

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

28th January 2011

Applications Entered on Development Control Committee Schedule

| Item No. | Application Number/ Schedule | Location | Case Officer | Page No. |
|----------|---------------------------------|---|--------------|----------|
| 01. | <u>09/1082</u> A | Bowling Green Adjacent to Horse & Farrier Public House, Wigton Road, Carlisle | <u>SG</u> | 1 |
| 02. | <u>10/1035</u> A | Walls & Railings to the front of Horse & Farrier Public House, Wigton Road, CA2 7EY | <u>SG</u> | 35 |
| 03. | <u>10/1008</u> A | Field No.8620, (Land To North Of Langwath Cottage), Moorhouse, Carlisle | <u>SD</u> | 50 |
| 04. | <u>10/1091</u> A | Land North of Newgate House, Banks, Brampton, CA8 2JH | <u>BP</u> | 70 |
| 05. | <u>10/1106</u> A | Moor Yeat and L/A Moor Yeat, Plains Road, Wetheral, Carlisle, CA4 8LE | <u>RJM</u> | 86 |
| 06. | <u>10/1053</u> A | Field 4818, Beaumont, Carlisle | <u>SD</u> | 116 |
| 07. | <u>10/0908</u> A | The Lough House, Thurstonfield, CA5 6HB | <u>SD</u> | 126 |
| 08. | <u>10/1018</u> A | Land to rear of 11 & 12 Amberfield, Burgh By Sands, Carlisle | <u>BP</u> | 140 |
| 09. | <u>10/1070</u> A | Low Flanders, Dalston, Carlisle, CA5 7AF | <u>SD</u> | 158 |
| 10. | <u>10/1071</u> A | Low Flanders, Dalston, Carlisle, CA5 7AF | <u>SD</u> | 175 |
| 11. | <u>10/1107</u> A | Parkfoot, The Knells, Houghton, Carlisle, CA6 4JG | <u>RJM</u> | 181 |
| 12. | <u>10/0965</u> A | Former Laboratories, Talkin, CA8 1LE | <u>RJM</u> | 195 |
| 13. | <u>10/0577</u> B | Tarn End House Hotel, Talkin, CA8 1LS | <u>ARH</u> | 219 |
| 14. | <u>10/0050</u> D | Dalston Agricultural Showfield, Glave Hill, Dalston, CA5 7QA | <u>DNC</u> | 275 |
| 15. | <u>10/0818</u> D | Land at Seatoller Close, Morton, Carlisle, CA2 6LQ | <u>ST</u> | 280 |

Applications Entered on Development Control Committee Schedule

| Item No. | Application Number/ Schedule | Location | Case Officer | Page No. |
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| 16. | <u>08/1254</u> D | Ben Hodgson Bodyworks, Dalston Service Station, The Square, Dalston, Carlisle, CA5 7QA | <u>DNC</u> | 284 |

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 14/01/2011 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 19/01/2011.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

09/1082

Item No: 01

Date of Committee: 28/01/2011

Appn Ref No:
09/1082

Applicant:
Tesco Stores Limited

Parish:
Carlisle

Date of Receipt:
20/01/2010

Agent:
GL Hearn

Ward:
Yewdale

Location:
Bowling Green Adjacent to Horse & Farrier Public
House, Wigton Road, Carlisle

Grid Reference:
338326 555195

Proposal: Erection Of A Convenience Foodstore (Revised Application)

Amendment:

1. Submission of amended drawings to correct inaccuracies in the plans.
 2. Rotation of the store through 90 degrees and modifications to the layout of the car park.
 3. Provision of collapsible bollards within the car park and the correction of inaccuracies in the plans.
-

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to more than three letters of objection being received from separate households and as Cllr Hendry has requested a "right to speak" in favour of the proposed development.

1. Constraints and Planning Policies

Tree Preservation Order

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

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas

Pipeline Safeguarding Area.

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 CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE14 - Dev.Involving Dem.of Listed Bldgs

Local Plan Pol EC5 - Large Stores and Retail Warehouses

Local Plan Pol EC7 - Neighbourhood Facilities

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to the imposition of several planning conditions. There is, however, a need for the introduction of a “No Waiting At Any Time” waiting restrictions 15m either side of the access and 30m on the northern side of Orton Road. A financial contribution of £3,500 is required to secure an amendment to the Traffic Regulation Order to enable this to take place. The applicant should be required to enter into a s.106 agreement to secure this funding;

Environmental Services - Environmental Quality: it is considered that this development could proceed if any consent is suitably conditioned in respect of the following.

If the application is successful the applicant should be advised to contact this section with regard to legislative compliance relating to Food Safety and Occupational Health and Safety.

In order to protect residential amenity the hours of operation of the fixed plant at the premises should be restricted to those hours given in the Noise Impact Assessment, which was submitted in support of this application. This stated that the refrigeration condenser would operate on a 24 hours basis; however, the sales floor/cash office air condensing units would only operate between 0700 hours and 2300 hours. If the applicant wishes to change the plant from that specified then a new noise impact assessment should be carried out.

In addition the supporting info resubmission letter stated that deliveries will not occur between 1800 hours and 0700 hours and that the car park will be secured to prevent access when the store is closed. The store opening hours are specified in the application as 0600 hours to 2300 hours seven days per week. These opening times would have the potential to cause undue disturbance to local residents. Opening at 0700 hours or later would better reflect the times given in the noise impact assessment submission. Closing earlier than 2300 hours would ensure that potential noise from the site does not extend into the quietest part of the night.

If the premises are going to be used for the cooking or similar preparation of food then suitable extract ventilation will be required and details of this would need to be submitted for approval;

Access Officer, Development Services: in respect of the amended plans submitted the Access Officer has made the following observations;

- Dropped kerbs should surround the parking spaces;
- The new plan incorporates outside seating for the public house. The surface should be considered carefully – firm and level ground;
- Dropped kerbs and tactile paving is shown to the opposing corners of the paths but there is no directional area marked to the road connecting them;
- Manifestation should be adequate to any glass automatic doors; and
- Consideration should be given to lighting within the car parking area.

Cumbria Constabulary - Crime Prevention: no objections. The proposed conditions suggested by the applicant's agent regarding various security and community safety issues are acceptable;

Community Services - Drainage Engineer: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to the mains (public) sewer; however, in the first instance the applicant should investigate the use of either a sustainable drainage system or soakaways for surface water disposal.

There is no knowledge of flooding issues at this site;

United Utilities: no objections to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface

water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities;

Northern Gas Networks: no objections;

Environment Agency (N Area (+ Waste Disp)): no objections;

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

Cumbria Fire Service: no objections, however, once occupied the building will be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005;

Building Control: no comments received;

Forestry Commission: no comments received.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-------------------|------------|-------------|
| 26 Skiddaw Road | 25/01/10 | |
| 186 Wigton Road | 25/01/10 | Undelivered |
| 188 Wigton Road | 25/01/10 | |
| 190 Wigton Road | 25/01/10 | |
| 192 Wigton Road | 25/01/10 | Objection |
| 194 Wigton Road | 25/01/10 | |
| 196 Wigton Road | 25/01/10 | |
| 198 Wigton Road | 25/01/10 | |
| Morton Manor | 25/01/10 | |
| 117 Wigton Road | 25/01/10 | |
| 119 Wigton Road | 25/01/10 | |
| 121 Wigton Road | 25/01/10 | |
| 123 Wigton Road | 25/01/10 | |
| 125 Wigton Road | 25/01/10 | |
| 127 Wigton Road | 25/01/10 | |
| 129 Wigton Road | 25/01/10 | |
| 131 Wigton Road | 25/01/10 | |
| 130 Dunmail Drive | 25/01/10 | |
| 132 Dunmail Drive | 25/01/10 | |
| 134 Dunmail Drive | 25/01/10 | |
| 136 Dunmail Drive | 25/01/10 | Undelivered |
| 138 Dunmail Drive | 25/01/10 | Undelivered |
| 140 Dunmail Drive | 25/01/10 | Undelivered |
| 104 Dunmail Drive | 25/01/10 | |
| 106 Dunmail Drive | 25/01/10 | |
| 108 Dunmail Drive | 25/01/10 | |
| 110 Dunmail Drive | 25/01/10 | |
| 112 Dunmail Drive | 25/01/10 | |
| 114 Dunmail Drive | 25/01/10 | |
| 116 Dunmail Drive | 25/01/10 | |
| 118 Dunmail Drive | 25/01/10 | |

| | | |
|-----------------------|----------|-----------|
| 120 Dunmail Drive | 25/01/10 | |
| 122 Dunmail Drive | 25/01/10 | |
| 124 Dunmail Drive | 25/01/10 | |
| 126 Dunmail Drive | 25/01/10 | |
| 128 Dunmail Drive | 25/01/10 | |
| 130 Dunmail Drive | 25/01/10 | |
| 132 Dunmail Drive | 25/01/10 | |
| 134 Dunmail Drive | 25/01/10 | |
| 158 Wigton Road | 25/01/10 | |
| 160 Wigton Road | 25/01/10 | |
| 162 Wigton Road | 25/01/10 | |
| 164 Wigton Road | 25/01/10 | |
| 166 Wigton Road | 25/01/10 | |
| 168 Wigton Road | 25/01/10 | Objection |
| Corals Bookmaker | 25/01/10 | |
| 18 Orton Road | 25/01/10 | |
| 20 Orton Road | 25/01/10 | |
| 22 Orton Road | 25/01/10 | Objection |
| 24 Orton Road | 25/01/10 | |
| 26 Orton Road | 25/01/10 | |
| 28 Orton Road | 25/01/10 | |
| 30 Orton Road | 25/01/10 | Objection |
| 32 Orton Road | 25/01/10 | |
| 34 Orton Road | 25/01/10 | |
| 36 Orton Road | 25/01/10 | |
| 38 Orton Road | 25/01/10 | |
| 40 Orton Road | 25/01/10 | |
| 42 Orton Road | 25/01/10 | |
| 44 Orton Road | 25/01/10 | |
| 46 Orton Road | 25/01/10 | |
| 48 Orton Road | 25/01/10 | |
| 50 Orton Road | 25/01/10 | |
| 52 Orton Road | 25/01/10 | |
| 54 Orton Road | 25/01/10 | |
| 56 Orton Road | 25/01/10 | |
| 1 Orton Road | 25/01/10 | Objection |
| 3 Orton Road | 25/01/10 | Objection |
| 5 Orton Road | 25/01/10 | |
| 7 Orton Road | 25/01/10 | |
| 9 Orton Road | 25/01/10 | |
| 11 Orton Road | 25/01/10 | |
| 13 Orton Road | 25/01/10 | |
| 15 Orton Road | 25/01/10 | |
| 17 Orton Road | 25/01/10 | Objection |
| 19 Orton Road | 25/01/10 | |
| 21 Orton Road | 25/01/10 | |
| 23 Orton Road | 25/01/10 | |
| 25 Orton Road | 25/01/10 | |
| 27 Orton Road | 25/01/10 | |
| 29 Orton Road | 25/01/10 | |
| 31 Orton Road | 25/01/10 | |
| 1 Inglewood Court | 25/01/10 | |
| 2 Inglewood Court | 25/01/10 | |
| 3 Inglewood Court | 25/01/10 | |
| 4 Inglewood Court | 25/01/10 | |
| 3 Inglewood Road | 25/01/10 | |
| 5 Inglewood Road | 25/01/10 | |
| 7 Inglewood Road | 25/01/10 | |
| 9 Inglewood Road | 25/01/10 | Objection |
| 34 Inglewood Crescent | 25/01/10 | |
| 36 Inglewood Crescent | 25/01/10 | |

| | | |
|--------------------------------|----------|-------------|
| 38 Inglewood Crescent | 25/01/10 | |
| 40 Inglewood Crescent | 25/01/10 | |
| 42 Inglewood Crescent | 25/01/10 | Undelivered |
| 44 Inglewood Crescent | 25/01/10 | |
| 46 Inglewood Crescent | 25/01/10 | |
| 48 Inglewood Crescent | 25/01/10 | |
| 50 Inglewood Crescent | 25/01/10 | |
| 52 Inglewood Crescent | 25/01/10 | |
| Raffles PO & Convenience Store | 25/01/10 | |
| 103 Dunmail Drive | 25/01/10 | |
| 105 Dunmail Drive | 25/01/10 | |
| 107 Dunmail Drive | 25/01/10 | |
| 109 Dunmail Drive | 25/01/10 | |
| 111 Dunmail Drive | 25/01/10 | |
| 113 Dunmail Drive | 25/01/10 | |
| 115 Dunmail Drive | 25/01/10 | |
| 117 Dunmail Drive | 25/01/10 | |
| 119 Dunmail Drive | 25/01/10 | |
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| 129 Dunmail Drive | 25/01/10 | |
| 131 Dunmail Drive | 25/01/10 | |
| 133 Dunmail Drive | 25/01/10 | |
| 135 Dunmail Drive | 25/01/10 | |
| 137 Dunmail Drive | 25/01/10 | |
| 139 Dunmail Drive | 25/01/10 | |
| 141 Dunmail Drive | 25/01/10 | |
| Renucci's Fish & Chip Shop | 25/01/10 | |
| Blockbuster | 25/01/10 | |
| Corals Bookmaker | 25/01/10 | |
| Motor World | 25/01/10 | Undelivered |
| Carlisle Canoes | 25/01/10 | Undelivered |
| 27 Inglewood Crescent | 25/01/10 | Objection |
| 172 Wigton Road | 25/01/10 | |
| 174 Wigton Road | 25/01/10 | |
| 176 Wigton Road | 25/01/10 | |
| 178 Wigton Road | 25/01/10 | |
| 180 Wigton Road | 25/01/10 | |
| 182 Wigton Road | 25/01/10 | Objection |
| 184 Wigton Road | 25/01/10 | |
| 91 Holmrook Road | | Objection |
| 170 Wigton Road | | Objection |
| 24 Dalton Avenue | | Petition |
| 60 St James Road | | Objection |
| 31 Northwood Crescent | | Objection |
| Cllr - Yewdale | | Support |

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to one hundred and thirty four neighbouring properties. In response to the original plans submitted twelve letters of objection have been received and a petition, opposing the development, has been submitted which is signed by in excess 152 persons. The grounds of objection are summarised as;

1. The location is adequately served by convenience shops;

2. The introduction of a national chain will impact severely upon the local, independently managed, shops;
3. The development will result in noise and light pollution that would be detrimental to the living conditions of nearby residents;
4. Loss of privacy;
5. The store will result in increased traffic congestion and emissions;
6. Inadequate parking provision has been provided to serve both the public house and the proposed store;
7. As a result of insufficient parking provision additional parking may occur on Wigton Road and Orton Road, which would be detrimental to pedestrian and highway safety;
8. Residents of Orton Road use the Horse and Farrier car park. If this is removed they will be forced to park on Orton Road;
9. The proposed access is positioned too close to the junctions of Wigton Road and Orton Road, as well as the entrance serving Raffles Parade;
10. The traffic lights at the junction of Wigton Road and Orton Road cause traffic queues which will make it difficult for vehicles existing the site eastwards along Orton Road;
11. There is insufficient turning provision within the car park for delivery vehicles, which will endanger the safety of those people using the car park;
12. The design of the store is inappropriate in this locality. It will be detrimental to the setting of the Listed Building and the vista from the main entrance to the recently restored Chances Park;
13. The structural stability of Nos.1 and 3 Orton Road may be affected by the work and/or the use of the access drive by delivery vehicles;
14. The air conditioning units to the rear of the store will result in noise disturbance;
15. The provision of rubbish bins within the service yard will result in unpleasant odours which will detract from the living conditions of neighbouring residents;
16. The development could have an adverse impact upon trees and wildlife in the vicinity;
17. The additional landscaping proposed to soften the visual and acoustic impact of the development will have a negative effect of shading the rear

gardens of those properties on the south side of Orton Road;

18. The development could result in increased anti-social behaviour as a consequence of youths gathering in the car park;
19. The increased activity at the rear of the public house will disturb a local resident's dog, which is kept in the rear garden of their property. The residents are concerned that this may lead to taunting and provocation, which may be distressing for the dog as well as affecting neighbouring residents; and
20. The bowling green formed part of the historic and architectural character of these Harry Redfern designed state management public houses. The redevelopment of the bowling green should be resisted for this reason alone.

3.2 Four further letters of objection have been received in response to the revised plans submitted. These letters raise highway safety concerns and reiterate the apparent lack of need for a further convenience store in this location. In terms of new issues raised the objectors have highlighted the following concerns:

1. By rotating the store through ninety degrees the living conditions of the residents on Orton Road will be further compromised through increased loss of privacy; and
2. The public house should not have been allowed to deteriorate into its current state.

3.3 In respect of the amended plans received Members are advised that it is the Officer's view that that the concerns that were originally expressed by local residents are still applicable to this revised layout.

4. Planning History

- 4.1 There are a number of "Full" planning and Listed Building applications for the redevelopment of the public house. The most recent of these was a Listed Building Consent, which was approved in 2005, and related to the refurbishment of the premises (05/0585).
- 4.2 In May 2009 an application was submitted for the erection of a convenience foodstore within the grounds of the public house (09/0405). The application was withdrawn prior to determination.
- 4.3 In November 2010 an application for Listed Building Consent was submitted for those external works required to facilitate the erection of a convenience store within the grounds of the public house (10/1035). The application for Listed Building Consent follows this report in the schedule.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks “Full” planning permission for the erection of a convenience store in the grounds of the Horse and Farrier public house, which is a Grade II Listed building that is located at the junction of Orton Road and Wigton Road in Carlisle.
- 5.2 The site is situated approximately 2km to the south west of the City Centre off the main route into the City from the west. The site is identified on the Proposals Map that accompanies the Local Plan as being within a Primary Residential Area. It also lies within the Wigton Road/Orton Road Neighbourhood Centre, the boundaries of which are not defined on the Proposals Map.
- 5.3 The surroundings to the site are predominantly residential, with the exception of Raffles Parade, which comprises a cluster of commercial premises that include a fish and chip shop, a bookmakers, a film rental store and a vacant retail premises.
- 5.4 Along the eastern boundary of the site, parallel with Wigton Road, are seven Lime trees that are protected by a Tree Preservation Order. To the Orton Road frontage is a small roadside car park serving the public house. The public house has been vacant for some time and is falling into an increasing state of disrepair.
- 5.5 The property is one of sixteen public houses in the Carlisle Area that were designed by Harry Redfern, Chief Architect of the State Management Scheme (SMS) for public houses. The SMS was introduced in Carlisle and several other parts of the country during 1915. Its aim was to reduce drunkenness amongst munitions workers and thus help the war effort at that time. The carefully detailed architecture of the building and the provision of a bowling green, expressed the ideals of a civilised public house culture that the SMS sought to create.

The Proposal

- 5.6 The application, as amended since originally submitted, seeks permission for the erection of a convenience store on the former bowling green. The fundamental change to the original scheme relates to the position of the building, which has been rotated through 90 degrees and is now proposed to be sited on the south western boundary of the bowling green. This change has arisen, principally, as a consequence of concerns expressed by the Council’s Conservation Officer.
- 5.7 The building occupies a footprint measuring approximately 404 sq. m. It is single storey in height, measuring 3.3m to the eaves on the front elevation, 2m to the eaves at the rear of the building and 4.2m at the top of its shallow curved roof. The roof is to be a “green” planted roof incorporating a sustainable urban drainage system. The external walling of the building is

predominantly glazed to the front elevation, incorporating sections of “Thermowood” timber cladding that wrap around the side and rear of the building. The store has been designed with a contemporary appearance to contrast with the traditional style of the Listed public house.

- 5.8 A new vehicular access would be created between the public house and No.1 Orton Road, which would incorporate a deceleration lane thereby allowing the free flow of traffic travelling westwards along Orton Road from the traffic lights. The access road would lead to a car parking area comprising twenty parking spaces, including three disabled persons parking bays, and a cycle rack. The car park, which is positioned between the store and the public house, is intended to serve both premises.
- 5.9 The service yard to serve the store would be positioned directly opposite the vehicular entrance between the side elevation of the store and the north western boundary of the application site. The service yard would be screened from public views by a 2.4m high close boarded gate and fence. Three air conditioning units are to be positioned in the service yard on the side elevation of the building at a height lower than the service yard gate. A refrigeration condenser is also to be located within the service yard.
- 5.10 The bowling green is enclosed by a steep earth bank on three sides except the north eastern boundary that abuts the rear elevation of the Horse and Farrier. To account for the change in levels a retaining wall is to be erected around the north west and south west perimeter of the store. A landscaped strip that would be approximately 4 - 4.5m in depth would be provided between the retaining walls and the boundaries that the site shares with the neighbouring residential dwellings.
- 5.11 A 13m deep landscaped strip is to be retained along the south eastern boundary of the site, parallel to Wigton Road. Similarly a strip of land measuring 8m in depth and approximately 22m in length is to be retained at the rear of the public house to provide amenity space.
- 5.12 The existing wooden picket fence that aligns the Wigton Road frontage is to be removed and replaced with wrought iron railings to complement those positioned in front of the Horse and Farrier. An opening for a disabled access ramp will breach these railings providing access to the car park. Disabled access is also provided from the car park to the public house.
- 5.13 When the application was originally submitted the applicant sought permission to trade between 6am and 11pm from Mondays to Saturdays and from 6am to 10pm on Sundays. Following the consultation response from the Council’s Environmental Protection Officer, the applicant’s agent has modified these prospective opening times and now seeks to commence trading from 7am, seven days a week.
- 5.14 Members will appreciate that whilst this application has been submitted by Tesco’s if permission were to be granted the occupation of this unit would be open to any convenience goods retailer.

- 5.15 The application is supported by a suite of drawings and a range of detailed specialist studies. These include a Planning and Retail Statement; an addendum to that statement, a Design and Access Statement; a Noise Impact Assessment; a Tree Impact Assessment and a Transport Assessment.

Assessment

- 5.16 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP12, CP15, CP16, CP17, H2, LE12, LE13, EC5, EC7 and T1 of the Carlisle District Local Plan 2001-2016.

- 5.17 The proposals raise the following planning issues:

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

- 5.18 Policy H2 of the Local Plan also allows non-residential uses to be permitted in Primary Residential Areas where the proposed use does not adversely affect the living conditions of residential properties. Policy EC7 also makes allowances for the provision of neighbourhood shopping facilities within or adjacent to neighbourhood centres such as this.

- 5.19 Given the size of the store it is unlikely that it would adversely impact upon the vitality or viability of the City Centre or the planned District Centre at Morton. Furthermore, there is no convenience food store within the small parade of neighbouring shops, and, therefore, the proposal will improve the range of goods available at this neighbourhood centre. As such, the principle of accommodating a small convenience foodstore in this location is acceptable subject to the imposition of planning conditions that restrict the overall size of the unit, but also the level of comparison goods sales that can take place. The latter condition restricts comparison goods sales to not more than 10% of the net floorspace and is required to ensure that the proposal does not evolve into a form of retail development that the Council would not consider acceptable in this location.

- 5.20 It is acknowledged that the development may have a detrimental effect on those smaller, neighbourhood shops in the vicinity; however, the impact of localised competition is not a material planning consideration for Members to take into account in the determination of this application.

2. Whether the Loss Of The Bowling Green Is Acceptable.

- 5.21 The principle of redeveloping the bowling green to accommodate the convenience store has been the subject of much debate between Council Officers and the applicant's agents. Members may appreciate that the provision of the bowling green was an important part of the state management designed public house, which amongst other things, sought to encourage sit down drinking only, and to achieve this through providing the sale of food together with the provision for games, music and other forms of recreation.

- 5.22 Whilst other examples of the Harry Redfern designed public house exist in Carlisle, such as the newly refurbished "Magpie" in Botcherby, the only

remaining example which includes a bowling green is the “The Redfern” in Etterby, which was the sixteenth and last of the public houses that Harry Redfern was involved in.

- 5.23 The Council had previously tried to resist the proposals involving the loss of the bowling green on the basis of its historic connection with the State Management Scheme (SMS). A similar view was taken in respect of a planning application to redevelop the bowling green associated with The Near Boot at Tarraby, which is another public house that Harry Redfern was involved with. In 2000 an appeal was lodged against the refusal of that application, which was subsequently allowed by the Planning Inspector.
- 5.24 The Inspector’s reasoning in allowing the appeal was that the objectives of the SMS was to provide for recreation and not, necessarily, for the game of bowls. The Inspector reasoned that it is likely that bowling greens were attached to the public houses under the SMS because, at that time, bowling was a popular recreational activity.
- 5.25 Members may appreciate that those who partake in the sport can now play indoors all year round, which is probably a significant factor in the demise of many bowling greens across Carlisle. In the Inspector’s view, the bowling green itself was not an intrinsic part of the building’s design but a means of securing the objectives of the SMS. The SMS itself was disbanded in the 1970’s, having achieved its objectives. In respect of the Near Boot appeal the Inspector concluded, amongst other things, that with the abolition of the SMS the specific reason for the bowling green, as well as the desire among the local population for its retention, no longer existed.
- 5.26 The same analogy can be applied to this current proposal. With that in mind and to help secure the upkeep of this significant Listed Building the Council concedes that it is acceptable, in principle, to redevelop the bowling green. Aside from the actual detailing of the scheme, which is discussed later in paragraphs 5.27 to 5.33, Officers advocated that in light of the deteriorating state of the Listed Building any proposal for the redevelopment of the bowling green ought to be implemented concurrently with the repair and refurbishment of the Horse and Farrier. An extant consent was approved in 2005 to refurbish the premises. To ensure that objective is achieved the applicant has agreed that they will enter into a s106 agreement to repair and refurbish the public house in accordance with a minimum schedule of work to be agreed with Officers. The prospective legal agreement would also require the developer to market the public house for a period of six months once the store opens to trade, with a view to securing an end user for the premises.

3. The Impact Upon The Setting Of The Listed Building.

- 5.27 If Members accept the principle of the development, it is important to recognise that any scheme for the redevelopment of the site should nevertheless safeguard the setting of the Listed Building. Through discussions with the applicant a variety of alternative designs were explored by their architect. It was the Conservation Officer’s view that it would be more appropriate to create a contemporary scheme that reflects current

architectural practises rather than pastiche development that sought to mimic the traditional appearance of the Horse and Farrier.

- 5.28 The Council's Conservation Officer has confirmed that he has no objections to the appearance of the building. A sample of the "Thermowood" cladding to be used on the exterior of the building has already been submitted, as have details of the "Pilkington" glazing system. The exact details of the "green" planted roof have yet to be provided, however, this aspect of the scheme can be regulated through the imposition of an appropriate condition. Green roofs offer sustainable credentials in that they serve several purposes for a building, such as absorbing rainwater, providing insulation and create a habitat for wildlife within an urban environment. In this instance, because the bowling green is set at a much lower level than the cul-de-sac to the south of the site, which is known as Inglewood Court, a green roof will be more aesthetically pleasing than a conventional roof.
- 5.29 When the application was originally submitted the rear elevation of the store was positioned parallel with the side boundary of No.1 Orton Road. Following negotiation with Officers the store has been rotated through 90 degrees thereby enabling a greater separation distance between the store and the public house. This arrangement also allowed for the retention of green space at the rear of the public house and parallel to Wigton Road. The ethos behind this approach was to retain an element of greenery, which could be associated with the bowling green, to preserve the existing view towards the Farrier when travelling northwards along Wigton Road towards the traffic lights.
- 5.30 From other approaches, views of the store will largely be obscured by the public house itself. Where views of the proposed building are afforded it will be along the proposed access road or from Wigton Road itself. In respect of the latter, those Members familiar with the site will appreciate that the bowling green is positioned at a much lower level than the road and, therefore, views of the building will be partially obscured by this change in levels. The seven Limes trees along this frontage also puncture the view towards the proposed store. The continuation of the existing wrought iron railings along this frontage will assist in enhancing the street scene and complement the restoration work that has taken place on the opposite side of the road in Chances Park. Taking into account the above, it is the Officer's view that the store will have limited impact upon the setting of the Listed Building.
- 5.31 The surfacing of the car park is to be finished using paving as opposed to tarmac to sit more sympathetically with the Listed Building. It is recommended that a condition is imposed that requires further details to be submitted prior to development commencing. Several other conditions are also suggested to ensure that the setting of the Listed Building is safeguarded. These include the submission of a detailed lighting scheme, clarification of the proposed boundary treatment, details of the materials to be used in the construction of the access ramp and a requirement that the proposed service yard gate/fence is constructed from "Thermowood" to match the external finish of the store.
- 5.32 In order to facilitate the development there are some physical works required

to listed walls within the curtilage of the public house. This includes the removal of part of the wall along the Orton Road frontage to create the access; the raising of a retaining wall to form the access ramp; the formation of new sections of stone walls, together with the provision of wrought iron railings and the demolition of a detached single garage. A separate application for Listed Building Consent has been submitted for these works, the details of which follow this report in the Schedule. The Conservation Officer has confirmed that these changes are acceptable, although a condition is imposed that requires the new stone walls to match the existing in terms of materials used and the way that the stone is laid.

- 5.33 In summary, Officers are satisfied that subject to the imposition of several planning conditions (see conditions 5 - 13) the physical works proposed will not harm the character or setting of this prominently positioned Listed Building. The completion of a s106 agreement will ensure that the Horse and Farrier is repaired prior to the store opening to trade. This factor, together with the provision of a food retailer on site, may act as a catalyst to secure an end user for the Horse and Farrier, which would assist in safeguarding the future of this significant building.

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

- 5.34 The position and scale of the store is such that the living conditions of neighbouring residents will not be affected by loss of light or overdominance. This is principally because of the distance that the store is positioned from those properties on Orton Road and the fact the bowling green is positioned at a much lower level to those dwellings located to the south of the site.
- 5.35 The proposal does have the potential to impact on the living conditions of neighbouring residents both during the construction and operational phase of the development. In respect of the former, it is usually reasoned that a degree of disturbance is an inevitable temporary manifestation of any development project. To lessen the impact that the construction phase has a condition is recommended that restricts the time that construction work can take place.
- 5.36 To mitigate the impact during the operational phase a condition is recommended that limits the opening times to 7am to 11pm Monday to Saturday and from 7am to 10pm on Sundays. An additional condition is recommended that limits the use of the service yard to these hours, together with a further condition that restricts deliveries to between 7am and 6pm from Monday to Sunday.
- 5.37 Because the bowling green is positioned at a lower level to the surrounding the land, public views into the car park serving the development will be restricted. In light of this Cumbria Constabulary's Architectural Liaison Officer was concerned that the car park could potentially become a gathering point for youths with vehicles. To overcome this concern it is proposed to erect collapsible bollards across part of the car park when the store closes. This would restrict the available parking space to the more visible areas within the car park, whilst maintaining some parking provision to serve the public house.

Members will appreciate that the public house is able to open later than the opening hours proposed by the store and it would be impractical to restrict access to the car park in its entirety.

- 5.38 The proposed convenience store also includes an ATM within the front elevation of the building. Officers' were concerned that such a facility, if available on a 24 hour basis, could have the potential to result in disturbance at an unreasonable hour. To overcome these concerns the applicant proposed that outside of those hours when the store is open to trade the ATM would not be available for use. This would be achieved by some form of shutter, which would physically close off the ATM. Further details of this shutter can be regulated through the imposition of a condition.
- 5.39 To further reduce the prospect of anti-social behaviour details of any CCTV and the prospective external lighting scheme to be installed on the site have been requested through the imposition of appropriate conditions. In respect of any CCTV the wording of the condition requires that the direction of the cameras is identified to ensure that Officers are satisfied that the living conditions of neighbouring residents will not be prejudiced. Members will note that Cumbria Constabulary's Architectural Liaison Officer has confirmed that the crime prevention measures outlined are acceptable.
- 5.40 The Officer has been contacted by two residents of Inglewood Court, which is the small cul-de-sac located to the south west of the site. These residents explained that when the premises was used as a public house their cul-de-sac and the footpath leading to the front garden of their properties, which directly abuts the boundary of the application site, was used a shortcut to the premises. To prevent this problem occurring again it would be reasonable to impose a condition that requires this section of the boundary to be of an appropriate height to discourage such activity.
- 5.41 In light of the above and subject to the imposition of those conditions outlined (refer to conditions 14 - 23) Officers are satisfied that there will be no unacceptable impact upon the living conditions of neighbouring residents.

5. Access And Parking Provision.

- 5.42 One of the principal concerns that this application has raised relates to the anticipated traffic generation and its potential effect upon highway safety and parking provision in the locality. When considering the potential highway implications Members are reminded that it is a convenience outlet that would provide a limited range of essential basic food and related domestic articles and goods. Thus, taking into account the size of the store and the type of service it would provide, i.e. to 'top up' on supplies, it is not anticipated that the car borne traffic that it will generate will be as significant as some residents perceive.
- 5.43 Whilst the car park would be shared with the public house, Members are reminded that the existing premises has limited parking, which is poorly related to the highway. This proposal will significantly improve the existing arrangement and it may assist in the future viability of the public house.

- 5.44 The Highway Authority has raised no objections to the development, subject to the imposition of several planning conditions and the provision of “no waiting at any time restrictions” on Orton Road. These restrictions would extend 15m either side of the proposed access and 30m on the northern side of Orton Road. An amendment to the Traffic Regulation Order (TRO) would be required to secure these parking restrictions and the Highway Authority has requested the applicant provides £3,500 to secure such an amendment. The funding for the amendment to the TRO would need to be secured through the completion of a s106 agreement.
- 5.45 In terms of disabled access, the scheme provides three disabled persons parking bays to serve both the public house and the store. A disabled access ramp is provided from Wigton Road to the car park. Disabled access would also be provided from the car park to the public house.

6. Impact Upon Existing Trees.

- 5.46 There are seven Limes trees located along the Wigton Road frontage that are protected by a Tree Preservation Order. The store and the car park have been sited to avoid any adverse impact upon these trees. Where construction work is required to take place within the root protection area of any trees to be retained, such as to form the proposed railings and disabled access ramp, a condition is recommended that requires a method statement to be submitted detailing how this work will be undertaken without any detrimental impact.
- 5.47 A separate condition is recommended that requires the submission of a detailed landscaping scheme. Whilst it is the applicant's intention to retain existing trees/shrubbery where practical, further planting is required to soften the visual impact that the development will have when viewed from neighbouring properties.

Conclusion

- 5.48 In overall terms, the principle of the siting a convenience store in this location and within the grounds of this Listed Building is acceptable. Subject to the imposition of several planning conditions, Officers' are satisfied that the proposal can be accommodated without significant harm to the setting of the Listed Building; the living conditions of neighbouring residents or highway safety.
- 5.49 If Members are minded to approve this application it is requested that “authority to issue” an approval is granted subject to the competition of s.106 Agreement. The s.106 Agreement would require the subsequent developer to;
1. repair and refurbish the public house in accordance with a minimum schedule of work to be agreed with Council Officers. This work would be carried out contemporaneously with the development of the store;
 2. market the public house for a period of six months commencing not later than the store opening to trade; and
 3. pay £3500 upon commencement of development to facilitate an

amendment to the Traffic Regulation Order to provide "no waiting at any time" restrictions along Orton Road.

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 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 consent comprise:
1. The Planning Application Form received 11th December 2009;
 2. The site location plan received 18th November 2010 (Drawing No. (P)100 Revision E);
 3. The existing site plan received 8th June 2010 (Drawing No. (P)501);
 4. The existing elevations received 8th June 2010 (Drawing No. (P)201-2 Revision A);
 5. The existing elevations - street view received 13th January 2010 (Drawing No. (P)203-1 Revision B);
 6. The proposed site plan received 13th January 2010 (Drawing No. (P)502 Revision K);
 7. The proposed building plan received 15th November 2010 (Drawing No. (P)103 Revision E);
 8. The proposed elevations received 13th January 2010 (Drawing No. (P)203-2 Revision J);
 9. The proposed street elevations received 13th January 2010 (Drawing No. (P)203-1 Revision H);
 10. The proposed elevations material studies received 13th January 2010 (Drawing No. (P)203-3 Revision K);
 11. Swept Path Diagram received 12th January 2010 (Drawing No. 1020513 SK/01 231210);
 12. Planning and Retail Assessment received 11th December 2009;
 13. Planning and Retail Assessment Addendum received 6th April 2010;
 14. Design and Access Statement received 11th December 2009;
 15. Noise Impact Assessment received 11th December 2009;
 16. Tree Impact Assessment received 11th December 2009;
 17. Transport Statement received 6th April 2010;
 18. Transport Form received 11th December 2009; and
 19. The Notice of Decision.

Reason: To define the permission.

3. The development hereby permitted shall not exceed 404 sq m gross Class A1 retail floorspace as defined in the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the vitality and viability of the City Centre and other defined centres, and to prevent adverse impact on the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

4. The Class A1 retail floorspace hereby approved shall only be used for the purpose of a food store selling convenience goods, and not more than 10% of the net retail sales area shall be used for the sale of comparison goods.

Reason: To protect the vitality and viability of the City Centre and other defined centres, and to prevent adverse impact on the Council's

proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

5. The external walling of the building shall be construction in accordance with the details contained on the approved Proposed Elevation Material Studies plan received 13th January 2010 (Drawing No. (P)203-3 Revision K).

Reason: To ensure that acceptable materials are used to safeguard the setting of the Listed Building in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

6. No development shall commence until full details of the planted green roof 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 its appearance safeguards the setting of the Listed Building in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

7. All new stone walls shall be finished in natural stone, which shall match the existing stone walls in terms of their appearance and the way that the stone is laid.

Reason: To ensure a satisfactory external appearance for the completed development in accordance with Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies CP5 and LE12 of the Carlisle District Local Plan 2001-2016.

9. The service yard gate and fencing that forms the north east boundary of the service yard shall be finished using Thermowood.

Reason: To complement the appearance of the building and to safeguard the setting of the Listed Building in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

10. Prior to development commencing, details of all perimeter fencing and other means of enclosure shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the store opening to trade.

Reason: To ensure that its appearance safeguards the setting of the

Listed Building and the living conditions of neighbouring residents in accordance with Policies CP6 and LE12 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until full details of the materials to be used in the formation of the disabled access ramp have been submitted to and approved, in writing, by the Local Planning Authority.

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.

12. Samples or full details of the railing to be erected 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 railings and to ensure compliance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

13. No development shall commence until full details of the fixed mechanical and refrigeration plant have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

14. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

15. The proposed retail units hereby approved shall not be open for trading except between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays or statutory holidays.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

16. No deliveries shall take place before 0700 hours and after 1800 hours on any day.

Reason: To prevent undue disturbance to neighbouring residential properties in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

17. The proposed service yard shall not be used except between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays or statutory holidays.
- Reason:** To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.
18. The sales floor and cash office air condensing units shall only be operational between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays or statutory holidays.
- Reason:** To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.
19. Any waste generated by the supermarket use hereby approved to be discarded as refuse shall be kept within the service yard of the premises and shall only be placed outside the curtilage on such days as trade refuse collection will occur.
- Reason:** To safeguard the living conditions of neighbouring residential properties in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.
20. Outside of store opening hours, the ATM hereby permitted shall remain shuttered off from public use.
- Reason:** In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.
21. No development shall commence until a detailed scheme for the external lighting of all proposed building, parking and servicing areas has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason:** In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties and the setting of the Listed Building in accordance with Policies CP5, CP6, CP17 and LE12 of the Carlisle District Local Plan 2001-2016.
22. Prior to development commencing, details of the specification, location and direction of vision of any CCTV to be erected on site shall be submitted to and agreed, in writing, by the Local Planning Authority. The agreed details shall be implemented in full prior to the store opening to trade.
- Reason:** In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties and

the setting of the Listed Building in accordance with Policies CP5, CP6, CP17 and LE12 of the Carlisle District Local Plan 2001-2016.

23. Prior to development commencing full details of the specification and hours of operation of the telescopic bollards that are proposed to secure the store car park shall be submitted to and agreed, in writing, by the Local Planning Authority. The agreed details shall be implemented in full prior to the store opening to trade and the bollards shall be utilised in accordance with the approved scheme.

Reason: In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties and the setting of the Listed Building in accordance with Policies CP5, CP6, CP17 and LE12 of the Carlisle District Local Plan 2001-2016.

24. No development shall take place until a detailed landscaping scheme, including identification of those trees/shrubs to be retained, has been submitted to and approved, in writing, by the Local Planning Authority. 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. The landscaping plan should identify the crown spread of the trees to be retained, including the crown spread of any trees that overhang the boundary, and those trees shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

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

25. No development shall commence until a method statement for any work within the root protection area of those trees to be retained has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

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

26. The disabled access ramp hereby approved must incorporate a no dig construction in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that adequate protection is afforded to the root system of the adjacent Lime tree in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. No development shall commence until constructional details of the proposed Highway works to the footway, access and left turn lane from Orton Road as well as tie in details for the footway link to Wigton Road, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be occupied/ use commenced until all the approved works have been completed.

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

28. The car park shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

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

29. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

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

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

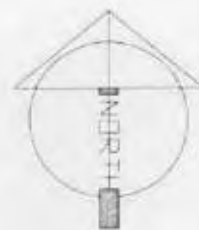
31. The use shall not be commenced until the access, parking and servicing requirements have been constructed in accordance with the approved plan. Any such access, parking and servicing provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority. Servicing to the site for deliveries shall not occur directly from Orton Road.

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

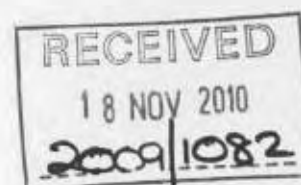
32. Prior to the store being brought into use the footway fronting the public house and the deceleration lane shall be dedicated as Highway through the

completion a Section 228 Agreement of the Highways Act 1980.

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



- E Drawings revised following comments from Carlisle planning dept 09-11-10 JSA
- D Drawings revised following meeting with Sam & Richard of Carlisle planning dept 14-05-10 JSA
- C DISABLED PARKING SHOWN ON PLAN 29-03-10 JSA
- B crossing point revised following update from ES of highways 18-03-10 JSA
- A Drawings revised following letter from Sam at Carlisle council 09-03-10 JSA



For PLANNING Purposes



Client:
TESCO EXPRESS

Drawing Title:
LOCATION PLAN

Project:
**WIGTON ROAD
CARLISLE**

| Scale: | Date: | Drawn: | Checked: |
|-----------|----------|--------|----------|
| 1:1250@A4 | 29.10.09 | JSA | |

| Project No: | Drawing No: | Revision |
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| 3377 | (P)100 | E |

Revision



By Appr
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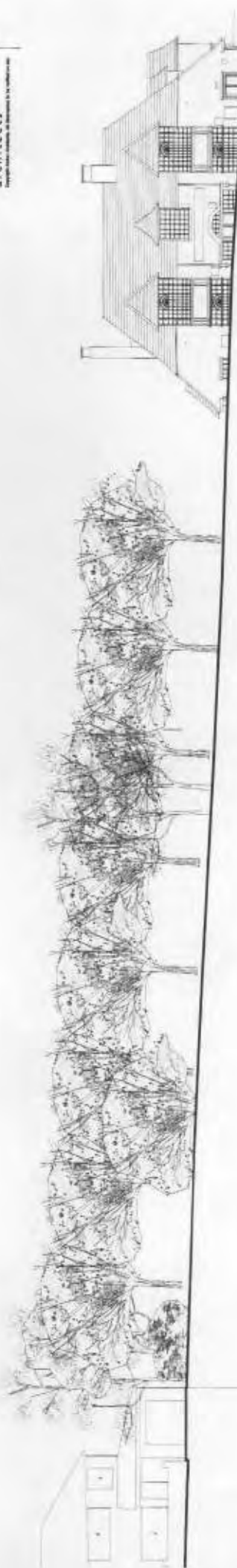
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All dimensions to be verified on site.





ELEVATION 1 - WIGTON ROAD VIEW



ELEVATION 2 — DRITON ROAD VIEW

For PLANNING Purposes



10. *Is there evidence of a trend in the number of deaths from AIDS in the United States?*


 The logo for Archer Architects, featuring the word "archer" in a bold, lowercase sans-serif font, with "architects" in a smaller, lowercase sans-serif font directly below it.

TESCO EXPRESS

Presented by
WIGTON ROAD

CARLISLE
Drawing Title
EXISTING ELEVATIONS
STREET VIEW

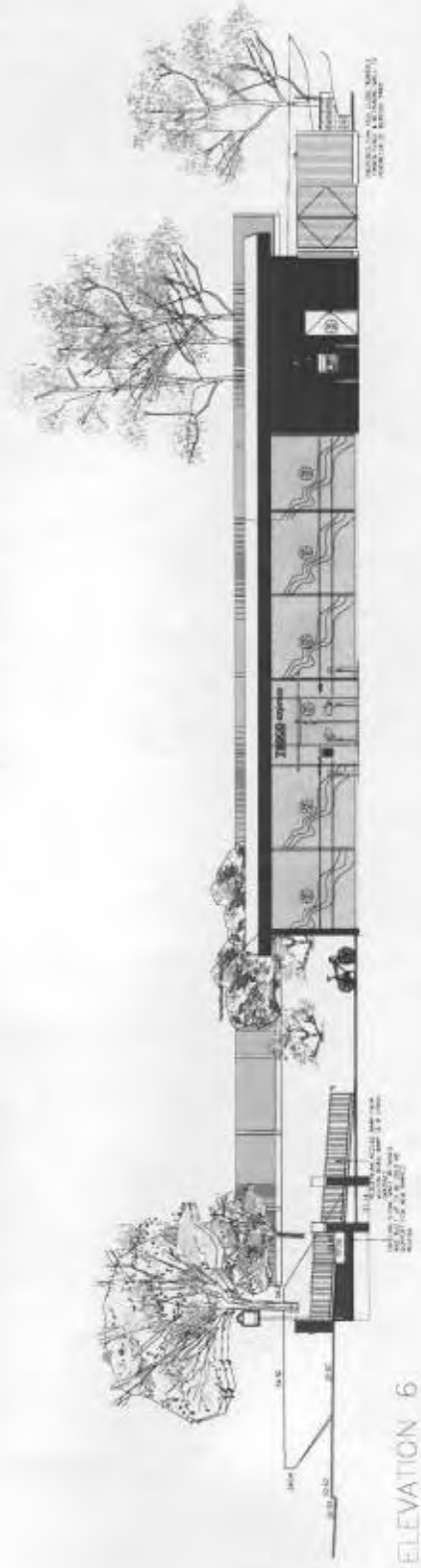
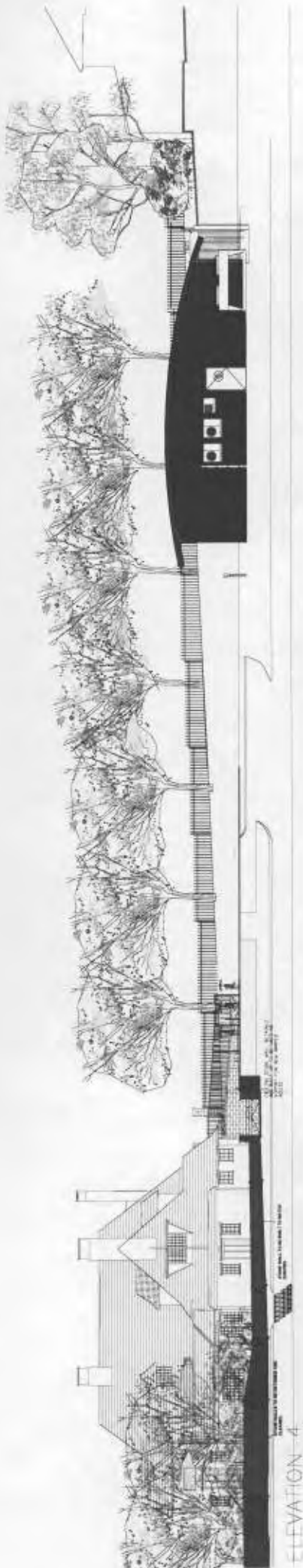
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For PLANNING Purposes

1. Design of the building and its site, including the site plan, site plan, and site plan.
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10. Design of the building and its site, including the site plan, site plan, and site plan.

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architects

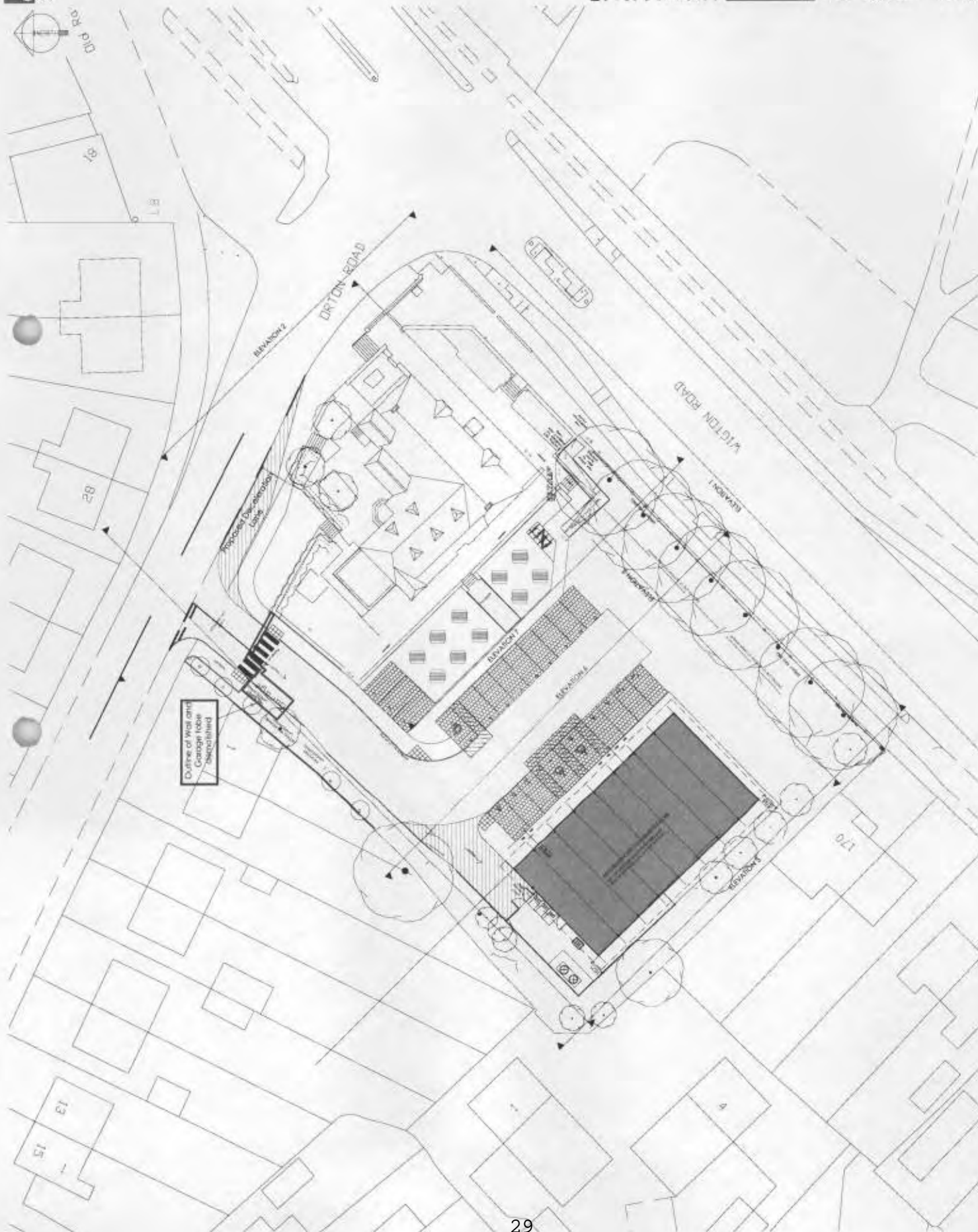
Client:
TESCO EXPRESS(LB)

Project:
**WIGTON ROAD
CARLSLE**

Drawing No:
PROPOSED ELEVATIONS 2

| Scale | Date | Drawn | Checked |
|-------------|-------------|----------|---------|
| 1:1000 | 2010 | JK | JK |
| Project No. | Drawing No. | Revision | |
| 3377 | (P)2010-2 | | |





For PLANNING Purposes

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| 1 | 1. <i>Journal of the American Medical Association</i> 2000; 283: 2600-2606 | 100 |
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| 61 | 61. <i>Journal of the American Medical Association</i> 2000; 283: 3020-3026 | 100 |
| 62 | 62. <i>Journal of the American Medical Association</i> 2000; 283: 3027-3033 | 100 |
| 63 | 63. | |

Office 7, Gateway 1000
Avonport Business Park
Plymouth PL6 8PU
T: 01752 734630
F: 01752 734631
www.archer.co.uk

archer
architects

TESCO EXPRESS

Project: WIGTON ROAD

CARLISLE
Drawing Table

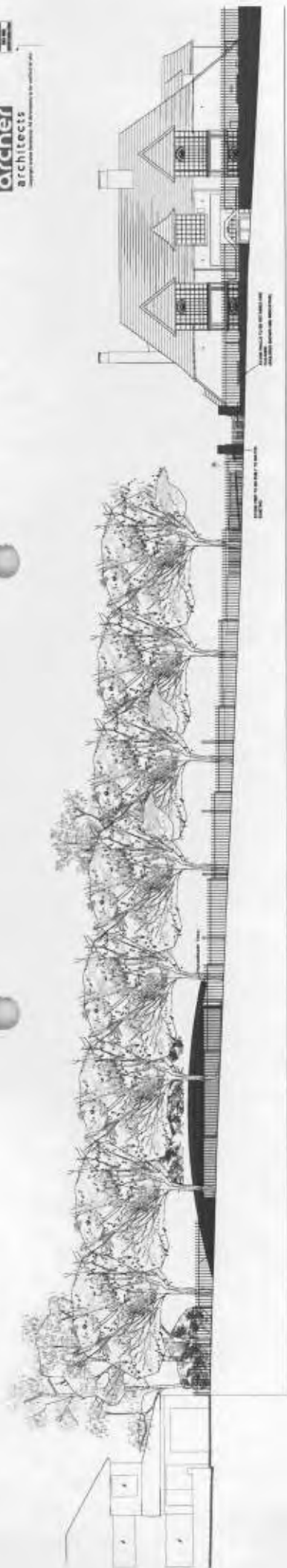
PROPOSED SITE PLAN

| Source | Calls | Days | Chances |
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| Project No | 05-10-08 | 200 | 1000 |
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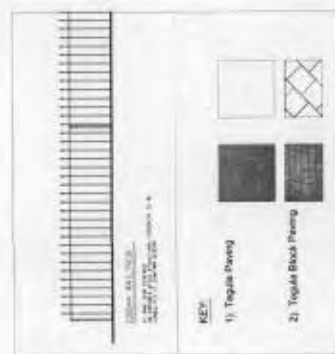
10000 10th Avenue, Suite 100, Denver, CO 80202
Tel: 303.733.1000 Fax: 303.733.1001
www.archerarchitects.com



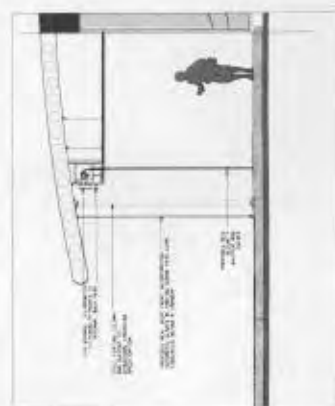
ELEVATION 1 - WIGTON ROAD VIEW



ELEVATION 2 - ORTON ROAD VIEW



BOUNDARY DETAIL



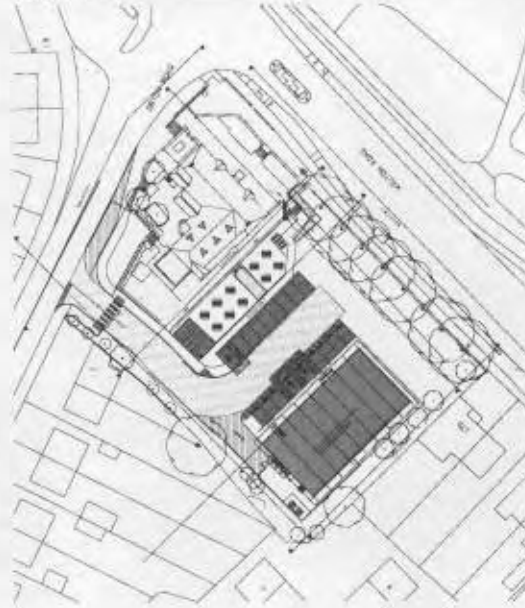
SECTION B - B AT 1:50 SCALE

For PLANNING Purposes

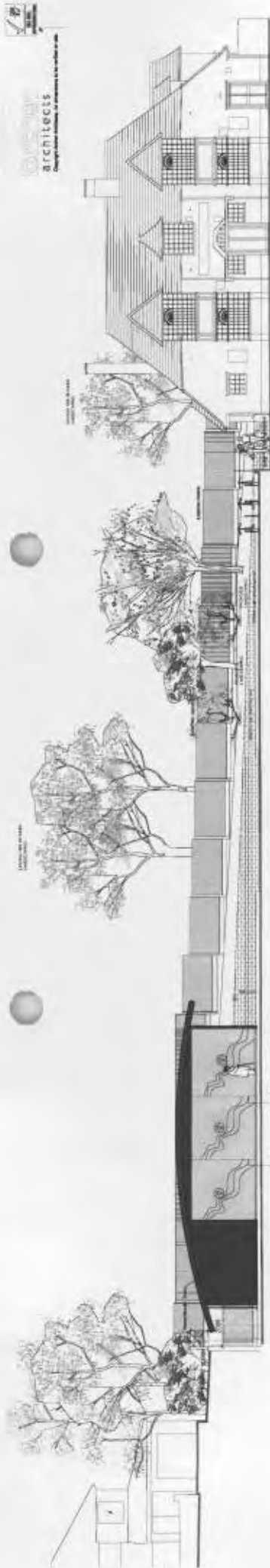
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- 2. Proposed building footprint (shaded area)
- 3. Existing building footprint (shaded area)
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- 10. Proposed building footprint (shaded area)

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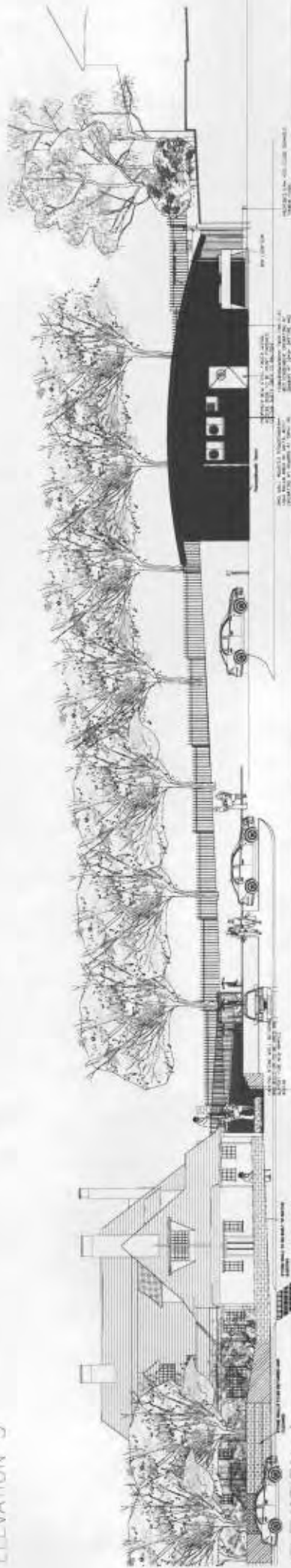
10000 10th Avenue, Suite 100, Denver, CO 80202
Tel: 303.733.1000 Fax: 303.733.1001
www.archerarchitects.com



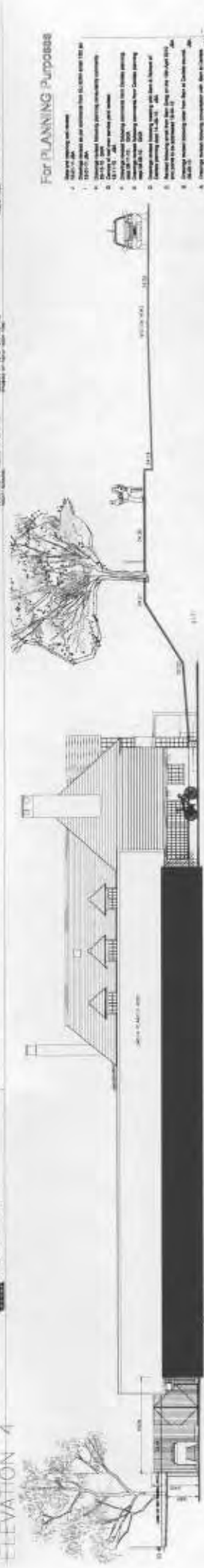
KEY PLAN SCALE 1:500



ELEVATION 3



ELEVATION 4



ELEVATION 5



ELEVATION 6

For PLANNING PURPOSES

1. General Notes: See separate sheet for general notes.
2. Foundation: See separate sheet for foundation details.
3. Structural: See separate sheet for structural details.
4. Mechanical: See separate sheet for mechanical details.
5. Electrical: See separate sheet for electrical details.
6. Plumbing: See separate sheet for plumbing details.
7. Fire Protection: See separate sheet for fire protection details.
8. Life Safety: See separate sheet for life safety details.
9. Accessibility: See separate sheet for accessibility details.
10. Other: See separate sheet for other details.

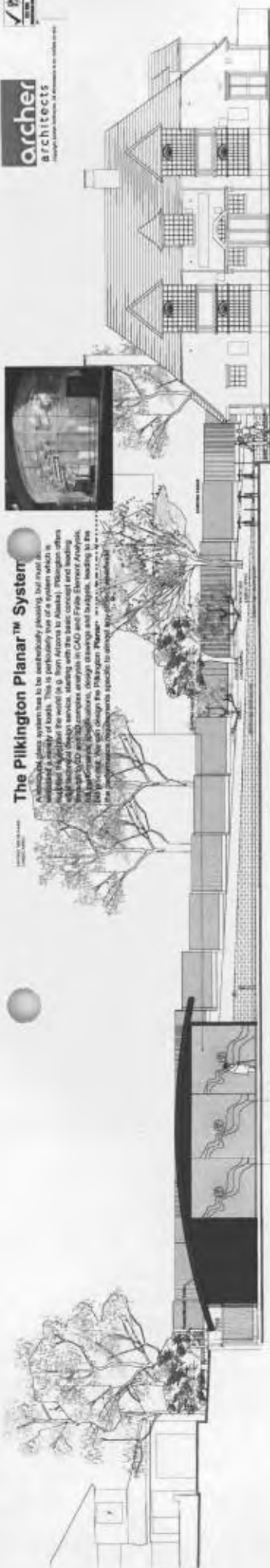
Office: 7, Glenview, IL 60015
 Phone: (708) 424-1234
 Fax: (708) 424-1235
 Website: www.7glenview.com

| Sheet | Scale | Notes | Revisions |
|-------|--------------|-----------------------|-----------|
| 3377 | 1/8" = 1'-0" | PROPOSED ELEVATIONS 2 | |



NOT TO SCALE 1/8" = 1'-0"

The Pilkington Planar™ System is a revolutionary new glazing system that has been developed by Pilkington. It is a system of glazing that is designed to be used in a wide range of applications, from residential to commercial. The system is made up of a number of components, including a special glazing unit, a special frame, and a special installation method. The system is designed to be used in a way that allows the glazing to be replaced without the need to replace the frame or the installation method. This makes the system a very cost-effective and easy-to-use solution for a wide range of glazing applications.



ELEVATION 3

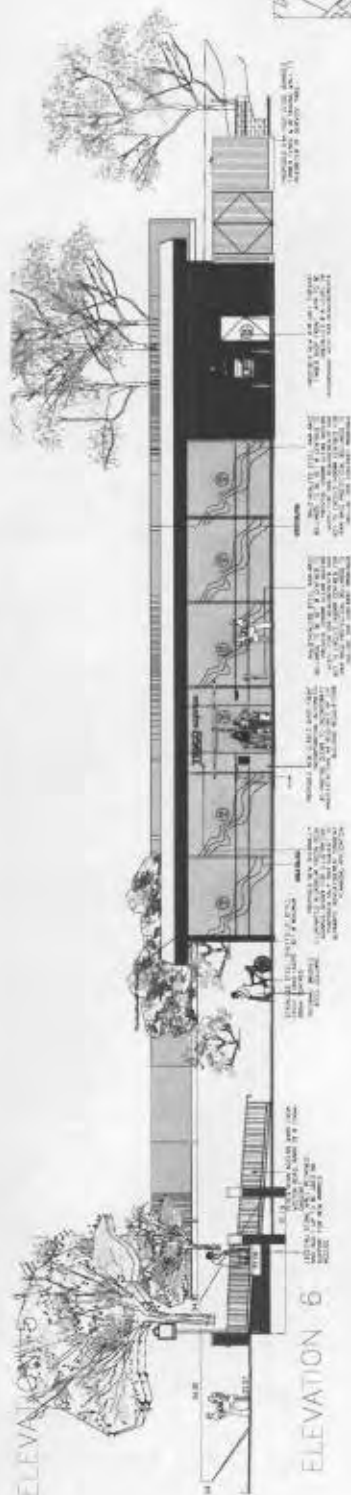
ThermoWood® is a durable timber product. One of any chemical. The timber used is thermally modified (TM) Radiata pine, which is compatible with naturally durable timbers such as Cypress Macrocarpa, Western Red Cedar and Redwood. Apart from increased high durability properties the ThermoWood® timber has a low moisture content (EMC). ThermoWood® modified Radiata pine will therefore have the same amount of dimensional change when compared with non modified Radiata pine under the same conditions.



Schedule of materials:

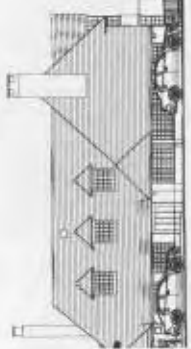
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ELEVATION 5



ELEVATION 6

ThermoWood® is a durable timber product. One of any chemical. The timber used is thermally modified (TM) Radiata pine, which is compatible with naturally durable timbers such as Cypress Macrocarpa, Western Red Cedar and Redwood. Apart from increased high durability properties the ThermoWood® timber has a low moisture content (EMC). ThermoWood® modified Radiata pine will therefore have the same amount of dimensional change when compared with non modified Radiata pine under the same conditions.



ELEVATION 7

For PLANNING Purposes

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archer architects
 Client: TESCO EXPRESS(P)
 Project: WIGTON ROAD CARLSLE
 Drawing No: 3377
 Date: 10/10/06
 Scale: 1:1000 SCALE



KEY PLAN 1:1000SCALE

| Name | Date | Drawn | Checked |
|-------------|------------|----------|---------|
| 3377 | | | |
| Project No. | Client No. | Revision | |
| 3377 | PJ203-3 | K | |

SCHEDULE A: Applications with Recommendation

10/1035

Item No: 02

Date of Committee: 28/01/2011

Appn Ref No:
10/1035

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
19/11/2010

Agent:
GL Hearn

Ward:
Yewdale

Location:
Walls & Railings to the front of Horse & Farrier
Public House, Wigton Road, CA2 7EY

Grid Reference:
338326 555195

Proposal: Alterations To The Wall And Railings Of The Public House To Create A Pedestrian Access Off Wigton Road And A Vehicular Access Off Orton Road, Together With The Demolition Of An Existing Garage Fronting Onto Orton Road In Order To Facilitate The Erection Of A Convenience Store On The Bowling Green Of The Horse And Farrier (LBC)

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as it is linked with an associated "Full" planning application to erect a convenience store in the grounds of the Horse and Farrier public house.

1. Constraints and Planning Policies

Tree Preservation Order

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

Gas Pipeline Safeguarding Area

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

Listed Building

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

Local Plan Pol CP5 - Design

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE14 - Dev.Involving Dem.of Listed Bldgs

2. Summary of Consultation Responses

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

Northern Gas Networks: no comments received.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|------------------|------------|-------------|
| 26 Skiddaw Road | 24/11/10 | |
| 172 Wigton Road | 24/11/10 | |
| 166 Wigton Road | 24/11/10 | |
| 168 Wigton Road | 24/11/10 | |
| Corals Bookmaker | 24/11/10 | |
| 18 Orton Road | 24/11/10 | |
| 20 Orton Road | 24/11/10 | |
| 22 Orton Road | 24/11/10 | |
| 24 Orton Road | 24/11/10 | |
| 26 Orton Road | 24/11/10 | |
| 28 Orton Road | 24/11/10 | |
| 30 Orton Road | 24/11/10 | |
| 32 Orton Road | 24/11/10 | |
| 34 Orton Road | 24/11/10 | |
| 36 Orton Road | 24/11/10 | |
| 38 Orton Road | 24/11/10 | |
| 40 Orton Road | 24/11/10 | |
| 42 Orton Road | 24/11/10 | |
| 44 Orton Road | 24/11/10 | |
| 46 Orton Road | 24/11/10 | |
| 48 Orton Road | 24/11/10 | |
| 50 Orton Road | 24/11/10 | |
| 52 Orton Road | 24/11/10 | |
| 54 Orton Road | 24/11/10 | |
| 56 Orton Road | 24/11/10 | |
| 1 Orton Road | 24/11/10 | Objection |
| 3 Orton Road | 24/11/10 | |

| | | |
|--------------------------------|----------|-------------|
| 5 Orton Road | 24/11/10 | |
| 7 Orton Road | 24/11/10 | |
| 9 Orton Road | 24/11/10 | |
| 11 Orton Road | 24/11/10 | |
| 13 Orton Road | 24/11/10 | |
| 15 Orton Road | 24/11/10 | |
| 17 Orton Road | 24/11/10 | |
| 19 Orton Road | 24/11/10 | |
| 21 Orton Road | 24/11/10 | |
| 23 Orton Road | 24/11/10 | |
| 25 Orton Road | 24/11/10 | |
| 27 Orton Road | 24/11/10 | |
| 29 Orton Road | 24/11/10 | |
| 31 Orton Road | 24/11/10 | |
| 1 Inglewood Court | 24/11/10 | |
| 2 Inglewood Court | 24/11/10 | |
| 3 Inglewood Court | 24/11/10 | |
| 4 Inglewood Court | 24/11/10 | |
| 3 Inglewood Road | 24/11/10 | |
| 5 Inglewood Road | 24/11/10 | |
| 7 Inglewood Road | 24/11/10 | |
| 9 Inglewood Road | 24/11/10 | |
| 34 Inglewood Crescent | 24/11/10 | |
| 36 Inglewood Crescent | 24/11/10 | |
| 38 Inglewood Crescent | 24/11/10 | |
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| 42 Inglewood Crescent | 24/11/10 | Undelivered |
| 44 Inglewood Crescent | 24/11/10 | |
| 46 Inglewood Crescent | 24/11/10 | |
| 48 Inglewood Crescent | 24/11/10 | |
| 50 Inglewood Crescent | 24/11/10 | |
| 52 Inglewood Crescent | 24/11/10 | |
| Raffles PO & Convenience Store | 24/11/10 | |
| 103 Dunmail Drive | 24/11/10 | |
| 105 Dunmail Drive | 24/11/10 | |
| 107 Dunmail Drive | 24/11/10 | |
| 109 Dunmail Drive | 24/11/10 | |
| 111 Dunmail Drive | 24/11/10 | |
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| 135 Dunmail Drive | 24/11/10 | |
| 137 Dunmail Drive | 24/11/10 | |
| 139 Dunmail Drive | 24/11/10 | |
| 141 Dunmail Drive | 24/11/10 | |
| Renucci's Fish & Chip Shop | 24/11/10 | |
| Blockbuster | 24/11/10 | |
| Corals Bookmaker | 24/11/10 | |
| Motor World | 24/11/10 | |
| Carlisle Canoes | 24/11/10 | |
| 27 Inglewood Crescent | 24/11/10 | |
| 91 Holmrook Road | 24/11/10 | |
| 170 Wigton Road | 24/11/10 | |

| | | |
|-----------------------|----------|-------------|
| 24 Dalton Avenue | 24/11/10 | |
| 60 St James Road | 24/11/10 | |
| 31 Northwood Crescent | 24/11/10 | |
| Cllr - Yewdale | 24/11/10 | |
| 174 Wigton Road | 24/11/10 | |
| 176 Wigton Road | 24/11/10 | |
| 178 Wigton Road | 24/11/10 | |
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| 198 Wigton Road | 24/11/10 | |
| Morton Manor | 24/11/10 | |
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| 121 Wigton Road | 24/11/10 | |
| 123 Wigton Road | 24/11/10 | |
| 125 Wigton Road | 24/11/10 | |
| 127 Wigton Road | 24/11/10 | |
| 129 Wigton Road | 24/11/10 | |
| 131 Wigton Road | 24/11/10 | |
| 130 Dunmail Drive | 24/11/10 | |
| 132 Dunmail Drive | 24/11/10 | |
| 134 Dunmail Drive | 24/11/10 | |
| 136 Dunmail Drive | 24/11/10 | |
| 138 Dunmail Drive | 24/11/10 | Undelivered |
| 140 Dunmail Drive | 24/11/10 | |
| 104 Dunmail Drive | 24/11/10 | |
| 106 Dunmail Drive | 24/11/10 | |
| 108 Dunmail Drive | 24/11/10 | |
| 110 Dunmail Drive | 24/11/10 | |
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| 128 Dunmail Drive | 24/11/10 | |
| 130 Dunmail Drive | 24/11/10 | |
| 132 Dunmail Drive | 24/11/10 | |
| 134 Dunmail Drive | 24/11/10 | |
| 158 Wigton Road | 24/11/10 | |
| 160 Wigton Road | 24/11/10 | |
| 162 Wigton Road | 24/11/10 | |
| 164 Wigton Road | 24/11/10 | |

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to one hundred and forty neighbouring properties. In response one letter of objection has been received. It raises issues relating to the associated "Full" planning application for the redevelopment of the site to create a convenience store, which precedes this

report in the schedule (Application 09/1082). Given that these objections do not specifically relate to this application for Listed Building Consent the issues raised have not been reiterated within this report. A summary of the representations received can be viewed within the "Summary of Representations" section of the preceding report. The issues raised are also addressed in the preceding report.

4. Planning History

- 4.1 There are a number of "Full" planning and Listed Building applications for the redevelopment of the public house. The most recent of these was a Listed Building Consent, which was approved in 2005, and related to the refurbishment of the premises (05/0585).
- 4.2 In May 2009 an application was submitted for the erection of a convenience foodstore within the grounds of the public house (09/0405). The application was withdrawn prior to determination.
- 4.3 In January 2010 an application was submitted for the erection of a convenience foodstore within the grounds of the public house (09/1082). The "Full" planning application precedes this report in the schedule.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks "Listed Building Consent" for external works within the grounds of the Horse and Farrier public house, which is a Grade II Listed building that is located at the junction of Orton Road and Wigton Road in Carlisle.

The Proposal

- 5.2 The external works are proposed to facilitate the erection of a convenience store in the grounds of the Horse and Farrier. In order to facilitate that development it is proposed to remove part of the stone wall along the Orton Road frontage to create an access; the raising of a retaining wall to form the disabled access ramp; the formation of new sections of stone walls, together with the provision of wrought iron railings and the demolition of a detached single garage.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE13 and LE14 of the Carlisle District Local Plan 2001-2016.

- 5.4 The proposal raises the following planning issues:
1. Whether The Alterations Are Acceptable.
- 5.5 The works proposed will not have an adverse impact upon the character or setting of the Listed Building provided that it is undertaken in conjunction with an acceptable scheme to redevelop the site. It is, however, recommended that a condition is imposed that prevents this work from being carried out prior to a contract being agreed for the redevelopment of the site that is in accordance with an "approved" scheme.
- 5.6 Members are advised that if they were minded not to approve the application to redevelop the site (09/1082), which precedes this report in the Schedule, it would not be appropriate to approve this application. To do so may increase the likelihood of the work being undertaken, which, if carried out in isolation, could detract from the setting of the Listed Building. In the absence of an approved scheme to redevelop the site, the approval of this application would be premature.

Conclusion

- 5.7 In conclusion, it is recommended that Members approve this application, but only if permission has been granted for the redevelopment of the site in accordance with application 09/1082. If that application is refused this application should also be refused on the grounds of prematurity and the potential adverse impact on the character and setting of the Listed Building.

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 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 consent comprise:

1. The Planning Application Form received 17th November 2010;
2. The site location plan received 18th November 2010 (Drawing No. J020126-01);
3. The existing site plan received 13th January 2010 (Drawing No. (P)501 Revision A);
4. The existing elevations received 17th November 2010 (Drawing No. (P)201-2 Revision A);
5. The existing elevations - street view received 13th January 2010 (Drawing No. (P)201-1 Revision B);
6. The proposed site plan received 13th January 2010 (Drawing No. (P)502 Revision K);
7. The proposed elevations received 13th January 2010 (Drawing No. (P)203-2 Revision J);
8. The proposed street elevations received 13th January 2010 (Drawing No. (P)203-1 Revision I);
9. Heritage, Design and Access Statement received 11th December 2009; and
10. The Notice of Decision.

Reason: To define the permission.

3. The works hereby approved shall not be undertaken before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To safeguard against premature demolition in accord with Policies LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

4. All new stone walls shall be finished in natural stone, which shall match the existing stone walls in terms of their appearance and the way that the stone is laid.

Reason: To ensure a satisfactory external appearance for the completed development in accordance with Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

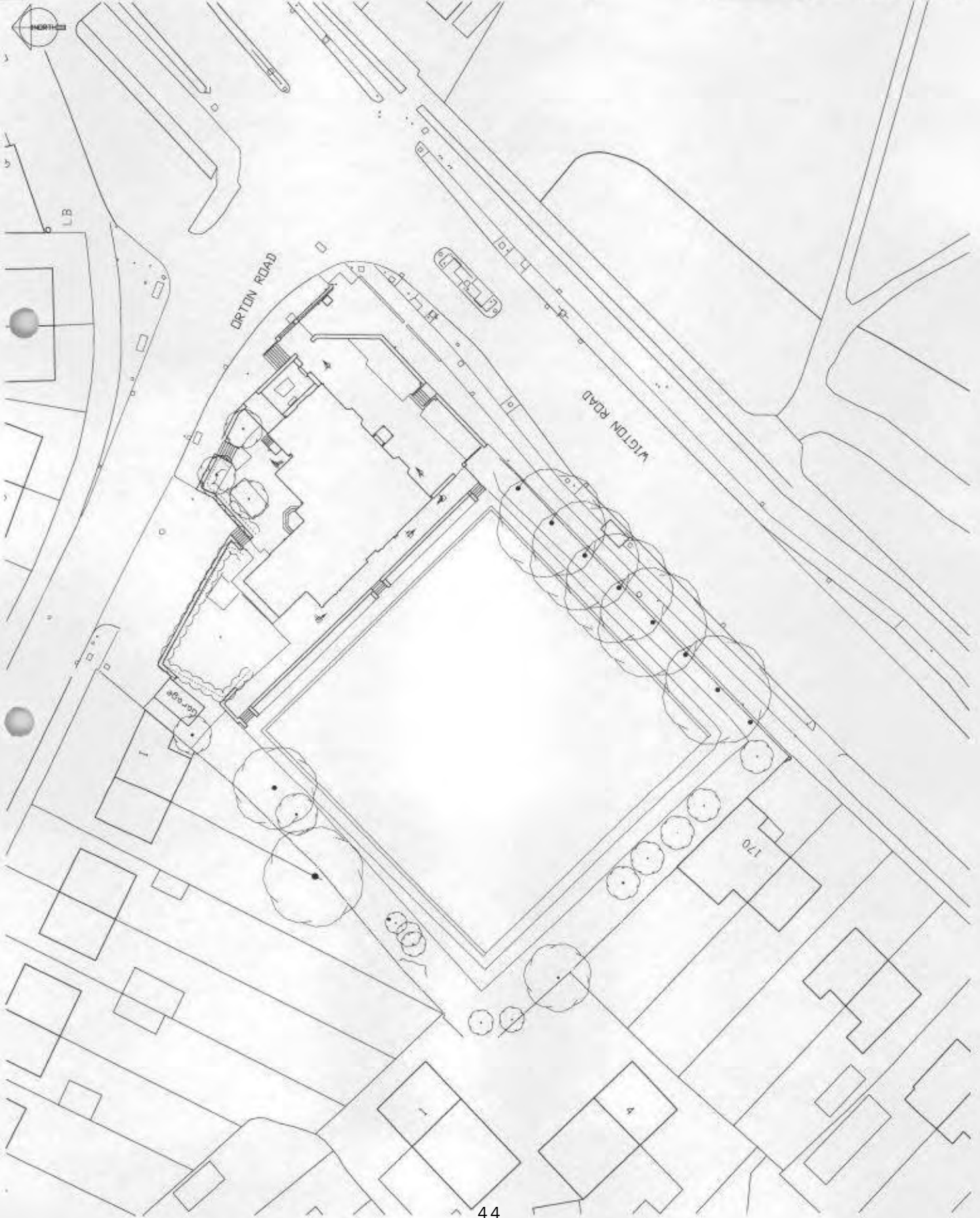
Environ Biol Fish (2015) 98:1299–1310
 DOI 10.1007/s10641-015-0250-1

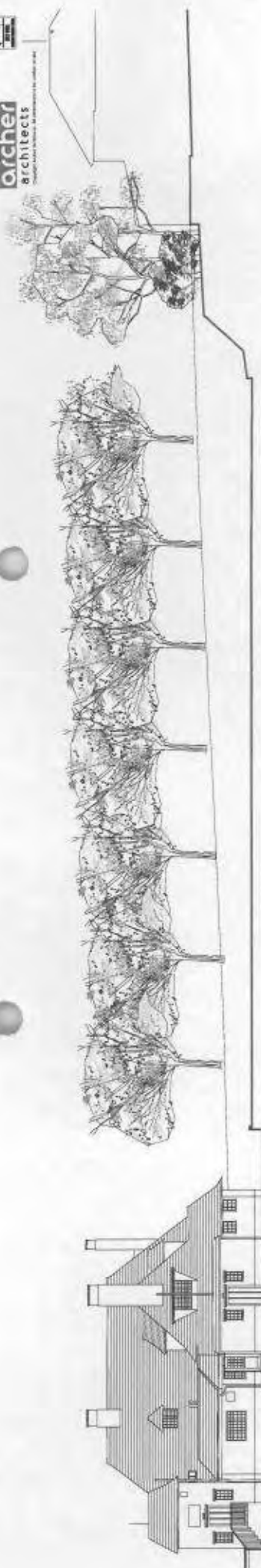
2019/1035



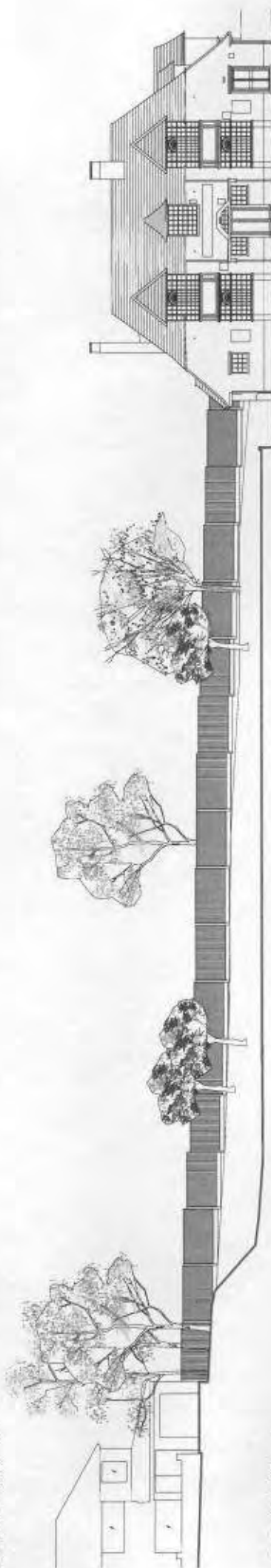
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architects

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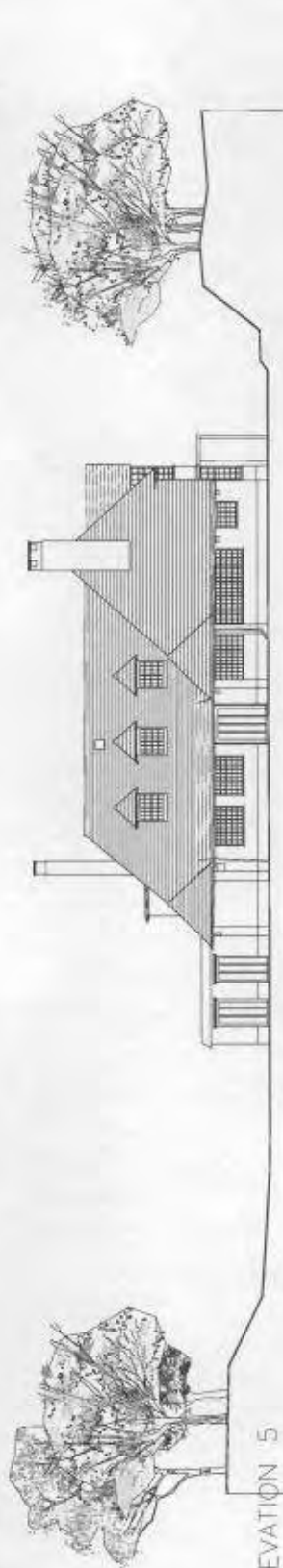




ELEVATION 3



ELEVATION 4



ELEVATION 5



ELEVATION 6

For PLANNING Purposes



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TESCO EXPRESS

WIGTON ROAD
CARLISLE

Existing Elevations 2

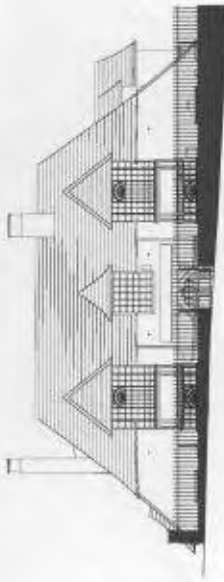
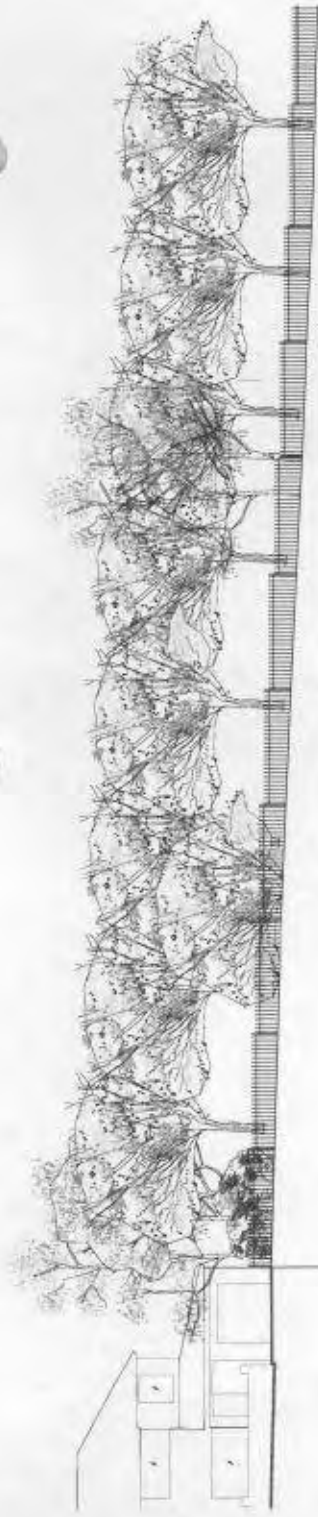
| Index | Date | Owner | Checked |
|-------------|----------|-------|---------|
| 1 (Initial) | 11/11/18 | 14 | |

| Project No. | Drawing No. | Revision |
|-------------|-------------|----------|
| 3377 | P1201-2 | A |



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Graphic: Peter Huxford, 10/10/2008, 10/10/2008, 10/10/2008

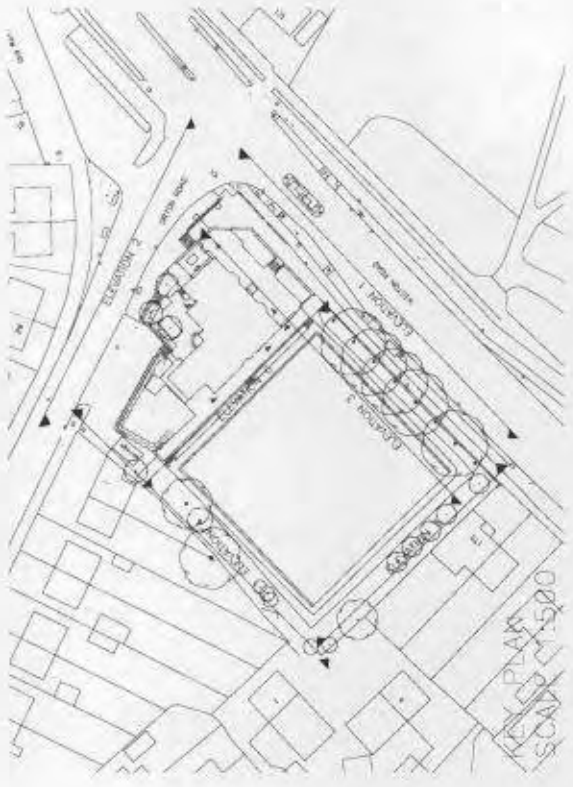


ELEVATION 1 - WIGTON ROAD VIEW



ELEVATION 2 - ORTON ROAD VIEW

For Planning Purposes



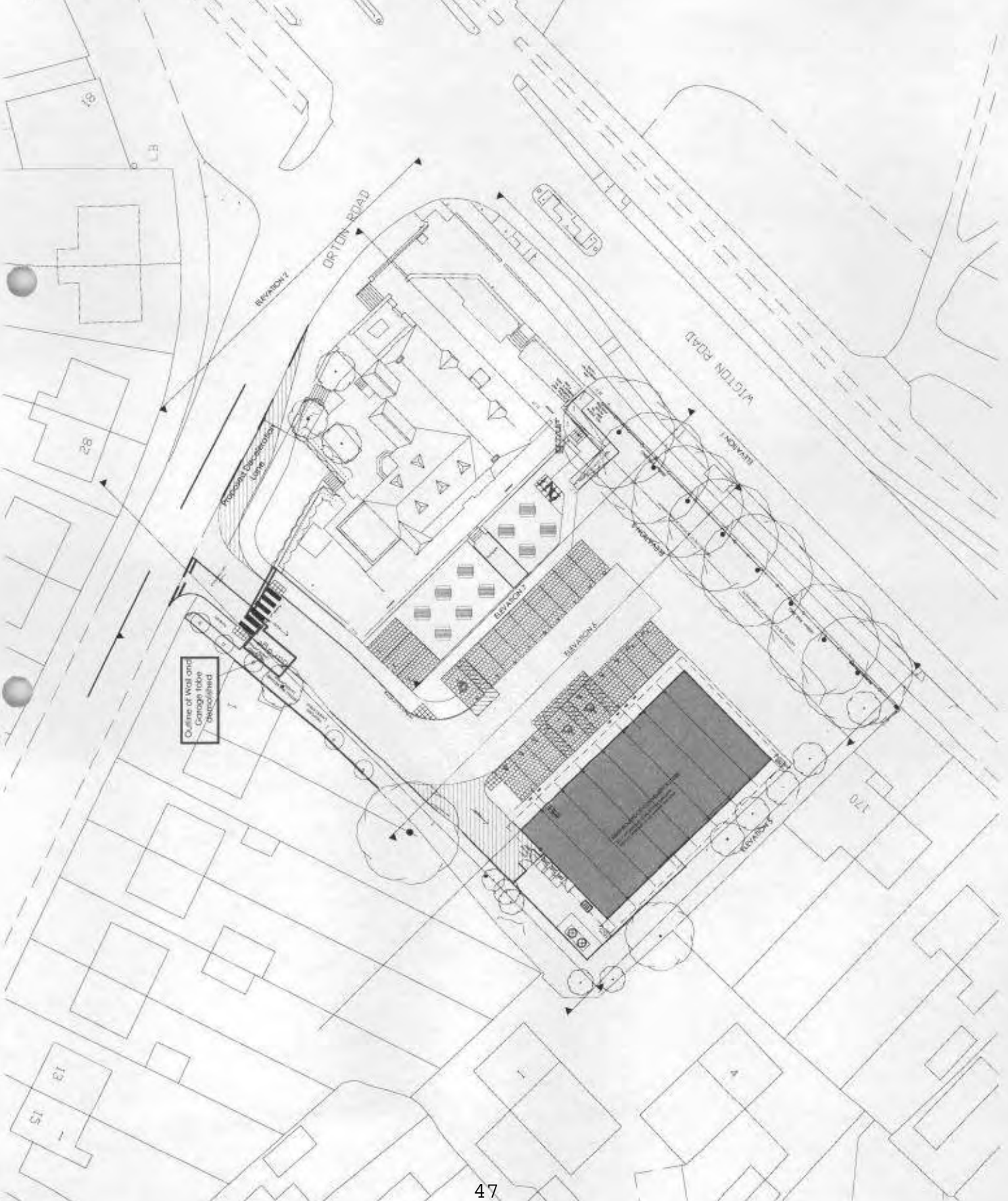
- 1. Existing building and site plan (as shown on the site plan)
- 2. Proposed building and site plan (as shown on the site plan)
- 3. Proposed building and site plan (as shown on the site plan)

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| | |
|-------------|---------------------|
| Client | TESCO EXPRESS(UK) |
| Project | WIGTON ROAD |
| Location | CARLISLE |
| Drawing No. | EXISTING ELEVATIONS |
| Sheet No. | STREET VIEW |
| Scale | 1:100 |
| Date | 10/10/08 |
| Drawn by | PH |
| Checked by | PH |
| Project No. | 3377 |
| Revision | (P)2011 B |



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For Planning Purposes

- 1. To show the proposed development in relation to the surrounding area.
- 2. To show the proposed development in relation to the surrounding area.
- 3. To show the proposed development in relation to the surrounding area.
- 4. To show the proposed development in relation to the surrounding area.
- 5. To show the proposed development in relation to the surrounding area.
- 6. To show the proposed development in relation to the surrounding area.
- 7. To show the proposed development in relation to the surrounding area.
- 8. To show the proposed development in relation to the surrounding area.
- 9. To show the proposed development in relation to the surrounding area.
- 10. To show the proposed development in relation to the surrounding area.

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| | |
|----------------|-------------------------|
| Client: | TESCO EXPRESS |
| Project: | WIGTON ROAD CARLISLE |
| Drawing Title: | PROPOSED SITE PLAN |
| Scale: | 1:1000 |
| Date: | 10/10/10 |
| Drawn: | JK |
| Checked: | JK |
| Project No: | 3377 |
| Revision: | (P)502 |
| Author: | JK |



ELEVATION 1 - WICTON ROAD VIEW



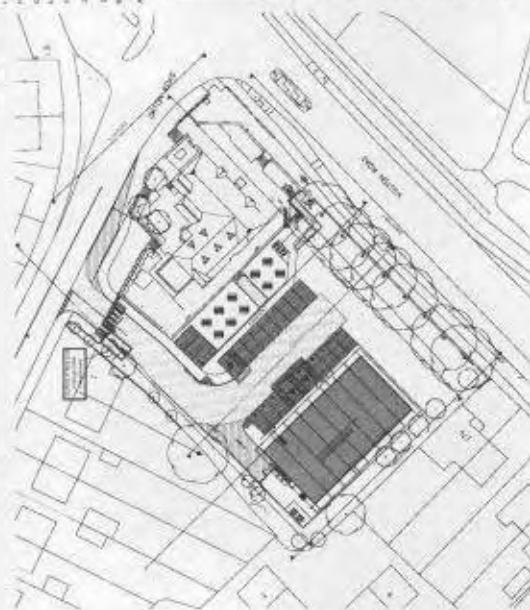
ELEVATION 2 - ORTON ROAD VIEW



BOUNDARY DETAIL



SECTION B - B AT 1:50 SCALE



KEY PLAN SCALE 1:500

For PLANNING Purposes

- [illegible]

Office: 7, Gallewally Road
Kilgarran Industrial Park
Kilgarran, Wexford
W90 8YD

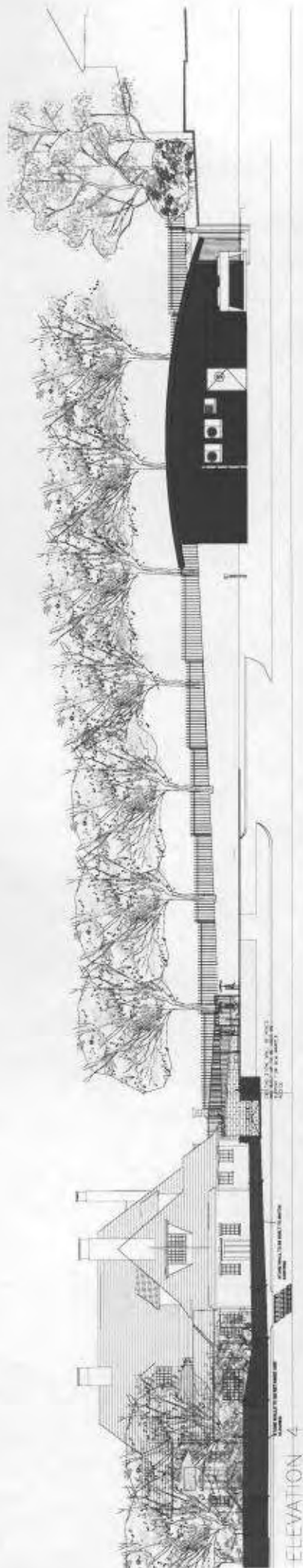
Phone: +353 (0) 56 872 2000
Fax: +353 (0) 56 872 2001
Email: sales@archer.ie

TESCO EXPRESS

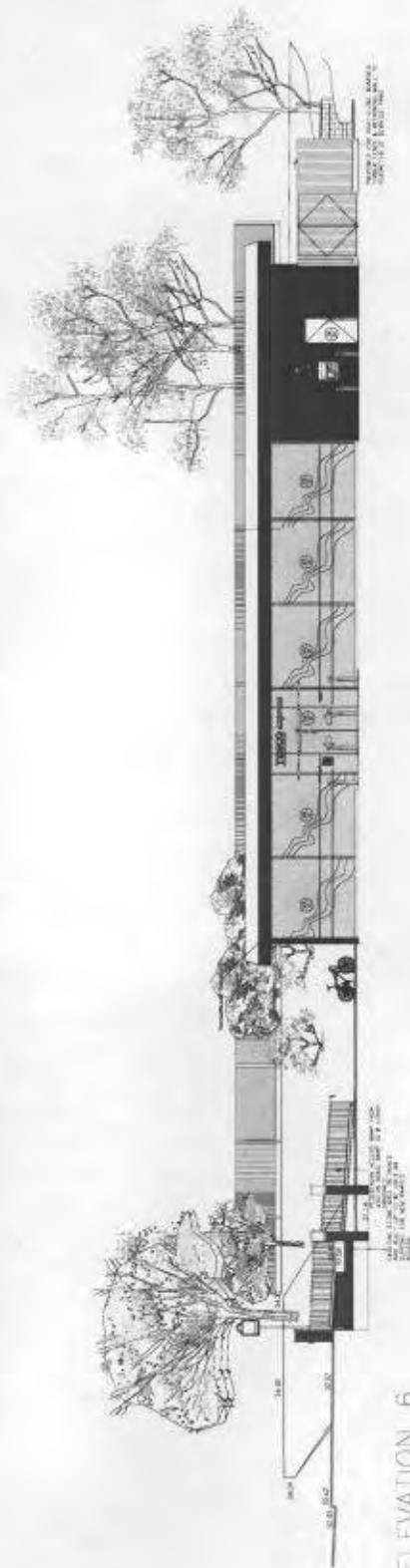
WINGTON ROAD
CARLISLE

Drawing Title:
PROPOSED ELEVATIONS
STREET VIEW

| Scale | Date | Diam. | Chestnut |
|-------|---------|-------|----------|
| 9377 | 8-10-18 | | |
| 9377 | 8-10-18 | | |



ELEVATION 4



ELEVATION 6

For PLANNING Purposes

- [illegible]

Office 7, Gateway 1080
10, England Business Park,
Preston, Lancashire
PR1 2YD
United Kingdom
Tel: +44 (0)1773 746600
Fax: +44 (0)1773 746601
E-mail: info@archer.co.uk
www.archer.co.uk

Client:
TESCO EXPRESS(UK)

Project:
WIGTON ROAD
CARLISLE

Drawing Title:
PROPOSED ELEVATIONS 2

| | | | |
|------------|----------|-------|---------|
| Stamps | Date | Drawn | Checked |
| 1, 100 gms | 28.11.10 | AK | |

| | | |
|------------|------------|----------|
| Project No | Drawing No | Revision |
| 3377 | P/203-2 | 1 |



1000 PEAK SCALE (1000 SCALE)

SCHEDULE A: Applications with Recommendation

10/1008

Item No: 03

Date of Committee: 28/01/2011

Appn Ref No:
10/1008

Applicant:
Messrs D I & P A Bimson
& Martin

Parish:
Burgh-by-Sands

Date of Receipt:
16/11/2010

Agent:

Ward:
Burgh

Location:
Field No.8620, (Land To North Of Langwath
Cottage), Moorhouse, Carlisle

Grid Reference:
332862 557205

Proposal: Erection Of A Free Range Poultry Unit (Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

Fifty-one letters of objection have been received to the application and the Parish Council has objected to the proposal.

1. Constraints and Planning Policies

Local Plan Pol LE25 - Agricultural Buildings

Local Plan Pol CP1 - Landscape Character

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.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to

conditions;

Environment Agency (N Area (+ Waste Disp)): no further comments to add to those made on the previous application 09/0987;

Community Services - Drainage Engineer: comments awaited;

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

Natural England: The proposal lies within 1km of Thurstonfield Lough SSSI. Due to the close proximity to the SSSI there might be an issue with nutrient enrichment and acid deposition from aerial deposition. Therefore, an air quality assessment should be undertaken to ensure that possible adverse effects of ammonia levels, nitrogen and acid deposition from the unit are considered.

Expressed concern about where hen manure is going to be spread and the potential for nutrient enriched run-off to enter drainage systems which may have an impact on Thurstonfield Lough SSSI. The applicant has sent Natural England a map indicating where manure will be stored and spread - the surrounding drainage systems run to the north of the SSSI which is located far enough away not to be affected.

The proposal has been discussed with the applicant and Natural England is satisfied that no further information is required in regards to the air quality assessment;

Cumbria Wildlife Trust: comments awaited;

Environmental Services - Food, Health & Safety: the normal operation of the premises should not lead to statutory nuisance from noise, odour or flies. If premises cause a statutory nuisance there are powers under the Environmental Protection Act 1990 for action to be taken;

Burgh-by-Sands Parish Council: Objects for the following reasons:

1. Manure storage will be seen over a wide area being on a high point;
2. There are no details of water run-off or protection of Powburgh Beck;
3. The cosmetic planting seems to have been much reduced so that the complex would be very visible in an unspoilt area;
4. This intrudes into the open countryside on the high ground between Burgh, Moorhouse and Thurstonfield, which is one of the largest undeveloped areas within Carlisle;
5. The increased traffic will further add to congestion on a busy narrow road from the B5307 (Burgh School Road to Moorhouse);
6. Smell and noise emanating from the site will reduce the quality of life for residents in Moorhouse and a loss of amenity.

County Land Agent (Capita Symonds): the design and size of the proposed poultry unit building is consistent with the stock housing aim of the applicants. The applicant manages an existing 10,500 bird unit on his land at Monkhill Hall Farm and it is considered that no further expansion of the enterprise can be carried out on this site. Planners should be aware that by approving the proposed development at Moorhouse, they may receive further applications to expand the unit at this location and potentially, may receive an application for a workers occupational dwelling, should the need be established for a worker to be resident on site in the future;

Cumbria Constabulary, Northern Community Safety Unit: no comments.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-----------------------|------------|-------------|
| Langwath Cottage | 23/11/10 | Objection |
| Holme Garth | 23/11/10 | Objection |
| 7 The Courtyards | 23/11/10 | Objection |
| Hort House | 23/11/10 | Undelivered |
| Holly House | 23/11/10 | |
| The Cockpit | 23/11/10 | |
| 4 Monkhill Road | 23/11/10 | Objection |
| 6 Monkhill Road | 23/11/10 | Objection |
| Meadow View | 23/11/10 | |
| Joiners House | 23/11/10 | |
| Low Field | 23/11/10 | Objection |
| Tiree | 23/11/10 | |
| Peterdale | 23/11/10 | Objection |
| Peterdale | 23/11/10 | Objection |
| 2 Monkhill Road | 23/11/10 | |
| 2 Monkhill Road | 23/11/10 | |
| The Gables | 23/11/10 | |
| 10 The Courtyards | 23/11/10 | Objection |
| Hall Farm | 23/11/10 | |
| The Bow | 23/11/10 | |
| 12 The Courtyards | 23/11/10 | Objection |
| Westmead | 23/11/10 | Objection |
| 9 The Courtyards | 23/11/10 | Objection |
| Holly House | 23/11/10 | |
| | 23/11/10 | Objection |
| Roseville | 23/11/10 | Objection |
| Heath End | 23/11/10 | Objection |
| The Old Farmhouse | 23/11/10 | Objection |
| 6 The Courtyards | 23/11/10 | Objection |
| The Birches | 23/11/10 | |
| 10 The Courtyards | 23/11/10 | Objection |
| 3 Monkhill Road | 23/11/10 | |
| Low Moorhouse Fauld | 23/11/10 | Objection |
| 2 The Courtyards | 23/11/10 | Objection |
| Inglewood | 23/11/10 | Objection |
| Meadowcroft | 23/11/10 | Objection |
| Royal Oak Inn | 23/11/10 | Objection |
| Cllr - Burgh by Sands | 23/11/10 | Objection |
| Royal Oak Cottage | 23/11/10 | Objection |

| | | |
|--------------------|----------|-----------|
| Meadowcroft | 23/11/10 | Objection |
| Langwath Cottage | 23/11/10 | Objection |
| Westmead | 23/11/10 | |
| 146 Moorhouse Road | 23/11/10 | |
| 11 Gosforth Road | 23/11/10 | |
| 28 Criffel Road | 23/11/10 | |
| 17 The Courtyards | 23/11/10 | |
| 8 The Courtyards | 23/11/10 | |
| Town Head | 23/11/10 | |
| 72 Moorpark Avenue | 23/11/10 | Objection |
| 4 The Courtyards | 23/11/10 | Objection |
| Rosefield | 23/11/10 | Objection |
| The Fauld | 23/11/10 | Objection |
| 5 The Courtyards | 23/11/10 | |
| Inglewood | 23/11/10 | Objection |
| 6 Monkhill Road | 23/11/10 | Objection |
| 1 Monkhill Road | 23/11/10 | |
| Tiree | 23/11/10 | Objection |
| 4 Monkhill Road | 23/11/10 | Objection |
| Westmead | 23/11/10 | |
| Danesleigh | 23/11/10 | Objection |
| The Gables | 23/11/10 | Objection |
| The Gables | 23/11/10 | Objection |
| Swallows | 23/11/10 | |
| The Hollies | 23/11/10 | |
| Grosvenor House | 23/11/10 | Objection |
| The Hawthorns | 23/11/10 | |
| 3 Monkhill Road | 23/11/10 | Objection |
| The Hollies | 23/11/10 | Objection |
| Danesleigh | 23/11/10 | Objection |
| Fairfield | 23/11/10 | Objection |
| Langwath Cottage | 23/11/10 | Objection |
| Royal Oak Cottage | 23/11/10 | Objection |
| Fairfield | | Objection |
| Rosefield | | Objection |
| Roseville | | Objection |
| 11 Amberfield | | Objection |
| Grosvenor House | | Objection |
| Cllr - Dalston | | Objection |

- 3.1 This application has been advertised by means of a site notice and notification letters sent to seventy-four neighbouring properties. Fifty-one objections have been received, which raise the following issues:

Traffic & Parking Issues

Moorhouse currently experiences a high volume of traffic, including a high proportion of HGVs. This proposal will increase the amount of traffic passing through the village.

The buildings will be at risk from subsidence - a number of houses feel vibrations from HGVs now.

The field does not currently generate many vehicle movements - there would be a great increase of dangerous traffic movement out of this field.

The Moorhouse to Burgh Road is very well used at certain times of the day - notably school drop off and pick up times.

The proposed vehicle movements will be far in excess of the existing vehicle movements to this field.

The existing fields generates almost no vehicle movements - it is not actively

farmed.

Never seen the egg collection lorry on the Moorhouse to Burgh road – applicant should substantiate this claim

Need to clarify where the access is going – two different routes are shown on the plans. Need assurance that this does not constitute a new or altered access as stated by the applicant.

Highway Safety

The poultry unit would be located on a narrow country lane, near a particularly bad junction. HGVs travelling to and from the unit will make this particular junction and road more hazardous.

The junctions at both ends of the road (in Moorhouse and Burgh) are dangerous due to poor visibility and excessive speed.

The road is too narrow for large vehicles, especially when the hedges grow. Verges will be damaged by the large vehicles.

This part of the village has no pavements and there will be a danger to walkers.

The Burgh Road and the junction with the B5307 are part of the Reivers Cycle Way and part of the National Sustrans Network - cyclists will be endangered by the proposal.

The new vehicle movements will take place all year round, including in the worst driving conditions, and will increase the hazard at the junction.

There have been numerous accidents in the area.

Lorries turning across the road into the site will block the road and create a traffic hazard.

Noise

Noise from the machinery, the birds and additional vehicles will make will have a significant impact on the quality of life of nearby residents.

Poultry birds make lots of noise, especially in large numbers. Noise will be greatest in the mornings.

Smell

The smell from a large number of birds and their droppings will be very bad. The smell will be disgusting and nothing like normal farm smells.

The smell from the unit will have an adverse impact on the quality of life of nearby residents.

Most winds are from the west so the smell will blow over Moorhouse.

The open manure store will cause smells.

The smell from the existing chicken farm up the road at Great Orton is awful now.

There is no sewage system installed any where near the site.

The smells when the manure is spread on the land will be unacceptable.

Visual Impact

The site is not within nor near the curtilage of any operational farm buildings - it will not diversify a farm business in the village.

The use of the site for this purpose would be contrary to the Local Plan.

The site is outside the village curtilage on a green field site.

The proposal will be very unsightly and completely out of keeping with the village.

Large farm sheds don't enhance the countryside.
The building would have the appearance and characteristics of a typical light industrial unit.
Will be visible from properties in Moorhouse.
The poultry unit would be near a Public Right of Way.
Building will be visible from the road.
Building would stand out and harm the rural skyline.
External lighting from the building will cause light pollution.
At 5.8m the ridge of the building would be higher than any existing building in the surrounding low-lying area and the feed silo at 6.2m would be considerably higher still. This would create a visual blight on an unspoiled landscape.
The hedge screening the site are largely substantially lower than the 3.6m claimed by the applicant.
There are a number of gaps, some large, in the hedges, which reduce screening.

Vermin & Flies

Poultry units will attract vermin, particularly rats and mice.
The unit will cause an increase in insects, such as the Lesser House and Common House flies.
Crows and seagulls will be attracted to the site.
Foxes will become more prevalent.
Vermin from the applicants poultry unit at Monkhill cause major problems for local residents.
Fly infestation is a constant problem with large scale poultry units – can cause serious problems, including health hazards to local residents, some of whom lived over 2km from the unit affected.
Resistance to insecticides and larvicides in the 3 main fly species is increasing and this increase the problem.

Wildlife

The proposal will have a negative impact on the wildlife and destroy part of their habitat.
Wildlife will be displaced.
A wide range of species are present in the area, some of which may be protected, and these will be adversely affected.
Vermin will affect existing wildlife, especially small animals.

Alternative Sites

The applicant owns land near their home in Longburgh, which would be more suitable for a poultry unit.
The new unit should be built at Monkhill next to the applicants existing poultry unit.
This site is too near Moorhouse, which is well populated - should be located further away from properties.

Drainage

There have been problems with the sewage system in Moorhouse - the proposed poultry unit and its water usage will add an additional burden to an already problematic system.

There are drainage problems in Moorhouse and the low landing land soon gets water logged - the poultry unit will cause waste and surface water drainage problems in Moorhouse.

The applicants state that 'cleaning effluent' would be spread on nearby land – this will increase problems of drainage/ standing water.

There is no foul sewage so presumably no toilet. How will foul sewage be dealt with?

Animal Welfare

Concerned that there is no full-time monitoring of the livestock – should an animal welfare issue arise it could go unaddressed for a prolonged period, which would cause unnecessary suffering to the birds.

The land is poorly drained which could cause infection and disease in the birds.

Other Issues

Concerned that this is Phase 1 of a larger project – the unit at Monkhill has been extended twice, increasing from 4,000 to 10,500 birds.

Spreading of the muck on the land will pose health risks.

The proposal will have an impact on already falling house prices.

Where will power come from?

Where will drainage from the unit go?

If consent is given the next application will be for a residential property.

The proposal would have an adverse impact on Listed Buildings in the village.

Who will look after the birds - the applicant does not live on site.

The applicant has just had permission granted for a house at Monkhill because someone needs to be in 'sight and sound' of the poultry unit.

This is the first stage in a larger development - up to 16,000 birds and a dwelling.

The Council has refused permission before and nothing has changed.

Establishing an electricity supply to the building will cause disruption.

The whole public consultation process has been compromised by delays in putting information onto the Council's website.

- 3.2 Cllr Collier has objected to the proposal on behalf of the residents of Moorhouse, as it will be an intrusion into the open countryside and a loss of amenity for local residents.
- 3.3 Cllr Allison (County Councillor for the Dalston and Cummersdale Division which includes Moorhouse) has objected to the application, for the following reasons:
- the site is located a considerable distance away from the owner's farmstead and farmhouse accommodation and represents a small satellite unit rather than a stand alone operation. 4,000 birds would not be commercially viable and a standard commercial unit is one of 16,000 birds.
 - there are 38 letters of objection to date. It is evident that the vast majority of residents of Moorhouse are opposed to this application, citing smell,

vermin, traffic, loss of amenity and visual intrusion into unspoiled countryside. The property most affected, Langwath Cottage is 260m distance and the resident's submission cites a range of objections on policy grounds. These should be taken into account in the determination of the application.

- the housekeeping and the standard inside the sheds at Monkhill was exemplary when visited. Conversely, the scratching area on the land adjoining the unit was brown and muddy and devoid of grass. It is inevitable that the birds will scratch and defecate on the ground when they are free ranging. As the application has been submitted in winter when the temperature is low and there are no flies, if they had a site visit, it would be difficult for members of the Development Control Committee to judge the impact this would have on the nearest property and on the village itself.
- you are required to consider each application on its merits. However, I previously visited this site and noticed that the applicant has installed a new more substantial entrance replacing the previous one, and has designated a plot to the right of it which it is reasonable to assume is intended eventually to be for a farm worker's house. This would be consistent with Planning Policy administered by the County Council, providing that it could be demonstrated that the site was commercially viable as a stand alone operation. It would appear that this would require an operation of around 16,000 birds, far higher than is proposed here.
- the proposed site is in an elevated position in open countryside, and currently without any agricultural buildings. If the venture expanded in the direction of Langwath Cottage it would be in the field directly opposite the property.
- should consider deferring the application until the warmer weather so that the members and officers can properly assess the impact with respect to flies and smell. To avoid complaints of non determination this would require the agreement of the applicant.
- the applicant should outline their future plans for the development of the site rather than this piecemeal approach. The long term implications for the residents can then be considered.
- Members should undertake a site visit to include an established operation, with the opportunity to discuss with residents there, the impact such an operation has on the amenity value of surrounding area.
- the current proposal does not reflect what is intended for the site.

4. Planning History

- 4.1 In 2007, two applications for the erection of a free range poultry unit in the

adjacent field to the east of the current application site, were withdrawn prior to determination (07/0907 & 07/0447).

- 4.2 An application for the erection of a free range poultry unit on this site was withdrawn in February 2010, prior to determination (09/0987).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking full planning permission for the erection of a free range poultry unit at Field 8620 (land to the north of Langwath Cottage), Moorhouse. The applicants currently farm at Monkhill Hall Farm, which is approximately 1.5 miles away from the application site. Monkhill Hall Farm includes 51 hectares of land and a range of farm buildings and the applicants currently have cows, sheep and 10,500 hens at this site. The applicants have recently received outline planning permission for the erection of a farm workers dwelling at Monkhill Hall Farm. The applicants also own 10 hectares of land at Longburgh, which lies adjacent to their existing dwelling.
- 5.2 The application site, which is surrounded by agricultural land, is located approximately 400m from the edge of Moorhouse and lies adjacent to the Moorhouse to Burgh-by-Sands road. The application site rises away from the public highway before it begins to fall away. A hedge runs along the front of the site adjacent to the highway, with hedgerows also being located along the eastern and western boundaries. The hedge along the northern boundary, which is not in the applicants ownership, has recently been cut back and laid. An existing field gate provides access to the site.
- 5.3 Langwath Cottage, which would be the nearest residential property to the application site, would lie approximately 110m from the edge of the application site and approximately 260m from the proposed poultry unit. The nearest residential properties in Moorhouse would be approximately 400m away from the application site.

Background

- 5.4 An application for the erection of a free range poultry unit on this site was withdrawn in February 2010, prior to determination (09/0987).
- 5.5 In 2007, two applications for the erection of a free range poultry unit in the adjacent field to the east of the current application site, were withdrawn prior to determination (07/0907 & 07/0447).

The Proposal

- 5.6 The proposal is seeking planning permission for the erection of a free range poultry unit to include egg collection room, associated feed bin and newly created track to provide access from the existing field gate to the poultry unit.

The proposed building, which would be located approximately 180m back into the site, would accommodate 4,000 birds. It would measure 27m in length by 20m in width and would be 3m to the eaves and 5.6m to the ridge. The building would be constructed of a steel portal frame with concrete panels to the base and brown box profile sheeting to the upper walls and roof. Pop holes would be sited at the bottom of the front and rear elevations to allow the hens to enter and exit the building, with ventilation holes being located in the top sections of the wall. A feed bin, which would be a similar height to the building and would be coloured to match, would lie adjacent to the building.

- 5.7 A new track would be formed to provide access from the existing field gate to the building. This would cross the site near to the front and would then follow the existing hedge line, that runs along the eastern boundary of the site, to the building. The track would be screened by hedges on both sides.
- 5.8 A ranging area, which the hens would have access to, would be located to the north and south of the building. This would be enclosed by a post and wire fence.
- 5.9 A number of trees would be planted within the range. The applicant has submitted an indicative landscaping plan, which shows areas where trees could be planted. This shows trees on the ridge to the front of the site, between the building and Langwath Cottage and in a horseshoe to the north, south and west of the building. The existing hedgerows, which would lie to the east of the building would also be enhanced and any gaps infilled.
- 5.10 The applicants currently supply eggs to the Lakes Free Range Egg Company from their existing unit at Monkhill. The Lakes Free Range Egg Company are keen to increase supply, due to the imminent phasing out of battery egg production. It requires all its producers to comply with the British Lion Quality Standard and to comply with strict animal welfare standards.
- 5.11 The birds would arrive at 16 weeks and would lay eggs until they are replaced after a 13 month period. The unit would then remain empty for a month before new birds arrive. Manure would be removed from the building when it is empty and depending on the time of year, would either be spread on the applicants other agricultural land (with any excess being sold to neighbouring farmers) or stored on land to the north-east of the poultry unit, prior to being spread.
- 5.12 A lorry would deliver the birds at the start of the cycle and collect them at the end. Eggs would be collected twice weekly by a 17 tonne wagon. A six wheel feed lorry would deliver feed approximately once every 14-17 days.
- 5.13 The Lakes Free Range Egg Company requires strict adherence to vermin and pest control guidelines. Bait boxes would be located around the unit and are inspected on a weekly basis. Measures would also be used to prevent flies.
- 5.14 Regular inspections/ audits would be made of the unit by inspectors from the Lion Code (3 times yearly), Freedom Foods (twice yearly), DEFRA (annually) and The Lakes Free Range Egg Company (bi-monthly). These look at

general cleanliness of the unit and the welfare of the birds.

Assessment

- 5.15 The relevant planning policies against which the application is required to be assessed include Policies LE25, CP1, CP3, CP5 and CP12 of the Carlisle District Local Plan 2001-2016.
- 5.16 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 5.17 The applicants currently have 51 hectares of land, a range of farm buildings and an existing poultry unit at Monkhill Hall Farm and outline planning permission exists for a farm worker's dwelling at this farm. It would, therefore, clearly be desirable to site this poultry unit at Monkhill Hall Farm, if there is sufficient land available that would be suitable for such a use.
- 5.18 The applicant has submitted some supporting information which sets out why the unit cannot be accommodated at Monkhill Hall Farm. The majority of land at Monkhill Hall Farm is currently used for the existing poultry unit, which houses 10,500 birds, for the suckler herd and for sheep. The only land that is not currently in use is unsuitable for archaeological or visual impact reasons and would not be suitable for a poultry unit.
- 5.19 The previous application for a 4,000 bird poultry unit at Moorhouse, which was withdrawn last year, was due to be refused as the County Land Agent felt that it could be accommodated at Monkhill Hall Farm. Following the withdrawal of this application, the applicants expanded their existing poultry unit by a further 2,500 birds. The County Land Agent agreed that this was the limit to which the site at Monkhill Hall Farm could be developed to accommodate laying hens. There is, therefore, no suitable land at Monkhill Hall Farm, which could accommodate a further poultry unit.
- 5.20 The applicants also own 10 hectares of land at Longburgh and currently live in a dwelling adjacent to this land. The visual impact of a free range poultry unit on this site would not, however, be acceptable.
2. The Visual Impact Of The Proposal
- 5.21 The poultry unit would be sited to maximise the use of the existing topography and existing mature hedgerows. The building would be located 180m back into the site, in part of the field that is sloping downhill. The height of the building has been kept relatively low, with the building measuring 5.6m to the ridge. It would be coloured brown, which would help it to blend in with the landscape. There are existing hedgerows along the front of the site adjacent to the road and along the eastern boundary of the site and these would help to screen the building. The applicant is also proposing to plant a number of trees in various locations, including on the ridge to the front of the site, between the building and Langwath Cottage and in a horseshoe to the north, south and west of the building. Once established these would further reduce

the visual impact of the building. A condition has been added to the planning permission to ensure that a suitable landscaping scheme is implemented at the site.

- 5.22 A large roaming area would also be created to the north and south of the building, to which the birds would have access. This would be enclosed by a post and wire fence, which would not be readily visible in long distance views.
- 5.23 The proposed access track would run from the existing field gate to the poultry unit. It would cross the site on the southern side of the ridge in the field and would then run down the eastern edge of the site, adjacent to an existing hedge. The track would largely be hidden behind the ridge and hedges would be planted on both sides of the track to help to screen it. In respect of the section of the track which is located to the south of the ridge, the Council's Landscape Architect has stated that it would be preferable for this section of track to be located on the north side of the ridge, thus reducing its visual impact. This matter has been raised with the applicant and it is anticipated that revised plans will be submitted in advance of the application being determined by committee.
- 5.24 Whilst the silo would be 6.2m it would be sited in close proximity to an existing mature hedgerow, which includes a mature tree, which would help to screen it.
- 5.25 The manure heap, which would measure approximately 6m by 2m by 1.2m in height, would be situated directly in front of a hedgerow and some distance from the public highway and would not be clearly visible. Manure is already occasionally stored in this location.
- 5.26 In light of the above, the proposal would not have an unacceptable adverse visual impact on the character of the area.

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

- 5.27 A number of objectors have expressed concerns that the proposed poultry unit could cause problems of noise, smell, vermin and flies for local residents.
- 5.28 The applicants state that it is generally recognised that free range poultry units do not give rise to either noise or smell nuisance, other than during the cleaning out time. This only occurs once every 14 months and takes approximately 1 to 2 days. This view is shared with officers from the Council's Environmental Health Section, who consider that the normal operation of the premises should not lead to statutory nuisance from noise, odour or flies.
- 5.29 In relation to flies and vermin, the applicant has to adhere to strict guidelines to control these. Bait boxes are located around the unit and these are inspected on a weekly basis. Substances are used to prevent flies and fly traps would also be located within the unit.

- 5.30 It is clearly in the applicants interest to control vermin and flies. The Lakes Free Range Egg Company, who will have the contract to collect the eggs from this site, has confirmed that all farms on contract are audited by Lion Code and Freedom Foods and the RSPCA and DEFRA monitor sites, with unannounced site visits. The Lakes Free Range Egg Company also visits farms regularly to monitor and maintain the high standards required. It has confirmed that the applicants existing poultry unit at Monkhill Hall Farm has an exceptional level of hygiene and their attention to detail is first class and that is reflected in the high and consistent level of production.
- 5.31 Officers from Environmental Health have confirmed that they have received no formal complaints of any problems caused by vermin or flies at the applicants existing poultry unit at Monkhill. They visited the site in November 2010 and considered pest control measures and procedures to be excellent. They noted that all relevant staff involved with pest control were fully trained in the safe and effective use of pest control chemicals. If premises do cause a statutory nuisance, Environmental Health has powers under the Environmental Protection Act 1990 to take action to resolve the problem.
- 5.32 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties.

4. Highway Issues

- 5.33 Whilst some local residents have questioned the figures that the applicant has submitted on the average current traffic movements per annum at the application site, the site is in agricultural use and the existing farm access could be used on a regular basis by tractors and other farm vehicles.
- 5.34 The number of vehicle movements associated with the proposed poultry unit would be relatively small. Once the birds are in place the only vehicle movements would be an egg collection lorry twice weekly and a 6 wheel feed lorry every 14 to 17 days. There would also be extra vehicle movements every 14 months when the birds are changed and the building is cleaned out but these would only be over a 1 or 2 day period. The applicant has stated that the egg collection lorry would be the same lorry that currently visits their farm at Monkill and which already passes the application site. It is not considered that these extra vehicle movements would have a significant adverse impact on the highway. County Highways has confirmed that it has no objection to the proposal, subject to the imposition of conditions.

5. Drainage

- 5.35 A number of applicants have raised issues about the impact that the proposal would have on drainage in Moorhouse. A condition has been added to the permission which requires the applicant to submit details of proposed surface water drainage, to ensure that it would not be adversely affected by the proposal.

6. Other Matters

- 5.36 Some objectors have raised concerns about the impact that the proposal might have on wildlife in the area. The increase in hedgerows and trees on the site should have a positive impact on wildlife in the area.

Conclusion

- 5.37 In overall terms, the visual impact of the proposal would be acceptable. The proposal would not have a significant adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access is acceptable and the proposal would not have an adverse impact on the highway.. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form;
 2. Design & Access Statement (Document 1 received 16 November 2010);
 3. Details of average current traffic movements per annum (Document 2 received 16 November 2010);
 4. Hedgerow Assessment (Document 3 received 16 November 2010);
 5. Block Plan (drawing 1, received 16 November 2010);
 6. Location Plan (drawing 2, received 16 November 2010);
 7. Floor Plan & Elevations (drawing 3, received 16 November 2010);
 8. Details of manure storage area (drawing 4, received 16 November 2010);
 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. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the Local Planning Authority. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP3 of the Carlisle

District Local Plan 2001-2016.

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

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

6. There shall be no vehicular access to or egress from the site other than via the approved access, 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.

7. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before development commences. This surfacing shall extend for a distance of at least 18m inside the site, as measured from the carriageway edge of the adjacent highway.

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

8. Access gates, if provided, should be recessed no less than 18m as measured from the carriageway edge of the adjacent highway.

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

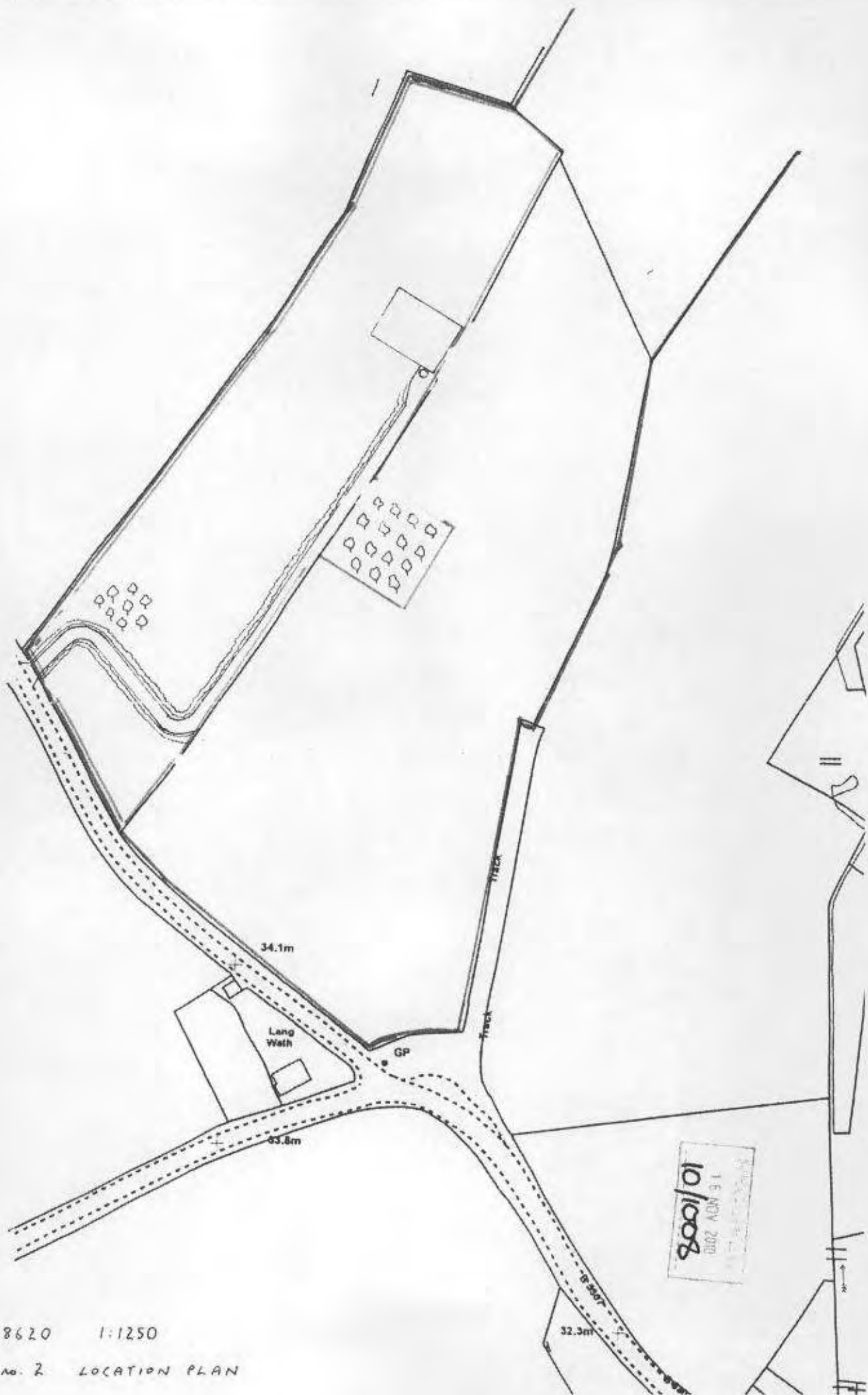
9. Before any development takes place, a plan shall be submitted for the prior approval in writing of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular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

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

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

thereafter.

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

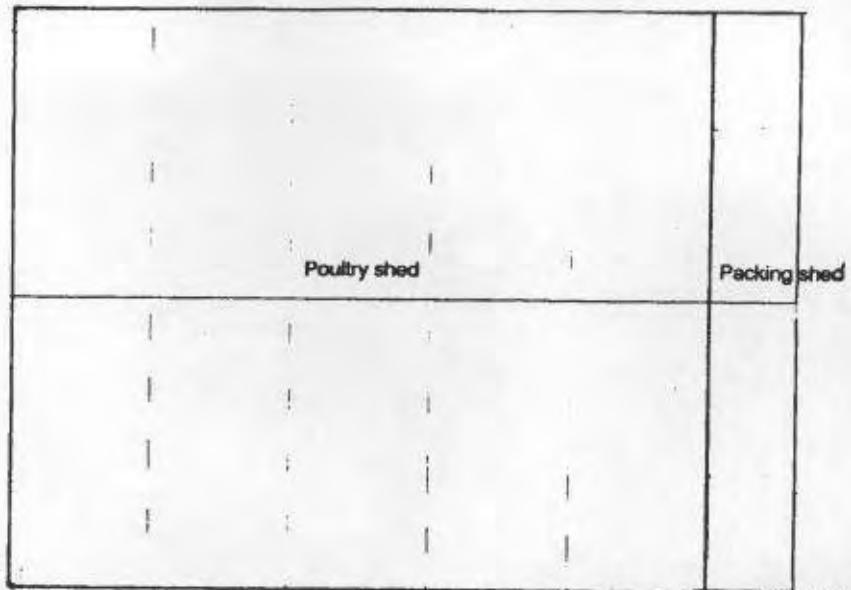


FIELD no. 8620 1:1250
DRAWING no. 2 LOCATION PLAN

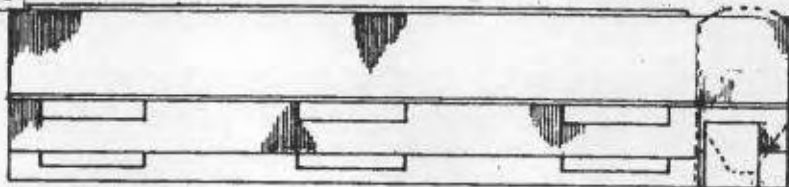
4.



DRAWING NO. 4

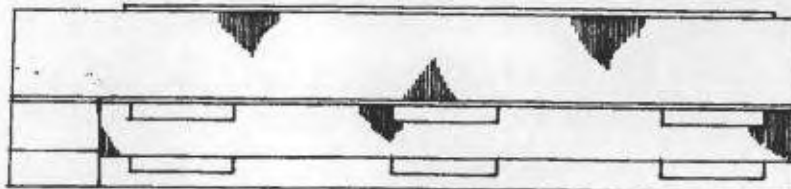


Received
16 NOV 2010
10/1008



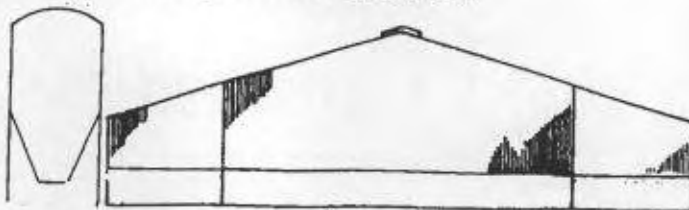
South/west elevation

Steel cladding to roof and upper elevation



North/east elevation

Concrete panels to lower elevation



South/east elevation

Free range egg production unit

Field no. 8620 at Moorhouse.

Scale 1:200

FLOOR PLAN + ELEVATIONS

DRAWING no. 3



North/west elevation

SCHEDULE A: Applications with Recommendation

10/1091

Item No: 04

Date of Committee: 28/01/2011

Appn Ref No:
10/1091

Applicant:
Mr David Harding

Parish:
Burtholme

Date of Receipt:
13/12/2010

Agent:
Stephen Crichton
Chartered Architects
Limited

Ward:
Irthing

Location:
Land North of Newgate House, Banks, Brampton,
CA8 2JH

Grid Reference:
357133 564842

Proposal: Change Of Use Of Land To Create Camping Site For Walkers Of
Hadrian's Wall

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

The application is brought before Members of the Development Control Committee as four written objections/comments and a petition have been received.

1. Constraints and Planning Policies

Ancient Monument

Public Footpath

The proposal relates to development which affects a public footpath.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

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 EC16 - Tourism Development

Local Plan Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): note the applicant's assurance that no camper / visit will access the site by vehicle. The layout plans are considered satisfactory from a highway perspective. However, a PROW (byway) number 107018 lies adjacent to/runs through the site. The applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works;

Burtholme Parish Council: comments awaited;

Cumbria County Council - (Archaeological Services): note that the applicant will avoid the need for any ground works in the vicinity of Hadrian's Wall and vallum. It is therefore considered that the proposal is unlikely to affect any buried archaeological remains associated with the World Heritage site and confirm that there is no recommendations or comments;

English Heritage - North West Region: no objections following confirmation on method of supply for water and electricity;

Ramblers Association: comments awaited;

(Former Comm/Env.Services) - Green Spaces - Countryside Officer - RURAL AREA: the application appears to use Public Bridleway 107018 as access to the site. This route has the character of an ancient lonning, partly sunken with high hedgebanks and mature trees. Oppose vehicular access along this route other than minimal service access;

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

Hadrian's Wall Heritage Limited: comments awaited;

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

Waterhead Parish Council: the proposed number of visitors is over ambitious in a quiet rural area. These numbers could be aggravated by bookings for junior groups e.g. scout groups. Majority of walker and back packers usually travel by car to a central point for accommodation and take local walks over a period of time,

additional traffic caused by this proposal would add to parking problems within Banks. There is a woodland adjacent to the camp site which would require marshalling and fire watch regulations. The woodland is also home to rare and unusual flora. Encourage tourism but feel developments should be progressed only after taking into account local parishioners' considerations and an assessment of the surrounding infrastructure.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|----------------|------------|--------------|
| Newgate House | 13/12/10 | |
| Riggside | 13/12/10 | Objection |
| Camlann | 13/12/10 | Support |
| Quarryside | 13/12/10 | |
| Burtholme East | | Support |
| Banksfoot Farm | | Objection |
| Northrigg Hill | | Objection |
| Priory Cottage | | Support |
| Glenwood | | Comment Only |
| Picts Rigg | | Petition |
| Bankshead | | Objection |

3.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of site and press notices. In response, five e-mails/letters and one petition of objection/comment has been received and three e-mails/letter of support.

3.2 The e-mails/letters/petition identifies the following issues:

1. proposal would lead to an increase in traffic through the village.
2. proposal might lead to increased parking problems within the village.
3. there is no issue with illegal camping within Banks.
4. access for the proposed site is in a dangerous location. Many walkers use holiday firms to transport luggage etc, if this was the case for this site it would compound existing highway problems.
5. camp site may become a 'destination' campsite for people other than those walking Hadrian's Wall.
6. Banks is a tranquil place when visitors have departed for the day. As there are no facilities, such as shops or public houses, the development has the potential to increase evening traffic due to visitors arriving/departing in taxis to Brampton to access facilities.
7. character of the Public Right of Way will be affected if used as a main access track to the application site. Traffic would also be increased to service the site.
8. there is an ancient woodland adjacent to the proposed site which is of significant interest and home to many different species of fauna, flora and wildlife. The temptation by visitors to explore the wood may be detrimental to its wellbeing. Request that a full Environmental Impact

Assessment be undertaken prior to determination.

9. access to the adjacent wood and farm land should be discouraged by the erection of people proof gate and fencing.
10. management of the site in respect of noise, lighting etc would be difficult to maintain.
11. field is unsuitable for a camp site of such high density.
12. difficult to restrict visitors with dogs from straying onto adjoining fields to walk their dogs resulting in contamination of adjoining farm land.
Concerned that if visitors were to stray onto fields when there are cows/bulls grazing in them in might result in an attack by the grazing animals on their dogs or the visitors themselves.
13. ask that the management of the road be considered prior to determination of the application as the existing road is already busy with no white lines or signage indicating lay-by's within the vicinity.
14. increase in litter and dog fouling.
15. no vehicular access to the site, other than for essential services.
16. only walkers and cyclists transporting their own equipment allowed to use the site.
17. camping restricted to one night only.
18. no open camp fires.
19. any proposed car parking for the site should be restricted to car park 500 metres to the east.

3.3 The e-mails/letter of support identifies the following issues:

1. a camp site is a much needed amenity as no camping site is available within the locality.
2. the site, if approved, would also discourage unauthorised camping.
3. the site is a small plot of unused land a reasonable distance from the nearest residential dwelling.
4. use of site must be strictly for walkers and cyclists as there is no parking provision.
5. the campsite is intended to service those with no vehicles, heartily endorse the proposal subject to appropriate restrictions on noise and that the toilet facilities are appropriate.
6. confidence in the applicants to run the proposed campsite in an efficient and proper manner.

4. Planning History

4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The application site is a 'triangular' parcel of land which lies to the north of Newgate House in the hamlet of Banks in open countryside. Located approximately 190 metres along Public Right of Way Number 107018, an

area of mixed woodland lies to the north whilst to the east and west is farmland. The site's boundaries are delineated by a stock proof fence interspersed by mature trees and hedgerow. The application site is identified in the Carlisle District Local Plan 2001-2016 as within the Buffer Zone on Hadrian's Wall World Heritage Site and partially within a Landscape of County Importance.

Background

- 5.2 The application seeks Full Planning Permission for the change of use of land to create a camping site for walkers of Hadrian's Wall. The potential users of the site is reiterated in the Design and Access Statement submitted as part of the application; however, discussions with the applicant's wife together with supplementary information received from the agent has highlighted that they also intend to offer the use of the site to cyclists.
- 5.3 The Design and Access Statement highlights that it has been recognised that *"there is an opportunity to support the growing numbers of walkers following the Hadrians Wall route as it passes through the village of Banks by providing space for pitching tents along with basic sanitary facilities"*.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP1, CP2, CP3, CP5, CP12, EC16, LE7 and LC8 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposals raise the following issues:
1. Whether The Principle of Development Is Acceptable
- 5.6 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Outside these locations, development will be assessed against the need to be in the location specified.
- 5.7 The hamlet of Banks falls outwith the settlement hierarchy identified in Policy DP1; however, Policy EC16 recognises the importance of Hadrian's Wall World Heritage site as a major attraction for sustainable tourism, contributing towards the economic and physical regeneration of the area. Proposals for new tourism development which aim to promote the enjoyment and understanding of the World Heritage Site will be permitted providing compliance with six criteria are achievable on site.
- 5.8 The proposal seeks permission for an informal camp site with basic sanitary provision. The Design and Access Statement outlines that due to the constraints of the site the area would provide pitches for around 25 small tents of the type normally carried by walkers. It goes on to highlight that

the site would be strictly targeted at walkers carrying their own camping gear; however, discussions with the applicant's wife together with supplementary information provided by the agent has also intimated that cyclists would also be targeted.

- 5.9 The site is located approximately 190 metres to the north of the route of the Hadrian's Wall Path, in a slight hollow delineated with existing mature trees and hedgerows. The nearest residential property (not in the applicants ownership), The Plough, is approximately 260 metres south east of the site. In this instance, the relevant criteria are met and, on this basis, the principle of tourism development is considered acceptable. The issues raised are discussed in more detail in the analysis which follows.

2. Impact On Visual Character Of The Area

- 5.10 The application site is located within the Buffer Zone on Hadrian's Wall World Heritage Site and partially located within a Landscape of County Importance, as such Policies LE7 and DP10 are relevant. The underlying objectives of both of the aforementioned policies are to maintain and protect the distinctive character, features and setting of the area from proposals which would have an unacceptable adverse impact. The overall character and distinctive features of the area must be taken into account when assessing applications for new development. These objectives are also reiterated in Policy EC16 of the Local Plan which aims to promote the enjoyment and understanding of the World Heritage Site without impacting on the landscape and character of the area.
- 5.11 In assessing this application, it is evident that the proposed camp site is located in open countryside approximately 190 metres to the north of the hamlet of Banks. However, the constraints of the site together with the targeted users (walkers and cyclists only) limits the number of pitches available. In the context of the likely differing levels of use during the seasons and scale of the operation, well screened by existing landform and landscaping, the proposal accords with the objectives of Policies LE7, DP10 and EC16 of the Local Plan.
- 5.12 English Heritage has been consulted and raise no objections to the proposal as it is considered that the proposal does not impact on the ability to comprehend Roman military planning and land use. As such, they consider that the proposal would not have an adverse impact on the setting of Hadrian's Wall World Heritage Site.

3. Impact Of The Proposal On Archaeology

- 5.13 The site lies within an area of high archaeological sensitivity due to its proximity to Hadrian's Wall World Heritage Site, therefore, the views of both English Heritage and Cumbria County Council's Heritage Environment Officer have been sought. As the proposal avoids the need for any ground works within the vicinity of Hadrian's Wall and vallum, English Heritage and Cumbria County Council do not object to the proposal. The proposal, therefore, would not have a detrimental impact on archaeology.

4. Impact Of The Proposal On Highway Safety

- 5.14 Several neighbouring residents have expressed concerns about the impact of the proposal on highway safety. Their main concerns appear to centre on the potential of the camp site to generate increased parking pressure within Banks and the location of the access track in relation to the county highway. As previously mentioned, the camp site would be targeted only at walkers or cyclists following Hadrian's Wall Path. The only vehicles used in connection with the camp site would be fortnightly transit-sized vehicles to service the temporary sanitary facilities.
- 5.15 The Highways Authority has been consulted and given that no visitor would access the site by vehicle have no objections to the proposal subject to the imposition of a condition ensuring that Public Right of Way Number 107018 remains unobstructed during or after completion of the site works. In such a context it is considered that the use of the camp site by walkers and cyclists would not have a detrimental impact on highway safety.

5. Impact Of The Proposal On Biodiversity

- 5.16 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 5.17 When assessing this application it is evident that an area of mixed woodland is located immediately to the north of the application site. Local residents and neighbouring landowners have highlighted that the woodland is a haven for "*rare and unusual*" varieties of flora and fauna and provides a refuge for doe deer and nesting birds. The advice of Cumbria County Council's Ecologist has been sought who has responded based on information contained within the GIS Cumbria Biodiversity Evidence Base. The Evidence Base confirms that the woodland is not a SSSI, County Wildlife Site or Ancient Woodland and that there are no recorded sighting of any UK protected species or UK Biodiversity Action Plan (UK Priority/Species of Principal Importance in England). However, the County Ecologist highlights that this does not preclude the potential for rare species to be present as they may not have been recorded, citing in particular that Toothwort is relatively uncommon and recommends that a Informative be included should permission be forthcoming.
- 5.18 On the basis of the foregoing assessment and given that the woodland is outwith the application site, it is considered that there should be no significant impact from the proposal, and that there will be no harm the favourable

conservation of any protected species or their habitats.

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

- 5.19 The proposal would provide an additional facility for walkers and cyclist to Hadrian's Wall Path, recognised as a major tourist attraction. Given that the proposal would be approximately 260 metres from the nearest residential property and that the existing landform and landscaping would help minimise any potential for noise. It is considered that the proposal would not have an adverse impact on the living conditions of neighbouring residents through intensification of use.

7. Other Matters

- 5.20 Further issues raised by neighbouring residents include concerns about the use of open camp fires, litter and the potential of campers to stray onto adjoining land. Additional information has been supplied by the agent which satisfactorily addresses all of the aforementioned issues; however, these relate to the management of the site and are not covered by planning legislation.
- 5.21 Neighbouring residents have also requested that camping is restricted to one nights stay only. Their concerns have been noted; however, such a restrictive condition is considered to be unreasonable in light of other similar permissions which have been granted within the District.

Conclusion

- 5.22 In overall terms, the principle of development is acceptable. The applicant has taken appropriate measures to ensure that the development would accord with Policy LE7, DP10 and EC16 of the Local Plan ensuring that there would be no adverse impact on the character and setting of the Buffer Zone on World Heritage Site or the Landscape of County Importance. The proposed camp site would also provide an additional facility for visitors to the World Heritage Site, contributing towards the economic and physical regeneration of the area, promoting the enjoyment and understanding of the World Heritage Site.
- 5.23 The application site is located approximately 260 north east of the closest residential property not in the control of the application. The existing landform and landscaping, minimising the potential to have an adverse impact on the living conditions of neighbouring residents through intensification of use.
- 5.24 The application is recommended for approval, as it is considered that the proposal is compliant with the objectives of the 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 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. the Design and Access Statement;
 3. Supplementary Information supplied by Stephen Crichton Limited dated 12th January 2011;
 4. Drawing Number 1050PL01;
 5. Drawing Number PL02 and associated Tree Survey Schedule;
 6. Drawing Number PL03;
 7. the Notice of Decision; and
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.
3. This permission relates solely to the development of a camp site which

should be used solely for short term holiday letting for not more than 21 days at any time and following the expiry of such period those persons occupying the tent pitches shall not re-occupy any pitch within 28 days.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit permanent residential development and to ensure compliance with Policy DP1, DP10, LE7 and EC16 of the Carlisle District Local Plan 2001-2016.

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

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

5. Prior to the occupation of the camp site, hereby permitted. Details of the proposed temporary sanitary facilities and the location of the BBQ shall be submitted to and approved in writing by the Local Planning Authority.

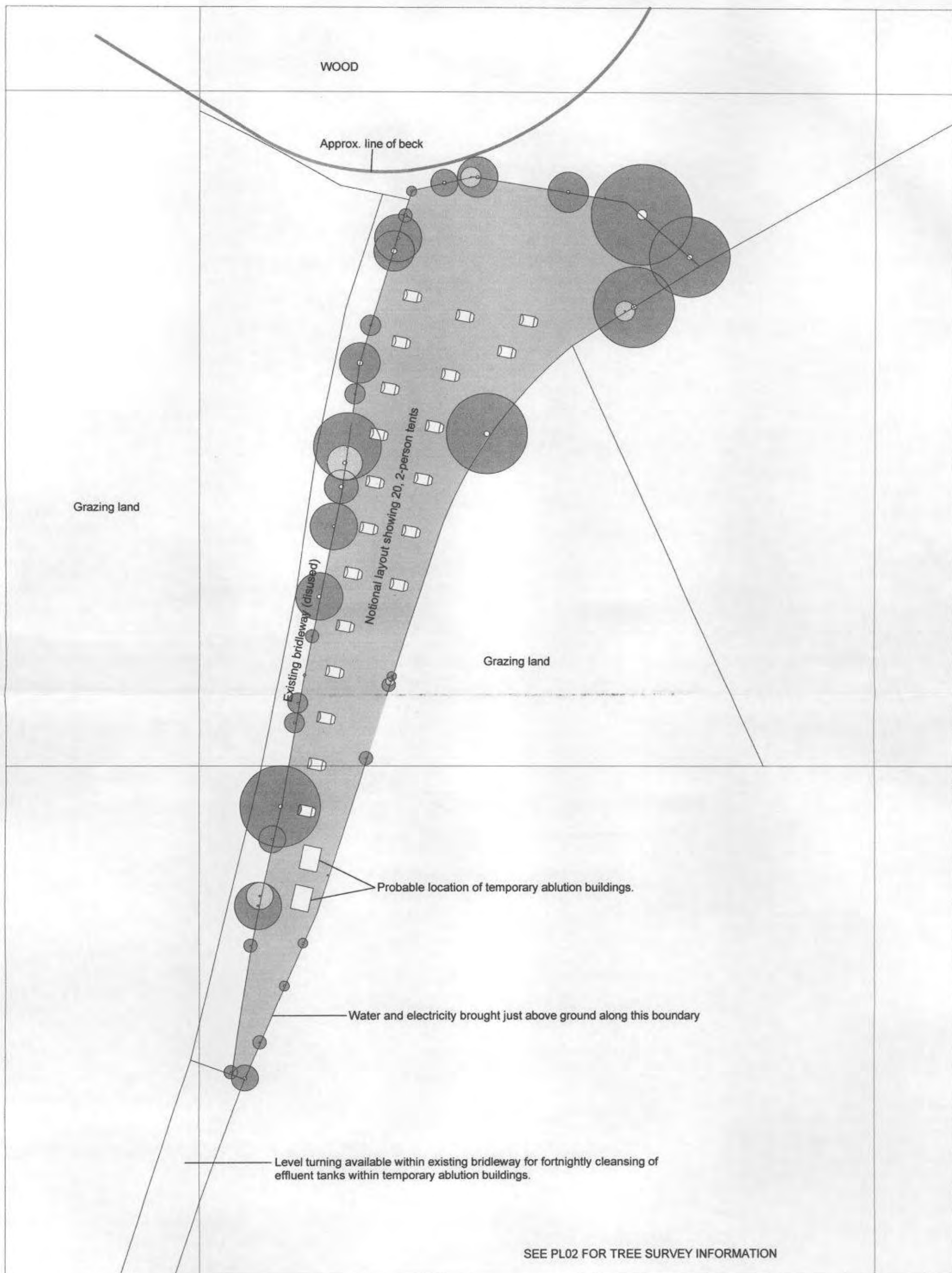
Reason: To ensure that there is no detrimental visual impact on the character and setting of either the Buffer Zone on the Hadrian's Wall World Heritage Site or Landscape of County Importance in accordance with Policies LE7 and DP10 of the Carlisle District Local Plan 2001-2016.

6. Public Right of Way PROW Number 107018 lies adjacent to/runs through the site. The applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy LC8 of the Carlisle District Local Plan 2001-2016. To support Local Transport Plan Policies: LD5, LD7, LD8.



RECEIVED
13 DEC 2010



Stephen Crichton
Chartered Architect

Stephen Crichton Chartered Architect Limited, Reg'd Office, 5 Finkle Street, Carlisle, CA3 8UU
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| | | | | | |
|---------|---|---------|------------------|-------------|------------|
| Project | Proposed Camp Site to north of Newgate House, Banks | Client | Mr & Mrs Harding | Drawing | Block Plan |
| Scale | 1:500 at A3 | Date | 15/11/2010 | Drawn by | SJC |
| | | Job No. | 9911 | Drawing No. | PL03 |
| | | | | Revision | |

PROPOSED WALKERS' CAMP SITE, BANKS

06 DEC 2010
10/1091

DESIGN AND ACCESS STATEMENT

It has been recognised that an opportunity exists to support the growing number of walkers following the Hadrian's Wall route as it passes through the village of Banks by providing space for pitching tents along with basic sanitary facilities.

A suitable site has been identified some 200m North of the Lanercost to Birdoswald road, following a track running northward from a point immediately to the west of Newgate House. This track, which appears to be designated as a bridleway, is suitable for walkers without modification and will bring back into use part of a route which has been disused for many years. The track is suitable for occasional vehicular access for the purposes of servicing sanitary facilities and site maintenance, but is not suitable for use by campers' vehicles. Indeed, such use will not be allowed, and the site will be strictly targeted at walkers carrying their own camping gear.

The track and the land in question are both within my clients' ownership, as is Newgate House which stands as the only residential property which might be affected by the more intensive use of the existing track.

The site is a long, funnel shape which has not lent itself to agricultural purposes and has consequently lain unused for a many of years. Surrounding fields are in separate ownership and are used for mainly grazing purposes. The unusual shape would, however, provide satisfactory pitches for around 25 small tents; the kind of equipment normally carried by walkers enjoying Hadrian's Wall.

The boundary of the site on its west side is characterised by mature hedging interspersed with mature trees, lining each side of the sunken track. This provides natural screening from the down-hill side, while the site's northern edge is shrouded by a mature wood. The up-hill or eastern side is more open, but the natural gradient of the land shields the site from the distant view. The approach from the south, along the track, is well disguised with mature trees and hedging.

While the site is close to the World Heritage Monument, it lies some 140 metres north of the line of the Wall or its defensive ditch and lies outside any likely archaeology relating to the Heritage Site. This view was expressed by Jeremy Parsons, Cumbria County Councils Archaeological advisor, during a preliminary meeting on site. Nevertheless, no works involving serious excavations will be undertaken during the initial commercial trial of the site which is expected to take a year or two to test the project's viability.

The intention, therefore, is to remove scrub from the main body of the site, leaving hedges and trees and seed the open ground this year to allow grass to consolidate. Temporary sanitary facilities will be hired on an annual lease, the probable location of which is shown on the 1:500 Block Plan. These will include possibly two small temporary buildings with integral effluent tanks requiring shallow stone or concrete flag foundations. Effluent will require emptying by means of a transit-sized vehicle around once a fortnight which will be able to turn within the width of the existing track without the removal of any hedging or trees. An electricity supply will be

brought above ground along the eastern boundary in a suitable armoured cable from the out-buildings of Newgate House, while an insulated water supply will follow a similar route requiring no excavation.

If the commercial trial proves successful, it is intended to build a 'permanent' ablution facility using a timber framed and clad structure, with cedar shingle roof sitting above ground level on a raised timber deck with the whole structure supported off local shallow pad foundations. The facility will incorporate rainwater capture and storage to serve toilets and showers, with separate potable water storage to supply wash basins, drinking water and a dish washing sink. Hot water will be provided by solar tube pre-heaters located on the roofs, backed up with a bottle gas boiler to boost temperature when required. A gravity operated modular mini sewage treatment plant will be installed to achieve the required clean outfall to a stream running close to the boundary at the northern end of the site. At this stage various deep excavations may be necessary to site treatment plant and cold water storage, but these will be located at the end farthest from the Heritage site within the virgin sandstone rock stratum at the northern end of the site. Drainage trenches will be localised at this end to link the ablutions to the sewage treatment plant. At this later stage also, the electricity cable and water supply pipe will be extended to the north end of the site, but will remain above ground. Clearly this work would be the subject of a further detailed planning application.

Stephen Crichton Chartered Architect Limited
25th November 2010

STEPHEN CRICHTON



**Chartered
Architect
and
Designer**

Your ref:10/1091

12th January 2011

Economic Development
Planning Services
Carlisle City Council
Civic Centre
CARLISLE
CA3 8QG

For the attention of :-
Barbara Percival

Dear Sir,

**Change of Use of Land to Create Camping Site for Walkers of Hadrians Wall
Land North of Newgate House, Banks, Brampton, CA8 2JH**

In response to letters of objection and concern which have been received in connection with the above application, I would like to answer the various issues raised as follows:-

1 Vehicular Traffic

It is my Clients' intention to provide camping space for walkers of the Hadrian Wall Walk, as a supplementary facility to existing bed and breakfast accommodation along the route. Users who come on foot or by bicycle will be allowed to use the site, but anyone bringing any other form of transport will be turned away. Other than the fortnightly cleaning out of the integral effluent tanks within the temporary sanitary accommodation by a transit-sized vehicle, there will be no additional vehicular traffic gaining access to the site.

2 Signage and Management

Visitors to the site will be directed first into 'Quarry Side', my Clients' home and B + B, where they will be checked to ensure that they comply with point 1 above and where they will register and be given printed information clearly setting out the conditions applying to the safe and clean use of the site. Among the important management considerations to be set out in this will be:-

Control of noise. No parties, or group singing will be allowed.

Strictly no open camp fires. (Proper walkers camping stoves will be allowed, and a designated charcoal-fuelled barbecue area will be provided in a suitably safe location)

NAA/RIBA
HADRIAN AWARD
COMMENDATION
1997

Civic Society Award
2000

Stephen Crichton Dip. Arch. RIBA

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Stephen Crichton Chartered Architect Limited
Director: Stephen Crichton, Dip. Arch., RIBA
Company Secretary: Susan Crichton MA

Registered in England and Wales No 3906485



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No access will be allowed to any adjacent property whatsoever, including nearby woods. Only the access path and designated field may be accessed.

Similarly, no dogs are to be allowed onto any adjacent property and are to be kept under strict control at all times.

No refuse is to be disposed of on site, but is to be brought to and disposed of within the recycling facilities at Quarry Side. (A daily check will be made of the site to ensure that any refuse, which may not have been properly disposed of, is removed and brought to Quarry Side and disposed of there.)

In the unlikely event of a camper wishing to take delivery of forwarded luggage, this must be delivered to 'Quarry Side' using the existing baggage handling arrangements serving the B + B there, and not directly to the camp site.

3 Effluent

There will be no effluent disposed of to the land or water courses in any form. Any sewage effluent will be collected in the integral tanks within the temporary sanitary units and disposed of by the specialist leasing company off site. Any scheme proposing any disposal on site will be the subject of a further, separate Planning Application.

4 Surface Water

No contaminated surface water will be generated. Rainwater shed from tents and from the roofs of temporary sanitary facilities will soak into the ground locally. There will be no hard-standing areas to be drained.

5 Lighting

Neither of the temporary sanitary units contain lighting and no other lighting will be provided on site.

I trust that this clarifies my Clients' position in relation to the concerns raised, and may I assure you that it is my Clients' wish to provide a facility which enhances both the practical enjoyment of the World Heritage Site and the local economy in Banks village. Being local people themselves, my Clients are keen to maintain standards of local amenity and to respect the desire of other residents to maintain them also.

Yours sincerely

Stephen Crichton

Stephen Crichton

SCHEDULE A: Applications with Recommendation

10/1106

Item No: 05

Date of Committee: 28/01/2011

Appn Ref No:
10/1106

Applicant:
Mr Terry Dixon

Parish:
Wetheral

Date of Receipt:
15/12/2010

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: Erection Of 1no. Detached Dwelling And Detached Garage; Creation Of
New Access & Driveway And The Realignment Of The Existing Driveway
To Moor Yeat

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as a Parish Councillor has registered his right to speak.

1. Constraints and Planning Policies

Tree Preservation Order

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

Gas Pipeline Safeguarding Area

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

Health & Safety Executive Consultation

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

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 CP6 - Residential Amenity

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Health and Safety Executive: the HSE does not advise, on safety grounds, against the granting of planning permission for this proposal;

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

Drainage Engineer: comments awaited;

United Utilities: no objection to the proposed development.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway as stated on the application form and may require the consent of the Environment Agency;

Northern Gas Networks: comments awaited;

Wetheral Parish Council: the following comments have been received:

The Parish Council has received a letter from a concerned resident. The Parish Council has major concerns regarding the over development of the site, which they feel is too small for the proposed building. There are also concerns regarding the traffic impact on this already busy road into the village of Wetheral. There should be no loss of mature trees;

National Grid UK Transmission: comments awaited; and

Forestry Commission: comments awaited.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-----------------|------------|-------------|
| Sandy Lodge | 21/12/10 | Objection |
| The Beeches | 21/12/10 | |
| Foxdale | 21/12/10 | |
| Wandales | 21/12/10 | |
| Cllr - Wetheral | | Objection |

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of four of the neighbouring properties. At the time of writing this report, one letter of objection has been received and the main issues raised are summarised as follows:

1. the development would affect the privacy of the of the occupiers of the neighbouring property;
2. the new build would be in the line of site of the adjacent living area which would reduce visibility, reduce light and overshadow the property;
3. along Plains Road there is uniformity to the property line and orientation of each house. The proposed dwelling would sited behind the neighbouring property and would face a different direction;
4. the proposal would look 'squashed in' being too far back and out of sync with the surrounding environment;
5. the development has been designed to be built in such a position so as not to intrude on Moor Yeat but totally encroaches on the neighbouring property;
6. the garage would be too close to the boundary resulting in noise pollution;
7. the trees on the site are protected and it is difficult to see how the development can occur without damage to them;
8. some of the dimensions on the plan are inaccurate and do not accord with the site; and
9. the Highway Authority has historically expressed concerns about the number of additional vehicular access points onto Plains Road. Both Moor Yeat and any additional development could be served by one access.

4. Planning History

- 4.1 An application for planning permission was submitted in 2008 for the erection of a detached dwelling but was withdrawn by the applicant prior to determination.
- 4.2 An application for planning permission was submitted in 2009 for the erection of a detached dwelling but was withdrawn in 2010 by the applicant prior to determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks “Full” planning permission for the erection of a dwelling on land at Moor Yeat, Plains Road, Wetheral. The proposal relates to a modestly proportioned piece of garden located within the village, to the west of the County highway. Moor Yeat is located on the northern fringe of the village and there are residential properties on three sides. Open countryside bounds the site to the west.
- 5.2 The northern end of Plains Road is characterised by large detached two storey residential properties within substantial curtilages. Moor Yeat is to the north of the application site and there is a row of linear properties to the south facing Plains Road. On the opposite side of the road, there has been substantial redevelopment in recent years. New properties have been built with the curtilages of existing dwellings and one property has been demolished to allow for further development of the site.
- 5.3 The application lies between Moor Yeat and the adjacent property to the south, ‘Sandy Lodge’. A line of mature trees front the application site and the boundary to Moor Yeat. These are protected by a Tree Preservation Order (TPO).
- 5.4 The application site, which extends to around 931 square metres, is rectangular in shape. It is proposed to construct a single storey dual pitched property within the site with a footprint of 186 square metres. The garage would be set back 22.3 metres from the front boundary with the dwelling set back a further 17.4 metres from the frontage of the garage. The existing vehicular access would be realigned for the proposed dwelling and a new access would be formed to serve Moor Yeat.
- 5.5 The accommodation to be provided within the proposed dwelling would consist of an open plan kitchen, dining room, living room, hallway, W.C., utility and family room on the ground floor. On the first floor the property would comprise of 3no. bedrooms, a bathroom together with an ensuite bedroom that would incorporate a terrace to the rear.
- 5.6 The property would be constructed from render with facing brick detail under a grey concrete roof tile. The windows and doors would be of upvc construction.
- 5.7 The foul drainage system would connect into the mains sewer.

Assessment

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP12, H1, H2 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Residential Development

- 5.9 The application site lies within Wetheral, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan). Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the site is well related to the landscape of the area and does not intrude into open countryside; appropriate access and parking can be achieved; the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and the proposal will not lead to the loss of the best and most versatile agricultural land, therefore, criteria 1, 5, 6 and 7 are met. The issues raised by the remaining three criteria that refer to the scale of the proposed development being well related to the scale, form and character of the existing settlement; the layout of the site and the design of the buildings being well related to existing property in the village; and the siting and design of the buildings being well related to and not adversely affecting the amenity of neighbouring property; are discussed in more detail in the analysis which follows.
- 5.10 Members will be aware of the revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 that removes gardens from the definition of “brown field” land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.
- 5.11 In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all, the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements.
- 5.12 Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration.
- 5.13 The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether residential gardens should be developed.

2. Scale And Design

- 5.14 The area of the settlement, particularly on the north-western fringe of the village, is characterised by large detached properties that are set back from the adjacent highway and are situated within substantial curtilages. Moor Yeat is somewhat different from the adjoining properties immediately adjacent insofar as they are located centrally within the curtilage, whereas Moor Yeat is off-set, adjacent to the north-west boundary of its plot. This has the result of leaving a strip of land between the property and the boundary to the south-east part of which is subject to the current application and measures 12.8 metres in width.
- 5.15 The drawings, as submitted, illustrate the garage being set back from the frontage of the adjacent property but forward of the front elevation of Moor Yeat. The dwelling itself would be set back from the front elevation of Moor Yeat and would extend beyond its rear elevation. The property would be built close to the boundary of the site being within 2.24 metres at the front corner and 2 metres at the rear. The garage building would be even closer being 0.8 metres from the boundary.
- 5.16 In the Design and Access Statement, the applicant's agent states that the development of the site would be comparable with the surrounding development. Proportionately, the Statement identifies that 19.9% of the site would be developed compared to the two examples given on land adjacent to Foxdales and land adjacent to The Limes that equate to 21% and 18.1% respectively. Whilst the percentage of development of the site may be similar, the characteristics of the sites differ considerably. The size of the plot is restricted, given the land available between Moor Yeat and the boundary, and there is a requirement to take account of the protected trees. In order to provide the required amount of accommodation, the development is narrow and sited towards the rear of the site.
- 5.17 The character and appearance of the properties in the area is diverse. Moor Yeat is fundamentally different insofar as it has a substantially larger and dominant frontage, the main aspect of which measures 18 metres in width. The application site is much narrower in width; furthermore, the examples given are adjacent to large but detached dwellings but which are of modern proportions. Planning policies require that development proposals should have regard to the scale, character and layout of the surrounding development. Despite recent development along Plains Road, the character of large detached properties has been retained.
- 5.18 Whilst it is acknowledged that the dwelling would follow a similar 'building line', the footprint of the property is substantial and would almost occupy the full width of the site thereby consolidating the physical mass of the proposed dwelling with Moor Yeat and the neighbouring property. The property would be marginally shielded by Moor Yeat, especially when travelling south along Plains Road but the weight attached to any such argument is minimal. The siting of the building would still result in an awkward juxtaposition with the adjacent buildings and would appear cramped and overdeveloped when viewed in the context of the character of the area.
- 5.19 The roof of the building would be pitched and the plane of the roof would face

Plains Road. Given the amount of accommodation proposed at first floor and the need to obtain the appropriate head height within the building, the ridge height would be 7.3 metres. Even with the two storey gable and dormer window, the front elevation shows a disproportionately large expanse of roof that would not wholly be in keeping with the character of the area.

- 5.20 The use of brick and render is acceptable. Whilst no specification has been provided as to the type of concrete tile that would be used on the roof, natural slate would be more in keeping with the character of the area. The development would achieve adequate amenity space and off-street parking.
- 5.21 Although the principle of residential development is acceptable, it is Officers' firm view that the scheme would result in an overdevelopment of the site that would adversely affect the character of the streetscene and for these reasons, the application should be refused.

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

- 5.22 The adjacent property, Sandy Lodge, has been extended in such a way that part of the rear of this building is close to the boundary and angled towards the application site. The proposed dwelling would result in a large expanse of gable close to the boundary of the site. As the neighbouring property has first floor windows that would face the gable of the proposed dwelling, it is appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 12 metres is provided between primary windows and a blank gable.
- 5.23 The ridge height of the proposed dwelling would be 0.7 metres higher than the neighbouring property, Sandy Lodge. One of the concerns raised by the neighbour is the scale and height of the building, its proximity to the boundary and the impact this would have upon the neighbouring dwelling. The distance from the corner of the proposed dwelling to the first floor window of Sandy Lodge would be approximately 11.5 metres. Whilst the gable would be visible, given the oblique view and the distance involved to the gable, the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring property.
- 5.24 The ridge height of the dwelling would be 7.3 metres and given the physical relationship of the application site with adjacent property that is to the south, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. No windows are proposed in the gable and the siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

4. Highway Matters

- 5.25 The dwelling would be served by an existing access and sufficient in curtilage parking and turning provision would be provided. The proposal involves the

provision of a new access to serve Moor Yeat. Members will note that the Highway Authority has raised no objection to this application.

5. Impact On The Protected Trees

- 5.26 The applicant has provided an arboricultural report together with detailed drawings illustrating root protection areas around the protected trees. Reference is made in the submitted application that these details were agreed with the Council's Tree Officer prior to the submission of the proposal. The Council's Tree Officer has identified that the mature trees adjacent Plains Road are protected. These provide a significant degree of amenity and are a visually attractive feature of the character of the approach into Wetheral and its Conservation Area.
- 5.27 The response further details that whilst a new entrance is proposed it would be preferable to use the existing entrance for both the existing and the proposed dwelling thereby reducing encroachment into the root protection area of the trees as would otherwise be required. The proposals will have an impact on these trees and should the proposal prove acceptable this impact must be kept to a minimum and not be detrimental to the trees health or safety.
- 5.28 The tree report submitted with this application is dated 2008. The Tree Officer notes that it is nearly three years since the site visit undertaken by the applicant's arboriculturalist to determine if there were any tree roots within the area of the proposed new access. He concludes that due to the length of time that has elapsed since these observations were made they cannot now be relied upon as being correct as roots could have grown into the area in the intervening years. Given the potential detrimental impact the development would have on the protected trees and the lack of information to the contrary, the Tree Officer recommends that the application is refused.

Conclusion

- 5.29 In overall terms, the revisions to PPS3 continues to support the development of sites in sustainable locations and does not preclude residential development on garden land but focuses on the visual impact on the character of the area. PPS3 also requires that development should also be appropriate in terms of scale and design and positively contribute to the character of the area. The key issue for Members to consider is the relationship of the building to the neighbouring properties and the impact on the character and appearance of the area. Due regard has to be had to the impact of the overall development within the character of the street scene. Whilst the area is characterised by large detached properties situated within substantial curtilages, in this instance, the principle of development cannot reasonably be used to justify the development of the small, awkward shaped site, the development of which result in cramped development poorly related to its surroundings. The proposal is considered to conflict 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 The proposal has been considered against the above. The applicant's Human Rights are respected but based on the foregoing it is not considered that any personal considerations out-weigh the harm created by the development.

7. Recommendation - Refuse Permission

1. **Reason:** The application relates to a rectangular shaped site of 931m.², located adjacent to residential dwellings. Consent is sought for a dwelling to be sited within a part of the village of Wetheral where the existing development pattern is characterised by large detached properties situated within substantial curtilages, generally set back into their plots but with extensive frontages to the highway, and laid out in an informal and loose knit form. In contrast, due to its restricted size, shape and depth, the development of the site in the manner proposed would result in an overintensive development within the site. The resulting form would be bulky in appearance that would create an unsatisfactory and cramped development that would detract from the character of housing on this part of Plains Road contrary to PPS 3 (Housing); criteria 2 and 3 of Policy H1 (Location of New Housing Development); and criteria 1 and 4 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.

2. **Reason:** Within the application site are several mature trees that are protected by Tree Preservation Order (No. 13). The trees along Plains Road provide a significant degree of amenity and are a visually attractive feature of the character of the approach into Wetheral and its Conservation Area. The proposed development involves the formation of a new access, driveway and construction of a detached garage that would encroach into the root protection area of the protected trees. In the absence of any up to date information relating to the extent and potential impact of the development on the root protection area, the development may adversely affect the future health and viability of the protected trees, contrary to the objectives of Policy CP3 (Trees And Hedges On Development Sites) of the Carlisle District Local Plan 2001-2016.
3. The documents for the refusal of this Planning Permission comprise:
1. the submitted planning application form;
 2. drawing no. 002 the Site & Location Plan received on 15th December 2010;
 3. drawing no. 003A the Site Plan received on 15th December 2010;
 4. drawing no. 004 the Site Plan received on 8th December 2010;
 5. drawing no. 005A the Ground Floor Plan received on 8th December 2010;
 6. drawing no. 008 the Setting Out Plan received on 8th December 2010;
 7. drawing no. 009 the Site Plan received on 8th December 2010;
 8. drawing no. 010 the Ground Floor Plan received on 8th December 2010;
 9. drawing no. 011 the First Floor Plan received on 8th December 2010;
 10. drawing no. 012 the Roof Plan received on 8th December 2010;
 11. drawing no. 013 the Elevations received on 8th December 2010;
 12. drawing no. 014 the Elevations received on 8th December 2010;
 13. drawing no. 020 the Tree Canopies received on 8th December 2010;
 14. drawing no. 021 the Tree RPA Plan received on 8th December 2010;
 15. drawing no. 022 the Initial Fencing received on 8th December 2010;
 16. drawing no. 023 the Final Fencing received on 8th December 2010;
 17. drawing no. 030 the North East Elevation E-E received on 8th December 2010;
 18. drawing no. 031 the North East Elevation E-E received on 8th December 2010;
 19. drawing no. 032 the South West Elevation F-F received on 8th December 2010;
 20. drawing no. 040 the Garage Plans received on 8th December 2010;
 21. the Design and Access Statement received on 8th December 2010
 22. the Pre-Development Arboricultural Report received on 8th December 2010;
 23. the Notice of Decision; and
 24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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old entrance to be used for new entrance

Grassed Area

Screen Planting

Moor Yeat

Site Plan

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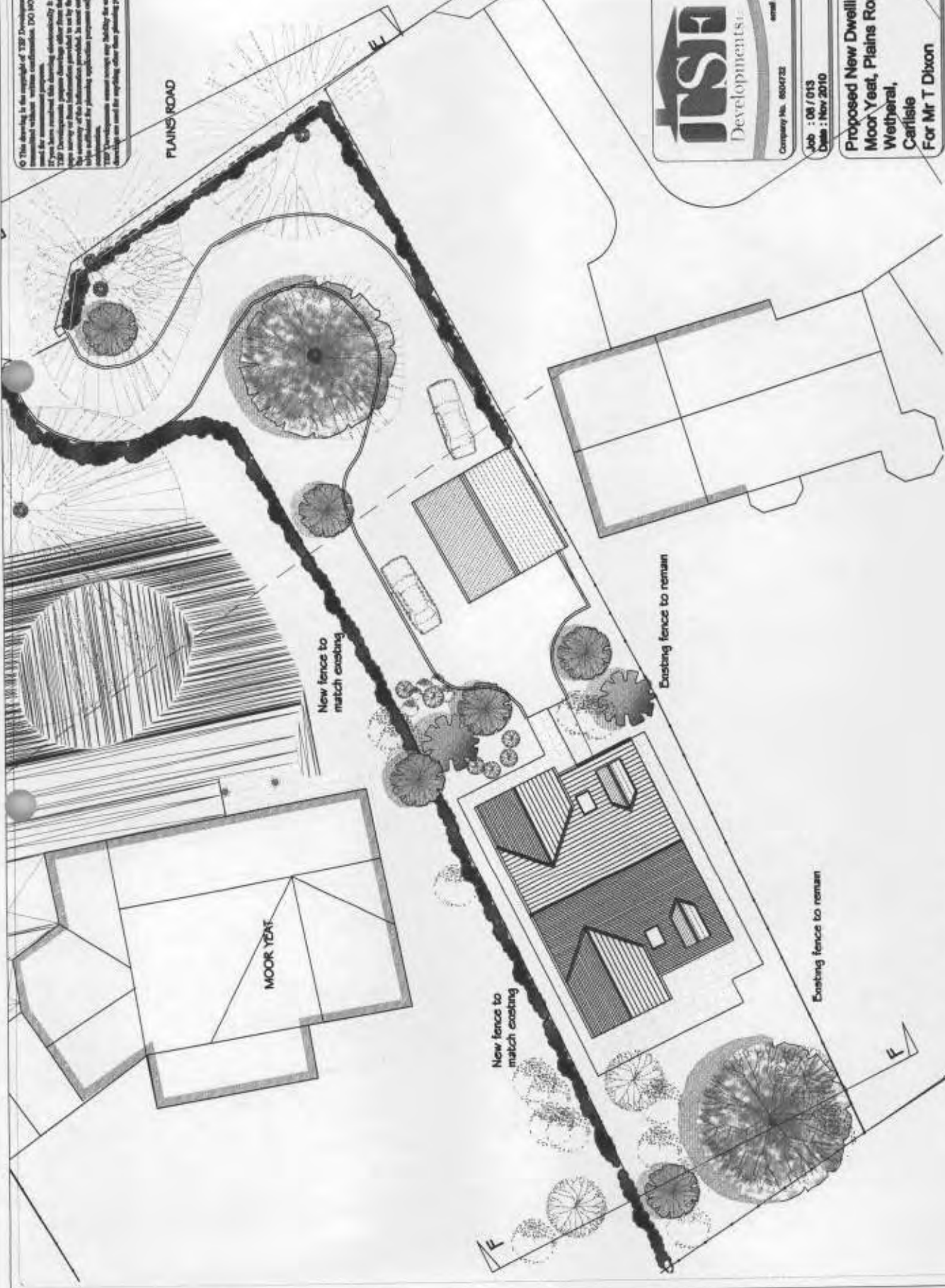
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email address : general@tspdevelopments.co.uk
Company No. 6504722

Job : 08/013
Date : Nov 2010
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Revision :

Proposed New Dwelling at
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Wetheral,
Carlisle
For Mr T Dixon

Site Plan 004

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 For Mr T Dixon

Site Plan 1:200

Roof Site Plan

Moore Yeat



Telephone 016977 3338-
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gongzi@bellsouth.com

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Proposed New Dwelling at
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For Mr T Dixon

Setting Out Plan 1 : 100 008

Setting Out Plan and Relationship with Existing Buildings

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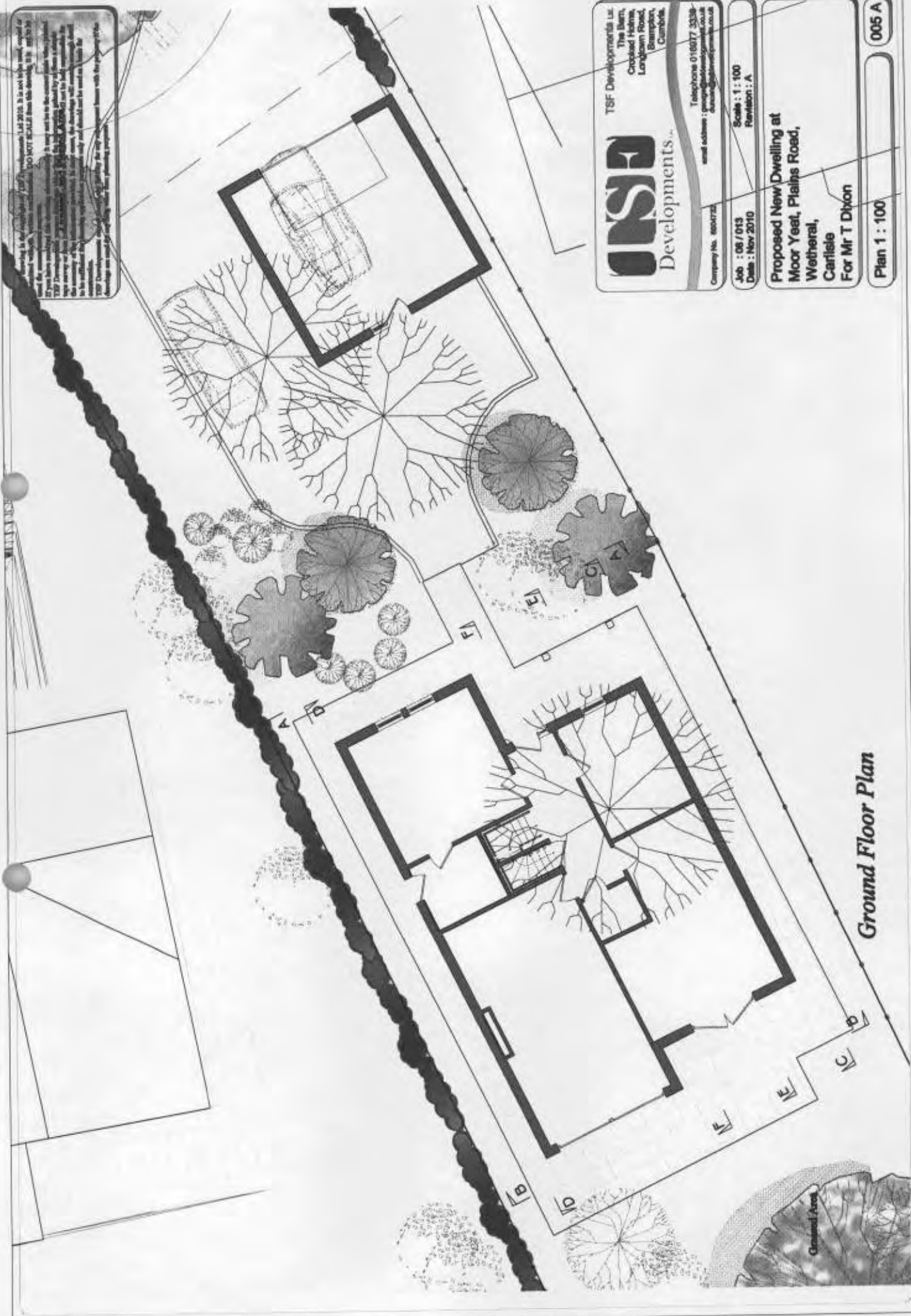
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Revision : A

Proposed New Dwelling at
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Wetheral,
Carlisle
For Mr T Dixon

Plan 1 : 100

005 A



Ground Floor Plan

1



Telephone 018077 3338
e-mail address : parent@firstparents.co.uk
www.firstparents.co.uk

Scale : 1 : 100
Revision :
Date : Nov 2010

proposed New Dwelling at
floor Yeat, Plains Road,
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or Mr T Dixon

Ground Floor Plan

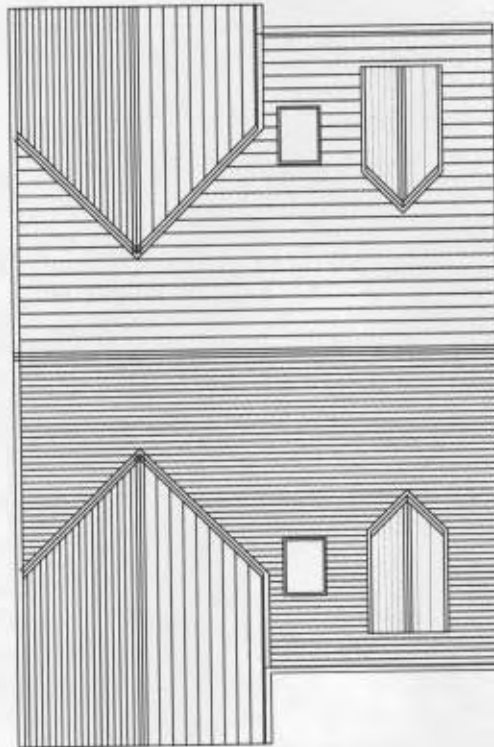
Ground Floor Plan

THEY Don't want to accept any liability for any subsequent loans with the property if the bank is to increase its planning opportunities.



First Floor Plan 011

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Roof Plan

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 Berrington,
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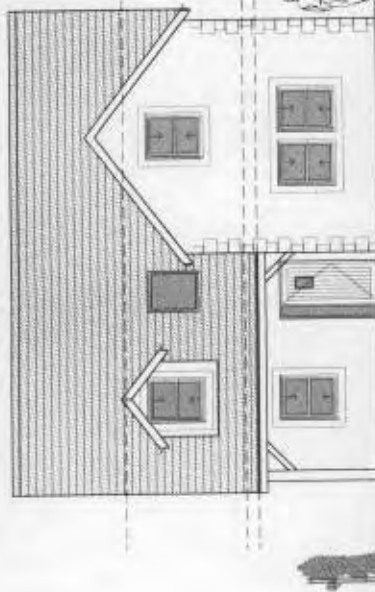
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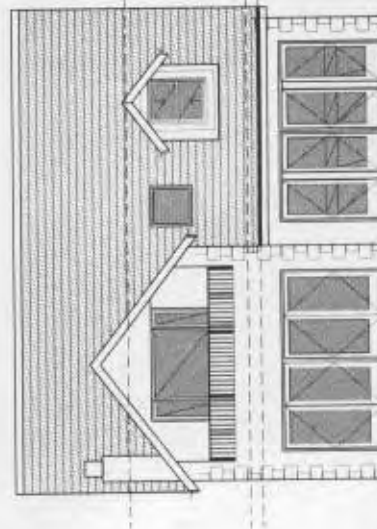
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For Mr T Dixon

Roof Plan **012**

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North East Elevation A - A



South West Elevation B - B

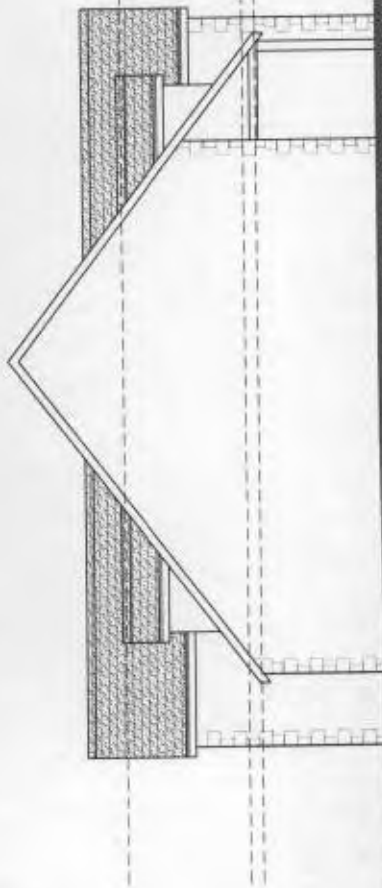
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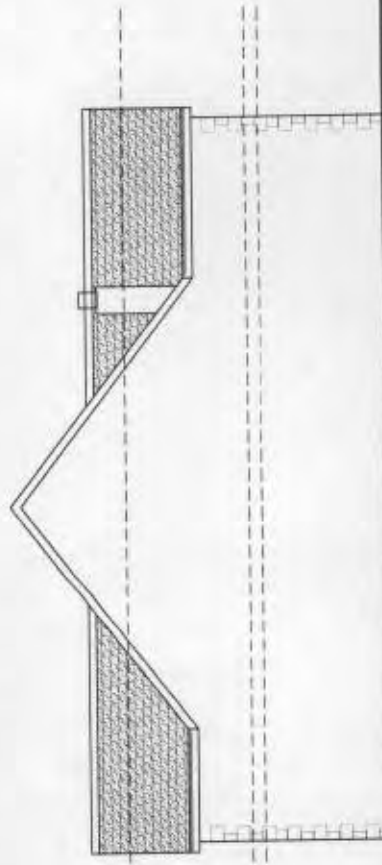
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Elevations 013

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South East Elevation C - C



South West Elevation D - D

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Barnsley,
South Yorkshire,
S19 6JH

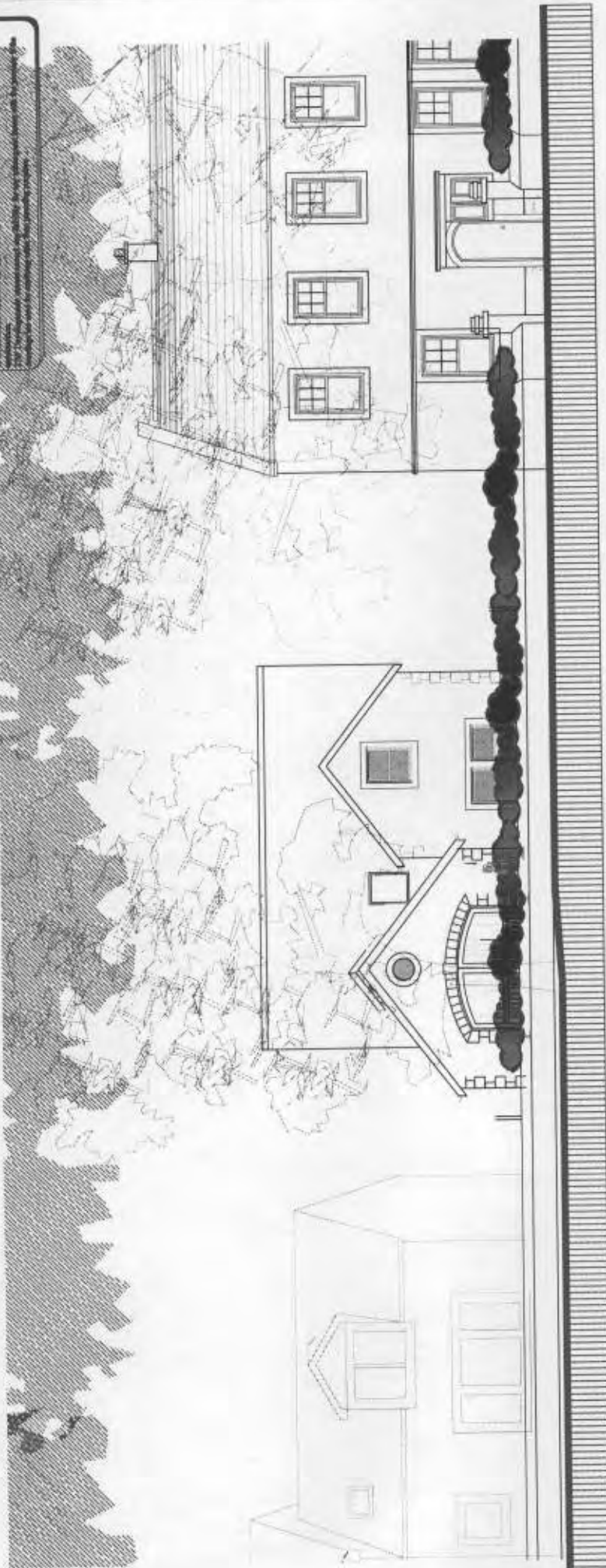
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www.tspsouthyorks.co.uk

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Date: Nov 2010
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Revision:

Proposed New Dwelling at
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For Mr T Dixon

Elevations **014**

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**North East Elevation
E - E (From Road)**



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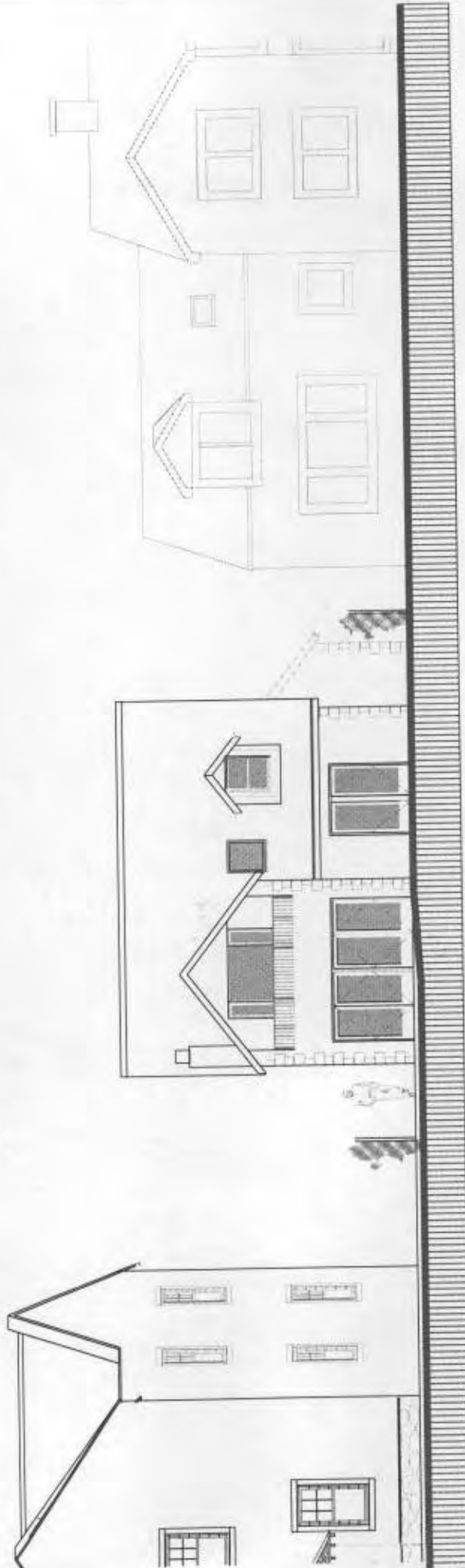
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North East Elevation E - E

031

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South West Elevation F - F

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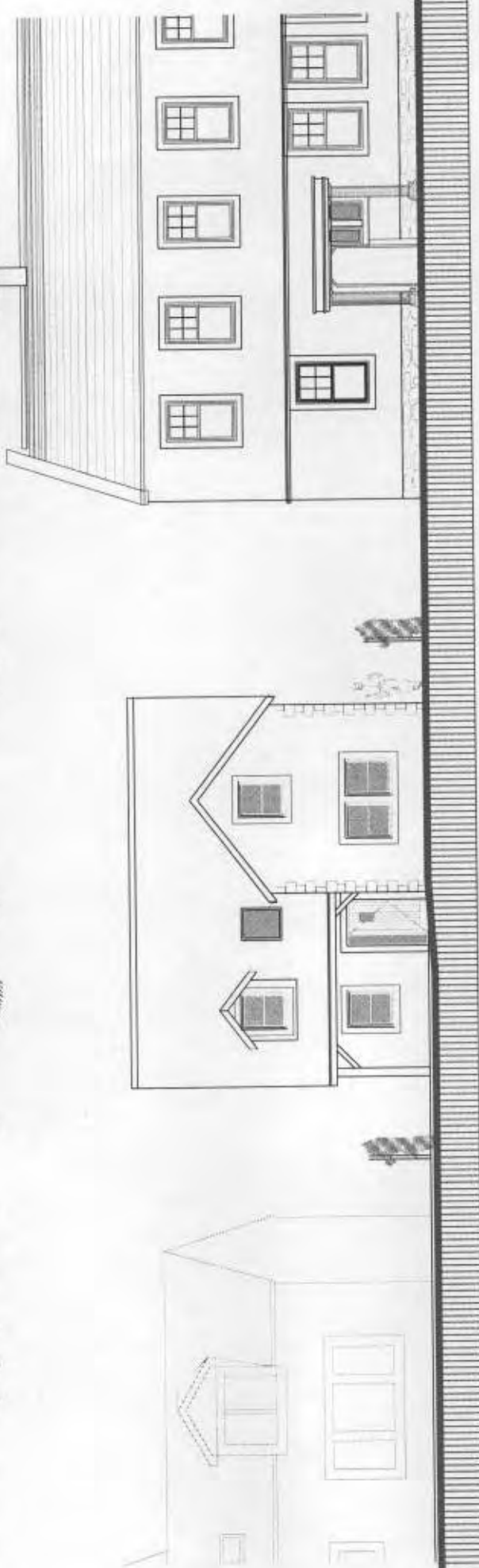
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South West Elevation F - F

