

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

17th December 2010

Applications Entered on Development Control Committee Schedule

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The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 03/12/2010 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 08/12/2010.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

10/0857

Item No: 01

Date of Committee: 17/12/2010

Appn Ref No:
10/0857

Applicant:
Mr Ollie Holt

Parish:
Carlisle

Date of Receipt:
20/09/2010

Agent:
S & H Construction

Ward:
Stanwix Urban

Location:
Site Between 1 Eden Mount and 4 St Georges
Crescent, Stanwix, Carlisle

Grid Reference:
339944 556874

Proposal: Erection Of 1No. Dwelling; Formation Of Vehicular Access (Revised Application)

Amendment:

1. Alteration to the rear elevation to accurately show the position of the ensuite shower room window to Bedroom 2;
2. Alteration to the street scene elevation to illustrate the proposed changes to the approved scheme.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Ancient Monument

Gas Pipeline Safeguarding Area

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

Affecting The Setting Of A Listed Building

Conservation Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

Local Plan Pol H2 - Primary Residential Area

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

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

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the layout details shown on the submitted plan are satisfactory from a highway perspective. As such, the Highway Authority has no objection to the proposed development.

It should however be noted that the application site will take access off a private road which leads to an un-adopted highway. The owner(s) of these private roads should therefore be consulted for their views on this application;

Local Environment - Drainage Engineer: no comments received;

United Utilities: no objections. If possible the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to a soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to discharge to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A separate metered supply

to each unit will be required at the applicant's expense;

Cumbria County Council - (Archaeological Services): the site lies 200m south west of the Roman fort at Stanwix in an area considered to have been the location of a civilian settlement that lay immediately outside the fort. Considerable evidence for Romano-British and Roman activity has been revealed in the immediate vicinity and the archaeological evaluation that has been carried out has confirmed that important archaeological remains and finds survive on the site. These remains will be disturbed by the proposed development and, therefore, the site should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a watching brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the imposition of two conditions;

Planning - Planning Policy & Conservation - Peter Messenger: the minor extensions to the building will not have any detrimental impact on the setting of adjacent Listed Buildings or the appearance of the Conservation Area. Nor do they harm the overall appearance of the proposed new dwelling.

The demolition and rebuilding of the boundary wall needs to be carefully carried out so that the bricks and sandstone coping can be re-used. A planning condition should be imposed to regulate these matters;

Planning - Local Plans (Trees): no objections;

Northern Gas Networks: no objections;

Hadrians Wall Heritage Limited: no comments received;

English Heritage - North West Region: the most appropriate mitigation for the impact of the development on the archaeology of this site would be an archaeological watching brief during the excavations necessary for its construction, to allow any further archaeological remains revealed to be recorded. This should be secured through the imposition of appropriate conditions;

Natural England: has commented that there is insufficient information to determine the impact of the development upon legally protected species, such as bats and nesting birds. This information should be supplied prior to the determination of the application.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
3 St Georges Crescent	29/09/10	Undelivered
5 St Georges Crescent	29/09/10	
4 Eden Mount	29/09/10	Objection

6 Eden Mount	29/09/10	Objection
6 Cambeck Close	29/09/10	
2 Eden Mount	29/09/10	Objection
Eden Hey	29/09/10	
8 St Georges Crescent	29/09/10	
10 St Georges Crescent	29/09/10	
10 Etterby Scour	29/09/10	
6 St Georges Crescent	29/09/10	
9 Eden Mount	29/09/10	
7 St Georges Crescent	29/09/10	
4 St Georges Crescent	29/09/10	Objection
1 Eden Mount	29/09/10	Objection
3 Eden Mount	29/09/10	Objection
5 Eden Mount	29/09/10	
9 Devonshire Terrace	29/09/10	
3 Cromwell Crescent	29/09/10	
2 Eden Mount	29/09/10	
32 Abbey Street		Objection
Stanwix Urban		Objection
2 Cromwell Crescent		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty neighbouring properties. In response eight letters of objection have been received, several of which refer to the previous issues raised in respect of the planning application submitted earlier in 2010. In summary, the objectors have raised the following issues:

1. Previous applications for residential development have been refused by the City Council. An appeal against the refusal of the later of those two applications was also dismissed by the Planning Inspectorate, which reinforces the view that the site should not be redeveloped for residential purposes.
2. When the original application was determined by the Development Control Committee in June, the Committee was not aware of the Planning Inspector's decision to refuse an earlier scheme [Members may recall that the previous report to the Development Control Committee discussed this issue at length and provided an explanation as to why Members would be justified in approving the application even though previous schemes had been refused, one of which was dismissed by the Planning Inspectorate];
3. The current proposal is comparable to the previous scheme that was dismissed by the Planning Inspectorate;
4. The proposal is out of keeping with the Stanwix Conservation Area and, therefore, at odds with Policy LE19 of the Carlisle District Local Plan;
5. The approval of this scheme will set a precedent for further residential development within the grounds of Listed Buildings or within Conservation Areas;
6. The dwelling projects beyond the building line of St. Georges Crescent;
7. The dwelling has no rear garden, with its main recreational space to the front of the property, which is out of keeping with properties in the

immediate vicinity;

8. Historically, railings were supposed to have been erected to the St. Georges Crescent frontage; however, this work has not been carried out;
 9. The development will harm an archaeologically sensitive site;
 10. The site has already been cleared and several trees have been removed. This work was undertaken without consultation with the local community or the City Council;
 11. There is no means of safeguarding the proposed landscaping in the future should permission be granted. If the proposed trees are removed/lopped this inappropriate, cramped and modern development would be clearly visible to the detriment of the surrounding area;
 12. The proposal will result in the demolition of a "Listed" boundary wall;
 13. The loss of the trees and the resurfacing of the garden with hardstanding will be detrimental to the ecology and biodiversity of the site;
 14. The dwelling will put increased pressure on the combined sewer which has previously blocked;
 15. The proposal will result in increased loss of light and privacy to neighbouring dwellings;
 16. The amended proposal result in a significantly larger dwelling than has been approved, which is contrary to the Council's justification for allowing that scheme;
 17. The development is tantamount to "garden grabbing", which is at odds with recent Government guidance;
 18. Access and egress from the proposed parking area will be difficult and visibility will be restricted, both during the construction phase and upon occupation of the dwelling. This problem will be exacerbated when other vehicles are parked in the lane to the rear of Eden Mount;
 19. The site has no legal right of access, as it is accessed from a private lane. The applicant has not liaised with the residents, as landowners, regarding this matter.
- 3.2 In respect of Point 19 Members are reminded that that "rights of access" are a civil matter to be resolved between the developer and the relevant land owner and that such issues are not material "planning" considerations in the determination of applications.
- 3.3 Councillor Mallinson, who is the Ward Councillor, has also expressed her wish to speak against the proposed development at the forthcoming Committee meeting, although no specific grounds of objection have been

cited.

4. Planning History

- 4.1 In March 1996 "Outline" planning permission was refused for the erection of a dwelling for the following reasons:
- i. *"The application seeks permission for residential development on a plot of some 275 square metres, located between the substantial properties No. 4 St George's Crescent and No. 1 Eden Mount. It is considered that the development of this plot would result in cramped development, unrelated to the surrounding buildings, in terms of scale, character and building line contrary to Proposal H2 of the Carlisle District Plan (Deposit Draft).*
 - ii. *Development of the proposed site would adversely effect the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Proposal E30 of the Carlisle District Plan (Deposit Draft)."*
- 4.2 In May 1998 "Full" planning permission was refused for the erection of a dwelling for the following reasons:
- i. *"The application relates to an area of 270 square metres, within the setting of the listed building, No. 1 Eden Mount and adjacent to the substantial property No. 4 St George's Crescent. It is proposed to erect a two storey dwelling across the width of the site. It is considered that this development would result in cramped development, with an adverse impact on the attractive street scene of St George's Crescent which is within the proposed Stanwix Conservation Area, contrary to Policy H2 of the Carlisle District Plan.*
 - i. *Development of the site in the manner proposed would have an adverse affect on the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Policy 35 of the Carlisle District Plan."*
- 4.3 An appeal was lodged against the Council's Decision to refuse the above application; however, this was subsequently dismissed by the Planning Inspectorate.
- 4.4 In 2010 "Full" planning permission and Conservation Area Consent was granted for the erection of a dwelling (Applications 10/0221 & 10/0262 respectively).
- 4.5 In 2010 an application for Conservation Area Consent was submitted, but subsequently withdrawn as Officers' advised that Listed Building Consent was required in lieu of Conservation Area Consent (Applications 10/0856 & 10/0930 respectively).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application was deferred at the last meeting of this Committee in order to undertake a site visit in respect of the accompanying application for Listed Building Consent, which follows this Report in the Schedule, and to enable objectors to that scheme the opportunity to exercise their "right to speak" against the proposal.
- 5.2 It will be recalled that this revised application seeks "Full" planning permission for the erection of a detached dwelling on land to the rear of No.1 Eden Mount, Stanwix. The site, which [according to the Officer's calculations] covers an area measuring approximately 280 square metres, is the former kitchen garden of No.1 Eden Mount; a Grade II Listed Building. It is segregated from that property by a private lane that runs along the rear of Eden Mount, which comprises a terrace of Grade II listed properties.
- 5.3 Whilst formerly associated with Eden Mount the site's principal frontage abuts St. George's Crescent, which is a privately owned road that lies to the south of the site. The site's north, east and west boundaries are defined by high brick walls whereas its southern boundary, which fronts St. Georges Crescent, is defined by a low stone wall with wooden fencing above.
- 5.4 To the east of the site, beyond the intervening lane, lies the Grade II Listed No.1 Eden Mount. To the west lies Nos. 4 and 6 St. Georges Crescent, a pair of substantial semi-detached dwellings. Whilst these two properties are not listed they are of architectural merit. To the north of the site lies the detached garden of No.2 Eden Mount, whereas to the south of the site, on the opposite side of St. Georges Crescent, is a modern detached bungalow, although it is predominantly screened from view by its high boundary fence.
- 5.5 The site is identified on the Inset Map that accompanies the Carlisle District Local Plan as being within a Primary Residential Area, and lies within both the Stanwix Conservation Area and the buffer zone of Hadrian's Wall World Heritage Site.

Background

- 5.6 The City Council has previously refused "Outline" and "Full" planning applications for the erection of a dwelling on this site (1996 and 1998 respectively). In both cases the reason for refusals, which have been cited in full in the "Planning History" section of this report, highlighted concerns regarding the appearance of what was perceived to be a cramped development and the subsequent impact that it would have upon the streetscene, the character of the Stanwix Conservation Area and the setting

of No.1 Eden Mount, which is Grade II Listed.

- 5.7 A subsequent Appeal against the 1998 refusal was dismissed by the Planning Inspectorate, the Inspector who determined the Appeal sharing the City Council's concerns regarding the overdevelopment of the site and the impact the development would have upon the Stanwix Conservation Area.
- 5.8 In March this year a "Full" planning application was submitted for the erection of a dwelling on the site. That submission was accompanied by an application for Conservation Area Consent to remove a section of the boundary wall that is positioned parallel to the lane at the rear of Eden Mount. Whilst two previous residential schemes had been refused by the City Council on this site, one of which was upheld by the Planning Inspectorate, Officers were satisfied that the submissions addressed the previous issues that were raised. These applications were presented at the Development Control Committee meeting in June this year and Members concurred with the Officers' recommendation and approved both applications.

The Proposal

- 5.9 This revised application seeks planning permission for the erection of a detached two storey dwelling. The accommodation to the ground floor comprises a living room, open plan kitchen/dining room, bathroom and a bedroom, with two further bedrooms to the first floor, each with en-suite shower rooms.
- 5.10 The proposed dwelling has an 'L' shaped footprint, although the two storey section of the dwelling would not occupy the full extent of the ground floor area. That element is set back towards the rear of the site and would occupy approximately two thirds of the site's width. A single storey element would project forward of the main building, parallel with the eastern boundary of the site. In total, the footprint of the dwelling measures 114 square metres (sqm) metres [a proposed increase in the ground floor footprint of the dwelling by 27 sqm] and it sits within a site that measures 280 sqm, which equates to a 40/60% split between the developed and undeveloped areas of the site.
- 5.11 The details of the external materials to be used are outlined in the supporting Design and Access Statement. It identifies that clay facing bricks, which would match the colour and texture of the bricks used in the immediate vicinity, would be used in the external walling of the dwelling. The roof would be covered with natural slate, which would be laid in equal courses, and the roof lights to the front and rear elevations would be of a conservation type (i.e. they will fit flush with the roof slope as opposed to standing proud). The stonework to the copings, kneelers, heads and cills will be formed from natural stone. The window frames, door and gates to the driveway will all be constructed from timber, albeit the finish has yet to be clarified. The proposed rainwater goods are to be cast iron and the cheeks of dormer window to the front elevation are to be clad with lead, with its face finished in timber.

- 5.12 The external appearance of the dwelling is very similar to that which has been granted permission. Although it is proposed to increase the ground floor footprint of the "approved" dwelling by 27 sqm dwelling, this enlargement has been achieved through modest extensions to certain aspects of the ground floor layout. Two small lean-to extensions, which measure 1m and 1.6m in depth are proposed to the south and west elevations respectively. The previously approved single storey projection to the front of the dwelling is proposed to be extended by 1.1m in length and 0.6m in width. Although the width of the single storey has increased, it has been designed with an asymmetrical roof thereby ensuring that its ridge height would be no higher than previously approved.
- 5.13 The whole of the dwelling would be set down approximately 1m below the existing ground level thereby reducing the building's overall height when viewed in the context of the streetscene. A sunken terrace would be provided adjacent to the dwelling, which would be enclosed by a retaining wall finished in a combination of facing brick and stone.
- 5.14 A detailed landscaping scheme has been submitted with the application. It identifies proposed hard and soft landscaping works. The new driveway will be finished using conservation setts and any paths and steps, including the surfacing of the terraced area, will be laid with stone paving.
- 5.15 Under the previous scheme the architect indicated that the existing 2.4m high boundary wall to the east of the site would be retained, although the existing pedestrian door was to be bricked up and a new opening formed to provide vehicular access to the parking area, which was located to the rear of the dwelling. As part of this proposal the position of the driveway remains the same; however, the applicant's agent has advised that, as a consequence of lowering the ground level within the site, it will be necessary to demolish and rebuild the boundary wall in order to ensure that it is structurally stable. The existing timber fencing to the St. Georges Crescent frontage will be replaced with similar fencing, albeit at an increased height of 2.2m, which is 0.5m higher than the existing fence.
- 5.16 The application is also accompanied by a desk top study into the possible presence of contamination and an archaeological evaluation, which identifies the findings of the archaeological investigation that was undertaken in advance of the application being submitted. It is proposed that foul and surface water will discharge to the mains sewer.

Assessment

- 5.17 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, LE6, LE12, LE13, LE14, LE19 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.18 The proposals raise the following planning issues:

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

5.19 The application site, which lies within the urban area of Carlisle, is designated as a "Primary Residential Area" in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies. These are discussed in detail in the following analysis; however, Members should be mindful that the principle of erecting a dwelling on this site has already been established through the approval of the application that was submitted earlier this year.

2. Whether The Scale And Design Of The Building Is Acceptable In Relation To Its Setting.

5.20 In assessing whether this revised application is acceptable Members should focus on the changes between the current submission and the approved scheme. In summary, the external alterations to the dwelling relate to the provision of small single storey lean-to extensions to the south and west elevations of the dwelling; a marginal increase in the length and width of the single storey projection to the front of the property and a slight repositioning of the ensuite shower room windows to the rear elevation of the property.

5.21 In respect of the previous planning appeal, the Planning Inspector identified in the opening paragraphs of his decision letter that he perceived the principal issue to be the impact that the development would have upon the character of the Stanwix Conservation Area. The Inspector took the view that "*the site is not part of, and does not contribute to, the setting of the Listed Building*". As such, the Inspector was of the opinion that the position of the dwelling [that which was refused in 1998] would not adversely affect and would, therefore, preserve the setting of No.1 Eden Mount, a Grade II Listed Building.

5.22 With this in mind Members need to consider whether the changes proposed detract from the character of the Stanwix Conservation Area. With the exception of the repositioning of the ensuite shower room windows to the rear elevation, the proposed changes relate solely to the ground floor of the property. The lean-to extensions would be screened from public view by the replacement 2.2m high timber fencing to St. Georges Crescent. In terms of the single storey projection to the front of the property, it would be positioned 1.1m closer to the road frontage; however, as it has been designed with an asymmetrical roof, its increased width would be masked by the proposed timber fencing. Although the gable would be positioned closer to the road, this aspect alone would not result in sufficient detrimental effect [if any] to warrant refusal of the application on the basis on its impact upon the character and setting of the Conservation Area.

5.23 As part of this revised application it is proposed to remove the boundary wall that is situated along the length of the rear lane that separates the application site from Eden Mount. Whilst this did not form part of the approved scheme the agent has advised that it is necessary to maintain the structural integrity of the wall, particularly as the ground level within the application site is to be lowered by 1m. Members may recall that the reduction of the ground level was

to reduce the physical mass of the building to such an extent that it would not be viewed as a separate dwelling, but as an ancillary curtilage building that serves the adjacent, more substantial, dwellings.

- 5.24 At the time that the earlier application was determined the Conservation Officer had not commented that the wall formed part of the domestic curtilage of No.1 Eden Mount when that property was "listed". Even though the site has since been separated in ownership from that property any alterations to that wall, such as those proposed by this application, require Listed Building Consent as opposed to Conservation Area Consent. Members will note that a separate application to obtain Listed Building Consent follows this Report in the Schedule.
- 5.25 In terms of the merits of removing the entire section of the wall, the Council's Conservation Officer has raised no objections, subject to the imposition of a condition that stipulates that the outer leaf of the wall, which faces towards the lane, must be rebuilt using the same bricks and that the detail of the mortar jointing must match the existing.
- 5.26 In summary, it is the Officer's view that the current proposal is different in terms of height, design and site level with less of an impact on Stanwix Conservation Area when compared to the scheme refused permission under 97/0458. It is considered that the proposed changes will not detract from the character or setting of the Conservation Area, a view which is supported by the Council's Conservation Officer. It is still pertinent to add that the quality of the design needs to be replicated in the selection of the external finishes. In respect of the latter a condition is recommended that requires all external materials to be agreed prior to development commencing on site. As a further precaution it is recommended that a condition is imposed that prevents future alterations to the building without the prior consent of the Planning Authority.

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

- 5.27 In respect of the approved scheme Members were advised that the scale and position of the proposed dwelling is such that the living conditions of neighbouring residents are unlikely to be adversely affected by loss of light or overdominance. Similarly, in terms of overlooking Officers' advised that the position of opposing habitable windows within the proposed dwelling and the existing properties was such that any line of sight is oblique or, where windows do face more directly towards one another, the difference in levels mitigates any significant impact. Consequently Officers advised Members that the development was unlikely to result in a significant loss of privacy for neighbouring residents or the future occupiers of the proposed dwelling. The changes proposed by this current application do not affect this position.

4. Access And Parking Provision.

- 5.28 Several local residents expressed concern regarding the means of vehicular access, together with the allegation that there is no right of access over the privately owned roads, which land lock the site. Members will appreciate that

the latter is a civil matter to be resolved between the prospective developer and the relevant landowners and that this issue should not influence their consideration of the scheme. More relevant to the matters that Members should have regard to is the fact that the Highway Authority has raised no objection to the scheme.

- 5.29 Local residents have highlighted that several of the occupiers of Eden Mount park in the rear lane and this may inhibit the ability of future occupants to access the proposed dwelling or manoeuvre into the driveway. It is the Officer's view that this issue should not prejudice the outcome of the application, as it relates back to whether the prospective developer has the legal right to access the site and whether the residents themselves are entitled to park within the rear lane without causing obstruction.

5. Whether The Proposed Landscaping Is Acceptable.

- 5.30 The Council's Landscape Architect has confirmed that the proposed landscaping scheme is acceptable; however, details of tree protection barriers are required to safeguard the trees during the construction phase.
- 5.31 The Landscape Architect has identified that the tree protection barriers need to protect those trees within the site, but also the London Plane tree located on the pavement adjoining the application site. The implementation of the landscaping scheme and the erection of appropriate protective barriers can be ensured through the imposition of two planning conditions that are recommended.

6. Archaeology.

- 5.32 The County Council's Historic Environment Officer has identified that the site lies in an area of high archaeological potential and that the archaeological evaluation, which was carried out in advance of the application being submitted, has confirmed that important archaeological remains and that finds survive on the site. These remains will be disturbed by the proposed development and, therefore, the site must be subject to a programme of archaeological recording, which can be secured through the imposition of two planning conditions.

7. Impact Upon Protected Species.

- 5.33 Natural England has commented that there is insufficient information to determine the impact of the development upon legally protected species, such as bats and nesting birds. The applicant has been informed of, and is seeking to address, Natural England's concerns; however, no additional information has been submitted yet.

Conclusion

- 5.34 In overall terms, the principle of the proposed development remains acceptable. The current proposal is different in terms of height, design and site level when compared to the scheme refused permission under 97/0458.

The scale, siting and design of the proposed dwelling are considered to be acceptable in relation to the site and the surrounding properties. Similarly, for the reasons outlined in this report, it is also considered that there would be no adverse impact upon the setting of the Listed Building nor the character of the Conservation Area. The living conditions of neighbouring properties would not be adversely affected and adequate car parking/amenity space would be provided to serve the dwelling. If Members accept this recommendation, and are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to Natural England's concerns being addressed.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this planning permission comprise:

1. The Planning Application Form received 20th September 2010;
2. The site location plan, block plan and the proposed elevations and floor plans (Drawing No. SG1 received 12th October 2010);
3. The proposed block plan received 20th September 2010;
4. The existing and proposed block plans (Drawing No. 2465/3 received 20th September 2010)
5. The roadway elevation (Drawing No. 2465/2A received 12th October 2010);
6. The Design and Access Statement received 20th September 2010;
7. The Tree Survey (Drawing No. L/01 received 20th September 2010);
8. The Schedule of Trees produced by Westwood Landscape (received 20th September 2010);
9. The Landscape Proposals (Drawing No. L/03 received 20th September 2010);
10. The Desk Top Contamination Study received 20th September 2010);
11. The Archaeological Evaluation produced by Greenlane Archaeology dated January 2010 (received 20th September 2010);
12. The Notice of Decision; and
13. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing buildings and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

4. Prior to the demolition details of the existing wall, consisting of the original brick bonding, the depth of the mortar joint and the appearance of the joint, shall be recorded and submitted to the Local Planning Authority. The demolition shall be carried out in a careful manner so as to ensure as much as possible of the original walling material is salvaged for re-use on the new wall. If additional bricks or sandstone coping stones are required to make up for those which are damaged or lost replacements should match the original material in both colour and texture. The reconstructed wall shall follow the same brick bond and jointing pattern as the original. In addition the mortar shall be lime based and a specification of the proposed mortar shall be submitted to and be approved in writing by the Local Planning Authority prior to the rebuilding of the new boundary wall.

Reason: To ensure the works reflect the character of the wall to be removed and preserve the setting of the Stanwix Conservation Area in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

5. No development shall commence until details of the proposed hard surface finishes to all external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

6. No development shall commence until full details of the proposed timber fencing to the southern boundary of the site have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details and shall be retained thereafter.

Reason: To ensure the works harmonise as closely as possible with the existing buildings and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

7. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the permitted development. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved, in writing, by the Local Planning Authority in advance of the permitted development. Within two month of the completion of the permitted development, 3 copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains in accordance with Policy LE6 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE6 of the

Carlisle District Local Plan 2001-2016.

9. No development shall commence until the proposed means of foul and surface water disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

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

Reason: To safeguard the setting of the of the Stanwix Conservatiuon Area and the adjacent Listed Buildings in accordance with Policy LE12 and LE19 of the Carlisle District Local Plan 2001-2016.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the ensuite shower room windows in the northern elevation of the dwelling shall be obscure glazed and thereafter retained as such.

Reason: In order to protect the living condition of residents in close proximity to the site in accordance with Policies H2 of the Carlisle District Local Plan 2001-2016.

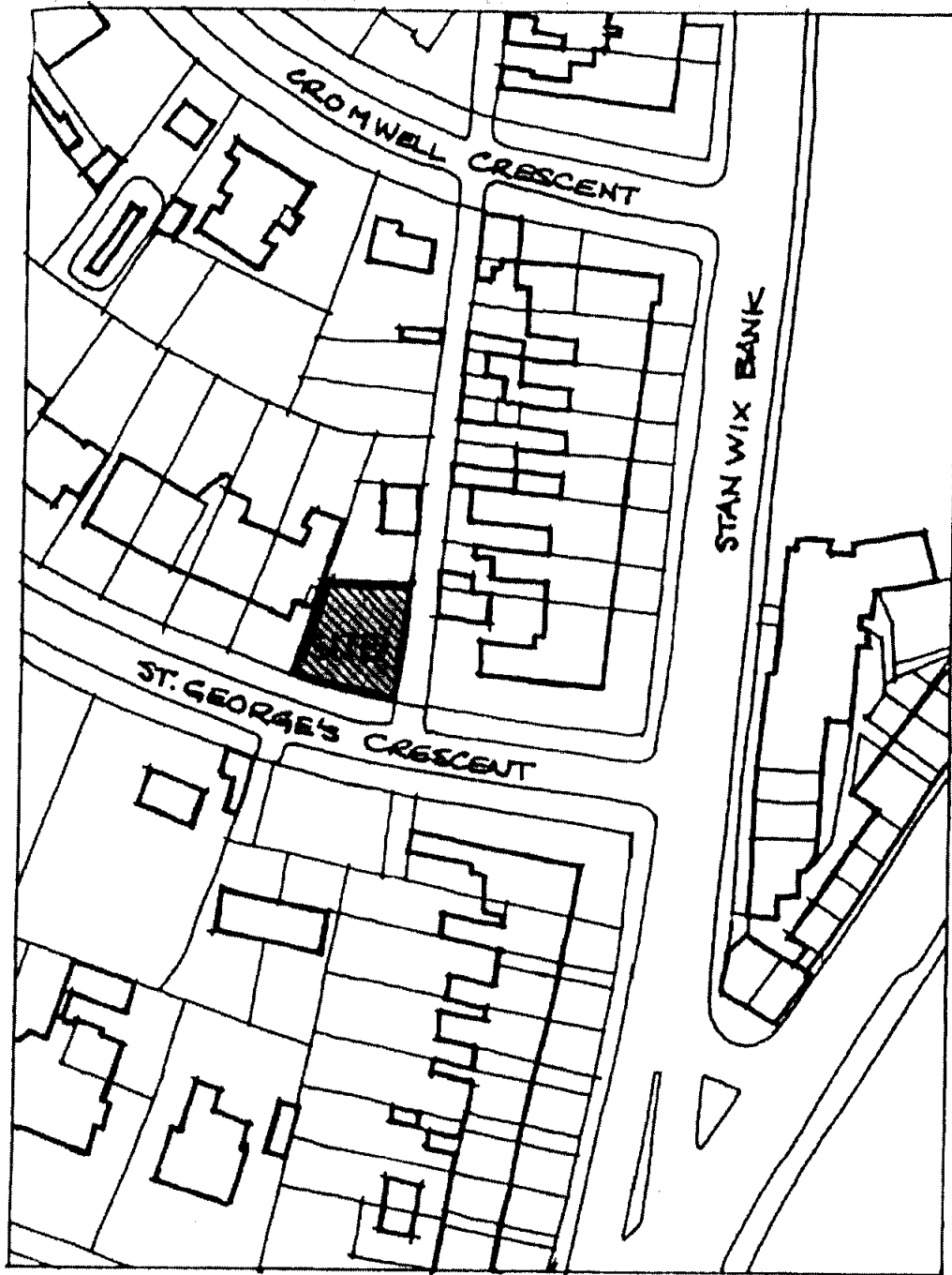
12. The landscaping scheme shall be implemented in accordance with the landscaping plan received 20th September 2010 (Drawing No. L/03) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

13. No development shall commence until details of the protective fencing to safeguard those trees to be retained, including the London Plane tree located within the pavement adjoining the application site, have been submitted to and approved, in writing, by the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter

of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

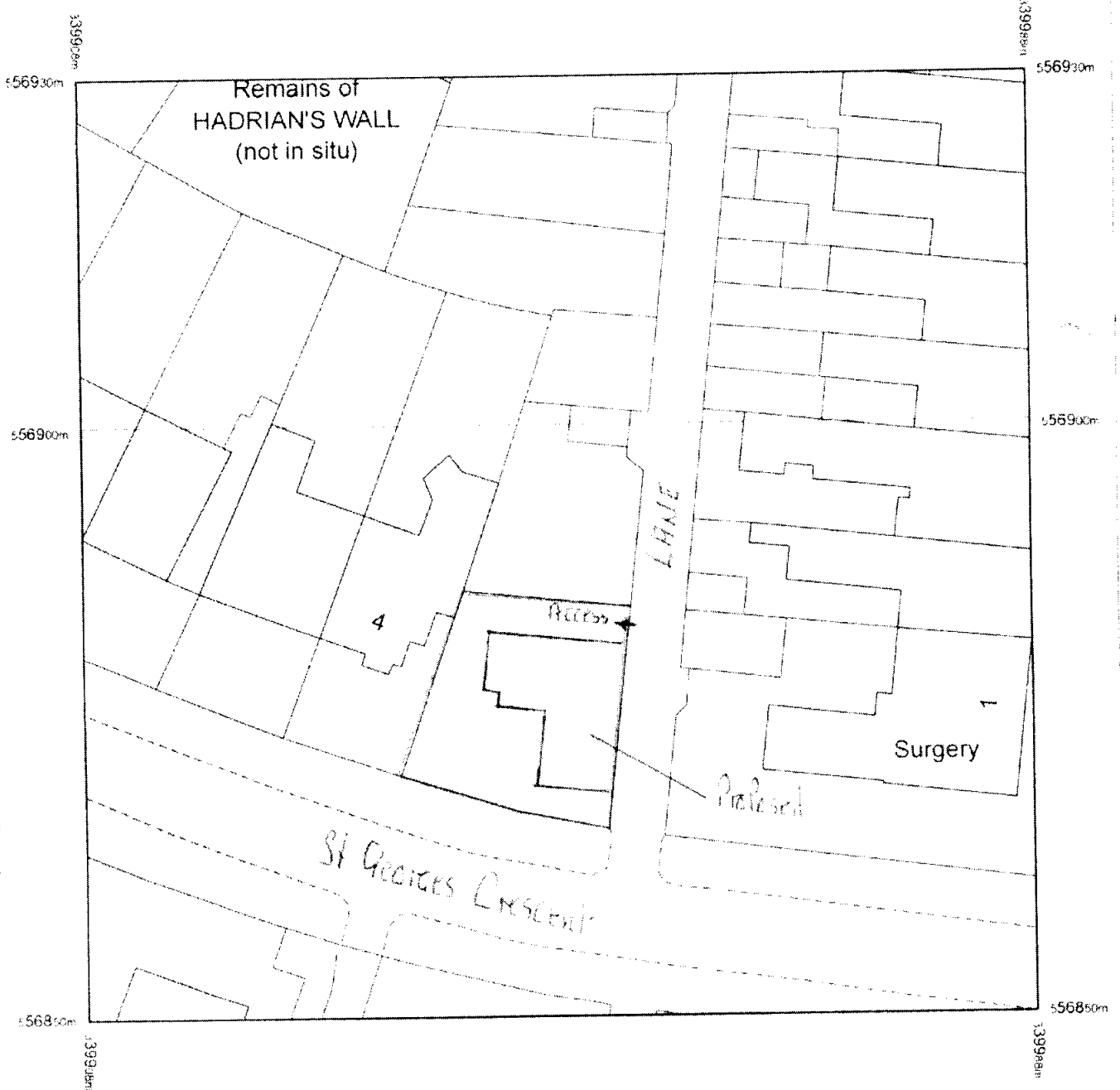
Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.



LOCATION PLAN 1:1250



10/0857



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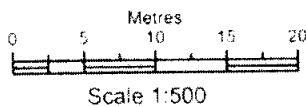
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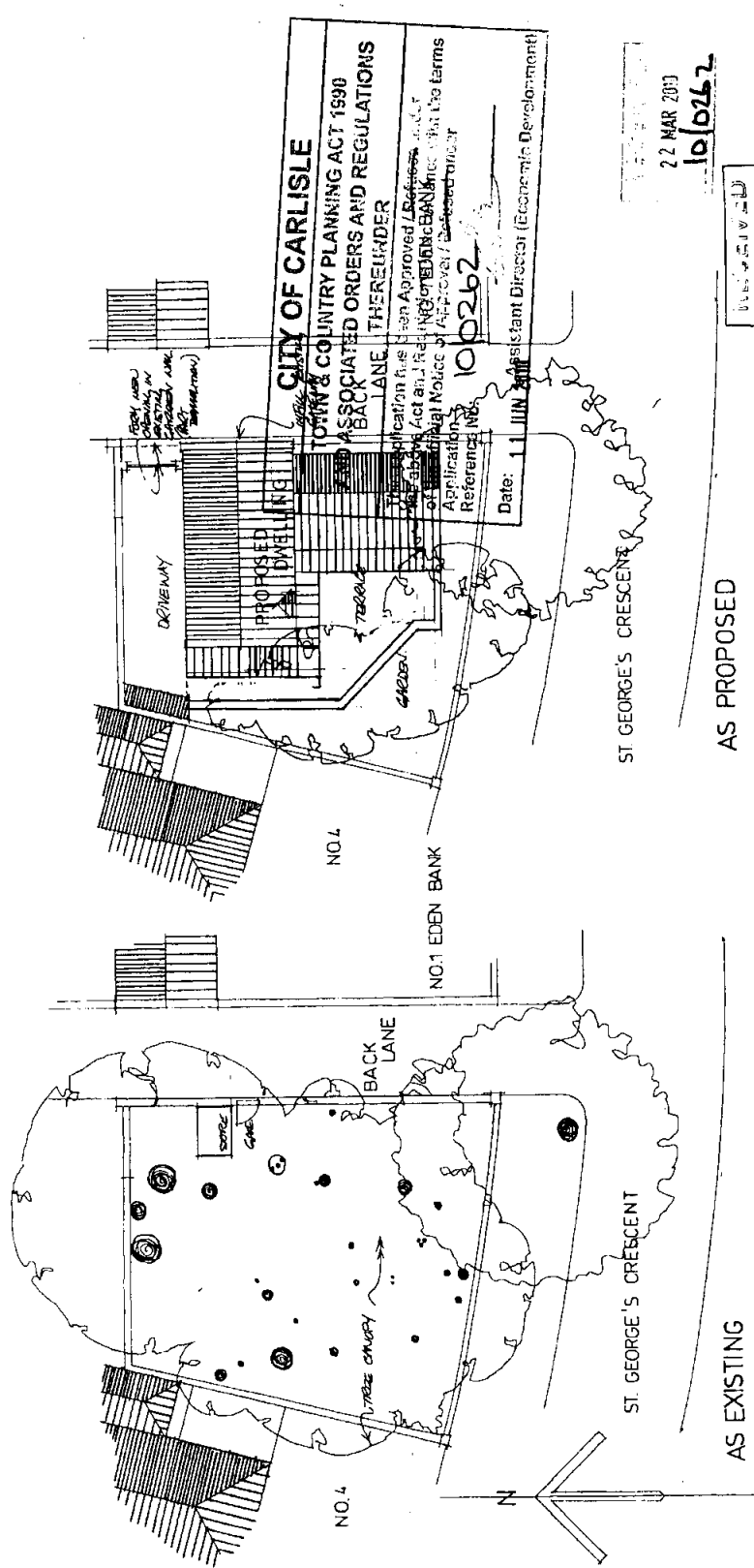


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EDEN MOUNT/ST GEORGES CRESCENT

CARLISLE



CITY OF CARLISLE
 TOWN & COUNTRY PLANNING ACT 1990
 ASSOCIATED ORDERS AND REGULATIONS
 BACK LANE, THEREUFORDER

This application has been Approved in accordance with the Town & Country Planning Act and Regulations 1990. The applicant has been notified of the decision by the Council. The applicant is advised that the Council has no objection to the proposed development.

Applications Reference No: 100262

Date: 11 JUN 2010

Assistant Director (Economic Development)

22 MAR 2010
 10/0262

20 SEP 2010
 10/0262

AS PROPOSED

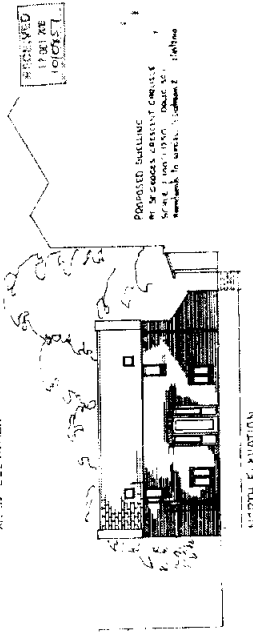
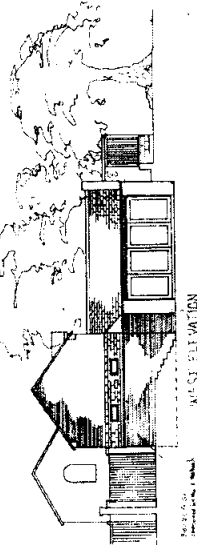
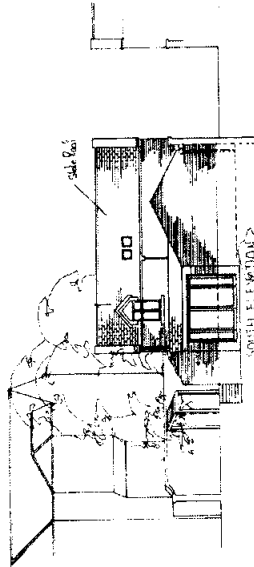
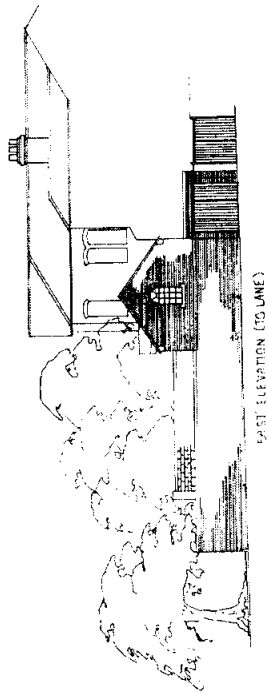
AS EXISTING



PROPOSED DWELLING
 ST. GEORGE'S CRESCENT, CARLISLE

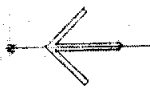
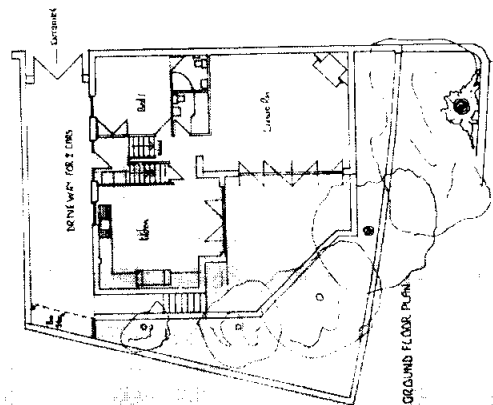
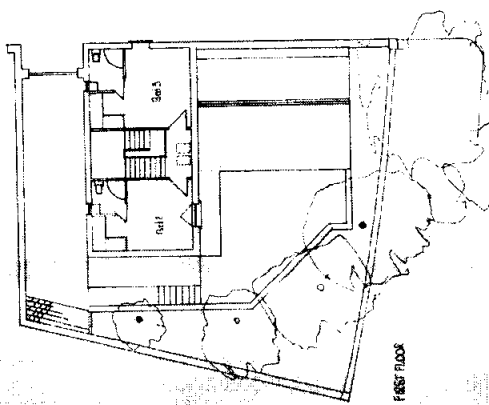
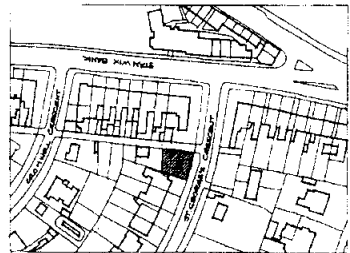
BLOCK PLANS:
 EXISTING & PROPOSED

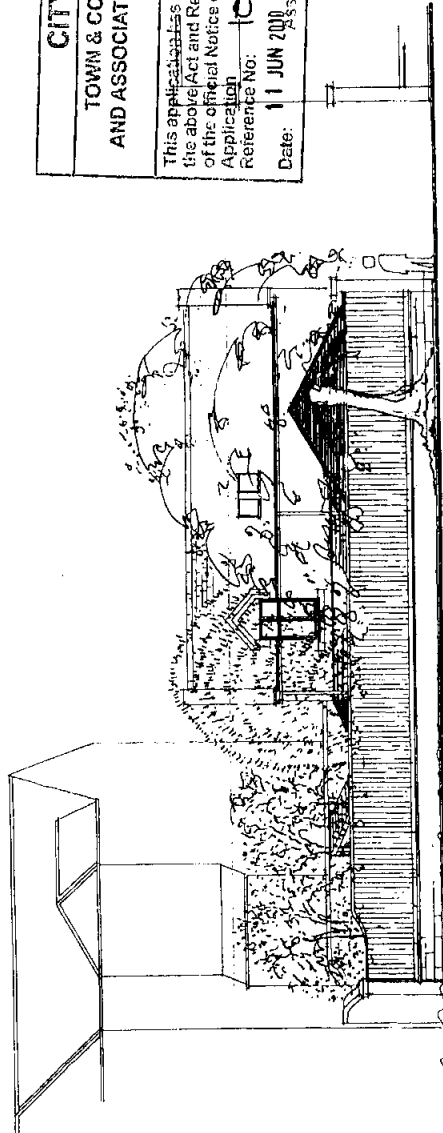
drawn: LC scale: 1:200 CHARTERED
 date: 03/10 drawing no: 2465/3 ARCHITECTS
 BRIDGE LANE STUDIO · CALDERGATE · CARLISLE · CUMBRIA · CA2 5SS · TEL: 01228 528266 · FAX: 01228 524469



REVISIONS
1. 11.20.12
2. 11.20.12

PROPOSED BUILDING
BY: M. GARDNER, ARCHITECT
SCALE: 1/8" = 1'-0"
DATE: 11.20.12





ELEVATION (SOUTH) TO ST. GEORGE'S CRESCENT

CITY OF CARLISLE
TOWN & COUNTRY PLANNING ACT 1990
AND ASSOCIATED ORDERS AND REGULATIONS
THEREUNDER

This application has been Approved / Refused under the above Act and Regulations in accordance with the terms of the official Notice of Approval / Refused under Application.

Reference No: 1010262

Date: 11 JUN 2010 Assistant Director (Economic Development)

RECEIVED
 20 SEP 2010
 1010262

RECEIVED
 12 OCT 2010
 201010262

RECEIVED
 21 MAY 2010
 1010262

RECEIVED
 20 SEP 2010

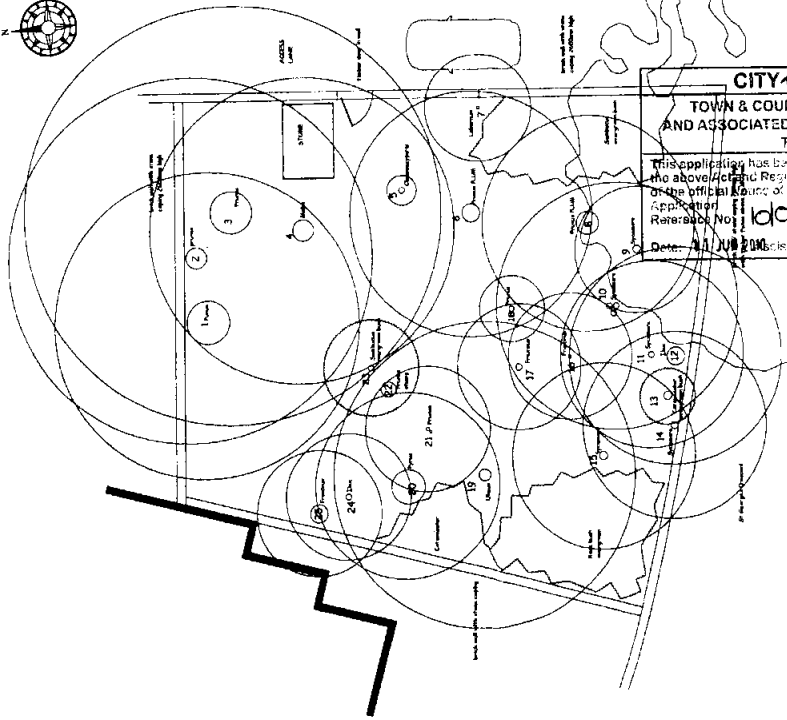
Revisions: addition of ground floor level to back end of ground floor to include
 Dev/2010: A.I. Revor Service (SPECIALIST) CONSULTANT

PROPOSED DWELLING
 ST. GEORGE'S CRESCENT, CARLISLE



PLANS AS PROPOSED:
 ROADWAY ELEVATION

drawn: LC scale: 1:100 CHARTERED
 date: 02/10 drawing no: 2465/2A ARCHITECTS



Westwood
landscape
www.westwoodlandscape.co.uk

UNWIN JONES ARCHITECTS
157 GEORGE STREET, MANCHESTER, M2 3LJ
0161 275 1100
www.unwinjones.co.uk

DATE	10/08/09
BY	ALM
NO.	1010857
REVISED	10/08/09

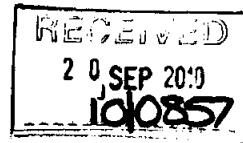
CITY OF CARLISLE
TOWN & COUNTRY PLANNING ACT 1990
AND ASSOCIATED ORDERS AND REGULATIONS
THEREUNDER

This application has been Approved / Refused in accordance with the above Act and Regulations in accordance with the provisions of the official Scheme of Approval for the City of Carlisle.
Application No: 1010262
Reference No: 1010262
Date: 22 MAR 2010 (Assistant Director Economic Development)

22 MAR 2010
1010262

20 SEP 2010
1010857

Drawing to be read in conjunction
with Tree Survey Schedule dated
24.7.09 recorded during site visits
on 21.7.09 and 22.7.09



Revisions to APPN 10/0262
Site between 1 Eden Mount and 4 St Georges Crescent
Stanwix Carlisle.

The following revisions to the above application Draw. 2465/1 consist of enlarging the Ground Floor area by way of single story mono pitched additions in brickwork with slated roofs to the west Gable and South facing Front elevation. The original single story section of the building will be lengthened and widened all under a slated roof. The Paved area has only changed in its shape but not in its construction, the same applies to the Garden areas which will be planted out as Proposed.

All of the above will have little impact on the area as they are not visible from the road due to the high boundary walls and fence.

These Proposed revisions have been taken after due consultations with Mr Peter Messenger Conservation officer and Mr Sam Greig Planning case officer, who have both supported the Proposals.

SCHEDULE A: Applications with Recommendation

10/0930

Item No: 02

Date of Committee: 17/12/2010

Appn Ref No:
10/0930

Applicant:
Mr Ollie Holt

Parish:
Carlisle

Date of Receipt:
12/10/2010

Agent:
S & H Construction

Ward:
Stanwix Urban

Location:
Site Between 1 Eden Mount and 4 St Georges
Crescent, Stanwix, Carlisle

Grid Reference:
339944 556874

Proposal: Demolition Of Garden Wall And Erection Of Replacement (LBC)

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Ancient Monument

Gas Pipeline Safeguarding Area

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

Listed Building

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

Conservation Area

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

Listed Building In A Conservation Area

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

Local Plan Pol CP5 - Design

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

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

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

Planning - Planning Policy & Conservation - Peter Messenger: the minor extensions to the building will not have any detrimental impact on the setting of adjacent listed buildings or the appearance of the Conservation Area. Nor do they harm the overall appearance of the proposed new dwelling.

The demolition and rebuilding of the boundary wall needs to be carefully carried out so that the bricks and sandstone coping can be re-used. A planning condition should be imposed to regulate these matters;

Northern Gas Networks: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
3 St Georges Crescent	14/10/10	
5 St Georges Crescent	14/10/10	
6 Eden Mount	14/10/10	Objection
6 Cambeck Close	14/10/10	
2 Eden Mount	14/10/10	
Eden Hey	14/10/10	
8 St Georges Crescent	14/10/10	
10 St Georges Crescent	14/10/10	
10 Etterby Scour	14/10/10	
6 St Georges Crescent	14/10/10	
9 Eden Mount	14/10/10	
7 St Georges Crescent	14/10/10	
4 St Georges Crescent	14/10/10	Objection
1 Eden Mount	14/10/10	Objection
3 Eden Mount	14/10/10	Objection

5 Eden Mount	14/10/10	Objection
9 Devonshire Terrace	14/10/10	
3 Cromwell Crescent	14/10/10	
2 Eden Mount	14/10/10	Objection
4 Eden Mount	14/10/10	Objection
32 Abbey Street		Objection
2 Eden Mount		Objection
8 Devonshire Terrace		Objection
Stanwix Urban		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty neighbouring properties. In response ten letters of objection have been received. In summary, the objectors have raised the following issues:

1. The removal of the Grade II Listed wall will detract from the character and setting of the Stanwix Conservation Area, as well as the adjacent Grade II Listed terrace (Eden Mount);
2. The wall should be underpinned, thereby enabling its facade to be retained;
3. The work associated with the demolition and rebuilding of the wall will cause the rear access lane to be blocked;
4. Had Members of the Development Control Committee been advised that the wall was "Listed" when they consider the earlier application in June 2010, the Committee may have reached a different decision.

3.2 The letters of objection also raise issues relating to the associated "Full" planning application for the redevelopment of the site to form a dwelling, which precedes this report in the schedule (Application 10/0857). Given that these objections do not specifically relate to this application for Listed Building Consent the issues raised have not been reiterated within this report. A summary of the representations received can be viewed within the "Summary of Representations" section of the preceding report.

3.3 Councillor Mallinson, who is the Ward Councillor, has expressed her wish to speak against the proposed development at the forthcoming Committee meeting, although no specific grounds of objection have been cited.

4. Planning History

4.1 In March 1996 "Outline" planning permission was refused for the erection of a dwelling for the following reasons:

- i. *"The application seeks permission for residential development on a plot of some 275 square metres, located between the substantial properties No. 4 St George's Crescent and No. 1 Eden Mount. It is considered that the development of this plot would result in cramped development, unrelated to*

the surrounding buildings, in terms of scale, character and building line contrary to Proposal H2 of the Carlisle District Plan (Deposit Draft).

- ii. Development of the proposed site would adversely effect the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Proposal E30 of the Carlisle District Plan (Deposit Draft)."*

4.2 In May 1998 (application 97/0458) "Full" planning permission was refused for the erection of a dwelling for the following reasons:

- i. "The application relates to an area of 270 square metres, within the setting of the listed building, No. 1 Eden Mount and adjacent to the substantial property No. 4 St George's Crescent. It is proposed to erect a two storey dwelling across the width of the site. It is considered that this development would result in cramped development, with an adverse impact on the attractive street scene of St George's Crescent which is within the proposed Stanwix Conservation Area, contrary to Policy H2 of the Carlisle District Plan.*
- i. Development of the site in the manner proposed would have an adverse affect on the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Policy 35 of the Carlisle District Plan."*

4.3 An appeal was lodged against the Council's Decision to refuse the above application; however, this was subsequently dismissed by the Planning Inspectorate.

4.4 In 2010 "Full" planning permission and Conservation Area Consent was granted for the erection of a dwelling (Applications 10/0221 & 10/0262 respectively).

4.5 In 2010 an application for Conservation Area Consent was submitted, but subsequently withdrawn as Officers' advised that Listed Building Consent was required in lieu of Conservation Area Consent (Applications 10/0856 & 10/0930 respectively).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application was deferred at the last meeting of this Committee in order to undertake a site visit and to enable objectors to that scheme the opportunity to exercise their "right to speak" against the proposal. It will be recalled that this revised application seeks "Listed Building Consent" for the demolition of a boundary wall on land to the rear of No.1 Eden Mount, Stanwix. The land is situated within the Stanwix Conservation Area and a row of Grade II Listed terraced properties, known as Eden Mount, located immediately to the east of the site. The site previously formed the kitchen garden of No.1 Eden Mount; however, it has since been separated in ownership.

The Proposal

- 5.2 The application proposes to remove the boundary wall along the eastern boundary of the site to facilitate the erection of a dwelling. The application which relates to the dwelling precedes this report in the schedule (reference 10/0857). Listed Building Consent is required for the removal of this section of wall as it formed part of the domestic curtilage of No.1 Eden Mount when that property was listed.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE13, LE14 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following planning issues:
1. Whether The Removal Of The Wall Is Acceptable.
- 5.5 The removal of this section of the wall will not have an adverse impact upon the character of the Stanwix Conservation Area or the Listed terrace of Eden Mount provided that it is undertaken in conjunction with an acceptable scheme to redevelop the site. It is, however, recommended that a condition is imposed that prevents this work from being carried out prior to a contract being agreed for the redevelopment of the site that is in accordance with an "approved" scheme.
- 5.6 Members are advised that if they were minded not to approve the application to redevelop the site (10/0857), which precedes this report in the Schedule, it would not be appropriate to approve this application. To do so may increase the likelihood of the wall being removed, which, if carried out in isolation, could detract from the appearance of the Conservation Area and setting of the Listed terrace. In the absence of an approved scheme to redevelop the site, the approval of this application would be premature.

Conclusion

- 5.7 In conclusion, it is recommended that Members approve this application, but only if permission has been granted for the redevelopment of the site in accordance with application 10/0857. If that application is refused this application should also be refused on the grounds of prematurity and the potential adverse impact on the character and appearance of the Stanwix Conservation Area and the setting of Eden Mount, a terrace of Grade II Listed Buildings.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this planning permission comprise:

1. The planning application form received 12th October 2010;
2. The site location plan received 12th October 2010;
3. The proposed block plan received 12th October 2010;
4. The proposed elevations and floor plans received 12th October (Drawing No. SG1);
5. The design and access statement received 12th October 2010;
6. The Notice of Decision; and
7. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

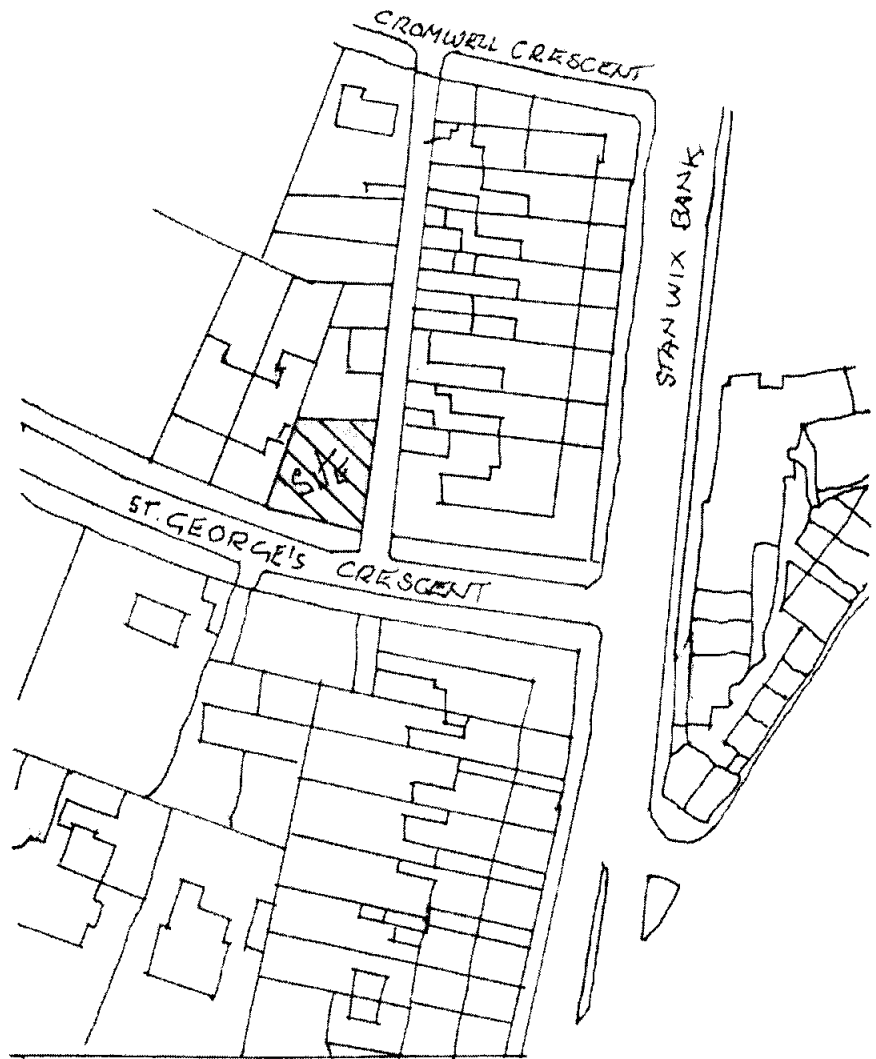
Reason: To define the permission.

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

Reason: To safeguard against premature demolition in accord with Policies LE17 and LE19 of the Carlisle District Local Plan 2001-2016.

4. Prior to the demolition details of the existing wall, consisting of the original brick bonding, the depth of the mortar joint and the appearance of the joint, shall be recorded and submitted to the Local Planning Authority. The demolition shall be carried out in a careful manner so as to ensure as much as possible of the original walling material is salvaged for re-use on the new wall. If additional bricks or sandstone coping stones are required to make up for those which are damaged or lost replacements should match the original material in both colour and texture. The reconstructed wall shall follow the same brick bond and jointing pattern as the original. In addition the mortar shall be lime based and a specification of the proposed mortar shall be submitted to and be approved in writing by the Local Planning Authority prior to the rebuilding of the new boundary wall.

Reason: To ensure the works reflect the character of the wall to be removed and preserve the setting of the Stanwix Conservation Area in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.



LOCATION PLAN 1:1250

2010/0930



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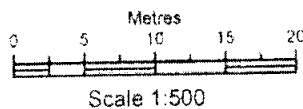
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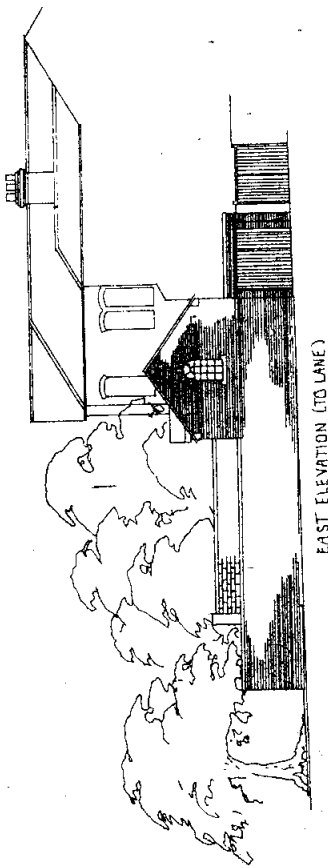
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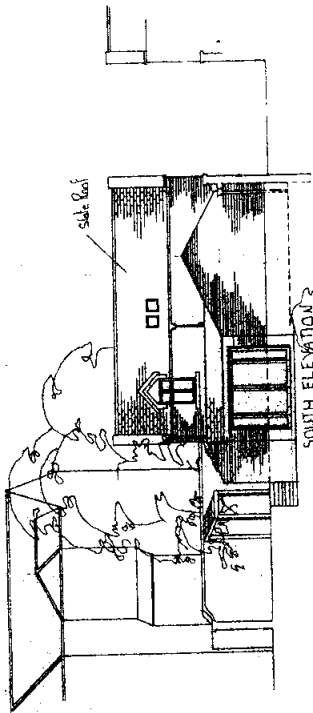
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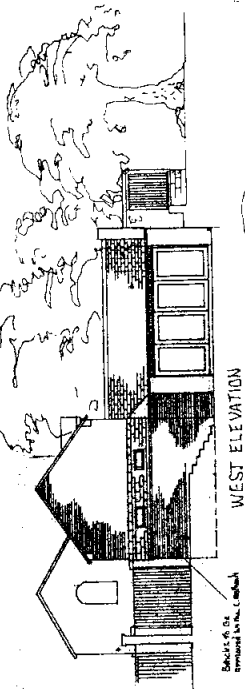
EDEN MOUNT/ST GEORGES CRESCENT
CARLISLE



EAST ELEVATION (TO LAKE)

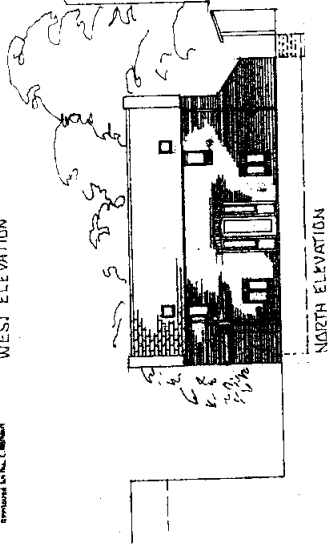


SOUTH ELEVATION



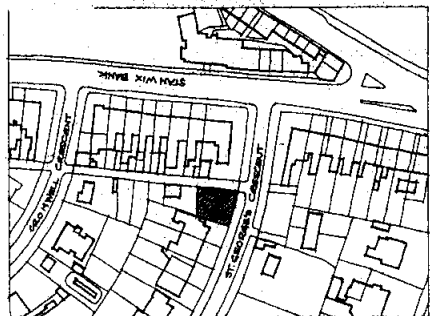
WEST ELEVATION

3010 10950

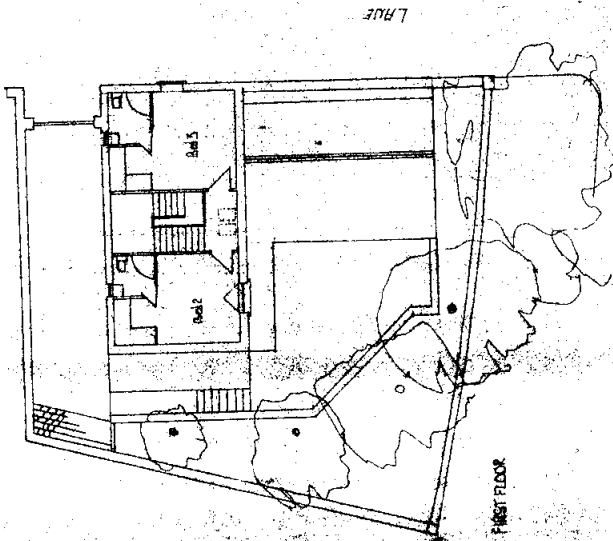


NORTH ELEVATION

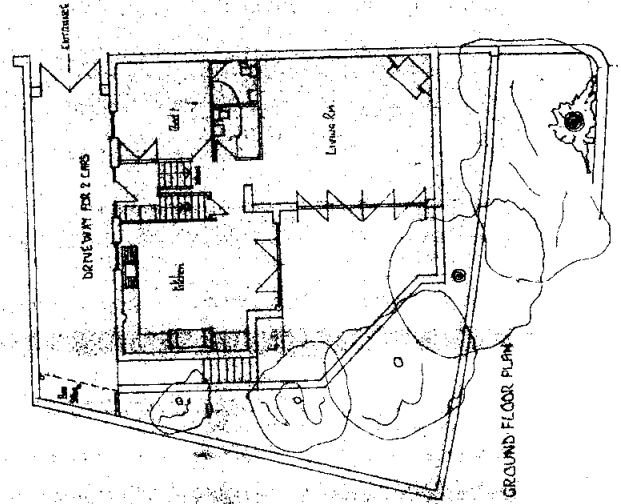
PROPOSED DWELLING
 BY SPENCER CREIGHT CAMPBELL
 SCALE 1/8" = 1'-0" DRAWING SET
 REFERENCED TO ARCHITECT'S DRAWING SET 10/11/10



LOCATION PLAN 1:1250



FIRST FLOOR



GROUND FLOOR PLAN

SCHEDULE A: Applications with Recommendation

10/0551

Item No: 03

Date of Committee: 17/12/2010

Appn Ref No:
10/0551

Applicant:
The Knells Country House
Ltd

Parish:
Stanwix Rural

Date of Receipt:
20/06/2010

Agent:
Swarbrick Associates

Ward:
Stanwix Rural

Location:
The Knells Country House Ltd, The Knells, CA6 4JG

Grid Reference:
341387 560579

Proposal: Erection Of 12 Bedroom Care Home

Amendment:

- . Amended plans have been received which re-locate the car park, remove a soakaway, amend foul and surface water drainage and remove two windows in the rear elevation facing Rewanda.

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Tree Preservation Order

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

Ancient Monument

Gas Pipeline Safeguarding Area

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

Health & Safety Executive Consultation

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

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H13 - Special Needs Housing

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections subject to conditions - the access track to this development is a private road;

Local Environment (former Community Services) - Drainage Engineer: the applicant indicates disposal of foul sewage to a private sewage treatment plant. The applicant must make sure, through the Building Control process, that the plant is adequately sized to meet treatment demand. The applicant must also obtain any necessary consent for the plant from the Environment Agency;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: no objections. Two water mains cross the site and serve nearby properties and UU will not permit any building over these mains. It may be possible for the developer to pay for the mains to be diverted, but they will need to liaise with UU at the earliest opportunity;

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

Planning - Planning Policy & Conservation - Peter Messenger: no objections - the scale and massing of the new building is acceptable and does not detract from the character or appearance of the Listed Building. The new building relates to the rear of the nursing home which is part stone but mostly rendered. The slate roof and render of the new building will blend in with the existing. Conditions should be added to cover samples of roofing materials and window details;

Planning - Access Officer: at-least one disabled parking bay should be marked out nearest to the proposed build in accordance with Approved Doc M. Provided detailed advice on internal layout. Policy CP15 of adopted Local Plan and

Approved Document M should be complied with;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): requested further information from the applicant on crime prevention measures;

Planning - Local Plans (Trees): no objections to revised Drawing No. 1392/p/01g.

1. Location of car park within the root protection areas of T2 and T3 the protected trees. The proposal as set out in Drawing No. 1392/p/01g now addresses this issue and the car parking is acceptable.
2. The location of the proposed soak away and treatment as shown in Drawing No. 1392/p/01g are now acceptable
3. Should the proposal prove acceptable a condition must be attached to the Decision Notice requiring a scheme of tree protection. The scheme must be agreed in writing with the Local Planning Authority and include details of the specification of the barriers, and their location, and must be implemented prior to commencement of any works on site.
4. In order to implement the proposals it will be necessary to remove several trees, and other shrubs. Should the proposal prove acceptable a condition must be attached to the Decision Notice requiring a detailed landscaping scheme which should include provision for the replacement of the trees and shrubs that had to be removed. The opportunity must be taken to include large growing tree species as well as smaller species in a scheme that reflects the character of the grounds and wider setting of this listed building;

Social Services Department: comments awaited;

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

English Heritage - North West Region: no comments;

Forestry Commission: comments awaited;

Stanwix Rural Parish Council: objects to the proposed development for the following reasons:

- the impact on TPO trees within the site have not been properly considered;
- out of keeping and unsympathetic with the existing listed building in character and materials;
- cause a loss of residential amenity;
- parking provision is insufficient for the amount of employees and visitors;
- exit from the site onto the highway is dangerous;
- access road is unsuitable for increased traffic levels;
- adjoining residents are concerned about the possible impact on surrounding water tables and foul treatment methods. The application is not accompanied by a report on the non-mains drainage, as required by Annex A of Circular 3/99.
- whilst efforts have been made to address residents concerns regarding the effluent and soakaway system, in the absence of specialist knowledge, the Parish

Council is unable to comment on the revised system;

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Green Pastures	29/06/10	
Invershiel	29/06/10	Objection
Casita	29/06/10	
Lane End	29/06/10	Comment Only
Yew Tree Cottage	29/06/10	Objection
Lyndhurst	29/06/10	
Knells House	29/06/10	Comment Only
Tanglewood	29/06/10	Objection
Rewanda	29/06/10	Objection
Fell View	29/06/10	
Lily Horn	29/06/10	Objection
Tykes Neuk	29/06/10	Objection
71 Dalston Road		Support
154 Newtown Road		Support
143 Holmrook Road		Support
1 Brookside		Support
27 Tamalpais Avenue		Support

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twelve neighbouring properties. Six letters of objection and eight letters of support have been received.

3.2 The letters of objection make the following points:

- the building is far too large, is totally out of keeping and will destroy the character of the area;
- the Care Home has reached its capacity in this location;
- a modern, long building crammed in next to Knells House, would have an adverse impact on this building, which is a Grade II Listed Building;
- the proposal is out of proportion to existing dwellings - with the extra staff, patients and services it is equivalent to an extra 10 dwellings in this area;
- the proposal will run right across the back of two dwellings - it is too close to these properties (only 9m from the living room, dining room and conservatory at Rewanda) and will massively reduce light to these properties;
- the proposal will overlook Yew Tree Cottage and will lead to a loss of privacy (a large expanse of glass will face Yew Tree Cottage and a sensory area will be created next to the boundary with the property) and will impact on the peaceful enjoyment of this property;

- the building will be visually overbearing;
- the high brick wall around the site would give a corridor effect to the occupiers Yew Tree Cottage;
- the established living standards and amenity of existing households in the area are already under severe pressure;
- this is a prime example of 'garden grabbing', which the Government is keen to stop;
- the application form states that there are no trees - there are, however, a number of trees on the site, including 2 with TPOs;
- the location of the proposed additional car park is unacceptable as it will be very close to two large, mature trees which subject of a TPO - the tree roots could suffer damage during the construction of the new car park;
- the construction of the Sewage Treatment Plant could damage the tree roots of the protected trees;
- seven trees will be removed and this will adversely affect wildlife, including bats and birds which are present;
- the occupiers of Tykes Neuk are concerned that the Sewage Treatment Plant would be located just up the slope from their home;
- the occupiers of Tykes Neuk and Tanglewood object to the soakaway being positioned close to their boundary - there is already a drainage problem in this area (land is very wet and water logged in the winter) which would be made worse;
- run-off from the car park with increase drainage problems;
- in wet conditions the problems of excess water in the area prevails - with standing water being evident in the site and in neighbouring gardens;
- been advised that no more properties should be dealt within the Knells House boundaries as the water table is too high;
- concerned that the brick wall near to the boundary with Yew Tree Cottage will effect the natural drainage flow from this property, which already suffers from water logging;
- the proposed new car park, sewage treatment plan and new drainage pipes could damage existing services - existing sewage pipes from the surrounding residential properties could be affected;
- the access from the Knells communal driveway onto the main road is

extremely dangerous and the extra traffic generated by the proposal will increase the risk of an accident;

- existing driveway is inadequate and will not be able to cope with extra traffic;
- the proposal will generate extra traffic as everyone will have to drive to the site - there will be 45 staff employed at the site but only 13 spaces are shown - parking, which is already an issue, will become an even greater problem - it will be impossible to keep clear the legal right of way for the occupiers of adjoining residential properties;
- parking currently occurs all round the main building and on some land which will be occupied by the new building - some existing parking spaces will be lost;
- parking causes continual problems, with residents gates being blocked and people parking anywhere they can;
- could demolish the outbuildings and use the space for car parking to solve the current parking problems;
- increased congestion from more parked cars could impede fire and ambulance services;
- large vehicles, including refuse collecting vehicles, take a circular route around Knells House and may not be able to negotiate the gap between the existing and proposed buildings - damage already occurs to the existing drive corner, where the end of the new building will be sited;
- the proposal will compromise access to existing residential properties and could affect the viability and amenity of these properties;
- the area is not served by a bus and there is no footpath, so walking to the site will be dangerous - this will increase car use;
- residents regularly suffer disturbance and noise nuisance from vehicles and the extra parking spaces will lead to disturbance to the occupiers of nearby properties;
- the car park will be opposite Yew Tree Cottage and will be visible from several of the rooms - it will take several years for the proposed landscaping to - it will bring additional noise, pollution and light (car lights) to this property at all times of the day and night
- the water pressure is low and increased demand for water will increase problems;
- the proposal will have a detrimental impact on property prices;

- the residents will suffer major disruption during construction - concerned were vehicles, plant, equipment and materials would be stored during construction - could prevent access to the neighbouring properties;
- any new buildings should be smaller, less intrusive and more sensitive to the character of the rural area;
- two water mains run across the site - local residents have had problems in the past with dirty water, discolouration, poor supply and pressure - if the water mains are moved these problems could recur;
- the care home will affect the water supply to the neighbouring properties;

3.3 The letters of support make the following points:

- the garages and outhouses where the development is proposed have fallen into severe dis-repair - the demolition of these buildings and the erection of a new single-storey block will enhance the appearance and outlook of this area;
- the proposed building would be tucked away from view and will utilise an awkward and not very easily usable site;
- the proposed building, because of its scale and form, will have very little impact on listed building;
- the footprint of the building is not that large - the site is narrow and an awkward shape;
- there is a lack of facilities that offer the higher level of support that the extension will cater for;
- the views of residents at the home should be considered - without the new facility a number of residents may have to leave the familiar surroundings and staff and move elsewhere;
- the extension will allow an increased number of people who wish to live in the community to do so and get the care and support that they deserve;
- although there might be extra vehicles on site, a staggered shift pattern is in operation and not all staff will be working at all times. Similarly, not all visitors will arrive at the same time;
- having visited the site numerous times, vehicles have always parked to allow other vehicles to pass;
- never encountered any problems entering or exiting the communal driveway;

- the proposed soakaway area could be re-landscape as lawn;
- the below ground drainage works can be done sensitively;
- permeable materials can be used for the car parking surfaces and it can be screened by landscaping;
- the proposed building would not adversely affect Yew Tree Cottage or Lane End, because of the configuration of the building, distances of these buildings to common boundaries and the surrounding spaces available;
- appropriate Tree Protection measures will limit impact to the existing trees;
- care of the elderly should be paramount and this unit would prevent residents being moved from a happy environment;

4. Planning History

- 4.1 In December 1997, planning permission and Listed Building Consent were granted for the change of use/ internal alterations from first floor flats to residential house (97/0858 & 97/0859).
- 4.2 In November 2004, planning permission and Listed Building Consent were granted for the erection of a disabled access ramp (04/0798 & 04/0799).
- 4.3 In June 2007, Listed Building Consent was granted for the erection of seven external wall lamps (07/0421).
- 4.4 In June 2007, planning permission and Listed Building Consent were granted for erection of a conservatory (07/0475 & 07/0476).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application was deferred at the last meeting of this Committee in order to undertake a site visit and to allow discussions to take place with the applicant and the Care Quality Commission/ Social Services about the internal layout.
- 5.2 The proposal is seeking planning permission for the erection of a twelve bed care home at the Knells Country House, The Knells, Houghton. The Knells, which is a Listed Building, is an existing care home. A terraced garden is located to the front of the property and the upper section contains areas laid to lawn, seating areas which are used by residents and a summerhouse. The lower section, which is accessed by some steps, is also largely laid to lawn and this area contains the existing septic tank that serves Knells House, together with a septic tank which serves some adjacent properties. A low timber fence is located at the eastern edge of the garden, beyond which lies

some below ground filter tanks. Open fields are located beyond this.

- 5.3 A further area of garden is located to the south of this property. This area contains a number of trees and shrubs, including two mature trees, which are the subject of a Tree Preservation Order. An additional area of garden is also located to the west of Knells House and this area contains some trees and shrubs and a number of benches, which are used by residents. This garden area is adjoined by a block of brick garages and some timber outbuildings, which are in a poor state of repair.
- 5.4 Knells House is accessed via private driveway from the Houghton to Scaleby Road. This driveway, which runs right round Knells House, has various areas of hardstanding adjacent to it, including a parking area located to the south of Knells House. Parking also takes place on some of the other areas of hardstanding, including on areas immediately adjacent to the north of the dwelling and in the northern corner of the site, adjacent to the timber outbuildings.
- 5.5 Six residential properties adjoin the curtilage of Knells House. Five of these are bungalows which share the access to nursing home and have a right of way over it. The other is a one and a half storey dwelling, which has a rear elevation facing the site but which is accessed directly from the main road. Two further bungalows, which front onto the main road, also have a right of way over the access.

Background

- 5.6 The Care Quality Commission has been contacted about this proposal, but it does not engage in pre-application discussions on planning applications. It provides advice (essential standards) that applicants have to comply with and it will only sign off schemes for occupation if these standards are met. The current application exceeds the minimum essential standards.
- 5.7 The applicant's agent has met with the a senior manager at Adult Social Care at Cumbria County Council to discuss the building's internal layout. The room sizes and layouts are all satisfactory and several recommendations have been made about the internal layout. The suggestions include: toilet doors all to be yellow, toilet seats to be red, cupboard doors to be glass so that the contents are visible, high quality lighting, possible introduction of a fireplace (does not have to be working), motion monitoring in bedrooms and the provision of bird feeders outside bedroom windows. It has also been suggested that a secure garden area should be provided, that the residents could use under supervision. The applicant is intending to implement the above recommendations.

The Proposal

- 5.8 The proposed twelve bed care home would cater for dementia and Alzheimer's sufferers and would complement the existing nursing home. It would be located to the west of the Knells House on land that currently contains a garden area, the brick garages and timber outbuildings and an

area of hardstanding. The building would run from north to south, with the south elevation of the building lying in close proximity to the shared driveway. The east elevation would run parallel to the nursing home and would be separated from it by the driveway that runs around the building.

- 5.9 The building would measure 60m in length, with the width varying from 16m to 7.5m. The southern elevation of the building, adjacent to the driveway, would contain a dining area and recreation area and this section would measure 16m in width by 10.5m in length. This end elevation would be curved and would contain large glazed sections set on a brick plinth, which would be connected by a section of rendered wall. The roof would be hipped and would measure 3.5m to the eaves and 6.2m to the ridge.
- 5.10 A narrower section of the building would be located to the rear of this and this would contain six en-suite bedrooms and a corridor. This section would measure approximately 27m in length and would predominantly measure 7.7m in width. The ridge height of this section would be 4.6m. The building would then increase in width to 15.3m for a length of 9m, with this section containing a further three en-suite bedrooms. The ridge line of this section would be approximately 0.5m lower than the ridge on the front section of the building. The building would then narrow again to a width of 7.7m for its last 13.3m, with the ridge height dropping back to 4.6m.
- 5.11 The walls of the building would be finished in white render, with a brick plinth and head, whilst the roof would be constructed of blue/ grey slates and grey concrete ridge tiles.
- 5.12 A safe, outdoor space for residents would be created to the (rear) west of the building and this would be enclosed by a new retaining wall. The hedge between the application site and Yew Tree Cottage, which adjoins the application site to the west, would be retained and additional infill planting would take place in this area. The existing timber fence, which separates part of the garden of Yew Tree Cottage from the application site and the existing retaining wall/ fence which is located on the boundary between the application site and Rewanda would be retained.
- 5.13 Five additional car parking spaces would be provided to the south of the building, adjacent to the existing driveway.

Assessment

- 5.14 The proposals need to be assessed against Policies CP3, CP5, CP6, CP12, H13, LE7, LE12 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.15 The proposals raise the following planning issues:
- Whether The Proposal Is Acceptable In Principle
- 5.16 The new care home would be located in the grounds of an existing nursing home. It would provide care for those with dementia and Alzheimer's disease. Existing residents would move to the new facility if necessary and

there would be a sharing of staff between the two homes. The new care home would use the kitchens and laundry facilities in the existing home. In light of the above, there is a clear need for the care home, which would be classed as Special Needs Housing (Policy H13) to be in this location and it is, therefore, acceptable in principle.

2. Whether The Scale And Design Are Acceptable

- 5.17 Whilst it is acknowledged that the building would be long its' design, which breaks it up into a series of sections, would reduce its impact. Furthermore, the siting of the building, in close proximity to the rear of Knells House and adjacent to existing hedges and fences, would ensure that views of the long side elevations are limited. The building would be single-storey, would sit at a lower level than the dwellings to the west (Yew Tree Cottage and Rewanda) and would have a hipped roof, which would help to reduce its impact. The walls would be finished in white render, with a brick plinth and header and the roof would be blue/ grey slate, under grey concrete ridge tiles. In light of the above, the scale and design of the proposal is considered to be acceptable.

1. The Impact Of The Proposal On The Listed Building

- 5.18 The Council's Conservation Officer considers that the scale and massing of the new building is acceptable and would not detract from the character or appearance of Knells House, which is a Grade II Listed Building. The new building relates to the rear of Knells House, which is part stone but mostly rendered. The slate roof and render of the proposed building would blend in with the existing. The Conservation Officer has, therefore, raised no objections to the proposals, subject to conditions being attached to any planning permission requiring samples of roofing materials and window details to be submitted for approval. The proposal therefore, accords with Policy LE12 (Proposals Affecting Listed Buildings) of the adopted Local Plan.

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

- 5.19 Yew Tree Cottage lies directly to the west of the proposed building. It would have a number of windows which would face the building, with the nearest of these being 14m away. The proposed building would sit at a lower level than Yew Tree Cottage and an existing hedge (which would be strengthened by additional infill planting) and an existing solid 2m high timber fence would screen the walls of the building from this property, with only the roof being visible. There would, therefore, be no loss of privacy to the occupiers of Yew Tree Cottage.
- 5.20 The roof would be hipped and would have a maximum height of 6.2m, although the majority of the building would be 4.6m high. Yew Tree Cottage sits at a higher level than the application site, so the impact of the building would be reduced when viewed from this property. Furthermore, a large section of the building would sit in front of Knells House when viewed from Yew Tree Cottage and this has a ridge height of over 11m. The proposal would not, therefore, have a significant adverse impact on the occupiers of

Yew Tree Cottage, through loss of light or over-dominance.

- 5.21 The property known as Rewanda, also adjoins the application site and the new building would lie adjacent to approximately half of the rear boundary of this property. This property, which is one and a half storey and has a rear conservatory, sits 0.8m higher than the application site and has a 0.9m high timber fence on the rear boundary. The rear elevation of the new building would be sited 2.3m from this fence and would measure 2.5m to the eaves and 4.6m to the ridge.
- 5.22 The nearest window in the main dwelling would be approximately 14m away from the rear elevation of the new building and would not directly face it. The nearest windows in the conservatory would also be approximately 14m away. Given that the rear elevation of the new building has no windows, these distances are considered to be acceptable and there would be no loss of privacy to the occupiers of this property.
- 5.23 The new building would only run along half the rear boundary of Rewanda and it would have a hipped roof, which would have a maximum height of 4.6m, but which would appear lower due to the changes of levels between the sites. Furthermore, Rewanda would not directly face the building but would face the land to the north of the building, which is located outside the application site and forms part of garden to the property known as Lane End. In light of the above, the proposal would not have a significant adverse impact on the occupiers of Rewanda due to loss of light or over-dominance.

4. The Impact Of The Proposal On Existing Trees

- 5.24 The originally submitted plans have been amended to remove the additional car parking spaces away from a number of trees, including two which are the subject of Tree Preservation Orders and to remove a large soakaway, which could have adversely affected existing trees.
- 5.25 The Council's Tree Officer has raised no objections to the current plans but has requested that a condition is attached to any planning permission requiring a detailed landscaping scheme to be submitted. This should include provision for the replacement of the trees and shrubs, which are to be lost as a consequence of the development. The Tree Officer has also requested a condition that requires a scheme of tree protection to be submitted and agreed by the Council, in order to protect the existing trees which are to be retained, during construction works.

5. Access And Parking

- 5.26 County Highways has raised no objections to the proposal. Its' Officers are satisfied that the proposed building would not impact on the existing access, that runs around Knells House. It is also satisfied that sufficient car parking spaces have been provided within the site to cater for both the existing and proposed nursing homes.
- 5.27 Local residents have raised concerns about their right of way being blocked

during construction and post development. The owner of Knells House would, however, have to ensure that access to the surrounding residential properties is maintained at all times.

6. Drainage

- 5.28 The original plans to deal with foul and surface water drainage from the new care home have been amended following discussions with officers from Building Control. A new package treatment plant would now be provided to serve both the existing nursing home and the new care home. It would be located under the terraced garden to the front of Knells House. This system would need to be registered with the Environmental Agency, who would need to give consent for it to discharge to a watercourse. The existing septic tank that serves Knells House currently discharges to a watercourse and the existing outlet pipe would be used.
- 5.29 Surface water from the proposed building would also be discharged to the watercourse, via the existing outlet pipe. This arrangement is acceptable to Building Control, as the ground conditions around Knells House are not suitable for soakaways.
- 5.30 Local residents have expressed concerns about the impact of the proposal on their existing drainage. The owner of Knells House would, however, have to ensure that the proposed development does not affect the existing drainage arrangements of the neighbouring residential properties.

Conclusion

- 5.31 In overall terms, the proposal is acceptable in principle and the scale and design of the building are acceptable. The proposal would not have an adverse impact on the Listed Building or on the living conditions of the occupiers of any neighbouring properties due to loss of light, loss of privacy or over-dominance. The impact on existing trees and the proposed access and parking arrangements would be acceptable. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Design & Access Statement (received 10 June 2010); Desk Study (received 20 June 2010); Arboricultural Report (received 7 September 2010);
3. Proposed Site Layout (1392/p/01h - received 26th October 2010); Layout & Elevations (1392/p/02d - received 26th October 2010); Existing Site Plan & Location Plan (1392/p/03g - received 26th October 2010); Proposed Block Plan (1392/p/04d - received 26th October 2010);
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory

external appearance for the completed development.

4. Samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

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

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

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

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

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

7. Prior to the commencement of development, protective fencing shall be erected in accordance with a scheme to be agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fencing 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 to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

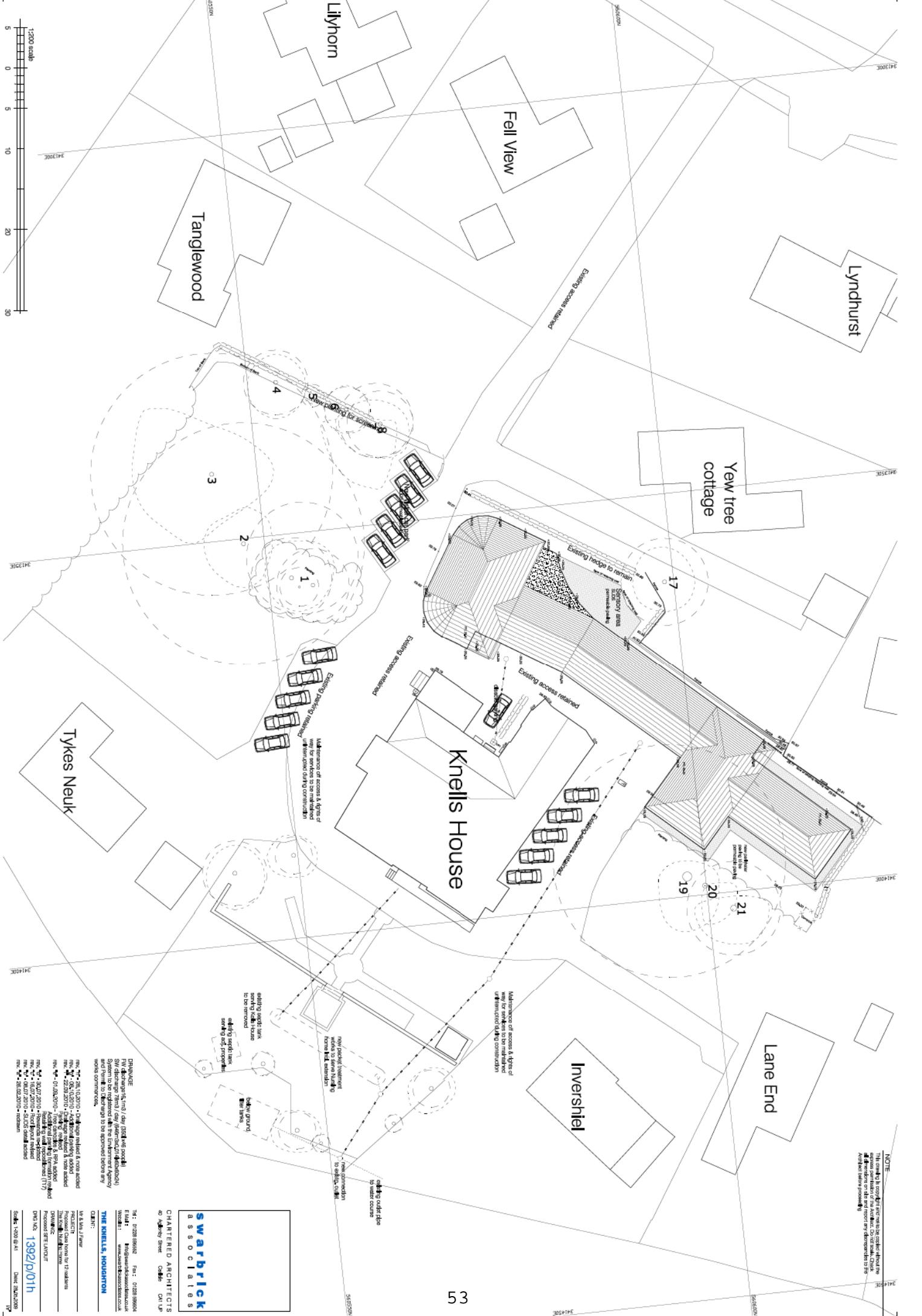
8. Prior to the commencement of development, a plan shall be submitted for the prior written approval of the Local Planning Authority, reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular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

Reason: The carrying out of this development without the provision of

these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

9. The foul and surface water drainage shall be constructed in strict accordance with the details contained on the Proposed Layout Plan (drawing 1392/p/01g - received 11 October 2010) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that adequate foul and surface water drainage is provided to serve the new care home and to accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.



NOTE
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 The Architect is not responsible for any errors or omissions in this drawing or for any consequences arising from the use of this drawing.
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 The Architect is not responsible for any costs or expenses incurred by the Client in connection with this drawing.

THE KNELLS, HOUGHTON
 M. & S. J. P. JAMES
 ARCHITECTS
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

swarbrick
 ASSOCIATES
 CHARTERED ARCHITECTS
 40 Albany Street, Cardiff, CF1 1LP



NOTE
 The drawing is not a guarantee and the contractor shall be responsible for all information on the site and report any discrepancies to the Architect during process.

Maintenance of access & signs of
 will be required during construction

DRAINAGE
 1. 11.10.2010 - drainage rendered null and void
 2. 11.10.2010 - drainage rendered null and void
 3. 11.10.2010 - drainage rendered null and void
 4. 11.10.2010 - drainage rendered null and void
 5. 11.10.2010 - drainage rendered null and void
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 19. 11.10.2010 - drainage rendered null and void
 20. 11.10.2010 - drainage rendered null and void
 21. 11.10.2010 - drainage rendered null and void

swarbrick
 B S S O C I A L S

CHARTERED ARCHITECTS
 40 Oakley Street Cardiff CF1 1JY

Tel: 01222 86552 Fax: 01222 86554
 E-Mail: help@swarbrick.co.uk
 Website: www.swarbrick.co.uk

THE KNELLS HOUGHTON

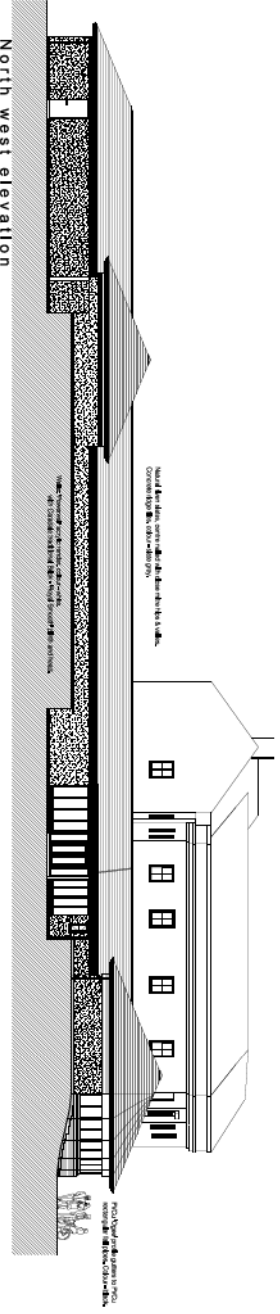
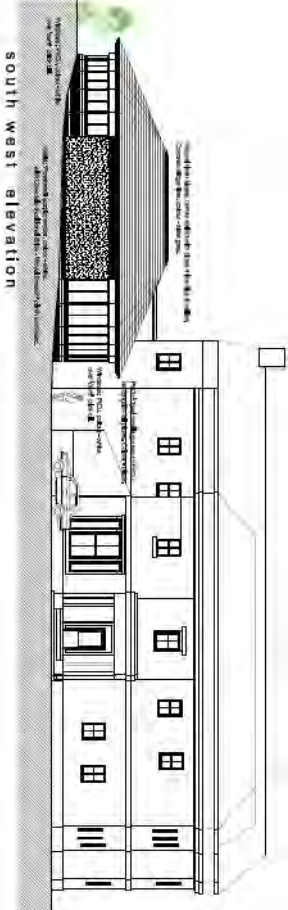
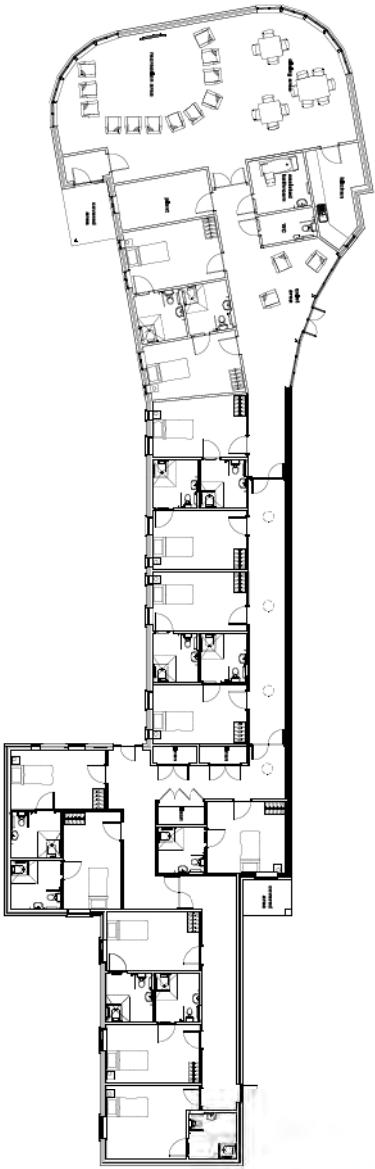
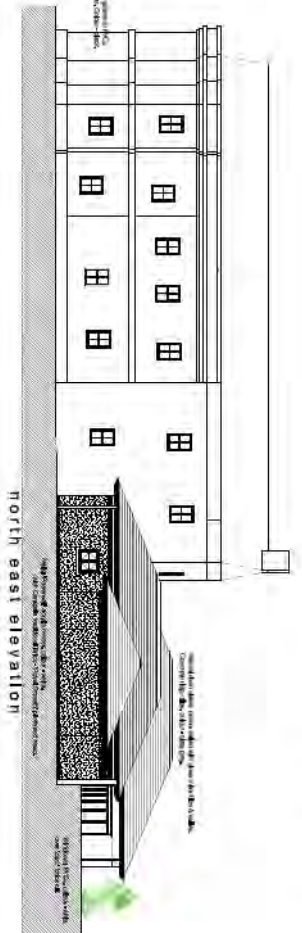
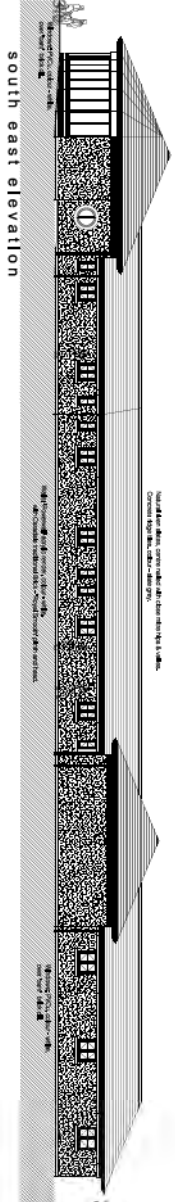
CLIENT:
 Mr & Mrs J Frew

PROJECT:
 11.10.2010 - drainage rendered null and void

DATE:
 1392/p/04d

Scale: 1:500 @ A1 Date: 18.07.2009

14



FINISHES

Roof:
Natural then blue / grey' slates, centre railed with close rafter ribs & valleys.
Concrete Ridge tiles, colour - slate grey.

R/W goods:
PVCU 'Doge' profile to rectangular PVCU fall pipes. Colour - black.

Facades & soffits:
PVCU, colour - white.

Walls:
Poverwall acrylic render, colour - white.
with Canadale traditional brick - Royal Smooth' finish and head.
Timber with timber frame & low rise freesticks.

External doors:
PVCU, colour - white, over 'tear' black sill.

swarbrick
architects

CHARTERED ARCHITECTS
1500 1510 1520 1530 1540 1550 1560 1570 1580 1590 1600 1610 1620 1630 1640 1650 1660 1670 1680 1690 1700 1710 1720 1730 1740 1750 1760 1770 1780 1790 1800 1810 1820 1830 1840 1850 1860 1870 1880 1890 1900 1910 1920 1930 1940 1950 1960 1970 1980 1990 2000

1982/1924



Image from Rewanda



Image from Rewanda



Image from Yew Tree



Image from Yew Tree (additional infill planting to be provided on fence line)



Image from Yew Tree (additional infill planting to be provided on fence line)



Image from Yew Tree

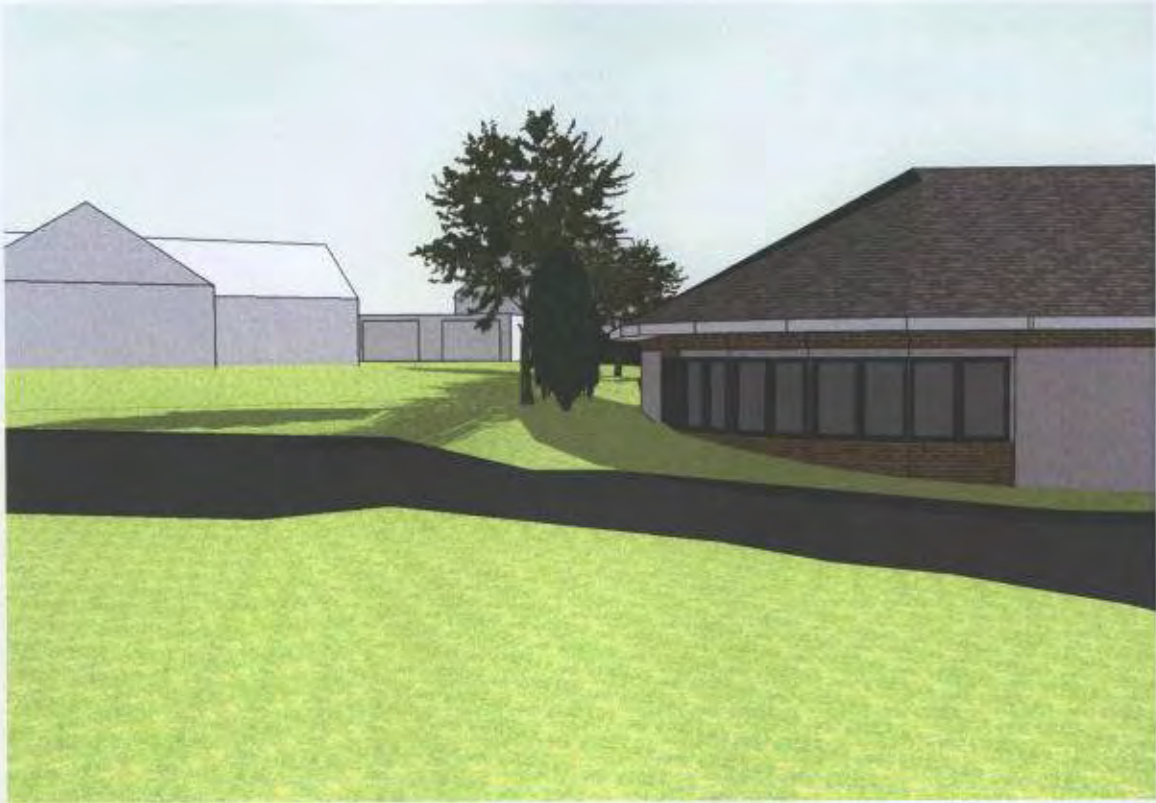


Image from lawn (proposed additional parking area)



Image from lawn (proposed additional parking area)



Image from Controlled sensory area (additional infill planting to be provided on fence line)



Image from Controlled sensory area (additional infill planting to be provided on fence line)



Image of area outside fire escape adjacent to existing retained fence & retaining wall to Rewanda

SCHEDULE A: Applications with Recommendation

10/0813

Item No: 04

Date of Committee: 17/12/2010

Appn Ref No:
10/0813

Applicant:
Sawyers Construction

Parish:
Carlisle

Date of Receipt:
22/09/2010

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Castle

Location:
1 Cranbourne Road, Carlisle, CA2 7JN

Grid Reference:
338491 555924

Proposal: Erection Of 1no. Dwelling

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application is being presented to Members of The Development Control Committee as the Ward Councillor has requested the Right To Speak and more than four written objections to the application have been received. It will also be recalled that, at the last meeting, Members resolved to undertake a Site Visit prior to determination.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the application will take access off a private road and as such the Highway Authority has no comment on the access off this lane. It should however be pointed out that the applicant has indicated within the application that turning space will be provided within the boundary of the property (and the private lane) . This element is welcomed.

It is considered that the proposal will not have a material affect on existing highway conditions. The Highway Authority can therefore confirm no objection to the proposal;

Carlisle City Council (Bousteads Grassing): neither support nor object to this development. A Traffic Regulation Order for limited waiting was made for this location in July 2009. The parking restrictions were not introduced, however, as no funding was available to install lines signs and issue permits to residents. There is call for parking restrictions but it is uncertain whether this is from residents or local members. It is reported that people are parking and going to work at the hospital. Streets like this are highly congested on a night time but this is mostly due to the high volume of vehicles belonging to residents themselves rather than workers or visitors to the hospital. If the parking restrictions were to be introduced this development would be eligible for residents permits issued within the current parking policy guidelines. This policy is subject to change and any resident will be informed of the changes before they occur and will be required to comply with them;

Local Environment (former Community Services) - Drainage Engineer: no comments received during the consultation period;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: no objection to the proposed development.

If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

The applicant must discuss full details of the site drainage proposals with George Chapman planning.liaison@uuplc.co.uk

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact out Service Enquires on 0845 7462200 regarding connection to the water mains/public sewers. United Utilities encourages the use of water efficient designs and development wherever this is possible. The most up to date advice for water efficiency and water efficiency products can be found at Waterwise who have recently published a best practice guide on water efficiency for new developments.

Installing of the latest water efficient products, such as a 4.51 flush toilet instead of the 61 type. Minimise the run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot. Utilising drought resistant varieties of trees, plants and grasses when landscaping.

Install water efficient appliances such as dishwashers, washing machines;

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

Planning - Local Plans (Trees): no comments/observations to make;

Natural England - relating to protected species, biodiversity & landscape: the proposal is located within 550 metres of the River Eden Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), but it is our opinion that the proposed development will not materially or significantly affect it.

Whilst we note that the information provided suggests that there are no protected species affected by this proposal, Natural England does not hold protected species records and is therefore not able to verify this independently. Protected species records are held locally, for example, by Local Record Centres or Wildlife Trusts. We assume that the relevant centre has been consulted in production of the information provided. If not, then the relevant centre should be contacted for upto date species information before proceeding.

The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 Cranbourne Road	29/09/10	
3 Cranbourne Road	29/09/10	Objection
147 Newtown Road	29/09/10	Objection
149 Newtown Road	29/09/10	Comment Only
151 Newtown Road	29/09/10	Objection
12a Collin Place	29/09/10	
13 Collin Place	29/09/10	
14 Collin Place	29/09/10	
15 Collin Place	29/09/10	
16 Collin Place	29/09/10	
13 Cranbourne Road	29/09/10	
15 Cranbourne Road	29/09/10	
2 Cranbourne Road	29/09/10	
4 Cranbourne Road	29/09/10	Objection
6 Cranbourne Road	29/09/10	

8 Cranbourne Road	29/09/10	
10 Cranbourne Road	29/09/10	
12 Cranbourne Road	29/09/10	
139 Newtown Road	29/09/10	
141 Newtown Road	29/09/10	Objection
143 Newtown Road	29/09/10	Objection
145 Newtown Road	29/09/10	Objection
Castle		Objection

3.1 This application has been advertised by means of notification letters sent to twenty two neighbouring properties. Eight letters of objection and one letter of comment have been received during the consultation period.

3.2 The letters of objection are summarised as follows:

1. The proposal will cause loss of light to surrounding residential properties;;
2. Proposal will increase the existing parking problems on Cranbourne Road;
3. Proposal will overlook the properties on Newtown Road;
4. Proposal will cause loss of privacy to properties on Newtown Road;
5. Access to the rear lane will be reduced with the proposed two driveways;
6. The proposal will result in more noise from traffic;
7. Proposal will have a detrimental effect on the environment;
8. No.3 Cranbourne Road will go from a semi-detached property to an end-terrace which will significantly reduce the market value of the property;
9. The residents on No. 141-149 Newtown Road maintain the unadopted lane which is to be used as the main entrance to the proposed property;
10. Potential Pedestrian and Highway Safety issues regarding the use of the unadopted lane for access to the dwellings;
11. Potential increase in anti-social behaviour from youths that currently use the access lane;
12. The lane is not a vehicle access road and is not maintained by the local authority. The lane is a dead end, there is no tarmac, road markings, drainage, lighting and no pedestrian access;
13. Questions regarding who is responsible for maintenance damage due to vehicle use of the lane? Who has a right of way over the lane? Who would be liable to any injury caused by vehicles?
14. Proposal is "garden grabbing";
15. Proposal is contrary to PPS 3 with regard to parking;

16. Proposal could potentially lead to conflict with neighbours;
17. Proposal would prevent home improvements to properties on Newtown Road as there would be no where to site a skip;
18. Impact on House Prices.

3.3 The letter of comment raises the following:

1. Highway and Pedestrian Safety Issues;
2. Noise from potential traffic using the lane;
3. Concerns regarding additional rubbish left down the lane;
4. the lane could not be used for vehicles gaining access to the rear of Newtown Road or to place skips during household renovations if it is to be used for the sole access to the proposed dwellings;
5. Overlooking
6. Garden Grabbing

3.3 An objection has also been received from the Ward Councillor. The objection letter is summarised as follows:

1. The access lane has always been used for pedestrian access and as an area for children's play;
2. The lane entrance is used for locating waste and recycling containers for Nos. 141-151 Newtown Road;
3. Vehicular entry and exit into the lane would be difficult as Cranbourne Road is heavily used as an on-road parking area;
4. Ownership of the lane is not established;
5. A site visit by Members of the Development Control Committee is requested.

4. Planning History

4.1 There is no relevant planning history on this site.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application was deferred at the last meeting of this Committee in order to

undertake a site visit. The site visit is scheduled to take place on Wednesday 15th December.

- 5.2 Members will recall that this application is seeking approval for the erection of 1no. dwelling in the grounds of No.1 Cranbourne Road, a two storey semi-detached property constructed from brick/rendered walls under a tiled roof. The property is surrounded by two storey terraced properties situated on the westernside of Cranbourne Road, an unadopted access lane to the north, single storey dwellings to the east and a two storey residential property to the south. Beyond the access lane to the north there are two storey terraced properties on Newtown Road whose rear gardens/yards back onto the access lane. The site is identified on the Proposals Map that accompanies the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area.

Background

- 5.3 The proposed dwelling will be attached to the north elevation of No.1 Cranbourne Road and will have a total width of 5.56 metres, a total length of 9.67 metres and a total ridge height of 7.45 metres. It will be constructed from brick/rendered walls under a tiled roof to match the materials of No.1 Cranbourne Road. The submitted drawings indicate that the proposed dwelling will have a kitchen, living room and WC on the ground floor together with 3no. bedrooms and a bathroom at first floor.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposal raises the following planning issues:
1. Whether The Principle Of The Development Is Acceptable
- 5.6 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. High priority for retailing, office and leisure uses is accorded in the urban area to sites that satisfy the sequential test while proposals for residential development are prioritized in favour of the re-use of previously developed land.
- 5.7 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area.

5.8 Occupiers of neighbouring residential properties have objected to the proposal on the grounds of "garden grabbing". Members will be aware of the revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 which removes gardens from the definition of "brown field" land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed. Planning Authorities still have to take decisions that are best for them and decide for themselves the best locations and types of development in their areas. The application site is situated within the urban area, approximately 1.8 miles from the City Centre, and is well located in relation to a choice of modes of transport. Accordingly, the principle of the residential development in this general area is acceptable.

2. Scale And Layout Of The Development

5.9 The proposed dwelling is comparable to the surrounding residential properties, which are also of a similar scale and height. The materials that the dwelling will be constructed from are also appropriate to the surrounding area. As such, the proposed dwelling can be accommodated on the site without adversely affecting the character of the surrounding area.

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

5.10 The proposed dwelling will have windows located on the front (east) and rear (west) elevations together with one window located on the side (north elevation) The proposed dwelling will be situated no closer to the residential properties to the west and east of the site than the existing dwelling at No.1 Cranbourne Road. As such it is considered that the proposed development will not adversely affect occupiers of residential properties to the east and west of the site sufficient to warrant refusal in terms of loss of light, overlooking or over dominance.

5.11 The proposed dwelling will be located approximately 18 metres from the main rear two storey elevation of the residential properties situated to the north of the application site on Newtown Road. The proposed dwelling will have one window situated on the side elevation facing these properties; however, this window will serve a stairway which is not regarded as a primary window. Given the separation distances between the properties on Newtown Road and the proposed development it is considered that the proposal will not have an adverse impact upon occupiers of the terraced properties on Newtown Road in terms of overlooking or over dominance. A condition is recommended to ensure that this situation remains in perpetuity. With regard to potential loss of light to the properties on Newtown Road, given the orientation of the application site it is accepted that there would be some loss of light at certain times of the day though the degree of loss and its impact would be greater at certain times of the year. Given the existing high boundary treatment of No.1 Cranbourne Road and the rear of the properties of Newtown Road (2 metre approx high wall) together with the separation distances between the proposal

and the dwellings on Newtown Road it is considered that the degree of loss of light would not be so significant to warrant refusal of the application on these grounds.

4. Impact On The Highway

- 5.12 Several objections have been received from occupiers of neighbouring properties, particular those on Newtown Road, with regard to potential impact on the unadopted access lane which runs to the north of the site. A new access will be constructed to the rear of the northern boundary of No.1 Cranbourne Road onto the unadopted access lane to serve the existing and new dwelling. Members should be aware that the occupiers of No.1 Cranbourne Road could create a new access to their property onto this lane without requiring planning permission as the access is not onto a trunk or classified road. The Highway Authority has raised no objections to the proposed access and has welcomed the proposed turning space that is to be provided within the boundary of the proposed property and the private lane. It is therefore considered that a refusal of the application on the grounds of potential impacts on highway conditions could not be justified.
- 5.13 Several objections have also been received indicating that the proposal will increase the existing parking problems on Cranbourne Road. Members should be aware that the proposed development provides adequate off-street parking spaces for the number of bedrooms proposed. Members should also be aware that a Traffic Regulation Order (TRO) for limited waiting was made for Cranbourne Road in July 2009; however, the parking restrictions were not introduced as no funding was available to install lines or signs and issue permits to residents. The parking problems on Cranbourne Road are an existing problem which would not be exacerbated by this application, as it provides off-street parking to satisfy the standard expected, therefore refusal of the proposed development on these grounds cannot be justified. If Members are minded to approve this application a condition will be imposed within the decision notice ensuring that the proposed off-street parking spaces are constructed prior to the proposed dwelling being occupied.

5. Drainage

- 5.14 It is proposed to connect the foul and surface water drainage to the existing drainage system (i.e. mains drainage). United Utilities has been consulted on the proposed development and has raised no objections. United Utilities has, however, suggested that the applicant utilises water efficient products. An advisory note has been attached to the decision notice regarding the use of water efficient products.

6. Biodiversity

- 5.15 Taking into account the proposed development, its location and surroundings it is considered that there should be no significant harm to the favourable conservation status of any protected species or their habitats.

7. Other Matters

- 5.16 Two objectors have indicated that the proposal could potentially lead to a reduction in house prices. Members should be aware that this is not a material planning consideration.
- 5.17 Objectors have also raised concerns regarding maintenance and pedestrian/vehicle access for those who currently use the unadopted access lane to the north of the application site. Members should be aware that this is a Civil matter amongst the applicant and the occupiers of the terraced properties on Newtown Road and cannot be dealt with under planning legislation.

Conclusion

- 5.18 In overall terms it is considered that the proposal will not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposed development is acceptable and it is considered that the proposal will not have an adverse impact upon the surrounding area. It is therefore recommended that Members approve the application.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

- 7. Recommendation** - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Site Location Plan [Drawing No. ED/1037/01];
3. the Block Plan [Drawing No. ED/1037/01];
4. the Proposed Block Plan/Landscaping Plan [Drawing No. ED/1037/02];
5. the Proposed Floor Plans And Elevations [Drawing No. ED/1035/03];
6. the Design and Access Statement [Received 3rd September 2010];
7. the Tree Survey [Received 22nd September 2010];
8. the Site Risk Assessment [Received 15th September 2010];
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

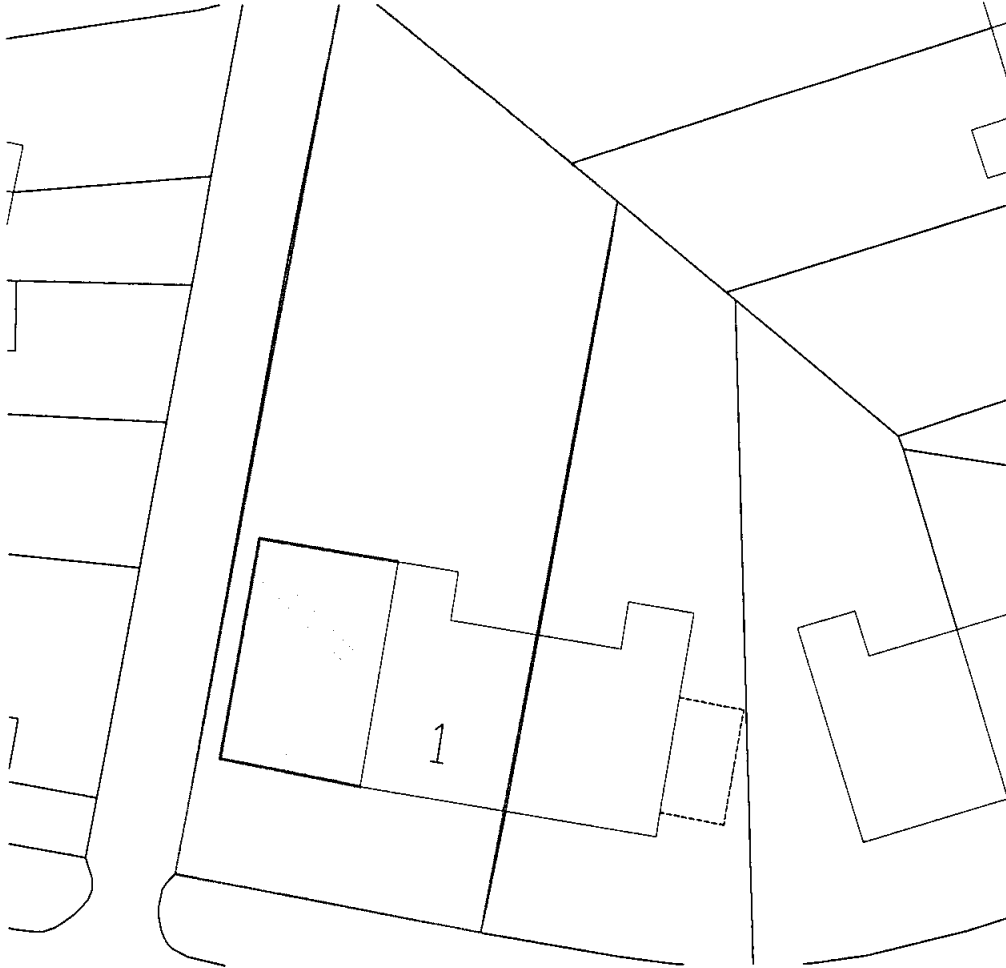
Reason: For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the north elevation without the prior consent of the local planning authority.

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

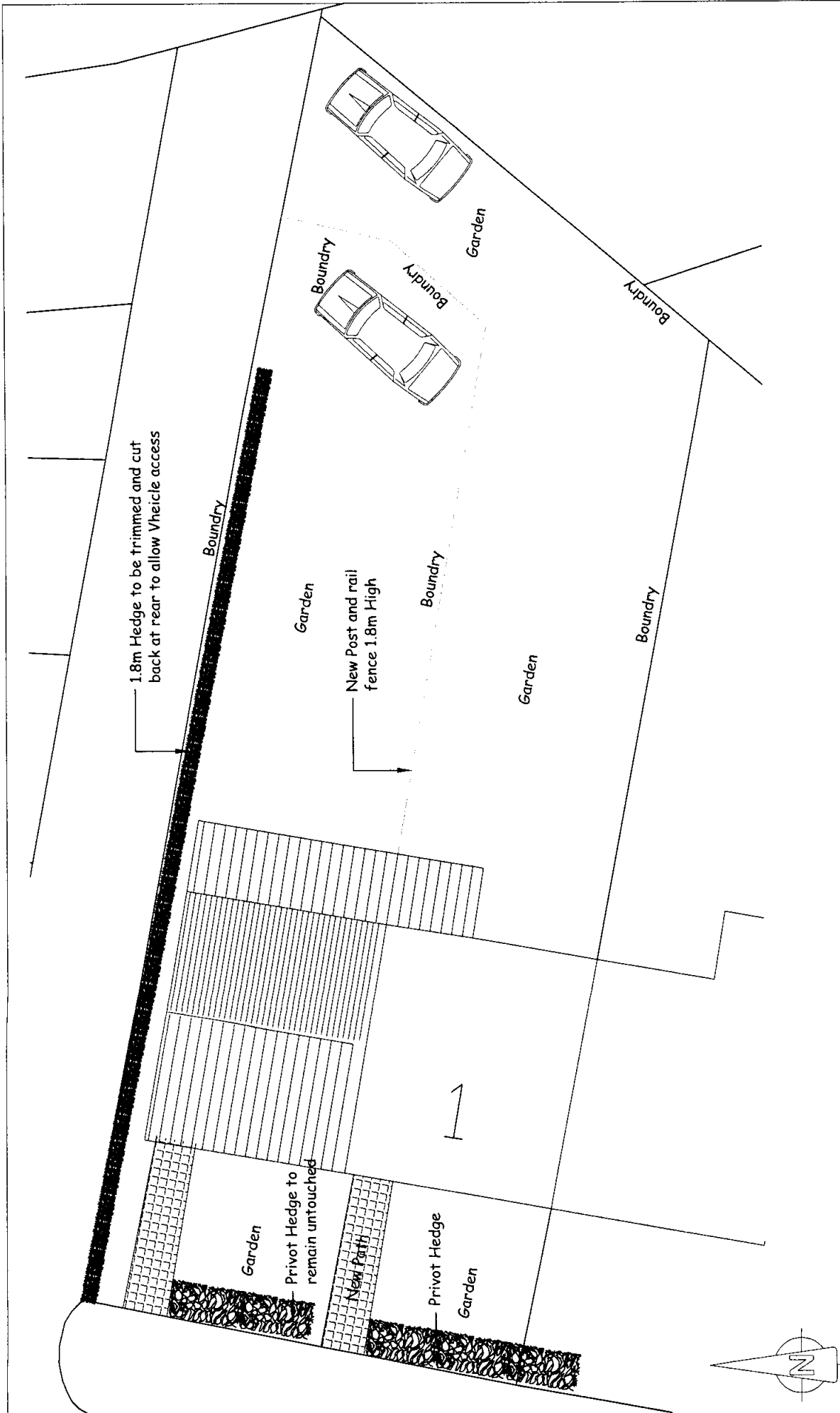
4. The dwelling hereby approved shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with approved Drawing Number ED/1037/02. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.


Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Policies H1 and



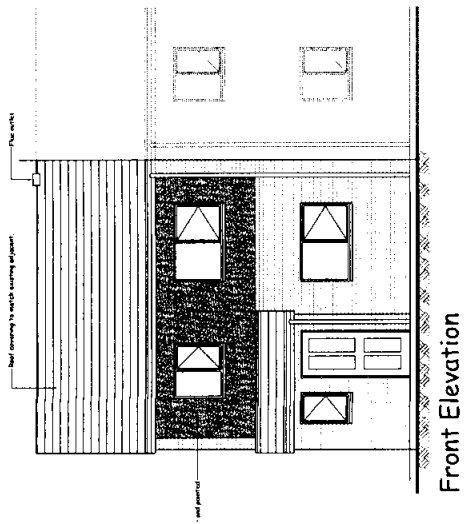
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 Edenholme Building & Architectural Surveyors 9 St. Joseph's Garden, Carlisle CA1 2UQ Tel: 01228 545453 email: info@edenholme-surveyors.co.uk	Project New Dwelling At Land Adjacent; No 1 Cranbourne Road, Carlisle CA2 7JN	Client Sawyers Construction Drawing Title Site Plan & Block Plan	Drawing Scale As Shown Date 01.09.2010 Drawing Number ED/1037/01	This drawing and information displayed must not be copied or used for any purpose without the written permission of Edenholme Building & Architectural Surveyors. All dimensions to be checked on site. Do not scale from this drawing. Copyright ©

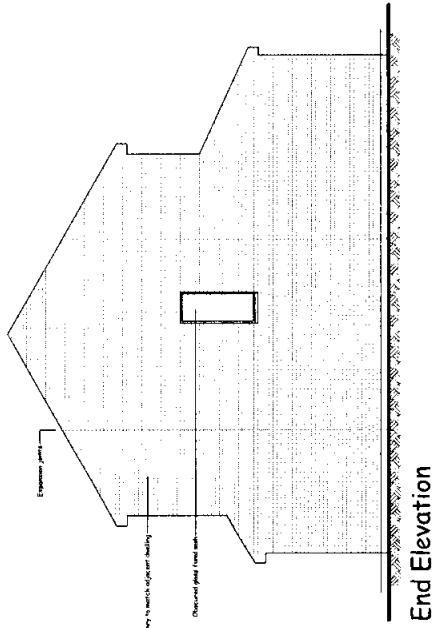


 Edenholme Building & Architectural Surveyors 9 St. Joseph's Garden's Carlisle CA1 2UQ Tel 01228 545453 email info@edenholme-surveyors.co.uk	Project New Dwelling At Land Adjacent; No 1 Cranbourn Road, Carlisle CA2 7JN	Client Sawyers Construction Drawing Title Landscaping	Drawing Scale 1:100 Date 01.09.2010 Drawing Number ED/1037/02	This drawing and information displayed must not be copied or used for any purpose without the written permission of Edenholme Building & Architectural Surveyors. All dimensions to be checked on site. Do not scale from this drawing. Copyright ©
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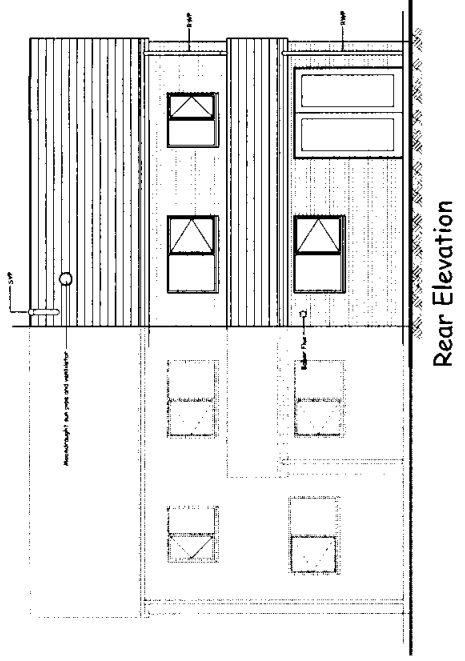
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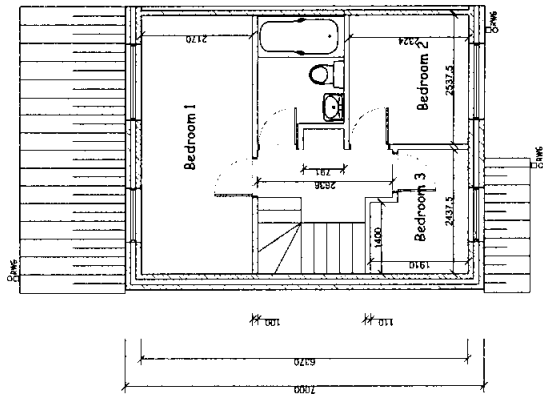
Front Elevation



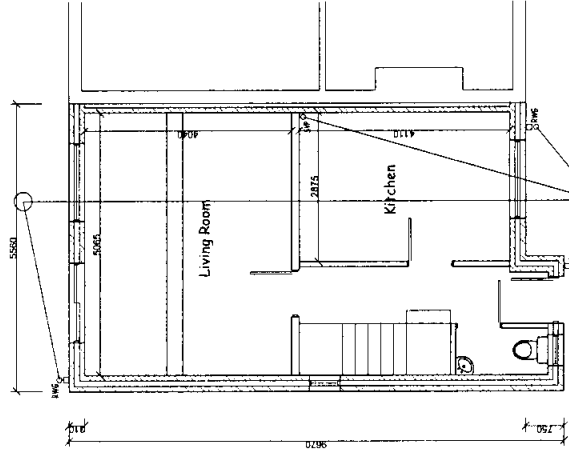
End Elevation



Rear Elevation



First Floor Plan



Ground Floor Plan

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CA2 7JN</p>	<p>Client: Sawyer Construction</p>	<p>Drawing Title: Plans & Elevations</p>	<p>Drawing Code: 1:100 @ A1</p>	<p>Drawing Number: ED/03503</p>	<p>Drawn By: JUS</p>	<p>Scale: A</p>	<p>Date: 02.09.2010</p>	<p>This drawing and information delivered herefor is the property of Edenholme Building & Construction Services Ltd. It is to be used only for the purpose for which it is issued. It is not to be reproduced, stored in a retrieval system 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 Edenholme Building & Construction Services Ltd. Copyright ©</p>
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SCHEDULE A: Applications with Recommendation

10/0917

Item No: 05

Date of Committee: 17/12/2010

Appn Ref No:
10/0917

Applicant:
Carlisle City Council

Parish:
Cummersdale

Date of Receipt:
11/10/2010

Agent:
Montagu Evans LLP

Ward:
Multiple Wards

Location:
Land south west of Ellesmere Way and adjacent to,
Wigton Road, Carlisle

Grid Reference:
337745 554085

Proposal: Erection Of A District Centre Including Class A1 Foodstore Comprising 8,175 Sq.m. Gross Internal Area (5,574 Sq.m. Net Sales Floorspace); A Petrol Filling Station; The Provision Of Class A3 (Restaurant/Cafe), A5 (Hot Food Takeaway) And D1 (Creche) Floorspace (1,021 Sq m. Gross Internal Area) And Ancillary Development Including Landscaping And Car Parking

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the scale and nature of the proposal.

1. Constraints and Planning Policies

Trunk Road/Motorway Affected

The proposal relates to development which may affect the A74, M6 or A69.

RSS Pol DP 1 - Spatial Principles

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol DP 3 - Promote Sustainable Economic Development

RSS Pol DP 4 - Make Best Use Exstg.Resources&Infrastructure

RSS Pol DP 5 - Manage Travel Demand. Reduce Need to Travel

RSS Pol W 1 - Strengthening the Regional Economy

RSS Pol W 2 - Locations Reg.Significant Economic Development

RSS Pol W 5 - Retail Development

RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

RSS Pol CNL 2 - Sub-area Development Priorities for Cumbria

Joint Str. Plan Pol ST4: Major development proposals

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP2 - Regeneration

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol CP10 - Sustainable Drainage Systems

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

Local Plan Pol CP13 - Pollution

Local Plan Pol CP14 - Waste Minim.& Recycling of Waste

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC5 - Large Stores and Retail Warehouses

Local Plan Pol EC22 - Employment & Commercial Growth Land Al

Local Plan Pol LE2 - Sites of Special Scientific Interest

Local Plan Pol LE4 - River Corridors

Local Plan Pol LE9 -Other Known Sites&Mons of Arch.Sig.nific

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol LC16 -Recreational Land Proposals/Alloc.ation

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the Highway Authority has provided a detailed response in relation to two key areas:

The Transport Assessment

The Highway Authority advised that in general, the Transport Assessment appears to be satisfactory; however, before the Transport Assessment can be accepted, the following issues should be addressed:

- The reassessment of the modelling used to identify the impact of the development upon the junctions of Wigton Road/Caldcotes, Wigton Road/Orton Road and Dalston Road/Peter Lane;
- The offset positioning of the roundabout should be reconsidered with the roundabout centre aligned with Wigton Road to eliminate the need for negative deflection. In addition the current design does not comply with paragraph 7.59 of TD16/07 which states “*sharp curves on the approach road should not be introduced to increase entry deflection, although a gentle curve to the right preceding left hand entry deflection may be used*”;
- The Toucan crossings should be relocated away from the roundabout to a position equidistant between the new roundabout and the Glaramara Drive junction. The splitter island from the roundabout should be continued eastwards to form the central island for this crossing. Relocating the Toucan crossing will also require relocation of the eastbound bus stop;
- A lay-by with shelter and raised bus boarders should be provided at the proposed bus stops in each direction;
- The footway between Glaramara Drive and the new roundabout on the north side of Wigton Road should be widened back to the existing hedge line to provide a minimum 2.5 metre wide footway. This should be 3 metres but it is considered that retaining the hedge will act as a noise break for the existing houses; and

- The footway on the south-west corner of the roundabout should continue as a 3.5 metre footway until meeting the existing footway outside the residential properties.

The Travel Plan

While the Travel Plan is acceptable in general terms, in order for it to be successful it will be necessary to secure the following:

- Appointment of a Travel Plan coordinator (with sufficient time, budget and management support available to successfully implement the travel plan);
- Agreement on a target reduction in staff single occupant car commuting trips for the food store and other retail units;
- Travel Plan Bond (based on using the cost of an annual “Carlisle Megarider” ticket multiplied by the proposed reduction in the number of employee commuting trips multiplied by 5 years) in favour of the County Council to be used in the event that the targets have not been achieved;
- Development Travel Plan Coordinator to carry out annual monitoring and report results to Cumbria County Council;
- A contribution of £6,125 in respect County Council staff time relating to the ongoing monitoring and review of the development’s Travel Plan through contact with the development’s Travel Plan Coordinator.

Until the above issues are resolved the Highway Authority has advised that it is unable to support the application.

Department for Transport (Highways Agency): no objections, as there will be no impact upon the strategic road network;

Environment Agency (N Area (+ Waste Disp)): the Environment Agency (EA) has commented in relation to five specific areas:

Development and Flood Risk

The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment and the Drainage and Water Supply Statement submitted with this application are taken forward into further detailed design, which should be implemented and secured by way of a planning condition.

The EA has advised that the proposed method of disposing surface water via the attenuated system and ultimately to Fairy Beck, Main River can only be achieved by the laying of an outfall pipe through third party land and to an outfall on third party land to Fairy Beck. The land has been identified for development proposals for the Church Commissioners for England (CCFE).

The consent of the above party is therefore pivotal in the viability of the proposal outlined in this application. CCFE has already undertaken an Environmental

Statement (ES) for their proposals, which includes a site control SUDS attenuation pond sized appropriately for their own development. It is the EA's present understanding that the proposals outlined in the ES produced for the CCFE site does not include provision to accommodate un-attenuated surface water generated via this development.

With reference to section 2.3 of the Drainage and Water Supply statement and point 2.3.3 in particular, the EA would only agree to a relaxation of the surface water attenuation in the development proposed in this application in the eventuality that the site control pond on the CCFE site was in place and designed to accommodate any design flows from this site.

Flood Defence Consent

Fairy Beck is designated "Main River". Under the terms of the Water Resources Act 1991 and Flood Defence Byelaws, the prior written consent of the EA is required for any works in, over, under or within 8 metres of the "Main River".

The applicant should note that the EA has a period of two months to determine a valid application for Flood Defence Consent. The EA advises that this period is taken into account when planning works which require such consent.

Contaminated Land

The EA consider that planning permission should only be granted to the proposed development if a planning condition is imposed that requires a remediation strategy to be submitted if contamination, which has not previously been identified, is found during the development.

Foul and Surface Water

The EA consider that planning permission should only be granted subject to the imposition of a condition that requires the means of foul and surface water disposal to be agreed prior to development commencing.

Environment Planning

The EA recommends that a condition is imposed that requires a "grey water" recycling system to be incorporated;

Cumbria County Council - (Archaeological Services): the County Council's records suggest that the site lies in an area of some archaeological potential. The Environmental Impact Assessment (EIA) indicates that a number of prehistoric finds have been revealed in the vicinity, that an archaeological investigation of a nearby site revealed remains of possible prehistoric origin and that the line of a Roman road passes next to the site.

The Historic Environment Officer (HEO) advises that the author of the archaeological section of the EIA dismisses the potential for archaeological remains to survive on the site. The consultant has interpreted the results of the geophysical survey as showing little of interest; however, the results of the geophysical survey have

revealed clusters of features that cannot be rejected as being of potential archaeological interest without further investigation.

Also, some archaeological remains, such as slight prehistoric features, are very difficult to find through a geophysical survey, as shown recently in the investigation at Carlisle Airport. Consequently, the HEO considers that the survey has revealed some features of potential archaeological interest that warrant further investigation and that there is still the potential for unknown archaeological remains to survive on the site.

It is therefore recommended that the site should be subject to a programme of targeted archaeological evaluation and, where significant archaeological remains survive, recording. These works can be secured through the imposition of two planning conditions;

United Utilities: no objection to the proposal provided that the following conditions are met:

- No surface water from this site is discharged to the public sewer network
- The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a SUDS system as stated in the planning application;
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system;
- Foul drains must have adequate grease traps; and
- All drains must discharge to an adequate oil interceptor before discharging to the public sewer network.

United Utilities (UU) has a large diameter trunk main, which runs in the verge of Wigton Rd, bordering the site. No permanent construction may go over this main and conditions for working on or over the main will apply.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

UU encourages the use of water efficient designs and development wherever this is possible. The most up to date advice for water efficiency and water efficiency products can be found at "Waterwise" who have recently published a best practise guide on water efficiency for new developments. UU would encourage utilisation of the following water efficiency activities:

- Installing of the latest water efficient products, such as a 4.5l flush toilet instead of the 6l type;

- Minimise run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot;
- Utilising drought resistant varieties of trees, plants and grasses when landscaping; and
- Install water efficient appliances such as dishwashers, washing machines.

Cumbria County Council (Strategic Planning Authority): the County Council do not consider the proposal to be a Category 1 Application and will not be responding from a strategic planning perspective. The reason being is that the principle of retail development on this site has been established through the Carlisle District Local Plan 2001-2016;

Cumbria Constabulary - North Area Community Safety Unit: has made the following comments from a crime prevention perspective.

Although this application is for "Outline" permission only, there is no information in any of the submitted documentation that demonstrates how crime prevention measures have been considered in the design of this proposal. Neither is there any indication of how the design reflects the attributes of safe, sustainable places (Safer Places ODPM 2003).

There is no reference to the City Council SPG 'Designing Out Crime' and the agent has not sought crime prevention design advice from Cumbria Constabulary. Consequently, it is difficult to establish how this application complies with Policy CP17 of the Local Plan.

Further information is requested in respect of the following:

- Proposed site boundary treatments;
- Maintaining the security of adjacent dwellings;
- Proposed ATM location(s);
- Cash handling facilities and reception of Cash-in-Transit vehicles;
- Protection of retail buildings from burglary;
- Customer car park security;
- Pedal cycle parking;
- Forecourt (Filling station) crime prevention measures; and
- Retail crime prevention measures.

Much of the above may be addressed at "Reserved Matters" stage, yet it is apparent

that relevant information that should be included in a Design and Access Statement has not been acknowledged;

Local Plans: the 5 hectare site is allocated for a District Centre under Policy EC22 of the Carlisle District Local Plan adopted September 2008. The policy proposal states that land is reserved for a single food retail store with a capacity of 2,500 square metres (sq. m.), supporting district centre facilities and for Park and Ride facilities. The Park and Ride proposal is not part of this application. The Local Plan floor space figure is based on the 2006 Retail Study figures.

Two alternate orientations are shown for the store, one at 90 degrees to Wigton Road and the other parallel to Wigton Road. Both layouts show two small retail units alongside the large retail unit which are intended for uses such as cafes, takeaways or a crèche.

The 2009 Carlisle Retail Capacity Forecasts Update supports the provision of the store and states that there would be sufficient expenditure to support a new superstore with convenience goods floor space up to about 3,500 sq. m. net and 1,700 sq. m. net comparison floor space anchoring the new Morton District Centre in the period 2011-16. However, if the approved Tesco Viaduct Estate Road store is implemented there will not be capacity for a food superstore at Morton until about 2018. The argument is put forward that a store of this size would reduce cross-town car journeys for food shopping.

The Retail Statement accompanying the application reflects the 2009 Study and states that the proposal is part of the urban extension for the City which will be accessible and relate well to the Carlisle Northern Relief Road currently under construction to link with Junction 44 of the M6 motorway (this is due to open in 2012). The District Centre will serve an area of 800 houses.

A Sensitivity Analysis has been undertaken for the retail impact of the store and is submitted with the application. The proposed floor space would be reliant on trade diversions from existing Carlisle food superstores, but it is argued that the level of impact would not be sufficient to adversely affect the City Centre or cause closures of existing food stores in the area. As far as comparison floor space is concerned it is believed that there is sufficient comparison expenditure in the catchment to support non-food floor space, with no impact on the City Centre.

The application needs to be assessed against advice in Planning Policy 4, "Planning for Sustainable Economic Growth". Policy EC10.1 asks local authorities to adopt a positive approach towards planning applications for economic growth. The second part of the policy sets out impact considerations: design, the impact on deprived areas, the impact on local employment, the effect on limiting carbon dioxide emissions and a development's accessibility by a choice of means of transport. These are mostly considerations for a detailed application. The new Morton masterplan with the application shows illustrative proposed footpaths/cycleways linking residential and employment areas with the District Centre.

The application also should be assessed against Policy ST4 (Major Development proposals) of the Cumbria and Lake District Joint Structure Plan 2001-2016. This

requires that the benefits of the proposal outweigh the total detrimental effects and that alternative locations giving rise to less harm have been fully considered. The Retail Assessment accompanying the application deals with trade diversion and shows that there is sufficient expenditure in existing superstores to allow some overflow to a new store and that this will not cause any significant adverse impact on any of the stores. Also, the Assessment showed that the level of impact of the new store would not be sufficient to adversely affect the vitality and viability of the City Centre. Alternative locations for the store are not relevant as the store is being proposed for a site allocated in the Local Plan and discussed at the Local Plan inquiry.

Another relevant policy is the District Local Plan policy EC5 for large stores which lists six criteria to be met. Criterion three has been addressed and answered in the Retail Assessment accompanying the application.

In summary, the application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal takes account of updated, relevant baseline information; the location is in agreement with the current District Local Plan. The only discrepancy is the size of the store, (an additional 844 sq. m. convenience floor space is being applied for above the Carlisle District Local Plan allocation) but the policy was written based on 2006 evidence which was relevant then. At that time the Plan considered that there was only a need for an additional 2,500 sq. m. net of convenience floor space. The 2009 Retail Update confirmed the extra capacity available for the Morton District Centre which totals 5,200 sq. m. net for a superstore, only a small amount (374 sq. m. net) short of the floor space being applied for.

It is unlikely that the store will be developed until towards the end of the Local Plan period as its viability will be uncertain until at least part of the residential developments are occupied. It has always been expected that the District Centre will serve as a focal point for residents of the new housing. The south-west sector of the City is poorly served by food stores and this is one reason for the Morton allocation as well as to serve the Morton urban extension. The implementation of this site would help to reduce traffic movements from the south-west and west across the City Centre. Thus there are very valid reasons for a superstore in this location;

Local Environment - Environmental Protection: If the development proceeds then following issues will need to be borne in mind.

Given the proximity of the proposed store etc to existing and proposed residential units it will be necessary for appropriate steps to be taken to ensure that the commercial activities do not adversely impact upon the occupants of the residential accommodation.

The occupiers of the commercial sites on the development should be required to carry out an assessment of the noise impacts from the development and identify any mitigation measures required. Such assessments should be carried out in accordance with BS4142.

In order to reduce disturbance, it may be pertinent to consider limiting the hours of

opening of businesses on the site. Suitable hours may be 7 a.m – 11 p.m. Reduced hours may be considered for Sundays and Bank Holidays. The foodstore is likely to be limited to six hours for trading on a Sunday due to the restrictions of Sunday Trading legislation. Outside of opening hours it may be necessary to place restrictions on the delivery times to the businesses and the use of external areas for waste removal etc.

Restrictions will also need to be placed on the hours of operation of the site during the construction phase and controls placed on the emission of dust etc.

It must be ensured that the development does not give rise to nuisance from plant and equipment on or around the buildings. Prior to operation, details of all plant and equipment allied to the businesses should be submitted, together with an assessment of their likely impact in terms of noise and odour. An odour assessment will be particularly relevant for extract ventilation systems serving the food preparation elements of the supermarket and the hot food takeaway. The lighting scheme on the site should be designed so as not to cause undue disturbance to residents.

If the application is successful the occupiers of the businesses should contact this Division in order to be advised with regard to legislative compliance for food safety and occupational health and safety;

Natural England: has provided advice in relation to two areas:

Impact upon Protected Species

The information contained in Chapter 7 (Ecology and Biodiversity) of the Environment Statement, which considers the impact assessment and mitigation measures, is not detailed enough. For example, it is unclear whether the two mature trees with bat potential will be felled (there is some reference to impacts from tree removal but this is very general) and, if they are felled, whether any further survey or method statements for felling will be required.

Equally, it was unclear from the Ecology chapter which sections of hedgerows would be removed and locations, including the species mix, of new tree and shrub planting. This is not a comprehensive list of points, but a more detailed impact assessment and mitigation plan should be provided.

Potential impacts on the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden Special Area of Conservation (SAC)

It is Natural England's (NE) opinion that the proposal would be unlikely to have a significant effect on the interest features of the SAC and SSSI provided the following are applied to the application in appropriately worded conditions:

- The Construction Environmental Management Plan (CEMP) is agreed in writing by Carlisle City Council prior to works commencing (Table 8.1 and section 8.52 of the Environmental Statement) to ensure compliance with current best practice guidance, including the EA's Pollution Prevention Guidelines. The

CEMP must include bio-security measures to prevent the introduction of disease and invasive species into the nearby watercourses as well as ensuring comprehensive measures are in place to protect the water quality of the River Eden catchment;

- The mitigation measures proposed for the reduction of operational impacts on the water environment are also agreed in writing by Carlisle City Council (as detailed in Table 8.2 of Chapter 8 of the Environmental Statement). The surface water drainage strategy is of particular importance to ensure no pollutants, contaminants or sediment enter water courses and impact upon the water quality of the River Eden SSSI and SAC; and
- If intrusive ground investigations are carried out and contaminants are detected, NE should be re-consulted.

Planning - Access Officer: details regarding the disabled access arrangements should be provided when a “Reserved Matters” application is submitted;

Dalston Parish Council: object to the application on the following grounds;

- Scale of development – The size of the proposed development as a whole, is considered too large for the location. The proposed food store, in particular, being considered far too large for development and catchment area. The council has been informed that the food store is 2-2½ times larger than what was considered appropriate for the area and included in the Local Plan by the Inspector;
- Increase in traffic - Many of the potential visitors to the development from the south and north of Carlisle, Penrith direction and from the Caldbeck area would come through Dalston village. Traffic and parking is a major issue in Dalston and one which is currently being pursued by the Parish Council. The existing infrastructure is inadequate and cannot sustain more traffic;
- Sustainability of local business – Dalston is a village with many small, diverse, retail outlets and business’s. It was commented that the opening of a large retail centre will have a detrimental financial impact on these businesses, perhaps leading to the loss of services; and
- Impact on Carlisle City Centre - The Parish Council considers that the development of a District Centre would have a negative impact on Carlisle City Centre.

Cummersdale Parish Council: no comments received;

Cumbria County Council - (Highway Authority - Footpaths): no comments received;

Green Spaces - Countryside Officer: no comments received;

Planning - Local Plans (Trees): this is a green field site containing a number of important features, not least the hedgerows. It is important that these features are retained and incorporated successfully into the new development by means of a landscaping scheme that also enhances the area and reflects the nature of the rural/urban edge.

Along with the hedges there are a number of trees on the site and a tree and hedge survey should be commissioned by the developer as an aid to determining the best layout for the site, taking account of these important natural features.

Whilst no landscaping scheme for the development has been put forward, this being an outline application, a condition requiring the submission of a landscaping scheme to be agreed in writing prior to commencement of works on site must be attached to the granting of consent, should it be forthcoming;

Urban Designer: no comments received;

Green Spaces: no comments received;

Ramblers Association: no comments received;

Local Environment - Drainage Engineer: no comments received.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Oakridge	11/10/10	
Torbay	11/10/10	Objection
21 Glaramara Drive	11/10/10	
23 Glaramara Drive	11/10/10	
25 Glaramara Drive	11/10/10	
27 Glaramara Drive	11/10/10	
29 Glaramara Drive	11/10/10	
31 Glaramara Drive	11/10/10	
33 Glaramara Drive	11/10/10	
35 Glaramara Drive	11/10/10	
37 Glaramara Drive	11/10/10	
39 Glaramara Drive	11/10/10	
41 Glaramara Drive	11/10/10	
43 Glaramara Drive	11/10/10	
45 Glaramara Drive	11/10/10	
47 Glaramara Drive	11/10/10	
49 Glaramara Drive	11/10/10	
51 Glaramara Drive	11/10/10	
53 Glaramara Drive	11/10/10	
2 Glaramara Drive	11/10/10	
4 Glaramara Drive	11/10/10	
6 Glaramara Drive	11/10/10	
8 Glaramara Drive	11/10/10	
10 Glaramara Drive	11/10/10	

12 Glaramara Drive	11/10/10	
14 Glaramara Drive	11/10/10	
16 Glaramara Drive	11/10/10	Comment Only
18 Glaramara Drive	11/10/10	
20 Glaramara Drive	11/10/10	
22 Glaramara Drive	11/10/10	
24 Glaramara Drive	11/10/10	
26 Glaramara Drive	11/10/10	
8 Haycock Lane	11/10/10	
10 Haycock Lane	11/10/10	
12 Haycock Lane	11/10/10	
14 Haycock Lane	11/10/10	
16 Haycock Lane	11/10/10	
18 Haycock Lane	11/10/10	
20 Haycock Lane	11/10/10	
2 Westwood	11/10/10	
4 Westwood	11/10/10	
6 Westwood	11/10/10	
8 Westwood	11/10/10	
10 Westwood	11/10/10	
12 Westwood	11/10/10	
14 Westwood	11/10/10	
16 Westwood	11/10/10	
18 Westwood	11/10/10	
20 Westwood	11/10/10	
22 Westwood	11/10/10	
24 Westwood	11/10/10	
1 Westwood	11/10/10	
3 Westwood	11/10/10	
5 Westwood	11/10/10	
7 Westwood	11/10/10	
9 Westwood	11/10/10	
11 Westwood	11/10/10	
18 Ellesmere Way	11/10/10	
20 Ellesmere Way	11/10/10	
22 Ellesmere Way	11/10/10	
24 Ellesmere Way	11/10/10	
26 Ellesmere Way	11/10/10	
28 Ellesmere Way	11/10/10	
30 Ellesmere Way	11/10/10	
32 Ellesmere Way	11/10/10	
34 Ellesmere Way	11/10/10	
36 Ellesmere Way	11/10/10	
38 Ellesmere Way	11/10/10	
40 Ellesmere Way	11/10/10	
42 Ellesmere Way	11/10/10	
44 Ellesmere Way	11/10/10	
46 Ellesmere Way	11/10/10	
48 Ellesmere Way	11/10/10	
50 Ellesmere Way	11/10/10	Objection
52 Ellesmere Way	11/10/10	
54 Ellesmere Way	11/10/10	
56 Ellesmere Way	11/10/10	Comment Only
58 Ellesmere Way	11/10/10	
60 Ellesmere Way	11/10/10	Objection
62 Ellesmere Way	11/10/10	Objection
64 Ellesmere Way	11/10/10	
66 Ellesmere Way	11/10/10	
68 Ellesmere Way	11/10/10	
70 Ellesmere Way	11/10/10	
72 Ellesmere Way	11/10/10	
74 Ellesmere Way	11/10/10	Comment Only

76 Ellesmere Way	11/10/10	
78 Ellesmere Way	11/10/10	
80 Ellesmere Way	11/10/10	
82 Ellesmere Way	11/10/10	
84 Ellesmere Way	11/10/10	
86 Ellesmere Way	11/10/10	
88 Ellesmere Way	11/10/10	
90 Ellesmere Way	11/10/10	
92 Ellesmere Way	11/10/10	
94 Ellesmere Way	11/10/10	
96 Ellesmere Way	11/10/10	
98 Ellesmere Way	11/10/10	
100 Ellesmere Way	11/10/10	
102 Ellesmere Way	11/10/10	
104 Ellesmere Way	11/10/10	
106 Ellesmere Way	11/10/10	
108 Ellesmere Way	11/10/10	
110 Ellesmere Way	11/10/10	
112 Ellesmere Way	11/10/10	
Smiths Gore		Objection
Cartref	11/10/10	
Dunvagan Garden Village	11/10/10	Objection
Dunrovin	11/10/10	Undelivered
Cadnant	11/10/10	
Hartside	11/10/10	
Valletta	11/10/10	
Invergany	11/10/10	
Newby West Petrol Station	11/10/10	
Modeen	11/10/10	
Crinkle Hill	11/10/10	
Thirstane	11/10/10	
Greenways	11/10/10	
1 Glaramara Drive	11/10/10	
3 Glaramara Drive	11/10/10	
5 Glaramara Drive	11/10/10	
7 Glaramara Drive	11/10/10	
9 Glaramara Drive	11/10/10	
11 Glaramara Drive	11/10/10	
13 Glaramara Drive	11/10/10	
15 Glaramara Drive	11/10/10	
17 Glaramara Drive	11/10/10	
19 Glaramara Drive	11/10/10	

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to one hundred and twenty seven neighbouring properties. In response six letters of objection and one verbal objection have been received, along with three further letters that offer comments on the application.

3.2 The grounds of objection/comments are summarised as;

1. The size of the store is larger than that allocated in the Carlisle District Local Plan;
2. There are concerns that the potential traffic generated could adversely affect the living conditions of neighbouring residents and create increased

air pollution;

3. The neighbouring residents will be adversely affected on a daily basis as a consequence of the construction works. The effects that this development will have will be exacerbated by the approval of a mixed use residential/employment development on the land to the east and south of the site;
4. The orientation of the store would be detrimental to the future living conditions of those residents that will occupy the residential units approved as part of the aforementioned mixed use scheme;
5. The height of the building is unclear and the position of the store could be overbearing to the residents of Ellesmere Way. Is there not potential for the building to be positioned further away from these properties;
6. It is unclear as to how deep the landscaped strip to the rear of Ellesmere Way will be;
7. When the details of the proposed application were displayed at Morton Manor the residents of Ellesmere Way were told that a public footpath/cycleway would be provided to the rear of these properties, which would be detrimental to the living conditions of these occupants;
8. The position and use of the service yard to serve the commercial units could result in noise disturbance for the neighbouring residents;
9. There is no need for another petrol filling station, as one already exists approximately 150m from the site;
10. The provision of such a large supermarket car park would undermine the objectives of the "park and ride" facility which to be located to the south of the site;
11. The Council should focus on improving the centre of Carlisle before considering a major retail facility and a "park and ride" scheme on the periphery of the City;
12. Historically, those residents to the south of the site on Wigton Road were approached by a food retailer to purchase their properties to improve the access arrangements. Is this still an option, as there is interest from the residents affected by the proposal;
13. A planning condition should be imposed that requires "litter pickers" to be employed by the supermarket and takeaway operator to collect discarded rubbish associated with these premises;
14. Appropriate measures should be incorporated to prevent the car park becoming a gathering place for youths;

15. Appropriate landscaping should be provided to mitigate the visual impact of the car park;
16. There is other land on the periphery of the City could be used to accommodate the proposed development without detriment to any neighbouring residents;
17. When the residents of Ellesmere Way purchased their properties they were told that there would be no development on the land to the south of their properties;
18. The development will devalue properties in the immediate locality;
19. Instead of providing a takeaway on the site the Council should encourage a "help centre" to cater for the pensioners that live in the locality; and
20. The development will infringe the Human Rights of those persons in proximity to the site, as their standard of living will be affected by pollution, daily disruption from the construction and operation phase, and environmental change.

4. Planning History

- 4.1 There is no planning history relating to the site; however, "Outline" planning permission has been granted on the land to the south and east of the site for the erection of a mixed use scheme comprising a maximum of 825 Dwellings and 40,000 m² of "employment" floorspace (Application 09/0413).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks "Outline" planning permission for the erection of a District Centre on land located to the south western outskirts of Carlisle, which is allocated for the provision of a District Centre in the Carlisle District Local Plan 2001-2016 (CDLP). The application comprises a retail foodstore, petrol filling station, crèche, restaurant/cafe and take-away, with associated car parking and landscaping.
- 5.2 The application site is located on the south western periphery of Carlisle, with Carlisle City Centre situated approximately 3km to the north east. The suburb of Morton is located to the north of the site and the site's northern boundary abuts the residential street of Ellesmere Way. The properties along Ellesmere Way are predominantly two store houses and flats/maisonettes. Immediately to the south of the site is an allocation for a "park and ride" facility.
- 5.3 To the east and further to the south of the site, lies agricultural land that has

been allocated in the CDLP for a mixed use development comprising residential properties (circa 825 dwellings) and employment units (40,000 sq. m.) with associated parkland open space. Members may recall that an “Outline” application for the redevelopment of this land was recently approved by Members subject to the completion of a s106 agreement. To the west of the site is a new residential estate, known as “The Beeches”, and further west of this is agricultural land. The surrounding nature of the site is predominantly agricultural and residential.

- 5.4 At the southern corner of the site, albeit outwith the application boundary, lies an electricity substation. Beyond the south western corner of the site, either side of Wigton Road, are a cluster of semi-detached, two storey, dwellings, at the southern extent of which is a petrol filling station.
- 5.4 Fairy Beck, which is a tributary of the River Eden Special Area of Conservation and Site of Special Scientific Interest, is located approximately 200 metres to the south of the site.
- 5.5 Suttle House, a Grade II Listed Building, is located approximately 75m to the north west of the site on the opposite side of Wigton Road. A residential scheme is in the process of being implemented within the grounds of Suttle House, albeit progress on that development has halted as a consequence of the current financial climate. A Grade II 19th century milestone is located in the highway verge outside Suttle House.

Background

- 5.6 The site was originally allocated for a Neighbourhood Centre under the CDLP adopted in 1997 and was later subject of the Morton Development Brief. In December 2000 the Morton Masterplan and Development Framework was adopted by the City Council as Supplementary Planning Guidance. Following the review of the Local Plan, which was subsequently adopted September 2008, land was allocated for a District Centre, including a retail food store with net convenience floor space of 2,500 sq. m. As part of that Local Plan review the Council proposed that the allocation should be increased to 5,000 sq. m.; however, that was dismissed by the Inspector following the Local Plan Inquiry on the basis that there was insufficient evidence of capacity to justify a store of that size.

The Proposal

- 5.7 This “Outline” application proposes the erection of a District Centre. The main element of the proposal involves the erection of a foodstore with a gross internal area of 8,175 sq. m. and a net tradable retail area of 5,574 sq. m. Of this, 3,344 sq. m. would be food (convenience) goods floor space, and 2,229 sq. m. would be non-food (comparison) goods floor space. The proposal also involves the provision of 1,021 sq. m. of floor space that would be reserved for those uses falling within Class A3 (Restaurant/Cafe), A5 (Hot Food Takeaway) and D1 (Crèche), together with a petrol filling station. No specific operating hours have been specified by the applicant.

- 5.8 The application is supported by a site location plan, an indicative site layout plan, a copy of the Morton Master Plan with the site layout plan superimposed to show the development in the context of its surroundings, and a Design Statement.
- 5.9 The indicative site layout illustrates that the retail food store would be positioned parallel with the south eastern boundary, occupying less than half of the site's width. Located at the southern extent of the store would be the crèche and restaurant/hot food takeaway. The service yard to service these units and the food store would be located along the south eastern boundary of the site. Although the application is an "Outline" application, the applicant's agent, Montagu Evans (ME) has indicated that the store will be between 6m and 8m in height. The land situated between the retail store and Wigton Road would predominantly be dedicated to car parking with approximately 547 spaces proposed, which would include disabled bays and "parent and child" bays.
- 5.10 The development will be accessed by a new access road with foot/cycleways on both sides. A roundabout will be formed at the junction of the new access with Wigton Road. This junction will include pedestrian crossings on each arm with toucan crossing facilities on the northern arm of Wigton Road. There will also be direct pedestrian/cycle access from Wigton Road to the front of the store. This would be positioned opposite Glaramara Drive, which forms the entrance to "The Beeches" residential estate. The pedestrian access from Wigton Road would be located just south of the relocated south bound bus stop and lay-by. The existing northbound bus stop will also be relocated a short distance in between the new access roundabout and the Glaramara junction, with the existing pedestrian refuge island on Wigton Road, just south of Glaramara Drive, being removed.
- 5.11 The access road leading from the roundabout would continue eastwards and connect into the residential/employment development, but at this stage this link is expected to be limited to pedestrians and cyclist, with potential use by emergency vehicles or buses.
- 5.12 To the south of the access road a petrol filling station (PFS) is proposed. The indicative layout plan illustrates that the PFS would have twelve fuel dispensers, a sales kiosk and a recycling facility.
- 5.13 The indicative layout plan show that a landscaped strip is proposed around the periphery of the site to soften the impact of the development upon the existing and proposed residential properties. The exception to this is at the rear of the service yard, which backs onto the site of the future primary school, where no planting has been proposed.
- 5.14 Extensive investigations have already been undertaken with regards to foul and surface water drainage. The applicant's preferred option for disposing of surface water run-off involves the use of storage reservoirs under the car park in the form of crates or tanks. This system would be designed in such a way to enable stormwater to be held in a reservoir and then discharged into Fairy Beck at the greenfield run-off rates dictated by the Environment Agency.

Provisional calculations suggest that the reservoir would be approximately 60m by 60m and 1m in depth. This method would also enable the re-use of some of the water as “grey water” for general use within the development.

- 5.15 With regards to foul sewerage the agents have identified during pre-applications consultations with United Utilities that the foul sewers in the vicinity are at full capacity. As such, it is proposed that foul sewerage is pumped to the existing United Utilities pumping station on Dalston Road, which is approximately 700m to the east of the site. This option will necessitate the provision of a new sewer, a small pumping station on the site itself and possible upgrades to the Dalston Road pumping station. The latter of these works may require that the future developer makes a financial contribution to upgrade the existing system, but this will need to be discussed with United Utilities.
- 5.16 Members are reminded that this is an “Outline” application with all five of the "standard" details, i.e. siting, design, access, external appearance and landscaping, "reserved" for subsequent approval. As such, the issues relating to layout, scale, access, appearance and landscaping could vary at a later stage.
- 5.17 Since the development falls within Part 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application requires to be, and is, accompanied by an Environmental Impact Assessment (EIA). The EIA comprises a “Non-Technical” summary of the key issues, such as a planning policy review; transport and accessibility; the landscape and visual impact of the development; ecology and biodiversity; drainage and water quality; the loss of agricultural land; impact upon the cultural heritage; air quality; noise impacts; socio-economic effects and the cumulative effects of other developments in the locality. The main body of the EIA provides a more detailed assessment of the aforementioned issues and covers several chapters.
- 5.18 The appendices to the EIA cover a range of specialist studies. These include a copy of the Scoping Report, which the applicant’s agent submitted to the Council to establish the information required to accompany the EIA; a Retail Statement; a Geo-Environmental Investigation and Assessment; a Ecological and Conservation Assessment; a Geophysical Report; an Archaeological Desk Based Assessment; a Flood Risk Assessment; a Tree Survey Report; a Site Waste Management Plan; a Transport Assessment; a Travel Plan Framework; a Statement of Community Involvement; an Energy Statement and a Drainage and Water Supply Statement.

Assessment

- 5.19 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP2, DP3, DP4, DP5, W1, W2, W5, CNL1 and CNL2 of the North West Regional Spatial Strategy to 2021; “extended” Policies ST4 and ST5 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policies DP1, DP2, CP1, CP2, CP5, CP6, CP9, CP10, CP12, CP13, CP14, CP15, CP16, CP17, EC5, EC22, LE2, LE4, LE9, LE29, LC16

and T1 of the Carlisle District Local Plan 2001-2016.

- 5.20 With regards to the aforementioned policies Members may recall that the Regional Spatial Strategy (RSS) was abolished by the Coalition Government on the 6th July 2010. That decision was subject to a legal challenge by Cala Homes (South) Ltd, the outcome of was to quash the 6th July revocation. As a consequence, the RSS policies form an on going part of the Development Plan; however, the fact that the Government has reaffirmed its commitment to abolish the RSS policies is a material consideration for Members to take into account when applying those policies.
- 5.21 Planning Policy Statement (PPS) 4 "Planning For Sustainable Economic Growth", which was issued in December 2009, also provides an overview of Government guidance in relation to the retail sector.
- 5.22 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.23 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 (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise.
- 5.24 In assessing whether the principle of this development is acceptable Members must consider the proposal in the context of the above and have particular regard to the policy advice contained in PPS4 "Planning for Sustainable Economic Growth", as the most recent Government guidance to Local Planning Authorities when dealing with major retail proposals, together with the companion document the "Practise Guide to PPS4" which is intended to assist in its interpretation.
- 5.25 PPS4 adopts a different approach from its predecessors and now provides a series of "development management" policies that can be applied directly by Local Planning Authorities when determining planning applications. The policies within PPS4 that are relevant to this application are Policies EC10, EC14, EC15, EC16 and EC17. The content of PPS4 will be relatively new to Members and, therefore, to assist them in the determination of this application the following paragraphs (5.26-5.35) provide a résumé of these policies.
- 5.26 Policy EC10 provides generic guidance for Local Authorities in determining applications which relate to proposals that create economic development. Paragraph 4 of PPS4 identifies that for the purpose of interpreting this PPS, "economic development" includes development within Class B of the Use Classes Order (business/industry), public and community uses, together with "main town centre uses", which comprises development for retail, leisure and recreation, offices, as well as art, culture and tourism.
- 5.27 Policy EC10.1 advises that Local planning Authorities should adopt a positive and constructive approach towards planning applications for economic

development and proposals that secure sustainable economic growth should be treated favourably.

5.28 Policy EC10.2 states that all planning applications for economic development should be assessed against the following “impact” considerations:

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- e) the impact on local employment.

5.29 Policy EC14 outlines the supporting evidence that is required to accompany planning applications that relate to a “main town centre use”, as is proposed by this application. Amongst other things Policy EC14 identifies that an application of this nature should be supported by a sequential assessment as well as an impact assessment. Policy EC14 states that the impact assessment should be considered against the criteria identified by Policy EC16, the content of which is explained in paragraph 5.35 of this report.

5.30 Policy EC15 provides specific guidance relating to the sequential assessment. Policy 15.1 advises that when considering such assessments Local Authorities should:

21. ensure that sites are assessed for their availability, suitability and viability;

- a) ensure that all in-centre options have been thoroughly assessed before less central sites are considered;
- b) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;
- c) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
 - i. scale: reducing the floorspace of their development;

- ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;
- iii. car parking provision; reduced or reconfigured car parking areas; and
- iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

5.31 Policy EC15.2 states that in considering whether flexibility has been demonstrated under Policy EC15.1.d (above) Local Planning Authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.

5.32 Policy EC16 refers specifically to the “Impact Assessment” for those “main town centre uses” that are not in a centre or in accordance with an up to date development plan. Policy EC16.1 identifies that such proposals should be assessed against the following impacts upon centres [for the purpose of determining this application Members should consider the impact upon the city centre and the allocated district centre at Morton]:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
- c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
- d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;
- e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres; and
- f) any locally important impacts on centres under policy EC3.1.e.

5.33 Policy EC17 is most important in understanding and applying the aforementioned policies, as it provides specific advice when considering planning applications for “main town centre uses” that are not in a centre and not in accordance with an up to date development plan. Policy EC17.1

advises that applications of the above nature, such as the current proposal, should be refused planning permission where:

- a) the applicant has not demonstrated compliance with the requirements of the sequential approach (Policy EC15); or
- b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in Policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

5.34 The above policies (Policies EC17.1.a and EC17.1.b) form part of the new “impact” test introduced by PPS4. Policy EC17.2 goes on to advise that where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:

- a) the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations; and
- b) the likely cumulative effect of recent permissions, developments under construction and completed developments.

5.35 In applying the foregoing Policies [EC17.1.a and EC17.1.b], paragraph 7.15 of the supporting Practise Guide to PPS4 advises that *“In every case it will be necessary to reach a balanced decision, having regard to the provisions of the development plan, the sequential approach and impact considerations”*.

5.36 To assist in considering this application against the development management policies within PPS4 the Council commissioned an independent retail assessment, which was undertaken by White Young Green (WYG). Members may recall that the consultant provided guidance in respect of the proposed Sainsbury’s development at Caldewgate.

5.37 To assist Members to assess the development proposal against the operative policies, and the advice provided by WYG, the following sections of this report considers the proposal in line with the guidance contained within Policies EC17.1.a and EC17.1.b (see paragraph 5.34).

5.38 Prior to considering the “sequential approach” and the “impact assessment” it is necessary for Members to understand Carlisle’s retail position.

WYG’s Summary Of Carlisle’s Retail Position

5.39 A copy of the WYG’s report has been reproduced, in full, following this report in the Schedule. In its response to the City Council, WYG has sought to provide an up to date picture of Carlisle’s need for an additional food/non food superstore. In very simple terms, such an assessment takes into account the available expenditure within a given catchment area, compared against the turnover of the existing stores within that same area (including those on the periphery) and committed/planned developments (i.e. extant permissions and

allocations). Depending on whether the subtraction of the estimated turnover from available expenditure results in a positive or a negative figure an indication of whether there is adequate capacity to support a new store can be derived.

- 5.40 PPS4 removes the test of “need”, which underpinned the now superseded PPS6, however, need is still an important consideration in assessing the potential impact of new retail development. In May 2010 WYG provided a detailed model of need/capacity to assist the Council in the determination of the Sainsbury’s application in Caldewgate. Montagu Evans (ME) have sought to update the analysis undertaken by both Turley Associates (acting on behalf of Sainsbury’s) and WYG (acting on behalf of the Council). WYG accept that this is a sensible approach; however, WYG has identified some flaws with ME’s updated analysis and has sought to correct these in their consultation response.
- 5.41 In accordance with WYG’s previous advice, their updated assessment focuses on capacity to support additional convenience goods floor space in Carlisle. The reasoning for this is that the majority of the net sales area of the store will be devoted to the sale of convenience goods and it is anticipated that within the next five years there will be increased growth in comparison goods expenditure to support significant additional floor space within Carlisle.
- 5.42 WYG’s assessment identifies that the primary catchment area of the proposed store generated around £235.66m of convenience goods expenditure in 2009. This benchmark figure is obtained by applying the population to the estimated expenditure per person. WYG forecast this will increase to £251.37m by 2013 and to £259.76m by 2014.
- 5.43 WYG calculates that the existing convenience floorspace has a turnover of approximately £190.39m in 2009, of which £173.49m is estimated to be derived from the catchment area.
- 5.44 In identifying future capacity for additional floorspace within the catchment area it is necessary to take into account outstanding commitments and planned developments. WYG identify these to be:
- d) Aldi, London Road, Carlisle (913 sq. m. net convenience);
 - Sainsburys Local at Scotland Road, Carlisle (196 sq. m. net convenience);
 - Tesco, Viaduct Estate Road, Carlisle (1,932 sq. m. net convenience);
 - Tesco, Annan (1,925 sq. m. net convenience) – opened in December 2009;
 - Tesco, Hopes Auction Mart, Wigton (1,486 sq. m. net convenience);
 - Supermarket, Gretna (2,340 sq. m. net convenience);
 - Sainsbury’s, Caldewgate, Carlisle (3,741 sq. m. net convenience);
 - Lidl, Wigton (850 sq. m. net convenience).
- 5.45 WYG’s analysis identifies that these commitments are expected to achieve a turnover of £132.81m, of which £107.21m is estimated to be derived from the catchment area. In comparison ME identify a lower level of convenience goods turnover from commitments derived from the catchment area (£99.69m). This is because its assessment did not take into account the new

Lidl store at Wigton, which was approved on the 16th September. ME have also made slightly different judgements to the likely level of inflow to each new store, which, in WYG's view, is not material.

- 5.46 The proposed store within the application now before the Committee has a net floor area of 5,574 sq. m. of which 3,344 sq. m. (60%) is intended to be used for the sale of convenience goods. WYG calculate that the development will have a convenience goods turnover of £40m. Of this turnover, some £36m (or 90%) is expected to be derived from the defined catchment area.
- 5.47 On the basis of the information contained within the preceding paragraphs (5.42-5.46) WYG conclude that there is insufficient capacity to support the proposed development together with all outstanding commitments. In WYG's opinion, by 2014 there will be a deficit in convenience goods capacity (over and above outstanding commitments) of £29.34m. If the proposed Tesco store at Viaduct Estate Road (VER) is not implemented there will still be a deficit in capacity of £9m by 2014. Members may recall that specialist retail advice provided by consultants on behalf of the Council (WYG and DTZ) and Sainsbury's (Turley Associates) all expressed the opinion that the store at VER would not be implemented, as a relatively small and poorly located Tesco supermarket at VER would be unable to compete effectively with four larger and better located superstores elsewhere in the City. Tesco, however, has stated that it is their intention to implement the approved scheme at VER.
- 5.48 WYG's review of the applicants' retail assessment concludes that:

"It is evident that our 'sensitivity testing' of the approach adopted by ME clearly demonstrates that there is insufficient capacity to support the proposed new store at Morton together with outstanding commitments (including the allocation at Morton). This is not a surprise given that our previous assessment of the Sainsbury's store at Caldewgate arrived at similar conclusions".

The Sequential Approach

- 5.49 Policy EC15 of PPS4 advocates that new retail development should be located in accordance with sequential principles i.e. first preference being City Centre sites, followed by edge-of-centre locations. Paragraph 6.1 of the supporting Practice Guide states that *"Only if town centre or edge of centre sites are not available will out of centre locations be likely to be appropriate in policy terms, provided that they are well served by alternative means of transport, and are acceptable in all other respects including impact"*.
- 5.50 The location of the store may be physically detached from the City Centre; however, paragraph 8 of PPS4 identifies that the words "town centre" apply to all types of centre defined by Annex B of PPS4, which includes a District Centre. As such, a District Centre is sequentially equal to the City Centre and, therefore, it is not necessary to undertake a sequential assessment in respect of the location of the development.

The Impact Assessment

- 5.51 In respect of the “impact test” identified by Policy EC17.1.b of PPS4, Members need to consider whether or not the proposed development would be “*likely to lead to significant adverse impacts in terms of any one of impacts set out in Policies EC10.2 and 16.1*”. In considering this aspect, Members may wish to refer back to paragraphs 5.26 and 5.32 which highlight the relevant impact, as well as WYG’s report, a copy of which follows in the Schedule. Members should also be mindful that compliance with the tests identified within PPS4 has focused primarily on the foodstore element of the proposal, as the principal of accommodating A3, A5 and D1 floor space, i.e. the restaurant/café, takeaway and crèche elements of the scheme, within a District Centre is acceptable and unlikely to result in any harm in respects of the tests identified by Policies EC10.2 and 16.1.
- 5.52 The following is a summary of Officers and WYG’s views as to whether the proposal complies with the impacts identified in Policy EC10.2:
- a) The application has only been submitted in “Outline”; however, having reviewed the applicant’s supporting documentation, including the technical appendices such as the Energy Statement and Travel Plan Framework, Officers are satisfied, subject to the imposition of appropriate conditions, that the store and the means of accessing can be designed on the basis of sustainable principles. Consequently Officers are satisfied that there would be no significant impact in respect of increased carbon emissions or upon climate change.
 - b) Officers are satisfied that the store is accessible by a choice means of transport and that the anticipated level of traffic generation is unlikely to result in an adverse effect on traffic levels or congestion.
 - c) The design and layout of the development are matters reserved for subsequent approval [this is discussed later in the Report in paragraphs 5.59 to 5.62] and, therefore, it cannot categorically be said that the “*proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*”. Notwithstanding this fact Officers are satisfied that compliance with this test can be regulated at through the submission of a “Reserved Matters” application and that the design/layout would not result in a significant adverse impact.
 - d) ME has indicated that the development will provide approximately 250 jobs will be created during the build and fit-out of the development. On completion of the District Centre it is predicted that approximately 442 jobs will be created. ME argue that the proposal will contribute to the CDLP objectives of meeting future needs of the economy, strengthening the city’s economic base by stimulating investment. The proposal will, in ME view, bring investment benefits and regenerative benefits, secure training and employment benefits in a ward [Morton] which is recognised as amongst one of England’s 20% most deprived. ME maintain that the employment growth engendered by the proposal will support existing services and facilities, thereby helping to underpin the social and

economic health of the community and urban area.

- In respect of the impact upon local employment, the proposed store would result in substantial new employment on the site, as outlined above; however, there is some possibility that at least some of this would be transferred from existing foodstores, as a result of trade diversion.

5.53 In applying the impact tests in Policy EC16.1, WYG conclude:

- a) In dealing with the impact on planned investment, it is evident that if there was to be any significant impact locally then this would primarily be focused on Carlisle City Centre. As WYG are not aware of any committed or planned investment for significant convenience goods development within Carlisle City Centre then any such impact is unlikely to occur.

In fact the only investment planned to take place 'in-centre' in Carlisle for major convenience goods development is the proposal for a new District Centre at Morton which this application would deliver.

- b) In judging the impact of the proposed development on vitality and viability of Carlisle City Centre it is important to balance both the health of existing centres against the potential trade draw. WYG believe that there would be no adverse impact upon the vitality and viability of Carlisle City Centre on the basis that Carlisle is a major comparison goods destination serving the sub-region and beyond. Consequently any loss of convenience goods trade from the City Centre would not impact upon the overall vitality and viability of the centre as a whole. The proposed development would also result in the implementation of a new District Centre at Morton which would not only achieve a longstanding aspiration of the CDLP but would significantly enhance consumer choice in this part of the City.
- c) There are no sites outside town centres allocated for new retail development in the Development Plan, so this criterion does not apply.
- d) With regard to impact upon turnover/trade, it established that there is insufficient capacity to support the size of store proposed. This will result in significant trade diversion from the existing stores i.e. Asda, Morrisons and Tesco, including the proposed Sainsbury's at Caldewgate; however, these stores are located out-of-centre and are, therefore, afforded no protection in policy terms. Any loss of trade should therefore be dismissed as commercial competition.

WYG acknowledge that some trade will be drawn for the existing convenience stores within the City Centre, but, in its view, the impact caused by the development is unlikely to result in any of these stores closing. WYG state that *"there is no clear evidence to suggest that the impact on trade/turnover of established centres would be classed as 'significant adverse'"*.

- e) In considering the appropriateness of the scale of the development,

Members should be mindful of the size of the allocated foodstore. In arriving at a threshold for the proposed foodstore at Morton (2,500 sq. m.), Proposal EC22 of the CDLP suggests that this threshold was informed by the potential capacity for additional convenience goods floor space in Carlisle at that time. However, WYG advise that the threshold and the subsequent policy were developed under a different national retail policy regime whereby greater emphasis was placed on quantitative need rather than qualitative need. Although there is still a requirement to assess quantitative need as part of the plan making process PPS4 now places equal weight on qualitative need and consumer choice.

ME demonstrate that the proposed development is similar in scale to existing superstore provision throughout Carlisle. The gross floor space of the existing Asda and recently considered Sainsbury's are slightly larger, albeit with a slightly smaller net sales area. As such, the proposed store is similar in scale to other foodstore retailers.

WYG also identify that the definition of a District Centre in PPS4 accepts that such centres will usually comprise groups of shops often containing at least one supermarket or superstore. As PPS4 defines a superstore as having a net floor space greater than 2,500 sq. m. it is evident that the store proposed at Morton is appropriate within a District Centre.

WYG conclude that "although the size of store now proposed is greater than that envisaged in the CDLP, it is evident that the impact arising from this increase size of store would not substantially increase the attractiveness of the centre to the extent that it would have an adverse impact on other established centres elsewhere. Furthermore, WYG would agree with ME that the scale of store proposed is necessary to ensure that the District Centre can compete effectively with other out of centre facilities within Carlisle therefore, further underpinning its future vitality and viability".

- f) WYG believes there are no locally important issues within the Development Plan (apart from the floor space threshold which is addressed above) against which to test this impact.

Summary

- 5.54 In determining this application Members are advised that the location of the development complies with the sequential approach and, therefore, the key issue to consider is whether or not there is clear evidence that the proposal is likely to lead to a "significant adverse impact" in terms of any one of the impact policies set out in Policy EC10.2 and EC16.1 (paragraphs 5.28 and 5.32).
- 5.55 WYG concludes that on the basis of its "sensitivity testing" there is insufficient capacity to support the convenience goods element of the proposed scheme even if some of the existing commitments, such as the Tesco store at VER, are not implemented. Under the Government's new approach to retail planning, however, lack of capacity is not a reason for refusal in its own right;

nonetheless, it remains an important consideration, as it influences the conclusions reached on the sequential approach and impact assessment.

- 5.56 In respect of “impact”, the proposal would not have a significant adverse impact on any of the tests outlined in Policy EC10.2 of PPS4. Consideration then falls upon the six tests contained within Policy EC16.1 of the Policy Statement. In considering this matter, WYG conclude that there will be significant cumulative impacts upon certain stores throughout the City; however, for the most part these are out-of-centre and are not afforded any protection in policy terms. There will be some impact upon in-centre stores but WYG do not believe that this will result in any store closures or that it would undermine the vitality and viability of Carlisle as a sub-regional shopping destination. This is because the City Centre is underpinned by a strong comparison retail base.
- 5.57 In respect of the potential impacts identified by Policy EC10 or EC16, WYG conclude that the development will not result in any impact that would, in their view, be classed as a “significant adverse impact”. If such an impact was alleged to exist Members would be justified in refusing the application on the basis that it fails the “impact assessment”; however, in WYG’s view, there is not clear evidence of this. If Members are minded to accept this recommendation, it would be appropriate to impose planning conditions restricting the net tradable convenience and comparison floor area to ensure that the development does not increase in scale into a retail development that could harm the vitality and viability of the City Centre. Similarly, it would be appropriate to impose conditions to control the use of the A3 and A5 floor space, i.e. the restaurant/takeaway uses proposed, which could otherwise revert to A1 retail floor space as a permitted change of use.
- 5.58 The development would result in the implementation of a long standing aspiration to provide a District Centre to serve the south west quadrant of the City and, in the absence of any clear demonstrable harm, it is the Officers’ view that this proposal should be supported.

2. Design And Layout.

- 5.59 A number of residents have expressed concern that the layout and design of the store may impinge upon their living conditions. Whilst these concerns are noted Members are reminded that this is an “Outline” application and that issues relating to the scale, design and layout of the store will be addressed through the submission of a “Reserved Matters” application. As such, any concerns which Members may have in this regard should not prejudice the determination of this current application.
- 5.61 In the supporting documentation ME have suggested that the development could incorporate “green” technologies in the operational day-to-day management of the development to reduce its environmental impact, energy costs and carbon footprint. As they are policy imperatives within both RSS (Policy DP9) and the adopted Local Plan (Policy CP9) it would be reasonable to impose a condition that requires details of energy conservation measures to be incorporated in order to meet those policy objectives.

5.62 Such measures might include sun-pipes within the roof design to enable the maximum amount of natural light to the sales and back-up areas; intelligent lighting controls to minimise the need for artificial lighting and avoid operation of lighting when it is not required; the operation of a Building Management System that controls and manages all use of energy in the building; re-cycling of cold air from the chiller aisle to cool specific areas of the foodstore store such as computer rooms and offices; rain water harvesting to enable grey water to be used to flush public and staff toilets; low-flush wc's; waterless urinals; percussion taps; low energy lighting for external signage; through to disposal of any food wastes either to local charities or to anaerobic digestion plants for converting into energy.

3. Highway Issues.

5.63 As previously identified the proposal involves notable localised alterations to the highway network, in the form of a new roundabout on Wigton Road. Members will note from the "Summary of Consultation Responses" that the Highway Authority has expressed concern regarding the design of the roundabout. Whilst this is an "Outline" application, with the access arrangements to be treated as a "reserved matter", it is correct of the Highway Authority to ensure that there is adequate space to accommodate an appropriately sized roundabout, together with the necessary pedestrian crossings.

5.64 The Case Officer has discussed these issues with the Highway Authority and it is understood that these issues are likely to be resolved, albeit the Highway Authority has advised that the applicant will need to amend the indicative layout plan to demonstrate that its requirements can be met.

5.65 The Highway Authority has also commented on the supporting Travel Plan. In doing so it has made reference to the provision of a Travel Plan Bond [this is a commitment to provide monetary contribution should the objectives of the Travel Plan not be met, as opposed to a financial contribution that is provided "up front"] and the provision of £6,125 to enable the continued monitoring of the Travel Plan for a five year period. Both of these financial contributions would need to be secured through the completion of a s106 Agreement.

5.66 Although, at the time of preparing this Report, the Highway Authority has stated that it is unable to support the application, it is anticipated that the outstanding issues will be resolved in advance of the application being considered by the Development Control Committee.

5.67 If the Highway Authority's concerns are addressed, it is expected that the Highway Authority will recommend the inclusion of several highway related planning conditions.

4. The Impact of the Construction And Operational Phase Upon The Living Conditions Of Neighbouring Residents.

5.68 Local residents have expressed concern that, if the scheme was approved,

construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity.

- 5.69 Two chapters within the EIA focus, in detail, on the impact that the development operational and construction phase will have upon air quality and noise in the vicinity of the site.
- 5.70 In respect of air quality, the EIA concludes that, subject to the incorporation of mitigation measures, the residual impact is predicted to range between “slight adverse” and “negligible”. Any increases in exhaust emission associated with the operational phase are considered to be negligible.
- 5.71 With regards to noise, the EIA acknowledges that construction noise impact will occur, although it would only be temporary in nature. In order to minimise any temporary adverse effects the EIA suggests that the hours of construction are limited to 7 a.m. to 7 p.m. Monday to Friday, 7 a.m. to 1 p.m. on Saturdays and that the site is to be closed on Sundays and bank holiday. These recommendations can be incorporated through an appropriately worded condition.
- 5.72 In respect of noise generated when the development is operational the EIA advises that no perceptible increases in noise level would be predicted and that the effects would be classified as being of “slight adverse significance”. To mitigate the potential impact of the development once it becomes operational the Council’s Environmental Health Officer has suggested that a condition should be imposed restricting the opening hours from 8 a.m. to 11 p.m. Monday to Saturday and that reduced hours should be considered for Sundays and Bank Holidays. Depending on the position of the service yard, which would be established through a “Reserved Matters” application, there is potential for noise generated by delivery vehicles to impact upon the living conditions of residents. To mitigate this a condition is recommended that requires a delivery/service yard management plan to be agreed.
- 5.73 Although the car park and store would be illuminated, an appropriate lighting scheme could be provided to ensure that the living conditions of nearby residents are not adversely affected. In considering this issue Members should be mindful that there will be a degree of light spillage from existing street lighting and other commercial properties in the area.

7. Loss Of Land Designated As A Primary Leisure Area/Park And Ride Facility.

- 5.74 The Proposals Map that accompanies the CDLP identifies that land around the District Centre is designated as a Primary Leisure Area (PLA). The increased size of the District Centre, over and above that allocated in the Local plan, will result in the loss of some PLA. In considering this point Members should be mindful of the fact that whilst the land is identified as PLA it is predominantly used for agricultural purposes and, therefore, of limited recreational value.

5.75 The proposed development will encroach upon approximately 0.4 hectares (ha) of land that had been allocated as part of the park and ride facility. A significant area of land [1.8 ha] would still be available to provide this facility should this be pursued at a later date, and, therefore, the approval of this application would not prejudice this facility being implemented. Furthermore, the loss of the aforementioned designated land would, in the Officer's view, be compensated by the economic benefits that this scheme will offer.

8. Contamination.

5.76 The supporting Geo-Environmental Investigation and Assessment contained in the technical appendices to EIA advises that *"There is potential for the site to have been impacted by potential sources of contamination located both on and near to the site. However, the extent of any impacts is unlikely to be significant"*. On the basis of this the consultant concludes that it is not necessary to undertake further intrusive investigations. This viewpoint is supported by the Council's Assistant Environmental Quality Manager and the Environment Agency. Nonetheless, both consultees have advised that a condition is imposed that requires appropriate remediation measures be implemented should contamination be found during the course of the construction works. Natural England has also requested that they are consulted if contamination is subsequently found.

9. Foul And Surface Water Drainage.

5.78 Details of the proposed means of foul and surface water disposal are detailed in paragraphs 5.14 and 5.15 of this Report. The Environment Agency (EA) and United Utilities have raised no objection, in principle, to these arrangements; however, the EA has recommended that conditions are imposed that require these details to be agreed prior to development commencing. The EA has also recommended a condition that requires the developer to implement a "grey water" recycling system.

10. Flooding.

5.79 The site is contained within Flood Zone 1, which is the lowest flood risk zone. As the application site is larger than 1 hectare, it is a requirement of Planning Policy Statement 25, "Development and Flood Risk", that the application is accompanied by a Flood Risk Assessment (FRA).

5.80 The site currently comprises undeveloped rural fields where rainfall can infiltrate naturally providing the ground is not saturated. Following the implementation of the proposals, the majority of the area will become impermeable due to the construction of a large supermarket and car parking. This would act to reduce infiltration, increase run-off to the surrounding area, alter existing drainage routes causing run - off to flow onto adjacent developments and discharge additional foul flows into the foul sewerage system. The supporting FRA proposes to mitigate these impacts by:

e) Designing a surface water drainage system that collects and conveys surface

water run-off to an appropriate attenuation structure before discharging at pre-development rates;

- Undertaking a detailed topographical survey of the site and using this to identify existing overland flow routes. This information should be used in the detailed design of the site to identify any impacts and mitigate appropriately; and
- Designing a foul water system for the site that discharges to the Dalston Road pumping station in line with United Utilities guidelines and approval requirements.

5.81 The EA has raised no objection to the development subject to the imposition of a planning condition that requires the development to be implemented broadly in accordance with the recommendations of the FRA, provided that a more detailed assessment of those mitigation measures is provided.

11. Impact Upon The River Eden And Tributaries Special Area Of Conservation (SAC) And Site Of Special Scientific Interest (SSSI).

5.82 Natural England (NE) has confirmed that in its opinion the proposal would be unlikely to have a significant effect on the interest features of the SAC and SSSI provided that a condition is imposed that requires a Construction Environmental Management Plan (CEMP) to be implemented. A CEMP should be used by contractor to demonstrate how best environmental management practise is proposed to be applied, and should show how they are going to minimise adverse impacts to the surrounding environment and local community, as well as enhancing beneficial impacts. NE has advised that the CEMP must include bio-security measures to prevent the introduction of disease and invasive species into the nearby watercourses as well as ensuring comprehensive measures are in place to protect the water quality of the River Eden catchment.

5.83 In addition to the CEMP NE has advised that the mitigation measures, as outlined in Chapter 8 of the EIA, for the reduction of operational impacts on the water environment are also incorporated within the surface water drainage strategy. It is of particular importance to ensure no pollutants, contaminants or sediment enter water courses and impact upon the water quality of the River Eden SSSI and SAC. This matter can be regulated through the imposition of an appropriate condition.

12. Impact Upon Protected Species.

5.84 With regards to the impact upon protected species NE has advised that the information contained in Chapter 7 (Ecology and Biodiversity) of the EIA, which considers the impact assessment and mitigation measures, is not detailed enough.

5.85 NE is unclear as to whether the two mature trees with bat potential will be felled and, if they are felled, whether any further survey or method statements for felling will be required. NE is also unclear as to which sections of

hedgerows would be removed and locations, including species mix, of new tree and shrub planting.

- 5.86 At the time of preparing this Report ME are addressing the concerns that NE has raised. The Case Officer has spoken with Conservation Adviser from NE who has advised that it is unlikely that the outcome of these issues will preclude permission being forthcoming, but that these issues need to be appropriately assessed. It is anticipated that these issues will be resolved in advance of the application being presented to the Development Control Committee and, therefore, it is expected that the Case Officer will update Members verbally.

13. Landscaping.

- 5.87 The landscaping of the site is a “reserved matter” and, therefore, no specific details have been provided at this stage. Notwithstanding this fact, any subsequent “Reserved Matters” application will be expected to be accompanied by a detailed landscaping scheme. That scheme will be expected to incorporate a landscaped buffer around the site to soften the impact of the development. The buffer will also be expected to retain existing planting where possible. For example, the supporting documentation indicates that the hedgerow towards the northern portion of the site will be removed; however, it is the Officer’s view that this hedgerow could be retained to form the southern extent of the landscaped strip that will be created along the northern boundary. The retention of such hedgerows is not only important from a visual perspective, but it is necessary to maintain the biodiversity of the area. In terms of the extensive car parking area, Officer’s will expect it to be planted to limited the visual impact of such a large expanse of hardstanding.

14. Archaeology And Impact Upon The Historic Environment.

- 5.88 The County Council’s Historic Environment Officer (HEO) has advised that the author of the archaeological section of the EIA dismisses the potential for archaeological remains to survive on the site. The HEO states that they have interpreted the results of the geophysical survey as showing little of interest; however, the results of the geophysical survey have revealed clusters of features that cannot be rejected as being of potential archaeological interest without further investigation. Also, some archaeological remains, such as slight prehistoric features, are very difficult to find through a geophysical survey. Consequently, the HEO considers that the survey has revealed some features of potential archaeological interest that warrant further investigation and also that there is still the potential for unknown archaeological remains to survive on the site.
- 5.89 It is, therefore, recommended that the site should be subject to a programme of targeted archaeological evaluation and, where significant archaeological remains survive, recording. This programme of work can be secured through the imposition of two planning conditions.
- 5.90 The EIA also highlighted that a Grade II Listed Building, Suttle House, and a 19th century milestone are located in close proximity to the site. In respect of

the former, there is an extant permission to provide housing within the grounds of Suttle House. As Suttle House will be separated visually from the application site by the provision of these homes it is the Officers view that the development will not harm the architectural and historic character of this Grade II Listed Building. With regard to the milestone it is already viewed in the context of an urban environment and it is the Officer's view that proposed development will not significantly alter that.

15. Designing Out Crime.

- 5.91 Cumbria Constabulary's Architectural Liaison Officer's (ALO) consultation response highlighted that the Design and Access Statement that accompanied the application does not demonstrate how the scheme complies with Policy CP17 (Designing Out Crime) of the Local Plan.
- 5.92 Whilst the ALO's concerns are noted it is the Officer's view that these aspects of the scheme can be regulated through the submission of a "Reserved Matters" application, particularly as the security arrangements for different retailers/occupiers will vary.

Conclusion

- 5.93 Although the size of the proposed District Centre is larger than that allocated in the Local Plan, WYG (acting as independent advisors to the City Council) have advised that there is no clear evidence that the application would be likely to lead to significant adverse impacts in terms of the impacts set out in policies EC10.2 and EC16.1 of PPS4.
- 5.94 As part of the description of this proposal Members were made aware that the application was accompanied by an EIA. The key issues raised by the EIA included a planning policy review; transport and accessibility; the landscape and visual impact of the development; ecology and biodiversity; drainage and water quality; impact upon the cultural heritage; air quality; noise impacts; socio-economic effects and the cumulative effects of other developments in the locality.
- 5.95 All of the above issues are discussed within the main body of this report. With the exception of the issues raised by the Highway Authority and Natural England, which not considered to be insurmountable, the Report identifies that no issues were raised by consultees or representatives that indicate any adverse impact which could not be mitigated through the imposition of planning conditions or the submission of a "Reserved Matters" application.
- 5.96 Subject to the Highway Authority and Natural England's comments being addressed the application will be recommended for approval. Officers have taken into account all relevant environmental information (including the supporting Environmental Impact Assessment) within the meaning of Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 5.97 As explained earlier in this Report, if Members are minded to approve the

application it would be necessary for the applicant to enter into a S106 agreement to secure the commitment in respect of the Travel Plan Bond and a financial contribution of £6,125 to enable the continued monitoring of the Travel Plan. Members should note that the financial contributions proposed have been reviewed by Officers and comply with the new tests for S106 agreements, which have been introduced by Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 5.98 Members should also note that, whereas the normal "commencement" condition of an "Outline" consent requires a "Reserved Matters" application to be submitted within 1 year from the date of the permission, the applicants have specifically requested that this be extended to 3 years to enable time for the site to be marketed and for the prospective developer to prepare the "Reserved Application" package. Similarly, the applicants have also requested that the time frame for commencing work on site be extended from 3 years to 5 years. This request is not unreasonable and accords with the approach that the Council has taken in respect of the recently approved industrial development at Brunthill and the extension to the Sands Centre leisure complex. The potential later "start" date should also accord with the completion of the CNDR.
- 5.99 In conclusion, it is recommended that, whilst the size of the District Centre is larger than allocated in the CDLP, for the reasons identified in this Report there is sufficient justification to approve this application. If Members accept this recommendation, and are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to:
- a) the concerns of the Highway Authority and Natural England being addressed; and
 - b) the satisfactory completion of a S106 agreement to secure the Travel Plan Bond and the financial contribution towards the monitoring of the Travel Plan.

6. Human Rights Act 1998

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant to this application. One objector has expressed concern that the development will contravene their Human Rights as, in the objectors view, the development will adversely affect their standard of living for three key reasons. Firstly, as a consequence of pollution created by increased traffic volume and CO2 emissions. Secondly, the daily disruption associated with a major development project, such as noise, dust, debris and commercial lighting. The final point raised relates to the environmental changes that will take place through the removal of open fields/loss of wildlife and their replacement with a major construction site that will take years to complete.
- 6.4 Members will appreciate that these issues are discussed in the Report. For the reasons outlined it is the Officer's view that the impacts identified can be mitigated against through the "Reserved Matters" application or the imposition of planning condition. As such, it is considered that the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of 5 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

3. The approved documents for this planning consent comprise:

1. The Planning Application Form received 11th October 2010;
2. The existing site plan received 11th October 2010 (Drawing No. 09011GA-B-004);
3. The proposed block plan received 11th October 2010 (Drawing No. 09011GA-B-001-A);
4. The proposed block plan within the full masterplan received 11th October 2010 (Drawing No. 09011GA-B-005);
5. The Design Statement received 11th October 2010;
6. The Environmental Statement and Technical Appendices received 11th October 2010; and
7. The Notice of Decision.

Reason: To define the permission.

4. The foodstore premises shall be used as a Class A1 foodstore (with a net tradeable retail area of 5,574 square metres) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

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

5. The sale of convenience goods within the foodstore shall be restricted to a net floor area of 3,344 square metres and the sale of comparison goods shall be limited to a net floor area of 2,229 square metres; and there shall be no increase in Class A1 net retail floor space by installation of a mezzanine floor or in any other way, unless permitted, in writing, by the Local Planning Authority.

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

6. The cafe, restaurant and hot food takeaway floor space hereby approved shall be retained for Class A3 and A5 purposes and for no other purpose.

Reason: To prevent permitted change of use to Class A1 floor space in order to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the

urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

7. There shall be no ancillary convenience or comparison goods sales from temporary structures such as marquees and canopies on the car park.

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

8. The foodstore, creche, café/hot food takeaway units hereby approved shall not be open for trading except between 0700 hours and 2300 hours on Mondays-Saturday or between 1100 hours and 1700 hours on Sunday or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

9. The petrol filling station hereby approved shall not be open for trading except between 0700 hours and 2330 hours on Mondays-Saturday or between 1000 hours and 1800 hours on Sunday or bank holidays.

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

10. No development shall take place until a scheme identifying the intended location, dimensions, finish and colour of operational plant (including mechanical or electrical equipment and water storage and pumping facilities for fire fighting), and the proposed method of screening, has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the scale, appearance and screening of the operational plant is acceptable in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. No fixed and external plant shall be installed until full details of that fixed and external plant has been submitted to and approved by the Local Planning Authority. The submitted details shall include an accompanying full assessment of their potential impacts with regard to noise and odour and any mitigation measures. In order to facilitate such a submission, an assessment of the possible noise impact of proposed plant serving the development shall be carried out by a suitably qualified acoustician in accordance with the requirements of BS4142:1992

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Prior to the development commencing the proposed development shall be subject of a lighting scheme for all external areas and for the buildings which shall be submitted to, and approved in wiring by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details prior to the commencement of trading. Outside of operating hours the external lighting, with the exception of security lighting, shall be switched off. The Lighting scheme shall also include mitigation measures during both construction and operation specifically to prevent lighting impacts on wildlife, including bats, and their habitat, both on and off site.

Reason: To safeguard the living conditions of neighbouring residents and to prevent adverse impacts on wildlife in accordance with Policies CP2, CP5, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

13. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays) unless otherwise agreed in writing by the Local Planning Authority.

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

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

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

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2

and LE4 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

17. No development shall commence until details of the energy efficient measures to be incorporated in the construction and operational phase of the development have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that energy efficient measures are incorporated in accordance with Policy CP9 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that an acceptable landscaping scheme is prepared, which has benefits for local wildlife and to ensure compliance with Policies CP2, CP5, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

19. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the hedge, or half the height of hedge, whichever is greater. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services

are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: To ensure that an acceptable landscaping scheme is prepared, which has benefits for local wildlife and to ensure compliance with Policies CP2, CP5, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

20. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the buildings hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: For the avoidance of doubt and to ensure compliance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

22. The development shall not be brought into use until details of a delivery/service yard management plan have been submitted to and approved, in writing by the Local Planning Authority. The approved Management Plan shall thereafter be implemented and operated in all respects, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Level 2, dated September 2010 and produced by Hyder Consulting (UK) and the following the recommendations for detailed design requirement detailed within the FRA, which shall be submitted to and approved, in writing, by the Local Planning Authority prior to development commencing:

1. Site specific ground investigations shall be undertaken to quantify the risk of ground water flooding;
2. A detailed topographic survey of the site and adjacent area shall be carried out to identify existing overland flow routes from the offsite areas;
3. An appropriate surface water drainage system to drain the site and

provide the necessary surface water drainage attenuation in line with current guidance shall be provided prior to any discharge from the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

24. A scheme for the use of grey water recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme.

Reason: For the protection of water quality and to reduce flood risk in accordance with Policies CP9, CP10 and CP12 of the Carlisle District Local Plan 2001-2016.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the quality of groundwater and surface water resources in accordance with Policies LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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

Authority.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE9 of the Carlisle District Local Plan 2001-2016.

NOTES ORIGINAL A3

All levels and dimensions to be checked on site prior to construction / installation; report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

REVISION

RECEIVED
11 OCT 2010
10/0917

- - - OWNERSHIP BOUNDARY - 8.9 ha (22 acres)
- - - PLANNING APPLICATION BOUNDARY - 9 ha (12.6 acres)

SCALE 1:2500
DATE MAY 10
DRAWN KPG
CHECKED AA

PROJECT
DISTRICT SHOPPING CENTRE
MORTON, CARLISLE

DRAWING
LOCATION PLAN

Threesixty Architecture

228 ST VINCENT STREET
GLASGOW G2 9EQ
0141 229 1574
0141 229 1576
www.threesixtyarch.com

DRAWING No.
09011GA-B-004



1
north

NOTES ORIGINAL A3

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REVISION

RECEIVED
11 OCT 2010
10/0917

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- EMPLOYMENT
- 88,000 sqft RETAIL UNIT
- 11,000 sqft DISTRICT CENTRE
- FLOOD PLAIN
- 88,000 sqft RETAIL UNIT
- FOCAL POINT (ATTENUATION POND)
- EXISTING PROPOSED FOOTCYCLE WAY
- EXISTING PROPOSED FOOTCYCLE WAY
- OWNERSHIP BOUNDARY - 0.3 ha (22 acres)
- PLANNING APPLICATION BOUNDARY - 5 ha (12.6 acres)

SCALE 1:5000
DATE MAY 10
DRAWN KPG
CHECKED AA

PROJECT
DISTRICT SHOPPING CENTRE
MORTON, CARLISLE

DRAWING
PROPOSED BLOCK PLAN
WITHIN FULL MASTERPLAN

Threesixty
Architecture

228 ST VINCENT STREET
GLASGOW
G2 3RD
0141 228 7575
0141 228 7576
www.threesixty.co.uk

DRAWING NO.
09011GA-B-005



NOTES ORIGINAL A3

All levels and dimensions to be checked on site prior to construction / fabricator; report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

REVISION A 17.05.10 Layout revised to suit new access. KG AA



- 85,000 sqft RETAIL UNIT
Parking = 478 (inc prt & chsl)
5% Disabled Spaces = 24
- TOTAL CUSTOMER PARKING = 902
- 5% Motorcycle Bays = 24
- 5% Bicycle Spaces = 24
- Trading Bays = 13
- Staff Parking @ 50m²/750m² plus turning area
- 11,000 sqft DISTRICT CENTRE
Parking = 43
5% Disabled Spaces = 2
- TOTAL CUSTOMER PARKING = 48
- 5% Motorcycle Bays = 3
- 5% Bicycle Spaces = 3
- Staff Parking @ 50m²/750m² plus turning area
- 10m+ landscaping buffer around site perimeter
- Land safeguarded for Park & Ride
- OWNERSHIP BOUNDARY -
8.9 ha (22 acres)
- PLANNING APPLICATION BOUNDARY -
5 ha (12.6 acres)

SCALE 1:2000 DATE NOV 09 DRAWN KPG CHECKED AA

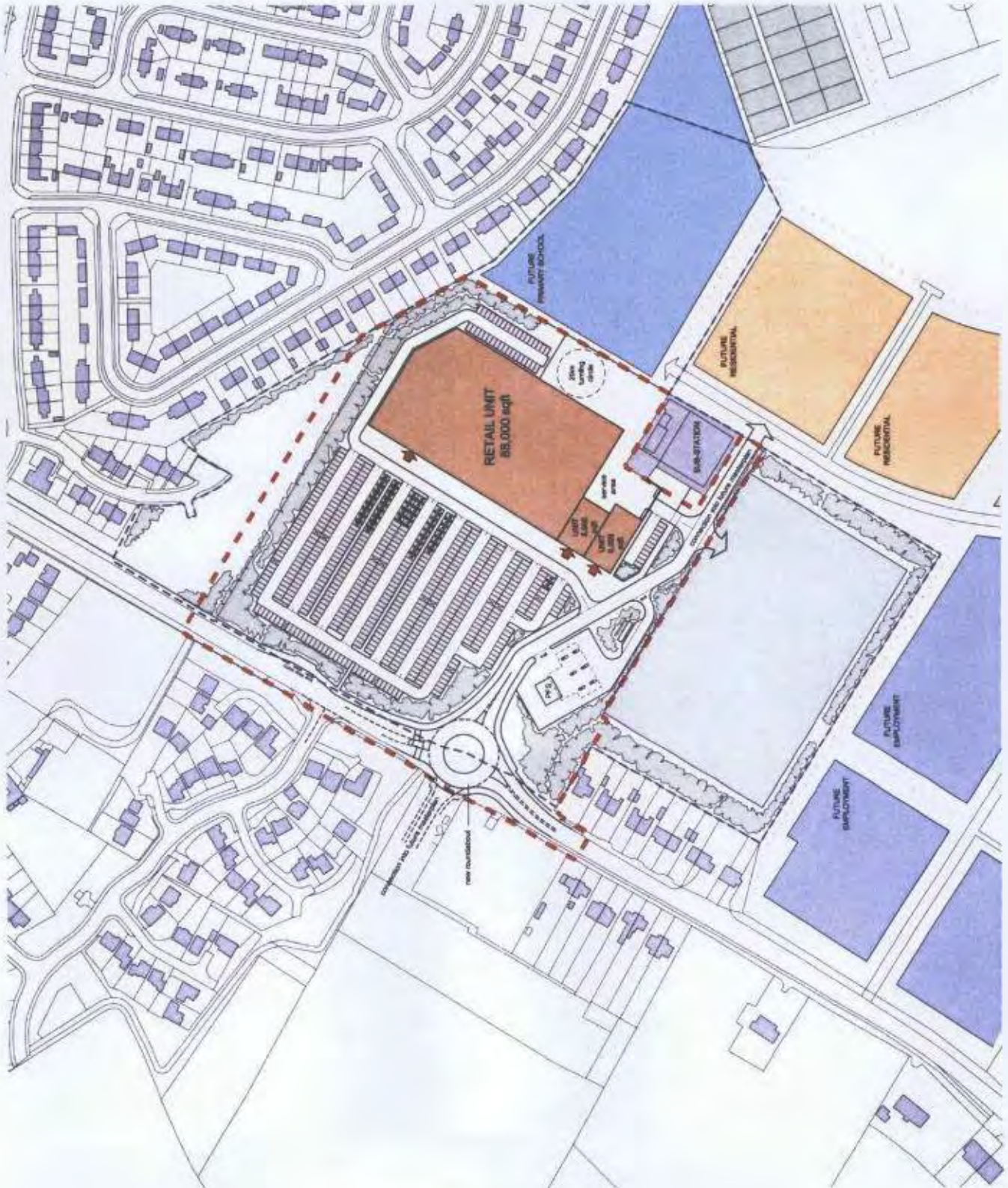
PROJECT DISTRICT SHOPPING CENTRE MORTON, CARLISLE

DRAWING PROPOSED BLOCK PLAN

Threesixty Architecture

208 ST VINCENT STREET GLASGOW G2 9EQ 0141 229 7575 0141 229 7576 www.36architect.com

DRAWING NO. 09011GA-B-001-A





Appraisal of Proposed Superstore, Land at Morton, Wigton Road, Carlisle

November 2010

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Issue	Date	Status
1	18-11-10	Draft Report
2	23-11-10	Final Draft Report
3	25-11-10	Final Report
4		



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Appendix Contents

Appendix 1 – Retail Assessment



1.0 INTRODUCTION

Instruction

- 1.01 WYG Planning & Design have been instructed by Carlisle City Council to provide expert independent advice on retail planning matters to assist in the determination of the proposed food superstore (as part of a new district centre) on land at Morton, Wigton Road in Carlisle. This advice follows on from (and where necessary draws on) our previous advice to the City Council in May 2010 which assessed the proposal for a new Sainsbury's store in the City.
- 1.02 Following a resolution to grant planning permission for the Sainsbury's store (subject to referral to the Secretary of State), it is material to note that since the application for the proposed foodstore at Morton was submitted the Government Office for the North West have confirmed that the Secretary of State will not be 'calling-in' the proposed Sainsbury's store. Although, the S106 has yet to be signed and the planning permission formally issued, we have assumed, for the purposes of this report, that the Sainsbury's store is a commitment.
- 1.03 In seeking to provide a robust assessment of the evidence submitted, WYG have reviewed the following documents as part of our appraisal:
- Covering letter dated 8/10/10 from Montagu Evans LLP (herein referred to as ME) to Sam Greig;
 - Planning application forms;
 - The masterplan (Drawing Ref: 09011GA-B-005) and the proposed district centre (Drawing Ref:09011GA-B-001-A); and
 - Retail Statement prepared by Montagu Evans LLP (September 2010).

The Proposed Development

- 1.04 An outline planning application has been submitted to Carlisle City Council seeking the:

"Erection of a district centre including Class A1 Foodstore comprising 8,175 Sq.m gross internal area (5,574 Sq.m) net sales floorspace, a petrol filling station (sui generis),



classes A3, A5 and D1 of 1,021 Sq.m gross internal floorspace and ancillary development including landscaping and car parking.”

- 1.05 The proposed development forms an important component of a wider masterplan which outlines the significant urban expansion planned for Morton. As the expansion of the urban area has been planned for by the City Council for some time the application site is allocated in the adopted Carlisle District Local Plan (CDLP) under Proposal EC22.
- 1.06 It is important to note that the policy which allocates a new district centre at Morton sets a threshold limit of 2,500 sq m for a single food retail store. However, whilst the policy does apply a threshold for the size of the foodstore, neither the policy nor the supporting text actually clarifies whether the figure is 'net' or 'gross' and whether or not it is limited to convenience or comparison goods or a mixture of the two. Therefore, although the floorspace threshold set out in the policy is ambiguous it would not be unreasonable to assume that the threshold quoted is a 'net' figure as this is the figure that would normally be controlled as it directly relates to the sales area and the turnover of any development. In addition, as there is no explicit reference to how this floorspace should be split between convenience and comparison goods then it would not be unreasonable to assume that all or the majority of the net sales area could be devoted to convenience goods. Clearly the reference to a 'single food retail store' would imply that the 2,500 sq m is focused on the sale of food (or convenience goods).
- 1.07 We are aware that the Inspector's report into the Revised Redeposit CDLP did discuss the limit on floorspace for Morton and at paragraph 4.86 of the report the Inspector is quite clearly referring to the 2,500 sq m threshold as a 'net' figure which was informed by Annex A of PPS6.
- 1.08 Furthermore, the 2006 Retail Study Update (prepared by Donaldsons LLP) informing the CDLP confirms that in Donaldsons' view, a new store at Morton would have to include at least 2,500 sq m net convenience goods floorspace to compete effectively with the existing Asda, Tesco and Morrison stores in Carlisle (paragraph 5.42).
- 1.09 As it would appear that the allocation in the CDLP is referring to net convenience goods floorspace only, then the proposed development exceeds the policy threshold by 844 sq m. Therefore, the following section of this report will consider in detail whether the proposed development's conflict with Proposal EC22 of the CDLP is material and what the consequences of this conflict mean in relation to local, regional and national retail planning policy.



2.0 REQUIREMENTS OF NATIONAL POLICY

Introduction

- 2.01 A key issue in seeking to determine whether or not the proposed development is appropriate and acceptable in retail planning terms relates to the current allocation of the application site as a new district centre in the adopted CDLP.

The Relevance of an Existing Centre

- 2.02 The allocation of the application site also influences what supporting evidence has to be provided and which of the relevant tests set out in PPS4 should be satisfied. In dealing with the relevant tests, Policy EC14 of PPS4 states that:

"A sequential assessment (under EC15) is required for planning applications that are not in an existing centre and are not in accordance with the development plan..."

An assessment addressing the impacts in policy EC16.1 is required for planning applications for retail and leisure developments ... not in an existing centre and not in accordance with an up to date development plan" (WYG emphasis)

- 2.03 Put simply, the wording of policy EC14 would appear to suggest that if a centre already exists then any proposal for retail development within that centre would be acceptable (subject to the test of scale under policy EC16 criterion (e) of PPS4).
- 2.04 However, this application is for retail development within a centre that exists in the development plan (allocated under Proposal EC22) but does not exist physically (i.e. it has not yet been implemented). Therefore, because the centre has not been created physically it could be argued that the sequential approach and impact tests would need to be applied unless the development was in accordance with an up to date development plan.
- 2.05 As highlighted previously, because the proposed development exceeds the threshold of 2,500 sq m as set out in Proposal EC22 in the adopted CDLP there is a 'technical breach' in relation to that policy. Whilst the policy and its supporting text is somewhat ambiguous, it is evident that if the proposed foodstore had a net sales area of no more than 2,500 sq m (either convenience goods floorspace or convenience and comparison goods floorspace) then the development would accord with Proposal



EC22 and therefore, it would not be necessary for the applicant to satisfy any of the relevant retail planning tests.

- 2.06 As the proposal is not in a centre which physically 'exists' and is not in accordance with the development plan a literal reading of Policy EC14 would suggest that the proposed development has to satisfy the sequential approach and impact tests.
- 2.07 However, the suggestion that the proposed development, which is proposed within a defined district centre, should be treated like any other out of centre development because it is not in a centre that exists nor is it in accordance within the development plan (because it exceeds a floorspace threshold) would, in WYG's view, appear to be a misinterpretation of the spirit of national policy and the key objectives of PPS4.

The Application of the Sequential Approach

- 2.08 WYG do not believe that the wording of PPS4 is unequivocal in relation to 'existing centres'. For example, Policy EC15 (which deals with the sequential approach) has four criteria that should be addressed as part of the sequential approach. Criteria (b) and (c) refer to the words "**all in centre options have been thoroughly assessed**" and "**there are no town centre sites to accommodate a proposed development**". Nowhere in these two criteria can the word 'existing' be found. Furthermore, the heading to Policy EC15 also only refers to 'a centre' and does not use the word existing.
- 2.09 Notwithstanding this, WYG accept that the reference under criterion (d) of policy EC15 does refer to "**considering sites in or on the edge of existing centres**". Therefore, it could be surmised that the wording of the policy is ambiguous if one is to read the text forensically or literally without considering the wider objectives of PPS4 and the application of the sequential approach.
- 2.10 The fact that Proposal EC22 of the adopted CDLP allocates land for a new district centre at Morton (thereby creating a new centre) then common sense would dictate that any site within this allocation must logically be classed as an in-centre opportunity or a town centre site. If this is not the case, why would PPS4 recommend that local planning authorities go to all the trouble of identifying the need for new centres as part of the development plan process, and for the local planning authority to provide an allocation/policy confirming that new centre, only for the centre to be treated like any other out of centre site until the development is actually constructed or open for trading.



2.11 Guidance on the dealing with applications in defined/new centres is provided at paragraph 6.18 of the Practice Guidance which states that:

“Proposals within planned new centres can pose problems of interpretation. As required by national policy, new centres should be considered through the RSS/LDF process. This should include considering the appropriateness of new centres, the scale and form of development likely to be appropriate (including the need for floorspace thresholds) and other matters such as the impact on the existing hierarchy and networks of centres. Where need is identified to create a new centre, and the appropriate policy tests are met, it will not be necessary to apply the sequential approach to consider whether proposals planned within the new centre could be met in nearby existing centres.” (WYG emphasis)

2.12 Clearly, a need has long been established for a new district centre in Morton which led to the allocation of the application site in the CDLP. This need is driven by the proposed expansion of the urban area at Morton which means that the need can only be met in this location. Paragraph 5.7 of the Practice Guidance makes it quite clear that:

“If the LPA proposes to refuse an application involving town centre uses on the basis of the sequential approach, it should be on the basis that it considers there is, or maybe, a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet.”

2.13 Moving the proposed development elsewhere, in WYG’s view, would not meet the same requirement (i.e. to deliver new district centre at Morton) that the application is intended to meet.

2.14 Therefore, in seeking to apply a common sense approach to this matter, WYG do not believe that it is necessary to apply the sequential approach to the proposed development but that any supporting evidence and assessment should focus on the potential impact of the increased size of store compared to the CDLP allocation (such as that outlined in paragraph EC14.6 of PPS4).

The Applicant’s Position

2.15 It is not clear from their Retail Statement what ME’s view is on the application of the sequential approach. On the one hand it would appear that they believe that the sequential approach is not necessary because the site is allocated for a new district centre. However, Section 4 of their report then concludes that:



“While it is recognised that PPS4 requires new retail uses to be directed towards town centres, the Morton site is the next sequentially preferred location, being within an allocated District Centre.”

- 2.15 WYG does not understand this conclusion for a number of reasons. Firstly, it would appear that ME, by stating that Morton is the next best preferred location, are suggesting that the sequential approach should be applied which is at odds with what they have argued before. Secondly, paragraph 8 of PPS4 states that references to the words ‘town centre’ apply to all types of centre defined in Annex B. As Annex B includes city centres, town centres, district centres and local centres it is evident that they are all sequentially equal. Therefore, a district centre is not the next sequentially preferred location to a town centre but is actually sequentially equal.
- 2.16 Regardless of the ambiguity in relation to ME’s position on this matter, it is WYG’s view that the proposed development should not have to satisfy the sequential approach. However, what is agreed is that both ME and WYG believe that the proposed development must satisfy the impact tests set out in Policy EC16.



3.0 THE NEED FOR NEW SUPERMARKET DEVELOPMENT

- 3.01 Although PPS4 confirms that any application for new retail development does not have to satisfy the test of 'need', it is evident that need is still an important consideration when examining the potential impact. As a result, ME have sought to update the analysis undertaken by both Turley Associates (acting on behalf of Sainsbury's) and WYG (acting on behalf of the Council) in relation to the recently approved Sainsbury's store at Caldewgate. This, in our view, is a sensible approach given that much of this data had already been tested and is still relevant to the proposed development at Morton.
- 3.02 Although WYG completed a detailed review of the analysis provided by Turley Associates (TA) back in May 2010 it is evident that further changes have occurred that need to be considered in the overall modelling of need/capacity. In addition, ME have sought to apply a slightly different approach in certain circumstances which also needs to be reviewed. Therefore, our review of the retail modelling provided by ME is set out below. In addition, we have provided an up to date assessment of capacity/need in **Appendix 1** of this report.
- 3.03 As reflected in previous advice to Carlisle City Council, this updated assessment has focused on capacity to support additional convenience goods floorspace in Carlisle. This reflects the fact that the majority of the net sales area of the store will be devoted to the sale of convenience goods and it is anticipated that within the next 5 years there will be increased growth in comparison goods expenditure to support significant additional floorspace within Carlisle.

Catchment Area

- 3.04 ME have adopted the same catchment previously identified by HOW Planning in completing a household survey for the Sainsbury's store at Caldewgate. Given the extent of this catchment (covering the whole of Carlisle and beyond including Wigton, Aspatria, Annan and Gretna) it is evident that this would be a robust catchment to apply for the proposed store at Morton. Therefore, WYG accepts that the catchment area adopted by ME is reasonable. WYG also accept that the assumption that 90% of the proposed development's turnover will be derived from this catchment is reasonable.



Study Period

- 3.05 For the purposes of this assessment a base year of 2009 has been adopted in order to be consistent with the approach previously adopted by TA and now relied on by ME.
- 3.06 Capacity has been assessed through to 2014 and 2016 to reflect 5 years from when the application is made and the fact that the DTZ study (Carlisle Retail Capacity Forecast Update, 2009) completed for the Council looked at the period 2009 to 2016. The assessment of capacity/need up to 2016 appears to be a reasonable assumption given that Policy EC16 of PPS4 suggests that assessments of impact should focus on the first 5 years after the implementation of the proposal. Therefore, even if the store was built and open by 2012 (which is ambitious) any impact assessment would then be focused on the period through to 2017.

Population

- 3.07 For the purposes of this assessment, ME have adopted the same population within the catchment area as identified by Turley Associates and WYG. The same growth rates have also been applied leading to a population growth of 10,508 people between 2009 and 2016. WYG have previously agreed these growth rates and therefore, accept that the data used is robust.

Expenditure

- 3.08 According to ME, expenditure per capita within the catchment area has again been derived from MapInfo Report data (at 2006 prices) which was originally provided in WYG's analysis of the Sainsbury's application.
- 3.09 In forecasting growth in convenience goods expenditure within the catchment area, ME have used the Pitney Bowes Business Insight Retail Expenditure Guide 2009/2010 which ME suggests gives a short term forecast growth rate of 1.2% per annum for convenience goods. As highlighted in our previous advice to the City Council, the short-term growth rate for convenience goods provided by Pitney Bowes in 2009 was actually 0.5% and not 1.2%.
- 3.10 Furthermore, Pitney Bowes have now released their 2010/2011 Retail Expenditure Guide which gives year on year forecasts from 2008 onwards. These forecasts provide a much more pessimistic picture



than the one adopted by ME and show that growth in convenience goods will struggle to achieve a short term average of 0.5% through to 2012. From 2012 onwards the forecasts are more optimistic. Therefore, for the purposes of this assessment, WYG have applied the actual year on year forecasts provided by Pitney Bowes (Table 3.5 of their 2010/2011 guide) which we believe is a more robust position to adopt. By applying the population to the estimated expenditure per person, our assessment identifies that the defined Study Area generates some £235.66m of convenience goods expenditure in 2009. This is forecast to increase to £251.37m by 2014 and to £259.76m by 2016 (**Table 1, Appendix 1**). Therefore, the total growth identified between 2009 and 2016 is £24.10m compared to ME's assessment of £40.45m which we consider to be far too optimistic.

Special Forms of Trading

- 3.11 The above estimate of available expenditure makes an allowance for special forms of trading (e.g. online shopping, etc.). ME state that in line with the guidance provided by Pitney Bowes a deduction of 2% has been applied to the 2006 expenditure per capita figure. This reflects the approach adopted by WYG in their earlier assessment of the retail evidence for Sainsbury's at Caldewgate.
- 3.12 Since then Pitney Bowes have released further data on SFT which suggests that the reduction for convenience goods should be 1.3% and not 2%. Therefore, for our assessment we have assumed SFT will remain constant at 1.3%.

Inflow of Expenditure

- 3.13 Having assessed the expenditure generated by the existing population within the catchment, ME then suggest that an element of trade will be attracted to stores within the catchment from people living outside the catchment (otherwise known as inflow). Whilst we acknowledge that expenditure will clearly flow into the catchment from outside (including spend by tourists) this is already accounted for by ME when they make judgements about how much turnover generated by each store within the catchment will be derived from the catchment.
- 3.14 For example, ME estimate that the benchmark turnover of all facilities will be £211.96m in 2014. However, they assume that 90% or £190.65m will be drawn from expenditure generated within the catchment. On this basis, ME have already made an allowance of £21.31m for inflow. Despite this, ME then add on an additional £21.4m in Table 9 of their capacity analysis which they suggest is inflow and visitor spend. However, this has already been accounted for by deducting £21.31m from the



turnover of existing facilities. This means that ME have 'double counted' inflow in their modelling which means that expenditure within the model has been overstated by £21.4m.

3.15 WYG set out the implications of this double counting below.

Turnover of Existing Floorspace

3.16 ME has estimated the expected (or benchmark) turnover of existing convenience goods floorspace throughout the defined catchment area on a zone-by-zone basis. This is based on floorspace data from Turley Associates which is then applied to company average sales densities from Verdict 2009 and Mintel Retail Rankings. On this basis, ME identify that existing convenience goods floorspace in the catchment area has a benchmark turnover of £211.96m in 2009, of which £190.65m is expected to be derived from the catchment area.

3.17 Whilst this data would appear to be robust, WYG have updated the sales densities with recently published data from Verdict 2010. We have also applied the sales density for Co-op stores to existing Somerfield stores to reflect the ongoing re-branding. As a result, WYG estimate that existing convenience floorspace in the catchment area has a benchmark turnover of £190.39m in 2009, of which £173.49m is expected to be derived from the catchment area.

3.18 The reduction compared to ME's figures is primarily a result of the reduced sales density figures for some of the leading supermarket operators.

Outstanding Commitments

3.19 In identifying future capacity for additional floorspace within the catchment area it is important to take into account outstanding commitments and planned developments.

3.20 Within the defined catchment area, WYG understands that there are a number of commitments for additional convenience goods floorspace. These comprise:

- The proposed Aldi store, London Road, Carlisle (913 sq m net convenience);
- Sainsbury's, Scotland Road, Carlisle (251 sq m net convenience);
- Tesco, Viaduct Estate Road, Carlisle (1,932 sq m net convenience);
- Tesco, Annan (1,925 sq m net convenience) – which opened in December 2009;



- Tesco, Hopes Auction Mart, Wigton (1,486 sq m net convenience);
- Supermarket, Gretna (2,340 sq m net convenience);
- Sainsbury's, Caldewgate, Carlisle (3,741 sq m net convenience);
- Lidl, Wigton (850 sq net convenience; and
- Sainsbury's Local, Stanwix, Carlisle (196 sqm net).

3.21 It is important to note that the above list excludes the policy commitment at Morton. Based on the above, our analysis (**Table 3, Appendix 1**) identifies that these commitments achieve an expected turnover of £132.81m, of which £107.21m is estimated to be derived from the catchment area. ME estimate that current commitments (excluding Morton) would account for £99.69m drawn from the catchment area.

3.22 The difference between the two figures would appear to be the fact that ME have not included the Lidl store at Wigton which was approved on the 16th of September 2010 and the recently approved Sainsbury's Local at Stanwix. In addition, ME have also made slightly different judgments as to the likely level of inflow to each new store which in our view is not material.

Turnover of the Proposed Development (Convenience Goods)

3.23 The proposed store is identified to comprise a net floorspace of 5,574 sq m, of which 3,344 sq m (or 60%) is intended to be for the sale of convenience goods. Based on applying an average convenience goods sales density for the main superstore operators, the proposed development is identified to have a convenience goods turnover of £40m. Of this turnover, some £36m (or 90%) is expected to be derived from the defined catchment area (**Table 4, Appendix 1**).

Surplus Capacity

3.24 From the analysis above, our assessment (which is based on the broad approach previously used for the Sainsbury's application at Caldewgate) identifies that there is insufficient capacity to support the proposed development together with all outstanding commitments (Table 3.1).



Table 3.1: Convenience Goods Capacity Analysis

	2014	2016
Net available convenience goods expenditure in Catchment (£m)	251.37	259.76
Less sales in existing stores drawn from the Catchment (£m)	173.49	173.49
Potential Expenditure Capacity (£m)	77.88	86.27
Less committed stores' draw from the PCA (£m)	107.21	107.21
Residual Convenience Goods Capacity (£m)	-29.34	-20.95

Notes: At 2006 prices

- 3.25 Table 3.1 demonstrates that there will be a deficit in convenience goods capacity (over and above outstanding commitments) of £29.34m in 2014. This negative capacity is identified before allowing for the proposed development at Morton, which will have a convenience goods turnover drawn from the catchment area in excess of £36m.
- 3.26 Furthermore, even if the new Tesco store at Viaduct Estate Road does not come forward there will remain a deficit in capacity of more than £9m by 2014.

Summary

- 3.27 It is evident that our 'sensitivity testing' of the approach adopted by ME clearly demonstrates that there is insufficient capacity to support the proposed new store at Morton together with outstanding commitments (including the allocation at Morton). This is not a surprise given that our previous assessment of the Sainsbury's store at Caldewgate arrived at similar conclusions.
- 3.28 WYG's analysis contrasts starkly with ME assessment which suggests that without the Morton commitment there would be a surplus of expenditure of £13m at 2014. This represents a £42m difference between the two assessments. However, as highlighted previously over £21m of this difference is arrived at as a result of the 'double counting' of inflow by ME. The remainder is a result of the higher growth rates used by ME which in WYG's view are not sustainable, and the fact that commitments such as the Lidl in Wigton have been approved since the ME retail study was prepared.
- 3.29 Therefore, given the current shortfall in capacity of up to £29m it is evident that when assessing the potential impact of the proposed development all the store's turnover will be derived from existing facilities in the catchment as any future growth in expenditure will only reduce the shortfall rather than provide additional expenditure to support further floorspace for convenience goods.



4.0 THE APPLICATION OF THE SEQUENTIAL APPROACH

4.01 Section 2 of this report explains why WYG believe the proposed development does not have to satisfy the sequential approach.



5.0 RETAIL IMPACT ASSESSMENT

5.01 In Section 2 of our report we examine in detail whether or not the allocated centre in Morton should be classed as an existing centre and whether, the development proposed is 'in-centre'. In reading the title heading for Policy EC16 of PPS4, which provides policy guidance on the need for impact assessments, the word 'existing' is not used. Instead the policy simply states that impact assessments should be prepared for applications for main town centre uses that are not in 'a centre'.

5.02 As WYG believe that the allocated district centre is a centre as set out in the CDLP then it could be argued that a retail impact assessment is not required. However, the proposed development exceeds the scale of development envisaged in the CDLP and therefore the guidance set out in paragraph 14.6 of PPS4 is in WYG's view an important consideration. Paragraph EC14.6 states that:

"An impact assessment dealing with the impacts set out in policy EC16.1 is also required for planning applications in an existing centre which are not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres."

5.03 Therefore, whilst WYG consider the proposed development to be in-centre (and therefore the sequential approach is not applicable) the scale of development proposed is not in accordance within the threshold set out in the CDLP and as a result its impact must be tested.

5.04 Similar to the issues raised on the application of the sequential approach, WYG are not clear as to ME's position in relation to the proposed development and its 'in-centre' status. However, ME have sought to explore the potential impact of the store although, this in our view is wholly inadequate as it only considers a simplistic trade diversion analysis and does not consider the wider issues set out in Policy EC16 of PPS4. Furthermore, there is no analysis of the health of Carlisle or other centres against which ME have made judgements about how the potential trade draw may impact on future vitality and viability.

5.05 In addition, as outlined in our assessment of the need for new convenience goods floorspace in Carlisle there have been a significant number of commitments/planning approvals that have occurred since the CDLP was adopted and since the application documents were prepared (including the Sainsbury's at Caldewgate – subject to the signing of the S106 and the Lidl at Wigton). None of these commitments have been modelled as part of a cumulative assessment. However, WYG accept that in



assessing the impact of these commitments, each development would have considered the commitment at Morton (2,500 sq m) at the time they were assessed.

- 5.06 Therefore, it is important to note that if a store of less than 2,500 sq m net convenience goods floorspace was proposed at Morton it is evident that the development would not have to satisfy the 'impact test' because it would be in accordance with the development plan. As the proposed development seeks planning permission for a foodstore with 3,344 sq m, the difference is just 844 sq m. The turnover generated by this additional 844 sq m would be just over £10m.
- 5.07 Therefore, when we assess the impact of the larger store now proposed at Morton we are in fact considering the impact of the additional £10m that would be generated by the additional floorspace over and above the local plan allocation.
- 5.08 Our conclusions on this matter is as follows:

Policy EC16.1

The impact of the proposal on existing, committed and planned public and private sector investment

- 5.09 In dealing with the impact on planned investment, it is evident that if there was to be any significant impact locally then this would primarily be focused on Carlisle City Centre. As WYG are not aware of any committed or planned investment for significant convenience goods development within Carlisle City Centre then any such impact is unlikely to occur.
- 5.10 In fact the only investment planned to take place 'in-centre' in Carlisle for major convenience goods development is the proposal for a new district centre at Morton which this application would deliver.

The Impact on Vitality and Viability Including Local Consumer Choice/Range and Quality of Offer

- 5.11 In judging the impact of the proposed development on vitality and viability it is important to balance both the health of existing centres against the potential trade draw. WYG believe that there would be no adverse impact upon the vitality and viability of Carlisle City Centre. Carlisle is a major comparison goods destination serving the sub-region and beyond. Its role and function is underpinned by its



comparison goods offer and therefore, any loss of convenience goods trade would not impact on the overall vitality and viability of the centre as a whole.

5.12 Furthermore, we would agree with ME that the proposed foodstore will compete with similar foodstores elsewhere in Carlisle the majority of which are out-of-centre including the recently approved Sainsbury's store at Caldewgate (subject to a S106).

5.13 It is also important to note that the proposed development would result in the implementation of a new District Centre at Morton which would not only achieve a longstanding aspiration of the CDLP but would significantly enhance consumer choice in this part of the City.

Effect on Allocated Sites Outside Town Centres

5.14 WYG believe that this is not applicable.

Impact on Turnover/Trade

5.15 As highlighted previously, the limited capacity within the catchment area would result in significant trade being drawn from existing stores within and beyond the catchment. However, it is only those stores which contribute to the vitality and viability of existing centres (by virtue of being in or on the edge of centres) that are afforded protection in retail planning policy terms. Therefore, although there will be significant impacts falling on the existing Asda, Morrison's and Tesco stores, as these stores are all out of centre any loss of trade should be dismissed as commercial competition.

5.16 Although, trade will be drawn from existing convenience goods stores within Carlisle City Centre it is unlikely that any impact caused by the development would mean that these facilities would close. Therefore, we believe that there is no clear evidence to suggest that the impact on trade/turnover of established centres would be classed as 'significant adverse'.

Appropriateness of Scale

5.17 In arriving at a threshold for the proposed foodstore at Morton, Proposal EC22 suggests that this threshold was informed by the potential capacity for additional convenience goods floorspace in Carlisle at that time. However, the threshold and the subsequent policy were developed under a different national retail policy regime whereby greater emphasis was placed on quantitative need



rather than qualitative need. However, although there is still a requirement to assess quantitative need as part of the plan making process it is evident that PPS4 now places equal weight on qualitative need and consumer choice.

- 5.18 In paragraph 2.14 of their report, ME demonstrate that the proposed development is similar in scale to existing superstore provision throughout Carlisle. In fact the gross floorspace of the existing Asda and recently approved Sainsbury's are slightly larger albeit with a slightly smaller net sales area.
- 5.19 Furthermore, the definition of a district centre in PPS4 accepts that such centres will usually comprise groups of shops often containing at least one supermarket or superstore. As a superstore is defined as having a net floorspace greater than 2,500 sq m it is evident that the store proposed at Morton is appropriate within a district centre.
- 5.20 Therefore, although the size of store now proposed is greater than that envisaged in the CDLP, it is evident that the impact arising from this increase size of store would not substantially increase the attractiveness of the centre to the extent that it would have an adverse impact on other established centres elsewhere. Furthermore, WYG would agree with ME that the scale of store proposed is necessary to ensure that the district centre can compete effectively with other out of centre facilities within Carlisle therefore, further underpinning its future vitality and viability.

Locally Important Impacts

- 5.21 WYG believe there are no locally important issues within the development plan (apart from the floorspace threshold which we have already dealt with) against which to test impact.



6.0 SUMMARY AND CONCLUSIONS

National Policy

- 6.01 The starting point in assessing the proposed development at Morton is that the application site is allocated within an up-to-date development plan for a new District Centre including a foodstore. On that basis alone the applicant would not be required (under the guidance set out in PPS4) to satisfy the sequential approach nor assess the development's potential impact. However, Proposal EC22 which allocates the application site for a foodstore does set a floorspace limit or threshold of 2,500 sq m.
- 6.02 Although there is a lack of clarity in the CDLP as to what this threshold relates to, it is evident that the size of store proposed would exceed the threshold regardless of how it was interpreted. As a result of the size of the store now applied for, it is evident that the development (whilst still within the defined district centre) is not in accordance with the development plan. Therefore, in accordance with PPS4 (paragraph 14.6) an impact assessment would be required for the proposed development. Put simply whilst the development is 'in-centre' the scale of the development proposed could have an adverse impact which has not been previously tested by the development plan and therefore, this must be addressed.
- 6.03 However, the rationale set out above assumes that the allocation for a district centre has created a centre to the point that any development within the allocation is treated as in-centre.
- 6.04 The fact that Proposal EC22 of the adopted CDLP allocates land for a new district centre at Morton, thereby creating a new centre, then common sense would dictate that any site within this allocation must logically be classed as an in-centre opportunity or a town centre site. If this is not the case, why would PPS4 recommend that local planning authorities go to all the trouble of identifying the need for new centres as part of the development plan process, and for the local planning authority to provide an allocation/policy confirming that new centre, only for the centre to be treated like any other out of centre site until the development is actually constructed or open for trading.
- 6.05 However, the suggestion that the development, which is proposed within a defined district centre, should be treated like any other out of centre development because it is not in a centre that exists nor is it in accordance within the development plan (because it exceeds a floorspace threshold) would, in



WYG's view, appear to be a misinterpretation of the spirit of national policy and the key objectives of PPS4.

- 6.06 WYG's view is further reinforced by the fact that PPS6 (2005) made it quite clear that the sequential approach to site selection should only be applied to development proposals that were not in an existing centre nor allocated in an up-to-date development plan document. We do not believe that the guidance set out in PPS4 has radically changed this approach whereby all allocations should now be regarded as out of centre until the centre can be defined as existing by virtue of physical development.
- 6.07 As a result, WYG believe that the proposed development should be treated as an 'in-centre'.

Retail Capacity Modelling

- 6.08 Although PPS4 confirms that any application for new retail development does not have to satisfy the test of 'need', it is evident that need is still an important consideration when examining the potential impact. As a result, ME have sought to update the analysis undertaken by both Turley Associates (acting on behalf of Sainsbury's) and WYG (acting on behalf of the Council) in relation to the recently approved Sainsbury's store at Caldewgate. This, in our view, is a sensible approach given that much of this data had already been tested and is still relevant to the proposed development at Morton.
- 6.09 It is evident that our 'sensitivity testing' of the approach adopted by ME clearly demonstrates that there is insufficient capacity to support the proposed new store at Morton together with outstanding commitments (including the allocation at Morton). This is not a surprise given that our previous assessment of the Sainsbury's store at Caldewgate arrived at similar conclusions.
- 6.10 WYG's analysis contrasts starkly with ME assessment which suggests that without the Morton commitment there would be a surplus of expenditure of £13m at 2014. This represents a £42m difference between the two assessments. However, as highlighted previously over £21m of this difference is arrived at as a result of the 'double counting' of inflow by ME. The remainder is a result of the higher growth rates used which in WYG's view are not sustainable, and the fact that commitments such as the Lidl in Wigton have been approved since the ME retail study was prepared.
- 6.11 Therefore, given the current shortfall in capacity of up to £29m it is evident that when assessing the potential impact of the proposed development all the stores turnover will be derived from existing



facilities in the catchment as any future growth in expenditure will only reduce the shortfall rather than provide additional expenditure to support further floorspace for convenience goods.

The Sequential Approach

- 6.12 On the basis that the proposed development should be treated as 'in-centre' we do not believe that it is necessary for the applicant to satisfy the sequential approach.

Potential Impact

- 6.13 In assessing the impact of the larger store, it is evident that whilst there is no surplus capacity available for additional convenience goods floorspace in the defined catchment, the majority of the impact of the proposed development will fall on stores that are in out of centre locations and are therefore, afforded no protection under retail planning policy.
- 6.14 Whilst we anticipate that there will be some trade diverted from existing convenience goods stores within Carlisle City Centre it is WYG's view that any such impact is unlikely to prove 'significant' given Carlisle's sub-regional role as a comparison goods destination.
- 6.15 Furthermore, the proposed development at Morton would result in the implementation of a long-standing aspiration to provide a new district centre to serve the existing and future residents at Morton and would help underpin its future vitality and viability. Although the scale of development is greater than that envisaged by the CDLP, the scale is appropriate to the role and function of a district centre within Carlisle and would result in a store that is similar in scale to existing out of centre foodstores which currently serve the local community in Carlisle.
- 6.16 In summary, WYG do not believe that there is any clear evidence that demonstrates that the proposed development would have a significant impact on established centres within the defined catchment. In fact, the proposed development would secure the delivery of a new district centre in Carlisle which has been based on sound town planning principles and has been tested through the development plan process. Therefore, although the scale of development proposed exceeds the threshold set out in the adopted CDLP, WYG do not believe that this would substantially increase the attractiveness of the centre to the extent that it would have a significant adverse impact.



6.17 In conclusion, WYG believe that there are no robust grounds to refuse the proposed development based on retail planning policy. Therefore, if the Council are minded to grant planning permission for the proposed development then it is imperative that certain conditions are put in place to control the net floorspace of the foodstore and its convenience and comparison goods floorspace split. Furthermore, additional conditions will also have to be put in place to control the use of the A3 and A5 floorspace which could revert to A1 retail floorspace as a permitted change of use.



Appendix 1 – Retail Assessment

PROPOSED FOOD SUPERSTORE, MORTON, CARLISLE
RETAIL ASSESSMENT

TABLE 1: ESTIMATED POPULATION AND CONVENIENCE GOODS EXPENDITURE

Zone	1	2	3	4	5	6	7	8	9	10	TOTAL
	2009										
Population	23,550	9,936	8,750	8,249	11,396	13,954	13,061	32,006	18,523	16,313	155,738
Expenditure per head (£)	1,483	1,431	1,483	1,495	1,451	1,473	1,508	1,576	1,495	1,612	-
Total Expenditure (£m)	34.94	14.22	12.97	12.33	16.53	20.55	19.69	50.43	27.69	26.30	235.66
	2014										
Population	25,433	9,766	9,122	8,728	11,511	14,288	14,368	34,299	19,810	16,623	163,948
Expenditure per head (£)	1,503	1,450	1,502	1,515	1,469	1,492	1,527	1,596	1,515	1,633	-
Total Expenditure (£m)	38.22	14.16	13.70	13.22	16.91	21.32	21.94	54.74	30.00	27.15	251.37
	2016										
Population	25,790	9,903	9,250	8,850	11,672	14,488	14,569	34,780	20,088	16,856	166,246
Expenditure per head (£)	1,531	1,477	1,530	1,543	1,497	1,520	1,556	1,626	1,543	1,665	-
Total Expenditure (£m)	39.50	14.63	14.16	13.66	17.48	22.03	22.68	56.57	31.01	28.06	259.76

Notes:

- a. Population derived from Turley Associates (Retail Assessment Review, December 2009) provided for the Sainsbury's application at Caldeygate
- b. Expenditure per capita in 2006 derived from Turley Associates (Retail Assessment Review, December 2009)
- c. Total expenditure = Population x expenditure per head
- d. SFT discounted at 1.3%

AT 2006 PRICES

WARRINGTON DISTRICT CENTRE				
Farmfoods, Lowther Street	180	5,130	0.92	100%
Iceland	414	5,585	2.31	95%
M&S, Lowther Street	930	9,010	8.38	100%
Tesco, Victoria Viaduct	1,401	11,188	15.67	100%
Other Convenience	1,921	4,500	8.64	100%
CENTRAL AVENUE DISTRICT CENTRE				
Co-op, Central Avenue	137	6,314	0.87	100%
Other Central Avenue	130	3,500	0.46	100%
OTHER DISTRICT CENTRES				
Victoria Road District Centre	147	3,500	0.51	100%
Petterill Bank District Centre	289	3,500	1.01	100%
OUT OF CENTRE ZONE 1				
Tesco, Warwick Road	2,636	11,188	29.49	91%
Netto, St Nicholas, Carlisle	538	6,774	3.64	100%
Co-op, Cumwhitton Road, Harraby	123	6,314	0.78	100%
Total Zone 1	8,846	-	72.69	-
DISTRICT CENTRES				
Ridley Road District Centre	27	3,500	0.09	100%
Salisbury Road District Centre	169	3,500	0.59	100%
ELSEWHERE IN ZONE 2				
Co-op, Blackwell Road, Carlisle	247	6,314	1.56	100%
Total Zone 2	443	-	2.25	-
DISTRICT CENTRES				
Co-op, Stonegarth District Centre	137	6,314	0.87	100%
Other Stonegarth District Centre	329	3,500	1.15	100%
Newlaithes District Centre	160	3,500	0.56	100%
Total Zone 3	626	-	2.58	-
DENTON STREET DISTRICT CENTRE				
Co-op, Denton Street	112	6,314	0.71	100%
Spar, Denton Street	77	6,672	0.51	100%
Other Denton Street District Centre	594	3,500	2.08	100%
OUT OF CENTRE ZONE 4				
Lidl, Charlotte Street, Carlisle	1,003	2,916	2.92	98%
Total Zone 4	1,786	-	6.22	-
DISTRICT CENTRES				
Holmrook Road District Centre	50	3,500	0.18	100%
Shady Grove District Centre	82	3,500	0.29	100%
Priory Road District Centre	162	3,500	0.57	100%
Wigton Road/Orton Road District Centre	65	3,500	0.23	100%
OUT OF CENTRE ZONE 5				
Somerfield, Wigton Road, Carlisle*	950	6,314	6.00	100%
Total Zone 5	1,309	-	7.25	-
DISTRICT CENTRES				
Stanwix Bank North District Centre	50	3,500	0.18	100%
Stanwix Bank South District Centre	12	3,500	0.04	100%
OUT OF CENTRE ZONE 6				
Aldi, Kingstown Road, Carlisle	528	3,847	2.03	95%
Asda, Chandler Way, Carlisle	3,005	10,922	32.82	80%
Morrisons, Kingstown Road, Carlisle	3,226	11,262	36.33	91%
Spar, Thornton Road, Carlisle	162	6,672	1.08	95%

ASPATRIA				
Co-op, King Street, Aspatria	199	6,314	1.26	90%
Spar	160	6,672	1.07	100%
Other Convenience	182	3,500	0.64	100%
SILLOTH				
Co-op, Caldew Street, Silloth	215	6,314	1.36	90%
Other Convenience	286	3,500	1.00	100%
DALSTON				
8 till 8, The Square, Dalston	170	6,453	1.10	100%
Total Zone 8	2,924	-	14.95	-
LONGTOWN				
Spar, Netherby Street	170	6,672	1.13	95%
Other Convenience	50	3,500	0.18	100%
BRAMPTON				
Co-op, Front Street	170	6,314	1.07	90%
Spar, High Cross Street	50	6,672	0.33	100%
Total Zone 9	440	-	2.72	-
ANNAN				
Somerfield*	800	6,314	5.05	55%
Other Convenience	500	3,500	1.75	65%
GRETNA				
Other Convenience	500	3,500	1.75	70%
Total Zone 10	1,800	-	8.55	-
TOTAL FROM CATCHMENT AREA		25,357	190.39	

ice convenience derived from DTZ (letter dated 6 January 2010)

sales density derived from Mintel Retail Rankings (2009), Verdict Grocery Retailers (2010) and WYG judgement

on of turnover derived from catchment area derived from DTZ (letter dated 6 January 2010)

es Somerfield stores will be re-branded to Co-op

PRICES

PROPOSED FOOD SUPERSTORE, MORTON, CARLISLE
RETAIL ASSESSMENT

TABLE 3: OUTSTANDING COMMITMENTS WITHIN CATCHMENT AREA

Store	Net Floorspace	Convenience Goods Allocation	Net Convenience Goods Floorspace (sq m)	Turnover per sq m (£)	Turnover (£m)	% Turnover from PCA	Total Turnover from PCA (£m)
London Road (proposed Aldi)	1,286	71%	913	3,847	3.51	90%	3.16
Sainsbury's, Scotland Road	279	90%	251	9,303	2.34	95%	2.22
Tesco, Viaduct Estate Road, Carlisle	2,415	80%	1,932	11,188	21.62	90%	19.45
Tesco, Annan	2,750	70%	1,925	11,188	21.54	60%	12.92
Tesco, Wigton	2,568	-	1,486	11,188	16.63	95%	15.79
Lidl, Wigton	1,063	80%	850	2,916	2.48	95%	2.36
Supermarket, Gretha	2,925	-	2,340	12,000	28.08	65%	18.25
Sainsbury's Caldewgate	5,514	68%	3,741	9,303	34.80	90%	31.32
Sainsbury's, Stanwix	217	90%	196	9,303	1.82	95%	1.73
TOTAL					132,181		107,421

Notes:

- Net Floorspace from DTZ/Turley Associates or planning application for Sainsbury's Caldewgate
- Convenience goods allocation derived from DTZ or planning applications
- Sales density derived from Verdict Grocery Retailers (2010) or Mintel Retail Rankings (2009) where known
- Proportion of turnover derived from catchment area based on assessment undertaken by DTZ or WYG judgement

AT 2006 PRICES

TABLE 4: TURNOVER OF PROPOSED MORTON STORE

Store	Net Floorspace	Convenience Goods Allocation	Net Convenience Goods Floorspace (sq m)	Turnover per sq m (£)	Turnover (£m)	% Turnover from PCA	Total Turnover from PCA (£m)
Proposed Store	5,574	60%	3,344	12,000	40.13	90%	36.12

Notes:

- Net floorspace and convenience goods allocation based on the retail evidence submitted in support of the application
- Sales density arrived at based on an average of the top 4 supermarket operators
- Proportion of turnover derived from catchment area based on applicant's estimate

AT 2006 PRICES

**PROPOSED FOOD SUPERSTORE, MORTON, CARLISLE
RETAIL ASSESSMENT**

TABLE 5: CONVENIENCE GOODS CAPACITY ANALYSIS AT 2009

	2014	2016
Available Convenience Goods Expenditure in PCA	251.37	259.76
Less sales in existing stores drawn from the PCA	173.49	173.49
Potential Expenditure Capacity	77.88	86.27
Less committed stores' draw from the PCA	107.21	107.21
Residual Convenience Goods Capacity	-29.34	-20.95

Notes:

- a. Assumes that all commitments (as outlined at Table 3) come forward including Tesco at Viaduct Estate Road
- b. Excludes Morton allocation

AT 2006 PRICES

SCHEDULE A: Applications with Recommendation

10/0164

Item No: 06

Date of Committee: 17/12/2010

Appn Ref No:
10/0164

Applicant:
Top Notch Contractors Ltd

Parish:
Carlisle

Date of Receipt:
19/02/2010 16:01:32

Agent:
Hyde Harrington

Ward:
Denton Holme

Location:
102 & 104 Denton Street, Carlisle

Grid Reference:
339742 555044

Proposal: Redevelopment Of Former Prince Of Wales Public House & Conversion Of 102 Denton Street To Create 16no. Apartments & 1no. Commercial Unit With Associated Parking & Servicing

Amendment:

1. The applicant has submitted the following amended plans: 10034 -02C (proposed elevations); 70834/15/D (proposed ground and first floor layouts) and 70834/16D (proposed second and third floor layouts).
2. Drawing numbers 70384/15E and /16E received 12th October 2010 showing the lowering of the finished floor level of commercial unit to 16.30m AOD (pavement level), and removal of the internal ramps within the communal corridors.

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination as (1) it is a revision to the original proposal (10/164) for which authority to issue was granted by Committee on 20 August 2010 and (2) in considering the revised proposals on 12 November, the Committee raised the issue of possible contributions to open space provision.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Flood Risk Zone

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

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

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC7 - Neighbourhood Facilities

Local Plan Pol EC8 - Shopfronts

Local Plan Pol EC10 - Food and Drink

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H4 - Res.Dev.on Prev.Dev.Land&Phasing of Dev.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LC8 - Rights of Way

Local Plan Pol LC4 - Children's Play and Recreation Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to this application as shown on drawing no 10034-07A submitted with this application, subject to the imposition of four conditions in any consent you may grant.

The applicant's introduction of a presumably residents parking spaces on

Northumberland Road has been noted. Although there are no objections to this being proposed the Highway Authority wish to point out that none of the costs involved in this order can fall to the public coffers.

It is recommended that the applicant enters into a Section 106 agreement to fund the promotion and possible implementation of this traffic regulation order, which would be controlled Parking Zone D, which restricts parking for 2 hours from 8am to 8pm with Residents Exemption Permits.

It should also be noted that this is to meet the visitors parking requirement of this development as the residents element are being provided for within curtilage (off road). Residents Exemption Permits will therefore not be issued to owners/occupiers of the new development.

Environment Agency (N Area (+ Waste Disp)):

In the Agency's response to the original application, it requested that a condition be included that stated:

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 3rd March, referenced GAN 2/86, compiled by Geoff Noonan and the following mitigation measures detailed within the FRA:

- 1. Flood-proofing measures detailed in point 2 page 1 shall be implemented in the proposed development.*
- 2. Finished floor levels are set no lower than 16.75m above Ordnance Datum (AOD).*

Reason

- 1. To reduce the impact of flooding on the proposed development and future occupants.*
- 2. To reduce the risk of flooding to the proposed development and future occupants.*

When considering the revised details, the Agency has confirmed that it has no objection to the proposed amended changes to the commercial unit, namely the lowering of the finished floor level to 16.30m AOD and removal of internal ramps.

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

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

The proposed site is located within a flood risk area and as such the applicant has consulted with the Environment Agency for advice and produced a flood risk assessment.

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: the response to the original application was as follows:

'no objection to the proposal provided that the following conditions are met: -

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.
- A public sewer is on the perimeter of this site and we will not permit building over it. We will require an access strip width of 8 metres, 4 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption".
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.'

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): no observations.

Access Officer: no objections.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance can be sought from BS8300:2009. Applicants should be aware of their duties within the DDA.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): I wish to make the following observations regarding this application, which I have considered from a crime prevention perspective.

The submitted Design and Access Statement makes extensive reference to proposed security measures, following pre-application consultation with the Constabulary earlier this year. Consequently, I am satisfied that this application complies with Policy CP17 of the Local Plan and reflects advice in the SPDs

'Achieving Well Designed Housing' and 'Designing Out Crime'.

I am in agreement with the proposal to restrict access into the rear car parking area with locking gates. However, I am mindful of the right of access for Morley Street residents - previously provided by the rear lane. I note that this access shall be maintained by provision of a digital keypad (linked to the Building Manager's accommodation, who shall be able to casually supervise correct use). The presence of a Building Manager shall significantly enhance the overall security of this development, by providing supervision of the site and being able to respond to issues arising.

The applicant has made clear the intention to provide security standard doors (exterior and apartment) and ground floor windows, fitted with laminated glazing. Consequently, this development could achieve accreditation under the Secured by Design initiative, thereby enhancing the development's market appeal. In the event of this application being approved, I shall be pleased to discuss this option with the applicant/agent.

Northern Gas Networks: advise that they have no objections but advise that there may be apparatus in the area that may be at risk during construction works and should the application be approved, NGN require the promoter of the works to contact them to discuss their requirements in detail . NGN also advise:

1. should diversionary works be necessary they will be fully rechargeable
2. the extract from the mains record of the area covered by the proposals shows only mains owned by NGN in its role as a Licensed Gas Transporter
3. privately owned networks and gas mains owned by other GT`s may also be present in this area and information with regard to such pipes should be obtained from the owners
4. service pipes, valves, siphons, stub connections,etc are not shown but their presence should be anticipate.

Urban Designer (Carlisle Renaissance) formerly in Dev Services - Plng & Hsg:

With regard to the original application the Urban Designer advised as follows:

1. Although constrained by the building height and massing established as a result of the extant permission, I feel that the applicants have improved the proposal largely in line with our recommendations.
2. It is unfortunate that the opportunity has not been taken to introduce active frontage along Northumberland Street via the provision of doors, as this will lead to a relatively dead elevation at ground floor level and reduce the animation of the street.
3. The overall building treatment is however significantly better than that originally tabled. I would however invite the applicant to alter the positioning of the windows to the Denton Street first and second floor elevation – the facade would be better if the

proportion of central masonry was reduced by pulling each set of windows inwards slightly. Subject to this, I would support a recommendation for approval for this proposal.

4. You may also wish to consider changing the surface material within the access to the new parking area which is specified as tarmac on the drawings supplied. Northumberland Street, typically in Denton Holme has a carriageway of basalt setts. In my view the crossover portion should be surfaced in setts – this will both tie in with the aspirations of the Denton Holme Design SPD and provide a surface which should encourage lower speeds than the smooth finish currently proposed.

Housing Strategy:

In responding to the original application Housing Strategy:

1. advised that the 'headline findings' of the District Housing Survey 2006 indicated the following:

- Significant levels of housing need in the wider housing market area of Carlisle Urban.
- The results of the survey show that, in addition to the affordable units already committed, 72 affordable housing units are required annually.
- The survey shows that there is a high demand for general needs accommodation - especially larger 3+ bed properties and

2. requested that 5 properties (30% of the development) be made available for affordable housing. However they noted the likelihood of not being able to enforce Policy H5 of the Local District Plan due to Planning Permission being granted before Policy H5 was written, the increased site costs and the fact that it is a renewal of planning permission.

Food Hygiene (former Community - Environmental Services - Food, Health & Safety):

1. If the application is successful then the applicant should contact this division in order to be advised with regard to legislative compliance for food safety and occupational safety for the ground floor unit;
2. It must be ensured that steps are taken to prevent the transmission of excessive noise from the ground floor commercial unit to the residential units;
3. If the ground floor commercial unit is used for catering purposes then it will need to be provided with a grease trap to the drainage and suitable and sufficient ventilation. It must be ensured that any such ventilation system does not cause any nuisance with regard to noise or odour; and
4. It may be pertinent to consider restricting the hours of operation of the

commercial premises so as to reduce the risk of disturbance to occupiers of residential properties.

Landscape Architect/Tree Officer: with regard to the trees located to the rear of the proposed car park, the large plum, as nice as the fruit are, has been badly pruned in the past, and along with the laurel and other shrubs of little importance. It would be a good idea if there was some landscaping which included replacement fruit trees to mitigate the loss of the plum.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
102 Denton Street	25/02/10	Undelivered
22 Morley Street	25/02/10	
24 Morley Street	25/02/10	
26 Morley Street	25/02/10	
28 Morley Street	25/02/10	
30 Morley Street	25/02/10	
32 Morley Street	25/02/10	
34 Morley Street	25/02/10	
149 Denton Street	25/02/10	Objection
104 Denton Street	25/02/10	Undelivered
Rex Bingo Club	25/02/10	
139 Denton Street	25/02/10	
141 Denton Street	25/02/10	
143 Denton Street	25/02/10	
1 Northumberland Street	25/02/10	Undelivered
3 Northumberland Street	25/02/10	Undelivered
5 Northumberland Street	25/02/10	
7 Northumberland Street	25/02/10	Undelivered
9 Northumberland Street	25/02/10	
11 Northumberland Street	25/02/10	
13 Northumberland Street	25/02/10	Undelivered
15 Northumberland Street	25/02/10	Undelivered
17 Northumberland Street	25/02/10	Undelivered
16 Morley Street	25/02/10	
18 Morley Street	25/02/10	
20 Morley Street	25/02/10	

- 3.1 Publicity was given to the original proposed development by press and site notice and by direct notification of adjacent occupiers. One letter of objection was received pointing out the existence of the Dentonholme and Longsowerby Design Statement which states that 'residential character will be maintained'. The writer does not object to the building but takes exception to the balconies on the front elevation which are not in keeping with the area.
- 3.2 The revised proposals submitted on 22 July were renotified to neighbouring occupiers in response to which no representations were received.

4. Planning History

- 4.1 While there have been previous approvals of planning permission and advertisement consent relating to the former public house, the only previous planning application for redevelopment of the site was 04/1196. Approval was granted in 2005 for the (1) demolition of the Prince of Wales public house, (2) construction of 18 apartments and 2 No commercial units with secure parking. (3) change of use of dwelling to form a commercial unit at ground floor and apartment at first floor and (4) provision of parking and servicing lay-by to Denton Street frontage.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members may recollect that during their Meeting on the 20th August 2010 authority was given to issue approval subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement.
- 5.2 The applicant's agent has subsequently submitted revised plans (drawing numbers 70384/15/E and 70384/16/E) that detail two amendments, namely: 1) the lowering of the finished floor level of the commercial unit to 16.30m AOD i.e. the same level as the external pavement level; and 2) the removal of the internal ramps within the communal corridors which provide access to the residential units (The original proposal for different floor levels between the front and rear of the building has been amended). The agent has also gone on to explain that there is no intended changes to the external appearance of the development or site layout as part of the proposed revisions; and under PPS25 "Development and Flood Risk" buildings used for shops, offices; financial/professional services, restaurants/cafes, and hot food takeaways are identified as being less vulnerable and thus appropriate in Flood Zones 1, 2 and 3a.
- 5.3 It is understood that the proposed revisions to the commercial unit are to enable a greater depth to be provided between the ceiling height of the commercial unit and floor level of the residential units above, and reduce the length of ramp to minimise loss of floorspace.
- 5.4 The proposed revisions were reported to Members during the Committee Meeting on the 12th November 2010 when consideration was deferred In order to explore the possibility of the developer providing a contribution towards improving existing recreational facilities in the area. To help remind Members about the scheme what follows is background information on the proposal, and a repeat discussion of what were considered to be the main issues in the context of the proposed revisions compared to the agreed scheme. It is concluded that, in the context of Policy LC4 stipulating a threshold of 40 or more dwellings, it would be unreasonable to insist that the developer makes a contribution towards play/recreational space provision.

Background

- 5.5 This is an application for Full Planning Permission for the redevelopment of the site of the former Prince of Wales Public House, and the conversion of number 102 Denton Street, to form 16no. apartments and 1no. commercial unit with secure car parking to the rear of the development and the provision of parking and servicing lay-by's to the Denton Street frontage. The 'L-shaped' site, which includes the lane to the rear of numbers 16-34 Morley Street, is located on the corner of Denton Street and Northumberland Street within an area of mixed commercial and residential use.
- 5.6 Planning permission (04/1196) was granted in 2005 for (1) redevelopment of the site and conversion of number 102 Denton Street to flats to provide a total of 18no. apartments on three floors and 2no. commercial units with secure parking and (2) the provision of parking and servicing lay-by to Denton Street frontage. Subsequent to the granting of this permission the public house was demolished following a fire. The site is now cleared and enclosed by security fencing.
- 5.7 The current application was submitted to address issues related (1) to 'Flood Risk' which have arisen in the period since 2005 and (2) the 'buildability' of the development which needed to be improved to accommodate the increased floor thickness required between each of the intermediate floors of the building and which stemmed from advice from a Structural Engineer.
- 5.8 The originally submitted details were based on the design approved in 2005, and was for 17no. apartments and 1no. commercial unit. The application was considered to be inappropriate in the light of (1) the subsequent reinforcement of the importance of design in PPS1, the Carlisle District Local Plan and Supplementary Planning Document 'Dentonholme and Longsowerby Design Statement' approved by the Council in January 2007 and (2) comments made by the Urban Design Officer and the Architectural Liaison Officer. An amended design with revised internal layout was submitted on 22nd July which comprised a total of 16no. apartments and one commercial unit. Of the 16no. apartments, the 14no. apartments in the new building consist of 9 two bedroom flats on the ground and first floors, 2 two bedroom flats and 3 three bedroom maisonettes on the second floor/third floor roof space). A lift is to be provided. Number 62 Denton Street is proposed to be converted to a single bedroom ground floor flat and a two bedroom upper flat.
- 5.9 The ridge height of the proposed building is 11.8 metres (1.8 metres above the ridge height of adjacent properties in Denton Street). However, to give a corner emphasis, and provide realistic living space on the third floor, the front corner of the property (between Denton Street and Northumberland Street) has been 'book ended' which involves raising the roof line a further 1.3 metres to 13.1 metres. The eaves to the front of the proposed development (overlooking Denton Street) has been dropped down to existing eaves level to give continuity with current street elevations. Additionally the eaves at the front corner drop down again to give continuity within the new street elevations along Northumberland Street.

- 5.10 Projecting wall bays are provided towards the rear of the Northumberland Street frontage in order to provide vertical emphasis along this elevation. Additional gables have been introduced to increase the vertical emphasis of the building. The proportions of the windows have been altered to reflect the local precedence and now incorporate decorative 'artstone' surrounds, again to reflect the local vernacular. The number of balcony structures along Northumberland Street have been reduced and removed from ground and first floors of the Denton Street elevation. The material used for their construction will be galvanised steel. All external meter cabinets have been removed from the scheme, as an all electric form of heating and hot water provision is now being provided to the apartments. Red/brown facing brick to match the existing adjoining terraced buildings is being used in the external wall construction, with blue/black natural slate being used for the pitched roof coverings. The western gable is hipped. The external walls no longer incorporate render to break up the elevations, but rather decorative horizontal 'artstone' bands instead.
- 5.11 The commercial unit will have a glazed shop front with timber frames and it is proposed that the apartments will have timber or upvc double glazed windows in painted finish.
- 5.12 A refuse storage/recycling facility 17.5 metres by 3.8 metres, encased by a 1.8 metre high brick wall, is proposed adjacent to the rear entrance to the development.
- 5.13 Secure car parking is to be provided to the rear with access from Northumberland Street. A total of 17 parking spaces (including two disabled spaces) is proposed. While the access road is proposed to be tarmac, the surface of the bays will be concrete paviours. The entry to the parking area will be via galvanised steel, double swing, electronically operated gates. The applicant is also to provide a total of 11 spaces, partially set into the footpath, on the Denton Street frontage.
- 5.14 Planting beds are shown adjacent to the rear access to the building, to provide a buffer between parking spaces and the windows of Flat 4 on the ground floor and also within the projecting gables of the Northumberland Street frontage. Reinstated cobbles, removed from the rear lane, are to be re-used in raised strips adjacent to the access road and between the projecting gables on Northumberland Street.
- 5.15 The submitted Design and Access Statement makes the following salient points:
1. although the development has been reduced from 18no. residential units with 2no. commercial units to 17no. residential units and 1no. commercial unit, the same number of off-street parking spaces remain;
 2. a one bedroom flat replaces the second commercial unit;
 3. the number of 2 bedroom units has been reduced by five to 13 while the three bedroom maisonettes have been created in the rear section of the

building at second and third floor levels to replace the five two bedroom units;

4. the finished floor level (FFL) with the residential units at ground floor level was increased by 300mm to 16.75 metres AOD. This increase in height provides greater 'freeboard' in the event of a flood and is closer to the current recommended requirements of the Environment Agency.
5. The depth of intermediate floor construction has been increased from 300mm to 600mm between the ground floor commercial unit and first floor residential unit and 450mm elsewhere;
6. with regard to disabled access:
 - a) all approaches to the entrances are via hard surfaces;
 - b) the car park is generally level and pedestrian access ramps to, and within, the residential units and commercial unit comply with BS 8300:2001;
 - c) communal doors and frames will be of a colour to contrast with surrounding wall surfaces;
 - d) wall finishes in communal areas will provide a visual differentiation from floors;
 - e) tactile signage, incorporating colour contrasting symbols and numbers, will be provided within communal areas to identify floor number, flat number and location of the main stairs and lift.
7. with regard to Secured by Design issues:
 - a) 'Building Manager' accommodation is to be provided within the ground floor unit of 102 Denton Street;
 - b) the vehicular entry gates will be operated by a combination of the following controls
 - key fob remote controls (to allow residents to enter)
 - illuminated, vandal resistant, brushed stainless steel faced intercom (linked with 'Building Managers' accommodation) and digital key pad(s) mounted on the external wall of the building (to allow visitors and Morley Street residents to enter)
 - underground sensors within the car park to sense approaching vehicles (to allow vehicles to exit)
 - brushed stainless steel faced, manually operated, illuminated push pad(s) mounted on the gate post or the external wall of the building (to allow pedestrians to exit);
 - c) a security alarm is to be provided within the commercial unit;
 - d) all external lighting to comply with BS 5489 - 1:2003;
 - e) audio/visual intercoms to be fitted to both main entrance doors;
 - f) specifications are given for all doors and windows;
 - g) individual front loading/front retrieval mail boxes to be provided for each residence are within the front entrance lobby.
9. The applicant intends to install an array of photo-voltaic panels on the flat section of the main roof. These will be inclined at an angle

approximating 10 degrees from the horizontal, so will rise 200mm (approx) above the level of the flat roof. These panels will not be seen from street level.

5.16 A Flood Risk Assessment (FRA) was submitted with the application, but was subsequently updated (received 10 March 2010) to specify a lowest finished floor level of 16.75m AOD. The FRA further advises as follows:

1. whilst the FFL, with the new flood defences in place, will give alleviation against a forecast 1 in 200 year flood, in the very unlikely event of the flood defences breaching or a flood gate becoming damaged or left open, it is possible that flood damage could occur. The Environment Agency (EA) strongly recommend that approved removable flood gates/stop logs be available to fit across doorways to given an additional 400mm of protection;
2. occupants of the properties will automatically be warned by a telephone message from the EA in the event of an exception flood being forecast. Occupants should not opt-out of the Warning Scheme;
3. that an action plan be prepared for occupants of the properties to follow should an exceptional flood be forecast.

5.17 As it is necessary to establish the justification for a development within Flood Zone 2/3, the FRA also claims that the Exception Test, prescribed by PPS25, has been satisfied by the applicants demonstrating that:

1. the development provides wider sustainability benefit to the community that outweigh flood risk;
2. the development is on developable and previously-developed land; and
3. the development will be safe without increasing flood risk elsewhere.

Assessment

5.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes and Planning Policy Statements, and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008) and extended policies of the Joint Cumbria and Lake District Structure Plan (2006).

5.19 In consideration of this application Policies DP1, CP3, CP5, CP6, CP7, CP9, CP12, CP15, CP16, CP17, 17, EC7, EC8, EC10, H2, H4, H5, LE27, T1 and LC8 of the Carlisle District Local Plan are relevant. Policy DP1 seeks to ensure that priority for residential development is given to the re-use of previously developed land, with particular emphasis on vacant and derelict sites or buildings in sustainable locations. The relevant aspects of the other

policies seek to ensure that:

1. all allocated and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu;
2. proposals for shops within or adjacent to district centres meet the criteria specified in Policies EC7, EC8 and EC10;
3. development on previously developed land which is at risk of flooding is only permitted where a Flood Risk Assessment has been submitted which satisfactorily addresses flood related issues including the disposal of surface water generated by the site;
4. in design terms the proposal should complement or enhance the existing adjacent residential area by: (1) responding to the local context and form of surrounding buildings in relation to height, scale and massing; (2) making use of appropriate materials and detailing; (3) reinforcing local architectural features, where appropriate, promoting and respecting local distinctiveness and (4) ensuring retention of existing trees where appropriate and including landscaping schemes (both hard and soft) to assist the integration of the new development into existing areas. (5) taking account of the need for energy conservation and efficiency; and (6) ensuring that the layout and design incorporates adequate space for waste and recycling bin storage and collection;
5. there is no adverse effect on the residential amenity of adjacent residential property;
6. new developments offer a realistic choice of access by public transport, walking and cycling with priority being given to the provision for safe and convenient pedestrian and cycle access, including secure cycle facilities;
7. all new development contributes to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime;
8. satisfactory access and appropriate parking arrangements can be achieved;
9. development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities; and
10. account is taken of the need for energy conservation and efficiency; and provision of adequate space for waste and recycling bin storage and collection.

5.20 With regard to the objectives of the Development Plan and issues raised by consultees and representations:

1. the principle of redevelopment for mixed residential and commercial development accords with the provisions of the Development Plan as it is vacant brownfield site within a neighbourhood centre of Carlisle;
2. the applicant obtained planning permission for the site (application reference 04/1196) for the demolition of the Prince of Wales public house for mixed residential and commercial development together with the provision of a secure car park and on-street parking bays. Demolition has taken place, and it is therefore considered that as implementation has commenced the planning permission is extant. As the existing (extant) permission did not include the provision of an element of affordable housing (or a contribution thereto) it is considered that it would be unreasonable to invoke the requirements of Policy H5 whereby *"all allocated and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing"*;
3. with regard to flood risk, to allow necessary development within Flood Zone 2 and 3, the Exception Test to justify development within a Flood Zone under PPS25, requires that: (1) the development provides wider sustainability benefits to the community that outweigh flood risk; (2) the development is on developable previously-developed land; and (3) that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

As the proposal involves (a) the provision of accommodation in a very sustainable location in close proximity to a wide range of facilities, employment opportunities and public transport; (b) visual benefits which would arise from the development of the derelict site and (c) a contribution to the regeneration and renewal of the part of Denton Street within which the site is situated, and (d) there is an extant planning permission for the site, the Environment Agency is satisfied that criteria for the Exception Test have been met.

In relation to the revised plans received on the 12th October 2010, the Environment Agency has not raised any objections. awaited.

The applicant proposes to discharge surface water to a main sewer. United Utilities has advised that (1) surface water should be discharged to a soakaway /watercourse/surface water sewer and may require the consent of the Environment Agency and (2) if surface water is allowed to be discharged to the public surface water sewerage system it may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. This issue can be addressed by the imposition of a relevant condition.

4. it is considered that the revised proposals respond more fully to the local context in terms of appropriate materials and architectural details. The ridge height of the new building is approximately 1.8 metres above that of the adjacent Denton Street buildings whilst the chamfered section of the

building on the Denton Street/Northumberland Street corner is 1.3 metres higher to create an elevated corner feature similar in character to the building containing the Spar shop further north on Denton Street. Although the 11.8 metre high ridge line is higher than the properties on the opposite side of Northumberland Street, it is not considered that it adversely impacts on the character of the local streetscene. The Urban Design Officer has no objection to the amended proposal but recommends that setts be used to form part of the surface of the access to the rear car park (a condition can be attached). The extant permission (04/1196) did not require the trees to the rear of the site to be retained. The Tree Officer has advised that they have been badly pruned and are of little importance. He considers however that it would be a good idea to include some replacement planting as part of a landscaping scheme (appropriate conditions can be attached).

5. When compared to the extant planning permission for a three storey residential development, the lateral separation of the proposed apartments from existing terraced houses on the opposite sides of Denton Street and Northumberland Street is no less than the situation prior to the demolition of the Prince of Wales. An overlooking situation therefore previously prevailed. The proposed replacement building lies to the northeast of the two houses opposite the development in Northumberland Street. Although the replacement building is higher it is not considered that the revised proposal will have a significant adverse affect on the living conditions of adjacent occupiers in Denton Street or Northumberland Street.

With regard to the relationship between the revised proposals and the properties in Morley Street, the lateral separation is the same as previously approved (13 - 14 metres). The proposed development lies to the southeast of the rear elevation of the houses in Morley Street and again it is not considered that the additional height (1.8m) will have a significant adverse affect on the living conditions of adjacent occupiers in Morley Street.

However, there are two additional windows in the western gable elevation and while the proposed development is still of three storeys, unlike the extant permission which contained kitchen and bedroom windows, the western gable now includes secondary living room windows. A condition could be attached requiring partial opaque glazing of these windows to address this possible issue.

6. the site is within walking and cycling distance of the City Centre and public transport is available;
7. with regard to the development creating a safe and secure environment and minimising the opportunities for crime, the Architectural Liaison Officer is satisfied that this proposal complies with Policy CP17;
8. Cumbria Highways have no objection to the proposal subject to the imposition of four conditions relating to access details, parking provision

and surface water drainage and a Section 106 Agreement to fund the promotion and possible implementation of a Traffic Regulation Order. The TRO would relate to Parking Zone D which restricts parking to 2 hours from 8am to 8pm with residents exemption permits (this is to meet visitor parking requirements as the residents element is being provided for within the curtilage).

9. the applicant has submitted details with regard to the provision for easy, safe and inclusive access to into and within the building (access considerations will be addressed through the Building Control process).
10. with regard to energy conservation and efficiency, it is proposed to install photo-voltaic panels on the flat roof of the proposed development.

Conclusion

- 5.21 In comparison to the previously agreed scheme the proposed revisions only potentially impinge upon those issues associated with flooding and access. When considering the proposed revisions it is evident that the Environment Agency and Access Officer have not raised any objections. In the context of Policy LC4 stipulating a threshold of 40 or more dwellings, it is considered unreasonable to insist that the developer makes a contribution towards play/recreational space provision.

The revised proposal is recommended for approval.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the

individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. drawing numbers 70384/01/A; 70384/02; 70384/05; 70384/06; 70384/07; 70384/15/E; 70384/16/E; 10034-02/B; 10034-03/B; and 10034-07
3. Design and Access Statement (22/07/2010)
4. Flood Risk Assessment (FRA) dated 3rd March 2010, referenced GAN 2/86, compiled by Geoff Noonan
5. Letter from Taylor and Hardy of 11th October 2010 (Ref MEH/J/C06/150)
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Prior to commencement of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Local Transport Plan Policies: LD5, LD7, LD8.

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

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

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

Reason: To ensure a satisfactory means of surface water disposal in accordance with the objectives of Policies CP10, CP12 and LE27 of the Carlisle District Local Plan, in the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8.

6. The use shall not be commenced until the access and both off-street and on-street parking facilities have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

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

Reason: To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan.

8. Before the development commences on site full details of all hard and soft surfaces proposed, screen fencing and/or walling, all street furniture, including the entrance gates, lighting columns and the luminaires shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approval and thereafter retained as such.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated

3rd March, referenced GAN 2/86, compiled by Geoff Noonan as revised by drawing number 70384/15/E.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with the objectives of Policy LE27 of the Carlisle District Local Plan.

10. The commercial unit hereby approved shall not be used other than for purposes falling within Class A1 (Shops) or Class 2 (Financial and Professional Services), of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure accordance with Policies H2 and EC7 of the Carlisle District Local Plan.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP5 of the Carlisle District Local Plan.

12. 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 CP5 of the Carlisle District Local Plan.

13. Prior to the commencement of development, the applicant shall submit revised details of the on-street parking places to be provided on Denton Street to form a single bay of eleven spaces.

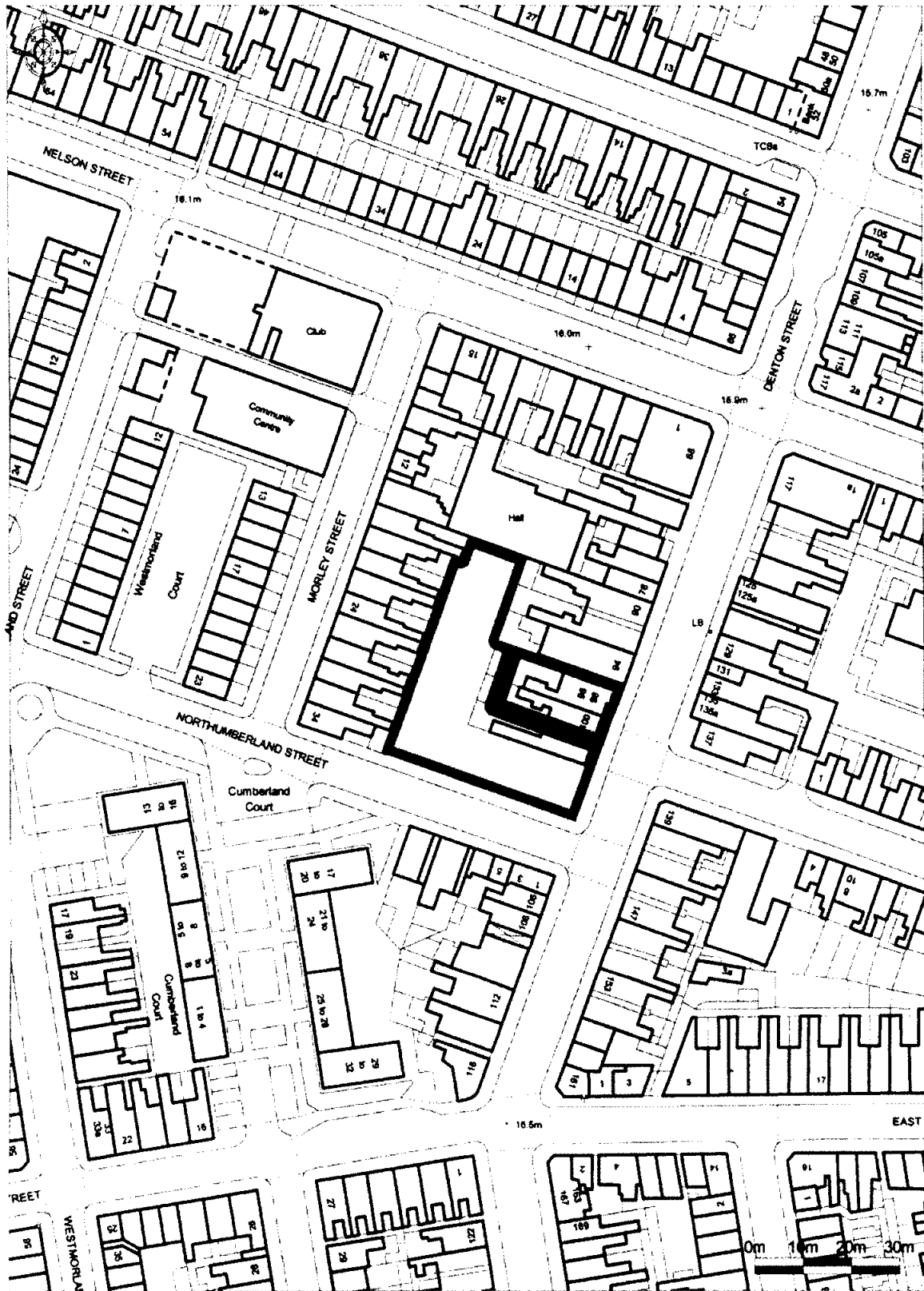
Reason: To ensure a minimum standard of parking provision is made for vehicles visiting the site and support Local transport Plan Policies S3, LD7 and LD5 (draft).

14. The first and second floor secondary living room windows on the gable facing the rear of houses in Mowbray Street shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the living room).

Reason: To prevent overlooking of adjacent properties in accordance

with the objectives of Policy H2 of the Carlisle District Local Plan.

10/10164



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Notes:

22 JUL 2009
10/0164

A Site boundaries revised 19/07/10 RY

Revision:

Hyde Harrington
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Atlantic House, Parkhouse, Carlisle, CA3 0LJ
Telephone: 01228 595600 - Fax: 01228 595525
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Project title:

**Re-develpoment of former
Prince of Wales Public House
& No.102 Denton Street,
Carlisle**

Drawing title:

**Site location plan -
As existing**

Drawing No:

70384/01

Drawn by:

RY

Revision:

A

Date:

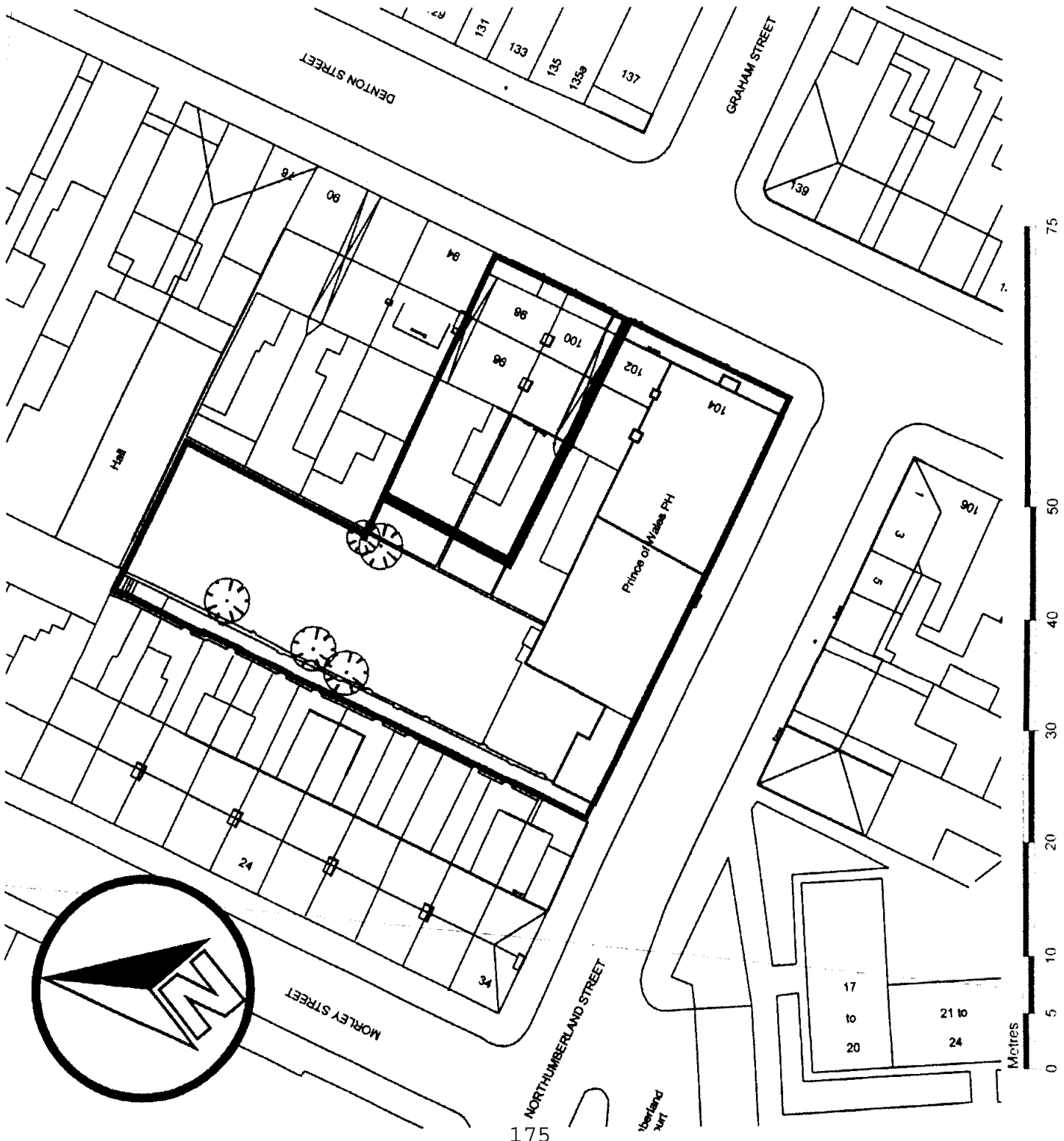
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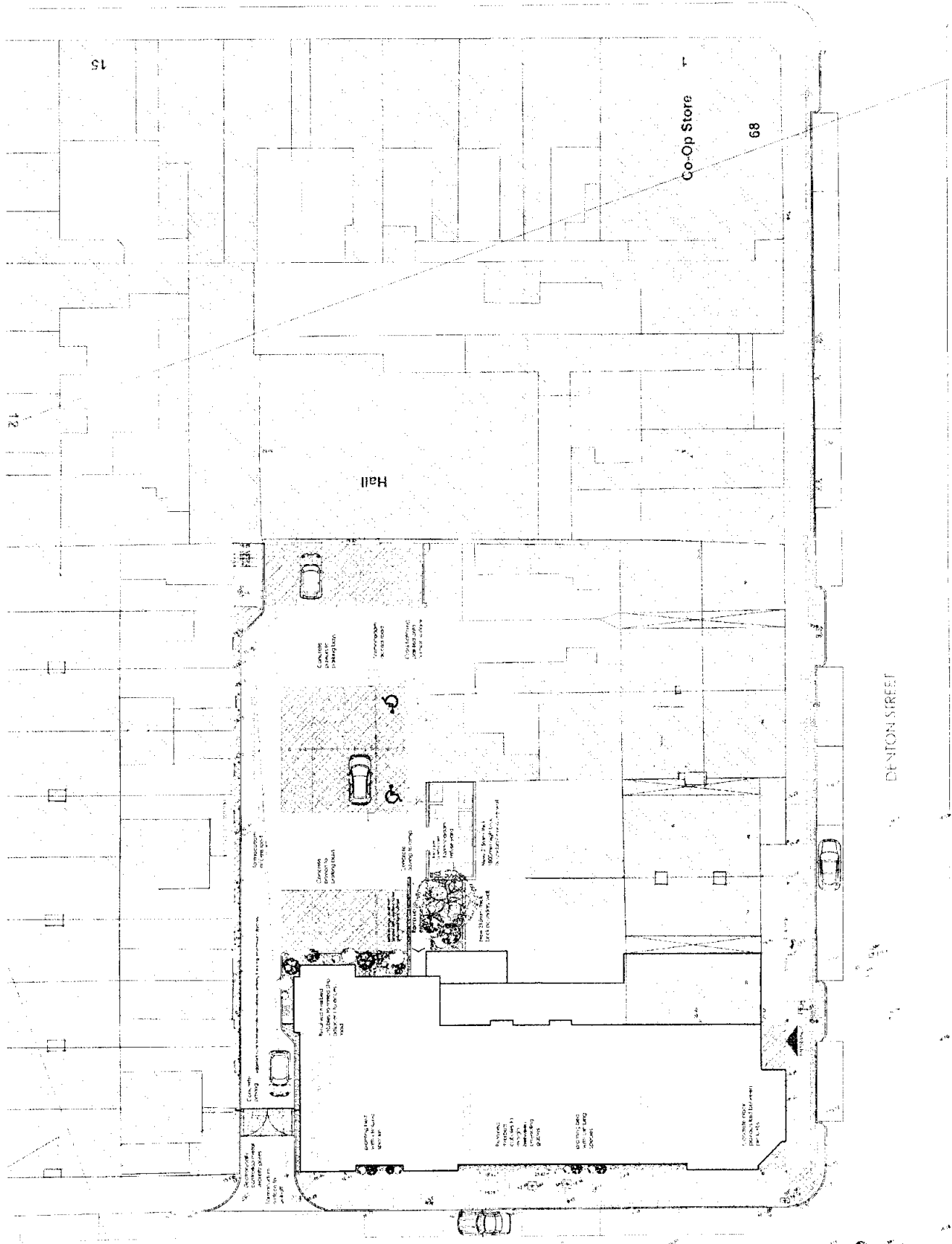
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A4

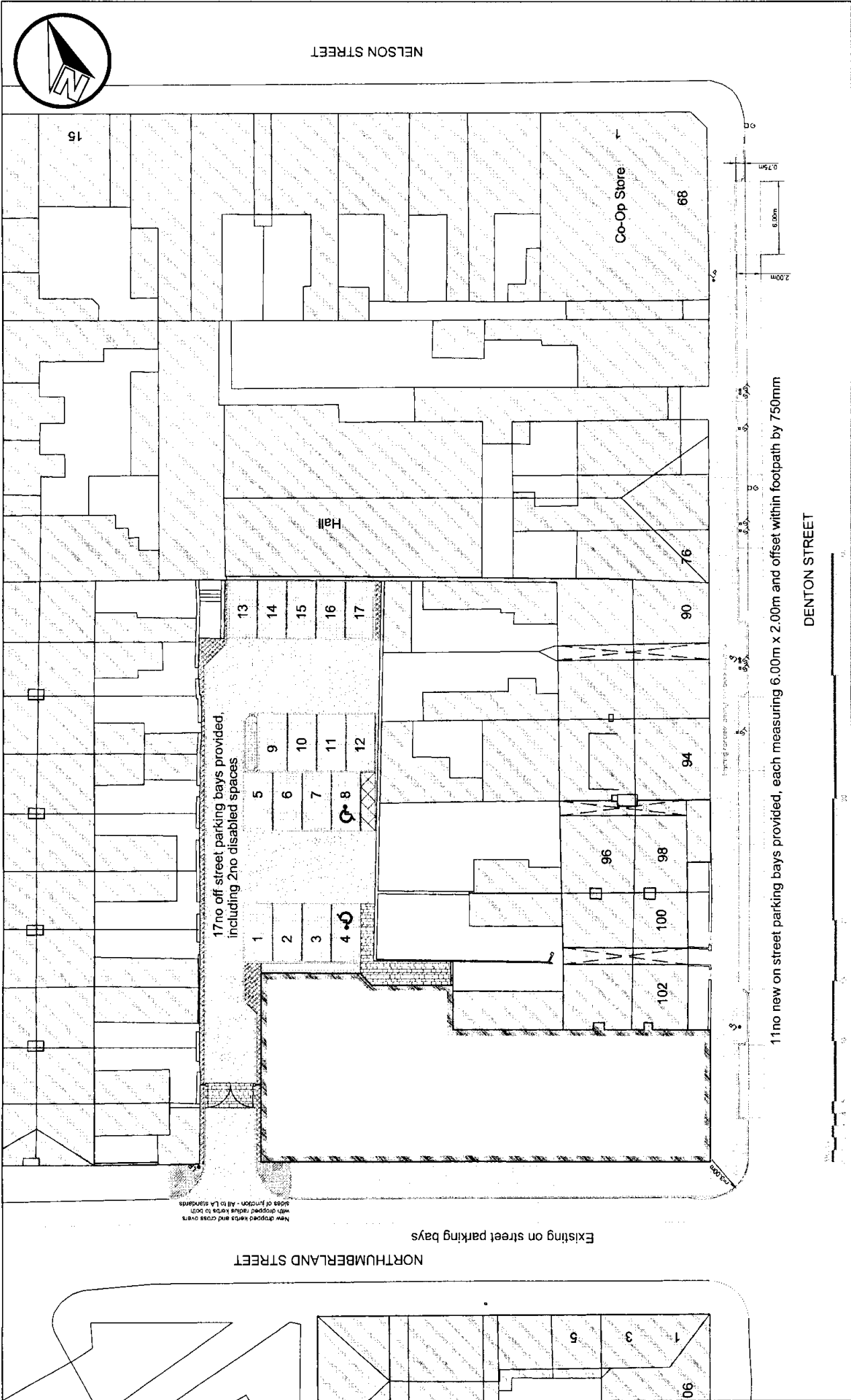
All critical dimensions to be confirmed on site
This drawing is the copyright of Hyde Harrington







NELSON STREET



New dropped kerbs and cross overs with dropped radius kerbs to both sides of junction - All to LA standards

Existing on street parking bays

17 no off street parking bays provided, including 2 no disabled spaces

11 no new on street parking bays provided, each measuring 6.00m x 2.00m and offset within footpath by 750mm

DENTON STREET

Notes:

Project title: Re-development of former Prince of Wales Public House & No.102 Denton Street, Carlisle

Drawn by: RY

Date: 11/01/10

Scale: 1:200

Revision: A2

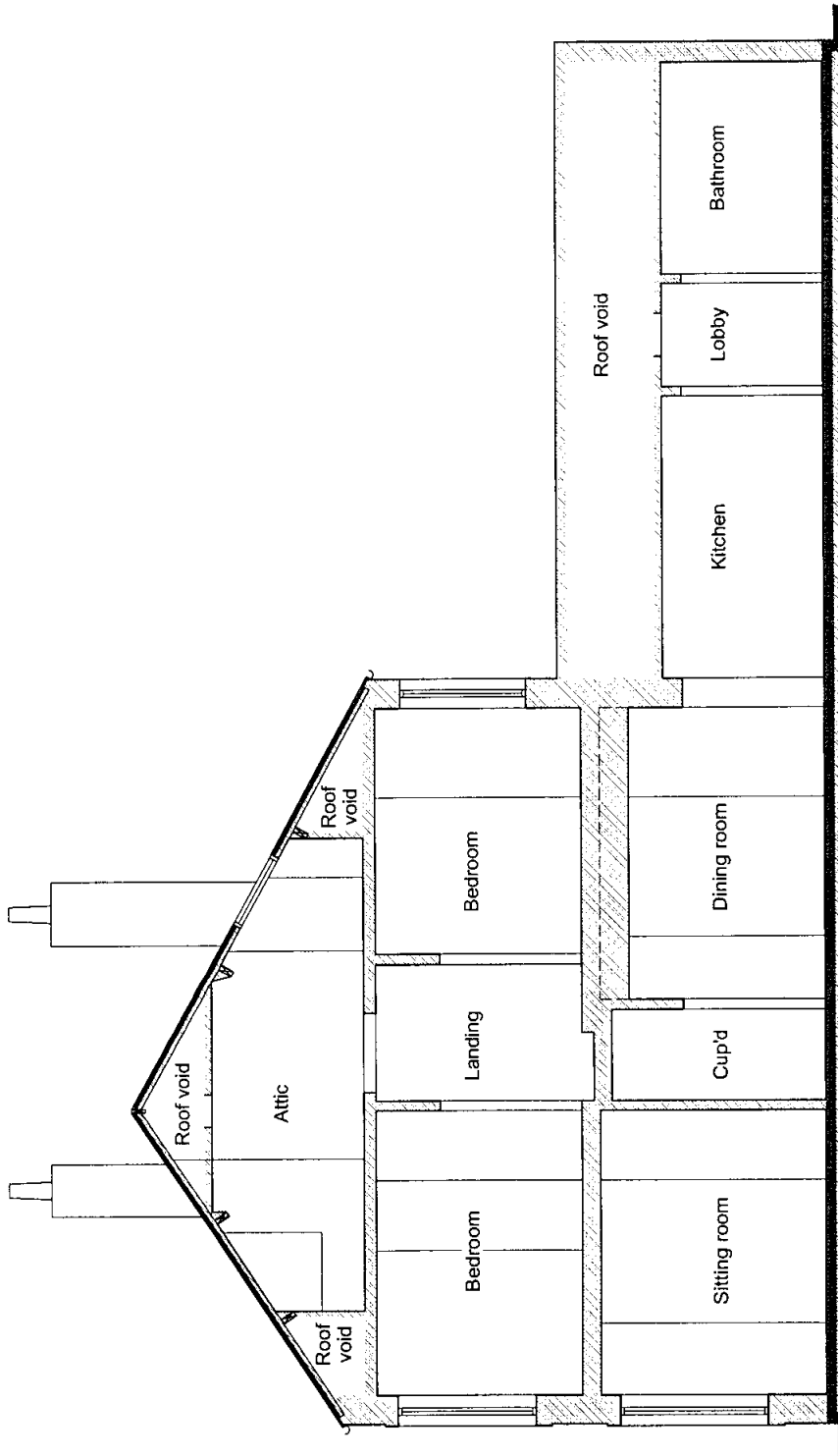
Drawing No: 70384/11



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 Email: info@hydeharrington.co.uk Website: www.hydeharrington.co.uk

All measurements are to the centre of the street
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Revision:



SECTION A-A

Scale

1:50

Revision:

Hyde Harrington
PROPERTY CONSULTANTS

Attic & House, 96-102 Denton Street, Carlisle, Cumbria, CA1 1JH
Tel: 01228 505200 Fax: 01228 505225
Email: carlisle@hydeharrington.co.uk
Website: www.hydeharrington.co.uk

Project title:
Re-development of former Prince of Wales Public House & No.102 Denton Street, Carlisle

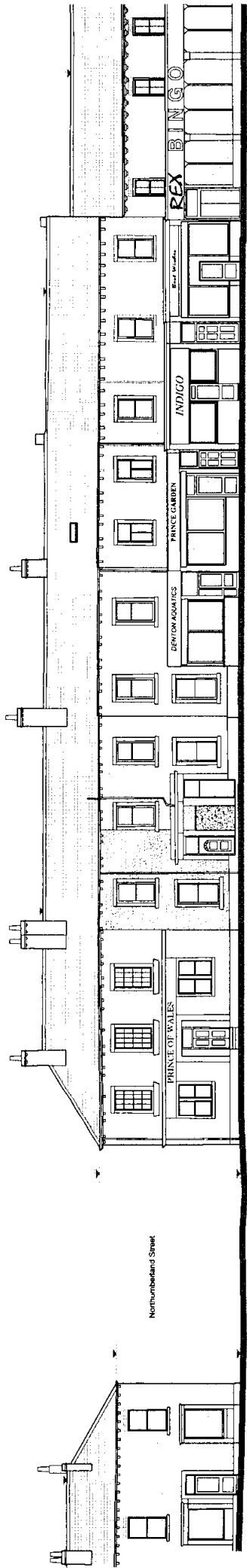
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**96-102 Denton Street, Carlisle
Section thro' No.102 - As existing**

Drawing No:
70384/05

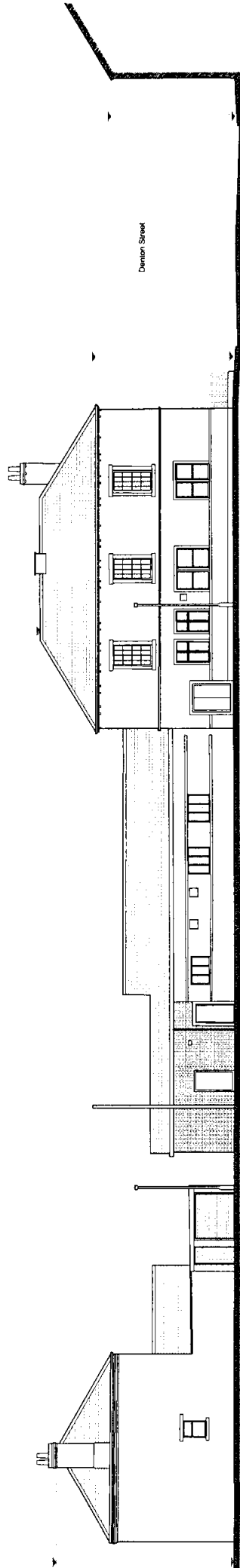
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Revision:
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Sheet No:
A2



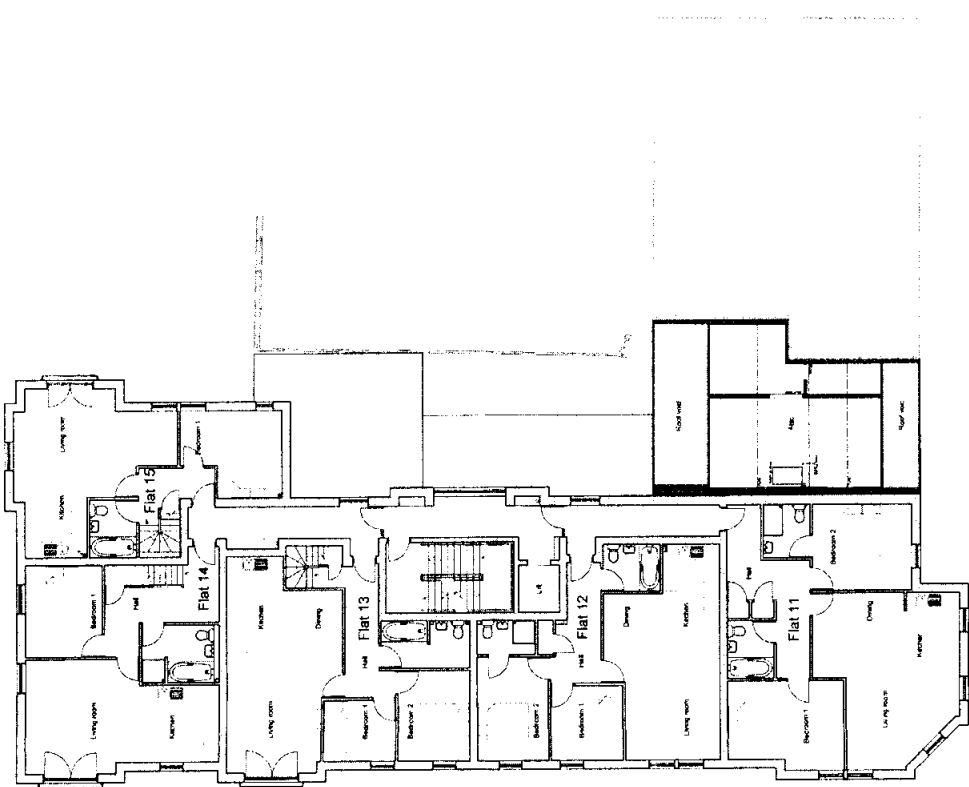
Denton Street elevation



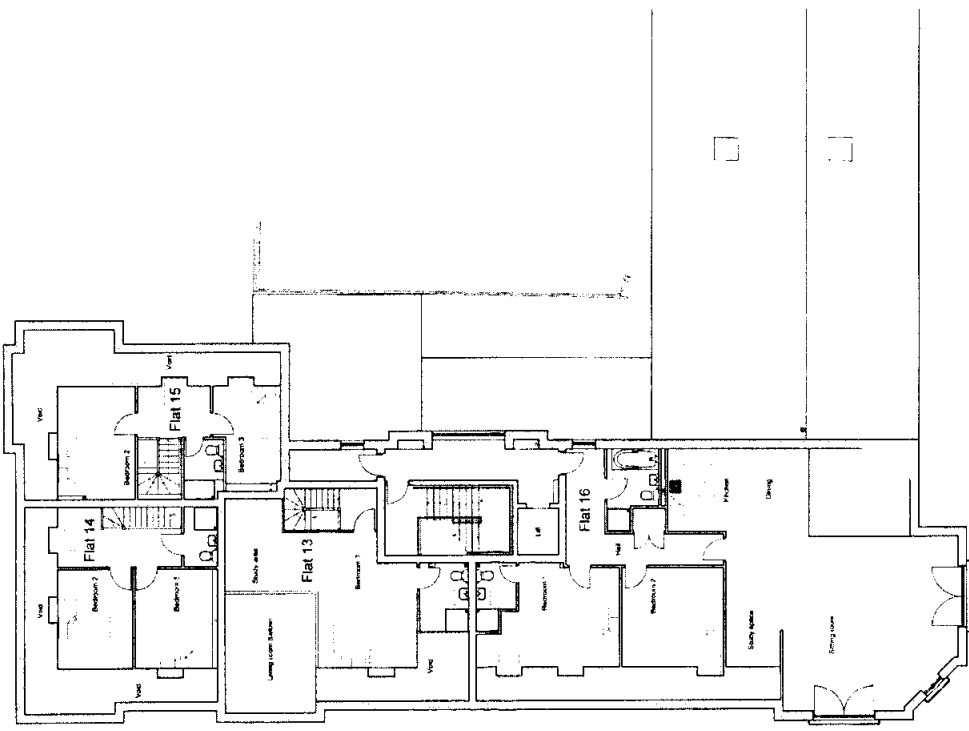
Northumberland Street elevation

Hyde Harrington
 ARCHITECTS
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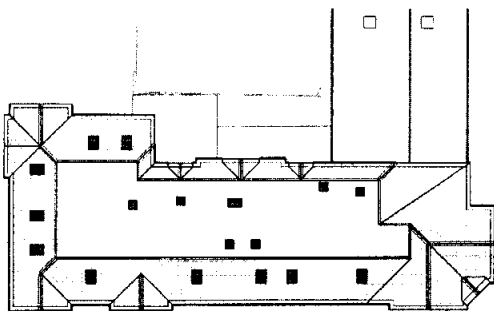
Project No: 70354/07
 Re-development of former Prince of Wales Public House & No.102 Denton Street, Carlisle
 Drawn by: RY
 Date: 2/20/09
 Drawn by: RY
 Date: 2/20/09
 Scale: 1:100
 Elevation: As existing (Prior to demolition)
 Drawing No: 70354/07



SECOND FLOOR PLAN



THIRD FLOOR PLAN



ROOF PLAN
Scale 1:200

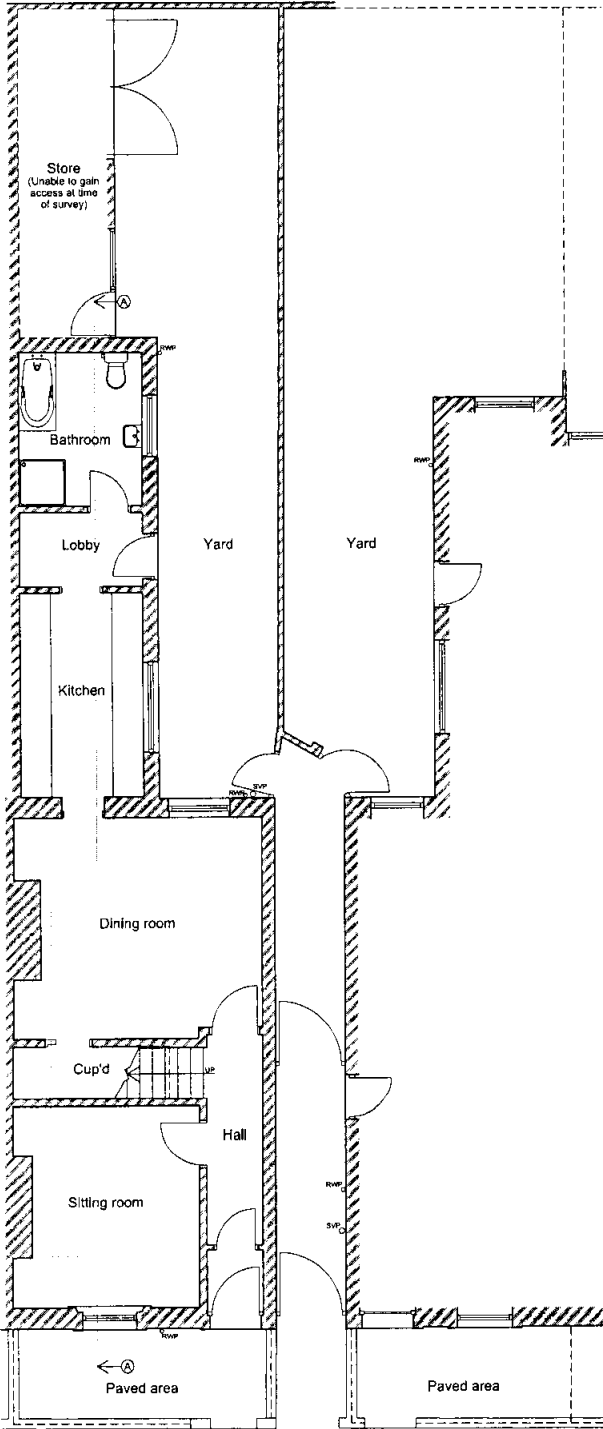
Floor levels
 1st Floor 11.20m AFD
 2nd Floor 12.20m AFD
 3rd Floor 13.20m AFD



- E. Final design for construction. 01/10/10 RY
- F. Final design for construction. 01/10/10 RY
- G. Final design for construction. 01/10/10 RY
- H. Final design for construction. 01/10/10 RY
- I. Final design for construction. 01/10/10 RY
- J. Final design for construction. 01/10/10 RY
- K. Final design for construction. 01/10/10 RY
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- P. Final design for construction. 01/10/10 RY
- Q. Final design for construction. 01/10/10 RY
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- T. Final design for construction. 01/10/10 RY
- U. Final design for construction. 01/10/10 RY
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- Y. Final design for construction. 01/10/10 RY
- Z. Final design for construction. 01/10/10 RY



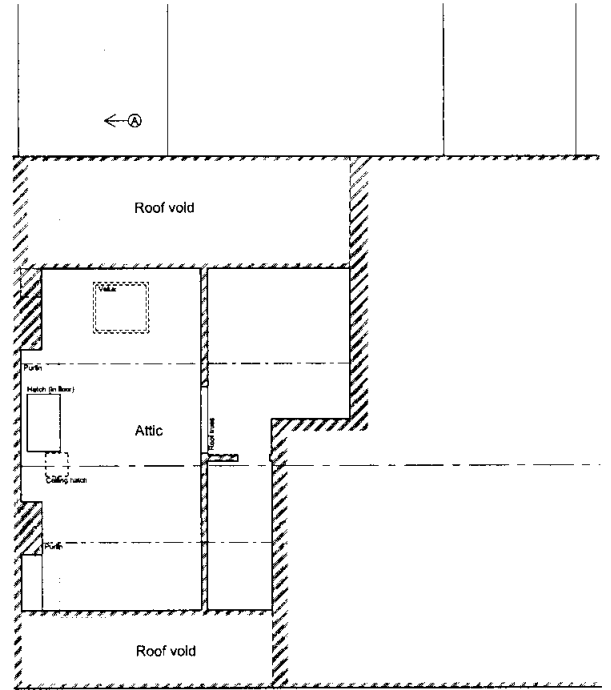
Project No.
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 Street, Carlisle
 Drawing No.
 Second and third floor - As proposed
 70384/16
 Drawing No.
 70384/16
 Date
 29/05/09
 Scale
 1:100



GROUND FLOOR PLAN

102

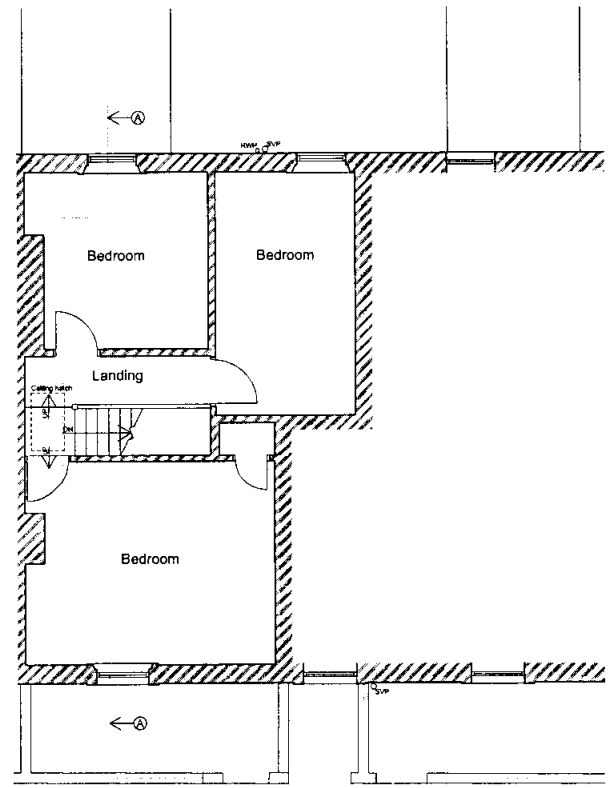
100



SECOND FLOOR PLAN

102

100



FIRST FLOOR PLAN

102

100

Notes:



Hyde Harrington
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Project No: Re-development of former Prince of Wales Public House & No.102 Denton Street, Carlisle

Drawing title: 102 Denton Street, Carlisle
Ground, first & second floor plans - As existing

Drawing No: 70384/06

Drawn by: RV

Date: 28/05/09

Scale: 1:50

Revision:

A1

SCHEDULE B

SCHEDULE B

SCHEDULE B: Reports Requiring Further Information

10/0887

Item No: 07

Date of Committee 17/12/2010

Appn Ref No:
10/0887

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
05/10/2010

Agent:
TEP

Ward:
Castle

Location:
L/adj. Tullie House Museum, Castle Street, Carlisle,
CA3 8TP

Grid Reference:
339785 556097

Proposal: Proposed Development Consists Of Four New Bespoke 4m High Orientation Beacons And One New 2.35m High Information Board On Castle Street, As Part Of The Carlisle Roman Gateway Public Realm And Interpretation Project

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

The application relates to alterations to the public realm within a sensitive location.

1. Constraints and Planning Policies

Ancient Monument

Gas Pipeline Safeguarding Area

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

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

Local Plan CP15 - Access, Mobility and Inclusion

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the layout details shown on the submitted plan(s) are considered satisfactory from a highway perspective. The Highway Authority has no objection to the proposed development but recommend the imposition of the following condition:

"No object to be placed within 450mm of the carriageway edge"

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

It should be noted that License under Section 115(a-h) of the Highway Act 1980 is required for the placing of objects within the highway. It is assumed that this license will be issued by Carlisle City Council under its powers. Can the applicant please ensure that copies of the licenses are sent to the Highway Authority. It should also be noted that no sign/object should be so placed that it interferes with the working of the highway and free flow of pedestrians.

Planning - Planning Policy & Conservation: if the seat and the litter bin were removed and the extension of the pavement into the road reduced, then this would simplify the proposal and reduce the clutter. I would then be happier with the two remaining features being left as guide posts to highlight the location of the entrance to Tullie House.

Planning - Access Officer: in relation to the originally submitted details I queried whether the orientation beacons could incorporate more visual contrast, and whether the proposal could incorporate a spoken information panel, raised large print or Braille.

However, a major concern is the proposed granite sets and edging that sweep within the carriageway on Annetwell Street. This is because the edging to the footpath cuts through this sweep of grey granite which is a contrasting colour, however it is considered that this will cause confusion to individuals i.e. the elderly, children, people with learning difficulties, the visually impaired, assistance dogs etc.

It is also noted that the new built out area on Castle Street has two beacons and a seat - it is felt that this area presents too many obstacles.

Comments on revised details addressing Access Officer's concerns awaited.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): the submitted Design and Access Statement acknowledges the pre-application meeting in December 2009, when crime prevention issues were

discussed and makes reference to particular issues for each location. I am satisfied that this application complies with Policy CP17 of the Local Plan.

A major consideration for the introduction of physical elements to the Public Realm relates, regrettably, to resistance or avoidance of malicious damage. The location of items within Public Space has an influence as items that are hidden from easy view are more likely to suffer damage. In addition, the choice of materials for these elements should incorporate resistance to graffiti, direct impact or arson. There is also a burden of responsibility on the Council, to ensure that any damage is promptly made good.

I am encouraged to note that specific reference is made to Bitts Park Car Park as an accredited 'ParkMark' facility (operated by the City Council), which acknowledges the requirement to uphold demarcation of this space and maintain surveillance opportunities.

I shall be pleased to discuss any crime prevention or Community Safety issues arising from this project and I can provide product information relating to graffiti removal or resistance to arson upon request.

Urban Designer (Carlisle Renaissance) formerly in Dev Services - PIng & Hsg: the proposed works are intended to draw users of the Hadrian's Wall long distance cycle and footpaths into Carlisle city centre, and to enhance the relationship and legibility of the City to these important routes.

The designs tabled by the applicant respond sensitively to their varying contexts, and in my view will positively enhance the public realm of which they will form a part.

Hadrians Wall Heritage Limited: comments awaited.

English Heritage - North West Region: comments awaited.

Northern Gas Networks: UU has no objections to these 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 we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Conservation Area Advisory Committee: the Committee felt that the information presented in this application was very confusing, much of it construction drawings of the individual features and some of which appeared to show examples of materials used on other schemes. Despite the large quantity of information only two sheets, photo-montages, actually showed what was proposed. There was no elevation drawings showing the proposal in scale with the surrounding structures.

The Committee considered the proposed poles and granite seat outside the Castle Street entrance to Tullie House to be completely inappropriate, spoiling the Museum, entrance and detracting from the character of the adjacent listed buildings. It is also considered that the large poles do not relate to anything in particular and simply

added more street clutter. The loss of parking was also noted.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Tullie House Museum	07/10/10	
1 Castle Street	07/10/10	
30 Castle Street	07/10/10	
32 Castle Street	07/10/10	
34 Castle Street	07/10/10	
36 Castle Street	07/10/10	Undelivered
3 Castle Street	07/10/10	
5 Castle Street	07/10/10	
7 Castle Street	07/10/10	Undelivered
9 Castle Street	07/10/10	Undelivered
11 Castle Street	07/10/10	Undelivered
13 Castle Street	07/10/10	Objection
Paradise Court	07/10/10	Comment Only
17 Castle Street	07/10/10	
19 Castle Street	07/10/10	
1a Castle Street	07/10/10	
6 Castle Street	07/10/10	Undelivered
8 Castle Street	07/10/10	Undelivered
10 Castle Street	07/10/10	Undelivered
12 Castle Street	07/10/10	Undelivered
14 Castle Street	07/10/10	Undelivered
16 Castle Street	07/10/10	Undelivered
18 Castle Street	07/10/10	Undelivered
20 Castle Street	07/10/10	Undelivered
22 Castle Street	07/10/10	Undelivered
24 Castle Street	07/10/10	Undelivered
26 Castle Street	07/10/10	
28 Castle Street	07/10/10	

3.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 27 neighbouring properties. In response two letters have been received raising concerns about the project with particular regard to the "feature entrance" to Tullie House for the following reasons.

1. The vehicle entrance to 13/15 Castle Street and Paradise Court is 2.15m wide between stone quoins and has half bollards to protect the stone arch from being damaged - the stone quoins have been hit on numerous occasions already.
2. Access and egress is already constrained but is achievable but becomes very difficult as soon as any vehicle parked on the east side of Castle Street overshoot the parking bay or parked cars on the west side of Castle Street are not parked tight to the pavement. Double parking, which does happen regularly when deliveries are made to the surrounding premises, make entrance and egress impossible at times.

3. The only way to gain access through the arch, without damaging vehicles or the buildings is to approach the entrance from the other side of the road and turn full lock through 90 degrees, so that the vehicle is approaching the archway head on.
4. The proposals for the feature entrance with the two beacons and granite seat project the kerb line approximately 1.4m from the existing line of parked vehicles on the west side of Castle Street. This projection makes the entrance to 15 Castle Street/Paradise Court virtually impossible for most light vehicles as it is not possible to manoeuvre the vehicle to be able to approach the entrance straight on.
5. Vehicle path drawings provided by the agent clearly shows the required width at the stone arch as being 2.5m based on the present layout. The opening is only 2.1m, and the space between the half bollards is less. The wheel path drawing also clearly shows the wheel paths crossing the kerbs to the south and north of the entrance. If the car parked to the north of the entrance overreaches the designated car parking bay then again there would be no access available.
6. The vehicle track drawings also demonstrate how tight the turn is into Rufus House car park, and how restricted the entrance to Castle Street from Annetwell Street is and how vulnerable the kerbs, beacons etc are even when the theoretical wheel paths are shown never mind what will happen in practise when large vehicles turn into Castle Street.
7. If the beacon feature entrance to Tullie House must be provided, do they have to project into the carriageway beyond the line of parked cars?
8. The size of these beacons will mean they impose themselves rather crudely into the historic streetscape and will dominate Castle Street, obscure the views of the Castle and Cathedral grounds when in Castle Street.
9. Visitors will already have parked elsewhere as all car parking has been removed and will be on foot so fail to see the reason for anything quite so large and dominant.

4. Planning History

- 4.1 Tullie House has a relatively extensive planning history that can be summarised as consisting of the following applications since 1988.
- 4.2 In 1988, under application reference numbers 88/823 and 88/1092, Conservation Area Consent was given for the demolition of part of the library and assembly hall, and planning permission given for an Art Gallery and Heritage Centre.
- 4.3 In 1989, application reference numbers 89/509 and 89/510, planning

permission was given for refurbishment and an extension to the museum, and Listed Building Consent for part demolition to allow the extension to the museum.

- 4.4 In 1990, application 90/0022, Listed Building Consent was given for alterations and improvements.
- 4.5 In 1991, application 91/473 permission was given for the temporary siting of a portakabin. This permission was renewed in 1992 under application 91/1091. Advertisement Consent was also given for fascia signs (91/632) and two banners supported on a pole (91/954).
- 4.6 In 1996 advertisement consent was given for wall mounted information signs (93/341); planning permission for cultural, recreational, leisure development (including new footbridge) (96/971); and Listed Building Consent for alterations to lifts and formation of stairway (96/980).
- 4.7 In 1998 planning permission was given for a flue enclosure for the Millennium Gallery (98/188); temporary advertisement consent was granted for non-illuminated signage - reference numbers 98/393 and 98/669; and planning permission for an underpass under Castleway (98/633).
- 4.8 In 1999, application 99/746, permission was given for a revised Millennium Gallery (Option B) including underpass.
- 4.9 In 2001 and 2002, under applications 01/0565 and 02/1078, advertisement consent was given for temporary directional banners, and City Council Crest and Art Gallery sign.
- 4.10 Listed Building Consent was given for 2 replacement non-illuminated signs (04/1464), and for internal partition (05/556).
- 4.11 In 2007, under application 07/0654, Listed Building Consent was given for a replacement window on rear elevation.
- 4.12 In 2009, applications 09/0774 and 09/0775, Listed Building Consent and Advertisement Consent were granted for the display of various non-illuminated signs.
- 4.13 In May 2010, application 10/0426, Listed Building Consent was given for the display of a non-illuminated sign on the gate fronting Abbey Street.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Tullie House Museum and Art Gallery has frontages onto Castle Street, Castle Way and Abbey Street. The Museum and Art Gallery is based around Tullie House, which is a grade I Listed Building dating from the 1730s, with subsequent extensions such as the Gate Tower, former library,

and museum. The garden wall, gates and railings are separately Listed. The Museum and Art Gallery has more recently had significant extensions carried out in 1989 (application numbers 88/1092, 89/0509) and 2000 (application number 00/0131). The work carried out in 2000 included the erection of a rotunda facing Castle Way.

- 5.2 The Museum and Art Gallery is located within the City Centre Conservation Area. In the immediate vicinity of the application site there are Listed Buildings at: 1 - 3, 6 -14, 13 - 21, and 26 - 30 Castle Street; and 15a -19, 8, 18 - 24, and 26 - 48 Abbey Street.

Background

- 5.3 The current application seeks planning permission for 4 "orientation beacons" and an information panel adjacent to Tullie House Museum. The submitted details show the proposed beacons to be 4.0m high constructed from either Oak or Douglas Fir timber with natural stone carved tops set within granite sett thresholds located at the junction of Castle Street with Finkle Street/Annetwell Street and outside the entrance to the Tullie House Museum on Castle Street. The proposed beacons are to also include carved text in the timber. The proposed information panel is double sided, constructed from vitreous enamel, 2.06m high and fixed to a 2.26m high timber post with a metal cap. It is intended that one side of the panel will include information on key attractions and routes within Carlisle whilst the other will provide interpretative material on Roman history in Carlisle and Carlisle's "Historic Quarter".

- 5.4 In response to the comments received from interested parties the agent has explained that:

1. Orientation beacons – It is considered that the proposed orientation beacons (in terms of the materials and scale) will make them suitably clear to pedestrians and vehicles.
2. Inclusive experience - The funding for the scheme does not stretch to include the incorporation of a spoken information panel on the beacons or information boards. The font size on the information boards will be a suitable size, font and colour for the benefit of partially sighted people. The possibility of using Braille will be explored, however, the proposed materials and budget may mean this is not possible.
3. Sweep of grey granite setts in carriageway - The original aim of the grey granite setts in the carriageway was to assist in slowing traffic, providing the appearance of a semi 'shared surface' and enhancing the detail design of the space. In response to the comments made by the Access Officer the scheme has been revised so that this detail is no longer part of the proposal.
4. Loss of one parking space - The build out at the entrance to Tullie House

provides a high quality entrance and meeting space for users. It also creates a space that is less dominated by vehicles. The beacons are not in the line of walkers and help to contain the space, protect the area from traffic and guide people to use the crossing point. The Council Highways Team and the County Council Highways Officer are satisfied with the proposals and the loss of one parking space.

5. Disabled parking at Tullie House - Disabled parking on the existing build out at Tullie House is not currently advertised. Parking in this area is an issue as it is generally used by contractors and parking attendants rather than disabled users. Tullie House are aware of the proposals and have not raised any concerns as it is felt there is suitable parking available for disabled users on Castle Street and the surrounding streets.

5.5 The agent has also confirmed that the proposed scheme will be revised so that both "build outs" on the Tullie House side of Castle Street are reduced by 500mm; the existing kerb radii to the access serving 13/15 Castle Street are retained; and the deletion of the granite seat and litter bin.

Assessment

5.6 This application needs to be viewed as an element of the Roman Gateway Project (with the remaining two elements relating to Bitts Park and adjacent to The Sands already granted planning permission under application numbers 10/0889 and 10/0892); and the on-going public realm works on Castle Street.

5.7 Members should also be aware that under Class A of Part 12 of the (General Permitted Development) Order 1995 development by a local authority involving such things as a small ancillary building, works or equipment, the provision of lamp standards, information kiosks, public shelters and seats does not require planning permission. Under Part 13 of the aforementioned Order the carrying out by a local highway authority for or incidental to the maintenance or improvement of an existing highway is permitted development. In effect, the submitted plans also detail work that does not require planning permission but provides the context for determination.

5.8 The more specific legislative requirements and national advice concerning Listed Buildings and Conservation Areas is contained in the Planning Listed Buildings and Conservation Areas Act 1990 and PPS 5: "Planning and the Historic Environment". Sections 16 and 66 of the Act require local authorities to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. Section 72 of the Act also requires that in Conservation Areas special attention is made to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in PPS 5 "Planning and the Historic Environment".

- 5.9 Based on the foregoing and the policies of the adopted Development Plan it is considered that the determining issues revolve around whether the advantages of the proposal outweigh any disadvantages associated with the impact on the setting of any Listed Buildings and/or character of the City Centre Conservation; and public safety (inclusive of pedestrians and the operation of any form of transport).
- 5.10 When considering the impact on the setting of existing Listed Buildings and character of the Conservation Area, the proposed beacons need to be distinctive to provide strong visual markers. In terms of the choice of materials, colour and proportion, they are not considered to be at odds with the neighbouring properties. The proposed beacons also reflect the columns utilised in the design of existing buildings within the immediate vicinity. The purpose of the "build outs" are to avoid obstruction of the existing pavement. The proposed information panel will also be viewed with the immediate backdrop of the Tullie House rotunda. In the context of the alterations currently underway in Castle Street, it is also considered that the proposed beacons and information panel will not individually or cumulatively be detrimental to either the setting of neighbouring Listed Buildings nor the character of the City Centre Conservation Area.
- 5.11 In regard to public safety, the Access Officer's concerns regarding the proposed sweep of grey granite sets around the Tullie House rotunda within the carriageway on Annetwell Street have been addressed although not development in itself that requires planning permission. In relation to the application, the applicant has also agreed to reduce both build outs on the Tullie House side of the Castle Street by 500mm and retain the existing kerb radii to the access serving 13/15 Castle Street.

Conclusion

- 5.12 This application needs to be viewed as an integral part of the Roman Gateway Project and the on-going public realm works on Castle Street. This work having to meet the needs of a range of end users in terms of purpose (shoppers, visitors, businesses etc) and ability.
- 5.13 The submitted plans also detail work that does not require planning permission but has led to a number of concerns from interested parties. When assessing the application it is considered that the proposed beacons and information panel will not individually or cumulatively be detrimental to either the setting of neighbouring Listed Buildings nor the character of the City Centre Conservation Area.
- 5.14 On the basis that satisfactory revised plans are received the proposal is recommended for approval.

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
 - Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
 - Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation

Reason For Including Report In Schedule B


At the time of preparing the report revised plans are currently awaited to clearly demonstrate that the proposed beacons on Castle Street can be set back 600mm from the carriageway edge but also in such a manner that they will not obstruct the footway.



Before

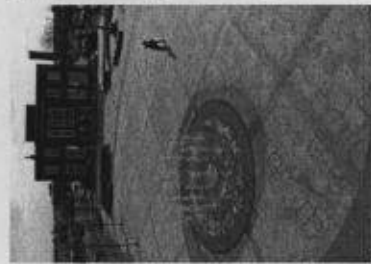


After


C	Amendments to beacon text	LG	NH	28/09/10
B	Amendments as per detailed design workshop	LG	RC	20/04/10
A	Amendments as per meeting of 02/10/09	CZ	RC	08/10/09
Rev	Description	Drawn	Approved	Date
 <p>Genesis Centre Brookwood Science Park Warrington WA3 7BT 844004 Tel: 01925 844002 Fax: 01925 844003 e-mail: tep@repuk.com</p>				
Project				
Carlisle Roman Gateway Project - Public Realm and Interpretation				
Title				
Tullie House Photomontage 1				
Dwg No		C2145.008C		
Scale		Not to scale		Date 30/09/09
Drawn		Checked		Approved
NH		RC		GDA



Before



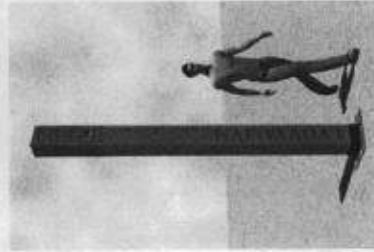
After

Revised into board added and scaled reduced	LG	NH	28/03/10
Approved for construction per detailed design drawings	LG	RC	20/04/10
Rev	Description	Drawn	Approved
 <p> Gervais Centre Birchwood Science Park Warrington WA3 7BH Tel 01925 844004 Fax 01925 844022 e-mail tep@tpg.uk.com </p>			
Project			
Carlisle Roman Gateway Project - Public Realm and Interpretation			
Title			
Tullie House Photomontage 2			
Dwg No	C2145.009B		
Scale	Not to scale	Date	30/09/09
Drawn	NH	Checked	RC
		Approved	GDA



Carved stone elements (at the top of post and the low stone markers) will incorporate designs taken from artefacts in Tullie House. These could be patterns from vases, jewellery etc. or stylised representations of objects.

This will form a visually striking family of markers ranging from low level to high.

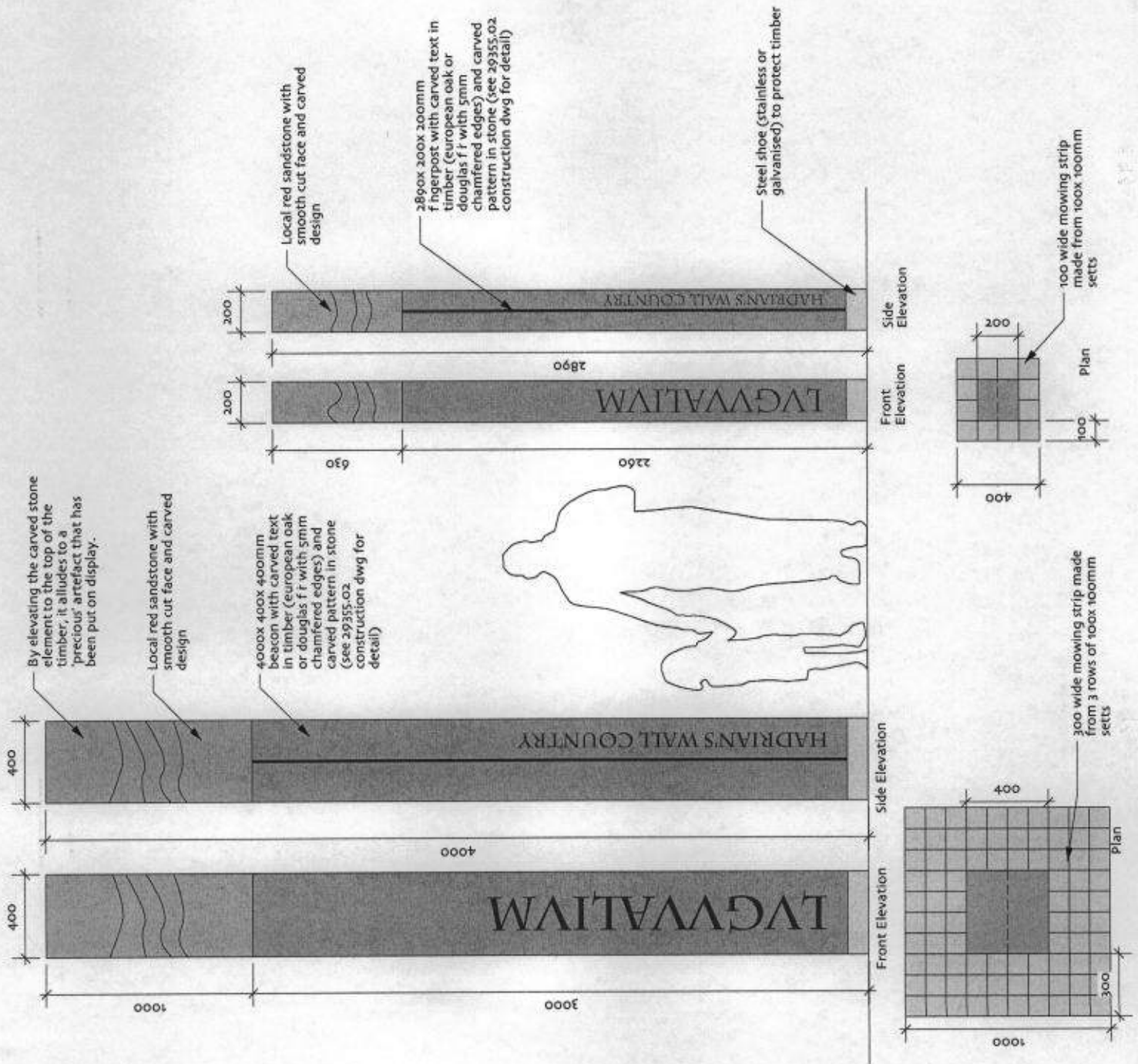


Rev B: annotations revised 28.07.10 SWJ/S
Rev A: mowing strip increased 20.04.10 SWJ/S

broadbent
ARCHITECTS

DESCRIPTION: FERTILITY MARKERS
LOCATION: TULLIE HOUSE
OWNER: CHD BUC
S: 01829 782 822
F: 01829 782 810
E: info@broadbent.co.uk
WWW: broadbent.co.uk

title: Carlisle
dwg #: 29355 on Beacon and Fingerpost
revision: B
scale: 1:20
date: 09.01.10
drawn: S.Sawyer
checked:

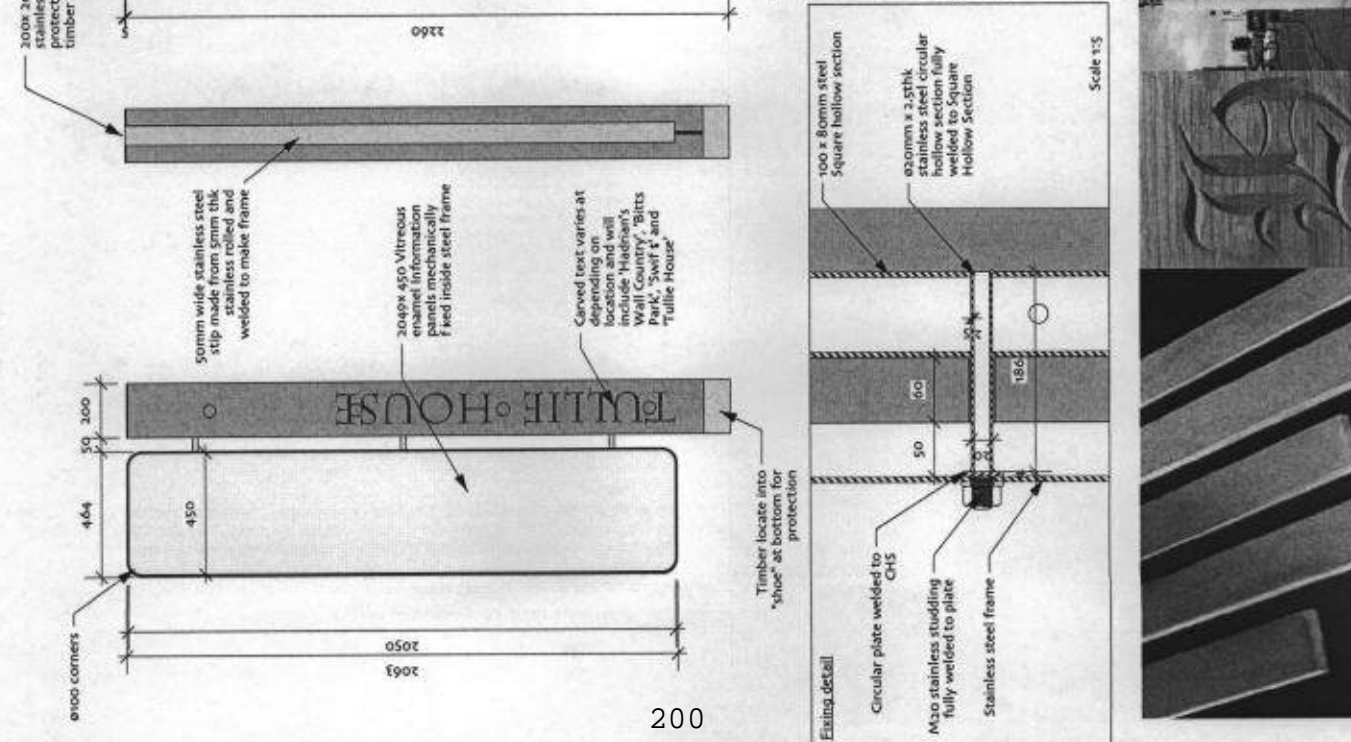
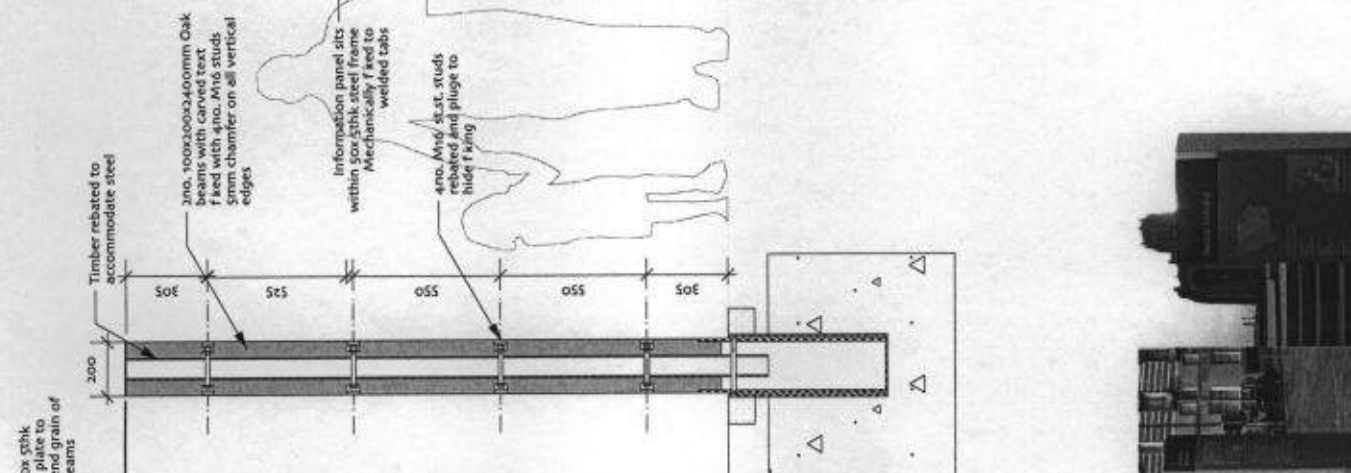
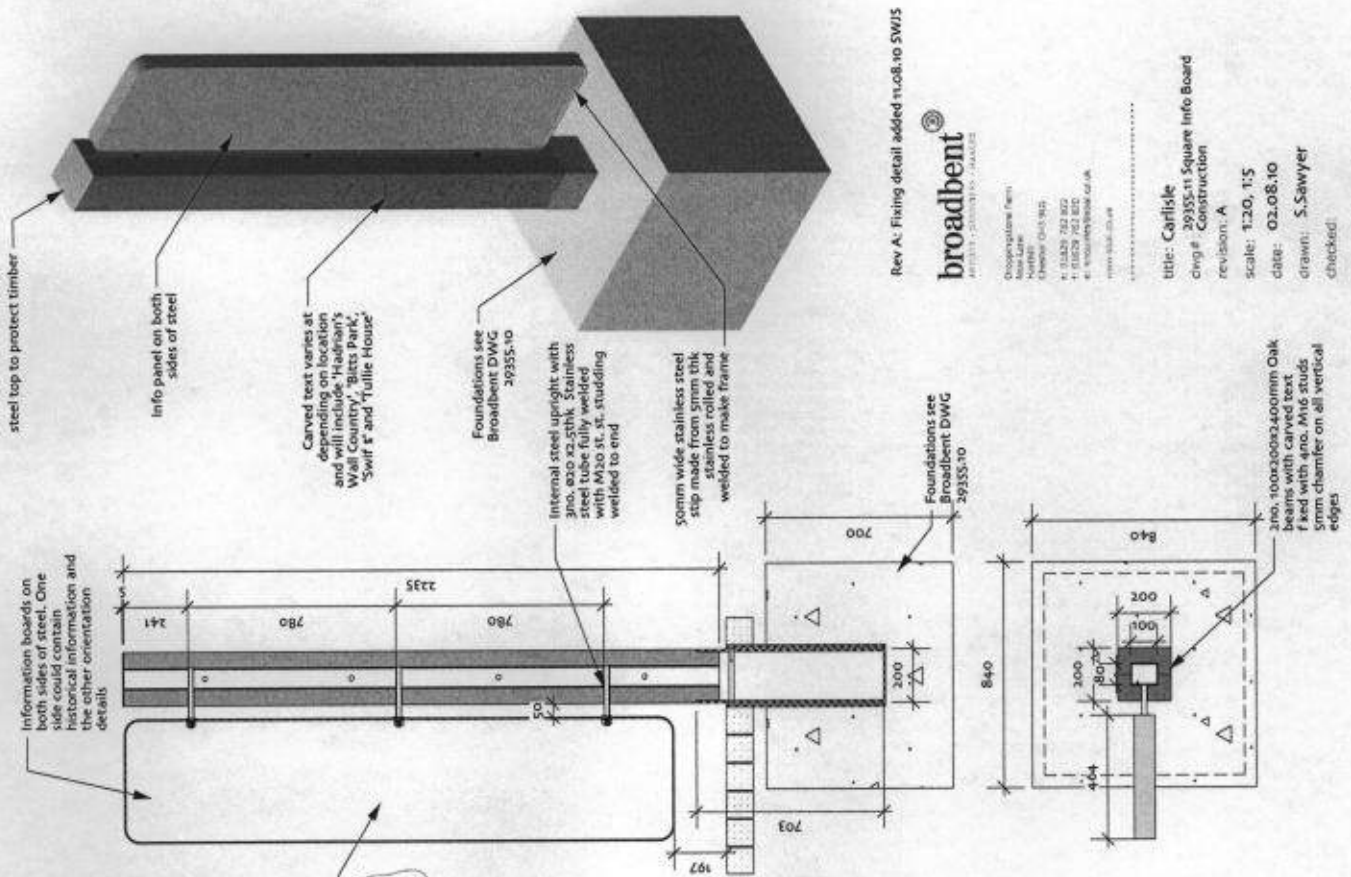


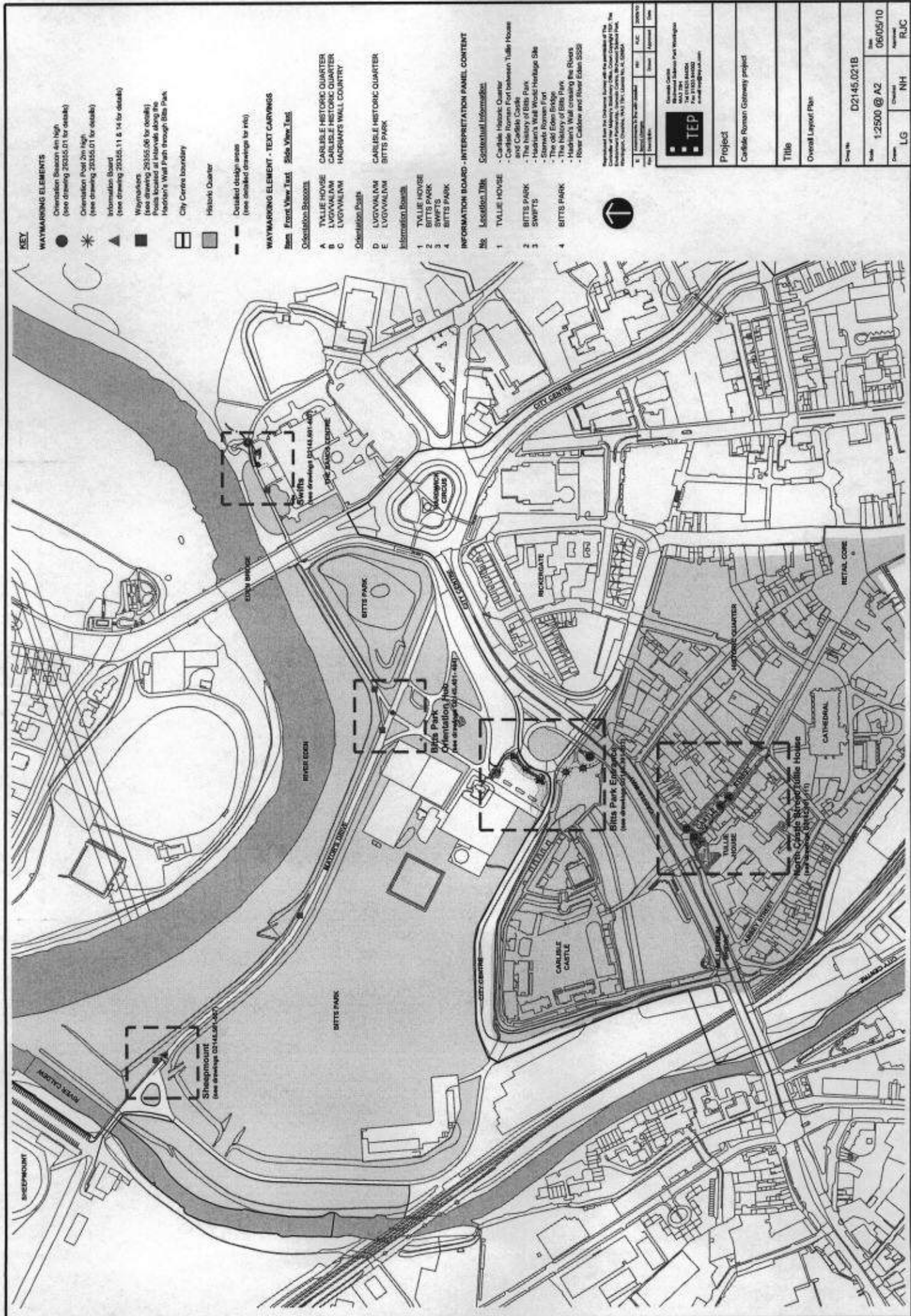
Rev A: Fixing detail added 11.08.10 SWJS



Dispersalway Farm
 Northgate
 Evesham G15 9JZ
 T: 01527 752 822
 F: 01527 752 820
 E: info@broadbent.co.uk
 www.broadbent.co.uk

title: Carlisle
 20355-11 Square Info Board
 orig # Construction
 revision: A
 scale: 1:20, 1:5
 date: 02.08.10
 drawn: S.Sawyer
 checked:





- KEY**
- WAYMARKING ELEMENTS**
- Orientation Beacon 4m high (see drawing 20355.01 for details)
 - ✳ Orientation Post 2m high (see drawing 20355.01 for details)
 - ▲ Information Board (see drawing 20355.11 & 14 for details)
 - Waymarkers (see drawing 20355.06 for details) Posts located at intervals along the Historic Wall Path through Bits Park
 - ▭ City Centre boundary
 - ▭ Historic Quarter
 - ▭ Detailed design areas (see detailed drawings for info)

- WAYMARKING ELEMENT - TEXT CARVINGS**
- Item Front View Text Side View Text
- Orientation Boards**
- A TULLIE HOUSE
 - B CARLISLE HISTORIC QUARTER
 - C LUGVAULNM HADRIAN'S WALL COUNTRY
- Orientation Posts**
- D LUGVAULNM
 - E LUGVAULNM
- Information Boards**
- 1 TULLIE HOUSE
 - 2 BITTS PARK
 - 3 SWIFTS
 - 4 BITTS PARK

- INFORMATION BOARD - INTERPRETATION PANEL CONTENT**
- Location: Tullie House**
- 1 TULLIE HOUSE
 - 2 BITTS PARK
 - 3 SWIFTS
 - 4 BITTS PARK
- Spiritual Information:**
- Carlisle Historic Quarter
 - Carlisle Roman Fort between Tullie House and Carlisle Castle
 - The History of Bits Park
 - Hadrian's Wall World Heritage Site
 - Starwite Roman Fort
 - The old Eden Bridge
 - The History of Bits Park
 - Howl Park Blocks
 - Howl Culture and Howl Eden SSSI

Prepared for the Client by the Architectural Practice of The Metropolitan Partnership, 100-102, The Gateway, The Gateway, Carlisle, Cumbria, CA2 9JL. Tel: 01275 442000. Fax: 01275 442001. www.metpartnership.com

Client	Metropolitan Partnership
Project	Carlisle Roman Gateway project
Location	Carlisle, Cumbria
Date	06/05/10
Scale	1:2500 @ A2
Drawn	LG
Checked	NH
Approved	RJC

Project	Carlisle Roman Gateway project
Title	Overall Layout Plan
Drawn	LG
Checked	NH
Approved	RJC
Scale	1:2500 @ A2
Date	06/05/10

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 08

Between 30/10/2010 and 03/12/2010

Appn Ref No:

10/9008

Applicant:

Cumbria County Council

Parish:

Carlisle

Date of Receipt:

01/06/2010

Agent:

Cumbria County Council

Ward:

Yewdale

Location:

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

Grid Reference:

337661 554594

Proposal: Variation of Condition 6 of Planning Permission 09/9037

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 24/11/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 22/11/2010

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
The Courts
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 19 May 2010.

**viz: Section 73 application to vary condition 6 of planning permission 1/09/9037
Richard Rose Morton Academy, Wigton Road, Carlisle**

Subject to due compliance with the following conditions:

- 1 The development shall be carried out in accordance with the approved scheme. which shall comprise the following documents:
 - 1.1 the planning application form 1/09/9037 dated 17 August 2009
 - 1.2 drawing RRMA (0-) A121 rev B
 - 1.3 drawing RRMA (0-) A103 rev D
 - 1.4 drawing RRMA (0-) A104 rev H
 - 1.5 drawing RRMA (0-) A105 rev G
 - 1.6 drawing RRMA (0-) A106 rev G
 - 1.7 drawing RRMA (0-) A107 rev D
 - 1.8 drawing RRMA (0-) A108 Rev A
 - 1.9 drawing RRMA (99) A110 Rev D
 - 1.10 drawing RRMA (0-) A111 Rev D
 - 1.11 drawing RRMA (0-) A112 Rev D
 - 1.12 drawing RRMA (0-) A113 Rev E
 - 1.13 drawing RRMA (0-) A114 Rev D
 - 1.14 drawing RRMA (0-) A115 Rev A
 - 1.15 drawing RRMA (0-) A119 Rev A
 - 1.16 drawing RRMA (0-) A120 Rev B
 - 1.17 drawing RRMA (SK) A134
 - 1.18 drawing RRMA (9-) C001 Rev D
 - 1.19 drawing RRMA (9-) C008 Rev C
 - 1.20 drawing RRMA (9-) C010 Rev B
 - 1.21 drawing RRMA (9-) C017
 - 1.22 drawing RRMA (9-) L100 Rev C
 - 1.23 drawing RRMA (9-) L101 Rev B
 - 1.24 drawing RRMA (9-) L105 Rev B
 - 1.25 drawing RRMA (63) N001 Rev A
 - 1.26 Flood Risk Assessment, Rev 1 -August 2009
 - 1.27 Exterior Lighting Planning Report,(RPT) N001 –Aug 2009
 - 1.28 Bat Survey Report , Marshall Ecology Report 81104/01.7
 - 1.29 Ecological Assessment Final, Capita Symonds- Dec 2008
 - 1.30 Sustainable Energy Strategy Rev F, dated Nov 2009

- 1.31 Design and Access Statement (REP) A001 Aug 2009
- 1.32 Site Security Management Scheme consisting of:
 - RRMA (0-)A133.
 - RRMA(68) E001, E101, E201, and E002;
 - RRF Security Management Plan, letter dated 28 May 2010
 - RRMA (95) L005 B and L007
- 1.33 Sports Provision Scheme – RRMA (9-) L106 Rev A
- 1.34 Sports Provision Scheme – RRMA (9-) L107 Rev A
- 1.35 Sports Provision Scheme – RRMA (0) A130
- 1.36 Tree Protection Plan – dated 10/12/09
- 1.37 Arboricultural Method Statement – approved 6 Jan 2010.
- 1.38 Construction Method Statement Rev 01– dated 17 Sep 2010
- 1.39 Drawing RMMA – 0002 Rev D
- 1.40 Drawing RMMA – 0002c Rev C
- 1.41 Drawing RMMA – 0004 Rev C
- 1.42 Drawing RMMA – 0006 Rev C
- 1.43 the decision notice for this application

Reason: To ensure the development is carried out to an approved appropriate standard.

2. Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays except with the written consent of the Local Planning Authority.

Reason: To ensure that no operations take place during the construction period outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents.

3. Prior to the development being brought into use the permanent access from the school to Wigton Road shall have been completed in accordance with drawing number RRMA -0002c Revision C including new bollards at the junction of the service road and the new direct access from the school to Wigton Road.

Reason: To minimise highway danger and for the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8

4. When construction has been completed the temporary construction access to the highway shall be permanently closed and the crossing and boundary fence shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8

5. There shall be no vehicular access to or egress from the site other than via the approved accesses, except with the prior written agreement of the Local Planning Authority.

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

6. The whole of each of the access areas bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority

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

7. Within 6 months of the development being occupied, a Travel Plan shall be submitted to the Local Planning Authority for their approval. The plan shall identify the measures that will be undertaken to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives. To support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31

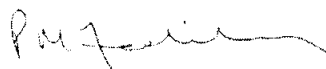
8. On the 1st April each year following the development being occupied a report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared and submitted to the Local Planning Authority for approval for a period of at least 5 years.

Reason: To aid in the delivery of sustainable transport objectives.

9. Prior to the development being occupied a detailed landscaping scheme shall be submitted for the approval of the local planning authority. The Statement shall conform to the Landscape Planting Strategy contained in drawing RRMA L101 Rev B and provide for: species and location of planting, protection, management and maintenance of existing trees, shrubs and hedges and those planted in accordance with the requirements of this permission. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

Reason: To secure the satisfactory establishment and maintenance of trees, hedges and shrubs in the interests of local and residential amenity, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Dated the 22 November 2010



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

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability, or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

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

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

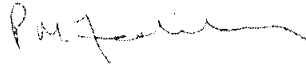
1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policy taken into account by the County Council before granting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

The Carlisle District Local Plan 2001-2016 - POLICY CP5: DESIGN

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

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

Dated the 22 November 2010



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

SCHEDULE C: Applications Determined by Other Authorities

10/0064

Item No: 09

Between 30/10/2010 and 03/12/2010

Appn Ref No:

10/0064

Applicant:

County Motors (Carlisle)
Ltd

Parish:

Carlisle

Date of Receipt:

26/01/2010

Agent:

Batty France

Ward:

Belah

Location:

Site 78 Kingstown Broadway, Kingstown Industrial
Estate, Carlisle, Cumbria, CA3 0HA

Grid Reference:

338908 559187

Proposal: Change Of Use Of Existing Premises To A Mixed Use Comprising;
Vehicle Repair And Servicing Workshop, Including An MOT Bay; Parts
Stores; Car Sales, Together With Related Reception And Office Areas
(Retrospective Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The proposal was seeking retrospective planning permission for the change of use of existing premises to a mixed use comprising vehicle repair and servicing workshop, including an MOT bay; parts stores; car sales; together with related reception and office areas at Site 78, Kingstown Broadway, Kingstown Industrial Estate.

Planning permission was refused in March 2010 and an enforcement notice was served in April 2010, which sought to cease motor vehicle sales from the site. The period for compliance with the enforcement notice was 3 months.

The Inspector considered the main issue to be the implications of the development for the objectives of Local Plan policy, having regard to the extent and nature of retailing activities at other premises within nearby areas of Kingstown Industrial Estate.

The Inspector considered that the parts of the Kingstown Industrial Estate, around the application site, retain the character of an industrial estate and

SCHEDULE C: Applications Determined by Other Authorities

10/0064

that the bulk of the estate retains the physical and visual character of an employment/ industrial area. The location of large vehicle retailing businesses along the major frontages of Kingstown Road and Gearshill Road appears to have been a conscious element in the original scheme of development, alongside the larger out of centre retailing to the north.

The Inspector concluded that the evidence relating to the pattern of land uses around Site 78 does not suggest that the focus of the area on providing a supply of a range of employment premises has been diluted to the extent that the objective of Policy EC1 (Primary Employment Areas) has been undermined.

The Inspector, therefore, dismissed the appeal and upheld the enforcement notice.

Appeal Decision: Appeal Dismissed

Date: 01/12/2010

SCHEDULE C: Applications Determined by Other Authorities

10/0457

Item No: 10

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0457

Applicant:
Mr & Mrs Howell

Parish:
Brampton

Date of Receipt:
27/05/2010

Agent:

Ward:
Brampton

Location:
Eastwood, Milton, Brampton, Cumbria, CA8 1JD

Grid Reference:
355643 560590

Proposal: Two Storey Rear Extension To Provide Living/Dining Area On Ground Floor With 2no. Bedrooms And Bathroom Above Together With Single Storey Conservatory

Amendment:

REPORT

Case Officer: Angus Hutchinson

Decision on Appeals:

Appeal Against: Against imposition of conditions

Type of Appeal: Written Representations

Report: In July 2010 planning permission, under application reference number 10/0457, was granted for a two storey extension at Eastwood, Milton. The aforementioned permission was subject to a condition (number 3) which stated:

"This permission relates to the addition of supplementary domestic accommodation to, and related internal re-arrangements of, the existing family accommodation at the premises, all of which shall be occupied as one planning unit by members of the applicants family or those of their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the accommodation hereby approved, independently of the remainder of the overall property."

The applicants subsequently appealed on the basis of seeking the removal of the aforementioned condition. The Inspector has agreed to the deletion of condition 3 on the basis that it is considered to fail the Circular 11/95 test of reasonableness but then substituted it by model condition 47 from the aforementioned Circular. The substituted condition now stating:

"The extension hereby permitted shall not be occupied at any time other

SCHEDULE C: Applications Determined by Other Authorities

10/0457

than for the purposes ancillary to the residential use of the dwelling known as Eastwood."

Appeal Decision: Appeal Allowed with Conditions **Date:** 02/12/2010

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 11

Between 30/10/2010 and 03/12/2010

Appn Ref No:

09/0413

Applicant:

Church Commissioners
For England

Parish:

Cummersdale

Date of Receipt:

19/05/2009

Agent:

Smiths Gore

Ward:

Multiple Wards

Location:

Land At Morton Bounded By Wigton Road, Peter
Lane And Dalston Road, Carlisle, Cumbria

Grid Reference:

337919 553677

Proposal: Development Of Land At South Morton Bounded By Wigton Road, Peter Lane And Dalston Road, Carlisle, For Residential (Maximum 825 Dwellings), Employment (40,000m2 Floorspace), And Public Open Space Purposes As Well As Associated Works

Amendment:

1. Revised Parameter Plan 1 Access Points/Movement Framework, and Indicative Masterplan received 30.09.09. The revised Parameter Plan shows a future link to Caldew Cycleway; the revised Indicative Masterplan shows the future link to the Caldew Cycleway, relocation of the suggested footpath to the rear of Ellesmere Way and extension of allotments, realignment of the existing right of way, the introduction of new squares within the residential areas, and adjustment to planting on northern boundary of central open space to allow filtered views through to central open space for residents of Ellesmere Way.
2. Revised plans received 15th December 2009.
3. Revised Parameter Plan 2 (Rev A) showing the relocation of the allotments, informal play space and reserved site for a primary school; revised Parameter Plan 3 (Rev A) detailing slight amendments to the shape of the residential blocks in the vicinity of the primary school and adjacent to the employment area; revised Indicative Masterplan to take account of the relocated reserve site for the primary school and change in location of the allotments, and a new indicative line of a pedestrian path and cycleway; alteration to the Potential Phasing Plan (Rev A) concerning the residential land blocks on and adjacent to the previous reserve site for the primary school. Revised plans received 24th December 2009.

REPORT

Case Officer: Angus Hutchinson

Details of Deferral:

SCHEDULE D: Reports on Previously Deferred Decisions

Members will recall at Committee meeting held on 29 January 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to referral to the Government Office for the North West; the imposition of relevant conditions; and the satisfactory completion of a Section 106 Agreement. The application was referred and cleared by the Government Office North West; relevant conditions have been imposed and the Section 106 Agreement was completed and approval was issued on 23 November 2010.

Decision: Granted Subject to Legal Agreement

Date: 23/11/2010

1. Time Limits

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters for the first Phase of the development, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to retain control of the development whilst allowing a phased development on the site.

2. Reserved Matters

Before the submission of an application for approval of Reserved Matters for the first Phase of the development, details of the intended programme of Phasing of the overall development hereby permitted (including Phasing of the construction programmes for the associated highways, footpaths/cycleways, linkages to the School Site, the diversion of the bridleway, any public open space or landscaping, playspace, allotments, the indicated focal point, sports pitch, youth shelter and associated parking, re-routeing of the existing overhead power line, provision of the dedicated bus link, and infrastructure and services within the development and a connection to the existing public/adopted networks) shall be submitted to and approval obtained in writing from the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details or any amendments to those details as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a co-ordinated manner and in order to safeguard the amenity of the area in accordance with Policy H4 of the Carlisle District Local Plan 2001-2016.

3. An application for approval of any of the Reserved Matters for the first Phase

SCHEDULE D: Reports on Previously Deferred Decisions

shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Applications for the approval of Reserved Matters for all other Phases shall be made to the Local Planning Authority by not later than 10 years from the date of this permission. All applications for Reserved Matters shall be based upon the design and layout principles set out within the “parameter plans” which (for the avoidance of doubt) comprise:

- i) Access Points/Movement Framework Parameter Plan 1 (Revision A);
- ii) Layout/Land Use Framework Parameter Plan 2 (Revision A);
- iii) Scale Parameters/Residential Density and Building Heights Parameter Plan 3 (Revision A);

or, any amendments to these plans agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in the accordance with the approved Parameter Plans and any agreed modifications thereto.

4. Housing Development

The overall housing development shall provide for the construction of around 825 residential units to be erected pursuant to the grant of this permission.

Reason: An increase in the number of residential units might invalidate the transport and environmental impact assessments.

5. Applications for Reserved Matters for the housing development, comprising layout, scale, appearance, landscaping and access, shall be accompanied by the following details to be approved in writing by the Local Planning Authority prior to commencement of the relevant works:

- i) details or samples of all external materials and finishes;
- ii) details of boundary walls fences or other boundary treatments for each plot;
- iii) existing and proposed site levels and finished floor levels of built development;
- iv) bridleway, footpath and cycle connections (inclusive of details showing how they will not be affected by any seasonal flooding), roads and bus link; and
- v) open/play space provision, allotments, sports pitch, youth shelter, the indicated focal point, and associated parking, if any in that phase.

The development shall thereafter be undertaken in full accord with those approved details and completed prior to the occupation of the last unit within each Phase unless otherwise agreed in writing by the Local Planning Authority.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure that the Local Planning Authority is satisfied that the reserved matters are in accordance with Policies CP5, H1, LC3 and LC4 of the Carlisle District Local Plan 2001-2016; to secure a comprehensive and co-coordinated development of the site; and to meet the requirements of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

6. Employment Land

This permission relates to the use of the employment land hereby permitted as a business/science park for purposes only falling within Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and ensure that the proposal is not contrary to Policy EM13 of the Cumbria and Lake District Joint Structure Plan 2001-2016, and Policy EC22 of the Carlisle District Local Plan 2001-2016.

7. Applications for Reserved Matters, comprising layout, scale, appearance, landscaping and access, for the employment development shall be accompanied by the following details to be approved in writing by the Local Planning Authority prior to commencement of the relevant works:

- i) details of drainage, lighting, parking/servicing areas, site and finished floor levels, the external finishes of each building and associate hardscaping;
- ii) details of the boundary treatment for each building plot including any gated access points;
- iii) details of cycle parking;
- iv) details of proposed security measures.

No employment floor space hereby permitted shall be brought into use until the works associated with the foregoing details have been fully implemented in accordance with the approved details.

Reason: To ensure a minimum standard of construction in the interests of highway safety in support of Local Transport Plan Policies LD5, LD7 and LD8; and Policies CP17, EC1, EC22, CP12 and T1 of the Carlisle District Local Plan 2001-2016.

8. Highway Works

All carriageways, means of access, footways, footpaths and cycleways shall be

SCHEDULE D: Reports on Previously Deferred Decisions

designed, constructed, drained and lit to a standard suitable for adoption. Applications for Reserved Matters for such infrastructure shall be accompanied by the following details to be approved in writing by the Local Planning Authority prior to commencement of the relevant works:

- i) longitudinal/cross sections;
- ii) means of surface water drainage;
- iii) specification of the works; and
- iv) construction programme.

These details shall be in accordance with the standards laid down in the current Cumbria Design Guide (or such amendments to the Guide as may subsequently apply at the time of such application).

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

9. All works approved under condition 8 and installation of ducts approved under condition 11 associated with a Phase shall be concluded prior to the occupation of the last unit of housing or employment development within that Phase unless the Local Planning Authority agree otherwise and no unit of housing or non-residential development shall be occupied until:

- i) it is provided with a connection to the highway network that has been constructed in all respects to base course level, drained and lit; and
- ii) off-street parking and turning facilities associated with that unit (if applicable) are available for use.

Reason: To ensure a minimum standard of construction in the interests of highway safety in support of Local Transport Plan Policies: LD5, LD7 and LD8; and maintain the visual character of the locality in accord with Policies EC1 and CP5 of the Carlisle District Local Plan 2001-2016.

10. The phasing plan to be approved under condition 2 shall include, for each phase, a footpath and/or cycleway connecting the boundary of the phase to the School Site (the "School Link"). Following the opening of the school on the School Site, no housing in a phase shall be occupied until the School Link for that phase has been provided.

Reason: In order to ensure the effective provision of public linkage to a community facility in accordance with Policy LC8 of the Carlisle District Local Plan 2001-2016.

11. In each Phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable

SCHEDULE D: Reports on Previously Deferred Decisions

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.

In providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers.

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority.

Reason: To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. The access covers to the underground ducts to be installed pursuant to Condition 11 shall be carefully located in relation to the surface finishes in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority and shall be of the type whereby the "tray" may be in-filled with the appropriate surface materials.

Reason: In the interests of highway safety; and in accordance with Policies CP5 and EC1 of the Carlisle District Local Plan 2001-2016.

13. Archaeology

No development shall commence within a Phase until a programme of archaeological work has been implemented for that Phase in accordance with a written scheme of investigation to be submitted to and approved in writing by the Local Planning Authority.

The written scheme shall include the following components:

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

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

14. Where appropriate, an archaeological post-excavation assessment and

SCHEDULE D: Reports on Previously Deferred Decisions

analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within three years of the date of completion of the archaeology programme for the last Phase or otherwise agreed in writing by the LPA.

Reason: To ensure that permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE9 of the Carlisle District Local Plan 2001-2016.

15. Contamination

No development shall be commenced on a Phase until a scheme to deal with any site contamination within that Phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include investigation and assessment to establish the extent of contamination and measures to be taken to avoid risk to people, buildings and the environment. The approved scheme shall be fully implemented and completed before occupation of any unit of that Phase.

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 in accordance with Policies CP11 and LE29 of the Carlisle District Local Plan 2001-2016.

16. In the event that contamination, not previously identified, is found at any time when carrying out the approved development, 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 in accordance with Policies CP11 and LE29 of the Carlisle District Local Plan 2001-2016.

SCHEDULE D: Reports on Previously Deferred Decisions

17. Construction Impacts

Prior to the commencement of development in a Phase, a Construction Method Statement for that Phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the laying out of land for and details of the means of access and parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction; and
- vii) a scheme for the re-cycling/disposal of waste resulting from demolition and construction works.

Reason: To ensure proper and adequate provisions are made during the construction phase in the interests of highway safety and local amenity in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

18. No construction work associated with the development hereby approved 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 Bank Holidays).

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

19. Prior to the commencement of development in a Phase, a scheme of ON-SITE noise mitigation measures for that Phase shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out fully in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

20. For the duration of the construction works within any constituent part of the site, a suitable barrier preventing siltation and pollutants entering any watercourse within that part of the site shall be erected and maintained in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development is commenced on that part of the site.

Reason: To safeguard the biodiversity of the locality in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

SCHEDULE D: Reports on Previously Deferred Decisions

21. Landscaping and Biodiversity

No development shall take place until a detailed Biodiversity Enhancement and Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to, the mitigation measures proposed in Chapter 4 of the South Morton Carlisle Bat Survey Report (Church Commissioners) September 2009 (Environmental Statement Addendum September 2009).

The Biodiversity Enhancement and Protection Plan shall be implemented in accordance with the approved details and development phasing, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the promotion and protection of biodiversity within the development in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

22. No clearance of or damage to hedgerows shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

23. Applications for Reserved Matters for landscaping shall be accompanied (where appropriate) by the following details to be approved in writing by the Local Planning Authority prior to commencement of the relevant works:

- i) identification of those trees/shrubs to be retained;
- ii) identification of the crown spread of retained trees, including those that overhang the boundary; and
- iii) a scheme for wetland planting along the course of Fairy Beck.

These works shall be carried out either contemporaneously with the completion of the associated housing or employment development or, in the alternative, by not later than the end of the planting and seeding season following the completion of the Phase of the development to which the landscaping relates (unless an alternative programme is agreed with the Local Planning Authority or under the accompanying Section 106 Agreement).

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

SCHEDULE D: Reports on Previously Deferred Decisions

24. Any trees or other plants, which die, are removed or become seriously damaged or diseased within the first five years following planting shall be replaced during the next planting season with others of similar size or species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

25. Any trees to be retained shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, beforehand by the Local Planning Authority.

Within those protected areas 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 unless otherwise agreed in writing by the Local Planning Authority.

If any trenches for services are required in the protected area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 50mm or more shall not be left uncovered.

The protective barrier shall thereafter be retained at all times during construction works on the site.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

26. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a period of not less than 5 years from the commencement of the work for all landscape areas (other than domestic gardens) within each Phase of the housing development and in relation to the employment land shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall thereafter be fully implemented unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

27. No development within a phase shall take place until details of earthworks for that Phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing

SCHEDULE D: Reports on Previously Deferred Decisions

the relationship of proposed mounding to existing vegetation and surrounding landform. Development of that Phase shall be carried out in full accordance with the approved details unless the Local Planning Authority agree otherwise.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

28. Drainage

No part of the development shall commence until details for that part of the surface water drainage and means of disposal, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development (inclusive of how the scheme shall be maintained and managed after completion and any necessary off-site improvements for that part) have been submitted to and approved in writing by the Local Planning Authority.

No housing or non-residential unit hereby permitted shall be occupied until the approved works to connect that unit to the surface water drainage system have been completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policies CP10 and CP12 of the Carlisle District Local Plan 2001-2016.

29. No part of the development shall commence until details of the foul drainage, including any necessary off-site improvements, for that part have been submitted to and approved in writing by the Local Planning Authority.

No housing or non-residential unit hereby permitted shall be occupied until the approved works to connect that unit to the foul drainage system(s) have been completed.

Reason: To prevent overloading of the public sewerage system, in order to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

30. Flood Risk

The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Mouchel and dated 2009, together with the following mitigation measures detailed within the FRA:

SCHEDULE D: Reports on Previously Deferred Decisions

- i) limiting the surface water run off generated by the 1 in 100 year plus climate change rainfall event, in accordance with section 7.5 of the Flood Risk Assessment Report, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- ii) in accordance with section 7.2 and 7.4 page 18 of the Flood Risk Assessment Report, all development inclusive of the proposed attenuation ponds shall be located outside the 100 year with climate change outline;
- iii) confirmation of the opening up of any culverts across the site; and
- iv) in accordance with section 7.3 of the Flood Risk Assessment Report and Appendix E finished floor levels shall be set no lower than 600 mm above the modelled 1 in 100 year flood level plus an allowance for climate change.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policies CP10 and CP11 of the Carlisle District Local Plan 2001–2016.

31. Renewable Energy

No part of the housing development or unit of employment development equal to or exceeding 1,000m² GIA shall commence until details showing how the development will meet the requirement for achieving 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources have been submitted to and approved in writing by the Local Planning Authority unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. The development shall be carried out in accordance with those approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In support of Policy EM18 of the North West of England Plan Regional Spatial Strategy to 2021 and Policy CP9 of the Carlisle District Local Plan 2001-2016.

Item No: 12

Between 30/10/2010 and 03/12/2010

Appn Ref No:

10/0425

Applicant:

Two Castles Housing
Association

Parish:

Brampton

Date of Receipt:

06/05/2010 16:00:54

Agent:

HMH Architects

Ward:

Brampton

Location:

Grid Reference:

SCHEDULE D: Reports on Previously Deferred Decisions

Land to the south of Gelt Rise, Brampton, Cumbria 352860 560705

Proposal: Erection Of 17no. Dwellings Together With Associated Parking, Landscaping And Formation Of New Access Road.

Amendment:

REPORT

Case Officer: Stephen Daniel

Details of Deferral:

Members will recall at Committee meeting held on 16th July 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the completion of a Section 106 Agreement to secure the provision of the units as affordable properties, in perpetuity and to secure a financial contribution towards the provision and the maintenance of children's play space in the locality.

The S106 has been completed and the approval was issued on 15th November 2010.

Decision: Grant Permission

Date: 15/11/2010

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the Design & Access Statement;
 3. Geo-Environmental Investigation + Addendum;
 4. Arboricultural Impact Assessment;
 5. Ecology Report;
 6. Flood Risk Assessment & Surface Water Drainage Strategy;
 7. Site Location Plan;

SCHEDULE D: Reports on Previously Deferred Decisions

8. Drawings SU01; SK100J; SK101A; SK102B; SK103B; SK104; SK106; SK107; SK108; SK201A; SK202C; SK203B; SK204A

9. the Notice of Decision; and

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

Reason: For the avoidance of doubt.

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

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

4. The landscaping scheme shall be implemented in accordance with the soft landscaping plan received on 9 June 2010 (Drawing No. SK108 Revision A) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with the details contained on the Soft Landscaping Plan (drawing no. SK 108 Rev. A) and in the Arboricultural Impact Assessment prepared by Dendra Consulting Ltd in February 2010 and received on 7 May 2010, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and

SCHEDULE D: Reports on Previously Deferred Decisions

CP5 of the Carlisle District Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings indicated as plots 1-17 on the approved plan, Drawing No. SK 100 Revision J received on 7 May 2010, without the permission of the Local Planning Authority.

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

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

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

8. The surface water drainage system shall be implemented in accordance with the details contained within the Flood Risk Assessment and Surface Water Drainage Strategy produced by R. G. Parkins & Partners Ltd (Revision A) dated February 2010 (received on 11 May 2010), unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding at the site, in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. The proposed finished floor levels of the proposed dwellings hereby approved shall be in accordance with Drawing No. SK 100, Revision J, received 7 May 2010, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In order that the approved development overcomes any problem associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

10. The development hereby approved shall implemented in accordance with the mitigation measures outlined in paragraphs 5.1 to 5.3 of the Ecology Report produced by Dendra Consulting Ltd, dated 3rd March 2010 (received 7 May 2010), unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To protect wildlife and trees at the site, in accordance with Policy

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CP5 of the Carlisle District Local Plan 2001-2016.

11. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

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

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

13. Measures should be taken by the applicant to ensure that no mud or debris are deposited on the public highway by any vehicle associated with the development. Details of the exact measures required to meet this condition are to be agreed with the Local Planning Authority.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings (Plots 1 to 17) to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

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

SCHEDULE D: Reports on Previously Deferred Decisions

15. The hard landscaping scheme shall be implemented in accordance with the details contained within the Hard Landscaping Plan (drawing number SK104) and Hard Landscaping Details (drawing number SK107) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

Item No: 13 Between 30/10/2010 and 03/12/2010

Appn Ref No: 10/0631 **Applicant:** Mr Mike Swindlehurst **Parish:** Carlisle

Date of Receipt: 05/07/2010 **Agent:** Hurd Rolland Partnership Chartered Architects **Ward:** Castle

Location: Sands Centre, The Sands, Carlisle, CA1 1JQ **Grid Reference:** 340185 556503

Proposal: Proposed Extension And Refurbishment Including Demolition Of Existing Gymnasium, To Provide New Public Swimming Pool, Sports Hall, Gymnasium And Educational Facility With New Hard And Soft Landscaping, Revised Car Park Layout And Relocation Of Main Vehicle Access

Amendment:

REPORT **Case Officer:** Sam Greig

Details of Deferral:

Members will recall at Committee meeting held on 1st October 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to:

1. to the completion of the Assessment of Likely Significant Effects under the Habitats Regulations and to it concluding that there were no likely significant effects.

In the event that the ALSE recommended further conditions to deal with Nature

SCHEDULE D: Reports on Previously Deferred Decisions

Conservation matters, Officers were authorised to impose those conditions. Should the ALSE identify likely significant effects, Officers were instructed to report the application back to the Committee for further consideration and determination in the light of the information available concerning these effects.

The assessment was completed and no likely significant effects were found and no further conditions were recommended. The approval was issued on 25th November 2010.

Decision: Grant Permission

Date: 25/11/2010

1. The development shall be begun not later than the expiration of 7 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.

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form dated 30th June 2010;
2. the existing Location Plan [drawing L (01) 00 Rev B];
3. drawing showing existing topographical data [drawing L (01) 05];
4. existing Ground Floor Plan [drawing L (01) 10 Rev A];
5. existing First Floor Plan [drawing L (01) 11 Rev A];
6. existing Roof Plan [drawing L (01) 12 Rev A];
7. existing photographs of south and south west elevations [drawing L (01) 20 Rev A];
8. existing photographs of west and north elevations [drawing L (01) 21 Rev A];
9. existing photographs of north elevation [drawing L (01) 22 Rev A];
10. existing photographs of east and south elevations [drawing L (01) 23 Rev A];
11. proposed Site Plan [drawing L (02) 01 Rev E];
12. proposed Site Plan [drawing L (02) 02 Rev A];
13. proposed Ground Floor Plan [drawing L (02) 10 Rev K];
14. proposed First Floor Plan [drawing L (02) 11 Rev F];
15. proposed Second Floor Plan [drawing L (02) 12 Rev F];
16. proposed Third Floor Plan [drawing L (02) 13 Rev F];
17. proposed Roof Plan [drawing L (02) 14 Rev F];
18. proposed south and west elevations [drawing L (03) 11 Rev F];
19. proposed east and north elevations [drawing L (03) 12 Rev F];
20. CGI Perspective Of Proposed Entrance Viewed From South [drawing skL (03) 13];
21. CGI Perspective From Hardwicke Circus to North East [drawing skL (03) 14];
22. landscape General Arrangement [drawing 0908/01 Rev K];
23. landscape Forecourt Detail [drawing 0908/02 Rev F];
24. landscape Riverside Detail [drawing 0908/03 Rev C];
25. landscape School of Sport Detail [drawing 0908/04 Rev F];
26. landscape Sections and Elevations [drawing 0908/05 Rev C];
27. landscape Boundary Railings Detail [drawing 0908/08 Rev B];
28. landscape External Boundaries at Key Junctions [drawing 0908/09];

SCHEDULE D: Reports on Previously Deferred Decisions

29. proposed External Lighting Design [drawing 1300293];
30. Design & Access Statement Volume 1: Design;
31. Design & Access Statement Volume 2: Environment;
32. Design & Access Statement Volume 3: Transport
33. the Notice of Decision; and
34. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the Planning Permission and for the avoidance of doubt.

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

Reason: To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan.

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

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

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

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

6. The development shall not be brought into use until the access, turning and parking facilities have been constructed in accordance with the approved plan. Any such access and/or turning 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 and too support Local Transport

SCHEDULE D: Reports on Previously Deferred Decisions

Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32.

7. Within 6 months of the development (or any part thereof) being brought into use, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31.insert text from asterisk onwards.

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

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31.

9. Development shall not begin until a surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- i) A scheme for surface water attenuation to mitigate the impact of additional impermeable area, including allowance for climate change.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To deal with the risks associated with contamination and to protect the water environment.

11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details..

Reason: To ensure the protection of groundwater.

12. No development approved by this planning permission shall be commenced until a scheme that satisfactorily addresses pollution prevention has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the pollution of the River Eden.

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

This written scheme of investigation will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

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

14. Where appropriate, an archaeological post-excavation assessment and

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

15. Prior to the commencement of the development, full details of the design, specification and layout of all indoor sports facilities, which shall comply with Sport England Technical Design Guidance Notes, including 'Sports Halls- Design and layout', 'Fitness and Exercise Spaces', 'Floors for indoor sports', Pavilions and clubhouses', 'Swimming Pool Design' and 'Accessible Sports Facilities' shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports facilities shall be constructed in accordance with the approved design and layout details in accordance with a timescale to be first agreed in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure the development is in accord with the objectives of Policy LC2 of the Carlisle District Local Plan 2001-2016.

16. The development shall be landscaped in accordance with details to be submitted to and approved by the Local Planning Authority. The submitted scheme shall include details of the proposed type and species of all planted material [which shall be locally occurring native species], including particulars of the proposed heights and planting densities and particulars of all trees and shrubs which are to be retained, together with a full specification of the surface finishes, edging, lighting and street furniture to be provided at, all areas of proposed hard landscaping.

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

17. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the bringing into use of the additional accommodation being provided or completion of the development, whichever is the sooner.

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

Reason: To protect trees and hedges during development works.

19. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

Reason: To protect trees and hedges during development works.

20. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy E15 of the Carlisle District Local Plan.

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

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

22. Before any work is commenced in relation the development, a Construction Environmental Management Strategy [including any related Plan or Plans] shall be submitted to and agreed in writing by the Local Planning Authority. This shall include noise management measures; waste minimisation; management of site drainage [to include alteration if needed to the existing system] such as the use of silt traps during construction and/or oil/petrol interceptors; measures for the safe disposal of waste waters; the checking and testing of imported materials [e.g. top soils, etc] to ensure suitability of use and prevent the spread of invasive species; measures [where necessary] for the management and safe

SCHEDULE D: Reports on Previously Deferred Decisions

removal of invasive species; the construction hours of working; facilities for wheel washing, vibration management and dust management; measures for vermin control; measures to prevent or mitigate any increased flood risk arising from construction operations; measures for vehicle control within the site; an Emergency Plan for pollution events; protocols for contact and consultation with local people and any other matters to be agreed with the Local Planning Authority. The agreed scheme, which shall in all respects be in compliance with the Environment Agency's Pollution Prevention Guidelines No 5 [for works or maintenance in or near water] shall be implemented upon the commencement of development and shall not be varied without the prior written agreement of the Local Planning Authority.

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

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0227

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
09/03/2010 16:00:21

Agent:
DPP

Ward:
Currock

Location:
L/A Bounded by Upper Viaduct Car Park, River
Caldew, Harper and Hebson and Viaduct Estate
Road, Carlisle

Grid Reference:
339950 555600

Proposal: Discharge Of Condition 15 (Details Showing The Crown Street/Currock
Street Junction Improvements) Of Previously Approved Application
04/1653

Amendment:

Decision: Grant Permission

Date: 02/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0228

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
09/03/2010 16:00:40

Agent:
DPP

Ward:
Castle

Location:
L/A Bounded by Upper Viaduct Car Park, River
Caldew, Harper and Hebson and Viaduct Estate
Road, Carlisle

Grid Reference:
339950 555600

Proposal: Variation Of Condition 13 (Major Junction Improvements) Of Previously
Approved Application 04/1653

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0692

Applicant:
Mr Stephen Milligan

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
09/09/2010

Agent:
Mr Chris Wale

Ward:
Castle

Location:
Cafe M (Pickwicks) , 13 Globe Lane, The Lanes
Shopping Centre, Carlisle CA3 8NX

Grid Reference:
340173 556023

Proposal: New Shopfront (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 04/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0753

Applicant:
Mr Mark Nicholson

Parish:
Brampton

Date of Receipt:
13/09/2010

Agent:

Ward:
Brampton

Location:
Fieldings, Paving Brow, Brampton, Cumbria CA8
1QU

Grid Reference:
353299 560504

Proposal: Garden Landscaping Inclusive Of Patios, Upper And Lower Terraces
And Decking

Amendment:

Decision: Grant Permission

Date: 08/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0765

Applicant:
Mr & Mrs Sinkinson

Parish:
Carlisle

Date of Receipt:
08/10/2010

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Upperby

Location:
82 Woodside North, Carlisle, CA2 4NP

Grid Reference:
341150 553270

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two Storey Side Extension To Provide Living Room On Ground Floor
With 1No. En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 24/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0809

Applicant:
Mr & Mrs Danson

Parish:

Date of Receipt:
13/09/2010

Agent:
Lakes Architect Ltd

Ward:
Lyne

Location:
Dir Tup, Roadhead, Carlisle, CA6 6PF

Grid Reference:
351318 576935

Proposal: Replacement Of Existing Store With Utility And Porch

Amendment:

Decision: Grant Permission

Date: 08/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0815

Applicant:
Kingmoor Park Properties
Limited

Parish:
Kingmoor

Date of Receipt:
07/09/2010

Agent:
How Planning

Ward:
Stanwix Rural

Location:
Land located within Kingmoor Park East, Kingmoor
Park, Carlisle

Grid Reference:
338440 559459

Proposal: Renewal Of Unexpired Permission Of Previously Approved Application
07/0015 For

Proposed Development Of A 130 Bedroom Hotel With Ancillary
Conference Centre, Health And Fitness Centre, Restaurants and Bar
Together With Associated Car Parking (Outline Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0822

Applicant:
Farlam Parish Council

Parish:
Farlam

Date of Receipt:
13/09/2010

Agent:
Mr Alan Shaw

Ward:
Irthing

Location:
Land opposite Village Hall, Crossgates Road,
Hallbankgate, Brampton, CA8 2NJ

Grid Reference:
358094 559526

Proposal: Change Of Use Of Agricultural Land To Car Park And Relocation Of
Stone Wall

Amendment:

Decision: Grant Permission

Date: 08/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0826

Applicant:
Mr Lloyd

Parish:
St Cuthberts Without

Date of Receipt:
09/09/2010 16:00:39

Agent:
Green Design Group

Ward:
Dalston

Location:
Brisco Hill, Brisco, Carlisle, CA4 0QZ

Grid Reference:
342563 551416

Proposal: Demolition Of Modern Extension; Erection Of 2 Storey Extension To
Provide Breakfast Room, Kitchen, Hall, W.C., And Garden Room On
Ground Floor, With 2 No. En-Suite Bedrooms On First Floor (LBC)
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 04/11/2010

Between 30/10/2010 and 03/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0831

Applicant:
Mr Dinning

Parish:
Dalston

Date of Receipt:
13/09/2010

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
25 The Green, Dalston, Carlisle, CA5 7QB

Grid Reference:
336875 549655

Proposal: Erection Of End Terrace Three Bedroom Dwelling (Revised Application)

Amendment:

Decision: Refuse Permission

Date: 05/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0833

Applicant:
Sainsbury's Supermarkets
Ltd

Parish:
Carlisle

Date of Receipt:
17/09/2010

Agent:
Turley Associates

Ward:
Stanwix Urban

Location:
Northgate (Formerly Gates Tyres) , 54 Scotland
Road, Carlisle, CA3 9DF

Grid Reference:
340030 557268

Proposal: Display Of Internally Illuminated Fascia Sign and Projecting Sign,
Together With The Erection Of Non-Illuminated Signage

Amendment:

Decision: Grant Permission

Date: 03/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0834

Applicant:
Mrs Holland

Parish:
Wetheral

Date of Receipt:
13/09/2010 08:00:23

Agent:
GR Architects

Ward:
Wetheral

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Moorhouse Hall, Warwick on Eden, Carlisle, CA4
8PA

346205 556149

Proposal: Change Of Use From Redundant Offices To 2 Houses; Insertion Of
Rooflights (Revised Application)

Amendment:

Decision: Grant Permission

Date: 08/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0835

Applicant:
Mrs Holland

Parish:
Wetheral

Date of Receipt:
13/09/2010 08:00:23

Agent:
GR Architects

Ward:
Wetheral

Location:
Moorhouse Hall, Warwick on Eden, Carlisle, CA4
8PA

Grid Reference:
346205 556149

Proposal: Change Of Use From Redundant Offices To 2 Houses; Insertion Of
Rooflights (LBC) (Revised Application)

Amendment:

Decision: Grant Permission

Date: 08/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0836

Applicant:
Mr Roberts

Parish:
Rockcliffe

Date of Receipt:
21/09/2010

Agent:
Ms S Fishpool

Ward:
Longtown & Rockcliffe

Location:
The Heather, Rockcliffe, Carlisle, CA6 4AA

Grid Reference:
335974 561799

Proposal: Single Storey Rear Extension To provide New Sunroom/Dining
Area/Kitchen; First Floor Side Extension To provide 1No. En-Suite
Bedroom

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 16/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0837

Applicant:
Nando's Chickenland Ltd

Parish:
Carlisle

Date of Receipt:
24/09/2010

Agent:
Firstplan

Ward:
Castle

Location:
2-4 Warwick Road and 1A The Crescent, Carlisle,
CA1 1QN

Grid Reference:
340286 555701

Proposal: Display Of 2no. Internally Illuminated Fascia Signs; 2no. Internally Illuminated Menu Boxes; 1no. Non-Illuminated Fascia Sign And 2no. Externally Illuminated Projecting Signs

Amendment:

Decision: Grant Permission

Date: 12/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0839

Applicant:
Nando's Chickenland Ltd

Parish:
Carlisle

Date of Receipt:
24/09/2010

Agent:
Firstplan Ltd

Ward:
Castle

Location:
2-4 Warwick Road and 1A The Crescent, Carlisle,
CA1 1QN

Grid Reference:
340286 555701

Proposal: Alterations To Shopfront

Amendment:

Decision: Grant Permission

Date: 12/11/2010

Between 30/10/2010 and 03/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0840

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
23/09/2010

Agent:
Day Cummins Limited

Ward:
Denton Holme

Location:
13-19 Dowbeck Road, Carlisle, Cumbria

Grid Reference:
339112 555369

Proposal: Conversion Of 4no. Flats Into 2no. Dwellings

Amendment:

Decision: Grant Permission

Date: 05/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0843

Applicant:
Mr Anthony Ivinson

Parish:
Brampton

Date of Receipt:
16/09/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Brampton

Location:
Sandbanks, Tree Road, Brampton, Cumbria, CA8
1TX

Grid Reference:
353609 560785

Proposal: Erection Of Front Porch, Single Storey Rear Extension To Provide
Additional Bedroom Space; Provision Of First Floor With 2No. Bedrooms

Amendment:

Decision: Grant Permission

Date: 03/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0844

Applicant:
Mr Nigel Robson

Parish:
Hayton

Date of Receipt:
15/09/2010

Agent:
Architectural Design and
Planning Ltd

Ward:
Hayton

Location:
Gelt House Farm, Hayton, Carlisle, Cumbria, CA8

Grid Reference:
350458 559101

SCHEDULE E: Decisions Issued Under Delegated Powers

9JD

Proposal: Change Of Use Of Barn To Agricultural Workers Dwelling Including Two Storey Extension

Amendment:

Decision: Grant Permission

Date: 10/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0846

Applicant:
Nando's Chickenland Ltd

Parish:

Date of Receipt:
24/09/2010

Agent:
Firstplan

Ward:
Castle

Location:
2 - 4 Warwick Road and 1A The Crescent, Carlisle,
CA1 1QN

Grid Reference:
340286 555701

Proposal: Change Of Use Of Part Of First Floor From Class C3 (Residential) To Class A3 (Restaurant) Together With Installation Of External Plant

Amendment:

Decision: Grant Permission

Date: 11/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0849

Applicant:
Mr & Mrs Jordan

Parish:
Irthington

Date of Receipt:
29/09/2010

Agent:
Green Design Group

Ward:
Stanwix Rural

Location:
Bleatarn Park, Irthington, Carlisle, CA6 4ND

Grid Reference:
346642 561109

Proposal: Conversion Of Existing Barn And Demolition Of Some Outbuildings In Order To Provide 6 No. Holiday Units

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0850

Applicant:
Mr & Mrs Jordan

Parish:
Irthington

Date of Receipt:
29/09/2010

Agent:
Green Design Group

Ward:
Stanwix Rural

Location:
Bleatarn Park, Irthington, Carlisle, CA6 4ND

Grid Reference:
346642 561109

Proposal: Conversion Of Existing Barn And Demolition Of Some Outbuildings In Order To Provide 6 No. Holiday Units (LBC)

Amendment:

Decision: Grant Permission

Date: 23/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0853

Applicant:
Mrs Melanie Row

Parish:
Carlisle

Date of Receipt:
11/10/2010

Agent:

Ward:
Castle

Location:
2 & 4 Lismore Place, Carlisle, Cumbria

Grid Reference:
340777 555971

Proposal: Change Of Use From Residential Home To 2no. Dwellings

Amendment:

Decision: Grant Permission

Date: 10/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0854

Applicant:
Carol Roberts Couture
Bridal

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

23/09/2010

Castle

Location:
19 Warwick Road, Carlisle, CA1 1DH

Grid Reference:
340322 555753

Proposal: Display Of 2no. Non Illuminated Fascia Signs And 1no. Non Illuminated Projecting Sign (Retrospective)

Amendment:

Decision: Grant Permission

Date: 02/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0855

Applicant:
Carol Roberts Couture
Bridal

Parish:
Carlisle

Date of Receipt:
23/09/2010

Agent:

Ward:
Castle

Location:
19 Warwick Road, Carlisle, CA1 1DH

Grid Reference:
340322 555753

Proposal: Display Of 2no. Non Illuminated Fascia Signs And 1no. Non Illuminated Projecting Sign (LBC) (Retrospective)

Amendment:

Decision: Grant Permission

Date: 02/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0859

Applicant:
02 (UK) Ltd

Parish:
Carlisle

Date of Receipt:
27/09/2010

Agent:
Gleeds Building Surveying
Ltd

Ward:
Castle

Location:
45 Scotch Street, Carlisle, CA3 8PT

Grid Reference:
340116 556032

Proposal: Installation Of New Shopfront To Side Elevation (Globe Lane) With New Entrance

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 19/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0862

Applicant:
Mr Todd

Parish:
Hayton

Date of Receipt:
29/09/2010

Agent:
Green Design Group

Ward:
Hayton

Location:
Rose Bank Cottage, How Mill, Brampton, CA8 9LU

Grid Reference:
351559 556711

Proposal: Erection Of Replacement Dwelling

Amendment:

Decision: Grant Permission

Date: 15/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0863

Applicant:
Mr P Dixon

Parish:
Carlisle

Date of Receipt:
24/09/2010

Agent:
Jock Gordon

Ward:
Castle

Location:
3 Chiswick Street, Carlisle, Cumbria, CA1 1HQ

Grid Reference:
340452 555907

Proposal: Discharge Of Conditions 2 (Details Of Doors), 4 (Door Storage Location) And 5 (Plumbing Services Plan) Of Previously Approved Application 09/0539 (LBC)

Amendment:

Decision: Grant Permission

Date: 01/11/2010

Between 30/10/2010 and 03/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0864

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
24/09/2010

Agent:
Day Cummins Limited

Ward:
Denton Holme

Location:
82-88 Stanhope Road, Carlisle, CA2 7BP

Grid Reference:
339173 555432

Proposal: Conversion Of 4no. Flats Into 2no. Dwellings

Amendment:

Decision: Grant Permission

Date: 05/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0865

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
11/10/2010

Agent:
Ainsley Gommon
Architects

Ward:
Morton

Location:
Land at Seatoller Close, Carlisle, CA2 6LQ

Grid Reference:
338175 554171

Proposal: Display Of Site Signboard For Proposed Development

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0866

Applicant:
Bailey Alpines

Parish:

Date of Receipt:
27/09/2010

Agent:
H&H Bowe Ltd.

Ward:
Lyne

Location:
Coker House, Grahams Onsett, Newcastleton, TD9
0TT

Grid Reference:
351472 580252

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of 2no. Polytunnels (1no. Retrospective) And 1no. Glasshouse For Horticultural Purposes

Amendment:

Decision: Grant Permission

Date: 17/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0869

Applicant:
Ms M Hastings

Parish:
Carlisle

Date of Receipt:
07/10/2010

Agent:
Mr Gordon Scott

Ward:
Botcherby

Location:
43 Victoria Road, Carlisle, CA1 2UE

Grid Reference:
342130 555770

Proposal: Replacement Of Front Elevation Windows (LBC)

Amendment:

Decision: Grant Permission

Date: 16/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0871

Applicant:
Mr Michael Phillipson

Parish:
Kingmoor

Date of Receipt:
27/09/2010

Agent:

Ward:
Stanwix Rural

Location:
87 Edenside, Cargo, Carlisle, CA6 4AQ

Grid Reference:
336929 559706

Proposal: Erection Of Single Storey Rear Extension To Provide Garden/Family Room

Amendment:

Decision: Grant Permission

Date: 10/11/2010

Between 30/10/2010 and 03/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0872

Applicant:
Wetheral Playing Fields
Association

Parish:
Wetheral

Date of Receipt:
25/10/2010

Agent:
Wetheral Playing Fields
Association

Ward:
Wetheral

Location:
Wetheral Playing Fields, Steele's Bank, Wetheral,
CA4 8HF

Grid Reference:
346459 554017

Proposal: Siting Of 4No. Steel Storage Containers Used As The Playing Fields
Office, Changing Room And Stores (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 29/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0873

Applicant:
Dobbies Garden Centres
PLC

Parish:
Dalston

Date of Receipt:
28/09/2010

Agent:
GVA Grimley Ltd

Ward:
Dalston

Location:
Westwood Garden Centre & Surrounding Land
Orton Grange, Carlisle CA5 6LB

Grid Reference:
335325 551573

Proposal: Variation Of Condition 22 (Relating To Carriageways, Footways and
Footpaths) Of Previously Approved Planning Application 10/0429 To
Enable The Provision Of These Details Prior To Development
Commencing On These Aspects Of The Scheme As Opposed To The
Commencement Of Any Development.

Amendment:

Decision: Grant Permission

Date: 17/11/2010

Between 30/10/2010 and 03/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0876

Applicant:
Mr Philip Farish

Parish:
Brampton

Date of Receipt:
04/10/2010

Agent:

Ward:
Brampton

Location:
16 Townfoot Industrial Estate, Brampton, Cumbria,
CA8 1SW

Grid Reference:
352101 561294

Proposal: Change Of Use To Maintain And Repair Vehicles Within Class B2 And
Installation Of MOT Bay

Amendment:

Decision: Grant Permission

Date: 19/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0880

Applicant:
Miss Lisa Notman

Parish:
Carlisle

Date of Receipt:
30/09/2010

Agent:
Geoff Beattie Ltd

Ward:
Yewdale

Location:
28 Carvoran Way, Sandsfield Park, Carlisle

Grid Reference:
337020 555605

Proposal: Erection Of Rear Conservatory

Amendment:

Decision: Grant Permission

Date: 17/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0881

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
01/10/2010

Agent:
Capita Symonds Limited

Ward:
Denton Holme

Location:
Garden Lynx Horticultural Unit, Richardson Street
Cemetery, Carlisle

Grid Reference:
339174 554486

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Variation of Condition 3 Relating to Planning Reference 09/0577 To Allow Use Of Sand/Cement Mortar Instead Of Lime Mortar To Gable Wall Of East Greenhouse

Amendment:

Decision: Grant Permission

Date: 10/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0882

Applicant:
Kirkandrews on Esk Parish
Council

Parish:
Kirkandrews

Date of Receipt:
25/10/2010

Agent:
Mrs Austin

Ward:
Longtown & Rockcliffe

Location:
Kirkandrews Moat Village Hall and Parish Grounds,
Kirkandrews Moat, Carlisle, CA6 5PH

Grid Reference:
341094 574037

Proposal: Re-Surfacing Of Car Park Together With New Paved Area Around Village Hall

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0888

Applicant:
Mr A McKeowan

Parish:
Wetheral

Date of Receipt:
04/10/2010

Agent:
Jock Gordon

Ward:
Wetheral

Location:
L/A The Plains, Plains Road, Wetheral, Carlisle,
Cumbria, CA4 8JY

Grid Reference:
346381 554916

Proposal: Discharge Of Conditions 2 (Details Of Materials); 6 (Details Of Soft Landscaping); 7 (Trees/Shrubs To Be Retained); 8 (Details Of Boundary Treatment) and 11 (Parking Of Construction Vehicles) Of Previously Approved Application 09/0661

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 05/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0889

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
04/10/2010 08:02:23

Agent:
TEP

Ward:
Castle

Location:
L/adj. The Sands Centre, The Sands, Carlisle, CA1
1JQ

Grid Reference:
340192 556567

Proposal: Proposed Development Consists Of One New Bespoke 4m High Orientation Beacon And One New 2.235m High Information Board Located At The Back Of The Sands Centre Adjacent To The River Eden As Part Of The Carlisle Roman Gateway Public Realm And Interpretation Project

Amendment:

Decision: Grant Permission

Date: 25/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0891

Applicant:
Mr Tony Preston

Parish:
Wetheral

Date of Receipt:
08/10/2010

Agent:
Hogg & Robinson Design
Services

Ward:
Wetheral

Location:
115 Scotby Road, Scotby, Carlisle, CA4 8BJ

Grid Reference:
343911 555962

Proposal: Demolition Of Existing Utility And Erection Of Single Storey Rear Extension To Provide Enlarged Kitchen And Utility/WC

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 08/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0892

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
04/10/2010 08:03:46

Agent:
TEP

Ward:
Castle

Location:
L/Adj The Lodge and Bitts Park, Carlisle, CA3 8TZ

Grid Reference:
339849 556315

Proposal: Proposed Development Consists Of One New Bespoke 4m High Orientation Beacon, Five New 2.89m High Orientation Posts, One New 2.235m High Information Board, One Notice Board, Two 2.755m High Large Stone Entrance Pillars, Two 2.155m High Small Stone Entrance Pillars And One Stone Entrance Feature Wall At The Bitts Park Entrance On Dacre Road; One New 2.235m High Information Board And Two Small Stone Entrance Pillars At The Sheepmount Entrance On Mayors Drive; And Low Stone Way Markers To Guide Walkers Through The Park As Part Of The Carlisle Roman Gateway Public Realm And Interpretation Project

Amendment:

Decision: Grant Permission

Date: 26/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0893

Applicant:
Mr Michael Barry

Parish:
Scaleby

Date of Receipt:
08/10/2010

Agent:

Ward:
Stanwix Rural

Location:
The Cottage, Chapel Lane, Scaleby Hill, Carlisle,
CA6 4LY

Grid Reference:
343944 563639

Proposal: Change Of Use Of Agricultural Field To Garden And Erection Of Shed For Domestic Use

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 22/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0894

Applicant:
Mr Alan Reynolds

Parish:
Carlisle

Date of Receipt:
13/10/2010

Agent:

Ward:
St Aidans

Location:
Jesmond Street Garage, Jesmond Street, Carlisle
CA1 2DF

Grid Reference:
341315 555548

Proposal: Renewal Of Unexpired Permission Of Previously Approved Application
06/1297 For The Erection Of 37No. Dwellings

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0896

Applicant:
Ms Johnson

Parish:
Stanwix Rural

Date of Receipt:
07/10/2010

Agent:
Black Box Architects
Limited

Ward:
Stanwix Rural

Location:
24 Whiteclosegate, Carlisle, CA3 0JD

Grid Reference:
341155 557867

Proposal: Erection Of Detached Double Garage Together With Single Storey Rear
Extension To Provide Sunroom And Conversion Of Existing Garage To
Utility

Amendment:

Decision: Grant Permission

Date: 23/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge of Condition 2 (Railings And Brickwork Details) Of Previously Approved Application 09/0203

Amendment:

Decision: Grant Permission

Date: 11/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0903

Applicant:
Mr & Mrs Higginson

Parish:
Carlisle

Date of Receipt:
07/10/2010

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Denton Holme

Location:
23 Dale Street, Carlisle, CA2 5JT

Grid Reference:
339670 554854

Proposal: Erection Of Single Storey Rear Extension To Provide Bathroom

Amendment:

Decision: Grant Permission

Date: 23/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0904

Applicant:
AAH PLC

Parish:

Date of Receipt:
20/10/2010

Agent:
Mrs Deborah Pitt

Ward:
Castle

Location:
22 Lonsdale Street, Carlisle, CA1 1DB

Grid Reference:
340340 555858

Proposal: Display Of 1no. Internally Illuminated Fascia Sign & 1no. Internally Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 29/11/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0906

Applicant:
Mr Sait Golak

Parish:
Carlisle

Date of Receipt:
18/10/2010

Agent:
Glenfit Property Ltd

Ward:
Currock

Location:
20 Botchergate, Carlisle CA1 1QS

Grid Reference:
340342 555545

Proposal: Variation Of Condition 3 Of Planning Permission 98/0216 To Extend Opening Hours From Between 08.00am And 03.00am Each Day (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0907

Applicant:
Dobies Cumbria

Parish:
Kingmoor

Date of Receipt:
11/10/2010

Agent:
Unwin Jones Partnership

Ward:
Stanwix Rural

Location:
Dobies (Carlisle) Ltd, Parkhouse Road, Carlisle, CA3 OGW

Grid Reference:
339111 559904

Proposal: Display Of 1no. Internally Illuminated Totem Sign

Amendment:

Decision: Grant Permission

Date: 29/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0909

Applicant:
Mr Stephen MacFarlane

Parish:
Carlisle

Date of Receipt:
07/10/2010

Agent:
Ventrolla

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Brooklyn House, 42 Victoria Place, Carlisle, CA1
1EX

Grid Reference:
340425 556051

Proposal: Replacement Of Front Elevation Windows (LBC)

Amendment:

Decision: Grant Permission

Date: 03/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0910

Applicant:
Mr & Mrs R Harkness

Parish:
Carlisle

Date of Receipt:
07/10/2010

Agent:
Carlisle City Council

Ward:
Botcherby

Location:
80 Springfield Road, Carlisle, CA1 3QU

Grid Reference:
342524 554500

Proposal: Single Storey Rear Extension

Amendment:

Decision: Grant Permission

Date: 18/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0914

Applicant:
Mr Robert Pigg

Parish:
Dalston

Date of Receipt:
08/10/2010

Agent:

Ward:
Dalston

Location:
Red Gill, Gaitsgill, Dalston, Carlisle, CA5 7AW

Grid Reference:
339700 546539

Proposal: Erection Of Slurry Pit

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0915

Applicant:
Mr Robert Pigg

Parish:
Dalston

Date of Receipt:
08/10/2010

Agent:

Ward:
Dalston

Location:
Red Gill, Gaitsgill, Dalston, Carlisle, CA5 7AW

Grid Reference:
339729 546458

Proposal: Erection Of Crop And Implement Store
Amendment:

Decision: Grant Permission

Date: 19/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0916

Applicant:
Mr Robert Pigg

Parish:
Dalston

Date of Receipt:
08/10/2010

Agent:

Ward:
Dalston

Location:
Red Gill, Gaitsgill, Dalston, Carlisle, CA5 7AW

Grid Reference:
339699 546516

Proposal: Erection Of Silage Clamp
Amendment:

Decision: Grant Permission

Date: 19/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0918

Applicant:
Mr Michael Smillie

Parish:
Dalston

Date of Receipt:
02/11/2010

Agent:

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
5 Railway Cottages, Station Road, Dalston, Carlisle,
CA5 7LU

Grid Reference:
336663 550580

Proposal: Erection Of Single Storey Rear Extension To Provide Garden Room

Amendment:

Decision: Grant Permission

Date: 30/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0921

Applicant:
Citroen UK

Parish:
Carlisle

Date of Receipt:
11/10/2010

Agent:
McLaren Murdoch &
Hamilton

Ward:
Belah

Location:
Telfords, Gearshill Road, Kingstown, Carlisle, CA3
OET

Grid Reference:
339277 559488

Proposal: Display Of Illuminated And Non Illuminated Signage

Amendment:

1. Revised Existing Elevations Showing The Brick Piers Adjacent To The Showroom Entrance.
2. Revised Drawings Showing A Reduction In The Height Of The Totem Sign And Re-siting Of A 2no. Banner Signs

Decision: Grant Permission

Date: 26/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0926

Applicant:
Mr Harrison

Parish:
Burgh-by-Sands

Date of Receipt:
12/10/2010 08:00:17

Agent:
John Lyon Associates Ltd

Ward:
Burgh

Location:
Bank Cottage, Burgh by Sands, Carlisle, CA5 6AP

Grid Reference:
332557 558997

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Extension To Provide Pantry And Study,
Replacement Of Existing Conservatory With Sun Room Together With
Alterations To Roof (Revised Application)

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0928

Applicant:
Mr & Mrs Meah

Parish:
Carlisle

Date of Receipt:
12/10/2010

Agent:
Jock Gordon

Ward:
Stanwix Urban

Location:
179 Scotland Road, Carlisle, CA3 9HE

Grid Reference:
339901 557769

Proposal: Erection Of Single Storey Rear Extension To Provide Lounge, Bedroom,
Shower Room And Store

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0929

Applicant:
Mr P Collins

Parish:
Wetheral

Date of Receipt:
12/10/2010

Agent:

Ward:
Wetheral

Location:
Land between 16 & 17 Faustin Hill, Wetheral,
Carlisle, CA4 8JZ

Grid Reference:
346442 554989

Proposal: Discharge Of Condition 3 (Materials) Relating To Planning Rererence
09/0106

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0937

Applicant:
Mr Colin Nelson

Parish:
St Cuthberts Without

Date of Receipt:
15/10/2010

Agent:
Mr A Fox

Ward:
Dalston

Location:
Howgill Farm, Carleton, Carlisle, CA4 OEU

Grid Reference:
344700 550500

Proposal: Demolition Of Existing Unit And Erection Of Agricultural Building For Storage Of Implements (Revised Application)

Amendment:

Decision: Grant Permission

Date: 23/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0939

Applicant:
Mr Andrew Caig

Parish:
Brampton

Date of Receipt:
15/10/2010

Agent:
Mr David Lamond

Ward:
Brampton

Location:
20 High Cross Street, Brampton, CA8 1RP

Grid Reference:
353067 561151

Proposal: Single Storey Extension To Form New New Entrance Hall, Utility And WC

Amendment:

Decision: Grant Permission

Date: 25/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0946

Applicant:
Lambert Gill

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

20/10/2010

Location:
Lambert Gill Ltd, 70 Kingstown Broadway, Carlisle,
CA3 OHA

Grid Reference:
339086 559489

Proposal: Non Material Amendment Relating To Planning Ref: 10/0694 Including
Installation Of Roller Shutter Door And Replacement Of Existing Timber
Sliding Door With Single Door And Window

Amendment:

Decision: Amendment Accepted
01/11/2010

Date:

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0948

Applicant:
Ms Eileen Kerr

Parish:
Carlisle

Date of Receipt:
20/10/2010

Agent:
Taylor & Hardy

Ward:
Denton Holme

Location:
1 Goschen Road, Carlisle, CA2 5PF

Grid Reference:
339253 554986

Proposal: Non Material Amendment Relating To Planning Ref: 10/0156 To Change
The Height And Design Of The Proposed Fence

Amendment:

Decision: Amendment Accepted
01/11/2010

Date:

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0953

Applicant:
Mr Andrew Caig

Parish:
Brampton

Date of Receipt:
21/10/2010

Agent:
Mr David Lamond

Ward:
Brampton

Location:
20 High Cross Street, Brampton, CA8 1RP

Grid Reference:
353067 561151

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Extension To Form New Entrance Hall, Utility And WC (LBC)

Amendment:

Decision: Grant Permission

Date: 25/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0960

Applicant:
Mr Colin Wood

Parish:

Date of Receipt:
25/10/2010

Agent:
Carlisle City Council

Ward:
Denton Holme

Location:
144 Richardson Street, Carlisle, CA2 6AL

Grid Reference:
339351 554488

Proposal: Demolition Of Outhouse And Erection Of Single Storey Rear Extension To Provide Shower Room

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0961

Applicant:
Mr Abdurrah Calisken

Parish:
Carlisle

Date of Receipt:
25/10/2010

Agent:

Ward:
Currock

Location:
18 Botchergate, Carlisle, CA1 1QS

Grid Reference:
340339 555550

Proposal: Variation Of Condition 3 Attached To 00/0502 To Allow Trading Between 1700 Hours And 0500 Hours (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 03/12/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0962

Applicant:
Mr Turgay Zihni

Parish:
Carlisle

Date of Receipt:
25/10/2010

Agent:

Ward:
Castle

Location:
5 The Crescent, Carlisle, CA1 1QW

Grid Reference:
340308 555658

Proposal: Variation Of Condition 2 Attached To Planning Reference 07/1237 To Allow Trading Between 1600 Hours And 0500 Hours (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 03/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0971

Applicant:
Mr & Mrs R & E Norman

Parish:
Orton

Date of Receipt:
26/10/2010

Agent:
C & D Property Services

Ward:
Burgh

Location:
The Bow Farm, Bow, Carlisle

Grid Reference:
333403 555507

Proposal: Discharge Of Conditions 2 (Materials), 3 (Landscaping Scheme) And 5 (Drainage) Relating To Planning Ref: 09/0304

Amendment:

Decision: Grant Permission

Date: 22/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0974

Applicant:
G & J Seddon Ltd

Parish:
Carlisle

Date of Receipt:
27/10/2010

Agent:
Condy Lofthouse Architects

Ward:
Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
The Inglewood, Pennine Way, Carlisle CA1 3QD

Grid Reference:
342170 554539

Proposal: Discharge Of Conditions 7 (Materials) And 13 (Fencing) Relating To
Planning Ref: 09/1125

Amendment:

Decision: Grant Permission

Date: 18/11/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0981

Applicant:
Mr Marshall

Parish:
Cumwhitton

Date of Receipt:
28/10/2010 16:00:20

Agent:
Ashton Design

Ward:
Great Corby & Geltsdale

Location:
Cairn Cottage, Heads Nook, Brampton, CA8 9EP

Grid Reference:
351065 553231

Proposal: Single Storey Extensions To Provide Kitchen, Garden Room And Boiler
Room; Two Storey Extension To Provide Ground Floor Utility Room With
Ensuite Above; 2no. Balconies; Together with Internal Alterations To
Provide Kitchen, First Floor Master Bedroom (Revised Application)

Amendment:

Decision: Grant Permission

Date: 01/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0984

Applicant:
Mr Alan Doran

Parish:
Carlisle

Date of Receipt:
02/11/2010

Agent:

Ward:
Belah

Location:
19 Turnberry Way, Carlisle, CA3 OQL

Grid Reference:
339868 558609

Proposal: Erection Of Single Storey Extension To Front To Provide Porch

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0989

Applicant:
Mr Rosbotham

Parish:
Carlisle

Date of Receipt:
03/11/2010 13:00:22

Agent:
Bingham Yates & Partners

Ward:
Yewdale

Location:
182 Chesterholm, Carlisle, CA2 7XY

Grid Reference:
337053 555437

Proposal: First Floor Extension Above Existing Garage To Provide 1no. Bedroom
Amendment:

Decision: Grant Permission

Date: 03/12/2010

Between 30/10/2010 and 03/12/2010

Appn Ref No:
10/0998

Applicant:
Miss Paula Douglas

Parish:
Carlisle

Date of Receipt:
05/11/2010

Agent:

Ward:
Denton Holme

Location:
6 Stokoe Court, Carlisle CA2 5SE

Grid Reference:
339540 554550

Proposal: Non Material Amendment Relating to Previously Approved
Permission10/0630 (For The Provision Of 1No. Velux Rooflight To Rear
Of Proposed Extension)

Amendment:

Decision: Amendment Accepted
24/11/2010

Date:
