

AGENDA

Development Control Committee

Friday, 24 March 2023 AT 10:00

In the Cathedral Room, Civic Centre, Carlisle, CA3 8QG

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions

DECLARATIONS OF INTEREST

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

PUBLIC AND PRESS

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

MINUTES OF PREVIOUS MEETING

5 - 8

To note that Council, at its meeting of 28 February 2023, received and adopted the minutes of the meetings held on 22 February (site visits) and 24 February 2023. The Chair will sign the minutes.

[Copy minutes in Minute Book 46(6)]

To approve the minutes of the meeting held on 22 March 2023 (site visits).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

(a) planning permission for proposed developments

(b) approval of detailed plans

(c) consents for display of advertisements.

Explanatory Notes

9 - 14

1. Application 22/0840 Car Park, Eastern side of Lowther Street, Lowther Street, Carlisle, CA3 8DP 15 - 54

2. Application 22/0034 TPO Plots 6 and 8 Land at Lansdowne Close, Carlisle, CA3 9HN 55 - 86

3. Application 22/0760 Croft Villa, Wetheral, Carlisle, CA4 8JQ 87 - 104

4. Application 22/0366 St Nicholas Gate Retail Park, London Road, Carlisle, CA1 2EA 105 - 136

5. Application 22/0903 Land to the North Rose Cottage, Gelt Road, Brampton, CA8 1QB 137 - 158

6.	<u>Application 22/0837 Land adjacent to West View, Lees Hill, Brampton, CA8 2BB</u>	159 - 178
----	--	--------------

	<u>Schedule B - Applications determined by other Authorities</u>	179 - 198
--	---	--------------

PART B

To be considered when the Public and Press are excluded from the meeting

-NIL-

Members of the Development Control Committee

Conservative – Mrs Bowman, Christian, Collier, Mrs Finlayson, Meller, Morton (Chair), Md Ellis-Williams (sub), McKerrell (sub), Mrs Mitchell (sub)

Labour – Alcroft, Mrs Glendinning, Patrick, Southward, Birks (sub), Brown (sub), Whalen (sub)

Independent - Tinnion (Vice Chair)

Independent and Liberal Democrat - Bomford, Allison (sub)

Enquiries, requests for reports, background papers etc to:
democraticservices@carlisle.gov.uk

To register a Right to Speak at the Committee contact DCRTS@carlisle.gov.uk

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills

Officers: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Head of Development Management
Planning Officer (x1)

DC.012/23 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

DC.013/23 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

DC.014/23 PUBLIC AND PRESS

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in Part B will be dealt with in private.

DC.015/23 MINUTES OF PREVIOUS MEETING

RESOLVED - That minutes of the meeting held on the 20 January 2023 be approved.

DC.016/23 CONTROL OF DEVELOPMENT AND ADVERTISING

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions set out in the Schedule of Decisions attached to these minutes.

1. Application - 22/0403 - Deerview adjacent to Ghyll Bank Caravan Site, Low Harker, Harker, Carlisle, CA6 4DH

Proposal: Change of Use of Land To Residential For Single Family Gypsy & Traveller Group Comprising 1no. Static Caravan, 1no. Touring Caravan, 1no. Dayroom, 1no. Storage Shed, Formation Of Area Of Hard Standing & Erection Of Boundary Wall & Installation Of Septic Tank (Part Retrospective)

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: location plan; existing and proposed site plans, day room, store, wall and septic tank details; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that:

1) Authority to Issue be given to the Corporate Director of Economic Development to approve the application, subject to imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

A Member asked for clarification of the location of the access point within the allocated site.

The Head of Development Management explained that due to the concerns in relation to the configuration of the highway adjacent to the allocation site, the access for the allocated land would be provided over the land adjacent to the site.

In response to a question from a Member regarding the approval of permissions granted subject to the resolution of the issue of nutrient neutrality, the Head of Development Management give an overview of the approaches that were being developed both locally and nationally to the matter.

A Member moved the Officer's recommendation which was seconded and, following voting it was:

RESOLVED - 1) That Authority to Issue be given to the Corporate Director of Economic Development to approve the application, subject to imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) That, in the event of the issue of nutrient neutrality not being resolved, delegated authority will be given to the Corporate Director of Economic Development to refuse the application.

2. Application - 22/0902 - Land at High Harker Farm, Harker, Carlisle, CA6 4DS

Proposal: Removal of Condition 12 (Connection of New Footpath) Of Previously Approved Permission 20/0868 (Erection of 2no. Dwellings) (Revised Application)

The Planning Officer submitted the report on the application, and advised that following the publication of the report, the Highway Authority had responded to the consultation on the application confirming that it did not object to the proposal. Slides were displayed on screen showing: location site plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- during the application process to develop the adjacent housing, the then applicant had deemed that the service infrastructure installed under the verge prohibited the creation of a footpath as the necessary drainage measures were not able to be provided;
- the physical inability to provide the footpath as conditioning in approved permission

20/0868 along with the likelihood of development on the other side of the road which would incorporate a footpath had led to the recommendation to approve the current application;

- an application for development at the Harker Industrial Estate development had been submitted and included the provision of a footpath that would extend all the way to the A7. The matter was being considered by the Highway Authority.

A Member moved the Officer's recommendation which was seconded and, following voting it was:

RESOLVED – The application was approved with conditions.

DC.017/23 Schedule B - Applications determined by other authorities

RESOLVED - That the report be noted.

The Meeting ended at: 10:27

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

24th March 2023

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A – Applications to be determined by the City Council. This schedule contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004

<http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
 - Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
 - Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030> ;
 - Conservation Principles, Policies and Guidance – <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
 - Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- Consultee responses and representations to each application;
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981 <http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf
- Condition 2 of each application details the relevant application documents

SCHEDULE B – Applications determined by other authorities. This schedule provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

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

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 09/03/2023 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 24/03/2023.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	22/0840 A	Car Park, Eastern side of Lowther Street, Lowther Street, Carlisle, CA3 8DP	BP
02.	22/0034/TPO A	(Plots 6 & 8) Land at Lansdowne Close, Carlisle, CA3 9HN	CH
03.	22/0760 A	Croft Villa, Wetheral, Carlisle, CA4 8JQ	SO
04.	22/0366 A	St Nicholas Gate Retail Park, London Road, Carlisle CA1 2EA	RJM
05.	22/0903 A	Land to the North of Rose Cottage, Gelt Road, Brampton, Cumbria, CA8 1QB	BP
06.	22/0837 A	Land adj to West View, Lees Hill, Brampton, CA8 2BB	RJM
07.	19/9012 B	Land between Junction 42 of M6 & Newby West Roundabout (Junction of A595 & A689 CNDR) to South of Brisco, Durdar & Cummersdale Villages, Carlisle	CH
08.	21/0893 B	Mannory, Broomfallen Road, Scotby, Carlisle, CA4 8DE	CH
09.	22/0122 B	184 Dalston Road, Carlisle, CA2 6DY	LB

SCHEDULE A

**Applications to be
determined by the
City Council.**

SCHEDULE A

SCHEDULE A: Applications with Recommendation

22/0840

Item No: 01

Date of Committee: 24/03/2023

Appn Ref No:
22/0840

Applicant:
Daniel Johnston (1982) Ltd Carlisle
and Anson House Ltd

Parish:

Agent:
Sam Greig Planning Ltd

Ward:
Cathedral & Castle

Location: Car Park, Eastern side of Lowther Street, Lowther Street, Carlisle, CA3 8DP

Proposal: Erection Of Multifunctional Food And Drink, Leisure Entertainment Venue And Associated Ancillary Uses

Date of Receipt:
14/11/2022

Statutory Expiry Date
16/02/2023

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Principle of development
- 2.2 Scale and design of the proposal
- 2.3 Impact of the proposal on designated and non-designated heritage assets
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.5 Crime prevention safety and fear of crime and anti-social behaviour
- 2.6 Impact of the proposal on highway safety
- 2.7 Proposed drainage methods
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to an area of approximately 0.23 hectares, is located to the east of Lowther Street, on part of the lower section of the existing hard surfaced car park. The western boundary of the site is delineated by a wall and railings which front directly onto Lowther Street. Immediately adjacent to the northern boundary of the application site are two substantial brick built three storey buildings, The Bowling Green Hostel and Georgian House, occupied by HM Prison and Probation Service. The remainder of the car park forms its eastern and southern boundaries beyond which is Georgian Way and the rear elevations of properties on the northern side of Chapel Street respectively.
- 3.2 The application site is identified in the Carlisle District Local Plan 2015-2030 as being within the City Centre Boundary and as an area for a Potential Future Expansion of the Primary Shopping Area. The application site is also located within the City Centre Conservation Area with The Howards Arms and The Dispensary, Grade II Listed Buildings located to the south west and south respectively. The Church of Scotland on Chapel Street, is a significant local building and is considered to be a non-designated heritage asset.

Background

- 3.3 In 2015, planning permission was granted for the erection of a 3438 square metre retail unit and a 9 level multi-storey car park, together with the formation of a new vehicular access from Georgian Way that permitted a left turn only entry and exit arrangement (application reference 14/0849).
- 3.4 In 2016, an application for the variation of application 14/0849 to enable both a left and right turn to and from Georgian Way was approved (application reference 16/0020).
- 3.5 Applications to discharge pre-commencement conditions attached to planning approval 16/0020 were discharged under application references 20/0604 and 20/0828. Application 16/0020 has subsequently been lawfully implemented by formation of part of the access to serve the retail unit and multi-storey car park.

The Proposal

- 3.6 The application before Members now seeks permission for part of the lower section of car park for the siting of a multifunctional food and drink, leisure entertainment venue and associated ancillary uses. The structure would be formed by shipping containers wrapped in anthracite grey insulated metal profiled panelled skin with aquamarine detailing, dressed to replicate the originally proposed shipping containers. The structure would be two containers in height with a shallow profile pitched metal roof with a central glazed roof lantern. The submitted details illustrating that the maximum height from ground level to the top of the glazed lantern would be 9.9 metres.
- 3.7 The proposed development, equating to approximately 2224 square metres

(including back of house storage), would consist of a 'central plaza' seating area surrounded on four sides by street food vendors and bars housed in containers fronting the plaza. Access to the first floor would be via stairs or a lift and would have additional seating areas, bars and food vendors.

- 3.8 Pedestrian access would be from Lowther Street via the retained and remodelled wall and railings which currently front Lowther Street. Delivery/service vehicles would be routed to the service area to the rear (eastern) elevation of the structure along Victoria Place, Albert Street before entering a modified access from Chapel Street and exit via Spring Gardens Lane.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of twenty-five neighbouring properties and the posting of site and press notices. In response, fourteen representations of comment / objection have been received.

- 4.2 The representations have been reproduced in full for Members, however, in summary the issues raised are:

1. detrimental impact on the living conditions of neighbouring properties
2. potential for increased noise, disturbance and litter
3. fear of crime and disorder
4. inappropriate location for an entertainment venue
5. adverse visual impact on the City Centre Conservation Area
6. loss of wall and railings fronting Lowther Street
7. should re-utilise existing empty properties
8. detrimental impact on highway safety
9. loss of parking provision

- 4.3 Some members of the Development Control Committee have also been directly contacted by a third party on the proposal and this document has been reproduced in full for Members. In summary, the issues raised are:

1. appalled by headlines that city leaders welcomed plans for the proposal
2. trust that this support does not influence objectively of Committee Members
3. likens proposal to The Tribe in Bitts Park which they consider looks abandoned
4. questions future of vacant retail units within city centre and Market Hall
5. other schemes by the developer involve new build or re-use of vacant buildings
6. council needs to adopt a longer-term strategic policy for the regeneration of the city to make Carlisle a destination
7. approval of the application will abrogate the responsibility of councillors as guardians of the built environment

- 4.4 Carlisle Civic Trust has also raised objections to the proposal. In summary,

the issues raised are:

1. application documents do not include any context elevations showing the setting of the propose building alongside the existing buildings, therefore, not possible to evaluate the impact of the proposed building
2. contrary to Policy SP2 of the local plan. The car park is not underused and re-use of existing empty buildings within the vicinity must be fully investigated prior to consent being granted. This would a reduced carbon expenditure.
3. contrary to Policy SP6 of the local plan. The orientation and proposed materials do not respond to the street pattern and palette of materials of existing materials and is not a natural material and does not reinforce any local architectural features or promote and respect any local character and distinctiveness. The Howard Arms and 103-105 Lowther Street, the Dispensary and 2-9 Chapel Street are Grade II listed. The proposed building would adversely affect the setting of these heritage assets.
4. contrary to Policy HE7. The proposed building would not be sympathetic to the physical characteristics of the conservation area, on the contrary, the proposed building would be alien and unsympathetic.
5. The Urban Design and Public Realm Framework Supplementary Planning Document, Retail Core, states: '*A public realm worthy of the built heritage will create a new identity for the City, re-establishing Market Square as the Heart of the City. The vibrant square will become a focus for civic events and City activities. English Street, Scotch Street and Lowther Street will provide shopping destinations of the highest quality which will be connected by quality*'. The site for the proposed does not address Market Square but is on the far side of Lowther Street which is designated as an area for shopping. The location on the site of the car park would extend and dilute the area of activities in the City centre. In addition, Botchergate has been defined as the 'evening destination, lined with pubs, bars and restaurants from Crown Street to the Citadel.'. This statement in the SPD confirms that Lowther Street is the wrong location for a multi functional food, drink and leisure entertainment venue
6. contrary to paragraph 130 of the NPPF. If the principle of development of this type on this site were to be considered appropriate more effective use could be made of the shipping containers if they were to be expressed as separate and distinct elements rather than concealed behind profiled metal cladding

4.5 Revised and additional information have been received upon which third parties have been reconsulted. At the time of preparing the report, three further representations of objection have been received. Again, the representations have been reproduced in full for Members, however, in summary the issues raised are:

1. previous objections raised have not been addressed by the latest submitted plans
2. detrimental impact on the City Centre Conservation Area
3. empty buildings should be utilised
4. development could cause noise and attract anti-social behaviour
5. detrimental impact on neighbouring residential properties

6. loss of wall and railings fronting Lowther Street
7. adequacy of access route to accommodate delivery vehicles
8. out of keeping with area
9. loss of car parking
10. requirement to consult Health & Safety Executive and Fire Service due to inadequacy of fire escapes

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - note the planning history of the site and following an assessment of the submitted details raise no objections to the proposed development subject to the imposition of conditions. The recommended conditions would require details of: the highway crossings; construction traffic management plan; protection of highway drain; surface water drainage scheme; and access and service requirements to be constructed prior to use commencing;

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

Cumbria Constabulary - North Area Community Safety Unit: - have further consulted with the NPT and Licensing Officer since the original response and have been advised that a recent site meeting involving city Licensing Department and police has been most helpful in addressing the concerns previously raised. The agent has also provided additional information, in particular the published Premises Operating Schedule.

Consequently, the only outstanding query relates to reducing / avoiding youth related ASB, which is a persistent issue in the city centre. Clarification is sought in respect of whether pupils/students (singly or in groups) be permitted entry during lunch times and school hours to purchase food items? if so, how shall this be managed? At weekends, a frequent occurrence is of groups of youngsters entering retail outlets on the pretext of purchasing food but causing a disturbance or abusing staff whilst inside and also congregating outside premises. Would be preferable if the premises refuse entry as a matter of course to youngsters or entry only if accompanied by an adult;

Local Environment - Environmental Protection: - have considered the submitted documentation and considers that the development is acceptable subject to the imposition of conditions. These conditions would require the submission of: closure of external terraces from 2200 hours; details of the plant and equipment; submission of an operational management plan; construction environmental management plan; and complaints procedure;

Local Environment - Waste Services: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 together with Policies SP2, SP4, SP6, SP7, EC8, EC9, IP3, IP4, IP5, IP6, CC5, CM4, CM5, HE3 and HE7 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) 'Designing Out Crime (November 2009)' and 'The Urban Design and Public Realm Framework (July 2009) are also material planning considerations.
- 6.3 The application raises the following issues:

1. Principle Of Development

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 10 of the NPPF states: *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)”*.
- 6.5 Policy SP2 of the local plan sets out the level of objectively assessed development needs to be delivered within the District until 2030, and importantly a number of key principles to guide, how where an when these will be met in order to ensure that sustainable patterns of development prevail across the plan period. Policy SP2 seeking to ensure that sufficient land is identified to create the right conditions for economic growth.
- 6.6 The application site is identified within the local plan as being within the City Centre and as a potential future expansion of the Primary Shopping Area. Policy SP4 of the local plan acknowledging that Carlisle City Centre is the main retail, leisure, service and administrative centre for a sub region encompassing the majority of Cumbria and which extends into Southwest Scotland and the Scottish Borders. The overriding objective for development within the City Centre will be to contribute to maintaining and where possible enhancing, in accordance with national policy, its vitality and viability. The need for proposals to contribute towards a diverse mix of uses reflects a desire to act to ensure vitality throughout both the daytime and evening

economies, and in doing so expand the City Centre offer. As outlined earlier in the report, the application site is also identified as a potential future expansion of the Primary Shopping Area in Policy SP4 of the local plan. Retail led development on land to the north of Lowther Street including Rickergate will be supported where they are in response to identified needs.

- 6.7 The City Council's SPD 'The Urban Design Guide and Public Realm Framework (July 2009)' provides comprehensive guidance on future development within the City. The aim of the SPD is to inform and direct the standard, type and quality of the urban design and public realm within Carlisle. The vision outlined in Part 4 'Public Realm Strategy' of the SPD details: *"Lowther Street will become a premier retail and leisure destination, a primary street linking the business district of the Eastern Approaches with the Retail Core ... street cafes, bars and restaurants will animate the street, retail stores will expand upon the existing High Street offer and at night, the street will be buzzing with evening activity ... "*
- 6.8 Policy EC8 of the local seeks to facilitate the creation of a vibrant and viable food and drink offer across the District. The need to do so reflects national policy and the need to support the vitality and viability of City, District and Local Centres through diversifying their offer and encouraging competition and a greater provision of customer choice. The Policy responds to this requirement through enabling the appropriate growth of food and drink related leisure services which in many instances will complement a centre's retail offer, the District's visitor offer and support the evening economy through improving evening activity.
- 6.9 Policy EC9 of the local plan recognises that the tourism, arts, cultural and leisure sectors are vitally important to Carlisle as generators of economic prosperity, employment and enjoyment. It is essential that the potential of these sectors are promoted and supported to ensure the continued growth of the economy and cultural horizons of the District subject to satisfying three criteria.
- 6.10 The proposal seeks full planning permission for the erection of multifunctional food and drink, leisure entertainment venue and associated ancillary uses on part of the car park on the eastern side of Lowther Street. The submitted Planning and Heritage Statement outlining that: *"the multifunctional space would be formed by shipping containers enclosing a central plaza. Surrounding the plaza on the ground and first floors would be a selection of independent food operators, bars, including a coffee shop and flexibility for one of the food outlets to trade as a retail unit ... the communal plaza is the 'heart and soul' of the venue and provides a central place where people can come together socially. The venue is aimed at a wide demographic and includes a small stage and will host a variety of events ... the stage will also provide free live music where bands and singers can perform on a central stage which adds to the positive ambiance that the applicant is seeking to replicate ... "*
- 6.11 When assessing the potential impact of the proposal on the city centre and potential future expansion of the Primary Shopping Area, the prevailing

character of this part of the city centre is retail transitioning to office accommodation at the northern periphery of Lowther Street. Leisure uses are normally associated within the city centre and the proposal would not lead to an unacceptable concentration of non-retail uses within the vicinity. The proposal would contribute towards a diverse mix of uses within the area and provide an opportunity to ensure the vitality and vitality throughout both the daytime and evening economies, and in doing so expand the City Centre offer. In overall terms, the proposal accords with the objectives of national and local planning policies. Compliance with other criteria within the aforementioned policies together with other policies of the local plan will be discussed in the relevant sections below.

2. Scale and Design Of The Proposal

6.12 The NPPF creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 outlining that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

6.13 High quality design is also a key thrust of the local plan's strategic overarching strategy. Policy SP6 of the local plan seeking to ensure that proposals respond to the local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness. Policy SP7 of the local plan seeking to ensure that heritage and cultural assets are safeguarded or enhanced for the future both for their own heritage and cultural merits and for the wider benefits they bring.

6.14 When assessing the character of the area and as outlined earlier in the report, the application site is located within the city centre conservation area with several designated and non-designated heritage assets in close

proximity of the site. This impact of the proposal on the heritage assets will be discussed in more detail the following paragraphs. However, as Members will be aware, the character of the area has evolved over the years through the introduction of large scale buildings, including The Lanes Shopping Centre.

- 6.15 The submitted drawings illustrate a substantial contemporary style building within which shipping containers are grouped together and enclosed by profiled metal cladding to form an entertainment hub. Whilst the overall bulk of the proposal is substantial, it reflects the scale and massing of other much larger buildings along this part of Lowther Street. Furthermore, the building would be set back behind the retained and modified wall and railings and present a relatively short active elevation to Lowther Street reflecting the street scene along this part of Lowther Street. The appearance of the application site from Georgian Way will acknowledge that this is a recent contemporary addition to the area and be viewed in the context of the much larger buildings of The Bowling Green Hostel, Georgian House, and Eden Bridge House. The proposed cladding of the building would also reflect materials similar to those used on the nearby Arts and Digital Building on Strand Road, part of Carlisle College, which is within the Chatsworth Square/Portland Square Conservation Area.
- 6.16 In light of the foregoing planning assessment and on balance, the location, scale and design would respond to the local context and not be disproportionate or obtrusive within the street scene. Accordingly, the proposal accords with the objectives of the NPPF, PPG and local plan policies.

3. Impact Of The Proposal On Designated and Non-Designated Heritage Assets

- 6.17 The application site is within the City Centre Conservation Area and is adjacent to the Chatsworth Square / Portland Square Conservation Area. The Howard Arms on Lowther Street to the northwest of the application site together with The Dispensary on Chapel Street to the south are both Grade II Listed Buildings. It is also worth noting that the Church of Scotland is not a listed building but is locally important and may be regarded in the NPPF context as a non-designated heritage asset.
- 6.18 Sections 66 (1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings and conservation areas. Section 66 of the Act states that:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*
- 6.19 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

highlights the statutory duties of local planning authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. This section states that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

- 6.20 Members, therefore, must give considerable importance and weight to the desirability of preserving the nearby listed buildings, conservation area and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by Sections 66(1) and 72 of the 1990 Act.
- 6.21 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 189 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*
- 6.22 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.23 In considering potential impacts on heritage assets, paragraph 200 of the NPPF seeks to ensure that: "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...".
- 6.24 The aim of the 1990 Act and the NPPF is reiterated in Policies SP7, HE3 and HE7 of the local plan. Policies SP7, HE3 and HE7 seeking to ensure that development proposals preserve or enhance heritage assets character and appearance. Any new development should harmonise with their surroundings and be in sympathy with the setting, scale, density, and physical characteristics of the listed buildings and conservation area and their settings.
- 6.25 In light of the foregoing, Members need to have cognizance of: a) the significance of the nearby listed buildings, the Howard Arms and The Dispensary, and their contribution made to that significance by their settings within the conservation areas; and then assess b) the effect of the proposal on the listed buildings and their settings (inclusive of their significance and on the appreciation of that significance).

a) the significance of the listed buildings and the contribution made by their settings within the conservation area

6.26 By way of background, there are around 400,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.

6.27 When considering any Listed Buildings in the context of planning applications the local planning authority refers to the statutory list which is provided by Historic England and is maintained by them. The official listing details for each of the listed buildings are as follows:

The Howard Arms - "2 houses, now 2 shops and a public house. Late C18 or early C19 with later alterations. Painted stucco walls. Graduated greenslate roof with original and C20 ridge and end stucco chimney stacks. Left 2-storey, 3 bay house divided into 2 shops; right 2-storey, 3 bay public house under common roof; double-depth plan. Shops have C20 paired doors flanked by shop windows under overall signboard on wooden pilasters. Sash windows above in plain reveals. Public house has ground floor late C19 coloured tiles (signed Doulton & Co. Lambeth) divided into 3 parts by paired tile pilasters with leaf capitals. Off-centre panelled door and overlight. Left tripartite window with round headed lights; 2 right paired similar windows. Overall modern signboard lettered in a style to match the scrolled tile lettering beneath the windows: from left to right, INDIA PALE ALES & MILD ALES/LAGER BEER & STOUT/ WINES SPIRIT & LIQUEURS (under the covering signboard it says HOWARD ARMS/ SIR RICHARD HODGSON'S OLD BREWERY). Upper floor sash windows with glazing bars in plain reveals. INTERIORS refurbished in 1979. Taken over by the State Management Scheme in 1916 and the lettering was boarded over; it was only uncovered in 1979".

The Dispensary - "Dispensary, now unoccupied. Dated and inscribed on frieze DISPENSARY 1857; by John Hodgson of Carlisle. Calciferous sandstone ashlar on squared plinth with modillioned eaves cornice. Slate roof (not visible from the ground) with coped gables; original ridge brick chimney stacks with moulded stone caps. 2 storeys, 4 bays. Left panelled door and overlight in pedimented pilastered doorcase. Sash windows in stone architraves, under pediments on ground floor. Has central eye-level inscribed stone plaque recording the founding of the dispensary in 1782 and the renovation of this building in 1934. INTERIOR not inspected. Carlisle Journal, 26 March 1858 refers to the opening of this building; The plans dated 1857 are in Cumbria County Record Office, CA/E4/2698. For history see WP Honeyman (1982). For illustration see, Journal of the North West Civic Trust, Spring 1985. (Carlisle Journal: 26 march 1857; Honeyman, Dr. WP: A History

of the Carlisle Dispensary: 1982; Journal of the North West Civic Trust: Spring 1985: P.27)".

- 6.28 As previously outlined in the report, The Church of Scotland is a significant local building and in this context paragraph 203 of the NPPF states: *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
- 6.29 The listed buildings are visually important features within the street scene; however, the settings of the listed buildings have also evolved over the years through the construction of The Lanes Shopping Centre along Lowther Street and the use of the land for a car park.
- b) the effect of the proposed development on the listed buildings and their settings
- 6.30 Sections 66 (1) and 72 of The 1990 Act requires that development proposals consider not only the potential impact of any proposal on a listed building and conservation areas but also on their settings. Considerable importance and weight need to be given to the desirability of preserving the nearby listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by sections 66(1) and 72 of the 1990 Act.
- 6.31 As highlighted earlier in the report, when considering potential impacts of a proposed development on the significance of a designated heritage asset or non-designated heritage assets, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199 of NPPF). Paragraph 200 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Paragraph 202 expanding by stating that: *"where a proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.32 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.33 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in*

which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral".

- 6.34 The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e. the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis"*.
- 6.35 As mentioned earlier in the report, the nearby listed and non-designated buildings are visually important features within the street scene; however, the settings of these buildings have also evolved over the years through the construction of The Lanes Shopping Centre along Lowther Street and the use of the application site as a car park. Open spaces between buildings within conservation areas can provide important amenity space and visually enhance conservation areas. The application site; however: is part of a car park surrounded by significant buildings and adds little to the character and setting of the conservation area. Policy HE7 of the local plan reinforcing this view by outlining that *"proposals to utilise vacant land for car parking for interim or longer-term use within conservation areas, will be resisted except in exceptional circumstances"*. Nevertheless, there are some features worth noting such as the wall and railings which front Lowther Street. These aside, it is difficult to extol the virtues of the use of the site for a car park within the conservation area. This; however, is not tantamount to stating that any development on the car park would be acceptable. In line with the objections of the 1990 Act, NPPF and local plan, any development should preserve or enhance and not simply compound any lack of distinctiveness.
- 6.36 As highlighted earlier in the report, the submitted drawings illustrate a substantial contemporary style building within which shipping containers are grouped together and enclosed by profiled metal cladding to form an entertainment hub. Whilst the overall bulk of the proposal is substantial, it reflects the scale and massing of other much larger buildings along this part of Lowther Street. Furthermore, the building would be set back behind the retained and modified wall and railings and present a relatively short active elevation to Lowther Street reflecting the street scene along this part of Lowther Street. The appearance of the application site from Georgian Way

will acknowledge that this is a recent contemporary addition to the conservation area and be viewed in the context of the much larger buildings of The Bowling Green Hostel, Georgian House and Eden Bridge House. The proposed cladding of the building would also reflect materials similar to those used on the nearby Arts and Digital Building on Strand Road, part of Carlisle College, which is within the Chatsworth Square/Portland Square Conservation Area.

- 6.37 The council's conservation officer has been consulted on the proposal and advises that: *"given the low to negative townscape value of the existing car park, would struggle to say that the proposed scheme does not have a beneficial impact and may help to draw activity to this new location, helping to stimulate wider commercial activity on Lowther Street ... content that the retention of the railings and planting will preserve and enhance the conservation area to an acceptable degree"*.
- 6.38 In light of the foregoing assessment and the views of the council's conservation officer, the proposal will have a less than substantial harm to the significance of the heritage assets and their settings. In accordance with the objectives of NPPF, PPG, Sections 66 (1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In the context of the foregoing, the benefits of the proposal would introduce a complementary leisure use, thereby, providing an opportunity to contribute and support the viability and vitality of the city centre.
- 6.39 Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the designated and non-designated heritage assets and their settings.

4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.40 Paragraph 126 of the NPPF creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live an work and helps made development acceptable to communities.
- 6.41 The aim of the NPPF is reiterated in Policy SP6 of the local plan which recognises that good design is essential to creating accessible, inclusive, attractive, vibrant and sustainable places with a strong sense of place, in which people want to live, work and have fun. Policy CM5 of the local plan highlights that the Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers. Development that poses a risk to the environment or human health will be carefully considered in conjunction with the council's Environmental Health Team and any relevant external agencies. The justification text of Policy CM5 explaining that where noise may be an issue, a noise impact assessment will be sought at the earliest possible stage of the planning process. By avoiding the location of noise sensitive uses near to

noise producing premises, noise problems can often be prevented. Where this is not possible, noise controls will need to be incorporated into new noise producing developments and mitigation measures may be prudent for new noise sensitive developments.

- 6.42 The application site is located within the city centre; however, the adjacent buildings of HM Prison and Probation Services afford overnight accommodation and there are further residential properties within the vicinity including properties along Chapel Street and Victoria Place. As such, in line with the objectives of the NPPF and local plan policies, the potential for noise and disturbance arising from the proposal must be considered in the determination of the application. Furthermore, the council has received several objections to the proposal which cite potential impact on the living conditions of the occupiers of neighbouring properties through unacceptable noise, disturbance and intensification of use.
- 6.43 The application was accompanied by a suite of documents all of which have been made available for Members and the relevant Statutory Consultees consulted. The submitted Noise Assessment details that: *"noise sources considered in the assessment are entertainment noise and patron noise associated with the central plaza, plant noise associated with the development, and patrons on external terraces. Residential noise sensitive receptors are identified as the Bowling Street Hostel to the north of the development and residential on Chapel Street to the south of the development"* .
- 6.44 The Planning and Heritage Statement highlighting that: *"the proposed opening hours of the development are 07:00am to 02:00am Monday to Sunday (inclusive of Bank Holidays). Notwithstanding the opening hours, live music is anticipated to be played throughout the week (Monday – Sunday) from 12:00pm to 22:00pm, although earlier performances are likely to be low key acoustic type performances. It should also be noted that the provision of live music is not continuous through this period and is simply stated to identify the time period when live music as well as the other acts identified in paragraph 3.1.4, are likely to take place ... the proposed development ... formed predominantly from standard 40' shipping containers wrapped with an insulated metal profile panelled skin ... the building has an insulated shallow profile, pitched metal roof with a centrally positioned glazed roof lantern ... inside the entrance there is a large central 'plaza' seating area surrounded on four sides by street food vendors and bars housed in containers fronting onto the internal square. There are stairs and a lift up to a first floor decked area, which again accommodates further covered seating areas and bars/food vendors. For noise containment purposes these 'external seating areas' feature double glazed lobbied bi-fold doors that separate these areas from the central plaza. All external doors (except security doors) and windows will be double glazed in polyester powder coated aluminium frames. Internally the containers will be lined to enhance their acoustic performance ... "*
Details in respect of delivery times have been detailed in the Service Management Plan. General Business and Trader Business Deliveries would occur between the hours of 0700 hours and 2100 hours and General Waste Collections will primarily take place between the hours of 0700 hours and

1000 hours.

- 6.45 As highlighted earlier in the report, the council's Environmental Health Team has been consulted and following the receipt of a revised Noise Assessment considers the development is acceptable subject to the inclusion of conditions. The response detailing that the revised Noise Assessment considers entertainment noise and patron noise associated with the potential development and the impact of this at the nearest existing residential receptors. In the absence of any national guidance specifically for entertainment noise, the consultant has used The Institute of Acoustics (IOA) draft guide 'Good Practice Guide on the Control of Noise from Pubs and Clubs'. The results of which indicate that the target criteria (as proposed by the IOA guide) would be met for the noise break out from the proposed building. However, when at full capacity, noise from patrons using the external terraces would exceed the target criteria. Due to this, it is recommended that the external terraced areas are closed at 2200 hours to reduce the likelihood of the occurrence of statutory noise nuisance. Pre-commencement conditions recommended by the Environmental Health Team require the submission of further details in respect of: a Construction Environmental Management Plan; an Operational Management Plan which would require details of management procedures to be implemented to mitigate for any potential disturbance to nearby residents; and precise details of the plant to be associated with the development. Compliance with these conditions would ensure that any the amenities of neighbouring residential properties are safeguarded.
- 6.46. In respect of the potential intensification of use and noise of vehicles using Albert Street to access the service yard of the development. It is acknowledged that the development would result in a slight increase in traffic accessing Albert Street. A condition restricting delivery/waste collection times between the hours of 0700 hours and 2100 hours is recommended which would mitigate for any perceived unacceptable noise and disturbance arising from the development. It should also be noted that there is no such time restrictions for other delivery vehicles to business and residential premises located along Albert Street or Chapel Street.

5. Crime Prevention, Safety And The Fear Of Crime And Anti-Social Behaviour

- 6.47 Paragraph 92(b) of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: *"are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion ... "*. This policy statement and planning case law confirms that people's perceptions in respect of the fear of crime or anti-social behaviour is capable of being a material planning consideration.
- 6.48 The aims of the NPPF is reiterated in Policies SP6 and CM4 together with the council's SPD 'Designing Out Crime' which also seek to ensure that new developments should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out

opportunities for crime. The potential fear of crime and anti-social behaviour arising from the proposed development has been raised by third parties especially late at night. Cumbria Constabulary's Crime Prevention Officer in his original response also raised several concerns in respect of the proposal.

- 6.49 Revised details have subsequently been received and upon which third parties and the Crime Prevention Officer consulted. Whilst third parties maintain their objections to the proposal the Crime Prevention Officer now advises that he has: *"further consulted with the Neighbourhood Police Team and Licensing Officer since the original response and have been advised that a recent site meeting involving city Licensing Department and Police has been most helpful in addressing the concerns previously raised ... and provided additional information, in particular the published Premises Operating Schedule. Consequently, the only outstanding query relates to reducing / avoiding youth related ASB, which is a persistent issue in the city centre ... clarification is sought in respect of whether pupils/students (singly or in groups) be permitted entry during lunch times and school hours to purchase food items? if so, how shall this be managed? At weekends, a frequent occurrence is of groups of youngsters entering retail outlets on the pretext of purchasing food but causing a disturbance or abusing staff whilst inside and also congregating outside premises. Would be preferable if the premises refuse entry as a matter of course to youngsters or entry only if accompanied by an adult"*.
- 6.50 At the time of preparing the report, clarification has been sought from the Agent in respect of management of patrons under the age of eighteen. Nevertheless, should Members approve the application, this issue could be addressed by the submission of a Operational Management Plan for the premises. It should; however, be noted that like other licensed premises within the vicinity and elsewhere with the city, the activity of patrons once they have left the premises would be difficult to regulate through the planning regime. In overall terms, the proposal would have result in issues sufficient to warrant refusal of the application on the basis of crime prevention, safety and the fear of crime and anti-social behaviour.

6. Impact Of The Proposal On Highway Safety

- 6.51 Paragraph 104 of the NPPF seeks to ensure that transport issues are considered from the earliest stages of plan-making and development proposals. Paragraph 111 of the NPPF highlighting that: *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. The aims of the NPPF are reiterated in Policies IP2 and IP3 of the local plan seek to ensure that all new development is assessed against its impact on the transport network and that well designed, safe and appropriate parking provision is provided.
- 6.52 Third parties have raised objections in respect of loss of parking and highway safety which have been reproduced in full for Members. In summary, the objections cite: loss of car parking; adequacy of Albert Street to

accommodate delivery/service vehicles; photographs illustrating vehicles parked in on-street parking bays and on double yellow lines along Albert Street which would restrict access for delivery vehicles serving the site; and intensification of use. A third party has also contacted the Highway Authority drawing the attention of the Highway Authority to their concerns in respect of highway safety.

- 6.53 The submitted drawings and documents illustrate that pedestrian access will be taken from Lowther Street, with the site entrance located adjacent to the existing controlled crossing, providing a direct connection to The Lanes Shopping Centre. Vehicular access for users of the car park will also continue to be from Lowther Street and exiting via Spring Gardens Lane. There will be a dedicated service area on the west side of the development site, which will provide servicing for all units within the proposed development. Delivery/service vehicles will be routed along Victoria Place, then Albert Street and will access the car park via an adapted access adjacent to Strutts on Chapel Street. The proposed delivery/service route would necessitate works to the highway and the reconfiguration of some of the car parking spaces within the car park. Vehicle swept path assessments for a 17.5 tonne rigid HGV and a 10.2 metre refuse vehicle have also been submitted to demonstrate that delivery/service vehicles can safely manoeuvre from Albert Street / Chapel Street, through the car park to the service area and exit again to Lowther Street via Spring Gardens Lane.
- 6.54 The Service Management Plan details that: general drink/food/packaging stock deliveries will typically incur 12 vehicle movements in any week but is likely to increase during peak periods such as Christmas. Street food traders within the premises would be required to consolidate their food and drink deliveries where possible to reduce the number of vehicles entering the site. General/specialist waste collections are likely to be scheduled on a weekly or fortnightly basis.
- 6.55 Cumbria County Council, as Highway Authority, has been consulted on the application and has also been made aware of the concerns of third parties questioning the ability of delivery vehicles to access Albert Street arising from vehicles parking along both sides of Albert Street. The Highway Authority has raised no objections to the proposals, subject to the imposition of pre-commencement conditions. The recommended conditions would require details of the proposed highway crossings, protection of the highway drain and the submission of a construction traffic management plan. An informative is also recommended to be included within the decision notice drawing the applicant's attention to the requirement to obtain the relevant permits/permissions under Highway Legislation.
- 6.56 The objections of third parties are acknowledged; however, the Highway Authority as statutory consultee has been consulted on the application and raises no objections to the proposal. Paragraph 111 of the NPPF advises that: *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Accordingly, as the Highway Authority raises no objections to the proposal it would be difficult

to substantiate an objection on highway safety grounds.

7. Proposed Drainage Methods

6.57 Paragraph 167 of the NPPF outlines that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that development proposals incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. In respect of surface water drainage, the PPG detailing a hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:

- into the ground (infiltration)
- to a surface water body
- to a surface water sewer, highway drain, or other drainage system
- to a combined sewer

6.58 The aims of the NPPF and PPG are reiterated within policies of the local plan to ensure adequate provision for the disposal of foul and surface water facilities is achievable prior to commencement of any development. Policy IP6 of the local plan outlines that in respect of the disposal of foul drainage the first presumption will be for new development to drain to the public sewerage system. Where alternative on-site treatment systems are proposed, it is for the developer to demonstrate that connection to the public sewerage system is not possible in terms of cost and/or practicality and provide details of the responsibility and means of operation and management of the system for its lifetime to ensure the risk to the environment is low. Policy CC5 of the local plan prioritising the use of sustainable surface water drainage systems through the hierarchy of drainage options detailed in the PPG based on evidence of an assessment of site conditions.

6.59 The submitted documents outlines foul drainage would enter the mains. In respect of surface water drainage, the hierarchy of drainage options has been explored and the only option available is for surface water to enter the existing public combined sewer network located to the west of the site boundary. The Flood Risk and Drainage Strategy outlining that a pre-development enquiry has been submitted to United Utilities to determine the connection point for surface water drainage from the site.

6.60 United Utilities has subsequently confirmed that following a review of the submitted Flood Risk and Drainage Strategy confirms that the proposals are acceptable in principle subject to the imposition of a pre-commencement condition requiring the submission of further details in respect of the foul and surface water drainage scheme to serve the development. Cumbria County Council, as Lead Local Flood Authority, has also confirmed it has no objections to the proposed development subject to the receipt of a satisfactory surface water drainage scheme to be submitted prior to commence of development.

8. Impact Of The Proposal On Biodiversity

6.61 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. As the proposed development seeks permission for development within a hard-surfaced car park the development would not harm a protected species or their habitat. However, an informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

9. Other Matters

6.62 Third parties have raised objections to the proposal stating that the re-use of empty buildings within the city centre should be explored prior to the determination of the application. A further issue raised was that the applicant had submitted an application to Newcastle City Council for the re-use of a building to house an entertainment venue. As Members are aware, each application is dealt with on its own merits and has to be determined as submitted.

6.63 Third parties have questioned if the Health & Safety Executive (H&SE) and the Fire Authority have been consulted as they consider that there is insufficient fire escape provision to safeguard the high number of patrons anticipated to use the entertainment hub. The application falls out with the prescribed circumstances outlined in the PPG for the consultation of the H&SE and the Fire Authority. The venue; however, would be subject to separate fire safety and building regulations legislation.

6.64 The proposed development will impact on a third party's right to a private family life and home under Article 8 of the Human Rights Act 1998. Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need. Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it were to be alleged that there is a conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.65 The principle of development is acceptable as the proposal would contribute towards a diverse mix of uses within the area and provide an opportunity to ensure the vitality and vitality throughout both the daytime and evening economies, and in doing so expand the City Centre offer.
- 6.66 The location, scale and design of the proposal would respond to the local context and not be disproportionate or obtrusive within the street scene or have a detrimental impact on designated or non-designated heritage assets. Compliance with the submitted documents and recommended conditions would also ensure that the proposal would not have a detrimental impact on the living conditions of neighbouring residents arising from unacceptable noise, disturbance, intensification of use or crime and disorder.
- 6.67 Cumbria County Council, as Highway Authority, subject to the imposition of conditions raise no objections to the proposal. United Utilities and Cumbria County Council, as Lead Local Flood Authority, also consider the proposal to be acceptable subject to the imposition of a condition. The proposal will not have a detrimental impact on biodiversity.
- 6.68 In overall terms, the proposal accords with the objectives of the National Planning Policy Framework, the Planning Practice Guidance, Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 together with the relevant policies of the Carlisle District Local Plan 2015-2030 and the adopted Supplementary Planning Documents.
- 6.69 Accordingly, it is recommended that this application is approved with conditions.

7. Planning History

- 7.1 In 1993, an application for outline planning permission for the erection of new office building with parking area was withdrawn (application reference 90/1174).
- 7.2 In 1993, an application for outline planning permission for the erection of new office building with parking area was withdrawn (application reference 90/1178).
- 7.3 In 1992, planning permission was granted for the use of site as a temporary car park (3 years)(application reference 92/9003).
- 7.4 In 2015, planning permission was granted following the completion of a Section 106 Legal Agreement for the erection of a retail unit and multi-storey car park together with the formation of a new vehicular access from Georgian Way (application reference 14/0849).
- 7.5 In 2016, an application for the variation of condition 2 (approved documents) and 6 (approved access) of previously approved application 14/0849 (application reference 16/0020).

- 7.6 In 2018, retrospective planning permission was granted for the installation of 3no. poles and 3no. ANPR cameras for the purposes of car park management and enforcement (application reference 18/0235)
- 7.7 Also in 2018, advertisement consent was granted for the continuation of display of 18no. non illuminated signs providing information in respect of car park management and enforcement (application reference 18/0236).
- 7.8 In 2021, an application for the discharge of conditions 4 (carriageway & footpath details); 5 (highway verge crossing details & footpath improvements); 7 (surface water discharge in relation to the highway); 8 (details of closure of existing access & reinstatement of highway boundaries) & 21 (foul & surface water details) of previously approved application 14/0849 as varied by application 16/0020 was granted (application reference 20/0604).

8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form received 9th November 2022;
 2. the Phase 1: Desk Top Study Report received 9th November 2022;
 3. the Phase 2: Ground Investigation Report received 9th November 2022;
 4. the Transport Statement received 9th November 2022;
 5. the Design and Access Statement received 17th February 2023;
 6. the Flood Risk Assessment & Drainage Strategy received 17th February 2023;
 7. the Noise Impact Assessment received 17th February 2023;
 8. the Operating Schedule received 17th February 2023;
 9. the Planning and Heritage Statement received 17th February 2023;
 10. the Service Management Plan received 17th February 2023;
 11. the Urban Design Analysis received 20th February 2023;
 12. the Site Location Plan received 10th November 2022 (Drawing No. EX-EW-[90]-900 Rev PL01);
 13. the Proposed Site Plan received 10th November 2022 (Drawing No. EW-[90]-910 Rev PL01);
 14. the Proposed Ground Floor received 17th February 2023 (Drawing No. P0-[20]-100 Rev PL12);
 15. the Proposed First Floor received 17th February 2023 (Drawing No. P1-[20]-101 Rev PL10);
 16. the Proposed Roof Plan received 17th February 2023 (Drawing No.

- P3-[20]-103 Rev PL06);
17. the Existing & Proposed West Elevations (Lowther Street) received 17th February 2023 (Drawing No. EX-EL-[20]-200 Rev PL02);
 18. the Proposed West Elevation received 6th March 2023 (Drawing No. EL-[20]-200 Rev PL8);
 19. the Proposed South Elevation received 17th February 2023 (Drawing No. EL-[20]-201 Rev PL6);
 20. the Proposed East Elevation received 17th February 2023 (Drawing No. EL-[20]-202 Rev PL5);
 21. the Proposed North Elevation received 17th February 2023 (Drawing No. EL-[20]-203 Rev PL9);
 22. the Longitudinal Section A-A & Cross Section B-B 17th February 2023 (Drawing No. SE-[20]-300 Rev PL6);
 23. the Swept Path Analysis - Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 002 Rev P03);
 24. the Swept Path Analysis - Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 003 Rev P03);
 25. the Swept Path Analysis - Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 006 Rev P01);
 26. the Swept Path Analysis - Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 007 Rev P01);
 27. the Notice of Decision;
 28. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage schemes must include:
 - (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) connections to the public sewer shall be made via a new or existing manhole;
 - (v) incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (vi) foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6, CC4 and CC5 of the Carlisle District Local Plan 2015-2030.

4. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- (i) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- (ii) retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- (iii) cleaning of site entrances and the adjacent public highway;
- (iv) details of proposed wheel washing facilities;
- (v) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- (vi) construction vehicle routing
- (vii) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- (viii) details of any proposed temporary access points (vehicular / pedestrian)
- (ix) surface water management details during the construction phase.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6, IP2, IP3 and CM5 of the Carlisle District Local Plan. 2015-20320.

5. Prior to commencement of development, details of the proposed crossings of the highway and/or footway to Spring Gardens Lane and Chapel Street shall be submitted to the local planning authority for approval and completed in strict accordance with the approved details.

Reason: To ensure a suitable standard of crossing for pedestrian safety in accordance with Policy SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

6. The highway drain shall be protected at the access prior to the development commencing in accordance with details which shall be submitted to the local planning authority for approval and shall be undertaken in strict accordance with the approved details.

Reason: In the interests of highway safety and environmental protection in accordance with Policies SP6, IP2 and CM5 of the Carlisle District Local Plan 2015-2030.

7. Prior to the development being brought into use, an Operational Management Plan (OMP) for the development must be submitted to and approved in writing by the local planning authority. The OMP should include (but not inclusively):

- (i) trading hours of the premises;
- (ii) details of management procedures to be implemented to ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purposes for preventing crime and disorder;
- (iii) a noise management scheme which specifies the provisions to be made for the control of noise emanating from the site;
- (iv) details for the hours and management of deliveries to the premises;
- (v) details for the hours and management of refuse and waste collections to the premises; and
- (vi) details of a noise complaints procedure to be implemented in the event of noise complaints received by the local planning authority.

The development must thereafter operate in strict accordance with the details contained in the approved OMP.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

8. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the control and mitigation measures proposed during the construction phase of the development in respect of:

- (i) noise;
- (ii) lighting;
- (iii) dust;
- (iv) vibration;
- (v) smoke; and
- (vi) odour.

The development shall be undertaken in strict accordance with the details contained within the CEMP.

Reason: To ensure the development is adequately managed and to

mitigate the environmental impact of the construction phase in the interests of the amenity of nearby residents/occupiers in the vicinity of the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

9. Prior to any installation, details of the plant associated with the development together with an assessment of the potential noise impacts at nearby residential premises arising from the use of the plant must be carried out using the methodology described within BS4142:2014. Where this assessment indicates that the noise rating level will exceed the background noise level by 5dB(A) or more, details of the noise mitigation measure to be taken shall be submitted to the local planning authority for approval. The approved plant shall be installed in strict accordance with the approved details.

Reason: To ensure the development is adequately managed and to mitigate the environmental impact of the installed plant in the interests of the amenity of nearby residents/occupiers in the vicinity of the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

10. Prior to commencement of development, the repairs and modifications to the wall and railings to be retained along the western (Lowther Street) boundary of the site shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. All repairs and modifications to the brick plinth and piers shall be undertaken in lime mortar, without cement, and replicate the existing pointing. The works shall thereafter be undertaken in strict accordance with the approved details.

Reason: To ensure that the works harmonise as closely as possible with the retained wall, piers and railings in accordance with Policies SP6 and HE7 of the Carlisle District Local Plan 2015-2030.

11. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

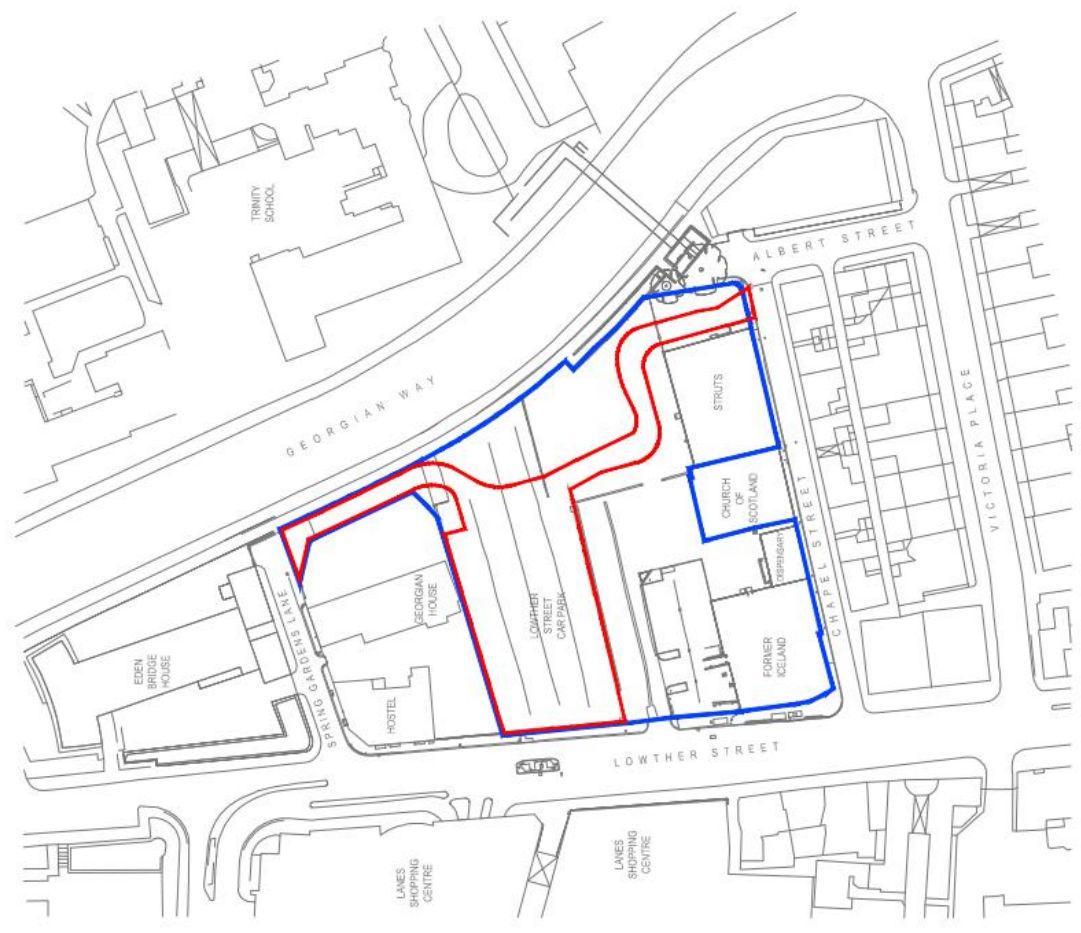
Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

12. The external terraced/seating areas shall be closed and no patrons of the premises allowed to congregate in these areas after 2200 hours.

Reason: To ensure the development is adequately managed and to mitigate the environmental impact of the premises in the interests of the amenity of nearby residents/occupiers in the vicinity of the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

13. The use shall not be commenced until the access, parking and servicing requirements have been constructed in accordance with the approved plan. Any such access, parking or servicing provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.



NO	DATE	DESCRIPTION	BY	CHK
1	27/10/22	PLANNING SCALE	CGF	PK

dunwoodieswift
architects

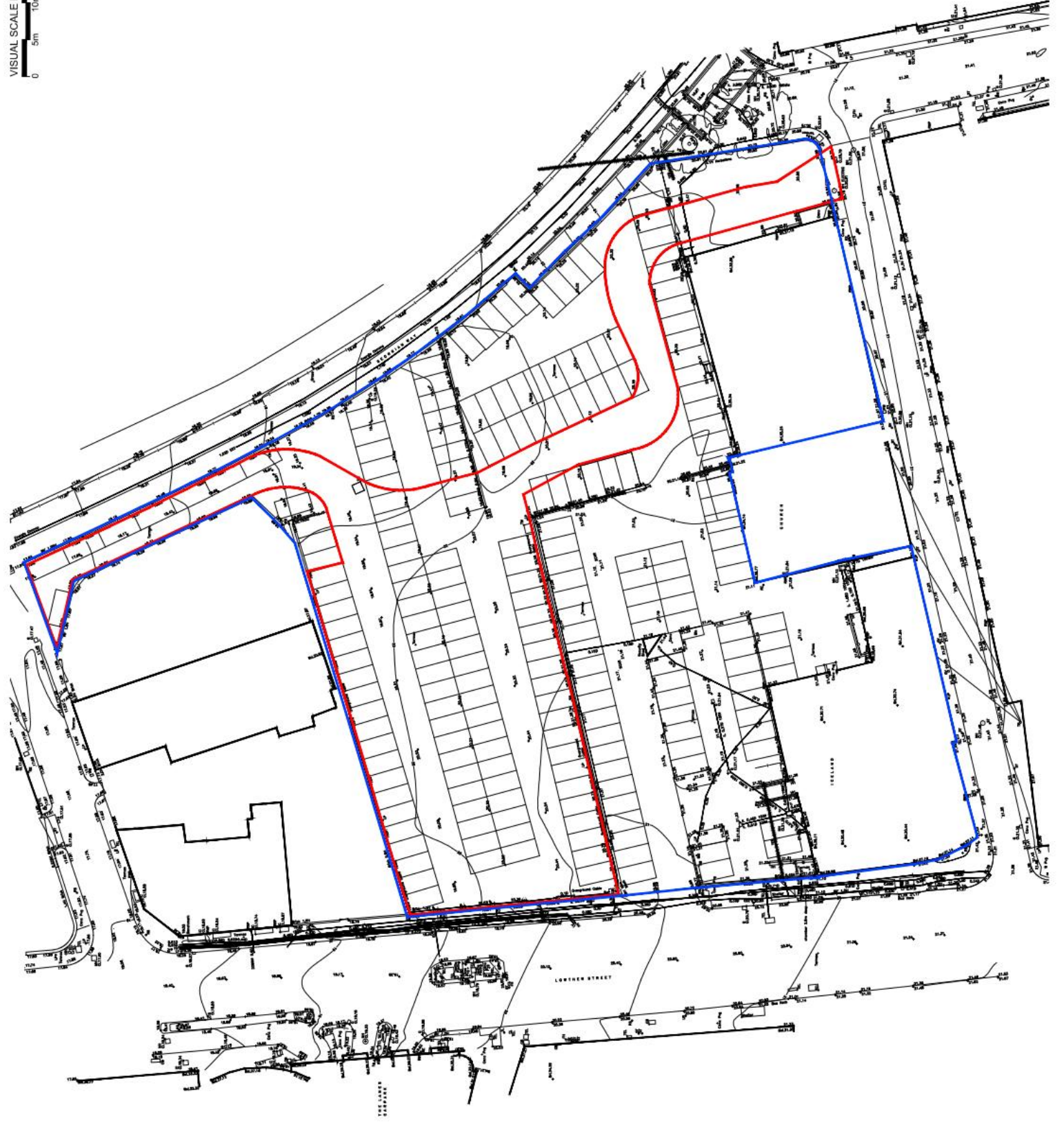
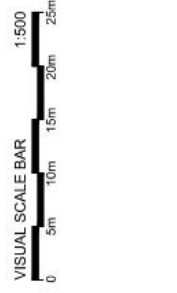
CLIENT: ANSON HOUSE 10 LTD

PROJECT: LOWTHER STREET CARLISLE

TYPE: SITE LOCATION PLAN

SCALE: 1:1250	STATUS: PLANNING
DRAWN BY: CGF	DATE: 26/10/2022
CHECKED BY: SPS	
PROJECT NO: 1086	DRAWING NO: EX-EW-1901-900
	PLOT: 1

NOTE: SCALE INFORMATION FOR THIS DRAWING IS PROVIDED BY THE CLIENT. DUNWOODIESWIFT ARCHITECTS LTD. ACCEPTS NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. ANY INFORMATION NOT SHOWN HEREIN IS TO BE REGARDED AS APPROXIMATE.



NO.	DATE	DESCRIPTION	BY	CHK
1	27/10/22	PLANNING SCALE	CGF	PS

dunwoodieswift
architects

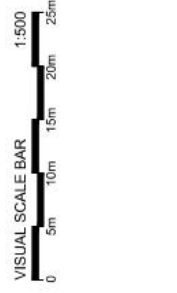
CLIENT: ANSON HOUSE 10 LTD

PROJECT: LOWTHER STREET CARLISLE

TYPE: EXISTING CAR PARK LAYOUT

SCALE 1:500	STATUS: PLANNING
DRAWN BY: CGF	DATE: 26/10/2022
CHECKED BY: PS	
PROJECT NO: EX-EW-1901-902	PLOT 1

NOTES: SCALE INFORMATION FOR THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.



NO.	DATE	DESCRIPTION	BY	CHK.
1	27/10/22	PLANNING SCALE	CGF	PK

10886 | EW-[90]-910 | PLOT1

dunwoodieswift architects

CLIENT: ANSON HOUSE 10 LTD

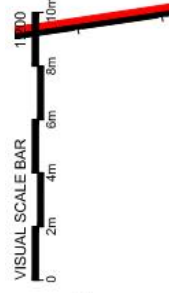
PROJECT: LOWTHER STREET CARLISLE

TYPE: PROPOSED SITE PLAN

SCALE	DATE	STATUS
1:500	26/10/2022	PLANNING
CGF		



NOTES: 1. ALL WORKING DRAWINGS SHALL BE THE PROPERTY OF DUNWOODIESWIFT ARCHITECTS LTD. ALL RIGHTS RESERVED. 2. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM DUNWOODIESWIFT ARCHITECTS LTD.

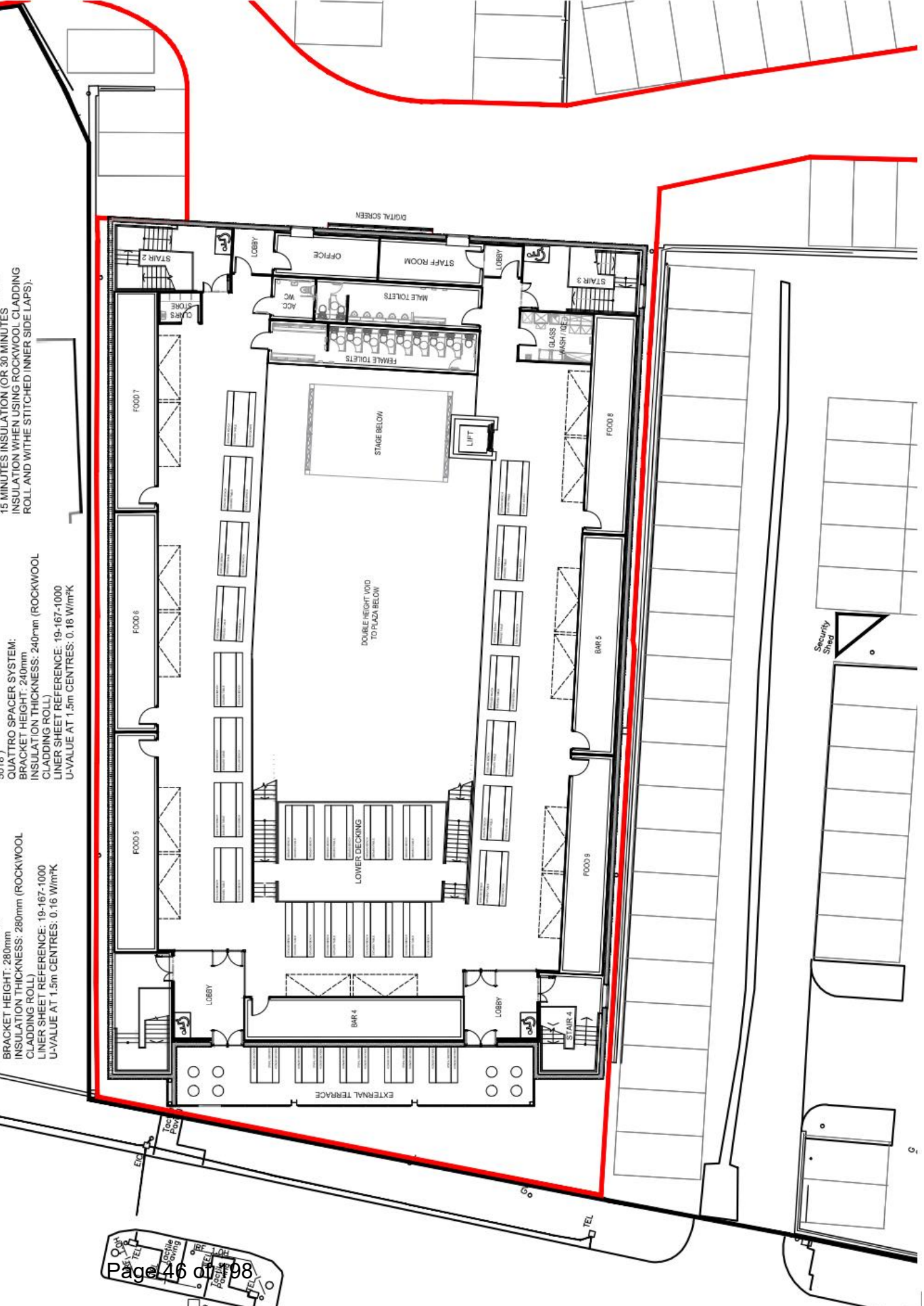


FIRE PERFORMANCE
 INSTALLED IN ACCORDANCE WITH THE EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH A MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS. THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES ROLL AND WITH THE STITCHED INNER SIDE LAPS).

WALL
 EUROCLAD ELITE SYSTEM 51
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR: MAIN CLADDING - ANTHRACITE GREY (RAL 7016) FEATURE FLASHINGS - TURQUOISE BLUE (RAL 5018)
 QUATTRO SPACER SYSTEM: INSULATION THICKNESS: 240mm (ROCKWOOL CLADDING ROLL) LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.18 W/m²K

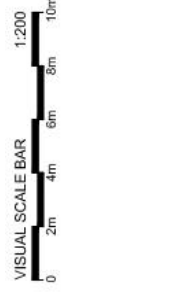
ROOF
 EUROCLAD ELITE SYSTEM 1
 FINISHED ROOF PITCH EQUAL TO 4°
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR: ANTHRACITE GREY (RAL 7016)
 QUATTRO SPACER SYSTEM: BRACKET HEIGHT: 280mm INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL) LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.16 W/m²K

MATERIALS SPECIFICATION:



NO.	DATE	DESCRIPTION	BY	CHK
PL01	19/01/22	PLANNING PERMITS	CGF	PS
PL02	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL03	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL04	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL05	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL06	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL07	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL08	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL09	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL10	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL11	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL12	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL13	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL14	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL15	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL16	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL17	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL18	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL19	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL20	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL21	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL22	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL23	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL24	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL25	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL26	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL27	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL28	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL29	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL30	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL31	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL32	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL33	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL34	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL35	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL36	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL37	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL38	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL39	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL40	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL41	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL42	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL43	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL44	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL45	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL46	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL47	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL48	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL49	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS
PL50	27/07/22	REVISED LAYOUT TO ACCOMMODATE UFT	CGF	PS

dunwoodieswift architects
 ANSON HOUSE 10 LTD
 LOWTHER STREET CARLISLE
 PROPOSED FIRST FLOOR
 SCALE: 1:200
 DATE: 09/12/2022
 DRAWN BY: CGF
 CHECKED BY: PS
 PROJECT NO.: P1-1201-101
 DRAWING NO.: PL10

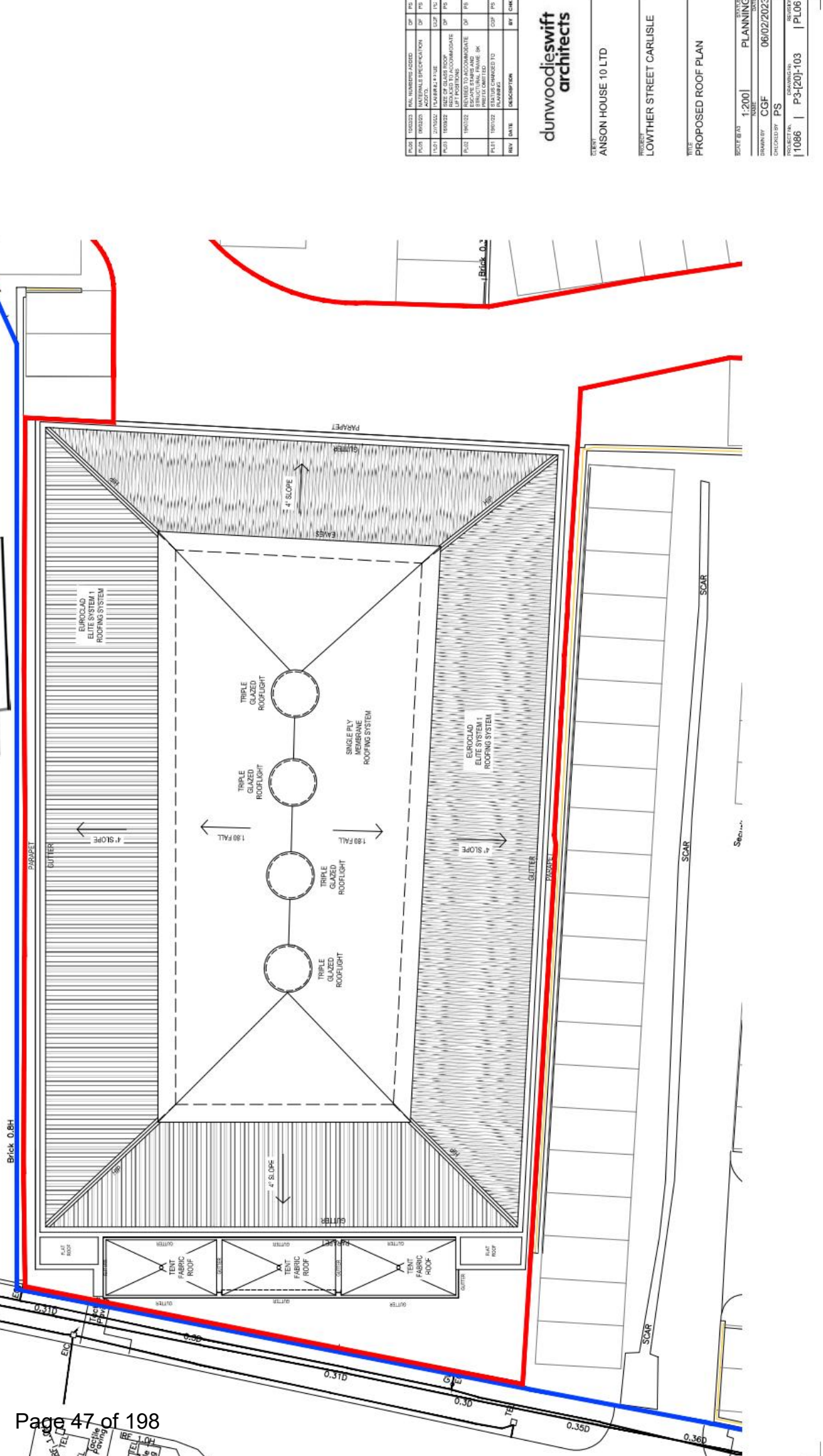


MATERIALS SPECIFICATION:

ROOF
 EUROCLAD ELITE SYSTEM 1
 FINISHED ROOF PITCH EQUAL TO 4°
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR: ANTHRACITE GREY (RAL 7016)
 QUATPRO SPACER SYSTEM:
 BRACKET HEIGHT: 280mm
 INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.16 W/m²K

WALL
 EUROCLAD ELITE SYSTEM 51
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR: ANTHRACITE GREY (RAL 7016)
 MAIN CLADDING - ANTHRACITE GREY (RAL 7016)
 FEATURE FLASHINGS - TURQUOISE BLUE (RAL 5018)
 QUATPRO SPACER SYSTEM:
 BRACKET HEIGHT: 240mm
 INSULATION THICKNESS: 240mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.18 W/m²K

FIRE PERFORMANCE
 INSTALLED IN ACCORDANCE WITH THE EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH A MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS. THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES INSULATION WHEN USING ROCKWOOL CLADDING ROLL AND WITH THE STITCHED INNER SIDE LAPS).



NO.	DATE	DESCRIPTION	BY	CHK
P100	11/02/22	FILE NUMBERS ADDED	DP	PS
P101	11/02/22	MATERIALS SPECIFICATION	DP	PS
P102	11/02/22	ADJUSTS	DP	PS
P103	11/02/22	ADJUSTS	DP	PS
P104	11/02/22	ADJUSTS	DP	PS
P105	11/02/22	ADJUSTS	DP	PS
P106	11/02/22	ADJUSTS	DP	PS
P107	11/02/22	ADJUSTS	DP	PS
P108	11/02/22	ADJUSTS	DP	PS
P109	11/02/22	ADJUSTS	DP	PS
P110	11/02/22	ADJUSTS	DP	PS

dunwoodieswift architects

CLIENT: ANSON HOUSE 10 LTD

PROJECT: LOWTHER STREET CARLISLE

TYPE: PROPOSED ROOF PLAN

SCALE: 1:200

DATE: 06/02/2023

DRAWN BY: CGF

CHECKED BY: PS

PROJECT NO: 1086

DRAWING NO: P3-201-103

PL06

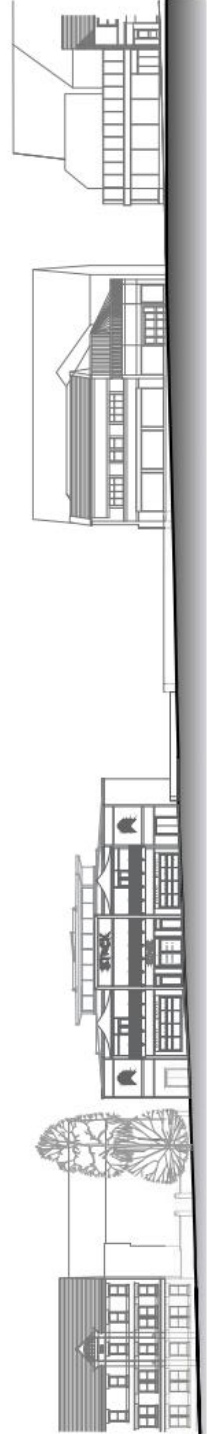


NOTES: SCALE INDICATING IN PLAN OR THE DRAWING IS COPYRIGHT DUNWOODE SWIFT ARCHITECTS LTD. ALL RIGHTS RESERVED. ANY REPRODUCTION OR MISUSE WITHOUT INDICATED BY IS REPORTED TO ARCHITECTS IMMEDIATELY.

<EXISTING SURFACE CAR PARK 'GAP' SITE> <VACANT FORMER ICELAND SITE>



EXISTING LOWTHER STREET ELEVATION



PROPOSED LOWTHER STREET ELEVATION

REV	DATE	DESCRIPTION	BY	CHK
1/01	2023	ISSUED FOR PERMIT	CGF	PS
1/02	2023	ISSUED TO COORDINATE WITH CONSTRUCTION	CGF	PS
1/03	2023	ISSUED FOR PERMIT	CGF	PS

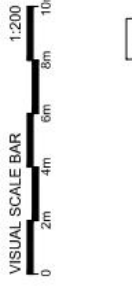
dunwoodieswift
architects

CLIENT: ANSON HOUSE 10 LTD

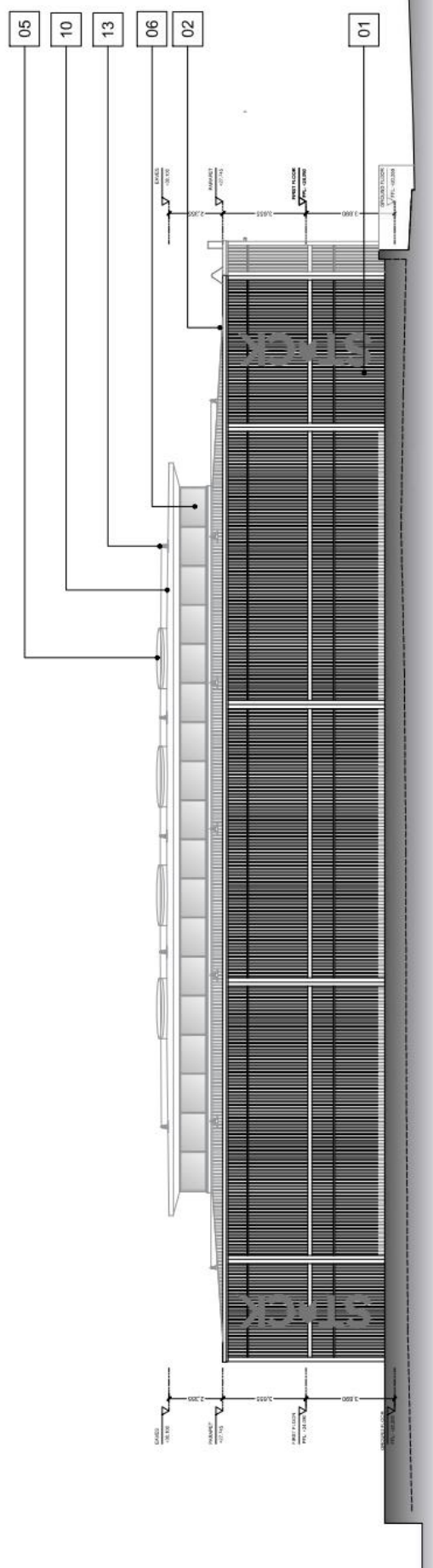
PROJECT: LOWTHER STREET CARLISLE

TITLE: EXISTING & PROPOSED WEST ELEVATIONS (LOWTHER STREET)

SCALE: 1:500	STATUS: PLANNING
DRAWN BY: CGF	DATE: 01/02/2023
PROJECT NO: 1086	DRAWING NO: EX-SEL-[20]-200
PROJECT NAME: ANSON HOUSE 10 LTD	PROJECT LOCATION: LOWTHER STREET CARLISLE



NOTES: SCALE TO DIMENSIONS IN BLOCKS. THE DRAWING IS COPYRIGHT DUNWOODIE SWIFT ARCHITECTS LTD. ALL RIGHTS RESERVED. ANY REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING IS PROHIBITED. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.



NORTH ELEVATION

MATERIALS KEY:

- 01** INSULATED PROFILED METAL WALL CLADDING SYSTEM
- 02** INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER
- 03** TENSILE FABRIC STRETCH TENTS
- 04** SHIPPING CONTAINERS
- 05** TRIPLE GLAZED CIRCULAR ROOFLIGHT
- 06** POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW
- 07** POLYESTER POWDER COATED STEEL BALUSTRADE
- 08** DIGITAL SCREEN
- 09** POLYESTER POWDER COATED STEEL SECURITY SHUTTER
- 10** SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK
- 11** ALUMINIUM MODULAR STAGE PLATFORM SYSTEM
- 12** STEEL ARCH STAGE TRUSS
- 13** POST HORIZONTAL LIFELINE FALL PROTECTION SYSTEM
- 14** POLYESTER POWDER COATED STEEL FIRE EXIST DOOR
- 15** STEEL GOALPOST FRAME TO MAIN ENTRANCE: TURQUOISE BLUE (RAL 5018)
- 16** EXTERNAL DIGITAL SCREEN

MATERIALS SPECIFICATION:

- ROOF**
EUROCLAD ELITE SYSTEM 1
FINISHED ROOF PITCH EQUAL TO 4°.
EXTERNAL PROFILE SHEET
REFERENCE: 32-167-1000
COLOUR: ANTHRACITE GREY (RAL 7016)
QUATTRO SPACER SYSTEM:
BRACKET HEIGHT: 280mm
INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL)
LINER SHEET REFERENCE: 19-167-1000
U-VALUE AT 1.5m CENTRES: 0.16 W/MPK
- WALL**
EUROCLAD ELITE SYSTEM 51
EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
COLOUR:
MAIN CLADDING ANTHRACITE GREY (RAL 7016)
FEATURE FLASHINGS TURQUOISE BLUE (RAL 5018)
QUATTRO SPACER SYSTEM:
BRACKET HEIGHT: 240mm
INSULATION THICKNESS: 240mm (ROCKWOOL CLADDING ROLL)
LINER SHEET REFERENCE: 19-167-1000
U-VALUE AT 1.5m CENTRES: 0.18 W/MPK
- FIRE PERFORMANCE**
INSTALLED IN ACCORDANCE WITH THE EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH A MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS, THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES INSULATION WHEN USING ROCKWOOL CLADDING ROLL AND WITH THE STITCHED INNER SIDE LAPS).

NO	DATE	DESCRIPTION	BY	CHK
PL1	10/02/20	RAL NUMBERS ADDED	DF	PS
PL2	04/02/20	REVISIONS TO DRAWING TO COORDINATE WITH OTHER DRAWINGS	DF	PS
PL3	04/02/20	SEE WALL TO EXTERNAL CLADDING WITH OVERHANGING ROOF	DF	PS
PL4	04/02/20	MATERIALS SPECIFICATION	DF	PS
PL5	13/01/20	STORAGE & TENTS IN COURTYARD	DF	PS
PL6	04/02/20	PORTAL FRAMES AND BRACKETS TO EXTERNAL CLADDING	DF	PS
PL7	14/11/20	UPDATES TO COORDINATE WITH REVISIONS TO OTHER DRAWINGS	CGF	PS
PL8	07/11/20	INCH LIFELINE	CGF	PS
PL9	27/10/20	PLANNING SCALE	CGF	PS
PL10				

dunwoodieswift architects

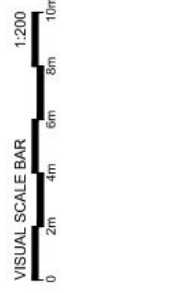
PROJECT: ANSON HOUSE 10 LTD

PROJECT: LOWTHER STREET CARLISLE

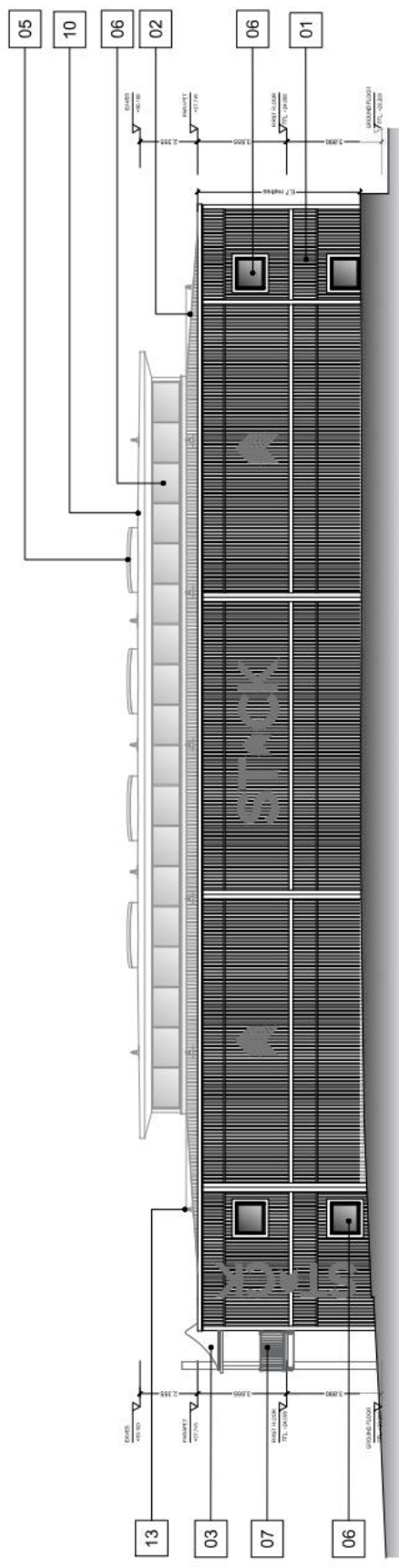
VIEW: PROPOSED NORTH ELEVATION

DATE	SCALE	STATUS
1:200	PLANNING	
CGF	13/01/2023	

PROJECT NO: 10886 | DRAWING NO: EL-120J-203 | PL9



NOTES:
 1. SCALE TO BE SHOWN IN ALL DRAWINGS.
 2. COPYRIGHT DUNWOODIE SWIFT ARCHITECTS LTD. ALL RIGHTS RESERVED.
 3. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF DUNWOODIE SWIFT ARCHITECTS LTD. IS PROHIBITED.
 4. THIS DOCUMENT IS THE PROPERTY OF DUNWOODIE SWIFT ARCHITECTS LTD. AND IS TO BE RETURNED TO ARCHITECT IMMEDIATELY.



SOUTH ELEVATION

MATERIALS KEY:

- 01** INSULATED PROFILED METAL WALL CLADDING SYSTEM
- 02** INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER
- 03** TENSILE FABRIC STRETCH TENTS
- 04** SHIPPING CONTAINERS
- 05** TRIPLE GLAZED CIRCULAR ROOFLIGHT
- 06** POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW
- 07** POLYESTER POWDER COATED STEEL BALUSTRADE
- 08** DIGITAL SCREEN
- 09** POLYESTER POWDER COATED STEEL SECURITY SHUTTER
- 10** SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK
- 11** ALUMINIUM MODULAR STAGE PLATFORM SYSTEM
- 12** STEEL ARCH STAGE TRUSS
- 13** POST HORIZONTAL LIFELINE FALL PROTECTION SYSTEM
- 14** POLYESTER POWDER COATED STEEL FIRE EXIST DOOR
- 15** STEEL GOALPOST FRAME TO MAIN ENTRANCE: TURQUOISE BLUE (RAL 5018)
- 16** EXTERNAL DIGITAL SCREEN

MATERIALS SPECIFICATION:

- ROOF**
 EUROCLAD ELITE SYSTEM 1
 FINISHED ROOF PITCH EQUAL TO 4°.
 EXTERNAL PROFILE SHEET
 REFERENCE: 32-167-1000
 COLOUR: ANTHRACITE GREY (RAL 7016)
 QUATTRO SPACER SYSTEM:
 BRACKET HEIGHT: 280mm
 INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.16 WIMPK
- WALL**
 EUROCLAD ELITE SYSTEM 51
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR:
 MAIN CLADDING ANTHRACITE GREY (RAL 7016)
 FEATURE FLASHINGS TURQUOISE BLUE (RAL 5018)
 QUATTRO SPACER SYSTEM:
 BRACKET HEIGHT: 240mm
 INSULATION THICKNESS: 240mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.18 WIMPK
- FIRE PERFORMANCE**
 INSTALLED IN ACCORDANCE WITH THE EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH AS MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS, THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES INSULATION WHEN USING ROCKWOOL CLADDING ROLL AND WITH THE STITCHED INNER SIDE LAPS).

NO	DATE	DESCRIPTION	BY	CHK
PL1	10/03/20	FINAL NUMBERS ADDED	DF	PS
PL5	08/03/20	MATERIALS SPECIFICATION ADDED	DF	PS
PL6	13/01/20	FINAL NUMBERS ADDED	DF	PS
PL3	08/03/20	FINAL NUMBERS ADDED	DF	PS
PL5	14/11/20	FINAL NUMBERS ADDED	DF	PS
PL1	27/11/22	FINAL NUMBERS ADDED	DF	PS

dunwoodieswift
architects

PROJECT: ANSON HOUSE 10 LTD

PROJECT: LOWTHER STREET CARLISLE

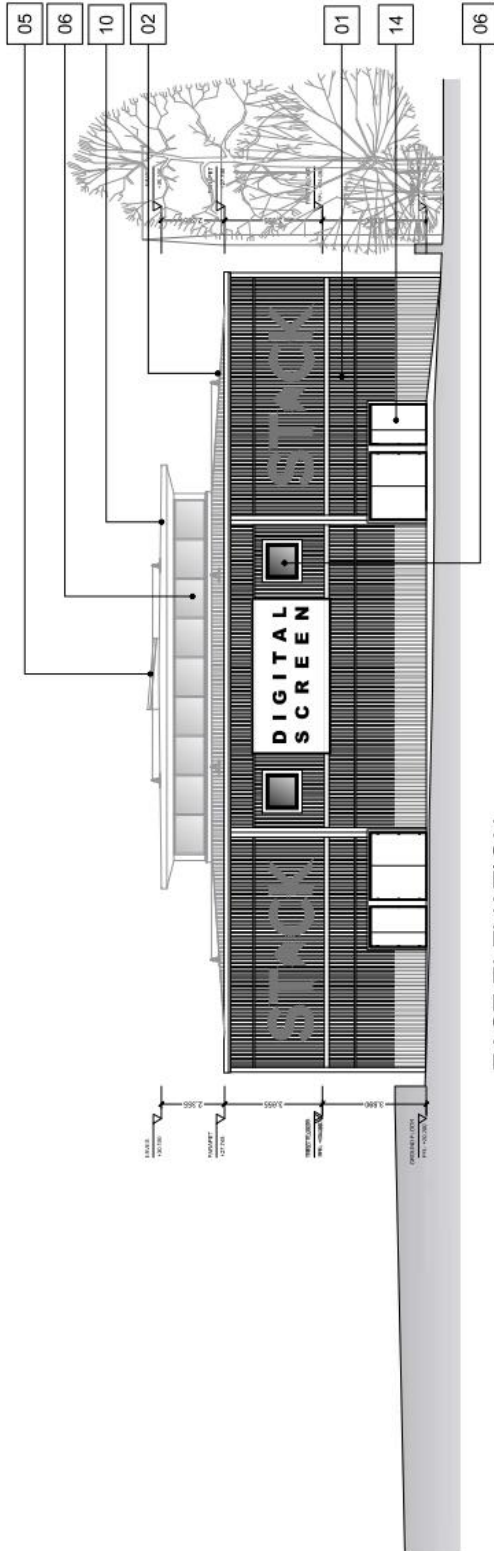
PROJECT: PROPOSED SOUTH ELEVATION

DATE	STATUS
13/01/2023	PLANNING
13/01/2023	CGF
13/01/2023	CGF

PROJECT NO: | EL-1201-201 | PL6



NOTES: SCALE TO BE DRAWN IN INK OR BY THE DRAWING OFFICER. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. DIMENSIONS TO BE INDICATED BY DIMENSION LINES AND NOT BY DIMENSIONS TO BE INDICATED BY DIMENSION LINES.



EAST ELEVATION

MATERIALS KEY:

- 01 INSULATED PROFILED METAL WALL CLADDING SYSTEM
- 02 INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER
- 03 TENSILE FABRIC STRETCH TENTS
- 04 SHIPPING CONTAINERS
- 05 TRIPLE GLAZED CIRCULAR ROOFLIGHT
- 06 POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW
- 07 POLYESTER POWDER COATED STEEL BALUSTRADE
- 08 DIGITAL SCREEN
- 09 POLYESTER POWDER COATED STEEL SECURITY SHUTTER
- 10 SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK
- 11 ALUMINIUM MODULAR STAGE PLATFORM SYSTEM
- 12 STEEL ARCH STAGE TRUSS
- 13 POST HORIZONTAL LIFELINE FALL PROTECTION SYSTEM
- 14 POLYESTER POWDER COATED STEEL FIRE EXIST DOOR
- 15 STEEL GOALPOST FRAME TO MAIN ENTRANCE: TURQUOISE BLUE (RAL 5018)
- 16 EXTERNAL DIGITAL SCREEN

MATERIALS SPECIFICATION:

- ROOF**
 EUROCLAD ELITE SYSTEM 1
 FINISHED ROOF PITCH EQUAL TO 4°.
 EXTERNAL PROFILE SHEET
 REFERENCE: 32-167-1000
 COLOUR: ANTHRACITE GREY (RAL 7016)
 QUATTRO SPACER SYSTEM:
 BRACKET HEIGHT: 280mm
 INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.16 W/MPK
- WALL**
 EUROCLAD ELITE SYSTEM 51
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR:
 MAIN CLADDING ANTHRACITE GREY (RAL 7016)
 FEATURE FLASHINGS TURQUOISE BLUE (RAL 5018)
 QUATTRO SPACER SYSTEM:
 BRACKET HEIGHT: 240mm
 INSULATION THICKNESS: 240mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.18 W/MPK
- FIRE PERFORMANCE**
 INSTALLED IN ACCORDANCE WITH THE EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH A MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS. THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES INSULATION WHEN USING ROCKWOOL CLADDING ROLL AND WITH THE STITCHED INNER SIDE LAPS).

NO	DATE	DESCRIPTION	BY	CHK
PL1	10/02/22	RAL NUMBERS ADDED	DF	PS
PL2	09/02/22	ALL SPECIFICATIONS ADDED	DF	PS
PL3	08/02/22	PORTAL FRAMES AND UPDATES TO COORDINATE WITH OTHER DRAWINGS	DF	PS
PL4	14/11/22	UPDATES TO COORDINATE WITH OTHER DRAWINGS	DF	PS
PL5	27/10/22	FINISHING SCALE CHANGED	CGF	PS

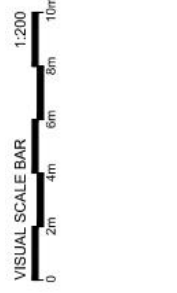
dunwoodieswift architects

PROJECT: ANSON HOUSE 10 LTD

PROJECT: LOWTHER STREET CARLISLE

TYPE: PROPOSED EAST ELEVATION

SCALE: 1:200	STATUS: PLANNING
DRAWN BY: CGF	DATE: 22/10/2022
CHECKED BY: PS	PROJECT NO: EL-120J-202
DRAWING NO: 1086	REVISION: PL5



NOTES: SCALE IS TO DRAWING. ALL WORK ON THE DRAWING IS COPYRIGHT DUNWOODIE SWIFT ARCHITECTS LTD. ALL RIGHTS RESERVED. ANY REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING IS PROHIBITED. THIS DRAWING IS NOT TO BE REPRODUCED OR ARCHIVED SEPARATELY.



WEST ELEVATION

MATERIALS KEY:

- 01 INSULATED PROFILED METAL WALL CLADDING SYSTEM
- 02 INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER
- 03 TENSILE FABRIC STRETCH TENTS
- 04 SHIPPING CONTAINERS
- 05 TRIPLE GLAZED CIRCULAR ROOFLIGHT
- 06 POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW
- 07 POLYESTER POWDER COATED STEEL BALUSTRADE
- 08 DIGITAL SCREEN
- 09 POLYESTER POWDER COATED STEEL SECURITY SHUTTER
- 10 SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK
- 11 ALUMINIUM MODULAR STAGE PLATFORM SYSTEM
- 12 STEEL ARCH STAGE TRUSS
- 13 POST HORIZONTAL LIFELINE FALL PROTECTION WITH EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH AS MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS. THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES INSULATION WHEN USING ROCKWOOL CLADDING ROLL AND WITH STITCHED INNER SIDE LAPS).
- 14 POLYESTER POWDER COATED STEEL FIRE EXIST DOOR
- 15 STEEL GOALPOST FRAME TO MAIN ENTRANCE; TURQUOISE BLUE (RAL 5018)
- 16 EXTERNAL DIGITAL SCREEN
- 17 4 No. FASTIGIATE (COLUMNAR EVERGREEN) TREES
- 18 EXISTING WALL AND RAILINGS RETAINED. MADE GOOD AND REPOINTED

MATERIALS SPECIFICATION:

- ROOF**
 EUROCLAD ELITE SYSTEM 1
 FINISHED ROOF PITCH EQUAL TO 4°. EXTERNAL PROFILE SHEET
 REFERENCE: 32-167-1000
 COLOUR: ANTHRACITE GREY (RAL 7016)
 QUATTRO SPACER SYSTEM;
 BRACKET HEIGHT: 280mm
 INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.16 W/MPK
- WALL**
 EUROCLAD ELITE SYSTEM 51
 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000
 COLOUR:
 MAIN CLADDING INCLUDING EXTERNAL FACE OF FIRST FLOOR TERRACED AREA, ANTHRACITE GREY (RAL 7016)
 FEATURE FLASHINGS TURQUOISE BLUE (RAL 5018)
 QUATTRO SPACER SYSTEM;
 BRACKET HEIGHT: 240mm (ROCKWOOL CLADDING ROLL)
 LINER SHEET REFERENCE: 19-167-1000
 U-VALUE AT 1.5m CENTRES: 0.18 W/MPK
- FIRE PERFORMANCE**
 POST HORIZONTAL LIFELINE FALL PROTECTION WITH THE EUROCLAD ELITE SYSTEMS STANDARD SPECIFICATIONS AND DRAWINGS WITH AS MINIMUM OF 120mm INSULATION, COATED STEEL LINERS AND COATED STEEL OUTER SHEETS. THE SYSTEMS ARE CERTIFIED FOR UP TO 4 HOURS INTEGRITY AND 15 MINUTES INSULATION (OR 30 MINUTES INSULATION WHEN USING ROCKWOOL CLADDING ROLL AND WITH STITCHED INNER SIDE LAPS).

NO	DATE	DESCRIPTION	BY	CHK
PL6	03/03/23	LASTING BOUNDARY WALL, FENCING, DRIVEWAY, PATIO, TERRACE, FURNITURE, PLANTING, TREES ADDED.	DP	PS
PL7	10/03/23	RAL NUMBERS ADDED.	DP	PS
PL8	08/03/23	MATERIALS SPECIFICATION ADDED.	DP	PS
PL9	20/03/23	STRUCTURE ADDED TO MAIN ENTRANCE.	DP	PS
PL10	19/03/23	INTERIORS TO BE DETAILED.	DP	PS
PL11	08/03/23	EXTERNAL FRAMES AND FINISHES TO BE DETAILED.	DP	PS
PL12	16/03/23	BRACKETS TO BE DETAILED.	DP	PS
PL13	27/03/23	BRACKETS TO BE DETAILED.	DP	PS

dunwoodieswift architects

PROJECT: ANSON HOUSE 10 LTD

STATUS: PLANNING

DRAWN BY: CGF

DATE: 06/02/2023

PROJECT NO: 1086 | EL-1201-200 | PL8





SCHEDULE A: Applications with Recommendation

22/0034 TPO

Item No: 02

Date of Committee: 24/03/2023

Appn Ref No:
22/0034 TPO

Applicant:
Citadel Homes

Parish:
Stanwix Rural

Agent:
Westwood Landscape Ltd

Ward:
Stanwix & Houghton

Location: (Plots 6 & 8) Land at Lansdowne Close, Carlisle, CA3 9HN

Proposal: Pollard 1no. Ash Tree to 5m, Crown Raising By 10% Canopy Volume To 1no. Oak & 1no. Ash Tree

Date of Receipt:
28/11/2022

Statutory Expiry Date
26/01/2023

26 Week Determination

REPORT

Case Officer: Christopher Hardman

UPDATE

Members may recall a report on this application was included in the papers for the Development Control Committee meeting of the 20th January 2023. A site visit was undertaken on the 18th January however the applicant revised their application between publication of the report and the scheduled committee meeting. As a consequence of the changes, the report was withdrawn from the meeting and no discussion took place. Further consultation was undertaken and the report has been updated for the revised application.

1. Recommendation

1.1 It is recommended that:

(1) Approval to Crown raising and removal of deadwood (T7 and T8 Group G1 B (Oak) and C (Ash))

(2) Approval of pollarding of Ash Tree to 10 metres (T6 - Group G1 - A)

2. Main Issues

2.1 Whether the proposed works to the protected trees are acceptable.

3. Application Details

The Site

- 3.1 The trees subject of this application are on the boundaries of a site which has planning permission for 10 dwellings which are currently under construction. The site was former agricultural land of 0.73 hectares but had not been in use for a number of years. The site rises from the south-west to north-east and from the north-west to the south-east, with the eastern corner of the site sitting approximately 4m higher than the western corner. As a consequence, the dwellings on Lansdowne Close and Pennington Drive sit at a lower level than the site.
- 3.2 Access to the housing development is from a cul-de-sac that contains three two-storey dwellings and four bungalows where an existing field access at the end of the cul-de-sac, which runs between 42 and 55 Lansdowne Close has been used to provide access to the development.
- 3.3 The south-east site boundary contains a veteran oak tree and two veteran ash trees and all three of these trees are the subject of a TPO. An ash tree that lies along the north-west site boundary is also the subject of a Tree Preservation Order (TPO).
- 3.4 Two-storey dwellings on Lansdowne Close adjoin the south west boundary of the site, with dwellings on Pennington Drive adjoining the north-west site boundary. The land to the north-east, has been recently developed as part of the Persimmon Tarraby View development. The land to the south-east of the application site is allocated for housing in the adopted Local Plan and subject to undetermined planning application 22/0297.

Background

- 3.5 Since the applications for development were submitted in 2016 a request was made to protect the trees on the site of the proposed housing development. Following the making of a draft order in April 2017, TPO 288 Lansdowne Close, Carlisle was confirmed on the 1st June 2017 which protected a single ash tree and a group of three trees (2 x Ash, 1 Oak). The statement of reasons for their protection and making of the Order states:

Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made for the preservation of trees. The local authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

The trees protected by this tree preservation order are visible to the public from the surrounding roads, Lansdowne Close and Pennington Way. The public visibility will increase once the development has been completed.

Tree number T1 of TPO 288, is a young tree which will contribute to the

area for many years.

Trees A and C in Group 1 of TPO 288 have been identified as veteran trees.. As such they have a substantial ecological value which is recognised in the National Planning Policy Framework, and the local planning authorities planning policies, (GI3 and SP6 of Carlisle District Local Plan 2015-2030.

Tree B in Group 1 of TPO 288 is a large mature tree with potential to provide a significant contribution for many years.

The Proposal

- 3.6 This application originally sought to fell an ash tree however this has now been revised and the application seeks permission for the reduction of 1no. ash tree to 5 metres, along with crown raising by 10% canopy volume to 1no. oak & 1no. ash tree.

4. Summary of Representations

- 4.1 Unlike planning applications, no statutory consultation is required for applications for works to trees. As a matter of practice we notify local ward councillors and parish councils. This application has generated local interest and 23 objections have been received raising the following points:

Principle of TPOs and Felling of Tree (T6)

I strongly object to this tree being felled and any trees that have a TPO on them if the council agree to this what is the point of TPO's. The statements given by Citadel Homes in their planning statement that the 3 trees protected by the TPO would not be felled and had been taken into account in the planning of the layout. If now Citadel Homes have a potential buyer that does not want the tree in the vicinity of their garden then this should have been taken into account when their plans were drawn up.

I wish to object to the application 22/0034 for the felling of tree T6 which is subject to a TPO We need to protect all the trees that we can - the reason for TPO's -and the planning application 21/0406 claimed the tree had a life of at least 20 years(Westwood) TPOs are not put in place lightly and should therefore be respected and not be allowed to be removed at will by some Contractor coming at a later date wanting things changed especially after their initial application plans when submitted did not show any issues with any of the surrounding trees.

I wish to object to the above application. Why are they proposing felling of T6 at such a late stage of the development? Westwood Landscapes have not mentioned this previously. The TPO was granted on the 21/4/2017 and T6 was identified as a Veteran tree which is recognised in the National Planning Policy framework and the local authorities planning policies.

I object to the destruction of that tree.

It is odd the applicant leaves it until the completion of the development to propose the felling of T6. Any proposal should have been made at the start not the end. Tree T6 is a prominent tree within the landscape, its loss would be significant particularly as it stands higher than adjoining trees at 17 m high.

No options have been put forward as an alternative to felling. Tree T6 is subject to a TPO granted in 2017. The TPO was not granted lightly and CAPITA who undertook a survey at the time for the council made no mention that the tree should be felled. Westwood the agents for the applicant has undertaken several surveys since 2016 and have only referred to tree T6 being in need of removal of deadwood and heavy pruning with no mention until now that the tree should be completely felled. The applicant gave assurances when seeking planning permission that they had no plans concerning the three trees including T6 which were all subject to the 2017 TPO 288.

I wish to object to this planning application for a number of reasons. When planning application 21/0406 for 10 dwellings was considered, Westwood Landscape provided a report dated May 2016, that identified the tree conditions, locations, RPA's and drawing L03B showing a red dotted line depicting the Tree Protection Fence Alignment. It identified tree T6 as a veteran tree with a remaining contribution of 20 years. In respect of this Planning Application 21/0406, granted on the 17th August 2021 by Carlisle City Council, it states within and associated with REASON 6 that: For the duration of the development works existing trees should be protected by a suitable barrier. Within this protected area there shall be NO excavation, tipping or stacking nor compaction of the ground by any other means. Furthermore, Within the supporting Recommendation Delegated Report - by the Planning Officer he states, under, Reason For Recommending Delegated Power Decision. The existing site is well landscaped with perimeter hedgerows and eight trees (four of which are subject to TPO 288). The layout has taken account of the RPA's of the trees and hedgerows and as such the built form of the development would not impact upon the retained trees and hedgerows. The existing hedgerows would be enhanced, with new sections of hedgerows and new trees would be planted within the site. The existing site is well landscaped with perimeter hedgerows and eight trees (four of which are subject to TPO 288) and these would be retained. The Tree Preservation order is also named as one of the 15 Restraints associated with the Planning Application. Planning Application 22/0034 After 1.25 years, and as the development of the 10 houses nears completion, the Developer now suggests that there is a risk to residents from protected trees and in one case requests it be destroyed. They also make reference to the close proximity to constructed houses. In support of this application they have again utilised a Westwood Landscape report including photos. The first photo by Westwood

Landscape, associated with tree T6, appears to show that the developer has failed to comply with both the Planning Approval requirements and indeed Westwood's first report of May 2016. Namely, protection of the Root Protection Area (RPA). The Photo shows: a) Totally inadequate protection fence and not as Westwood Landscape Plan L03B b) Excavated material stacked over 2m high on the RPA c) Excavation of soil and subsoil has taken place in the RPA Also, the Tree mitigation plan L03C no longer shows the RPA of tree T6, why? Is it because T6, as a veteran tree, requires a root protection radius of 15 X the tree stem diameter, which could well clash with the nearest property.- and always did!

The trees are protected and were there first, so the development should have been designed to accommodate them and their future maintenance. As identified in the report, Tree T6 leans away from the development field and as such would not fall into the development area. The developer has failed to protect the RPA as required.

Within the last 6 months this tree along with others along the adjacent field have been assessed by an arboricultural expert who did not express concern regarding the safety of this tree. Although not in prime condition it is a veteran tree. It should have been provided a greater root protection area. The photographs show the block and mesh fence has been moved closer and a volume of topsoil stored in the area. If this is in a dangerous state has this been brought about by the actions of the developer? The hedgeline should have been protected which has been seriously interfered with and not protected. Demonstrates little regard the developer has for protected status.

Rowan when fully grown would only be half the height of the Ash incapable of providing the ultimate screening of a mature tree equivalent to the existing.

Trees are under constant threat from proposed developers, the builders were fully aware that TPOs were in place and raised no objection to them at that stage. Certain criteria has to be met for a TPO to be granted in the first place, so this should still stand after such a short time after the issue date.

A number of references to the original planning documents and other applications in 2016 and 2017 by Westwood show that there have no recommendations for tree T6 to be felled. References were made only to remove deadwood or pollarding the tree. No recommendation was made to fell T6. In 2017 TPO 288 was made and included Trees A to C (A is T6) identified as veteran trees and having substantial ecological value. A report from CAPITA also recommended T6 should be protected.

Citadel Homes application 21/0406 showed that the layout had taken the TPOs into account and dwellings were located outside the root protection areas of the trees and hedges to be retained. Protective screening was put in place but gradually moved towards the boundary to accommodate storage of materials. The potential abuse of the RPA may have contributed to some

deterioration. Similarly a hedgerow was removed with no apparent action taken.

Now the application to fell T6 as it suffers serious limb loss and extensive decay but do not say over what period but obviously so rapid to change from deadwood and pruning in 2016.

Replacement trees should be of an appropriate size and species, inconceivable a 17m high tree could be replaced by three rowan trees.

Proposal is incompatible with Policy GI6.

T6 is a significant tree in the landscape and the evidence presented for felling is minimal.

Residents may not have been in favour of the development if they had known the intention to fell T6 and do work on T7 and T8.

Crown Raising of trees (T7 and T8)

Why have Westwood Landscapes decided that trees T7 and T8 need to have their Crowns lifted? (They say its because they present a serious hazard for residents in their gardens) Previously Westwood have only recommended pruning. My understanding is that the layout of the development has taken the TPOs into account with the root protection areas of the trees and hedges to be retained. However the hedges have been removed. How can we rely on information submitted by Westwood Landscapes?

Reference to Tree T7 being a risk to residents, in the proposed garden, is irrelevant as the design layout should have accommodated its new fixed fence, on a line similar to that shown on drawing L03B. This would suffice, if the developers have concerns.

The reasons provided for crown lifting trees T7 and T8 are a departure from previous surveys undertaken by Westwood in which they recommended pruning and Citadel have changed their minds.

Ecology

We need a professional who is independent from this development to give a honest view. Bats are probably hibernating in the trees, they are seen regularly flying around Lansdowne Close at night-time from April to November. There needs to be a bat survey.

The TPO was requested by the local residents so as to safeguard the natural habitat of wildlife that was already going to severely impacted due to the development of the 10 dwellings.

There are bats flying around at a certain time of the year which says they are

living in the trees. These trees have been here lots of years and a person who believes strongly in climate change, cutting down trees is not the answer.

These trees provide a haven for wildlife along with helping with climate issues and drainage. I get many hours of pleasure just sitting at my front window (which overlooks the affected trees) watching both the birds and the changing seasons with the trees. Removing the tree and crowning the others would alter the skyline to yet another concrete jungle.

No report has been provided on the impact the felling of the tree may have on wildlife such as bats that may habit tree. No such survey has been undertaken for years.

I would like to object strongly to the removal / cutting of the aforementioned trees. These are in my opinion very mature trees that house an abundance of wildlife including many species of Bird and insect. The birds and insects need these trees to survive and destroying them destroys the already threatened local wildlife. I am very concerned that people might simply chop down mature trees , especially in an area where there has already been massive destruction of trees . As mentioned earlier these trees provide roosting, nesting and a permanent home for an incredible amount of wildlife. So therefore I would like to strongly object to this planning application for the sake of our threatened wildlife and for the sake of some beautiful trees.

Trees play a vital role in safeguarding the climate, helping drainage, supporting wildlife and aesthetically. The removal of the tree will interfere with hibernation and food sources to wildlife at a time of greatest need. The development itself has decimated local wildlife, the removal of the tree would be a travesty.

Drainage

The water runoff from the field above will significantly increase, as the roots absorb a lot of the water.

My major concern is that the surface water run off calculations and associated drainage design has been made under the assumption that water would be consumed by the trees that border the new and current dwellings. Hence if the application is approved then the potential for excessive surface water run off is a major concern as this will then have the possibility of overloading the SuDS network, resulting in water overflow into the local underground sewage water network. The agreed discharge rate is 5 Litres per second max, but if the SuDS overflows, then this volume will be exceeded which will result in flooding both in the Lansdowne Close cul-de-sac where the development resides as well as the lower parts of Lansdowne Close and associated becks and water ways. 2 I am aware that the developer is going to plant 3 native Rowan in the place of the removed tree, but such vegetation will not consume anywhere near the water from a mature 20 plus year old tree.

There is concern that the felling of T6 may increase run off of surface water down the slope to existing properties in Lansdowne Close

Health and Safety

I am somewhat amazed that such an application is being submitted especially when the submission is quoting that limb and or tree removal of T6, T7 and T8 is from a Health and Safety perspective as well as due to decay of the respective trees. As surely if health and safety was a factor then all personnel who have entered the construction site under the F10, and associated CDM regulations would have been placed in a dangerous situation where a limb could have fallen and injured an individual at any time, and as such, the risk should have been identified and documented in the Construction Phase Health and Safety Plan for the works. If the trees are in such a poor condition as stated by Westwood landscapes, then the works should have been made a prerequisite of the planning approval for the 10 bungalows. Under the planning application, there was mention of tree removal as being an option or a consideration. Applying at this late stage is somewhat trying to place a gun at the head of the planning team, which is not the correct way to apply for such events.

General Observations

Primarily because it is imperative, in this current climate, to protect our existing trees, especially those with a TPO. It's ironically frustrating that a mere 2 months ago, 12 trees on the same field boundary received TPO's. Are we therefore entitled to believe that in the future a developer can always apply, after their planning application has been approved including protecting associated trees, to have them destroyed?

I think there needs to be a honest and open discussion on the future of these beautiful trees which have been stunning to watch all these years.

I strongly object to the felling of these trees. What is the point of TPO's if they are not upheld?? The future of these trees was made clear when planning went in for the new homes being built in the area and it is not acceptable to be trying to move the goal posts now

If the City Planners approve this request to destroy tree T6 then it sets a concerning precedent for any future developments and trees that are protected

There has been no consultation with the public on this issue just something else that has crept in at the back door hoping it wouldn't be noticed

There has been no consultation with local residents. We have had to guess when we had to submit any comments or objections and some, not many, have only found out about the application by talking to others.

I wish to state my disappointment in the lack of awareness given to this application. I only discovered it whilst viewing another application for my area. Was this a deliberate move given the timings (Festive holidays) to try to pass the plans as most people would be unaware of the application? Why at this late stage are these trees presenting concern? Surely the matter should have been attended to at the planning of the development

Disappointed that there has been a total lack of consultation with the residents. I don't know when the closing date is for objections and the consultation should therefore be extended.

Disappointed by the lack of consultation on this application, no local residents, even those living in the immediate vicinity have been made aware nor can we find any site notice. Stanwix Parish Council have expressed similar concerns. Only other consultees are six councillors some don't represent the residents in the immediate area and of the three representing Stanwix, none have expressed a view one way or the other. There is no justification for lack of proper consultation.

The application fails to provide the necessary information to specify the work for which consent is sought, state the reasons for making the application, nor, accompanied by appropriate evidence describing structural damage to property or in relation to tree health and safety.

There has been no experts report to say how this proposed removal would affect the wildlife nor why it should be felled. The tree is 17 metres high and makes a big statement visually on the area and if it were to be replaced by 3 slow growing Rowan trees they would never grow as tall and have the same impact

There has been no evidence from a suitably qualified expert to merit the felling of T6 and why previous evidence was different. Refer to guidance on consideration of these applications and the proposed works in relation to amenity, reasons provided, and loss or damage arising, protected species, other material considerations such as Local Plan policies, appropriate expertise informs decisions.

No expert report has been provided justifying the felling of tree T6. The comments made by the agent in the application form are inadequate to justify the felling of the tree and make reference to surveys which do not even support felling of the tree.

Application should have been supported by a report from a professional arboriculturalist not a landscape gardener. Question the reliance of the agent as they have been involved throughout since 2016.

I wish to object to the removal of trees protected under 22/0034/TPO No specialised report to support that the tree be felled

To approve this application would be a dangerous precedent for other land.

4.2 Following re-consultation 18 objections have been received making the following points:

There appears to be conflicting statements associated with this application, the recommendation is to retain the tree identified as "T6".

In the original TPO (2017) there was a report issued by Capita, where the trees identified at T6, T7 and T8 were stated as having substantial ecological value, surely this statement is still an accurate statement and should not be disregarded.

There is no wildlife assessment been provided, as to clearly identify the impact that this will have on the wildlife and the environment.

the boundary line of the original applications has been changed dramatically, and this contravenes the original planning application and associated approvals

I am somewhat amazed that such an application is being submitted as surely if health and safety was a factor then all personnel who have entered the construction site would have been placed in a dangerous situation where a limb could have fallen and injured an individual at any time.

Under the planning application, there was mention of tree removal as being an option or a consideration.

A major concern is that the surface water run off calculations and associated drainage design has been made under the assumption that water would be consumed by the trees that border the new and current dwellings. I am aware that the developer is going to plant 3 native Rowan in the place of the removed tree, but such vegetation will not consume anywhere near the water from a mature 20 plus year old tree

Refer to a number of impacts within the Root Protection Area (RPA) the root protection area radius, of a veteran tree, may that the closest part of the nearest bungalow is within the RPA.

Have already previously objected to the earlier planning application, request that the Planning Authority check to see if any part of the development construction lies within the RPA.

And that the reason for reducing the Ash tree is merely to eradicate this design fault. Sadly I suspect that the construction traffic and unacceptable storage may have already damaged the life of the tree with or without its reduction.

It is clear from the application that no assessment or study has been carried out to discover what this tree in particular is providing in the way of shelter and roosting opportunities for the wildlife species reliant upon such habitat, in particular the bats and owls which are regularly seen in the area.

The application requests permission to pollard Tree A to a height of 5m claiming it to be the 'advice' of James England. The report by James England

does not give any advice but states an opinion only.

I hold an equally valid opinion, as does the response from Stanwix Rural Parish Council, that 5m is too short. I feel that their suggestion that to 'prune the tree to remove branches and encourage recentring of its growth, and to reduce risk of wind damage while retaining as much canopy and shape as possible' is a more sensible solution to reduce risk yet retain as much heritage and habitat value as possible.

The application chooses to ignore a recommendation which was made by James England that 'It would be prudent to plant around it now to offer future amenity and ecological benefits. I would recommend planting 6 oak trees along the boundary.' This recommendation should be included within any ruling.

The applicant and their landscape contractors were obviously fully aware of the TPO which was granted to protect the trees yet they have deliberately allowed the tree root protection area to be violated as evidenced by the images contained within the reports submitted with this application. This application should be refused until adequate sanction is taken against them and only considered again when restorative actions have been satisfactorily concluded.

Ref proposal to reduce a tree known as T6 down to 5m and works to another tree which is linked to plot 8 of the new estate. Between these 2 trees and a large beautiful tree, we have owls that fly between the 3.

The amount of trees that have already been cut due to the new estates is a real shame. It's effectively pushing wildlife further and further away.

The trees provide noise reduction for residents (when they cut the smaller ones we really felt a difference), they provide shade and homes for birds. Please don't allow these works to go ahead.

There was no mention of felling or reducing the height of T6 in the original planning application of 21/0406 for the development of 10 bungalows. The TPOs on T6 T7 and T8 are for a reason and not for developers to take advantage of.

The layout of the development has taken these TPOs into account and all dwellings are situated out with the root protection area of the trees and hedges to be retained. As such the built form of the development will not impact on the trees and hedges. The trees and hedges can be protected during the construction phase by protective fencing that accords with British standard 5837. Trees in relation to design, demolition and construction, which is standard practice. The provision of such fencing during the construction works can be secured by the imposition of an appropriately worded planning condition. There are no hedges and trees left along the border apart from the trees with the TPOs. Everything else has been cleared without approval!! the protective screening around T6 T7 and T8 has gradually moved towards the boundary to accommodate storage of heavy materials. T6 T7 and T8 are stunning trees to look at along with the wildlife so to reduce T6 to 5 metres is unbelievable! I agree these trees need looking after as long as it's in the interest of the trees and not the developer. The height of T6 needs to be higher otherwise what's the point in a TPO and it would also take a lot of

years to grow again and that's if it does.

There is no report on wildlife which is very important in today's climate because of climate change and the trees and wildlife play a big part in this!! Lastly who is going to monitor the work if agreed.

Only a few months ago 12 trees in this field and boundary received TPO's so why accept and consider an Application so soon after the TPO's were given. Damage has possibly been done already by Citadel Homes by heavy machinery, earth moving and heavy material storage to the roots of these lovely trees.

The reduction in height would change the views of the area and they would look quite odd having reduced size trees alongside full size trees.

Once again the wildlife of the area is not been given any consideration as their environment continues to be eroded

The reduction in height to T6 is too much, after all this is just an opinion by the independent expert for the tree to be chopped down to 5 metres. The tree needs to be a lot higher and there has also been no thought to the wildlife that rely on the trees. Birds, bats squirrels and insects. Why are Citadel Homes not planting 6 Oak trees which was recommended by the independent expert. This would at least compensate for some of the hedgerow that was ripped out. No report on wildlife. Who is going to monitor the work if permission is granted? These trees were there before the new houses were built. Also the developer allowed for the trees and hedgerows in their original planning application for 10 bungalows

This is a living tree so why reduce it to a mere stump with no branches? We need these trees for the numerous birds who spend many hours among the branches. Due to the increase in traffic in this area, which was purely trees and grass, we need to preserve as many trees as possible to negate the carbon foot print of the additional vehicles. It would also alter the skyline as at present the tree provides a needed distraction from the rows of existing house roof tops

There is no comment on the independent experts suggestion to plant 6 Oak trees along the boundary. The height of T6 to be reduced to 5 metres should be increased to at least 10 metres. This would not look out of place next to the other 2 trees. There are far too many trees chopped down in this area and hedgerows ripped out. No thought to wildlife at all. So sad

By accepting the planning application then the tree would be no more than a stump. Citadel have not adhered to their planning application for the bungalows and have used the land around the trees as more of a dumping ground for materials which may have already damaged the roots. They have paid no attention to the boundaries that were approved in there planning application and now that the bungalows are built they have realised the trees are possibly making it harder to sell the bungalows that back onto them.

The tree is currently 17m. Impact on wildlife No report has been provided on the impact on wildlife should tree T6 be reduced to a stump with I assume absence of all branches. Currently neither the applicant nor the council have obtained appropriate expertise to inform the decision either way. Trees T6,

T7 and T8 have substantial ecological value which is recognised in the National Planning Policy Framework. The applicant has failed to make reference to the value the trees make to the area and how reducing T6 to a stump would enhance its value from an ecological perspective. there is little difference between creating a stump and completely felling the tree. Even if approved how can we trust Citadel Homes to reduce the tree to 5m and comply with any other conditions and what would prevent them reducing it to 4m? Citadel Homes failure to comply with the root protection area is an example of non compliance with planning conditions. The recommendation was only to retain ash tree T6. The remainder was an opinion. No drawings or photographs have been provided to show exactly what would be lost from Tree T6 should the application to reduce it to 5m be approved.

Clearly the applicant has failed to read its clients planning statement which said " The layout of the development has taken these TPOs into account" and "the built form of the development will not impact upon the retained trees and hedges" Can the applicant explain why its client says the trees will have no effect on the development but the applicant says there is a risk to adjacent properties. Can the applicant explain more precisely what exactly are the safety reasons they refer to and fear and if they are concerned with branches falling off why branches cannot be pollarded or pruned which is what they recommended in previous reports.

Abuse of Root Protection Area where there has been substantial earth moving and compaction of soil by diggers one of which was on site either within the root protection area or on it. I understand this was evident from the site visit on 18 January. There has also been storage of heavy materials in this area including 3m length concrete sleepers. The protective screens have progressively moved towards the boundary as the development has progressed.

The applicant has made no comment on the independent expert's suggestion to plant 6 oak trees along the boundary. If adopted a time limit should be imposed for planting.

The reduction of T6 to a 5m stump would ruin the entire vista. Trees T6, T7 and T8 are visible from surrounding roads.

To have two trees of 15m in height (T7 and T8) adjacent to tree T6 of 5m in height would look unbalanced, odd and ridiculous. The impact on wildlife is unknown since there is no report available to indicate what this may be.

I would like to strongly object to the interference with these trees, going through the history for the planning for this site this would be a contradiction of previous statements regarding the presence of these beautiful trees, moving the goal posts during the construction of the final 2 properties on the site cannot be right. The implications for the environment and the wildlife are very concerning

these trees need to be left well alone . They have TPOs for a reason and they need our protection. Especially Ash trees as there is ash dieback everywhere these days and thankfully this one does not have it .

I would like to see the trees untouched and left as they are for many years to come , it's simply madness to pollard them or even touch them at all . Surely there must be another way so that these trees are preserved. I have noticed

birds already checking them out for potential nesting sites and insects will be doing the same . It's coming up prime nesting time so before we know if the nests will be built . I would ask that this is reconsidered and that the tree's are left alone for the sake of wildlife in the area. We have lost enough over the last 30 years or so , we really need to hang on to the mature trees we have left .

Although this particular tree cannot be described as “handsome”, reducing this tree by what amounts to 16 feet and removing all branches, would leave the stump looking like a wide telegraph pole! Could someone please explain what benefit that would be?

In my opinion the damage has already been done to Tree T6 in that the builders have taken no account of the root protection area which should have been preserved around that and other trees on this site. We have witnessed numerous large earth moving vehicles, diggers and machinery working very close to this particular tree over the last weeks which means that, without doubt, enormous damage has already been done to the roots of this and possibly other trees on the building site. This was something which Citadel Home initially promised to preserve!!

Tree T6 and others affected by this particular building site is well within sight of surrounding neighbouring houses, and we have all witnessed and enjoyed over the years watching the vast amount of wildlife which depends on this and other trees in the area for their daily existence. Reducing this particular tree to a “telegraph pole” will have a major impact on nature in all its forms which, in this day and age, is a sad reflection on the way life is going. In years to come future generations will never know or understand how people could fell or reduce trees just to build more houses!

“Trees play a vital role in safeguarding the climate including help with drainage, supporting wildlife and aesthetically. The removal of the tree will undoubtedly interfere with the hibernation and food sources to wildlife at a time of greatest need. The development itself has already decimated the local wildlife, so to take this a stage further with the removal of tree(s) would be a travesty.”

“Generally speaking, laws exist to prevent developers from removing trees whenever they want to for the sake of building properties and making money, while also preventing homeowners cutting down important trees in their gardens simply to increase the amount of sunlight into their living rooms.”

The trees along this boundary were first considered in 2016 when an application for development was made under reference 16/0778. A tree mitigation plan stated in relation to tree T6 "Pollard Ash as leaning remove deadwood"

In a schedule under observations it was stated "Leaning south east away from the plot, some snapped off limbs in crown and decay noted poor form and condition." Under recommendations it stated "Pollard, remove deadwood."

In a tree survey report it was stated "The recommendations in the tree

schedule should be implemented which involves the pruning to T1, Coppicing of tree T4, pollarding tree T6, reduction of group G1, cutting and laying of the hedgerows (G1 and G2) and minor pruning work."

No recommendation was made to fell or reduce the height of T6.

During 2017 Application 17/0093 was revised and the road layout reverted to its original format. The recommendations in respect of the trees made by the applicant reverted back to those made in relation to 16/0778.

In that respect the tree mitigation plan stated in relation to T6 "Pollard Ash as leaning remove deadwood"

17/0093 did not proceed!

it now recommends reducing the height of the Tree T6 to 5m. A significant change in tack and contradictory to its earlier recommendations.

In April 2017, a report from CAPITA recommended the granting of a TPO for the following reasons:

"The trees protected by this tree preservation order are visible to the public from the surrounding roads, Lansdowne Close, and Pennington Way. The public visibility will increase once the development has been completed. Trees A and C in Group 1 of TPO 288 have been identified as veteran trees. As such they have substantial ecological value which is recognised in the National Planning Policy Framework and the local planning authorities planning policies."

(For clarity Tree A is T6).

"It is considered that the most appropriate way to protect these trees for the future is by means of a tree preservation order."

In 2021 Citadel Homes made application under 21/0406 to build 10 bungalows. The planning statement made by Citadel Homes (which was repeated verbatim in the case officers report and recommendation) at paragraph vi stated:

During the 2017 application, there was no intention for the development to impact the trees and that the TPO had been taken into account when planning the layout.

It should be noted that Citadel Homes erected protective screening around T6, T7 and T8 but this gradually "moved" towards the boundary to accommodate storage of materials on the RPA including concrete girders. No reference was made to any future review or monitoring of the trees or the felling of any one of them.

Application was made originally on 28 November 2022 under 22/0034 by the applicant to completely fell T6 and then a second application on 20 January 2023 to do the following:

"Pollard ash tree T6 to 5 m high (tree A in Group 1 of TPO 288) Re advice in James England report 04.01.23

Crown raising deadwood removal and ivy cutting to trees T7 oak and T8 ash (trees B and C in Group 1 of TPO 288) 10% by volume canopy reduction."

The reason for the work is said to be "for safety reasons" but no explanation of what this means has been provided. This is a further U Turn by the applicant which has progressed from recommending pruning, to felling and now reduction in height of T6.

Citadel Homes in its own planning statement (set out in detail earlier) stated "The layout of the development has taken these TPOs into account and all dwellings are situated out with the root protection areas of the trees and hedges to be retained. As such, the built form of the development will not

impact upon the retained trees and hedges."

Tree T6 is a significant tree within the landscape, it dominates the area and can be seen from all surrounding roads and contributes to the general landscape vista. It stands at least 17m high, taller than the adjoining trees T7 and T8 which are 15m high.

Extension of consultation period to 12 February

Applicant's reasoning why T6 should be reduced to 5m with plan and photographs. Plan should show side view of T6, T7 and T8 with T6 reduced to 5m and obtain a further report from the council's expert on his "opinion" and his suggestion generally.

An independent report on impact on loss of habitat for wildlife to satisfy the requirements of the NPPF.

Report on what exactly are the safety reasons referred to by applicant

Acceptance by the applicant to plant 6 oak trees as recommended

The reduction of T6 to a 5m stump would ruin the entire vista. Trees T6, T7 and T8 are visible from surrounding roads, Lansdowne Close, Raisbeck Close, Pennington Way and Lansdowne Crescent and it was because of the development of the site which was first put forward in 2017 the TPO was granted. To have two trees of 15m in height (T7 and T8) adjacent to tree T6 of 5m in height would look unbalanced, odd and ridiculous.

5. Summary of Consultation Responses

Cllr P N H Nedved, Cllr Mrs EA Mallinson, Cllr Mrs F J Robson - Stanwix & Houghton: - No response received

Cllr Helen Davison, Cllr Mr G M Ellis - Belah & Kingmoor: - No response received

Cllr Mr DD Morton - Belah & Kingmoor: - No comments.

Stanwix Rural Parish Council: -

The Parish Council is given to understand that residents neighbouring the site have not received notice of this application. Should this indeed be the case the Parish Council would be concerned regarding the adequacy of the consultation process, and would strongly urge that the omission be rectified prior to determination.

It has been reported to the Parish Council that bats may be roosting in the decaying tree, and perhaps others on site. The Council is also aware of resident's concerns regarding the possible impact on water take-up that may be occasioned through the loss of the tree and any increase in that run-off that might then result.

The Parish Council therefore urges that prior to determination:

- full neighbour notification and consultation be implemented;
- a wildlife survey be undertaken, with particular emphasis on hibernating species - especially bats, and;
- that the possible impacts of tree loss on surface water run-off be re-evaluated

Should these measures be implemented then the Parish Council would recommend determination in accordance with local and national planning and conservation policy and guidance.

Additional objection following re-consultation

The Parish Council trusts that its concerns have been addressed regarding public disquiet arising from an earlier lack of adequate consultation. This application amends the application in order to retain and pollard, rather than fell, a prominent veteran ash tree (identified as T6) of local landscape significance which benefits from the protections afforded by a Tree Preservation Order, TPO 288. The original application, which included felling of ash tree T6, generated 23 objections. The Parish Council notes from the City Council Independent Tree Survey Report, by James England, that the developer has shown scant regard for the welfare of ash T6 allowing construction material to be stored within the root protection area (RPA), while the tree protective fencing is inadequate and not set out as per the original tree report which shows the RPA's to be observed. This disregard fails to comply with conditions governing consents. The Parish Council is given to understand that these breaches were reported to officers but no enforcement action was taken. The Parish Council also notes the recommendation of the Independent Tree Survey Report that the ash tree T6 (tree A in the independent report) should be retained but that, in clear contrast, the suggested reduction in height, to a 5m (16 ft) poll, simply constitutes opinion. The applicant's Amended Tree Report proposes to comply with the above opinion and reduce the height to 5m (16ft) However, Appendix 1 Revision 4- Tree Schedule, of Appn 22/0034 TPO, states that ash T6 has a height of 17m (i.e. over 55 ft) and to have a diameter of 1.9m (i.e. over 6 ft). An overall reduction in height of 12m (39 ft) i.e. 70.58% is therefore proposed.

Attach a graphic illustrates the drastic effect of reducing the height by over 70% (5m). The graphic also illustrates a suggested compromise, pruning the tree to remove branches and encourage recentring of its growth, and reduce risk of wind damage while retaining as much canopy and shape as possible. Ash trees are often favoured as roosts sites by bats with ancient, veteran, or trees of great size being preferred. Well established features will hold greater significance along with trees with clear access to trunks and main branches [Bat habitat assessment prior to arboricultural operations - guidance for Natural England's National Nature Reserves]. Yet no bat survey, or indeed any other type of professional ecological assessment, appears to have been undertaken. In view of the evident local landscape significance of the threatened tree and radical and irreversible nature of the proposed works; and in the absence of an appropriate ecological impact assessment – not to be confined to bats but to include ash specific invertebrates and lichens etc. – the Parish Council must object strongly to the application.

6. Officer's Report

Assessment

- 6.1 An application for works to a tree covered by a Tree Preservation Order is made under the The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and relates primarily to the provisions of the Town and Country Planning Act 1990. Although different to a planning application the key considerations also include the relevant Development Plan policies and the National Planning Policy Framework (NPPF).

6.2 The relevant planning policies against which the application is required to be assessed are Policies GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The Supplementary Planning Document Trees and Development is also a material planning consideration.

6.3 The proposal raises the following issue.

1. Whether The Proposed Works to the Trees Would Be Acceptable

6.4 In June 2017 Tree Preservation Order 288 was made with the intention of protecting 4 trees around a development at that time of potentially 19 houses on an allocated site off Lansdowne Close. A later planning application proposed 10 houses and was subsequently approved. At the time the landscape layout of the site made provision for the retention of all 4 trees protected by the Order.

6.5 This application seeks works to three trees which are protected as part of Group G1. The application has numbered the trees differently as they appear on a landscaping plan of the site however they relate to the protected trees as follows:

Group G1 A (Ash) - (identified by agent as T6) Pollarding of tree to 5m high
Group G1 B (Oak) and C (Ash) - (identified by agent as T7 and T8) Crown Raising by 10% canopy volume and removal of deadwood as identified in the submitted report

The reasons given for the work are as follows:

Tree T6 Pollarding- Safety reasons as tree is in very poor condition and has suffered recent limb loss and has extensive decay. This work will lead to a more balanced crown with regrowth from the 5m high stem. It should be noted that pollarding of ash is commonly applied.

Crown lifting trees T7 and T8 - safety reasons as deadwood presents a serious hazard for residents in gardens. This is good arboricultural management and will benefit the health and vitality of the tree.

The tree mitigation plan has been updated for the proposed works.

6.6 Unlike planning applications, there is no formal statutory requirement to consult on applications for works to protected trees whether protected by Tree Preservation Order or in a conservation area. Carlisle local planning authority notifies local ward councillors and any relevant parish council. For this application as neighbouring sites covered two wards the local councillors for both wards were notified. Initially no formal consultation was undertaken with residents however a number of residents commented on the original application and given proposed changes and level of interest a formal period of consultation was undertaken on the revised proposals.

6.7 In considering the application it is important to consider why the Tree Preservation Order was placed on these trees in the first instance which is reflected in the statement of reasons referred to in section 3 of this report.

The key issues are amenity and the fact that the trees are identified as veteran trees. The significance of veteran trees has increased in recent years and the NPPF updates have recognised that their importance not only in landscape terms but also wider ecological and climate change impacts means that they are to be given greater consideration. Whilst there is a register of some veteran trees and the most notable ones are highlighted nationally they would only be assessed at a local level when considered for Tree Preservation Orders or part of revisions to designations for Ancient Natural Woodland. The NPPF reflects the fact that not all veteran trees are in woodlands and may be individual specimens.

- 6.8 In order to assess this application the local planning authority appointed an independent arborist who had not been involved in this site previously either in the original making of the Tree Preservation Order or the development of the site. His independent assessment is attached in full to this report.
- 6.9 Clearly from the objections received there are number of issues raised and local residents feel strongly about the protection of the trees which were safeguarded during the planning application process and raise concerns that works are proposed as the housing development has progressed. It should be remembered that trees are living organisms which evolve over time and can be prone to a number of external influences and in this case the fracture of a limb and the fact that there are two ash trees when ash dieback is prevalent in the UK can have repercussions in short time periods and proposed works need to be carefully assessed and evidenced.
- 6.10 Following re-consultation on the application, residents continued with their objections to works to the ash tree based on a number of issues. These include wildlife and ecology including recognition of the tree as a veteran tree. Amenity is based on the public amenity that the trees provide and is reflected in their suitability for a Tree Preservation Order when combined with other factors. Residents have also raised concerns about potential drainage should the tree be removed and also the health and safety references given that work has been continuing on site without this issue being raised previously.

Pollarding of Ash Tree (T6 - Group G1 - A)

- 6.12 The Council's independent assessment considered the merits of protecting this tree as it stands given the significant fracture and noted that under normal circumstances the tree may not have merited preservation but the influencing factor is clearly that it is a veteran tree which weighs in its favour of protecting it. Having assessed the trees potential to be protected it is noted that whilst there is decay it still provides significant wildlife habitat as a veteran tree. There are also no signs of Ash dieback which could affect its longevity.
- 6.13 The independent report also noted (as objectors have also commented) that there are materials stored within the root protection area, this has been brought to the attention of the agent so that they can be removed however concerns still remain that this is a recurring problem. In light of the current

application the sole issue is consideration of the works to be undertaken to a protected tree.

- 6.14 The independent assessment recognises the limits of saving the tree however given its veteran status does not recommend its removal. The assessment advised that it should be reduced in height to a 5m pole along with suggested planting of additional trees (6 oak) to give longer term wildlife and amenity enhancement. The application was subsequently revised to pollard the tree to 5 metres with no mention of additional trees and the proposed rowan trees are not part of the current application.
- 6.15 In dealing with works to a tree it is important to consider issues which relate to the Tree Preservation Order process and the scope of the legislation which is separate to Local Plan and NPPF procedures. The Local Plan policies and NPPF references all provide a context of development on sites and how this should be approached. As a historical context for the development of this site it is important that members understand why the Tree Preservation Order was put in place however the decision on this application needs to be based on the amenity value of the tree.
- 6.16 Amenity is not defined in the relevant legislation however it is primarily based on visual amenity and wider context and setting. Several objectors have pointed out that the trees can be seen in the wider context of the development as well as the surrounding housing areas. The tree therefore has high amenity value by its location. Wildlife and ecological matters are relevant in the consideration, but the prime consideration is the amenity provided.
- 6.17 As the proposal is now for pollarding the tree, there is no mechanism to insist on any replacement trees or enhanced planting as part of this application. It is therefore relevant to acknowledge that any amenity lost by the pollarding will not be replaced by other replanting.
- 6.18 The Council's independent assessment considers that 6 oak trees would be of more appropriate value for replacement of the removed ash tree as part of this original application. It also advised that the ash tree was not removed but reduced. The current proposal only considers reduction of the ash tree and without subsequent amenity value from enhanced planting it will have a significant impact on amenity value. This has to be taken in the context of the existing damage to the tree which has resulted from natural forces (although other issues are raised it is not possible to currently conclude the impact from any other source). When balancing these factors the tree needs to be made safe and some pollarding would be required. A reduction of the tree's height and to remove excessive weight would reduce the burden on the tree. Objectors and the Parish Council consider that a lesser reduction than proposed would deal with a number of issues raised however still object to the overall proposal of works to the trees.
- 6.19 It is therefore proposed that pollarding is consented however this should be to a height of 10m which is still a significant reduction of the tree. This would have to be secured by planning condition and this can be the subject of an

appeal however the proposed height would be reasonable to balance amenity, safety and ecological factors providing proportionate management.

Crown raising and removal of deadwood (T7 and T8 Group G1 B (Oak) and C (Ash))

- 6.16 Crown raising and removal of deadwood are often used to ensure the continued health and longevity of trees and undertaken as part of good tree management when undertaken correctly. The natural limit for crown raising is in the order of 15% and should be only undertaken to secondary branches avoiding larger primary branch removal in their entirety as this can lead to wounding of the tree. It can be used to balance a tree's form so that it avoids further leaning and stress on the tree roots resulting in steady even growth for the tree.
- 6.17 The independent assessment recognises that crown raising and removal of deadwood would be appropriate for both of these trees. The advice is also that the removal of the ivy would help as naturally ivy can remove nutrients and compete for light and water. It is noted that with veteran trees part of the consideration for T6 above was its value to wildlife and biodiversity. Ivy can also provide that benefit for wildlife conservation. Some residents have commented on the presence of bats in the area and they may nest in ivy though in this instance no evidence has been provided. In the absence of a further ecological report on the trees it is not suggested to include the removal of ivy at this stage.
- 6.18 Based on the independent assessment the crown raising and removal of deadwood for trees T7 and T8 are supported.

Conclusion

- 6.19 Having taken into account the proposed works in their entirety, the objections raised and the Council's independent assessment it is concluded that the pollarding of the Ash tree should be supported but restricted to 10 metres. The crown raising and deadwood removal for the other two trees is also supported as part of good tree management.
- 6.20 It is recommended that:
- (1) Approval to Crown raising and removal of deadwood (T7 and T8 Group G1 B (Oak) and C (Ash))
 - (2) Approval of pollarding of Ash Tree to 10 metres (T6 - Group G1 - A)

7. Planning History

- 7.1 Application 21/1045 to discharge conditions 3 (materials); 4 (hard & soft landscaping); 5 (boundary treatments); 6 (tree protection measures); 7 (works to TPO trees); 9 (surface water drainage); 10 (construction surface water management plan); 11 (sustainable drainage management & maintenance)

plan); 12 (wildlife enhancement measures); 16 (dropped kerbs); 17 (carriageway details); 18 (access ramp details); 24 (surface water discharging onto highway) & 25 (construction traffic management plan) of previously approved application 21/0406 was granted on 04/03/2022









- 7.2 Application 21/0406 for full planning permission for the erection Of 10no. dwellings was granted 17/08/2021
- 7.3 Application 17/0093 for the erection of 19no. dwellings (revised application) was granted subject to legal agreement in September 2019
- 7.4 Tree Preservation Order Number 288 Lansdowne Close, Carlisle was confirmed 1st June 2017 which protected 4 trees (T1 - Ash; G1 A-Ash; B-Oak; and, C - Ash)
- 7.5 Application 16/0778 for the erection of 19no. dwellings was withdrawn prior to determination

8. Recommendation: Grant Permission

- 1. The ash tree T6 (Group G1-A of TPO 288) shall be pollarded to no lower than 10 metres in height.
Reason: In the interests of amenity value of the protected tree.
- 2. All tree surgery works consented to in this Decision Notice shall be carried out in strict accordance with the British Standard 3998:2010 'Tree Work – Recommendations'.

Reason: To ensure all authorised tree surgery works are undertaken in accordance with good arboricultural practice, in the interests of the health and future condition of the tree(s), and to accord with Policy GI 6 of the Carlisle District Local Plan 2015-2030.

Key

-  Tree Groups
-  Root Protection Areas
-  Crown Spread
-  Category 'C'
-  Category 'B'
-  Category 'K'
-  Category 'U'
-  Category 'Y'



Scale: 1:600 @ A3 Scale



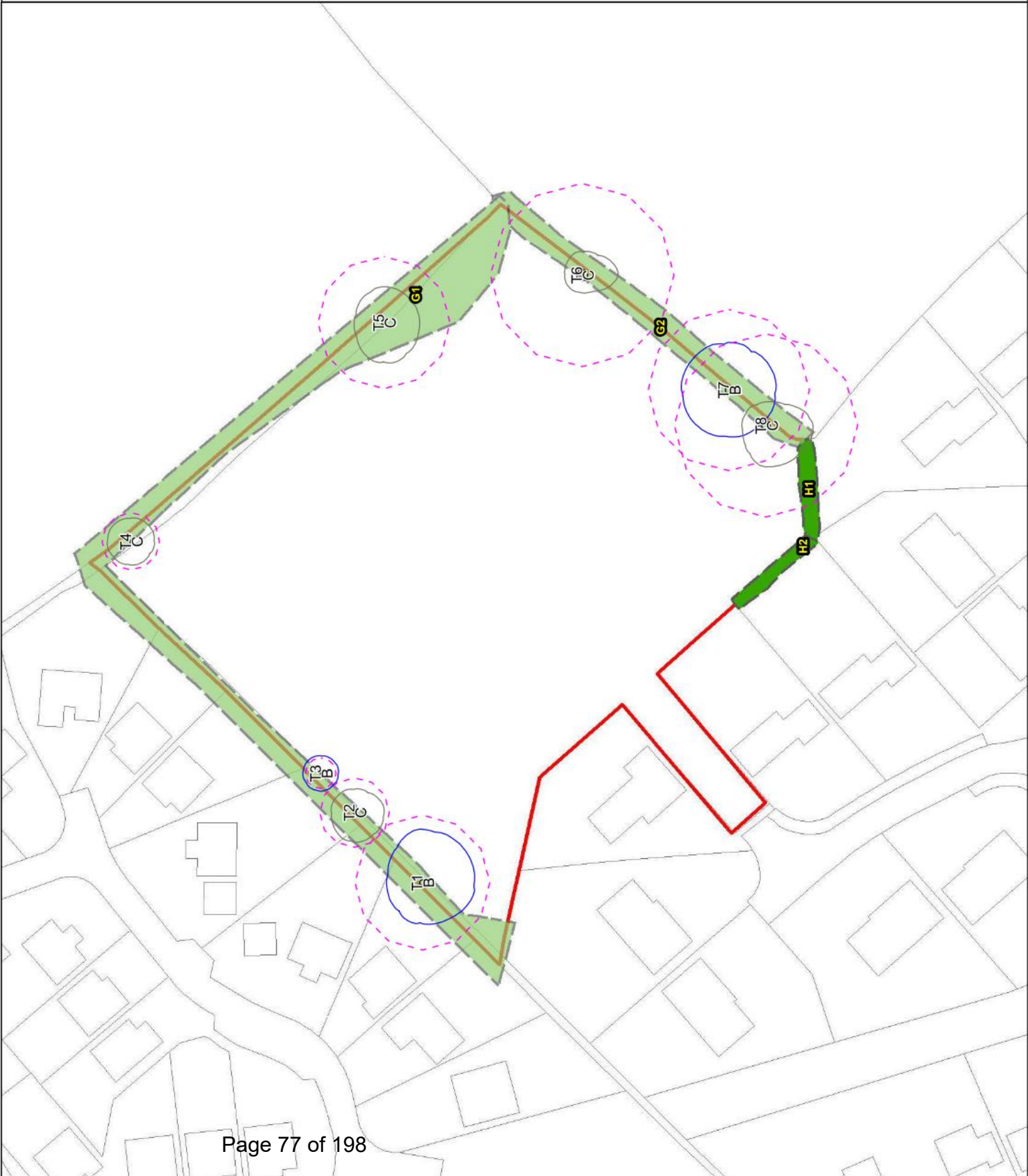
Contains Ordnance Survey Open Data © Crown Copyright and Database Right 2016. Ordnance Survey Partner No. 100053143

Tree Survey

Lansdowne Close, Carlisle

Drawing No	Lansdowne_Rev2.0
Date	28 May 2016

Westwood Landscape, Orton Grange,
Carlisle, Cumbria, CA5 6LB.
Tel: 01228 712123





**LANSDOWNE CLOSE CARLISLE
TREE CONDITION REPORT AND PROPOSED APPLICATION FOR WORKS TO TPO 288
PLANNING APPLICATION REFERENCE 21/0406 AND TPO REFERENCE 22/0034/TPO
Rev B 12.01.23 Revised following Carlisle City Council report 04.01.23**



Tree T6 (group 1 tree A in TPO 288) viewed from the south showing the proximity to the newly constructed houses and the pronounced easterly lean to the imbalanced crown.

Orton Grange, Carlisle, Cumbria, CA5 6LB / Tel: 01228 712123
www.westwoodlandscape.co.uk
bruce@westwoodlandscape.co.uk

WESTWOOD LANDSCAPE LIMITED
COMPANY REGISTRATION NO. 10582018





Tree T6 (group 1 tree A in TPO 288) viewed from the adjacent field with the newly constructed houses behind.

Orton Grange, Carlisle, Cumbria, CA5 6LB / Tel: 01228 712123
www.westwoodlandscape.co.uk
bruce@westwoodlandscape.co.uk

WESTWOOD LANDSCAPE LIMITED
COMPANY REGISTRATION NO. 10582018





Tree T6 (group 1 tree A in TPO 288) viewed from the adjacent field with the newly constructed houses behind and the large limb lying as a result of previous storm damage.

Orton Grange, Carlisle, Cumbria, CA5 6LB / Tel: 01228 712123
www.westwoodlandscape.co.uk
bruce@westwoodlandscape.co.uk

WESTWOOD LANDSCAPE LIMITED
COMPANY REGISTRATION NO. 10582018





Tree T6 (group 1 tree A in TPO 288) showing the extensive basal decay. Work to be done by a qualified Arboriculture Contractor and tree carefully reduced to a single stem 5m above ground level to minimise risk to adjacent properties. Work in accordance with the report by James England dated 4th January 2023 commissioned by Carlisle City Council.

Orton Grange, Carlisle, Cumbria, CA5 6LB / Tel: 01228 712123
www.westwoodlandscape.co.uk
bruce@westwoodlandscape.co.uk

WESTWOOD LANDSCAPE LIMITED
COMPANY REGISTRATION NO. 10582018





Tree T7 Oak (group 1 tree B in TPO 288) showing deadwood in the canopy which would cause a risk to residents in the proposed garden areas. Work to be done by a qualified Arboricultural Contractor with neat pruning cuts back to healthy tissue. Crown shape and balance to be improved and deadwood removed. Sever Ivy at base. Avoid large wounds to the main stem. Work in accordance with the report by James England dated 4th January 2023 commissioned by Carlisle City Council.

Orton Grange, Carlisle, Cumbria, CA5 6LB / Tel: 01228 712123
www.westwoodlandscape.co.uk
bruce@westwoodlandscape.co.uk

WESTWOOD LANDSCAPE LIMITED
COMPANY REGISTRATION NO. 10582018





Remove all deadwood in canopy
in accordance with good
Arboriculture practice

Lower limb removal
Crown raise 10% canopy volume

Tree T8 Ash (group 1 tree C in TPO 288) showing deadwood in the canopy which would cause a risk to residents in the proposed garden areas. Remove deadwood and raise canopy by 10%. Sever Ivy at the base. Work to be done by a qualified Arboricultural Contractor. Work in accordance with the report by James England dated 4th January 2023 commissioned by Carlisle City Council.

Bruce Walker B Sc Hons M Phil CMLI Chartered Landscape Architect

Orton Grange, Carlisle, Cumbria, CA5 6LB / Tel: 01228 712123

www.westwoodlandscape.co.uk

bruce@westwoodlandscape.co.uk

WESTWOOD LANDSCAPE LIMITED
COMPANY REGISTRATION NO. 10582018



APPENDIX 1 Revision 4- Tree Schedule - Lansdowne Close, Carlisle, CA3 9HN.

Tree ID	Common Name	Botanical Name	Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Height (m) & Orientation of First Significant Branch	Avg. Canopy Height (m)	Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W							
T2	Oak	<i>Quercus petraea</i>	14m	920mm	6	9	9	7	6m East	6m	Mature	Large spreading crown, significant tree. Some deadwood noted.	Remove dead limb to east along with some other minor deadwood.	20-40yrs	B
T2	Ash	<i>Fraxinus excelsior</i>	12m	220mm 240mm 260mm 210mm 80mm	5	5	5	5	8m West	8.5m	Middle aged	5 x stems from coppice origin. Ivy present.	Remove ivy, no visible defects.	20yrs	C
T3	Ash	<i>Fraxinus excelsior</i>	11m	210mm	3	3	3	3	None	8m	Middle aged	No visible defects noted.	No works required.	20-40yrs	B
T4	Ash	<i>Fraxinus excelsior</i>	11m	300mm 250mm	4	4	5	5	4m South west	6m	Middle aged	Growing in hedgerow. Twin stem poor form.	Coppice.	10-20yrs	C
T5	Ash	<i>Fraxinus excelsior</i>	14.5m	600mm 500mm 450mm	5	6	6	7	None	9m	Mature	3 x stems, covered in ivy.	Retain. Remove limb over development site.	20yrs	C
T6	Ash	<i>Fraxinus excelsior</i>	17m	1900mm	3	4	6	3	None	7m	Veteran	Leaning south east away from the plot, some snapped off limbs in crown and decay noted. poor form and condition.	Retain. Pollard, remove deadwood.	20yrs	C

APPENDIX 1 - Tree Schedule (continued) - Lansdowne Close, Carlisle, CA3 9HN.

Tree ID	Common Name	Botanical Name	Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Height (m) & Orientation of First Significant Branch	Avg. Canopy Height (m)	Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W							

																(Years)				
T7	Oak	<i>Quercus petraea</i>	15m	1100	6	6	6	6	6	6	6	6	6	North west 6m	6m	Veteran	Good formed tree with some minor deadwood. Large crown. Minor decay noted in base.	Retain and remove deadwood	40+yrs	B
	Ash	<i>Fraxinus excelsior</i>	15m	450; 1400	4	4	4	4	4	4	4	4	4	East 7m	8m	Veteran	Twin stem tree has a significant large base possibly from an old coppice origin. Barbwire noted growing through base. Cavity at base on field side. Covered in ivy.	Retain, remove ivy and reduce crown by a third.	20yrs	C

APPENDIX 1 - Group / Hedge Schedule - Lansdowne Close, Carlisle, CA3 9HN.

Group ID	Common Names	Est. No. of Trees	Average Height (m)	Calc. / Actual Stem Dia. (mm)	Crown spread (m)				Life Stage	General Observations	Preliminary Recommendations	Estimated Remaining Contribution (Years)	BS5837: 2012 Category
					N	E	S	W					
G1	Blackthorn 40% Hawthorn 40% Others 20% (Sycamore Ash Elder Goat willow Crab apple)	~100	8m Length 187m	Avg. 100mm					Young/ semi mature	This group is an overgrown hedge with some inter dispersed trees within covering north west and north eastern boundary. Some recent tree clearance observed of dense scrub which is taking over the site particularly on north western boundary. Some large gaps in the hedge which could offer opportunity for some shrub planting.	Some of the hawthorns are growing tall and could do with a combination of pruning and laying to give structure to the hedges and fill gaps. Plant up gaps with native broadleaf species.	20-40yrs	C
	Hawthorn 80% Blackthorn 10%	<50	8m Length 64m	Avg. 80mm					Young/ semi mature	Some recent tree clearance observed on north eastern boundary. Contains large area of scrub mainly blackthorn and elder.	Scrub areas could be cleared to allow for some more diverse and interesting species. Hawthorn could be layed but it also provides a good screen.	20-40yrs	C
Hedge1	<i>Leyland cypress</i> 100%		3m tall 2m wide	Length 16.5m					Middle	Dense <i>leylandii</i> planted as hedge. Recently severely cut back to boundary. On adjacent land.	Retain as screen.	20-40yrs	C
Hedge 2	<i>Beech</i> 100%		2.5m tall 1m wide	Length 17m					Young	Formal hedge well trimmed with no gaps. On adjacent land.	Retain as screen.	20-40yrs	C

* Our interpretation of BS5837 standard is that the categories cannot easily be applied to hedges as they rarely have significant arboricultural merit. They are however frequently purely functional, with any such value being itself dependent upon the use to which the surrounding land is put. Their potential life expectancy is also difficult to quantify being almost entirely dependent upon the management regime applied.

SCHEDULE A: Applications with Recommendation

22/0760

Item No: 03

Date of Committee: 24/03/2023

Appn Ref No:
22/0760

Applicant:
Mr & Mrs Quinn

Parish:
Wetheral

Agent:
Concept A & D Services

Ward:
Wetheral & Corby

Location: Croft Villa, Wetheral, Carlisle, CA4 8JQ

Proposal: Retention Of Existing Access; Erection Of Boundary Walls Together With Formation Of Vehicular Access To Rear Of Property (Part Retrospective)

Date of Receipt:
04/10/2022 15:00:10

Statutory Expiry Date
29/11/2022 15:00:10

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the proposal is appropriate to the dwelling and impact upon the visual amenity of the surrounding area;
- 2.2 Impact of the proposal on the living conditions of the occupiers of neighbouring properties;
- 2.3 Impact upon highway safety;
- 2.4 Biodiversity; and
- 2.5 Other matters.

3. Application Details

The Site

3.1 This application relates to Croft Villa a two storey detached property constructed from brick/rendered walls under a slate roof located on the southern side of the C1038 (Scotby-Wetheral road). The property is wholly

surrounded by residential dwellings with detached two storey properties located on the opposite side of the C1038 to the north, detached two storey properties on higher ground at Goosegath to the east as well as detached properties to the south at Mulberry Mews. The road serving the Mulberry Mews development wraps around the west and southern boundaries of Croft Villa. To the west of the access road serving the Mulberry Mews development there is also existing and proposed residential properties with an intervening hedgerow. There are a range of house types within the immediate vicinity constructed from a combination of brick and render.

Background

- 3.2 The available planning records illustrate that Croft Villa was granted planning permission in 2017, under application reference 17/0953, for the erection of a two storey rear extension to provide living/dining room and kitchen on ground floor with en-suite bedroom above together with single storey link to existing outbuilding and erection of orangery, and formation of new vehicular access (reference 17/0953). The approved plans for this application showed that the existing access from the county highway (the C1038) to the side (east) of the property was to be blocked up with a new vehicular access entrance off the country highway proposed towards the west. The relevant Highway Authority raised no objection to the change of access arrangements at the time subject to a condition being imposed (condition 3 on the decision notice) ensuring that before the dwelling is occupied the existing access is blocked up. A condition was also imposed, at the request of the Highway Authority, ensuring visibility splays of 90 metres in either direction was achieved from the proposed access to the west. From a site visit in respect of the current application it was evident that the extension to Croft Villa has been completed however the existing access to the east is still in situ as following approval of application 17/0953 a series of planning applications (references 18/0337, 18/1114, 19/0174, 19/0346, 19/0798, 20/0211) have been submitted to and approved by the Local Planning Authority for housing development on the land behind Croft Villa resulting in a new separate private vehicular access from the C1038 to serve the 8 subsequently approved dwellings now known as Mulberry Mews.
- 3.3 In the intervening period since the approval of the reserved matters application for the Mulberry Mews development it has transpired that the existing access to Croft Villa has not been closed up and new boundary treatment surrounding the curtilage of Croft Villa together with a new vehicular access to the rear has been erected and formed. A part retrospective application was submitted in 2020 (under application 20/0010) to regularise these unauthorised works however the application was withdrawn in October 2022 prior to determination.
- 3.4 An application was submitted and approved by Members of the Development Control Committee in May 2022 for the erection of a single storey detached garage/gym building in the rear garden of Croft Villa (reference 22/0093). This outbuilding has now been erected. Members will recall at the time of the committee site visit for application 22/0093 the wall subject of the current application was in situ however there was no coating of render to the block

work.

The Proposal

- 3.5 The current application seeks to regularise the unauthorised works undertaken on site by applying for part retrospective consent for retention of the existing access to the east of the property from the C1038 (the Scotby-Wetheral road), erection of boundary walls surrounding the curtilage together with the formation of the vehicular access to the rear of the property.
- 3.6 The submitted proposed block plan for consideration shows no alterations to the existing driveway to the east which serves the property from the C1038 with the existing 1.5m high stone pillars retained. The boundary treatment proposed round the curtilage to the property is a combination of brick walling to the front of the property continuing round the corner of the vehicular entrance leading to Mulberry Mews with block work rendered walling along the remainder of the curtilage - i.e.along the west (side) and southern (rear) boundaries of Croft Villa running parallel with the private access road serving Mulberry Mews. The new rear vehicular access to Croft Villa, which includes electronic sliding gates, is to the south leading directly onto the private road serving the Mulberry Mews development. Either side of the vehicular access 2.5 metre high brick work pillars are proposed. The proposed boundary treatment is of varying heights with the new brick walling to the front (northern boundary) of the property wrapping round the side corner being between 1.65m-1.8m in height. The rendered walling with sandstone copings is a combination of 2 -2.25m in height. The submitted plans also show that the rendered wall has a 'dog leg' as it goes round the second corner serving the Mulberry Mews development. The plans illustrate that where the wall 'dog legs' part of this area will be clad in brick slips to match the gate posts. The inner finish of the rendered wall is mainly in brick with some wooden cladded panels.
- 3.7 Members should be aware that as the access to the rear of Croft Villa is not onto a trunk or classified road it is deemed permitted development under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it has been constructed in conjunction with other works that are permitted development under Class F of Part 1 (i.e.the hard surfacing within the rear garden of Croft Villa). In such circumstances the main considerations under the current planning application is whether the proposed boundary treatment surrounding the curtilage of Croft Villa is acceptable in terms of design, impacts upon the living conditions of neighbouring properties and highway safety. The impact upon highway safety of the retention of the existing access is also a consideration.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 15 neighbouring properties/interested parties. In response to the consultation undertaken 4 objections have been

received.

4.2 The objections cover a number of matters which are summarised as follows:

1. highway safety issues resulting from the rear access into/out of Croft Villa, the high walls which drivers/cyclists/pedestrians can not see over and proximity of the access to the tight bend into Mulberry Mews;
2. disagree with Highway Authorities changed stance regarding highway safety;
3. collision is inevitable whether road is maintainable at public expense or not;
4. visual impact and design of wall - a length, finish and height not found elsewhere in Wetheral;
5. wall has subsumed area previously identified for landscaping in application 19/0174;
6. proposal is retrospective;
7. Mulberry Mews is private road and maintenance/upkeep etc is met by residents of Mulberry Mews. No communication/permission has been sought between the relevant parties regarding the new access to Croft Villa;
8. query whether the pavement into Mulberry Mews is compliant with relevant legislation; and
9. render finish should be smooth and brick slips should use same bricks as the wall on the road entrance.

5. Summary of Consultation Responses

Wetheral Parish Council: - following the submission of further information regarding visibility splays and an amended plan the Parish Council has commented as follows:

Observations. The committee noted that although similar render does appear elsewhere on neighbouring buildings, in those instances it is broken up with features such as windows, brick work and roofs, whereas this wall is a very large, long structure without additional features, and as such appears very

stark. The committee does not object to the application, but would support the addition of brick slips to break up the wall and improve the overall appearance. The intention of the applicants to plant trees behind the wall is welcomed.

Cumbria County Council - (Highways & Lead Local Flood Authority): - following the submission of further information regarding visibility splays and an amended plan the Highway Authority has made the following comments:

Thank you for confirming that the access to the rear of Croft Villa has never been shown on any of the previous applications relating to Croft Villa however as the access to the rear of Croft Villa is not onto a trunk or classified road. It therefore is permitted development under Schedule 2, Part 2, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it has been constructed in conjunction with other works that are permitted development under Class F of Part 1 (i.e. the hard surfacing within the rear garden of Croft Villa).

In such circumstances the main consideration under application 22/0760 is whether the proposed boundary treatment surrounding the curtilage of Croft Villa is acceptable in terms of design, impacts upon the living conditions of neighbouring properties and highway safety. If I therefore may comment on the wall.

Drawing no RD 170.148 (c) shows splays considered acceptable for the very slow speeds on the road. It is also considered that the access allows for the required pedestrian visibility splay . In light of the above the Local Highway Authority has no objection to this application.

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, HO8, IP2 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The 'Achieving Well Designed Housing' Supplementary Planning Document (SPD), adopted by the Council, is also a material planning consideration.
- 6.3 The proposal raises the following planning issues:

- 1. Whether The Proposal Is Appropriate To The Dwelling and Impact Upon The Visual Amenity Of The Surrounding Area**

- 6.4 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain the appropriate mix of development; and create places that are safe inclusive and accessible. Paragraph 134 of the NPPF states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to a) development which reflects local design policies and government guidance on design; and, b) outstanding, or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 6.5 Criterion 5 of policy HO8 (House Extensions) of the CDLP states that "House extensions and alterations should be designed to maintain the established character and pattern of the street scene and be a positive addition."
- 6.6 Policy SP6 of the CDLP seeks to secure good design and contains 12 criteria on how development proposals should be assessed. Furthermore, the City Council's SPD on Achieving Well Designed Housing (AWDH SPD) recognises that boundary treatments are important parts of the design of development. Their choice requires careful thought and a balance will need to be struck between competing issues of design, security, aesthetics and cost. Good design will address all these issues and enhance the overall quality of a project. Fences, walls, hedges and railings contribute to the attractive appearance of an area. They can also have a negative impact if poorly designed. Boundaries fronting the 'public face' of development serve as its 'shop window', illustrating quality. Choice of the type of enclosure will depend on context, and privacy and security needs are likely to influence design. Nonetheless quality should be pursued in each instance. An inferior looking boundary treatment can diminish a potentially successful scheme.
- 6.7 Paragraph 4.21 of the AWDH SPD goes onto state that poorly designed modern timber fencing, concrete block walls or inappropriate hedges of Leylandii Cypress can mar the setting and appearance of a building and its neighbours and should generally be avoided. Paragraph 4.22 states that in order to integrate the development into the street scene the use of local materials to reflect neighbouring boundary treatment may be appropriate. The AWDH SPD also states that boundary treatment can have an important security function and can denote where public space stops and semi public or private space begins, and, within a development site a clear distinction should be made between private gardens and public space particularly for future maintenance. With regard to boundary walls paragraph 4.28 of the AWDH

SPD notes that wall construction can vary enormously. Brick, squared random rubble and dressed stone can all be used successfully depending on context. In general the more urban the area the more likely that a wall will be constructed of dressed and coursed stone or of brick. Neighbouring building may have a characteristic 'bond' pattern and this could be reflected in new walling. Concrete block patterns are likely to be inappropriate in the majority of cases. Paragraph 4.29 confirms that new boundary treatments should be in harmony with their neighbours and with the surrounding landscape. If chosen with thought, and consideration of context, a railing, wall, hedge or fence can greatly enhance the character of a development.

- 6.8 It is noted that as the proposed boundary treatment subject of the current application wraps round the north, west and southern boundaries of the curtilage to Croft Villa it is not viewed 'as a whole' and is seen in sections - partially as one travels along the C1038 (the Scotby-Wetheral road) and particularly as one enters and leaves the private road serving the Mulberry Mews development. The first section of brick walling to the front (north) boundary of the site which continues and wraps round the corner of the entrance to the private road serving Mulberry Mews is viewed in the context of the large two storey brick front elevation of Croft Villa and is of an acceptable scale and design in relation to this context. The second section of walling (the straight section of render) surrounding the western boundary of Croft Villa, on the left hand side as you enter Mulberry Mews, is at two varying heights due to the topography of the land which rises up from the C1038. The rendered wall at this point is viewed in the context of the same colour rendered gable of Croft Villa behind as well as the render on the properties currently under construction to the west and on the opposite side of the Scotby-Wetheral road. In such circumstances the rendered finish of the wall is deemed an appropriate material in the context of the surrounding area. Whilst the Council would of preferred to see the wall more gradually stepped it is not considered that height of the wall is oppressive within the existing street scene as it is viewed in the context of the large two storey detached house at Croft Villa, the typography of the land which rises north-south as well as the soft landscaping retained on the opposite side of the access road.
- 6.9 The third section of rendered walling adjacent to the first bend leading into Mulberry Mews is also viewed in the context of the rendered properties to the west and the large two storey detached property at Croft Villa. The extent of render is broken up by the brick pillars either side of the rear access to Croft Villa. The materials for the electronic sliding access gates are also acceptable and correspond with the existing materials at Croft Villa. The fourth section of walling to the eastern side of the rear access to Croft Villa is in two sections with one section 'dog legging' further out towards the private access road leading into Mulberry Mews. The wall at this point is not only viewed in the context of the large two storey dwelling at Croft Villa but is also seen in the context of the residential properties at Goosegarth which are located at a significantly higher level to the application site with an intervening hedgerow separating the two sites. The height of the wall therefore does not appear intrusive within the existing street scene. Whilst this section of render is not viewed in the context of any other rendered properties (particularly as the rear elevation of Croft Villa is constructed from brick) the overall bulk of the extent

of render is broken up by the existing brick pillar adjacent to the rear access and the proposed area where the boundary treatment 'dog legs' which is to be clad in brick slips to match the existing brick gate posts (as shown on the submitted block plan). In such a context it is not considered that the proposal would have a sufficient adverse impact upon the visual amenity of the surrounding area to warrant refusal of the application on this basis.

- 6.10 It is appreciated by the granting of an access road to the west of Croft Villa to serve the eight recently approved dwellings to the rear (now known as Mulberry Mews) that new boundary treatment surrounding the remaining curtilage of Croft Villa is required not only for privacy but for security as well to mark the distinction between the housing development at Mulberry Mews and the remaining curtilage of Croft Villa. The boundary treatment surrounding Croft Villa, due to the typography of the land and the positioning of the private access road serving Mulberry Mews which curves round the curtilage, would have always needed to be more than a metre in height in order for sufficient privacy and security to remain for the occupants of Croft Villa. As discussed above it is considered that the materials and height of the proposed boundary treatment are appropriate in the context of the surrounding area. In such circumstances the scale and design of the development is acceptable and will not cause a significant harm to the visual amenity of the area to warrant refusal of the application on this basis.
- 6.11 In order to protect the visual amenity of the area it is suggested that Members impose a relevant condition within the decision notice, should they approve the application, ensuring that the additional area of wall to be clad in brick slips as shown on Drawing No.22-41-02 Rev C is undertaken within 3 months of the granting of planning permission.

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

- 6.12 Whilst the proposed boundary treatment would be visible to the occupiers of the 8 houses in the Mulberry Mews development particularly when entering and leaving the housing estate the boundary treatment itself would not adversely affect the living conditions of the occupiers of these residential properties, including other residential properties in the area, in terms of overlooking, loss of light or over dominance due to the location of the proposed boundary treatment in relation to the primary windows of the non-associated neighbouring properties. Whilst the wall is visible it is accepted that no one has a right to a view and the impact of the proposed boundary treatment on the visual amenity of the surrounding area is deemed acceptable, as discussed in section 1 above.

3. Impact Upon Highway Safety

- 6.13 The Highway Authority have raised no objections to the retention of the existing access to Croft Villa from the C1038 (Scotby-Wetheral road).
- 6.14 As stated above the access to the rear of Croft Villa which has been formed is directly onto the private road serving the Mulberry Mews housing

development which has a pedestrian footpath on the north/eastern side of the road. The access itself is permitted under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In such circumstances the main consideration under this application is whether the new boundary treatment to Croft Villa will have an adverse impact upon highway safety i.e. will the boundary treatment proposed impede highway visibility when entering and leaving the permitted access to Croft Villa. Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up; safe and suitable access to the site can be achieved for all users; the design of streets reflects current national guidance; and, any significant impacts from development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF is clear in that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IP2 of the CDLP reiterates the objectives of the NPPF stating 'all new development will be assessed against its impact upon the transport network. Development that will cause severe issues that cannot be mitigated against will be resisted'.

- 6.15 The suitability of the private road off the C1038 serving the 8 houses on the Mulberry Mews development (to the rear of Croft Villa) has already been assessed and deemed acceptable under application references 18/0337, 18/1114 and 19/0174. It is noted that third parties have raised concerns alleging that no permission has been sought from owners of the private road for the formation of the new access to the rear of Croft Villa which includes a dropped kerb outside of the red line boundary of the application site. It has also been alleged that the occupiers of Croft Villa do not have a right of access onto the private road which is disputed by the applicants. Planning permission is not required for a dropped kerb only the permission of the relevant highway authority which in this instance will be the relevant owner/owners of the private road. In such circumstances these matters are not material planning considerations and are civil matters which will need to be dealt with separately between the relevant landowners.
- 6.16 Although the road serving the Mulberry Mews is a private access road and is not adopted by the Highway Authority it is still important to consider whether the proposed boundary treatment to Croft Villa impedes highway visibility. It is noted that the access to the rear of Croft Villa which has been formed is approximately 5 metres wide. In such circumstances the development can achieve pedestrian visibility splays of 2.4 by 2.4 metres and will therefore not have an adverse impact upon pedestrian safety when entering and leaving Croft Villa. In terms of highway vehicle safety it is noted that the rear access to Croft Villa is near a bend as you enter the Mulberry Mews development. Due to the design of the road it is accepted that any vehicles (including cyclists) entering the Mulberry Mews development would have to travel at a slow speed when navigating round the first bend into the site. The applicant has submitted a revised block plan during the application process showing the visibility splays which are achievable for the access taking into

consideration the proposed boundary treatment as well as visibility splays which are achievable for vehicles coming round the bend. Cumbria Highways have considered this information and have not raised any objections regarding the visibility splays shown concluding that the development will not have an 'unacceptable impact on highway safety'. In such circumstances the proposal is compliant with the objectives of the NPPF and policy IP2 of the CDLP with regard to impact upon highway safety.

4. Biodiversity

- 6.17 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat.

5. Other Matters

- 6.18 It is noted that part of the proposed boundary treatment to the rear of Croft Villa (the 'dog leg' section adjacent to the second bend of the private access road serving the Mulberry Mews development) blocks off a corner of land proposed for grass turfing as part of the landscaping scheme approved for the Mulberry Mews housing development under discharge of condition application 19/0798. Given that there is already an existing hedgerow separating Croft Villa and Mulberry Mews from Goosegarth to the east it is not considered that this loss of small area of grassed landscaping would have a significant adverse impact upon the visual amenity of the area to warrant refusal of the application on this basis. The approval of this application would clearly be contrary to the landscaping requirements proposed under application 19/0798 which the applicant could regularise by re discharging the landscaping conditions attached to application 18/0337 however should another discharge of condition application not be submitted it would not be expedient to take enforcement action over this loss of small area of landscaping by virtue of this planning permission.
- 6.19 Notwithstanding the above it is also noted from the Parish Council comments on the application that it is the intention of the applicants to plant trees behind the wall. The planting of trees behind the wall, in the area originally proposed for landscaping, would not require planning consent and would also improve the visual amenity of the area.

Conclusion

- 6.20 In overall terms, as discussed above the proposed development is acceptable in terms of scale and design and will not have an adverse impact upon the visual amenity of the area. The development will also not adversely affect the living conditions of adjacent properties by unreasonable overlooking, unreasonable loss of daylight or sunlight or over dominance. The proposal will also not have an adverse impact upon highway/pedestrian safety or harm a protected species or their habitat. In all aspects the proposals are compliant with the objectives of the relevant development plan policies. The application is therefore recommended for approval.

7. Planning History

- 4.1 There is a long planning history relating to Croft Villa and the land behind now known as Mulberry Mews which is as follows:
- 4.2 In 2017 planning permission was granted for erection of two storey rear extension to Croft Villa to provide living/dining room and kitchen on ground floor with en-suite bedroom above together with single storey link to existing outbuilding and erection of orangery. Formation of new vehicular access (reference 17/0953);
- 4.3 In 2018 outline planning permission was granted for the erection of 7no. 4 bedroom detached dwellings, 2no. 3 bedroom detached single storey dwellings and associated access on land to the rear of Croft Villa (reference 18/0337);
- 4.4 In 2019 reserved matters approval was granted of the erection of 6no. detached dwellings and 2no. detached bungalows (reserved matters application pursuant to outline application ref: 18/0337) (reference 18/1114);
- 4.5 In 2019 an application to discharge conditions 4 (carriageway, footways, footpaths, cycleways); 10 (surface water drainage system); 12 (construction traffic management plan); 14 (surface water drainage scheme); 15 (foul drainage); 16 (levels & ridge heights); 17 (materials); 18 (screen walls & boundary fences); 19 (retention & management of existing hedgerows); 20 (hard & soft landscape works) & 21 (protective fence) of previously approved permission 18/0337 was granted (reference 19/0174);
- 4.6 In 2019, a variation of condition application was approved for the erection of 6no. detached dwellings and 2no. detached bungalows (reserved matters application pursuant to outline application ref: 18/0337) without compliance with condition 2 imposed on planning permission 18/1114 for alternate bungalow design for plots 7 and 8 together with alterations to plot 1 (part retrospective) (reference 19/0346);
- 4.7 In 2019 advertisement consent was granted for the display of 1no. non illuminated pole mounted hoarding (reference 19/0046) relating to the housing development behind Croft Villa;
- 4.8 In 2020 an application was approved to discharge of conditions 20 (hard & soft landscape works) & 21 (protective fence) of previously approved permission 18/0337 (reference 19/0798);
- 4.9 In 2020 a variation of condition application was approved to vary condition 2 (Approved Documents) Of Previously Approved Application 19/0346 (Erection Of 6no. Detached Dwellings And 2no. Detached Bungalows (Reserved Matters Application Pursuant To Outline Application Ref: 18/0337) Without Compliance With Condition 2 Imposed On Planning Permission 18/1114) To Amend The Design Of Plot 8 (Retrospective)(reference 20/0211);

- 4.10 On the 21st January 2020 an application was submitted seeking approval for retention of existing access to Croft Villa, erection of boundary walls together with formation of vehicle access to rear of property (reference 20/0010). The application was withdrawn on the 6th October 2022 prior to determination;
- 4.11 On the 26th May 2020 a planning application was submitted seeking approval for retention of existing access to Croft Villa, erection of boundary walls together with formation of vehicle access to rear of property (reference 20/0337). The application was however withdrawn prior to determination on the 27th May 2020 as it was submitted in error; and
- 4.12 In May 2022 planning permission was granted for erection of single storey detached garage/gym building in the rear garden of Croft Villa (reference 22/0093).

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted Planning Application Form received 5th October 2022;
 2. the Site Location Plan received 5th October 2022 (Drawing No.22-41-01);
 3. the Block Plan and Visibility Plan received 30th January 2023 (Drawing No.22-41-02 Rev C);
 4. the Forward Visibility Plan received 30th January 2023 (Drawing No.22-41-04);
 5. the Wall and Gate Details received 30th January 2023 (Drawing No.22-41-03 Rev A);
 6. the Notice of Decision; and
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The additional area to be clad in brick slips to match the existing gateposts as shown on Drawing No.22-41-02 Rev C shall be completed within 3 months of the date of this planning permission.

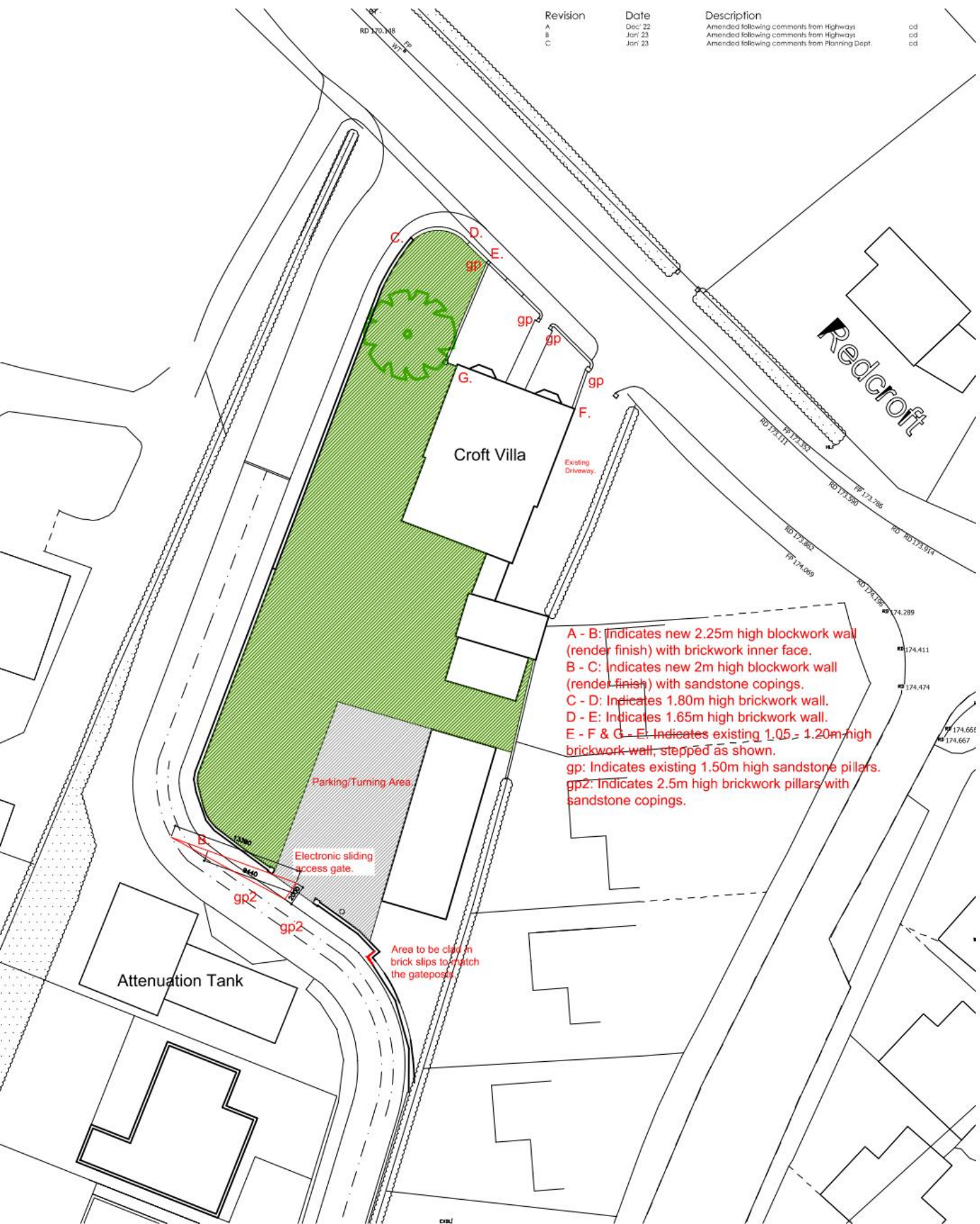
Reason: To improve the visual amenity of the area. In accordance with Policies SP6 and HO8 of the Carlisle District Local Plan

2015-2030.



Project	Proposed Boundary Garden Wall & Associated Access Croft Villa, Welbourn, Cotswolds, Cumbria, CA4 8JQ.		
Drawing	Location Plan		
Dwg No.	2024-001	Scale	1:250 @A1
Date	Oct 27	Rev.	-
<small>This drawing is Copyright. It is a dimensioned drawing. It is intended to be used in preference to scaled dimensions and particulars are to be taken from the actual work. Where possible any discrepancy must be reported to the Designer immediately.</small>			

Revision	Date	Description	
A	Dec '22	Amended following comments from Highways	cd
B	Jan '23	Amended following comments from Highways	cd
C	Jan '23	Amended following comments from Planning Dept.	cd



A - B: Indicates new 2.25m high blockwork wall (render finish) with brickwork inner face.
 B - C: Indicates new 2m high blockwork wall (render finish) with sandstone copings.
 C - D: Indicates 1.80m high brickwork wall.
 D - E: Indicates 1.65m high brickwork wall.
 E - F & G - E: Indicates existing 1.05 - 1.20m high brickwork wall, stepped as shown.
 gp: Indicates existing 1.50m high sandstone pillars.
 gp2: Indicates 2.5m high brickwork pillars with sandstone copings.

Electronic sliding access gate.

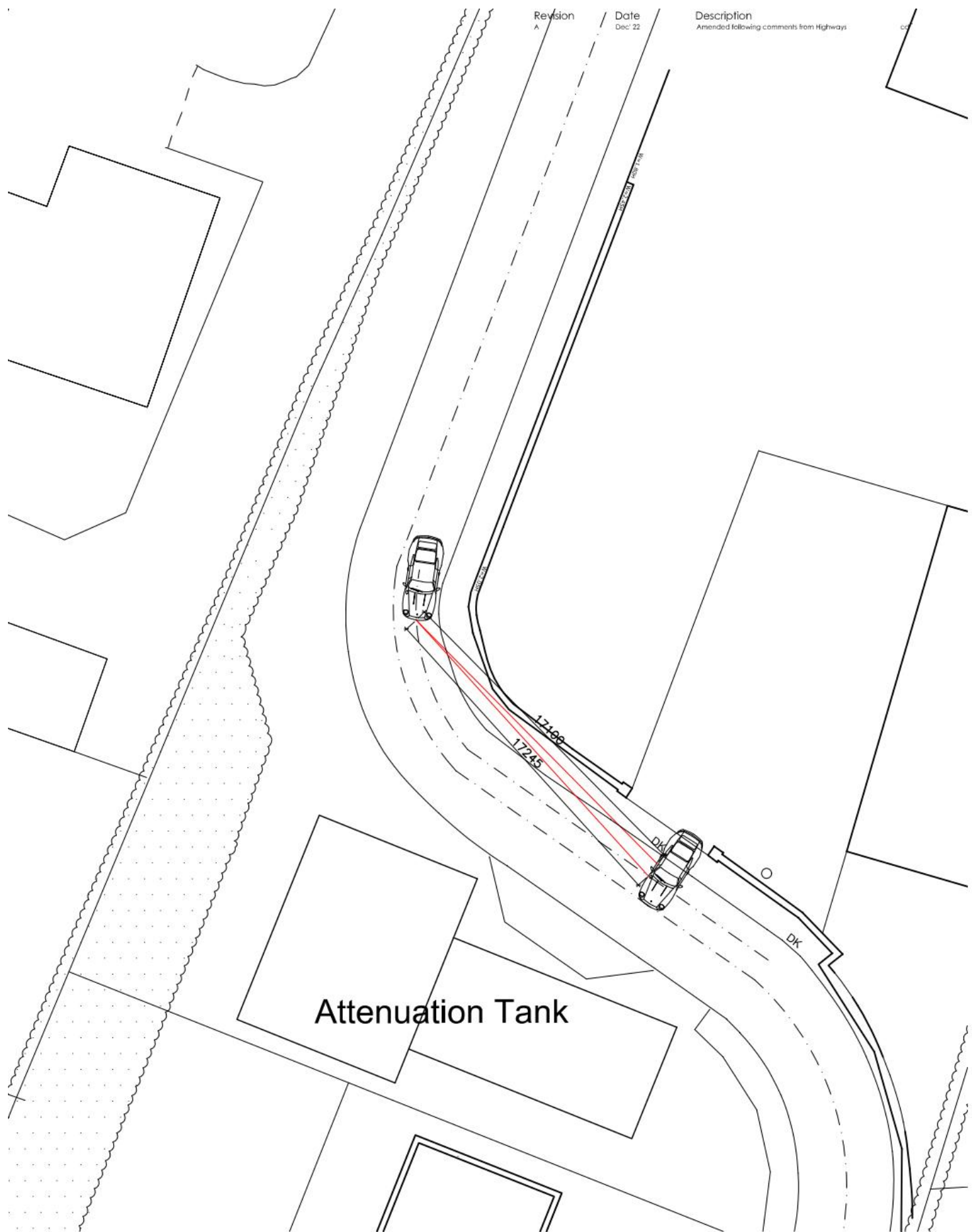
Area to be clad in brick slips to match the gateposts.

Project	Proposed Boundary Garden Wall & Associated Access. Croft Villa, Wetheral, Carlisle, Cumbria. CA4 8JQ.		
Drawing	Site (Block) Plan.		
Dwg No.	22-41-02	Scale	1:500 @A4
Date	Oct '22	Rev.	C
<small>This drawing is Copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the Designer immediately.</small>			

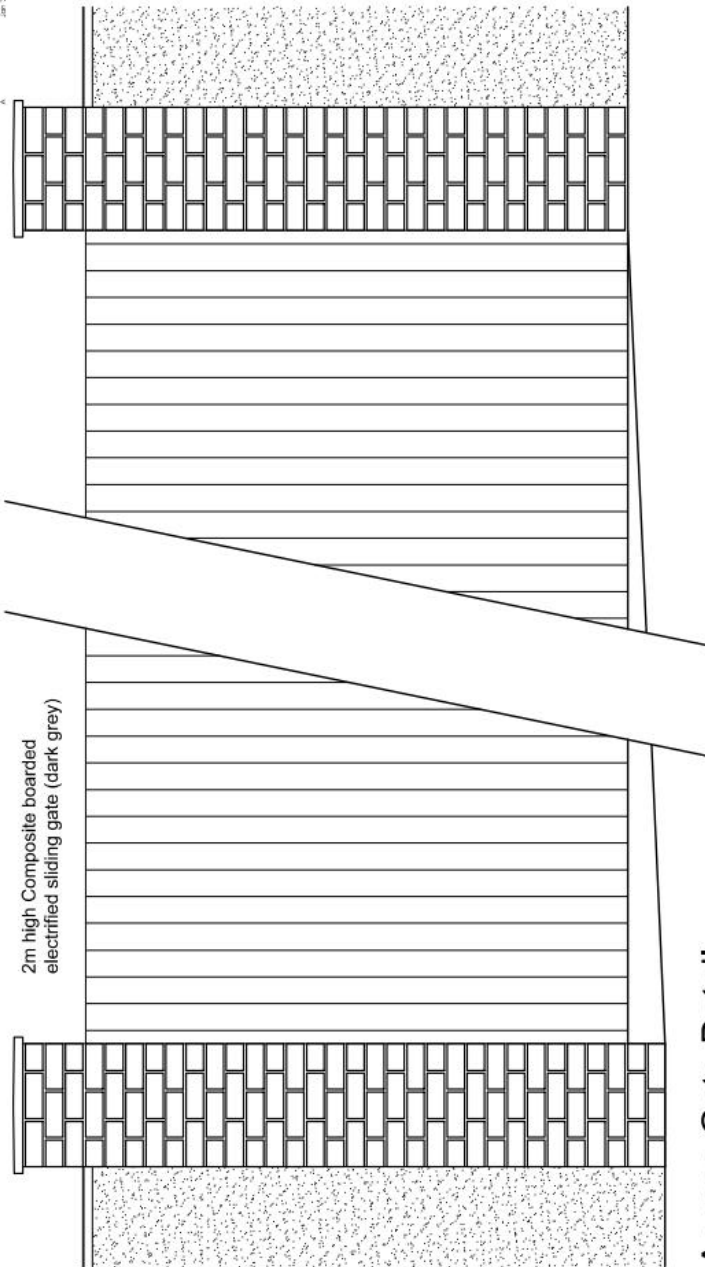
Revision
A

Date
Dec '22

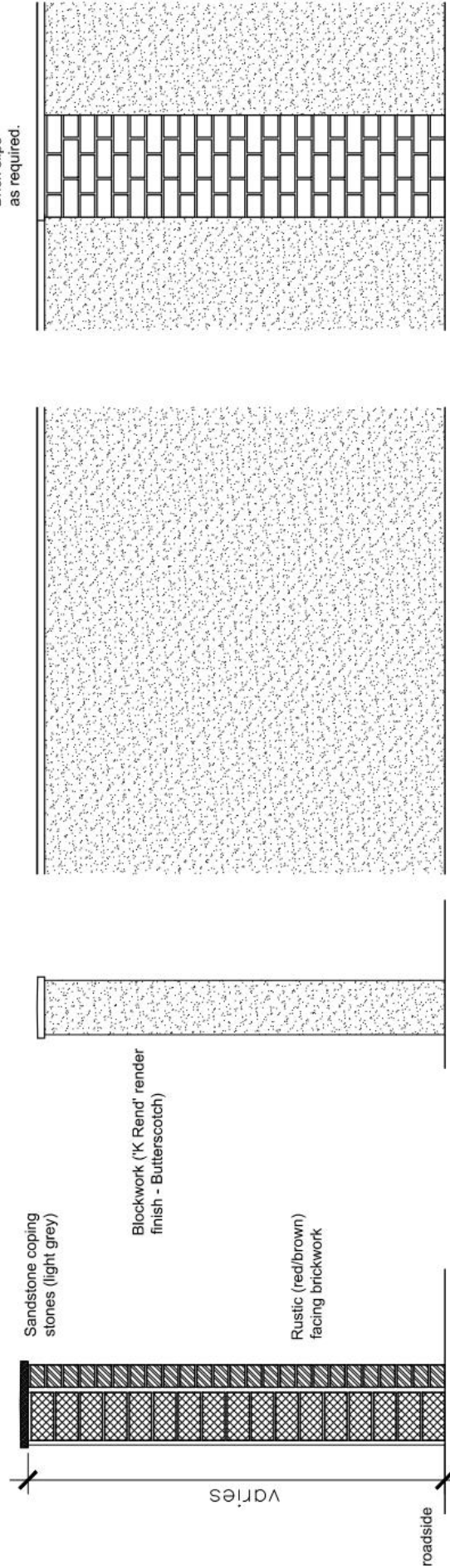
Description
Amended following comments from Highways



Project	Proposed Boundary Garden Wall & Associated Access. Croft Villa, Wetheral, Carlisle, Cumbria. CA4 8JQ.		
Drawing	Forward Visibility Splay.		
Dwg No.	22-41-04	Scale	1:250 @A4
Date	Dec '22	Rev.	-
<small>This drawing is Copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the Designer immediately.</small>			



Access Gate Detail



Brick slips as required.

Typical Section

Typical Elevations

Project	Proposed Boundary Garden Wall & Associated Access, Croft Villa, Wetheral, Carlisle, Cumbria, CA4 8JQ.		
Drawing	Wall & Gate Details.		
Drawn No.	22-41-03	Scale	1:20 (A4)
Date	Oct '22	Rev.	A

This document is the property of Concept Architectural & Design Services. It is to be used for the project for which it was prepared. Any discrepancy must be reported to the Designer immediately.

SCHEDULE A: Applications with Recommendation

22/0366

Item No: 04

Date of Committee: 24/03/2023

Appn Ref No:
22/0366

Applicant:
Custodian REIT Plc

Parish:
Carlisle

Agent:
Hedley Planning Services

Ward:
Cathedral & Castle

Location: St Nicholas Gate Retail Park, London Road, Carlisle CA1 2EA

Proposal: Erection Of Hot Food Restaurant/Takeaway With Associated Drive-Thru & Car Parking

Date of Receipt:
09/05/2022

Statutory Expiry Date
04/07/2022

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Design And Impact On The Character And Appearance Of The Surrounding Area
- 2.3 The Impact Of The Proposal On Heritage Assets
- 2.4 Highway Issues
- 2.5 Potential For Crime And Disorder
- 2.6 Public Access
- 2.7 The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties
- 2.8 Foul And Surface Water Drainage
- 2.9 Health And Wellbeing
- 2.10 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 St. Nicholas Gate Retail Park lies to the south-west of London Road, close to the road junction of London Road and Brook Street, approximately 1 kilometre (0.6 miles) to the south-east of the city centre. The site is currently used for car parking and forms part of the overall 4 hectare site.
- 3.2 The retail park is bounded to the south-west by the Settle to Carlisle Railway which is also a designated conservation area; to the north-west by Woodrouffe Terrace which is a row of two storey Grade II listed buildings that are within the Botchergate Conservation Area; to the north-east by London Road; and to the south-east by the Railway Inn which is a vacant two storey Grade II listed public house.
- 3.3 London Road is the main thoroughfare into the city centre from the south and opposite the application site on London Road are several commercial premises that occupy the ground floor of the buildings and above which is residential accommodation.

The Proposal

- 3.4 The application seeks planning permission to develop part of the car park for a drive-thru/ hot food restaurant with associated parking spaces. The area covered by the development of the restaurant building, car park and drive-thru amounts to approximately 0.28ha of this 4ha site.
- 3.5 The building would be rectangular in form and sited towards the south-east boundary of the site. The building would broadly measure 13 metres in width by 22.2 metres in length. An enclosed bin store would be formed on the north-west gable that would measure 3.2 metres by 5.5 metres providing an overall footprint of 2500 sqft (232.3 sqm).
- 3.6 The building would be constructed from rendered cladding panels coloured mushroom and wood fibre cement panelling on a facing brick plinth. The windows and doors would be powder coated aluminium. An internally illuminated red light box would frame the eaves of the building.
- 3.7 The building is to be used for the sale of hot and cold food and beverages for consumption on and off the premises. A car park is proposed to the immediate north-west of the proposed building to provide a total of 9 spaces which includes two accessible spaces for disabled customers and two spaces for electric vehicles.
- 3.8 The access to the site would be taken from the entrance which also serves Halfords. Vehicles would enter the site and circulate in a clockwise direction, passing the parking spaces and then travelling south-east stopping at the speaker posts to place orders. The drive-thru would then continue between the north-east elevation of the building and London Road before reaching a stop sign. Before exiting, two grill bays would be created.
- 3.9 Within the building the ground floor would consist of a customer area, kitchen, customer toilets, a single accessible toilet, drive-thru order windows,

staff facilities and an office. As previously stated, a refuse store and utility area would be formed on the north-west elevation.

- 3.10 Externally, a seating area and cycle racks would be provided close to the entrance, adjacent to the south-east elevation.

4. Summary of Representations

- 4.1 This application has been advertised by means of two site notices, a press notice and direct notification to the occupiers of 33 properties. In response, ten representations have been received objecting to the application which have been reproduced in full for Members, however, in summary the issues raised are summarised as follows:

Principle

1. although a sequential test has been undertaken, given that the proposal is for a drive-thru facility, it could be located within a 5 kilometre catchment;
2. there are sequentially preferable site which have not been considered namely, land at Georgian Way/ Dukes Drive, land at Viaduct Estate Road and Denton Holme;
3. the proposal is contrary to Policy EC6 of the local plan and section 7 of NPPF. The site's identified above are all suitable and available for the broad type of development proposed i.e. a drive through restaurant and all are located in sequentially preferable locations to the application site.
4. the three sites identified above are considered to be suitable for the development as identified in the applicant's parameters, furthermore there is no evidence that these sites are not available or suitable for the type of development proposed i.e. a drive through restaurant;
5. the long term sustainability of the development is questionable given the general economic situation and competition of other fast food retailers along London Road;
6. there are other similar outlets in the locality, namely McDonalds being 155 metres away, which is contrary to the submitted application documents;

Highway & Car Parking

7. the application details a loss of 50 car parking spaces. The council's Development Design Guide includes Parking Standards at Appendix 1 which lists the parking requirements. On the basis of the floor area for the retail park, there would be a requirement for 504 car parking spaces; however, given the presence of food retailers, the total requirement is 679 spaces. Taking account of the proposed parking spaces stated in this application (389 spaces in the Planning and Retail Statement), this would result in less than 60% of the policy requirement;
8. the proposal would be contrary to Policy IP3 of the local plan. The retail park is a popular shopping destination and the loss of car parking will have a detrimental impact on existing retailers and the surrounding area;
9. although there was previously a fast food restaurant, this was demolished in 2012 and circumstances are very much different now with conditions limiting sales to bulky goods relaxed, thereby resulting in greater car parking provision. On this basis, the proposal can't be considered as a

- mere reinstatement;
10. the site is located on an area of car park which serves three retailers and benefits from 167 car parking spaces. With the loss of 50 spaces, this would be a reduction of 30% which wouldn't provide sufficient parking for one of the retailers, B&M Bargains;
 11. the Transport Statement suggests that 30% of visits will be linked trips and 70% will be passing trade;
 12. the Transport Statement identifies that at the peak hour the proposal will attract 66 cars, equivalent to 1 per minute that will lead to vehicles queuing into the main car park;
 13. the NPPF requires the creation of safe access and Policy EC8 of the local plan requires development to not cause unacceptable levels of traffic generation or highway obstruction. The application fails on both counts;
 14. such uses result in long lines of queuing traffic with engines running, reducing air quality;
 15. the development would emphasises dependency on car travel, contrary to the objectives of national and local policies to promote health, improve the environment and reduce carbon emissions;
 16. the development will discriminate against non-car owners. Will people on foot or bicycle be welcomed and encouraged to use the drive-thru facility in safety and clean air?;
 17. each arterial route is choked by traffic lights and queuing traffic;
 18. the application states that there is extremely good levels of pedestrian and cycle infrastructure in the area but this is untrue and the network is woefully inadequate;

Other Matters

19. there are already high levels of litter, vermin and attacks by seagulls which will all increase as a result of the development;
 20. the previous hot food takeaway was a blight on the local community and the wider city as a major source of anti-social behaviour. The council closes car parks overnight and a new outlet will concentrate this behaviour on this site as it did previously;
 21. there is a shortage of entry-level food service workers which will leave established business with greater staff shortages;
 22. fast food outlets are one of the main drivers of obesity, particularly amongst children.
- 4.2 Additionally three representations have been received supporting the application and one representation commenting on the proposal which are summarised as follows:
1. the business will enhance businesses in the area and benefit customers' experience;
 2. this business should consider measures to minimise waste;
 3. its hoped that this business supports a Land Value Taxation system in favour of abolishing business rates;
 4. this would be an excellent use of an underused car park.

5. Summary of Consultation Responses

Local Environment - Environmental Protection: - the layout, design and construction of the food handling areas must comply with food hygiene legislation requirements. An appropriate number of suitably located grease traps must be provided.

It would be appropriate to condition the hours of operation during the construction phase to limit the impact of construction noise on nearby residents;

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following response has been received:

Local Highway Authority (LHA)

The Highways Technical Note is well written and touches on all of the elements of the previous response. The queuing at the drive-thru has been considered and the Technical Note provides the detail required by the LHA who is content with its findings. The points made in respect of parking are clear and the report's findings are accepted. The details of the traffic signals are clear.

Lead Local Flood Authority (LLFA)

There are no objections to the Flood Risk Assessment or the drainage proposals as shown on the submitted documents. This site should hold some betterment for the drainage discharge rate from this site.

The applicant does however still need to provide evidence of the permeability of the site (for the permeable parking areas) as well as improvements to water quality (i.e. potentially through petrol interceptors).

The LLFA is content that this element can be conditioned;

Cumbria Constabulary - North Area Community Safety Unit: - the following response has been received following consultation with the Neighbourhood Policing Team (NPT) that patrols this area.

The NPT does not view this proposal favourably, expressing concerns for yet another drive-thru outlet in the locality. The comment in the 'Statement of Community Involvement' at 4.7 "There are no hot food restaurants/ takeaways offering a drive-thru or 'sit-in' element within the retail park, nor within independent establishments within the wider area, including local centres. There will not be a concentration of particular use or businesses....." is not quite accurate.

It is noted that the Design and Access Statement 'Site Description' omits to mention the former presence of a takeaway and drive-thru premises here - and its enduring negative impact on the Quality of Life of local residents which lasted for many years:

From 1965, the site had been redeveloped to comprise a number of larger

buildings denoted as an engineering works. Prior to 1989, the site was shown as largely undeveloped, comprising a car park, with a structure across the eastern part. By 2021 the structure was no longer present and the site shown in its current layout.

The NPT is anxious to avoid a repetition of the circumstances of the longstanding and persistent issues generated by the drive-thru premises *previously* located on the St Nicholas Gate site.

With the convenience of unrestricted access and extensive car parking, that drive-thru was a popular gathering place for younger motorists who intentionally drove their vehicles in an inconsiderate manner, causing incessant noise nuisance to residents living nearby (St Nicholas Street, London Road, Woodrouffe Terrace) - and was particularly noticeable into the late evenings. This despite frequent attendance by police patrols (including the Roads Policing Unit) with various attempts to intervene by education or enforcement - motor vehicle nuisance was a frequent occurrence. Prior to its eventual closure, the establishment also demanded repeated police interventions due to anti-social behaviour and nuisance caused by younger 'customers' at various other times.

It is perhaps a peculiar phenomenon that fast food retail outlets attract persons who choose to behave in an anti-social manner (to the detriment of other customers and staff) whilst other commercial premises remain peaceful. Yet some research by an NPT officer reveals that two other drive-thru outlets in the vicinity continue to generate complaints from members of the public:

Premises 1:

Since **** opened on the 10/12/21 we have had

5 Logs for Dec 2021

1 Log for Jan 2022

4 Logs for Feb 2022

0 Logs for March 2022

4 Logs for April 2022

1 Log for May 2022

Premises 2

Since **** opened on the 10/05/2019 we have had in the last 6 months:

1 Log for May 2022

1 Log for April 2022

0 Logs for March 2022

1 Log for Feb 2022

1 Log for Jan 2022

3 logs for Dec 2021

Unfortunately, SAFE (Incident Logging System) only started from the 18/06/2019 so unable to check logs from the time **** opened, however there are crimes on from when it first opened but from memory, there were a lot of complaints about traffic and parking.

For comparison, it is noticeable that a third hot food retail outlet situated on

the London Road Retail Park generates very few calls for police service. However, it does not offer a Drive-Thru option and ceases trading earlier each evening.

From statistics of premises of this nature, they shall continue to generate calls for police service (of the description already outlined), the proposed location so close to existing dwellings is likely to become a source of repeated complaints. The Constabulary cannot support an application that will persistently demand police resources to the same location for the same reasons;

Northern Gas Networks: - no objection, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact Northern Gas Networks directly to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable;

United Utilities: - no objection subject to the imposition of a condition.

6. Officer's Report

Assessment

6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP2, SP6, SP7, SP9, EC6, EC8, IP3, IP5, IP6, CC5, CM4, CM5, HE3, HE7 and HE7 of the Carlisle District Local Plan 2015-2030 are relevant. The council's Supplementary Planning Document (SPD) "Designing Out Crime" is also a material planning consideration. The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

6.3 Paragraph 90 of the NPPF requires impact assessments to be completed on retail proposals over 2,5000 square metres if there is no locally set threshold.

6.4 The NPPF advises in paragraph 86 that planning policy should generally promote competitive town centres and that in drawing up local plans local authorities should, amongst other issues allocate a range of sites to meet the scale and type of retail developments needed in town centres. It states that main town centres uses should not be compromised by limited availability.

6.5 The NPPF further confirms that LPAs should "*allocated appropriate edge of centre sites for main town centres use*" where "*suitable and viable town centre sites are not available*". It further states that if edge-of-centre sites are not available, policies should consider other accessible locations that are well

connected with the town centre.

- 6.6 Paragraph 91 further confirms that where permissions are to be refused it should be demonstrated that 'significant adverse impact' will occur.
- 6.7 The proposed development as a drive-through restaurant is defined in the NPPF as a main town centre use. The guidance confirms that when edge and out of centre proposals are considered, preference should be given to accessible sites. The NPPF advises in paragraph 87 that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan."

- 6.8 The site is approximately 1.2 kilometres (0.74 miles) south-east of the city centre boundary. The application is accompanied by a Sequential Test which considered 19 premises in the city centre and 4 in the Local Serve Centre (Botchergate). The report concludes:

"The proposed site is situated in close proximity to, but not within any defined centres. As such, a suitable sequential assessment has been undertaken to identify any suitable locations within the primary shopping area and the local centre of Botchergate. No suitable units were found as a result of the sequential search. The proposed unit is 232m² and therefore an impact assessment is not required as per the requirements set out within policy SC6."

- 6.10 Policy EC8 of the local plan allows for the principle of development for food and drink establishments subject to 4 criteria. The issue of the matters relating to amenity and highway issues are discussed in the following paragraphs of this report.
- 6.11 Policy EC8 also seeks to guard against an *"an unacceptable concentration of a particular use or business type within any given locality."* Pizza Hut operates from a premises further along London Road together with a KFC restaurant and McDonalds drive-thru restaurant. Consequently, it would be reasonable to state that there examples of food restaurants in the vicinity but it would not be reasonable to suggest that this would constitute an *"unacceptable concentration"* of such uses.
- 6.12 Given the historical use and the scale of the development, the proposal would not over intensify the use on the site but would reuse a previously developed brownfield site and add a further element to the range of existing commercial uses in the locality. The proposal does not raise any sustainability issues in the context of its location and previous use. In this respect, the principle of the development is acceptable.

2. Scale, Design And Impact On The Character And Appearance Of The Surrounding Area

- 6.13 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of

high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.14 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.15 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

- 6.16 The building would be single storey and rectangular in form and is

characteristic of a building which is intended to serve the purposes of a drive-thru restaurant. The development will comprise of simple contrasting elements to break up the elevations of the building. The building would be sited parallel to London Road and would provide dedicated car parking provision within the site and will be viewed in the context of the retail park and adjacent commercial uses. Given the context of the neighbouring built environment and the location, it is considered that the proposal would neither be obtrusive nor disproportionate and is acceptable.

3. The Impact Of The Proposal On Heritage Assets

3a. Impact On Listed Buildings

- 6.17 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings

- 6.18 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.19 Paragraph 201 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.20 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.21 The Railway Inn is Grade II listed and is located approximately 65 metres to the south-east of the proposed building and the London Road NER Goods Station is approximately 135 metres to the east. The buildings are important historical buildings in the locality and contribute to the railway heritage of Carlisle. Woodruffe Terrace is approximately 165 metres to the north-west and comprises a terrace of traditional buildings.

- ii) the effect of the proposed development on the settings of the Grade II listed building
- 6.22 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.23 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 200). However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.24 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.25 The proposal involves the erection of a single storey detached building within an existing retail park. The road and pavement at the junction with Brook Street is relatively wide with the road being four lanes wide in addition to a cycle lane in the road. Although there is an intervening building, currently occupied by Halfords, this is set back from the listed building. The proposed building would be set within the site back from the boundary with London Road along which there is a row of trees. The gable of the Railway Inn is visible when approaching from the city centre obscured partly by the trees. The character of the highway network together with the proposed siting of the building would result in a largely unencumbered view of the building.
- 6.26 The London Road NER Goods Station is set back from London Road and there are buildings adjacent to it and as such, would not be viewed in the same setting. Woodrouffe Terrace to the north-west is viewed in the context of the retail park. Although the proposed building would be forward of the existing buildings, this would not demonstrably affect the setting of the terrace.
- 6.27 In this context, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

3b. The Carlisle To Settle Conservation Area

- 6.28 The application site is located adjacent to the Carlisle to Settle Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG and Policy HE7 of the local plan are relevant.
- 6.29 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*
- 6.30 The aim of the 1990 Act is reiterated in the NPPF, NPPG and policies within both the local plan. Policy HE7 of the local plan advises that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.31 The Settle to Carlisle Conservation Area boundary is approximately 65 metres to the east and then continues to the rear of the Railway Inn following the line of the railway at which point it is approximately 70 metres south of the application site. The Botchergate Conservation Area is approximately 160 metres to the north.
- 6.32 The council's Heritage Officer has previously advised on the proposal. There was no fundamental objection but recognised that there are a number of well-established trees which the scheme may impact on and the advice was that present trees should be retained, or where there loss is unavoidable, should be replaced by suitably scaled extra heavy standard fastigiate columnar trees to maintain the landscaped corridor. Some trees are outwith the site and therefore outside the applicant's control but notwithstanding this, a landscaping condition is included within this report.
- 6.33 The development would have a contemporary appearance and use a palette of modern materials; however, in the context of the site and surrounding built environment, the proposal is small scale and well related to the site. The visual impact would be appropriate and on this basis, the proposal would not have a detrimental impact on the character or appearance of the conservation area to warrant a refusal of the application.

4. Highway Issues

- 6.34 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway. To provide some context to the highways assessment, the highway authority initially responded with the following:

"It is disappointing that no modelling has been done for this application at this constrained section of the highway network. We would recommend that the applicant model the impact of this development to assess the performance of

the signalised junctions at London Road / Asda access as well as London Road / St Nicholas Street.

We disagree with the methodology used in the Transport Statement as far as it relates to 1) the traffic generation (in the TRICS survey selection, some surveys were included although undertaken in very highly populated areas (>125.000) and 2) the number of new / pass by/ diverted trips. The TS assumes all traffic will be pass by traffic.

It is our view that due to the nature of this development (the only Burger King in Carlisle) that this will be an attractor in its own right . We will therefore suggest a 30% linked, 30% new and 40 % pass-by split.

Of some concern is that the TS states that In the weekend peak hour, 66 vehicles will arrive at the site (more than 1 vehicle per minute). These would queue back into the parking area to the main access of the Retail Park. Within the parking area, there is space for 12 queued vehicles, and these would reduce access to the adjacent parking spaces.

This could create one of 2 (or both) issues . The parking spaces could become unusable and/or the queue length could be much longer due to cars having to allow vehicles to exit these parking spaces. The applicant should be invited to comment on whether this was considered when they stated that the stacking of vehicles will not have an impact on the highway."

- 6.34 The applicant submitted a Highways Technical Note in August which fell short of fully addressing the highway authority's comments. A further revision was submitted in November which concludes that:

It has been agreed by both parties [Cumbria County Council and the highway consultant] that the proposed development may generate a maximum of 18 vehicles queuing within the drive through lane. When considering the very robust assumptions that this is based upon, it is also agreed that this is a 'worst case' queue length that is unlikely to occur, in reality.

It has then been shown that the layout of the drive through ensures that there is sufficient capacity for this maximum queue, without impacting upon the operation of any car parking spaces.

Furthermore, an additional 11-15 vehicles could queue through the car park before any impact on the operation of the signalised access to the Retail Park would be experienced.

In terms of the wider Retail Park car parking, the overall provision would be reduced to 374 parking spaces as a result of this proposal. Based the extant planning permission for the site (from 2009), CCC have agreed that the minimum number of car parking spaces that the Retail Park requires is 320.

In addition, the tenants of the larger retail units have agreed that the absolute minimum number of parking spaces that they consider necessary to successfully operate the Retail Park is 315. This has subsequently been

written into their tenancies.

On this basis, the proposals for 374 car parking spaces remain in excess of the minimum CCC and a number of the tenants consider as the minimum required for the Retail Park, and therefore the proposals are not expected to have any material impact on its operation.

Finally, the process MTP [Milestone Transport Planning (applicant's highway consultant) have undertaken to validate the three traffic models has been clarified, with the surveyed queue length data re-presented within this Note. The results show that the models validate well, and are generally reporting pessimistic results, when compared to the surveys.

As such, the conclusion that there will be no significant impact on the operation of these junctions as a result of the junction is considered robust and valid.

To conclude, the proposed development traffic would not have any significant impact on the operation of the car park or the local highway network, the drive through lane would operate within capacity and there is sufficient car parking provided to ensure the ongoing success of the Retail Park. As such, it is considered that the development proposal is satisfactory on highways and road safety grounds."

- 6.36 On the basis of the submitted highways information and the consultation response from Cumbria County Council as the Local Highways Authority, the impact on the local highway network would be acceptable and sufficient car parking would be provided within the site. The proposal would not prejudice the safety of users of the highway and accordingly, the proposal is acceptable in this regard.

5. Potential For Crime And Disorder

- 6.37 Policy CM4 of the local plan requires that new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime.
- 6.38 Cumbria Constabulary has provided a response which raises concerns about the potential for calls for police service once. This is supported by examples of calls for service to two other unidentified premises together with the nature of the calls. In addition, there is a concern about antisocial behaviour generally within the retail park, a point also made by some third parties.
- 6.39 The Neighbourhood Policing Team (NPT) refer to the long-standing issues relating to the former Burger King drive-thru premises at St Nicholas Gate. Over several years, the NPT instigated various 'enforcement and education' interventions in response to the numerous complaints of motor vehicle misuse and noise nuisance. These issues were only finally resolved with the re-development of the St Nicholas Gate business park (with the demolition of the Burger King premises).

- 6.40 This is reinforced by the fact that the KFC premises in Penrith continues to generate calls for police service for these reasons due to motor vehicle misuse in the early hours. This concern is shared by the Neighbourhood Policing Team for this site that the issues will be repeated by the presence of comparable premises situated so close together.
- 6.41 The record of calls for police service has been expanded and the type of incidents are now listed as:

Premise 1

June – 0

July – 0

August – 1 – assault on 12 year-old girl outside the premises

September – 0

October – 0

November – 1 – Teenage boy being assaulted

December – 0

January – 0

Premise 2

June – 1 – Disturbance, reportedly involving person with mental health issues

July – 1 – Youth disorder, crime for sec 4a Public Order [PO] submitted

August – 2

1 – Security guard threatened, crime for common assault submitted

1 – 5 x 18/ 19 year-olds being aggressive, crime for Sec 4a PO submitted

September – 1

1 – Youths refusing to leave

October – 4

1 – Youth assaulted outside, crime for common assault

1 – Person reported as Missing From Home [MFH]

1 – Customer being abusive and blocking drive thru

1 – 2 females refusing to leave

1 – MFH from Dorset on searching found in possession of 2 knives

November – 4

1 – Youth Anti-Social Behaviour, crime for Sec 4a PO

1 – Road Traffic Collision in car park

1 – 16 year-old reportedly overdosed in public

1 – Member of staff racially abused, Sec 4a PO racially motivated

December – 3

1 – Vehicle uplift no insurance

1 – Youth Anit-Social Behavior (ASB), youngsters causing a nuisance and won't leave

1 – Youth ASB and threats, crime for Sec 4a PO

January –

- 1 – Youth ASB, shouting and swearing, riding scooters around
- 1 – Road Traffic Collision

The above includes 3 safeguarding reports (Concern for welfare) and 10 recorded offences listing Premise 2 as the place of offence, these crimes range from assaults, Public Order, including racially aggravated Public Order and possession of bladed article.

These incidents have shown – and continue to show – repeated calls for police service to drive-thru type premises for a variety of matters, potentially posing risk of harm or alarm to members of the public (and associated premise staff). Consequently, it is not inconceivable to conclude that another drive-thru in the same locality will generate similar incidents, demanding further police intervention and excessive claims on our resources.”

- 6.42 A drive-thru restaurant previously existed within the retail park further to the north-west, near to Woodrouffe Terrace. At that time, the retail park was also served by a junction onto St. Nicholas Bridge allowing access and egress in addition to the two junctions onto London Road. The retail park was subject to anti-social behaviour through people congregating with their vehicles, engines running, horns blaring, playing of loud music and racing through the retail park. In response, through the redevelopment of the site, the access onto St. Nicholas Bridge was closed as a through-route and only access by service and delivery vehicles to the rear of the buildings. Automatic number plate recognition (ANPR) cameras were installed. Later in 2012, the drive-thru restaurant was demolished.
- 6.43 The calls police attendance are not disputed and the concern of the constabulary are noted and is a material consideration in the assessment of this application. The redevelopment of the site served to significantly reduce the incidents of anti-social behaviour on the site. The number of accesses has been reduced and eradicated the ‘rat-run’ through the site. There is no longer a straight run from one end of the retail park to the other which includes traffic calming measures. Additionally, the ANPR cameras continue to monitor vehicles and deter vehicles being in the retail park for long periods.
- 6.44 In considering the examples of service calls at the other establishments, it is necessary to differentiate those which are general policing issues and those generated as a direct result of the use of the premises. For example, it would be unreasonable to suggest that a drive-thru restaurant is directly linked to a customer having no vehicle insurance or causing a road traffic collision
- 6.45 It would be appropriate to include a condition requiring details of how the building would be resistant to burglary (i.e. specification of exterior doors and glazing) and details of the proposed CCTV system. The applicant should also consider cash-handling facilities (to limit the storage of cash on premises overnight) and the provision of secure storage for staff personal belongings.
- 6.46 Through alterations to the layout of the retail park and the ANPR cameras, these have reduced the opportunity for the potential for anti-social behaviour

witnessed at that time. Conditions are suggested limiting the trading hours and restrict access to the site following its closure. In combination, it is considered that the development would not result in issues sufficient to warrant refusal on the basis of crime and disorder.

6. Public Access

- 6.47 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 SP6 of the local plan.
- 6.48 The Planning Statement identifies that the development will be accessible and will provide an appropriate range of seating facilities. In Addition, two car parking spaces will be provided for disabled persons. The proposal would also have to be compliant with other legislation and accordingly, the proposal is acceptable and does not raise any accessibility issues.

7. The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties

- 6.49 There are residential properties adjacent to the application and in the wider vicinity. The proposal has the potential to affect the living conditions of neighbouring occupiers directly from the development itself and from patrons to the site. The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by local plan Policies SP6 and CM5 which together seek to ensure that development does not result in adverse impacts to the environment, health or the amenity of future or existing occupiers. Specifically, Policy CM5 states that development will not be permitted where it would generate or result in exposure to unacceptable levels of pollution (from contaminated substances, odour, noise, dust, etc.) which cannot be satisfactorily mitigated as part of the proposal or by means of the imposition of, and compliance with, appropriate planning conditions.
- 6.50 As referenced in the report, there was previously a drive-thru restaurant on another part of the retail park. Such uses have the potential to give rise to anti-social behaviour from its patrons and late night use of the car park and this was previously the case. Although the building would be sited directly opposite commercial premise, the properties in the area are sufficiently close enough that there it has the potential to adversely affect their amenity though noise, disruption and disturbance.
- 6.51 Policy EC8 of the local plan requires consideration to be given to how proposals for food and drink establishments may impact upon the amenity of neighbouring residential uses. The policy states that, in order to maintain acceptable levels of amenity and mitigate possible disruption, opening hours will be imposed having regard to the surrounding uses, character of the area, possibility of nuisance to residential areas and public safety.

- 6.52 The proposed development does have the potential to impact upon the residential amenity of nearby residents and therefore to safeguard the living conditions of these residents it would be appropriate to limit the opening hours of the development to 6am to 11pm each day. With this restriction in place and the controlled use of the car park area, the proposal would not result in significant adverse impacts to neighbouring residential amenity. Further conditions are also recommended to ensure the installation of adequate ventilation and extraction equipment that would mitigate any potential noise or odour issues arising from the proposal.

8. Foul And Surface Water Drainage

- 6.53 The foul drainage would be connected to the mains infrastructure which is acceptable.
- 6.54 The applicant has indicated on the application form that the surface water will be disposed of directly into the mains sewer. The NPPF and Policy CC5 of the local plan advocates that in the first instance the applicant should explore and give priority to the use of sustainable drainage systems for surface water drainage. Accordingly, notwithstanding details in the application form, it is considered appropriate to impose a condition requiring the submission of a surface water drainage scheme that explores sustainable drainage options in the first instance. This is in line with a suggested condition from the Lead Local Flood Authority although the condition reproduced in this report is more robust.

9. Health And Wellbeing

- 6.55 Government recognises the role of the planning system in promoting and influencing the health and wellbeing of the population as referenced in the NPPF. Paragraph 93(b) of the NPPF states that planning decisions should:

“take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;”

- 6.56 Locally this theme is set out in Policy SP9 of the local plan which commits the council, through planning decisions and in fulfilling its wider functions, to work with partners to proactively improve the health and sense of wellbeing of the District's population, and reduce health inequalities. In ensuring that all development contributes to enhanced health and wellbeing outcomes the policy requires the creation of high-quality and inclusive environments that supports people in making healthy choices. This policy approach is emphasised in the city council's ongoing Healthy City Initiative which aims to tackle health inequalities.
- 6.57 Furthermore, the NPPG advises that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. The national guidance goes on to state that local planning authorities can consider

bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant.

- 6.58 It is well known that obesity levels within the child and adult population of the Carlisle District, like other parts of Cumbria, are higher than the national average. Therefore, planning proposals for fast food outlets and hot food takeaways, such as this proposal, raise concerns in relation to the proliferation of potentially unhealthy eating outlets. Indeed, Public Health England has recently stressed the link between the concentration of hot food takeaways, obesity levels in children and levels of general deprivation.
- 6.59 Notwithstanding these significant concerns, Members should note that the council does not have any adopted planning policies or supplementary planning documents that would prevent the provision of further fast food outlets, as is proposed in this application, and no such policies are currently being prepared.
- 6.60 Accordingly, in the absence of specific evidenced based local policies that would suggest otherwise, the proposal is not considered to result in a demonstrable adverse impact on the health or wellbeing of the district's population. The proposal would, therefore, accord with policy SP9 of the local plan and the associated provisions of the NPPF.

10. Impact Of The Proposal On Biodiversity

- 6.61 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.62 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposal would involve the development of previously development land, the development would not harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

Conclusion

- 6.63 In overall terms the principle of the redevelopment of the site is acceptable.

The proposed scale, design and layout of the proposal raise no significant issues and are considered to be appropriate in the context of the surrounding area and would not have a detrimental impact on any heritage asset.

- 6.64 Highway matters have been satisfied and drainage details are subject to the submission of further details for approval to ensure a sustainable method of drainage is achieved.
- 6.65 Potential for crime, anti-social behaviour and adverse impacts to nearby residential properties have been mitigated through the imposition of planning conditions primarily to control the hours of opening for the drive-through restaurant and restrict access to the car park area.
- 6.66 Having assessed the application against the relevant policies contained within both the local and national planning policy frameworks, it is considered that, subject to conditions, the proposal represents a sustainable form of development and any adverse impacts are either adequately controlled by condition. In all aspects the proposals would be compliant with the objectives of the relevant local plan policies and accordingly, the proposal is recommended for member's approval.

7. Planning History

- 7.1 There is a lengthy planning history relating to the development of the retail park.

8. Recommendation: Grant Permission

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

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

- 2. The approved documents for this Planning Permission comprise:
 - 1. the Planning Application Form received 4th May 2022;
 - 2. the Location Plan received 4th May 2022 (Drawing no. 15625-110 Rev A);
 - 3. the Proposed GA and Roof Plan received 4th May 2022 (Drawing no. 15625-113);
 - 4. the Proposed Elevations received 4th May 2022 (Drawing no. 15625-114);
 - 5. the Retained Trees Shown on Proposed Layout With Protective Measures Indicated received 4th May 2022 (Drawing no. AIA TPP Rev A);
 - 6. the Arboricultural Method Statement – Revision A received 4th May 2022;
 - 7. the Arboricultural Impact Assessment – Revision A received 4th May

- 2022;
8. the Proposed Drainage Layout received 4th May 2022 (Drawing no. C001);
 9. the Typical Drainage Details received 4th May 2022 (Drawing no. C005);
 10. the Microdrainage Layout received 4th May 2022 (Drawing no. C006);
 11. the Notice of Decision;
 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include and address the following matters (where appropriate):

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/ footway;
- details of any proposed temporary access points (vehicular/ pedestrian);
- details of provision to ensure pedestrian and cycle safety;
- parking and turning for vehicles of site personnel, operatives and visitors.

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 ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

4. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To ensure a satisfactory means of surface water disposal and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance the National Planning Policy Framework and National Planning Practice Guidance and Policies SP6 and IP6 of the Carlisle District Local Plan 2015-2030.

5. Before any development takes place, a plan shall be submitted to and approved in writing by the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any description of materials in the application hereby approved, no development shall take place until samples or full details of all materials to be used externally on the exterior shall be 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 constricted in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be implemented in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

9. Notwithstanding the details shown on the approved plans, prior to the construction of any boundary structure, full details of the siting, height, design, materials and finish to be used in the construction of all boundary treatments to the site shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details before the drive-through/ restaurant hereby approved is first brought into use and retained as such thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. No external lighting shall be installed on the buildings or elsewhere on the site without the prior written approval of the local planning authority. Details of any such lighting shall be submitted to and approved in writing by the local planning authority prior to its installation and the development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent disturbance to nearby residential occupiers and to ensure appropriate development within the street scene in accordance with Policies SP6, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Prior to the installation of any mechanical ventilation or extraction system, details of the design, height, external finish and position of the equipment (including the use of silencers where appropriate) shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of neighbouring premises in accordance with Policies EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

12. Prior to the building being brought into use, a written report must be submitted to, and approved in writing by, the Local Planning Authority which must:
- identify all mechanical services noise sources associated with the relevant commercial unit, including (but not limited to): refrigeration units, heating plant, air conditioning and mechanical ventilation;
 - detail the type and models of the proposed mechanical equipment /

- plant, installation locations, and predicted acoustic performance; and
- assess the predicted noise emissions from the identified equipment / plant in accordance with BS4142 (or a methodology agreed in writing by the Local Planning Authority) and demonstrate, with detailed proposals for noise control and mitigation measures if necessary, that noise emissions will not have an adverse impact on the existing and approved dwellings.

Thereafter the commercial unit must be developed in accordance with the approved report(s).

Reason: In the interest of residential amenity in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Prior to the first opening of the drive-through restaurant/ hot food takeaway, hereby approved, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. No deliveries shall take place between 00:00 hours and 07:00 hours, 12:00 hours and 14:00 hours, 16:00 hours and 18:00 hours and 22:00 hours and 00:00 hours each day.

Reason: To prevent disturbance to nearby residential occupiers and to minimise the impact of the development on traffic flows and highway safety in accordance with policies EC8, SP6, CM5 and IP2 of the Carlisle District Local Plan 2015-2030.

14. A secure barrier/ bollard system shall be deployed to prohibit vehicular access other than by members of staff to the car park area and drive-through between 23:00 hours and 06:00 hours. Prior to the opening of the drive-through restaurant/ hot food takeaway a detailed specifications and plans of the proposed barrier/ bollard system shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to minimise the potential for crime, disorder and anti-social behaviour and to reduce the potential for noise and disturbance to neighbouring residential occupiers in accordance with policies CM4 and SP6 of the Carlisle District Local Plan 2015-2030.

15. Prior to the building hereby approved being brought into use, details to minimise the potential for crime and disorder shall be submitted and approved in writing by the local planning authority. Such details shall include:
- consideration to restrict vehicle access/parking after business hours;
 - exterior lighting scheme;
 - buildings physical security (specification of exterior doors, roller shutters, windows and glazing to resist forced entry);
 - deployment of anti 'ram-raid' type measures;
 - waste bin management (to mitigate against exploitation as climbing aid and arson risks);
 - internal secure storage facilities, if appropriate;

- presence and configuration of intruder alarm systems;
- presence and configuration of CCTV.

These measures shall be implemented prior to the building being brought into use and shall be retained unaltered thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In order to minimise the potential for crime and disorder and to reduce the potential for noise and disturbance from the site in accordance with Policies CM5 and SP6 of the Carlisle District Local Plan 2015-2030.

16. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

17. A scheme for the provision and management of the litter bins together with litter picking arrangements shall be submitted to and approved in writing by the local planning authority prior to the building being brought into use. The development shall then be implemented and undertaken in strict accordance with the approved details.

Reason: To ensure that adequate means of litter management is provided in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. The approved refuse recycling/ bin store shall be made available for use before the drive through restaurant hereby approved is first brought into use and retained thereafter for no other purpose. No goods, waste or other materials shall be stored or deposited in any area of the site, other than within the bin storage area.

Reason: To ensure that adequate secure refuse facilities are provided within the site in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

19. The premises shall be used within Class E of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended) as a drive-through restaurant and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

20. The drive-through restaurant/ hot food takeaway, hereby approved, shall not be open to customers between the hours of 23:00 and 06:00 hours. No customers shall remain on the premises outside of these times.

Reason: To prevent disturbance to nearby residential occupiers in accordance with policies EC8, SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

21. No work associated with the construction of the building or associated development hereby approved, including deliveries to or from the site, shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

22. No loading or unloading of service vehicles or collection of packaging, waste or other items shall take place outside the hours of 07.00 hours and 20.00 hours on any given day.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

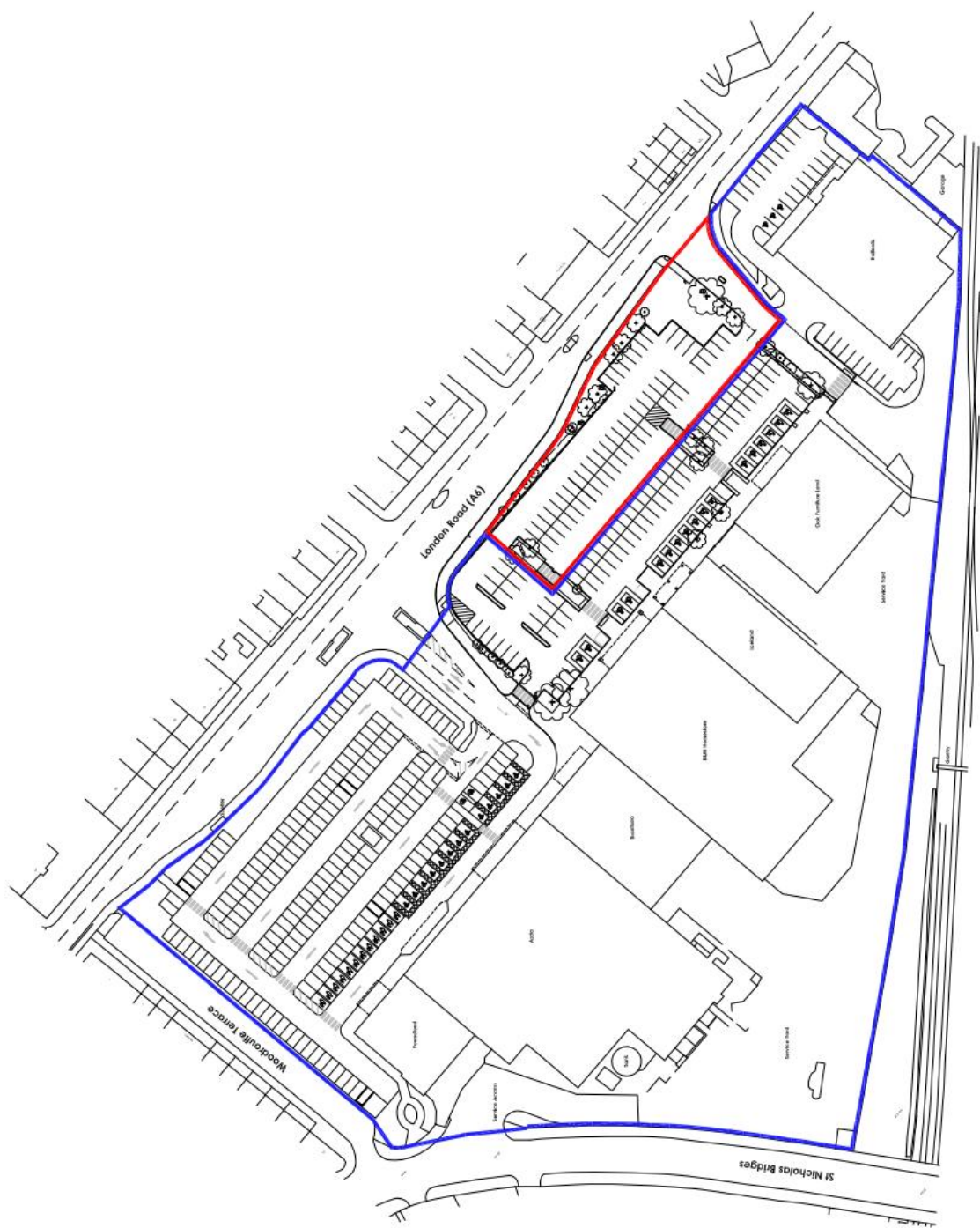
23. The areas for access and the car parking and hard standing area, including the pedestrian crossing points, shown on the approved plans shall be constructed and marked out in full accordance with the details shown, concurrently with the construction of the drive through building hereby permitted and shall be made available for use before the drive through building is first brought into use and retained thereafter.

Reason: In the interests of highway and pedestrian safety in accordance with Policies EC8 and SP6 of the Carlisle District Local Plan 2015-2030.

24. Other than conversations from the speaker posts, no music, singing or other form of live entertainment or amplified sound shall be permitted within the external areas of the site at any time.

Reason: In order to safeguard the amenities of the occupiers of neighbouring premises in accordance with policy SP6, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

This drawing is computer-generated and may not reproduce in black and white. All dimensions are in millimetres unless otherwise stated. Do not scale off the drawing.



Rev	Date	Description	JAI	CS
A	31.03.2022	Red line extended to London Road	JAI	CS
Project Title				
Proposed Drive Thru Unit				
St Nicholas Gate Retail Park				
London Road				
Carlisle				
Client				
Custodian Capital				
Status				
Planning				
Scale				
1:1250				
Drawn By				
James				
Checked				
CS				
Date				
30.03.2022				
Drawing Title				
Location Plan				
Job/Draw No				
15625-110				
Rev				
A				



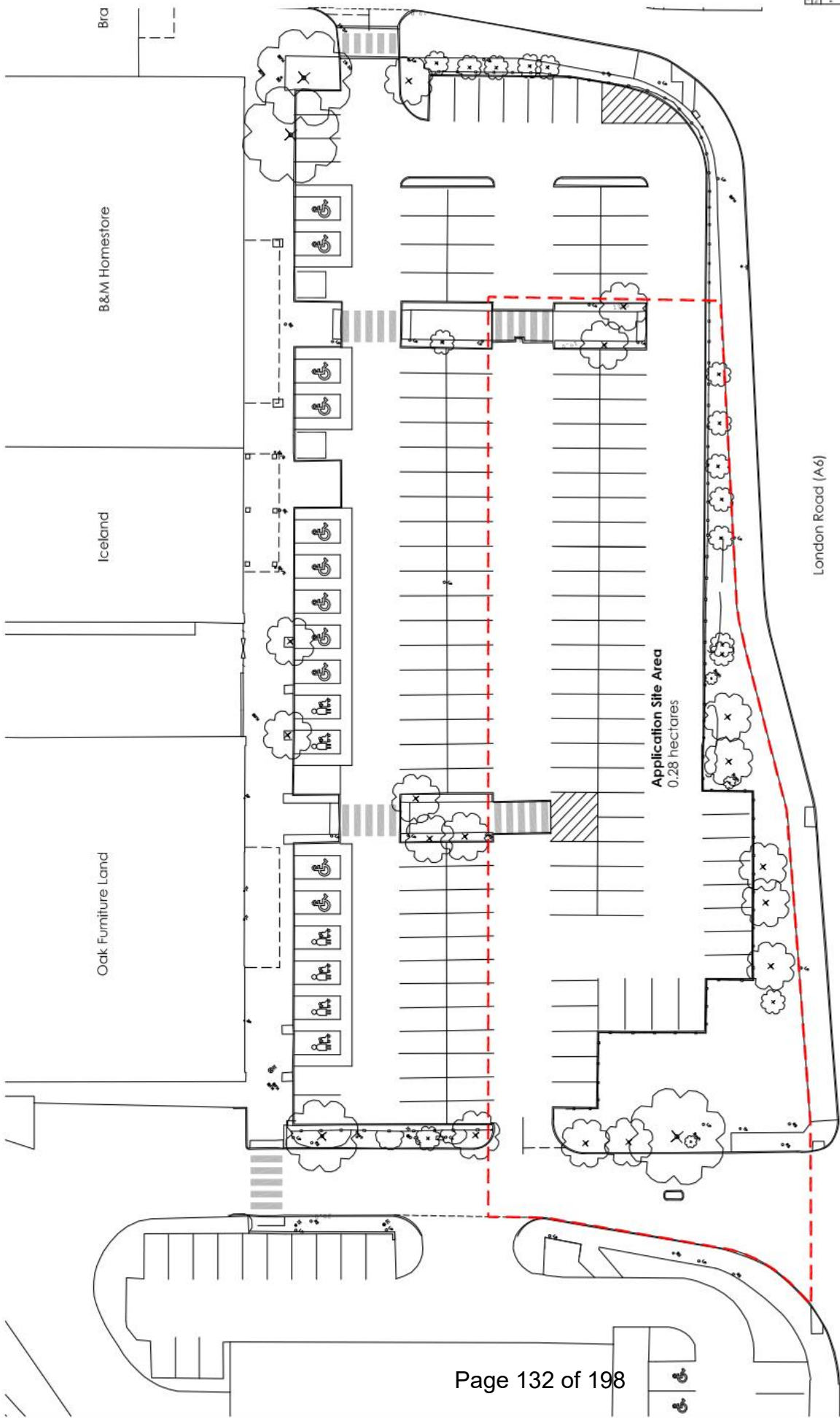
251, Johns North,
Widnes, Warrington, WA8 7NS
01928 541000
www.harrisquantership.com

251, Johns North,
Widnes, Warrington, WA8 7NS
01928 541000
www.harrisquantership.com

The Old Rectory, 79 High Street,
Widnes, Warrington, WA8 7NS
01928 541000
www.harrisquantership.com

101 London Road,
Widnes, Warrington, WA8 7NS
01928 541000
www.harrisquantership.com

101 London Road,
Widnes, Warrington, WA8 7NS
01928 541000
www.harrisquantership.com



Application Site Area
0.28 hectares

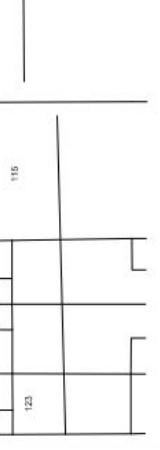
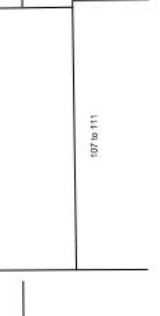
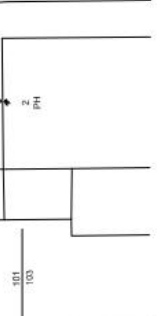
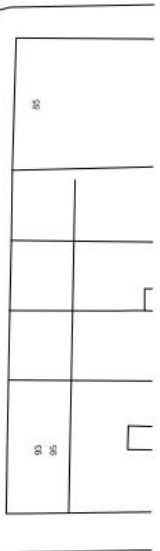
Oak Furniture Land

Iceland

B&M Homestore

Bra

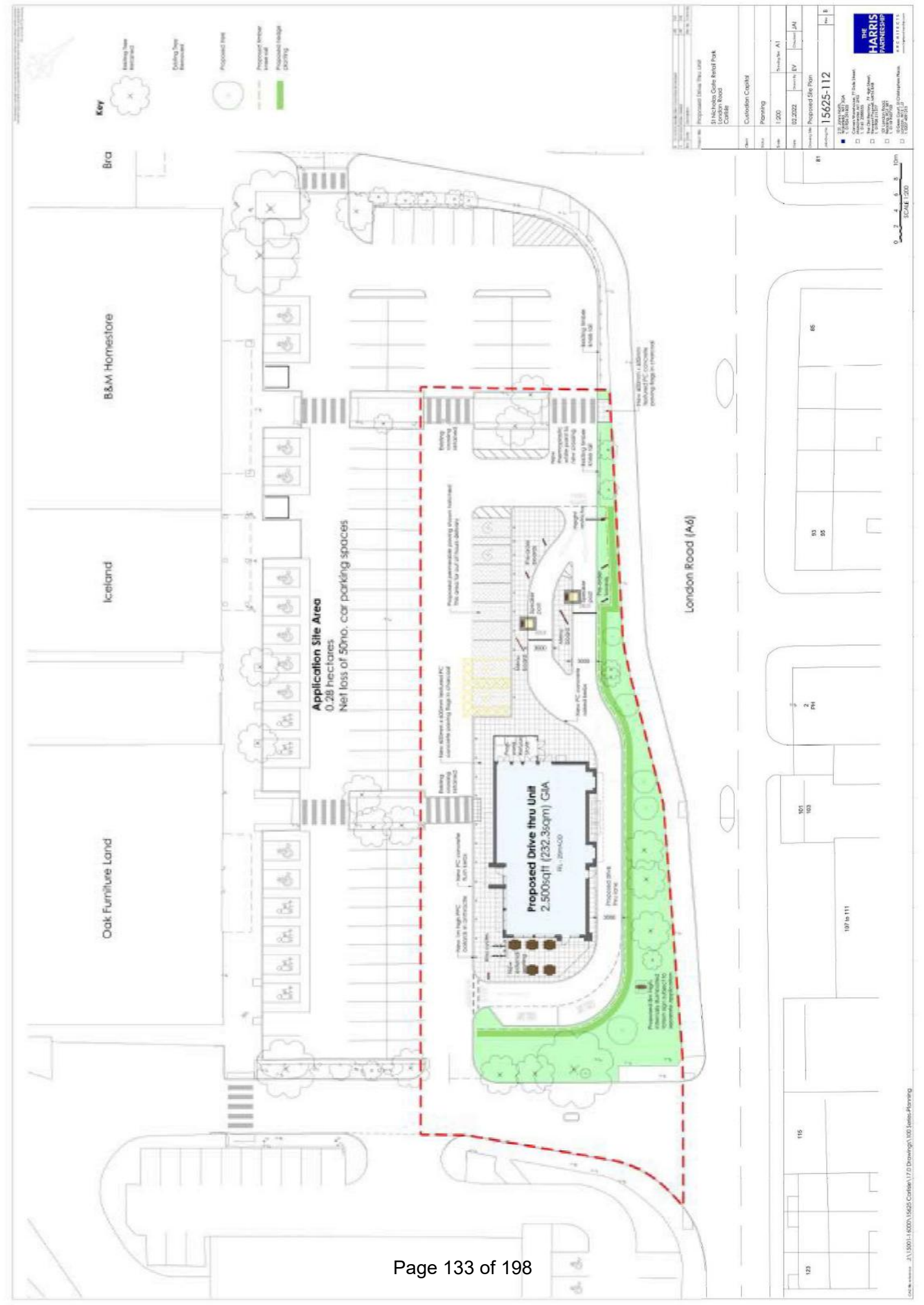
London Road (A6)



Project Name	Proposed Drive Thru Unit
Client	St Nicholas Gate Retail Park
Location	London Road Cardiff
Site	Custom Capital
Scale	Planning
Date	1/200
Drawn by	30/03/2022
Checked by	15/03/2022
Project No.	15625-111
Client Ref.	15625-111
Project Manager	15625-111
Project Engineer	15625-111
Project Designer	15625-111
Project Checker	15625-111
Project Approver	15625-111

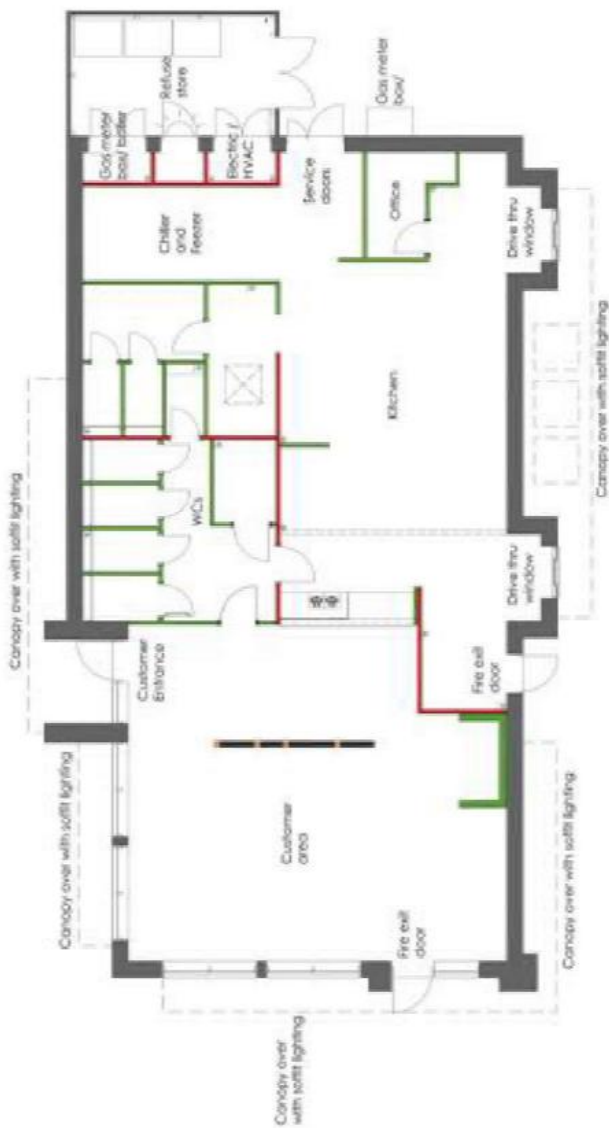


SCALE 1:200
0 2 4 6 8 10m

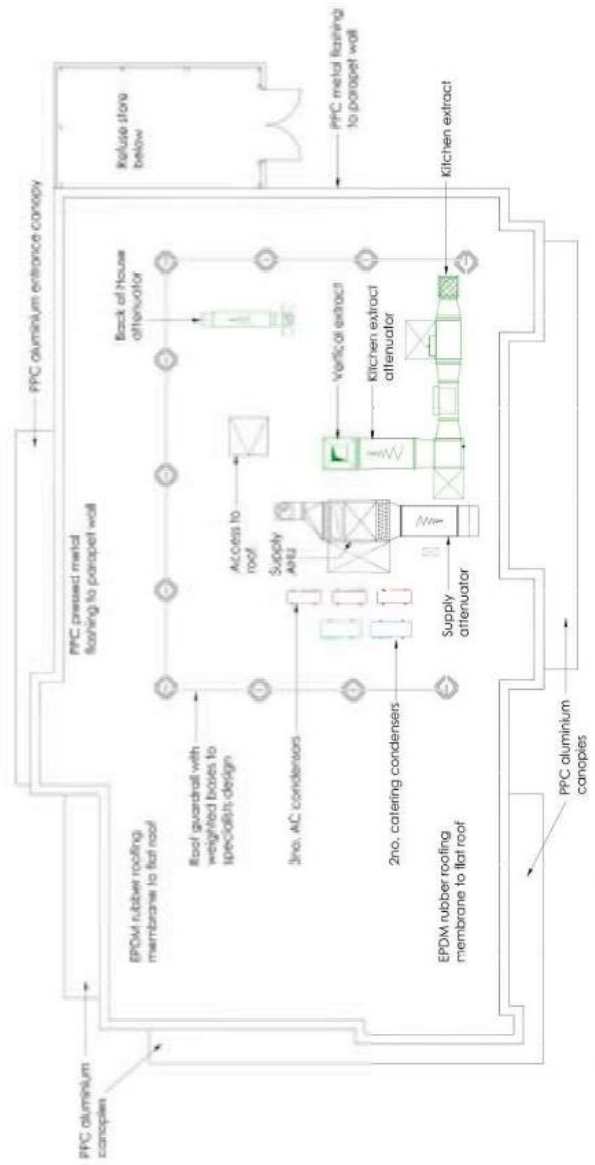


Project Name	St Nicholas Gate Retail Park London Road Castle		
Client	Custodian Capital		
Year	1 200	Phase No.	A1
Date	02.2022	Issue	EV
Drawn by	Proposed Site Plan		
Project No.	15625-112		
Scale	1:500		
Author	A1		
Check	EV		
Drawn	JA		
Issue	B		





Proposed GA Plan



Proposed Roof Plan

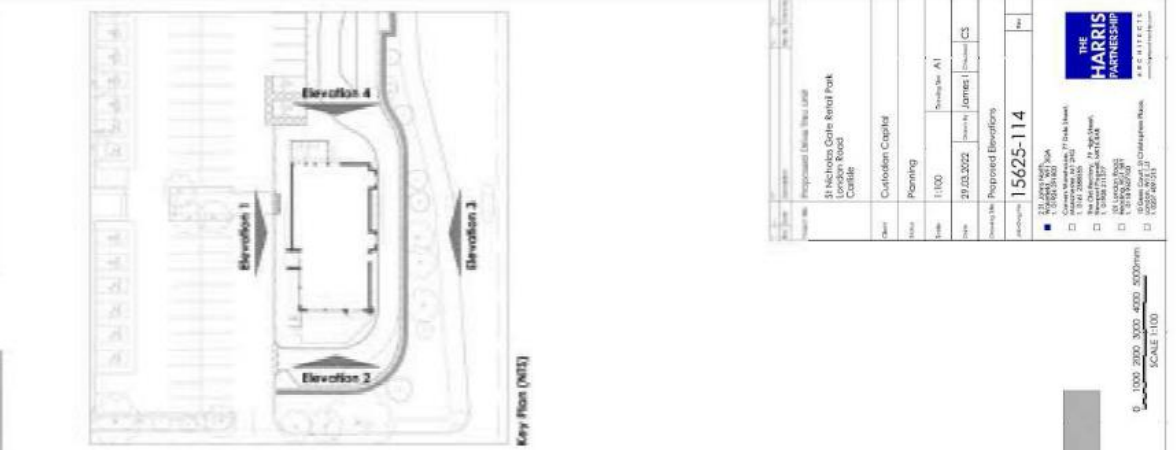
Rev	Desc	Date
1	Issue for	29/03/2022
2	Rev 1: Check	

Project Name	Proposed Drive Thru Unit
Address	51 Nicholas Gate Retail Park London Road Carlisle
Client	Custodian Capital
Series	Planning
Scale	1:100
Date	29/03/2022
Drawn by	James
Checked	CS
Drawing No	15625-113
Project No	15625-113

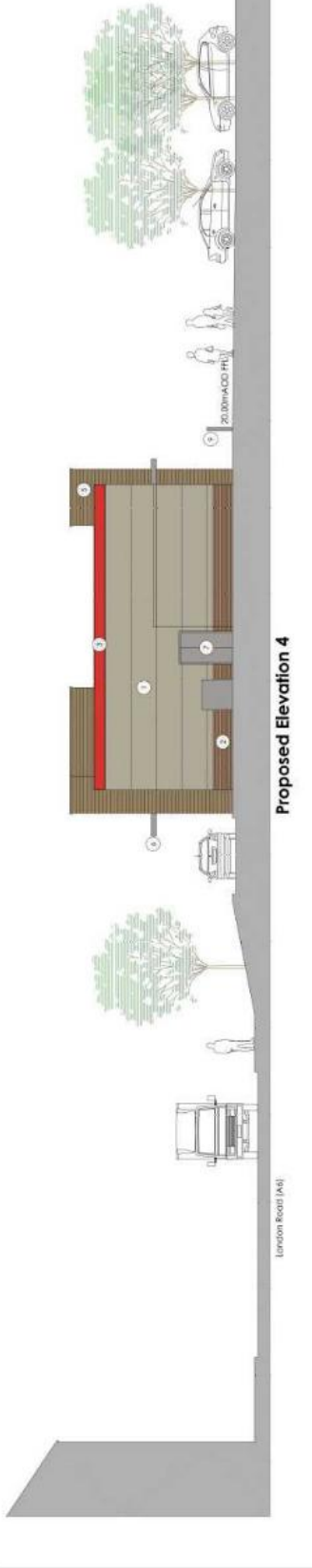
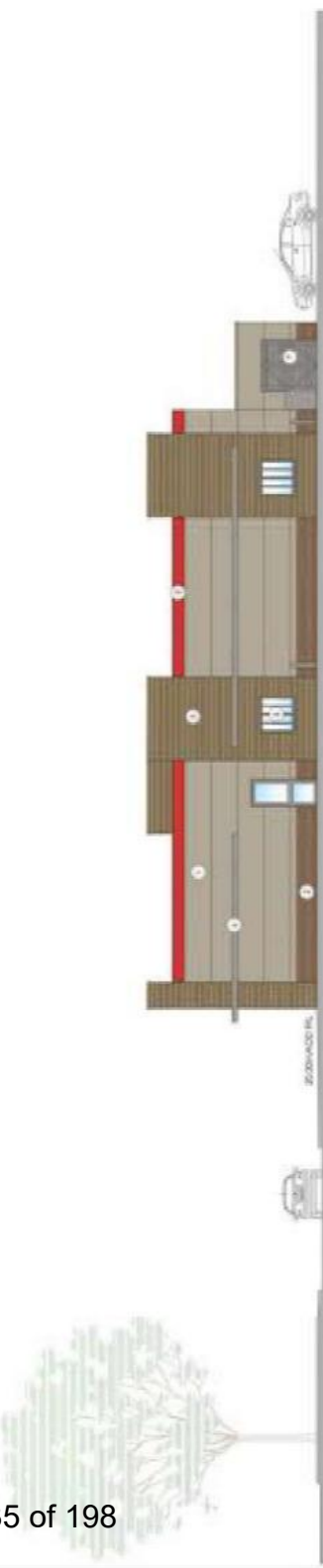
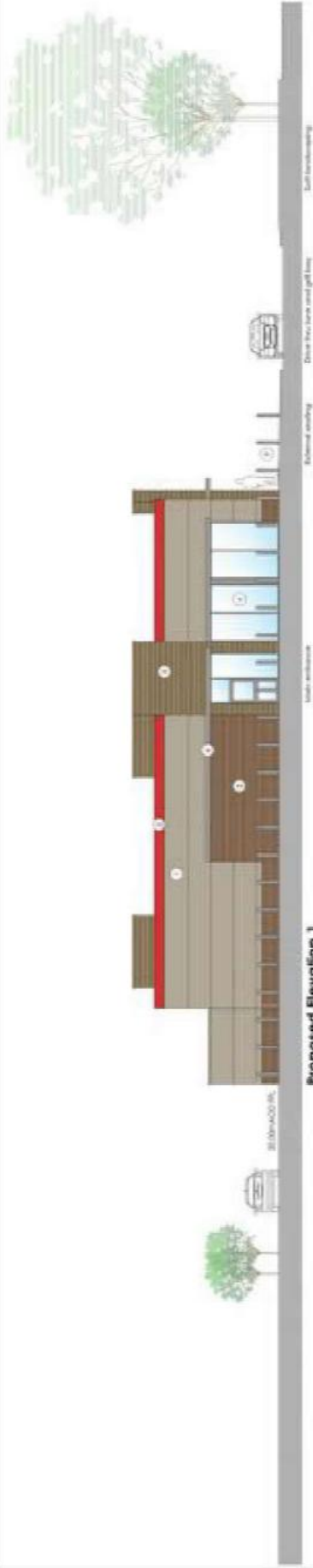
231, Jones North Weybridge, Wilt 30A C. 01753 50000 Marnborough, T7 Dale Street, Marnborough, Wilt 29G T. 0161 258555	101 London Road Carlisle T. 01753 50000
<input type="checkbox"/> The Harris Partnership 1, Old Rectory, Wilt 16A T. 01753 213577	<input type="checkbox"/> 10 Great Court, St Christopher Place, London W8 9LJ

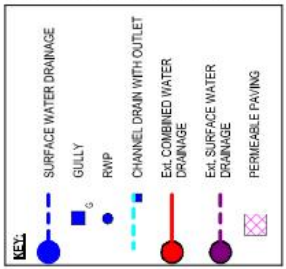


- Material Key:**
- 1. Charcoal horizontal siding
 - 2. Cedar vertical siding
 - 3. Dark grey horizontal siding
 - 4. Light grey horizontal siding
 - 5. White horizontal siding
 - 6. Dark grey vertical siding
 - 7. Light grey vertical siding
 - 8. White vertical siding
 - 9. Dark grey horizontal siding
 - 10. Light grey horizontal siding
 - 11. White horizontal siding
 - 12. Dark grey vertical siding
 - 13. Light grey vertical siding
 - 14. White vertical siding
 - 15. Dark grey horizontal siding
 - 16. Light grey horizontal siding
 - 17. White horizontal siding
 - 18. Dark grey vertical siding
 - 19. Light grey vertical siding
 - 20. White vertical siding



Project Name	31 Nicholas Gate Retail Park London Road Cottingham
Client	Cottingham Capital
Scale	Planning
Date	1:100
Drawn by	James
Checked by	James
Project No.	15625-114
Revision	





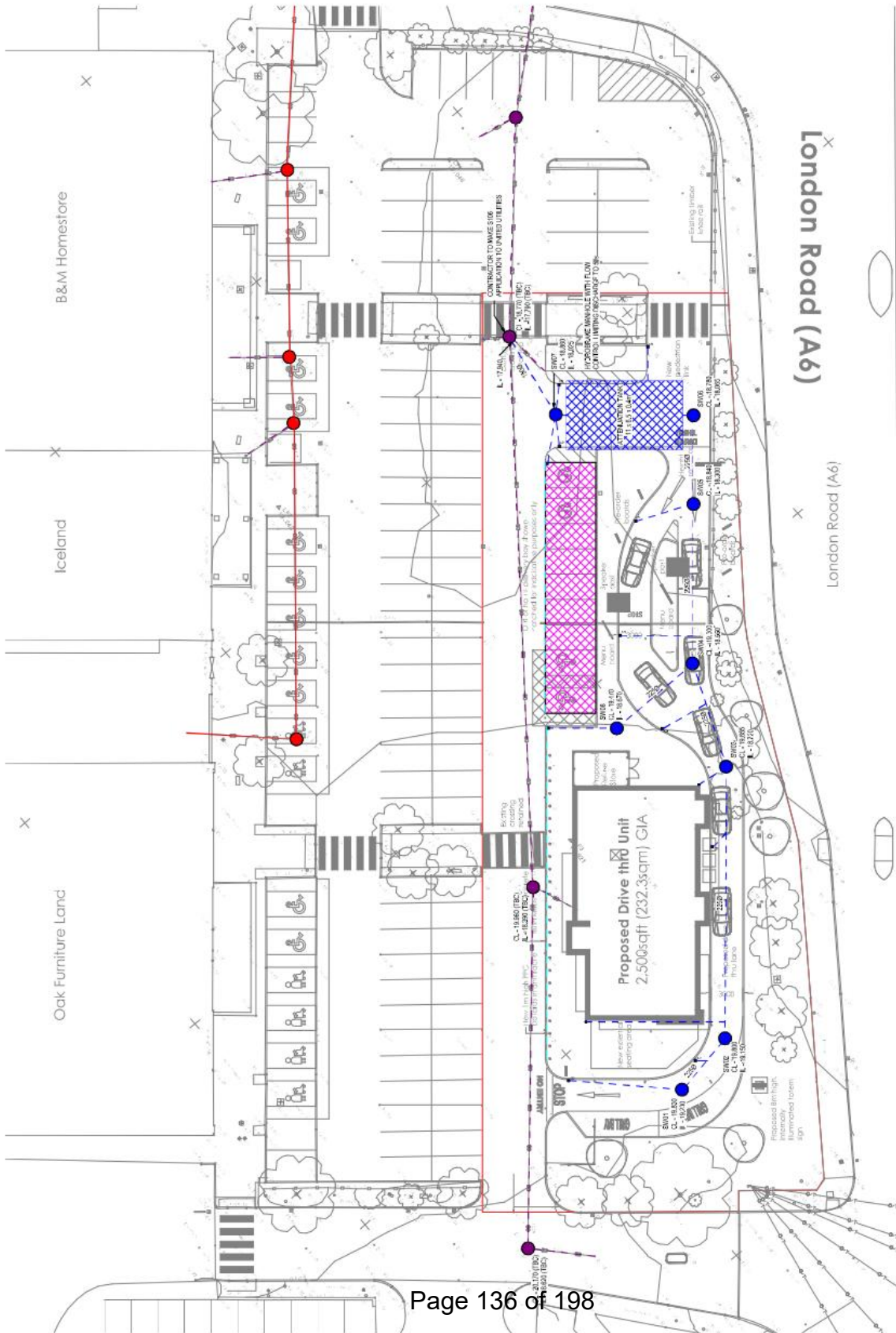
NOTE.
COVER LEVELS TO BE CONFIRMED ONCE EXTERNAL LEVELS HAVE BEEN DEVELOPED

ALL RWP POSITIONS ARE INDICATIVE ONLY - NUMBER AND POSITION OF RWPs TO BE CONFIRMED BY ABOVE GROUND DRAINAGE ENGINEER

ALL SURFACE WATER DISCHARGE FLOW RATE AND ATTENUATION TO THE LULFA APPROVAL

ALL EXISTING ROUTES AND CONDITIONS TO BE SURVEYED BY CCTV

1. DO NOT SCALE FROM THE DRAWING.
2. ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED.
3. ALL LEVELS ARE IN METRES ABOVE DRAINAGE DATA.
4. DRAWING TO BE READ IN CONJUNCTION WITH THE BELOW GROUND DRAINAGE SPECIFICATION AND DRAWINGS.
5. ALL UNDERGROUND DRAINAGE TO BE CONFORMED TO BS EN 12052 AND BS EN 12526 TO BE 400mm x 80mm IN 100mm OR STRUCTURED WALL THERMOPLASTIC TO BS EN 12450.
6. ALL SURFACE DRAINAGE TO BE CLASSIFIED AS A300 UNLESS OTHERWISE SPECIFIED WITHIN 300mm OF UNDERSIDE OF SLAB CLASSIFICATION TO BE AS PER BS EN 12052. THE TYPE OF UNDERSIDE OF SLAB SPECIAL PROTECTION REQUIRED THESE PIPELINES ARE WITHIN 1m OF FOUNDATIONS.
7. COVER LEVELS FOR MANHOLES, CHIMNEYS SHALL BE 0.150 LAB AT A GRABMENT OF 1:50 UNLESS OTHERWISE INDICATED ON DRAWINGS.
8. POINT OF COLLECTION FOR SURFACE WATER DRAINAGE REQUIRES TO BE SET BACK FOR SUD SPAK SAM FOR CHANNEL DRAIN.
9. THE CONTRACTOR TO TAKE MEASURES TO PREVENT DAMAGE TO ANY EXISTING UTILITIES PRIOR TO COMMENCEMENT OF WORK.
10. ALL EXISTING UTILITIES COMPONENTS TO BE MAINTAINED UNLESS OTHERWISE SPECIFIED.
11. ALL EXISTING UTILITIES COMPONENTS TO BE MAINTAINED UNLESS OTHERWISE SPECIFIED.
12. ALL MANHOLE COVERS IN HARD PAVED AREAS TO BE SET BACK FROM THE ROAD SURFACE FINISH AS SPECIFIED BY THE ARCHITECT.
13. ALL INTERNAL MANHOLES TO HAVE RECESSED COVERS AND BE FULLED TO WATER LEVEL. ALL MANHOLES TO HAVE ALSO HAVE DOUBLE SEALED COVERS AND FRAME AND BE SLOTTED/GRIDDED DOWN.
14. ALL SANITARY FITTINGS SHALL BE AS SPECIFIED BY THE ARCHITECT.
15. ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE USED AS GUIDE LINES AND CHECKED AT SITE BEFORE COMMENCING THE WORK.
16. ALL SETBACK LEVELS ARE THE RESPONSIBILITY OF OTHERS.



Proposed Drainage Layout
Scale: 1:200

SCHEDULE A: Applications with Recommendation

22/0903

Item No: 05

Date of Committee: 24/03/2023

Appn Ref No:
22/0903

Applicant:
Mr James Miller

Parish:
Brampton

Agent:
Mr John Sanderson

Ward:
Brampton & Fellside

Location: Land to the North of Rose Cottage, Gelt Road, Brampton, Cumbria, CA8 1QB

Proposal: Erection Of 1no. Dwelling To Include Foul Water Treatment Plant And Drainage

Date of Receipt:
05/12/2022

Statutory Expiry Date
30/01/2023

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

1.1 It is recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic development to approve the application, subject to the imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.
- 2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 Principle of development
- 2.2 Scale and design of the dwelling and the impact of the proposal on the character and setting of the Brampton Conservation Area
- 2.3 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.4 Impact of the proposal on highway safety
- 2.5 Proposed drainage methods

- 2.6 Impact of the proposal on trees and hedgerows
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to approximately 0.39 hectares, is located on the western side of Gelt Road approximately 350 metres from the centre of Brampton and is within the Brampton Conservation Area. The application site is enclosed by mature hedgerows and trees with its eastern (roadside) boundary delineated by a sandstone wall with a mature hedgerow beyond.
- 3.2 Rose Cottage, a single storey detached property adjoins the southwestern boundary of the application site. Belvedere and Hartfield, 2no. bungalows and North View, a two-storey property are located directly opposite the site on the eastern side of Gelt Road.

The Proposal

- 3.3 The application seeks full planning permission for the erection of 1no. dwelling to include foul water treatment plant and drainage. The submitted drawings illustrate a substantial detached one and a half storey dwelling which would have a maximum length of 28.6 metres by a maximum width of 18.3 metres (including the porch) with a maximum ridge of 8.25 metres. The accommodation would comprise of entrance hall, kitchen/dining, utility, sun lounge, study/office, living room, 1no. ensuite bedroom, store, cloakroom and w.c. with 2no. ensuite bedrooms with enclosed balconies, 1no. ensuite bedroom, bathroom, galleried landing, store and linen room above.
- 3.4 The front elevation, broken up by a series of gable projections with differing ridge heights, would be finished in red sandstone with the rear and gable elevations finished in render with sandstone detailing. The roof would be finished in natural grey slates.
- 3.5 The submitted drawings illustrate that most of the existing trees and hedgerows within and bordering the application site would be retained and reinforced by additional planting with the exception of the proposed new vehicular access in the eastern boundary. The vehicular access would afford access to Gelt Road and be delineated by the existing sandstone wall with the entrance into the site formed with curved walls faced in sandstone.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of site and press notices. In response, eleven representations of objection have been received.

4.2 The representations have been reproduced in full for Members, however, in summary the issues raised are:

1. scale, design and materials of dwelling out of character with the conservation area;
2. potential impact on highway safety
3. questions timing and findings of traffic survey
4. Gelt Road is part of National Cycleway 72
5. detrimental impact on traffic flow during construction period
6. detrimental impact on amenity during construction period
7. smaller more energy efficient homes should be constructed
8. loss of existing landscaping

5. Summary of Consultation Responses

Clerk to Brampton PC: - no response received;

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

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to the imposition of conditions in respect of visibility splays and surfacing of access;

United Utilities: - recommend the applicant considers their drainage plans in accordance with the surface water drainage hierarchy outlined in the PPG. If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit UUs website or contact the Developer Services team for advice.

6. Officer's Report

Assessment

6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 together with Policies SP2, SP6, SP7, HO2, IP2, IP3, IP4, IP6, CC5, CM5, HE7, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing' and 'Trees and Development' are also material planning considerations together with the Brampton Conservation Area Appraisal and Management Plan (BCAAMP).

6.3 The proposals raise the following planning issues.

1. Principle Of Development

- 6.4 The NPPF advocates a presumption in favour of sustainable development. Paragraph 7 of the NPPF outlining that: *"the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"*. Paragraph 10 expanding by stating that: *"so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)"*.
- 6.5 The aims of the NPPF are reiterated in Policy HO2 of the local plan which recognises that windfall housing can contribute in a positive way to the supply of housing over the plan period. Within the built-up areas of Carlisle, Brampton and Longtown, particularly but not exclusively within the Primary Residential Areas, Policy HO2 acknowledges there are likely to be opportunities for new residential development. Residential development will be acceptable in these areas subject to the development not prejudicing the spatial strategy of the local plan and subject to satisfying five criteria.
- 6.6 When assessing the application against the foregoing policies, the erection of one dwelling would not constitute a threat to the delivery of the local plan's spatial strategy. The application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside.
- 6.7 In light of the foregoing, the proposal represents an appropriate windfall development in Brampton supported by both national and local planning policies, therefore, the principle of development is acceptable. Compliance with the other criteria of Policy HO2 and other policies of the local plan will be discussed in the relevant sections below.

2. Scale And Design Of The Dwelling And The Impact Of The Proposal On The Character And Setting Of Brampton Conservation Area

- 6.8 The application site is within the Brampton Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area"*.
- 6.9 The aim of the 1990 Act is reiterated in both the NPPF, PPG, and Policies SP7 and HE7 of the local plan. Policies SP7 and HE7 seeking to ensure that development proposals preserve or enhance the character and appearance of conservation areas. Any new development and/or alterations to existing buildings should harmonise with their surroundings and be in sympathy with

the setting, scale, density, and physical characteristics of the conservation area, protecting important views into and out of conservation areas.

- 6.10 Accordingly, Members must give considerable importance and weight to the desirability of preserving or enhancing the character and appearance of the Brampton Conservation Area. The local planning authority must also be mindful to case law *South Lakeland District Council v Secretary of State for the Environment* (1992) which established the principle that development that was neutral on a conservation area, in that it made no positive contribution but left it unharmed, could properly be said to preserve the character and appearance of that area.
- 6.11 Specific to Brampton is the 'Brampton Conservation Area Appraisal and Management Plan' (adopted February 2007). The planning policies identified within the BCAAMP relate to the Carlisle District Local Plan (Redeposit Draft 2005) which Members are aware have been superseded by the Carlisle District Local Plan 2015-2030. Nevertheless, elements of the BCAAMP; however, still carry some weight and provides a character appraisal of the conservation area with the management plan identifying areas which positively enhance and preserve the character and appearance of the conservation area.
- 6.12 The NPPF creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 outlining that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.*

- 6.13 High quality design is also a key thrust of the local plan's strategic overarching strategy. Policy SP6 of the local plan seeking to ensure that proposals respond to the local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing

local architectural features to promote and respect local character and distinctiveness. Policy HO2 in respect of windfall housing outlining that the scale and design of development proposals are appropriate to the scale, form, function, and character of the existing settlement.

- 6.14 When assessing the character of the area, it is evident that there are a variety of properties of differing ages and styles within the immediate vicinity. The BCAAMP outlining that: *"Gelt Road begins at Front Street lined with typical urban sandstone buildings; this is quickly followed by several 20th century developments on both sides ... As the road rises steeply the urban area is left behind and Lanning Head has open countryside on either side. Beyond, the road bends southwards at North View; one of a handful of properties built along the road side .. Gelt Road continues to rise up to Capon Hill with pockets of development, much of it 19th century including the former Brampton Workhouse which has been converted into cottages. Most of these dwellings are traditional in character with sandstone walls, slate roofs and tall windows ... "*
- 6.15 The submitted drawings illustrate a relatively large one and a half storey detached property with detached garage set down into the topography of the application site. A new vehicular access would be formed onto Gelt Road which would necessitate the removal of a section of hedgerow, located beyond an existing sandstone boundary wall (to be retained), with the remainder of the hedgerow managed and supplemented by additional planting along the boundary and within the application site itself. The vehicular access itself would be set back into the site with a curved sandstone faced dwarf wall. The submitted drawings illustrating that the proposed front elevation would be natural red colour sandstone with the rear and gable elevations finished in render with natural red colour sandstone detailing. The roof covering would be natural grey slate.
- 6.16 The scale, massing and orientation of the proposed dwelling and detached garage would be commensurate with the size of the application site. Furthermore, the retention of part of the existing roadside hedge except for the vehicular access together with proposed landscaping would also help to soften and blend the proposed dwelling into the street scene. Adequate external amenity space and parking provision to serve both the proposed dwelling would also be achieved.
- 6.17 In light of the foregoing planning assessment and on balance, the location, scale, design of the proposed dwelling together with existing and proposed landscaping would respond to the local context and not be disproportionate or obtrusive within the street scene or the conservation area. Furthermore, the council's conservation officer has not raised any objections to the proposal and was actively involved in pre-application discussions with the proposal broadly reflecting his advice. Accordingly, the proposal accords with the objectives of the NPPF, PPG, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, local plan policies and SPDs.

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

- 6.18 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policy SP6 of the local plan seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments through unacceptable loss of light, overlooking or over-dominance. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. Paragraphs 5.44 and 5.45 of the SPD, in respect of privacy and amenity outlines that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances".

- 6.19 The proposal satisfies the minimum distances as outlined in the council's SPD 'Achieving Well Designed Housing' in respect of loss of privacy. Third parties have raised objections to the proposal citing the potential for noise and disturbance during construction works. As Members will be aware, it is inevitable that construction works inevitably involve a degree of noise and disturbance. As such, should Members approve the application, a condition is suggested which would restrict construction hours.

- 6.20 In overall terms, given the orientation of the proposed dwelling in relation to neighbouring residential properties together with existing and proposed landscaping, the proposal would not have a significant detrimental impact on the living conditions of the occupiers of neighbouring properties through unacceptable loss of light, overlooking or over dominance. Compliance with the recommended condition in respect of construction hours would also help to mitigate for any unacceptable noise and disturbance arising from the construction of the dwelling.

4. Impact Of The Proposal On Highway Safety

- 6.21 Policies IP2 and IP3 of the local plan seek to ensure that all new development is assessed against its impact on the transport network and that well designed, safe, and appropriate parking provision is provided. The submitted drawing illustrate that the dwelling would be served by a new vehicular access onto Gelt Road. The application was accompanied by a Technical Note containing the results of a speed survey and pre-application correspondence undertaken between the agent and Cumbria County Council, as Highway Authority, together with a block plan illustrating the visibility plays achievable from the proposed access.
- 6.22 Third parties have raised objections to the proposal citing potential impact of highway safety. The representations have been reproduced in full for

Members, however, in summary the highway safety issues raised centre on width of Gelt Road, absence of footpath along this section of Gelt Road; existing obstructions arising from parked cars visiting the allotments to the south of Rose Cottage and during waste collection periods; Gelt Road forms part of National Cycleway Number 72; adequacy of access to serve the dwelling, and disturbance to residents during construction works.

- 6.23 Third parties have also questioned the findings of the speed survey submitted in support of the application as they consider it would not represent true traffic movements due to the consequences of the pandemic. This issue has been raised with the Highway Authority who have confirmed that it is satisfied with the results recorded in February 2021.
- 6.24 Cumbria County Council, as Highway Authority, have been consulted on the proposal and raise no objections to the proposal subject to the impositions of condition in respect of the provision of visibility splays prior to the commencement of any construction works and the surfacing of the proposed access. A further condition is also recommended which would require the submission of a construction phase traffic management plan to mitigate for any potential impact on highway safety during the construction phase.
- 6.25 The objections of third parties are acknowledged; however, the Highway Authority as statutory consultee do not share their concerns. Paragraph 111 of the NPPF advises that: *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Accordingly, as the Highway Authority raises no objections to the proposal it would be difficult to substantiate an objection on highway safety grounds.

5. Proposed Drainage Methods

- 6.26 Paragraph 167 of the NPPF outlines that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that development proposals incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. In respect of surface water drainage, the PPG detailing a hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:
- into the ground (infiltration)
 - to a surface water body
 - to a surface water sewer, highway drain, or other drainage system
 - to a combined sewer
- 6.27 The aims of the NPPF and PPG are reiterated within policies of the local plan to ensure adequate provision for the disposal of foul and surface water facilities is achievable prior to commencement of any development. Policy IP6 of the local plan outlines that in respect of the disposal of foul drainage the first presumption will be for new development to drain to the public

sewerage system. Where alternative on-site treatment systems are proposed, it is for the developer to demonstrate that connection to the public sewerage system is not possible in terms of cost and/or practicality and provide details of the responsibility and means of operation and management of the system for its lifetime to ensure the risk to the environment is low. Policy CC5 of the local plan prioritising the use of sustainable surface water drainage systems through the hierarchy of drainage options detailed in the PPG based on evidence of an assessment of site conditions.

- 6.28 The Conservation of Species and Habitats Regulations 2017 is a further material planning consideration and requires local planning authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats. There are no identified mitigation solutions available locally to resolve these impacts. Alongside other local planning authorities, Carlisle City Council received a letter in March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts to nutrient pollution.
- 6.29 The submitted documents outlines that surface water would enter a soakaway within the application site with foul drainage entering a package treatment plant prior to it entering the mains sewer. Cumbria County Council, as Lead Local Flood Authority, following the receipt of additional information in respect of the location of the soakaways, raise no objections to the proposed method for the disposal of surface water drainage which would also be subject to Building Control legislation. In respect of the proposed method for the disposal of foul drainage, United Utilities as statutory undertaker raise no objection subject to compliance with its procedures and legislation
- 6.30 The application site however is within the Nutrient Neutrality Zone as identified by Natural England. In line with the requirements of Natural England and until such time that it can be demonstrated that the proposed development would not have an adverse impact on the protected habitats of the River Eden SAC through nutrient pollution the council cannot lawfully conclude that development would not have an adverse effect. The submitted documents offer the planting of additional trees to mitigate for any detrimental impact that the proposed dwelling may have on nutrient neutrality. The council is currently in discussions with Natural England to try and achieve a satisfactory resolution to this issue. Accordingly, until these matters are resolved, the council will not be able to grant planning permission for the development until such time that it can be demonstrated that the development can mitigate/achieve nutrient neutrality.

6. Impact Of The Proposal On Trees And Hedgerows

- 6.31 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of 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 and hedges. This aim is further

reiterated in Policy SP6 of the local plan which requires all developments to consider important landscape features and ensure the enhancement and retention of existing landscaping.

- 6.32 The City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.33 The proposed site plan illustrates the retention of most of the existing hedgerows around the application site except for the proposed new vehicular access/exit point. Further landscaping would also be undertaken within the development site. To protect existing hedgerows during construction works a condition is recommended which would ensure that tree and hedge protection barriers are erected prior to the commencement of any works and remain in situ during construction works. A further condition is also recommended which would require the existing roadside hedgerow to be maintained at a height of no less than 1.8 metres when measured from the existing ground level from within the application site and that any existing gaps within the hedgerow are reinforced by a double row of new native hedgerow plants. In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape.

7. Impact Of The Proposal On Biodiversity

- 6.34 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England it is unlikely that the proposed development would harm protected species or their habitat. The application was also accompanied by a Preliminary Ecological Survey (PES) which found that the development would have no impact on the nearest designated site, Unity Bog SSSI, located 1475 metres south of the site. In respect of habitats and flora, the survey outlines that there would be no impact to any notable habitats and that the small area of mixed hedgerow and trees to be lost through the formation of the proposed new access are of low ecological value and are inconsequential. Suitable roosting features for bats may be present in the mature trees along the northern boundary but no impacts on bats were anticipated because of the proposed development as it is assumed the mature trees will be retained to provide screening and provide amenity on the site. The PES concludes with an evaluation of the application site together with a series of recommendations and biodiversity enhancement measures.
- 6.35 In overall terms, existing and proposed landscaping would help to soften and blend the development into the landscape. To ensure the protection and enhancement of biodiversity within the application site, a condition is recommended that would ensure that the development is undertaken in strict

accordance with the recommendations and biodiversity enhancement measures contained within the PES. To further protect biodiversity and breeding birds, informative are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

8. Other Matters

- 6.36 Third parties have suggested that the scale of the dwelling should be reduced to provide a more energy efficient dwelling and that the access to the proposed dwelling should be taken from the housing development located to the northwest of the application site. As Members are aware, each application must be dealt with on its own merits and assessed against the submitted details.

Conclusion

- 6.37 In overall terms, the principle of a dwelling is acceptable. The scale, massing and appearance of the proposed dwelling would respond to the local context and would not be disproportionate or obtrusive within the street scene or the conservation area. Adequate external amenity space and in-curtilage parking provision can also be achieved. The proposal would not have a detrimental impact on the living conditions of the occupiers of the neighbouring properties through unacceptable loss of privacy, loss of light or over-dominance nor would it on highway safety or biodiversity.
- 6.38 In overall terms, the proposals accord with the objectives of the NPPF, PPG, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local plan policies.
- 6.39 It is recommended that:
- 1) Authority to Issue be given to the Corporate Director of Economic development to approve the application, subject to the imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.
 - 2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years

beginning with the date of the grant of this permission.

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 5th December 2022;
2. the Arboricultural Survey received 5th December 2022;
3. the Flood Map for Planning received 5th December 2022;
4. the Heritage, Design and Access Statement received 5th December 2022;
5. the Phase 1 Desk Study Site Investigation Report received 5th December 2022;
6. the Phase 2 Intrusive Site Investigation Report received 5th December 2022;
7. the Preliminary Ecological Appraisal received 3rd March 2023;
8. the Technical Note compiled by TPS Consultants Limited received 5th December 2022;
9. the as proposed ground floor plan received 5th December 2022 (Drawing No. 2022/JM/510/01);
10. the as proposed first floor plan received 5th December 2022 (Drawing No. 2022/JM/510/02);
11. the as proposed front & side elevations received 5th December 2022 (Drawing No. 2022/JM/510/03);
12. the as proposed rear & side elevations received 5th December 2022 (Drawing No. 2022/JM/510/04);
13. the existing and proposed block plans including planting (additional apple trees), soakaway design and locations, location plan, aerial views received 7th March 2023 (Drawing No. 2022_JM_510_000.9);
14. the topographic survey received 5th December 2022 (Drawing No. 180821-BRAMPTON-JS-TOPO-001);
15. the topographic survey with Landscaping received 5th December 2022;
16. the location, sewers maps and aerial photographs received 5th December 2022;
17. the Notice of Decision;
18. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Development shall not be begun until a Construction Phase Traffic Management Plan (CPTMP) has been submitted to and approved in writing by the local planning authority. The CPTMP shall include details of:

1. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development
2. retained areas for the storage of materials

3. cleaning of site entrances and adjacent public highway
4. details of proposed wheel washing facilities for vehicles leaving the site
5. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway
6. construction vehicle routing
7. implementation of noise mitigation measures i.e. storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible
8. provision and use of water suppression equipment
9. covering of 'dusty' materials

Reason: To protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

4. Before development commences a scheme of tree and hedge protection of those trees and hedges to be retained (as illustrated on Drawing Number 2022_JM_510_000.9) shall be submitted to and approved in writing by the local planning authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

5. Within the tree protection fencing approved by Condition 4:
 1. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
 2. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
 3. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
 4. No materials or vehicles shall be stored or parked within the fenced off area.
 5. No alterations to the natural/existing ground level shall occur.
 6. No excavations will be carried out within the fenced off area.
 7. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been

submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.

7. The development hereby permitted shall be constructed in strict accordance with the Recommendations and Biodiversity Enhancements contained within Section 4.2 of the Preliminary Ecological Appraisal compiled by Arbtech Consultants received 3rd March 2023.

Reason: To afford protection of protected species during the construction phase of the development in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. The development shall not commence until visibility splays providing clear visibility as illustrated on drawing no. 2022_JM_510_000.9 have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

9. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety and in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. The existing hedgerows to be retained along the eastern (roadside) boundary of the site, with the exception of the vehicular access, as indicated on Drawing Number 2022_JM_510_000.7 shall be retained at a height of not less than 1.8 metres as measured from the existing ground level within the application site. The existing hedgerows shall be enriched through the

planting of a double row of staggered native plants in gaps exceeding 250mm. All planting shall be carried out in the first planting season following the occupation of the dwelling and maintained thereafter to the satisfaction of the council. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of privacy and amenity in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

11. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

12. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policies IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

13. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the dwelling within the application site and shall be completed prior to the occupation of the dwelling.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

14. Prior to the occupation of the dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for the dwelling shall be implemented on site before the dwelling is first brought into use and retained thereafter for the lifetime of the development.

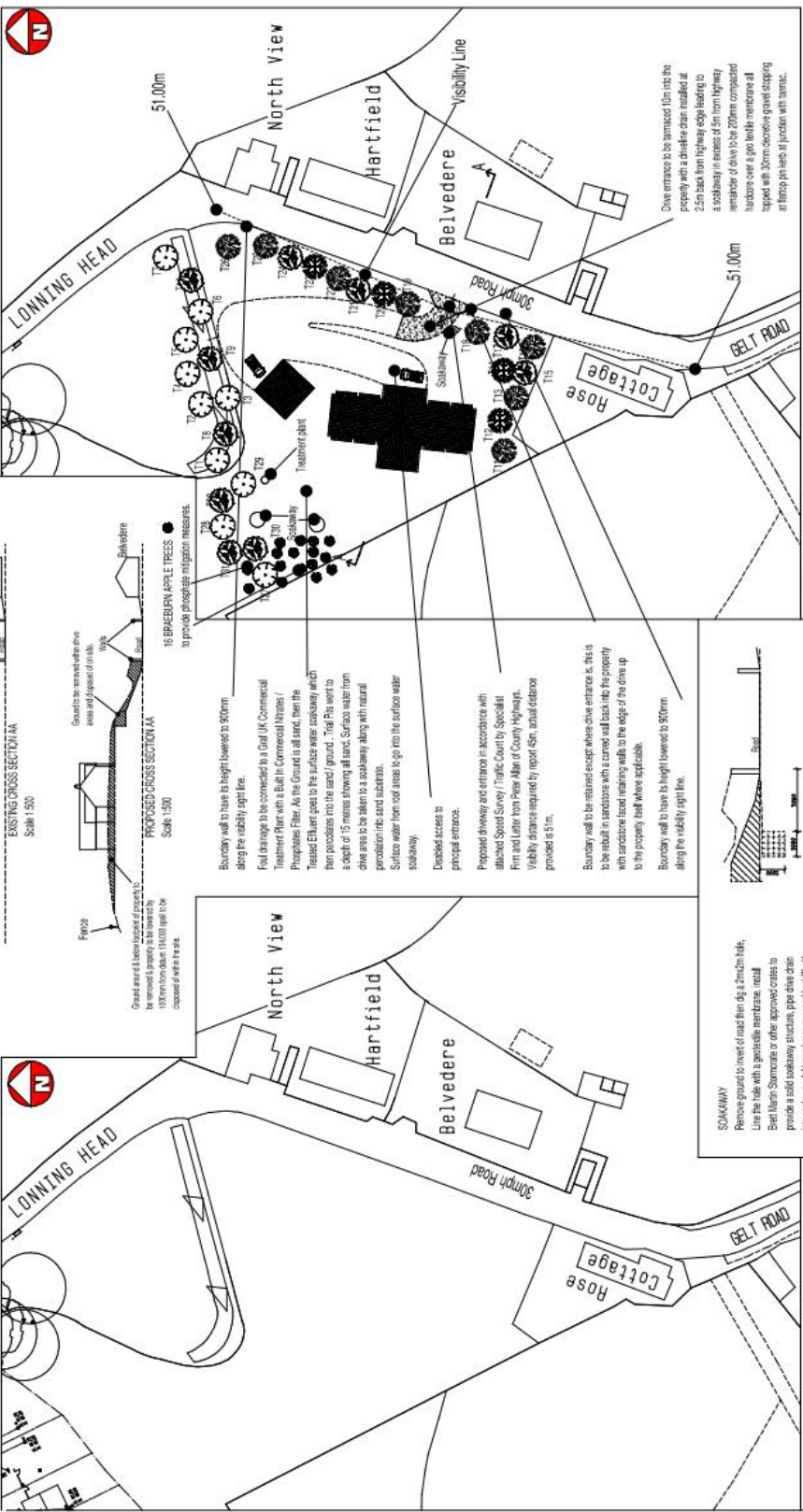
Reason: To ensure the provision of electric vehicle charging points for the dwelling in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and

risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



ROADSIDE SCREEN PLANTING.
Screen planting to be provided to locations noted on the proposed block plan and to be made up of trees and shrubs sited to growing on large plots of land. Planted trees are to be standards, approximately 2.5 - 3m height, depending on the species. Trees should be obtained, approximately 2.5m apart as a random species mix will provide with 2 support stakes and centre stem protection.

- Tree Species:**
T1 - 17, T27, T28, English Oak (Quercus Robur) estimated full grown height 25 - 35m
T8, T9, T10, T15, T17, T21, T24, T26 - 32, Silver Birch (Betula pendula) estimated full grown height 15 - 20m
T11, T13, T16, T18, T19, T22, T25, Wild Cherry (Prunus Avium) estimated full grown height 10 - 15m
T12, T14, T20, T23, T26, Crab Apple (Malus sylvestris) estimated full grown height 10 - 12m

PLANTING INSTRUCTIONS FOR FIELD GROWN BARE ROOT PLANTS

- 1 Plant bare-root trees and shrubs in winter and very early spring from the end of October to early April in most parts of the country when the plants are dormant and the ground isn't frozen solid. They'll have a chance to put out new roots before they have to cope with hot sun, drying winds and the added stress of producing leaves.
- 2 Remove any pebbles or stones from the soil, and use a fork to aerate the soil.
- 3 Remove any pebbles or stones from the soil, and use a fork to aerate the soil.
- 4 Dig a hole that is at least two feet wider than the root system and about as deep as the point where the roots flare from the trunk (or stems in the case of a shrub). Loosen your shovel, loosen the soil on the sides of the hole so it doesn't collapse around the plants roots.
- 5 Mix soil from the bottom of the hole so that the pebbles wash just above ground level.
- 6 Place stakes in the hole if you're staking a tree that will need support (see below How to Stake and Tie a Tree).
- 7 Set the tree or shrub on top of the mound so the roots cascade down over the sides. Spread them gently with your hands if you need to, and add or remove soil so the top of the root system is just at ground level.
- 8 Fill the hole about halfway with soil and tamp it lightly with your foot to remove large air pockets.
- 9 Make sure the tree or shrub is standing straight up. Firm water slowly to saturate the soil and remove any remaining air pockets.
- 10 Finish filling the hole with soil. Use any extra to build a temporary berm above the perimeter of the roots and water spout.
- 11 Keep the soil moist for the first year after planting. Muck to retain moisture, but keep at least 1" between you and the trunk. Check frequently. If you see yellow leaves or the soil feels dry, water immediately.

MULCH - BUT NOT TOO MUCH
When mulching, make sure that you do not mulch immediately up to the trunk of the tree. Leave at least three inches around the tree trunk. Also, don't lay mulch on top of the trunk. Two inches is more than enough to help conserve water. Just as you did with the soil, build a mulch retaining wall.

WATER WITH A SLOW-DROP HOSE

As you're done planting, turn on a slow-drip hose. Water consistently, especially until the plants have had a chance to acclimate itself to its new home. It should take more effective and efficient to use a slow-drip hose for a longer period than a hand-held hose for a few minutes.

HOW TO STAKE AND TIE A TREE

- 1 Buy wooden or metal stakes that are about 1/3 the height of your tree, plus at least 2 feet to be sunk into the ground. If your stakes are longer than 8 feet, 25 percent of the total length should be below ground.
- 2 Drive the stakes into the earth side of the hole below you set in the tree.
- 3 Secure the tree to the stakes with broad, soft strips or lengths of rope. Do not use wire over the tree's tender tender process of new. It can cut into the young bark and cause permanent damage.
- 4 Fasten the strips tightly to the stakes and very loosely to the tree. There should be enough slack so that the tree can move up to 2 inches in every direction. If the trunk can't move, it won't grow in girth and will remain unstable.
- 5 Remove the stakes and ties within a year after planting.

IN THE GARDEN
New built residential house & garage to be situated in paddock / field site located between existing 19 house homing estate and existing "rue cottage" off gate road and opposite existing properties "Hartfield" and "Belvedere" located on gate road, Beaumont, Camber, CA8 1QB.

EXISTING AND PROPOSED BLOCK PLANS INCLUDING PLANTING, LOCATION PLAN, AERIAL VIEWS



AERIAL VIEW (Block Plan)
Not to Scale



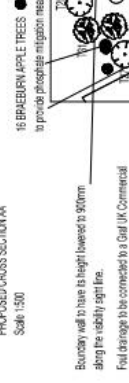
AERIAL VIEW (Location Map)
Not to Scale



EXISTING BLOCK PLAN
Scale 1:500

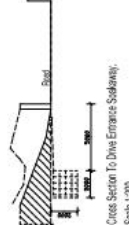


EXISTING CROSS SECTION AA
Scale 1:500



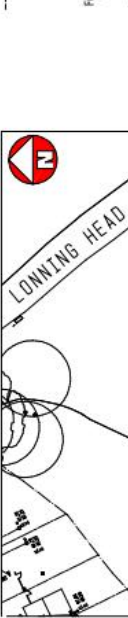
PROPOSED CROSS SECTION AA
Scale 1:500

Boundary wall to have a height lowered to 900mm along the visibility sight line.
Four drainage to be connected to a Gull UK Commercial Treatment Plant with a Built In Commercial Altrives / Phosphates Filter. As the Ground is all sand, then the treated Effluent goes to the surface water soakaway which then percolates into the sand / ground. Treat Pts want to a depth of 15 metres showing all sand. Surface water from drive area to be taken to a soakaway along with natural percolation into sand substrate.
Surface water from our drives to go into the surface water soakaway.
Disabled access to principal entrance.
Proposed driveway and entrance in accordance with attached Speed Survey / Traffic Count by Specialist Firm and Letter from Peter Allen of County Highways. / Visibility distance required by report 45m, actual distance provided is 51m.
Boundary wall to be retained except where drive entrance is. This is to be rebuilt in sandstone with a curved wall back into the property with sandstone faced retaining walls to the edge of the drive up to the property / wall where applicable.
Boundary wall to have a height lowered to 900mm along the visibility sight line.

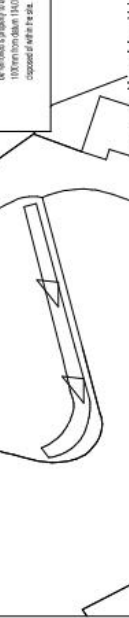


Cross Section To Drive Entrance Soakaway
Scale 1:200

SOAKAWAY
Remove ground to meet then dig a 2m x 2m hole. Line the hole with a geotextile membrane, install Best Alarm. Stormwater or other approved crates to provide a solid soakaway structure, pipe drive drain into soakaway. Add membrane cover and backfill with original topsoil (sand/gravel) comprising in 100mm layers.



EXISTING CROSS SECTION BB
Scale 1:500



PROPOSED CROSS SECTION BB
Scale 1:500

Boundary wall to have a height lowered to 900mm along the visibility sight line.
Four drainage to be connected to a Gull UK Commercial Treatment Plant with a Built In Commercial Altrives / Phosphates Filter. As the Ground is all sand, then the treated Effluent goes to the surface water soakaway which then percolates into the sand / ground. Treat Pts want to a depth of 15 metres showing all sand. Surface water from drive area to be taken to a soakaway along with natural percolation into sand substrate.
Surface water from our drives to go into the surface water soakaway.
Disabled access to principal entrance.
Proposed driveway and entrance in accordance with attached Speed Survey / Traffic Count by Specialist Firm and Letter from Peter Allen of County Highways. / Visibility distance required by report 45m, actual distance provided is 51m.
Boundary wall to be retained except where drive entrance is. This is to be rebuilt in sandstone with a curved wall back into the property with sandstone faced retaining walls to the edge of the drive up to the property / wall where applicable.
Boundary wall to have a height lowered to 900mm along the visibility sight line.



Cross Section To Drive Entrance Soakaway
Scale 1:200

Client	James Miller, 9 Empire Park, Greens, Dumfriesshire, DG16 5HE
Drawn by	Not to Scale
Date	07/06/2023
Revised	
Page No.	2022_JM_510_006/9
Scale	As Marked

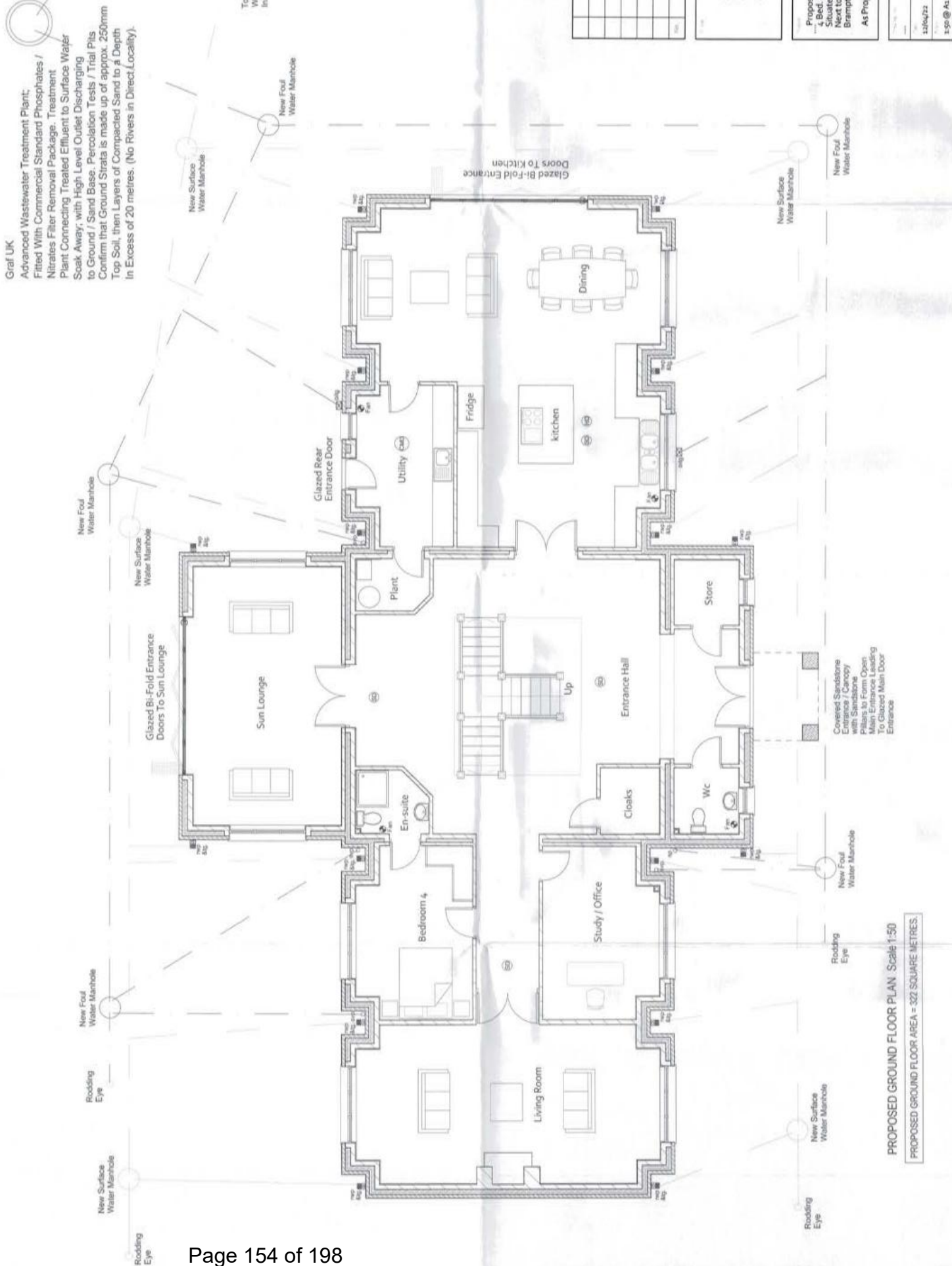
Graf UK

Advanced Wastewater Treatment Plant, Fitted With Commercial Standard Phosphates / Nitrates Filter Removal Package. Treatment Plant Connecting Treated Effluent to Surface Water Soak Away, with High Level Outlet Discharging to Ground / Sand Base. Percolation Tests / Trial Pits Confirm that Ground Strata is made up of approx. 250mm Top Soil, then Layers of Compacted Sand to a Depth In Excess of 20 metres. (No Rivers in Direct Locality).

Treatment Plant to be Located In Excess of 15 Metres Away From Main Dwelling.

Treated Effluent Connected To Surface Water Soak Away With High Level Outlet. Located In Excess of 15 Metres Away From Main Dwelling.

To Surface Water Soak Away With High Level Outlet. Located In Excess of 15 Metres Away



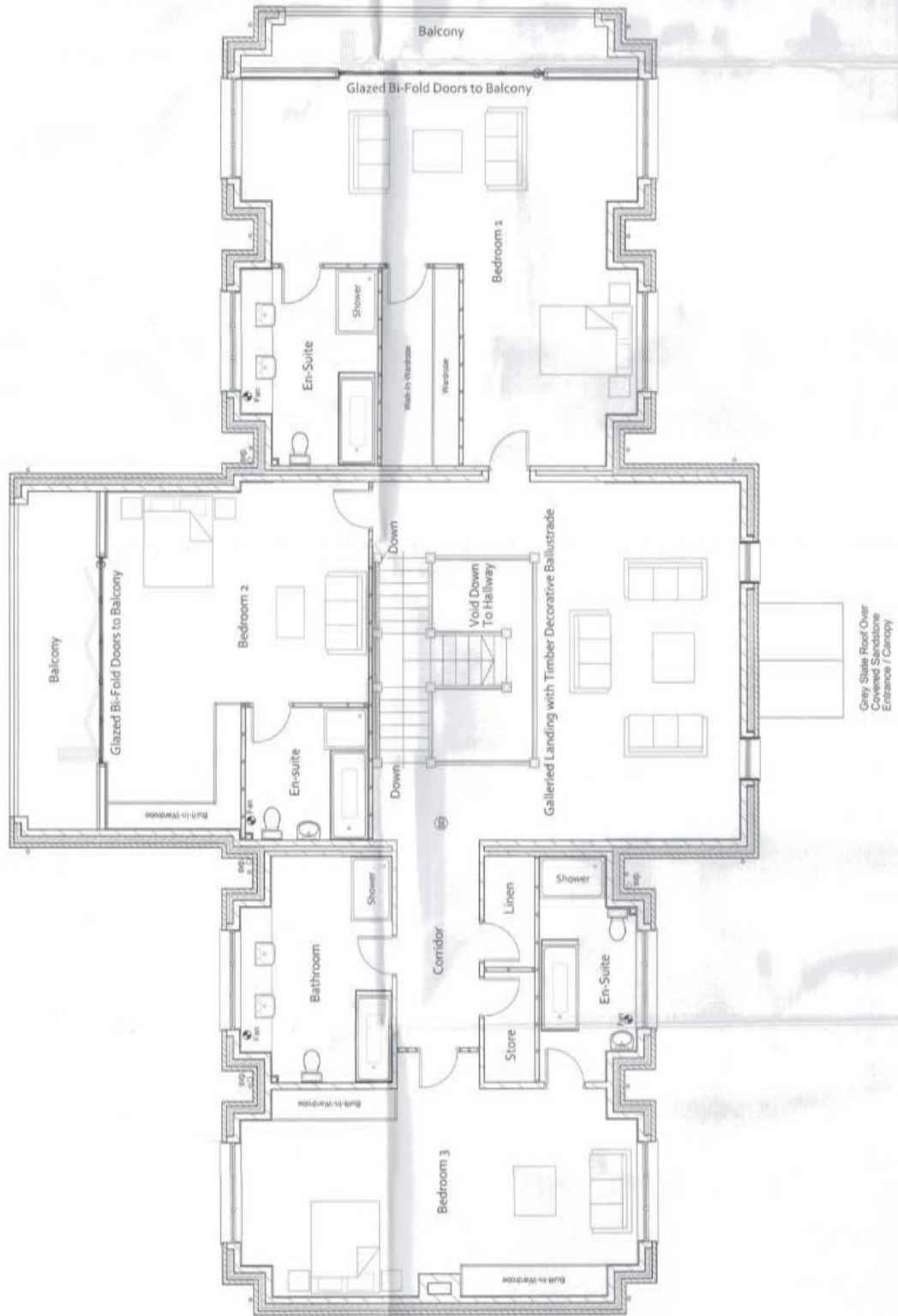
PROPOSED GROUND FLOOR PLAN Scale 1:50

PROPOSED GROUND FLOOR AREA = 322 SQUARE METRES.

No.	Rev.	Author/Checked	Date

James Miller
9 Empire Park,
Gretton,
Dumfriesshire,
DG16 5FE

Proposed Construction of New 4 Bed. Residential House Situated on Infill Site, Located Next to Robe Cottage, Gait Road, Brampton, Central, CA8 3JX.
As Proposed Ground Floor Plan

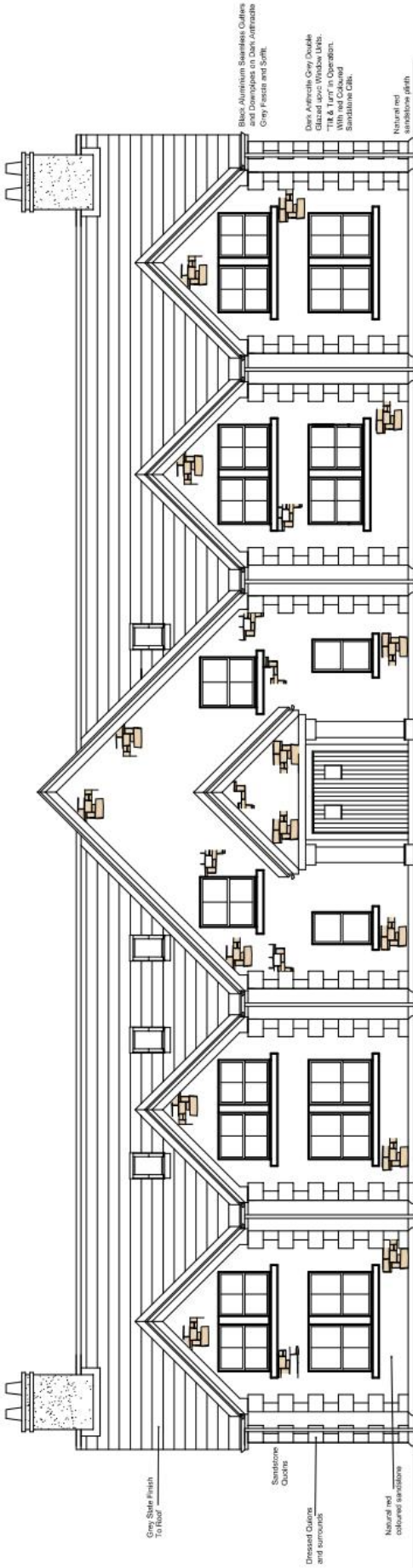


James Miller
 9 Empire Park,
 Gretna,
 Dumfrieshire,
 DG15 5FE

Proposed Construction of New
 4 Bed. Residential House
 Situated on Infill Site, Located
 Next to Rope Cottage, Galt Road,
 Brampton, Cambria, CA8 1NK.
 As Proposed First Floor Plan

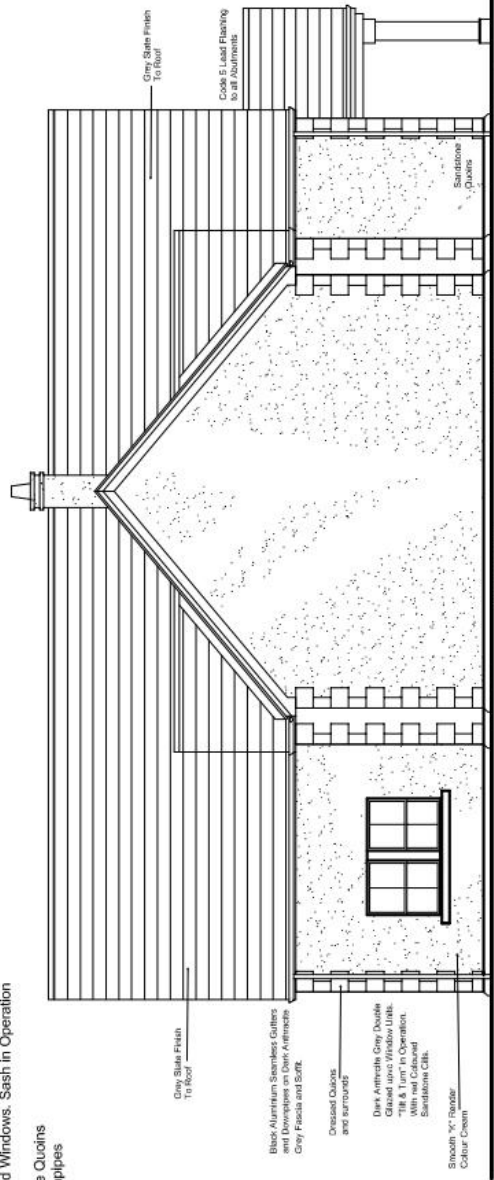
13/04/23	2022/JM/15/0102
1:50 @ A1	

PROPOSED FIRST FLOOR PLAN Scale 1:50



Front Elevation 1:50

PROPOSED MATERIALS:
 Roof: Natural Grey Slate
 Walls: Front Elevation - Natural Red Colour Sandstone
 Walls: Rear & Side Elevations - Smooth Cream Colour "K" Render Finish
 Windows: Dark Grey Anthracite Double Glazed Windows. Sash in Operation
 Doors: Dark Grey Anthracite upvc Door Units
 Natural Sandstone Red Colour Cills and Stone Quoins
 Black Aluminium Seamless Gutters and Downpipes
 Dark Grey Anthracite Fascia and Soffit.

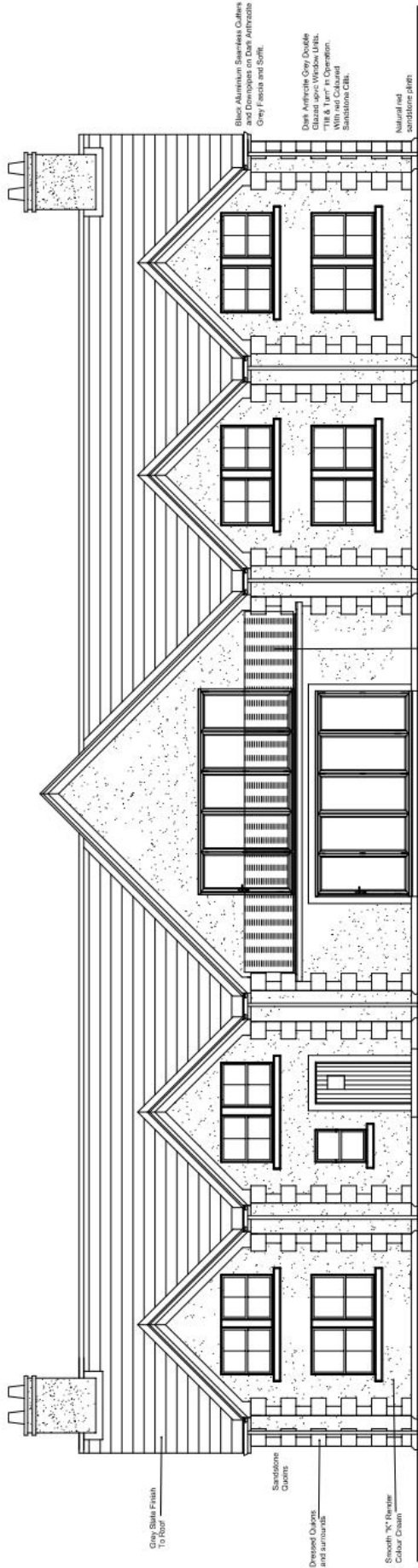


Side Elevation 1:50

NO.	REV.	DATE	DESCRIPTION

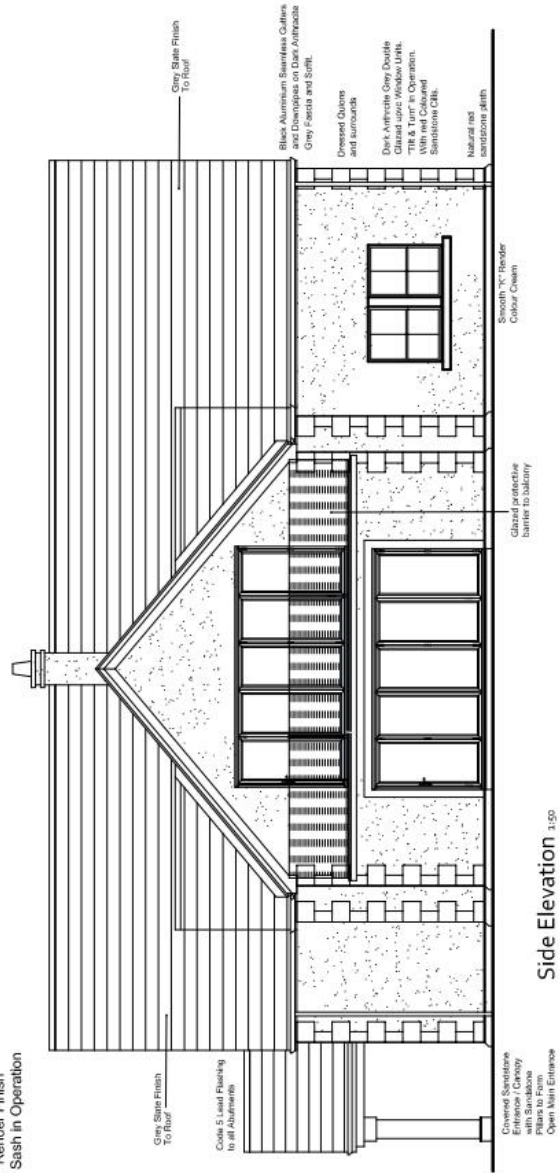
James Miller
 9 Empire Park,
 Gretna,
 Dumfriesshire,
 DG16 9FE

Proposed Construction of New
 4 Bed. Residential House
 Located on the Site of a Listed
 National Historic Building,
 Brampton, Cumbria, CA8 1NX.
 As Proposed
 Front & Side Elevations



Rear Elevation 1:50

PROPOSED MATERIALS:
 Roof: Natural Grey Slate
 Walls: Front Elevation - Natural Red Colour Sandstone
 Walls: Rear & Side Elevations - Smooth Cream Colour "K" Render Finish
 Windows: Dark Grey Anthracite Double Glazed Windows. Sash in Operation
 Doors: Dark Grey Anthracite upvc Door Units
 Downpipes: Natural Sandstone Red Colour Cills and Stone Quoins
 Gutters: Black Aluminium Seamless Gutters and Downpipes
 Dark Grey Anthracite Fascia and Soffit.



Side Elevation 1:50

NO.	REVISION/ISSUE	DATE

James Miller
 2 Empire Park,
 Greys,
 Dumfriesshire,
 DG10 5PE

Proposed Construction of New
 4 Bed. Residential House
 Situated on Infill Site, Located
 Next to Rose Cottage, Gelf Road,
 Brampton, Cumbria, CA8 3NX,
 As Proposed
 Rear & Side Elevations

NO.	DATE	BY

SCHEDULE A: Applications with Recommendation

22/0837

Item No: 06

Date of Committee: 24/03/23

Appn Ref No:
22/0837

Applicant:
Prescott Farms Ltd

Parish:
Askerton

Agent:
MacMarshalls Chartered
Rural Surveyors & Planning
Consultants

Ward:
Brampton & Fellside

Location: Land adj to West View, Lees Hill, Brampton, CA8 2BB

Proposal: Erection Of 2no. Dwellings (Outline)

Date of Receipt:
05/12/2022

Statutory Expiry Date
30/01/2023

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

1.1 It is recommended that:

1) Authority to Issue be given to the Corporate Director of Economic development to approve the application, subject to the imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

2.1 Whether The Principle Of Development Is Acceptable

2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable

2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties

2.4 Highway Issues

2.5 Surface Water Drainage

2.6 Impact Of The Proposal On Biodiversity

2.7 Trees, Hedges And Landscaping

3. Application Details

The Site

- 3.1 Lees Hill is located appropriately 6 kilometres (2.86 miles) north-east of Walton and 7.6 kilometres (4.72 miles) west of Gilsland. The land is located to the north of the road which runs through the village.
- 3.2 The site is partially bounded by a low stone wall separated from the carriageway by a narrow grass verge which rises up from the road. The agricultural land slopes down gradually from north-east to south-west with the adjacent land sloping down more steeply towards Knorren Beck to the west.
- 3.3 West View is immediately adjacent to the north-east boundary of the site with more residential properties further to the north-east. Lees Hill Primary School is to the south-west that would be separated by agricultural land. On the opposite side of the road are several residential properties and traditional and modern agricultural buildings.

The Proposal

- 3.4 The application seeks outline planning permission with some matters reserved to develop the land for housing. The means of access forms part of this outline application.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of five properties. In response, seven representations have been received objecting to the application which have been reproduced in full for Members, however, in summary the issues raised are summarised as follows:

Principle of development

1. the amenity land should be larger as the distance from West View boundary to the new house is only 9 metres which is too close;
2. other properties have been allowed on the basis of an agricultural proposal but this has no benefits for the village;
3. the land has been used for years as agricultural land yet the application states that it is not useable;

Amenity

4. any windows facing West View should be small with opaque glass;
5. the proposal is out of character of the village;
6. the development will be in close proximity to West View as the occupiers will look straight at the proposed houses which could have an effect on

- their quality of life;
- 7. these are family homes and there are no facilities in the village for children;
- 8. the houses won't be in keeping with other properties in the village and will be an eyesore;

Highways

- 9. the site access is on the brow of a hill with poor visibility and opposite two other entrances;
- 10. this is a farming hamlet and the road isn't very wide resulting in a dangerous access;
- 11. six parking spaces is a lot for two properties;
- 12. during peak school times, vehicles are parked on the road including a blind corner;
- 13. will a speed limit be introduced?;
- 14. as more people will be using the roads, will these be better cleaned, maintained and gritted in winter?;
- 15. there are no footpaths and children walk to school. Additional vehicles on the road will pose a risk to pedestrian safety;
- 16. there is no bus link to the village;

Trees

- 17. there are more trees than shown, some photographs on the application are outdated. Is it intended to remove any trees?;
- 18. the removal of any trees will spoil the look of the village;

Drainage

- 19. Knorren Beck already floods and affect the school playing field. The land slopes in such a way that the risk of flooding would potentially be increased;
- 20. any additional foul drainage discharge will increase pollution of the beck;

Other

- 20. there are regularly broadband and telephone issues in the village;
- 21. its unclear what the amenity area will be used for;
- 22. otters are a protected species which have been seen in and around the village. This development could disturb any colony.

5. Summary of Consultation Responses

Askerton Parish Council: - no response received;

Kingwater Parish Council: - no response received;

MOD Safeguarding: - no objection;

National Grid UK Transmission - Plant Protection: - no response received.

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Local Highway Authority

The visibility splays to the south west splay goes through trees. These will need to be cut back/ removed to prevent obstructions of the visibility splays and unobstructed visibility splays should be subject to a condition.

A PROW (public footpath/bridleway/byway) number 121027 lies adjacent to the site and the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. Refuse bin storage should be provided (general waste and green waste collections).

Lead Local Flood Authority (LLFA)

The LLFA surface water maps show that the site is very close to an area of flooding and indicates that a 0.1% (1 in 1000) chance of flooding occurring close to the site each year. Prior to any work commencing on the watercourse the applicant should contact the LLFA to confirm if an Ordinary Watercourse Flood Defence Consent is required.

United Utilities: - in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

United Utilities recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above. In line with these comments, it is recommended that a condition is attached to any approval notice.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, IP3, IP4, IP6, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Design Housing" is also a material planning consideration. The proposal raises the following

planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support sustainable development stating that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

- 6.4 This is reinforced in paragraph 11(c) which states that:

“approving development proposals that accord with an up-to-date development plan without delay”

- 6.5 Policy HO2 is equally transparent in its guidance relating to housing development and supported new housing development within villages in the rural area provided that the development will not prejudice the delivery of the spatial strategy of the local plan and subject to consideration of 5 criteria. Criterion 4 specifically requires that in the rural area, villages should either have services where the housing development is being proposed, or that there is good access to one or more villages with services, or to the larger settlements.

- 6.6 Planning permissions have been granted in Lees Hill for the conversion of redundant buildings to form holiday units, live/ work units and latterly dwellings. Although considered under different policies, planning permission has also been granted for the erection of an unfettered dwelling (application reference 14/0054).

- 6.7 The proposal seeks outline permission and the site is within the village of Lees Hill where there is a school. The village is also well-related to Walton and Brampton and as such, the principle of the development is considered to be acceptable. The planning issues raised by the development are discussed in the following paragraphs.

2. Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable

- 6.8 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the*

- short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.9 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/ or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

6.10 Policy SP6 of the local plan requires that development proposals demonstrate a good standard of sustainable design that responds to local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness.

6.11 The application has been submitted for outline planning permission with some matters reserved. These include details of the layout, scale, appearance and landscaping and would be subject of a subsequent planning application to develop the site. Such matters would then be considered at that time.

6.12 A condition is proposed which would require the submission of finished floor levels. Accordingly, this would ensure that the scale and massing of the proposed dwellings would appear comparable to the existing properties within

the immediate vicinity and would not result in a discordant feature within the area as a whole.

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

6.13 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

6.14 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. " (para. 5. 45)

6.15 The application is for outline permission only and any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i.e. 12 metres between primary windows and blank gables and 21 metres between primary windows. Any development proposals from more than the existing single dwelling may lead to increased levels of traffic and noise; however, given that the size of the site the level of usage would not warrant refusal of the application on this basis.

6.16 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

6.17 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

4. Highway Issues

6.18 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and provide adequate parking facilities.

- 6.19 The application is for outline planning permission with some matters reserved but the means of access does form part of this application. Cumbria County Council, as the Highway Authority has raised no objection subject to the imposition of condition requiring the provision of visibility splays. In addition to this, it is considered that additional highway conditions are imposed to ensure an adequate form of development. On this basis, the proposal is acceptable in highway terms.
- 6.20 Reference is made in the consultation response from Cumbria County Council about a public right of way. There is a public footpath on the opposite side of the road which joins the Walton to West Hall road. As such, the development would not affect the route or public access to it and the suggested informative isn't considered necessary.

5. Surface Water Drainage

- 6.21 In accordance with the NPPF and the NPPG, the site should be drained on a separate system in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 6.22 As the application seeks outline planning permission only, it is appropriate to impose conditions within the decision notice ensuring the submission of further details for the disposal of foul and surface water prior to commencement of development.
- 6.23 No objection has been raised by the Lead Local Flood Authority and in this respect, the principle of development (subject to the imposition of conditions) is acceptable.

6. Impact Of The Proposal On Biodiversity

- 6.24 Alongside other local planning authorities, Carlisle City Council has received a letter dated 16th March 2022 from Natural England in respect of nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts to nutrient pollution. Until such time as appropriate mitigation measures are in place in respect of each individual development proposal, the council isn't able to issue planning permission.
- 6.25 Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect and therefore planning permission can't be granted until such effects and appropriate mitigation measures are known.

- 6.26 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.27 The city council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves land currently involved in the construction of a dwelling, it is unlikely that the proposal would affect any species identified; however, an informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

9. Trees, Hedges And Landscaping

- 6.28 There are hedgerows along the southern boundary. Policy SP6 of the local plan requires landscaping schemes (both hard and soft) to be submitted for new developments in order to ensure that new developments are fully integrated into its surroundings. Layouts will be required to provide adequate spacing between existing hedges and buildings.
- 6.29 The trees and hedgerow contribute to the wider locality and character of the area. In all likelihood the existing hedgerows could be retained and to this extent the approval of this application also includes a condition requiring the submission, agreement and implementation of a landscaping scheme which is appropriate given the roadside frontage (accounting for provision of visibility splays). There is a further condition requiring the provision of protection to the retained trees during the construction period.

Conclusion

- 6.30 In overall terms, the principle of the development is acceptable in this location. The issue of scale, design, highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions and an appropriately designed scheme that would be subject to further consideration during a subsequent application.
- 6.31 The means of foul and surface water drainage, impact on hedgerows and biodiversity can be suitably addressed through the imposition of planning conditions and informatives.
- 6.32 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF; however, until the

issue of nutrient neutrality is resolved, no decision can lawfully be issued at this time.

6.33 It is therefore recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic development to approve the application, subject to the imposition of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.
- 2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

7. Planning History

7.1 There is no planning history relating to this land.

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) the expiration of 3 years from the date of the grant of this permission, or
- ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Reason: The application was submitted as an outline application in accordance with the provisions of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the Planning Application Form received 9th November 2022;
2. the Location Plan received 9th November 2022;
3. the Proposed Site Plan received 9th March 2023 (Drawing no. (DR)A1.03 Rev G);

4. the Notice of Decision;
5. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

4. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

5. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to 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: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

6. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and any garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

Reason: In order that the approved development is appropriate to the topography of the site and neighbouring properties in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

7. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the

development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Policy SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

8. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in accordance with details submitted to and approved in writing by the local planning authority, prior to the commencement of development. The development shall then be undertaken in accordance with the approved details..

Reason: In the interests of highway safety and to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

9. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

10. Prior to their use on site, samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Prior to their use on site, full details of the proposed hard surface finishes to all external areas have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

12. All boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which shall include:
1. precise details of the item(s) including materials, location and height;
 2. timescale for implementation;
 3. any maintenance proposals identified as necessary within the first 5 years following provision.

Reason: To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. A landscaping scheme shall be implemented prior to the occupation of any dwelling in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):
- new areas of trees and shrubs to be planted including planting densities;
 - new groups and individual specimen trees and shrubs to be planted;
 - specification/age/heights of trees and shrubs to be planted;
 - existing trees and shrubs to be retained or removed;
 - any tree surgery/management works proposed in relation to retained trees and shrubs;
 - any remodelling of ground to facilitate the planting;
 - timing of the landscaping in terms of the phasing of the development;
 - protection, maintenance and aftercare measures.

Reason: To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

14. As part of the development hereby approved, adequate underground ducts shall be installed in accordance with details approved in writing beforehand by the local planning authority to enable telephone services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines. The development shall then be undertaken in accordance with the approved details.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

15. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual

electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

Reason: To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

16. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

17. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

19. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees,

bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

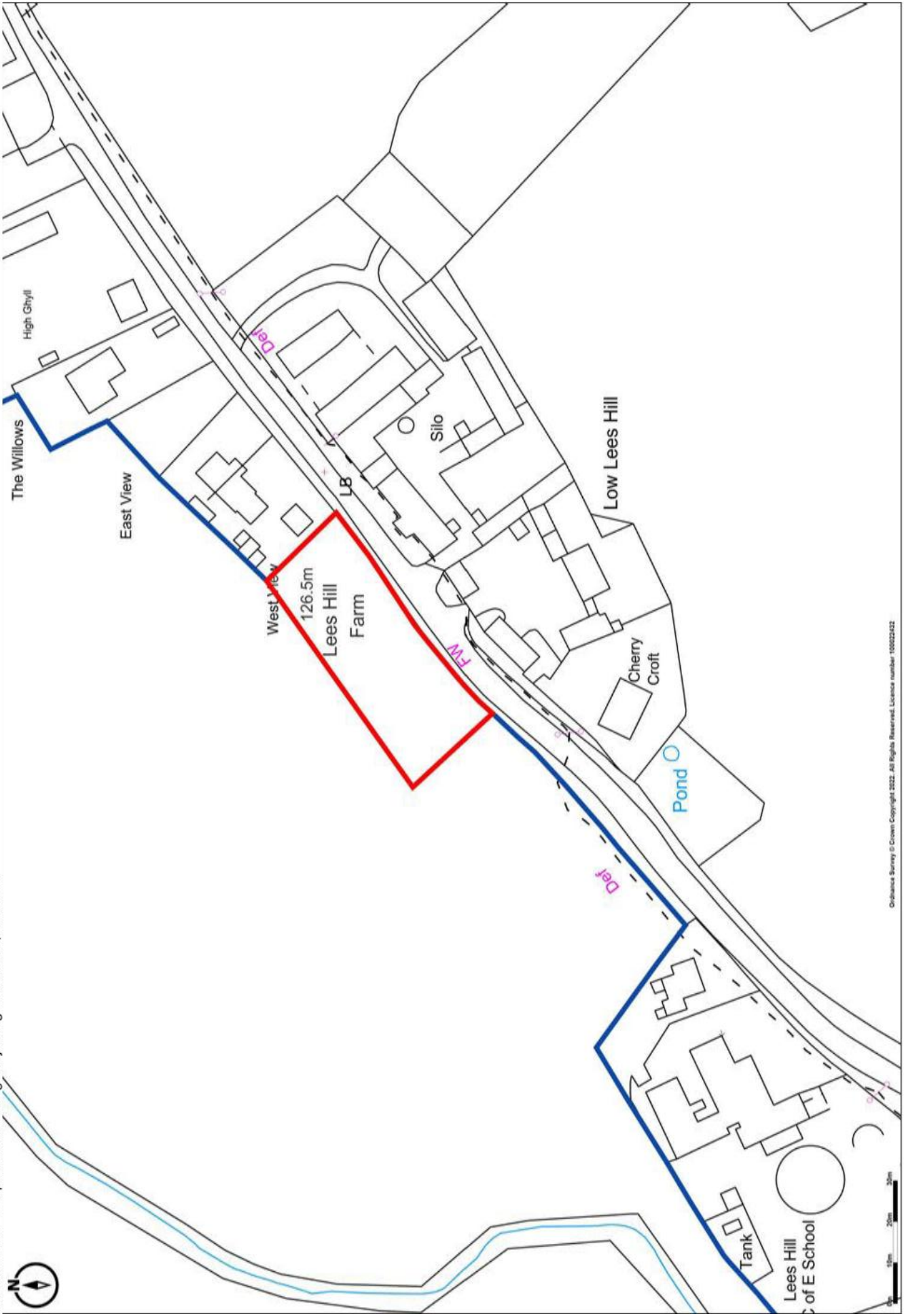
Reason: In the interests of highway and pedestrian safety in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

20. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied into use.

Reason: In the interests of highway and pedestrian safety.in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

21. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied.

Reason: To ensure adequate access is available for each occupier in accordance with Policies SP6, HO2 and IP3 of the Carlisle District Local Plan 2015-2030.



Ordnance Survey © Crown Copyright 2022. All Rights Reserved. Licence number 100022432

Ordnance Survey © Crown Copyright 2022. All Rights Reserved.
Licence number 100022432
Printed Scale - 1:1250, Paper Size - A4



© Ideal Architects Limited
www.idealarchitects.co.uk
Iris Denton & Sophie, in concept of Ideal
Architects Ltd and for use on the proposed
construction only to derive drawings & illustrations on
all drawings. All drawings are subject to the
approval of the local planning authority.
DO NOT SCALE FROM THIS DRAWING

Lees Hill Farm, Carlisle

Proposed New Houses

Rev	Description	Date
C	Revised layout with location	08/03/23
F	1088 by 1088 coordinate	09/02/23
D	20% scale site plan drawing	05/03/23
C	Downing over-sight line with 15.25% gradient contours	16/09/22

Client: N. Prescott

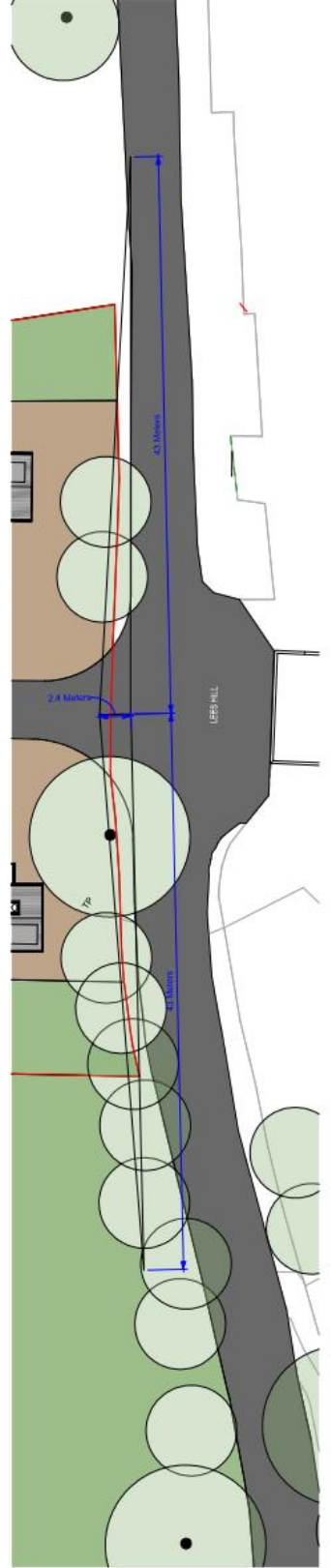
Proposed Site Plan

(DR)A1.03

Revision G



Proposed Site Plan
Scale: 1 : 500



Site Visibility
Scale: 1 : 200



© Ideal Architects Limited
www.idealarchitects.co.uk
This Drawing is Design's intellectual property. All rights reserved. It is not to be used for any other project without the written consent of Ideal Architects. It is to be used only for the project and site for which it was prepared. It is not to be used for any other project or site without the written consent of Ideal Architects. It is not to be used for any other project or site without the written consent of Ideal Architects. It is not to be used for any other project or site without the written consent of Ideal Architects.
DO NOT SCALE FROM THIS DRAWING

Lees Hill Farm, Carlisle

Proposed New Houses

Rev. Description Date
A. 28.03.2024
B. 10.01.27

Client: N. Treacoll

Proposed Site Sections & House Elevations

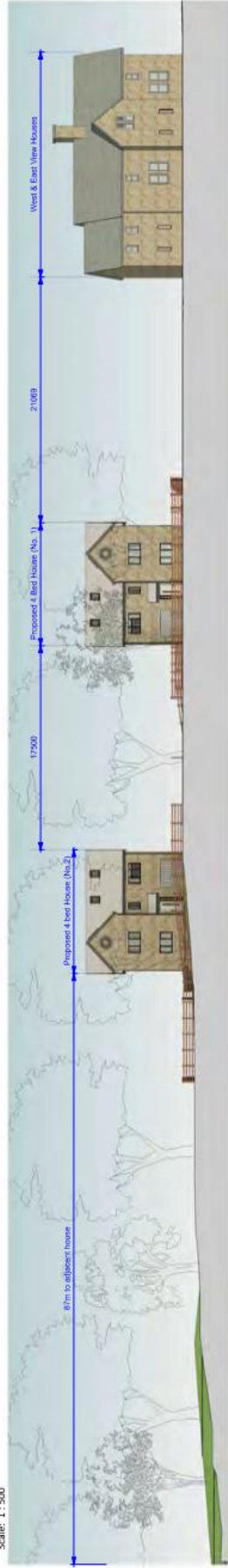
(DR)A1.04
Revision B



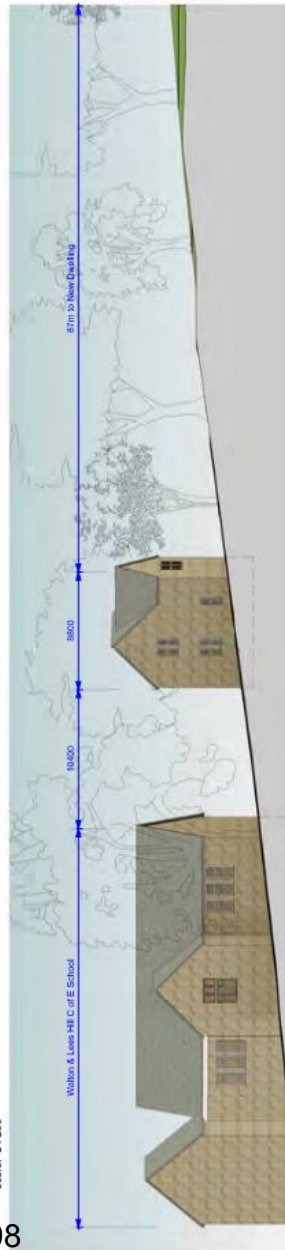
INDICATIVE DRAWING



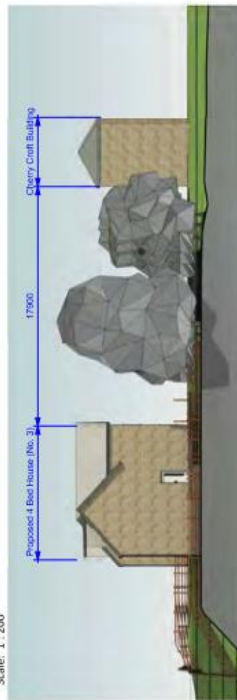
Street scene showing adjacent buildings
Scale: 1 : 500



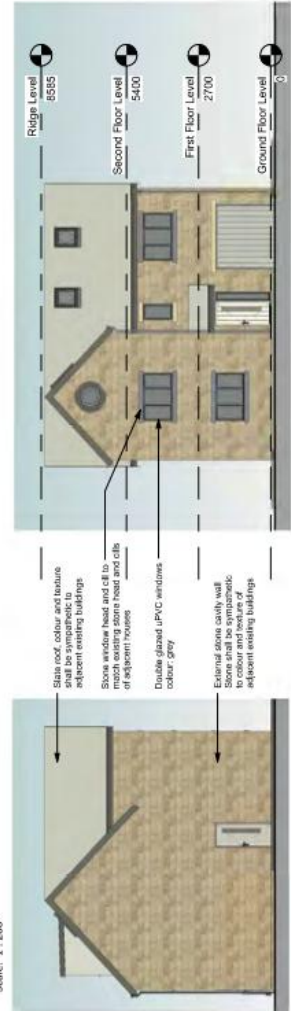
2 - Street scene - Proposed Houses and Existing 'West View' Property
Scale: 1 : 200



3 - Street scene - Proposed Houses and Walton & Lees Hill C of School
Scale: 1 : 200



Typical Section Through Proposed Site
Scale: 1 : 200



Proposed Front Elevation 4 Bed House
Scale: 1 : 100



Proposed Side Elevation 4 Bed House
Scale: 1 : 100



View of Lees Hill towards East/West View Houses



View East/West View Houses



View of House Adjacent Lees Hill School



View of Lees Hill towards East/West View Houses



View of Lees Hill towards Lees Hill School



Existing dwelling opposite Proposed House No. 1



Existing dwelling opposite Proposed Road Junction

Note: Proposed house designs at this stage are indicative detailing types of materials to be used. Designs shall be developed following pre-planning application



© 2024 Ideal Architects, Inc.
www.idealarchitects.com
This Drawing & Design, in the copyright of Ideal Architects, Inc. and may be used for any reproduction or distribution without the written consent of Ideal Architects, Inc. All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Ideal Architects, Inc.

DO NOT SCALE FROM THIS DRAWING

Lees Hill Farm, Carlisle

Proposed New Houses

Rev.	Description	Date
A	Indicative Planning Sketch	07/11/22

Client: N. Prescott

3D Indicative Section
Through Site

(DR)A1.07

Revision A



INDICATIVE
DRAWING



SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 07**Appn Ref No:**
19/9012**Applicant:**
Capita,**Parish:****Date of Receipt:**
14/10/2019**Agent:**
Cumbria County Council -
Economy & Planning**Ward:****Location:**

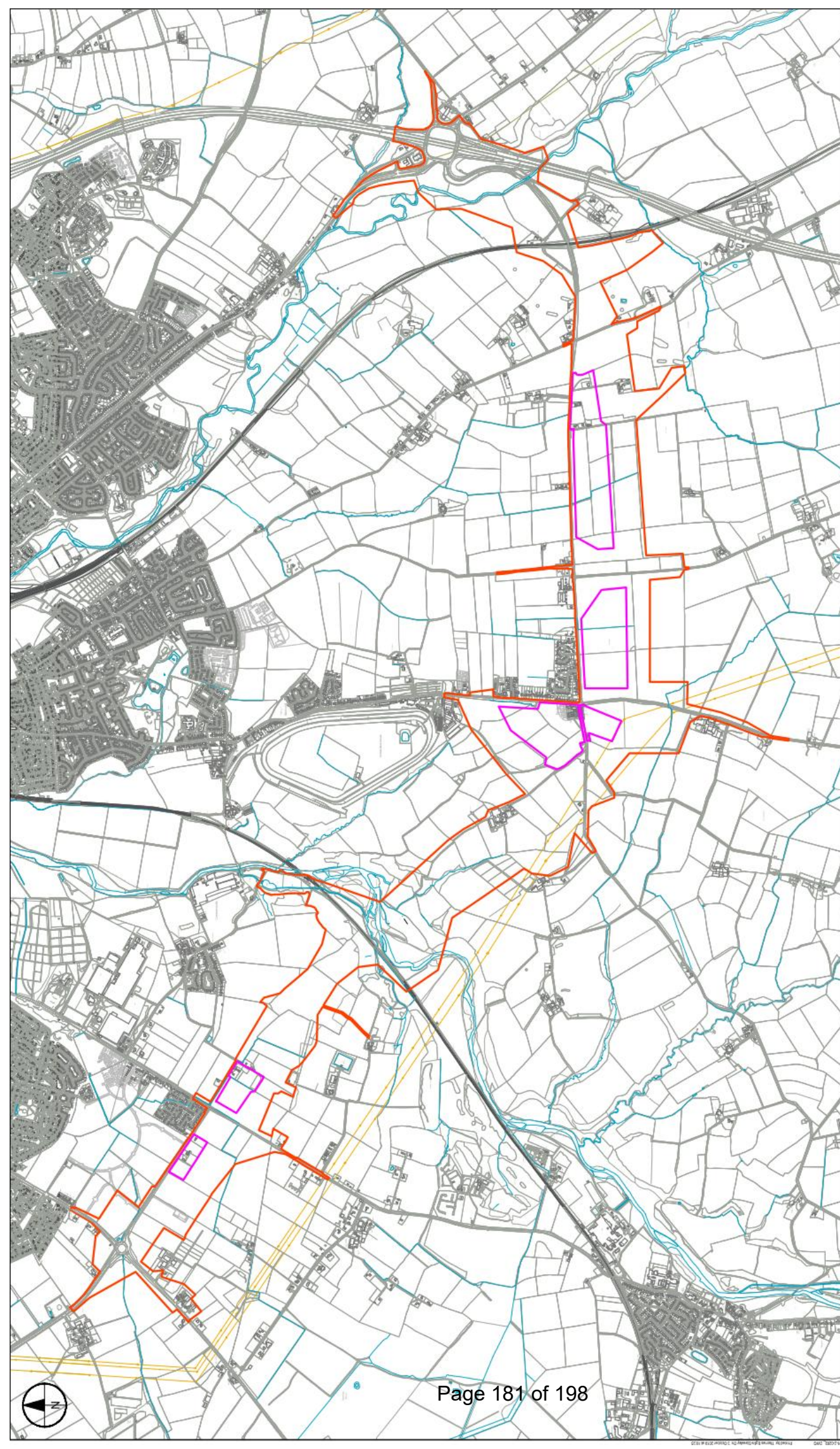
Land between Junction 42 of M6 & Newby West Roundabout (Junction of A595 & A689 CNDR) to South of Brisco, Durdar & Cummersdale Villages, Carlisle

Grid Reference:

337346 553615

Proposal: Creation Of Carlisle Southern Link Road Comprising Construction Of 8.1km Of New Two Way Single Carriageway Road (With 2.2km Of Climbing Lanes) Incorporating 3no. New Road Bridges; A Combined Cycleway/Footway On The Northern Side Of The Road With 4no. Shared-Use Overbridges; 7no. New Or Modified Road Junctions; 2no. Overbridges; 1no. Underpass; Related Links & Modifications To Existing Highway, Cycleway, Footpaths & Agricultural Access Tracks; Creation Of Drainage Infrastructure (Including Balancing Ponds), Landscaping & Lighting; Associated Engineering & Ancillary Operations (Including The Associated Demolition Of 2no. Dwellinghouses - Station House & Newbiggin View)**REPORT****Case Officer:** Christopher Hardman**City Council Observations on the Proposal:****Decision:** City Council Observation - Observations**Date:** 10/01/2020**Decision of:** Cumbria County Council**Decision Type:** Grant Permission**Date:** 20/02/2023

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



Approved for Issue
S4 - Issued for Planning

Classification
Public

Scale at A1
1:10 000

Drawn
DO

Checked
MGS

Approved
RG

Project No.
CS052303

Date
2019-09-26

Drawing Identifier
CS-E-CAP-LPN-03-DP-Z-003

Drawing
Site Plan - Red Line Boundary

Client
Cumbria County Council

Project
Carlisle Southern Link Road

CAPITA
Property and Infrastructure
Kingpost Business Park, Carlisle, Cumbria, CA5 4SJ
www.capitaenergy.co.uk
Capita Property and Infrastructure Ltd.

REV	RED LINE BOUNDARY
REV	RED LINE BOUNDARY VOID

Date
2019-09-26

Description
Site Plan - Red Line Boundary

Drawing
P01

Drawing Identifier
CS-E-CAP-LPN-03-DP-Z-003

CAPITA Energy and Infrastructure Ltd. is a registered company in England, No. 07528573. CAPITA Energy and Infrastructure Ltd. is a registered company in England, No. 07528573. CAPITA Energy and Infrastructure Ltd. is a registered company in England, No. 07528573.

Development Control
County Offices • Busher Walk • Kendal • LA9 4RQ
T: 07881 007 831 • E: developmentcontrol@cumbria.gov.uk

Mr Robbie Brown
CSLR Programme Control Officer
Cumbria County Council
The Parkhouse Building
Kingmoor Business Park
Carlisle
CA6 4SJ

Date: 20 February 2023
Reference: 1/19/9012-C16

Dear Mr Brown

NOTIFICATION OF OUTCOME OF AN APPLICATION FOR APPROVAL OF DETAILS REQUIRED BY PLANNING CONDITION

The Town and Country Planning Act 1990

Planning Permission Reference No. 1/19/9012

Location: Corridor of land between Junction 42 of the M6 and the Newby West Roundabout south of Carlisle.

Development: Creation of Carlisle Southern Link Road (CSLR).

Condition No. 16 – Soil Baseline Survey and Record of Agricultural Land Condition

I write to advise you that the details you submitted in connection with condition 16 of planning permission reference No. 1/19/9012 has been reviewed and found to be acceptable. I can therefore confirm that the pre-commencement of development element of this condition is hereby discharged.

You are reminded that the Agricultural Land Reinstatement Scheme approved under Condition 20 requires the findings of the Soil Baseline survey to inform land restoration works.

Yours sincerely

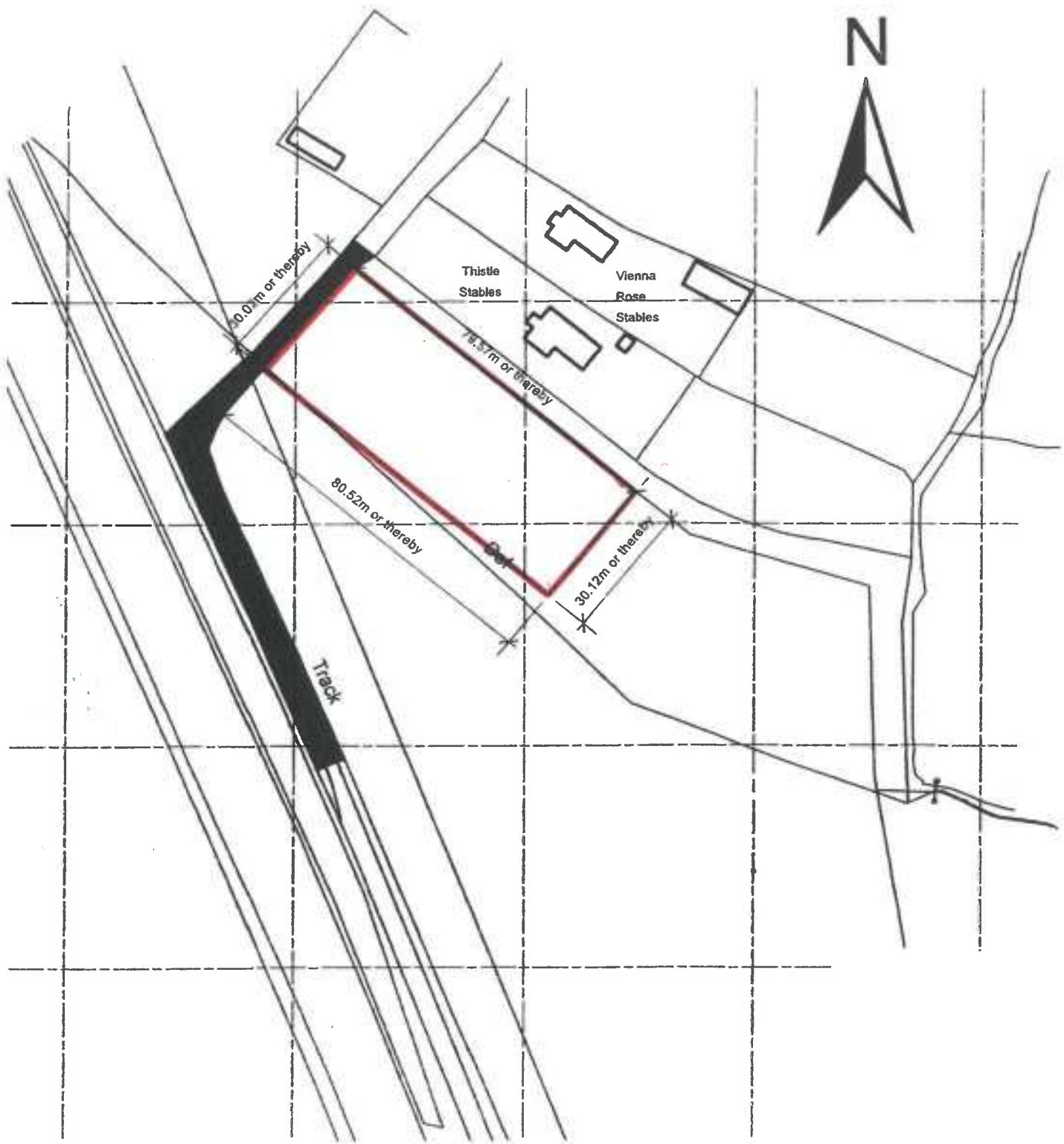
Paul Haggin

Paul Haggin,
Manager Development Control and Sustainable Development

Item No: 08**Appn Ref No:**
21/0893**Applicant:**
Mr J.D Lowe**Parish:**
Multiple Parishes**Date of Receipt:**
20/09/2021**Agent:**
Mr Philip Brown**Ward:**
Wetheral & Corby**Location:**
Mannory, Broomfallen Road, Scotby, Carlisle, CA4
8DE**Grid Reference:**
343843 553757

Proposal: Change Of Use Of Land From Agricultural Use To 1no. Gypsy Pitch
Comprising The Siting Of 4no. Mobile Homes, 1no. Utility Block, 2no.
Toilet Blocks & 2no. Touring Caravans Together With The Formation Of
An Area Of Hard Standing & Installation Of A Treatment Plant (Part
Retrospective)

REPORT**Case Officer:** Christopher Hardman**Appeal Against:** Appeal against refusal of planning permission**Type of Appeal:** Informal Hearing**Report:** A copy of the Notice of the decision of the Determining Authority is printed
following the report**Appeal Decision:** Appeal Dismissed**Date:** 06/03/2023



PROPOSED RESIDENTIAL CARAVAN SITE

MANNORY - BROOMFALLEN ROAD - SCOTBY - CARLISLE

LOCATION PLAN

DRG. NO. 3298/1

SCALE : 1-1250

Appeal Decision

Hearing held on 26 January 2023

Site visit made on 26 January 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Appeal Ref: APP/E0915/W/22/3306293

Mannory, Broomfallen Road, Scotby, Carlisle, Cumbria CA4 8DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Lowe against the decision of Carlisle City Council.
 - The application Ref 21/0893, dated 10 September 2021, was refused by notice dated 8 April 2022.
 - The development proposed is described as “change of use of land from agricultural use to 1 No. gypsy pitch comprising the siting of 4 no. mobile homes, 2 no. touring caravans, 1 no. utility block and, 2 no. toilet blocks, together with laying of hardstanding and installation of treatment plant (part retrospective)”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was discussed at the hearing, and I saw at the site visit, that development at the site is substantially complete and consent has therefore been sought retrospectively. Furthermore, I note that while the development that has taken place is of the same overall quantity as that detailed in the banner heading above, the arrangement of development on the appeal site differs from that detailed on the submitted plans. I have determined the appeal accordingly.
3. The appeal site lies within the catchment area of the River Eden Special Area of Conservation (SAC) which has been identified as being in ‘unfavourable’ condition due to high nutrient levels. Under the Conservation of Habitats and Species Regulations 2017 (the Regulations), any proposals that may affect a designated habitat site should be considered with the aim of maintaining or restoring, at favourable conservation status, its natural habitats and species. I have therefore considered the effect of the appeal scheme on the River Eden SAC as a main issue in this appeal. While not referred to in the Decision Notice, both the appellant and Council have referred to this matter in their appeal statements and it was discussed at the Hearing. I am therefore satisfied that no party is disadvantaged by this approach.
4. The appellant’s statement of case details that the appeal site currently accommodates an extended family, comprising four households of two adults; two adults and three children aged eight, six and eighteen months; two adults and one child aged fourteen months; and, two adults and three children aged seven, four and fifteen months, hereafter referred to as the ‘extended family’.

Main Issues

5. The main issues in this case are:

- a) the effect of the proposal on highway safety, with particular regard to recreational users of the public right of way;
- b) The effect of the proposed development on the character and appearance of the area, with particular regards to landscape character and trees.
- c) Whether the appeal scheme likely has significant effects, whether by itself or in combination with other plans and proposals, on the River Eden SAC, and
- d) Whether there are material considerations which exist that outweigh the conflicts with the development plan and any other identified harm resulting from the appeal proposal.

Reasons

Highway safety

6. The appeal site is accessed off Broomfallen Road via a bridleway. The bridleway is a single unlit tarmacked lane all the way to the site and also serves a number of other properties, including other Gypsy pitches. The lane is often of a limited width and includes a number of tight turns and a sharp S-bend. I saw at the site visit that there are no formal passing places and that children play in on the road.
7. Criterion 8 of Policy HO11 of the Carlisle District Local Plan (Local Plan) is referred to by the Council and states that the site should have, or be able to provide, adequate access and turning space for large vehicles and caravans.
8. Furthermore, paragraph 109 of National Planning Policy Framework (the Framework) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
9. I note that the Local Highway Authority have not objected to the appeal scheme although they did object to earlier schemes accessed off the bridleway. Moreover, as noted by the appellant I have not been provided with details of any traffic accidents on the lane.
10. The character and construction of the bridleway has evolved over recent years, with the widening of some parts of the lane, the laying of the tarmac surface and the introduction of speed bumps in addition to an increase in the number of properties accessed via the bridleway. Not all of the works have been carried out on a formal basis and not always with the approval of the Local Highway Authority and Council.
11. Local residents have expressed concern as to the potential conflict between vehicular traffic and users of the bridleway and on the basis of the evidence before me and that presented at the hearing, it is clear that the recreational quality and experience of users of the bridleway has declined in recent years as a result of amount of amount of vehicular traffic using the bridleway to access new developments.

12. My attention has been drawn to the many previous planning applications and appeals¹ for new development accessed off the bridleway and that a previous inspector described, with regard Oak Meadows the level of traffic as being “just about acceptable” and with regards further appeal decisions as the “very upper limit” of what is acceptable. Subsequent development has incrementally increased the level of traffic on the bridleway.
13. The appellant submits that based on TRICS data there are 80 vehicular movements per day including 10 at peak hours, not taking into account traffic from the appeal site. It is estimated that this adds a further 20 vehicular movements and raises peak hour movements to 14. These vehicle movements would include various vehicle types, including commercial vehicles.
14. The level of traffic travelling along the bridleway as a result of the appeal scheme is not in itself significant. However, on the basis of the evidence before me I am satisfied that the level of traffic on the lane has now reached a tipping point such that the environment enjoyed by users of the bridleway has significantly fallen in quality and the potential conflict between vehicles and other users of the bridleway has notably increased. In the context of the constraints of the bridleway referred to previously, the cumulative impacts of the traffic are severe.
15. Thus, I find the appeal scheme would be detrimental to highway safety contrary to criterion 8 of Policy HO11 of the Local Plan and would also fail to provide access which is safe and well-integrated with its surroundings contrary to criterion 5 of Policy SP6 of the Local Plan and the relevant provisions of the Framework.

Character and appearance

16. The appeal site appears as a roughly rectangular area of land located at the southern extent of Scotby village, near to the M6 motorway and adjacent to other authorised and unauthorised Gypsy pitches.
17. I saw at the site visit that the appeal site is bounded by fencing and a tree line adjacent to the properties identified by the appellant as Thistle Stables and Vienna Rose Stables, existing lawful gypsy caravan sites. The tree line is a feature of the local landscape. To the northwest of the appeal site is a further lawful Gypsy site identified as Oak Meadow.
18. Additionally, there are unauthorised sites and what appears to be an unoccupied site nearby. These sites are characterised by the prominent boundary treatment, the absence of soft landscaping and the aggregate or hardstanding laid across the surface of the land in addition to the static and touring caravans and other residential paraphernalia.
19. The Council’s statement details that, prior to the change of use that is the subject of this appeal, the appeal site consisted of part of an open agricultural field bound by an existing tree line and hedges.
20. Policy HO11 of the Local Plan requires that gypsy and traveller sites are well planned to be contained within existing landscape features or can be appropriately landscaped to minimise any impact on the surrounding area.

¹ 3127905, 3127903, 3130384 and 3127907

21. The appeal site is situated some way from the main built-up development of the settlement of Scotby. An existing tree belt appears as a feature when viewed from the bridleway at a short distance and in longer distance views from the M6 motorway, particularly when travelling north when the road turns to the left, presenting the appeal site to the view of drivers.
22. The appellant suggests that soft landscaping could positively enhance the environment and that the use of indigenous species could help assimilate the change of use into its surroundings.
23. Save for the absence of the screening effect of the now much reduced tree belt, I saw at the site visit that the appeal site did not appear substantially different from the authorised sites nearby, particularly when viewed from the lane. The appeal scheme, including fencing, caravans, buildings and hard standing, has however substantially changed the appeal site from an agricultural field to the gypsy pitch subject of the appeal scheme, resulting in the degradation of the character and appearance of the area and thus harm to the character and appearance of the area.
24. The introduction of soft landscaping within and to the boundaries of the site would substantially improve the otherwise hard and uncompromising appearance of the appeal scheme. While no such details are before me, I am satisfied that such details could be controlled by an appropriately worded condition and that soft landscaping would adequately mitigate the harm to the character and appearance of the area identified previously.
25. To conclude on this main issue, subject to an appropriately worded condition requiring the introduction of soft landscaping to the site, I find the appeal scheme would not harm the character and appearance of the area and thus is not contrary to criteria 2, 8 and 9 of Policy SP6, criteria 5 of Policy HO11 and Policy GI6 of the Local Plan.

Water neutrality

26. Under the *Conservation of Habitats and Species Regulations 2017* (the Regulations), any proposals that may affect a designated habitat site should be considered with the aim of maintaining or restoring, at favourable conservation status, its natural habitats and species. Before deciding to give permission for a plan or project that is likely to have a significant effect on a habitat site, the decision-maker must make an appropriate assessment of the implications for that site in view of its conservation objectives. The plan or project can then only be permitted after having ascertained there would be no adverse effect on the habitat site's integrity.
27. The appeal site lies within the catchment area of the River Eden Special Area of Conservation (SAC), described as an outstanding floristically rich river. The fish fauna of the River Eden includes Atlantic salmon and the River Eden system is important for otters. It is considered that poor water quality due to nutrient enrichment from elevated phosphorus levels is one of the primary reasons for habitats sites, such as the River Eden SAC being in an unfavourable condition. As a result, unless new development for overnight accommodation within this zone would demonstrably achieve a level of water neutrality it cannot be concluded with the required degree of certainty that it would not have an adverse effect on the integrity of these wetland sites. I have no basis to question this position.

28. The mobile homes and waste treatment plant are already in place on the appeal site, but do not benefit from planning permission. At the hearing the appellant noted the need, based on an online calculation, to mitigate the effects of this scheme to achieve the required level of water neutrality and no mitigation is proposed as part of the appeal scheme.
29. Accordingly, having made an appropriate assessment I conclude the development would have a likely significant effect on the integrity of the designated River Eden SAC for which no adequate mitigation is offered. It would therefore be in conflict with policy GI3 of the Local Plan, which seeks to safeguard such sites, the Regulations and the guidance in the Framework.

Other considerations

Need for and supply of gypsy sites

30. The Planning Policy for traveller Sites (PPTS) requires that the level of local provision and need should be considered when dealing with proposals for gypsy sites. The Council is required to demonstrate a 5 year supply of permanent traveller pitches. The Cumbria Gypsy and Traveller Accommodation Assessment (GTAA), dated January 2022 sets out a need for 33 permanent residential pitches in the District between 2021 and 2040 of which, 17 pitches are required in the first five years. In addition, the GTAA estimates that there will be a need for accommodation for 3 households whose gypsy status is unknown and, 3 pitches for traveller households who have ceased to travel permanently.
31. It was confirmed by the Council that since the publication of the GTAA, no further planning permissions have been granted for additional traveller pitches. The need for new sites therefore remains and the appeal site would contribute to that need. Furthermore, it is not in dispute that the extended family satisfy the relevant definition of Gypsies and Travellers and based on the evidence before me I find no substantive reason to conclude otherwise.
32. The need for accommodation is therefore a material consideration that weighs in favour of the appeal, and I afford it significant weight.

Alternative sites

33. It is not a matter in dispute between the parties that there are no alternative sites available to the extended family. At the hearing, the appellant briefly outlined their unsuccessful efforts to identify alternative accommodation including at private and Council owned sites. Based on the evidence before me I find no substantive reason to conclude other than that there are no alternative sites.
34. The absence of alternative sites is a material consideration that weighs in favour of the appeal, and I afford it significant weight.

Personal circumstances and accommodation need

35. It is not in dispute between the parties that the extended family living on the appeal site are Gypsies and have a personal need for a settled base, in particular to meet the best interests of the seven children present on site with regards to the education of the school age children as this takes place at nearby schools.

36. In addition, one of the site occupants, a child, has a health issue that requires regular physiotherapy and is under the care of a Hospital Consultant. Clearly, having a settled base would be beneficial in terms of this child being able to receive regular specialist health care and for the rest of the extended family to access routine healthcare.
37. Case law establishes that the best interests of the children are a primary consideration. There are 7 children on the site ranging in age from 14 months to 8 years old, as detailed in the appellant's statement of case. A settled base is clearly in the best interests of the children, rather than the alternative of doubling up on other pitches and having to keep moving around. A settled base would allow for the children to continue attending local schools and for the younger children to be able to do the same when they are old enough. It would also allow all residents to access health care provision on a consistent basis. I give the personal circumstances of the extended family and their accommodation needs significant weight and I also ascribe the best interests of the children substantial weight.

The Overall Planning Balance

38. Weighing in favour of the approval of the appeal is the general need for gypsy and traveller pitches in the district, the lack of suitable alternatives, the personal circumstances of the extended family who have a pressing need for a settled base so the families children can continue to regularly attend school, the long standing and ongoing failure of the Council policy to address the needs of the gypsy and traveller community and thus the unequal approach when compared to the settled community. However, I have identified harm with regards to highway safety and to the River Eden SAC contrary to the policies of the LP, the regulations and the Framework.
39. Furthermore, I found that with appropriate soft landscaping, controlled by condition, the appeal scheme would not result in harm to the character and appearance of the area. The absence of harm in this respect is of neutral weight.
40. I confirm that I have considered the possibility of granting a temporary planning permission. However, Planning Practice Guidance (the Guidance) indicates that circumstances where a temporary permission may be appropriate include where a trial run is necessary in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. It has not been put to me that such circumstances apply in this instance.
41. Moreover, I am concerned that a time limited permission would not be appropriate due to the levels of harm that would arise even on a temporary basis. Taking all these factors into account, I also consider that a temporary permission is not justified.
42. I have also considered whether a personal permission (to restrict the occupation of the site to the extended family) would be appropriate. As set out in the Guidance, planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission.

43. I have had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and am aware that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Convention on the Rights of the Child. However, I am mindful that the extended family's individual rights for respect for private and family life (along with the best interests of the children) must be weighed against other factors including the wider public interest and legitimate interests of other individuals.
44. I have also considered the Public Sector Equality Duty (PSED) at section 139 of the Equality Act 2010 to which I am subject. Since the extended family are Gypsies, Section 149 of the Act is relevant. Because there is the potential for my decision to affect persons (the extended family) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the Act.
45. To dismiss the appeal would disrupt the education of the school age children and the specific healthcare of one of the children. The negative impacts of dismissing the appeal arise since the extended family may be forced into a roadside existence and intermittent use of unauthorised sites. This would interfere with the best interests of the children and each member of the extended family's right for respect for private and family life and lends some additional weight in favour of the appeal.
46. However, I have found that the proposal would cause substantial harm to Highway Safety and the River Eden SAC and am satisfied that the well-established and legitimate aim of granting planning permission in accordance with the development plan and planning policies which seek to protect highway safety and the environment in the wider public interest, can only be adequately safeguarded by the refusal of permission in this instance. Whilst bearing in mind the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing the scheme on the extended family are necessary and proportionate.
47. Bringing matters together, the other considerations in this case and the benefits of the proposal, even taking into account the extended family's Article 8 rights and the PSED considerations, do not clearly outweigh the totality of the harm identified.

Conclusion

48. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

James Lowe
Philip Brown

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Lightfoot

INTERESTED PARTIES:

Graham Hale

Item No: 09**Appn Ref No:**
22/0122**Applicant:**
Mr & Mrs Thompson**Parish:**
Carlisle**Date of Receipt:**
15/02/2022**Agent:**
Sam Greig Planning Ltd**Ward:**
Newtown & Morton North**Location:**
184 Dalston Road, Carlisle, CA2 6DY**Grid Reference:**
338946 554734

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Permission 21/0872 (Removal Of Existing Conservatory & Erection Of Single Storey Rear Extension To Provide Kitchen/Lounge Together With Enclosure Of Porch To Front Elevation) To Amend Elevational Drawings Due To Installation Requirements With Proposed Flat Roof Construction

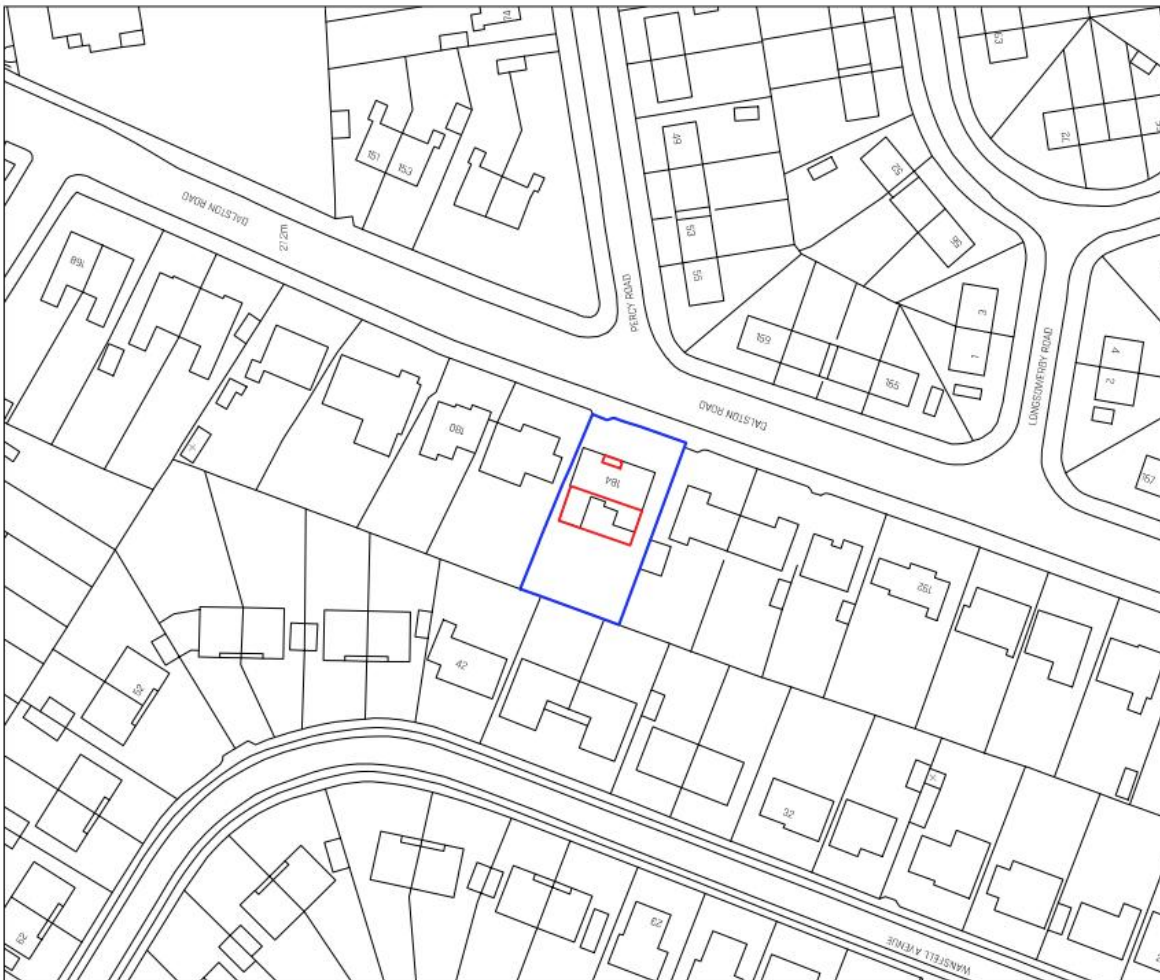
REPORT**Case Officer:** Laura Brice**Appeal Against:** Appeal against refusal of planning permission**Type of Appeal:** Householder Appeals**Report:** A copy of the Notice of the decision of the Determining Authority is printed following the report**Appeal Decision:** Appeal Allowed with Conditions **Date:** 14/02/2023



LOCATION PLAN
SCALE 1:2500



PROJECT	184 DALSTON ROAD, CARLISLE CA2 6DY		
DESCRIPTION	PROPOSED EXTENSION AND RE-MODEL SITE PLAN AND LOCATION PLAN		
AS NOTED	FOR PLANNING	DATE OF REVISION	REVISION
AT	S LOMES	C AMERS	
PLANNING	SEP 2021	SEP 2021	
PROJECT NUMBER	21-384-DWG003		
SCALE	C		



SITE PLAN
SCALE 1:500

Appeal Decision

Site visit made on 20 December 2022

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/E0915/D/22/3306870

184 Dalston Road, Carlisle, Cumbria, CA2 6DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Scott Thompson against the decision of Carlisle City Council.
 - The application Ref 22/0122, dated 15 February 2022, was refused by notice dated 4 July 2022.
 - The application sought planning permission for removal of existing conservatory and erection of single storey rear extension to provide kitchen/lounge together with enclosure of porch to front elevation (ref 21/0872) without complying with a condition attached to planning permission Ref 21/0872, dated 26/10/2021.
 - The condition in dispute is No 2 which states that: *The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise: the submitted planning application form received 6th September 2021; the site location plan and block plan received 10th September 2021 (Drawing No. 21-384-DWG003); the proposed floor plans and elevations received 10th September 2021 (Drawing No. 21-384-DWG002); the Notice of Decision; any such variation as may subsequently be approved in writing by the Local Planning Authority.*
 - The reason given for the condition is: *to define the permission.*
-

Decision

1. The appeal is allowed and planning permission is granted for Removal Of Existing Conservatory & Erection Of Single Storey Rear Extension To Provide Kitchen/Lounge Together With Enclosure Of Porch To Front Elevation at 184 Dalston Road, Carlisle, Cumbria, CA2 6DY in accordance with the terms of the application, Ref 22/0122, dated 15 February 2022, without complying with condition No 2 previously imposed on planning permission Ref 21/0872, dated 26/10/2021, but subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref 21-384-DWG003 Rev C – site plan and location plan; Ref 21-384-DWG002 Rev L – proposed plan and elevations.

Preliminary Matters

2. The name of the appellants in the appeal form is different to that of the applicants in the planning application form. As the appellants have confirmed that the spelling of their surname in the application form is incorrect, the appeal is proceeding in the name of the appellants in the appeal form.

3. Planning permission (ref 21/0872) was granted in 2021 for demolition of the existing conservatory and the erection of a single storey rear extension and the enclosure of porch to front elevation. Condition No 2 of the permission specified the approved plans. The permission has been implemented, but the rear extension has not been constructed in accordance with the approved plans. Accordingly, the application subject of the appeal sought to remove condition No 2 and replace it with a condition specifying the plans that reflect the amended design of the development which has been implemented.
4. The amended scheme differs from the permission in a number of ways. The rear extension that has been constructed is roughly 3.3m in height rather than the 2.5m approved. There have also been alterations to the window details and the external materials would not match the existing property. The Council considers that the windows and materials would be acceptable and I agree.

Main Issue

5. The main issue is the effect of varying condition No 2 on the living conditions of the neighbouring residential occupiers of No 182, with particular regard to light and overbearing.

Reasons

6. No 184 is a 2 storey detached property in a residential area characterised by dwellings in a variety of styles and sizes including single and 2 storey detached, semi-detached and terrace properties. Properties are set back from the street in relatively generous plots.
7. The neighbouring dwelling to the north, No 182, is a detached 2 storey property with a rear conservatory and outdoor seating area. The rear extension to No 184 is visible from the conservatory. However, taking into account the separation and the extensive conservatory glazing, the extension will not unduly shade nor will it be overbearing to the neighbours' conservatory. The neighbours' outdoor seating area lies between their conservatory and the extension. While the extension will be more visible than the approved scheme, it does not result in an undue sense of enclosure nor is it oppressive to the seating area, taking into account the tall boundary fence and hedge and the relatively large size of the neighbours' rear garden.
8. No 182 has a ground floor living room window in the rear elevation overlooking the outdoor seating area. There is a smaller secondary window in the front elevation, but the rear window is the primary habitable room window serving the neighbours' living room. The window looks into the garden of No 182 and towards the single storey properties on Wansfell Avenue to the rear. From locations close to the window, oblique views are afforded of a part of the appeal scheme above the boundary. However, it is not conspicuous from deeper within the living room. I accept there would be a greater visual impact than the approved scheme but, taking into account the relationship of the extension to the habitable room window and the limited views of it, I find that the appeal scheme does not result in a poor outlook and it is not overbearing to the neighbouring habitable room window.
9. The appeal property lies roughly south of No 182, and the rear elevations of the neighbouring properties face roughly west. As such, it seems likely that the rear habitable room window of No 182 will be in shadow for a large part of the

day. The increased height of the appeal scheme would cast more shadow than the approved scheme. However, taking into account the relationship of the properties, the path and angle of the sun, and the relatively modest increase in the height of the extension, any additional shading to the habitable room window would be later in the day when the sun was lower in the sky.

10. Understandably, the neighbours want to receive as much sunlight as possible to their living areas. However, there is little evidence that the increase in the height of the extension would result in a significant additional loss of direct sunlight or unacceptably low levels of natural light in the living room. On the basis of the evidence before me, the limited additional loss of sunlight over and above the approved scheme would not be significantly detrimental to the living conditions of the current or future neighbouring residential occupiers.
11. Therefore, I conclude that the appeal scheme does not harm the living conditions of the neighbouring residential occupiers of No 182. On the basis that the development is not detrimental to the neighbouring occupiers, the proposed variation to condition No 2 would not conflict with the aims of Policies HO8 and SP6 of the Carlisle District Local Plan Adopted November 2016. These require, among other things, that there should be no loss of amenity to surrounding properties including by overbearing and there should be no adverse effect on residential amenity. Also, it would not conflict with the aims of the Achieving Well Designed Housing Supplementary Planning Document Adopted April 2011.

Other Matters

12. The extension has been increased in height to meet Building Regulations requirements in relation to roof insulation. Details of the various constituent parts of the roof have been provided to evidence the need for the increased height. While the Council considers that the requirements could have been met by a height increase of 20cm rather than the 80cm as built, there is little detailed substantive evidence to demonstrate a lower viable alternative.
13. The neighbours consider that as built the extension is overbearing and dominant and it obscures sunlight to their living room and outdoor seating area. I have addressed these matters above. While I note the neighbours' concerns in relation to the accuracy of the submitted plans, this is not a matter raised by the Council and, based on what I saw, I see no reason to disagree.

Conditions

14. As the development has commenced, a planning condition limiting the timescale for implementation of the permission is not necessary. I have however removed the disputed condition No 2 and imposed a new condition to specify the approved plans in the interests of certainty.

Conclusion

15. For the reasons set out above, I conclude that the appeal is allowed.

Sarah Manchester

INSPECTOR

