ flooding problems in the area and increase the amount of traffic in the area;
- there is little difference between this application and the earlier application for a residential caravan, which was refused by the Council and dismissed on appeal;
- the Site Notice was not very visible.

4. Planning History

- 4.1 In January 2010, planning permission was granted for an extension to free range poultry unit (09/1113).
- 4.2 In August 2008, planning permission was granted for an extension to free range poultry unit (08/0612).
- 4.3 In December 2007, planning permission was refused for the siting of a mobile home for accommodation for an agricultural worker (07/0409). A subsequent appeal was dismissed in January 2009.
- 4.4 In June 2007, planning permission was granted for construction of new free range poultry unit (07/0410).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission for the erection of an agricultural worker's dwelling at Monkhill Hall Farm, Monkhill. Monkhill Hall Farm is a 51 hectare mixed farm, which has recently seen the development of a free range poultry unit, which currently houses 10,500 birds. The farm also includes a range of traditional farm buildings in the form of cattle sheds, hay barns and a slurry tower, which are located in close proximity to the original

farmhouse, which is now in separate ownership. A mobile home is also located at the farm and this provides a daytime base for the farm.

- 5.2 The applicant owns two further ten hectare parcels of land at Moorhouse and Longburgh and currently resides next to the land at Longburgh, which is approximately 3.5 miles from the unit at Monkhill.
- 5.3 As well as the hens, the applicant also has 52 suckler cows, 57 youngstock (including calves and younger stores) and 65 breeding ewes and lambs. Approximately 35 hectares of land is used for growing crops for feeding livestock in the winter months, with the remainder of the farm being used for grazing or as roaming areas for the hens.
- 5.4 Seven residential properties, including the original farmhouse, are located within a courtyard that lies adjacent to the farm buildings, with other residential properties in Monkhill being located beyond these.

Background

- 5.5 In December 2007, a full application for a mobile home to provide residential accommodation for an agricultural worker (07/0409) at Monkhill Hall Farm was refused. This would have been sited in the same location as the proposed dwelling.
- 5.6 The County Land Agent produced a report on the need for the mobile home and this concluded that:
- there was a clearly established existing functional need on the holding in relation to the care of the livestock. This need had been further supported by the recent introduction of the free range hen unit at the farm;
 - in the interests and the wellbeing of the livestock, for the efficient running of the holding and for overall security, it is essential that one full time worker, actively involved in the management of this unit, be present on or immediately adjacent to it;
 - the current farm business was viable and the introduction of the free range hen enterprise would greatly improve the financial viability of the holding.
- 5.7 The County Land Agent noted that the applicant had been involved in the development and disposal of the majority of the newly created dwellings on the site of the traditional farm buildings at Monkhill Hall Farm. These dwellings are located in reasonable proximity to the proposed site at Monkhill Hall Farm approximately 65 metres from the proposed site. On this basis, he advised that the authority should investigate the history of the holding and, amongst other things, identify whether any dwellings, or buildings suitable for conversion have been sold separately to the farmland. Paragraph 5 of Annex A to PPS7, identifies that such a sale could constitute a lack of agricultural need.

- 5.8 The Planning Officer investigated this issue and discovered that in total five dwellings were created on the holding and disposed of by the applicant. It was considered that the disposal of these dwellings was evidence of a lack of agricultural need in line with PPS7.
- 5.9 Whilst the Planning Officer considered that the siting of the proposed mobile home would have been visually acceptable and would not have had a detrimental impact on the living conditions of neighbouring residents, it was considered that it would not be appropriate to approve an agricultural worker's dwelling at Monkhill Hall Farm. It was considered that to do so would be contrary to the guidance provided within PPS7, the implementation of Policy H6 of the Carlisle District Local Plan and Policy H7 of the Carlisle District Local Plan Redeposit Draft.
- 5.10 The application was, accordingly, refused for the following reason:
- “The proposed site lies outside of the settlement of Monkhill some distance from the nearest settlement in a location where there is a general presumption against further residential development unless it is supported by a proven agricultural or forestry need. In this instance it has been established that there is an existing functional need for 1 full time worker to be resident on or immediately adjacent to this holding. It has also been established that the applicant had control over five new dwellings on the holding which have been sold on the open market. It is considered that any one of these five dwellings could have catered for the need; however the applicant has chosen to make all of these properties unavailable. In the light of these circumstances it is not considered appropriate to permit an agricultural unit of accommodation since, to do so, would be contrary to the guidance provided in PPS7 "Sustainable Development in Rural Areas", and in conflict with the objectives of adopted Policy H6 of the Carlisle District Local Plan and emerging Policy H7 of the Carlisle District Local Plan Redeposit Draft”.*
- 5.11 The applicant lodged an appeal against the Council's decision. The Appeal Inspector considered that the main issue was whether there was an agricultural need for the mobile home to be used as a residence for an agricultural worker, sufficient to outweigh the aims of local and national planning policies that seek to restrict new development in the countryside.
- 5.12 The Inspector was satisfied that there was a functional need for at least one full time agricultural worker to be present at the farm. He was also satisfied that the farm was financially viable. However, he was not persuaded that the need for the mobile home sufficiently outweighed both national and local policies to protect the open countryside, particularly as the appellant, albeit through another company, had developed and sold five dwellings on the holding within recent years and given that other dwellings were available for sale in the immediate vicinity of the site.
- 5.13 The Inspector, therefore, concluded that the use of the mobile home as an agricultural worker's dwelling would not satisfy the criteria set out in PPS7 and would not comply with policy H7 of the Carlisle District Local Plan 2001-2016 and the appeal was dismissed.

- 5.14 Members should note that since the appeal was dismissed, the size of the poultry unit at Monkhill Hall Farm has increased to 10,500 birds and it is now the dominant element in the farm enterprise.

The Proposal

- 5.15 Outline Planning Permission (with all matters reserved) is sought for the erection of an agricultural worker's dwelling. The dwelling would be sited where the mobile home is currently located, opposite the main access into the farm and to the east of the access track that runs south from the main group of farm buildings to the free range poultry unit. The main farm buildings, the free range poultry unit and the main farm access would all be visible from a dwelling in this location.
- 5.16 The illustrative drawing shows a dwelling with a footprint of 120 sq m (which would give a floor area of 240 sq m for a two-storey dwelling), together with a detached garage of 56 sq m floor area. It is envisaged that the dwelling would provide an office/study; utility/shower room; kitchen; dining room; living room; snug; four bedrooms and a bathroom. The dwelling would sit in a plot of approximately 1,400 sq m.

Assessment

- 5.17 The relevant planning policies against which the application is required to be assessed are Planning Policy Statement 7 "Sustainable Development in Rural Areas" (PPS7) and Policies DP1, H1, H7, CP4, CP5, CP12, LE7 and LE10 of the Carlisle District Local Plan 2001-2016.
- 5.18 The proposal raises the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.19 PPS7, published in July 2004, is relevant to this application, as it sets out the Governments planning policies for rural areas that should be taken into consideration when making planning decisions.
- 5.20 The fourth Key principle, identified in Paragraph 1 of PPS7, states that "*new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled*". By doing so it is the Governments aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
- 5.21 Paragraph 10 of PPS7 identifies that isolated houses in the countryside, away from existing settlements, will require special justification. Where the special justification relates to an essential need for a worker to live permanently at or near their place of work in the countryside, PPS7 advises that Planning Authorities should refer to the advice provided within Annex A of PPS7.
- 5.22 Annex A identifies the criteria that Local Planning Authorities should apply and

which should be met prior to granting planning consent for a new permanent agricultural workers dwelling. The criteria are identified in Paragraph 3, Annex A of PPS7, which states the following:

“New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established existing functional need;*
- (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied”.*

5.23 Policy H7 of the Carlisle District Local Plan 2001-2016 states that within the rural area planning permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural based enterprise and supported by a proven need.

5.24 The policy also includes paragraph 5.41, which states that when assessing if there is such a need the Council should refer to the advice contained in Annex A to PPS7.

5.25 When considering applications for agricultural workers dwellings, it is common practise for the Council to consult the County Land Agent. As part of the response, the County Land Agent assesses whether the proposal meets the aforementioned criteria identified in Paragraph 3 of Annex A to PPS7.

5.26 In the response to the current application the County Land Agent has concluded that:

- there is a clearly established functional need in relation to this holding for one full-time worker, actively involved in the management of this unit, to be resident on or immediately adjacent to it;
- there is a labour requirement in excess of two full time workers and, therefore, the labour requirement test is met;
- the business is financially viable and, therefore, the financial viability test is met;
- at the present time, the existing dwelling on the land at Longburgh meets

the requirement to house one full-time worker, actively involved in the management of this unit, that is required to be resident on, or immediately adjacent to, this holding. That dwelling, however, is at some distance from the main stabling at Monkhill, which is the site of the greatest functional need;

- Planners should satisfy themselves whether the previous residential conversions and sales by the applicant of former farm buildings at Monkhill Hall Farm constituted evidence of lack of agricultural need or possible abuse of the planning system in accordance with paragraph 5 of Annex A to PPS7;
- The applicant's son, who works part time on the holding, currently lives in his own dwelling adjoining the farm (although his dwelling cannot be regarded as being part of the farm unit). With his experience he is able to meet elements of the functional need on the holding, although he does not have the experience to manage all aspects of the farm business.

- 5.27 The County Land Agent, therefore, accepts that in the interests and the well being of the livestock, for the efficient running of the farm and for overall security, it is essential that one full-time worker be resident on or immediately adjacent to Monkhill Hall Farm. Whilst the applicant's son lives in a dwelling in close proximity to the farm, he only meets part of the functional need and does not have the experience to manage all aspects of the farm business. The County Land Agent also notes that the son's dwelling cannot be regarded as being part of the farm unit. There is, therefore, a need for an experienced full-time farm worker to live on or immediately adjacent to the farm.
- 5.28 It is acknowledged that, there are currently dwellings available for sale in close proximity to the farm and the Inspector, who dealt with the appeal for the mobile home, considered that these would be suitable. These dwellings would not, however, be within 'sight and sound' of the poultry unit or the other agricultural buildings at the farm. Whilst PPS7 makes no reference to the need for dwellings to be within 'sight and sound' of livestock and farm buildings, this is clearly of practical benefit. Given that the full-time farm worker needs to be resident at or near the farm for the well-being of livestock, for the efficient running of the farm and for overall security, a dwelling within 'sight and sound' of the majority of the holding would clearly be preferable. A dwelling at the location proposed would allow the applicants to see the poultry unit, the main farm buildings, a number of fields and the access track into the farm.
- 5.29 The concept of 'sight and sound' has been accepted by a number of Inspectors, in relation to applications for agricultural workers dwellings at farms with poultry units. The applicant has submitted copies of three appeal decisions, relating to free range poultry units, all of which established a requirement for the dwelling to be within 'site and sound' of the poultry units.
- 5.30 In light of the above, it is accepted that a dwelling within 'sight and sound' of the poultry unit, the main farm buildings and the access track would best meet the functional need for an agricultural worker's dwelling at Monkhill Hall Farm.

- 5.31 In his report, the County Land Agent states that Planners should satisfy themselves whether the previous residential conversions and sales by the applicant, of the former farm buildings at Monkhill Hall Farm, constituted evidence of lack of agricultural need or possible abuse of the planning system. Members should note that the application for the mobile home was refused because the applicant had previously developed and sold residential properties in the courtyard, that lies immediately adjacent to the farm.
- 5.32 Further discussions have taken place with the applicant about this issue and officers are satisfied that the applicant did not intentionally set out to abuse the planning system. The applicant disposed of the dwellings, because they did not provide the 'sight and sound' supervision of the farm, which is required. The money generated from the sale of these dwellings has been re-invested into the farm.
- 5.33 In light of the above, the proposal to site an agricultural worker's dwelling at Monkhill Hall Farm, in an area that provides 'sight and sound' supervision of the important elements of the farm enterprise, is acceptable in principle.

2. Whether The Siting Of The Proposed Dwelling Is Acceptable

- 5.34 The new dwelling would be located in close proximity to the existing group of farm buildings and the existing residential properties that lie adjacent to the farm buildings. These buildings, together with existing trees and hedges, would limit views of the dwelling from outside the site. If the dwelling were viewed from outside the site, it would be seen as forming part of this existing group of buildings.
- 5.35 The nearest residential property (The Stable) would be located over 40m away from the new dwelling. Views between the two dwellings would be limited by the presence of an agricultural building, that lies to the rear of The Stable. Monkhill Hall and the five other dwellings in the courtyard, would be an acceptable distance away from the new dwelling and would be largely screened from it by the existing farm buildings.
- 5.36 In light of the above, the proposed siting of the dwelling is considered acceptable and would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties.

3. Whether The Scale And Design Would Be Appropriate

- 5.37 These matters are reserved for subsequent approval and do not form part of this application. The illustrative plans that have been submitted with the application show a two-storey dwelling, with a footprint of 120 sq m and a detached garage/ workshop, with a floor area of 56 sq m. These would sit in a very large plot, which measures approximately 1,400 sq m. The size of the plot and the dwelling appear to be excessive but these matters would be dealt with at the reserved matters stage and would be subject to a new application.

4. Other Matters

- 5.38 The County Council's Historic Environment Officer has identified that the site lies in an area of high archaeological potential. He has, therefore, recommended that any ground works associated with the development should be subject to a programme of archaeological recording, which can be secured through the imposition of a planning condition.
- 5.39 At the time of writing the report, comments were awaited from English Heritage and Hadrian's Wall Heritage Limited. It is anticipated that their comments would be similar to the comments already received from the County Council's Historic Environment Officer. Members are, therefore, requested to grant authority to issue the permission, subject to no adverse comments being received from these statutory consultees.

Conclusion

- 5.40 In overall terms, the proposal is acceptable in principle and the siting of the dwelling would be acceptable. The proposed dwelling would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above 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.

7. Recommendation - Grant Permission

1. Before any work is commenced details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

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

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

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

3. The approved documents for this Outline application comprise:
 1. the submitted planning application form;
 2. the Design & Access Statement (received 15 July 2010);
 3. Supporting Information contained within a letter from the agent dated 14th July 2010 (received 15th July 2010);
 4. Site Location Plan (received 15th July 2010);
 5. Proposed Outline Plan (drawing 100502-01 received 15 July 2010);
 6. the Notice of Decision; and
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. The occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section

336 of the Town and Country Planning Act 1990, or in forestry, or dependants of such persons residing with him or her, or a widow or widower of such a person.

Reason: The unrestricted use of the dwelling would be contrary to the provisions of Policies H1 and H7 of the Carlisle District Local Plan 2001-2016 which seek to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

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 CP5 of the Carlisle District Local Plan 2001-2016.

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

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

7. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

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

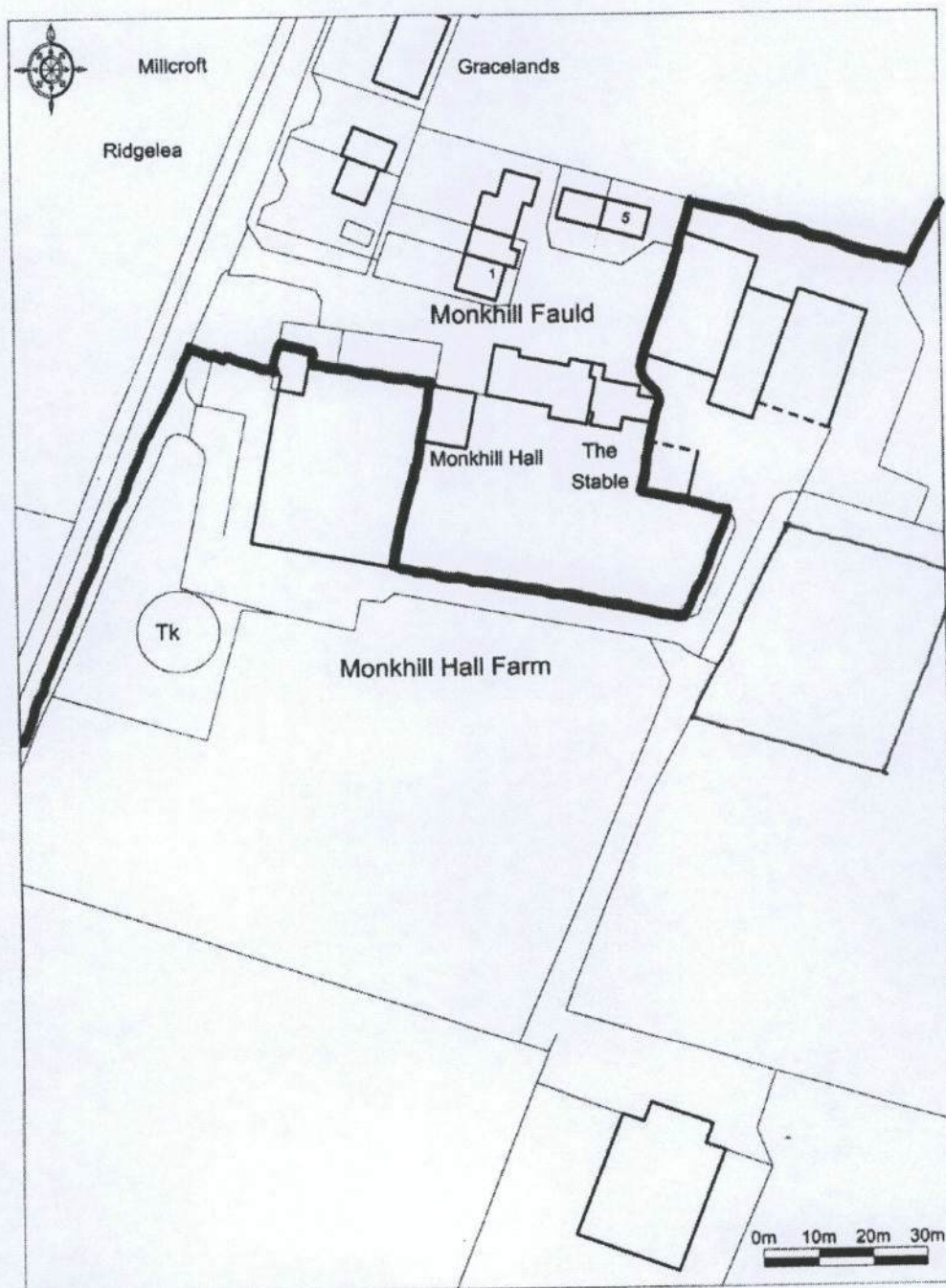
8. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

9. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the dwelling hereby

approved. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of the development. Within 2 months of the completion of the development, 3 copies of the report shall be furnished to the Local Planning Authority.

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



Promap

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15 JUL 2010
10/0660



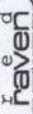
New A shows indicative location of proposed building

required view for security and animal welfare provisions from breeding towards egg production and

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View D
Required view for security and safety purposes from dwelling towards storage bins

100



1-800-850-0039	EMER AS-	Proprietary Feed	Finishes 100% Original - no Soyapod™ or Beans	Shelf Life 1 Year/18 Mo	Scale 5/500
Mrs Martin & Mr Blinson Morkill Hall Farm New Dersling			Proposed Outline Plan		
			100502-01	Edits 1 of 1	

9 Finkle Street
Carlisle
Cumbria CA3 8UU

Tel: (01228) 538886
Fax: (01228) 810362
Email: planners@taylorandhardy.co.uk

Taylor & Hardy Limited, Registered in England No. 2077843
Registered Office: 9 Finkle Street, Carlisle, Cumbria CA3 8UU

TAYLOR & HARDY

Chartered Town Planners

Our Ref : RT/J/C08/041

14th July 2010

Mr. Stephen Daniel,
Planning Services,
Economic Development,
Carlisle City Council,
Civic Centre,
CARLISLE.
CA3 8QG

Dear Sir,

PLANNING & HOUSING SERVICES	
REF	10 0660
15 JUL 2010	
RECORDED	
INDEXED	
PLANNED TO	SD
ACTION	

PROPOSED AGRICULTURAL WORKERS DWELLING
AT MONKHILL HALL FARM, MONKHILL
FOR MR. DAVID BIMSON

I refer to our recent discussions concerning the above matter and enclose my Client's planning application together with the cheque for £335.

You will recall the history of this site and the previous Inspector's Appeal Decision in January 2009 in respect of the proposed siting of a mobile home.

At that time it was accepted that there was a functional need for a worker to be resident on or immediately adjacent to the holding. The report prepared by Capita anticipated the first stage of the poultry rearing business comprising 4000 birds and concluded that in total there was a labour requirement for just under 2 full time workers.

Since then further permissions have taken the total number of birds to 10,500, i.e. an increase of 6,500. That would lead to a labour requirement of a further 1,950 man hours, in effect, a further full time worker, i.e. a labour requirement of around 3.

Contrary to the situation when the Inspector determined the previous appeal, the egg rearing business is now the dominant element in the farm enterprise, although the numbers of cows and sheep are still significant.

Even at the level of activity anticipated in January 2009 it was accepted that the enterprise was viable.

Bob Taylor Dip. T.P. M.R. (P)
Margaret Hardy B.A. (Hons), M.R. (P)

Relevant advice in PPS7 notes that the history of developments on the farm can be pertinent and that in cases where there have been attempts to abuse the system that they might be tantamount to accepting that there is no need. We have reviewed the history of the site and my understanding is that you accept that whilst the position regarding the development and sale of the nearby houses may, in hindsight, appear suspicious that you are satisfied that there was never any intention to abuse the system.

The need as we see it is for a dwelling for a manager/worker/owner to be within sight and sound, particularly of the poultry rearing component of the enterprise which has now become the dominant element on the enterprise. In this context we rely upon a number of appeal cases relating to free range poultry units at Hamsterley Mill, Ellerdine Heath and North Leverton, all of which establish a requirement to be within sight and sound in respect of poultry units of broadly similar sizes (12,000 birds; 12,000 birds; and 9,000 birds).

Copies of those Appeal Decisions have been provided in PDF format. As you will observe all of them refer to PPS7 and all of them refer to the concept of **"sight and sound"** as the following paragraphs make clear. This concept is not specifically referred to in PPS7 but was a component of the previous PPG7.

"I consider that it would be wholly unreasonable to expect a stockman to spend significant periods away from his home and family when he is not formally working, but is merely on stand-by in case of emergency. I have therefore formed the view that nothing short of a dwelling within sight and sound of the appeal site would meet the functional needs of this proposal."
Hamsterley Mill decision (Paragraph 73).

"The business would be staffed during normal working hours. Thus any functional need would apply only to times when staff would not otherwise be present. I have been provided with evidence that in flocks of this size there is a high risk of panic. This can quickly lead to stress, massing, suffocation and death and so would require rapid intervention from workers to avoid significant loss of stock. Panic can be triggered, even when the birds are inside the building, by predators, human intruders and by military aircraft which operate in the area. The appellant reported that there have been several incidents of intruders attempting to steal items from the farm in recent years and this was not contested by the Council. It was also argued that the failure of automated feeding systems could affect lighting, feeding and ventilation and would require a rapid response to avoid the stock being adversely affected. I was told by the appellant that, in such circumstances, the distress of birds would be audible. The Council considers that the risks are limited and that the risk of predators can be reduced by taking measures to reduce local populations. However, I consider there to be a significant risk of panic induced by outside activity at times when staff would not normally be present. Should such an event occur, the risk of a serious loss of livestock would be high. I am not persuaded that automated systems would be a sufficient way of reducing the risk to an acceptable level. I therefore consider that there is a

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functional need for one worker to live within sight and sound of the production unit."

Ellerdine Heath Decision (Paragraph 18).

"There are no other dwellings on the unit and those in the settlements of North and South Leverton are too far away to provide the immediate contact in terms of sight and sound that is necessary in the interests of animal welfare and the loss of significant flock numbers. In addition the dwellings in North Leverton are on the north side of the railway level crossing which can be closed at random intervals to allow the passage of goods and trains serving the local power stations. This factor could further hinder prompt access to the site in emergencies and add to my concern that the requirement for a worker to be readily available could not be achieved satisfactorily by a dwelling in North Leverton itself. The proposed mobile home would be approximately 150m from the production unit and in my view is the only feasible option to provide supervision of the flock at all times within sight and sound and therefore provide for a speedy response to any emergencies that may arise."

North Leverton Decision (Paragraph 17).

These Appeal Decisions were not available to the previous Inspector for the simple reason that at that time the poultry business was a small component of the mixed enterprise in contrast to the current position.

The second requirement is for the size of the dwelling to be commensurate with the needs of the enterprise. My Client envisages a property of around 250 sq m based upon accommodation including an office and store, utility room, kitchen, dining room, living room, snug and 3/4 bedrooms and bathroom.

Such a size of dwelling has been accepted by the Council as being appropriate for owners/managers of such enterprises. You may recall for example a case at Little Orton Farm in 2007 which was for a property of similar size intended as a second dwelling on the farm for one of the partners (Your ref 07/0501).

At that time I provided Anthea Jones with an assessment of the way in which agricultural policy has been determined in practice. I explained that I was not aware that any Authority in Cumbria has in its policies guidance as to the appropriate size of agricultural dwellings. Clearly individual cases need to be considered on their merits.

I provided her with 2 Planning Appeal Decisions that considered this aspect. If you need further copies please let me know.

Firstly, in a case at Little Horwood in Buckinghamshire, determined in July 1990, planning permission was granted for a dwelling of some 257 sq m (paragraph 5) in the context of a practice of limiting the floorspace of farm dwellings to a maximum of 200 sq m.

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In a case at Claverley, Shropshire the Council adopted, on an informal basis, a guideline figure of 150 sq m (paragraph 9). The appeal was allowed for a dwelling of over 300 sq m.

As you will see, both appeals were allowed with the Inspectors assessing the impact of the proposal on the character of the area in the context of the marginal difference between the proposal and the guideline.

Eden District Council adopt a similar approach. They use 150 sq m as a starting point. They have also confirmed that they have no knowledge of approving new agricultural dwellings less than 150 sq m and I am aware of examples of dwellings being approved at 221 sq m and 312 sq m.

You will no doubt be aware of other examples in the Carlisle district where agricultural dwellings have been approved at sizes significantly greater than this proposal. We know of recent examples at 270sq m, 300sq m and 428sq m.

The final point that emerges is whether the need can be met elsewhere. It was this point that the Inspector was not convinced about in the context of the appeal for the mobile home.

My Client's contention is that the nearby dwellings do not provide the necessary **"sight and sound"** supervision, neither of the poultry house nor of the other agricultural buildings and the area generally. They do not provide control over the access to the farm required for security, the protection of stock and for maintaining bio-protection. The nearby properties at around 100 sq m are not big enough to meet the functional need of the enterprise. Whilst properties may be theoretically available, i.e. on the market, my Client would incur significant expense in acquiring them, but would still be faced with substantial disadvantages, both in terms of size and lack of supervision such that they would not proceed.

As you will be aware, my Client's commitment to the development of this farming enterprise has been significant in recent years. Further investment, particularly in relation to the stock rearing part of the enterprise has been inhibited by the lack of suitable accommodation with numbers reduced because of animal welfare issues. The intention is to consolidate operations at Monkhill and to sell the house at Longburgh and to subsequently develop further egg production at Moorhouse. The mobile home will be removed on occupation of the proposed dwelling if permission is granted

The problems that the Inspectors identify in the appeal decisions ie panic attacks leading to loss of stock; incidence of theft; failure of automated systems; are all concerns with supervision from a distant location. In addition there have been incidents regarding trespass which raise bio-security concern.

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I understand that Mr Rawle has visited the premises and will produce an agricultural appraisal for the Council. Please ensure that he is provided with a copy of this letter and the appeal cases that I have referred to.

If there are any matters arising that you wish to discuss or clarify please let me know.

Yours faithfully,

R Taylor
BOB TAYLOR

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SCHEDULE A: Applications with Recommendation

10/0679

Item No: 09

Date of Committee: 01/10/2010

Appn Ref No:
10/0679

Applicant:
Mr Christopher Southward

Parish:
Carlisle

Date of Receipt:
21/07/2010

Agent:
S & H Construction

Ward:
Denton Holme

Location:
25A Wigton Road, Carlisle

Grid Reference:
339105 555704

Proposal: Two Storey Rear Extension To Provide 1no. Bathroom & Dining/Sitting Area On Ground Floor With 1no. Bedroom And 1no. Bathroom Above & Erection Of A Conservatory

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The applicant's wife is a City Councillor.

1. Constraints and Planning Policies

Local Plan Pol H11 - Extns to Existing Resid. Premises

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

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

3. Summary of Representations

Representations Received

Initial:

23 Wigton Road
25 Wigton Road
Regional Property Development Manager

Consulted:

27/07/10
27/07/10
05/08/10

Reply Type:

4 Bishop Close	10/08/10	
5 Bishop Close	10/08/10	
6 Bishop Close	10/08/10	
7 Bishop Close	10/08/10	Comment Only
14 Bishop Close	10/08/10	
15 Bishop Close	10/08/10	
16 Bishop Close	10/08/10	
17 Bishop Close	10/08/10	
18 Bishop Close	10/08/10	
27 Bishop Close	10/08/10	
28 Bishop Close	10/08/10	

- 3.1 This application has been advertised by means of a site notice and notification letters sent to fourteen neighbouring properties. One letter has been received which requests that the rear extension should not allow the occupants to see into the flats in Bishops Close. It also requests that building work should be restricted to the hours of 8.30am to 8.30pm to prevent noise outside these hours.

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking planning permission for the erection of a two-storey rear extension and a conservatory at 25A Wigton Road, Carlisle. The existing property is a large red brick dwelling under a slate roof. The property fronts onto Wigton Road but is raised up above the road, with the access to the front garden being via some steps.
- 5.2 The property has a large rear garden beyond which lie some flats (Bishops Close) that are owned by Two Castles Housing Association. The private access road to the flats runs directly to the rear of the application site, with the front elevation of the flats being located beyond this. Residential properties on Wigton Road lie next to and opposite the application site. The boundaries of the application site contain a number of trees and shrubs.

The Proposal

- 5.3 The proposal is seeking planning permission to erect a two-storey rear extension and a rear conservatory. The existing property is 'L' shaped and the new two-storey extension would be added to part of the rear elevation, so that it is brought into line with the remainder of the rear elevation of the dwelling. The length of the extension would vary from 4m to 6.2m, with the width varying from 3.2m to 5.3m. The eaves height would measure 5.5m, with the ridge being 7.3m and the roof would be hipped to match the roof of

the main dwelling. The eaves and ridge heights of the main dwelling are 7.3m and 10.3m respectively. The extension would contain an extended kitchen/ dining area and a bathroom on the ground floor, with an en-suite bedroom above. It would be constructed of red brick and slate to match the existing dwelling.

- 5.4 The conservatory would project out 3.8m from the rear elevation of the extended dwelling and would measure 5.5m in width. It would have a hipped, pitched roof and would be constructed of a red brick dwarf wall, upvc windows and a polycarbonate roof. A raised patio area would be located between the conservatory and the dwelling to provide a link between the two.
- 5.5 The applicant is also intending to create a new access from the rear of the property onto a private road. This would not require planning permission and does not, therefore, form part of this application.

Assessment

- 5.6 The proposals need to be assessed against Policies H11 and CP5 of the Carlisle District Local Plan 2001-2016.

- 5.7 The proposals raise the following planning issues:

1. Whether The Scale And Design Of The Proposals Are Acceptable

- 5.8 The proposed two-storey extension would essentially square-off the existing building and the rear elevation of the extension would be in line with part of the rear elevation of the existing dwelling. The ridge height would be 3m lower than the ridge height on the existing dwelling and the roof would be hipped to match the existing roof. The extension would be constructed of red brick and slate to match the existing dwelling. The conservatory would be appropriate in scale and would have a brick dwarf wall to match the dwelling. In light of the above, the scale and design of the proposals is considered to be acceptable.

2. The Impact Of The Proposals On Neighbouring Properties

- 5.9 The only window in the side elevation at first floor level would serve a bathroom and would be obscurely glazed. Two new windows would be added to the rear elevation and these would face the front elevation of the flats on Bishops Close. The front elevation of these flats would be over 24m away from the rear elevation of the new extension and this distance is sufficient to ensure that there is no loss of privacy to the occupiers of the flats. Existing boundary treatment would prevent overlooking from the conservatory and from the windows at ground floor level in the side elevation of the extension. The proposals would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

3. Other Matters

- 5.10 A local resident has expressed concern that, if the scheme were approved, construction traffic/ works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. It is the Officer's view that there would be no significant harm to the living conditions of local residents as a result of construction works.

Conclusion

- 5.11 In overall terms, the scale and design of the proposals is acceptable. The proposals would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town

and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. Site Location Plan; Block Plan; Existing Plans & Elevations; Proposed Plans & Elevations (all received 21 July 2010)
 3. the Notice of Decision; and
 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

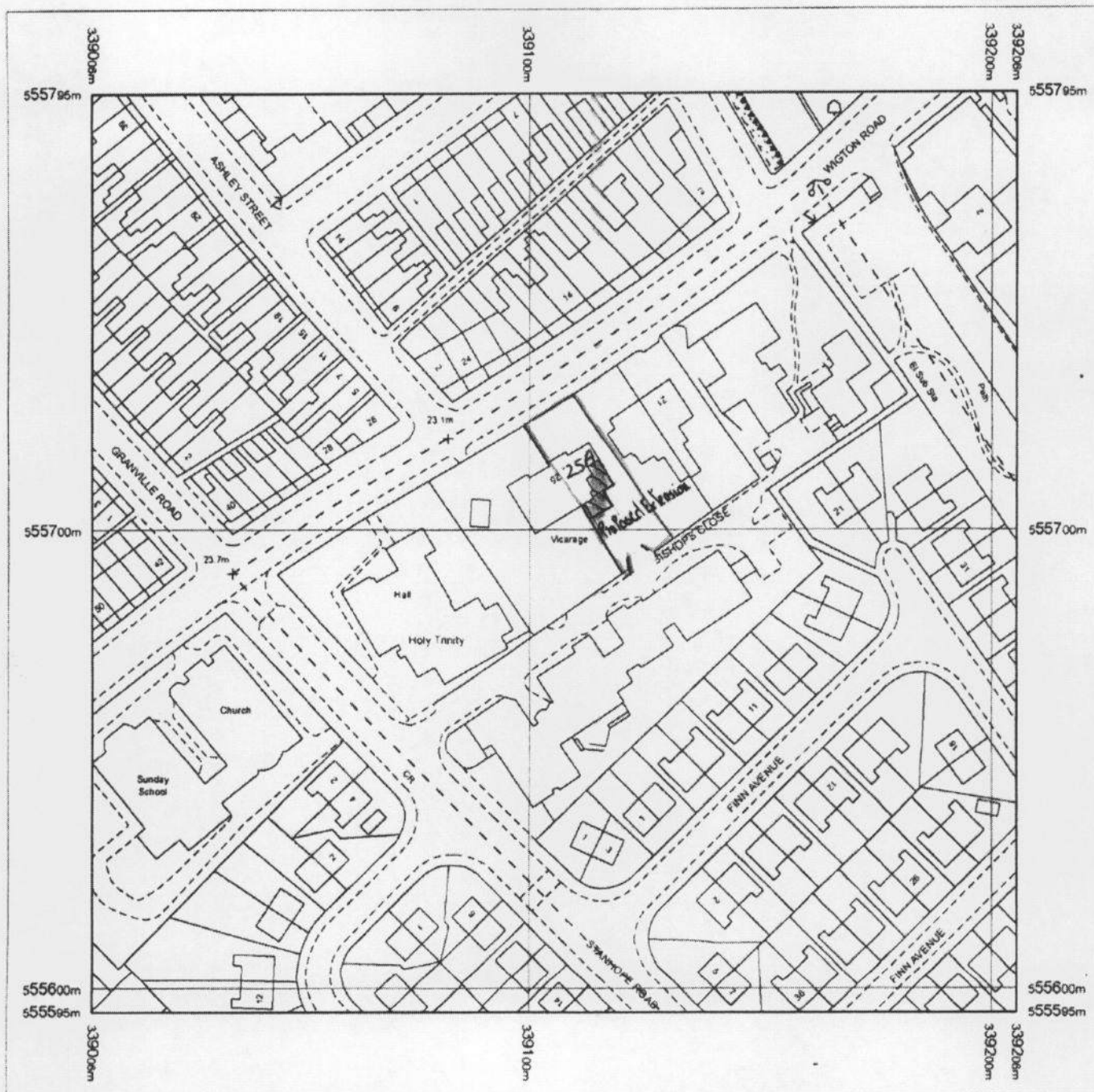
Reason: For the avoidance of doubt.

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

Reason: To ensure the objectives of Policies H11 and CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the first floor window to the bathroom in the eastern elevation of the building shall be obscure glazed and thereafter retained as such to the satisfaction of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H11 and CP5 of the Carlisle District Local Plan 2001-2016.



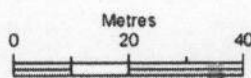
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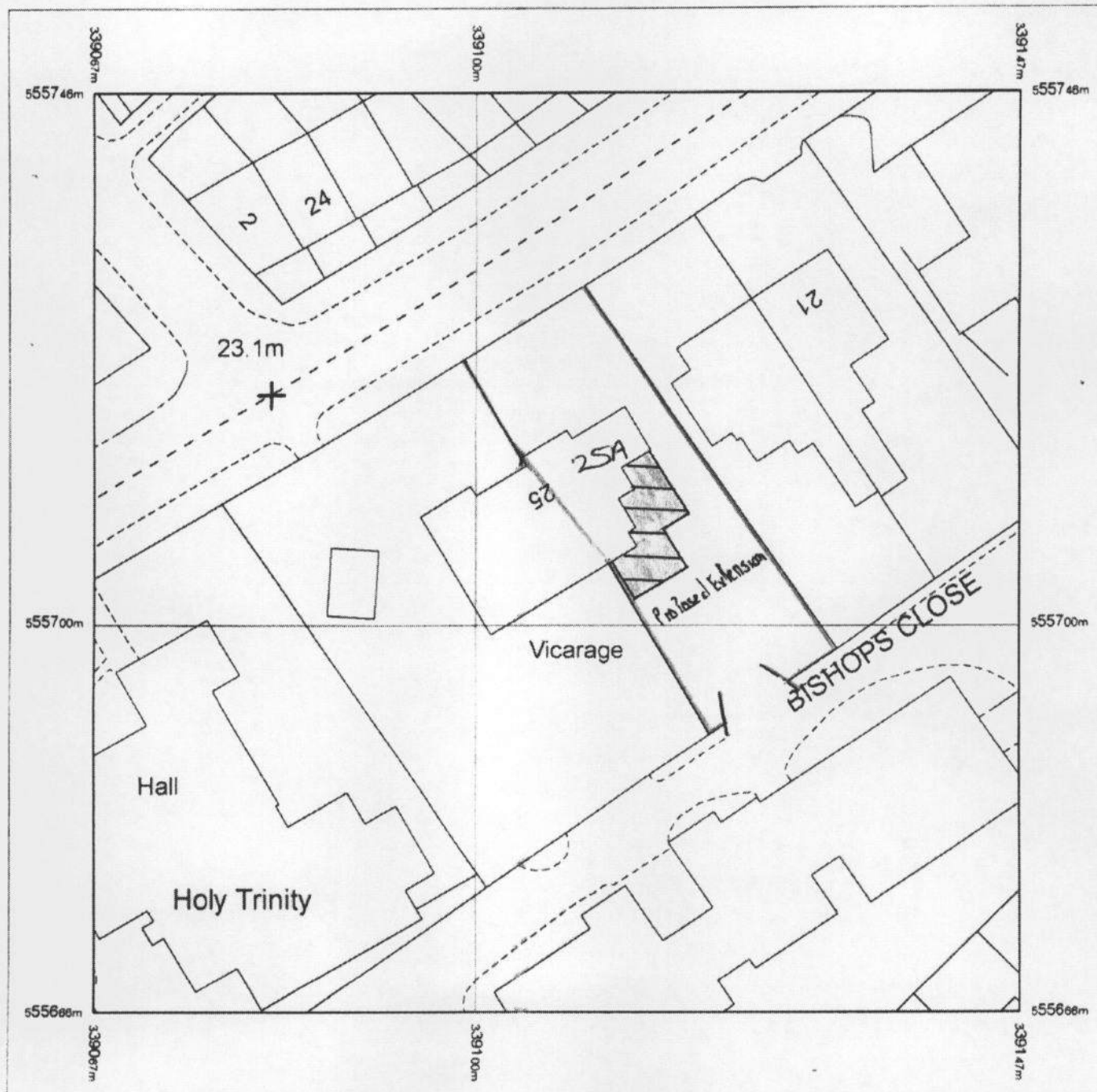
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21 JUL 2010

2010/0679



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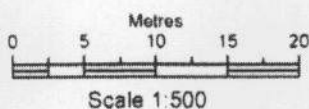
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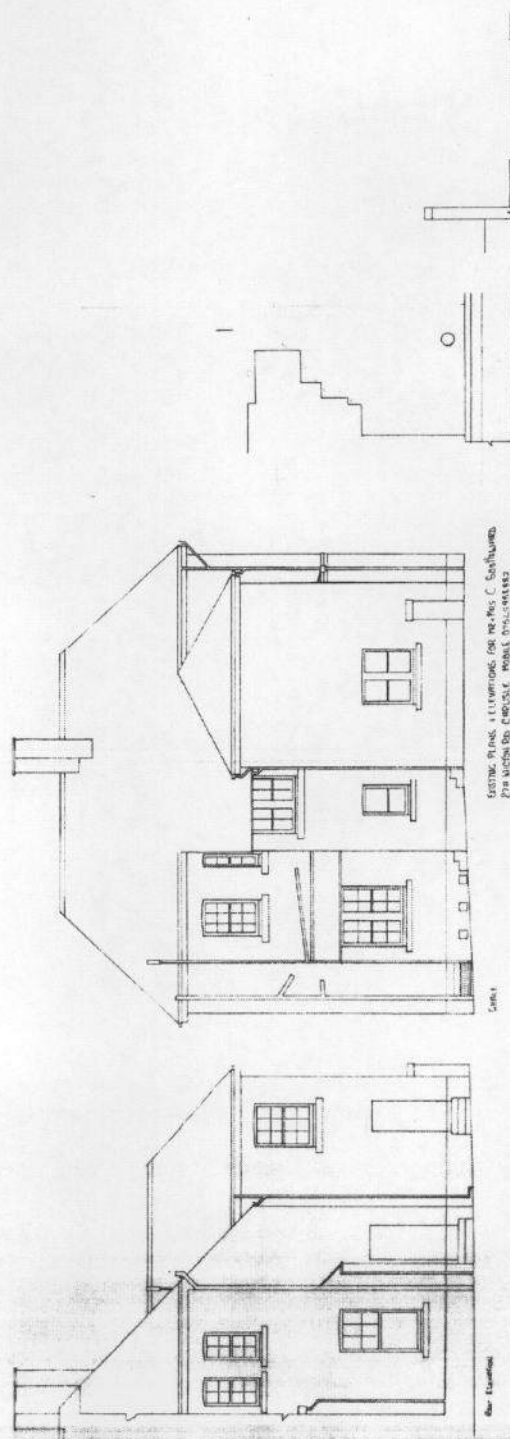
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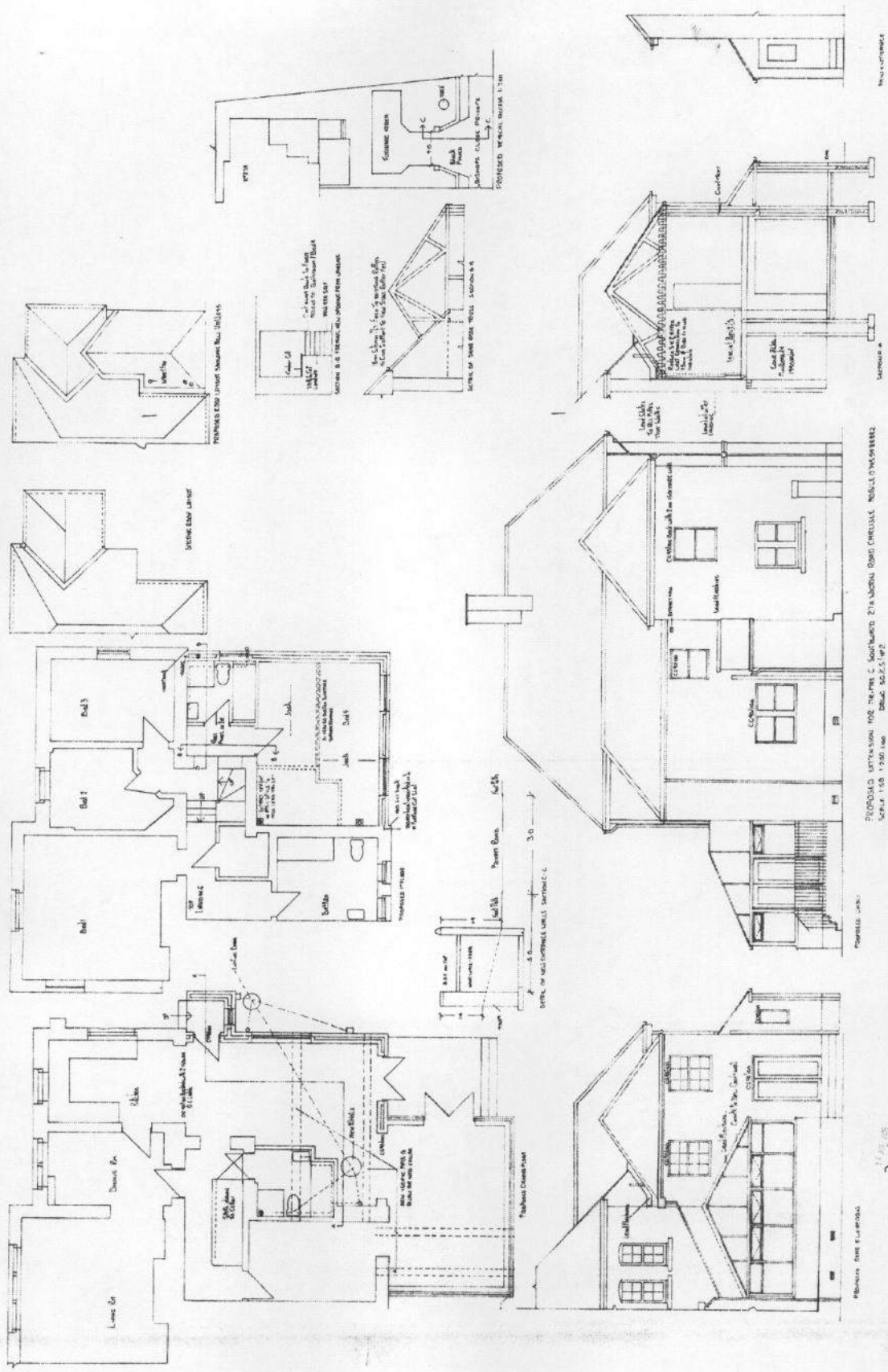


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21 JUL 2010
2010/0679





SCHEDULE A: Applications with Recommendation

10/0683

Item No: 10

Date of Committee: 01/10/2010

Appn Ref No:
10/0683

Applicant:
Springwell Farm

Parish:
Hayton

Date of Receipt:
22/07/2010 16:00:49

Agent:
Holt Planning Consultancy

Ward:
Great Corby & Geltsdale

Location:
Springwell Farm, Talkin

Grid Reference:
355150 557818

Proposal: Demolition Of Existing Dwelling & Erection Of Replacement Dwelling -
Revised Application To Incorporate Redundant Buildings To Form
Garage And Stores, And Detached Games Annexe

Amendment:

Case Officer: Richard Maunsell

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the scale of the proposed dwelling being larger than that normally permitted under the relevant Local Plan Policy.

1. Constraints and Planning Policies

Airport Safeguarding Area

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

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

Local Plan Pol H10 - Replacement Dwgs in Rural Area

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

Drainage Engineer: comments awaited;

United Utilities: comments awaited;

Carlisle Airport: comments awaited;

Local Plans (Trees): no comment; and

Hayton Parish Council: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Springwell Cottage	27/07/10	

- 3.1 This application has been advertised by means of a site notice and direct notification to the occupier of a neighbouring property. At the time of writing this report, no representations have been received.

4. Planning History

- 4.1 Outline planning permission was refused in 1972 for the erection of a dwelling.
- 4.2 In 1974, an application for planning consent for a caravan site was withdrawn prior to determination.
- 4.3 Later in 1974, planning permission was refused for a caravan site.

- 4.4 Planning consent was granted in 1983 for the erection of a cattle building.
- 4.5 In 1984, planning permission was granted for the erection of a hay, straw and implement store.
- 4.6 Outline planning consent was granted in 1987 for the erection of a farm managers dwelling.
- 4.7 In 1988, reserved matters approval was granted for the farm managers dwelling.
- 4.8 Later in 1988, planning permission was granted for the erection of animal housing.
- 4.9 Planning consent was granted in 1992 for the erection of farm buildings including far administration centre and slurry storage tank.
- 4.10 In 1996, planning permission was granted for the erection of a farm building to house livestock.
- 4.11 Planning consent was granted in 1997 for an extension to the farm building to provide calf housing.
- 4.12 In 1999, planning permission was granted for the erection of an agricultural storage building for hay and equipment.
- 4.13 A certificate of existing lawful use was granted in 2009 for the use of an agricultural workers dwelling by persons not solely employed in agricultural or forestry.
- 4.14 Planning permission was granted earlier this year for the demolition of the existing dwelling and erection of a replacement dwelling.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members may recall that “Full” planning permission was granted by Committee earlier this year for the demolition of the existing property and erection of a replacement dwelling at Springwell Farm, Talkin, Brampton.
- 5.2 The proposal related to a modestly proportioned, two storey detached dwelling, situated within a generous garden, 550 metres north-east of Talkin village adjacent to the Farlam road. It may be recalled that the application site lay within open countryside and within an area designated as being of County Landscape Importance and adjacent to the North Pennines Area of Outstanding Natural Beauty (AONB).
- 5.3 The issues considered at that time were the resiting of the proposed dwelling

from the site of the existing property together with the increased footprint of the building. The original dwelling and its integral garage, positioned in the north-west corner of the site was to be demolished and a replacement property constructed 79 metres south-east of its current position. The accommodation intended to be provided within the proposed replacement dwelling was intended to consist of a hallway, snug, study, lounge, dining room, lobby, W.C., utility room and kitchen (all at ground floor) with 3no. bedrooms with ensuite bathroom, a bathroom and a master bedroom with an ensuite bathroom being located at the first floor.

- 5.4 The design and appearance of the “approved” dwelling is traditional in character and appearance, the applicant’s agent describing as a “farmhouse of vernacular value”. Its walls will be constructed from locally reclaimed Geltsdale sandstone and incorporate stone water-tables, corbels, quoins and stone heads and cills around the windows and doors. The steeply pitched roofs will be finished in Welsh slate and incorporate a cat-slide to the east elevation. Windows and doors will be hardwood timber finished in a heritage colour. The rainwater goods will be cast iron.
- 5.5 The foul drainage system will connect into a private treatment plant and surface water will be discharged to a soakaway. The development will potentially incorporate a ground source heat pump, a rainwater harvesting system and solar panels.
- 5.6 Although the scale of the replacement dwelling was outwith the parameters of the policy guidance, there were material considerations that warranted approval of the application. The design and use of materials in the building together with the positive environmental features will be an improvement upon the existing dwelling and be commensurate with the site's size and features. The improvements to the landscaping of the site and surrounding area will be of benefit to the landscape; further, the scheme proposes a high quality design, use of vernacular materials and incorporates sustainable forms of heating.

Proposal

- 5.7 In addition to the scheme approved earlier this year, it is now proposed to incorporate a sun room on the south gable of the proposed property. This would physically link the dwelling to the existing single storey outbuilding that, as part of this application, would be converted into garages and ancillary domestic accommodation. No external alterations are proposed to this building.
- 5.8 To the south-east of the proposed dwelling is a larger single storey detached building. The applicant proposes to convert this building to a detached annex that would contain a shower room, a kitchenette, a bar, snooker table and general games area. A Method Statement accompanies the application and details that only internal alterations would be required to convert this building into the proposed accommodation.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP1, CP3, CP5, CP9, CP12, H10 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:
1. Principle Of Residential Development In Rural Area
- 5.10 Ordinarily, new residential development in this location would not be acceptable but this application seeks consent to erect a replacement dwelling. Consequently, the principle of erecting a replacement dwelling is- in general terms- not itself an issue, provided that the proposals can demonstrate compliance with the criteria identified within Policy H10 of the Local Plan and are, likewise, not in conflict with any other relevant planning policies. The principle of the replacement dwelling has been established through the grant of planning consent earlier this year. The issues raised by the current proposal are discussed in more detail in the analysis which follows.
2. Scale, Siting And Design
- 5.11 The principal objective of Policy H10 is to retain the stock of smaller housing units in the rural area. Whilst the existing dwelling is modest in terms of its footprint and accommodation, it is situated within a reasonable plot (almost 0.13 hectares in area) together with the associated land and buildings that affects the extent to which it is truly "affordable". This is an important point in that the thrust of Policy H10 is to avoid smaller, and hence more "affordable", properties being lost from the overall housing stock that is available and being replaced with more substantial dwellings.
- 5.12 A replacement dwelling would allow a building that would be visually more cohesive and attractive in the context of the site and the surrounding area and this principle has already been established through the extant permission granted by Members earlier this year. The scale of the sunroom is modest and is proportionate to that of the dwelling. Hence, the addition, in this respect, does not deviate sufficiently from the approved scheme as to warrant its refusal.
- 5.13 The application also seeks consent to convert two existing outbuildings into ancillary domestic accommodation. The applicant's agent argues that what the Council is really being asked to approve is the addition of the sunroom; the outbuildings are already in situ and would otherwise be within the curtilage of the proposed dwelling. It is further argued that upon completion of the dwelling, the only works required to convert these buildings would be internal alterations that would not constitute development and would not, therefore, require planning consent.
- 5.14 Whilst Members may have concern about the incorporation of these buildings, as previously stated, planning permission would not be required for their conversion upon completion of the dwelling. It would be appropriate to impose a planning condition requiring their retention within the curtilage of the property and that the site remains a single planning unit. Should Members

be minded to grant approval of this application, the Council is able to retain an element of control over the future of these buildings in contrast to conversion under the Permitted Development rights that would prevent any such planning control.

- 5.15 The percentage increase in additional footprint of the replacement dwelling far outweighs that would normally be supported; however, it has already been established that the site itself could not be considered 'affordable' and furthermore, the buildings are already on site and it could not be reasonably argued that any visual harm to the character of the area would result from their conversion. Given these circumstances, should Members be minded to support the recommendation and grant approval of this proposal, this would not establish a precedent for replacement dwellings with such a significant increase in size.

3. Landscaping

- 5.16 The site is in a visually sensitive area being within a Landscape of County Importance and adjacent to the AONB. The siting of the dwelling is on a relatively low level of land within the site and from Talkin Tarn, would be seen against a backdrop of land that rises up towards the Farlam Road. The application is accompanied by a comprehensive landscaping scheme. The proposed landscaping would positively enhance the visual appearance of the site and screen the existing buildings whilst also improving the natural habitat in the area. The proposals constitute an overall landscape enhancement, both in terms of landscape fabric benefits and improvements to views of Springwell Farm from the wider landscape. The addition of the sunroom would not affect the results of the landscaping scheme.

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

- 5.17 The proposed dwelling is situated approximately 170 metres from the nearest residential property. As such, the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.

5. Environmental Issues

- 5.18 In the additional supporting information received from the agent, it is stated that the applicant is keen to incorporate renewable energy in the form of a ground source heat pump, a rainwater harvesting system and solar panels. These would contribute to the reduction of the overall environmental impact of the development and is supported by current planning policies. As no details have been provided, it is appropriate to impose a condition requiring the submission of additional information is the application is acceptable.

6. Highway Matters

- 5.19 The site is served from an existing vehicular access that leads from the County highway. The access comprises of a concrete apron with a gateway

which is set back from the highway and whilst there is established landscaping around the entrance, there is sufficient visibility to emerge from the site and view any oncoming traffic before driving onto the road itself. The access would serve the proposed dwelling which would be linked by an access road within the site formed adjacent to the eastern and southern boundaries. The Highway Authority has raised no objection to the proposed development.

Conclusion

- 5.20 In overall terms, the principle of the development is acceptable and has been established through the granting of the previous planning application. The scale of the replacement dwelling is outwith the parameters of the policy guidance; however, the increase in footprint is marginal from the extant consent. The design and use of materials in the building together with the positive environmental features would be an improvement upon the existing dwelling and be commensurate with the site's size and features. The improvements to the landscaping of the site and surrounding area would be of benefit to the landscape; further, the scheme proposes a high quality design, use of vernacular materials and incorporates sustainable forms of heating.
- 5.21 The proposed dwelling would not be an "exceptional dwelling" but would be of sufficient merit and acceptable in terms of its appearance. The building would not result in any demonstrable harm to the landscape character of the wider area or the living conditions of any neighbouring residential dwellings. The scheme is not significantly different from that which already benefits from planning permission and in all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Drawing number 12/2009/10;
3. Drawing number 12/2009/11;
4. Drawing number 12/2009/12;
5. Drawing number 12/2009/13
6. Drawing number 12/2009/14B;
7. Drawing number 12/2009/15B;
8. Drawing number 12/2009/16;
9. Drawing number 12/2009/17;
10. Drawing number SPR/01/B Landscape Masterplan;
11. the Notice of Decision; and
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure compliance with Policy H10 of the Carlisle District Local Plan 2001-2016.

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

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

4. 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 unit to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval

of the Local Planning Authority.

Reason: To ensure compliance with the objectives of the Replacement Dwelling policy in accordance with Policy H10 of the Carlisle District Local Plan 2001-2016.

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

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

6. All works comprised in the approved details of the landscaping Master Plan drawing reference SPR/01 B shall be carried out in the first planting and seeding season following the occupation of the dwelling or completion of the development, whichever is the sooner. 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.

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

7. No works on site hereby approved by this permission shall commence until the tree protection fencing as specified in the Tree Report reference SF-TALKIN-BS5837-05032010 has been erected. The fencing must be maintained in a satisfactory condition until completion of the development.

Reason: To ensure that adequate protection is afforded to the trees on the site during the construction process in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

8. Prior to the installation of the roof timbers on the replacement dwelling, the existing dwelling on the site known as 'Springwell Farm House' shall be demolished and the site cleared.

Reason: To prevent the retention of the existing dwelling that would be contrary to Policy H1 of the Carlisle District Local Plan 2001-2016.

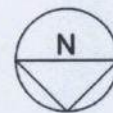
9. The premises shall be occupied as a single, self contained family dwellinghouse, and at no time shall any of the ancillary buildings be sub-divided and occupied independently of the remainder of the property.

Reason: The Local Planning Authority are not prepared to permit the establishment of a separate unit of accommodation on this site

in accordance with Policy DP1 of the Carlisle District Local Plan.

existing vehicular
entrance

replacement
dwelling



22 JUL 2010
2010/0683

SANDY JOHNSTON
ARCHITECT
RIBA

LOCATION PLAN
Replacement and re-location of existing farmhouse at
Springwell Farm, Tain for Springwell Farm
DATE: JULY 2010 DWG: 12/2006/30 SCALE 1:1250

LOCATION PLAN 1:1250

Edge of Metalling

site boundary

Hedge Ave H 3.0m

existing vehicular entrance

Hedge

Track

SHED 2:
games annex

replacement
dwelling

sun-
room

SHED 1: garage
& stores

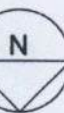
BLOCK PLAN

Replacement and relocation of existing barnhouse at
Springwell, Taken for Springwell Farm

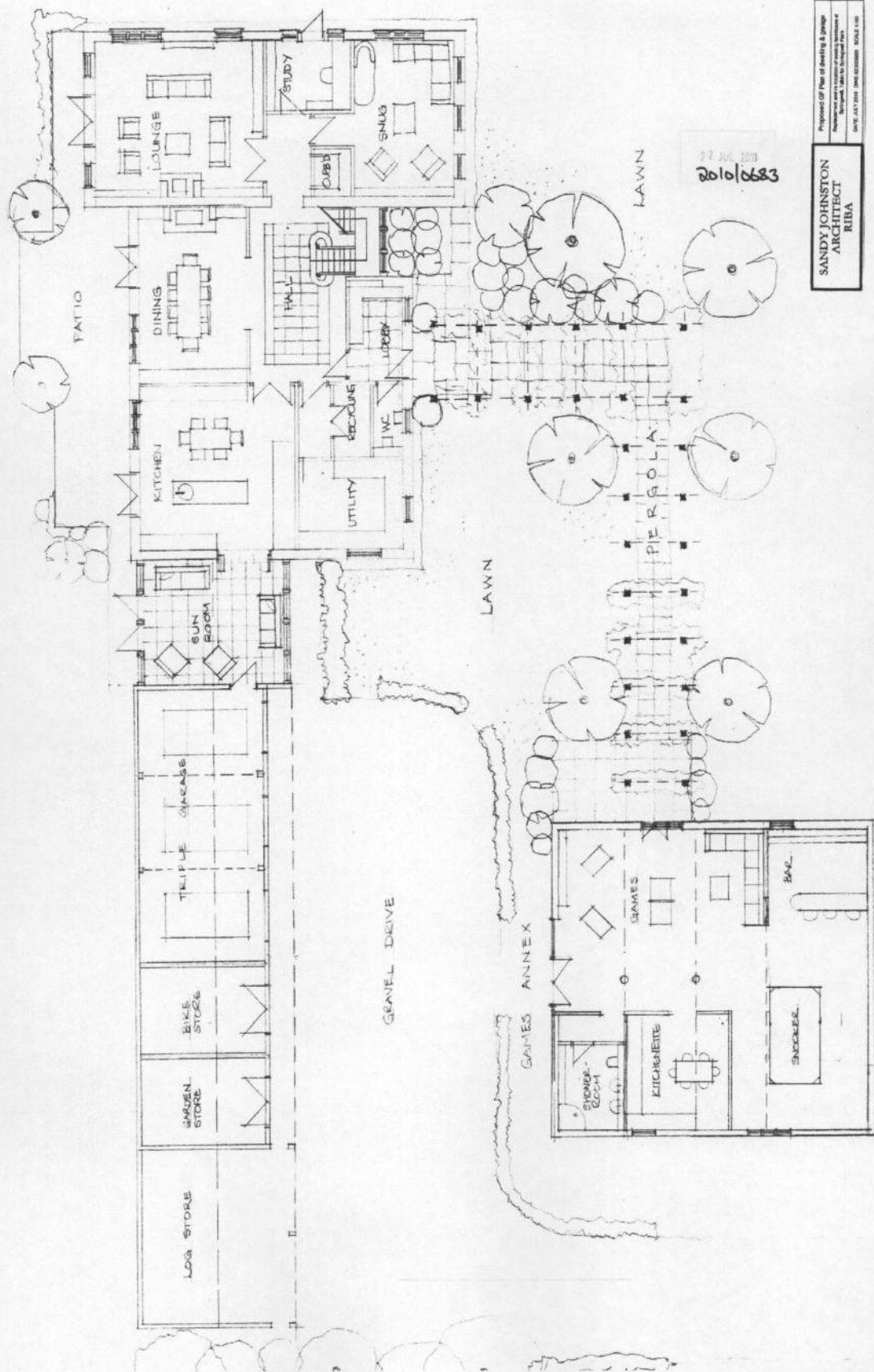
DATE: JULY 2010 DWG: 152006508 SCALE 1:500

SANDY JOHNSTON
ARCHITECT
RIBA

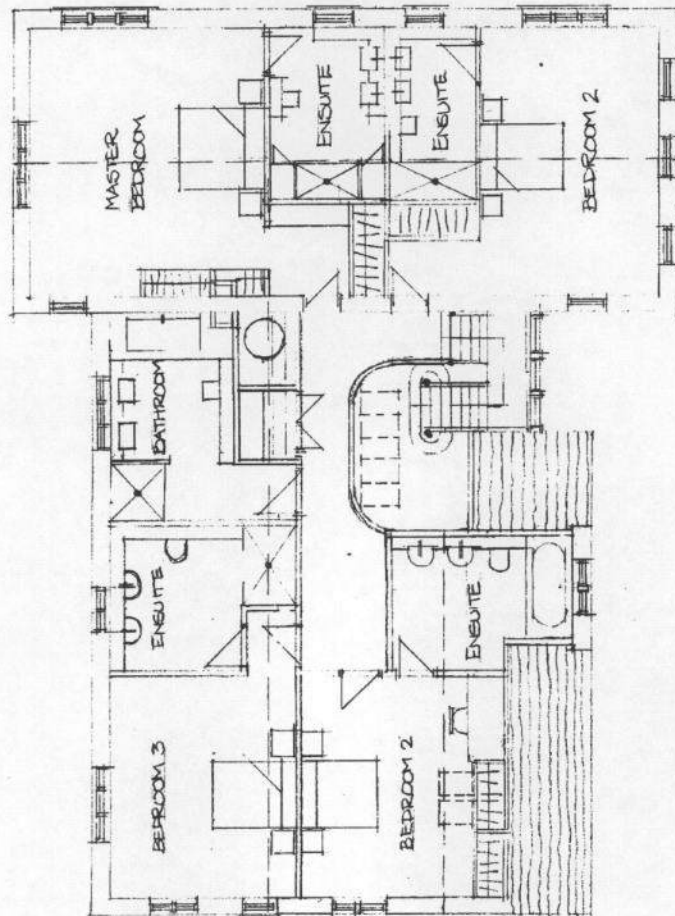
BLOCK PLAN 1:500



22 JUL 2013
2010/0683

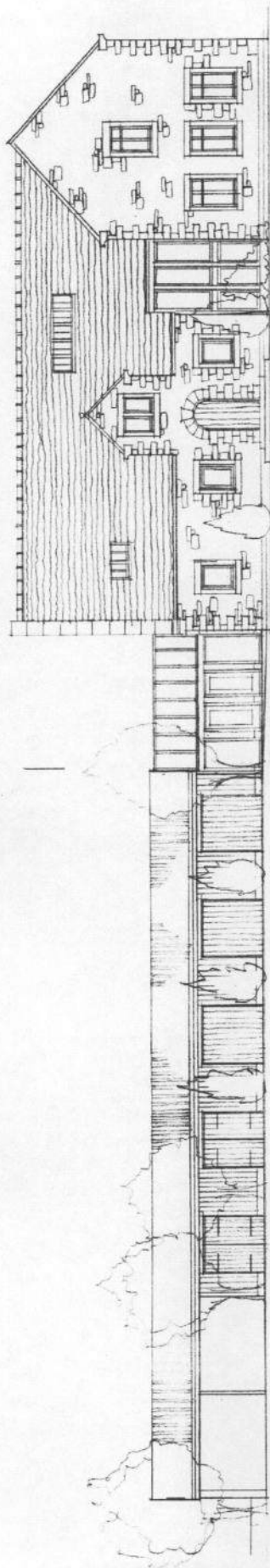


Proposed: CIP Plan of building & design
 Prepared by: SANDY JOHNSTON ARCHITECT
 RIBA
 DATE: JUL 2009 2010/0683 SCALE: 1:100

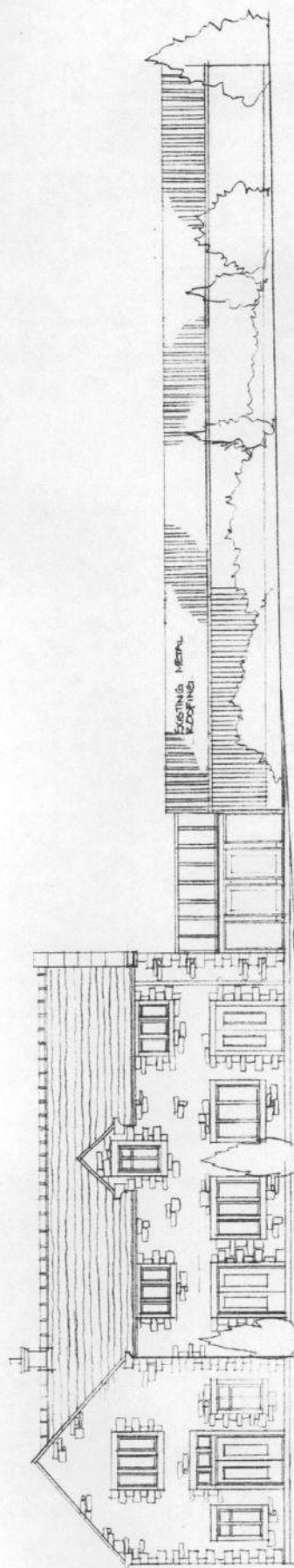


22 JUL 2010
2010/0623

SANDY JOHNSTON ARCHITECT RIBA	PROPOSED FIRST FLOOR PLAN <small>Revised and re-located of existing bedrooms at Springfield, Telford for Springfield Farm</small> <small>DATE: FEB 2006 DWG: 10200611 SCALE: 1:100</small>
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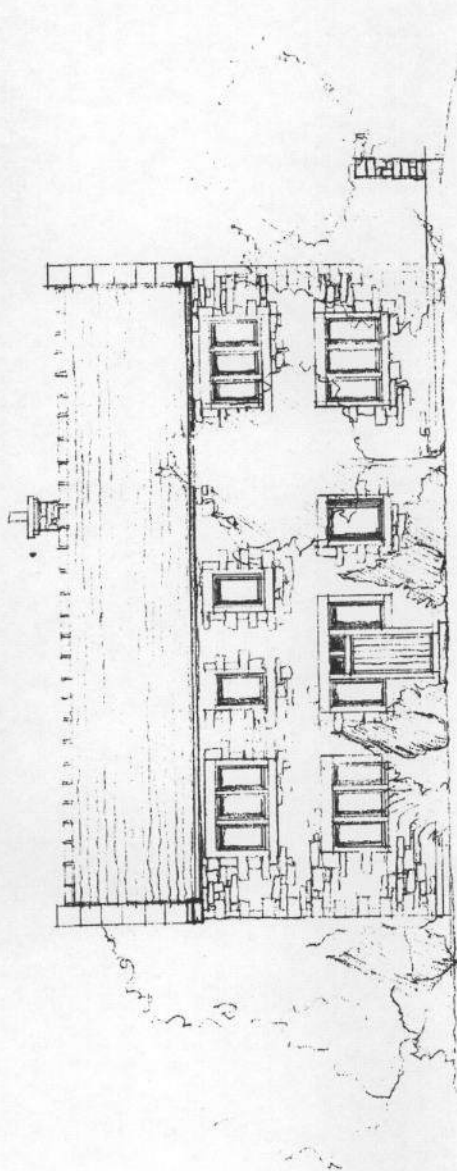
EAST ELEVATION 1/100

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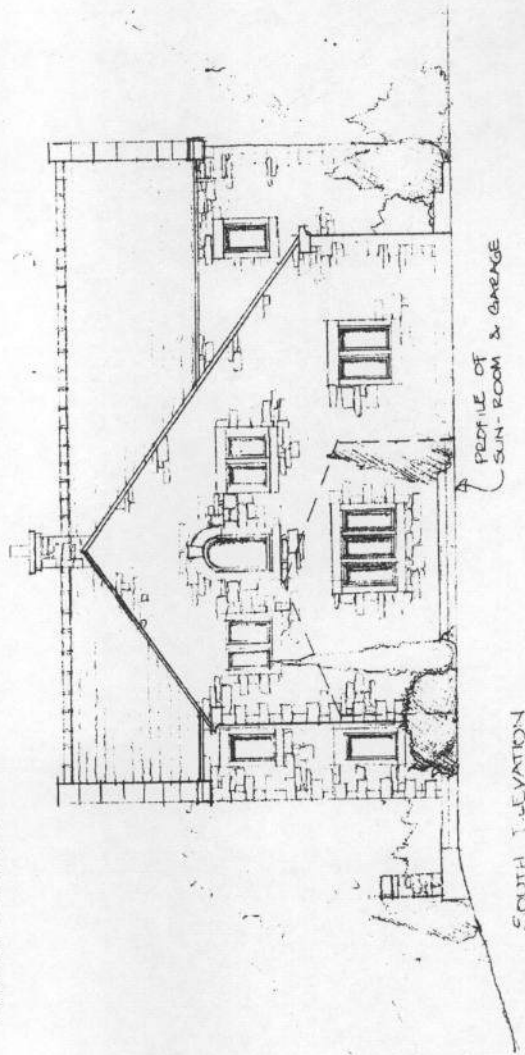
22 JUL 2017
2010/0683

**SANDY JOHNSTON
ARCHITECT
RIBA**

East & West Elevations of dwelling & garage
 Representation and location of existing structures at
 Springfield, Illinois for Springfield Park



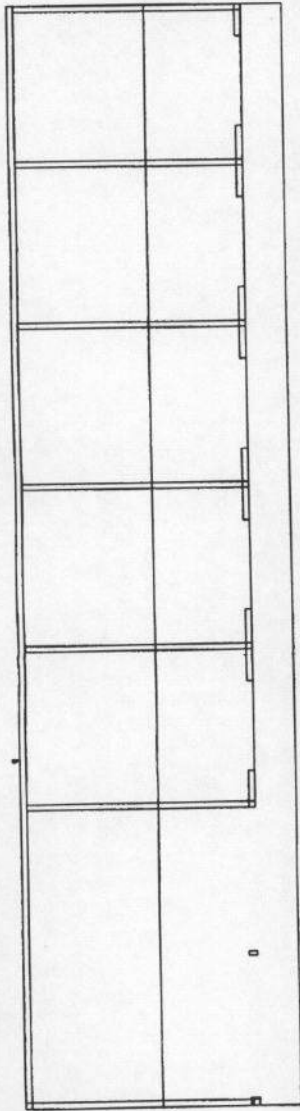
NORTH ELEVATION



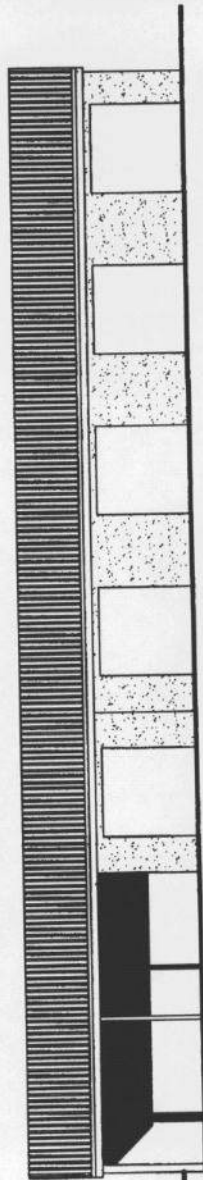
SOUTH ELEVATION

27 JUL 2013
2016/0683

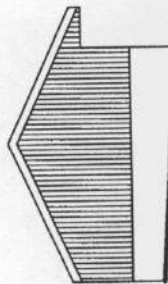
SANDY JOHNSTON ARCHITECT RIBA	PROPOSED NORTH & SOUTH ELEVATIONS Prepared and issued by Sandy Johnston at her own request. Issued for the purpose of a planning application.
	DATE FEB 2013 DWG 1200001 SCALE 1:100



PLAN 1:100

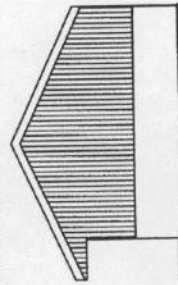


EAST ELEVATION

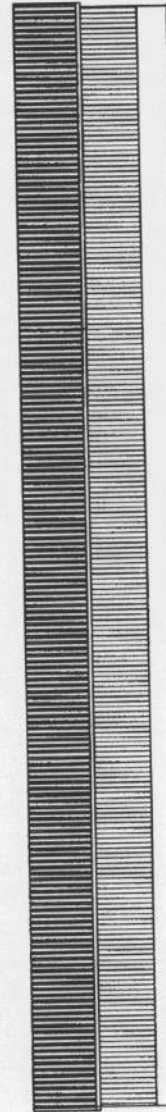


SOUTH ELEVATION

22 JUL 2010
2010/0683

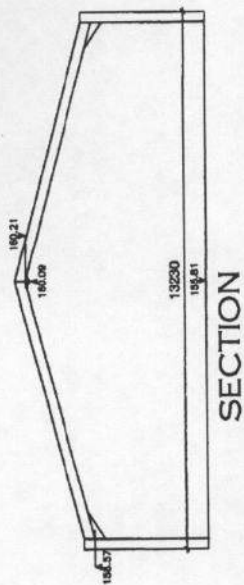


NORTH ELEVATION 1:100

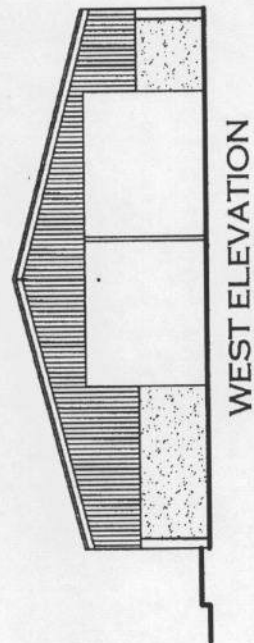
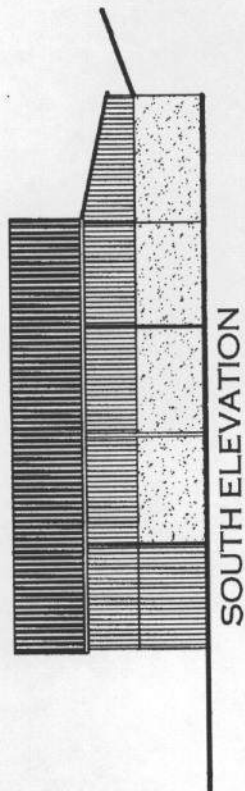
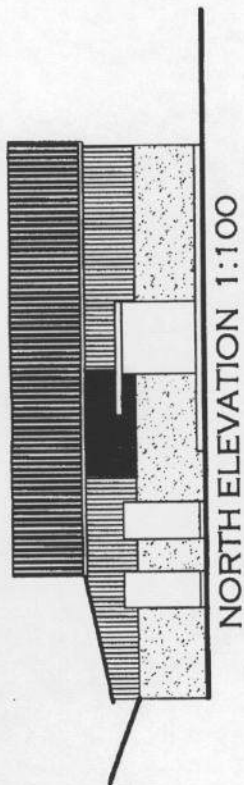
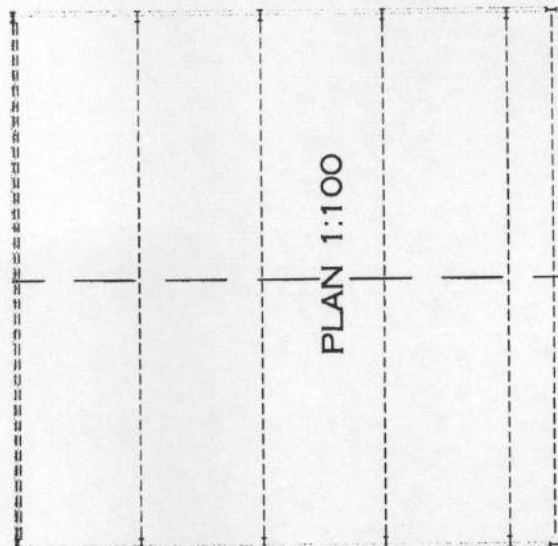


WEST ELEVATION

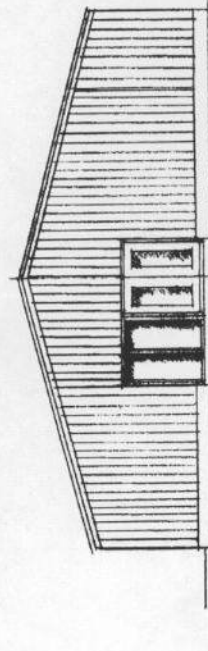
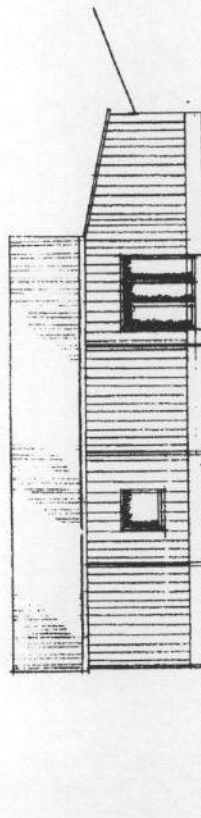
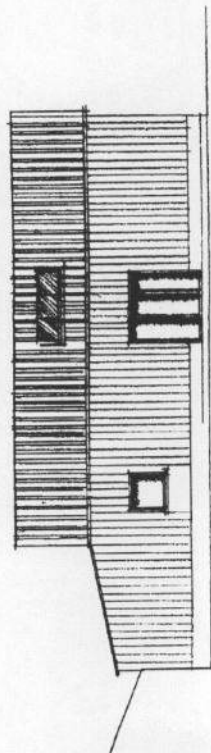
SANDY JOHNSTON ARCHITECT RIBA	Plan & elevations of lower shed 1 Resonance and location of existing buildings at Broughton, 1 mile to Broughton Farm
	DATE: JULY 2010 DWG: 10200001 SCALE: 1:100



22 JUN 2010
2010/0683



<p>Plan & elevations of existing shed 2</p>	<p>Replacement and relocation of existing terraces at</p>	<p>Baroque, 'Gate to Baroque Park'</p>
<p>SANDY JOHNSTON</p>	<p>ARCHITECT</p>	<p>RIBA</p>
<p>DATE: 22 JUN 2010</p>	<p>DWG: 1000000</p>	<p>SCALE: 1:100</p>



ROOF: EXISTING CORRUGATED
 METAL SHEETING
 WALLS: YORKSHIRE TIMBER
 BOARDING
 WINDOWS/DOORS: TIMBER

22 JUL 2023
 20101683

SANDY JOHNSTON ARCHITECT RIBA	Proposed Elevations of garage annex Requirements and specification of existing structures at Broughton, taken for Broughton Farm
	DATE: JULY 2020 DASH: 10/20/2020 SCALE: 1/50

SCHEDULE A: Applications with Recommendation

10/0625

Item No: 11

Date of Committee: 01/10/2010

Appn Ref No:
10/0625

Applicant:
Mr Michael Carigiet

Parish:
Stanwix Rural

Date of Receipt:
19/07/2010

Agent:

Ward:
Stanwix Rural

Location:
Tower Villa, Rickerby, Carlisle, CA3 9AA

Grid Reference:
341475 556944

Proposal: Conversion Of Existing Under Stairs Store To WC (LBC)

Amendment:

REPORT

Case Officer: Richard Majewicz

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as the applicant is related to an employee of the City Council.

1. Constraints and Planning Policies

Ancient Monument

Flood Risk Zone

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 Rickerby 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 Rickerby Conservation Area.

Local Plan Pol LE13 - Alterations to Listed Buildings

2. Summary of Consultation Responses

English Heritage - North West Region: Consider that it is not necessary for this application to be notified to them;

Hadrians Wall Heritage Limited: Comments awaited.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

- 3.1 This application was advertised by the display of both a site notice and press notice. No representations have been received during the consultation period.

4. Planning History

- 4.1 In 1984, under application number 84/0311, Listed Building Consent was granted for internal alterations and external repair to roof and tower.
- 4.2 In 1988, under application numbers 88/0311 and 88/0236, Full Planning and Listed Building Consent was gained for the provision of a pitched roof in lieu of existing roof over kitchen and new patio door.
- 4.3 In 1989, under application number 89/0414, Listed Building Consent was granted for the restoration of derelict buildings including new roof structure, ground floor structure and reconstruction of masonry and provision of new windows and door frames.
- 4.4 In 2001, under application number 01/0996, Full Planning Permission was gained for the change of use of part of the existing dwelling to provide a single practitioners office for personal use.
- 4.5 In 2003, under application numbers 03/0986 and 03/0987, Full Planning and Listed Building Consent was granted for the construction of a boundary wall.
- 4.6 In 2006, under application number 06/0707, Listed Building Consent was granted for the erection of a conservatory.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Listed Building Consent for the conversion of a ground floor under stair store to form a W.C/cloakroom at Tower Villa which forms the end dwelling in a row of five Grade II Listed cottages which lie within Rickerby Conservation Area. The property was built during the late 18th Century and previously formed estate cottages to Rickerby House which is also Grade II Listed. Tower Villa is constructed from English garden wall bond brickwork under a slate roof. The tower of the villa is two storey and forms a prominent north-west feature constructed from brick walls with slit openings and a corbelled-out and castelled brick parapet. The site is surrounded by residential properties to the north, east and south together with agricultural grazing land to the west.

Background

- 5.2 The internal store lies within the prominent two storey brick tower. Alterations to the store to form the W.C will comprise installing a W.C and wash hand basin which will be connected to the existing foul drain via a saniflo system, replacing the existing damaged timber boarded door with new to match existing and replacing the existing metal frame window with a window to match the existing pattern and style of windows elsewhere within the property.

Assessment

- 5.3 The relevant planning policy against which the application is required to be assessed is Policy LE13 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposals raise the following issue:
1. The Impact Of The Proposal On The Grade II Listed Building
- 5.5 It is considered that the impact of this proposal on the Grade II Listed Building will be minimal as the only external alteration will be the insertion of a new Humidistat Extract Fan to the western wall. The impact of this will be reduced providing that it is located in the same position as an existing Air Brick. A condition has been imposed within the decision notice to ensure that this is the case. The property lies within a flood zone however a flood risk assessment has been undertaken and recommends that new floor levels should be no lower than the existing floor level, electricity supplies should be fed from above, outlet sockets should be placed 900mm above floor level and external doors should be made watertight. The proposed works will have a minimal affect on the external appearance of this Grade II Listed Building.
2. Other Matters
- 5.5 Members should also be aware that although the applicant is related to an

employee of the City Council he has not been involved in the determination of the application outside of his role as an applicant.

Conclusion

- 5.7 In overall terms, it is considered that the conversion of this store into a W.C / cloakroom would not have an unacceptable impact on the character or setting of this Listed Building, nor the Rickerby Conservation Area as changes to the external appearance will be minimal. Accordingly the City Council's Conservation Officer is satisfied that the proposal will not have a detrimental impact on the Grade II Listed Building.
- 5.8 The recommendation for approval, as it is considered that the proposal is compliant with the objectives of the adopted Local Plan Policy.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above 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 significant weight to refuse Listed Building Consent.

7. Recommendation - Grant Permission

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

Reason: In accordance with the provisions of Section 18 of the Planning

(Listed Building and Conservation Areas) Act 1990.

2. The approved documents for this Listed Building Consent comprise:
1. the submitted planning application form;
 2. the Site Location Plan [received 5th July 2010];
 3. the Block Plan [received 19th July 2010];
 2. the Design and Access Statement [received 19th July 2010];
 3. the Flood Risk Assessment [received 19th July 2010];
 4. the existing and proposed ground floor plan and proposed W.C plan [received 5th July 2010 and numbered 2010/TV/21];
 5. the proposed W.C internal elevations plan [received 5th July 2010 and numbered 2010/TV/22];
 6. the Notice of Decision; and
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

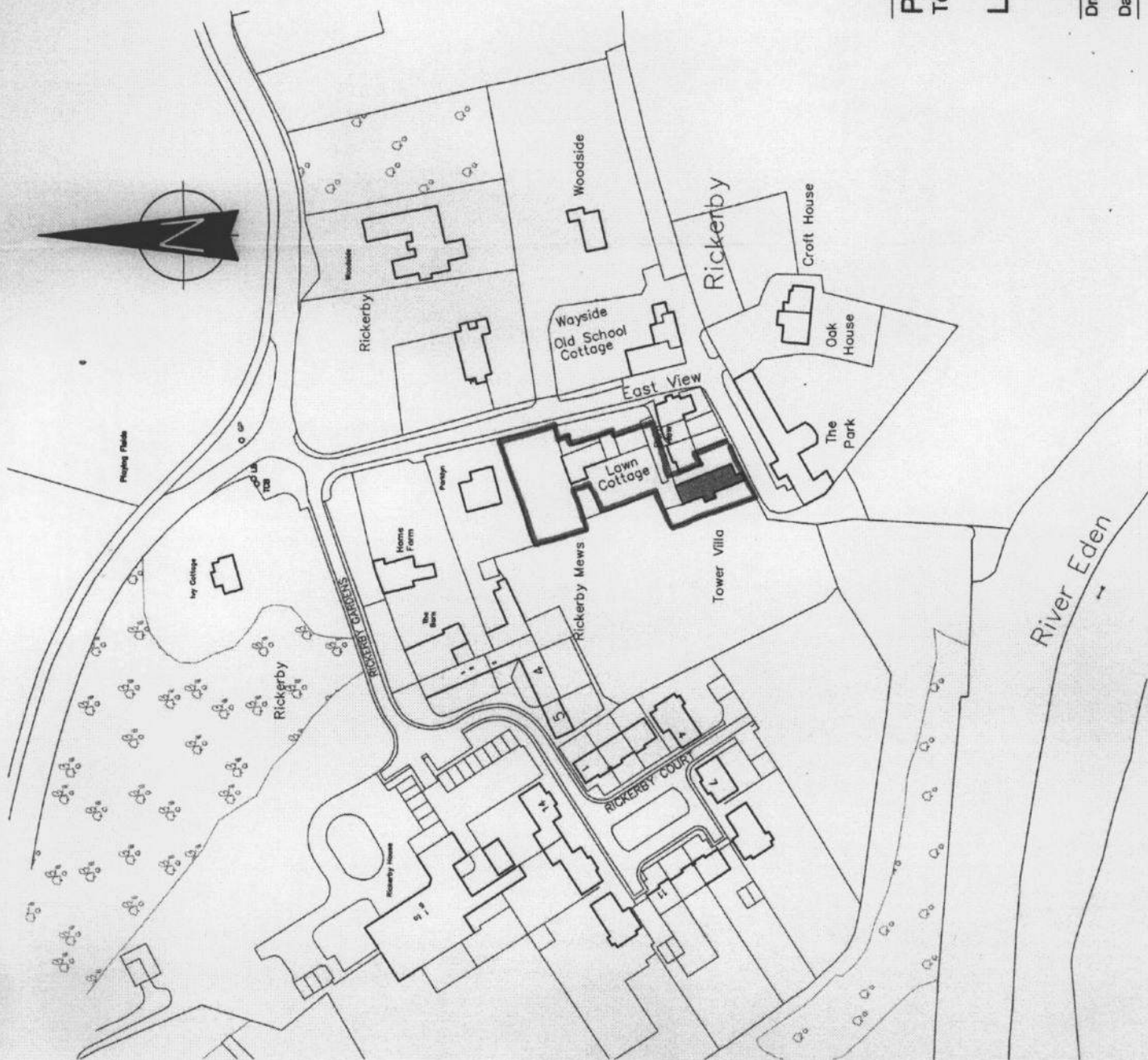
3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the objectives of Policy LE13 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external and internal appearance for the completed development.

4. Notwithstanding the information supplied with this application, the proposed Extract Fan shall be located in the same position as the existing air brick, to the west elevation of the tower.

Reason: For the avoidance of doubt and to ensure the satisfactory external appearance of the completed works.

RECEIVED
05 JUL 2010
10/0625



Proposed New Ground Floor W.C.

Tower Villa, Rickerby, Carlisle

Location Plan

Drawn : Scale : 1:1250

Date : June 2010 Drawing No : 2010/TV/20

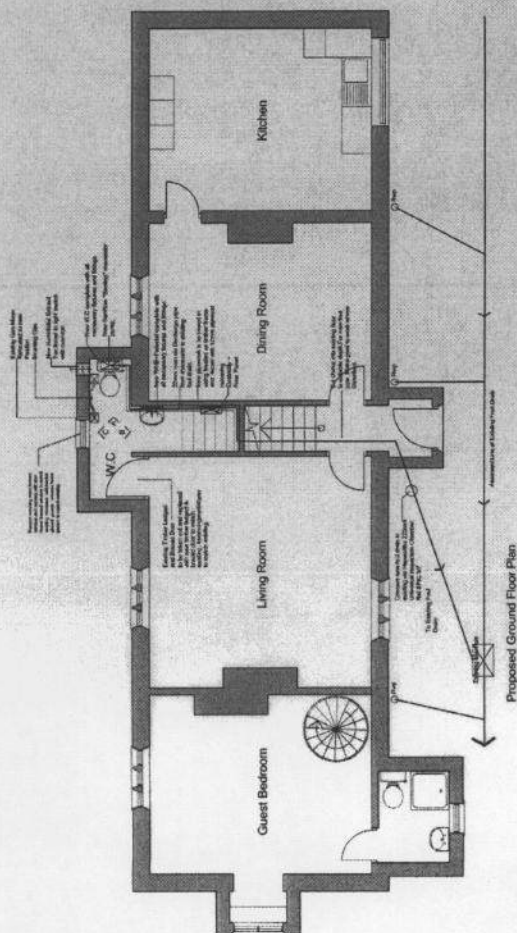


18 JUL 2010
16615

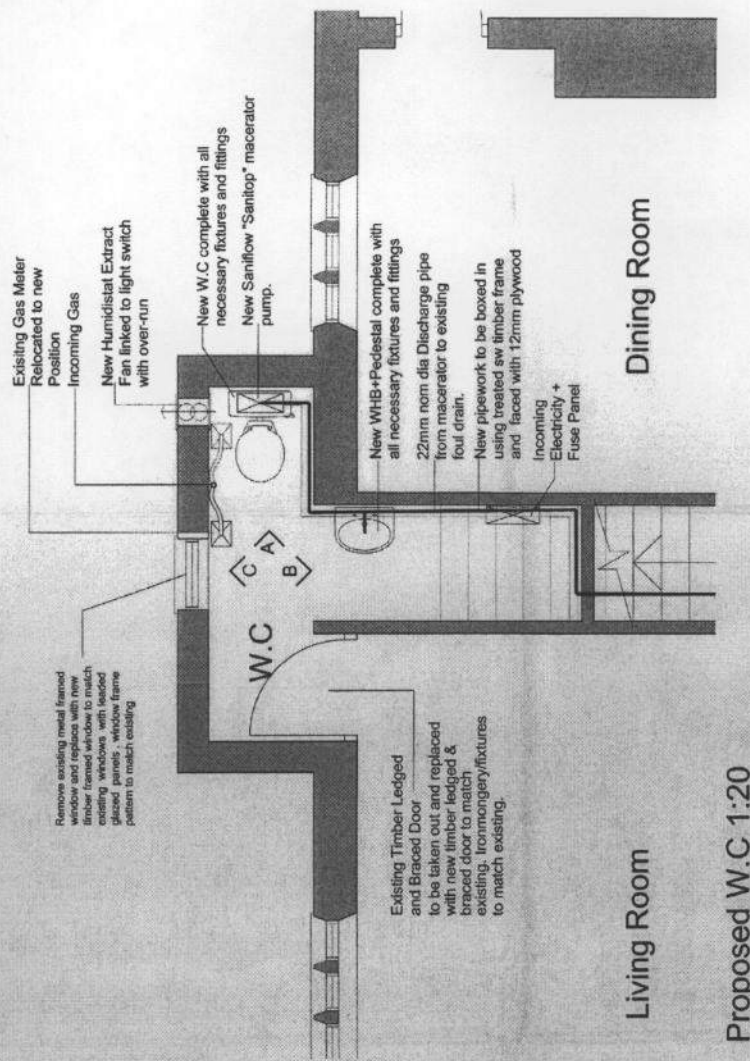
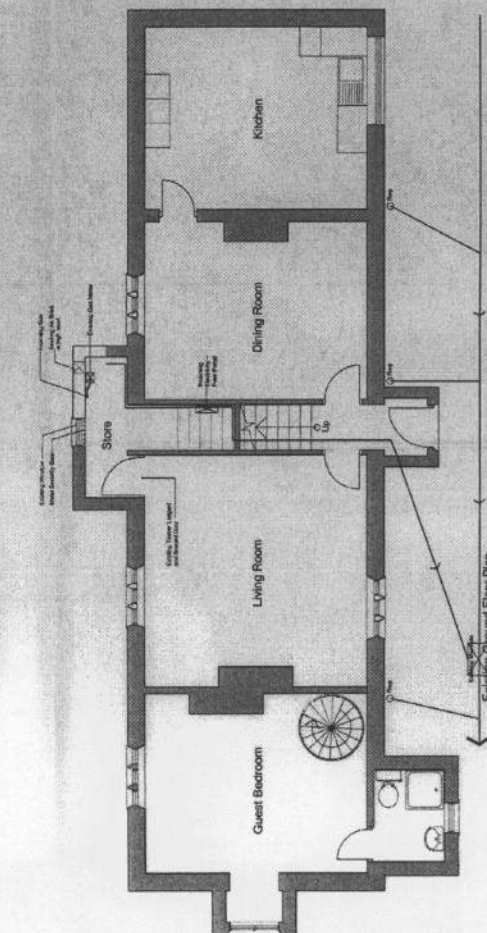
Proposed New Ground Floor W.C.
Tower Villa, Rickerby, Carlisle

Block Plan

Drawn: Scale: 1:500
Date: June 2010 Drawing No: 2010/PV10



220

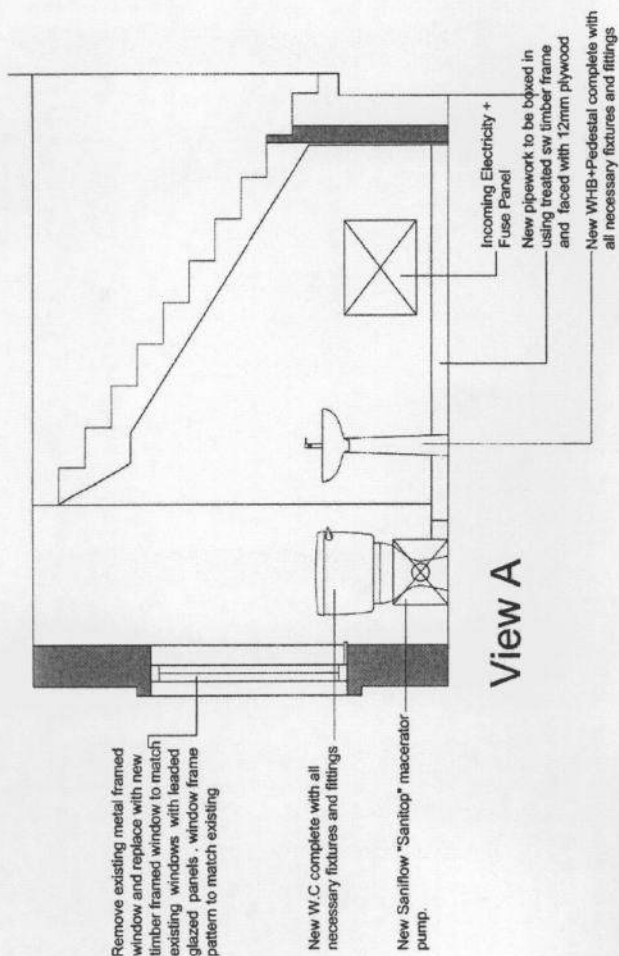


05 JUL 2010
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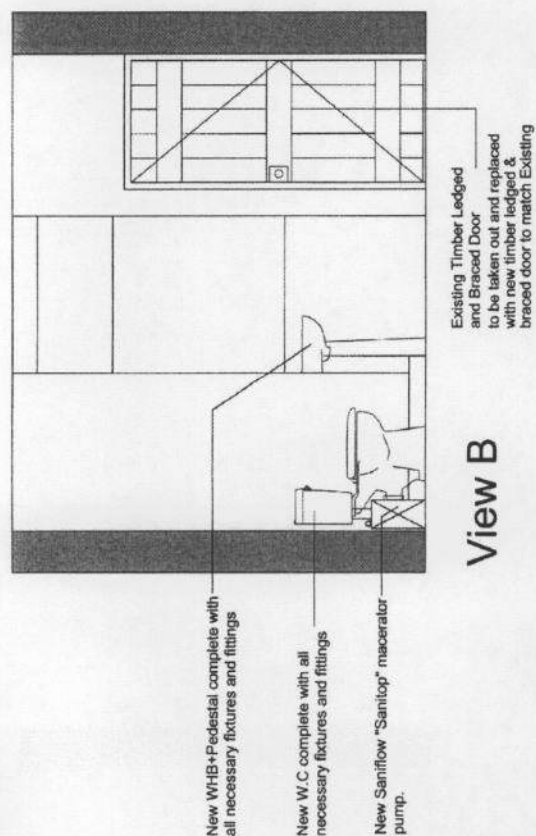
Proposed New Ground Floor W.C.
Tower Villa, Rickerby, Carlisle

Existing + Proposed Ground Floor Plan
& Proposed W.C. Plan

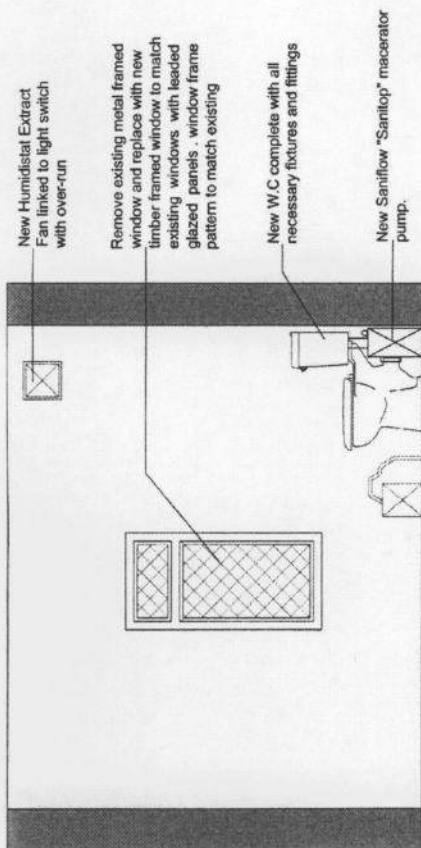
Drawn: Scale: 1:50, 1:20
Date: June 2010 Drawing No: 2010/TV21



View A



View B



View C

05 JUL 2010
10/0625

Proposed New Ground Floor W.C
Tower Villa, Rickerby, Carlisle

Proposed W.C
Internal Elevations

Drawn : Scale : 1:20

Date : June 2010 Drawing No : 2010/TV/22

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 12

Between 17/08/2010 and 17/09/2010

Appn Ref No:
10/9017

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
28/07/2010

Agent:
Cumbria County Council

Ward:
Denton Holme

Location:
Robert Ferguson Primary School, East Dale Street,
Denton Holme, Carlisle CA2 5LA

Grid Reference:
339811 554842

Proposal: Erection of Stainless Steel Flue

Amendment:

REPORT

Case Officer: Barbara Percival

City Council Observations on the Proposal:

Decision: City Council Observation - Raise Objection(s) **Date:** 24/08/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 31/08/2010

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
Portland Square
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 22 July 2010.

viz: Erection of stainless steel flue

Robert Ferguson Primary School, East Dale Street, Denton Holme, Carlisle

Subject to due compliance with the following conditions:

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

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

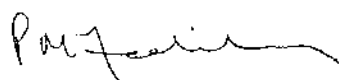
2. The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:
 - the planning application form - dated 20 July 2010
 - the Design and Access Statement – dated July 2010
 - Dwg CS042773 / M T (-5) 02 rev 0 - site location plan
 - Dwg 3/3 B - Elevations and section as proposed
 - Dwg - "Wessex Boiler rev B" - submitted 20 August 2010
 - the Decision Notice

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

3. The material of the flue shall be 316 2B Finish stainless steel.

Reason: To minimise adverse visual impact in accordance with Policy CP5 of Carlisle District Local Plan 2001 - 2016

Dated the 31 August 2010



.....
Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Any approval to be given by the Assistant Director of Planning & Sustainability or any other officer of Cumbria County Council, shall be in writing.
-

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

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

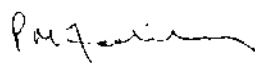
Carlisle District Local Plan 2001 - 2016

POLICY CP5 Design

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

1. Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
 2. Take into consideration any important landscape or topographical features and respect local landscape character;
 3. Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
 4. Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
 5. Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
-
- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 31 August 2010



.....
Signed: Paul Feehily
Assistant Director - Planning & Sustainability on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 13

Between 17/08/2010 and 17/09/2010

Appn Ref No:
10/9009

Applicant:
Greenpark Energy Ltd

Parish:
Kirkandrews

Date of Receipt:
01/06/2010

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Land to West of Becklees Farm, Beckside,
Longtown, Carlisle CA6 5NQ

Grid Reference:
335143 571590

Proposal: Installation of a Production Hub for the Extraction of Coal Bed Methane
Including Drilling of Vertical Boreholes and Horizontal Production
Laterals

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 08/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 25/08/2010

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Greenpark Energy Ltd
Norham House
Walkergate
Berwick-upon-Tweed

10/9009/CTY

25.11.10

KL

To: C.C. - Geo

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 20 May 2010.

viz: Installation of a Production Hub for the extraction of Coal Bed Methane (CBM gas), including drilling of verticle boreholes and horizontal production laterals

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

Subject to due compliance with the following conditions:

TIME LIMITS

1. The development hereby permitted including the commencement of installation of the gas extraction equipment shall be begun before the expiration of three years from the date of this permission.

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

APPROVED DOCUMENTS

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form – dated 18/05/10
 - b. The Environmental Statement.
 - c. Plans numbered:
 - i) Figure PA1.
 - ii) Figure PA2.
 - iii) Figure PA3a.
 - iv) Figure PA3b.
 - v) Figure PS4.
 - d. Any details or schemes that may be approved in relation to conditions attached to this permission.
 - e. The applicant's submission of additional information dated 19th July 2010.
 - f. This Decision Notice

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

RESTORATION

3. The development hereby permitted shall be for a limited period expiring on 31 December 2035. Thereafter all structures, plant, equipment and machinery shall be removed and the site restored to a condition capable of supporting an agricultural use, by 31 December 2036 in accordance with the scheme of restoration that has received prior approval in writing from the Local Planning Authority not later than two years prior to 31 December 2035.

Reason: To secure the restoration of the site in accordance with Policies DC15 and DC16 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

TRAFFIC

4. The development hereby permitted shall not be commenced prior to the submission to and the approval in writing by the Local Planning Authority of details showing the following:
 - a) The proposed highway crossing into the site across the road verge;
 - b) The hard surfacing of any access drive;
 - c) The direction of opening of access gates away from the highway;
 - d) The means of drainage and surface water discharge so as to prevent any discharge on to the highway.

Reason: In order to prevent any adverse impact on the highway in accordance with Policy DC1 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

HOURS OF OPERATION

5. Other than for operation of the drill rig in accordance with Condition 6 with this permission, no operation or activity for implementation or ongoing operation of this development under the terms of this permission including for restoration shall be carried out outside of the following hours:

07.00 to 17.00 hours Mondays to Fridays.

08.00 to 13.00 Saturdays.

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

Reason: To minimise the potential for there to be any adverse impact from noise in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

6. Notwithstanding the requirements of Condition 5 with this permission, the operation of the drill rig may take place for 24 hours per day seven days per week for the drilling of four boreholes only and for a period not exceeding a total of twelve weeks from the commencement of drilling, the date of which shall have been notified to the Local Planning Authority in writing not less than seven days prior to the date of commencement of operation of the drill rig.

Reason: To minimise the potential for there to be any adverse impact from noise in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

NOISE

7. No use operation or activity for the development hereby permitted shall be carried out so as to cause noise levels attributable to site operations, as measured at any noise sensitive property, to exceed the following levels:
- a) Between the hours of 07.00 to 17.00, 55dB_(LAeq 1hr free field);
 - b) Between the hours of 17.00 to 07.00, 45dB_(LAeq 1hr free field).

The developer shall carry out noise monitoring for the duration of construction and operation of the drill rig in accordance with a scheme that has received prior approval in writing from the Local Planning Authority and the results of that monitoring shall be disclosed to the Local Planning Authority on request.

Reason: To minimise the potential for there to be any adverse impact from noise in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

ENVIRONMENTAL CONTROLS

8. No fuels oils or other potentially polluting liquids shall be stored within the site except within a tank or tanks set within a bund constructed on an impervious base with impervious walls and with a capacity of not less than 110% of the volume of the tank or if there is more than one tank the combined volume of the tanks. All fill and draw valves and sight glasses shall be set above the perimeter of the bund and directed to discharge downwards into the bund.

Reason: To prevent any incident of ground or water pollution in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

9. No external flood lighting shall be installed or operated within the site except in accordance with details that have received prior approval in writing from the Local Planning Authority. Such details to show the type, height and location direction of any such floodlights. Such lighting shall thereafter only be used during the drilling of boreholes and during any capping of boreholes on cessation of methane extraction. Not with standing this restriction, floodlights may be operated in the event of any emergency or in the case of carrying out any essential maintenance works required for plant and machinery operated at the site.

Reason: To minimise the potential for any adverse impact from light pollution in accordance with Policies DC2 and DC3 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

SOIL MANAGEMENT & RESTORATION

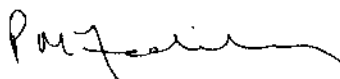
10. The topsoils stripped from the site and stored under the terms of planning permissions 1/07/9006, 1/07/9015 and 1/09/9004 shall be retained within the site in stockpiles not exceeding 2 metres in height above ground level. These stockpiles shall be retained until required for restoration.

Reason: To protect soils resources for use in restoration in accordance with Policies DC15 and DC16 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

11. The restoration of the site shall be carried out on expiry of this permission in accordance with a scheme approved pursuant to Condition 3 or notwithstanding the provisions of Condition 3 with this permission, in the event of the earlier cessation of methane extraction within twelve months of the cessation of methane extraction, whichever is the earlier date. Such earlier restoration shall only be carried out in accordance with a scheme of restoration that has received prior approval in writing from the Local Planning Authority to be submitted for approval not later than twelve months prior to the anticipated date of cessation of methane extraction.

Reason: To secure the restoration of the site in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

Dated the 25 August 2010



.....

Signed: Paul Feehily
The Assistant Director, Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

NOTE

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

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

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

**Cumbria Minerals and Waste Development Framework (CMWDF)
Core Strategy 2009-2020 [- Adopted April 2009]**

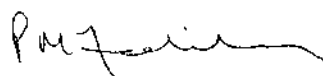
Policy CS18: Coal bed methane.

**Cumbria Minerals and Waste Development Framework (CMWDF)
Generic Development Control Policies 2009-2020 [- Adopted April 2009]**

Policy DC1: Traffic and transportation.
Policy DC2: General criteria.
Policy DC3: Cumulative impacts.
Policy DC7: Criteria for energy minerals.
Policy DC12: Landscape and visual impact.
Policy DC13: Flood risk.
Policy DC14: The water environment.
Policy DC15: Protection of soil resources.
Policy DC16: After Use and Restoration.

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

Dated the 25 August 2010



.....
Signed: Paul Feehily
The Assistant Director, Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 17/08/2010 and 17/09/2010

Appn Ref No:

10/9012

Applicant:

County Fire Service

Parish:

Carlisle

Date of Receipt:

09/06/2010

Agent:

Cumbria County Council

Ward:

Belle Vue

Location:

L/adj to Newtown School, Raffles Avenue, Carlisle
CA2 7EQ

Grid Reference:

338276 555851

Proposal: Reserved Matters Application For New Community Fire Station Site
Layout, Surfacing,

Disabled Access, Drainage And Diversion Of Underground Pipes And
Cables; Planting

And Landscaping.

Amendment:

REPORT

Case Officer: Alan Taylor

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 16/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 19/08/2010

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT
Approval of Reserved Matters in respect of
Outline Planning Permission 1/09/9044

To: Cumbria Fire & Rescue & Mansell Construction Services Ltd
County Fire Service HQ
Station Road
Cockermouth

In pursuance of the powers under the above Act and Order Cumbria County Council as local planning authority hereby **permit** the development described in your application received on 28 May 2010 and on the plans and drawings listed below.

viz: Reserved matters application for: new community fire station site layout, surfacing, disabled access, drainage and diversion of underground pipes and cables; Planting and Landscaping; Scale and Appearance of the buildings and all other structures; and Car Parking and detailed design of the access to the highway

Vacant land adjacent to Newtown School, Raffles Avenue, Carlisle

Subject to due compliance with the conditions of application 1/09/9044 and the following additional condition:

- 1 The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:

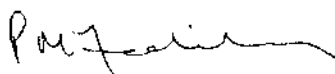
The submitted planning application form – dated 7 May 2010
Design and Access statement – dated May 2010
Lighting Report – dated 7 May 2010
Arboricultural Method Statement – 1848C V 2
Tree Schedule - received 18 June 2010
Drainage Strategy 208776/CDH – dated 26 April 2010
Energy Strategy - REP/211789-00/M004
CW/PB/ARC/099 Site Location Plan
CW/PB/ARC/100 Rev A Existing Site Plan
CW/PB/ARC/101 Rev C Proposed Site Plan
CW/PB/ARC/102 Rev A Proposed Tree protection Plan
CW/PB/ARC/201 Proposed Ground Floor Plan
CW/PB/ARC/202 Proposed First Floor Plan
CW/PB/ARC/203 Proposed Roof Plan
CW/PB/ARC/301 Proposed Elevations
CW/PB/ARC/302 Proposed Elevations
CW/PB/ARC/401 Proposed Typical Sections
CW/PB/ARC/402 Proposed Typical Sections
CW/PB/ARC/403 Proposed Detailed Section 1-1
CW/PB/ARC/404 Proposed Detailed Section 2-2
CW/PB/ARC/405 Proposed Detailed Section 3-3

TCP.1 REFERENCE No. 1/10/9012 – Reserved Matters

CW/PB/ARC/510	Proposed Drill Yard Canopy Details
CW/PB/LARC/111	Proposed Hard Landscaping plan
CW/PB/LARC/112	Proposed Soft Landscaping Plan
CW/PB/LARC/113	Proposed Planting Plan
CW/ISRS/CIV/131	Proposed Retaining Wall Details
CW/PB/CIV/132	Proposed External Drainage Layout
CW/ISRS/CIV/133	Proposed Drainage Details
CW/ISRS/CIV/134	Proposed Drainage Details
C.950.G.CW.100 issue P1 - S 278 works	
The Decision Notice	

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

Dated the 19 August 2010



.....
Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Assistant Director of Planning & Sustainability or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

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

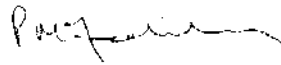
Carlisle District Local Plan 2001-2016

POLICY CP5Design

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

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

Dated the 19 August 2010



.....
Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.

SCHEDULE C: Applications Determined by Other Authorities

10/0083

Item No: 15

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0083

Applicant:
Primesight Ltd

Parish:
Carlisle

Date of Receipt:
29/01/2010 13:00:35

Agent:

Ward:
Currock

Location:
James Street Service Station, James Street,
Carlisle, CA2 5AP

Grid Reference:
340143 555290

Proposal: Display Of 1no. Internally Illuminated Free Standing Double Sided
Display Unit (Retrospective Application)

Amendment:

REPORT

Case Officer: Barbara Percival

Decision on Appeals:

Appeal Against: Against Advert Decision

Type of Appeal:

Report: This appeal related to a Retrospective Advertisement Application for the display of 1no. internally illuminated free standing double sided display unit at James Street Service Station which fronts onto James Street with Hewson Street to the north and St Stephens Street to its south.

The application was refused under Delegated Powers on the 23rd March 2010 on the following grounds:

"The site occupies a prominent roadside location adjacent to a busy thoroughfare into the City. The sign, not only by virtue of its siting, scale and illumination, but also in combination with existing advertisements displayed on the premises is unduly incongruous, contributes to general advertising clutter within the site and represents an unduly obtrusive feature within the streetscene. The advertisement consequently detracts unacceptably from the visual amenity of the surroundings and from the amenity and character of the area, contrary to the objectives of PPG19 (Outdoor Advertisement Control) and criteria 1, 2, 3, 4, 5 and 7 of Policy EC17 (Advertisements) of the Carlisle District Local Plan 2001-2016".

The Inspector considered that the main issue in the consideration of the

SCHEDULE C: Applications Determined by Other Authorities

10/0083

appeal was the effect of the illuminated free standing double sided display unit on the character and appearance of the streetscene and surrounding area.

In dismissing the appeal, the Inspector outlined that he had taken into account the appellant's view that the surrounding environment is entirely commercial and that the design of the unit is in keeping with that of a commercial filling station. Nevertheless, the appellants view did not alter his opinion that the unit as installed appears poorly related in visual terms to the site itself, is unduly detrimental to the character and appearance of the streetscene and significantly contributes to the over cluttered appearance of signage within the site which harms the visual amenity of the surrounding area. He concluded that, the advertisement as installed is prejudicial to visual amenity and so is in conflict with the indicated general intention of the advertisement control system, as set out in Planning Policy Guidance: Outdoor Advertisement Control (PPG19), that outdoor advertising should contribute positively to the appearance of an attractive and cared-for environment in cities, towns and the countryside.

Appeal Decision: Appeal Dismissed

Date: 16/08/2010

SCHEDULE C: Applications Determined by Other Authorities

Item No: 16

Between 17/08/2010 and 17/09/2010

Appn Ref No:

10/9014

Applicant:

Cumbria County Council

Parish:

Brampton

Date of Receipt:

08/07/2010

Agent:

Cumbria County Council

Ward:

Brampton

Location:

Brampton Junior School, Sawmill Lane, Brampton,
CA8 1BZ

Grid Reference:

353040 561340

Proposal: Variation Of Conditions 4 And 5 Of Planning Permission 08/9017 To
Install A 300mm High Brow Top Type Fence On Top Of The Entrance
Walls Facing Sawmill Lane

Amendment:

REPORT

Case Officer: Shona Taylor

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 28/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 20/08/2010

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Cumbria County Council Property Unit
Portland Square
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 30 June 2010.

viz: Variation of conditions 4 and 5 of planning permission 1/08/9017 to install a 300mm high bow top type fence on top of the entrance walls facing Sawmill Lane

Brampton Junior School, Sawmill Lane, Brampton

Subject to due compliance with the following conditions:

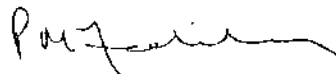
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:
 - the submitted planning application form, dated 26 June 2010;
 - site Location Plan, Drawing No G2, Rev A, dated 12 May 2008;
 - the Car Park and Hard Play as Proposed plan, Drawing No G3, Rev C, dated August 2008;
 - the Car Park Vehicle/Pedestrian Access - Plan and Elevations plan, Drawing No G7, Rev E, dated January 2009;
 - the details required by the conditions attached to this permission, and
 - the Decision Notice

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

Dated the 20th August 2010



.....
Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Any approval to be given by the Assistant Director of Planning & Sustainability or any other officer of Cumbria County Council, shall be in writing.
-

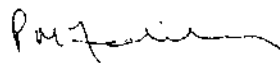
CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 20th August 2010



.....
Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 17

Between 17/08/2010 and 17/09/2010

Appn Ref No:

10/9018

Applicant:

Mrs Jan Cameron -
Cumbria County Council

Parish:

Carlisle

Date of Receipt:

05/08/2010

Agent:

Cumbria County Council

Ward:

Belah

Location:

James Rennie Special School, Kingstown Road,
Carlisle, CA3 0BU

Grid Reference:

339693 559311

Proposal: Erection Of Special Educational Needs 14-19 Life Skills Applied Learning
Centre Facility

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 08/09/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 09/09/2010

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Ms Cameron - Cumbria County Council
Portland Square
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 28 July 2010.

viz: New single storey training facility
James Rennie School, California Road, Kingstown, Carlisle, CA3 0BX

Subject to due compliance with the following conditions:

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

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

- 2 The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:
 - the planning application form - dated 23 July 2010
 - the Design and Access Statement
 - the Ecological Site Walkover Report dated 21 July 2010
 - Drg CS_ 043991_001 - Existing location plan
 - Drg CS_ 043991_002 - Rev B - Proposed Site Plan
 - Drg CS_ 043991_003 - Site Area Electrical Hut
 - Drg CS_ 043991_004 - Rev A - Floor Plan New Facility Building
 - Drg CS_ 043991_005 - Rev A - Floor Plan Electrical Hut
 - Drg CS_ 043991_006 - Rev A - Elevations New Facility Building
 - Drg CS_ 043991_011 - existing and proposed Site parking plan
 - the Decision Notice

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

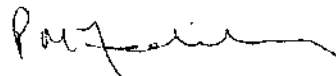
- 3 No clearance of vegetation shall take place within the bird breeding season i.e. 1 March - 31 August inclusive unless measures have been taken to exclude nesting birds before they have nested.

Reason: For the protection of nesting birds.

- 4 Tree protection fencing shall be provided as shown on - Drg CS_043991_002 - Rev B - Proposed Site Plan and no vehicles, machinery or materials shall be stored within those areas at any time. Any excavation for pathways and paving within the tree root zones shall be in accordance with BS 5387.

Reason: To prevent harm to the trees on the site.

Dated the 9th September 2010



Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTE

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

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

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

Carlisle District Local Plan 2001 - 2016

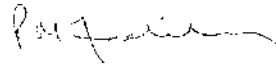
POLICY CP5 Design

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

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

Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 9th September 2010



Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 18

Between 06/08/2010 and 17/09/2010

Appn Ref No:
07/1312

Applicant:
Persimmon Homes
Lancashire

Parish:
Carlisle

Date of Receipt:
28/11/2007

Agent:
Taylor and Hardy Limited

Ward:
Denton Holme

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

Grid Reference:
339590 555028

Proposal: Erection of 58 dwellings comprising 30 apartments (6no. 1 bedroom and 24no. 2 bedroom) and 28 townhouses (28no. 3 bedroom), internal access roads, car parking, garages, cycle and bin stores and associated landscaping.

Amendment:

REPORT

Case Officer: Richard Maunsell

Details of Deferral:

Members will recall at Committee meeting held on 25th April 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the attainment of a satisfactory agreement under S106 of the Town and Country Planning Act. The Agreement was intended to ensure the provision of affordable housing; to secure the required developer contribution towards off-site highway infrastructure improvements; and to secure a commuted payment to enable the provision of off-site play and open space facilities in lieu of open space/ play facility provision within the site.

The S106 has been signed and the approval was issued on 31st August 2010.

Decision: Grant Permission

Date: 31/08/2010

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

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

2. The approved documents for this Planning Permission comprise:

SCHEDULE D: Reports on Previously Deferred Decisions

1. the submitted planning application form;
2. Existing Site Plan drawing 2736 10 00;
3. Site Plan drawing 2736 10 01 Revision F;
4. Roof Plan drawing 2736 10 02;
5. Apartments I Grosvenor Units 12-23 Plans drawing 2736 20 01;
6. Apartments I Grosvenor Units 12-23 Eles drawing 2736 20 02;
7. Apartments II Aspen Units 40-57 Plans & Eles drawing 2736 20 03;
8. Apartments II Aspen Units 40-57 Plans & Eles drawing 2736 20 04;
9. House Type I Newbury Units 1-7 drawing 2376 20 05;
10. House Type II Newbury Units 28-30 drawing 2376 20 06;
11. House Type III Coalport Units 31-37 drawing 2376 20 07;
12. House Type IV Coalport Units 24-25, 38-39 & 58 drawing 2376 20 08;
13. House Type V Farthing Units 8-9 & 10-11 drawing 2376 20 09;
14. House Type VI Farthing Units 26-27 drawing 2376 20 10;
15. Site Sections & Street Scenes I drawing 2376 30 01;
16. Site Sections & Street Scenes II drawing 2376 30 02;
17. Landscape Proposals drawing 2376 90 01;
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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 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 CP5 of the Carlisle District Local Plan 2001 - 2016.

4. 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 CP5 of the Carlisle District Local Plan 2001-2016.

5. 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 be undertaken in accordance with

SCHEDULE D: Reports on Previously Deferred Decisions

the approved details.

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

6. 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:
 - 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.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

7. 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

SCHEDULE D: Reports on Previously Deferred Decisions

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 LD5, LD7 and LD8.

8. There shall be no vehicular access to or egress from the site other than via the approved accesses, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route in the interests of road safety and to support Local Transport Plan Policies LD7 and LD8.

9. Prior to the commencement of development hereby approved, details of the proposed accesses from the existing highways shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until such details have been approved and the crossings have been constructed.

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

10. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.

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

11. Prior to the first occupation of any dwelling, the existing unused accessed to the highway shall be permanently closed and such highway crossings and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise highway danger and for the avoidance of doubt and

SCHEDULE D: Reports on Previously Deferred Decisions

to support Local Transport Plan Policies LD5, LD7 and LD8.

12. No dwelling shall be occupied until a pedestrian means of access to it (including satisfactory lighting) has been constructed. Not more than 30 dwellings shall be occupied before the internal parking facilities have been constructed and are available for use. The final 28 dwellings shall not be occupied until the final access and parking arrangements have been constructed to the satisfaction of the Local Planning Authority and are available for use.

Reason: To ensure the accesses to the proposed development are constructed in a phased manner with completion of dwellings, in the interest of the surrounding highways and general amenity of the area and to support Local Transport Plan Policies S3, S4 and LD9.

13. Prior to the commencement of development hereby approved, details of the number, location and design of motorcycle and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the facilities shall be provided in accordance with the approved details and prior to the development being brought into use.

Reason: To ensure that provision is made for motorcycle and bicycle parking, in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

14. If contamination not previously identified to be present during development, no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement provided, unless otherwise agreed in writing by the Local Planning Authority. The addendum shall detail how this unsuspected contamination shall be dealt with and the removal of the contamination shall be executed in accordance with the approved details.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

15. Prior to the commencement of development hereby approved, the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components:

1. An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;

SCHEDULE D: Reports on Previously Deferred Decisions

2. An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation; and
3. 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.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains in accordance with Policy LE9 of the Carlisle District Local Plan 2001-2016.

16. Prior to the commencement hereby approved, details of a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall incorporate, where possible Sustainable Drainage Systems and shall be constructed and completed in accordance with the approved plans.

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

17. Prior to the commencement of development hereby approved, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the approved development overcomes any problem associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policies H1 and CP6 of the Carlisle District Local Plan 2001-2016.

18. No dwelling shall be occupied until its drainage system is connected to a public sewer.

Reason: To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

19. Detailed plans to be submitted under Condition 4 shall incorporate full design details of walls, gates, fences and other means of permanent enclosure and boundary treatment, including height and means of construction, in respect of areas in front of the forward most part of the dwelling(s). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

SCHEDULE D: Reports on Previously Deferred Decisions

Order 1995, or any Order revoking or re-enacting that Order, any enclosure of such garden areas shall take place strictly in accordance with the agreed scheme.

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

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

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

Item No: 19

Between 06/08/2010 and 17/09/2010

Appn Ref No:
10/0429

Applicant:
Dobbies Garden
CentrePLC/Linton Tweeds
Ltd

Parish:
Dalston

Date of Receipt:
10/05/2010 11:51:27

Agent:
GVA Grimley

Ward:
Dalston

Location:
Westwood Garden Centre and surrounding land,
Orton Grange, Carlisle, CA5 6LB

Grid Reference:
335325 551573

Proposal: Garden Centre Retail Development Incorporating Restaurant/Cafe And Farm Foodhall, With Ancillary Works Including Car Parking, Access, Outdoor Display/Demonstration Areas, Farmyard Pens Area, Allotments And Landscaping (Revised Application)

Amendment:

1. Removal of the four 10m high flagpoles from the front elevation of the building.

SCHEDULE D: Reports on Previously Deferred Decisions

2. Omission of the car wash facility.
3. Provision of a more detailed indicative landscaping scheme.

REPORT

Case Officer: Sam Greig

Details of Deferral:

Members will recall at Committee meeting held on 16th July 2010 that authority was given to the Assistant Director (Economic Development) to issue approval for the proposal subject to:

- i) clearance by GONW following the referral of the application as a "Departure"; and
- ii) the completion of a deed of variation to the original s106 agreement to secure a financial contribution of £6,125 to enable the continued monitoring of the travel plan for a five year period.

GONW have cleared the application and the S106 agreement has been completed. The approval was therefore issued on 6th August 2010.

Decision: Granted Subject to Legal Agreement

Date: 06/08/2010

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

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

2. The approved documents for this planning consent comprise:
 1. The Planning Application Form received 10th May 2010;
 2. The existing site layout plan received 10th May 2010 (Drawing No. 1770(PL) 101);
 3. The proposed masterplan site layout received 23rd June 2010 (Drawing No. 1770(PL) 102 Revision A);
 4. The proposed site layout plan received 21st June 2010 (Drawing No. 1770(PL) 103 Revision A);
 5. The proposed floor plans received 10th May 2010 (Drawing No. 1770(PL)

SCHEDULE D: Reports on Previously Deferred Decisions

- 105);
6. The proposed elevations received 21st June 2010 (Drawing No. 1770(PL) 107 Revision A);
7. The proposed roof plan received 10th May 2010 (Drawing No. 1770(PL) 106);
8. The proposed surface and boundary treatment plan received 23rd June 2010 (Drawing No. 1770(PL) 104 Revision A);
9. The proposed landscaping plan produced by Sarah Byrne Limited received 21st June 2010 (Drawing No. SB/CAR/P01 Revision C);
10. Plan of the 4 arm roundabout to the A595 received 21st June 2010 (Drawing No. 3.4 Revision A);
11. Design and Access Statement received 10th May 2010;
12. Planning Policy Statement received 10th May 2010;
13. Pre - Application Consultation Statement received 10th May 2010;
14. Nature Conservation / Ecological Assessment received 10th May 2010;
15. Transport Assessment and Green Travel Plan received 10th May 2010;
16. Geophysical Survey received 10th May 2010;
17. Geotechnical and Environmental Report received 10th May 2010;
18. Desk Based Assessment and Walkover Survey received 10th May 2010;
19. The Tree Survey and Arboricultural Constraints received 10th May 2010;
20. The Notice of Decision; and
21. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The retailing of products and the offering of services from the Garden Centre approved under application 10/0429 shall be limited by the terms of the following Schedule and to the associated areas of the premises identified on Drawing Numbers 1770(PL)105 and 1770(PL)102 Revision A which accompanied application 10/0429, to which the Schedule relates and no retailing of other goods, products or services shall take place within the areas so identified or from any other part of the site other than that specified on the plans.

Goods and Services offered for sale, activities and uses	Maximum Floor Area (square metres)
Composts, peats, topsoils and mulches, turfs, sands, gravel, grobags, tree steaks / plant supports, propagators/accessories, chemicals and other goods associated with plant/garden care, tools, watering equipment, tools and garden machinery	1182
Houseplants, seeds, bulbs, plants of all kinds dried / cut flowers, floristry requisites, canes, trellis, and goods associated with their care, arrangement and maintenance	709

SCHEDULE D: Reports on Previously Deferred Decisions

Garden and conservatory furniture and furnishings, garden lighting, barbecues, charcoals, calor gas and barbeque accessories, Christmas tress / decorations / lights	946
Garden gloves and garden footwear and garden outdoor clothing/leisure	296
Aquatic products, fish, pet accessories, fish ponds, pet care advice, products and accessories	532
Other ancillary goods falling within Class A1	335
Coffee shop/restaurant	954
Trees, plants of all kinds, shrubs, garden furniture, rockery and statuary, ponds, pools, fountains, and accessories, cold water fish, compost, peat, timber decking, wrought ironwork, flagstones and walling, weed killers, pesticides, fertilizers, lawn care, indoor / outdoor planters, terracotta ware, troughs and planters, and other garden care products, pots and containers, wood preservatives, garden ornaments, stoneware, garden lighting, garden play equipment, garden related books, tools and accessories, rockery	5639
Garden buildings, greenhouses, conservatories, gazebos, summer houses, sheds, swimming pools, ponds liners and accessories, spas all with accessories, landscape and building materials, fencing and accessories and timber products, rustic poles	1587
Foodhall	430

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

- The premises shall be used as a garden centre (incorporating a 954 sqm

SCHEDULE D: Reports on Previously Deferred Decisions

cafe/restaurant and 430 sqm foodhall) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

5. The foodhall hereby permitted shall be restricted to 430 square metres and shall be used only for the sale of specialist foodstuffs and not general foodstuffs commonly sold from super markets and food superstores.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

6. There shall be no ancillary comparison goods sales from temporary structures such as marquees and canopies on the open display area.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

7. There shall be no sale of food or drink other than from the designated foodhall. The sale of food or drink for consumption on the premises shall only be permitted from the cafe/restaurant.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and

SCHEDULE D: Reports on Previously Deferred Decisions

viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

8. The garden centre hereby approved shall not be open for trading except between 0900 hours and 2000 hours on Mondays-Friday, 0900 hours and 1800 hours on Saturdays or between 1030 hours and 1630 hours on Sunday or bank holidays.

Reason: To minimise disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan 2001-2016.

9. No deliveries shall take place before 0700 hours and after 2000 hours on any day.

Reason: To prevent undue disturbance to neighbouring residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

10. Prior to the development commencing the proposed development shall be subject of a lighting scheme for all external areas and for the buildings which shall be submitted to, and approved in writing by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details prior to the commencement of trading. Outside of operating hours the external lighting, with the exception of security lighting, shall be switched off.

Reason: To minimise the impact upon the surrounding countryside landscape and the habitats of local wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

12. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development

SCHEDULE D: Reports on Previously Deferred Decisions

or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

13. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority. This written scheme shall include the following components:

i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and

ii) An archaeological recording programme the scope of which shall be dependant upon the results of the evaluation and shall be in accordance with the written scheme of investigation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

15. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed development, including footpaths, cycleways, car-parking and servicing areas, and areas of external sales/display of goods, and shall be approved, in writing, by the Local Planning Authority before any site works commence, and the approved scheme shall be fully implemented before the premises are open for trade.

SCHEDULE D: Reports on Previously Deferred Decisions

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

16. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the design and materials to be used complement the character of the countryside landscape and to ensure compliance with Policy CP5 of the Carlisle District Local Plan.

17. No development approved by this permission shall be commenced until a surface water drainage system for the site, which shall be based on the sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also demonstrate how surface water run-off generated by the 1:100 Year Critical Storm will be limited so that it will not exceed the current run-off rate from the undeveloped site and not increase the risk of flooding off-site. Details of how the scheme shall be managed and maintained shall also be submitted. The development shall be implemented in accordance with the approved details prior to the Garden Centre being brought into use.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water system in accordance with Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

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

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

19. A list of those invasive non-native species that shall not be sold from the premises, which include those species currently being considered under the quinquennial review of Wildlife & Countryside Act to be banned from sale, shall be submitted to and agreed, in writing, by the Local Planning Authority prior to the store commencing trading.

Reason: To prevent any potential adverse impact upon the River Eden and

SCHEDULE D: Reports on Previously Deferred Decisions

tributaries Special Area of Conservation and to ensure compliance with Policy LE3 of the Carlisle District Local Plan 2001-2016.

20. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the garden centre building 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 problem associated with the topography of the area and minimises its visual impact upon the surrounding countryside landscape in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. Prior to commencement of trading, the A595 roundabout junction improvement, new road including footways, pedestrian crossing facilities and site access roundabout junction improvement works (based on drawing numbers 1770(PL)102 Revision A and Figure 3.4 Revision A) shall be 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, so that constructional traffic can safely access and egress the site.

Reason: To ensure that the highway network can safely accommodate the traffic associated with the development and the development's construction in accordance with Local Transport Plan Policies LD5, LD6, LD7 and LD8.

22. The carriageway, footways, footpaths, etc 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 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 complete.

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objective and to support Local Transport Plan Policy LD4 and "extended" Policy T31 of the Cumbria and Lake District Joint Structure 2001-2016.

24. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policy LD4 and "extended" Policy T31 of the Cumbria and Lake District Joint Structure 2001-2016.

25. No development shall commence until detailed drawings of the allotment and farm yard buildings, including floor plans and elevations, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the design of the buildings is appropriate to the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

26. Any storage racking within the service yards shall not exceed the height of the service yard enclosure and no materials within these areas shall be stacked to a height exceeding 3.5 metres.

Reason: To ensure that the proposed development is undertaken in a manner that safeguards the visual amenities of the area and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. The allotments hereby approved shall only be available for lease by qualifying persons, who for the avoidance of doubt comprise those persons who currently live or work within the administrative Parishes of Dalston, Orton and Cummersdale.

In the event that the owner of the allotments demonstrates to the Council that the allotments have been offered to qualifying persons [as set out above] for not less than 3 months and no qualifying person has signed a tenancy agreement in respect of the lease of the land then the owners shall be entitled to lease the allotments to any persons who currently live or work within the Carlisle Urban Wards of Belle Vue, Morton and Yewdale.

Reason: The unrestricted use of the allotments could result in unsustainable journeys which would be contrary to the Council's objectives of

SCHEDULE D: Reports on Previously Deferred Decisions

achieving sustainable development, as outlined in Policy DP1 of Carlisle District Local Plan 2001-2016.

28. The development hereby approved shall be carried out in accordance with Section 7 (Potential Ecological Constraints & Mitigation) of the Natural Conservation / Ecological Assessment received 10th May 2010, unless otherwise agreed in writing by the Local planning Authority.

Reason: To minimise the potential impact of the development upon wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

29. No development shall be undertaken until a further investigation into the suitability of those trees, identified in paragraph 6.1 of the Natural Conservation / Ecological Assessment received 10th May 2010, to provide potential roosting sites for bats has been undertaken and submitted to and agreed, in writing, by the Local Planning Authority.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Item No: 20

Between 06/08/2010 and 17/09/2010

Appn Ref No:
10/0507

Applicant:
Mr Little

Parish:
Cummersdale

Date of Receipt:
09/06/2010

Agent:
Dr Bell

Ward:
Dalston

Location:
58 Lingyclose Road, Dalston, Carlisle, CA5 7LB

Grid Reference:
337293 552888

Proposal: Erection Of A Small Wind Turbine (5kW) Height 14.7 Metres To Tip To The East Of The Property On A Concrete Base Surrounded By A Security Fence

Amendment:

REPORT

Case Officer: Dave Cartmell

SCHEDULE D: Reports on Previously Deferred Decisions

Details of Deferral:

Members will recall at Committee meeting held on 20th August 2010 that authority was given to the Head of Planning and Housing Services to issue approval subject to the conditions shown in the report and an additional condition to specify maximum permissible noise levels at the nearest noise sensitive property. The condition regarding noise levels has been added and approval was issued on 13th September 2010.

Decision: Grant Permission

Date: 13/09/2010

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Plan No Lingey/01097541/BP (Block Plan);
3. Plan No PP 01097541 (Location Plan);
4. Plan No Lingey/01097541/GLP (General Location Plan);
5. Elevations of Iskra AT-5 Small Wind Turbine Specification;
6. Specifications for Lingey Close Wind Turbine Site Security Fence;
7. Design and Access Statement with Supporting Planning Documents;
8. Iskra AT5-1 Acoustic Noise assessment according to BWEA Performance and Safety Standard;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority) all the components, as described in the documents listed in condition 2 above, shall be removed from the site.

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

5. The following background noise levels shall not be exceeded when the wind turbine is in operation:
- a) Night time noise limits: The LA90 (10 mins) specific noise level shall not exceed 40dB(A) when assessed and measured 3.5 metres from the nearest residential property (in existence at the date of this permission) or 5dB(A) above the night time LA90 background noise at windspeeds not exceeding 12m/s whichever is the greater.
 - b) Day time noise limits – The LA90 (10 mins) specific noise level shall not exceed 50dB(A) when assessed and measured 3.5 metres from the nearest residential (in existence at the date of this permission) or 5dB(A) above the day time LA90 background noise at windspeeds not exceeding 12m/s whichever is the greater.

Reason: To minimise any potential adverse impact on nearby occupiers and comply with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan (2001 - 2016).

Item No: 21

Between 06/08/2010 and 17/09/2010

Appn Ref No:
09/0170

Applicant:
Kingmoor Park Properties
Ltd

Parish:
Kingmoor

Date of Receipt:
11/03/2009

Agent:
How Planning

Ward:
Stanwix Rural

Location:
Brunthill, Kingmoor Park, Carlisle CA6 4SJ

Grid Reference:
338109 559796

Proposal: Proposed B1, B2 and B8 Development With Associated Infrastructure And Minor Relocation Of Previously Consented Hotel (Application Reference 07/0015) And Pub/Restaurant (Application Reference

SCHEDULE D: Reports on Previously Deferred Decisions

05/0531) (Outline Application)

Amendment:

REPORT

Case Officer: Alan Taylor

Details of Deferral:

Members will recall at Committee meeting held on 16th July 2010 that authority was given to the Assistant Director [Economic Development] to issue approval subject to;

1. the revised text to Condition 20;
2. the imposition of a further condition [to be Condition 22] that limited the hours of construction activity; and
3. the completion of the Assessment of Likely Significant Effects under the Habitats Regulations and to it concluding that there are no likely significant effects.

In the event that the ALSE recommended further conditions to deal with Nature Conservation matters, Officers were authorised to impose those conditions. Likewise, should the ALSE identify likely significant effects, Officers were instructed to report the application back to the Committee for further consideration and determination in the light of the information available concerning these effects.

In the event, the ALSE was undertaken and concluded there were no likely significant effects although some revision to wording of conditions was advised. These items, together with Items 1 and 2 above, have been addressed and the approval was issued on 16th September 2010.

Decision: Grant Permission

Date: 16/09/2010

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 7 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 7 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. The approved documents for this Outline Planning Permission comprise:

SCHEDULE D: Reports on Previously Deferred Decisions

1. the application form;
2. the Environmental Assessment [Volumes 1, 2 and 3];
3. the supporting Planning Statement;
4. the Sustainability Statement;
5. the Statement of Community Involvement;
6. the Transport Assessment;
7. the Travel Plan Framework [May 2010];
8. the Statement on the Future Provision of Utility Services;
9. the site Location Plan [Drawing 08027-02];
10. the Indicative Masterplan [Drawing 08027-04J];
11. the Public Right of Way Diversion Plan [Drawing 08027-05] and any such variations to that Plan as may be agreed in writing following an application made under the formal Diversion procedure];
12. the plan of Registered Common Land [Drawing 08027-06];
13. the KPP North-Central Spine Road- Horizontal Design [Drawing C379/900A];
14. the KPP North-Central Spine Road- Horizontal Design [Drawing C379/901];
15. the KPP North-Central Spine Road- Typical Cross Section Dimensions [Drawing C379/902];
16. the Ecological Management Framework [July 2009];
17. the Ecological Management Framework-Addendum and Appendices [June 2010];
18. the Landscape and Ecological Mitigation Plan [Drawing D1823.001J];
19. the Flood Risk Assessment: February 2009 prepared by Shepherd Gilmour Infrastructure Ltd [ref: C379/SBS/EAJ/jt/R0649; and
20. the Notice of Decision.

Reason: For the avoidance of doubt and to define the Outline Planning Permission.

3. The development hereby approved may be carried out in phases. Before any phase of development is commenced approval shall first be obtained from the Local Planning Authority with respect to reserved matters for that phase of the site.

Reason: By reason of the significant scale of the proposed development and the need to provide adequate flexibility for the applicant and adequate certainty for the Local Planning Authority.

4. Before any work is commenced in relation to any phase of the development, details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called Reserved Matters) in respect of that phase 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

SCHEDULE D: Reports on Previously Deferred Decisions

Country Planning (General Development Procedure) Order 1995.

5. No construction work shall take place in relation to any Phase of the development until full details of all hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Only native species that are appropriate to the locality and have been locally sourced are to be used in the landscaping strategy and planted on site.

Reason: To ensure that an acceptable landscaping scheme is prepared, which has benefits for local wildlife and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. All works comprised in the approved details of landscaping in respect of any phase of the development should be carried out in the first planting and seeding season contemporaneously with the commencement of use of the individual buildings hereby approved.

Reason: To ensure the satisfactory landscaping scheme is implemented in accordance with Policy E19 of the Carlisle District Local Plan.

7. Trees, hedges and plants shown in the landscaping scheme for each phase of the development to be retained or planted which, during the development works for each phase of the development 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 affected in accord with Policy E15 of the Carlisle Local District Plan.

8. No development shall commence in relation to any phase of the development until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This written scheme in respect of each phase will include the following components:

- i) an archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed scheme of written investigation.

SCHEDULE D: Reports on Previously Deferred Decisions

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

9. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within 2 years of the date of commencement of each phase of the hereby permitted development or otherwise agreed in writing by the Local Planning Authority.

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

10. Prior to the carrying out of any construction works the existing railway building affected by the proposed development shall be recorded in accordance with a Level 3 Survey as described by English Heritage's document 'Understanding Historic Buildings: A Guide to Good Recording Practice 2006' and, following its completion, three copies of that survey report shall be furnished to the Local Planning Authority.

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

11. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water disposal has been approved, in writing, by the Local Planning Authority in consultation with the Environment Agency and Natural England. The scheme shall include details of pollution prevention measures in accordance with best practice, both on and off site and during both construction and operation, and shall be carried out in full accord with the approved details so that drainage facilities for foul and surface water disposal are in place prior to the occupation of any building within any of the constituent Phases of the development. The scheme for surface water drainage shall, wherever practicable, incorporate the mitigation measures outlined within the "Flood Risk Assessment: February 2009" prepared by Shepherd Gilmour Infrastructure Ltd [ref: C379/SBS/EAJ/jt/R0649].

Reason: To prevent pollution of the water environment in accordance with Policies CP12, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

12. Prior to first occupation of any part of the development on site a full site Travel Plan based on the Framework Travel Plan (and as subsequently amended),

SCHEDULE D: Reports on Previously Deferred Decisions

shall be submitted to and approved by the Local Planning Authority, in consultation with the Secretary of State for Transport (Highways Agency). The approved Travel Plan shall be monitored in accordance with the details set out therein and the results of the monitoring shall be submitted to the Local Planning Authority within one month of the end of each reporting period. Where targets are not achieved, the Travel Plan Coordinator will be notified in writing by the Local Planning Authority and the Travel Plan shall then be reviewed and updated and submitted to the Local Planning Authority, in consultation with the Secretary of State for Transport for approval within 1 month of receipt of the Local Planning Authority Notification. The updated Travel Plan shall then be implemented within 1 month of the date of the Local Planning Authority's approval having been obtained.

Reason: In order to minimise the use of the private car and promote the use of more sustainable forms of transport and so as to ensure that appropriate management and monitoring of the Travel Plan process can be secured in order to reasonably minimise the impact of additional vehicle flows which should be generated by the proposed development upon affected highway networks and in accordance with the provision in Planning Policy Guidance Note 13 "Transport and the Relevant Policies in Carlisle City Councils Local Plan.

13. The carriageways, footways, footpaths, cycleways etc 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 in relation to any phase of the development until a full specification has been approved in relation to that phase. Any work so approved shall be constructed before the development is complete.

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

14. The development shall not be occupied until the access roads have been constructed in accordance with the approved plan (for each possible future phase) and the whole of the CNDR is opened to traffic.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan policies LD5, LD7, LD8 and Structure Plan Policy T32.

15. No development shall commence in relation to any phase of the development until an investigation and risk assessment (in addition to any assessment provided with the Planning Application) has been completed in accordance with the scheme to assess the nature and extent of any contamination on the site,

SCHEDULE D: Reports on Previously Deferred Decisions

whether or not it originates on the site. The content of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) A survey of the extent, scale and nature of contamination;
- ii) An assessment of the potential risks to:
 - Human Health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Ground waters and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments.
- iii) An appraisal of un-remediable options and proposal of the preferred options. This must be conducted in accordance with DEFRA and Environment Agencies "Model Procedures for the Management of Land Contamination" CLR11.

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

16. The development shall not commence until agreement has been reached for the funding by the developer of a satisfactory Local Bus service to serve the development, unless the service provider is willing to extend the current service without additional cost. If the latter is the case confirmation of the route and timing must be provided.

Reason: In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

17. The total amount of employment (B1, B2 and B8) floorspace hereby consented will not exceed a total of 104,080 square metres of which no more than 16,200 square metres will be B1(a) Offices.

Reason: To ensure the development is acceptable in Highways terms.

18. Permission is hereby given for the access points shown in drawing numbers C379-900, C379-901 and C379-902.

Reason: To define this permission.

SCHEDULE D: Reports on Previously Deferred Decisions

19. Prior to the commencement of development a detailed Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan, which shall be based upon the principles contained within the submitted Ecological Management Framework- Addendum: June 2010 [prepared by How Planning LLP], shall include full details of habitat management and shall include:

- details of how those features/habitats on site to be retained will be protected;
- details of the long term management strategy of those features/habitats on site to be retained and protected.

When approved, the detailed Management Plan shall be implemented in full. A Management Action Report will be submitted to the City Council on a 2-yearly basis.

Reason: To ensure that habitat retention is suitably managed.

20. Noise from any operations conducted within the development hereby permitted shall not exceed the following levels as measured at any point on the site boundary:-

50 dB(A) Leq 1Hr - 0600 - 2200 hrs and
45 dB(A) Leq 1Hr - 2200 - 0600 hrs.

Reason: To accord with existing operational restrictions that pertain to development at Kingmoor Park and in the interests of amenity.

21. Before any work is commenced in relation to any Phase of the development, a Construction Environmental Management Strategy [including any related Plan or Plans] shall be submitted to and agreed in writing by the Local Planning Authority in respect of that phase. This shall include noise management measures; waste minimisation; management of site drainage such as the use of silt traps during construction and/or oil/petrol interceptors; measures for the safe disposal of waste waters; the checking and testing of imported materials [e.g. top soils, etc] to ensure suitability of use and prevent the spread of invasive species; measures [where necessary] for the management and safe removal of invasive species; the construction hours of working; facilities for wheel washing, vibration management and dust management; measures for vermin control; measures for vehicle control within the site; an Emergency Plan for pollution events; protocols for contact and consultation with local people and any other matters to be agreed with the Local Planning Authority. The agreed scheme, which shall in all respects be in compliance with the Environment Agency's Pollution Prevention Guidelines No5 [for works or maintenance in or near water] shall be implemented upon the commencement of each phase of development and shall not be varied without the prior written agreement of the Local Planning

SCHEDULE D: Reports on Previously Deferred Decisions

Authority.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

22. Construction operations for all roads, sewers and building works carried out pursuant to this permission shall only take place between 0700-1800 hours on Mondays to Fridays and between 0800-1300 hours on Saturdays with no working at any time on Sundays or Public Holidays.

Reason: To minimise the risk of noise nuisance and disturbance from those activities to occupiers of properties in proximity to the site.

23. There shall be submitted, to, and approved in writing by, the Local Planning Authority a lighting design scheme and related specification for the proposed lighting measures to be implemented within each Phase of the development. The proposed scheme[s] shall include proposed mitigation measures during the construction and operational stages of the development of that Phase specifically to prevent lighting impacts on wildlife, including otters and bats, and their habitats both on-site and off-site.

Reason: To prevent adverse impacts on wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/08/2010 and 17/09/2010

Appn Ref No:
09/0686

Applicant:
Mr Dixon

Parish:
Wetheral

Date of Receipt:
17/09/2009

Agent:
Planning Branch Ltd

Ward:
Wetheral

Location:
Moor Yeat and L/A Moor Yeat, Plains Road,
Wetheral, Carlisle, CA4 8LE

Grid Reference:
346151 555350

Proposal: The Erection Of A Detached Dwelling, Creation Of New Access And The Realignment Of The Existing Driveway including Front and Side Window Extensions to Moor Yeat

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 17/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0385

Applicant:
Mr Mike Cole

Parish:

Date of Receipt:
27/04/2010

Agent:

Ward:
Lyne

Location:
Horse And Farrier (formerly), Oakshaw Ford,
Roadhead, Cumbria, CA6 6NT

Grid Reference:
351345 576152

Proposal: Discharge of Conditions 2 (New Works, Proposed Repairs, Details Of New Windows And Doors); 4 (Roofing Materials); 5 (Stone Samples) And 7 (Painting Scheme) Of Previously Approved Permission 08/1229 (LBC)

Amendment:

Decision: Grant Permission

Date: 31/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0476

Applicant:
Mr Ian Irving

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
27/05/2010

Agent:
Walker Rose Assoc. Ltd

Ward:
Dalston

Location:
Riverside, Stockdalewath, Dalston, Cumbria, CA5
7DP

Grid Reference:
338760 544790

Proposal: Change Of Use Of Barn To Create 1No. Dwelling Along With Ancillary Residential Accommodation For Adjoining Barn Conversion (Revised Application)

Amendment:

Decision: Grant Permission

Date: 16/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0494

Applicant:
Mr Mark Bewley

Parish:
Carlisle

Date of Receipt:
14/07/2010

Agent:

Ward:
Harraby

Location:
53 & 55 Longdyke Drive, Carlisle CA1 3UT

Grid Reference:
342687 553587

Proposal: Erection Of Detached Twin Pre-Fabricated Garage

Amendment:

Decision: Grant Permission

Date: 08/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0519

Applicant:
Mr Graham Watt

Parish:
Wetheral

Date of Receipt:
02/06/2010 13:00:39

Agent:
Ashwood Design
Associates Ltd

Ward:
Wetheral

Location:
Land adjacent to Wheatsheaf Gardens, Wetheral,
Carlisle, Cumbria

Grid Reference:
346471 554231

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of One Pair Of Semi Detached Three Bedroom Dwellings And Associated External Works

Amendment:

Decision: Grant Permission

Date: 17/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0528

Applicant:
Mr John Lancaster

Parish:
Carlisle

Date of Receipt:
17/06/2010

Agent:
Mr Les Armstrong

Ward:
Belle Vue

Location:
42 Beck Road, Carlisle, CA2 7QL

Grid Reference:
337129 555835

Proposal: Erection Of 2no. Bed Detached Dwelling

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0530

Applicant:
Robert Tweddle (TM & CH
Ltd)

Parish:
Arthuret

Date of Receipt:
23/06/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
Unit 29 Brampton Road, Longtown, Cumbria CA6
5TR

Grid Reference:
340125 567280

Proposal: Steel Portal Frame Building for Production of Equine Bedding

Amendment:

1. Resiting Of Building Further Away From The Trees And Hedgerow Along The North-West Boundary

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0536

Applicant:
Mrs Graham

Parish:
Farlam

Date of Receipt:
15/06/2010

Agent:
Quadrangle

Ward:
Irthing

Location:
6 Farlam Hall Cottages, Hallbankgate, Cumbria,
CA8 2NQ

Grid Reference:
357022 559995

Proposal: Erection Of Pitched Roof Over Existing Kitchen And Single Storey Side
Extension To Provide Conservatory

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0537

Applicant:
Mrs Graham

Parish:
Farlam

Date of Receipt:
15/06/2010

Agent:
Quadrangle

Ward:
Irthing

Location:
6 Farlam Hall Cottages, Hallbankgate, Cumbria,
CA8 2NQ

Grid Reference:
357022 559995

Proposal: Erection Of Pitched Roof Over Existing Kitchen And Single Storey Side
Extension To Provide Conservatory (LBC)

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0542 John Lewis Plc Cummersdale

Date of Receipt:	Agent:	Ward:
14/07/2010	Colliers International	Dalston

Location: Top Flat, Caldew Bank, Cummersdale, Carlisle, CA2 6BU	Grid Reference: 339245 553176
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Proposal: Insulation Of Floor And Ceilings Above Top Flat (LBC)

Amendment:

Decision: Grant Permission

Date: 08/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: 10/0546 **Applicant:** Punch Taverns **Parish:** Carlisle

Date of Receipt: 23/06/2010	Agent: Philip Millson Architecture Limited	Ward: Currock
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Location: The Currock, 41-43 Boundary Road, Carlisle, CA2 4HH	Grid Reference: 340582 554435
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Proposal: Erection Of An External Timber Smoking Shelter With Pitched Roof

Amendment:

Decision: Grant Permission

Date: 13/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:	Applicant:	Parish:
10/0548	The Governors of Newman Catholic School	Carlisle

Date of Receipt: 29/06/2010 **Agent:** **Ward:** St Aidans

Location: Newman RC High School, Lismore Place, Carlisle,
Grid Reference: 340746 556164

SCHEDULE E: Decisions Issued Under Delegated Powers

CA1 1NA

Proposal: Single Storey Extension to Dining Room

Amendment:

Decision: Grant Permission

Date: 19/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0554

Applicant:
T G & K Fisher

Parish:
Irthington

Date of Receipt:
30/06/2010

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:
348824 564874

Proposal: Discharge Of Condition 3 (Surface Water Drainage) Of Previously
Approved Application 09/1071

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0555

Applicant:
T G & K Fisher

Parish:
Irthington

Date of Receipt:
30/06/2010

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:
348824 564874

Proposal: Discharge Of Condition 3 (Surface Water Drainage) Of Previously
Approved Application 09/1072

Amendment:

Decision: Grant Permission

Date: 10/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0556

Applicant:
T G & K Fisher

Parish:
Irthington

Date of Receipt:
30/06/2010

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:
348818 564842

Proposal: Discharge Of Condition 3 (Surface Water Drainage) Of Previously
Approved Application 09/1073

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0557

Applicant:
T G & K Fisher

Parish:
Irthington

Date of Receipt:
30/06/2010

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:
348844 564863

Proposal: Discharge Of Condition 3 (Surface Water Drainage) Of Previously
Approved Application 09/1074

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0575

Applicant:
Carlisle CAB

Parish:
Carlisle

Date of Receipt:
09/07/2010

Agent:
Mr Howard

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

4 Old Post Office Court, Friars Court, Carlisle, CA3
8LE

Grid Reference:

340174 555790

Proposal: Change Of Use From Shop (Class A1) To Offices (A2) For Use By The
Citizens Advice Bureau

Amendment:

Decision: Grant Permission

Date: 18/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

10/0576

Applicant:

Mr Martin Scott

Parish:

Wetheral

Date of Receipt:

30/06/2010

Agent:**Ward:**

Wetheral

Location:

6 Alby Terrace, Cumwhinton, Cumbria, CA4 0AJ

Grid Reference:

346384 551250

Proposal: Erection Of Single Storey Garden Room To Rear

Amendment:

Decision: Grant Permission

Date: 13/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

10/0579

Applicant:

Mr M Rodda

Parish:

Dalston

Date of Receipt:

28/06/2010

Agent:

Alan Fox

Ward:

Dalston

Location:

Barn C Moss End, Welton Road, Dalston, Carlisle,
CA5 7EL

Grid Reference:

336082 545959

Proposal: Erection Of Detached Garage And Garden/Sun Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 18/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0580

Applicant:
Mr J Chapman

Parish:
Dalston

Date of Receipt:
28/06/2010

Agent:

Ward:
Dalston

Location:
Thornthwaite Close, Gaitsgill, Carlisle, Cumbria,
CA5 7AH

Grid Reference:
338913 546888

Proposal: Renewal Of Unexpired Permission Of Appn 07/0437 Erection Of Two
Storey Side Extension To Form A Granny Annexe

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 15/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0581

Applicant:
Mr & Mrs Moore

Parish:
Carlisle

Date of Receipt:
23/06/2010

Agent:
Jock Gordon

Ward:
Belle Vue

Location:
23 Moorhouse Road, Carlisle, Cumbria, CA2 7LU

Grid Reference:
337607 556073

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen
& Lounge

Amendment:

Decision: Grant Permission

Date: 16/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0582

Applicant:
Mr P Ruddick

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
23/06/2010

Agent:
Jock Gordon

Ward:
Upperby

Location:
5 Manor Place, Carlisle, Cumbria, CA2 4LP

Grid Reference:
341235 553625

Proposal: First Floor Rear Extension Over Existing Kitchen & Bathroom To Provide Extended Bedroom Area

Amendment:

Decision: Grant Permission

Date: 13/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0587

Applicant:
Ms Ann Marie Burgess

Parish:
Carlisle

Date of Receipt:
24/06/2010

Agent:
Carlisle City Council

Ward:
Morton

Location:
9 Lyndhurst Gardens, Carlisle, CA2 6NL

Grid Reference:
337942 554244

Proposal: First Floor Extension Above Existing Kitchen To Provide Bedroom

Amendment:

Decision: Grant Permission

Date: 13/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0592

Applicant:
Mr M Ruddick

Parish:
Burgh-by-Sands

Date of Receipt:
24/06/2010

Agent:

Ward:
Burgh

Location:
Land at Croft House, Thurstonsfield, Carlisle, CA5 6HE

Grid Reference:
331466 556676

Proposal: Discharge Of Part Condition 4 (Materials) Relating To Planning Reference 08/0867

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 09/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0593

Applicant:
Cavaghan & Gray Group

Parish:
Carlisle

Date of Receipt:
01/07/2010

Agent:
Ashwood Design
Associates

Ward:
Harraby

Location:
Cavaghan & Gray, Eastern Way, Carlisle

Grid Reference:
341829 554354

Proposal: Extension Of Existing Freezer To Provide A Chill Store. Replacement Of Permanently Parked Temperature Controlled Trailer With Purpose Built Freezer Unit

Amendment:

Decision: Grant Permission

Date: 09/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0596

Applicant:
Vevers Ltd

Parish:
Kirkandrews

Date of Receipt:
06/07/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
High Plains, Longtown, Carlisle, CA6 5PY

Grid Reference:
342030 574228

Proposal: Extension To Existing Cow Cubicle Building

Amendment:

Decision: Grant Permission

Date: 09/08/2010

Between 07/08/2010 and 17/09/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0597

Applicant:
Mr Colin Hebson

Parish:
Wetheral

Date of Receipt:
14/07/2010

Agent:
Tyler Design Services

Ward:
Wetheral

Location:
Land at Field 2261, Brackenbank, Wetheral Pasture,
Carlisle

Grid Reference:
348340 551612

Proposal: Erection Of Agricultural Building (Revised Application)

Amendment:

Decision: Grant Permission

Date: 16/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0598

Applicant:
Mr P McMullen

Parish:
Carlisle

Date of Receipt:
25/06/2010

Agent:

Ward:
Castle

Location:
76 Peel Street, Carlisle, CA2 7AU

Grid Reference:
338854 555631

Proposal: Single Storey Rear Extension To Provide Lounge And Dining Area

Amendment:

Decision: Grant Permission

Date: 16/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0599

Applicant:
Mr D Liddle

Parish:
Burgh-by-Sands

Date of Receipt:
25/06/2010

Agent:
Tyler Design Services

Ward:
Burgh

Location:
Carrandale, Thurstonfield, Carlisle, CA5 6HL

Grid Reference:
331478 556586

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Rear Extension To Provide Utility And Sunroom

Amendment:

Decision: Grant Permission

Date: 20/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0602

Applicant:
Mr Haugh

Parish:
Dalston

Date of Receipt:
02/07/2010

Agent:
Architectural Design

Ward:
Dalston

Location:
The White House, Dalston, Carlisle, CA5 7BJ

Grid Reference:
336936 548439

Proposal: Demolition Of Existing Conservatory And Erection Of Two Storey Side Extension To Provide Lounge On Ground Floor With En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 25/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0604

Applicant:
Mr & Mrs R Bowman

Parish:
Cumrew

Date of Receipt:
06/07/2010

Agent:
Ms Patricia Bell-Atkin

Ward:
Great Corby & Geltsdale

Location:
The Croft, Cumrew, Brampton, CA8 9DD

Grid Reference:
354830 550787

Proposal: Two Storey Rear Extension To Provide Family/Dining Room And Master Bedroom With En-Suite To The Ground Floor With Studio/Sitting Room And Storage Area Above Together With Single Storey Extension To Provide Bedroom

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 31/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0607

Applicant:
System Group

Parish:
Irthington

Date of Receipt:
02/07/2010

Agent:
Hyde Harrington

Ward:
Stanwix Rural

Location:
System Group Ltd, Carlisle Airport, Carlisle, CA6
4NW

Grid Reference:
347572 560771

Proposal: Part Conversion Of Existing Warehouse Into Office/Training Facility
Amendment:

Decision: Grant Permission

Date: 23/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0608

Applicant:
Mr & Mrs Simon Mathers

Parish:
Carlisle

Date of Receipt:
30/06/2010

Agent:

Ward:
Harraby

Location:
58 Pennine Way, Carlisle, CA1 3RJ

Grid Reference:
342763 554676

Proposal: Two Storey Side Extension To Provide Kitchen And Utility Room On
Ground Floor With 1no. Bedroom Above (Revised Application)

Amendment:

Decision: Grant Permission

Date: 16/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0615

Applicant:
Morton Community Centre

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/07/2010

Carlisle City Council

Morton

Location:

Morton Manor, Wigton Road, Carlisle, CA2 6JP

Grid Reference:

338267 554997

Proposal: Erection Of Retractable Awning On Side Of Main Hall Building

Amendment:

Decision: Grant Permission

Date: 06/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

10/0616

Applicant:

Mr John Jenkins

Parish:

Carlisle

Date of Receipt:

05/07/2010

Agent:

Mr Niall Jenkins

Ward:

Stanwix Urban

Location:

Eden Lacey, Cavendish Terrace, Carlisle, Cumbria, CA3 9NE

Grid Reference:

339719 557016

Proposal: Raising Of The Roof By 1.5m To Provide 3no. Bedrooms And Bathroom Together With Wicket Fence Above Existing Wall

Amendment:

Decision: Grant Permission

Date: 27/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

10/0618

Applicant:

Coral Racing LTD

Parish:

Carlisle

Date of Receipt:

05/07/2010

Agent:

EVDAS

Ward:

Stanwix Urban

Location:

Unit B, Northgate, 54 Scotland Road, Carlisle, CA3 9DB

Grid Reference:

340030 557268

Proposal: Alterations To New Shopfront Together With Installation Of Satellite Dishes On Roof And Air Conditioner Condenser Unit To Rear

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 25/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0619

Applicant:
Coral Racing LTD

Parish:
Carlisle

Date of Receipt:
05/07/2010

Agent:
EVDAS

Ward:
Stanwix Urban

Location:
Unit B, Northgate, 54 Scotland Road, Carlisle, CA3
9DB

Grid Reference:
340030 557268

Proposal: Display Of 1no. Internally Illuminated Fascia Sign And 1no. Internally
Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 24/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0620

Applicant:
Mr David Milligan

Parish:
Wetheral

Date of Receipt:
07/07/2010

Agent:
Eden Design Associates

Ward:
Great Corby & Geltsdale

Location:
15 Waters Meet, Warwick Bridge, Carlisle, Cumbria,
CA4 8RT

Grid Reference:
347520 556925

Proposal: Single Storey Rear Extension To Provide Sun Lounge

Amendment:

Decision: Grant Permission

Date: 17/08/2010

Between 07/08/2010 and 17/09/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0621

Applicant:
Ms Clare Todd

Parish:
Carlisle

Date of Receipt:
02/07/2010

Agent:
Mr John Hughes

Ward:
Morton

Location:
33 Ullswater Road, Carlisle, Cumbria, CA2 5RL

Grid Reference:
338888 555330

Proposal: Single Storey Rear Extension To Provide En-Suite Bedroom
Amendment:

Decision: Grant Permission

Date: 16/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0622

Applicant:
Mrs Karen Phillips

Parish:
Carlisle

Date of Receipt:
05/07/2010

Agent:
Mr Gordon Wood

Ward:
Harraby

Location:
9 Arnside Road, Carlisle, Cumbria, CA1 3PS

Grid Reference:
342198 554442

Proposal: Single Storey Rear Extension To Provide En-Suite Bedroom
Amendment:

Decision: Grant Permission

Date: 24/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0623

Applicant:
Mr Finlayson

Parish:
Hayton

Date of Receipt:
12/07/2010

Agent:
John Lyon Associates Ltd

Ward:
Hayton

Location:
13 Edmond Castle, Corby Hill, Carlisle, CA4 8QD

Grid Reference:
349636 558626

Proposal: Single Storey Rear Extension To Provide Sunroom (LBC)
Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0624

Applicant:
Mr & Mrs Dixon

Parish:
St Cuthberts Without

Date of Receipt:
06/07/2010

Agent:
Finesse PVCu Limited

Ward:
Dalston

Location:
Foulbridge, Wreay, Carlisle, CA4 0RR

Grid Reference:
341959 548338

Proposal: Removal Of Existing Porch And Erection Of Conservatory

Amendment:

Decision: Grant Permission

Date: 09/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0626

Applicant:
Mr William Kemp

Parish:
Scaleby

Date of Receipt:
05/07/2010

Agent:

Ward:
Stanwix Rural

Location:
All Saints Hall, Scaleby, Carlisle, Cumbria, CA6 4LJ

Grid Reference:
344677 563106

Proposal: Erection Of Two Storey Side Extension To Provide 2no. Bedrooms And Bathroom On Ground Floor With 1no En-Suite Bedroom Above (Revised Application)

Amendment:

Decision: Grant Permission

Date: 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0627 Mr William Kemp Scaleby

Date of Receipt: **Agent:** **Ward:**
05/07/2010 Stanwix Rural

Location: **Grid Reference:**
All Saints Hall, Scaleby, Carlisle, Cumbria, CA6 4LJ 344677 563106

Proposal: Erection Of Two Storey Side Extension To Provide 2no. Bedrooms And Bathroom On Ground Floor With 1no En-Suite Bedroom Above (Revised Application) (LBC)

Amendment:

Decision: Grant Permission **Date:** 10/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: **Applicant:** **Parish:**
10/0629 Newclose Properties Ltd Wetheral

Date of Receipt: **Agent:** **Ward:**
13/07/2010 Wetheral

Location: **Grid Reference:**
Rydal, Park Road, Scotby, Carlisle, CA4 8AT 343803 555344

Proposal: Renewal Of Unexpired Permission For Appn 08/0092 Demolition Of Existing Bungalow, Garage And Out Buildings, Construction Of 1no. Two Storey Dwelling With 4no. Bedrooms And Internal Double Garage

Amendment:

Decision: Grant Permission **Date:** 24/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: **Applicant:** **Parish:**
10/0630 Miss Paula Douglas Carlisle

Date of Receipt: **Agent:** **Ward:**
27/07/2010 Denton Holme

Location: **Grid Reference:**
6 Stokoe Court, Carlisle, CA2 5SE 339540 554550

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Rear Extension To Provide Lounge

Amendment:

Decision: Grant Permission

Date: 26/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0633

Applicant:
North Lakes Childrens
Services

Parish:
Brampton

Date of Receipt:
05/07/2010

Agent:
Architectural Design
Limited

Ward:
Brampton

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

Grid Reference:
352384 561476

Proposal: Temporary Single Storey Classroom Accommodation

Amendment:

Decision: Grant Permission

Date: 09/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0639

Applicant:
Springstone Homes

Parish:
Wetheral

Date of Receipt:
16/07/2010

Agent:
Johnston & Wright

Ward:
Wetheral

Location:
Rydal, Park Road, Scotby, Carlisle, CA4 8AT

Grid Reference:
343803 555344

Proposal: Erection Of Two Storey Four Bedroom Dwelling

Amendment:

Decision: Grant Permission

Date: 02/09/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0641

Applicant:
Ms A J Connor

Parish:
Carlisle

Date of Receipt:
07/07/2010

Agent:

Ward:
Botcherby

Location:
90 Broadoaks Grange, Carlisle, CA1 2TA

Grid Reference:
342425 555574

Proposal: Erection Of First Floor Side Extension To Provide En-Suite Bedroom
Amendment:

Decision: Grant Permission

Date: 17/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0644

Applicant:
Mrs Karen Grady

Parish:
Carlisle

Date of Receipt:
08/07/2010

Agent:
Carlisle City Council

Ward:
Harraby

Location:
65 Hillary Grove, Carlisle, CA1 3JQ

Grid Reference:
342481 553903

Proposal: Single Storey Ground Floor Bedroom And En Suite To Rear Elevation
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 13/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0645

Applicant:
Mr Marrs

Parish:
Orton

Date of Receipt:
19/07/2010

Agent:
Gray Associates Limited

Ward:
Burgh

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Demar, Little Orton, Carlisle, CA5 6EP

335224 555141

Proposal: Erection Of Single Storey Front Extension To Provide Sun Room

Amendment:

Decision: Grant Permission

Date: 17/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0646

Applicant:
Persimmon Homes
Lancashire

Parish:
Carlisle

Date of Receipt:
12/07/2010

Agent:

Ward:
St Aidans

Location:
Watts Storage Depot, London Road, Carlisle

Grid Reference:
341082 555051

Proposal: Change Of House Types Of Plots 42, 43 and 44 Previously Approved
Under Appn 07/0845

Amendment:

Decision: Grant Permission

Date: 01/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0647

Applicant:
Mr Dean Paton

Parish:
Arthuret

Date of Receipt:
19/07/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
15 High Street, Longtown, Carlisle, CA6 5UA

Grid Reference:
337936 568713

Proposal: Change Of Use Of Shop To Tattoo Parlour (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 23/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0648

Applicant:
Mr J G A Taylor

Parish:
Carlisle

Date of Receipt:
27/07/2010

Agent:

Ward:
Castle

Location:
21 Tait Street, Carlisle, CA1 1RU

Grid Reference:
340515 555535

Proposal: Replacement Windows (LBC)

Amendment:

Decision: Grant Permission

Date: 14/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0649

Applicant:

Parish:

Date of Receipt:
28/07/2010

Agent:
Sanderson & Weatherall

Ward:
Castle

Location:
23-25 Castle Street, Carlisle, CA3 8SY

Grid Reference:
339893 556037

Proposal: Change Of Use From Retail (Class A1) To Estate Agents Office (Class A2)

Amendment:

Decision: Grant Permission

Date: 08/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0650

Applicant:
Mr & Mrs Armstrong

Parish:
Arthuret

Date of Receipt:
19/07/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Field No. 9063, Hunters Holme, Longtown, Carlisle, 342900 567550
CA6

Proposal: Erection of Agricultural Workers Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 10/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0651

Applicant:
Mr James Bell

Parish:
Nicholforest

Date of Receipt:
27/07/2010

Agent:

Ward:
Lyne

Location:
Land Adjacent to Glendinning Rigg, Penton,
Longtown CA6 5QB

Grid Reference:
343767 576169

Proposal: Creation of New Access

Amendment:

Decision: Grant Permission

Date: 03/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0653

Applicant:
HBOS Plc

Parish:
Carlisle

Date of Receipt:
16/07/2010

Agent:
Havelock Europa

Ward:
Castle

Location:
16 Bank Street, Carlisle, CA3 8HE

Grid Reference:
340192 555837

Proposal: Installation Of Handrail At Entrance

Amendment:

Decision: Grant Permission

Date: 23/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0655

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
23/07/2010

Agent:
Johnston & Wright

Ward:
Multiple Wards

Location:
Land Behind John Street Hostel, Shaddongate,
Carlisle CA2 5LG

Grid Reference:
339475 555900

Proposal: Discharge of Conditions 2 (Materials); 3 (Screen Wall & Boundary Fences); 4 (Hard Surface Finishes); 5 (Archaeological Watching Brief); 6 (Landscaping Scheme); 8 (Sustainable Urban Drainage System) and 11 (Pollution Prevention Measures) of Previously Approved Application 09/0670

Amendment:

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0659

Applicant:
Mr & Mrs Greig

Parish:
Wetheral

Date of Receipt:
15/07/2010

Agent:
Jock Gordon

Ward:
Wetheral

Location:
29 Alexandra Drive, Carlisle, CA1 2LN

Grid Reference:
342871 555130

Proposal: Proposed Two Storey Side Extension To Provide Replacement Garage And Kitchen On Ground Floor With 2No. Bedrooms And 1No. Shower Room Above (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0661 Mrs Mary Kelly Carlisle

Date of Receipt: 21/07/2010
Agent:
Ward: Morton

Location: 72 Winscale Way, Morton Park, Carlisle CA2 6HW
Grid Reference: 338631 554159

Proposal: Erection Of Front Porch

Amendment:

Decision: Grant Permission

Date: 18/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: 10/0662
Applicant: Cumbria County Council
Parish: Brampton

Date of Receipt: 19/07/2010
Agent: Capita Symonds
Ward: Brampton

Location: William Howard School, Longtown Road, Brampton, CA8 1AR
Grid Reference: 352452 561293

Proposal: Single Storey Extension For Use By 14-19 Collaborative Facility

Amendment:

Decision: Grant Permission

Date: 23/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: 10/0664
Applicant: Mr W Francis
Parish: Rockcliffe

Date of Receipt: 22/07/2010
Agent: Jock Gordon
Ward: Longtown & Rockcliffe

Location: Field No. 5276 , Ghyll Bank Park, Low Harker, Carlisle, CA6 4DG
Grid Reference: 338532 560782

Proposal: Erection Of Agricultural Building For Use As Shelter To House 3

SCHEDULE E: Decisions Issued Under Delegated Powers

Domestic Horses & 8 Rearing Calves

Amendment:

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0665

Applicant:
Mr & Mrs Fawcett

Parish:
Irthington

Date of Receipt:
16/07/2010

Agent:
Jock Gordon

Ward:
Stanwix Rural

Location:
1 Hillside, Laversdale, Carlisle, CA6 4PL

Grid Reference:
347662 562599

Proposal: Two Storey Side Extension To Provide Lounge On Ground Floor With En-Suite Bedroom And Extended Bathroom Above

Amendment:

Decision: Grant Permission

Date: 19/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0666

Applicant:
Story Homes

Parish:
Brampton

Date of Receipt:
16/07/2010 13:00:35

Agent:

Ward:
Brampton

Location:
Former Highways Depot & Dandycroft, Station Road, Brampton, CA8 1EU

Grid Reference:
353782 561006

Proposal: Display Of 2no. Non-Illuminated Free Standing Sales Board

Amendment:

Decision: Grant Permission

Date: 10/09/2010

Between 07/08/2010 and 17/09/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0667

Applicant:
Aldi Stores Ltd

Parish:
Carlisle

Date of Receipt:
21/07/2010

Agent:
Projekt Architects

Ward:
Harraby

Location:
Former Cavaghan & Gray Ltd, London Road,
Carlisle, CA1 3EU

Grid Reference:
341870 553940

Proposal: Discharge Of Conditions 11 (Landscaping Scheme) And 26 (Security)
Relating To Planning Reference 08/0472

Amendment:

Decision: Partial Discharge of Conditions
14/09/2010

Date:

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0668

Applicant:
Mr T I Armstrong

Parish:
Kirklington Middle

Date of Receipt:
21/07/2010

Agent:

Ward:
Lyne

Location:
Fergus Hill Cottage, Kirklington, Carlisle, CA6 6DA

Grid Reference:
342578 566128

Proposal: Erection Of Replacement Garage (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 10/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0669

Applicant:
Mr Stephen Bines

Parish:
Farlam

Date of Receipt:
19/07/2010

Agent:

Ward:
Irthing

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

The Fauld, Coalfell, Hallbankgate, Brampton, CA8
2PY

359458 560064

Proposal: Erection Of Porch To Front Of Dwelling

Amendment:

Decision: Grant Permission

Date: 24/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0670

Applicant:
Mr David Brown

Parish:
St Cuthberts Without

Date of Receipt:
26/07/2010

Agent:

Ward:
Dalston

Location:
Holly Cottage, Wreay, Carlisle

Grid Reference:
343585 548936

Proposal: Erection Of Two Storey Side Extension With Single Storey Rear
Extension With Detached Double Garage (Revised Application)

Amendment:

Decision: Grant Permission

Date: 23/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0672

Applicant:
Maris Properties Ltd

Parish:
Carlisle

Date of Receipt:
26/07/2010

Agent:

Ward:
Belah

Location:
Land at The Spice Enterprise and Briar Bank,
Carlisle, CA3 9SN

Grid Reference:
339045 557892

Proposal: Erection of 6no. Dwellings

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 09/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0674

Applicant:
Mr Martin Lancaster

Parish:
Carlisle

Date of Receipt:
21/07/2010

Agent:
Mr Chris Steele

Ward:
Stanwix Urban

Location:
31 Rosebery Road, Carlisle, CA3 9HU

Grid Reference:
339853 557315

Proposal: Erection Of Store And Office To The Rear Of Dwelling (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 24/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0675

Applicant:
DSD Construction

Parish:
Carlisle

Date of Receipt:
21/07/2010 13:00:33

Agent:
Gray Associates Limited

Ward:
Currock

Location:
DSD Construction Ltd, Robert Street, Carlisle, CA2 5AN

Grid Reference:
340289 555356

Proposal: Provision Of First Floor Escape Staircase, First Floor Store And Entrance Canopy

Amendment:

Decision: Grant Permission

Date: 27/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0676

Applicant:
Mr & Mrs M A Teasdale

Parish:
Hethersgill

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
22/07/2010

Agent:

Ward:
Lyne

Location:
Dunquakin, The Old Quaker Meeting House,
Sikeside, Kirklington, Carlisle CA6 6DR

Grid Reference:
344620 566508

Proposal: Erection Of Sunroom (LBC)

Amendment:

Decision: Grant Permission

Date: 27/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0677

Applicant:
Mr & Mrs M A Teasdale

Parish:
Hethersgill

Date of Receipt:
21/07/2010

Agent:

Ward:
Lyne

Location:
Dunquakin, The Old Quaker Meeting House,
Sikeside, Kirklington, Carlisle CA6 6DR

Grid Reference:
344620 566508

Proposal: Erection Of Sunroom

Amendment:

Decision: Grant Permission

Date: 27/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0680

Applicant:
Mr S Lewis

Parish:
Carlisle

Date of Receipt:
22/07/2010

Agent:

Ward:
Upperby

Location:
125 Buchanan Road, Currock, Carlisle CA2 4PS

Grid Reference:
340669 553734

Proposal: Two Storey Rear Extension To Provide Dining Room On Ground Floor
With 2No. Bedrooms Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0682

Applicant:
Springwell Farm

Parish:
Hayton

Date of Receipt:
22/07/2010 16:00:22

Agent:
Holt Planning Consultancy

Ward:
Great Corby & Geltsdale

Location:
Springwell Farm, Talkin

Grid Reference:
355150 557818

Proposal: Conversion Of Existing Conjoined Buildings To Provide Private Indoor Equestrian Menage

Amendment:

Decision: Grant Permission

Date: 06/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0685

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
26/07/2010

Agent:
Johnston & Wright

Ward:
Multiple Wards

Location:
Land Behind John Street Hostel, Shaddongate,
Carlisle CA2 5LG

Grid Reference:
339475 555900

Proposal: Removal Of Condition 9 (Installation Of Removable Floodgates) And Variation of Condition 10 (To Remove Reference To 'Flood-Proofing Measures') Relating to 09/0670

Amendment:

Decision: Grant Permission

Date: 14/09/2010

Between 07/08/2010 and 17/09/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0687

Applicant:
Mr Cullen

Parish:
Stanwix Rural

Date of Receipt:
23/07/2010 16:00:41

Agent:
C & D Property Services

Ward:
Stanwix Rural

Location:
Crosshill Farmhouse, Blackford, CA6 4DU

Grid Reference:
339987 561307

Proposal: Erection Of General Purpose Agricultural Building

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 14/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0688

Applicant:
Kans& Kandy (Properties)
Ltd

Parish:
Carlisle

Date of Receipt:
26/07/2010

Agent:
Ian Belsham Associates
Ltd

Ward:
Stanwix Urban

Location:
54 Scotland Road, Carlisle, Cumbria, CA3 9DF

Grid Reference:
340030 557268

Proposal: Non Material Amendment Relating to Previously Approved Application
09/0507

Amendment:

Decision: Amendment Accepted
18/08/2010

Date:

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0693

Applicant:
O/2 Vodafone

Parish:
St Cuthberts Without

Date of Receipt:
27/07/2010

Agent:
WFS Telecom Ltd

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land at Cumwhinton Road, Carlisle CA1 3SX

Grid Reference:

342788 553526

Proposal: Non Material Amendment To Previously Approved Application
10/0003/Tel Substituting Originally Proposed "Spitfire" Cabinet for a
"Vulcan" Cabinet

Amendment:

Decision: Amendment Accepted
09/08/2010

Date:

Between 07/08/2010 and 17/09/2010

Appn Ref No:

10/0695

Applicant:

Space ID

Parish:

Kingwater

Date of Receipt:

27/07/2010 13:00:23

Agent:

Space ID

Ward:

Irthing

Location:

Bowman House, Walton, Brampton, CA8 2BA

Grid Reference:

354677 566837

Proposal: Two Storey Front Extension To Provide Entrance Lobby, Wc, And Utility
Room On Ground Floor With 1no. En-Suite Bedroom And En-Suite To
Existing Bedroom Above; Single Storey Rear Extension To Provide
Living Room; First Floor Roof Terrace

Amendment:

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

10/0698

Applicant:

Ms Foster

Parish:

Wetheral

Date of Receipt:

30/07/2010

Agent:

GR Architects

Ward:

Wetheral

Location:

Froddle Crook, Armathwaite, CA4 9SY

Grid Reference:

349988 549022

Proposal: Garden Room Extension (LBC)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 31/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0699

Applicant:
Ms Foster

Parish:
Wetheral

Date of Receipt:
30/07/2010

Agent:
GR Architects

Ward:
Wetheral

Location:
Froddle Crook, Armathwaite, CA4 9SY

Grid Reference:
349988 549022

Proposal: Garden Room Extension

Amendment:

Decision: Grant Permission

Date: 31/08/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0701

Applicant:
Mr & Mrs Thompson

Parish:
Brampton

Date of Receipt:
29/07/2010 08:01:13

Agent:
Swarbrick Associates

Ward:
Brampton

Location:
Park End, Naworth, Brampton, CA8 2HE

Grid Reference:
355983 562396

Proposal: Single Storey Extension To Provide Sunroom, 1No. Bedroom,
Hall/Cloaks, Wc/Shower Room And Utlilty

Amendment:

Decision: Grant Permission

Date: 14/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0702 Mr Garlick Carlisle

Date of Receipt: 29/07/2010 08:00:19
Agent: Gray Associates Limited
Ward: Belah

Location: Belah Community Centre, Briar Bank, Carlisle, CA3 9SR
Grid Reference: 339569 558005

Proposal: Single Storey Extension To Rear/Side To Provide Function Room
Amendment:

Decision: Grant Permission **Date:** 17/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: 10/0705
Applicant: Mr Kynaston
Parish: Walton

Date of Receipt: 30/07/2010 16:00:14
Agent: John Lyon Associates Ltd
Ward: Irthing

Location: Knorren Fell Cottage, Walton, Brampton, CA8 2EA
Grid Reference: 352960 567705

Proposal: Single Storey Rear And Side Extension To Provide Porch, Bathroom, Utility And Kitchen; Erection Of Replacement Detached Garage (Revised Application) (Retrospective)

Amendment:

Decision: Grant Permission **Date:** 13/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No: 10/0706
Applicant: Mr Harrison
Parish: Burgh-by-Sands

Date of Receipt: 03/08/2010
Agent: John Lyon Associates Ltd
Ward: Burgh

Location: Bank Cottage, Burgh by Sands, Carlisle, CA5 6AP
Grid Reference: 332557 558997

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Extension To Provide Pantry And Study,
Replacement Of Existing Conservatory With Sun Room Together With
Alterations To Roof

Amendment:

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0713

Applicant:
Mrs B E Turnbull

Parish:
Wetheral

Date of Receipt:
02/08/2010

Agent:
Mr David Lamond

Ward:
Wetheral

Location:
Anchor Lodge, Wetheral, Carlisle, CA4 8HD

Grid Reference:
346553 554307

Proposal: Conversion Of Roof Space To Provide An Additional Bedroom And
Bathroom, Erection Of Single Storey Extension To Rear To Provide
Garden Room, Studio And Workshop/Store (Revised Application To Alter
Roof Over Workshop And Reduce Height Of Roof) (Retrospective
Application)

Amendment:

Decision: Grant Permission

Date: 13/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0714

Applicant:
Jim Peet (Agriculture)

Parish:
Arthuret

Date of Receipt:
02/08/2010

Agent:
G M Pickering C.Eng

Ward:
Longtown & Rockcliffe

Location:
Jim Peet (Agriculture), Sandysike, Longtown,
Cumbria, CA6 5SY

Grid Reference:
338750 566180

Proposal: Discharge Of Conditions 2 (Landscaping Scheme), 6 (Access Road) & 7
(Surface Water Drainage) Relating To Planning Reference 08/0895

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0718

Applicant:
Ms Graham

Parish:
Scaleby

Date of Receipt:
04/08/2010 08:00:23

Agent:
Concept A & D Services

Ward:
Stanwix Rural

Location:
Linkumdoddie, Long Park, Blackford, Carlisle, CA6
4JA

Grid Reference:
342492 562293

Proposal: Single Storey Rear Extension To Provide Kitchen; Formation Of First
Floor Area To Provide Living Room

Amendment:

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0719

Applicant:
Mrs M O'Donnell

Parish:
Wetheral

Date of Receipt:
04/08/2010

Agent:
Hogg & Robinson Design
Services

Ward:
Wetheral

Location:
Land to The Rear of Rydal, Park Road, Scotby,
Carlisle, CA4 8AT

Grid Reference:
343728 555324

Proposal: Relocation Of Existing Stable Block

Amendment:

Decision: Grant Permission

Date: 17/09/2010

Between 07/08/2010 and 17/09/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0723

Applicant:
Cubby Construction Ltd

Parish:
Carlisle

Date of Receipt:
04/08/2010

Agent:

Ward:
Upperby

Location:
27 - 29 Lamb Street, Carlisle, CA2 4NF

Grid Reference:
341023 553380

Proposal: Renewal of Unexpired Permission Of Previously Approved Application
07/1144 For Demolition Of 12No. Lock-Up Garages, Conversion Of 5No.
Cart-Sheds Into 1No. 1-Bedroom Apartment And Refuse/ Recycling
Store, And Erection Of 4No. 2-Bedroom Apartments

Amendment:

Decision: Grant Permission

Date: 16/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0725

Applicant:
Mr John Hodgson

Parish:
Carlisle

Date of Receipt:
05/08/2010

Agent:
Mr Dan Clements

Ward:
Denton Holme

Location:
21A Metcalfe Street, Carlisle

Grid Reference:
339874 555120

Proposal: Demolition of Outhouse; Erection of Single Storey Rear
Extension to Provide Kitchen and Bathroom

Amendment:

Decision: Grant Permission

Date: 03/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0734

Applicant:
Mr Trevor Fawkes

Parish:
Hayton

Date of Receipt:
09/08/2010

Agent:

Ward:
Hayton

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

31 Cairnwood, Heads Nook, Brampton, Cumbria
CA8 9AH

349720 555042

Proposal: Non Material Amendment Relating to Previously Approved Application
10/0474

Amendment:

Decision: Amendment Accepted
20/08/2010

Date:

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0737

Applicant:
Mrs Rahala Knondokar

Parish:
Carlisle

Date of Receipt:
09/08/2010

Agent:
Carlisle City Council

Ward:
Currock

Location:
161 Blackwell Road, Carlisle, CA2 4DS

Grid Reference:
340425 554339

Proposal: Demolition of Existing Outhouse and Erection of Single Storey Extension
to Provide Shower Room for Disabled Person

Amendment:

Decision: Grant Permission

Date: 09/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0738

Applicant:
Mr Clifford Williams

Parish:
Carlisle

Date of Receipt:
12/08/2010

Agent:

Ward:
Stanwix Urban

Location:
30 Lansdowne Close, Carlisle, CA3 9HN

Grid Reference:
340246 558186

Proposal: Erection Of Replacement Bay Window

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 08/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0748

Applicant:
Mr Julian Armitage

Parish:
Carlisle

Date of Receipt:
17/08/2010

Agent:
S & H Construction

Ward:
St Aidans

Location:
253 Warwick Road, Carlisle CA1 1LT

Grid Reference:
341433 555934

Proposal: Single Storey Rear Extension To Provide 1No. En-Suite Bedroom and Enlarged Kitchen/Dining Room; Provision Of Loft Conversion In Existing Attic Space

Amendment:

Decision: Grant Permission

Date: 10/09/2010

Between 07/08/2010 and 17/09/2010

Appn Ref No:
10/0821

Applicant:
Mrs Briony Fawcett

Parish:
Irthington

Date of Receipt:
08/09/2010

Agent:

Ward:
Stanwix Rural

Location:
1 Hillside, Laversdale, Carlisle CA6 4PL

Grid Reference:
347662 562599

Proposal: Non Material Amendment Relating To Planning Ref: 10/0665 To Change From Rendered Walls To Painted Brick To Match Existing Property

Amendment:

Decision: Amendment Accepted
13/09/2010

Date:

Between 07/08/2010 and 17/09/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/9020

Property Unit - Cumbria
County Council

Carlisle

Date of Receipt:

24/08/2010

Agent:

Cumbria County Council

Ward:

Castle

Location:

13 Abbey Street, Carlisle, CA3 8TX

Grid Reference:

339738 556018

Proposal: Change Of Use From D1 To B1 (a) And A2

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 06/09/2010
