Development Control Committee

Main Schedule

Schedule of Applications for Planning Permission

22nd August 2008

CARLISLE CITY COUNCIL

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Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	08/0615 A	Burgh by Sands Village Hall, Burgh-by-Sands, Carlisle CA5 6AN	SD	1
02.	08/0616 A	Burgh by Sands Village Hall, Burgh-by-Sands, Carlisle CA5 6AN	SD	20
03.	08/0567 B	The Kingswood Educational Centre, Cumdivock, Dalston, Carlisle, CA5 7JW	ARH	25
04.	08/0644 B	Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW	ARH	74
05.	08/0224 B	Gates Tyres, 54 Scotland Road, Stanwix, Carlisle CA3 9DF	SG	87
06.	08/0527 A	46-48 London Road And 1 Woodrouffe Terrace, Carlisle, Cumbria, CA1 2EH	BP	124
07.	08/0528 A	46-48 London Road And 1 Woodrouffe Terrace, Carlisle, Cumbria, CA1 2EH	BP	148
08.	08/0432 A	The Hour Glass, 1 Scotland Road, Carlisle CA3 OLJ	RJM	161
09.	08/0586 A	Land adjacent to 84, Castlesteads Drive, Carlisle	CHA	198
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11.	08/0687 A	22 Beck Road, Carlisle, CA2 7QL	CHA	224
12.	08/0557 A	Atlas Works, Nelson Street, Carlisle, Cumbria, CA2 5NB	SD	237
13.	08/0700 A	Land Adjacent To 57 Cairn Wood, Heads Nook, Carlisle, CA8 9AH	BP	271
14.	08/0689 B	Caldew High School, Carlisle Road, Dalston, Carlisle	SE	286
15.	08/0002 A	Land adjacent to 1, Central Avenue, Carlisle	SG	349

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Applications Entered on Development Control Committee Schedule

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16.	08/0472 A	Former Cavgahan & Gray Limited, London Road, Carlisle, CA1 3EU	ARH	360
17.	08/0680 A	Carlisle Castle, Carlisle, CA3 8UR	ARH	395
18.	08/0749 A	5 Sanderson Close, Lowry Hill, Carlisle, CA3 0QA	SE	408
19.	08/0640 A	Headswood Farm House, Newtown, Irthington, Carlisle, CA6 4PE	DNC	415
20.	08/9015 C	Solway Moss Works, Mill Hill, Gretna DG16 5TU	SD	430
21.	07/9026 C	Esk Brickworks, Brisco, Carlisle CA4 OQY	RJM	435
22.	08/0579 D	25 The Green, Dalston, Carlisle, CA5 7QH	ARH	450
23.	08/0584 D	Cottage & Barn, Rear No. 25 The Green, Dalston, Carlisle, Cumbria, CA5 JQH	ARH	452
24.	07/1011 D	Murray House Farm, Cumwhinton, Carlisle, CA4 8DH	SG	454
25.	07/1260 D	Garages To Rear Of Red Bank Square, Carlisle, Cumbria	BP	457

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 08/08/2008 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 13/08/2008.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

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SCHEDULE A

Item No: 01 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0615	The Trustees of Burgh by Sands Parish Public Hall	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
16/06/2008	Swarbrick Associates	Burgh

Location:
Burgh by Sands Village Hall, Burgh-by-Sands, Carlisle CA5 6AN

Grid Reference:
332609 559100

Proposal: Proposed Rear And Side Extensions To Ground Floor And Provision Of Eaves Storage At First Floor Level (Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to four objectors exercising their right to speak on the proposal.

1. Constraints and Planning Policies

Ancient Monument

Area Of Outstanding Natural Beauty

Waste Disposal Site

The proposal site is within or adjacent to a Waste Disposal Site.

Conservation Area

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

District E3 - AONBs

District E26 - Buffer to Hadrian's Wall

District E30 - Arch. Evaluation Prior

District E39 - Dem. in Cons. Areas

District E43 - Imps. to Cons. Areas

District T7 - Parking Guidelines

District H17 - Residential Amenity

District L4 - Leisure Development

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol DP8 - Areas Of Outstanding Nat. Beauty

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP6 - Use Of Traditional Materials

Rev Redeposit Pl. Pol LE7-Buff.Zone/Had'sWall World Her.Site

Rev Redeposit Pl. Pol LE10 - Archaeological Field Evaluation

Rev Redeposit Pl. Pol LE18 - Dem.Unlisted Bigs.In Cons.Areas

Rev Redeposit Pl. Pol LE20 - Conservation Areas

Rev Redeposit Pl. Pol EC12-Sustaining Rural Facilities/Serv.

Rev Redeposit Pl. Pol T1 - Parking Guidelines

Rev Redeposit Pl. Pol LC1 - Leisure Development

2. Summary of Consultation Responses

English Heritage (Hadrians Wall) - NE Region: recommends that the application is not determined until the applicant has provided a report on the archaeological evaluation of the site and necessary discussions about how to treat the archaeology of the site have been concluded, in line with PPG16;

Cumbria County Council - (Archaeological Services): the areas of ground works of the proposed development should be subject to an archaeological evaluation, to be commissioned at the expense of the developer, and carried out prior to the granting of planning permission;

United Utilities (former Norweb & NWWA): no objections;

Community Services - Drainage Engineer: comments awaited;

Burgh-by-Sands Parish Council: request a Section 106 is enforced to ensure that the toilets can never be used other than by patrons of the hall. Reduction of on-site parking is an issue and will lead to further parking problems outside the village hall, creating blind exits and entrances. There are still concerns about increased water usage putting further strain on the sewerage system serving the village;

Solway Coast AONB Unit: comments awaited;

Hadrians Wall Heritage Limited: comments awaited;

Cumbria Constabulary - Crime Prevention: although no offences have been recorded in relation to use associated with the village hall it would be prudent to incorporate good security measures at this early stage;

Development Services Planning & Housing Services - Conservation Section: no objections. The changes made have improved the application and the extensions are more in keeping with the character of the building. The revised proposal does not damage the character of the Conservation Area;

Environmental Services - Food, Health & Safety: comments awaited;

Cumbria County Council - (Highway Authority): no objections - taking into account the existing and historic use of the hall, the Highway Authority considers that the proposal would be unlikely to have a material affect on existing highway conditions.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Maplefinch	16/06/08	Comment Only
Midtown Cottage	16/06/08	
Nookfield	16/06/08	
Housesteads	16/06/08	Objection
1 White Row	16/06/08	
2 White Row	16/06/08	
3 White Row	16/06/08	
4 White Row	16/06/08	Objection
5 White Row	16/06/08	
6 White Row	16/06/08	
Cottage	16/06/08	Petition

3.1 Four letters of objection have been received which raise the following points:

1. The village hall needs to be refurbished but the scale of the development is too big for the site. The Village Hall Committee is trying to create a 'community centre' out of a village hall;

2. The new main entrance would be nearer to properties in White Row than the existing, which will cause a noise nuisance - the entrance should be at the rear and a smoking shelter should be provided to the rear;

3. The new toilets would be located in close proximity to Maplefinch. The new toilets could be used as public toilets - they could be open whilst the rest of the building is closed. If they were public toilets this could attract anti-social behaviour. How would they be policed? Having a public toilet block 20m from the properties on White Row will cause a loss of value to these properties. It makes more sense for the toilets to be at the rear of the hall, close to the smoking shelter, and as far away from neighbouring properties as possible. There are no details of extractor fans on the drawings - where would the smells be extracted to? The smell could affect neighbouring gardens. A planning condition should be used to ensure that the toilets will remain now and in the future for the sole use of patrons of the village hall and never be made available as public conveniences;

4. There are sewerage problems in Burgh by Sands, especially in the area surrounding the hall, where gardens have been flooded. The sewage system is not capable of taking any further increased usage. A more frequently used village hall (considering the toilets might be made public) will make the sewerage problems worse;

5. There are currently car parking problems at the hall. The proposals make the existing car park smaller and will add to the parking problems. Cars are often parked down the sides of the road and pavements blocking driveways. This causes hazards to pedestrians, residents and other people driving through the village. More functions will be held at the new hall which will also increase parking problems. Minor accidents have occurred over the last few years due to vehicles parked outside the hall - it is only a matter of time before a more serious accident occurs if the parking issues are not addressed. Whilst parking provision is to be made at the Village Green, this will be too small and people will still choose to park at the front of the hall. The Story Homes development will further increase the current parking problems. Access for emergency vehicles is a major concern;

6. The quality of life of residents near the hall will be seriously affected if the proposed plans are approved and properties nearby will be devalued;

7. The occupiers of Maplefinch consider that the extension will block natural light into the living room, dining room, conservatory and front and back gardens of their property. The living room, dining room and conservatory will be overlooked and people will have a direct view into Maplefinch from the side extension. There will be no privacy in the front and rear gardens or the

conservatory;

8. With 3 stores proposed on the ground floor, has the need for a second floor containing a document store/archive been justified? Could a condition be placed on this document store to ensure that it is always used for this purpose so as to minimise the infringement on the privacy of the occupiers of Maplefinch;

9. The Burgh-by-Sands Parish Plan states that 'an extension to the existing small hall/ kitchen was unlikely to be allowed due to the close proximity of the neighbouring dwelling';

10. Local residents are already unhappy with the current number of events that are held at the village hall in view of noise, litter, parking problems and anti-social behaviour/vandalism. The reason behind the hall's extension is to increase the usage of the hall and this will increase these problems further;

11. Another safety concern is the non-existence of a suitable pedestrian access to the rear of the hall, which could be down the eastern elevation;

12. The rear play area was grant funded for the youth club - this area will be depleted;

13. The distance between the village hall and Midtown Cottage is only 5m. The smoking canopy being placed around the western elevation will encourage users to walk to and fro unless a larger exit/entrance is installed at the rear;

14. The front entrance/exit and windows should be closed at a reasonable time reduce potential disturbance;

15. Kirkbampton has a purpose built village hall which is segregated from private dwellings. It is understood to be struggling financially so Burgh Village Hall could join with them;

16. Installation and operation of security cameras on construction of the proposed extensions would be preferable, rather than the suggestion on the plans of 'future' placement.

3.2 One of the letters includes a petition, which is dated January 2005, against the siting of public toilets to the front of the hall and of dispensing of valuable parking space for the disabled and infirm near the main entrance.

4. Planning History

4.1 In April 1965, planning permission was granted for the rebuilding of male toilets and the construction of a car park (BA4265 & BA4177).

4.2 In May 1989, planning permission was granted for an extension to the village hall to provide a store (89/0344)

4.3 In January 2001, planning permission was granted for the erection of 2.75m high green chain link fence (00/0936).

4.4 In May 2008, an application for proposed rear and side extensions to ground floor and provision of eaves storage at first floor level was withdrawn (08/0317).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The proposal is seeking to extend Burgh-by-Sands Village Hall, which is centrally located within the village and lies within the Burgh-by-Sands Conservation Area . The existing village hall consists of the main hall, which is a brick building with a pitched slate roof and three extensions, which have been added to the eastern, western and southern elevations.

5.2 All three extensions are currently in a poor state of repair and are proposed to be demolished. The size and position of these extensions is an important factor to consider in the determination of this application and they are, therefore, documented below.

5.3 The eastern extension, which measures 11.5m by 5.8m, currently contains the main entrance, kitchen and a meeting room. This structure is constructed of a timber frame with external brick cladding and a cement tile hipped roof. This extension is located within 1m of the boundary with the adjacent property (Maplefinch) and is separated from it by a 1.9m high solid timber fence. A pedestrian route, from the rear car park to the front of the hall, runs between the extension and the fence.

5.4 The southern extension, which measures 5.5m by 3.2m, currently contains a storeroom. This structure is constructed of concrete blockwork and contains a flat felt roof.

5.5 The western extension, which measures 7m by 2.5m, and currently contains the hall's toilets, is constructed of red brick and has a flat felt roof. The toilets, which include 1 female toilet, 1 male toilet and 2 urinals (there is currently no disabled toilet), are currently accessed through the main hall.

5.6 A small number of car parking spaces are currently located to the front and rear of the hall, with the spaces to the rear being accessed via an access which runs round the western end of the hall. This current access is constrained due to the toilet extension on this side of the building.

5.7 Maplefinch, a large, detached property, is located immediately adjacent to the

eastern boundary of the village hall. A 1.9m high solid timber fence marks the boundary between the hall and Maplefinch, with both buildings being located 1m from the boundary.

5.8 Midtown Cottage is located immediately to the north of the village hall and is approximately 5m from the front elevation and only 2m from the edge of the vehicular access to the rear car park. Part of the garden to this property sits adjacent to the access and is separated from it by a hedge.

5.9 A row of cottages is located on the opposite side of the road to the hall, whilst open fields adjoin the application site to the west and south (rear).

Background

5.10 The Village Hall Committee has been exploring options to upgrade the hall since 2003. This has involved extensive consultation with local residents and users of the hall. An application for lottery funding was made in 2005 and a planning application was submitted in April 2008. This was subsequently withdrawn following concerns over: the impact of proposals on Maplefinch; the design of the proposed extensions; and the need for an archaeological evaluation to take place prior to the determination of any planning application.

5.11 The Village Hall Committee has requested that the current, revised application be determined by the end of August 2008 so that, if it is approved, a further bid can be made for lottery funding. The bid for lottery funding has to be received by 2 September 2008.

The Proposal

5.12 The application is proposing to demolish the three existing extensions and to replace these with new extensions. The extension on the eastern elevation, which would contain a hipped pitched roof, would project rearwards 4.2m beyond the line of the existing extension and would project 1.4m further forward. The extension would measure 2.9m to the eaves and 6.1m to the ridge, with the ridge being 4.3m from the boundary with Maplefinch. The extension would contain male, female and disabled toilets at the front; a kitchen; a meeting room; and a document store in the roof space, which would be accessed via a ladder.

5.13 The new southern (rear) extension, which would adjoin the eastern extension, would measure 14.6m by 3.7m and would contain 3 stores, a changing room/consultation room, showers, a disabled toilet and a new rear access. It would measure 2.9m to the eaves and 4.4m to the ridge and would link into the existing roof of the main hall building. The extension to the western elevation would measure 7.2m by 1.9m and would be used for storing tables and chairs. This would measure 2.1m to the eaves and 4m to the ridge. A smoking shelter would be attached to the extensions on the southern and western elevations.

5.14 All three extensions would be constructed of brick and slate to match the

existing hall.

Assessment

5.15 The relevant planning polices against which the application is required to be assessed include Policies E3, E26, E30, E39, E43, T7, H17 and L4 of the Carlisle District Local Plan and Policies DP1, DP8, CP4, CP5, CP6, LE7, LE10, LE18, LE20, EC12, T1 and LC1 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

5.16 The proposal raises the following planning issues:

1. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Dwellings

5.17 The proximity of the village hall to the neighbouring residential properties (particularly Maplefinch and Midtown Cottage) causes a number of problems (e.g. noise, anti- social behaviour, parking problems) for the occupiers of these properties. These problems are, however, already in existence and the proposed extensions would not make a number of these problems any worse.

5.18 Indeed, a number of changes are proposed to the hall which should improve several of these current problems. Some of these are set out below:

- improved insulation to walls and roof;
- windows to be double glazed;
- multiple self-closing doors to be added to the main entrance;
- the installation of a noise meter;
- the fire door near to Midtown Cottage to become a 'break glass' fire door for emergency exit only;
- a smoking shelter to be erected to the rear of the building;
- hall users will be able to park at the nearby Village Green Car Park.

5.19 The Village Hall Committee has also confirmed that the capacity of the hall will remain at 110 persons.

5.20 A number of local residents have raised concerns about the location of the toilets at the front of the building. Indeed the Parish Council and a local resident have asked that a Section 106 Agreement/planning condition be used to ensure that the toilets are never used other than by patrons of the hall.

5.21 The Village Hall Committee has confirmed that the toilets would not be open to the public but would only be available to those using the hall. It has also explained that the toilets are to be sited to the front of the building so that they can be accessed from all parts of the building (i.e. the main hall, the kitchen and the meeting room). Access to the current toilets is through the main hall, which causes problems of disturbance to those holding events in the main hall.

5.22 The opening of the toilets to the public is a management issue and cannot be controlled by a planning condition or a Section 106 Agreement. Given that the toilets would not have any windows and would be accessed from the entrance of the hall by two doors they would not have an adverse impact on the living conditions of the occupiers of neighbouring properties.

5.23 The occupiers of Maplefinch have raised concerns about the impact of the proposed development on their dwelling, in relation to loss of light and overlooking.

5.24 The extension adjacent to Maplefinch would project back 4.2m further than the existing extension and would be 2.9m high, 1m from the boundary, increasing to 6.1m high 4.3m from the boundary. Whilst Maplefinch does have windows in the side elevation facing the proposed extension, all the rooms which these windows serve (two at ground floor level and two at first floor level) have additional windows in the front or rear elevation of the property. The loss of light to these rooms should not, therefore, be significant, particularly given that the gable end of the main hall is 8.9m high and is only approximately 6.5m from the boundary. Furthermore, light to these rooms is limited by the existing extension.

5.25 It is acknowledged that, because it extends further to the rear, the development will place 2.5m of the new extension adjacent to the side wall of the conservatory which has been constructed to the rear of Maplefinch. Given that the conservatory is 5m in length and lies to the east of the village hall the loss of light should be marginal.

5.26 In relation to overlooking, there would only be one window in the ground floor of the extension, which would serve the kitchen. The existing kitchen is currently served by a window. Given the presence of a 1.9m solid timber fence on the boundary, there would not be any overlooking from this window. Two rooflights are be added to the elevation adjacent to Maplefinch but, due to their position within the roofslope, these would not cause overlooking issues. Whilst it is acknowledged that there is a pedestrian link between the extension and the boundary with Maplefinch, this is already in existence and the existing boundary treatment screens views into Maplefinch.

5.27 Midtown Cottage is located approximately 5m away from the front elevation of the hall and in close proximity to the existing vehicular access. None of the proposed changes, however, would affect this property. Indeed, the property should benefit from the changes outlined in paragraph 5.18 above.

2. The Impact Of The Proposal On The Conservation Area

5.28 The Conservation Officer considers that the extensions are in keeping with the character of the building and that the proposal does not damage the character of the Conservation Area.

3. Highway Issues

5.29 A number of objections have been received in relation to parking issues at the hall. The proposal will not, however, make the parking situation worse, particularly given that the capacity of the hall is remaining at 110 persons. County Highways has raised no objections to the application, given the existing and historic use of the hall. Indeed, the parking situation might actually improve in the future given that hall users will be able to park at the nearby Village Green Car Park (which was approved in April 2008).

5.30 The reduction in the width of the extension on the western elevation of the hall, from 2.5m to 1.9m, would improve the existing access to the rear parking spaces, which is currently constrained.

4. Archaeology

5.31 The village hall is located between Hadrian's Wall and Hadrian's Wall Vallum. As a consequence, the applicant has commissioned an archaeological evaluation of the site and the report on this evaluation work is currently awaited. English Heritage understands that the archaeological evaluation revealed considerable intact Roman archaeological deposits. In order to provide informed advice as to how these remains should be treated as part of the planning application, English Heritage needs to see the report on this evaluation work. This will allow an informed judgement to be made as to the priority that should be given to the preservation of any remains in-situ, or whether some other form of mitigation, perhaps through archaeological fieldwork, would be appropriate.

5.32 English Heritage has confirmed that there is no objection in principle to the development subject to the imposition of suitable conditions. The conditions will be worded once the report on the archaeological evaluation has been received and considered by English Heritage.

5. Drainage

5.33 Members will note that local residential have raised a number of concerns as to whether the proposal will exacerbate the existing drainage proposed experienced within the village. At the time of preparing this report a response is still awaited from the Councils Drainage Engineer; however, their comments will be reported verbally to members at the meeting. Given the proposal involves a modest extension to the existing structure it is not anticipated that the potential increased impact upon the existing drainage problems will warrant refusal of the application.

Conclusion

5.34 In overall terms, the proposal would not have an adverse impact on the character of the Conservation Area, or on the living conditions of the occupiers of neighbouring properties due to loss of light, loss of privacy or over dominance. In all aspects, the proposal is compliant with the relevant policies contained within the adopted and emerging Local Plan.

5.35 Additional conditions relating to archaeology will need to be added to any 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;

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.

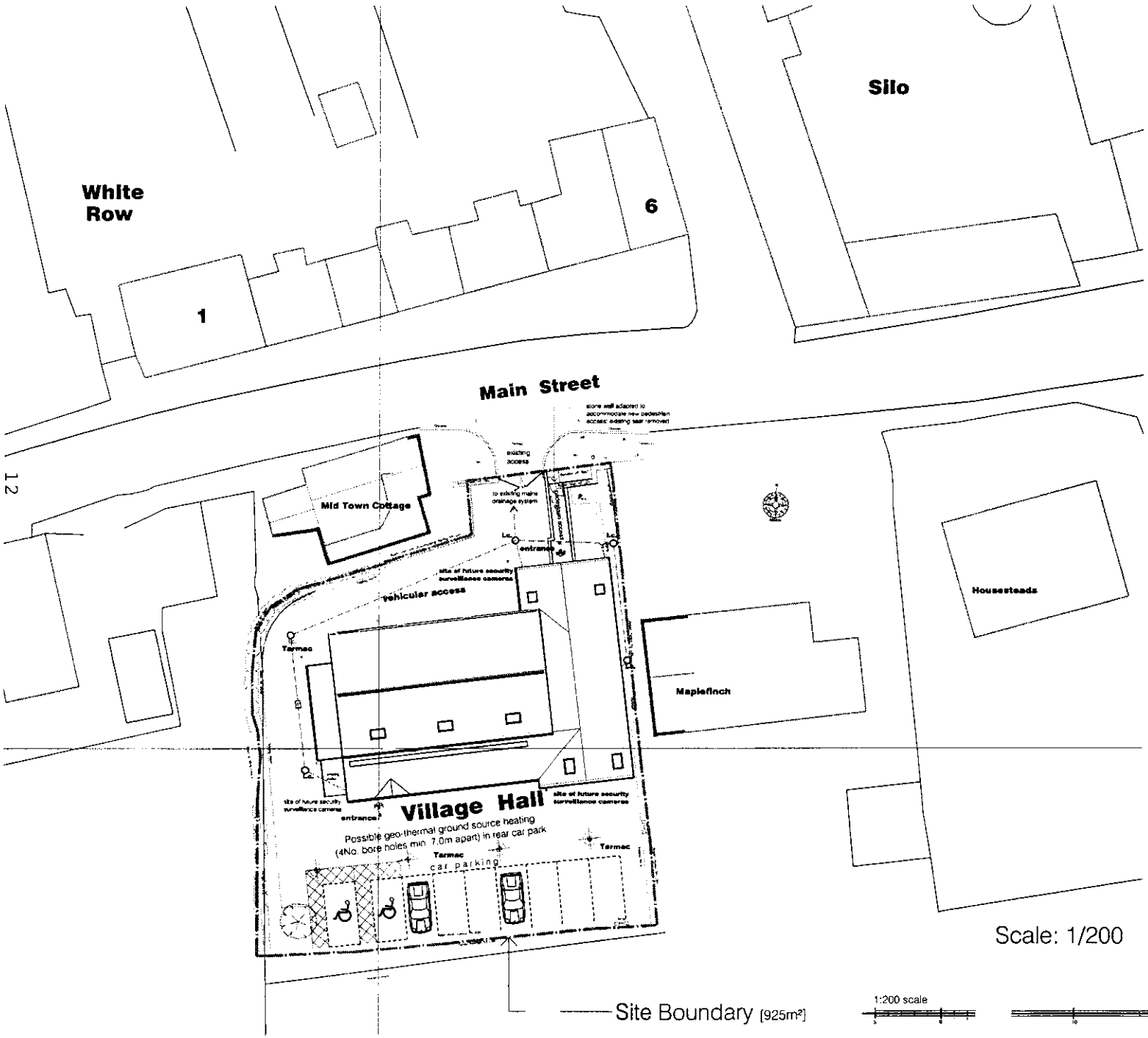
7. Recommendation - Grant Permission

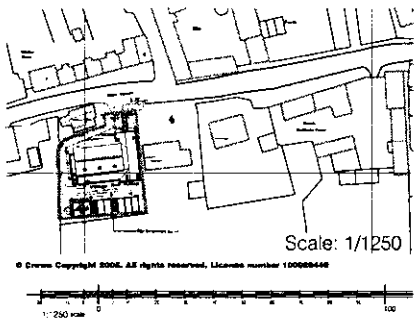
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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 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 CP4 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report) are met and to ensure a satisfactory external appearance for the completed development.





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PLANNING DRAWING

Rev C - 12June 08 ; building set back from boundary repositioned on line of existing building; 1st floor omitted; vestules reduced; front section depth reduced; rear section depth reduced; roof lowered and hip sections ommitted; smoking shelter to side elevation

swarbrick associates
CHARTERED ARCHITECTS
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E Mail : info@swarbrickassociates.co.uk
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Burgh by Sands Village Hall

CLIENT:
The Trustees of Burgh by Sands Parish Public Hall
c/o Atkinson Ritson Solicitors, 15 Fisher Street, Carlisle

PROJECT:
Burgh by Sands Village Hall
Proposed Extensions

DRAWING:
Block and Location Plans

DRG NO: 126 rev.0

Scale: 1:200, 1:1250 27/03/08

DMG

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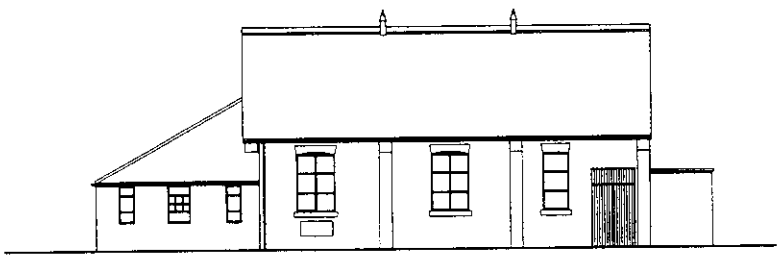
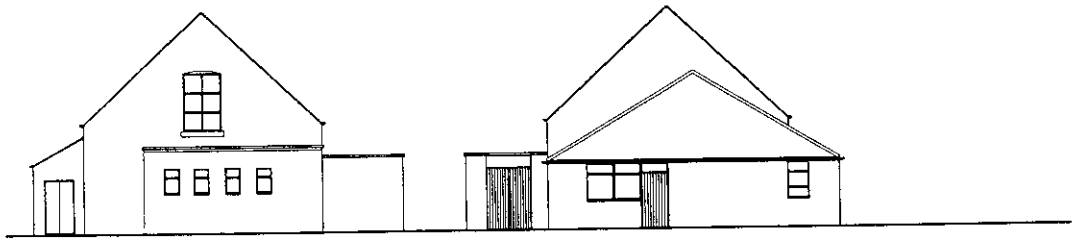
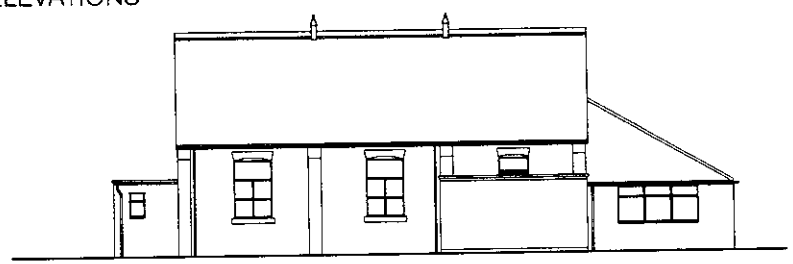


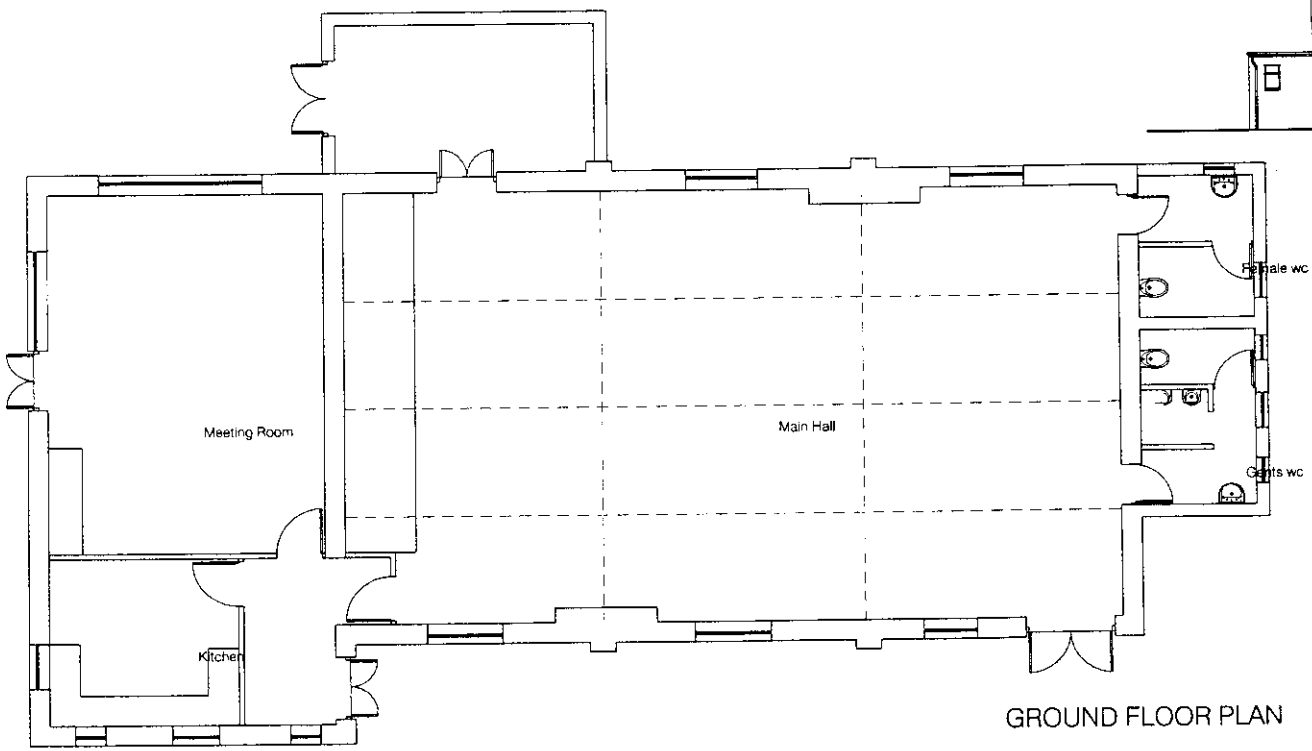
FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION



GROUND FLOOR PLAN

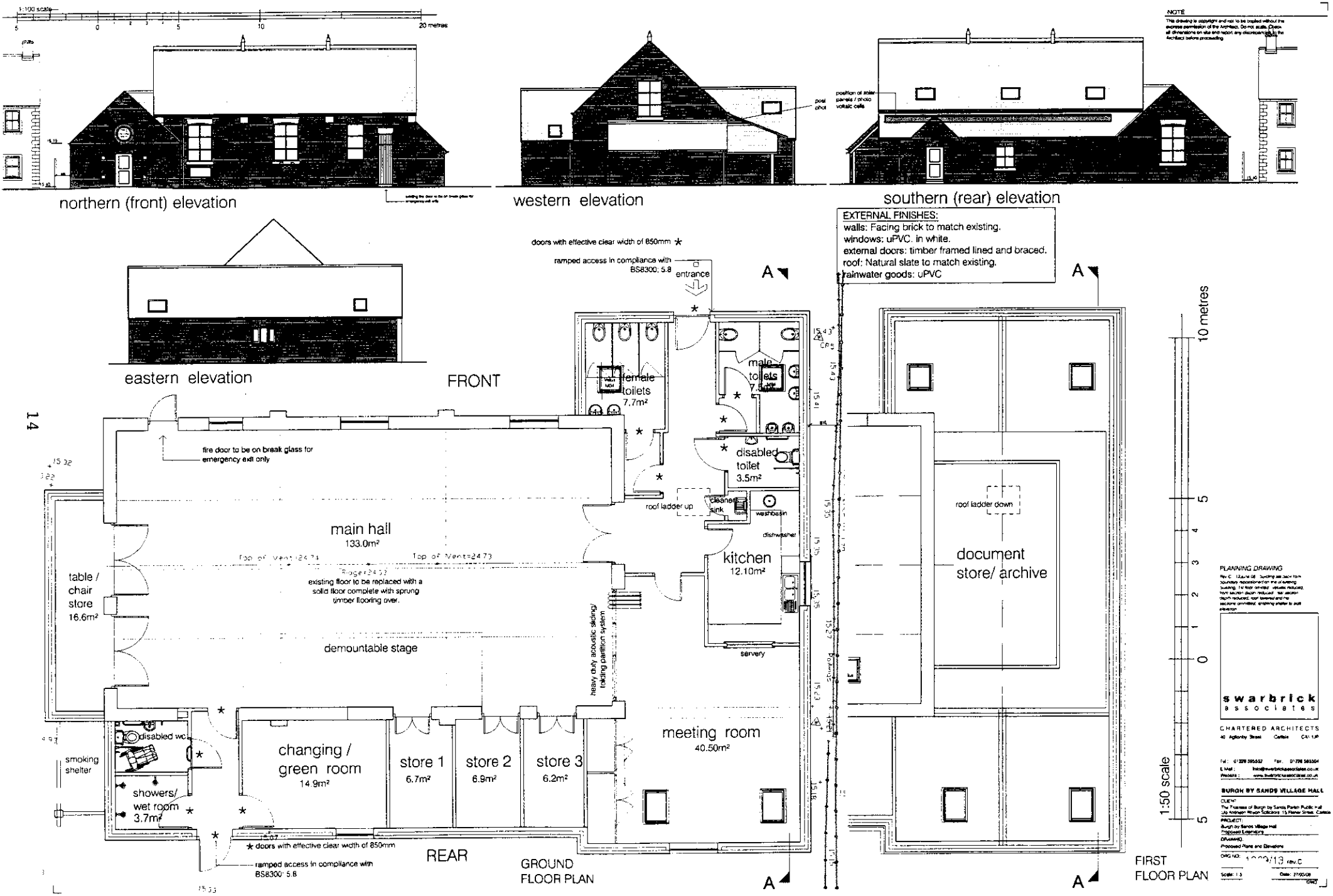
1:50 scale
5 0 1 2 3 4 5 10 20 metres

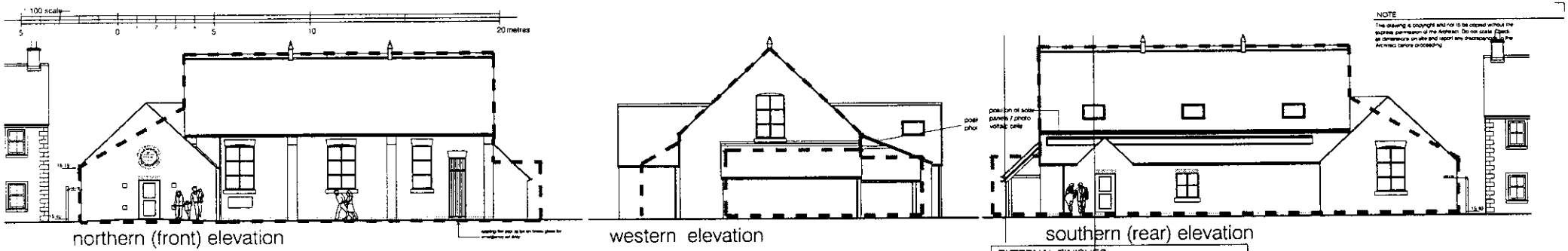
13

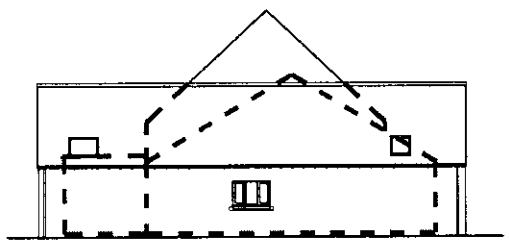
swarbrick associates
CHARTERED ARCHITECTS
40 Aglionby Street
Carlisle
CA1 1JP
Tel: 01228 595502
Fax: 01228 595504
E Mail: swarbrickassoc@AOL.com
www.swarbrickassociates.co.uk

BURGH BY SANDS VILLAGE HALL
CLIENT:
The Trustees of Burgh by Sands Parish Public Hall
c/o Atkinson Ritson Solicitors, 15 Fisher Street, Carlisle
PROJECT:
Burgh By Sands Village Hall
Proposed Extensions
DRAWING:
Plan and Elevations - as existing
DRG NO: 1269/01
Scale: 1:50 / 100 Date: 07.01.05
DWG

Revisions	Description	Date


1:100 scale
5 0 1 2 3 5 10 20 metres
NOTE
This drawing is copyright and not to be copied without the express permission of the Architect. Do not scale. Check all dimensions on site and report any discrepancies to the Architect before proceeding.
northern (front) elevation
western elevation
post mounted photovoltaic cells
position of solar panels / photo voltaic cells
southern (rear) elevation
EXTERNAL FINISHES:
walls: Facing brick to match existing.
windows: uPVC. in white.
external doors: timber framed lined and braced.
roof: Natural slate to match existing.
rainwater goods: uPVC
eastern elevation
FRONT
doors with effective clear width of 850mm ★
ramped access in compliance with BS8300: 5.8
entrance
female toilets 7.7m²
male toilets 7.7m²
disabled toilet 3.5m²
cleaners sink
washbasin
dishwasher
roof ladder up
roof ladder down
main hall 133.0m²
existing floor to be replaced with a solid floor complete with sprung timber flooring over.
fire door to be on break glass for emergency exit only
table / chair store 16.6m²
demountable stage
heavy duty acoustic sliding/ folding partition system
kitchen 12.10m²
servery
document store/ archive
meeting room 40.50m²
changing / green room 14.9m²
store 1 6.7m²
store 2 6.9m²
store 3 6.2m²
disabled wc
showers/ wet room 3.7m²
smoking shelter
★ doors with effective clear width of 850mm
ramped access in compliance with BS8300: 5.8
REAR
GROUND FLOOR PLAN
FIRST FLOOR PLAN
A
10 metres
5 4 3 2 1 0 5
1:50 scale
PLANNING DRAWING
swarbrick associates
CHARTERED ARCHITECTS
BURGH BY SANDS VILLAGE HALL
CLIENT:
The Trustees of Burgh by Sands Parish Public Hall
PROJECT:
Burgh by Sands Village Hall
Proposed Extensions
DRAWING:
Proposed Plans and Elevations
ORG NO: 1009/13 rev.C
Scale: 1:3
Date: 27/03/09





EXTERNAL FINISHES:
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windows: uPVC. in white.
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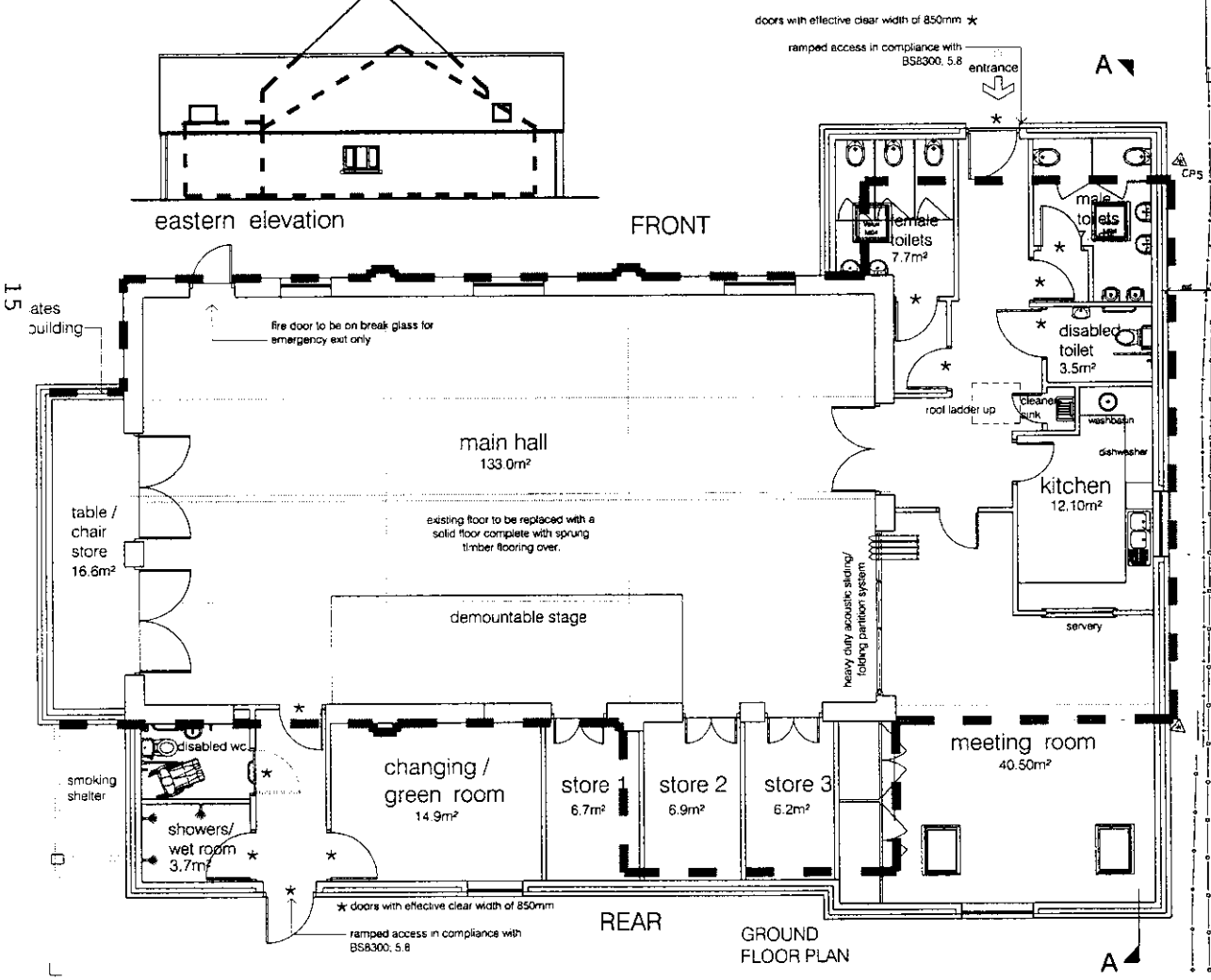
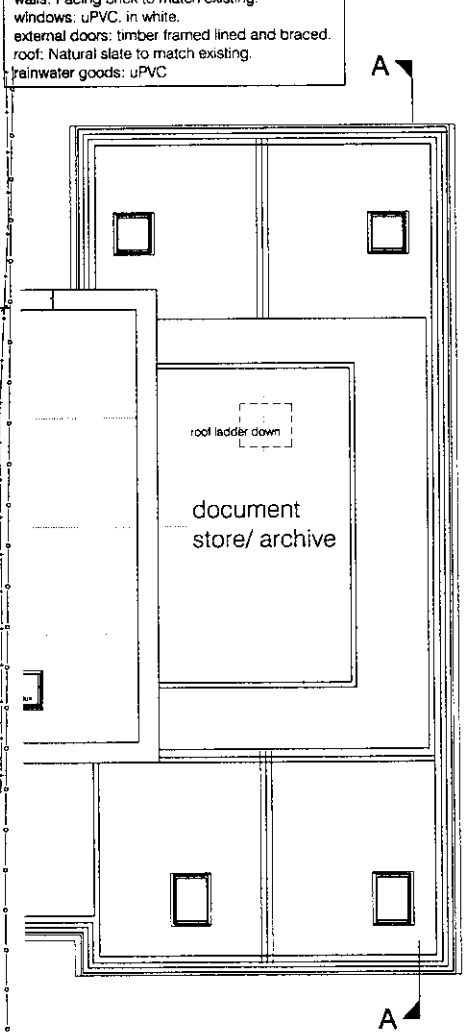
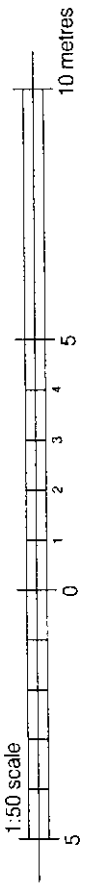
roof: Natural slate to match existing.
rainwater goods: uPVC







PLANNING DRAWING

swarbrick associates
CHARTERED ARCHITECTS

BURGH BY SANDS VILLAGE HALL

DRG NO 1269/13 rev.C

The front elevation of the Village Hall

The rear elevation of the Village Hall

The Village Hall and 'Maplefinch'

The Village Hall and 'Midtown Cottage'

Item No: 02 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0616	The Trustees of Burgh by Sands Parish Public Hall	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
13/06/2008	Swarbrick Associates	Burgh

Location:
Burgh by Sands Village Hall, Burgh-by-Sands, Carlisle CA5 6AN

Grid Reference:
332609 559100

Proposal: Demolition Of Existing Extensions (Conservation Area Consent)

Amendment:

REPORT **Case Officer:** Stephen Daniel

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to three objectors exercising their right to speak on the proposal.

1. Constraints and Planning Policies

Ancient Monument

Area Of Outstanding Natural Beauty

Waste Disposal Site

The proposal site is within or adjacent to a Waste Disposal Site.

Conservation Area

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

District E39 - Dem. in Cons. Areas

District E43 - Imps. to Cons. Areas

Rev Redeposit Pl. Pol LE18 - Dem.Unlisted Blgs.In Cons.Areas

Rev Redeposit Pl. Pol LE20 - Conservation Areas

2. Summary of Consultation Responses

English Heritage (Hadrians Wall) - NE Region: recommends that the application is not determined until the applicant has provided a report on the archaeological evaluation of the site and necessary discussions about how to treat the archaeology of the site have been concluded, in line with PPG16;

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

Burgh-by-Sands Parish Council: no comments;

Solway Coast AONB Unit: comments awaited;

Hadrians Wall Heritage Limited: comments awaited;

Conservation Officer, Development Services: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Maplefinch	17/06/08	Objection
Midtown Cottage	17/06/08	
Nookfield	17/06/08	
Housesteads	17/06/08	Objection
1 White Row	17/06/08	
2 White Row	17/06/08	
3 White Row	17/06/08	
4 White Row	17/06/08	
5 White Row	17/06/08	Objection
6 White Row	17/06/08	
Midtown Cottage	17/06/08	Petition

3.1 Three letters of objection have been received; however, the issues raised relate to the planning application that precedes this report in the Schedule and they have not, therefore, been reported.

4. Planning History

4.1 In April 1965, planning permission was granted for the rebuilding of male toilets and the construction of a car park (BA4265 & BA4177).

4.2 In May 1989, planning permission was granted for an extension to the village hall to provide a store (89/0344)

4.3 In January 2001, planning permission was granted for the erection of 2.75m high green chain link fence (00/0936).

4.4 In May 2008, an application for proposed rear and side extensions to ground floor and provision of eaves storage at first floor level was withdrawn (08/0317).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The proposal is seeking Conservation Area Consent to demolish three extensions at Burgh-by-Sands Village Hall. The existing village hall, which lies within the Burgh-by-Sands Conservation Area consists of the main hall, which is a brick building with a pitched slate roof and three extensions, which have been added to the eastern, western and southern elevations.

5.2 The eastern extension, which measures 11.5m by 5.8m, currently contains the main entrance, kitchen and a meeting room. This structure is constructed of a timber frame with external brick cladding and contains a cement tile pitched hip roof.

5.3 The southern extension, which measures 5.5m by 3.2m, currently contains a storeroom. This structure is constructed of concrete blockwork and contains a flat felt roof.

5.4 The western extension, which measures 7m by 2.5m, and currently contains the hall's toilets, is constructed of red brick and has a flat felt roof.

5.5 All three extensions are currently in a poor state of repair and are of no architectural or historic merit.

5.6 New extensions are proposed in order to upgrade the hall (see 08/0615).

Background

5.7 The Village Hall Committee has requested that the application be determined by the end of August 2008 so that, if it is approved, a bid can be made for lottery funding. The bid for lottery funding has to be received by 2 September 2008.

Assessment

5.8 The main policies against which this application needs to be assessed are Policies E39 and E43 of the Carlisle District Local Plan and Policies LE18

and LE20 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

5.9 The proposal raises the following planning issues:

1. The Impact Of The Proposal On The Burgh-by-Sands Conservation Area

5.10 The existing extensions are unsightly and are in a poor state of repair and do not make a positive contribution to the Conservation Area. The demolition of the extensions would not have an adverse impact on the Conservation Area. Indeed, the construction of the new extensions, which would be built of materials to match the main hall building, would enhance the Conservation Area.

Conclusion

5.11 In overall terms, it is considered that the proposal does not adversely affect the Burgh-by-Sands Conservation Area. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging 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;

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

Item No: 03 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0567	Kingswood Learning & Leisure Group Limited	Dalston
Date of Receipt:	**Agent:**	**Ward:**
18/06/2008	Geoffrey Searle Planning Solicitors	Dalston

Location:
The Kingswood Educational Centre, Cumdivock, Dalston, Carlisle, CA5 7JW

Grid Reference:
335369 548364

Proposal: Mixed Use Development Comprising (a) Alterations And Minor Extensions To Some Of The Existing Buildings (b) Change Of Use Of The Building Known As Windermere From Use Class C2 To Use Class B1 (c) Change Of Use Of The Remaining Buildings As Altered And/or Extended (as Relevant) From Use Class C2 To Use Class C3 (12 Single Dwellinghouses) (d) Erection Of Car Ports To Serve The Dwellinghouses (e) The Alteration Of Existing Access Ways (f) The Provision Of Parking Areas For The Offices And For Visitors To The Dwellinghouses (g) Landscaping Following Removal Of Mounds Surrounding The Quad Bike Track And Removal Of Other Earthworks And Apparatus Associated With Existing Activities

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Reason for Determination by Committee:

This is a Major application of local significance with interested parties wishing to exercise their Right to Speak.

1. Constraints and Planning Policies

Joint St.Plan Pol ST3: Principles applying to all new devel.

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

Joint Str. Plan Pol ST7: Dev. to sustain rural communities

Joint St. Plan Pol E34: Areas&feat. nat. & int.conservation

Joint St. Plan Pol E37: Landscape character

Joint Str. Plan Pol EM15: Employment devel.in rural areas

Joint St. Plan Pol H17: Scale of housing provision

Joint St.Plan Pol H19: Affordable housing outside Lake Dist.

Joint St. Plan Pol T32: Car parking standards

District E8 - Remainder of Rural Area

District E14 - Protected Species

District E22 - Sewers & Sew. Treat. Work

District E30 - Arch. Evaluation Prior

District E31 - Arch. on Other Sites

District EM11 - Rural Diversification

District T1 - Choice of Means of Travel

District H5 - Village Development

District H12 - Conversions in Rural Area

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP8 - Dev. Energy Cons. And Efficiency

Rev Redeposit Pl.Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites

Rev Redeposit Pl. Pol LE10 - Archaeological Field Evaluation

Rev Redeposit Pl. Pol EC11 - Rural Diversification

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H5- Affordable Housing

Rev Redeposit Pl. Pol H6 - Rural Exception Sites

Rev Redeposit Pl. Pol H8 - Conversion Of Existing Premises

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the application site is seen as being located in an unsustainable location. Facilities within walking distance are minimal and there is no bus service servicing the site. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. 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 site use.
The proposal is therefore contrary to the aims of promoting accessibility, as contained in Joint Structure Plan Policy ST3 (part 2) and LTP Policy LD5, LTP1 Policy LD3, LD4, LD10 and C9 and contrary to the intentions of Government Policy

As you are aware Policy LD5 states "land use changes and all proposals for new residential development will be required to be or be made accessible by public transport, walking and cycling." I seem to recall that the Educational Centre (current use) was seen not to be a major traffic generator given the on-site activities, pupils being coached in and staff driven in by mini bus. Even as a school, a bus was provided to reduce its impact.

The applicant should bear in mind that given the current policies, both locally and nationally, this application can only be accepted if either public transport is provided or a financial contribution is provided to support/improve current services. Considering the financial expense of providing a dedicated bus service to the site, it is considered that this will not be a viable option for a development of this size. It is therefore suggested that for the principal of this application to be accepted, there should be a requirement for a financial contribution towards the "rural wheels" or similar public transport services in Carlisle area.

It is therefore recommended that the applicant be required to enter into a suitable legal agreement / make a unilateral undertaking, to provide a financial contribution to the aforementioned scheme. The required contribution is calculated as follows:

Yearly cost per head of rural wheels service users = £180
This is based on £36,191 paid to operators divided by 201 rural wheels users in the Carlisle area.
Therefore development contribution per year = 41 x £180 = £7,380
(Where 41 is the total number of bedrooms)

Normal commuted sum for infrastructure would be 30yrs; however, I agree that this would be unreasonable. I think basing the contribution on 10yrs would be £73800 (which equates to £6,150 per dwelling) would be reasonable. In this case however, I am of the opinion that a contribution for 5yrs to the amount of £36,900 (£3075 per dwelling) would be reasonable and in line with circular 05/05.

The Highway Statement by Ashleyhelme associates gave a clear and concise picture of the development. Their lack to address the sustainability of the site was however noted.
The methodology and assumptions made was however easy to follow and it gave a very convincing point of view.

Considering the issues raised above, the need for the financial contribution and the Highway statement forming part of this application, it is also considered that 8 conditions should be imposed concerning visibility splays, the construction and drainage of each access, construction of the access roads, access gates, measures to prevent any discharge of surface water, and, provision of the parking/turning areas.

In addition, the applicant has indicated that there is no wish for the access roads to be adopted by the County Highways Authority (the placing of the gates at the accesses). It is, however, suggested that the Planning Authority considers imposing a condition to ensure a suitable level of construction of the access roads.

Community Services - Drainage Engineer: comments awaited;

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

Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

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

Natural England: the protection afforded certain species of animal and plant is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

Based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that bats are present in one building and may be present in others yet there is no assessment of the potential impact the proposed works may have on these nationally and internationally protected species. There is also no assessment of the potential impact on other protected species, such as barn owls,

which are known to be present in this area.

The bat survey report by the Tyrer Partnership dated 6th July 2007, looked at nine buildings and identified thirty-five Brown Long-Eared bats roosting in the Windermere Building with the caveat that the numbers may be higher than this. In those numbers during June, this is likely to have been a maternity roost which the report does not mention.

The farmhouse was found to contain a significant accumulation of old bat droppings and the report concludes that the buildings should all be subject to further survey before works commence (para. 5.2). We have several concerns about this application in relation to bats:

1. The bat survey work to date consists of a basic initial presence or absence inspection and does not meet best practice standards for a development of this size, in an area that is clearly highly suitable for bats. Future survey work should follow the guidelines set out by the Bat Conservation Trust.
2. There is no consideration in the bat survey reports, of the type of work to be carried out on the various buildings or an assessment of the potential impacts the work may have on bats.
3. There are no recommendations made about how to carry out works in a manner that avoids a negative impact on bats, such as restricting the timing of works to months when bats are at their least vulnerable. Nor do the reports advise on whether a European Protected Species licence is required. Advice on the sort of information that should be included in future survey work and reports is given in the attached annex.
4. We would like confirmation that the assessment made in the tree inspection/bats report (Tyrer Partnership, 7th September 2007) is based on the most up to date landscape plans and takes into account all proposed tree and hedgerow works.

Further information on protected species surveys can be found on pages 48-50 of the Guide to Good Practice accompanying PPS9. The Council's attention is also drawn to the need to fulfil its duties on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of The Conservation (Natural Habitats &c.) Regulations 1994 and Section 74 of the Countryside & Rights of Way Act 2000 to ensure that the potential impact of development on species and habitats of principal importance is addressed.

In summary, Natural England advises that the local planning authority refuse planning permission on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. Paragraph 98 of Circular 06/2005 states that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat."

Natural England therefore advises the local planning authority to direct the applicant to commission further ecological survey and a more comprehensive assessment of

the potential impacts of the development on protected species. This must be done prior to determination of the application so this material consideration is fully addressed in making a decision, as set out in paragraph 99 of Circular 06/2005.

The applicants should also be informed that if planning permission is subsequently granted, it does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

Council for Protection of Rural England/Friends of the Lake District: comments awaited;

Cumbria Constabulary - Crime Prevention: no observations or comments to offer in respect of this application;

Development Services Planning & Housing Services - Housing Strategy: a housing need survey carried out for the parish of Dalston in early 2005 identified 20 households in need of affordable housing, although this is based on a 33% response rate, so probably significantly underestimates the actual need.

The Housing Market Assessment (HMA) for the housing market area of Carlisle Rural West (2006-11), based on weighted data to provide a more accurate level of housing need, identified the following numbers of households in need of affordable housing over the wider market area:-

Market Area	**Tenure**	**Annual Affordable Housing Requirement**				
Carlisle Rural West		General		Older		Total
		Smaller 0-2 Beds	Larger 3+ Beds	1 Bed	2+ beds	
	Intermediate	3	11	0	1	15
	Social Rent	7	19	5	(3)	28
	Total	10	30	5	(2)	43
	5 Year Requirement					215

(Based on DCLG Housing Needs and Market Assessment Model).

Section 3.0 of the Planning Statement prepared by the developer's agent states (in respect of the 12 domestic dwellings):-

> *The resultant houses range between 145 sq. metres and 451.5 sq. metres. While the number of dwellings to be created is marginally above the affordable housing threshold, it is to be noted that the dwellings achieved by the conversion would not be acceptable to a Housing Association. Consequently, it is proposed that the developer should make a financial contribution towards the provision of much needed affordable dwellings in the rural part of Carlisle district.*

i) Onsite Option

Despite the obvious need for additional rented family accommodation identified in the Carlisle Rural East HMA, this is difficult to 'stack up' on smaller s106 sites, due to the additional cost of providing rented accommodation without grant. If the affordable housing is to be provided on site this should therefore be on an intermediate basis (i.e. discounted sale, shared ownership, shared equity). The Planning Statement does not elaborate on why the properties "would not be acceptable to a Housing Association" – the Housing Corporation requires properties to meet Housing Quality Indicators (HQIs) but these relate to minimum standards. However, if there were a problem with RSLs getting these units funded, discounted sale – at 70% of open market value, through the City Council's Low Cost Home Ownership, managed by Housing Services, would still be an option.

The Revised Redeposit Local Plan requires a contribution to affordable housing in rural areas of:-

5. 25% of housing on large sites (over 0.8ha or 25 dwellings)
6. 20% of housing on medium sites (over 0.3ha or 10 dwellings).

The Design and Access statement sets out that the total site area is 2.42 hectares, and as the residential element would appear to be the larger proportion of the site, we understand this to be over 0.8ha, and as such the requirement would be a 25% contribution. This would be equivalent to 3 units at a 30% discount.

ii) Offsite Provision (Commuted Sum)

In respect of the applicant's proposal to provide a financial rather than on-site contribution towards affordable housing, Policy H5 of the Revised Redeposit Local Plan states that: "Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision".

However, the unit sizes on this development are particularly large, due to the nature of the conversion, raising concerns that (also taking into account the location) the properties (even at 70% of market value, in the case of discounted sale) would still not be "affordable" by the standards of most households in need of accommodation at sub market cost.

In conclusion, although our preference would always be for onsite provision, we may need to consider the possibility of accepting a commuted sum in this instance if it would appear that the properties would practically be well beyond what could reasonably be deemed "affordable" even on a (e.g.) discounted sale basis. We would require additional information from the developer regarding anticipated market value of the properties before we could consider this option.

The provisos for considering this option would be:-

- That we would need an extended (e.g. 10 years) or open-ended period to spend

the money, as we don't currently have an alternative affordable housing site identified.

- We would need to reserve the right to spend the commuted sum funding within the wider Housing Market Area of Carlisle Rural West, as it may not be possible to identify a site or project within close proximity of Cumdivock.
- We would need to retain the option to pool any commuted sum funding from this scheme with other monies (including any funds which may be obtained through the same mechanism on other schemes in Carlisle Rural West) towards providing affordable housing within this HMA.

Development Services Planning & Housing Services - Urban Designer: comments awaited;

Development Services Planning & Housing Services - Local Plans (Trees): the applicant is aware that there are a number of trees on site and has indicated the existence of trees at section 16 of the application form. However, no Tree Survey to the standard set out in the current British Standard BS 5837:2005 Trees in relation to construction recommendations has been submitted as required. Until such information is submitted it is not possible to consider the application.

Therefore, it is considered that there is insufficient information to determine the application and the applicant should either withdraw the application until such time as the relevant information can be provided or the application should be refused.

Development Services Planning & Housing Services - Access Officer: Office premises should, under their duties within the DDA, (assuming they receive visitors i.e. clients, reps etc, into the building) accommodate the following:

ï· Level entrance
ï· Disabled toilet facilities
ï· A reception area with varied heights of reception desk and induction loop facilities
ï· Clear Signage
ï· Good colour coordination (LRV)
ï· Good lighting
ï· Appropriate seating within any waiting areas and any notice boards or information carousels etc at an appropriate height
ï· If access to an upper floor is not possible, a downstairs meeting room should be available with appropriate facilities
ï· Disabled car parking space allocated

Employees have a duty to any disabled employees to provide appropriate facilities at work under the DDA.

Alterations to existing premises would need to be checked against complying with the approved document M â anything that was not achievable would have to be considered as âwhat is reasonableâ. Applications should comply with Policy CP14 of the Carlisle District Local Plan 2001-16 Revised Redeposit Draft (as amended by the Inspectors Report).

Dalston Parish Council: resolved to request deferment of consideration pending

more information being received from the applicant;

Cumbria County Council - (Archaeological Services): it is understood that the majority of the former farm buildings have already been converted and therefore confirm that there is no wish to make any recommendations.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Greensyke Cottage	20/06/08	
Hollyoaks	20/06/08	
5 Bishops Mill	20/06/08	
Rose Villa	20/06/08	
Royal House	20/06/08	
Cartner House	20/06/08	
The Gill	20/06/08	
Greenlaw	20/06/08	Undelivered
Bannerdale	20/06/08	
Ashbridge	20/06/08	
Dalston	20/06/08	
The Green Business Centre	20/06/08	
Dalston Parish Council	20/06/08	
Cobbetts Manchester	20/06/08	Objection
Bellgate House	20/06/08	Support
The White House	20/06/08	Objection
Tarn Rigg	20/06/08	
Poplar House	20/06/08	Objection
Ref MEH/J/C01/140	20/06/08	
Gill House	20/06/08	
Carlisle House	20/06/08	
Fountain Head	20/06/08	
Birch Garth	20/06/08	
DEFRA, Animal Health Office	20/06/08	
Pin Cushion	20/06/08	
Boulder Garth	20/06/08	
Stonethwaite	20/06/08	
Primrose Hill	20/06/08	
Ladywood	20/06/08	
Lakerigg Cottage	20/06/08	
Cartner House	20/06/08	
Gambling Croft	20/06/08	
Gray Garth	20/06/08	
Cardew Lodge	20/06/08	
Broomfield Farm	20/06/08	
North Cumbria Acute Hospitals	20/06/08	
Lime House Estates	20/06/08	
Brackenbrae	20/06/08	
Cumdivock House	20/06/08	
Wannaroo	20/06/08	
28 Glendarvon Street	20/06/08	
Park Lodge	20/06/08	
Nook Lane Head	20/06/08	
Oakdale Cottage	20/06/08	

	'Sondela'	20/06/08
	Hillside	20/06/08
	Hollin Bush	20/06/08
	House of Commons	20/06/08
	122 Feckenham Road	20/06/08
	Longthwaite	20/06/08
	Greenhead	20/06/08
Cottages		
	Nooklane Cottage	20/06/08
	Nook	20/06/08
	Merlin	20/06/08
	Broomfield House	20/06/08
	17 Barras Close	20/06/08
	Holme Cottage	20/06/08
	The Gill	20/06/08
	Cumbria	20/06/08
Constabulary		
	Fountain Cottage	20/06/08
	(PNW/MBB/WI1089.09995)	20/06/08
	Middle Farm	20/06/08
Dalston Parish Council		Objection

3.1 This application has been advertised by means of press and site notices and the direct notification of the occupiers of 64 neighbouring properties. In response three local residents and a representative of the Cumdivock Group have registered their Right to Speak.

3.2 The occupiers of a neighbouring dwelling have also written to express their concerns over the proposal on the basis that:

1. the application site is "white land" not designated for development;

2. the local road is not considered sufficient to cope with the extra traffic - the access road into Kingswood is on a narrow bend in the road which could lead to accidents occuring. Construction vehicles will damage the road and the extra traffic will cause congestion and possible accidents.

4. Planning History

4.1 The extensive history of the site has been detailed in the Background section of the Officer's report. Members should, nonetheless, be aware that the Council have recently or are in the process of handling additional applications in the form of:

1. appn. 08/0532 seeking to discharge of condition 10 of approved application 04/1203 - this was granted on the 16th July 2008 ;
2. appn. 08/0533 (which represents a re-submission of application 07/0379) involving the variation of condition 10 from six months to twelve months and the retention of the access road in its current position. Members will recollect that during their previous Meeting on the 11th July they gave authority to issue an approval subject to the applicant completing a Deed

of Variation and the re-imposition of the conditions imposed under application 04/1203;

appn. 08/0644 seeking the variation of Condition 5 attached to 04/1203 to increase the number of students from 160 To 200.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 Greensyke House is a substantial Victorian property set within attractive grounds to the east of a farmhouse and outbuildings associated with the original steading. A cottage lies to the immediate north of Greensyke House. The property is located on the northern side of the Cumdivock Road, opposite Holly Oaks and the junction with the Broomfield Road. The White House is approximately 120 metres to the east of the driveway serving Greensyke House, whilst Bellgate is 320 metres to the north-west of the main access serving Greensyke Farmhouse and Greensyke House. A public footpath runs through field number 2874 between Bellgate and Greensyke and to the west of Holly Oaks.

5.2 The educational study use commenced in March 2002 and, as of September 2003, consisted of:

- The "farmhouse" on the ground floor has two classrooms, a staff kitchen and toilet, and, a two bed sanatorium/first aid room. The first floor has a staff common room, activity store, male and female staff toilets, Senior Instructor's office, and NVQ staff room.

- Coniston (The Barn) is used for fencing and as an evening recreational room on the first floor with a laser tag facility on the ground floor.

- The ICT Centre has 5 laboratories and a manager's office.

- The Forum comprises on the ground floor the kitchen, dining/evening recreational/entertainment's room, toilets, and, reception. The first floor has the centre manager's office and the visiting teachers staff room.

- The Cottage is the centre manager's residence adjoining which there are a drying room, linen room and laundry.

- The indoor recreational areas comprise Coniston (The Barn), the dining room of The Forum, and, part of Lakerigg, which includes karaoke.

- Teachers and children's accommodation comprise The Green, Windermere (Greensyke House), Ullswater, Lakerigg, and, Lakerigg Annexe.

5.3 The accommodation is arranged in each of the dormitories in the following

manner: Ullswater: 58 students and 6 teachers; Windermere: 34 students and 5 teachers and a potential common room; Lakerigg Annexe: 20 students and 5 teachers; Lakerigg: 40 students and 5 teachers; and, The Green: 22 students and 6 teachers.

5.4 The Centre is currently closed.

Background

5.5 The site has an extensive planning history suffice to say that on the 9th-11th March 2004 a Public Inquiry was held concerning the following:

a) Application ref. No 03/0843 – refusal of permission for the use of the land and buildings as an educational study centre;

b) Application ref. No. 03/0844 – refusal to grant a lawful development certificate for the use of the premises for the provision of short residential courses for groups of school children;

c) Application ref. no. 01/1013 – enforcement notice issued seeking the cessation of the use of the site as an educational activity centre;

d) Application ref. no. 03/0024 – enforcement notice issued requiring the removal from the land of the dining/function hall, kitchens and teachers' retreat;

e) Application ref. no. 03/0025 – enforcement notice issued requiring the removal from the land of the above ground caving system;

f) Application ref. no. 03/0026 – enforcement notice requiring the removal from the land of the challenge course;

g) Application ref.no 03/0027 – enforcement notice requiring the removal from the land of the quad bike track;

h) Application ref. no. 03/0028 – enforcement notice requiring the removal of the "low ropes" and "nightline" challenge courses;

i) Application ref.no. 03/0029 – enforcement notice requiring the removal of a mechanical generator;

j) Application ref.no. 03/0030 – enforcement notice requiring the removal from the land of the climbing wall and shelter;

k) Application ref. no. 03/0031 – enforcement notice requiring the discontinuance of use of a barn for the purposes of "laser tag";

l) Application ref. no. 03/0032 – enforcement notice requiring the discontinuance of the use of dormitory accommodation;

m) Application ref. no. 03/0033 – enforcement notice requiring the discontinuance of the former dining room as student accommodation.

5.6 In relation to items a), d), e), f), g), h) and j) the appeals were dismissed but the remainder allowed. In effect the use of the land and previously authorised buildings for residential courses for groups of school children was certified as lawful. The Inspector, nevertheless, dismissed those appeals relating to the various buildings and structures that had been constructed without planning permission and which enabled the site to be used in a more intensive manner than when it was a boarding school.

5.7 In reaching this decision the Inspector considered that the development has the potential to cause unacceptable harm to the living conditions of nearby residents through noise and disturbance, but that this harm could be overcome through effective management measures (para.37). The Inspector, nevertheless, concluded that the then Management Code proposed by the applicants/appellants would not prevent the developments having an unacceptable impact on the living conditions of near neighbours through noise and disturbance. In the absence of a satisfactory Management Code the Inspector concluded that the developments were unacceptable (para 43).

5.8 In paragraph 44 of the Decision Letter the Inspector, however, stated that:

"It will be apparent from my decision that, had there been a satisfactory Management Code, I would have come to a different conclusion on these appeals. That being so, I propose to extend the period for compliance with the enforcement notices to 12 months to give the appellants the opportunity of revising the code and re-applying for planning permission should they choose to do so".

5.9 In October 2006, under application 04/1203, planning permission was given for operational development comprising:

a) The retention of the dining/function hall and teachers' retreat, the underground caving system and shelter, the boundary fence, sub-station enclosure, souvenir shop, air handling plant room; and, drainage arrangements.

b) Revise the location of a challenge course, quad bike track and shelter, and, low ropes and nightline course;

c) The formation of an archery enclosure and shelter;

d) Amendments to the alignment of the access road and new parking layout;

e) Installation of external lighting system; and,

f) Landscaping and earth moving to create a planted soil bund.

5.10 The aforementioned permission, which had previously been considered by

Members at their Meetings on the 19th November 2004, 7th January 2005, and, the 6th June 2005, was subject to a total of 26 conditions and the completion of a Section 106 Agreement. The aforementioned Section 106 Agreement covered:

a) The applicant agreeing to the non-implementation of the permissions for the science labs approved under 95/0879 and dormitory annexe approved under 97/0312;

b) An annual review of the Green Travel Plan; and,

c) Adherence to the Management Code.

5.11 On the 4th April 2007 the following applications were received from the Kingswood Learning and Leisure Group:

- Application ref. no. 07/0374 - Amendment to condition 12 of 04/1203 to allow an extension of time to three planting seasons.
- Application ref. no. 07/0375 - Extension of period for compliance from six to twelve months (Condition 16 re. the implementation of the approved Green Travel Plan).
- Application ref. no. 07/0376 - Variation of time scale from four to three weeks – Condition 26 (ensuring that no students are present during a consecutive period commencing at any time during the last week of July or the first week of August in each year).
- Application ref. no. 07/0377 - Extension of time for twelve months from 05.04.07 to 04.04.08 with regard to conditions 21 and 24 concerning noise issues (i.e. the approval of a scheme of noise mitigation measures and a system for continuous monitoring of noise emanating from the site).
- Application ref. no. 07/0378 - Variation of condition 14 to allow for an extension of time from six to twelve months (re. the relocation of the climbing wall).
- Application ref. no. 07/0379 - Variation of condition 10 from six months to twelve months for retention of access road in current position.

5.12 In addition, letters and accompanying details were also received on the 4th April 2007 seeking not only to discharge conditions 10 (access) and 11 (landscaping), but also approval to relocate archery and the "nightline", and, to extend the area of the quad bike track pursuant to condition 7. On the 10th April the Council received application ref. no. 07/0392 for the widening of an existing service access.

5.13 The aforementioned planning applications were reported at the Meeting of the Development Control Committee on the 1st June 2007 during which it was decided that applications 07/0375, 07/0377 and 07/0378 be refused permission, and, the Head of Planning and Housing Services was authorised

to serve relevant Breach of Condition Notices. Application 07/0376 was withdrawn prior to determination.

5.14 In the case of application 07/0374, Members resolved to give authority on the basis that the extension in time was restricted to a single planting season and subject to: a) the results of a bat survey; and, b) the completion of a Deed of Variation to the existing Section 106 Agreement.

5.15 In regard to applications 07/0379 and 07/0392 Members resolved to give authority to issue approval subject to no objections from the Highway Authority, results of a bat survey, and, completion of a Deed of Variation to the existing Section 106 Agreement. In error, the decision notice concerning application 07/0392 was issued prior to the completion of the required Deed of Variation.

5.16 Condition 11 was subsequently discharged in a letter from the City Council dated the 12th July 2007.

5.17 The applicant has subsequently lodged appeals against the failure of the City Council to determine four "applications":

a) APP/E0915/A/07/2060181 – Amendment to condition 12 of planning permission 04/1203 to allow an extension of time to three planting seasons (App. Ref. 07/0374);

n) APP/E0915/A/07/2060185 – Relocation of existing activities from the approved siting pursuant to condition 7 of planning permission 04/1203;

o) APP/E0915/A/07/2060188 – Details as required by condition 10 of planning permission 04/1203; and,

p) APP/E0915/A/07/2060191 – Variation of condition 10 from 6 months to twelve months and retention of access road in current position (App. Ref. 07/0379).

5.18 All the appeals have been submitted on the grounds that "the LPA have not made a decision". Nevertheless, a fundamental reason with regard to two of the appeals concerning applications 07/0374 and 07/0379 appears to be reluctance by the appellant to enter into a Deed of Variation to the Section 106 Agreement completed as part of the planning permission granted under 04/1203. The appeals were considered at a Hearing on the 22nd July 2008 with the Inspector's decision(s) currently awaited.

5.19 The current application seeks full planning permission for the change of use of the building known as "Windermere" from Use Class C2 to Use Class B1(c) i.e. light industry; the change of use of the remianing buildings as altered and/or extended to 12 dwellinghouses; erection of car ports to serve the dwellinghouses; alteration of existing access ways; provision of parking areas for the light industry/offices and visitors to the proposed dwellinghouses; and, landscaping following the removal of mounds surrounding the quad bike track and other earthworks and apparatus associated with the existing activities.

Assessment

5.20 On the information so far available it is considered that there are seven principle issues.

1. Whether the proposal represents a sustainable form of development in terms of its location, and, if not, the consequences in the context of PPS 1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS 3:Housing, and, PPS 7:Delivering Sustainable in Rural Areas.

2. Whether the application accords with the provisions of PPS 1: Delivering Sustainable Development with particular regard to its design.

3. Whether the application accords with PPS 3:Housing with particular regard to location and provision of affordable housing in a sustainable location.

4. Whether the proposal safeguards the character of the area.

5. Whether the application has fully taken into consideration the requirements of PPS 9:Biodiversity and Geological Conservation.

6. Whether the application accords with PPG 13:Transport. In particular, whether it promotes more sustainable transport choices and reduces the need to travel by private transport, and takes into consideration the PPG's provisions for rural areas.

7. Whether there are any material considerations which are sufficient to outweigh any conflict.

5.21 Items 1 to 6 are, in addition, tied up with an overall assessment of whether the proposed development accords with the Development Plan (in this instance the emerging replacement RSS for the North West, the Cumbria and Lake District Joint Structure Plan, and the Carlisle District Local Plan), having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

5.22 When considering 1. the relevant question revolves around sustainability in the sense of the appropriateness of the proposed use to the location. A Key Principle identified in paragraph 13 of PPS 1, and re-iterated in paragraphs 30-32, is that a spatial planning approach should be at the heart of planning for sustainable development. This is also reiterated in PPS 7 with the emphasis on good quality development within existing towns and villages. It is an approach which underpins Policies DP1, H1 and EC11 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft that seek to encourage development (inclusive of residential schemes) within identified sustainable locations. EC11 encourages the re-use or adaptation of traditional buildings for

commercial, industrial or recreational uses. An explanatory paragraph accompanying EC11 highlights that the conversion of premises to live/work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use.

5.23 In the case of the current proposal it is not in an identified sustainable location with no immediate facilities for schooling, shopping or employment. It is appreciated that in paragraph 5.5 of the Planning Statement accompanying the application that reference is made to "the co-location of housing and employment, allowing the prospect of people living and working within a short walk." However, it is also apparent that in the case of the proposed "work" element it is not advanced on the basis of having any explicit linkage with the proposed dwellings contrary to the underlying concept of live/work units.

5.24 The Schedule provided in the submitted Design and Access Statement indicates a total proposed floor space of 3852.9 sq. metres of which only 393 sq. metres relates to the proposed offices i.e. the proposed office component is limited to 10%.

5.25 In effect, it is considered the current proposal, in this location, is contrary to national and local policy.

5.26 The Supplement to PPS 1 on Planning and Climate Change highlights that tackling climate change is a key priority for the planning system and, as a consequence, applicants should consider how well their proposals contribute to the ambition of a low-carbon economy. The decision-making principles that need to be applied include: controls under the planning, building control and other regulatory regimes should complement each other; information sought from applicants should be proportionate to the scale of the proposed development; and, authorities should have regard to this PPS as a material consideration which may supersede the policies in the Development Plan. The aforementioned Supplement raising such matters as the use of decentralized and renewable or low carbon energy; the need for authorities to obtain from applicants the information necessary to show how their proposed development is consistent this PPS; and, take account of layout etc to minimize energy consumption.

5.27 The current application is accompanied by an Energy Statement which makes reference to Part L1A of the Building Regulations concerning the reduction of heat gains within a building, coupled with effective and controllable ventilation; the substantial provision for day lighting through design; low energy lighting; avoid "over lighting" of areas; use of presence detection devices; the proper consideration of sizing and control of the heating systems including zonal controls; the possibility of under-floor heating; and, the use of Part L1A of the Building Regulations and the Code for Sustainable Homes used to determine minimum standards in all areas.

5.28 The difficulties with this approach are two fold. Firstly, there is no indication of how this specifically manifests itself with each proposed unit, for example in

terms of insulation, glazing and the designs taking account of natural daylight. This is particularly a concern when no targets appear to have been set for (reducing) energy and water use. Secondly, other opportunities appear to remain unexplored such as the use of Biomass Boilers or Ground Source Heat Pumps; the collection and storage of rainwater; the installation of photovoltaic panels or future proofing the buildings for the installation of such panels; the creation of sun terraces; installation of water efficient Grade A appliances, installing dual flush toilets etc; and, provision of recycling bins or bicycle storage. It would also be useful to clarify how the proposed paddocks would be utilised by which occupiers of the proposed dwellings.

5.29 When considering the issue of affordable housing, PPS 3 explains in para. 30 that such provision should be within market towns and villages but also within small rural communities as rural exception sites. This is reflected in para. 8 of PPS 7 which states that:

"...the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages."

5.30 This situation is reflected in Policies H5 and H6 of the Carlisle District Local Plan 2001-2016. Policy H5 sets thresholds for the provision of affordable housing; whilst H6 acknowledges that residential development may be permitted in locations where such development would not usually be permitted provided that it meets certain criteria. The criteria of Policy H6 include that the proposal is for low cost affordable housing to meet an identified need; and, the proposal is well related to the settlement were the need has been identified. An accompanying paragraph of Policy H6 explains that the use of vacant rural buildings, within settlements, for affordable housing may also be considered acceptable where they can meet the aforementioned criteria.

5.31 The City Council's Housing Enabling Officer has confirmed a preference for onsite provision, but may need to consider the possibility of accepting a commuted sum in this instance if it appears that the properties would be well beyond what could be reasonably deemed "affordable" even on a discounted sale basis. However, additional information would be required from the developer regarding anticipated market value of the properties before this option could be considered. Irrespective of these points, there is still the fundamental problem that the proposal has not been advanced on the basis of providing low cost affordable housing to meet an identified need; and, is well related to a settlement were the need has been identified. The proposal is thus contrary to Policy H6 of the Local Plan 2001-2016.

5.32 When assessing the proposal in terms of its impact on the character of the area, the City Council's Landscape Officer has responded by indicating that because no tree survey to the standard set out in the current British Standard BS 5837:2005 has been submitted as required he is unable to properly assess the application.

5.33 It is also evident that the submitted layout plan primarily indicates the delineation of the proposed boundaries by timber fencing. In order to complement the rural character of the area it is considered that the boundaries of the various courtyards need to be delineated by stone walls with the subsequent form and use of piers used to reinforce matters. This is irrespective and in addition to the need for the design of the proposed units to take account of the advice contained in PPS 1 on Climate Change.

5.34 When considering whether the application has fully taken into consideration the requirements of PPS 9:Biodiversity and Geological Conservation, Natural England has recommended that permission should be refused because the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species.

5.35 The County Highways Authority has written to confirm that the proposal is considered to be contrary to the aims of promoting accessibility. The Highways Authority have, nevertheless, indicated that a possible way forward could be in the form of a financial contribution towards the "rural wheels" or similar public transport services in the area.

5.36 Finally, with regard to any other matters (and to Policy EC11) the information accompanying the application does not give any indication of what alternative commercial uses have, if at all, been explored. Nevertheless, paragraph 5.4 of the submitted Planning Statement states that the proposal "would see the retention of substantial well-maintained buildings fulfilling a useful role for the foreseeable future.." Yet in paragraph 4.18 of the same Statement there appears to be an inherent contradiction because it indicates that "in the absence of a satisfactory planning permission" the applicant could continue to operate the educational study centre.

Other Matters

5.37 The City Council's Access Officer has raised a series of design points which would need to be addressed by the submission of revised details.

Conclusion

5.38 As submitted it is considered that the proposal is contrary to Policies DP1, H1 and EC11 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, Government advice contained in PPS 1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS 3:Housing, PPS 7:Delivering Sustainable in Rural Areas, PPS 9:Biodiversity and Geological Conservation, and, PPG13: Transport. This is also in the situation where it is considered that the proposed means for saving energy and/or the ability of the buildings to be used do not outweigh the harm to acknowledged interests of importance.

5.39 The applicant's agent has, however, indicated that the submitted application will, in response to the assessment, be revised. At the time of preparing the report any revised details have yet to be received.

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;

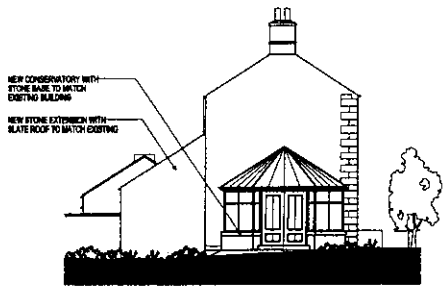
Article 8 recognises the "Right To Respect for Private and Family Life";

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 revised details are awaited from the applicant.



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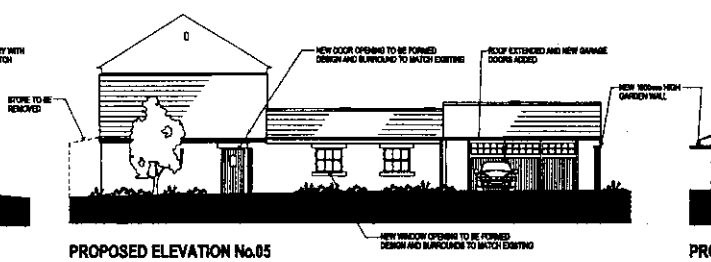
PROPOSED ELEVATION No.02

PROPOSED ELEVATION No.03

PROPOSED ELEVATION No.04



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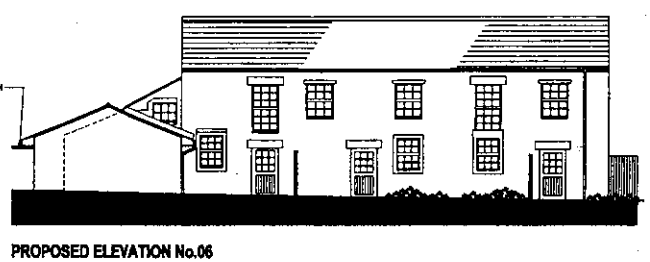

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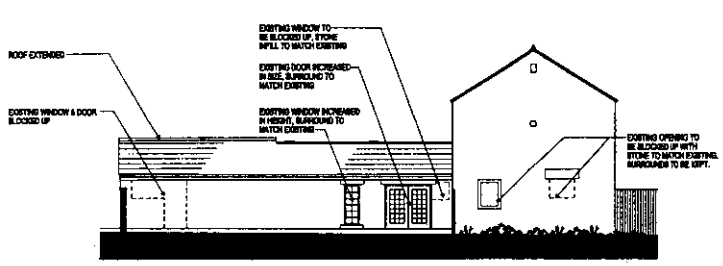

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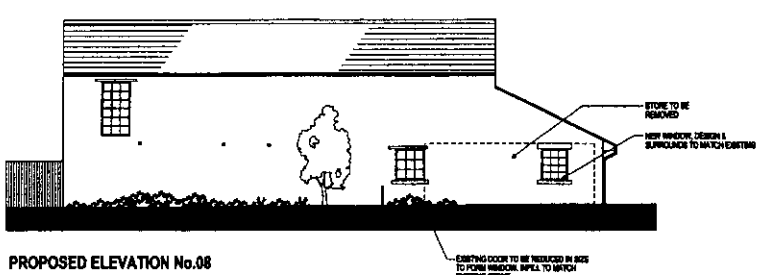

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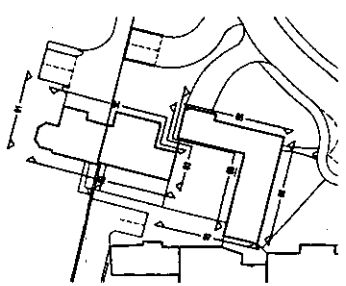


ELEVATION KEY

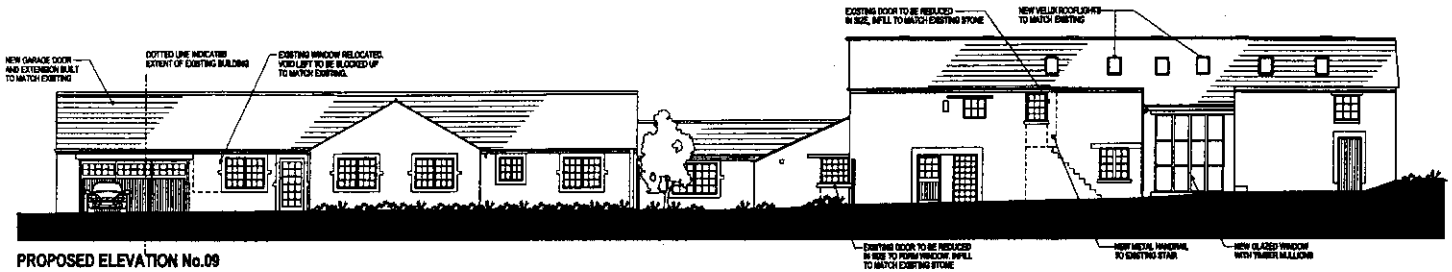
GREENSYKE
DALSTON
CUMBRIA

PROPOSED ELEVATION
1 OF 4

DATE 29.10.07 | DRAWN AM | CHECKED RL | SCALE @ A1 1:100

7533 | 004 | A

BCD architects



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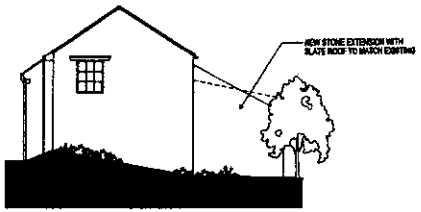

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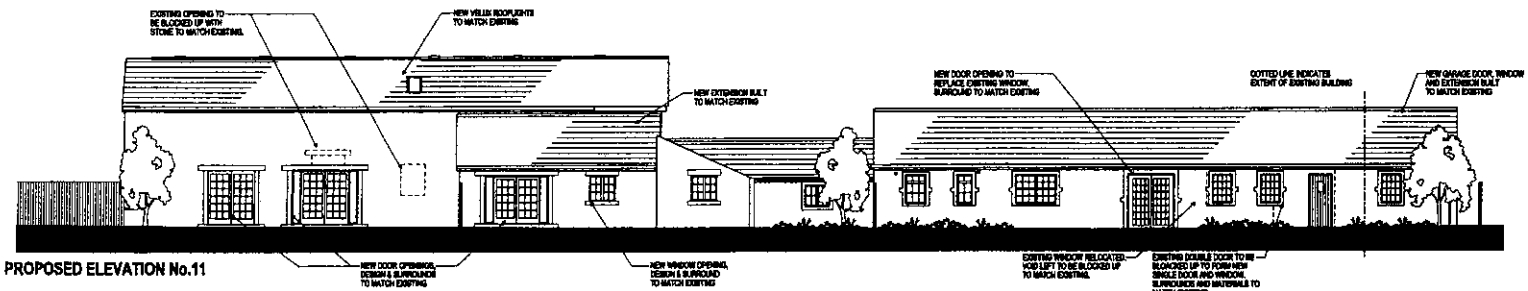

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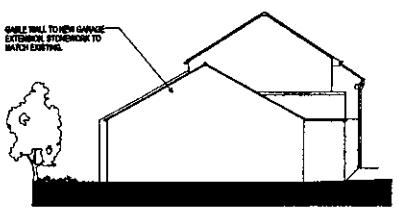

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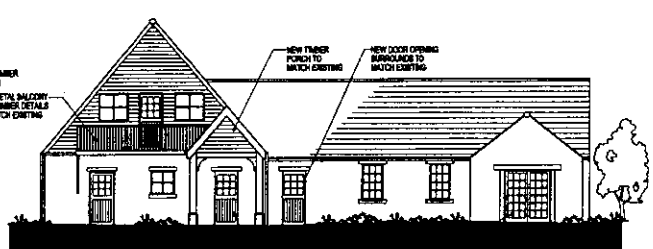
PROPOSED ELEVATION No.13



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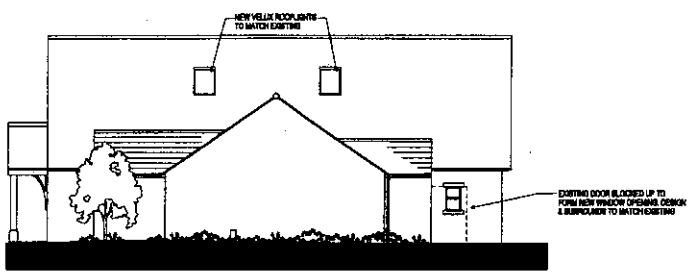

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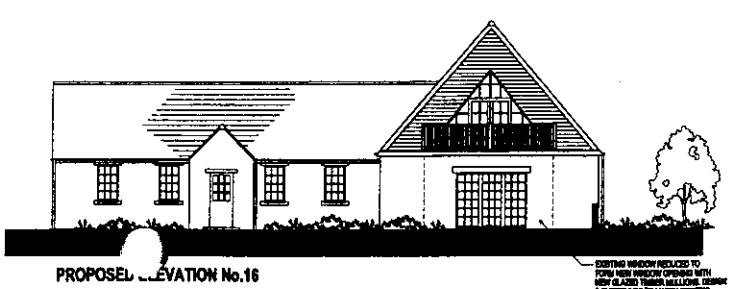

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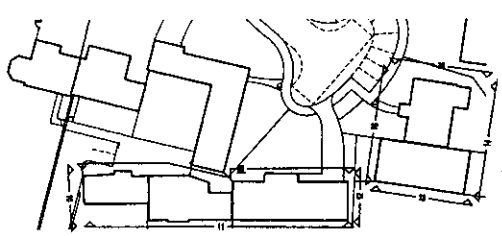


ELEVATION KEY

GREENWYKE
DALSTON
CUMBRIA

PROPOSED ELEVATIONS
2 OF 4

DATE	DRAWN	CHECKED	SCALE @ A1
29.10.07	AM	RL	1:100

7533 E05

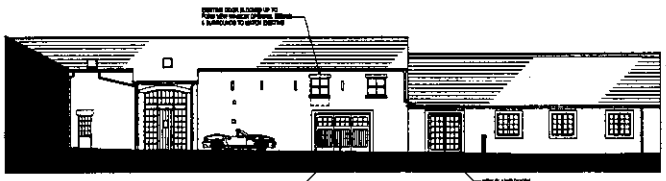
LONDON GLASGOW LUTON

RCA architects

PROPOSED ELEVATION No.17

PROPOSED ELEVATION No.18

PROPOSED ELEVATION No.19



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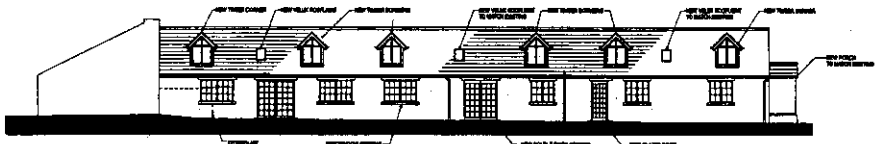

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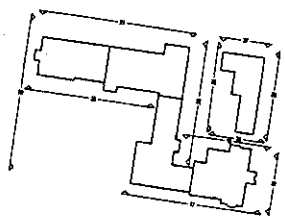

ELEVATION KEY

PROPOSED ELEVATION No.22

PROPOSED ELEVATION No.23

PROPOSED ELEVATION No.24

PROPOSED ELEVATION No.25

PROPOSED ELEVATION No.26

PROPOSED ELEVATION No.27

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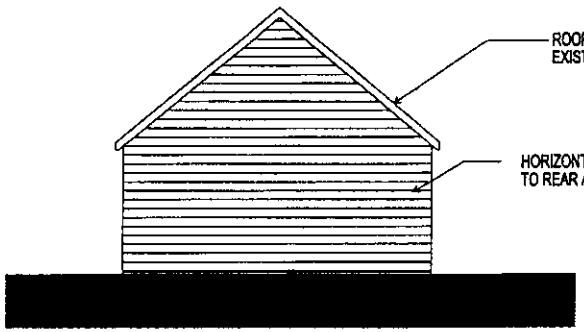
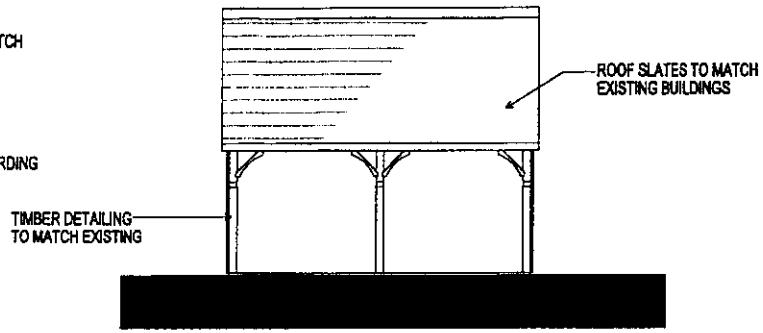
SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 2007 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:



SIDE ELEVATION - TYPICAL GARAGE PORT



FRONT ELEVATION - TYPICAL GARAGE PORT

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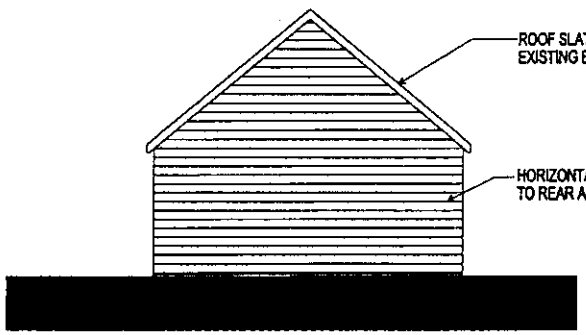
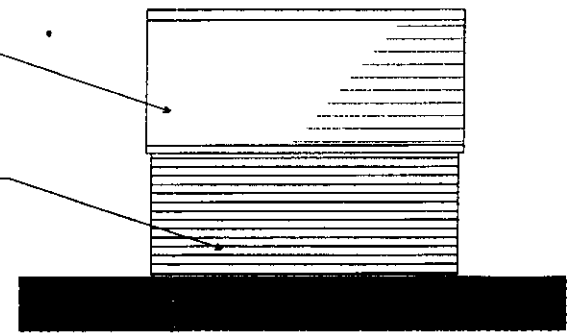


SIDE ELEVATION - TYPICAL GARAGE PORT



REAR ELEVATION - TYPICAL GARAGE PORT

REV	DATE	NOTES	INIT.
Rev.B	12.05.08	Drawing re-titled	MMc
Rev.A	21.11.07	Sections Added	RSL

CLIENT / PROJECT

GREENSYKE
DALSTON
CUMBRIA

DRAWING TITLE

PROPOSED ELEVATIONS
TYPICAL GARAGE PORT
4 OF 4

STATUS

DATE	DRAWN	CHECK	SCALE @ A3
31.10.07	AM	RL	1:100

PROJECT NUMBER	UNIT / BLOCK	CI / SfB CODE	TYPE & NUMBER	REVISION LETTER

DRAWING NO.

7533 E07 B

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Profile Colour	C

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BURY
LANCASHIRE
BL9 0TD

T. 0161 797 8000
F. 0161 797 5255

W. www.rgp.uk.com
E. first.lastname@rgp.uk.com

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CUMBRIA

GROUND FLOOR PLANS
1 OF 3

PLANNING

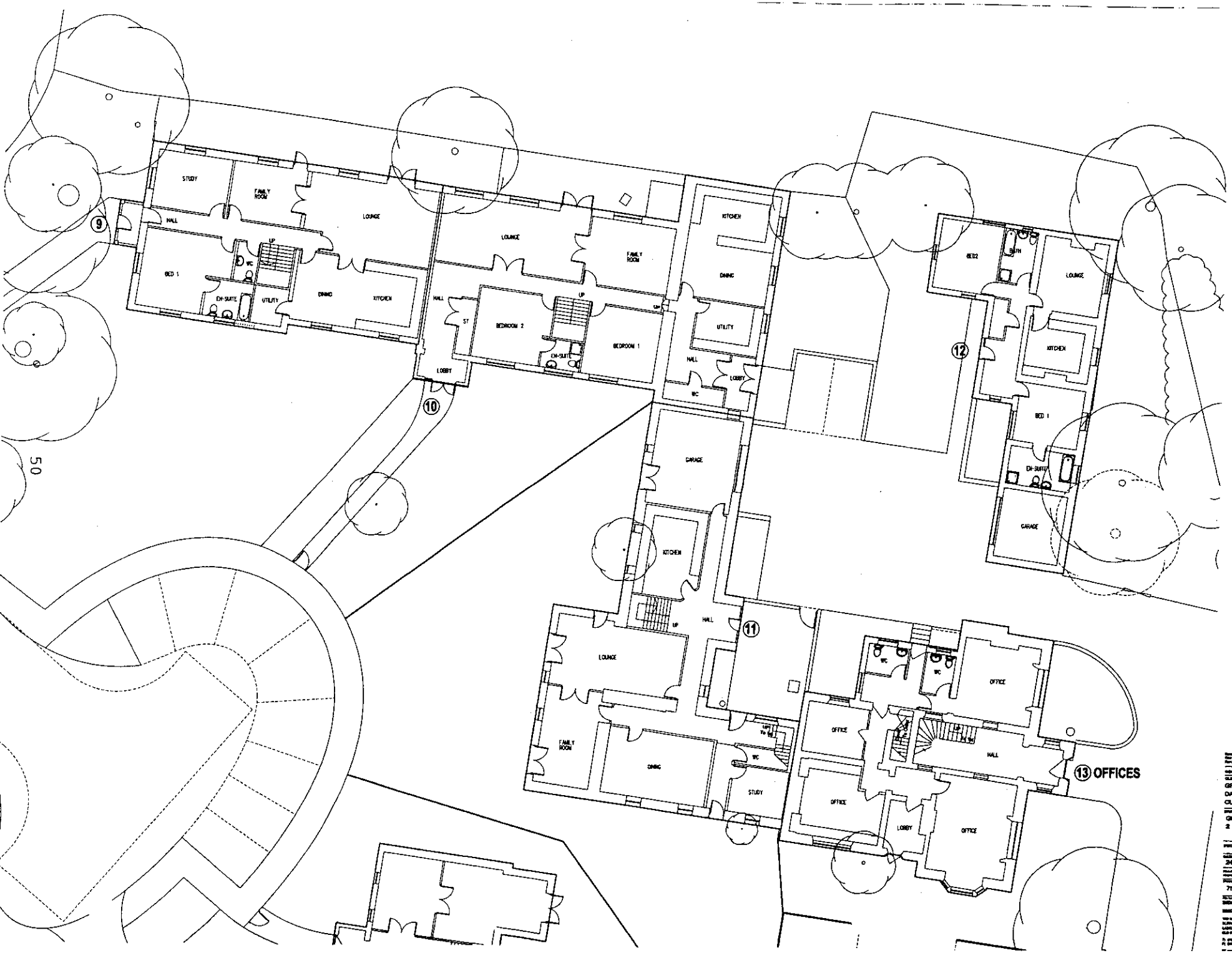
34.1GJF | RSL | 1:100

7033 | P02 | B

LONDON | GLASGOW | LATHAM

RCP architects

46



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CLIENT / PROJECT
GREENRYKE
DALSTON
CUMBRIA

DRAWING TITLE
GROUND FLOOR PLANS
2 OF 3

STATUS
PLANNING

DATE	DRAWN	SCALE @ A1
24.10.07	RSL	1:100

JOB NO.	DRAWING NO.	REVISION
7533	P04	C

No.	Revision	By	Date
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GROUND FLOOR PLANS
3 of 3

PLANNING

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GREENSYKE
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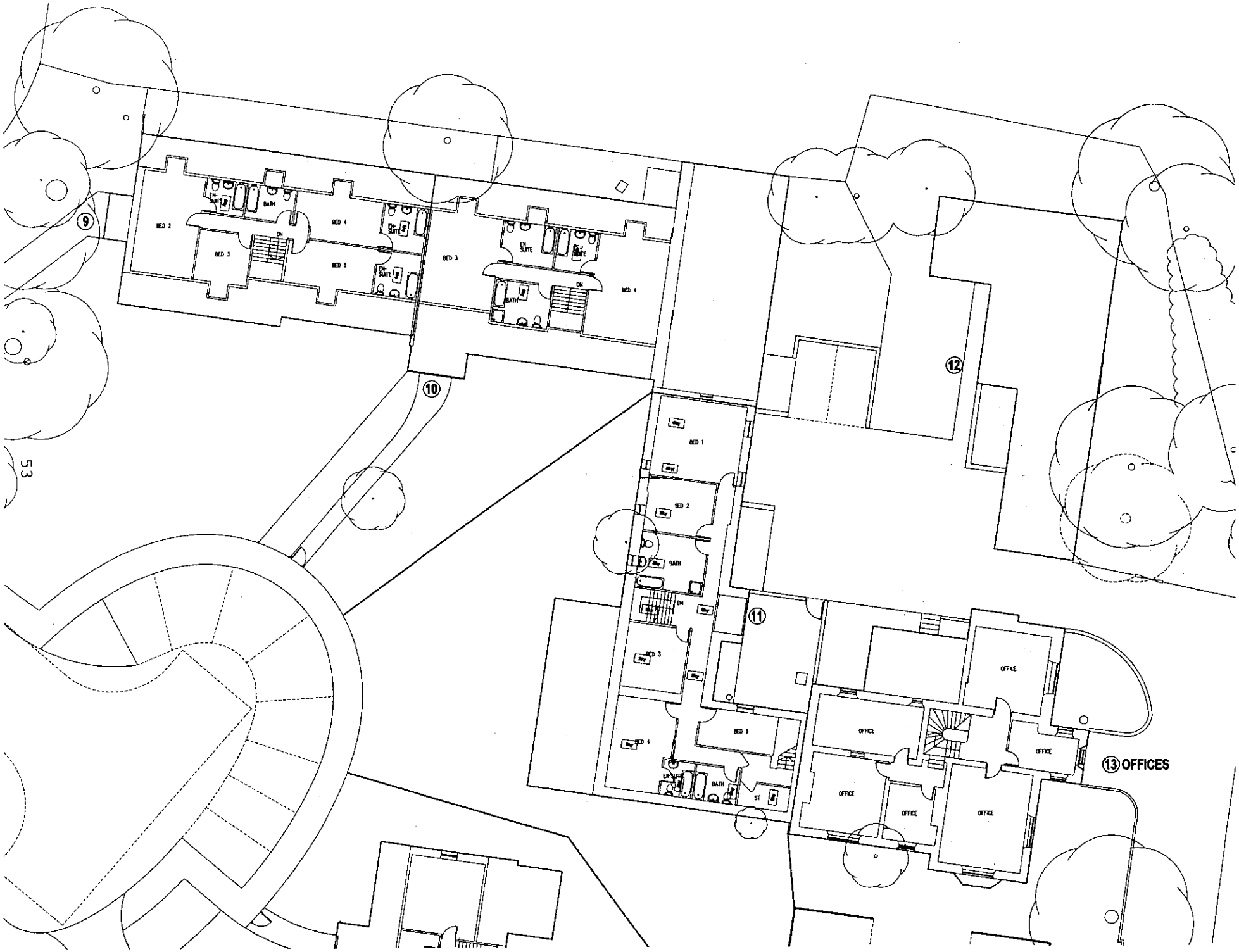
FIRST FLOOR PLANS
1 OF 3

PLANNING

26.10.07 | RBL | 1:100

7833 | P06 | B

RCG architects



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FIRST FLOOR PLANS
2 OF 3

PLANNING

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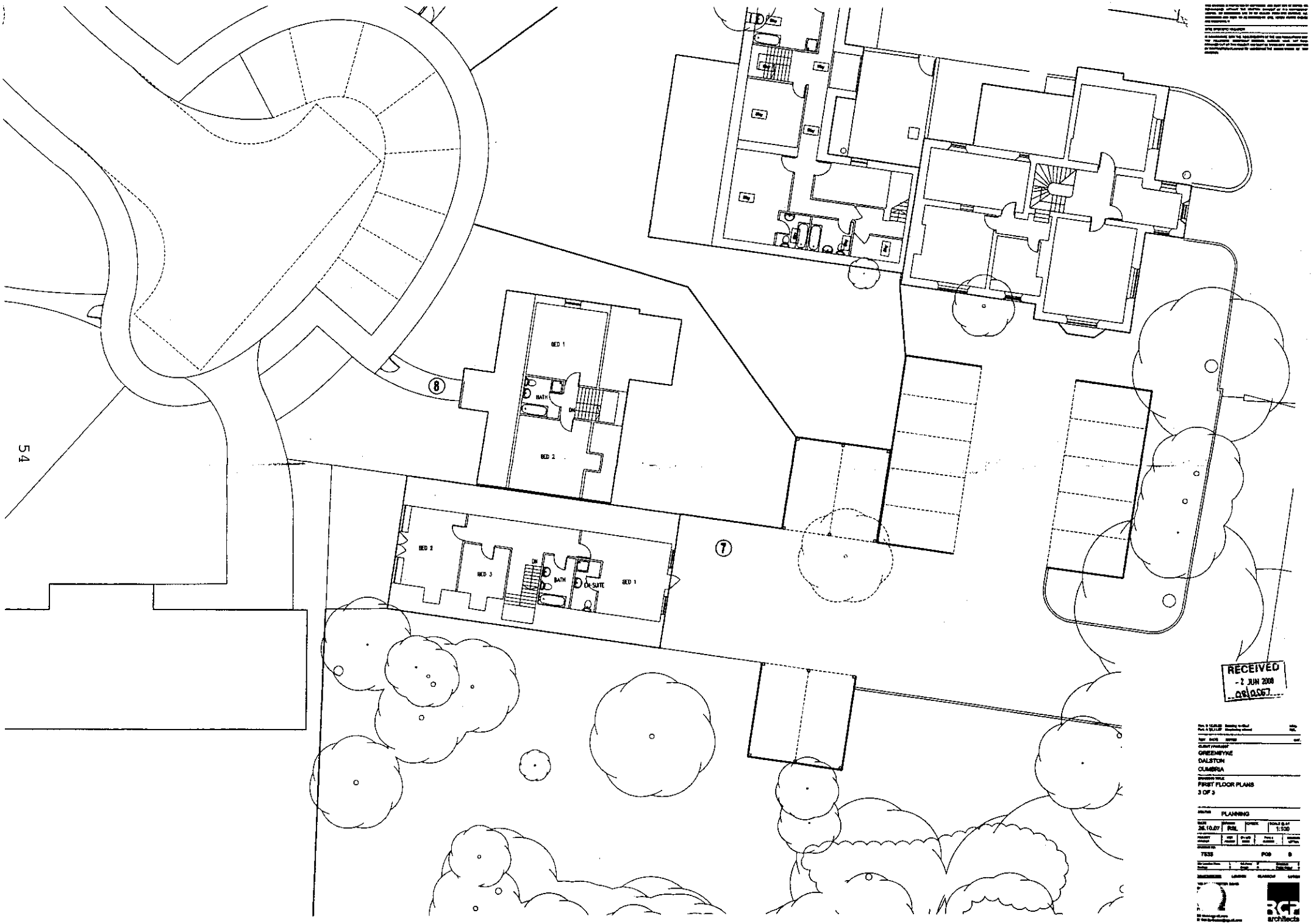
7539 | P06 | C

MANCHESTER LONDON GLASGOW LEEDS

RCF architects



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FIRST FLOOR PLANS
3 OF 3

PLANNING

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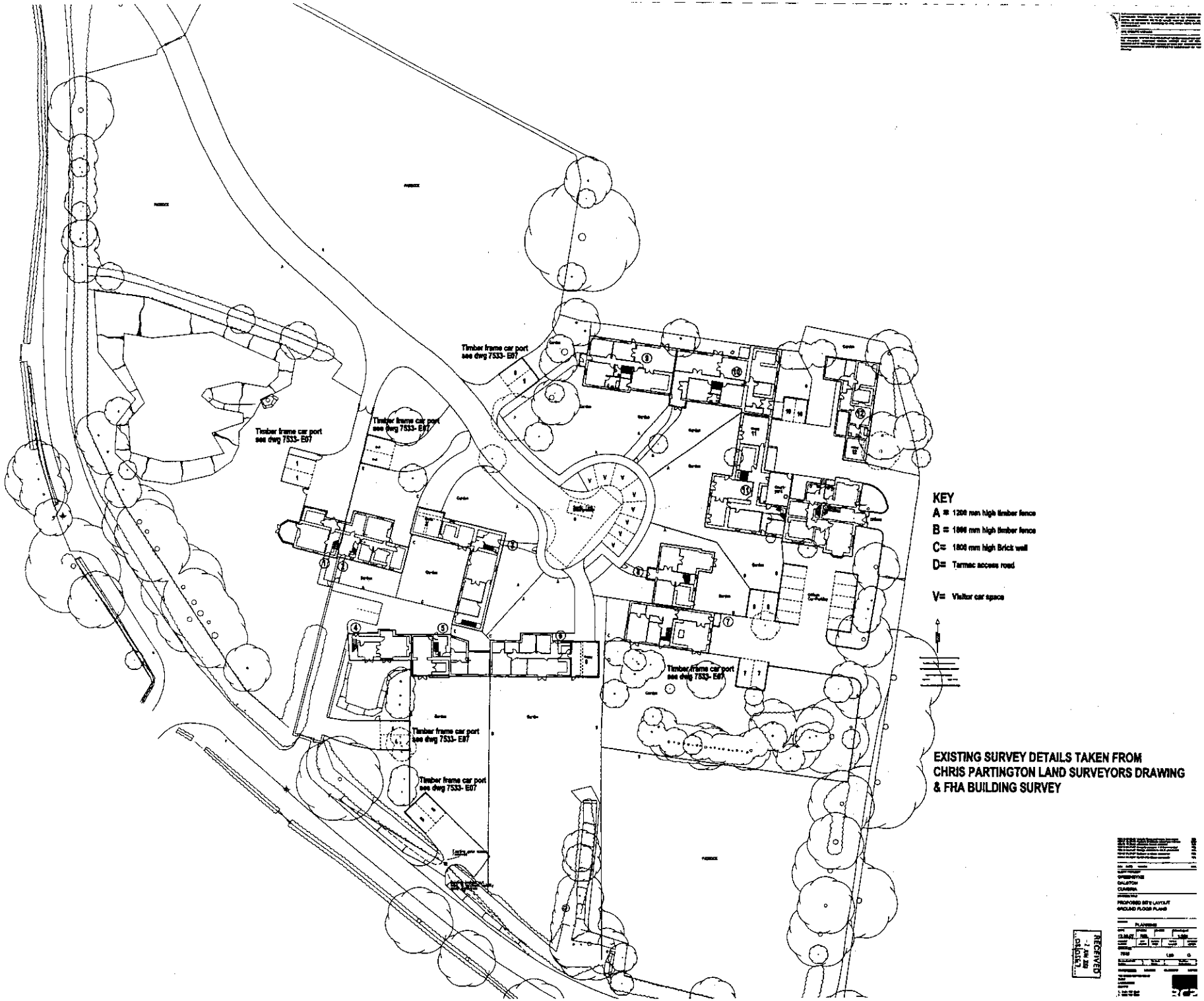
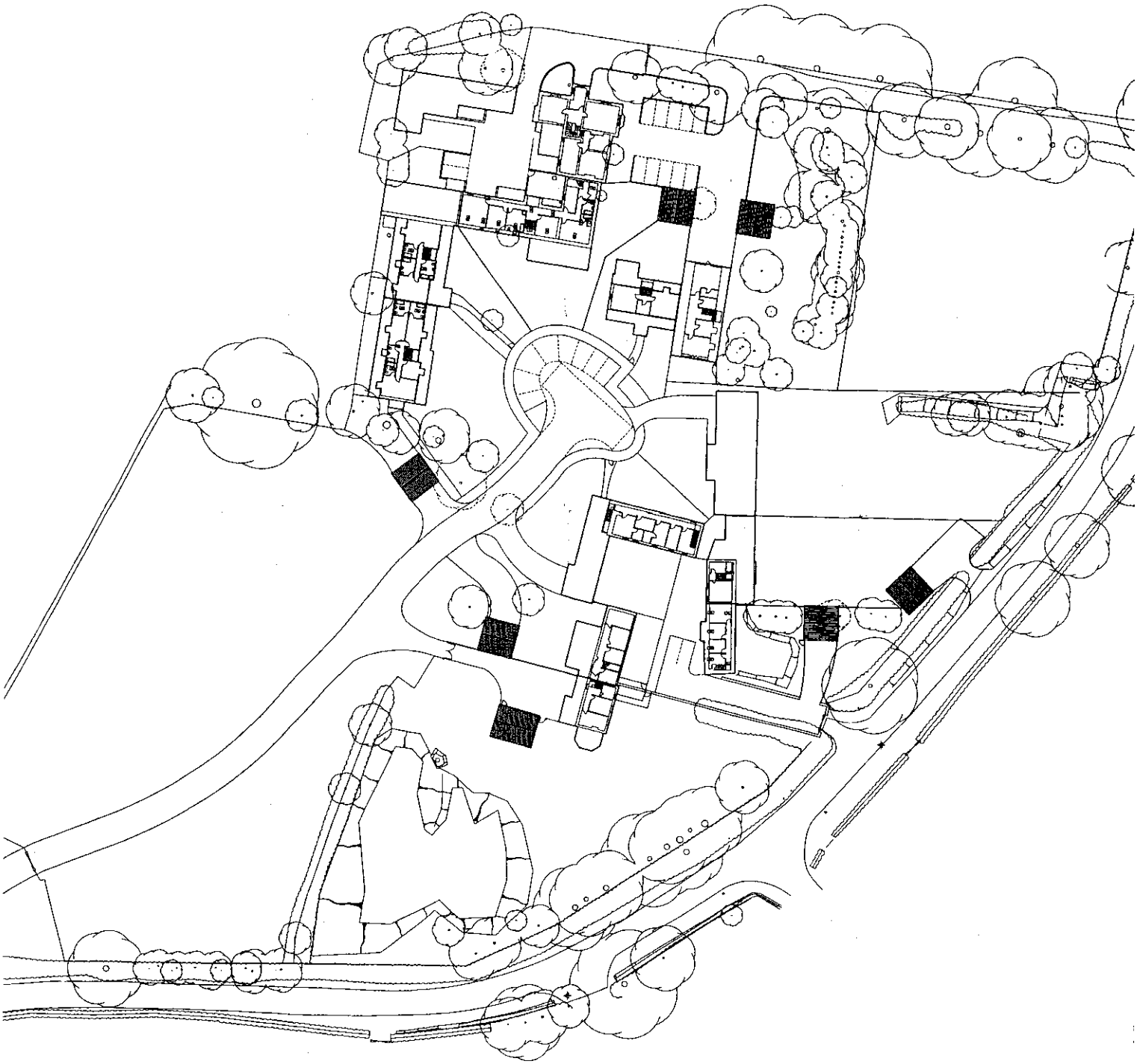
7535 | P03 | B

RG architects


Timber frame car port see dwg 7533- E07
Timber frame car port see dwg 7533- E07
Timber frame car port see dwg 7533- E07
Timber frame car port see dwg 7533- E07
Timber frame car port see dwg 7533- E07
Timber frame car port see dwg 7533- E07
KEY
A = 1200 mm high timber fence
B = 1800 mm high timber fence
C= 1800 mm high Brick wall
D= Tarmac access road
V= Visitor car space
EXISTING SURVEY DETAILS TAKEN FROM CHRIS PARTINGTON LAND SURVEYORS DRAWING & FHA BUILDING SURVEY



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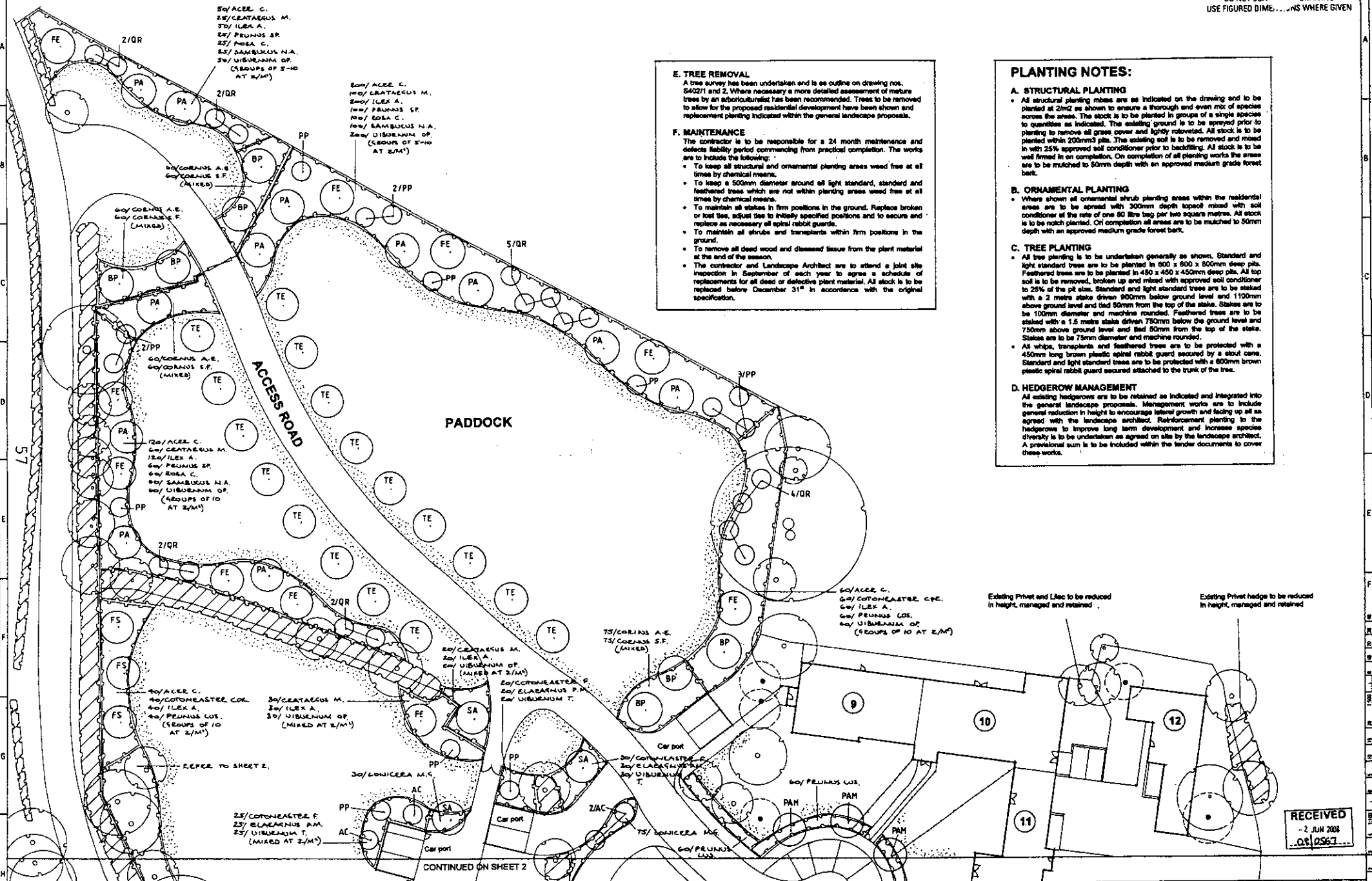

Existing Privet and Lilac to be reduced in height, managed and retained

Existing Privet hedge to be reduced in height, managed and retained

E. TREE REMOVAL

A tree survey has been undertaken and is as outline on drawing nos. S402/1 and 2. Where necessary a more detailed assessment of mature trees by an arboriculturalist has been recommended. Trees to be removed to allow for the proposed residential development have been shown and replacement planting indicated within the general landscape proposals.

F. MAINTENANCE

The contractor is to be responsible for a 24 month maintenance and defects liability period commencing from practical completion. The works are to include the following:

- To keep all structural and ornamental planting areas weed free at all times by chemical means.
- To keep a 500mm diameter around all light standard, standard and feathered trees which are not within planting areas weed free at all times by chemical means.
- To maintain all stakes in firm positions in the ground. Replace broken or lost ties, adjust ties to initially specified positions and to secure and replace as necessary all spiral rabbit guards.
- To maintain all shrubs and transplants within firm positions in the ground.
- To remove all dead wood and diseased tissue from the plant material at the end of the season.
- The contractor and Landscape Architect are to attend a joint site inspection in September of each year to agree a schedule of replacements for all dead or defective plant material. All stock is to be replaced before December 31st in accordance with the original specification.

PLANTING NOTES:

A. STRUCTURAL PLANTING

- All structural planting mixes are as indicated on the drawing and to be planted at 2/m2 as shown to ensure a thorough and even mix of species across the areas. The stock is to be planted in groups of a single species to quantities as indicated. The existing ground is to be sprayed prior to planting to remove all grass cover and lightly rotovated. All stock is to be planted within 200mm3 pits. The existing soil is to be removed and mixed in with 25% approved soil conditioner prior to backfilling. All stock is to be well firmed in on completion. On completion of all planting works the areas are to be mulched to 50mm depth with an approved medium grade forest bark.

B. ORNAMENTAL PLANTING

- Where shown all ornamental shrub planting areas within the residential areas are to be spread with 300mm depth topsoil mixed with soil conditioner at the rate of one 80 litre bag per two square metres. All stock is to be notch planted. On completion all areas are to be mulched to 50mm depth with an approved medium grade forest bark.

C. TREE PLANTING

- All tree planting is to be undertaken generally as shown. Standard and light standard trees are to be planted in 900 x 900 x 900mm deep pits. Feathered trees are to be planted in 450 x 450 x 450mm deep pits. All top soil is to be removed, broken up and mixed with approved soil conditioner to 25% of the pit size. Standard and light standard trees are to be staked with a 2 metre stake driven 900mm below ground level and 1100mm above ground level and tied 50mm from the top of the stake. Stakes are to be 100mm diameter and machine rounded. Feathered trees are to be staked with a 1.5 metre stake driven 750mm below the ground level and 750mm above ground level and tied 50mm from the top of the stake. Stakes are to be 75mm diameter and machine rounded.
- All whips, transplants and feathered trees are to be protected with a 450mm long brown plastic spiral rabbit guard secured by a stout cane. Standard and light standard trees are to be protected with a 600mm brown plastic spiral rabbit guard secured attached to the trunk of the tree.

D. HEDGEROW MANAGEMENT

All existing hedgerows are to be retained as indicated and integrated into the general landscape proposals. Management works are to include general reduction in height to encourage lateral growth and facing up all as agreed with the landscape architect. Reinforcement planting to the hedgerow to improve long term development and increase species diversity is to be undertaken as agreed on site by the landscape architect. A provisional sum is to be included within the tender documents to cover these works.