032

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North East Elevation $E - E$ (actual)

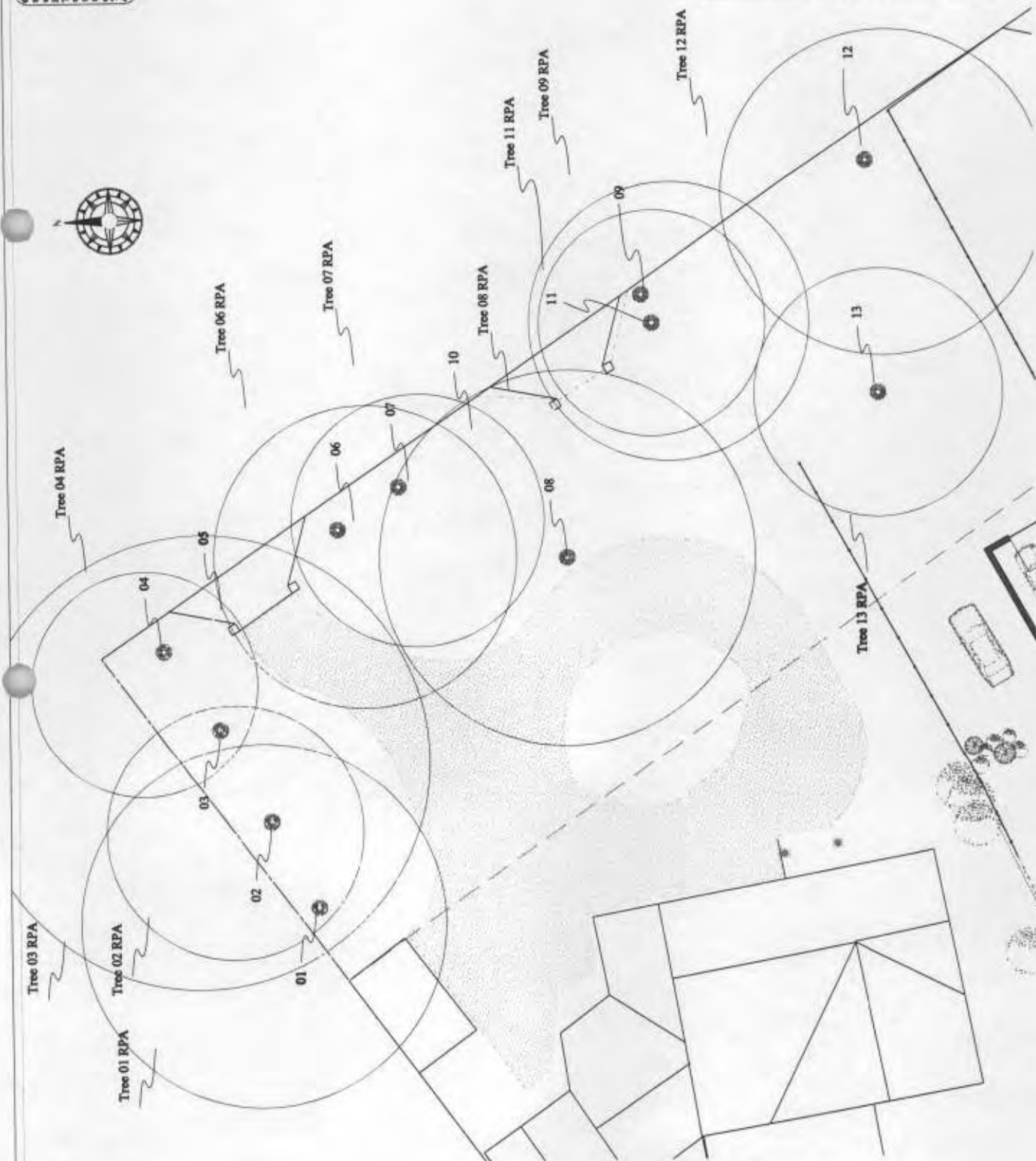
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**Proposed New Dwelling at
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For Mr T Dixon**

North East Elevation E - E



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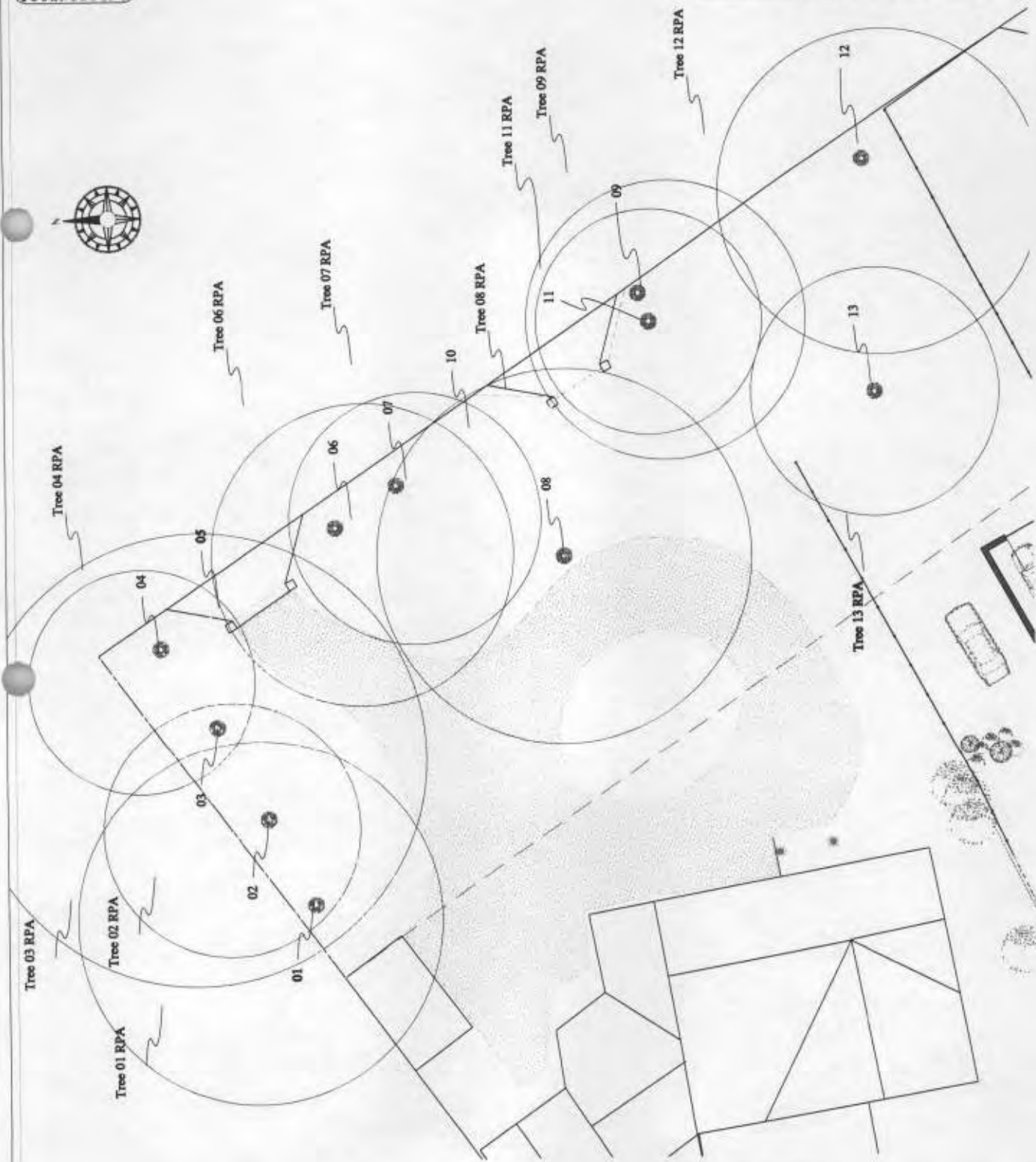
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**Proposed New Dwelling at
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For Mr T Dixon**

Initial Fencing

022



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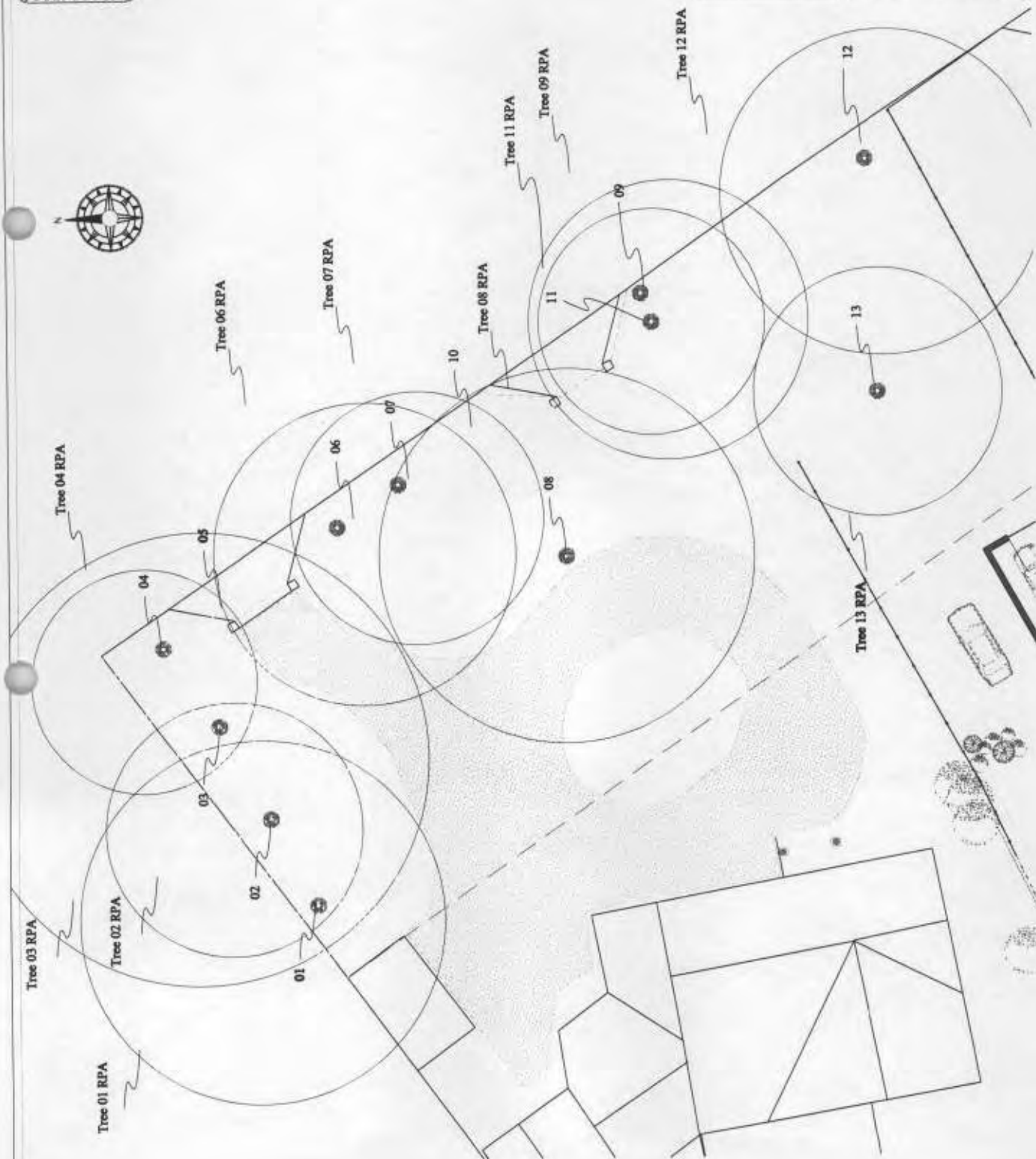
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**Proposed New Dwelling at
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For Mr T Dixon**

Final Fencing

0223



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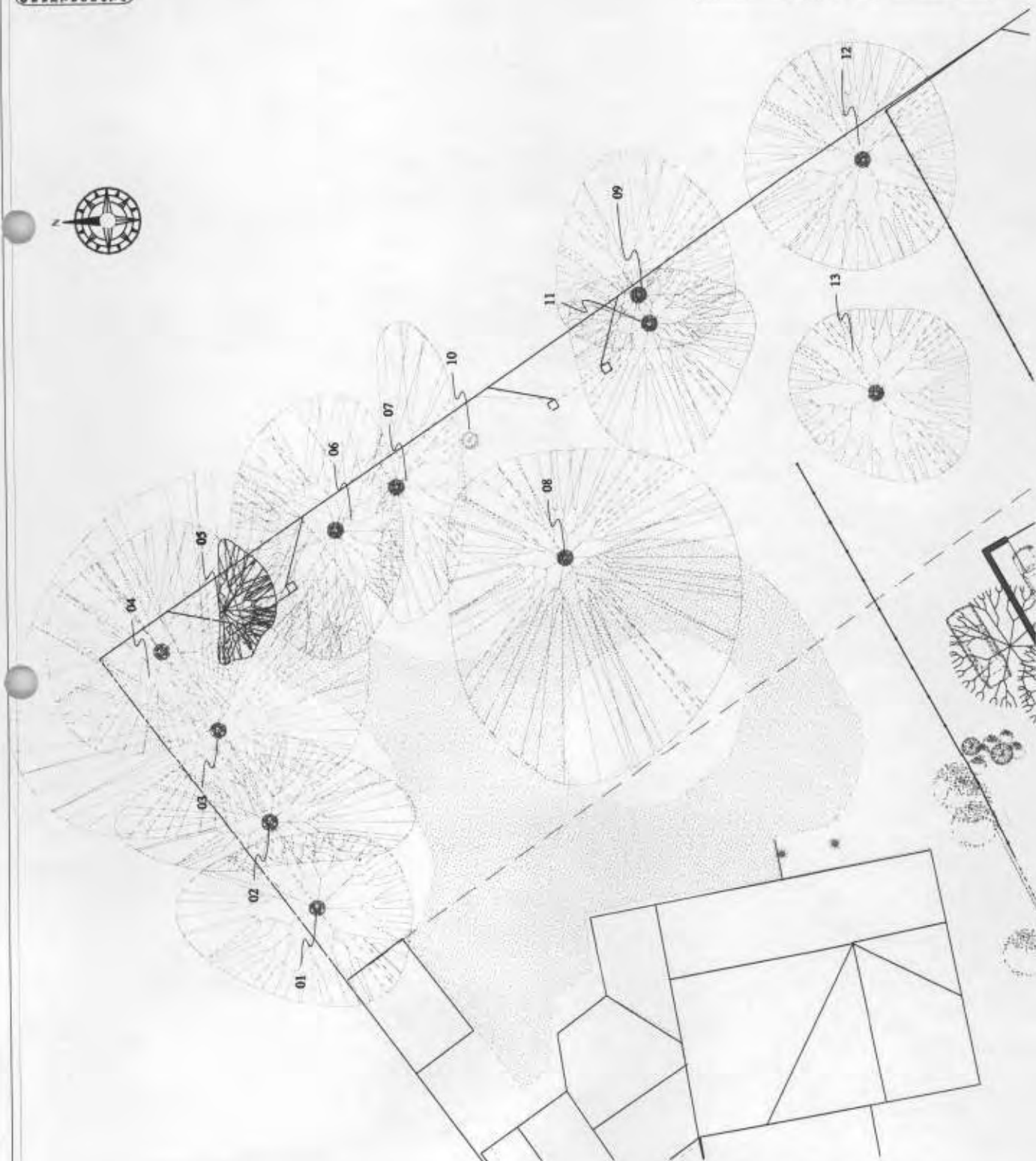
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e-mail address : pease@peaseprints.co.uk
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duncan@peaseprints.co.uk

Job : 06 / 013
Date : Nov 2010
Scale : 1 : 200
Revision :

**Proposed New Dwelling at
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For Mr T Dixon**

Tree RPA Plan 021



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george@studdevelopments.co.uk
suzanne@studdevelopments.co.uk

Customer No. 80047797

1-4 . 001049

October 4, 2000

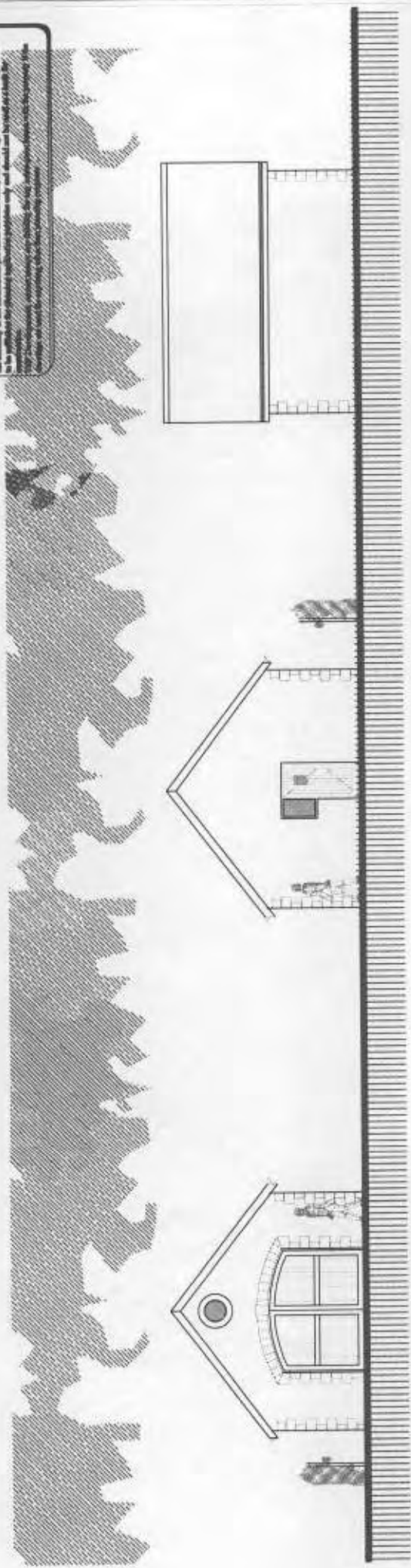
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**Proposed New Dwelling at
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For Mr T Dixon**

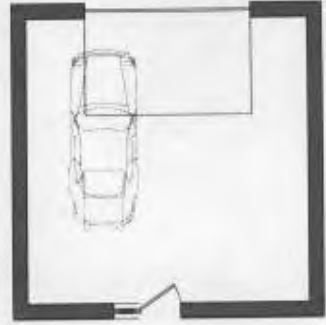
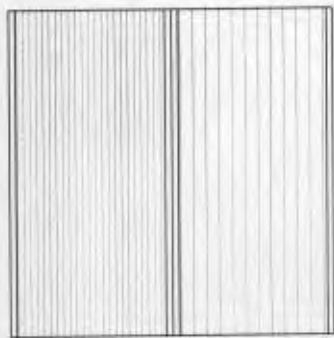
Tree Canopies

020

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Garage Elevations



Garage Plans

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 Date : Nov 2010
 Scale : 1 : 100
 Revision :

Proposed New Dwelling at
 Moor Yeat, Plains Road,
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 For Mr T Dixon

Garage Plans 040

SCHEDULE A: Applications with Recommendation

10/1053

Item No: 06

Date of Committee: 28/01/2011

Appn Ref No:
10/1053

Applicant:
Mr W Highton

Parish:
Beaumont

Date of Receipt:
22/11/2010

Agent:

Ward:
Burgh

Location:
Field 4818, Beaumont, Carlisle

Grid Reference:
335477 560177

Proposal: Renewal Of Application 09/0949 For Temporal Siting Of Residential Caravan During Building Works

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

An objection has been received from Beaumont Parish Council and Cllr John Collier has objected to the application. The application was granted a temporary planning permission at committee in January 2010.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Ancient Monument

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

Local Plan Pol H1 - Location of New Housing Develop.

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

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

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

Beaumont Parish Council: the caravan has never had planning permission to be on the site so how can this renewal be considered. Very little viable progress has been made on the site. Another site visit should be undertaken to determine when the termination of the project is expected - more than enough time has been allowed already. Should refer to the record of previous comments on this application before any decisions are made;

English Heritage - North West Region: no comments;

Hadrians Wall Heritage Limited: comments awaited;

Solway Coast AONB Unit: no objections to caravan providing it is only temporary (12 months).

3. Summary of Representations

Representations Received

| | | |
|-----------------------|------------|-------------|
| Initial: | Consulted: | Reply Type: |
| Cllr - Burgh by Sands | 06/12/10 | Objection |

- 3.1 This application has been advertised by means of a site notice. One letter of objection has been received, which is concerned that the on-going renewal of temporary permissions can lead to a permanent development.
- 3.2 Cllr Collier has objected to the proposal on the grounds that it is an intrusion into the open countryside and it is an unauthorized development.

4. Planning History

- 4.1 In April 2007, planning permission was granted for the erection of an agricultural building (07/0035).
- 4.2 In January 2010, planning permission was granted for the temporary siting of residential caravan during building works (09/0949).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking planning permission for the retention of a temporary residential caravan at Field 4818, Beaumont.

- 5.2 The site, which extends to 1.4 hectares, is located 970 metres north east of Beaumont Village, within the Solway Coast Area of Outstanding Beauty and the Hadrian's Wall Military Zone World Heritage Site Buffer Zone. The site is bounded on all sides by hedging and is accessed by an unmade track.
- 5.3 An agricultural building, which was granted planning permission in April 2007, is currently under construction on the site. The site currently contains an agricultural building which has been completed and which is used for storing equipment and animal feed; three hen houses with runs, which currently house hens and geese; a piggery which includes pig shelters and which contains a number of pedigree pigs; worm beds; a poly-tunnel which is used for growing fruit and vegetables; the residential caravan (which is the subject of this application); a caravan which is used for storage; storage containers; and large areas of hardcore.

Background

- 5.4 Temporary planning permission for the residential caravan was granted at Committee on 29 January 2010, following a Members site visit. However, this permission expired on 31st December 2010.
- 5.5 In April 2007, planning permission was granted for the erection of an agricultural building at this site. The site is being used to establish whether sustainable farming can be achieved and the applicant intends to grow fruit, vegetables and some varieties of plants on the site and to produce fertiliser and compost. The intention is for the process to be self sustainable with no external influences required in the growing process. The agricultural building will enable the applicants to produce renewable energy through various means (solar, waste, compost), to produce fertiliser and compost and to re-use rainwater.

The Proposal

- 5.6 The proposal is seeking to retain the caravan on site for a further 12 month period, whilst the agricultural building is completed. The caravan (which is two caravans joined together) has a floor area of 60 sq m. One of the caravans measures 9.5m by 3.8m, with the other measuring 7.9m by 3m and both have a maximum height of 2.8m. The caravan has a cassette toilet, which the applicant takes off-site to be emptied.
- 5.7 The applicant has submitted some supporting information, which explains what work has been undertaken in the last twelve months (since the Members site visit in January 2010) and which seeks to justify why a residential caravan is needed on the site for a further 12 month period. The following works has been completed in 2010:
- landscaping of part of the site;
 - erection of three hen houses and runs;
 - erection of pig shelters;
 - laying of new drains and water pipes;

- laying of hardcore on part of the site;
 - creation of worm beds;
 - erection of a poly-tunnel.
- 5.8 The caravan is needed for security purposes, whilst the second agricultural building is under construction. In September 2007, steel for the building was removed from the site within 24 hours of delivery and two trailers have been stolen from the site, one in the summer of 2007 and one at the end of 2007. There have also been instances of trespass, ill treatment of animals and vandalism. The project is privately funded and the applicant estimates that it will cost in the region of £200,000 to test all the projects involved. The grants that were originally available have dried up and obtaining funding from the bank has become more difficult. The applicant is hoping to have funding in place and the building completed within the next 12 months, at which point the caravan would be removed from the site.
- 5.9 The relevant policies against which the application is required to be assessed include Policies DP1, DP9, H1, H7 and CP5 of the Carlisle District Local Plan 2001-2016.
- 5.10 The proposal raised the following planning issues:
1. The Principle Of The Development
- 5.11 The proposal is seeking planning permission for a further 12-month period for a residential caravan, whilst the agricultural building, which is currently under construction on the site, is completed. Whilst a permanent dwelling in this location would be contrary to planning policy, a temporary permission is considered to be acceptable, given the need for a security presence on the site whilst the building is under construction. The completion of the building should improve the appearance of the site and would allow some more of the sustainable farm projects to be started.
- 5.12 There is concern that the funding might not be forthcoming in the next twelve months and that the building could remain unfinished at the end of 2012. If this is the case, then no further temporary consents should be granted and the caravan should be removed from the site. It is considered that two years is sufficient time for the applicant to complete the building, find alternative accommodation and remove the caravan from the site.
2. The Impact Of The Proposal On The Character Of The Solway Coast AONB And On The World Heritage Site
- 5.13 The caravan would be located in close proximity to a hedge which runs around the periphery of the site and would not be readily visible from outside the site. The Solway Coast AONB Unit has raised no objections to the caravan, provided that only a temporary twelve month permission is granted and that the caravan is removed from the site at the end of this period. English Heritage has raised no objections to the proposal. In light of the above, the proposal would not have an adverse impact on the AONB or on the World Heritage Site

Conclusion

- 5.14 A permanent residential dwelling on the site would be contrary to planning policy. However, a temporary planning permission for a further twelve month period would give the applicants a security presence on the site whilst the building work is completed. The caravan would not have an adverse impact on the character of the Solway Coast AONB or on the World Heritage Site. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

- 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 mobile home hereby permitted shall solely be occupied by the applicant and his family and shall be removed from the site before 31 December 2011 or when the accommodation is no longer required by the applicant for occupation, whichever is the sooner.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality, in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Design & Access Statement (received 22nd November 2010);
3. Supporting Information (received 22nd November 2010);
4. Site Location Plan (Plan 1 - received 22nd November 2010);
5. Block Plan (Plan 2 - received 22nd November 2010);
6. Elevations (Plan 3 - received 22nd November 2010);
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

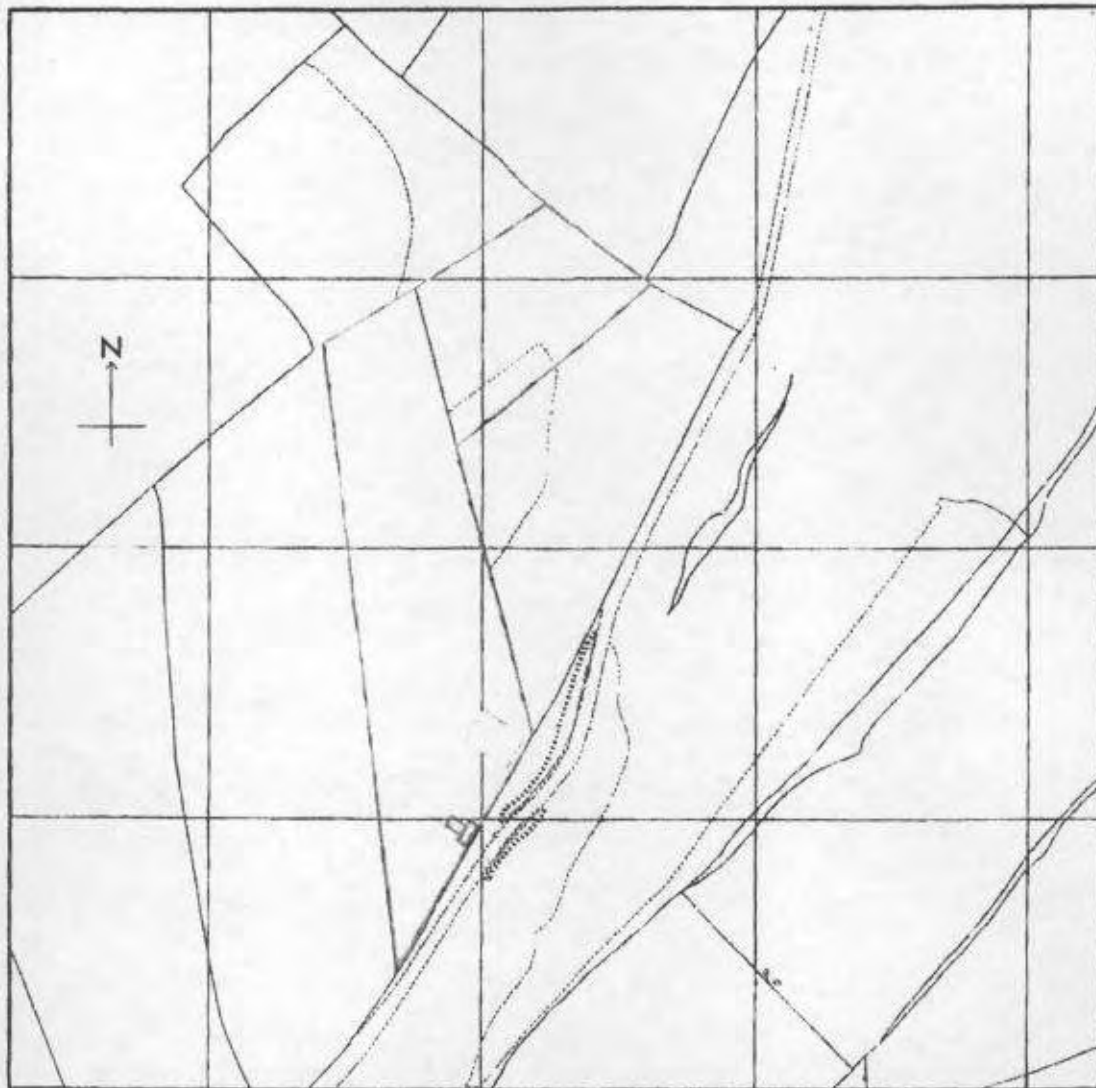
PLAN 1: SITE LOCATION PLAN

Beaumont Sustainable Development Farm Project Using natural resources and alternative energy for sustainable development.

1:2500 Scale

Project Aim:

To prove that Self Sustainable Development is possible and effective by the use of natural resources with alternative energy for Agricultural use.



22 NOV 2010
2010/1053

PLAN 2: BLOCK PLAN

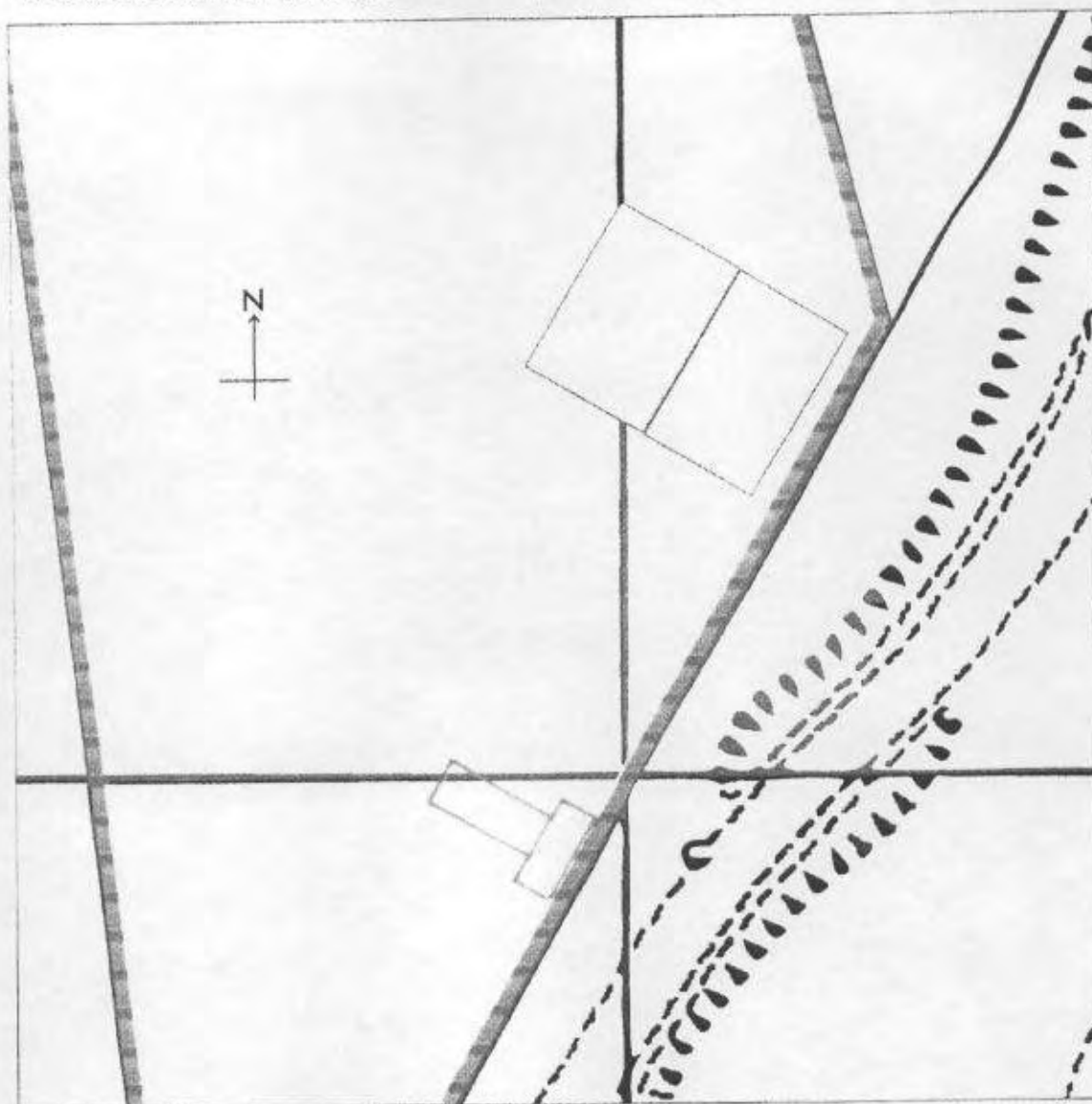
Beaumont Sustainable Development Farm Project

1:500 Scale

Using natural resources and alternative energy for sustainable development.

Project Aim:

To prove that Self Sustainable Development is possible and effective by the use of natural resources with alternative energy for Agricultural use.

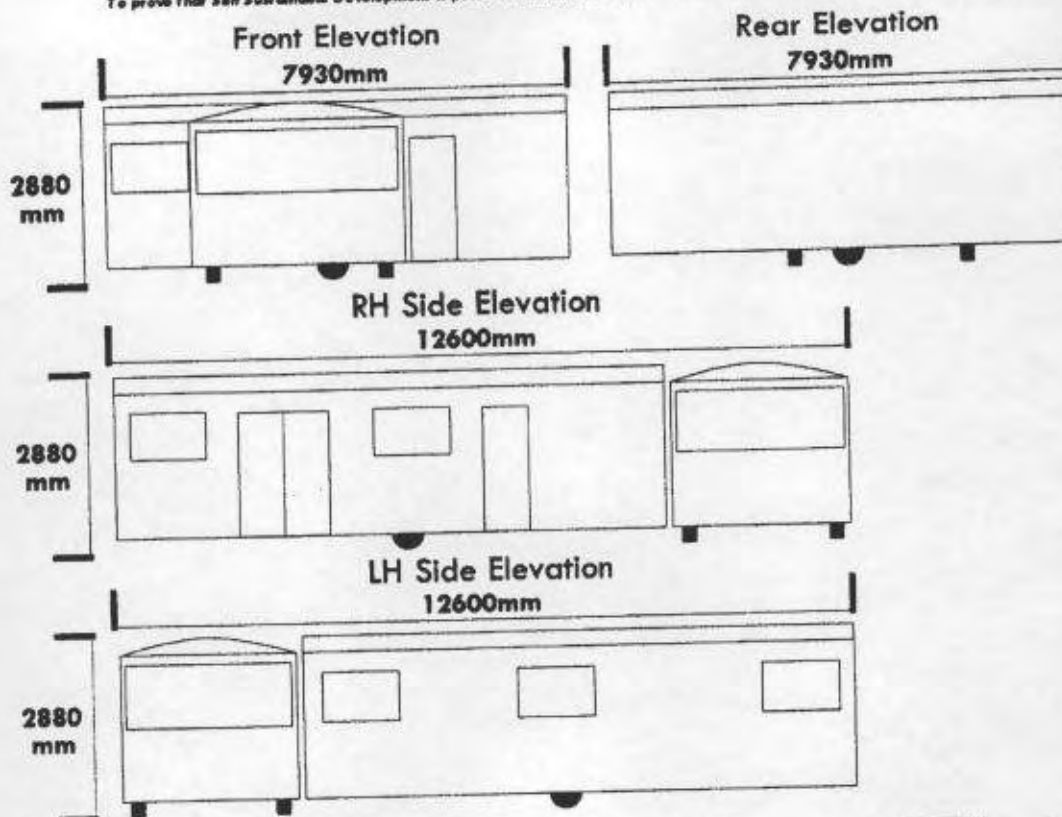


22 NOV 2013
2010/1053

Beaumont Sustainable Development Farm Project
Using natural resources and alternative energy for sustainable development.

1:100 Scale

Project Aim:
To prove that Self Sustainable Development is possible and effective by the use of natural resources with alternative energy for Agricultural use



22 NOV 2013
2010/1053

PLAN 3: ELEVATIONS

In the last 12 months we have landscaped the front end of the field, this is to give us a windbreak along one side, there has been erected three large hen houses, built with runs, they are fenced off all around, and have mains water on tap, we introduced a selection of chickens, a cockerel, along with geese to put in these hen houses.

We bought a pedigree selection of pigs, and made pig shelters in a large area that has all been fenced off, also water pipes laid to provide water in the piggery.

We laid land drains on the field and around the buildings, hardcore has been put around a large area of the buildings, which is a good foot in depth.

The first building has been finished completely and is now in use, for storing equipment and food for the animals, the second building is all ready to lay the concrete floors.

We have also built worm beds, we have recycled the chicken waste and the pig waste, for the worms to eat, the worm waste products which is called castings, end up as compost, that is what we aim to sell, we also sell a selection of the blue nose worms which make for a very good fishing bait to catch the fish.

We have erected a poly-tunnel to grow salad crops, vegetables, along with a selection of herbs and strawberries.

In the next 12 months we hope to finish the second building, this will house a large selection of worm eggs, which are kept in trays while growing, they have to all be incubated, the building is also to house farming equipment, which at present is all outside, around the building, this second building will hopefully make the suit a lot more secure.

22 NOV 2010
2010/1053

SCHEDULE A: Applications with Recommendation

10/0908

Item No: 07

Date of Committee: 28/01/2011

Appn Ref No:
10/0908

Applicant:
The Tranquil Otter Limited

Parish:
Burgh-by-Sands

Date of Receipt:
25/11/2010

Agent:

Ward:
Burgh

Location:
The Lough House, Thurstonfield, CA5 6HB

Grid Reference:
331934 556494

Proposal: Construction Of Housing For Bio-Mass Energy Centre For The Lough House And Lodges At The Tranquil Otter Limited

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The applicant's wife is employed by Carlisle City Council.

1. Constraints and Planning Policies

Site Of Special Scientific Interest

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

Public Footpath

The proposal relates to development which affects a public footpath.

2. Summary of Consultation Responses

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

Natural England - relating to protected species, biodiversity & landscape: the proposed development will not materially or significantly affect the Thurstonfield Lough SSSI. This is based on the Method Statement including measures to ensure all machines and equipment are clean before entering the site. The section of

beech hedge that is to be re-sited should not be removed or disturbed during the bird nesting season;

(Former Comm/Env.Services) - Green Spaces - Countryside Officer - RURAL AREA: comments awaited;

Cumbria County Council - (Highway Authority - Footpaths): Footpath 106009 runs adjacent to the proposed development, this route must not be obstructed or damaged and users safety must be ensured at all times. Footpath 106009 also runs into the surrounding woodland if this route was to be used for timber extraction the current surface condition would have to be improved to avoid damage to its surface condition;

Ramblers Association: comments awaited;

Burgh-by-Sands Parish Council: support this project.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

- 3.1 This application has been advertised by means of a site notice. No verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 There is an extensive planning history relating to the use of the site for holiday lodges.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking planning permission for the construction of a bio-mass energy centre to serve the Lough House and holiday lodges at the Tranquil Otter, Thurstonfield. The Tranquil Otter consists of large detached dwelling, a large detached garage with offices above and eight timber holiday lodges, which are set in woodland adjacent to Thurstonfield Lough, which is designated as a Site of Special Scientific Interest (SSSI).

Background

- 5.2 The proposal is seeking planning permission to erect a new bio-mass energy centre, which would serve both the dwelling and the lodges. The bio-mass

plant would be attached to the northern gable of the detached garage, on a gravel area that is currently used for parking. The building, which would be constructed of red brick, under a flat roof, would measure 8m by 6.1m and would be 2.7m high. It would contain the biomass boiler and a wood store/garage. The logs to be burnt would come from the woodland, as regular felling and coppicing of trees already takes place as part of an agreed restoration plan, which seeks to restore the natural environment of the site to favourable condition.

- 5.3 A 0.3m diameter stainless steel flue would project through the roof of the building and would be attached to the gable end of the garage. The top 3m would project above the ridge height of the garage. A series of pipes would then connect the biomass boiler to the Lough House and the holiday lodges. The routes for the pipes would be dug by moling (which involves digging a series of drill pits and then tunnelling between the drill pits below the roots of the trees) rather than trench digging, in order to reduce the impact on the trees. The applicant has submitted a plan which shows the location of the drill pits and the route of the pipes and a method statement which provides details of how the pipes would be installed.

Assessment

- 5.4 The relevant policies against which the application is required to be assessed include Policies CP2, CP3, CP5 and CP8 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposal raised the following planning issues:
1. The Visual Impact Of The Proposed Development
- 5.6 Whilst the building would be attached to the side of the garage and would be small in scale and not visible from outside the site, the top of the flue would project 3m above the ridge of the garage and would be visible from outside the site. The flue would, however, be narrow (0.3m) and a condition has been added to ensure that it is painted a light grey colour. It would not, therefore, have a significant adverse visual impact. Given the environmental benefits that the project would bring, this is considered to be sufficient to outweigh the visual harm of the top section of the flue.
2. The Impact Of The Proposal On Existing Trees
- 5.7 A method statement has been submitted, which details how the pipes would be laid from the bio-mass boiler to Lough House and the holiday lodges. The applicant is proposing to dig the routes for the pipes by moling rather than trench digging. Small drill pits would be dug to allow the mole access. The mole would then tunnel at a depth of more than 1.5m, so that it passes below the tree roots. The Council's Tree Officer has raised no objections to the proposal providing that a scheme of tree protection is put in place during construction works and where any excavation works occur within the Root Protection Areas of trees, this is undertaken by hand tools. Both of these issues can be dealt with by condition.

3. The Impact Of The Proposal On Thurstonfield Lough SSSI

- 5.8 Natural England considers that the proposed development would not materially or significantly affect the SSSI provided that the method statement includes measures to ensure all machinery and equipment is clean before entering the site. This is to ensure that invasive species and disease cannot be introduced to the SSSI. This can be secured by condition.

4. Other Matters

- 5.9 The County Council's Countryside Officer has noted that Footpath 106009 runs adjacent to the proposed development and this route must not be obstructed or damaged and user safety must be ensured at all times. Footpath 106009 also runs into the surrounding woodland and if this route is used for timber extraction the current surface condition would have to be improved to avoid damage to its surface condition. A informative will be added to the planning permission to cover these issues.

Conclusion

- 5.10 In overall terms, the proposal would have an acceptable visual impact and it would not have an unacceptable impact on any existing trees are on the Thurstonfield Lough SSSI. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Design & Access Statement (received 13th October 2010);
3. Method Statement (received 26th October 2010);
4. Tree Survey (received 23rd October 2010);
5. Site Location Plan (Plan 1 - received 25th November 2010);
6. Block Plan (Plan 2 - received 25th November 2010);
7. Block Plan (Plan 3 - received 25th November 2010);
8. Pipe Run (Plan 4 - received 26th October 2010);
9. Tree Survey (Plan 5 - received 23rd November 2010);
10. Existing Plans (drawing TO/KT/10/01 - received 13th January 2010);
11. Proposed Plans (drawing TO/KT/10/02 - received 13th January 2010);
12. Sections (drawing TO/KT/10/03 - received 22nd November 2010);
13. the Notice of Decision; and
14. 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 on drawing TO/KT/10/02 (received on 13th January 2011), unless otherwise agreed in writing by the Local Planning Authority.

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

4. Notwithstanding the details contained within the application, the flue shall be painted a light grey colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To improve the visual appearance of the flue, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The proposal hereby approved shall be carried out in strict accordance with the details contained within the Method Statement (received 26th October 2010).

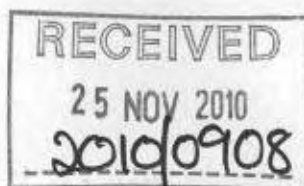
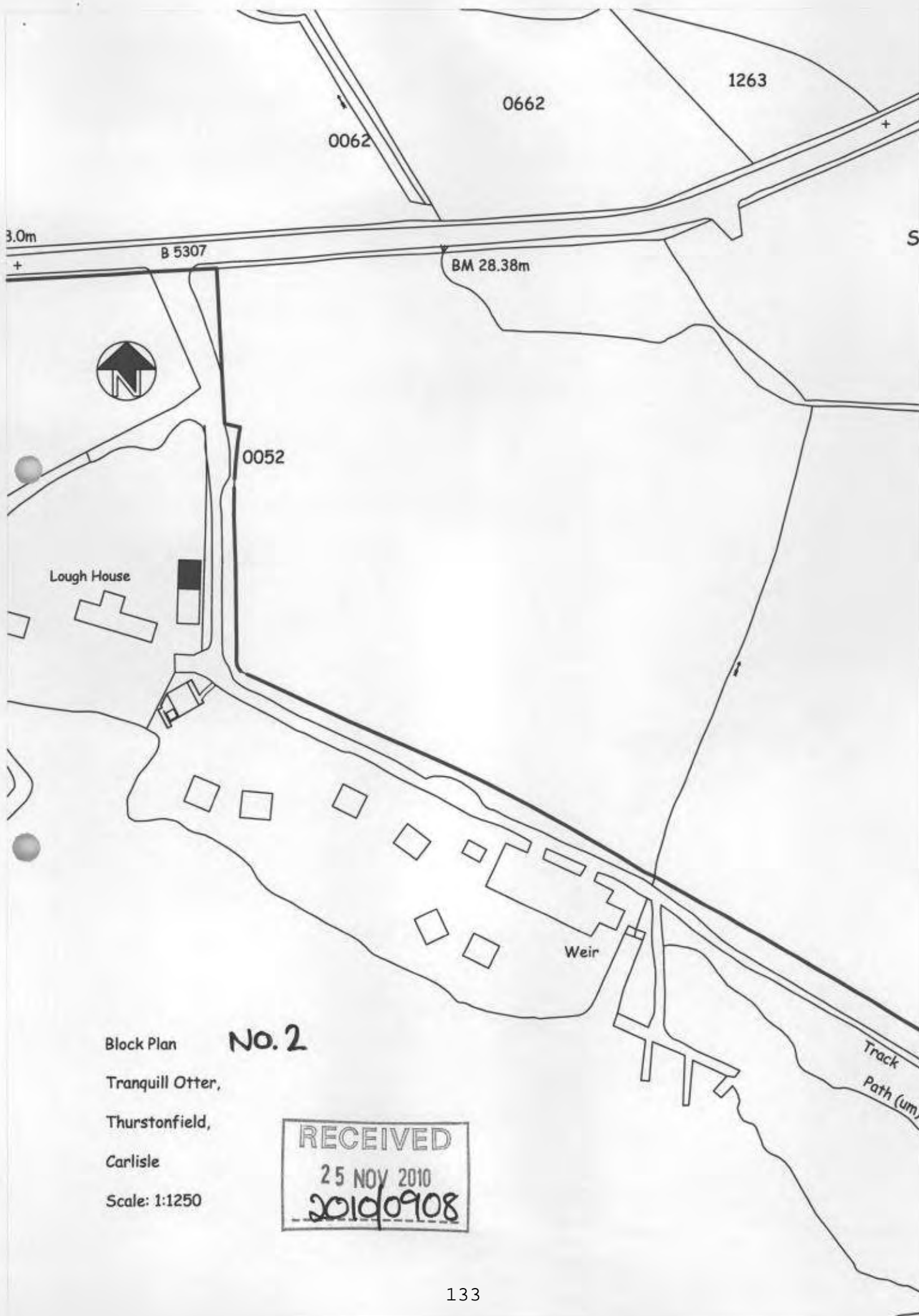
Reason: In order to protect existing trees, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

6. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the Local Planning Authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme of tree protection to be agreed in writing with the Local Planning Authority and implemented prior to commencement.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

7. Where works to excavate the connection pits or drilling pits are required to be carried out within the root protection area of any trees, as determined using the formula in BS 5837: 2005 Trees in relation to construction recommendations, this must be done by hand tools only.

Reason: In order to protect existing trees, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.



Block Plan No.3

Tranquill Otter,

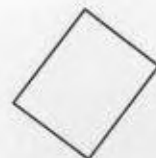
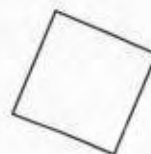
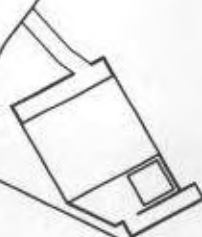
Thurstonfield,

Carlisle

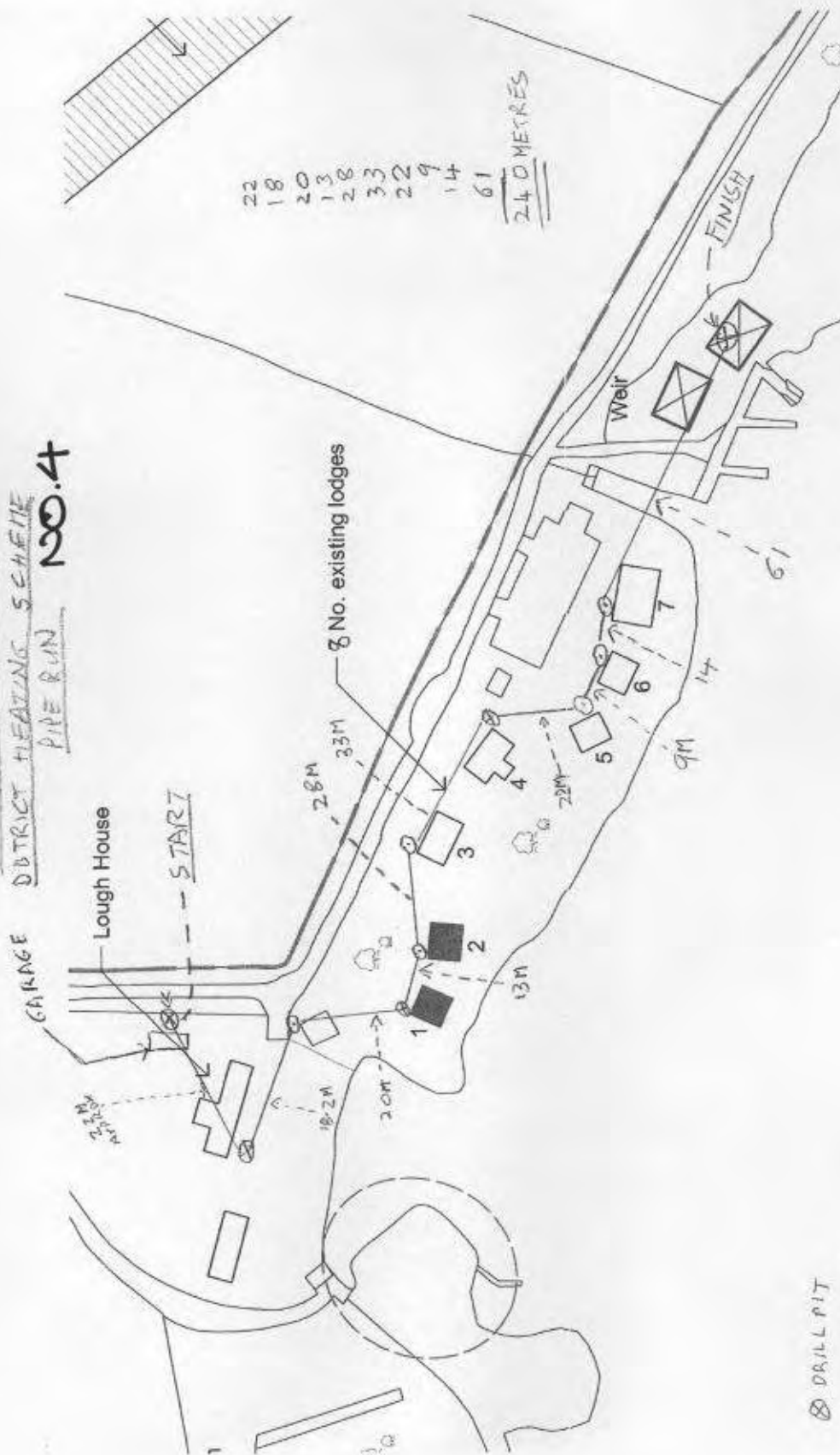
Scale: 1:500



Lough House

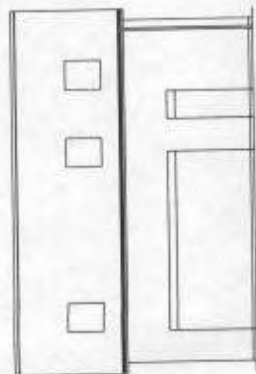


THE TRANQUIL OTTER
DISTRICT HEATING SCHEME
PIPE RUN NO. 4

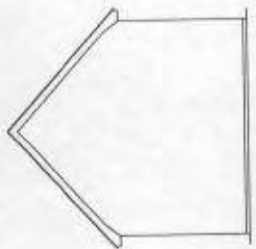


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26 OCT 2010
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NBMK
15TH SEPTEMBER 2010



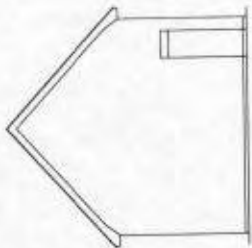
West Elevation



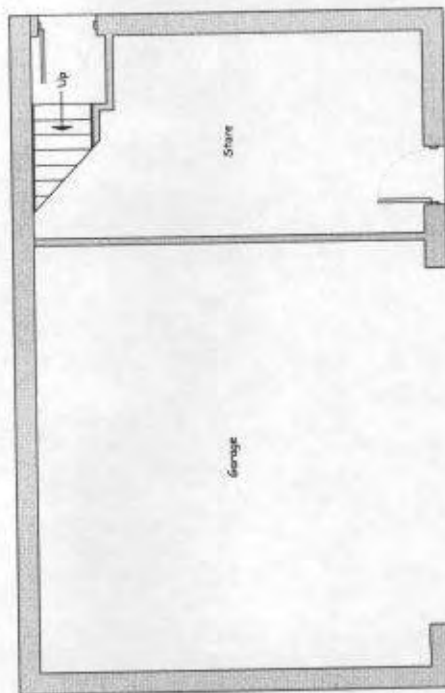
North Elevation



East Elevation



South Elevation



Floor Layout Plan

TITLE:

Existing Survey

CLIENT:

The Tranquill Otter Ltd

ADDRESS:

Thurstonfield Lough,
Thurstonfield,
Carlisle.

SCALE:

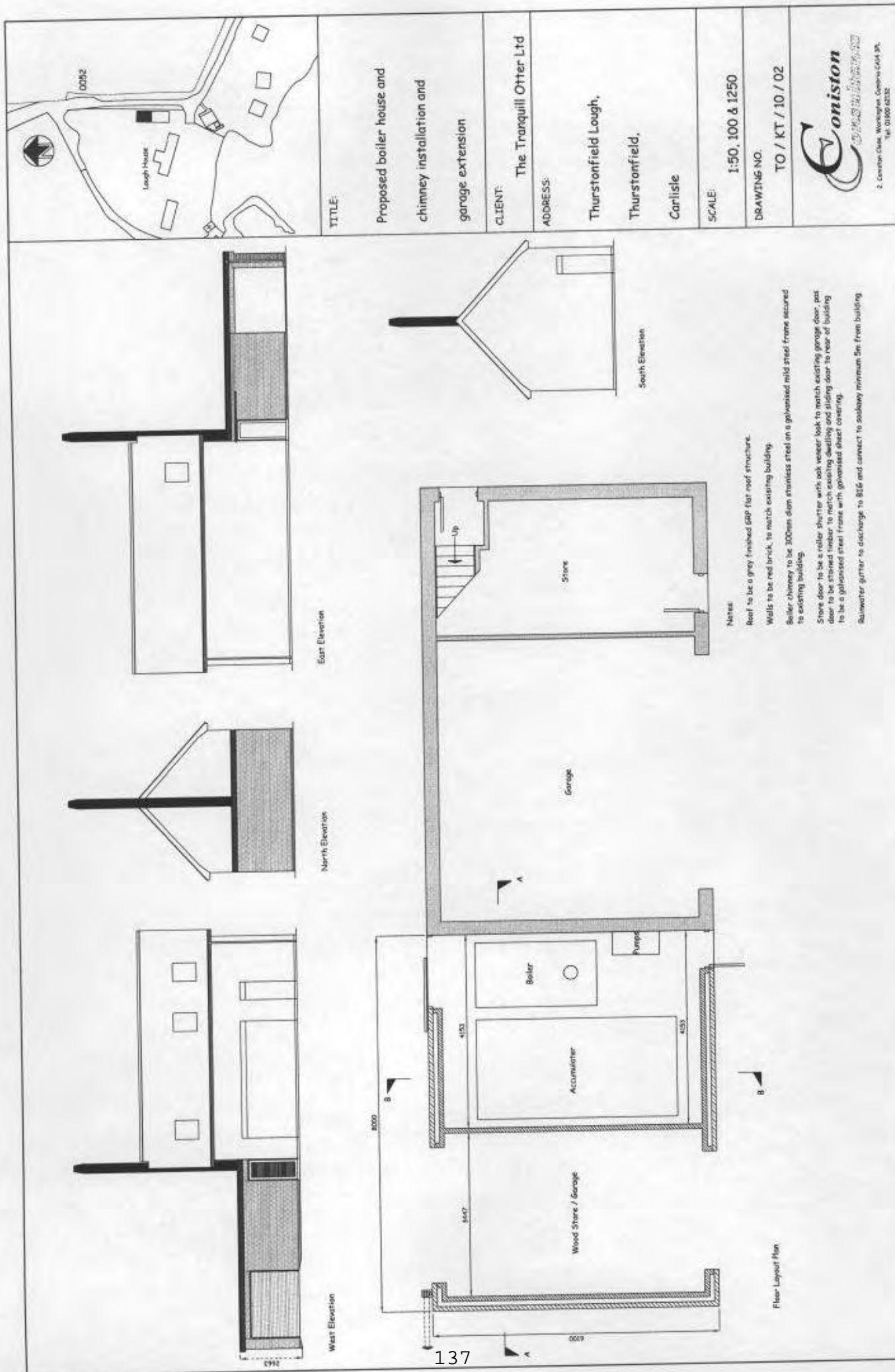
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DRAWING NO.

TO / KT / 10 / 01

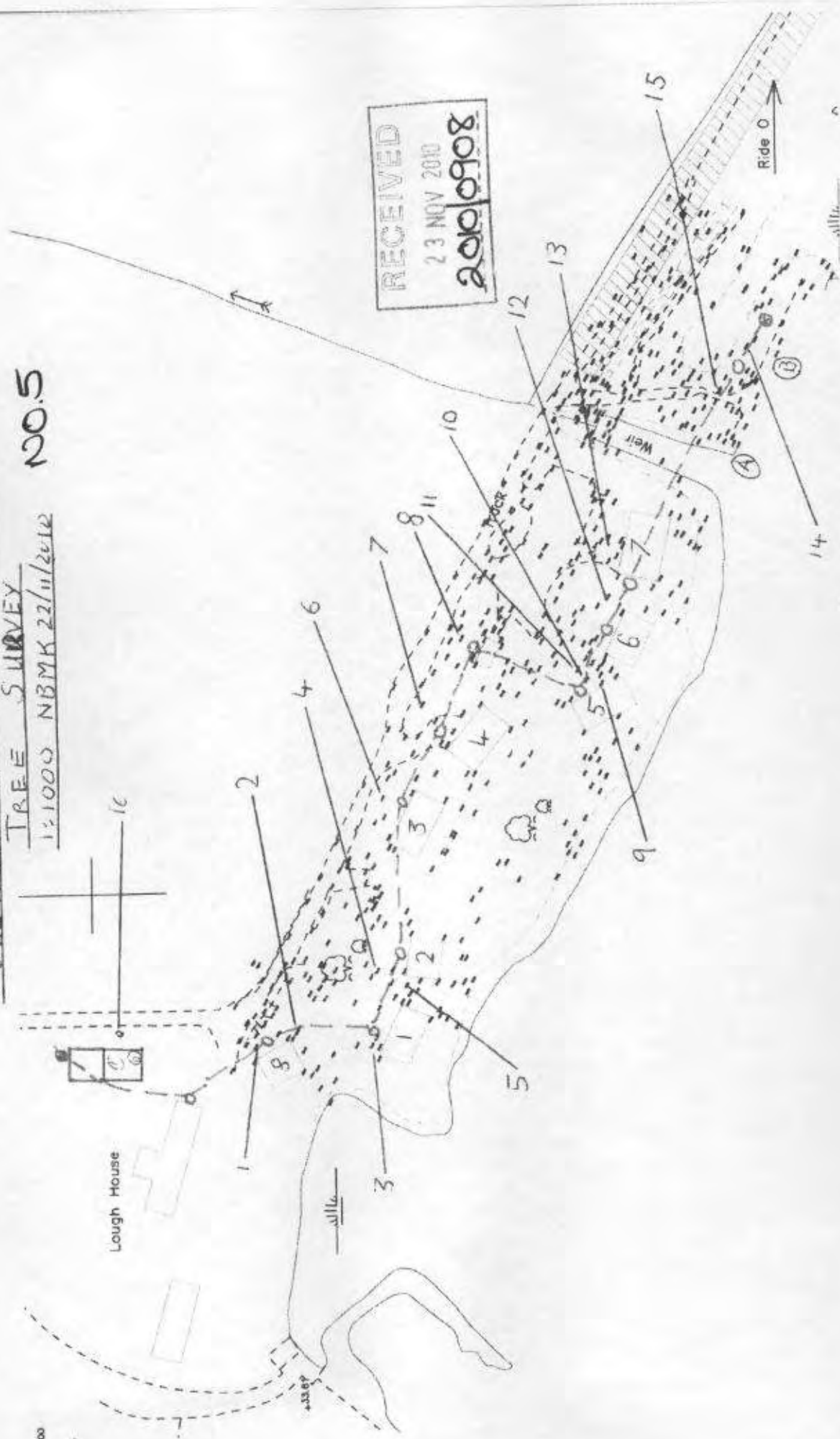


2, Coniston Close, Warrington, Cheshire WA14 3PL.
Tel: 01925 67132

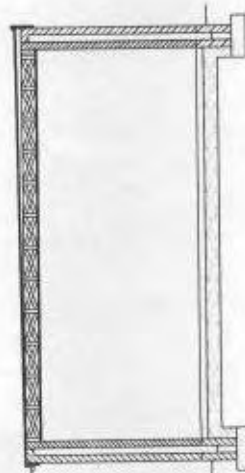
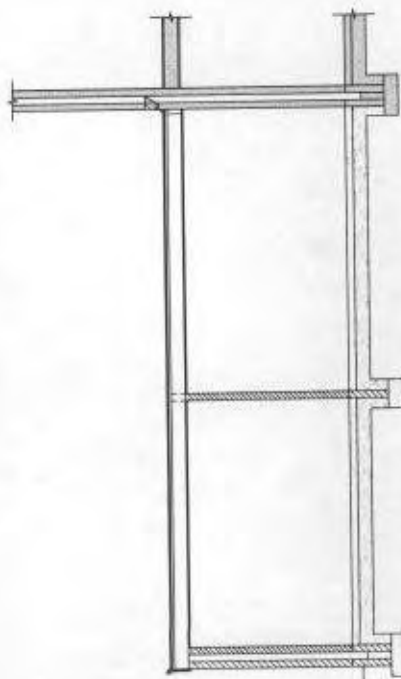


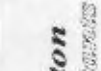
THE TRANQUIL OTTER LTD LOUGH GREEN HEAT PROJECT

TREE SURVEY NO. 5
1:1000 NBMK 22/11/2012



RECEIVED
23 NOV 2010
2010/0908

[illegible]

| | |
|---|---|
| TITLE: | Proposed boiler house and chimney installation and garage extension |
| CLIENT: | The Tranquill Otter Ltd |
| ADDRESS: | Thurstonfield Lough, Thurstonfield, Carlisle |
| SCALE: | 1:50 |
| DRAWING NO. | TO / KT / 10 / 03 |
|  | |
| 2 Scaurhill Close, Worthington, Cumbria, Cumbria, Cumbria, Cumbria Tel: 01999 521512 | |

SCHEDULE A: Applications with Recommendation

10/1018

Item No: 08

Date of Committee: 28/01/2011

Appn Ref No:
10/1018

Applicant:
Mr Kevin Bell

Parish:
Burgh-by-Sands

Date of Receipt:
15/11/2010

Agent:

Ward:
Burgh

Location:
Land to rear of 11 & 12 Amberfield, Burgh By
Sands, Carlisle

Grid Reference:
332720 558912

Proposal: Erection Of A Pair Of Semi-Detached Houses (Outline Application)

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

The application is brought before Members of the Development Control Committee as more than four written objections to the proposal have been received. Burgh By Sands Parish Council has also raised objections.

1. Constraints and Planning Policies

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 H1 - Location of New Housing Develop.

