

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No: 10/0736	Applicant: Mr & Mrs P Cottam	Parish: Burgh-by-Sands
Date of Receipt: 09/08/2010	Agent: Taylor & Hardy	Ward: Burgh
Location: Langstile, Burgh by Sands, Carlisle, CA5 6BD	Grid Reference: 332759 559447	

Proposal: Erection Of Single Storey Two Bedroom Dwelling (Outline) (Revised Application)

Members resolved to defer consideration of the proposal in order to undertake a site visit and to await a further report of the application at a future meeting of the committee.

Item no: 02

Appn Ref No: 10/1156	Applicant: Vitapoint Properties	Parish: Carlisle
Date of Receipt: 29/12/2010	Agent: Ashwood Design Associates Ltd	Ward: Currock
Location: Former Railway Inn, 104 London Road, Carlisle, CA1 2PE	Grid Reference: 340993 554987	

Proposal: Renewal Of Unexpired Permission Of Previously Approved Application 07/1363 For Conversion Of First And Second Floor To Create Four Apartments

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Notice of Decision; and
3. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure that materials to be used are acceptable and in accord with Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Rooflights should be of a conservation style and be flush fitted with the roof surface.

Reason: To preserve the character of the building in accordance with Policies LE12, LE13, LE15 and LE19 of the Carlisle District Local Plan 2001-2016.

5. Prior to the occupation of the development details of the number, location and design of bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.

Reason: To ensure appropriate bicycle parking is provided. To support Policy T1 of the Carlisle District Local Plan 2001-2016.

This application relates to the former Railway Inn Public House which is located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear

off-shoot. The building is predominantly constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via an alley between the south-east elevation of the Railway Inn and No.106 London Road. The site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

The Railway Inn is currently vacant. A scheme to convert the ground floor of this building to retail was granted in 2006 (under planning reference 06/1363). A further application to alter the first and second floors of this property to create four apartments was granted in 2007 (under application reference 07/1363). Associated Listed Building Consents were also granted under planning references 06/1364 and 07/0143. None of these permissions have been implemented.

This application seeks a renewal of unexpired permission 07/1363 for the conversion of the first and second floors of this property to create four apartments. Planning application 07/1363 was granted on the 28th January 2008 with a three year commencement condition. The application for its renewal was registered on the 29th December 2010 prior to the application lapsing therefore the City Council are now dealing only with an application to "extend the life" of the permission, with all its existing conditions, etc remaining.

The relevant Planning Policies against which the application is required to be assessed are Policies EC4, CP5, CP6, LE12, LE13, LE15, LE19, T1 and H1 of the Carlisle District Local Plan 2001-2016.

The main issues raised for application 07/1363 were considered to be:

1. The Impact Of The Proposal On The Local Highway Network;
2. The Impact On The Grade II Listed Building And Setting Of The Conservation Area;
3. Whether The Residential Use Is Appropriate;
4. Whether There Would Be Any Impact On The Living Conditions Of Neighbouring Residents; and
5. Whether The Proposals Would Have Health And Safety Implications.

The principle of residential apartments above a retail outlet was considered an appropriate use for the first and second floors of this building under the previous planning approval as Policy EC4 (relating to Primary Retail Areas) of the Carlisle District Local Plan encourages residential uses to be linked to retail schemes. It was also considered that the proposal would not have an adverse impact upon the living conditions of neighbouring residents as the first and second floors of the building have an existing residential use and the creation of four one bedroom flats would not

lead to a significant worsening of the living conditions of neighbouring residents.

It was also established under the previous planning approval that the proposed development would not have an adverse impact upon the local highway network however a condition was imposed within the decision notice for application 07/1363 requiring the provision of bicycle parking facilities given the location of the site in relation to the town centre. The previous approval also considered that there would be no detrimental impact upon the character/ setting of the Grade II Listed Building or the Carlisle-Settle Conservation Area as the proposed alterations were in keeping with the character/appearance of the Listed Building. Furthermore the Health and Safety Executive raised no objections to planning application 07/1363 therefore it was considered that the proposal would not have any health and safety implications.

In the intervening period from the previous approval it is considered that there has been no material change in planning policy or circumstances to preclude this application being renewed. The relevant statutory consultees have also raised no objections to the renewal of this permission. The proposal is therefore still regarded as acceptable and compliant with the relevant planning policies.

Given that there is no change to the details of the scheme and no material change in planning circumstances the application is recommended for approval.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC4 - Primary Retail Area

Within the City Centre Shopping Area, proposals for the redevelopment, refurbishment or adaptation of existing shop premises will be permitted provided that:

- 1 proposals within the City Centre Conservation Area are complementary to enhance, or do not adversely affect the townscape of the area; and
- 2 traffic generated by proposals within the City Centre Conservation Area can be satisfactorily accommodated on the surrounding road network; and
- 3 elsewhere proposals will complement and reflect the surrounding townscape; and
- 4 where appropriate, opportunities for residential use and environmental improvements are linked to the scheme; and
- 5 satisfactory access for service vehicles can be provided, should the scale of the proposal require such provision.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;

- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE13 - Alterations To Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an

unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE15 - Change Of Use Of Listed Buildings

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and/or historic interest of the building, its setting and neighbouring buildings.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

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

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

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

Settlement boundaries have been drawn for the following Local Service Centres

within which proposals will be judged against the above criteria.

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

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

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

Item no: 03

Appn Ref No:
10/1150

Applicant:
Vitapoint Properties

Parish:
Carlisle

Date of Receipt:
23/12/2010 16:00:25

Agent:
Ashwood Design
Associates Ltd

Ward:
Currock

Location:
Former Railway Inn, 104 London Road, Carlisle,
CA1 2PE

Grid Reference:
340993 554987

Proposal: Alterations And Extensions To Form One Retail Unit And New Internal
Access (Renewal Of Expired Application 06/1363)

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the Site Location Plan [Drawing No.020, Received 6th January 2011];
 3. the Site Layout As Existing [Drawing No. 021, Received 6th January 2011];
 4. the Site Layout Plan As Proposed [Drawing No.011 Rev C, Received 23rd December 2010];
 5. the Existing Basement And Ground Floor Plans [Drawing No. 003 Rev B, Received 23rd December 2010];
 6. the Proposed Basement And Ground Floor Plans [Drawing No. 007 Rev E, Received 23rd December 2010];
 7. the Front And Side Elevations As Existing [Drawing No.005 Rev A, Received 23rd December 2010];
 8. the Rear And Side Elevations As Existing [Drawing No.006 Rev B, Received 23rd December 2010];
 9. the Front And Side Elevations As Proposed [Drawing No.009 Rev C, Received 23rd December 2010];
 10. the Rear And Side Elevations As Proposed [Drawing No.010 Rev F, Received 23rd December 2010];
 11. the Topographic Survey [Drawing No. 1522/1, Received 23rd December 2010];
 12. the Design And Access Statement [Received 23rd December 2010];
 13. the Notice of Decision; and
 14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Full details of choice of materials, design and colour of windows and doors shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

5. One of the proposed parking spaces detailed on Drawing No. 011 Revision C (Received 23rd December 2010) should be allocated for disabled persons and shall be kept available for such persons at all times and shall not be used for any other purpose.

Reason: To include adequate provision for disabled persons in accordance with Policy CP15 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application relates to the former Railway Inn Public House which is located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear off-shoot. The building is predominantly constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via an alley between the south-east elevation of the Railway Inn and No.106 London Road. The site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

The Railway Inn is currently vacant. A scheme to convert the ground floor of this building to retail was granted in 2006 (under planning reference 06/1363). A further application to alter the first and second floors of this property to create four apartments was granted in 2007 (under application reference 07/1363). Associated Listed Building Consent applications were also granted under planning references 06/1364 and 07/0143. None of these permissions have been implemented.

The applicant has submitted an application (planning reference 10/1156) on the 29th

December 2010 to renew the unexpired 2007 application. This application however seeks full planning permission to renew the 2006 application as the three year commencement condition has subsequently lapsed. The previous approval is a material planning consideration as the principle of the development was assessed and established under planning application 06/1363. The plans submitted for this application are identical to the previously approved plans and there has been no material change in planning policy or circumstances since the previous approval.

The drawings approved in 2006 and the drawings submitted for this application illustrate that it is proposed to convert the existing ground floor to retail and extend the rear of the property by means of a three storey extension adjacent to south-east elevation of the existing off-shoot which will house a new staircase providing access to the residential units on the first and second floors.

An extension to the rear elevation of the main building is also proposed which will be used to create additional retail space to the back of the building. The extension to the existing off-shoot will be 2.7m wide and 8.7m deep with a maximum height of 9.8m. The extension to the back of the building to house the retail unit will measure 3.5 metres by 6.9 metres and will have a total ridge height of 6.2 metres. An external WC and yard space to the side of the property will be demolished to make way for new wheelchair access to the premises and bin storage area.

The relevant planning policies against which the application is required to be assessed are Policies EC4, CP5, CP6, LE12, LE13, LE15, LE19, T1 and H1 of the Carlisle District Local Plan 2001-2016. The aforementioned planning policies support the conversion of redundant listed buildings in order to secure the upkeep of historic buildings provided that it can be shown that the conversion can be achieved without adverse impacts upon the character of the building.

The proposal raises the following planning issues:

1. Whether The Principle Of The Development Is Acceptable

The principle of the development has already been established under the 2006 planning approval. There has been no change to the plans, relevant planning policies or material change in planning circumstances to preclude this application being approved. The change of use of the existing ground floor of the building from a public house to retail is permitted as under the General Permitted Development (Amendment) Order 2005, a change from Class A4 (pubs and bars) to Class A1 (retail) does not require permission.

2. Impact On The Grade II Listed Building And Carlisle-Settle Conservation Area;

The Council's Conservation Officer's raised no objections to the redevelopment scheme approved under application 06/1363 or the associated Listed Building Consent applications (06/1364 and 07/0143). It has therefore already been considered that there would be no adverse impact upon the Grade II Listed Building or the Carlisle-Settle Conservation Area. The Council's Conservation Officer has raised no objections to the proposed development as the proposal incorporates no changes from that which has been previously approved.

3. Impact On Residential Amenity

The impact on residential amenity has already been established as being within tolerable limits in the previously approved plans. The ground floor of the property was previously used as a public house with associated residential living space above. It is not considered that a change to retail/residential would lead to an increase in the level of noise or disturbance over and above that associated with the former use as a public house.

The proposed extensions are modest in size and would not bring the property any closer to the neighbouring dwellings than at present. The extension to house the extended retail area, which is closest to No.106 London Road, does not have any windows facing towards the neighbouring property so it is not considered that it would have any impact on the living conditions of the neighbouring residents. The three storey element, which is largely designed to house the new stairway between floors, would have large windows at the basement and ground floor levels facing towards the south-east. This would lead to a slight increase in the level of overlooking of No.106 London Road. It is considered however that given the distances involved (approximately 18m) and as the windows under consideration are not servicing primary rooms, the impacts would be acceptable.

4. Impact on The Local Highway Network And Whether Appropriate Parking Arrangements Can Be Achieved

Cumbria Highways have raised no objections to this application. It is acknowledged that the proposal may lead to commercial deliveries being made directly from the A6 or vehicles parking partly off the road, causing damage to the footway. Little weight can be attached to the aforementioned potential issues as the change of use from a public house to Class A1 retail is permitted development, and as such, is exempt from the need for planning permission. It also needs to be borne in mind that the premises was previously a Public House, and as such, would also have received regular deliveries. Eight parking spaces will be provided to the rear of the site as well as a sufficient turning space. It is therefore not considered that the current proposal would lead to a worsening of local highway conditions.

5. Other Matters

The Council's Access Officer has made recommendations regarding disabled access arrangements which will be included as an advisory note. The applicant's agent has been forwarded these details and has confirmed that at present there is no end user for the premises therefore the recommendations of the Access Officer will be dealt with under Part M of the Building Regulations.

In overall terms it is considered that the proposals are compliant with the objectives of the relevant adopted Development Plan policies and the conversion of the Grade II Listed Building can be achieved without adverse impacts upon its character or setting. It is therefore recommended that the application is approved. To ensure that an appropriate finish to the building is achieved, it is recommended that the same conditions as the original planning consent are attached to any decision notice

requiring the applicant to provide samples of all external materials to be used and details (including colour and design) of all windows and external doors.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC4 - Primary Retail Area

Within the City Centre Shopping Area, proposals for the redevelopment, refurbishment or adaptation of existing shop premises will be permitted provided that:

- 1 proposals within the City Centre Conservation Area are complementary to enhance, or do not adversely affect the townscape of the area; and
- 2 traffic generated by proposals within the City Centre Conservation Area can be satisfactorily accommodated on the surrounding road network; and
- 3 elsewhere proposals will complement and reflect the surrounding townscape; and
- 4 where appropriate, opportunities for residential use and environmental improvements are linked to the scheme; and
- 5 satisfactory access for service vehicles can be provided, should the scale of the proposal require such provision.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated

- without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE13 - Alterations To Listed Buildings

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

Applications will be assessed against the following criteria:

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

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE15 - Change Of Use Of Listed Buildings

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and/or historic interest of the building, its setting and neighbouring buildings.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

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

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;

- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker

Hethersgill
Laversdale
Moorhouse
Walton

How Mill
Low Row
Talkin
Warwick-on-Eden

Lanercost
Monkhill
Todhills
Wreay

Item no: 04

Appn Ref No:
10/1151

Applicant:
Vitapoint Properties

Parish:
Carlisle

Date of Receipt:
23/12/2010 16:00:44

Agent:
Ashwood Design
Associates Ltd

Ward:
Currock

Location:
Former Railway Inn, 104 London Road, Carlisle,
CA1 2PE

Grid Reference:
340993 554987

Proposal: Demolition Of Redundant W.C. Accommodation, Erection Of Extension To Rear And Internal Alterations To Form One Retail Unit And 4No. Residential Apartments; General Repairs To Sliding Sash Windows, Stonework And Roof Coverings; Construction Of Bin Storage Area To The Side Of 104 London Road (LBC)

Grant Permission

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

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

2. The approved documents for this Listed Building Consent comprise:
 1. the submitted planning application form;
 2. the Site Location Plan [Drawing No.020, Received 6th January 2011];
 3. the Site Layout As Existing [Drawing No. 021, Received 6th January 2011];
 4. the Site Layout Plan As Proposed [Drawing No.011 Rev C, Received 23rd December 2010];

5. the Existing Basement And Ground Floor Plans [Drawing No. 003 Rev B, Received 23rd December 2010];
6. the Proposed Basement And Ground Floor Plans [Drawing No. 007 Rev E, Received 23rd December 2010];
7. the Existing First And Second Floor Plans [Drawing No. 004 Rev B, Received 23rd December 2010];
8. the Proposed First And Second Floor Plans [Drawing No. 008 Rev F, Received 23rd December 2010];
9. the Front And Side Elevations As Existing [Drawing No.005 Rev A, Received 23rd December 2010];
10. the Rear And Side Elevations As Existing [Drawing No.006 Rev B, Received 23rd December 2010];
11. the Front And Side Elevations As Proposed [Drawing No.009 Rev C, Received 23rd December 2010];
12. the Rear And Side Elevations As Proposed [Drawing No.010 Rev F, Received 23rd December 2010];
13. the Topographic Survey [Drawing No. 1522/1, Received 23rd December 2010];
14. the Design And Access Statement [Received 23rd December 2010];
15. the Notice of Decision; and
16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Full details of choice of materials, design and colour of windows and doors shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application relates to the former Railway Inn Public House which is located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear off-shoot. The building is predominantly constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via an alley between the south-east elevation of the Railway Inn and No.106 London Road. The site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

The Railway Inn is currently vacant. A scheme to convert the ground floor of this building to retail was granted in 2006 (under planning reference 06/1363). A further application to alter the first and second floors of this property to create four apartments was granted in 2007 (under application reference 07/1363). Associated Listed Building Consent applications (under references 07/0143 and 06/1364) were approved for the works to convert this property. None of these permissions have been implemented.

The applicant has submitted an application (planning reference 10/1156) on the 29th December 2010 to renew the unexpired 2007 application and a full planning application to renew the 2006 application (planning reference/1150) as the three year commencement condition has subsequently lapsed. This application seeks Listed Building Consent for the demolition of redundant W.C. Accommodation; erection of extensions to the rear and internal alterations to form one retail unit and 4no. residential apartments; general repairs to sliding sash windows, stonework and roof coverings together with construction of bin storage areas to the side of the property. All of these works have been previously approved under Listed Building Consent Applications 06/1364 and 07/0143. As the three year commencement period for both of the aforementioned Listed Building Consent applications has subsequently lapsed the applicant has had to reapply. Members are no doubt aware that the previous approvals are a material planning consideration as the principle of the development was assessed and established under planning applications 06/1364 and 07/0143. The plans submitted for this application are identical to the previously approved plans and there has been no material change in planning policy or circumstances since the previous approval.

The drawings approved in 2006 and 2007 together with the drawings submitted for

this application illustrate that it is proposed to convert the existing ground floor to retail and extend the rear of the property by means of a three storey extension adjacent to south-east elevation of the existing off-shoot which will house a new staircase providing access to the residential units on the first and second floors. An extension to the rear elevation of the main building is also proposed which will be used to create additional retail space to the back of the building. The extension to the existing off-shoot will be 2.7m wide and 8.7m deep with a maximum height of 9.8m. The extension to the back of the building to house the retail unit will measure 3.5 metres by 6.9 metres and will have a total ridge height of 6.2 metres. An external WC and yard space to the side of the property will be demolished to make way for new wheelchair access to the premises and bin storage area.

The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE13, LE15 and LE19 of the Carlisle District Local Plan 2001-2016. The aforementioned planning policies support the conversion of redundant listed buildings in order to secure the upkeep of historic buildings provided that it can be shown that the conversion can be achieved without adverse impacts upon the character of the building.

The main issue with regard to this application is considered to be whether the proposal safeguards the character, historic features, and, setting of the Grade II Listed Building. The proposed extensions are considered to be subservient to the existing property and sympathetic to the character of the listed building. As the majority of the proposed alterations are taking place to the rear of the site it is considered that the alterations do not affect the setting of the listed building and its contribution to the existing street scene.

The Listed Building Consent applications approved in 2006 and 2007 were subject of numerous discussions with the Council's Conservation Officers and the impact on the character, historic features and setting of this Grade II Listed Building has already been established as being acceptable. There has been no material planning changes that would preclude this Listed Building Consent application being approved. The Council's Conservation Officer has been consulted on the proposal and has raised no objections. The conditions attached to the previous Listed Building Consent approvals (relating to samples of materials) will be imposed within this decision notice in order to ensure that an appropriate finish to the building is achieved.

In overall terms it is considered that the Former Railway Inn can be converted without adversely affecting the character or setting of the Listed Building. The proposal is considered to be compliant with the relevant Development Plan policies and the application is therefore recommended for approval.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE13 - Alterations To Listed Buildings

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

Applications will be assessed against the following criteria:

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

community.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE15 - Change Of Use Of Listed Buildings

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and/or historic interest of the building, its setting and neighbouring buildings.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

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

Item no: 05

Appn Ref No:
10/1023

Applicant:
Banks Renewables
(Mossgrove Windfarm) LTD

Parish:
Stapleton

Date of Receipt:
15/11/2010

Agent:
Mr M. Simpson

Ward:
Lyne

Location:
Land to the South of Moss Grove, Roweltown,
Carlisle

Grid Reference:
351197 568863

Proposal: Temporary Installation For 3 Years Of A Wind Monitoring Mast 60m High

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. Within 3 years of the date of its erection, the wind monitoring mast hereby permitted shall be removed from the site in its entirety and the land restored to its former condition, in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: The local planning authority wish to review the matter at the end of the limited period specified.

3. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. drawing numbers 01 (Site Location Plan), 02 (Mast Location), 03 (Indicative Example of Wind Monitoring Mast), 04 (Indicative Details of Wind Monitoring Mast), and 05 (Site Location Plan);
 3. the Notice of Decision; and

4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. No development shall take place until details of the design, associated aviation lighting/air navigation beacons, guy markers and coloured finish of the wind monitoring mast hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in complete accordance with the approved details and retained as such for the period of the permission.

Reason: To safeguard the character of the area, air safety and local ornithology.

5. Prior to the commencement of development specific details of the proposed implementation of the hereby permitted scheme (inclusive of the precise location of the development, date of the commencement and completion of construction, the height above ground level of the tallest element, and the maximum extension height of any construction equipment) shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of air safety.

Summary of Reasons for the Decision

Moss Grove is an isolated farmstead approximately 38 metres to the south of the road running between Kirkambeck and Roweltown. Blackrigg Cottage, Blackrigg Gate and Dormansteads are respectively 580 metres, 700 metres and 730 metres to the north of the steading.

The farmstead comprises a bungalow based around which there are a series of agricultural buildings varying in age, design and materials to form a yard. The application site is 120 metres to the south of the farmstead and is relatively flat set within a rolling topography of agricultural fields, field drains and a semi- mature copse to the immediate west. A County Wildlife Site lies 750 metres to the east.

Given the temporary period and limited harm, it is considered that the proposal complies with JSP Policy 44 and LP Policy CP8 in terms of its landscape impact. The harm the wind mast would cause to the landscape is far outweighed by the benefit it would give in assessing the meteorology of the site.

Relevant Development Plan Policies

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM 1: Integrated Enhancement And Protection Of The Region's Environmental Assets

The Region's environmental assets should be identified, protected, enhanced and managed.

Plans, strategies, proposals and schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands of the region.

Plans and strategies should define spatial objectives and priorities for conservation, restoration and enhancement as appropriate, and provide area-based guidelines to direct decisions and target resources. These will be founded on a sound understanding of the diversity, distinctiveness, significance and sensitivity of the region's environmental assets, and informed by sub-regional environmental frameworks. Special consideration will be given to the impacts of climate change and adaptation measures.

Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance.

Where proposals and schemes affect the region's landscape, natural or historic environment or woodland assets, prospective developers and/or local authorities should first avoid loss of or damage to the assets, then mitigate any unavoidable damage and compensate for loss or damage through offsetting actions with a foundation of no net loss in resources as a minimum requirement.

With regard to specific elements of this integrated approach, the following should be taken into account:

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM1 (A): Landscape

Plans, strategies, proposals and schemes should identify, protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places within the North West.

They should be informed by and recognise the importance of:

- detailed landscape character assessments and strategies, which local authorities should produce, set in the context of the North West Joint Character Area Map ⁽⁹³⁾. These will be used to identify priority areas for the maintenance, enhancement and/or restoration of that character and will under-pin and act as key components of criteria-based policies in LDFs;
- the special qualities of the environment associated with the nationally designated areas of the Lake District National Park, the Yorkshire Dales National Park, the Peak District National Park, the Forest of Bowland Area of

- Outstanding Natural Beauty (AONB), the Arnside and Silverdale AONB, the North Pennines AONB and Solway Coast AONB and their settings;
- the characteristics and setting of World Heritage Sites.

The North West Of England Plan Regional Spatial Strategy To 2021

Policy EM1 (B): Natural Environment

Plans, strategies, proposals and schemes should secure a 'step-change' increase in the region's biodiversity resources by contributing to the delivery of national, regional and local biodiversity objectives and targets for maintaining extent, achieving condition, restoring and expanding habitats and species populations⁽⁹⁴⁾. This should be done through protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources, including statutory and local wildlife sites, and encouraging the conservation and expansion of the ecological fabric elsewhere.

Broad locations where there are greatest opportunities for delivering the biodiversity targets are shown on the Indicative Biodiversity Resource and Opportunity Diagram (see Diagram 9.1). More specific locations will be informed by sub-regional biodiversity maps and frameworks of statutory and local wildlife sites.

Local authorities should:

- develop a more detailed representation of this spatial information for use in their Local Development Frameworks; and
- develop functional ecological frameworks that will address habitat fragmentation and species isolation, identifying and targeting opportunities for habitat expansion and re-connection. Active arrangements will be needed to address ecological cross-boundary issues within areas such as the Pennines, Solway Firth, the Mersey Estuary, the Lune Estuary, the River Dee Estuary and the Cheshire Meres and Mosses, as well as including biodiversity policies in any developing Marine Spatial Planning System in the Irish Sea.

Plans, strategies, proposals and schemes should protect and enhance the region's geological and geomorphological resources including statutory and local sites by contributing to the delivery of national, regional and local geodiversity objectives and targets.

The North West Of England Plan Regional Spatial Strategy To 2021

Policy EM 15: A Framework For Sustainable Energy In The North West

Plans and strategies should promote sustainable energy production and consumption in accordance with the principles of the Energy Hierarchy set out in Figure 9.2 and within the Sustainable Energy Strategy. In line with the North West Sustainable Energy Strategy the North West aims to double its installed Combined Heat and Power (CHP) capacity by 2010 from 866 MWe to 1.5 GW, if economic conditions are feasible.

All public authorities should in their own proposals and schemes (including refurbishment) lead by example to emphasise their commitment to reducing the annual consumption of energy and the potential for sustainable energy generation, and facilitate the adoption of good practice by the widest range of local stakeholders.

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM 17: Renewable Energy

In line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity which is supplied within the Region should be provided from renewable energy sources. To achieve this new renewable energy capacity should be developed which will contribute towards the delivery of the indicative capacity targets set out in Tables 9.6 and 9.7a-c. In accordance with PPS22, meeting these targets is not a reason to refuse otherwise acceptable development proposals.

Local authorities should work with stakeholders in the preparation of sub regional studies of renewable energy resources so as to gain a thorough understanding of the supplies available and network improvements, and how they can best be used to meet national, regional and local targets. These studies should form the basis for:

- informing a future review of RSS to identify broad locations where development of particular types of renewable energy may be considered appropriate ⁽¹¹⁹⁾; and
- establishing local strategies for dealing with renewable resources, setting targets for their use which can replace existing sub regional targets for the relevant authorities.

Plans and strategies should seek to promote and encourage, rather than restrict, the use of renewable energy resources. Local planning authorities should give significant weight to the wider environmental, community and economic benefits of proposals for renewable energy schemes to:

- contribute towards the capacities set out in tables 9.6 and 9.7 a-c; and
- mitigate the causes of climate change and minimise the need to consume finite natural resources.

Opportunities should be sought to identify proposals and schemes for renewable energy. The following criteria should be taken into account but should not be used to rule out or place constraints on the development of all, or specific types of, renewable energy technologies:

- anticipated effects on local amenity resulting from development, construction and operation of schemes (e.g. air quality, atmospheric emissions, noise, odour, water pollution and disposal of waste). Measures to mitigate these impacts should be employed where possible and necessary to make them acceptable;
- acceptability of the location/scale of the proposal and its visual impact in

relation to the character and sensitivity of the surrounding landscape, including cumulative impact. Stringent requirements for minimising impact on landscape and townscape would not be appropriate if these effectively preclude the supply of certain types of renewable energy, other than in the most exceptional circumstances such as within nationally recognised designations as set out in PPS22 paragraph 11;

- effect on the region's World Heritage Sites and other national and internationally designated sites or areas, and their settings but avoiding the creation of buffer zones and noting that small scale developments may be permitted in such areas provided there is no significant environmental detriment;
- effect of development on nature conservation features, biodiversity and geodiversity, including sites, habitats and species, and which avoid significant adverse effects on sites of international nature conservation importance by assessment under the Habitats Regulations;
- maintenance of the openness of the Region's Green Belt;
- potential benefits of development to the local economy and the local community;
- accessibility (where necessary) by the local transport network;
- effect on agriculture and other land based industries;
- ability to make connections to the electricity distribution network which takes account of visual impact (as qualified above);
- integration of the proposal with existing or new development where appropriate;
- proximity to the renewable fuel source where relevant – e.g. wood-fuel biomass processing plants within or in close proximity to the region's major woodlands and forests;
- encourage the integration of combined heat and power (CHP), including micro CHP into development.

Developers must engage with local communities at an early stage of the development process prior to submission of any proposals and schemes for approval under the appropriate legislation.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy E35: Areas and Features of nature conservation interests other than those of national and international conservation importance

Development and other land use changes that are detrimental to these nature conservation interests will not be permitted unless the harm caused to the value of those interests is outweighed by the need for the development. Where development is permitted the loss of nature conservation interest should be minimised and, where practicable, mitigation should be provided.

These nature conservation interests are defined as:

- County Wildlife Sites (CWSs)
- Regionally Important Geological or Geomorphological Sites (RIGGS)
- The UK Biodiversity Action Plan Priority Habitats that occur in Cumbria

- Species of Conservation Importance in the North West Region that occur in Cumbria
- Landscape features of major importance for wild fauna and flora, which are essential for migration dispersal and genetic exchange
- Local nature reserves

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types.

Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and seminatural habitats, and
8. openness, remoteness and tranquillity.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy R44: Renewable energy outside the Lake District National Park and AONBs

Outside the Lake District National Park and AONBs proposals for renewable energy including any ancillary infrastructure or buildings will be favourably considered if:

1. there is no significant adverse effect on the landscape character, biodiversity and the natural and built heritage of the area either individually or cumulatively through their relationship with other utility infrastructure
2. there is no significant adverse effect on local amenity, the local economy, highways, aircraft operations or telecommunications,
3. the proposal takes all practicable measures to reduce any adverse impact on landscape, environmental, nature conservation, historical and local community interests,

In considering applications for planning permission in relation to the above criteria, and other policies in this plan, the environmental, economic and energy benefits of renewable energy proposals should be given significant weight.

There are additional requirements in the following cases:

Wind energy development

4. measures should be included to secure the satisfactory removal of structures/ related infrastructure and remediation of land following cessation of operation

of the installation,

New plant for the commercial generation of energy from biomass

5. shall be sited on existing industrial/ employment sites or previously developed land that is well related to the resource catchment.

Where practicable measures to transport fuel and waste by water or rail shall be made.

Proposals for the recovery of energy from agriculture waste within existing farm units or sewage sludge

6. shall be well related to the activity, scale and character of the existing business/enterprise and /or setting.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

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

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

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

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP8 - Renewable Energy

Proposals for renewable energy will be favourably considered provided that all of the following criteria are satisfied:

- 1 there is no unacceptable visual impact on the immediate and wider landscape and townscape;
- 2 there is no adverse impact on biodiversity;
- 3 any new structures would be sensitively incorporated into the surrounding landscape/ townscape and/or habitat and respect the local landscape character;
- 4 measures are taken to mitigate any noise, smell or other nuisance or pollutants likely to affect nearby occupiers, amenities and/or neighbouring land uses;
- 5 any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal;
- 6 there would be no unacceptable levels of harm to features designated as of local, national or international importance;
- 7 adequate provision can be made for access and parking and the potential impact on the road network;
- 8 there would be no unacceptable conflict with any existing recreational facilities or routes;
- 9 there would be no unacceptable cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE3 - Other Nature Conservation Sites

Development which would have a detrimental effect on Regionally Important Geological/Geomorphological Sites, County Wildlife Sites and other sites of nature conservation significance, Local Nature Reserves and Ancient Woodlands will not be permitted unless:

- 1 The harm caused to the value of those interests is clearly outweighed by the need for the development in that location; and
- 2 Where practical, any environmental feature lost is replaced with an equivalent feature.

Item no: 06

Appn Ref No:
10/1143

Applicant:
Mr Ian Postlethwaite

Parish:
Burgh-by-Sands

Date of Receipt:
22/12/2010

Agent:
Phoenix Architects

Ward:
Burgh

Location:
Fauld Farm, Burgh-by-Sands, Carlisle, Cumbria,
CA5 6AN

Grid Reference:
332381 559089

Proposal: Internal Alterations To Grade II Listed Former Farmhouse & Barn Including Re-Location Of Kitchen, With Bedroom Above, Access Stair, Infilling Of Non-Original Door Openings & Repair To Barn Clay Walls (LBC)

Members resolved to defer consideration of the proposal in order to visit the site and to await a further report on the application at a future meeting of the Committee.

Item no: 07

Appn Ref No:
11/0062

Applicant:
Mr Carrigan

Parish:
Westlinton

Date of Receipt:
24/01/2011 16:00:35

Agent:
Green Planning Solutions
LLP

Ward:
Longtown & Rockcliffe

Location:
Parkfield Stables, Newtown, Blackford, Carlisle,
CA6 4ET

Grid Reference:
338839 562599

Proposal: Use Of Land For The Stationing Of Caravans For Residential Purposes For 1 No. Gypsy Pitch Together A Utility/Dayroom Ancillary To That Use

Grant Permission

1. The occupation of the site shall be carried on only by the following and their immediate family: Mr Peter Carrigan, Mrs Lorraine Carrigan, Ms Katrina Carrigan, Ms Charmaine Carrigan, Ms Shannon Carrigan, Master Peter Carrigan, Ms Naomi Carrigan and Master Isaac Carrigan.

Reason: But for the special circumstances of the applicants permission would not have normally been forthcoming.

2. When the land ceases to be occupied by any of the following: Mr Peter

Carrigan, Mrs Lorraine Carrigan, Ms Katrina Carrigan, Ms Charmaine Carrigan, Ms Shannon Carrigan, Master Peter Carrigan, Ms Naomi Carrigan and Master Isaac Carrigan, the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use shall be removed, and the land shall be restored to its former condition.

Reason: But for the special circumstances of the applicants permission would not have normally been forthcoming.

3. No more than a total of 2 caravans as defined in the Caravan Sites and Control of Development Act 1968 shall be stationed on the land at any time.

Reason: To safeguard the character of the area.

4. The site shall only be used for residential purposes and the keeping/breeding of horses and no other commercial, industrial and/or retail activity shall take place on any part of it.

Reason: To safeguard the character of the area.

5. No vehicle over 7.5 tonnes shall be stationed, parked, or stored on the land.

Reason: To safeguard the character of the area.

Summary of Reasons for the Decision

The application site is located on the eastern side of the road leading to Westlinton on the immediate northern outskirts of Newtown. The property currently consists of a hardcore surfaced area with a single storey utility/day room and mobile home in the western part and fenced off stables in the eastern portion. The site is enclosed along the northern and southern boundaries by a timber fence. In overall terms the site is within an area of relatively flat landscape that is interspersed with small settlements and connected by rural lanes leading to major roads such as the A7. Mr Carrigan lives with his wife and their six children at Parkfield Stables. The children either attend Houghton C of E School, Newman School or are tutored at Parkfield Stables. Three of the children experience hearing loss. The status of the family as Gypsies has already been accepted.

When assessing this application the two main issues are considered to be:

- a) the effect of the proposal on the character and appearance of the surrounding area; and,
- b) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of

sites generally, the specific needs of the applicant and his family, and the matter of their Human Rights.

When considering the impact of the proposal on the character and appearance of the area, the site is in an area of open countryside not subject to any special planning constraints. Although such locations are described in Circular 01/2006 as being acceptable in principle it also goes on to indicate that sites should respect the scale of, and not dominate the nearest settled community, and that local authorities should be realistic about the availability of alternatives to the car for accessing local services. In this case the presence of the development is readily apparent and has the effect of interrupting the rural setting of the edge of Newtown.

In regard to the question of need, the Cumbria GTAA indicates a total need for 59 pitches up to 2012, rising to 65 by 2016. This compares to current actual restricted provision of 34 permanent pitches at Hadrian's Park; 12 pitches at Ghyll Bank House; 15 pitches at Ghyll Bank Caravan Park; and 3 single family pitches. As such, in order for the Council to comply with the requirements of the GTAA it is still reliant on the previously approved single family pitches including Parkfield Stables.

There is a direct need for a site to accommodate Mr Carrigan and his family. In the context of the Cumbria GTAA it is considered that this need outweighs the harm to the character and appearance of the surrounding area.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

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

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Spatial Strategy & Development Principles - Policy DP1 - Sustainable
Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016
Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

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

Where there is an identified need the City Council will consider the provision of Gypsy and Traveller Sites. Proposals for Gypsy and Traveller sites will be acceptable providing that:

- 1 the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Importance; and
- 2 there would be no adverse impact on the local landscape; and
- 3 appropriate access and parking can be achieved; and
- 4 the proposed site is reasonably accessible to community services; and
- 5 the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

Item no: 08

Appn Ref No:
11/0079

Applicant:
McDonalds Restaurant

Parish:
Carlisle

Date of Receipt:
01/02/2011

Agent:
Savills

Ward:
Belah

Location:
McDonalds Restaurant, Gearshill Road, Carlisle,
CA3 0ET

Grid Reference:
339396 559460

Proposal: Variation Of Condition 4 Of 97/0203 To Allow Restaurant To Open
Between The Hours Of 6am - Midnight Daily

Grant Permission

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

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

2. The approved documents for this planning permission comprise:
 1. The Planning Application Form received 1st February 2011;
 2. The Site Location Plan received 1st February 2011 (Drawing No. SAVHD01); and

3. The Notice of Decision.
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The premises hereby permitted shall not commence trading before 0630 hours or remain open for business after 0000 hours.

Reason: To protect the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2001-2016.

4. The vehicular access, and the service vehicle lay-by, shall be sealed, outside those times when the premises are open for business or receiving deliveries respectively, by the erection of lockable bollards which preclude access by motor vehicles.

Reason: To prevent encroachment within the site when it is unattended or unsupervised in the interests of the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policies EC10 and CP5 of the Carlisle District Local Plan 2001-2016.

5. Fencing and landscaping shall be maintained at all times along the frontage of the site to Parkhouse Road and at no time shall any form of pedestrian or vehicular access be formed or allowed to be used from that frontage.

Reason: In the interests of highway safety.

Summary of Reasons for the Decision

"Full Planning" permission is sought for the variation of planning condition four relating to application 97/0203. This permission relates to McDonald's Restaurant, Grearshill Road, Carlisle. The building is sited on the northern edge of the city and within Kingstown Industrial Estate, which is designated as a Primary Employment Area within the Carlisle District Local Plan.

The premises comprise a 90 seat restaurant with cooking and storage facilities and associated 'Drive Thru' facilities and parking provision. The current proposal seeks to extend the closure time from 2300 hours until midnight seven days a week.

Policy EC10 of the Carlisle District Local Plan, which relates to existing establishments, seeks to protect the living conditions of the occupiers of neighbouring

properties. This policy specifically relates to food and drink uses and allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to the opening times for premises outside of the City Centre Shopping Area; however, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.

The fact that the site is within a Primary Employment Area does not raise any planning issues in the consideration of the principle of this application. The applicant has argued in previous applications that there are businesses that operate from Kingstown and the additional opening hours would provide a facility to this sector of workers together with the drivers of heavy goods vehicle that park on the estate overnight, where there presently is none.

Planning policies therefore allow flexibility of opening hours for food and drink establishments and in the case of this application, the main issue is the potential impact on the occupiers of the neighbouring residential properties which is discussed in the following paragraphs.

Although the site is located on the edge of an industrial estate, there are in the wider area, a number of residential properties, the closest of which are 324 and 326 Kingstown Road, which are approximately 114 metres from the east of the restaurant building and 63 metres from the closest point of the adjacent car park.

The application site is dissected from the nearby residential properties by Kingstown Road, which is a major arterial route leading from the north into the city. The question that arises is whether there would be a significant increase in traffic during the proposed extended opening hours; whether this would lead to a material increase in the level of noise generated; and whether this, in turn, would exceed the ambient noise levels. The application seeks consent to extend the opening hours for an additional hour each day and a balanced decision has to be made as to whether, during this relatively limited period, there would be a prejudicial and unacceptable effect on the living conditions on the occupiers of the residential properties.

It is accepted that the site is separated by a main arterial route into the City Centre but during the hours for which a variation is sought, traffic levels will be low compared to peak flows and therefore, ambient noise levels will be much reduced; however, there is sufficient distance between the application site and the neighbouring properties to suppress any noise transmission issues.

In previous applications to vary the planning condition, Officers in Environmental Protection Services (EPS) have stated that few complaints have been received regarding the business and those that have, relate mainly to the issue of litter discarded in the area. Further comments have been received in respect of the current proposal where it has been confirmed that since the previous application in 2008, no complaints have been received of noise nuisance emanating from the premises. It is further stated that Officers do not anticipate that an extension to the opening times would cause problems with noise nuisance.

The development may not raise issues in terms of a statutory noise nuisance but there is a need to consider the general congregation of people and associated conversation noise, closing of car doors and general engine noise, together with the noise of air brakes from heavy goods vehicles which may also visit the site and the potential impact this may have on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance over and above the ambient noise levels. The objectives of the policies require that the increased trading hours must not result in increased noise and disturbance during times when the occupiers of neighbouring properties can reasonably expect to enjoy peace and quiet. The site is some distance from these properties and the separation by Kingstown Road and the associated traffic, albeit at a reduced flow, must be a consideration. On balance, the proposal is considered acceptable in this respect.

In addition to the matters already addressed, the objector has raised the issue of alleged illegal parking of heavy goods vehicles on Kingstown Industrial Estate. Vehicles do park on the estate overnight but whether this is illegal, is not a planning matter and is not relevant to the consideration of this application.

The objector has also raised the issue of litter that occurs locally and throughout the wider area that is discarded by patrons of the restaurant. Historically, there have been problems with litter from the restaurant and complaints have been made to the Council about it. The applicant's agent has previously addressed this issue and stated that there are dedicated members of staff employed to collect litter within a one mile radius of the site between the hours of 0600 hours and 1400 hours and again between 1500 hours and 2100 hours. This is stated to be operated in consultation with the Council's EPS Officers. Obviously litter from the premises can be found much further a field but provided the issue continues to be managed effectively, this seems a reasonable effort to deal with the matter in the immediate locality.

This problem of litter is referenced in the comments received from Officers in EPS who state that should planning consent be granted, the applicant should continue to control litter emanating from the site during the extended hours of opening.

In conclusion, the merits of this application are finely balanced. On the one hand, planning policies seek to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied demand as society's needs change. The opposing view is the potential impact that the increase trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. The comments from EPS show that no complaints have been received in respect of noise nuisance and that an increase in trading hours as proposed is not anticipated that noise complaints would be generated as a result.

Given the marginal increase in trading hours together with the presence of Kingstown Road that bisects the application site from the neighbouring residential properties, on balance the proposal will not conflict with current Local Plan policies and is considered to be acceptable.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC1 - Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will only be given for redevelopment or changes of use within such areas for other purposes where:

- 1 the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
- 2 the proposed alternative use provides for needed community building or public amenity space; or
- 3 the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
- 4 the alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace, as opposed to trade counters, will not be permitted within employment units unless there is clear evidence that the use is an integral but ancillary part of the operation. Planning conditions, including a restriction on the hours of operation, may be used to ensure the use remains ancillary to the prime use of the unit

Employment uses have now become established at the former RAF14MU outlying sites at Harker, Heathlands and Rockcliffe. The sites are designated as Primary Employment Areas.

In the Sandysike/Whitesyke areas proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided:

- 1 the proposal does not have an adverse impact on the landscape; and
- 2 the proposal does not involve the loss of existing tree cover; and
- 3 where appropriate, opportunities are taken to reinforce existing landscaping; and
- 4 adequate access and appropriate parking are provided.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;

- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC10 Food And Drink

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

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

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

Item no: 09

Appn Ref No:
10/1115

Applicant:
Richard Rose Federation

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

13/12/2010 09:09:56

Capita Symonds Limited

Yewdale

Location:

Richard Rose Morton Academy, Wigton Road,
Carlisle, CA2 6LB

Grid Reference:

337651 554541

Proposal: Erection Of A Gymnasium Building And 3G Football Pitch With
Floodlighting

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. Design & Access Statement (received 13 December 2010);
 3. BS5837:2005 Trees in Relation to Construction Report (received 13 December 2010);
 4. Tree Protection Method Statement (received 13 December 2010);
 5. Preliminary Arboricultural Survey (received 13 December 2010);
 6. Flood Risk Assessment (received 13 December 2010);
 7. Transport Statement (received 13 December 2010);
 8. Ecological Scoping Survey (received 13 December 2010);
 9. Floodlighting Details - Non-League Football - Performance Results - 180 LUX (received 13 December 2010);
 10. Preliminary Sources (Desk) Study Report (received 21 December 2010);
 11. Location Plan (drawing CS047269_001, received 13 December 2010);
 12. Block Plan (drawing CS047269_002, received 13 December 2010);
 13. Proposed Ground Floor Plan (drawing CS_047269_L(01)003, received 13

- December 2010);
14. Proposed First Floor Plan (drawing CS_047269_L(01)004, received 13 December 2010);
 15. Proposed Roof Plan (drawing CS_047269_L(01)005, received 13 December 2010);
 16. Proposed Elevations - South & West (drawing CS_047269_L(01)006, received 13 December 2010);
 17. Proposed Elevations - North & East (drawing CS_047269_L(01)007, received 13 December 2010);
 18. Proposed Section, Massing and Exterior Finishes (drawing CS_047269_L(01)008, received 13 December 2010);
 19. Proposed Site Plan Showing Sewer to be Diverted/ Built Over (drawing CS_047269_L(01)009A, received 13 December 2010);
 20. Lighting Plan (drawing CS047269_007, received 14 December 2010);
 21. Fencing Plan (drawing CS047269_006, received 13 December 2010);
 22. Morton Sports Village Site Management & Security Plan (7.2.2011), received 10th March 2011;
 23. the Notice of Decision; and
 24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Prior to the commencement of the development of the proposed 3G sports pitch, details of its design, specification and layout, which shall comply with Sport England Technical Design Guidance Notes including 'A guide to the design, specification and construction of MUGAs and STPs', shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Sport England. The sports pitch shall be constructed in strict accordance with these details.

Reason: To ensure that the 3G sports pitch is constructed to an appropriate standard and to accord with Policy LC5 of the Carlisle District Local Plan 2001-2016.

4. Prior to the commencement of the development a Community Use Scheme for the 3G sports pitch and the gymnastics centre shall be submitted to and

approved in writing by the Local Planning Authority. The Scheme shall include details of hours of use, access by non-school users/ non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To ensure that the 3G sports pitch and the gymnastics centre allow appropriate community use and to accord with Policy LC5 of the Carlisle District Local Plan 2001-2016.

5. The 3G sports pitch hereby approved shall only be open for use between the hours of 08:30 and 21:00 Monday to Friday and between the hours of 09:00 to 19:00 on Saturday, Sunday and Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The gymnasium hereby approved shall only be open for use between the hours of 08:30 and 22:00 Mondays to Sundays.

Reason: To protect the amenity of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. The floodlights shall be switched off no later than 21.15pm on Mondays to Fridays and by 19.15pm on Saturdays, Sundays and Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

9. Prior to the commencement of development hereby approved, protective fencing shall be erected in accordance with the details contained in the BS5837: 2005 Trees in Relation to Construction Report dated November 2010 (received 13 December 2010) and Tree Protection Method Statement dated November 2010 (received 13 December 2010) and retained in place until the construction work is completed.

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

10. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with this plan. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

11. Prior to the commencement of development hereby approved, details of the proposed fencing to be erected around the new 3G sports pitch shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the design of the fencing is acceptable, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Prior to the commencement of development hereby approved, details of the proposed lighting columns to be erected around the new 3G sports pitch shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the design of the lighting columns is acceptable, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development hereby approved, details of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with Cumbria Constabulary. These details shall include:

- Specification of all exterior door and window products, including plant/ exterior storage (with regard to resistance of gymnasium building to forced entry);
- Extent of laminated glazing at ground floor level;
- Proposed locking devices for 3G pitch gates;
- Internal access control measures;
- Provision of secure personal lockers for students/ teams/ officials;
- Provision of separate Intruder Alarms or integration with Academy system;
- Provision of separate CCTV system or integration with Academy system;
- Implementation of property marking programme.

The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the development minimises the opportunity for crime in accordance with the objectives of Policy CP17 of the Carlisle District Local Plan 2001-2016.

14. The floodlighting hereby approved shall be installed in strict accordance with the details contained within the Lighting Report produced by Philips Lighting (Non League Football Performance Results - 180 LUX), received on 13 December 2010 and the Lighting Plan (drawing CS047269_007), received on 14 December 2010. The lux levels of the floodlighting shall not exceed the lux levels shown on the Lighting Plan (drawing CS047269_007), received on 14 December 2010.

Reason: To protect the amenity of local residents, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

15. The site shall be managed in strict accordance with the details contained within the Morton Sports Village Site Management & Security Plan (dated 7th February 2011), which was received on 10th March 2011.

Reason: To protect the amenity of local residents, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This proposal is seeking planning permission for the erection of a gymnasium building and the construction of a 3G sports pitch with floodlighting at Richard Rose Morton Academy, Wigton Road, Morton, Carlisle. A new school building is currently under construction at the site, which also includes a swimming pool/ gym building which is open to the general public and extensive playing fields, which are located to the rear of the site. Residential properties surround the school site, with those on Suttle Close, Hebden Avenue and Helvellyn Rise adjoining the playing fields.

The proposed gymnasium would be sited to the rear of the new school building, in close proximity to the existing swimming pool/ gym and near to car parking. It would measure 47m by 36m and would have a ground floor area of approximately 1,650 sq m and a first floor of 530 sq m. The gym would become a regional centre for Cumbria and would allow the Carlisle Gymnastics Club to expand and attract new members.

The building would contain a gymnasium, equipment zones, equipment stores, changing facilities, a reception, offices, a staff room, a medical room and toilets on the ground floor, with an activities studio, physiotherapy rooms, classrooms/ meeting rooms, a cafe, a kitchen and toilets being located on the first floor.

The gymnasium would be constructed of blockleys charcoal smooth facing brick to

the lower sections of the walls, with red cedar timber cladding to the upper sections, under a pewter grey steel roof. The majority of the roof would be pitched, although a small section would have a flat roof.

The new 3G sports pitch would be located on part of the existing school playing fields. The pitch would measure 80m by 112m and would be surrounded by a perimeter fence. The pitch would be floodlit by fourteen luminaries which would be sited on six 15m high lighting columns. These would be located at each corner of the pitch, as well as midway down the sides of the pitch. Ten of the luminaries would be medium beam, with four being narrow beam. A lighting plan accompanies the application and this shows that lighting would not 'spill out' more than 30m from the pitch.

There are currently three 3G pitches in Cumbria, two in the west of the County and one in Penrith but there is no such facility in Carlisle. The 3G pitch turf is similar to astroturf, though of a higher standard and more realistic appearance. There is strong demand for such a facility in Carlisle.

Both the gym and the sports pitch would be available to school pupils and also to members of the public/ clubs during evenings and weekends and in the school holidays. The applicants have requested that the gym and pitch be open from 8.30am to 10pm seven days a week, although the floodlighting would be switched off at 9.15pm. The site currently operates from the start of the school day until 10pm at night.

The gym and 3G sports pitch would form the first phase of the development of the Morton Sports Village, which when fully developed would include swimming pools and a well-being centre as well as the gymnasium and 3G sports pitch.

The relevant planning policies against which the application is required to be assessed are Policies LC1, LC5, LC11, CP3, CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Proposals Are Acceptable In Principle

Whilst the gymnasium and floodlit sports pitch would be let out on a commercial basis at evenings and weekends, both facilities would be extensively used by pupils from the school and they would greatly enhance the existing facilities. The siting of the facilities on an alternative site, away from the school, would not improve the school facilities and would not, therefore, be an option. It should not be noted that there is already a gym on the site, which together with the swimming pool, is currently available to the public outside school hours. The principle of siting these facilities on the school site is, therefore, considered to be acceptable.

2. The Visual Impact Of The Proposal

The gymnasium building would replace an existing building and would be sited in close proximity to the new main school building and the existing swimming pool/ gym

building. The building would be constructed of charcoal smooth facing brick to the lower sections of the walls, with red cedar timber cladding to the upper sections, under a pewter grey steel roof. This would match the new school building, which is predominantly brickwork at ground floor, with vertical cedar boarding to the upper floors. The visual impact of the gymnasium building would, therefore, be acceptable.

The nearest residential properties on Hebden Avenue would be approximately 53m away from the edge of the sports pitch and would face towards it. The nearest residential properties on Suttle Close would be approximately 115m away from the edge of the pitch, with those on Helvellyn Rise being over 170m away.

It is acknowledged that the new sports pitch would have an adverse visual impact on some of these surrounding residential properties, particularly four properties on Hebden Avenue that would face the pitch. The pitch would be enclosed by a high metal fence and six 15m high lighting columns would be located at the corners of the pitch and midway down the sides of the pitch. These would be visible from outside the site.

Details of the perimeter fencing that would enclose the pitch have yet to be submitted, but these would need to be agreed with the Council. The fencing would not be solid and would allow views through, thus reducing its visual impact. Whilst the lighting columns would be 15m high, the height of the main school building would measure 12.6m to the parapet, 15.8m to the top of the screening for mechanical plant which would be installed on the roof and 20.3m to the top of the 2 stair towers and the existing chimney on the site is 21.5m high.

There are some existing trees to the rear of the properties on Suttle Close, which would help to reduce the pitch's visual impact when viewed from these properties. A landscaping condition has been added to the consent and this would ensure that new planting is sited between the pitch and the properties on Hebden Avenue, thus reducing the visual impact of the pitch on these properties.

The floodlighting would be visible from outside the site but conditions have been added to ensure that these are switched off by 9.15pm Monday to Friday and by 8.15pm on Saturdays, Sundays and Bank Holidays.

Whilst the sports pitch would have an adverse visual impact on some residential properties, this can be mitigated to an acceptable level by the provision of landscaping and the control of the hours of use of the floodlighting. The visual impact of the proposal is, therefore, considered to be acceptable.

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

The applicants want to use the gymnasium and sports pitch from 8.30am to 10pm, seven days a week. The use of the gym for these hours would be acceptable, given its location close to the existing school buildings and given that the existing gym and swimming pool at the site are open until 10pm during the week.

The use of the pitch for these hours would, however, be unacceptable as noise levels

generated by the use of the pitch would have an adverse impact on the occupiers of neighbouring residential properties. It is considered that the use of the pitch should be restricted to the hours of 8.30am to 9pm Monday to Friday and from 9am to 8pm on Saturdays, Sundays and Bank Holidays.

The floodlighting could also adversely affect the amenity of occupiers of local residents. A condition has, therefore, been added to the permission, which ensures that the floodlights are switched off at 9.15pm Monday to Friday and at 8.15pm on Saturdays, Sundays and Bank Holidays.

4. Crime Prevention Measures

Cumbria Constabulary has requested additional information on crime prevention measures. A condition has been added to the consent to ensure that this information is submitted and agreed prior to the commencement of development.

The siting of the gymnasium and sports pitch at Richard Rose Morton Academy is acceptable in principle. The imposition of conditions would ensure that the proposal would not have an unacceptable adverse visual impact, or an unacceptable impact on the living conditions of the occupiers of any neighbouring residential properties. In all aspects, the proposal is considered to be compliant with the objectives of the adopted Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC11- Educational Needs

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where educational facilities are proposed outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1. Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC5 - Playing Fields

Development which will result in the loss or encroachment upon school or private playing fields or play space will not be permitted unless:

- 1 Adequate provision is made elsewhere; or
- 2 An oversupply of provision can be demonstrated; or
- 3 The development is needed to accommodate an identified educational requirement and access remains to a sufficient area of playing fields.

Carlisle District Local Plan 2001 - 2016
Leisure & Community Uses - Policy LC1 - Leisure Development

Proposals for leisure development will be acceptable provided that:

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

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

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

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Item no: 10

Appn Ref No:
10/0279

Applicant:
Mr & Mrs Blain

Parish:
Wetheral

Date of Receipt:
26/03/2010

Agent:
Ashwood Design
Associates

Ward:
Wetheral

Location:
Land to the Rear of Ivy House, Ghyll Road, Scotby,
Carlisle, CA4 8BT

Grid Reference:
344267 554678

Proposal: Erection Of Detached Dwelling (Revised Application)

Grant Permission

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

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

2. The approved documents for this planning permission comprise:
 1. the Planning Application Form received 26th March 2010;
 2. the Location plan received 24th February 2011 (Drawing No. (1292) ;
 3. the Block Plan received 3rd March 2011 (Drawing No. 101 Rev A);
 4. the Proposed Floor Plans received 1st March 2011 (Drawing No. 102 Rev A);
 5. the Proposed Elevations received 24th February 2011 (Drawing No. 103);
 6. the Proposed Main Section received 24th February 2011 (Drawing No. 104);
 7. the Construction Details received 24th February 2011 (Drawing No. 105);
 8. the Proposed Site Section received 24th February 2011 (Drawing No. 106);
 9. the Additional Sectional Details received 3rd March 2011 (Drawing No. 107);
 10. the Environmental Report 2 received 24th February 2011;
 11. the Survey Details for Trees received 14th April 2010;
 12. the Design and Access Statement received 26th March 2010;

13. the Desktop Study for Environmental History received 28th April 2010;
14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: In order that the development is appropriate to the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that the character and appearance of the area and the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding any description of materials in the application no development hereby approved by this permission shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

6. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and permeable in accordance with the objectives of Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

7. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the dwelling or completion of the development whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development hereby approved by this permission shall commence until details of the construction of the soakaway, that should include metric scale drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the soakaway would be constructed in an appropriate manner in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall commence until the percolation test results for the soakaway have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the soakaway would be constructed in an appropriate manner to ensure that the risk of surface water flooding would not be increased in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

10. No development hereby approved by this permission shall commence until details of the specification and location of root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

Reason: To protect the trees on and adjacent the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application seeks “Full” planning permission for the erection of a dwelling on land to the rear of Ivy House, Ghyll Road, Scotby, Carlisle. The proposal relates to a modestly proportioned piece of land located within the village. There are residential properties on all sides of the application site which is within a Primary Residential Area, the Settle Conservation Area and within the curtilage of a Grade II Listed Building.

The application site lies within Scotby, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan. Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is acceptable. The issues raised are discussed in more detail in the analysis which follows.

Thus the declassification of domestic gardens in PPS3 does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration. The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should be allowed.

The applicant's agent has provided additional information in which he states that the land has never formed part of the garden to Ivy House but has always been a separate parcel of land. Accordingly, the revisions to PPS3 do not apply but the impact on the character of the area remains an important consideration.

The property would be sited at an angle within the site and would be positioned to take account of the topography of the site by sinking elements of the building into the ground. The application has been amended to take account of the Conservation Officer's and Conservation Area Advisory Committee's (CAAC) comments.

The submitted drawings illustrate that the proposed dwelling would be of a similar

scale and massing to its immediate neighbour, Ivy House. Whilst the building would be larger than properties on the opposite side of the railway and the bungalow immediately to the south-east of the site, there is diversity in the style, size and mix of properties along Ghyll Road and the scale of the dwelling would not be out of character with other buildings in the area. The scheme has been amended to refine the fenestration in accordance with the advice from the Conservation Officer. The drawings illustrate that there would be less glazing to the gables of the property and the swimming pool would be to the rear of the property rather than off-set to the side. The footprint has been amended so that the elevations would have fewer recessed areas.

Additional drawings have been submitted that clarify the construction methods and finished detail of the eaves, the glazed corners, the level thresholds and the cantilevered balcony. Although a formal response is awaited from the Assistant Conservation Officer, he was involved and provided advice to the applicant earlier in the process and informally, these drawings have met with approval.

Many of the objections received relate to the contemporary design of the building and the perceived detrimental effect that this would have on the character and appearance of the area, in particular, the Conservation Area. Planning policies do not rule out the use of a contemporary design but rather that development proposals should not adversely affect the character and appearance of the Conservation Area. The design of the property is distinctive but it is clear from the comments received from the Council's Conservation Officer that the development would not conflict with the policy criteria.

It is evident from the consultation responses from both the Conservation Officer and CAAC, that there is overall support for a dwelling of contemporary design on the site and that overall, the proposal is acceptable to the site.

A sectional drawing of the site was available to Members of CAAC which clearly shows the relationship of the proposed dwelling with the neighbouring properties and the railway line. In addition, the planting that took place along the boundary with the railway is becoming increasingly established and already obscures most of the site from view. This would also serve to reduce the impact of the building during the hours of darkness when concern was expressed by Members that the building would be illuminated and visibly prominent.

The proposal would achieve adequate amenity space and off-street parking. Glimpsed views of the site would be visible from public vantage points but given this together with landscaping and existing trees, the development would not be obtrusive within the streetscene.

Considering the fact that the site is within the Conservation Area, if planning permission is granted, it would be appropriate to impose a condition removing Permitted Development rights to extend or alter the property at a later date.

The proposed building would be sited opposite and adjacent to residential properties. The dwelling would have habitable windows on all sides of the building. At the first floor windows to the rear would be 37.5 metres from the property known as

'Stonebroom' on the opposite side of the railway, 21.5 metres from 'Settle View', and 24 metres from the rear of Ivy House. To the north-west of the property would be an oblique angle to the immediate neighbouring properties, with the exception of Ivy House that would be directly opposite.

Given the physical relationship of the windows and the distances involved, the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring property.

The height of the dwelling at the highest point would be 8 metres and given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

The scale, design and use of materials is appropriate to the site and would be consistent with the context of the Conservation Area. Although the dwelling would be contemporary, the character and appearance of the Conservation Area would not be adversely affected.

An amended Environmental Report has been submitted by the applicant. This identifies some of the ecological and environmental considerations that would be incorporated in the design of the dwelling. It is stated that property would incorporate solar panels; overhanging roof perimeters and balconies to provide sun screening; a heat exchange ventilation system; an air source heat pump; and an underground grey water tank for harvesting rainwater. This is in addition to sourcing local materials and some materials that have been recycled. These measures would contribute to the reduction of the overall environmental impact of the development and is supported by current planning policies.

The Council's Drainage Officer has raised no objection to the proposal. It would be appropriate to impose a condition requiring the approval of the surface water drainage details.

The site would be served by the existing access adjacent to Ivy House. This access was formed as part of a previous planning application that involved development and alterations to Ivy House itself. The Highway Authority has raised no objection subject to the imposition of conditions.

In overall terms, the key issue is the impact on the character and appearance of the Conservation Area. The revisions to PPS3 and the issue of 'garden grabbing' are not relevant in this instance but notwithstanding this, the changes to PPS3 do not preclude residential development on garden land but instead focus on the visual impact on the character of the area. The site comprises an area adjacent to residential properties within the village but is not particularly prominent as it is screened by surrounding buildings; however, the site would be seen from the Conservation Area to the rear of the site but this would be diminished over time due to the proposed landscaping.

The scale, design and use of materials in the building together would contribute to

the character of the area. Further, it proposes a quality contemporary design that would not mimic a 'traditional' building but rather would introduce a further dimension. Given the context of the site, it is the view of the Conservation Officer, that this would not adversely affect the character or appearance of the Conservation Area.

The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings and would incorporate infrastructure that contribute to energy conservation and efficiency. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

**Carlisle District Local Plan 2001 - 2016
Spatial Strategy & Development Principles - Policy DP1 - Sustainable
Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations re considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a

- well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
 - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage
And Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016
Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

be used to ensure local occupancy to provide for the identified need.

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

Carlisle District Local Plan 2001 - 2016 Housing - Policy H2 - Primary Residential Areas

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

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

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

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

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council

will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Local Plan 2001 - 2016 **Local Environment - Policy LE19 - Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

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

Carlisle District Local Plan 2001 - 2016 **Transport - Policy T1- Parking Guidelines For Development**

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

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in

- PPG 13;
- 2 the availability of public car parking in the vicinity;
 - 3 the impact of parking provision on the environment of the surrounding area;
 - 4 the likely impact on the surrounding road network; and
 - 5 accessibility by and availability of, other forms of transport.

Item no: 11

Appn Ref No:
10/1003

Applicant:
Lancashire County
Council

Parish:

Date of Receipt:
09/11/2010

Agent:
Lancashire County Council
Roads Design

Ward:

Location:
Highway Verge adj. B6413, South of Oaktree Hall,
Castle Carrock

Grid Reference:
353990 554909

Proposal: Installation of 10m High Radio Pole To Provide Private Internet Service
As A Relay To Castle Carrock School

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. supporting statement (received 9 November 2010);
 3. Site Location Plan (drawing 16341/11, received 9 November 2010);
 4. Block Plan & Elevations (drawing 16341/11, received 9 November 2010);

5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the radio pole and associated equipment is no longer required it should be removed within 1 month of ceasing to be used.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. The radio pole, cabinet and power pillar shall be painted a light grey colour and retained as such, unless agreed in writing with the Local Planning Authority.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application is seeking planning permission for the installation of a 10m high radio pole with antenna receiver and communications cabinet in the highway verge adjacent to the B6413 to the south of Oaktree Hall, Castle Carrock. The equipment would provide an improved broadband service to Castle Carrock School, so that it can have access to the educational services provided by Cumbria and Lancashire Education Online.

An application for a 12m high radio pole with antenna receiver to be located outside Castle Carrock School has also been submitted (10/1005). This pole would also be required if improved broadband services are to be provided at the school.

The pole and cabinet would be located in the grass verge on the eastern side of the B6413. Open fields would be located to the rear of pole and on the opposite side of the road. The nearest residential property would be located 35m to the north of the pole, on the opposite side of the road. A wooden telegraph pole is located in the grass verge opposite this dwelling.

The proposed radio pole would measure 10m in height and would have a diameter of 14cm. A flat plate antenna measuring 35cm by 35cm would be attached to the top of the pole. The cabinet, which would be sited next to the pole, would measure 1.2m in height by 0.8m in width. A small power supply pillar would also be sited next to the cabinet. The applicant is proposing to paint the pole, the cabinet and the power supply pillar a dark green colour.

The radios would use WiFi devices similar to those used by people to provide a wireless connection in their own homes. These devices have a typical output power of 100mW, which is thousands of times smaller than the output power permitted from mobile phone masts.

The relevant planning policies against which the application is required to be assessed are Policies EC19, DP10 and CP5 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Visual Impact Of The Proposals Would Be Acceptable

Whilst the pole would measure 10m in height, it would only measure 14cm in diameter and the antenna would only measure 35cm by 35cm. The cabinet and the power pillar would be reasonably small. A telegraph pole, which would be of a similar height and wider than the proposed radio pole, would be located in the grass verge to the north of the proposal. Whilst the applicant has suggested that the pole and associated equipment should be painted dark green, light grey is considered to be a more appropriate colour and this would be secured by condition. The proposal would not, therefore, have a significant adverse visual impact on the character of the area. The benefits that the radio pole would bring to the pupils at Castle Carrock School are considered to be sufficient to outweigh the visual harm that the pole and associated equipment would cause.

2. Other Matters

The Parish Council and two objectors have requested that the poles should only be granted a temporary planning permission as they could soon become obsolete if high-speed broadband is brought to the village via high optic cables that would link to the Hayton Exchange. However, discussions with the applicant have indicated that the costs of this are likely to be prohibitive. Furthermore, even if high-speed broadband were to be provided in the village, the radio poles would still be needed as these provide additional services to the school.

In overall terms, the proposal would not have an unacceptable visual impact. In all aspects, the proposal is considered to be compliant with the objectives of the adopted Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC19 - Telecommunications

Where either full permission, or prior approval for the siting and appearance under permitted development rights, is required for telecommunications development (including masts and ancillary equipment) permission will be granted subject to the following criteria:

- 1 the design and siting of the proposal has been given careful consideration,

- within the constraints faced by the operator, to take account of its surroundings, and the landscape character if it is to be located in a rural area; and
- 2 the proposal would not result in any adverse impact on heritage features of the built environment; and
 - 3 the proposed telecommunications service can not be provided by another means; and
 - 4 there is no reasonable possibility of sharing existing facilities; and
 - 5 there is no reasonable possibility of erecting antennas on an existing building or other structure; and
 - 6 evidence is submitted that all measures to reduce environmental impacts has been pursued; and
 - 7 evidence is submitted that the apparatus is in compliance with ICNIRP guidelines

**Carlisle District Local Plan 2001 - 2016
Spatial Strategy And Development Principles - Policy DP10 - Landscapes Of
County Importance**

Within Landscapes of County Importance, permission will only be given for development provided that:

- 1 there is no detrimental impact on the distinctive landscape character and features of the area; and
- 2 the proposal preserves or enhances the special features and character of the particular landscape within which it is to be sited.

Development required to meet local infrastructure needs which can not be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

**Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design**

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as

- a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Item no: 12

Appn Ref No:
10/1005

Applicant:
Lancashire County
Council

Parish:
Castle Carrock

Date of Receipt:
09/11/2010

Agent:
Lancashire County Council
Roads Design

Ward:
Great Corby & Geltsdale

Location:
L/A outside Castle Carrock School, Castle Carrock,
Brampton

Grid Reference:
354334 555448

Proposal: Installation Of 12 Metre Radio Pole With Antenna Receiver To Provide
Private Internet Service To Castle Carrock School

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. supporting statement (received 9 November 2010);

3. Site Location Plan (drawing 16341/13, received 9 November 2010);
4. Block Plan & Elevations (drawing 16341/13, received 9 November 2010);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the radio pole is no longer required it should be removed within 1 month of ceasing to be used.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. The radio pole shall be painted a light grey colour and retained as such, unless agreed in writing with the Local Planning Authority.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application is seeking planning permission for the installation of a 12m high radio pole with antenna receiver on land adjacent to Castle Carrock School. The equipment would provide an improved broadband service to Castle Carrock School, so that it can have access to the educational services provided by Cumbria and Lancashire Education Online.

An application for a 10m high radio pole with antenna receiver, communications cabinet and power pillar to be located in the grass verge on the eastern side of the B6413 to the south of the village has also been submitted (10/10053). This pole and associated equipment would also be required if improved broadband services are to be provided at the school.

The pole would be located in a grass verge approximately 3m from the main school building and in close proximity to an existing lamp post. A road runs to the front of the school and this contained a number of parked cars at the time of the site visit. St Peter's Church, which is a listed building, is located on the opposite side of the road. The nearest residential property would be approximately 18m from the pole.

The proposed radio pole would measure 12m in height and would have a diameter of 17cm. A flat plate antenna measuring 35cm by 35cm would be attached to the top

of the pole. The applicant is proposing to paint the pole a dark green colour.

The radios would use WiFi devices similar to those used by people to provide a wireless connection in their own homes. These devices have a typical output power of 100mW, which is thousands of times smaller than the output power permitted from mobile phone masts.

The relevant planning policies against which the application is required to be assessed are Policies EC19, DP10 and CP5 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Visual Impact Of The Proposals Would Be Acceptable

Whilst the pole would measure 12m in height, it would only measure 17cm in diameter and the antenna would only measure 35cm by 35cm. It would be sited in a grass verge in close proximity to the main school building and an existing lamp post. Whilst the applicant has suggested that the pole should be painted dark green, light grey is considered to be a more appropriate colour and this would be secured by condition. Given the location of the pole, it would not have an adverse impact on the listed church. The proposal would not, therefore, have a significant adverse visual impact on the character of the area. The benefits that the radio pole would bring to the pupils at Castle Carrock School are considered to be sufficient to outweigh the visual harm that the pole would cause.

2. Other Matters

The Parish Council and two objectors have requested that the poles should only be granted a temporary planning permission as they could soon become obsolete if high-speed broadband is brought to the village via high optic cables that would link to the Hayton Exchange. However, discussions with the applicant have indicated that the costs of this are likely to be prohibitive. Furthermore, even if high-speed broadband were to be provided in the village, the radio poles would still be needed as these provide additional services to the school.

One objector is concerned about the health implications of siting the pole near to the classroom and playground. The radios would use WiFi devices similar to those used by people to provide a wireless connection in their own homes. These devices have a typical output power of 100mW, which is thousands of times smaller than the output power permitted from mobile phone masts.

In overall terms, the proposal would not have an unacceptable visual impact. In all aspects, the proposal is considered to be compliant with the objectives of the adopted Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC19 - Telecommunications

Where either full permission, or prior approval for the siting and appearance under permitted development rights, is required for telecommunications development (including masts and ancillary equipment) permission will be granted subject to the following criteria:

- 1 the design and siting of the proposal has been given careful consideration, within the constraints faced by the operator, to take account of its surroundings, and the landscape character if it is to be located in a rural area; and
- 2 the proposal would not result in any adverse impact on heritage features of the built environment; and
- 3 the proposed telecommunications service can not be provided by another means; and
- 4 there is no reasonable possibility of sharing existing facilities; and
- 5 there is no reasonable possibility of erecting antennas on an existing building or other structure; and
- 6 evidence is submitted that all measures to reduce environmental impacts has been pursued; and
- 7 evidence is submitted that the apparatus is in compliance with ICNIRP guidelines

Carlisle District Local Plan 2001 - 2016 Spatial Strategy And Development Principles - Policy DP10 - Landscapes Of County Importance

Within Landscapes of County Importance, permission will only be given for development provided that:

- 1 there is no detrimental impact on the distinctive landscape character and features of the area; and
- 2 the proposal preserves or enhances the special features and character of the particular landscape within which it is to be sited.

Development required to meet local infrastructure needs which can not be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access

- routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
 - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Item no: 13

Appn Ref No:

11/0112

Applicant:

Mr Gordon Wood

Parish:

Wetheral

Date of Receipt:

11/02/2011

Agent:

Ward:

Wetheral

Location:

1 Rosegate, Aglionby, Carlisle, Cumbria, CA4 8AJ

Grid Reference:

344830 556532

Proposal: Erection Of Single Storey Extension To Provide En-Suite Bedroom And Extended Porch

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Site Location Plan and Site Block Plan [Drawing No. GSW 04, Received 11 February 2011];
3. the Existing Elevations [Drawing No. GSW 01. Received 11 February 2011];
4. the Proposed Elevations [Drawing No. GSW 02. Received 11 February 2011];
5. the Existing and Proposed Floor Plans [Drawing No. GSW 03. Received 11 February 2011)
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. 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 north-east 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 H11 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The dwelling at 1 Rosegate is a single storey detached dwelling located on the northern side of Rosegate. The dwelling is constructed of white rendered walls, grey tile roofing, and white timber framed doors and windows. The south eastern (front) and south western (side) boundaries are open to the road way, and the north western boundary (rear) is defined by a 1.8 metre high timer fence. The north eastern boundary is open and defined by low level vegetation. The subject site is surrounded by residential properties, but as described is bordered on two sides by the highway.

The application seeks Full Planning Permission for the erection of a single storey front extension to provide a bedroom and extended porch. The bedroom will extend 4.2 metres from the front of the existing dwelling, and will have a width of 5.9 metres together with matching eaves and ridge height. The proposal also includes a modest extension to the existing porch measuring 1.8 square metres.

The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following issues:

1. The Impact of the Proposal on the Living Conditions of Neighbouring Residents

There will be windows located on the south east and south western elevations of the proposed extensions. These windows will be located an appropriate distance from neighbouring properties. It is noted that a window will be installed on the north eastern elevation of the existing dwelling to serve an existing bedroom, however, the insertion of this window does not require planning permission.

It is also noted that the proposed bedroom extension may cast a shadow over 2 Rosegate at sunset, however, given the separation distance between the two dwellings, it is considered the likely loss of sunlight is insufficient to warrant the refusal of the application.

Given the positioning of the extension in relation to neighbouring dwellings together with scale and design of the proposal, and the orientation of the application site it is considered that the proposal would not adversely affect the living conditions of any occupiers of neighbouring properties on the basis of loss of light, over dominance or loss of privacy. A condition has been imposed within the decision notice to ensure that this situation remains in perpetuity.

2. Whether the Proposal is Appropriate to the Dwelling

The scale and height of the proposed extension is comparable to the existing property. The extension would be constructed from materials which would correspond with 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 the materials to be used.

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

In overall terms, the scale, siting and design of the proposal is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable loss of light, overlooking or over dominance.

The application has been approved as it is considered that the proposal is compliant with the objectives of the adopted Local Plan Policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H11 - Extensions To Existing Residential Premises

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

Item no: 14

Appn Ref No:
11/0010

Applicant:
Mellawood Properties Ltd

Parish:
Carlisle

Date of Receipt:
07/01/2011

Agent:
Taylor & Hardy

Ward:
Belle Vue

Location:
Units 5/6 Old Raffles Parade, Carlisle, Cumbria,
CA2 7EX

Grid Reference:
338396 555245

Proposal: Change Of Use Of Retail Unit (Use Class A1) To Hot Food Takeaway
(Use Class A5)

Grant Permission

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

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

2. The approved documents for this planning permission comprise:

1. the Planning Application Form received 7th January 2011;
2. the Location Plan received 7th January 2011 (Drawing No. 12.10.1);
3. the Block Plan received 7th January 2011 (Drawing No. 12.10.2);
4. the Existing Ground Floor Plan received 7th January 2011 (Drawing No. 10.10.1);
5. the Existing First Floor Plan received 7th January 2011 (Drawing No. 10.10.2);
6. the Existing Front Elevation received 7th January 2011 (Drawing No. 10.10.3);
7. the Existing Rear Elevation received 7th January 2011 (Drawing No. 10.10.4);
7. the Existing Side Elevation received 7th January 2011 (Drawing No. 10.10.5);
8. the Proposed Ground Floor Plan received 7th January 2011 (Drawing No. 10.10.6);
9. the Proposed Rear Elevation received 7th January 2011 (Drawing No.

- 10.10.7);
10. the Proposed Side Elevation received 7th January 2011 (Drawing No. 10.10.8);
 11. the Notice of Decision; and
 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The premises shall not be open for trading except between 0800 hours and 2200 hours.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy EC10 of the Carlisle District Local Plan 2001-2016.

4. The premises hereby approved shall be used for a hot food takeaway and for no other purpose including any other purpose in the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Details of the design, height, external finish and position of the proposed mechanical extractor flue(s) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall then be undertaken in accordance with the approved details.

Reason: In order to safeguard the living conditions of the occupiers of the neighbouring properties in accordance with Policies EC10 and CP5 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application seeks "Full Planning" permission for the change of use of Units 5/6 Old Raffles Parade, Wigton Road, Carlisle from a retail outlet to a hot food takeaway. Units 5/6, which is currently vacant, form part of a district centre which lies within the Primary Residential Area, as defined by the Carlisle District Local Plan 2001-2016. There are a number of other uses on the parade, which comprises a bookmakers, a video rental shop, and a fish and chip shop. There is an existing car park situated in front of the Parade.

The proposal, as submitted, seeks change of use from a retail premises to a hot food takeaway. The application relates to both the ground and first floor of the premises. The ground floor of the premises measures approximately 121 square metres, with approximately half as much again on the first floor. No external alterations are proposed as part of this application, with the exception of an extractor flue. The details of the extractor flue are to be regulated by the imposition of an appropriate condition. An additional condition has been imposed restricting the opening hours of the premises from between 8.00 a.m. to 10.00 p.m. Monday to Sunday.

Policy EC10 of the Carlisle District Local Plan, which relates to existing establishments, seeks to protect the living conditions of the occupiers of neighbouring properties. This policy specifically relates to food and drink uses and allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to the opening times for premises outside of the City Centre Shopping Area; however, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.

With the exception of the extractor flue, there are no alterations proposed to the external appearance of the building and the reuse of the currently vacant premises would not detrimentally affect the character of the area. The building is located within the urban area of Carlisle and within a district centre adjacent to other commercial uses. In this respect, the principle of the change of use is acceptable. Planning policies allow flexibility of opening hours for food and drink establishments and in the case of this application, the main issue is the potential impact on the occupiers of the neighbouring residential properties which is discussed in the following paragraphs.

Although the site is located within a district centre, there are residential properties to the east of the application site. The nearest property, 168 Wigton Road, is 10 metres from the gable of the building and is separate by an access road that leads to the rear of the application site. Internally, the ground floor of the takeaway would be subdivided into a customer waiting area and a storage area and it is the latter that would occupy the portion of the building adjacent to the gable. The customer entrance and waiting area would be furthest away from the adjacent residential properties and closest to the existing businesses.

The applicant proposes that the business would trade between 8am and 10pm each day. The site is within a district centre where there are existing businesses that includes a takeaway which remain open into the evening. The proposed trading hours are comparable to those of the existing business and whilst there may be some noise from patrons leaving the premises the business would operate as a food establishment and due to the scale of the premises, would be unlikely to give rise to a significant level of noise and disturbance over that already experienced during the late evening. The proposed trading hours are therefore acceptable.

The development may not raise issues in terms of a statutory noise nuisance; however, consideration is given to the general congregation of people and

associated conversation noise, closing of car doors and general engine noise and the potential impact this may have on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance over and above the ambient noise levels. The objectives of the policies require that the use of the premises together with the proposed trading hours must not result in increased noise and disturbance during times when the occupiers of neighbouring properties can reasonably expect to enjoy peace and quiet. The building is 10 metres from the gable of the adjacent property but the entrance to the takeaway would be 17 metres. The parking area is off-set from the neighbouring property and the noise level from the associated traffic along Wigton Road, albeit at a reduced flow, must be a consideration. On balance, the proposal is considered acceptable in this respect.

The site is well related to public transport corridors; it is convenient to pedestrian routes from the City centre and nearby shops and commercial premises; is adjacent to cycle routes and there is parking provision for twelve vehicles in front of the parade of shops. The surrounding area is essentially residential and as such, many customers of the proposed business would be likely to arrive on foot.

Customers arriving by car would be likely to park in the area directly in front of the shops. There are several other businesses adjacent to the site that are open during the evening. Noting the type of goods sold by those businesses, it is likely that there may be some linked trips. As the use would generate short-term parking demand, the site is suitably accessible with sufficient parking provision in the vicinity. The Highway Authority has raised no objection.

The design and layout of the building is required to be designed to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of Policy CP15 of the Local Plan. The entrance to the public area on the ground floor has level access and the proposal is compliant with the policy objectives.

Policy CP17 of the Local Plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

As part of the process, Cumbria Constabulary's Architectural Liaison Officer has considered the application in respect of loitering, nuisance and litter and raised no objection subject to the opening hours being conditioned to those sought as part of this application.

Whilst there are existing hot food takeaways in the area, it is the economic market that dictates whether there is an opportunity for an additional takeaway and this is not a material planning consideration.

There is a litter bin in close proximity to the site that is maintained by the City Council. It is not considered that a reason for refusal could be sustained on those grounds.

In overall terms, the principle of a hot food takeaway within a district centre is acceptable. It is important to bear in mind the question as to what degree of harm would occur to the living conditions of the occupiers of the neighbouring properties.

The premises are located adjacent to a main thoroughfare and within a parade of existing commercial uses where there are businesses that open into the evening. There are residential properties close to the application site, the closest being 10 metres to the east of the application site.

Subject to the imposition of a condition restricting the opening hours, the use would not adversely affect the living conditions of the occupiers of the neighbouring properties to such a degree as to be contrary to current planning policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

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

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

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP6 - Residential Amenity

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

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or

- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC7 - Neighbourhood Facilities

Proposals for neighbourhood supermarkets and other shopping proposals within or

adjacent to the district centres, identified on the Proposals Map, will be acceptable providing that:

- 1 it is well related to existing local shopping provision; and
- 2 it does not adversely affect the amenity of any adjacent residential areas; and
- 3 appropriate access, parking and security arrangements can be achieved; and
- 4 appropriate landscaping is an integral part of the scheme.
- 5 it does not affect the viability or vitality of the district centre

In order to minimise the impact on nearby centres conditions may be imposed to restrict the sale of non-food goods in such stores and limit the size of stores to reflect the scale of the district centre.

Carlisle District Local Plan 2001 - 2016 Economic & Commercial Growth - Policy EC10 Food And Drink

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

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

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

Carlisle District Local Plan 2001 - 2016 Transport - Policy T1- Parking Guidelines For Development

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

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

Item no: 15

Appn Ref No:
09/0951

Applicant:
Mr Barry Pluckrose

Parish:
Carlisle

Date of Receipt:
29/10/2009

Agent:
Phoenix Architects

Ward:
St Aidans

Location:
23-35 Brook Street, Carlisle, CA1 2HZ

Grid Reference:
340923 555187

Proposal: Re-Development Of Former Housing Site To Form 8no. 3 Bedroomed Terraced Town Houses (Revised Application)

Decision: Refuse Permission

Date: 25/01/2010

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 19/01/2011

Item no: 16

Appn Ref No:
10/0100

Applicant:
Mr Ronald Nichol

Parish:
Arthuret

Date of Receipt:
03/02/2010

Agent:
Taylor & Hardy

Ward:
Longtown & Rockcliffe

Location:
High Walls, Bank Street, Longtown, Carlisle, CA6
5PS

Grid Reference:
337844 568688

Proposal: Variation Of Condition 11 Of Previously Approved Application 03/0505 To Allow Use Of Alternative Vehicular Access On Esk Street

Decision: Refuse Permission

Date: 23/04/2010

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 27/01/2011

Item no: 17

Appn Ref No: 10/0141	Applicant: Leehand Properties Ltd	Parish: Brampton
Date of Receipt: 15/02/2010	Agent: JWPC	Ward: Brampton
Location: 15 Capon Hill, Brampton, CA8 1QJ		Grid Reference: 353044 560225

Proposal: Erection Of 1no. Dwelling (Revised Application)

Decision: Refuse Permission **Date:** 11/06/2010

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed **Date:** 31/01/2011

Item no: 18

Appn Ref No: 10/0233	Applicant: Mrs Judith Towill	Parish: Burgh-by-Sands
Date of Receipt: 10/03/2010	Agent: Taylor & Hardy	Ward: Burgh
Location: Land Adjacent Moorhouse Hall, Moorhouse, Carlisle, Cumbria, CA5 6HA		Grid Reference: 333135 556719

Proposal: Erection Of 1No. Detached Dwelling

Members will recall at Committee meeting held on 20th August 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to enable Officers to investigate the applicant(s) willingness to enter into a legal agreement relating to the local occupancy restrictions rather than using a condition. The Section 106 has been agreed and approval was issued on 22 February 2011.

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the site location plan dated 10th March 2010;
2. the existing plan dated 10th March 2010, drawing number 1270,004;
3. the proposed plans, sections and elevations dated 10th March 2010, drawing number 1270,005;
4. the site plan as proposed dated 28th May 2010, drawing number 1270,003,C;
5. the proposed new entrance details dated 10th March, drawing number 1270,007;
6. the design and access statement dated 10th March;
7. the tree survey report dated 10th March 2010, along with updated diagrams 4.1 and 5.1 dated 8th July 2010;
8. the tree method statement dated June 2010;
9. the bat survey dated 8th July 2010;
10. the contamination statement dated 16th December 2010;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

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

Reason: In order that the development is appropriate to the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that the character and appearance of the area and the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fence, wall or other means of enclosure shall be erected or constructed within the curtilage of the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (2) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and appearance of the area and the adjacent are not adversely affected by the erection of inappropriate enclosures and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development hereby approved by this permission shall commence until details of the construction and drainage of the whole of the access area bounded by the carriageway edge, entrance gates and the splays has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and permeable in accordance with the objectives of Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application seeks full planning permission for the erection of a detached property on land adjacent to Moorhouse Hall, Moorhouse. Moorhouse Hall is a Grade II Listed Building set within approximately 2 acres of grounds within the centre of Moorhouse village and the surroundings are predominantly residential.

The application was deferred at the last Committee meeting as a member of the public raised concerns that Members hadn't been made fully aware of the objections, and that some information had been left out of the schedule. As is normal practice, all objections letters were available for Members to view in the week preceding Committee in the 3rd party file in the Members Group Offices. The other information referred to includes the Design and Access Statement, previous correspondence between Taylor and Hardy and Chris Hardman, relating to the acceptability of the proposal, a contaminated land statement, a tree survey, a tree method statement and a bat survey.

This information is not normally copied into the Schedule, and Committee Members rely on the judgement of the Planning Officer, along with expert advice from Statutory Consultees. However, as there have been concerns raised, this information has been copied and is available to Members prior to the meeting, within the file containing third party representations.

The site forms part of the existing curtilage of Moorhouse Hall and includes the complete western boundary, along with part of the boundary wall to the north. The southern boundary includes a portion of the historic 'Ha-Ha' which is proposed to be refurbished and reinstated using existing stone as far as possible. The site is situated between Moorhouse Hall and Meadowcroft, within the curtilage of the Listed Building. The plot is naturally distinct from the rest of the Moorhouse Hall gardens as it is divided by way of a stone wall. The site has been allowed to become overgrown over time, as the site is not laid to lawns and trees and undergrowth has flourished. The access to the site is currently via the westernmost entrance to Moorhouse Hall. Part of the northern boundary of the site is defined by the existing driveway, which curves away from the road past the front of the Hall and back down to the road again.

It is proposed to build a one and a half storey bungalow on the site, to be constructed from traditional materials. The building would occupy a footprint measuring approximately 220 sq. m. and is set back from the road frontage by approximately 50m. The proposed building is set at right angles to the road, and as such the main front elevation faces towards Moorhouse Hall and not the road frontage. Much of the accommodation is provided at ground floor, including two en-suite bedrooms; however, two further bedrooms and a gallery are provided in the roof space. The dwelling would largely be finished using a Cumbrian red/brown clay facing brick, the windows and doors windows would be finished in wood, and the roof would be slated in blue natural slate. It is proposed to discharge foul drainage to the public sewer and surface water to a soakaway.

The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP11, LE12, H1 and T1 of the Carlisle District

Local Plan 2001-2016.

The proposals raise the following planning issues:

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

The site is situated within the village of Moorhouse, which is identified by Policy H1 of the Carlisle District Local Plan as being suitable for small scale infill development subject to compliance with the criteria identified, and provided that an identified local need can be established.

The applicant's agent has explained that the property is intended for the current residents of Moorhouse Hall, who have lived in the Hall since their marriage in 1968, over 40 years ago. As they have aged the Hall has become unsuitable for their needs, particularly as Mr Towill is partially sighted and registered disabled. They consider that the Hall no longer meets the housing needs of Mr and Mrs Towill for the following reasons:

- i. the property is too big and unsuitable for their requirements, the design and layout of the building, along with its Listed status, prevents adaptation to meet these needs;
- ii. the layout and nature of the building makes it difficult for Mr Towill to move around;
- iii. the property is costly to heat/light/repair; and
- iv. it is difficult to maintain both the house and the expansive grounds.

The case for "local need" that the applicant's agent is putting forward is that the owners have long standing links with the community and would benefit from a dwelling designed to disabled standards with wheelchair access which has sufficient accommodation on one level. Although such a site or property may be available in one of the neighbouring Local Service Centres, such as Burgh by Sands, the applicant would not benefit from the long standing links with Moorhouse. Taking into account the above, the principle of creating a new dwelling in the village is acceptable. In accepting the principle of the development, it is pertinent to identify that had it not been for the special circumstances of the applicant permission may not have been forthcoming.

In order to satisfy Policy H1 of the Local Plan the occupation of the proposed dwelling would be restricted to those persons living within the village of Moorhouse, which can be secured in perpetuity by means of a Section 106 Agreement.

2. Whether The Scale, Layout And Design Of The Development Is Acceptable.

The submitted drawings illustrate that the property would be designed to a high standard, and the appearance is that of a traditional one and a half storey dwelling. Whilst it was considered that taking detail and finishes from Moorhouse Hall would not be appropriate due to the great disparity in scale, a modern reference to a Venetian window has been included in the south elevation of the property, reflecting a similar feature in the rear elevation of Moorhouse Hall.

The proposed materials would also complement the surrounding dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street

parking. The character and appearance of the dwelling would not be disproportionate or obtrusive within the streetscene. Considering the site is located within the grounds of a Listed Building it is considered appropriate to impose a condition removing Permitted Development rights.

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

The majority of the neighbouring properties are positioned sufficient distance away or orientated in such a way not to be directly affected as a result of loss of privacy or overdominance.

The occupiers of the closest neighbouring property, Meadowcroft, object to the application on several grounds, one being that the new dwelling will completely overlook and overshadow their property. In respect of this matter, there are three windows in the proposal which look towards the boundary with Meadowcroft: one serving a wc and, as such, will be obscurely glazed; one to a hallway, which is not a habitable room; and one to the living room, although it is not the main window to this room. At a distance of approximately 17m away it is not considered that this window will have a significant impact upon the occupiers of Meadowcroft, when taking into account that there are no ground or first floor windows in the gable elevation of that property, only a bedroom window at second floor which is situated higher than the ridge of the roof of the proposed dwelling.

4. Impact on the Character and Appearance of the Listed Building

It is considered that the design of the building would not adversely affect the character or appearance of the Listed Building, a view that is supported by the Council's Principal Conservation Officer, who has had ongoing discussions with the applicant at pre- application stage through to the finalised design of the dwelling. It is recommended that a condition is imposed that requires samples of the external materials to be used to be agreed prior to work commencing to ensure the design is not compromised through the use of inappropriate external finishes.

5. Highway Matters

The Highway Authority has raised no objections to the proposal, but recommends that one planning condition is imposed, which relates to the proposed new access.

6. Tree Issues

Since the receipt of this application a Tree Preservation Order (TPO 252) has been established in respect of a number of trees on the site. Further information relating to tree protection methods and landscaping was requested by the Landscape Architect and Tree Officer, and a Tree Method Statement dated June 2010 was submitted. This was broadly acceptable, but there were several issues which still needed to be confirmed.

The applicant's agent submitted an amended bat survey, tree protection area diagram and a proposed new planting scheme diagram along with a letter confirming

various issues raised by the Council, on the 8th July 2010. The Council's Landscape Architect and Tree Officer has confirmed that these details are acceptable and that he has no further comments to make on the application.

7. Other Matters

The Parish Council object to the proposal on the grounds that the development will lower an old wall of a walled garden. This is not the case, and as can be seen on the plans the wall which surrounds the walled garden will not be touched by the development.

The Parish also state that the new development will spoil the setting of one of the oldest and most important houses in the Village, and have referred to the Burgh-by-Sands Parish Design Statement.

The Design Statement provides the criteria for new buildings and states:

- i. "There should be a consistent theme and/or style within new development which is related to the locality and setting.
- ii. New development should generally be single or two-storey in height.
- iii. Building styles and materials should be in keeping with the local vernacular and reflect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area.
- iv. Where garden walls and outbuildings are present in new development, these should utilise the same materials as the main building.
- v. Local distinctive features, such as date stones, decorative brickwork and gateposts, might be used to enhance new buildings."

It is considered that the proposal accords with the above criteria and as such is acceptable in terms of the Parish Design Statement.

In overall terms, the principle of the proposed development is considered acceptable. The proposed dwelling can be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Listed Building. The Highway Authority has advised that the proposal is acceptable subject to the imposition of one planning condition.

In all aspects the proposal is compliant with the objectives of the Carlisle District Local Plan 2001-2016 and the application is recommended for approval.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016
Spatial Strategy & Development Principles - Policy DP1 - Sustainable

Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and

- detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
 - 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
 - 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
 - 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
 - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP11 - Protection Of Groundwaters And Surface Waters

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council

will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Local Plan 2001 - 2016 **Housing - Policy H1 - Location Of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost

Laversdale
Moorhouse
Walton

Low Row
Talkin
Warwick-on-Eden

Monkhill
Todhills
Wreay

Carlisle District Local Plan 2001 - 2016 Transport - Policy T1- Parking Guidelines For Development

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

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

Item no: 19

Appn Ref No:
09/0358

Applicant:
J. J. Lattimer Limited

Parish:
Dalston

Date of Receipt:
29/04/2009 13:00:48

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Land adjacent to Dalston Service Station, Dalston,
Carlisle, CA5 7QA

Grid Reference:
336831 549981

Proposal: Formation Of Car Parking Area To Serve The Proposed Convenience Store And Two Residential Units Subject Of Planning Application Ref: 08/1254

Members will recall at Committee meeting held on 2 October 2009 that authority was given to the Assistant Director (Economic Development) to issue approval subject to completion of a section 106 Agreement for Highway works associated with a related application for a convenience store and three residential units (08/1254). The Section 106 has been completed and approval was issued on 20 January 2011.

Granted Subject to Legal Agreement

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

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

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

2. The adjacent convenience store and residential units approved under reference 08/1254 shall not be occupied until the car park hereby approved has been implemented in accordance with the approved plans. The car park shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure appropriate parking provision in accordance with the objectives of Policies CP6 (Criteria 3), T1 and T2 of the Carlisle District Local Plan (2001 - 2016)

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

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

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

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

5. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any day other than for refuse/ waste collection services. All such movements shall leave and access the public highway in a forward direction.

Reason: In the interests of road safety and to support Local Transport Plan Policy LD8.

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

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

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

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

8. For the duration of the development works existing trees adjacent to the convenience store car park shall be protected by a suitable barrier, details of which shall be submitted for the written approval of the Local Planning Authority and erected, prior to the commencement of development, in the locations specified in the letter of 6 June 2009 from Treescape Consultancy Ltd. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

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

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

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

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

Policy LE10 of the Carlisle District Local Plan.

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

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 4), CP17 (Criteria 6) and LE19 of the Carlisle District Local Plan.

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

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies CP5 (Criteria 1) and LE19 of the Carlisle District Local Plan.

13. Prior to the commencement of development, the applicant shall submit details of a gate to secure the car park for the written approval of the Local Planning Authority, which gate shall remain locked during the hours of closure of the convenience store approved under reference 08/1254.

Reason: To accord with the objectives of Policy CP17 of the Carlisle District Local Plan.

14. The stone wall along the southeast side of the car park shall be 1.8 metres high and shall be erected prior to the commencement of development.

Reason: To accord with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 1) and CP17 (Criteria 1) of the Carlisle District Local Plan.

15. Before any development takes place a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority.

Reason: To reduce the increased risk of flooding by ensuring a satisfactory means of surface water disposal in accordance with Policy CP10 of the Carlisle District Local Plan (2001 - 2016).

Summary of Reasons for the Decision

This is a revised application seeking full planning permission for the formation of a car parking area intended to serve the proposed convenience store and three dwellings subject of the Report under application reference 08/1254.

The revised application seeks approval for a car parking area, providing 18 off-street car parking spaces (including two for disabled people and three for residents) and two motorcycle parking spaces. The layout of the car park has been amended to enable a 12m long rigid delivery vehicle to turn within the car park.

In consideration of this application Policies DP1, CP3, CP4, CP5, CP10, CP17, LE8, LE12, LE19, LE26 and T2 of the Carlisle District Local Plan are relevant.

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

1. it is considered that this is an appropriate form of development for Dalston which is a Local Service Centre;
2. the justification for the car park in this location is that it is to serve the proposed convenience store and two of the three associated dwellings (ref 08/1254). If the latter development is approved, it is considered that the car park will not significantly affect the character of Dalston Conservation Area or the setting of the listed building at The Green for the following reasons:
 - (a) the site is largely visually enclosed, particularly from the northeast and southeast by existing and proposed development and existing trees
 - (b) appropriate peripheral and internal landscaping and boundary treatment will assist in both screening the view of vehicles and the trolley park from the public realm(which is mainly from Townhead Road) and breaking up the hard surface Submission and implementation of hard and soft landscaping details and levels of illumination could be subject to conditions.
 - (c) the car park has been designed to ensure that the trees adjacent to the northeast boundary will not be affected;
3. the potential archaeological importance of the site, which lies within the medieval village, has been recognised and a condition requiring a Watching Brief could be attached;
4. the living conditions of the occupants of dwellings in close proximity (particularly those in The Green but also in Townhead) could clearly be affected by the development. To help minimise disturbance from customer`s and delivery vehicles, the hours of opening and delivery times

of the related convenience store (08/1254) could be controlled by conditions. However nuisance from vehicle lights would also have to be addressed by appropriate landscaping and/or fencing. Given the importance of landscaping to this site, particularly its interface with the housing to the southeast, the applicant has submitted revised proposals including sections for the south-east boundary of the car park. It is considered that the proposal for a 1.5 to 1.8 metre high stone wall along the top of the embankment and associated planting on the slope should reduce nuisance from vehicle lights and soften the appearance of the wall when viewed from The Green. As previously stated a condition could be attached requiring submission of lighting details. Issues with regard to noise and disturbance to adjacent residential properties will also be considered in relation to the application for the convenience store and dwellings (08/1254);

5. with regard to the development contributing to creating a safe and secure environment, a response is awaited from the Architectural Liaison Officer with particular regard to site perimeter treatment;
6. the applicant has submitted a Tree Survey indicating that the root protection areas will not be affected by the development and that tree protection barriers will be erected (conditions required);
7. the site lies on the edge of Flood Zone 2 but is now at a higher level. There is no requirement to re-consult the Environment Agency;
8. the applicant proposes to use permeable pavements which will drain into a sustainable drainage system to allow storm water to be retained and discharged in a controlled manner to surface water sewers (United Utilities has been consulted on this aspect of the proposal).

The revised plans seek to address the issues in relation to the adverse impact on the amenity of the residential properties in The Green and the character of the Conservation Area, the potential to exacerbate flooding and the amount of land which will be lost from the Show Field.

It is considered that the proposed development accords with the provisions of the Development Plan and, as there are no material considerations which indicate that it should be determined to the contrary, it has been determined in accordance with the Development Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should

harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

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

Carlisle District Local Plan 2001 - 2016 **Core Development Policies - Policy CP4 - Agricultural Land**

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1 there is an overriding need for the development; and
- 2 there is insufficient land of a lower grade available; or
- 3 available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

Carlisle District Local Plan 2001 - 2016 **Transport - Policy T2 - Parking In Conservation Areas**

Within conservation areas, off-street vehicle parks will not be permitted, unless they:

- 1 are small in scale; and
- 2 have no adverse impact on the street frontage or character; and

- 3 have no detrimental effect on neighbouring properties; and
- 4 have satisfactory access.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP10 - Sustainable Drainage Systems

Sustainable drainage systems (SUDS) should be incorporated into development proposals when the following conditions apply:

- 1 The development will generate an increase in surface water run-off; and
- 2 The rate of surface water run-off is likely to create or exacerbate flooding problems

Where SUDS are incorporated the following details shall be provided:

- 1 The type of SUDS; and
- 2 Hydraulic design details/calculations; and
- 3 Pollution prevention and water quality treatment measures together with details of pollutant removal capacity; and
- 4 Operation, maintenance and adoption details (SUDS structures will not be

adopted by the statutory sewerage undertaker unless maintenance and legal agreements are in place).

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE26 - Undeveloped Land In Floodplains

Development in areas at risk of flooding on undeveloped land will only be permitted where a Flood Risk Assessment has been submitted with a planning application that confirms:

- 1 no other lower risk alternative site exists; and
- 2 flood defences provide an acceptable standard of protection; and
- 3 access and egress can reasonably be maintained at times of flood risk; and
- 4 adequate floodplain storage capacity can be provided; and
- 5 the development will not interfere with flood flows; and
- 6 mitigation measures will be provided where necessary; and
- 7 the development will not increase flood risk elsewhere.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016
Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE8 - Archaeology On Other Sites

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

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

Item no: 20

Appn Ref No:
09/0512

Applicant:
Sainsburys Stores Limited

Parish:
Carlisle

Date of Receipt:
25/06/2009 13:00:41

Agent:
HOW Planning LLP

Ward:
Castle

Location:
L/A Junction of Bridge Street and Bridge Lane,

Grid Reference:
339431 556022

Proposal: Erection Of A Class A1 Foodstore Comprising 8,886 Sq.m. Gross External Area (5,514 Sq.m. Net Sales) Floorspace, A Petrol Filling Station Of 132 Sq.m. Gross External Floorspace (70 Sq.m. Net Sales), Ancillary Development And Car Parking At Land At The Junction Of Bridge Street And Bridge Lane, Carlisle.

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

- a) the completion of an "Assessment of Likely Significant Effect";
- b) clearance by GONW following the referral of the application as a "Departure"; and
- c) the satisfactory completion of a S106 agreement to secure the financial contributions referred to in the Committee Report; together with the implementation of the training schemes/initiatives outlined in the supporting Regeneration Statement; the submission of a trolley management plan and the arrangements for testing and potential provision of a biomass boiler.

These items have been satisfactorily finalised and the approval was issued on 23rd February 2011.

Grant Permission

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

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

2. The approved documents for this planning consent comprise:

1. The Planning Application Form received 25th June 2009;
2. The existing site layout plan received 14th January 2010 (Drawing No. P01);
3. The proposed site layout received 1st July 2010 (Drawing No. P02 Revision S);
4. The proposed elevations received 29th June 2010 (Drawing No. P04 Revision F);
5. The proposed ground floor plan received 25th June 2009 (Drawing No. P09);
6. The proposed mezzanine and roof plans received 29th June 2010 (Drawing No. P03 Revision B);
7. The proposed site sections received 29th June 2010 (Drawing No. P05)

- Revision D);
8. The indicative colour elevations of the store received 29th June 2010 (Drawing No. E01 Revision K);
 9. The indicative colour detailed elevational view of the store received 29th June 2010 (Drawing No. E03);
 10. The indicative colour street scene elevation received 29th June 2010;
 11. Railing/wall details received 29th June 2010 (Drawing No. P13 Revision B);
 12. The proposed retail and office building elevations received 6th July 2010 (Drawing No. P12 Revision D);
 13. The proposed retail and office building floor plans received 9th July 2010 (Drawing No. P11 Revision D);
 14. The proposed filling station elevations received 14th January 2010 (Drawing No. P08 Revision C);
 15. The proposed filling station floor plans received 13th July 2010 (Drawing No. P07 Revision G);
 16. The proposed site elevations received 23rd June 2010 (Drawing No. P06 Revision D);
 17. The indicative landscape plan received 15th January 2010 (Drawing No. 677-01 Revision I);
 18. The proposed access and highway improvements received 15th January 2010 (Drawing No. N71289/010 Revision A);
 19. The proposed access and highway improvements received 29th June 2010 (Drawing No. N71289/011 Revision B);
 20. The proposed access and highway improvements – Option 2 received 29th June 2010 (Drawing No. N71289/014 Revision A);
 21. List of proposed energy efficient technologies received 29th June 2010;
 22. Design and Access Statement received 25th June 2009;
 23. Planning and Retail Assessment received 10th September 2009;
 24. Regeneration Statement received 25th June 2009;
 25. Employment Statement received 25th June 2009;
 26. Flood Risk Assessment received 2nd November 2009;
 27. Summary of Public Consultation received 25th June 2009;
 28. Transport Assessment received 25th June 2009;
 29. Transport Assessment – Supplementary Report received 5th October 2009;
 30. Stage One Road Safety Audit received 15th January 2010;
 31. Environmental Impact Assessment Volumes 1-3 received 25th June 2009;
 32. The Notice of Decision; and
 33. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The foodstore premises shall be used as a Class A1 foodstore (with a net tradeable retail area of 5,514 square metres) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without

modification.

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

4. The sale of convenience goods within the foodstore shall be restricted to a net floor area of 3,741 square metres and the sale of comparison goods shall be limited to a net floor area of 1,773 square metres; and there shall be no increase in Class A1 net retail floor space by installation of a mezzanine floor or in any other way, unless permitted, in writing, by the Local Planning Authority.

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

5. There shall be no ancillary convenience or comparison goods sales from temporary structures such as marquees and canopies on the car park.

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

6. The foodstore and office/retail units hereby approved shall not be open for trading except between 0700 hours and 2300 hours on Mondays-Saturday or between 1100 hours and 1700 hours on Sunday or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

7. The petrol filling station hereby approved shall not be open for trading except between 0700 hours and 2330 hours on Mondays-Saturday or between 1000 hours and 1800 hours on Sunday or bank holidays.

Reason: To minimise disturbance to nearby residential occupiers and in

accord with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. The development, or part thereof, shall not be brought into use until:
- Junction improvements (removal of edge of carriageway markings across the entry to the superstore car park; correction of arrow markings on John Street carriageway; road markings on the eastbound Church Street carriageway to prevent vehicles from blocking the junction; no entry signs on the two give way junctions on the new entry and exit roads; high friction surface provision throughout the area on approaches to junctions and pedestrian crossing points (drawing number N71289/010 Rev A);
 - Widening of Shaddongate and the provision of an extended 2 lane approach to the signals (shown on drawing number N71289/010 Rev A);
 - Lengthening the 3 lanes on Castle Way (shown on drawing number N71289/010 Rev A);
 - Provision of a second lane on John Street (shown on drawing number N71289/010 Rev A);

have been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policy LD8.

9. Notwithstanding Condition 08, in the event of a roundabout subsequently being constructed at the A595/Bridge Lane/Shaddongate junction, the access arrangements to the development shall be modified by the Highway Authority to ensure that:
- The site access from Church Street operates as a priority controlled junction;
 - There is no right turn into the development from the southern side of Church Street; and
 - An additional access/egress to the development shall be provided on the Bridge Lane frontage.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policy LD8.

10. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local

Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

11. No part of the development hereby approved shall be brought into use until the access and parking requirements have been constructed in accordance with the approved plan. The access and/or parking provision shall thereafter not be removed or altered, other than as required by Condition 09, without the prior consent of the Local Planning Authority. In all other respects, 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 a minimum standard of access provision when the development is brought into use and to ensure that vehicles can be properly and safely accommodated clear of the highway in accordance with the objectives of Local Transport Plan Policies LD5, LD7 and LD8.

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

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

13. The access and parking/turning requirements, as required by Condition 12, shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

14. No development shall take place until a scheme identifying the intended location, dimensions, finish and colour of operational plant (including mechanical or electrical equipment and water storage and pumping facilities for fire fighting), and the proposed method of screening, has been submitted to and approved, in

writing, by the Local Planning Authority.

Reason: To ensure that the scale, appearance and screening of the operational plant is acceptable in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

15. No fixed and external plant shall be installed until full details of that fixed and external plant has been submitted to and approved by the Local Planning Authority. The submitted details shall include an accompanying full assessment of their potential impacts with regard to noise and odour and any mitigation measures. In order to facilitate such a submission, an assessment of the possible noise impact of proposed plant serving the development shall be carried out by a suitably qualified acoustician in accordance with the requirements of BS4142:1992

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

16. Prior to the development commencing the proposed development shall be subject of a lighting scheme for all external areas and for the buildings which shall be submitted to, and approved in wiring by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details prior to the commencement of trading. Outside of operating hours the external lighting, with the exception of security lighting, shall be switched off. The Lighting scheme shall also include mitigation measures during both construction and operation specifically to prevent lighting impacts on wildlife, including otters and bats, and their habitat, both on and off site.

Reason: To safeguard the living conditions of neighbouring residents and to prevent adverse impacts on wildlife in accordance with Policies CP2, CP5, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

17. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays) unless otherwise agreed in writing by the Local Planning Authority.

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

18. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste

minimisation and management measures including the management and safe removal of invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

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

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

Reason: To ensure that an acceptable landscaping scheme is prepared, which has benefits for local wildlife and to ensure compliance with Policies CP2, CP5, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

22. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the buildings hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: For the avoidance of doubt and to ensure compliance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

23. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water disposal has been approved, in writing, by the Local Planning Authority in consultation with the Environment Agency and Natural England. The scheme shall include details of pollution prevention measures in accordance with best practice, such as the use of silt traps and oil/ petrol interceptors during operation.

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

24. The development shall not be brought into use until details of a delivery/service yard management plan have been submitted to and approved, in writing by the Local Planning Authority. The approved Management Plan shall thereafter be implemented and operated in all respects, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

25. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated October 2009, referenced PMM/PSA release 3.0 and compiled by Hadfield Cawkwell Davidson and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
2. Identification and provision of safe route(s) into and out of the site to an

appropriate safe haven as part of the production of a site specific Flood Action Plan for the site;

3. Flood-routing measures detailed on page 6, section 7.01 shall be implemented in the car park adjacent the western boundary of the new development and be designed to maintain the current overland flow path.

Reason: To reduce the impact of flooding on the proposed development and future occupants/customers in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to the Local Planning Authority in the form of a written report. The Local Planning Authority shall consult with the Environment Agency and Natural England upon submission of the written report. The written report will be subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect the quality of groundwater and surface waters of the River Caldew in accordance with Policy CP5, LE2, LE4 and LE29 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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

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

29. Prior to the carrying out of any demolition work, the former iron foundry in Byron Street, the remains of the early 19th Century houses in Byron Street and Cawthorpes Lane, The Lodge in Byron Street, and 30-42 Bridge Street shall be recorded in accordance with a written scheme of investigation that has been approved by the Local Planning Authority. Within 2 months of the commencement of construction works 3 copies of the resultant building recording report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings and structures of architectural and historic interest prior to their demolition as part of the proposed development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The site is not allocated for retail purposes in the development plan and does not accord with all development plan policies. The degree of non-compliance, however, is considered to be outweighed by other material considerations.

The development will result in the comprehensive redevelopment of a prominent, run-down and derelict part of Caldewgate which is one of the more deprived areas in the City. It will represent a significant investment in the area creating substantial employment and will provide benefits through the physical and economic

regeneration of the area.

It is considered that the application strictly fails the sequential test in policy EC17 of PPS4 with reference to the Morton allocation. The City Council, however, considers that the accessibility of the proposed development means that it would not undermine the principal objectives behind the sequential approach in PPS4 which are to ensure that developments are accessible by all forms of transport and enable customers to make linked trips that would reinforce the vitality and viability of the City Centre. It is considered that the Viaduct Estate Road site is unlikely to be developed for comparable purposes.

Furthermore the City Council considers that there is no clear evidence that the application would be likely to lead to significant adverse impacts in terms of the impacts set out in policies EC10.2 and EC16.1 of PPS4. In particular the Council considers there is no clear evidence that the development would prejudice delivery of the Morton allocation.

Notwithstanding the proposal is a departure from the development plan and fails the sequential test, the City Council considers on balance that the lack of significant adverse impacts from the proposal and the absence of any demonstrable overall harm together with the significant regeneration benefits the proposal would bring to a run down part of the City mean that planning permission should be granted.

In granting this planning permission, the City Council has taken into account all relevant environmental information (including the supporting Environmental Statement) within the meaning of Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

The financial contributions proposed have been reviewed by the City Council and they comply with the new tests for S106 agreements, which have been introduced by Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Relevant Development Plan Policies

**Carlisle District Local Plan 2001 - 2016
Spatial Strategy & Development Principles - Policy DP1 - Sustainable
Development Locations**

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock	Heads Nook Houghton

Cummersdale	Irthington
Cumwhinton	Raughton Head
Dalston	Rockcliffe
Gilsland	Scotby
Great Corby	Smithfield
Great Orton	Thurstonfield
Hallbankgate	Warwick Bridge
Hayton	Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations re considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Spatial Strategy And Development Principles - Policy DP2 - Regeneration

Proposals will be developed for the regeneration of the economic, social and environmental capital of the District as follows:

Within the urban area of Carlisle, Proposals will be developed in conjunction with Carlisle Renaissance, concentrated in the following three areas of the City:

- Rickergate;
- Viaduct Estate Road/Caldew Riverside;
- The Citadel Area.

Detailed briefs will be prepared for these three areas.

Further areas for regeneration outside of the Carlisle Renaissance Core Study Area are:

- Raffles;
- Carlisle South.

Outside the urban area:

- Longtown

In the St Nicholas/Botchergate South area of the City an Area Action Plan will be developed to explore the long-term regeneration potential of this area and integrated

into the Local Development Framework.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP1 - Landscape Character

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

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP2 - Biodiversity

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

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and

- other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP10 - Sustainable Drainage Systems

Sustainable drainage systems (SUDS) should be incorporated into development

proposals when the following conditions apply:

- 1 The development will generate an increase in surface water run-off; and
- 2 The rate of surface water run-off is likely to create or exacerbate flooding problems

Where SUDS are incorporated the following details shall be provided:

- 1 The type of SUDS; and
- 2 Hydraulic design details/calculations; and
- 3 Pollution prevention and water quality treatment measures together with details of pollutant removal capacity; and
- 4 Operation, maintenance and adoption details (SUDS structures will not be adopted by the statutory sewerage undertaker unless maintenance and legal agreements are in place).

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP13 - Pollution

Development will not be permitted where it would generate, either during construction or on completion, significant levels of pollution (from contaminated substances, odour, noise, dust, vibration, light, heat) which can not be satisfactorily mitigated within the development proposal or by means of planning conditions.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Public Transport, Pedestrians And Cyclists

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access including secure cycle parking provision facilities, where appropriate, in all new developments accessible to the public.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC2 - Mixed Commercial Areas

Within Mixed Commercial Areas, proposals for B1 (Business), B2 (General Industrial) and B8 (Warehousing) uses will generally be acceptable. A1 (Retail) and A2 (Financial and Professional) will only be acceptable if a sequentially preferable location within a Primary Retail Area is either not available or suitable for the proposed use, and that the site can be defined as an edge-of-centre location. In all cases the following criteria must be met:

- 1 the relationship of the site to the highway network is satisfactory; and
- 2 access to the site is satisfactory; and
- 3 appropriate parking provision can be provided; and
- 4 the scale of development is appropriate in relation to the site and the amenity of adjacent uses is not prejudiced.

Proposals for residential development may be acceptable, subject to a satisfactory

relationship with existing uses, and provided that there would be no unacceptable loss of employment land.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC5 - Large Stores And Retail Warehouses

Proposals for large stores and retail warehouses with large adjacent customer car parks will not be permitted except on sites allocated in this Plan. Outside of those allocations, if a qualitative and quantitative need can be demonstrated and it can be shown that no more sequentially preferable site exists, development may be permitted only where all of the following criteria are met:

- 1 There is an essential requirement to transfer bulky customer loads from store to car;
- 2 The site is widely accessible by public transport;
- 3 The proposal is of a scale which will not seriously affect the viability, vitality or regeneration of the City Centre;
- 4 additional traffic can be satisfactorily accommodated within the surrounding road network;
- 5 There will be no harm to the visual character of the area or the amenities of adjoining land uses;
- 6 There will be no unacceptable effect on overall travel patterns.

Proposals for the extension of floorspace (including the use of a mezzanine floor) at existing larger stores or retail warehouses will also be considered in relation to the above criteria.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC22 - Employment & Commercial Growth Land Allocations

To provide for employment development needs, in addition to sites with planning permission, an additional 77 hectares are allocated for employment purposes, providing for a variety of employment needs including B1, B2 B8 industrial uses and A1 retail uses

Land is to be designated for potential redevelopment in the Rickergate Area of the City Centre to provide for additional retail/office and hotel development. This will be on land already in employment use. Any additional employment premises arising as a net gain to the stock will be monitored against the overall employment land provision (Use Class B1, B2 and B8). An Action Area Plan will be produced for the Botchergate South/St Nicholas area to consider the regeneration possibilities for the area between Crown Street and St Nicholas Bridges

Employment Land Allocations - Urban

The following sites are allocated for employment development under Proposal EC22:

EMPLOYMENT LAND MARKET SECTOR	2001-2006 Ha	2006-2011 Ha	2011-2016 Ha
Regional Investment Site			
SP requirement	15	20	15
Completions	15.72		
Available (permission or allocated)		34.867	
Allocated in this plan: Brunthill			10s

Strategic Employment Site (B1 (b&c), B2, B8 and ancillary B1a)			
SP requirement	10	10	10
Completions	0		
Available (permission or allocated)	0		
Allocated in this plan: Brunthill Land south of Park Road		10 8.8	10

Local Employment Site (B1, B2, B8)			
SP requirement	15	15	15
Completions	3.81		
Available (permission or allocated)	10.34 3	0.4	
Allocated/released in this plan		10.02 + Carleton clinic ∇	CR sites rickergate/ caldew riverside ;

Business/Science Park (Class B1)			
SP requirement	5	10	10
Completions	3.83		
Available (permission or allocated) (Rosehill)		2.92	
Allocated in this plan: South West of Morton		12	

s The allocation of additional land for Regional Investment Site would replace part of the existing site with development constraints (11.4ha) in order to ensure a readily available supply and would extend overall provision into the following plan period

∇ This figure includes the land released from the relocation of the Auction Mart from Rosehill Industrial Estate. The figure for land at Carleton Clinic is dependent upon detailed proposals including transport assessments being undertaken.

; Carlisle Renaissance sites have a range of options for differing uses currently indicating a minimum of 35,000 sqm of business space

Kingmoor Park

Kingmoor Park is designated on the Proposals Map as a Regional Investment Site in accordance with RPG13 and the North West Regional Economic Strategy. A central hub for the Regional Investment Site will be developed at the link with the CNDR where it traverses the site.

Ten hectares of land at Brunthill is designated as an extension to the Regional Investment Site at Kingmoor Park. Development will be concentrated on use Classes B1, B2 and B8. Development of the RIS extension will not be commenced before 2011 unless before that time available land supply within the Kingmoor Park RIS falls below 15 ha. A central hub for the Regional Investment Site will be developed at the southern part of this site at its link with the CNDR.

In addition 20 hectares of land are designated for a strategic employment site building on the growth of the Regional Investment Site.

A Development Guide/Masterplan approach will be adopted for the development of this site resulting in a Supplementary Planning Document adopted by the Council.

Employment Land Allocations – Rural

EMPLOYMENT LAND MARKET SECTOR	2001-2006 Ha	2006-2011 Ha	2011-2016 Ha
Strategic Employment Site (B1 (b&c), B2, B8 and ancillary B1a)			
SP requirement	6	6	6
Completions	0		
Available (permission or allocated)			
Allocated in this plan	1.95	8.00	11.20

Local Employment Site (B1, B2, B8)			
SP requirement	5	5	5
Completions	3.66		
Available (permission or allocated)		5.68	
Allocated in this plan			5 s

Morton District Centre

Land off Wigton Road, Morton is allocated for a district centre as part of the urban extension at Morton, to serve the resident population and the south-west of the City. The proposal includes an allocation for a single food retail store with a capacity of 2,500 square metres. Land will also be reserved for Park and Ride facilities,

required during the Plan period

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE2 - Sites Of Special Scientific Interest

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

- 1 The reasons for the development clearly outweigh the nature conservation value of the site for which it is of special interest and therefore designated as part of the national series of SSSIs; or
- 2 the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE4 - River Corridors

Permission will not be granted for developments which are likely to have a detrimental impact on nature conservation, public access, the quality of the landscape or recreational facilities found within the river corridors.

Opportunities for economic development in relation to the rivers will only be considered provided there is no adverse impact on wildlife habitats, species or natural process associated with or affecting the rivers. Access for operational or maintenance purposes will be protected and culverting to provide access for maintenance will not be acceptable

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE5 - Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE6 - Scheduled/Nationally Important Ancient Monuments

Development will not be permitted where there is an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE9 - Other Known Sites And Monuments Of Archaeological Significance

Elsewhere in the Plan area, on other known sites and monuments of archaeological

significance, permission for development will be granted, provided the applicant can demonstrate that the site will be either satisfactorily preserved or appropriate arrangements for excavation and recording have been made. These cases will be judged against the following:

- 1 the importance of the archaeological features;
- 2 the effects of the proposal on the archaeological features;
- 3 the need to retain and where possible enhance the features which have a particular archaeological and/or landscape significance;
- 4 the applicant's arrangements for in situ preservation of the features.

On the other known sites of archaeological significance, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined.

Carlisle District Local Plan 2001 - 2016 **Local Environment - Policy LE19 - Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

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

- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE27- Developed Land In Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

- 1 no other lower risk alternative site exists in the case of proposed development in Zone 3 (High Probability of river and/or sea flooding); and
- 2 flood defence measures to the appropriate standard are already in place or can be provided; and
- 3 adequate flood plain storage capacity can be provided; and
- 4 the development will not interfere with flood flows nor increase flood risk elsewhere; and
- 5 access and egress could be reasonably maintained at times of flood risk; and
- 6 adequate flood warning and evacuation procedures will be provided; and
- 7 mitigation measures will be provided where necessary; and
- 8 the building materials are appropriate for a flood risk area.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE29 - Land Affected By Contamination

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and human and environmental receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

- 1 Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
- 2 Cause the contamination of adjoining land or allow contamination to continue;
- 3 Lead to the contamination of any watercourse, water body or aquifer;
- 4 Have an unacceptable adverse effect on habitats and ecosystems;
- 5 Cause harm to buildings, animals or crops

The Policy will also apply to proposed development on or within 250 metres of an existing landfill or a site known to be used for landfill within the last 30 years.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;

- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

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

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

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

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

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.