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A	5/08	AS	MINOR AMENDMENTS

51A BOOTHS HILL ROAD
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LANDSCAPE ARCHITECTS ENVIRONMENTAL CONSULTANTS

PROPOSED RESIDENTIAL / OFFICE DEVELOPMENT
GREENSYKE, DALSTON, CUMBRIA – revised scheme

LANDSCAPE PROPOSALS – SHEET 1

SCALE	DRAWN	DATE	CHECKED	JOB NO.	DRAWING NO.	REV.
1.250	AS	May 08	JS	S402	5	A

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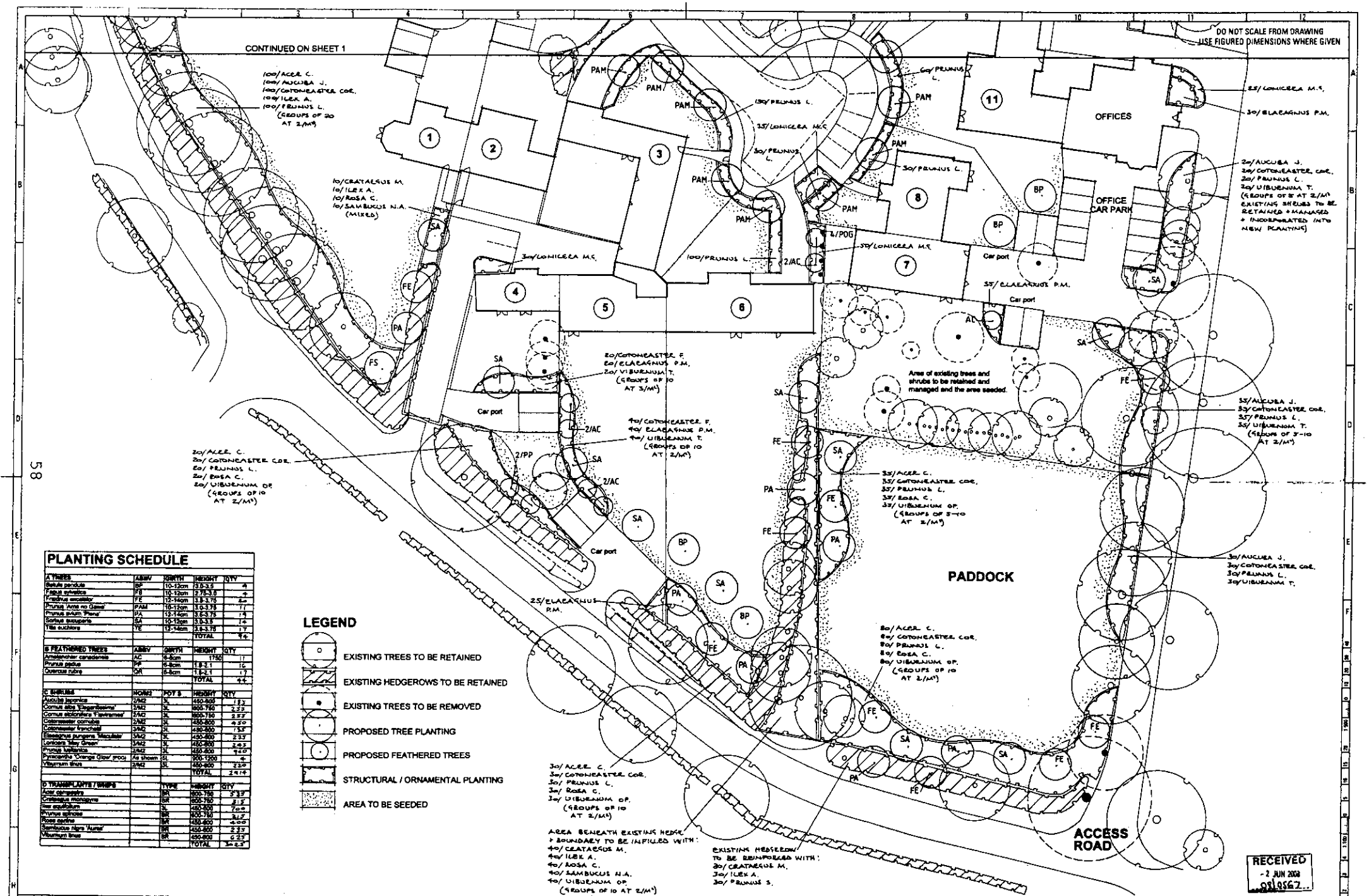

PLANTING SCHEDULE

A TREES	ABBV	GIRTH	HEIGHT	QTY
Betula pendula	BP	10-12cm	3.0-3.5	4
Fagus sylvatica	FS	10-12cm	2.75-3.0	2
Fraxinus excelsior	FE	12-14cm	3.5-3.75	2
Prunus 'Amanogawa'	PAM	10-12cm	3.0-3.75	11
Prunus avium 'Plena'	PA	12-14cm	3.5-3.75	19
Sorbus aucuparia	SA	10-12cm	3.0-3.5	14
Tilia euchlora	TE	12-14cm	3.5-3.75	17
			TOTAL	94

B FEATHERED TREES	ABBV	GIRTH	HEIGHT	QTY
Amelanchier canadensis	AC	6-8cm	175cl	11
Prunus padus	PP	6-8cm	1.8-2.1	16
Quercus rubra	QR	6-8cm	1.8-2.1	17
			TOTAL	44

C SHRUBS	NOMS/	POT S	HEIGHT	QTY
Aucuba japonica	2/M2	3L	450-600	183
Cornus alba 'Elegantissima'	2/M2	3L	600-750	273
Cornus stolonifera 'Flaviramea'	2/M2	3L	600-750	287
Cotoneaster cornubia	2/M2	3L	450-600	450
Cotoneaster franchetii	2/M2	3L	450-600	153
Elaeagnus pungens 'Maculata'	2/M2	3L	450-600	233
Lonicera 'Baby Green'	2/M2	3L	450-600	243
Prunus laurocerasus	2/M2	3L	450-600	420
Pyracantha 'Orange Glow' (POG)	As shown	3L	900-1200	4
Viburnum tinus	2/M2	3L	450-600	239
			TOTAL	2414

D TRANSPLANTS / WHIPS		TYPE	HEIGHT	QTY
Acer campestre		BR	600-750	233
Crataegus monogyna		BR	600-750	315
Ilex aquifolium		3L	450-600	700
Prunus spinosa		BR	600-750	312
Rosa canina		BR	450-600	400
Sambucus nigra 'Aurea'		BR	450-600	233
Viburnum tinus		BR	450-600	625
			TOTAL	3418

LEGEND

- EXISTING TREES TO BE RETAINED
- EXISTING HEDGEROWS TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- PROPOSED TREE PLANTING
- PROPOSED FEATHERED TREES
- STRUCTURAL / ORNAMENTAL PLANTING
- AREA TO BE SEEDED

REV	DATE	BY	
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PROPOSED RESIDENTIAL / OFFICE DEVELOPMENT
GREENSYKE, DALSTON, CUMBRIA
LANDSCAPE PROPOSALS – SHEET 1

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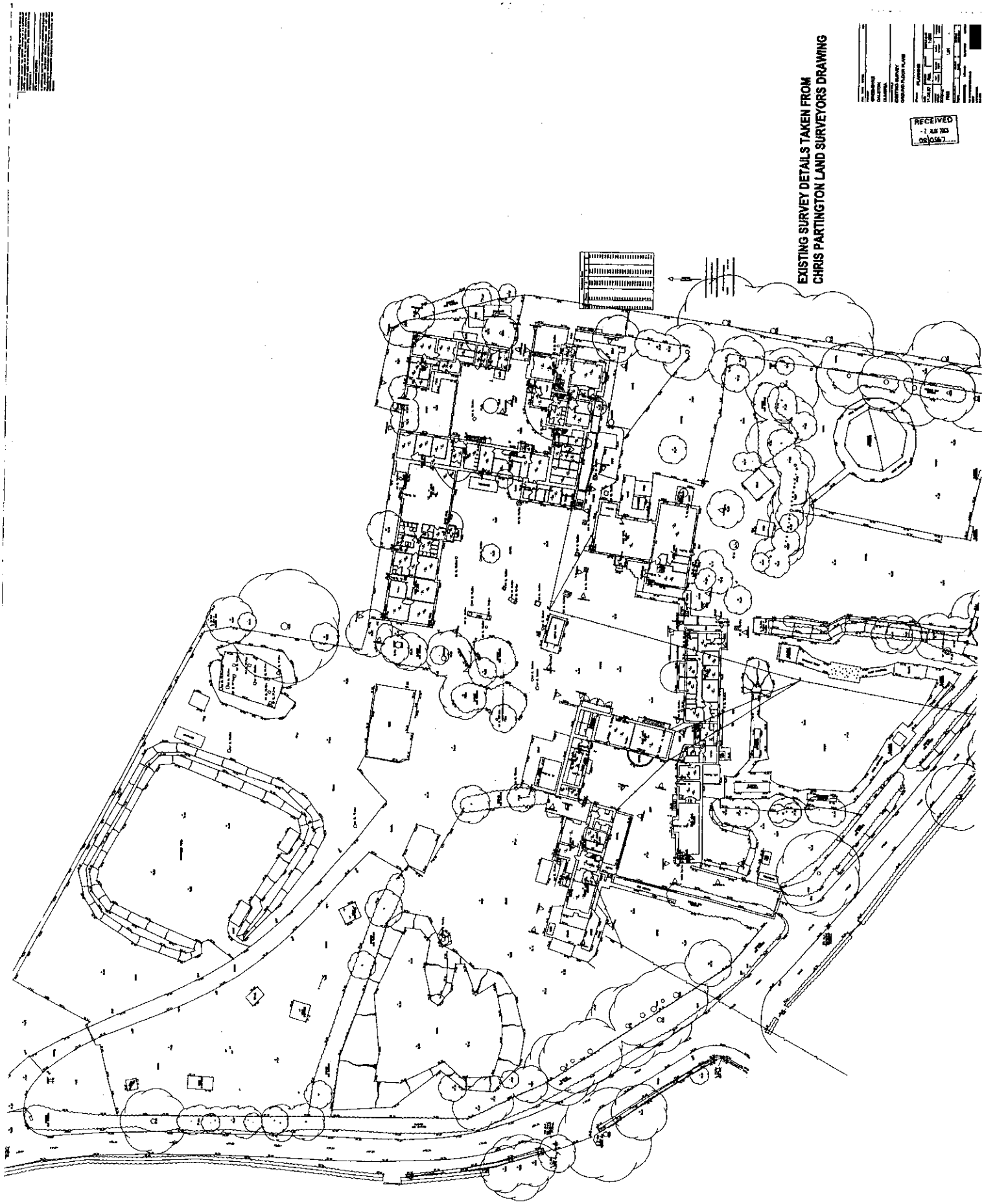
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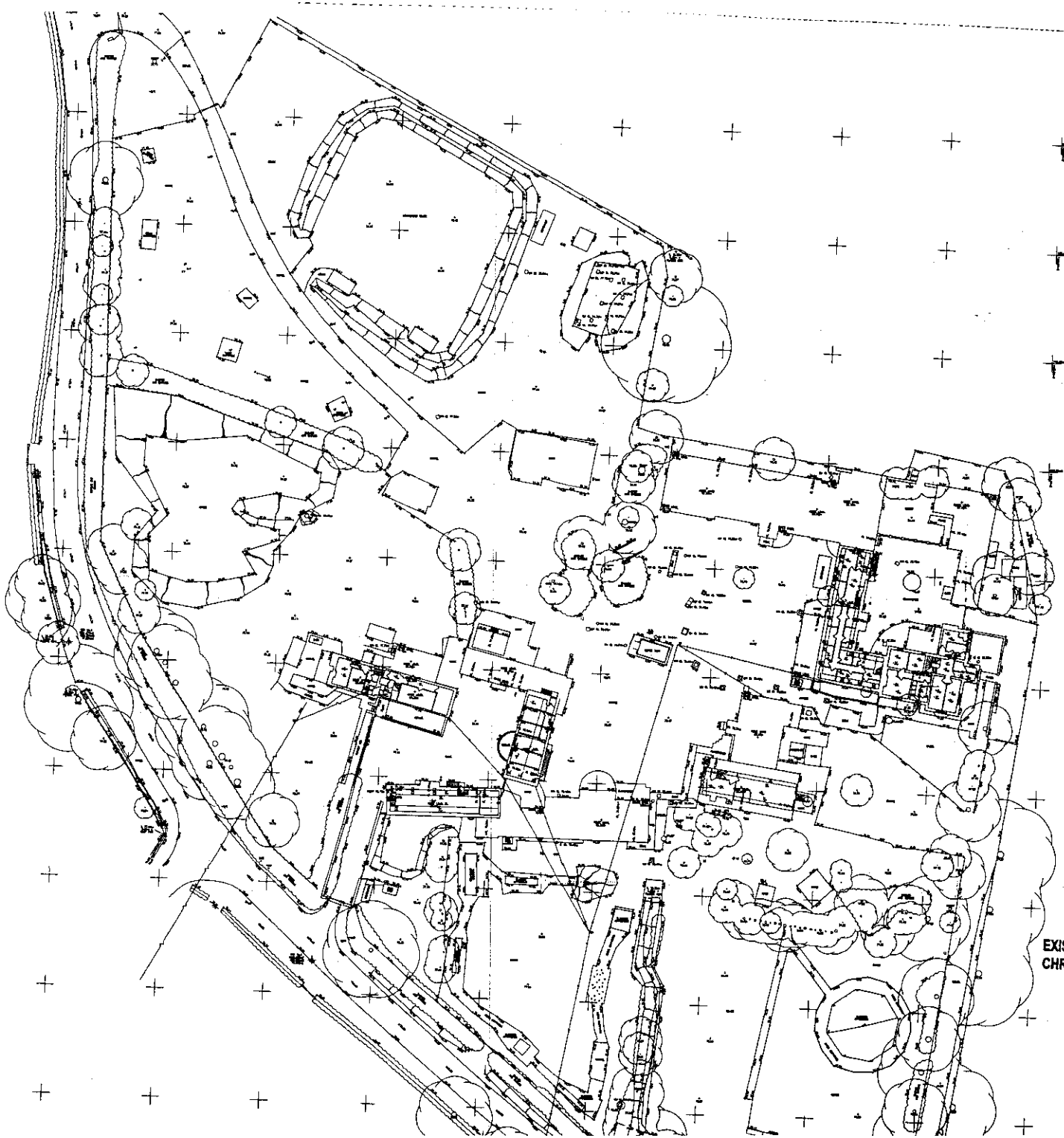

EXISTING SURVEY DETAILS TAKEN FROM
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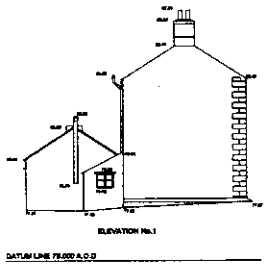

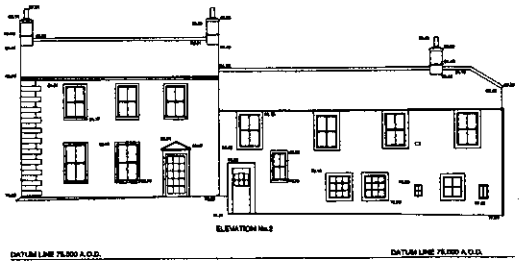

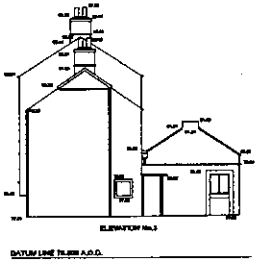

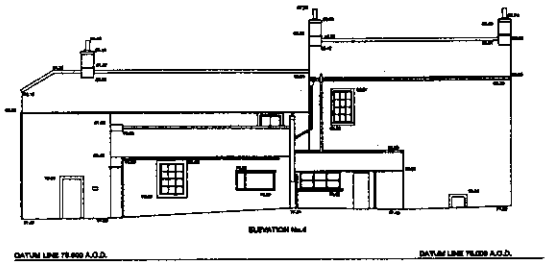

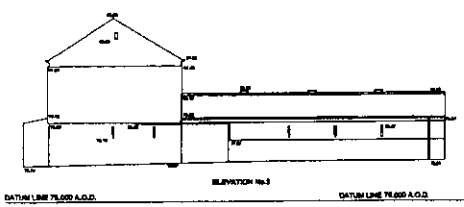

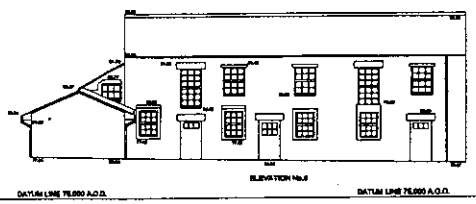

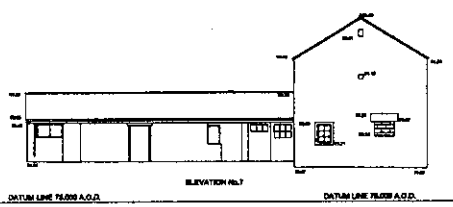

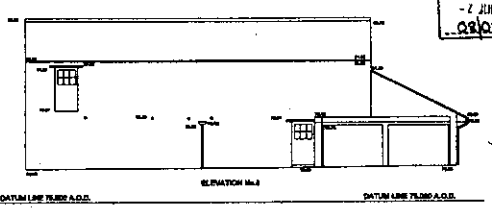

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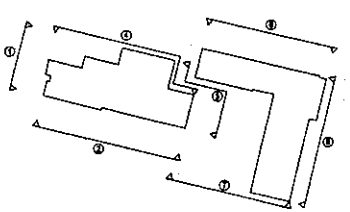

GREENEYKE
DALSTON
CUMBRIA

EXISTING ELEVATION 1

PLANNING

DATE	SCALE	DRAWN	PAPER SIZE
16.10.07	VARI		1:125

7533 E01 A

BCP architects

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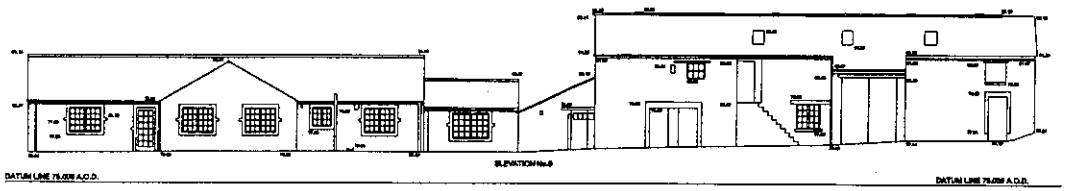
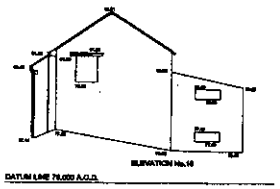
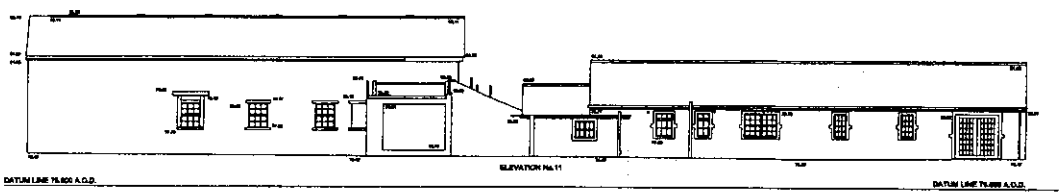
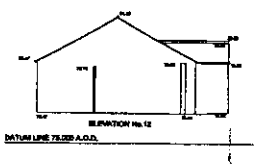
ANY SPECIFIC WARNINGS









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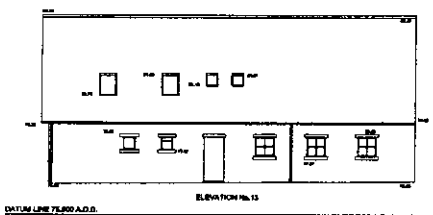

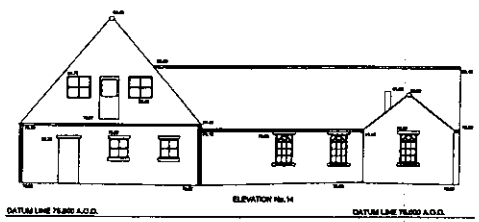

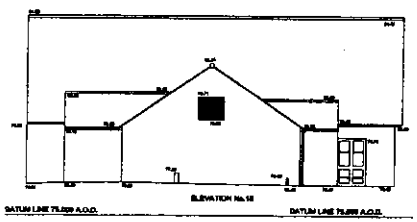

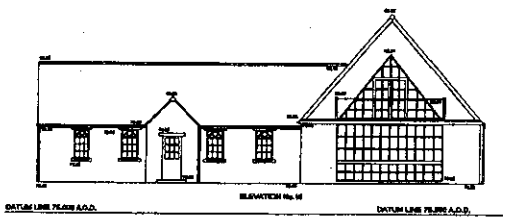

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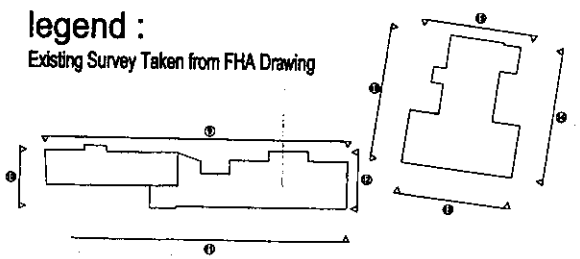


GREENSYKE
DALSTON
CUMBRIA

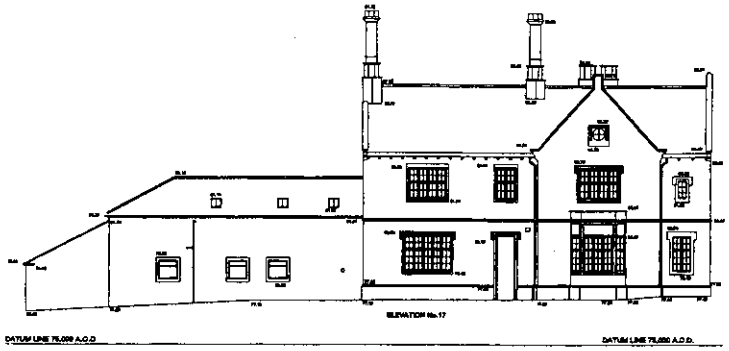
EXISTING ELEVATION 2

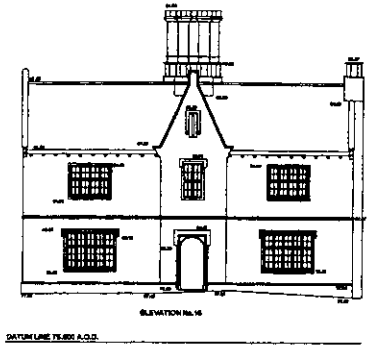
PLANNING

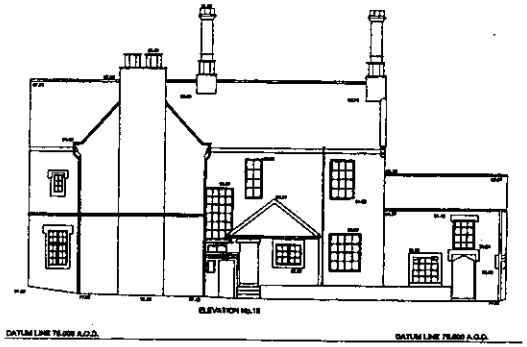
DATE	REVISION	CHECKED	SCALE @ A1
16.10.07	WNH		1:125

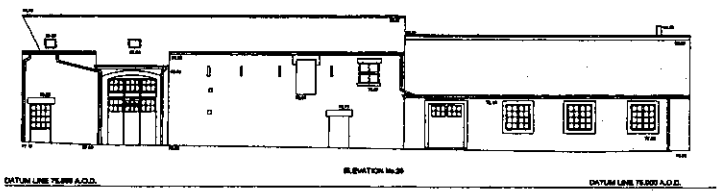
7833 E02 A

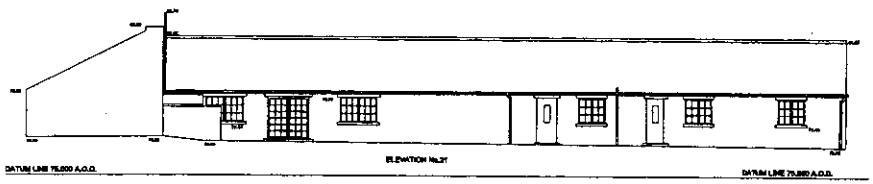
RGP architects











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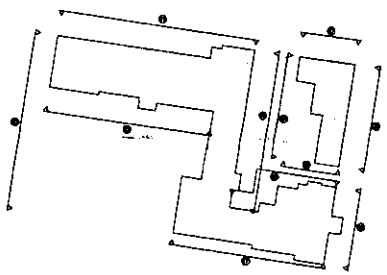

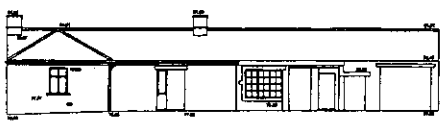

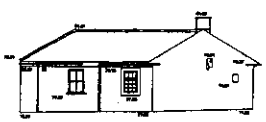

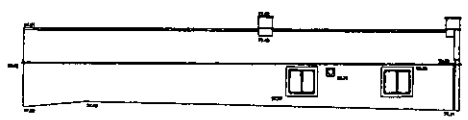

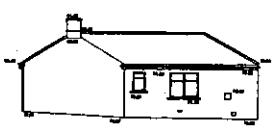

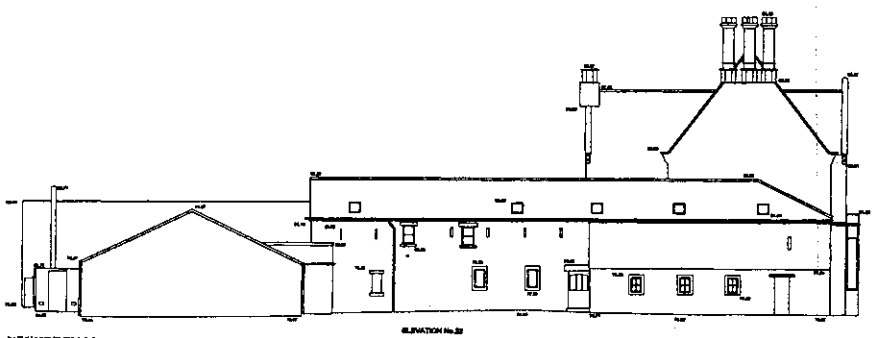

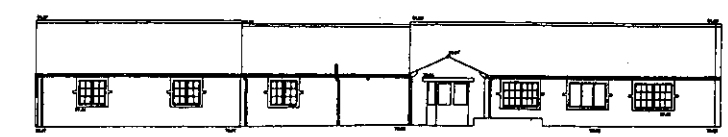

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DALSTON
CUMBRIA

EXISTING ELEVATION 3

PLANNING

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16.10.07	WNH	1:125

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7533		E05	A

MANCHESTER LONDON GLASGOW LEEDS

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GREENWYKE
DALSTON
CUMBRIA

GROUND FLOOR PLANS
2 OF 4
AFFORDABLE DWELLINGS

PLANNING

JUL.10.07 | RBL | 1:100

7933 | P03 | A

RCG architects

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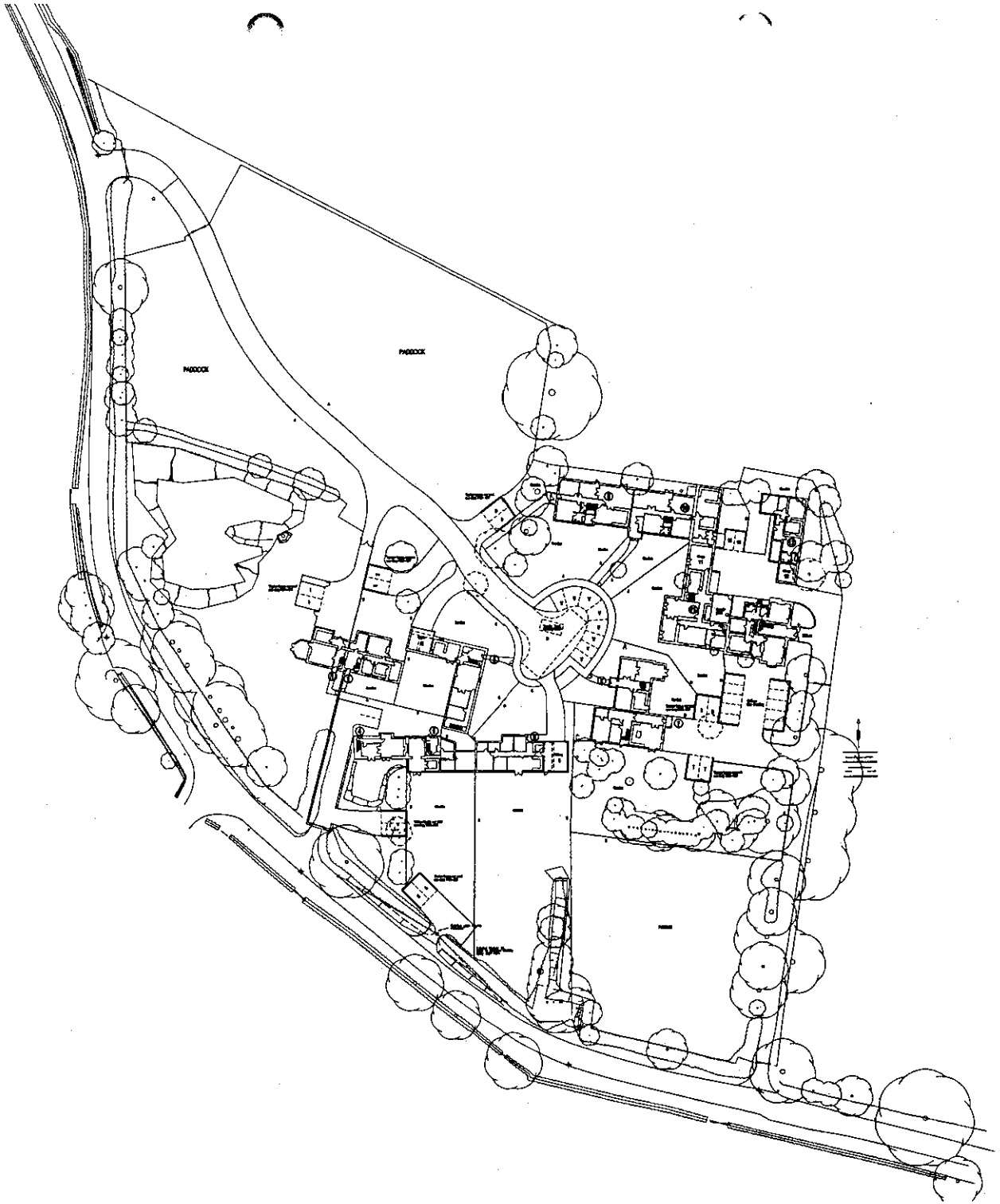

KEY

A = 1200 mm high timber fence

B = 1800 mm high timber fence

C = 1800 mm high brick wall

D = Various access road

V = Visitor car spaces

EXISTING SURVEY DETAILS TAKEN FROM CHRIS PARTINGTON LAND SURVEYORS DRAWING & FHA BUILDING SURVEY

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18 JUN 2008
08/0567

PROJECT
GREENRYKE
DALSTON
CUMBRIA

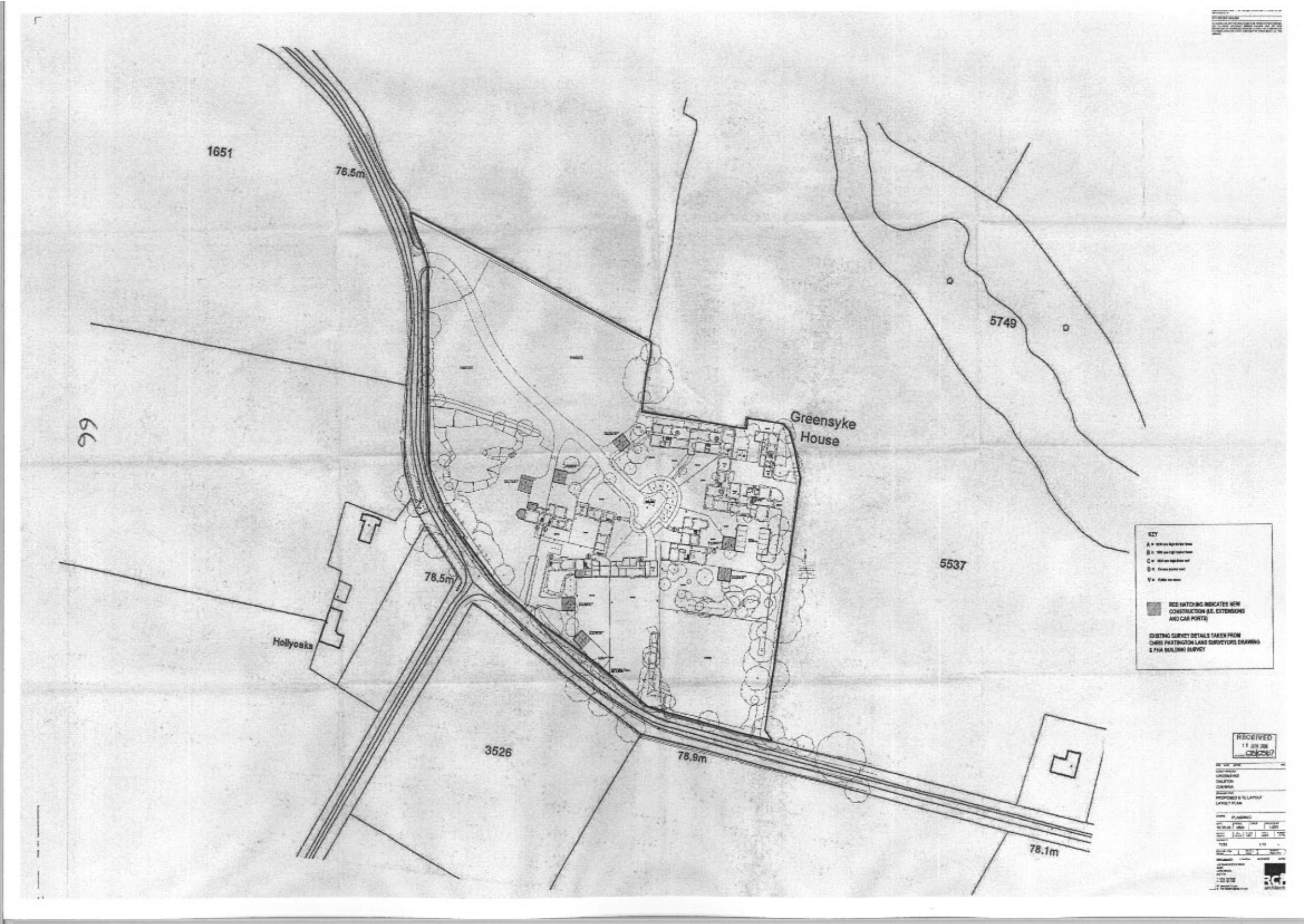
DRAWING TITLE
PROPOSED SITE LAYOUT
SITE LAYOUT PLAN

STATUS PLANNING

DATE 11.06.08 | DRAWN MMc | CHECK | SCALE @ A1 / A3 1:500

PROJECT NUMBER 7833 | DRAWING NO. L14 | REVISION -

BCA architects


1651
76.5m
99
Greensyke
House
5749
5537
78.5m
Hollyoaks
3526
78.9m
78.1m
KEY
RED HATCHING INDICATES NEW CONSTRUCTION (I.E. EXTENSIONS AND CAR PORTS)
EXISTING SURVEY DETAILS TAKEN FROM CHRIS PARTINGTON LAND SURVEYORS DRAWING & FHA BUILDING SURVEY
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08/0567

RSL/POS/7533/5.1

**DESIGN & ACCESS STATEMENT
FOR MIXED USE DEVELOPMENT PROPOSAL FOR
THE CONVERSION OF KINGSWOOD EDUCATIONAL
STUDY CENTRE, GREENSYKE, CUMDIVOCK, CARLISLE**

**PREPARED BY R LEWIS
RATCLIFFE GROVES PARTNERSHIP
ON BEHALF OF
THE KINGSWOOD GROUP**

HISTORY

The planning history is given in the Planning Statement

CONTEXT

Greensike (now spelt Greensyke) appears largely unchanged from at least 1862.

The site was undoubtedly a manor type house with barns and stables close to the main house, probably used as stables for the family's transport. This is the most northerly group of buildings, and has largely remained unchanged. Extensions were added to the northern boundary to act as class rooms and linked to the single storey tack and store rooms on the north western side of this courtyard.

The site was split into two distinct courtyard forms that may not have been under the same ownership. The "Manor House" is to the north with its courtyard open to the north, and the "Farmhouse" is to the west site, its courtyard open to the east.

The two principal accesses to each courtyard are still in use today with the third access being introduced at a later date.

The retention of all three main access points ensures there are no new external changes to the periphery of the site.

Additional buildings have been constructed over time, which effectively links the two historic courtyards and forms a third large courtyard that has become the principal entrance and exit to the site from the north west corner.

The site constraints of its geographical boundaries, together with the existing old and new buildings, and the retention of the mature tree lined access points, have influenced the proposed layouts.

The retention and conversion of all the main structures have led to the reinstatement of the two historic courtyards and that has influenced the design decision to enhance the larger, later courtyard.

Therefore, the history of the site is reflected in its regeneration.

It is understood that the two courtyard spaces were combined into one site and converted into a boarding school, which then emerged as the educational study centre today.

It would therefore, be a natural progression for these buildings to revert back into housing, together with the conversion of their agricultural buildings to dwellings. But the Local Planning Authority has expressed a preference for an employment contribution. In this respect, the original manor house, now known as Windermere, could be adapted to such a use, even though residential use would be more in keeping with its original purpose, design and construction, whereas the more modest buildings are more appropriate for residential conversion.

It is widely recognised, that the conversion and thermal upgrade of existing structures presents the smallest carbon footprint in building technology, thereby making the project a sustainable one.

USE

Land use policies are considered in the Planning Statement

The existing use of the site is an educational study centre within use class C2. The proposal to convert most of the buildings from residential institution, C2 to residential C3 use is entirely appropriate. The application seeks to reuse the existing buildings on the site through the refurbishment conversion and minor extensions to some buildings within the site coupled with new build timber-framed car ports. All have been designed in a sympathetic style in character with the site. The conversion of the imposing original manor house to offices is an achievable use of this building, which pre-application advice has indicated as preferred by the Local Planning Authority.

As the proposals seek to reuse all of the existing buildings the space created is determined by the existing site layout. This leads the designer to a series of courtyards of private and semi private spaces, very similar to the site's existing use pattern.

The existing structures' slab levels are to be maintained, but the new access to each dwelling will be ramped to provide level access to the principal access door to each dwelling.

AMOUNT

As noted previously, it is intended to convert the existing buildings into or back to residential and offices.

The farmhouse group to the west reverts back to two dwellings (unit 1=145.5m²; unit 2=194.6m²), and its associated group of barns will form three dwellings (unit 3=316.3m², unit 4= 148.5m² unit 5= 165.5 m²)

The "new central courtyard ,created by the addition of buildings, whilst a school and activity centre, are to be converted into 6 dwellings. (unit 6=179 m², unit 7= 249.8 m², unit 8= 189.2 m², unit 9= 311 m², unit 10= 352.3 m², unit 11= 451 m²).

The "Manor House" is to be converted to office use to provide some 318 square metres (gross internal) of floorspace.

The "Manor House" barns are to be converted into 2 dwellings. (unit 11= 451.5 m², unit 12= 149.5 m²)

The total site area is 24178m² = 2.42 hectares

The density of the proposal is quite low due to the rural nature of the site. The use of the existing buildings dictates the most economical amount of dwellings, through considerate conversion and extension to provide appropriately scaled family dwellings, in balance within this rural setting.

The design decision to reuse all the existing buildings on the site has dictated the number of dwellings being proposed. It was essential to ensure each dwelling was of an appropriate scale, for this family development, and that each dwelling should have an adequate external space.

Family homes, mostly of 3-5 bedrooms were considered appropriate for the area and each separate structure was designed to accommodate the appropriate number of bedrooms and amenity space whilst respecting the massing and elevational treatment of the existing buildings.
It was important for the existing buildings to be split in such a way that there was a natural break in the elevational treatment, that also related to the accommodation each dwelling required.
It is natural that a community such as this appears rambling and almost haphazard to reflect the natural development of a rural environment that has evolved over a period of time

LAYOUT

The existing entrances to the site have determined the design approach when dealing with the layout of the site. The three principal existing entrances have been maintained, forming the access to the proposed courtyards.
The orientation of the buildings is determined by the existing buildings to be converted or extended.
A number of design layouts have been considered to determine the optimum number of dwellings. In conjunction with the other consultants, and client, the final design layout has been established to provide a sympathetic layout which does not over develop the site.

As noted previously, the site's existing entrances and courtyards have naturally dictated the circulation patterns through the site together with the access and orientation of the dwellings proposed within the existing buildings.

The layout ensures that the 3 private courtyards are all overlooked by a number of properties to ensure good security. This is a deliberate design decision to ensure good security by design.

SECURITY

The proposed development is based upon the layout of the existing buildings and is divided into courtyards with separate accesses which lead to a parking cul-de-sac. In each courtyard, the proposed dwellings over look the internal spaces and the parking areas. It is proposed to install low level lighting fixed to the buildings for the individual parking areas .

The separate accesses to each courtyard will be gated in order to reinforce the sense of privacy within this development. It is also proposed to provide low level lighting along the internal access ways, this could also be operated by movement sensors in order to reduce overall energy use but still provide a security feature.

The individual dwellings will be converted to a high standard and this will incorporate normal household security measures to doors and windows. The proposed car ports will have movement sensor lighting.

The existing trees and hedgerows particularly to the road frontage provide an effective screen to the proposed housing. Within the site other groups of trees and hedgerows will be retained to identify individual property boundaries. The proposed landscaping scheme will reinforce the existing boundary to the public highway, define the other external boundaries and the plot boundaries where necessary and appropriate.

The overall effect will be to create an enclosed courtyard development with private accesses. The individual dwellings and the offices will overlook the parking areas and where visitors will arrive. There will be a sense of enclosure and security within the rural setting for this development.

SCALE

The schedule of areas listed below, illustrates the scale of all of the dwellings proposed.

Gross Area Schedule

HOUSE	EXISTING m2		PROPOSED m2	
	GROUND	1ST	GROUND	1ST
1	66.4	57.4	94	51.5
2	117.4	74.2	118	76.6
3	203	110	203	113.3
4	93.9	93	74	74.5
5	93.2	23.3	123.5	42
6	153.9	-	179.8	-
7	148.8	98.3	148.8	101
8	123.5	-	122.8	66.4
9	105.1	-	192	119
10	124.9	-	255	97.3
11	216.6	202	249	202
12	149.5	-	149.5	-
13 (Offices)	211	185	208	185
TOTAL	2055.3	840.7	2400	1452.9

The countryside setting of this type of development would normally provide a larger amount of amenity space and floor area per dwelling than would be considered in a town centre location. The design has reflected this rural setting by providing generous floor footprints and individual site areas, representive of a rural community.

The proposed environment creates an appropriate scale to its rural setting. The dwellings are formed through the refurbishment and conversion of the existing buildings on the site. The timber-framed carports are in an "agricultural barn" style in keeping with the rural setting.
The pitches and ridgelines of the existing buildings occupying the site determine the heights of the buildings.

All new openings have been designed to be a similar style and scale to its neighbours within that existing structure. These are not necessarily consistent across the site, but reflect the structure they are located in, and the style of the building, relating to its past use and time of construction.
It has been a deliberate design decision to keep any minor extension subservient to the main building.
Again the existing entrances and courtyards have influenced the amount of dwellings proposed and therefore the scale of the overall development. The sprawling layout is symptomatic of a rural setting and the layout is a direct result of converting the existing structures.

LANDSCAPING

Where possible all the existing mature trees and hedgerows are to be retained to form an established landscape around the development. Areas of native woodland planting are proposed around the periphery of the site to reinforce and define boundaries, create enclosure and also provide screening as appropriate. A formal avenue of lime trees (Tilia euchlora) will define the entrance road leading to the central car park which is enclosed by evergreen hedging and the formal planting of cherry trees (Prunus 'Ama No Gawa'). Ornamental planting is proposed within the spaces adjacent to the residential buildings to provide local screening and softening of walls and car ports as necessary. To the north and west of the site the small open areas are to be retained for use as pony paddocks and will be enclosed in part by structural native woodland planting. The landscape scheme proposes the planting of light standard, standard and feathered trees and a large no of shrubs, transplants and whips.

APPEARANCE

The first principle was to ensure the maximum number of existing structures were retained.
The second principle was to ensure all the dwellings were created sympathetically from the existing buildings without compromising their integrity from an aesthetic or a structural perspective.
The third principle was to ensure the whole development could be served from the three entrances.
If all three principles are adopted then the majority of the existing buildings needed to be retained with their character intact and any new openings or extensions must blend into the structure, whether a barn or house.
The dwellings should all be family homes with good external amenity spaces.
The existing buildings are of a scale, size and existing use as to make them ideal for conversion from C2 residential institution to C3 residential.
It is essential that the sympathetic conversion should enhance the character of the development .

ACCESS

As a rural residential development access is mainly by car. Membership of a car sharing scheme (as proposed by Dalston Parish Council in the Dalston Parish Plan 2005-2015), will be encouraged.
The parking and car ports are located within the grounds of the individual dwelling or near to the residential entrances. The visitor parking for the

housing and that for the offices is situated as near as possible to the individual buildings.

All the dwellings will have a principal entrance with level access and where possible a ground floor W.C. This will be dependent upon the redevelopment or conversion of the individual building in question.

The car parking for the offices will be adjacent to the converted building and will lead visitors directly to the building.

SCHEDULE B: Reports Requiring Further Information

08/0644

Item No: 04 Date of Committee 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0644	Kingswood Learning & Leisure Group Ltd	Dalston
Date of Receipt:	**Agent:**	**Ward:**
23/06/2008	Cliff Walsingham	Dalston

Location:
Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW

Grid Reference:
335369 548364

Proposal: Variation Of Condition 5 Of 04/1203 To Increase The Number Of Students From 160 To 200

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Reason for Determination by Committee:

This is an application of local significance with interested parties wishing to exercise their Right to Speak.

1. Constraints and Planning Policies

Joint St.Plan Pol ST3: Principles applying to all new devel.

District E8 - Remainder of Rural Area

District E14 - Protected Species

District E22 - Sewers & Sew. Treat. Work

District E30 - Arch. Evaluation Prior

District E31 - Arch. on Other Sites

District EM11 - Rural Diversification

District EM15 - Small Scale Tourism

District T1 - Choice of Means of Travel

District T3 - Affecting Road Network

District H17 - Residential Amenity

District L4 - Leisure Development

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl.Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites

Rev Redeposit Pl. Pol LE10 - Archaeological Field Evaluation

Rev Redeposit Pl. Pol EC11 - Rural Diversification

Rev Redeposit Pl. Pol LC1 - Leisure Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): as you are aware there is currently a planning appeal relating to the access to this application site and other applications for variation of this access. As this is an ongoing appeal involving this Authority I will not comments on the merits or specifics of the access arrangements other than that the access arrangements that currently exist are inadequate to accommodate the additional vehicle/coach movements. It is considered that any increase of student numbers could only be accommodated, or even considered, once the access arrangements as per existing Condition 10 has been brought into use.

Department for Transport guidelines for the indicative thresholds for Transport Assessments are: *a development for less than 50 students does not require a Transport statement.* It does however state that any development proposed in a location where the local transport infrastructure is inadequate - for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions requires a full Transport Assessment. The document urges developers to contact the Highway Authority to discuss these matters prior to applications being submitted. This document rightly state that *"these thresholds are for guidance*

purposes and should not be read as absolutes. Local Authorities may interpret them in light of their own circumstances." The applicant has not contacted this Authority to discuss the application. Considering the very substantial planning history to this site I would have expected them to discuss an application increasing the student numbers by 20% prior to submission.

It is considered that this Application for the increase of 40 students should be accompanied by a revised Travel Plan and a Transport Statement.

This form should include the current student and staffing numbers and the proposed number for both these groups as well as current and proposed travel patterns.

In the absence of a revised Travel Plan and Transport Form, iy is not possible to progress this Application further.

It is therefore recommended that this application is refused for the following reason:

Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of a) access; b) viability splays; c) off-street parking; d) road layout; e) road construction; f) its effect on local traffic conditions and public safety; and, g) impact on sustainable travel;

Dalston Parish Council: defer decision as no information received on age of pupils, sleeping arrangements, indoor and outdoor facilities, staffing/pupil ration and supervision, implications re the management code and noise issues. The Council requests representation at any site visit arranged and the right to speak at the Development Control meeting;

Community Services - Drainage Engineer: comments awaited;

Ramblers Association: comments awaiting;

Environmental Services - Environmental Quality: the applicants attention is drawn to the 3 noise conditions in place to control noise emanating from the site. It is recommended that the applicant submits information which demonstrates that these noise conditions will not be breached as a result of the increase in student population. Details should include/address the following:-

1) What additional facilities (both indoor & outdoor) will be provided to accommodate the increase in student population?

2) How will the increase in numbers affect activities taking place e.g. will they intensify/larger class size etc/hours of operation?

3) What will be the age range of the additional students?

4) How will the additional students be supervised?

Note: Based on the information supplied it may be necessary for the applicant to submit a noise impact assessment;

Cumbria Fire Service: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Greensyke Cottage	30/06/08	
Hollyoaks	30/06/08	
5 Bishops Mill	30/06/08	
Rose Villa	30/06/08	
Royal House	30/06/08	
Cartner House	30/06/08	
The Gill	30/06/08	
Greenlaw	30/06/08	
Bannerdale	30/06/08	
Ashbridge	30/06/08	
- Dalston	30/06/08	
The Green Business Centre	30/06/08	
Clerk to Dalston Parish Council	30/06/08	
Cobbetts Manchester	30/06/08	Objection
Bellgate House	30/06/08	Objection
The White House	30/06/08	Objection
Tarn Rigg	30/06/08	
Poplar House	30/06/08	Objection
Ref MEH/J/C01/140	30/06/08	
Gill House	30/06/08	
Carlisle House	30/06/08	
Fountain Head	30/06/08	
Birch Garth	30/06/08	
DEFRA, Animal Health Office	30/06/08	
Pin Cushion	30/06/08	
Boulder Garth	30/06/08	
Stonethwaite	30/06/08	
Primrose Hill	30/06/08	
Ladywood	30/06/08	
Lakerigg Cottage	30/06/08	
Cartner House	30/06/08	
Gambling Croft	30/06/08	
Gray Garth	30/06/08	
Cardew Lodge	30/06/08	
Broomfield Farm	30/06/08	
North Cumbria Acute Hospitals	30/06/08	
Lime House Estates	30/06/08	
Brackenbrae	30/06/08	
Cumdivock House	30/06/08	
Wannaroo	30/06/08	
28 Glendarvon Street	30/06/08	
Park Lodge	30/06/08	
Nook Lane Head	30/06/08	
Oakdale Cottage	30/06/08	
'Sondela'	30/06/08	
Hillside	30/06/08	
Hollin Bush	30/06/08	
House of Commons	30/06/08	

	122 Feckenham Road	30/06/08	
	Longthwaite	30/06/08	
	Greenhead Cottages	30/06/08	
	Nooklane Cottage	30/06/08	
	Nook	30/06/08	
	Merlin	30/06/08	
	Broomfield House	30/06/08	
	17 Barras Close	30/06/08	
	Holme Cottage	30/06/08	
	The Gill	30/06/08	
	Cumbria Constabulary	30/06/08	
	Fountain Cottage	30/06/08	
	(PNW/MBB/WI1089.09995)	30/06/08	
	Middle Farm	30/06/08	
Dalston Parish Council			Objection

3.1 This application has been advertised in the form of a site notice, press notice and the direct notification of 65 neighbouring properties.

3.2 During the consultation period 5 letters of objection have been received from occupiers of neighbouring properties who have objected to the proposal on the following grounds:

1. The number of students will be increased from 160 to 200

4. Planning History

4.1 The extensive history of the site has been detailed in the Background section of the Officer's report. Members should, nonetheless, be aware that the Council have recently or are in the process of handling additional applications in the form of:

1. appn. 08/0532 seeking to discharge of condition 10 of approved application 04/1203 - this was granted on the 16th July 2008 ;
2. appn. 08/0533 (which represents a re-submission of application 07/0379) involving the variation of condition 10 from six months to twelve months and the retention of the access road in its current position. Members will recollect that during their previous Meeting on the 11th July they gave authority to issue an approval subject to the applicant completing a Deed of Variation and the re-imposition of the conditions imposed under application 04/1203;

appn. 08/0567 for a mixed use development including change of use of building known as Windermere from Use Class C2 to Use Class B1 (c) and change of use of remaining buildings to 12 single dwellinghouses.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 Greensyke House is a substantial Victorian property set within attractive

grounds to the east of a farmhouse and outbuildings associated with the original steading. A cottage lies to the immediate north of Greensyke House. The property is located on the northern side of the Cumdivock Road, opposite Holly Oaks and the junction with the Broomfield Road. The White House is approximately 120 metres to the east of the driveway serving Greensyke House, whilst Bellgate is 320 metres to the north-west of the main access serving Greensyke Farmhouse and Greensyke House. A public footpath runs through field number 2874 between Bellgate and Greensyke and to the west of Holly Oaks.

5.2 The educational study use commenced in March 2002 and, as of September 2003, consisted of:

- The "farmhouse" on the ground floor has two classrooms, a staff kitchen and toilet, and, a two bed sanatorium/first aid room. The first floor has a staff common room, activity store, male and female staff toilets, Senior Instructor's office, and NVQ staff room.

- Coniston (The Barn) is used for fencing and as an evening recreational room on the first floor with a laser tag facility on the ground floor.

- The ICT Centre has 5 laboratories and a manager's office.

- The Forum comprises on the ground floor the kitchen, dining/evening recreational/entertainment's room, toilets, and, reception. The first floor has the centre manager's office and the visiting teachers staff room.

- The Cottage is the centre manager's residence adjoining which there are a drying room, linen room and laundry.

- The indoor recreational areas comprise Coniston (The Barn), the dining room of The Forum, and, part of Lakerigg, which includes karaoke.

- Teachers and children's accommodation comprise The Green, Windermere (Greensyke House), Ullswater, Lakerigg, and, Lakerigg Annexe.

5.3 The accommodation is arranged in each of the dormitories in the following manner: Ullswater: 58 students and 6 teachers; Windermere: 34 students and 5 teachers and a potential common room; Lakerigg Annexe: 20 students and 5 teachers; Lakerigg: 40 students and 5 teachers; and, The Green: 22 students and 6 teachers.

5.4 The Centre is currently closed.

Background

5.5 The site has an extensive planning history suffice to say that on the 9th-11th March 2004 a Public Inquiry was held concerning the following:

a) Application ref. No 03/0843 – refusal of permission for the use of the land

and buildings as an educational study centre;

b) Application ref. No. 03/0844 – refusal to grant a lawful development certificate for the use of the premises for the provision of short residential courses for groups of school children;

c) Application ref. no. 01/1013 – enforcement notice issued seeking the cessation of the use of the site as an educational activity centre;

d) Application ref. no. 03/0024 – enforcement notice issued requiring the removal from the land of the dining/function hall, kitchens and teachers' retreat;

e) Application ref. no. 03/0025 – enforcement notice issued requiring the removal from the land of the above ground caving system;

f) Application ref. no. 03/0026 – enforcement notice requiring the removal from the land of the challenge course;

g) Application ref.no 03/0027 – enforcement notice requiring the removal from the land of the quad bike track;

h) Application ref. no. 03/0028 – enforcement notice requiring the removal of the "low ropes" and "nightline" challenge courses;

i) Application ref.no. 03/0029 – enforcement notice requiring the removal of a mechanical generator;

j) Application ref.no. 03/0030 – enforcement notice requiring the removal from the land of the climbing wall and shelter;

k) Application ref. no. 03/0031 – enforcement notice requiring the discontinuance of use of a barn for the purposes of "laser tag";

l) Application ref. no. 03/0032 – enforcement notice requiring the discontinuance of the use of dormitory accommodation;

m) Application ref. no. 03/0033 – enforcement notice requiring the discontinuance of the former dining room as student accommodation.

5.6 In relation to items a), d), e), f), g), h) and j) the appeals were dismissed but the remainder allowed. In effect the use of the land and previously authorised buildings for residential courses for groups of school children was certified as lawful. The Inspector, nevertheless, dismissed those appeals relating to the various buildings and structures that had been constructed without planning permission and which enabled the site to be used in a more intensive manner than when it was a boarding school.

5.7 In reaching this decision the Inspector considered that the development has the potential to cause unacceptable harm to the living conditions of nearby residents through noise and disturbance, but that this harm could be

overcome through effective management measures (para.37). The Inspector, nevertheless, concluded that the then Management Code proposed by the applicants/appellants would not prevent the developments having an unacceptable impact on the living conditions of near neighbours through noise and disturbance. In the absence of a satisfactory Management Code the Inspector concluded that the developments were unacceptable (para 43).

5.8 In paragraph 44 of the Decision Letter the Inspector, however, stated that:

"It will be apparent from my decision that, had there been a satisfactory Management Code, I would have come to a different conclusion on these appeals. That being so, I propose to extend the period for compliance with the enforcement notices to 12 months to give the appellants the opportunity of revising the code and re-applying for planning permission should they choose to do so".

5.9 In October 2006, under application 04/1203, planning permission was given for operational development comprising:

a) The retention of the dining/function hall and teachers' retreat, the underground caving system and shelter, the boundary fence, sub-station enclosure, souvenir shop, air handling plant room; and, drainage arrangements.

b) Revise the location of a challenge course, quad bike track and shelter, and, low ropes and nightline course;

c) The formation of an archery enclosure and shelter;

d) Amendments to the alignment of the access road and new parking layout;

e) Installation of external lighting system; and,

f) Landscaping and earth moving to create a planted soil bund.

5.10 The aforementioned permission, which had previously been considered by Members at their Meetings on the 19th November 2004, 7th January 2005, and, the 6th June 2005, was subject to a total of 26 conditions and the completion of a Section 106 Agreement. The aforementioned Section 106 Agreement covered:

a) The applicant agreeing to the non-implementation of the permissions for the science labs approved under 95/0879 and dormitory annexe approved under 97/0312;

b) An annual review of the Green Travel Plan; and,

c) Adherence to the Management Code.

5.11 On the 4th April 2007 the following applications were received from the

Kingswood Learning and Leisure Group:

- Application ref. no. 07/0374 - Amendment to condition 12 of 04/1203 to allow an extension of time to three planting seasons.
- Application ref. no. 07/0375 - Extension of period for compliance from six to twelve months (Condition 16 re. the implementation of the approved Green Travel Plan).
- Application ref. no. 07/0376 - Variation of time scale from four to three weeks – Condition 26 (ensuring that no students are present during a consecutive period commencing at any time during the last week of July or the first week of August in each year).
- Application ref. no. 07/0377 - Extension of time for twelve months from 05.04.07 to 04.04.08 with regard to conditions 21 and 24 concerning noise issues (i.e. the approval of a scheme of noise mitigation measures and a system for continuous monitoring of noise emanating from the site).
- Application ref. no. 07/0378 - Variation of condition 14 to allow for an extension of time from six to twelve months (re. the relocation of the climbing wall).
- Application ref. no. 07/0379 - Variation of condition 10 from six months to twelve months for retention of access road in current position.

5.12 In addition, letters and accompanying details were also received on the 4th April 2007 seeking not only to discharge conditions 10 (access) and 11 (landscaping), but also approval to relocate archery and the "nightline", and, to extend the area of the quad bike track pursuant to condition 7. On the 10th April the Council received application ref. no. 07/0392 for the widening of an existing service access.

5.13 The aforementioned planning applications were reported at the Meeting of the Development Control Committee on the 1st June 2007 during which it was decided that applications 07/0375, 07/0377 and 07/0378 be refused permission, and, the Head of Planning and Housing Services was authorised to serve relevant Breach of Condition Notices. Application 07/0376 was withdrawn prior to determination.

5.14 In the case of application 07/0374, Members resolved to give authority on the basis that the extension in time was restricted to a single planting season and subject to: a) the results of a bat survey; and, b) the completion of a Deed of Variation to the existing Section 106 Agreement.

5.15 In regard to applications 07/0379 and 07/0392 Members resolved to give authority to issue approval subject to no objections from the Highway Authority, results of a bat survey, and, completion of a Deed of Variation to the existing Section 106 Agreement. In error, the decision notice concerning application 07/0392 was issued prior to the completion of the required Deed of Variation.

5.16 Condition 11 was subsequently discharged in a letter from the City Council

dated the 12th July 2007.

5.17 The applicant has subsequently lodged appeals against the failure of the City Council to determine four "applications":

a) APP/E0915/A/07/2060181 – Amendment to condition 12 of planning permission 04/1203 to allow an extension of time to three planting seasons (App. Ref. 07/0374);

n) APP/E0915/A/07/2060185 – Relocation of existing activities from the approved siting pursuant to condition 7 of planning permission 04/1203;

o) APP/E0915/A/07/2060188 – Details as required by condition 10 of planning permission 04/1203; and,

p) APP/E0915/A/07/2060191 – Variation of condition 10 from 6 months to twelve months and retention of access road in current position (App. Ref. 07/0379).

5.18 All the appeals have been submitted on the grounds that "the LPA have not made a decision". Nevertheless, a fundamental reason with regard to two of the appeals concerning applications 07/0374 and 07/0379 appears to be reluctance by the appellant to enter into a Deed of Variation to the Section 106 Agreement completed as part of the planning permission granted under 04/1203. The appeals were considered at a Hearing on the 22nd July 2008 with the Inspector's decision(s) currently awaited.

5.19 The current application seeks the variation of condition 5 of 04/1203 to increase the number of students from 160 to 200. In an e-mail sent on the 16th July 2008, the applicant's agent confirmed that:

- the age range of the pupils will be 7 – 18;
- the numbers of pupils within each respective age bracket will vary considerably initially subject to market conditions, booking patterns, time of year etc – the plan will be to develop the business to a market of 16-18 year olds only by the end of 2010;
- the existing dormitories will be refurbished with additional dormitories being created within existing buildings (cottage and laser barn);
- no proposed changes to the use of outdoor facilities on site subject to proposed relocation and planning for a climbing tower. However, there will be increased off-site activities in and around the local area concentrating on field studies (rivers, habitats, village study, weather study etc);
- the ratios of remain the same with teachers and children at 1:10 and staff at 1:15; and,
- there are no proposed or intended changes to either the existing Management Code or seek any variations to the existing Section 106 Agreement.

Assessment

5.20 When assessing this application it is considered that the main issue revolves around ensuring that it does not derogate from the principle of the development based upon the planning permission already granted and the Section 106 Agreement referred to above which was the subject of extensive discussion.

5.21 At the time of preparing the report additional details have been requested from the applicant concerning:

- the need to provide a plan showing how the refurbishment of the existing dormitories creation of the additional dormitories within the Cottage and laser barn would work in reality with regard to the breakdown in age groups and sexes including accommodation for teachers;
- what would happen to the indoor study and recreational facilities, and, whether this would lead to larger classes;
- need to provide a plan showing the design and location of the climbing tower and any proposed means of noise mitigation;
- in the context of the existing Management Code, whether the older students are to be confined to the site in the evening and, if so, are there proposed to be changes in the nature of the indoor facilities, the hours of use, and, the time they would be confined to the dormitories;
- the need to provide a Transport Assessment/Statement that takes account of the increased off-site activities and what means of transport the older students (of car driving age) are expected to utilise; and,
- the need to submit a suitable noise assessment.

5.22 At the time of preparing this report the requested additional information is awaited.

Conclusion

5.23 An updated report will be presented to Members during the Meeting.

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;

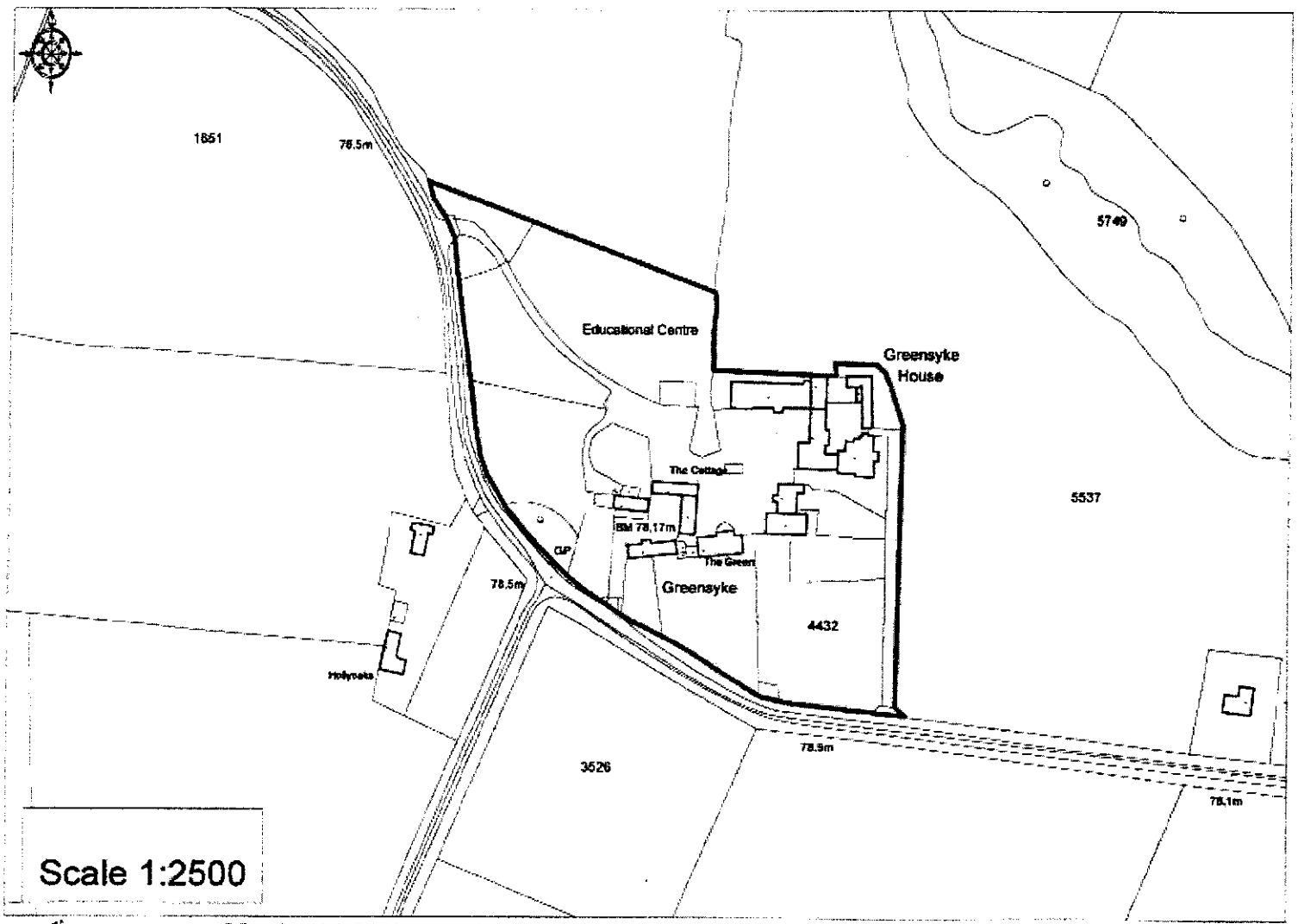
7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report additional details are awaited from the applicant.

The Kingswood Centre, Greensyke, Carlisle, Cumbria, CA5 7JW

23 JUN 2008
2008/0644



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SCHEDULE B: Reports Requiring Further Information

Item No: 05 Date of Committee 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0224	Kans & Kandy (Properties) Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
04/03/2008	Sanderson Weatherall	Stanwix Urban
Location:		**Grid Reference:**
Gates Tyres, 54 Scotland Road, Stanwix, Carlisle CA3 9DF		340030 557276

Proposal: Erection of a Neighbourhood Convenience Store (464.5 sq m), Small Retail Unit (92.9 sq m) with 9 Residential Flats Above and Associated Parking

Amendment:

1. Alterations to the design of the proposed building, including a reduction in its height of the building by 2.9m and the number of residential units proposed to 11 flats.

2. Further modifications to the detailing and internal alterations reducing the number of flats to 9.

REPORT **Case Officer:** Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of forty three letters of objection and as Cllr Stevenson and two local residents wish to exercise their right to speak.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Affecting The Setting Of A Listed Building

Conservation Area

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

Joint St.Plan Pol ST3: Principles applying to all new devel.

Joint St. Plan Pol H17: Scale of housing provision

Joint St. Plan Pol H18: Targets recycling of land and bldgs

Joint St. Plan Pol T30: Transport Assessments

Joint St. Plan Pol T31: Travel Plans

Joint St. Plan Pol E38: Historic environment

Joint St. Plan Pol L52: Town centres

Joint St. Plan Pol L54: Retails, leisure and office dev.

District E19 - Landscaping New Dev.

District E31 - Arch. on Other Sites

District E35 - Affecting LBC's

District E43 - Imps. to Cons. Areas

District T1 - Choice of Means of Travel

District T7 - Parking Guidelines

District H2 - Primary Residential Areas

District S8 - Neighbourhood Supermarkets

District S10 - Neighbourhood Shops

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP7 - Renewable Energy

Rev Redeposit Pl.Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol H3 - Residential Density

Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing

Rev Redeposit Pl.Pol LE9 - Other Sites/Monum.Of Arch.Signif.

Rev Redeposit Pl. Pol LE13-Proposals Affecting Listed Bldgs.

Rev Redeposit Pl. Pol LE20 - Conservation Areas

Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the Highway Authority was involved in considerable pre- application discussions with both City Planning Services and the applicant prior to this application being submitted. The applicant has sought to incorporate into their design all the elements required, which is to be commended.

The applicant has provided the traffic generation figures of a similar convenience store as well as the figures for a "Gates Tyres" type. This shows that there will be a slight increase in vehicle traffic, but it is considered that the disruption to traffic on this major arterial road will be less than the previous use, given the better layout provided. It would certainly be for less use than for a garage with petroleum retail, which existed prior to Gates Tyres use.

The development is providing 'within curtilage' parking in accordance with National criteria. In the Highway Authority's view this application could not be refused on traffic grounds.

A Developer Contribution is, however, required to introduce "No Waiting at any time" parking restrictions on Cheviot Road. It is proposed that these waiting restrictions cover the entire frontage of the site (southern and western side of Cheviot Road) and a section of the northern and eastern side of the road.

The developer has agreed to enter into a Unilateral undertaking to provide for the cost of the aforementioned possible Traffic Regulation Order (£3500) and it's signing/lining; however, this element (the introduction of the TRO) cannot be imposed as a Grampian style condition as the impact of development will be less than the current/previous use and until the statutory procedures have been completed (the outcome of which is not in the control of the applicant or the two Councils) such restrictions cannot be introduced.

The footway on the southern side of Cheviot Road corner will need to be

constructed in heavy duty construction, as this is the loading area extending up to the car park access. This entire "loading bay" will be provided with splay kerbs. These elements will, however, be properly dealt with under the Highway Act 1980 Licensing agreement needed to undertake works within the highway. The applicant will need to pay for the removal of redundant footway crossings and for the renewal of the footways surrounding the site as part of this process.

The resident's car park is regarded as acceptable subject to the proposed security barrier restricting entry to authorised persons being 2m from the carriageway and of the vertical lift type.

In summary, the Highway Authority has no objection to the application as submitted but recommends several conditions are included in any consent the City Council may grant;

Environment Agency (N Area (+ Waste Disp)): awaiting comments;

Community Services - Drainage Engineer: the applicant indicates disposal of foul sewerage 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 soakaways for surface water disposal, as this is the most sustainable method.

There is no record of flooding issues at this site;

United Utilities (former Norweb & NWWA): awaiting comments;

Cumbria County Council - (Archaeological Services): existing records and the archaeological desk-based assessment indicate that the site lies in an area of high archaeological potential. It is located immediately to the north of Hadrian's Wall and the Roman fort at Stanwix and adjacent to the line of a Roman Road to Scotland. Archaeological investigations in the immediate vicinity of the site have revealed Iron Age agricultural features and the remains of the Roman road. It is therefore considered likely that archaeological remains may survive on the site and that they would be damaged or destroyed by the proposed development.

It is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development. These can be secured through the imposition of two planning conditions;

Development Services Planning & Housing Services - Local Plans: the application is for a mixed development of retail and residential uses on the 0.18 hectare site of a former retail unit associated with the car trade. The site lies in a primary residential area and adjoins the Stanwix Conservation Area. It lies within the Stanwix district centre, the boundaries of which are not defined on the Proposals Map.

Policy H2 of the Revised Redeposit Draft Local Plan 2001-2016 is a relevant policy. It states that proposals for non-residential uses will be permitted in Primary

Residential areas where they do not adversely affect residential amenity. Considerations include noise, safety and traffic impact. Residential permissions granted in the 2007/08 year to the end of January 2008 were 99% of the Structure Plan figure for the City. Residential development will be expected to make a useful contribution to particular housing needs. A contribution (30%) towards affordable housing in the form of subsidised housing was initially referred to, but this is no longer applicable as the number of units has been reduced to 9, less than the threshold set out in Policy H5 of the emerging Local Plan.
Policy EC7 of the Revised Redeposit Draft Local Plan 2001-2016 provides for neighbourhood shopping facilities within or adjacent to district centres. Stanwix is a district centre with a centre some 100 metres to the south of the application site, although a small neighbourhood foodstore (139 sq. m.) is situated almost opposite the application site. Retail capacity is to be taken into account when considering any proposal for a new development. Planning Policy Statement 6 'Planning for Town Centres' definition of a district centre acknowledges that at least one supermarket or superstore may be present.

The Carlisle Retail Study Update 2006, prepared to inform the review of the Local Plan, concluded that if the permitted Tesco foodstore on the Viaduct Estate Road is developed there would be capacity for further convenience goods floorspace in the City up to a maximum of about 1,400 sq. m. by 2011, rising to 2,400 sq. m. by 2016. In January 2008 an update to the Retail Study was obtained by the City Council because of the restricted capacity for new convenience floorspace and the desirability for a store at Morton. Allowance was made in the rerun model for the development of an Aldi store at London Road. The retail forecasting model allowed for slightly higher growth in per capita expenditure. Thus the consultants forecast in January 2008 a retail capacity for about 2,800 sq. m. by 2016. By this latter date further growth in expenditure available to local shops would support 50 to 100 sq. m. net additional convenience goods floorspace which goes some way towards supporting this proposal. It is advised that the application would be supportable by available convenience goods expenditure and should be conditioned to the floorspace applied for.

Whereas the site has previously relied on entirely car borne trade the use proposed is intended to provide for pedestrian and cyclists' trade from the local catchment. This is likely to add to the viability of the district centre through additional walk-in trade.

The size of store proposed would not undermine the viability of City centre stores although it may have a detrimental effect on the neighbourhood Spar store located on the western side of Scotland Road.

The redevelopment of this previously developed site for a different retail use will offer enlarged convenience choice to Stanwix residents. The site forms the northern edge of the District Centre and is in a highly accessible location. There is some spare capacity for the convenience floorspace as demonstrated in the DTZ Retail Update. It would have a slight impact on the proposed store at Morton, but only by 200 sq. m., which is a marginal reduction.

It is recommended that the proposal is supported and that a condition to limit the gross floorspace is appended along the lines suggested in the DTZ letter (Appendix

1 of the Retail Assessment);

Planning & Housing Services - Housing Strategy: a number of comments were initially provided regarding the provision of affordable housing; however, as the number of units has been reduced to below 10 (the threshold above which affordable housing should be provided) these comments are no longer applicable;

Environmental Services - Food, Health & Safety: there is potential for nearby residential properties and the proposed flats to be affected by noise from:

1. early morning deliveries (0600 - 0700 hours); and
2. cooling units, fans or compressors located externally;

Environmental Services - Environmental Quality: advice is provided in relation to three distinct aspects of the development -

Noise

The proposed development site falls into Noise Exposure Category (NEC) 'C' as set out in PPG24.

This planning guidance recommends that for development sites that fall into NEC 'C' "planning permission should not normally be granted. Where it is considered that permission should be given for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against the noise".

If minded to approve this application, it is recommended that five planning conditions are imposed to minimise the potential impact upon the existing and proposed neighbouring residential properties through noise disturbance.

Air Quality

Based on the information provided, the proposed development is unlikely to cause significant impact on local air quality.

Contamination

The land was a former garage which sold petroleum and it is therefore likely that contaminants are present. Further to the Phase 1: Desk Top Study report the development cannot be classified as commercial for contamination and category purposes as residential properties are also part of this development and thus the sensitivity cannot be considered as low.

The conclusions and recommendations that the report draws are acceptable in that a Phase 2 Ground Investigation works must be carried out before development and a copy submitted to the Local Planning Authority for approval, along with a schedule for site remediation.

There is, however, an omission in relation to the possible contamination of perched water. It is therefore recommended that some borehole sampling occurs at depth to

show that no product from the decommissioned tanks has reached perched water, or that the product has not ponded on a clay lens below the base of the decommission tanks. This can be achieved through the imposition of planning conditions;

Development Services Planning & Housing Services - Access Officer: there are no details as to the floor layout of the convenience store, toilet facilities etc. There is also no firm decision whether the doors are to be automatic or manual.

The external provision explained within the documents provided is acceptable although the external trolley park is not marked on the plans. This may interfere with the access route from the customer disabled parking space to the entrance of the store. Further information is required to clarify this, which could be regulated by a planning condition;

Cumbria Constabulary - Crime Prevention: this locality is considered to be a low crime rate area, compared to other parts of the City; however, calls for police service tend to be related to youth disorder and nuisance. The presence of two off-licence outlets in the immediate vicinity have previously contributed to this issue, so the provision of an off-licence facility within the main retail unit may attract youngsters attempting to purchase intoxicants, likely creating a popular gathering place nearby. It would be preferable that youngsters did not gather on the development site and measures can be incorporated within the scheme to help deter this.

A number of comments relating to 'Secured by Design' principles have been provided. In brief the topics covered include:

The Creation of 'Defensible Space'

A primary objective in designing out crime is the demarcation of public and private space. The intention is to create an area over which residents feel they have responsibility and control over. This objective shall be difficult to achieve when a major part of the development is assigned to retail units, which invite public access. Problems arise in spaces where ownership is not clearly defined.

The west (front) boundary appears to be well defined with soft landscape elements formed around the retail car parking area. It is recommended that a triangular profile coping stone is incorporated along the entire wall, to deter climbing or sitting. Consideration should be given to gating the access to the car park. This measure shall also prevent unauthorised access to the Bin Store Area, which youths could use as a gathering place.

Building Layout and Orientation

Building lines should be kept as simple as possible. Complex building shapes create recesses, which reduce surveillance opportunities. They may also create hiding places and congregation points, which may become a focal point for crime and anti-social behaviour.

There is a deep recess created adjacent to the staircase and disabled parking bay. Forming windows in the ground floor south elevation would at least permit some

casual supervision of this area by retail staff.

Car Parking

Statistics from the British Crime Survey 2006/2007 show that almost 68% of all vehicle related crime occurs within residential areas. Only 2% occurs within a private garden curtilage or garage. Clearly, these statistics support the measure to withdraw parked vehicles from the public domain into semi-private or private space. In order to discourage opportunist crime or anti-social behaviour the developer should maximise opportunities for natural surveillance of the car park.

Cycle Parking

The 'Sheffield' Stand is considered to be best practice for this purpose, as it permits greater versatility for locking of frame and wheels to the stand. Separate provision should be made for retail customers and residents (i.e. within semi-public space and semi-private space). These facilities should be in prominent locations, to maximise surveillance opportunities.

Security Lighting

This has a specific purpose and should not be confused with courtesy lighting, which is not always illuminated. The intention is to illuminate the exterior of the building throughout darkness hours, especially above doors, in recesses or in other vulnerable areas. Illumination need not be harsh or intrusive, but must be even, to minimise shadows. Lamps should be mounted as high as possible, to prevent tampering, within vandal resistant fittings. The use of halogen bulb floodlights, controlled by passive infrared detector is not appropriate as the lamp is always switched off, until a heat source activates the unit. This arrangement is prone to false activations by wildlife or domestic animals. The deployment of compact fluorescent tubes, controlled by photo-electric cell is the most common solution. The lighting scheme must be designed to prevent light pollution, annoyance or nuisance.

Landscaping

It appears the only landscaping elements are contained within the front boundary treatment. Landscaping is an important crime prevention issue. It should not impede natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths or close to buildings where it may obscure doors and windows. Frontages should be in open view. Shrubs and bushes should not exceed one metre in height and should have a compact habit. The location and species of trees should not be allowed to obscure lighting or CCTV (if deployed), nor become climbing aids to gain access to upper windows or flat roofs. Tree canopies should hang no lower than 2.5 metres above ground level. The specification should take account of maintenance needs to ensure continued compliance as plants grow. The correct use of certain species of plants can help prevent graffiti and loitering, and in addition to fencing may be used to define or reinforce boundaries. Defensive planting i.e. Berberis or similar may be utilised to achieve this purpose.

Bin Storage

This facility requires careful location to prevent it being exploited as a climbing aid. The store must also be kept secure, to prevent the contents of bins or wheelie-bins being ignited. The vicinity must be well lit to reassure legitimate users.

Physical Security

A number of recommendations were made with regard to the selection of appropriate physical protection for doors and windows. These are not specifically related to this application, but a matter for the developer to consider should permission be granted.

Graffiti Removal

Consideration should be given to graffiti removal measures, in the event of ground floor walls being daubed. To reduce the associated costs for removal, it is recommended that the exterior surfaces (to a height of at least 2.5 metres) should be pre-treated with a protective coating;

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

Development Services Planning & Housing Services - Building Control: awaiting comments;

Development Services Planning & Housing Services - Urban Designer: the proposal entails a ground floor in retail use and two floors of flats above. It abuts the Stanwix Conservation Area and is extremely prominent on the A7 approach to the City centre. The immediate neighbourhood of the site is the junction between high quality 2 storey Victorian terraces and interwar semi-detached housing.

The principle of a three-storey scheme at this site is appropriate given the width of Scotland Road and the need to provide a building of some substance at this triangular, almost flat iron site.

The design of the building, as it was originally submitted, raised several concerns:

- Scale and Massing: More effort could be made to reduce the bulk of the building. This could be partly achieved by pulling the eaves lower and making the second floor more within the roofspace. The expanse of roof on the main part of the building is also rather bulky. Bays or gablets might reduce this

- Detailed Design: There is an unfortunate expanse of brickwork between the ground floor and the small windows on the first floor, which needs to be addressed. This could be done by introducing a clearer hierarchy of window sizes, with the current first floor windows increased in scale to reduce this expanse, and perhaps brought to greater prominence by the use of rendered architrave as on the upper storey.

  The treatment of the retail floor is somewhat uninspired, with a very functional approach to the provision of fascia and shopfront elements. Cornice, pilasters

and other traditional shopfront elements that would lend visual interest to the scheme are absent.

The doorways which serve the flats to the upper storeys are understated and lack the visual weight that is appropriate for a door serving many residences. The chimney stack, while welcome, is a tokenistic in scale. At least another well scaled stack is required, and if not used for a heating system, ventilation apparatus should be housed therein. No ventilation apparatus should protrude through the roofing material.

Regarding choice of materials, concrete tiles and UPVC windows illustrate the low aspirations of the proposal.

- Fenestration: As well as the proposed material and undersized windows to the first floor, the northern elevation would benefit from additional fenestration to relieve its extensive mass. Windows should be deep-set to articulate the façade and not brought close to the face of the brick. Opportunities should be taken to provide natural illumination to the central stairwells and bathrooms/kitchens abutting external walls.

- External space: The proposed landscaping treatment to Scotland Road is inadequate. Small scale soft landscaping should be limited and a preferred approach would be the provision of a row of extra heavy standard trees, pit planted with a root directing vertical membrane, and to a specification and watering regime agreed with the Council's Landscape Architect/Tree Officer.

  Space to the rear labelled as 'bin store area' is 'space left over after planning' and should be given a proper function. A bin and recycling store could be integrated into the structure of the building, together with secure covered cycle storage for the flats. Cycle parking for the retail units should be provided in a more prominent location to the front of the store.

- Sustainability issues: No indication is given as to how the development expressly contributes to addressing sustainability issues through its design or layout.

In conclusion, there are significant shortcomings with the scheme and substantial changes are required before it could be considered for approval.

The Urban Designer has subsequently liaised with the developer to discuss these concerns and the scheme has now been amended.

In response to the amendments the Urban Designer has commented that the scale, massing and detailing of the scheme are now broadly acceptable for this site.

Some minor modifications could be included to improve the scheme. In brief these relate to the following:

- The window to the stairwell on Scotland Road would be better if it were moved upwards slightly so that the bulk of brickwork above was lessened and the smaller area of brickwork below increased. This would balance the composition of this element;

- An additional window could be incorporated, opaque if necessary, to serve the kitchen to the northern gable, to lend some relief to this area of masonry.

- Rainwater goods, soffits etc should be black or in a dark colour. White PVCu should not be used;

- An additional chimney stack serving the northern gable of the larger block would add some additional visual interest;

Development Services Planning & Housing Services - Conservation Section: this application proposes to replace the existing garage and showroom buildings that are essentially one and a half to two storeys in height. These modest buildings are of no great architectural significance but they are not obtrusive nor are they a dominant element in the street scene. These factors are significant as the site occupies a prominent location on Scotland Road at the edge of the Stanwix Conservation Area and is adjacent to several important Listed Buildings.

In response to the original scheme submitted the Conservation Officer voiced a number of concerns, which, in summary related to the following:

- The applicant's Design and Access Statement is incorrect when it describes the neighbourhood as being "predominantly older properties 2/3 storeys in height." There are no three-storey buildings in the neighbourhood or along Scotland Road, nor are there any two and a half to three storey buildings on the development site.

- The original scheme submitted took little account of the size and scale of the existing urban fabric. The "generous vertical proportions" of the larger Victorian terraced houses described in the Design and Access Statement are not "a mixture of two and three storeys" – the buildings in the vicinity are only two storey, all of which would be dwarfed by the size and scale of this proposal, as originally submitted.

- The properties to the north are modest two storey semi-detached buildings, which are at complete variance with the proposed development. This is clearly visible in Figure 4 of the Design and Access Statement. The full height of the third floor finishes above the ridge line of the listed Victorian buildings to the south and this is capped by the huge hipped roof with dormer gables.

- The Access and Design Statement mentions only one building specifically as being of three storeys, at the corner of Scotland Road and Rosebery Road, and it uses this one building to justify the scale of the proposed development. The principal walls of this property are not taken up to a full three storeys. The property concerned is in fact a two storey building with two substantial dormers built into the roof, one of these surmounts a square bay built onto the corner of the property. Even if this were to be construed as making the building a full three storeys, this one example is not sufficient to sustain the argument that this is the predominant scale of buildings in the neighbourhood, it clearly is not.

- When approaching Carlisle from the north the frontage of the existing building is

visible and the proposed building line is only three metres behind this. The frontage of the proposed building, as originally submitted, will be almost as visible. What cannot be denied is that the height of the proposed structure will create a highly visible and unfortunate building that will dominate this entrance to the Conservation Area and the buildings around it. The size and scale of the roof structure and the poor detailing of the elevations and dormer gables will introduce discordant and unsatisfactory features that affect the setting of these Listed Buildings and the adjacent Conservation Area.

- The proposal, as originally submitted, is inappropriate by reason of its design, scale, massing and detailing which have an unacceptable impact on the setting and appearance of the adjoining Listed Buildings. It also has a detrimental effect on the approach to, and the setting of, the Stanwix Conservation Area.

The Conservation Officer was involved with the Urban Designer in negotiating with the developer to agree a variety of amendments to the scheme. It is the Conservation Officers view that the current scheme is now acceptable, in terms of its scale, massing and detail, in relation to the Listed Building and the setting of the Stanwix Conservation Area;

Northern Gas Networks: no objections;

Carlisle and District Civic Trust: objected to the original scheme on the basis that the building was too high. It was its view that it should be two storeys with all brick elevations with brick mountings etc and that there should also be adequate screening to the bin area at the rear of Cheviot Street. The Civic Trust have commented on the amended scheme stating that in the Trust's view the height of the building should be reduced to two storeys;

Conservation Area Advisory Committee: the Committee felt that the scale and massing of the original building proposed was out of keeping with the adjoining two storey domestic properties. The building, which was over three storeys in height and included a massive roof, would over-dominate the surrounding properties; as such it would be detrimental to the appearance and setting of both Listed Buildings and the Conservation Area. The building had three full floors and above these are blank dormers in the hipped roof. Not only was the building considered to be too dominant but also the Committee considered the scheme was over-fussy and cluttered with very poor detailing. Because of its intrusive nature the Committee were of the opinion that this application should be refused.

Since providing these comments the application has been amended and the recommendations of the Committee have been taken into account. The Advisory Committee was formally re-consulted on the amended scheme and it is their view that the amended scheme is a much better scheme than when it was originally submitted;

Development Services Planning & Housing Services - Local Plans (Trees): the site has at present has no associated landscaping. The redevelopment presents an opportunity to improve the site in particular and the location in general by the implementation of appropriate street tree planting.

The best location for this would be along the frontage with Scotland Road. The applicant should carry out any agreed planting in an appropriate manner for street trees. Details of street tree planting methods can be supplied on request.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
36 Scotland Road		Objection
36 Scotland Road	19/03/08	Objection
46 Scotland Road		Objection
46 Scotland Road	19/03/08	Objection
48 Scotland Road		
48 Scotland Road	19/03/08	
50 Scotland Road		
50 Scotland Road	19/03/08	
52 Scotland Road		
52 Scotland Road	19/03/08	
1 Mulcaster Crescent		
1 Mulcaster Crescent	19/03/08	
3 Mulcaster Crescent		
3 Mulcaster Crescent	19/03/08	
5 Mulcaster Crescent		
5 Mulcaster Crescent	19/03/08	
7 Mulcaster Crescent		
7 Mulcaster Crescent	19/03/08	
9 Mulcaster Crescent		
9 Mulcaster Crescent	19/03/08	
11 Mulcaster Crescent		
11 Mulcaster Crescent	19/03/08	
13 Mulcaster Crescent		Objection
13 Mulcaster Crescent	19/03/08	Objection
15 Mulcaster Crescent		
15 Mulcaster Crescent	19/03/08	
17 Mulcaster Crescent		
17 Mulcaster Crescent	19/03/08	
19 Mulcaster Crescent		
19 Mulcaster Crescent	19/03/08	
21 Mulcaster Crescent		
21 Mulcaster Crescent	19/03/08	
1 Cheviot Road		
1 Cheviot Road	19/03/08	
3 Cheviot Road		
3 Cheviot Road	19/03/08	
5 Cheviot Road		Comment Only
5 Cheviot Road	19/03/08	Comment Only
7 Cheviot Road		
7 Cheviot Road	19/03/08	
9 Cheviot Road		
9 Cheviot Road	19/03/08	
11 Cheviot Road		
11 Cheviot Road	19/03/08	
2 Cheviot Road		
2 Cheviot Road	19/03/08	
4 Cheviot Road		
4 Cheviot Road	19/03/08	
6 Cheviot Road		Objection

6 Cheviot Road	19/03/08	Objection
8 Cheviot Road		
8 Cheviot Road	19/03/08	
10 Cheviot Road		
10 Cheviot Road	19/03/08	
12 Cheviot Road		
12 Cheviot Road	19/03/08	
14 Cheviot Road		Objection
14 Cheviot Road	19/03/08	Objection
1 Knowe Road		Objection
1 Knowe Road	19/03/08	Objection
3 Knowe Road		Objection
3 Knowe Road	19/03/08	Objection
5 Knowe Road		Objection
5 Knowe Road	19/03/08	Objection
7 Knowe Road		Objection
7 Knowe Road	19/03/08	Objection
9 Knowe Road		Comment Only
9 Knowe Road	19/03/08	Comment Only
11 Knowe Road		
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56 Scotland Road		Objection
56 Scotland Road	19/03/08	Objection
58 Scotland Road		
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60 Scotland Road		
60 Scotland Road	19/03/08	
62 Scotland Road		
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	63 Scotland Road		Comment Only
	63 Scotland Road	19/03/08	Comment Only
	65 Scotland Road		
	65 Scotland Road	19/03/08	
	67 Scotland Road		Objection
	67 Scotland Road	19/03/08	Objection
	69 Scotland Road		
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	95 Scotland Road		

95 Scotland Road	19/03/08	
97 Scotland Road		
97 Scotland Road	19/03/08	
99 Scotland Road		Objection
99 Scotland Road	19/03/08	Objection
101 Scotland Road		
101 Scotland Road	19/03/08	
103 Scotland Road		
103 Scotland Road	19/03/08	
105 Scotland Road		
105 Scotland Road	19/03/08	
107 Scotland Road		
107 Scotland Road	19/03/08	
109 Scotland Road		
109 Scotland Road	19/03/08	
1 York Road		
1 York Road	19/03/08	
Crown PH		
Crown PH	19/03/08	
O.B.E, 13 Cheviot Road		Objection
O.B.E, 13 Cheviot Road	19/03/08	Objection
5 Cheviot Road		
5 Cheviot Road	19/03/08	
65 Scotland Road		
65 Scotland Road	19/03/08	
67 Scotland Road		
67 Scotland Road	19/03/08	
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29 Scotland Road		
29 Scotland Road	19/03/08	
31 Scotland Road		Undelivered
31 Scotland Road	19/03/08	Undelivered
33a Scotland Road		Undelivered
33a Scotland Road	19/03/08	Undelivered
33b Scotland Road		
33b Scotland Road	19/03/08	
33 Scotland Road		Undelivered
33 Scotland Road	19/03/08	Undelivered
35 Scotland Road		
35 Scotland Road	19/03/08	
35a Scotland Road		
35a Scotland Road	19/03/08	
35b Scotland Road		
35b Scotland Road	19/03/08	
37 Scotland Road		
37 Scotland Road	19/03/08	
38 Scotland Road		
38 Scotland Road	19/03/08	
40 Scotland Road		
40 Scotland Road	19/03/08	
44 Scotland Road		
44 Scotland Road	19/03/08	
Wood Villa		Objection
1 Stainton Road		Objection
181 Lansdowne Crescent		Objection
44 Belah Crescent		Comment Only
36 Longlands Road		Objection
12 High Garth Meadows		Objection
12 Gilbert Road		Comment Only

12 Thornton Road	Objection
11 Rosebery Road	Objection
8 Lansdowne Crescent	Objection
12 Rosebery Road	Objection
19 Thornton Road	Objection
24 Rosebery Road	Objection
34 Thornton Road	Petition
33 Thornton Road	Objection
15 Kells Place	Objection
Wood Villa	Petition
14 Mulcaster Crescent	Objection
23 Thornton Road	Objection
2 Knowe Park Avenue	Objection
10A Whalley Road	Objection
5 Andover Close	Petition
42 Scotland Road	Objection
Petriana House	Objection
50 Knowe Road	Objection
22 Knowe Road	Objection
72 Etterby Road	Objection
46 Scotland Road	Petition
18 Knowe Road	Objection
Petriana House	Objection
32 Scotland Road	Objection
Aldinghma House	Objection
38 Knowe Road	Objection
13 Landsdowne Crescent	Petition
141 Brampton Road	Petition

3.1 This application has been advertised by means of a site notice and notification letters sent to one hundred and fifteen neighbouring properties. In response fifty five local residents have objected to the original and the amended scheme submitted and a petition, opposing the development, has been submitted which is signed by in excess 534 persons. In addition to the above, a petition signed by 295 persons has been received, which requests that the Council commissions an independent assessment of the highway issues.

3.2 The letters and petition identify the following issues:

1. increased traffic generation to the detriment of pedestrian and highway safety;

2. inadequate parking provision for staff and customers;

3. the design, scale and appearance of the building are out of keeping with the locality;

4. loss of light/overshadowing;

5. loss of privacy;

6. security issues;

7. increased noise generated by cars and delivery vehicles;

8. potential hours of operations are out of keeping with a residential area;

9. deliveries would commence at 6 a.m., which would be detrimental to nearby residents;

10. the bin stores will need to be adequately screened;

11. the area is adequately served by existing commercial premises and supermarkets;

12. increase in antisocial behaviour;

13. increased pollution;

14. increased parking on Cheviot Road would restrict access for emergency vehicles;

15. increased traffic on Scotland Road will make access from the side streets impossible;

16. possible presence of bats within the building;

17. the building is not in keeping with the Stanwix Conservation Area;

18. the site will be contaminated given its previous use as a petrol station; and

19. residents parking schemes should be provided for Cheviot Road, Mulcaster Road, Rosebery Road and Thornton Road.

4. Planning History

4.1 In 1969 planning permission was granted for revisions to the frontage, including demolition, to provide a larger forecourt, the installation of a new petrol tank, showrooms, showrooms, office and a store;

4.2 In 1969 advertisement consent was granted for the display of a pole sign;

4.3 In 1969 advertisement consent was granted for the installation of illuminated box signs;

4.4 In 1974 planning permission was granted for the erection of a forecourt canopy;

4.5 In 1974 advertisement consent was granted for the installation of an

illuminated sign;

4.6 In 1994 planning and Listed Building consent were granted for the demolition of a dilapidated two storey building and an adjacent single storey building to facilitate the erection of single storey extensions to enable the premises to provide a tyre fitting bay; and

4.7 In 1996 retrospective planning permission was granted for the display and sale of used cars.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application was deferred at the last meeting of this Committee as Members requested that the Council commission an independent transport assessment. The Council has approached Denis Wilson Partnership (DWP) to undertake the assessment. Whilst a formal report has not yet been received it is anticipated that the information will be available within the Supplementary Schedule for Members to view in advance of the meeting. DWP's transport consultant has verbally reported his finding to Officers, the content of which is summarised in paragraph 5.35 to 5.39 of this report.

5.2 It will be recalled that this application seeks full planning permission for a mixed development of retail and residential uses on the 0.18 hectare site that was previously occupied by Gates Tyres, which retailed tyres and exhausts as well as offering MOT's and car repairs. The site is situated on Scotland Road, the main route into the City from the north and lies approximately 900m to the north of the City centre. The site is identified on the Proposals Map that accompanies the emerging Local Plan as being within a Primary Residential Area. It is also adjoins the Stanwix Conservation Area and it lies within the Stanwix district centre, the boundaries of which are not defined on the Proposals Map.

5.3 The site comprises the existing garage and former showroom buildings that are essentially one and a half to two storeys in height. These modest buildings are of no great architectural significance, but they are not obtrusive nor are they a dominant element in the street scene. The buildings are of red brick construction with corrugated sheet roofs. To the front of the site is a concrete hardstanding that serves as a parking area. The front boundary of the site, where it abuts the pavement of Scotland Road, is delineated with several bollards. The remainder of the site is occupied by buildings associated with the former garage. Along the northern and eastern boundaries of the site, which are enclosed by Cheviot Road, the building directly abuts the pavement. To the south of the site the buildings abut the boundary that the site shares with No.13 Cheviot Road.

5.4 To the south of the site, along Scotland Road, is a terrace of Grade II Listed Buildings. The premises at the northern extent of this terrace, adjacent to the

application site, is occupied by 'Angels' hair and beauty salon. With the exception of 'Angels' and the other commercial premises located to the south, the surroundings to the site are predominantly residential. There are, however, three commercial properties located on the opposite side of Scotland Road, including a takeaway and two bed and breakfast premises.

5.5 The principal access to the site is from Scotland Road; however, three other access points exist onto Cheviot Road.

The Proposal

5.6 The application, as originally submitted, sought consent for the erection of a replacement three storey building that would comprise two retail units to the ground floor with 12 flats proposed on the two floors above. Following negotiation with the Council's Urban Designer and Principal Conservation Officer the scheme has been amended in respect of its scale, design and detailing.

5.7 Under the amended scheme the ground floor layout is largely unchanged; however, there has been a reduction in the number of residential units to be provided. On the first floor 5no. two bedroom flats are proposed, with a further 4no. two bedroom flats proposed on the second floor.

5.8 The building occupies a footprint measuring approximately 560 sq. m. and is set back 17 metres from the Scotland Road frontage, a further 3 metres beyond the front of the existing building. It is predominantly two and a half storeys in height with the residential accommodation to the second floor being provided within the roof void. The southern and northern gables of the building are stepped down in height to two storeys. The front and side ground floor elevations of the retail units would be finished using a textured 'sparstone' masonry, above which would be a reconstituted stone band. The remainder of the building would be finished using facing brick, with a 'Redland' Cambria slate roof. To the front elevation are three symmetrically positioned feature gables, in which there are 'Juliet' balconies serving the residential units. Two feature gables are also incorporated on the rear elevation, also with 'Juliet' balconies. The remainder of the windows within the upper residential floors are conventional in appearance and incorporate a rendered surround. All new windows and doors are to be powder-coated aluminium framed.

5.9 Along the Scotland Road frontage of the site a landscaped boundary is proposed, which would directly abut the retail car parking area. In total 16 parking spaces are proposed, which includes 2 disabled persons parking bays, and a cycle rack. Vehicular access to the retail parking area is obtained from the northern extent of Cheviot Road.

5.10 The retail units to be provided on the ground floor have a gross floor area of 464.5 sq. m and 92.9 sq. m. It is proposed that the smaller of the two units would be available for unrestricted A1 retail use, which includes a variety of retail uses ranging from shops, hairdressers or a post office etc. The larger unit would provide a neighbourhood convenience store. It has been

suggested that this would be occupied by 'Sainsbury's'; however, Members should be aware that if permission were to be granted the occupation of this unit would be open to any convenience goods retailer.

5.11 There has been a certain degree of hyperbole regarding the size of the convenience store. To assist Members in gauging its size, the retail premises of 'Iceland', which is located within the City Centre has a gross floor area of 634 sq. m and a net floor area of 450 sq. m. As such the overall size of the proposed convenience store, including staff facilities and storage etc, would be marginally larger than the shop floor of 'Iceland'. Once the staff facilities etc has been taken into account the agent anticipates that the net floor area of the convenience store would be approximately 278 sq. m. (the Committee Chamber in which the Development Control Committee is being held measures 200 sq. m). Other retail stores, which may be useful as an indication of the size of the proposed convenience store, are the Co-op at Brampton and Aldi on Kingstown Road. The Co-op has a gross floor area of 384 sq. m. and is served by a car park comprising 13 parking spaces, whereas the gross floor area of Aldi measures 1270 sq. m., approximately three times the size of the premises hereby proposed.

5.12 Whilst it is important to appreciate the size of the store, it is equally important to understand the likely number of customers, whether on foot or by car. The applicant's transport consultant anticipates that the convenience store will generate approximately 900 journeys per week. If approximately half of those trips are made by car (on the basis of the store being open 12 hours per day) it translates to 65 car trips per day, therefore, approximately 6 car trips per hour. Even if at peak times the number were four times this, as the average stay would be 10-15 minutes it has been suggested that 12 car parking spaces would suffice. In this instance, 16 parking spaces are proposed to serve the retail units. With regard to the applicant's traffic generation figures Members should note that their accuracy has been brought into question and this aspect is assessed in further detail later in the report.

5.13 At the north eastern extent of the site would be a service area that would be shared by both retail units. This area would be enclosed by a brick boundary wall in excess of 1.8m high. The units would also be served by a 2.7 metre wide loading bay located alongside the boundary that the site shares with Cheviot Road. It is proposed that the retail uses would be able to trade between 0700 hours to 2200 hours.

5.14 The car park serving the residential units is positioned at the south of the site and is accessed from Cheviot Road. 11 car parking spaces are proposed, including a disabled persons parking bay and two visitor parking spaces. The parking area would be enclosed by a brick boundary wall that would vary in height between 1.8m to 2.5m. Access to the parking area would be controlled by a barrier of some form, although the details have yet to be provided. The stairwell leading to the flats would be accessible from both the residential car park or from the Scotland Road frontage.

Assessment

5.15 The relevant planning policies against which the application is required to be assessed are Policies ST3, H17, H18, T30, T31, E38, L52 and L54 of the Cumbria and Lake District Joint Structure Plan; Policies E19, E31, E35, E43, T1, T7, H2, S8 and S10 of the Carlisle District Local Plan and Policies CP4, CP5, CP7, CP11, CP15, CP16, H2, H3, H4, LE9, LE13, LE20, LE30 and T1 of the Carlisle District Local Plan Revised Redeposit Draft, as amended by the Inspector's report.

5.16 The proposals raise the following planning issues:

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

5.17 The two main issues to consider regarding the principle of the development relate to its location and whether it is suitable for either residential or retail development.

5.18 In respect of the former, the site is situated within the Primary Residential Area, which is identified by Policy H2 of the emerging Local Plan as an acceptable location for new residential development. As such the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 of the emerging Local Plan and other relevant policies contained within the Development Plan.

5.19 Policy H2 of the emerging Local Plan also allows non-residential uses to be permitted in Primary Residential Areas where they do not adversely affect the living conditions of residential properties. Policy EC7 of the emerging Local Plan also makes allowances for the provision of neighbourhood shopping facilities within or adjacent to district centres. The site is positioned at the northern limit of the district centre, although a small neighbourhood foodstore (The Spar) is situated almost opposite the application site.

5.20 Retail capacity has to be taken into account when considering any proposal for a new foodstore development. Planning Policy Statement 6 'Planning for Town Centres' provides a definition of a district centre and acknowledges that at least one supermarket or superstore may be present. The Principal Local Plans Officer has advised that if the approved Tesco foodstore on the Viaduct Estate Road is developed there would be capacity for further convenience goods floorspace in the City up to a maximum of about 1,400 sq. m. by 2011, rising to 2,400 sq. m. by 2016. An update to the Carlisle Retail Study (The DTZ Retail Update) was undertaken to inform the review of the Local Plan and to assess whether there was sufficient need to support a new store at Morton.

5.21 In summary, the DTZ Retail Update demonstrates that there is spare capacity for a convenience of the scale hereby proposed. Whilst it would have a slight impact on the size of the proposed store at Morton, it would only require a marginal reduction in the size of the store (200 sq. m.). In addition, size of the convenience store would not undermine the viability of City Centre stores and, as such the principle of the retail development in this location would is acceptable, subject to compliance with the criteria identified in Policy EC7 of the emerging Local Plan and other relevant policies contained within the

Development Plan.

5.22 It is acknowledged that the development may have a detrimental effect on the neighbourhood 'Spar 'store located on the western side of Scotland Road; 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 Scale And Design Of The Building Is Acceptable In Relation To Its Setting.

5.23 The scale and design of this building has been the subject of much debate between Council Officers' and the applicant's agent. Since the application was submitted its overall height has been reduced by 2.9 m (from 14.6 metres to 11.6). The design of the building has also been significantly altered, with the effect of reducing its overall mass. For comparative purposes a copy of the originally submitted elevation drawings have been reproduced in the schedule.

5.24 The building is still large in terms of its overall mass; however, it would be set back from the road frontage by 17.4 m. As a consequence, when looking either north or south along Scotland Road the existing street scene would be largely uninterrupted. If anything, it will be improved through the removal of the principal vehicular access to the former garage and the inclusion of soft landscaping. As the building would be stepped back from the road frontage the views into or out of the Conservation Area would be safeguarded, as would the setting of the Grade II Listed terrace.

5.25 Similarly, when viewed against the neighbouring two storey residential properties, due to its position within the site, the building would not appear overdominant. In respect of residents concerns regarding its scale Members are reminded that recent developments such as the three storey 'Miles McInnes' building on Stanwix Bank and the four storey 'Reiver Court' building have been sympathetically accommodated within a two storey street scene. On balance, its scale is not inappropriate to the locality.

5.26 The design/detailing of the scheme has been significantly improved and the building's façade would be predominantly finished in facing brick to complement the neighbouring terraced properties. The scheme also picks up some of the detailing of these properties, such as the archway above the access to the residential element, the feature gables and chimney stacks. The Council's Urban Designer and Principal Conservation Officer are of the view that the scheme is acceptable in terms of its scale, mass and detailing. The Urban Designer has suggested some further minor modifications; however, for the most part these have been discounted for practical reasons.

5.27 In summary, due to the fact that the building is set back from the road frontage and from those properties on Scotland Road and Cheviot Road its scale and mass would not appear incongruous. The modifications to the design and detailing are also acceptable. As such, it is the Officers firm view that the refusal of the application on the basis of its scale, mass or design

could not be substantiated.

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

5.28 The potential impact of the building upon the living conditions of local residents concerns two particular areas. Firstly, the impact of the building through loss of light, privacy or overdominance and, secondly, the impact created by the use of the retail units.

5.29 In respect of the former, a distance of 34 metres is maintained between the properties on the opposite of Scotland Road and the front elevation of the proposed building. A distance of 27-34 metres is maintained between the rear elevation of the building and the rear of the properties positioned on Knowe Road (these properties back onto Cheviot Road and are most affected as a result of the buildings presence, not the terraced dwellings on Cheviot Road).

5.30 Members will be aware that as a 'good practice guide' a distance of 21 metres should be maintained between primary facing windows to ensure that new development does not comprise the living conditions of existing and proposed residential dwellings. A distance well in excess of 21 metres is achievable and, therefore, it is unlikely that the occupiers of those properties on Knowe Road and Scotland Road would be significant affected through loss of light or overdominance.

5.31 The residents of Knowe Road, which back onto the site, have voiced concern that their rear gardens will be overlooked by the upper residential floors of the development. It is acknowledged that their garden will be overlooked to a greater degree than occurs at present; however, those rear gardens are already overlooked by neighbouring properties and also by pedestrians using the footpath on the eastern side of Cheviot Road. It is not considered that the increased impact through loss of privacy would be sufficient to justify refusal of the application.

5.32 There are two other properties positioned either side of the proposed building site that would be potentially affected by the development, No.13 Cheviot Road and No.56 Scotland Road. In respect of No.13 Cheviot Road, the applicant has amended the plans to confirm that the existing shared boundary wall along the northern boundary of No.13, which is approximately 4.5 metres high, will be retained. This will have the effect of screening the building, but also safeguarding the future privacy of its occupants. No.56 Scotland Road is positioned to the north of the site on the opposite side of Cheviot Road and, therefore, could potentially be affected through loss of light; however, a distance of 17 metres has been maintained between the gables of these two buildings. In addition, the scale of the northern extent of the proposed building is more domestic in proportion and there are no windows in the northern gable that would directly overlook this property or its curtilage. In consideration of these points, the living conditions of the occupiers of No.56 Scotland Road would not be adversely affected through loss of light, privacy or overdominance.

5.33 The Environmental Protection Services (EPS) Officer has identified that there is potential for the living conditions of the existing residential properties and the occupiers of the proposed flats to be affected by the noise generated by any coolant or extractor fans etc. Whilst the exact position and types of these units is not yet known the EPS Officer is satisfied that the living conditions of the surrounding residential properties can be safeguarded through the imposition of several planning conditions that could regulate this matter.

5.34 Another issue that has been raised by the EPS Officer relates to the position of the loading/delivery bay, which is positioned at the opposite side of Cheviot Road to No.56 Scotland Road, and the potential that this has to impact upon the occupiers of that property. In order to safeguard the living conditions of that property, as well as other neighbouring residents, the EPS Officer has recommended that deliveries are restricted to between 7.00 a.m. and 6.00 p.m. With regard to this particular point, Members should also take into account that the previous use of the premises as a garage, could operate without restriction and, therefore, deliveries could be made at any time, from any of the access points, three of which are off Cheviot Road. In light of this and as from 7.00 a.m. onwards the use of Scotland Road by vehicular traffic becomes increasingly frequent, the living conditions of neighbouring residents would not be detrimentally affected through noise disturbance.

4. Access And Parking Provision.

5.35 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. Members questioned the accuracy of the trip generation figures provided by the applicant, which the Highway Authority has used to assess the impact of the development upon the local road network, hence, the Committee's request for an independent transport assessment.

5.36 Members may recall that it was previously reported that the applicant's transport consultant calculated that on average the retail element will generate around 6 vehicle movements per hour, although this figure would undoubtedly rise during peak times. The Highway Authority accepted the likely trip generation figures and, on that basis, concluded that the car park serving the retail units is adequately sized and that it would not result in an unacceptable level of parking on the surrounding residential streets, which are already congested.

5.37 Denis Wilson Partnership who have undertaken the transport assessment was specifically asked to address the following issues:

1. *Whether the applicant's transport consultant's trip generation figures are accurate;*
2. *Whether the car park is adequately sized to serve the retail units; and*
3. *Whether a residents parking scheme would be required to mitigate the potential impact the development may have upon parking within the surrounding streets.*

5.38 Although the assessment is still awaited, the DWP's transport consultant has verbally reported to the Officer for the purposes of compiling this report. The consultant has advised that the traffic generation figures provided by the applicants transport consultants are inaccurate. The applicant's transport consultant concluded that at peak times the store would generate approximately 24 trips per hour, whereas DWP's consultant believes the retail units are more likely to generate 40 trips per hour at peak times. Whilst this is an increase DWP's consultant has concluded that given the net size of the convenience store (approximately 278sq m.), which is the larger of the two units, and the type of service it provides (i.e. to 'top up' on supplies) the approximate length of stay would be no more than 15 minutes. If DWP peak time trip generation figures are averaged out over an hour, it would equate to no more than 10-12 vehicles using the car park at any one time. As the car park comprises 16 parking spaces DWP's consultant has concluded that it is adequately sized to serve the retail unit, even if members of staff occupied some of those spaces.

5.39 DWP consultant have not finalised his assessment as to whether a residents parking scheme is required to mitigate the potential impact created by on street parking within the surrounding streets; however, from the information collated it is his informal opinion that such a scheme will not be necessary.

5.40 When considering the potential highway impact Members are reminded that it is important to keep the scale of the retail premises in perspective, particularly in respect of the convenience store. As explained in the description of the proposal the net size of the convenience store equates to approximately 278sq m., which is around double the net floor area of the 'Spar' store located on the opposite side of the road.

5.41 Public perception appears to have assumed the Council is dealing with a 'superstore'. Instead, 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.

5.42 Some residents have voiced concern that the car park will be taken up by staff working at the premises. This is a valid point, which is expected to be covered fully in the independent transport assessment although it is touched upon in paragraph 5.38. When considered practically, however, it is against the retailers' interest for the majority of the car park not to be available for customers. Whilst most responsible retailers would ensure that this is the case, the Highway Authority has requested that a condition is imposed requiring the retailer to agree a 'travel plan' to encourage a modal shift away from the use of the private car for both customers and staff alike. It is also important not to forget the catchment population that this store is intended to serve, i.e. the residents of Stanwix, the majority of whom would be able to access the site on foot.

5.43 In order to alleviate the concerns of local residents Officers queried whether the introduction of a 'residents only' parking scheme could be introduced

along Cheviot Road and Mulcaster Crescent. Whilst this matter will be addressed by DWP's consultant, the Highway Authority dismissed this option for two reasons. Firstly, in light of the size of the car park serving both the retail and residential elements of the scheme, it was not considered necessary. Secondly, when an extension to the existing controlled zone was proposed in 2006 it was disregarded by a local committee. As such, it is the Highway Authority understanding that such a scheme would not be welcomed by local residents.

5.44 The development would require the extension of 'no waiting at any time' restrictions along Cheviot Road to enable delivery vehicles to negotiate the loading bay, as well as vehicles using the residential parking area to egress safely. Although a plan illustrating the full extent of the extension to these areas has not been submitted, the Highway Officer has confirmed that the restrictions will extend from the junction of Scotland Road and Cheviot Road to a point around the corner 12 metres from the southern kerbline of Cheviot Road to protect the loading bay and allow sufficient manoeuvring space. On the opposite side of the road the waiting restrictions will extend to a similar point (approximately 19 metres when measured along the eastern side of Cheviot Road). The Highway Officer has recommended that a condition is imposed that requires the developer to make an application to the Highway Authority for an amendment to the Traffic Regulation Order prior to any development commencing on site.

5.45 Notwithstanding the content of the independent traffic assessment, if Members are minded to approve this application it would be necessary to grant 'authority to issue' the approval to enable the completion of a S.106 Agreement. The agreement would secure the funding of £3500 to pay for an amendment to the Traffic Regulation Order to extend the 'no waiting at any time' restrictions along Cheviot Road.

5. Impact Upon Air Quality In The Immediate Vicinity.

5.46 Members may be aware that Scotland Road/Kingstown Road, from Hardwicke Circus to Junction 44 of the M6, is identified as an Air Quality Management Area. In order to determine the potential impact of the development upon air quality in the immediate area EPS Officers' use the anticipated traffic generation figures provided by the applicant. Based upon the previous information provided the EPS Officer concluded that the proposed development is unlikely to cause significant impact on local air quality.

5.47 As the independent transport consultant has questioned the accuracy of the traffic generation figures provided by the applicant, the EPS Officer will need to reassess the impact of the development upon the surrounding area. Members should be aware that even if the transport assessment is received in advance of the Committee meeting, as anticipated, a decision cannot be made until the EPS Officer has had the opportunity to re-evaluate the likely impact of the development upon air quality.

6. Whether Proposed Landscaping Is Acceptable.

5.48 No specific landscaping details of the proposed planting to be incorporated along the Scotland Road frontage have been provided at this stage. A landscaping condition can be imposed to ensure that the requests of the Council's Urban Designer and Landscape Architect are incorporated into the scheme.

7. Contamination.

5.49 Given the site's former use as a garage and a petrol filling station there are issues of contamination. In order to address this issue the Council's Environmental Protection Services Department has recommended that a condition is imposed requiring further investigation into the nature and extent of potential contaminants within the site boundaries, together with the proposed remediation scheme and timetable should any contaminants be identified.

8. Archaeology.

5.50 The County Archaeologist has identified that the site lies in an area of high archaeological potential. It is located immediately to the north of Hadrian's Wall and the Roman fort at Stanwix and adjacent to the line of a Roman Road to Scotland. Archaeological investigations in the immediate vicinity of the site have revealed Iron Age agricultural features and the remains of the Roman road. It is therefore considered likely that archaeological remains may survive on the site and that they would be damaged or destroyed by the proposed development. As such it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development, which can be secured through the imposition of two planning conditions;

9. Designing Out Crime.

5.51 Cumbria Constabulary's Architectural Liaison Officer (ALO) has made a number of recommendations based on the principles of 'Secured By Design'. The ALO also identified that there is the potential for the premises to become a gathering point for youths; however, it has not been suggested that this issue in its own right would warrant refusal of the application. The inclusion of the 'Secured By Design' principles within the design, such as natural surveillance, external lighting etc, minimise the potential for crime and antisocial behaviour.

10. Impact Upon Bats.

5.52 One local resident has objected to the proposals due to the impact the development would have upon bats that may be using the existing buildings as a roost or a foraging ground. The presence of bats cannot be ruled out; however, it is just a likely that the bats seen in the locality are roosting in the surrounding residential dwellings. Members should also take into account that the removal of these buildings in their own right does not require planning permission, only a Demolition Order be obtained from the Building Control. In

order to address the local resident's concern a condition could be imposed that requires a bat survey to be carried out and, if evidence of the presence of bats is found, a scheme of mitigation works to be submitted.

Conclusion

5.53 In overall terms, the principle of the retail and residential aspect of the proposed development is acceptable. The scale, siting and design of the proposed building are acceptable in relation to the setting of the adjacent Stanwix Conservation Area and Grade II Listed terrace. Subject to the imposition of several planning conditions, the use of the retail units would not detract from the living conditions of neighbouring properties through noise or disturbance. In respect of the residential accommodation, adequate separation distance has been maintained to ensure that the living conditions of neighbouring properties are not compromised as a result of loss of light, loss of privacy or overdominance.

5.54 Notwithstanding the above, a recommendation cannot be made until the independent transport assessment has been received. It will also be necessary to for the EPS Officers to use the updated traffic generation figures to reassess the impact of the development upon the air quality in the immediate vicinity.

5.55 If the outstanding information becomes available and Members are minded to approve this application it is requested that 'authority to issue' approval is granted subject to the competition of S.106 Agreement. The S.106 Agreement would require the payment of £3500 to facilitate an amendment to the Traffic Regulation Order to increase the 'no waiting at any time' restriction along Cheviot Road.

6. Human Rights Act 1998

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

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

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

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

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

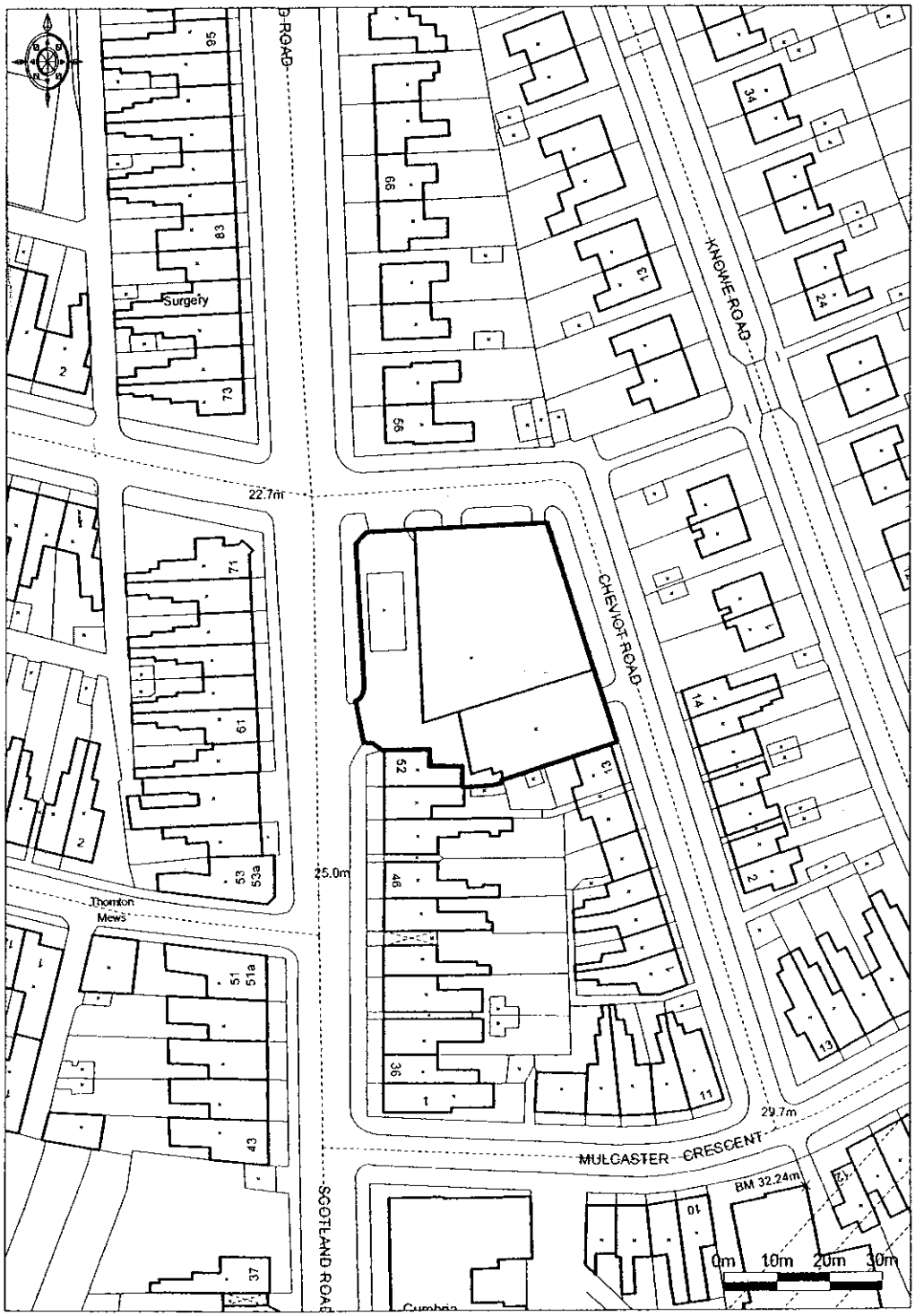
6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation

Reason For Including Report In Schedule B

A recommendation cannot be made until the independent transport assessment has been received. It will also be necessary to for the EPS Officers to use the updated traffic generation figures to reassess the impact of the development upon the air quality in the immediate vicinity.

Former Gates Tyres Site, Scotland Road, Carlisle



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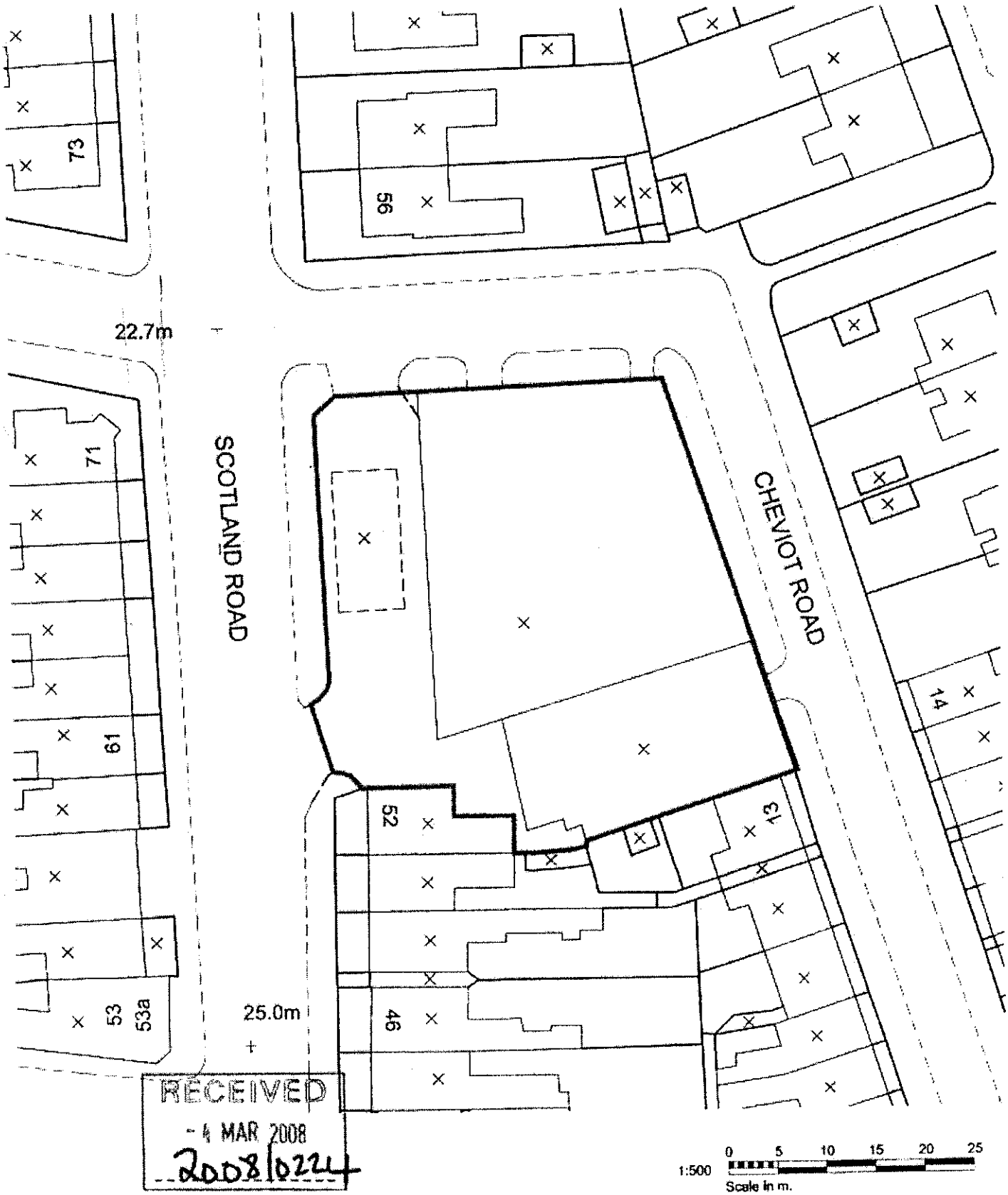
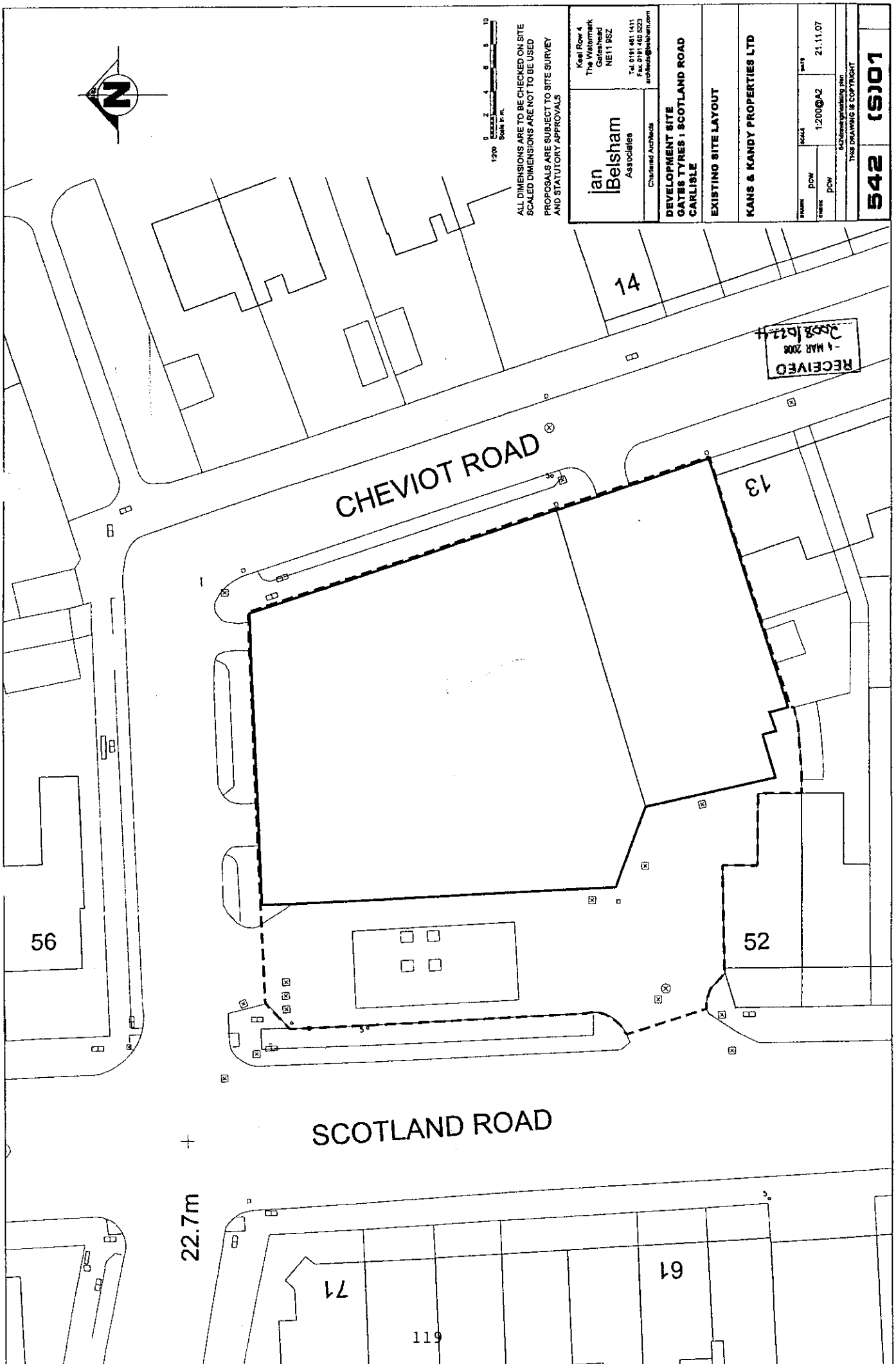


ian Belsham Associates Chartered Architects	Keel Row 4 The Watermark Gateshead NE11 9SZ Tel. 0191 461 1411 Fax. 0191 460 5223 architects@belsham.com	GATES TYRES, CARLISLE LOCATION PLAN THIS DRAWING IS COPYRIGHT 542/DWGS/LOCATION PLAN	DRAWN DT DATE 19.11.07 SCALE 1:500@A4 CHECK 542 (0)00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DEVELOPMENT SITE
GATES TYRES ; SCOTLAND ROAD
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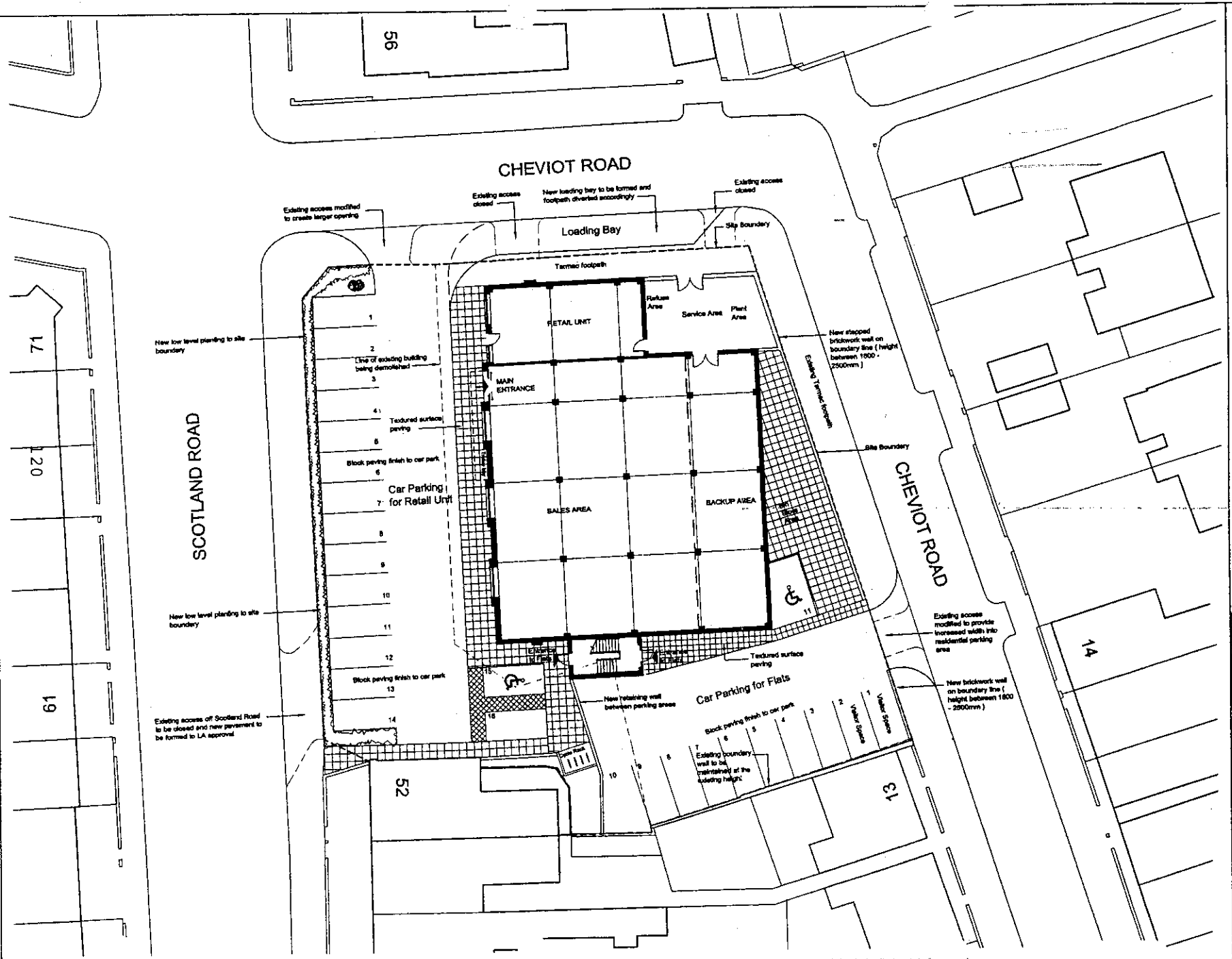

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08/0224

Row 9 15.09.08 visitor spaces added
Row A 14.05.08 bulky bag and note on boundary wall added and one parking space omitted

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DEVELOPMENT SITE
GATES TYRES : SCOTLAND ROAD
CARLISLE

PROPOSED SITE LAYOUT

KANS & KANDY
PROPERTY DEVELOPMENTS LTD

DRAWN	SCALE	DATE
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542/drawings/site base

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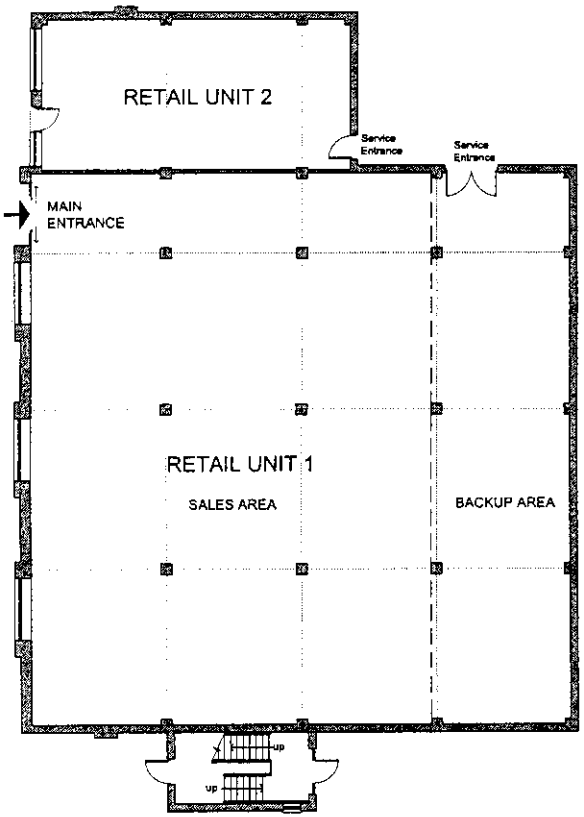
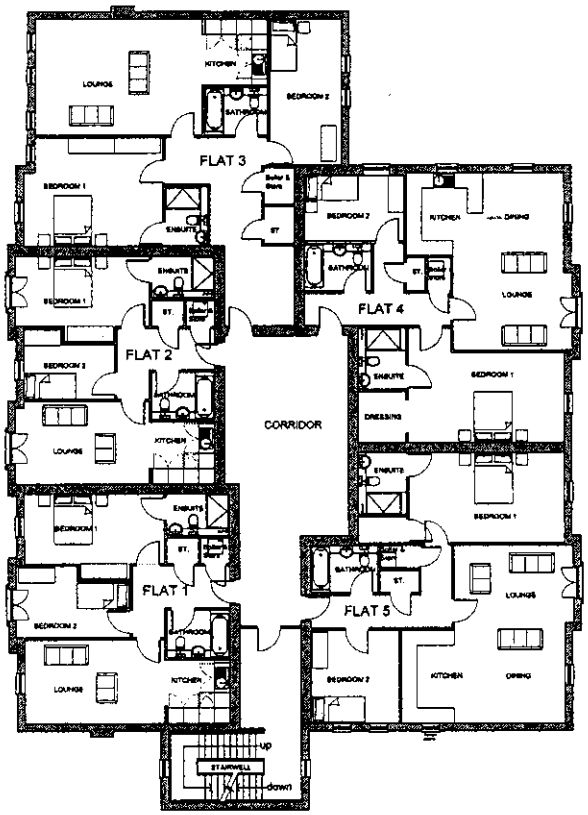
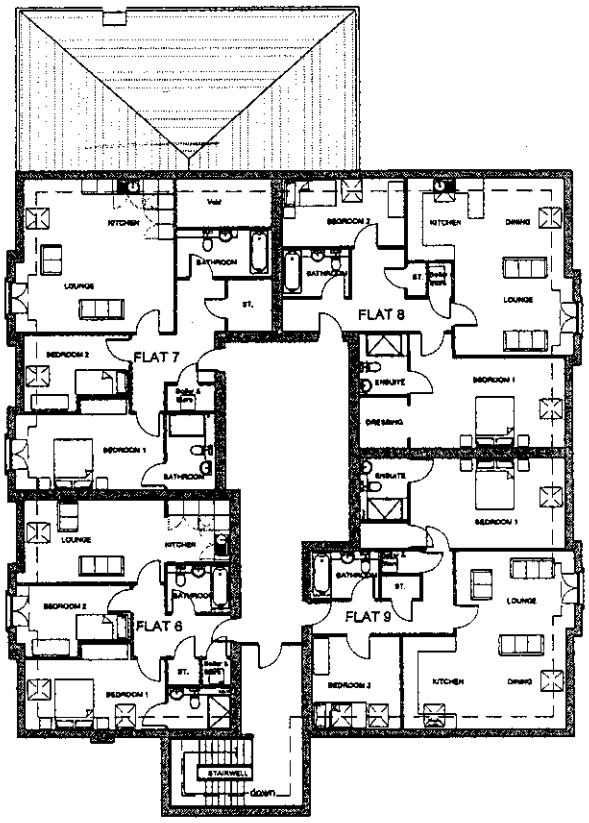


GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

121

1:100 Scale in m

Ian Betsham Associates Chartered Architects	Kent Row 4 The Watermark Gateshead NE11 9SZ Tel. 0191 491 1411 Fax. 0191 490 9233 enquiries@ianbetsham.com
DEVELOPMENT SITE GATES TYRES SCOTLAND ROAD CARLISLE	
PROPOSED FLOOR PLANS	
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PROPOSED VIEW FROM SCOTLAND ROAD

MATERIALS

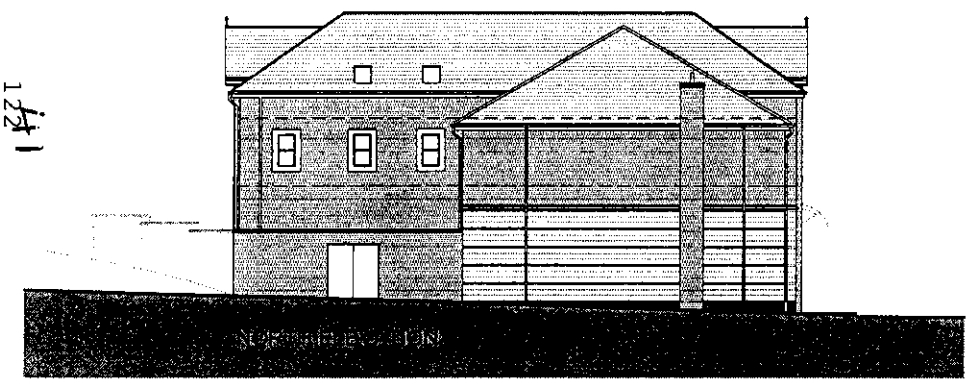
Roof : Redland Cambrian Slate

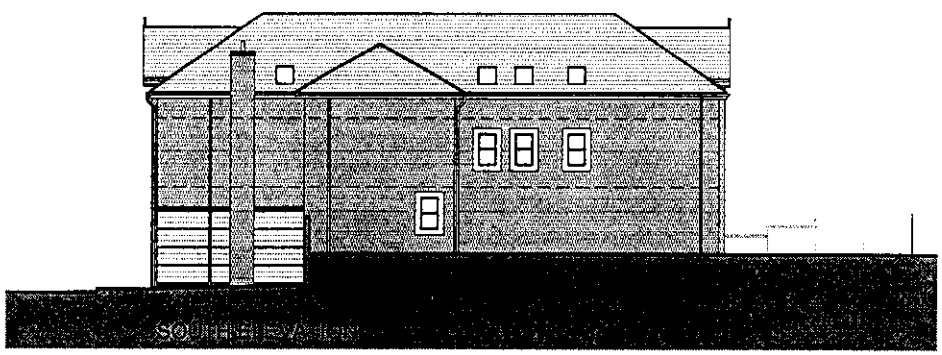
Walls:
Red multi facing brickwork to with rendered surround to windows all to LA approval
Render - colour to LA approval with reconstructed stone band course.
Forticrete Textured Spanstone masonary to the Ground Floor retail.

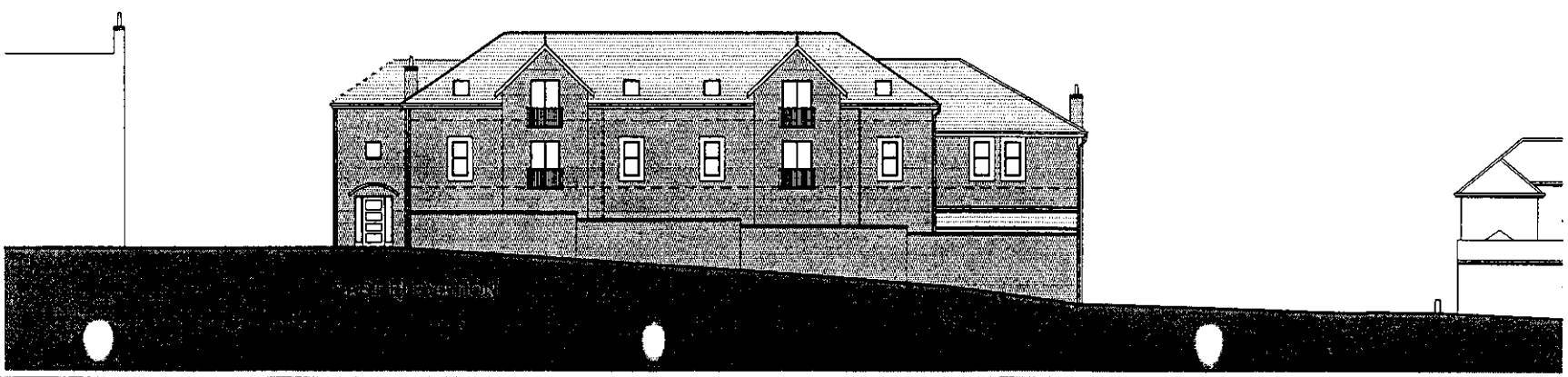
Doors : To be aluminium powder coated framed units in white

Windows : To be aluminium powder coated framed double glazed units

Boundary Walls : Red multi facing brickwork to match main building







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DEVELOPMENT SITE
GATES TYRES SCOTLAND ROAD
CARLISLE

PROPOSED ELEVATIONS
ELEVATION TO SCOTLAND ROAD

KANS AND KANDY
PROPERTY DEVELOPMENTS LTD

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542 (0)02

ALL DIMENSIONS ARE TO BE CHECKED ON SITE
SCALED DIMENSIONS ARE NOT TO BE USED

PROPOSALS ARE SUBJECT TO SITE SURVEY AND STATUTORY APPROVALS

MATERIALS

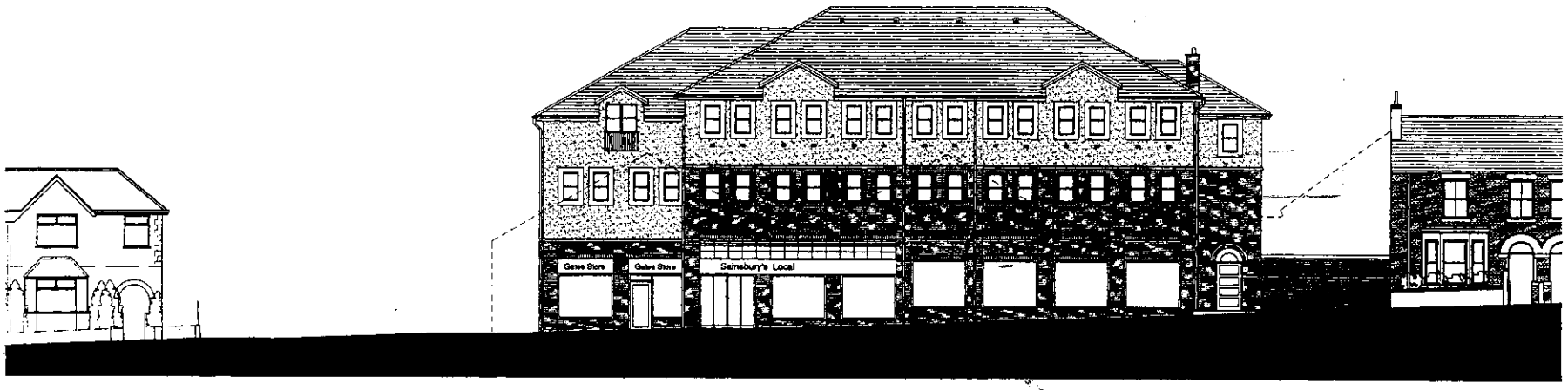
Roof : Concrete interlocking tiles to LA approval

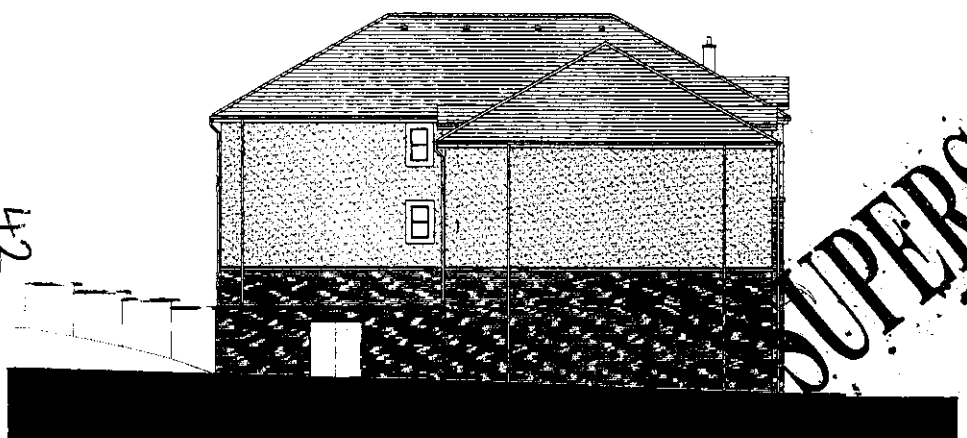
Walls: Red multi facing brickwork to with smooth red feature brick all to LA approval
Render - colour to LA approval with reconstructed stone band course.

Doors : To be aluminium powder coated framed units in white

Windows : To be white UPVC framed double glazed units

Boundary Walls : Red multi facing brickwork to match main building





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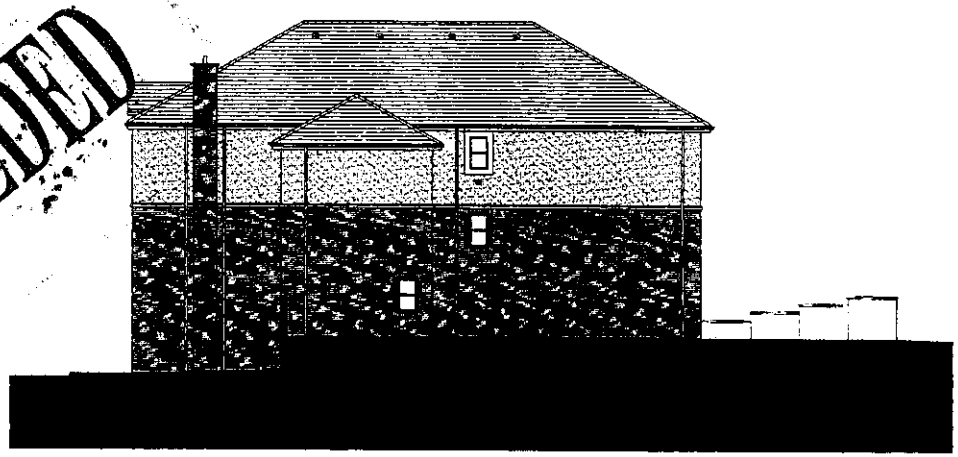

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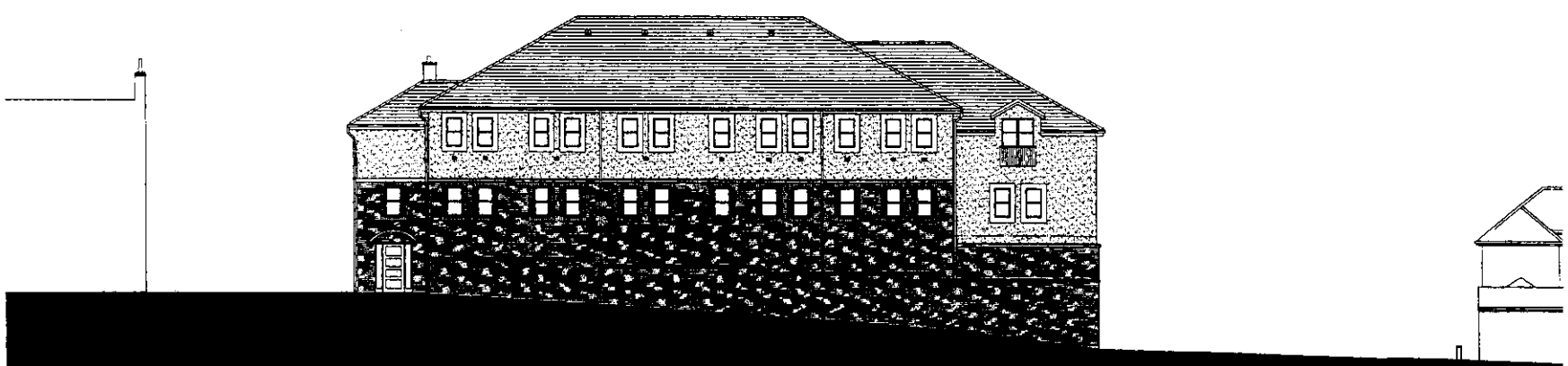

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Ian Belsham Associates Chartered Architects	Kool Row 4 The Watermark Gateshead NE11 9SZ Tel. 0191 461 1611 Fax. 0191 460 6323 e-mail@belsham.com

DEVELOPMENT SITE
GATES TYRES SCOTLAND ROAD
CARLISLE

PROPOSED ELEVATIONS
ELEVATION TO SCOTLAND ROAD

KANS AND KANDY
PROPERTY DEVELOPMENTS LTD

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SCHEDULE A: Applications with Recommendation

08/0527

Item No: 06 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0527	Carlisle Glass Limited	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/05/2008	Architects Plus (UK) Ltd	Currock

Location:
46-48 London Road And 1 Woodrouffe Terrace, Carlisle, Cumbria, CA1 2EH

Grid Reference:
340758 555187

Proposal: Change Of Use From Dwelling To Bed And Breakfast

Amendment:

REPORT **Case Officer:** Barbara Percival

Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee as a neighbouring resident has exercised his Right to Speak.

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.

Conservation Area

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

Listed Building In A Conservation Area

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

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. Pol LE14 - Alterations To Listed Building

Rev Redeposit Pl. Pol LE16-Change Of Use Of Listed Buildings

Rev Redeposit Pl. Pol LE20 - Conservation Areas

Rev Redeposit Pl. Pol EC15 - Tourism Development

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): as stated on the previously withdrawn application (07/0508) the applicant should provide details of the allocated off street parking for this application. It was noted that this was conditioned on an earlier application 07/0645, but that the applicant has not included this detail on the current application.

The applicant should be asked to resubmit this application with evidence that vehicles can be accommodates in an off road parking facility as previously required. The 'Parking Guidelines in Cumbria' state that for hotels and guest houses provision should be made for 1 space per guest, plus 1 space per 3 non-residential staff. There should also be 1 space or a number equivalent to 5% of the car requirement provided for disabled users and also provision for made for motorcycles and pedal cycles.

Therefore, recommend that this application is refused due to Inadequate information to assess if there is acceptable in terms of off-street parking.

Following receipt of revised plans can confirm that the parking arrangements are acceptable and recommend approval subject to the imposition of a condition.

At the time of writing the report a response is awaited with regard to revised plans received on 4th August;

Development Services Planning & Housing Services - Conservation Section: no objection to the principle of a change of use, however, do object to the proposed installation of PVC-u windows. The application states that these will be a replacement for the existing PVC-u windows. Perhaps the agent should re-visit the property - the existing windows are all timber, some considerably and very visually rotten. If new windows are to be installed, clearly these should preferably be timber sliding sash, however given that the existing are casements of non traditional proportions, then the minimum acceptable would be a half and half casement, but

not designed as a mock sash (ie with horns on the opening casement section).

The 'proposed' notes on the as existing drawing need to be removed, and it would have been of benefit to indicate which rooms retained their original architectural features. There must be an internal inspection before any work commences on site to ensure that any features are not destroyed.

Details of the secondary glazing must be supplied either before LBC is granted, or as a condition - the former is now preferable.

Details of new construction should be shown, and also details of servicing the new bathroom installations, in particular, drainage and ventilation to ensure that this does not interfere with existing features.

Although not particularly concerned with the details of the plant rooms, knowledge of any vents, flues and the like will be required and will require separate consent as there is nothing specified at this stage.

Based on the drawings received on 22nd July the City Council's Conservation Officer has verbally confirmed that there are no objections to the proposal;

Environmental Services - Food, Health & Safety: no objections to this application given that the provision of food will be at the adjacent existing Roadhouse facility;

Development Services Planning & Housing Services - Access Officer: understand that this building is listed.

The Access statement states: an existing ramp provides access to the main entrance of number 48 London Road from the pavement.

There are photographs of the ramp within this file, and the ramp is shown to the NE Elevation however it is not shown on the floor plans submitted. Would prefer plans to be submitted reflecting the full detail of this building which would aid consultations especially from an access point of view.

Despite the terminology that this is a change of use to a B&B, the number of clients anticipated suggests that this is actually hotel accommodation and in this category Approved Document M would be applicable.

The level to which the building can achieve ADM and also Policy CP14 of the Carlisle District Local Plan 2001-16 Revised Redeposit draft will depend on the restrictions placed upon the building due to being listed.

Understand that due to the building being listed, it is preferred that the existing ramp remains as it is. Understand from a site visit from building control that the width does not comply with ADM and could be improved upon. As this ramp was not part of the original building, which is listed, best practice would be to improve on the ramped access towards a preferable 1.5m width (ADM 1.26e). It has already been agreed to improve on the handrail i.e. extending it.

Building Control are looking at the plans and will be making comments however please note the following: it is proposed to form a disabled bedroom with en-suite bathroom on the ground floor.

It is recommended that the disabled bedroom is located within one of either the two front bedrooms on the ground floor this would be easier for a disabled person to access due to a bottleneck of doors and corridors beside the proposed disabled bedroom.

The front door and internal lobby door do not comply with ADM but will remain due to restrictions due to the property being listed.

Off street parking is available on an area of land owned by the applicant to the rear of numbers 22-42 London Road, as indicated on the location plan.

Accept this decision on off street parking due to the background behind the decision there is one dedicated disabled parking space.

The reception and dining area to facilitate this annex is located within the Road House. The Road House is not part of this planning application. However, could the applicant for this planning application be made aware that the above quoted areas offer part of the service offered within the annex. The owners have a duty under the DDA to ensure that these areas (along with disabled toilet facilities) are accessible.

Following receipt of revised plans the Access Officer has confirmed verbally that there are no objections.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	2 Woodrouffe Terrace	03/06/08	
	6 Woodruffe Terrace	09/06/08	
	7 Woodrouffe Terrace	09/06/08	Objection
	8 Woodruffe Terrace	09/06/08	
	9 Woodruffe Terrace	09/06/08	
	10 Woodruffe Terrace	09/06/08	
	Flat 1, 11 Woodruffe	09/06/08	
Terrace			
	Flat 2, 11 Woodrouffe	09/06/08	
Terrace			
	Flat 3, 11 Woodrouffe	09/06/08	
Terrace			
	Flat 4, 11 Woodrouffe	09/06/08	
Terrace			
	40-42 Botchergate	03/06/08	
	43 Botchergate	03/06/08	
	47 Botchergate	03/06/08	
	3 Woodruffe Terrace	09/06/08	
	4 Woodruffe Terrace	09/06/08	
	5 Woodruffe Terrace	09/06/08	

3.1 This application has been advertised by the direct notification of sixteen neighbouring properties and the posting of site and press notices. In response, one letter of objection has been received and several e-mails from a resident of Woodrouffe Terrace.

3.2 The letter identifies the issues with regard to parking, highway safety and the impact of the proposal on the character of the area. These issues have been summarised below:

1. parking - Woodrouffe Terrace is a private road with access only granted to those properties which have access rights granted in their deeds in return for maintenance responsibility. This has produced a safe area, free from traffic wardens and parking companies, resulting in residents often struggling to park outside their homes. This situation is further compounded by spaces being occupied by customers of the adjacent public houses, and most recently staff and customers of Jibe hair salon. The aforementioned salon, the objector considers, was granted planning permission without adequate off road parking facilities;

2. the writer also considers that the parking situation is further exacerbated by the staff and visitors to the Little Gems nursery on Woodrouffe Terrace. He considers that no further development should be allowed in the area until adequate parking, and measures have been taken to protect the character of a predominantly residential street;

3. planning permission was granted in 2007 for the change of use of the premises, subject of this proposal, from a vacant doctors surgery to a dwelling. This permission was granted despite there being no direct consultation with those affected i.e. some of the residents of Woodrouffe Terrace. When this issue was raised by the objector, it is alleged, the Officer informed him that the two applications had been withdrawn;

4. parking for the proposal is indicated to the rear of the property. Currently, the Roadhouse operates from several properties along London Road and also from 3 Woodrouffe Terrace. Due to the existing number of rooms associated with this business, the objector states, there have been occasions where vehicles have been parked in the rear lane. He considers that, should planning permission be granted, there would not be enough spaces for the additional accommodation created, thereby, blocking access to the rear of Woodrouffe Terrace and the garages opposite;

5. the writer questions that if there is adequate parking for the proposal why has signs been erected on Woodrouffe Terrace indicating that parts of it are designated 'Roadhouse Private Parking';

6. he considers that the parking provision for the proposal fails to meet the objectives of Policy T7 of the Local Plan. Even if parking was able to be squeezed into the rear, manoeuvring would be difficult resulting in

customers taking the easy option to park on Woodrouffe Terrace. Especially when signs are already in place stating that it is the Roadhouse car park;

7. the proposals are contrary to Policy CP4 of the Revised Redeposit Draft. Feels that if the applications are granted, Woodrouffe Terrace has the potential to be used for parking or as a drop off point. This would exacerbate the current situation, with some visitors to the nursery not respecting residents feelings. The current situation culminating in the Police being involved in one incident. The introduction of an additional business in the street would be an unacceptable use due to its impact on parking;

8. the writer considers that there is inadequate space to provide parking and any designated parking for the proposal would impact on those currently required for the Roadhouse;

9. the sign would be out of character encouraging those using the Roadhouse to park on Woodrouffe Terrace, even though they have no legal right to do;

10. the proposals and their impact on the living conditions of neighbouring residents - the writer explaining that he feels the current proposals are contrary to the reasons for approval for the 2007 change of use. The writer feels a bed and breakfast business is not appropriate to a residential area;

11. explaining that Woodrouffe Terrace is a residential street where the residents take a pride in the way the street looks. Over the past years the residents have upgraded and improved their homes frontages in order to keep it looking like a period row of houses. The siting of a large blue illuminated sign would have an adverse impact on the appearance of the street with the potential to set a precedent for other residents to change their homes appearance;

12. highway safety - the objector is a highway designer and has concerns over the safety of both motorists and pedestrians should the usage of the lane be increased. Currently users of the lane wait until the traffic phasing stops the London Road traffic, thus allowing vehicles to turn right onto London Road in front of the stationary vehicles. This manoeuvre he considers to be dangerous as they continue onto the pedestrian crossing. It is his opinion the situation would be made worse if those leaving the lane were residents of the Roadhouse, as the likelihood would be that they would be leaving at peak times thereby creating an unacceptable risk. The safer access, along Blake Street, is always blocked;

13. impact of the proposal on the Listed Building and Conservation Area - the proposed use of the property together with the proposed illuminated sign would, in the writers opinion, be contrary to H17 of the Local Plan creating an adverse impact on the living conditions of neighbouring properties. The triangle of Woodrouffe Terrace, London Road and St

Nicholas Street is of significant historical character to be a Conservation Area with several properties being listed. The area providing a welcoming view when approaching the city centre from both the London Road and St Nicholas Bridge approaches. The writer feels that the character of the area should not be spoiled and any signage should be restricted to the London Road frontage;

14. other issues - concerned about the loss of residential housing stock to a bed and breakfast establishment, especially when it appears that the Roadhouse has vacancies;

15. generally, the writer considers that this proposal would be contrary to Policies H17, E34, E36, E43 and T7 of the Carlisle District Local Plan and Policies CP4, CP5, LE14, LE16, LE20 and T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft;

16. the writer concludes that the application would have a detrimental impact on the adjacent residents with the proposed signage being out of character to the area. This signage together with existing parking signs he considers would encourage residents using the Roadhouse to park on Woodrouffe Terrace even though they have no legal right to do so;

17. several e-mails have also been received from the objector following the receipt of revised car parking arrangements and a letters from the applicants' agents. These again raise issues relating to parking, right of access, impact on the living conditions of neighbouring residents and loss of a dwelling. These comments are summarised below:

    - the letter received from Architects Plus dated 3rd July does very little to reassure the objector that Woodrouffe Terrace would not be used for car parking should the application be approved;

    - the Planning Authority should be aware that Woodrouffe Terrace is owned by none of the adjoining properties. Some of the deeds relating to properties along Woodrouffe Terrace gives vehicular access to certain properties only in return for maintenance liability. The writer explains that there is no limit to where the occupiers can park on the road;

    - the writer considers that comments like "his section of Woodrouffe Terrace" are very misleading. The properties that have permission are not limited to which part of the Terrace they can park on, hence currently Little Gems Nursery staff and customers, he considers, park ad hoc;

    - he imagines that 1 Woodrouffe Terrace may have access rights but doubts if 46-48 London Road has access rights. Acknowledges that the adjoining St Nicholas Retail Park maintains 50% of the road as they have access rights on their deeds;

    - asks for clarification that the three sections indicated on Woodrouffe

Terrace are parking bays provided for the proposal;

18. in response to Officers comments an additional e-mail was received from the objector which questions how a decision can be made if the parking provision, especially for disabled, is marked on a road not for the sole use of the occupiers of the application site. If this is the case the Council will be failing to meet the parking requirements for such a proposal;

19. if parking issues are to be addressed as a Civil Matter then clearly the planning application should be rejected until such time that the applicant could show they have a legal right to restrict other residents on some sections of the road;

20. a further e-mail received on 21st July from the objector raised additional comments with regard to letters and revised plans dated 1st July, 4th July and 7th July;

21. firstly, the writer wishes to comment on the letter from the applicant's agents dated the 1st July. These comments are summarised below:

    - the parcel of land to the rear of Woodrouffe Terrace may be able to accommodate 40 small cars but the Roadhouse attracts many company workers that have very large vans. The writer questions how car parking can be increase to 55 when even though there are vacancies in the Roadhouse there are often vans parked on the lane to the rear of Woodrouffe Terrace;

    - even if dedicated parking was provided for the proposal this would still necessitate those residents using the Roadhouse to park elsewhere, possibly Woodrouffe Terrace;

    - concern was also raised with regard to customers using the Roadhouse Public bar. The writer feels that the signs erected by the applicant along Woodrouffe Terrace is encouraging their patrons to park there even though they have no legal right of access;

22. the writer has the following comments to make on the letter received on 4th July again summarised below:

    - he notes that the applicants own all the garages to the rear of Woodrouffe Terrace and that some are rented out and feels that this is confirmation that the 40 current parking bays do not exist at present. This he considers supports the locals view that the Roadhouse has existing parking issues affecting Woodrouffe Terrace;

    - if the garages were to be used then he feels that the height and wooden doors would limit the type of vehicles able to use the garages thereby forcing people to look elsewhere for parking such as on Woodrouffe Terrace;

    - he continues that the applicant is currently allowing Little Gems

Nursery and Jibe to park in Woodrouffe Terrace; however, the letter received from Architects Plus states that this will cease if planning permission is granted. The writer therefore feels that it is the intention of the applicant to use Woodrouffe Terrace for parking. Reiterating that no one property has individual parking sections allocated and that the signs erected by the Roadhouse are misleading;

23. the e-mail concludes with comments regarding the letter received from the applicant's agents dated 7th July summaried below:

- this letter seems to suggest that it is now the plan to remove existing parking for the large vans for sole use for those using the annex. Clearly the council must accept that this latest plan although may meet the requirements for the off street parking of the annex, would simply remove parking required for the existing Roadhouse;

- in general the objector feels the application should be rejected on the following grounds:

- lack of Parking in the area. No where in this application is there evidence that additional suitable parking is being made;

- why should a listed building with the status of a private dwelling be lost to make a 53 room B&B that is currently showing vacancies available. Is there really a need for a 53 room B&B in this park of town? The writer knows of smaller Hotels;

- if the parking is provided to the rear, how does a disabled person make it to the Annex? Through a Garage (assuming that its not occupied by a car, then down a potholed lane. This route is even worse at night;

- the current Roadhouse has the problem that there is no drop of point in front of the building, the car parking available at the back is not very well advertised, this leads many now to use Woodrouffe Terrace for this purpose. And extension would add to this. Also anybody that was accommodated in the annex would simply park on Woodrouffe terrace as the signs says they can;

- at no point has the applicant tried to reassure the locals that this plan would not greatly affect the character of the Terrace and not cause parking issues worse than what is already there;

- it is funny that the application for Jibe across the road had off street parking mentioned in the reasoning's behind approving its change of use, once approved they simply put bollards up to prevent even the staff parking on it. How can the council assure the locals if allowing this application that Woodrouffe Terrace will not simply become the car park;

- suggests that the planning team and the applicant take a trip to the Cambrian Park Hotel. Clearly if they did then a simple solution would

to be to flatten the garages, provide proper hard standing over the entire triangle to the rear, and also construct a new main access to the Roadhouse. This would make it more likely to be used, not have the issue that vans don't fit in the low garages, and would also provide a safe drop of point for taxies etc. Together with improved signage on Woodrouffe Terrace saying residents parking etc. This would greatly improve the facility at the Roadhouse B&B and pub and would also go along way to remove the parking concerns of the locals;

24. in response to Officers comments an additional e-mail was received from the objector on 21st July which queries how parking for the annexe can be allowed to take over the existing parking provision for the Roadhouse. Is the Officer suggesting that the proposed new car parking is not currently used? As the application stands the Roadhouse wishes to increase its size and propose no additional parking. Allowing this extension without any safeguards for the residents means that the Council is not acting in the interests of the neighbouring residents.

4. Planning History

4.1 In 1992, under planning reference 92/0276 and 92/0289, Full Planning Permission and Listed Building Consent was granted for provision of ramp to provide access for wheelchair users.

4.2 In June of last year under application numbers 07/0508 and 08/0509, Full Planning Permission and Listed Building Consent were sought the change of use from doctors surgery to bed and breakfast used as an annexe to the Roadhouse hotel adjacent. These applications were subsequently withdrawn.

4.3 Later that year, under planning references 07/0645 and 07/0646, Full Planning Permission and Listed Building Consent was granted for change of use from doctors surgery to a dwelling house (revised application). Although the application description states "Change of use from a dwelling to a Bed and Breakfast" this application has not been implemented.

4.4 Earlier this year, planning applications 08/0529 and 08/0530, seeking Listed Building Consent and Advertisement Consent for the display of signage were withdrawn.

4.5 Currently, under application reference 08/0528, a Listed Building Application has been received for this application.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 Although formerly independent properties, Numbers 46-48 London Road and 1 Woodrouffe Terrace now consist of a single corner property located on the west side of London Road directly opposite its junction with Grey Street. The

property has two primary frontages to each of these streets although the latter (Woodrouffe Terrace) is a private road. It is a Grade II Listed Building located within the Botchergate Conservation Area and lies within a Primary Residential Area identified in the Carlisle District Local Plan 2001-2016 Revised Redeposit (as amended by the Inspector).

5.2 The building is constructed of clay facing bricks in Flemish bond with painted stone surrounds to all openings, plinth, quoins and cornices and is roofed in natural slate. There is also a disabled access ramp on the London Road elevation.

5.3 The Design and Access Statement submitted as part of the application outlines that over the years the three properties have been linked, and an extension constructed, in order to form a Doctors surgery.

Background

5.4 This application seeks Full Planning Permission for the conversion of the property to bed & breakfast use. The Design and Access Statement confirms that the applicant also operates a Bed & Breakfast business (The Road House) at 22 to 42 London Road. The proposal would operate as an "annexe" to that accommodation.

5.5 The submitted plans indicate that all bedrooms in the proposed new B & B would be ensuite with the ground floor providing 6no. twin bedrooms, one being designed as accommodation for disabled persons. The first floor would provide 3no. twin bedrooms, 1 double bedroom, 1 single bedroom and a family bedroom.

5.6 In order to achieve the accommodation, small rooms and recesses will be utilised or larger rooms subdivided with partitions to create en-suite accommodation. In the case of sub-division the Design and Access Statement outlines that partitions will be scribed around the existing cornices with matching cornices extended around the junction of the new partition with the existing ceilings. The only external modifications consist of the installation of replacement windows, designed in conjunction with the Conservation Officer, plus installation of external flues in locations also agreed with the Conservation Officer.

Assessment

5.7 The relevant planning policies against which the application is required to be assessed are Policies H2, CP4, CP5, CP14, LE14, LE16, LE20, EC15 and T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

5.8 The proposals raise the following planning issues:

1. Whether The Proposal Is Appropriate In A Residential Area

5.9 The property is currently vacant but is located within a Primary Residential

Area as designated in the Carlisle District Local Plan 2001-2016 Revised Redeposit (as amended by the Inspector). Within the immediate vicinity there are several other small commercial properties together with St Nicholas Gate Retail Park immediately to the south west.

5.10 Guidance given in Policies H2 and CP5 recognise that within Primary Residential Areas applications for other than non-residential development may be acceptable providing they do not adversely affect residential amenity, such amenity issues being unacceptable noise, smells, health and safety issues and/or excessive traffic generation.

5.11 This proposal is for the formation of eleven bedrooms in a former Doctors Surgery. Given the property's former use, the presence of other commercial properties within the immediate vicinity and the premises' location on a primary arterial road to the City Centre from a Motorway junction, it is considered the proposed use of the premises for Bed and Breakfast accommodation would not be inappropriate in this location. Likewise, given all of the foregoing, it is considered that the use would be unlikely to impact on the living conditions of its immediate neighbours to such an extent as to warrant refusal.

2. The Impact On The Listed Building And Botchergate Conservation Area

5.12 The change of use of the building would involve minimal external and internal alterations. Those alterations that are necessary would be carried out sympathetically minimising any damage to the fabric of the building. The City Council's Conservation Officer has visited the property and has advised and agreed all alterations that are necessary. It is, therefore, considered that the proposal would not have a detrimental impact on either the Listed Building or Botchergate Conservation Area.

3. The Impact On Highway Safety

5.13 Although this application is for an annexe to the Roadhouse, extensive negotiations have been undertaken with the applicant's agents in relation to trying to secure satisfactory car parking for both the annexe and the Roadhouse thus negating the current propensity for "guests" to park on Woodrouffe Terrace, a private road. In that regard, the applicant's agent has confirmed that the total number of rooms that the Roadhouse currently operates are 40 with the proposed annexe having a total 12 rooms, thereby giving a future overall total of 52 rooms.

5.14 Following these negotiations the applicant's agent has submitted a revised drawing received on 11th July (Ref. No. 06064-12B) which illustrates a formal tarmacadam surface parking area being provided to the rear of Woodrouffe Terrace and London Road. It should, however, be pointed out that this area is currently used by the Roadhouse for parking but is not hard surfaced or marked out in any way so there is no organised or formal spacing delineated.

5.15 This recently received drawing illustrates parking for 53 vehicles being

provided, together with the provision of a manoeuvring area for vans and cars. These parking spaces consist of a combination of 38 garages and 15 outdoor parking spaces. A further garage shown on the plan serves as access to the rear entrance of the Roadhouse.

5.16 The Highway Authority has been consulted on the revised plans and has confirmed that there are no objections to the proposal. Concerns expressed by a local resident regarding the parking arrangements are set out in Section 3 of this Report; however, since the Highway Authority does not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

4. Whether The Proposal Satisfies Accessibility, Mobility And Inclusion

5.17 Policy CP14 of the Revised Local Plan (as amended by the Inspector) seeks to ensure that development provides the highest standard of accessibility to buildings regardless of disability, age or gender but recognises that in certain circumstances, such as the protection of particular buildings, the most satisfactory accessibility and inclusion may not be practical.

5.18 The City Council's Access Officer has been consulted and had suggested some amendments to the scheme. Those changes that were capable of being undertaken without damaging the fabric of building have been incorporated within amended drawings received on 14th July. The Principal Building Control Officer has viewed these changes and has confirmed that there are no objections. It is therefore considered that these changes allow access for disabled persons whilst protecting a Grade II Listed Building.

Conclusion

5.19 At the time of preparing the report the statutory time period for responses to be made, following third party re-consultation, has not expired.

5.20 It is, nonetheless, considered that the proposals are acceptable and Members will be recommended to approve the application. However, in the absence of re-consultation responses, "Authority to Issue", is requested subject to no new, material planning issues being raised during the remainder of the consultation period.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. 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. Upon completion of the proposal, parking spaces numbered 1-13 shown on drawing number 06064-12A, shall be retained and be capable of use solely by the occupiers of 46-48 London Road and 1 Woodrouffe Terrace and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

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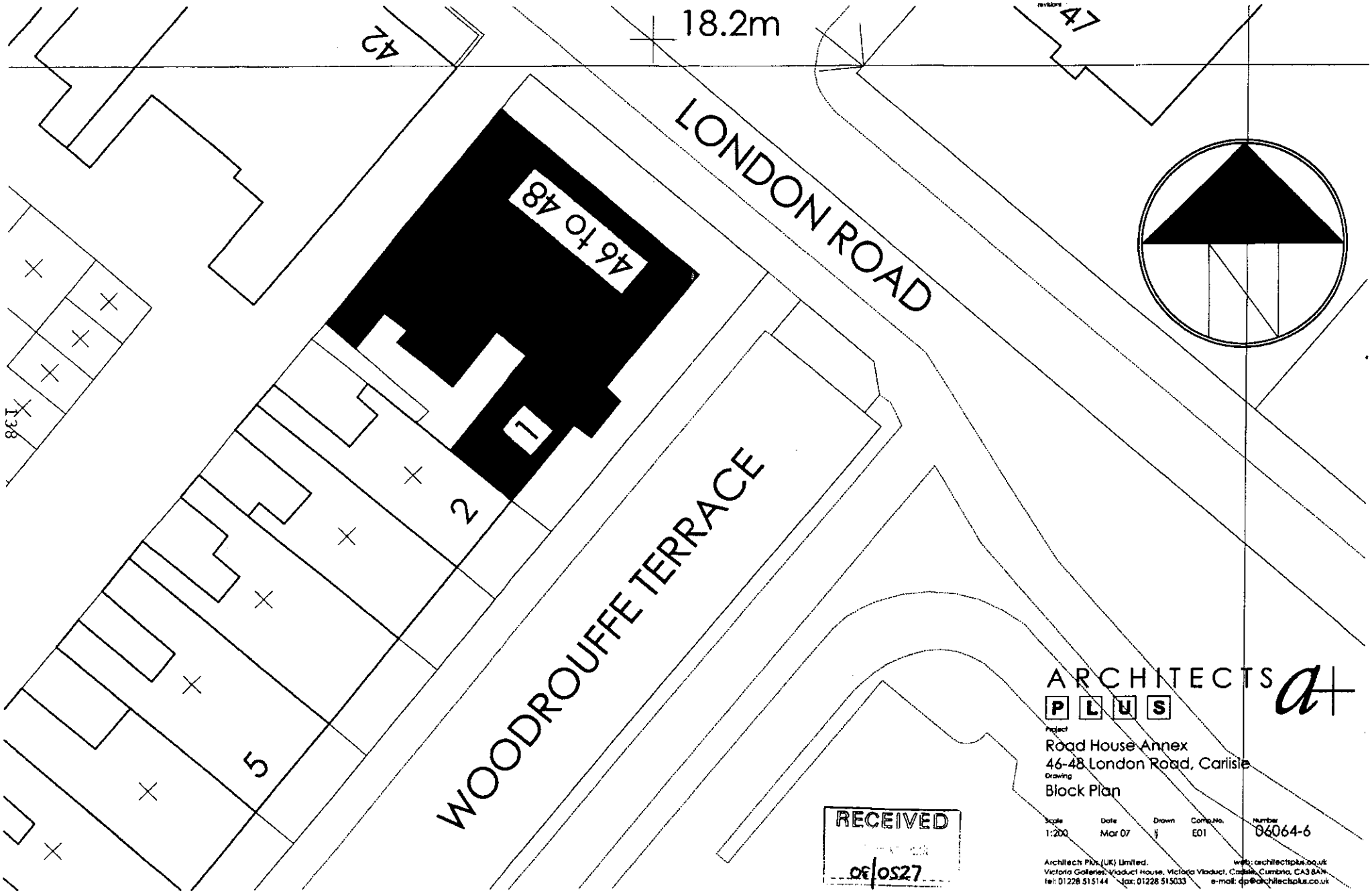
Revision Date Description Revised by

revisions



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Project
Road House Annex
46-48 London Road, Carlisle

Drawing
Block Plan

Scale	Date	Drawn	Comp.No.	Number
1:200	Mar 07	lj	E01	06064-6

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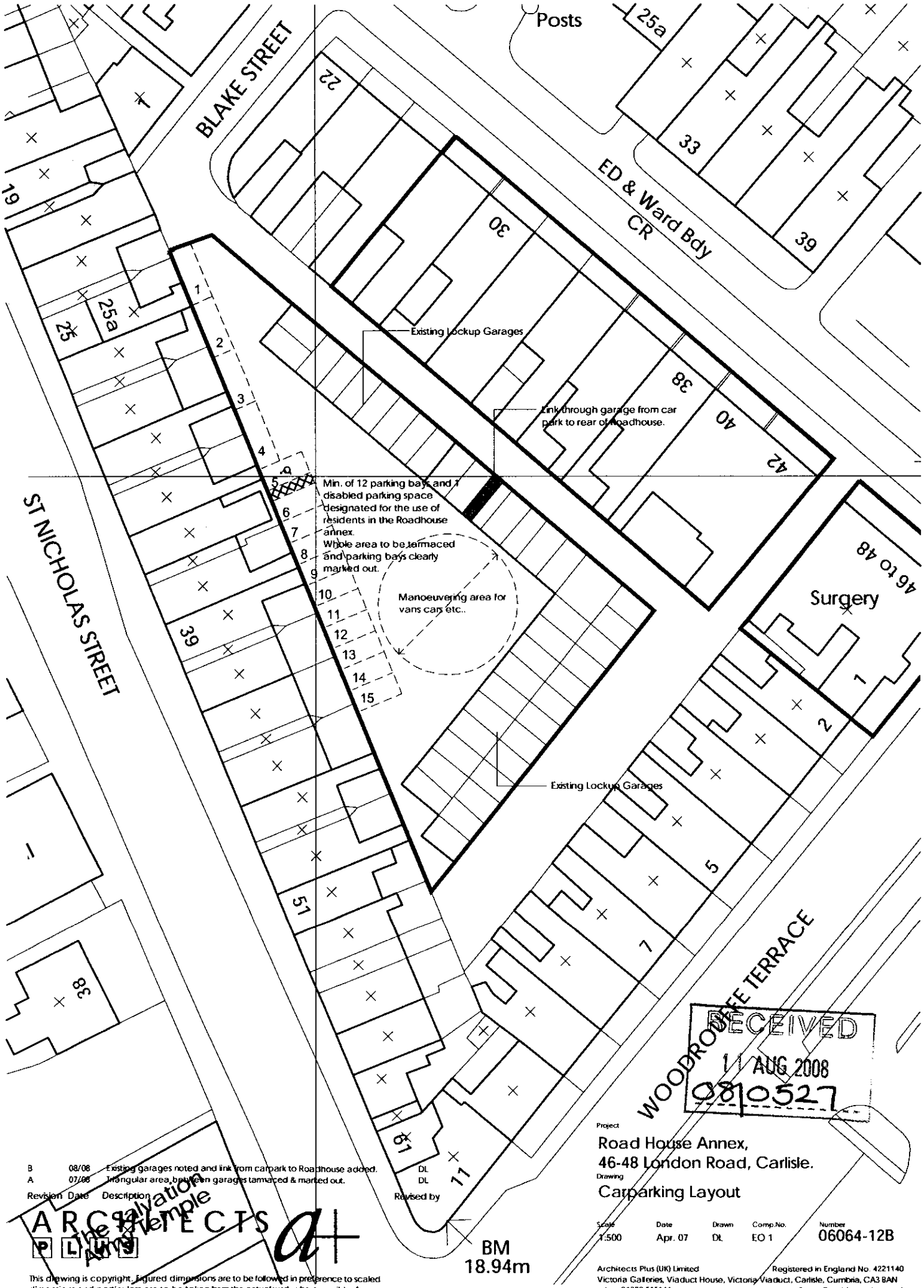

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11 AUG 2008
08/0527

Revision	Date	Description	Revised by
B	08/08	Existing garages noted and link from carpark to Roadhouse added.	DL
A	07/08	Triangular area between garages tarmaced & marked out.	DL

Project
Road House Annex,
46-48 London Road, Carlisle.

Drawing
Carparking Layout

Scale	Date	Drawn	Comp.No.	Number
1:500	Apr. 07	DL	EO 1	06064-12B

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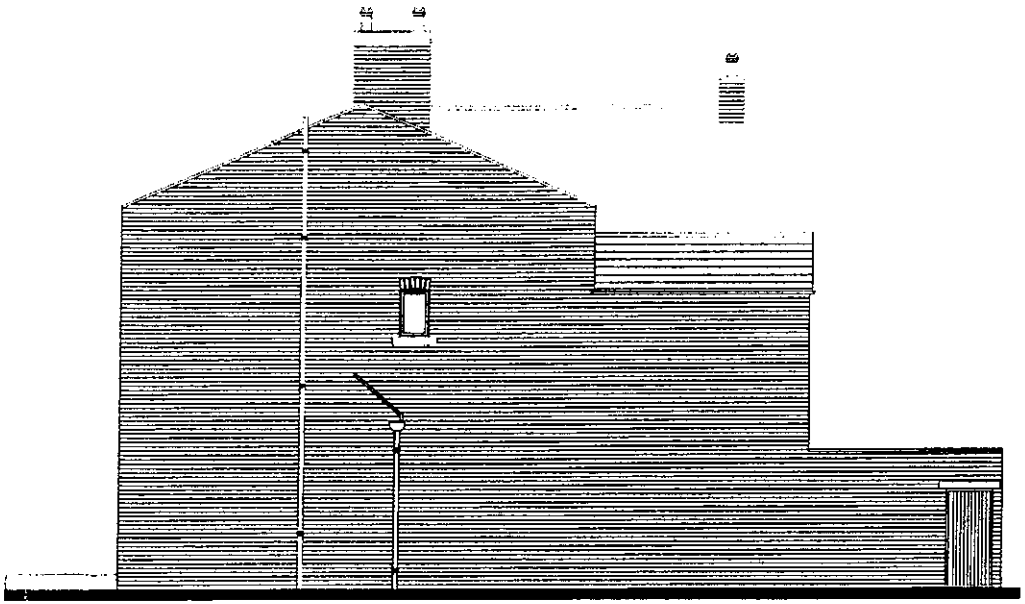
revisions

NORTH EAST ELEVATION



NORTH WEST ELEVATION

SO''TH EAST ELEVATION

REC'
08/0527

ARCHITECTS P L U S

Project

Road House Annex
46-48 London Road, Carlisle

Drawing

As existing Elevations

Scale	Date	Drawn	Comp.No.	Number
1:100	Aug 06	ij	E01	06064-04

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140

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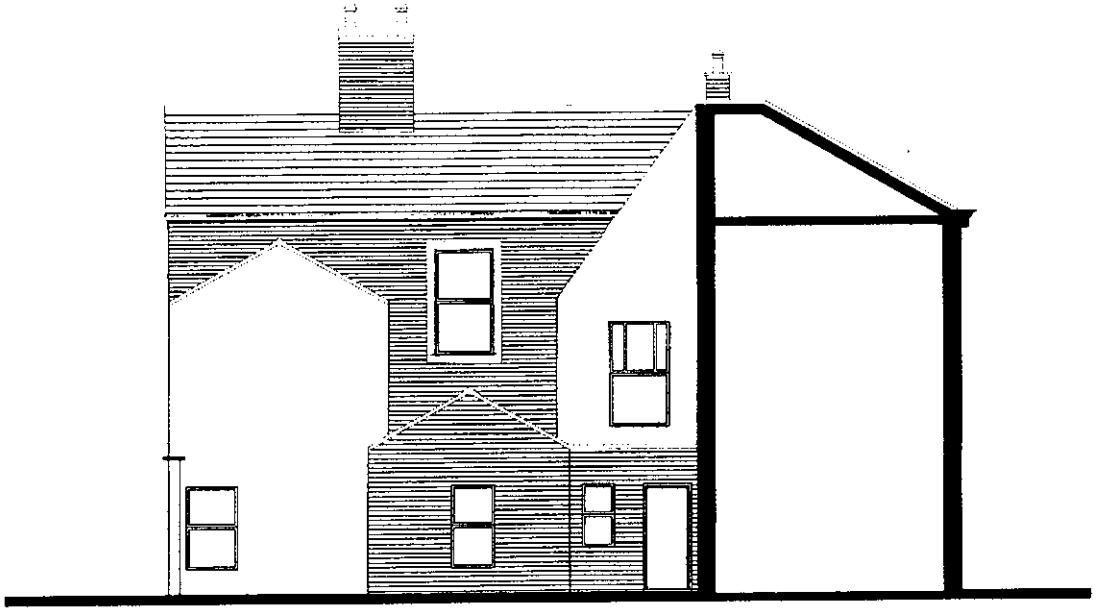

SOUTH WEST ELEVATION

141

08/0527

ARCHITECTS PLUS

Project

Road House Annex
46-48 London Road, Carlisle

Drawing

As existing Elevations
South West Elevation

Scale	Date	Drawn	Comp.No.	Number
1:100	Aug 06		E01	06064-08

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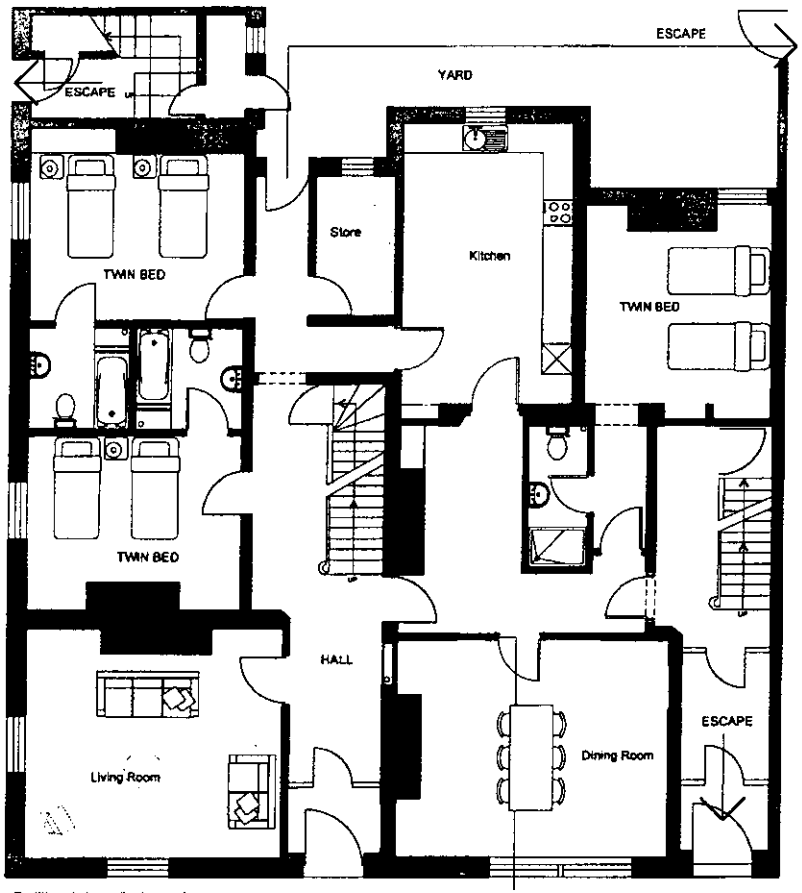
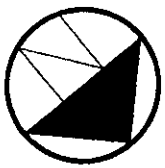
revisions

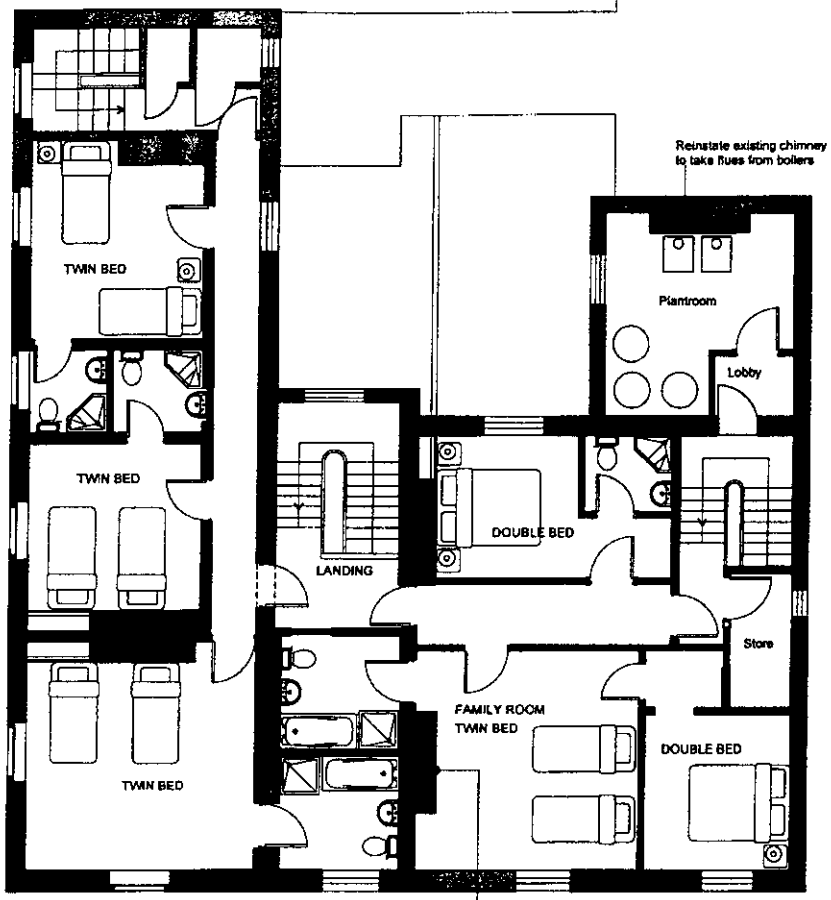


Partitions to be scribed around existing cornices, matching cornices to extended around junction of new partitions with existing ceiling.

Partitions to be scribed around existing cornices, matching cornices to extended around junction of new partitions with existing ceiling.

GROUND FLOOR PLAN





Retain existing fireplace and chimney breast

FIRST FLOOR PLAN

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08/0527

ARCHITECTS a+
P L U S

Project
Road House Annex
46-48 London Road, Carlisle

Drawing
Plan As Existing Dwelling House

Scale	Date	Drawn	Comp.No.	Number
1:100	Aug 06	I	E01	06064-07

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Revision Date Description Revised by

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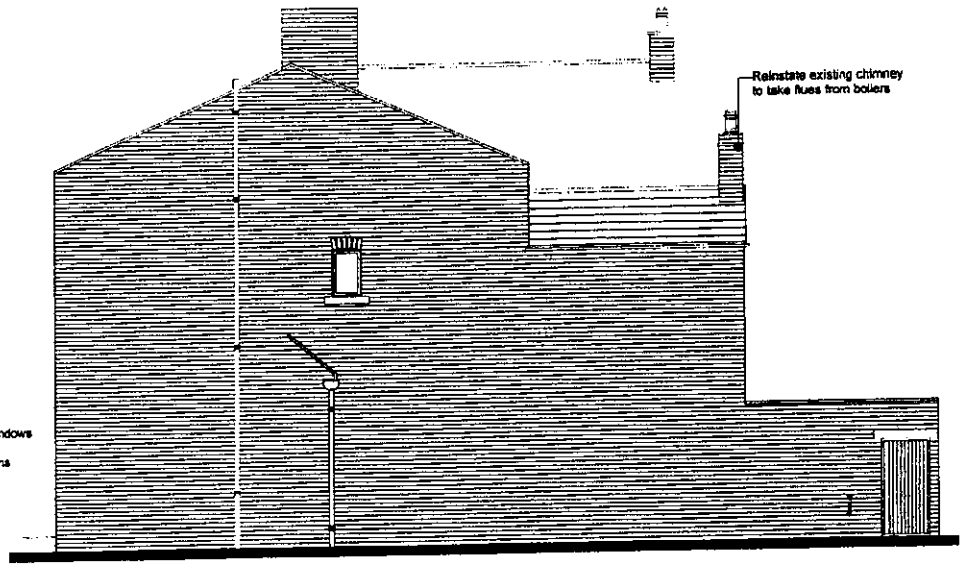
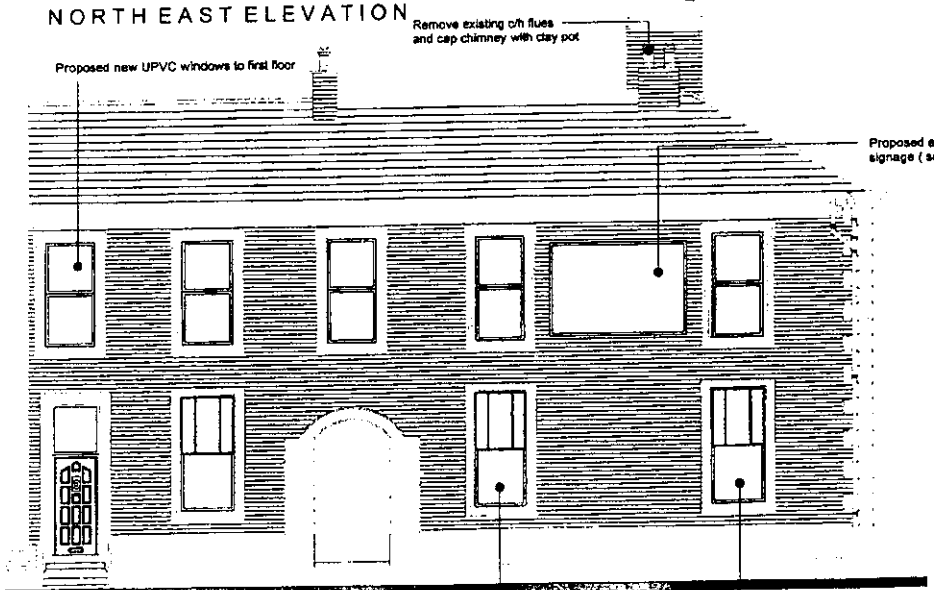
NORTH EAST ELEVATION



NORTH WEST ELEVATION



SOUTH EAST ELEVATION

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08/0527

ARCHITECTS P L U S

Project
Road House Annex
46-48 London Road, Carlisle

Drawing
As proposed Elevations

Scale	Date	Drawn	Comp.No.	Number
1:100	Mar 07	ij	E01	06064-5

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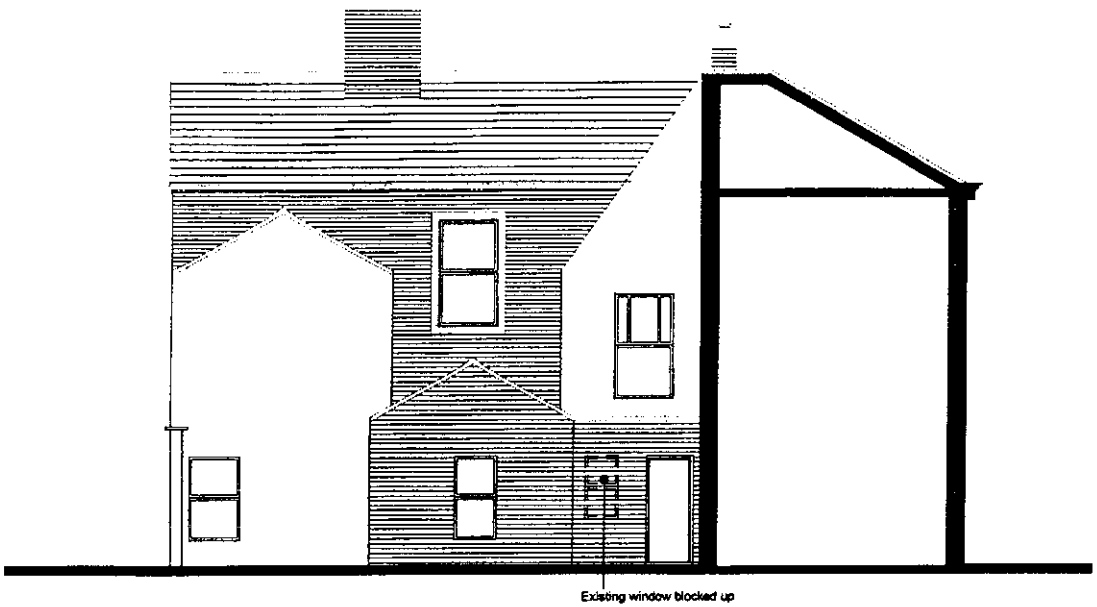
Revision Date Description Revised by

revisions



SOUTH WEST ELEVATION

08/0527

ARCHITECTS PLUS

Project

Road House Annex
46-48 London Road, Carlisle

Drawing

Proposed Elevation
South West Elevation

Scale	Date	Drawn	Comp.No.	Number
1:100	Mar 07	¶	E01	06064-09

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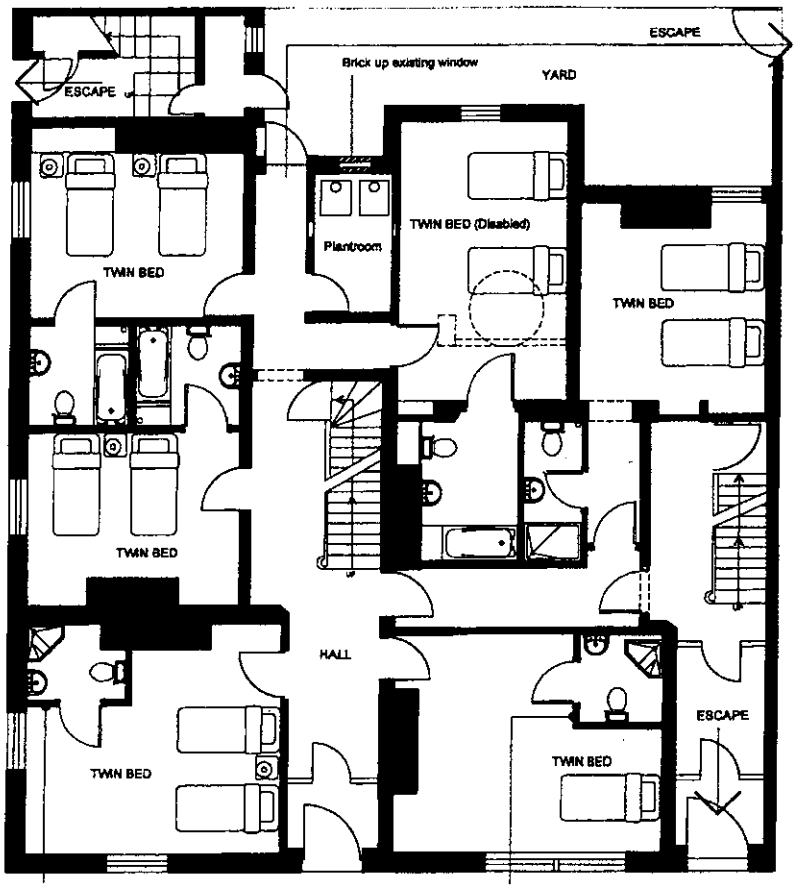
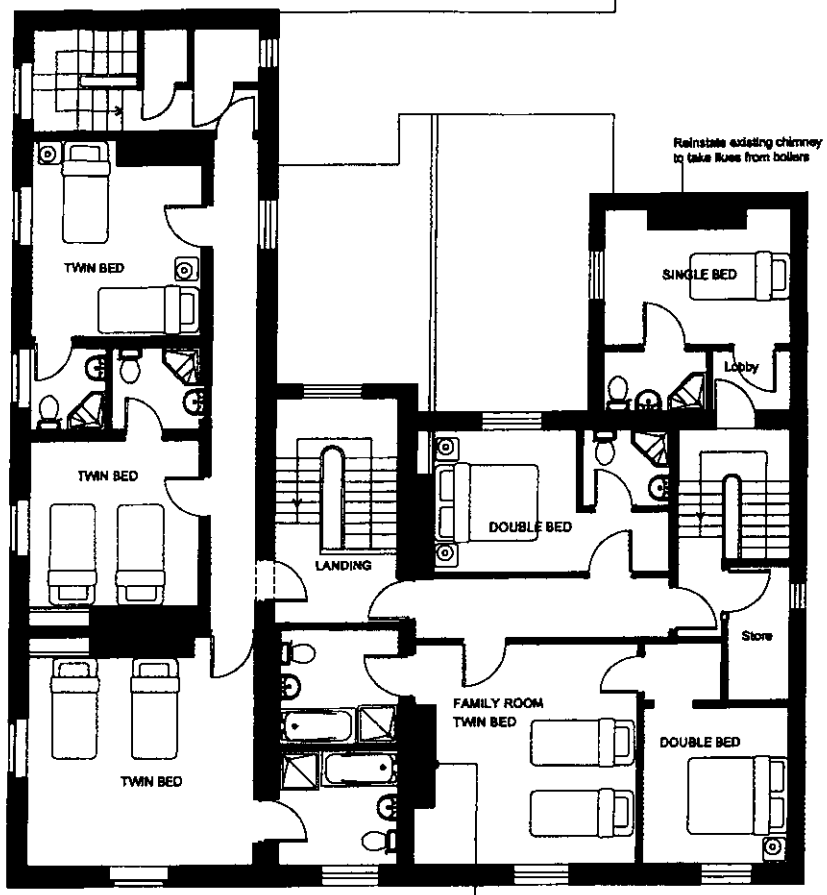
Revision	Date	Description	Revised by
revisions			



Partitions to be scribed around existing cornices, matching cornices to extended around junction of new partitions with existing ceiling.

Partitions to be scribed around existing cornices, matching cornices to extended around junction of new partitions with existing ceiling.

GROUND FLOOR PLAN



Retain existing fireplace and chimney breast

FIRST FLOOR PLAN

RECEIVED
22 MAY 2008
08/0527

A

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P L U S

Project
Road House Annex
46-48 London Road, Carlisle

Drawing
Plan as Proposed

Scale	Date	Drawn	Comp.No.	Number
1:100	Aug 06	E	E01	06064-02A

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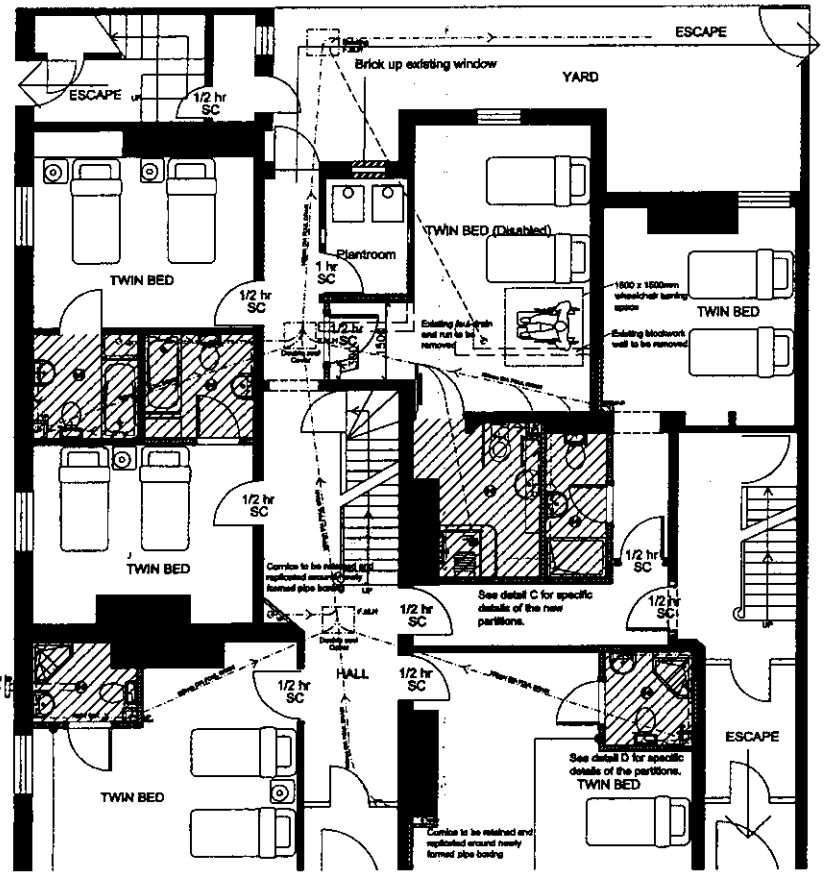

Detail A (to be used where there are cornices on the ceiling below)

Typical section through floor

Floor joists

Detail B (to be used where there is no cornice on the ceiling below)

Typical section through floor

Floor joist section

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Revision	Date	Description	Revised by
revision A	JUL 08	Ventilation and hatter added	LJ
revision B	JUL 08	Access altered	LJ

Fire Doors:
All new door to be at least 30min self closing fire resistance with all finishes to match the existing door frames.
The Plantroom to be fully enclosed to give a 1hr fire resistance and the door upgraded to a 1hr self closing fire door.

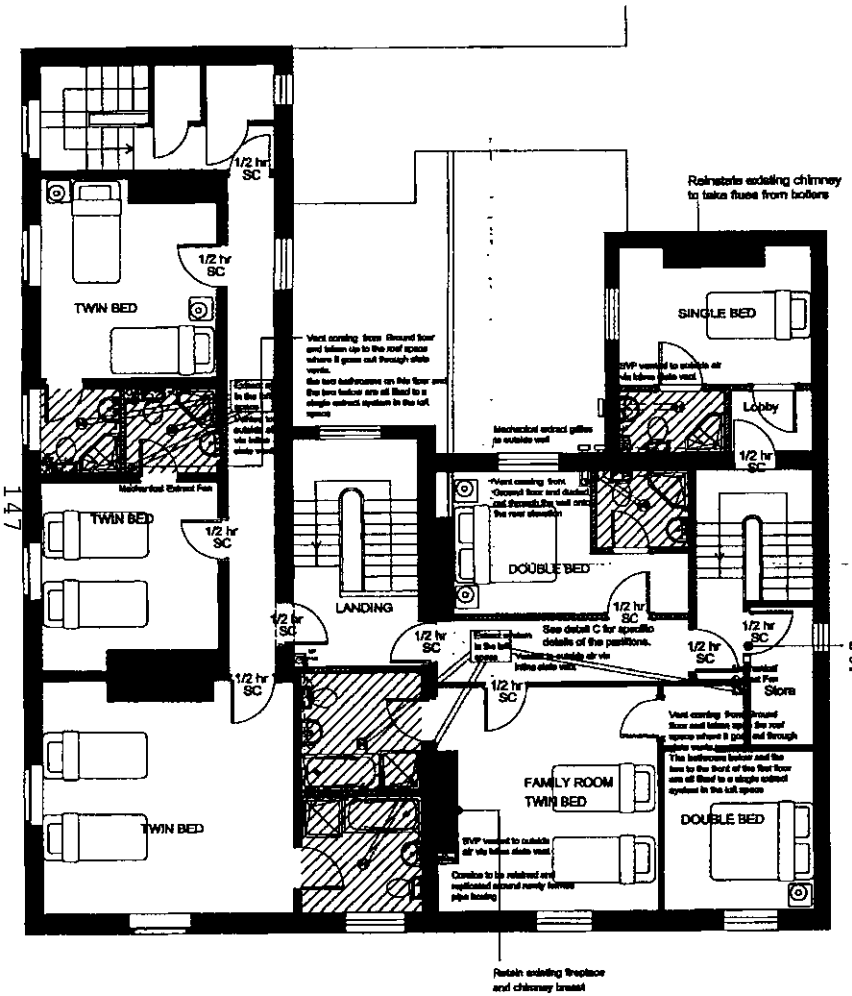
Sound Insulation:
Lafarge System used within the existing ceiling to improve the sound insulation to comply with Building regulations for fire regulations also.
See details A and B for the specific makeup for both areas which needed to be treated differently.
Partition layout to detail C applies to all new partitions to comply with building regulations.

Insulation:
Insulation to be applied to the ceiling between the roof space and the first floor to improve the thermal quality.
Insulation between ceiling joist to flat ceilings providing a 'U' Value of 0.14 (W/m2K)
INSULATION to flat ceiling areas of trussed rafters etc to be of 300mm total thickness Rockwool roll batts laid as 150mm Rollbatts between ceiling joists and as 200mm Rollbatts at right angles to ceiling joists.

Fire Detection:
All rooms are to have smoke detectors and sounder combination to comply with Class L1 System BS:4839 in accordance with building control.
Emergency lighting and signage to demonstrate the emergency escape routes in accordance with BS 5266 : part 1.

Windows:
The ground floor windows are to be repaired and refurbished to existing timber windows and secondary glazing to be applied internally.
On the first floor the windows are to be replaced with new timber sash windows to match ground floor all finishes are to match existing.
Existing details around the windows are to be retained.

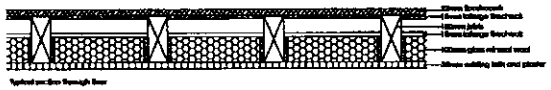
Drainage:
To be Hepworth flexible jointed PVC-U Plasti-drain pipes and fittings laid in 150mm granular fill, pipes generally to be 100mm diameter.
Manholes to be Hepworth polypropylene fixed to manufacturers details. Internal manholes to be fitted with double seal covers.
Pipes to be bedded and surrounded in granular material. Drains passing under floor slab to be bedded and surrounded in min. 150mm concrete.
Foul drainage to be connected to existing manhole located in the yard to the rear of the property all to LA requirements
All rainwter pipes and connects as existing. Provide lintols over pipework, 150x100mm x450mm long with 1No. 12mm m.s.bar where pipe passes through walls.
All sanitary fittings to be fitted with 75mm deep seal anti-syphone traps.
110mm diameter uPVC soil vent pipes with access rodding points to be vented to outside air or terminated with air admittance valve (vent pipes reduced to 75mm dia. after last connection and taken up in stud partition)
Head of any drainage vented to outside air. Where SVP passes through roof finish it is to be fitted with Code 4 lead slate and sleeve.
Existing foul drain in the new disabled room to the rear of the property is to be excavated and existing drain run fully removed.
ALL DRAINAGE LEVELS TO BE CAREFULLY CHECKED PRIOR TO



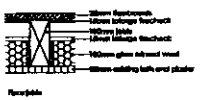
FIRST FLOOR PLAN

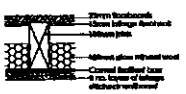
Bathroom Ceilings:
Existing ceilings and moulded cornices to be retained and a new lowered 12.5mm plasterboard and skim ceiling to be fixed below.

Detail A (to be used where there are cornices on the ceiling below)



Detail B (to be used where there is no cornice on the ceiling below)





Detail C (to be used on new partitions on ground and first floor wall marked in red)

Detail D (to be used at partitions marked up in red)

Fire Doors:
All new door to be at least 30min self closing fire resistance with all finishes to match the existing door frames.
The Plantroom to be fully enclosed to give a 1hr fire resistance and the door upgraded to a 1hr self closing fire door.

Sound Insulation:
Lafarge System used within the existing ceiling to improve the sound insulation to comply with Building regulations for fire regulations also.
See details A and B for the specific makeup for both areas which needed to be treated differently.
Partition layout to detail C applies to all new partitions to comply with building regulations.

Insulation:
Insulation to be applied to the ceiling between the roof space and the first floor to improve the thermal quality.
Insulation between ceiling joist to flat ceilings providing a 'U' Value of 0.14 (W/m2K)
INSULATION to flat ceiling areas of trussed rafters etc to be of 300mm total thickness Rockwool roll batts laid as 150mm Rollbatts between ceiling joists and as 200mm Rollbatts at right angles to ceiling joists.

Fire Detection:
All rooms are to have smoke detectors and sounder combination to comply with Class L1 System BS:4839 in accordance with building control.
Emergency lighting and signage to demonstrate the emergency escape routes in accordance with BS 5266 : part 1.

Windows:
The ground floor windows are to be repaired and refurbished to existing timber windows and secondary glazing to be applied internally.
On the first floor the windows are to be replaced with new timber sash windows to match ground floor all finishes are to match existing.
Existing details around the windows are to be retained.

Drainage:
To be Hepworth flexible jointed PVC-U Plasti-drain pipes and fittings laid in 150mm granular fill, pipes generally to be 100mm diameter.
Manholes to be Hepworth polypropylene fitted to manufacturers details.
Internal manholes to be fitted with double seal covers.
Pipes to be bedded and surrounded in granular material. Drains passing under floor slab to be bedded and surrounded in min. 150mm concrete.
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All rainwater pipes and connects as existing. Provide lintols over pipework, 150x100mm x450mm long with 1No. 12mm m.s.bar where pipe passes through walls.
All sanitary fittings to be fitted with 75mm deep seal anti-syphone traps.
110mm diameter uPVC soil vent pipes with access nodding points to be vented to outside air or terminated with air admittance valve (vent pipes reduced to 75mm dia. after last connection and taken up in stud partition)
Head of any drainage vented to outside air. Where SVP passes through roof finish it is to be fitted with Code 4 lead slate and sleeve.
Existing foul drain in the new disabled room to the rear of the property is to be excavated and existing drain run fully removed.
ALL DRAINAGE LEVELS TO BE CAREFULLY CHECKED PRIOR TO COMMENCEMENT ON SITE

VENTILATION
Mechanical extract ventilation to all Bathrooms to be ducted to outside and to achieve a ventilation rate of 15 litres/second.

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Revision	Date	Description	Revised by
revision A	Jul. 08	Ventilation and notes added	LJ

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14 JUL 2008

Project
Road House Annex
46-48 London Road

Drawing
Plans as Proposed/Details
First Floor Plan

Scale	Date	Drawn	Comp./No.	Number
1:50	04/08	LJ	601	06064-11A
1:10				

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tel: 01228 516144
email: ap@architectsplus.co.uk
Registered in England No. 4221142

Item No: 07 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0528	Carlisle Glass Limited	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/05/2008	Architects Plus (UK) Ltd	Currock

Location:
46-48 London Road And 1 Woodrouffe Terrace, Carlisle, Cumbria, CA1 2EH

Grid Reference:
340758 555187

Proposal: Change Of Use From Dwelling To Bed And Breakfast. Internal Alterations To Form En-suite Bedrooms. Replacement Of Existing First Floor UPVC Windows With New UPVC Windows. Repair Existing Ground Floor Timber Window With Secondary Double Glazing Internally (LBC)

Amendment:

REPORT **Case Officer:** Barbara Percival

Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee as a neighbouring resident has exercised his Right to Speak.

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.

Conservation Area

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

Listed Building In A Conservation Area

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

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol LE14 - Alterations To Listed Building

Rev Redeposit Pl. Pol LE16-Change Of Use Of Listed Buildings

Rev Redeposit Pl. Pol LE20 - Conservation Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): as stated on the previously withdrawn application (07/0508) the applicant should provide details of the allocated off street parking for this application. It was noted that this was conditioned on an earlier application 07/0645, but that the applicant has not included this detail on the current application.

The applicant should be asked to resubmit this application with evidence that vehicles can be accommodates in an off road parking facility as previously required. The 'Parking Guidelines in Cumbria' state that for hotels and guest houses provision should be made for 1 space per guest, plus 1 space per 3 non-residential staff. There should also be 1 space or a number equivalent to 5% of the car requirement provided for disabled users and also provision for made for motorcycles and pedal cycles.

Therefore, recommend that this application is refused due to Inadequate information to assess if there is acceptable in terms of off-street parking.

Following receipt of revised plans can confirm that the parking arrangements are acceptable and recommend approval subject to the imposition of a condition.

At the time of writing the report a response is awaited with regard to revised plans received on 4th August;

Development Services Planning & Housing Services - Conservation Section: no objection to the principle of a change of use, however, do object to the proposed installation of PVC-u windows. The application states that these will be a replacement for the existing PVC-u windows. Perhaps the agent should re-visit the property - the existing windows are all timber, some considerably and very visually rotten. If new windows are to be installed, clearly these should preferably be timber sliding sash, however given that the existing are casements of non traditional proportions, then the minimum acceptable would be a half and half casement, but not designed as a mock sash (ie with horns on the opening casement section).

The 'proposed' notes on the as existing drawing need to be removed, and it would have been of benefit to indicate which rooms retained their original architectural features. There must be an internal inspection before any work commences on site to ensure that any features are not destroyed.

Details of the secondary glazing must be supplied either before LBC is granted, or as a condition - the former is now preferable.

Details of new construction should be shown, and also details of servicing the new bathroom installations, in particular, drainage and ventilation to ensure that this does not interfere with existing features.

Although not particularly concerned with the details of the plant rooms, knowledge of any vents, flues and the like will be required and will require separate consent as there is nothing specified at this stage.

Based on the drawings received on 22nd July the City Council's Conservation Officer has verbally confirmed that there are no objections to the proposal;

Environmental Services - Food, Health & Safety: no objections to this application given that the provision of food will be at the adjacent existing Roadhouse facility;

Development Services Planning & Housing Services - Access Officer: understand that this building is listed.

The Access statement states: an existing ramp provides access to the main entrance of number 48 London Road from the pavement.

There are photographs of the ramp within this file, and the ramp is shown to the NE Elevation however it is not shown on the floor plans submitted. Would prefer plans to be submitted reflecting the full detail of this building which would aid consultations especially from an access point of view.

Despite the terminology that this is a change of use to a B&B, the number of clients anticipated suggests that this is actually hotel accommodation and in this category Approved Document M would be applicable.

The level to which the building can achieve ADM and also Policy CP14 of the Carlisle District Local Plan 2001-16 Revised Redeposit draft will depend on the restrictions placed upon the building due to being listed.

Understand that due to the building being listed, it is preferred that the existing ramp remains as it is. Understand from a site visit from building control that the width does not comply with ADM and could be improved upon. As this ramp was not part of the original building, which is listed, best practice would be to improve on the ramped access towards a preferable 1.5m width (ADM 1.26e). It has already been agreed to improve on the handrail i.e. extending it.

Building Control are looking at the plans and will be making comments however please note the following: it is proposed to form a disabled bedroom with en-suite bathroom on the ground floor.

It is recommended that the disabled bedroom is located within one of either the two front bedrooms on the ground floor this would be easier for a disabled person to

access due to a bottleneck of doors and corridors beside the proposed disabled bedroom.

The front door and internal lobby door do not comply with ADM but will remain due to restrictions due to the property being listed.

Off street parking is available on an area of land owned by the applicant to the rear of numbers 22-42 London Road, as indicated on the location plan.

Accept this decision on off street parking due to the background behind the decision there is one dedicated disabled parking space.

The reception and dining area to facilitate this annex is located within the Road House. The Road House is not part of this planning application. However, could the applicant for this planning application be made aware that the above quoted areas offer part of the service offered within the annex. The owners have a duty under the DDA to ensure that these areas (along with disabled toilet facilities) are accessible.

Following receipt of revised plans the Access Officer has confirmed verbally that there are no objections.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	2 Woodrouffe Terrace	03/06/08	
	6 Woodruffe Terrace	09/06/08	
	7 Woodrouffe Terrace	09/06/08	Objection
	8 Woodruffe Terrace	09/06/08	
	9 Woodruffe Terrace	09/06/08	
	10 Woodruffe Terrace	09/06/08	
	Flat 1, 11 Woodruffe Terrace	09/06/08	
	Flat 2, 11 Woodrouffe Terrace	09/06/08	
	Flat 3, 11 Woodrouffe Terrace	09/06/08	
	Flat 4, 11 Woodrouffe Terrace	09/06/08	
	40-42 Botchergate	03/06/08	
	43 Botchergate	03/06/08	
	47 Botchergate	03/06/08	
	3 Woodruffe Terrace	09/06/08	
	4 Woodruffe Terrace	09/06/08	
	5 Woodruffe Terrace	09/06/08	

3.1 This application has been advertised by the direct notification of sixteen neighbouring properties and the posting of site and press notices. In response, one letter of objection has been received and several e-mails from

a resident of Woodrouffe Terrace.

3.2 The letter identifies the issues with regard to parking, highway safety and the impact of the proposal on the character of the area. These issues have been summarised below:

1. parking - Woodrouffe Terrace is a private road with access only granted to those properties which have access rights granted in their deeds in return for maintenance responsibility. This has produced a safe area, free from traffic wardens and parking companies, resulting in residents often struggling to park outside their homes. This situation is further compounded by spaces being occupied by customers of the adjacent public houses, and most recently staff and customers of Jibe hair salon. The aforementioned salon, the objector considers, was granted planning permission without adequate off road parking facilities;

2. the writer also considers that the parking situation is further exacerbated by the staff and visitors to the Little Gems nursery on Woodrouffe Terrace. He considers that no further development should be allowed in the area until adequate parking, and measures have been taken to protect the character of a predominantly residential street;

3. planning permission was granted in 2007 for the change of use of the premises, subject of this proposal, from a vacant doctors surgery to a dwelling. This permission was granted despite there being no direct consultation with those affected i.e. some of the residents of Woodrouffe Terrace. When this issue was raised by the objector, it is alleged, the Officer informed him that the two applications had been withdrawn;

4. parking for the proposal is indicated to the rear of the property. Currently, the Roadhouse operates from several properties along London Road and also from 3 Woodrouffe Terrace. Due to the existing number of rooms associated with this business, the objector states, there have been occasions where vehicles have been parked in the rear lane. He considers that, should planning permission be granted, there would not be enough spaces for the additional accommodation created, thereby, blocking access to the rear of Woodrouffe Terrace and the garages opposite;

5. the writer questions that if there is adequate parking for the proposal why has signs been erected on Woodrouffe Terrace indicating that parts of it are designated 'Roadhouse Private Parking';

6. he considers that the parking provision for the proposal fails to meet the objectives of Policy T7 of the Local Plan. Even if parking was able to be squeezed into the rear, manoeuvring would be difficult resulting in customers taking the easy option to park on Woodrouffe Terrace. Especially when signs are already in place stating that it is the Roadhouse car park;

7. the proposals are contrary to Policy CP4 of the Revised Redeposit Draft. Feels that if the applications are granted, Woodrouffe Terrace has the potential to be used for parking or as a drop off point. This would exacerbate the current situation, with some visitors to the nursery not respecting residents feelings. The current situation culminating in the Police being involved in one incident. The introduction of an additional business in the street would be an unacceptable use due to its impact on parking;

8. the writer considers that there is inadequate space to provide parking and any designated parking for the proposal would impact on those currently required for the Roadhouse;

9. the sign would be out of character encouraging those using the Roadhouse to park on Woodrouffe Terrace, even though they have no legal right to do;

10. the proposals and their impact on the living conditions of neighbouring residents - the writer explaining that he feels the current proposals are contrary to the reasons for approval for the 2007 change of use. The writer feels a bed and breakfast business is not appropriate to a residential area;

11. explaining that Woodrouffe Terrace is a residential street where the residents take a pride in the way the street looks. Over the past years the residents have upgraded and improved their homes frontages in order to keep it looking like a period row of houses. The siting of a large blue illuminated sign would have an adverse impact on the appearance of the street with the potential to set a precedent for other residents to change their homes appearance;

12. highway safety - the objector is a highway designer and has concerns over the safety of both motorists and pedestrians should the usage of the lane be increased. Currently users of the lane wait until the traffic phasing stops the London Road traffic, thus allowing vehicles to turn right onto London Road in front of the stationary vehicles. This manoeuvre he considers to be dangerous as they continue onto the pedestrian crossing. It is his opinion the situation would be made worse if those leaving the lane were residents of the Roadhouse, as the likelihood would be that they would be leaving at peak times thereby creating an unacceptable risk. The safer access, along Blake Street, is always blocked;

13. impact of the proposal on the Listed Building and Conservation Area - the proposed use of the property together with the proposed illuminated sign would, in the writers opinion, be contrary to H17 of the Local Plan creating an adverse impact on the living conditions of neighbouring properties. The triangle of Woodrouffe Terrace, London Road and St Nicholas Street is of significant historical character to be a Conservation Area with several properties being listed. The area providing a welcoming view when approaching the city centre from both the London

Road and St Nicholas Bridge approaches. The writer feels that the character of the area should not be spoiled and any signage should be restricted to the London Road frontage;

14. other issues - concerned about the loss of residential housing stock to a bed and breakfast establishment, especially when it appears that the Roadhouse has vacancies;

15. generally, the writer considers that this proposal would be contrary to Policies H17, E34, E36, E43 and T7 of the Carlisle District Local Plan and Policies CP4, CP5, LE14, LE16, LE20 and T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft;

16. the writer concludes that the application would have a detrimental impact on the adjacent residents with the proposed signage being out of character to the area. This signage together with existing parking signs he considers would encourage residents using the Roadhouse to park on Woodrouffe Terrace even though they have no legal right to do so;

17. several e-mails have also been received from the objector following the receipt of revised car parking arrangements and a letters from the applicants' agents. These again raise issues relating to parking, right of access, impact on the living conditions of neighbouring residents and loss of a dwelling. These comments are summarised below:

    - the letter received from Architects Plus dated 3rd July does very little to reassure the objector that Woodrouffe Terrace would not be used for car parking should the application be approved;

    - the Planning Authority should be aware that Woodrouffe Terrace is owned by none of the adjoining properties. Some of the deeds relating to properties along Woodrouffe Terrace gives vehicular access to certain properties only in return for maintenance liability. The writer explains that there is no limit to where the occupiers can park on the road;

    - the writer considers that comments like "his section of Woodrouffe Terrace" are very misleading. The properties that have permission are not limited to which part of the Terrace they can park on, hence currently Little Gems Nursery staff and customers, he considers, park ad hoc;

    - he imagines that 1 Woodrouffe Terrace may have access rights but doubts if 46-48 London Road has access rights. Acknowledges that the adjoining St Nicholas Retail Park maintains 50% of the road as they have access rights on their deeds;

    - asks for clarification that the three sections indicated on Woodrouffe Terrace are parking bays provided for the proposal;

18. in response to Officers comments an additional e-mail was received from the objector which questions how a decision can be made if the parking provision, especially for disabled, is marked on a road not for the sole use of the occupiers of the application site. If this is the case the Council will be failing to meet the parking requirements for such a proposal;

19. if parking issues are to be addressed as a Civil Matter then clearly the planning application should be rejected until such time that the applicant could show they have a legal right to restrict other residents on some sections of the road;

20. a further e-mail received on 21st July from the objector raised additional comments with regard to letters and revised plans dated 1st July, 4th July and 7th July;

21. firstly, the writer wishes to comment on the letter from the applicant's agents dated the 1st July. These comments are summarised below:

    - the parcel of land to the rear of Woodrouffe Terrace may be able to accommodate 40 small cars but the Roadhouse attracts many company workers that have very large vans. The writer questions how car parking can be increase to 55 when even though there are vacancies in the Roadhouse there are often vans parked on the lane to the rear of Woodrouffe Terrace;

    - even if dedicated parking was provided for the proposal this would still necessitate those residents using the Roadhouse to park elsewhere, possibly Woodrouffe Terrace;

    - concern was also raised with regard to customers using the Roadhouse Public bar. The writer feels that the signs erected by the applicant along Woodrouffe Terrace is encouraging their patrons to park there even though they have no legal right of access;

22. the writer has the following comments to make on the letter received on 4th July again summarised below:

    - he notes that the applicants own all the garages to the rear of Woodrouffe Terrace and that some are rented out and feels that this is confirmation that the 40 current parking bays do not exist at present. This he considers supports the locals view that the Roadhouse has existing parking issues affecting Woodrouffe Terrace;

    - if the garages were to be used then he feels that the height and wooden doors would limit the type of vehicles able to use the garages thereby forcing people to look elsewhere for parking such as on Woodrouffe Terrace;

    - he continues that the applicant is currently allowing Little Gems Nursery and Jibe to park in Woodrouffe Terrace; however, the letter

received from Architects Plus states that this will cease if planning permission is granted. The writer therefore feels that it is the intention of the applicant to use Woodrouffe Terrace for parking. Reiterating that no one property has individual parking sections allocated and that the signs erected by the Roadhouse are misleading;

23. the e-mail concludes with comments regarding the letter received from the applicant's agents dated 7th July summaried below:

- this letter seems to suggest that it is now the plan to remove existing parking for the large vans for sole use for those using the annex. Clearly the council must accept that this latest plan although may meet the requirements for the off street parking of the annex, would simply remove parking required for the existing Roadhouse;

- in general the objector feels the application should be rejected on the following grounds:

- lack of Parking in the area. No where in this application is there evidence that additional suitable parking is being made;

- why should a listed building with the status of a private dwelling be lost to make a 53 room B&B that is currently showing vacancies available. Is there really a need for a 53 room B&B in this park of town? The writer knows of smaller Hotels;

- if the parking is provided to the rear, how does a disabled person make it to the Annex? Through a Garage (assuming that its not occupied by a car, then down a potholed lane. This route is even worse at night;

- the current Roadhouse has the problem that there is no drop of point in front of the building, the car parking available at the back is not very well advertised, this leads many now to use Woodrouffe Terrace for this purpose. And extension would add to this. Also anybody that was accommodated in the annex would simply park on Woodrouffe terrace as the signs says they can;

- at no point has the applicant tried to reassure the locals that this plan would not greatly affect the character of the Terrace and not cause parking issues worse than what is already there;

- it is funny that the application for Jibe across the road had off street parking mentioned in the reasoning's behind approving its change of use, once approved they simply put bollards up to prevent even the staff parking on it. How can the council assure the locals if allowing this application that Woodrouffe Terrace will not simply become the car park;

- suggests that the planning team and the applicant take a trip to the Cambrian Park Hotel. Clearly if they did then a simple solution would

to be to flatten the garages, provide proper hard standing over the entire triangle to the rear, and also construct a new main access to the Roadhouse. This would make it more likely to be used, not have the issue that vans don't fit in the low garages, and would also provide a safe drop of point for taxies etc. Together with improved signage on Woodrouffe Terrace saying residents parking etc. This would greatly improve the facility at the Roadhouse B&B and pub and would also go along way to remove the parking concerns of the locals;

24. in response to Officers comments an additional e-mail was received from the objector on 21st July which queries how parking for the annexe can be allowed to take over the existing parking provision for the Roadhouse. Is the Officer suggesting that the proposed new car parking is not currently used? As the application stands the Roadhouse wishes to increase its size and propose no additional parking. Allowing this extension without any safeguards for the residents means that the Council is not acting in the interests of the neighbouring residents.

4. Planning History

4.1 In 1992, under planning reference 92/0276 and 92/0289, Full Planning Permission and Listed Building Consent was granted for provision of ramp to provide access for wheelchair users.

4.2 In June of last year under application numbers 07/0508 and 08/0509, Full Planning Permission and Listed Building Consent were sought the change of use from doctors surgery to bed and breakfast used as an annexe to the Roadhouse hotel adjacent. These applications were subsequently withdrawn.

4.3 Later that year, under planning references 07/0645 and 07/0646, Full Planning Permission and Listed Building Consent was granted for change of use from doctors surgery to a dwelling house (revised application). Although the application description states "Change of use from a dwelling to a Bed and Breakfast" this application has not been implemented.

4.4 Earlier this year, planning applications 08/0529 and 08/0530, seeking Listed Building Consent and Advertisement Consent for the display of signage were withdrawn.

4.5 Currently, under application reference 08/0527, a Full Planning Application has been received for this application.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 Although formerly independent properties, Numbers 46-48 London Road and 1 Woodrouffe Terrace now consist of a single corner property located on the west side of London Road directly opposite its junction with Grey Street. The property has two primary frontages to each of these streets although the latter (Woodrouffe Terrace) is a private road. It is a Grade II Listed Building located within the Botchergate Conservation Area and lies within a Primary Residential Area identified in the Carlisle District Local Plan 2001-2016 Revised Redeposit (as amended by the Inspector).

5.2 The building is constructed of clay facing bricks in Flemish bond with painted stone surrounds to all openings, plinth, quoins and cornices and is roofed in natural slate. There is also a disabled access ramp on the London Road elevation.

5.3 The Design and Access Statement submitted as part of the application outlines that over the years the three properties have been linked, and an extension constructed, in order to form a Doctors surgery.

Background

5.4 This application seeks Listed Building Consent for the conversion of the property to bed & breakfast use. The Design and Access Statement confirms that the applicant also operates a Bed & Breakfast business (The Road House) at 22 to 42 London Road. The proposal would operate as an "annexe" to that accommodation.

5.5 The submitted plans indicate that all bedrooms in the proposed new B & B would be ensuite with the ground floor providing 6no. twin bedrooms, one being designed as accommodation for disabled persons. The first floor would provide 3no. twin bedrooms, 1 double bedroom, 1 single bedroom and a family bedroom.

5.6 In order to achieve the accommodation, small rooms and recesses will be utilised or larger rooms subdivided with partitions to create en-suite accommodation. In the case of sub-division the Design and Access Statement outlines that partitions will be scribed around the existing cornices with matching cornices extended around the junction of the new partition with the existing ceilings. The only external modifications consist of the installation of replacement windows, designed in conjunction with the Conservation Officer, plus installation of external flues in locations also agreed with the Conservation Officer.

Assessment

5.7 The relevant planning policies against which the application is required to be assessed are Policies CP4, LE14, LE16 and LE20 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

5.8 The proposals raise the following planning issues:

1. The Impact On The Listed Building And Botchergate Conservation Area

5.9 The change of use of the building would involve minimal external and internal alterations. Those alterations that are necessary would be carried out sympathetically minimising any damage to the fabric of the building. The City Council's Conservation Officer has visited the property and has advised and agreed all alterations that are necessary. It is, therefore, considered that the proposal would not have a detrimental impact on either the Listed Building or Botchergate Conservation Area.

Conclusion

5.10 At the time of preparing the report the statutory time period for responses to be made, following third party re-consultation, has not expired.

5.11 It is, nonetheless, considered that the proposals are acceptable and Members will be recommended to approve the application. However, in the absence of re-consultation responses, "Authority to Issue", is requested subject to no new, material planning issues being raised during the remainder of the consultation period.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. 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.

Item No: 08 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0432		Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/05/2008	PPM Ltd	Stanwix Urban
Location:		**Grid Reference:**
The Hour Glass, 1 Scotland Road, Carlisle CA3 OLJ		339983 556997

Proposal: Change Of Use Of Garden To External Area For Wine Bar Customers

Amendment:

1. Submission of Noise Assessment and revised layout plan illustrating acoustic attenuation measures.

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the numbers of objections that have been received; the number of letters and petition of support that have been received; together with objectors wishing to exercise their right to speak.

1. Constraints and Planning Policies

Conservation Area

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

District E43 - Imps. to Cons. Areas

District S15 - Food and Drink

District H17 - Residential Amenity

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol EC10 - Food And Drink

Rev Redeposit Pl. Pol LE20 - Conservation Areas

2. Summary of Consultation Responses

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

Development Services Planning & Housing Services - Access Officer: comments awaited;

Environmental Services - Food, Health & Safety: the original planning application included the rear garden area for customers to use and in which smoking would be permitted. This application was amended and this request was removed as it may have influenced the initial decision. Environmental Services are concerned that since permission was granted, this application could be seen as an alternative route to obtaining planning permission for the rear area.

Due to the close proximity of residential dwellings to the proposed area, there is significant potential for complaints being generated in respect of noise and smoke and the possibility of statutory nuisance occurring. Therefore, the application is recommended for refusal;

Further comments received on 4th August 2008 in respect of the acoustic report and amended drawings read as follows:

The noise assessment supporting this application is based on a predicted maximum of 24 people 'talking loudly'. The report also suggests limiting the number of seats in the proposed area to 20.

The proposed area could accommodate at least a further twenty people standing as well as the twenty seated and 'talking loudly' does not take account of the peaks of chatter amongst clients under the influence of alcohol. Further to this, 'talking loudly' does not account for the noise of laughter, screaming, arguments, shouting, children playing, mobile phone noise, noise from the movement of furniture and the noise from glass on glass collisions. It is believed that these factors would result in complaints from neighbouring residential properties, some of which would be justifiable. Therefore the application is recommended for refusal;

Cumbria Constabulary - Crime Prevention: Cumbria Constabulary has researched the Incident Logging System for any incidents arising at the premises, since the last application to alter the permitted trading hours. Cumbria Constabulary has since traced the reported incident (5th January) of a male kicking at the rear door of the premises, which upon investigation, turned out to be a member of staff trying to attract attention to gain entry.

This particular incident was reported to police by a neighbour as a nuisance or 'quality of life' disturbance - not as a crime in progress, but still generated a police response. To date there have been no other incidents of this nature.

Application 07/0537 was granted permission having due consideration of the 'Effect on Living Conditions of Neighbouring Residents'.

Consequently, the applicant intended installing acoustic attenuation equipment to the building for the purpose of reducing noise nuisance impact to surrounding households. The intention of this proposal is to attract customers from the premise interior to the rear exterior space, which in Cumbria Constabulary's view, shall have a direct effect on the 'quality of life' of neighbours.

Further comments received on 22nd July 2008 state that the revised application does not affect the comments expressed in the earlier response;

Carlisle & District Civic Trust: comments awaited; and

Development Services Planning & Housing Services - Access Officer: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
No 10 Restaurant	12/05/08	
13 Scotland Road	12/05/08	Objection
The Frying Pan	12/05/08	
18 Spinners Yard	12/05/08	
Marlborough House	12/05/08	Objection
9 Eden Mount	12/05/08	Objection
1 Marlborough Gardens	12/05/08	Objection
Carlton House	12/05/08	
3 Marlborough Gardens	12/05/08	
21 Scotland Road	12/05/08	Objection
11B Etterby Street	12/05/08	
No1 Guest House	12/05/08	
7 Eden Mount	12/05/08	Objection
1 Cromwell Crescent	12/05/08	
72 Etterby Street	12/05/08	
61 Etterby Street	12/05/08	
Pengarth	12/05/08	
68 Brampton Road	12/05/08	
1 The Elms	12/05/08	
Stanwix Tandoori	12/05/08	
17 Etterby Street	12/05/08	
17 Wolsty Close	12/05/08	
[illegible], c/o PFK Planning	12/05/08	
5 Cromwell Crescent	12/05/08	Objection
Carrington Villa	12/05/08	Objection
Linden Cottage	12/05/08	
Glow Tanning Studio	12/05/08	
3 Marlborough Gardens	12/05/08	Objection
5 Marlborough Gardens	12/05/08	Objection
2 Cromwell Crescent	12/05/08	Objection

4 Cromwell Crescent	12/05/08	Objection
15A Scotland Road	12/05/08	Objection
3 Marlborough Gardens		Objection
3 Marlborough Gardens		Objection
17 Scotland Road		Objection
3 Cromwell Crescent		Objection
3 Cromwell Crescent		Objection
- Stanwix Rural		Objection
181 Scotland Road		Support
13 Drumburgh Avenue		Support
58 Croft Road		Support
8 Liddle Close		
9 Miles MacInnes Court		Objection
22 Belfry Close		Support
3 Firlands		Petition
46 Brunstock Close		Support

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

1. the current application is a cynical use of the planning system to achieve the aims of the original application that was amended to gain consent;

2. consumption of alcohol will lead to increase noise, bad language and anti social behaviour. The garden area is in a quiet residential area close to nearby dwellings and its use as part of the premises will make neighbouring gardens unusable;

3. the surrounding area is inhabited by families with children and their sleep and study periods will be affected by the development;

4. the development will lead to an increase in persons leaving the bar to the rear and using the back lane. This will lead to anti-social behaviour immediately to the rear of the neighbouring properties;

5. the use of the garden area will increase trade to the bar which will in turn lead to a further increase in demand for parking in the area. The are continuing problems with people parking in the lane prohibiting access to properties and this will get worse;

6. the proposal is contrary to Policies H17 and S15 of the Carlisle District Local Plan and Policy EC10 of the Carlisle District Local Plan Revised Redeposit Draft;

7. the height of the fence is inappropriate for the occupiers of the neighbouring property and will block out light;

8. the proposal will result in a loss of privacy for the occupiers of the neighbouring properties;

9. the issue of noise was raised in the original application and consequently a high level of sound proofing was installed. Opening up the rear of the property would create the level of noise which was the whole point of having this soundproofing in the first place;

10. the proposed garden area is beneath bedroom windows of adjoining properties and the use will prejudice the living conditions of neighbouring occupiers;

11. the bar has already experience a number of incidents of disorder resulting in smashed windows; attempted burglaries and trespass have been attempted by youths attracted to the drinks stores at the back of the premises;

12. the proposal will have a detrimental impact on the character of the Conservation Area;

13. noise levels would be particular intrusive in the evenings, weekends and bank holidays when neighbours should expect to be able to enjoy their gardens;

14. the rear lane has already become a thoroughfare for taxis picking up customers and tooting their horns to let their fares know they are waiting; and

15. the area will inevitably be illuminated during the evening causing further annoyance to nearby residents.

3.2 Six letters and a petition containing two hundred and eight signatures in support of the proposal have been received and the issues raised are summarised as follows:

1. this would be a wonderful addition to a nice establishment in the area;

2. the Hourglass has filled a need in the area for a modern contemporary bar and the additional seating would enhance its potential and help secure the long term viability of the Hourglass;

3. the proposal would increase the seating capacity on an evening that is away from the main road ensuring secluded smoking and drinking areas; and

4. the proposal would bring further custom to surrounding businesses.

3.3 Following the submission of the noise assessment and revised layout plan, eleven letters of objection were received. In addition to the original comments that were reiterated, the following comments were received:

1. the restricted hours, as proposed by the applicant, coincide when neighbours could reasonably be expected to enjoy peace and quiet in

their gardens and when children will be sleeping;

2. the background noise readings has little relevance to the likely impact of the proposed development on neighbouring premises in more secluded and quiet locations;

3. the assumption that a beer garden with space for 20 people produces the equivalent noise to 3 people talking loudly is plain nonsense; and

4. the noise control measures included in the conversion of the building have been successful to date. It is unconceivable to unpick this work and create a nuisance to neighbours.

3.4 No further letters of support have been received in response to the revised scheme.

4. Planning History

4.1 In 1983, planning permission was granted for the change of use from offices to a doctor's surgery.

4.2 In 1985, advertisement consent was granted for the erection of an illuminated fascia sign.

4.3 Advertisement consent was granted in 1986 for the erection of a non-illuminated canopy and sign.

4.4 In relation to 1a Scotland Road, planning permission was granted in 1994 for the change of use from a surgery to a flat on the first floor.

4.5 In 2007, planning permission was granted for the change of use from a shop (A1) to a cafe/ bar (A4).

4.6 Earlier this year, planning consent was granted for the variation to condition 2 of approval 07/0537 to allow trading between the hours of 08:30 hours and 00:00 hours on Monday to Sunday and between 08:30 hours and 01:30 hours on public holidays and bank holidays.

4.7 An application for the change of use of first floor residential accommodation to kitchen and store for the Hour Glass wine bar is currently being considered under application reference 08/0433.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks full planning permission for the variation of a condition at the Hourglass, 1 Scotland Road, Carlisle. The building is two storey in height and located within a parade of shops in the Stanwix Conservation Area. There are residential properties adjacent to the site, most notably immediately adjacent and to the rear that share access to the rear of the application site.

Background

5.2 The premises was converted following planning consent granted by Members of the Development Control Committee in August last year that allowed for the change of use from a retail unit to a bar on the ground floor. Members will also note from the Planning History that an application to vary the opening hours was approved earlier this year.

Proposal

5.3 The application seeks planning consent for the formation of an external seating area adjacent to the north elevation of the building. As originally submitted, a patio area would be created within the rear curtilage together with a lawn and a 1.85 metre high timber fence along the boundary.

5.4 The application has been revised since the original submission. The proposal now involves the division of the garden area into three separate areas. A patio area would be formed in the area closest to the Hours Glass that would accommodate four picnic tables that would each seat four persons. A lawned area would be created adjacent to the patio area that would also span the width of the site. On the edge of the lawned area, 9.5 metres from the rear entrance of the building, it is proposed to erect a 1.85 metre close boarded fence. Beyond the fence in the area adjacent to 13 Scotland Road will be a landscaped border. A 450mm high fence would be constructed along the length of the boundary wall, adjacent to 13 Scotland Road.

5.5 The proposal does not introduce public access from the rear of the premises to the lane. This is used as a staff entrance and fire exit. Patrons would be confined to the seating area by the building and a gated entrance, to which there would be no access. Customers will continue to enter and exit the premises through the frontage on Scotland Road.

5.6 The relevant planning policies against which the application is required to be assessed are Policies E43, S15 and H17 of the Carlisle District Local Plan; and Policies CP5, EC10 and LE20 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016 as amended by the Inspector's decision.

Assessment

5.7 The site is within an area designated within the Carlisle District Local Plan as being Primary Residential Area but is also identified as forming part of a Neighbourhood Shopping Centre. Policy S15 of the adopted Carlisle District

Local Plan and Policy EC10 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016 advise that shopping proposals will be acceptable subject to the consideration against the relevant five criteria. These policies, together with Policy H17 of the Local Plan and Policy CP5 of the Local Plan Revised Redeposit Draft 2001-2016 seek to protect the living conditions of the occupiers of the neighbouring properties from issues such as potential noise and disturbance generated through the use of the premises.

5.8 With regard to this application, the main issue to consider is whether the proposal will adversely affect the living conditions of neighbouring properties as a result of the potential noise and disturbance generated through the use of the external seating area. Members will note that 19 letters of objection and 6 letters of support and a petition have been received in response to the application. The objections and comments raised are summarised earlier in this report.

5.9 During the initial consideration of the proposal, Officers raised concern about the likely potential for noise and disturbance to emanate from the site to the detriment of the living conditions of the occupiers of the neighbouring properties. Consequently, the applicant employed a Noise Consultant who undertook a Noise Assessment of the site. A copy of his report is reproduced following this report. Furthermore, the applicant has clarified that the area will only be used during the following times:

- Winter Hours: 11am until 6pm
- Summer Hours: 11am until 8pm (Summer hours are defined as being between 1st April and 30th September)

5.10 The issue of noise was an important consideration when the planning application for the change of use of the premises was being determined. Acoustic attenuation measures in the form of additional plasterboard, noise limiters and zero-noise ventilation system were installed in the building. The scheme was further revised through a reduction in the internal seating area from 82 seats to 40 together with the removal of the pool table. The external rear smoking area was also removed from the scheme.

5.11 The external seating area hereby proposed is located adjacent to residential properties that are on three sides of the application site, the closest being 13 Scotland Road which is immediately adjacent to the northern boundary. It should also be noted, however, that there are commercial properties that directly abut the site to the east. These food establishments comprise restaurants and takeaways and have associated ventilation flues and air conditioning units to the rear.

5.12 PPG24 (Planning and Noise) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications for both noise-sensitive developments and for these activities which generate noise. The author of the Noise Assessment is correct in identifying that

paragraph 20 of Annex 3 (Detailed Guidance On The Assessment Of Noise From Different Sources) is the relevant section of the document that relates to this proposal. Paragraph 20 states that:

"*Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.*"

5.13 Whilst there are no specific noise policies within the Local Plan or the Local Plan Revised Redeposit Draft 2001-2016, the relevant policies include references to the protection of the living conditions of the occupiers of neighbouring residential properties, specifically Policies H17 and CP5 and S15 and EC10.

5.14 The submitted Noise Assessment includes a recording of background noise readings over a 24-hour period. Paragraph 5.2 specifically deals with 'Noise From Proposed Garden' and the final paragraph states:

"*If we consider the nearest garden (No. 13), then the predicted noise levels of three persons speaking in raised voices would be 40 dBA which is 9 to 12 dBA below the level of the background noise. If the numbers of people talking loudly were to increase to say 24 people then the predicted level would increase by 9dBA and therefore increase to the lowest background level measured during the evening. Consequently, if the number of seats in the garden were limited to say 20 then it would make it unlikely that the background noise level would be exceeded.*"

5.15 In order to restrict the number of seats within the area, a planning condition would have to be imposed. Members will be aware that planning conditions must meet several tests, namely in this case, that they are reasonable and enforceable. If the principle of the seating area is accepted, it would potentially be difficult to for the Local Planning Authority to resist any future expansion. Furthermore, assuming that the seating area could be restricted, it would be impossible to restrict the number of people using the seating area but who are not necessarily seated on the seats provided. Patrons could stand or sit on the patio and lawn area, thereby significantly increasing the number of people using the area, particularly during periods of warm weather.

5.16 Members will note the further consultation response for colleagues in Environmental Protection Services. The comments lead on from the potential number of patrons using the area and also reference the type of noise that is likely to occur. The submitted Noise Assessment makes reference to 'persons speaking in raised voices'; however, this does not take account of the peaks of chatter amongst clients under the influence of alcohol. It is also stated in the consultation response that there could be periods of noise of laughter, screaming, arguments, shouting, children playing, mobile phone

noise, noise from the movement of furniture and the noise from glass on glass collisions. The Officer concludes by stating that these factors would result in complaints from neighbouring residential properties and recommends refusal of the application.

5.17 In order to assist in the mitigation of noise from the site, the applicant is proposing to erect a 0.45 metre fence along the existing boundary with 13 Scotland Road to the north of the application site. The curtilage of this property is approximately 1.5 metres lower than the ground level of the application site. The application site is to the south of this property and there are habitable rooms that face west. The formation of an additional boundary structure resulting in a height of approximately 2.45 metres would overshadow the ground floor habitable windows of this property.

5.18 The majority of comments received from the occupiers of the neighbouring properties in the letters of objection relate to the level of noise and disturbance that will occur from the use of the seating area. This issue has been discussed at length in the preceding paragraphs of this report.

5.19 As previously stated, the proposal does not involve patrons leaving the premises along the rear land. The entrance would remain to the front of the building on Scotland Road.

5.20 Furthermore, the applicant has stated that taxis do not use the rear lane to collect customers. Any taxi which uses the lane does so to access Linden Cottage.

5.21 The objectors further state that the development will lead to an increased demand for parking in the area. As considered in the original application for the change of use of the premises, the site is located adjacent to a main thoroughfare to which there are good public transport links. The premises is within reasonable walking distance of the city centre and there is public parking provision on the opposite side of the road in Church Street, along with a residents parking scheme that operates in Etterby Street. Members should note that the Highway Authority has raised no objection to the application. Should patrons of the establishment park on a private road on which they have no permission to do this, this would be a private matter.

5.22 The letters of objection state that the increased use of the premises will result in a direct increase in crime and disorder. Cumbria Constabulary has only one incident reported for the premises whereby an occupant of the flat was locked out and was trying to gain entry to the flat. There is no reference to attempted burglaries of the premises.

5.23 In response to the revised details submitted, the original objections have been largely reiterated. In addition, it is stated that the suggested opening hours, which the applicant proposes in an attempt to minimise any noise and disturbance, are also the times during which people could reasonable be expected to enjoy peace and quiet in their gardens and when both adults and young children would be sleeping.

Conclusion

5.24 The premises are located adjacent to a main thoroughfare and within a parade of existing commercial uses where there are licensed premises in the vicinity of the application site. There are residential properties close to the application site immediately adjacent to the application site. In overall terms, the use of the seating area has the potential to generate a significant level of noise and activity typically associated with a public house, particularly during the summer months when patrons may be inclined to sit out late into the evenings. In close proximity to residential properties, planning conditions restricting the use of the area would not override the adverse effect on the living conditions of the neighbouring occupiers that would result. The submitted Noise Assessment does not adequately address the concerns regarding the potential level of use of the area. The potential level of disturbance generated by the use of this area is such that the living conditions of those residential properties in the locality will be adversely affected through noise generation. For this reason it is recommended that this application is refused.

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

7. Recommendation - Refuse Permission

1. **Reason:** The formation of the seating area will result in an intensification

of external activity within this predominantly residential area, including use of the seating area into the evening when the occupiers of neighbouring properties could reasonably expect to enjoy a level of piece and quiet. The use of the land would lead to an overall increase in the levels of noise and disturbance likely to be experienced by immediate and nearby residents. The potential level of disturbance generated is such that the proposal would have an unacceptable adverse impact upon living conditions of neighbouring properties. As such, the proposal would be contrary to the objectives of criterion 1 of Policy S15 (Food and Drink) of the Carlisle District Local Plan; criterion 1 of Policy EC10 (Food and Drink) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 (as amended by the Inspector's decision); criterion 3 of Policy H17 (Residential Amenity) and criterion 3 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Redeposit Draft 2001-2016 (as amended by the Inspector's decision).

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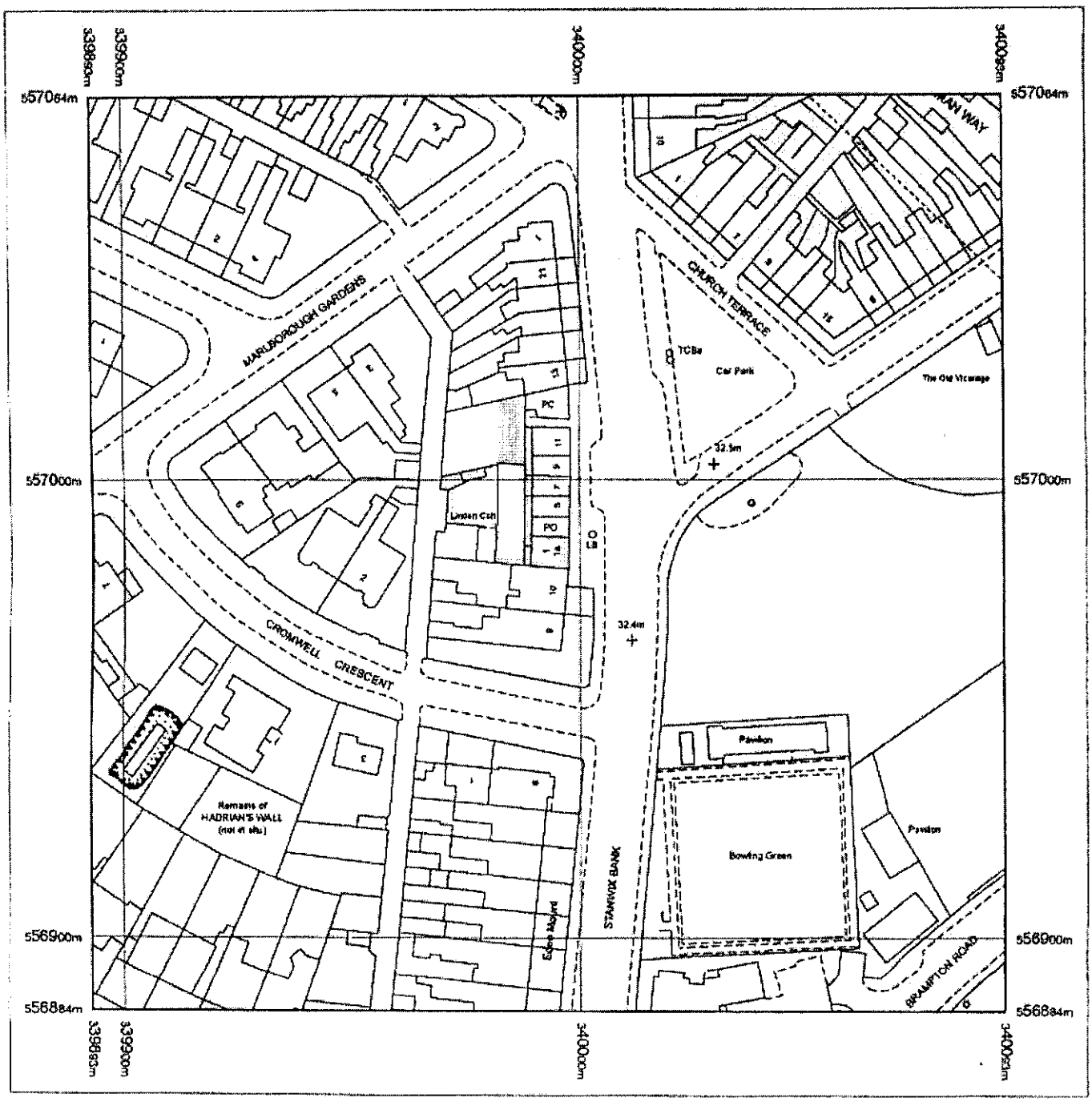

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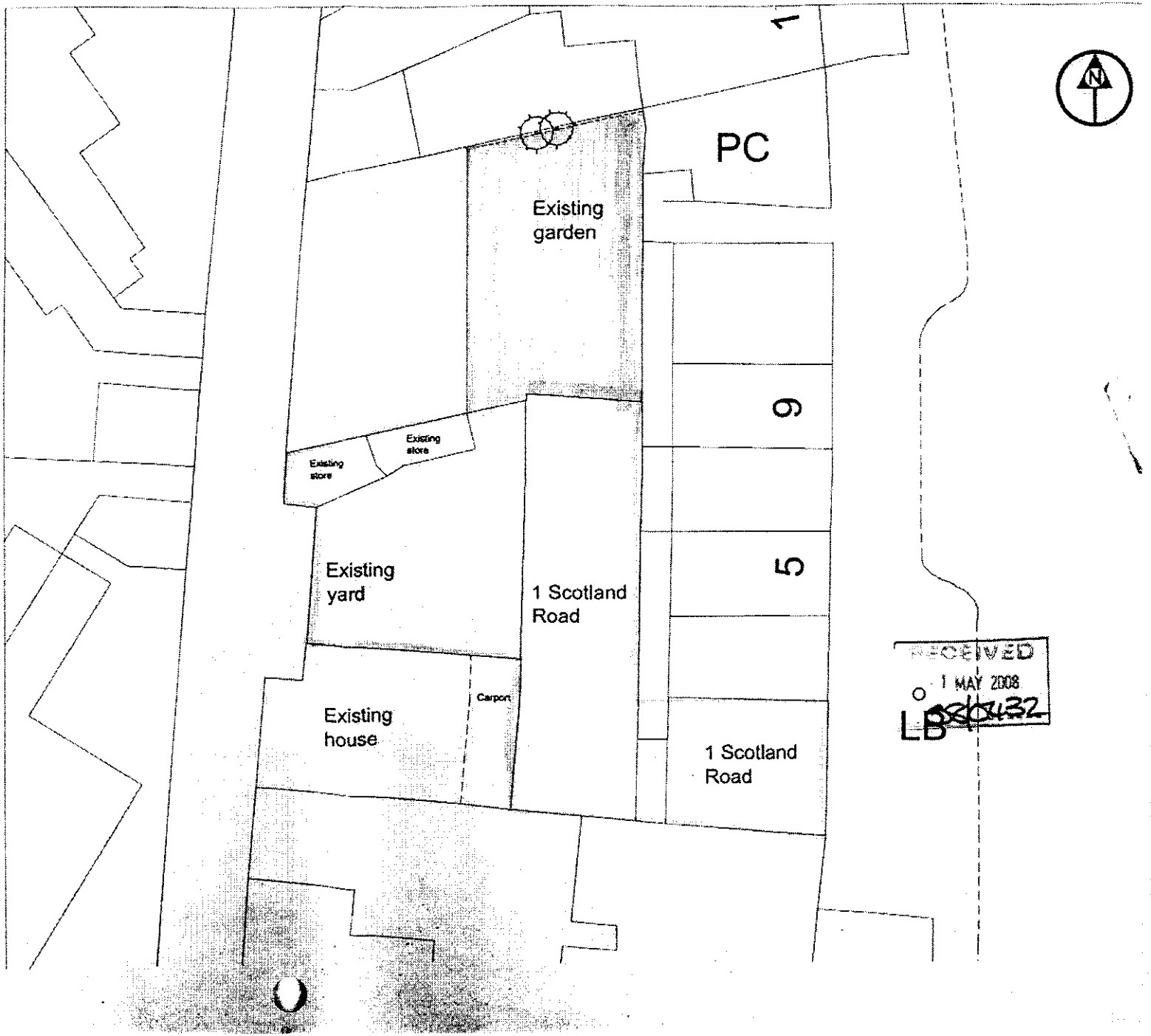

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PLAN
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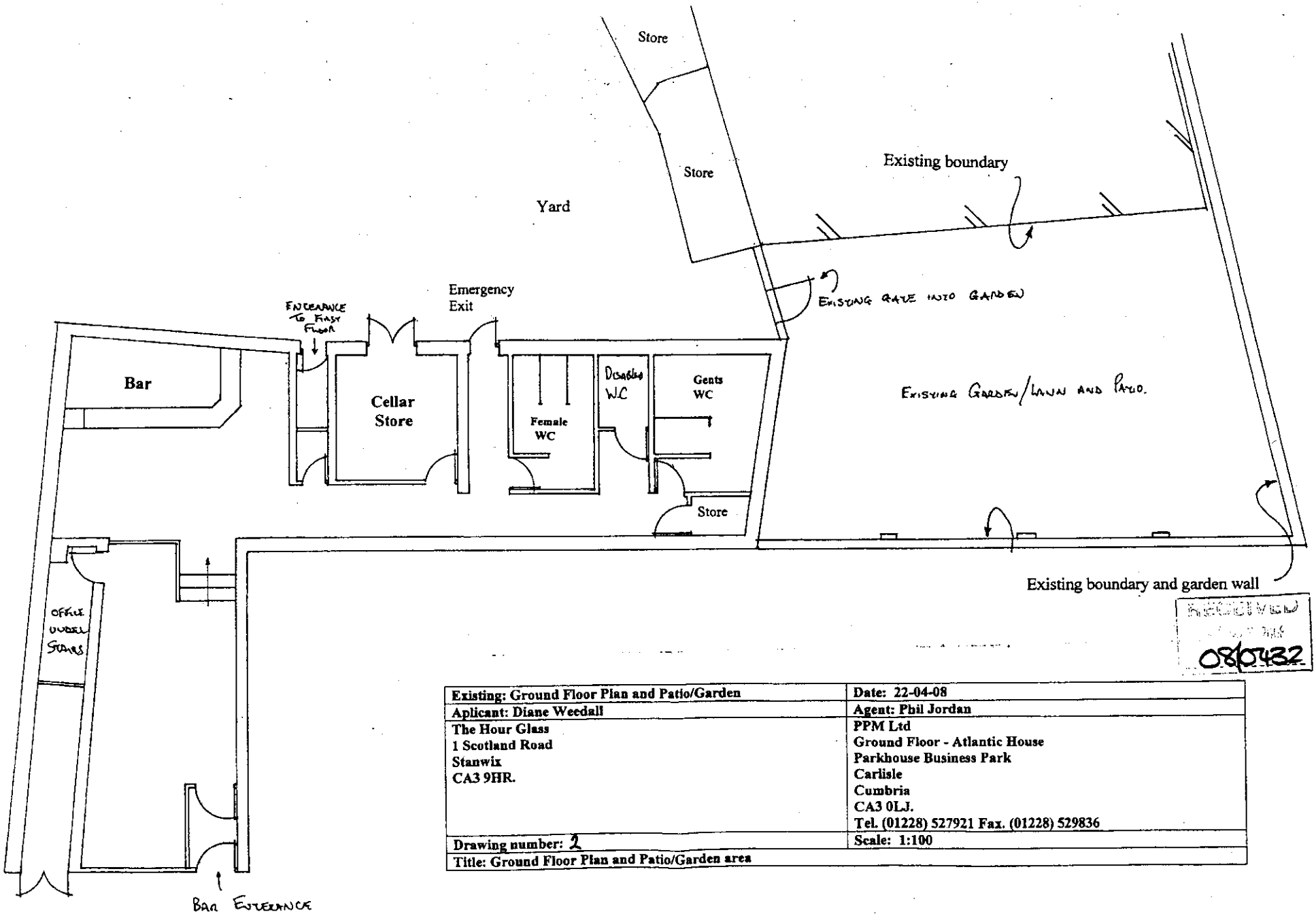


Existing: Ground Floor Plan and Patio/Garden	**Date: 22-04-08**
Aplicant: Diane Weedall	**Agent: Phil Jordan**
The Hour Glass **1 Scotland Road** **Stanwix** **CA3 9HR.**	**PPM Ltd** **Ground Floor - Atlantic House** **Parkhouse Business Park** **Carlisle** **Cumbria** **CA3 0LJ.** **Tel. (01228) 527921 Fax. (01228) 529836**
Drawing number: 2	**Scale: 1:100**
Title: Ground Floor Plan and Patio/Garden area	

Received
080432

AMENDED PLAN 30-06-08

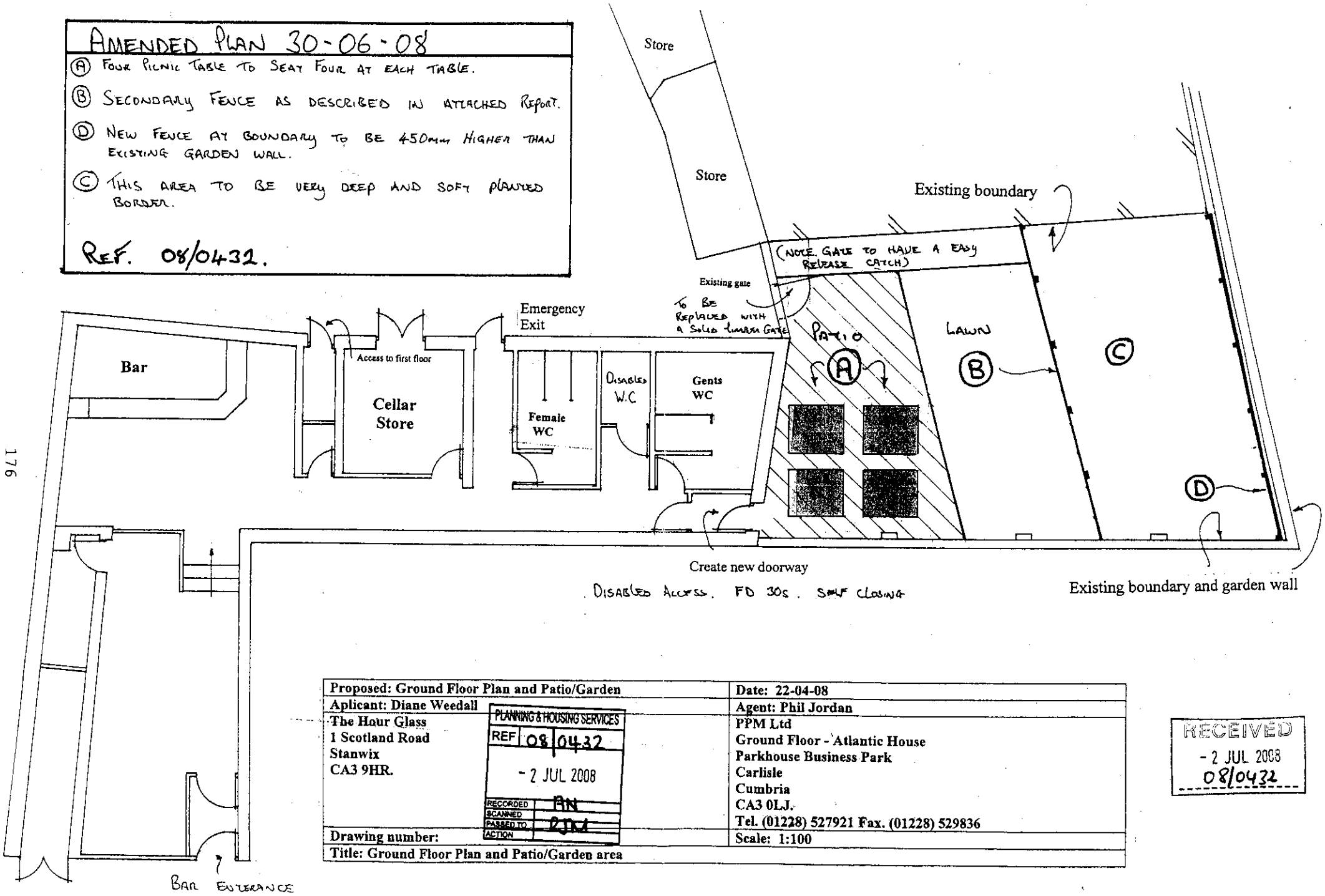
(A) FOUR PICNIC TABLE TO SEAT FOUR AT EACH TABLE.

(B) SECONDARY FENCE AS DESCRIBED IN ATTACHED REPORT.

(D) NEW FENCE AT BOUNDARY TO BE 450mm HIGHER THAN EXISTING GARDEN WALL.

(C) THIS AREA TO BE VERY DEEP AND SOFT PLANTED BORDER.

REF. 08/0432.



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Proposed: Ground Floor Plan and Patio/Garden	Date: 22-04-08
Aplicant: Diane Weedall	Agent: Phil Jordan
The Hour Glass 1 Scotland Road Stanwix CA3 9HR.	PPM Ltd Ground Floor - Atlantic House Parkhouse Business Park Carlisle Cumbria CA3 0LJ. Tel. (01228) 527921 Fax. (01228) 529836
Drawing number:	Scale: 1:100
Title: Ground Floor Plan and Patio/Garden area	

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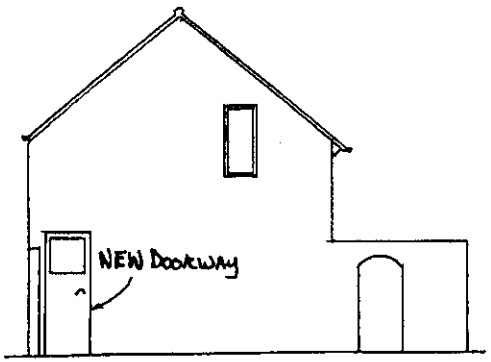

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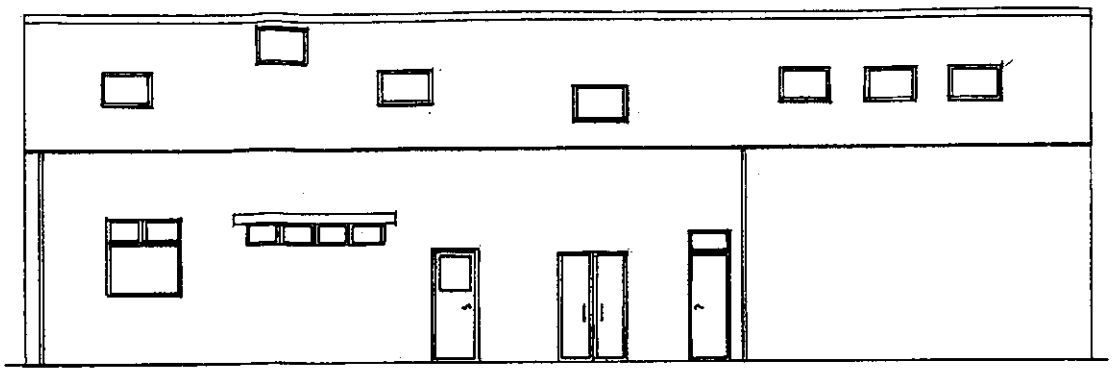
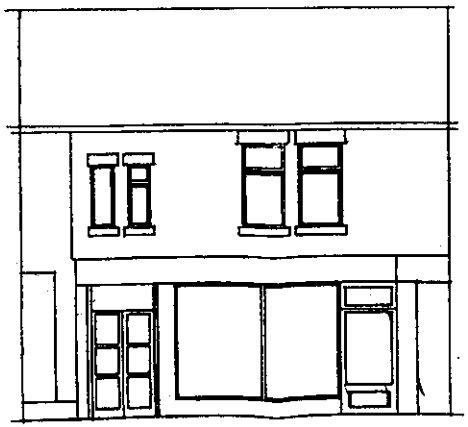


EXISTING WEST ELEVATION (NO CHANGE TO WEST ELEVATION)



EAST ELEVATION (NO CHANGE TO EAST ELEVATION)

	Date: 22-04-08
Aplicant: Diane Weedall	Agent: Phil Jordan
The Hour Glass 1 Scotland Road Stanwix CA3 9HR.	PPM Ltd Ground Floor - Atlantic House Parkhouse Business Park Carlisle Cumbria CA3 0LJ. Tel. (01228) 527921 Fax. (01228) 529836
Drawing number:	Scale: 1:100
Title: Elevations	

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Martec Environmental Consultants Ltd.
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NOISE ASSESSMENT
PROPOSED GARDEN AREA
THE HOURGLASS WINE BAR
SCOTLAND ROAD, CARLISLE

Report by
M. A. Kenyon, MSc, BSc, MIOA
MARTEC ENVIRONMENTAL CONSULTANTS LTD

Report Date:	20 June 2008
Ref.:	MAK/4847.Carlisle PEL
Site Visited:	13th & 14th June 2008
Site Visited By:	M A Kenyon

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1.0 INTRODUCTION

At the request of Gordon McGreggor, Martec Environmental Consultants Ltd undertook an assessment of a proposed garden/external area to be used by patrons of The Hourglass Wine Bar, Scotland Road, Carlisle. This assessment arose from a request by the local authority for more detailed information regarding on-site noise levels.

This report considers background noise measurements made on site, predictions of likely noise levels from patrons using the garden, and any recommendations which are considered necessary.

Acoustic terminology is explained at Appendix 1 of this report and the author's qualifications and experience are described in Appendix 2.

2.0 SITE DESCRIPTION

Figure 1 is a plan of the site and Figures 2 and 3 are photographs taken from the locations marked in Figure 1. At the time of the monitoring, the wine bar garden was overgrown and the main noise source affecting the site was the noise of a kitchen extract fan at the rear of the Chinese take-away. The kitchen extract fan at Caspian Express (left hand in Figure 3) appeared to be off at the time of installation.

It is understood that the hours of use of the garden would be up until 6pm during the six winter months [commencing 1st October] and until 8pm during the six summer months. Patrons of the wine bar would be able both to smoke and take their drinks into the garden. There would be no music or other entertainment in the garden at any time and therefore the sole source of noise would be human voices.

The premises CCTV system already covers the garden and provision can be made for sound to be relayed from the garden to behind the bar, so that staff would be aware of activity within the garden.

The garden of the nearest neighbour (No.13 Scotland Road) could be seen from the wine bar garden and this property can be seen to the left of Figure 3. The garden of No.13 cannot be clearly seen because it is approximately 1m lower than the wine bar garden. No other gardens are visible from the wine bar garden. The two properties with most direct views of the wine bar garden are No.13 Scotland Road to the north of the garden and the property immediately to the South which is under the control of the applicant.

3.0 ASSESSMENT CRITERIA

The author is not aware of any objective assessment criteria which covers this type of noise, i.e. the unamplified voices of people using an external

area to licenced premises.

3.1 PPG24 Planning and Noise

PPG24 is the main document that local authorities consider when deciding planning applications where noise is an issue.

The only guidance offered by PPG24 is contained with paragraph 20 of Annex 3 "*Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity...*".

It is not considered that the above is particularly helpful especially given the fact that this activity will not occur during much of the evening and not at all at night.

3.2 Local Authority & Resident Concerns

When consulted regarding this application, the local authority's noise advisor, Michael Neatis, stated the following:-

"Due to the close proximity of residential dwellings to the proposed area,

there is significant potential for complaints being generated in respect of noise and smoke and the possibility of statutory nuisance occurring. Therefore, I would recommend refusal of this application."

In response the local authority officer appears to be basing his recommendation solely on the basis of potential for disturbance; no quantitative assessment appears to have been undertaken of the likely levels of either noise or smoke in neighbouring premises.

Clearly any development that produces noise has the potential to give rise to complaints and possibility even a statutory nuisance; with respect, the decision to refuse planning consent for noise producing activities should be based on whether justifiable complaints are likely, not on whether there is a potential for complaints.

The neighbour consultations are available from Carlisle City Council's website and the letter from the occupant of No.13 Scotland Road dated 20th May 2008 can be read. In fairness the resident mentions possible daytime disturbance; however, one of the main concerns is the potential for late evening and nighttime disturbance from the garden at finishing time of 01:30 hours is mentioned. In addition the neighbour is concerned that as the evening wares on and people have had more to drink that voices would become louder. Clearly the proposed end time of using the garden (8 pm at latest) addresses both these issues.

4.0 NOISE MEASUREMENTS

Measurements were made at the location shown in Figure 1 at a position within the wine bar garden; it is considered that background noise levels at this location would be similar to those experienced in the adjacent garden of No.13 Scotland Road.

The instrumentation was installed midafternoon on Friday 13th June and was removed midmorning on Saturday 14th June 2008.

Winds were generally light and from the northwest with temperatures varying between 5 degrees (night) and 15 degrees Centigrade (day). Given the proximity of the noise sources to the measurement locations, it is not considered that the weather conditions would have significantly influenced the results.

The sound level meter was a SVAN type 957 (s/n 12356), mounted on a pole at a height of 1.4m, and fitted with a RION WS-SO1 "all-weather" windmuff. The meter calibrated correctly before and after the measurements using a Bruel & Kjaer calibrator type 4231 (s/n 2084928) and had been laboratory calibrated within the preceding two years.

The results appear in full in Appendix 3,

5.0 NOISE ASSESSMENT

5.1 Background Noise

The closeness of the LAeq and LA90 measurements show the presence of a steady noise that increased from installation around 48 to 49 LA90 to 51 to 52 LA90. Such a pattern is indicative of fan noise and tends also to indicate that the second kitchen extract fan at the Caspian Express take-away was turned on. The fan noise appears to have ended shortly after midnight again consistent with kitchen extract fans at the take-away premises on Scotland Road.

It can be seen that the background noise level at the time of collection of the instrument around 10 am, the level was 46 LA90.

5.2 Noise from Proposed Garden

Normal human speech ranges from 55 dBA to 65 dBA at 1m. If we assume that there are three people all speaking at the upper end of the range, i.e. fairly loudly, then the noise level would be 70 dBA at 1m which equates to a sound power level of 78 dBA.

Appendix 4 contains predictions of noise levels in the nearest and next nearest gardens (assuming separation distances of 8 and 25m respectively) using the barrier prediction methodology of BS.5228 and on the assumption that the dominant frequency of the source spectrum is within the 250 Hz octave band [the male bass voice is typically 300 Hz]. It can be seen that the predicted levels are approximately 40 dBA in the nearest garden and some 9 dBA lower than this in the next nearest garden, which is further away and well shielded by some large garages.

If we consider the nearest garden (No.13), then the predicted noise levels of three persons speaking in raised voices would be 40 dBA which is 9 to 12 dBA below the level of the background noise. If the numbers of people talking loudly were to increase to say 24 people then the predicted level would increase by 9 dBA and therefore increase to the lowest background level measured during the evening. Consequently if the number of seats in the garden area were limited to say 20 then it would make it unlikely that the background noise level would be exceeded.

6.0 CONCLUSIONS AND RECOMMENDATIONS

There are no objective criteria for this type of noise. It is considered that if the sound of peoples voices were to be less than the background noise level, then it is considered unlikely that undue disturbance would be caused.

The number of seats in the garden area should be limited to 20, and the seats and tables should be located immediately adjacent to the wine bar.

The boundary adjacent to No.13 Scotland Road should consist of a very deep and soft planted border, so as to discourage any patrons from standing near the boundary.

The proposed fence should be at least 1.85m and be constructed from heavy close-boarded materials such that there are no gaps or cracks between adjacent parts of the fence, nor between the fence and the ground.

The CCTV system should continue to monitor the garden area, in addition it is recommended that sound be relayed back with the pictures, such that should patrons behave inconsiderately, staff will be aware of the situation and should be instructed to take appropriate steps.

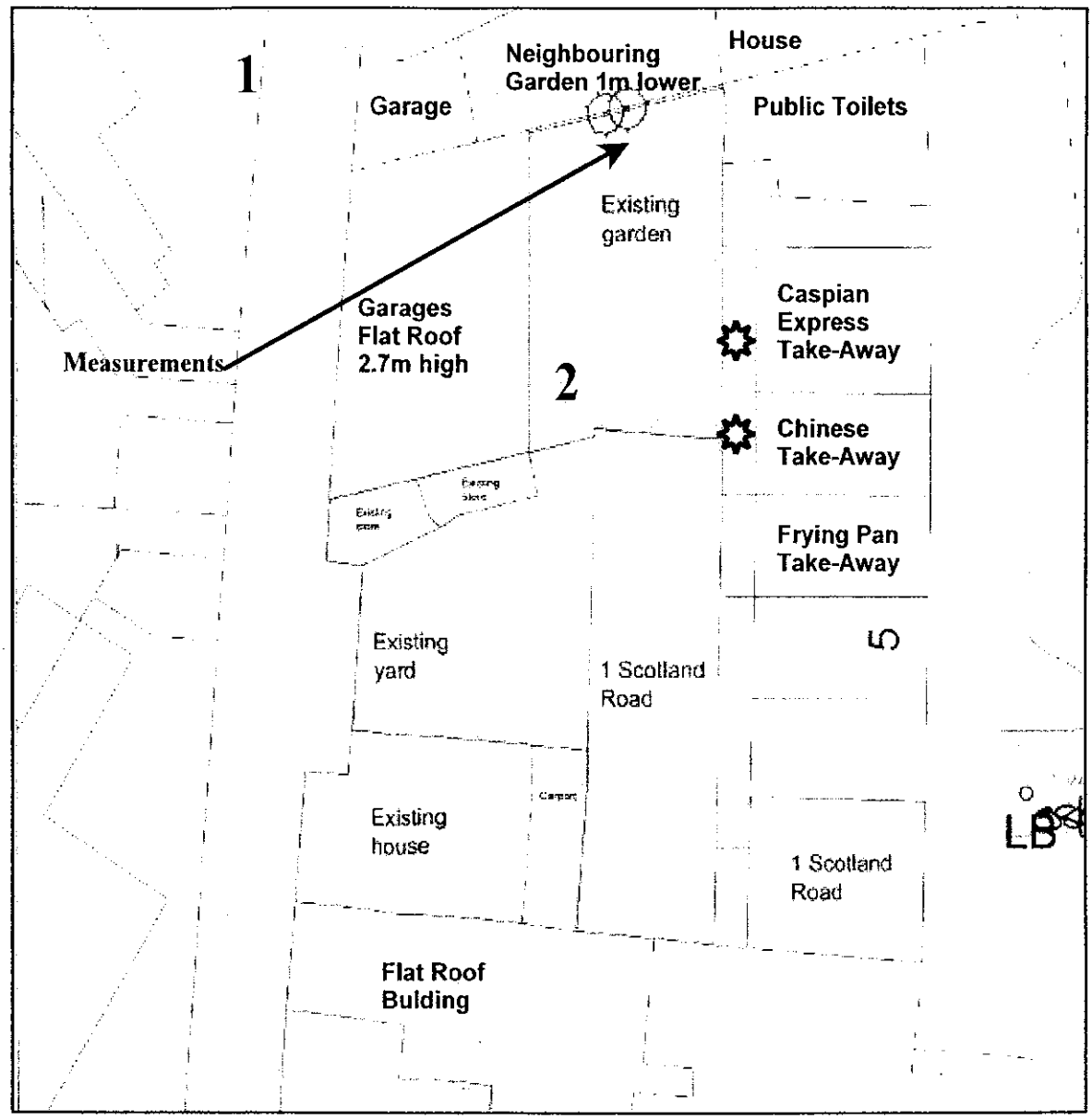

Figure 1: Site Layout - Take-Away Kitchen Extract Fans Shown by star shape at rear of premises - North to top of plan - Photograph positions 1 and 2 shown

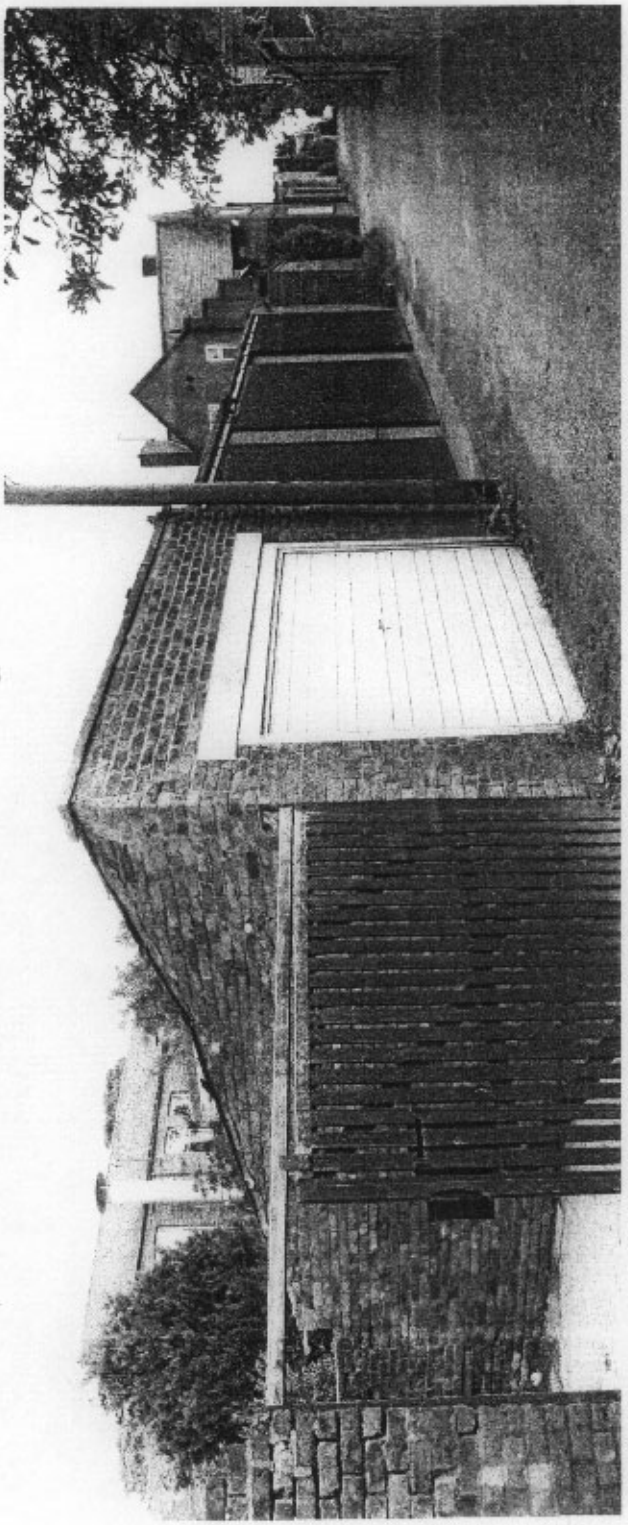

Figure 2: Photograph Taken looking South along rear entry - Extract at rear of Caspian Express and above wind bar garden can be seen to left of shot.

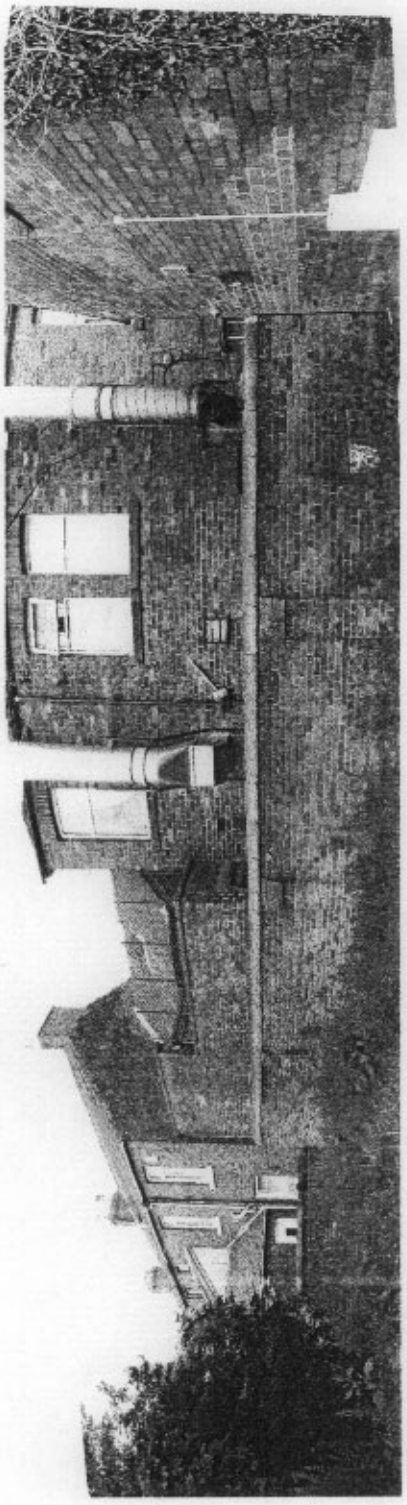

Figure 3: Photograph taken from Position "2" Overlooking garden towards Scotland Road

APPENDIX 1

EXPLANATION OF ACOUSTIC TERMS

The dB or the decibel, is the unit of noise. The number of decibels or the level, is measured using a sound level meter. It is common for the sound level meter to filter or 'weight' the incoming sound so as to mimic the frequency response of the human ear. Such measurements are designated **dB(A)**.

A doubling of the sound is perceived, by most people, when the level has increased by 10 dB(A). The least discernible difference is 2 dB(A). Thus most people cannot distinguish between, say 30 and 31 dB(A).

The Background level of noise is most commonly represented by the level which is exceeded for 90% of the time i.e. the LA90.

If a noise varies over time then the **equivalent continuous level, or LAeq**, is the notional constant level of noise which would contain the same amount of acoustic energy as the time varying noise.

The following table gives an indication of the comparative loudness of various noises expressed in terms of the A weighted scale:

Source of noise	dB(A)	Nature of Noise
Inside Quiet bedroom at night	30	Very Quiet
Quiet office	40	
Rural background noise	45	
Normal conversational level	60	
Busy restaurant	65	
Inside suburban electric train	76	
Hand clap @ 1m	80	
HGV accelerating @ 6m	92	Very Loud

APPENDIX 2

QUALIFICATIONS AND EXPERIENCE OF M.A. KENYON

My full name is Melville Alexander Kenyon. I am the principal consultant in the firm of Martec Environmental Consultants Ltd, a company that specialises in noise assessment and control. I hold a Bachelor's degree in Engineering and a Master's degree in Environmental Acoustics.

I am a member of the professional body for noise and vibration specialists, the Institute of Acoustics and have sat on the British Standards Committee dealing with noise in buildings [BS.8233]. My company is a member of The Association of Noise Consultants.

My company is on the panel of noise advisers to both the Noise Abatement Society and the Clay Pigeon Shooting Association and I have lectured at Liverpool John Moores University on the Diploma of Acoustics course, and at Manchester Metropolitan University on their Environmental Health Degree course.

I have some 26 years experience of dealing with problems caused by noise and vibration, both regarding noise and vibration in the environment, the workplace and the home. Martec was formed 36 years ago. During that time we have advised many groups of both residents and developers about the problems of noise and vibration in the environment.

APPENDIX 3

DETAILED NOISE RESULTS

Start Time	Duration	Min	Max	Leq	L1	L10	L50	L90
15:29'50	00:30'00	46.9	77.6	50.7	55.4	51.6	49.6	48.2
15:59'50	00:30'00	46.8	83.8	53.4	61.7	51.8	49.6	48.2
16:29'50	00:30'00	48.2	67	50.5	54.2	51.6	50.2	49.1
16:59'50	00:30'00	47.8	61.8	50.6	56	51.8	50.1	49
17:29'50	00:30'00	47.9	67.8	51.1	55.1	52.2	50.6	49.3
17:59'50	00:30'00	49	64.2	51.4	54.9	52.5	51.1	50.1
18:29'50	00:30'00	49.1	62.3	52.1	55.6	53.6	51.8	50.3
18:59'50	00:30'00	51	66.8	53.1	55.9	53.9	52.9	52
19:29'50	00:30'00	51	65.4	53	56.4	53.9	52.7	51.9
19:59'50	00:30'00	50.1	72.7	53.3	61	54	52.3	51.1
20:29'50	00:30'00	49.8	70.4	53.3	58.4	54.2	52.8	51.7
20:59'50	00:30'00	50.6	65.4	52.8	55.7	53.9	52.6	51.5
21:29'50	00:30'00	50.1	67.5	52.6	55.1	53.8	52.5	51.3
21:59'50	00:30'00	49.9	61.7	52.5	55.5	53.7	52.3	51
22:29'50	00:30'00	49.9	62.5	51.6	53.9	52.6	51.5	50.5
22:59'50	00:30'00	50.2	63.5	52.4	54.9	53.2	52.2	51.2
23:29'50	00:30'00	50.7	65	52.4	54.5	53.2	52.3	51.3
23:59'50	00:30'00	48.3	61.8	50.3	53.4	51.3	50.1	49.1
00:29'50	00:30'00	33	60.3	48.3	51.9	50.7	49.1	39.2
00:59'50	00:30'00	31	60.5	41.3	49.5	43.8	39.3	34.9
01:29'50	00:30'00	31.5	56.6	42	50.6	45	39.6	35
01:59'50	00:30'00	30.9	54	41.6	48.7	44.9	39.9	35
02:29'50	00:30'00	29.2	55.8	41.2	49.6	44.2	38.9	34.9
02:59'50	00:30'00	29.2	56.8	40.6	48.7	43.9	38.2	34.1
03:29'50	00:30'00	28.9	63.6	44.7	57.6	45	38.4	34.4
03:59'50	00:30'00	29.4	67.9	49.3	61.6	51.9	40.4	33.1
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07:29'50	00:30'00	32.5	63.7	45.6	53.2	48.6	43.7	39.6
07:59'50	00:30'00	36.9	67.6	46.6	53.7	49.2	45	40.5
08:29'50	00:30'00	36.6	69.6	47.3	54.3	49.7	46	41.8
08:59'50	00:30'00	38.7	66.1	48.2	52.8	49.9	47.7	45.2
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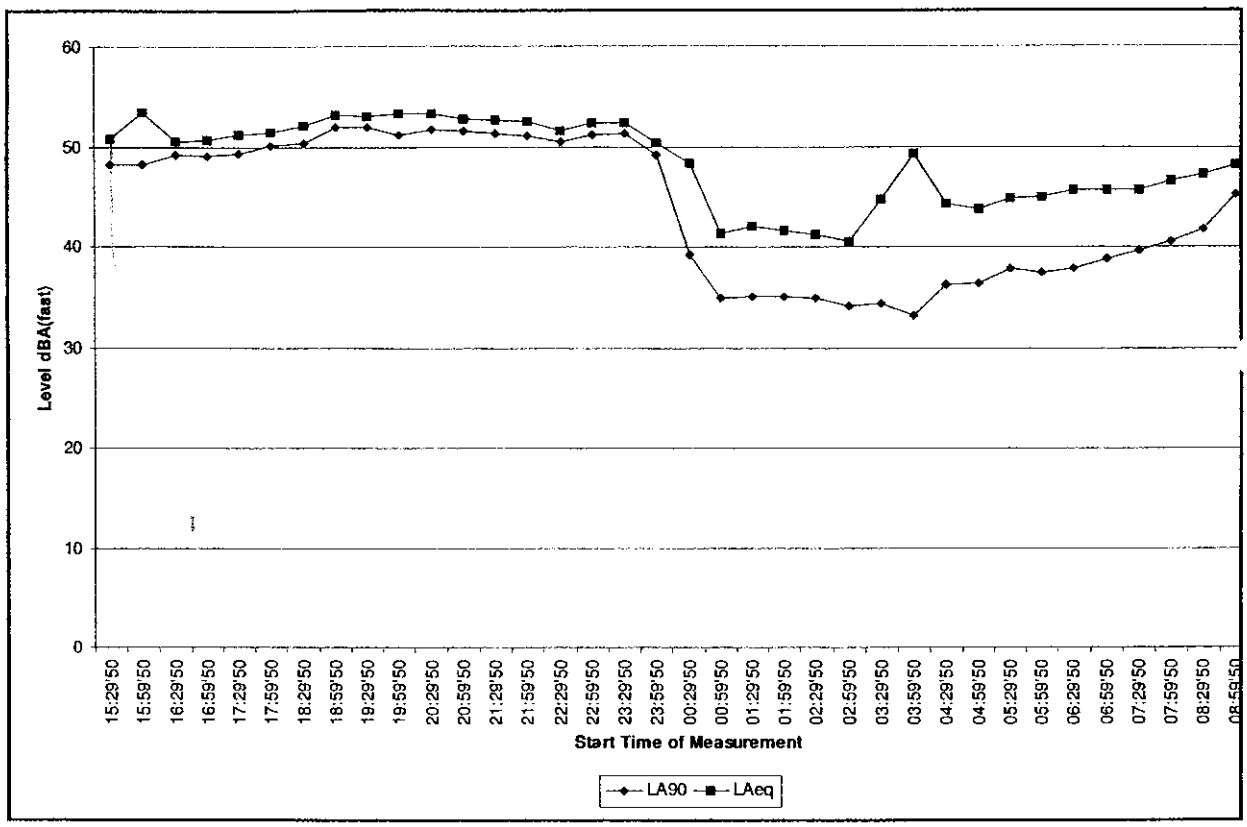
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08:29'50
Start Time of Measurement
LA90
LAeq

APPENDIX 4

PREDICTIONS OF GARDEN NOISE

```
Receiver-Centre of No.13 Garden
Ht of Rcvr Abv Datum                0.5
Ht Rec Abv Gnd                      1.5
SOURCE-Human Voice
Ht Source Abv Datum                 1.5
Dist Source Receiver                8.0
          125   250   500    1k    2k
User Def  40.0  60.0  40.0  40.0  40.0
TD                                  0.0
Prop Soft Gnd                       1.0
NBA   DBR   HBA  PBL
1     3.0   2.0100.0
=== CORRECTIONS ====
Snd poWer Lvl                      78.0
DiSt Corn                         -26.1
Mob Plnt Corn                       0.0
Prcntg In Use Corn                  0.0
Prcntg On Time Corn                 0.0
Soft Gnd Corn                       0.0
ATTN    9.0  11.3  12.9  15.8  18.8
BAR 1 ATTN    -11.82
1                                 -11.8
Facade Corn                         0.0
Total Level                        40.1
=====================================
Receiver-Centre of Distant Garden
Ht of Rcvr Abv Datum                1.5
Ht Rec Abv Gnd                      1.5
SOURCE-Human Voice
Ht Source Abv Datum                 1.5
Dist Source Receiver               25.0
          125   250   500    1k    2k
User Def  40.0  60.0  40.0  40.0  40.0
TD                                  0.0
Prop Soft Gnd                       1.0
NBA   DBR   HBA  PBL
1     3.0   2.7100.0
=== CORRECTIONS ====
Snd poWer Lvl                      78.0
DiSt Corn                         -36.0
Mob Plnt Corn                       0.0
Prcntg In Use Corn                  0.0
Prcntg On Time Corn                 0.0
Soft Gnd Corn                       0.0
ATTN    8.5  10.7  12.6  15.0  18.0
BAR 1 ATTN    -11.22
1                                 -11.2
Facade Corn                         0.0
Total Level                        30.8
=====================================
```

RECEIVED
- 2 JUL 2008
08/0432

Planning application 08/0432 THE HOURGLASS

Responses to Neighbours main concerns.

Reading the neighbours letters where the vast majority have serious concerns over the noise levels that they expect, we are offering a compromise to help ease those concerns. We wish to restrict our permitted opening time for the proposed garden area to the following times.

Winter Hours: 11.00am to 6.00pm
Sumer Hours: 11.00 am to 8.00pm (1st April – 30th Sept)

We commission a noise assessment study to be carried out on existing Noise levels and ways to reduce the impact upon the neighbour's properties in the construction design and limited numbers of seating. (I enclose a copy of their report).

Part Six Conclusions and recommendation.

The seating area will be limited to 20 seats. There location to be close to the bar. (See Diagram). A Small closely boarded fence approx 450mm (13") higher than the existing boundary wall will be constructed on the boundary line. A Secondary fence as describe in the report will be constructed 1/3 off the existing garden away from the wall. Within this area it is to be soft planted boarder area which will eliminate any possible patrons standing upon the boundary wall.

The sound relay will only be introduced if there are a number of legitimate complaints. As I currently believe this is an overkill measure.

Further concerns outside this report.

Conservation Area: I don't believe this is an issue as the proposal will be a properly maintained garden area.

Privacy: The rear lane will remain completely out of bounds to customers. The current garden area only looks over one joining garden. With the measures outlined about it will not look over anyone's.

Parking: Highways agency have no concerns as this is not going to increase the traffic in the area.

Crime & Disorder: The bar has had one incident of having vandals smash the front window. This proposal should not result in Crime and Disorder increasing. (May I point out that other shops in the area have also received broken windows to their properties).

Lighting: All lighting to the area will be switched off once closed. And it's only really between 4 & 6pm in the winter months where lighting is envisaged.

Cynical use of planning laws: The garden area, as well as other parts of the original application was taken away. This was done on advice given to me to prove to the neighbour's that we were not turning Stanwix into a "*boozergate*" and that all their initial fears had not materialised. And financial consideration at the time. The Garden Area has been re introduced as demand by the patrons.

Existing Noise from within: As we currently produce very little noise and certainly no noise escapes. The exit out into the area already shows a natural noise barrier with the two doors exit. So noise from within should not penetrate out.

Taxis: The allegation that Taxi's use the back lane for patrons is a pure nonsense. If any taxis are in the lane it is to drop off or pick up the people that live in **Linden Cottage.** This matter should be taken up with them and not us!!!

Seats at the front: The area outside the front is owned by the bar (Agreed with Carlisle City Council) so seating area is allowed.

UPVC Windows: If the statement is true that the residents can't put UPVC windows in their homes due to planning or that it's a conservation area, then many residents choose to ignore this law as the vast majority have them.

Sleep: See hours stated.

Cigarette smoke. The smoke is hardly going to penetrate into peoples gardens and in the exceptional event the smoke did penetrate, the smells from the Chip shop/Indian/Chinese and Italian kitchens would completely over power the smell of cigarette smoke.

Item No: 09 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0586	McKnight & Son Builders	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/06/2008 15:30:11	Green Design Group	Multiple Wards
Location:		**Grid Reference:**
Land adjacent to 84, Castlesteads Drive, Carlisle		337202 555588

Proposal: Erection Of Two Semi-Detached Dwellings

Amendment:

REPORT

Case Officer: Chris Harrison

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of a single letter of support from a neighbouring resident who has requested the right to speak.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

District E22 - Sewers & Sew. Treat. Work

District H2 - Primary Residential Areas

District H16 - Design Considerations

District H17 - Residential Amenity

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl.Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol H3 - Residential Density

Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to the inclusion of three conditions in any consent granted, as it is considered that the existing access and car parking facility is acceptable in connection with the proposed development;

Community Services - Drainage Engineer: no consultation response received;

United Utilities (former Norweb & NWWA): no consultation response received;

Northern Gas Networks: no objections to the proposal. An advisory note is attached stating: there may be apparatus in the area that may be at risk during construction works and should the application be approved, the promoter of these works is required to contact Northern Gas Networks directly to discuss the requirements in detail. It is noted that should diversionary works be required, these will be fully chargeable.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	151 Castlesteads Drive	16/06/08	Support
	153 Castlesteads Drive	16/06/08	
	155 Castlesteads Drive	16/06/08	
	157 Castlesteads Drive	16/06/08	
	84 Castlesteads Drive	16/06/08	Support
	86 Castlesteads Drive	16/06/08	
	93 Chesterholm	16/06/08	
	282 Chesterholm	16/06/08	

3.1 This application has been advertised by means of a site notice and

notification letters sent to nine neighbouring properties. One letter of support has been received during the consultation period. The issues raised are indicated below:

1. the land to which the application relates is presently 'an eyesore';

2. the proposed dwellings would 'fit in very nicely' and 'if the houses are built, that part of the street would be a lot better and not overgrown and full of litter'.

4. Planning History

4.1 In 2006 outline planning permission was granted for the erection of a new detached 3no. bed dwelling (application reference: 06/0489).

4.2 In 2007 a full planning application was made and subsequently withdrawn for the erection of 2no. maisonettes (application reference: 07/0070).

4.3 In 2007 outline planning permission was granted for the erection of one detached 3no. bed dwelling (application reference: 07/1248)

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks full planning permission for the erection of 2no. semi-detached dwellings on land adjacent to No.84 Castlesteads Drive, Carlisle.

5.2 The application site is located directly adjacent to the junction of Chesterholme and Castlesteads Drive. The site, which covers approximately 425 square metres, comprises of elements of the northern and eastern curtilage areas of No.93 Chesterholme and No.84 Castlesteads Drive respectively. The existing site boundaries are demarcated by the north elevation of No.93 Chesterholme to the south and a 0.5 metre high timber post and rail fence to the north and east. There is no boundary treatment delineating the west boundary of the application site, as it lies across part of the curtilage of No.84 Castlesteads Drive. The western extent of the site is, however, intersected by a row of coniferous trees, which previously demarcated land ownership between No.93 and No.84 Castlesteads Drive.

5.3 The site is identified as located within a Primary Residential Area on the Inset Plan forming part of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector's Report).

Proposal

5.4 It is proposed to erect a pair of two storey semi-detached dwellings with a combined footprint of approximately 138 square metres. The dwellings would be positioned centrally within the site and would be located 1.8 metres from the northern boundary which abuts Castlesteads Drive. The dwellings would incorporate eaves and ridge heights of 4.5 metres and 7.75 metres respectively. Single storey projections are proposed to both the north and south elevations.

5.5 Access to the eastern property is to be via a dedicated driveway from Chesterholme, with the western property sharing the existing access to No.84 Castlesteads Drive. In total, four private off street parking places are to serve the proposed dwellings.

5.6 Externally, the properties would be finished using clay facing bricks and wet dash render, with plain concrete tiles to the roof. It is indicated that the boundaries of the site are to be delineated using a range of trees and shrubs, full details of which are not provided.

5.7 It is proposed to discharge the foul drainage and surface water to the mains sewer.

Assessment

5.8 The relevant planning policies against which the application is required to be assessed are Policies E22, H2, H16, H17 and T7 of the Carlisle District Local Plan and Policies DP1, CP4, CP5, CP11, H1, H2, H3, H4 and T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report.

The proposals raise the following planning issues:

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

5.9 The application site constitutes 'previously developed land' (as defined within Planning Policy Statement 3) located in a Primary Residential Area within the urban area of Carlisle. The site is well located in relation to a range of transportation modes. In this regard the principal of residential development on the application site is acceptable.

2. Whether The Scale, Layout And Appearance Of The Development Is Acceptable;

5.10 The density of the proposed development equates to approximately 47 dwellings per hectare and therefore accords with the minimum density requirement prescribed within Policy H3 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report and Planning Policy Statement 3 (Housing) and is comparable to the surrounding area.

5.11 The site is located in a prominent corner position adjacent a pair of semi-detached bungalows, which are positioned at a level below the application site. The proposed dwellings are sited significantly forward of and in close proximity to these properties and therefore do not accord with the established building line within this area of street.

5.12 The scale and massing of the proposed dwellings, whilst reflective of the principal property types within the locality, fail to account for the existence and proximity to the neighbouring single storey dwellings in terms of their scale, footprint, position and overall mass. In the above regard, the proposal represents over intensive development of a restricted site, which would detrimentally impact upon the character of the streetscape.

5.13 In terms of the design, the proposed dwellings utilise a number of design features inconsistent with remainder of the locality; however, the external finishes of the proposed are complementary. This aspect of the application alone would not warrant refusal of the application. Adequate in-curtilage amenity space has been provided to serve the dwellings.

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

5.14 Taking into consideration the scale and position of the proposed development in relation to the residential properties located to the north of Castlesteads Drive and Chesterholme, no adverse impact upon the living conditions of the occupiers though overlooking, overbearing or loss of light will occur.

5.15 In relation to No.84 Castlesteads Drive, the adjacent single storey dwelling, no adverse impact upon the living conditions through overlooking will occur. Whilst it is accepted that the development will result in some loss of light to the high level windows in the south-west elevation of No.84, these windows are small in size and are secondary to the primary facing windows located within the front elevation of the property. In this regard, the living conditions of the occupiers of No.84 would not be detrimentally effected through loss of light.

5.16 A distance of 6.15 metres is maintained between the primary window serving the living rooms of the proposed dwellings and the gable wall of No.93 Chesterholme. This distance is significantly less than that encouraged. Whilst the scale and position of the dwellings would not impact upon the adjacent residential properties, the living conditions of the future occupants of the proposed dwellings would be compromised through the overbearing and overshadowing impact created by the gable of No.93 Chesterholme. The impact upon the living conditions of the future occupiers is such that the application cannot be supported.

4. Access And Parking Provision;

5.17 The Highway Authority has confirmed that the parking and access arrangements are acceptable.

Conclusion

5.18 In overall terms, the principle of the proposed development is acceptable; however, the scale and layout of the proposed dwellings represents over intensive development of a restricted site, which would detrimentally impact upon the character of the streetscape. In addition to this, given the scale and siting of the proposed dwellings in relation to the gable of No.93 Chesterholme, adverse impacts through loss of light and overbearing would result on the living conditions of the occupants of the proposed properties. In this regard, the proposal fails to comply with the objectives of the relevant adopted and emerging Local Plan policies and is recommended for refusal.

6. Human Rights Act 1998

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

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

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

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

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

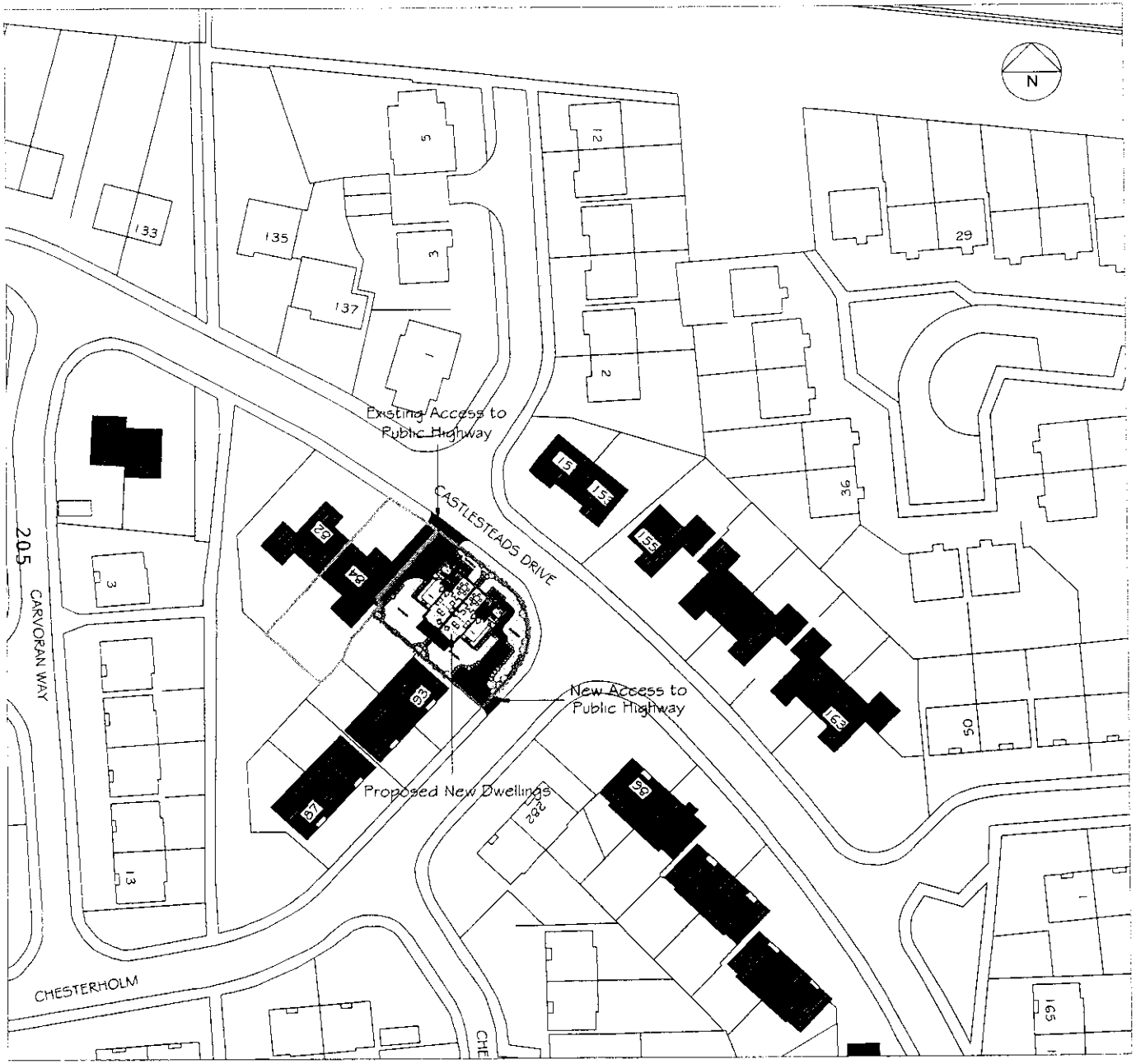
6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. Recommendation - Refuse Permission

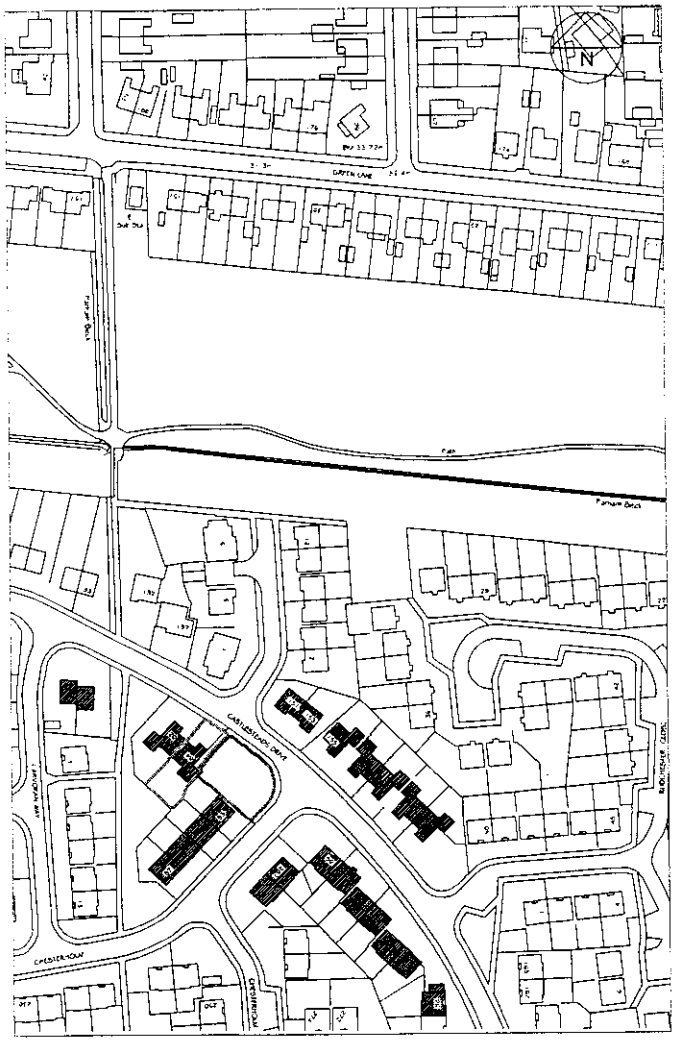
1. **Reason:** The application site occupies a prominent corner plot at the junction of Caslesteads Drive and Chesterholme at the point of convergence between a row of single storey and two storey dwellings. The proposed dwellings are sited significantly forward of and in close proximity to both no.84 and 82 Castlesteads Drive and do not accord with the established

building line within this area of street. The scale and massing of the proposed dwellings, whilst reflective of the principal property types within the locality, fail to account for the existence of, and proximity to the neighbouring single storey dwellings. The proposal would accordingly be inappropriate, representing over intensive development of a restricted site, which would detrimentally erode the character of the established streetscape. In this regard, the development is contrary to the objectives of Policies H2 (Primary Residential Areas) and H16 (Design Considerations) of the Carlisle District Local Plan and Policies CP4 (Design) and H2 (Primary Residential Areas) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report.

2. **Reason:** At the nearest point, a distance of 6.15 metres is acheived between the primary windows serving the habitable rooms of the proposed dwellings and the blank gable wall of No.93 Chesterholme. Due to the close proximity of the gable wall, the living conditions of the occupiers of the proposed dwellings would be compromised through its overshadowing impact. In this regard, the proposal is therefore contrary to criteria 5 of Policy CP4 (Design) and criteria 2 and 3 of Policy H2 (Primary Residential Areas) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report.



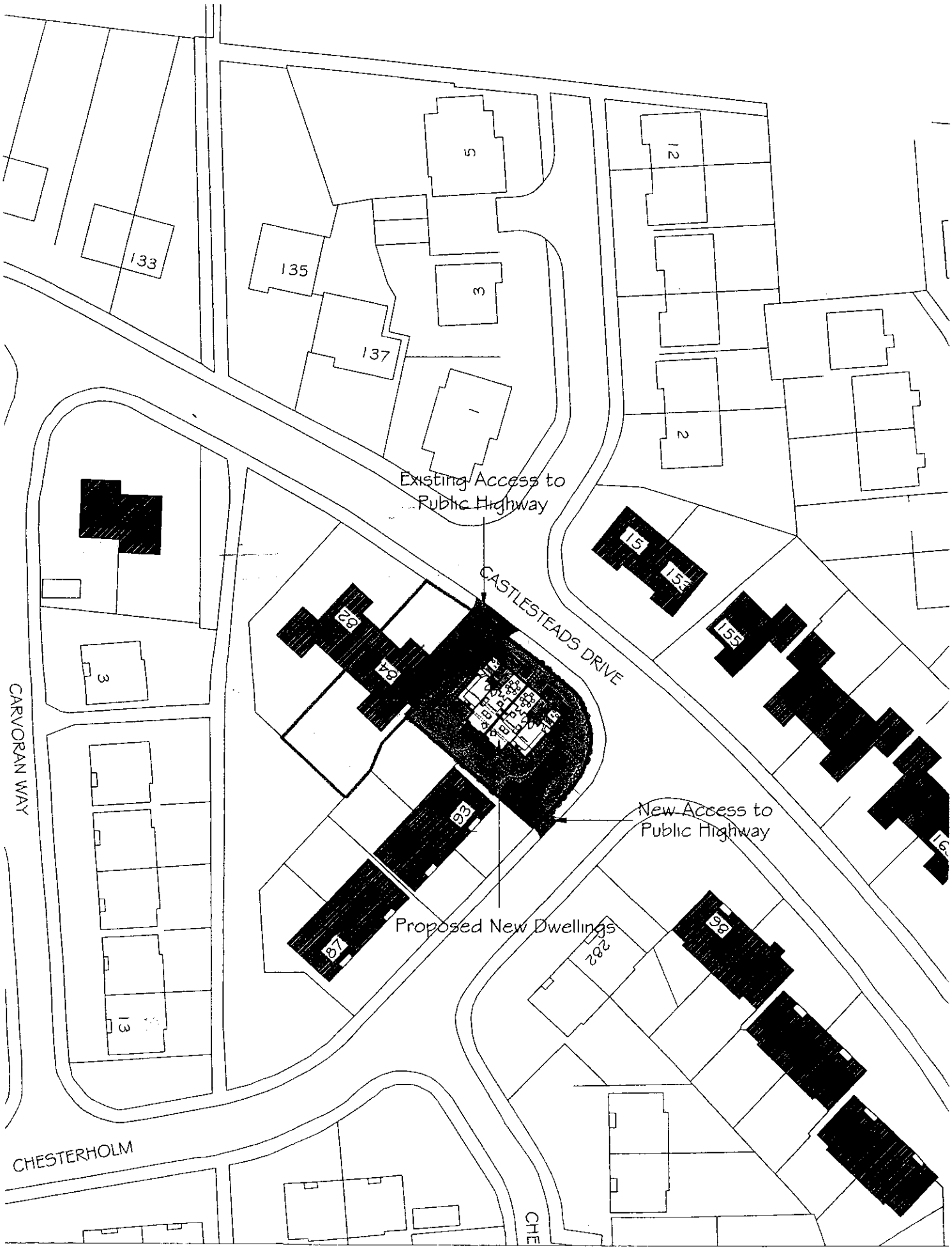
Block Plan: 1:500



Location Plan: 1:1250

GREEN DESIGN GROUP

Location & Block Plan
New Dwellings Chesterholm Carlisle for McKnight and Son Builders
1:1250/1:500 May '08
07/177/700



ock Plan: 1:500

GREEN DESIGN GROUP
CASTLESTEADS DRIVE
Site
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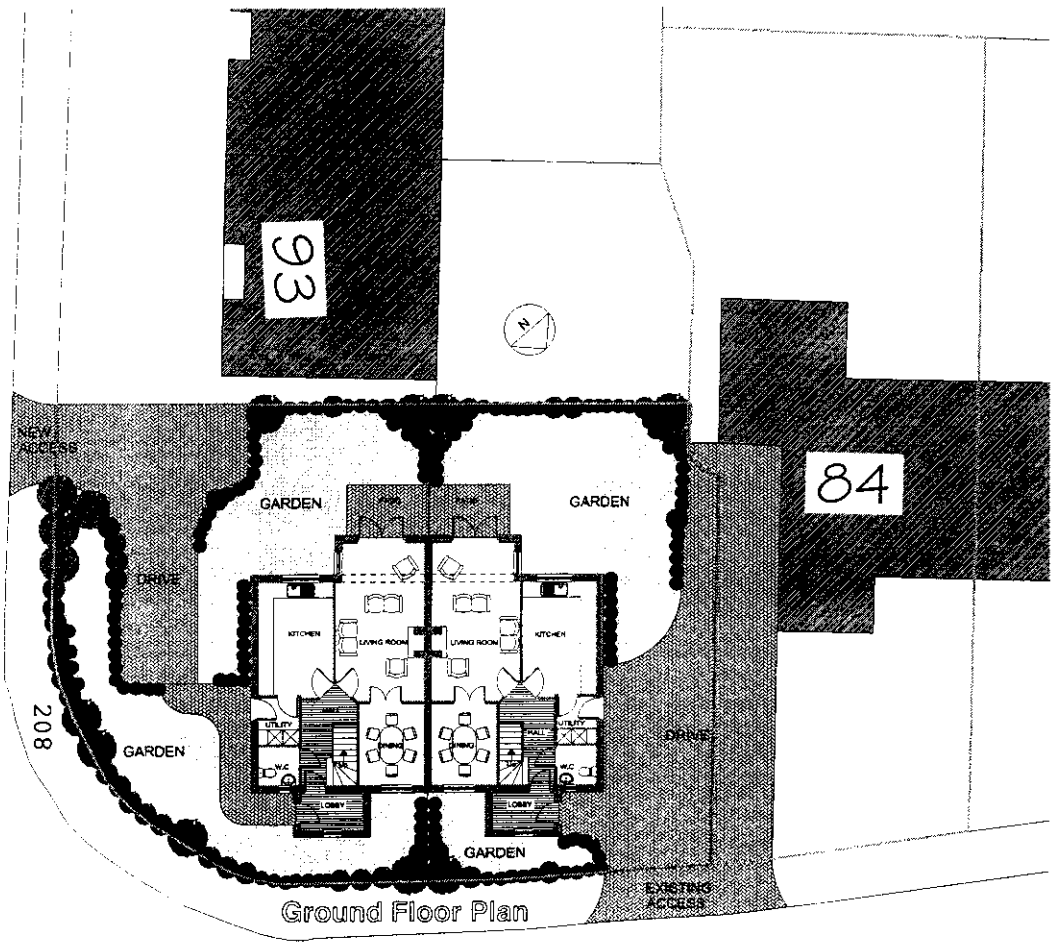
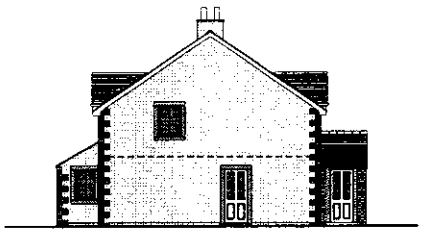
163
155
153
151
98
282
93
84
82
87
207



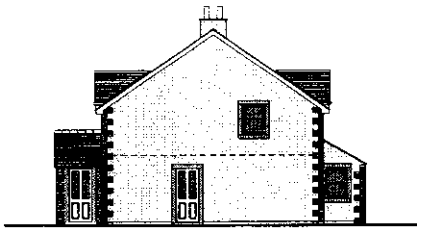
Ground Floor Plan

North East Elevation

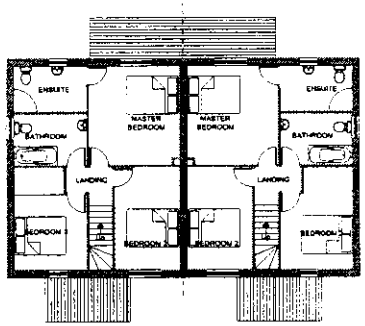
South West Elevation



South East Elevation



North West Elevation



First Floor Plan

Materials

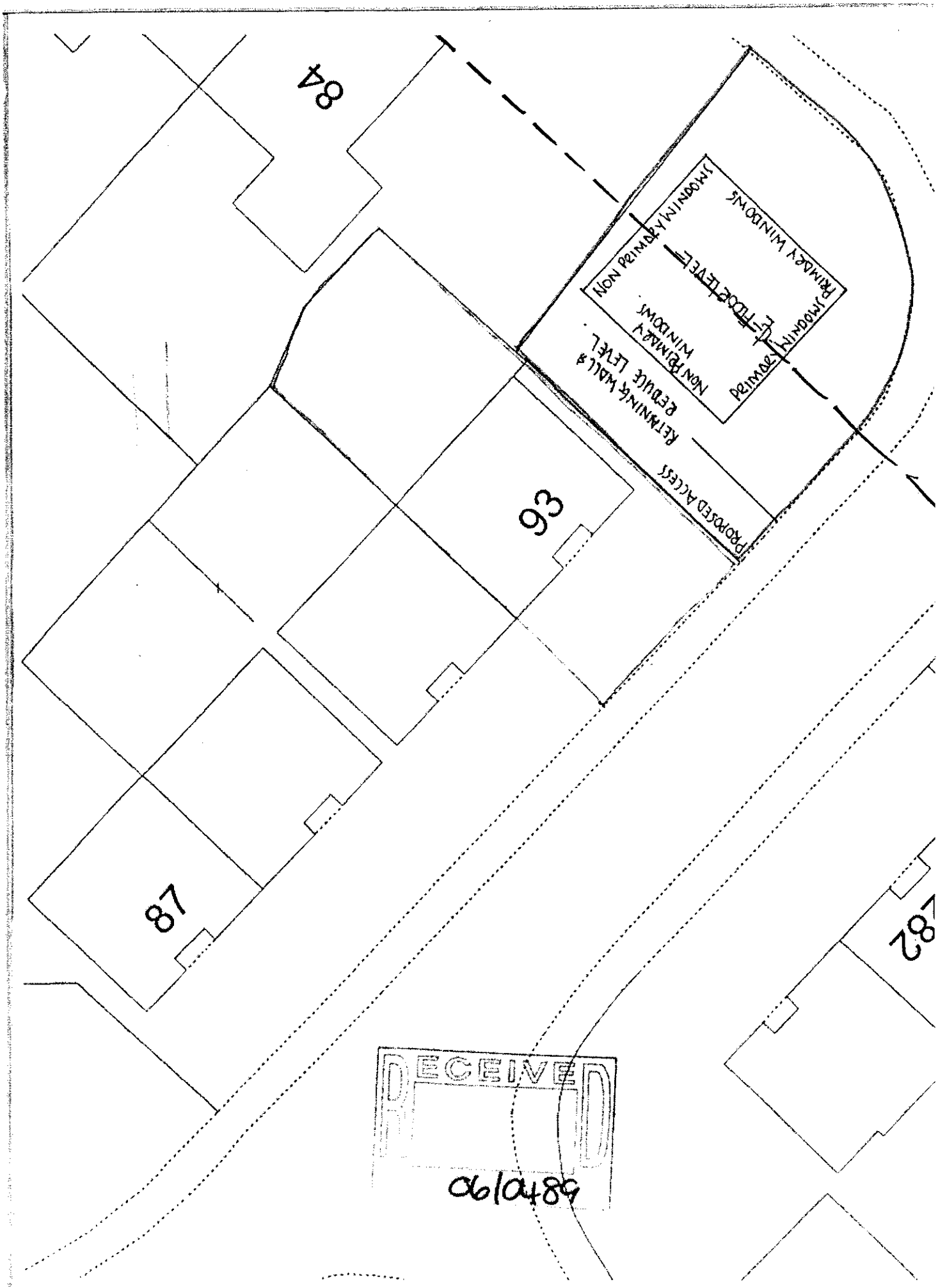
Roof	Plain Concrete Tiles
Walls	Clay Facing Bricks & Wet Dash Render
Windows	UPVC
Doors	UPVC

GREEN DESIGN GROUP

CHARTERED ARCHITECTS & DESIGNERS

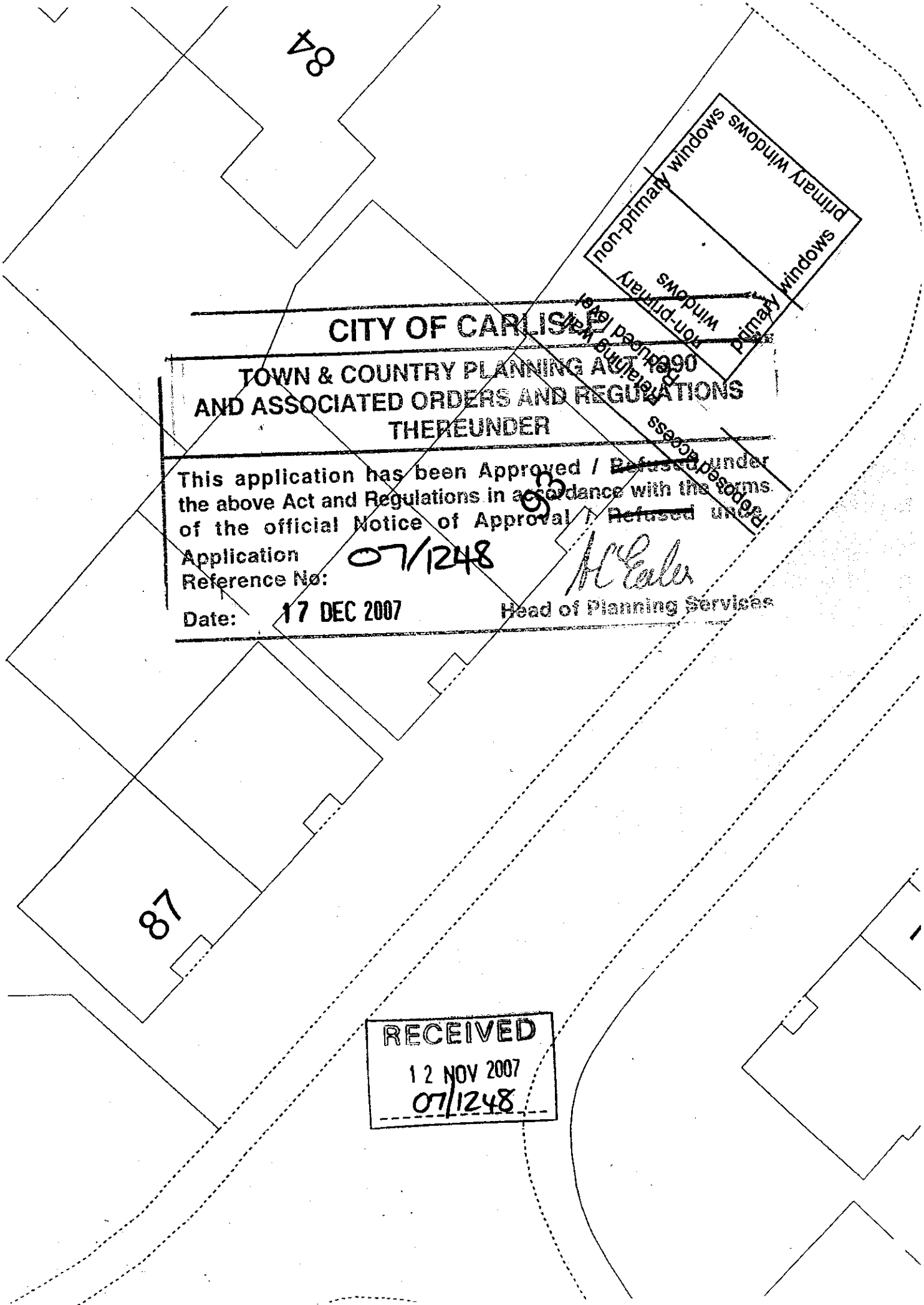
Proposals
New Dwellings
Chesterholm, Carlisle for
McKnight and Son Builders
1:100 May '06
07/1777/06

MARKET PLACE BRAMPTON CUMBRIA CA8 1RW TELEPHONE (01697) 73141



PROPOSED NEW 3 BED DWELLING. LAND ADJACENT TO 93 CHERTERHOLM CARLISLE
REVISED BLOCK PLAN. SCALE 1:250.

REF:- AJ/06/0489



CITY OF CARLISLE

TOWN & COUNTRY PLANNING ACT 1990
AND ASSOCIATED ORDERS AND REGULATIONS
THEREUNDER

This application has been Approved / ~~Refused~~ under the above Act and Regulations in accordance with the terms of the official Notice of Approval / ~~Refused~~ under Application Reference No: 07/1248

Date: 17 DEC 2007

Head of Planning Services

RECEIVED
12 NOV 2007
07/1248

project- OUTLINE PLANNING APPLICATION FOR ONE THREE BEDROOMED DETACHED HOUSE, FOR MR P WEIR

BLOCK 1:250

DESIGN AND ACCESS STATEMENT

SITE BETWEEN 93 CHESTERHOLME AND 84 CASTLESTEADS DRIVE, CARLISLE

The above site is the subject of a planning application for a pair of semi-detached houses.

It measures approx. 25m x 19m and occupies a corner plot within an existing residential area.

No. 84 (which is owned by the applicants) has an existing vehicle access onto Castlesteads Drive.

The two houses proposed have been designed to be consistent in their scale and character to the other properties in the neighbourhood. The materials proposed are appropriate for the type of development within this area.

There is provision for car parking spaces of at least two per dwelling within the curtilage of each dwelling.

Disabled Access:

The proposed houses will have level access to the external doors and ground floor toilets suitable for use by disabled persons. Easy access from parking spaces will also be possible.

Security:

This has been considered within the design and all of the external doorways and windows will be fitted with standard security locks.

The location of entrances along the road is such that any potential intruders would be overlooked by other houses.

05 JUN 2008
08/0586

SCHEDULE A: Applications with Recommendation

08/0594

Item No: 10 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0594	Mr Steven Brough	Dalston
Date of Receipt:	**Agent:**	**Ward:**
11/06/2008	H & H Bowe Ltd	Dalston
Location:		**Grid Reference:**
Land At Hallfield, Dalston, Carlisle, Cumbria		337164 549179

Proposal: Change Of Use From Agricultural Land To Residential Garden

Amendment:

REPORT **Case Officer:** Barbara Percival

Reason for Determination by Committee:

This application is brought before Members as neighbouring residents are exercising their Right to Speak.

1. Constraints and Planning Policies

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites

Rev Redeposit Pl. Pol CP3 - Agricultural Land

Rev Redeposit Pl. Pol CP4 - Design

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): can confirm that the Highway Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway;

Development Services Planning & Housing Services - Local Plans (Trees): the size and spacing of the plants comprising the hedgerow must be specified. It would

be usual to have 25cm transplants for the hedging plants and standard sized trees. The hedging should be a double staggered row at 0.3m centres. The trees should be spaced equidistant along the proposed boundary.

There should be at least six native species trees within the hedge and these should be 2 Holly, 2 Oak and 2 Ash.

Would like to see the species variety within the hedge increased to include hazel, rose, spindle bush, and honeysuckle, this can be achieved bay a reduction in the amount of thorn.

Following receipt of a revised landscaping scheme the City Council's Tree Officer/Landscape Architect has verbally confirmed that the proposed landscaping scheme is acceptable;

Dalston Parish Council: objects to the proposal as the development is considered to be inappropriate and an encroachment (urban creep) onto agricultural land, which itself is possibly of historical significance. If permission is granted, the Parish Council would wish to have two conditions imposed removing permitted development rights and the protection of the existing remaining trees.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Ash Trees	17/06/08	Support
Oaklands	17/06/08	Support
The Cottage	17/06/08	
Green Lea,	17/06/08	
Buckabank House		Objection
Rose Villa		Objection
Rose Villa		Objection

3.1 This application has been advertised by the direct notification of five neighbouring properties and the posting of a site notice. In response, three letters of objection have been received. A further letter from the occupier of "Ash Trees" has been received. Should the proposal be approved part of the proposal would become and remain his garden.

3.2 These letters identifies the following issues:

1. the writer regrets having to object as he can see that the scheme, in principle, has merit as that in a slightly modified form it could recover much of the harm done to the landscape by a previous consent;

2. considers that the proposal, in its current form, conflicts with several policies. These being E5, CP4, E19 and E50 of the Local Plan and explaining that the field is an Area of Local Landscape Significance

bordered to the south by a solid line of trees and hedgerow. This, the writer considers, when viewed from the north, form a near continuous green canopy from this field to the horizon;

3. this writer continues that any conflicts could be overcome by increasing the tree planting from 6 to 10 or 12, predominantly towards the north west of the site. The additional trees, he considers, would assist in blending Plot A (Ash Trees) into the landscape, providing that the ongoing maintenance and protection of the trees are protected by suitable conditions;

4. Plot A (Ash Trees) the writer believes is visually intrusive into the Area of Local Landscape Significance. The writer goes on to state that two trees have already been removed from the existing boundary adjacent to Plot A (Ash Trees). He believes Plot B (Oaklands) blends effectively in the landscape but this will only remain so if the existing trees on the current boundary are protected by Tree Preservation Orders;

5. the final suggestion is the prevention of structures on the new garden area;

6. concluding that if suitable revised plans are received addressing these concerns he would be willing to withdraw his objection and request for the Right to Speak at the Committee;

7. another objector considers 6 trees are not enough, as some may not survive. She believes the existing hedgerow should be left until the new hedge is well established;

8. difficult to ensure that future owners would not take down trees or apply for an application to put a shed or permanent dwelling on the proposed site;

9. a significant part of the field has already been sold this year for car parking spaces, and the writer asks how much more of this field with its outstanding natural beauty can be disposed of before it is lost for ever;

10. need to respect the fact that the Council have recognised the field as an area of landscape significance. Once the landscape of the gently sloped field with its views over the Lake District is altered the feeling of rurality could be lost to suburbia forever;

11. a further objector is worried about the possibility of loosing the trees in the current hedge. When the two new houses were built these trees were to be retained. Some have already been lost and there seems no restriction on removal of these trees in the new plan;

12. the occupier of "Ash Trees" is concerned that incorrect information might have been given to the Parish Council. He goes on to explain that he categorically denies any intention of extending any part of his house or conservatory into the adjacent field. Any inference of this is a rumour and

vexatious rhetoric having no factual grounds what so ever.

4. Planning History

4.1 In 1989, under planning reference 89/0874, Full Planning Permission was granted for extension to provide granny flat/cottage.

4.2 In 2003, under planning reference 03/1105, Outline Planning Permission was granted for erection of 2no. dwellings (outline).

4.3 In 2005, under planning reference 04/1108, Outline Planning Permission was granted subject to legal agreement for revised position of two residential plots.

4.4 Also in 2005, under planning reference 05/0439, Reserved Matters was granted for erection of 2no. dwellings.

4.5 Again 2005, under planning reference 05/0947, Full Planning Permission for erection of 2no dwellings (revised proposal encompassing realignment of drive with grounds) was withdrawn.

4.6 In 2006, under planning reference 06/0406, Full Planning Permission was granted for an erection of 2no. dwellings (revised house type).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The application site forms part of a field currently used as grazing land on the eastern fringes of Dalston. Immediately to the north west is a wooded area and 2no. dwellings, Ash Trees and Oaklands. Along its southern boundary is the Dalston to Durdar Road with the field sloping up eastwards to an area known as Buckabank. The application site is not covered by any designation in the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

Background

5.2 The application seeks Full Planning Permission for the change of use of agricultural land to residential garden. The application site is 90 metres in length and would extend into the field at its widest part by 15 metres reducing to 10 metres. Should the application be approved the land would be subdivided and incorporated into the gardens of Ash Trees and Oaklands, the two properties immediately to the north west of the application site.

5.3 The submitted drawings indicate that the proposed new boundary would be formed of natural hedgerow consisting of 60% Hawthorn, 20% Blackthorn, 5% Hazel, 5% Spindle Bush, 5% Dog Rose and 5% Honeysuckle. At varying intervals 6no. trees would be incorporated within the new hedgerow these being 2no. Oak, 1no. Ash, 1no. Field Maple and 2no. Holly. Submitted

drawings have been received which also indicate the location and retention of 6no. existing trees on the existing boundary.

Assessment

5.4 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP2, CP3 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

5.5 The proposal raise the following issues:

1. The Impact Of The Proposal On The Visual Character Of The Area

5.6 Concerns have been raised by the Parish Council and the occupiers of neighbouring residents with regard to the visual impact of the proposal on the character of the area. The visual impact, however, is considered to be minimal given that the proposal would be partially screened from view by an existing wall and hedge along its southern boundary together with the variation in land levels i.e. the sloping nature of the field thereby reducing any visual impact when viewed from the east. Over time any impact would be further lessened due to the use of native planting, further screening the proposed gardens from public viewpoints. In order to control the future use of this land a condition is proposed which would remove Permitted Development rights for the erection of any outbuildings on the land.

5.7 Objectors have also raised concern in regard to the proposed landscaping scheme and the possible loss of existing trees along the boundary. The City Council's Landscape Architect/Tree Officer has been consulted on both issues and has confirmed that there are no objections to the proposed planting scheme, subject to the imposition of relevant conditions on the future management of the planting scheme and the retention/protection of existing trees.

2. Whether The Proposal Would Result In Loss Of Agricultural Land

5.8 PPS7 advises that Grades 1, 2 and 3a (as defined in the Agricultural Land Classification Map) should be protected as a national resource for future generations. While detailed investigations have been carried out on the margins of the built-up area of Carlisle to identify the location of these grades, within the rural area Grade 3 land has not be subdivided.

5.9 The proposed garden area lies within a general Grade 3 designation and as the total area of the proposal involves is approximately 1000 square metres it is not considered to be contrary to the objectives of Policy CP3 of the Local Plan Revised Redeposit Draft (as amended by the Inspector).

Conclusion

5.10 At the time of preparing the report the statutory time period for responses to be made, following re-consultation, has not expired.

5.11 It is, nonetheless, considered that the proposals are acceptable and Members will be recommended to approve the application subject to no new, material planning issues being raised during the remainder of the consultation period.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the garden area hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

Reason: The local planning authority wishes to retain full control over

the matters referred to in order to protect the character, integrity and appearance of the land and its setting.

3. No existing trees identified on the approved plan, shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority.

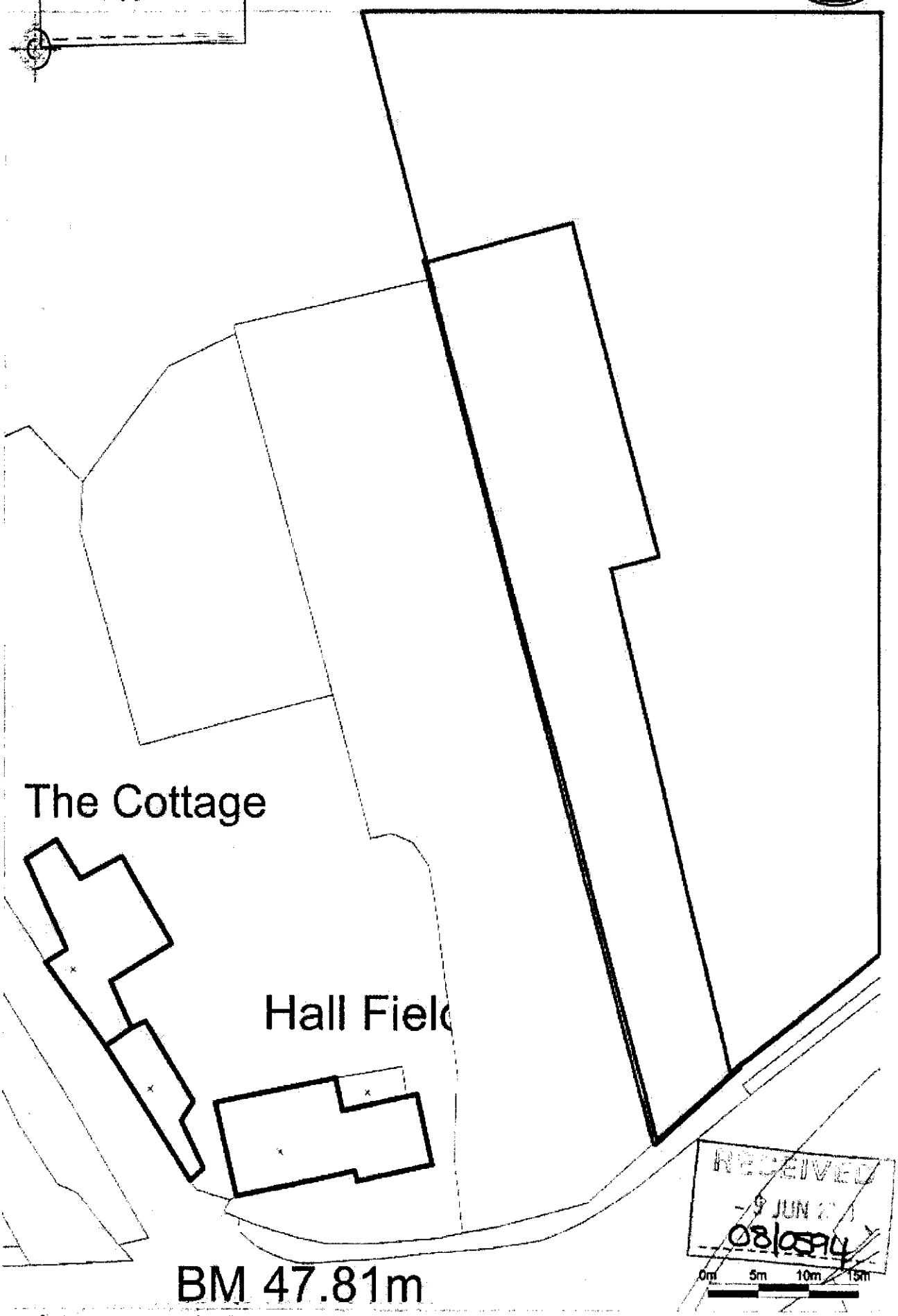
Reason: The local planning authority wishes to see existing trees incorporated into the new development where possible to ensure compliance with Policy CP2 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that if fulfils the objectives of Policy CP2 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

SCANNED
17 JUN [illegible]

LAND AT BUCKABANK



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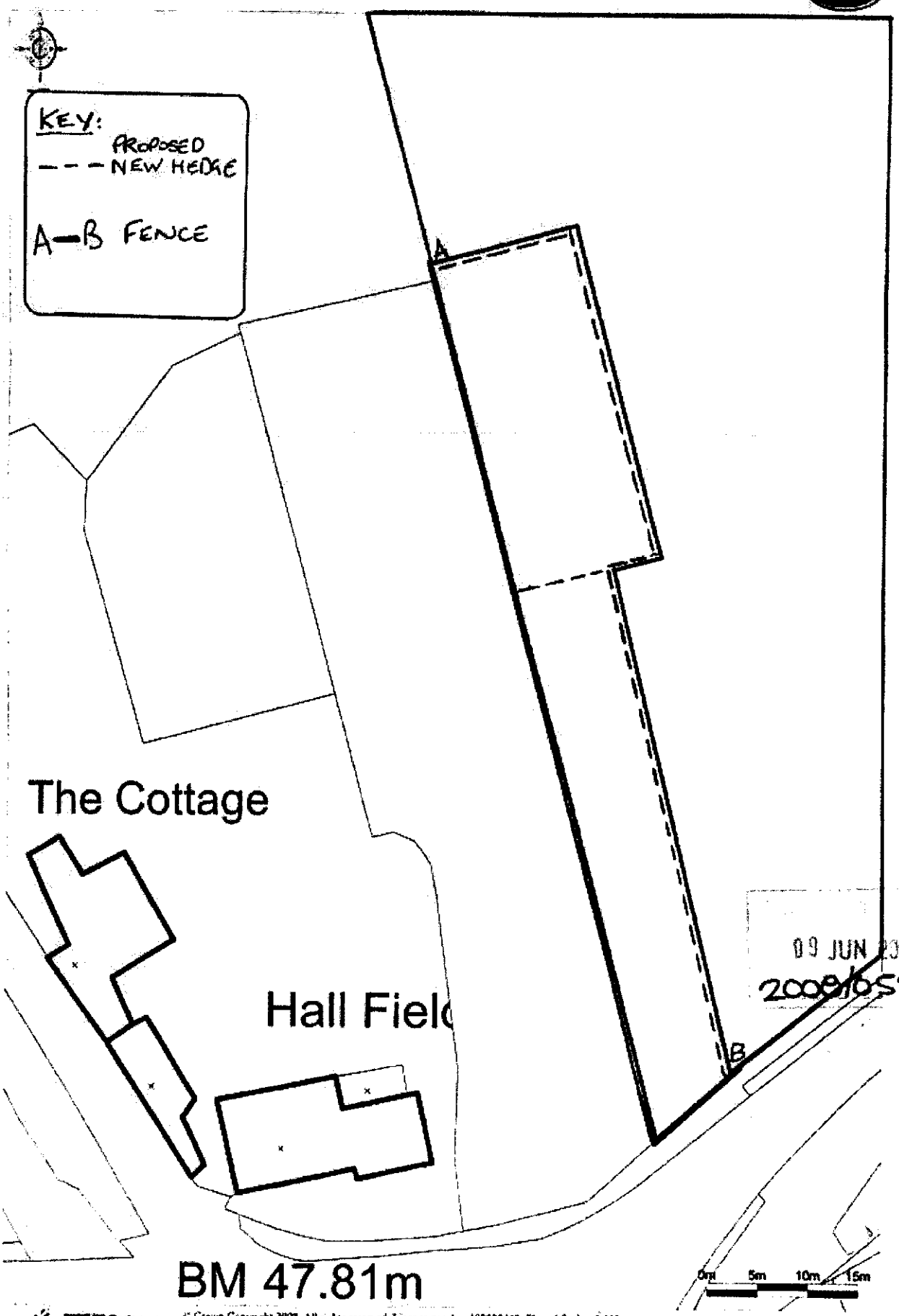
LAND AT BUCKABANK



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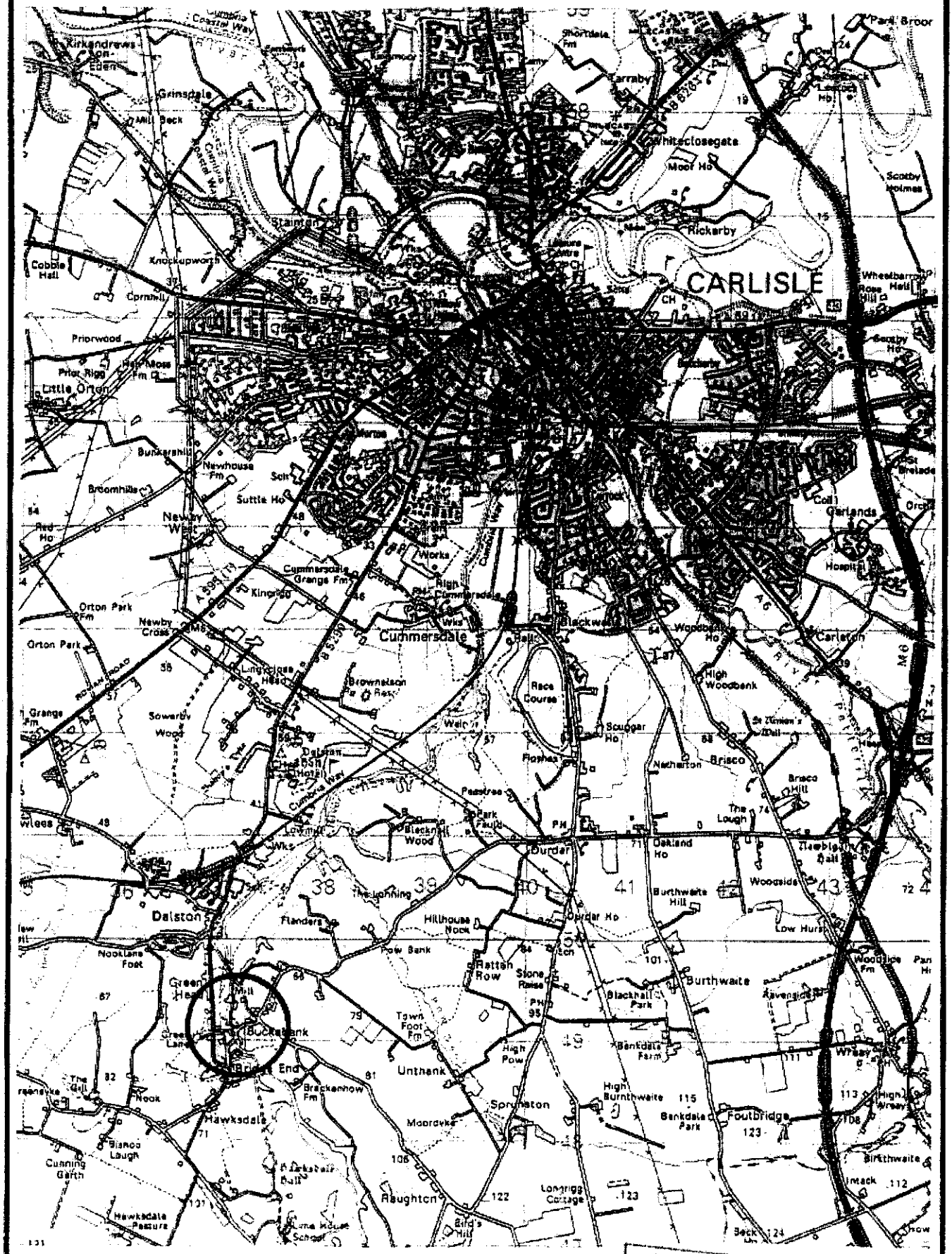


LAND AT HALL FIELD, DALSTON

(Scale: 1:50,000)

H & H Bowe Limited

Borderway, Rosehill,
Carlisle, Cumbria. CA1 2RS

Tel: 01228 640920 Fax: 01228 640938

RECEIVED
JUN
08/0594

OS Licence No: ES 004177

Barbara Percival

From: Richard Jackson [richard.jackson@hhbowe.co.uk]
Sent: 07 July 2008 11:26
To: Barbara Percival
Subject: FW: Change of Use From Agricultural Land To Resident Garden - Land At Hallfield, Dalston, Carlisle, Cumbria

Land@Buckabank_v 2 0.JPG

Dear Barbara

Further to your letter dated the 30 June 2008, we would like to confirm that our client Mr Steven Brough accepts your proposals regarding the hedgerow around the land to which the application relates, provided that the boundary features i.e. the trees, will be the responsibility of Mr Drouet and Mr Robinson. Following various communications with Mr Drouet and Mr Robinson I believe the proposals from your original letter have subsequently changed and the new proposals are as follows:

* The hedge will remain as described in your letter and will be a staggered row with 0.3 metre centres using 25cm transplants. The hedgerow will consist of 60% Hawthorn; 20% Blackthorn; 5% Hazel; 5% Spindle Bush; 5% Dog Rose; and 5% Honeysuckle.

* The species of the trees to be incorporated in the hedgerow have now changed and will include two Oak; one Ash; one Field Maple; and two Holly and will be positioned as shown on the attached plan.

We believe you have spoken to Mr Drouet and have agreed the above however we would greatly appreciate confirmation regarding the above from you.

If you have any queries please do not hesitate to contact me, in the meantime I look forward to your response.

Kind Regards

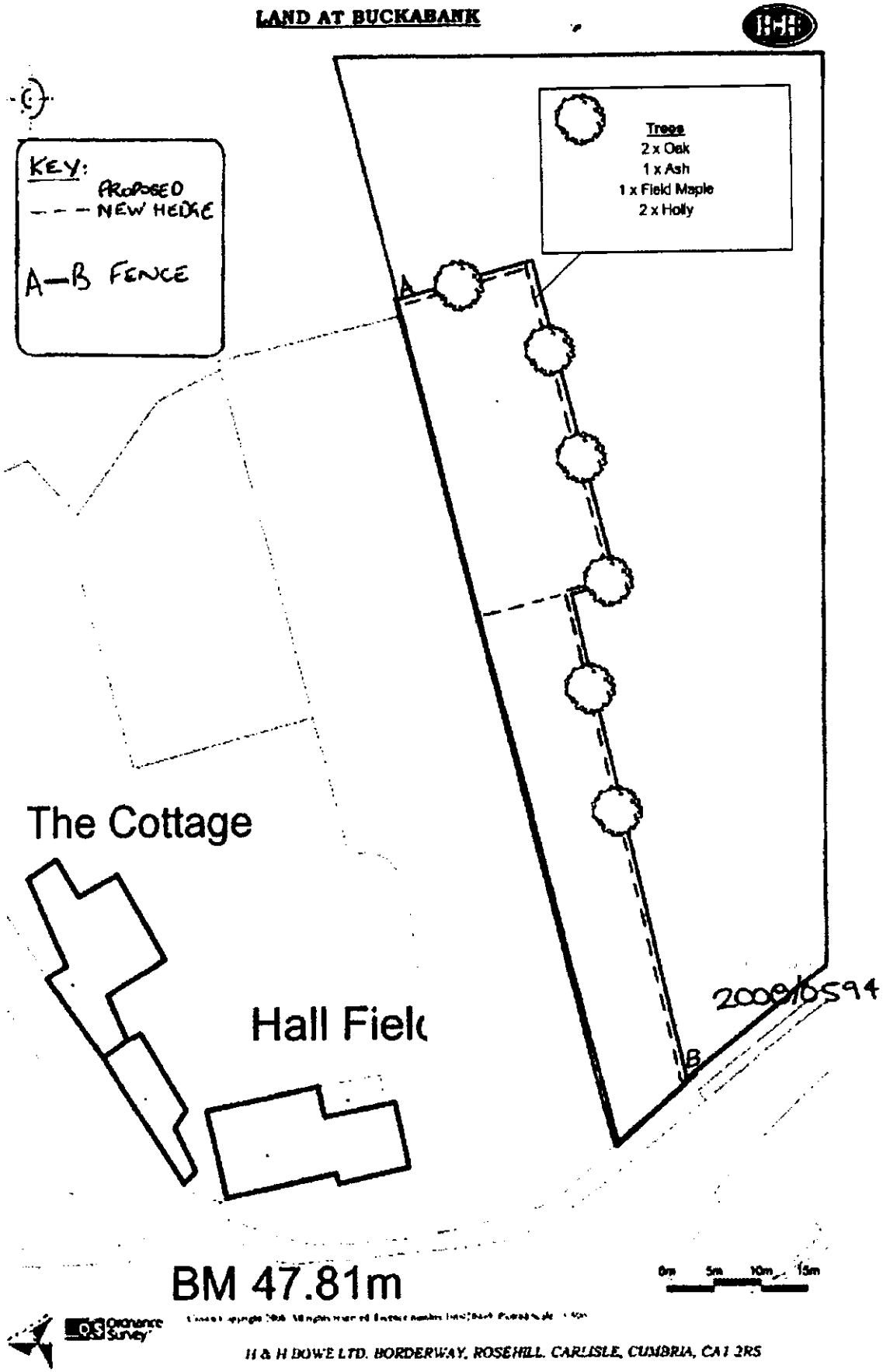
Richard

Richard Jackson

H&H Bowe Limited, Borderway, Rosehill, Carlisle. CA1 2RS

Tel: 01228 640920 Fax: 01228 640938

LAND AT BUCKABANK



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SCHEDULE A: Applications with Recommendation

08/0687

Item No: 11 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0687	Mrs Vicky Russell	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/07/2008	Hogg & Robinson Design Services	Belle Vue
Location:		**Grid Reference:**
22 Beck Road, Carlisle, CA2 7QL		337117 555967

Proposal: Erection Of Side Garage To Side Elevation; Single Storey Dining Area To Rear, With 2 Storey Kitchen And Bedroom Extension To Rear.

Amendment:

REPORT **Case Officer:** Chris Harrison

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of a single letter of objection from a neighbouring resident who has requested the right to speak.

1. Constraints and Planning Policies

District H14 - Extensions to Dwellings

District H17 - Residential Amenity

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection, as it is considered that the proposal will not have a material affect on existing highway conditions.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	20 Beck Road	08/07/08	Objection
	24 Beck Road	08/07/08	
	24 Beck Road	08/07/08	
	24 Beck Road	08/07/08	
	27 Beck Road	08/07/08	
	27 Beck Road	08/07/08	
	27 Beck Road	08/07/08	
	25 Criffel Road	08/07/08	
	25 Criffel Road	08/07/08	
	25 Criffel Road	08/07/08	
	27 Criffel Road	08/07/08	

3.1 This application has been advertised by means of notification letters sent to four neighbouring properties. A single letter of objection has been received. The issues raised are indicated below:

1. the proposed development will induce a direct loss of sunlight to the patio area and the lounge area to the rear of 20 Beck Road. In this regard, during the hours of 12:00 and 16:00 there would be very little light during the summer months and none during the winter months;

2. the loss of natural light to the lounge area would necessitate the use of 'artificial lighting for most of the day';

3. the loss of passive solar heating to the rear of the house would necessitate the use of 'artificial heating';

4. the proposed development would result in a 'tunneling effect' to the rear of No.20 and N0.22 Beck road, giving it a claustrophobic feel;

5. the proposed development will result in the loss of the view from the rear lounge window of No.20 Beck Road'

6. this is the third time similar plans have been submitted; however, the end results will still be the same when all of the above are take into account due to the 'position of the sun in relation to both properties'.

4. Planning History

4.1 In 2006 an application was made and subsequently withdrawn for the erection of a two storey extension to the side elevation and a single storey extension to the rear elevation (application reference: 06/0982).

4.2 Again in 2006 full planning permission was refused for the erection of a two

storey extension to the side elevation and a single storey extension to the rear elevation (Revised proposal) (application reference: 06/0477). An appeal against the refusal of the application was dismissed by the Planning Inspectorate in March 2007.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks full planning permission for the erection of side and rear extensions to No.22 Beck Road, Carlisle to provide an attached garage, extended kitchen and dining room at ground floor level and an extended bathroom at first floor level.

5.2 The property is a two storey semi-detached dwelling located approximately 180 metres south of the junction of Beck Road with Moorhouse Road. The dwelling is primarily of smooth red brick construction with a profiled concrete tile covered hipped roof. The property is located centrally within a row of dwellings incorporating similar features and materials. The site is identified in the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspector's Report, as being within a Primary Residential Area.

Background

5.3 This application is the third in a series of planning applications seeking consent to extend 22 Beck Road to provide additional living accommodation. The primary application received in August 2006 sought consent for the erection of a two-storey extension to the side elevation and a single storey extension to the rear elevation of the dwelling (application reference: 06/0982). The applicant withdrew the application prior to determination.

5.4 A revised scheme was resubmitted in December 2006 (application reference: 06/0477). This scheme reduced the scale of the proposed two-storey rear projection and minimally amended the fenestration. The Head of Planning and Housing Services refused this scheme on the 29th March 2007 under the Delegated Powers Procedure on the following grounds:

"The proposed two storey side and rear extension would be located 3 metres from a ground floor kitchen window on the side elevation of No.24 Beck Road. Policy CP5 of the Redeposit Draft requires that a minimum distance of 12 metres be maintained between a primary window and the gable end of any extension. As a result of the proximity of the proposed two-storey side extension in relation to the kitchen window the living conditions of No.24 Beck Road would be compromised by the extension being overbearing. The proposal is therefore contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan, as well as the objectives of Policy H11 (Extensions to Existing Residential Premises) and Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised

Redeposit Draft."

5.5 An appeal was made against the decision; however, the Planning Inspectorate dismissed the appeal on the 27th December 2007.

Proposal

5.6 The development comprises of three constituent elements. It is proposed to erect an attached single storey garage to the south elevation of the dwelling measuring 8.2 metres in length and 2.85 metres in width, incorporating eaves and ridge heights of 2.45 metres and 3.3 metres respectively. This element replaces the two storey extension proposed and considered by the Planning Inspectorate under planning application reference 06/0477. The proposed extension to the rear elevation of the dwelling, which is single and part two storey would measure 7.5 metres in width and project 3 metres from the west elevation of the dwelling at ground floor level, incorporating eaves and ridge heights of 2.7 metres and 3.9 metres respectively. The first floor element is located directly adjacent to the southern corner of the dwelling and would measure 3 metres in width and project 3 metres from the west elevation incorporating eaves and ridge heights of 5.6 metres and 6.7 metres respectively.

Assessment

5.7 The relevant planning policies against which the application is required to be assessed are Policy H14 and H17 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan 2011-2016 Revised Redeposit Draft as amended by the Inspector's Report.

The proposals raise the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling;

5.8 The scale and height of the proposed alterations are comparable and proportionate to the existing property. Given the siting of the extensions to the rear elevation of the dwelling, no adverse impact upon the character or appearance of the original property or surrounding area would result. The proposed extensions complement the existing dwelling in terms of their design and an appropriate condition is imposed to ensure that the external materials used are acceptable.

2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents;

5.9 Taking into consideration the scale and position of the proposed development in relation to the residential properties located to the east on Beck Road and to the west on Criffell Road, no adverse impact upon the living conditions of the occupiers though overlooking, poor design, overbearing or loss of light will occur.

5.10 In relation to No.24 Beck Road, the detached adjacent dwelling, no adverse

impact upon the living conditions of the occupants through overlooking will occur. A condition is attached to prevent the formation of windows within the south elevations of the extensions to perpetually protect the occupants of No.24 from overlooking. Distances of 3.7 metres and 5.5 metres respectively are maintained between the gable walls of the single storey and two storey elements of the proposal and the kitchen window within the north elevation of No.24. This distance is less than would normally be encouraged; however, a secondary window located within the rear elevation of the dwelling also serves the kitchen of No.24. In this regard and given the single storey nature of the garage element, the level of projection beyond the rear elevation and the non-extension beyond the south elevation of the dwelling at two storey height, it is considered that no adverse impact upon the living conditions of the occupants of No.24 Beck Road though loss of light and overbearing would occur.

5.11 In assessing the impact of the proposed single and two storey extensions to the rear elevation upon the living conditions of the occupants of No.20 Beck Road, Members should note that the position and height of these aspects are unchanged from the application that was considered by the Planning Inspectorate. In assessing its impact the issues remain unchanged to those considered by the Planning Inspectorate when considering the Appeal against the refusal of application reference: 06/0477. In this regard, the Planning Inspector concluded the following:

'The occupier of No. 20 has expressed concern about the potential "tunnel effect" as well as the loss of light and view. To some extent, I can understand their concern given the strong sense of enclosure caused by the two-storey projection to their own property. On balance however, and given that the proposal would be single storey at this side, I consider that any harm in these respects would be within tolerable limits'.

5.12 Taking into account the above and the fact that these aspects remain fundamentally unchanged no adverse impact upon the living conditions of the occupants through loss of light or overbearing will occur.

5.13 Members should note that there are no windows in the side elevation of the proposed extension; therefore, no direct overlooking of No.20 would occur. In order to safeguard the future privacy of the occupants a conditions has been imposed removing the permitted development rights to the property, preventing the insertion of a window at a later date.

3. Access And Parking;

5.14 The Highway Authority has raised no objections to the proposed development.

Conclusion

5.15 In overall terms, the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the

extension is acceptable in relation to the dwelling. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging 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;

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

7. Recommendation - Grant Permission

1. 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 external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance for the completed development and accordance with Policy H14 of the Carlisle District Local Plan and Policies CP4 and H11 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as

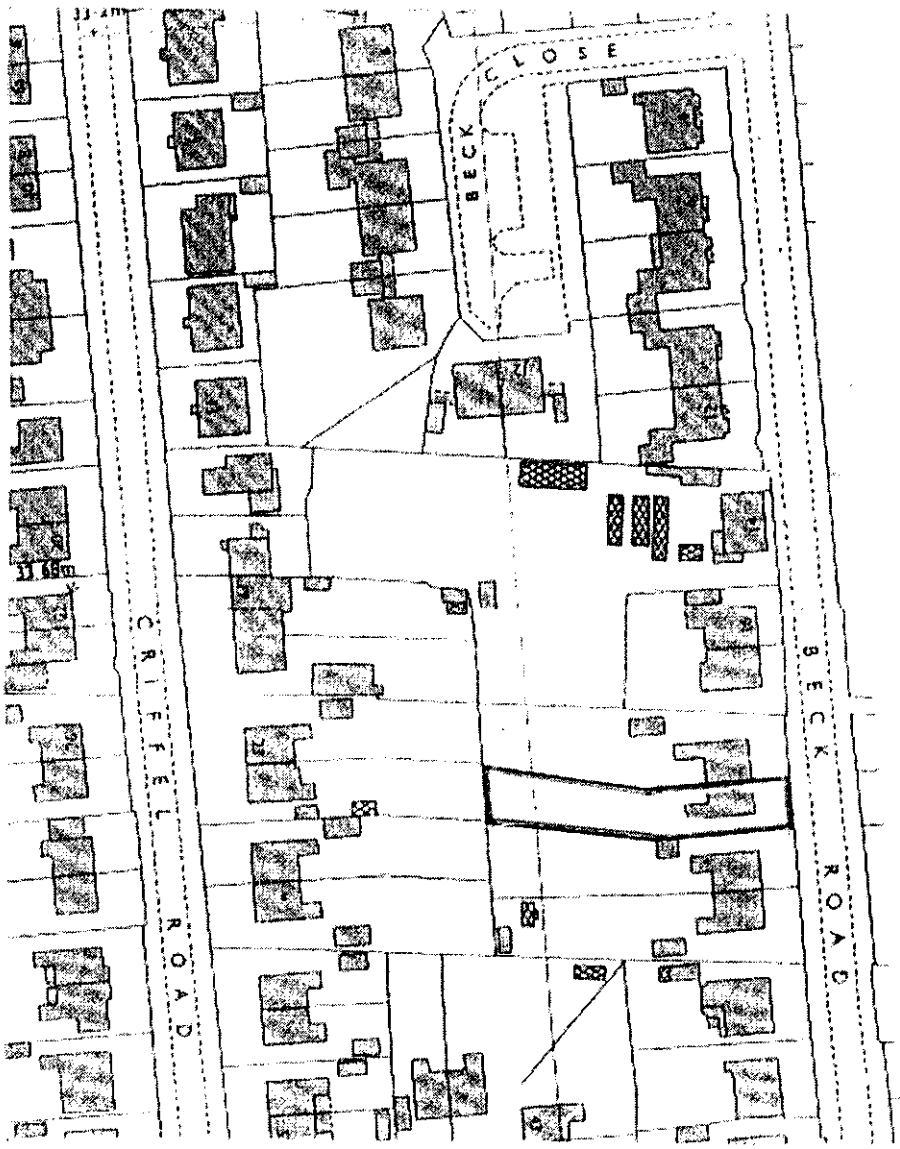
amended by the Inspector's Report.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in both the north or south elevations of the development hereby permitted without the prior consent of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan and Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report.

08/0687

22 BECK ROAD
CARLISLE



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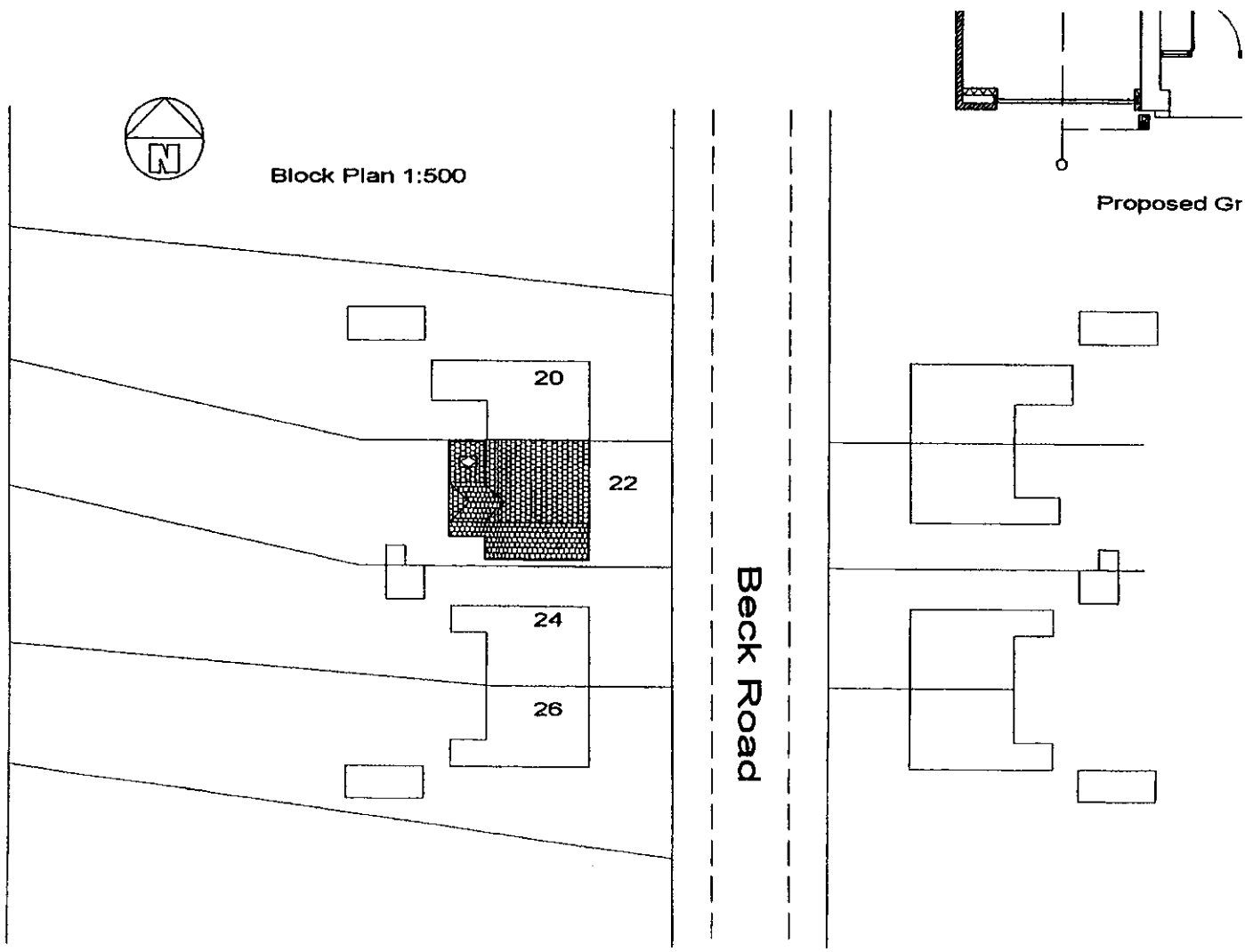
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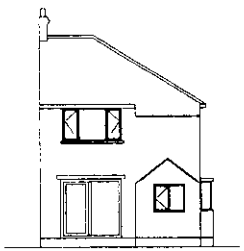
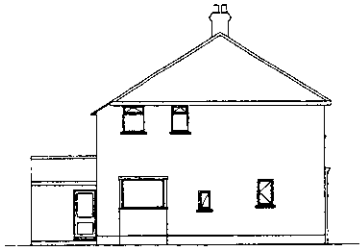
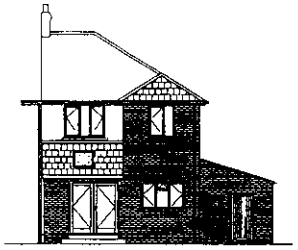


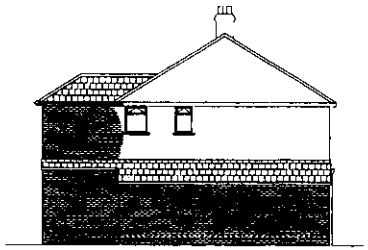
Existing rear elevation



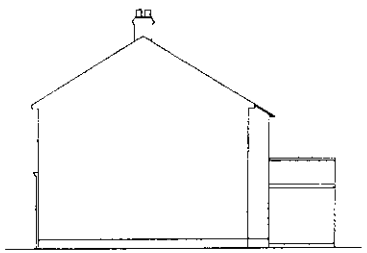
Existing side elevation



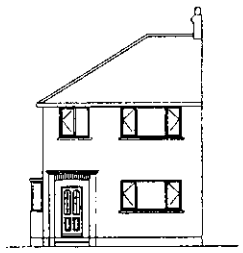
Proposed front elevation



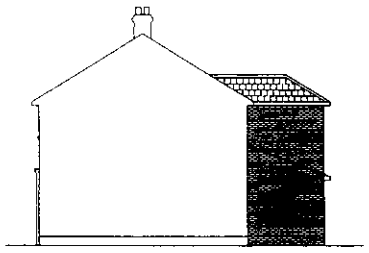
Proposed side elevation



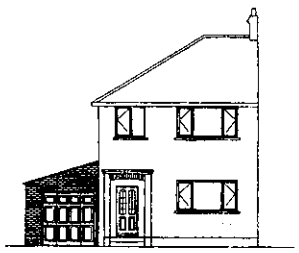
Existing side elevation



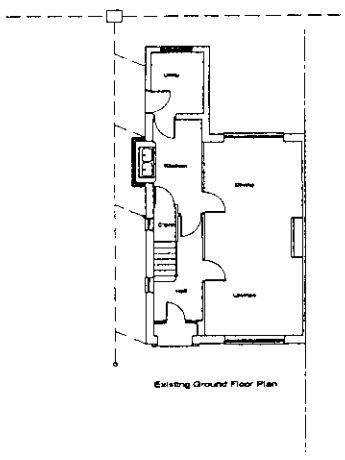
Existing front elevation



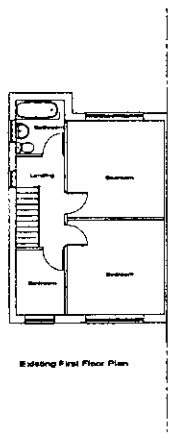
Proposed side elevation



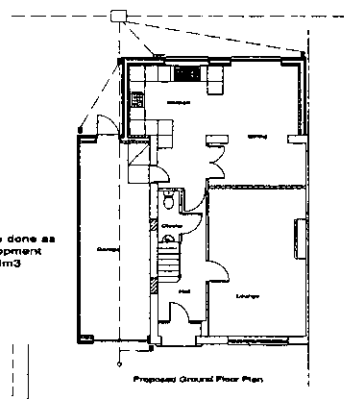
Proposed front elevation



Existing Ground Floor Plan

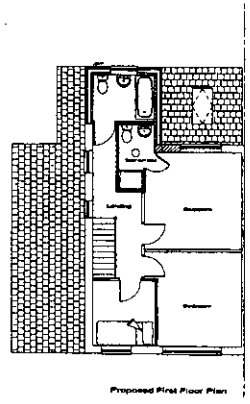


Existing First Floor Plan

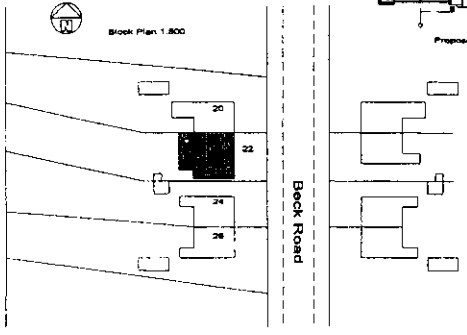


Garage could be done as permitted development with a max of 70m3

Proposed Ground Floor Plan



Proposed First Floor Plan



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HOGG & ROBINSON BUILDERS LTD.
DESIGN SERVICES

ROSE COTTAGE LAVERSDALE LANE END CARLISLE CUMBRIA CA6 4PW
Tel. Office 01228 575249 Mobile: 07798630887 Fax: 01228 675122
www.hoggandrobinson.co.uk

CONTRACT
Renewal

DETAILS
Side and rear elevation

REVISIONS

CLIENT
Mr Mrs Rennie
21 Beck Road
Carlisle

SCALE 1:100/200

DATE 29/05/13 DRAWING no. 12_1_pp_photo

This drawing is copyright. Figured dimensions are to be used in preference to scaled and are to be checked against actual work on site

Appeal Decision

Site visit made on 3rd December 2007

by Alison Roland BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date: 27 December 2007

Appeal Ref: APP/E0915/A/07/2053698
22 Beck Road, Carlisle, Cumbria, CA2 7QL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Russell against the decision of Carlisle City Council.
- The application Ref: AH/DC/06/1477, dated 21 December 2006, was refused by notice dated 29 March 2007.
- The development proposed is two storey extension to the side elevation & single storey extension to the rear elevation.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this appeal is the implications of the proposal for the living conditions of the occupiers of No 24 Beck Road in terms of overbearing effects.

Reasons

3. There are two windows serving the kitchen to No 24, one each in the side and rear elevation, but the parties disagree as to which is the primary window. Policy CP5 of the Revised Re-Deposit Draft Local Plan suggests a separation distance of 12 metres between a primary window and a gable end. This Policy carries significant weight as it has reached an advanced stage of preparation. It does not define primary window, although I note the Council have suggested an addition to the justification which interprets it as: "*Primary facing windows are those windows which serve the main habitable rooms and are situated in the front and rear elevations of standard dwellings. Where the internal layout and design of the property is not of traditional format primary facing windows are the large windows in sitting rooms, dining rooms and kitchens but exclude side windows, usually of smaller proportions, especially where there is a dual aspect*". However, as the revision relates to outstanding objections at the close of the Local Plan Inquiry, it remains to be seen whether this will be carried forwards. Even if it is, this does not to my mind mean that side facing windows serving habitable rooms should be completely disregarded for the purposes of assessing impact on residential amenity.

4. In this case both windows appear to me to be of broadly similar size (albeit that the side window takes the form of a small bay). It is thus difficult to accord one greater importance than the other. I accept that the presence of an additional window in the rear elevation renders the kitchen rather less

susceptible to overbearing effects than might otherwise be the case. It thus seems to me the 12 metre guideline could be considerably relaxed in this case. However, the evidence suggests the separation distance would be in the region of three metres which is only 25% of the normal requirement. In my view, given the two storey height of the proposal, this would simply be insufficient to avoid unacceptably overbearing and oppressive effects. I fully appreciate that the occupier of No 24 raised no objection to the proposals, but I consider it prudent to consider the living conditions afforded to future as well as existing occupiers. The proposal would thus conflict with Policy H14 of the adopted Local Plan and its replacement Policy H11 of the Revised Re-Deposit Draft, together with Policies CP4 and CP5, all of which seek to protect the amenities of adjacent occupiers. However, I consider Policy H16 is irrelevant as it clearly relates to new dwellings.

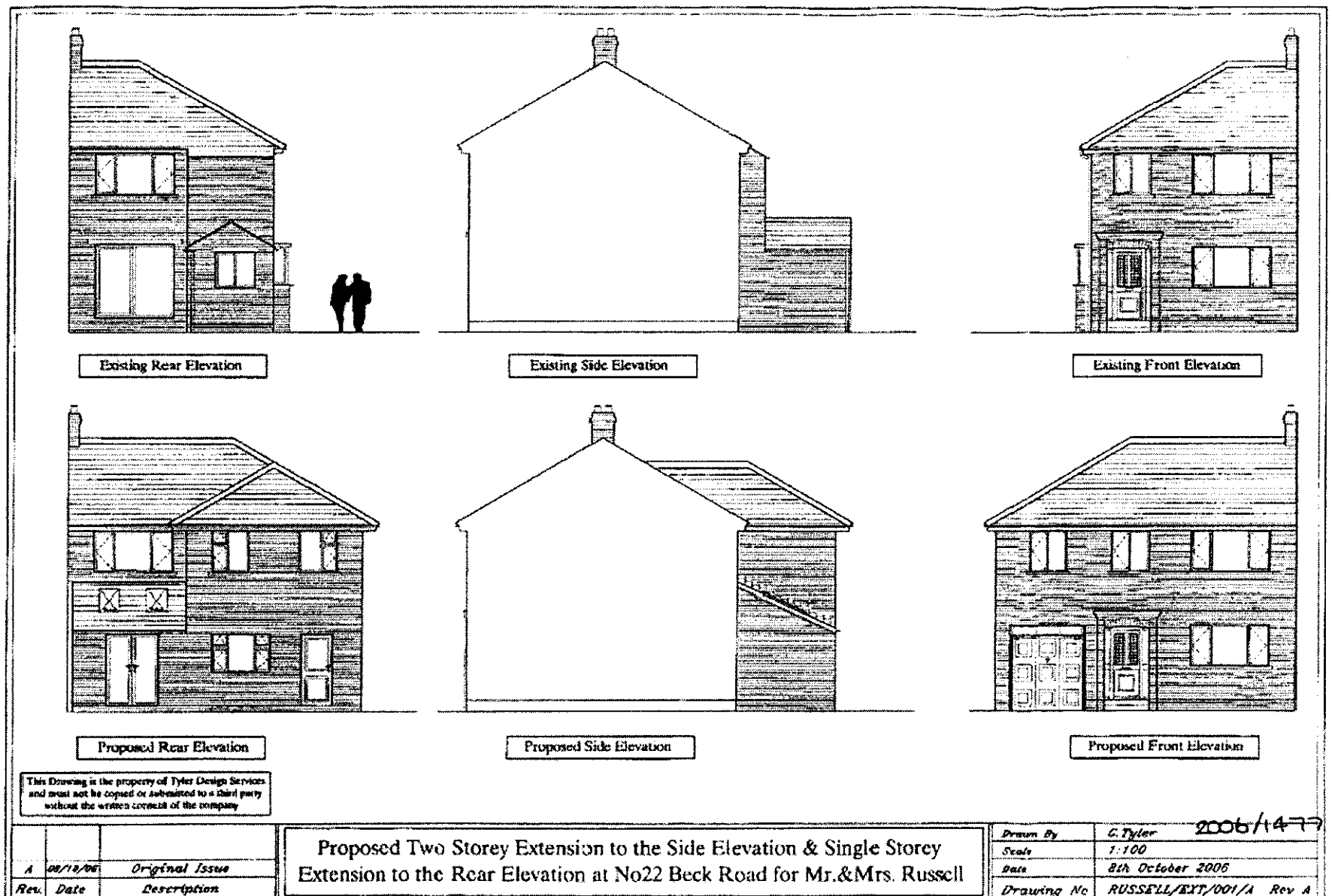
5. The appellant refers to similar proposals being allowed elsewhere, but without full details of the relevant material considerations and policy context taken into account at the time, it is difficult to make any meaningful comparison with the appeal proposal.

6. The occupier of No 20 has expressed concern about the potential "tunnel effect" as well as loss of light and view. To some extent, I can understand their concern given the strong sense of enclosure caused by the two storey projection to their own property. On balance however, and given that the proposal would be single storey at this side, I consider that any harm in these respects would be within tolerable limits.

ALISON ROLAND

INSPECTOR

Details of scheme proposed and considered by the Planning Inspectorate under planning application reference: 06/1477.
Note: This drawing does not form part of planning application reference: 08/0687 and is provided for information purposes only.



Item No: 12 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0557	Mr Peter Cuthbert	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/06/2008	MWE Architects	Denton Holme
Location:		**Grid Reference:**
Atlas Works, Nelson Street, Carlisle, Cumbria, CA2 5NB		339637 555154

Proposal: Conversion Of Part Of Former Mill Building To Create 12no. Apartments And 1no. Commercial Unit With Undercroft Parking (revised application)

Amendment:

REPORT **Case Officer:** Stephen Daniel

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to two objectors and the Agent exercising their right to speak on the proposal.

1. Constraints and Planning Policies

Flood Risk Zone

Contaminated Land

Joint St.Plan Pol ST3: Principles applying to all new devel.

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

Joint Str. Plan Pol ST8: The City of Carlisle

Joint Str. Plan Pol EM13: Employment land provision

Joint Str. Plan Pol EM14: Dev.employment land other purposes

Joint St. Plan Pol H17: Scale of housing provision

Joint St. Plan Pol H18: Targets recycling of land and bldgs

Joint St.Plan Pol H19: Affordable housing outside Lake Dist.

District T1 - Choice of Means of Travel

District T7 - Parking Guidelines

District T15 - Cyclists & Pedestrians

District H16 - Design Considerations

District H17 - Residential Amenity

District EM2 - Primary Employment Areas

District E20 - Development in Floodplain

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Rev Redeposit Pl. Pol EC1 - Primary Employment Areas

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H5- Affordable Housing

Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites

Rev Redeposit Pl. Pol T1 - Parking Guidelines

Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains

2. Summary of Consultation Responses

Development Services Planning & Housing Services - Housing Strategy: require 3 affordable units. These should be 2 bedroom units, available via a Registered Social Landlord either for rent or shared equity/ ownership;

Community Services - Drainage Engineer: comments awaited;

Cumbria Constabulary - Crime Prevention: comments awaited;

Development Services Planning & Housing Services - Local Plans: the application is for the conversion and refurbishment of 475m2 over four floors, to create 12 no. apartments on three floors and one commercial unit, 56 m2, on the ground floor. Undercroft parking is proposed with access from Nelson Street.

Atlas Works is situated in a Primary Employment Area in the draft Local Plan. PPS1 and the draft (consultation paper) PPS4 encourage mixed use development and the bringing back into beneficial use of underused, previously developed buildings and land. Evidence is given in the Design and Access Statement that this section of the building has been vacant for approximately 22 months and continuously advertised. After this period of time it appears that this commercial floorspace is no longer viable. Policy EM14 of the Cumbria and Lake District Joint Structure Plan 2001-2016 provides for sites that are unsuitable for employment purposes to be used for other purposes, with reference to the condition of the site or premises.

With regard to the loss of employment land the floorspace has been vacant for a considerable while. Whilst evidence was given to the Inspector at the Local Plan Inquiry in summer 2007 that there is a shortfall of over 5 hectares of local employment land to meet provision for the period 2006-2011, the loss of this floorspace is fairly insignificant in relation to the overall shortage total. (The recent refusal of the mixed development proposed at the McKnight and McIntosh site at Denton Street is not comparable as the scale of development is vastly different.)

The Atlas Works is in a highly sustainable location, having good access to local services in Denton Holme on foot. The four flats on the first floor are now proposed for affordable housing and the applicant is prepared to enter into a Section 106 Agreement to ensure that the affordable housing element is secured. The number of affordable units proposed, 25%, is acceptable.

The application now takes account of flood risk by omitting residential accommodation on the ground floor.

The Carlisle District Local Plan Revised Redeposit draft Policy CP4, amongst various criteria, requests proposals to respect local distinctiveness and reinforce local architectural features.

Minor alterations are to take place to the building envelope. The proposed elevations reinforce the distinctive character of the mill building by using Victorian-style external doors with fan lights over and by matching the styles of rainwater goods and windows. This complies with the Denton Holme and Longsowerby Design Statement SPD which calls for each development to reinforce local identity and respect local design traditions.

It is desirable to encourage cycle use in this inner city location where services can all be easily accessed by bicycle. The undercroft provides for cycle storage for 7 cycles. It is desirable to provide the storage under a shelter. Security is provided by the proposed CCTV.

In summary, whilst the application is contrary to planning policy in the current situation of a shortage of employment sites it provides evidence to substantiate the

reason for the submission. It is felt that in this scenario the application should receive support;

Development Services Planning & Housing Services - Urban Designer: comments awaited;

Cumbria County Council - (Archaeological Services): The building is of historic importance and it's character would be altered by the proposed conversion. Consequently, a condition should be imposed to ensure an archaeological building recording programme is undertaken in advance of development;

Environmental Protection Services: comments awaited;

United Utilities (former Norweb & NWWA): no objections;

Development Services Planning & Housing Services - Access Officer: no comments;

Environment Agency (N Area (+ Waste Disp)): no objections in respect of flood risk. The site is located within Flood Zone 3 and is at high risk from fluvial flooding. The proposal does not include residential development on the ground floor so the direct risks associated with any flooding have been largely mitigated against. A Flood Risk Assessment has been submitted, as required, and this adequately addresses the main areas of concern.

If considered necessary a condition should be included on any consent for a desk study to be undertaken to assess the potential for contamination from previous activities at the site;

Northern Gas Networks: no objections;

Environmental Health: if contamination not previously identified is found to be present during development no further development shall be carried out until the developer has agreed with the LPA how this unsuspected contamination is to be dealt with.

Construction site activity shall be permitted from 0800-1800 Mondays to Saturdays only. Deliveries shall be permitted between 0730-1800 only.

On completion of development the developer shall submit a noise assessment to verify specifications and internal noise levels in the flats as defined within the noise assessment;

Highways (City Council): refer to the previous planning application (07/0557) for refurbishment of old mill building to create 12 apartments and 1 commercial outlet and the concerns that they raised at that time.

Having reviewed the current plans City Council Highways feels that the design of the ground floor parking provision is dangerous. It feels that consideration has not been given to the following:

- Nelson Street is a very busy street and is also part of at least two to three main bus Routes. The adjacent buildings to the development host many after school activities, including children's dance classes and martial arts that go on Monday - Sunday, as well as a school uniform outlet and a child/toddlers entertainment establishment which specialises in children's parties. As there is such an amount of activity in that specific location that involve minors, at all times during the day on school holidays and mainly on an evening and at night at all other times. The night time martial arts classes are attended by many children and City Council Highways does not feel that installing a vehicular access to the ground floor parking would be safe or practical. In the application it is stated that there would be CCTV and warnings for pedestrians that there is a vehicle exiting, however City Council Highways does not feel that this will be adequate.

- The design is perhaps not as well conceived as it might be and the entrance to the ground floor parking will be difficult to negotiate from the highway. Vehicles wishing to enter will have to turn in the centre of the highway and wait while the roller door opens to access. This will cause not only a hazard for vehicles travelling along the highway in both directions but also for the pedestrians using the footpath. Vehicles wishing the exit will have to pull out fully into the highway to clear the vehicle crossing on the pavement and dropped kerb. There will have to be a considerable dropped kerb and bellmouth as the current height is 150mm. Internally the parking spaces look cramped and difficult to access and the cycle parking seems to have been added in as an afterthought.

- If this development were to go ahead the Council will not be issuing any on Street Parking Permits to for any of the owners/occupiers of the flats;

Cumbria County Council - (Highway Authority): no objections in principle subject to the imposition of conditions. The proposed parking allocation of one space per flat/ commercial unit is adequate. Largely agree with the views of Carlisle City Council Highways but County Highways is bound by the recommendations on the previous application. The access arrangements could be amended/improved by conditions to improve safety at this location. In addition, the applicant would be required to make a financial contribution of £2,400 to fund the waiting restriction review and possible changes to the Traffic Regulation Orders in Denton Holme, which would be secured through a Section 106 Agreement;

Carlisle City Council - Green Spaces: applicant should pay open space contributions of £16,209.26, which could be secured by means of a Section 106 Agreement;

Carlisle City Council - Economic Development: not aware that the property is currently available to rent and do not therefore have it on the Council's vacant land and premises register. They consider that the current 'to let' sign on the building is inadequate - it is inside the building and is not very prominent (it would not be visible to anybody driving past the building). They have asked if the property has been marketed in the local press. In their view the applicant should provide more information on the marketing of the property.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	2 Westmorland Street	06/06/08	
	4 Westmorland Street	06/06/08	
	Magic Castle Adventure Playground	06/06/08	
	Priory Tex Fabrics	06/06/08	
	Swan Wholesale	06/06/08	
	Overwater Jam Factory	06/06/08	
	Cumbria Dance	06/06/08	
	National Schoolwear Centre	06/06/08	
	Denton Holme Working Mens Club	06/06/08	
	Highway Services	06/06/08	
	Wendy Allen School Of Dancing	06/06/08	
	6 Westmorland Street	06/06/08	
	8 Westmorland Street	06/06/08	
	52 Nelson Street	06/06/08	
	54 Nelson Street	06/06/08	
	56 Nelson Street	06/06/08	
	58 Nelson Street	06/06/08	
	60 Nelson Street	06/06/08	
	62 Nelson Street	06/06/08	
	64 Nelson Street	06/06/08	
	66 Nelson Street	06/06/08	
	68 Nelson Street	06/06/08	
	70 Nelson Street	06/06/08	
	72 Nelson Street	06/06/08	
	74 Nelson Street	06/06/08	
	76 Nelson Street	06/06/08	
	78 Nelson Street	06/06/08	
	Business Travel Management	06/06/08	
	Atlas Developments	06/06/08	Objection
	Tai Chi Chuan	06/06/08	
	Atlas Works		Objection

3.1 One letter of objection has been received from Atlas Developments, which makes the following points:

1. numerous objections were made to the previous application last year and there is no material difference between that proposal and this one;

2. there has been substantial residential development in Denton Holme in recent years, with further development planned (old Penguin Factory);

3. Atlas Works is a busy commercial centre and there is constant demand for commercial space. Despite this the application site has been vacant for

several years. Atlas Developments could easily have found tenants for this part of the building. The property is vacant due to lack of attention and marketing rather than lack of demand;

4. many of Atlas Works current customers are children - especially in the units directly adjoining the application site. These units are used by dance schools, children's soft play, band rehearsals and martial arts - uses that create a lot of noise. Siting residential accommodation directly next door to these activities would create unnecessary and irresolvable conflict and friction between residential and commercial tenants, which does not and never has existed and could lead to the closure of some of these commercial uses;

5. to grant planning permission for residential use in any part of the Atlas Works is not in the interests of the current commercial tenants and the current commercial use of the rest of the Atlas Works;

6. furthermore, it would not be in the interests of any future residential tenants who would be plagued by problems of noise;

7. creating undercroft parking right next to the exit from the children's soft play area and dance classes would create a safety problem for the children leaving.

4. Planning History

4.1 In June 2007, planning permission was refused for the conversion of former mill building to create 13 no. apartments with undercroft parking.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks full planning permission for the conversion of an existing vacant former textile mill to residential use. The building, which forms part of the Atlas Works, is located at the junction of Westmorland Street and Nelson Street. The building is characteristic of late Victorian / Edwardian style architecture and makes a positive contribution to the character of the area

5.2 The property, which is currently vacant, consists of 990 sq m of floorspace over four floors. The building adjoins an existing employment site (Atlas Works), which currently houses a number of different businesses. The section of Atlas Works which abuts the application site to the west currently houses a retail unit on the ground floor (National Schoolwear Centre); a children's play centre (Magic Castle) on the first floor; and a dance studio on the 2nd floor. The 3rd floor is currently vacant. A terrace of residential

properties is located to the north of the site on the opposite side of Nelson Street (nos 56 – 68 Nelson Street), whilst community facilities (Nelson Street Club and the Denton Holme Community Centre) are located to the east on the opposite side of Wesmorland Street. Further two-storey terrace properties are located to the rear of the eastern part of the building with the single-storey section of Atlas Works being located directly to the south of the building. The whole of the application site is within one ownership, with the remainder of Atlas Works being in a separate ownership.

Background

5.3 In June 2007, planning permission was refused for the conversion of this building to create 13 flats, with undercroft parking. There were four reasons for refusal and these are summarised below:

1. The site is designated as a Primary Employment Area. There is currently a shortage of employment land in the District and it has not been conclusively demonstrated that the site is unlikely to remain in employment use or that the commercial use of the site has adversely affected the living conditions of the adjacent residential properties. The proposal will not only result in the direct loss of employment land but is also likely to restrict the nature of any use of the neighbouring employment land.

2. There is an identified need for affordable housing in the vicinity of the application site but the scheme does not include any affordable units.

3. The proposed development would introduce a noise sensitive development immediately adjacent to existing industrial/ commercial units. In the absence of a noise report the application does not fully address the potential noise levels which would be experienced by any occupiers of the proposed residential units and, as such, the effectiveness of any mitigation measures. In the absence of any appropriate information to the contrary it is considered that the proposal would lead to unsatisfactory living conditions.

4. The application proposes the change of use of the ground floor of these premises to residential use. The premises are situated in a Flood Zone 3 and the Environment Agency has identified it as being at continued high risk from fluvial flooding. The proposed change in use, from a commercial unit to a self-contained residential flat represents a significant and unacceptable change in the use of the ground floor to a more significant flood risk sensitive use which, coupled with the absence of any linked habitable accommodation above ground floor level whereby in the event of flooding the residents could remove themselves and their possessions, would place those residents and their possessions at an unacceptable increased risk from flooding.

The Proposal

5.4 The application is proposing to provide four 2-bed flats on the first and second floors and four 1-bed flats on the third floor. The ground floor would provide a commercial unit, thirteen car parking spaces (one for each flat and one for the commercial unit), cycle storage and a bin store. The applicant has indicated that three of the flats would be affordable and these will be secured through a Section 106 agreement.

5.5 The existing building facade would largely be retained with only minor alterations required. A new entrance, in the form of an archway, would be created to the undercroft parking and this would measure 3m in width. Pedestrian access would be via an existing doorway (to flats 8-13) and via a new doorway which would replace an existing window (for flats 1-7). The existing roof lights would be removed with new velux windows being added in the roof and dormer windows being added to the rear elevation. The existing windows would be replaced by double glazed grey UPVC casement windows in a similar style to the existing.

5.6 The application is supported by a Design and Access Statement; a Noise Assessment; a Flood Risk Assessment; and some information on the marketing of the property. Additional information has also been submitted on the proposed party wall construction.

Assessment

5.7 The relevant planning policies against which the application is required to be assessed are Policies ST3, ST5, ST8, EM13, EM14, H17, H18 and H19 of the Cumbria and Lake District Joint Structure Plan; Policies T1, T7, T15, H16, H17, EM2 and E20 of the Carlisle District Local Plan; and Policies DP1, CP4, CP5, CP15, CP16, EC1, H1, H5, LE8, T1 and LE28 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

5.8 The proposal raises the following planning issues:

1. The Loss of Employment Land

5.9 Evidence was given to the Inspector at the Local Plan Inquiry in summer 2007 that there is a shortfall of over 5 hectares of local employment land to meet provision for the period 2006-2011. Whilst Local Plans consider that the loss of this floorspace is fairly insignificant in relation to the overall shortage total, the Council's Economic Development Department has expressed some concerns about the loss of this floorspace from employment use.

5.10 The Design and Access Statement states that the application site has been vacant for approximately 22 months and has been continuously advertised during this time. However, no evidence has been provided to indicate how the building has been marketed. Colleagues in Economic Development were not aware that the property is available and as a consequence the property has not been advertised on the Council's Vacant Land and Premises Register. The building has been marketed by a company based in the

north-east (Rook Matthews Sayer) but it is unclear what efforts have been made to market the property in the Carlisle area. At the time of the site visit, a 'To Let' board was located within the building, behind a window at first floor level. This sign is not, however, visible to passing vehicles and is of limited value in marketing the site. It is interesting to note that the adjacent Atlas Works, which is almost fully let, is being promoted on the Council's Vacant Land and Premises Register and contains a large 'To Let' board on the front elevation.

5.11 The owner of the adjacent Atlas Works (Atlas Developments) considers that it could easily find tenants for the application site. It considers that the owners inability to find a suitable tenant is due to lack of attention and suitable marketing, rather than a lack of demand.

5.12 In light of the above, the applicant has failed to adequately market the property and has, therefore, failed to demonstrate that it is no longer viable for employment use. As such the proposal would be contrary to the objectives of Policy EM14 of the Cumbria and Lake District Joint Structure Plan; Policy EM2 of the Carlisle District Local Plan; and Policy EC1 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

2. Provision of Affordable Housing

5.13 The applicant has indicated that 25% of the flats (i.e. 3 flats) would be affordable and these will be secured through a Section 106 Agreement.

3. Noise Issues

5.14 The owner of the adjacent Atlas Works, which is in commercial use, has expressed concerns about the potential conflict between their commercial tenants and the future occupiers of the residential properties.

5.15 A Noise Assessment has been undertaken at the property and this has indicated that the use of Pilkington's acoustic 6.8mm double glazing in the bedrooms; 4mm double glazing in the living rooms; and the incorporation of one Greenwood 4000S in frame window trickle vent in each living and bedroom, should provide sufficient attenuation to achieve recommended internal noise levels in the flats.

5.16 It has been noted that the noise levels were recorded at the eastern end of the property, adjacent to Westmorland Street and not in the area abutting the existing commercial premises in Atlas Works. The noise levels in the western part of the building could, therefore, be higher.

5.17 Discussions with colleagues in Environmental Health have indicated that the applicant would need to submit verification, once the development is complete, that internal noise levels within the flats meet the criteria specified in the Noise Assessment. Colleagues in Building Control have also confirmed that the applicant would need to undertake pre-completion sound testing. If either of these assessments indicated that the required noise

levels in the flats were not being met, additional work would need to be undertaken by the developer to ensure that acceptable noise levels were achieved in the flats.

5.18 In light of the above, it is considered that the noise levels from the commercial premises could be satisfactorily mitigated against and that satisfactory living conditions could be achieved for the occupiers of the proposed residential units.

4. Flood Risk Issues

5.19 The site is located within Flood Zone 3 and is at high risk of fluvial flooding. However, given that the proposed development does not include residential development on the ground floor, the direct risks associated with flooding have largely been mitigated against.

5.20 The applicant has submitted a Flood Risk Assessment and this adequately addresses the main areas of concern in line with current guidance. The Environment Agency, therefore, has no objection to the development as proposed in respect of flood risk.

5. Highways and Parking Issues

5.21 Carlisle City Council Highways (CCCH) has expressed concerns about the proposed access and these are summarised in the Summary of Consultation Responses.

5.22 The owner of the adjacent Atlas Works (Atlas Developments) has also expressed concerns about the proposed access. It considers that creating undercroft parking next to the exit from a children's soft play area/ dance school would create a safety issue for the children leaving the premises.

5.23 Whilst County Highways shares some of the above concerns it considers that the access arrangements could be amended/improved by conditions to improve safety at this location. The proposed parking allocation of one space per flat/ commercial unit is adequate. County Highways, therefore, has no objections in principle to the proposed development subject to the imposition of conditions and the applicant entering into a legal agreement to make a financial contribution of £2,400 to fund the waiting restriction review and possible changes to the Traffic Regulation Orders in Denton Holme.

5.24 Given that Cumbria County Council is the Highway Authority its views, as statutory consultee have to take precedence over those of the City Council's highway Officers.

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

5.25 A terrace of properties is located on the opposite side of Nelson Street to the proposed development. These properties would be 15.5m away from the

proposed development. This is considered to be a reasonable distance and is commensurate with other separation distances between dwellings in terrace streets in the locality.

5.26 Part of the rear elevation of the proposed development would overlook the back yards of the properties on Westmorland Street. There is very limited boundary treatment between these rear yards and privacy is, therefore, limited. The windows that would overlook these yards would be located in a kitchen area and overlooking would only occur when occupants are at the sink. The applicant is proposing to provide opaque glass in the two new windows to be created in this rear elevation, to minimise overlooking of the rear yards. The height and angle of the windows in the proposed development would ensure that the properties themselves are not overlooked.

5.27 In light of the above, the proposed development would not have an adverse impact on the living conditions of the occupiers of neighbouring properties.

7. Other Issues

5.28 The applicant would be required to make a financial contribution of £16,209.26 towards open space provision in the area.

Conclusion

5.29 Whilst the applicant has satisfactorily addressed the issues relating to noise, affordable housing and flooding, which previously formed three of the four reasons for refusal, there are still concerns that the property has not been marketed satisfactorily for commercial use. Until the applicant has done that, in accordance with current Local Plan policies, the loss of the building from employment use should be resisted. As such the application is recommended for refusal.

6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

7. Recommendation - Refuse Permission

1. **Reason:** The site is designated as a Primary Employment Area under the Carlisle District Local Plan and the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report). The redevelopment of the site, for the creation of 12 residential units, is for purposes which fall outside of Use Classes B1, B2 and B8 of the Town and Country Planning Use Classes (Amendment) Order 2005. The change of use of employment premises to residential use will only be permitted where it can be satisfactorily demonstrated that the employment use is no longer viable. The applicant has failed to demonstrate that the premises is no longer suitable for employment use. This is in the current context where there is no over-riding need for additional residential properties in the City. The proposal is therefore considered to be contrary to the objectives of: Policy EM14 of the Cumbria and Lake District Joint Structure Plan; Policy EM2 of the Carlisle District Local Plan; and Policy EC1 of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

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Siteplan® 1:1250

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20 0 20 40 60 80

Metres

Centre Coordinates: 339652 565149

National Grid sheet reference at centre of this Siteplan: NY39565E

Supplied by: MWE Architects
Serial Number: 00008300

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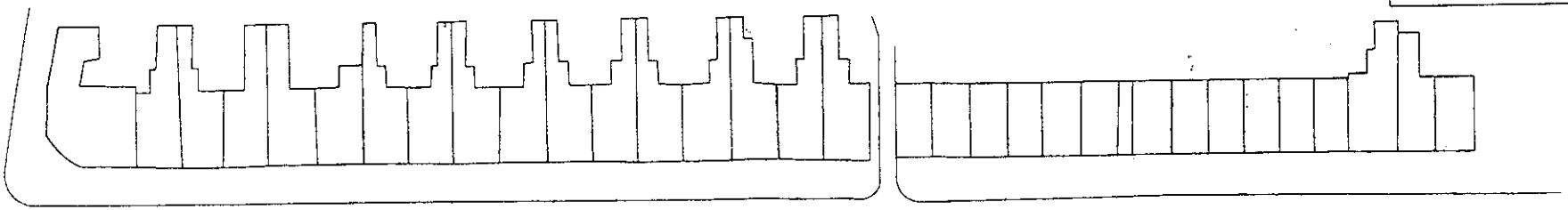

NELSON STREET

ATLAS HOUSE

ATLAS WORKS

GARAGE

WESTMORLAND STREET

CLUB

COMMUNITY CENTRE

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Client PETER CUTHBERT	Job No. 05099	Dwg No. P-001
Job Title ATLAS WORKS CARLISLE	Scale 1:500	Rev.
	Date APRIL'06	
Drawing Description BLOCK PLAN AS EXISTING	Drawn by DRS	
	Checked by	date

ATLAS WORKS, CARLISLE. BLOCK PLAN AS EXISTING; 1:500

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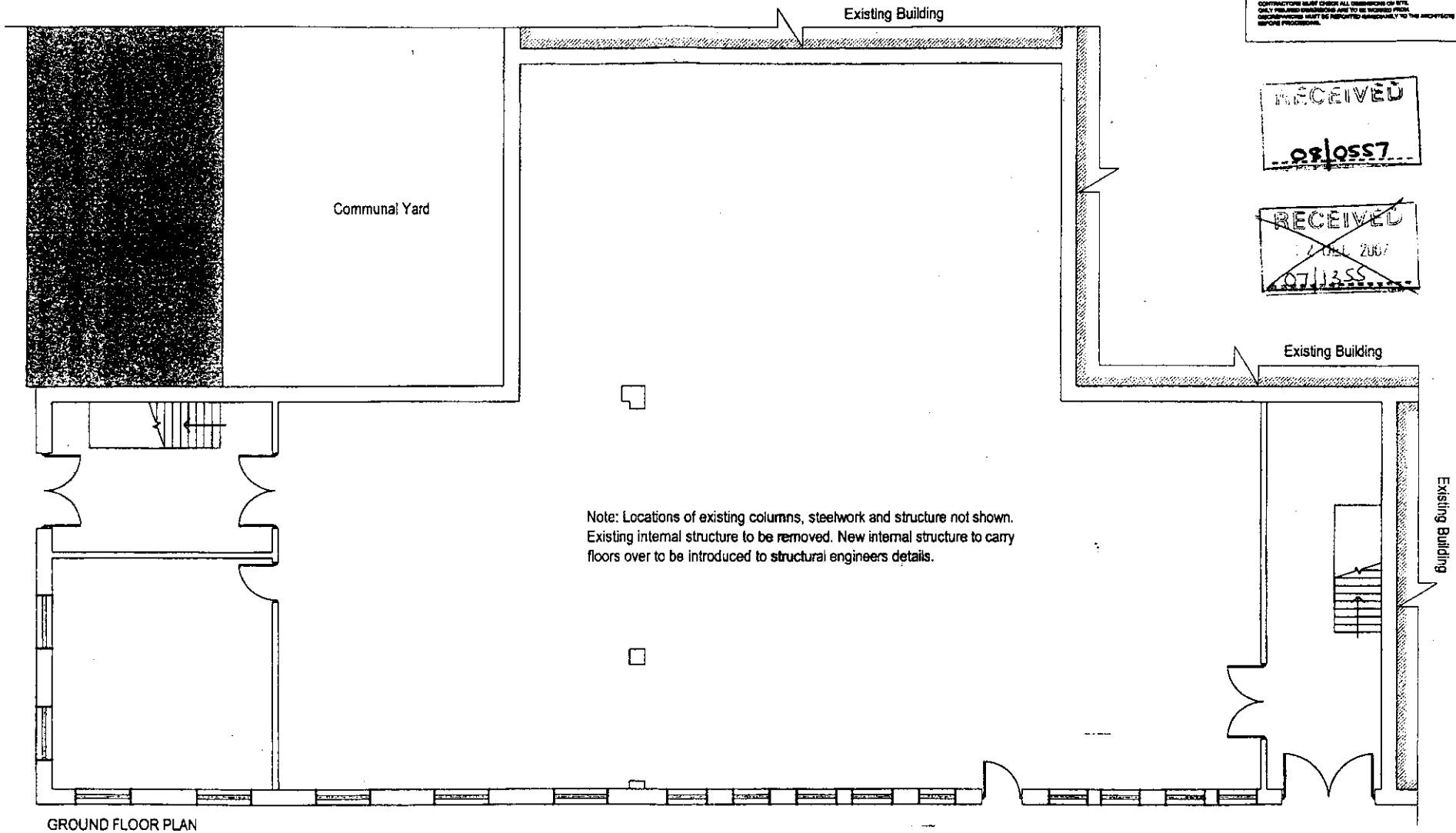

GROUND FLOOR PLAN

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252

B	20.06.06	Existing Staircases added to drawing. Internal partition walls also indicated.	JOC
A	05.05.06	Drawing numbers amended, windows removed from rear elevation	JOC

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Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-002	
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. B	
	Date APRIL'06		
Drawing Description: GROUND FLOOR AS EXISTING	Drawn by DRS		
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ATLAS WORKS, CARLISLE. GROUND FLOOR AS EXISTING; 1:100

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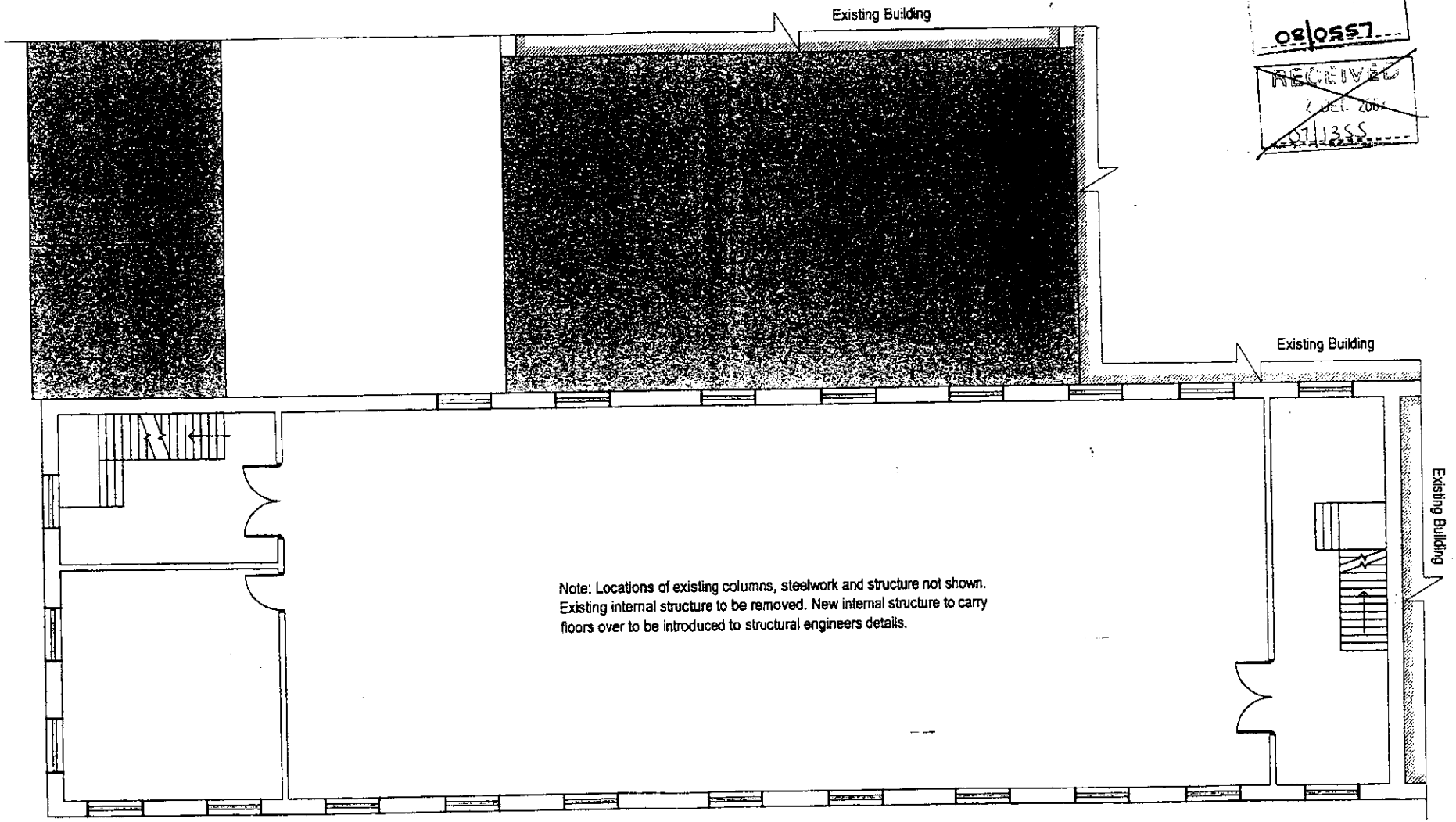

FIRST FLOOR PLAN

B	20.06.06	Existing Staircases added.	JOC
A	05.05.06	Drawing numbers amended	JOC

Market House
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Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-003	
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. B	
	Date APRIL'06		
Drawing Description: FIRST FLOOR AS EXISTING	Drawn by DRB		
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ATLAS WORKS, CARLISLE. FIRST FLOOR AS EXISTING; 1:100

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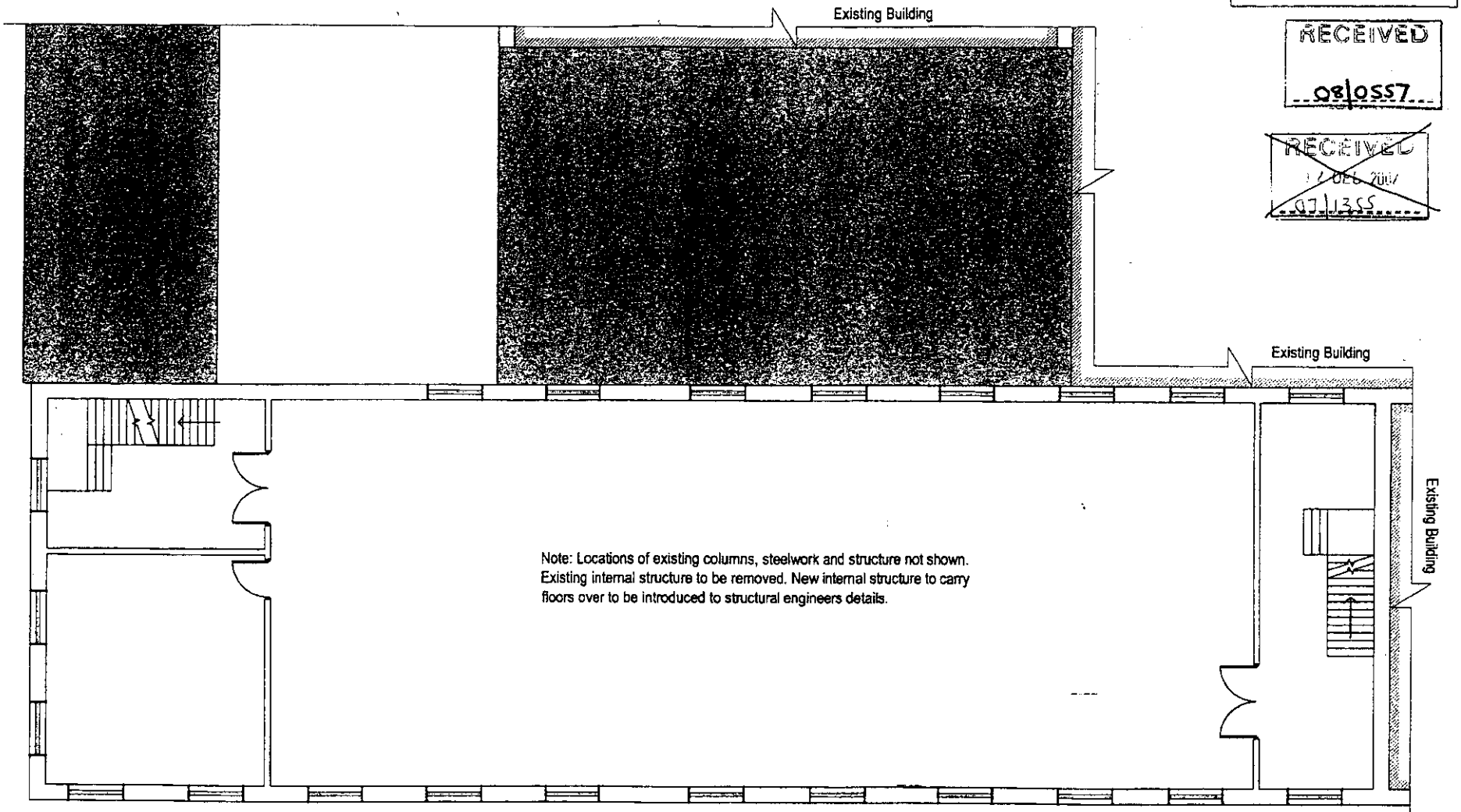

SECOND FLOOR PLAN

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B	20.06.06	Existing Staircases added	JCC
A	05.05.06	Drawing numbers amended	JCC

Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-004
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. B
	Date APRIL'06	
Drawing Description: SECOND FLOOR AS EXISTING	Drawn by ORB	
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ATLAS WORKS, CARLISLE. SECOND FLOOR AS EXISTING; 1:100

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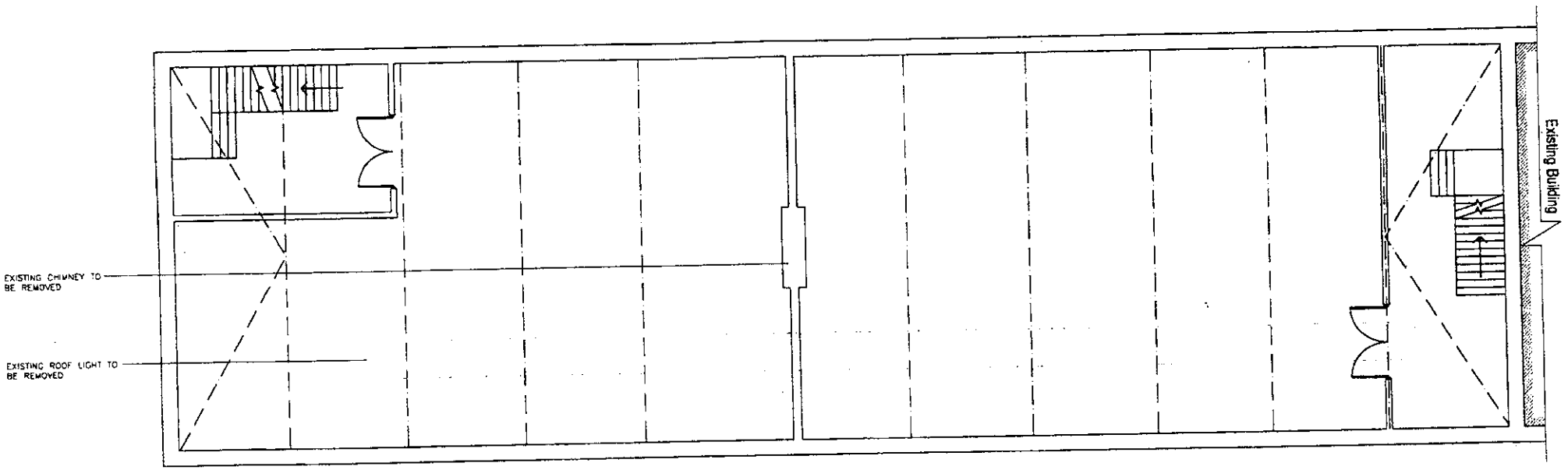

THIRD FLOOR PLAN
Note: Existing roof structure to be removed and replaced.

Note: Locations of existing columns, steelwork and structure not shown. Existing internal structure to be removed. New internal structure to carry floors over to be introduced to structural engineers details.

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Client PETER CUTHBERT	Job No. 05099	Dwg No. P-005
Job Title ATLAS WORKS CARLISLE	Scale 1:100	Rev.
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Drawing Description THIRD FLOOR AS EXISTING	Drawn by DRB	
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ATLAS WORKS, CARLISLE. THIRD FLOOR AS EXISTING; 1:100

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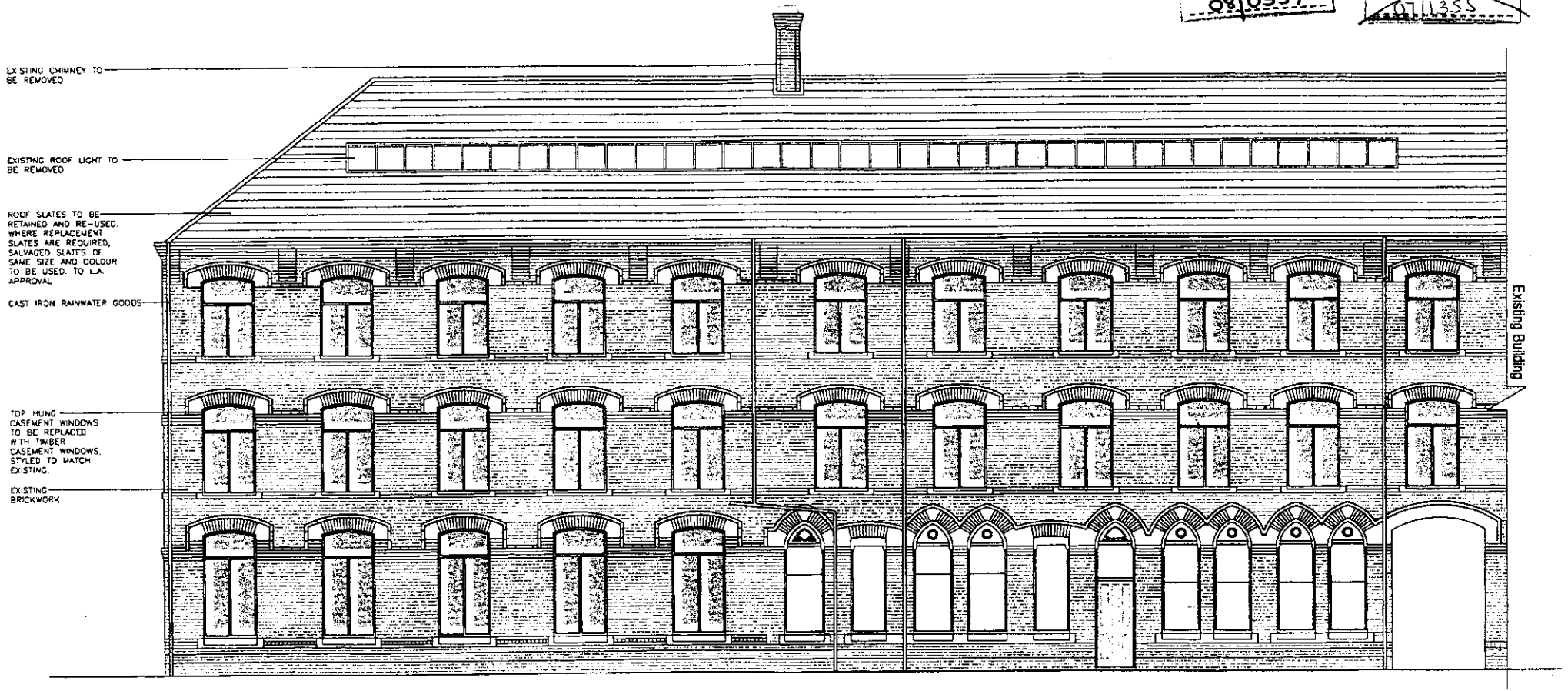

256

FRONT ELEVATION

B	20.06.06	Drawing numbers amended. Existing chimney and roof light added to drawing.	JOC
A	05.05.06	Drawing numbers amended	JOC

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Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-006	
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. B	
	Date APRIL'06		
Drawing Description: FRONT ELEVATION AS EXISTING	Drawn by DRB		
	Checked by	date	

ATLAS WORKS, CARLISLE. FRONT ELEVATION AS EXISTING; 1:100

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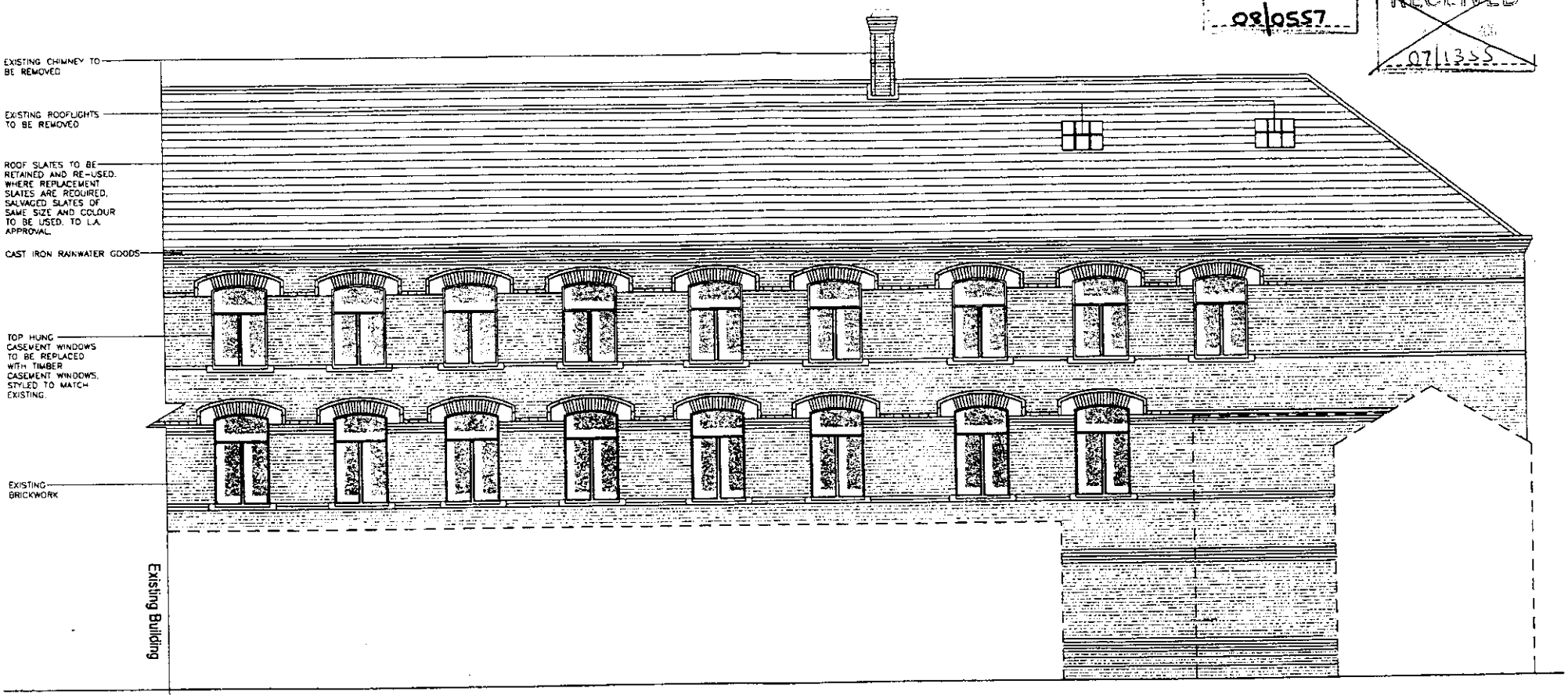

REAR ELEVATION

A	20.06.06	Dwg. numbers amended. Existing Chimney and roof lights indicated. JOC

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Client	PETER CUTHBERT	Job No. 05099	Dwg No. P-007
Job Title	ATLAS WORKS CARLISLE	Scale 1:100	Rev. A
		Date APRIL'06	
Drawing Description	REAR ELEVATION AS EXISTING	Drawn by DRS	
		Checked by	scale

ATLAS WORKS, CARLISLE. REAR ELEVATION AS EXISTING; 1:100

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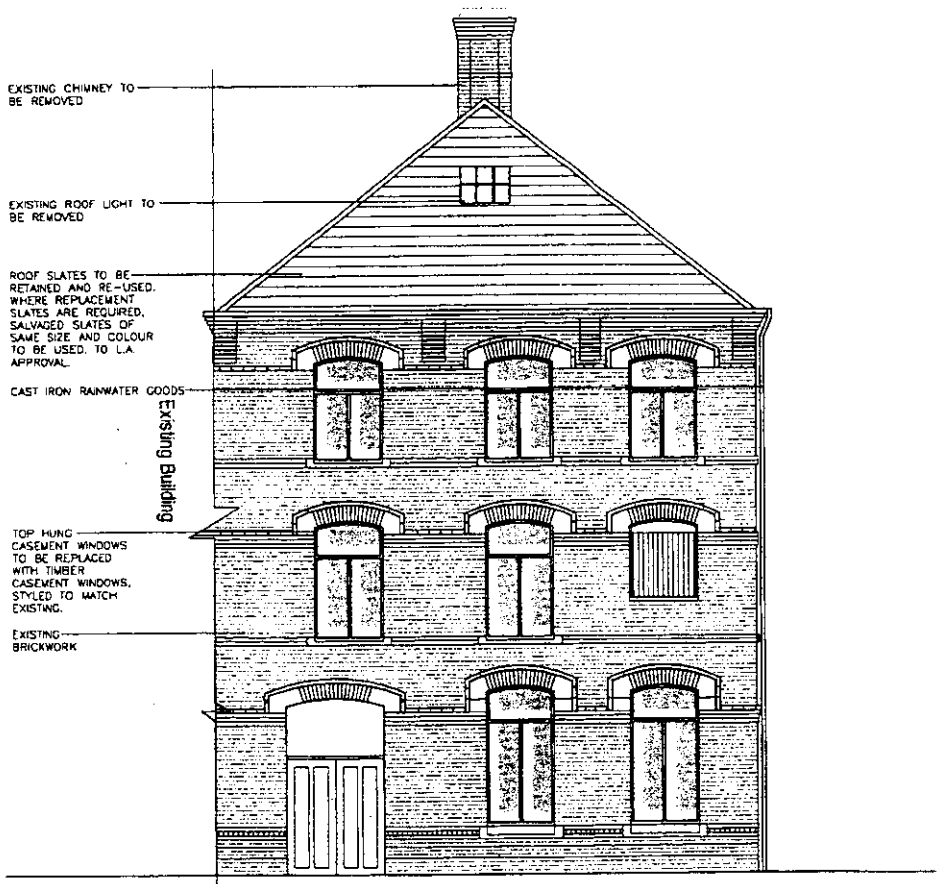
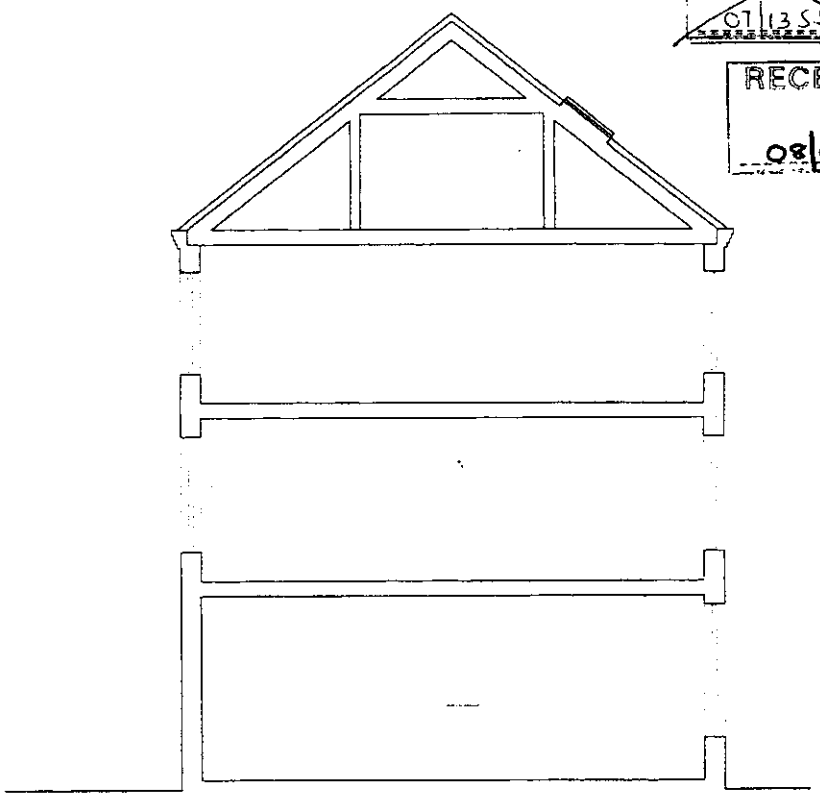


SIDE ELEVATION



SECTION

B	20.06.06	Drawing numbers amended. Existing Chimney indicated.	JOC
A	05.05.06	Drawing numbers amended	JOC

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Client PETER CUTHBERT	Job No. 05099	Dwg No. P-008
Job Title ATLAS WORKS CARLISLE	Scale 1:100	Rev. B
	Date APRIL'06	
Drawing Description SIDE ELEVATION AS EXISTING SECTION AS EXISTING	Drawn by DRS	
	Checked by	date

ATLAS WORKS, CARLISLE. SIDE ELEVATION AND SECTION AS EXISTING; 1:100

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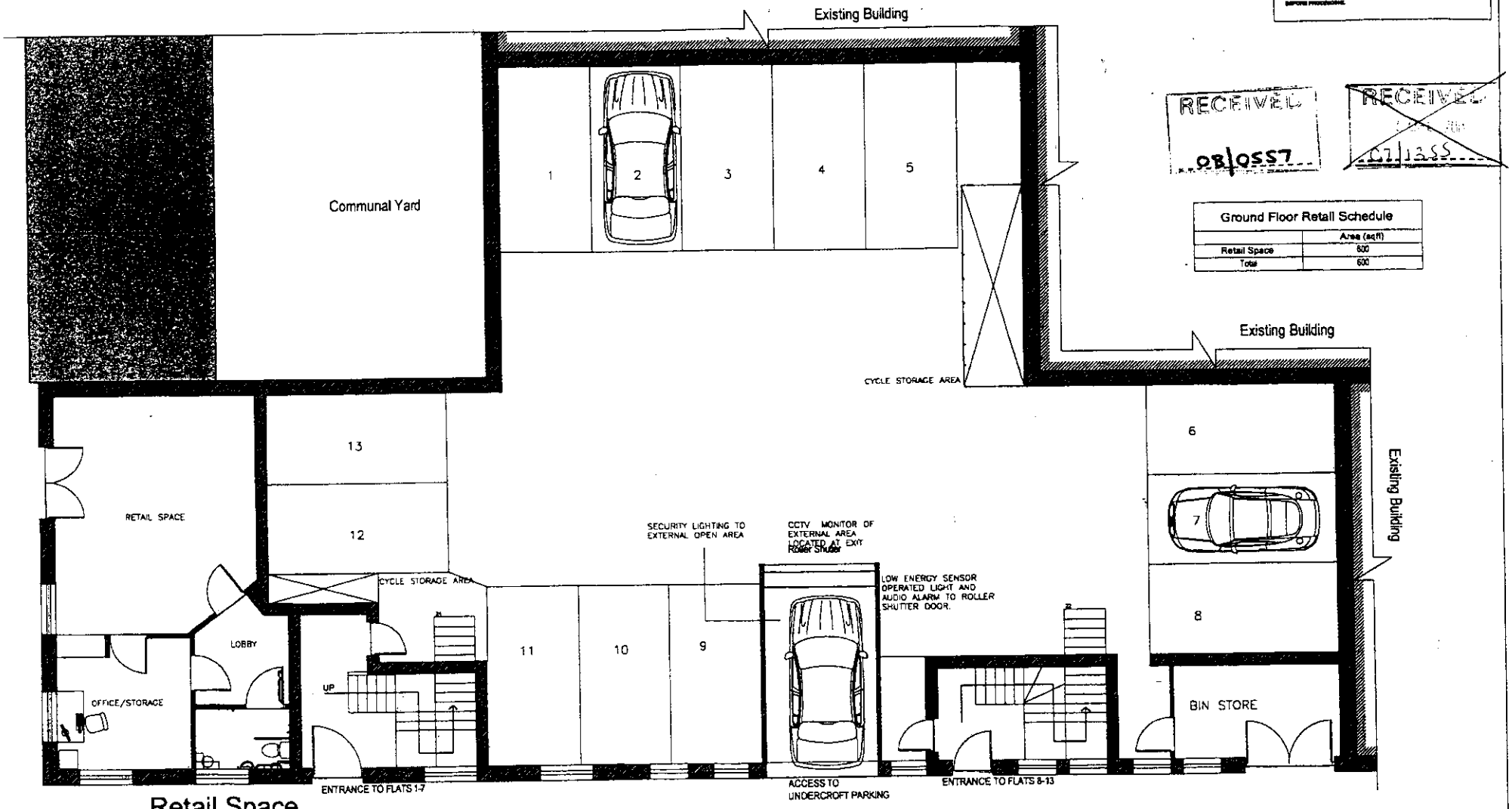

Ground Floor Retail Schedule	
	Area (sqft)
Retail Space	600
Total	600

Retail Space

GROUND FLOOR PLAN AS PROPOSED

Note: Locations of existing columns, steelwork and structure not shown.
Existing internal structure to be removed. New internal structure to carry floors over to be introduced to structural engineers details.

E	08.10.07	Ground floor flat - changed to retail space	AB	D	04.04.07	Security Lighting to vehicular entrance added.	DRS
C	15.08.06	Cycle storage added. Notes with regard to vehicular entrance added.	DRS	B	20.06.06	Dwg. numbers amended. Flats numbered and internal areas calculated. Parking amended.	JOC
				A	05.05.06	Drawing numbers amended, Ground floor flat added, side entrance parking bays removed	JOC

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Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-009	
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. E	
	Date APRIL'06		
Drawing Description: GROUND FLOOR PLAN AS PROPOSED	Drawn by DRS		
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ATLAS WORKS, CARLISLE. GROUND FLOOR PLAN AS PROPOSED; 1:100

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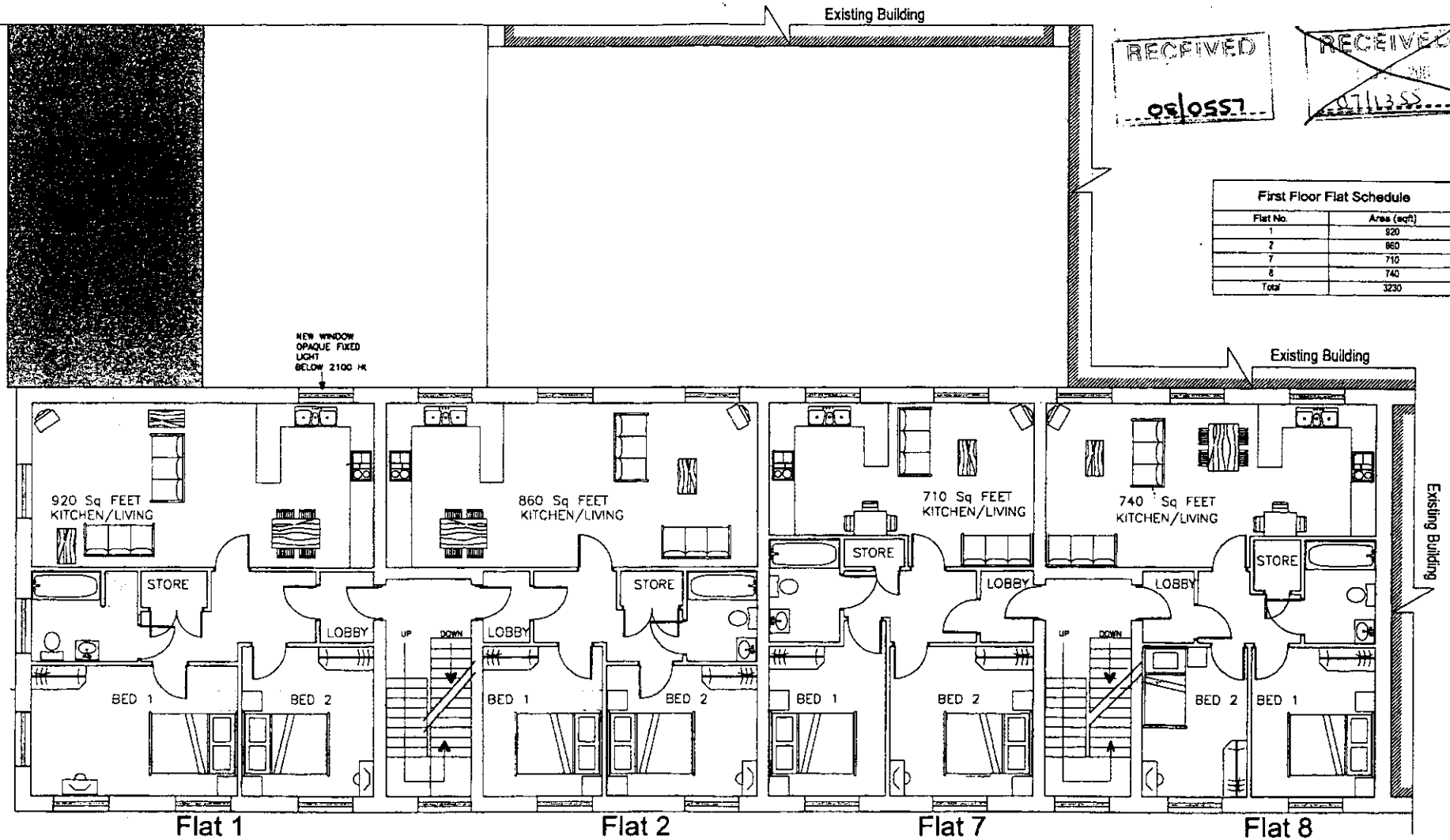

First Floor Flat Schedule	
Flat No.	Area (sqft)
1	920
2	860
7	710
8	740
Total	3230

260

FIRST FLOOR PLAN AS PROPOSED

Note: Locations of existing columns, steelwork and structure not shown. Existing internal structure to be removed. New internal structure to carry floors over to be introduced to structural engineers details.

ATLAS WORKS, CARLISLE. FIRST FLOOR PLAN AS PROPOSED; 1:100

D	29.11.07	Flat Numbers adjusted	AB		
C	15.08.06	Orientation of flats changed so that bedrooms are to the principal elevation. New window added to rear elevation.	DRS		
B	20.06.06	Dwg. numbers amended. Flats numbered and internal areas calculated.	JOC		
A	05.05.06	Drawing numbers amended	JOC		

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Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-010
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. D
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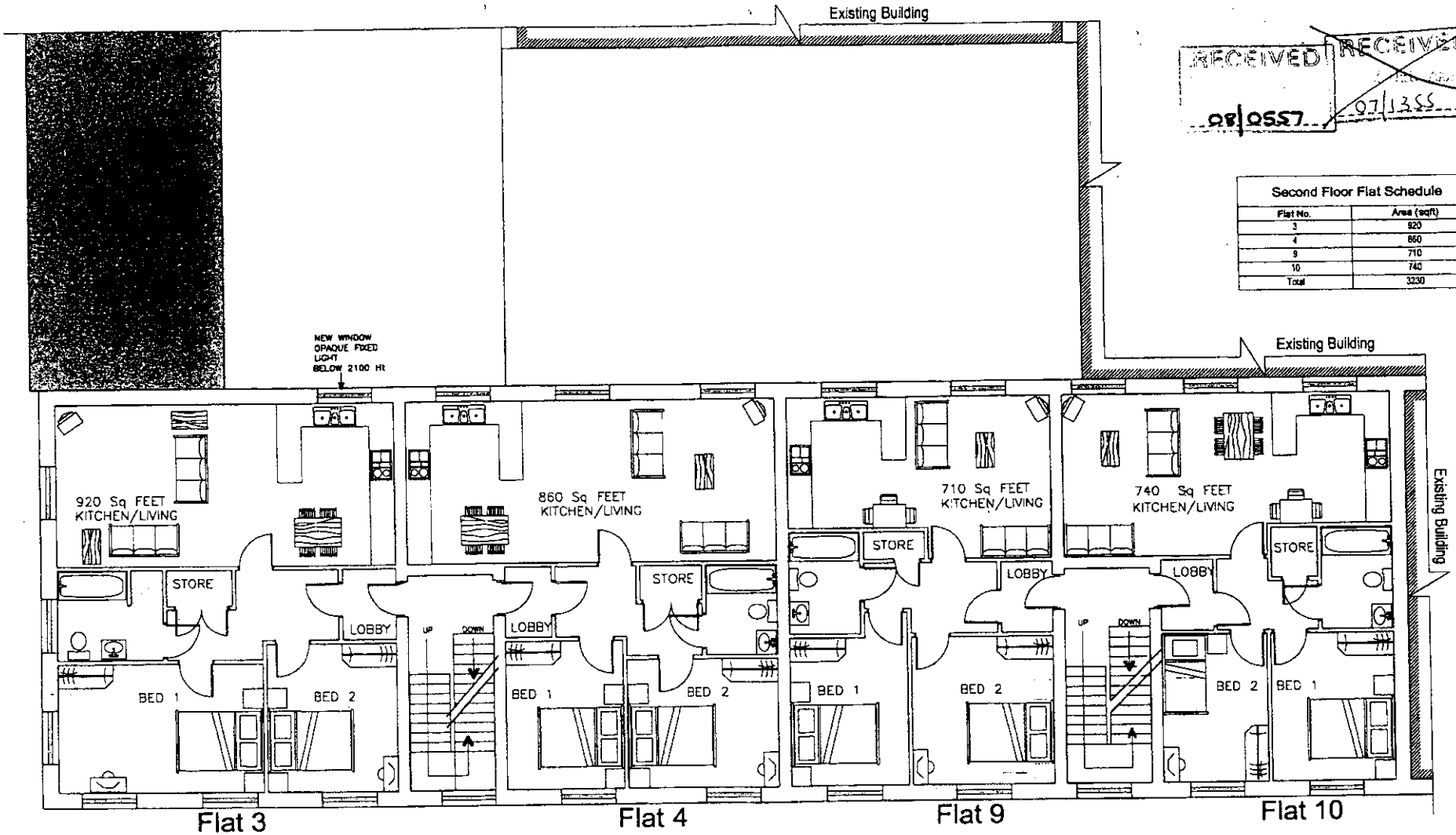

Second Floor Flat Schedule	
Flat No.	Area (sqft)
3	920
4	860
9	710
10	740
Total	3230

SECOND FLOOR PLAN AS PROPOSED

D 29.11.07 Flat Numbers adjusted AB

C 15.08.06 Orientation of flats changed so that bedrooms are to the principal elevation. New window added to rear elevation.

DRS B 20.06.06 Dwg. numbers amended. Flats numbered and internal areas calculated. JOC

A 05.05.06 Drawing numbers amended JOC

Note: Locations of existing columns, steelwork and structure not shown. Existing internal structure to be removed. New internal structure to carry floors over to be introduced to structural engineers details.

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Client	PETER CUTHBERT	Job No. 05099	Dwg No. P-011
Job Title	ATLAS WORKS CARLISLE	Scale 1:100	Rev. D
		Date APRIL'06	
Drawing Description	SECOND FLOOR PLAN AS PROPOSED	Drawn by DRS	
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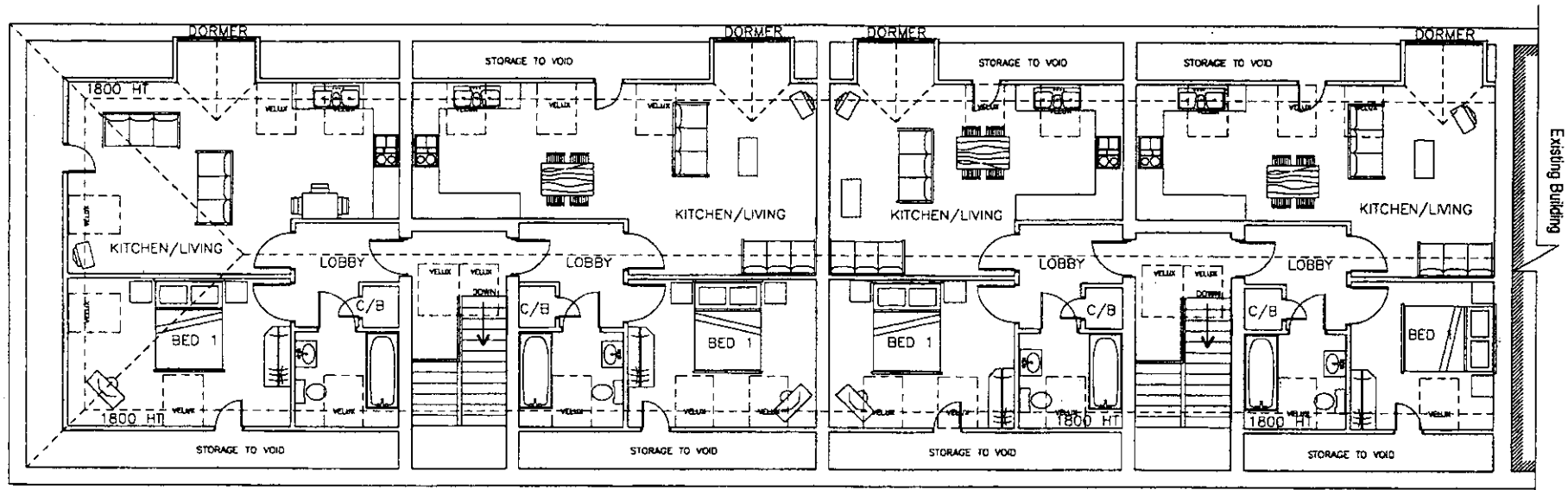
Third Floor Flat Schedule	
Flat No.	Area (sqft)
5	577
6	599
11	599
12	607
Total	2562



Flat 5 Flat 6 Flat 11 Flat 12

ATTIC PLAN AS PROPOSED

Note: Locations of existing columns, steelwork and structure not shown. Existing internal structure to be removed. New internal structure to carry floors over to be introduced to structural engineers details.

E	29.11.07	Flat Numbers adjusted	AB
D	08.03.07	Velux window positions aligned in accordance urban design comments.	WJF
C	15.08.06	Orientation of flats changed so that bedrooms are to the principal elevation. Velux positions revised.	DRS
B	20.06.06	Floor plan revised. Dwg. numbers amended. Flats numbered and internal areas calculated.	JOC
A	06.05.06	Drawing numbers amended, dormer windows added to rear.	JOC

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Client PETER CUTHBERT		Job No. 05099	Dwg No. P-012
Job Title ATLAS WORKS CARLISLE		Scale 1:100	Rev. E
		Date APRIL'08	
Drawing Description ATTIC FLOOR PLAN AS PROPOSED		Drawn by DRS	
		Checked by	Date

ATLAS WORKS, CARLISLE. ATTIC FLOOR PLAN AS PROPOSED; 1:100

262

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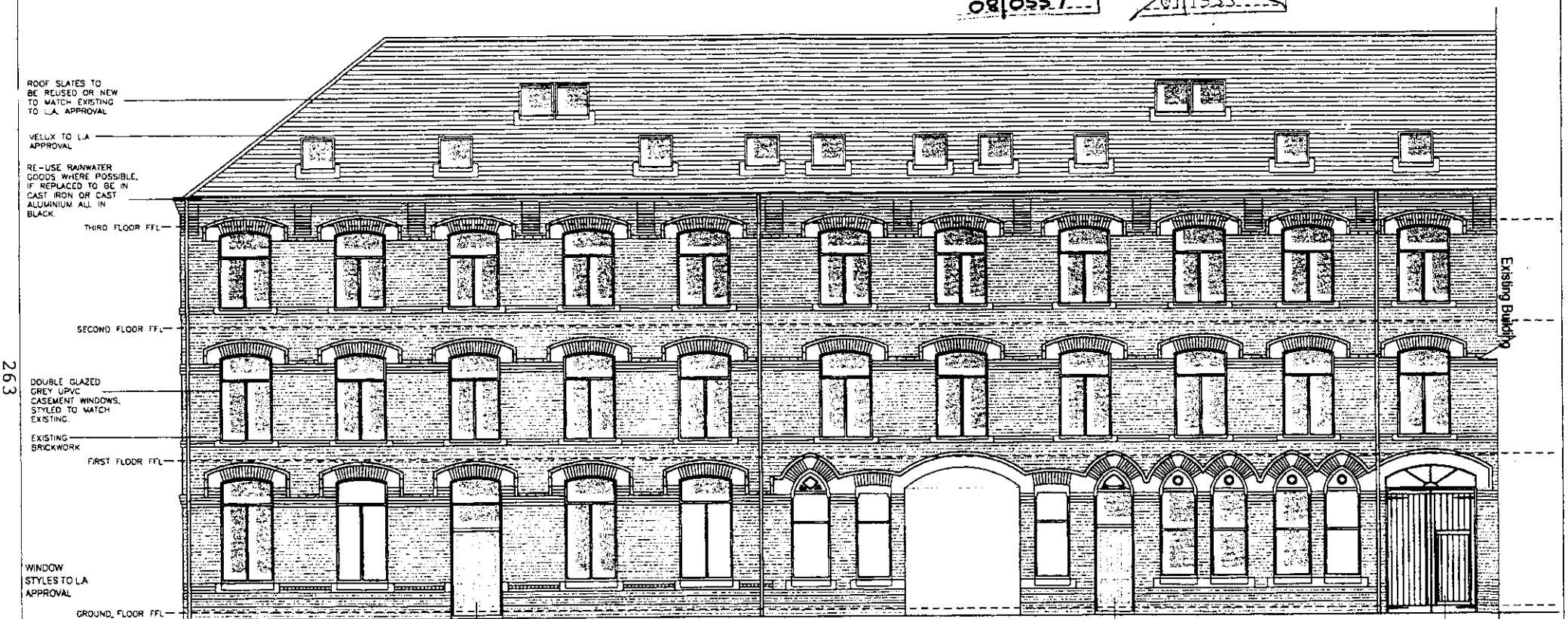

FRONT ELEVATION

D	08.03.07	Velux window positions aligned in accordance urban design comments.	WJF
C	15.08.06	Velux window arangement revised.	DRS
B	20.06.06	Dwg. numbers amended. Notation added to elevation.	JOC
A	05.05.06	Drawing numbers amended	JOC

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Client	PETER CUTHBERT	Job No. 05099	Dwg No. P-013
Job Title	ATLAS WORKS CARLISLE	Scale 1:100	Rev. E
		Date APRIL'06	
Drawing Description	FRONT ELEVATION AS PROPOSED	Drawn by DRS	
		Checked by	date

ATLAS WORKS, CARLISLE. FRONT ELEVATION AS PROPOSED; 1:100

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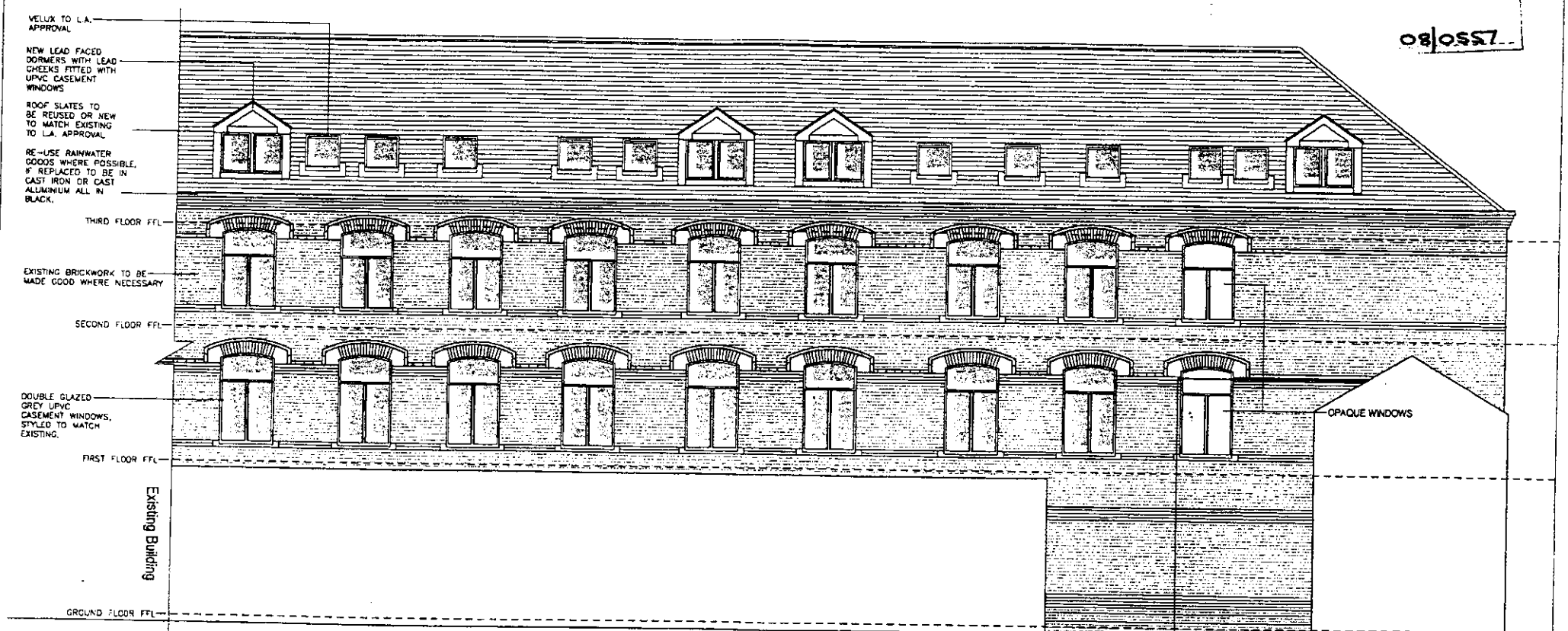

D	08.03.07	Velux window positions aligned in accordance urban design comments.	WJF
C	15.06.06	Velux window arrangement revised. Window added to 1st floor.	DRS
B	20.06.06	Dwg. numbers amended. Notation added to elevation. Two extra dormers added to elevation.	JOC
A	05.05.06	Dwg. numbers amended. Notes added to Elevation.	JOC

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Client	PETER CUTHBERT	Job No. 05099	Dwg No. P-014
Job Title	ATLAS WORKS CARLISLE	Scale 1:100	Rev. D
		Date APRIL'06	
Drawing Description	REAR ELEVATION AS PROPOSED	Drawn by DRS	
		Checked by	

ATLAS WORKS, CARLISLE. REAR ELEVATION AS PROPOSED; 1:100

264

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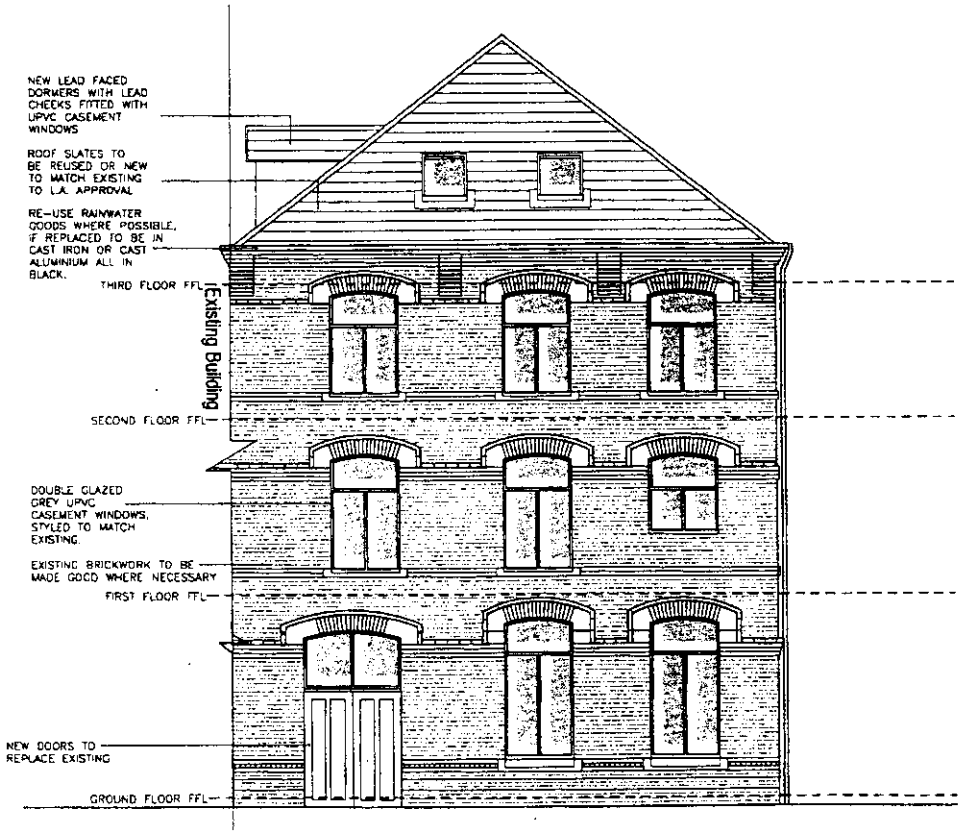
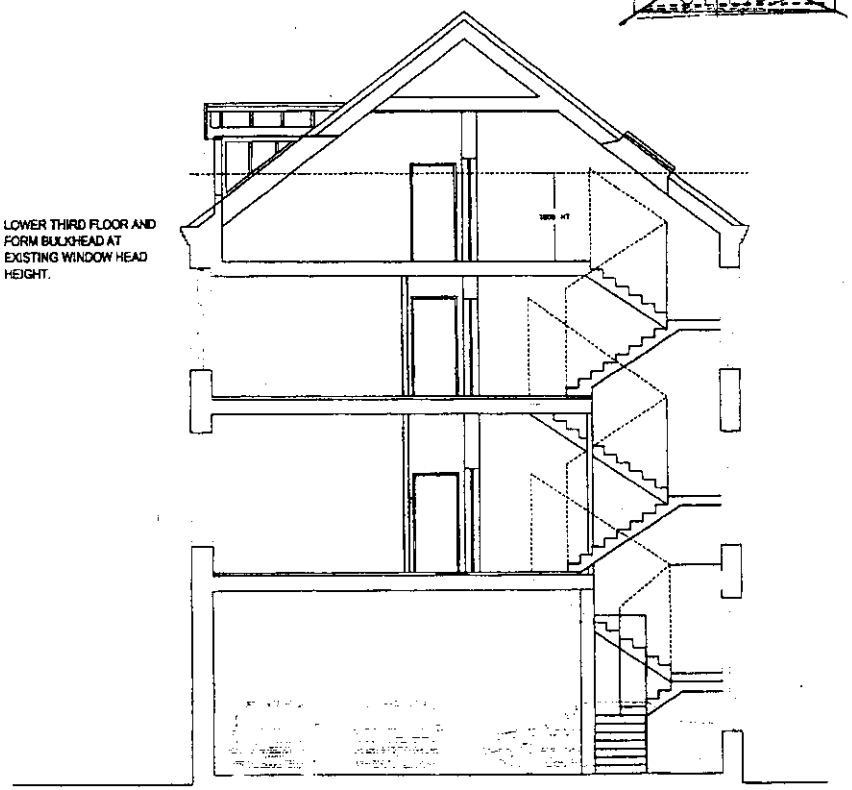


SIDE ELEVATION



SECTION —

D	06.03.07	Velux window positions aligned in accordance urban design comments.	WJF
C	15.06.06	Two velux windows added to side elevation.	DRS
B	20.06.06	Dwg. numbers amended. Notation added to elevation.	JOC
A	05.05.06	Drawing numbers amended	JOC

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Client: PETER CUTHBERT	Job No. 05099	Dwg No. P-015	
Job Title: ATLAS WORKS CARLISLE	Scale 1:100	Rev. E	
	Date APRIL'06		
Drawing Description: SIDE ELEVATION AS EXISTING SECTION AS PROPOSED	Drawn by DRS		
	Checked by	date	

ATLAS WORKS, CARLISLE. SIDE ELEVATION AND SECTION AS PROPOSED; 1:100

The front elevation of the application site, adjacent to Nelson Street

The adjacent Atlas Works which is almost fully let for commercial use

The rear elevation of Atlas Works

The side elevation of the application site, adjacent to Westmorland Street

The current 'To Let' sign

Item No: 13 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0700	Mr & Mrs Yare	Hayton
Date of Receipt:	**Agent:**	**Ward:**
07/07/2008	TSF Developments Ltd	Hayton

Location:
Land Adjacent To 57 Cairn Wood, Heads Nook, Carlisle, CA8 9AH

Grid Reference:
349657 554962

Proposal: Erection Of 1No. Detached Bungalow

Amendment:

REPORT **Case Officer:** Barbara Percival

Reason for Determination by Committee:

1. Constraints and Planning Policies

Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria

Joint St.Plan Pol ST3: Principles applying to all new devel.

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H9 - Backland Development

Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP8 - Dev. Energy Cons. And Efficiency

Rev Redeposit Pl.Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the layout details shown on the submitted plan are considered satisfactory from a highway perspective. Can therefore confirm that the Highway Authority has no objection to the proposed development;

United Utilities (former Norweb & NWWA): no objection to the proposal providing this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A separate metered supply to each unit be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU Service Enquiries on 08457462200 regarding connection to the water mains/public sewers;

Community Services - Drainage Engineer: comments awaited;

Hayton Parish Council: do not wish to make any representation on the proposal.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	53 Cairn Wood	09/07/08	
	54 Cairn Wood	09/07/08	
	55 Cairn Wood	09/07/08	Objection
	58 Cairn Wood	09/07/08	
	58 Cairn Wood	09/07/08	Objection
	Crossway	09/07/08	
	Crossway	09/07/08	
	Crookside	09/07/08	
	Skiddaw House	09/07/08	
	Cairnville	09/07/08	
	Kirk Lodge	09/07/08	

3.1 This application has been advertised by the direct notification of eleven neighbouring properties. In response, two letters of concern have been received.

3.2 The letters identifies the following issues:

1. no objections to the erection of a detached bungalow but the writer has major concerns specific to the position of the access driveway;

2. outlining his concerns with regards to the contents of the Design and Access Statement submitted as part of the application. The Design and Access Statement states that the left hand edge of the driveway will be 1 to 2 metres away from the existing hedge. The writer assumes that the width of the entrance drive would be 3 to 3.5 metres this he considers would bring the new driveway very close to the driveways of 57 and 58 Cairn Wood. It is the writers belief that this would compromise the safety of the occupiers of those properties when reversing out of their drives;

3. in order to demonstrate his concerns the objector has submitted photographs (reproduced in the Third Party Correspondence Folder);

4. a separate writer raises the issue of landscaping. The writer would like assurances (at the present time and for the future) that all the trees and hedges that border the writers property would be left undisturbed by the proposed building of this property;

5. concerned that the access to this property would converge with three other driveways in a small turning circle. This the writer feels could present a hazard or obstruction;

6. there is some confusion over who owns Plot 56 and the writer wishes to clarify that Plot 56 is in her ownership;

7. if this proposal is passed, would welcome a covenant attached to the deeds limiting future development in the roof space of the bungalow.

4. Planning History

4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The proposal is located in the mature gardens of 57 Cairn Wood which forms part of a housing estate on the east side of the village road running through Heads Nook. Number 57 Cairn Wood is at the head of a cul-de-sac of 11 dwellings all of which, with the exception of 55 Cairn Wood, are bungalows. The property's existing rear boundary (south western) is a substantial mixed hedge approximately 3 metres in height with a leylandii hedge along its north eastern boundary. The south-eastern boundary is a combination of hedges

and timber boarded fences ranging in height from 1.5m to 2 metres with a 1.2 metre high wall along the north western boundary.

Background

5.2 The application seeks Full Planning Permission for the erection of a bungalow with an attached garage, to be sited to the south east of 57 Cairn Wood. The submitted drawings illustrate that the proposed dwelling would follow the building line of 57 Cairn Wood, have an overall length of 7.2 metres and be 10 metres at its widest part. The submitted drawings further indicate that it would have an eaves height of 2.6 metres with a ridge height of 5 metres.

5.3 The accommodation provided would comprise of an attached garage, living room, kitchen, entrance hall, bathroom and 3no. bedrooms (one of which has en-suite facilities). Access would be via a new private driveway from the head of the cul-de-sac along the north eastern boundary, retaining the existing leylandii hedge.

5.4 The design, scale and massing of the proposed bungalow would be similar to those of its immediate neighbours using materials to match, the proposed materials being bricks and concrete roof tiles with upvc windows and doors.

Assessment

5.5 The relevant planning policies against which the application is required to be assessed are Policies ST1 and ST3 of the Cumbria and Lake District Joint Structure Plan and Policies DP1, H1, H9, CP2, CP4, CP5, CP8, CP11 and T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

5.6 The proposals raise the following issues:

1. Whether The Principle of Development Is Acceptable

5.7 The application site is located in a large garden within the village of Heads Nook. Policies require that development proposals, and in this instance, residential development, should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth. In particular, H1 of the Revised Redeposit District Local Plan (as amended by the Inspector), identifies Local Service Centres that are considered to be sustainable and appropriate for additional development, subject to consideration against the relevant policy criteria. Heads Nook is one such Local Services Centre; therefore, the principle of development is considered to be acceptable.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

5.8 The submitted drawings illustrate that the proposed bungalow would be of a

similar design, scale and massing to those of its immediate neighbour, 57 Cairn Wood 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 match the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking.

5.9 In summary, the scale and design of the proposed bungalow is comparable to the existing properties within the cul-de-sac. The bungalow would be constructed from materials to match the existing dwellings, and would employ similar detailing. Accordingly, it is considered that the development would not form a discordant feature in the street scene.

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

5.10 The proposed bungalow would be sited 4 metres from the gable of 57 Cairn Wood. In mitigation, however, the only gable window in either of two properties would serve an en-suite bathroom in the proposed dwelling.

5.11 The proposal has also addressed the issues of potential loss of privacy and overdominance. The residential properties which face onto the application site (54 and 55 Cairn Wood, Crossways, Crookside and Skiddaw House) are unlikely to be affected due to the orientation of the proposed dwelling and the existing boundary treatment which would be retained.

4. Impact Of The Proposal On Highway Safety

5.12 The occupiers of two neighbouring properties have submitted a letter and photographs expressing their concerns with regard to the proposed driveway on highway safety, citing in particular the possible danger to cars reversing out of the driveways of 57 and 58 Cairn Wood.

5.13 Following normal practice consultation has been undertaken with the Highway Authority. It is the Highway Authority's view that the layout details shown on the submitted plan are considered satisfactory from a highway perspective and there are no objections to the proposal.

5.14 The local residents' concerns regarding the access arrangements are noted; however, since the Highway Authority does not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

5. The Impact Of The Proposal On Existing Landscaping

5.15 An adjoining neighbour has raised concern with regard to the loss of existing landscaping. Members will note that the submitted plans and the Design and Access Statement both indicate that the scheme has been so designed to retain as much as possible of the existing landscape. Furthermore, the City Council's Landscape Architect has verbally confirmed that there are no objections to the proposal. It is therefore considered that this proposal would

not have a detrimental impact on the existing landscape character of the area.

6. Other Matters

5.16 Members should be aware that the Design and Access Statement submitted as part of the application acknowledges the issue of energy conservation and efficiency, outlining that the building would adhere to the requirements of Building Regulations in order to construct an energy efficient building with a low carbon footprint.

5.17 Members should also be aware that one of the applicants is a retired employee of the City Council, however, he has not been involved in the determination of the application outside of his role as applicant.

Conclusion

5.18 In overall terms, the principle of the proposed development is acceptable. The scale, siting and design of the proposed dwelling is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. Adequate car parking, access and amenity space would be provided to serve the dwelling. In all aspects the proposal is compliant with the objectives of the relevant adopted and emerging 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;

6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict

was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. Recommendation - Grant Permission

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

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

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

   Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

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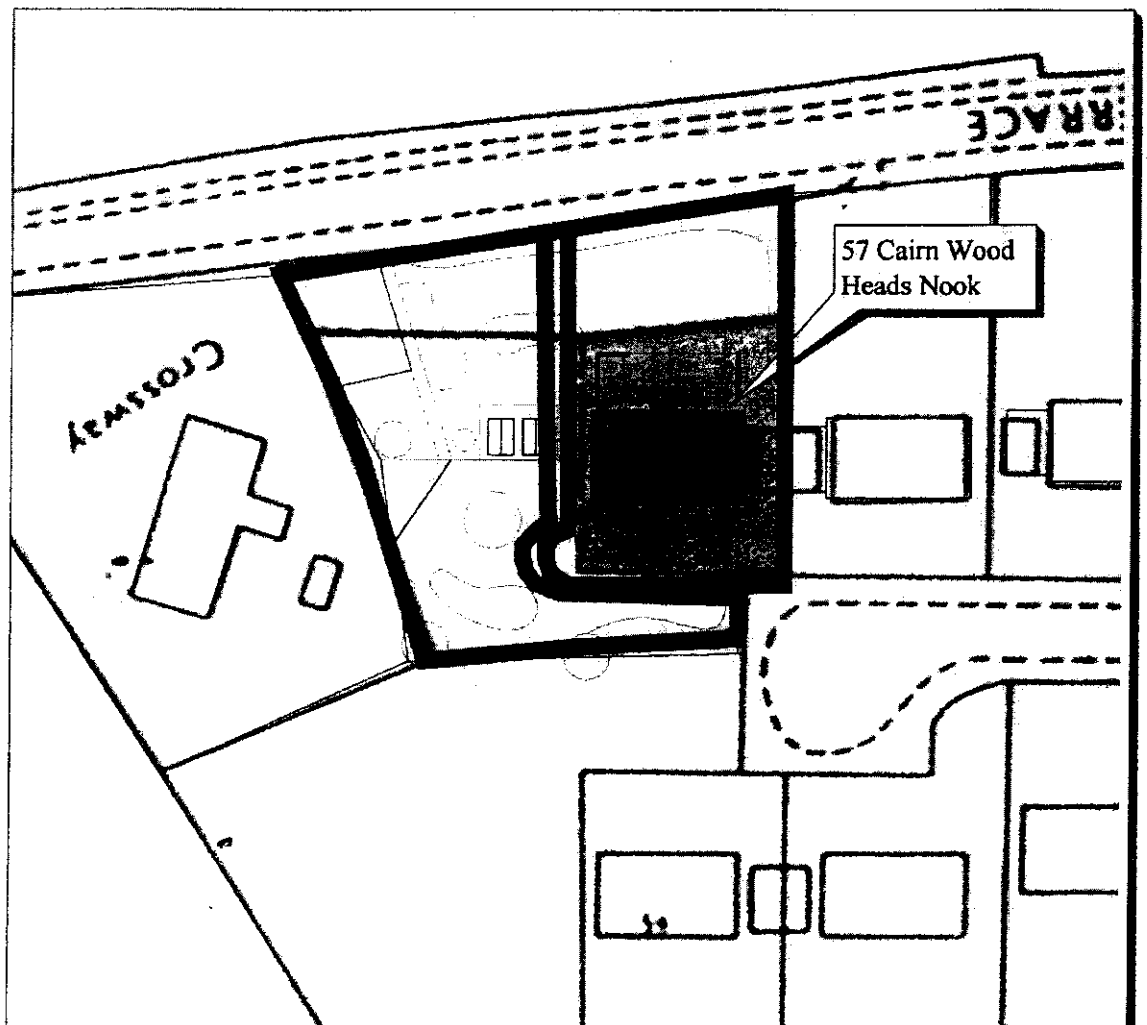
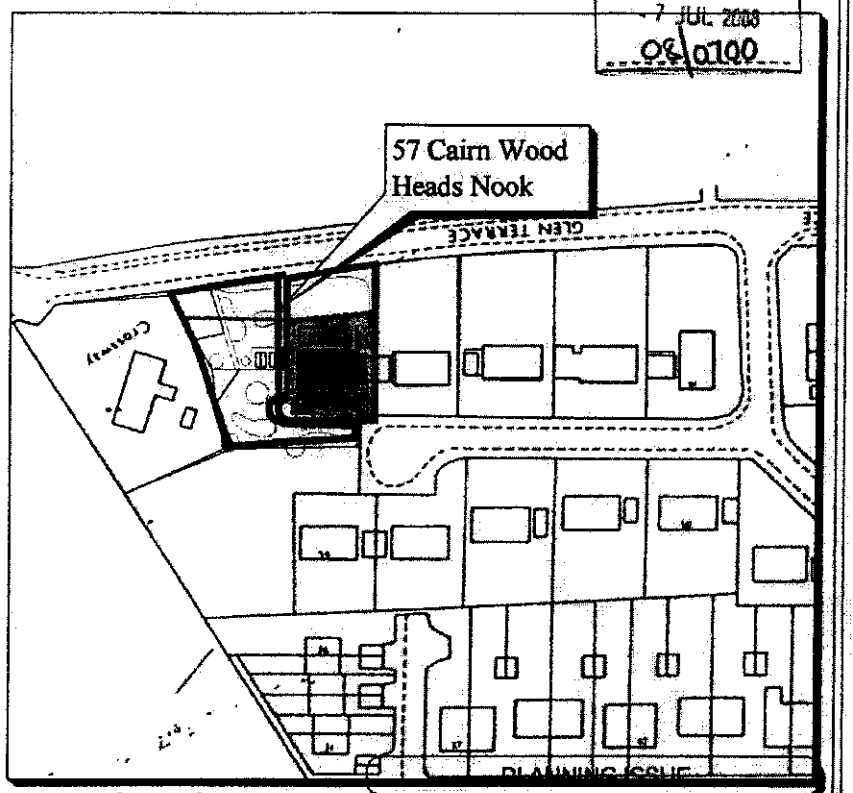


Site Plan
1 : 500



Location Plan
1 : 1250

New Dwelling

Heads Nook
Brampton
Cumbria
CA8 9AH

TSF Developments Ltd
The Barn,
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Longtown Road,
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email address : george@tsfstephen.co.uk
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Company No. 6504732

Job : 08/011
Date : May 2008
Scale : various
Revision :

Proposed New Dwelling at
57 Cairn Wood,
Heads Nook,
Carlisle , CA8 9AH
For Mr & Mrs Yare

Location Plan 001

278

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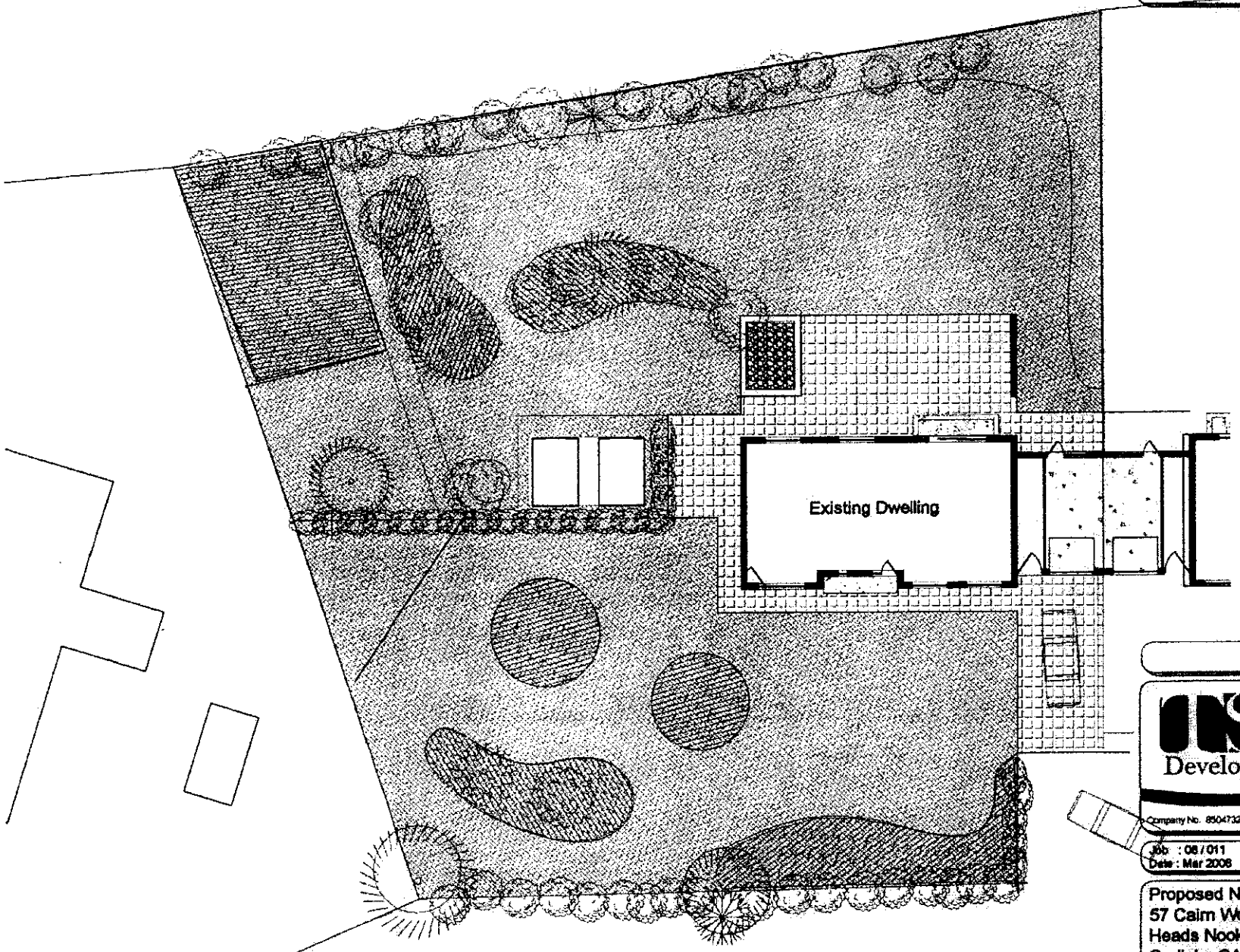

Site Plan

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PLANNING ISSUE

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Company No. 8504732

Job : 08 / 011
Date : Mar 2008
Scale : 1 : 500
Revision :

Proposed New Dwelling at L / A
57 Cairn Wood
Heads Nook
Carlisle, CA8 9AH, CA8 9AH
For Mr & Mrs J Yare

Existing Site Plans

010

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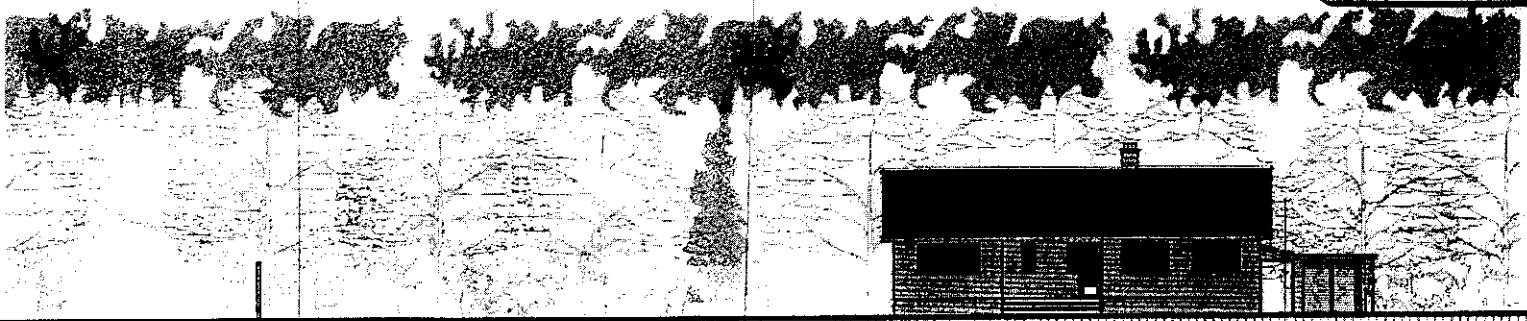
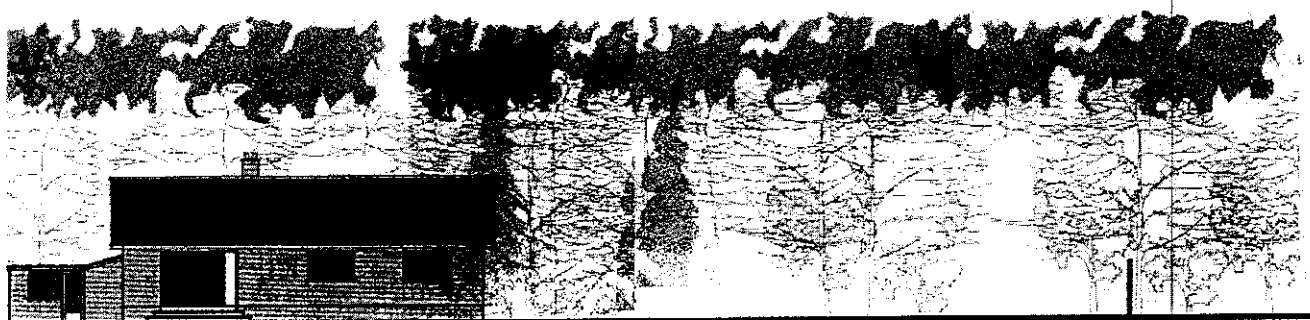


Existing Front Elevation



Existing Rear Elevation

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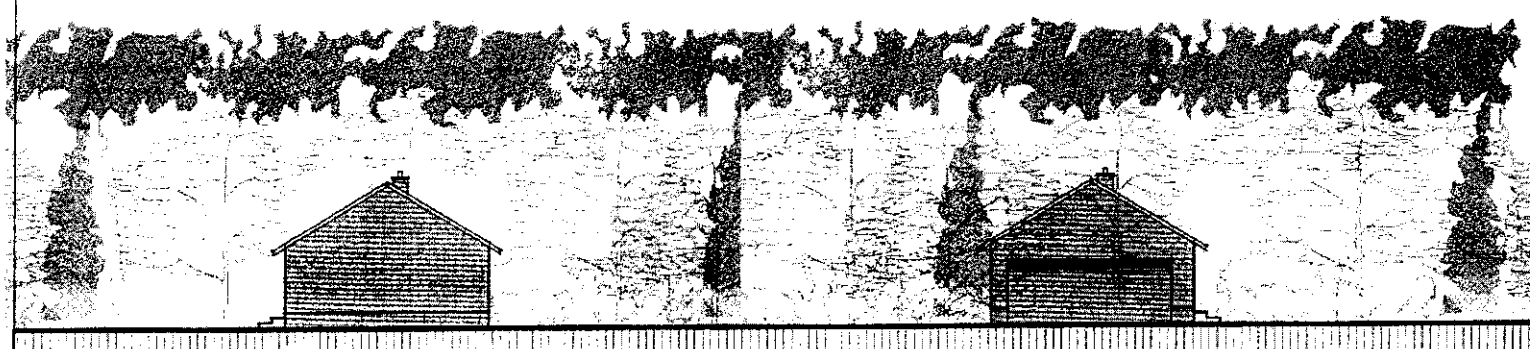

Existing Gable Elevation

Existing Gable Elevation

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Company No. 6504732

Job : 08 / 011
Date : May 2008
Scale : 1 : 200
Revision :

Proposed New Dwelling at
57 Cairn Wood,
Heads Nook,
Carlisle , CA8 9AH
For Mr & Mrs Yare

Existing Elevations

015

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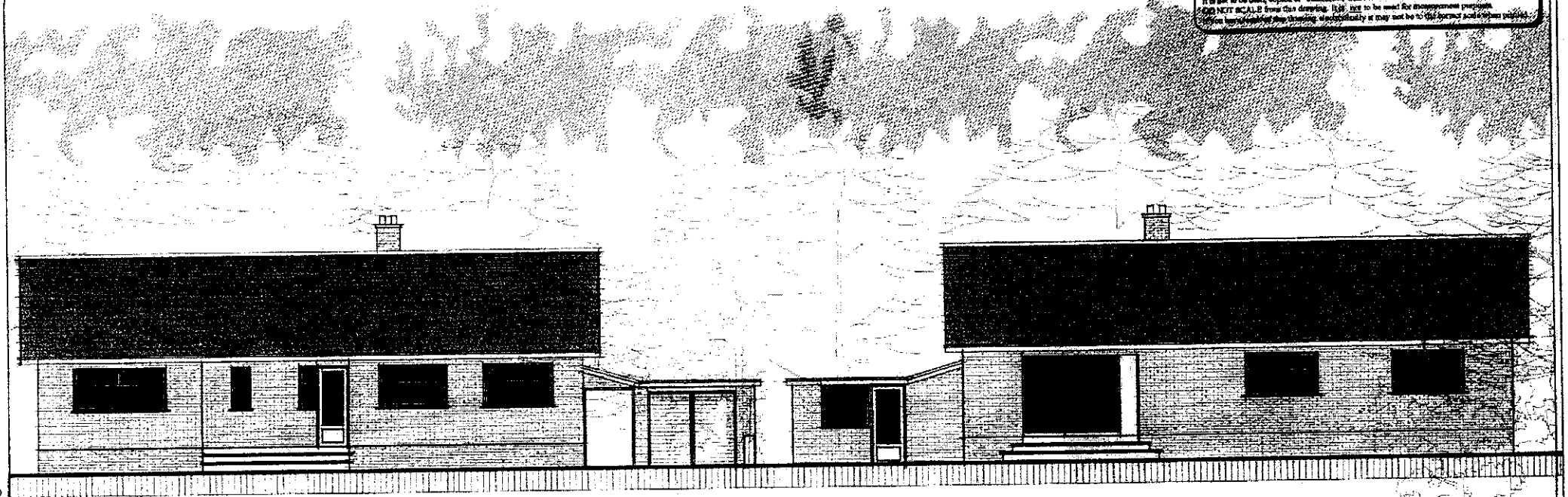

Existing Front Elevation

Existing Rear Elevation

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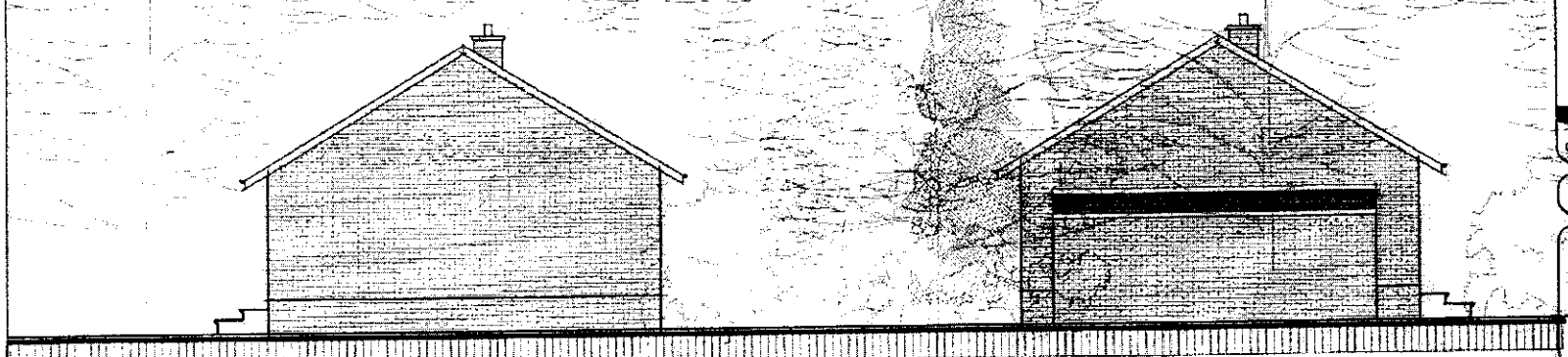

Existing Gable Elevation

Existing Gable Elevation

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Company No 6504732

Job : 08 / 011
Date : May 2008

Scale : 1 : 100
Revision :

Proposed New Dwelling at
57 Cairn Wood,
Heads Nook,
Carlisle , CA8 9AH
For Mr & Mrs Yare

Existing Elevations

016

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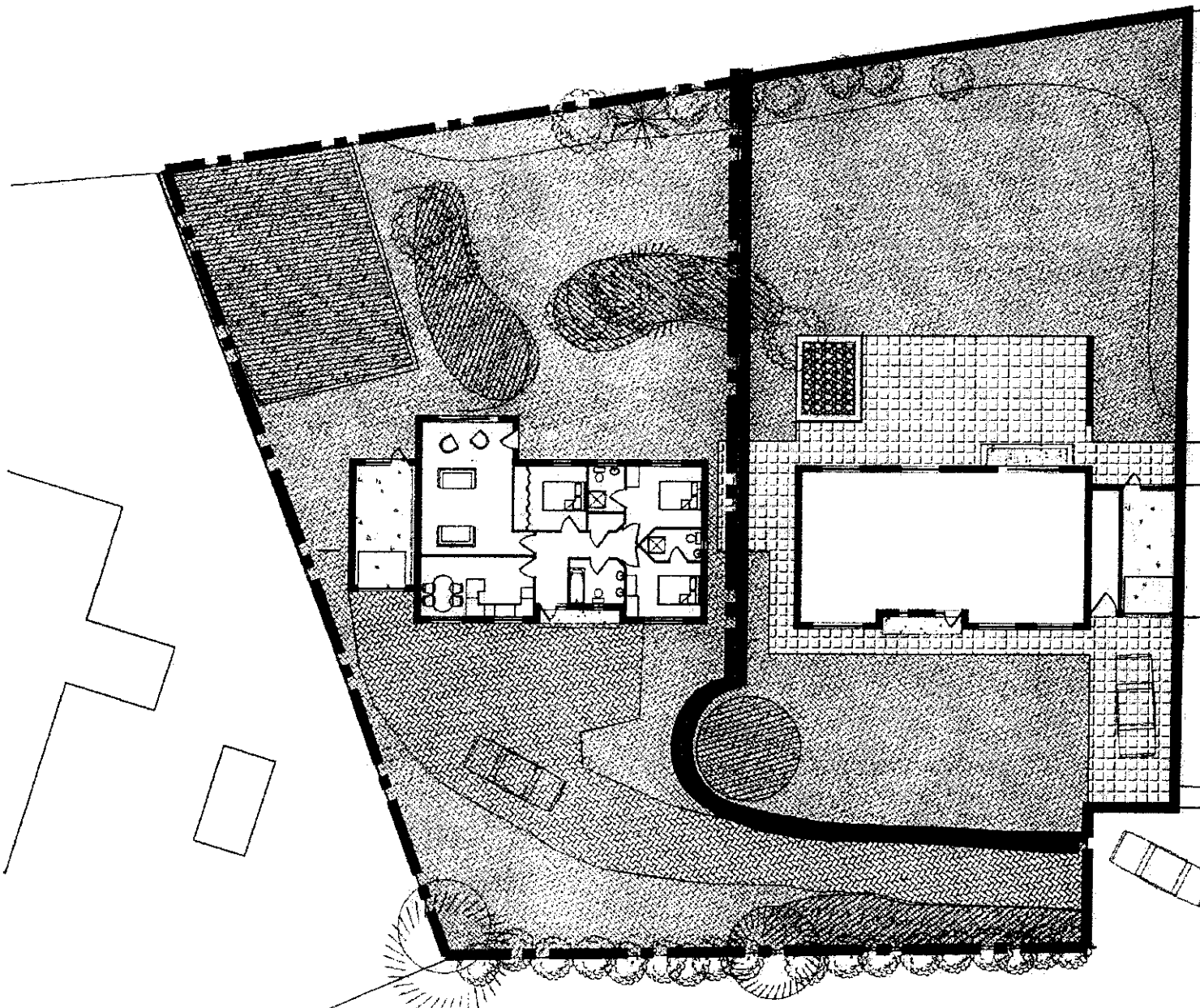

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Cumbria.
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Company No. 5504732

Job : 08 / 011 Scale : 1 : 200
Date : Mar 2008 Revision :

Proposed New Dwelling at L / A
57 Cairn Wood
Heads Nook
Carlisle
For Mr & Mrs J Yare

Proposed Site Plan 020

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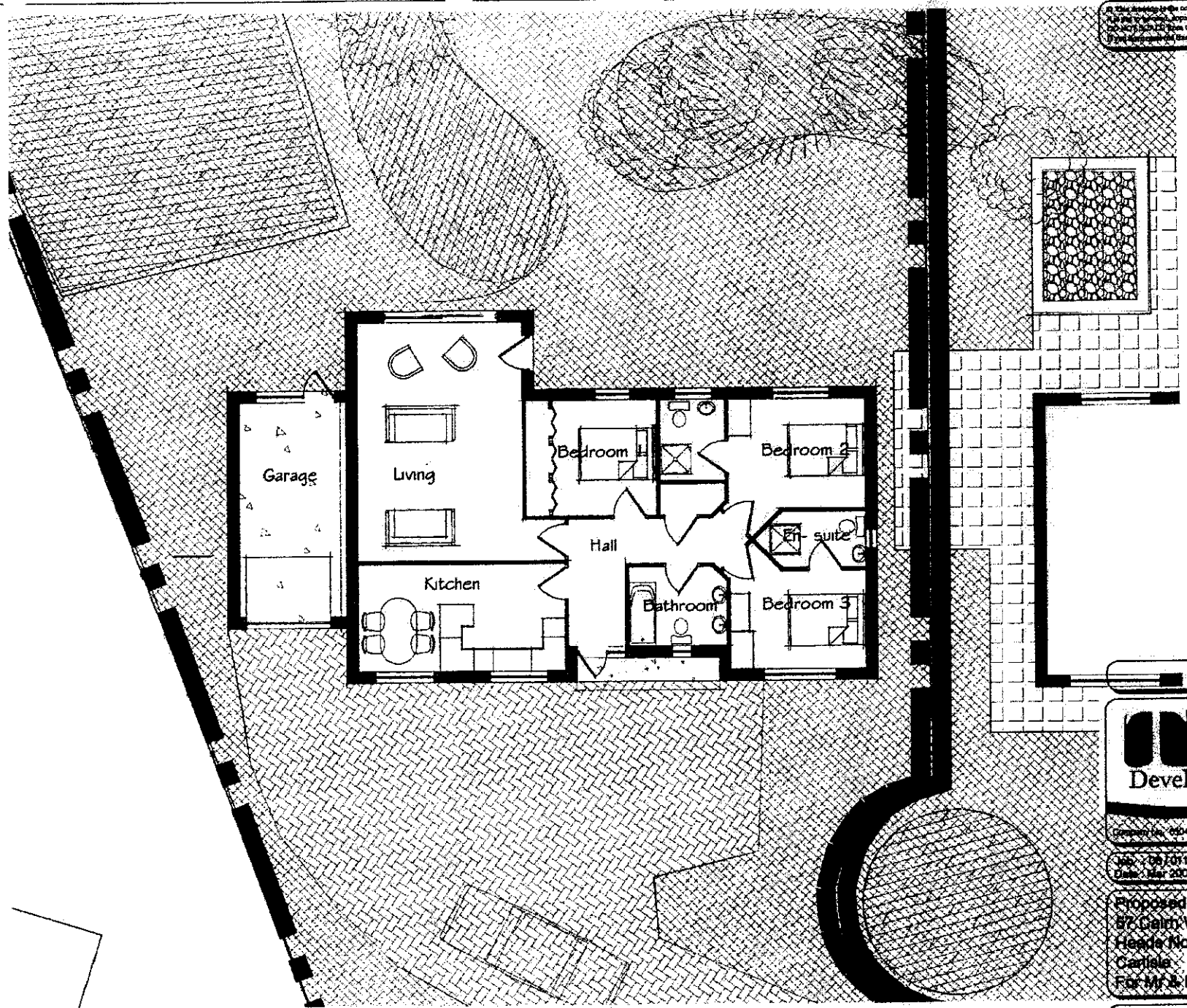

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Cumbria.

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Company No. 5604732

Job : 08/011
Date : Mar 2008

Scale : 1 : 100
Revision :

Proposed New Dwelling at L / A
67 Cairn Wood
Heads Nook
Carlisle
For Mr & Mrs J Yare

Proposed Site Plan

026

283

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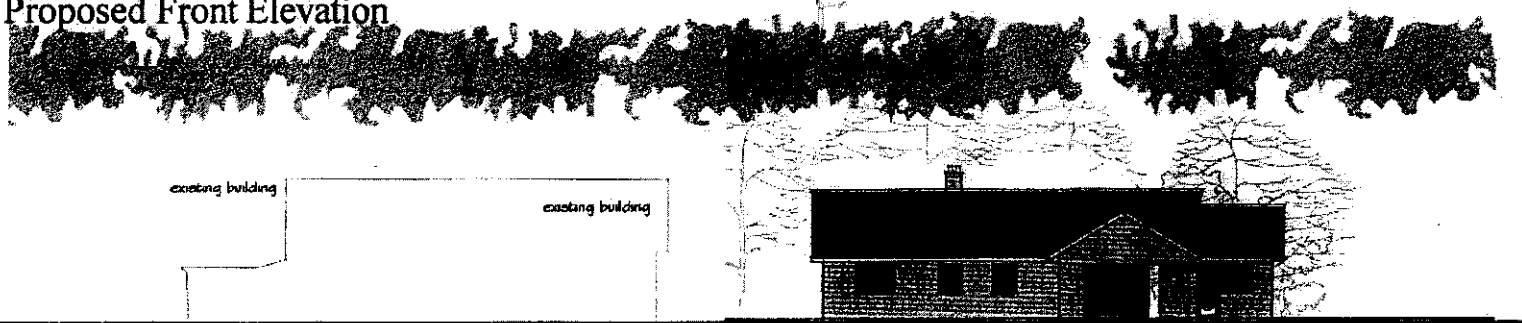
Proposed Front Elevation



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Proposed Rear Elevation

Proposed Gable Elevation

Proposed Gable Elevation

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Longtown Road,
Brampton,
Cumbria.
Telephone 016977 3338
email address : georges@tsfdevelopments.co.uk
duncans@tsfdevelopments.co.uk
Company No. 6504732

Job : 08 / 011
Date : May 2008
Scale : 1 : 200
Revision :

Proposed New Dwelling at
57 Cairn Wood,
Heads Nook,
Carlisle , CA8 9AH
For Mr & Mrs Yare

Proposed Elevations 030

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Proposed Front Elevation

Proposed Rear Elevation

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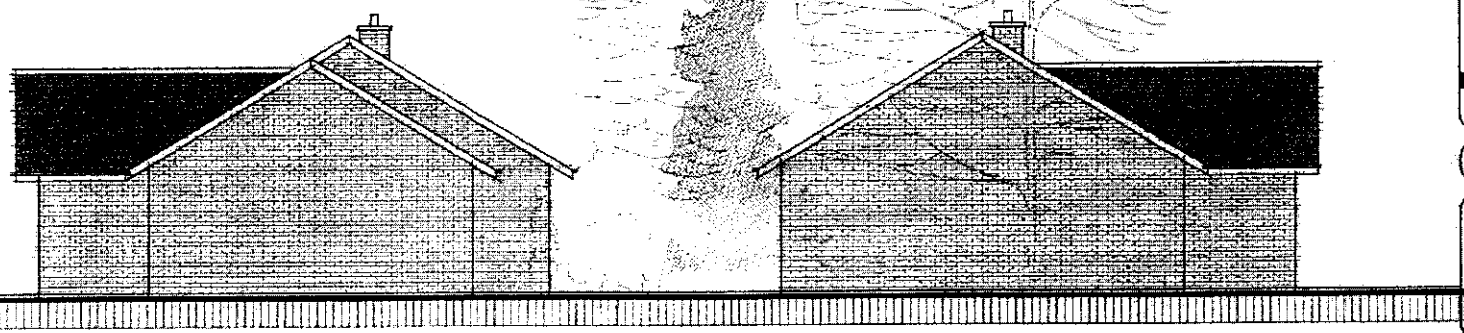

Proposed Gable Elevation

Proposed Gable Elevation

TSF Developments Ltd.
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Cumbria.

Telephone 016977 3338
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Company No. 6504732

Job : 08 / 011
Date : May 2008

Scale : 1 : 100
Revision :

Proposed New Dwelling at
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Carlisle , CA8 9AH
For Mr & Mrs Yare

Proposed Elevations

031

285

SCHEDULE B: Reports Requiring Further Information

08/0689

Item No: 14 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0689	Childrens Services	Dalston
Date of Receipt:	**Agent:**	**Ward:**
18/07/2008	Capita Symonds Limited	Dalston

Location:
Caldew High School, Carlisle Road, Dalston, Carlisle

Grid Reference:
337209 550567

Proposal: Single Storey Extension To Front Elevation To Provide An Enlarged Dining Area, Music Class Band Practice And New Entrance To Music/drama Area. Extension To Existing Bus Lane. Formation Of New Vehicular Access To Caretakers House And Kitchen Areas. Alterations To Window Openings To Courtyard Elevation Together With Provision Of 1 No. Storage Container For Sports Equipment To Replace The Existing Timber Shed Removed

Amendment:

REPORT **Case Officer:** Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee because a Ward Councillor and local resident have requested to address the Committee under the Right to Speak Policy.

1. Constraints and Planning Policies

Joint St.Plan Pol ST3: Principles applying to all new devel.

Joint St. Plan Pol L56: Health,education and trng facilities

District E8 - Remainder of Rural Area

District L10 - Playing Fields

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. Pol LC5 - Playing Fields

Rev Redeposit Pl. Pol LC11 - Educational Needs

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

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

Development Services Planning & Housing Services - Access Officer: comments awaited;

Dalston Parish Council: comments awaited;

Environmental Quality: no objections.

Councils Landscape Architect/Tree Officer: verbally confirmed no objection subject to the imposition of conditions, if the application is approved, relating to the submission of a landscaping scheme.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	11 Carlisle Road	24/07/08	
	12 Carlisle Road	24/07/08	
	13 Carlisle Road	24/07/08	
	14 Carlisle Road	24/07/08	
	15 Carlisle Road	24/07/08	
	16 Carlisle Road	24/07/08	
	17 Carlisle Road	24/07/08	
	18 Carlisle Road	24/07/08	
	19 Carlisle Road	24/07/08	Comment Only
	20 Carlisle Road	24/07/08	Objection
	21 Carlisle Road	24/07/08	
	22 Carlisle Road	24/07/08	
	23 Carlisle Road	24/07/08	
	24 Carlisle Road	24/07/08	
	25 Carlisle Road	24/07/08	
	26 Carlisle Road	24/07/08	
	27 Carlisle Road	24/07/08	
	28 Carlisle Road	24/07/08	

	29 Carlisle Road	24/07/08	
	Church of England School	24/07/08	
	18A Carlisle Road	01/08/08	Objection
	- Dalston		Comment Only

3.1 This application has been advertised by means of a site notice and notification letters sent to 21 neighbouring properties. During the consultation period several phone calls have been received from the occupiers of 18A and 20 Carlisle Road which has resulted in two letters of objection being received during the consultation period from the occupiers of these properties as well as one letter of comment and a request for a right to speak from a Ward Councillor.

3.2 The letters of objection raise the following issues:

1. The school was originally built too near the road
2. The noise from the music room and band practice rooms will be intrusive
3. The removal of the trees and hedge will create exposure to new buildings
4. Proximity of the extension to the houses on Carlisle Road and likely impact upon privacy
5. There is already constant traffic obstruction on Carlisle Road. Concerns have been raised that adding a bus lane to the front will add more chaos. Where will the buses turn when the existing turning point has been removed?
6. Many extensions have been added over the years. The Business and Enterprise centre is not an attractive addition.
7. The location of the music room would be better placed at the rear of the buildings.

3.3 One letter of comment has been received from the occupier of 19 Carlisle Road who has raised the following concerns:

1. The proposal is too near the road and would infringe on the privacy of occupiers of Carlisle Road
2. There will be an increased volume of traffic
3. Extra noise created by the music room.

4. Planning History

4.1 This site has an extensive planning history. The most recent application was

in 2007 when planning permission was granted, under application 07/1117, for the erection of a single storey extension to form an autism unit.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks permission for the erection of a single storey extension to the front elevation of Caldew School, Dalston to provide an enlarged dining area, two music rooms, 5 music practice rooms together with a new entrance to music/drama area. The application also includes an extension to the existing bus lane, formation of a new vehicular access to the caretakers house and kitchen areas, alterations to the windows facing the court yard together with the provision of 1no.storage container (to store sports equipment) to replace an existing timber shed.

Background

5.2 Caldew School is a two storey brick and render building with a green profiled metal pitched roof. The frontage of the School faces the Dalston/Carlisle Road with its associated play space and playing fields located to the immediate east. There is a 1.2 metre high beech hedge delineating the northern boundary of the site. The associated layby is situated adjacent to this boundary separating the School from Dalston/Carlisle Road.

5.3 In order to accommodate the single storey extension the existing one way system will be removed. The existing layby delineating the northern boundary of the site will be extended 60 metres to the east. A new access will also be formed to the rear of the School to service the kitchen area, boiler house, electrical substation and the existing recycling and waste facilities. The storage container (which will measure 6 metres by 2.4 metres with a total height of 2.5 metres and be constructed from a steel profile frame) is proposed to be adjacent to the electrical substation.

Assessment

5.4 The relevant planning policies against which the application is required to be assessed are Policies ST3 and L56 of the Cumbria and Lake District Joint Structure Plan, Policies E8, L10 and T7 of the Carlisle District Local Plan together with Policies CP2, CP4, CP5, CP14, LC5, LC11 and T1 of the Carlisle District Local Plan Revised Redeposit Draft.

5.5 The application raises the following planning issues:

1. Whether The Proposal Is Acceptable In This Location

5.6 Policy LC11 of the Carlisle District Local Plan Revised Redeposit Draft

requires that development for educational facilities should be provided within existing educational sites and be in close proximity to existing buildings to minimise the visual impact of additional development. The proposed extensions will be situated within the existing school complex and will not result in any loss of existing play space/playing fields. In such circumstances the principle of the development is deemed acceptable.

2. Whether The Proposal Is Appropriate To The Building

5.7 The proposed single storey extension will have a total width of 52 metres, a total length of 10.6 metres and a total ridge height of 5.7 metres. The extension will be constructed from materials to match those of the existing building.

5.8 The existing front elevation of Caldew School comprises a two storey brick and rendered building together with a single storey extension with an extensive overhang serving a reception and entrance. In such circumstances it is considered that the proposed development would produce a more proportionate and aesthetically pleasing facade than existing. The alterations to the courtyard elevation are appropriate in scale and design and the proposed storage container is situated in a location which would not be detrimental to the surrounding area or the existing School buildings. In such circumstances the proposed development is considered to be appropriate to the character of the site and would not be disproportionate in scale or would appear visually obtrusive or incongruous.

3. Traffic Impact

5.9 As stated above, as part of the proposed development the existing one way system in front of the School will be removed and the existing layby extended. The submitted Design and Access Statement indicates the following in relation to parking:

a) The School presently has a problem with cars parking in the existing bus lane and on the main street to pick up pupils at the end of the day. The removal of the one way system will ensure that the bus lane will be solely used for buses which will discourage parents parking in the area and reduce congestion.

b) A new access will be formed to the rear of the School to service the kitchen area, boiler house, electrical substation and the existing recycling and waste facilities which will ensure the separation of vehicles and pedestrians.

c) A new gated facility will be formed to the caretakers house. The combined effect of this means that there is no direct vehicular access from Carlisle Road the main entrance to the School will be clearly identified and a small pedestrian gate will be provided to the caretakers house.

5.10 Concerns have been raised from residents about where the School buses will

turn once the one way system has been removed. In response the agent has confirmed:

a) Vehicles from the Carlisle area will turn into the Sports Hall Car Park which is already in use

b) Pupils will board in the car park

c) Those buses will turn right on exit to the school which will result in no buses having to turn in the village or outside the school premises.

5.11 The Highway Authority has been consulted on the proposed development and comments are awaited.

4. Impact Upon Living Conditions Of Neighbouring Residents

5.12 A neighbouring resident has raised concerns regarding the issue of noise because part of the proposed single storey extension will provide music rooms. A noise assessment has been submitted which has identified vehicular traffic travelling along Carlisle Road (which separates the application site from the objectors properties) as a dominant noise source in the area. Environmental Services have been consulted on the proposal and have raised no objections. In such circumstances, and in the context of the existing use, it is considered that the proposal will not exacerbate the existing situation sufficient to merit refusal of permission.

5. Landscaping

5.13 The northern boundary of the site is delineated by a 1.2 metre high beech hedge. There is an existing lime tree located in the grassed area to the south of the Carlisle Road vehicular access to the site and a cherry tree located to the north of the Carlisle Road vehicle access to the site. The submitted arboricultural report indicates that these two trees will be removed as part of the proposed development as the development design will encroach into the root protection areas of these trees. The report recommends that replacements are planted in mitigation; however no, landscaping scheme has been submitted.

5.14 Furthermore part of the existing beech hedge will also be removed. The submitted proposed block plan indicates that a replacement beech hedge will be planted along the whole of the northern boundary. The agent has confirmed that this hedge will be the same height as the existing hedge. The Councils Landscape Architect/Tree Officer has been consulted on the proposed development and has verbally raised no objections subject to the imposition of a condition ensuring that a landscaping scheme is submitted to compensate for the loss of the existing trees.

Conclusion

5.15 In overall terms it is considered that the proposal will not adversely affect the

living conditions of adjacent properties sufficient to merit refusal. The scale and design of the single storey extension is acceptable. As comments are awaited from the relevant Highways Authority with regard to the proposed alterations an updated report will be presented to Members during the meeting.

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";

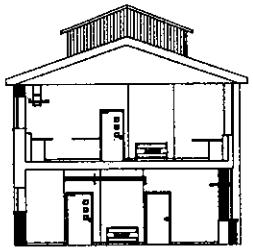
6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 Articles 1/6/8 of the Human Rights are relevant to this application and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report the comments of the Highway Authority are awaited.



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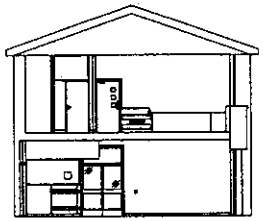

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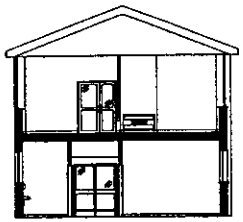

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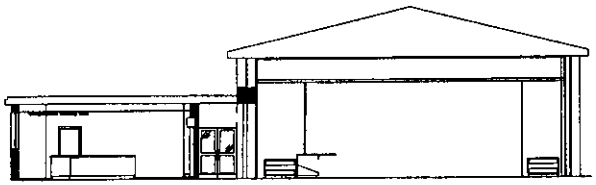

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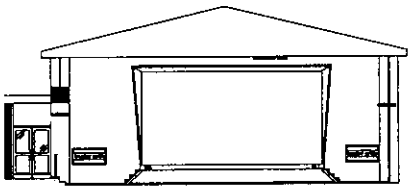

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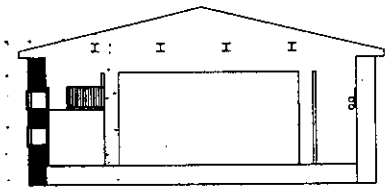

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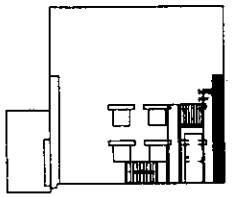

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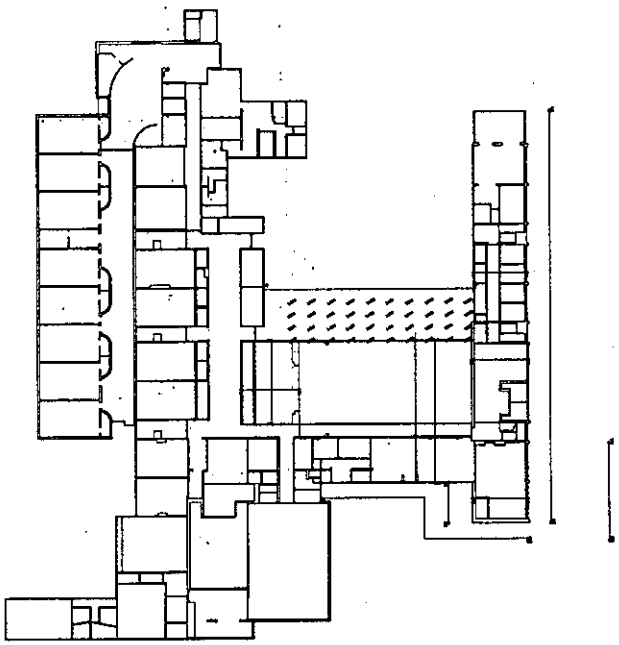

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Caldew Music and Drama Extension

EXISTING SECTIONS

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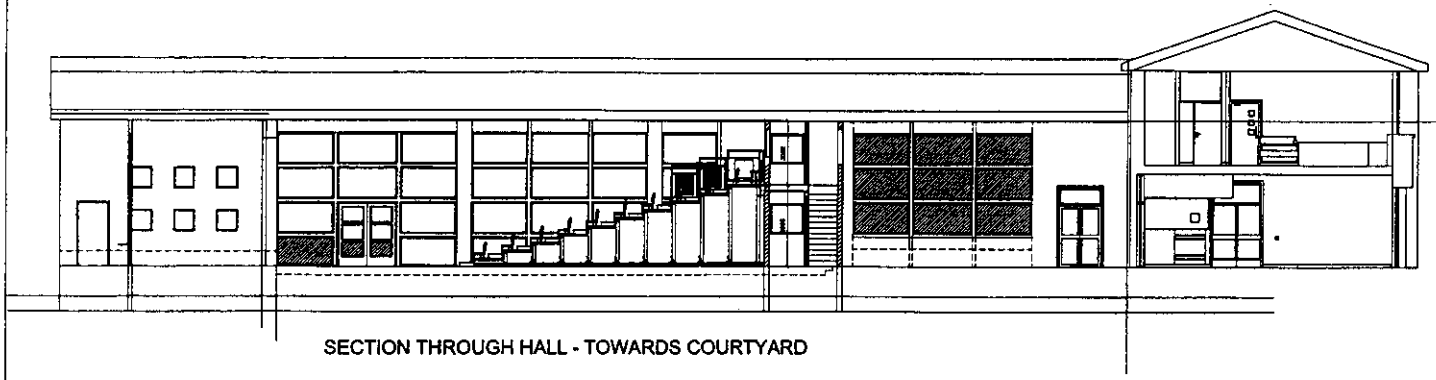
1:200		ML			06/08

project no. 4180506 (CS /026908)

drawing no. 4180506 / 003 | revision



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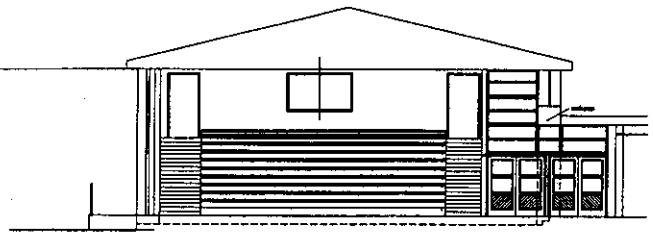

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TOWARDS SOUND GALLERY

SECTION THROUGH HALL AND NEW DINING ROOM

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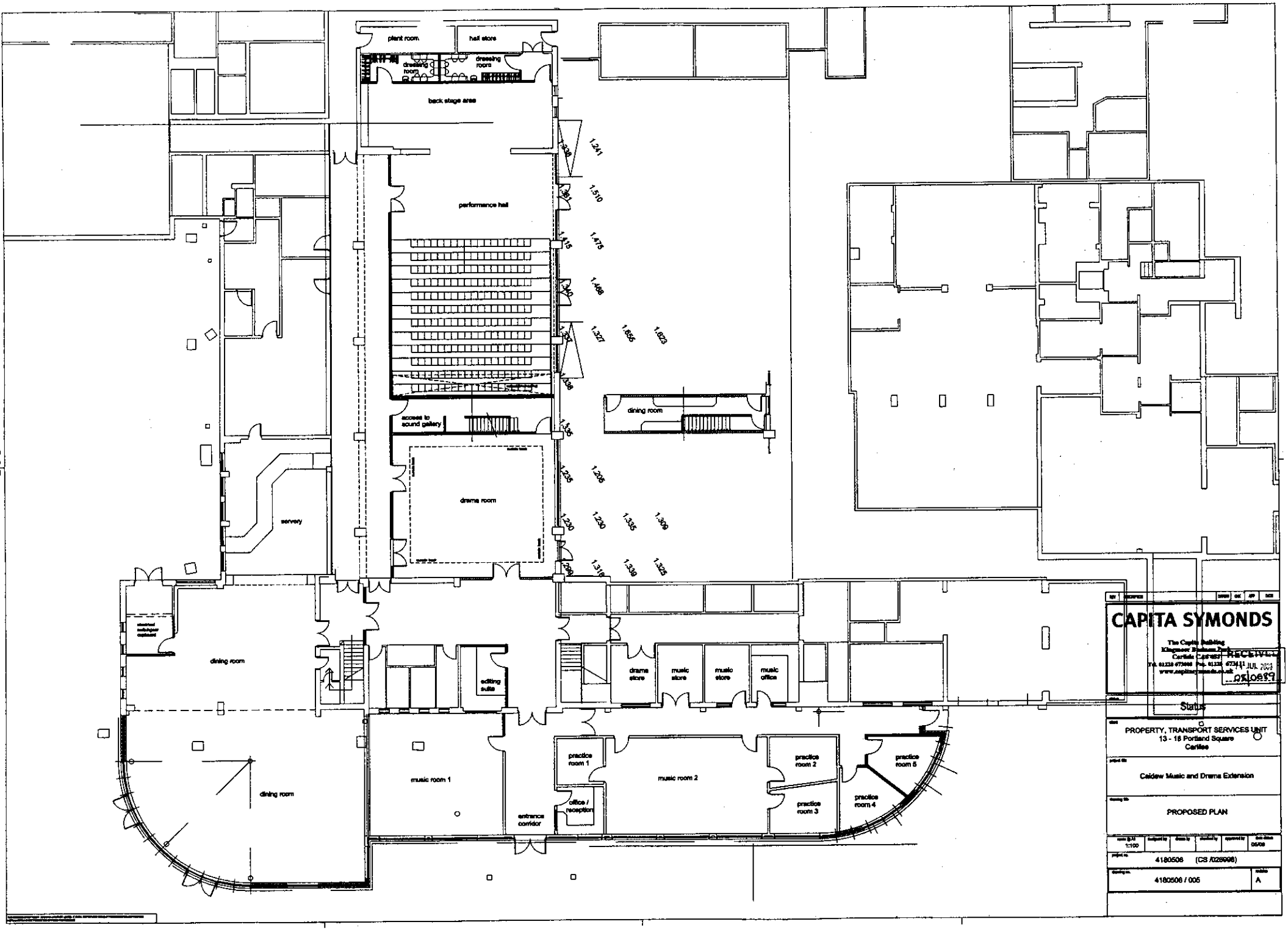
drawing no. 4180506 / 007 revision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dressing room
dressing room
back stage area
performance hall
access to sound gallery
drama room
servery
dining room
dining room
dining room
editing suite
music room 1
entrance corridor
office / reception
practice room 1
music room 2
practice room 2
practice room 3
practice room 4
practice room 5
drama store
music store
music store
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PROPOSED PLAN
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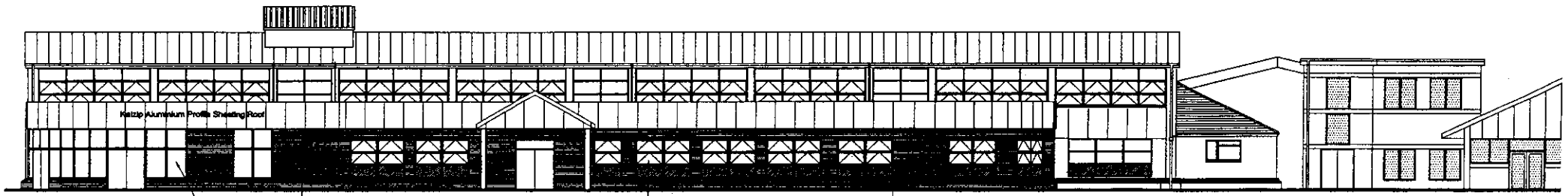

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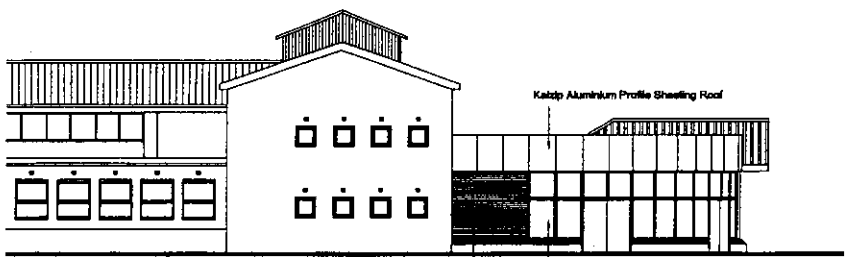

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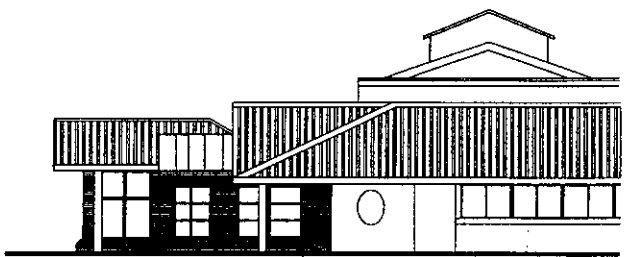

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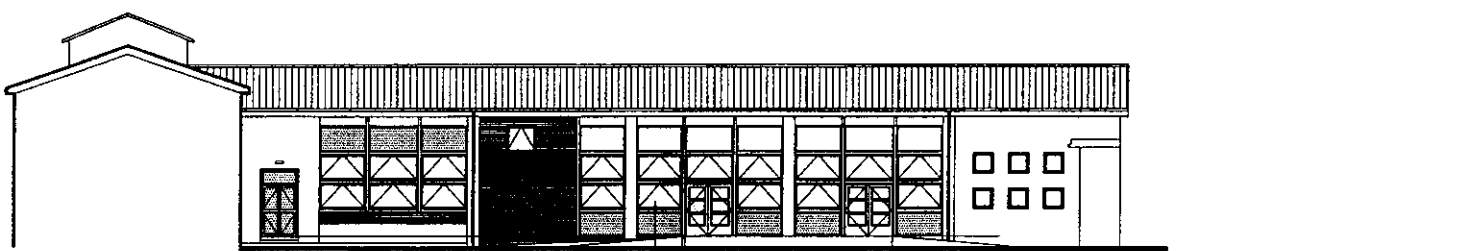

PROPOSED COURTYARD ELEVATION TO HALL

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Caldew Music and Drama Extension

PROPOSED ELEVATIONS

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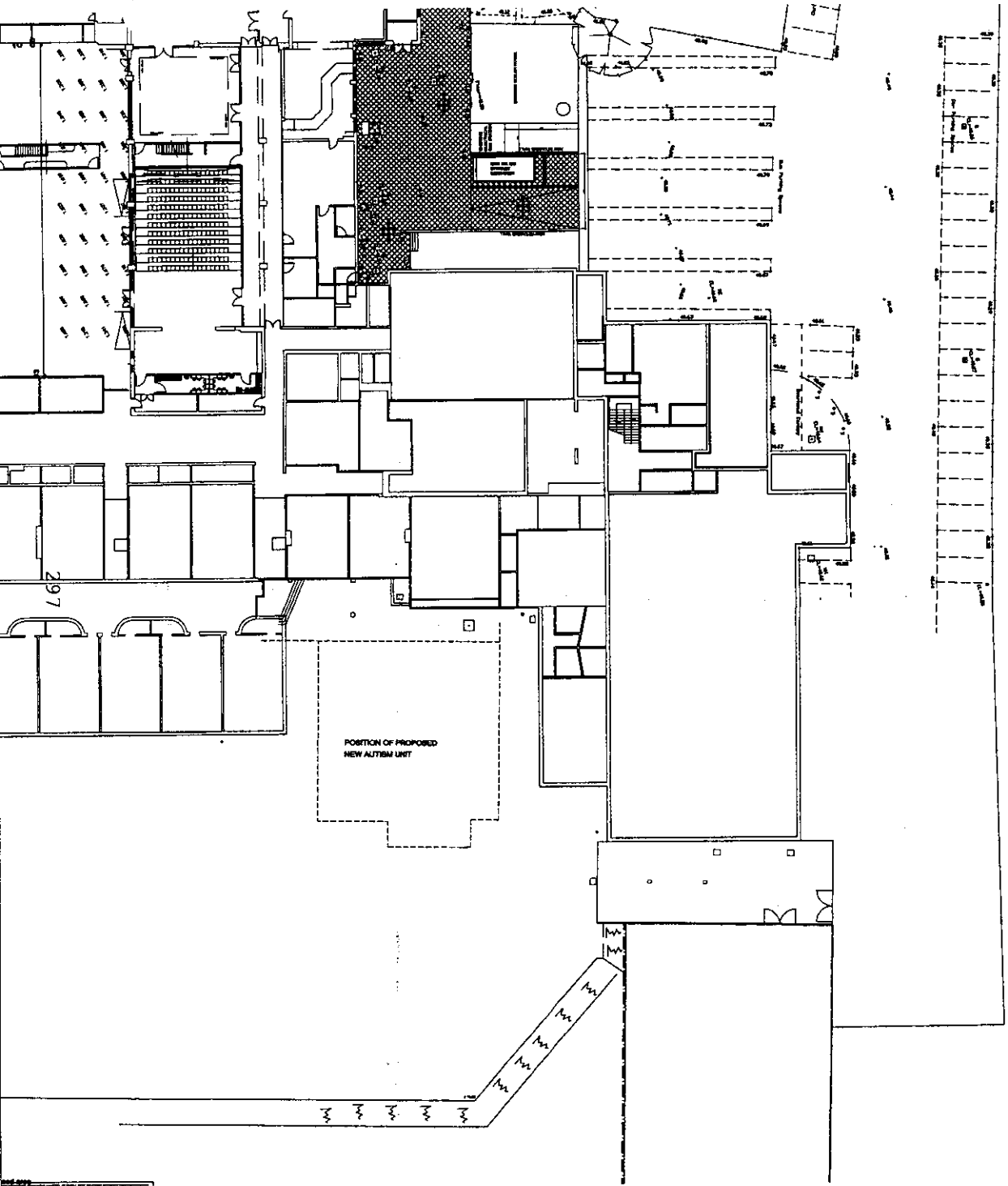

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CALDEW MUSIC AND DRAMA

LOCATION PLAN FOR STORAGE BINS

scale @ A1	designed by	drawn by	checked by	approved by	date drawn
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project no. 4180506 (CS /026968)

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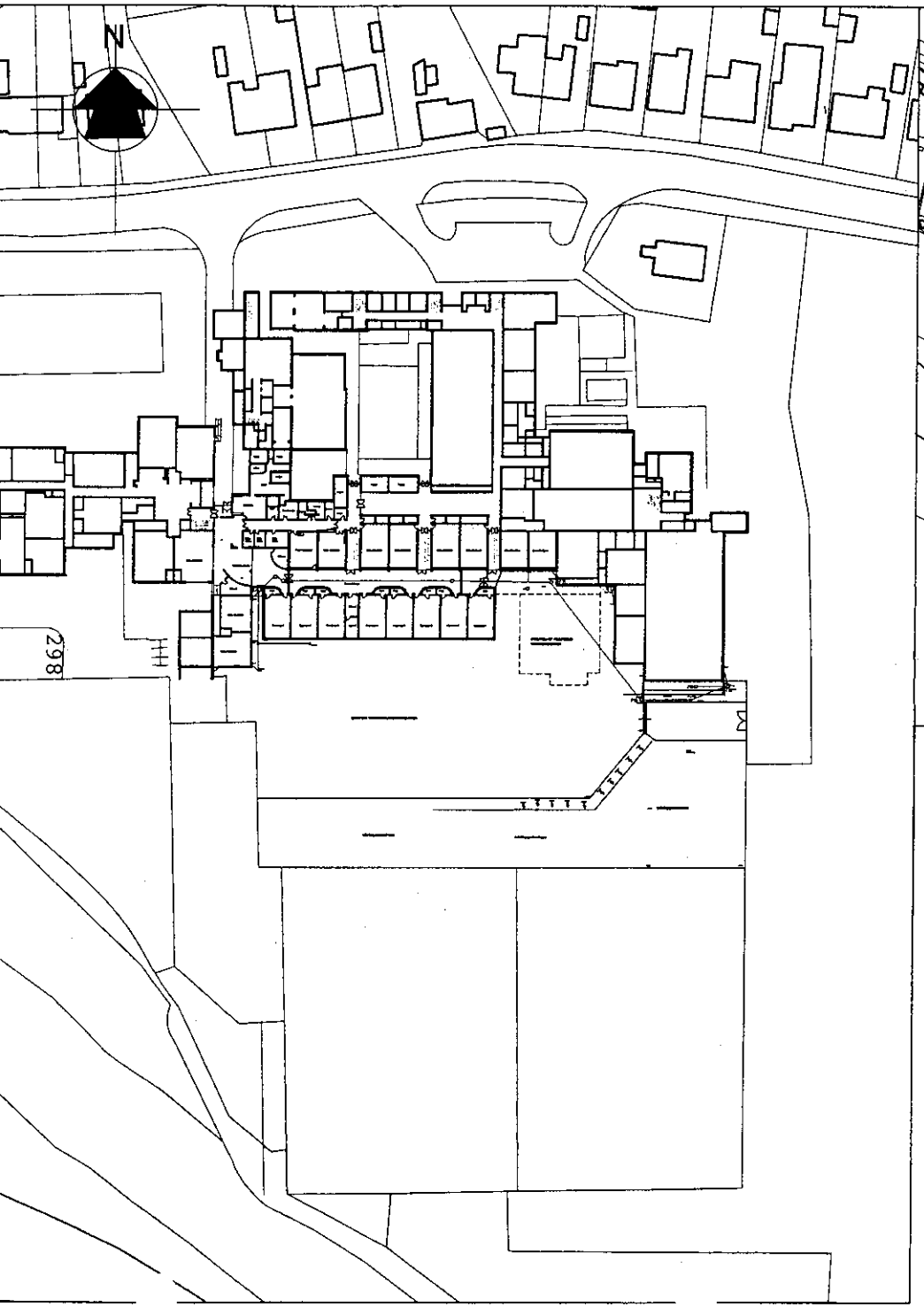

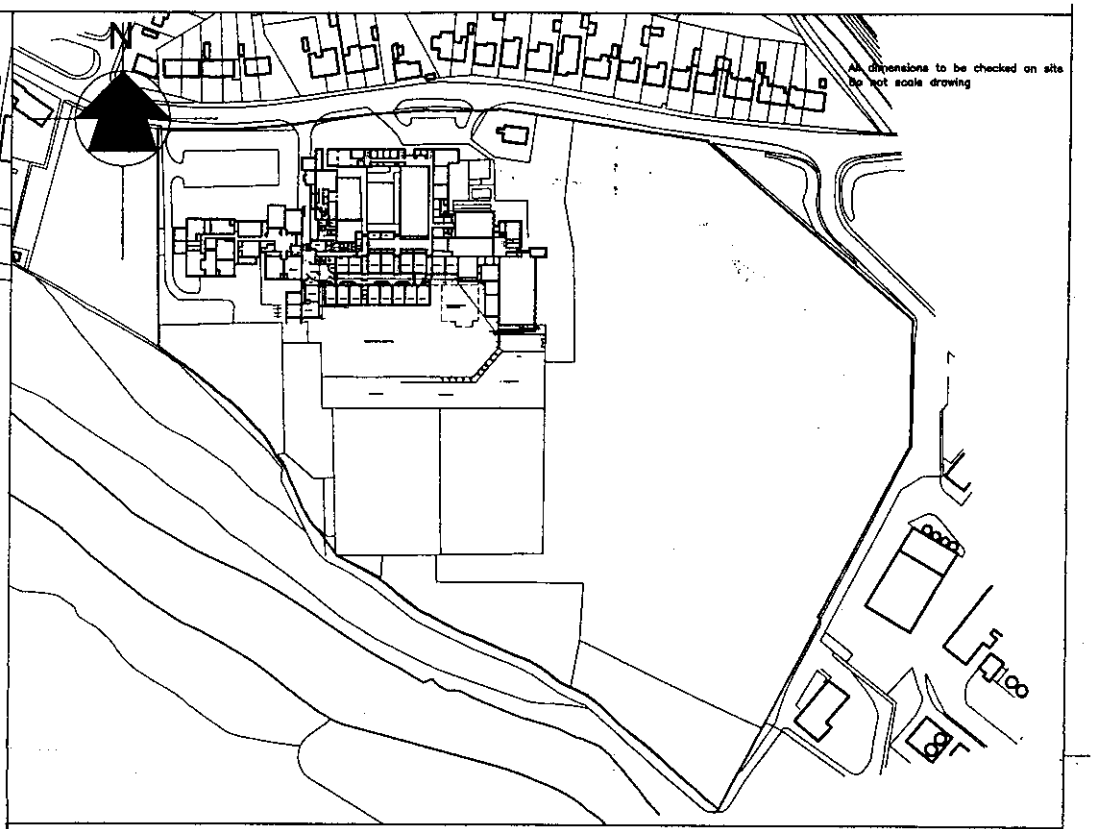

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client: PROPERTY, TRANSPORT SERVICES UNIT
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Carlisle

project title: CALDEW MUSIC AND DRAMA

drawing title: EXISTING SITE PLAN / LOCATION PLAN

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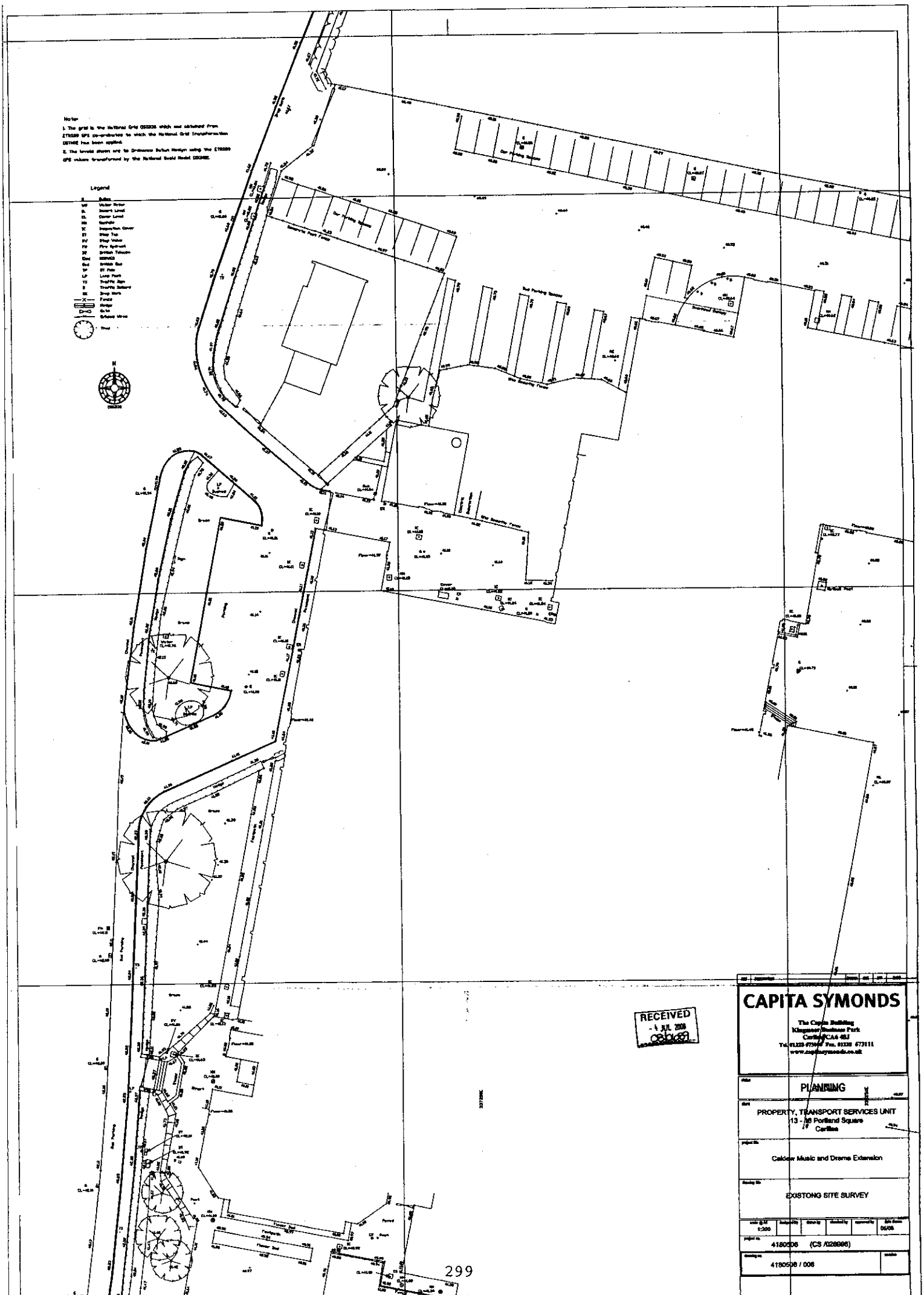
project no. 4180606 (CS /026998)

drawing no. 4180606 / 001

revision A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1. The grid is the National Grid OSGB36 which was obtained from ETRS89 GPS co-ordinates to which the National Grid Transformation OSTN02 has been applied.
2. The levels shown are to Ordnance Datum Newlyn using the ETRS89 GPS values transformed by the National Geoid Model OSGM02.
Legend
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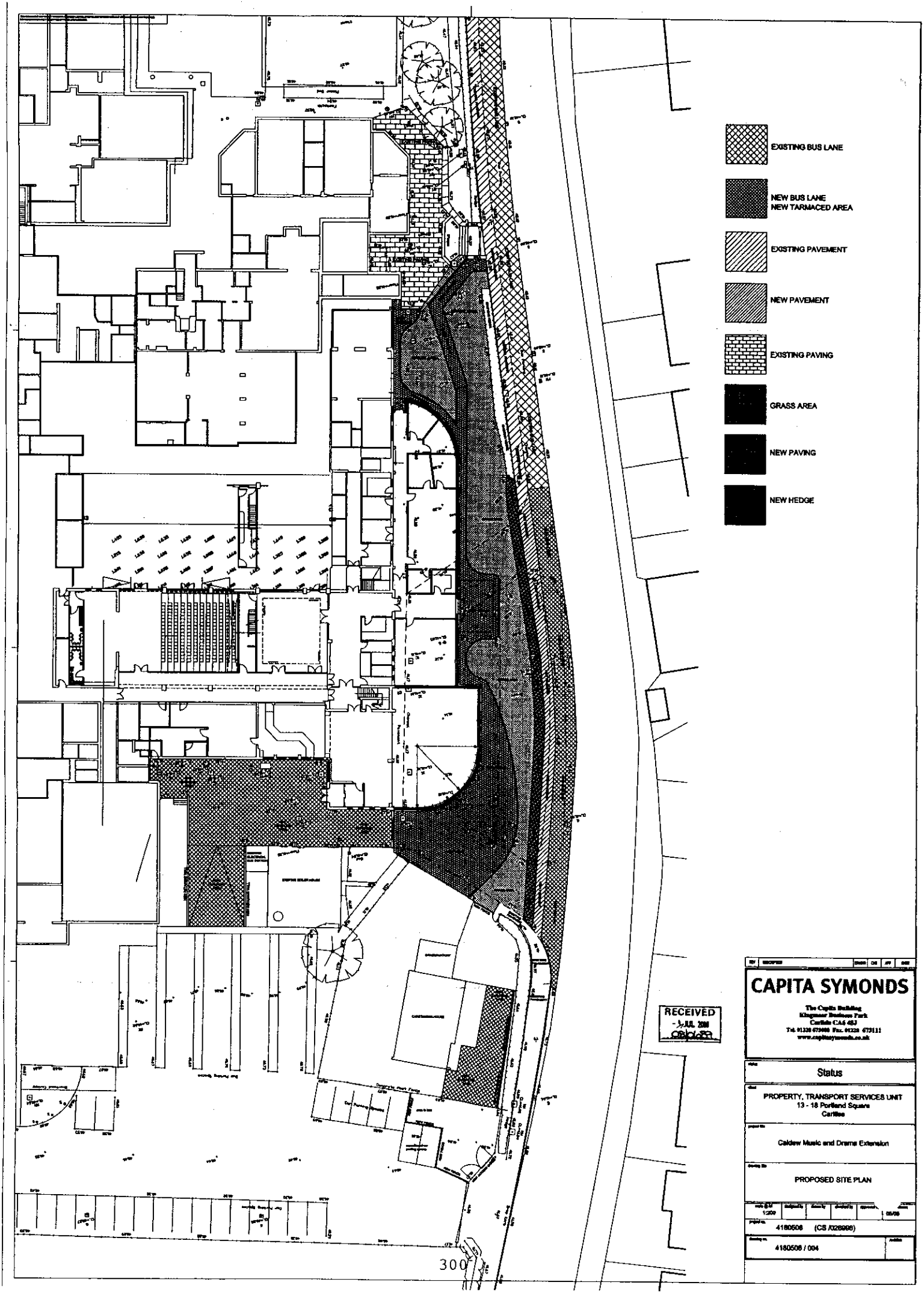
13 - 18 Portland Square
Carlisle
Caldew Music and Drama Extension
EXISTONG SITE SURVEY
1:200
06/08
4180506 (CS /028886)
4180506 / 006


EXISTING BUS LANE
NEW BUS LANE
NEW TARMACED AREA
EXISTING PAVEMENT
NEW PAVEMENT
EXISTING PAVING
GRASS AREA
NEW PAVING
NEW HEDGE
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4180506 / 004
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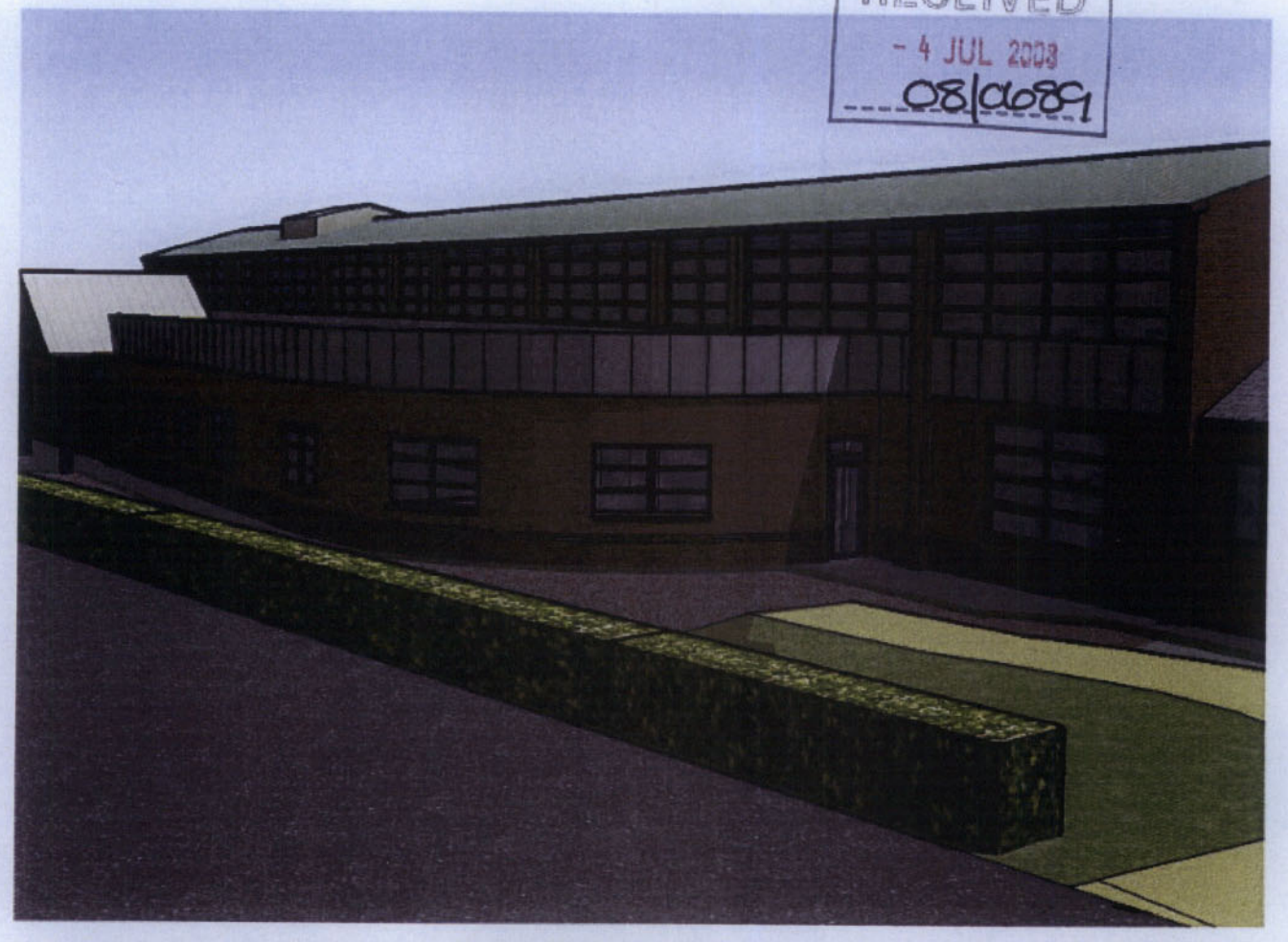
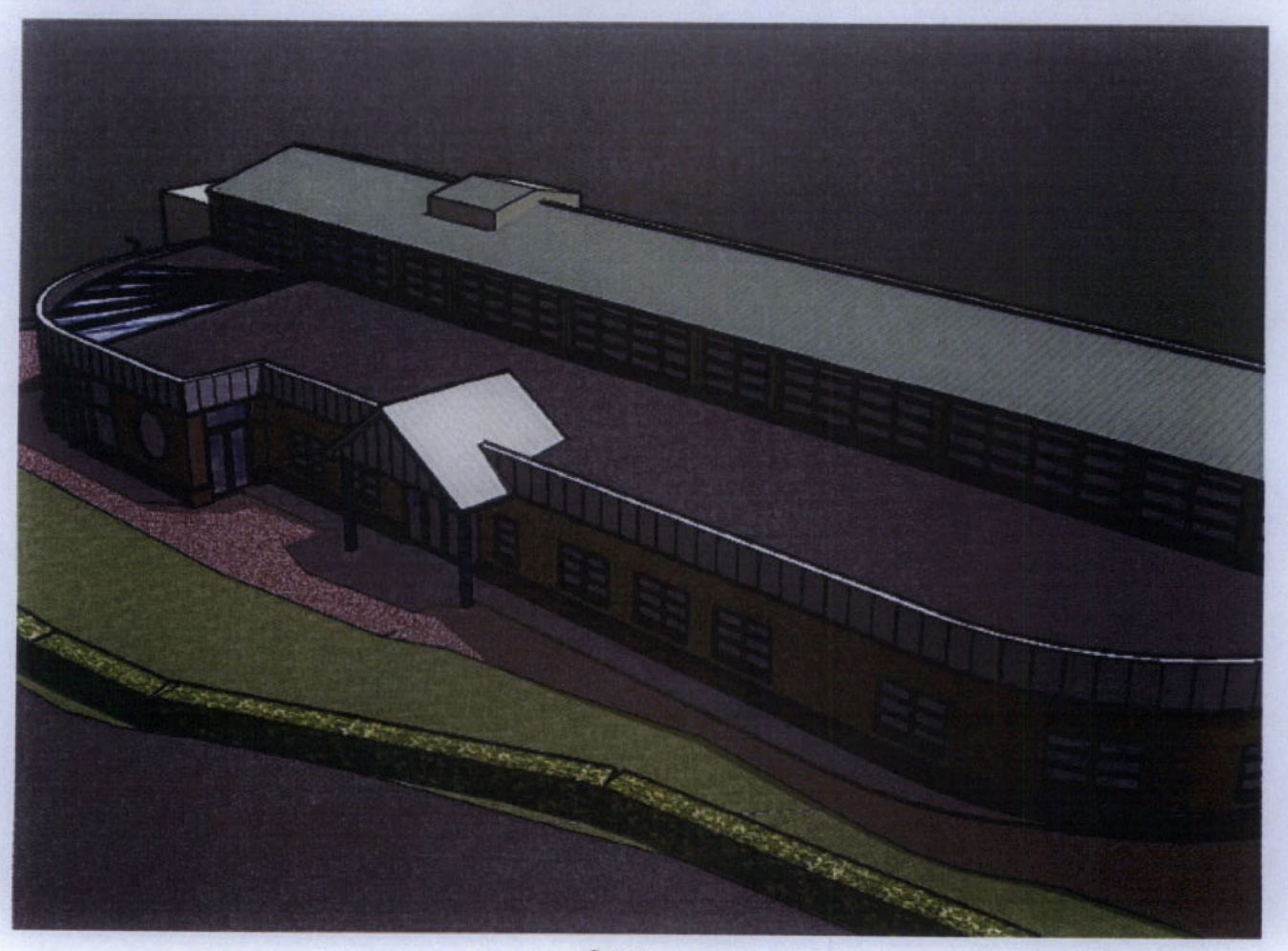
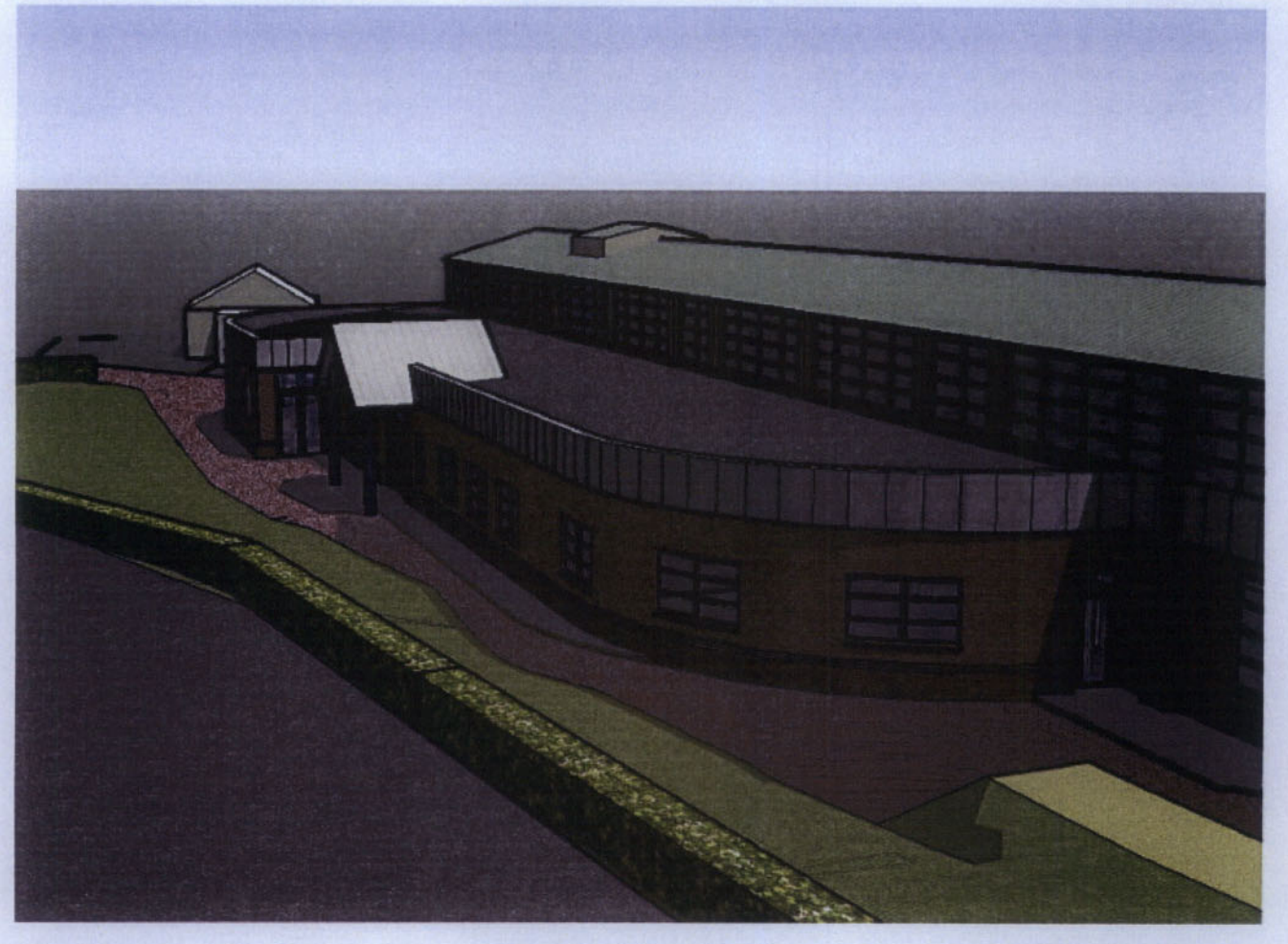
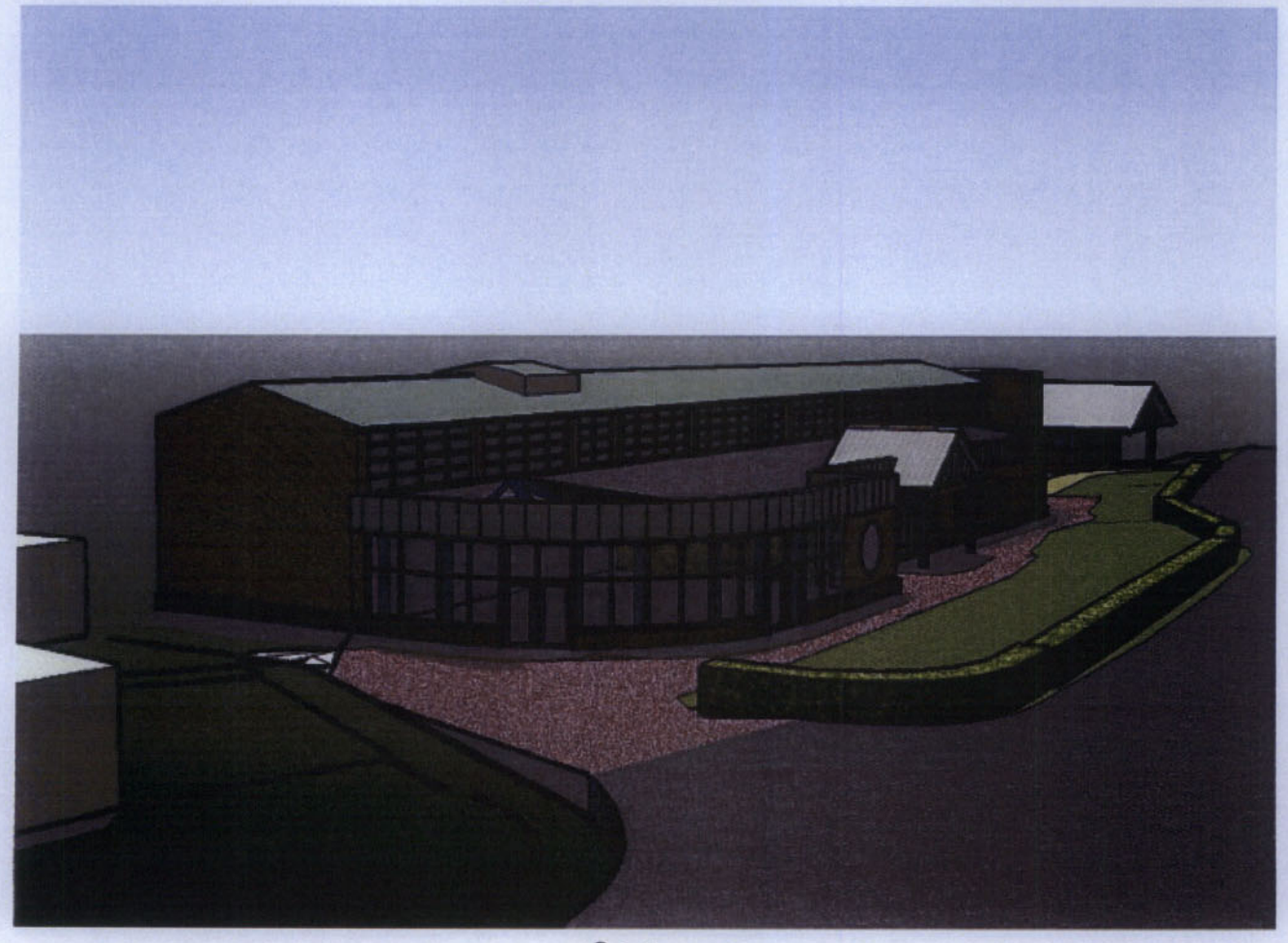
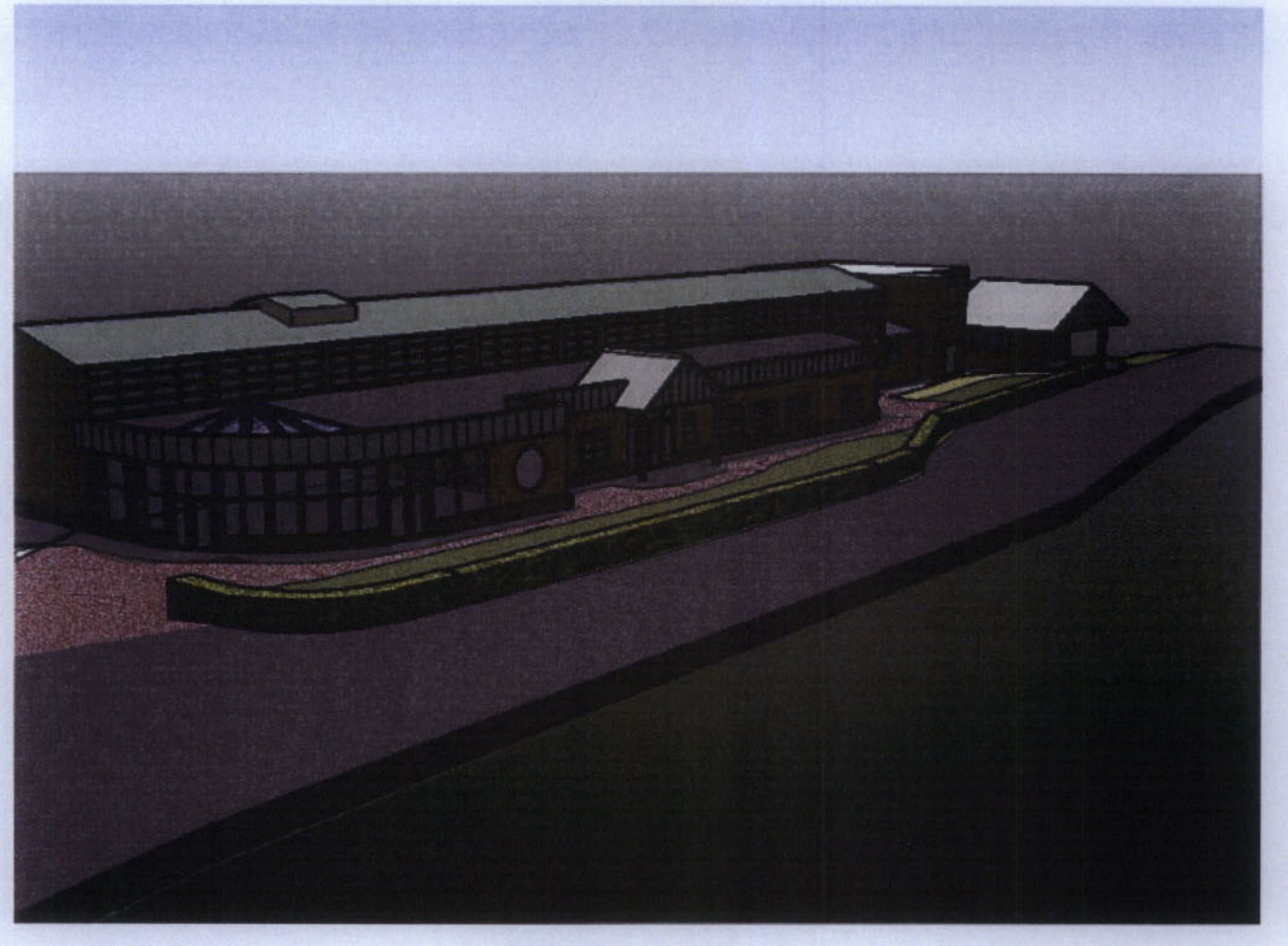
08/0089

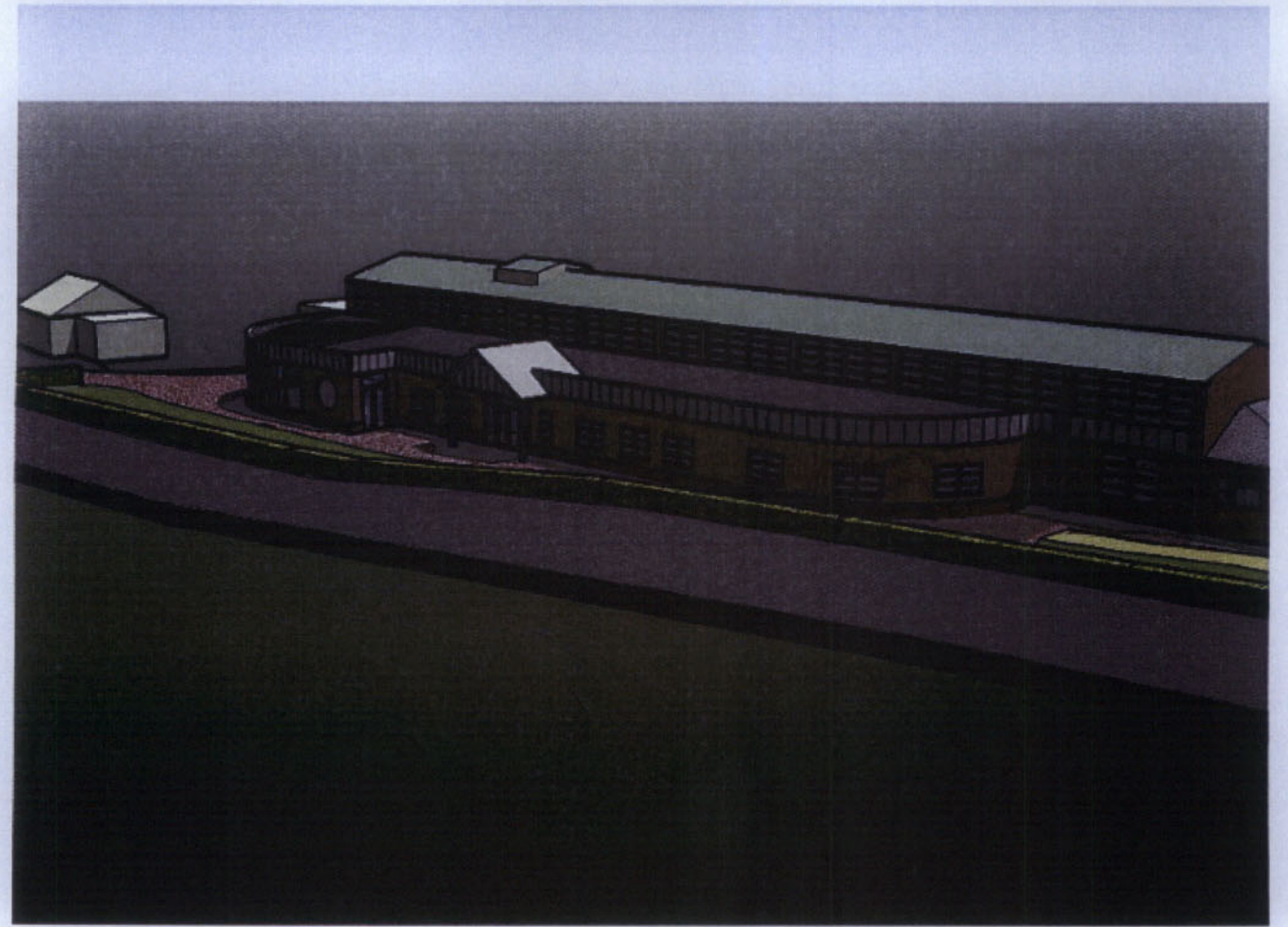












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TECHNICAL SPECIFICATION

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Dimensions(mm)

Type	External Length	Width	Height	Internal Length	Width	Height
20ft ISO container:	6058	2438	2591	5877	2330	2365
40ft ISO container:	12192	2438	2591	12015	2330	2365

	20ft ISO container	40ft ISO container
Tare weight approx:	2300kg	4100kg
Door opening:width	2300mm	2300mm
height	2270mm	2270mm

ISO marine containers are constructed from a steel profile frame with walls of beaded sheet steel and a wooden floor on steel cross members. They are equipped with exterior double doors at one end which open completely (270°).

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08/0689

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Design & Access Statement

Ref: D&A Statement – LP

Site address: Caldew School
Carlisle Road
Dalston
Carlisle
CA5 7NN

Date: 30th June 2008

Project Single Storey Extension to front of school to form new music & drama facility. New dining area adjacent to kitchen servery and kitchen. Refurbishment and upgrade of existing hall. Extending the existing Bus Lane

Contact details

	Applicants name		**Agents name**
Name:	Cumbria County Council	Name:	CAPITA SYMONDS
Address:	c/o Children's Service Unit. 18 Portland Square Carlisle	Address:	The Capita Building Kingmoor Business Park Carlisle
Post code:	CA1 1PE	Post code:	CA4 6SJ
Telephone:	01228	Telephone:	01228 673180
Contact:	Jan Cameron	Contact:	Elaine Alexander
School Contact:	Paul Harrison		
Telephone:	01228		

USE
The proposed extension will comprise of a complete new teaching suite for the delivery of the music and drama curriculum, along with the upgraded performance hall
The new dining area will be a designated dining space and will no longer intrude onto teaching resources
The extension of the existing bus lane will reduce the congestion that occurs to the front of the school,

LAYOUT
The intention is to provide a new facility, which will take the students though the curriculum to putting on a performance complete with all lighting and sound effects, which are now taught within the school
The layout of the new music and drama facility will operate as a complete unit, at present the facilities are located through the school, this will allow for an integrated approach to delivering the curriculum.

This will also provide a 'public' entrance for events and showings, and allow the letting out of the facilities without access throughout the whole school.
The new dining room will be directly connected to the existing servery, which will be altered and upgraded, and in turn connected to the existing kitchen. The new dining area will have open access to a paved area adjacent to the building.

SCALE
The single storey extension to the front of the school is intended to revitalise the existing tried façade, the sympathetic use of materials and scale are provide an aesthetic fascade to the school

LANDSCAPING
The existing soft landscaping will be retained as much as possible and reinstated where alterations are made to form the additional area of bus lane. The new extension will have paving externally to encourage the pupils to use the external space to the front of the school, and the reduction in access points to the school will aid in supervision, This will also deliver a cleared main access point to the school, and direct the public and pupils to the main entrance and reception, which at present is not obvious.

APPEARANCE
The existing building we are extending is a 2 storey brick and render building with a green profiled metal low pitched roof, the adjacent reception and entrance building is a recent extension, single storey, to a much different scale, brick building with a large pale grey metal profiled sheet roof and an extensive overhang, the gable of the roof is clad in pale grey panels, with while upvc windows. The existing building sit uncomfortably together at present , the proposed new extension to front of the two storey block, is single storey but with high internal ceiling heights which visually begins to draw your eye down to the smaller scale of the entrance building, The small porch to the front of the music / drama entrance echoes the large porch to the existing building. Continuing the facing brick construction to the new building brings a cohesive approach to the school campus.

ACCESS

TO THE SITE
Existing transport links are available to the school, as well as parking and cycle storage. Although we will loose 6no. parking spaces to the front of the school, parking facilities throughout the site are adequate. Please refer to the Schools Travel Plan which will be forwarded under separate cover.
At present the school has a problem with cars parking in the bus lane and on the main street to pick up pupils at the end of the school day, with the removal of the bus parking in the exiting 'D' area this will ensure that the bus lane will solely be used for a buses, as it will used, along with the proposed extension, to its full capacity. A more formal approach and a designated area for buses will hopefully discourage parents parking in this area and reduce the congestion at this time of the
A new access will be formed to the rear of the school to service the kitchen area, boiler house, electrical substation and the existing recycling and waste facilities. This will ensure the separation of vehicles and pedestrians to the front of the school.
At the existing gated access to the main car parking and sports facilities, a new gated vehicular access will be formed to the caretakers house, the combined effect of this means that there is no direct vehicular access from Carlisle Road, and that the main entrance to the school will be clearly identified, a small pedestrian gate will be provided to the caretakers house.

WITHIN AND ARROUND THE BUILDING AND SITE
Level access to the new unit is available either through the existing building or externally. And the finished floor level will be that of the finished floor level of the existing adjoining building. To allow external access by a minimal size ramp into the proposed unit, along with a gently sloping path (1:21) from the pavement level down to level access for both the new unit and the existing reception area

Student and staff toilet facilities are available in the existing buildings in close proximity to the unit.

The unit will be decorated in contrasting colours to aid the visually impaired

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Type of school	FOUNDATION MIXED BUSINESS & ENTERPRISE COMPREHENSIVE
Number on roll	953
Number of staff (it is highly recommended that a supplementary travel plan for staff and other school users is also developed)	Teaching: 62 fte Associate: 40
Age range of pupils	11-18
[redacted]	
Head teacher	ANDY ABERNETHY
Address	DALSTON CARLISLE
Postcode.	CA5 7NN
Tel no	01228 710044
Fax	01228 710390
Email address	andyabernethy@caldew.cumbria.sch.uk
Website	www.caldewschool.net
[redacted]	
Name	STEVE ATKINSON
Address (if different to above)	As above
Tel no	As above
Email address	office@caldew.cumbria.sch.uk
[redacted]	

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Catchment	Mixed rural and urban. Spread over a very large area from the M6 corridor to the Solway Firth and the northern fringes of the Lake District fells, encompassing the southern suburbs of Carlisle.
Facilities e.g. playground, car park, sports hall, community centre	Extensive facilities include: playing fields; full size astro-turf pitch; agricultural unit & fields; rear play yard; sports hall; gym; car parking for sports hall; main car park; sixth form/adult centre; roadside bus lane;
Number of entrances, vehicular/pedestrian	Vehicular: 3 principal entrances/exits all shared pedestrian / vehicular Pedestrian (only) 2
Core school times	8.30-3.30 School day: 8.45-3.10pm
Out of/after school activities times	3.10.-500pm Community use: W/days 5.00pm -10.00pm W/ends 9.00am-5.00pm
Community links	Extensive use of sports facilities on a daily basis by clubs and groups, including use by Carlisle United Centre of Excellence on two evenings per week. Limited use of sixth form block for adult education evening classes.

2. WORKING PARTY – to develop and implement the plan

Names of people in the working party could include:
Co-ordinator (main school contact), Pupils, Staff, Governors, Parents, BWTS Capita Contact, County/Local/Parish Councillors, Police, Outside Agencies, Local bus operator, Members of local community.

Name		Responsibility
Andy Abernethy	Headteacher	Chair of Working Group
Steve Atkinson	H&S Coordinator	Route plotting and catchment survey
Paul Harrison	Site Manager	Building work, research and costings
Vimala John	Parent/Governor	Parent/governor consultant

06 / 08 / 08

Suzanne Edgar
Planning Department
Department of Environment & Development,
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Caldew School Dalston Proposed Music and Drama Extension

Further to our telephone conversation this morning I can now confirm the following:

1. at present there is parking spaces for 4no. buses in the `D` parking area we are removing

2. we are extending the bus lane to allow an additional 5no. bus parking spaces

3. the total number of buses operated by the school is 15no.:

   6no. at the rear car park (by the Sports Hall)

   4no. in the `D` bus park to the front of the school (being removed)

   5no. in the existing bus lane

4. all buses turning right , back into Carlisle, will be parked in the rear bus car park by the Sports Hall Block,

   This will result in no buses having to turn in the village or outside the school premises.

If you have any queries please do not hesitate to contact me

Yours faithfully

Elaine Alexander B ARCH Dip Arch
Assistant Architect

Tel 01228 673180
Fax 01228 673213
Email Elaine.alexander@capita.co.uk

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08/0089

Caldew School
Dalston
Cumbria

Noise Assessment

Technical Report

April 2008

Caldew School, Dalston, Cumbria
Technical Report
April 2008

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4. NOISE SURVEY RESULTS 6

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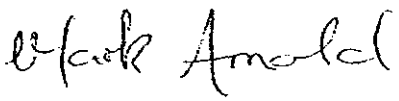
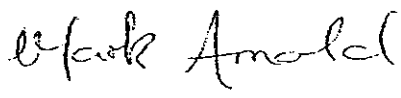
Capita Symonds Ltd				
Client Job Number: CS/026998 ZACY Job Number CS/029680				
Document Reference;	F: ZACY/!Projects/029680/Caldew/ REP 01 Caldew School			
	Name	Signature	Date	Position
Originated	Anne Unwin		22/04/2008	Junior Acoustic Technician
Checked	Mark Arnold		30/04/2008	Senior Acoustic Consultant
Approved	Mark Arnold		30/04/2008	Senior Acoustic Consultant

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UK offices at London, Birmingham, Bristol,
Cardiff, Colwyn Bay, East Grinstead, Leeds,
Lincoln, Manchester and Newark.
Offices throughout Asia and the Middle East
And project offices across the world

1. INTRODUCTION

1.1 Capita Symonds has been commissioned by Cumbria County Council to undertake an environmental noise survey of ambient noise levels to assist the design for the proposed re-development of Caldew School, Daltson, Cumbria.

1.2 The noise survey has been carried out in accordance with the guidance given in Building Bulletin 93 (BB93) Acoustic Design of Schools.

1.3 To assist with the understanding of this report a glossary of acoustic terms is shown in Appendix A.

2. NOISE CRITERIA

Building Bulletin 93 Acoustic Design of Schools (BB93)

2.1 BB93 provides criteria for internal ambient noise levels within teaching and study spaces due to external noise sources attenuated by the building envelope.

2.2 All new schools, extensions to existing schools and redevelopments must be designed in accordance with the criteria outlined in BB93.

2.3 BB93 specifies an upper limit for the indoor ambient noise level of 35 dB LA(eq) for secondary school classrooms, class bases, general teaching areas and small group rooms. Please refer to BB93 for specific criteria for each type of teaching room.

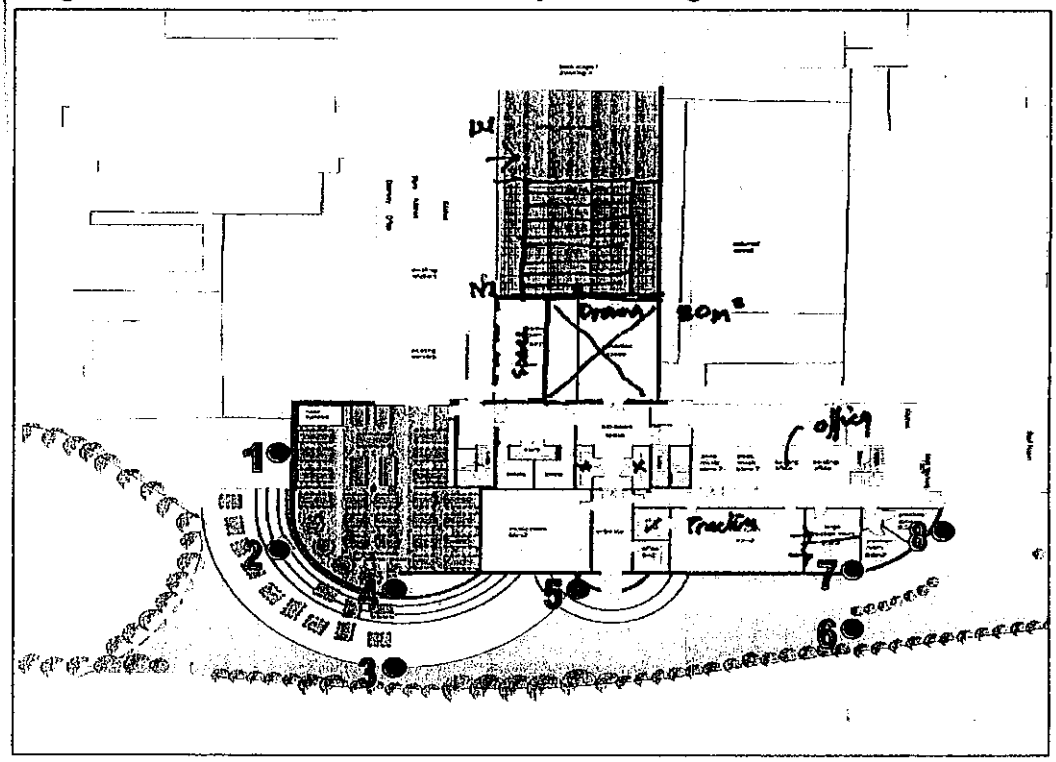
2.4 BB93 provides the following guidance relating to ambient noise levels in the external areas of schools, "*noise levels in unoccupied playgrounds, playing fields and other outdoor areas should not exceed 55dB* $L_{Aeq,30min}$."

3. NOISE SURVEY

3.1 Measurements of ambient noise levels were made on Wednesday 9th April 2008 at 8 positions consistent with the proposed location of the new school buildings:

3.2 An initial assessment of the school site was carried out to identify the most significant noise sources. This enabled measurement positions to be selected where the façades of the proposed school buildings may be located. Measurement locations are shown in Figure 1 below;

Figure 1: Caldew School Noise Survey Monitoring Positions



3.3 Vehicular traffic travelling along Carlisle Road was identified as the dominant noise source at all monitoring positions.

3.4 Weather conditions during the measurement period were sunny with a light breeze measuring between 1.3 – 2 mph. Nearby road surfaces were dry.

3.5 The noise monitoring equipment used during the surveys comprised four Larson Davis 824 Sound Level Meters. The meters were calibrated using a Larson Davis Cal 200 calibrator immediately before and on completion of the noise surveys and was found to be within the manufacturer's permitted tolerances.

4. NOISE SURVEY RESULTS

4.1 In order to obtain the most representative ambient noise level measurements were recorded over a slightly longer period than the 30 minutes required by BB93. The highest and lowest values have been discounted along with any incidents considered unrepresentative of the ambient noise climate, such as school children shouting into the microphone. These measurements are highlighted in peach. The logarithmic average of the remaining 5 minute measuring periods has been calculated to devise the LA(eq) 30 minute value.

Table 1: Measurements at Position 1

Position	Rec	Date	Time (hh:mm:ss)	Duration (mins)	LAeq (dB)	LAMin (dB)	LAMax (dB)	LA1.00 (dB)
1	1	09-Apr-08	10:14:25	05:00.0	56.4	46.9	67.9	65.3
	2	09-Apr-08	10:19:25	05:00.0	58.3	45.8	75.5	69.0
	3	09-Apr-08	10:24:25	05:00.0	58.0	45.7	71.1	68.2
	4	09-Apr-08	10:29:25	05:00.0	59.6	46.0	73.5	69.7
	5	09-Apr-08	10:34:25	05:00.0	59.7	47.2	79.8	70.6
	6	09-Apr-08	10:39:25	05:00.0	60.5	46.8	75.9	71.4
	7	09-Apr-08	10:44:25	05:00.0	59.3	49.5	72.6	68.3
	8	09-Apr-08	10:49:25	05:00.0	56.9	46.0	72.9	67.6
	9	09-Apr-08	10:54:25	05:00.0	57.7	46.5	71.3	67.3

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 2: Summary of Measurements for Position 1

Log. Avg. $L_{Aeq\ 30mins}$	58.8 dB
Lowest occurring L_{Amin}	45.7 dB
Highest occurring L_{Aeq}	59.7 dB
Highest occurring L_{A1}	70.6 dB

Table 3: Measurements at Position 2

Position	Rec	Date	Time (hh.mm.ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
2	1	09-Apr-08	11:27:42	05:00.0	57.0	41.6	71.1	66.1
	2	09-Apr-08	11:32:42	05:00.0	57.6	40.8	71.5	68.1
	3	09-Apr-08	11:37:42	05:00.0	60.2	42.1	74.8	71.9
	4	09-Apr-08	11:42:42	05:00.0	59.3	44.3	73.0	70.5
	5	09-Apr-08	11:47:42	05:00.0	59.0	40.6	71.0	68.9
	6	09-Apr-08	11:52:42	05:00.0	57.8	42.2	70.1	66.8
	7	09-Apr-08	11:57:42	05:00.0	58.1	42.2	69.4	67.0
	8	09-Apr-08	12:02:42	05:00.0	58.5	42.9	71.1	68.2
	9	09-Apr-08	12:07:42	05:00.0	56.0	40.4	67.0	64.9

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 4: Summary of Measurements at Position 2

Log. Avg. $L_{Aeq\ 30mins}$	58.3 dB
Lowest occurring L_{Amin}	40.6 dB
Highest occurring L_{Aeq}	59.3 dB
Highest occurring L_{A1}	70.5 dB

Table 5: Measurements at Position 3

Position	Rec	Date	Time (hh:mm:ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
3	1	09-Apr-08	10:03:40	05:00.0	67.3	43.5	83.8	78.4
	2	09-Apr-08	10:08:40	05:00.0	66.4	39.0	78.4	75.7
	3	09-Apr-08	10:13:40	05:00.0	64.6	37.0	78.8	75.3
	4	09-Apr-08	10:18:40	05:00.0	67.7	38.3	82.8	77.1
	5	09-Apr-08	10:23:40	05:00.0	66.8	37.7	79.7	77.7
	6	09-Apr-08	10:28:40	05:00.0	67.8	38.3	80.9	78.2
	7	09-Apr-08	10:33:40	05:00.0	69.2	46.1	81.8	79.9
	8	09-Apr-08	10:38:40	05:00.0	67.5	41.1	83.1	78.0
	9	09-Apr-08	10:43:40	05:00.0	66.8	40.0	84.8	77.2

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 6: Summary of Measurements for Position 3

Log. Avg. $L_{Aeq\ 30mins}$	67.1 dB
Lowest occurring L_{Amin}	37.7 dB
Highest occurring L_{Aeq}	67.8 dB
Highest occurring L_{A1}	78.4 dB

Table 7: Measurements at Position 4

Position	Rec	Date	Time (hh.mm.ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
4	1	09-Apr-08	10:09:41	05:00.0	63.8	50.9	77.8	74.2
	2	09-Apr-08	10:14:41	05:00.0	61.2	51.2	72.2	69.7
	3	09-Apr-08	10:19:41	05:00.0	62.8	50.7	77.1	74.0
	4	09-Apr-08	10:24:41	05:00.0	61.4	50.8	75.6	71.5
	5	09-Apr-08	10:29:41	05:00.0	63.6	50.8	74.1	72.4
	6	09-Apr-08	10:34:41	05:00.0	63.6	51.2	75.3	73.9
	7	09-Apr-08	10:39:41	05:00.0	64.1	51.1	76.2	73.8
	8	09-Apr-08	10:44:41	05:00.0	63.4	51.9	77.4	72.8
	9	09-Apr-08	10:49:41	05:00.0	62.8	51.1	80.7	72.9

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 8: Summary of Measurements at Position 4

Log. Avg. $L_{Aeq\ 30mins}$	63.4 dB
Lowest occurring L_{Amin}	50.7 dB
Highest occurring L_{Aeq}	63.8 dB
Highest occurring L_{A1}	74.2 dB

Table 9: Measurements at Position 5

Position	Rec	Date	Time (hh.mm.ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
5	1	09-Apr-08	10:06:25	05:00.0	62.1	39.1	76.4	73.6
	2	09-Apr-08	10:11:25	05:00.0	61.7	40.7	74.1	72.1
	3	09-Apr-08	10:16:25	05:00.0	61.2	38.0	77.8	74.3
	4	09-Apr-08	10:21:25	05:00.0	61.0	39.9	71.4	68.9
	5	09-Apr-08	10:26:25	05:00.0	61.3	38.7	74.8	71.0
	6	09-Apr-08	10:31:25	05:00.0	62.6	40.7	73.8	72.0
	7	09-Apr-08	10:36:25	05:00.0	64.3	41.5	77.6	74.1
	8	09-Apr-08	10:41:25	05:00.0	62.0	42.3	74.4	72.4
	9	09-Apr-08	10:46:25	05:00.0	61.8	41.5	82.5	69.8
	10	09-Apr-08	10:51:25	05:00.0	61.1	43.5	75.9	70.9

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 10: Summary of Measurements at Position 5

Log. Avg. $L_{Aeq\ 30mins}$	61.7 dB
Lowest occurring L_{Amin}	38.0 dB
Highest occurring L_{Aeq}	62.1 dB
Highest occurring L_{A1}	74.3 dB

Table 11: Measurements at Position 6

Position	Rec	Date	Time (hh.mm.ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
6	1	09-Apr-08	11:27:35	05:00.0	64.6	50.8	78.5	74.8
	2	09-Apr-08	11:32:35	05:00.0	64.7	51.6	79.7	74.6
	3	09-Apr-08	11:37:35	05:00.0	67.1	51.2	81.8	78.8
	4	09-Apr-08	11:42:35	05:00.0	64.2	51.1	81.1	73.4
	5	09-Apr-08	11:47:35	05:00.0	66.1	50.9	79.4	76.8
	6	09-Apr-08	11:52:35	05:00.0	64.9	51.2	77.6	73.5
	7	09-Apr-08	11:57:35	05:00.0	64.7	51.2	78.6	75.3
	8	09-Apr-08	12:02:35	05:00.0	65.3	51.8	76.9	74.1
	9	09-Apr-08	12:07:35	05:00.0	64.6	51.6	75.6	73.4

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 12: Summary of Measurements at Position 6

Log. Avg. $L_{Aeq\ 30mins}$	64.8 dB
Lowest occurring L_{Amin}	50.8 dB
Highest occurring L_{Aeq}	65.3 dB
Highest occurring L_{A1}	75.3 dB

Table 13: Measurements at Position 7

Position	Rec	Date	Time (hh.mm.ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
7	1	09-Apr-08	11:25:12	05:00.0	58.9	40.6	71.8	67.5
	2	09-Apr-08	11:30:12	05:00.0	60.4	40.3	75.6	69.3
	3	09-Apr-08	11:35:12	05:00.0	62.5	41.1	76.8	73.3
	4	09-Apr-08	11:40:12	05:00.0	60.9	40.1	77.8	71.4
	5	09-Apr-08	11:45:12	05:00.0	60.3	37.7	70.5	69.2
	6	09-Apr-08	11:50:12	05:00.0	60.0	41.5	70.9	69.6
	7	09-Apr-08	11:55:12	05:00.0	59.8	41.0	69.5	68.0
	8	09-Apr-08	12:00:12	05:00.0	60.4	44.1	70.7	69.2
	9	09-Apr-08	12:05:12	05:00.0	59.4	41.7	70.2	66.8

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 14: Summary of Measurements at Position 7

Log. Avg. $L_{Aeq\ 30mins}$	60.3 dB
Lowest occurring L_{Amin}	37.7 dB
Highest occurring L_{Aeq}	60.9 dB
Highest occurring L_{A1}	71.4 dB

Table 16: Measurements at Position 8

Position	Rec	Date	Time (hh.mm.ss)	Duration (mins.)	LAeq	LAMin	LAMax	LA1.00
8	1	09-Apr-08	11:26:48	05:00.0	57.6	42.3	74.7	65.9
	2	09-Apr-08	11:31:48	05:00.0	58.4	40.8	70.4	67.5
	3	09-Apr-08	11:36:48	05:00.0	61.2	42.4	74.0	71.6
	4	09-Apr-08	11:41:48	05:00.0	58.5	40.4	73.6	67.6
	5	09-Apr-08	11:46:48	05:00.0	59.3	39.7	69.2	67.5
	6	09-Apr-08	11:51:48	05:00.0	58.5	42.6	72.8	67.0
	7	09-Apr-08	11:56:48	05:00.0	57.8	41.6	67.4	65.4
	8	09-Apr-08	12:01:48	05:00.0	58.9	44.3	72.2	67.2
	9	09-Apr-08	12:06:48	05:00.0	58.4	42.9	69.7	65.4

Measurement discounted as highest measurement, lowest measurement or unrepresentative incident occurred

Table 16: Summary of Measurements at Position 8

Log. Avg. $L_{Aeq\ 30mins}$	59.2 dB
Lowest occurring L_{Amin}	39.7 dB
Highest occurring L_{Aeq}	59.3 dB
Highest occurring L_{A1}	67.6 dB

4.2 To assist with the design of the outer façades of the proposed school buildings 1/3 Octave Band frequency measurements have been taken at the same 8 positions. These are presented in Table 17 below.

Table 17: Averaged 1/3 Octave Measurements

	Position							
	2							
	57.6	56.2	59.6	56.9	57.4	57.7	57.9	57.0
	56.2	55.9	58.4	57.2	56.4	59.0	56.9	57.3
	53.7	52.4	58.8	56.1	55.6	55.7	54.4	54.5
	52.6	51.3	58.7	55.7	53.6	56.0	53.3	54.5
	53.5	50.4	58.0	54.5	53.0	56.4	52.5	53.7
	52.5	50.5	57.2	51.8	51.6	54.9	51.3	51.7
	51.9	49.4	57.0	52.6	51.4	54.3	49.2	48.6
	51.5	48.7	58.3	53.3	51.7	55.5	49.9	48.3
	50.1	48.9	58.3	54.3	51.6	56.2	50.5	48.7
	49.2	49.8	58.6	55.1	52.4	57.2	51.5	50.2
	49.2	51.0	59.5	55.7	54.2	57.5	52.8	51.4
	49.2	49.9	59.1	54.6	53.6	55.7	52.2	50.3
	48.1	47.8	57.6	53.1	51.6	54.7	50.3	48.8
	45.4	45.0	54.8	50.8	49.3	51.7	47.7	46.1
	45.0	41.9	51.7	48.5	46.9	47.9	44.4	43.1
	41.4	39.4	47.7	45.8	45.7	45.9	42.6	43.6

5. CONCLUSION

5.1 Capita Symonds were commissioned by Cumbria County Council to undertake an environmental noise survey of ambient noise levels to assist the design for the proposed re-development of Caldew School, Carlisle.

5.2 The noise survey has been carried out in accordance with the guidance given in Building Bulletin 93 (BB93) Acoustic Design of Schools.

5.3 This report contains the results of the noise survey undertaken at Caldew School, Carlisle on Wednesday 9th April 2008.

5.4 These results should be used in the design of the building envelope which when combined with good acoustic specification within the proposed buildings will enable the required acoustic environments to be achieved.

5.5 Further acoustic data can be extrapolated from the measurement data contained in this report to provide additional noise levels at the proposed façade positions once they have been determined

5.6 We can provide advice and assistance on all acoustic aspects relating to the redevelopment of the school in accordance with BB93.

APPENDIX A: GLOSSARY OF TERMS

Definitions & Units

A1.1 Noise is defined as unwanted sound. The range of audible sound is from 0dB to 140dB, which is taken to be the threshold of pain. The sound pressure detected by the human ear covers an extremely wide range. The decibel (dB) is used to condense this range into a manageable scale by taking the logarithm of the ratio of the sound pressure and a reference sound pressure.

A1.2 The unit of frequency is Hz. 1 Hz is one pressure fluctuation in one second. The frequency response of the ear is usually taken to be about 16Hz (number of oscillations per second) to 18,000Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than at the lower and higher frequencies, and because of this, the low and high frequency component of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most used and which correlates best with the subjective response to noise is the dB(A) weighting. This electronic filter matches the variation in the frequency sensitivity of the meter to that of the human ear. This is an internationally accepted standard for noise measurements.

A1.3 The ear can just distinguish a difference in loudness between two noise sources when there is a 3dB(A) difference between them. Also when two sound sources of the same noise level are combined the resultant level is 3dB(A) higher than the single source. When two sounds differ by 10dB(A) one is said to be twice as loud as the other.

A1.4 A few examples of noise of various levels are given below:

Sound Level dB(A)	Environmental Condition
0 – 10	Threshold of hearing
10 - 20	Broadcasting Studio
20 – 30	Bedroom at night
30 – 40	Library
40 – 50	Living room urban area
50 – 60	Typical Business Offices
60 – 70	Conversation Speech
70 – 80	Average traffic on street corner
80 – 90	Inside bus
100 – 110	Alarm Clock (1m away)
110 – 120	Loud car horn (1m away)
120 – 130	Pneumatic drill (1m away)
130 - 140	Threshold of pain

A1.5 The subjective response to a noise is dependent not only upon the sound pressure level and its frequency, but also its intermittency. Various statistical indices have been developed to try and correlate annoyances with the noise level and its fluctuations in a changing noise environment. The indices and parameters used in this report are defined below:

A1.6 L_{Aeq}: Equivalent Continuous Sound Pressure Level The A-weighted sound pressure level of a steady sound that has, over a given period, the same energy as the fluctuating sound under investigation. It is in effect the energy average level over the specified measurement period (T) and is the most widely used indicator for environmental noise.

A1.7 L_{AN}: the A-weighted sound level exceeded for N% of the measurement period. In BS7445 the L_{A90} is used to define the background noise level, i.e. the noise that would remain once all local noise sources were removed. The L_{A10} gives an indication of the upper limit of fluctuating noise and is used in the assessment of road traffic noise.

A1.8 L_{AMAX}: The maximum 'A' weighted noise level recorded during the measurement period.

A1.9 Vibration Dose Value (VDV) as defined in BS6472: 1992 is a measurement of vibration exposure calculated by taking the fourth root of the integral of the fourth power of acceleration after it has been frequency-weighted. The frequency-weighted acceleration is measured in m/s 2 and the time period over which the VDV is measured is in seconds. This yields VDVs in m/s 1.75

A1.10 Peak Particle Velocity (ppv) means the maximum rate of ground movement measured by any of the 3 mutually perpendicular components of ground motion.

CAPITA SYMONDS

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Arboricultural Report

Site:

CALDEW SCHOOL;
DALSTON
CARLISLE
CUMBRIA
CA5 7NN

RECEIVED
31 JUL 2008
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Report Prepared By:

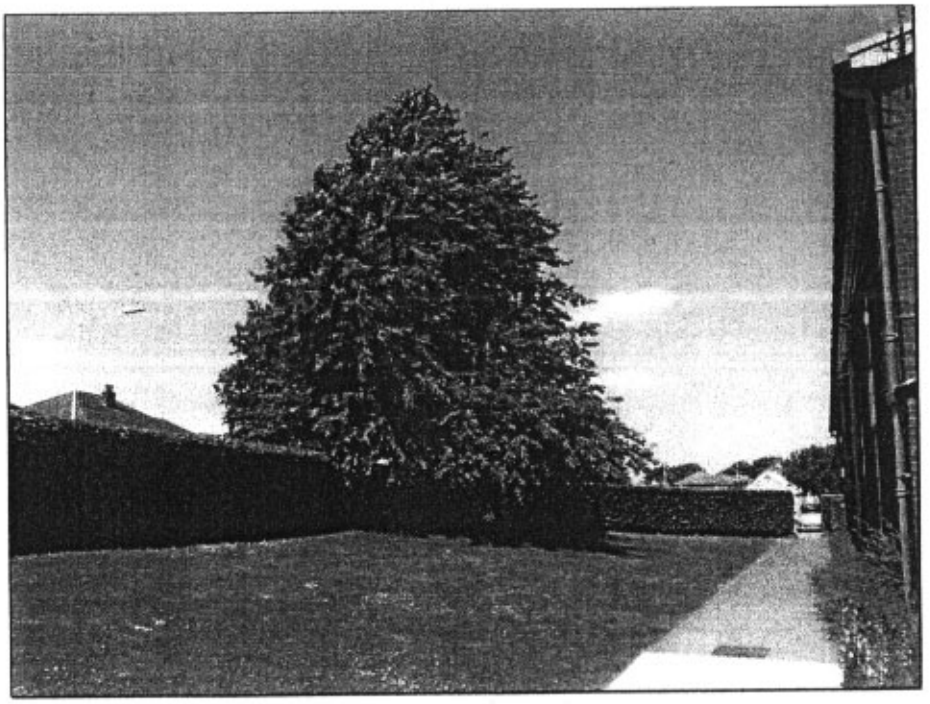
Graham Nicholson M.Arbor.A, HND Urb.For, RFS Cert. Arb.

Date:

4th July 2008

Reference No.

CS/04-07-08/GN



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1. INTRODUCTION

1.1. Brief

1.1.1. This report has been commissioned by Elaine Alexander of Capita Symonds, Carlisle. We have been instructed to provide a report for the following site:

Caldew School
Dalston
Carlisle
Cumbria
CA5 7NN

1.1.2. The report is required to address the following points of reference:

- provide a tree survey of the trees on the site that will be affected by the proposed development
- outline the implications that the proposed development will have on the trees
- make recommendations for any remedial works
- provide relevant supporting information for adequate protection of the retained trees

1.2. Scope of the report

1.2.1. The tree stem locations illustrated on the plan in Appendix 3, have been plotted on the plans supplied by Elaine Alexander.

1.2.2. All the trees on the site were surveyed from ground level using the Visual Tree Assessment methodology (*Ref. Body Language of Trees by C.Mattheck)*. None of the trees were climbed as part of this survey.

1.2.3. This report details the trees on the site that will be affected by the proposed development. It does not include any trees elsewhere on the school site, or on adjacent property. The surveyed trees are listed in the tree data schedule in Appendix 1.

1.2.4. No invasive decay testing equipment was used as part of this survey.

1.2.5. Further detailed inspections outlined in the survey recommendations are not included as part of this survey.

1.3. Relevant background information

1.3.1. We were provided with plan views of the existing and proposed development. These were provided in PDF and AutoCAD formats

1.4. Qualifications

1.4.1. I have based this report on my site observations and the information provided. I have come to my conclusions in the light of my experience. My qualifications include a Certificate in Arboriculture (RFS) and an HND Urban Forestry in addition to having over 8 years experience in the Arboricultural industry. I am a Professional Member of the Arboricultural Association and maintain an active continuing professional development programme. A detailed list of my Qualifications has been included in the section 6.2.

2. DATA COLLECTION

2.1. Site Visit

2.1.1. I carried out an unaccompanied visit of the site on the afternoon of Tuesday 1st July 2008.

2.1.2. The weather at the time of the visit was dry and clear, with a light breeze. The visibility was good.

2.2. Statutory Controls

2.2.1. The trees are not subject to a Tree Preservation Order.

2.2.2. The site is not within the Dalston Conservation Area.

2.3. Site Description

2.3.1. The site is located on the B5299 between the Village of Dalston and the Nestle processing plant. Vehicular access and parking for the site is accessed from the B5299 Carlisle Road.

2.3.2. The property is bordered by a beech hedge, which is approximately 1.2m high on the western edge of the site. To the north and south of the proposed site are grassed areas. To the east is the existing school building.

2.4. Data Collection and Schedule

2.4.1. The data collected was recorded on survey sheets. The detailed results can be found in the tabulated survey schedule in Appendix 1. The recorded data categories have been summarised in the list below:

- tree location and number
- tree species
- tree height
- trunk diameter
- crown spread in the four cardinal points
- height of the lowest branch
- tree age class
- physiological condition
- structural condition
- management recommendations
- remaining contribution
- amenity value
- tree retention category

2.4.2. Further detailed information regarding the recorded data is included in the explanatory notes in Appendix 1.

2.4.3. The information was manually recorded, using pre-printed data sheets.

2.4.4. No soil samples were analysed as part of this survey.

2.4.5. No electronic equipment was used in the recording of this data.

3. ARBORICULTURAL IMPLICATION ASSESSMENT

3.1. The two trees within the site of the proposed development are generally in good health and condition; however, they do present issues regarding the proposed development.

3.2. Lime tree No.2299, is located in a grassed area to the south of the Carlisle Road vehicular access for the site. The tree lies between the beech hedge and the school reception. The tree does not display any major visible defects and currently presents a low risk to the users of the site. This tree is considered to be of a moderate quality, fulfilling the requirements of BS 5837:2005 (Section 4.3) category B1. The current development design will encroach into the root protection area of this tree. It is considered that this tree could not be adequately protected as part of the current development proposal; therefore it is recommended that it is removed and replacements are planted in mitigation.

3.3. Cherry tree No.2304 is located to the north of the Carlisle Road vehicle access to the site. The tree does not exhibit any major visible defects, but the branches over the grassed area hang down low; however, the tree is currently considered to present a low risk to the users of the site. This tree is considered to be of a low quality, fulfilling the requirements of BS 5837:2005 (Section 4.3) category C1. BS 5837:2005 (Table 1) states that '*C category trees will usually not be retained where they would impose a significant constraint on the development*'. The current development design will encroach into the root protection area of this tree, and it is considered that this tree could not be adequately protected; therefore it is recommended that it is removed and replacements are planted in mitigation.

4. CONCLUSIONS

4.1. There is one lime tree and one cherry tree (Nos.2299 & 2304) on the site considered to be affected by the proposed development.

4.2. The current design proposal requires the removal of both trees.

4.3. Due to the requirement to remove both of the trees, it would be reasonable to recommend that a number of replacement trees are planted as mitigation. These can be incorporated into the grassed area between the proposed building and the main road once all construction works have been completed. Species selection and specification can be agreed between an Arboriculturist and the Architect.

Signed by Graham Nicholson, on behalf of CAPITA SYMONDS.

5. RECOMMENDATIONS

5.1. The following remedial works, highlighted as 'Site safety works', have been recommended in order to minimise the risk to the users of the site, and to maintain the trees in good arboricultural management.

5.2. The works outlined as 'development facilitation works' are to allow the development proposal to go ahead.

Tree No.	Recommended Works	Work Priority
T1	Crown Clean	A Site Safety Works
	Fell	D development facilitation works
T2	Crown Clean	A Site Safety Works
	Fell	D development facilitation works

5.3. It is recommended that the trees on the site are monitored on a regular basis, especially after stormy weather, for signs of crown, trunk, or root damage.

5.4. All tree work should be carried out to BS3998:1989 *Recommendations for tree work.*

5.5. Tree pruning can be a hazardous profession, so it is important that your contractor has the relevant training, health and safety, and insurance certification.

6. BIBLIOGRAPHY & QUALIFICATIONS

6.1. Bibliography

- B.S.5837:2005 *Trees in relation to construction – Recommendations.* BSI Publications.
- B.S.3998:1989 *Recommendations for tree work.* BSI Publications
- Body Language of Trees. C.Mattheck

6.2. Qualifications

6.2.1. Tree Related Qualifications:

- Professional Member of the Arboricultural Association (M.Arbor.A) – Professional membership from 2007.

- Higher National Diploma in Urban Forestry (HND Urb.For)– This is considered to be a competent level (level 4) of knowledge and education for arboricultural consultants. Studied at Newton Rigg Campus, University of Central Lancashire, Penrith. Three year part-time course. *Attained 2004.*

- *Royal Forestry Society* Certificate in Arboriculture (RFS Cert. Arb)– This qualification is understood to be the entry level (level 2) qualification into the industry. It comprises of two parts; a written examination for the theory portion of the qualification; and a variety of practical qualifications in arboriculture and Forestry for the practical portion. Studied at Newton Rigg College, University of Lancashire, Penrith. One year part-time course. *Attained 2001.*

6.2.2. Other Professional Qualifications:

- Quantified Tree Risk Assessment
  Training and Licensing - *February 2007*
  Licensed user update - April 2008

7. APPENDIX 1

7.1. Explanatory Notes for Tree Data Schedule

- The tree location has been measured from known datum points, and manually plotted on the site plan. The accuracy given for the tree stem locations is ±3m.
- The tree number is prefixed by a 'T' for individual trees, 'G' for groups of trees and 'H' for hedgerows. It is used to locate the tree in the data survey and the tree position on the plan.
- The tree species is given in the common name
- The tree height is measured using a Suunto Clinometer, and is given an accuracy of ± 2m.
- The trunk diameter is measured at 1.5m from the surrounding ground level. The accuracy is given as ± 50mm.
- The tree crown spread is measured in the four cardinal directions, N, S, E, and W. The accuracy for this measurement is given as ± 1m
- The height of the lowest branch in the crown is given an accuracy of ± 500mm
- The tree age classification indicates the maturity of the tree. Maturity is assessed as Young (Y) = a size which could easily be transplanted; Middle-aged (MA) = early maturity, not fully grown. Tree considered to be in the first ⅓ of its life cycle; Mature (M/Mat) = fully grown, annual growth is much reduced. Tree considered to be in the second ⅓ of its life cycle; Post-mature (PM) = old for the species, possibly starting to decline. Tree considered being in the final ⅓ of its life cycle. Veteran (V) = tree in decline, severe crown dieback, crown breaking up.
- The tree physiology examines the trees health and vitality and is indicated by Good, Fair, Poor and Dead; Good = very good growth extension, normally found in Y and MA specimens; Fair = normal growth and twig extension; Poor = low vigour and declining growth, many dead twigs and branches within the outer crown.

- The structural condition is given as Good, Fair or Poor, and any comments on notable conditions, problems, or peculiarities to do with the tree have been detailed.
- Management recommendations outline any works that are required for '**A**' arboricultural reasons, to abate a potential risk; or '**D**' to facilitate the building of the proposed development.
- Remaining contribution refers to the safe life expectancy of the trees, and has an input into the BS 5837: 2005 retention category.
- The amenity value of the tree indicates the trees value in the wider surroundings before the proposed development, and the considered value after the construction of the development.
- Details the tree retention category in accordance with BS5837:2005 section 4.3. These have been highlighted in colour to emphasise the category.

7.2. Tabulated Tree Data Schedule

See Table 1 – Tree data survey schedule

See Table 2 – Cascade chart for tree quality assessment

Table 1 – Tree Data Survey Schedule

Tree No.	Species	Height	Diameter @ 1.5m	Crown Spread				Crown Clearance	Age Class	Physiological Condition	Structural Condition	Management Recommendations A= Arboricultural Management. D= To facilitate development	Remaining Contribution	Amenity Value		Retention Category
				N	E	S	W							Pre	Post	
Notes:	*e = estimated*	*Units = m*	*Units = mm*	*Units = m*				*Units = m*	*Young/ Middle Aged/ Mature/ Over Mature/ Veteran*	*Good/ Fair/ Poor/ Dead*	*Good/ Fair/ Poor + Obvious defects*	*CC = Crown Clean/ CR = Crown Raise - state height (m)/ CT = Crown Thin by a %/ RC = Reduce Crown by a %/ P = Pollard/ RBT = Reduce Branch Tip - state amount and direction (m)/ BC = Balance Crown - state direction & %*	*10/ 10-20/ 20-40/ 40+*	*High/ Medium/ Low*		*R/ A/ B/ C + 1/ 2/ 3*
2299	Lime	14	540	7	6	4	5	2.0	M	Good	Good, minor included branch unions, low branches	A, CC D, RC 10%, CT 10%	20-40	H	H	
2304	Cherry	6	380	7	8	5	5	2.5	M	Good	Fair, crossing branches with included branch unions	A, CC D, Fell	10-20	M	M	C1

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Table 1 – Tree Data Survey Schedule

Tree No.	Species	Height	Diameter @ 1.5m	Crown Spread				Crown Clearance	Age Class	Physiological Condition	Structural Condition	Management Recommendations A= Arboricultural Management. D= To facilitate development	Remaining Contribution	Amenity Value		Retention Category
				N	E	S	W							Pre	Post	
Notes:	*e = estimated*	*Units = m*	*Units = mm*	*Units = m*				*Units = m*	*Young/ Middle Aged/ Mature/ Over Mature/ Veteran*	*Good/ Fair/ Poor/ Dead*	*Good/ Fair/ Poor + Obvious defects*	*CC = Crown Clean/ CR = Crown Raise - state height (m)/ CT = Crown Thin by a %/ RC = Reduce Crown by a %/ P = Pollard/ RBT = Reduce Branch Tip - state amount and direction (m)/ BC = Balance Crown - state direction & %*	*10/ 10-20/ 20-40/ 40+*	*High/ Medium/ Low*		*R/ A/ B/ C + 1/ 2/ 3*
2299	Lime	14	540	7	6	4	5	2.0	M	Good	Good, minor included branch unions, low branches	A, CC D, RC 10%, CT 10%	20-40	H	H	
2304	Cherry	6	380	7	8	5	5	2.5	M	Good	Fair, crossing branches with included branch unions	A, CC D, Fell	10-20	M	M	C1

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Table 2 - Cascade chart for tree quality assessment

TREES FOR REMOVAL			
Category R Those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.	• Trees that have a serious, irremediable, structural defect, such as their early loss is expected due to collapse, including those that will become unviable after removal of other R category trees, (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. • Trees infected with pathogens of significance to the health and/or safety of other trees nearby (e.g. Dutch elm disease), or very low quality trees suppressing adjacent trees of better quality. NOTE Habitat reinstatement may be appropriate. (e.g. R category tree used as a bat roost: Installation of a bat box in nearby tree		
TREES TO BE CONSIDERED FOR RETENTION			
Category and Definition	**Criteria - Subcategories**		
	1. Mainly Arboricultural Values	**2. Mainly landscape values**	**3. Mainly cultural values, including conservation**
Category A **Those of high quality and value:** in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested)	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups)	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood pasture)
Category B **Those of moderate quality and value:** those in such a condition as to make a significant contribution (a minimum of 20 years is suggested)	Trees that might be included in the high category, but are downgraded because of impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage)	Trees present in numbers, usually as groups or woodlands, such as they form distinct landscape features, thereby attracting a higher value than they might as individuals but which are not, individually, essential components of formal or semi formal arboricultural features (e.g. trees of moderate quality within an avenue that includes better A category specimens), or trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality.	Trees with clearly identifiable conservation or other cultural benefits
Category C **Those of low quality and value:** currently in adequate condition to remain until new planting could be established (a minimum of 10 years suggested), or young trees with a stem diameter below 150mm	Trees not qualifying in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low or only temporary screening benefit	Trees with very limited conservation or cultural benefits
	NOTE Whilst C category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150mm should be considered for relocation.		

8. APPENDIX 2

8.1. Development within the tree rooting area

8.1.1. The zone of influence for the rooting area of a tree has been determined using the calculation outlined in Table 2, of section 5.2.2 of BS5837: 2005 *Trees in relation to construction – Recommendations.* This calculation utilises the diameter of the trunk, at a height of 1.5m above the surrounding ground level; and multiplies this by a value of 12; the resultant is then used to calculate the total Root Protection Area (RPA).

8.1.2. The table below shows the RPAs for the trees on the site; these have been illustrated on the appended Tree Protection Plan (TPP) in Appendix 4.

RPA Calculations	Tree Identification Number	Tree Diameter @1.5m (in mm)	RPA Radius (m)	RPA (m^2)
	2299	540		
	2304	380		

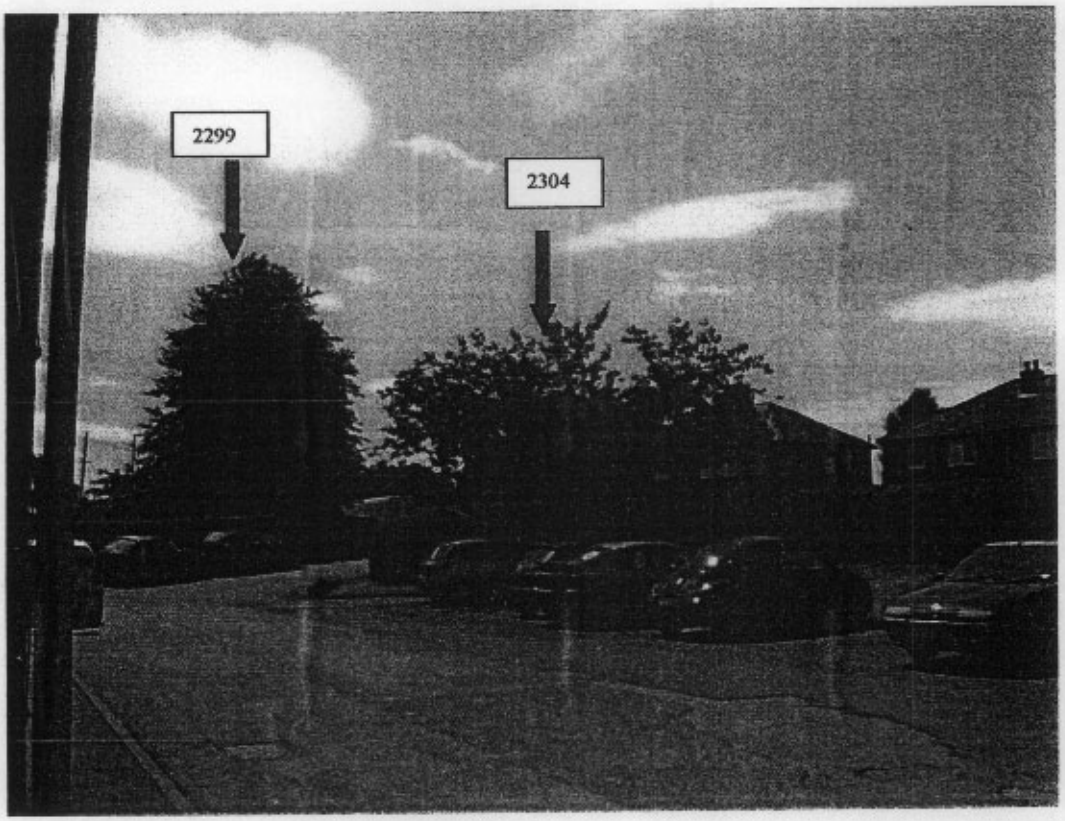
8.1.3. These values indicate the area of soil around the base of the tree to be retained undisturbed. This area should be protected with vertical barriers and considered sacrosanct. Signs should be erected on the fencing to indicate that the area is a Construction Exclusion Zone (CEZ).

8.2. Construction Exclusion Zone

8.2.1. This area is shown on the TPP included in Appendix 4. The perimeter of the RPA indicates the minimum distance of the CEZ, and should be protected with 'Heras' fencing, or similar; which must be supported with scaffold poles, to resist impacts. The CEZ barriers should follow the principles outlined in section 9 of BS 5837: 2005.

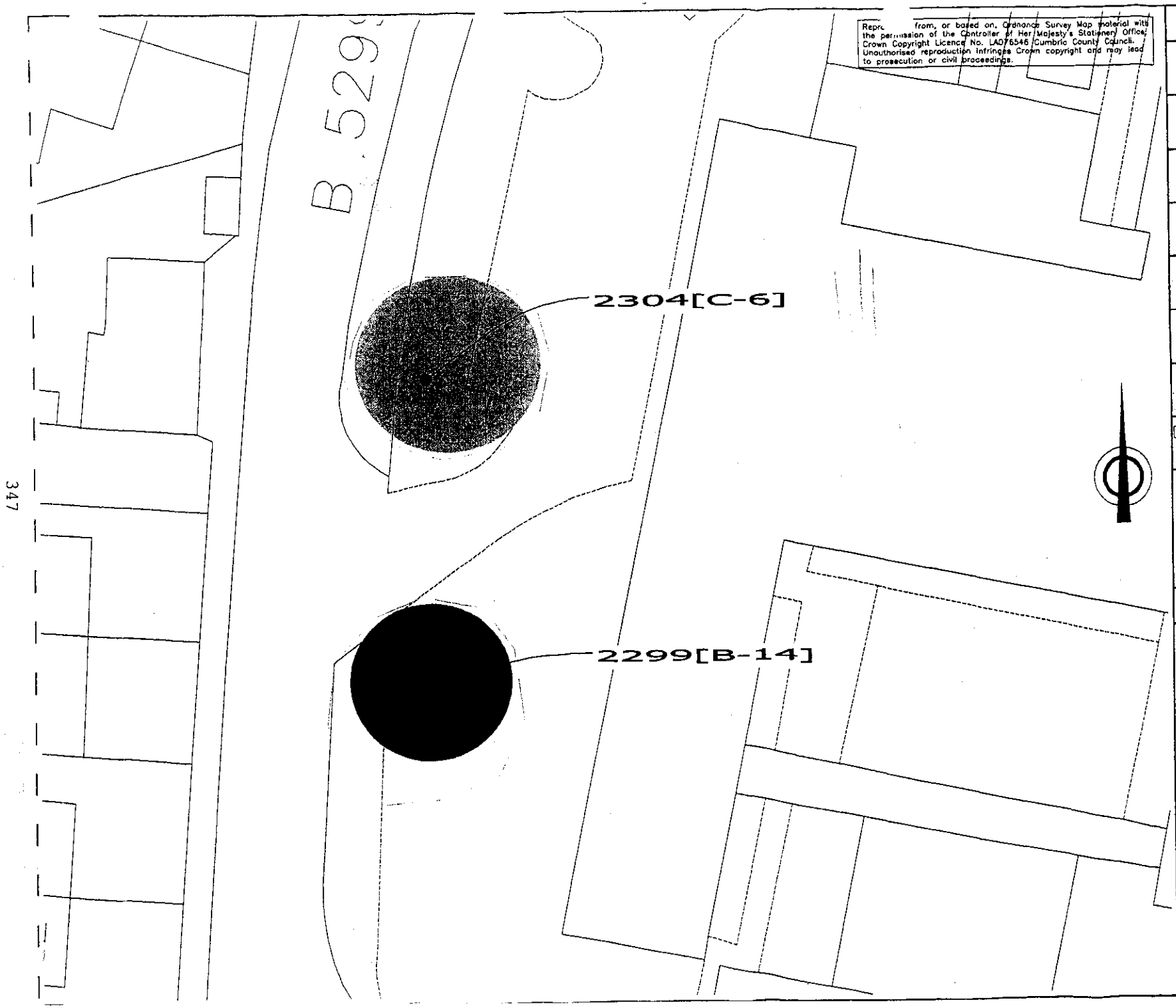
11. APPENDIX 5

11.1. Photograph 1 showing tree number 2299 and 2304 on the proposed development site



11.2. Photograph 2 Shows the cherry tree 2304, viewed from the western side of Carlisle Road.

11.3. Photograph 3 shows the lime tree 2299 viewed from the western side of Carlisle Road



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L ND

●	TREE STEM LOCATION (+/- 2r
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (RED DASHED LINE)
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (GREEN CONTINUOUS LINE)
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (BLUE CONTINUOUS LINE)
	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (GREY CONTINUOUS LINE)
------	CONSTRUCTION EXCLUSION ZONE LINE OF PROTECTIVE FENCING TO BE INSTALLE IN ACCORDANCE WITH BS5837:2005
T1[C-12m]	TREE IDENTIFICATION NUMBER [TRE RETENTION CATEGORY - TREE HEIG IN METRES]

THIS TREE CONSTRAINTS PLAN IS TO BE READ IN CONJUNCTION WITH TREE REPOR

DRAWN BY:	CHECKED BY:
DC	AH-GN

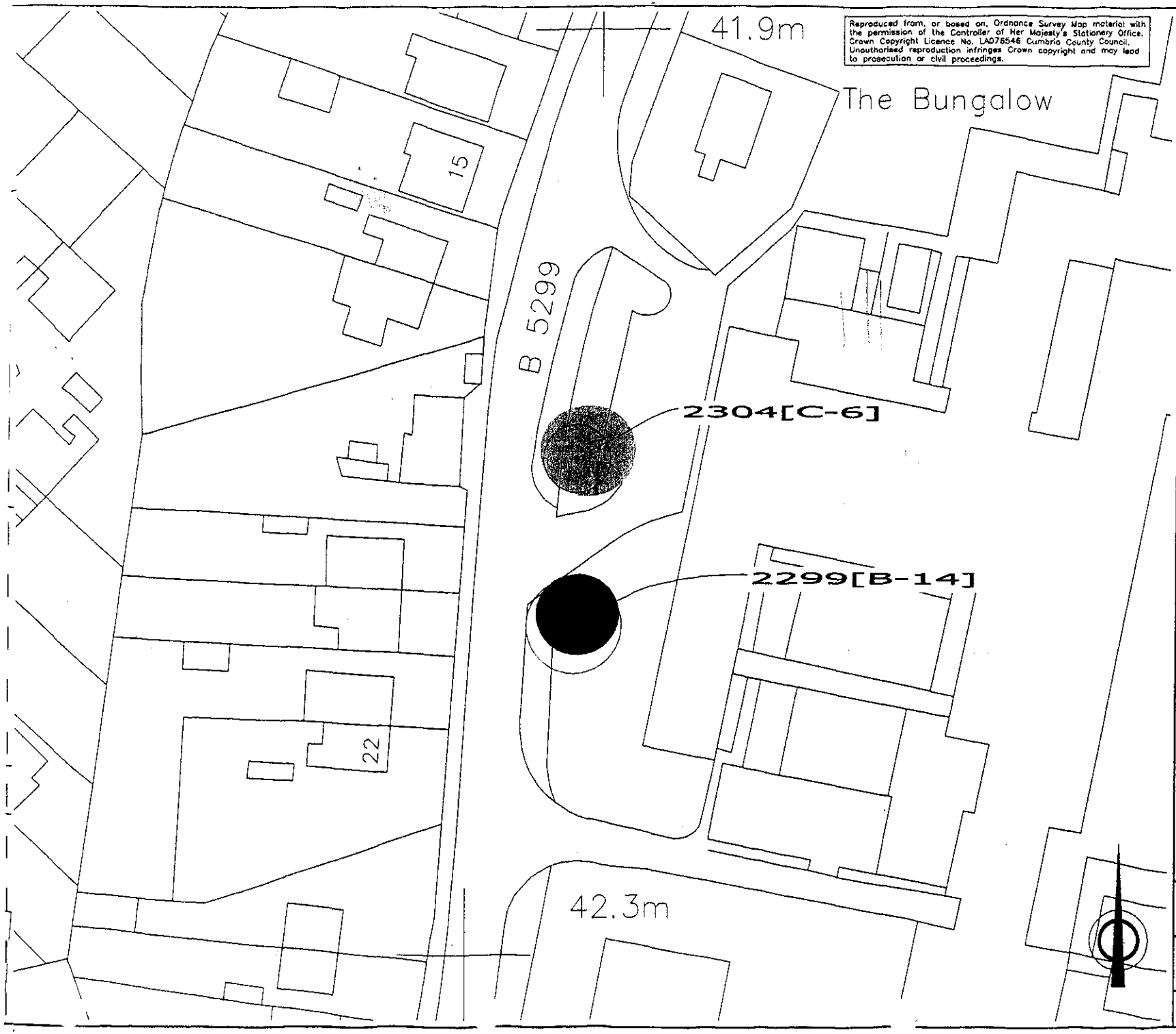
CAPITA SYMONDS
COUNTRYSIDE & HERITAGE MANAGEMEN
SERVICES
CLINT MILL
CORNMARKET
PENRITH
CUMBRIA
CA11 7HP

01768 242322

TITLE:
CALDEW SCHOOL, DALSTON
TREE PROTECTION PLAN

DRAWING No:
CS/04-07-08/GN-02

SCALE:	DATE:
1:250 @ A3	02/07/08



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LEGEND

●	TREE STEM LOCATION (+/- 2M)
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (RED DASHED LINE)
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (GREEN CONTINUOUS LINE)
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (BLUE CONTINUOUS LINE)
	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY (GREY CONTINUOUS LINE)
○	ROOT PROTECTION AREA
T1[C-12m]	TREE IDENTIFICATION NUMBER [TREE RETENTION CATEGORY - TREE HEIGH IN METRES]

THIS TREE CONSTRAINTS PLAN IS TO BE READ IN CONJUNCTION WITH TREE REPORT

DRAWN BY:	CHECKED BY:
DC	AH-GN

CAPITA SYMONDS
COUNTRYSIDE & HERITAGE MANAGEMENT
SERVICES
CLINT MILL
CORNMARKET
PENRITH
CUMBRIA
CA11 7HP

01768 242322

TITLE: CALDEW SCHOOL, DALSTON
TREE CONSTRAINTS PLAN

DRAWING No: CS/04-07-08/GN-01

SCALE: 1:500 @ A3 DATE: 02/07/08

Item No: 15 Date of Committee: 22/08/2008

Appn Ref No: 08/0002 TEL	**Applicant:** Telefonica O2 (UK) Ltd	**Parish:** Carlisle
Date of Receipt: 18/07/2008	**Agent:** Galliford Try Communications	**Ward:** Harraby
Location: Land adjacent to 1, Central Avenue, Carlisle		**Grid Reference:** 342193 554483

Proposal: Proposed Erection Of A 12.5 Metre High Telecommunications Monopole, 1 No. Ground Based Equipment Cabinet And Ancillary Development

Amendment:

REPORT **Case Officer:** Sam Greig

Reason for Determination by Committee:

Under the 'prior approval' procedure applications for telecommunication development must be determined by the Local Planning Authority within 56 days. If a decision is not made within this period the applicant may legitimately implement the proposal. This application has, therefore, been brought before the Development Control Committee in case objections are lodged by local residents that would prevent a decision being reached within the statutory period.

1. Constraints and Planning Policies

District E52 - Larger Tele. Developments

District H17 - Residential Amenity

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol EC18 - Telecom./Satellite Rec.Equipm.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection, subject to the imposition of one planning condition.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	Elizabeth Welsh House	31/07/08	
	1 Central Avenue	31/07/08	
1a Central Avenue		05/08/08	Objection
	2a Central Avenue	05/08/08	
	3a Central Avenue	05/08/08	
	4a Central Avenue	05/08/08	
	5a Central Avenue	05/08/08	
	6a Central Avenue	05/08/08	
	7a Central Avenue	05/08/08	
	8a Central Avenue	05/08/08	
	2 Central Avenue	31/07/08	
	3 Central Avenue	31/07/08	
4 Central Avenue		31/07/08	Objection
	5 Central Avenue	31/07/08	
	6 Central Avenue	31/07/08	
	7 Central Avenue	31/07/08	
	8 Central Avenue	31/07/08	
	9 Central Avenue	31/07/08	
	10 Central Avenue	31/07/08	
	1 Arnside Road	31/07/08	
	3 Arnside Road	31/07/08	
	5 Arnside Road	31/07/08	
	7 Arnside Road	31/07/08	
	9 Arnside Road	31/07/08	
	11 Arnside Road	31/07/08	
	13 Arnside Road	31/07/08	
	15 Arnside Road	31/07/08	
	31 Argyll Drive	31/07/08	
	32 Argyll Drive	31/07/08	
	33 Argyll Drive	31/07/08	
	34 Argyll Drive	31/07/08	
	35 Argyll Drive	31/07/08	
	Inglewood Forest Public House	31/07/08	

3.1 This application has been advertised by means of a site notice and notification letters sent to thirty three neighbouring properties. At the time of preparing this report one letter of objection has been received, which raises the following issues:

1. the mast is located in close proximity to where people live and work; and
2. more suitable locations are available in the vicinity.

4. Planning History

4.1 There is no planning history relating to this site; however, Members may recall that planning permission has recently been granted for the demolition and redevelopment of the 'Inglewood Forest' Public House for residential purposes (Application 08/0052).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks prior approval of the authority for the erection of a 12.5 metre high telecommunication mast and associated equipment cabinet within the pavement on the eastern side of Pennine Way, Harraby; 15 metres to the south of the junction that it shares with Central Avenue.

5.2 The site is identified on the Proposals Map that accompanies the emerging Local Plan as being within a Primary Residential Area, although it is immediately adjacent to the Harraby district shopping centre, the boundaries of which are not defined on the Proposals Map. On the opposite side of the road lies 'Elizabeth Welsh House', a nursing home, and the 'Inglewood Forest' Public House.

The Proposal

5.3 The proposal by O2 is for a mobile phone mast comprising a 12.5 metre high streetworks column styled 0.3 metre wide slimline monopole, accommodating 3no. antennas at the head of the mast within a glass reinforced plastic shroud. The mast, which is constructed from steel, would be coloured light grey (BS 00 A 05). Sited adjacent to the base of the mast would be an equipment cabinet with an overall cubic volume of 0.75 metres, which would be constructed from steel and painted black. The proposed mast is designed to provide 3G mobile telephone services.

Assessment

5.4 The relevant planning policies against which the application is required to be assessed are Policies E52 and H17 of the Carlisle District Local Plan and Policies CP4, CP5 and EC18 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspector's report.

5.5 The proposals raise the following planning issues:

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

5.6 Members should note that under current government guidelines and legislation identified in Planning Policy Guidance Note 8 -Telecommunication

(PPG8) and in Part 24 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, the principle of masts under 15 metres is acceptable and it is outlined that Local Planning Authorities must assess prior notification applications, and can only refuse such applications, in respect of its siting and appearance.

2. Whether The Design And Appearance Of The Mast Is Appropriate In This Locality.

5.7 In considering this particular location Members should note that, in accordance with PPG8, the agent acting on behalf of O2 has submitted evidence to show that they have investigated whether there are any other feasible options instead of the proposed site. In total the agents have considered fourteen alternative sites, all of which have proven unsuitable for different reasons ranging from technical, operational and their potential visual impact. It is worth noting that these sites were considered in consultation with Officers of this department.

5.8 It is considered that this site is the most appropriate for the proposal given the limited availability of sites in the location and the characteristics of the chosen site in reducing its visual impact.

5.9 In this particular location there are a number of street lighting columns, as well as a CCTV camera mast, all of which have a vertical emphasis. The introduction of a similar structure, albeit approximately 4.6 metres higher than the existing street light columns, would not necessarily appear out of place. The gable of No.1 Central Avenue, which is approximately 9 metres high, would partially screen views of the mast from the south east.

5.10 Other telecommunication equipment exists in the locality, as a number of antennas are prominently located on the tower of St. Elizabeth's Church on Arnside Road, 70 metres to the south west of the site. The use of the tower for housing additional equipment has been ruled out by the current owners of the building.

5.11 In assessing the visual impact the mast will have, Members should consider the design and appearance of the mast, which, arguably, is not that dissimilar to the appearance of the street light columns. Admittedly, the mast would be higher than the adjacent street lights; however, it is a slender structure and it is not considered that its height alone would significantly detract from the street scene. Members are reminded that other recent telecommunications developments such as the monopoles at the entrance to Morrisions supermarket and the monopole adjacent Morton Manor, a Grade II Listed Building have been sympathetically accommodated within the street scene. To assist Members in assessing the potential visual impact of the proposal Members attention is drawn to the photograph, which has been reproduced in the Schedule following this report, of the similarly designed masts that have been erected at the entrance to Morrisons supermarket.

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

Residents.

5.12 The visual impact the mast would have upon the amenity of residents and the surrounding area is one of the key considerations in determining applications for prior approval. Whilst the mast proposed by this application may be visible from within some private properties, on balance, it is not considered to be intrusive to residents because of its design and, to a lesser extent, the position of the mast in relation to these properties.

5.13 Although some local residents may feel that their living conditions are affected as a result of its presence, it is not considered that the mast would have such an impact that would warrant refusal of the application in the 'public' interest on the grounds of its siting or appearance.

3. Health Implications.

5.14 Issues surrounding the potential health implications commonly arise in respect of applications for telecommunications development. Members are reminded that Paragraph 30 of PPG8 states that:

"it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application or prior approval, to consider further health aspects and concerns about them".

5.15 O2 have submitted a declaration stating that the proposal is in full compliance with the ICNIRP public exposure guidelines and, therefore, Members are advised that in accordance with the advice of paragraph 30 of PPG8 it should not be necessary to consider further the health effects of the proposal and concerns about them.

3. Highway Matters.

5.16 The Highway Officer has stated that the Highway Authority has no objection to the proposal subject to the imposition of a condition relating to the reservation of land to enable vehicles associated with the construction and future maintenance of the mast to park clear of the highway. Whilst the mast and equipment would be sited on the pavement a 2.4 metre wide gap would be maintained between the mast and the parking spaces, thereby ensuring that use of the footpath is not restricted.

Conclusion

5.17 In conclusion, it is considered that the mast in the proposed location is necessary for coverage in this area and the applicants have provided satisfactory evidence, which demonstrates that there is not a more suitable

alternative available. In accordance with PPG8 it would be unreasonable to refuse the application on the basis of the perceived health risks. The siting of the mast is deemed to be acceptable in terms of its position and the proposed design. It is not considered that the mast will have a significant adverse impact upon the living condition of local residents or the appearance of the street scene. As such, it is recommended that Members grant 'authority to issue' the approval, following the expiry of the consultation period.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Determination - Approved + add. conds.

1. The external finishes to be used shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

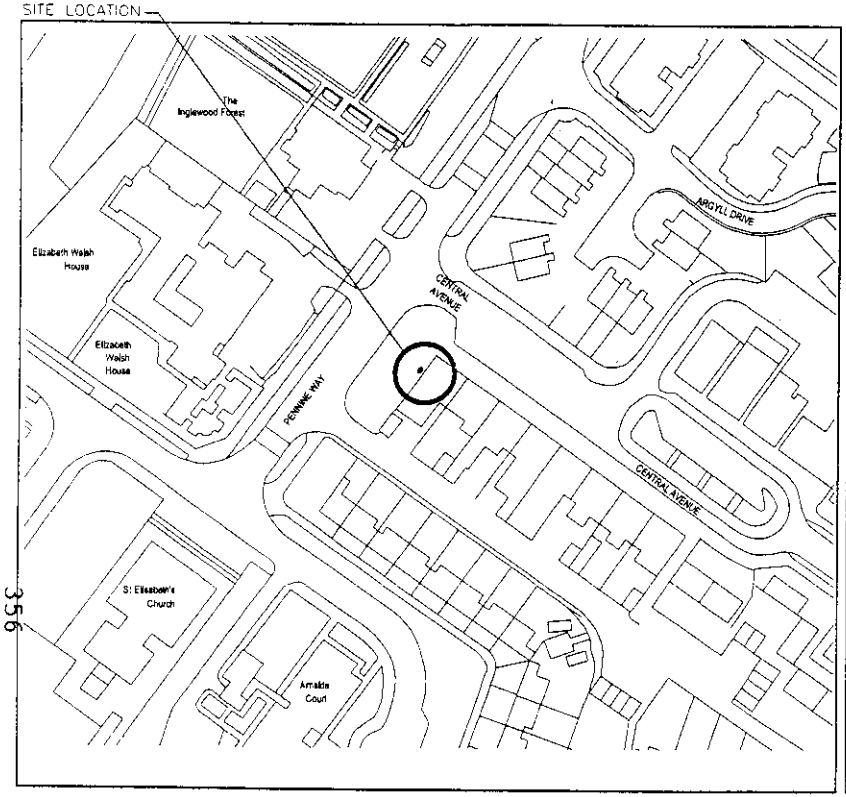
Reason: To ensure acceptable appearance and to ensure compliance with Policy E52 of the Carlisle District Local Plan.

2. Before any development takes place, a plan shall be submitted for the prior written approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations and subsequent maintenance, associated with the development hereby approved, and that land, including the vehicular access thereto, shall be used for or be kept

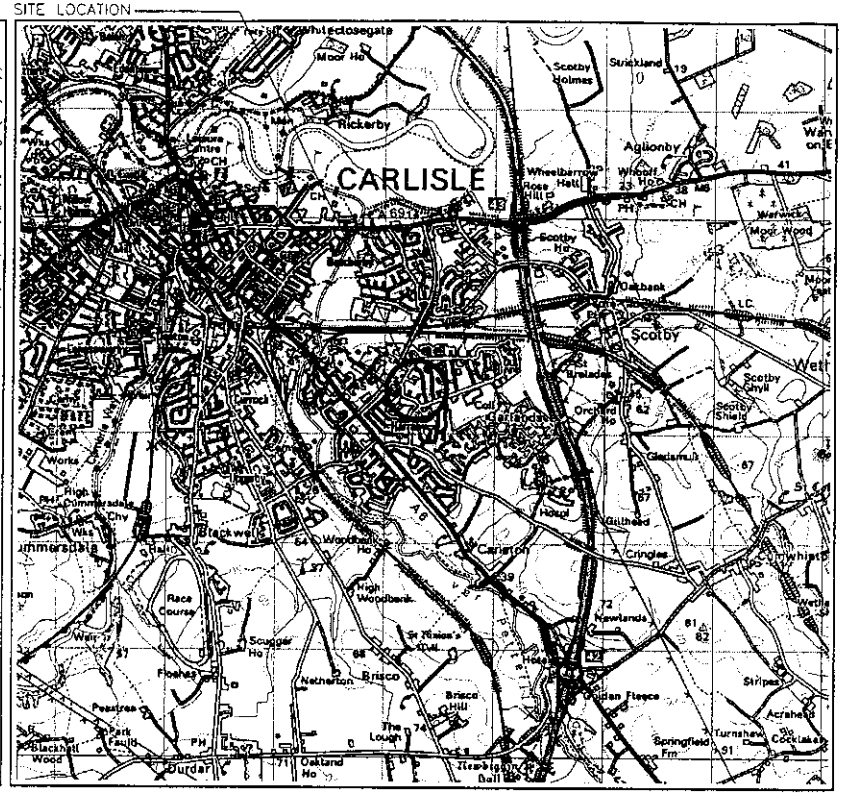
available for these purposes at all times until completion of the construction works.

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 in accordance with Local Transport Policy LD8.

SITE LOCATION



SITE LOCATION



N

OS PLAN
SCALE 1:1250

LOCATION PLAN
SCALE 1:50000

——— PROPOSED SITE

PROPOSED WORKS.

BASED ON ORDNANCE SURVEY AT 1:1250 WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE. © CROWN COPYRIGHT. LICENCE No. 100038899

SITE N.G.R.
342191 E
554488 N

NOTES
1. All dimensions are in millimetres unless stated otherwise.
2. Site to be provided with adequate safety signage in accordance with o2 standard detail drawing 9391/A

O2

O2 (UK) Ltd, 260 Bath Road, Slough, Berks SL1 4DX

REV.	DATE	DESCRIPTION	ORN	CKD
A	11.06.08	PRELIMINARY ISSUE	SB	PB

CELLULAR SYSTEMS LTD.
HUTCHINSON STREET,
WIDNES, CHESHIRE,
WA8 0PZ.
TEL: 0151-422-6464
FAX: 0151-495-1688
E-Mail: enquiries@cellular-systems.co.uk

BM TRADA CERTIFICATION ISO 9001 UKAS

National Inspection Council for Electrical Installation Contracting NICEIC APPROVED CONTRACTOR

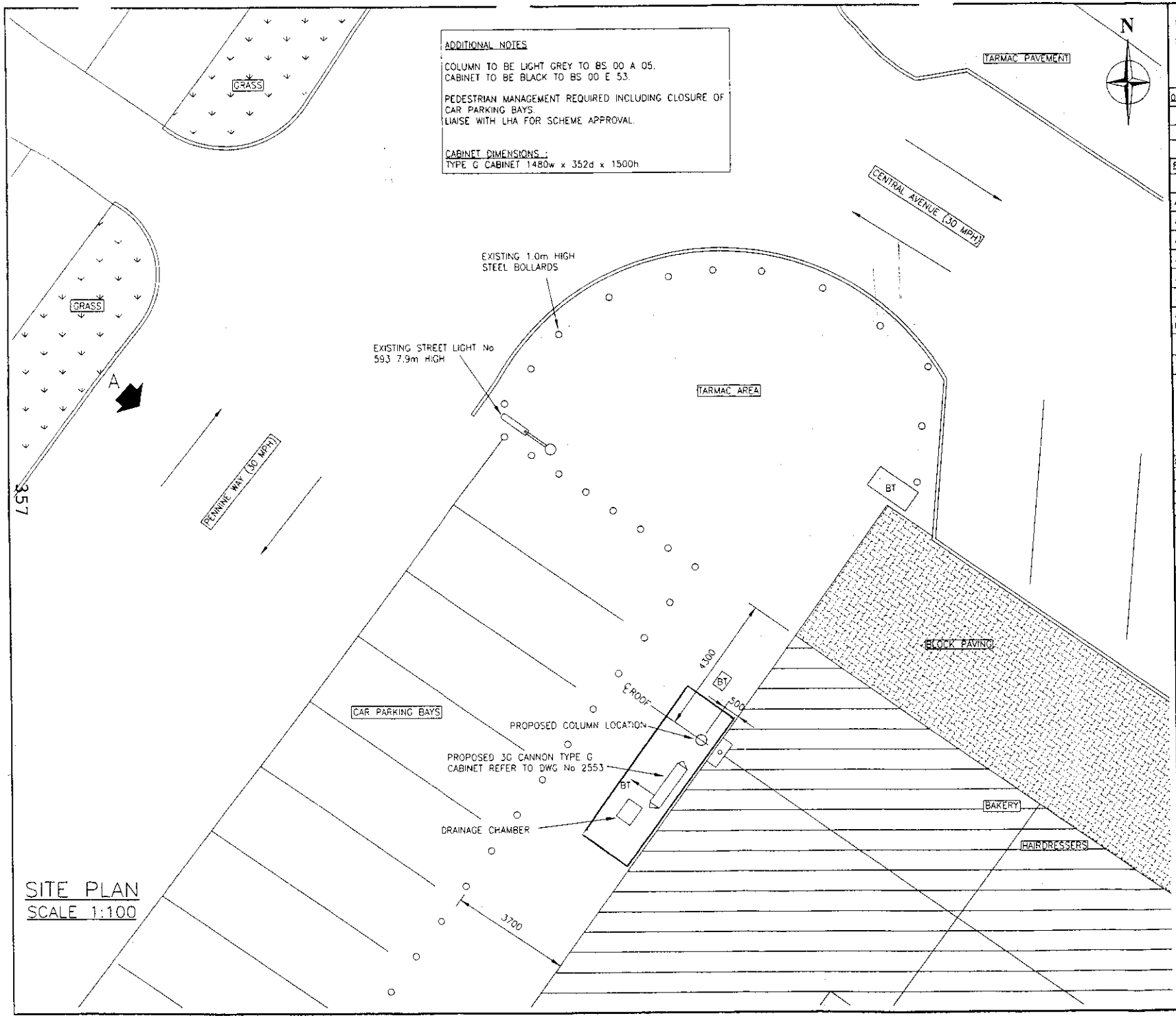
PLANNING DRAWING

SITE ADDRESS:
CENTRAL AVENUE
CARLISLE
CUMBRIA
CA1 3QB

18 JUL
08/0004/FUL

DRAWN BY:	SB	CHECKED:	PB
DATE:	11.06.08	APPROVED:	SEB
SCALE:	AS SHOWN		
DRAWING No.	C58146/PL/001		
TITLE:	LOCATION PLANS		
CELL NAME:	CARLISLE EAST (Opt E)		

JOB No.	O2 CF 'D No.	REV.
C58146	3', .7	A



SITE PLAN
SCALE 1:100

NOTES
1. All dimensions are in millimetres unless stated otherwise.
2. Site to be provided with adequate safety signage in accordance with o2 standard detail drawing 9391/A

O2 TRANSMISSION DETAILS

NO.	SIZE	HEIGHT	TYPE	ORIENTATION
PROPOSED TRANSMISSION LINK PROVIDED BY BT				

PROPOSED O2 ANTENNA DETAILS

NO.	SIZE	HEIGHT	TYPE	ORIENTATION	JUMPER LENGTH	JUMPER TYPE
ANT 1	1.9m	11.5m	KATHREIN 65XV6UR19K	60°	6.0m	7/8"
ANT 2	1.9m	11.5m	KATHREIN 65XV6UR19K	180°	6.0m	7/8"
ANT 3	1.9m	11.5m	KATHREIN 65XV6UR19K	300°	6.0m	7/8"
ANT 4	-	-	-	-	-	-
ANT 5	-	-	-	-	-	-
ANT 6	-	-	-	-	-	-

ANTENNA HEIGHT IS MEASURED TO CENTRE OF ANTENNA
FEEDER LENGTHS FROM CABIN/CABINET TO EACH ANTENNA

The proposed installation is compliant with ICNIRP recommendations. (Designed in accordance with O2(UK) Datasheet 064 latest issue)

Certified by O2(UK) Build Manager	Name	Signature	Date

O2

O2 (UK) Ltd, 260 Bath Road, Slough, Berks SL1 4DX

CELLULAR SYSTEMS LTD
HUTCHINSON STREET,
WIDNES, CHESHIRE,
WA8 0PZ.
TEL: 0151-422-6464
FAX: 0151-495-1688
E-Mail: enquiries@cellular-systems.co.uk

ISO 9001

APPROVED CONTRACTOR

REV	DATE	DESCRIPTION	DRN	CKD
A	11.06.08	PRELIMINARY ISSUE	SB	PB

PLANNING DRAWING

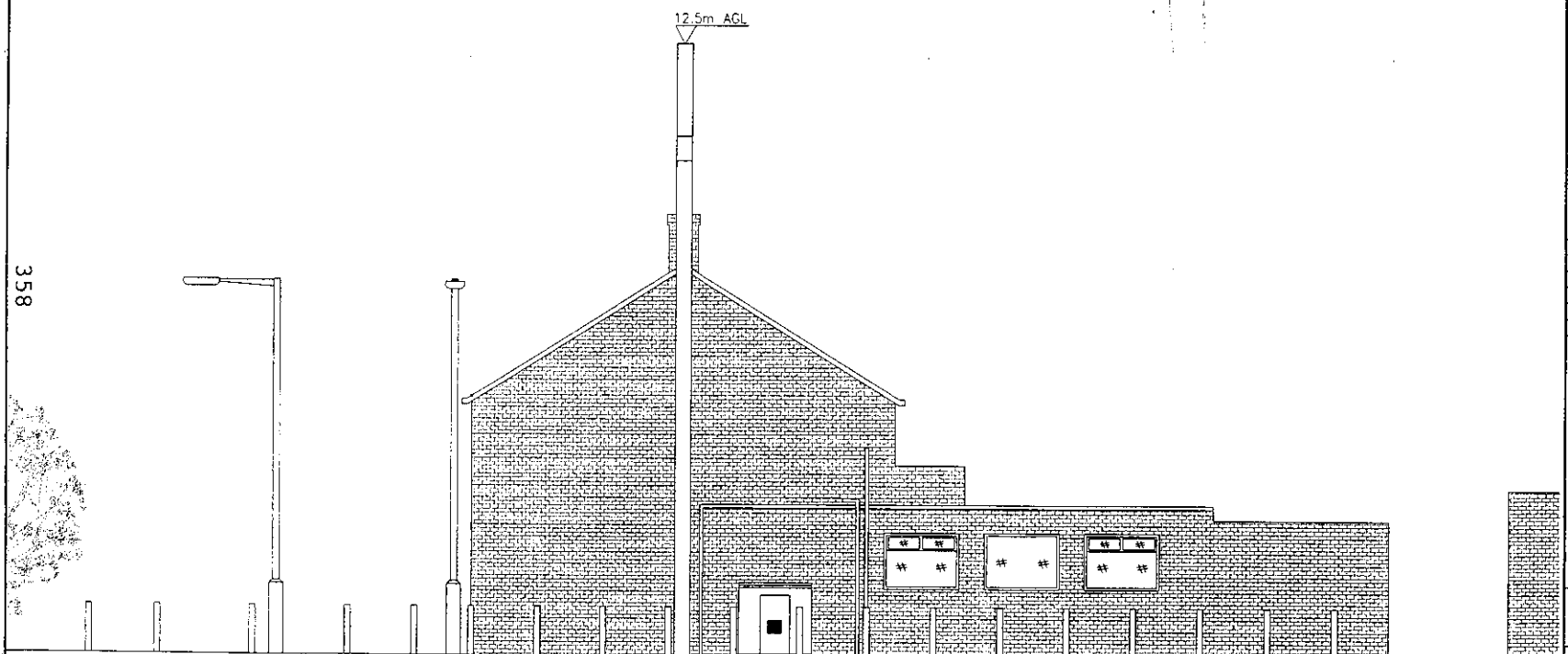
SITE ADDRESS:
CENTRAL AVENUE
CARLISLE
CUMBRIA
CA1 3QB

18 JUL 2008
08/0002/TE

DRAWN BY:	SB	CHECKED:	PB
DATE:	11.06.08	APPROVED:	SEB
SCALE:	1:100		
DRAWING No.	C58146/PL/002		
TITLE:	SITE PLAN		
CELL NAME:	CARLISLE EAST (OPT E)		

JOB No.	O2 CELL ID No.	REV.
C58146	37027	A

NOTES
1. All dimensions are in millimetres unless stated otherwise.
2. Site to be provided with adequate safety signage in accordance with o2 standard detail drawing 9391/A



358

ELEVATION 'A'
SCALE 1:100

O2

O2 (UK) Ltd, 260 Bath Road,
Slough, Berks SL1 4DX

REV.	DATE	DESCRIPTION	DRN	CKD
A	11.06.08	PRELIMINARY ISSUE	SB	PB

CELLULAR SYSTEMS LTD.
HUTCHINSON STREET,
WIDNES, CHESHIRE,
WA8 0PZ.
TEL: 0151-422-6464
FAX: 0151-495-1688
E-Mail: enquiries@
cellular-systems.co.uk

ISO 9001

National Inspection Council for Electrical Installation Contracting
APPROVED CONTRACTOR

PLANNING DRAWING

SITE ADDRESS:
CENTRAL AVENUE
CARLISLE
CUMBRIA
CA1 3QB

18 JUL
08/2002/TEL

DRAWN BY:	SB	CHECKED:	PB
DATE:	11.06.08	APPROVED:	SEB
SCALE:	1:100		
DRAWING No.:	C58146/PL/003		
TITLE:	ELEVATION A		
CELL NAME:	CARLISLE EAST (OPT E)		

JOB No.	O2 CF 'D No.	REV.
C58146	37 7	A

Photograph 1: A photograph showing two of the three 'monopole' telecommunication masts outside the entrance to Morrisons supermarket. These masts are of a similar height and design to that hereby proposed.

SCHEDULE A: Applications with Recommendation

08/0472

Item No: 16 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0472	Mr Plumb	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/06/2008	Space_Architecture	Harraby
Location:		**Grid Reference:**
Former Cavgahan & Gray Limited, London Road, Carlisle, CA1 3EU		341870 553940

Proposal: Proposed Aldi Supermarket And Single Storey Workshop Development

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Reason for Determination by Committee:

This is a Major application of local interest which has potential implications re. the provision of highway improvements.

1. Constraints and Planning Policies

District EM2 - Primary Employment Areas

District E19 - Landscaping New Dev.

District E22 - Sewers & Sew. Treat. Work

District E24 - Ground Waters etc

District E31 - Arch. on Other Sites

District E55 - Derelict Land

District T1 - Choice of Means of Travel

District T7 - Parking Guidelines

District H16 - Design Considerations

District H17 - Residential Amenity

District S8 - Neighbourhood Supermarkets

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl.Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Rev Redeposit Pl. Pol EC7 - Neighbourhood Facilities

Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination

Rev Redeposit Pl. Pol LE31 - Derelict Land

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): originally responded by explaining that the previous decision notice issued to Woodford Properties (06/0667) included conditions 7 and 8 which stated that :

7. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with the conceptual design shown on drawing number CS017005/05/100Rev.1 in the Transport Assessment dated September 2006 produced by Capita Symonds.
Reason: In the interests of highway safety.

8. Prior to either the commencement of use/trading from the retail/food store or any employment unit hereby permitted, or, the completion (by the plastering out)/occupation of 70 residential units hereby approved, work shall be completed to improve the junction of London Road with Eastern Way and Carliol Drive in accordance with a full specification submitted to and approved in writing beforehand by the local planning authority. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.
Reason: In the interests of highway safety.

As this application makes use of the original Transport Assessment of the Outline

Application, the relevant Engineer considers that he has to come to the same conclusion as his predecessor.

The total Outline development generated traffic at London Road/Eastern Way junction is given in the Assessment as 163 two-way trips in peak hours (54% of total peak hour development traffic) for the Housing and 138 two-way trips in peak hours (46% of total peak hour development traffic) for the Retail sites. We have costed the works to this junction proposed in the Transport Assessment (pg18), the total costs being c.£95000. Using the above percentage split, Barratts would be responsible for £51,300 and ALDI for £43,700
However we have secured a further developer contribution for this junction in the amount of £35,000 , these works are to commence shortly. Having allowed for this other contribution, it leaves £35,160 to Barratts (£32,400 +10% contingency) and £30,360 to Aldi (£27,600 + 10% contingency). These costs are representative of the total needed to improve this junction, however the problem remains that we would not have funds available from Barratt until 70 houses are plastered out/occupied. In order to allow discharge of the Condition so ALDI could commence trading, the Highways Authority would be prepared to complete the improvement works, subject to ALDI entering into a suitable Highways Act 1980 Section 278 Agreement.

On this basis it was originally recommended that the following conditions were included in any consent:

1) The retail/food store or any employment unit hereby permitted, shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with a plan agreed by the Local Planning Authority in consultation with the Highway Authority.
Reason: In the interests of highway safety.

2) The applicant to enter into a suitable legal agreement to provide a financial contribution of £31,970. This contribution will be used to improve the junction of London Road with Eastern Way and Carliol Drive prior to the commencement of trading.
Reason: In the interests of highway safety.

3) The highway works involving the construction of the access road(s) serving the retailsite, shall be carried out according to the following phasing:
i) no building works shall take place until the access from Petterill Bank Road(s) has been constructed to base course level and brought into use;
ii) immediately following the completion of the building works (by the provision of an electricity supply to the building) all the highway works shall be completed to adoptable standards and commissioned prior to the store commencing trading
Reasons:
So construction activities do not compromise the safety and convenience of highway users;
To ensure that vehicles associated with the construction and use of the development are properly and safely accommodated clear of the Highway and aid in the delivery of sustainable transport objectives.
To support LTP Policies LD4, LD5, LD7, & LD8.

4) Before the development commences trading the parking, turning and loading areas and means of vehicular access thereto shall be fully completed in accordance with plans submitted to and shall not be thereafter used for any other purpose, nor be changed in any way without the prior approval of the Local Planning Authority. Reason: To ensure that the development is provided with off-street parking in compliance with the underlying objectives of Policy T7 of the Carlisle District Local Plan.

5) Prior to the store commencing trading, the developer shall prepare and submit a Employee Travel Plan to the Local Planning authority for approval. This will identify the measures to be taken by the employer to achieve Modal Shift from private car transport to sustainable modes. The employer shall provide an Annual Monitoring Report that reviews the effectiveness of the Travel Plan (including any amendments) to the local Planning Authority for a period of 5years after the commencement of trading.

As a result of these comments the applicant's agent has provided additional information based upon which the Highways Authority have responded by explaining that no evidence has been seen concerning the "absolution" of Aldi and that Barratt Homes should be responsible for the entire costs of the London Road Eastern Way Junction improvements. If such was received it would enable reconsideration of the situation and lead to an approach to the appropriate party for the contribution. In discussions with Barratts no mention has been made of them/ Woodford properties being responsible for the entire cost of the improvements to London Road/Eastern Way.

The Applicant (Aldi) has not shown any difference between the 2 applications (original Outline and the current) and relies on the same TA. Therefore there does not appear to be any justification from a highway point of view to change the Conditions imposed on the original Consent.

Cumbria Highways are currently investigating how the London Rd/ Eastern Way junction improving works could be delivered without the Barratts contribution (which it is recognized may be some years away in view of the 70 completed houses threshold); and therefore allow Aldi to open their store. However the Highways Autority would still wish to retain the existing condition relating to the various highway Improvements , except in respect of London Rd / Eastern Way junction where it would accept a unilateral undertaking from Aldi to pay the aforementioned contribution sum of £31970 towards improvement at this junction within the Section 278 agreement prepared for the works abutting their site in Petterill Bank Road / London Road(i.e Aldi would only be required to complete the latter works and make the contribution prior to commencing trading – not improve the London Road / Eastern Way junction prior to commencing trading as well).

The Authority is, nevertheless, aware of the costs of the works in London Road / Petteril Bank Road (approximately £350000) that will already be provided by the applicant.

Environment Agency (N Area (+ Waste Disp)): the site is located within Flood Zone 1 as defined in Table D.1 of PPS 25. The site is at little or no risk of flooding from river, tidal and coastal sources which shows the extent of floods with below

Northern Gas Networks: no objection. However, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the promoter of the works will be required to contact NGN directly to discuss requirements. Should diversionary works be required these will be fully chargeable.

Development Services Planning & Housing Services - Urban Designer: comments awaited.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	2 Baird Road	23/06/08	
	4 Baird Road	23/06/08	
	16 Broome Court	23/06/08	
	18 Broome Court	23/06/08	
	20 Broome Court	23/06/08	
	22 Broome Court	23/06/08	
	24 Broome Court	23/06/08	
	26 Broome Court	23/06/08	
	28 Broome Court	23/06/08	
	30 Broome Court	23/06/08	
	32 Broome Court	23/06/08	
	328 London Road	23/06/08	
	330 London Road	23/06/08	
	1 Petteril Bank Road	23/06/08	
	3 Petteril Bank Road	23/06/08	
	5 Petteril Bank Road	23/06/08	
	7 Petteril Bank Road	23/06/08	
	9 Petteril Bank Road	23/06/08	
	11 Petteril Bank Road	23/06/08	
	13 Petteril Bank Road	23/06/08	
	15 Petteril Bank Road	23/06/08	
	17 Petteril Bank Road	23/06/08	
	19 Petteril Bank Road	23/06/08	
	21 Petteril Bank Road	23/06/08	
	23 Petteril Bank Road	23/06/08	
	25 Petteril Bank Road	23/06/08	
	27 Petteril Bank Road	23/06/08	
	345 London Road	23/06/08	
	347 London Road	23/06/08	
	1 Carliol Close	23/06/08	
	2 Carliol Close	23/06/08	
	3 Carliol Close	23/06/08	
	16	23/06/08	
	18	23/06/08	
	20	23/06/08	
	22	23/06/08	
	24	23/06/08	
	26	23/06/08	
	28	23/06/08	
	30	23/06/08	
	32	23/06/08	
	34	23/06/08	

0.1% annual probability of occurence.

The Agency would recommend that any developer incorporates some form of Sustainable Drainage System to mitigate the impact that the creation of large permeable areas would have on the local surface water drainage system.

The Agency would also request the imposition of a condition re. surface water from the car parks passing through an oil interceptor;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): no objection to the proposal provided the site is drained on a seperate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercurse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged in to the public sewerage system it may be necessary for the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Any water mains connections to the site must be properly disconnected to prevent the risk of waste and contamination. Any necessary disconnection or diversion of the private mains must have the approval of the pipeline owner and be acrried out to our standards at the applicants expense.

The development is shown to be adjacent to/include our electricity substation site and underground cables. The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/ underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in it's vicinity. The applicant should also be referred to a relavent document produced by the Health and Safety Executive, which is available from the Stationary Office Publications Centre and The Stationary Office Bookshops, and advised that, should there be a requirement to divert the apperatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for acess to inspect, maintain , adjust, repair, or alter out substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time day or night;

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

Environmental Services - Food, Health & Safety: comments awaited;

Cumbria Constabulary - Crime Prevention: the Design and Access Statement accompanying this application fails to make any reference to intended crime prevention measures within the development. However, aware of the condition previously imposed requiring the submission of details of the proposed security measures to ensure that the development complies with Policy CP16 of the Local Plan;

36	23/06/08
38	23/06/08
40	23/06/08
42	23/06/08
44	23/06/08
46	23/06/08
48	23/06/08
50	23/06/08
52	23/06/08
54	23/06/08
56	23/06/08
58	23/06/08
60	23/06/08
6 Baird Road	23/06/08
8 Baird Road	23/06/08
10 Baird Road	23/06/08
12 Baird Road	23/06/08
14 Baird Road	23/06/08
16 Baird Road	23/06/08
18 Baird Road	23/06/08
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34 Baird Road	23/06/08
36 Baird Road	23/06/08
38 Baird Road	23/06/08
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42 Baird Road	23/06/08
44 Baird Road	23/06/08
46 Baird Road	23/06/08
48 Baird Road	23/06/08
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52 Baird Road	23/06/08
54 Baird Road	23/06/08
56 Baird Road	23/06/08
58 Baird Road	23/06/08
60 Baird Road	23/06/08
62 Baird Road	23/06/08
64 Baird Road	23/06/08
66 Baird Road	23/06/08
68 Baird Road	23/06/08
70 Baird Road	23/06/08
72 Baird Road	23/06/08
74 Baird Road	23/06/08
76 Baird Road	23/06/08
286 London Road	23/06/08
288 London Road	23/06/08
290 London Road	23/06/08
292 London Road	23/06/08
294 London Road	23/06/08
296 London Road	23/06/08
298 London Road	23/06/08
300 London Road	23/06/08
302 London Road	23/06/08
10 Broome Court	23/06/08
12 Broome Court	23/06/08
14 Broome Court	23/06/08

3.1 This application has been advertised by means of a site notice, press notice and notification letters sent to 103 neighbouring properties. No verbal or written representations have been made during the notification period.

4. Planning History

4.1 In January and October 2000, under application nos. 00/0018 and 00/0868 permission was granted for the installation of plant to house blast freezers; and, the demolition of tray wash/store and erection of an extension to provide a bakery, boiler house, workshop, and relocation of silo.

4.2 In 2001 under application number 01/0604, permission was granted for the erection of a vacuum cooling unit and associated pump house.

4.3 In 2002 under application 02/0594 permission was granted for the demolition of a tray store and the erection of holding freezer.

4.4 In 2006 under application 06/0638 planning permission was granted for the reclamation/remediation of the former factory site to facilitate the subsequent residential/commercial development of the site. Again in 2006 under application number 06/0667 outline planning permission (all matters reserved) was granted for mixed use development of residential, foodstore and employment units.

4.5 In 2007, application 07/0304, Reserved Matters was granted for the erection of 106 dwellings including 18no. apartments.

4.6 In January 2008, application 07/1261, Reserved Matters approval was given for a Aldi supermarket, additional retail unit and workshops with office space above.

4.7 In February 2008, application 08/0116, Reserved Matters approval was given for an Aldi supermarket, additional retail unit and single storey workshop development (revised scheme).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application relates to part of the former Cavaghan and Gray food production factory located on the southern side of London Road to the east of the junction with Carliol Drive and Eastern Way. The site is bounded to the south by dwelling houses fronting Baird Road, and, to the east by Petteril Bank Road.

5.2 The site is 0.9 ha in area and approximately 39 metres Above Ordinance Datum (AOD). The property comprised of a bakery; a food production factory; a pastry building; and several smaller ancillary buildings and stores.

Background

5.3 In July 2006, under application 06/0667, outline planning permission was given for a mixed-use scheme comprising the demolition of the existing structures and the re-development of the site for residential, a food store, and, Use Class B1(c) light industrial units. An illustrative layout plan indicated that approximately 70% of the site would be for residential purposes with the remainder consisting of a single storey food store of 1635 square metres gross, and, four B1(c) units each of 2,750 square metres. Vehicular access to the residential element of the site was shown to be from Carliol Drive whilst the food store and light industrial units was to be accessed from Petteril Bank Road.

5.4 In August 2007, application 07/0304, reserved matters were approved for the residential element comprising of 106 units of which 18 were apartments.

5.5 In January 2008, application 07/1261, reserved matters were approved for an Aldi food store and workshops/light industrial units. The approved details showed a food store, with a retail floor area of 1125 sq. metres, including a smaller retail unit of 74 sq. metres. The approved workshops included office accommodation on the first floor with a total floor area of 1,384 sq. metres. The submitted form indicated that the proposal would generate 780 vehicle movements of which 3 would be HGV's with the opening hours being 09.00 to 18.00 Monday to Saturday and 10.00 to 16.00 on Sundays.

5.6 A Design and Access Statement and Sustainability Statement which accompanied application 07/1261 highlighted that:

1. the site is accessible by public transport with a bus lay-by to be provided on Petteril Bank Road;

2. the proposal includes customer cycle parking facilities adjacent to the store entrance;

3. the food store development includes 96 car parking spaces including 4 disabled spaces and a disabled drop off area adjacent to the store entrance;

4. the workshop development includes 34 dedicated car parking spaces with 4 disabled spaces and cycle parking;

5. the development has been designed to incorporate crime prevention measures including security lighting and down lighting to the car park areas;

6. the design of the Aldi store is fully DDA compliant;

7. Aldi operates a local area recruitment policy and an equal opportunities policy for staff;

8. the design and operation of the Aldi store is based on minimising use of non renewable resources and pollution.

5.7 The food store approved under application had a split roof design with a maximum ridge height of 7.8 metres and was externally finished in red bricks with projecting blue brick piers and a grey profiled aluminium roof. A steel framed glazed canopy is indicated around the entrance and frontage facing London Road. The proposed workshop units are detailed as having brick and aluminium clad walls and aluminium sheeting on the roofs. The approved workshops had a split roof with a maximum ridge height of 10.7 metres.

5.8 In March 2008, under application 08/0116, reserved matters were given for a revised scheme involving the proposed Aldi supermarket, an additional retail unit and single storey workshops.

5.9 The current application was originally submitted on the basis of gaining full permission for the scheme approved under application 08/0116 but with the intention of having condition 8 imposed under 06/0667 which sought the implementation of improvements at the junction of London Road with Eastern Way and Carliol Drive either prior to the commencement of trading from the food store/any employment unit or occupation of 70 residential units. This was in the context not only of the applicant also having to carry out improvements to Petteril Bank Road and the junction with London Road which have been estimated to cost £350,000, but also, the down turn in the housing market leading to a reduced rate of construction on the adjoining residential site being developed by Barratt. In effect Aldi were concerned that they would end up funding the improvements to both London Road/Eastern Way and Petteril Bank/London Road.

5.10 Subsequent discussions have led to Aldi now agreeing to pay a commuted sum of £31970 as a proportionate contribution towards the total costs of undertaking the London Road/Eastern Wat improvements but for the scheme to be revised by the erection of two storey workshop units of a size already approved under 07/1261 but with the first floor used as storage as opposed to the previous office use. At the time of preparing the report the revised plans are awaited.

Assessment

5.9 When assessing application 06/0667 the main planning issues were whether the advantages outweighed the disadvantages with regard to:

1. Whether the application was premature in advance of the Inquiry considering the Carlisle District Local Plan (Redeposit Draft)

2. Whether the proposed residential development of the site was appropriate in the light of its allocation for employment use in the current Local Plan, and, with regard to retail policy;

3. Whether the proposal met the objectives of the Development Plan with regard to the provision of affordable housing;

4. Whether the proposal would be detrimental to the living conditions of neighbouring residents;

5. Whether the proposal would be detrimental to the character of the area;

6. Whether the proposal meets the objectives of the Development Plan with regard to the provision of a play area/public open space;

7. Whether the proposal meets the objectives of the Development Plan with regard to security and provision of Public Art;

8. Whether the proposal would be detrimental to highway safety.

5.10 In the context of the outline permission and reserved matters having been granted, the main issues are considered to relate to whether the proposed revisions lead to any material harm associated with 4 and 8 of the above.

5.11 In the case of the living conditions of the neighbouring residents, the two main elements comprise the relationship of the proposed store and workshops to the existing and proposed residential units neighbouring the site as well as the nature of the proposed use in terms of noise and disturbance. In the context of Policy CP5 of the Local Plan 2001-2016 (Revised Redeposit Draft), it is important that the revised plans are in terms of their height, scale and disposition to the boundaries as already approved under application 07/1261 i.e. the distance of the proposed workshops to the obliquely angled end wall of the flats at 2/4 Baird Road is 8.3 metres; and, the distance between the principal walls of the houses at 10-28 Baird Road and the blank wall of the workshops ranges from 16 to 17 metres. The distance between the houses (plots 82-84) on the neighbouring land to the north approved under 07/0304 and the proposed end wall of the workshop is 15.2 metres; the distance between the wall of the store and houses on plots 68 - 77 is approximately 13 metres.

5.13 When considering any potential issues associated with noise and disturbance, it is appreciated that the use of the workshops are controlled by condition 20 and the hours of use of the proposed store are restricted under conditions 27 and 28 imposed under 06/0667. Further information is awaited on the nature of the use of the proposed storage on the first floor. On the basis that the revised scheme does not fundamentally change the circumstances with regard to the nature of the use it is considered that the proposal should safeguard the living conditions of the existing and future occupiers of the neighbouring dwellings.

5.14 In relation to highway safety, a revised layout plan is awaited. Nevertheless, it is anticipated that the proposed scheme as revised should not fundamentally change matters from that already approved under 07/1261.

Conclusion

5.15 On the basis of the receipt of satisfactory revised plans and no subsequent objections form consultees and interested parties, authority to issue approval will be sought subject to the applicant completing a Section 106 Agreement concerning the payment of the commuted sum.

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

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

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7.

3. The highway works involving the construction of the respective access road(s) serving the retail/food store and any employment unit hereby permitted shall be carried out according to the following phasing:

   i) no development shall take place until the access from Petterill Bank Road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use;

   ii) immediately following the completion (by the provision of an electricity supply) of any unit all the highway works shall be completed to adoptable standards.

Reason: In the interests of highway safety.

4. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with a plan submitted to and approved beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

5. Before the occupation of any employment unit, or, the retail/food store hereby permitted the existing accesses shall be permanently closed and the highway crossings and boundaries shall be reinstated in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority.

Reason: In the interests of highway safety and in accordance with Policy H16 of the Carlisle District Local Plan.

6. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the parking, turning and loading areas and means of vehicular access thereto have been fully completed in accordance with plans submitted to and approved beforehand by the Local Planning Authority.

Reason: To ensure that the development is served by a parking area in accordance with the underlying objectives of Policy T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

7. Before any respective development with regard to the employment units or the retail/food store commences, details shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the

development hereby permitted, and that land (including vehicular access thereto) shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

8. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.

9. If contamination not previously identified is found to be present during development (i.e. building works), no further development shall be carried out (unless otherwise in writing by the local planning authority) until the developer has submitted and obtained written approval from the local planning authority, the report shall detail how this unsuspected contamination shall be dealt with and the development shall be executed in accordance with the agreed details.

In complying with this condition, the words 'contamination not previously identified' shall mean; substances present in soil or groundwater in concentrations in excess of the agreed site-specific remediation target as defined in the 'remediation plan'.

It should be also noted that where a cover system is used as a remediation strategy, 1 metre of clean cover of a geotextile will be required in gardens of residential properties.

Reason: To protect the environment and prevent harm to human health.

10. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the employment units and retail/food store hereby permitted shall be submitted to and approved in writing by the local planning authority before any respective site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy H16 of the Carlisle District Local Plan.

11. Before the commencement of development of either the retail/food store or any employment unit details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policies E9 of the Carlisle District Local Plan.

12. All works comprised in the approved details of landscaping for either the retail/food store or any employment unit hereby permitted shall be carried out contemporaneously with the completion of each unit.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy E9 of the Carlisle District Local Plan.

13. Trees, hedges and plants shown in the landscaping scheme(s) to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy E15 of the Carlisle District Local Plan.

14. This permission relates to the use of the ground floor of the employment units for purposes only falling within Class B1 (c) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and ensure that the proposal is not contrary to Policy H17 of the Carlisle District Local Plan.

15. The gross minimum total floorspace of the employment units hereby permitted shall be 1,100 square metres.

Reason: In order to ensure the provision of adequate employment units to serve the locality.

16. The retail/food store hereby permitted shall not commence trading until the Class B1 (c) employment units also hereby given permission have been completed on site to a wind and watertight finish (including all external walls, windows, doors and roofs).

Reason: To ensure the provision of the employment units.

17. No goods or materials shall be stored or displayed for sale on the open areas of either the retail/food store or any employment unit hereby permitted without the written prior approval of the local planning authority.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area and living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

18. The retail store hereby permitted shall only be used for the sale of food and ancillary comparison goods, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy S2 of the Carlisle District Local Plan.

19. Not more than 20% of the net sales area of the retail/food store hereby approved shall be used for the sale of comparison goods.

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy S2 of the Carlisle District Local Plan.

20. The maximum gross floorspace of the retail/food store hereby permitted shall not exceed 1,635 square metres; and there shall be at no time any additional floorspace created, whether by extension, internal alterations including installation of mezzanine floors, or roofing over of outdoor areas, unless approved in writing by the local planning authority.

Reason: In order to control the precise nature and scale of the retail outlet and thereby ensure compliance with the underlying objectives of Policy S2 of the Carlisle District Local Plan.

21. No deliveries to or from the retail/food store hereby permitted shall take place before 07.00 hours or after 21.00 hours on Monday to Saturdays and 08.00 hours to 19.00 hours on Sundays.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

22. The retail/food store hereby permitted shall not commence trading before 08.00 hours and shall not trade after 20.00 hours on Monday to Saturday, and 10.00 hours to 18.00 hours on Sunday.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

23. Samples or full details of all materials to be used on the exterior of all buildings shall be submitted to and approved in writing by the local planning authority before any work is commenced on the respective elements of the development hereby permitted.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

24. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence on the respective elements of the development hereby permitted.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

25. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the respective elements of the development hereby permitted.

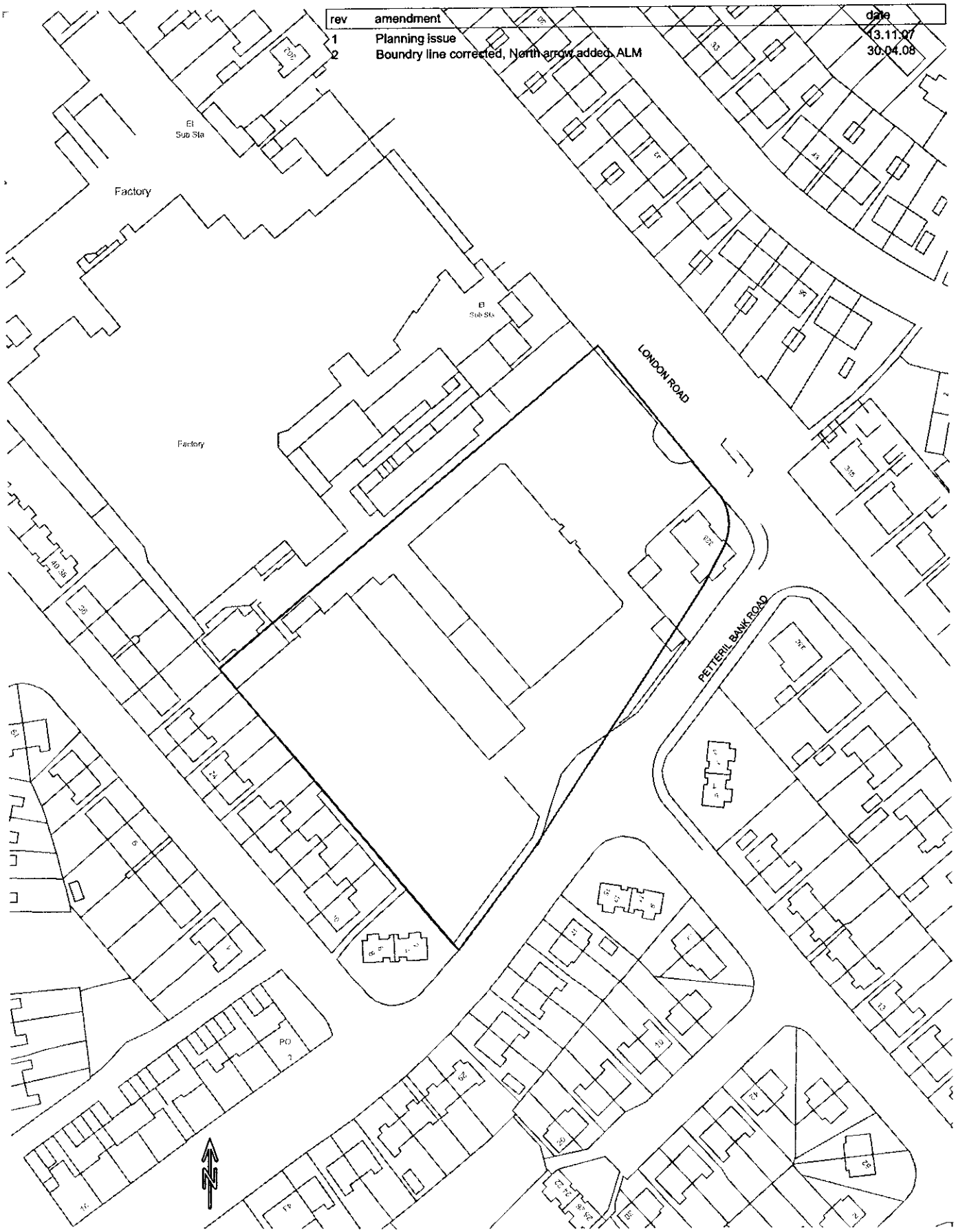
Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

26. Prior to the commencement of development (and notwithstanding any description in the application and conditions 2, 17 and 31 imposed under 06/0667) there shall be submitted to and approved in writing details of the proposed security measures with particular regard to the means of enclosure/boundary treatment, landscaping, lighting, access to the trolley park, cycle parking, and, CCTV. The retail units and workshops hereby permitted shall not be brought into use/commence trading until the aforementioned works have been fully implemented in accordance with the approved details.

Reason: In order to ensure that the development complies with Policy CP16 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

27. No development approved by this permission shall be commenced until an overall scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory and co-ordinated means of surface water disposal.



ALDI

Status	PLANNING
Project	London Road, Carlisle
Drawing	Planning Location Plan
Project No.	2000/798
Dwg. No.	AL(0)03
Rev.	2
Scale at A4	1:1250
Drawn	ALM
Checked	
Date	01.10.07

waring and netts

this drawing is copyright - check all dimensions on site - inform architect / so of any discrepancies - work to figured dimensions only - do not scale

Notes

1. All dimensions to be verified on site prior to any shop or site works being undertaken.
2. Any discrepancies to be reported to the Architect before any work is put in hand.
3. Do not scale from this drawing.
4. This drawing is to be read in conjunction with relevant specifications and quantities where applicable.
5. This is a working drawing.
6. This drawing is to be read in conjunction with drawing notes.

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REV	DATE	REVISION

FOUL SEWER
ENTEC GAS MAIN
ENTEC UNDERGROUND ELECTRICITY CABLES
SURFACE WATER SEWER
TOWNHALL SEWER
WARNE WATER SUPPLY
BT UNDERGROUND CABLES

Existing Electricity Cables positions plotted from information supplied by, of Hall, dated 10/10/2006, marked up 09/10/2006 and completed by CAD 21 Ltd.

Existing Gas Main positions plotted from information supplied by Northern Gas Networks, reference NGN/ENQUIRY/06/0185, dated 09/10/2006, number 4Y-07-00-0-000 and checked by Wood Mackenzie.

Existing Scottish Water Sewer and Combined Sewer positions plotted from information supplied by United Utilities PLC, reference no. dated 10/10/2006, drawn 10/10/2006, surveyor added 10/10/2006 and reviewed by Wood Mackenzie.

Existing Surface Water Sewer positions plotted from information supplied by United Utilities PLC, and 10/10/2006, dated 10/10/2006, surveyor left 10/10/2006 and reviewed by Wood Mackenzie.

Existing BT underground Cables plotted from information supplied by BT, ref: TQT1160266, dated 9 November, received on

[redacted]

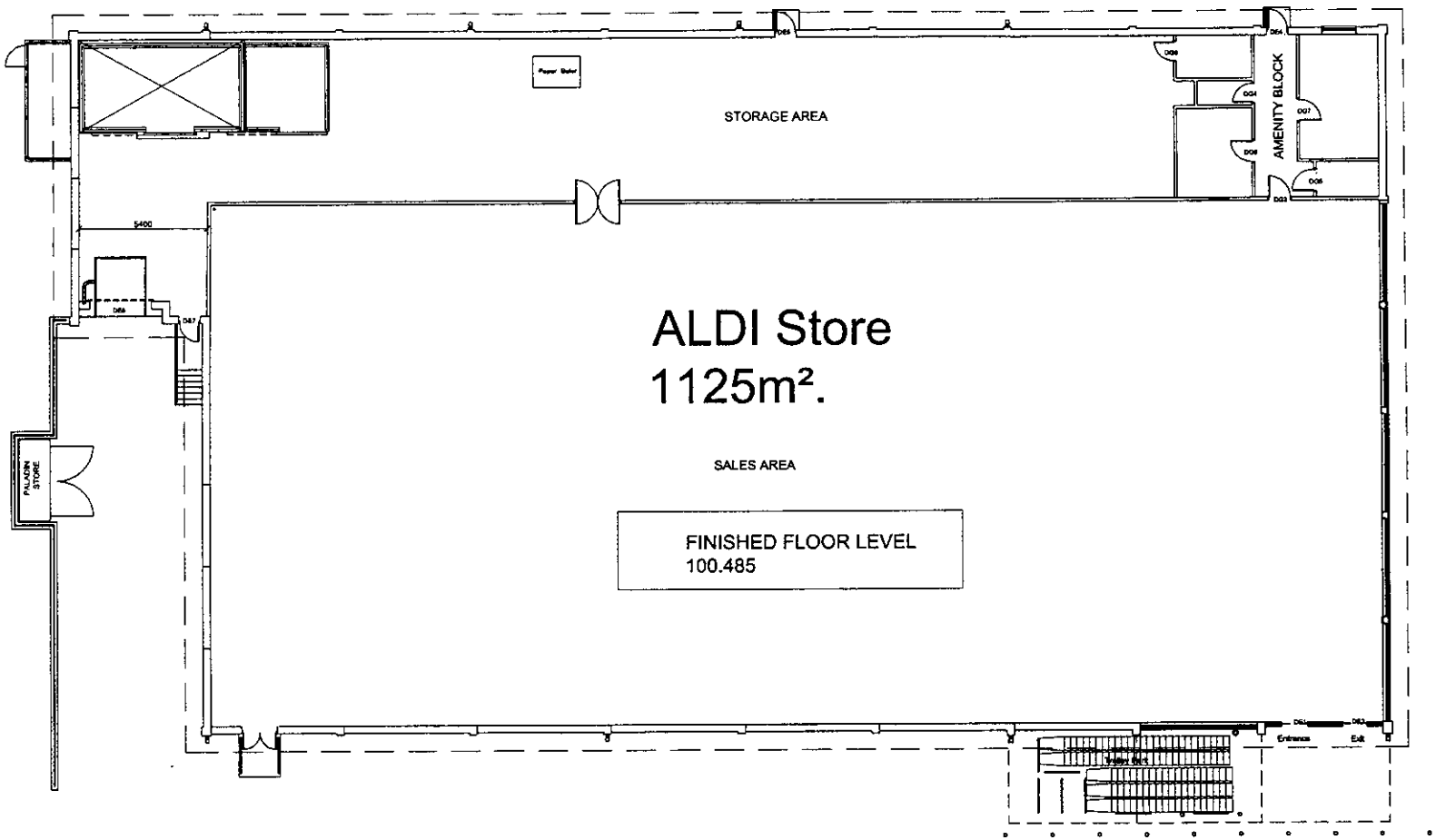
ALDI STORES LTD
London Road
Carlisle

Existing Services

Site no. code 2000/798 dwg. no. AL(0)02

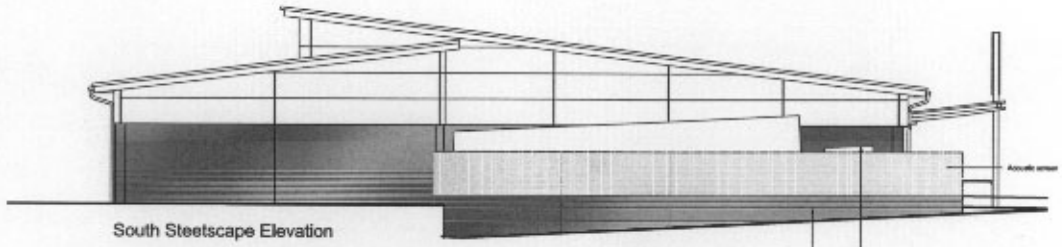
Scale 1:500@A1 Drawn ALM Checked Date 31/05/07 Rev.

MARINE AND WELLS ARCHITECTS

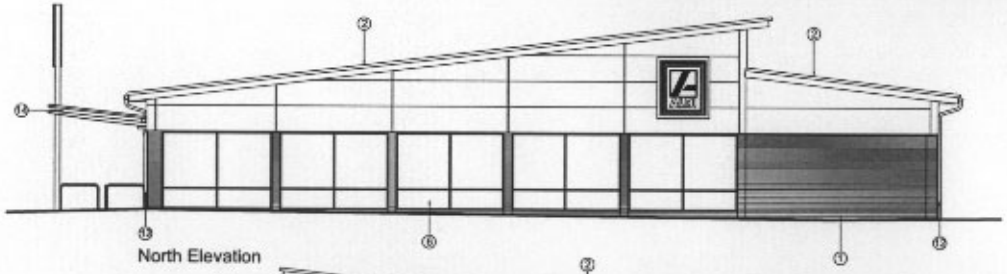


ALDI

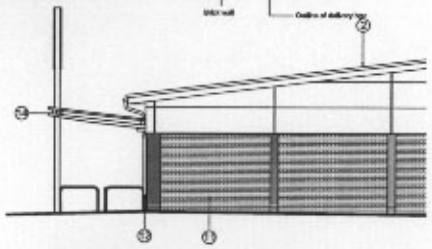
warring and netts

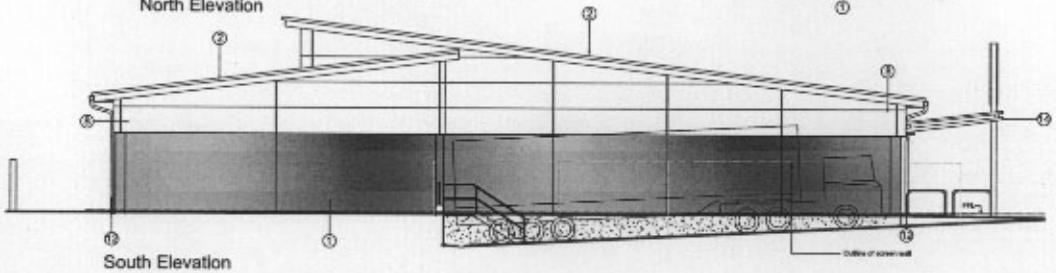


South Steetscape Elevation

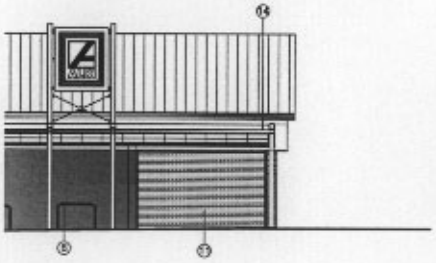


North Elevation





South Elevation



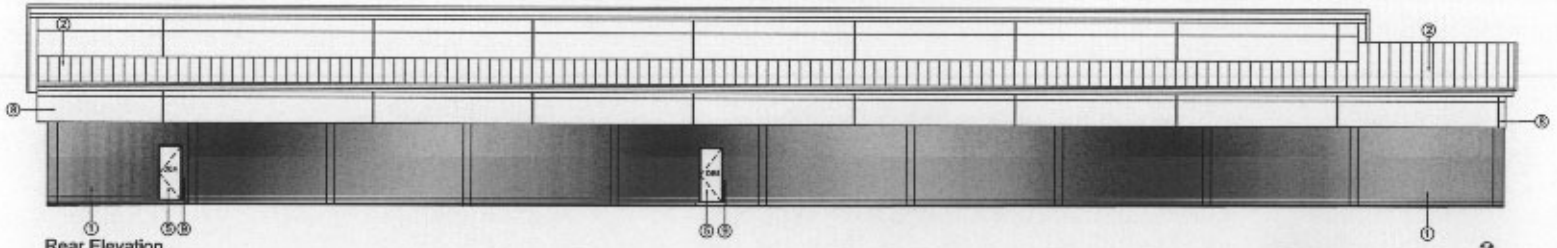
380

EXTERNAL FINISHES

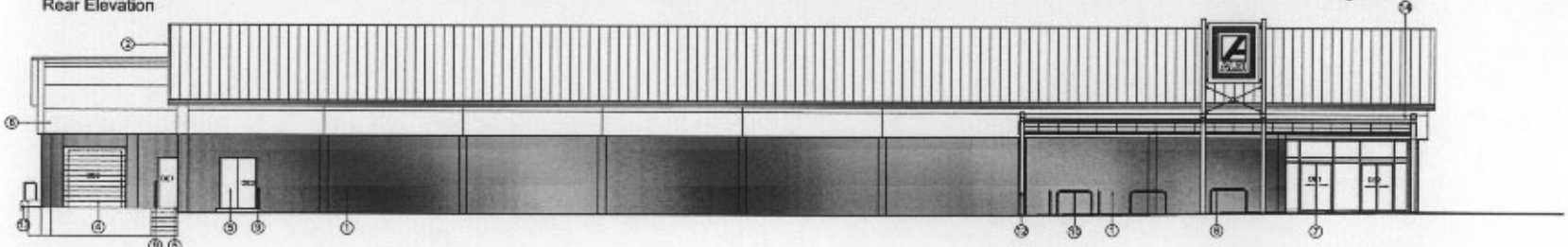
1. Walls - Ibstock Hinley Mixed Russet (rec) brick panels with projecting blue brick plinth
2. Roof - Trapezoidal steel faced composite panels, HPS200 coating, Colour BS18B25 Merlin Grey.
3. Windows - polyester powder coated aluminium RAL 9006.
4. Sectional Overhead Door - PVF coated steel RAL 7046.
5. Steel Escape Doors - Polyester Powder coated RAL 7046. Frames RAL 7046.
6. Rainwater - polyester powder coated aluminium RAL 9006.
7. Entrance frames - polyester powder coated aluminium RAL 9006.
8. Gable cladding, soffit, bargeboards & fascias - PPC aluminium RAL 9006.
9. Handrails - Galvanised Tubular steel
10. Trolley park rails - Satin finish stainless steel
11. Roller shutters to shopfront and entrance to be 75mm perforated aluminium with solid steel roller shutter guides polyester powder coated RAL 9006.
12. Rainwater gutters and downpipes - natural titanium zinc
13. Concrete retaining wall to ramp.
14. Steel framed glazed canopy. Frame RAL 9006.

Colours:

RAL 9006: Aluminium
RAL 7046: Pale Grey
RAL 7042: Medium Grey 1
RAL 7046: Medium Grey 2



Rear Elevation



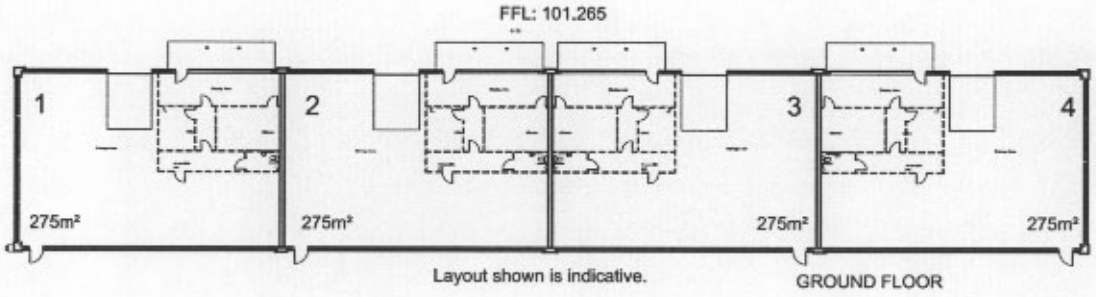
Front Elevation

ALDI

waring and netts

Status	PLANNING
Project	London Road, Carlisle
Drawing	Elevations
Project No.	2300/768
Dwg No.	ALE(0)01
Rev.	PL4
Scale @ A1	1:100
Drawn	ALM
Checked	
Date	04.10.07

No	Amendment	Date
1	Planning Issue	12.11.07
2	Plan box removed	12.11.07
3	Internal front door removed for 1 No.unit. SL	28.01.08



Layout shown is indicative.

GROUND FLOOR

ALDI

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Status	PLANNING
Project	London Road, Carlisle
Drawing	Floor Plan Units 1-4
Project No.	2003/759
Dwg No.	AL2(1)02
Rev.	F
Scale at A1	1:200
Drawn	ALM
Checked	
Date	11/10/07

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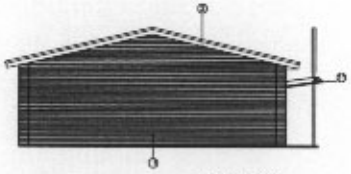
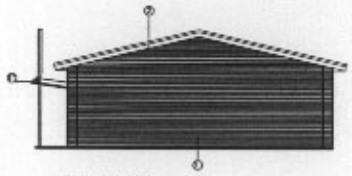
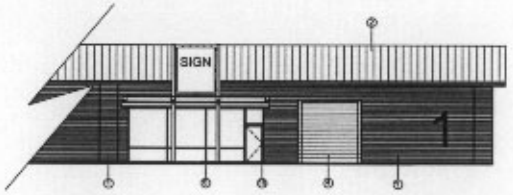
rev	amendment	date
1	Planning Issue	13.11.07
3	Amended to suit 1102sqm floor area.	12.12.07



West Elevation

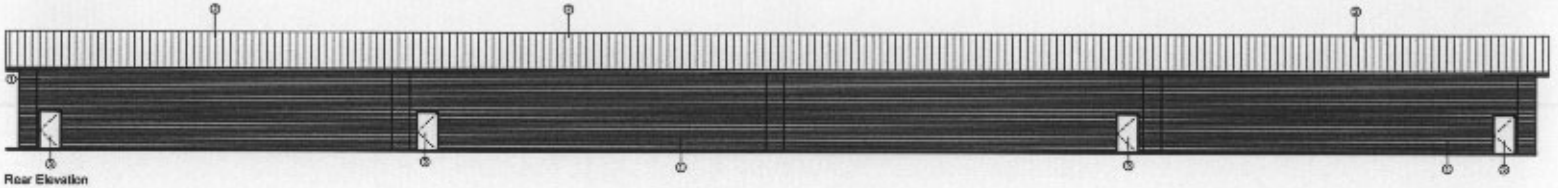


West Elevation



EXTERNAL FINISHES

Front Elevation



Rear Elevation

382

Status	PLANNING
Project	London Road, Carlisle
Drawing	Elevations Unit 1-4
Project No.	2000/798 Dwg. No. AL(2)103 Rev. 3
Scale at A2	1:200 Drawn ALM Checked Date 12/12/07

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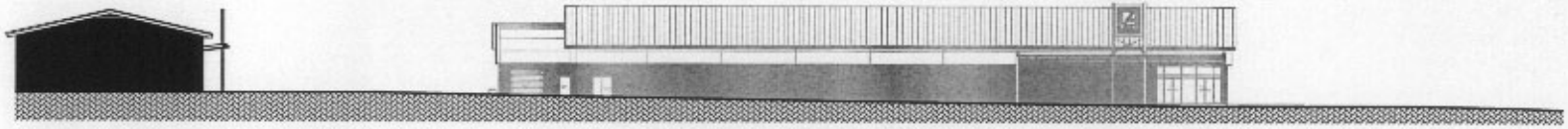
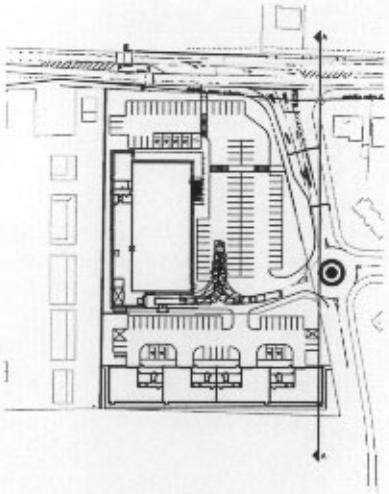
Rev	Amendment	Date
1	Pumping house	13.11.07
2	Fire door to Units 1-4 removed, roof and sill rear amended. Window removed from Unit 1	14.11.07
3	Units 1-4 amended to 11 straight metal clad. Cl.	27.11.07
4	Roof canopy amended to curved standard. A.M.	10.01.08
5	Unit adjacent to mill removed. A.M.	15.04.08



Section A-A



Status	PLANNING
Project	London Road Carlisle
Drawing	Site Sections
Project No.	3060/799 Dwg No. AU(0)11 Rev. PL5
Scale at A1	1:200 Drawn ALM Checked Date 12.10.07

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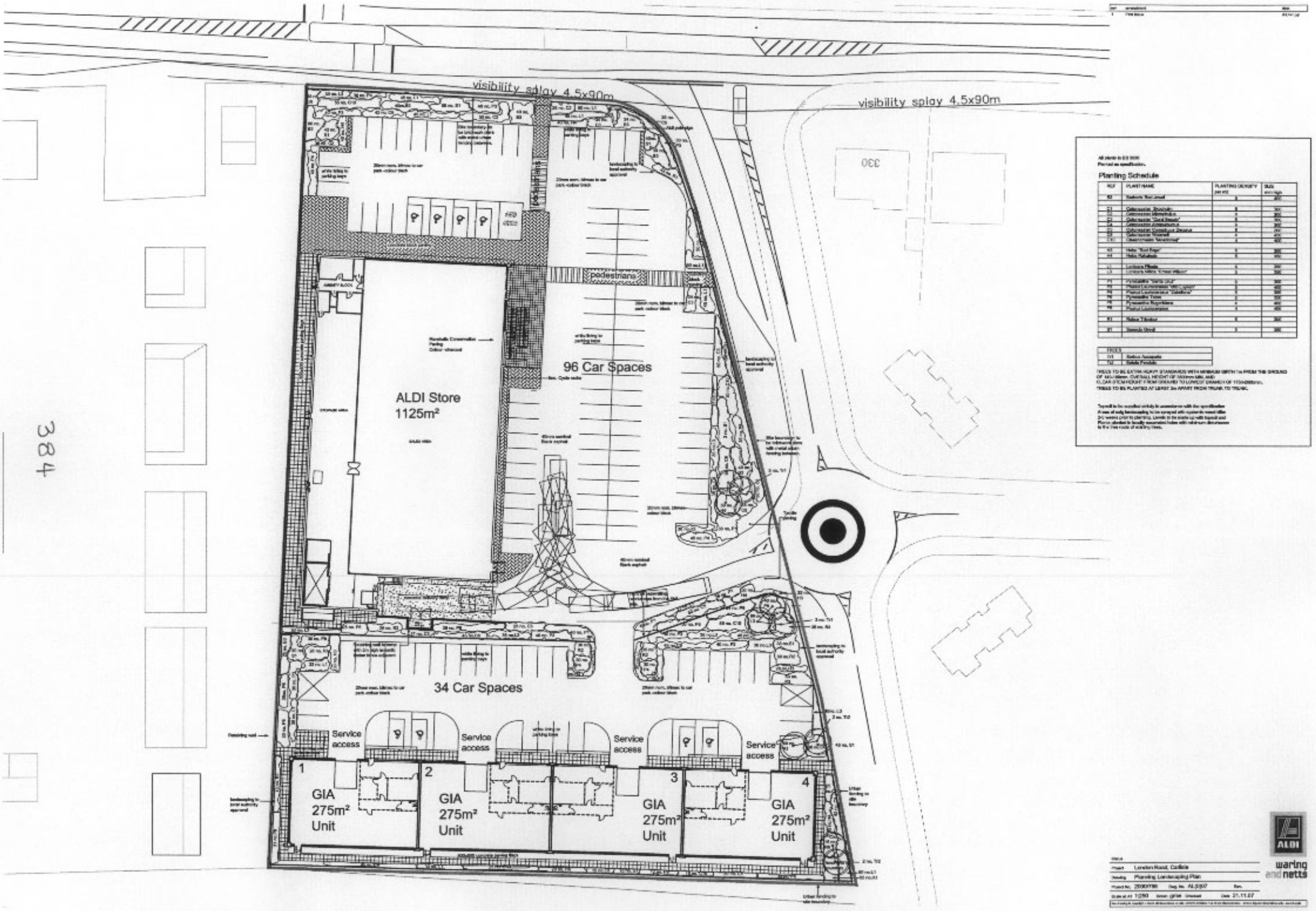
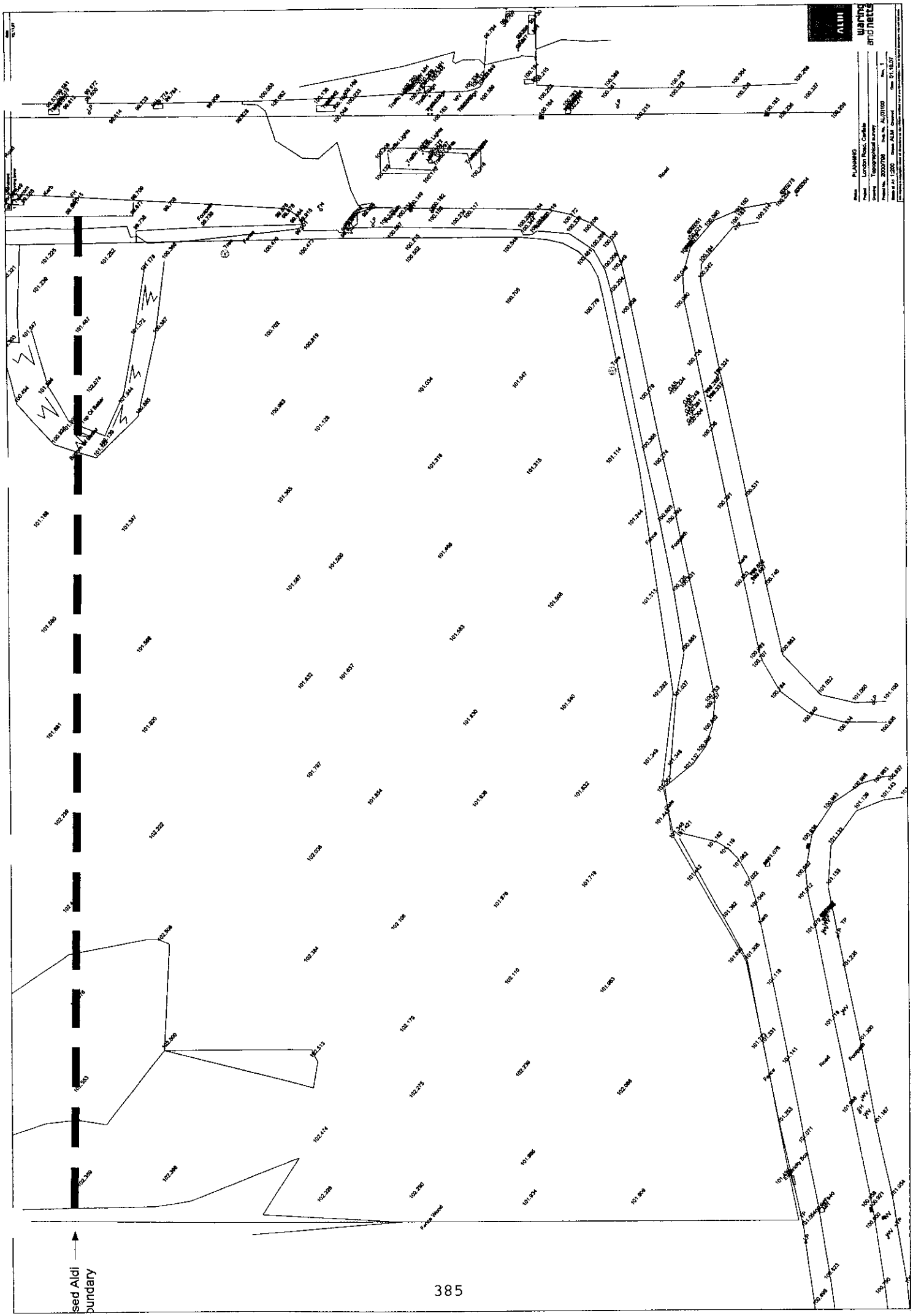
All dimensions are in millimetres unless otherwise stated. Do not scale from this drawing. Any discrepancies must be reported to the architect before proceeding with the work.


visibility splay 4.5x90m
visibility splay 4.5x90m
pedestrians
96 Car Spaces
ALDI Store
1125m²
34 Car Spaces
Service access
Service access
Service access
Service access
1
GIA
275m²
Unit
2
GIA
275m²
Unit
3
GIA
275m²
Unit
4
GIA
275m²
Unit
384
330
Planting Schedule
Loreburn Road, Carlisle
Planning Landscaping Plan
waring and netts


ALDI
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PLANNING
London Road, Carlisle
Topographical survey
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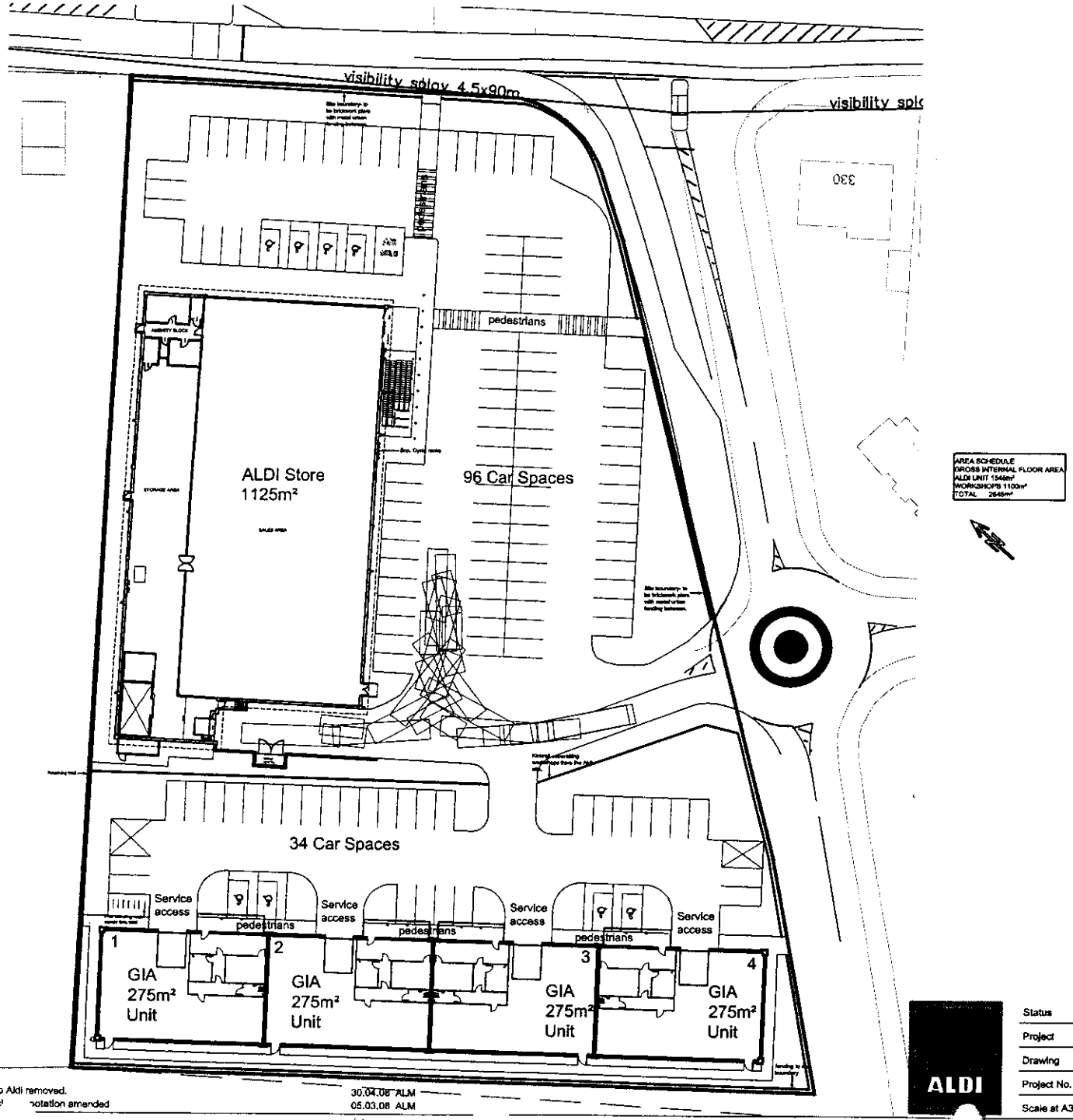

386

rev	amendment	date
5	Unit next to Aldi removed.	30.04.08 ALM
4	Urban fenc notation amended	05.03.08 ALM

ALDI

Status	PLANNING
Project	London road, Carlisle
Drawing	Site Plan
Project No.	2000/798
Dwg. No.	AL(0)10
Rev.	PL5
Scale at A3	1:500
Drawn	ALM
Checked	
Date	1/10/07

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and netts

Aldi Stores LTD
London Road Carlisle 2000/798

ALDI STORE: LONDON ROAD, CARLISLE

Design and Access Statement 2000/798

The Aldi site is located at the junction of London Road and Petteril Bank Road, Carlisle and is the subject of a previous outline planning approval ref 06/0667 dated 15 March 2007. An application for approval of reserved matters was submitted on 21st November 2007 and was subsequently approved on the 16th January 2008. Approval ref 07/1261.

A detailed transport assessment accompanied the outline planning application, and this document explained the accessibility of the site in detail. This transport assessment still fully applies to this new submission of a Full Planning Application for the Aldi Store and Workshop Block.

Layout and Form

Following discussions with Carlisle City Council Planners the Aldi store has been positioned longitudinally on the site, following the main site axis parallel to Peterill Bank Road, and easy and direct access is provided to pedestrians from both London Road and Peterill Bank Road.

Peterill Bank Road is the subject of major agreed highway improvement works required in relation to the existing outline planning approval for the site. These highway works are the subject of a section 278 agreement. Detailed working drawings have been prepared by Capita Symonds and were forwarded to Cumbria County Council Highways Department for approval on 25 January 2008.

A detailed appraisal of the design layout and form of the Aldi development was submitted with the previous application and still fully applies.

The design of the Aldi store is fully DDA compliant with a level store access, automatic entrance doors and wide aisles and checkouts for easy access by all. However, upon recent receipt of the legal demise drawings re the location of the Barratts site boundary, it became apparent that the orientation of both the Aldi Store and the Workshop Block needed to be marginally adjusted to remain parallel to the Barratts site boundary. This reorientation is shown on the enclosed Aldi Site Layout.

Aldi now wish to omit the Retail Unit adjacent to the Aldi Store.

The proposed 1100sqm workshop development is located at the southern end of the site and is accessed directly off the mini roundabout on Peterill Bank Road. This development, which is separated from the Aldi development by means of kickrail fencing, is compliant with the conditions of the outline planning approval. Ref 06/0667 dated 15 March 2007.

Scale

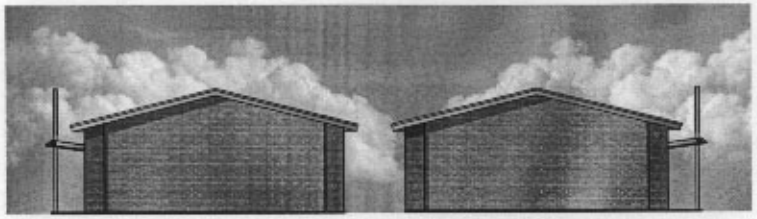
The Aldi store has been designed as a "split roof" building which effectively keeps the roof height down to a level that is in scale with the adjacent housing development. Similarly, the workshop buildings, which have now been reduced in height by the omission of the first floor office accommodation, are at a scale that empathises with the adjacent housing development.

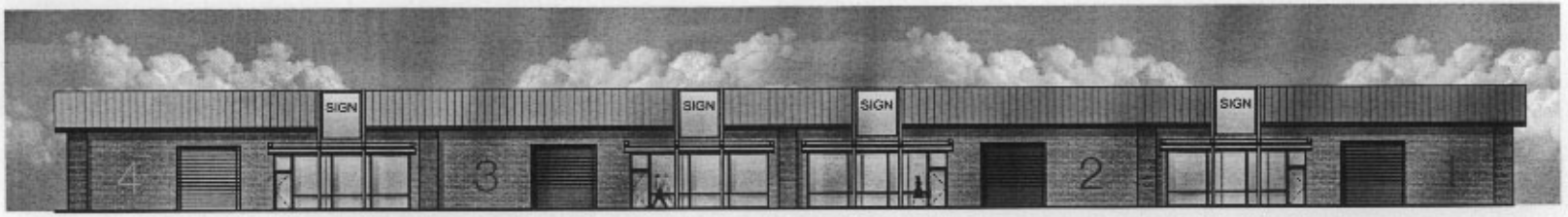
Appearance

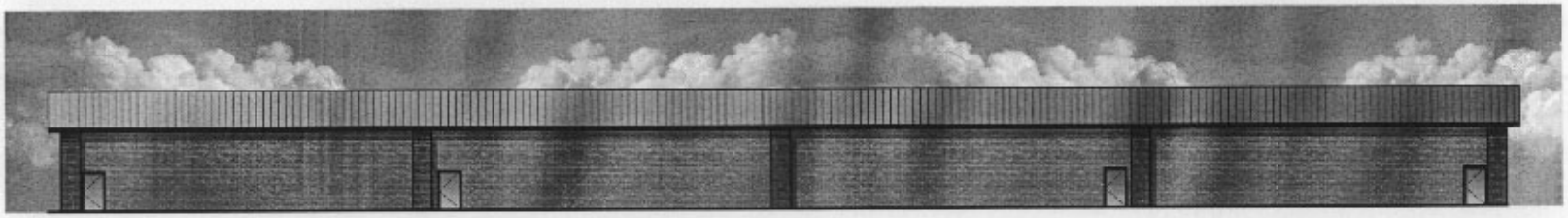
Both the Aldi store development and the adjacent workshop development have been designed using a palette of materials that is both light and modern in appearance, whilst maintaining a common link with the appearance of the adjacent housing development, through both the specification of facing brickwork, and the design of a pitched roof development throughout.

Landscaping

The development site is to be extensively landscaped particularly along the London Road and Peterill Bank Road frontages. A detailed landscape scheme was submitted with the reserved matter's application approved on 16th January 2008. Due to the slight reorientation of both the Aldi Store and Workshop Block and the effect of this adjustment upon the overall site layout, the previously submitted landscaping scheme has been accordingly amended and is enclosed with this new Full Planning Application Submission.







Aldi Stores LTD London Road Carlisle 2000/798

Opening Hours/Working Hours 2000/798

It should be noted that the Working hours for the development are different to the Opening hours. Please find a table below documenting both sets of hours.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Opening	08:00-20:00	08:00-20:00	08:00-20:00	08:00-20:00	08:00-20:00	08:00-20:00	10:00-16:00
Working and Servicing	07:00-21:00	07:00-21:00	07:00-21:00	07:00-21:00	07:00-21:00	07:00-21:00	08:00-19:00

ALDI DEVELOPMENT
LONDON ROAD – CARLISLE

2000/798
(05578c)

Sustainability Statement

1. Accessibility of site

The Aldi site is located at the junction of London Road and Petteril Bank Road, Carlisle and is the subject of a previous outline planning approval ref 06/0667 dated 15 March 2007.
A detailed transport assessment accompanied the outline planning application, and this document explained the accessibility of the site in detail.

In summary

- The site is accessible by public transport
- A bus laybye is to be provided on Petteril Bank Road, to the immediate east of the development site
- A pedestrian link is to be provided from the bus laybye through to the Aldi store entrance.
- A further pedestrian link to the store entrance is to be provided from the London Road frontage.
- The proposed development includes customer cycle parking facilities located adjacent to the store entrance.
- The Aldi store development includes 96 car parking spaces including 4 disabled spaces and a disabled drop off area all adjacent to the store entrance.
- Similarly the adjacent workshop development includes 34 dedicated car parking spaces with 4 disabled car spaces and a disabled drop off area.
- The workshop development also includes cycle parking facilities located adjacent to the workshop units.

2. Safe and Socially inclusive environments.

- The development has been designed to incorporate a number of crime prevention measures to create a safe and secure environment including the provision of security lighting around the Aldi building and the provision of high quality directional downlighting to the car park areas.
  The development has been designed to be socially inclusive, to allow for access by the mobility impaired, incorporating designated disabled car park spaces and wide footways leading to the store entrance.

The design of the Aldi store is fully DDA compliant with a level store access, automatic entrance doors and wide aisles and checkouts for easy access by all.
The company operates a local area recruitment policy and an equal opportunities policy for staff.

3. Minimising of non renewable resources.

The following points are relevant to the proposed development.

- Robust construction with a life span of 60 years; upon demolition these materials can be crushed and recycled.
- All insulation within the store building is non-ozone depleting
- During construction selected waste (timber pallets, cardboard wrapping etc) are placed in skips and removed from site only by approved waste contractors.
- No burning of waste materials will be allowed on site throughout the construction period or beyond,
- All stores operate a local sourcing policy that reduces the environmental pollution of long distance transportation.
- Aldi exercise strict control of packaging on products so as to minimise waste.
- Aldi make use of returnable or reusable crates/pallets which also minimises waste.

4. Minimising of pollution

In this respect the following points are relevant;

- Elements of the store construction are factory made which minimises site pollution during construction (e.g. walls, roof structures)
- The store's local sourcing policy would help to reduce environmental pollution caused by long distance transportation.
- The store would not be a source of air pollution.
- The store would not be a source of pollutants/hazardous waste that could discharge into local water courses or the drainage network.
- The store would not give rise to land contamination.
- Lighting and heating within the store are remotely controlled by smart meters and sub-meters to manage and minimise energy consumption.
- Lighting within the store car park is kept at a level that allows safe use of the car park by customers and deters crime. Store car park lighting is turned off outside store trading hours in the interest of saving energy and minimising the prospect of light pollution. In addition, due to the specification of directional downlighting to car park areas, there is limited prospect of light pollution as a result of this proposal.

- All external plant will be sound attenuated to comply with Local Authority requirements.
- Sustainable Urban Drainage Systems (SUDS) are to be implemented if existing ground conditions permit.
- The provision of a sound attenuated screen over the service ramp retaining wall will reduce noise pollution to negligible levels.
- There is no external movement of goods at the store, nor a requirement to hold pallets/cages outside of a store to await return to a depot.

5 Sustainability Policies

Aldi has developed a range of sustainability policies relating to the operation of its stores and to the design and construction of stores.

This includes:

- A local sourcing policy that reduces the environmental pollution of long distance transportation.
- Carrier bags that are produced of material that can be recycled.
- The control of packaging on products so as to minimise waste
- Use of returnable or reusable crates / pallets.

Where possible the materials used in the construction and fit out of stores seek to maximise the use of renewable materials. Proposals also conform to building regulation requirements to minimise heat loss/gain by creating airtight insulated buildings with controllable natural ventilation.

Item No: 17 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0680	English Heritage	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
15/07/2008	English Heritage	Castle
Location:		**Grid Reference:**
Carlisle Castle, Carlisle, CA3 8UR		339769 556146

Proposal: Erection of 8No.5m High Metal Poles to Support 2m x 1m Banners Hung Lengthways

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Reason for Determination by Committee:

The application relates to a landmark of the City the development of which is considered to be of interest to Members.

1. Constraints and Planning Policies

Joint St. Plan Pol E34: Areas&feat. nat. & int.conservation

District E35 - Affecting LBC's

District E43 - Imps. to Cons. Areas

District E47 - Advertisements

Rev Redeposit Pl.Pol LE9 - Other Sites/Monum.Of Arch.Signif.

Rev Redeposit Pl. Pol LE13-Proposals Affecting Listed Bldgs.

Rev Redeposit Pl. Pol LE20 - Conservation Areas

Rev Redeposit Pl. Pol EC16 - Advertisements

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the applicant has not provided any detail with this application. Considering the prominent position of this application site and the amount of traffic the road fronting the site carries, it is requested that this application is refused due to the lack of information, until the applicant provides the exact location (with measurements) as well as proof of the structural stability of each pole. The applicant should therefore provide a scale plan of the location and size of each pole and banner as well as construction detail;

Conservation Area Advisory Committee: the Committee felt that this proposal was unacceptable, the number of banners, their location and design would create an eyesore in front of the Castle. There were too many, the design was felt to be very poor and hardly likely to draw people into the Castle; and, their location would be an irritating distraction from the Castle itself;

Conservation Officer, Development Services: it is not sure whether that the Castle needs any further promotion – it is quite apparent that it is there and the number of banners will detract from its setting as can be seen from the photo montage submitted with the application.

If these banners are intended to advertise specific events, then may be one or two strategically placed banners might be considered appropriate, but otherwise consider that the flag on top of the Keep clearly signifies to everyone who is responsible for the upkeep and promotion of this castle and any further banners would be unnecessary;

English Heritage - (Archaeology) NW Region: comments awaited;

English Heritage - (Hist Bldg & Monuments): specialist staff have considered the information received and as a result do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice;

Northern Gas Networks: no objections to this proposal, however there may be apparatus in the area that may be at risk during construction works and should consent be given, then the promoter of these works should contact us direct to discuss any requirements in detail.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:

3.1 This application has been advertised by press and site notices. At the time of preparing the report no informal or formal observations have been received.

The notification period expires on the 18th August 2008.

4. Planning History

4.1 The available records indicate that the property has not recently been the subject of an application.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks advertisement consent for the erection of eight, 5 metre high metal poles on the Castle Green adjoining the outer moat and fronting Castle Way. The submitted plans show four poles to be an equal distance apart either side of the entrance to Carlisle Castle to support 2m by 1 m printed vinyl banners hung lengthways. The submitted forms indicate that the banners would depict people historically associated with the Castle – see attached copies.

5.2 Carlisle Castle and its associated walls and bridge over the outer moat are grade I Listed Buildings located within the City Centre Conservation Area. The Castle is also a designated Ancient Monument.

Assessment

5.3 When assessing this application the relevant policies of the Development Plan are considered to be Policy E34 of the Cumbria and Lake District Joint Structure Plan, Policies E35, E43 and E47 of the Carlisle District Local Plan, and, Policies LE13, LE20 and EC16 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft. The relevant Ministerial advice is contained in Circular 5/92, PPG 15 "Planning and the Historic Environment", and, PPG19 "Advertisements". On the basis of the foregoing the two fundamental issues are "amenity" and "public safety".

5.4 Amenity considerations are typically those relating to the effect on the appearance of buildings or the immediate vicinity. PPG 15 explains in paragraph 1.2 that the objective of planning processes should be to reconcile the need for economic growth with the need to protect the natural and historic environment. Authorities need to have special regard to certain matters, including the desirability of preserving the setting of the (listed) building. The setting being often an essential part of the building's character (paragraph 2.16 of PPG 15). In relation to conservation areas, paragraphs 4.19 and 4.20 highlight that planning decisions must give a high priority to the objective of preserving or enhancing the character or appearance of the area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed. Paragraph

4.31 goes on to say that it is reasonable to expect that the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result in applying more exacting standards when the authority consider whether to grant consent for a proposed advertisement in such an area.

5.5 Paragraph 11 of PPG 19 explains that authorities should have regard to an advertisement's effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

5.6 Considerations of public safety include those matters having a bearing on the safe use and operation of any form of traffic or transport, including pedestrians. For example, by causing a distraction to drivers or confusion with traffic signs or signals.

5.7 When assessing the application on this basis it is evident that the Castle has been separated from the City Centre by Castle Way and it provides a relatively substantial backdrop. This aside, the proposed banners are located within an open area set to grass which provides an attractive setting for the Castle along a main road. In such a context it is considered that the number of proposed banners will visually clutter the setting of the Castle whilst their location appears to be based on following Castle Way as opposed to any historic use of the Castle, and/or, alignment with the bridge over the outer moat and the outer gatehouse. On this basis it is also considered that the banners would introduce a discordant feature and result in an excessive display of advertising material which would be detrimental to the visual amenity of the area. The proposed signs are thus considered to be contrary to Policy E34 of the Cumbria and Lake District Joint Structure Plan, Policies E35, E43 and E47 of the Carlisle District Local Plan, and, Policies LE13, LE20 and EC16 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

5.8 In regard to highway safety, the Highways Authority have recommended refusal of the application due to a lack of information with regard to the structural stability of the proposed banners. It is considered that the submission of structural stability calculations etc can be the subject of a condition as opposed to grounds for refusal.

Conclusion

5.9 In conclusion, it is considered that the number of proposed banners will visually clutter the setting of the Castle; their location does not appear to be sympathetic to the historic setting of the Castle; introduce a discordant feature; and result in an excessive display of advertising material which would be detrimental to the character of the area. The proposed signs are thus considered to be contrary to Policy E34 of the Cumbria and Lake District Joint Structure Plan, Policies E35, E43 and E47 of the Carlisle District Local Plan,

and, Policies LE13, LE20 and EC16 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

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. The applicant's rights are respected but based on the foregoing it is considered that any separate considerations do not out-weigh the harmful effect of the proposal to interests of acknowledged importance.

7. Recommendation - Refuse Permission

1. **Reason:** Carlisle Castle is a distinctive landmark of the City which is a grade I Listed Building located within the City Centre Conservation Area. In such a sensitive situation the proposed banners because of their design, number and location will not only visually clutter the setting of the Castle but in a manner which does not reflect the form of the Castle. The proposed banners are thus considered to be contrary to Policy E34 of the Cumbria and Lake District Joint Structure Plan, Policies E35 and E47 (criterion 2) of the Carlisle District Local Plan, and, Policies LE13 and EC16 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

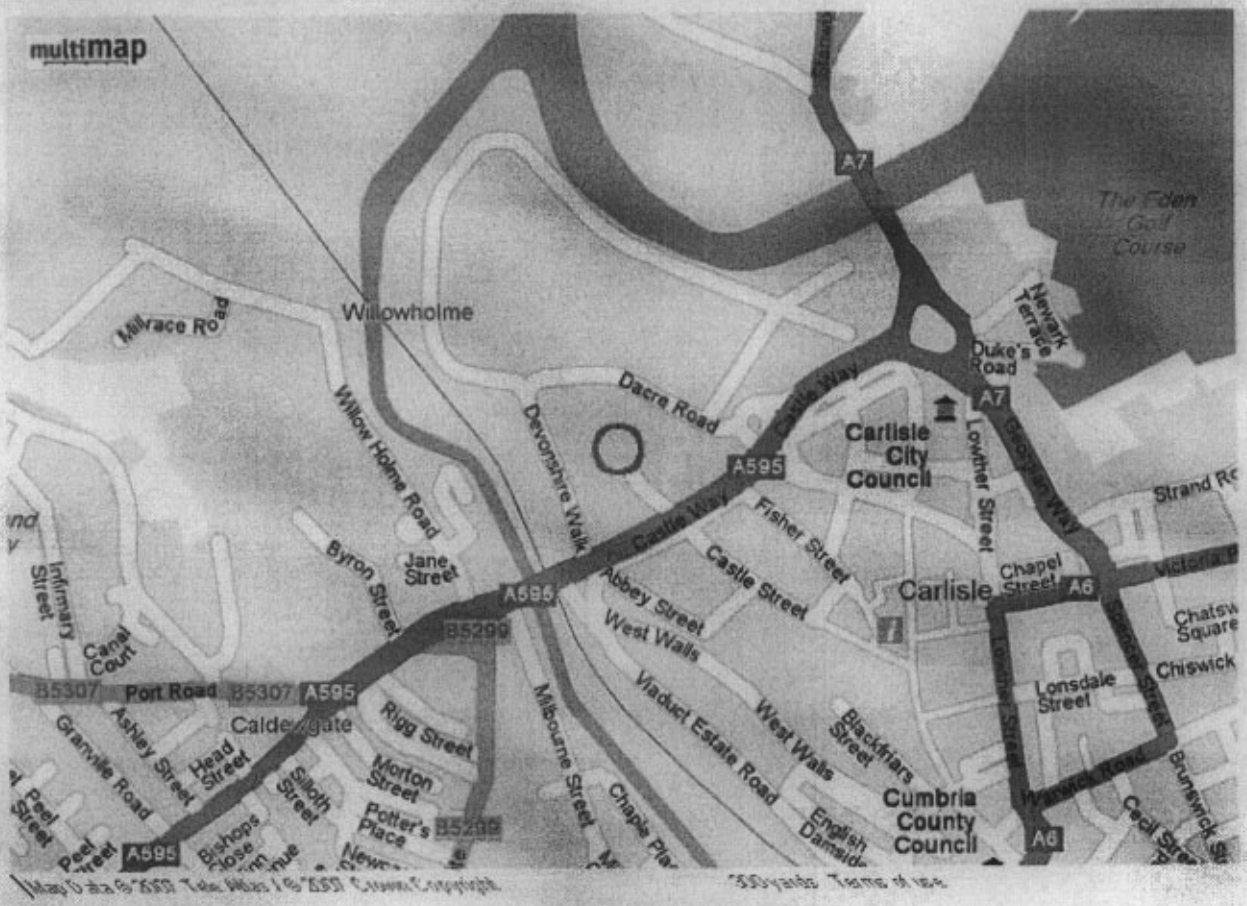
2. **Reason:** Carlisle Castle is a distinctive landmark of the City which is a grade I Listed Building located within the City Centre Conservation Area. In such a sensitive location it is considered

that the banners would introduce a discordant feature and result in an excessive display of advertising material to the detriment of the character of the area. The proposed signs are thus considered to be contrary to Policy E38 of the Cumbria and Lake District Joint Structure Plan, Policies E43 and E47 of the Carlisle District Local Plan, and, Policies LE20 and EC16 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (as amended by the Inspector).

multimap
from Microsoft Live Search

You searched for **Carlisle Castle**

UK » England » Cumbria » Carlisle



Nearest transport link

Railway: Carlisle (0.55mi, 0.88km)

Airport: Newcastle International Airport (49.88mi, 80.28km)

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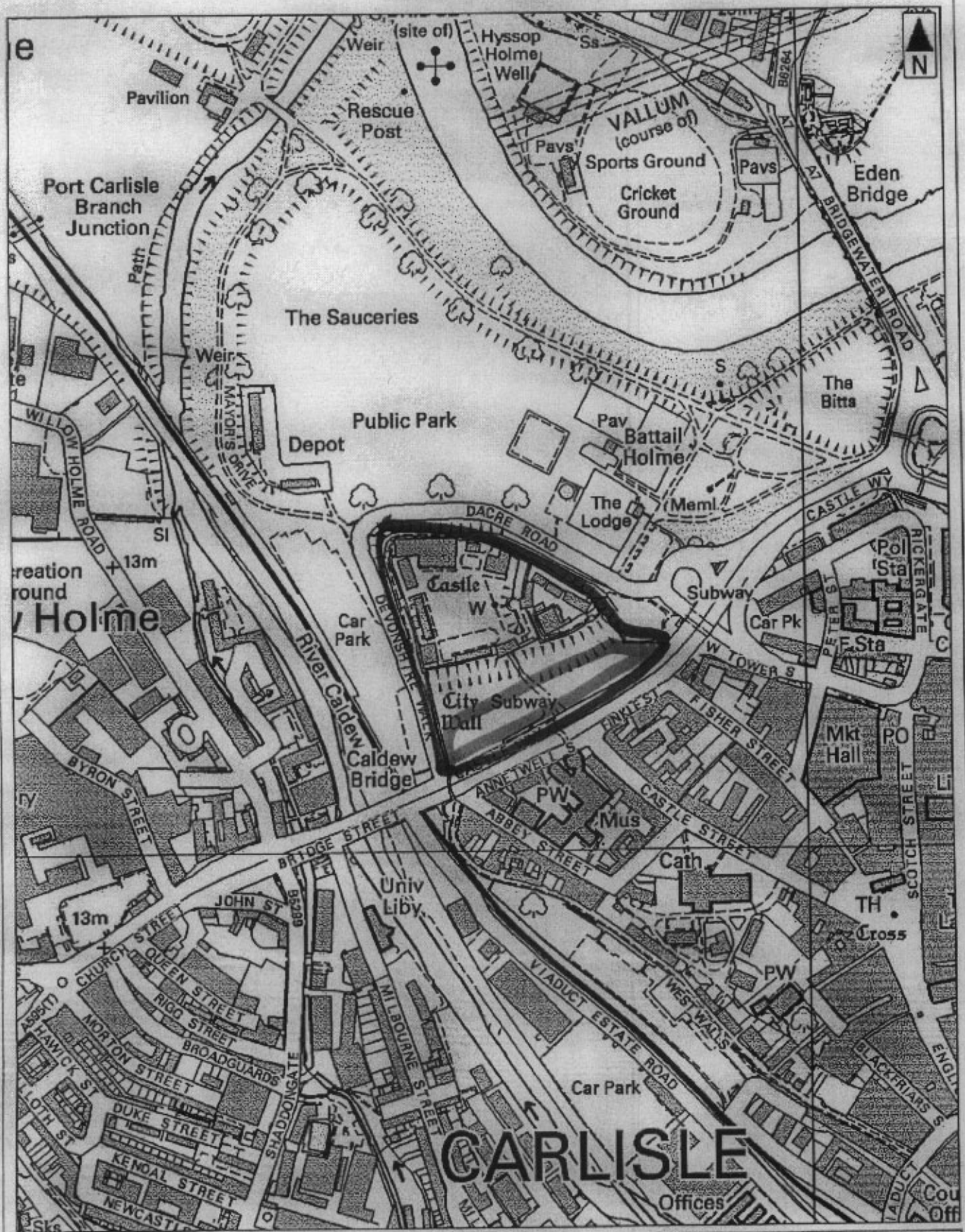
Carlisle Castle



Map Scale: 1:5000

Print Date: 30 June 2008

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ENGLISH HERITAGE
1 Waterhouse Square, 138-142 Holborn,
London EC1N 2ST
Tel: 020 7973 3000 Fax: 020 7973 3001
www.english-heritage.org.uk

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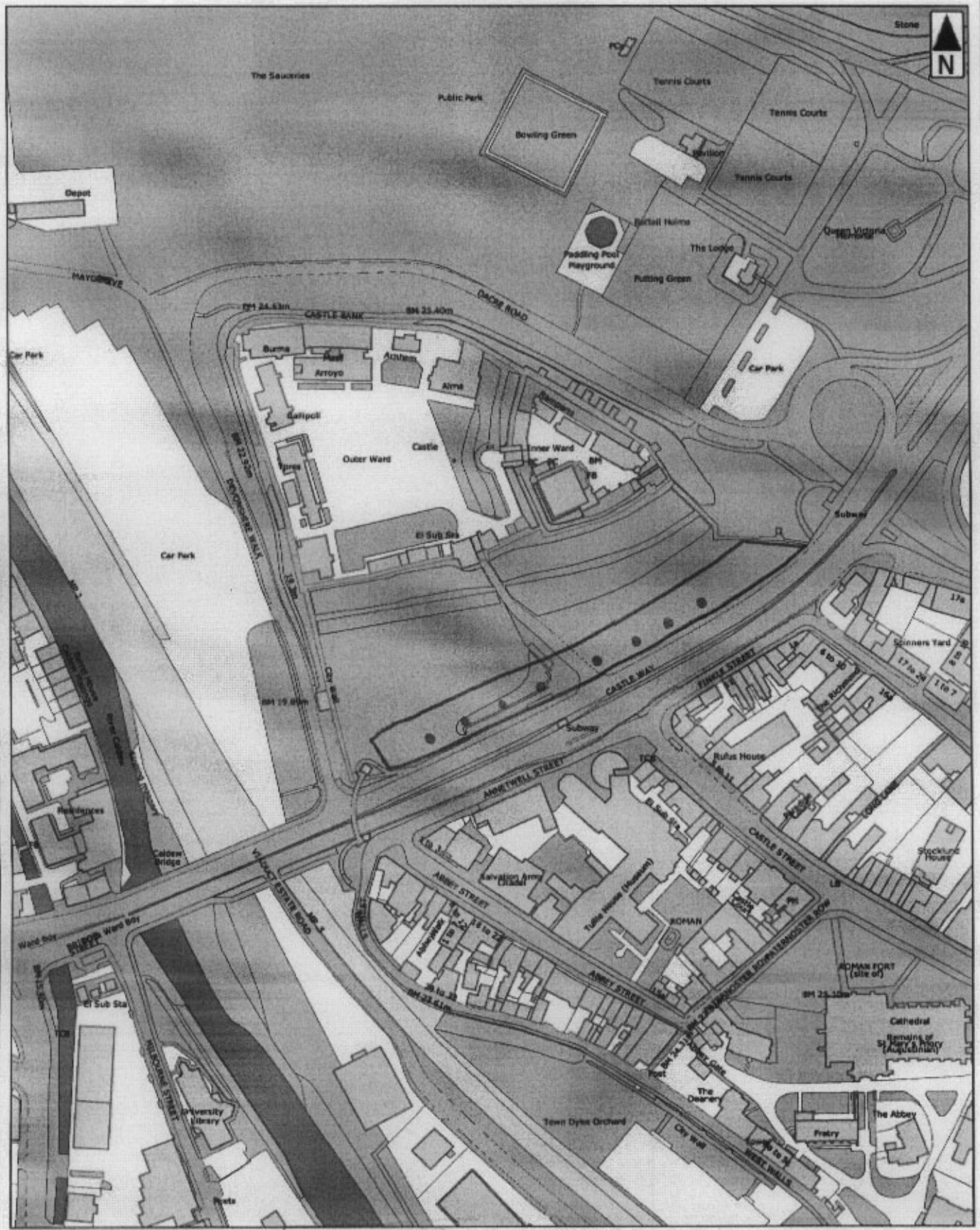
Carlisle Castle



Map Scale: 1:2500

Print Date: 30 June 2008

Banners to be placed back from pavement on grassed area. Eight in total, four either side of entrance driveway.

• – Approximate position of banners

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5403

2008/0680

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Carlisle Castle

Approx. position of Banner

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16 JUL 2008

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15 JUL 2008
08/0630

Map Scale: 1:500

Print Date: 7 July 2008

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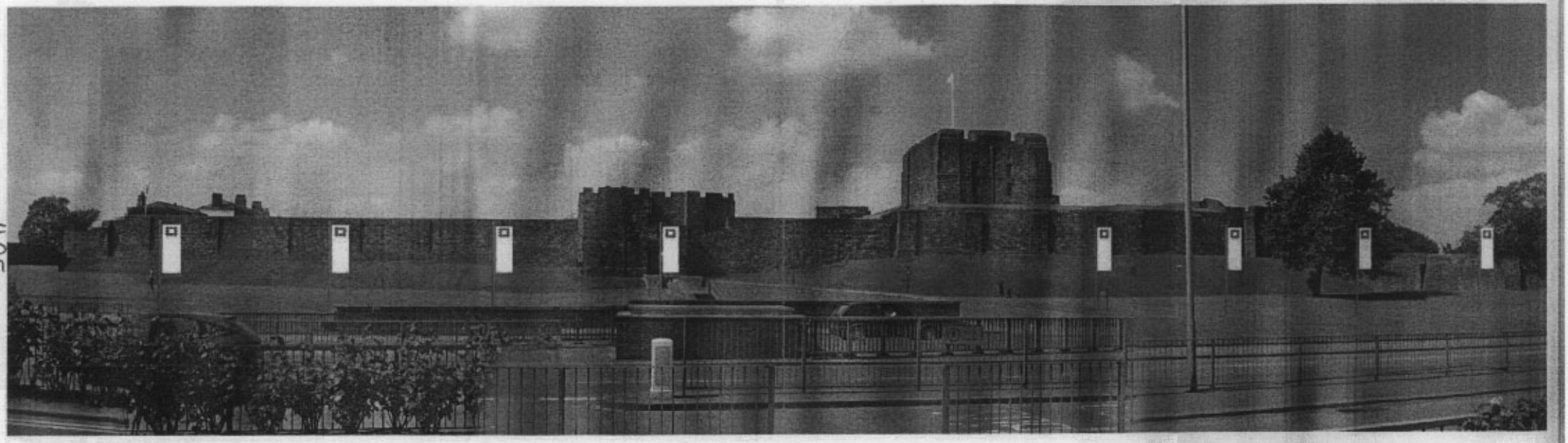

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16 JUL 2008

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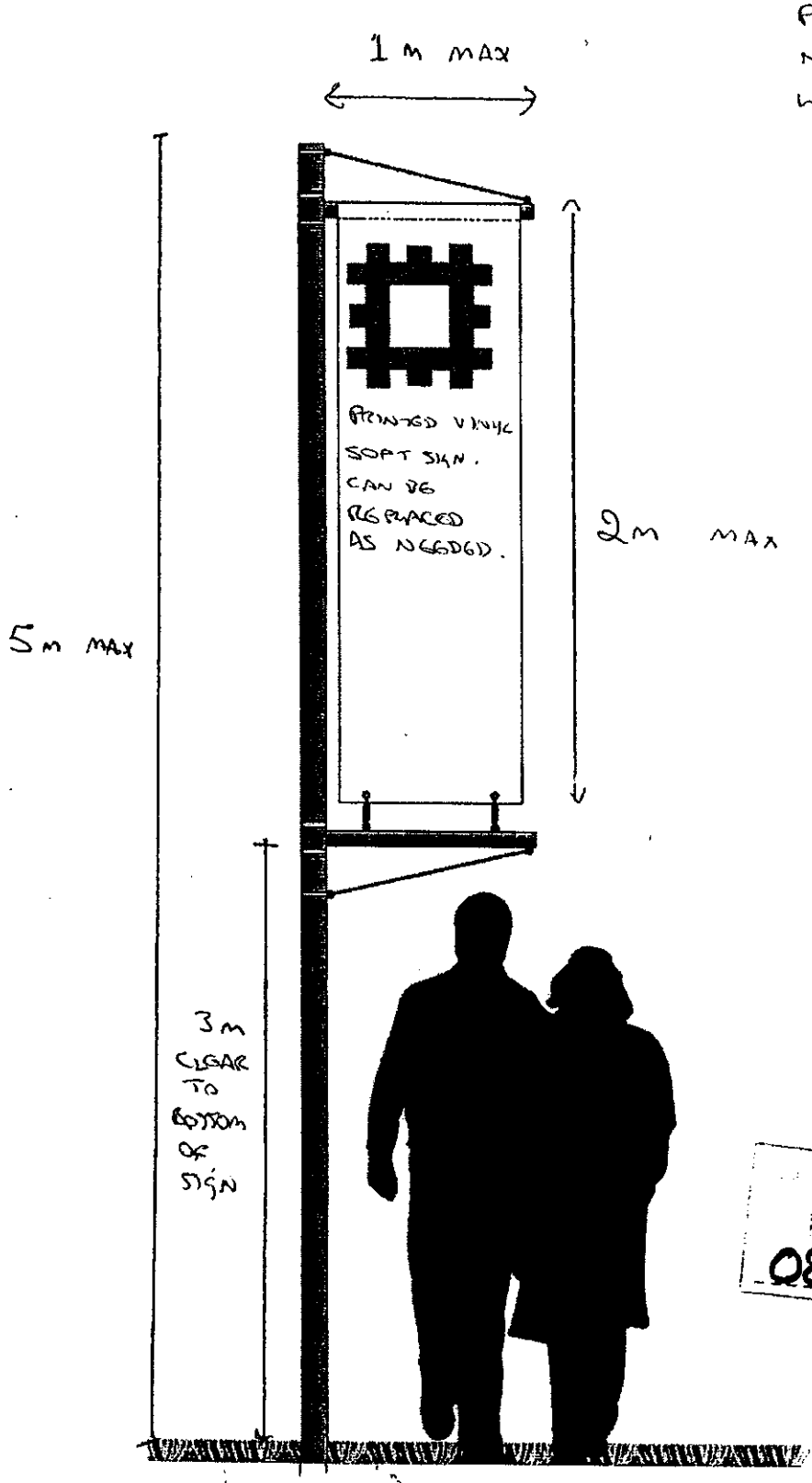
2008/0680

POST TO BE SET BACK FROM PAVEMENT – WILL NOT OVERHANG WALKWAY.



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2008/0680

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16 JUL 200

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15 JUL 2008
08/0680

SCALE 1:200

- 2 JUL 2009
2008/0680

Item No: 18 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0749	Mrs E Ingham	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
21/07/2008	Mr B Child	Belah
Location:		**Grid Reference:**
5 Sanderson Close, Lowry Hill, Carlisle, CA3 0QA		339461 558482

Proposal: Single Storey Extension To Rear Of House To Provide Additional Kitchen/Dining Area

Amendment:

REPORT **Case Officer:** Suzanne Edgar

Reason for Determination by Committee:

This application has been reported to Members because the applicant is an employee of Carlisle City Council.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Public Footpath

The proposal relates to development which affects a public footpath.

District L5 - Rights of Way

District H14 - Extensions to Dwellings

District H16 - Design Considerations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

Rev Redeposit Pl. Pol LC8 - Rights of Way

2. Summary of Consultation Responses

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

Ramblers Association: Comments awaiting.

Northern Gas Networks: No objections, however there may be apparatus in the area that may be at risk during construction works should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	3 Sanderson Close	24/07/08	
	7 Sanderson Close	24/07/08	

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

4. Planning History

4.1 There is no planning history on this site.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks approval for the erection of a single storey rear extension to provide an additional kitchen/dining area at 5 Sanderson Close, a two-storey detached dwelling constructed from brick walls under a tiled roof. The property is bounded by residential dwellings to the north, east and west together with a public footpath to the south.

Background

5.2 The proposed single storey rear extension will have a total length of 3.6 metres, a total width of 6.95 metres and a total ridge height of 4 metres. The extension will be constructed from materials to match those of the existing dwelling.

Assessment

5.3 The relevant planning policies against which the application is required to be assessed are Policies H14, H16 and L5 of the Carlisle District Local Plan together with Policies CP4, CP5, H11 and LC8 of the Carlisle District Local Plan Revised Redeposit Draft.

5.4 The proposal raises the following planning issues:

1. The Impact Of The Proposal On Neighbouring Properties

5.5 The proposed extension will have windows located on the east and southern elevations. There is a 2.7 metre (approx) high hedge delineating the rear boundary of the application site. As part of the proposed development part of the hedge delineating the western boundary of the site will be removed and replaced with a 1.5 metre high fence. In relation to the aforementioned matters it is considered that the proposal will not adversely affect neighbouring properties on the basis of loss of light, overlooking or overdominance. A condition has been imposed to ensure this situation remains in perpetuity.

5.6 2. Whether The Proposal Is Appropriate To The Dwelling

5.7 The scale and height of the proposed extension is comparable to the existing property. The extension would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed development would complement the existing dwelling in terms of design and materials to be used.

Conclusion

5.8 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed extension is considered acceptable in relation to the dwelling. The proposal is therefore considered to be compliant with the objectives of the relevant adopted and emerging development plan policies. In such circumstances approval is recommended.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

2. 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).

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 a satisfactory external appearance for the completed development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the west elevation without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

SITE LOCATION PLAN
SCALE 1:1250

BLOCK PLAN
SCALE 1:500

412

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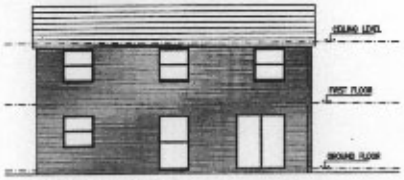
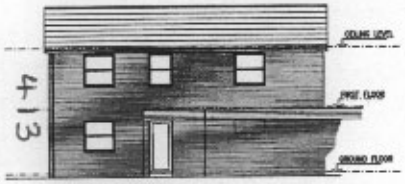
Revisions

Project Mr and Mrs Ingham
Proposed Extension and Alterations
Drawing 5 Sanderson Close, Lowry Hill, Carlisle
Site and Location Plans
Scale as shown Date 06/07/08 Drawn s/s... Number 11231–01

EAST ELEVATION
EXISTING



SOUTH ELEVATION
EXISTING



NORTH ELEVATION
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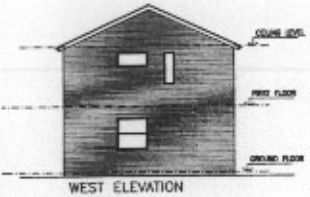
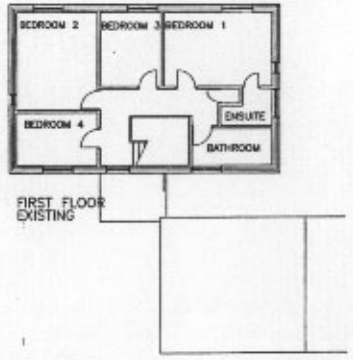


WEST ELEVATION
EXISTING

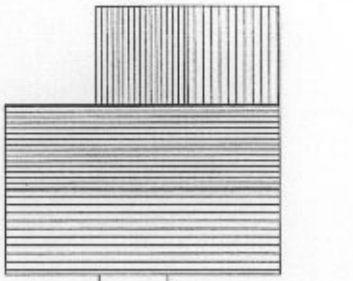
ROOF PLAN
EXISTING

MATERIALS TO HOUSE
WALLS: RED CALDE FACING BRICKWORK
WINDOWS: ALUMINIUM FRAMED
MAIN ROOFS: MARLEY GREY CONCRETE INTERLOCKING TILE
FELTED FLAT ROOF TO GARAGE AND ENTRANCE CANOPY

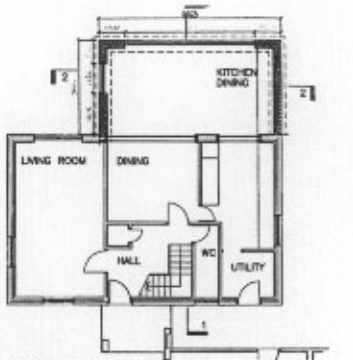
GROUND FLOOR
EXISTING



FIRST FLOOR
EXISTING



ROOF PLAN
PROPOSED

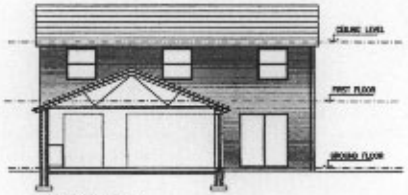


GROUND FLOOR
PROPOSED

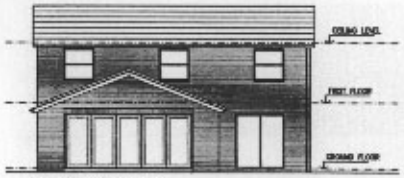
MATERIALS TO HOUSE
WALLS: RED CALDE FACING BRICKWORK
WINDOWS: ALUMINIUM FRAMED
MAIN ROOFS: MARLEY GREY CONCRETE INTERLOCKING TILE
FELTED FLAT ROOF TO GARAGE AND ENTRANCE CANOPY

MATERIALS TO PROPOSED WORKS

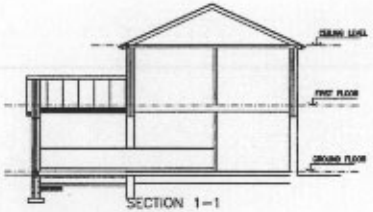
WINDOWS: ALUMINIUM FRAMED WINDOWS, DOUBLE GLAZED, COLOUR AND MAKE TO BE CONFIRMED
ROOF: INTERLOCKING CONCRETE TILE TO MATCH EXISTING
WALLS: FACING BRICK TO MATCH EXISTING



SECTION 2-2
PROPOSED



SOUTH ELEVATION
PROPOSED



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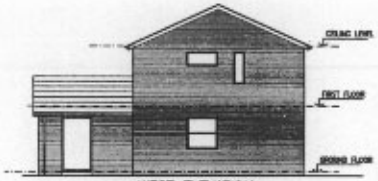
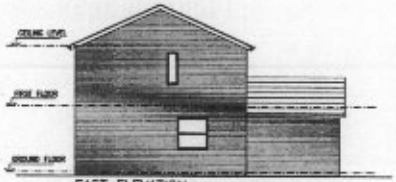


WEST ELEVATION
PROPOSED



EAST ELEVATION
PROPOSED

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Carlisle

Project: Mr and Mrs Ingham
5 Sanderson Close, Lowry Hill, Carlisle

Drawing: Proposed Extension
Existing and Proposed plans and elevations

Scale 1:100 Date 12.06.08 Drawn etc... Number 11231-02

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08_0749 5 Sanderson Close, Lowry Hill 31.07.2008 001.jpg @ 50% (RGB/8)

SCHEDULE A: Applications with Recommendation

08/0640

Item No: 19 Date of Committee: 22/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0640	Hadrian A I Services	Irthington
Date of Receipt:	**Agent:**	**Ward:**
01/07/2008	Mike Dewis Farm Systems	Stanwix Rural

Location:
Headswood Farm House, Newtown, Irthington, Carlisle, CA6 4PE

Grid Reference:
350332 563200

Proposal: Erection Of Portal Framed Building To Form Horse Boxes And Store

Amendment:

REPORT **Case Officer:** Dave Cartmell

Reason for Determination by Committee:

The application is brought before the committee for determination because the objector wishes to exercise a right to speak and the recommendation is contrary to the views of the Parish Council who did not object to the proposal

1. Constraints and Planning Policies

Ancient Monument

Public Footpath

The proposal relates to development which affects a public footpath.

Rev Redeposit Pl. Pol LC8 - Rights of Way

Rev Redeposit Pl. Pol LE6-Hadrian's Wall World Heritage Site

Rev Redeposit Pl. Pol LE10 - Archaeological Field Evaluation

Rev Redeposit Pl. Pol LE25 - Equestrian Development

Rev Redeposit Pl. Pol CP4 - Design

Joint St.Plan Pol ST3: Principles applying to all new devel.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): it is considered that the proposal will not have a material affect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal;

Irthington Parish Council: no objections;

English Heritage - (Archaeology) NW Region: advise that as a result of extensive pre-application discussion with the applicant, and following an archaeological evaluation of the site, the issues surrounding impact of the proposal on the remains of Hadrian`s Wall frontier and its setting have largely been resolved. As such, provided it can be confirmed that no excavation for this proposal will involve excavation deeper than 750mm, this seems sufficiently unlikely to impact on archaeological remains of national importance that the only archaeological mitigation required will be an archaeological watching brief on the excavations for the development. With reference to setting issues, although the development is perhaps larger than is ideal on the site, in our view its size and design is such that it will not impact directly on the outstanding universal value of the Hadrian`s Wall World Heritage Site, and we would not wish to sustain an objection on these grounds;

English Heritage - (Hist Bldg & Monuments): reply awaited;

Ramblers Association: reply awaited;

East Cumbria Countryside Project: reply awaited;

Hadrians Wall Heritage Limited: reply awaited;

English Heritage (Hadrians Wall) - NE Region: reply awaited;

Cumbria County Council - (Archaeological Services): our records indicate that the site of the proposed building lies in an area of high archaeological significance. It is located on the line of Hadrian's Wall, which is legally protected as a Scheduled Monument at this point, and forms part of the World Heritage Site. It is therefore considered likely that very important archaeological remains associated with the World Heritage Site could be damaged by the proposed development.

I note that the proposed building is a replacement of an existing structure. In order to determine the impact of the proposed development on the archaeological remains, I recommend that further information is provided by the applicant comprising: (i) a scale plan showing the location of the existing building in relation to the proposed new building and (ii) a scale plan of the foundations of the proposed new building that also shows the intended depth below ground level of the foundations. An informed judgement can then be made on the impact of the proposed development on the archaeological remains and the requirement and scope of any archaeological work.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	The Hawthorns	04/07/08	
	Burnside	04/07/08	
	Headswood Barn	04/07/08	
	Freshfields	04/07/08	
Taylor & Hardy			Objection

3.1 Publicity was given to the application by direct notification of neighbours and by site notice. During the consultation period one representation was received setting out the following grounds of objection:

1. the size, scale and appearance of the replacement building (which will be three times the width of the existing building and substantially higher) set within a group of domestic properties in a rural location in the Hadrian`s Wall World Heritage Site would have a detrimental visual impact and be wholly out of character with the residential character of the site and its surroundings;

2. there is concern that the increased scale of the building will result in an increased intensity of activity with associated noise and traffic adjacent to a group of residential properties. (The objector raises no objections to the current level of activities on the site, so long as they remain for the personal use of the applicant with no commercial use whatsoever). The objector points out that she works permanent nights on a rotating shift pattern at a hospital and is concerned as to any increase in noise, disturbance and traffic;

3. the single track access is unsuitable for any increase beyond the current traffic level. (The objector also raises the possibility that a congested or obstructed road could prevent her from getting to work on time to take charge of the ward);

4. the building lies within a site of high archaeological interest, because of the presence of Hadrian`s Wall, but no information is given on the archaeological implications of the proposal; and

5. the visual impact of the development would be harmful to the use and enjoyment of Hadrian`s Wall Walk which passes close to this site.

4. Planning History

4.1 Planning permission was granted in 1988 for a dining room extension (88/250).

4.2 Planning permission was granted in 2005 for the creation of an all weather arena and sand area for equestrian use (personal use only).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This is an application for full planning permission to erect a portal framed building to house five separate stables, tack room and a store on land to the south west of Heads Wood Farm which lies on the line of Hadrian`s Wall approximately 3 kilometres northwest of Brampton.

Background

5.2 The building (315 square metres) will replace a smaller building (126 square metres) of painted blockwork with a corrugated roof currently used as a stable block. The applicant advises that this building is beyond economic repair and is too small to (1) meet the current code of practice dimensions for stables and (2) to allow storage of feeds and bedding in a dry environment.

5.3 The applicant has advised that (1) the increase in building area is to allow the minimum 5.0m by 3.6m space per animal recommended in the code of good practice for animal welfare (2) a years supply of hay will take up about 150 cubic metres with additional space for bedding and feed and (3) the building will also offer safe storage of the horse box/ trailer, jogging carts etc.

5.4 The applicant has submitted a Design and Access statement for the building which will have footprint of approximately 20 metres by 15 metres, an eaves height of 3.9 metres and a ridge height of 5.9 metres. It is stated that the object is to replace the old building with a more modern one but to retain the character of the adjacent farm building by (1) installing sandstone quoins on corner elevations and on door and window surrounds (2) cladding the roof in slate effect sheets (slate blue in colour)(3) having a wet dash finish to match the house and (4) windows to be timber framed and side doors to be of tongue and groove boards.

5.5 A roller door on the west gable will allow access for the horse box and deliveries of bedding materials and feed. Pedestrian access will be via doors in the northeast and southwest elevations.

5.6 The site lies within Hadrian`s Wall Military Zone World Heritage Site and Hadrian`s Wall National Footpath lies approximately 30 metres to the southeast.

5.7 The proposed development will form a courtyard with the farmhouse (external materials white painted wet dash and tiles) an attached cottage (red sandstone and slate) and two houses on the northwest side (red sandstone and tiles).

Assessment

5.8 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the development plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes / Planning Policy Statements, and objections) indicate otherwise. In consideration of this application Policies LE6, LC8, LE10, LE25 and CP4 of the Revised Redeposit Draft (2001 - 2016) (as amended by the Inspector in April 2008) and Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, are relevant.

5.9 The relevant aspects of these policies seek to ensure that equine related developments:

1. have no unacceptable impact on Hadrian`s Wall Military Zone World Heritage Site or the landscape of the area;

2. have no adverse effect on residential amenity;

3. reuse existing buildings where possible but where there are new buildings they should be located to adjacent to an existing building or group of buildings;

4. the intensity of use is appropriate to the character of the area and surrounding roads are adequate for the increased use by horse riders with roads being suitable for both riders and motorists;

5. have adequate access and on-site parking;

6. the issue of lighting is addressed to ensure that there is no impact on surrounding uses;

7. public rights of way are protected; and

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

5.10 Considering the development plan objectives and the issues raised by the objector:

1. as it is the intention to retain the same amount of accommodation for horses (five) which will be for the personal use of the applicant and her children, the intensity of the use is unlikely to change and therefore the use will remain appropriate to the character of the area;

2. in relation to access and parking, County Highways do not consider that the proposal will have a material effect on existing highway conditions;

3. with regard to the protection of public rights of way, although the footpath

is approximately 30 metres from the proposed development, a condition could be attached to ensure that there is no interference with the right of way;

4. English Heritage are of the opinion that the size and design of the building will not directly impact on the character of Hadrian's Wall Military Zone World Heritage Site. While it is agreed that the proposal will have limited impact on the World Heritage site because it will form part of an existing courtyard, on the basis of plans submitted, the northeast elevation of the building is on the same alignment as the existing building. Because of the scale of the proposed building and the difference in levels between the floor level of the existing building and the ground level to the southwest, it would appear that there will be underbuilding of almost a metre. This will result in the most visible elevation (including the view from Hadrian's Wall Military Zone World Heritage Site) being a wall of 4.8m to eaves (currently 3.1m) with the ridge being almost 7m above existing ground level;

5. while the impact on the World Heritage site may be limited, the proposed building will have a ridge height approximately 2m higher than the existing building and a floor area of 300 square metres instead of 120 square metres. This ridge height would be at the level of the eaves of the adjacent house and substantially higher than the single storey dwelling on the opposite side of the access road and which faces the northwest gable of the proposed building. The nett effect, it is considered would be a substantial building with a shallow roof pitch (15 degrees) which, despite having painted wetdash walls, would appear incongruous and out of scale and character with the existing group of buildings;

6. with regard to the impact on the amenity of adjacent residential property, the outlook from the windows of the single storey dwelling on the opposite side of the access road, which is approximately 10m from the gable of the proposed building will be partly onto the northwest gable. This gable would have a ridge height of approximately 6m above ground level and a width of 15m. It would also include a 4m by 4m door to allow vehicular access to the building. This is a shift of focus of activity from the yard which will bring a higher level of movement to the front of the dwelling. It is considered that the building and associated vehicular access will (1) present a dominant and oppressive feature when viewed from the dwellinghouse facing the northwest gable and (2) result in a greater level of activity in closer proximity to that dwelling house, both to the detriment of the living conditions of the occupants.

5.11 The need to replace the existing building is based on:

1. the alleged poor structural condition of the building;

2. a desire to provide accommodation for the horses to a standard set out in a code of practice;

3. a possible future requirement to garage a horsebox (currently a trailer is

used); and

4. a desire to accommodate feed and bedding and a years supply of hay.

5.12 On the basis of information and plans submitted (1) there is no Structural Survey to validate the claims that the building is beyond economic repair and (2) the scale of the existing accommodation appears to meet the standard recommended in the code of practice. The height and scale of the proposed building appears to have been primarily dictated by the possible future need to garage a horsebox and the desire to store a years supply of hay. The latter is currently stored in polythene wraps approximately 30m from the building.

Conclusion

5.13 It is not considered that the case for the need to replace the existing facility in the scale and form proposed is in sufficient to outweigh those provisions of the Development Plan which have the objective of protecting (1) the character of the landscape and existing groups of buildings and (2) residential amenity.

5.14 It is considered that the applicant owns sufficient land to develop a facility to accommodate established needs and desires in a form which is environmentally acceptable.

5.15 The application is therefore recommended for refusal.

6. Human Rights Act 1998

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

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

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

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

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

6.3 Article 6 is relevant and the applicants rights are respected. However it is considered that the harm which will be created to interests of acknowledged importance outweigh any personal considerations of the

applicant who has redress to the appeals process.

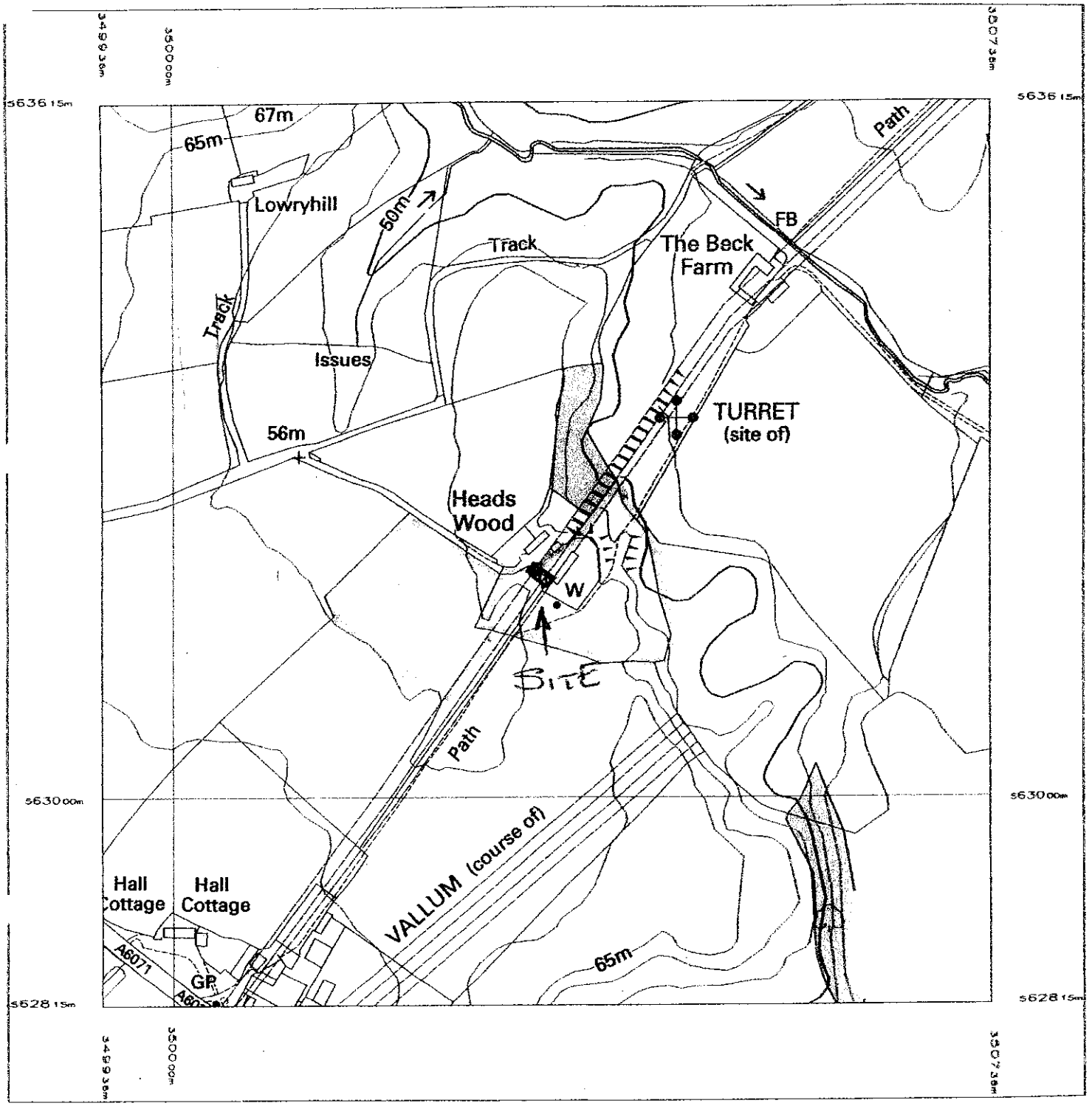
7. Recommendation - Refuse Permission

1. **Reason:** The proposed building by reason of height , scale and design would create an imbalance with the existing buildings which, although comprising a range of forms and styles, form an integrated and harmonious group. The proposed development would be therefore be contrary to the objectives of Policies LE25 and CP4 of the Revised Redeposit Draft Local Plan (2001 - 2016) (as amended by the Inspector in April 2008).

2. **Reason:** The building and associated vehicular access will (1) present a dominant and oppressive feature when viewed from the dwellinghouse facing the northwest gable and (2) result in a greater level of activity in closer proximity to that dwelling house, both to the detriment of the living conditions of the occupants and contrary to the objectives of Policies LE25 and CP4 of the Revised Redeposit Draft Local Plan (2001 - 2016) (as amended by the Inspector in April 2008).

Ordnance Survey®

OS Landplan®



Plotted 11 Jun 2008 from Ordnance Survey digitally derived data.

Produced using significant survey information from Ordnance Survey large scales digital data, and incorporated into OS Landplan Oct 2007.

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Administrative boundaries revised to May 2007.

Additional boundaries information:

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23 JUN 2008
08/0640

This OS Landplan plot is enlarged from derived mapping produced at 1:10000 scale

Contours are at 5 metre intervals.

Heights are given in metres above Newlyn Datum. The representation of a road, track or path is no evidence of a right of way.

The alignment of tunnels is approximate.

An OS Landplan symbols leaflet is available on request from Ordnance Survey Mapping and Data Centres.

Ordnance Survey, the OS Symbol and OS Landplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.

Plot centre coordinates: 350336 563215

Supplied by: Lakeland Officepoint Ltd

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Scale 1:5000

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08/0640

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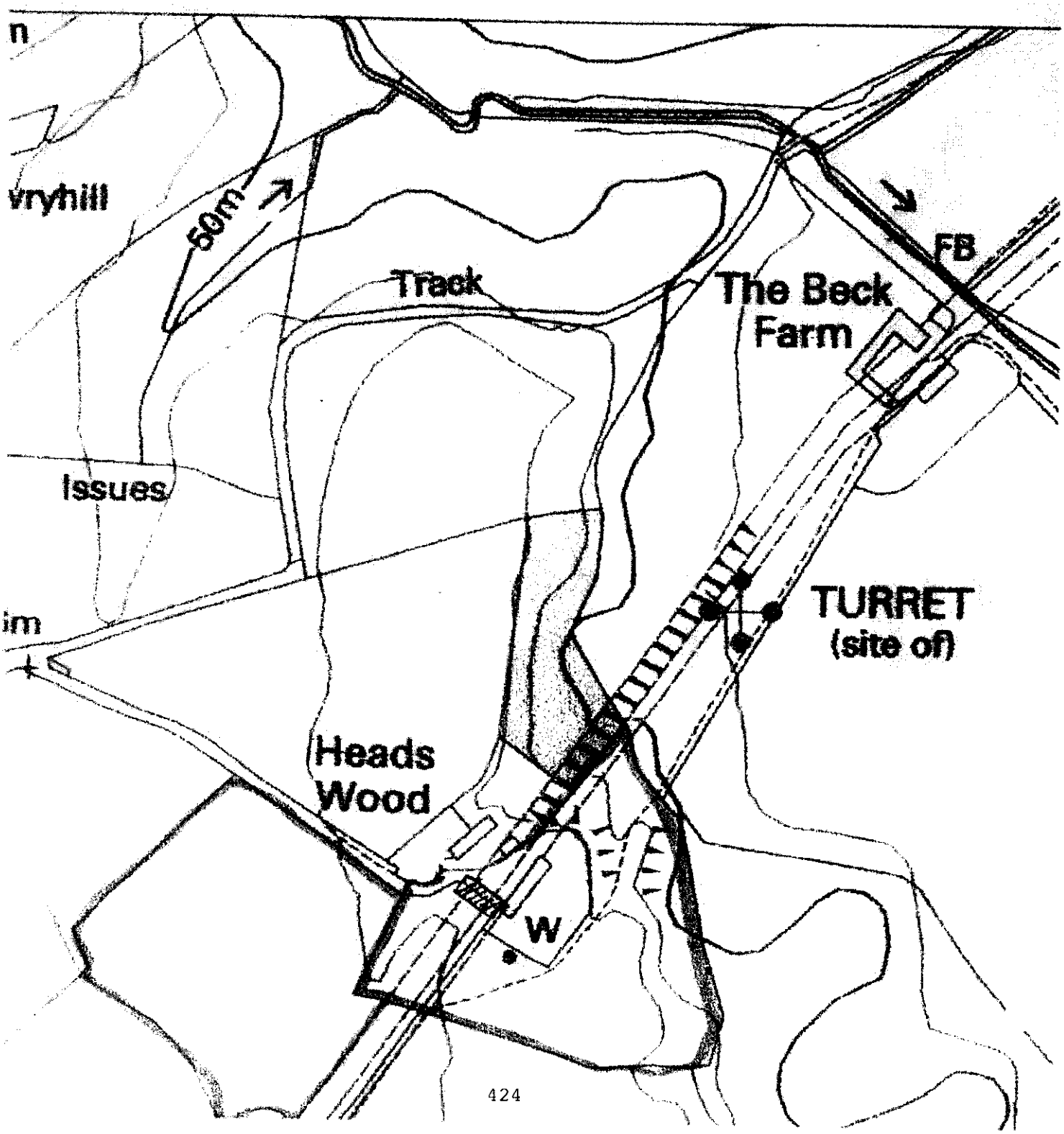
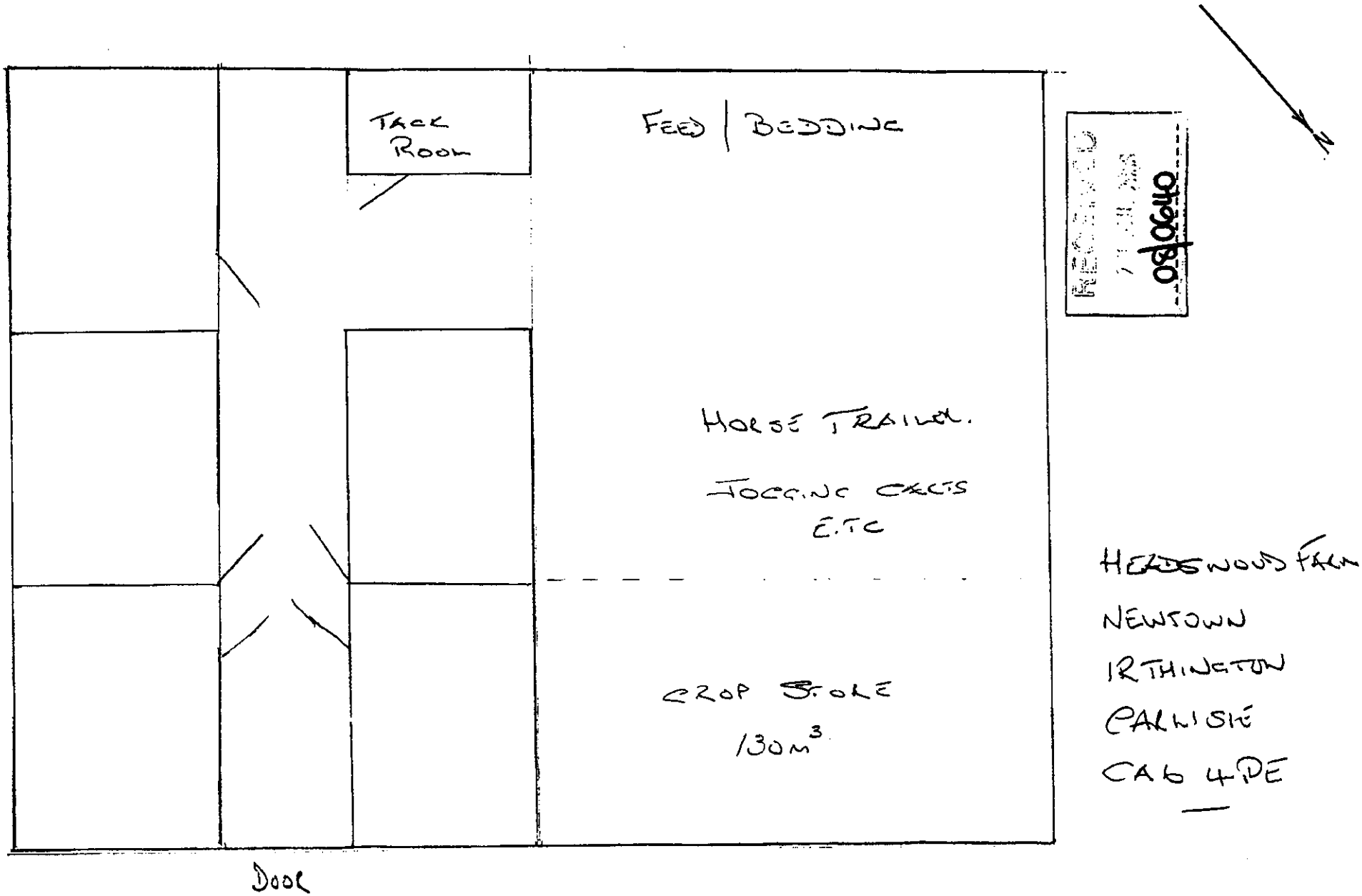
SCALE 1:2500

Grid Ref 3500 . 563000





HEADSWOOD FARM
NEWTOWN
IRTHINGTON
CARLISLE
CA6 4PE

425

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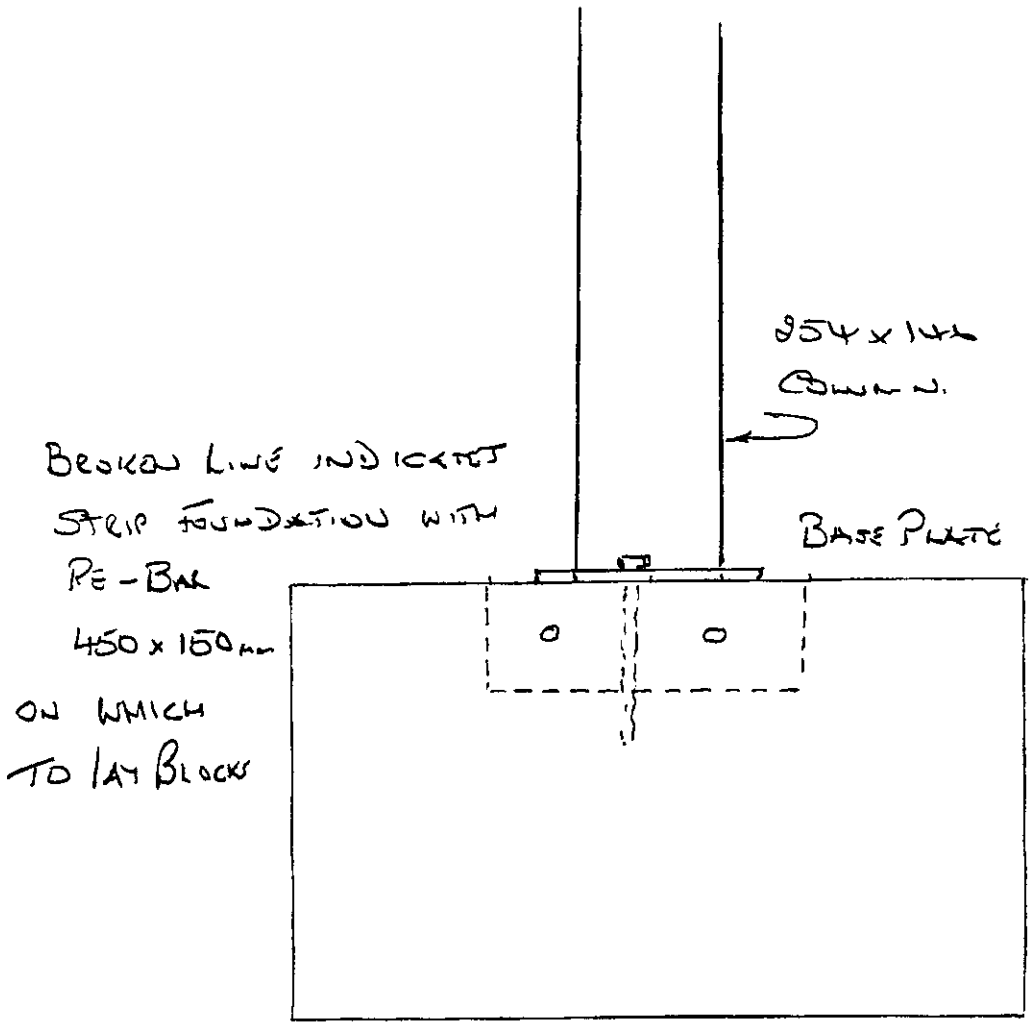
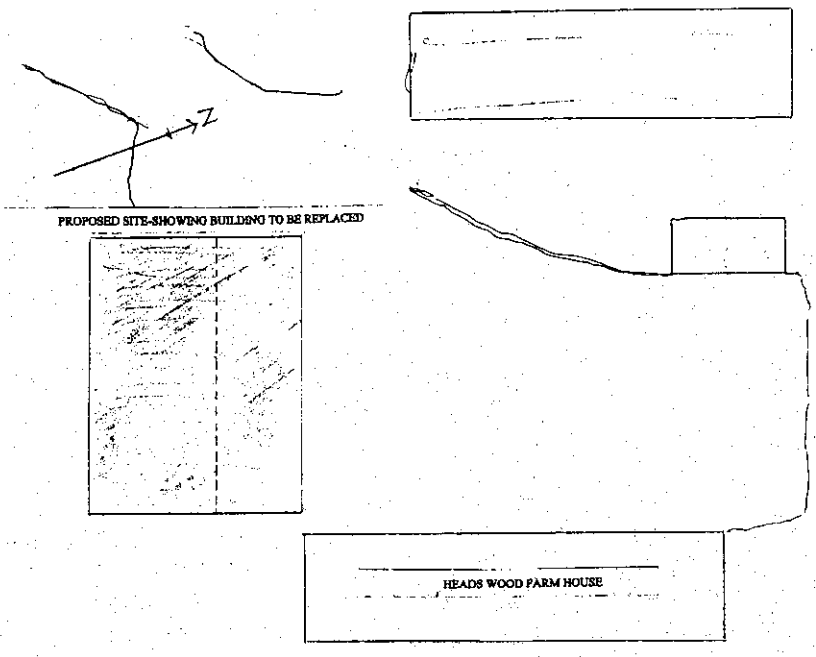
2 JUL 2003
08/0640



FOUNDATION PAD
1M x 1M x 600mm

SCALE 1:10.

HERDWOOD FARM
NEWTOWN
IRTHINGTON
CARLISLE
CA6 4P.E.



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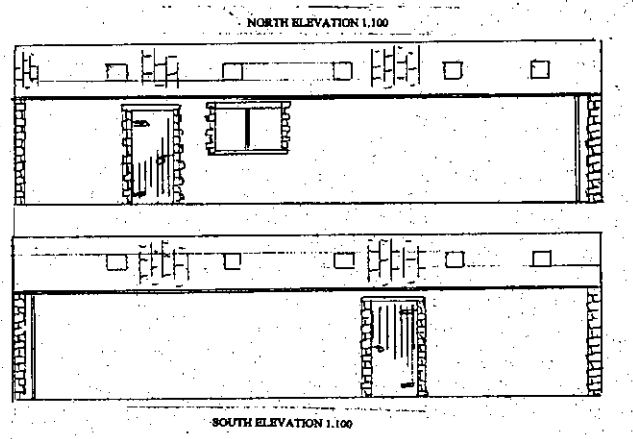

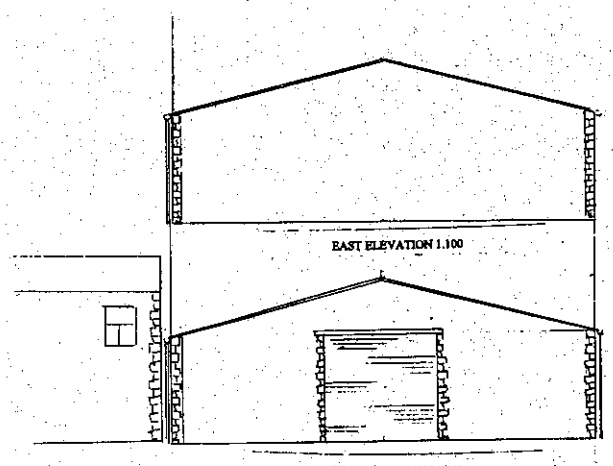

PROPOSED STEEL PORTAL FRAMED BUILDING
21.03M X 15.24M X 4.0M TO BS 5502
FOR STORAGE OF FEED AND BEDDING
WITH BOXES FOR HORSES.

FOR:
MS. LINDA WILKINSON
HEADSWOOD FARM HOUSE
NEWTOWN
IRTHINGTON
CARLISLE
CA6 4PE

MATERIALS
STEEL PORTAL FRAME
ROOF CLAD WITH SLATE EFFECT SHEETING
SLATE BLUE 18 B 29
ALL CORNER DOOR AND WINDOW TO HAVE
SANDSTONE QOINS.
WALLS – BLOCK WITH WET DASH
PAINTED FINISH TO MATCH HOUSE.
ACCESS DOORS TO BE TONGUE AND GROOVE
WITH ANTIQUE FURNATURE
ROLLER DOOR TO BE POWDER COATED-SLATE BLUE

RECEIVED
23 JUN 2006
08/06/40

SCHEDULE B

SCHEDULE B

SCHEDULE B

NO APPLICATION INCLUDED
IN SCHEDULE B.

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

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SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 20 Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/9015	Humax Horticulture Ltd	Kirkandrews
Date of Receipt:	**Agent:**	**Ward:**
22/05/2008	Cumbria County Council	Longtown & Rockcliffe

Location:
Solway Moss Works, Mill Hill, Gretna DG16 5TU

Grid Reference:
333900 568250

Proposal: Peat Screen, Bunkers & Building, Feed Hoppers and Conveyors

Amendment:

REPORT **Case Officer:** Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 20/06/2008

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 23/07/2008

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

TCP.1 REFERENCE No. **1/08/9015**

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Humax Horticulture Ltd
Gretna Loaning
Mill Hill
Gretna
Dumfries & Galloway
DG16 5HU

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 16 May 2008.

viz: Erection of plant and machinery (retrospective application)
Solway Moss Peat Works, Mill Hill, Gretna, Dumfries & Galloway, CA6 5LU

subject to due compliance with the following conditions:

1 This permission shall be limited to the period expiring on 22 February 2042, or 12 months following the date of the cessation of the winning and working of peat on Solway Moss under application reference 1//99/9020, whichever is the sooner, by which time the site shall have been restored in accordance with Condition 2 below.

Reason: To secure restoration to the appropriate afteruse following the expiry of this temporary development in accordance with Policy 62 of the Cumbria and Lake District Joint Structure Plan (Structure Plan) and Policy 21 of the Cumbria Minerals and Waste Local Plan (CMWLP).

2 The site shall be restored to an agricultural after use in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in advance of the restoration works being undertaken.

Reason: To return the site to its original use and in accordance with Structure Plan Policy 62.

3 No lighting shall be installed on around the screening plant without the prior express approval of the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupants and of the area.

Dated the 23rd day of July 2008

Shaun Gorman

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

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

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

Cumbria Minerals and Waste Local Plan: Saved Policies

POLICY 2

Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

POLICY 4

Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

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

Dated the 23rd day of July 2008

Shaun Gorman

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.

2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.

3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.

4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.

5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.

6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

SCHEDULE C: Applications Determined by Other Authorities

Item No: 21 Between 28/06/2008 and 08/08/2008

Appn Ref No: 07/9026

Applicant: Esk Building Products

Parish: St Cuthberts Without

Date of Receipt: 12/12/2007

Agent: Cumbria County Council

Ward: Dalston

Location: Esk Brickworks, Brisco, Carlisle CA4 OQY

Grid Reference: 342658 551943

Proposal: Extraction of Sand

Amendment:

REPORT **Case Officer:** Richard Maunsell

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 07/01/2008

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 28/07/2008

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

TCP.1 REFERENCE No. 1/07/9026

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: ESK Building Products
ESK Brickworks
Brisco
Carlisle
Cumbria
CA4 0QY

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 7 December 2007.

viz: Extraction of sand.
The Brickworks, Brisco, Carlisle, Cumbria, CA4 0QY

subject to due compliance with the following conditions:

TIME LIMITS

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

Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 This permission shall be for a limited period only expiring on 22 July 2023, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme, within a further period of 18 months.

Reason To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy R47 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Structure Plan) and 'saved' Policy 21 of the Cumbria Minerals and Waste Local Plan 1996-2006 (Minerals and Waste Local Plan).

APPROVED OPERATIONS PROGRAMME

3 The development shall be carried out strictly in accordance with the approved documents, herein referred to as the approved scheme. Any variations to the approved scheme shall be submitted to and approved in writing by the Local

Planning Authority prior to being carried out: The approved scheme shall comprise the following documents:

3.1 the submitted planning application form, dated 3 December 2007;
3.2 the *Supporting Statement*, by Bardill Barnard;
3.3 the *Landscape and Visual Assessment*, dated May 2008, by Anne Dalley;
3.4 the following plans: Plan Nos 1 and 2, dated December 2007; Plan Nos 4A and 5A, dated 18 May 2008; Plan No 6, dated 18 March 2008; Plan No 7, dated 22 May 2008 and Phasing Plans A, B, C, D, E, F, G, H dated 16 May 2008;
3.6 the details required by conditions attached to this permission, and
3.7 the Decision Notice.

Reason To ensure that the site is worked and restored in accordance with the approved scheme and to avoid confusion as to what the approved scheme comprises of.

4 From the commencement of the development to its completion, a copy of the approved scheme and any other documents subsequently approved in accordance with this permission shall always be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason To ensure that those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

5 In the event that mineral working permanently ceases prior to the full implementation of the approved scheme, a revised scheme to include details of the restoration, aftercare and timescale for the completion of the restoration works, shall be submitted for approval to the Local Planning Authority, within three months of the cessation of working. Once approved such a revised approved scheme shall be fully implemented in accordance with the agreed timescale, unless otherwise agreed in writing by the Local Planning Authority.

Reason To secure the proper restoration of the site in the event that operations cease prior to the full implementation of the scheme, in accordance with Policy R47of the Structure Plan and 'saved' Policy 21 of the Minerals and Waste Local Plan.

6 In the event that mineral extraction is temporarily suspended for a period exceeding one year, then within 15 months from the suspension of mineral extraction an interim restoration scheme and timetable for its completion shall be submitted to the Local Planning Authority for written approval. The approved interim restoration shall then be implemented in its entirety in accordance with the agreed timescale.

Reason To secure the satisfactory interim restoration of the site in the event of the temporary cessation of mineral working.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking and re-enacting that Order), planning permission shall be sought and obtained from the Local Planning Authority, before any buildings, structures or erections, plant or

machinery (with the exception of the machinery referred to in paragraph 4.6 of the Supporting Statement) are erected on the site or any ancillary mining land.

Reason To maintain control over additional built development on the site in the interest of local and visual amenity, in accordance with 'saved' Policies 2 and 7 of the Minerals and Waste Local Plan.

8 There shall be no stockpiling or processing of mineral on the site, as defined by the Planning Application boundary shown in red on Plan No 2, dated December 2007.

Reason In the interests of local and visual amenity, in accordance with 'saved' Policies 4 and 7 of the Minerals and Waste Local Plan.

9 No mineral extraction shall take place within a lateral distance of 24 metres from the railway boundary, as shown on Plan No 7, dated 22 May 2008.

Reason To secure the stability of railway infrastructure given the proximity of the West Coast Main Railway Line to the site.

10 The exposed face of the workings adjacent to the railway boundary (Phases 3, 4 and 5) shall be maintained in a stable condition until backfilling and soil replacement takes place.

Reason To secure the stability of railway infrastructure given the proximity of the West Coast Main Railway Line to the site.

HOURS OF WORKING

11 No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place outside the hours:

0700 to 1800 hours Mondays to Fridays
0700 to 1300 hours on Saturdays

No operation of quarry plant or loading or transportation of minerals shall take place on Sundays or on Bank or any other Public Holidays.

Reason To ensure that no operations hereby permitted shall take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with 'saved' Policies 2 and 7 of the Minerals and Waste Local Plan.

12 Notwithstanding Condition 11 above, no removal, replacement or storage of soils or overburden shall take place on any part of the site before 0800 hours on Mondays to Saturdays inclusive.

Reason To ensure that these comparatively noisy operations do not have an unacceptable impact upon the amenity of local residents, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.

ACCESS AND TRAFFIC

13 All mineral extracted from the site shall be transported exclusively for use at the adjacent brickworks using internal haul roads and the 'Site Entrance' as shown on Plan 5A, dated 18 May 2008. None shall be transported from the site via the public highway or for any other purpose.

Reason In the interests of sustainability, in accordance with Core Strategy Policy 1 of the Submission Draft Core Strategy - Cumbria Minerals and Waste Development Framework.

CONTROL OF NOISE

14 Except for the temporary operations referred to in Condition 15, the noise level as a result of quarry operations shall not exceed 55dB LAeq (I hour) between the hours of 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays at any noise sensitive property at any given time.

Reason To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the site, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.

15 Notwithstanding Condition 14, the noise level arising from the construction of the Screening Bunds and from the general stripping, replacement and storage of soils and overburden shall not exceed 70dB LAeq (1 hour) at any noise sensitive property. This noise limit is subject to the limitation that such activities shall take place for no more than 8 weeks in any year in the vicinity of any noise sensitive property. The Local Planning Authority shall be given at least 48 hours notice by the operator of the commencement and planned duration of any of these temporary operations.

Reason To limit the periods within which these noisier operations can take place in the interests of local amenity, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.

16 For the purposes of Conditions 14 and 15:

16.1 The noise levels are expressed as one hour free field LAeq's. Free field shall be defined as a point 3.5 metres in front of the façade of any noise sensitive property facing the mineral extraction operations. Any measurements to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

16.2 A noise sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school. Place of worship, office or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels.

Reason To define the terms noise levels and noise sensitive property in order to ensure that noise measurements are taken in accordance with the appropriate standards.

17 In the event of a noise complaint being received, a noise monitoring and mitigation scheme shall be submitted for the written approval of the Local Planning Authority, and when approved shall be implemented in full. The scheme shall include:

17.1 the identification of noise sensitive properties;
17.2 the measurement of background noise levels in accordance with BS4142 at the noise sensitive properties identified in 17.1 or such other publicly accessible location as may be agreed;
17.3 the identification of noise monitoring locations and equipment to be used;
17.4 the frequency of measurements to be undertaken;
17.5 procedures to be adopted to address the complaint and/or if noise exceeds the limits set out in Conditions 14 and 15;
17.6 the recording of prevailing weather conditions and audible noise sources, and
17.7 the availability of results for inspection by the Local Planning Authority.

Once approved, noise shall be monitored in accordance with the approved scheme and the results submitted to the Local Planning Authority.

Reason To secure compliance with the conditions relating to noise in the interests of local amenity, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.

18 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with manufacturers' recommendations.

Reason To safeguard the amenity of local residents by ensuring that the noise generated is minimised and does not constitute a nuisance outside the boundaries of the site, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.

19 All plant and machinery used at the site shall be fitted with 'white noise' reversing warning systems, unless otherwise agreed in writing with the Local Planning Authority prior to its use.

Reason To safeguard the amenity of local residents by ensuring that the noise generated is minimised and does not constitute a nuisance outside the boundaries of the site, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.

CONTROL OF DUST

20 Prior to the commencement of mineral extraction, a scheme and programme of measures for the monitoring and mitigation of dust (and wind blown sand) shall be submitted to the Local Planning Authority for approval. The scheme shall include:

20.1 the arrangements for the measurement of wind speed and direction on the site;

20.2 the identification of dust monitoring locations around the site;
20.3 the frequency of monitoring;
20.4 dust monitoring procedures and the identification of maximum airborne dust levels;
20.5 procedures to be adopted if the levels in 20.4 are exceeded;
20.6 measures to be taken to suppress dust, and
20.7 provisions for the monitoring and review of the scheme.

Once approved, dust shall be monitored and suppressed in accordance with the approved scheme and the results submitted to the Local Planning Authority.

Reason To safeguard local amenity by ensuring that dust does not constitute a nuisance outside the site, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan.

21 The operator shall make available a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access and haul roads, working areas and plant area with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

Reason To safeguard local amenity by ensuring that dust does not constitute a nuisance outside the site, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan.

CONTROL OF ARTIFICIAL LIGHTING

22 Any artificial lighting units installed on the site shall be sited and shielded as to be incapable of direct sight from any residential property outside the site during operational hours and when the site is closed.

Reason To safeguard the amenity of local residents, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan.

SAFEGUARDING OF WATERCOURSES, DRAINAGE AND GROUNDWATER

23 No excavation at the site shall take place at a depth below 44.5 metres AOD.

Reason To protect groundwater and water resources, in accordance with 'saved' Policy 5 of the Minerals and Waste Local plan.

24 Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair or increase the flow or render less effective, drainage onto and from land adjoining.

Reason To safeguard the integrity of existing local watercourses and drainages.

25 Throughout the period of working and restoration, provision shall be made for the collection, treatment and disposal of all water entering or arising on the site, including an increased flow from the land, to ensure that there shall be no

flooding and no pollution of watercourses by the approved operations. Storm or surface water shall not be discharged onto or towards the West Coast Main Railway Line as shown on Plan No 7, dated 22 May 2008.

Reason To avoid flooding of adjacent land and the pollution of any watercourse or groundwater resource.

26 There shall be no storage of chemicals, oils or fuels on site.

Reason To avoid the pollution of any watercourse or groundwater resource.

ADVANCE SCREENING BUNDS AND PLANTING

27 No mineral extraction shall take place on the site until the Screening Bunds shaded red on Plan 5A, dated 18 May 2008, have been constructed (as described in the Landscape and Visual Impact Assessment, dated May 2008) and then seeded. Details of the grass seed mix shall be submitted to and approved by the Local Planning Authority prior to the commencement of bund construction.

Reason In the interests of visual amenity, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan.

28 The proposed new and reinforcement screen planting (referred to as 'Woodland' on Plan 5A, dated 18 May 2008) and Screening Bund planting shall be planted in the first available planting season following the implementation of this permission. This shall take place in accordance with the details presented in the Landscape and Visual Impact Assessment, dated May 2008, however, details of the precise layout and extent of the proposed planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of planting.

Reason In the interests of visual amenity, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan.

29 Trees planted along the north-east boundary of the site shall be located at a distance in excess of their mature height from the railway boundary.

Reason To protect railway property from wind blown trees, which can cause the derailment of trains.

30 All trees and shrubs planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission and the aftercare period. Any trees or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

Reason To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan.

STRIPPING, STORAGE, USE AND REPLACEMENT OF SOILS AND OVERBURDEN

31 All soil handling activities shall be carried out in accordance with the *DEFRA Good practice guide for handling soils* prepared in 2000. Prior to the commencement of soil stripping in each of the working phases, details of the precise methodology from the guide to be used in the stripping, storage and replacement of soils and overburden on their final resting places shall be submitted to the Local Planning Authority for approval. When approved, the methodology shall be implemented in its entirety for each phase of the development.

Reason To ensure that the handling of soils conforms to best practice.

32 At least 48 hours prior notice shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of the soil stripping operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

Reason To allow the Local Planning Authority to monitor the soil handling operations.

33 All available topsoil and subsoil which has been stripped or removed shall be stacked separately and prevented from mixing, unless directly placed on an area of the site being restored. No topsoil or subsoils shall be removed from the site.

Reason To secure the satisfactory storage and retention of overburden and soils for restoration.

34 The stripping, movement and respreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow the passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

Reason To prevent any avoidable damage to the structure of the soils to enable the site to be satisfactorily restored, in accordance with 'saved' Policy 21 of the Minerals and Waste Local Plan.

CONTROL OF WEEDS

35 All non-cropped areas of the site and the Screening Bunds (shaded red on Plan 5A, dated 18 May 2008) shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

Reason To properly manage the site and to prevent the spread of weeds into adjacent land.

CARE OF BOUNDARIES, HEDGES AND WALLS

36 The operator shall maintain and make stockproof all the existing hedges, fences and walls, including gates, around the perimeter of the workings until the completion of the aftercare period. Where an operational boundary does not coincide with an existing stockproof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stockproof fencing with gates or cattle grids at every opening and which shall thereafter be maintained until that part of the site has been fully restored. Undisturbed hedgerows shall be maintained, cut and trimmed at the proper season throughout the period of working and restoration of the site.

Reason To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.

REPLACEMENT OF HEDGES AND WALLS

37 Hedges, walls, fences, gates and stiles if damaged or destroyed in the course of the approved operations shall be repaired or restored on their original lines or replaced on such lines as may be agreed between the operator, the Local Planning Authority and the persons who, for the time being, have an interest as owners, lessees or occupiers (excluding tenants for a month or any period less than a month) in the land originally bounded by such walls or fences.

Reason To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan.

RESTORATION AND AFTERCARE

38 The site shall be restored to the landform indicated by the 'Conceptual Restoration Contours' on Plan 4A, dated 18 May 2008, and be made suitable for agricultural use.

Reason To secure the proper restoration of the site for the approved, in accordance with Policy R47 of the Structure Plan and 'saved' Policy 21 of the Minerals and Waste Local Plan.

39 No mineral extraction shall take place in Phase 2 until a detailed restoration and aftercare scheme for the phased restoration of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

39.1 the quantities, thicknesses and method for replacement of topsoils and subsoils to be used in the restoration of the site;
39.2 site drainage, the location of external drains and other watercourses into which these would connect, and details of the field water supply following restoration;
39.3 other surface features, such as fences, gateways, water troughs, internal tracks;
39.4 proposals for the retention and treatment of the sand bank along the western boundary of the site (as indicated by the 50 metre AOD contour

on Plan No 7, dated 22 May 2008) to enhance the landscape value and biodiversity interest of the restored land;

39.5 the treatment of soils post-restoration, to improve their structural development, including annual soils analysis with target nutrient indices for restored land;

39.6 the establishment of the proposed grass seed, including details of the proposed seed species and its cultivation, fertilisation and maintenance;

39.7 the management and maintenance of all trees and shrubs planted in accordance with Condition 28, and

39.8 the frequency and timing of the above operations.

Once approved, the restoration and aftercare scheme shall be implemented in full and the aftercare requirements shall be carried out for a period of five years from the completion of restoration operations on each phase.

Reason To secure the proper restoration and aftercare of the site for the approved afteruses, in accordance with Policy R47 of the Structure Plan and 'saved' Policies 21 and 22 of the Minerals and Waste Local Plan.

40 At least once each year during the aftercare period there shall be a formal review, under the provisions of Section 72(5) of the Town and Country Planning Act 1990, to consider the operations which have taken place on each restored phase and to agree the programme of management for the coming year which shall be adhered to by the operator. The parties to be invited to this review shall include the site operator, the Local Planning Authority, owners and occupiers of the land and Natural England. At least 2 weeks before the date of each review the operator shall provide all people attending the meeting with a record of the management and operations carried out on each phase during the period covered by the review and a proposed programme of management for the coming year.

Reason To secure the proper aftercare of the restored land, in accordance with Policy R47 of the Structure Plan and 'saved' Policy 22 of the Minerals and Waste Local Plan.

Dated the 28th day of July 2008

Shaun Gorman

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

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

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.

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

Dated the 28th day of July 2008

Shaun Gorman

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Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.

2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.

3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.

4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.

5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.

6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

SCHEDULE D

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SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 22 Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0579	Mr Alan Dinning	Dalston
Date of Receipt:	**Agent:**	**Ward:**
13/06/2008	Hogg & Robinson Design Services	Dalston

Location: 25 The Green, Dalston, Carlisle, CA5 7QH

Grid Reference: 336871 549654

Proposal: Erection Of 1no End Of Terrace Town House (Revised Application)

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Details of Deferral:

Members will recall at Committee meeting held on11th July 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to no additional objections being received prior to the expiry of the notification period (18.07.08).

No further objections were received and the approval was issued on 21st July 2008.

Decision: Grant Permission **Date:** 21/07/2008

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwelling hereby permitted shall be carried out without the permission of the local planning authority.

   Reason: The local planning authority wishes to retain full control over the matters referred to in order to safeguard the character of the area and the living conditions of neighbouring residents.

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

   Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the windows on the southern elevation of the dwelling hereby permitted shall be obscurely glazed to a minimum of factor 3 prior to occupation and thereafter retained as such.

   Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

5. The parking area shall be constructed in accordance with the approved plans before the dwelling hereby permitted is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

   Reason: To ensure adequate access is available for each occupier in accord with Policy T7 and H2 of the Carlisle District Local Plan.

6. Before the occupation of the dwelling hereby permitted, the internal party wall with 24 The Green, as identified on drawing number 19 040708-PROPO-FP-EL, shall be insulated from noise and vibration in accordance with a scheme of soundproofing to be agreed beforehand by the local planning authority.

   Reason: To safeguard the living conditions of the occupiers of the neighbouring property.

7. Before the commencement of the hereby permitted development details of the proposed window frames (in terms of design, material and colour) shall be submitted to and approved in writing by the local planning authority.

   Reason: To safeguard the character of Dalston Conservation Area in accordance with Policy LE20 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

8. Samples or full details of all materials to be used on the exterior (inclusive of the

proposed stone courses) shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

9. Before the commencement of development details of the proposed flood barrier shall be submitted to and aproved in writing by the local planning authority.

Reason: For the avoidance of doubt.

Item No: 23 Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0584	Mr Alan Dinning	Dalston
Date of Receipt:	**Agent:**	**Ward:**
13/06/2008	Hogg & Robinson Design Services	Dalston

Location: Cottage & Barn, Rear No. 25 The Green, Dalston, Carlisle, Cumbria, CA5 JQH

Grid Reference: 336871 549654

Proposal: Conversion Of Existing Cottage to 3no Bed Dwelling (Revised Application)

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Details of Deferral:

Members will recall at Committee meeting held on11th July 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to no additional objections being received prior to the expiry of the notification period (18.07.08).

No further objections were received and the approval was issued on 21st July 2008.

SCHEDULE D: Reports on Previously Deferred Decisions

Decision: Grant Permission **Date:** 21/07/2008

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwelling hereby permitted shall be carried out without the permission of the local planning authority.

   Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows, rooflights and/or dormer windows shall be inserted in the dwelling hereby permitted without the prior consent of the local planning authority.

   Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the proposed Velux rooflights on the eastern elevation of the dwelling hereby permitted shall be obscurely glazed to a minimum of factor 3 prior to occupation and thereafter retained as such.

   Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

5. The parking area shall be constructed in accordance with the approved plans before the dwelling hereby permitted is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

   Reason: To ensure adequate access is available for each occupier in accord with Policy T7 and H2 of the Carlisle District Local Plan.

6. Before the commencement of development details of the proposed flood barrier shall be submitted to and aproved in writing by the local planning authority.

   Reason: For the avoidance of doubt.

7. Before the commencement of the hereby permitted development details of the proposed window frames (in terms of design, material and colour) shall be submitted to and approved in writing by the local planning authority.

   Reason: To safeguard the character of Dalston Conservation Area in accordance with Policy LE20 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

8. Samples or full details of all materials to be used on the exterior (inclusive of the proposed stone courses) shall be submitted to and approved in writing by the local planning authority before any work is commenced.

   Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

9. Before the commencement of the hereby permitted development details of the proposed means of enclosure (inclusive of height) for the western boundary shall be submitted to and approved in writing by the local planning authority.

   Reason: To safeguard the character of Dalston Conservation Area in accordance with Policy LE20 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

Item No: 24 Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
07/1011	Mrs D & Mr P Bainbridge	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
19/10/2007	Smiths Gore	Wetheral

Location:
Murray House Farm, Cumwhinton, Carlisle, CA4 8DH

Grid Reference:
344971 552670

SCHEDULE D: Reports on Previously Deferred Decisions

Proposal: Erection Of New Stables, Winter Midden And Parking Area To Be Used For Commercial Purposes, Including Equestrian Tuition, Together With Retention Of Temporary Toilet Block And Site Office (Retrospective)

Amendment:

1. The application was amended to incorporate the temporary toilet block and site office that had been erected on the site.

2. The 'red line' on the site location plan was amended to accurately reflect the application site.

3. The description of the application was amended to reflect the commercial element of the proposal and the applicant's intention to provide equestrian tuition.

4. The position of the midden was amended so that would be sited further from the boundary that the site shares with 'The Croft'.

REPORT

Case Officer: Sam Greig

Details of Deferral:

Members will recall at Committee meeting held on 30th May 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the submission of amended plans that address the Environmental Protection Services Officer's concern regarding potential overflow from the midden falling into the dry storage area.
These amended plans have been received and the approval was issued on 15th July 2008.

Decision: Grant Permission **Date:** 15/07/2008

1. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no equestrian events or competitions shall take place on the property.

   Reason: The Local Planning Authority wish to control the precise nature of the use in the interests of road safety and to safeguard the living conditions of neighbouring residential properties in accordance with the guidance in Policy H17 of the Carlisle District Local Plan.

2. The winter midden hereby approved shall only be used for the storage of horse manure between the 1st October to the 31st March.

Reason: To safeguard the living conditions of nearby residents in accordance with Policy H17 of the Carlisle District Local Plan.

3. The dry store hereby approved shall only be used for the storage of dry, non odorous material.

Reason: To safeguard the living conditions of nearby residents in accordance with Policy H17 of the Carlisle District Local Plan.

4. The proposed livery/equestrian centre hereby approved shall not be open for trading except between 0800 hours and 2030 hours on Mondays to Saturdays or between 1000 hours and 1600 hours on Sundays.

Reason: In order to safeguard the living condition of neighbouring residents and to ensure compliance with Policy H17 of the Carlisle District Local Plan.

5. The toilet block and site office hereby approved shall be removed and there shall be carried out such works as may be required for the reinstatement of the land in a scheme to be agreed, in writing, by Local Planning Authority not later than the 30th day of November 2009.

Reason: To allow the applicant time to secure appropriate alternative accommodation to safeguard the character of the area and to ensure compliance with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspector's report.

6. Within 3 months from the date of this permission full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved, in writing, by the Local Planning Authority and these works shall be carried out as approved 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 E19 of the Carlisle District Local Plan.

7. Within 3 months from the date of this permission the existing access to the highway onto the B6263 shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with the details, which have been submitted to and approved, in writing, by the Local Planning Authority.

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

8. Within 3 months from the date of this permission details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for prior written approval. Within 3 months from the date of the approval of these details the parking, loading, unloading and manoeuvring facilities constructed in accordance with the approved scheme. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Policy T32 of the Cumbria and Lake District Structure Plan and Local Transport Plan Policies LD7 and LD8.

Item No: 25 Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
07/1260	Mr Paul Douglas Lovell BSC (Hons)	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/11/2007		Currock

Location: Garages To Rear Of Red Bank Square, Carlisle, Cumbria

Grid Reference: 340284 554565

Proposal: Extension To Existing Garages On To Forecourt

Amendment:

1. Amended plans have been received on the 20th February 2008 indicating the omission of the previously proposed extension to "garage no.1".

REPORT **Case Officer:** Barbara Percival

SCHEDULE D: Reports on Previously Deferred Decisions

Details of Deferral:

Members will recall at Committee meeting held on 7th March 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the receipt of satisfactory revised plans indicating the removal of the proposed bollards; and no objections being received from interested parties prior to the expiration of the re-notification period.

The revised plans were received and the approval was issued on 25th July 2008.

Decision: Grant Permission **Date:** 25/07/2008

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 E

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/06/2008 and 08/08/2008

Appn Ref No: 07/1348
Applicant: Story Homes
Parish: Carlisle

Date of Receipt: 11/12/2007
Agent:
Ward: Belle Vue

Location: Land At Turnstone Park, Carlisle, Cumbria
Grid Reference: 338084 556031

Proposal: Substitution Of House Types For Plots 79, 65a, 65, 64, 63, 44, 45, 46, 47, 34, 33, 32 And 31 With A Mixture Of Detatched, Semi And Terraced Properties Resulting In An Additional 5 Properties.

Amendment:

Decision: Grant Permission **Date:** 30/06/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0070
Applicant: Mr &Mrs N Carlyle
Parish: Arthuret

Date of Receipt: 31/01/2008
Agent: Green Design Group
Ward: Longtown & Rockcliffe

Location: Brackenhill Farm (Barns) Carlshaw, Longtown, Carlisle, Cumbria, CA6 5TU
Grid Reference: 344577 569480

Proposal: Conversion Of Barns To 2no. Self Catering Holiday Units And 1 New Dwelling, Incorporating The Replacement Of Concrete/Asbestos Roofing

Amendment:

Decision: Grant Permission **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0071
Applicant: Mr & Mrs Carlyle
Parish: Arthuret

Date of Receipt: 30/01/2008
Agent: Green Design Group
Ward: Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Brackenhill Farm (Barns Adjacent To Pele Tower), Longtown, Carlisle, Cumbria, CA6 5TU

Grid Reference:
344577 569480

Proposal: Conversion Of Barns To 2no. Holiday Units And 1 New Dwelling; Structural Works Required To Preserve Building; Replacement Of Concrete/Asbestos Roofing With Slate; Demolition Of Temporary Shed In Courtyard; Demolition Of External Toilet Lean-to; Re-construction Of Sandstone Slab Roof (LBC)

Amendment:

Decision: Grant Permission **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0264

Applicant:
Cumbria Partnership

Parish:
Brampton

Date of Receipt:
13/05/2008

Agent:
Johnston and Wright Architects

Ward:
Brampton

Location:
Brampton War Memorial Cottage Hospital, Tree Road, Brampton, CA8 1TX

Grid Reference:
353549 560700

Proposal: 3no. Additional External Lights At Entrance Driveway/Car Parking Area & Replacement Of 2no. Existing External Lights (Revised Application) (Retrospective)

Amendment:

Decision: Grant Permission **Date:** 08/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0273

Applicant:
Nicholson Properties (Property Management)

Parish:
Carlisle

Date of Receipt:
18/06/2008

Agent:

Ward:
Currock

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
10 St Nicholas Street, Botchergate, Carlisle (Ground Floor)

Grid Reference:
340631 555274

Proposal: Change Of Use From Retail To Office - For Lettings Agency (Ground Floor Only)

Amendment:

Decision: Grant Permission

Date: 22/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0280

Applicant:
Mr Stephen Duddy

Parish:
Askerton

Date of Receipt:
08/04/2008

Agent:
Westlakes Engineering Ltd

Ward:
Irthing

Location:
Lees Hill Farm, Lees Hill, Nr. Brampton, Cumbria, CA8 2BB

Grid Reference:
355178 568602

Proposal: Erection of Cattle Shed, Tractor Housing, Lagoon and Silage Pit

Amendment:

Decision: Grant Permission

Date: 04/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0281

Applicant:
Mr Stephen Duddy

Parish:
Askerton

Date of Receipt:
10/04/2008

Agent:
Westlakes Engineering Ltd

Ward:
Irthing

Location:
Lees Hill Farm, Lees Hill, Nr Brampton, Cumbria CA8 2BB

Grid Reference:
355561 568124

Proposal: Erection of New Farmhouse And Conversion Of Existing 3no. Stone Barns Into 5no. Holiday Cottages.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 04/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0284	Bruntons Hill Farming Partnership	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
31/03/2008	Tsada Design Sevices	Longtown & Rockcliffe
Location:		**Grid Reference:**
Bruntons Hill, Longtown, CA6 5PG		341085 573063

Proposal: Demolition Of Bedroom And Living Room And Erection Of Two Storey Extension To Provide Kitchen And Dining Room On Ground Floor With 3no. Bedrooms And Bathroom On First Floor; Erection Of Single Storey Garage

Amendment:

Decision: Grant Permission **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0327	Lovell Partnership Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
02/05/2008	Ainsley Gommon Architects	Belle Vue
Location:		**Grid Reference:**
Site F & G, Brookside, Raffles Estate, Carlisle		338216 555801

Proposal: Re-application Of Site F & G For The Erection Of 38 Dwellings

Amendment:

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 08/0343
Applicant: Interserve Health
Parish: Carlisle

Date of Receipt: 03/06/2008
Agent: Bingham Yates
Ward: Castle

Location: Cumberland Infirmary, Newtown Road, Carlisle, CA1 7HY
Grid Reference: 338822 556181

Proposal: Construction of Additional Car Parking Areas

Amendment:

Decision: Grant Permission **Date:** 25/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0353
Applicant: Mr Andrew Simmons
Parish: Carlisle

Date of Receipt: 08/05/2008
Agent:
Ward: Currock

Location: Unit 4, James Street Workshops, Carlisle, Cumbria, CA2 5AH
Grid Reference: 340143 555245

Proposal: Change Of Use From Catering To Training Workshop And Small Retail Unit

Amendment:

Decision: Grant Permission **Date:** 03/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0384
Applicant: Axis
Parish: Carlisle

Date of Receipt: 25/04/2008
Agent:
Ward: Denton Holme

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well) 339876 554874

Proposal: Discharge Of Conditions 16 Of Consent 06/1473 & Condition 17 Of Consent 08/0112 - Denton Street Compound. Condition 19 Of Consent 08/0112 - Kingfisher Nesting Boxes. Partial Discharge Of Conditions 4 Of Consent 06/1473 & 5 Of Consent 08/0112 - Archaeological Watching Brief/Recording; Full Discharge Of Conditions 6 Of Consent 06/1473 & 7 Of Consent 08/0112 - Protection Of Wall Within Schedule Ancient Monument; & Partial Discharge Of Conditions 15 Of Consent 06/1473, 5 Of Consent 07/1389 & 16 Of Consent 08/0112 - Environmental Management

Amendment:

Decision: Partial Discharge of Conditions **Date:** 18/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0385	**Applicant:** Mr Martin Chung	**Parish:** Irthington
Date of Receipt: 30/05/2008	**Agent:**	**Ward:** Stanwix Rural
Location: Steadfolds, Irthington, Carlisle, Cumbria, CA6 4NE		**Grid Reference:** 347350 559987

Proposal: Temporary Use Of Land For Storage Of Scaffolding and Containers

Amendment:

Decision: Refuse Permission **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0427	**Applicant:** United Co-op Pharmacy	**Parish:** Carlisle
Date of Receipt: 04/06/2008	**Agent:** Frodsham Signs (Evolve Group)	**Ward:** Yewdale
Location:		**Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

59 Orton Road, Carlisle, CA2 7HA 338081 555309

Proposal: Erection of 1no. Non-Illuminated Fascia Sign

Amendment:

Decision: Grant Permission **Date:** 09/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0428	Mr Derek Schofield	Kingmoor
Date of Receipt:	**Agent:**	**Ward:**
07/05/2008		Stanwix Rural
Location:		**Grid Reference:**
3 Crindledyke Estate, Kingstown, Carlisle, CA6 4BZ		338337 560465

Proposal: Erection of Detached Garage

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 03/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0435	Mr Peter Rooney	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
29/05/2008		Yewdale
Location:		**Grid Reference:**
68 Castlesteads Drive, Sandsfield Park, Carlisle, Cumbria, CA2 7XE		337081 555633

Proposal: Conversion Of Garage Into Playroom With Addition Of 1st Floor Bedroom And En Suite Bathroom

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 01/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0444	Mr Steve Bates	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
12/05/2008	Vincents (Shopfitters) Ltd	Castle

Location: W H Smith, 51-53 English Street, Carlisle, Cumbria, CA3 8JY

Grid Reference: 340162 555795

Proposal: Display Of Internally Illuminated Fasica Sign And 1no. Projecting Sign (Retrospective)

Amendment:

Decision: Partial Express Consent **Date:** 02/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0448	Mr Stephen Forster	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/06/2008		Currock

Location: 1 Goodwin Place, Currock, Carlisle, CA2 4AG

Grid Reference: 340583 554683

Proposal: Two Storey Side Extension to Provide Dining Room and Utility to Ground Floor, with 1no. Bedroom Above.

Amendment:

Decision: Grant Permission **Date:** 29/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0451	Mrs Hume	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 02/05/2008
Agent: Jock Gordon
Ward: Castle

Location: 3 St Gabriel's Court, Howards Place, Carlisle, Cumbria, CA1 1HR
Grid Reference: 340713 556048

Proposal: Formation Of An Opening In An Existing Internal Wall

Amendment:

Decision: Grant Permission **Date:** 09/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0454
Applicant: Mr Barwick
Parish: Carlisle

Date of Receipt: 27/05/2008
Agent: Gray Associates Limited
Ward: Harraby

Location: 45 Longdyke Drive, Carlisle, CA1 3HT
Grid Reference: 342710 553607

Proposal: Two Storey Side Extension And Single Storey Rear Extension to Provide Enlarged Kitchen and Dining Room on Ground Floor with Master Bedroom with En-suite above.

Amendment:

Decision: Grant Permission **Date:** 22/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0458
Applicant: Begg (Nominees) Ltd
Parish: Carlisle

Date of Receipt: 06/05/2008
Agent: Architects Plus (UK) Ltd
Ward: Castle

Location: Former BT Exchange, Cecil Street, Carlisle, CA1 1NL
Grid Reference: 340453 555688

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Surface Mounted External Lighting Affixed To Street Frontage

Amendment:

Decision: Grant Permission **Date:** 01/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0459

Applicant: Mr Julian Wilkinson

Parish: Carlisle

Date of Receipt: 27/05/2008

Agent:

Ward: Upperby

Location: 78 Woodside North, Carlisle, Cumbria, CA2 4NP

Grid Reference: 341139 553291

Proposal: Outside Seating Area To Rear Of Garden With Pergola Type Roof

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0460

Applicant: Environment Agency

Parish: Multiple Parishes

Date of Receipt: 06/05/2008

Agent: Axis

Ward: Multiple Wards

Location: Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well)

Grid Reference: 340004 554904

Proposal: Discharge Of Condition 3 (06/1473) And 4 (08/0112) - Provision Of Public Art; Partial Discharge Of Condition 10 (06/1473) And 11 (08/0112) - Landscaping Details; Discharge Of Condition 20 (08/0112) - Bat Boxes

Amendment:

Decision: Partial Discharge of Conditions **Date:**

SCHEDULE E: Decisions Issued Under Delegated Powers

07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0461
Applicant: Messr I & NF Milbourn
Parish: Stanwix Rural

Date of Receipt: 07/05/2008 11:31:48
Agent: Edwin Thompson LLP
Ward: Stanwix Rural

Location: Walby Grange, Walby, CA6 4QL
Grid Reference: 343852 560384

Proposal: Formation of Farm Activity Centre To include Livestock and Animal Building, Reception and Cafe, Play Barn Together with Associated Nature Trail and Car Parking (revised application)

Amendment:

Decision: Grant Permission **Date:** 02/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0469
Applicant: Mr Neil Bowen
Parish: Burgh-by-Sands

Date of Receipt: 22/05/2008
Agent:
Ward: Burgh

Location: The Old Farmhouse, Moorhouse, Carlisle, Cumbria, CA5 6HA
Grid Reference: 333029 556824

Proposal: Change Of Use Of Office Back To Residential Flat

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 04/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0470
Applicant: Mr & Mrs Davies
Parish: Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
08/05/2008

Agent:
S Buttler Chartered Architect

Ward:
Castle

Location:
105 Warwick Road, Carlisle, Cumbria, CA1 1EA

Grid Reference:
340638 555895

Proposal: Correct Replacement Railings To Perimeter Of Site To Warwick Road (Revised Application)

Amendment:

Decision: Grant Permission

Date: 01/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0471

Applicant:
Mr & Mrs Davies

Parish:
Carlisle

Date of Receipt:
08/05/2008

Agent:
S Buttler Chartered Architect

Ward:
Castle

Location:
105 Warwick Road, Carlisle, Cumbria, CA1 1EA

Grid Reference:
340638 555895

Proposal: Supply And Fit New Railings To Centre Line Of Walls And Returns To Building (Revised Application)

Amendment:

Decision: Grant Permission

Date: 01/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0474

Applicant:
Mr Paul Fox

Parish:
Carlisle

Date of Receipt:
08/05/2008

Agent:
Mr Paul Fitton

Ward:
Botcherby

Location:
9 Hespek Raise, Carlisle, CA1 2RN

Grid Reference:
342717 555398

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Two Storey Side Extension To Provide Dining Area, Utility Room With Wc On The Ground Floor With 1no. Additional Bedroom Above

Amendment:

Decision: Grant Permission **Date:** 03/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0475	Mr James Knox	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
15/05/2008		Stanwix Rural
Location:		**Grid Reference:**
2 The Steadings, Townhead Farm, Houghton, Carlisle, CA6 4JB		340863 559937

Proposal: Change Of Use From Beauty Salon To Piano Sales Showroom

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0477	Tynedale Agrishop	Kirkandrews
Date of Receipt:	**Agent:**	**Ward:**
09/05/2008 17:37:17	Green Design Group	Longtown & Rockcliffe
Location:		**Grid Reference:**
Tynedale Farm Services, Townfoot, Longtown, Carlisle, CA6 5LY		337556 568976

Proposal: Development Of Warehousing/workshops & Vets Surgery And Demolition Of Existing Workshops/offices Adjacent To Tynedale Agrishop (revised application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 03/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0478

Applicant: Mrs Sarah Barker

Parish: Burgh-by-Sands

Date of Receipt: 21/05/2008

Agent: Alan Gosling & Associates

Ward: Burgh

Location: Longburgh House, Longburgh, Carlisle, Cumbria, CA5 6AF

Grid Reference: 330825 558900

Proposal: Internal Alterations To Provide Dining Area, Lounge And Removal Of Existing Bathroom To Ground Floor (LBC)

Amendment:

Decision: Grant Permission **Date:** 09/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0479

Applicant: Concrete Ltd/Forton Holdings

Parish: Carlisle

Date of Receipt: 22/05/2008

Agent: Architects Plus (UK) Ltd

Ward: Castle

Location: Concrete Nightclub, 10 Lowther Street, Carlisle, Cumbria, CA3 8DA

Grid Reference: 340272 555798

Proposal: Change Of Use Of Offices To Toilets

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0482

Applicant: Mr Graham Ellis

Parish: Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 12/05/2008

Agent: Jock Gordon

Ward: Botcherby

Location: 29 Hespeck Raise, Carlisle, Cumbria, CA1 2RN

Grid Reference: 342654 555298

Proposal: Erection Of Two Storey Extension To Front Elevation To Provide Lounge On Ground Floor With 1 No. Bedroom Above

Amendment:

Decision: Grant Permission

Date: 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0488

Applicant: Mr Mike Toth

Parish: Carlisle

Date of Receipt: 16/05/2008

Agent: Mrs Heather Bell

Ward: Belah

Location: 16 Belah Road, Carlisle, Cumbria, CA3 9SG

Grid Reference: 339279 557703

Proposal: Two Storey Side Extension To Provide Dining Room And Utility Room To Ground Floor And 1no. Bedroom To First Floor

Amendment:

Decision: Grant Permission

Date: 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0489

Applicant: Ms Short

Parish: Carlisle

Date of Receipt: 02/06/2008

Agent: Mr G Tyler

Ward: St Aidans

Location: 77 Vasey Crescent, Carlisle, Cumbria, CA1 2BG

Grid Reference: 341193 555656

Proposal: Single Storey Rear Extension To Provide Kitchen and Dining Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 29/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0490

Applicant: Mr Shawn Reed

Parish: Nether Denton

Date of Receipt: 12/05/2008

Agent: Mr G Tyler

Ward: Irthing

Location: The Old Police House, Low Row, Brampton, Carlisle, Cumbria, CA8 2LQ

Grid Reference: 358548 562608

Proposal: Two Storey Side Extension To Provide Dining Room, Utility, W.C., And Replacemrnt Garage On Ground Floor, With 1no. En-suite Bedroom, 1no. Bathroom And Craft Room Above. Single Storey Rear Extension To Provide Sunroom

Amendment:

Decision: Grant Permission **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0493

Applicant: Pioneer Foods Limited

Parish: Carlisle

Date of Receipt: 13/05/2008

Agent: Architects Plus (UK) Ltd

Ward: Botcherby

Location: Pioneer House, Montgomery Way, Carlisle, CA1 2RW

Grid Reference: 342812 555846

Proposal: Extension To First And Second Floors Of Existing Office Block To Form An Additional Office Space, Lift Installation To Provide Disabled Access (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0500	Mr Paul Fitton	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
15/05/2008		Wetheral
Location:		**Grid Reference:**
Russet Rigg, Oakbank, Scotby, Carlisle, CA4 8BE		344069 555387

Proposal: Extension Of Garage To Form Double Garage With Utility Room And Dormer Bedroom Above. Conversion Of Existing Bungalow Into A Dormer Bungalow To Provide 3no. First Floor Bedrooms Each With Ensuite Facilities. Alterations To Ground Floor Layout To Convert Two Bedrooms Into Kitchen/dining Area And Enlarged Lounge/hallway. (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 01/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0503	Dr Wagstaff	Castle Carrock
Date of Receipt:	**Agent:**	**Ward:**
20/05/2008	Jon Underwood Associates	Great Corby & Geltsdale
Location:		**Grid Reference:**
The Rectory, Castle Carrock, CA8 9LZ		354222 555365

Proposal: Attic Conversion To Create 2no. Additional Bedrooms And Bathroom Together With The Insertion Of 3no. Velux Rooflights. Erection Of Garden Room Rear Elevation (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 09/07/2008

Between 28/06/2008 and 08/08/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 08/0504
Applicant: Mr & Mrs Anderson
Parish: Wetheral

Date of Receipt: 15/05/2008
Agent: Jock Gordon
Ward: Wetheral

Location: Sgumain, Wetheral, Carlisle, Cumbria, CA4 8HE
Grid Reference: 346421 554205

Proposal: First Floor Extension Over Existing Ground Floor Extension To Provide Bedroom To Rear Elevation

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0507
Applicant: Mrs Margaret Fleming
Parish: Arthuret

Date of Receipt: 16/05/2008
Agent: Rodney Jeremiah
Ward: Longtown & Rockcliffe

Location: L/A to Rear of 47 Esk Street, Longtown, Carlisle CA6 5PU
Grid Reference: 337813 568605

Proposal: Demolition Of Existing Disused Dwelling

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0508
Applicant: Environment Agency
Parish: Multiple Parishes

Date of Receipt: 16/05/2008
Agent: Axis
Ward: Multiple Wards

Location: Property along the rivers Caldew (Holmehead to
Grid Reference: 340004 554904

Sheep Mount) and Eden (the Swifts to Spa Well)

Proposal: Clarification Of Condition 2 Of Consent 06/1473; Partial Discharge Of Condition 9 Of Consent 06/1473 &10 Of Consent 08/0112 - Changes Affecting SAC/SSSI/BAP Nature Conservation; Full Discharge Of Condition 7 Of Consent 06/1473 And 8 Of Consent 08/0112 - Replacement Bridge Details; Full Discharge Of Condition 2 Of Consent 07/1389 - Metal Steps At Bousteads Grassing; Partial Discharge Of Condition 8 Of Consent 06/1473 And 9 Of Consent 08/0112 - Floodgate Details; Partial Discharge Of Condition 12 Of Consent 06/1473, 4 Of Consent 07/1389 And 13 Of 08/0112 - Foot And Cycle Path Construction; And Full Discharge Of Condition 14 Of Consent 06/1473 And 15 Of Consent 08/0112 - Provision Of Ducting For Future Lighting

Amendment:

Decision: Partial Discharge of Conditions **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0509	Carlisle Diocesan Board of Finance	Burtholme
Date of Receipt:	**Agent:**	**Ward:**
16/05/2008 09:30:58	Hyde Harrington	Irthing
Location:		**Grid Reference:**
Lanercost Priory, Lanercost, Brampton, CA8 2HQ		355580 563731

Proposal: Alterations To Create Oil Tank Storage Within Existing Building (LBC)

Amendment:

Decision: Grant Permission **Date:** 03/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0512	Mr & Mrs W Bullions	Hethersgill
Date of Receipt:	**Agent:**	**Ward:**
12/06/2008	Chris Brown Building	Lyne

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
West View, Hethersgill, Carlisle, CA6 6EH

Grid Reference:
347806 567187

Proposal: Erection Of Carport To Side Of Property

Amendment:

Decision: Grant Permission **Date:** 22/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0513

Applicant:
Mr J Jeff

Parish:
Dalston

Date of Receipt:
27/05/2008

Agent:
Mr P A Jones

Ward:
Dalston

Location:
12 The Green, Dalston, Carlisle, CA5 7QB

Grid Reference:
336866 549793

Proposal: Alteration To Area Above Existing Garage To Provide Covered Balcony And Storage

Amendment:

Decision: Grant Permission **Date:** 08/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0514

Applicant:
Impact Housing Association

Parish:
Carlisle

Date of Receipt:
21/05/2008

Agent:
Croft Goode Ltd

Ward:
Denton Holme

Location:
44-46 St James Road, Carlisle, Cumbria, CA2 5PD

Grid Reference:
339345 555082

Proposal: Erection Of New Boundary Wall & Railings

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 14/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0518
Applicant: Mr Conway
Parish: Wetheral

Date of Receipt: 21/05/2008
Agent: Paramount Windows & Conservatories
Ward: Wetheral

Location: 135 Scotby Road, Scotby, Carlisle, Cumbria, CA4 8BJ
Grid Reference: 343848 556100

Proposal: Conservatory To Rear

Amendment:

Decision: Grant Permission **Date:** 11/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0520
Applicant: JA & D Forster
Parish: Askerton

Date of Receipt: 03/06/2008
Agent:
Ward: Irthing

Location: Gillalees Farm, West Hall, Brampton, CA8 2EW
Grid Reference: 356936 571267

Proposal: Erection of Agricultural Building For Livestock

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0521
Applicant: Punch Taverns PLC
Parish: Carlisle

Date of Receipt:
Agent:
Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

21/05/2008 11:27:47 Caldecotte Consultants Belah

Location:
Land at The Enterprise Public House, Briar Bank, Carlisle CA3 9SN

Grid Reference:
339023 557895

Proposal: Erection of 6no. Dwellings, Access, Parking and Associated Landscaping (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 04/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0522

Applicant:
Mr Merrington

Parish:
Burgh-by-Sands

Date of Receipt:
22/05/2008 11:30:41

Agent:
Tsada Building Design Services

Ward:
Burgh

Location:
Laurel Bank, Thurstonfield, Carlisle, CA5 6HD

Grid Reference:
331662 556689

Proposal: Demolition Of Existing Timber Lean To, Erection Of Garage. Alterations To Existing Garage To Form Utility And Extended Kitchen

Amendment:

Decision: Grant Permission **Date:** 14/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0523

Applicant:
Magnus Homes Limited

Parish:
Brampton

Date of Receipt:
23/05/2008

Agent:
Black Box Architects Limited

Ward:
Brampton

Location:
5 Hemblesgate, Tarn Road, BRAMPTON, CA8 1QX

Grid Reference:
353548 560506

Proposal: Single Storey Rear Extension To Form A Garden Workroom And Store

SCHEDULE E: Decisions Issued Under Delegated Powers

(Revised House Type)

Amendment:

Decision: Grant Permission **Date:** 16/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0524	Concrete Ltd/Forton Holdings	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
22/05/2008	Architects Plus (UK) Ltd	Castle

Location:
Concrete Nightclub, 10 Lowther Street, Carlisle, Cumbria, CA3 8DA

Grid Reference:
340272 555798

Proposal: Internal Alterations To Existing Brick Wall, Relocation Of Toilets To First Floor And Formation Of New Stair Case. Change Of Use From Office To Toilets (LBC)

Amendment:

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0525	Michael Brown & Ian Low	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
10/06/2008	Architectural Assistance	St Aidans

Location:
13 & 15 Melbourne Road, Carlisle, Cumbria, CA1 2DW

Grid Reference:
341199 555439

Proposal: Rebuilding Of Dwarf Boundary Walls & Provision Of New Railings And Gates To Existing Forecourts

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0531

Applicant: Mrs Saunderson

Parish: Carlisle

Date of Receipt: 27/05/2008

Agent: HTGL Architects Ltd

Ward: Stanwix Urban

Location: 58 Brampton Road, Carlisle, CA3 9AU

Grid Reference: 340779 557433

Proposal: Demolition Of Existing Garage And WC And The Construction Of New Garage,WC/Utility/Store On The Ground Floor With Study Area And Shower Room On The First Floor

Amendment:

Decision: Grant Permission **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0532

Applicant: Cliff Walsingham & Company

Parish: Dalston

Date of Receipt: 30/05/2008

Agent:

Ward: Dalston

Location: Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW

Grid Reference: 335369 548364

Proposal: Discharge Of Condition 10 Of Approved Application 04/1203

Amendment:

Decision: Partial Discharge of Conditions 16/07/2008 **Date:**

Between 28/06/2008 and 08/08/2008

Appn Ref No: **Applicant:** **Parish:**

SCHEDULE E: Decisions Issued Under Delegated Powers

08/0534 | Mr & Mrs T Hall | Carlisle

Date of Receipt: 05/06/2008 | **Agent:** Swarbrick Associates | **Ward:** Castle

Location: 26 Chiswick Street, Carlisle, Cumbria, CA1 1HQ | **Grid Reference:** 340565 555889

Proposal: Erection Of Replacement Boundary Walls.

Amendment:

Decision: Grant Permission | **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0537 | **Applicant:** Mrs Jane Turnbull & Mrs Helen Green | **Parish:** St Cuthberts Without

Date of Receipt: 03/06/2008 | **Agent:** | **Ward:** Dalston

Location: Wreay Syke Cottage, Wreay, Carlisle, Cumbria, CA4 0RL | **Grid Reference:** 343550 549170

Proposal: Erection Of Dwelling For Local Occupancy (Outline)

Amendment:

Decision: Refuse Permission | **Date:** 29/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0538 | **Applicant:** Mr Hinton-Smith | **Parish:** Solport

Date of Receipt: 21/05/2008 11:31:08 | **Agent:** Tsada Building Design Services | **Ward:** Lyne

Location: Friarhill Gate, Roweltown, CA6 6LN | **Grid Reference:** 348363 573143

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Replacement Of Existing Rear Flat Roof With Pitched Roof, Formation of Sun Room Above Existing Kitchen In Roof Void, Conversion Of Outbuildings To Day Room And Bathroom With Gallery Bedroom Above

Amendment:

Decision: Grant Permission **Date:** 16/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0539	Mr Hinton-Smith	Solport
Date of Receipt:	**Agent:**	**Ward:**
21/05/2008 11:31:08	Tsada Building Design Services	Lyne

Location: Friarhill Gate, Roweltown, CA6 6LN

Grid Reference: 348363 573143

Proposal: Replacement Of Existing Rear Flat Roof With Pitched Roof, Formation of Sun Room Above Existing Kitchen In Roof Void, Conversion Of Outbuildings To Day Room And Bathroom With Gallery Bedroom Above (LBC)

Amendment:

Decision: Grant Permission **Date:** 16/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0540	Mr & Mrs Longford	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
23/05/2008	Carlisle Window Systems	Upperby

Location: 13 Cammock Avenue, Carlisle, CA2 4PD

Grid Reference: 341347 553249

Proposal: Removal Of Outhouse And Erection Of Conservatory To Side Elevation

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 02/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0541	Mr Little	Kirklinton Middle
Date of Receipt:	**Agent:**	**Ward:**
28/05/2008	Tsada Building Design Services	Lyne
Location:		**Grid Reference:**
Highberry House, Smithfield, CA6 6BP		344265 565320

Proposal: Erection Of Chimney Stack On Three Bed Bungalow With Garage (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 01/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0545	Mr Stuart Hudson	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
23/05/2008		Longtown & Rockcliffe
Location:		**Grid Reference:**
Glencroft, Longtown, Carlisle, CA6 5PX		341559 572187

Proposal: Change Of Use Of Agricultural Land To Equine Development Comprising A 40m X 20m Equine Menege And The Installation Of Stables Within An Existing Agricultural Stock Shed And The Erection Of A Single External Timber Stable

Amendment:

Decision: Grant Permission **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**

SCHEDULE E: Decisions Issued Under Delegated Powers

08/0546 Top Notch Contractors Ltd Carlisle

Date of Receipt: 27/05/2008 07:30:26

Agent: Hyde Harrington

Ward: Botcherby

Location: 99a Borland Avenue, Carlisle, CA1 2TF

Grid Reference: 342035 555207

Proposal: Erection Of A Concrete Ramp To Front Elevation. Replacement Of Flat Roof On Garage With A Hipped Roof Together With Internal Alterations.

Amendment:

Decision: Grant Permission **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0548

Applicant: Burgh by Sands Sports and Recreation Association

Parish: Burgh-by-Sands

Date of Receipt: 27/05/2008

Agent: Story Land and Development

Ward: Burgh

Location: Land adjacent to Greyhound Inn, Burgh by Sands

Grid Reference: 332470 559065

Proposal: Discharge Of Conditions 4, 5a, 5b, 6, 8, and 11 Of Previously Approved Application 08/0152

Amendment:

Decision: Partial Discharge of Conditions 31/07/2008 **Date:**

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0549

Applicant: Ms Deborah Jenkins

Parish: Hayton

Date of Receipt: 11/06/2008

Agent: Taylor & Hardy

Ward: Hayton

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Land adjacent Westgarth Cottage, Hayton, Carlisle, Cumbria, CA8 9HL — 350614 557795

Proposal: Erection Of Single Storey Detached Dwelling

Amendment:

Decision: Grant Permission — **Date:** 06/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0551	Lloyds TSB Bank Plc	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
13/06/2008	Lloyds TSB Bank Plc	Castle

Location: Lloyds TSB Bank Plc, 8 Lowther Street, Carlisle, Cumbria, CA3 8DB

Grid Reference: 340274 555777

Proposal: Erection Of 2no. Fascia Signs (Illuminated And Non-Illuminated); And 1no. Externally Illuminated Hanging Sign (revised Application) (LBC)

Amendment:

Decision: Refuse Permission — **Date:** 07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0552	Lloyds TSB Bank Plc	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
13/06/2008	Lloyds TSB Bank Plc	Castle

Location: Lloyds TSB Bank Plc, 8 Lowther Street, Carlisle, Cumbria, CA3 8DB

Grid Reference: 340274 555777

Proposal: Erection Of 2no. Fascia Signs (illuminated And Non-Illuminated); And 1no. Externally Illuminated Hanging Sign (revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Refuse Permission **Date:** 07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0555
Applicant: Mrs A Wilson
Parish: Wetheral

Date of Receipt: 03/06/2008
Agent: Architects Plus (UK) Ltd
Ward: Wetheral

Location: The Grange, Wetheral, Carlisle, Cumbria, CA4 8ES
Grid Reference: 346666 554494

Proposal: Erection Of Satellite Dish (LBC)

Amendment:

Decision: Grant Permission **Date:** 09/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0558
Applicant: Mr Gordon Boertien
Parish: Carlisle

Date of Receipt: 28/05/2008
Agent: Architects Plus (UK) Ltd
Ward: Belah

Location: Land Adjacent 23, California Road, Carlisle
Grid Reference: 339763 559210

Proposal: Erection Of 8 No. 2 Bedroom Apartments (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 16/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0563
Applicant: Draper Properties
Parish: Carlisle

Date of Receipt: 29/05/2008
Agent: HTGL Architects Ltd
Ward: Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
9-11 London Road And 3 Charles Street, Carlisle, Cumbria

Grid Reference:
340666 555303

Proposal: Change Of Use From 2 Ground Floor Shops And 3 No. Flats Over To 1 Ground Floor Shop And House In Multiple Occupancy For 14 No. Persons.

Amendment:

Decision: Grant Permission **Date:** 16/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0565

Applicant:
Mr Gareth Dutton

Parish:
Hayton

Date of Receipt:
30/05/2008

Agent:
Green Design Group

Ward:
Great Corby & Geltsdale

Location:
Land Between Cherry Garth And Graham Cottages, Talkin, Brampton, Cumbria, CA8 1LE

Grid Reference:
354916 557428

Proposal: Erection Of New Dwelling

Amendment:

Decision: Grant Permission **Date:** 25/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0566

Applicant:
Mr David Gillon

Parish:
Carlisle

Date of Receipt:
04/06/2008

Agent:

Ward:
Castle

Location:
90 Peel Street, Carlisle, Cumbria, CA2 7AU

Grid Reference:
338916 555637

Proposal: Erection Of A Single Storey Rear Extension

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 02/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0574

Applicant: Russell Armer Ltd

Parish: Carlisle

Date of Receipt: 09/06/2008

Agent:

Ward: Castle

Location: Land Off Infirmary Street, Carlisle, Cumbria, CA2 7AN

Grid Reference: 338927 556014

Proposal: Construction Of Refuse/Recycling Store

Amendment:

Decision: Grant Permission **Date:** 22/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0580

Applicant: Mr & Mrs T Hall

Parish: Carlisle

Date of Receipt: 05/06/2008

Agent: Swarbrick Associates

Ward: Castle

Location: 26 Chiswick Street, Carlisle, Cumbria, CA1 1HQ

Grid Reference: 340565 555889

Proposal: Provision Of New Timber Windows: Replacement Paving: Upgrading Of Boundary Walling To Rear: Provision Of 2no. Replacements Timber Gateways: Alterations And Internal Works (LBC)

Amendment:

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

08/0581	Mr & Mrs Haughan	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/06/2008	Jock Gordon	Upperby
Location:		**Grid Reference:**
20 Cammock Crescent, Carlisle, Cumbria, CA2 4PE		341424 553222

Proposal: Erection Of 3 Dormers To Front And Rear Roof Slopes To Provide Headroom For First Floor Bedrooms And Bathroom.

Amendment:

Decision: Grant Permission **Date:** 29/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0582	Mr Brian Morrey	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/06/2008		Belah
Location:		**Grid Reference:**
10 Ritson Close, Lowry Hill, Carlisle, CA3 0QD		339552 558670

Proposal: Provision Of Chimney, Erection Of Conservatory To Rear Elevation And Erection Of First Floor Extension Over Garage To Provide Master Bedroom Suite (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0585	Mr & Mrs Nelson & Berry	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
12/06/2008	T.S.F Developments	Great Corby & Geltsdale
Location:		**Grid Reference:**
Pheasant Cottage, Great Corby, Carlisle, CA4 8NJ		347774 553728

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Extension To Provide Sun Room And Jacuzzi, Together With Single Storey Side Extension To Provide Hallway Connecting To Existing Garage Converted Into Bedroom And Study

Amendment:

Decision: Grant Permission **Date:** 29/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0590	Mr M Turk	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
10/06/2008	L W Rook	Wetheral
Location:		**Grid Reference:**
Wilspa, Park Road, Scotby, Carlisle, CA4 8AT		343799 555443

Proposal: Two Storey Side Extension To Provide Replacement Garage And Enlarged Kitchen On Ground Floor With En-Suite Bedroom Above (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 01/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0592	Cumbria Partnership NHS Foundation Trust	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
06/06/2008 15:30:16	P+HS Architects	Dalston
Location:		**Grid Reference:**
Carleton Clinic, Cumwhinton Road, Carlisle, CA1 3SX		343711 553477

Proposal: Proposed Extension To In-Patient Unit.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 22/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0593

Applicant: Mr P Winder

Parish: Carlisle

Date of Receipt: 09/06/2008

Agent: Hogg & Robinson (Builders) Limited

Ward: Belah

Location: 28 Esk Road, Carlisle, CA3 0HW

Grid Reference: 339145 558232

Proposal: Two Storey Side Extension To Provide Granny Annexe Comprising: Kitchen, Living/Dining Area On Ground Floor With 2no En-Suite Bedrooms Above. Replacement Pitched Roof Over Garage To Provide Storage And Playroom Within Roof Space. Replacement Pitched Roof Over Front Porch And Bay Window (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 22/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0596

Applicant: Park Gate & Company Ltd

Parish: Carlisle

Date of Receipt: 09/06/2008

Agent: Bingham Yates & Partners

Ward: Belah

Location: 87 Kingstown Broadway, Kingstown Industrial Estate, Carlisle, Cumbria, CA3 0HA

Grid Reference: 339186 559584

Proposal: Erection Of First Floor Extension To Provide Offices With New Bay Window & Piers At Ground Floor

Amendment:

Decision: Grant Permission **Date:** 04/08/2008

Between 28/06/2008 and 08/08/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 08/0599
Applicant: Mr Billy Mallinson
Parish: Dalston

Date of Receipt: 11/06/2008
Agent: Mr Brian Child
Ward: Dalston

Location: Luanna, Townhead Road, Dalston, Carlisle, CA5 7JF
Grid Reference: 336500 550073

Proposal: Single Storey Extension To Provide Kitchen, Dining And Living Room. Erection Of Detached Garage

Amendment:

Decision: Grant Permission **Date:** 01/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0601
Applicant: Story Homes
Parish: Carlisle

Date of Receipt: 11/06/2008
Agent:
Ward: Belle Vue

Location: Land between 75 To 87 Burgh Road, Burgh Road, Carlisle
Grid Reference: 337421 556223

Proposal: Variation Of Carlisle V2 House Type On Plots 2, 21, 23 And 27 For The Addition Of A Small Window To The Rear Elevation. Internal Adjustment To Location Of Kitchen And Downstairs Wc And Change In Location Of External Door On Rear Elevation To Side Elevation

Amendment:

Decision: Grant Permission **Date:** 05/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0602
Applicant: Mr Neal
Parish: Carlisle

Date of Receipt:
Agent:
Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/06/2008 — Castle

Location:
Site Adjacent To 97 Newtown Road, Carlisle

Grid Reference:
338627 555923

Proposal: Erection Of A Dwelling (Retrospective)

Amendment:

Decision: Grant Permission — **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0604	Mr A Cowen	Kingwater
Date of Receipt:	**Agent:**	**Ward:**
10/06/2008		Irthing

Location:
Wellfield, Nickies Hill, Walton, Brampton, CA8 2BA

Grid Reference:
353911 567044

Proposal: Discharge Of Conditions 5 (Details Of Windows) And 6 (Historic Building Survey) Of Application 07/1166

Amendment:

Decision: Grant Permission — **Date:** 30/06/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0605	Mr & Mrs J Wright	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
11/06/2008	Architects Plus (UK) Ltd	Wetheral

Location:
Three Gables, Plains Road, Wetheral, Carlisle, Cumbria, CA4 8LE

Grid Reference:
346201 555396

Proposal: Erection Of Detached 5 Bedroom Dwelling With Integral Double Garage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 05/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0606
Applicant: Story Homes
Parish: Carlisle

Date of Receipt: 12/06/2008 17:30:04
Agent:
Ward: Castle

Location: Our Lady and St Joseph's Church, Warwick Square, CA1 1NG
Grid Reference: 340623 555851

Proposal: Erection Of A Directional Sales Board For The Adjoining Hanson Place Development

Amendment:

Decision: Refuse Permission **Date:** 08/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0607
Applicant: Mr Murray
Parish: Brampton

Date of Receipt: 12/06/2008 17:30:41
Agent: Andrew Nash Associates
Ward: Brampton

Location: West View, Gelt Road, Brampton, CA8 1QG
Grid Reference: 353107 560444

Proposal: Replacement Of Existing Two Storey Rear Extension With Larger Two Storey Extension (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0608
Applicant: Mr Derek Winter
Parish: Kingmoor

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
18/06/2008

Agent:
Cumbria Home Plans

Ward:
Stanwix Rural

Location:
Howe Cottage, Harker, Carlisle, CA2 5PT

Grid Reference:
339336 560321

Proposal: Single Storey Extension To Side Elevation To Provide Hot Tub Room

Amendment:

Decision: Grant Permission

Date: 11/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0609

Applicant:
Mrs Jane Shaw

Parish:
Dalston

Date of Receipt:
25/06/2008

Agent:

Ward:
Dalston

Location:
The Joiners Shop, Holmhill, Dalston, Carlisle, CA5 7BX

Grid Reference:
337525 547462

Proposal: Replacement Doors And Windows To South Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0617

Applicant:
Mr Gary Smith

Parish:
Carlisle

Date of Receipt:
16/06/2008

Agent:

Ward:
Upperby

Location:
159 Upperby Road, Upperby, Carlisle, CA2 4JP

Grid Reference:
341083 553554

Proposal: First Floor Extension To Rear Elevation To Provide 2no. Bedrooms

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 10/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0622

Applicant: Mrs Rebecca Forster

Parish: Carlisle

Date of Receipt: 17/06/2008

Agent:

Ward: Stanwix Urban

Location: 123 Scotland Road, Carlisle, Cumbria, CA3 9HH

Grid Reference: 339967 557534

Proposal: Single Storey Extension To The Rear Of The Property With Alteration To Garage roof (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0625

Applicant: Mr Lee Tampion

Parish: Carlisle

Date of Receipt: 18/06/2008

Agent: HTGL Architects Ltd

Ward: Yewdale

Location: 32 Glaramara Drive, Carlisle, CA2 6QP

Grid Reference: 337490 554326

Proposal: Conversion Of Garage To Provide Utility Room, Lift Access Room And Store; Together With First Floor Extension Above With Through The Floor Lift To Provide 1no. Bedroom And En Suite Shower Room

Amendment:

Decision: Grant Permission **Date:** 21/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

08/0627 | Ventunity Ltd | Carlisle

Date of Receipt: 19/06/2008 | **Agent:** Mr Mark Llyod | **Ward:** Castle

Location: Unit 43, The Lanes Shopping Centre, Carlisle, CA3 8EF | **Grid Reference:** 340207 555971

Proposal: Erection of 1 No. Illuminated Fascia Sign and 2 No. Illuminated Internal Hanging Signs

Amendment:

Decision: Grant Permission | **Date:** 29/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0634 | **Applicant:** Mr Jeremiah | **Parish:** Bewcastle

Date of Receipt: 20/06/2008 13:30:18 | **Agent:** Mr Jeremiah | **Ward:** Lyne

Location: Brownhill Cottage, Roadhead, Carlisle, CA6 6NR | **Grid Reference:** 352795 576253

Proposal: Construction Of Pitched Roof To Existing Flat Roof

Amendment:

Decision: Grant Permission | **Date:** 17/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No: 08/0638 | **Applicant:** The Governors | **Parish:** Carlisle

Date of Receipt: 26/06/2008 | **Agent:** Unwin Jones Partnership | **Ward:** Belle Vue

Location: St Bede's R C Primary School, Strathclyde Avenue, Carlisle, CA2 7DS | **Grid Reference:** 338544 555476

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Proposed Single Storey Extension And Internal Alterations To Existing School

Amendment:

Decision: Grant Permission **Date:** 07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0639	Mr Geoff Thompson	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
01/07/2008	Mr Christopher Mossop	Belle Vue
Location:		**Grid Reference:**
Thompson Accident Repair Centre, Site 4a, Caxton Road, Carlisle, CA2 7NS		337975 556258

Proposal: Refurbishment & Extension To Existing Office Area. Alterations To Roof Of Existing Industrial Building. Replacing Of Existing Roof Covering.

Amendment:

Decision: Grant Permission **Date:** 07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0658	S & S L Phillips	Bewcastle
Date of Receipt:	**Agent:**	**Ward:**
26/06/2008 15:32:23	Mr Jeremiah	Lyne
Location:		**Grid Reference:**
Kinkry Hill Lawn, Roadhead, CA6 6NG		351470 575234

Proposal: Two Storey Side And Rear Extensions To Provide Sitting Room, Study, Utility Room,1no. Bedroom And Bathroom At Ground Floor Level, With 1no. En-Suite Bedroom And Family Bathroom Above.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 01/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0660	Mr Cracknell	Hethersgill
Date of Receipt:	**Agent:**	**Ward:**
26/06/2008 17:30:06	Rodney Jeremiah	Lyne
Location:		**Grid Reference:**
Uppertown Court, Kirklinton, Carlisle, CA6 6BD		344111 567124

Proposal: Lean-To Extension To Provide Dining Room And Sun Room.

Amendment:

Decision: Grant Permission **Date:** 01/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0672	Mr Laycock	Nicholforest
Date of Receipt:	**Agent:**	**Ward:**
30/06/2008 15:30:14	Phoenix Architects	Lyne
Location:		**Grid Reference:**
Rose Cottage, Kershopefoot, Newcastleton, TD9 0TJ		347602 582838

Proposal: Side Extension To Provide Larger Bedrooms With En-Suite Facilities And Porch to Re-Open Original Front Entrance

Amendment:

Decision: Grant Permission **Date:** 08/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0676	Mr & Mrs Rowntree	Brampton
Date of Receipt:	**Agent:**	**Ward:**

SCHEDULE E: Decisions Issued Under Delegated Powers

01/07/2008 Jock Gordon Brampton

Location:
Stanehie, Station Road, Brampton, CA8 1EX

Grid Reference:
353950 561054

Proposal: Discharge Of Condition 2 (Colours Of Render) Of Application 08/0251

Amendment:

Decision: Grant Permission **Date:** 24/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0678

Applicant:
Mr Donald Lacey

Parish:
Askerton

Date of Receipt:
02/07/2008

Agent:

Ward:
Irthing

Location:
Croft Cottage, Mewsgate, Roweltown, Carlisle, CA6 6JX

Grid Reference:
352260 572012

Proposal: Discharge of Conditions 2,3,6,7 and 9 Of Application Reference 08/0222

Amendment:

Decision: Grant Permission **Date:** 07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0681

Applicant:
Dr Wagstaff

Parish:
Castle Carrock

Date of Receipt:
03/07/2008

Agent:
Jon Underwood Associates

Ward:
Great Corby & Geltsdale

Location:
The Rectory, Castle Carrock, CA8 9LZ

Grid Reference:
354222 555365

Proposal: Attic Conversion To Create 2no. Additional Bedrooms And Bathroom Together With The Insertion On 3no Velux Rooflights. Erection Of Garden Room Rear Elevation (LBC) (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0683	Mr Paul Dobson	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
03/07/2008	Architects Plus (UK) Ltd	Wetheral
Location:		**Grid Reference:**
Site Adjacent To The Limes, Plains Road, Wetheral, Carlisle		346200 555440

Proposal: Discharge Of Conditions 2 (External Materials); 3 (Landscaping); 4 (Ground/Floor Levels) And 8 (Vehicular Access) Of Application 07/0947

Amendment:

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0686	Mr Neil Wiseman	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/07/2008		Morton
Location:		**Grid Reference:**
36 Eskdale Avenue, Carlisle, Cumbria, CA2 5RA		338609 555142

Proposal: First Floor Extension To Rear Elevation To Provide 1no. Bedroom

Amendment:

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/0688	Andrew McKeown	Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
04/07/2008

Agent:
Jock Gordon

Ward:
Wetheral

Location:
Longlands, Wetheral, Carlisle, CA4 8HE

Grid Reference:
346427 554225

Proposal: Discharge Of Conditions 2, 3, 4, 6, 7, 9, 10, 11, 12 And 14 Of Application Reference 08/0450

Amendment:

Decision: Grant Permission **Date:** 07/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0728

Applicant:
Mr & Mrs Forrester

Parish:
Westlinton

Date of Receipt:
14/07/2008

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Down-By-Rigg Farm, Westlinton, Carlisle, Cumbria, CA6 6AE

Grid Reference:
340359 564195

Proposal: Discharge Of Condition 2 (Reserved Matters); 8 (Disposal Of Foul And Surface Water); 9 (Ground And Floor Levels); 10 (Screen Walls And Fences); 13 (Landscaping); 14 (Details Of External Materials); 16 (Hard Surface Finishes) Of Application 07/0908

Amendment:

Decision: Grant Permission **Date:** 08/08/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:
08/0782

Applicant:
Mr Andrew Kennon

Parish:
Stanwix Rural

Date of Receipt:
29/07/2008

Agent:

Ward:
Stanwix Rural

Location:
28 Smithy Croft, Houghton, Carlisle, CA3 0NS

Grid Reference:
340926 559395

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge of condition 2 (materials) relating to Planning Application 07/1034

Amendment:

Decision: Grant Permission **Date:** 31/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/9017	Cumbria County Council	Brampton
Date of Receipt:	**Agent:**	**Ward:**
09/06/2008	Economy, Culture and Environment	Brampton

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

Grid Reference: 353040 561340

Proposal: Amalgamation Of Infant & Junior Schools To Include New Nursery, New Main Entrance, Extension To Existing Hall, Classroom Extension, Extended Car Park & Extended Hard Play Including Retaining Wall To Junior School

Amendment:

Decision: City Council Observation - Raise No Objection **Date:** 07/07/2008

Between 28/06/2008 and 08/08/2008

Appn Ref No:	**Applicant:**	**Parish:**
08/9019	No Name.Com Ltd	Hayton
Date of Receipt:	**Agent:**	**Ward:**
04/07/2008	Cumbria County Council	Hayton

Location: Faugh No.2 Sand Pit, Heads Nook,Brampton

Grid Reference: 351122 554669

Proposal: Determination Of New Conditions For A Mineral Site (Periodic Review)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: City Council Observation - Raise No Objection
Date: 29/07/2008