Local Plan Pol H9 - Backland Development

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

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Hadrian's Wall Heritage Limited: comments awaited;

English Heritage - North West Region: recommend that because of the archaeological potential of this site, any permission issued should be subject to a condition requiring the prior archaeological excavation of all archaeological deposits within the site area. Provided that such a condition, with wording provided by Cumbria County Council, is imposed, then English Heritage would not wish to sustain an objection to this proposal;

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

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

Local Environment, Streetscene - Drainage Engineer: the applicant has not indicated a means of disposal of foul sewage. The applicant must make sure through the Building Control process that this method is a suitable method.

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

Burgh-by-Sands Parish Council: object to the proposal on the following grounds:

1. there is great concern over the drainage capacity in this area as it already floods;
2. the site is not an infill site but gardens to existing properties;
3. there are other brownfield sites within the village and other possible non-garden sites for development;
4. new small properties within the village do not provide gardens of this size and so there would be further destruction of life style choices;

Cumbria County Council - (Archaeological Services): records indicate that the site is of high archaeological significance. It lies 150 metres south of the Roman fort at Burgh in an area that formed part of the associated Roman civilian settlement. Archaeological investigations immediately east and south of the site have revealed extensive remains of the Roman settlement surviving in a good state of preservation below ground. The results of these investigations show that important Roman remains will survive on the site and it is considered that they will be disturbed by the proposed development. It is recommended that a scheme of archaeological recording of the site be undertaken in advance of development which can be secured through the inclusion of two conditions in any planning consent;

Northern Gas Networks: no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-----------------------|------------|-------------|
| 10 Amberfield | 23/11/10 | Objection |
| 11 Amberfield | 23/11/10 | |
| 12 Amberfield | 23/11/10 | Objection |
| 13 Amberfield | 23/11/10 | |
| 14 Amberfield | 23/11/10 | |
| 15 Amberfield | 23/11/10 | |
| 16 Amberfield | 23/11/10 | Objection |
| Ludgate House | 23/11/10 | |
| Ludgate Cottage | 23/11/10 | Objection |
| 1 Ludgate Hill | 23/11/10 | Objection |
| 2 Ludgate Hill | 23/11/10 | |
| 3 Ludgate Hill | 23/11/10 | Objection |
| 4 Ludgate Hill | 23/11/10 | Objection |
| 5 Ludgate Hill | 23/11/10 | |
| 6 Ludgate Hill | 23/11/10 | |
| Burgh By Sands School | 23/11/10 | |
| 3 Paternoster Row | 16/12/10 | |

3.1 This application has been advertised by the direct notification of sixteen neighbouring properties and the posting of a site notice. In response, seven letters/e-mails of objection have been received and one e-mail of support.

3.2 The letter identifies the following issues:

1. the site is close to Burgh By Sands School resulting in the congestion of the surrounding road network during school times. The development would add to existing car parking/access problems and present additional highway dangers to school children as the site is located on a blind bend;
2. Ludgate Hill has a number of bungalows which are occupied by elderly people. The peace and quiet of this part of the village would be compromised should the development be approved. The building works/construction traffic would also create a danger of the occupiers of these bungalows;
3. concerned about the safety of the children who live and play around Ludgate Hill during construction works and the resultant additional traffic caused by the development;
4. parking for numbers 1-6 Ludgate Hill is inadequate, vehicles currently park along the frontage of the proposed development;
5. development would impact on privacy, open views and quiet currently enjoyed by occupants of adjacent properties;

6. devaluation of adjacent properties;
 7. existing surface flooding issues during heavy rain;
 8. it appears that the housing market is currently at a low ebb as there are several properties for sale within Burgh By Sands. These two properties might remain empty for some time;
 9. questions ownership of the land which would provide access to site;
 10. an archaeological dig might be required prior to development which would prolong the disruption caused by the development;
 11. noise and disruption during building works;
 12. possible gas main/electrical cable crossing the site;
 13. impact on sewage system
- 3.3 The e-mail of support welcomes the development as they consider that the village requires more affordable housing for locals. However, they are concerned about how the development would impact on Ludgate Hill as there is already a traffic problem at school times.

4. Planning History

- 4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application site is located in part of the rear elongated gardens of numbers 11 and 12 Amberfield, a pair of semi-detached houses located on the southern fringe of Burgh By Sands. The rear garden of number 10 Amberfield runs along the site's northern boundary. Ludgate House and Ludgate Cottage, a detached house and detached bungalow respectively, are located on elevated sites immediately to the south of the application site. Ludgate Hill, a cul-de-sac of semi-detached houses, flats and bungalows lies to the east. The application site's flanks consist of 1.8 metre high wooden fences whilst its rear boundary is made up of a 1 metre high bank planted with a natural hedgerow.

Background

- 5.2 The application seeks Outline Planning Permission for the erection of a pair of semi-detached houses on a parcel of land of approximately 435 square metres. As previously explained, the application is in outline, and as such

the submitted drawings are indicative only; however, the drawings illustrate that the proposed dwellings would be centrally located within the parcel of land. The overall width of both of the properties would be 11 metres with a maximum length of 11 metres (including the porches). The ridge height would be 7.8 metres.

- 5.3 The submitted Design and Access Statement together with the drawings illustrate that the accommodation provided in each of the dwellings would comprise of a porch, w.c., living room, kitchen/dining with 3no. bedrooms and bathroom above. Access to the dwellings would be via Ludgate Hill with off-street parking for 2no. vehicles provided within the curtilage of the properties.
- 5.4 The design, scale and massing of the proposed dwellings would be similar to those of its immediate neighbours. The proposed materials are brown/red facing brickwork with uPVC windows and doors with a pitched roof covered with grey plain interlocking concrete tiles all of which are in keeping with other properties within the immediate vicinity.

Assessment

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, H1, H9 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposals raise the following issues:
1. Whether The Principle of Development Is Acceptable
- 5.7 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.
- 5.8 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.
- 5.9 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter

villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

- 5.10 The application site lies within Burgh-by-Sands, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan). Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is considered acceptable. The issues raised are discussed in more detail in the analysis which follows.
- 5.11 Policy H9 of the Local Plan makes provision for development in large back gardens subject to compliance with certain criteria amongst which are that the scale, design and siting is appropriate, there is no loss of amenity to surrounding properties and that adequate access and parking can be achieved. This is considered that the current proposal complies with all of the aforementioned criteria.
- 5.12 Members will be aware of the revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 that removes gardens from the definition of "brown field" land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.
- 5.13 In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all, the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements.
- 5.14 Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration.
- 5.15 The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should

be allowed.

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

- 5.16 Burgh-By-Sands Parish Design Statement (adopted November 2003) highlights that there are currently very few remaining gap sites alongside the mains streets that run through the village. Any future development would need to be of a high standard, particularly in terms of design and materials, in order to be in keeping with the local vernacular. In respect of new buildings it outlines that building styles and materials should be in keeping with the local vernacular and reflect and respect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area.
- 5.17 The submitted drawings illustrate that the proposed dwellings would be of a similar scale and massing to those of its immediate neighbours and other properties within the immediate vicinity. The Design and Access Statement, submitted as part of the application, indicates that the proposed materials would also complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking.
- 5.18 In summary, the scale and design of the proposed dwellings are considered acceptable and that the proposed dwellings would not form a discordant feature in the street scene.

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

- 5.19 Adopted Policies H11 and CP5 of the Local Plan seek to protect the living conditions of adjacent properties. In February 2009, the City Council produced a draft Supplementary Planning Document (SPD) entitled "Achieving Well Designed Housing". Guidance contained within this draft SPD requires that a minimum of 21 metres between dwellings should usually be allowed between primary facing windows (12 metres between a gable end and primary window; however the document states 14 metres but this was a drafting error).
- 5.20 The proposed dwellings would be so orientated so as to achieve the adequate separation distances outlined in the SPD between the proposed dwellings and the existing residential properties bordering the site. The application site is also at a lower level than the properties to the south, Ludgate House and Ludgate Cottage. Given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

4. Impact Of The Proposal On Highway Safety

- 5.21 Several occupiers of neighbouring properties have raised objections in respect of highway safety and parking problems during school term times.

Members should be aware however, that the proposal seeks approval for the formation of new vehicular accesses which would provide 2no. off-street parking spaces serving each of the dwellings within the curtilages of the properties.

- 5.22 Following normal practice consultation has been undertaken with the Highway Authority. The Highway Authority do not object to the proposal subject to the imposition of five conditions.
- 5.23 The local resident's concerns regarding highway safety and parking problems are noted; however, since the Highway Authority do not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

5. Impact Of The Proposal On Buffer Zone On The Hadrian's Wall World Heritage Site

- 5.24 The site is located within the Buffer Zone on Hadrian's Wall World Heritage Site and as such English Heritage and Cumbria County Council's Historic Environment Officer have been consulted. In their responses, both consultees have identified that the site is of high archaeological significance due to its location 150 metres south of the Roman fort at Burgh in an area that formed part of the associated Roman civilian settlement. In light of the archaeological sensitivity of the site, English Heritage and Cumbria County Council recommend that a scheme of archaeological recording, secured by the imposition of two conditions, be undertaken in advance of any development.
- 5.25 Policy LE7 of the Local Plan seeks to protect the World Heritage Site for developments which would have an unacceptable impact on its character and/or setting. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of the Development Plan. The proposal seeks permission for the erection of two dwellings of similar scale and design within the village envelope of Burgh By Sands. In such a context the proposal would not have a detrimental impact on the character and/or setting of the World Heritage Site.

6. Impact Of The Proposal On Foul And Surface Water Drainage

- 5.26 The Parish Council and local occupiers have raised concerns in respect of the possible impact of the development on existing surface water drainage capacity as it is alleged that there is existing flooding issues within the vicinity.
- 5.27 Drainage details submitted as part of the application indicate that surface water will be disposed of to a soakaway whilst the foul drainage will be connected to the existing public sewer system via a new foul drain. United Utilities and the City Council's Drainage Engineer have been consulted and are satisfied with the drainage proposals for the development.

7. Other Matters

- 5.28 Several local occupiers have highlighted the possible presence of services within the curtilage of the site, therefore, the advice of the relevant service providers have been sought. Northern Gas Networks, in its response, has confirmed that whilst there is no objection to the proposal there may be apparatus in the area that may be at risk during construction works and require the promoter of the works to contact them directly. Electricity North West (ENW) has also confirmed that the proposal would not impact on Electricity Distribution System Infrastructure or other ENW assets.
- 5.29 Members should be aware, however, that should any diversion of services be required to implement the proposal, then this would be a matter to be resolved between the applicant and the utility providers. For clarity, an Informative would be included within the decision notice drawing the applicants attention to this requirement.
- 5.30 A further issue highlighted by local residents was the possible ownership of the strip of land, which would provide access to the application site, by Two Castles Housing Association. Two Castles Housing Association has subsequently been formally consulted and has not responded; however, land ownership relates to Civil Law and not planning legislation.

Conclusion

- 5.31 In overall terms, the principle of development is acceptable. Whilst the application involves backland development, the applicant has taken appropriate measures to ensure that the development would accord with Policy H9 of the Local Plan and the criteria outlined in the Burgh-By-Sands Parish Design Statement. The scale, design and use of materials in the proposal would positively contribute to the character of the area with adequate car parking, access and amenity space provided within the curtilage of the proposed dwellings. The proposal would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings.
- 5.32 The application is recommended for approval, as it is considered that the proposal is compliant with the objectives of the 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 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. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of 3 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

3. The approved documents for this Outline/Planning Permission comprise:
- 1. the submitted planning application form;
 - 2. the Design and Access Statement;
 - 3. the Pollution Assessment;
 - 4. Drawing Number ABBS/KB/FS/01;
 - 5. Drawing Number ABBS/KB/FS/02;

6. Drawing Number ABBS/KB/FS/03 Rev A;
7. Drawing Number ABBS/KB/FS/04 Rev A;
8. Drawing Number ABBS/KB/FS/05 and associated photomontage;
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.

4. No development hereby approved by this permission shall be commenced until details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate development in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

Reason: In the interests of privacy and visual amenity in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

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

8. 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 submission of the results for publication

in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within one year 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.

9. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 43 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

10. The use of the development shall not be commenced until the access has been formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 5 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

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

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

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

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

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

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

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

15 NOV 2010
2010/1018



Rev Date Amendments

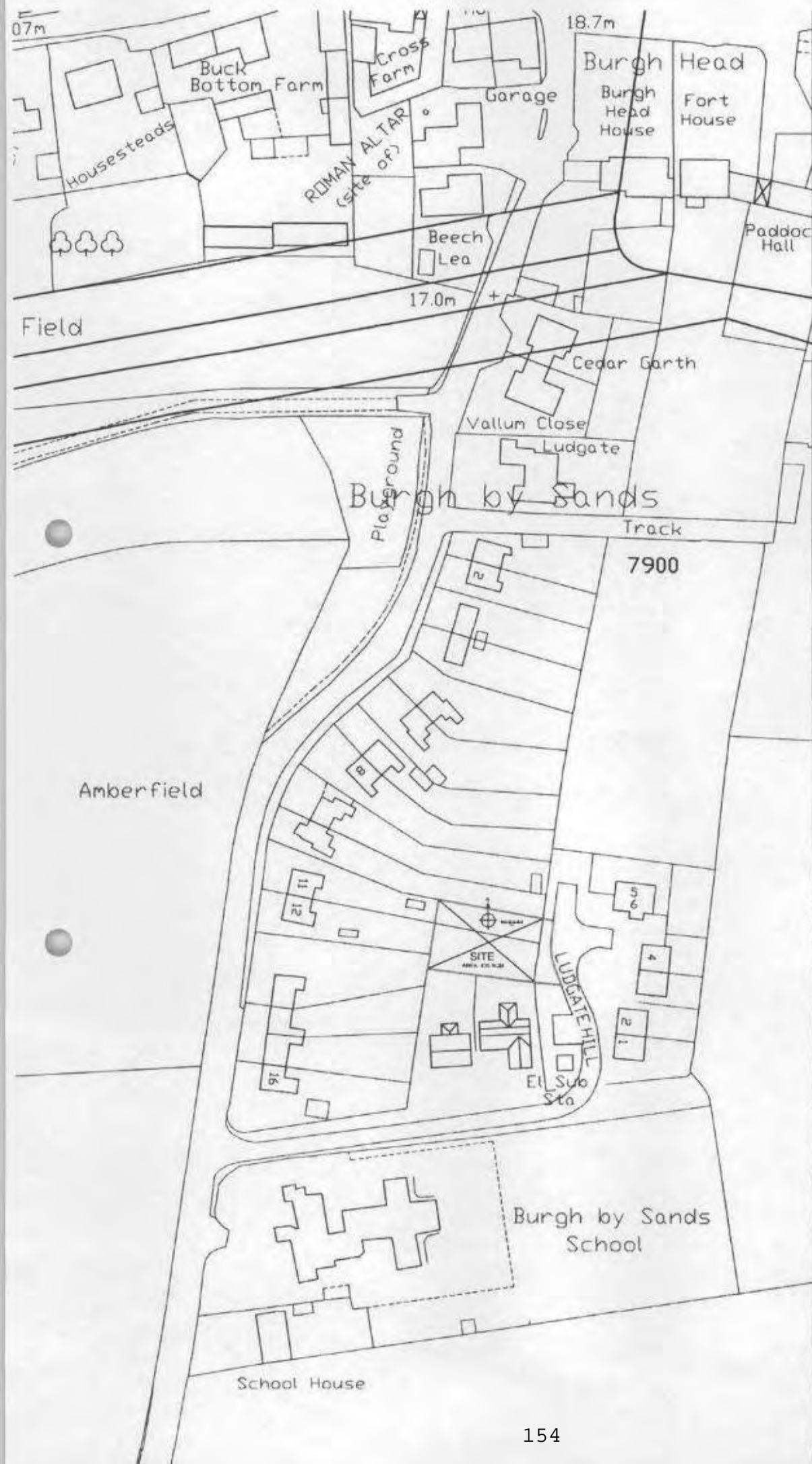
Kevin Bell

**Proposed pair of
Semi-detached houses on land
behind 11 and 12 Amberfield,
Burgh by Sands
Carlisle CA5 6AS**

DRAWING LOCATION PLAN

SCALE **DATE**
1.2500 @ A4 06.10.10

DRAWING NO
ABBS/KB/FS/01



15 NOV 2010
2010/1018

REVISIONS:
Rev Date Amendments

CLIENT
Kevin Bell

JOB
Proposed pair of
Semi-detached houses on land
behind 11 and 12 Amberfield,
Burgh by Sands
Carlisle CA5 6AS

DRAWING
LOCATION PLAN

SCALE **DATE**
1:1250 @ A4 06.10.10

DRAWING NO
ABBS/KB/FS/02

REVISIONS:

Rev Date Amendments

15 NOV 2010
2010/1018

CLIENT
Kevin Bell

JOB

Feasibility Study
Two Semi-detached or
One Bungalow
Gardens behind 11 and 12
Amberfield, Burgh by Sands
Carlisle CA5 6AS

DRAWING

EXISTING SITE PLAN
SHOWING POSITIONS
OF PHOTOGRAPHS

SCALE 1:200 @ A1
DATE 06.10.10

DRAWING NO
ABBS/KB/FS/05



REVISIONS:
 Rev Date Amendments
 A 08.11.10 Drainage and vehicles added

15 NOV 2010
 2010/1018

CLIENT
 Kevin Bell

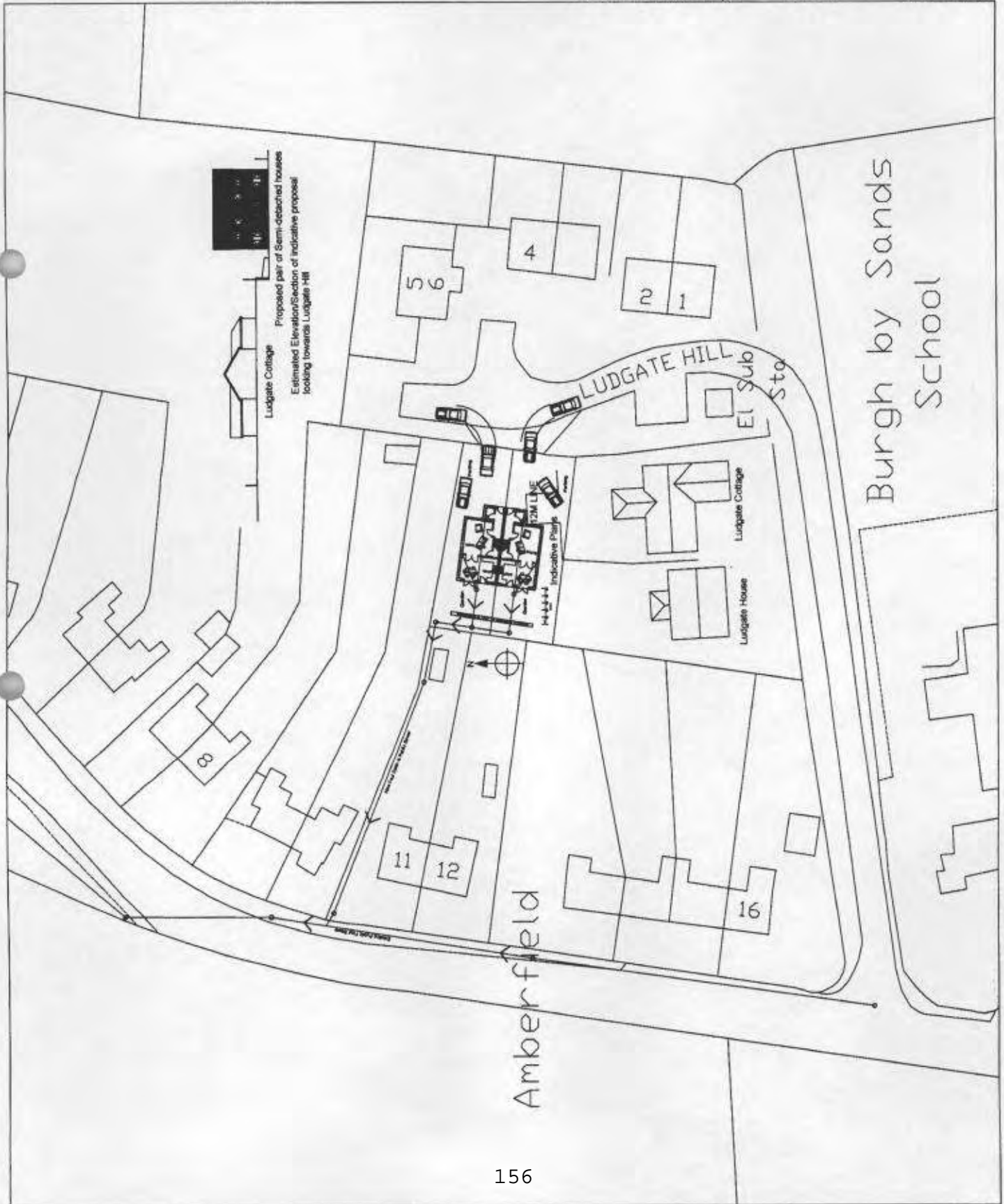
JOB

Proposed pair of
 Semi-detached houses on land
 behind 11 and 12 Amberfield,
 Burgh by Sands
 Carlisle CA5 6AS

DRAWING
 INDICATIVE PROPOSAL
 SITE PLAN

SCALE **DATE**
 1:500 @ A1 06.10.10

DRAWING NO
 ABBS/KB/FS/03 rev A



| Rev | Date | Amendments |
|-----|----------|-----------------------------|
| A | 08.11.10 | Drainage and vehicles added |

15 NOV 2010
2010/1018

CLIENT
Kevin Bell

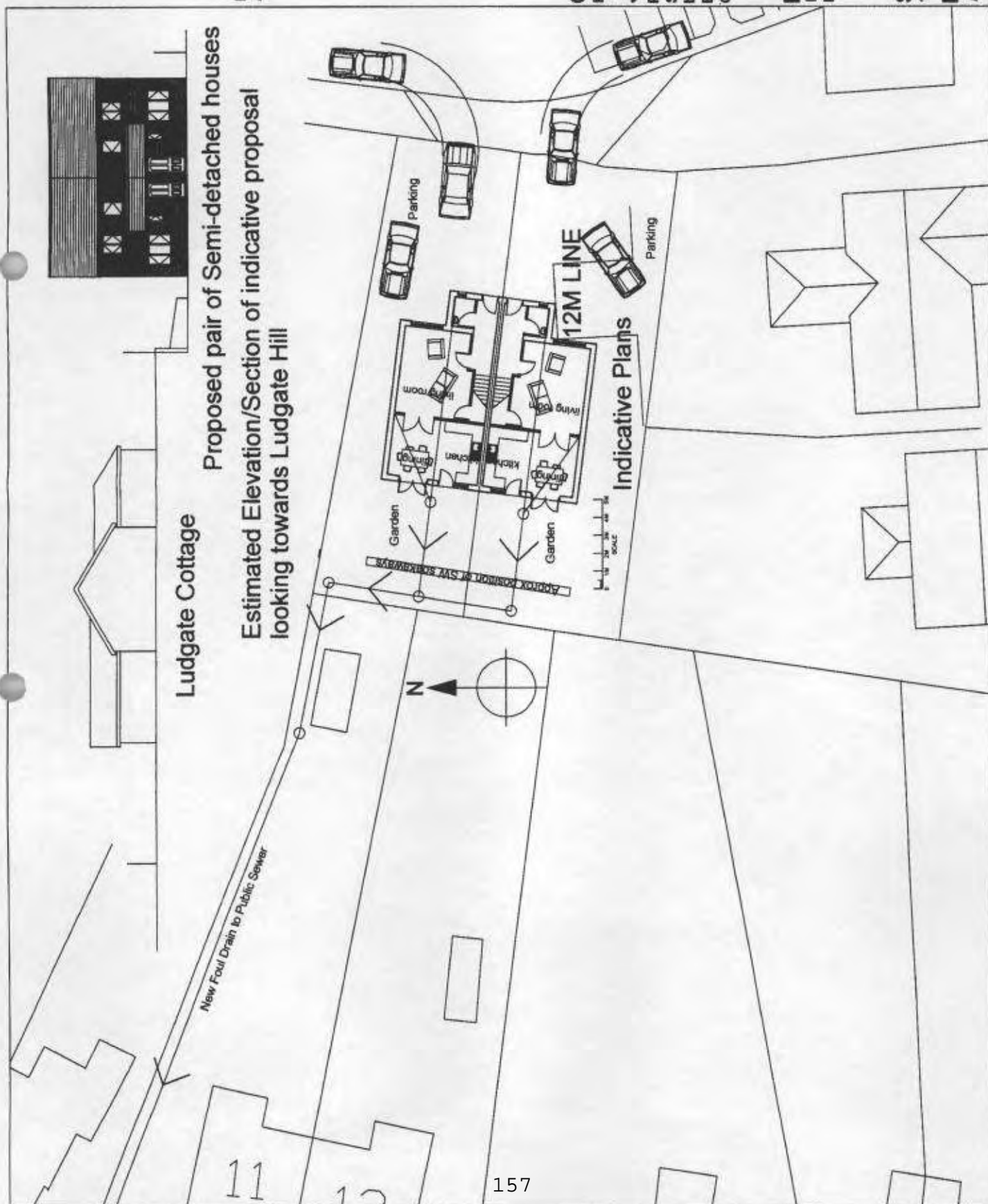
JOB

Proposed pair of
Semi-detached houses on land
behind 11 and 12 Amberfield,
Burgh by Sands
Carlisle CA5 6AS

DRAWING INDICATIVE PROPOSAL PLANS

SCALE
1.200 @ A1

DRAWING NO
ABB/S/KB/FS/04 rev A



SCHEDULE A: Applications with Recommendation

10/1070

Item No: 09

Date of Committee: 28/01/2011

Appn Ref No:
10/1070

Applicant:
Mrs K Burns

Parish:
Dalston

Date of Receipt:
01/12/2010

Agent:

Ward:
Dalston

Location:
Low Flanders, Dalston, Carlisle, CA5 7AF

Grid Reference:
338073 550160

Proposal: Proposed Two Storey Extension To The Side Elevation To Provide Lounge/Kitchen At Ground Floor Level And En Suite Bedroom At First Floor Level (Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The Parish Council has objected to the proposal.

1. Constraints and Planning Policies

Listed Building

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

Local Plan Pol H11 - Extns to Existing Resid. Premises

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

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

Dalston Parish Council: the extension is out of keeping and unsympathetic with

the existing listed building in character and materials, despite amendments to the design (Policy LE12 - proposals affecting a Listed Building & Policy CP5 - design). Items noted as being incongruous being the dormer window, roof line and corner quoin stones.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-----------|------------|-------------|
| Honeypot | 08/12/10 | |
| Bank Barn | 08/12/10 | |

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

4. Planning History

- 4.1 In April 2006, planning permission was granted for a single-storey extension to the side elevation to provide kitchen and dining room (06/0193).
- 4.2 In July 2007, planning permission was granted for detached garage (07/0490).
- 4.3 In August/ September 2010, applications for planning permission and Listed Building Consent for a two-storey side extension to provide kitchen, dining and family room on ground floor with an en-suite bedroom above were withdrawn prior to determination (10/0635 & 10/0636).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking planning permission for the erection of a two-storey side extension at Low Flanders, Dalston. The existing dwelling, which is a Grade 2 Listed Building, is a three bedroom property, which is finished in render, under a slate roof. The dwelling has white timber painted sliding sash windows and white timber painted doors, which have stone surrounds. Chimneys are located at both ends of the roof.
- 5.2 Low Flanders is located on the southern side of a courtyard and has large garden to the front. A listed bank barn, which has planning permission for conversion to a dwelling, sits on the eastern side of the courtyard, whilst a single-storey dwelling (The Honeypot) is located on the northern side.

5.3 An application for Listed Building Consent (10/1071) for the extension has also been received.

Background

5.4 A single-storey extension, which has the same footprint as the proposed two-storey extension, was granted planning permission in April 2006 and is currently under construction. No application for Listed Building Consent was requested for the single-storey extension.

The Proposal

5.5 This proposal is seeking planning permission for the erection of a two-storey side extension. The extension would be 7m square, with the front and rear elevations being stepped back behind the line of the front and rear elevations of the main dwelling. A kitchen/ dining area would be provided on the ground floor, with an en-suite bedroom above. The upper floor would largely be contained within the roofspace of the extension. A dormer window, which would sit at eaves level, would be added to the front elevation, with two rooflights being added to the rear roofslope. The eaves and ridge heights of the extension would be lower than those on the main dwelling. The front elevation of the extension would be constructed of stone, with the side and rear elevations being rendered to match the existing dwelling. The windows would be timber sliding sash to match those on the main dwelling and the French doors in the front elevation would be timber. Stone quoins and stone door and window surrounds would be incorporated and a chimney would be added to the western end of the roof.

Assessment

5.6 The proposal needs to be assessed against Policies H11, LE13 and CP5 of the Carlisle District Local Plan 2001-2016.

5.7 The proposal raises the following planning issues:

1. Whether The Scale And Design Are Appropriate To The Listed Building

5.8 Dalston Parish Council has objected to the proposal, as it considers that the extension is out of keeping with, and unsympathetic to, the existing Listed Building, in terms of character and materials. In particular, it considers that the dormer window, roofline and corner quoin stones are incongruous features.

5.9 Planning permission already exists for a single-storey extension and this has a stone front elevation and incorporates corner quoin stones. The existing dwelling also has corner quoin stones under the render and the applicant is intending to remove the render so these become visible.

5.10 The City Councils Conservation Officer has been involved in the development of this scheme, which is seeking to provide some accommodation in the roofspace, whilst also minimising the effect of this on the Listed

Building. Whilst it is acknowledged that the roof pitch differs from that on the main dwelling, this is not uncommon and does not adversely affect the Listed Building. Similarly, the introduction of a small dormer window at eaves level is not untypical of smaller domestic properties within the villages surrounding Carlisle and does not detract from the Listed Building. The extension would be constructed of stone and render, with stone quoins and window and door surrounds, under a slate roof and would incorporate timber sliding sash windows and timber doors. Given that the approved extension incorporated a stone front elevation and corner quoin stones and the main dwelling has stone quoins under the render (which the applicant is intending to remove), the choice of materials is acceptable. The Council's Conservation Officer has, therefore, raised no objections to the proposal. In light of the above, the scale and design of the proposed extension would be acceptable and it would not adversely affect the listed building.

2. The Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Dwellings

- 5.11 The windows in the front and side elevations of the proposed extension would face onto the applicant's own garden. Whilst it is acknowledged that the window in the ground floor of the rear elevation would directly face the rear elevation of the Honey Pot, this dwelling would be over 22m away and has no windows in its rear elevation. There are also rooflights in the rear roofslope of the extension, but these are too high to allow overlooking of the rooflights in the rear elevation of the Honey Pot. Given the height of the extension and the distance to the Honey Pot, there would be no issues of loss of light or over-shadowing to this property. In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

Conclusion

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

6. Human Rights Act 1998

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

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

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

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

- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form;
 2. the Design & Access Statement (received 26th November 2010);
 3. Site Location Plan (received 26th November 2010);
 4. Block Plan (received 26th November 2010);
 5. Proposed Front Elevation (drawing MB3/EXT/001 Rev A, received 26th November 2010);
 6. Proposed Side & Rear Elevations (drawing MB3/EXT/002 Rev A, received 26th November 2010);
 7. Proposed First Floor Plan (drawing MB3/EXT/003 Rev A, received 26th November 2010);
 8. Sections (drawing MB3/EXT/004 Rev A, received 26th November 2010);
 9. Existing Front Elevation (drawing MB3/EXT/005 Rev A, received 26th November 2010);

10. Existing Ground Floor Plan (drawing MB3/EXT/006 Rev A, received 26th November 2010);
11. Proposed Ground Floor Plan (drawing MB3/EXT/007 Rev A, received 26th November 2010);
12. Existing/ Proposed Side Elevation (drawing MB3/EXT/008 Rev A, received 26th November 2010);
13. Existing First Floor Plan (drawing MB3/EXT/009 Rev A, received 26th November 2010);
14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

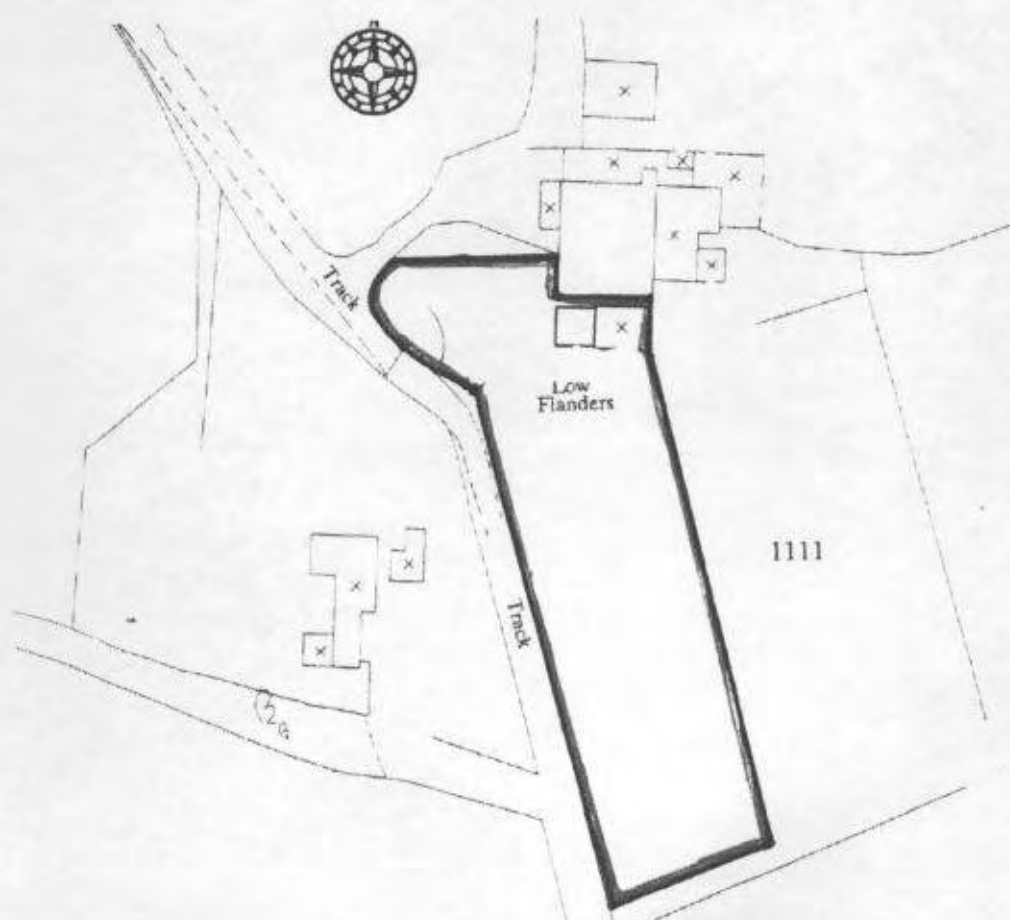
Reason: For the avoidance of doubt.

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 LE13 and CP5 of the Carlisle District Local Plan 2001-2016 and to ensure a satisfactory external appearance for the completed development.

SITE LOCATION PLAN NO 1

1:1250



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26 NOV 2010
10/1070

7- JUL 2010
2010/0635

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Track

Low
Flanders

SITE BLOCK PLAN
NO 1

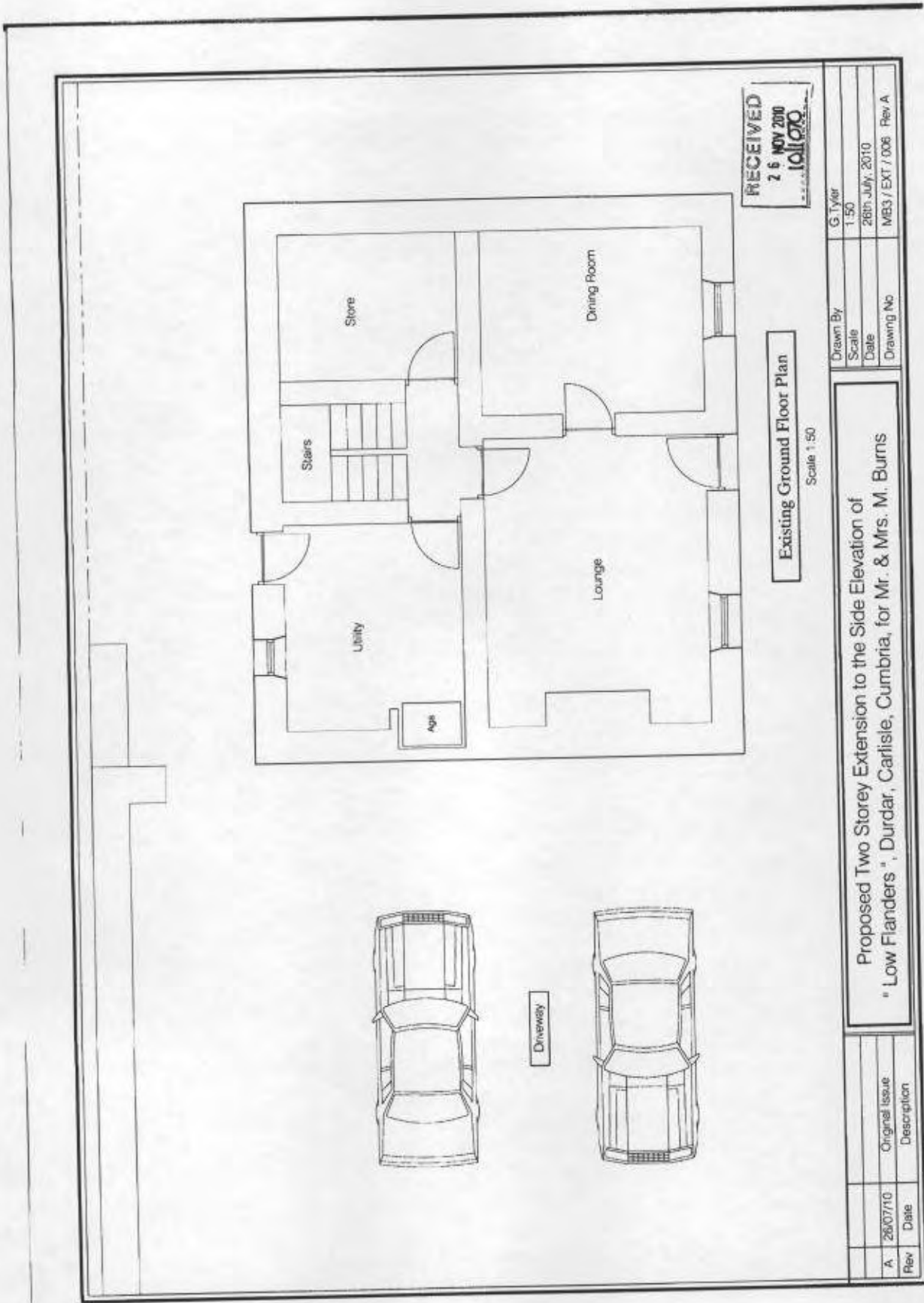
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10/1070



26 NOV 2010
2010/0635

SITE BLOCK PLAN
1:500

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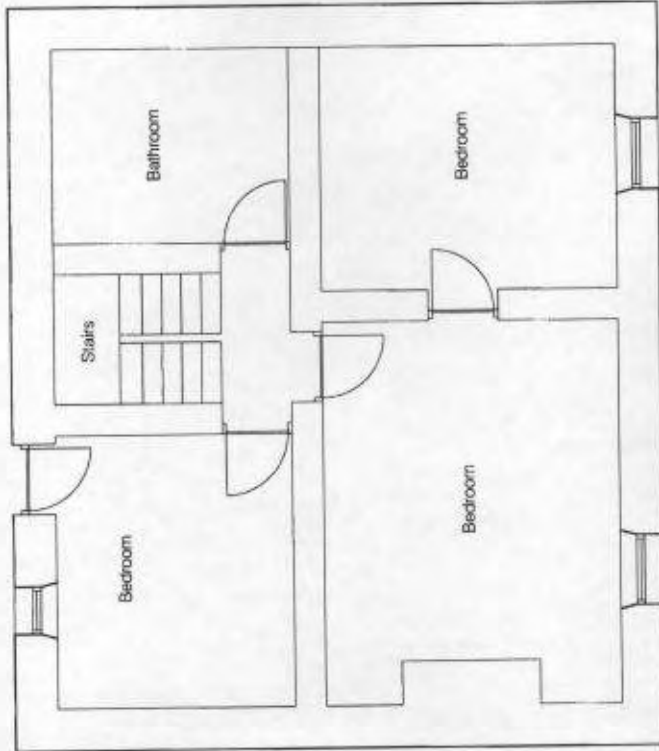
Existing Ground Floor Plan
Scale 1:50

| | |
|------------|-----------------------|
| Drawn By | G. Tyler |
| Scale | 1:50 |
| Date | 26th July 2010 |
| Drawing No | MB3 / EXT / 006 Rev A |

Proposed Two Storey Extension to the Side Elevation of
"Low Flanders", Durdar, Carlisle, Cumbria, for Mr. & Mrs. M. Burns

| Rev | Date | Original Issue | Description |
|-----|----------|----------------|-------------|
| A | 26/07/10 | | |

All dimensions to be checked on site



Existing First Floor Plan

Scale 1:50

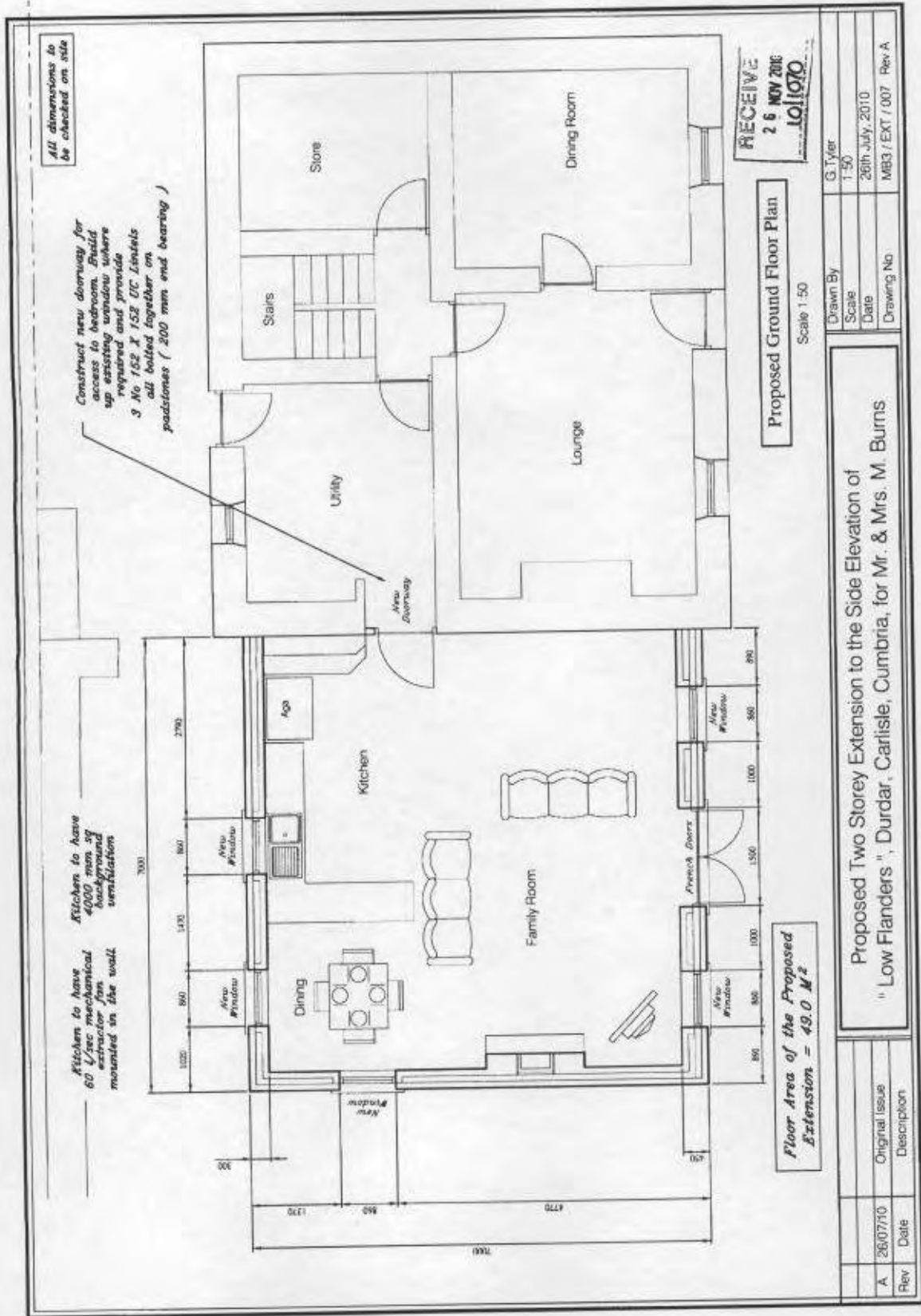
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2010/1029

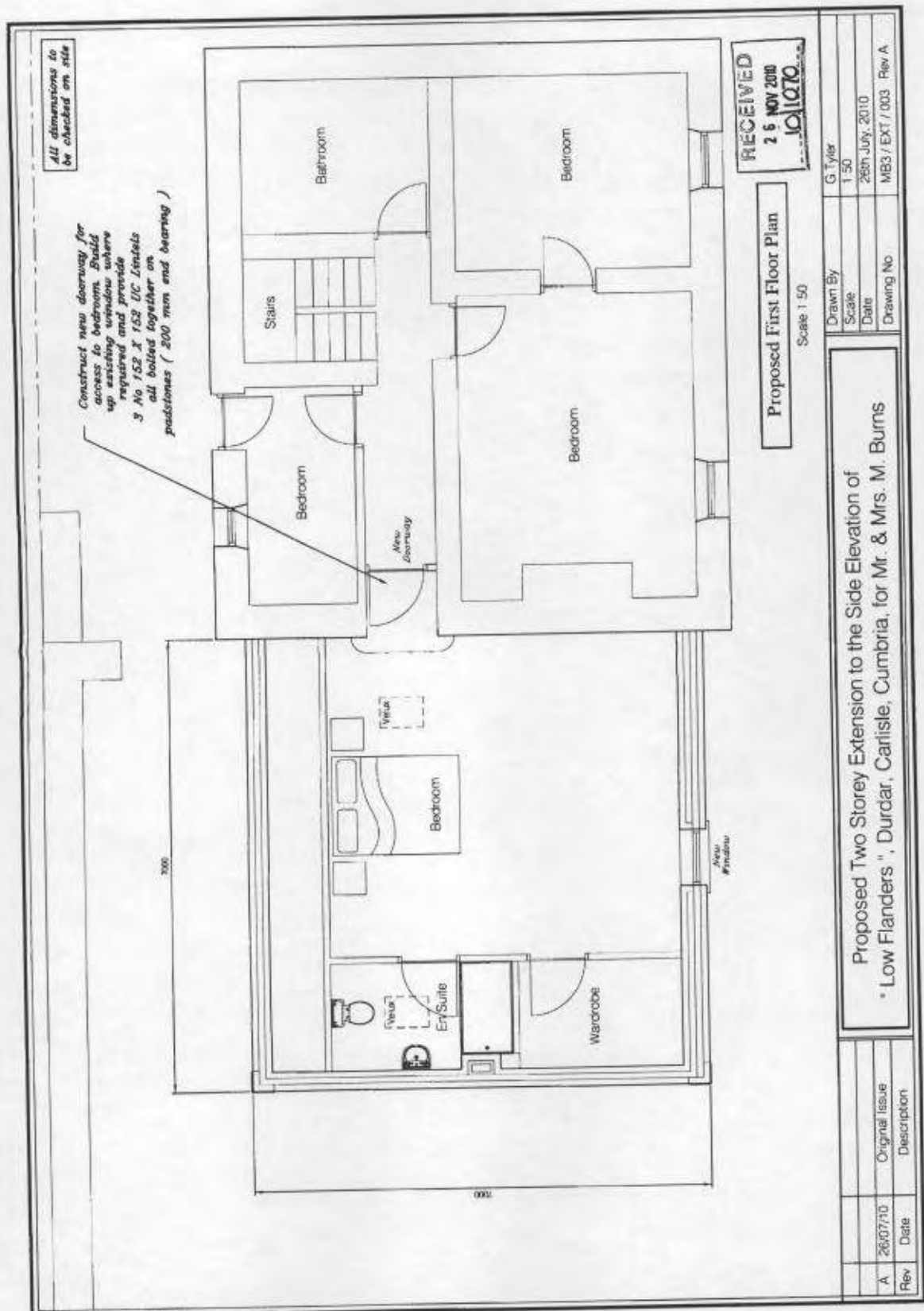
Proposed Two Storey Extension to the Side Elevation of
"Low Flanders", Durdar, Carlisle, Cumbria, for Mr. & Mrs. M. Burns

| | |
|------------|-----------------------|
| Drawn By | G. Tyler |
| Scale | 1:50 |
| Date | 26th July, 2010 |
| Drawing No | MB3 / EXT / 006 Rev A |

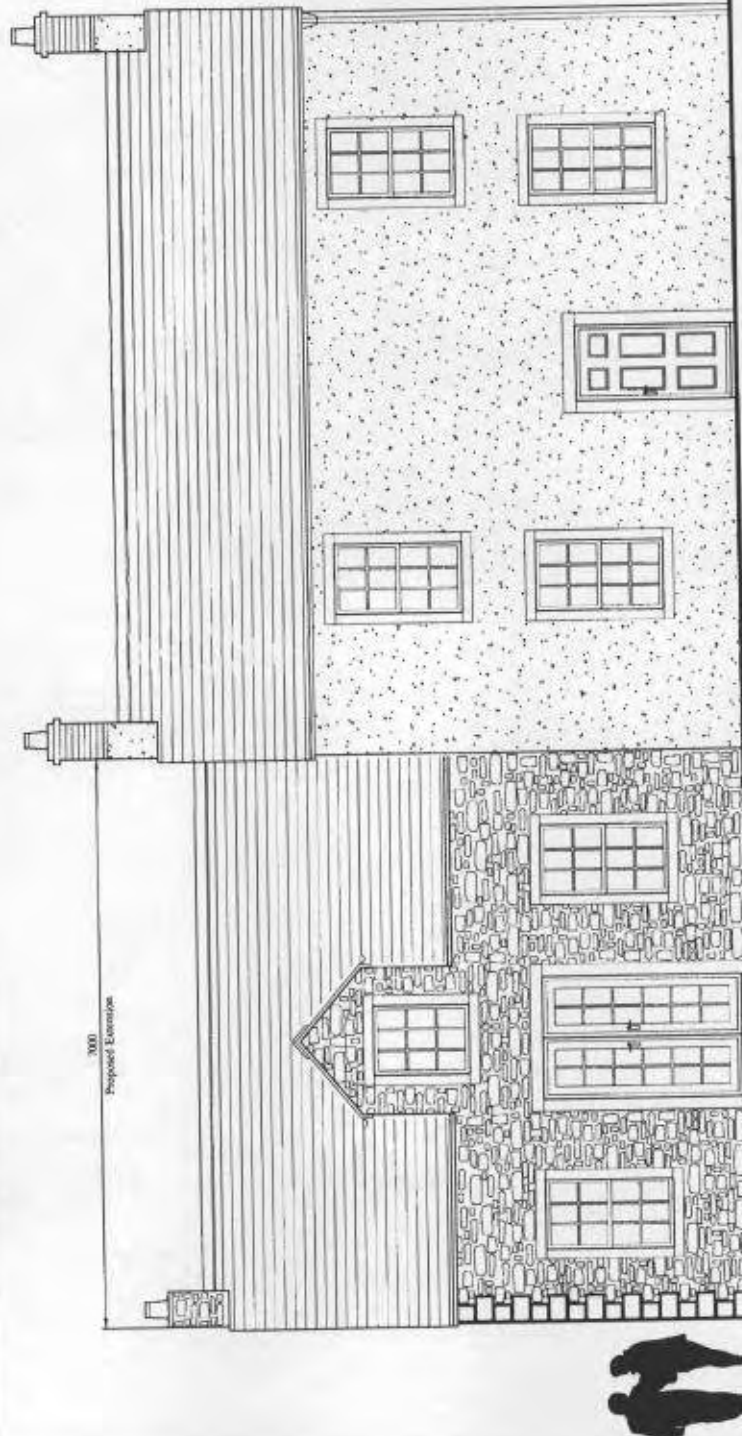
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|-----|----------|----------------------------|
| A | 26/07/10 | |

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| | | RECEIVED 26 NOV 2010 lallara | |
| | | Existing Front Elevation Scale 1:50 | |
| Proposed Two Storey Extension to the Side Elevation of *Low Flanders*, Durdar, Carlisle, Cumbria, for Mr. & Mrs. M. Burns | | Drawn By G. Tyler | Scale 1:50 |
| Rev A | | Date 26/07/10 | Date 26th July, 2010 |
| Description Original Issue | | Drawing No MB3 / EXT / 005 / Rev A | |





ROOF - All Shingles to match existing in style, colour & texture
 WALLS - All Flanders to match existing in style, colour & texture
 (Front Elevations to be random variations)
 WINDOWS - Hardwood (single glazed) colour - white



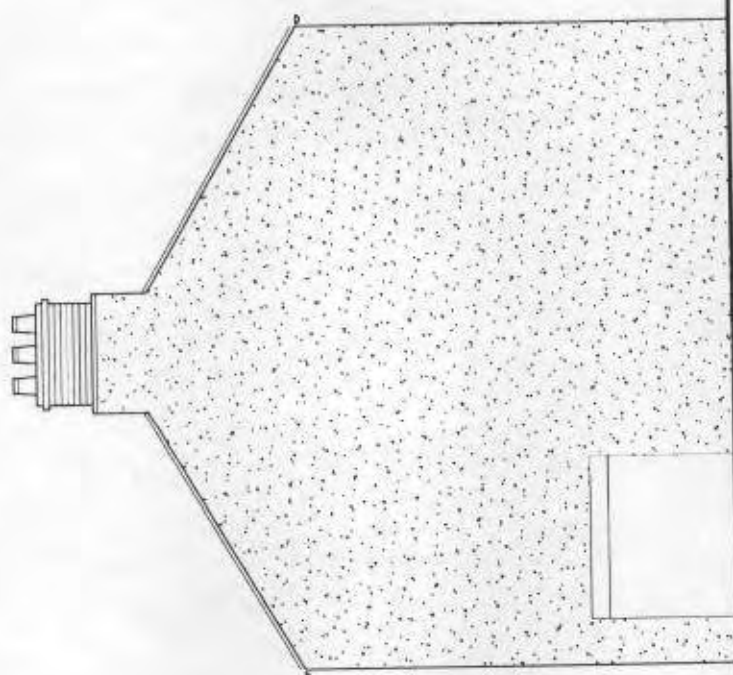
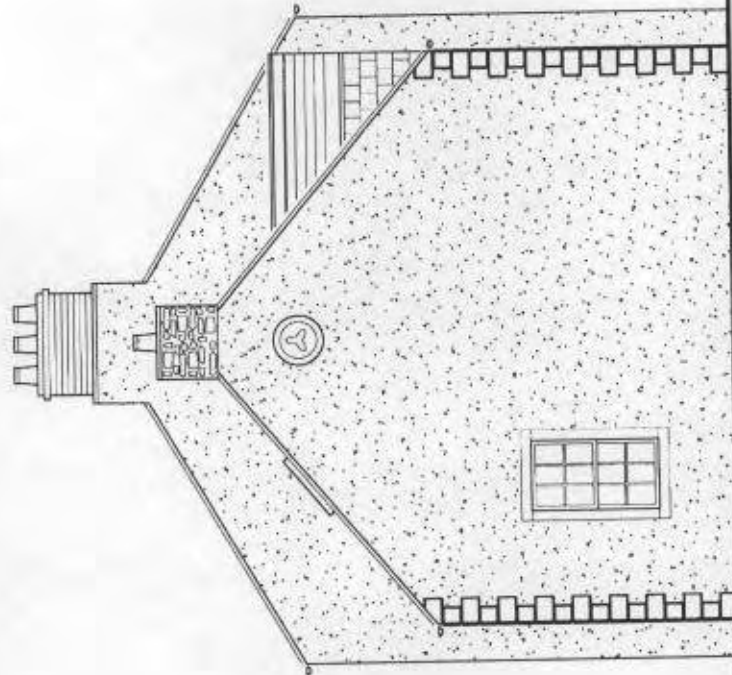
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Proposed Front Elevation
 Scale 1:50

| | |
|------------|-----------------------|
| Drawn By | G. Tyler |
| Scale | 1:50 |
| Date | 26th July, 2010 |
| Drawing No | MB3 / EXT / 001 Rev A |

Proposed Two Storey Extension to the Side Elevation of
 "Low Flanders", Durdar, Carlisle, Cumbria, for Mr. & Mrs. M. Burns

| Rev | Date | Description |
|-----|----------|----------------|
| A | 26/07/10 | Original Issue |

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|  | |  | |
| <p>Existing Side Elevation</p> <p>Scale 1:50</p> | | <p>Proposed Side Elevation</p> <p>Scale 1:50</p> | |
| <p>Proposed Single Storey Extension to the Side Elevation of</p> <p>* Low Flanders *, Durdar, Carlisle, Cumbria, for Mr. & Mrs. M. Burns</p> | | | |
| Rev | Date | Original Issue | Description |
| A | 26/07/10 | | |
| <p>Drawn By</p> <p>G Tyler</p> | | <p>Scale</p> <p>1:50</p> | |
| <p>Date</p> <p>26th July 2010</p> | | <p>Drawing No</p> <p>MB3 / EXT / 008</p> | |
| | | <p>Rev A</p> | |

RECEIVED
26 NOV 2010
10/1070

SCHEDULE A: Applications with Recommendation

10/1071

Item No: 10

Date of Committee: 28/01/2011

Appn Ref No:
10/1071

Applicant:
Mrs Burns

Parish:
Dalston

Date of Receipt:
01/12/2010

Agent:

Ward:
Dalston

Location:
Low Flanders, Dalston, Carlisle, CA5 7AF

Grid Reference:
338073 550160

Proposal: Proposed Two Storey Extension To The Side Elevation To Provide Lounge/Kitchen At Ground Floor Level And En Suite Bedroom At First Floor Level (LBC) (Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The Parish Council has objected to the proposal.

1. Constraints and Planning Policies

Listed Building

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

Local Plan Pol LE13 - Alterations to Listed Buildings

2. Summary of Consultation Responses

Dalston Parish Council: the extension is out of keeping and unsympathetic with the existing listed building in character and materials, despite amendments to the design (Policy LE12 - proposals affecting a Listed Building & Policy CP5 - design). Items noted as being incongruous being the dormer window, roof line and corner quoin stones.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-----------|------------|-------------|
| Honeypot | 08/12/10 | |
| Bank Barn | 08/12/10 | |

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

4. Planning History

- 4.1 In April 2006, planning permission was granted for a single-storey extension to the side elevation to provide kitchen and dining room (06/0193).
- 4.2 In July 2007, planning permission was granted for detached garage (07/0490).
- 4.3 In August/ September 2010, applications for planning permission and Listed Building Consent for a two-storey side extension to provide kitchen, dining and family room on ground floor with an en-suite bedroom above were withdrawn prior to determination (10/0635 & 10/0636).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking Listed Building Consent for the erection of a two-storey side extension at Low Flanders, Dalston. The existing dwelling, which is a Grade 2 Listed Building, is a three bedroom property, which is finished in render, under a slate roof. The dwelling has white timber painted sliding sash windows and white timber painted doors, which have stone surrounds. Chimneys are located at both ends of the roof.
- 5.2 Low Flanders is located on the southern side of a courtyard and has large garden to the front. A listed bank barn, which has planning permission for conversion to a dwelling, sits on the eastern side of the courtyard, whilst a single-storey dwelling (The Honeypot) is located on the northern side.
- 5.3 An application for planning permission (10/1070) for the extension has also been received.

Background

- 5.4 A single-storey extension, which has the same footprint as the proposed

two-storey extension, was granted planning permission in April 2006 and is currently under construction. No application for Listed Building Consent was requested for the single-storey extension.

The Proposal

- 5.5 This proposal is seeking planning permission for the erection of a two-storey side extension. The extension would be 7m square, with the front and rear elevations being stepped back behind the line of the front and rear elevations of the main dwelling. A kitchen/ dining area would be provided on the ground floor, with an en-suite bedroom above. The upper floor would largely be contained within the roofspace of the extension. A dormer window, which would sit at eaves level, would be added to the front elevation, with two rooflights being added to the rear roofslope. The eaves and ridge heights of the extension would be lower than those on the main dwelling. The front elevation of the extension would be constructed of stone, with the side and rear elevations being rendered to match the existing dwelling. The windows would be timber sliding sash to match those on the main dwelling and the French doors in the front elevation would be timber. Stone quoins and stone door and window surrounds would be incorporated and a chimney would be added to the western end of the roof.

Assessment

- 5.6 The proposal needs to be assessed against Policy LE13 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposal raises the following planning issues:
1. Whether The Scale And Design Are Appropriate To The Listed Building
- 5.8 Dalston Parish Council has objected to the proposal, as it considers that the extension is out of keeping with, and unsympathetic to, the existing Listed Building, in terms of character and materials. In particular, it considers that the dormer window, roofline and corner quoin stones are incongruous features.
- 5.9 Planning permission already exists for a single-storey extension and this has a stone front elevation and incorporates corner quoin stones. The existing dwelling also has corner quoin stones under the render and the applicant is intending to remove the render so these become visible.
- 5.10 The City Councils Conservation Officer has been involved in the development of this scheme, which is seeking to provide some accommodation in the roofspace, whilst also minimising the effect of this on the Listed Building. Whilst it is acknowledged that the roof pitch differs from that on the main dwelling, this is not uncommon and does not adversely affect the Listed Building. Similarly, the introduction of a small dormer window at eaves level is not untypical of smaller domestic properties within the villages surrounding Carlisle and does not detract from the Listed Building. The extension would be constructed of stone and render, with stone quoins and window and door

surrounds, under a slate roof and would incorporate timber sliding sash windows and timber doors. Given that the approved extension incorporated a stone front elevation and corner quoin stones and the main dwelling has stone quoins under the render (which the applicant is intending to remove), the choice of materials is acceptable. The Council's Conservation Officer has, therefore, raised no objections to the proposal. In light of the above, the scale and design of the proposed extension would be acceptable and it would not adversely affect the listed building.

Conclusion

- 5.11 In overall terms, the scale and design of the proposal would be acceptable and it would not have an adverse impact on the listed building. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. The 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 Design & Access Statement (received 26th November 2010);
 3. Site Location Plan (received 26th November 2010);
 4. Block Plan (received 26th November 2010);
 5. Proposed Front Elevation (drawing MB3/EXT/001 Rev A, received 26th November 2010);
 6. Proposed Side & Rear Elevations (drawing MB3/EXT/002 Rev A, received 26th November 2010);
 7. Proposed First Floor Plan (drawing MB3/EXT/003 Rev A, received 26th November 2010);
 8. Sections (drawing MB3/EXT/004 Rev A, received 26th November 2010);
 9. Existing Front Elevation (drawing MB3/EXT/005 Rev A, received 26th November 2010);
 10. Existing Ground Floor Plan (drawing MB3/EXT/006 Rev A, received 26th November 2010);
 11. Proposed Ground Floor Plan (drawing MB3/EXT/007 Rev A, received 26th November 2010);
 12. Existing/ Proposed Side Elevation (drawing MB3/EXT/008 Rev A, received 26th November 2010);
 13. Existing First Floor Plan (drawing MB3/EXT/009 Rev A, received 26th November 2010);
 14. the Notice of Decision; and
 15. 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 and to ensure a satisfactory external appearance for the completed development.

SCHEDULE A: Applications with Recommendation

10/1107

Item No: 11

Date of Committee: 28/01/2011

Appn Ref No:
10/1107

Applicant:
Mr G Batey

Parish:
Stanwix Rural

Date of Receipt:
15/12/2010

Agent:
HTGL Architects

Ward:
Stanwix Rural

Location:
Parkfoot, The Knells, Houghton, Carlisle, CA6 4JG

Grid Reference:
341115 560247

Proposal: Internal Alterations To Provide First Floor Within Roof Space; Installation Of Velux Rooflights And Single Storey Extension To Provide Day Room

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as an objection has been received from the Parish Council.

1. Constraints and Planning Policies

Ancient Monument

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol H11 - Extns to Existing Resid. Premises

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

2. Summary of Consultation Responses

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

Stanwix Rural Parish Council: the Parish Council objects to the application due to the presence of skylights in the north-west roof elevation. These skylights are considered detrimental to the privacy and amenity of residents in close proximity of the property and contravening the original decision notice 02/0541, item 13, that stated 'no additional windows, skylights or dormers shall be inserted on the northern, western and eastern elevations without the prior consent of the local planning authority';

English Heritage - North West Region: the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice; and

Hadrians Wall Heritage Limited: comments awaited.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|----------|------------|-------------|
| Parkside | 20/12/10 | |
| Seefeld | 20/12/10 | |

3.1 This application has been advertised by means of notification letters sent to the occupier of two of the neighbouring properties. At the time of writing this report, one verbal objection has been received and the main issues raised are summarised as follows:

1. the development would not be in keeping with the local environment in that the extension would extend the building further to the rear of the neighbouring property;
2. the building would result in an unreasonable loss of daylight to the bedroom and garden of the adjacent property, particularly in the winter months;
3. there are numerous outbuildings and structures within the curtilage adjacent to the boundary and the extension would exaggerate this;
4. there is no 'need' for an extension as the applicant does not need to have a covered area to the decking;
5. if permission is granted, the building could be granted larger than the approved scheme and then permission sought retrospectively;
6. the extension would be closer to the neighbouring property than the drawings illustrate; and
7. the property, together with the extension and the neighbouring property 'Parkside' enclose and dominate the objector's property.

4. Planning History

- 4.1 In 2002, under application 02/0541, outline planning permission was granted for the erection of a bungalow.

4.2 In 2002, under application 02/1192, a reserved matters application was granted for the erection of a bungalow.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application seeks "Full" planning permission for an extension and alterations to Parkfoot, The Knells, Houghton, Carlisle. The proposal relates to a detached property located within a large curtilage. Park Foot is located within the settlement to the east of the County highway. To the immediate north of the site there are bungalows in the form of Parkside, and San Giorgi, and, a detached house called Little Bobbington. To the south there are a series of relatively large houses set within extensive grounds at Seefeld and Stonegarth. On the opposite side of the road there is an open field with a stable located in the southern corner.
- 5.2 The proposal involves the conversion of the first floor to provide additional living accommodation. This would comprise of 2no. bedrooms that would share ensuite facilities together with an additional ensuite bedroom. To facilitate the conversion, 1no. window would be installed on the north-east elevation to serve the shared ensuite facilities. It is proposed to install 6no. rooflights on the north-west roof slope and 2no. roof lights on the south east facing roof.
- 5.3 On the ground of the north-east elevation, it is proposed to extend the dining area to form a day room together with a covered veranda. The extension would be constructed from a brick plinth, painted render and cast stone quoins. The roof would be finished from natural slate and all materials would match those of the existing building.
- 5.4 The relevant planning policy against which the application is required to be assessed is Policies CP5, H11 and LE7 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

Assessment

1. The Impact On The Character And Appearance Of The Area
- 5.5 The property is located within the settlement and adjacent to residential properties. The house is set back 15 metres from the County highway and has a relatively narrow frontage of 13 metres in width. As the site extends to the south-west and the footprint of the property starts, the width of the site widens and as it does so, the garden wraps around the rear of the adjacent curtilage, Parkside. The garden runs eastwards before returning south-east

parallel with the opposite site boundary.

- 5.6 There would be a glimpsed view of the site along the northern boundary between the applicant's garage and the gable of the adjacent property; however, given the distance from the boundary and the intervening outbuildings, views of the day room extension would be minimal. The site is also bounded to the front by a brick wall and pillars with timber panel fencing that further serves to screen the site. The rooflights on the north-west roof slope would be visible from outwith the site but would not be unduly obtrusive or conspicuous. Accordingly, neither the extension nor the alterations to the roof would adversely affect the character or appearance of the area.

2. Whether The Proposal Is Appropriate To The Dwelling

- 5.7 The proposed extension would be built on the gable of the property and would be visible from the neighbouring property and as previously stated, there would be marginal glimpsed views from outwith the site. As such, the extension would affect the character and appearance of the property; however, the extension would measure 5 metres in length by 7.4 metres in width and the footprint would, therefore, be proportionate to the property. The materials would match those of the existing property. The ridge height of the extension would be lower than the existing eaves height and would appear subservient and a sympathetic extension to the property.
- 5.8 The structure of the roof of the property would be unaltered with only internal alterations and the insertion of the rooflights required providing the habitable accommodation. The rooflights would not detract from the overall character or appearance of the building.

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

- 5.9 The adjacent property, Park Side faces the application site and the extension and alterations to the roof would be visible from the neighbouring property. Park Side has windows on the rear elevation that would face the application site, it is appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 12 metres is provided between primary windows and a blank gable and 21 metres between primary facing windows.
- 5.10 The two sites are separated by a timber fence that is approximately 1.7 metres in height. The extension would be approximately 17.2 metres from the nearest window of the neighbouring property that serves a bedroom. No windows are proposed in the elevation that would face the neighbouring property and this fact, coupled with the distance between the extension and the adjacent property, the boundary treatment, and, to a degree, the intervening outbuildings of both the applicant and the objector, the extension will not result in overlooking or loss of privacy to the occupiers of the neighbouring property.
- 5.11 The nearest rooflight would be approximately 18 metres from the bedroom

window of the neighbouring property. There would be an oblique angle between the two windows and whilst it will be possible to look out from the rooflight, this is more difficult than a conventional window due to the height above floor level. Again, no loss of privacy or overlooking would occur from this aspect of the development.

- 5.12 The ridge height of the dwelling would be 4 metres extending to 4.8 for the area above the veranda. Given the physical relationship of the application site with adjacent property that is to the north-west, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The extension will be visible from the neighbouring property but the siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

4. Development within the Hadrian's Wall Buffer Zone

- 5.13 The extension to the footprint of the building is minimal and no objection has been raised by English Heritage. The proposal would, therefore, not adversely affect the character or setting of the Buffer Zone or prejudice any archaeological issues.

5. Other Matters

- 5.14 The objector has raised concerns that if granted, the extension may be built larger than the scheme that is being applied for and a retrospective consent may be sought and subsequently granted. Members are being asked to consider the scheme presented as part of this application. If alterations are made, the applicant would be entitled to submit a revised application that would have to be considered on its merits. There is no suggestion that this would happen and this argument should not prejudice the determination of this application.
- 5.15 The objector cites that there is no 'need' for the development. It would not be reasonable to determine the application on the basis of need. The Local Planning Authority should determine the application on the basis of current policy criteria, an assessment of which is made in the preceding paragraphs of this report.

Conclusion

- 5.16 In overall terms, the proposal would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the extension to the property is appropriate to the site and the character and appearance of the area would not be adversely affected. In all aspects the proposal would be 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. the Location Plan drawing no. 1726.14 received 15th December 2010;
3. the Block/ Site Plan As Proposed drawing no. 1726.13 received 10th December 2010;
4. the Plan As Existing drawing no. 1726.06 received 10th December 2010;
5. the Section & Elevations As Existing drawing no. 1726.07 received 10th December 2010;
6. the Ground Floor Plans As Proposed drawing no. 1726.10A received 10th December 2010;
7. the First Floor Plan & Section DD As Proposed drawing no. 1726.11A

- received 10th December 2010;
8. the Elevations & Sections As Proposed drawing no. 1726.12A received 10th December 2010;
 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.



North Point

HTGL
ARCHITECTS

l i m i t e d

15 Brunswick Street

Carlisle CA1 1PB

Tel: 01228 521887

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mail@htgl.demon.co.uk



Client: Mr G Bailey

Project: Parkhouse
The Facilities
Houghton
Carlisle

Title: Location Plan

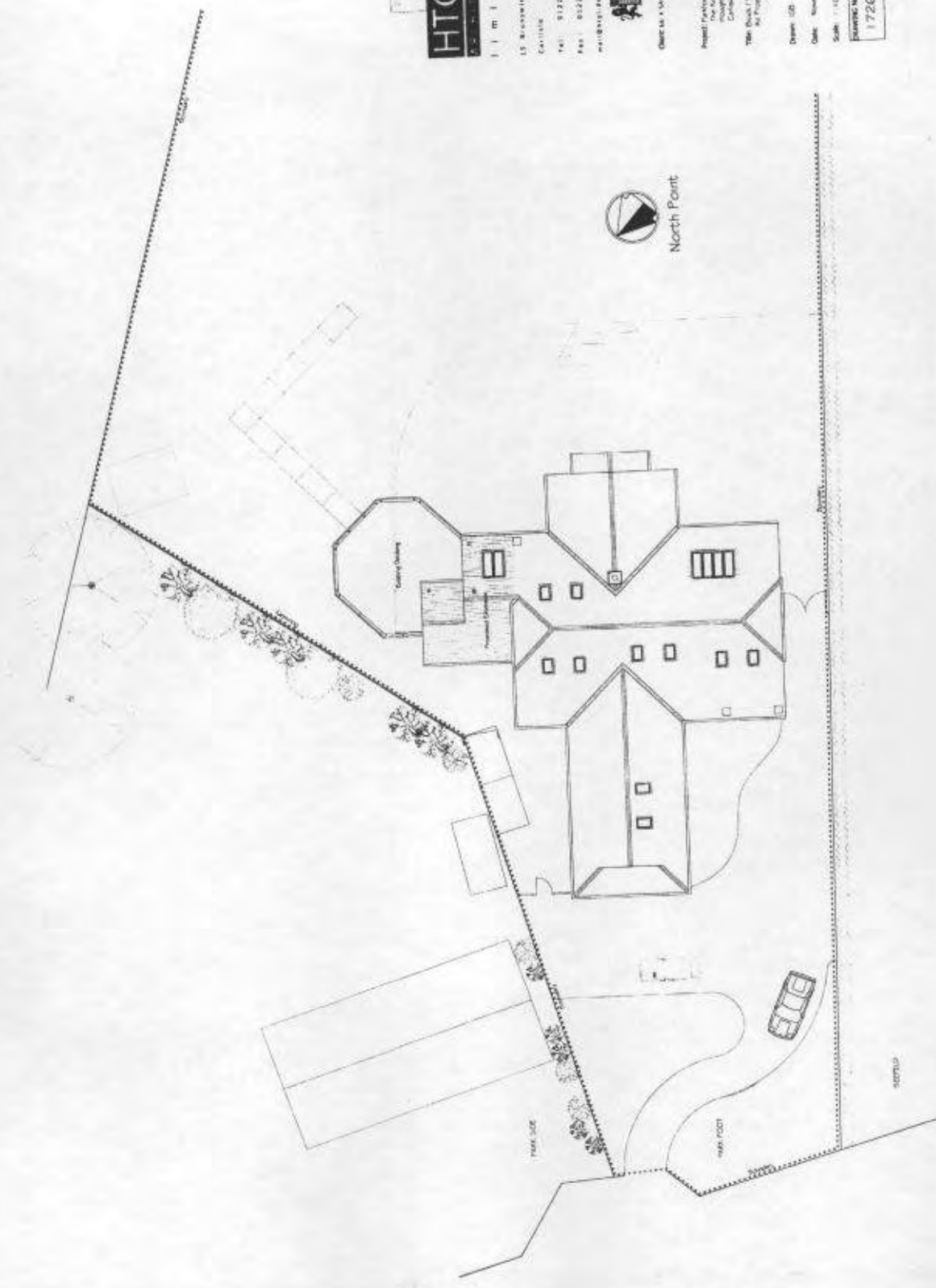
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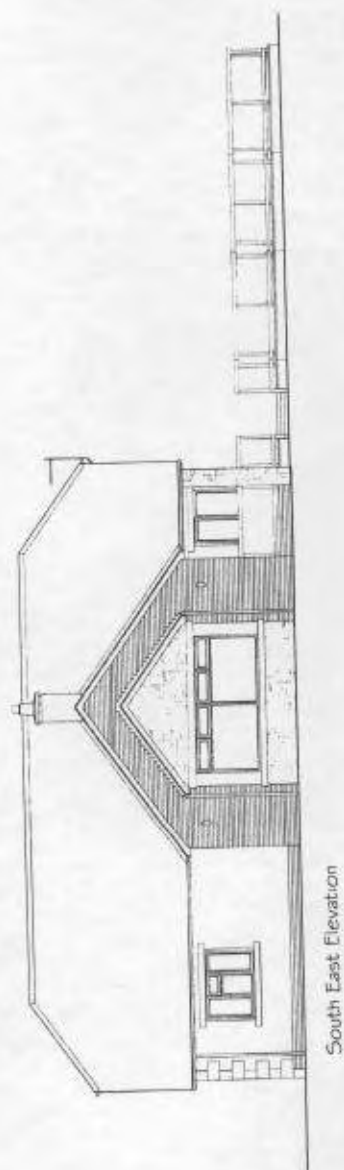
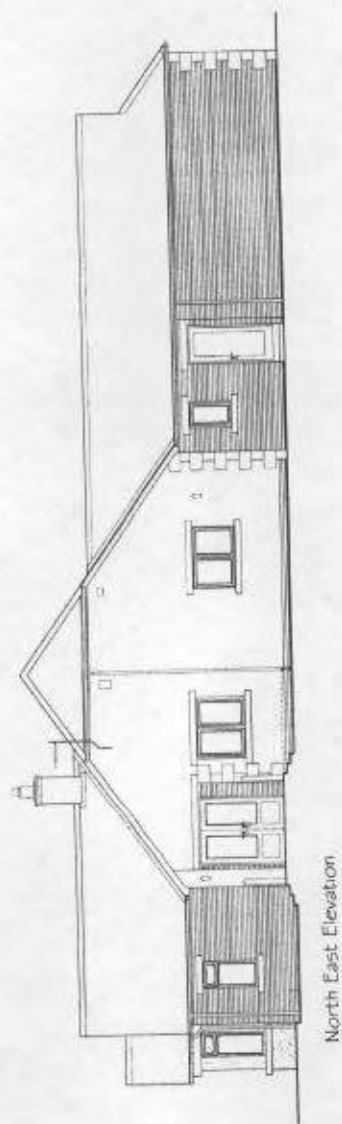
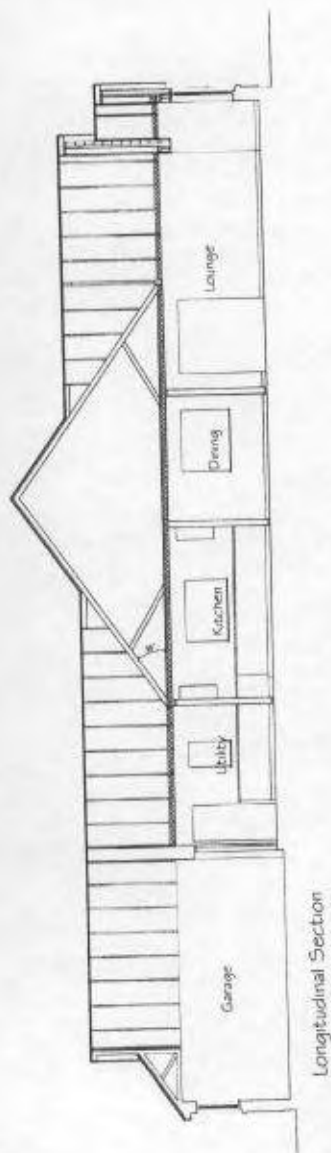
DRAWING No.
1726.14





1530 and 10107
HTGL
 Limited
 15 Woodside Street
 Cambridge, MA 02148
 Tel: 617 252 5210
 Fax: 617 252 4186
 email: info@htgl.com
 Client: Mr & Mrs G. Bailey
 Project: Parkhouse
 Location: Cambridge
 Title: Block 1 Site Plan
 for Proposals
 Design: GSB
 Date: November 2010
 Scale: 1:100
 Drawing No: 1726.13





HTGL
ARCHITECTS

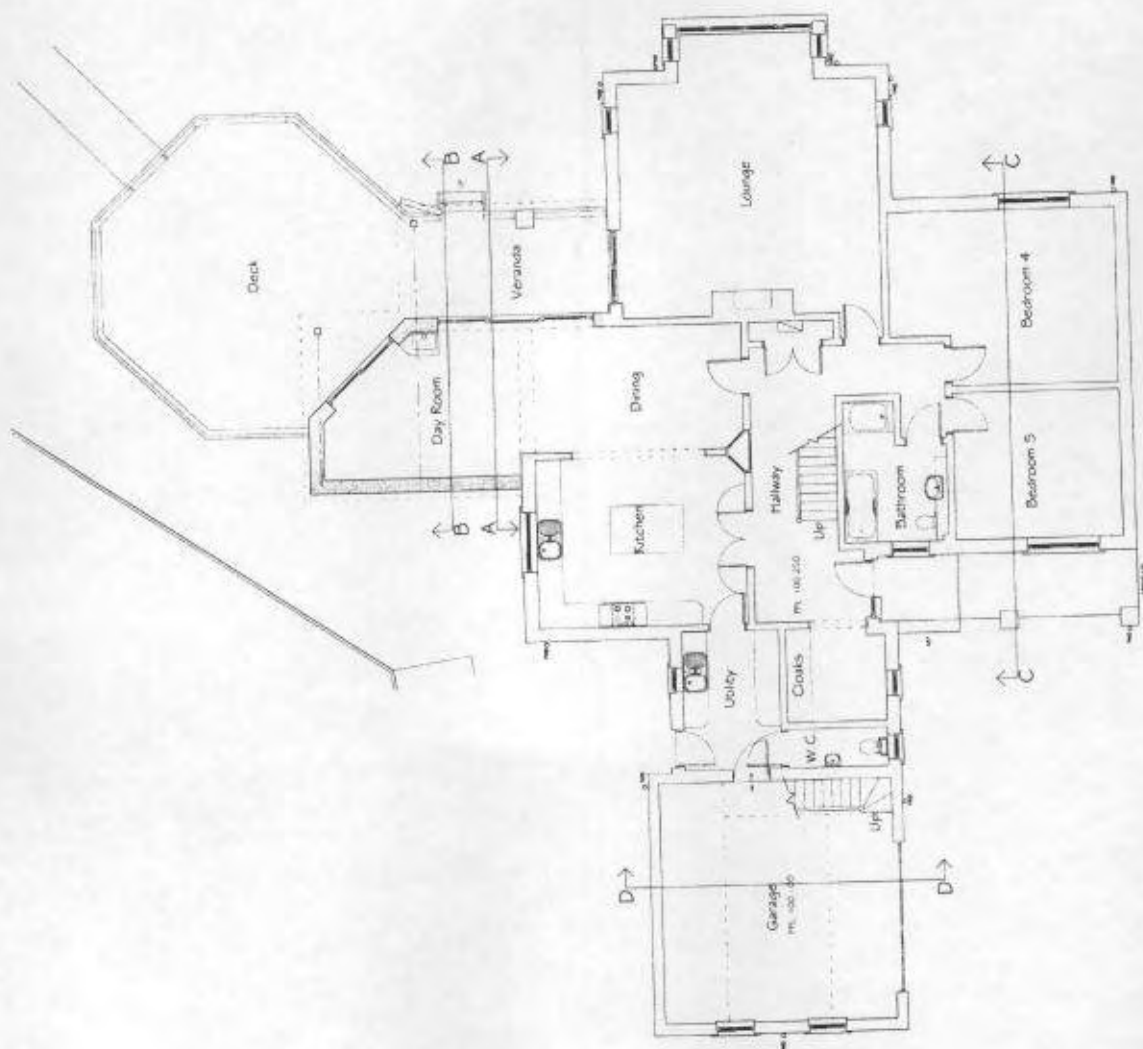
HTGL
ARCHITECTS

13 Riverside Street
Saskatoon, Sask. S7N 1A6
Tel: 81228 12100
Fax: 81228 81355
www.htgl.ca



Client: Mr & Mrs S. Bailey
Project: Parkside
The House
Saskatoon, Canada
Phase 2
Design & Construction
Design: HTGL
Date: September 2010
Scale: 1/20'

Project No: 1726/07



Ground Floor Plan

HTGL
Housing & Town & Country Ltd
100, Station Road, Bournemouth, Dorset BH1 1JL, UK

11 44 11 44 11 44

100, Station Road, Bournemouth, Dorset BH1 1JL, UK

Call 01202 531181

Tel: 01202 531181

Fax: 01202 410001

htgl@btinternet.com



Other HTGL sites

Project: 100, Station Road, Bournemouth, Dorset BH1 1JL, UK

The Ground Floor Plan

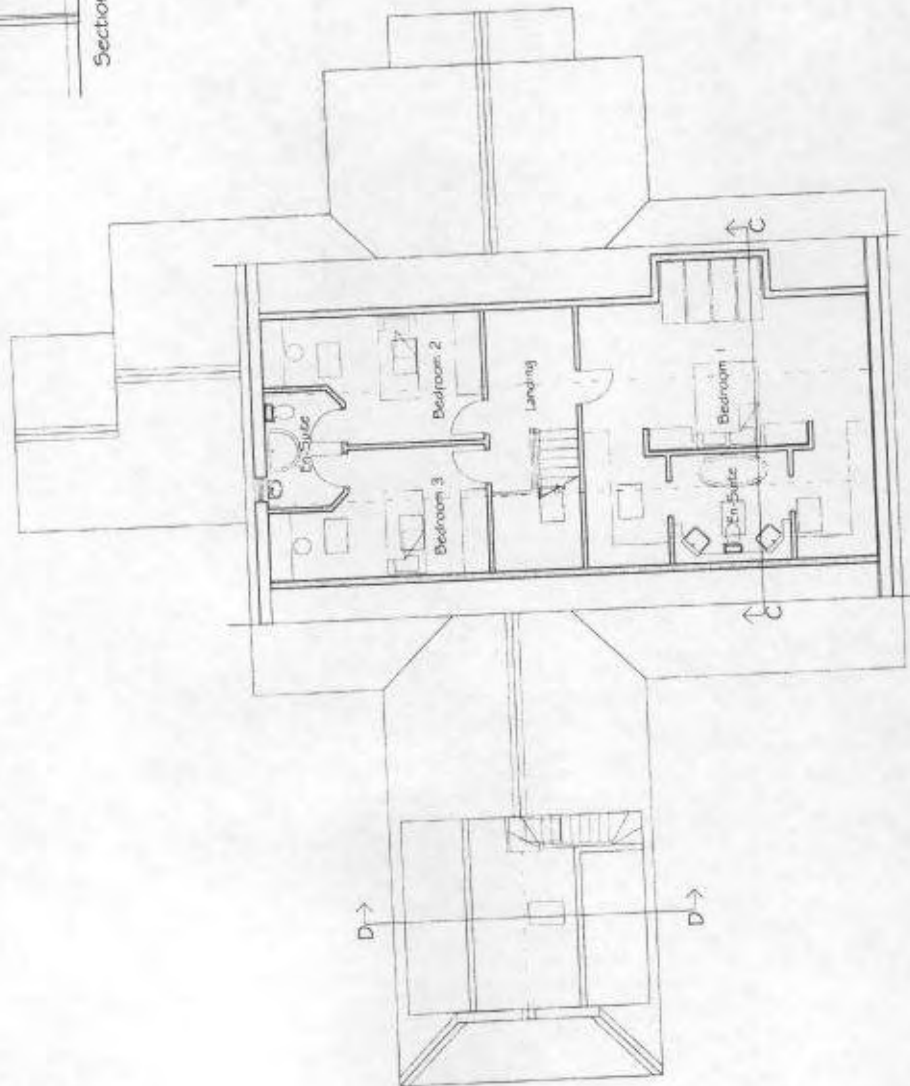
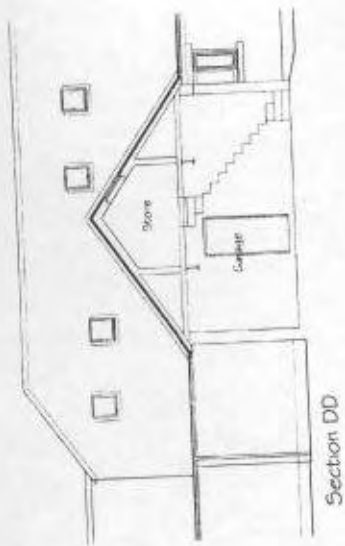
As Proposed

Drawn: 10/10/01

Date: 10/10/01

Scale: 1:50

Document No: 1.726.10 A



First Floor Plan

HTGL
ARCHITECTS

11 m i t e d

15, Bouverie Street
Sydney NSW 2000
Tel: 02 9238 5100
Fax: 02 9238 5100
www.htgl.com.au



Client: M G Bailey

Project: 10/000
10/000
10/000

Other: 10/000
10/000
10/000

Drawn: JGC
Scale: 1:50

Date: 10/00
Scale: 1:50

Project No: 1726.11 A

1726.11 A

SCHEDULE A: Applications with Recommendation

10/0965

Item No: 12

Date of Committee: 28/01/2011

Appn Ref No:
10/0965

Applicant:
Citadel Estates

Parish:
Hayton

Date of Receipt:
09/11/2010

Agent:
Sandy Johnston

Ward:
Great Corby & Geltsdale

Location:
Former Laboratories, Talkin, CA8 1LE

Grid Reference:
354900 557449

Proposal: Demolition Of Existing Laboratory Building; Erection Of Terrace Of 4No. Dwellings

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as the proposal is contrary Policy H1 of the Carlisle District Local Plan 2001-2016.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LE29 - Land Affected by Contamination

2. Summary of Consultation Responses

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

Local Environment - Drainage Engineer: comments awaited;

United Utilities: no objection to the proposed development.

If possible the site should be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/ watercourse/ surface water sewer and may require the consent of the Environment Agency;

Natural England: the following comments have been received:

Protected Areas

Natural England 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.

Protected Species

The information submitted with the planning application includes the report “Survey for bats at Talkin village disused laboratory, Ref: 101083”. This information provided identifies that bats and nesting birds which are legally protected species, might be affected by the proposal. Such protected species are a **material consideration** in planning terms as stated in Part IV paragraphs 98 and 99 of *Circular 06/2005* which accompanies PPS9, “*Biodiversity and Geological Conservation*”.

The report indicates that, whilst the survey did not identify any signs of bats, there were a number of crevices that had potential for bats to roost in them. In addition, one of the crevices was confirmed to be used by nesting birds.

The report makes a number of recommendations regarding mitigation for protected species within sections F1 and G1. Natural England is unable to provide detailed advice on mitigation in this case but recommend that the local Authority consider the requirements of protected species in the determination of this application.

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 Natural England’s Bat Mitigation Guidelines, which can be downloaded from the website via the link below:
<http://naturalengland.etraderstores.com/NaturalEnglandShop/product.aspx?ProductId=101083>

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.

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 our website via the link below:
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 Natural England 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 Natural England 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;

Local Environment - Environmental Protection: there are no objections in principle to the above application; however, the following matters need to be considered.

Taking into account the desk study report, it is recommended that targeted investigation and risk assessment is carried out in areas of concern i.e. the made ground area around the diesel tank and other areas of potential contamination.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. This contamination would need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The reason for these comments is to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors;

Planning Policy & Conservation: the proposal is for the redevelopment of a former laboratory site in Talkin village with four dwellings. Talkin has a limited range of facilities and as such is not considered to be a sustainable location (in Policy H1 of the Carlisle District Local Plan) for open market/ unrestricted residential development. On this basis new residential development is restricted to small scale infilling which is evidenced by a local need for the proposed occupant to live in the particular location. This proposal is for three open market dwellings and one affordable unit for rent. Whilst the affordable unit would comply with policy as it would be meeting an identified need for affordable housing in the rural east area, no evidence has been provided with the application to justify a local need for the other three dwellings.

In the submitted Design and Access Statement the applicant makes reference to the three open market dwellings as meeting an 'intermediate' affordable housing need in paragraphs 3.1 and 3.2, however PPS3 makes it clear in Annex B that 'low cost market' housing may not be considered for planning purposes as affordable housing. The proposed open market dwellings would therefore not contribute towards meeting the need for affordable housing in this area.

For the above reasons the proposal does not comply with policies DP1 and H1 of the Local Plan;

Housing Strategy: comments awaited; and

Hayton Parish Council: comments awaited.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|-----------------------|------------|-------------|
| Garthside | 16/11/10 | Objection |
| Dale Cottage | 16/11/10 | |
| Townfoot Farm Cottage | 16/11/10 | |
| Bushby Cottage | 16/11/10 | |
| Tea Tree House | 16/11/10 | |

| | | |
|--------------------|----------|--------------|
| Townfoot Cottage | 16/11/10 | |
| Cherry Garth | 16/11/10 | |
| 1 Graham Cottages | 16/11/10 | |
| 2 Graham Cottages | 16/11/10 | |
| Ash Tree Barn | | Objection |
| Banktop House | | Objection |
| Townfoot Farmhouse | | Objection |
| Corner House | | Comment Only |
| Hamel Croft | | Objection |
| Tarn View | | Objection |
| Talkin Head | | Objection |

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of nine of the neighbouring properties. At the time of writing this report, eight letters of objection have been received and the main issues raised are summarised as follows:

1. the plans do not indicate clearly the height of the proposed development, nor indicate whether the rising ground behind the existing laboratory building will be flattened before being built upon. In other words the total height of the building from the road level is unclear, though inevitably substantial;
2. the need for such a development is questioned as there are many unoccupied developments in the immediate area. There is no shortage of available housing near Talkin;
3. the proposed buildings are out of character with this beautiful village. Their construction involves the destruction of the beautiful old front of the laboratory building, which previously was a Smithy and dates from at least the 19th century. A part of the village's history will be destroyed;
4. the substitution of the two storey series of buildings for a single storey one will result in the road looking like any urban development, and the new buildings will dominate the village. Such new building threatens to transform a peaceful and tranquil village, much loved by residents and visitors alike;
5. the development is too dense for the site. A maximum of one or two houses would fit in within the footprint of the existing building (the application extends the footprint by around 50%);
6. any houses on this site should be affordable as the applicant has made clear in his findings;
7. the toilets are not large enough for disabled access which are a requirement of new houses;
8. the plans are ambiguous as they do not show the relationship with adjacent buildings;
9. the plans indicate that the front and rear entrances to the houses are level

with the road but the existing building is several feet below the road level;

10. the applicant proposes to raise the level of the existing access by 2.16 metres. This would effectively deny access to neighbouring driveways;
11. the plans make provision for one car per house which is unrealistic as many couples or families in the likely income bracket now have two cars, particularly if they live in a village like Talkin without alternative means of transport, apart from a bus one day a week. Where will the second cars be parked?
12. the road adjacent is full to capacity and is too narrow for cars to be parked on both sides;
13. the entrance to the village from the north, from Brampton and Carlisle, is through a narrow gap between two houses. Significant additional traffic, which will have to turn sharply to enter the site, will create a hazard;
14. it is likely that the developer, if successful, will then seek to extend the site, building further dwellings behind, and on higher ground. In other words we think this could be the start of an estate of houses which would dramatically change the nature of the village.

3.2 Following the receipt of further information, no additional representations have been received at the time of writing this report.

4. Planning History

- 4.1 There is no planning history for the site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks "Full" planning permission for the erection of four dwellings at the former laboratories, Talkin, Brampton. The site comprises of a single storey building of sandstone with painted render to the rear under a slate roof. The site is located within the village envelope towards the northern fringe of the village and is within a Landscape of County Importance.
- 5.2 The site is at a much lower level than the adjacent County highway. To the west and opposite the site is a row of terraced two storey properties of traditional construction that also incorporate interesting vernacular features. Immediately to the south is a large detached two storey property that has recently been constructed. Further to the north are further houses. The land rises steeply to the east that leads onto open countryside. Access to the site is to the north of the building and is shared by the former research offices that are located close to the site to the north.

- 5.3 The proposal would involve the demolition of the existing building and erection of a terrace of 4no. linked properties. The houses would be sited further back from the front boundary than the existing building, varying from 9.4 metres to 10 metres and would occupy a similar width across the frontage as the existing. The two storey houses would be constructed from sandstone to the frontage and the gables with painted render to the rear. The roofs would be natural slate. The building would incorporate stone quoins and stone detail around the windows. Also as part of the development, the buildings would include conservation style roof lights, ventilation slit windows, arched windows to the gable and stone verges.
- 5.4 The accommodation to be provided within each of the properties would comprise of a kitchen/ dining area, lounge, utility room and W.C. on the ground floor with 2no. bedrooms and a bathroom above. Each property would have two dedicated parking spaces to the rear of the site and the rear boundary of the site would be extended into the adjacent field to accommodate this.
- 5.5 The foul drainage system would connect into a private package treatment plant.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP1, CP3, CP5, CP9, CP12, H1, H2, T1 and LE29 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
1. Principle Of Residential Development In Rural Area
- 5.7 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.
- 5.8 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.
- 5.9 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected

villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

- 5.10 The application site lies within Talkin, which is identified as a sustainable settlement under Policy H1 of the adopted Local Plan which states that small scale infill development will be acceptable providing that compliance with seven specific criteria is achievable on site and provided that the development would be meet an identified local housing need.
- 5.11 When the application was submitted, the applicant proposed to provide one affordable property available for rent with the remaining three houses being sold on the open market. The Council's Local Plans Officer initially raised objections to the proposal on the basis that although Talkin has a limited range of facilities it is not considered to be a sustainable location for open market/ unrestricted residential development. The response continues that whilst the affordable unit would comply with policy as it would be meeting an identified need for affordable housing in the rural east area, no evidence has been provided with the application to justify a local need for the other three dwellings. In conclusion, the Local Plans Officer acknowledges that whilst the applicant makes reference to the three open market dwellings as meeting an 'intermediate' affordable housing, PPS3 makes it clear that 'low cost market' housing may not be considered for planning purposes as affordable housing. The proposed open market dwellings would therefore not contribute towards meeting the need for affordable housing in this area.
- 5.12 Following the original submission and the receipt of the these comments, the details of the application have changed and two properties would be affordable rented properties. Further comments area awaited from the Local Plans Officer and should be available for Members prior to the Committee meeting.
- 5.13 The proposal as submitted, therefore, does not fully accord with the requirements of the Local Plan; however, each application has to be considered on its own merits and Section 54A of the Town and Country Planning Act 1990 states:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

- 5.14 In short, where the development plan has policies which affect the proposal they will dictate the decision unless there are other material considerations which should take precedence. Other material considerations need to be both significant and unique to the proposal to prevent the decision being used as a precedent for subsequent applications elsewhere.

- 5.15 Unless the proposal involves a level of development where an element of affordable housing is under the Local Plan policy, rented properties are rarely built in the rural area. The proposal would provide not only rented properties but they would be rented at a discounted rate in perpetuity, an approach which is supported by the Council's Housing Strategy Officer. He states that the by providing two units for rent at an affordable rate, the development will contribute to some much needed affordable rented housing in this locality. There is an identified housing need in the Carlisle rural east area which, in 2009, the Strategic Housing Market Assessment identified as being 106 affordable units per year. At present, the delivery of affordable units is extremely limited and there are currently 70 qualifying persons on the Council's waiting list under the Low Cost Housing Scheme.
- 5.16 The two affordable units would be secured through a S106 agreement. The remaining properties for sale on the open market and due to their size would be sold below the average house price for the area. A report prepared by the Cumberland Building Society on behalf of the applicant shows that the plots 1 and 2 could sell for £175,000 and £170,000 respectively compared to the market average of £271,962, which is 64% and 63 percent of this average. Although it is not intended that these properties would be bound by a S106 agreement, it is clear that their scale means that they will incorporate an element of affordability through their physicality. The two dwellings for sale would provide an element of enabling development to allow the provision of the affordable units.
- 5.17 Talkin is identified as a settlement where additional housing will be considered, albeit provided that it meets a local need. It is not a location where additional housing will not be considered per se; therefore, Members need to consider the merits of providing rented affordable housing against the harm that would occur as a result of the development. In this instance, the site is a brown field site within the village that was previously in commercial use. The applicant has marketed the site as such but no reuse for commercial purposes has been forthcoming. The reuse of the site for houses in a residential area would be appropriate.
- 5.18 Whilst the application involves utilising an area of agricultural land to the rear, there is no objection to use this to facilitate the development. There is no defined boundary to the village from the rear of the existing properties. The land rises away from the site and the adjoining land is also owned by the applicant. There would no public views of the application site and the character and appearance of the area would not be adversely affected.

2. Scale, Siting And Design

- 5.19 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with

the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this frontage site within the village will have a significant impact on the character of the area.

- 5.20 As stated earlier in the report, there is an eclectic mix and density of properties in the village. The applicant's submission contains a drawing that illustrates the density of properties in part of the village. The terraced properties opposite occupy an area 269 square metres smaller than the application site but have 2 more dwellings on the land.
- 5.21 The terrace of properties to the west and directly opposite the application site is distinctive insofar as they are stone fronted with architectural detail and timber fascia boards. The applicant has tried to replicate some of these materials, features and scale and the frontage of the proposed development would be of high architectural merit.
- 5.22 The existing ground level adjacent to the access is 158.56 AOD and the finished floor level of the properties would be 159.00 AOD rising to 159.225 AOD at Unit 4 at the southern end of the site. In essence, the ground level of the site would be raised to accommodate the development. Some of the objectors have raised concerns that the scale of development would not be in keeping with the character of the area. Additional drawings have been received which show a cross section of the development with the properties opposite. These drawings show the eaves height of the adjacent properties to the west to be 163.87 AOD and the proposed eaves height of the dwellings to be 164.00 AOD which is directly comparable.
- 5.23 Whilst the terrace to the west abuts the pavement this is not a characteristic form of the built environment in the village; furthermore, there are both ground and first floor windows that directly face the site. It is therefore appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed properties have been set back from the frontage of the site to obtain this distance.
- 5.24 Given the restricted nature of the site, it would be appropriate to condition any planning consent that future alterations, extensions and outbuildings require planning consent.
4. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.
- 5.25 The reuse of the site for residential use is acceptable. The preceding paragraphs have dealt with the proximity of the proposed dwellings and the issue of overlooking. Although the site levels would be increased, the height of the dwellings would be comparable and in keeping with the row of terraced properties directly opposite the site. The site currently comprises a single storey building that is set down below the level of the road. The view of the site will undoubtedly alter from the neighbouring properties; however, the scale siting and design mean that the living conditions of the occupiers of that

property will not be compromised through loss of light, loss of privacy or over dominance.

- 5.26 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.

5. Highway Matters

- 5.27 The site is served from an existing vehicular access that leads from the County highway. The access comprises of a concrete apron which slopes steeply down to the site. Several objectors have raised concerns that the access is inappropriate to deal with the level of car parking use associated with the properties. The access would be improved insofar as the steep incline would be removed. The level of access has to be considered in terms of the previous use of the site. Members will note that the Highway Authority has raised no objection.
- 5.28 A further highway concern raised by neighbours relates to the level of car parking provision. Revised drawings show that 2no. car parking space would be provided for each property. No further comments have been received on this matter.
- 5.29 A neighbour has raised objections that if the ground level of the site is increased, access to neighbouring garages and driveways would be prohibited. The applicant has sought to clarify the existing and proposed ground levels on an additional drawing where the levels are annotated. The levels proposed are acceptable and involve alterations on the applicant's own land. This drawing has been the subject of reconsultation with the interested parties and no further comments have been received.

6. Other matters

- 5.30 The applicant's agent has confirmed that in respect of comments submitted by some objectors about the scale of the toilets, Building Control Officers have confirmed that the layout would comply with the appropriate legislative requirements.
- 5.31 The applicant has submitted a bat survey for the building. The report concludes that whilst the building could potentially be used by bats, there was no evidence to support this. Natural England has raised no objection to the proposal on this basis.

Conclusion

- 5.32 In overall terms, the proposal does not fully comply with planning policy insofar as not all the properties fulfil an identified local housing need; however, there are material considerations that warrant approval of this application. The development would provide two houses for rent at a

discounted affordable rate that would be secured in perpetuity. In this respect, the development far exceeds the tenure of housing required by Local Plan policies in that they would be for rent and affordable. A S106 agreement would be invoked to ensure that they remain available as such in perpetuity. The two open market houses are required to enable the development.

- 5.33 The dwellings would be set back from the frontage of the site and the scale, design and massing would be appropriate to the character and appearance of the area. Further, it proposes an appropriate design and use of vernacular materials such that the development that would be of a high standard and would be sympathetic to the character and appearance of the village.
- 5.34 The properties would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. The combination of these elements would result in a development that would enhance its appearance within the village and in all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

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 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 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 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:

1. the submitted planning application form;
2. the Proposed Location & Block Plans drawing no. 08/2010/00 received 26th October 2010;
3. the Site Survey drawing no. 08/2010/01 received 26th October 2010;
4. the Location Plan drawing no. 08/2010/00A received 21st December 2010;
5. the Proposed Site Plan drawing no. 08/2010/03 received 2nd November 2010;
6. the Block Plan Of Existing And Proposed drawing no. 08/2010/10 received 21st December 2010;
7. the Proposed Ground Floor Plan drawing no. 08/2010/04 received 2nd November 2010;
8. the Proposed First Floor Plan drawing no. 08/2010/05 received 2nd November 2010;
9. the Proposed North & East Elevations drawing no. 08/2010/06 received 2nd November 2010;
10. the Proposed South & West Elevations drawing no. 08/2010/07 received 2nd November 2010;
11. the Proposed South & West Elevations drawing no. 08/2010/07A received 21st December 2010;
12. the Survey For Bats received 26th October 2010;
13. the Supporting Statement 26th October 2010;
14. the Preliminary Geotechnical and Ground Contamination Desk Top Review received 2nd November 2010;
15. the Notice of Decision; and
16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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. The development shall then be undertaken in

accordance with the approved details.

Reason: To materials used are appropriate to the surrounding buildings and contribute to the character of the area in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. 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 before any site works commence. The development shall then be undertaken in accordance with the approved details.

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

5. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in accordance with details that have been submitted to and agreed in writing by Local Planning Authority in consultation with the Highway Authority.

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

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the

dwelling or north-west of unit 1 other than those expressly authorised by this permission, without the written consent of the Local Planning Authority.

Reason: To ensure that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. 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 prior to the commencement of the development hereby permitted. 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.

10. No development 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.

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

11. In the event that contamination is discovered within the site that was not previously identified in the Preliminary Geotechnical and Ground Contamination Desk Top Review works shall cease with immediate effect. No further works shall continue on site until such time as:

- (a) the Local Planning Authority has been notified in writing;
- (b) a detailed risk assessment shall be carried out to determine proposals as may be necessary for the remediation of the site;
- (c) there shall have been submitted to the Local Planning Authority the results of the detailed site investigation;
- (d) such remediation measures as are identified in the detailed site investigation shall be submitted to the Local Planning Authority for approval in writing; and,
- (e) such remediation proposals as are agreed by the Local Planning Authority shall have been completed to the reasonable satisfaction of the Local Planning Authority.

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

offside receptors in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

12. The development hereby approved shall be undertaken in accordance with paragraphs F1 and G1 of the "Survey For Bats At Talkin Village Disused Laboratory" submitted by Sally Phillips received on 26th October 2010.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981 in accordance with the objectives of Policy CP2 of the Carlisle District Local Plan 2001-2016.

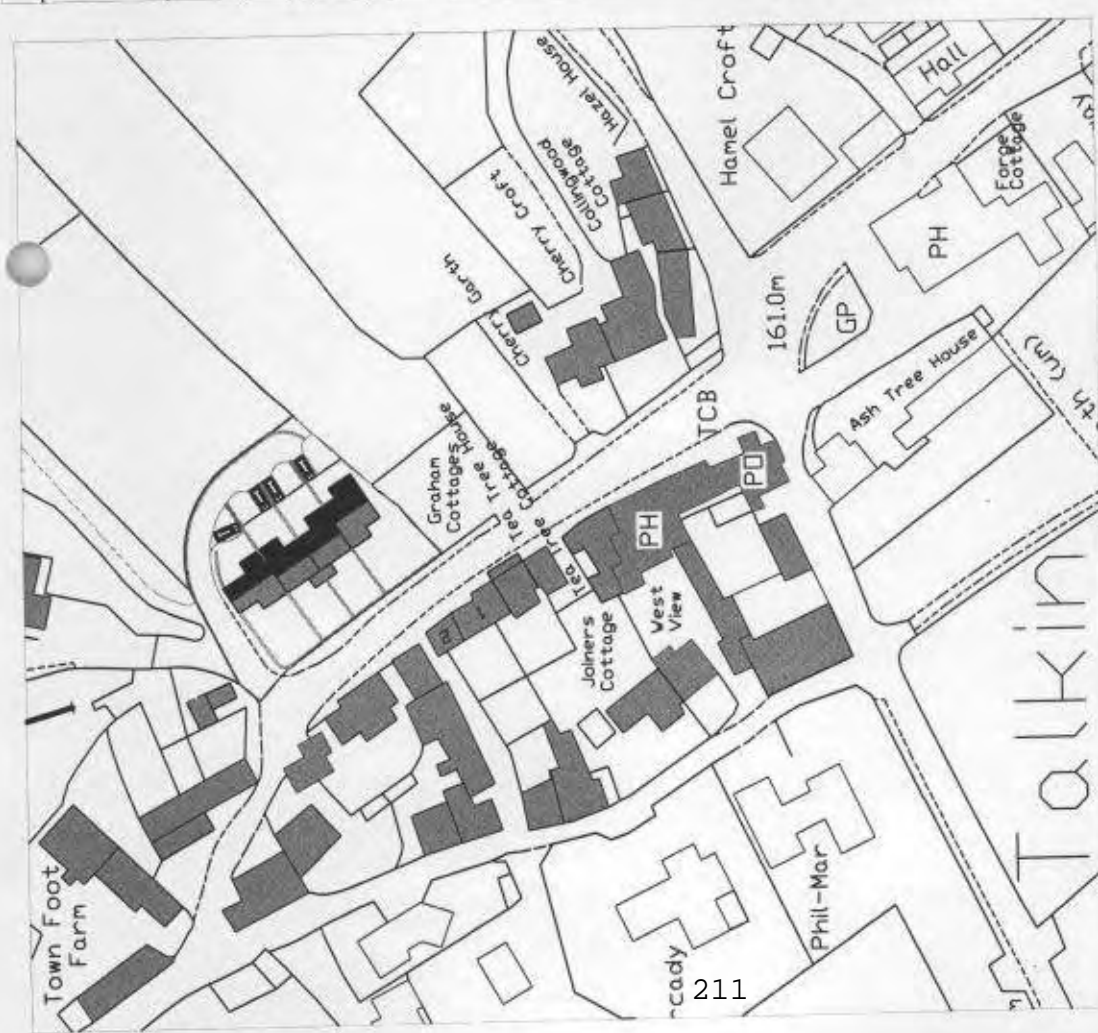
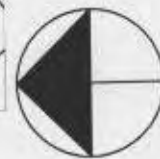


BLOCK PLAN 1:500

PROPOSED LOCATION & BLOCK PLANS
Replacement of laboratories with 4 new verandah houses.
Taken for Citadel Estate

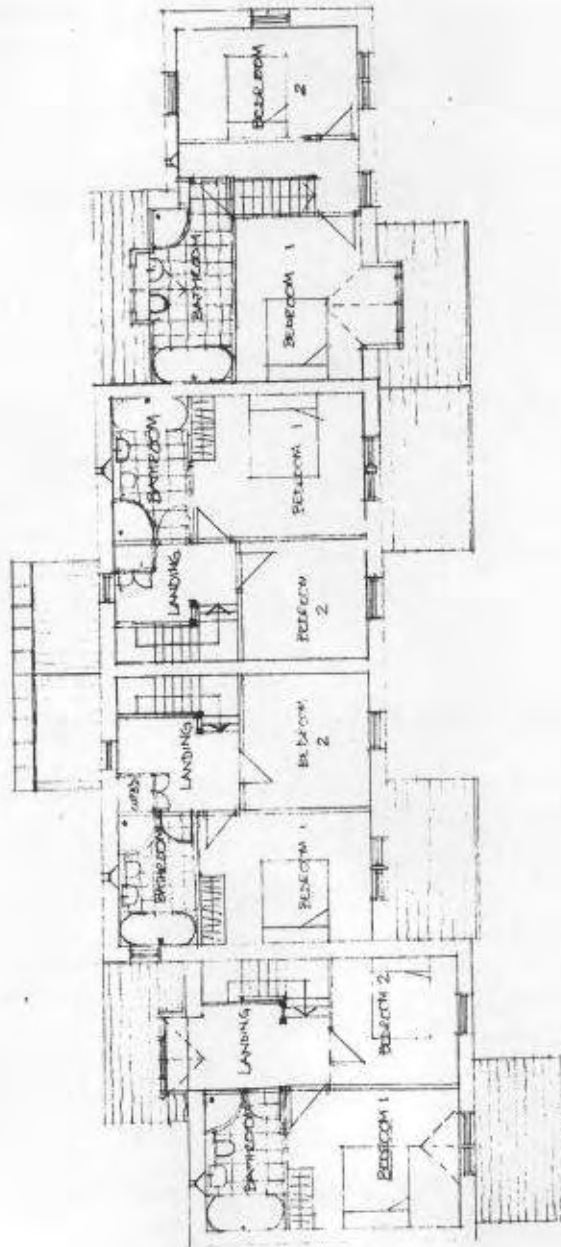
DATE: OCT 2010 DWG: 08/2010/00 SCALE 1:1250/1:500

SANDY JOHNSTON
ARCHITECT
RIBA



LOCATION PLAN 1:1250

| NO | DATE | DESCRIPTION |
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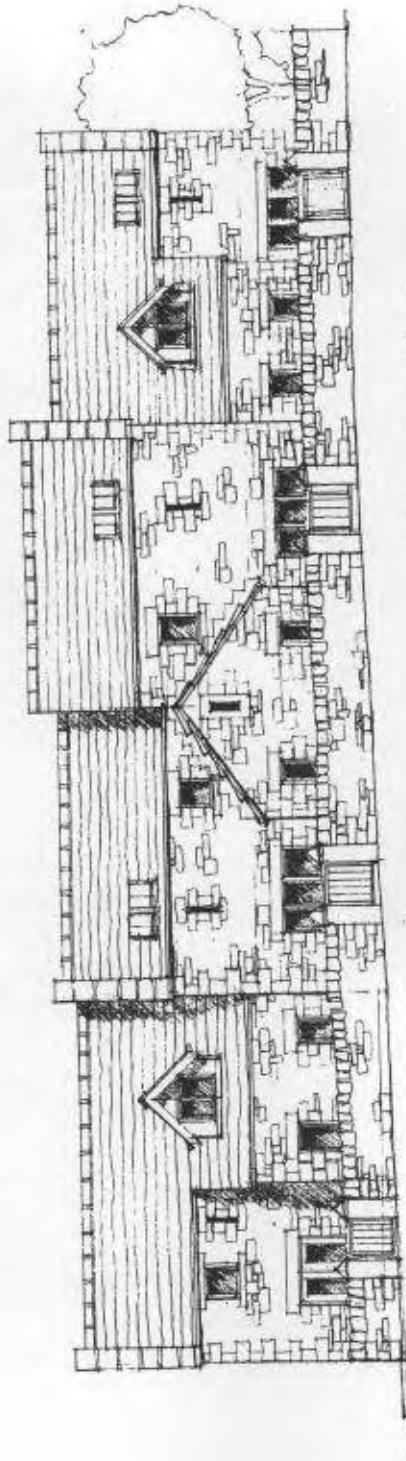


FIRST FLOOR PLAN 1/100

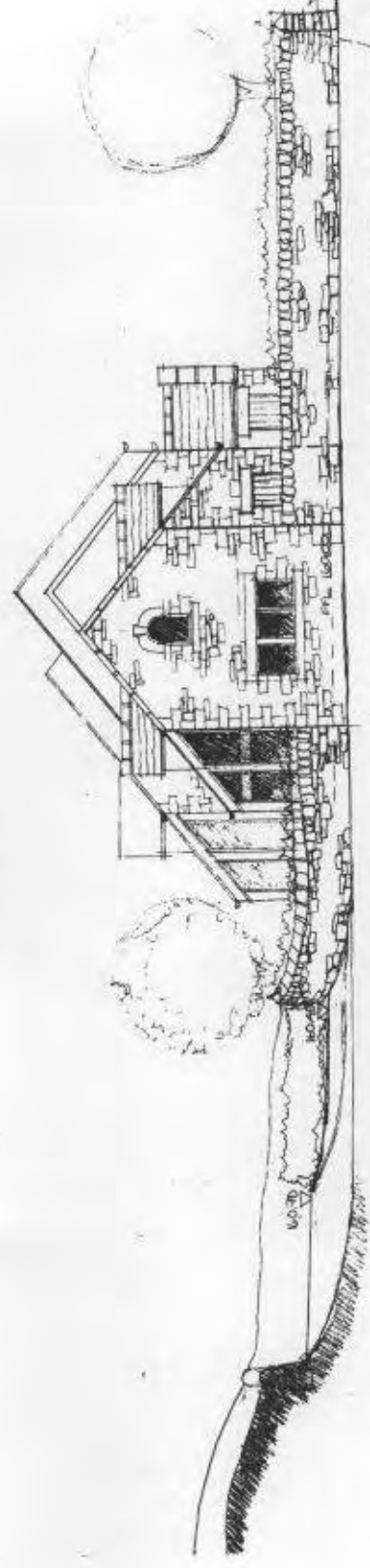
PROPOSED FIRST FLOOR PLAN
 Prepared in accordance with the approved scheme
 Part of the proposed scheme
 DATE: 14.01.2010 DWG: 0001/0001 SCALE: 1/100

SANDY JOHNSTON
 ARCHITECT
 RIBA

RECEIVED
 - 2 NOV 2010
 1010366



PROPOSED SOUTH ELEVATION 1/100

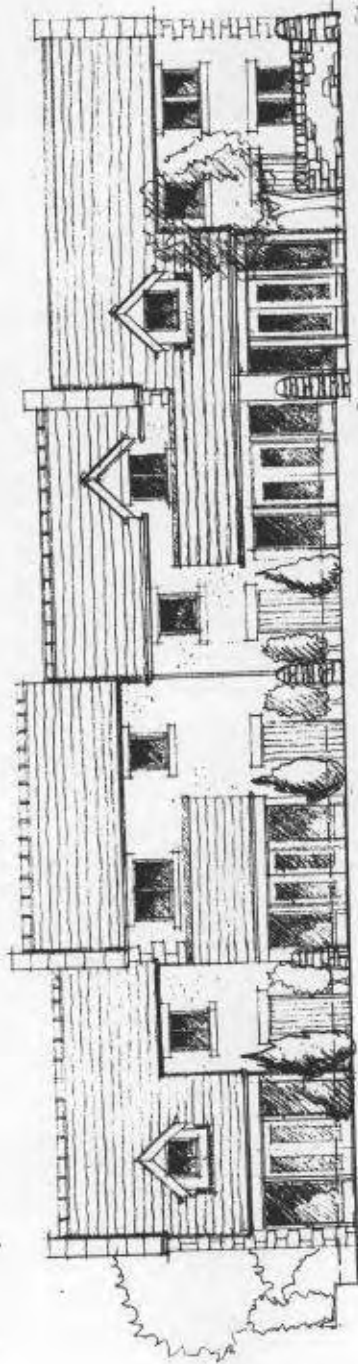


PROPOSED WEST ELEVATION 1/100

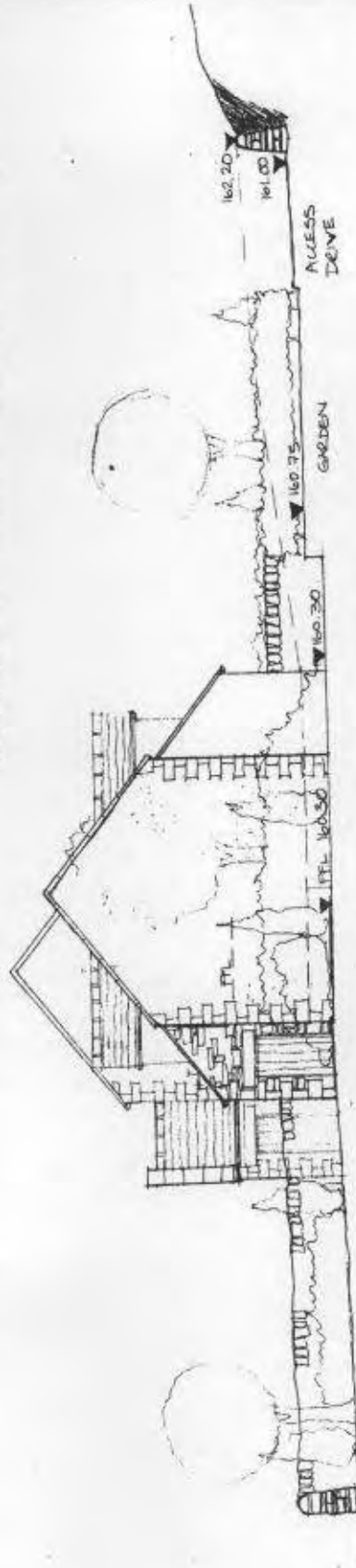
PROPOSED SOUTH & WEST ELEVATIONS
 Registered Architect, with a view to the public
 under the Architect Act
 DATE: 4/10/2010 DWG: 0001/001 SCALE: 1/100

SANDY JOHNSTON
 ARCHITECT
 RIBA

RECEIVED
 - 2 NOV 2010
 10:09:15



PROPOSED NORTH ELEVATION 1/100



PROPOSED EAST ELEVATION 1/100

RECEIVED
- 2 NOV 2000
JOHN B. B. 65

SANDY JOHNSTON
ARCHITECT
RIBA

PROPOSED NORTH & EAST ELEVATIONS
Representative of elevations with 2 new proposed houses.
1/1000 scale
DATE: AUG 2001 DWG: 00000000 SCALE: 1/100

SCHEDULE B

SCHEDULE B

Item No: 13

Date of Committee: 28/01/2011

Appn Ref No:
10/0577

Applicant:
Citadel Estates Ltd.

Parish:
Brampton

Date of Receipt:
22/06/2010

Agent:
Holt Planning Consultancy

Ward:
Brampton

Location:
Tarn End House Hotel, Talkin, CA8 1LS

Grid Reference:
354388 558357

Proposal: Removal Of The Effects Of Conditions 2, 3, 4, 5 And 6 Attached To The Grant Of Full Planning Permission Under Application 06/0693 (Conversion To 8no. Holiday Units) To Enable Unrestricted Residential Occupation

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

1. Constraints and Planning Policies

Tree Preservation Order

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

Site Of Nature Conservation Significance Public Footpath

The proposal relates to development which affects a public footpath.

RSS Pol RDF 2 - Rural Areas

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan Pol CP10 - Sustainable Drainage Systems

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol EC13-Sustaining Rural Facilities&Services

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol H6 - Rural Exception Sites

Local Plan Pol H8 - Conversion of Existing Premises

Local Plan Pol IM1 - Planning Obligations

Local Plan Pol LE3 - Other Nature Conservation Sites

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): facilities within walking distance are minimal and there is no bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car bourne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing use. The proposal is therefore contrary to the aims of promoting accessibility and contrary to the intentions of Government Policy.

As you are aware the above concerns are normally not applied to holiday lets in open countryside, but it does apply to residential dwellings where people can be expected to make necessary journeys on a daily basis throughout the year.

Apart from the above "policy" objection to this application, the applicant has not indicated that the change in parking this application will engender has been taken into account. The applicant will therefore have to justify that there is sufficient parking for this change of use to be accommodated. The information submitted on

the parking element is therefore inadequate and the applicant should be invited to revisit this element.

I can confirm that this Authority recommends refusal to this application for the aforementioned reasons.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): no observations or comments to offer in respect of this application.

Local Environment, Green Spaces - Countryside Officer - Rural Area: public footpath 105033 must be kept open across its full width to the public at all times during and after development.

Brampton Parish Council: comments awaited.

Property Services: Fundamentally you instructed us on two questions:

- 1). Viability of building for hotel/holiday lets use, can it be demonstrated that a competent operator could make a return from that building.
- 2). Marketing – was the marketing approach “real”.

In terms of viability, in simple terms “yes” there is still a market for hotels & holiday lets even in the current market. Operators would still be interested in this type of delivery having ascertained the costs of development including the purchase price. Key issue as ever would be price.

Moving on to marketing now. I have read the planning statement prepared by Holt Planning Consultancy in particular Hyde Harrington’s marketing report contained in Appendix 2. Assuming that Hyde Harrington’s report is genuine, it indicates a reasonable approach to the marketing of the building, my only criticisms would be the failure to advertise in a specialist Hotel/catering publication which was one recommendation we discussed initially you may recall and also the policy of inviting “reasonable offers”, I would have preferred to see simply “offers invited”, to illicit all potential interest in the property rather than a potential barrier being placed as could be the case with “reasonable offers”, which instantly begs the question what is a reasonable offer?

It has to be accepted that in the current market that demand for this type of use will be depressed and as with anything this impacts on price. Hyde Harrington have not revealed the level of the offer made, merely indicating that an offer was put forward.

I reiterate that assuming Hyde Harrington’s report to be genuine they have undertaken a reasonable marketing campaign. However, the second document you provide, the email from Penny Cowper, again taken at face value appears to conflict with Hyde Harrington’s report. Ms Cowper mentions an asking price of £750,000, and also comments purporting from Hyde Harrington that “several other offers but these were rejected as they fell well short of the asking price of £750,000”. Ms Cowper also suggests that gaining access to the property was difficult, I would expect access arrangements for viewings to have been sorted prior to marketing

commencing, my own view has always been that you will never sell anything if you cannot get people through the door. Ms Cowper advises that they submitted an offer of £400,000 although it is unclear whether it was their intention to use the property as holiday lets or as a hotel, restaurant, cafe etc – however it is clear that their proposed use was not as a private residence as indicated in Hyde Harrington's report, there is clearly a conflict here between the two pieces of evidence. Taking the e-mail again at face value it would appear to show that there is demand for a commercial use whether that be holiday lets or a hotel.

Finally I turn to the e-mail from JWA accountants dated 14 July 2010, which encloses a copy letter to Citadel Estates submitting an offer of £450,000 for the freehold of Tarn House Hotel from Mr Terry Mills of Independent Gas, with the intention of using the property for a hotel, restaurant and holiday lets. Again assuming the letter to be genuine, it indicates that there is demand for the building from the commercial sector, namely hotel/holiday lets and that the development would appear to be financially viable.

In conclusion I have looked at the information you provided, there is clearly conflict between the interpretation of events by Hyde Harrington and Ms Cowper, however there would appear to be interest in the property both from the Cowpers' and also Mr Mills, both of whom would be looking at utilising the property for hotel/holiday lets.

Housing Services: in assessing the application in respect of affordable housing, one needs to consider policy H5 of the local plan, which requires that in the rural area, there is a required affordable housing contribution of 10% from plans that have 3-9 units. We would therefore be looking for 1 of the 8 dwellings to be an affordable property.

Affordable housing tenures are defined in Planning Policy Statement 3, but we generally aim to secure either discounted sale or social rented tenure. In this specific case, we would look for a discount of 30% on the property for general sale.

Should, despite a 30% discount on the market value, the property still be unaffordable (calculated by comparing the market value with local salary and house price data) to local people then we would have to consider other options, for example a commuted sum.

There is a clear housing need for affordable housing in the rural east area of Carlisle. The district housing survey of 2006 found that, in order to meet housing needs in Rural Carlisle East, 106 units of affordable housing were required per year for the subsequent five years. The Carlisle rural east Strategic Housing Market Assessment of 2009 states that earnings to property price ratios in this area were 7.6. With the government recommending that sensible mortgage borrowing should not exceed 2.9 x joint household income and 3.5 x a single household income, this clearly is above the recommended mortgage borrowing, highlighting the need for lower priced housing.

It could be argued that, given the existing holiday dwellings are located in an area which, for development purposes, can be defined as a rural exception site, arguably policy H6 in the Local Plan should be taken into consideration and applied here.

Policy H6 states that proposals for residential development may be permitted in such a site so long as 1) the proposal is for local low cost affordable housing, 2) is secured for perpetual affordability and 3) well related to a settlement where the need has been identified. With this policy, all 8 dwellings would need to be low cost affordable housing.

However, for rural exception sites, localised housing needs evidence is required. There is certainly a need in the Brampton area for affordable housing, for which we have Strategic Housing Market Area information and an older Brampton survey. However if planning require more localised housing needs information to justify residential occupation, the applicant will have to fund a local housing needs survey. This should be carried out by the Cumbria Rural Housing Trust, or similar organisation.

3. Summary of Representations

Representations Received

| Initial: | Consulted: | Reply Type: |
|--------------------|------------|-------------|
| Banksfoot Farm | 28/06/10 | |
| The Howard, | 28/06/10 | |
| Park House | 28/06/10 | |
| Office Cottage | 28/06/10 | |
| 25 Carlisle Road | 28/06/10 | |
| Capon Tree House | 28/06/10 | |
| Kelicksim | 28/06/10 | |
| Ash Tree Barn | 28/06/10 | Petition |
| The Heugh | 28/06/10 | |
| The Parsonage | 28/06/10 | Objection |
| Briar Cottage | 28/06/10 | Objection |
| The Shieling | 28/06/10 | Objection |
| Briar Cottage | 28/06/10 | |
| The Shieling | 28/06/10 | |
| 2 Fosseyway | 28/06/10 | |
| Stone house | 28/06/10 | |
| 15 Berrymoor Road | 28/06/10 | Objection |
| Ellencroft | 28/06/10 | |
| Saughtreegate | 28/06/10 | |
| The Green | 28/06/10 | Objection |
| 1 St Martins Court | 28/06/10 | Objection |
| 134 Dacre road | 28/06/10 | |
| 8 Fell View | 28/06/10 | |
| Glendhu | 28/06/10 | |
| 10 Park Terrace | 28/06/10 | |
| Great Easby Farm | 28/06/10 | |
| Woodbine Cottage | 28/06/10 | |
| 3 Greenhill | 28/06/10 | |
| Cotehill Farm | 28/06/10 | |
| Cotehill Farm | 28/06/10 | |
| Ash Tree House | 28/06/10 | |
| Eden Holme | 28/06/10 | |
| Pinfold | 28/06/10 | |
| Banks House | 28/06/10 | |
| The Heugh | 28/06/10 | |

| | | |
|------------------------------|----------|--------------|
| Rose Cottage | 28/06/10 | Objection |
| The Sycamores | 28/06/10 | |
| 11 Fieldside | 28/06/10 | |
| Keepers Barn | 28/06/10 | Objection |
| Garden House | 28/06/10 | |
| Turnberry House | 28/06/10 | |
| The Old Rectory | 28/06/10 | |
| 8 Carricks Court | 28/06/10 | |
| Hare Craft | 28/06/10 | |
| Thorntree | 28/06/10 | |
| Belmont | 28/06/10 | |
| 12 Greenhill | 28/06/10 | |
| Hallgarth | 28/06/10 | |
| 5 Irthing Park | 28/06/10 | |
| Kirkhouse | | Objection |
| Yew Tree Chapel | | Objection |
| Town Foot Cottage | | Objection |
| 75 Main Street | | Objection |
| 5 Chandler Lane | | Objection |
| 12 Grammer Street | | Objection |
| 7 Albert Terrace | | Objection |
| 20 Adelphi Terrace | | Objection |
| 62 Newholme Avenue | | Objection |
| Woodbine Cottage | | Objection |
| Woodbine Cottage | | Objection |
| 4 St Michaels Court | | Objection |
| 14 Carvoran Way | | Objection |
| The Old Chapel | | Objection |
| 15 Chaple House Caravan Park | | Objection |
| 11 Lancaster Street | | Objection |
| Rose Cottage | | Objection |
| Maplewood | | Support |
| Talkin Head | | Objection |
| Corner House | | Objection |
| | | Comment Only |
| Domaine de Grais | | Objection |
| 1 Woodend Cottage | | Objection |
| 1 Croft Park | | Comment Only |
| Linden Cottage | | Objection |
| Philmar | | Objection |
| Collingwood Cottage | | Objection |
| Arcady | | Objection |
| Brentwood | | Objection |
| Ghyll Cottage | | Objection |
| High Close Farm | | Objection |
| Hamel Croft | | Objection |
| Ullerbanks Farm | | Objection |
| JHigh Rigg | | Objection |
| 9 Howard Place | | Objection |
| 1 Boulevard Saint-Martin | | Objection |
| Park House | | Objection |
| Brook Hall | | Objection |
| Liddalbank | | Objection |
| Ash Tree Barn | | Objection |
| South Cottage | | Objection |
| 8 Oak Street | | Objection |
| Former Brampton Resident | | Objection |
| Coast Group | | Comment Only |

- 3.1 This application has been advertised by notification letters and the posting of a site notice. In response, one petition objecting to the proposal together with 50 individual letters/e-mails of objection/comment have been received. One letter of support has also been received.
- 3.2 The letters identifies the following issues:
1. rurally located restaurants with rooms, small boutique hotels or holiday accommodation with attached public restaurants are the trend for the future, the hotel is ideally located and would be a valuable asset for people in the region who regularly visit the Talkin Tarn.
 2. a combination of the present owners lack of care for the property, unrealistic asking price and marketing may lead to a valuable part of the Talkin Tarn environment being asset stripped and lost to the area forever.
 3. the applicants have attempted to demonstrate that there would be no commercial interest in developing the Tarn End Hotel site as holiday letting accommodation b putting the property up for sale for six months. Should the Planning Committee be mindful to accept, at face value, the outcome of this attempt at sale then the Committee should be aware of the provisions of the Competition Act 1998 and be able to demonstrate that all reasonable care has been taken to ensure that the present owner has genuinely tried to sell in a fair and open way and that there has been no attempt 'directly or indirectly to fix purchase or selling prices or any other trading conditions' or in other ways indulge in monopolistic behaviour. The summary of Marketing Report offered by Holt Planning Consultancy as part of their justification for removal of conditions is entirely opaque from this perspective.
 4. the applicants chose to use a small local agency to market the Tarn End Hotel who advertises the local knowledge of the Cumbria market but does not appear to offer national or international promotion. For a sale of this importance it would be reasonable to expect that the property would be offered for sale in a far wider market place than Cumbria and that promotion should have been specifically directed towards the hotel and catering sector. The applicants should be required to demonstrate that they have in fact marketed the property in a genuine attempt to sell rather than, as many believe, with the specific intention of discouraging expressions of interest.
 5. totally against this, please do not grant permission.
 6. this proposal would have damaging effects on the area around the Tarn. Increased traffic on small roads and creating an exclusive area for people who can afford it would remove the attraction of the Tarn as a family place for all members of the public.
 7. surely it is against the Local Plan to build permanent residencies in open

countryside?

8. think the beginning of the end should be stopped. Talking Tarn is a beautiful place, one of the last vestiges of the last ice age and should be protected as a place for people to visit for recreation and not be turned into a housing estate.
9. the Tarn End Hotel was, until recently, an attractive beauty spot for residents and tourists, providing accommodation and employment. The sit is now an unacceptable eyesore. It should continue to provide tourist accommodation and employment in order to sustain development in this rural area. Would like to believe also that this coincides with the Local Plan, Good Practice Guide on Planning for Tourism and Sustainable Development in Rural Areas.
10. Tarn End Hotel has functioned well in the past and there is no reason why hotel usage or some other form of holiday accommodation should not be economically viable on the site. Existing planning policy to support and maintain small-scale tourist activity and employment should be upheld.
11. development as residential accommodation for sale to the highest bidder for the profit of a developer has no place in this country park.
12. concerned about the lack of credible economic analysis underpinning this application. It could be claimed that the owner has deliberately taken steps to avoid selling the property for use as a hotel by intentionally causing significant damage to the property making it unattractive for purchase in its current state and not actively marketing the property at a realistic price.
13. granting planning permission would result in irreversible damage to the building, the character and environment of the surroundings and the loss of a significant development opportunity for the region.
14. new residential accommodation would not contribute at all to the local economy and with the housing market as it is at present, is this really a viable option?
15. the site appears to have been made unattractive in an attempt to persuade planners that anything would be better than nothing. When the current owners bought the property they knew what planning restrictions were placed on the property, and they should be made to adhere to them.
16. the property as it stands now must be worth less than the initial purchase price and the owners, should endeavour to place a realistic value on the property so that it could be sold to a developer with the skills and foresight to develop the Tarn End Hotel into something that is in keeping with its magnificent surroundings.
17. there is no demonstrable need for housing/apartments in this location,

traffic along this very narrow and already quite busy road would be dangerous and polluting, there isn't adequate infrastructure to support the development.

18. local wildlife would suffer from increased populations/disturbance through building works.

19. the property should be used as a public building and not made into unsustainable private property.

20. there is no provision for social housing.

21. it is hard to see how letting's in such a situation could not be economically viable. There are many examples of thriving holiday letting's businesses in the area e.g. Lanercost Priory.

3.3 In addition one Petition containing 39 signatures has been received objecting to the proposal as it is an important local facility which has provide employment in the rural area and should continue to do so in accordance with Policy EM15 of the Local Plan and Government advice contained in PPS7 Sustainable Development in Rural Areas and Good Practice Guide on Planning for Tourism.

3.4 As a result of advertising this application, the Council is aware of four separate parties who have expressed an interest in purchasing the propoerty.

3.5 The letter of support identifies the following:

1. any approval should remove PD rights for extensions and other buildings, the maximum number of dwellings should remain at 8, and approval of boundary treatment.
2. the development would help preserve this iconic building.

4. Planning History

4.1 In August 1983 under application 83/0414 an application was made for change of use from coach-house and stables into living accommodation.

4.2 In 2006, under application 06/0693, planning permission was given for the conversion of the hotel and outbuildings to 8 holiday units.

4.3 In 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15no. dwellings.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 During the previous Meeting on the 20th August 2010 Members resolved to defer consideration of the proposal in order to await further information on marketing, viability and monitor progress following the applicant's receipt of a letter of interest from a Mr T Mills.
- 5.2 In the intervening period the applicant has sent a letter dated the 21st July to Mr Mills explaining that marketing of the property ceased on the 15th June and the property is no longer for sale. In addition, the Council has received a letter dated the 22nd July from Hyde Harrington (estate agent acting on behalf of the applicant); an e-mail letter and e-mail from the applicant's planning agent sent on the 23rd and 30th July; a Viability Report undertaken for the applicant by Edwin Thompson LLP and accompanying letter from the applicant's agent; an Investment Appraisal prepared for Mr Mills; and correspondence from three parties expressing an interest in purchasing the property. In the context of this additional information, the City Council has sought independent advice from Counsel and GVA Grimley (GVA) on this application.
- 5.3 The Committee report has subsequently been updated on this basis.

Site Description

- 5.4 The Tarn End House Hotel is prominently located on the southern side of the Brampton/Talkin road with a northern frontage facing Talkin Tarn. The Tarn is a designated Wildlife Site and has a public footpath around its perimeter inclusive of part of the Hotel's grounds. The Hotel and Tarn fall within part of a designated County Landscape. To the north of the Tarn there is an Ancient Woodland.
- 5.5 The former Hotel, is primarily two storeys in height and constructed externally with sandstone walls and slate roofs. The existing property has an "E" shaped layout and comprised a kitchen, wc facilities, bar, dining room, lounge, garage, four store rooms and two bedrooms. Attached to which there is a barn which provides additional storage. The first floor had seven bedrooms and a staff room.

Background

- 5.6 In 2006, under application 06/0693, full planning permission was given to convert the hotel and outbuildings to provide 8 holiday units. In 2009, under applications 09/0534 and 09/0902 the discharge of conditions 7 (safeguarding bats and barn owls), 10 (barn owl nesting box) and 13 (foul drainage) imposed under 06/0693 were granted. Members will also recollect that in October 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15 dwellings.

- 5.7 The current application seeks permission for the removal of conditions 2 (restriction of use to holiday lets), 3 (the holiday lets not to be used as sole/principal residence), 4 (the holiday lets not to become second home), 5 (the holiday lets not to be rented to any person or connected group for a period exceeding 8 weeks), and 6 (the maintenance of a bound register of guests) imposed under 06/0693 to enable unrestricted residential occupation of the units.
- 5.8 The application is accompanied by a Planning Statement arguing that the application needs to be considered against Policy H8 of the Carlisle District Local Plan 2001-2016 with particular regard to criteria 1 and 7. In the case of criterion 1, the Statement highlights that, although the building does not fulfil the criteria to become a Listed Building, the relevant English Heritage Advice Report considers the structure to be a landmark building within a "cherished natural beauty spot". This significance has previously been recognised by the applicant, Local Planning Authority and third parties. In regard to criterion 7, the site has been marketed for six months during which 25 individuals or parties made enquiries of which one led to an offer that was subsequently rejected. The Statement considers that it is an unrealistic expectation for this modest property within a relatively limited curtilage to be viable as a hotel. A copy of the submitted Planning Statement has been attached to this report for Members to read.
- 5.9 The letter from Hyde Harrington makes five points:
1. The marketing report provided is 'genuine' and on the basis that it was confirmed that we have 'undertaken a reasonable marketing campaign', in satisfaction of Policy H8 criterion 7 of the Carlisle and District Local Plan.
 2. On enquiry of the publication it was considered inappropriate to advertise in the specialist Hotel and Caterer magazine as this is targeted for ongoing trading businesses.
 3. Mrs Cowper refers to an asking price of £750,000 for the property. This is incorrect as all of our marketing material quotes 'offers invited'.
 4. During their enquiries, Mr and Mrs Cowper did not reveal their proposed use which we assumed to be as a private residence. They were unable to satisfy us that they were in a position to readily proceed with a purchase and we therefore declined their request to arrange an internal viewing until proof of funding was available.
 5. Regarding the 'expression of interest' for the property from Mr T Mills of 14 July and forwarded direct to my client, this was received one month after the expiry of the 6 month marketing period, and therefore not relevant to the issue of the quality of the marketing exercise, and as such cannot figure in this post-marketing period assessment of reasonable market interest as

required by Policy H8.

5.10 The e-mail letter from the applicant's planning agent sent on the 23rd July explains, amongst other things, that by the time the marketing period ceased and the property taken off the market, only one "offer" had been received, and that was duly recorded and included in the report on marketing prepared by his client's estate agent responsible for carrying out the marketing. Aside from that single "offer" there were no other representations of "interest" received during that period up to the 2nd July. The letter from Mr Mills to my client dated 14th July 2010 was received outside the marketing period, the subsequent period up to the date of registration of the planning application and indeed its publicity. For this reason alone it should be discounted because:

1. Out of pragmatism, one must "draw a line" otherwise one is constantly "looking over one's shoulder" – as illustrated in the *Mount Cook* case.
2. There is the issue of the efficacy of any "offer" or indeed "expression of interest" made, one must presume objectively, in the knowledge that the property is no longer on the market, and that it is the subject of a planning application; a principal supporting ground of which is, in the view of the applicant, the unfruitful marketing test exercise. It is our contention that when viewed objectively, his "expression of interest" would be coloured and indeed its efficacy "contaminated" by "the prevailing situation".
3. Mr Mill's representation is not an "offer". It does not allegedly communicate a "commitment to create legal relations"; it procrastinates by "*looking forward to progressing our interest*". It was indeed a mere "expression of interest".

5.11 The planning agent's e-mail sent on the 30th July alleges that the comments made by an interested party with regard to the 1998 Competition Act are irrelevant and spurious – see attached copy.

5.12 The Market Analysis of Direct Comparables submitted in support of Citadel's application to remove the restrictions on the planning permission allows for a robust review of similar schemes. The analysis addressed ten developments each containing 5 to 10 holiday let units. The Viability Report prepared by Edwin Thompson LLP concludes that the scheme for eight self contained holiday homes has a negative value of £359,771; the refurbishment costs exceed total value of the property by 47%; stress testing the calculations would still result in a loss of over £200,000; and even accepting a zero valuation for the property as existing it is not economical to undertake the refurbishment relevant to the income return. A copy of the agent's letter accompanying the Viability Report is also attached to this report.

5.13 In October 2009, under application number 09/0719, when planning permission was refused for "conversion and extension of hotel premises to create 15 dwellings", the accompanying Planning Statement described the permission granted under 06/0693 as an important "fall-back", albeit that it

was not considered “a sustainable commercial option”. It was stated that the proposed size of the 8 units was significantly larger than the normal holiday dwelling size and that 13 residential units could in fact be created in the available floor space and could be a commercial option. In response to this point the applicant’s planning agent has explained that it was a theoretical comparative fallback position based upon the physical capacity of the building, not development viability.

Assessment

- 5.14 The current planning application has been submitted pursuant to section 73 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”), seeking the removal of various conditions relating to the restriction to holiday use of the accommodation attached to the 2006 permission. Section 73(2) provides:

“(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that

it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

- 5.15 The difficulty when assessing such a proposal is that if permission were to be granted in this case in accordance with the application, permission would have been granted for conversion to holiday units. Before, however, advantage can be taken of Class C3 (dwelling houses) of the Use Classes Order, the position appears to be that use as holiday units must first take place. A purely token implementation of that use will not permit reliance upon Class C3. For example, in the case of *Kwik-Save Discount Group v. Secretary of State for Wales* [1981] JPL 198 (C.A.) a 4 weeks’ user as a car showroom (as permitted), before user as a supermarket (also what today would be termed an A1 use), was not considered a sufficient user. On the basis that the applicant does not wish to let or sell the accommodation as holiday units, this application should be viewed as a likely precursor, if successful, to a further proposal.

- 5.16 The City Council has sought advice from Counsel who has, amongst other things, advised that:

1. It is open in law to the Council to conclude that the 2006 permission was for non-residential development. The 2006 permission itself is subject to conditions. The use permitted is as holiday units. But for the conditions,

that use would in my view be regarded as falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the UCO”) (use of each unit would constitute a dwelling house), but the conditions cannot be ignored. The conversion to holiday units has not yet occurred, so in any event if holiday lets were to be regarded as residential accommodation, the present application is not to convert premises which are presently holiday units. They are not presently residential accommodation.

2. It is considered appropriate for the Council to have regard to the intended ultimate user and to consider the representations of the Highways Authority and Housing Strategy when considering whether to grant the permission subject to different conditions or to reject the application.
 3. Policy H8 criterion vii requires marketing for a minimum period of 6 months. So, too, does the reasoned justification at paragraph 5.44. Plainly, on that wording alone, the Council has discretion to seek a longer period of marketing than 6 months. If neither residential nor tourist use is presently viable, it could be said to be perverse to permit a different use, on the basis of lack of present viability of the premises as hotel or holiday lets, when the different use is not itself viable. At any rate it is not clear what planning purpose would be served. It could be concluded, in the circumstances, that it is only when residential use becomes viable that a 6 month (or other) marketing period should begin.
 4. If a proposal is viable but has not been marketed properly, then the Council may give more weight to viability. There may be a number of reasons why a site is viable but for which there is no market at a given time: there may simply be no demand at the time. The judgment is very much one of fact and degree for the Council as decision-maker, on the particular facts, having regard to Policy H8 and other material considerations.
- 5.17 On the basis of the foregoing it is considered that any assessment of this application revolves around an initial consideration of whether the marketing exercise undertaken on behalf of the applicant is satisfactory (criterion 7 of Policy H8); and then address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in economic/tourism use. In order to address the latter question there is a need to look at the viability of the approved use and any other realistic use (criterion 1 of Policy H8); whether the proposal is in accordance with Policy H5 regarding the provision of affordable housing; the suitability of the location (Policies DP1, H1, and H8); and highway safety (criterion 5 of Policy H8);.
- 5.18 In the case of GVA the advice to the Council was presented in the context of the marketing undertaken on behalf of the County Council as the previous owners, and covered the subsequent marketing undertaken by Hyde Harrington on behalf of the current owner; the commercial viability and

demand for holiday lets as a use; and the viability and demand for any other uses.

- 5.19 When assessing the marketing undertaken by Hyde Harrington, GVA consider it to be robust and appropriate for a property of this type. However, GVA also note that no viewings were recorded by Hyde Harrington as they were only willing to take "serious interested parties" around the property in the interests of health and safety. As such, it could be argued that prospective purchasers would be unlikely to make bids until they had viewed the property and undertaken some degree of due diligence to identify and eliminate risk. In addition, there was no asking price put forward on the sales particulars, however it is understood from third parties that Hyde Harrington were indicating to interested parties that a figure of £700-800,000 would be acceptable to their clients. This is considerably in excess of the price of £450,000 which Citadel paid for the property. It is recognised that the pricing of the property could have been to reflect the costs accrued by Citadel (price plus Stamp Duty plus fees plus building work plus interest and holding costs) or it could have been a conscious measure to deter interest. In GVA's opinion, it would however be reasonable to conclude that the property was overpriced at the time of marketing.
- 5.20 In relation to viability, the three parties interested in purchasing the property that were interviewed by GVA felt that the alleged asking price communicated to them by Hyde Harrington was unrealistic, but would have negotiated at a price around the £475,000 level which they believed Citadel had paid. Furthermore, GVA consider that a return of 10% is appropriate for a scheme considering the current economic climate and property market.
- 5.21 When comparing the Edwin Thompson LLP Viability Report with that prepared by GVA, it is noted that Edwin Thompson estimated the maximum gross income to be £258,076 per annum which is close to the GVA average rent scenario amounting to £256,100 per annum. The Edwin Thompson Report adopted an occupancy level of 58% that GVA consider to be reasonable and comparable to their slightly more cautious average occupancy level of 55%. Edwin Thompson's valuation of the completed scheme used in their development appraisal is £748,420 which is higher than the GVA favoured average rent/occupancy scenario of £704,280. On the basis of the development being 775 square metres and a build cost of £902 per square metre, GVA calculate the total build cost would be in the region of £699,050. This compares to the Report produced for Edwin Thompson LLP which states that the build cost has been calculated as £720,000. At this level, the pure build cost wipe out the end value of the completed scheme and thus GVA conclude that the development is not financially viable. GVA recognise that these figures will change over time and that the scheme could become viable if rental levels and capital values increase over time. However, in order for the proposals to become viable it is anticipated that the market will need to improve to around 2006/2007 levels. GVA anticipate that it could take three to five years to achieve the values achieved in 2006/2007.

- 5.22 With regard to hotel use, drawing on their national experience in dealing with hotels, leisure and commercial development, GVA are of the view that given the location of the site and the lack of any passing trade or major tourist 'honey pots', a hotel in this location would not attract the occupancy rates that would be required to make a scheme viable. This reflects not only the limitations of the location; the costs associated with repair and refurbishment of the premises; and that funding for hotel development is presently difficult to secure.
- 5.23 GVA are also of the opinion that an open residential permission is unlikely to be deliverable in the current market. Although no figures are provided, GVA point out that currently sales rates are low and residential values are falling which makes residential development for all but the best and most established sites, a high risk proposition. GVA appreciate that Citadel may have the personal finances to develop the site for open residential accommodation without the need for funding from the Banks. However, given the poor state of repair of the building it is anticipated that large scale works will be required in order to develop the site. This will have knock on effect for the asking prices of the properties if they were to be developed for open residential. Also given the remote location of the properties it is considered unlikely that high levels of take up will be experienced.
- 5.24 Following receipt of the GVA report, the applicant has commissioned a further report on the viability of the intended ultimate residential use. A copy of this report is currently awaited although the Case Officer has seen a draft that concludes the scheme could have a 10 per cent profit margin inclusive of the payment of a commuted sum towards affordable housing.
- 5.25 In relation to the suitability of the location, one of the reasons that application 09/0719 was refused permission was on the grounds that the application site is not located in a designated Key Service Centre or Local Service Centre.
- 5.26 Clarification is being sought from the County Highway Authority on its formal observations particularly with regard to the adequacy of the visibility splays and proposed parking arrangements. This is because the Highway Authority had previously objected to application 09/0719 on the ground of inadequate visibility splays.

Conclusion

- 5.27 Any assessment of this application revolves around an initial consideration of whether the marketing exercise undertaken on behalf of the applicant is satisfactory (criterion 7 of Policy H8); and then seek to address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in economic/tourism use which is estimated to be in 3-5 years time.
- 5.28 When assessing the marketing undertaken by Hyde Harrington, GVA

consider it to be robust and appropriate for a property of this type. However, in GVA's opinion, it would be reasonable to conclude that the property was overpriced at the time of marketing.

- 5.29 GVA conclude that the scheme approved under 06/0693 is currently not financially viable, and in order for the proposals to become viable it is anticipated that the market will need to improve to around 2006/2007 levels which is anticipated to take three to five years. GVA are of the view that given the location of the site and the lack of any passing trade or major tourist 'honey pots', a hotel in this location would not attract the occupancy rates that would be required to make a scheme viable. GVA are also of the opinion that an open residential permission is unlikely to be deliverable in the current market.
- 5.30 It is this latter assertion that is questioned by the applicant. Upon receipt of the awaited viability report to be submitted on behalf of the applicant, the further views of GVA will be sought inclusive of their views on the viability of increasing the number of holiday lets.
- 5.31 When assessing the proposal it is readily apparent that the application site is not located in a designated Key Service Centre or Local Service Centre. Planning permission has recently been refused for residential development, albeit 15 dwellings, in October 2009. However, there are obvious concerns over the need to find a viable use of the building which is acknowledged as a local landmark. To effectively see this site mothballed for three to five years is a major worry.
- 5.32 An updated report will be made to Members but, in the light of the contents of the awaited report, should GVA re-evaluate their views to the extent that they consider a residential use is viable and an increase in the number of holiday lets is still not viable; the applicant agree to the payment of a suitable commuted sum towards affordable/social housing; and any concerns over highway safety are satisfactorily addressed, the proposal will be recommended for 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;

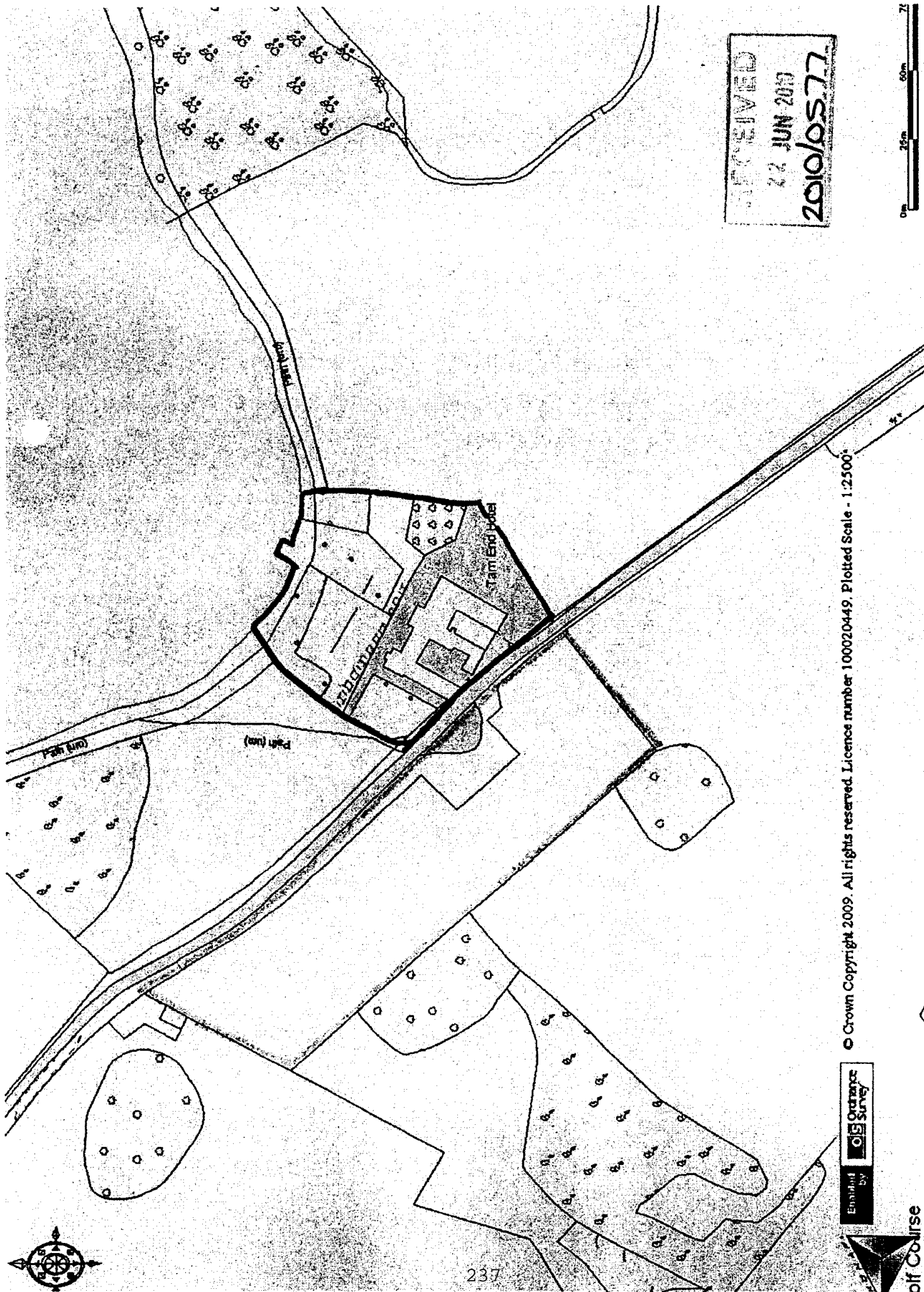
Article 8 recognises the "Right To Respect for Private and Family Life";

- 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;

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report further information is awaited on behalf of the applicant.



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PLANNING STATEMENT

TOWN & COUNTRY PLANNING ACT 1990 s.73

Proposed removal of the effects of Conditions 2, 3, 4, 5 and 6 attached to grant of full planning permission under 06/0693 for “Conversion of hotel and outbuildings to provide 8 holiday units”

Tarn End House Hotel, Talkin, Brampton, Carlisle

1. INTRODUCTION

- 1.1 This application is made under s.73 of the 1990 Act for the removal of *the effects of* Conditions 2,3,4,5,and 6 attached to the grant of full permission under 06/0693 for the conversion of the Tarn End House Hotel to 8 dwellings.
- 1.2 Because the Tarn End House Hotel lies within “open countryside”; neither within nor reasonably adjacent to/with any settlement (local centre or otherwise), and in view of the qualifying case presented below, the case falls to be considered against Policy H8.
- 1.3 To confirm at the outset; the planning permission granted under 06/0693 has been lawfully commenced, and so agreed in writing with the LPA. Accordingly, a number of Conditions need not be carried through should this application be approved as proposed.

2. Policy H8 (Conversion of Existing Premises)

2.1 Policy H8 provides:

POLICY H8 Conversion of Existing Premises

Proposals for the conversion of non-residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. the building is of sufficient historic or architectural interest or which makes a contribution to local character such as to warrant its retention, and alternative use for economic or community purposes is either not viable or would be inappropriate in other respects; and
2. an appreciation of the historic, architectural, or archaeological significance of the building is submitted with the application against which the proposed development can be assessed, together with the need for further archaeological recording; and
3. the building can be converted without extensions or major alterations which would destroy its character; and
4. the details of the proposed conversion respect the building's character; and
5. adequate access and appropriate car parking can be achieved whilst respecting the character of the landscape; and
6. the design and appearance of the building and the site boundaries should be in keeping with its surrounding landscape; and
7. evidence is provided of marketing the building for economic development uses for a minimum period of six months

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Classes A to E inclusive of Part One of Schedule Two to the *Town and Country Planning General Development Order 1995* as amended may be withdrawn by a condition attached to a planning consent.

The conversion of very remote rural buildings will be subject to sustainability tests to assess their acceptability.

- 1.5 Policy H8 is a qualified policy; its relevance and application is determined by the satisfaction of qualifying criteria contained therein. In this instance, in view of the Planning history; specifically the lawfully commenced scheme for 8 (holiday) dwellings under 06/0693, one is left to contemplate solely **criteria 1 and 7** (underscored above). For the avoidance of doubt; criteria 2. relates to instances where there is being proposed a new scheme for conversion. Again in this instance there is already an approved scheme for conversion which has been lawfully commenced. We will address criteria 1 and 7 in turn as follows:

Criteria 1.

- 1.6 It is worth noting that the wording of criteria 1. was the subject of scrutiny during the Plan preparation whereby it was agreed that a less restrictive approach be adopted; expanding the scope for inclusion to non-listed/designation examples.

“Conservation Principles” (English Heritage 2008)

- 1.7 In that respect reference is made to English Heritage’s publication “**Conservation Principles**” (2008) which accents the identification and assessment of “significance places” mainly in relation to the country’s built and natural *heritage*, and how they are “valued” by everyone – albeit with a necessary degree of comparative, qualitative discrimination.
- 1.8 This Guidance aims to break down the traditional barriers re-enforced by “high level terminology” that relied on formal designations (listed buildings, conservation areas, schedules monuments etc). Instead it places reliance on the idea of “place” to encompass any part of the historic environment, including non-physical forms, perceived as having an identity or a “sense of place”, thereby increasing the opportunities for attaching “value” by more people in more ways; evidential, historical, aesthetic, and communal, whilst appreciating that such will (have) change(d) over time, and in the realisation that “conservation” is essentially the management of inevitable change. “*..the significance of a place should influence decisions about its future, whether or not it has a statutory designation.*” (para 31).

English Heritage Advice Report – Tarn End House (February 2010)

- 1.9 In respect of Policy H8, a recent Advice Report carried by English Heritage (petitioned by a person unknown to consider having the building listed) is useful. A copy of the report (acquired by the applicant by right as landowner), is included here as **Appendix 1**. To summarize the findings; the building does not fulfil the criteria for listing; it is not of sufficient “special” architectural or historic interest. The pivotal period of its history was during the late C19 when it changed to a hotel, which wrought alteration and loss to its original agricultural-domestic fabric, though at the same time heralding a new and important chapter - its “secondary phase”, that sees its fortunes and importance develop and integrate with that of Talkin Tarn (Country Park) as a local beauty spot, visitor attraction and club sporting venue. The Advice Report states under its Assessment:

*“Externally [...it...] is a representative example of the investment made available at the end of the C19 for the construction of commercial buildings such as hotels. The building is designed in typical late-Victorian style with external detailing such as the use of ashlar dressings and half dormers epitomising the domestic architecture of the day. Its principal quality lies in its attractive exterior which is well composed with varied window forms and lively roofline.....**The loss of the interior in its entirety means that this hotel does not meet the criteria for listing....**”*

*“**Although in the national context any claims to special interest have been seriously compromised by significant alteration, the complex is not without its merit and its local significance is clear enough. It remains a landmark building within the local area and has close association with a cherished natural beauty spot, now a country park.**”*

(our emphasis)

- 1.9 The extract emphasises the importance of the external appearance, which in turn is appreciated as part of and an important contributory element as a “*landmark building*” within a “*cherished natural beauty spot*”.

Application ref: 09/0917: Conversion & Extension to create 15 dwellings

- 1.10 On the previous application for conversion and extension of the building to create 15 dwellings, an assessment of the building and its setting was offered as part of the Planning Statement. With reference to the wider scene it states:

"At one level [...Talkin Tarn...] is a District attraction of wide appeal and significance, ranking alongside Hadrian's Wall and Tullie House as an exemplary popular facility/destination for locals and tourists alike. Talkin Tam is regarded also by many, in particular its neighbours, as an iconic landmark and feature of local interest and recreation value within which the constituent parts such as the rowing club and Tarn End House play roles of significance in effecting a single "cherished local scene".

".....Tarn End House Hotel; a locally iconic building/landmark, that otherwise faced a bleak commercial future as a hotel by reason of its limited scale and relatively "isolated" location. Despite being thrown the life-line of an approval for conversion to 8 "holiday" dwellings, such was little more than a market inducement; a tacit acceptance of its demise as a viable "hotel".

"The overall aim is to repair, improve and build-upon what is arguably "special" about this local landmark; what is significant about this "place"; this "cherished local scene".....Tarn End House is by no means an architectural "gem" in the purist sense. It is idiosyncratic; displaying an appreciable variety of styles each not particularly well executed or juxtaposed. It is something of an oddity, but nonetheless one that has become an icon of this locale; synonymous with the Talkin Tarn Countryside Park; a familiar element of the one's "memory map" - as much as the Rowing Club, the intimacy of the wooded landscape, and of course the Tarn itself."

"Arguably, the significance of the building is not intrinsic, rather its relationship with and role within the framing landscape and the Tarn. The building's scale, layout and orientation support that view, but these aspects in isolation are not determinative of its true importance. Rather it is the result of these factors and how the building and

the site contribute to the wider setting/scene that lends so much to the overall "sense of place" that defines and signifies "Talkin Tarn"

- 1.11 We believe the relevant aspects of the previous Planning Statement in respect of the significance of this "place" and indeed the significant contribution made by this building to the wider "sense of place", has now been endorsed by the English Heritage Advice Report. Indeed Planning Officers have on the matter of the conversion to 15 dwellings reported under para.5.16 that *"Policy H8 of the Local Plan states that proposals for the conversion of non-residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless: the building is of sufficient historic or architectural interest or which makes a contribution to local character such as to warrant its retention.....In this context it is considered that Tarn End House Hotel is of sufficient local interest as to warrant its retention"*, and later under the Conclusions, that it is *"...a relatively substantial structure that is of local interest;"*
- 1.12 Added to all this has been the keen public and media interest that has surrounded the fate of this building over the past few years. The aforementioned previous application under 09/0917 prompted a significant response from the public both in writing as well as in a Facebook "campaign" that saw a considerable number not simply objecting to the previous proposal but conveying their own feelings and opinion on a building/a site as a valued landmark feature within, as we have always said, an undoubtedly "cherished local scene".
- 1.13 This harks back to "**Conservation Principles**" which suggests that any fixed part of the (historic) environment with a distinctive identity perceived by people can be considered a "place" against which a "value" may be attached and an idea of "significance" articulated. The "significance" of a place embraces all the diverse cultural and natural heritage values that people associate with it or which prompt them to respond to it. We believe that has been done, by the applicant, the LPA, 3rd parties and now English Heritage.

Setting and Local Landscape Context

- 1.14 The setting relates to the surroundings in which a place is experienced; its local context embracing past and present relationships to the adjacent landscape.
- 1.15 As stated; the history of the Hotel as such is associated with the evolution and consolidation of the Talkin Tarn and its progression as a Country Park visitor attraction. The focus remains on the tarn in every respect, with the Tarn End House a pivotal feature along with the Boathouse as forever embedded on the memory map of all who visit or pass the site.
- 1.16 This “focus” is provided and accentuated by the landscape; its topography and wooded cover. The tarn is a glacial lake set in the 50ha Talkin Tarn Country Park; a mix of farmland and woodland overlaid by a network of public footpaths and bridleways.
- 1.17 In the Cumbria Historic Landscape Characterization Database (2009) the landscape priorities for the built environment includes: *“Encourage the retention, reuse and adaptation, wherever possible, of former agricultural, industrial and commercial buildings as both a benefit to historic landscape character and to the reduction of carbon costs through unnecessary new build.”*
- 1.18 The site lies within the Irthing Valley Landscape Character Area, however the published summary of such imparts little if any pertinent insight; not surprising given the relatively recent evolution of the tarn environment since its emergence as a visitor attraction and community-recreational resource in the late C19. Conversely, it is arguably the contrast afforded the scattered small nucleated medieval settlement pattern within the wooded undulating landscape that distinguishes the Tarn environment as isolated and discrete/enclosed. As relayed by the typology-based Cumbria County Council's Technical Paper No.5: Landscape Character (Type 11: Upland Fringes): *“Topography and woodland tend to shorten and frustrate views but there are glimpses of surrounding fells.”*. At the Tarn, enclosure is all around accentuated by dense ancient and plantation woodland.

Criteria 7

- 1.19 There is required evidence of marketing the building for economic development uses for a minimum period of six months. This we believe is integrated with the second aspect of criteria 1. in respect of alternative uses and the issue of viability, alongside other issues of location and accessibility.
- 1.20 **Appendix 2** provides the details and results of 6 months of marketing of the site – this, following that undertaken by agents for Cumbria County Council pursuant the sale of the site in 2009 with the benefit of and presaged upon the permission to convert to 8 (holiday) dwellings. This methodology was agreed prior with Council Officers, is self-evident, and satisfies criteria 7 as well as addressing criteria 1.
- 1.21 In addition it is worthwhile recounting the Officers' reported assessment of the scheme for 8 (holiday) dwellings in response to comments regarding the need to retain the hotel as such: *"Although no information on viability is presented, this application relates to a relatively small hotel which is not located within an identified settlement, and, is modest in terms of its facilities. The settlement of Talkin is served by a hotel and restaurant. The Tam also has a cafe. In addition, the current proposal would potentially secure the continued upkeep of a prominent local landmark....."*, It is a matter of record the failure rates of hotels, pub and restaurants with survival resting increasingly on offering a wider range of services and attractions across economies of scale. This Hotel is indeed modest; the Council's evidential desire to retain the building's scale and character all within a relatively limited curtilage bound by a highway and the tarn, does not bode well for the revival of the hotel as such; it is an unrealistic expectation that, on the basis of the marketing, is unviable and so will not be realised.

CONCLUDING REMARKS

This s.73 would effect 8 permanent dwellings that would be acceptable against Policy H8 (i) & (vii); the remaining criteria being immaterial in the context of the lawfully commenced fallback position provided by 06/0693.

APPENDIX 1: English Heritage Advice Report (February 2010)

English Heritage (Listing)

Advice Report

10 FEB 2010

ADDRESS

THE FORMER TARN END HOTEL, TALKIN TARN (O), BRAMPTON

Parish BRAMPTON
District CARLISLE
County CUMBRIA

Case UID: 169235

Date First Listed:

Formerly Listed As:

RECOMMENDATION

Outcome: No, do not list

Recommended Grade: NL

25-NOV-2009

BACKGROUND:

After examining all the papers on this file and other relevant information and having carefully considered the architectural and historic interest of this case, the criteria for listing are not fulfilled.

CONTEXT

The application to list was prompted by the sale of this building, with planning consent for conversion to holiday apartments. A new planning application for the partial demolition, conversion and extension of the hotel to create 15 new houses was submitted and turned down in October 2009. The building is not included in a conservation area.

HISTORY

This building is present on the first edition Ordnance Survey map of 1864 and is depicted as an E-shaped farmstead named Tarn End. Earlier records indicate that it was a working farm which had its origins in the early C19 and its construction is therefore considered to fall within the important period 1750-1840, when English agriculture was the most advanced in the world. It was still a working farm in the mid-C19, owned by the Armstrong family. Later records and evidence contained within the building itself, indicate that the farmstead's main range was subsequently re-fronted, remodelled internally and converted to a domestic dwelling; a date stone incorporated into the new west gable records the date 1889 and bears the crest of the Howard Earls of Carlisle who owned the estate at that time. The northern parts of two of the rear ranges were also incorporated into the domestic building and converted; the remainder of the agricultural ranges were unconverted and continued in use as stores and barns. The architect of this work is unknown, although the applicant considers that the building was influenced by the architect Philip Webb who has a number of listed buildings to his name including two houses in the nearby town of Brampton, commissioned by George Howard (the future 9th Earl of Carlisle). The building is thought to have become a Temperance Hotel in 1910, no doubt influenced by the rise of Talkin Tarn as a local beauty spot and visitor attraction, and it remained a hotel throughout the C20, until its closure in 2006.

DESCRIPTION

This building is situated immediately above the glacial lake known as Talkin Tarn, a renowned beauty spot and country park on the edge of the North Pennines AONB. It faces north across the tarn with grounds sloping to the waterside, incorporating two terraces and stone steps. It is E-shape in plan with a main range oriented east-west and three ranges projecting to the rear. Ranges mostly comprise two storeys and are constructed of red sandstone with pitched roofs. Original stone slates have been removed from all roofs and the domestic ranges have ashlar

Page 1 of 4

English Heritage (Listing)

Advice Report

10 FEB 2010

dressings and tall brick chimneys. The main range, converted to the later C19 dwelling and later a hotel, comprises a three bay central section with large segmental headed ground floor windows and half dormers above. This is flanked, to the right, by a projecting gabled bay with a ground floor canted bay with a mullioned window above and, to the left, by a projecting two bay range with stone mullioned windows and a first floor full dormer. A small single storey flat-roofed building was added as infill in the mid-later C20. The north end of the central rear range is a two-bay, two-storey dwelling with half dormers of similar character to the main dwelling. The single unconverted rear range and the south parts of the other two largely retain their agricultural character and their fabric retains evidence of their evolution.

Internally, the former hotel has been gutted and walls stripped back to the original stonework; a staircase, some original doors and four fireplaces remain. The agricultural ranges have undergone similar stripping out although one of the ranges retains the partial remains of a mid-C20 milking parlour.

ASSESSMENT:

CONSULTATION

The applicant responded with information regarding the crest on the date stone, which has been incorporated into the history section of this advice.

ASSESSMENT

As set out in the English Heritage Selection Guide for Agricultural Buildings (2007), the period 1750-1880 is the most important for farm building development which witnessed major developments in both plans and building types. Examples of planned farmsteads dating from before 1840 are important if they survive in a complete state.

This farm complex is well built and displays some external detailing which helps to identify the former functions of some areas; the large barn forming the rear east range of the complex retains its agricultural character and is of some interest, however in the national context the architectural merits of the farm complex as a whole are modest. At its construction this farmstead probably achieved best practice in its design, based upon the clear flow-line principles of the time which were at the cutting edge of farm planning. Parts of this process flow can be read today in the present buildings, but a full understanding of how the farmstead operated, and the functions of its component parts, are difficult to identify as the buildings themselves have been subject to significant alteration. Incremental alteration can be seen for example in the large number of altered openings, replacement fabric and the removal of all roofing materials. This has compromised the interest of the buildings but in addition, and most significantly, is the loss of the external and internal agricultural character of the central range and northern parts of the rear ranges, which occurred during the later C19 conversion of the farm complex to a hotel; this is a very significant alteration which resulted in the re-fronting of the central range and the loss of its original interior and the interior of parts of the rear west and central ranges. Internally, there are few original features or fittings pertaining to the original agricultural function of the complex. Overall therefore, although this farmstead is considered to date from the earlier mid-C19 the buildings have been much altered, its architectural quality is limited and it does not compare favourably with other intact examples.

The complex also needs to be assessed in its secondary phase as a later C19 hotel. As set out in the English Heritage Selection Guide for Commercial Buildings (2007), hotels survive in high numbers and after 1840 there is a high degree of standardisation, high survival rates and varying levels of design interest, meaning that selectivity is necessary when considering such buildings for designation. Key considerations will be rarity, architectural quality and the degree of survival of

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original fabric, especially interior survival.

Externally the former Talkin Tarn Hotel is a representative example of the investment being made available at the end of the C19 for the construction of commercial buildings such as hotels. The building is designed in typical late-Victorian style with external detailing, such as the use of ashlar dressings and half dormers, epitomising the domestic architecture of the day. Its principal quality lies in its attractive exterior which is well-composed, with varied window forms and lively roofline. The interior, by contrast, has seen very significant alteration indeed, to the extent that it has been stripped back to its original stone walls; only a staircase and a few original fireplaces remain in situ and these are all representative of their period. All other fixtures, fittings, joinery and decorative features including the plaster lining of the walls have been removed from the building. A key element of the significance of a hotel will usually be the quality and intactness of its interiors as these are what convey their distinctive character. The loss of the interior in its entirety means that this hotel does not meet the criteria for listing. Although the applicant considers that the design of the building was influenced by two local works by Phillip Webb (both listed Grade II), the designer of the hotel is unknown. While of local interest, this potential influence is an insufficiently strong association and does not impart special interest.

Although in the national context any claims to special interest have been seriously compromised by significant alteration, the complex is not without its merits and its local significance is clear enough: it remains a landmark building within the local area and has a close association with a cherished natural beauty spot, now a country park.

CONCLUSION

The former Tarn End Hotel is therefore not recommended for designation.

SOURCES

Sheila Kirk, 'Webb, Philip Speakman (1831-1915), Oxford Dictionary of National Biography, Oxford University Press, 2004

[<http://www.oxforddnb.com/view/article/36801>, accessed 2 Nov 2009]

Sale Particulars 2009: <http://www.cumbria.gov.uk/eLibrary/Content/Internet/536/647/3947795920.pdf>

REASONS FOR DESIGNATION DECISION:

The former Tarn End Hotel, fashioned from an earlier planned farmstead in 1889, is not recommended for designation for the following principal reasons:

- * Alteration: the original farmstead was significantly altered during its later C19 conversion to a hotel
- * Design: the process-flow principles of the original farmstead are no longer explicit in the plan of the complex
- * Architectural: a standard and representative example of a later C19 rural hotel
- * Intactness: the interest of the hotel has been compromised by removal of its interior layout, fixtures and fittings

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VISITS

11-NOV-0009 Full inspection

COUNTERSIGNING

Countersigning Comments: Agreed: While the buildings have obvious landscape qualities, they do not merit designation in a national context.
21.01.10

Second Countersigning Comments:

HP Director Comments:

Proposed List Entry

BRAMPTON

TALKIN TARN
(Of)
THE FORMER TARN END HOTEL
NL

Case UID: 169235

Proposed LBS UID: 507700

APPENDIX 2: Marketing Information



COMMERCIAL · CONSTRUCTION · DEVELOPMENT · REGISTRATION
Atlantic House, Parkhouse, Carlisle, Cumbria CA3 6UJ Telephone: 01228 595606 Fax: 01228 595525
Email: carlisle@hydeharrington.co.uk Website: www.hydeharrington.co.uk

Mr A Willison Holt
Maple House
Great Strickland
PENRITH
CA10 3DJ

Our Ref: TH/ED/10571
Your Ref:
Date: 14th June 2010

Dear Mr Willison Holt

TARN END HOTEL, TALKIN, BRAMPTON

Following your request for a marketing report on the above property, I confirm that Hyde Harrington have been engaged by Citadel Estates since 14 December 2009 as the appointed selling agent for the property. We are an established, multi disciplined firm of chartered surveyors and we specialise in commercial property agency.

Before commencing the marketing we carefully considered the advice provided by Mr Hutchinson of Carlisle City Council Development Control regarding the specific requirements for an appropriate marketing strategy for the property. In view of the subdued market conditions and in order to help maximise the response to the property from the outset, our client has maintained the policy of inviting "reasonable offers" for the property as it was hoped that this extreme measure would entice interest.

Our marketing of the property during the last 6 months has included the following actions:

- Erection of prominent for sale board
- Production and distribution of sales particulars for the property
- Regular circulation of sales particulars to prospective buyers on our database
- Constant advertising of the property on our website
- National specialist advertising in the Property Week and the Estates Gazette

We have undertaken regular monthly progress reviews to report feedback to our client and to consider any other possible actions which could further increase the response to the property.

In addition to our actions, an editorial article was published in the Cumberland News in December 2009 and this confirmed that the property was available for sale.

Hyde & Harrington, Park House, Carlisle, Cumbria, CA3 6UJ. Tel: 01228 595606. Fax: 01228 595525. Email: carlisle@hydeharrington.co.uk. Website: www.hydeharrington.co.uk

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Attached overleaf is a tabulated summary itemising each of the 25 parties who have enquired about the property to date. The names of the parties shown have been abbreviated for data protection compliance. Whilst we have been encouraged by achieving on average 1 enquiry per week for the property, it should be noted that all of the enquiries that we have received are non progressive. The majority of enquiries were interested in developing the property as a private residence.

We received an unacceptable offer from Mr and Mrs C from Esses. They too, however, were intending to use the property as a private residence. They did not internally view the property and their offer was subject to planning consent, valuation and survey. We have received no further offers for the property.

I understand that the response which we have generated for the property is consistent with the response achieved by Capita, the appointed selling agent for the previous owners, and who marketed the property for 14 months before it was purchased by our client.

In our opinion it is clearly evident that there is insufficient interest for the property either as an established hotel, the currently approved holiday let usage, or for any other non housing alternative usages.

I trust my report meets with your requirements, however, if you require any further information then please let me know.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trevor Hargraves', written over the printed name.

TREVOR HARGRAVES

Hyde Harrington

Direct Email: trevorhargraves@hydeharrington.co.uk

**SUMMARY OF MARKETING REPORT - TARN END HOTEL, TALKIN
DURING THE PERIOD OF DECEMBER 2009 – JUNE 2010**

| Date | Enquiring Party | Outcome |
|------------|----------------------------|----------------------------------|
| 05.01.2010 | Ms R | Non progressive. |
| 05.01.2010 | Mr D, London | Non progressive. |
| 13.01.2010 | Mr R, Hexham | Non progressive. |
| 14.01.2010 | Mr D | Non progressive. |
| 29.01.2010 | Mr B | Non progressive. |
| 02.02.2010 | Retail Company | Non progressive. |
| 02.02.2010 | Property Company | Non progressive. |
| 04.02.2010 | Mr and Mrs P | Non progressive. |
| 16.02.2010 | Mr B, Mason Owen | Non progressive. |
| 16.02.2010 | Mr and Mrs C, Essex | Non progressive. |
| 02.03.2010 | Mr F | Non progressive. |
| 03.03.2010 | Mr E | Non progressive. |
| 09.03.2010 | Miss R | Non progressive. |
| 10.03.2010 | Mrs M | Non progressive. |
| 10.03.2010 | Mrs S, South Staffordshire | Non progressive. |
| 29.03.2010 | Mr D, Penrith | Non progressive. |
| 29.03.2010 | Mrs D, Chesterwood | Non progressive. |
| 09.04.2010 | Mrs T, Carlisle | Non progressive. |
| 12.04.2010 | Mrs G, Kendal | Non progressive. |
| 12.04.2010 | Mr K, Carlisle | Non progressive. |
| 19.04.2010 | Mr B, Dalston | Non progressive. |
| 20.04.2010 | Mr and Mrs B, Argyll | Non progressive. |
| 23.04.2010 | Mr W, Carlisle | Non progressive. |
| 12.05.2010 | Mr G, Carlisle | Non progressive. |
| 14.05.2010 | Mr and Mrs C, Essex | Offer rejected. Non progressive. |

Hyde Harrington

PROPERTY CONSULTANTS

TARN END HOUSE FOR SALE

Talkin Tarn, Nr. Brampton, Cumbria



Traditionally built former hotel with outbuildings

Potential for alternative uses or development
(subject to planning permission)

Elevated position overlooking Talkin Tarn Country Park.

Offers invited for the freehold interest

Tarn End House, Brampton, Carlisle, Cumbria, CA2 6TJ Telephone: 01228 530100 Fax: 01228 505545
Email: enquiries@hydeharrington.co.uk Website: www.hydeharrington.co.uk

BUILDING DESIGN - SURVEYS - DILapidATIONS - PARTY WALL MATTERS - CONTRACT ADMINISTRATION
SOCIAL HOUSING - ASSET MANAGEMENT - VALUATIONS - RENT PAYERS - LEASE RENOVATIONS

Tarn End House, Talkin Tarn, Brampton, Cumbria, CA8 1LS

Description

Tarn End House comprises a former hotel with views to the Tarn and the surrounding country park. The property is constructed from local red sandstone and previously traded as a 6 bed hotel and licensed restaurant. The property has grounds of approximately 0.70 hectares (1.72 acres) and includes a number of stone outbuildings, courtyard and parking areas.



Photographs for illustration purposes only

Location

Tarn End House is situated just outside the fellside village of Talkin approximately 2 miles south east of the market town Brampton in north Cumbria. Brampton is situated on the A69(T) and is approximately 11 miles to the east of Carlisle.

Planning

Planning permission (Ref no. 06/0693) was granted by Carlisle City Council on 16 November 2006 for the conversion of the main house and outbuildings into 8 holiday apartments. The property may lend itself to alternative uses subject to planning.

Business Rates

The Rateable Value in the 2005 Valuation List is £11,250.

The Rateable Value in the 2010 draft Valuation list is £11,400.

Services

Mains water and electricity are to hand.

Viewing

By arrangement only through
Hyde Harrington. Tel: 01228 595600

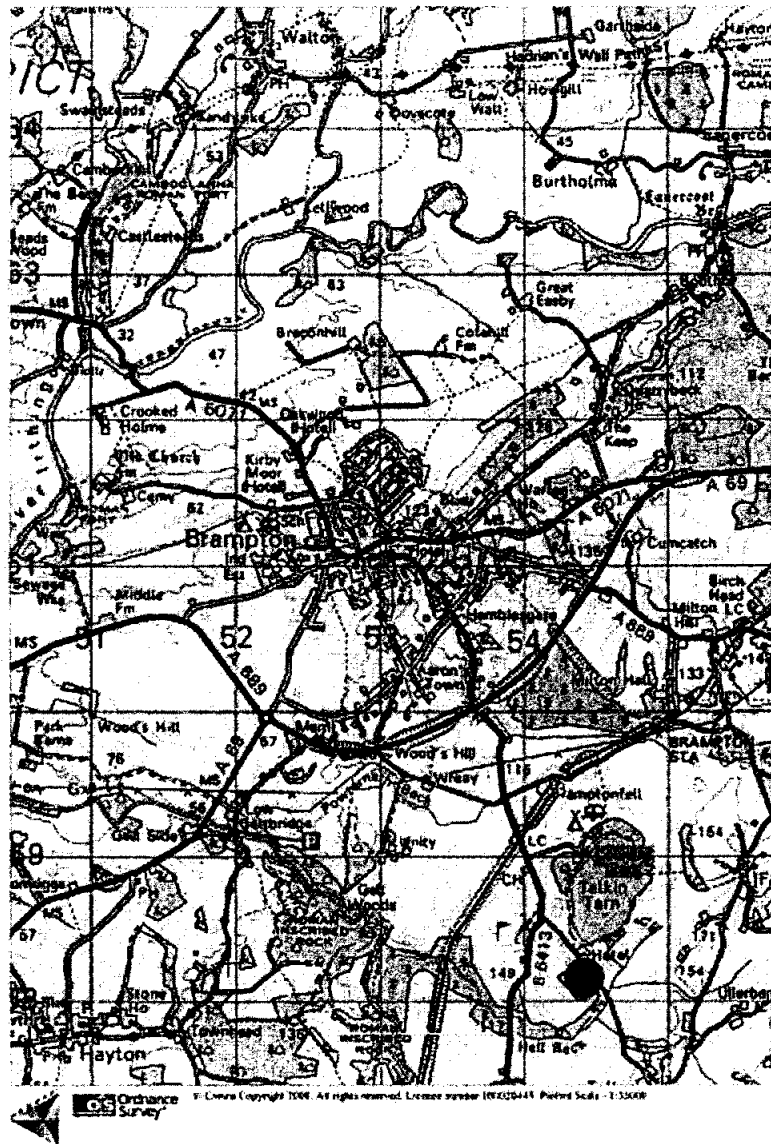


Particulars prepared December 2009 10571

IMPORTANT NOTICE

While every care has been taken in the preparation of these particulars, all interested parties should note:

1. The description and photographs are for guidance only and are not a complete representation of the property.
2. Plans are not to scale, are for guidance only and do not form part of any contract.
3. Surveys and any appliances referred to have not been tested and cannot be verified as being in working order.
4. No survey of any part of the property has been carried out by the vendor or Hyde Harrington.
5. Measurements are approximate and must not be relied upon. Maximum approximate room sizes are generally given, in the nearest 0.1 metre. Used ceilings are measured correctly unless otherwise stated, to the nearest 0.1 metre. For convenience, an approximate imperial equivalent is also given.
6. Only those items referred to in the text of these particulars are included.
7. Nothing in these particulars or any related documents forms part of any contract unless expressly incorporated within a subsequent written agreement.



Hyde Harrington

Hyde Harrington
PROPERTY CONSULTANTS

For Sale

Tarn End House, Talkin Tarn, Brampton,
North Cumbria

Former Hotel/Development Opportunity

Comprises a former hotel in an elevated position overlooking the Tarn and surrounding country park. Grounds of approx 0.70 ha (1.72 acres) and stone outbuildings.

Previously traded as a 8 bed hotel and licensed restaurant.

Planning consent for conversion into 8 holiday apartments.

The property may lend itself to alternative uses subject to planning.

Offers invited

01228 595600
www.hydeharrington.co.uk

Hyde Harrington
PROPERTY CONSULTANTS

To Let

Talkin, Brampton
Rural Offices

Office accommodation in village location. Approx 2 miles south from market town of Brampton.

Former laboratory/office 84.5 sq m (908 sq ft) - £7,000 pa

Office 241.5 sq m (2,600 sq ft) - £20,000 pa

Further details on request

01228 595600
www.hydeharrington.co.uk

**QUALITY OFFICE ACCOMMODATION
PRESTON CITY CENTRE**



FINAL FLOORS REMAINING

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specialising in work related space
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**NORWEST COURT
TO LET**

Guildhall Street, Preston, PR1 3NU

**1,658 to 13,264 sq ft
(154 to 1,232 sq m)**

- Central business district location, close to shopping areas
- On-site parking
- Refurbished and DDA compliant
- Comfort cooled

01772 769000
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Danny Pinkus

King Sturge
0161 228 8793

Richard Wharton

Essex Gazette 30.1.10

**Berkeley Avenue,
Reading**
5,000 sq ft offices/D1 building
To Let



36 car parking spaces
Good main road (A4) location
Easy access to town centre and M4 (J11 and J12)
For further information please contact Jon Daniel

Daniel & Gilbert
RACS
0118 984 5001
admin@danielandgilbert.co.uk

Hyde Harrington
PROPERTY CONSULTANTS

For Sale
**Tarn End House, Talkin Tarn,
Brampton, North Cumbria**
Former Hotel/Development Opportunity
Comprises a former hotel in an elevated position overlooking
the Tarn and surrounding country park
Grounds of approx 0.70 ha (1.72 acres) and stone outbuildings
Previously traded as a 8 bed hotel and licensed restaurant
Planning consent for conversion into 6 holiday apartments
The property may lend itself to alternative uses subject to planning

Offers invited

For Let
Talkin, Brampton
Rural Offices
Office accommodation in village location
Approx 2 miles south from market town of Brampton
Former laboratory/office 84.5 sq m (908 sq ft) - 47,000 pa
Office 24.5 sq m (260 sq ft) - 12,000 pa
Further details on request

01228 595600
www.hydeharrington.co.uk

RIVERSIDE INVESTMENT FOR SALE
2,800 sq ft RIVERSIDE RETAIL UNIT & VILLA HOUSE - BRIPLEY, BRISTOL
RENT PRODUCING £14,350 PER ANNUM
FROM A WELL ESTABLISHED TENANT
£199,000



PERMANENT SHOP
WITH PLUMB RIVER
FRONTAGE
INVESTMENT IN 20
YEAR LEASE
75 YEAR LEASE
Call Jamie on: 07976 733 067 jamie@kahadesign.com

Freehold For Sale
Horticultural Land and Residential Dwelling

Crews Hill, Enfield, Middlesex
• Planning Permission approved for display of
landscaping, garden products and erection of
Visitors Centre
• In all about 3.90 acres (1.58 ha)

Contact: Graham C. Freeman J Bell

Edward Symmons **020 7955 8454**
www.edwardsymmons.com

**Former Best Mate Inn,
Swindon Road, Cheltenham**

- Consent granted July 2008 for 6 x two bedroom
and 1 x one bedroom flats
- A level and cleared corner site
- Offers in excess of £300,000 STC
- VAT is not applicable

For further information, please contact:
Stephen Bailey-Kennedy, Duncan & Bailey-Kennedy,
15 Castle Street, High Wycombe,
Bucks HP13 6RU
Telephone: 01494 450951
Email: steveb@dbk.co.uk

Duncan & Bailey-Kennedy
01494 450 951

Nunsfield Farm, Buxton
For sale as a whole or in lots

About 13 acres attractive investment opportunity
with residential, commercial & agricultural interest.
Residential location & considerable leisure potential.
3 residential properties, let trading estate & 2 lots of
accommodation grassland adjoining inc 2.29 acres
allocated for residential development on the approved
development plan.

Further details from
Frank Marshall & Co, 8 The Quadrant, Buxton SK17 6AW
01298 23038
Guide prices on application





Angus Hutchinson

From: Andrew Willison-Holt [andrew.wh@btinternet.com]
Sent: 30 July 2010 08:29
To: Angus Hutchinson
Cc: Mark Lambert; Trevor Hargraves; Helen - Citadel Estates
Subject: Tarn End House - 10/0577 - Comment on Objection - Mr Ogilvy
Attachments: Ogilvy letter 28.7.2010.pdf

Angus,

I note a further objection made by Mr Ogilvy in respect of the marketing exercise. I believe his comments are irrelevant and spurious as is his reference to the 1998 Competition Act in respect of the marketing, but nonetheless revealing in other respects.

This Act The act provides an updated framework for identifying and dealing with restrictive business practices and abuse of a dominant market position. One of the main purposes of this act was to harmonise the UK with EU competition policy. It is an important part of ensuring the completion of the internal market meaning the free flow of working people, goods, services and capital in a borderless Europe - stems from the so-called foundatory "Four Freedoms". Main policy areas include:

- Cartels, or control of collusion and other anti-competitive practices;
- Monopolies, or preventing the abuse of firms' dominant market positions.
- Mergers; control of proposed mergers, acquisitions and joint ventures involving companies which have a certain, defined amount of turnover in the EU/EEA.

The reference to "directly or indirectly fix purchase or selling prices or any other trading conditions" is a "prohibition" - aka "price-fixing" - it has nothing at all to do with this case; the private marketing of a property for sale where "reasonable offers invited".

But again, we have the issue of a 3rd party blurring the necessary distinction between "true intentions" and how a reasonable person would objectively view the situation (re; my previous e-mail to yourself and Mark Lambert). Having now been exposed to my client's "true intentions" they believe such can be applied to question the quality and conduct of the advertiser during the marketing period during which in contrast they had, and should not have had any such inkling - as I've previously argued. Such a position is untenable.

Moreover, its another facet of "contamination" - this time the abuse of hindsight by "going back to the future". This representation does little more than re-iterate my previously made points, and is otherwise irrelevant.

Regards

Andrew Willison-Holt

andrew.wh@btinternet.com

 Please consider the environment - Think before you print

This communication is only for the use of the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you

Tarn End Hotel

Report and Valuation

Undertaken for

**Citadel Estates of 111 Denton Street,
Denton Holme, Carlisle, CA2 3EH**

Edwin Thompson LLP
FIFTEEN Rosehill
Montgomery Way
Rosehill
Carlisle
Cumbria
CA1 2RW

Tel: 01228 548385
Fax: 01228 511042

File ref: M1073

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1.0 Instructions

1.1 Instruction Agent

Mr A Willison-Holt

1.2 Date of Inspection

Tuesday 20th July 2010.

1.3 Remit

Market Valuation to assist with an assessment on the viability of conversion of a former hotel into 8 self contained holiday homes.

1.4 Compliance

The valuation has been undertaken in compliance with the requirements of the practice statements, guidance notes and appendices contained within the valuation standards (The Red Book) of the Royal Institution of Chartered Surveyors dated 2008 (6th addition).

1.5 Confirmation

- We confirm we have the necessary expertise in advising in respect of this property.
- We confirm we have adequate professional insurance cover on an individual per-claim basis in respect of this report.
- We confirm the standard Edwin Thompson Terms of Engagement forwarded to the instructing source, Citadel Estates, will apply to this report and valuation.

1.6 Surveyor carrying out the Report

Mr C Gray B.Sc. B.A. M.R.I.C.S. F.A.A.V. of Edwin Thompson LLP, FIFTEEN Rosehill, Montgomery Way, Carlisle, CA1 2RW

1.7 Date of Report

Monday 26th July 2010

2.0 Description

A redundant mid 19th Century sandstone farmhouse latterly converted to an 8 bedroom hotel which ceased trading in 2004. Surrounded by approximately 1 acre of gardens and situated at the northern side of Talkin Tarn Country Park.

3.0

Condition

We understand that the property has suffered a number of break-ins and acts of vandalism since being purchased by the new owners. This included removal of lead from roof valleys and chimneys. Theft of copper pipe, wire and fireplaces, attempted arson attack, several broken windows and doors. Further when commencing internal repairs dry rot was discovered in several areas of the property and specialist advice was sought and implemented.

At the time of our inspection the following was noted:

- Remaining roof tiles and lead removed and a protective covering provided over the roof of the entire building.
- All windows and door openings boarded up.
- Disconnection of all services.
- Removal of all plaster work exposing bare stone.
- Removal of all timber with the exception of first floor joists and roof trusses.

Notwithstanding our clients' health and safety and insurance obligations, it is our opinion that these works were not only necessary but essential to ensure that the fabric of this historic building did not deteriorate further.

4.0

Location

Tarn End House is situated approximately 2 miles to the south east of the market town of Brampton in rural north Cumbria. Brampton is situated on the A69(T) and is approximately 11 miles to the east of the border city of Carlisle, and 52 miles to the west of Newcastle upon Tyne. Brampton is a small rural market town, offers all the usual amenities, including schools, cottage hospital, public houses and restaurants.

5.0

Proposed Accommodation and approximate gross internal areas

| Unit | Accommodation | Approx GIA m ² |
|------|---|---------------------------|
| 1 | Ground Floor – Living room, kitchen, dining room, WC. First Floor – 4 Bedrooms each with en suite. | 173.5 |
| 2 | Ground Floor – Living room, kitchen, dining room, WC. First Floor – 3 Bedrooms each with en suite. | 136 |
| 3 | Ground Floor – Living room, Kitchen/Dining, WC First Floor – Bedroom, Shower room. | 51.5 |

| | | |
|---|---|-------|
| 4 | Ground Floor – Living room, Kitchen/Dining, WC. First Floor – Bedroom, Shower room | 51 |
| 5 | Ground Floor – Living room, Dining room, Kitchen, Bedroom, Shower room | 51 |
| 6 | Ground Floor – Living room, Kitchen/Dining, WC. First Floor – 2 Bedrooms each with en suite. | 91.5 |
| 7 | Ground Floor – Living room, Kitchen, WC. First Floor – 2 Bedrooms each with en suite. | 90 |
| 8 | Ground Floor – Living room, Kitchen/Dining, WC. First Floor – 3 Bedrooms each with en suite. | 130.5 |
| | Total GIA m ² | 775 |

6.0 Services

The report commissioned is a valuation only and should not be construed as a detailed building survey. No testing of services has been carried out.

6.1 Electricity

Mains supply. Single phase. Disconnected.

Requires upgrading to 8 separate services with individual meters.

6.2 Water

22mm lead mains requires upgrading to 8 separate mains plus individual meters.

6.3 Drainage

Requires installation of a bio disc waste package treatment plant.

7.0 Viability Appraisal

7.1 Gross Development Value (completed value as a trading entity)

- Holiday homes in Cumbria have been traditionally valued on the basis of a capital value per unit.
- The unit price achievable is pre determined by market competition. In this instance the 10 most direct competitors geographically were chosen and an average figure for each unit type obtained.

- Gross income is determined by multiplying the unit price achievable by projected occupancy levels. In this case 58% as supported and endorsed by Cumbria Tourism.
- Because of the diverse nature of holiday homes a viability check is applied based on a yield (multiplier) applied to the EBITDA (Earnings before interest, tax, depreciation and amortisation) (net trading profit).
- Typical gross income/EBITDA ratios for this type of industry is 50%.
- We would assess the Gross Development Value (GDV) with works completed at EBITDA multiplied by ten.

Maximum Gross Income £258,076.00

Occupancy levels £149,684.00

EBITDA £ 74,842.00

G.D.V £748,420.00

We would therefore assess the gross development value at £748,420.00

An average unit value of £93,000.00.

These figures are further supported by the only known comparable sales evidence Tottergill Farm, Castle Carrock which achieved a holiday home value of approximately £93,200.00 per unit in Spring 2007 which was in our opinion near the top of the market and pre credit crunch.

7.2 Lump Sum Refurbishment Cost

R D Williamson, Chartered Quantity Surveyors, was instructed to provide a detailed refurbishment cost plan based on a specification required to upgrade the property to a Visit Britain 5 star.

£720,000.00

This figure is exclusive of services, professional fees, contingencies and developers profit.

This figure is significantly below RICS published Wessex Rates for this type of project.

7.3 Fees

We have assumed 7.5% of refurbishment cost to include building control regulations, project management, design, mechanical and electrical engineers, health and safety provisions and structural engineers advice.

£ 56,250.00

7.4 Service Connections

Water Connection

We have assumed a figure of £16,000.00

Electric Connection

We have assumed a figure of £20,000.00

Drainage

We have assumed a figure of £45,000.00

Total for the service connections £ 81,000.00

7.5 Furnishings

We have assumed a furnishing cost per home of

| | |
|-----------|-----------|
| 1 Bedroom | £4,000.00 |
| 2 Bedroom | £5,000.00 |
| 3 Bedroom | £6,000.00 |
| 4 Bedroom | £7,000.00 |

Total for the proposed accommodation. £ 41,000.00

7.6 Marketing

We have assumed a figure of £400.00 per month for the construction and maintenance of a website and monthly advertising in specification magazines.

£ 4,800.00

7.7 Deferred Loss

We have assumed 50% turnover for the first 12 months until a full market trading position is achieved.

£ 37,421.00

7.8 Finance

- We have assumed a 12 month work period.
- We have assumed an arrangement fee of £ 7,500.00
- We have assumed borrowing in relation to the build cost.
- We have assumed interest charges at 5% above Bank of England base rate and an interest rolled up with a total debt of £750,000.00 at the end of 12 months.
£ 37,500.00

7.9 Contingency

We have assumed a contingency fee of 5% of the total above.

£ 49,300.00

7.10 Developers Profit

We have assumed a minimum level of 10% of the G.D.V.

£ 75,000.00

8.0 Calculations

| | | |
|-------------------------------|---------------|--------------|
| G.D.V- Completed and Trading | | £750,000.00 |
| Less Costs | | |
| Refurbishment Costs | £ 720,000.00 | |
| Professional Fees | £ 56,250.00 | |
| Service Connections | £ 81,000.00 | |
| Furnishings | £ 41,000.00 | |
| Marketing | £ 4,800.00 | |
| Deferred Loss | £ 37,421.00 | |
| Arrangement Fee | £ 7,500.00 | |
| Finance 5% above BEBR | £ 37,500.00 | |
| Contingency 5% of total costs | £ 49,300.00 | |
| Developers Profit | £ 75,000.00 | |
| TOTAL COSTS | £1,109,771.00 | |
| LOSS | | -£359,771.00 |

9.0 Observation on Calculations

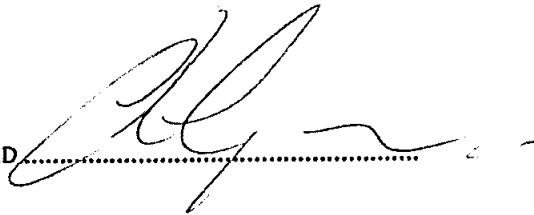
- The scheme has a negative value of £359,771.00.
- The refurbishment costs exceed the total value of the property by 47%.
- Stress testing the calculations by for example assuming a cash operator with development expertise would still result in a loss of over £200,000.00.

- Even accepting a zero valuation for the property as existing it is simply not economical to undertake the refurbishment relevant to the income return.

10.0 Conclusion

The proposal is not viable.

SIGNED

A handwritten signature in black ink, appearing to be 'C R Gray', written over a dotted line.

C R Gray B.Sc. B.A. M.R.I.C.S. F.A.A.V.

DATED THIS 30th DAY OF July 2010

My ref: 10/012
Your ref: 10/0577

27th July 2010

Dear Angus,

Re: Tarn End House

As well as addressing the issue of viability (H8i), the applicant is also attending to certain points raised by 3rd parties in their representations on the current application.

1. There appears to prevail the view that the applicant has permitted the site/building to fall into disrepair or has otherwise manufactured its present state to somehow support the current application. The applicant acquired the freehold without a survey at some risk. Since then he has undertaken nothing more than what any responsible competent landowner would do regardless of their real objective; necessary works to not simply repair but salvage the building fabric as well as fulfil the duty of care and maintain security and rid it of out-dated fixtures and fittings. When I looked around the building shortly after the applicant acquired it, it looked as if it had been in stasis since the 1970s. This matter is addressed summarily in the viability report prepared by Edwin Thompson LLP, and submitted herewith.
2. Many people lament the “loss” of the hotel and go on to urge the application be refused. Two points need to be borne in mind:
 - (i) On reflection we believe the hotel use is “abandoned” by reason of the c.5+ year period of vacancy; the stripping-out; and, the lawful commencement of the 06/0693 permission. As no new use rights have transferred said permission is not spent and so the site has a “nil use”. Planning permission is required to use the building as a hotel;
 - (ii) Any application proposing a hotel (let us presume by conversion with strict controls on its enlargement as a special building – as indicated by Reason 2 under 09/0719) would be subject to consideration against policies that, broadly, allow only development that has a legitimate need to be located within the open countryside away from service settlements.

There is evidently no special locational justification in relation to the ‘Country Park; when considering 06/0693 the Committee in approving the application accepted the reported advice of Officers that stated:

“Although no information on viability is presented, this application related to a relatively small hotel which is not located within an identified settlement, and, is modest in terms of its facilities. The settlement of Talkin is served by a hotel and restaurant. The Tarn also has a cafe.”

The LPA opened the door to “losing” the hotel and it justified this, without a viability or marketing appraisal, by pointing out that those aspects of the hotel that had some relevance to the ‘Country Park as a visitor (local and others) attraction would continue to be catered for by village facilities (arguably in Castle Carrock as well as Talkin), and the cafe at the boathouse. I would agree with this common-sense analysis. In short there is arguably insufficient specific, land-use related “need” or justification for allowing a new hotel in this location.

Moreover, there are approved (holiday-lets) and qualified not-inappropriate (housing) alternative uses for safeguarding this **building** (the basis for H8 – not “use”).

There is a principle here: H8 is not a “use”-protection policy; it does not rest or rely upon what has been but instead looks to future potential with housing as an **accepted** justified last resort, the arrival at which is subject to assessing the appropriateness of alternatives on their own merit.

As well as addressing some 3rd party misconceptions, and the hitherto accepted wisdoms with regards the relevance of a “hotel” use, ***we now question seriously the appropriateness of a hotel use on this site and consequently the necessity of assessing future viability for such.*** The paucity of market response and the evidential uncertainty surrounding the single offer in terms of its substance and proceed-ability is only compounded by the uncertainty that accompanies, not the potential but, the essential acceptability of an hotel use. We believe, with respect that the case for a return to a hotel is on the one hand quixotic, and otherwise highly questionable.

We look forward to hearing your thoughts on the above, the accompanying Viability Report, and indeed my previous e-mail on the matter of the efficacy of reliance upon post application publicity market responses.

Yours Sincerely,

Andrew Willison-Holt MRTPI DipTP BSc (hons)
E-mailed with Viability Report

SCHEDULE C

SCHEDULE C

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 14

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0050

Applicant:

J. J. Lattimer Limited

Parish:

Dalston

Date of Receipt:

19/01/2010 13:02:52

Agent:

Swarbrick Associates

Ward:

Dalston

Location:

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

Grid Reference:

336831 549981

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

Amendment:

REPORT

Case Officer: Dave Cartmell

Details of Deferral:

Members will recall at Committee meeting held on 12th March 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to (1) completion of a section 106 Agreement for Highway works associated with a related application for a convenience store and three residential units (08/1254) (2) the conditions set out in the Supplementary Schedule (with condition 9 modified to require an extension to the proposed landscaping on the southeast boundary of the convenience store car park) and (3) an additional condition requiring submission of details of the trolley parks. The Section 106 agreement relating to application 08/1254 has been completed and the relevant conditions amended. Approval was issued on 16th December 2010.

Decision: Grant Permission

Date: 16/12/2010

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

Reason:

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

SCHEDULE D: Reports on Previously Deferred Decisions

2. No development shall commence on the surgery car park until visibility splays providing clear visibility of 2.4 metres by 43 metres measured down the centre of the exit road and the nearside channel line of the trunk road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

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

Reason: To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) and to support Local Transport Plan Policies: LD5, LD7, LD8

4. Before the surgery car park is open for use, the existing access (to the surgery car park) shall be permanently closed and the highway crossings and boundary shall be reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

5. The whole of each of the access areas bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in accordance with specifications to be submitted to the Local Planning Authority prior to the commencement of development.

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

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

Reason: In the interests of highway safety and environmental management

SCHEDULE D: Reports on Previously Deferred Decisions

and to support Local Transport Plan Policies LD7 and LD8.

7. The proposed 18 no car parking spaces and related trolley stores located within the "area of store car park" denoted on drawing number 1411/p/02 Rev A shall be constructed, drained, surfaced and marked out so that they are capable of use when the associated development of the proposed convenience store and 3 no residential units [approved under application reference 08/1254] is completed and is available for occupation. That part of the proposed overall development permitted under application 10/0050 shall not, thereafter, be removed, reduced or otherwise altered unless alternative, equivalent parking and trolley store facilities have been provided in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To ensure appropriate parking provision in accordance with the objectives of Policies CP6 (Criteria 3), T1 and T2 of the Carlisle District Local Plan (2001-2016)

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

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

9. No development shall take place in either of the car parks until details of a landscaping scheme for that car park have been submitted to and approved by the Local Planning Authority, which details shall include proposals to extend, in a southwesterly direction, the landscaping proposed for southeast boundary of the convenience store car park.

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

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

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Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the the objectives of Policy CP5 (Criteria 7) of the Carlisle District Local Plan.

11. For the duration of the development works in the convenience store car park, existing trees to be retained shall be protected by a suitable barrier, details of which shall be submitted for the written approval of the Local Planning Authority and erected, prior to the commencement of development, in the locations specified in the letter of 6 June from Treescape Consultancy Ltd. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

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

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

13. No development shall take place in either of the car parks until details of external lighting for that car park have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 4), CP17 (Criteria 6) and LE19 of the Carlisle District Local Plan.

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

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies CP5 (Criteria 1) and

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LE19 of the Carlisle District Local Plan.

15. Prior to the commencement of development, the applicant shall submit details of (1) a gate to secure the car park for the convenience store and two residential units and (2) arrangements to allow continuous access for occupants of the two residential units, for the written approval of the Local Planning Authority, which gate shall remain locked during the hours of closure of the convenience store approved under reference 08/1254.

Reason: To accord with the objectives of Policy CP17 of the Carlisle District Local Plan.

16. The stone wall along the southeast side of the car park for the convenience store and two residential units shall be 1.8 metres high and shall be erected prior to the commencement of development.

Reason: To accord with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 1) and CP17 (Criteria 1) of the Carlisle District Local Plan.

17. Before any development takes place a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding by ensuring a satisfactory means of surface water disposal in accordance with Policy CP10 of the Carlisle District Local Plan (2001 - 2016).

18. Prior to the commencement of development the applicant shall submit details of the metal fencing to be used to define the car parks.

Reason: To ensure appropriate boundary treatment in accordance with the objectives of Policy LE19 of the Carlisle District Local Plan.

19. Prior to the commencement of development of the car park for the convenience store and two residential units, the applicant shall submit, for the written approval of the Local Planning Authority, details of the trolley parks.

Reason: To ensure appropriate development in accordance with the objectives of Policies CP6 and LE19 of the Carlisle District Local Plan.

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Item No: 15

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0818

Applicant:

Riverside Carlisle

Parish:

Carlisle

Date of Receipt:

08/09/2010

Agent:

Ainsley Gommon
Architects

Ward:

Morton

Location:

Land at Seatoller Close, Morton, Carlisle, CA2 6LQ

Grid Reference:

338180 554212

Proposal: Erection Of 23 Dwellings To Be Made Affordable By Means Of Social Rent And Shared Ownership

Amendment:

REPORT

Case Officer: Shona Taylor

Details of Deferral:

Members will recall at Committee meeting held on 12th November 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the completion of a Section 106 Agreement, requiring the properties to remain affordable in perpetuity and the payment of a commuted sum for maintenance of open space in the area.

The Section 106 Agreement has been completed and signed and the approval was issued on 24th December 2010.

Decision: Granted Subject to Legal Agreement

Date: 24/12/2010

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. the location plan numbered 1241-SI-01 and dated 21st September 2010;

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3. the existing site layout numbered 1241-SI-03 and dated 21st September 2010;
4. the proposed site layout numbered 1241-SI-07 revision C, dated 17th December 2010;
5. the temporary stopping up layout numbered 1241-SI-15 and dated 7th September 2010;
6. the proposed boundary treatments numbered 1241-EW-400 and dated 19th October 2010;
7. the further fencing details numbered 1241-EWD-01 and dated 19th October 2010;
8. the proposed landscaping plan numbered 1241-EW-401 (Revision A) and dated 20th October 2010;
9. the elevational drawings numbered 1241-BG-DT-220, 1241-BG-ET-220; 1241-3B-GE-220, 1241-3B-ET-220, 1241-2B-GE-220, 1241-2B-ET-220, 1241-3B-MT-220, 1241-4B-GE-220, 1241-4B-ET-220, 1241-4B-MT-220, 1241-BG-MT-220, all dated 7th September 2010;
10. the topographical survey numbered 1241-SI-02 and dated 7th September 2010;
11. the existing site sectional elevations numbered 1241-SI-10-01 and dated 7th September 2010;
12. the proposed site sectional elevations numbered 1241-SI-10-02 and dated 7th September 2010;
13. the proposed Plot 01 site section numbered 1241-SI-16 and dated 19th September 2010;
14. the schedule of materials dated 20th October 2010;
15. the planning support document dated 7th September 2010;
16. the geotechnical report dated 8th September 2010;
17. the pre-development arboricultural report dated 7th September 2010;
18. the bat survey dated 7th September 2010;
19. the bat species natural england method statement documents 1 and 2 dated 20th October 2010;
20. the Notice of Decision; and

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21. 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 within the submitted schedule of materials, unless otherwise agreed in writing by the Local Planning Authority.

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

4. The carriageway, 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 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 in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

5. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

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

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in

SCHEDULE D: Reports on Previously Deferred Decisions

writing immediately to the Local Planning Authority. This contamination would then need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

7. The landscaping scheme shall be implemented in accordance with the proposed landscape layout received 20th October 2010 (Drawing No. 1241-EW-401 (Revision A) unless otherwise agreed, 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 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. 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, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. 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 Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be

SCHEDULE D: Reports on Previously Deferred Decisions

erected or constructed in front of the forwardmost part of the front of the dwellings indicated as plots 1-23 on the approved site plan, Drawing No. 1241-SI-07 (Revision C) received 19th October 2010, without the permission of the Local Planning Authority.

Reason: To ensure that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

11. No development shall commence until the proposed means of surface water disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

Item No: 16

Between 04/12/2010 and 15/01/2011

Appn Ref No:
08/1254

Applicant:
JJ Lattimer Ltd

Parish:
Dalston

Date of Receipt:
19/12/2008

Agent:
Swarbrick Associates

Ward:
Dalston

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

Grid Reference:
336861 550000

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

Amendment:

1. Submission of revised plans for (1) alterations to car park boundary details

SCHEDULE D: Reports on Previously Deferred Decisions

and pedestrian access from the car park to two of the residential units and (2) formation of a footpath link from the entrance to the convenience store to the B5299 opposite Kingsway.

REPORT

Case Officer: Dave Cartmell

Details of Deferral:

Members will recall at Committee meeting held on 2nd October 2009 that authority was given to the Assistant Director (Economic Development) to issue approval subject to (1) the applicant entering into a Section 106 Agreement relating to Highway works and (2) the previously agreed planning conditions with Condition 2 modified to substitute reference 10/0050 for 09/0358. The Section 106 agreement has been completed and the relevant planning conditions modified. Approval was issued on 16th December 2010.

Decision: Granted Subject to Legal Agreement

Date: 16/12/2010

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 convenience store and residential units hereby approved shall not be occupied until the area providing 18 no parking spaces and related trolley stores, identified as the "area of store car park" on drawing number 1411/p/02 Rev A approved under reference 10/0050, has been implemented fully in accordance with that approved plan. Those 18 no parking spaces and trolley stores shall be capable of use when the development is completed and shall not be removed, reduced or otherwise altered without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate parking provision in accordance with the objectives of Policies CP6 (Criterion 3), T1 and T2 of the Carlisle District Local Plan 2001-2016.

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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

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

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

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

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

1. Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant

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linkages, maintenance and arrangements for contingency action.

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

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

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

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

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

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

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

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

Reason: To afford reasonable opportunity for an examination to be made to

SCHEDULE D: Reports on Previously Deferred Decisions

determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains and to ensure compliance with Policy LE10 of the Carlisle District Local Plan 2001-2016

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

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

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

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

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

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

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

16. The premises hereby permitted shall not commence trading before 07-00 hours or remain open for business after 22-00 hours on any day.

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

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

Reason: In the interests of road safety and to support Local Transport Plan Policy LD8.

18. No deliveries shall take place between the hours of 10-00pm on one day and 7-00am the following day.

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

19. Prior to the commencement of development, the applicant shall submit, for the written approval the Local Planning Authority, details of:

1. a 3 metre length of 1.8 metre high solid fencing to be erected along the boundary with No 1 The Green adjacent to the raised sitting area; and
2. a barrier to be erected adjacent to the parking area for Unit No 1 to prevent direct access to the convenience store entrance. The fence shall be erected prior to the commencement of works on site and the barrier shall be erected prior to the commencement of the use of the shop.

Reason: To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001-2016).

20. The proposed ranch style fencing adjacent to the the bin store shall be replaced by a welded mesh fence details of which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of the use of the shop.

Reason: To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001-2016).

SCHEDULE D: Reports on Previously Deferred Decisions

21. Prior to the installation of the air conditioning system, the applicant shall submit, for the written approval the Local Planning Authority, details (including sound levels) of the air conditioning external condensers.

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

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0451

Applicant:
Mr A Storey

Parish:
Beaumont

Date of Receipt:
22/11/2010

Agent:

Ward:
Burgh

Location:
Eden Farm, Kirkandrews on Eden, Carlisle, CA5
6DJ

Grid Reference:
335350 558416

Proposal: Conversion Of Existing Barn To A Dwelling And The Provision Of A New
Build Annex For Home Office, Guest Accommodation And Garaging
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0583

Applicant:
Firm Of Sanny Investment
Group

Parish:
Carlisle

Date of Receipt:
23/06/2010

Agent:
Rodney Jeremiah
Architectural Services

Ward:
Harraby

Location:
264-266 London Road, Carlisle, CA1 2QS

Grid Reference:
341643 554262

Proposal: Discharge Of Condition 5 (Extraction System) Of Previously Approved
Application 06/0168

Amendment:

Decision: Grant Permission

Date: 09/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0691

Applicant:
Asda Stores Ltd

Parish:
Kingmoor

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
11/11/2010

Agent:
DarntonEGS Ltd

Ward:
Stanwix Rural

Location:
ASDA & Recycling Centre, Asda Stores Ltd,
Chandler Way, Parkhouse, Carlisle, CA3 0JQ

Grid Reference:
338969 559730

Proposal: Display Of 1No. Externally Illuminated Fascia Sign And 13No. Non
Illuminated Information And Directional Signage (Retrospective)

Amendment:

Decision: Grant Permission

Date: 20/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0704

Applicant:
Mrs Jacqueline Barton

Parish:
Carlisle

Date of Receipt:
12/08/2010

Agent:
Carlisle City Council

Ward:
Botcherby

Location:
41 Victoria Road, Carlisle, CA1 2UE

Grid Reference:
342138 555786

Proposal: Single Storey Shower Room Extension; Installation Of Through Floor Lift
(LBC)

Amendment:

Decision: Grant Permission

Date: 13/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0754

Applicant:
Dobbies Garden Centres
PLC/Linton Tweeds Ltd

Parish:
Dalston

Date of Receipt:
17/08/2010

Agent:
Manson Architects

Ward:
Burgh

Location:
Westwood Garden Centre and Surrounding Land,
Orton Grange, Carlisle CA5 6LB

Grid Reference:
335325 551573

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 12 (Hard And Soft Landscaping Works) And 29 (Potential Bat Roosting Sites) Of Previously Approved Application 10/0429

Amendment:

Decision: Partial Discharge of Conditions
30/12/2010

Date:

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0796

Applicant:
Alliance Boots

Parish:
Carlisle

Date of Receipt:
02/12/2010

Agent:
Hawes Signs Ltd

Ward:
Castle

Location:
Boots The Chemist, 43-49 English Street, Carlisle,
CA3 8JU

Grid Reference:
340159 555809

Proposal: Display Of 1no. Internally Illuminated Fascia Sign And 1no. Internally Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 14/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0879

Applicant:
Open Sun Ltd

Parish:
Carlisle

Date of Receipt:
23/11/2010

Agent:

Ward:
Castle

Location:
Unit 4A, English Gate Plaza, Botchergate, Carlisle,
CA1 1RP

Grid Reference:
340367 555565

Proposal: Change Of Use From Carpet Shop To Tanning Salon

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0890

Applicant:
Mr Richard T Marlow

Parish:

Date of Receipt:
08/11/2010

Agent:

Ward:
Lyne

Location:
Greenholme, Bewcastle, Carlisle, CA6 6PW

Grid Reference:
354441 574758

Proposal: Change Of Use Of Current Games Room/Office Outbuilding And Coalhouse To 1no. Holiday Let (Resubmission)

Amendment:

Decision: Grant Permission

Date: 13/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0895

Applicant:
Dobbies Garden Centres
PLC

Parish:
Dalston

Date of Receipt:
15/10/2010

Agent:
Manson Architects

Ward:
Dalston

Location:
Dobbies Garden Centre, Westwood Nurseries,
Orton Grange, Carlisle

Grid Reference:
335325 551573

Proposal: Display Of Internally Illuminated And Non Illuminated Fascia, Totem and Signage Boards

Amendment:

Decision: Grant Permission

Date: 10/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0899

Applicant:
Mr Stephen Arnold

Parish:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
15/10/2010

Agent:
Carlisle City Council

Ward:
Brampton

Location:
26 Gelt Road, Brampton, Carlisle, CA8 1NX

Grid Reference:
352919 560926

Proposal: Replacement Of Window With Door Together With Installation Of Ramp
Amendment:

Decision: Grant Permission

Date: 07/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0902

Applicant:
Harrison Homes (Cumbria) Carlisle
Ltd

Parish:

Date of Receipt:
06/10/2010

Agent:
Unwin Jones Partnership

Ward:
Harraby

Location:
Former Highgrove Dairy, Harraby Green, Carlisle

Grid Reference:
341299 554379

Proposal: Change Of House Types To Plot Nos. 10, 11, 12, 14, 15, 16, 18, 19, 20,
21 And Omission Of Plot 22

Amendment:

Decision: Grant Permission

Date: 30/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0911

Applicant:
Mr R Dunlop

Parish:
Carlisle

Date of Receipt:
14/10/2010

Agent:

Ward:
Belah

Location:
4 Gelt Close, Lowry Hill, Carlisle, CA3 OHJ

Grid Reference:
339345 558309

Proposal: Single Storey Rear Extension To Provide Utility Room And First Floor
Side Extension Over Garage To Provide 1No. En-Suite Bedroom

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 08/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0912

Applicant:
Mr Gordon

Parish:
Stanwix Rural

Date of Receipt:
11/10/2010

Agent:
Gray Associates Limited

Ward:
Stanwix Rural

Location:
Hamilton, 13 The Nurseries, Linstock, Carlisle, CA6
4RR

Grid Reference:
342700 558313

Proposal: First Floor Side Extension Over Garage To Provide 2No. En-Suite
Bedrooms And 1No. Boxroom

Amendment:

Decision: Grant Permission

Date: 06/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0913

Applicant:
Mr Peter Murphy

Parish:
Carlisle

Date of Receipt:
22/10/2010

Agent:
Phoenix Architects

Ward:
Castle

Location:
38 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339770 555971

Proposal: Internal Alterations To Include Changes To Openings And Partitioning
(LBC)

Amendment:

Decision: Grant Permission

Date: 13/12/2010

Between 04/12/2010 and 15/01/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 10/0920 **Applicant:** Mrs Reveley **Parish:** Burgh-by-Sands

Date of Receipt: 12/10/2010 **Agent:** **Ward:** Burgh

Location: The Forge, Moorhouse, Carlisle, CA5 6EY **Grid Reference:** 333478 556733

Proposal: Erection Of A Store/Workshop And Stables

Amendment:

Decision: Grant Permission

Date: 06/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No: 10/0924 **Applicant:** Mr Ball **Parish:** Carlisle

Date of Receipt: 12/10/2010 08:00:29 **Agent:** Black Box Architects Limited **Ward:** Morton

Location: 133 Dunmail Drive, Carlisle, CA2 6DQ **Grid Reference:** 338442 555156

Proposal: First Floor Rear Extension To Provide Enlarged Bedroom With 1No. En Suite

Amendment:

Decision: Grant Permission

Date: 07/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No: 10/0925 **Applicant:** AMW Contractors Ltd **Parish:** Carlisle

Date of Receipt: 12/10/2010 08:00:22 **Agent:** Hyde Harrington **Ward:** Castle

Location: Former Post Office, 20-34 Warwick Road, Carlisle, **Grid Reference:** 340330 555701

SCHEDULE E: Decisions Issued Under Delegated Powers

CA1 1DN

Proposal: Demolition Of Single Storey Buildings To The Rear Of The Premises

Amendment:

Decision: Grant Permission

Date: 17/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0927

Applicant:
Mrs Elizabeth Jermy

Parish:
Arthuret

Date of Receipt:
15/10/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
4A Steel House, Graham Street, Longtown, Carlisle,
CA6 5NR

Grid Reference:
338030 568806

Proposal: Internal Alterations Together With Secondary Double Glazing
Throughout; Installation Of Extractor Fan & 2no. Velux Windows In
Bathroom & Conservation Roof Light (LBC)

Amendment:

Decision: Grant Permission

Date: 09/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0933

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
13/10/2010 13:02:06

Agent:
Ainsley Gommon
Architects

Ward:
Morton

Location:
1-23 Morton Court, Morton, Carlisle, CA2 6QJ

Grid Reference:
338191 554588

Proposal: Demolition Of Morton Court And Erection Of 8no. Bungalows To Be
Made Affordable By Means Of Social Rent

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 08/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0934

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
13/10/2010 13:02:06

Agent:
Ainsley Gommon
Architects

Ward:
Morton

Location:
1-23 Morton Court, Morton, Carlisle, CA2 6QJ

Grid Reference:
338191 554588

Proposal: Display Of 1no. Non-Illuminated Free Standing Pole Mounted Sign
Amendment:

Decision: Grant Permission

Date: 08/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0935

Applicant:
Mr James Freeburn

Parish:
Carlisle

Date of Receipt:
18/10/2010

Agent:
Mr Peter Orr

Ward:
Belle Vue

Location:
37 Green Lane, Belle Vue, Carlisle, CA2 7QD

Grid Reference:
337667 555693

Proposal: Rear Conservatory Extension (Revised Application)
Amendment:

Decision: Grant Permission

Date: 09/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0938

Applicant:
BP Oil UK Ltd

Parish:
Rockcliffe

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

15/10/2010

Brian Barber Associates

Longtown & Rockcliffe

Location:

BP Oil Moss Motorway Service Area, M74
Southbound, Todhills, Carlisle, CA6 4HA

Grid Reference:

337370 562387

Proposal: Discharge Of Condition 2 (Foul & Surface Water Drainage) Relating To
Planning Reference: 10/0268

Amendment:

Decision: Partial Discharge of Conditions
08/12/2010

Date:

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0941

Applicant:
Mrs Forster

Parish:
Askerton

Date of Receipt:
18/10/2010 08:00:24

Agent:
Ashton Design

Ward:
Irthing

Location:

Knorren Lodge, Walton, Brampton, CA8 2BN

Grid Reference:

353598 567992

Proposal: Revision Of Planning Approval 09/0298 Detailing Conversion Of Units
Four & Five From Live/Work Units To 2no. Dwellings (LBC) (Revised
Application)

Amendment:

Decision: Grant Permission

Date: 13/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0942

Applicant:
Mr S Lane

Parish:
Carlisle

Date of Receipt:
26/10/2010

Agent:
Jock Gordon

Ward:
Castle

Location:

30 Aglionby Street, Carlisle, Cumbria. CA1 1JP

Grid Reference:

340650 555638

Proposal: Demolition Of Two Storey Rear Extension To Dwelling (Conservation

SCHEDULE E: Decisions Issued Under Delegated Powers

Area Consent)

Amendment:

Decision: Grant Permission

Date: 21/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0943

Applicant:
Messrs W&T Armstrong

Parish:
Arthuret

Date of Receipt:
02/11/2010

Agent:
Greenviro Ltd

Ward:
Longtown & Rockcliffe

Location:
Broomhills, Longtown, Carlisle, CA6 5TS

Grid Reference:
342903 568232

Proposal: Erection Of Small Wind Turbine (10kW) 15 Metre Hub Height, 19.8 Metre Tip Height On Concrete Base Surrounded By Post And Wire Security Fence

Amendment:

Decision: Grant Permission

Date: 24/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0947

Applicant:
Mr Donald Mackay

Parish:
Stanwix Rural

Date of Receipt:
22/10/2010

Agent:
A L Daines & Partners

Ward:
Stanwix Rural

Location:
6 The Nurseries, Linstock, Carlisle, CA6 4RR

Grid Reference:
342728 558378

Proposal: First Floor Extension Above Existing Double Garage To Provide En-Suite Bedroom Together With Balcony To Rear

Amendment:

Decision: Grant Permission

Date: 06/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0949

Applicant:
Mr McGlasson

Parish:

Date of Receipt:
21/10/2010

Agent:
Black Box Architects
Limited

Ward:
Great Corby & Geltsdale

Location:
Allengrove House, Allengrove, Heads Nook,
Brampton, CA8 9AP

Grid Reference:
348452 556619

Proposal: Erection Of Single Storey Side Extension To Provide Double Garage & Utility Together With Single Storey Rear Extension To Provide Extended Kitchen; Construction Of New Vehicular Access

Amendment:

Decision: Grant Permission

Date: 07/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0950

Applicant:
Mr Caig

Parish:
Brampton

Date of Receipt:
28/10/2010

Agent:

Ward:
Brampton

Location:
20 High Cross Street, Brampton, CA8 1RP

Grid Reference:
353067 561151

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

Amendment:

Decision: Grant Permission

Date: 08/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0951

Applicant:
Mr & Mrs P Butler

Parish:
Brampton

Date of Receipt:
21/10/2010

Agent:
Taylor & Hardy

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land opposite the Larches, Paving Brow, Brampton,
Cumbria CA8 1QT

Grid Reference:

353330 560632

Proposal: Demolition Of Existing Buildings; Erection Of New Stable Buildings
Including Fodder Store And Tack Room; Formation Of Outdoor Exercise
Area; Improvements To Existing Access, Together With Hedge And Tree
Planting

Amendment:

Decision: Grant Permission

Date: 16/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0954

Applicant:
Mr and Mrs Butler

Parish:
Brampton

Date of Receipt:
21/10/2010

Agent:
Taylor & Hardy

Ward:
Brampton

Location:

Land opposite the Larches, Paving Brow, Brampton,
Cumbria CA8 1QT

Grid Reference:

353330 560632

Proposal: Demolition Of Existing Buildings; Erection Of New Stable Buildings
Including Fodder Store And Tack Room; Formation Of Outdoor Exercise
Area; Improvements To Existing Access, Together With Hedge And Tree
Planting (Conservation Area Consent)

Amendment:

Decision: Grant Permission

Date: 08/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0955

Applicant:
Mr Delap

Parish:

Date of Receipt:
21/10/2010 16:00:15

Agent:
AP and J Brown Ltd

Ward:
Great Corby & Geltsdale

Location:

22 Woodlands, Great Corby, Carlisle, CA4 8LX

Grid Reference:

347038 554638

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Front Porch Extension

Amendment:

Decision: Grant Permission

Date: 06/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0956

Applicant:
Rand Properties Ltd

Parish:
Dalston

Date of Receipt:
29/10/2010

Agent:
Alan Fox Design

Ward:
Dalston

Location:
Barn E, Moss End Farm, Welton Road, Dalston,
Carlisle CA5 7EL

Grid Reference:
336082 545959

Proposal: Erection Of Single Storey Detached Double Garage

Amendment:

Decision: Grant Permission

Date: 14/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0957

Applicant:
Carlisle Mencap

Parish:
Kingmoor

Date of Receipt:
05/11/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
Site off Crindledyke Road, Kingmoor Business Park,
Carlisle CA6 4SJ

Grid Reference:
338360 560427

Proposal: Erection Of Childrens' Respite Care Centre And Associated Car Parking
And Access

Amendment:

Decision: Grant Permission

Date: 24/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0958

Applicant:
Lovell Partnership Ltd.

Parish:
Carlisle

Date of Receipt:
02/11/2010

Agent:
Ainsley Gommon
Architects

Ward:
Belle Vue

Location:
Site G, Brookside, Raffles Estate, Carlisle, CA2 7JR

Grid Reference:
337298 555771

Proposal: Substitution Of House Type To Plot 20

Amendment:

Decision: Grant Permission

Date: 23/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0959

Applicant:
A P and J Brown Ltd

Parish:
Carlisle

Date of Receipt:
01/11/2010

Agent:
Brian Child

Ward:
Currock

Location:
St Nicholas Bridge Business Park, St Nicholas
Bridges, Carlisle, CA2 4BA

Grid Reference:
340730 554944

Proposal: Display Of 2no. Free Standing Sign Above Existing

Amendment:

Decision: Grant Permission

Date: 14/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0963

Applicant:
Mr Isaac Stewart

Parish:
Rockcliffe

Date of Receipt:
25/10/2010

Agent:

Ward:
Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Ghyll Bank House, Low Harker, CA6 4DG

Grid Reference:

338430 560853

Proposal: Discharge Of Condition 6 (Materials) & 8 (Drainage) Relating To
Planning Reference 08/1204

Amendment:

Decision: Grant Permission

Date: 08/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0964

Applicant:

The Environment Agency

Parish:

Date of Receipt:

26/10/2010

Agent:

Ward:

Botcherby

Location:

Land adjacent Eastern Way, Carlisle, Cumbria

Grid Reference:

342407 555792

Proposal: Construction Of A Hard Standing Area Beside The Southbound
Carriageway Of Eastern Way To Provide Formal Access

Amendment:

Decision: Grant Permission

Date: 14/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0966

Applicant:

Tiffen & Co

Parish:

Carlisle

Date of Receipt:

23/11/2010

Agent:

Ward:

Castle

Location:

23-25 Castle Street, Carlisle, CA3 8SY

Grid Reference:

339893 556037

Proposal: Display Of 2no. Non Illuminated Fascia Signs

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0967

Applicant:
Mrs Marion Hope

Parish:
Stanwix Rural

Date of Receipt:
29/10/2010

Agent:

Ward:
Stanwix Rural

Location:
Holme Croft, Linstock, Carlisle, CA6 4PY

Grid Reference:
342778 558241

Proposal: Erection Of Single Storey Rear Extension To Provide Lounge, Bedroom
And Shower Room

Amendment:

Decision: Grant Permission

Date: 17/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0969

Applicant:
Mr Grant Brown

Parish:
Carlisle

Date of Receipt:
29/10/2010

Agent:

Ward:
Stanwix Urban

Location:
Meadow Ash, 167 Brampton Road, Carlisle, CA3
9AX

Grid Reference:
340766 557519

Proposal: Demolition Of Existing Garage And Erection Of Granny Annexe And
Separate Car Port

Amendment:

Decision: Grant Permission

Date: 23/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0973

Applicant:
GL Noble Denton

Parish:
Kingwater

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
18/11/2010

Agent:
GL Noble Denton

Ward:
Irthing

Location:
Spadeadam Test Site, MOD R5, Gilsland,
Brampton, Cumbria, CA8 7AU

Grid Reference:
361314 572578

Proposal: Storage Of Pipes, Control Cabins And Other Testing Items Together
With Performing Large Scale Testing Associated With The Oil, Gas And
Processing Industries, And To Investigate Structures, Vehicles And
Associated Products To Blast And Ballistic Loading

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0975

Applicant:
Mr John Carrigan

Parish:
Rockcliffe

Date of Receipt:
09/11/2010

Agent:
Mr John Carrick

Ward:
Longtown & Rockcliffe

Location:
Brackenber, Todhills, Blackford, Carlisle, CA6 4HB

Grid Reference:
336882 563201

Proposal: Erection Of Haybarn And Horse Carriage Storage

Amendment:

Decision: Grant Permission

Date: 29/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0976

Applicant:
Mr & Mrs Little

Parish:

Date of Receipt:
28/10/2010

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Morton

Location:
60 Skiddaw Road, Carlisle, CA2 5QS

Grid Reference:
338821 555084

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Extension To Provide Extended Play Room
And Porch To Front Elevation

Amendment:

Decision: Grant Permission

Date: 14/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0977

Applicant:
Mr Baird

Parish:

Date of Receipt:
28/10/2010 08:00:20

Agent:
John Lyon Associates Ltd

Ward:
Castle

Location:
25 Chiswick Street, Carlisle, CA1 1HQ

Grid Reference:
340525 555924

Proposal: Single Storey Infill To Rear (LBC)

Amendment:

Decision: Grant Permission

Date: 21/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0979

Applicant:
Mr John McGrillis

Parish:
Wetheral

Date of Receipt:
28/10/2010

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Land adj to Washbeck Cottage, Scotby, Carlisle,
CA4 8BX

Grid Reference:
344003 555161

Proposal: Renewal Of Unexpired Permission For The Erection of 2no. Detached
4no. Bedroomed Dwellings

Amendment:

Decision: Grant Permission

Date: 07/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0980

Applicant:

Mr & Mrs Elwen

Parish:

Solport

Date of Receipt:

28/10/2010 16:00:15

Agent:

Mr Rodney Jeremiah

Ward:

Lyne

Location:

Meadow View, New Pallyards, Hethersgill, Carlisle,
CA6 6HZ

Grid Reference:

346889 571289

Proposal: Side Extension To Provide Garage, Front Extension To Provide Porch;
Installation Of First Floor Accommodation To Provide 1no. Ensuite
Master Bedroom, 2no. Bedrooms, Dayroom And Bathroom

Amendment:

Decision: Grant Permission

Date: 07/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0982

Applicant:

Mrs Jennifer Davies

Parish:

Dalston

Date of Receipt:

15/11/2010

Agent:

Carlisle City Council

Ward:

Dalston

Location:

28 Glebe Close, Dalston, Carlisle, CA5 7JE

Grid Reference:

336442 549919

Proposal: Demolition Of Existing Conservatory And Erection Of Single Storey Rear
Extension To Provide Bathroom (Revised Application)

Amendment:

Decision: Grant Permission

Date: 16/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0983

Applicant:

Nigel Thompson Dev. Ltd

Parish:

Hayton

Date of Receipt:

01/11/2010

Agent:

Alpha Design

Ward:

Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land Adjacent To Former Chapel, Fenton, How Mill,
Carlisle CA8 9JZ

Grid Reference:

350217 556109

Proposal: Renewal of Unexpired Permission Of Previously Approved Application
08/0008 For Erection Of Detached Dwelling

Amendment:

Decision: Grant Permission

Date: 14/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0985

Applicant:

Mr A Bird

Parish:

St Cuthberts Without

Date of Receipt:

01/12/2010

Agent:

Ward:

Dalston

Location:

Croft House Cottage, High Wreay, Wreay, Carlisle,
CA4 0RY

Grid Reference:

343422 548455

Proposal: Change Of Use Of Part Of Agricultural Barn To Form Additional
Bedroom And Living Area

Amendment:

Decision: Grant Permission

Date: 12/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/0988

Applicant:

Screwfix Direct Ltd

Parish:

Carlisle

Date of Receipt:

04/11/2010

Agent:

Miss Claire Day

Ward:

Belah

Location:

Units 6 & 7, Site 54, Kingstown Industrial Estate,
Carlisle

Grid Reference:

339316 559464

Proposal: Display Of 3no. Externally Illuminated Fascia Signs And 1no.
Non-Illuminated Fascia Sign (Part Retrospective)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 15/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0990

Applicant:
Mr Richard Martin

Parish:
Orton

Date of Receipt:
08/11/2010

Agent:
Gray Associates Limited

Ward:
Burgh

Location:
Orton Grange Farm, Orton Grange, Carlisle, CA5
6LA

Grid Reference:
335229 552123

Proposal: Erection Of Farm Shed -Phase 2

Amendment:

Decision: Grant Permission

Date: 16/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0991

Applicant:
Mr & Mrs Swailes

Parish:
Wetheral

Date of Receipt:
03/11/2010 13:00:53

Agent:
Green Design Group

Ward:
Wetheral

Location:
Priory Oaks, 4 The Glebe, Wetheral, Carlisle, CA4
8EY

Grid Reference:
346688 554171

Proposal: Installation Of Inset Balcony To Roof Area And Change Of 2No. Existing
Rooflights To Single Larger Rooflight (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/12/2010

Between 04/12/2010 and 15/01/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0992

Applicant:
Messrs Storey

Parish:
Nicholforest

Date of Receipt:
11/11/2010

Agent:

Ward:
Lyne

Location:
6 Bushfield, Penton, Carlisle CA6 5QJ

Grid Reference:
347488 580726

Proposal: Erection Of General Purpose Shed Extension

Amendment:

Decision: Grant Permission

Date: 20/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0994

Applicant:
William Horley

Parish:
Carlisle

Date of Receipt:
04/11/2010

Agent:

Ward:
Stanwix Urban

Location:
37 Scotland Road, Carlisle, CA3 9HS

Grid Reference:
339979 557164

Proposal: Demolition Of Existing Conservatory And Erection Of Larger
Replacement Conservatory

Amendment:

Decision: Grant Permission

Date: 06/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0995

Applicant:
O2/Vodafone

Parish:
Carlisle

Date of Receipt:
17/11/2010

Agent:
WFS Telecom Ltd

Ward:
Castle

Location:
Osborne Earl, Site 13, Willowholme Industrial
Estate, Willowholme Road, Carlisle, CA2 5SB

Grid Reference:
339220 556568

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Installation Of 5m Tower Extension, 6no. 3G Antennas, 2no. Equipment Cabins And
Ancillary Development

Amendment:

Decision: Grant Permission

Date: 12/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0996

Applicant:
Carr Sterne LLP

Parish:
Arthuret

Date of Receipt:
04/11/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
Brackenhill Farm, Longtown, Carlisle, CA6 5TU

Grid Reference:
344524 569329

Proposal: Discharge Of Conditions 8 (Details Of Soakaway) And 9 (Septic Tank Siting And Specification) Of Previously Approved Permission 10/0394

Amendment:

Decision: Grant Permission

Date: 13/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/0999

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
11/11/2010

Agent:
Day Cummins Ltd

Ward:
Currock

Location:
23 York Gardens, Carlisle, CA2 4HP

Grid Reference:
340732 554213

Proposal: Conversion Of 1No. Dwelling (York Court Scheme Managers Accommodation) Into 2No. Flats

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1000

Applicant:
Mr & Mrs Lowther

Parish:
Stanwix Rural

Date of Receipt:
08/11/2010

Agent:
TSF Developments Ltd

Ward:
Stanwix Rural

Location:
The Villa, Brunstock, Carlisle CA6 4QG

Grid Reference:
341693 559580

Proposal: First Floor Extension Over Garage To Provide Granny Annexe
Amendment:

Decision: Grant Permission

Date: 21/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1001

Applicant:
Mr Richard Dillon

Parish:
Solport

Date of Receipt:
11/11/2010

Agent:
A L Daines & Partners

Ward:
Lyne

Location:
Hopes House Farm, Penton, Carlisle CA6 5RT

Grid Reference:
346482 573971

Proposal: Demolition Of Existing Stables, Hayloft And Implement Shed; Erection Of Two Storey Extension To Provide Living Room/Kitchen To Ground Floor With 1No. En-Suite Bedroom Above; Single Storey Porch and Utility Room To North And East Elevations (Revised Application)

Amendment:

Decision: Grant Permission

Date: 29/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1006

Applicant:
Milano Pizza Kebab

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
09/11/2010

Agent:

Ward:
Currock

Location:
112 Botchergate, Carlisle, CA1 1SN

Grid Reference:
340516 555397

Proposal: Variation Of Condition 4 Of Planning Permission 01/1029 To Extend
Opening Hours From Between 11.00am And 05.00am Each Day

Amendment:

Decision: Grant Permission

Date: 16/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1012

Applicant:
Wetheral Parish Council

Parish:
Wetheral

Date of Receipt:
18/11/2010

Agent:

Ward:
Great Corby & Geltsdale

Location:
Down-a-Gate Community Centre, Church Road,
Warwick Bridge, Carlisle, CA4 8RE

Grid Reference:
347216 556747

Proposal: Change Of Use Of Land From Grass Play Area To Form An Enclosed
(Fenced) Multi Use Games Area With Tarmacadam Surface

Amendment:

Decision: Grant Permission

Date: 30/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1014

Applicant:
Tuddenhams Longtown
Ltd

Parish:
Arthuret

Date of Receipt:
30/11/2010

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Bridge Street Service Station, Bridge Street,
Longtown CA6 5UD

Grid Reference:
337845 568768

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Variation Of Condition 2 (Materials) Relating To Previously Approved Permission 07/1342

Amendment:

Decision: Grant Permission

Date: 05/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1015

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
12/11/2010 16:00:36

Agent:
Hyde Harrington

Ward:
Castle

Location:
115 Warwick Road, Carlisle, CA1 1JY

Grid Reference:
340713 555921

Proposal: Installation Of Kitchen Flue Into Side/Rear Kitchen Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 24/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1016

Applicant:
Ms King

Parish:
Brampton

Date of Receipt:
24/11/2010

Agent:

Ward:
Brampton

Location:
Bastle House, Cumcatch Courtyard, Station Road,
BRAMPTON, CA8 2QR

Grid Reference:
354783 561171

Proposal: Erection Of Timber Greenhouse

Amendment:

Decision: Grant Permission

Date: 29/12/2010

Between 04/12/2010 and 15/01/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/1017

Applicant:
Mr Allan & Mrs Murray

Parish:
Carlisle

Date of Receipt:
15/11/2010

Agent:

Ward:
Castle

Location:
30-32 Lonsdale Street, Carlisle

Grid Reference:
340367 555869

Proposal: Change Of Use Of Part Of Letting Agents To Hair And Nail Salon
(Retrospective Application)

Amendment:

1. Revised Floor Plans
2. Existing And Proposed Elevations

Decision: Grant Permission

Date: 10/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1019

Applicant:
Magnus Homes Ltd

Parish:
Carlisle

Date of Receipt:
16/11/2010

Agent:
Jock Gordon

Ward:
Belah

Location:
2 Wordsworth Court, Etterby Road, Carlisle, CA3
9DA

Grid Reference:
339037 557280

Proposal: Erection Of 1No. Detached Bungalow (Retrospective/Revised House
Type To Include Garage)

Amendment:

Decision: Grant Permission

Date: 12/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1020

Applicant:
Magnus Homes Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
16/11/2010

Agent:
Jock Gordon

Ward:
Belah

Location:
3 Wordsworth Court, Etterby Road, Carlisle, CA3
9DA

Grid Reference:
339063 557254

Proposal: Erection Of 1No. Detached Bungalow (Retrospective/Revised House Type To Include Garage And Formation Of New Window Opening In Front Elevation)

Amendment:

Decision: Grant Permission

Date: 12/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1021

Applicant:
Magnus Homes Ltd

Parish:
Carlisle

Date of Receipt:
16/11/2010

Agent:
Jock Gordon

Ward:
Belah

Location:
4 Wordsworth Court, Etterby Road, Carlisle, CA3
9DA

Grid Reference:
339042 557240

Proposal: Erection Of 1No. Detached Bungalow (Retrospective/Revised House Type To Include Garage And Formation Of New Window Opening In Front Elevation)

Amendment:

Decision: Grant Permission

Date: 12/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1024

Applicant:
Mrs A O'Brien

Parish:
Carlisle

Date of Receipt:
18/11/2010

Agent:
TSF Developments Ltd

Ward:
Harraby

Location:
76 Whinsmoor Drive, Carlisle CA1 3PX

Grid Reference:
342384 554285

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two Storey Side Extension To Provide Kitchen On Ground Floor With
1No. Bedroom

Above

Amendment:

Decision: Grant Permission

Date: 15/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1027

Applicant:
Mr Peter Cuthbert

Parish:
Carlisle

Date of Receipt:
15/11/2010

Agent:
MWE Architects

Ward:
Denton Holme

Location:
Atlas Works, Nelson Street, Carlisle, Cumbria, CA2
5NB

Grid Reference:
339637 555154

Proposal: Renewal Of Unexpired Permission Of Previously Approved Application
08/0557 For The Refurbishment Of Former Mill Building To Create
12No. Apartments And 1No. Commercial Unit With Undercroft Parking

Amendment:

Decision: Grant Permission

Date: 06/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1028

Applicant:
Riverside Carlisle

Parish:
Arthuret

Date of Receipt:
15/11/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
Ladyseat SHU, Moor Road, Longtown, CA6 5XX

Grid Reference:
338477 568812

Proposal: Construction Of Parking Areas For Ambulance And Disabled Persons

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 22/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1029

Applicant:
Riverside Carlisle

Parish:
Dalston

Date of Receipt:
15/11/2010

Agent:

Ward:
Dalston

Location:
Barras House, Barras Close, Dalston

Grid Reference:
336863 550385

Proposal: Construction Of A Disabled Parking Area

Amendment:

Decision: Grant Permission

Date: 05/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1030

Applicant:
Clerk to Wetheral PC

Parish:
Wetheral

Date of Receipt:
19/11/2010

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Wetheral Village Hall, Primrose Hill, Wetheral,
Carlisle, Cumbria, CA4 8HD

Grid Reference:
346463 554311

Proposal: Decking Of Outdoor Terrace (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 29/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1032

Applicant:
Rev Steel

Parish:

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

16/11/2010 08:00:20

LINKS Architecture

Stanwix Urban

Location:

St Augustines Church, Briar Bank, Carlisle

Grid Reference:

339782 557902

Proposal: Single Storey Extension To Church Building To Provide Parish Meeting Rooms, Offices And Toilet Facilities

Amendment:

Decision: Grant Permission

Date: 10/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/1033

Applicant:

Mr Lloyd

Parish:

Stanwix Rural

Date of Receipt:

16/11/2010 13:03:50

Agent:

Co-ordinate (Cumbria)
Limited

Ward:

Stanwix Rural

Location:

Houghton House, Houghton, Carlisle, CA6 4DX

Grid Reference:

340672 560910

Proposal: Conversion And Extension Of Former Coach House To Dwelling With New Access, Associated Tree Works And Installation Of New Sewage Treatment Plant

Amendment:

Decision: Grant Permission

Date: 11/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/1034

Applicant:

Mr Lloyd

Parish:

Stanwix Rural

Date of Receipt:

16/11/2010 13:03:50

Agent:

Co-ordinate (Cumbria)
Limited

Ward:

Stanwix Rural

Location:

Houghton House, Houghton, Carlisle, CA6 4DX

Grid Reference:

340672 560910

Proposal: Conversion And Extension Of Former Coach House To Dwelling With

SCHEDULE E: Decisions Issued Under Delegated Powers

New Access, Associated Tree Works And Installation Of New Sewage Treatment Plant (LBC)

Amendment:

Decision: Grant Permission

Date: 11/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1036

Applicant:
Barton Park Homes

Parish:
Dalston

Date of Receipt:
19/11/2010

Agent:
Mr Colin Holmes

Ward:
Dalston

Location:
14 Orton Grange Park, Orton Grange, Carlisle, CA5
6LA

Grid Reference:
335459 551917

Proposal: Proposed Store/Workshop

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1037

Applicant:
Mrs Elizabeth Jermy

Parish:
Arthuret

Date of Receipt:
22/11/2010

Agent:
HTGL Architects Ltd

Ward:
Longtown & Rockcliffe

Location:
Steel House, 4A Graham Street, Longtown, CA6
5NR

Grid Reference:
338030 568806

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen;
Damp Proofing Of Kitchen Store Together With The Removal Of The
Bathroom Window And Provision Of 2no. Rooflights

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1038

Applicant:
Mr & Mrs Mounsey

Parish:
Irthington

Date of Receipt:
23/11/2010

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
Ashfield, Laversdale Lane, Irthington, Carlisle, CA6
4PS

Grid Reference:
347784 563333

Proposal: Erection Of Agricultural Building

Amendment:

Decision: Grant Permission

Date: 05/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1039

Applicant:
Mrs Elizabeth Jermy

Parish:
Arthuret

Date of Receipt:
18/11/2010

Agent:
HTGL Architects Ltd

Ward:
Longtown & Rockcliffe

Location:
Steel House, 4A Graham Street, Longtown, CA6
5NR

Grid Reference:
338030 568806

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen;
Damp Proofing Of Kitchen Store Together With The Removal Of The
Bathroom Window And Provision Of 2no. Rooflights (LBC)

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1044

Applicant:
Mr Roy Hyslop

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

19/11/2010

Agent:**Ward:**

Yewdale

Location:

166 Yewdale Road, Belle Vue South, Carlisle CA2 7SD

Grid Reference:

337160 555410

Proposal: Two Storey Side And Rear Extension To Provide Hall, Garage, Extended Kitchen, W.C., And Utility On The Ground Floor With Bathroom, Bedroom, Landing And En-Suite Bedroom Above (Revised Application)

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/1045

Applicant:

Mrs Tracy Munn

Parish:

Carlisle

Date of Receipt:

19/11/2010

Agent:

Carlisle City Council

Ward:

Denton Holme

Location:

38 Percy Road, Longsowerby, Carlisle CA2 6ES

Grid Reference:

339138 554773

Proposal: Single Storey Side Extension To Provide Bedroom And Shower Room For Disabled Person

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:

10/1046

Applicant:

Lush Retail Ltd

Parish:**Date of Receipt:**

19/11/2010

Agent:

Design Time Ltd

Ward:

Castle

Location:

Lush, 49a Scotch Street, Carlisle, CA3 8PY

Grid Reference:

340117 556006

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Display Of 1no. Non-Illuminated Fascia Sign And 1no. Non-Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 06/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1047

Applicant:
Mr Barclay

Parish:
Hethersgill

Date of Receipt:
29/11/2010

Agent:
Ashton Design

Ward:
Lyne

Location:
Longcleughside, Kirkclinton, Carlisle, CA6 6BE

Grid Reference:
344526 568168

Proposal: Erection Of Porch And External Seating Area

Amendment:

Decision: Grant Permission

Date: 06/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1054

Applicant:
Messrs J R Armstrong

Parish:
Burgh-by-Sands

Date of Receipt:
02/12/2010

Agent:

Ward:
Burgh

Location:
Dykesfield Farm, Burgh By Sands, Carlisle,
Cumbria, CA5 6AG

Grid Reference:
330855 559327

Proposal: Discharge Of Condition 2 (Archaeological Watching Brief) Relating To Planning Ref 10/0349

Amendment:

Decision: Grant Permission

Date: 09/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1055

Applicant:
Talkin Tarn Community
Building Ltd

Parish:
Brampton

Date of Receipt:
22/11/2010

Agent:

Ward:
Brampton

Location:
Talkin Tarn Countryside Park, Talkin Tarn, Talkin,
CA8 1HN

Grid Reference:
354459 559165

Proposal: Discharge of Condition7 (Materials) Of Previously Approved Permission
09/0714

Amendment:

Decision: Grant Permission

Date: 12/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1056

Applicant:
McDonald's Restaurants
Limited

Parish:
Carlisle

Date of Receipt:
26/11/2010

Agent:
Butterfield Signs Limited

Ward:
Belah

Location:
Mcdonalds Restaurants Ltd, Gearshill Road,
Carlisle, CA3 0ET

Grid Reference:
339396 559460

Proposal: Display Of 2No. Non Illuminated Aluminium Banner Units

Amendment:

Decision: Refuse Permission

Date: 30/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1057

Applicant:
Mrs Joan Hetherington

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

23/11/2010

Carlisle City Council

Upperby

Location:

71 Cant Crescent, Upperby, Carlisle, CA2 4JJ

Grid Reference:

341047 553960

Proposal: Erection Of Single Storey Side Extension To Provide Ground Floor Bedroom

Amendment:

Decision: Grant Permission

Date: 29/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1058

Applicant:
Mr Cullen

Parish:
Stanwix Rural

Date of Receipt:
01/12/2010

Agent:
C & D Property Services

Ward:
Stanwix Rural

Location:
Crosshill Farmhouse, Blackford, CA6 4DU

Grid Reference:
339987 561307

Proposal: General Purpose Agricultural Building (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1060

Applicant:
Spice of India

Parish:
Carlisle

Date of Receipt:
24/11/2010

Agent:

Ward:
Currock

Location:
26 Botchergate, Carlisle, Cumbria

Grid Reference:
340354 555533

Proposal: Variation Of Condition 1 Attached To 01/0019 To Allow Trading Between 1700 Hours And 0400 Hours (Retrospective Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 29/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1061

Applicant:
Mr Sean Smith

Parish:
Carlisle

Date of Receipt:
24/11/2010

Agent:

Ward:
Botcherby

Location:
56 Cumrew Close, Durranhill, Carlisle CA1 2XA

Grid Reference:
342493 555091

Proposal: Non Material Amendment Relating To Planning Permission 2010/0686
(Omission Of Window In Side Elevation)

Amendment:

Decision: Amendment Accepted
07/12/2010

Date:

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1064

Applicant:
Punch Pub Co Ltd

Parish:
Carlisle

Date of Receipt:
06/12/2010

Agent:
Ashleigh Signs Ltd

Ward:
Currock

Location:
The Griffin, Court Square, Carlisle, CA1 1QX

Grid Reference:
340284 555584

Proposal: Display Of 2no. Externally Illuminated Fascia Signs, 2no. Externally
Illuminated Amenity Signs And 2no. Internally Illuminated Menu Cases
(LBC)

Amendment:

Decision: Grant Permission

Date: 13/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/1074 Mr Bryan Lloyd St Cuthberts Without

Date of Receipt: **Agent:** **Ward:**
29/11/2010 Green Design Group Dalston

Location: **Grid Reference:**
Brisco Hill, Brisco, Carlisle, Cumbria, CA4 0QZ 342544 551377

Proposal: Non Material Amendment Of Previously Approved Application 09/0117
Amendment:

Decision: Amendment Accepted **Date:**
24/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No: **Applicant:** **Parish:**
10/1087 Mrs Janet Shaw Carlisle

Date of Receipt: **Agent:** **Ward:**
03/12/2010 Mr Gordon Wood Botcherby

Location: **Grid Reference:**
30 Merith Avenue, Carlisle, CA1 2TP 342136 555456

Proposal: Non Material Amendment Relating To Planning Reference 10/0397 To
Amend The Roof Height (Retrospective)

Amendment:

Decision: Amendment Accepted **Date:**
17/12/2010

Between 04/12/2010 and 15/01/2011

Appn Ref No: **Applicant:** **Parish:**
10/1093 Mr & Mrs Notman Wetheral

Date of Receipt: **Agent:** **Ward:**
06/12/2010 13:00:20 Edenholme Architectural Wetheral
Surveyors

Location: **Grid Reference:**
4 Eden Mount, Wetheral, Carlisle, CA4 8EX 346473 554369

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Extension To Provide Orangery

Amendment:

Decision: Grant Permission

Date: 05/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1095

Applicant:
Box Clever

Parish:
Carlisle

Date of Receipt:
06/12/2010 16:00:18

Agent:
Martin Cuthell Ltd

Ward:
Belah

Location:
Box Clever, 64/65 Millbrook Road, Kingstown, CA3
0EU

Grid Reference:
339156 559381

Proposal: Proposed New Warehouse Door (Retrospective)

Amendment:

Decision: Grant Permission

Date: 10/01/2011

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1096

Applicant:
Nestle UK Ltd

Parish:
Dalston

Date of Receipt:
16/12/2010

Agent:
Ashwood Design
Associates

Ward:
Dalston

Location:
Nestle UK Limited, Dalston, Carlisle, CA5 7NH

Grid Reference:
337378 550813

Proposal: Non Material Amendment Of Previously Approved Application 10/0558

Amendment:

Decision: Amendment Accepted
30/12/2010

Date:

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1117

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
14/12/2010 08:00:21

Agent:
DPP

Ward:
Castle

Location:
L/A bounded by Upper Viaduct Car Park-River
Caldew-Harper and Hebson and Viaduct Estate
Road, Carlisle

Grid Reference:
339950 555600

Proposal: Discharge Of Condition 6 (Contamination) Relating to Planning
Application 04/1653

Amendment:

Decision: Partial Discharge of Conditions
05/01/2011

Date:

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1119

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
20/12/2010

Agent:
Day Cummins Limited

Ward:
Denton Holme

Location:
13-19 Dowbeck Road, Carlisle, Cumbria, CA2 7BX

Grid Reference:
339112 555369

Proposal: Non Material Amendment Relating To Previously Approved Application
10/0840 To Amend The External Walling Finshes

Amendment:

Decision: Amendment Accepted
29/12/2010

Date:

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1120

Applicant:
Riverside Carlisle

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
20/12/2010

Agent:
Day Cummins Limited

Ward:
Denton Holme

Location:
82-88 Stanhope Road, Carlisle, Cumbria, CA2 7BP

Grid Reference:
339173 555432

Proposal: Non Material Amendment Of Previously Approved Application 10/0864
To Amend The External Walling Finishes

Amendment:

Decision: Amendment Accepted
29/12/2010

Date:

Between 04/12/2010 and 15/01/2011

Appn Ref No:
10/1124

Applicant:
Mr Lawrence Rickerby

Parish:
Wetheral

Date of Receipt:
16/12/2010

Agent:
Philip Turner Associates

Ward:
Wetheral

Location:
Land adjacent To Dalegarth, Cumwhinton, Carlisle,
Cumbria, CA4 8DH

Grid Reference:
344877 552659

Proposal: Non Material Amendment Of Previously Approved Application 09/0133

Amendment:

Decision: Amendment Accepted
06/01/2011

Date:
