

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

15th December 2006

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 01/12/2006 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 06/12/2006.

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.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	06/1016 A	Unit 2, Townfoot Industrial Estate, Brampton, Carlisle, CA8 1SW	DNC	1
02.	04/1530 A	Land adjacent Parkhouse Road and A74 adj Junction 44 M6, Carlisle.	ARH	21
03.	06/1144 A	The Beeches, Wood Street, Botcherby, Carlisle, CA1 2SF	CG	48
04.	06/1145 A	The Beeches, Wood Street, Botcherby, Carlisle, CA1 2SF	CG	68
05.	06/1131 B	Newby Grange, Crosby-on-Eden, Carlisle, CA6 4RA	ARH	86
06.	06/0743 A	Land at The Knells, Houghton, Carlisle, CA6 4JG	RJM	107
07.	06/1301 A	Land adjacent to Warwick Mill Business Centre, Warwick Mill Business Park, Warwick Bridge, Carlisle, CA4 8RR	ARH	124
08.	06/1283 A	Austin Friars St Monicas, Etterby Scaur, Carlisle CA3 9PB	SG	143
09.	06/1305 A	Land Adjacent to Hall Croft, Monkhill, Carlisle	NH	153
10.	06/1249 A	Land at rear of 114 Wigton Road and 69-71 Mardale Road, Carlisle	RJM	173
11.	06/1290 B	Land at Barras Close, Barras Close, Carlisle	DNC	193
12.	06/0955 A	3 Glenview Cottages, Sandy Lane, Great Corby, Carlisle, CA4 8NB	AH	266
13.	06/0669 A	Stable Cottage, Carleton, Carlisle, CA1 3DU	SG	280
14.	06/0943 A	Hemblesgate, Tarn Road, Brampton, CA8 1QX	ARH	302
15.	06/1162 A	Orchard Holme, Orchard Gardens, Houghton, Carlisle, CA3 0LH	NH	341

 Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	06/1244 A	Part Ground Floor, Suite 1, Regent's Court, Kingmoor Business Park, Carlisle, CA6 4SJ	SG	350
17.	06/1214 A	Land Adjacent 52, Caird Avenue, Carlisle	NH	360
18.	06/1295 A	Greenfield Farm, The Green, Houghton, Carlisle, CA3 0LP	JT	374
19.	06/1368 A	Braeside, Cumwhinton, Carlisle, CA4 8DH	BP	384
20.	06/1213 A	Lanercost House, Berkeley Grange, Newtown Road, Carlisle CA2 7PW	ARH	392
21.	06/1297 B	Jesmond Street Garage, Jesmond Street, Carlisle, CA1 2DE	ARH	408
22.	06/0667 B	Former Cavaghan & Gray Limited, London Road, Carlisle, CA1 3EU	ARH	432
23.	06/1091 B	McKnight and McIntosh, Denton Business Park, Denton Street, Carlisle CA2 5EL	AMT	462
24.	05/0694 C	9 Coalfell Terrace, Hallbankgate, Brampton, CA8 2PY	DNC	528
25.	06/0548 C	225-227 Newtown Road, Carlisle, CA2 7LN	SG	529
26.	06/1115 D	Land at Rear Of The Beeches, Houghton Road, Houghton, Carlisle	SG	531
27.	06/0764 D	High Catlowdy Farm, Penton, Carlisle, CA6 5QP	RJM	535
28.	06/0842 D	The Queen Inn and The Courtyard, Corby Castle, Great Corby, Carlisle, CA4 8LR	ARH	536
29.	06/0844 D	The Queen Inn and The Courtyard, Corby Castle, Great Corby, Carlisle, CA4 8LR	ARH	536

SCHEDULE A

SCHEDULE A

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SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

06/1016

Item No: 01

Date of Committee: 15/12/2006

Appn Ref No:
06/1016

Applicant:
Angela Graham

Parish:
Brampton

Date of Receipt:
30/08/2006

Agent:

Ward:
Brampton

Location:
Unit 2, Townfoot Industrial Estate, Brampton,
Carlisle, CA8 1SW

Grid Reference:
352200 560950

Proposal: Change of use to childrens soft play area including cafeteria open to the general public

Amendment:

REPORT

Reason for Determination by Committee:

The application is brought before the Committee for determination as the recommendation is to refuse permission and the applicant has requested a right to speak.

Planning Policies:

Airport Safeguarding Area

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

- a) sites with little or no flood risk, followed by
- b) sites with low or medium flood risk, and only then
- c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy EM14: Development of employment land for other purposes

Outside the Lake District National Park, the development of existing employment sites, premises and land allocations for non-employment or mixed uses will be considered where it can be demonstrated that over the Structure Plan period either:

- a) The site or premises is likely to remain unsuitable for employment purposes; or
- b) The retention of the site or premises in employment use is not needed to meet the requirements of Policy EM13 including the requirement that each Key Service Centre retains an appropriate supply of land within the Local Employment site Market Sector.

Within the Lake District National Park, permission will not be given for the redevelopment or use for other purposes of land and buildings with an established

business use for Class B1, B2 or B8 of the Use Classes Order, or of land identified for employment use in a Local Plan or Local Development Documents, unless it can be demonstrated to be unsuitable for business purposes or, exceptionally, viable alternatives are readily available in the locality.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy L54: Retail, leisure and office development

Proposals for retail, leisure and office development (except Class B1 of the use class order 1987) will be assessed against the sequential approach, with preference being given to development in defined town centre areas, followed by edge of centre locations and finally, out-of-centre locations with access to a range of transport modes.

Proposals for retail and leisure use in edge of centre or out of centre locations must be able to demonstrate a need for the development and not prejudice the retention of local services. In addition, proposals in out of centre locations will only be permitted when situated to minimise travel by having a location which:

1. maximises the opportunity for combined trips with other retail and service uses, or
2. relates well to its catchment by reducing journey lengths.

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan Employment - Proposal EM17

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote

sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC1- Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
2. the proposed alternative use provides for needed community building or public amenity space; or
3. the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
4. the alternative development would be appropriate in terms of scale and design to

the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

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

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

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and
3. where appropriate, opportunities are taken to reinforce existing landscaping; and
4. adequate access and appropriate parking are provided during the Plan period as well as ones under negotiation at the start of the period.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of

energy production within the overall design should also be explored where appropriate

10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;

4. the likely impact on the surrounding road network; and
5. accessibility by and availability of, other forms of transport.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Bearing in mind the previous use of the premises, the existing access is considered to be acceptable in connection with the proposed use. Parking is available that appears commensurate with the scale of the proposed development. No objections.

Confirmed no objections to the amended proposal (19/10/06) increasing the floor area and creating a sitting/waiting area for general public use of the cafeteria.

In response to a further consultation with regard to potential conflict between pedestrians using the soft play facility and vehicles associated with the other industrial/commercial uses within Unit 2, Highways advise as follows:

' while there will be traffic passing the unit to access other units further down, the type and level of this traffic at the time of the site visit (which is inevitably a snapshot in time) did not give me cause for concern. If this is now a cause for concern the Applicant should be asked to provide traffic survey data to prove conclusively one way or the other. As the Highway Authority we are not concerned with what is traffic movements within a private car park. The applicant could be asked to provide the Dig:545 Warning road sign (or equivalent road marking) if the presence of children is thought to be a potential hazard.

I do take the point the area is zoned for industry and say the rest of the Unit were to become say a builders merchants, such use with loading/unloading of heavy/bulky materials would not be compatible with a Childrens Play area. If you do not think you could control such a future use then that in my view could be grounds for refusing the present Application.'

Development Services Planning & Housing Services - Access Officer: Reply awaited.

Brampton Parish Council: Fully support the proposal.

Carlisle Airport: No objections.

Development Services Planning & Housing Services - Local Plans:

In response to your consultation on the change of use of the above premises I draw your attention to a number of policy issues.

Townfoot industrial estate is designated in the Carlisle District Local Plan as a primary employment area which under policy EC1 of the redeposit draft Carlisle District Local Plan states that B1, B2 and B8 uses will be acceptable. Proposals on primary employment areas for uses which fall outside these use classes should not

be permitted unless they meet the 4 criteria set out in EC1. This proposal for the change of use of an industrial unit to a children's soft play centre (use class D2) therefore does not fall within the uses considered acceptable for a primary employment area and it is not apparent that any of the exceptions in the policy would be applicable to this scheme.

In order to limit the loss of employment land to non employment uses Policy EM14 of the Cumbria and Lake District Joint Structure Plan 2001-2016 states that proposals for non employment uses on existing employment sites must demonstrate that the site is unlikely to remain unsuitable for employment purposes or that the retention of the site in employment use is not needed to meet the requirements of policy EM13 (which sets out the structure plan targets for supply of employment land). As this proposal is for a non employment use the applicant should be able to demonstrate one of the above.

The location of the proposed soft play centre is considered to be out-of-centre as the industrial estate is situated on the fringe of Brampton, which is over the stipulated 300m from the primary retail area. Due to the nature of the scheme being a leisure use in line with the guidance set out in PPS6, the applicant's proposal must demonstrate the following:

- The need for the development
- That the development is of appropriate scale
- That there are no more central sites for development i.e. sequential approach
- That there are no unacceptable impacts on existing centres
- That the location is accessible

Policy LE54 of the Joint Structure Plan reiterates the requirements of PPS6 by stating that proposals for leisure developments will be assessed against the sequential approach with out of centre locations with access to a range of transport modes being the last option for developments of this nature. Additionally the policy states that proposals in out of centre locations should only be considered where situated to minimise travel by choosing a location which maximises the opportunity for linked trips and relates well to its catchment hence reducing journey length.

Due to the lack of any supporting information submitted with this application in line with the requirements of PPS6 and the structure plan, as well as the site being located within a primary employment area, I would consider this proposal to be unsuitable on policy grounds for the proposed location.

Environmental Protection Services: If application is successful, the applicant

should contact the Health and Safety Team to seek guidance on compliance with the appropriate statutory provisions relating to food hygiene and occupational health and safety.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
██████████ Unit 3a ██████████ Omega Music	07/09/06 25/10/06	Undelivered

Publicity was given to the proposal by site notice and direct notification of neighbouring properties. No representations were received as a result of the publicity but the application was accompanied by a petition in support of the proposal signed by 13 persons

Details of Proposal/Officer Appraisal:

Planning History:

Records show that the following planning applications have been granted for Site 2

1. Sub-division and alterations of 2 vacant industrial units to form four smaller units (95/645)
2. Change of use of warehouse to builder's workshop (97/427)
3. Change of use to garage /workshop (retrospective) (06/1083)

Details of Proposal:

This is an application for full planning permission for the change of use of vacant industrial premises (Unit 2) at Townfoot Industrial Estate, Brampton to form a children's soft play area including a cafeteria open to the general public. Unit 2 is located on the west side of the Industrial Estate access road approximately 75 metres north of the junction with Carlisle Road.

The premises comprise a two storey office block (approximately 160 square metres on two floors) at the eastern end of the building and approximately 190 metres of factory floor space. The floorspace amounts to approximately 26% of the total floorspace available within Unit 2. The ground floor accommodation comprises:

- (1) a reception area with toilets (including a new toilet for the disabled)
- (2) a Kitchen
- (3) a small seating area for the general public.

- (4) an eating area for the children
- (5) a 3 storey soft play space (for a maximum of 45 children at any one time)
- (6) a visiting area for parents

The upper floor will be used for the storage of equipment (including tables and chairs) fridges and freezers.

The application was accompanied by:

- (1) A supporting letter and access statement advising that
 - (a) the premises had been empty for at least 5 years
 - (b) the intention was to create 4 or 5 part time jobs as well as 2 full time jobs
 - (c) a clear need had been identified for the facility as there were about 500 children locally and this facility would (which was in walking distance of Brampton Town Centre) have environmental benefits by reducing car travel to the existing soft-play facilities in Carlisle
 - (d) the building is accessible by all modes of transport (except train)
 - (e) the small cafeteria (takeaway would reduce parking and traffic problems in Brampton Town Centre)
 - (f) Account is taken of the requirements of the Disability Discrimination Act 1995 (and the need for inclusive design for all disabilities)
- (2) A list of all the other available premises considered in Brampton (including The Old Brewery industrial premises) and the reasons why they were found to be unsuitable (including insufficient floorspace, unable to accommodate equipment permanently in place etc.)
- (3) A petition in support of the proposal signed by 13 persons, including three child minders, a brownie leader and mothers with a total of 14 children.
- (4) A list of other play areas within industrial areas
- (5) 5 parking spaces including 1 for disabled persons are to be provided within the curtilage of the building and a further 5 within the general parking area for the whole unit on the opposite side of the access road.

The premises are situated with an area designated as a Primary Employment Area in both the Adopted and Redeposit Draft Local Plans.

The relevant planning policies against which the application is required to be assessed are Policies ST3, EM14 and L54 of the Cumbria and Lake District Joint Structure Plan, Policies EM2, EM17 and T7 of the Carlisle District Local Plan and Policies DP1, EC1, CP4, CP14 and T1 of the Carlisle District Local Plan Revised

Redeposit Draft.

The policies seek to ensure that:

1. Within Primary Office Areas permission will not be given to changes of use other than to B1, B2 or B8 uses unless
 - (a) the existing use of the site adversely affects, or could adversely affect, adjacent residential properties
 - (b) the proposed alternative use is essential to for the redevelopment of the majority of the site for employment purposes
 - (c) the alternative would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced

The Redeposit Draft Local Plan adds a fourth criteria as follows:

'The proposed alternative use provides for needed community building or public amenity space'

The Cumbria and Lake District Joint Structure Plan states that 'the development of existing employment sites, premises and land allocations for non-employment or mixed uses will be considered where it can be demonstrated that over the Structure Plan Period either (a) the premises is likely to remain unsuitable for employment purposes or (b) the retention of the premises is not necessary to meet the Employment Land Provision requirement of the Structure Plan'

2. New development is focussed in Carlisle and Key Local Service Centres with priority being given to re-use of existing buildings.
3. Development does not affect the amenity of adjacent land uses nor result in unacceptable standards for future users and occupiers of the development
4. Leisure developments are assessed against a sequential approach with preference being given to town centre developments, followed by edge of centre and finally out-of-centre locations with a range of transport modes. Out-of-centre purposes must be able to demonstrate a need for the development and relate well to its catchment by reducing journey lengths.
5. Access and parking requirements are satisfactory
6. The layout and design of any development takes account of needs of all potential users regardless of disability, age or gender.

Considering these development plan objectives it is clear that:

- (1) the applicant has demonstrated that there are no other premises in Brampton suitable to accommodate a soft play facility to meet and established need

(2) as the current need for such facilities is met by soft play facilities in Carlisle, there would clearly be a reduction in journey lengths by establishing a facility in Brampton, which is identified as a Key Service Centre.

(3) account has been taken of the requirement of the Disability Discrimination Act (1995)(and the need for inclusive design for all disabilities)

(4) bearing in mind the previous use, Highways consider the access to be acceptable for the proposed use

(5) with regard to the cafeteria facility being available to members of the general public, it is considered that this would be mainly used by Industrial Estate employees and would be a useful facility.

However, unless exceptions meet the specified criteria, as a general principle the Council considers that Primary Employment Areas should be retained to ensure maximum contribution of available land/ premises to meet development needs and to help meet the objectives of the Sustainable Strategy of the Plan.

Turning to each of these criteria in turn

(1) The existing use does not adversely affect the adjacent residential premises.

(2) The proposed use is not essential for the redevelopment of the majority of the site for employment purposes.

(3) While the facility is not technically 'community building,' it is catering for a community need.

(4) It has not been demonstrated that the premises are likely to remain unsuitable for employment purposes or not necessary to meet the Employment Land Provision of the Structure Plan. While the premises of which the purpose forms part were vacant at the time of the application, following new ownership of unit 2 and associated marketing, the building has been progressively subdivided and occupied by a range of users including a repair garage (recently granted planning permission under ref 06/)

(5) While the amenity of adjacent land users is not affected by the proposal, there is an issue with regard to 'unacceptable standards for future users and occupiers'. Primary Employment Areas are designated for a range of uses which may not be compatible with non-industrial uses. The introduction of non-industrial uses, such as a soft-play area, into such areas could constrain their development potential as a result of the incompatibility of the industrial/non-industrial users.

In this particular case for example a storage/distribution use or a general industrial use (which covers all types of industry which are not either 'light' or 'special') occupying adjacent buildings could give rise to noise/vibration or increased traffic levels and be subject to complaint from the operator of the soft play facility.

Related to this issue is the question of safety of pedestrians (including children) using the soft-play facility. While half of the parking spaces are to the front of the

premises (and would allow direct access to the building) the remainder are separated from the building by the access road serving the remainder of Unit 2 which, at the time of writing this report, is occupied by 3 other uses, including a repair garage.

As planning permission would not be required for any B2 (General Industry) or B8 (Storage and Distribution) use in the remainder of Unit 2, this could allow uses such as a builder's merchant (with associated loading and unloading of heavy/ bulky materials). I consider that this would not be compatible with part of the same unit being used as a soft play area. Highways have commented that if such a future use cannot be controlled, then that would be ground for refusing the application.

Although the applicant has explained that adults accompanying children to the play facility have a duty of care and will be responsible for ensuring the safe passage of children to the facility, the existence of a potential conflict between traffic and pedestrians is a material consideration.

In conclusion therefore, while the proposed development seeks to meet a local need and meets several of the Development Plan objectives (particularly with regard to sustainability) it is proposed to locate it within a building in the process of being occupied by 'employment uses'. The building is considered to form an integral part of the Employment Land Provision which the development plan requires to be safeguarded to allow future development.

The constraints which the soft play facility would place on the development potential of adjacent premises and the potential danger to pedestrians using the facility are also important considerations.

The applicant has given examples of soft play facilities being granted permission within industrial buildings within Carlisle. As the Committee are aware, each application is decided on its individual merits and the applications referred would take account of the characteristics of the buildings involved and relevant local circumstances in the context of development plan objectives.

On balance it is considered that more weight should be given to the need to (1) retain the premises for employment uses and safeguard the development potential of other buildings on the estate and (2) ensure the safety of pedestrians intending to use the facility than to sustainability objectives. Accordingly it is recommended that the application be refused

Human Rights Act 1998

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

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

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

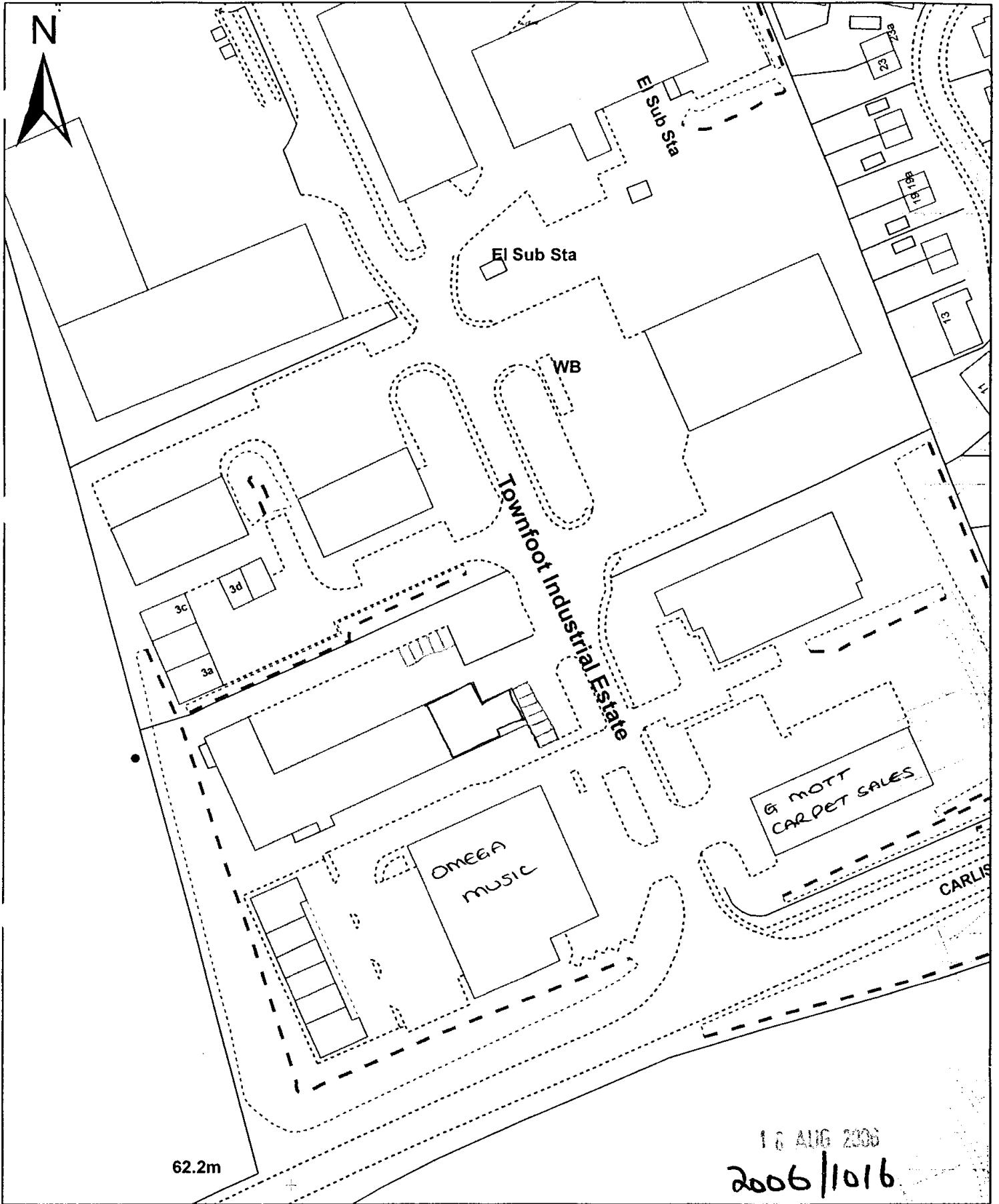
Article 8 recognises the "Right To Respect for Private and Family Life";

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

Article 6 is relevant and the applicants rights are respected. However it is considered that the harm which will be created to interests of acknowledged importance outweigh any personal considerations of the applicant who has redress to the appeals process.

Recommendation: Refuse Permission

- Reason:** The proposed use of part of an existing industrial building to a children's soft play centre does not fall either within Class B1, B2 or B8 of the Town and Country Planning Use Classes (Amendment) Order 2005, or, constitute what could be considered a complementary activity. As such, the proposal would not only result in the loss of industrial floorspace but also restrict the future development potential of the estate contrary to Policy EM2 of the Carlisle District Local Plan, Policy EC1 of the Carlisle District Local Plan (2001 - 2016) (Redeposit Draft), and, Policy EM14 of the Joint Structure Plan.
-



Unit 2, Townfoot Industrial Estate

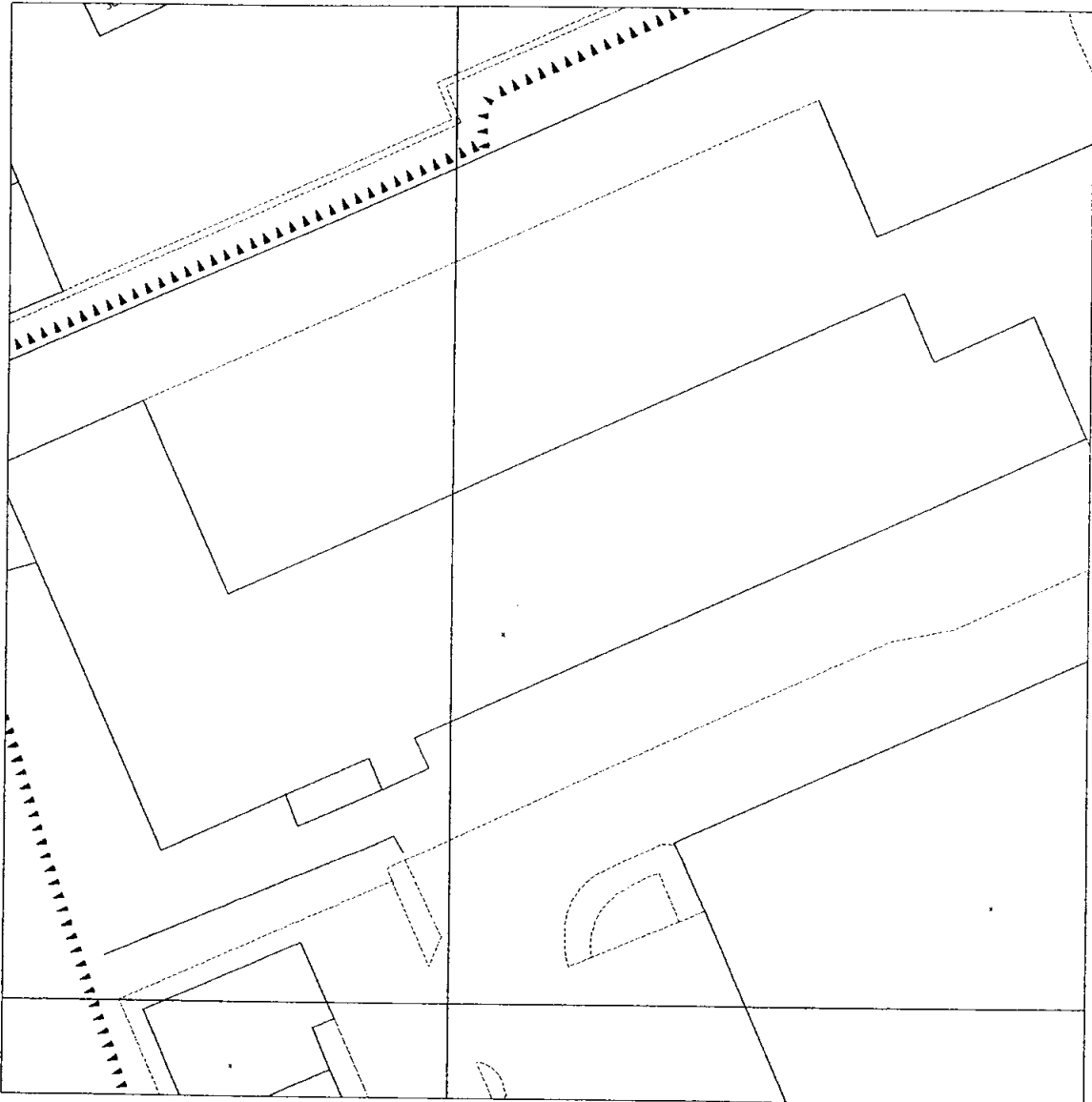
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CARLISLE
 CITY COUNCIL



www.carlisle.gov.uk

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Carlisle
CA3 8QG

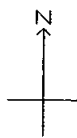
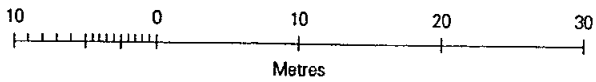


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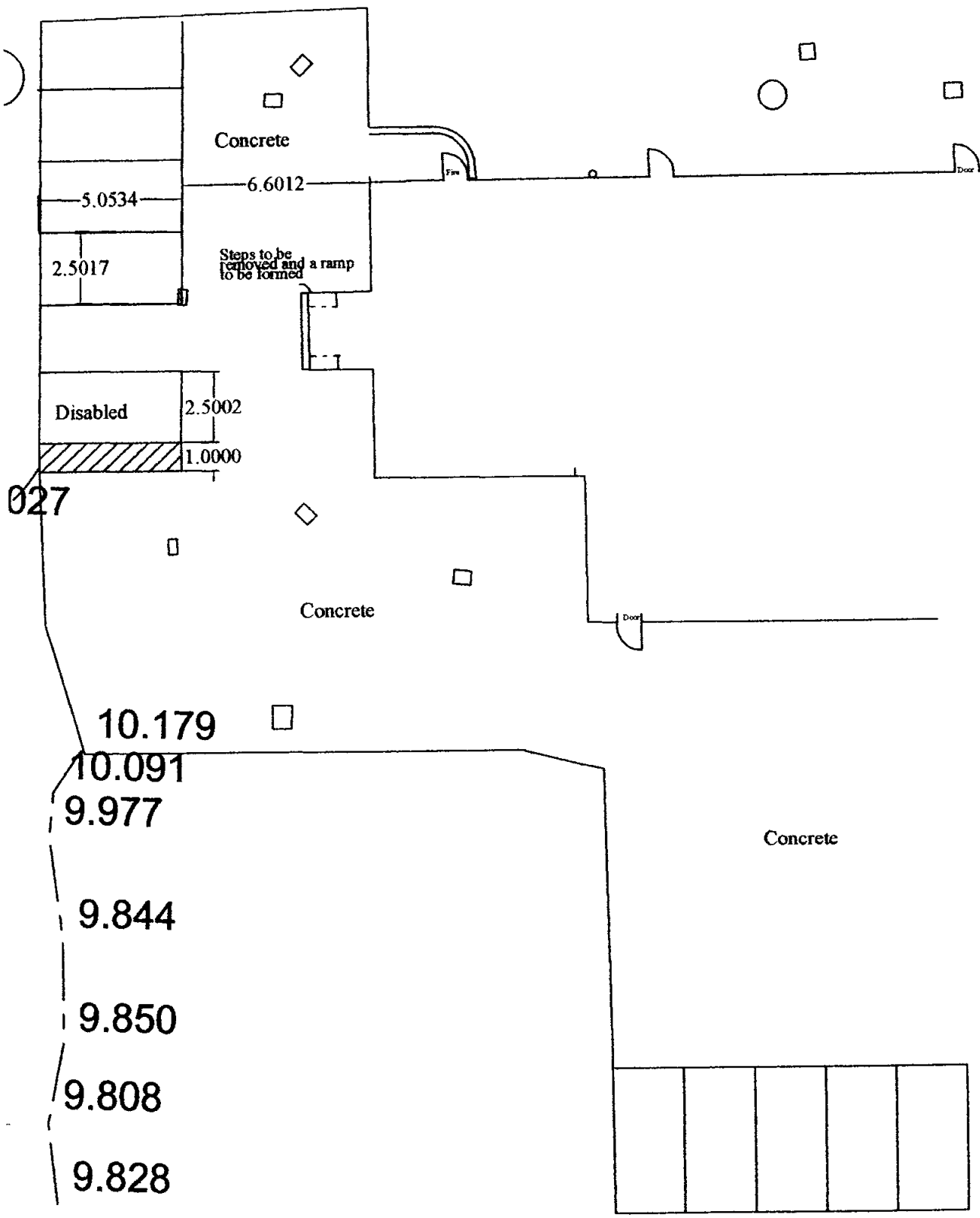
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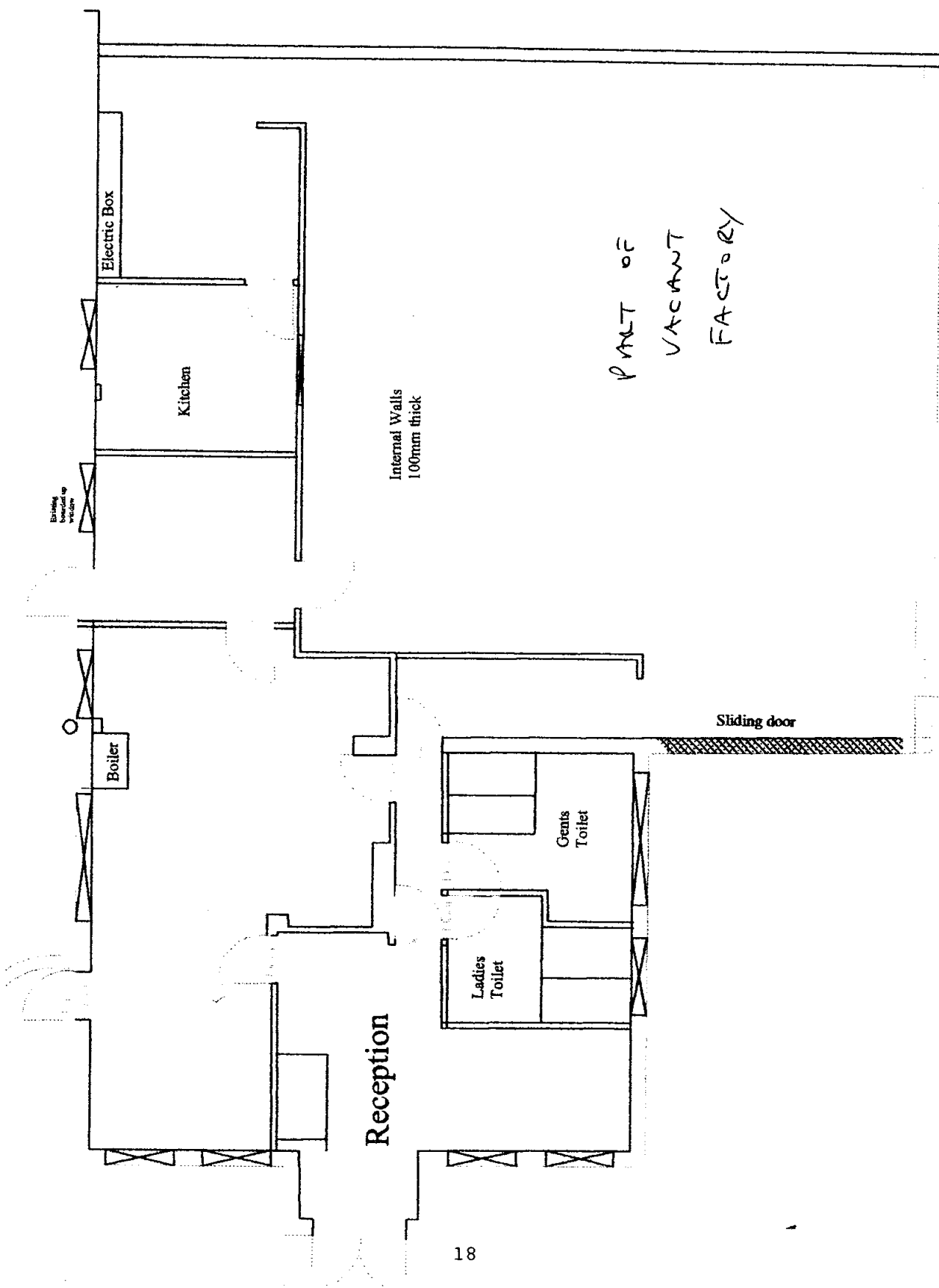
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M.I.C. SURVEYING & CONSTRUCTION
Towfoot Industrial
Estate Brampton
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Road Sign

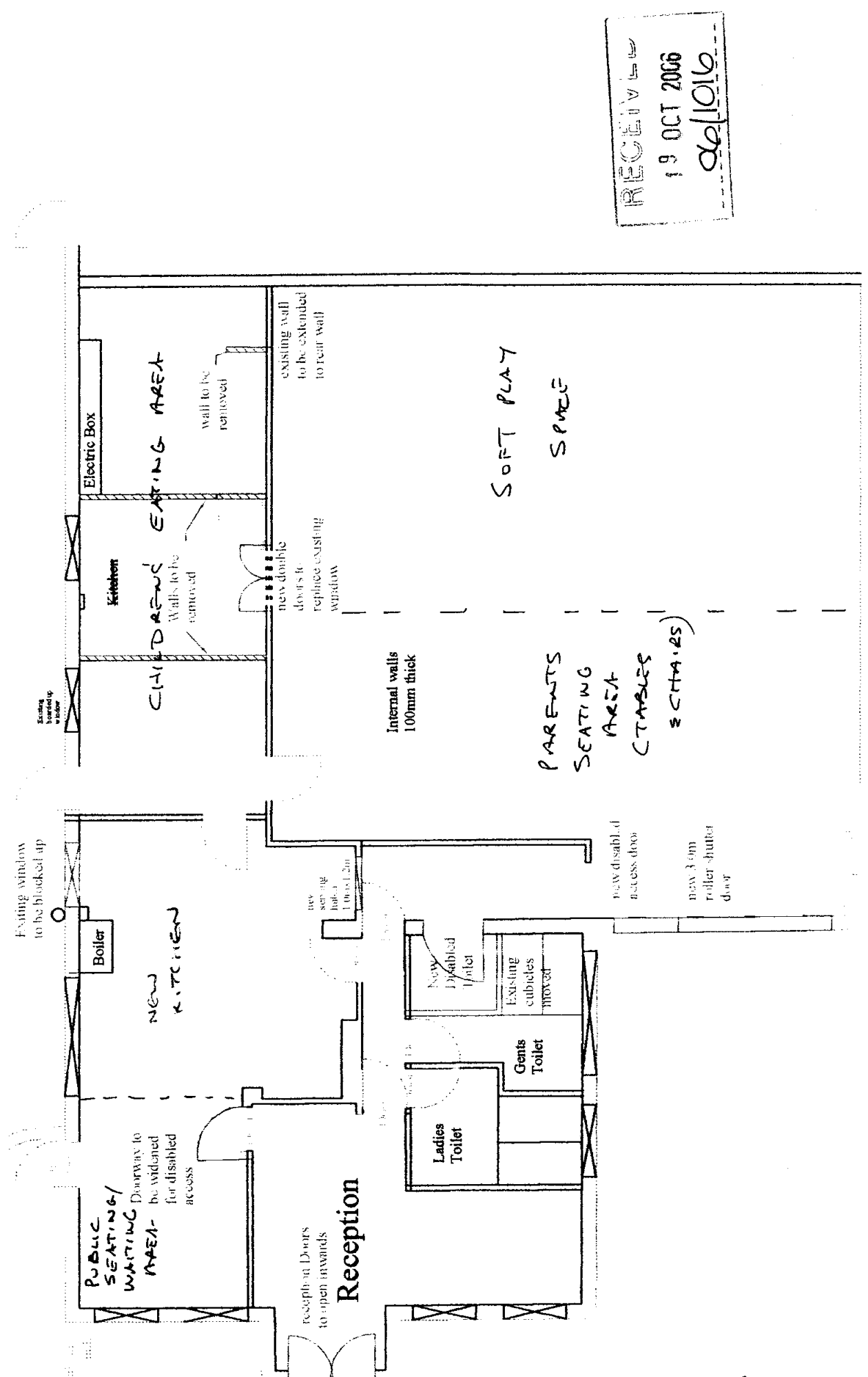




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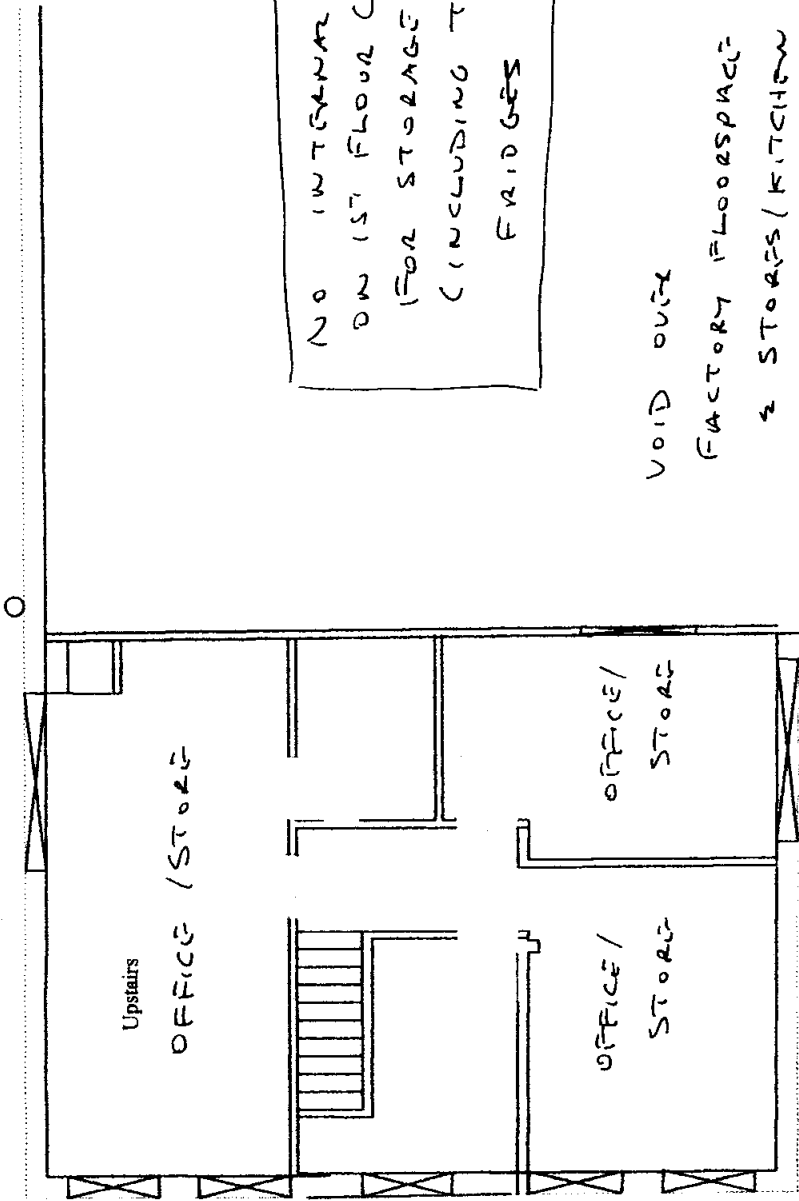
Townfoot Industrial Estate Brampton
Scale 1:100

(6457126 Ground Floor)



RECEIVED
19 OCT 2006
06/10/06

(Proposed Ground Floor)



NO INTERNAL CHANGES
 ON 1ST FLOOR (TO BE USED
 FOR STORAGE OF EQUIPMENT
 (INCLUDING TABLES & CHAIRS)
 FRIDGES & FREEZERS

VOID OVER
 FACTORY FLOORSPACE
 & STORES (KITCHEN

RECEIVED
 19 OCT 2006
 06/10/06

Townfoot Industrial Estate Brampton
Scale 1:100

(EXISTING 1ST
 FLOOR)

SCHEDULE A: Applications with Recommendation

04/1530

Item No: 02

Date of Committee: 15/12/2006

Appn Ref No:

04/1530

Applicant:

Dobies Cumbria

Parish:

Kingmoor

Date of Receipt:

22/11/2004

Agent:

Day Cummins Architects

Ward:

Stanwix Rural

Location:

Land adjacent Parkhouse Road and A74 adj
Junction 44 M6, Carlisle.

Grid Reference:

339100 559900

Proposal: Erection of 96 No. Bed Hotel To 4* Standard With Associated
Restaurant, Lounge Bar and Bistro, Function Rooms and Meeting
Rooms, Health, Beauty and Fitness Suite, Car Parking and Landscaping

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the potential significance of the proposal and an interested party has expressed the wish to exercise their Right to Speak.

Planning Policies:

Trunk Road/Motorway affected

The proposal relates to development which affect a trunk road or motorway.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy EM13: Employment land provision

Local Plans will ensure that there is the following supply of readily available land for employment purposes in the following Sub County Areas, Employment Land Market Sectors and outside the National Park at the start of each period indicated:

Sub County Area	Employment Land Market Sectors	Period		
		2001-2006 (Ha)	2006-2011 (Ha)	2011-2016 (Ha)
City of	Regional Investment Site.~	15	20	15

SCHEDULE A: Applications with Recommendation

04/1530

Carlisle	Strategic Employment Site	10	10	10
	Local Employment Site	15	15	15
	Business/Science Park	5	10	10

North Cumbria

Carlisle	Strategic Employment Site+	6	6	6
	Local Employment Site	5	5	5
Allerdale	Local Employment Site	2	2	2

Furness & West Cumbria

Allerdale	Strategic Employment Site+	20	20	20
	Local Employment Site	10	10	20
	Business/Science Park	3	5	5
	Port Related	7#	0	0
Copeland	Strategic Employment Site+	5	5	5
	Local Employment Site	13	13	13
	Business/Science Park*	10	10	10
Barrow In Furness	Strategic Employment site	5	5	5
	Local Employment Site	7	7	7
	Business/Science Park	5	5	5
	Port Related	0	11#	0
South Lakeland	Strategic Employment Site	0	5#	0
	Local Employment Site	3	3	3
	Business/Science Park	3	3	3

South & East Cumbria

Eden	Strategic Employment Site	5	10	10
	Local Employment Site	7	7	7
	Business/Science Park	3	3	3
South Lakeland	Strategic Employment Site	5	5	0
	Local Employment Site	5	5	5
	Business/Science Park	3	3	3

Lake District National Park	Local Employment Site (B1 and B2 uses only)		3	
------------------------------------------------	------------------------------------------------	--	---	--

* Includes Strategic Regional Site identified by the NWDA at Westlakes, Copeland

SCHEDULE A: Applications with Recommendation

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Carry over provision to the next period if not completed
~ Kingmoor, Carlisle listed in RPG as a Regional Investment Site
+ Carlisle Airport

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy ST2: Assessing impact on sustainability

Development or land use change affecting important environmental, social and economic assets should be assessed in terms of benefits and disbenefits. Where appropriate this will require transport, environmental and other impact assessments to assess the full effect of new development and identify the need for any mitigation.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy ST8: The City of Carlisle

The City of Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. A range of employment opportunities including a Regional Investment Site at Kingmoor will be provided. Opportunities will be taken to strengthen links to employment uses at Kingmoor by all forms of transport. The role of Carlisle airport and its potential for contributing to economic activity within the city will be supported. New housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. In accommodating new development regard should be had to the city's historic character.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications

SCHEDULE A: Applications with Recommendation

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Policy T24: The Strategic Transport Networks

Development should not adversely affect the strategic transport network . Wherever required, development should improve the strategic transport networks including the cycling and walking networks.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Modifications Policy T25: New road building and traffic management

New road building or significant upgrading of existing roads will only be permitted where:

1. there is a compelling need to address problems of through traffic or road safety or regeneration, which cannot be met by reasonable alternative means and where all practical measures are taken to mitigate the effects of such works on the environment, or
2. where necessary to serve new development in the immediate locality, and in either case
3. it can be justified within the overall approach to the future network.

In addition in the Lake District National Park and AONBs traffic congestion and other adverse impacts of vehicles will be reduced by appropriate traffic management measures, improvements to public transport, and by ensuring that the design and layout of new development incorporates provision for cyclists and pedestrians. Such measures will need to have regard to the environmental qualities of the area and the needs of local residents and visitors.

Carlisle District Plan Environment - Policy E9

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve

SCHEDULE A: Applications with Recommendation

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the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan Employment - Proposal EM17

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

Carlisle District Plan Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan Transport - Proposal T4

The line of the proposed Carlisle Northern Relief Road will be protected.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

SCHEDULE A: Applications with Recommendation

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

Carlisle District Plan Employment - Proposal EM14

Proposals for large scale tourism development will be acceptable providing that:

1. The proposal is located within Carlisle, Brampton, Longtown or Dalston; or
2. The proposal would result in significant economic benefits to the area which outweigh any environmental impacts; and
3. The general scale and design of the development are compatible with the surrounding area; and
4. Adequate access and appropriate parking are provided.

Carlisle District Plan Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Policy DP5 (T1) M6/A74 Trunk Roads Improvement Scheme

Major development proposals will be assessed against their impact on the safe and efficient operation of the trunk road network.

Land will be safeguarded for the Highways Agency road scheme, the M6/A74 extension (Junction 44 - Guardsmill).

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Policy DP6 (T2) Carlisle Northern Development Route

The line of the proposed Carlisle Northern Development Route will be protected.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC1 (EC2) Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

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

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

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

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and

SCHEDULE A: Applications with Recommendation

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- respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
 4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP8 (CP19) Development Energy Conservation and Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss. These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP9 (CP22) Sustainable Drainage Systems

When the following conditions apply, sustainable drainage systems (SuDS) should be incorporated into a development proposal:

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

SCHEDULE A: Applications with Recommendation

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3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/ calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP10 (CP23) Protection of Groundwaters and Surface waters

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP12 (CP25) Pollution

Development will not be permitted where it would generate, either during construction or on completion, significant levels of pollution (from contaminated substances, odour, noise, dust, vibration, light, heat) which can not be satisfactorily mitigated within the development proposal or by means of planning conditions.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP2 - Regeneration

The City Council will develop proposals which seek to regenerate the economic, social and environmental capital of the District. These proposals will be developed in conjunction with, and will be informed and guided by Carlisle Renaissance strategic objectives.

Within the urban area there are four areas where redevelopment/regeneration activities will be concentrated. These areas are shown on the attached plans. In the Rickergate area a number of city centre uses will be considered based upon retail/commercial/office/hotel and residential development. This is a key site's in a prominent location for access to the city from the north

In the Viaduct Estate Road area (Caldew Riverside) proposals will be considered which optimise the use of this land, taking account of its setting. A mix of uses

SCHEDULE A: Applications with Recommendation

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would be appropriate including residential, offices and retail.

In the Citadel Area there is potential for better utilisation of land and buildings catering for additional city centre uses integrated with the existing office and retail mix.

In the Raffles area residential development will be the main driver of regeneration supported by environmental improvements and community facilities.

The boundaries of these areas are shown on the proposals map (See extracts).

In Carlisle South area a combination of residential improvements/redevelopment, increasing employment opportunities and environmental improvements will be developed to address local needs.

In the rural area work on Longtown Market Town Initiative action plan will be supported where this addresses local needs. In other rural parishes, parish plans will be taken into account when considering proposals for development where they are consistent with the overall plan strategy and policies.

Consideration will be given to new schemes arising during the Plan period as well as where strategies are being progressed at the start of the plan period. In particular proposals that can demonstrate a regenerative effect will be favourably considered. Proposals must be able to demonstrate a positive impact by nature of their holistic approach and be based on sound sustainable development principles. In addition they must not compromise any strategic proposals or masterplanning.

Summary of Consultation Responses:

Commercial & Technical Services - Drainage Engineer: The application indicates foul sewage to the mains (foul) sewer which is acceptable. Although the application also states that surface water would be taken to an existing drain, the applicant should investigate the use of soakaways as this is the most sustainable method. There is no knowledge of flooding issues at this site.

Cumbria County Council - (Highway Authority): A Transport Assessment should be submitted in support of the planning application. It should be noted that, the PFI contract for the CNDR has not yet been let. It is therefore considered that the proposed access should be to an appropriate standard in order to serve the development should the PFI contract not let the CNDR is unable to be delivered. However, the scheme should also take into account the changes to the highway layout resulting from the CNDR.

United Utilities (former Norweb & NWWA): No further comment to add to those made on the associated application for the proposed dealerships, viz:

"no objections on drainage grounds providing the site is drained to separate systems with only foul drainage connected to the foul sewer. A pair of public sewers cross the site and building over these will not be permitted. UU will require an access strip not

SCHEDULE A: Applications with Recommendation

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less than 6 metres wide and measuring at least 3m either side of the centre line of each sewer for access and maintenance. The site layout plans indicate that this area is to be covered by the proposed car parks and this is acceptable";

Department of Transport (Highways Agency): The Highways Agency is currently responsible for the ownership and management of the M6 core trunk road. The Agency would need to be assured that the existing access is able to safely accommodate the traffic movements, resulting from the proposed development, cause a detrimental impact to highway safety, then the applicant will need to submit details that demonstrate how the access junction can be improved to mitigate this potential deterioration in highway safety. Any proposed modifications to the access and any further mitigation measures must, of course, be undertaken in accordance with the Highways Agency's standards, as set out in the Design Manual for Roads & Bridges (DMBR). It might also be worth noting, at this stage, that, subject to any grant of planning consent, the subsequent works involved in the improvements to the existing access must be undertaken under the auspices of a s278 (Highways act 1980) Agreement, to be entered into between the developer and the Highways Agency, as highway authority. This is an issue that can be discussed with the applicant if/when planning permission is granted.

Notwithstanding the above and in order for the Agency to give full consideration to trunk road issues, we will, in the first instance, require further details from the applicant, in the form of Transportation Statement. This should indicate, as a minimum, the following information:

1. The total predicted daily number of vehicle movements into and out of the development. (This should be split into staff, customers, visitors and servicing-indicating the frequency of HGV movements).
2. The percentage impact of the proposed traffic movements, over and above those previous/current traffic movements at the access of the trunk road network.
3. The anticipated peak periods of activity and estimated traffic generation and percentage impacts at these times.
4. The proposed hours of operation.
5. The latest 5 year accident records on the M6 in the vicinity of the development.
6. A general arrangement drawing, showing the junction layout, which should also indicate the currently achievable and proposed visibility splays.

Once this information has been submitted, I will then ask our consultants to provide their initial views and comments with regard to the proposals and what, if any, impact they consider that the development might have on the trunk road network. Subject to their findings, it may, at that stage, be necessary for the applicant to provide further information.

In the intervening period and pending receipt of the above information, we would be grateful for the grant of an extension of time to respond to this application, to enable full consideration to be given to trunk road issues.

We refer to the above planning application and supporting documents as received on the 29th August 2006.

The attached technical note summarises the review of the Transport Assessment prepared to support the planning application for the proposed Hotel Development at Parkhouse Road in Carlisle. The comments from our call off consultants, Faber

SCHEDULE A: Applications with Recommendation

04/1530

Maunsell, highlight our requirement for additional information from Brian Campbell Associates before it can be demonstrated that the proposed development would not have a material impact on the trunk road network.

In addition to the information requested in the review of the Transport Assessment there is still a requirement for the applicant to supply the information requested in my email to you on the 4th September 2006. In this email I requested that the applicant should supply the following plans and information:-

1. Detailed plans showing the positioning of the proposals in relation to the A74 and Junction 44 of the M6 (in particular how the proposals will impact upon the highway boundary)
2. The dates for when the applicant intends to carry out works relating to the development
3. The access arrangements for works relating to the development

The reason for this request was that in order for the Highways Agency to come to a decision on this application we must be satisfied that it will not impact upon works relating to the extension of the M6, Carlisle to Guardsmill.

I should be grateful if you would bring the attached document and the above request for information to the attention of the applicant and request that they respond to the comments raised. In the intervening period and pending receipt of further information from the applicant, I should be grateful if you would grant the HA an extension of time to resolve any outstanding issues raised by our consultants and to enable full consideration to be given to trunk road issues. I have attached a TR110 Holding Direction which will remain valid until 20th November 2006.

Cumbria County Council (Strategic Planning Authority): Comments awaited.

Kingmoor Parish Council: Comments awaited.

Cumbria Constabulary - Crime Prevention: Have referred to the comments made on the previous "composite" application for the hotel and two no. dealerships (application 04/1296). These raised no specific issues in relation to the hotel proposal;

Environmental Protection Services: There are no objections in principle but the applicant is reminded of the need to comply with relevant food and safety legislation and to contact the Environmental Services Department to discuss these matters when this application is determined;

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

The agency has considered the above application as well as application no.04/1296 which covers the same areas as the Development Brief. It is stated on the planning application that surface water will be disposed of by means of 'mains'. As surface water disposal is material planning consideration (and the Agency has provided information and advice as requested) such paucity of detail is not acceptable on full

SCHEDULE A: Applications with Recommendation

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planning applications.

The site is located within Flood Zone 1 as defined in Table 1 of PPG25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at little or no risk of flooding from River, tidal and coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence.

Within Flood Zone 1, the primary flood risk issue generated by most new development is the risk posed to others by surface run-off. Development within this category can generate significant volumes of water. The impact and risks posed by this will vary according to the characteristics of the development itself, i.e. the scale of impermeable surfacing and of the catchment concerned i.e. catchment size, distance from local watercourses, capacity of local watercourses, gradient, soil type etc.

The Agency would request the inclusion of the following condition on any planning permission:

Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from the car parking area shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason

To prevent the pollution of water resources.

The River Eden is less than 3km downstream of the site. This river is part of the River Eden and tributaries SSSI and River Eden candidate Special Area of Conservation. Therefore, any discharges/run-off from the site may be relevant under both the Countryside and Rights of Way Act 2000 and under the Habitats Regulations 1994 and it is also recommended you consult with English Nature. The Agency would recommend that any developer incorporates some form of Sustainable Drainage System (SuDS) to mitigate the impact that the creation of large impermeable area would have on the local surface water drainage system. Alternatively, the Agency would request that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates.

Cumbria Tourist Board: No objections.

Urban Design Officer: The proposal is for a substantial hotel development adjacent to junction 44/A74, a prominent gateway site on the northernmost edge of the City. The application has been evidently been in gestation for some time, being lodged in 2004. Since this date there has been a continued and increasing requirement for development to seek the highest design standards. Notwithstanding this, even under the lesser emphasis on design existent in 2004, this scheme has quite low design aspirations.

While some interesting elements are present, e.g. the landmark tower and possibly

SCHEDULE A: Applications with Recommendation

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the internal courtyard, elevations to the public realm are more banal. The scale of the submitted plans is poor at only 1:200 for the elevations, resulting in a lack of clarity on many parts of the scheme. The roofscape of the atrium is unclear, as are the main elevations which differ from plan. For example, apparent large window openings are shown on plan to the 'pool building' and to the structure at the base of the tower. These differ markedly from those indicated on the elevations. Elements which will have a significant impact on the appearance of the finished building, such as the eaves treatment, are unreadable. Numerous lintels are drawn as soldier courses but are indicated in the schedule as York stone. Hard and soft landscaping and any details of boundary treatments are absent. No design statement is evident.

In my view the submitted material is inadequate for an application of this nature. Elevations lack clarity given the scale and impact of the scheme. Also, the applicant should consider how this building will appear when viewed from near and far and should utilise sketches or montages to illustrate this. Underpinning this is my general view that the proposal lacks the design quality necessary for a scheme of this scale and at this location.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

	ASDA	23/11/04
	PC World	23/11/04
	Border Cars	23/11/04
	Curreys	23/11/04
	Holiday Inn	23/11/04
	Comet	23/11/04
	Allied Carpets	23/11/04
	Homebase	23/11/04
	NT Services	23/11/04
	Lloyd Volvo	23/11/04
	Carlisle Brass	23/11/04
	Allied Carpets	23/11/04

Objection

This application has been advertised in the form of press and site notices and the direct notification of the occupiers of 12 neighbouring properties. In response 3 letters of objection have been received on the following grounds:

- Understand that Council is still awaiting receipt from the applicant of a details traffic assessment. It is clearly necessary to establish what impact will be on traffic generation and patterns and whether such impact will be adverse having regard to the general objectives of delivering sustainable

SCHEDULE A: Applications with Recommendation

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development.

- The development proposed falls within Use Class C1. It is thus in direct conflict with Policy EM2. There are no exceptions (as defined) to enable a consent to be granted. It is not in conformity with the Development Plan.
- The development proposed has to be measured against the tests of PPG6 namely need, the sequential approach, and, the impact upon other town centre uses. It is not just the hotel use but the other component uses which must be subjected to the same tests i.e. the function and meeting rooms, the bistro, and, the health, fitness and beauty suite.
- The submitted statement accompanying the application misses the crucial point on the issue of "need". One of the main reasons the development at Rosehill was permitted on appeal was that the hotel as a component part of the development would assist in helping to sustain the future well being of Rosehill Industrial Estate. It would also assist the Borderway Mart to continue to develop its service to the wider agricultural community. The Secretary of State was not persuaded that there was a qualitative need but was persuaded that there was a degree of qualitative need sufficient to enable permission to be granted.
- The Secretary of States conclusion on quantative need re> Rosehill must apply equally to the proposed development. Indeed, the granting of planning permission at Rosehill makes quantative need even more difficult to establish. The Secretary of States conclusion on qualitative need however applied to the unique circumstances of the Rosehill Industrial Estate and Borderway Mart. No similar unique circumstances exist here.
- The applicants should be asked to produce a sequential analysis in respect of the hotel and its component uses to establish whether there are more central locations capable of accepting the development.
- The Council need to advertise the application as a "departure" from the Development Plan. In the event that the Council is "minded to approve" the application it will be referred to GONW.

Details of Proposal/Officer Appraisal:

Planning History:

Previous development proposals for this site include an application to use it as a transit caravan site, approved in January 1972. Subsequent applications for its use as a gypsy transit caravan site were refused in 1978 and 1979 but an application to use it as an emergency site was approved on a temporary basis in 1979. That was renewed in September 1980 and in 1983.

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In 1986 an "outline" application was made for the erection of buildings for use as a retail park but that application was withdrawn in December of that year.

In January 2000, under application 98/0559, an application for the erection of a manufacturing facility with associated offices, ancillary plant rooms, external roads and car parking/ servicing yards was withdrawn without determination.

Under application 04/1296 planning permission has been given on the adjoining land for two motor dealerships, comprising showrooms and workshops, together with associated highway works, car parking, and, landscaping.

Details of Proposal:

1. SITE DESCRIPTION

This application relates to 1.39ha. of land which lies to the immediate east of the Mitsubishi and Vauxhall car showrooms on the northern side of Parkhouse Road. To the south and east the route of the proposed Carlisle Northern Development Route (CNDR) bound the site. To the immediate north by the A74, which is currently being upgraded to motorway standards. On the southern side of Parkhouse Road there is the Asda Superstore.

2. BACKGROUND INFORMATION

The submitted plans show the erection of a hotel with the rooms based around a central atrium/courtyard attached to which there is a two storey building providing function rooms. The ground floor plan show the provision of: a reception; 8 bedrooms; 3 meeting rooms; a pool, gym, beauty salon and sauna with changing facilities; a lounge bar; bistro; 50 seat restaurant; and, the potential for 3 function rooms. There are to be 43 bedrooms provided on the first floor, and, a further function room. The proposed second floor has a total of 46 bedrooms with a lounge and gallery. Externally the proposed building would be constructed from brickwork with York stone lintels and sills, and, slate roofs. The submitted elevations show the construction of a clock tower with a domed cupola.

The layout plan (drawing no. 1968/27) shows the proposal to be served by at least 159 parking spaces and have a water feature at the junction with the CNDR roundabout. This layout is, however, at variance to the ground floor layout as indicated on drawing number 1968/04/G. The aforementioned plans do, in addition, differ to the submitted plan indicating the proposed surface water drainage scheme that includes a lake and 165 parking spaces. There are, in addition, discrepancies and inconsistencies between the submitted floor and elevation plans.

When the application was originally submitted it was accompanied by a Statement (dated November 2004) which highlighted, amongst other things, that:

- The applicant operates hotels and motor dealerships. The hotel is intended to provide 96 bedrooms, function and conference facilities and leisure club. It will be operated as a 4 star hotel similar to the Group's

SCHEDULE A: Applications with Recommendation

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Westland Hotel in Workington.

- The Development Plan has no specific policies relating to hotels. The general policies i.e. Local Plan Policy EM14 support the location of tourism development bringing economic benefits to a location such as this within the built form of Carlisle.
- Superficially there is conflict with Local Plan Policy EM2, which presumes against the use of employment land for uses other than B1, B2 and B8.
- Government Policy in Annex A to PPG21 says that in situations where no specific locations for hotels are identified a flexible approach is required.
- Accepted in a "called-in" decision at Rosehill that there are no sequentially preferable sites to those in an out of centre location.
- Development of such a facility is anticipated within the Council's Supplementary Planning Guidance for Kingmoor Park; it is generally accepted that there is a symbiotic relationship between hotels and business locations.
- It is a recognised aspiration of local tourism policy to develop a 4 star hotel in Carlisle. This proposal is put forward by an existing hotel operator keen to develop a 4 star facility.
- The superficial conflict with employment policies should be given limited weight since exceptions to hotels on employment land are clearly appropriate.
- It is submitted that when all material considerations are taken into account, including the total job creation anticipated at 73 full-time and 30 part-time, that the balance is in favour of granting planning permission.

During a meeting in early October with the Case Officer the applicant queried whether there were any other sequentially preferable sites. This was because the Rosehill site was allegedly not an effective proposition, the Rickergate area is within a floodplain, the Civic Centre is a forty year old building, and, any development associated with Carlisle Renaissance would be in the longer term. At the aforementioned meeting it was, nevertheless, re-iterated that there was a need for:

- In the light of revisions to policy (in the form of PPS6, RPG13, the new Structure Plan, and, Government advice contained in the „Good Practice Guide on Planning for Tourism“) there was a need to provide an updated Statement.
- A response to the comments made by the Highways Agency.
- Revised plans that are consistent, based around a readily understandable set of ideas, and, do not involve a bland design lacking attention to detail.
- A consistent layout plan which takes account of the intended means for surface water drainage.

SCHEDULE A: Applications with Recommendation

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Too date the applicant has provided no further information or plans and, as a result, it has been decided to determine the application based on the current submission.

3. ASSESSMENT OF THE PROPOSAL

When assessing this proposal it is felt that the main planning issues are whether the advantages outweigh the disadvantages with regard to the visual impact; highway safety; need; sequential analysis; loss of employment land; and, surface water drainage. As such it is felt that the following points need to be kept in mind:

Firstly, Government advice contained in the "Good Practice Guide on Planning for Tourism" emphasises that the planning system, by promoting the implementation of good quality development, is crucial to ensuring that the tourism industry can maximise economic, social and environmental benefits but in the most sustainable manner possible (para. 2.7). Paragraph 3.2 goes on to say that developments should: provide well-designed, safe and accessible development; result in the more efficient use of land; provide a supportive framework for economic growth and successful business; create vibrant, vital and viable town centres; reduce the need to travel; and, protect and enhance the natural and built environment. Paragraph 3.3 highlights that the planning system aims to realise these objectives through a „plan-led“ system. In the case of urban areas paragraph 3.21 explains that hotels lend themselves to urban locations but that planning authorities need to ensure that they have assessed the need for these facilities and have allocated an appropriate range of sites to meet those needs. The DCLG have yet, however, to publish practice guidance on assessing needs. Chapter 5 of the aforementioned Guide identifies the key planning considerations with the emphasis on ensuring that developments need to be located where they are accessible to visitors (and for many by means other than just by private car); be attractive to users; and, be designed to have a positive impact upon landscape.

Secondly, in a draft Development Brief prepared in March 2004 a hotel use was identified as a potential use. However, little if any weight can be afforded to this document in that it does not appear to have been adopted by the Council. The application needs to be considered in the context of the most up to date policies and advice.

Thirdly, Members will be aware that under the Carlisle Renaissance, and Policy DP2 of the Carlisle District Local Plan (2001-2016) (Revised Redeposit Draft) the Rickergate area is identified as a potential site for a hotel.

4. CONCLUSION

In conclusion it is considered that the design of the current proposal is inappropriate; the proposal is premature ahead of any work to fully assess need and suitability of the location in the context of the Carlisle Renaissance and the Revised Redeposit Draft Local Plan; and, has not sought to address the concerns raised by the Highways Agency. As such it is recommended for refusal.

SCHEDULE A: Applications with Recommendation

04/1530

Human Rights Act 1998

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

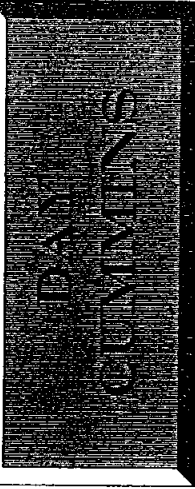
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

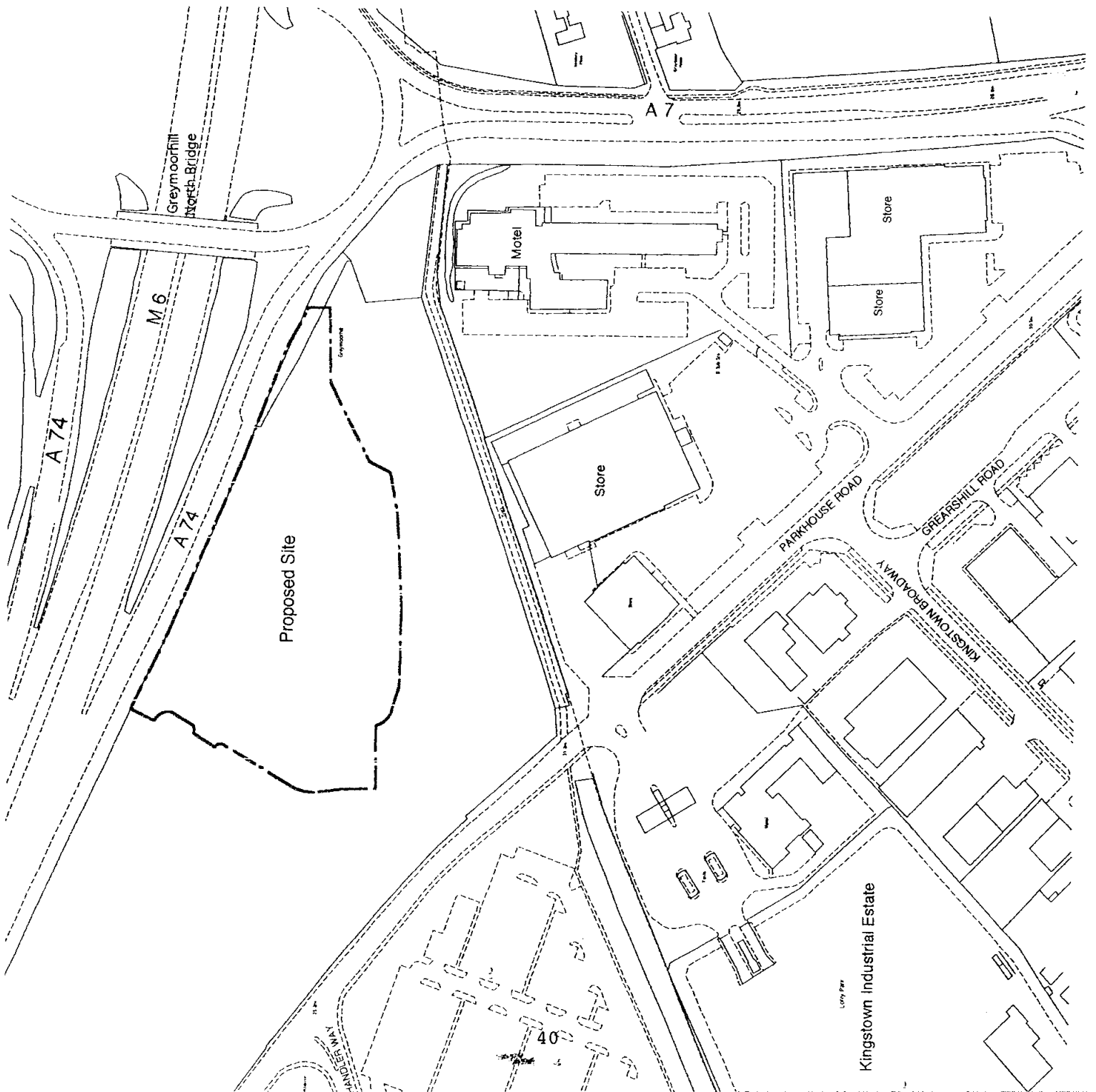
The proposal has been considered against the above. The applicants rights are respected but based on the foregoing it is held that their considerations do not out-weigh the harm to interests of acknowledged importance.

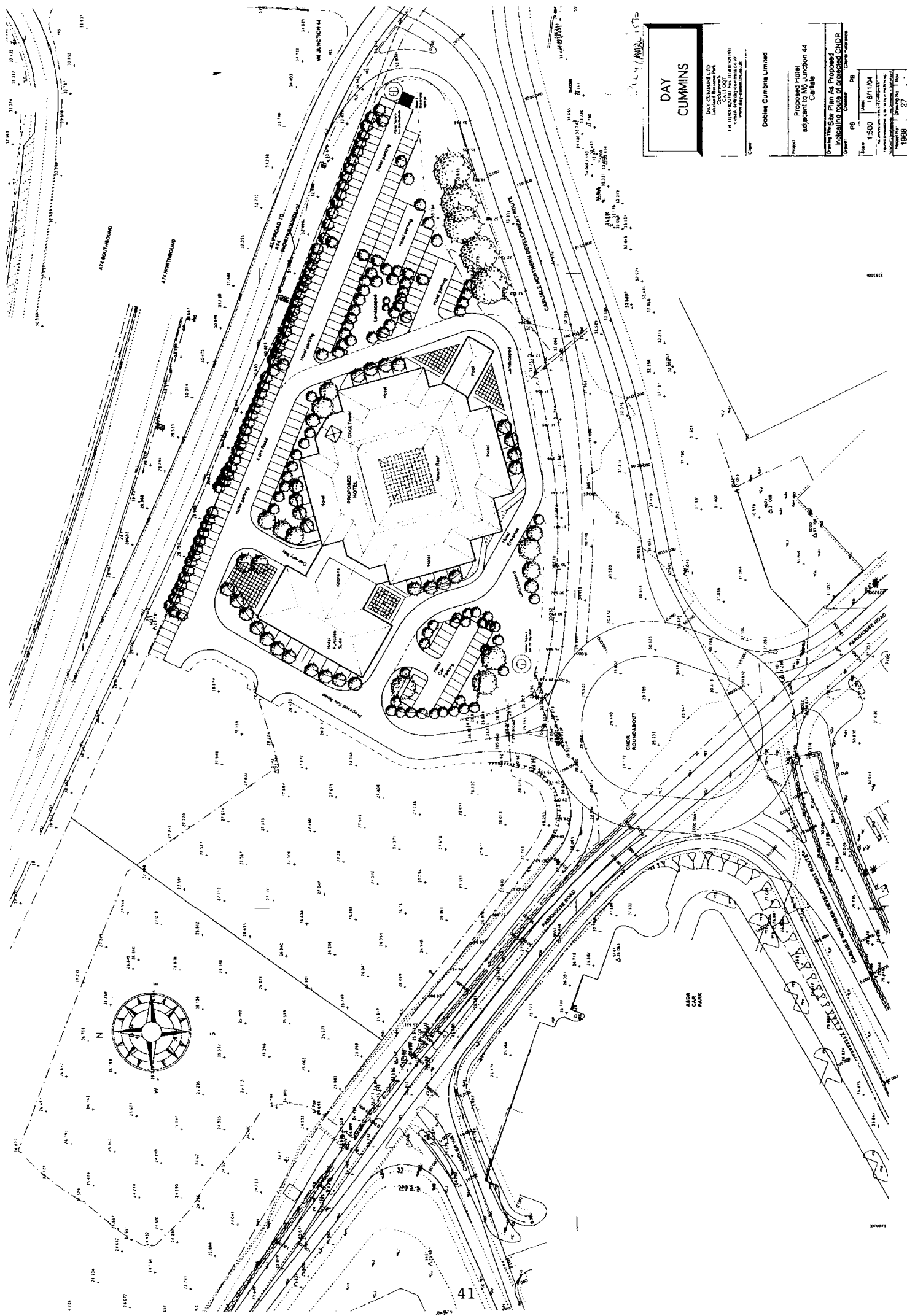
Recommendation: Refuse Permission

- Reason:** The proposal involves the erection of a substantial hotel with associated facilities located at the northernmost edge of Carlisle. In the context of the regeneration of the City under Carlisle Renaissance and Policy DP2 of the Carlisle District Local Plan (2001-2016) (Revised Redeposit Draft), and in advance of the establishment of a need, the proposal would be premature contrary to Ministerial advice contained in the "Good Practice Guide on Planning for Tourism".
 - Reason:** The proposal is for a substantial hotel development in a prominent location providing a gateway on the northernmost edge of the City adjacent to junction 44 of the M6/A74. In such a context the submitted material is not only considered to be inadequate and lacking clarity, but also, lacks the design quality necessary for a scheme of this scale and location contrary Ministerial advice contained in PPS 1 "Delivering Sustainable Development".
-

22 NOV 2004
2004/1530

		DAY CUMMINS LTD Lakeland Business Park Cockermouth CA13 0QT Tel: 01900 820700 Fax: 01900 820701 e-mail: dc@day-cummins.co.uk www.day-cummins.co.uk	
		Client: Dobles Cumbria Limited	
Project: Proposed Hotel adjacent to M6 Junction 44 Carlisle, Cumbria		Drawing Title: Site Location Plan	
Drawn: LT/PB	Checked:	Clients Reference:	
Scale: 1:2500	Date: 16/11/04	ALL DIMENSIONS TO BE CHECKED ON SITE FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS - THIS DRAWING IS COPYRIGHT	
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Doherty Cumble Limited
 Proposed Hotel
 adjacent to M1 Junction 44
 Carling

Client	Day Cummins Ltd
Project	Proposed Hotel adjacent to M1 Junction 44 Carling
Drawn	RB
Checked	RB
Scale	1:500
Date	01/11/04
Author	RB
Drawn	RB
Checked	RB
Project No.	27
Issue No.	27
Issue Date	1988



DAY & GUMMINS LTD
Landscape Architects
101-103, The Arcade, Colchester, Essex, CO1 1JL
Tel: 0206 206 206
www.day-gummies.co.uk

Client: Debiex Cumbris Limited

Project: Proposed Hotel adjacent to M6 Junction 44 Carlisle

Drawing Title: Ground Floor Plan As Proposed

Scale: 1:200

Date: 30/04/04

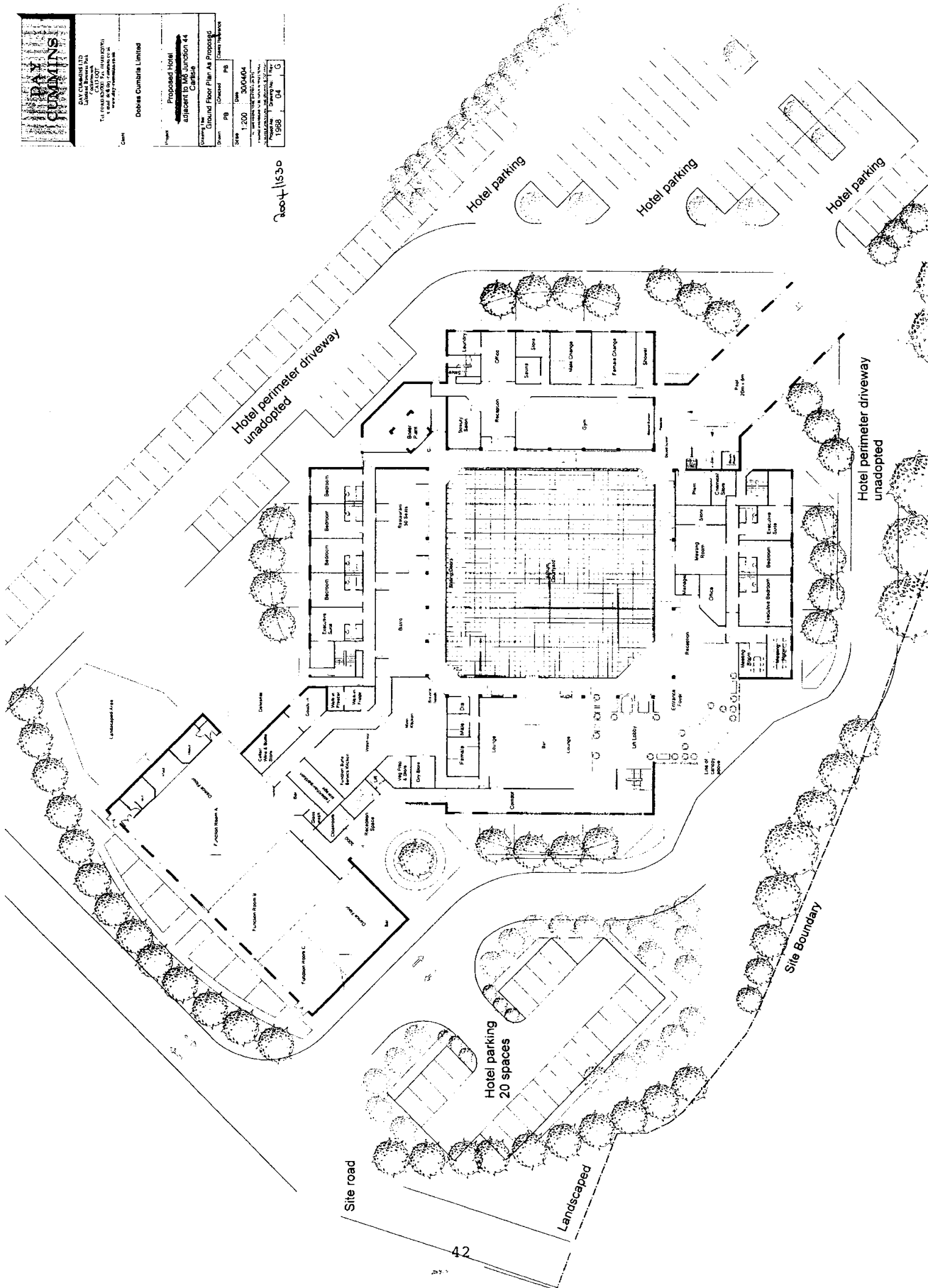
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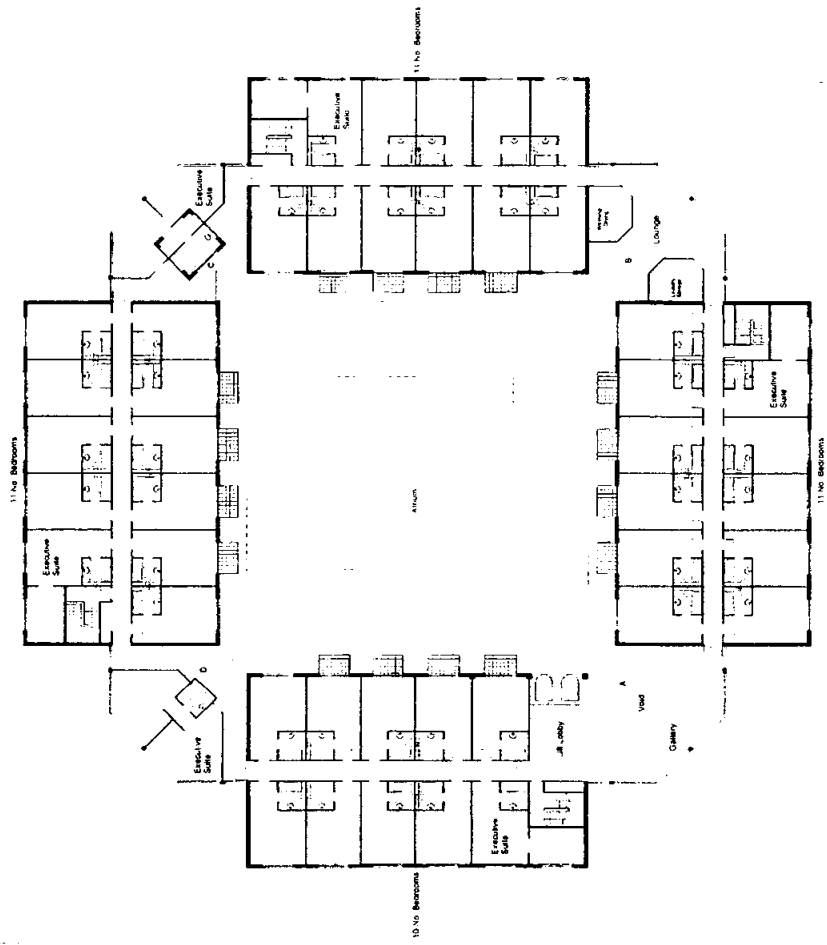
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Sheet: G

Client Reference: 1998

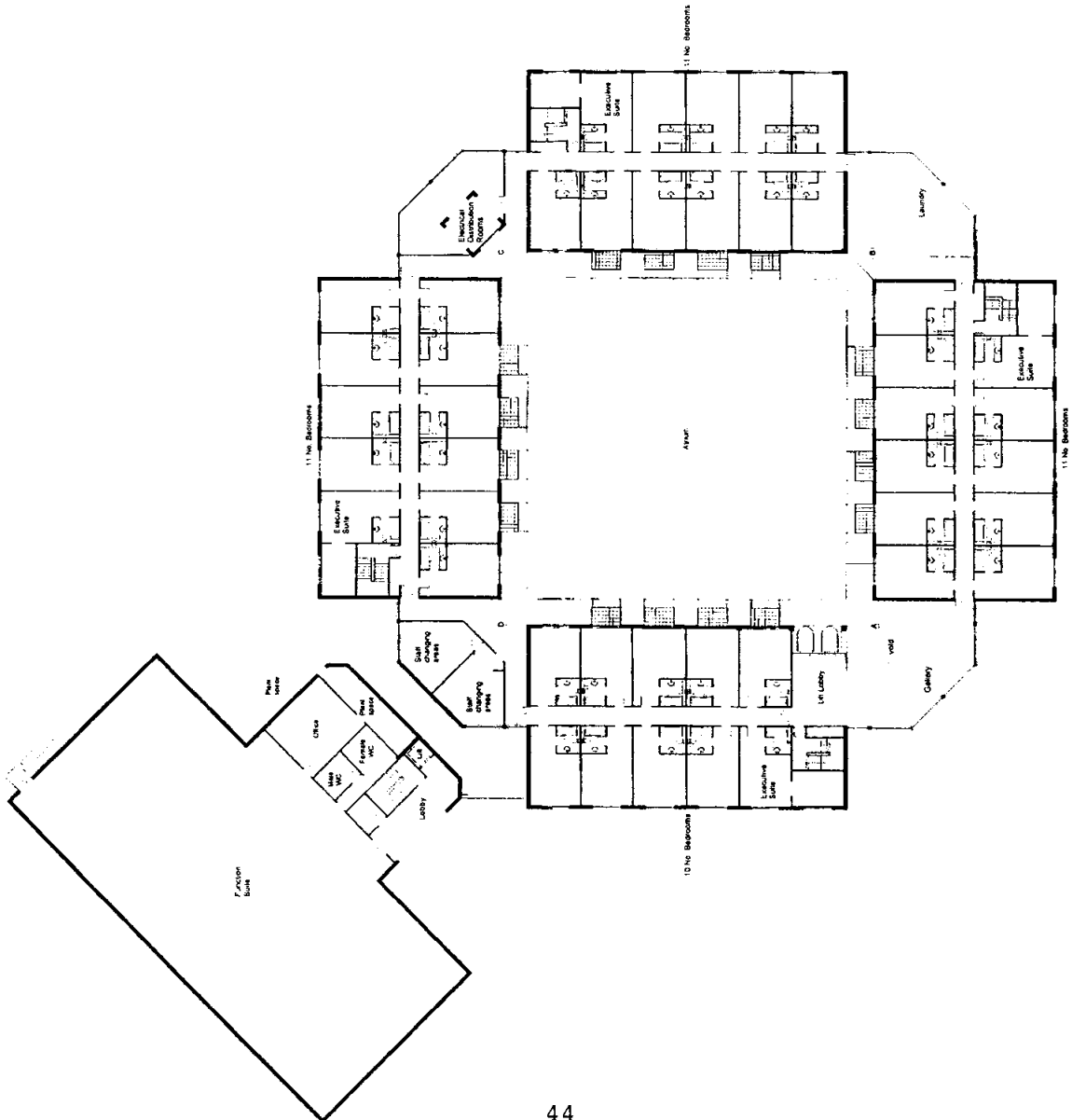
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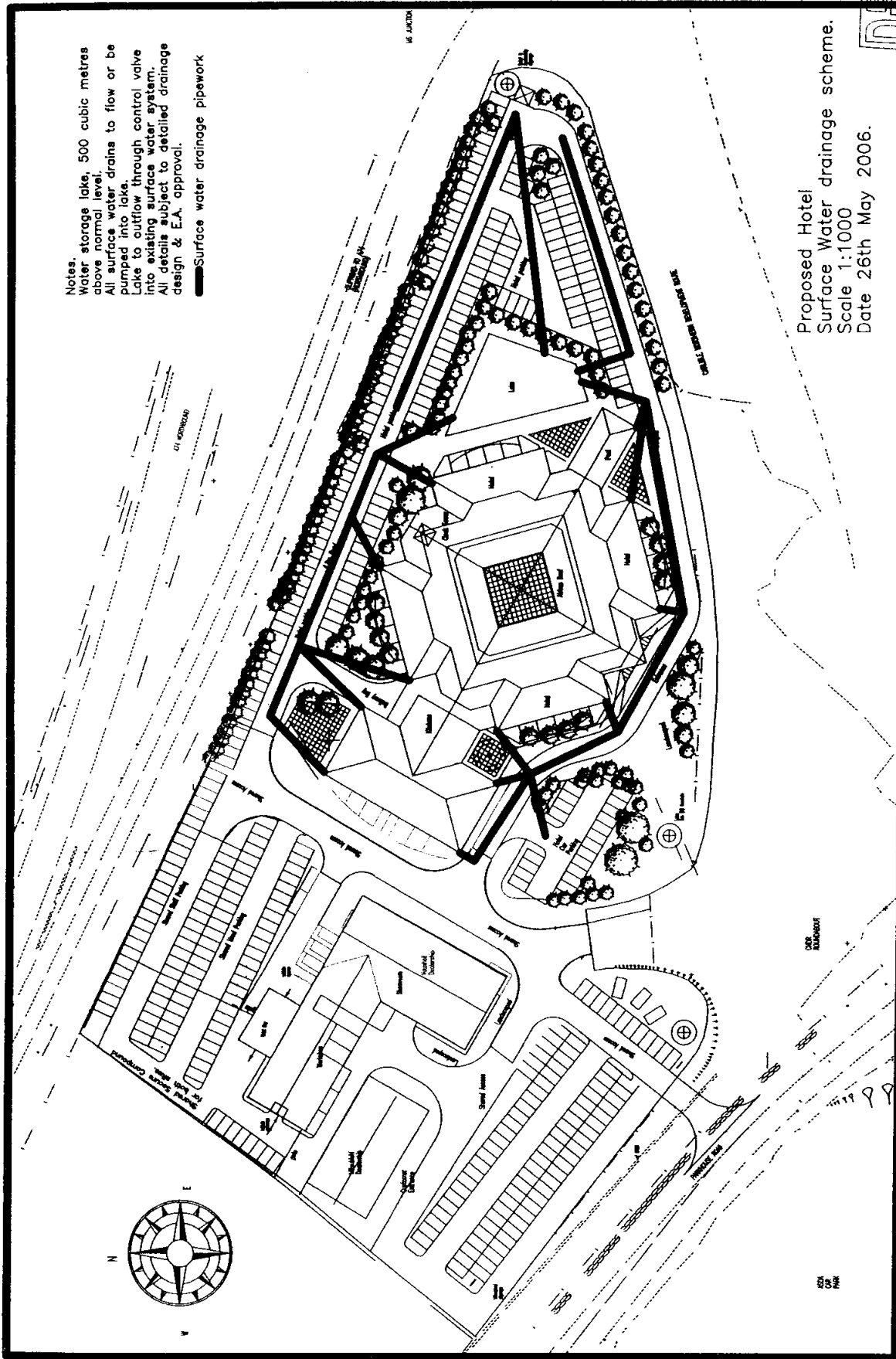
DAY CUMBRIS LTD Limited Services Unit 01532 507111 1st Floor, 100, High Street, Newcastle www.daycumbris.com	
Dobies Cumbris Limited	
Project Proposed Hotel adjacent to M6 Junction 44 Carlisle	Client Dobies Cumbris Limited
Drawn PG	Checked PG
Scale 1:200	Date 30/04/04
Prepared by: [Name] Drawing No: 1565	

2004-1530



2004/1530

D&J CONSULTANTS LTD. Limited Business Park, CAULDRON, 11, HAYDEN ROAD, WALSLEY, S71 2JF. Tel: 01924 452200 Fax: 01924 452201 E: info@djc.co.uk Website: www.djc.co.uk	
Client	Dobles Cumbria Limited
Project	Proposed Hotel adjacent to M6 Junction 44 Carlisle
Drawing No.	First Floor Plan As Proposed
Drawn	RB
Checked	RB
Drawn Reference	
Scale	1:200
Date	30/04/04
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Drawing No.	05



Notes.
 Water storage lake, 500 cubic metres above normal level.
 All surface water drains to flow or be pumped into lake.
 Lake to outflow through control valve into existing surface water system.
 All details subject to detailed drainage design & E.A. approval.

— Surface water drainage pipework

Proposed Hotel
 Surface Water drainage scheme.
 Scale 1:1000
 Date 26th May 2006.

RECEIVED
 - 1 JUN 2006
 04/1530

Our ref: Y391600-2
Your ref: 04/1530

Alan Taylor
Carlisle City Council
Planning Services
Civic Centre
Carlisle
CA3 8QG

PLANNING APPLICATION REF: 04/1530
04/1530
01 DEC 2004
<i>[Signature]</i>
AMT

Room 810
City Tower
Piccadilly Plaza
Manchester M1 4BE

Direct Line: 0161 930 5558

Fax: 0161 930 5670

1 December 2004

For the attention of Mr A. Taylor

**PLANNING APPLICATION REF: 04/1530
ERECTION OF 94 BED HOTEL WITH ASSOCIATED RESTAURANT, LOUNGE BAR AND
BISTRO, FUNCTION ROOMS WITH MEETING ROOMS, HEALTH AND BEAUTY SUITE,
CAR APRKING AND LANDSCAPING.
PARKHOUSE ROAD A74 (T) ADJACENT TO JCT 44 OF M6, CARLISLE**

Dear Alan

Thank you for the above application and your letter regarding the above, received by the Agency on the 25th November 2004.

Please find below the Agency's response with regards to the above development and the information required, in-order for the Agency to make comment upon the above application.

As you are aware the Highways Agency is currently responsible for the ownership and management of the M6 core trunk road.

The Agency would need to be assured that the existing access is able to safely accommodate the traffic movements associated with this new development, particularly those of cars. If it is considered that the traffic movements, resulting from the proposed development, cause a detrimental impact to highway safety, then the applicant will need to submit details that demonstrate how the access junction can be improved to mitigate this potential deterioration in highway safety. Any proposed modifications to the access and any further mitigation measures must, of course, be undertaken in accordance with the Highways Agency's standards, as set out in the Design Manual for Roads & Bridges (DMRB). It might also be worth noting, at this stage, that, subject to any grant of planning consent, the subsequent works involved in the improvements to the existing access must be undertaken under the auspices of a S278 (Highways Act 1980) Agreement, to be entered into between the developer and the Highways Agency, as highway authority. This is an issue that can be discussed with the applicant if / when planning permission is granted.

Notwithstanding the above and in order for the Agency to give full consideration to trunk road issues, we will, in the first instance, require further details from the applicant, in the

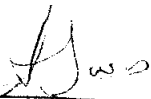
form of a Transportation Statement. This should indicate, as a minimum, the following information:

1. The total predicted daily number of vehicle movements into and out of the development. (This should be split into staff, customers, visitors and servicing - indicating the frequency of HGV movements).
2. The percentage impact of the proposed traffic movements, over and above those previous / current traffic movements at the access of the trunk road network.
3. The anticipated peak periods of activity and estimated traffic generation and percentage impacts at these times.
4. The proposed hours of operation.
5. The latest 5 year accident records on the M6 in the vicinity of the development.
6. A general arrangement drawing, showing the junction layout, which should also indicate the currently achievable and proposed visibility splays.

Once this information has been submitted, I will then ask our consultants to provide their initial views and comments with regard to the proposals and what, if any, impact they consider that the development might have on the trunk road network. Subject to their findings, it may, at that stage, be necessary for the applicant to provide further information.

In the intervening period and pending receipt of the above information, I should be grateful if you would grant the Agency an extension of time to respond to this application, to enable full consideration to be given to trunk road issues. I trust that the above information is of assistance to you but please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely



Miss Amarjit Doow
NS North West
Email: Amarjit.Doow@highways.gsi.gov.uk

SCHEDULE A: Applications with Recommendation

06/1144

Item No: 03

Date of Committee: 15/12/2006

Appn Ref No:
06/1144

Applicant:
Mr R Thompson

Parish:
Carlisle

Date of Receipt:
26/09/2006

Agent:
Jock Gordon

Ward:
Botcherby

Location:
The Beeches, Wood Street, Botcherby, Carlisle,
CA1 2SF

Grid Reference:
342295 555666

Proposal: Erection of conservatory to rear of property (revised proposal with uPVC in lieu of timber)

Amendment:

1. Change of colour of UPVC units from bottle green to white.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant's wish to exercise their right to speak in support of the application.

Planning Policies:

Listed Building

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

Conservation Area

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

SCHEDULE A: Applications with Recommendation

06/1144

Health & Safety Executive Consultation

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

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Carlisle District Plan Environment - Policy E34

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

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent

SCHEDULE A: Applications with Recommendation

06/1144

properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

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

SCHEDULE A: Applications with Recommendation

06/1144

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE14 - Alterations to Listed Buildings

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

Applications will be assessed against the following criteria:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

SCHEDULE A: Applications with Recommendation

06/1144

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection

Development Services Planning & Housing Services - Conservation/Richard Majewickz: Given the history of the property, unfortunately I cannot object to the principle of a UPVC conservatory, however, the dark green finish proposed could be too much of a contrast with the existing building. I have asked the Agent to ask his Client to consider white instead and they have agreed to the change.

Development Services Planning & Housing Services - Conservation/Peter Messenger: In 2005 an application for a timber conservatory was approved for the previous owner (05/0606) together with the replacement of the existing windows with PVCu windows. The background to this application was that prior to the building being listed two flat roofed extensions were built onto the back of the building, as well as French doors being inserted and metal framed windows were inserted into the rear elevation. The owners at the time wanted to replace these windows and by altering the shape of the openings they were hoping to improve the appearance of the rear elevation. In order to try and retrieve part of the character at the rear of the building the proportions of some of the windows were altered to get rid of the modern horizontal emphasis.

It was not possible to convince the owners to replace their metal windows with timber sliding sashes and the Council could not have insisted on this. A compromise was reached where the windows would be replaced with sash windows but these would be constructed of PVCu. At the same time it was agreed that a timber conservatory of an appropriate design could be constructed at the rear of the building which would not damage or detract from the character of the listed building.

At the time consideration was given to the possible use of PVCu for the conservatory. It was considered that the introduction of such a large expanse of PVCu framing would be far more intrusive and overall it would create an unfortunate and alien feature that was damaging to the character of the building. Consent was therefore granted for the windows to be in PVCu and the conservatory in timber.

The current application seeks to replace the approved timber conservatory with a PVCu structure. The proposal introduces a structure that is similar to the one described above in shape, size and materials and as such I have the same comments to make. The proportions of the building are acceptable however it is the appearance of the PVCu framing that creates a discordant element on the rear elevation of this property. The broad, flat, unmoulded framing to the glazing panels

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06/1144

gives a flat and monotonous appearance to this structure which detracts from the character of this historic building.

Attempts have been made to improve the appearance of the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact that they were to be made in PVCu. Approval in this instance was considered appropriate because of this incremental gain. There is no similar gain in accepting PVCu framing for the proposed conservatory. In this instance the large amount of framing will detract from the buildings character whereas the timber framing that has already been approved has a more traditional look with greater depth and moulding to the framing.

In conclusion I consider that the proposal to construct the conservatory in PVCu framing should be refused on the grounds that this would be detrimental to the character and appearance of the listed building.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

██████████ 17 Wood Street

02/10/06

This application has been advertised by means of site and press notices as well as a notification letter sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

Details of Proposal/Officer Appraisal:

Planning History:

In 2005, under application reference number 05/0606, Listed Building Consent was given for the erection of a timber framed conservatory and replacement of existing metal framed sliding slash windows with PVCU sliding sash windows plus timber French doors in window opening.

In 2005, under application reference number 05/0599, planning permission was given for the erection of a conservatory to the rear.

Details of Proposal:

Summary of Reasons for the Decision

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This application seeks full permission to extend the rear of The Beeches, Wood Street, immediately to the west of St Andrews Close. The property is a two storey semi-detached house constructed from render under a slate roof. It is bounded to the north by a 0.6m stone wall with 2m wood panelling and to the west by larch lap fencing and mature planting. To the east it is bounded by a 0.6m stone wall and mature planting. The property is a Grade II Listed Building and located within the Wood Street Conservation Area. A separate application for listed building consent has been submitted under application 06/1145.

It is proposed to extend the property by means of a conservatory to the rear. Permission was granted in 2005 under application 05/0599 for the erection of a similar conservatory. The current application seeks to revise the proposal by utilising white UPVC in lieu of timber.

Government policy on the protection of historic buildings is contained within Planning Policy Guidance 15: Planning and the Historic Environment. Paragraph 3.3 of this document states that:

'there should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out...for alteration or demolition'.

Para 3.12, in relation to the alterations and extension of listed buildings states that;

'in judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question' ; and

'Many listed buildings can sustain some degree of sensitive alteration to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly to the extent to which they can accommodate change without loss of special interest';

and that;

'some listed buildings are the subject of successive alteration or extension: in such case it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest'.

In considering proposals to alter and extend a listed building, para 3.15 notes that;

'Achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise; but it is rarely impossible, if reasonable flexibility and imagination are shown by all parties involved'.

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The relevant planning policies against which the application is required to be assessed are Policy E38 of the Cumbria and Lake District Joint Structure Plan, Policies E34, E43 and H14 of the Carlisle District Local Plan and Policies CP4, LE14, LE20 and H11 of the Carlisle District Local Plan Redeposit Draft.

In such a context it is considered that the proposal raises the following planning issues:

a) The impact of the proposal on the amenities of neighbouring residents

Policy H14 of the Carlisle District Local Plan and Policies CP4 and H11 of the redeposit Draft (2001-2016) seek to ensure that extensions are of good design and of an acceptable scale. It also seeks to protect the amenity of adjacent properties. Permission has been granted for a conservatory of similar size and design under application reference 05/0599. As this application only seeks to alter the external finish of the conservatory, it has already been established that the proposal would not adversely affect the amenities of its neighbours on the basis of loss of light, over dominance, or, privacy.

b) Whether the proposal is appropriate to this Listed Building, and, safeguards the character of Wood Street Conservation Area

Policy E38 of the Joint Structure Plan, Policy ZE34 of the Carlisle District Local Plan and Policy LE14 of the Redeposit Draft (2001-2016) require that development proposals for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building. Any proposals which adversely affect the listed building will not be permitted.

The property is also located within the Wood Street Conservation Area. Policy E38 of the Joint Structure Plan, Policy E43 of the Carlisle District Local Plan and Policy LE20 of the Redeposit Draft (2001-2016) require that development proposals should preserve or enhance their character. Any new development or alterations to existing buildings should be sympathetic with the setting, scale, density and physical characteristics of Conservation Areas.

As noted, approval was granted under application reference no 05/0599 for a conservatory of similar size and design. The only change which this application introduces is the utilisation of UPVC in lieu of timber. At the time of the original application, the Conservation Area Advisory Committee and Conservation Officer raised no objection to the scale or proportion of the proposed conservatory. It is therefore considered that the only remaining issue is whether the use of white UPVC in lieu of timber would be appropriate given the status of the property as a listed building in a conservation area.

In consideration of these issues, the following points are deemed to be relevant:

1. While the front of the property retains its original character, the rear has been significantly altered through the replacement of original features with UPVC sash windows, UPVC soffit's, UPVC fascias, UPVC patio doors

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and two two-storey flat roofed extensions.

2. Given the height and construction of the rear boundaries of the property, the only part of the Conservation Area from which the conservatory could be viewed would be from St Andrews Close to the east. It should be noted that even from this location, views of the conservatory would be largely obscured by the presence of trees, bushes and an existing out-building.
3. On the request of the Conservation Officer, the applicant has agreed to change the colour of the UPVC units from bottle green to white.

This application has led to a difference in stance. On the one hand the City Council's Conservation Officer originally indicated that the rear elevation of the property had been altered to such a degree that it would be inappropriate to refuse the proposal based on its impact on the listed building. His only stipulation was that the colour of the units be changed from bottle green to white, which the applicants agreed to.

Conversely, the Principal Conservation Officer (PCO) has subsequently stated that;

'Attempts have been made to improve the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact they were made from UPVC. Approval in this instance was considered appropriate because of this incremental gain'.

While accepting that the proportions of the proposed conservatory are acceptable, the PCO considers that:

'the appearance of the UPVC framing creates a discordant element on the rear of the property'; 'the broad, flat, unmoulded framing to the glazing panels gives a flat and monotonous appearance to the structure which detracts from the character of this historic building'; and 'there is no gain in accepting UPVC framing for the proposed conservatory.

In this instance the PCO considers that the large amount of framing will detract from the buildings character whereas the timber framing that has already been approved has a more traditional look with greater depth and moulding to the framing.

The PCO recommends that the application be refused on the grounds that it would be detrimental to the character and appearance of the listed building.

On the basis of the foregoing it is apparent that national Planning Policy Guidance and policies within the Cumbria and Lake District Joint Structure Plan, Carlisle District Local Plan and Carlisle District Local Plan Revised Redeposit Draft all provide a general presumption against development which would adversely affect the character or setting of a listed building. In determining whether the proposal would have an adverse impact, consideration needs to be given to the current status

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of the property.

As such, the key issue is whether the previous alterations have altered the character of the building to such a degree that the erection of a UPVC conservatory would not lead to further deterioration of character. This needs to be considered in light of the fact that permission has already been granted for a conservatory of similar size and design in timber.

On balance, it is considered that the arguments weigh in favour of refusal although this is far from a straightforward situation.

Human Rights Act 1998

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

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

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

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

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

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

Recommendation: Refuse Permission

- Reason:** The proposed conservatory is located to the rear of the Beeches, Wood Street, a Grade II Listed Building in the Wood Street Conservation Area. The proposal seeks to erect a conservatory in white PVCu to the rear of the dwelling. While the proportions of the conservatory are considered acceptable, it is deemed that a large

SCHEDULE A: Applications with Recommendation

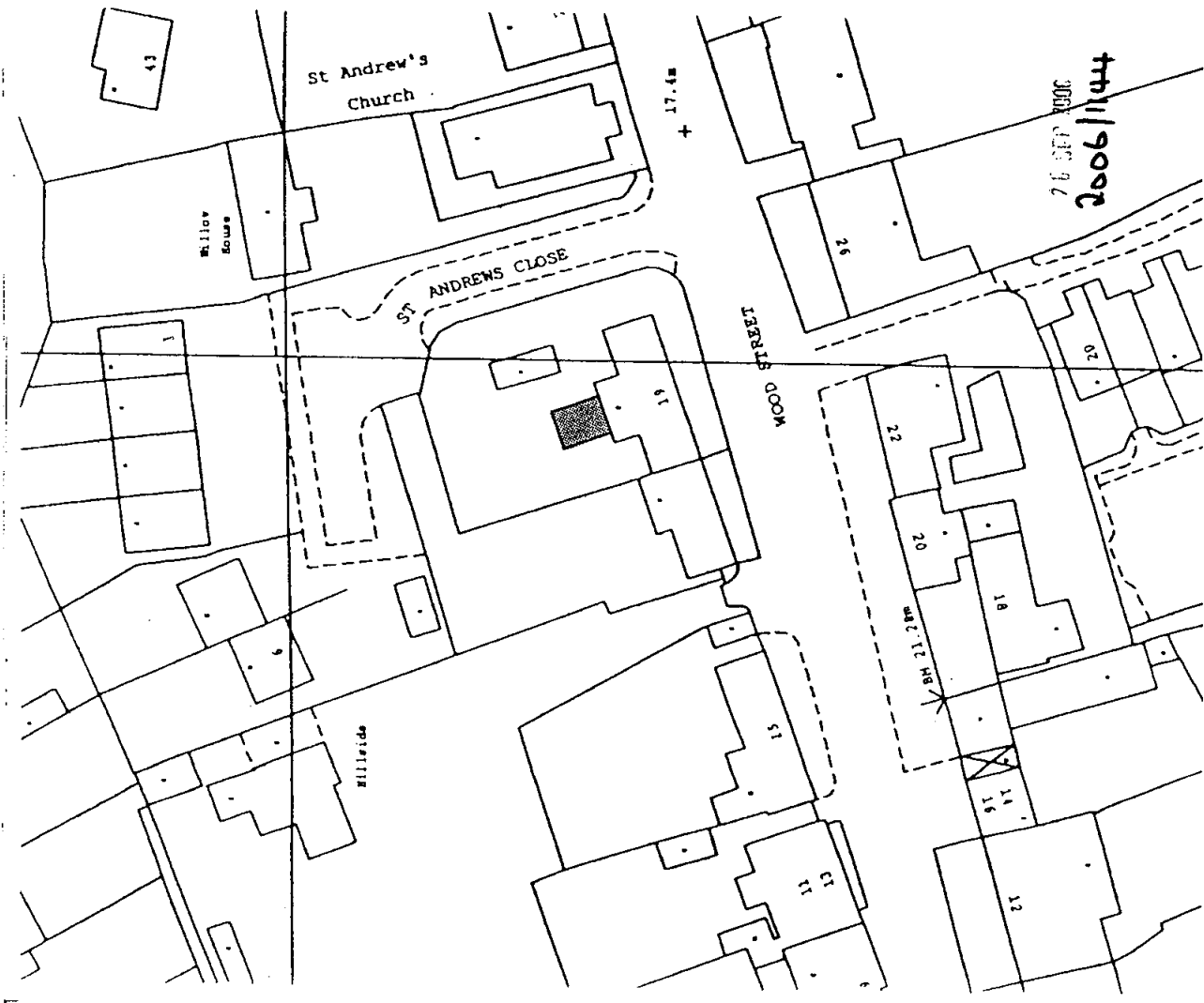
06/1144

expanse of PVCu framing would create an unfortunate and alien feature which would damage the character of the listed building. The proposal is therefore contrary to Policy E38 of the Cumbria and Lake District Structure Plan (2001-2016), Policy E34 of the Carlisle District Local Plan and Policy LE14 of the Carlisle District Local Plan Revised Redeposit Draft (2001-2016).



21 SEP 2006
2006/1144

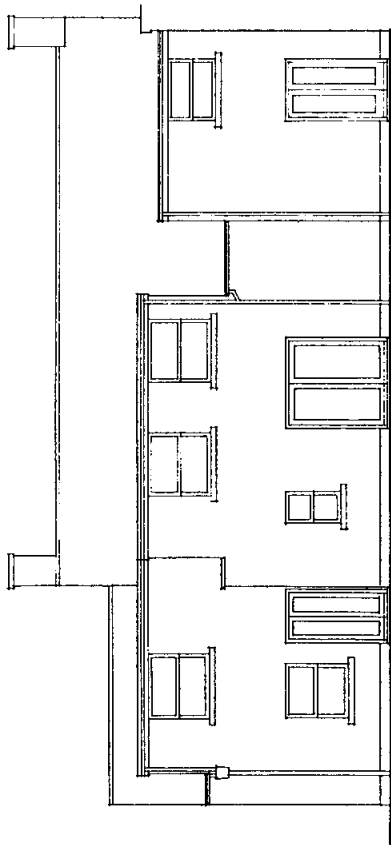
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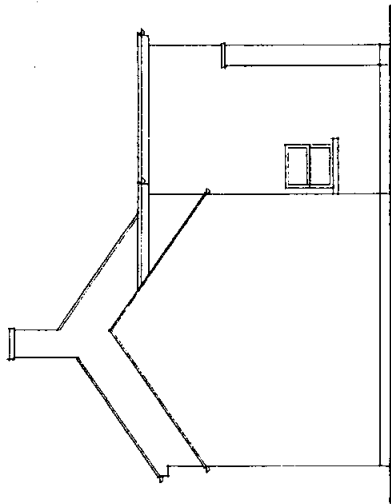
SITE PLAN

PROPOSED CONSERVATORY

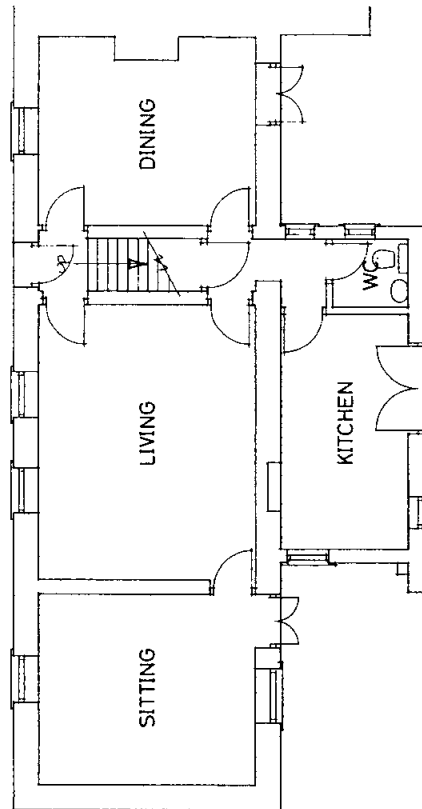
THE BEECHES - WOOD STREET - CARLISLE SCALE: 1 - 500



REAR ELEVATION



SIDE ELEVATION

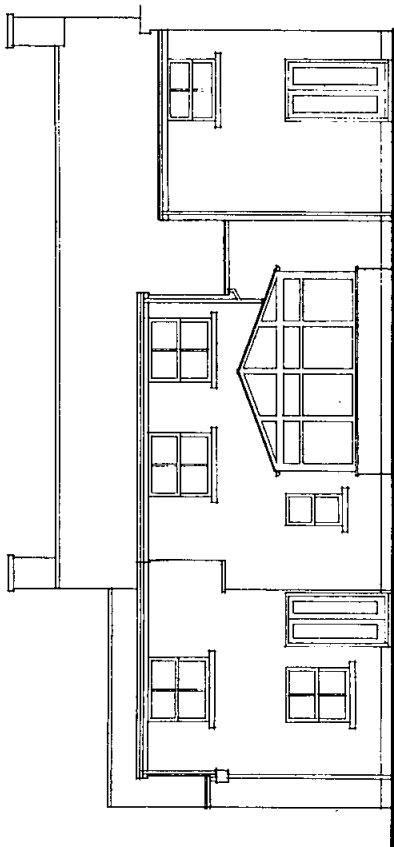


GROUND FLOOR PLAN

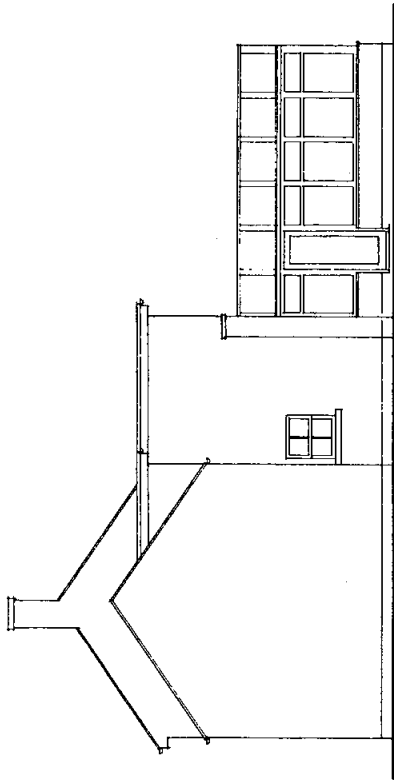
AS EXISTING

26 SEP 2005
2005/11/14

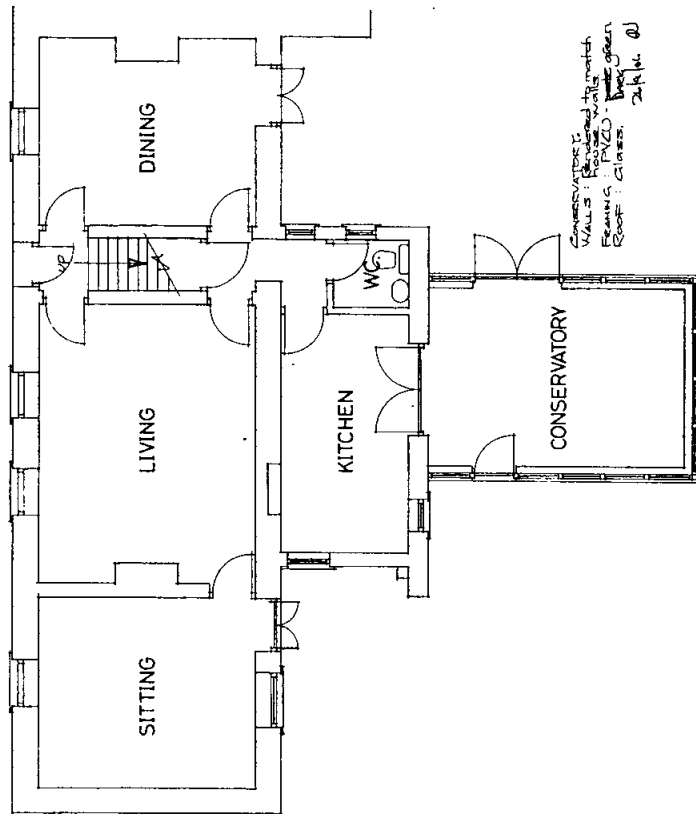
PROPOSED CONSERVATORY & ALTERATIONS THE BEECHES - WOOD ST. - CARLISLE	
DRG. No. 1426/1 SCALE: 1-50 DATE: MAY 2005	



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

AS PROPOSED

21 SEP 2005
 2.006/1144

PROPOSED CONSERVATORY & ALTERATIONS
 THE BEECHES - WOOD ST. - CARLISLE

DRG. No. 1426/3

SCALE: 1-50

DATE: MAY 2005



06_1144 & 1145 The Beeches, Wood Street 01 16.11.2006.jpg



06_1144 & 1145 The Beeches, Wood Street 02 16.11.2006.jpg



06_1144 & 1145 The Beeches, Wood Street 03 16.11.2006.jpg



06_1144 & 1145 The Beeches, Wood Street 04 16.11.2006.jpg



06_1144 & 1145 The Beeches, Wood Street 05 16.11.2006.jpg



SCHEDULE A: Applications with Recommendation

06/1145

Item No: 04

Date of Committee: 15/12/2006

Appn Ref No:
06/1145

Applicant:
Mr R Thompson

Parish:

Date of Receipt:
26/09/2006

Agent:
Jock Gordon

Ward:
Botcherby

Location:
The Beeches, Wood Street, Botcherby, Carlisle,
CA1 2SF

Grid Reference:
342295 555666

Proposal: Erection of conservatory to rear of property (revised proposal with uPVC in lieu of timber) (LBC)

Amendment:

1. Change of colour of UPVC units from bottle green to white.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant's wish to exercise their right to speak in support of the application.

Planning Policies:

Listed Building

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

Conservation Area

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

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Health & Safety Executive Consultation

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

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Carlisle District Plan Environment - Policy E34

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

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and

SCHEDULE A: Applications with Recommendation

06/1145

- 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 rather than detracting from it.
 4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE13 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE14 - Alterations to Listed Buildings

SCHEDULE A: Applications with Recommendation

06/1145

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

Applications will be assessed against the following criteria:

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection

Development Services Planning & Housing Services - Conservation/Richard Majewickz: Given the history of the property, unfortunately I cannot object to the principle of a UPVC conservatory, however, the dark green finish proposed could be too much of a contrast with the existing building. I have asked the Agent to ask his Client to consider white instead and they have agreed to the change.

Development Services Planning & Housing Services - Conservation/Peter Messenger: In 2005 an application for a timber conservatory was approved for the previous owner (05/0606) together with the replacement of the existing windows with PVCu windows. The background to this application was that prior to the building being listed two flat roofed extensions were built onto the back of the building, as well as French doors being inserted and metal framed windows were inserted into the rear elevation. The owners at the time wanted to replace these windows and by altering the shape of the openings they were hoping to improve the appearance of the rear elevation. In order to try and retrieve part of the character at the rear of the building the proportions of some of the windows were altered to get rid of the modern horizontal emphasis.

It was not possible to convince the owners to replace their metal windows with timber sliding sashes and the Council could not have insisted on this. A compromise was reached where the windows would be replaced with sash windows but these would be constructed of PVCu. At the same time it was agreed that a timber conservatory of an appropriate design could be constructed at the rear of the

SCHEDULE A: Applications with Recommendation

06/1145

building which would not damage or detract from the character of the listed building.

At the time consideration was given to the possible use of PVCu for the conservatory. It was considered that the introduction of such a large expanse of PVCu framing would be far more intrusive and overall it would create an unfortunate and alien feature that was damaging to the character of the building. Consent was therefore granted for the windows to be in PVCu and the conservatory in timber.

The current application seeks to replace the approved timber conservatory with a PVCu structure. The proposal introduces a structure that is similar to the one described above in shape, size and materials and as such I have the same comments to make. The proportions of the building are acceptable however it is the appearance of the PVCu framing that creates a discordant element on the rear elevation of this property. The broad, flat, unmoulded framing to the glazing panels gives a flat and monotonous appearance to this structure which detracts from the character of this historic building.

Attempts have been made to improve the appearance of the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact that they were to be made in PVCu. Approval in this instance was considered appropriate because of this incremental gain. There is no similar gain in accepting PVCu framing for the proposed conservatory. In this instance the large amount of framing will detract from the buildings character whereas the timber framing that has already been approved has a more traditional look with greater depth and moulding to the framing.

In conclusion I consider that the proposal to construct the conservatory in PVCu framing should be refused on the grounds that this would be detrimental to the character and appearance of the listed building.

Summary of Representations:

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Consulted:

Reply Type:

██████████ 17 Wood Street

02/10/06

SCHEDULE A: Applications with Recommendation

06/1145

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In 2005, under application reference number 05/0599, planning permission was given for the erection of a conservatory to the rear.

Details of Proposal:

This application seeks listed building consent to extend the rear of The Beeches, Wood Street, immediately to the west of St Andrews Close. The property is a two storey semi-detached house constructed from render under a slate roof. It is bounded to the north by a 0.6m stone wall with 2m wood panelling and to the west by larch lap fencing and mature planting. To the east it is bounded by a 0.6m stone wall and mature planting. The property is a Grade II Listed Building and located within the Wood Street Conservation Area. A separate application for full planning permission has been submitted under application 06/1144.

It is proposed to extend the property by means of a conservatory to the rear. Permission was granted in 2005 under application 05/0606 for the erection of a similar conservatory. The current application seeks to revise the proposal by utilising white UPVC in lieu of timber.

Government policy on the protection of historic buildings is contained within Planning Policy Guidance 15: Planning and the Historic Environment. Paragraph 3.3 of this document states that:

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06/1145

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In such a context it is considered that the proposal raises the following planning issue:

a) Whether the proposal is appropriate to this Listed Building.

Policy E38 of the Joint Structure Plan, Policy ZE34 of the Carlisle District Local Plan and Policy LE14 of the Redeposit Draft (2001-2016) require that development proposals for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building. Any proposals which adversely affect the listed building will not be permitted.

As noted, approval was granted under application reference no 05/0599 for a conservatory of similar size and design. The only change which this application introduces is the utilisation of UPVC in lieu of timber. At the time of the original application, the Conservation Area Advisory Committee and Conservation Officer raised no objection to the scale or proportion of the proposed conservatory. It is therefore considered that the only remaining issue is whether the use of white UPVC in lieu of timber would be appropriate given the status of the property as a listed building.

In consideration of these issues, the following points are deemed to be relevant:

1. While the front of the property retains its original character, the rear has been significantly altered through the replacement of original features with UPVC sash windows, UPVC soffit's, UPVC fascias, UPVC patio doors and two two-storey flat roofed extensions.

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06/1145

2. On the request of the Conservation Officer, the applicant has agreed to change the colour of the UPVC units from bottle green to white.

This application has led to a difference in stance. On the one hand the City Council's Conservation Officer originally advised that the rear elevation of the property had been altered to such a degree that it would be inappropriate to refuse the proposal based on its impact on the listed building. His only stipulation was that the colour of the units be changed from bottle green to white, to which the applicants agreed.

Conversely, the Principal Conservation Officer (PCO) has subsequently stated that;

'Attempts have been made to improve the rear elevation by changing the proportions of the window openings and the windows have been altered from metal casements to sash windows. The alteration of these windows to sashes was considered a substantial improvement to the character of the building over the previous casement windows despite the fact they were made from UPVC. Approval in this instance was considered appropriate because of this incremental gain'.

While accepting that the proportions of the proposed conservatory are acceptable, the PCO considers that:

'the appearance of the UPVC framing creates a discordant element on the rear of the property'; 'the broad, flat, unmoulded framing to the glazing panels gives a flat and monotonous appearance to the structure which detracts from the character of this historic building', and 'there is no gain in accepting UPVC framing for the proposed conservatory.

In this instance the PCO considers that the large amount of framing will detract from the buildings character whereas the approved timber framing provides a more traditional look with greater depth and moulding to the framing.

Consequently, the PCO recommends that the application be refused on the grounds that it would be detrimental to the character and appearance of the listed building.

On the basis of the foregoing it is apparent that national Planning Policy Guidance and policies within the Cumbria and Lake District Joint Structure Plan, Carlisle District Local Plan and Carlisle District Local Plan Revised Redeposit Draft all provide a general presumption against development which would adversely affect the character or setting of a listed building. In determining whether the proposal would have an adverse impact, consideration needs to be given to the current status of the property.

As such, the key issue is whether the previous alterations have altered the character of the building to such a degree that the erection of a UPVC conservatory would not lead to further deterioration of character. This needs to be considered in light of the fact that permission has already been granted for a conservatory of similar size and design in timber.

On balance it is considered that the arguments weigh in favour of refusal although

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06/1145

this is far from a straightforward situation.

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

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

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

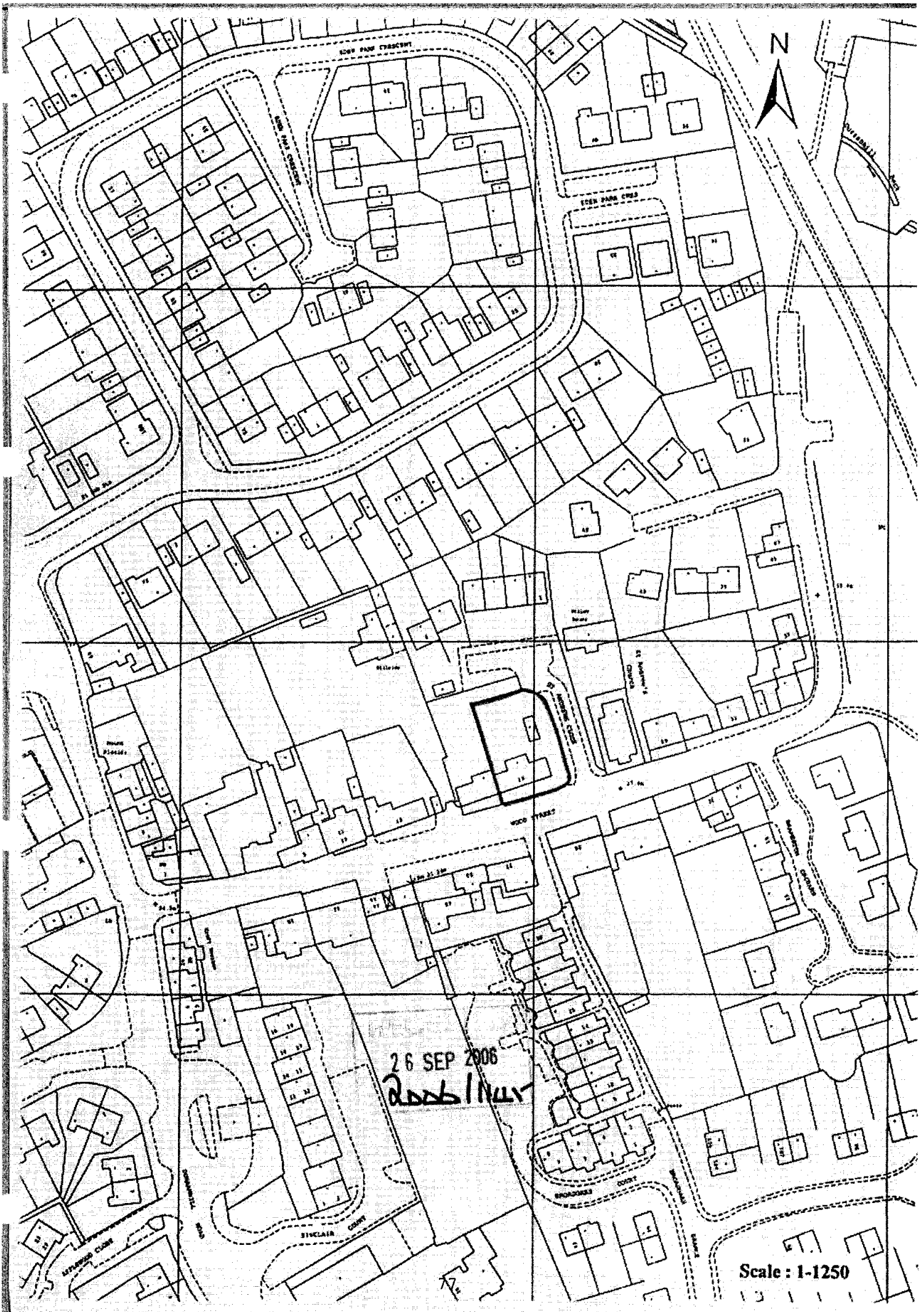
Article 8 recognises the "Right To Respect for Private and Family Life";

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

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

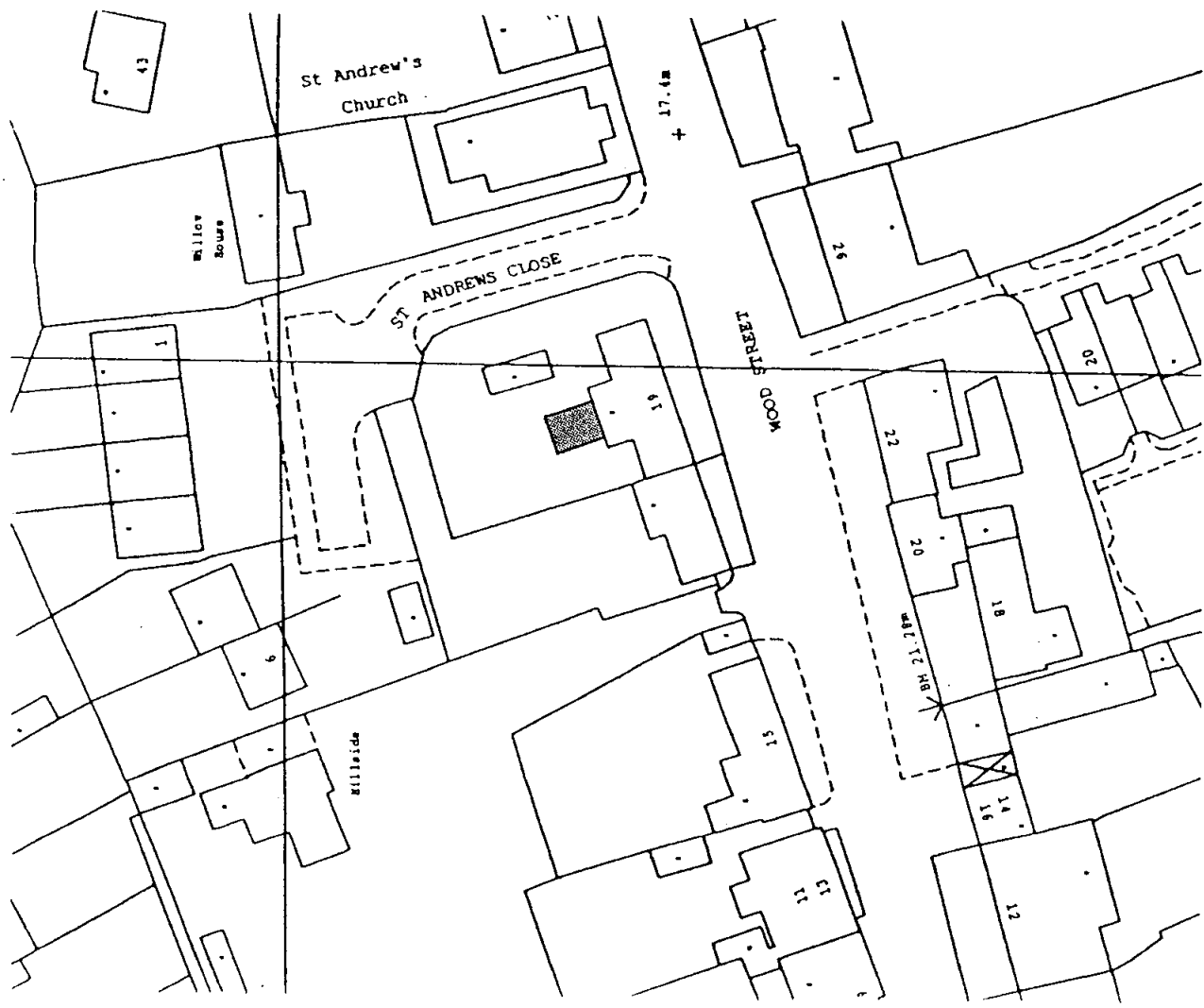
Recommendation: Refuse Permission

- Reason:** The proposed conservatory is located to the rear of the Beeches, Wood Street, a Grade II Listed Building in the Wood Street Conservation Area. The proposal seeks to erect a conservatory in white PVCu to the rear of the dwelling. While the proportions of the conservatory are considered acceptable, it is deemed that a large expanse of PVCu framing would create an unfortunate and alien feature which would damage the character of the listed building. The proposal is therefore contrary to Policy E38 of the Cumbria and Lake District Structure Plan (2001-2016), Policy E34 of the Carlisle District Local Plan and Policy LE14 of the Carlisle District Local Plan Revised Redeposit Draft (2001-2016).
-



26 SEP 2006
R. DODD / NUT

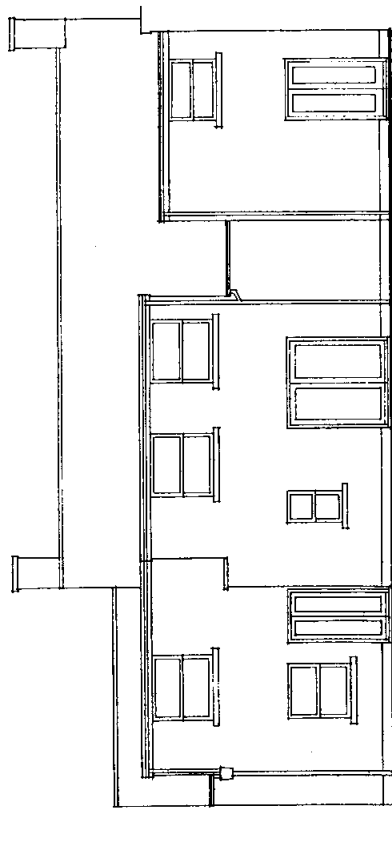
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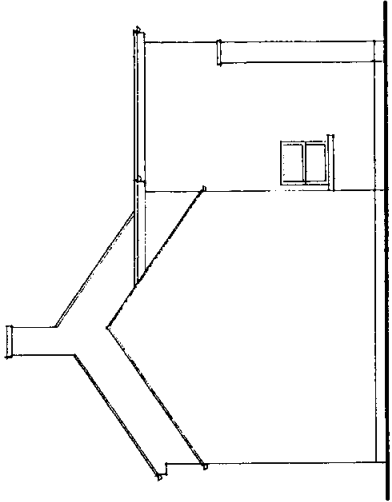
PROPOSED CONSERVATORY 2006/1145 SITE PLAN

26 SEP 2006

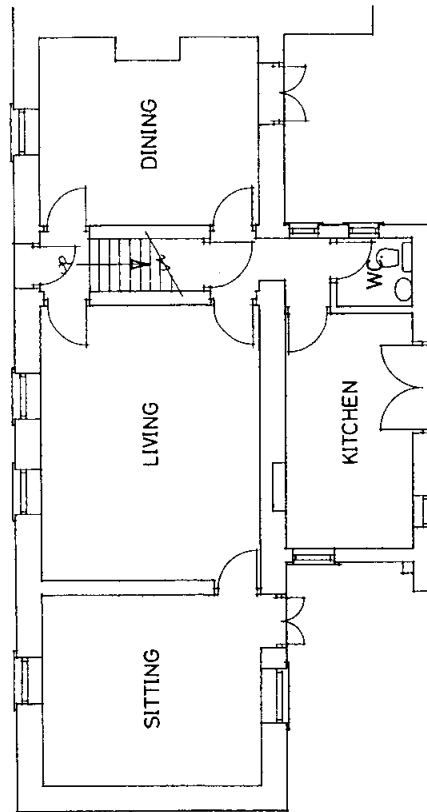
THE BEECHES - WOOD STREET - CARLISLE SCALE: 1 - 500



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

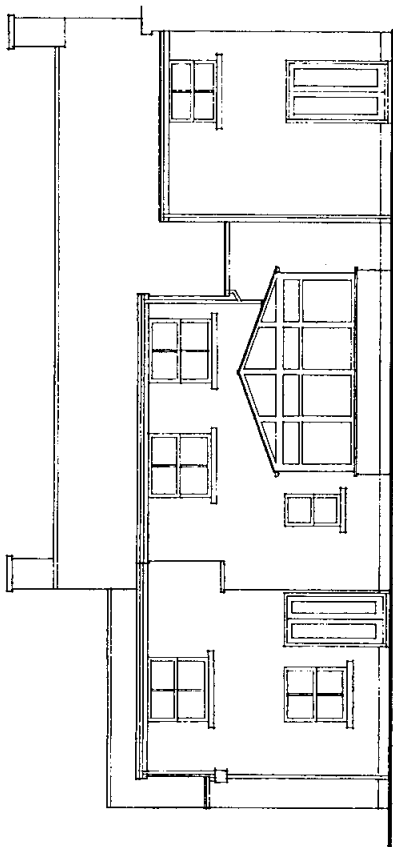
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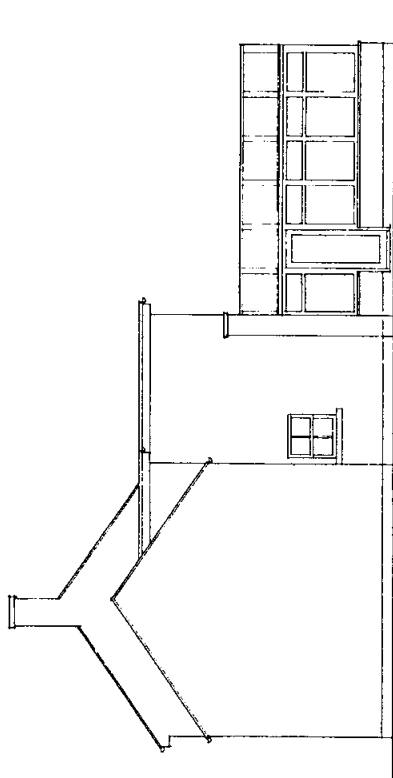
PROPOSED CONSERVATORY & ALTERATIONS
THE BEECHES - WOOD ST. - CARLISLE

DRG. No. 1426/1
SCALE: 1-50
DATE: MAY 2005

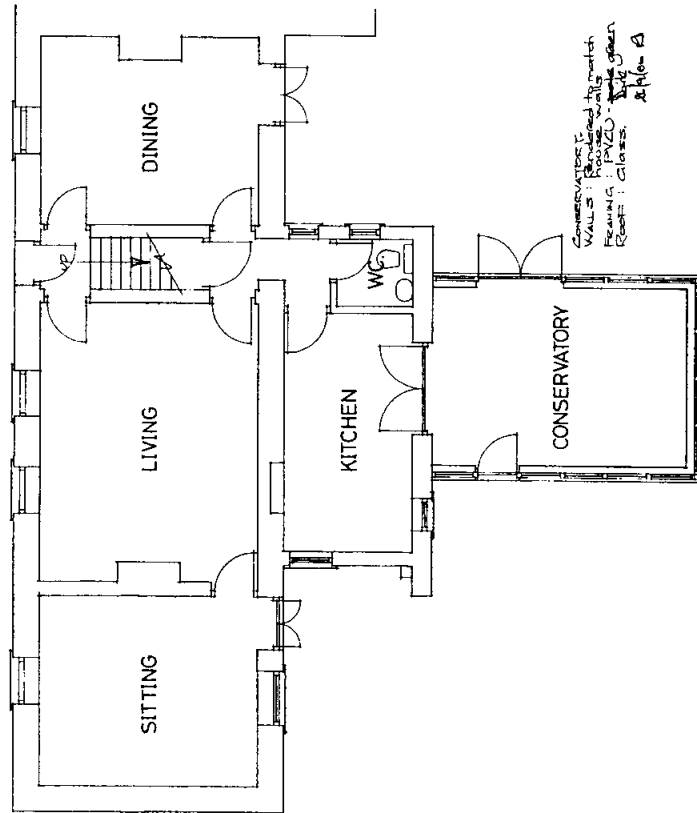




REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

AS PROPOSED

18 SEP 2005
Joakim Illus

PROPOSED CONSERVATORY & ALTERATIONS
THE BEECHES - WOOD ST. - CARLISLE

DRG. No. 1426/3 SCALE: 1-50 DATE: MAY 2005	JOAKIM ILLUS ARCHITECTURAL SERVICES 47 BOTTLAND ROAD CARLISLE CA5 8JH Tel: 01228 15415
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06_1144 & 1145 The Beeches, Wood Street 02 16.11.2006.jpg



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SCHEDULE B: Reports Requiring Further Information

06/1131

Item No: 05

Date of Committee: 15/12/2006

Appn Ref No:
06/1131

Applicant:
Mr Andrew Tinkler

Parish:
Stanwix Rural

Date of Receipt:
21/09/2006

Agent:
Binney Associates

Ward:
Stanwix Rural

Location:
Newby Grange, Crosby-on-Eden, Carlisle, CA6 4RA

Grid Reference:
346030 558632

Proposal: Private rally circuit within the grounds of Newby Grange with occasional use as a rally stage in regional motoring events organised by a recognised body

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the relatively unusual nature of the proposal.

Planning Policies:

Flood Risk Zone

Carlisle District Plan Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and

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4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan Environment - Policy E26

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan Environment - Policy E31

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

Carlisle District Plan Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

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1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and
5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

Carlisle District Plan Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity

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

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

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment- Policy LE7 - Buffer Zone on Hadrian's Wall World Heritage Site

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that:

1. the proposal reflects the scale and character of the existing group of buildings; and
2. there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment- Policy LE8 - Archaeology on Other Sites

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE27 - Undeveloped Land in Floodplains

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

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

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

Proposals for leisure development will be acceptable provided that:

1. there is a need for the development; and

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): In relation to the private rally circuit it is not considered that this proposal affects the highway so there are no objections from a Highways perspective.

In the case of the occasional use as a Stage in Regional Motoring events, it is understood that events if less than 14 per annum are not within the statutory planning process. All such events that make use of the Public Highway in the UK are subject to Governance since 1897; since July 1998 this has been through the Royal Automobile Club Motor Sports Association and specifically by the Motor Vehicles (off road) Events Regulations 1995; and Motor Vehicles (Competitions and Trails) Regulations 1969. The statutory consultation processes include the Highways Authority and Constabulary for the Areas in which the event is to take place.

It is considered that these aforementioned processes provide adequate controls for such events and the existing access from the Highway fit for such purposes.

However, given the nature of the surrounding road network and likely spectator traffic there would be concerns if the number of such events were to exceed 14 per annum.

Environment Agency (N Area (+ Waste Disp)): No objections on the grounds of flood risk to the proposed development.

Stanwix Rural Parish Council: Object to the proposal. The track has been in place since April 2005 and has had enforcement action commenced against it. The levels of noise and other nuisance, generated by its intrusion into a quiet rural area have had significant detrimental impact upon the lives of neighboring residents and upon their ability to enjoy peaceful use of their homes. For example, a neighbouring resident describes the disturbance of a family barbecue, thus; „...we were enjoying some food in our garden when a car began to use the track at high speed there was so much dust and debris being emitted in our garden we had to abandon our barbecue and take refuge indoors, I would like to highlight that this level of nuisance was from one vehicle.“

No claim of overriding need for the track has been made, or proven, nor has any form of sequential test been demonstrated. Officers rejected a previous similar

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application, Appn. No: 06/0177.

Having regard to the following evidence Stanwix Rural Parish Council urges most strongly that planning consent be refused in respect of Appn. No 06/1131.

Noise Nuisance

The applicants very limited Noise Impact Assessment – NIA, assesses the noise of only one vehicle and, in doing so fails to identify:

- The type of vehicle tested and;
- How it was being driven and;
- The size of the engine and;
- The rpm of the engine and;
- The duration of the measurement;
- The noise from support vehicles;
- The noise from spectators vehicles;
- The noise generated by the exited spectators themselves;

The noise level of the loudspeaker commentary;

The noise of squealing tyres, on the proposed tarmac surface.

The applicants NIA is, therefore, heavily flawed; an opinion shared by Carlisle City Council's Environmental Quality Section, which confirms that the applicant's noise impact assessment is so inadequately informative as to defy comment. In highlighting several glaring errors and omissions the Section concludes that the noise levels would be sufficient for complaints to be expected. The NIA states that the single car tested produced a noise level of 52dB, pointing out that this level exceeds World Health Organisation guidelines.

However, 100dB at only 4,500 rpm is, in fact, the actual noise level permitted under the Motor Sports Association National Regulations 2006 a level considered, by the Health and Safety Executive, equates to that of a road drill.

Vehicle/Traffic Nuisance

Access to, and egress from, the location is via narrow and winding unclassified country lanes which pass through Crosby on Eden and Newby East before linking with the A689; or through Corby Hill, via Newby Bridge, to join the A69. These lanes carry a noticeable volume of agricultural and equestrian traffic quite apart from high numbers of cyclists and walkers. Residents of the area report that, during periods of track use, a high volume of cars have been witnessed traveling at wholly inappropriate speeds.

The applicant makes special reference to the fact that competitor and spectator cars are segregated and that competitors may exit the stage via a farm track. If this is the 'farm track' which has been used previously, much to the annoyance of local residents, then it is in fact a public footpath.

The applicant suggests that track events „may attract about 300 cars or so and about 500 spectators“. However an estimated 10,000 spectators visited the 2005 Pirelli International Rally- Cumberland News 27/05/2005; and up to 20,000 were expected in the area for the 2006 rally - News & Star 12/05/2006. If only a minority of

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these spectators wish to attend the Newby Grange 'Spectator Stage' then thousands, rather than mere hundreds, of cars may be forced into a confined network of narrow rural lanes which are not designed to accommodate such volume. This number of vehicles will constitute not only an enhanced road danger, but also great nuisance to local residents, riders, and walkers - even those using a public footpath.

Other Concerns

Paragraph 7.2 of the applicants supporting document states that no trees are affected by the proposals. However, in answer to question 5. (b) of the application form, the applicant states that trees are indeed to be felled. Question 5. (b) requires the applicant to indicate the positions of such trees upon the plan. The forms accompanying plan identifies 25 trees around the route of the proposed track, which do not appear on the plan in the supporting document, it is presumed that these trees are identified for felling.

The trees presently standing around the track not only each provide individual and linked ecosystems but together create the parkland setting of the house and its environs and also act as sound baffles. The loss of any of these trees would be devastatingly prejudicial to the visual and physical environment of the area.

The applicant states that the track will be 0.85km - ½ mile in length. However, as the P-Zero stage of the Pirelli international Rally the length is given on the organiser's website as 1.4 miles. In reporting this application the Cumberland News, , describes the track alongside quotes from the applicant as being 2 miles long and having been used for 3 special stages of the Pirelli International Rally, despite objections from villagers.

In view of the above evidence the Parish Council considers that the proposal is contrary to guidance set out in:

PPS 7 Sustainable Development in Rural Areas;

PPG 13 Transport.

PPG 17 Planning for Open Space, Sport & Recreation;

PPG 24 Planning & Noise;

The Parish Council also considers the proposal to be contrary to the following policies contained within the Carlisle District Local Plan (Adopted):

Policy E8 Remainder Of The Rural Area;

Policy L4 Leisure Development;

Policy E26 Buffer Zone of Hadrian's Wall Military Zone World Heritage Site;

Policy T1 Choice of Means of travel.

The Parish Council also considers the proposal to be contrary to the following policies contained within the Carlisle District Local Plan 2001-2016, Revised Redeposit Draft:

Policy CP 1 Landscape Character/Biodiversity;

Policy LC 1 Leisure Development;

Policy CP14 Accessibility, Mobility & Inclusion

Cumbria County Council - (Archaeological Services): Although the remains of a

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possible temporary Roman camp survive on the site (Historic Environment Record no. 6024), the proposed trackway avoids this and I therefore do not wish to make any recommendations or comments.

Environmental Protection Services: There is inadequate information in the noise impact assessment to comment. Further information required would include the type of vehicles to be used on site, i.e. engine sizes etc and the noise generated from each. If all cars to be used are identical this should be stated.

The ambient level was quoted when the background level (L90) should have been used. A background sample should have been taken for at least 15 minutes on 3 occasions. In addition there is no record of what noise was taking place during the ambient level measurement.

As the noise is not continuous and is distinctive, 5dBa would be added when assessing whether or not noise complaints would be expected. If 5dBa is added to the measurement results at location 1 this takes the figure to 9.6dBa above the ambient measured level. This would indicate that noise complaints are likely.

An indicative background level at this location is generally around 40dBa thus there is doubt that the noise from activity would be at least 10dBa above and therefore complaints would be expected.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Newby Grange Golf Club	09/10/06	
[REDACTED] Marlo	09/10/06	
[REDACTED] Batt House	09/10/06	Objection
[REDACTED] Gatehouse	04/10/06	
[REDACTED] Linstock Castle	04/10/06	
[REDACTED] Sunny Nook		Objection
[REDACTED] 16 Kells Place		Objection
[REDACTED] The Lodge		Objection
[REDACTED] 2 Eden Grange		Comment Only
[REDACTED]		Objection
[REDACTED] Fell View		Objection

This application has been advertised in the form of press and site notices, and, the direct notification of the occupiers of five neighbouring properties. In response six letters of objection has been received at the time of preparing the report on the grounds that:

- the cumulative impact of rallying next door would be so great with regards to noise and disturbance that the neighbouring resident would be unable to enjoy the right to live in a quiet and peaceful environment;

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- the impact of the rallying and rally track on the site and surrounding area is considerable and totally out of keeping with the area;
- the track is past and presently being used on a daily basis by various types of vehicles which goes beyond constituting occasional use;
- the track is located 10 metres from the bounary of a neighbouring house meaning that when the track is in use the garden becomes a no go zone as the noise, fumes, dust and projecting stones from the track make it a completely unsafe environment;
- there is a severe health and safety issue, car rallying is a dangerous persuit and as the property is in such close proximity to the track there is a high risk of vehicles colliding with the property not to mention flying stones/gravel;
- lead to a substantial increase in traffic volume around the area and the minor roads serving the track location are totally unsuitable as many competition rally cars are transported by heavy goods vehicles;
- until the construction of the track the area has been a delightful location to live with wildlife in abundance and a country golf course in close proximity, these qualities are the reason chosen to live in the location;
- when a rally was held last year the excess traffic, at sppeds to match, was unbelievable. There are no repeater signs along this stretch of road. It is alleged that rallying on a regular basis in this rural area would only encourage more speeding motorists;
- recognise that there is a lot of interest in rally cars; that they bring a lot of pleasure to many people; raise money for local charities; promote local businesses; car preparation firms and local sponsors. However, have concerns as to the visual implications of the development and the potential for the use to cause harm to the quiet rural area, including residential properties in the near vicinity;
- if Members are minded to grant approval conditions need to be imposed re. landscaping, the level of noise emissions, the hours of use (i.e. not beyond 6.00pm), the days of use (not to include Sundays or Public Holidays), the duration of use - a temporary condition, and, a link between the occuppation of Newby Grange and the use of the rally track;
- the noise impact assessment carried out by Helmeside Accoustics is incorrect in that it there is no hedging or mature trees along the boundary with The Lodge;
- it is alleged that there appear to be various types of internal combustion engined self propelled vehicles being used on the track that are not road legal;
- the supporting Statement refers to there being no objections received by Environmental Services concerning the 2005 rally event. This is not surprising as the majority of the effected houses were unoccupied as a result of the flooding in January 2005.

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A letter has also been received on behalf of CTC, a national cyclists' organisation, on the grounds that:

- extremely concerned at the dangers that any increase of traffic on this quiet, rural road would present to cyclists, not only to local cyclists, as this road forms part of a local popular cycle route, but also visiting cyclists on National Cycle Route 72 - Hadrians Cycleway;
- Hadrians Cycleway was opened last July. It is difficult to say at this stage how many cyclists will cycle this route in a year but it is expected that ultimately it will exceed that of the C2C Route which is used by approximately 15,000 cyclists a year. The economic benefits to Carlisle and district will be enormous especially as it is now recognised that the majority of recreational cyclists are from the middle to higher income groups and are dependent for all their needs on the area they pass through;
- the road was cycled on when an event was being held which led to the cyclist feeling very threatened as some of the spectators drove as if part of the rally;
- concerned at the response of the Highways Authority as they do not seem to have taken into account that this road is used by very vulnerable road users even though they must be aware that it is part of the Hadrians Cycle Route;
- extremely concerned about the effect the noise and increase in traffic will have on this very tranquil area; and,
- it is hoped that the Committee will request that a Traffic Impact Assessment is provided as well as undertake a site visit.

Details of Proposal/Officer Appraisal:

Planning History:

In 2000, under application 00/0863, planning permission was given for a change of use to domestic garden and landscaping works. It appears that this permission has not been subsequently implemented and/or any conditions imposed adhered to.

Details of Proposal:

1) Site Description

Newby Grange is a country house set within a pastoral parkland setting located on the northern side of the Low Crosby/Newby East road. The property comprises the main house with a garage courtyard to the northwest, and, a series of outbuildings and detached dwelling („Sunnyvale“) to the northeast. The main house is set back approximately 210 metres from the road. Vehicular access is achieved in the southwest corner of the application site. The application site is mainly level with the

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boundaries delineated by post and wire fencing and a hedging along the road frontage.

To the immediate east of the vehicular access there are two dwellings in the form of The Lodge and Marlo. To the west there is a golf course with its associated clubhouse. There is a driveway parallel with the eastern boundary leading to Batt House.

2) Background Information

This application seeks full permission for the creation of a private rally circuit within the grounds of Newby Grange. The submitted details also make it clear that this use would be in addition to the 'occasional' use as a rally stage in regional motoring events. The existing track is made up of crushed stone laid on the subsoil although the intention is to surface the track with a wearing course of tarmac. Protective bunds following the outside of bends in the circuit are treated as grassed mounds. The application is accompanied by layout plans, the agent's report, a Noise Impact Assessment, and, a Flood Risk Assessment.

The agent's report explains, amongst other things, that:

- a) The current owner wishes to use the grounds for a private rally circuit for use by his family in an ordinary fully silenced road car. The use is likely to occur once or twice a week during daylight hours with no additional traffic as a result. When the traffic is used solely by family, the ambient noise level is unlikely to be exceeded as the cars used are road cars with an acoustic impact no greater than those using the public highway;
- b) In addition, the applicant would like to host a showcase car event within a regional car rally on perhaps four/five occasions a year as part of his wish to promote local businesses such as Stobarts, who fund a rally team. The industry supporting many organisations in the region based on the national and international reputation of the companies involved such as Pirelli's of Carlisle. The cars have to be silenced to the standards used by road cars. The cars are tried against the clock, going round the course one at a time. An event may include thirty to forty cars and a circuit would take each one approximately three minutes to complete. The track is a demonstration stage to allow the public to see the cars in safety with the opportunity for sponsors/businesses to showcase their products. The events are fully staffed with marshals and a doctor. The event is seen as a family day out (with trade stands, corporate hospitality, car displays, a large screen, and, spectator stands) over a single day with peak use between 10.00 and 14.00 hrs. An adjacent field is used for event parking. The events will be run in accordance with the F.I.A. and British Rally Championship rules; and,
- c) During events the competing cars have to be silenced to road standards and the noise will be comparable to the ambient road levels on a trunk road in a rural area. For short bursts during the time the stage is in operation, cars will be driving at higher speeds as they compete against the clock. A commentary is provided with announcements during the event. The principal road is of a

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width and capacity that will sustain occasional peak loading of say five cars a minute when spectators arrive and leave. It is acknowledged that the site has already been used for a demonstration stage of the Pirelli Rally on the 20th May 2005. Interestingly, the Environmental Health Section has reported that no noise/nuisance complaints were received arising from that event.

The accompanying Noise Impact Assessment prepared by Helmside Acoustics concludes by highlighting that guidance from the World Health Organisation states that:

"To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure level should not exceed 50 dB Laeq."

The aforementioned Assessment goes on to explain that research indicates that a 2dB level increase is barely perceptible to most people. Furthermore if it is assumed that the car will only operate for a limited period during the day further calculations show that a total noise increase of only 1dB will occur if the car runs for around 6 hours during the day (i.e. over 12 hours). It is not expected that the farmhouse will be exposed to any significant noise increase due to the further distance and level of screening already present. It is expected that the Lodge will be subjected to an increase of around 3dB should a car be running for 6 hours out of 12.

The Flood Risk Assessment identifies that the site is within a Flood Zone 3 but no buildings are proposed for the land, no additional habitation will occur and early warning systems are more than adequate protection for the occasional recreation use intended.

3) Assessment

Under Part 4 Class B of the GPDO the use of any land for the racing of cars for not more than 14 days in total in any calendar year does not require planning permission. Using the Court of Appeal case *South Bucks D.C. v S.O.S.* (9/11/88) it is established that technically the GPDO does not grant an all embracing permission for 14 days in any given calendar year, but a series of separate permissions for each day used up. In *Ramsay v S.O.S. & Suffolk D.C.* (10/1/97) it was held that where the land used for motor cycle scrambling had permanent features (such as fencing, ropes and mounds) it had all the characteristics of a permanent use, albeit an intermittent one, rather than a temporary use. Therefore there was no permitted development rights.

The relevant Government advice is contained in PPS7 "Sustainable Development in Rural Areas", PPG13 "Transport", PPG17 "Planning for Open Space, Sport and Recreation", and, PPG24 "Planning and Pollution Control".

PPS7 emphasises in paragraphs 1(iv) and (vi) that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty. Any development in rural areas needing to be sensitive to the character of the countryside. Paragraph 15 also explains that planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational

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opportunities that require a countryside location.

PPG13 highlights that the objectives of the guidance is to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport etc; and, to reduce the need to travel, especially by the car.

PPG24 "Planning and Pollution Control" recognises that the impact of noise is a material planning consideration in determining planning applications.

Paragraph 2 of PPG24 highlights firstly, that it is important that **"new development involving noisy activities should, if possible, be sited away from noise sensitive land uses."** Secondly, it then goes on to say: **"Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations"**.

Paragraph 10 of PPG24 states:

"Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions".

Paragraph 13 of PPG24, which relates to ways of reducing noise impact, identifies three measures that may be taken; i) engineering; ii) layout and, iii) administrative. Engineering measures are defined as including the reduction of noise at point of generation, such as would ensue from using quiet machines or methods of working, the insulation of noise generating buildings or the provision of purpose built barriers around sites or the insulation of the affected buildings. Layout is defined as adequate distance between the sources and noise-sensitive buildings or screening by natural barriers including other buildings or non-critical rooms within a building. Administrative measures are stated to be limits on the operating time of the noise source or the specification of an acceptable noise limit.

Annexes 1 and 2 elaborate on the concept of NECs (Noise Exposure Categories) related to noise from existing sources affecting new residential development, and Annex 3 provides detailed guidance on noise from different sources such as roads, railway and aircraft.

When assessing the current proposal in such a context it is considered that the main issues revolve around whether the advantages outweigh the disadvantages with regard to:

SCHEDULE B: Reports Requiring Further Information

06/1131

- a) the impact on the character of the area;
- b) the impact on the amenities of the neighbouring residents; and,
- c) the impact on the highway.

In relation to a), the agent's report submitted on behalf of the applicant makes reference to the previous permission granted in 2000 (under application 00/0863) for the change of use to domestic garden and landscaping works including a lake and formal garden. In response, it is considered that the scheme approved under 00/0863 is not directly comparable to the current proposal. The use of the land for events would be visually intrusive and clearly at variance with the countryside character. The rally track with its associated features is also not typically associated with a country house. This aside, it is recognised that any temporary features associated with an event would be removed. The undertaking of an appropriate landscaping scheme could also suitably mitigate any visual impact throughout the remainder of the year.

In the case of b), the Council have sought the views of an independent noise consultant (Applied Acoustic Design) who have provided a detailed response which concludes that:

" ..the noise report is insufficient to enable an assessment to be made of the likely impact of the proposed development on the amenity of adjacent occupiers. It is also my opinion that some effort should be made to consider possible amelioration of noise for adjacent residents during the planned regular events."

When assessing highway safety it is apparent that the Highways Authority have not raised any objections.

Members will be aware that consideration of this application was deferred at their previous Meeting in order to afford the opportunity for the applicant to respond to the comments made by the Head Environmental Services and Applied Acoustic Design. At the time of preparing the report the response from the applicant is still awaited.

Human Rights Act 1998

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

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority

SCHEDULE B: Reports Requiring Further Information

06/1131

to regularise any breach of planning control;

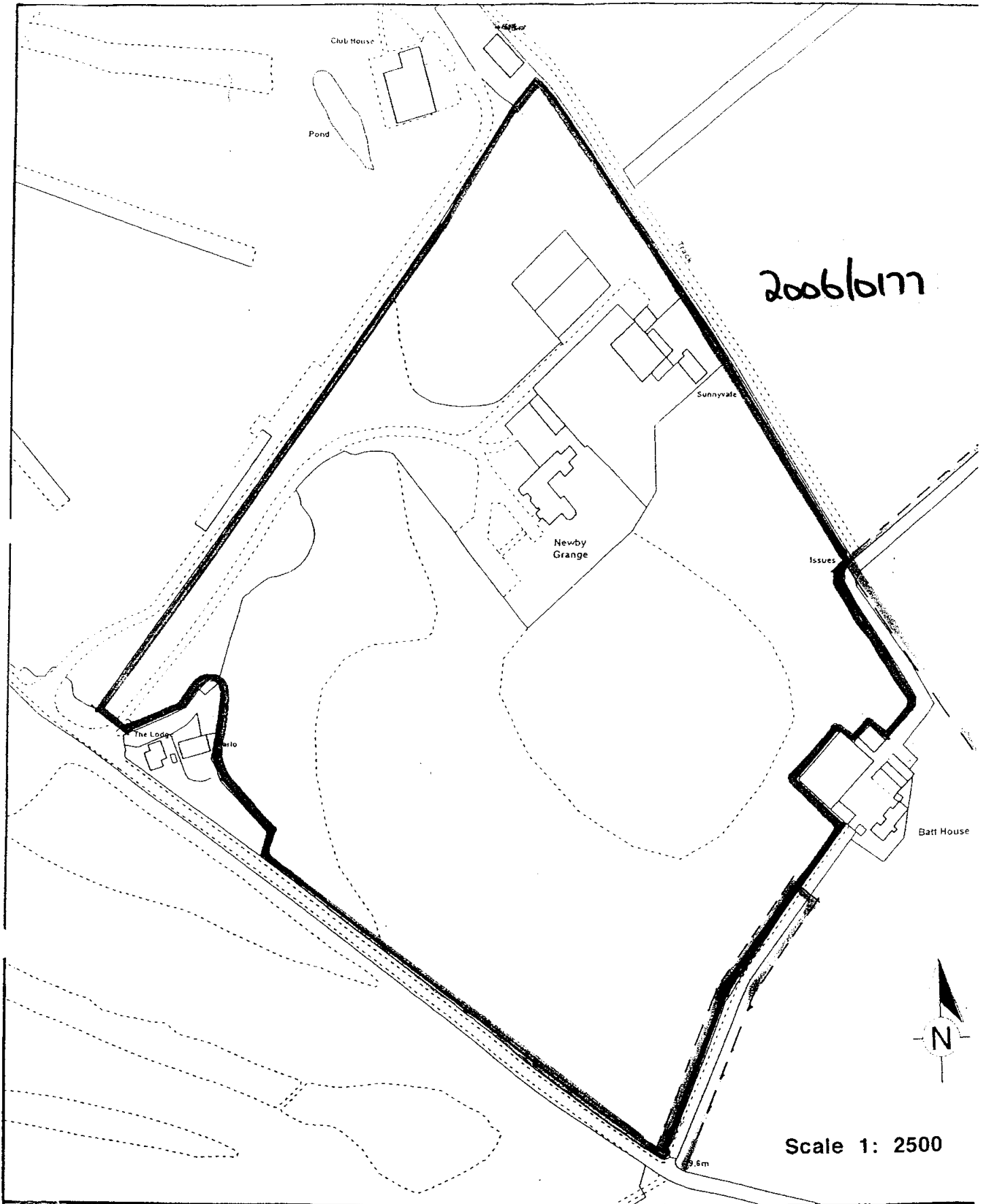
Article 8 recognises the "Right To Respect for Private and Family Life";

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

Recommendation:

Reason for including report in Schedule B



At the time of preparing the report the observations of the applicant to the Council commissioned independent noise consultants report are awaited.



2006/0177

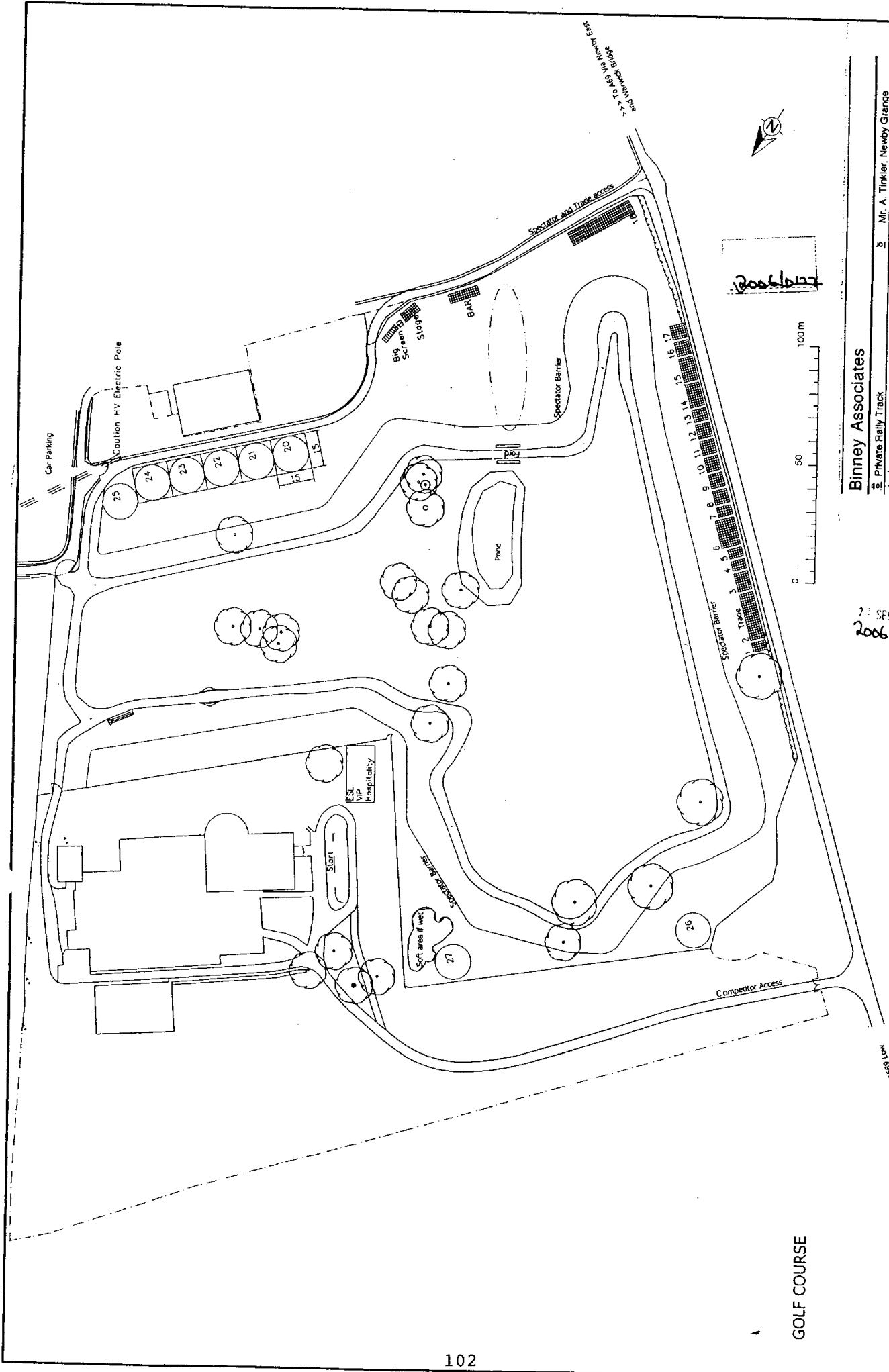
O.S Licence No: AR 157767 BA

21 SEP 2006
2006/1131

-  Land owned by applicant
-  Adjacent land owned by applicant

Plan, As Existing, Scale 1:2500
Newby Grange, Low Crosby, Carlisle, Cumbria

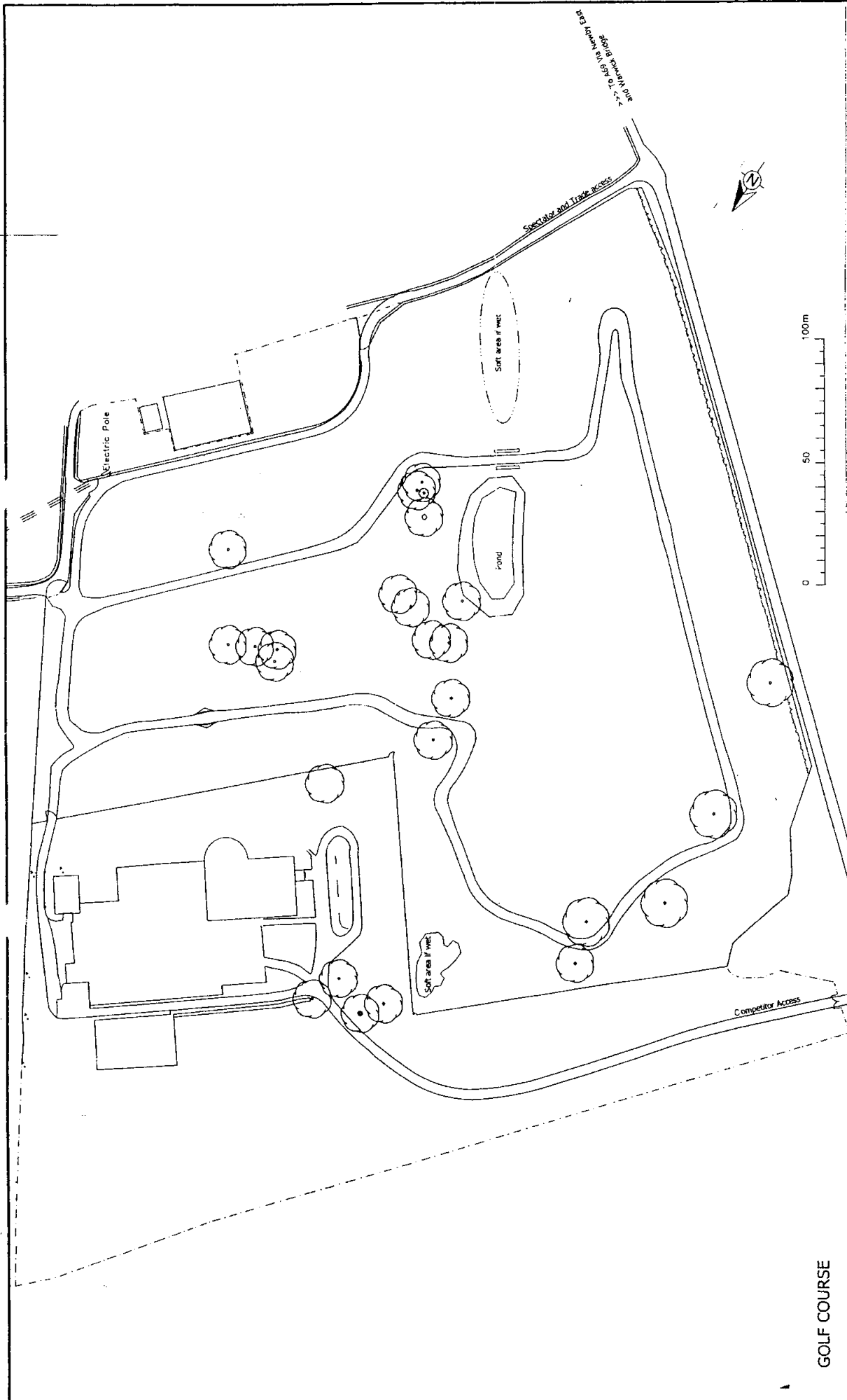
Binney Associates, The Cloisters, APPLEBY, Cumbria, CA16 6QN, Tel: 017683 51395 Fax: 017683 52771



Binney Associates
 2 Private Rally Track drawing: Mr. A. Tinkler, Newby Grange
 3 Rally Track, Event Day Layout Plan drawing no: 1471/02
 ace: J. M. Azziz date: Jan 06 checked: LC Layout plan
 Arch. and Planning Services The Chertons, APPELBY, Cumbria, CA18 6GN Tel: 017683 51395 Fax: 017683 62771

21 SEP 2006
 2006/1131

GOLF COURSE



Binney Associates

Private Rally Track
 drawing: Rally Track, Layout Plan
 drawing no.: 1471/01

scale: 1:1000 at A3 size
 date: Jan 06
 drawn: ST
 checked: LC
 Layout plan
 The Clubhouse, APPLBY, Canada, CA16 60N
 Tel: 01783 51985 Fax: 01783 52771

2006/01/06

21 SEP 2006
 2006/01/06 1131

2.2.5 to 2.2.6 of the 1989 LPA
 Crown

GOLF COURSE

Date: 7th November 2006
Our ref: 06535/let001/avvh/js

AAD

applied
acoustic
design

THE GREEN BUSINESS CENTRE
THE CAUSEWAY
STAINES
MIDDLESEX
TW18 3AL

TELEPHONE: 01784 464404
FACSIMILE: 01784 465447
E MAIL: mail@aad.co.uk

Mr A Hutchinson
- Principal Development Control Officer

Carlisle City Council
Planning Services
Civic Centre
Carlisle
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	06/1131
10 NOV 2006	
RECORDED	KL
SCANNED	
PASSED TO	AKH
ACTION	

Dear Angus,

Planning Application reference 04/1036
Proposed Rally Track, Newby Grange, Low Crosby, Carlisle, CA6 4RA

I refer to previous correspondence and to our recent telephone conversation regarding the above mentioned matter.

I have read the copies of the Helmside Acoustics noise impact assessment and the other background information you provided with respect to the above mentioned proposed development.

The noise report presented by Helmside is based upon four five minute measurement periods, two measurement were made of the ambient noise close to nearby residential properties and two, at the same locations, with a car running round the proposed rally track. The report also indicates that at the time of the measurements wind speeds of Beaufort 3 or 4 (3.4 m/s to 7.9 m/s) were present at the site.

Two potential issues arise with respect to the wind speeds that were present during the measurements. The first is that the wind speeds were sufficient to induce noise in the microphone of the sound level meter, even with a windshield. British Standard 4142:1997 sets out that "windshields are generally effective up to windspeeds of 5 m/s" and on this occasion wind speeds over 7 m/s are noted. There is therefore the possibility that some of the "measured" noise could have been noise induced in the microphone rather than noise from the environment or the car. The second is that, depending upon the number and type of trees/bushes in the area, wind "rustle" could have artificially raised the level of ambient and background noise over that which would be present when the wind speeds were within normal measurement parameters.

Although the date was given for the measurements, Monday 20th March 2006, no time of day is given. It is understood that the intent is that the track is used both during weekdays and weekends and during the evening. Both weekends and evenings are likely to have lower ambient and background noise levels compared to daytime noise levels and as such, the noise measurements presented are insufficient to determine the impact of the proposal during those periods.

A noise survey, encompassing a weekday, Saturday and Sunday, for the hours of day during which the track can be used should be undertaken. This would allow for an assessment to be made during the more sensitive time periods when noise from the proposal is more likely

to give rise to detriment to amenity. This would give a more accurate picture of the likelihood of detriment than two five minute weekday ambient noise measurements can.

In the report, the noise from the proposed rally track is related to guidance contained in the World Health Organisation (WHO) document however, no assessment is made in relation to British Standard BS8233:1999 "*Sound insulation and noise reduction for buildings – Code of practice*".

BS8233 sets out in paragraph 7.6.1.2 that "*In gardens and balconies etc. it is desirable that the steady noise level does not exceed 50 LAeq, T dB and 55 LAeq, T dB should be regarded as the upper limit*". However, BS8233 also sets out that "*Occupants will usually tolerate higher levels of anonymous noise, such as that from road traffic, than noise from neighbours.....*". As can be seen, the garden noise criterion in BS8233 reflects closely the standard given in the WHO document however, BS8233 makes it clear that the criterion relates to steady anonymous noise and not to noise associated with neighbours activities and which is random in nature.

The level of annoyance, and therefore possible detriment to amenity, is more likely for a random source with an "owner" than noise from passing traffic.

It is also understood that there may be at least one day a year where a rally event day will take place with several hundred spectators and associated vehicle traffic and parking, trade stands and public address systems. It is further understood that the site has been used for a demonstration rally stage in 2005 with no apparent complaints.

As such an event has previously occurred the applicant will be able to provide information as to the numbers of people, cars etc. which were at that event and compare these to the numbers which would be expected in the future. There is also no mention if the previous event had trade stands which of themselves may increase public awareness of the event and subsequently the event would attract additional spectators.

Comment is made in the background information document at 6.1 that "*the competing cars have to be silenced to road standards and the noise will be comparable to the ambient road levels on a trunk road in a rural area*". It must be noted that the intent of running cars on the rally track is to do so at the highest possible speed, with full throttle acceleration, hard braking and hard cornering. For the most part, this is not the usual method of transiting over rural trunk roads and is likely to give rise to higher levels of noise than would be associated with cars on the public highway.

It should also be noted that the intent is to change the track from a loose gravel surface to a tarmac surface. This may have the affect of increasing grip around corners with the potential for tyre squeal at high cornering speeds even if limited slip-differentials or traction control are fitted to the cars.

Even if no complaints were received after the 2005 event, which it is assumed was a one off, for a planned regular event there should be some efforts made to ameliorate any potential impact on adjacent residents by the consideration of temporary noise barriers, location of p.a. speakers etc.

It is my opinion that the noise report is insufficient to enable an assessment to be made of the likely impact of the proposed development on the amenity of adjacent occupiers. It is also my opinion that some effort should be made to consider possible amelioration of noise

Carlisle City Council
Mr Angus Hutchinson

-3-

09/11/2006

for adjacent residents during the planned regular events.

I trust the above assists with your consideration of the planning application. Should you wish further information or clarification please do not hesitate to advise.

Yours sincerely,
for Applied Acoustic Design

A handwritten signature in black ink, appearing to read 'John Sim', written in a cursive style.

PP John Sim
Associate

Email: johns@aad.co.uk
Internet: www.aad.co.uk

SCHEDULE A: Applications with Recommendation

06/0743

Item No: 06

Date of Committee: 15/12/2006

Appn Ref No:
06/0743

Applicant:
Mr G Tyler

Parish:
Stanwix Rural

Date of Receipt:
19/06/2006

Agent:

Ward:
Stanwix Rural

Location:
Land at The Knells, Houghton, Carlisle, CA6 4JG

Grid Reference:
341241 560433

Proposal: New care home facility with car parking and water treatment plant
(outline application)

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought before Members for determination due to the number of objections received and the indication by the local Ward Member to speak at the meeting.

Planning Policies:

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

SCHEDULE A: Applications with Recommendation

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Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

SCHEDULE A: Applications with Recommendation

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

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. Proposals will be assessed in relation to:

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

Carlisle District Plan Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan Environment - Policy E22

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New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan Environment - Policy E9

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan Employment - Proposal EM10

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP1 - Sustainable Development Locations

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

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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity

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

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

SCHEDULE A: Applications with Recommendation

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment

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

Summary of Consultation Responses:

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

Community Services - Drainage Engineer: Comments awaited;

Environmental Protection Services: No objection;

Stanwix Rural Parish Council: The Council supports the view of residents that-

1. The proposed development is in open countryside outside the defined boundary of any settlement;
2. The site is an important open space between the separate communities of Townfoot and the Knells;
3. A unique wildlife habitat has evolved over the years. This would be lost with any development of the land;
4. The site is very wet and there is regular flooding of the adjacent road;
5. There are major concerns about sewage disposal as there are problems with existing soakaways;

SCHEDULE A: Applications with Recommendation

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6. There would be major adverse impact upon the environmental and residential amenity of the surrounding landscape and property;
7. Any development would set a precedent and may attract more applications for adjacent land which would destroy the identity of the settlements of the Knells and Townfoot.
8. The adjacent road is not suitable to support the proposed development. There are no footpaths for pedestrians and visibility for exits is limited. The increase in traffic arising from the development would have a major detrimental impact on road safety and upon the environmental amenity of the area.

The Parish Council adds the following comments:

The proposal is contrary to Policy H1 of the Carlisle District Local Plan Redeposit Draft.

It is understood that there is a surplus of care home places in the Carlisle area, furthermore that only 60 to 70 care home places are needed for the entire Carlisle area over the next few years. The Knells therefore could not sustain the need for such a large development on its own.

1. Public transport through the Knells is limited to twice a day at off peak times. The proposal is therefore unsustainable in that regard.
2. The adjacent road is a 'C' classification and unsuitable to support the development;
3. Without land suitability studies and site plans no comments can be made on the development itself. It appears to go beyond that needed for the area and cannot be sustained by the local site and road infrastructure; and
4. The proposed development may be roughly equated with a 70 bedroom hotel including all ancillary provisions and services. A development of such magnitude, especially when proposed for such a site, cannot be properly considered as an outline application. A fully detailed application including all required drawings and suitability studies should be demanded;

Development Services Planning & Housing Services - Local Plans: The Knells is not defined as a settlement in the Local Plan and is therefore not considered a sustainable location for new development under Policy DP1.

The need for Care Home facilities has been established in Carlisle District, however, the applicant has not submitted any evidence of need for the facility to be in this location.

The referral to Policy H13 is not significant to this application, as this application is not for housing to which the policy refers.

In terms of transport, there are limited opportunities to access the site other than by private car. There would be no alternative but for an increase in personal car use as staff would use their cars due to the nature of their shift work and visitors would be in cars. This is not in line with Policy CP15 or PPG13.

This application is clearly contrary to Policy DP1, CP15 of the Carlisle District Local

SCHEDULE A: Applications with Recommendation

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Plan and PPG13;

Cumbria County Council - (Archaeological Services): I have checked with the County Historic Environment Record and this site lies within an area of high archeological potential. It is located between two cropmark complexes that are indicative of prehistoric and Romano-British settlement, funerary and agricultural practices (HER nos. 6108 & 6109). It is therefore considered likely that significant archeological remains survive on the site and that these would be damaged or destroyed by the proposed development.

Consequently, it is recommended that in line with Policy E31 of the Carlisle District Local Plan, the site is subject to an archaeological evaluation to be commissioned and undertaken at the expense of the developer and carried out prior to the granting of planning permission. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the area of the ground works of the proposed development. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archeological remains in situ.

National Care Standards Commission: Comments awaited.

North Cumbria Health Authority: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Lilyhorn,	05/07/06	Comment Only
[REDACTED] Knells Lodge	05/07/06	Objection
[REDACTED] Tanglewood	05/07/06	Objection
[REDACTED] 26 Ryehill Park		Objection
[REDACTED] The Knells Country House Ltd		Objection
[REDACTED] Little Bobbington		Objection
[REDACTED] The Knells Farm		Objection
[REDACTED] Tykes Neuk		Objection
[REDACTED] San Giorgi		Objection
[REDACTED] 3 Granville Road		Objection
[REDACTED] Highfield Grange		Objection
[REDACTED] Newlands		Objection

This application has been advertised by means of a Site Notice and direct notification to the occupiers of 3 of the neighbouring properties. At the time of writing this report, 11 letters of objection have been received and the main issues raised are summarised as follows:

1. There is insufficient justification in relation to the sequential approach;
2. The site forms part of the undeveloped area within open countryside and development would destroy its character;

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3. The area surrounding the site is prone to flooding;
4. There is a lack of access to public transport provision in the area and the site is not served by public footpaths;
5. The development will cause an intrusion into the area with light and noise pollution; and
6. The development will result in a loss of wildlife to the area through the removal of their habitat.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

The application seeks approval to erect a 70no. bedroom care home together with associated car parking and foul drainage works on a site extending to just under 0.6 hectares at The Knells, Houghton, Carlisle.

The site itself is located approximately 80 metres to the south-west of The Knells and comprises of a site that measures approximately 94 metres in depth by 60 metres in width. The site is bounded along the frontage by an established hedgerow, and although overgrown at the time of the site visit, measures approximately 3 metres in height. To the north-east, is a property known as 'Lilythorn'; to the south-west a site owned by the applicant but that doesn't form part of the application site. The nearest property in this direction is known as 'Knells Lodge' which is the first of a cluster of properties close to the junction with the A689 road. The land is currently in agricultural use.

It is proposed to care home facility with sufficient provision to accommodate 70 bedrooms. The development would also include associated car parking and foul drainage treatment plant. Other than the principle of development, all other matters are reserved for subsequent approval should planning consent be forthcoming.

The relevant planning policies against which the application is required to be assessed are Policies ST1, ST3 and E37 of the Cumbria and Lake District Joint Structure Plan; Policies E8 and T1 of the Carlisle District Local Plan and Policies DP1 and CP1 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

The impact of the proposal on character of the open countryside

The site is located within open countryside and as such, Policy E8 of the adopted Carlisle District Local Plan and Policy CP1 of the Local Plan Redeposit Draft are relevant. The former states that development proposals will be acceptable subject to consideration against 4 criteria. It adds that permission will not be granted for

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development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need. This is reflected in the recently adopted Policy E37 of the Structure Plan which requires that proposals should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. It requires compliance with 8 identified criteria including the need for proposals to be assessed in relation visual intrusion or impact; their scale in relation to the landscape and features; and the openness, remoteness and tranquillity of the location.

In considering these proposals, Members should note that, although located adjacent to an existing cluster of buildings, development of the site would consolidate the development of The Knells together with the properties to the south-west that would represent a fusion of the pattern of development in a location where planning policies normally seek to restrain development.

Evidence of need

Also accompanying the application, is correspondence written by a third party that relates to the principle of the development overall but relates to the issue of need specifically in the closing paragraphs. The comments read as follows:

"...I do not believe that there has been a planning application for a new purpose built care home for many years, however, due to the changing market place, demographics and rationalisation within the care industry, I am finding that existing privately owned care homes are failing to meet the ever increasing care home standards and as a result of which these properties are finding their way back onto the housing market..."

Historically, planning policies have sought to protect the character of the undeveloped open countryside from development, unless required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need. The unsubstantial comments are insufficient upon which to base a positive planning decision and additional information was sought from the applicant. In this respect, an additional letter of support has been received and is reproduced following this report. Furthermore, at the time of writing this report, additional information is awaited from statutory consultees.

Notwithstanding this, even if sufficient evidence of need were submitted, the location is unrelated to any sustainable location and development of this site, would prejudice the Council's spatial development policies.

Sustainable development

Current planning policies require that development of all kinds is sustainable. In this regard, the proposed building is no exception and Planning Policy Statement 7 (Sustainable Development in Rural Areas) recognises the need for economic growth in rural areas but states in paragraph 3 that:

"Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing

SCHEDULE A: Applications with Recommendation

06/0743

(including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development."

The objectives of national planning policy are reflected in Policy ST1 of the Cumbria and Lake District Joint Structure Plan and emerging Policy DP1 of the Carlisle District Local Plan. They require that the overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintains social progress and economic growth.

Policies are, thus, in place to ensure a continued but strategic economic growth within the District but concern about the isolated location of the site is expressed in the consultation response received from Officers in Local Plans. They are of the opinion that the key issue relating to this proposal is sustainability and consider that the benefits of the development would not outweigh the heavy reliance on the private car due to the location of the site. They advise that the proposed development is in an unsuitable location which is not supported by national or local planning policy.

The applicant has submitted a 'sequential assessment' in support of the application, a copy of which is reproduced following this report for Members' information and attention. The report provides 4 alternative areas and finally comments on the site; the overall commentary of the alternative sites that have been considered in non-specific and incomprehensive insofar as it does not make any policy or transport references.

In overall terms, the applicant in support of this application has claimed a 'need' for the development. Whilst this may be the case for the District as a whole, the arguments submitted in support of this application are a token gesture and do not withstand the scrutiny against current planning policies. The site is not accessible by a variety of alternative means of travel and is therefore unsustainable, a view supported by the Council's Local Plans Officers. Given the location, scale and nature of the proposal and the lack of persuasive supporting evidence of justification, it is Officers' firm view that no such exceptional circumstances exist to allow the development

Human Rights Act 1998

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

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests

SCHEDULE A: Applications with Recommendation

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may be affected by such proposals;

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

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

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

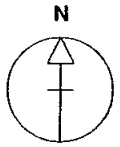
The applicants rights are respected; however, the proposal is considered to be contrary to acknowledged interests of importance.

Recommendation: Refuse Permission

- Reason:** The site of the proposed development is located outwith any recognised settlement boundary. Development in the open countryside should be adequately justified in terms of meeting local infrastructure needs, or meet requirements for dwellings where supported by a proven agricultural or forestry need. Although a particular need for this development is claimed, it is not supported by any evidence-based material that provides a compelling justification to meet and identified need which would thus overcome the general presumptions against development in the countryside. In this location the proposed development would harm the spatial strategy of the Local Planning Authority that seeks to direct development to sustainable locations and would result in an undesirable precedent. The proposal is contrary to the objectives of the advice within PPS7 (Sustainable Development in Rural Areas); Policy ST1 (A Sustainable Vision for Cumbria) and Policy E37 (Landscape Character) of the Cumbria and Lake District Joint Structure Plan, Policy E8 (Remainder of the Rural Area) and Policy T1 (Choice of Means of Travel) of the Carlisle District Local Plan; Policy DP1 (Sustainable Development Locations) and Policy CP1 (Landscape Character/ Biodiversity) of the Carlisle District Local Plan Revised Redeposit Draft.



TITLE NUMBER
CU199321



CUMBRIA : CARLISLE

ORDNANCE SURVEY MAP REFERENCE:

NY4160SW

SCALE 1:2500

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 12 April 2006 at 15:35:37. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 12 April 2006.

This title is dealt with by the Durham (Boldon House) District Land Registry.



PROPOSED CARE HOME @ THE KNELLS

SEQUENTIAL ASSESSMENT

The site is situated at The Knells which is adjacent to Houghton. Other sites which have been considered are as follows :

Within Carlisle City Centre

There is no available land within the City Centre for a care home. Land generally falls to be considered within the umbrella of Carlisle Renaissance and this is reflected in land values which make the City Centre generally prohibitive in terms of cost and project viability.

Land to the North of the River

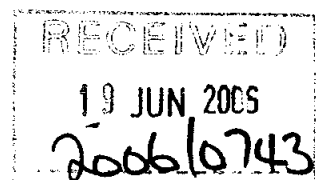
A visual survey of property/land for sale has been carried out to ascertain vacant properties/land. I have been unable to source any potential properties which are suitable for conversion to a modern care facility or any vacant land of a suitable scale for new build in this area of the town which is traditionally built to a high density. The attractiveness of the area to house buyers has resulted in any sizeable areas of land being either optioned to house builders or retained by the owner for this purpose again rendering the project unviable.

Houghton

Within the village boundaries, a further inspection has been carried out regarding the sourcing of either property suitable for conversion or land available for new build. Again the form of the village does not enable areas of undeveloped land. The open land to the east which lies between the boundary of Houghton and Carlisle warranted further investigation but it is understood that the Council are keen to maintain this as a buffer zone between the two settlements and consequently development is discouraged.

Scotby

Enquiries on land at Scotby have revealed that again, land with development potential is optioned to house builders or again owners are unwilling to sell for less than topline residential values. Land within the village boundary is generally constrained in terms of size and availability of land and parking for staff and visitors.

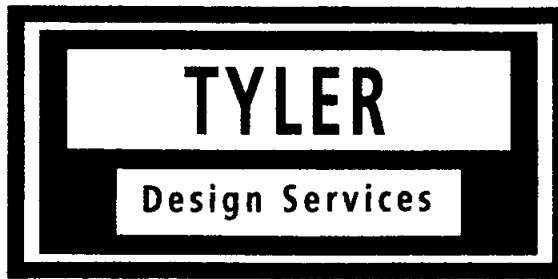


The above areas were chosen due to their relationship to the preferred site. Both villages and the City Centre were investigated. It is considered that no other suitable sites are available.

The Preferred Site

The preferred site is situated at The Knells near Houghton. Other care homes for the elderly operate in the vicinity and it is considered that this facility would enhance the availability of choice for those residents to the north of the river area of Carlisle.

It is ideally placed within easy reach for Junction 44 and 43 of the M6 and the A69 for visiting relatives. It would allow the residents to enjoy a peaceful environment and enable sufficient areas for parking, grounds and level of bedroom provision to make the project viable and attractive to prospective residents. It is considered that the site is sequentially acceptable, well related to the City of Carlisle and its hinterland settlements to serve a wide catchment area.



Richard Maunsell
Department of Development & Environment
Planning Services
Civic Centre
Carlisle
Cumbria

PLANNING & HOUSING SERVICES	
REF	
19 OCT 2006	
RECORDED	
SCANNED	
PASSED TO	
18th OCTOBER 2006	

Application No:- 06/0743

**Proposed Care Home Facility @ L/A the Knells, Houghton,
Carlisle, CA6 4JG.**

Richard,

With regards to your letter in relation to the proposed Care Home at the Knells, Houghton, I would raise the following points :-

1) Sustainable Development / Transport

The need for any off site trips for the residents would be negligible given the nature of the development. There would be little necessity for residents to travel to work, shopping, recreation, health or social activities.

Whilst workers may choose to travel by car, a "green" travel plan could be conditioned to reduce such, and we would be happy to accept it.

The close physical relationship of the adjacent Care Home at the Knells could be used to provide for a reduction of car use for medical practioners in the wider area by concentrating elderly residents.

It is noted that the Highways Authority have not raised any objections to this scheme / proposal.

2) Location

No land is proposed for a Care Home within the most up to date draft local plan. The land in question has been previously developed and is well related to both town and country and would provide for facilities which are required within the Crislis District.

PPS7 paragraph 3 states “ new development should be in or near to local service centres “ - this application complies with this.

The scheme would comply with the Government’s objectives for the rural area by promoting economic growth and the diversification of the rural economy, providing jobs in the rural area making for a sustainable inclusive economy and settlement.

The site is of limited visual interest.

3) New Access Gate

With reference to the new access gate - this has nothing to do with the land associated with the scheme or ownership of the land - it is owned by others and I am informed that planning permission has been applied for by the owners and approved recently.

With regard to the discussions with Mr Alan Taylor, these were part of pre planning consultations where the proposed land and use were discussed, at no point was the principle of proposal said to be contrary to planning policies.

I would therefore contend that the proposal complies with the Government’s aims and objectives for sustainable settlements and development, and for the promotion of a diverse and thriving economy

Yours faithfully,

Gary Tyler



c.c. Mr Alan M. Taylor - Development Control Manager. ✓
Mr Alan Eales - Head of Planning Services

SCHEDULE A: Applications with Recommendation

06/1301

Item No: 07

Date of Committee: 15/12/2006

Appn Ref No:
06/1301

Applicant:
Warwick Mill Business
Village

Parish:
Wetheral

Date of Receipt:
13/11/2006

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
Land adjacent to Warwick Mill Business Centre,
Warwick Mill Business Park, Warwick Bridge,
Carlisle, CA4 8RR

Grid Reference:
347782 556718

Proposal: Change of use of paddock/pasture land to car parking and allotments to individual gardens

Amendment:

REPORT

Reason for Determination by Committee:

A neighbouring resident had expressed a desire to exercise their Right to Speak.

Planning Policies:

Carlisle District Plan Environment - Policy E11

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or
2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Carlisle District Plan Environment - Policy E14

Proposals for development including re-use and adaptation of existing buildings,

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which will directly or indirectly affect species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless satisfactory safeguards for these species can be agreed in consultation with English Nature.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan Environment - Policy E24

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

Carlisle District Plan Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Plan Leisure - Proposal L5

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

Carlisle District Plan Leisure - Proposal L19

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The City Council will seek to retain all existing allotment sites unless:

1. It can be clearly demonstrated that the site is permanently surplus to requirements; or
2. Satisfactory alternative provision is made within the neighbourhood.

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Carlisle District Plan Transport - Proposal T7

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

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1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP1 - Sustainable Development Locations

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

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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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

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

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP5 - Trunk Roads

Major development proposals will be assessed against their impact on the safe and efficient operation of the trunk road network.

Land will be safeguarded for the Highways Agency road scheme, the M6/A74 extension (Junction 44 - Guardsmill).

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP10 - Protection of Groundwaters and Surface waters

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC11 - Rural Diversification

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting.

Proposals should:

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1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and
3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC7 - Allotments

Planning permission will not be given for proposals that would result in the loss of allotments unless:

1. it can be clearly demonstrated that the allotments are surplus to requirements; or
2. satisfactory alternative provision can be made within the neighbourhood.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC8 - Rights of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE13 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE14 - Alterations to Listed Buildings

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

Applications will be assessed against the following criteria:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE16 - Change of Use of Listed Buildings

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

Public Footpath

The proposal relates to development which affects a public footpath.

Flood Risk Zone

Waste Disposal Site

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

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Listed Building

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Awaiting comments.

Environment Agency (N Area (+ Waste Disp)): Awaiting comments.

Planning & Housing Services - Conservation/Richard Majewicz: Awaiting comments;

Wetheral Parish Council: Awaiting comments.

East Cumbria Countryside Project: No objection provided that there is no interference with the public's right of way over Footpaths 138021 and 138022;

Ramblers Association: Awaiting comments.

Highways Agency -(A69 Road Link Consultants): Awaiting comments.

Development Services Planning & Housing Services - Local Plans (Trees): made the following comments/observations;

1. At the time of my visit I was unable to gain access to the area to the west of the mill race.
2. The developer should provide a detailed arboricultural report giving setting out the proposed tree works. These works should then be approved by the Local planning Authority prior to the commencement of work on the site.
3. The larger trees are along the northern end of the western boundary but due to the lack of access it was impossible to determine if these trees are within the site. If they are within the site or within influencing distance of the site tree protection barriers will be required. No work should take place beneath the crown spread of these trees.
4. The proposed landscaping is acceptable.

English Nature: Awaiting comments.

Environmental Protection Services: Allotments are notorious for containing miscellaneous contaminants, some allotments especially the North East of England

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have been so seriously contaminated they have been determined as 'contaminated land'.

To that end it is recommended that the following condition be applied.

No part of the development hereby permitted shall commence until:

- (a) a desktop study has been carried out to investigate the likelihood for contamination to be present on the site ("the Desktop Study") and been submitted to the Local Planning Authority ("the LPA") in writing for approval;
- (b) in the event that the results of the Desktop Study provided for in paragraph (a) above reveals that contamination is likely on the site, a sampling and analytical strategy shall be submitted to the LPA in writing for approval, which shall contain details of a site investigation to be carried out on the site pursuant to paragraph (c) below; and,
- (c) following approval of the sampling and analytical strategy under paragraph (b) above, there has been carried out a site investigation and upon completion thereof a report in writing specifying such hazards as are identified as a result of the site investigation, and such measures as may be required to remedy such hazards, has been submitted to the LPA for its approval in writing.

It is essential that all action taken on site is based on a Risk Assessment Model.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
	1 High Buildings	21/11/06	
	2 High Buildings	21/11/06	
	3 High Buildings	21/11/06	
	4 High Buildings	21/11/06	
	5 High Buildings	21/11/06	
	6 High Buildings	21/11/06	
	7 High Buildings	21/11/06	
	8 High Building	21/11/06	
	9 High Buildings	21/11/06	
	10 High Buildings	21/11/06	
	11 High Buildings	21/11/06	
	12 High Buildings	21/11/06	
	1 Low Buildings	21/11/06	
	2 Low Buildings	21/11/06	
	3 Low Buildings	21/11/06	
	4 Low Buildings	21/11/06	Objection

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Main Mill

21/11/06

This application has been advertised in the form of press and site notices and the direct notification of the occupiers of neighbouring properties. At the time of preparing the report an occupier of 4 Low Buildings has verbally raised the following objections:

- The submitted plan is different to that previously discussed.
- The current proposal takes away a „front“ lawn from her property albeit that the land in question is owned by the applicant.
- The proposal will hinder potential future access to a garage.
- The proposed landscaping will cast a shadow.
- The proposal has no aesthetic benefit.
- The preference is for Beech hedging with the retention of the „front“ lawn.

If the scheme was revised so that the lawn was retained, the objection would be withdrawn.

Details of Proposal/Officer Appraisal:

Planning History:

The site has an extensive planning history that, since 1999, has comprised the following decisions:

In 1999, under application 99/0113, permission was given for the change of use from general industrial to light industrial (B1) and professional services (A2).

Under application reference 00/0444 and 00/0445, planning permission and listed building consent were given for the refurbishment of Unit 2 to form an extension.

In 2002, application 02/0609, listed building consent was given for the refurbishment of Unit 1.

In 2004, application 03/1266, permission was refused for the erection of a 20 metre monopole.

In 2005, application numbers 05/1139 and 05/1140, planning permission and listed building consent was given for the conversion of a store to a cafe and sandwich delivery

Details of Proposal:

1) Site description

The Mill is located approximately 240 metres to the south of the junction with the A69. The main buildings, which date from the eighteenth and nineteenth centuries, are three to four storeys with sandstone walls and slate roofs. The eastern approach consists of two parallel terraces of houses (1-6 and 8-12 High Buildings).

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The Mill and terraced houses are grade II listed buildings.

The Mill, which is now known as the Warwick Mill Business Centre, has a range of tenants/uses including East Cumbria Countryside Project, Cumbrian Maid Foods, Smallwood Furniture Designs, Sports Physio Fitness Centre, and, Byteback.

To the immediate west of the terraced houses at 1-7 High Buildings there are seven allotments and a paddock.

In order to provide an historical context for the current application, and address previous comments made by the Highways Agency, the applicant has provided an extensive history of the site which indicates:

- 05/1139 Conversion of vacant store and utility area into Café and Sandwich Servery. (*Otterburns Café*) **Approved.**
- 02/0609 Internal refurbishment of existing reception room. (LBC). **Approved.** (*Reception area Warwick Mill Business Centre*)
- 00/0444 Refurbishment of Lower Level to form extension to Warwick Mill Business Centre. **Approved.** (*Warwick Mill Business Centre*)
- 99/0113 Refurbishment of Warwick Mill and subdivision to provide self contained work units. Change of use from general industrial (B8) to light industrial/offices (B1) and professional services (A2) and subdivision to form office units). **Approved.** (*Warwick Mill Business Centre*)
- Footpath**
(138021) (Parish of Wetheral) Public Path diversion 4/10/96.
- 96/0422 Proposed new security fencing, gates, hedges and diversion of existing footpath. **Approved.**
- 94/0890 Conversion of basement to light industrial units– **Approved.**
(*Level Zero Warwick Mill Business Centre*)
- 94/0648 Conversion of warehouse to workshop units – **Approved.**
(*South Mill*)
- 93/0739 New window and offices– **Approved.** (*Warwick Mill Business Centre Reception*)
- 93/0730 Erection of signs– **Approved.** (*Signs at front of site on A69 etc..*)
- 93/0513/0511 Erection of flue (Serck Marston) – **Approved.**
(*Since taken down*)
- 97/0390 Domolition of bell tower (Eden) – **Refused.**

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- 84/0469 Renewal of permission for use of building for storage and warehousing (Eden) – **Approved** – this relates to buildings 8a and 9
- 82/0700 Use of building for manufacture of light clothing (Warwick Shirt, Pyjama and Leisure Co Ltd) – **Approved** – this relates to Units 2C and 3C (previously occupied by Warwick Bridge Textiles).
(*This is Level 2 Warwick Mill Business centre and part of Level 3*)
- 82/0472 Renewal of permission for use of building for storage and warehousing (Eden) – **Approved** – this relates to 8a and 9 Main Mill and note to the files states that reapplication should be made 31.7.84 which happened.
- 81/0576 Provision of two number fire escapes (Eden) – **Approved.**
- 80/0503 Change of use of building 5 to maintenance of commercial vehicles (Mattocks) – **Approved** (*Unit 4 Main Mill*)
- 80/0495 Renewal of permission for the use of building for storage and warehousing (Eden) – **Approved.**
- 80/0451 Change of use from Boiler House to warehouse for agricultural feeds and seeds (Hesketh) – **Approved.** (*Units 5 and 6 Main Mill*)
- 79/1070 Change of use to distribution centre for horticultural and ancillary products allied to the chemical industry (Eden) – **Approved** – (*South Mill 1-8*)
- 78/0767 Change of use to warehousing of furniture for wholesale and retail sale storage for furniture for export (Scott) – **Approved** – South Mill.
- 78/0485 Change of use of 1 building to storage and warehousing (Eden) – **Approved.** (*8, 8a and 9 Main Mill*)

2) Background information

The current proposal involves:

- The replacement of two and half allotments by the creation of seven gardens to serve the existing houses at 1-7 High Buildings.
- The creation of a new entrance to the east of the houses at 1-4 Low Buildings.
- The creation of a new car park capable of accommodating 122 cars including four for disabled drivers.
- The proposed car park includes the undertaking of a landscaping scheme and the provision of a bridge to cross the millrace.
- An existing parking area to the east of 8-12 High Buildings is reduced in extent from 61 to 46 spaces. A further 27 spaces are lost to create a more

SCHEDULE A: Applications with Recommendation

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effective delivery area, and, a separate series of parking spaces reduced from 11 to 8 to provide two spaces specifically for disabled drivers.

- The provision of a covered cycle park.
- The proposed new car park is to be served by lights on 6 metre high columns.

In comparison to the scheme which was withdrawn prior to determination under application 06/0914, the current proposal has been revised to incorporate the installation of a vehicular barrier to be secured at 9.00pm each evening; the deletion of 5 parking bays from the area immediately adjacent to the boundary with 4 Low Buildings; and, a 2 metre high stained timber fence with additional planting added to provide screening of the car park from 4 Low Buildings.

At the time of considering application 06/0914 the applicant's agent explained that the parking at present is somewhat chaotic and causes problems with deliveries to the units. The intention is to create new parking clear of the buildings with pedestrian links through the Mill buildings.

Application 06/0914 was also accompanied by a Flood Risk Assessment prepared by White Young Green, which concluded that:

- The proposed new car park is at risk from a flood with a 1 in 100 year return period but due to low risk of the event and the likelihood of prior warning the risk to users of the car park is considered to be acceptable.
- Access to and from the car park is unlikely to be at risk of flooding and it is envisaged that ample warning should be available to enable the car park to be evacuated.
- In order to minimise the risk of increased flooding elsewhere, the car park should be surfaced either with stone chippings or permeable concrete sets, laid on a specially engineered permeable sub-base/drainage system. The design of drainage to the car parking area should use the principles of Sustainable Urban Drainage (SUDS) where practicable and surrounding kerbs provided to retain any excess surface water that has not immediately infiltrated into the underlying sub-base.
- The access bridge across the millrace should be kept at sufficient height such as not to impede the flow of water in the millrace.

A completed Transport Form was submitted with the current application along with a copy of a letter to the County Highways Authority explaining that:

- The proposed development comprises increasing the car parking provision on site to 165 spaces i.e. an additional 50 spaces. The total gross floor area (gfa) will remain unchanged.
- The proposed car parking provision is significantly below Cumbria County Council and PPG13 maximum standards.
- Given that the total gfa is to remain as existing, the extended car park will not generate any extra traffic over that already permitted for the site as a result of its formal consent for B1 uses.
- The access road between the A69 Trunk Road and the Warwick Mill site includes 3 passing bays.

SCHEDULE A: Applications with Recommendation

06/1301

At the time of preparing the report a "light contour plot" from a lighting manufacturer for the site is awaited with regard to the proposed lights.

3) Assessment

When considering this application it is currently held that the five main issues are:

- a) The sustainability of the proposal;
- b) The impact on highway safety;
- c) The impact on the character/setting of a grade II listed building;
- d) The impact on the amenity of neighbouring residents; and,
- e) The loss of the allotments.

In relation to a) and b) there are a number of potential contradictions. It is evident that the premises will lead to an increase in car parking spaces, and, apart from the intended provision of a 12 bay covered 'cycle park', little consideration appears to have been given to the use of alternative modes of transport. This aside, the premises, although located off the A69 and within a rural location, are feasibly accessible from a bus service, and, under Policy DP1 of the Redeposit Draft Local Plan Warwick Bridge is identified as a Local Service Centre. It is, however, considered that the determining factor on this issue relates to the apparent shortfall in provision of parking when related to the existing floor space at the Mill.

When considering the impact on the character and setting of this listed building, the proposed new car park has been sited away from the main Mill buildings. The majority of the existing allotments are retained, existing containers and stables would be removed, and, the new car park is to be landscaped. The effective rationalisation of the car parking would also be beneficial visually as well as facilitating the more effective movement of traffic within the Mill complex.

In assessing the impact on the amenity of the neighbouring residents, the most directly affected are considered to be the occupiers of the houses at Low Buildings. The potential impacts relating to the increase in noise and disturbance, environmental pollution, and, glare from the proposed lights. The lighting levels can be controlled by the imposition of a suitable condition. This aside, further information is awaited from the applicant on the potential means to further mitigate any problems likely to be experienced by the neighbouring residents.

In regard to the loss of the two and half allotments, it appears to be the case that they are 'private' having always been associated with the residential properties at the Mill. The provision of individual gardens is arguably a more equitable and effective use of the land in question albeit that the majority of the existing allotments are retained.

4) Other Matters

In relation to the observations of the Council's Landscape Officer and Environmental Quality Manager, it is considered that the issues raised can be addressed by the imposition of relevant conditions.

5) Conclusion

At the time of preparing the report further information is awaited from the applicant with regard to the "light contour plot" and the observations of interested parties awaited. In such circumstances an updated report will be presented to Members during the Meeting. On the basis that no objections are received and the concerns of the neighbouring resident can be addressed, the proposal will be recommended for approval.

Human Rights Act 1998

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

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

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

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

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

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.

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. No part of the development hereby permitted shall commence until:

SCHEDULE A: Applications with Recommendation

06/1301

- (a) a desktop study has been carried out to investigate the likelihood for contamination to be present on the site ("the Desktop Study") and been submitted to the Local Planning Authority ("the LPA") in writing for approval;
- (b) in the event that the results of the Desktop Study provided for in paragraph (a) above reveals that contamination is likely on the site, a sampling and analytical strategy shall be submitted to the LPA in writing for approval, which shall contain details of a site investigation to be carried out on the site pursuant to paragraph (c) below; and,
- (c) following approval of the sampling and analytical strategy under paragraph (b) above, there has been carried out a site investigation and upon completion thereof a report in writing specifying such hazards as are identified as a result of the site investigation, and such measures as may be required to remedy such hazards, has been submitted to the LPA for its approval in writing.

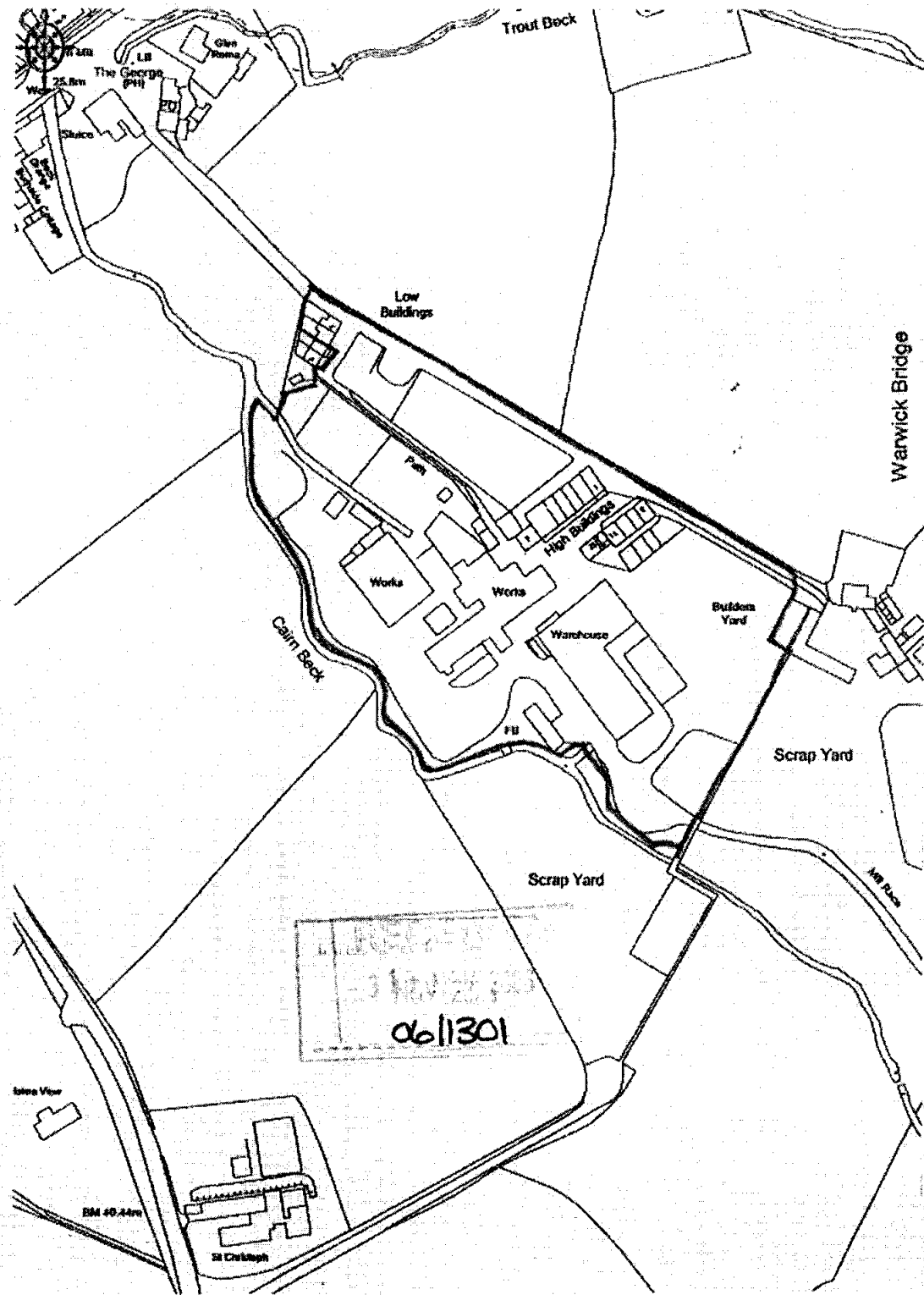
Reason: To protect the environment and prevent harm to human health.

3. Before the commencement of development a detailed arboricultural report setting out the proposed tree works shall be submitted to and approved in writing by the Local Planning Authority.

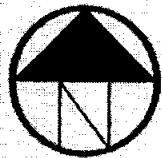
Reason: In accordance with Policy E19 of the Carlisle District Local Plan.

4. 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 E19 of the Carlisle District Local Plan.



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Revisors	Revision	Date	Description

Revised By

ARCHITECTS *a+*
PLUS

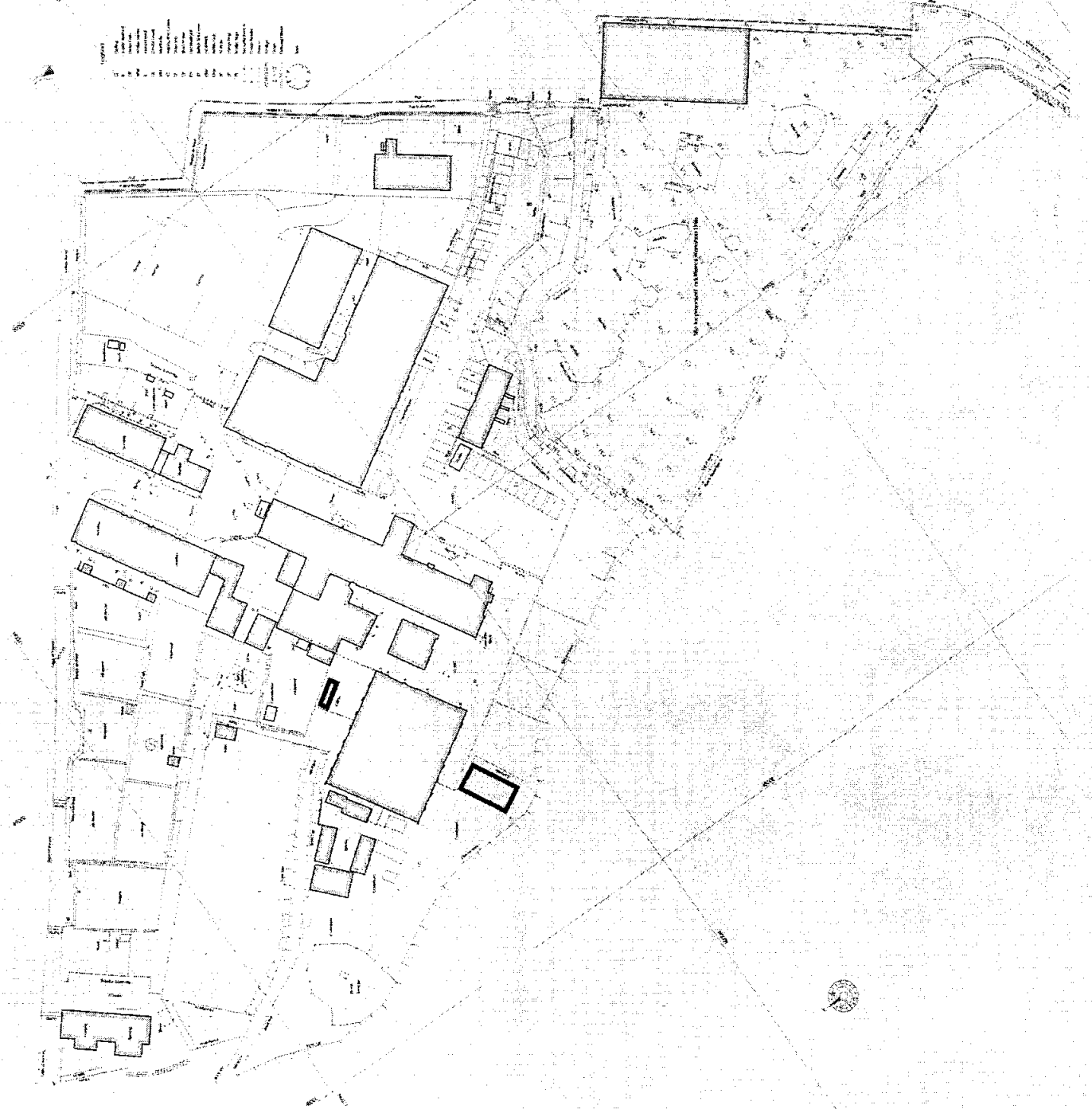
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Project
Warwick Mill Business Centre

Drawing
Location Plan

Scale	Date	Drawn	Checked	Number
1:2500				05097-00

Architect Plus (UK) Limited, web: architectplus.co.uk
 Victoria Galeries, Voadref House, Victoria Viaduct, Cardiff, Cardiff, CA3 8AH
 tel: 01228 515144 fax: 01228 515033 e-mail: op@architectplus.co.uk



Legend

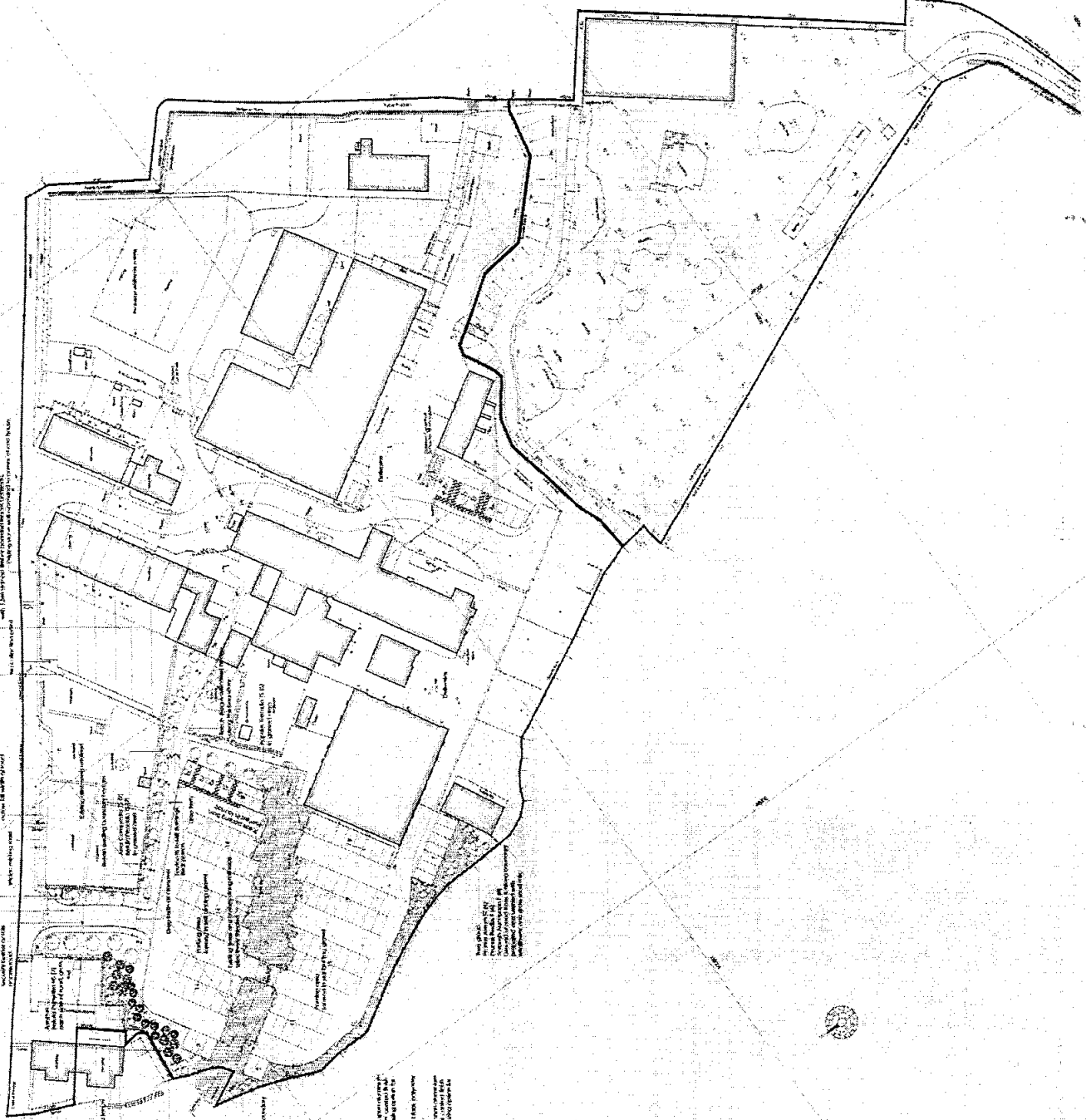
1	Proposed New Car Parking
2	Existing Car Parking
3	Proposed Pedestrian Pathways
4	Existing Pedestrian Pathways
5	Proposed Cycle Paths
6	Existing Cycle Paths
7	Proposed Green Spaces
8	Existing Green Spaces
9	Proposed Building Footprints
10	Existing Building Footprints
11	Proposed Access Roads
12	Existing Access Roads
13	Proposed Drainage Channels
14	Existing Drainage Channels
15	Proposed Utility Lines
16	Existing Utility Lines
17	Proposed Fences
18	Existing Fences
19	Proposed Site Boundary
20	Existing Site Boundary



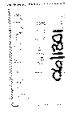
Project: Warwick Mill Business Centre
 Proposed new car parking
 As existing site plan

Date: Nov. 05
 Drawn: DL
 Checked: DL
 Project No: 05097-01

ARCHITECTS A (SC) LIMITED
 Warwick Office, Warwick Avenue, Warwick, CV34 6EF
 Tel: 01926 316144 Fax: 01926 316145
 www.architects-a.co.uk
 info@architects-a.co.uk



Proposed new car parking spaces to be provided in the area shown on this plan. The spaces are to be provided in accordance with the requirements of the BC Building Act and the BC Building Code. The spaces are to be provided in accordance with the requirements of the BC Building Act and the BC Building Code.



ARCHITECTS PLUS

Werwick Mill Business Centre
 Proposed new car parking
 As proposed

Project: Werwick Mill Business Centre
 Drawing: Proposed new car parking
 Date: 12/12/14
 Scale: As proposed

Architects Plus (BC) Limited
 10000 Highway 101, Suite 101, Richmond, BC V6V 2G9
 Tel: (604) 273-1111 Fax: (604) 273-1112
 www.architectsplus.com

SCHEDULE A: Applications with Recommendation

06/1283

Item No: 08

Date of Committee: 15/12/2006

Appn Ref No:
06/1283

Applicant:
Austin Friars St Monicas
School

Parish:
Carlisle

Date of Receipt:
08/11/2006

Agent:
Squires and Brown

Ward:
Belah

Location:
Austin Friars St Monicas, Etterby Scaur, Carlisle
CA3 9PB

Grid Reference:
339186 557398

Proposal: Application for an extension of time for previous application 05/0839 for further 3 months to allow vehicular use of temporary access road.

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as a local resident wishes to exercise their right to speak against the application.

Planning Policies:

Conservation Area

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

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

SCHEDULE A: Applications with Recommendation

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Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Transport - Proposal T5

Within Conservation Areas, Areas of Outstanding Natural Beauty and other important landscape areas, the City Council will seek to ensure that highway schemes respect the character of the locality. Within areas of nature conservation importance, the City Council will seek to ensure that any adverse impact resulting from a highway scheme is minimised.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

SCHEDULE A: Applications with Recommendation

06/1283

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft

SCHEDULE A: Applications with Recommendation

06/1283

Leisure & Community Uses - Policy LC11 - Educational Needs

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 1 Kingmoor Road	10/11/06	
[REDACTED] 3 Kingmoor Road	10/11/06	
[REDACTED] 1 Belah Road	10/11/06	Objection
[REDACTED] 3 Belah Road	10/11/06	
[REDACTED] 5 Belah Road	10/11/06	
[REDACTED] 7 Belah Road	10/11/06	
[REDACTED] 1 Etterby Close	10/11/06	

This application has been advertised by means of site and press notices as well as notification letters sent to seven neighbouring properties. In response one letter of objection has been received although no grounds of objection have been stated.

Details of Proposal/Officer Appraisal:

Planning History:

In 2006 planning permission was granted, under application 06/0479, for the erection of a new junior school.

In 2005 temporary planning permission was granted, under application 05/0839, for the formation of a new access road to be used by construction traffic in the erection of the science block.

In 2005 planning permission was granted, under application 05/0250, for the erection of a science block.

SCHEDULE A: Applications with Recommendation

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In 2003 planning permission was granted, under application 03/0041, for the installation of flood lights to the synthetic sports pitch.

In 2001 planning permission was granted, under application 01/0183, for the extension of the tennis courts to provide an additional hard surface tennis court.

In 1991 temporary planning permission was sought, under application 91/0244, for the siting of a prefabricated building for a five year period. The application was subsequently withdrawn.

In 1991 planning permission was granted, under application 91/0099, for the demolition of the music and the erection of a physics and technology block.

Details of Proposal:

This application relates to the existing temporary access, which was formed to provide a separate access for construction traffic involved in the erection of a science block at Austin Friar/St. Monica's School. The school, which is located to the north of the River Eden, is bounded by Etterby Scaur and Belah Road. With the exception of the School itself the surroundings are wholly residential. The access to which this application relates is located on Belah Road; 50 metres to the north of the junction of Belah Road and Etterby Scaur. The application site is identified by the Carlisle District Local Plan, as being located within the Stawnix Conservation Area and a Primary Residential Area. The site itself is allocated for educational development. A plan indicating the location of the site and its relationship with the adjoining properties is reproduced following this report.

Members may recall that permission was granted for the formation of the temporary access by the Development Control Committee in September 2005 under application 05/0836. Condition 3 of this consent stated that "the access hereby approved shall be of a temporary nature only and shall be closed by 31 October 2006 unless an application for its retention has been submitted to and approved by the Local Planning Authority". This current application seeks consent to vary this condition to enable the temporary access road to be used for a further 3 months, until 31st January 2007, in order to complete the works to the science block. Permission was originally sought and subsequently approved for the formation of a temporary access in the interests of health and safety to keep construction traffic/workers separate from the school.

The access has been formed off Belah road at the point where there was an existing lay-by. The scheme required the removal of a small amount of vegetation in order to create the access. Once the science block was complete it was intended to reinstate the lay-by to its former state; however, since the temporary access was approved permission has been granted for the erection of a new junior school, the access to which is at the same point as the current temporary access.

The relevant planning policies against which the application is required to be assessed are Policies E43, H17 and T5 of the Carlisle District Local Plan and Policies CP4, CP5, LE20 and LC11 of the Carlisle District Local Plan 2001-2016

SCHEDULE A: Applications with Recommendation

06/1283

Redeposit Draft (the full text of these precedes this report in the Schedule).

Members will note that at the time of writing this report one letter of objection has been received, although no grounds of objection have been stated.

As construction of the science building has taken longer than originally anticipated, use of the access road is sought for a further three months. The principle of the temporary access has already been established by the approval of the earlier application and its continued use for a further three months is not considered unreasonable. It is acknowledged that this will result in a degree of increased disturbance for those persons living opposite the temporary access, although any disturbance is likely to take place within the daytime and not at an unreasonable hour. It is understood that the objector, who resides at No.1 Belah Road, works night shift; however, it would be unreasonable and impossible to restrict the use of the access to times which would not result in any disturbance to the objector.

When permission was previously granted a condition was imposed preventing the use of the access between 8.00-9.30 am and 2.30-4.00pm to avoid conflict between construction traffic and parents picking up/dropping off children. The applicant has requested that this condition be removed as it inhibits when contractors vehicles, typically vans, can arrive/depart from the site. The Highway Authority has confirmed, in writing, that such a condition is generally applicable to lorries/large construction plant and that if this stage of construction has passed there would be no reason for this condition to be applied. As such, it is not proposed to attach this condition to the prospective decision notice. If there were any concerns that conflict may occur as a result of a specific delivery of materials it is a management issue to be resolved between the school and the supplier and an appropriate time should be arranged. It is not considered that this issue needs to be regulated through a planning condition, but that it is a separate matter to be addressed by the school. Members should note that a sign has been placed at the entrance to the temporary access stating that deliveries should only be made between 9.30 am and 2.30 pm.

The previous consent included a condition that required the lay-by to be reinstated to its original state. As the proposed new access for the new junior school, approved under application 06/0479, is in the same location as the temporary access the attachment of this condition in its original form is not considered appropriate. The aforementioned condition has been reworded in such a way that the lay-by must be reinstated to its original state, unless in the meantime work commences on the new junior school, which is scheduled to commence on 8th January 2007.

In conclusion, the continued use of the access for a further three months is acceptable. Whilst, it is appreciated that the use of this access may result in a degree of disturbance during daytime hours it is not felt that the level of disturbance would be harmful to the living conditions of any neighbouring properties to such a degree as to warrant refusal of this application. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

SCHEDULE A: Applications with Recommendation

06/1283

Human Rights Act 1998

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

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

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

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

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

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.

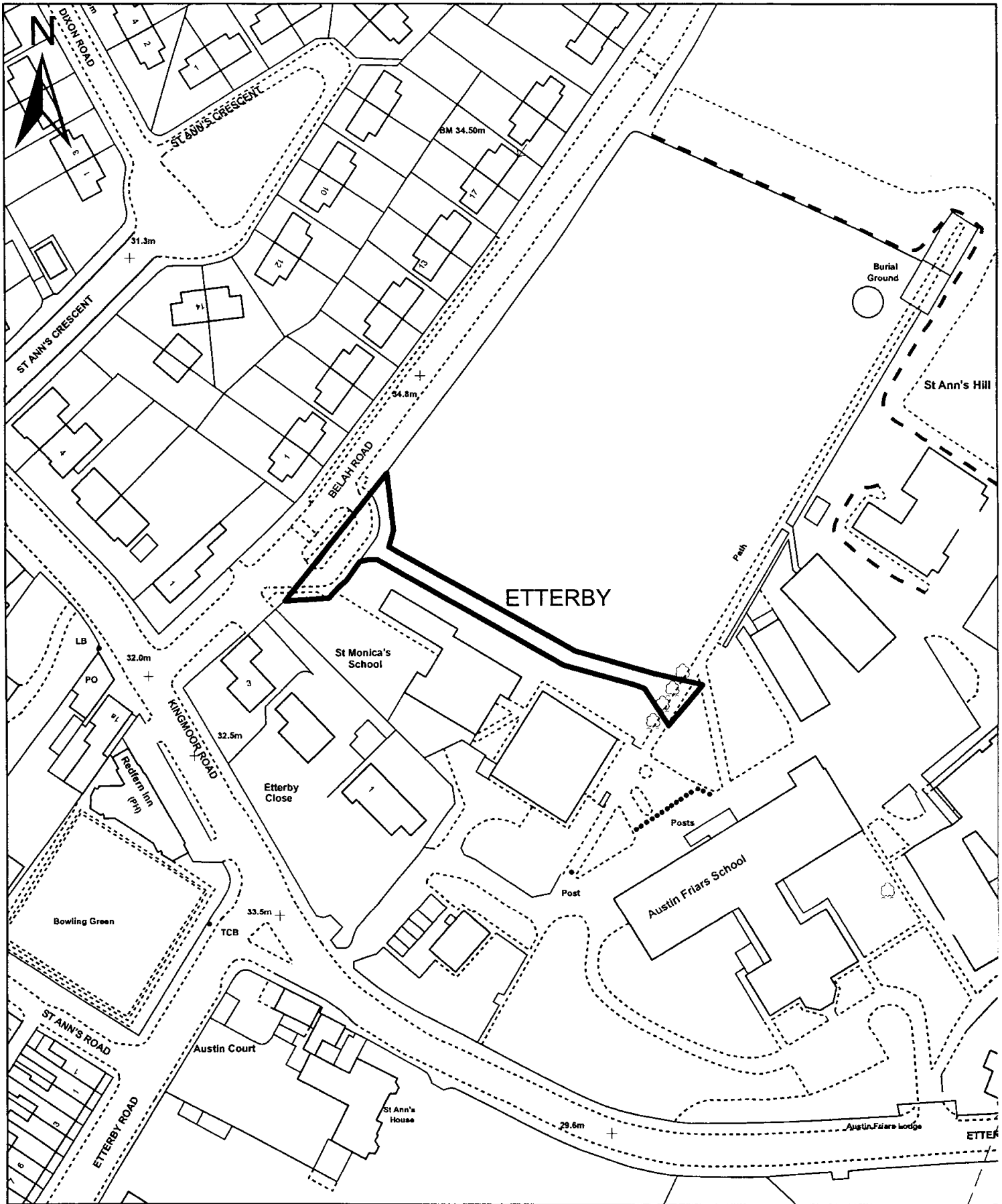
Recommendation: Grant Permission

1. The access hereby approved shall be of a temporary nature only and shall be closed by 31 January 2006 unless an application for its retention has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety to support Policy T5 of the Carlisle District Local Plan.

2. The temporary access road and traffic island within the lay-by shall be reinstated in accordance with the details submitted on 30th November and shall be completed within 3 months of the closing of the access unless consent for an extension of time has been approved, in writing, by the Local Planning Authority; or unless work has commenced on the new junior school approved under application 06/0479.

Reason: In the interests of visual amenity to support Policy E43 of the Carlisle District Local Plan.



Indicative position of the temporary access for illustrative purposes only.

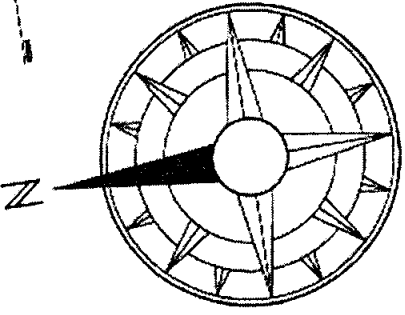
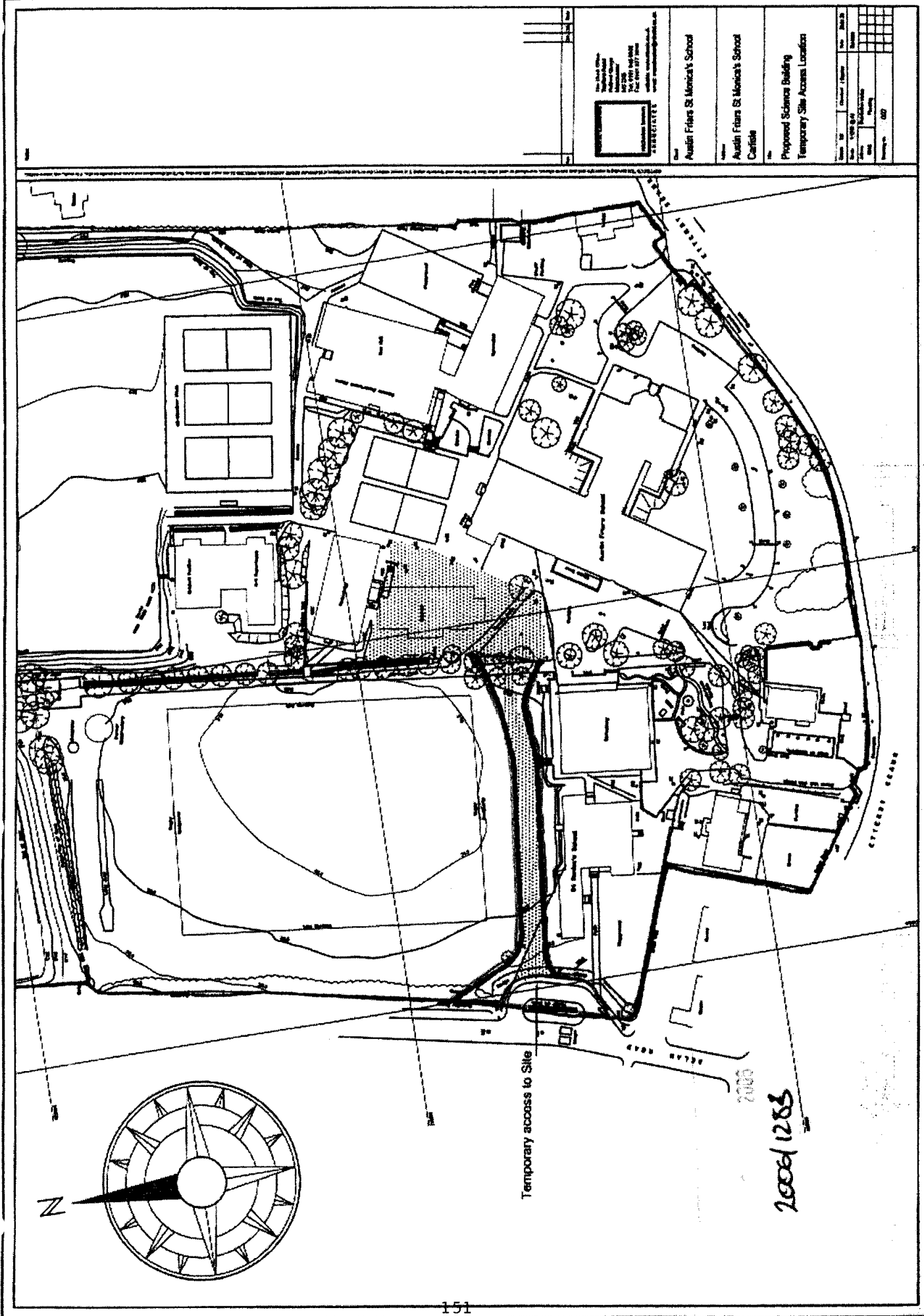
Scale: 1:1,250 Date: 30/11/2006

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 Carlisle City Council LA 0100024459. 2006.



Civic Centre
 Rickergate
 Carlisle
 CA3 8QG

Vertical text on the left margin, likely a project or drawing number.



Temporary access to Site

2000
2004/12/03



Project Name: Project Number: Date: Scale: Drawing Number:	
Austin Friars St. Monica's School Carlsbad	Austin Friars St. Monica's School Carlsbad
Proposed Science Building Temporary Site Access Location	
Date: _____ Drawn by: _____ Checked by: _____ Scale: _____ Drawing Number: _____	Date: _____ Drawn by: _____ Checked by: _____ Scale: _____ Drawing Number: _____

Title		Date	
A. Revised for Construction		02.08	04.05
By		01.05	04.05
Checked		01.05	04.05
Drawn		01.05	04.05
Scale		As Shown	
Sheet No.		1 of 1	
Project No.		1008	
Drawing No.		1008	

The Dock Office Trafford Road Salford Quays Salford M2 2XB Tel: 0161 644 8868 Fax: 0161 677 2010 website: www.nochs.co.uk email: info@nochs.co.uk	nicholas brown ASSOCIATES
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------

Client	Austin Friars St Monica's School
Address	Austin Friars St Monica's School Eterby Scatur, Carlisle
The	Proposed Science Block Temporary Site Access Road to Construction Site Compound



FOR CONSTRUCTION
 2008/11/13

SCHEDULE A: Applications with Recommendation

06/1305

Item No: 09

Date of Committee: 15/12/2006

Appn Ref No:
06/1305

Applicant:
Mr & Mrs Riley

Parish:
Beaumont

Date of Receipt:
13/11/2006

Agent:
Allison Design Partnership

Ward:
Burgh

Location:
Land Adjacent to Hall Croft, Monkhill, Carlisle

Grid Reference:
334378 558519

Proposal: Erection of 12 dwellings (including six low cost houses) (Outline)

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee due to letters of support and objection having been received from local residents and objectors wishing to exercise their right to speak.

Planning Policies:

Ancient Monument

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

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

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H9

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and
2. The proposal is supported by a detailed agreement which will satisfy the

requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and

3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

**Carlisle District Plan
Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan
Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

**Carlisle District Plan
Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

**Carlisle District Plan
Housing - Proposal H17**

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**Carlisle District Plan
Environment - Policy E26**

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an

unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings;
and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan Environment - Policy E28

Development will not be permitted where there is an unacceptable adverse effect on scheduled and other nationally important ancient monuments and their settings.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP2 - Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
 4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP5 - Residential Amenity**

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP9 - Sustainable Drainage Systems**

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and

2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage
and Sewage Treatment**

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

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Housing - Policy H1 - Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

Burgh-by-Sands
Cumwhinton

Castle Carrock
Dalston

Cummersdale
Gilsland

Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill) Wetheral		

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H3 - Residential Density

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H6 - Rural Exception Sites

Proposals for residential development may be permitted in locations where such development would not usually be permitted, provided the following conditions are met:

1. the proposal is for low cost affordable housing to meet an identified need; and
2. the proposal is supported by a S106 agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and
3. the proposal is well related to the settlement where the need has been identified and respects the local landscape character.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment- Policy LE7 - Buffer Zone on Hadrian's Wall World Heritage Site

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an

unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that:

1. the proposal reflects the scale and character of the existing group of buildings;
and
2. there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE12 - Scheduled/ Nationally Important Ancient Monuments

Development will not be permitted where there is an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority):

There is no objection in principle from a Highways perspective; but whilst the details are adequate for Outline the undernoted points would require to be addressed if it progresses to a Detailed Application.

1. The estate road would need to be a shared access way conforming to the Cumbria Design Guide and the Developer would be required to enter into a Highways Act 1980 Section 38 Agreement with the Local Highways Authority prior to construction commencing.
2. The access road would need to be constructed immediately following site clearance prior to the plots being developed.
3. Existing verges/graveled hard standing on the existing public highway would need to be upgraded to foot way, with improvements to street lighting to link to the existing foot ways on the C2042 Carlisle to Burgh by Sands road; this would require the Developer to enter into a Highways Act 1980 Section 278 agreement with the Local Highways Authority.

If Council is minded to issue an Outline Consent, conditions of consent have been

included.

Community Services - Drainage Engineer:

The applicant indicates disposal of foul sewage to a private sewage treatment plant or septic tank. 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 Environmental Agency and planning permission if the plant serves more than one property.

The applicant indicates disposal of surface water to an existing system, this was not clarified in the application. However, in the first instance the applicant should investigate the use of soakways for surface water disposal, as this is the most sustainable method.

There is no knowledge of flooding issues at this site.

United Utilities (former Norweb & NWWA):

United Utilities have no objection to this proposal. However a separate metered supply will be required for each unit and that internal pipework should comply with current water supply regulations.

Beaumont Parish Council:

Observations/concerns of Beaumont Parish Council with regard to planning application:

Size - The proposed development of 12 dwellings appears large in the context of the existing village of Monkhill. The proposal seems disproportionate to the scale and character of the existing village.

Road Junction - The proposed development would significantly increase the number of motor vehicles emerging onto the Burgh by sands/Carlisle road at the Monkhill crossroads. In particular emerging traffic has a poor view to the right (direction Carlisle). This has been the cause of a number of past accidents.

Lack of local amenities - Monkhill offers limited amenities (Public House and Methodist church). In particular there is no shop, no school and little or no opportunity for employment. Further residential development will give rise to an inevitable increase in motor traffic.

Demand - There is no proven demand for low cost housing in Monkhill.

Hadrian's Wall World Heritage Site - The proposed development, whilst not apparently on the line of the Vallum is in close proximity to it, and accordingly may have an adverse impact on the World Heritage Site.

Cumbria County Council - (Archaeological Services):

Our records indicate that the site lies in an area of high archaeological potential. It is

located to the south of Hadrian's Wall *vallum* and close to the remains of a possible Roman watch tower (Historic Environment Record no. 15237) and a temporary Roman camp (HER no. 426). Furthermore, evidence from an aerial photograph taken this summer show cropmarks extending in to the site that are indicative of prehistoric and Roman agricultural practices. It is therefore considered likely that significant archaeological remains survive on the site and that these would be damaged or destroyed by the proposed development.

Consequently, in line with policy E31 of the Carlisle Local Plan, I recommend that the site is subject to an **archaeological evaluation**, to be commissioned and undertaken at the expense of the developer, and carried out **prior** to the granting of planning permission. The evaluation should determine the presence, nature and extent of surviving archaeological remains. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ*.

Development Services Planning & Housing Services - Local Plans (Trees):

Council's Landscape Architect/Tree Officer has stated that an approved landscaping scheme would be a requirement of the development to soften and screen the development and reduce its visual impact on the surrounding countryside.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[Redacted]	Monkhill Hall	15/11/06
[Redacted]	Ridgelea	15/11/06
[Redacted]	Millcroft	15/11/06
[Redacted]	Gracelands	15/11/06
[Redacted]	1 Monkhill Fauld	15/11/06
[Redacted]	2 Monkhill Fauld	15/11/06
[Redacted]	3 Monkhill Fauld	15/11/06
[Redacted]	Monkhill Farm	15/11/06
[Redacted]	The Spur	15/11/06
[Redacted]	Dun Fioun	15/11/06
[Redacted]	Hallcroft	15/11/06
[Redacted]	Bushy Bank	15/11/06
[Redacted]	Loughrigg	15/11/06
[Redacted]	Friars Garth	15/11/06
[Redacted]	Wastway	15/11/06
[Redacted]	Millfield	15/11/06
[Redacted]	Chapel House	15/11/06
[Redacted]	Drovers Rest Public House	15/11/06
[Redacted]	Westway	15/11/06

This application has been advertised by means of a site notice and direct notification to the occupiers of 18 of the neighbouring properties. At the time of writing this report 3 letters of objection to the proposal had been received, 3 letters in support

and a letter not objecting but outlaying concerns with regards to road safety.

The letters in objection included the following comments:

- The site is considered a greenfield site.
- The proposal is for too many dwellings and is not in keeping with the scale of the village.
- It would cause too much extra traffic for such a dangerous crossroad.
- Concern over the location of the sewage plant.
- The height of the fence would result in restriction of light to adjoining properties.
- The area is considered a historic area.
- The access for the development would be through the gate passing the side of my property, passing the bedroom window. There would be headlights from cars shining into the bedroom window, and there would be excessive noise morning and night from cars.
- The development would incur another twenty cars on a road that two vehicles can not pass each other.
- The road junction leading to Carlisle is a dangerous and narrow junction.
- There is practically no amenities in Monkhill, there is a Public House, no schools etc. The bus service is non-existent.
- The development would be over access to my septic tank and the rights to construct pipes to the tank and to discharge the effluent. The pipes leading from the septic tank stretch across the said field to Monkhill Beck and if this development went ahead the pipes would be damaged and the pipes built on top of. There is also five other neighbours who also have septic tanks and pipes in the field. Rights to the water service pipe from the main supply also come across the field.
- This is a staged development next to a barn conversion which they are still building.
- This is a greenbelt land that has not been used for housing.
- Noise and smell from this nearby development.
- Monkhill is a small settlement of 32 properties. If this development were approved it would increase the settlement by 12 dwellings - an increase of at least 32%. This is a significant increase, therefore contrary to local planning policy adjacent to heritage site and settings.
- The impact on privacy in terms of my rear garden and rear of property.

The following comments in support were made:

- The development will bring customers into the area.
- The mixture of properties available will provide housing for all ranges and hopefully will also provide accommodation for the youth of the area who would like to stay in the community.
- The Government's intention to encourage low cost housing and the proposed development appears to offer a good mixture of both low cost housing and other residential property which will enhance the local community.
- The proposal will bring a much needed injection into the local economy west of Carlisle.
- Local infrastructure would not be affected as the access into the proposed dwellings will be wide enough and there are two routes that people can take to travel when exiting the site.

- The development is in line with national government criteria as is made up of both affordable starter homes and residential properties.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history related to the site.

Details of Proposal:

The application seeks outline planning consent for residential development on a 0.5488 hectare site adjacent to Hall Croft, Monkhill. The site is located on the southern fringe of the village to the east. The site is currently undeveloped and is being used for pastoral purposes.

The application seeks outline planning consent for the construction of twelve dwellings which would include six low cost houses being located on the southern side of the site, three bungalows to the north and three detached houses to the east. Access to the houses will be from a newly formed cul du sac Estate Road with the mouth being between Hallcroft and Gracelands. A minimum of two car parking spaces will be provided for each household unit. The houses and bungalows are to be constructed of rendered self coloured walls with brick detailing and will have pitched roofs. To the north and south of the site a two metre high fence with tree and shrub screening is proposed.

The relevant planning policies against which the application is required to be assessed against are Policies ST1 and ST3 of the Cumbria and Lake District Joint Structure Plan 2001 -2016 and Policies H5, H9, H16, H17, E9, E22, E26 and E28 of the Carlisle District Local Plan and Policies CP2, CP4, CP5, CP9, CP11, H1, H3, H6, LE7, LE12 and T1 of the Carlisle District Local Plan Redeposit Draft.

The proposal raises the following planning issues:

Principle of Development

Policy H1 of the Carlisle District Local Plan Redeposit Draft identifies Monkhill as a settlement where small-scale infilling will be allowed if it is consistent with the criteria as detailed in the Plan. However as the site has not been developed and has been utilised for pastoral purposes it is considered the site does not meet the definition of an 'infill' site and can be considered under this provision.

Policy H5 is also relevant in that any housing development proposed should make a contribution towards affordable housing. As stated in the Government Circular 06/98: Planning and Affordable Housing and in PPG3 which has been included within the Local Plan Redeposit Draft:

" Housing establish that there is a clear need to provide better housing choice, opportunity and mix to create inclusive, sustainable communities with housing

developments aiming to meet the needs of the whole community including those requiring affordable and special needs housing."

There is still the ability to permit housing development in areas where the proposal is for low cost affordable housing to meet an identified need and the proposal is supported by a detailed S106 agreement which requires that once built the units will be retained for the benefit of successive as well as initial occupiers. No comments have been received though at the time of writing this report from the Council's Housing Enabling Officer with regards to the proposal. However it is noted that a recent previous application made for housing development in Monkhill highlighted a general level of need for additional housing in the area.

Although the proposal is consistent with Policy H5 through the provision of 6 affordable houses as part of the development any housing development still needs to be designed sympathetically and in character with the existing village and surrounding built environment. In this regard the application fails to comply with the policies of the emerging Local Plan as further discussed below.

Scale and form of development

Monkhill is a small settlement consisting of approximately 32 properties together with the local hall and publican. Granting permission to the application would result in an additional 12 dwellings in the village equating to a 38.4% increase in the size of the village. Within the emerging Local Plan Policy H1 Location of New Housing Development paragraph 5.2 details scales of applications and identifies that what constitutes large and small scale development will vary considerably from settlement to settlement however, in all cases, developments of 10% or more of existing dwellings within the settlement will be considered significant. Based on this definition it is necessary to consider the application as being a large scale development for Monkhill.

Policy H1 of the emerging Local Plan states an "important factor in determining the acceptability of a development scheme will be the scale of development in relationship to the size of the existing village" and proposals that create an imbalance between existing and new development will not be permitted. Policy H5 Village Development of the current Local Plan allows states that small scale residential development will be acceptable providing it meets a number of criteria of which includes "the scale of the proposed development is well related to the scale, form and character of the existing settlement". It is considered that given the scale of the proposed development and the significant increase it has on the size of the existing village the proposal contradicts these policies and will be out of character for Monkhill.

Archaeology and the impact on the scheduled monument

The Assistant Archaeologist from the County Council has stated the site lies in an area of high archaeological potential as is located to the south of Hadrian's Wall vallum and close to the remains of a possible Roman watch tower and temporary Roman camp. Relevant policies allow for permission to be granted to proposals if the development reflects the scale and character of the existing buildings and there is no unacceptable adverse effect on the character and/or appearance of the

Hadrian's Wall Military Zone World Heritage Site. The scale of the development as aforementioned will have an unacceptable adverse effect on the character of Monkhill and consequently detract from the experience obtained from the vallum together with the Scheduled Monument and overall would be contrary to the current planning policies. It is also considered that the site contains significant archaeological remains that have yet to be discovered and will consequently be destroyed if the development were to proceed.

The impact of the proposal on the living conditions of neighbouring residents

Development proposals should not adversely affect the living conditions of existing residents by virtue of inappropriate design and scale. The indicative layout of the dwellings shows a reasonable distance being maintained from the existing dwellings.

On the northern boundary the indicative layout shows a minimum distance of 12 metres to the nearest dwelling, on the western boundary the minimum distance being 25 metres and to the south a minimum of 8 metres to the curtilage boundary. To the east of the proposed site is vacant land. It is considered these distances combined with the proposed fencing and landscaping would ensure the privacy of residents and would not restrict daylight to household units. In this regard the application has been designed in a manner that will maintain amenity levels for neighbouring residents although creating a significant change to the outlook and amenity these residents currently experience.

The design of a proposal also incorporates access and the ability of the local roading infrastructure to withstand the increase in traffic. The entrance to 'Estate Road' is on a relatively straight piece of road and it is envisaged there are adequate sight lines for cars exiting the mouth. Concern has been expressed however by submitters regarding the narrow turn on to the Highway and problems it already creates which would be exacerbated from the increase in traffic. However the Highway Authority have not considered this a concern and do not object to the outline application in principle but have recommended conditions should full planning permission be granted.

Conclusion

In overall terms the provision of low cost affordable homes on sites that would otherwise not benefit from planning permission is recognised at both national and local level in the planning policies. However it is a requirement that these proposals complement the existing character of an area and are of a compatible scale. It is considered given the scale of the application and the increase in the size of the village it would create it is not compatible with the existing scale. Overall the scale and form of the development would have an unacceptable impact upon the setting and character of the village and upon the vallum and the Scheduled Monument.

The application is contrary to current planning policies and should be refused for the reasons detailed.

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

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

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

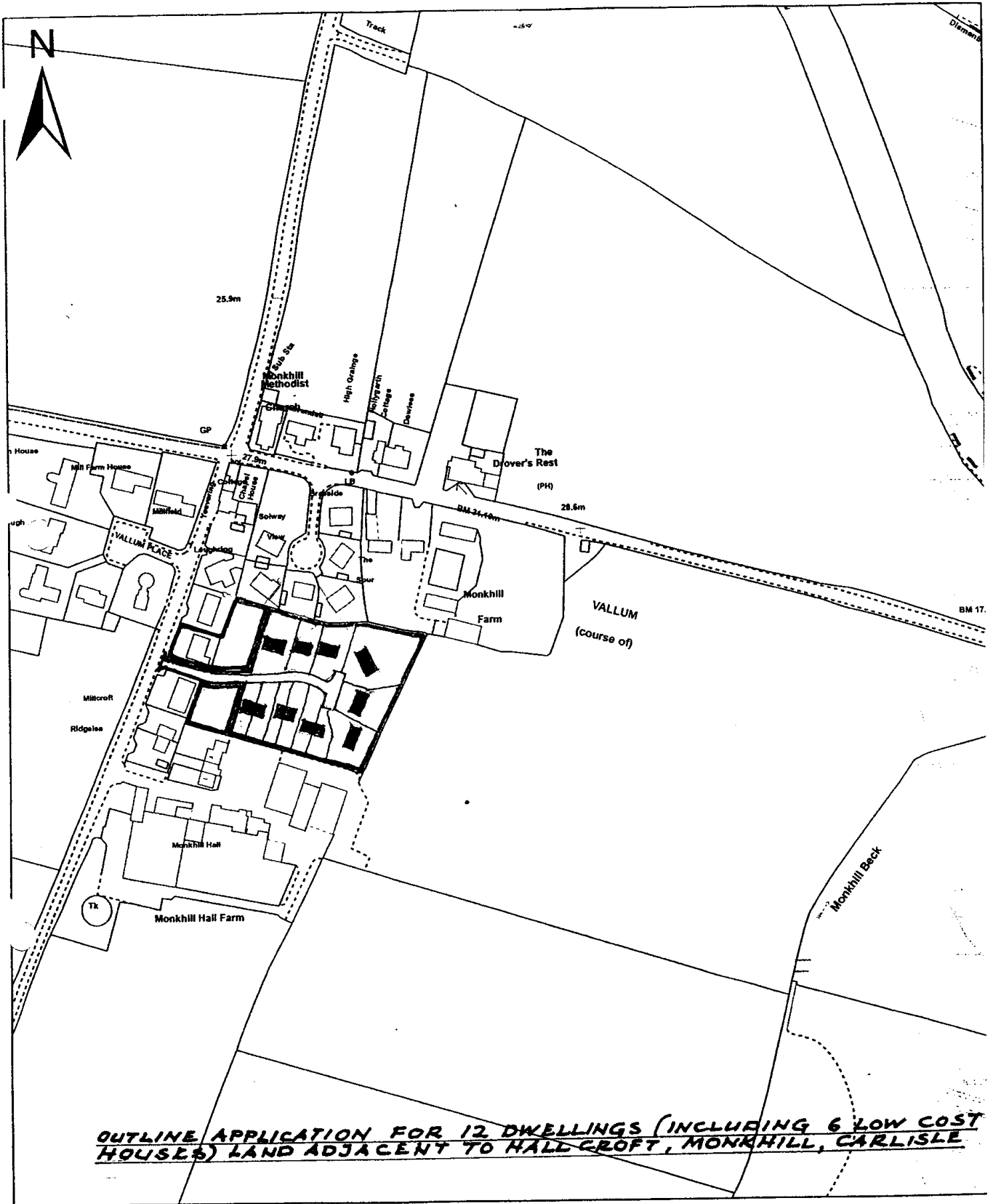
Article 8 recognises the "Right To Respect for Private and Family Life";

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

The applicants rights are respected, however, the proposal is considered to be contrary to acknowledged interests of importance.

Recommendation: Refuse Permission

1. **Reason:** The proposed housing development of 12 dwellings is considered to be large scale given the context of the village of Monkhill. The proposal would result in a significant level of additional housing within the village and is overall disproportionate to the scale and character of Monkhill. The proposal is thus contrary to the advice contained within Planning Policy Guidance 3 (Housing); the provisions of Policy H17 (Scale of housing provision) of the Cumbria and Lake District Joint Structure Plan; criteria 1 and 2 of Policy H5 (Village Development), of the Carlisle District Local Plan; and to criteria 1 and 2 of Policy H1 (Location of New Housing Development) of the emerging Carlisle District Local Plan Revised Redeposit Draft.
2. **Reason:** The development comprises of 6no. dwellings and 6no. affordable houses. Planning policies only allow for the development of exception sites for the provision of affordable housing where there is a justifiable need. The proposal cannot therefore be considered as a rural exception site and is thus contrary to the advice contained within Planning Policy Guidance 3 (Housing); the provisions of Policy H19 (Affordable housing outside the Lake District National Park) of the Cumbria and Lake District Joint Structure Plan; Policy H9 (Rural Exceptions) of the Carlisle District Local Plan; and to Policy H6 (Rural Exceptions) of the emerging Carlisle District Local Plan Revised Redeposit Draft.



OUTLINE APPLICATION FOR 12 DWELLINGS (INCLUDING 6 LOW COST HOUSES) LAND ADJACENT TO HALL CROFT, MONKHILL, CARLISLE

Monkhill

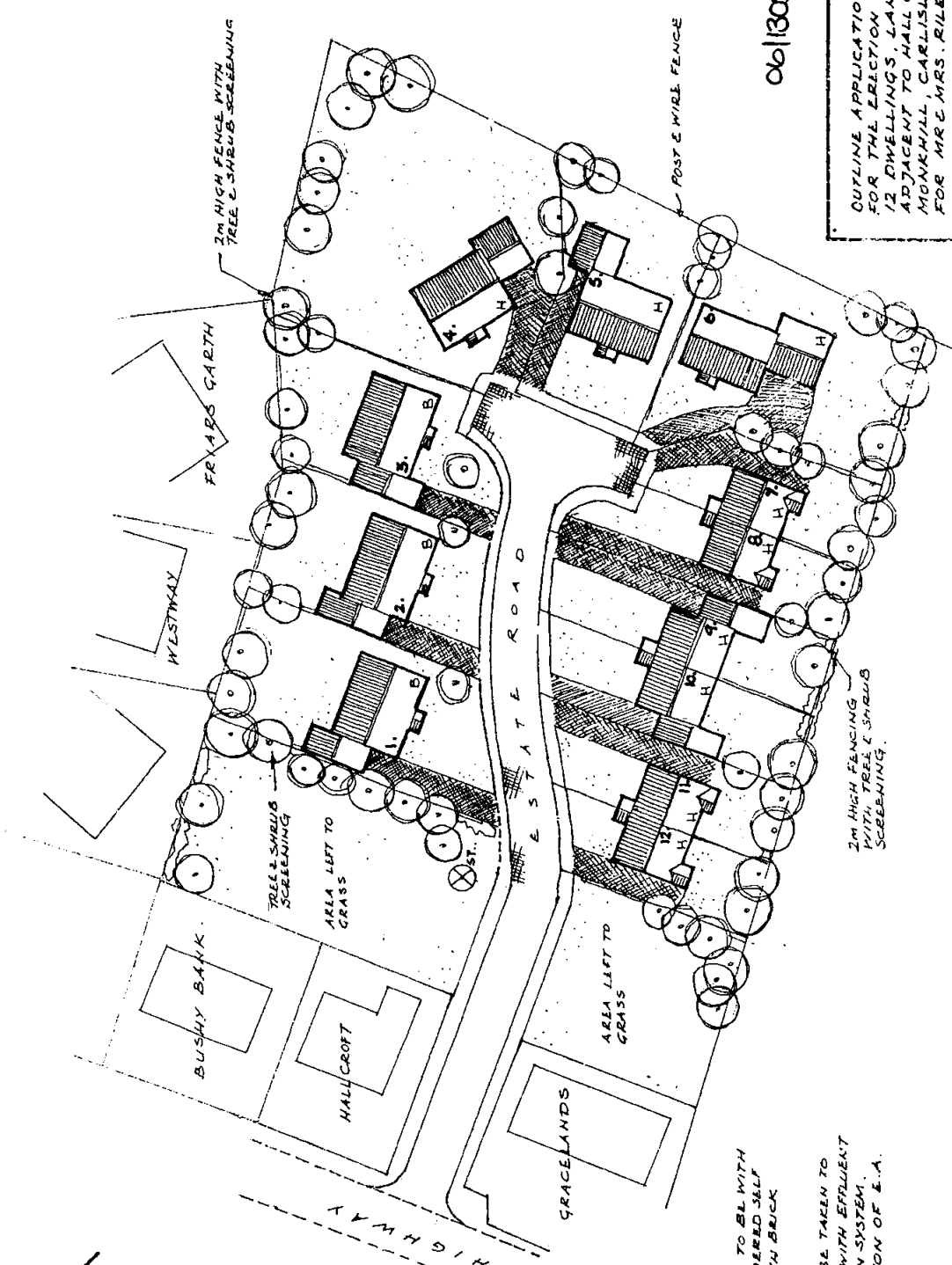
Scale: 1:2,500 Date: 01/08/2006

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06/1305
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**Civic Centre
Rickergate
Carlisle
CA2 8QG**



06/1305

OUTLINE APPLICATION FOR THE ERECTION OF 12 DWELLINGS, LAND ADJACENT TO HALLCROFT, MONKWILL, CARLISLE FOR MRS. MRS. RILEY
 PHOTO 7-12 LOW COST HOUSING?
 SCALE 1:500
 SKETCH PLAN



VISIBILITY AT ACCESS TO HIGHWAY AUTHORITY'S REQUIREMENTS
 MIN. TWO PARKING SPACES PER DWELLING
 PATHS & PARKING TO BE BLOCK PAVED WITH ACCESS & ESTATE ROAD TARMAC FINISH CONSTRUCTED TO HIGHWAY AUTHORITY'S REQUIREMENTS

HOUSES & BUNGALOWS TO BE WITH PITCHED ROOFS, RENDERED SELF COLOURED WALLS WITH BRICK DETAILING.
 SOIL DRAINAGE TO BE TAKEN TO TREATMENT PLANT WITH EFFLUENT THROUGH FILTRATION SYSTEM. ALL TO SATISFACTION OF E.A.

DESIGN AND ACCESS STATEMENT

06/1305

OUTLINE APPLICATION FOR 12 NO. DWELLINGS (INCLUDING 6 NO. LOW COST HOUSES) LAND ADJACENT TO HALL CROFT, MONKHILL, CARLISLE.

- The outline planning application comprises the development of a parcel of land situated within the settlement of Monkhill, for 12 dwellings, 50% of which are proposed to be low cost units as defined by the Carlisle City Councils development control policies relating to affordable homes.
- It is understood from discussions with Housing Services that there may be an identified need for affordable homes within the area of Monkhill generally, but that figures have not as yet been attributed to parishes.
- The site could be considered an infill development site being enclosed on three sides by existing housing.
- Although this is an outline application, it is anticipated that were approval to be granted the dwellings would be designed in a sympathetic manner, reflecting the character of both the traditional style of dwellings in the area and the more recent modern developments. The materials used would be chosen to match those found in the vicinity probably a mix of render and brick.
- The boundaries to the development on the north, south and west would consist of a 2m high panel timber fencing with tree and shrub planting. An area of 20 metres would be left to grass between the existing bungalows on the western side of the site and the proposed site itself.
- All aspects of design, which could be considered to affect the privacy of the nearby residential properties will be taken into account when designing the layout, elevations, heights and floor levels of the individual units.
- The site is considered to be sufficient distance from the line of the World Heritage Site, namely the Roman Wall, so as not to affect its setting.
- Access to the site will be gained from a public road. At the new access point visibility to the north to the road junction with the Carlisle – Burgh by Sands road, is in excess of 100 metres. Visibility to the south is in excess of 140 metres. Traffic speeds are low.
- The estate road itself will be constructed to Highway Authority standards with a footway provided for pedestrians on at least one side. The surface water from the road can be drained to the existing system of highway drainage.
- The topography of the site as such will allow for easy access for disabled persons. The internal layout of each dwelling will incorporate the requirements of the Building Regulations pertaining to access and toilet facilities on the ground floor. Externally ramps will be constructed with level access being provided to each unit.
- Care will be taken in the final design to build in security for residents, with adequate lighting etc.

- Foul water from the proposed dwellings will be taken to a designed treatment plant and filtration system to the requirements of the Environmental Agency.
- A bus stop is situated approximately 110 metres from the site entrance, and a regular service provided between Carlisle and Bowness-on-Solway.
- There is a daily postal collection from Monkhill.
- The local pub 'The Drover's Rest' is located some 230 metres from the entrance to the site.

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06/1249

Item No: 10

Date of Committee: 15/12/2006

Appn Ref No:
06/1249

Applicant:
Amco Management

Parish:
Carlisle

Date of Receipt:
06/11/2006

Agent:
Alan Fox Design

Ward:
Belle Vue

Location:
Land at rear of 114 Wigton Road and 69-71
Mardale Road, Carlisle

Grid Reference:
338600 555500

Proposal: Outline application for dwellings with access from Mardale Road

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee due to 2no. letters of objection having been received from the occupiers of neighbouring properties and due to the potential for more objections to be received.

Planning Policies:

Carlisle District Plan Housing - Proposal H2

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

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Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

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Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

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

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

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

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

Outside the Primary Residential Areas and sites allocated under Proposal H16,

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applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H9 - Backland Development

Proposals for housing development, where appropriate, in large back gardens or behind existing housing developments will be acceptable providing that:

1. the scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. there is no loss of amenity to surrounding properties; and
3. existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. appropriate access and car parking can be achieved.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and

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- 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 rather than detracting from it.
 4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - Planning Out Crime

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

The following points should applied to all development proposals:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP2 - Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Community Services - Drainage Engineer: Comments awaited.

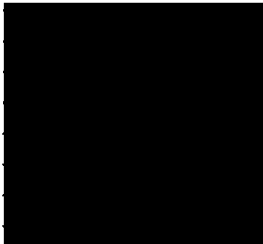
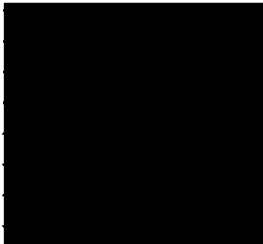
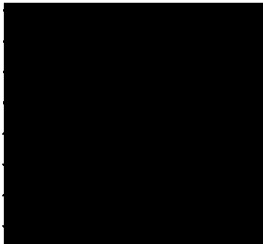
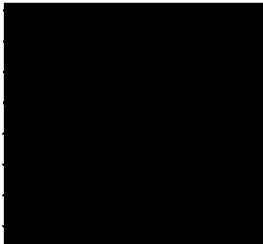
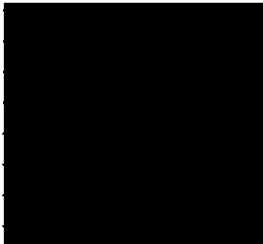
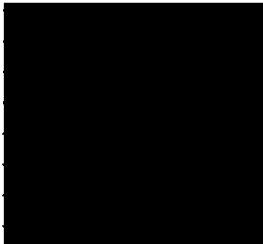
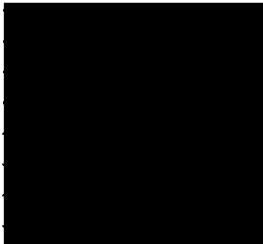
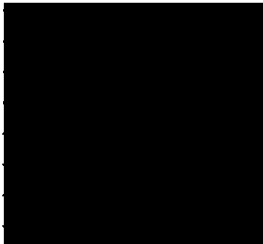
Environment Agency (N Area (+ Waste Disp)): No comment.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Cumbria County Council - (Archaeological Services): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	60 Creighton Avenue	09/11/06
	62 Creighton Avenue	09/11/06
	112 Wigton Road	09/11/06
	1 Wheatlands	09/11/06
	2 Wheatlands	09/11/06
	58 Mardale Road	09/11/06
	60 Mardale Road	09/11/06
	62 Mardale Road	09/11/06

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[REDACTED]	64 Mardale Road	09/11/06	
[REDACTED]	66 Mardale Road	09/11/06	
[REDACTED]	68 Mardale Road	09/11/06	
[REDACTED]	70 Mardale Road	09/11/06	Undelivered
[REDACTED]	72 Mardale Road	09/11/06	Undelivered
[REDACTED]	74 Mardale Road	09/11/06	Undelivered
[REDACTED]	77 Mardale Road	09/11/06	
[REDACTED]	, 79 Mardale Road	09/11/06	Objection
[REDACTED]	69 Mardale Road	13/11/06	Objection
[REDACTED]	83 Mardale Road	09/11/06	
[REDACTED]	85 Mardale Road	09/11/06	
[REDACTED]	68 Mardale Road	09/11/06	
[REDACTED]	67 Mardale Road	09/11/06	
[REDACTED]	61 Mardale Road	09/11/06	
[REDACTED]	Mount View	09/11/06	Objection
[REDACTED]	67 Mardale Road	09/11/06	
[REDACTED]	St Bede's School	09/11/06	
[REDACTED]	, 68 Mardale Road	09/11/06	
[REDACTED]	, 156 Dalston Road	09/11/06	
[REDACTED]	, 64 Creighton Avenue	09/11/06	
[REDACTED]	, 66 Creighton Avenue	09/11/06	
[REDACTED]	, 68 Creighton Avenue	09/11/06	
[REDACTED]	70 Creighton Avenue	09/11/06	Objection
[REDACTED]	, 72 Creighton Avenue	09/11/06	
[REDACTED]	, 73 Mardale Road	09/11/06	
[REDACTED]	, 75 Mardale Road	09/11/06	
[REDACTED]	, 81 Mardale Road	09/11/06	
[REDACTED]	, 87 Mardale Road	09/11/06	Objection
[REDACTED]	Rosevilla	09/11/06	Objection

This application has been advertised by means of a site notice and direct notification to the occupiers of 34 of the neighbouring properties. At the time of writing this report, 2 letters of objection have been received and the main issues raised are summarised as follows:

1. The are should be converted and used by the school as a conservation area;
2. The land is a haven for wildlife and should be preserved;
3. Children use the adjoining street to play on which will be taken away by the development;
4. The land affords residents security as there is no access to the rear of the properties on Mardale Road; and
5. Local residents deserve an outlook onto nature rather than more houses.

Details of Proposal/Officer Appraisal:

Planning History:

In 2001, outline planning permission for residential development, including the construction of a new vehicular access to Mardale Road was refused.

Planning permission was refused in 2002 for low cost housing development (outline). This application was the subject of an appeal to the Planning Inspectorate that was subsequently allowed.

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Details of Proposal:

The application has been made for "Outline" Planning Permission and seeks approval for the development of a parcel of land that measures approximately 0.27 hectares that comprises of a fairly narrow strip of garden land to the rear of 114 Wigton Road, Carlisle. The site is bounded by properties to the north-east, north-west and south-east, and by the play fields of St. Bedes School to the south-west. The site is within a Primary Residential Area.

The application has been submitted in outline with all matters being reserved for subsequent approval. Accompanying the application is an indicative site layout that illustrates a new access being formed from Mardale Road, that would require the demolition of numbers 69 and 71 Mardale Road, together with the formation of a new road layout and the erection of 11no. dwellings. The layout proposes 3no. link houses with 4no. pairs of semi-detached dwellings. The properties would be two storeys in height and would comprise of 2no. bedrooms.

The relevant planning policies against which the application is required to be assessed are Policies H2, H8, H11, H16, E19, E22, T7, of the Carlisle District Local Plan and Policies H2, H5, H9, CP2, CP4, CP5, CP11, CP16 and T1 of the Carlisle District Local Plan Revised Redeposit Draft.

Principle of Development

Planning Policy Guidance 3 (PPG3) (Housing) is the primary Government policy document that relates to this proposal. The policy encourages Local Planning Authorities (LPAs), in order to maximise the potential of the land resources and to reduce the amount of greenfield land being development, to promote the reuse of previously developed land. The use of brownfield sites further contributes to a co-ordinated spatial strategy and promotes regeneration.

The site is allocated under Policy H2 of the adopted Carlisle District Local Plan as a Primary Residential Area. This policy supports the residential development where the relevant policy criteria can be met. Furthermore, policies also support the backland development, again, where the relevant criteria can be met.

Members will note from the planning history, that although the Council refused an outline application for residential development in 2002; the applicant challenged the decision and the proposal was subsequently allowed at appeal. A copy of the Inspector's decision notice is reproduced following this report for Member's information and attention. Consequently, the principle of residential development on the site has been established and there has been no material alteration in planning policies sufficient to warrant refusal of the application.

Density

Advice regarding the density of new residential development is provided within PPG 3. Local Plan policies advocate, in order to maximise the best and most efficient use

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of land, that a density of between 30 and 50 units per hectare is secured in new housing development. Proposals should also be reflective of the character of the surrounding built environment. Paragraph 58 of PPG3 continues along the same vein insofar that it states that LPAs should "*seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors*".

The site area measures approximately 0.27 hectares and the indicative plans illustrate a total of 11 no. dwellings on the site. This equates to approximately 40.7 dwellings per hectare which is within the Government guidelines; furthermore, given the physical constraints of the layout of the site and the surrounding development, this is considered to be appropriate and would be complementary to the character of the surrounding residential area and the living conditions of the neighbouring residents.

Affordable Housing

Circular 06/98 and PPG3 establishes that a community's need for low cost/ subsidised housing is a material planning consideration. The Government's advice recognises that it may be desirable in planning terms for new housing on sites which are large enough to incorporate a reasonable mix and balance of house types and sizes to cater for a range of housing needs. Paragraph 10 of Circular 06/98 explains that the seeking of affordable housing should generally only be applied to housing developments of 25 or more dwellings or residential sites of 1 hectare or more. Decisions about what affordable housing types should be built should reflect local housing need and individual site suitability and be a matter for discussion and agreement between the parties involved provided that it will contribute to satisfying a local need for affordable housing as demonstrated by a rigorous and realistic assessment of local need.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings and where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

Further advice on this matter is being sought from the Council's Housing Enabling Officer but it is considered that either an element of affordable housing or a contribution can be obtained from the development.

Effect on the Living Conditions of Occupiers of Neighbouring Properties

Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Furthermore, Policy H2 of the Local Plan and Policy H2 of the Local Plan Redeposit Draft allow for the principal of residential development, subject to the consideration against the relevant policy criteria and against other relevant Policies within the Plan. One of the criteria being that the living conditions of the occupiers of adjacent residential properties is not adversely affected by the proposed development. This is echoed

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and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

Scale and Design

In addition to living conditions of the occupiers of neighbouring properties, policies also require that any development proposal should have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing. Although the application has been submitted in outline form only, the floor plans enclosed within the application details illustrate that the dwellings would be 2 storeys in height. The surrounding area is characterised by 2 storey semi-detached properties and the proposal, by virtue of the layout, scale and massing would not result in a discordant feature that would be detrimental to the living conditions of the occupiers of these adjoining properties.

Particular regard has been paid to the requirement to ensure that residential amenity is not compromised and a minimum distance of 21 metres is provided between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property.

Safe Environment

Policy CP4 of the emerging Local Plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. Paragraph 56 of PPG3 requires that Local Planning Authorities should "*promote designs and layouts which are safe and take account of public health, crime prevention and community safety considerations.*"

At the time of writing this report, a formal response is awaited from Cumbria Constabulary's Architectural Liaison Officer. Nevertheless, the proposed layout does not allow for permeability through and within the site and the development would not be susceptible to intrusion by non-residents. Accordingly, this would not result in an increased risk of crime and fear of crime, in accordance with the objectives of current planning policies and to Section 17 of the Crime and Disorder Act 1998.

Transport

At the time of writing this report, a response is awaited from the Highway Authority; however, the application seeks to provide 1no. parking space per dwelling with the addition of 6no. visitor spaces. The layout and parking provision is considered to be acceptable with the latter being in excess of what is required to be provided in this urban location.

Other matters

Members will note from the letters of objection, that particular reference is made to

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the wildlife within the site and the nature conservation value of the land. This issue is specifically addressed in the Inspector's decision letter where she states that:

"Although I have no doubt that this overgrown strip supports a variety of small animals and birds, I am not aware that it has any special value as a site for nature conservation which would warrant its protection for such purposes."

In order to obtain access to the site, the applicant proposes to demolish numbers 69 and 71 Mardale Road. Whilst these are currently in separate ownership, the applicant has served the appropriate notice that a planning application has been submitted and it is then the responsibility of the applicant to ensure that he has the necessary consent to implement any planning permission. This is a civil matter and not one that is relevant to the consideration of this application.

Conclusion

In overall terms, the principle of development is still acceptable. The proposal does not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and overall density of the development is appropriate to the character of the surrounding area. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Human Rights Act 1998

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

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

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

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

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

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.

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Recommendation: Grant Permission

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

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

2. Before any work is commenced, details of the layout, scale, appearance, 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 development hereby approved shall provide for a maximum of 11 dwellings to be laid out in general accordance with the indicative plan number 01/471/02A submitted with the application.

Reason: In order to ensure a satisfactory form of development in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

4. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc.) Soft landscape works shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory form of development in accordance with the objectives of Policy H2 of the Carlisle District

SCHEDULE A: Applications with Recommendation

06/1249

Local Plan.

5. The reserved matters required by condition 1 above shall include the height and materials of the screen walls and/ or boundary fences to be provided along the boundary with dwellings in Mardale Road to mitigate the impact of the access road.

Reason: In order to ensure a satisfactory form of development in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

6. The details required by condition 1 shall include the relative heights of the existing and proposed ground levels and height of the proposed floor levels of the dwellings.

Reason: In order to ensure a satisfactory form of development and to safeguard the living conditions of the occupiers of adjoining residential properties in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

7. The details required by condition 1 above shall include longitudinal/ cross sections of the carriageway of the proposed access road and associated footways and no work shall commence until full specifications have been approved in writing by the Local Planning Authority. The details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason: In order to ensure a satisfactory form of development in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

8. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to and approved in writing for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7 and Structure Plan Policy L49.

9. No dwellings shall be occupied until the estate road which serves them has been constructed in accordance with the approved plans to base course level and any street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

10. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been

SCHEDULE A: Applications with Recommendation

06/1249

approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accordance with Policy E22 of the Carlisle District Local Plan.

EDGES LEVEL APPROX. 4' ABOVE G.L.
 RIDGE HEIGHT APPROX. 6' 5" ABOVE G.L.

Proposed entrance from
 Mandale Road in compliance
 County Council Highway
 requirements. Estate Road
 in accordance with Cummins
 Design Guide Jan. 1987.

Dwellings on Mandale Road.

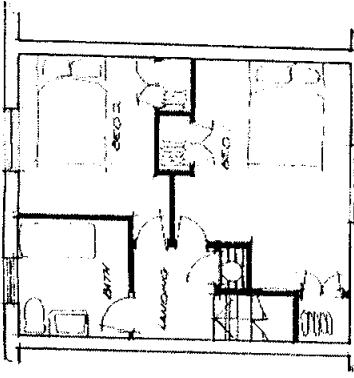
School playing field

Block Plan 1:500m

06/12/99

Client
 Amco Management
Development
 Dwellings, land at Mandale Road
 And Wigton Road, Carlisle.
Drawing 06/87A/01
 Site Layout
Scale
 As Shown
Alan Fox Design,
 29, Croft Avenue,
 Penrith,
 CAl1 7RG.

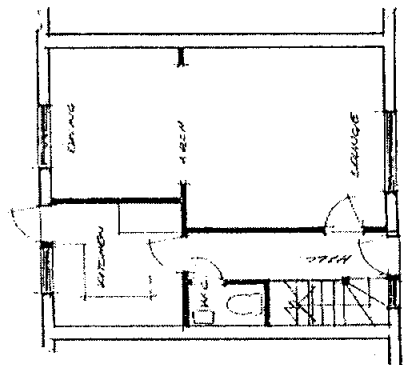
Extract from O.S. Site Location 1:25000m



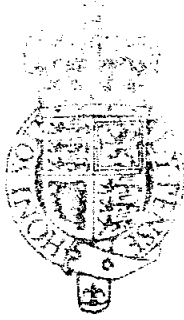
First Floor Plan

Legend

- f No Dwelling units with one parking each plus 6 to Visitor parking.
- Footways generally 1.2m or 1.5m as shown or as agreed.
- Roadway 4.5m or 4.8m as indicated
- Radius of road to be 6m or as agreed.
- Distances from existing dwellings as shown
- Minimum distance from front of dwelling to adjacent gable :12m.
- All parking spaces to be 2.4m x 4.8m.



Ground Floor Plan



Appeal Decision

Site visit made on 25 March 2003

by **Leonora J Rozee** BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

08 APR 2003

Appeal Ref: APP/E0915/A/02/1104601

Rear of 114 Wigton Road and 69-71 Mardale Road, Carlisle

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Peacock against the decision of Carlisle City Council.
- The application (Ref. 02/0647), dated 30 May 2002, was refused by notice dated 15 November 2002.
- The development proposed is development of low cost housing.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issues

1. The main issues in this case are:
 - i. the impact of the proposed development on the character and appearance of the locality; and
 - ii. the impact of the proposal on the occupants of properties in Mardale Road which back onto the site.

Planning Policy

2. The relevant Development Plan policies in this case are Policies H2 and H11 of the Carlisle District Local Plan. Policy H2 favours residential development providing 4 criteria are met. These are: safeguarding existing areas of open space (1), protecting/complementing and enhancing residential amenity (2/3) and the provision of satisfactory parking arrangements. Policy H11 sets out 4 criteria to be met which cover similar matters but also include the requirement that the scale, design and siting of a proposal is appropriate for the site and in keeping with the character and quality of the local environment.

Reasons

3. The appeal site comprises a fairly narrow strip of former garden land lying to the rear of 114 Wigton Road. It has been separated from the present garden of that dwelling by a new wooden fence approximately 1.8 metres in height. Included in the site are 2 dwellings (Nos 69 and 71 Mardale Road) through which it is proposed to create access into the site from Mardale Road. The majority of the site is overgrown with rough grass, brambles and semi-mature trees. It is overlooked by several houses in Mardale Road which back on to the land and the land is also bounded by the playing fields of St Bede's School. I note that many of the objectors refer to the nature conservation value of the land. Although I have no doubt that this overgrown strip supports a variety of small animals and birds, I am not aware that it has any special value as a site for nature conservation which would warrant its protection for such purposes.

Issue i – impact on character and appearance

4. The locality of the site is essentially residential, comprising mainly semi-detached houses in an estate layout. In my view, the proposal for 11 small semi-detached and terraced houses, as shown in the indicative layout, would not be out of keeping with this character. The Council describe the layout as 'regimented and unattractive'. Clearly, the shape of the site dictates a layout which is, perhaps, a little unexciting. Nevertheless, the layout reflects the character of this locality. Care in the detailing of the development, including hard and soft landscaping and the use of materials, would ensure that the principles of good design were capable of being met at reserved matters stage. Accordingly, I see no reason to resist the development of the site on the grounds that it would fail to achieve the principles of good design.
5. Although the land is open in the sense that it is not developed, it seems to me that it has little value as an open space other than to provide the houses in Mardale Road which back onto it with a pleasant outlook. It is wholly enclosed and there is no particular view of the land from public places outside the site. It is my opinion that this is just the sort of land which PPG3 envisages could be developed to make best use of urban land. Neither the loss of trees and vegetation on the land nor the loss of its openness would have a materially harmful effect on the character and appearance of the area.

Issue ii – impact on the neighbouring residents

6. The Council acknowledge that their required minimum distance of 21 metres between facing houses can be achieved in order to protect the privacy of those overlooking the site. As to the access road, this is proposed to be sited close to the rear gardens of the adjoining houses in Mardale Road. The use of this road could cause some disturbance to these neighbours. However, it is not uncommon in urban areas for residential accesses to pass along the rear of dwelling plots. I consider that, with the erection of appropriate screening along the boundary to mitigate the effects of the road (such as a screen wall or fence designed to minimise noise penetration), a matter which can be covered by condition, I am satisfied that this site could be developed in a way which need not be materially harmful to the occupants of dwellings in Mardale Road.

Other matters

7. I note the concern of the Governors of the adjoining St Bede's School. However, I see no reason why the proposed development should impact harmfully upon the school or the children. The increase in traffic from 11 small dwellings (as shown on the indicative plans) would be unlikely to materially affect traffic conditions in the locality, or close to the school entrance where children would congregate. As to security, the presence of dwellings on the site could help in maintaining the security of the school premises.

Conditions

8. The Council suggest 13 conditions be imposed if permission is granted. These include conditions required by statutory consultees such as the Environment Agency and the highway authority. Apart from the usual reserved matters, the conditions include landscaping, details of any screen walls or boundary fencing, the materials to be used in the development and details of the access road. The matters covered by the suggested conditions, including a limitation on the number of dwellings and their layout in general

accordance with the indicative plan submitted with the application, are necessary to secure a satisfactory development. However, where appropriate, I have amended these to reflect the model conditions in Circular 11/95 and to avoid repetition eg materials will be covered by the standard reserved matters condition.

Conclusions

9. I conclude that this development would not conflict with Policies H2 or H11 of the Local Plan. I appreciate the concern of those who have enjoyed the open aspect provided by the site and do not wish to lose this. I am also aware that a petition containing 63 signatures has been submitted opposing the development. However, this is an area of land which can help to provide additional small dwellings in accordance with relevant policies in the Development Plan. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

10. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the development of low cost housing on land rear of 114 Wigton Road and 69-71 Mardale Road, Carlisle in accordance with the terms of the application Ref. 02/0647 dated 30 May 2002, and the plans submitted therewith, subject to the following conditions:
 - 1) Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with these details.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The development hereby permitted shall be begun either before the expiration of five 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 to be approved, whichever is the later.
 - 4) The development hereby approved shall provide for a maximum of 11 dwellings to be laid out in general accordance with the indicative plan number 01/471/02A submitted with the application.
 - 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Soft landscape works shall include schedules of plants, noting species, plant sizes and proposed numbers/densities. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
 - 6) The reserved matters required by condition 1 above shall include the height and materials of the screen walls and/or boundary fences to be provided along the boundary with dwellings in Mardale Road to mitigate the impact of the access road.

- 7) The details required by condition 1 shall include the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings.
- 8) The details required by condition 1 above shall include longitudinal/cross sections of the carriageway of the proposed access road and associated footways and footpaths and no work shall commence until full specifications have been approved by the local planning authority. The details shall be in accordance with the standards laid down in the current Cumbria Design Guide.
- 9) Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. The details of these ramps shall be submitted as part of the reserved matters referred to in condition 1 above.
- 10) No dwellings shall be occupied until the estate road which serves them has been constructed in accordance with the approved plans to base course level and any street lighting has been provided and brought into full operational use.
- 11) No development shall commence until details have been submitted to, and approved by, the local planning authority of a scheme for the disposal of foul and surface water. No dwellings shall be occupied until the scheme has been completed in accordance with the approved details.

Information

11. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
12. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
13. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.



INSPECTOR

SCHEDULE B: Reports Requiring Further Information

06/1290

Item No: 11

Date of Committee: 15/12/2006

Appn Ref No:
06/1290

Applicant:
Lovell Partnerships
Limited

Parish:
Carlisle

Date of Receipt:
07/11/2006

Agent:
Ainsley Gommon
Architects

Ward:
Morton

Location:
Land at Barras Close, Barras Close, Carlisle

Grid Reference:
338386 554235

Proposal: Demolition of 40 flats and 54 garages, residential development of 49 new properties

Amendment:

1. Revision D to Plan PL02 showing houses on plot numbers 22 and 23 resited to achieve minimum separation from existing houses.

REPORT

Reason for Determination by Committee:

This application is brought for the determination of the Committee as it is anticipated that a petition opposing the proposed development will be submitted prior to the end of the period for representations.

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

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

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

1. existing areas of open space and other amenity areas are safeguarded; and
2. the proposed development does not adversely affect the amenity of adjacent residential property; and

3. the proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. satisfactory access and appropriate parking arrangements can be achieved.

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP9 - Sustainable Drainage Systems**

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion**

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people

should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP15 - Public Transport, Pedestrians and Cyclists

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC8 - Rights of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an

alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC2 - Primary Leisure Areas

Within Primary Leisure Areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Development or change of use of Primary Leisure Areas to non-sport or recreation uses will not be permitted unless:

1. an alternative open space can be provided which is equivalent in terms of size, quality, accessibility, usefulness and attractiveness; or
2. the Open Space, Sports and Recreational Facilities Audit indicates that the ward has a surplus of open space.

The Local Planning Authority will aim to achieve the following standards of recreational open space provision:

- 3.6 hectares of land/1000 population of informal and formal grassed, wooded or landscaped land, and small amenity areas of public open space;
- 1.86 hectares of playing pitches/1000 population;
- all dwellings should be within 3km of an open space of at least 20 hectares which provides general facilities for recreational activity within a landscaped setting;
- all dwellings should be within 1km of an open space of between 5 and 20 hectares which provides general facilities for recreation provision within a landscaped setting;
- all dwellings should be within 400 metres of an open space of between 2 and 10 hectares which caters for informal recreational needs;
- all dwellings should be within 200 metres of a small formal or informal open space between 0.2 and 2 hectares that is suitable for informal use and has high amenity value.

Permission will not be given for development where it would lead to a reduction in the target for recreational open space provision/1000 population in the ward in which it is proposed.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC3 - Amenity Open Space

Permission will not be granted for development that would result in the loss of amenity open spaces within settlements.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - Planning Out Crime

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

The following points should be applied to all development proposals:

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

Carlisle District Plan Housing - Proposal H2

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

**Carlisle District Plan
Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

**Carlisle District Plan
Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Plan
Transport - Proposal T15**

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

**Carlisle District Plan
Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**Carlisle District Plan
Environment - Policy E24**

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

**Carlisle District Plan
Leisure - Proposal L2**

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

**Carlisle District Plan
Leisure - Proposal L5**

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

**Carlisle District Plan
Leisure - Proposal L8**

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements and wherever possible with 0.5 km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

**Carlisle District Plan
Leisure - Proposal L9**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Plan Leisure - Proposal L11

In the event of playing fields becoming genuinely surplus to requirements, proposals for their development will only be acceptable where:

1. There is no significant loss of amenity to the surrounding area;
2. The proposal is in keeping with the character of the surrounding area;
3. Adequate access and appropriate car parking can be achieved;
4. Any increased traffic generation can be accommodated by the existing highway network;
5. Appropriate landscaping is an integral part of the scheme.

Cumbria & Lake District Joint Structure Plan Policy 32

On large housing developments some provision should normally be made through negotiation for affordable housing to meet proven local needs.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST5 : New development and key service centres outside the Lake District National Park

New development will be focused on the key service centres as set out below:

	Development emphasis	Major development of regional towns and cities	Sustained development of large towns	Moderate development appropriate to scale of town
City of Carlisle	Fostering regional role see Policy ST8	Carlisle		
North Cumbria	Sustaining rural services see Policy ST9			Brampton, Longtown, Wigton
Furness and West Cumbria	Securing regeneration see Policy ST10	Barrow In Furness	Maryport, Ulverston, Whitehaven, Workington	Aspatria, Cleator Moor, Cockermouth, Dalton in Furness, Egremont, Silloth, Millom
South and East Cumbria	Meeting local needs, see Policy ST11		Kendal, Penrith	Alston, Appleby, Grange over Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe

The scale of development should be appropriate to the size and role of each key service centre and reflect the development emphasis of Policies ST8 – ST11, but as a minimum requirement provision should be made in each key service centre for:

1. a supply of new housing over the whole plan period,
2. an appropriate supply of readily available land in the Local Employment Site market sector,
3. a high level of transport accessibility, and
4. the ability to connect to high speed communications technology.

To ensure consistency with policies EM13 and H17 it will be the role of Local Planning Authorities to manage the above supply of land, particularly in areas of

high demand to avoid over provision of development.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST8: The City of Carlisle

The City of Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. A range of employment opportunities including a Regional Investment Site at Kingmoor will be provided. Opportunities will be taken to strengthen links to employment uses at Kingmoor by all forms of transport. The role of Carlisle airport and its potential for contributing to economic activity within the city will be supported. New housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. In accommodating new development regard should be had to the city's historic character.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy H18: Targets for the recycling of land and buildings

During the period 2002 to 2016 at least 50% of housing constructed in Cumbria should use previously developed land and buildings. To achieve this, the following local targets will apply to planning permissions granted in the period 2002 to 2016:

	%
City of Carlisle	65
North Cumbria	
Allerdale	40
Carlisle	40
Furness and West Cumbria	
Allerdale	70
Barrow	85
Copeland	70
South Lakeland	50
Southe and East Cumbria	
Eden	30
South Lakeland	50

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy H19: Affordable housing outside the Lake District National Park

Affordable housing to meet proven local need will be provided through:

1. the provision of an element of affordable housing as part of residential or mixed use development of sites of more than 0.4 hectares or 10 or more dwellings, or
2. the development of affordable housing in rural sites considered an exception to normal planning policy contained in Local Plans.

Adequate arrangements must be made to ensure that the housing remains available on an affordable basis for local people in perpetuity.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy H23: Housing renewal

Measures to improve the existing housing stock through housing refurbishment, renewal, and clearance will be supported particularly within the City of Carlisle and Furness and West Cumbria. Clearance will be undertaken where there are problems with housing that is unfit, beyond economic repair, life expired, unsuitable for modern living, in areas of extremely low demand or it is necessary for the better functioning of local housing markets or the overall improvement and regeneration of an area.

Summary of Consultation Responses:

Carlisle Housing Association: Reply awaited

Commercial & Technical Services - Drainage Engineer: Reply awaited (Unlikely to differ from the response to the previous (similar)proposal which was as follows:

'The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to an existing system. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal, as this is the most sustainable method.

Public sewers run across the site and as such the applicant should contact United Utilities for further advice.

Have no knowledge of flooding issues at this site'.

United Utilities (former Norweb & NWWA): **United Utilities (former Norweb & NWWA):** Have no objection to the proposal provided the site is drained on separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewer, the discharge rate will be determined by United Utilities.

Several public sewers cross the site and UU will not permit building over them. We will require an access strip of no less than 6m wide, measuring at least 3m either side of the centre line of the sewer, for maintenance or replacement. If diversions of the affected public sewer are required it will be at the applicants expense. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Wastewater Adoptions Engineer as a length lead in period may be required if a sewer diversion proves to be acceptable. It seems apparent from the proposed layout drawings, that the client may wish to formally abandon some of the public sewers located within this site.

It should also be noted that United Utilities assets should be adequately protected at all times throughout the duration of the proposed works.

Cumbria Constabulary - Crime Prevention: Comment on aspects of the proposed development as follows:

Development Layout and the Establishment of Defensible Space

In my opinion, the omission of the proposed footpath link greatly enhances the overall security of the proposed development. The Council's objective is to create an environment which encourages neighbourliness and a mutual responsibility.

(Designing Out Crime in Residential Areas (DOCRA 3.1)

The intention is to discourage non-residents, so that any visitor shall be more prominent in an effort to make potential intruders feel conspicuous.

This arrangement establishes an area, which is clearly semi-private, which is termed as defensible space. It appears the proposed link has been left as vacant space, intimating it has been earmarked for another purpose. I suggest the space should be divided between the adjoining dwellings to define ownership.

Defensible space should be further enhanced by the clear demarcation of semi-public and private space using low physical boundaries (hedges, walls or fences) to define the front curtilage. Statistics show that the majority of domestic burglaries occur via a rear or side door or window. Therefore, the boundaries to the rear and between each dwelling should be substantial to prevent intrusion and deter roaming between gardens. I recommend vertical close-boarded timber fencing, to 1.8m.

Lovells state they intend providing only 1200mm post and rail or 'hit and miss' fencing between dwellings, claiming that this arrangement encourages neighbourliness. This arrangement is not substantial enough and is merely a more cost-effective method of defining garden boundaries.

DOCRA 7.5

'Vulnerable areas, including rear and side gardens, may need more defensive barriers, which should ideally be 1.8m or with 0.3m trellis on top'.

Car Parking

Although none of the dwellings have garages, I am encouraged to note to the off-street car parking arrangements. Car parking spaces are generally located towards the front of the dwellings, where they can be more easily overlooked by their owners. However, where car parking is provided between the dwellings, it is noted that none of the house types have any windows in the gable end walls, which restricts the opportunities for natural surveillance. This vulnerability recently became apparent to a resident of Sheehan Gardens, whose vehicle was subjected to malicious damage. Although the vehicle was parked within the garden curtilage, it could not be observed from inside the dwelling.

Statistics from the British Crime Survey 2005 show that approximately 65% of all vehicle related crime occurs within residential areas. However only 2% occurs within a garden curtilage or garage. These figures reinforce the concept of establishing private garden spaces to deter crime.

Landscaping

The proposed development shall be extensively landscaped. The Design and

Access Statement advises:

"The choice of species has been selected and arranged to provide landscape structure, privacy for residents and habitat for wildlife".

DOCRA 7.1 states:

"...Landscaping schemes can improve and enhance the attractiveness of an area. However, such schemes should avoid creating hiding places and should not prevent good visibility, especially in areas adjacent to dwellings, footpaths and car parking areas".

Physical Security

I recommend the incorporation of security standard exterior doors and windows. In the case of single leaf and double leaf (french doors) arrangements, products should be certified to BS PAS 24. All ground floor windows should be certified to BS 7950. All glazing at ground floor should be a laminated type, to at least 6.4mm.

Environmental Protection Services: Reply awaited

Environment Agency (N Area (+ Waste Disp)): Advise that the comments in response to the previous planning application remain valid for this application. The previous comments were as follows:

' The site is located within Flood Zone 1 as defined in Table 1 of PPG25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at little or no risk of flooding from River, tidal and coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence.

Within Flood Zone 1, primary flood risk from new development is that posed either to the site or others by increases in surface water run off. Development within this category can generate significant volumes of water. The impact and risks posed by this will vary according to the characteristics of the development itself i.e. the scale of impermeable surfacing and of the catchment concerned i.e. catchment size, distance from local watercourses, capacity of local watercourses, gradient, soil type etc.

The planning application states that surface water will be to 'existing mains drainage'. However, the existing site is to be demolished and the existing infrastructure is likely to be destroyed in the process.

Because there are known capacity problems in the receiving watercourse (Fairy Beck , a 'main river') it is vital that for a range of annual flow rate probabilities up to and including the 1% annual probability of occurrence (1 in 100 year event) the re-developed rate of run off into the receiving watercourse should be no greater than the existing for the same event.

As there is a potential for betterment, the volume of run off should be reduced where possible, primarily by the use of Sustainable Drainage Systems that deal with rainfall at source.

The Agency has no objections, in principal, to the proposed development but recommends that if planning permission is granted the following condition is included to reduce the increased risk of flooding by ensuring the provision of a satisfactory

means of surface water disposal.'

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works supported by a drainage impact assessment (DIA) has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

The Environment Agency note that a Geotechnical and ground Contamination Interpretive Report was enclosed with the application and if the Council are disposed to granting permission request the inclusion of a condition requiring a site investigation of potential on-site ground contamination.

Cumbria County Council - (Archaeological Services): Reply awaited (Previous reply stated 'no objections'.

Environmental Protection Services - Housing Strategy: Advise that most of the issues which they would wish to comment on are detailed in their response to the earlier application (06/690) which is as follows :

' Housing services' primary objection to the original planning application (05/0817), was the proposed demolition of a number of popular bungalows on Halin Crescent, as part of the proposed development. Pleased to see that the new plans would leave Hallin Crescent intact.

In the case of Barras Close, unfortunately, the cul-de-sac has suffered from significant levels of empty properties and high levels of tenancy turnover since at least the late 1990's, and is in obvious need of major remedial action. It is questionable whether carrying out improvements to the existing flats would succeed in regenerating the close, due to the concentration of 40 one-bed flats. This is not a popular property type and CHA in particular, but also other local RSLs, have had difficulties letting them, and more particularly in sustaining those tenancies, across Carlisle over recent years. Regrettably, therefore the demolition option may offer the best opportunity of securing community sustainability over the longer term, as the new development would be mixed tenure and encompass a range of property types.

A number of issues which would require further consideration are:

- The potential loss of 40 RSL units, which would only be replaced with 11 new social rented units. However, this would have to be viewed within the context that over half the flats are currently empty - many of which have not been occupied for several years.
- Presumably suitable accommodation has been identified for the transfer of all the existing tenants of Barras Close?
- The 11 new social units represent only just over 22% of the proposed scheme - compared with affordable housing target for new developments in the Housing Strategy of 25 to 30%. We would therefore recommend that a few of the 38 properties identified for open market sale should instead be sold on a shared equity basis to local people wanting to get onto the housing ladder, but unable to afford to buy a market property outright. We are committed to the developed of mixed sustainable communities and feel this would represent a valuable asset to the scheme.

- We would be interested to find out more about the proposed specification for the two bungalows. Presumably, these would be level access properties designed to meet the needs of the elderly or disabled - preferably designed to Lifetime Homes standards?
- Proposed demolition of 54 garages: there are already significant parking problems at Morton, contributing to difficulties faced by buses in negotiating the narrow streets. Will existing garage tenants be offered vacancies elsewhere on the estate, and will CHA/Lovells be contributing towards new parking bays?
- Wherever possible we would recommend that the affordable units should be 'pepper-potted' throughout the development rather than all located together. However, we do appreciate that the design of the site in relation to the flats and bungalows does limit the opportunity for tenure diversification in this particular scheme.

Housing Services however wish to re-iterate two points:

1. We are pleased to see that the revised application includes an additional rented unit – a 3-bedroom house (the rented element now being 12 of the 49 new properties). However, this is still just under 25% of the overall scheme and, in light of the number of affordable rental units being lost, we would like to raise the issue again of whether a few of the remaining 37 properties could be sold on a shared ownership or shared equity basis to help local people struggling to get onto the property ladder? This would be a valuable asset to the scheme, representing a major step towards developing a sustainable mixed community.

2. We previously recommended the two social rented bungalows should be built to a suitable specification (ideally Lifetime Homes standard) to meet the needs of elderly residents. We wondered if any progress has been made on this issue?

Planning Services - Local Plans:

Although part of the site is an area of open space, it is identified in the Local Plan as a Primary Residential Area. As such, Policy H2 lays down the principles for new residential developments in such areas. The site is not included in the Council's audit of open space, sports and recreational facilities, and from previous conversations with the Greenspaces Manager, there will be no objections to the loss of this area. As the proposal will incorporate new family housing, Policy LC4 of the Local Plan requires certain standards of play space provision. However, previous discussions have indicated that it would not be appropriate to provide play space within the site, and that a commuted sum towards the provision of such a facility on nearby land at Westrigg Road/Seatoller Close would be the most appropriate solution.

With regards to the affordable housing requirement, Policy H5 seeks a contribution from a range of sites including those of 10 units or over. The Council's Housing

Strategy sets the affordable housing target on all sites across the city at between 25 – 30%. The proposed scheme represents a solution of slightly less than this figure, and I would endorse the comments from Housing Services that a number of properties identified for open market sales should be sold instead on a shared equity basis to local people identified as in need.

Planning Services - Local Plans (Trees): The scheme as amended covers very much the same area as the previous schemes for 05/0817 and 06/960 and subsequently comments are very much along the same lines as for this application.

1. There are no trees with enough amenity value to merit a tree preservation order.
2. Loss of the small and medium sized existing trees could be compensated for in the landscaping plans.
3. A detailed landscaping scheme will need to be submitted for approval. Where practical, boundary trees and shrubs should be retained.

Cumbria County Council - (Highway Authority): Reply awaited.

(Parks & Countryside - Landscape Services) Community Services - Greenspace Team: Advise that a commuted sum of £80,926 will be required as a contribution to the provision and ongoing maintenance of public open space/play facilities elsewhere.

Development Services Planning & Housing Services - Urban Designer: Reply awaited.

Ramblers Association: Reply awaited. (Anticipate that they will object to the closure of the right of way as they had no objection to the proposal 'provided that a direct pedestrian link is maintained between Barras Close and Levens Drive (currently provided by Public Footpath No 109291)).'

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[Redacted]	1 Barras Close	14/11/06
[Redacted]	2 Barras Close	14/11/06
[Redacted]	23 Barras Close	14/11/06
[Redacted]	24 Barras Close	14/11/06
[Redacted]	25 Barras Close	14/11/06
[Redacted]	26 Barras Close	14/11/06
[Redacted]	27 Barras Close	14/11/06
[Redacted]	28 Barras Close	14/11/06
[Redacted]	29 Barras Close	14/11/06
[Redacted]	30 Barras Close	14/11/06
[Redacted]	31 Barras Close	14/11/06
[Redacted]	32 Barras Close	14/11/06
[Redacted]	33 Barras Close	14/11/06
[Redacted]	34 Barras Close	14/11/06
[Redacted]	35 Barras Close	14/11/06
[Redacted]	36 Barras Close	14/11/06
[Redacted]	46 Hallin Crescent	14/11/06

[REDACTED]	48 Hallin Crescent	14/11/06	
[REDACTED]	50 Hallin Crescent	14/11/06	
[REDACTED]	52 Hallin Crescent	14/11/06	
[REDACTED]	54 Hallin Crescent	14/11/06	
[REDACTED]	56 Hallin Crescent	14/11/06	
[REDACTED]	58 Hallin Crescent	14/11/06	
[REDACTED]	60 Hallin Crescent	14/11/06	
[REDACTED]	62 Hallin Crescent	14/11/06	
[REDACTED]	64 Hallin Crescent	14/11/06	
[REDACTED]	66 Hallin Crescent	14/11/06	
[REDACTED]	78 Levens Drive	14/11/06	
[REDACTED]	80 Levens Drive	14/11/06	
[REDACTED]	82 Levens Drive	14/11/06	
[REDACTED]	84 Levens Drive	14/11/06	
[REDACTED]	86 Levens Drive	14/11/06	
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[REDACTED]	90 Levens Drive	14/11/06	
[REDACTED]	92 Levens Drive	14/11/06	
[REDACTED]	94 Levens Drive	14/11/06	
[REDACTED]	96 Levens Drive	14/11/06	
[REDACTED]	98 Levens Drive	14/11/06	
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[REDACTED]	102 Levens Drive	14/11/06	
[REDACTED]	104 Levens Drive	14/11/06	
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[REDACTED]	39 Hallin Crescent	14/11/06	
[REDACTED]	41 Hallin Crescent	14/11/06	
[REDACTED]	43 Hallin Crescent	14/11/06	
[REDACTED]	45 Hallin Crescent	14/11/06	
[REDACTED]	47 Hallin Crescent	14/11/06	
[REDACTED]	The Chapel	14/11/06	Undelivered

[REDACTED], 7 Ashness Drive	14/11/06	
[REDACTED] 51 newlaithes Avenue	14/11/06	
[REDACTED] 45 Highfield Avenue	14/11/06	
[REDACTED] y, 6 Crosshill Drive	14/11/06	
[REDACTED] 114 Winscale Way	14/11/06	
[REDACTED] 3 Barras Close	14/11/06	Undelivered
[REDACTED] 4 Barras Close	14/11/06	Undelivered
[REDACTED] 5 Barras Close	14/11/06	
[REDACTED] 6 Barras Close	14/11/06	Undelivered
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[REDACTED] 8 Barras Close	14/11/06	Undelivered
[REDACTED] 8A Barras Close	14/11/06	Undelivered
[REDACTED] 8B Barras Close	14/11/06	Undelivered
[REDACTED] 8C Barras Close	14/11/06	Undelivered
[REDACTED] 8D Barras Close	14/11/06	Undelivered
[REDACTED] 9 Barras Close	14/11/06	
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[REDACTED] 17 Barras Close	14/11/06	Undelivered
[REDACTED] 18 Barras Close	14/11/06	Undelivered
[REDACTED] 19 Barras Close	14/11/06	Undelivered
[REDACTED] 20 Barras Close	14/11/06	Undelivered
[REDACTED] 21 Barras Close	14/11/06	Undelivered
[REDACTED] 22 Barras Close	14/11/06	Undelivered

Publicity was given to the proposed development by site notice and direct notification of neighbouring occupiers. The period for representations does not expire until 8/12/06 and at the time of writing this report two objections have been received.

One person objects to the proposed closure of the footpath link between barras Close and Leven`s road and the other is opposed to tree planting adjacent to their boundary. The concern of the latter is future overshadowing and nuisance from falling leaves.

A message has been received from Bat Helpline confirming that they have received calls from residents advising that bats have been seen coming out of (unspecified) houses.

It is understood that a petition will be submitted opposing the closure of the footpath link.

Details of Proposal/Officer Appraisal:

Planning History:

There have been two previous planning applications with regard to the redevelopment of this site.

05/817 (for the demolition of 7 bungalows, 40 flats and 27 garages and erection of 40 houses for sale and 4 bungalowws and 10 flats for CHA) was withdrawn.

06/960 (For the demolition of 40 flats and 54 garages and a residential development of 49 new properties) was refused by the Committee on 29th September for the reasons that (1) the proposed development involved the retention of a footpath link which would be likely to result in criminal and anti-social behaviour (2) there was inadequate distance between existing and proposed dwellings and (3) there was restricted and insufficiently accessible car parking.

Details of Proposal:

This is a revised application for full planning permission for the redevelopment of a site containing residential properties, open space and garages at Barras Close, Morton. The proposal involves the demolition of 40 one bedroom flats and 54 garages. 42 garages are contained within 3 blocks accessed from Levens Drive and the remainder, which lie behind the shops in Newlaithes Avenue, are accessed from Barras Close.

The site has been expanded to include (1) the former play area at the southern end of the site (2) a small triangular area (approximately 15 square metres) at the southern end of the access road to the rear of the shops in Newlaithes Avenue and (3) an area of open land (approximately 240 square metres) on the corner of Newlaithes Avenue and Barras Close.

Equipment from the play area has been removed and the entrance to the site secured against entry.

The 49 new dwellings will comprise:

- (1) 6 two bedroom flats and 2 two bedroom bungalows (at the entrance to the development)
- (2) 2 four bedroom terrace properties
- (3) 36 three bedroom semi-detached/terrace properties
- (4) 3 two bedroom terrace properties

The applicant advises that 12 houses will be for rent (2 bungalows, 6 flats, 3 two-bedroom houses and 1 three-bedroom house) and the remainder for sale. This is an addition of one house to be made available for rent - approximately 25% of the total replacement houses.

A Design and Access Statement, a Planting Schedule and an Executive Summary of a Geotechnical and Ground Contamination Report have been submitted with the application.

The Design and Access Statement sets out:

- (1) the background to the application
- (2) the key aspects of the design (including the incorporation of feedback from residents, who were consulted by the Tenant's Advisory Service)

(3) measures taken to provide easy, safe and inclusive access to, into and within buildings and;

(4) summarises the attributes of the new development.

The salient points are as follows:

1. Barras Close is a 1.12 Hectare housing site, served at its south-western end by Barras Close cul-de-sac which opens off Newlaithes Avenue. The site was originally developed with two storey council maisonettes, now transferred to Carlisle Housing Association. In recent years these maisonettes have proved increasingly hard to let as first floor maisonettes have become vacant, partly because of the lack of defensible private space and related security issues, linked to low demand for tenancies for maisonettes on the estate.

2. There are a number of garages, some arranged in courts, which have become a focus for anti-social behaviour. A detailed survey of the garage tenancies and the needs of the tenants have been undertaken by CHA, as well as a consultation with all the estate's residents carried out by TPAS for CHA.

3. The existing maisonettes and garages will be demolished and the resulting brownfield land and associated open space put back to beneficial use to provide this mixed tenure housing. The idea of reordering the maisonettes to provide refurbished houses was investigated. However because of their shape, area and construction this idea was economically unsustainable, and could not address the issues of the poor quality surroundings, or the means of funding the redevelopment.

4. The South-western end of the site is elevated, and has good views across the city to the hills beyond. The site is surrounded on the greater part of its perimeter by two-storey dwellings in terraces (this character and form is echoed within some areas of the new development to dovetail the regeneration area into the established estate identity), together with a section of existing access road at the back of the Newlaithes Avenue, shops and the lower northern end of the site adjacent to the Hallin bungalows.

5. The proposed redevelopment allows the whole site to be more efficiently laid out, with improvements to the boundary of the access road behind the shops, and improved security, with all dwellings having their own defensible spaces. All the highways and public footpaths are overlooked by the new dwellings, which are arranged to present rear boundaries to the gardens of the existing dwellings in the majority of cases.

6. The development has been laid out so that the new rented bungalows, flats and houses are grouped around the Barras Close entrance, with benefits in street security and views of neighbourhood activity for residents, and convenient access to local shops, whilst the commonality of house-types and designs between the rented and open market for sale properties presents a homogeneous layout, which does not differentiate the rented or for sale housing, within the street scene.

7. The original Barras Close road layout has been embodied in the layout, with a

shared surface extension serving the enclosing northern space. The garage court served from Levens Drive will be demolished and the footpath that served it will be closed to comply with Council Policy on Secure by Design.

8. The new extension to the cul-de-sac (which will also be shared surface) has been planned to create a well-overlooked secure space, domestic in scale, with low traffic speeds. The garage court off the Newlaithes shops access way is to be demolished as part of the redevelopment.

9. All new dwellings will have two dedicated off-street parking spaces within their boundaries, or in small courts that will be transferred to their ownership. The bungalows each have one dedicated parking space to disabled standards and the flats have 50% parking within their boundaries to disabled standards.

10. The incorporation of the peripheral land at the southern boundary, has presented a good opportunity to further enhance the development, whereby off road parking has been incorporated behind the proposed homes, with a positive effect on street-scene and adding further variance to the environmental planting scheme. The inclusion of this land addresses the concerns of the Council's internal consultees' by preventing incidental land being left behind by planning.

11. All houses will have enclosed private back gardens; the flats will have enclosed shared gardens. Each dwelling will have an 1800mm high close-boarded fence at interface boundaries with existing dwellings. At junctions with public spaces, back gardens' privacy will be protected by 2100mm high brick-walls. Running between the dwellings and the 1800mm high rear fences will be 1200mm high hit and miss fences, or post and rail fences. Front gardens have 900mm high railings at vulnerable corners, and protecting the bungalows and flats.

12. The open-plan front gardens will have hedges and shrubs to define defensible space. A variety of street and garden trees have been selected and arranged to provide landscape structure, privacy for the residents, and habitat for local wildlife. Trees will be planted as screens in back gardens, as well as in the front gardens and street margins. The plants are described in the plant schedule, and have all been selected to provide year round interest, and habitat for local wildlife.

13. The dwellings are all established Lovell designs, which have been designed to meet the latest Building Regulations. They will be constructed to robust standards to provide accommodation that is economical to run for the residents. They will be finished with facing bricks, with some contrasting brick panels to introduce accents, and interlocking concrete tile roofs.

14. Following the earlier application Carlisle Housing Association carried out a detailed consultation with all 19 residents of Barras Close between May 19th and June 7th 2006, using the Tenant Participation Advisory service. The consultation used open days and home visits, with all residents completing questionnaires, which were later analysed. Local neighbouring residents and interested individuals also visited the open days, and were able to comment on the proposals.

15. Many of the comments related particularly to the management of the process of redevelopment and its impact on residents. On specific design issues, such as the

need to position the flats and bungalows where they would not become a target for anti-social behaviour, the present layout addresses this concern. The housing mix required to re-house residents who wish to return to Barras Close in rented accommodation, have been met in the new proposals.

16. All of the new dwellings have been designed to accommodate wheelchair users, and have WCs on the ground floor to provide full mobility access. Access within the dwellings and the level access approach will be to approved document part 'M' of the building regulations.

17. All these new dwellings will provide significantly better accommodation than the maisonettes they replace, since they will all have a minimum of two bedrooms, level access, high levels of sound and thermal insulation, enclosed private space, and dedicated off street parking. The dwellings can be adapted to suit the needs of residents with particular needs. This was the promise that was made to estate residents, that all who wished to return to live on Barras Close would be accommodated in dwellings matched to their needs, and which is met in these new proposals

Lovell commissioned the Geotechnical and Ground Contamination report from White Young Green to identify any unforeseen problems that could affect the proposals. The report, dated July 2005, indicated that the site was suitable for redevelopment, with no potential flood risk, contamination or bearing capacity problems. A copy of the executive summary is attached to this application.

Officer`s appraisal:

Proposals were first submitted for Planning Approval (05/817) on 1st August 2005, and subsequently withdrawn on 9th December 2005, following a deferment by committee, to allow for further consultation with local residents and design development. In particular proposals for the demolition and replacement of the bungalows in Hallin Crescent caused concern to the Council. This concern was then addressed and a further application, taking account of this and the above community consultation, was made in late July 2006(06/960). A refusal was issued at committee on 29th September 2006 on the grounds that (1) the proposed development involved the retention of a footpath link which would be likely to result in criminal and anti-social behaviour (2) there was inadequate distance between existing and proposed dwellings and (3) there was restricted and insufficiently accessible car parking.

This new proposal, which takes account of matters raised by the former applications; continues in its intent to revive an area of failing housing within an otherwise well-established neighbourhood, by providing a mixed-tenure development of new housing for rent and for sale, with a diverse mix of 2 and 3 bedroom family homes, bungalows and flats, laid out to provide secure private space and attractive gardens in a landscaped setting.

With regard to the specific reasons for the refusal of the previous application (06/0960) the revised application:

(1) shows the footpath link between Barras Close and Levens Drive (but does not assign ownership of the land to a particular property).

(2) has reorientated the bungalow to face Barras Close

(3) has achieved the 21m minimum window separation throughout the site (except where houses are being re-built on the same site as demolished properties. In this situation the privacy of existing properties on Levens Drive is enhanced as the upper floor of the new properties will be a bedroom instead of the living room of the flats. Erecting the new houses in the same position as those demolished allows the existing road to be re-used).

(4) The distance between gables of houses has been increased to a minimum of 5.5 metres to provide accessible car parking.

To date consultees have raised mainly the same issues as were considered by the Committee in their deliberation of the previous application in September and which they refused for the specific reasons outlined above. No new issues have so far been raised on the amended proposals by objectors with the exception of the proposal to close the footpath link. Clarification was sought from the applicant on views raised by consultees including the footpath closure, proposals to accommodate displaced garage owners, the alleged presence of bats, housing strategy and measures for energy conservation and efficiency. The applicants response is attached to this report.

In the absence of further issues arising it is necessary for the Committee to focus on this issue and to decide whether they wish to:

(1) adhere to their previous decision to give substantial weight to the need to remove the possibility of the type of anti-social behaviour which has occurred elsewhere, or
(2) reconsider the advantages and disadvantages of closing the footpath links and the relative importance of (a) removing the potential for anti-social behaviour or (b) ensuring that the regeneration project goes ahead.

As there are objections to the closure, a public enquiry will be necessary, the outcome of which obviously cannot be predicted.

An update on outstanding consultations and representations will be presented to the Committee and a recommendation made.

Human Rights Act 1998

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

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

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

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

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

The proposal is being considered in terms of the above protocol.

Recommendation:

Reason for including report in Schedule B

A recommendation cannot be made on this application as (1) there are outstanding responses to consultations and (2) the period for representations does not expire until 8/12/2006.

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Job
1060/PL01

Barras Close, Morton, Carlsle

Drawing

Existing Layout

Scale

1:500@A3

Date

Nov 2008

Drawn

RMR/R

CM9

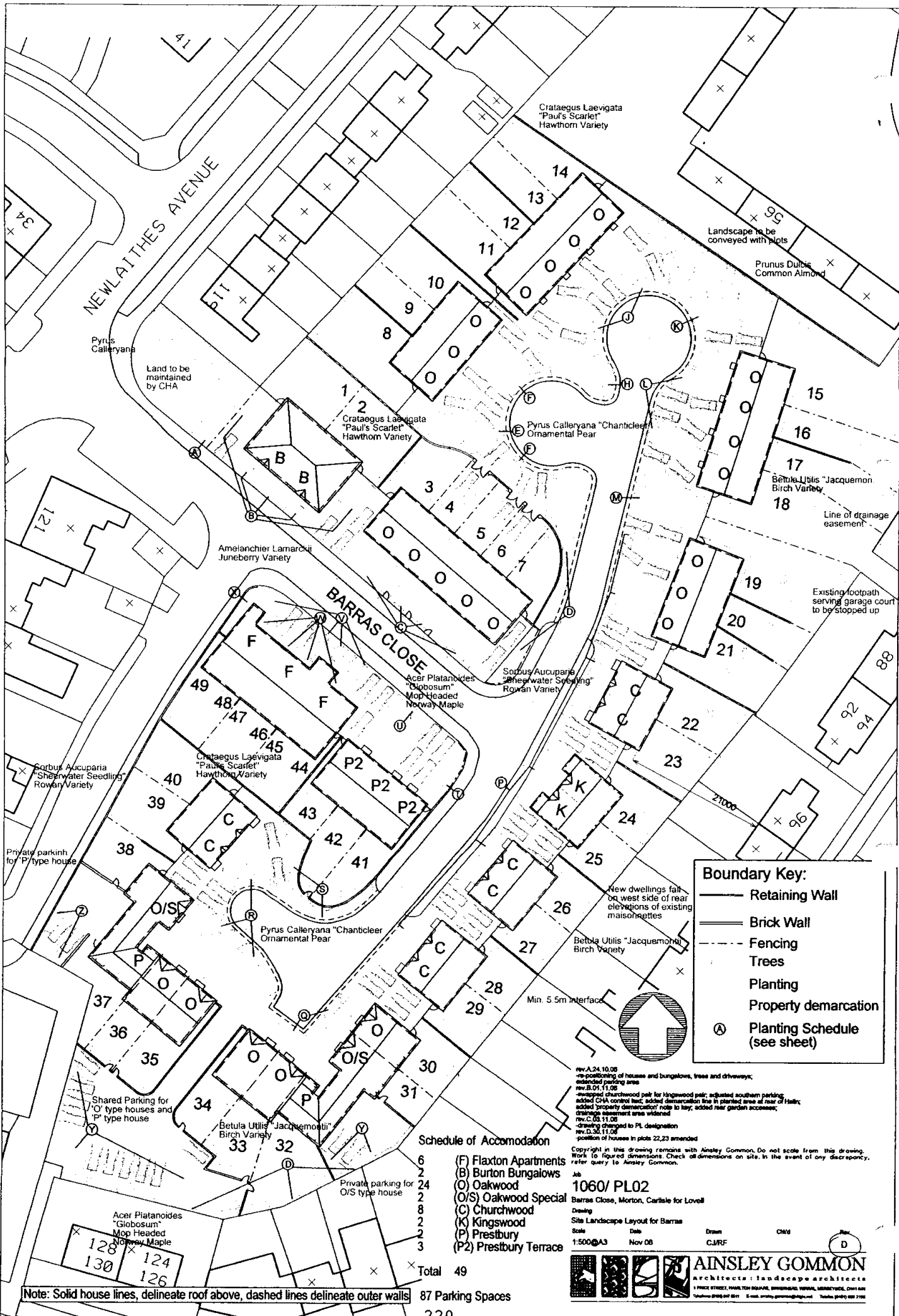
Rev



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NEWLATHES AVENUE

BARRAS CLOSE

Boundary Key:

- Retaining Wall
- Brick Wall
- Fencing
- Trees
- Planting
- Property demarcation
- Planting Schedule (see sheet)

Schedule of Accommodation

6	(F) Flaxton Apartments
2	(B) Burton Bungalows
24	(O) Oakwood
2	(O/S) Oakwood Special
8	(C) Churchwood
2	(K) Kingswood
2	(P) Prestbury
3	(P2) Prestbury Terrace
49	Total

rev.A.24.10.08
re-positioning of houses and bungalows, trees and driveways;
extended parking area
rev.24.01.11.08
re-wrapped churchwood path for Kingswood pair; adjusted southern parking;
added CHA control fence; added demarcation line in planted area at rear of Hall;
added 'property demarcation' note to lay; added rear garden screens;
drainage easement area widened
rev.C.03.11.08
drawing changed to PL designation
rev.D.30.11.08
position of houses in plots 22,23 amended

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Job
1060/ PL02
Barras Close, Morton, Carlisle for Lovell

Drawing
Site Landscape Layout for Barras

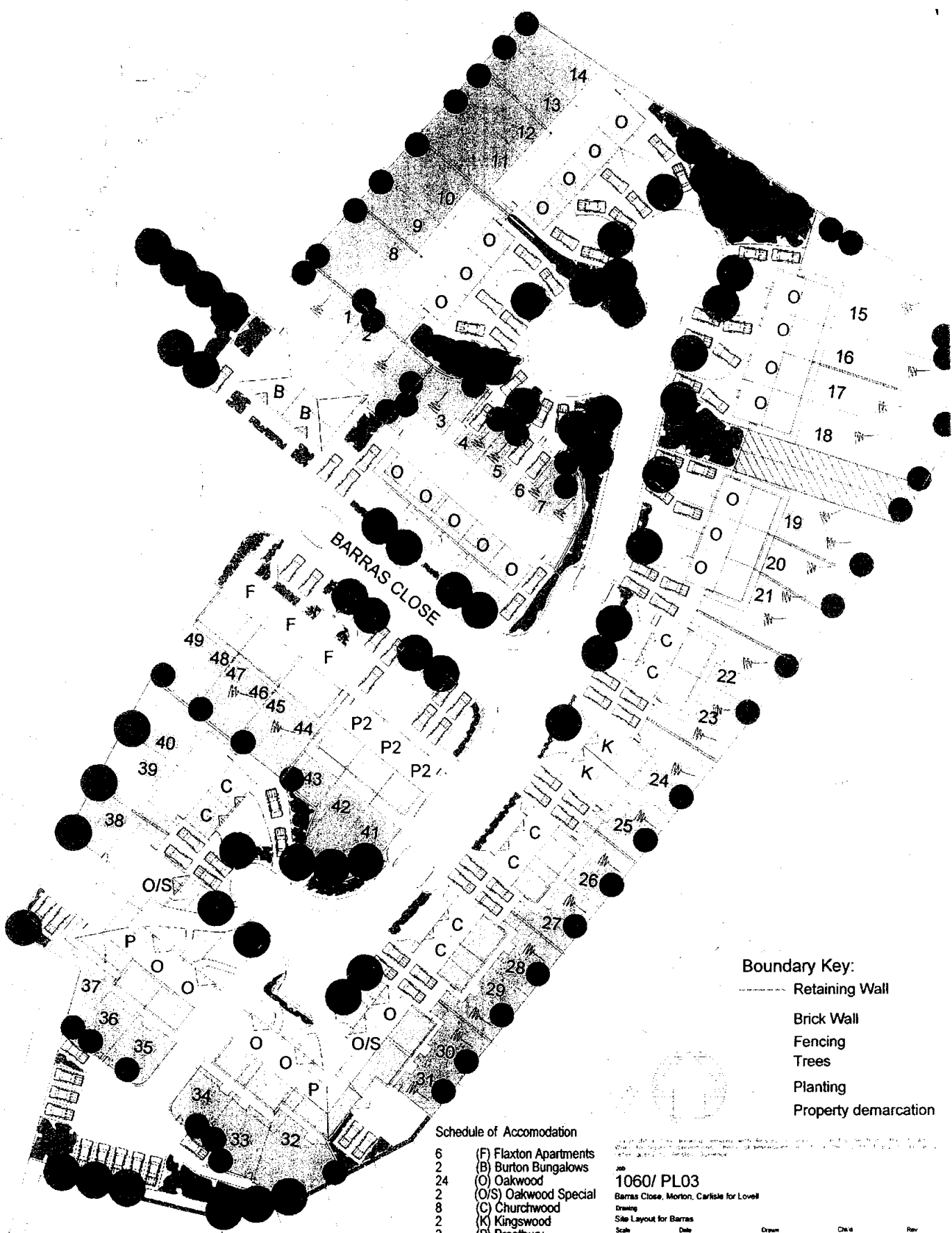
Scale Date Drawn
1:500 @ A3 Nov 08 CJ/RJF CHW

AINSLEY GOMON
architects : landscape architects

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Note: Solid house lines, delineate roof above, dashed lines delineate outer walls

87 Parking Spaces
220



Boundary Key:
 - - - - - Retaining Wall
 Brick Wall
 Fencing
 Trees
 Planting
 Property demarcation

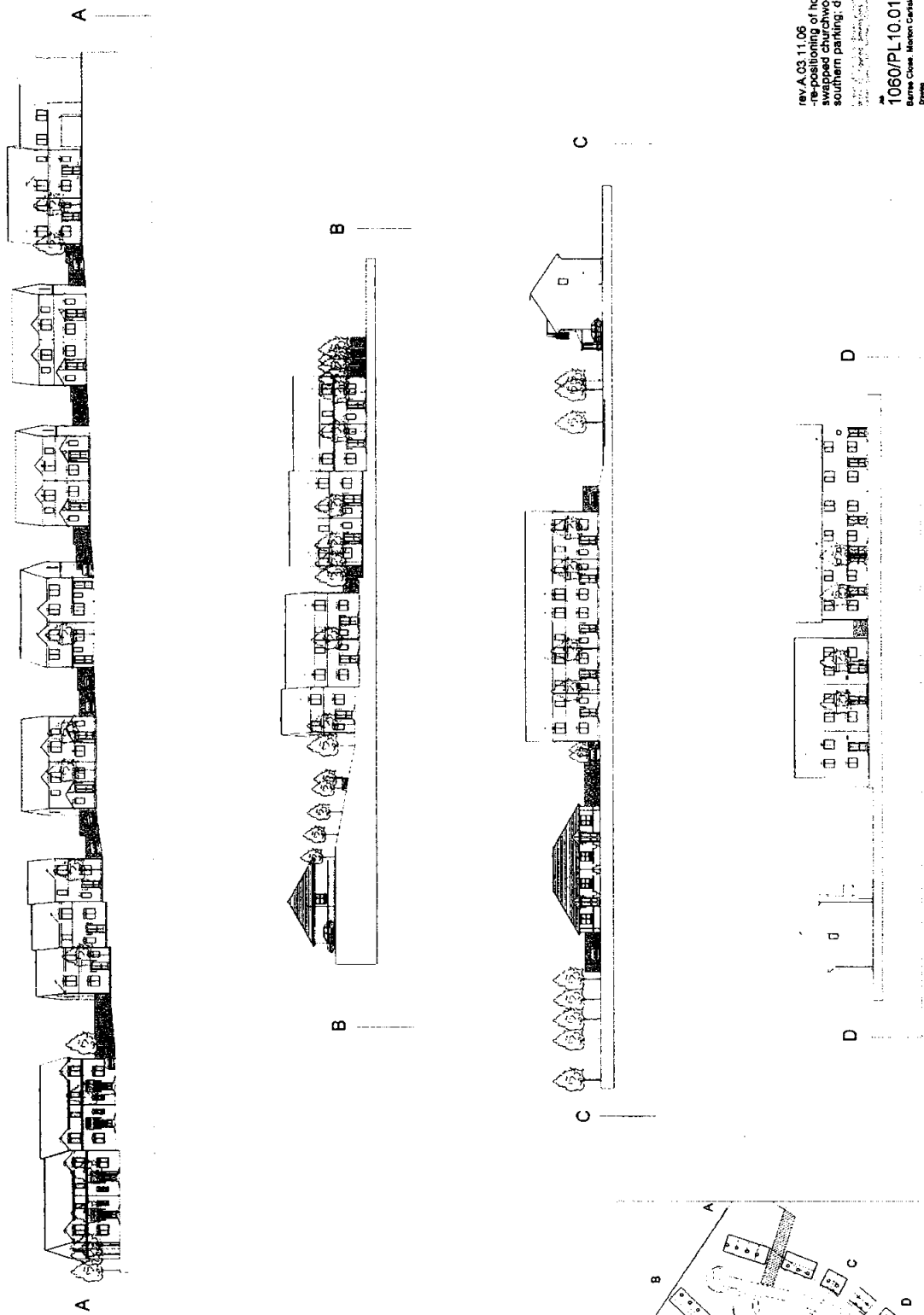
Schedule of Accomodation

6	(F) Flaxton Apartments
2	(B) Burton Bungalows
24	(O) Oakwood
2	(O/S) Oakwood Special
8	(C) Churchwood
2	(K) Kingswood
2	(P) Prestbury
3	(P2) Prestbury Terrace

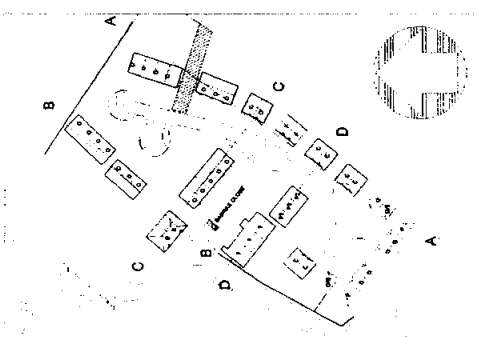
Total 49
 87 Parking Spaces

1060/ PL03
 Barras Close, Morion, Carlisle for Lovell
 Drawing
 Site Layout for Barras
 Scale 1:500@A3 Date Nov 05
 Drawn CJ/RF
 Check'd
 Rev
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Note: Solid house lines, delineate roof above, dashed lines delineate outer walls



Site Plan



rev. A.03.11.05
 -re-positioning of houses and bungalows, trees and driveways;
 -swapped churchwood pair for kingwood pair, adjusted
 southern parking - drawing changed to PL designation

1060/PL10.01
 Burnie Close, Morton Cairns
 Drawing
 Proposed Site Elevations
 Scale 1:500
 Date Nov. 2006

Drawn RWR/CF
 No. A
AINSLEY COMMON
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 1060/PL10.01
 AINSLEY COMMON
 1060/PL10.01

WALL TYPE LEGEND

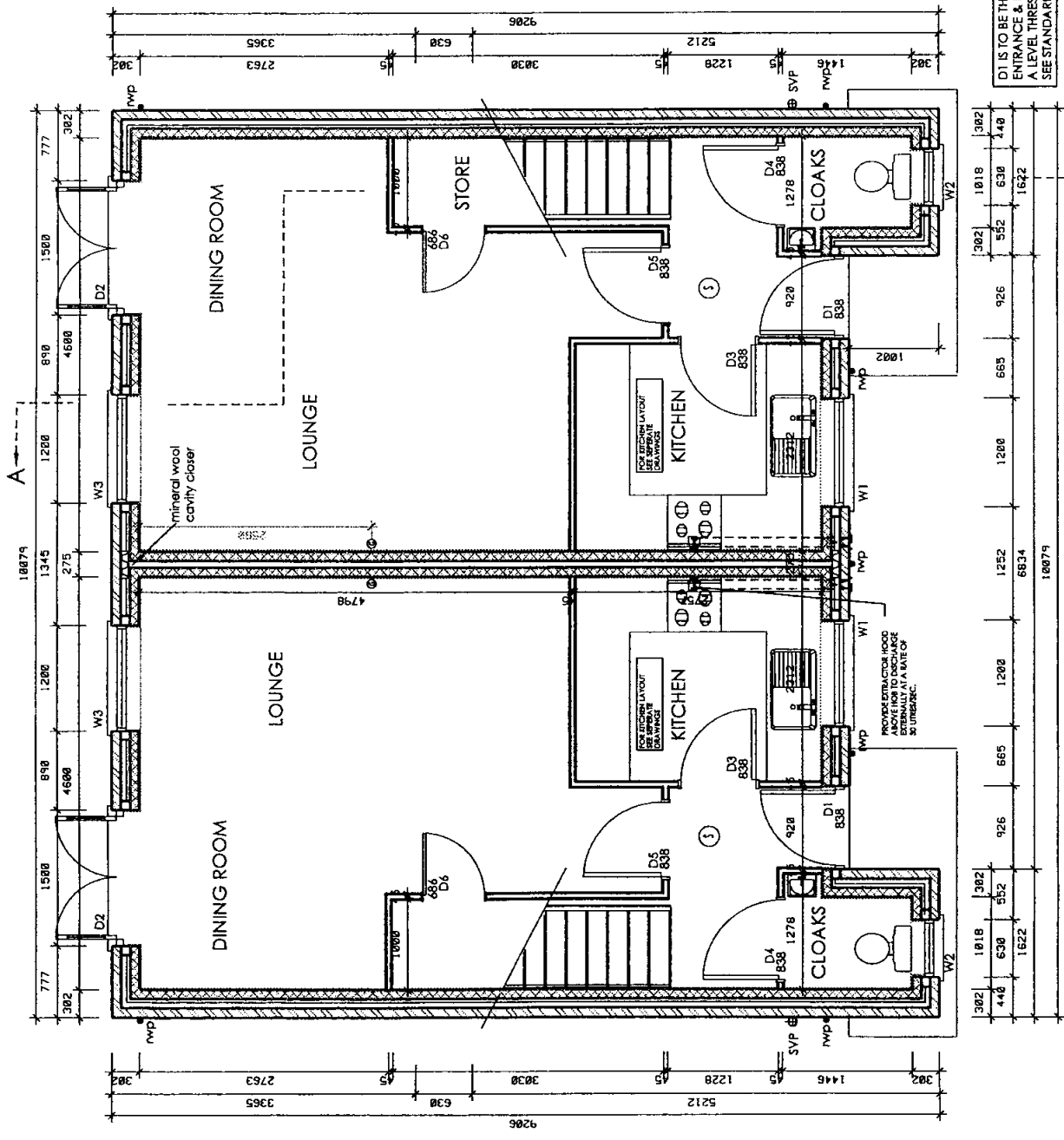
- Facing brickwork
- 75mm cavity
- 100mm cavity
- 12.5mm plasterboard
- Mineral wool cavity closer
- Plasterboard on dabs
- Mineral wool cavity closer
- Plasterboard on dabs

Party wall construction:
 100 concrete block: max density 1600kg/cu.m
 75 cavity
 100 concrete block: max density 1600kg/cu.m
 12.5mm plasterboard and finish on dabs
 combined wall mass to be min. 300kg/sq.m

D1 IS TO BE THE PRINCIPLE
 ENTRANCE & IS TO RECEIVE
 A LEVEL THRESHOLD.
 SEE STANDARD DETAILS

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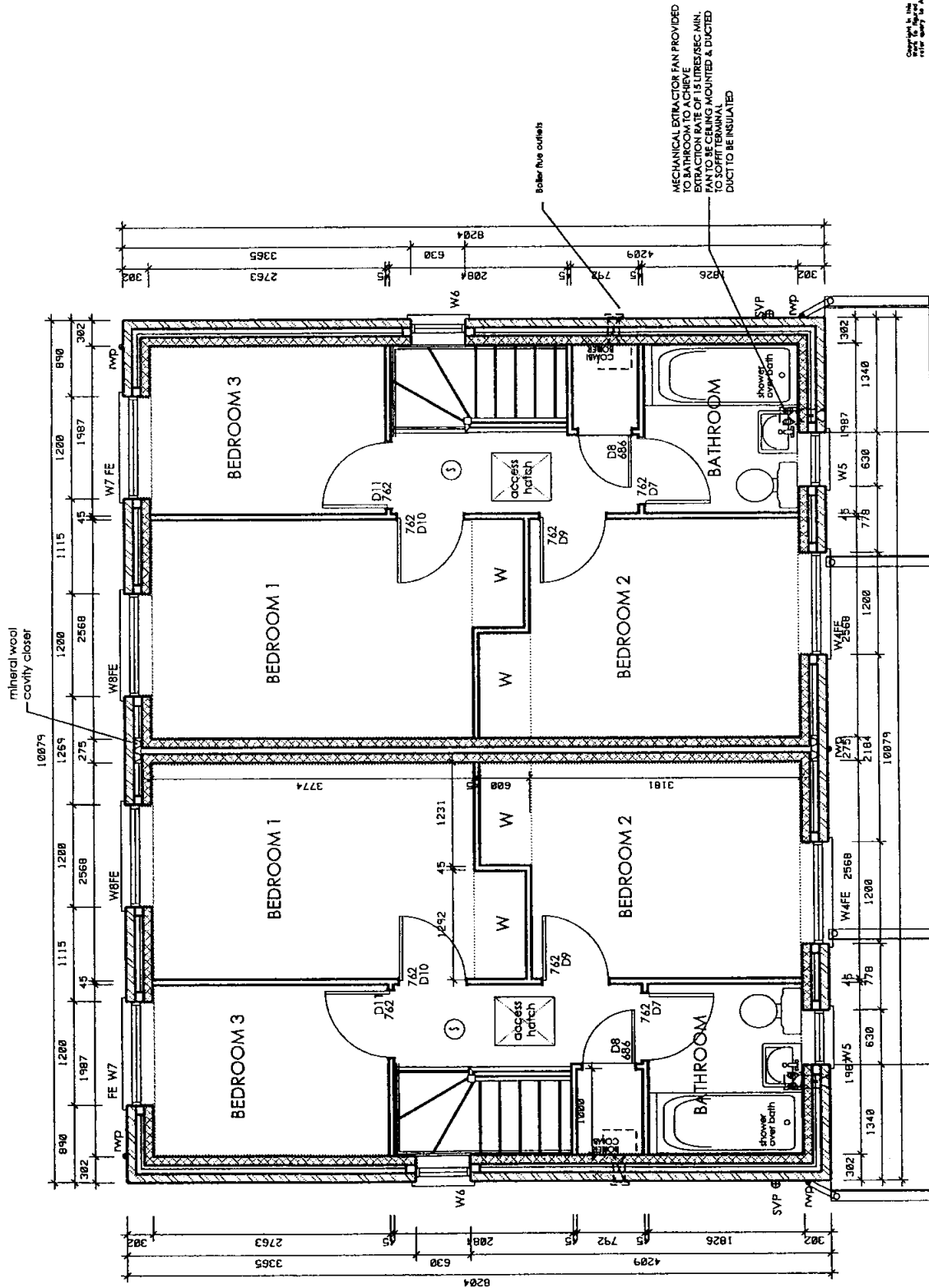
1060/PL20.01
 Churchwood House Type, Ground Floor Plan
 Date: Nov 2008
 Drawn: [Signature]
 Checked: [Signature]
 Approved: [Signature]



GROUND FLOOR PLAN

WALL TYPE LEGEND

- Brickwork
- 75mm insulation
- Mineral wool cavity closer
- 100mm insulation
- 150mm insulation
- 200mm insulation
- 250mm insulation
- 300mm insulation
- 350mm insulation
- 400mm insulation
- 450mm insulation
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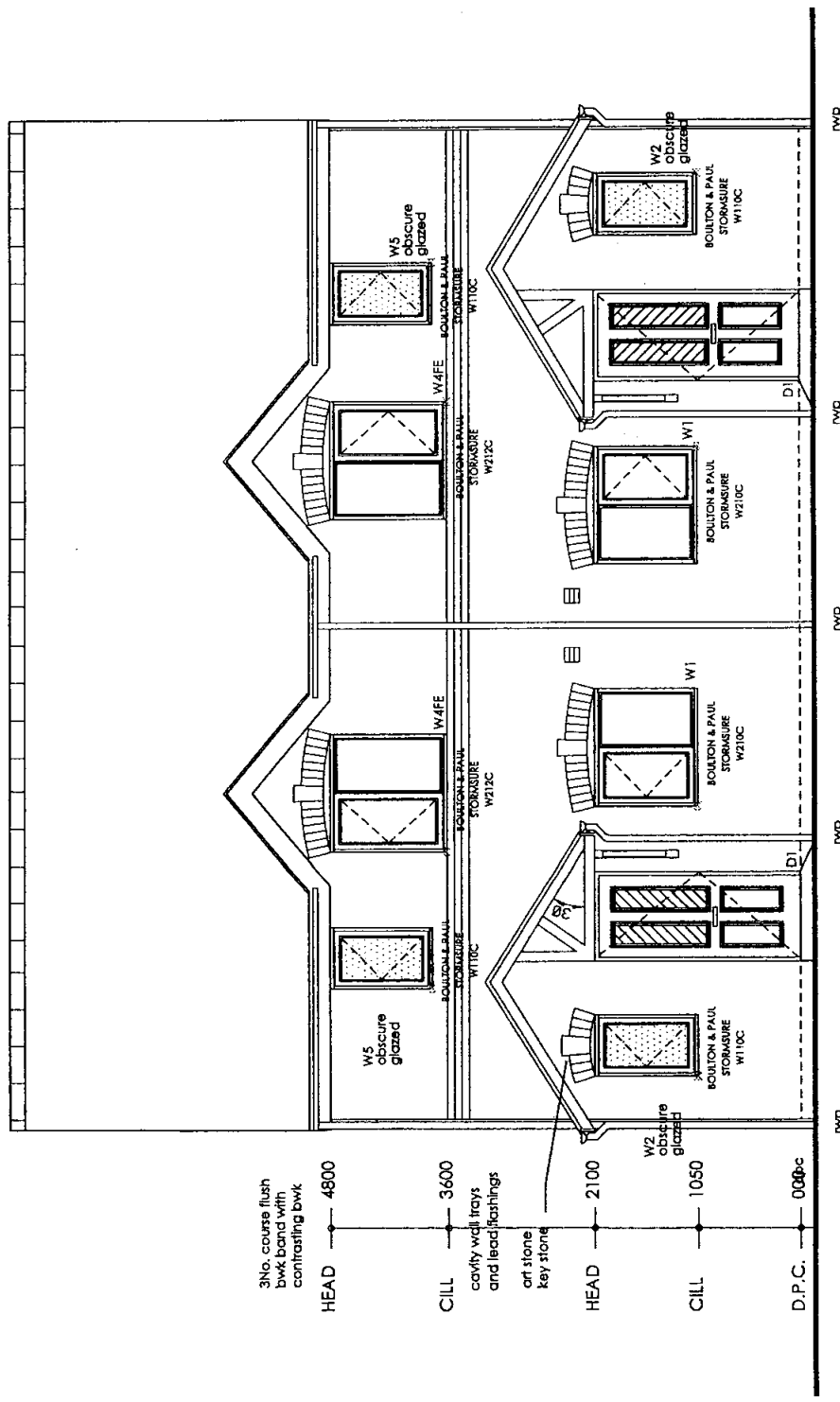


Drawn by: Mr. [Name], Checked by: Mr. [Name], Date: [Date]
 For the use of: [Client Name]

1060/PL20.02
 Churchwood House Typal, First Floor Plan
 Date: Nov 2008

AINSLEY GOMMON
 ARCHITECTS
 1060/PL20.02

FIRST FLOOR PLAN



3No. course flush
brick band with
contrasting brick

HEAD 4800

CILL 3600

cavity wall trays
and lead flashings

art stone
key stone

HEAD 2100

CILL 1050

D.P.C. 000pc

RVP RVP RVP RVP RVP RVP RVP

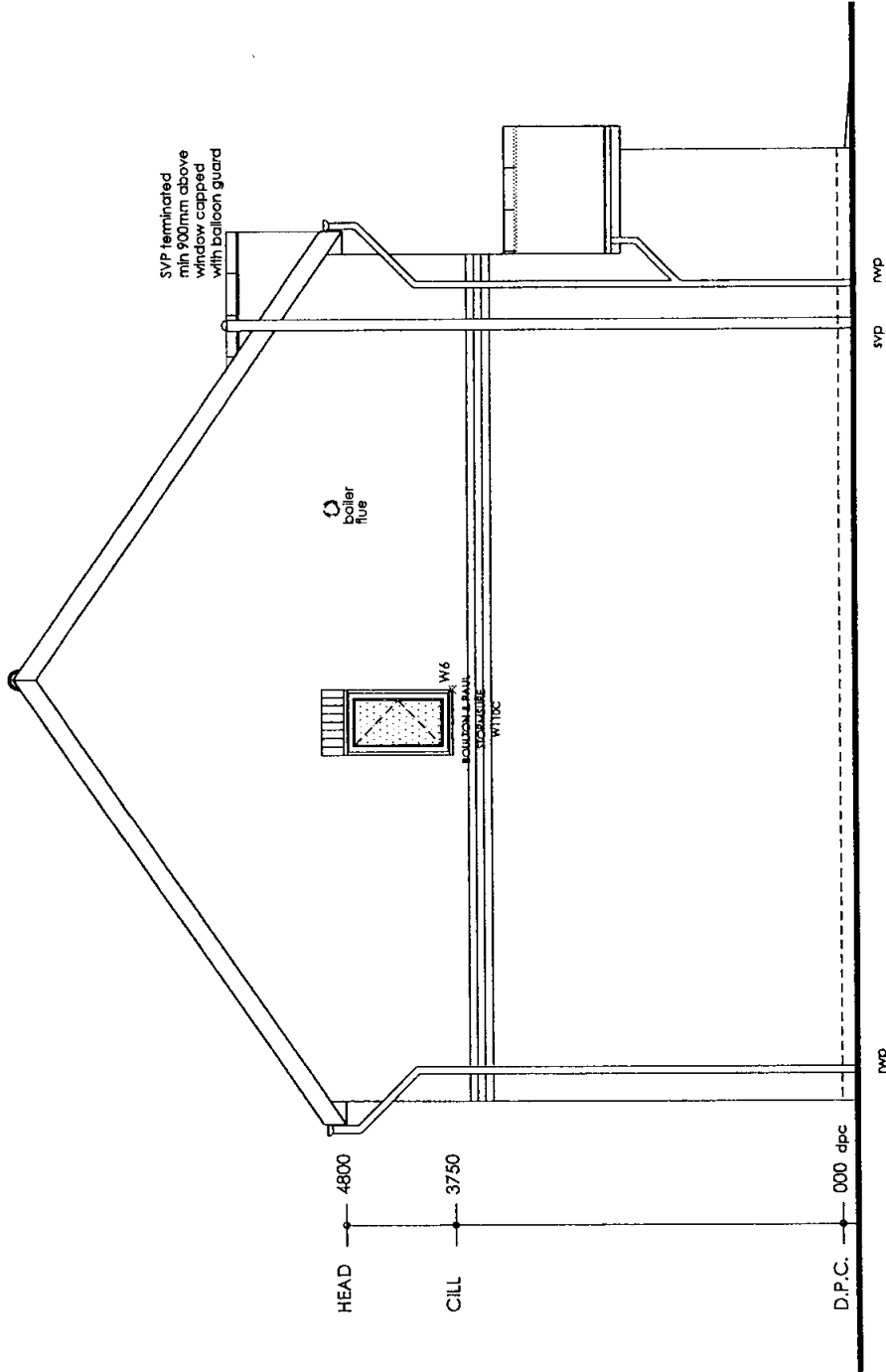
FRONT ELEVATION

Copyright © 2008, Architects Ainsley Gorman, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

1060/PL20.03

Barnes Chase, Marjon Carfisle
Churchwood House Type, Front Elevation
1:50 Nov 2008

AINSLEY GORMAN
Architects / Landscape Architects
1060/PL20.03

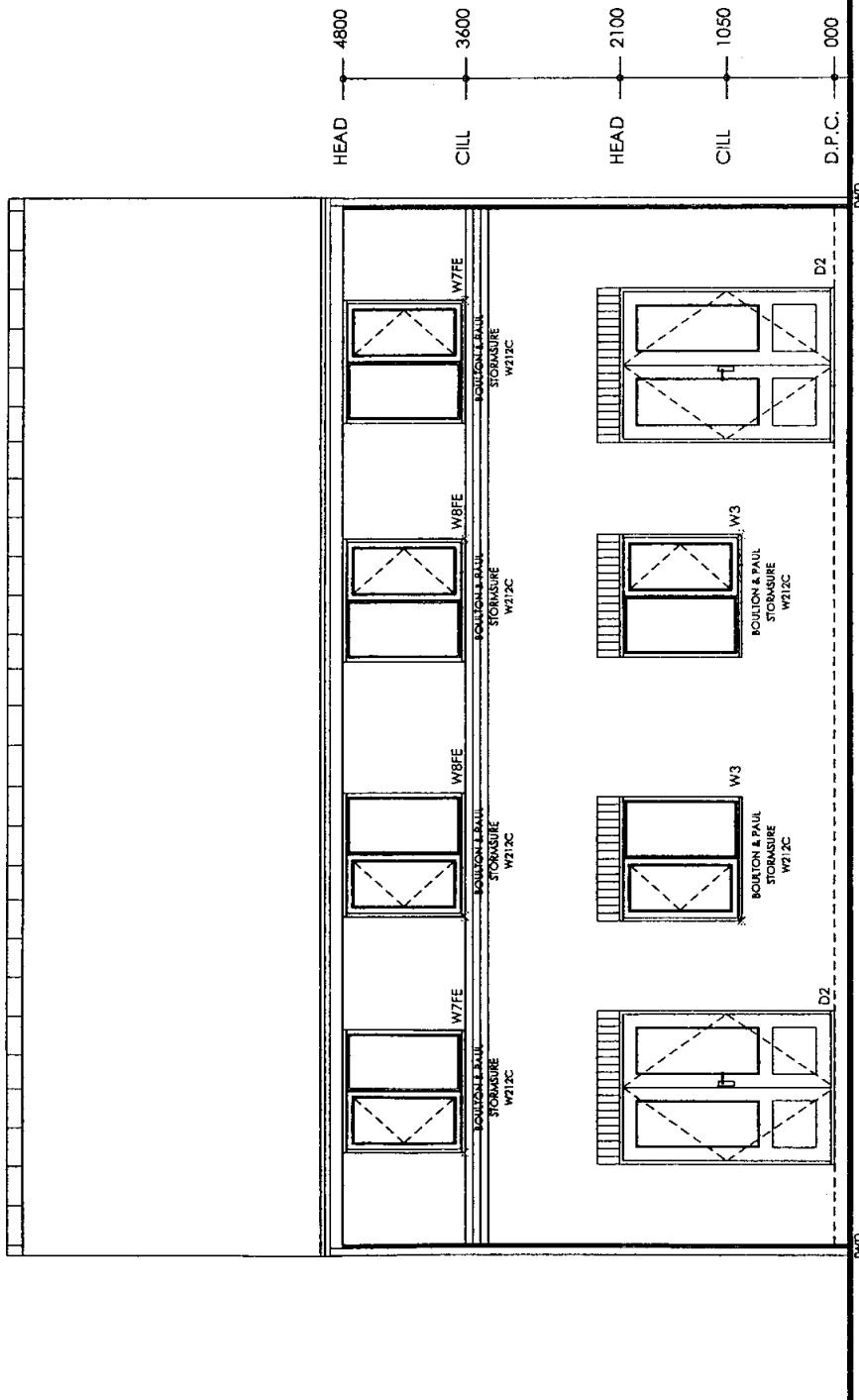


SIDE ELEVATION

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1060/PL20.04
 Barrow Close, Motton Camille
 Churchwood House Typk. Side Elevation
 Date: Nov 2008
 Scale: 1:50
 Drawn: [Signature]
 Checked: [Signature]

AINSLEY COMMON
 ARCHITECTS
 1060/PL20.04
 Churchwood House Typk. Side Elevation
 Nov 2008
 1:50



REAR ELEVATION

Drawings to be approved by the Building Control Authority. It is the responsibility of the client to ensure that the drawings are submitted to the Building Control Authority in accordance with the Building Regulations.

1060/PL20.05

Barnes Close, Morbin, Cardiff
 Churchwood House Type, Rear Elevation
 Date: Nov 2006
 Scale: 1:50

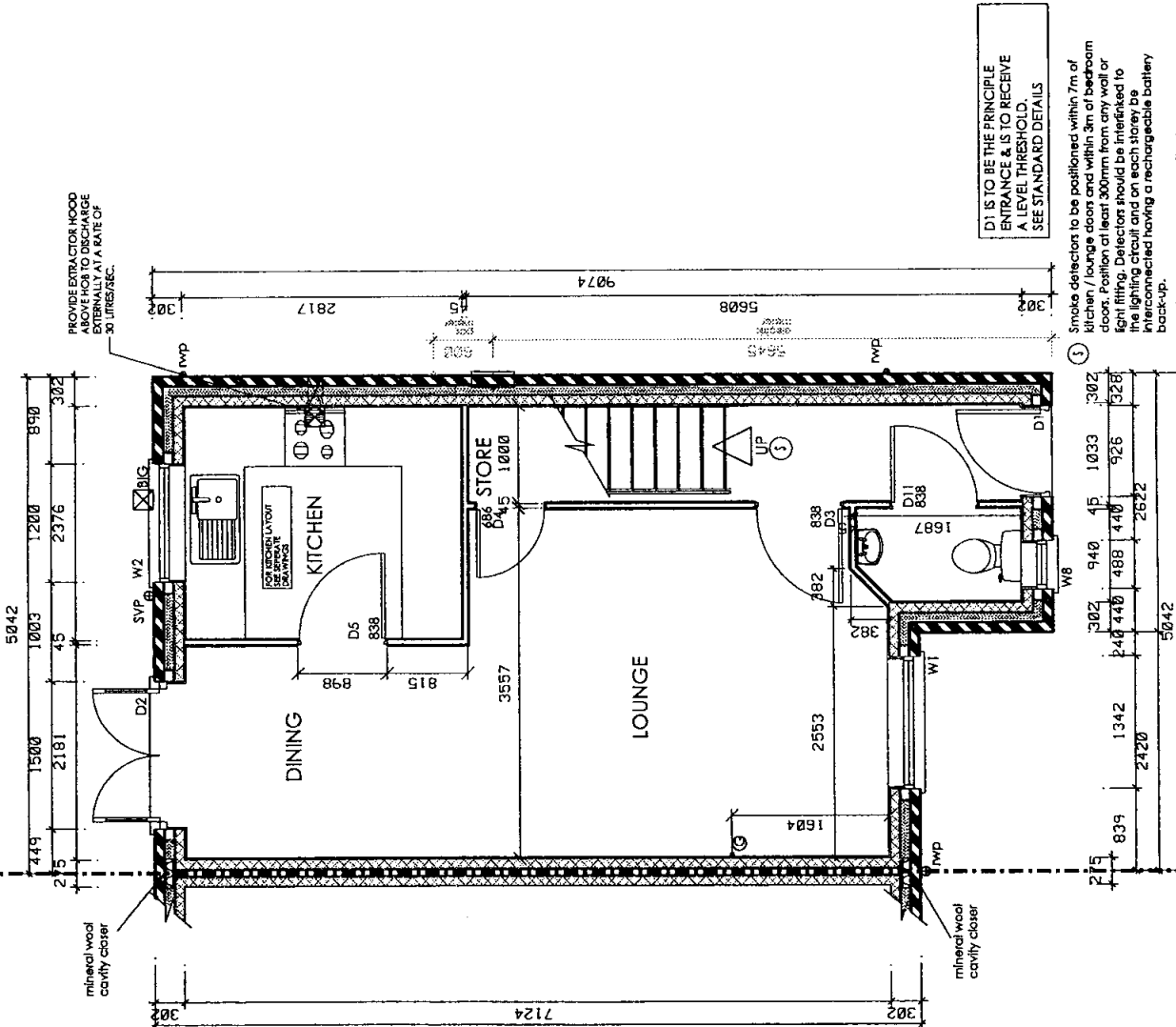




AINSLEY COMMON
 ARCHITECTS
 1060/PL20.05
 1060/PL20.05

WALL TYPE LEGEND

- brickwork
- Plaster on brickwork
- Plaster on concrete block
- Plaster on concrete block with cavity
- Plaster on concrete block with cavity and mineral wool
- Plaster on concrete block with cavity, mineral wool, and plasterboard
- Plaster on concrete block with cavity, mineral wool, plasterboard, and fire-rated masonry
- Plaster on concrete block with cavity, mineral wool, plasterboard, fire-rated masonry, and fire-rated door
- Plaster on concrete block with cavity, mineral wool, plasterboard, fire-rated masonry, fire-rated door, and fire-rated window



D1 IS TO BE THE PRINCIPLE ENTRANCE & IS TO RECEIVE A LEVEL THRESHOLD. SEE STANDARD DETAILS

- 1 Smoke detectors to be positioned within 7m of Kitchen / Lounge door and within 3m of bedroom door. Position at least 300mm from any wall or ceiling fitting. Detectors should be integrated to the lighting circuit and on each storey be interconnected having a rechargeable battery back-up.
- All window frames are to be filled with tickle ventilation to achieve a minimum of 800sq mm where possible an average in excess of 1600sq mm, per room. It is to be achieved for all habitable rooms: Kitchen, utility room, Bathroom & sanitary accommodation with a minimum provision of 4000sq mm, in

Party wall construction:
 100 concrete block max density 1600kg/cu.m
 75 cavity
 100 concrete block max density 1600kg/cu.m
 12.5mm plasterboard and finish on clabs
 combined wall mass to be min. 300kg/sq.m

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1060/PL21.01

James Gannon, Martin Carfile
 Kingswood House Type, Ground Floor Plan
 Date: Nov 2008
 Scale: 1:20

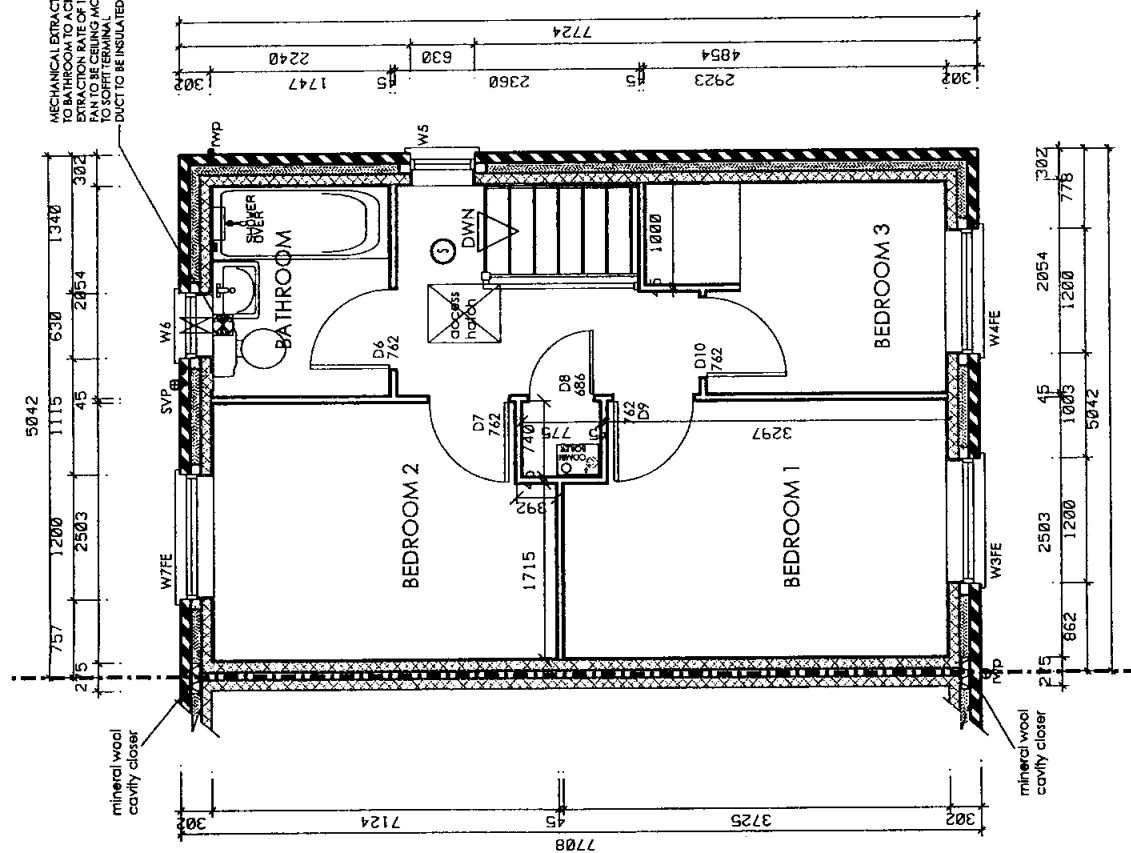
AINSLY GANNON
 ARCHITECTS

GROUND FLOOR PLAN

WALL TYPE LEGEND

- Facing inboard
- 75mm x 100mm brickwork
- 100mm x 100mm brickwork
- 150mm x 100mm brickwork
- 200mm x 100mm brickwork
- 250mm x 100mm brickwork
- 300mm x 100mm brickwork
- 350mm x 100mm brickwork
- 400mm x 100mm brickwork
- 450mm x 100mm brickwork
- 500mm x 100mm brickwork
- 550mm x 100mm brickwork
- 600mm x 100mm brickwork
- 650mm x 100mm brickwork
- 700mm x 100mm brickwork
- 750mm x 100mm brickwork
- 800mm x 100mm brickwork
- 850mm x 100mm brickwork
- 900mm x 100mm brickwork
- 950mm x 100mm brickwork
- 1000mm x 100mm brickwork
- 1050mm x 100mm brickwork
- 1100mm x 100mm brickwork
- 1150mm x 100mm brickwork
- 1200mm x 100mm brickwork
- 1250mm x 100mm brickwork
- 1300mm x 100mm brickwork
- 1350mm x 100mm brickwork
- 1400mm x 100mm brickwork
- 1450mm x 100mm brickwork
- 1500mm x 100mm brickwork
- 1550mm x 100mm brickwork
- 1600mm x 100mm brickwork
- 1650mm x 100mm brickwork
- 1700mm x 100mm brickwork
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- 1850mm x 100mm brickwork
- 1900mm x 100mm brickwork
- 1950mm x 100mm brickwork
- 2000mm x 100mm brickwork
- 2050mm x 100mm brickwork
- 2100mm x 100mm brickwork
- 2150mm x 100mm brickwork
- 2200mm x 100mm brickwork
- 2250mm x 100mm brickwork
- 2300mm x 100mm brickwork
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- 3900mm x 100mm brickwork
- 3950mm x 100mm brickwork
- 4000mm x 100mm brickwork
- 4050mm x 100mm brickwork
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- 4150mm x 100mm brickwork
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- 8800mm x 100mm brickwork
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- 9350mm x 100mm brickwork
- 9400mm x 100mm brickwork
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- 9750mm x 100mm brickwork
- 9800mm x 100mm brickwork
- 9850mm x 100mm brickwork
- 9900mm x 100mm brickwork
- 9950mm x 100mm brickwork
- 10000mm x 100mm brickwork

Mechanical Extractor Fan provided to Bathroom to achieve extraction rate of 15 litres/sec min. Fan to be ceiling mounted & ducted to soffit terminal. Duct to be insulated.



FIRST FLOOR PLAN

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1060/PL21.02
 Burns Close, Morlock, Carlisle
 Kingswood House Type, First Floor Plan
 Date: Nov 2005



RIDGE VENT TO GAS BOILER

3No. course flush
bvk band with
alternative central
snap headers in
contrasting bvk

HEAD — 4800

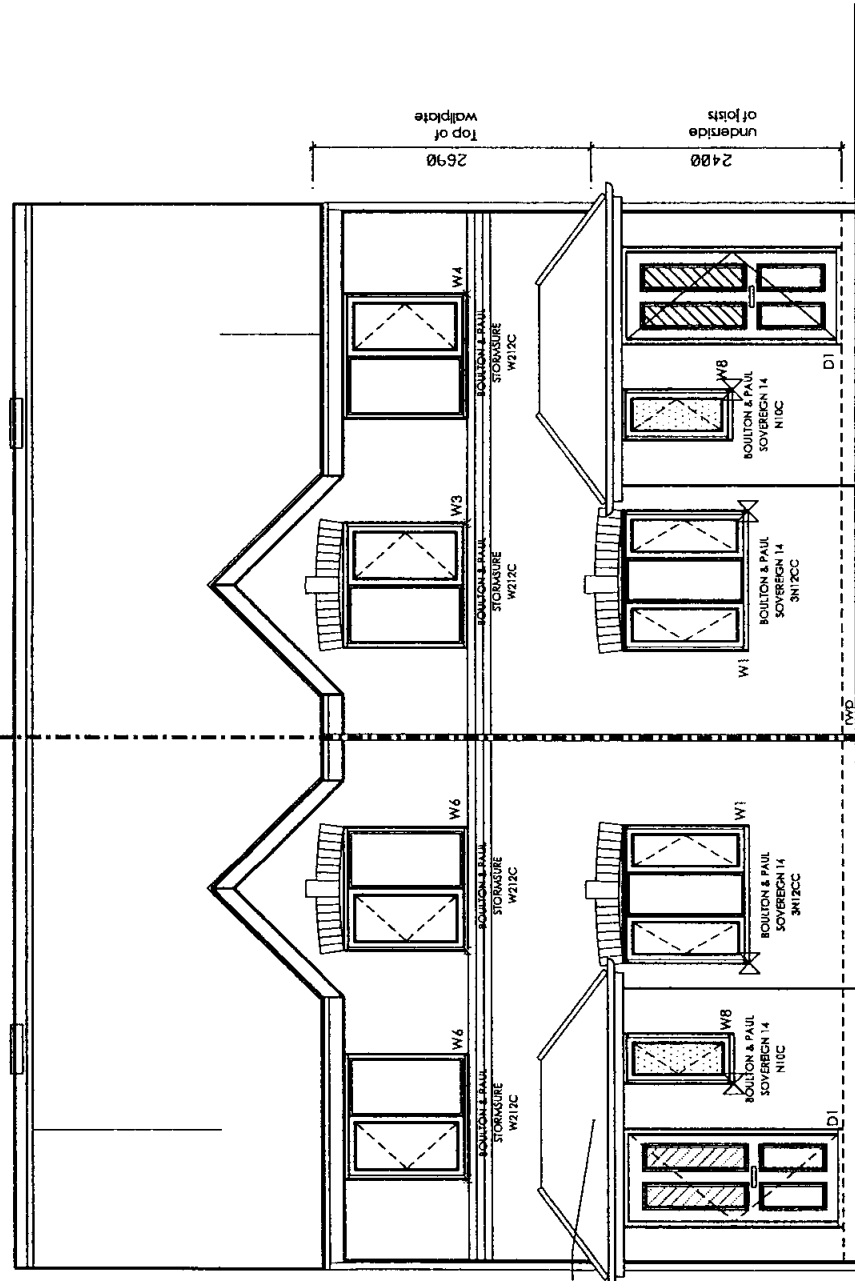
CILL — 3600

art stone
key stone

HEAD — 2100

CILL — 1050

D.P.C. — 000

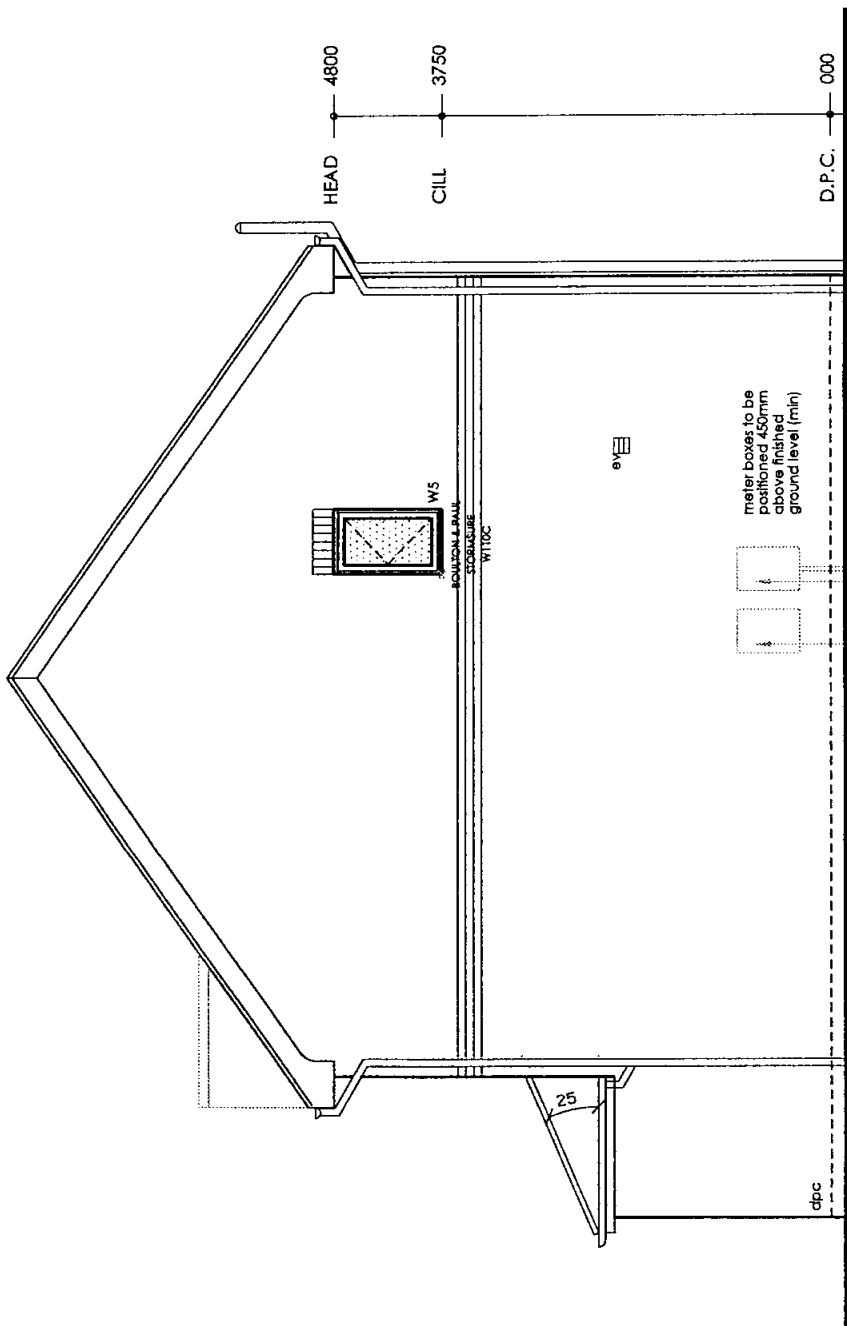


2690
Top of
wallplate

2400
underside
of joists

FRONT ELEVATION

Drawn by: *[Signature]*
Checked by: *[Signature]*
Date: 11/01/03
Scale: 1:50
Project: Kingswood House Type, Front Elevation
Client: Mrs. J. Ainsley
1060/PL21.03
Ainsley Common
11/01/03

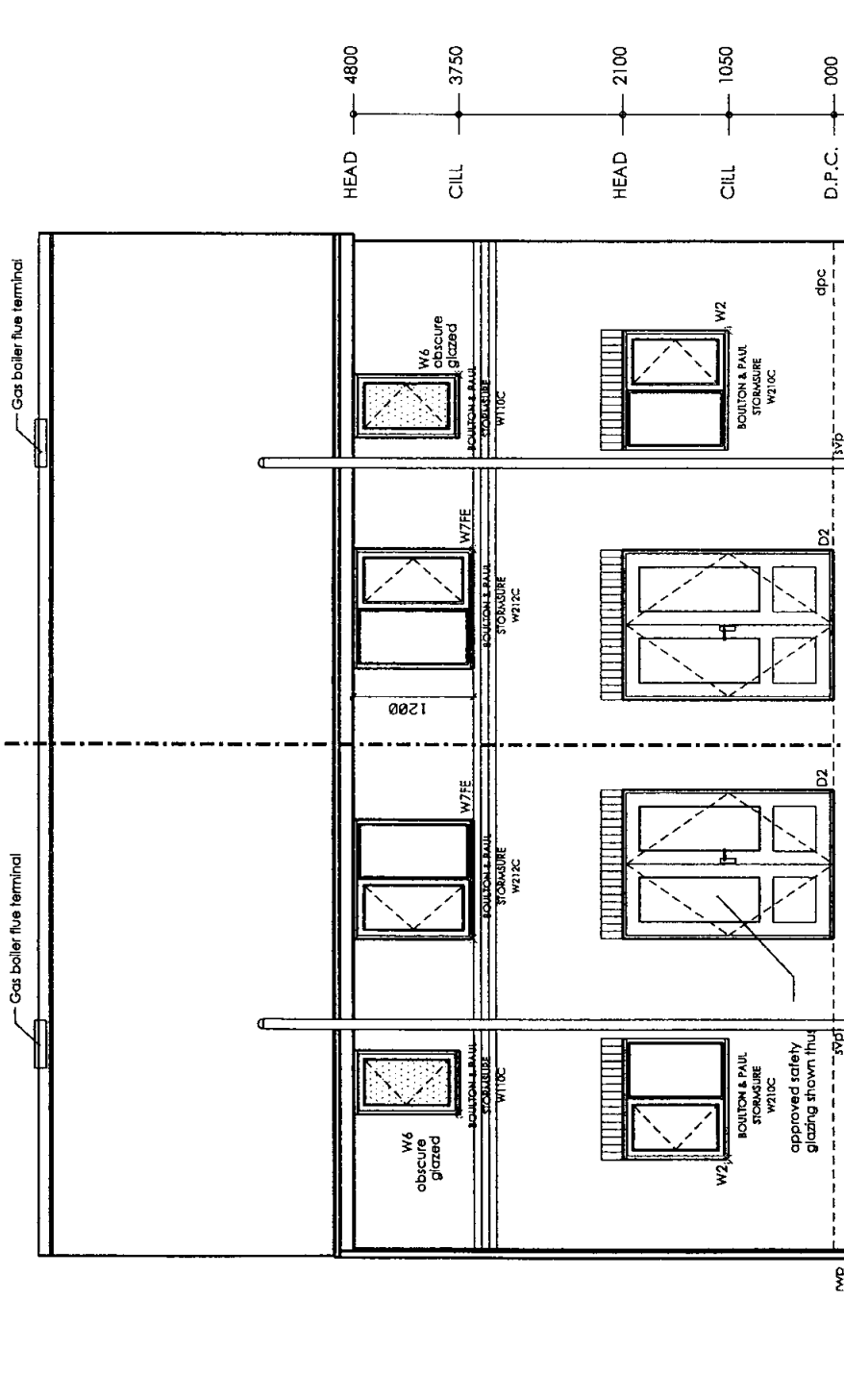


SIDE ELEVATION

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1060/PL21.04
 Barnes Chase, Worthen Cheshire
 Kiplingwood House Type, Side Elevation
 Scale 1:50
 Date Nov 2006
 Drawn
 Over
 Rev





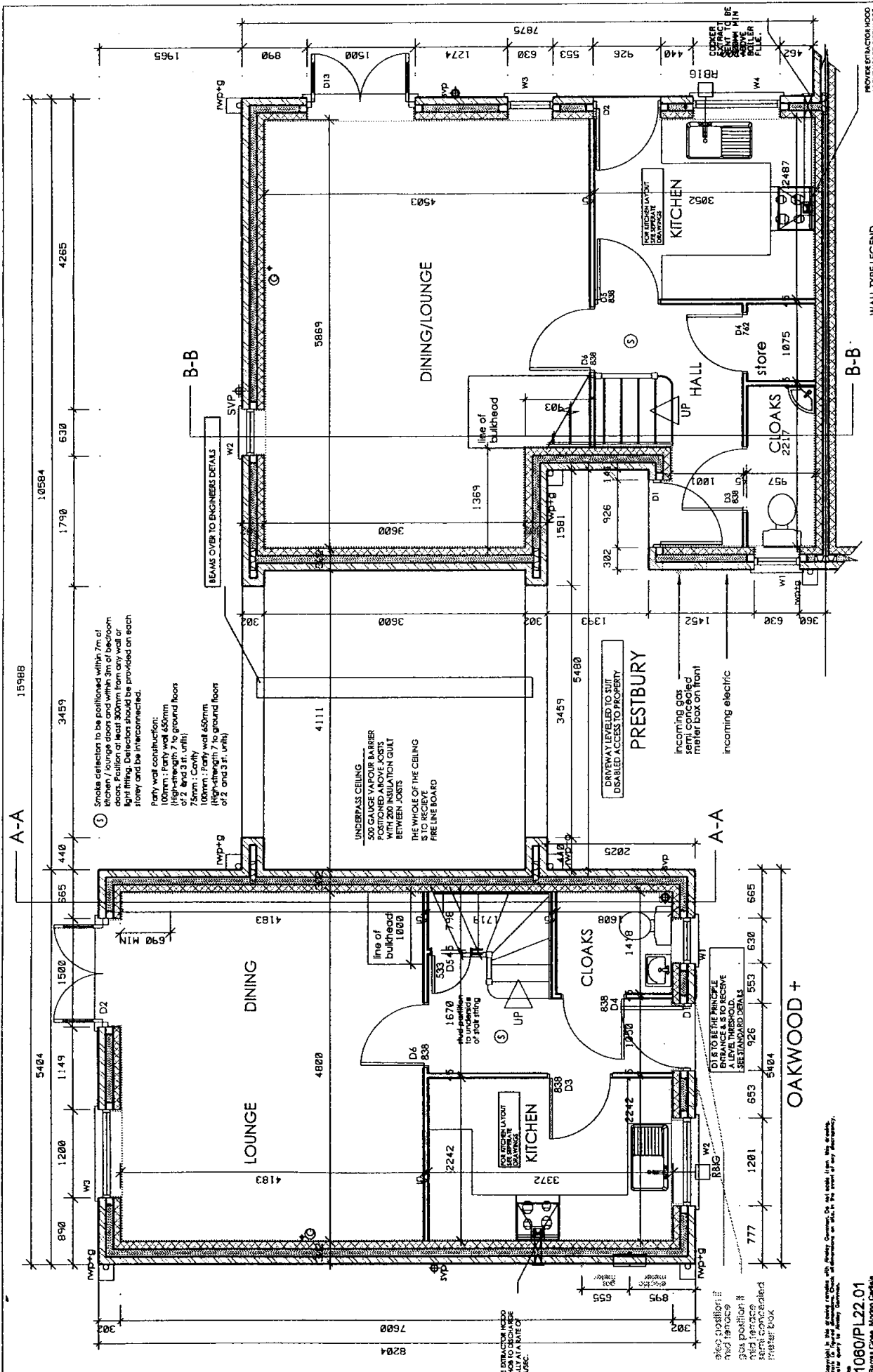
REAR ELEVATION

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1060/PL21.05

Alan Clark, Member Certificate
 Registered Architect
 Registered House Type, Rear Elevation
 No. Nov 2008





- WALL TYPE LEGEND**
- ▤ Party wall
 - ▤ Phyllanthus walling
 - ▤ External wall
 - ▤ Internal wall
 - ▤ Glazed wall
 - ▤ Glass entrance
 - ▤ Handicapped access
 - ▤

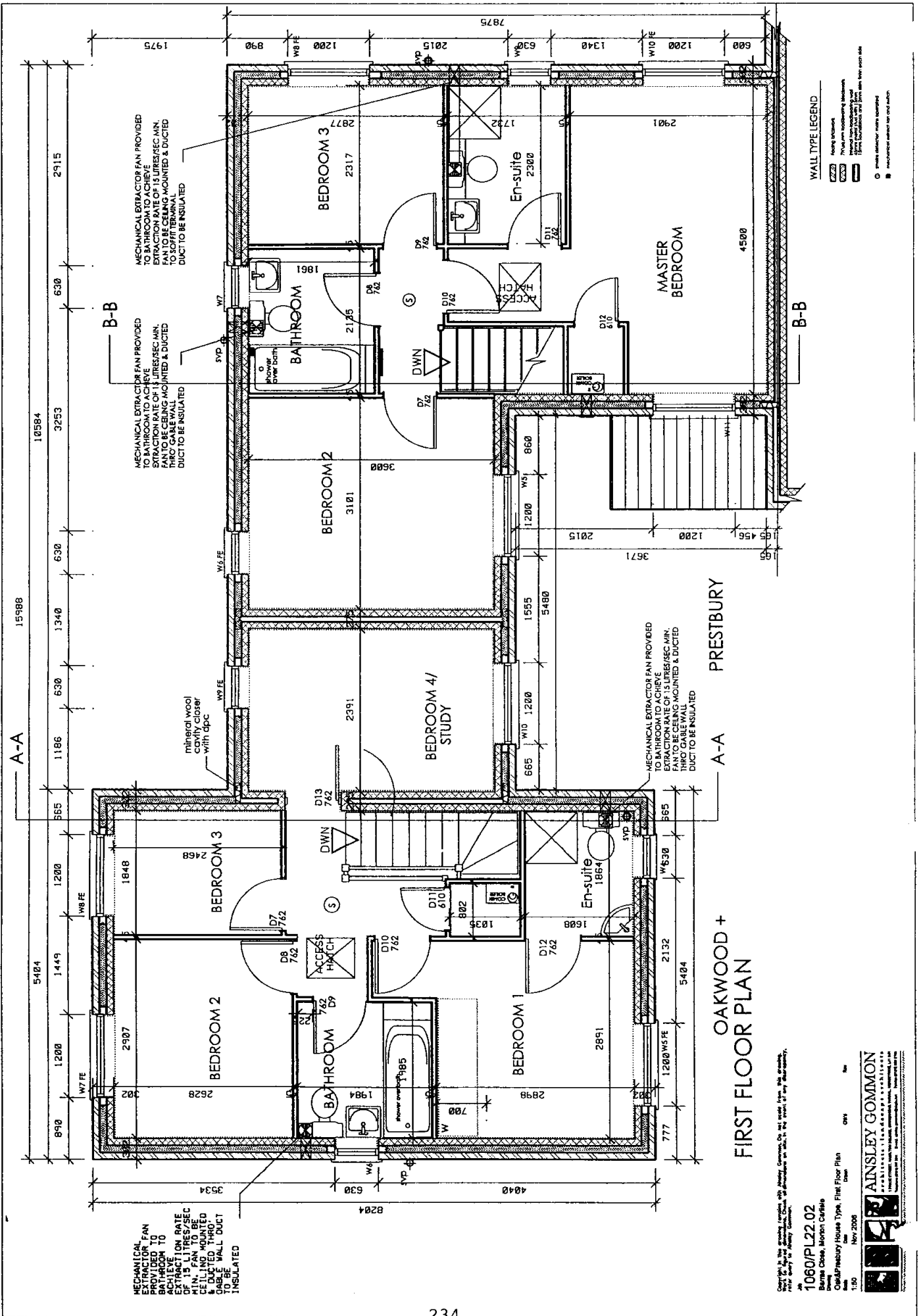
GROUND FLOOR PLAN

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1060/PL22.01
 Birta Close, Maiden Castle
 Dorset, DT10 1RT

Client: **PRESTBURY HOUSE TYPE** Ground Floor Plan
 Date: **11/08**
 Drawn by: **ONW**
 Date: **Nov 2008**

AINSLEY GORMAN
 ARCHITECTS
 1060/PL22.01



(Symbol)	Acoustic insulation
(Symbol)	75mm insulation
(Symbol)	Internal non-combustible wall
(Symbol)	External non-combustible wall
(Symbol)	External brickwork wall
(Symbol)	External masonry wall

○ private entrance
■ mechanical extract fan

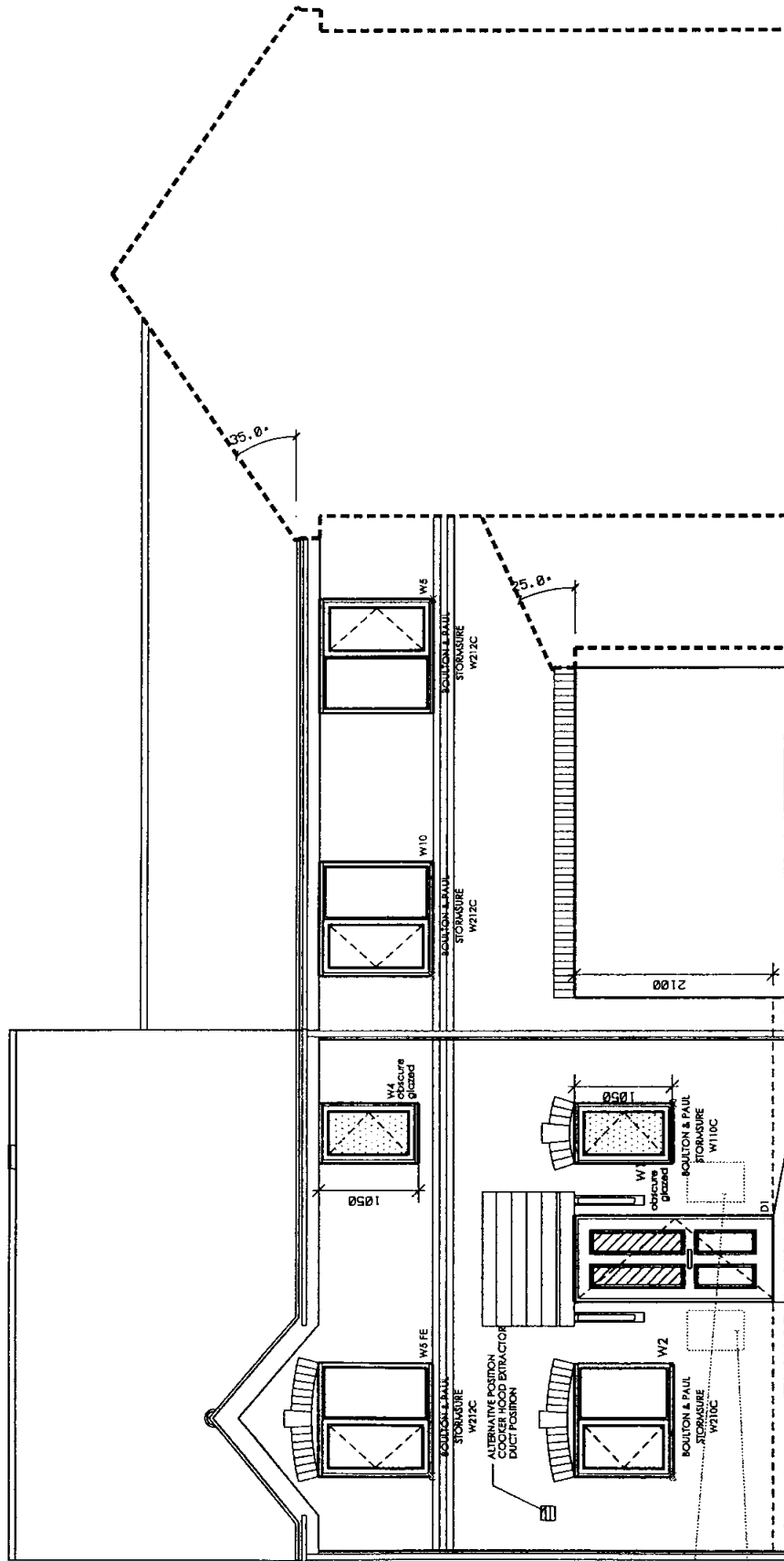
OAKWOOD + PRESTBURY
FIRST FLOOR PLAN

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1060/PL22.02
Burns Close, Morlon Cuffield
Dorset, DT10 1LQ
Cellar/Basement House Type, First Floor Plan
Date: Nov 2008

AINSLEY GANNON
ARCHITECTS

RIDGE VENT TO GAS BOILER



4800 HEAD
 3600 CILL
 2100 HEAD
 1050 CILL
 alternative in-situ
 electric meter position
 alternative
 gas meter position
 000 D.P.C.

FRONT ELEVATION

Drawn by: J. G. G. Architects Ltd. (incorporating J. G. G. Architects Ltd. and J. G. G. Architects Ltd. (formerly J. G. G. Architects Ltd.))
 Date: 11/11/2009
 Scale: 1:50

1060/PL22.03

Barnes Close, Milton Keynes

Onk/Prestbury House Type, Front Elevation

Drawn: J. G. G. Architects Ltd.

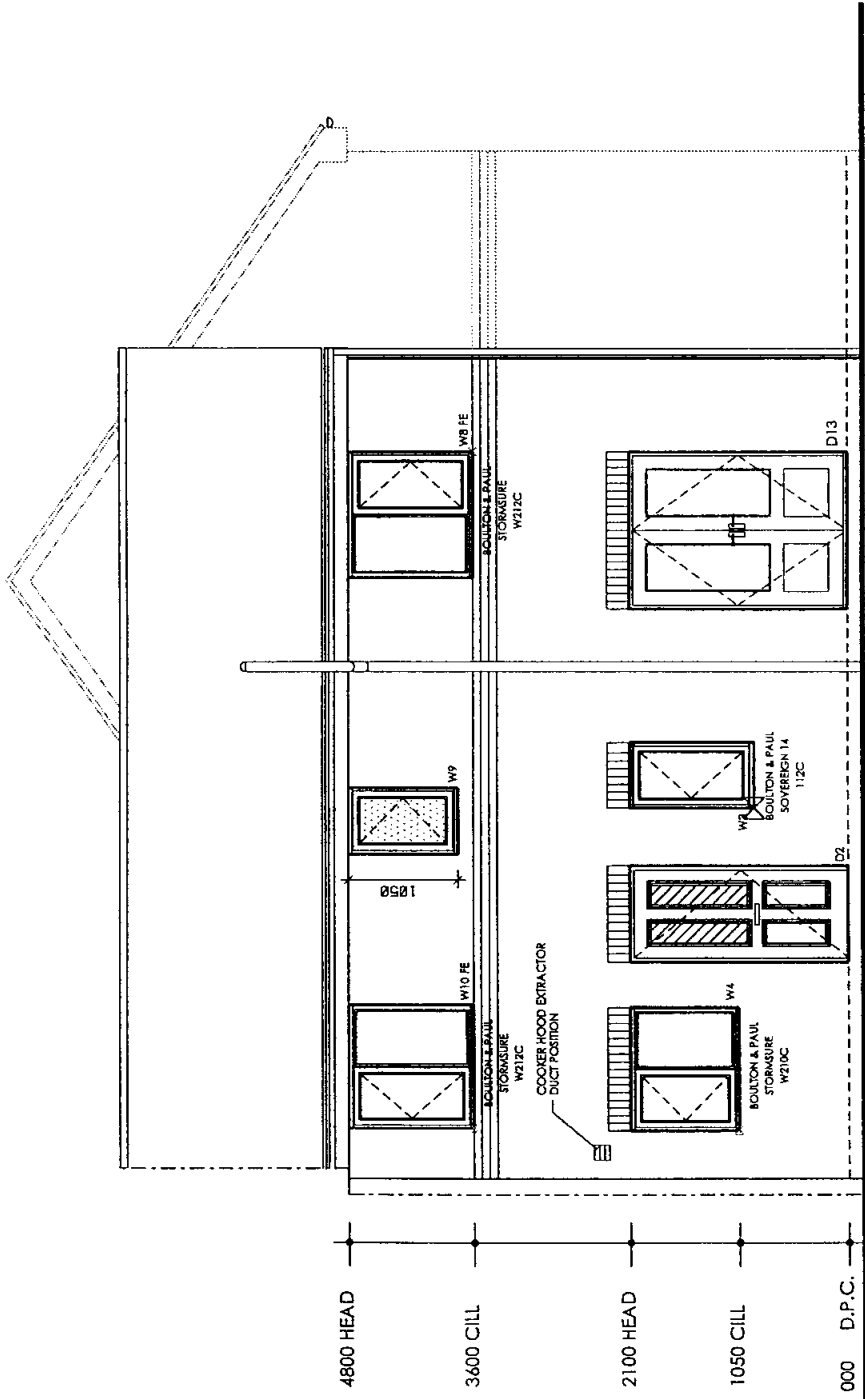
Date: 11/11/2009

By: J. G. G. Architects Ltd.

AINSLIE COMMON



AINSLIE COMMON
 11/11/2009
 Onk/Prestbury House Type, Front Elevation



SIDE ELEVATION

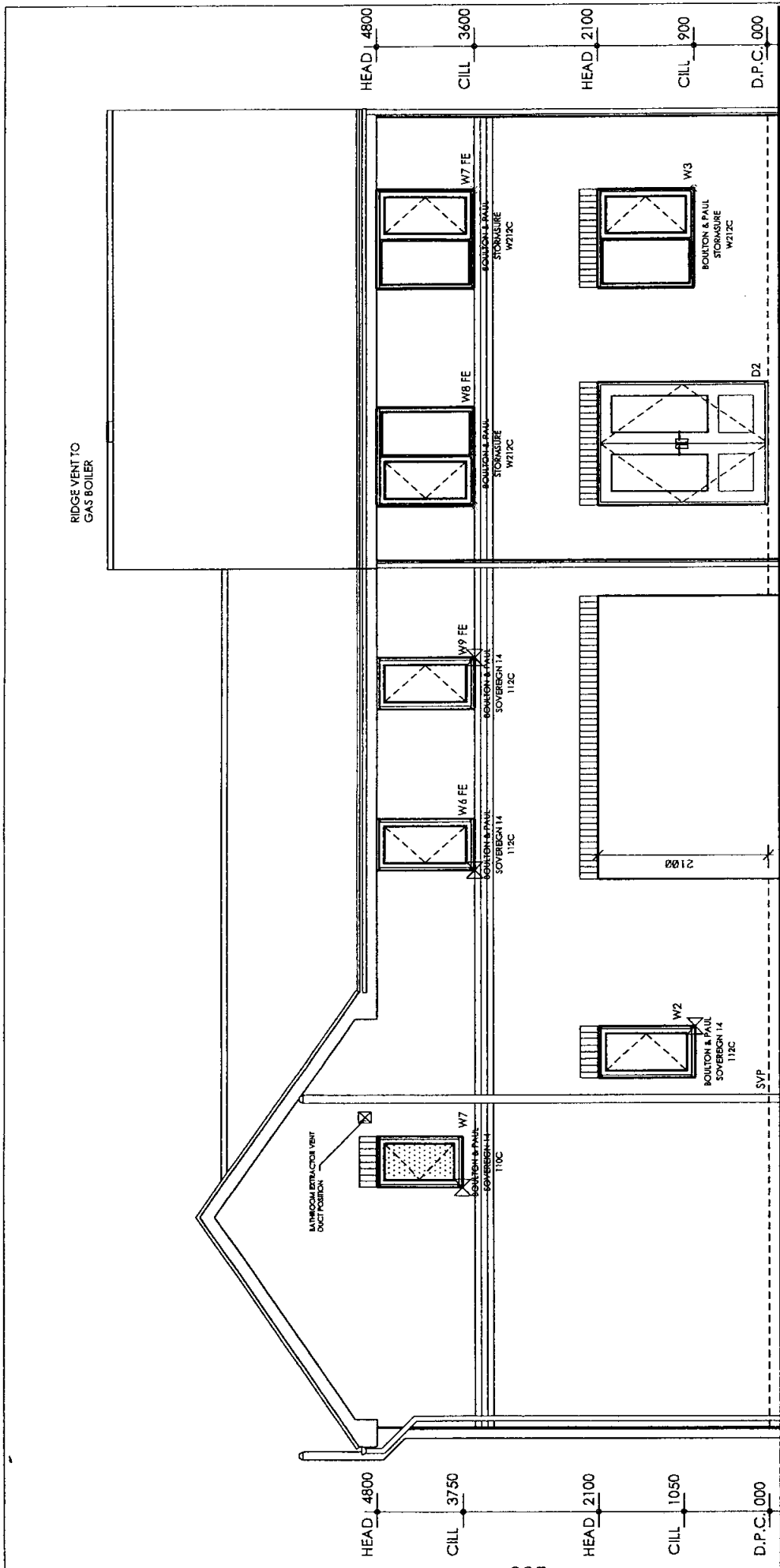
4800 HEAD
 3600 CILL
 2100 HEAD
 1050 CILL
 000 D.P.C.

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1060/P L22.04

Barnet Close, Moton, Cambridgeshire
 Cambridgeshire House Type, Side Elevation
 Date: Nov 2005

Architect: AINSLEY GOMME
 Architects, Landscape Architects
 1060/P L22.04
 Nov 2005



REAR ELEVATION

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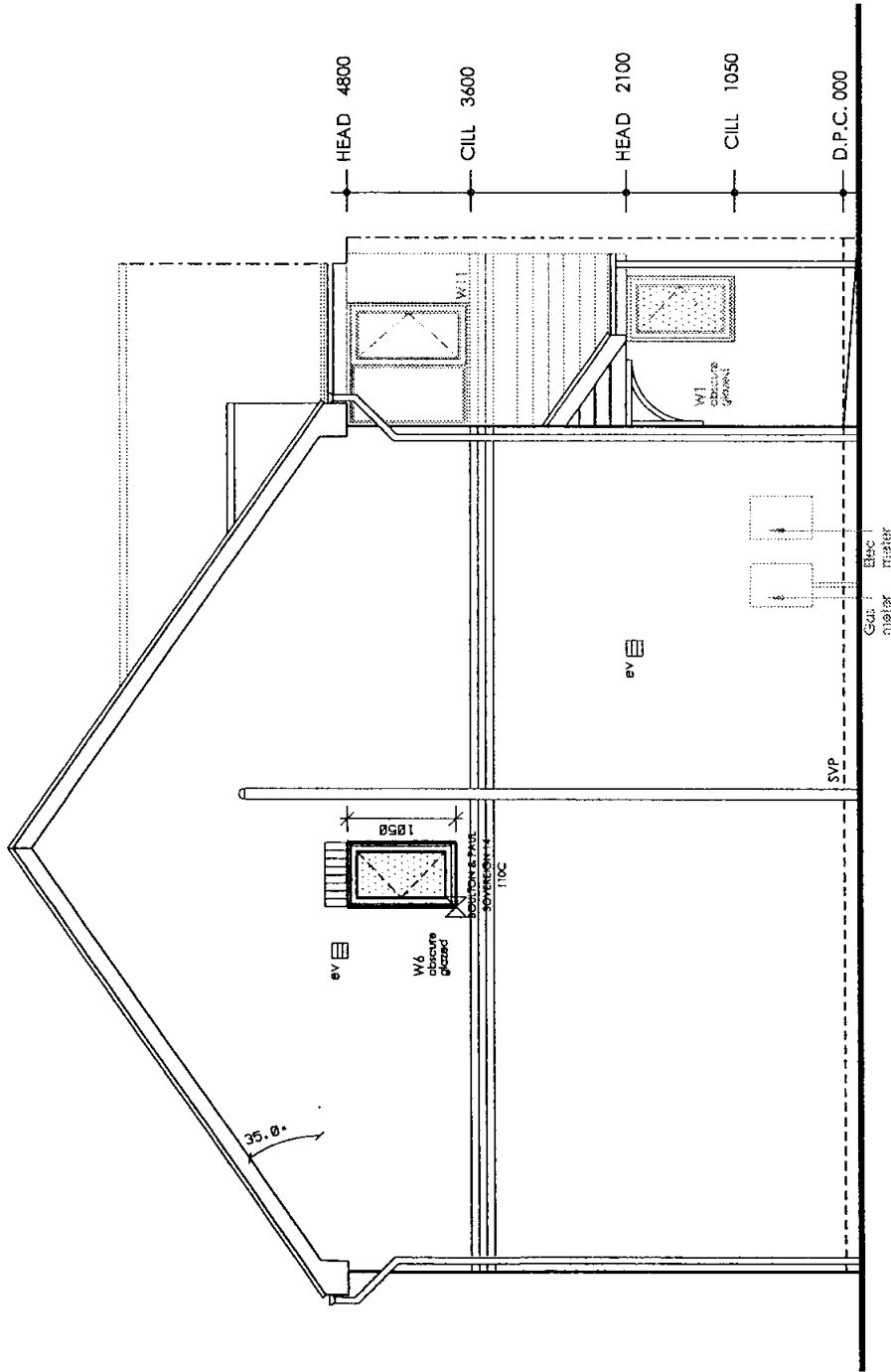
1060/PL22.05

Barns Close, Morrim Castle

Conservation Area, Morrim Castle

1:50 Nov 2008


AINSLEY GORMAN
 ARCHITECTS
 1060/PL22.05



SIDE ELEVATION

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1060/PL22.06

Burns Close, Meriton Curville

Architectural House Type, Side Elevation

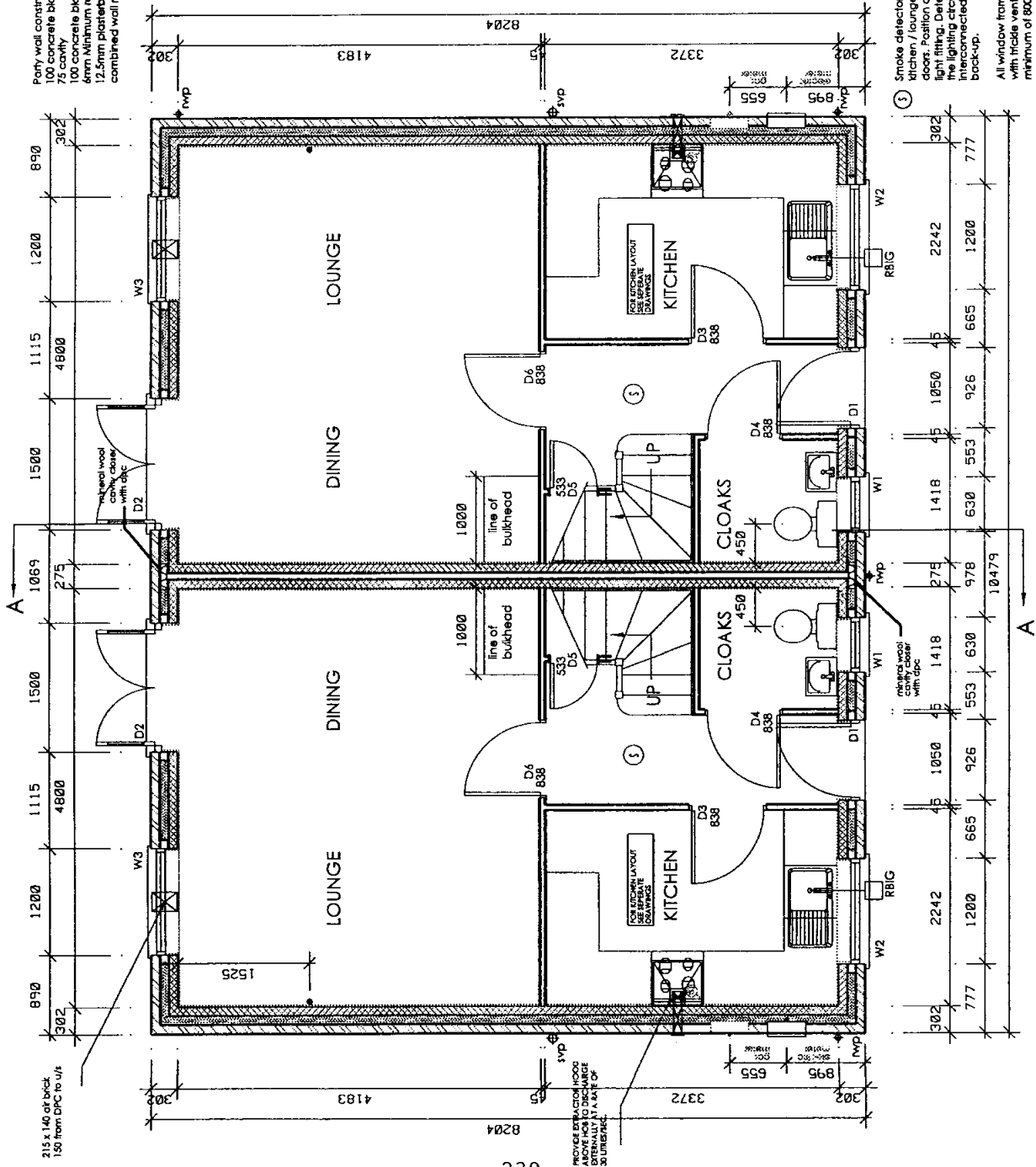
1:50 Nov 2008

AINSLEY GOMON
 ARCHITECTS LANDSCAPE ARCHITECTS
 1060/PL22.06

WALL TYPE LEGEND

- ▨ Party wall construction:
- ▨ 100 concrete block; max density 1650kg/cu.m
- ▨ 75 cavity
- ▨ 100 concrete block; max density 1650kg/cu.m
- ▨ 4mm Minimum render coat
- ▨ 12.5mm plasterboard and finish on dabs
- ▨ contained wall mass to be min. 300kg/sq.m

Party wall construction:
 100 concrete block; max density 1650kg/cu.m
 75 cavity
 100 concrete block; max density 1650kg/cu.m
 4mm Minimum render coat
 12.5mm plasterboard and finish on dabs
 contained wall mass to be min. 300kg/sq.m



GROUND FLOOR PLAN

1060/PL23.01
 Broomfield, Milton Keynes
 Clevedon House Type, Ground Floor Plan
 Date: Nov 2006
 Scale: 1:50

AINSLEY COMMON
 ARCHITECTS
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

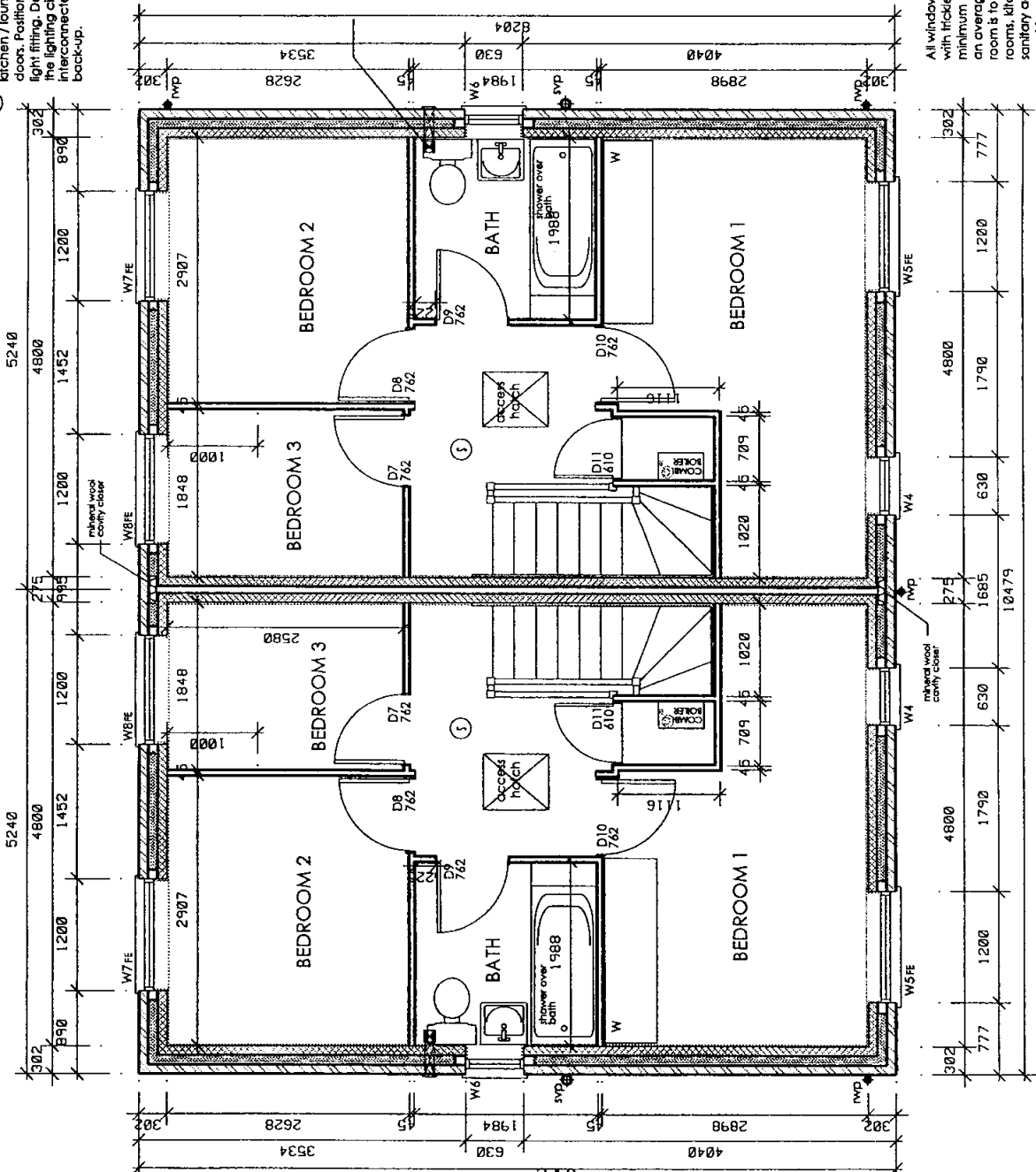
Smoke detectors to be positioned within 7m of kitchen / lounge doors and within 3m of bedroom doors. Position of at least 300mm from any wall or light fitting. Detectors should be interlinked to the lighting circuit and on each storey be interconnected having a rechargeable battery back-up.

WALL TYPE LEGEND

- Plasterboard
- 75mm timber framing
- 100mm brickwork
- 150mm brickwork
- 200mm brickwork
- 250mm brickwork
- 300mm brickwork
- 350mm brickwork
- 400mm brickwork
- 450mm brickwork
- 500mm brickwork
- 550mm brickwork
- 600mm brickwork
- 650mm brickwork
- 700mm brickwork
- 750mm brickwork
- 800mm brickwork
- 850mm brickwork
- 900mm brickwork
- 950mm brickwork
- 1000mm brickwork

MECHANICAL EXTRACTOR FAN PROVIDED TO BATHROOM TO ACHIEVE EXTRACTION RATE OF 15 LITRES/SEC MIN. FAN TO BE CEILING MOUNTED & DUCTED TO SOFFIT TERMINAL. DUCT TO BE INSULATED

All window frames are to be fitted with trickle ventilators to achieve a minimum of 8000sq mm where possible an average in excess of 6000sq mm, per room is to be achieved for all habitable rooms, kitchen, utility room, bathroom & sanitary accommodation with a minimum provision of 4000sq mm, in each

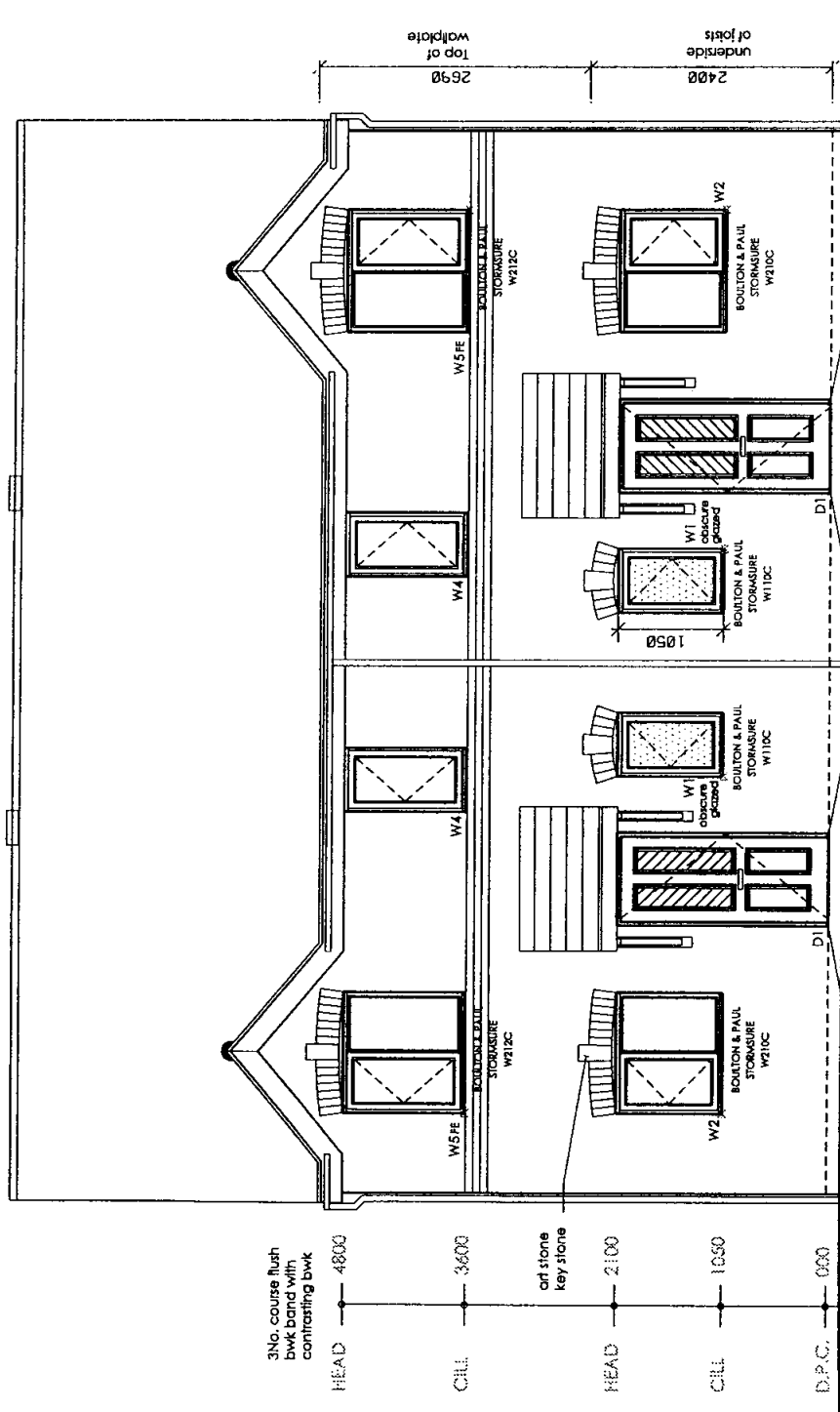


FIRST FLOOR PLAN

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 1060/PL23.02
 Barrow Green, Milton Carlisle
 Drawing
 Callwood House Type, First Floor Plan
 Date
 No
 1060



RIDGE VENT TO
GAS BOILER



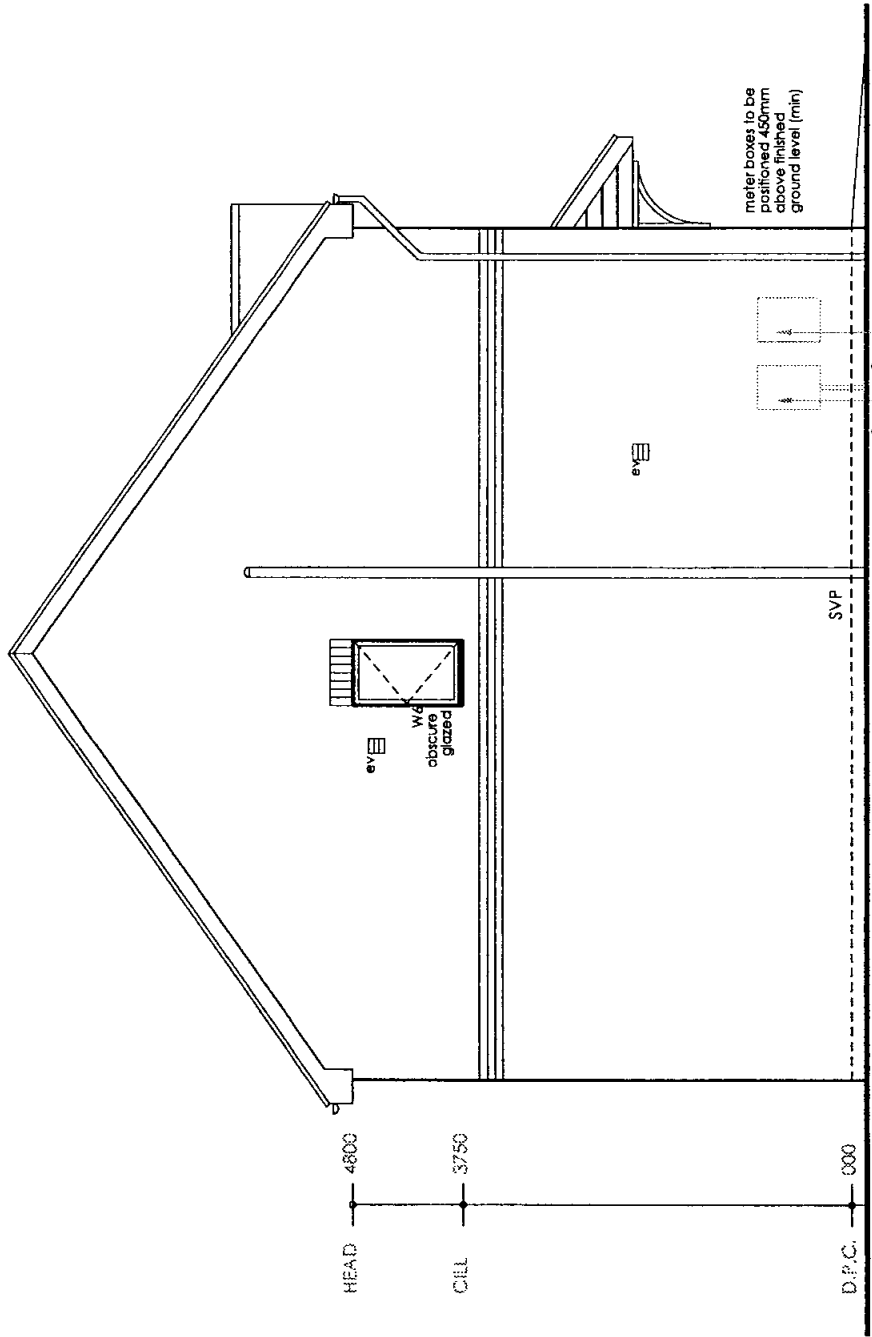
FRONT ELEVATION

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1060/PL23.03
Barra Close, Morton Cairns
Camwood House Type, Front Elevation
1:50
Nov 2008

DATE
DRAWN BY
CHECKED BY

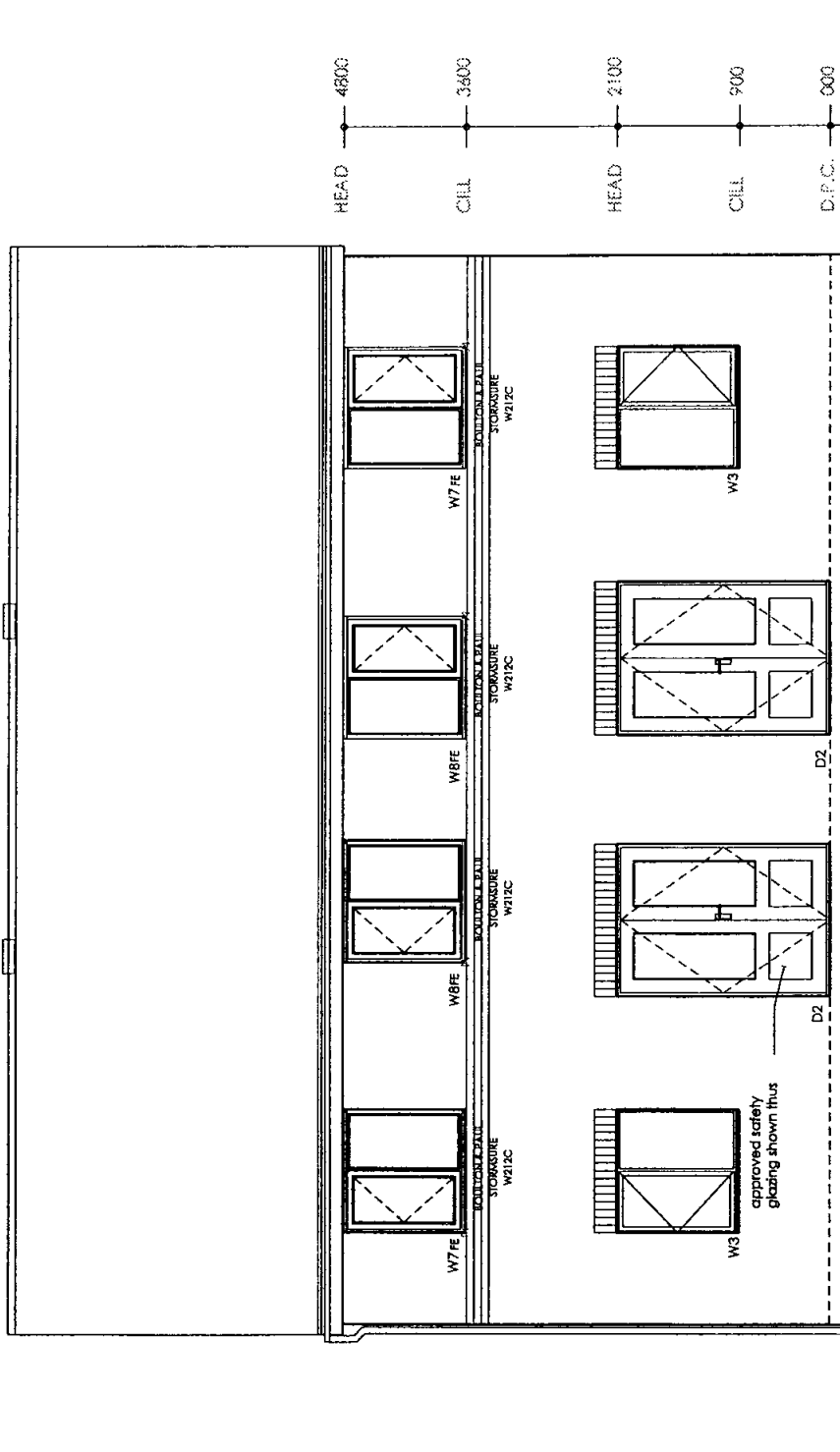




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 1000/PL23 04
 1060/PL23 04
 Berris Cross, Morion, Carlisle
 Drawing
 Oakwood House Type, Side Elevation
 Date
 11/08
 Rev
 001
 DWG
 Rev



RIDGE VENT TO
GAS BOILER



REAR ELEVATION

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1060/PL23 05

Barnes Close, Morton Castle
Dorset

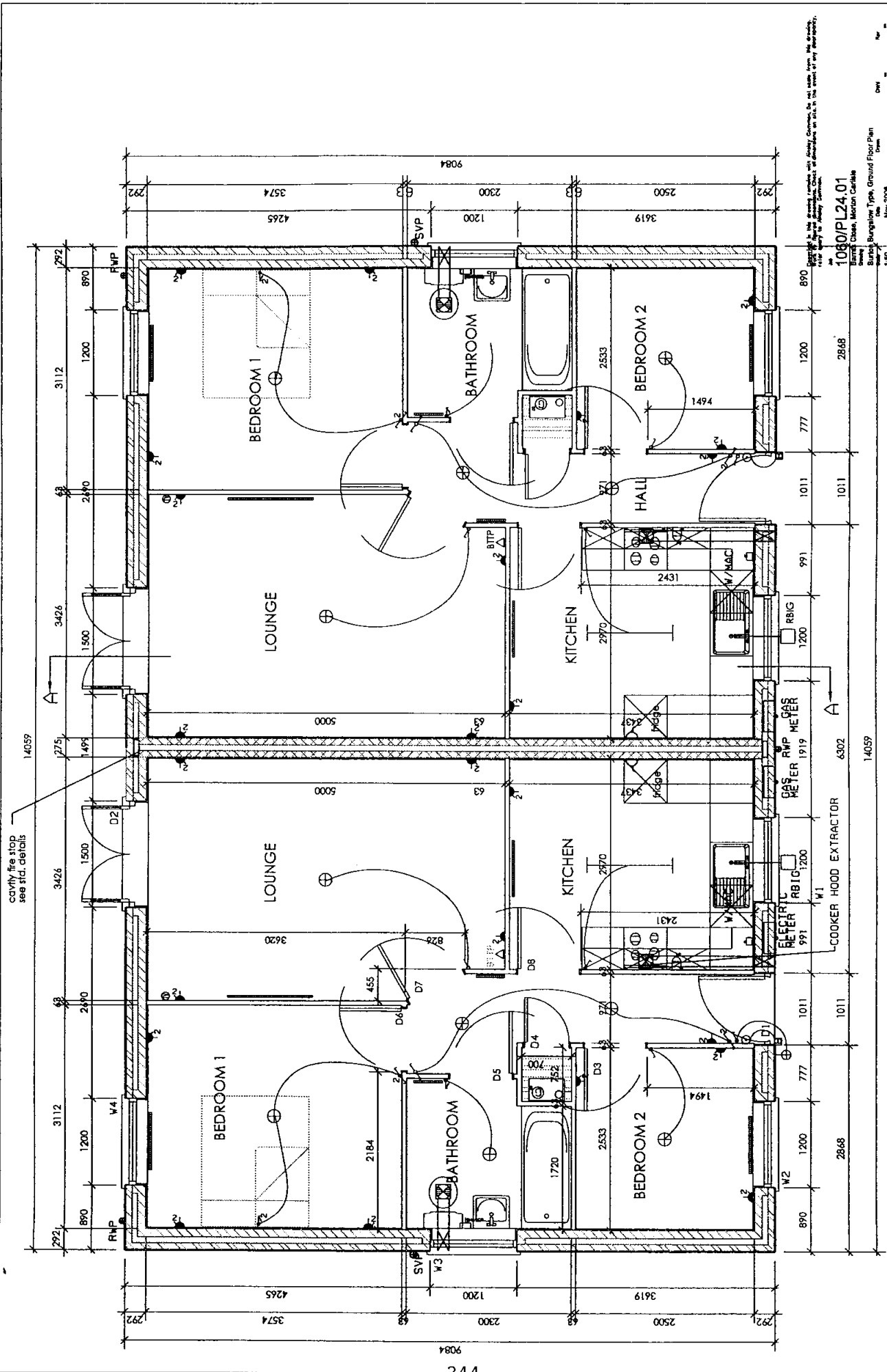
Oakwood House Type, Rear Elevation
Date: Nov 2008

Rev

Date



INSLEY GOMMON
ARCHITECTS
1060/PL23 05

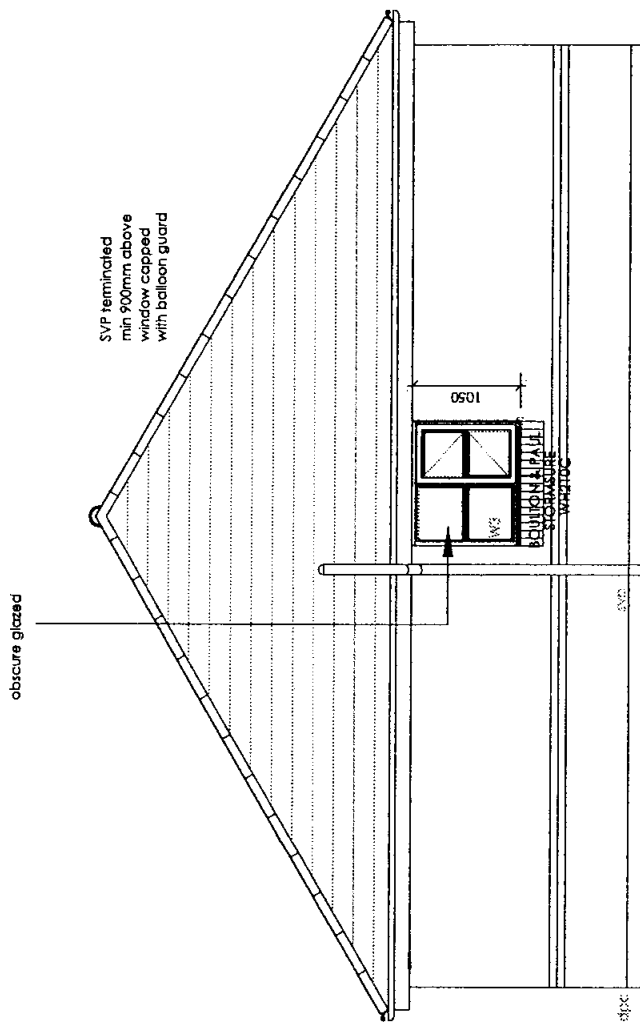


1080/PL24.01
 Barret Chase, Maroon Castle
 Barret, Bangalore Type, Ground Floor Plan
 Date: Nov 2008
 Scale: 1:50



AINSLEY COMMON
 Architects & Planners
 1080/PL24.01
 Barret Chase, Maroon Castle
 Barret, Bangalore Type, Ground Floor Plan
 Date: Nov 2008
 Scale: 1:50

GROUND FLOOR PLAN



SIDE ELEVATION

Drawn by: [Signature] Checked by: [Signature] Date: 10/11/06
 For: [Signature] Date: 10/11/06
 For: [Signature] Date: 10/11/06

1060/PL24.02

Burton Clark, Morton Carlie

Burton Bungalow Type Side Elevation

Date

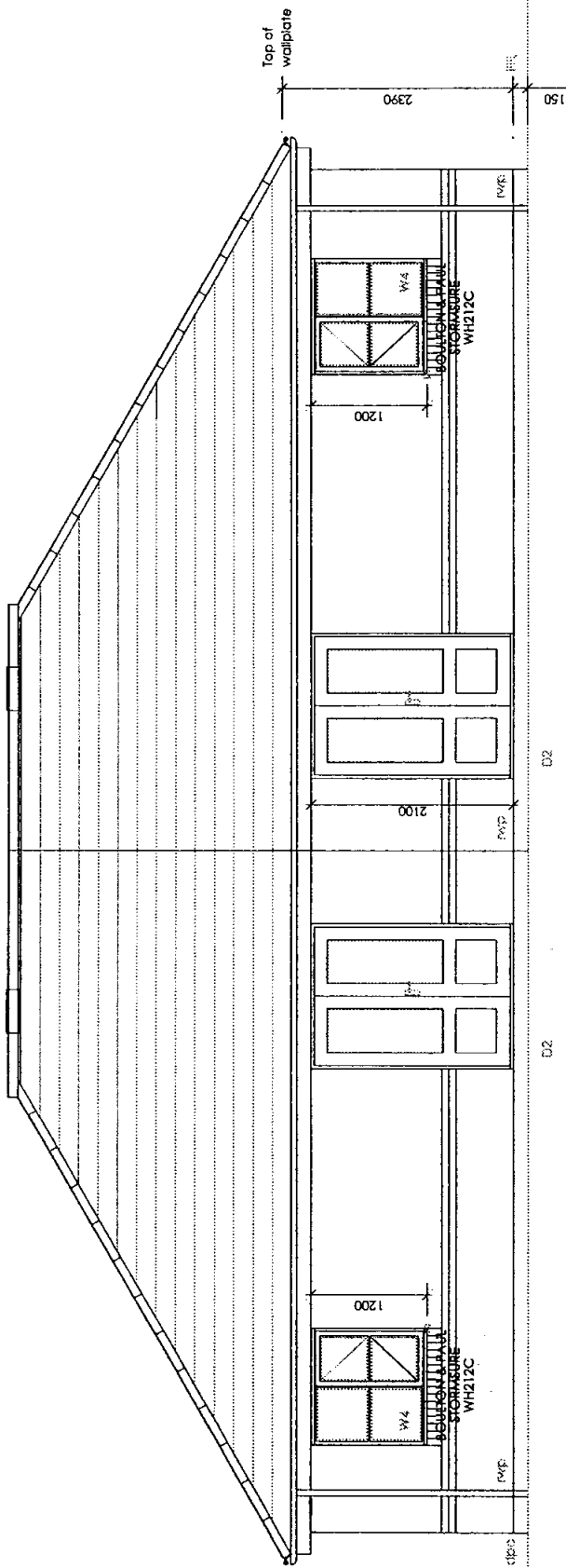
Nov 2006

Rev

001



Gas ridge terminal



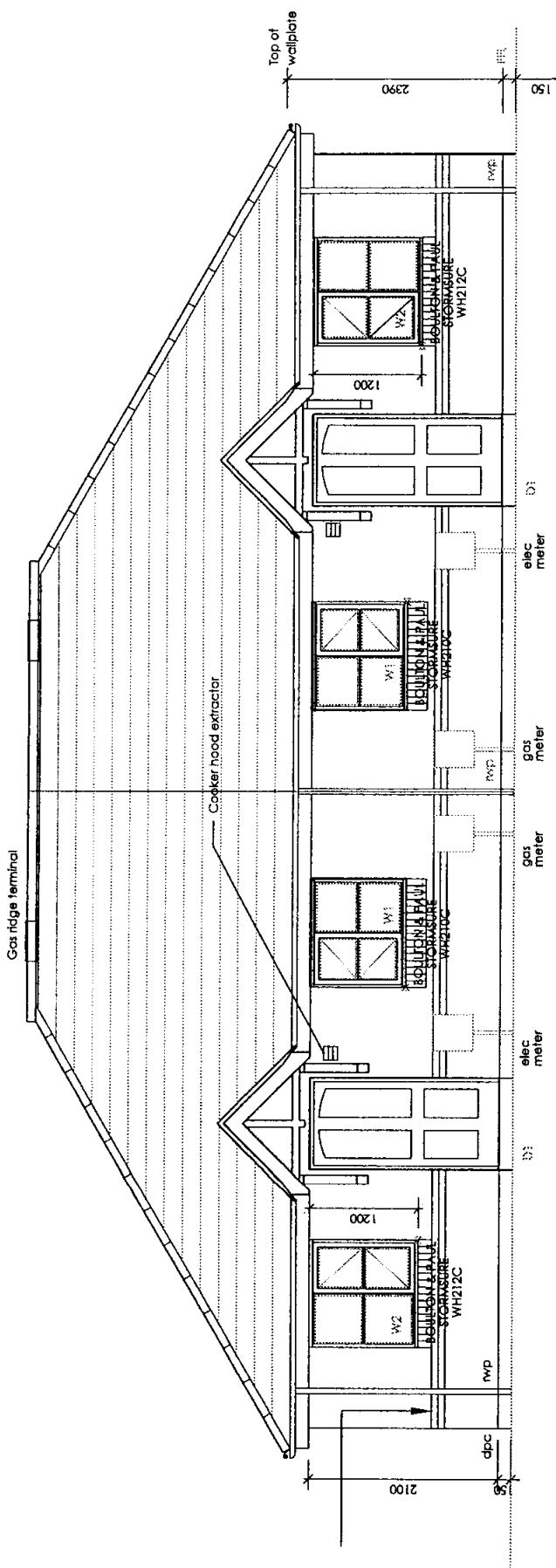
REAR ELEVATION

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1060/PL24.03

Burton Crane, Motion Control
 Burton Bungalow Type, Rear Elevation
 Date: Nov 2008





2No. course flush
contrasting bwk
stitcher band

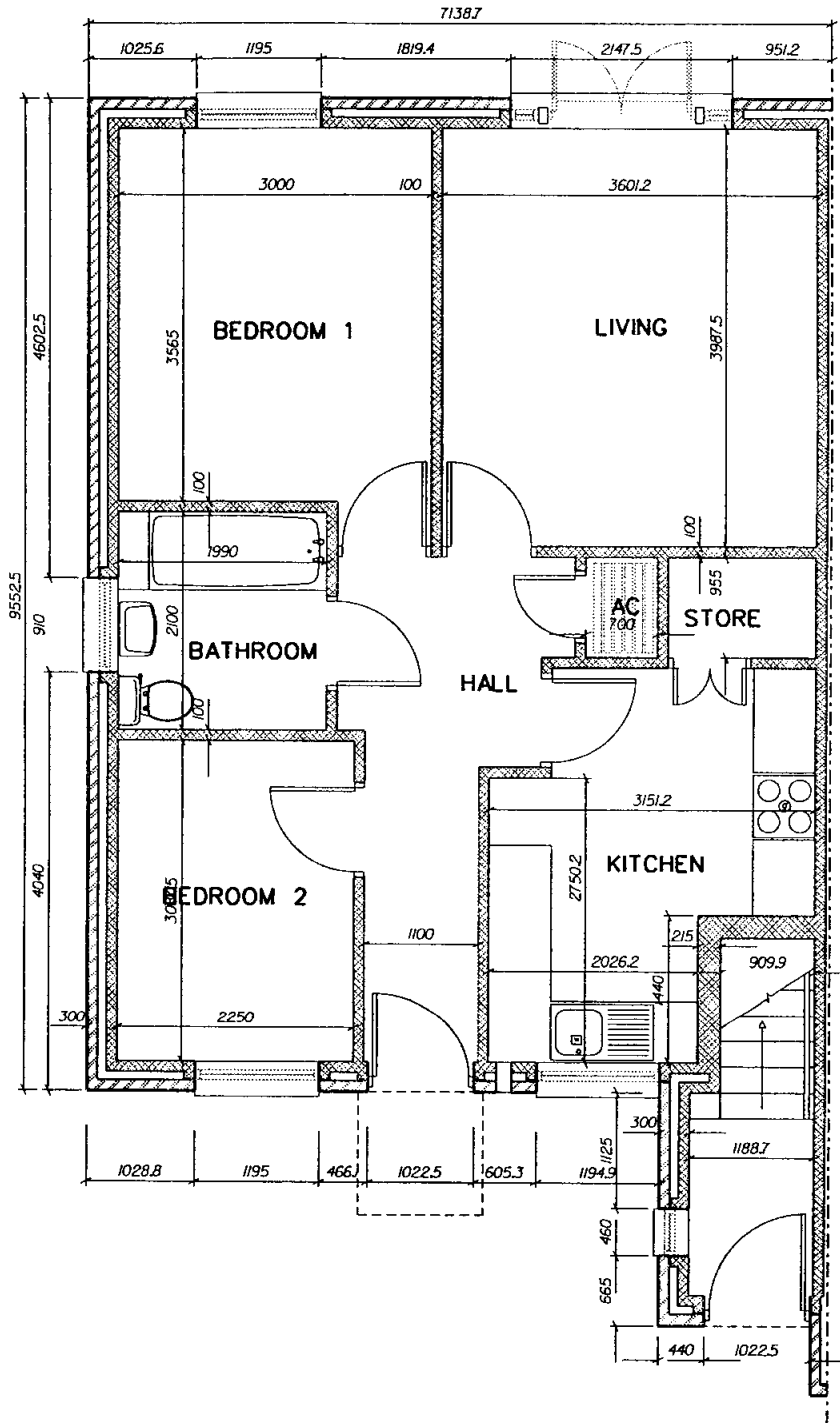
meter boxes to be
positioned 450mm
above finished
ground level (min)

FRONT ELEVATION

1060/PL24.04
 Barrow Chase, Morion Cullin
 Barrow Bungalow Type, Front Elevation
 Date: Nov 2008
 Drawn: [Signature]
 Scale: 1:50

AINSLEY COMMON
 ARCHITECTS
 1060/PL24.04

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Job
1060/PL25.01

Bernie Cross, Morton Carfale

Drawing

Flat 2 Apartment - Ground Floor Layout

Scale

Date

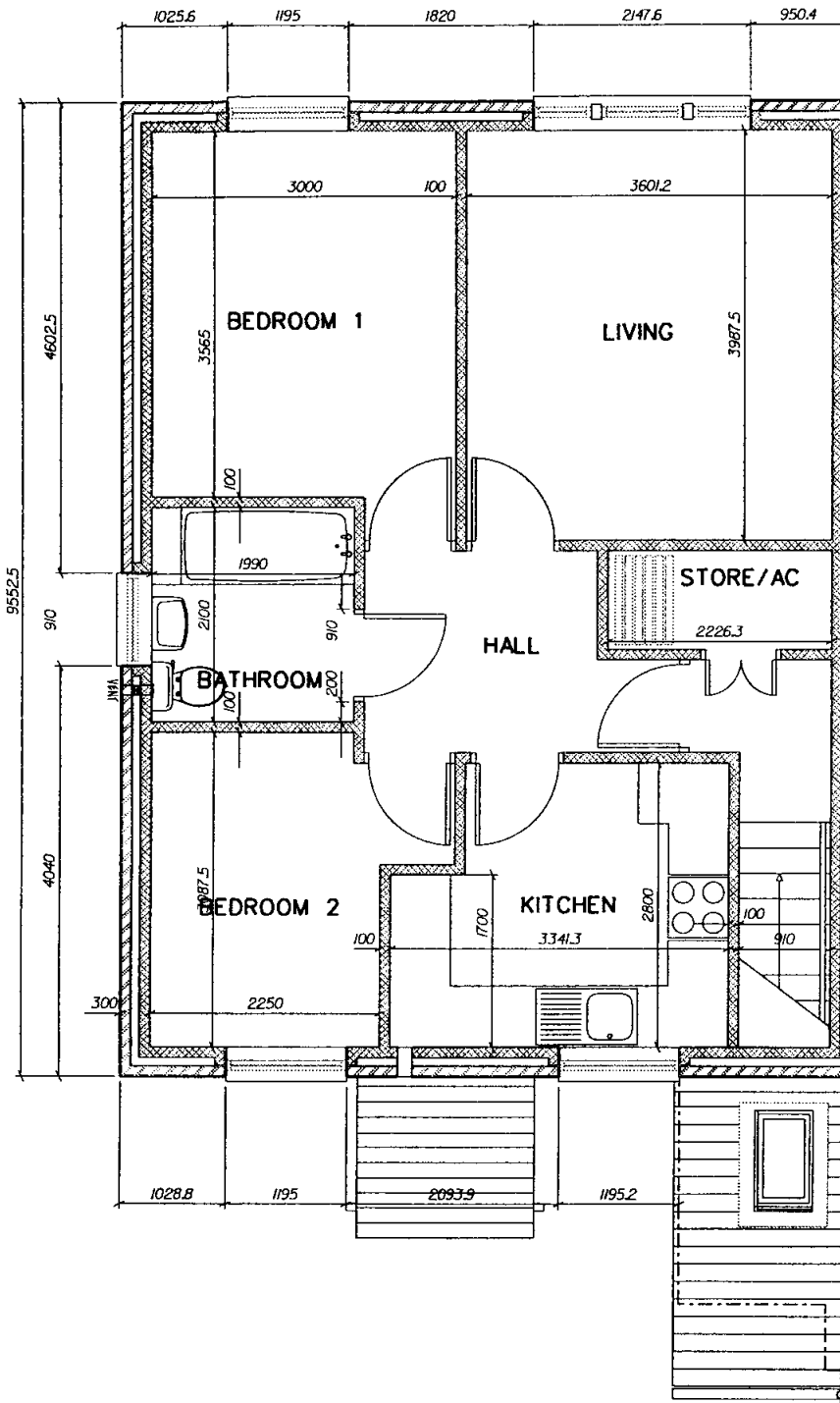
Nov 2008

Drawn
RYW

Client

Rev





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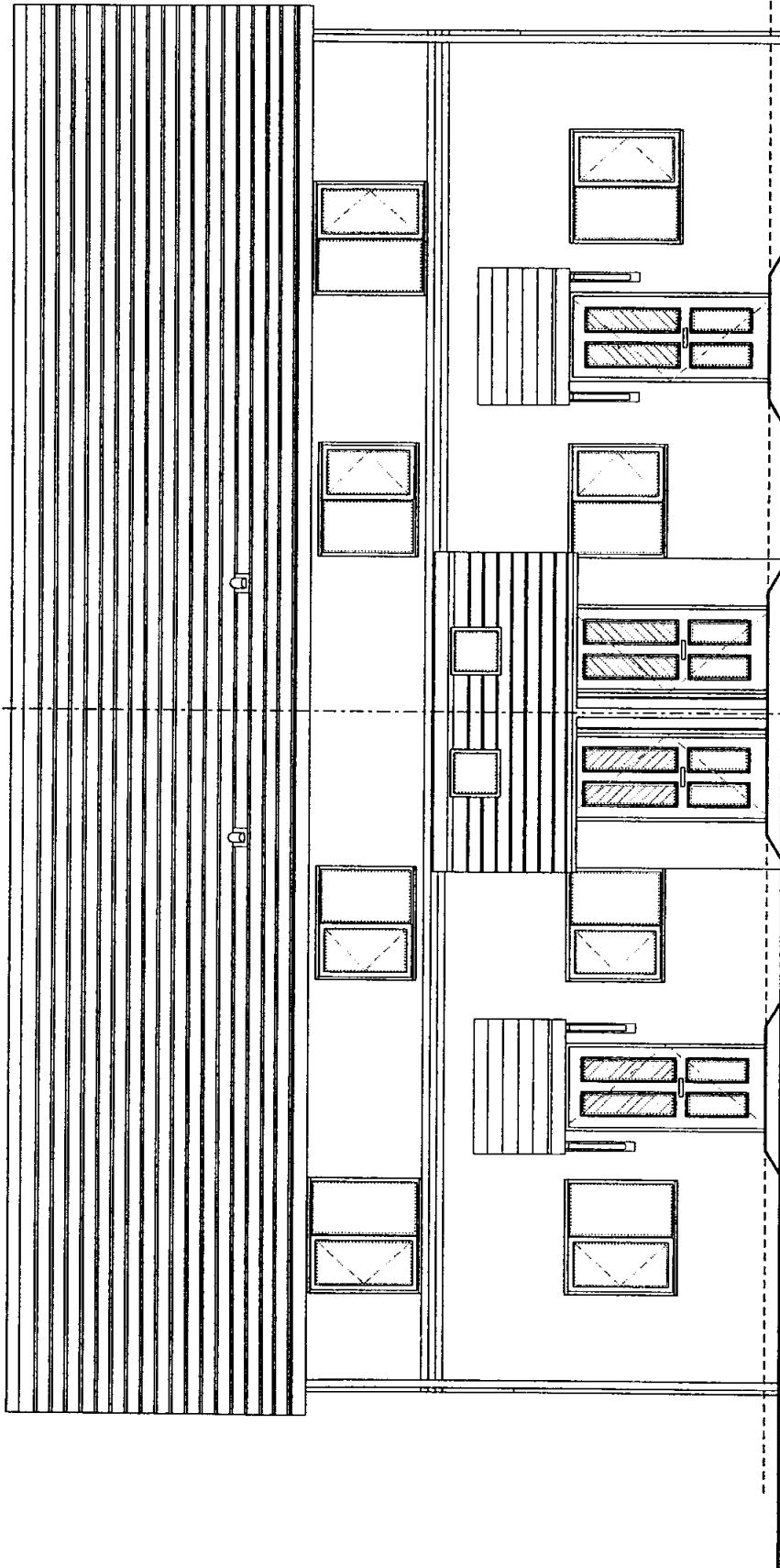
Job: 1060/PL25.02
 Barry Crane, Morton Carlsle

Drawing

Falcon 2 Apartment - First Floor Layout

Scale	Date	Drawn	Check	Rev
1:50	Nov 2008	REV		

AINSLEY GORMON
 Architects + Landscape Architects
 17/180 PIPER STREET, BRISBANE, QUEENSLAND, AUSTRALIA, 4000
 Telephone: 07 3251 2222 Email: ainsley.gorman@ainsleygorman.com.au Website: www.ainsleygorman.com.au



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1060/PI.25.03

Project: 2 Apartment - Front Elevation

Date: Nov 2005

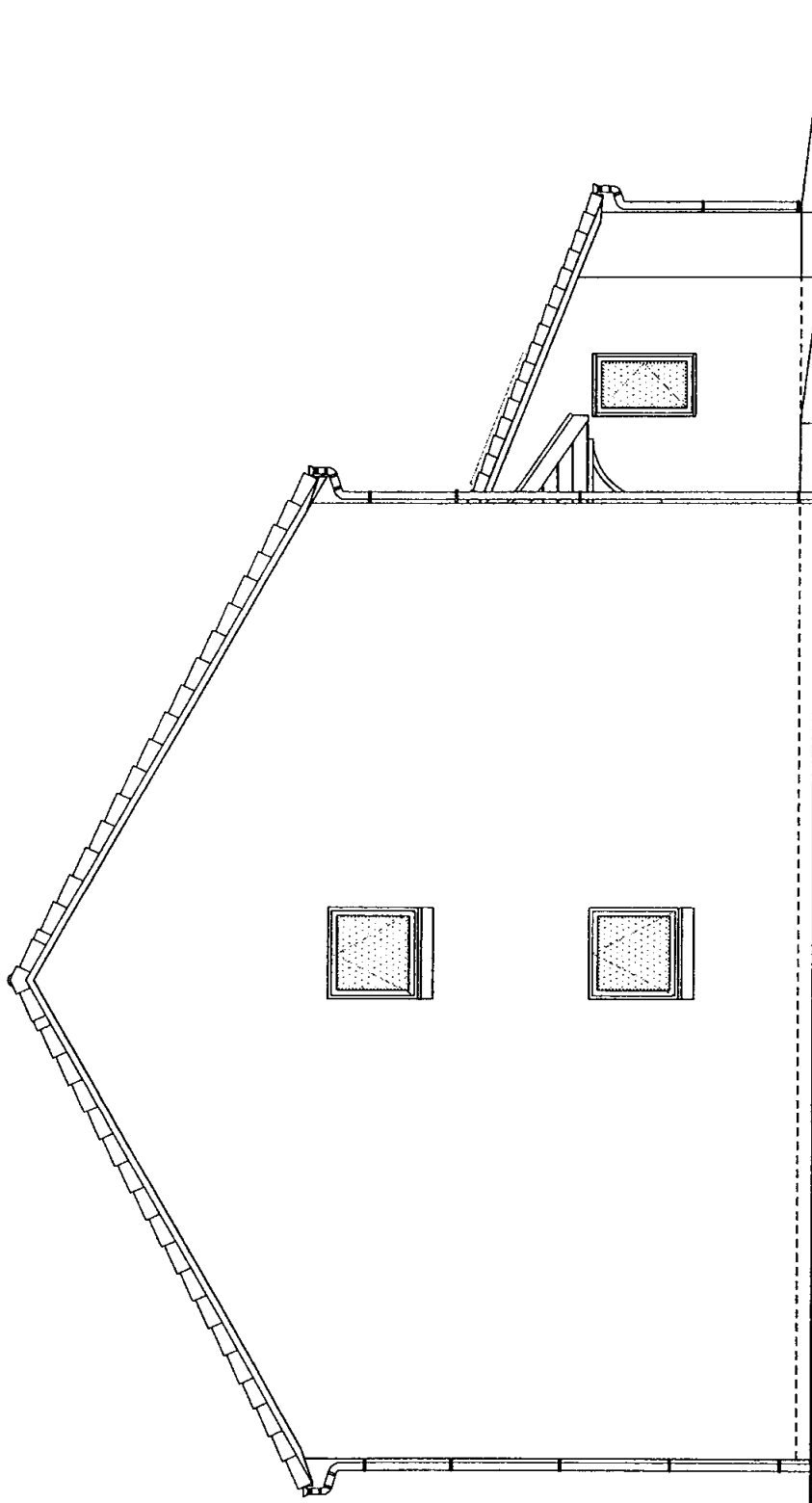
Drawn: RY

Checked: GW

Scale: 1/8" = 1'-0"



Front Elevation



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1060/PL25 04

Barrie Chase, Morton Capital

Project 2 Apartment - Side Elevation

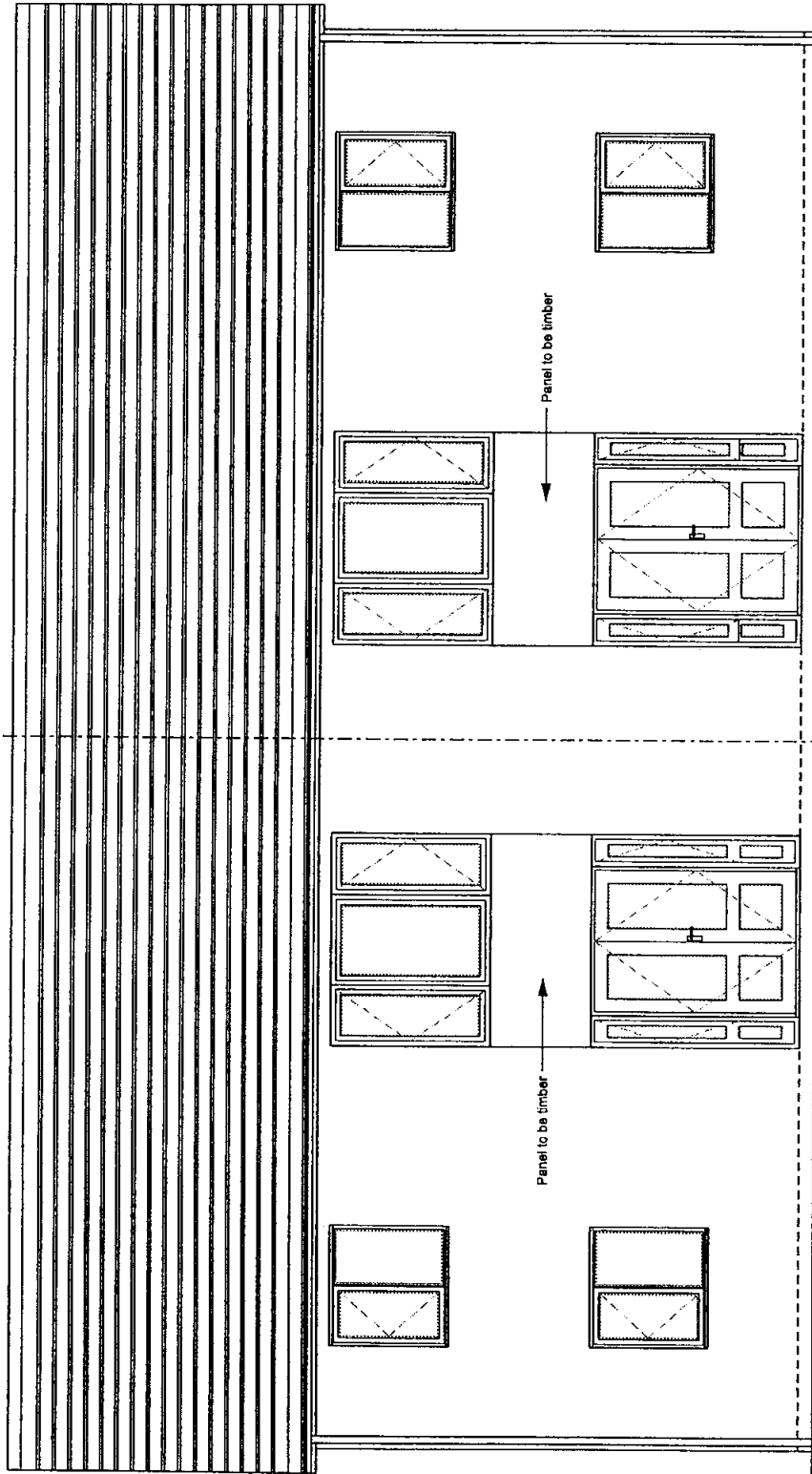
150

Nov 2003

Rev



Side Elevation



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1060/P.L25.05

Burma Chook, Motion Centre

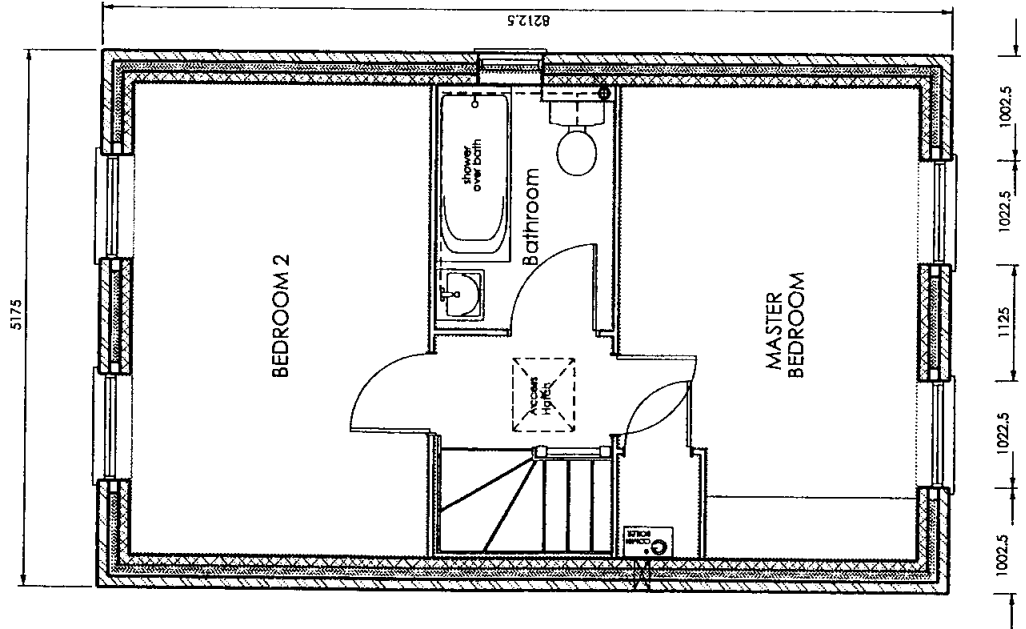
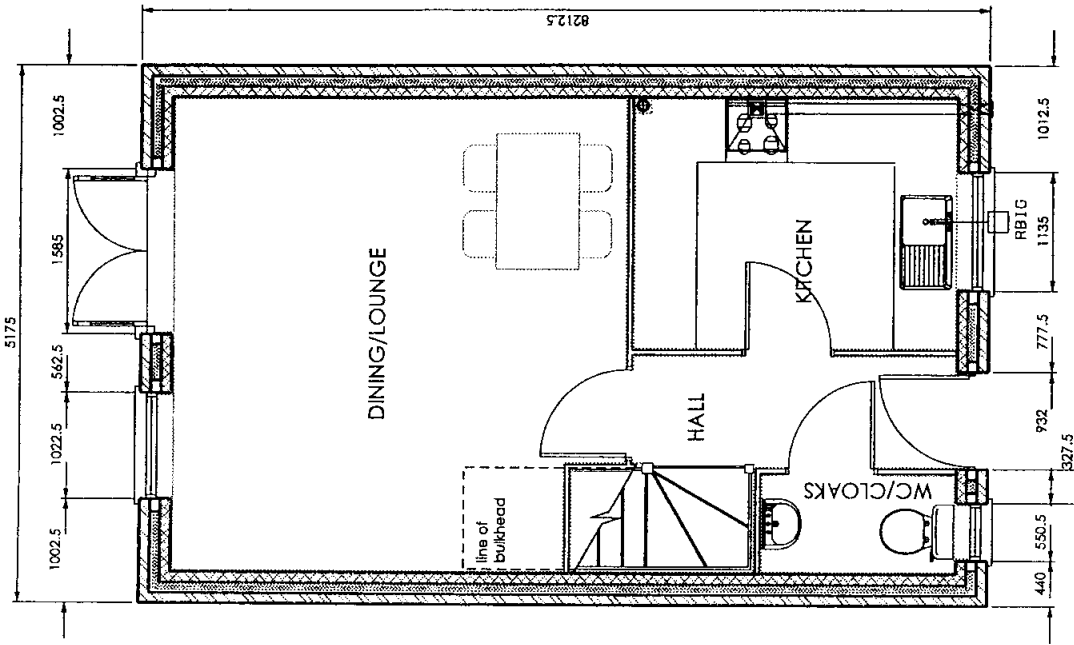
Project: 3 Apartments - Rear Elevation

Date: Nov 2008

Scale: 1:50



Rear Elevation



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Ref: 1060/PL26.01

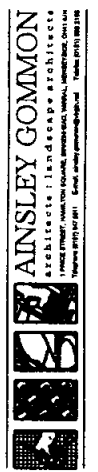
Drawn: Brian Cook, Motion Carriage

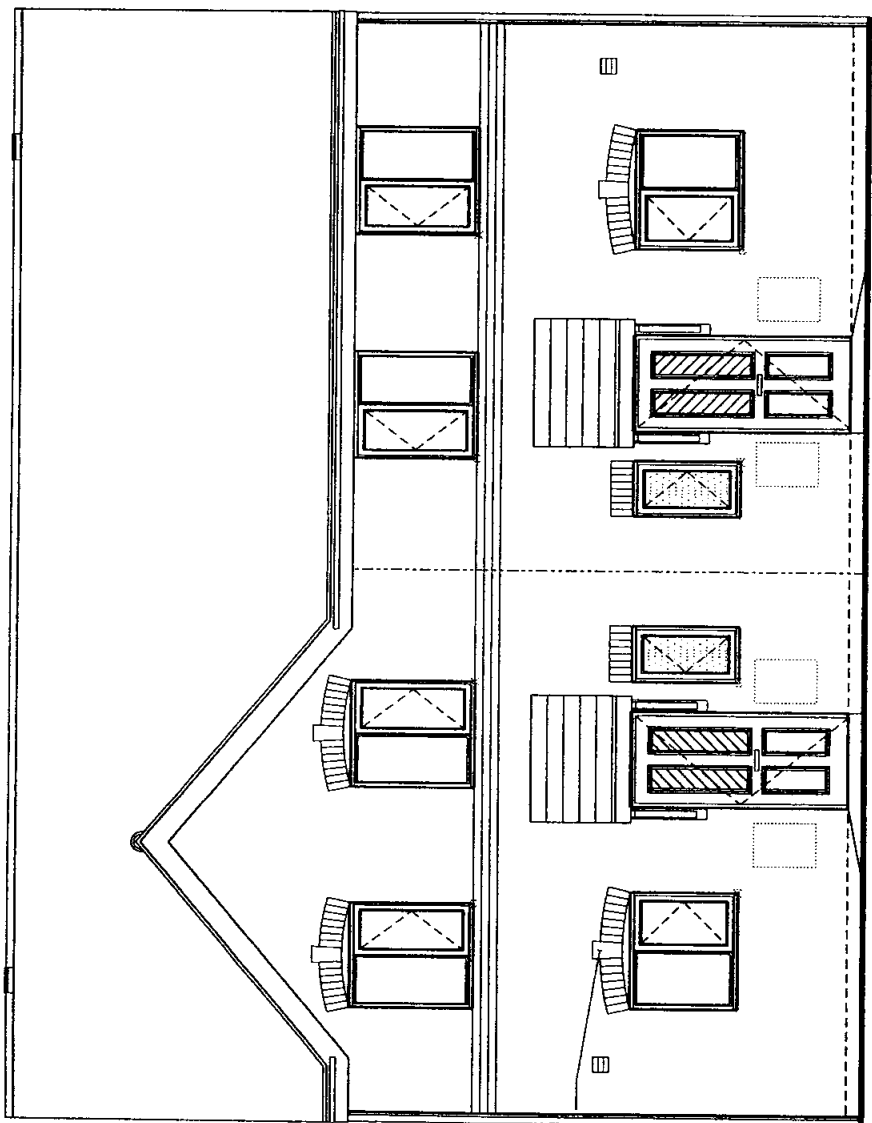
Date: Nov 08

Scale: 1:50

Drawn: TM

Rev: R01





3No. course flush
bwk band with
contrasting bwk
HEAD — 4800

CHILL — 3600

off stone
key stone
HEAD — 2100

CHILL — 1050

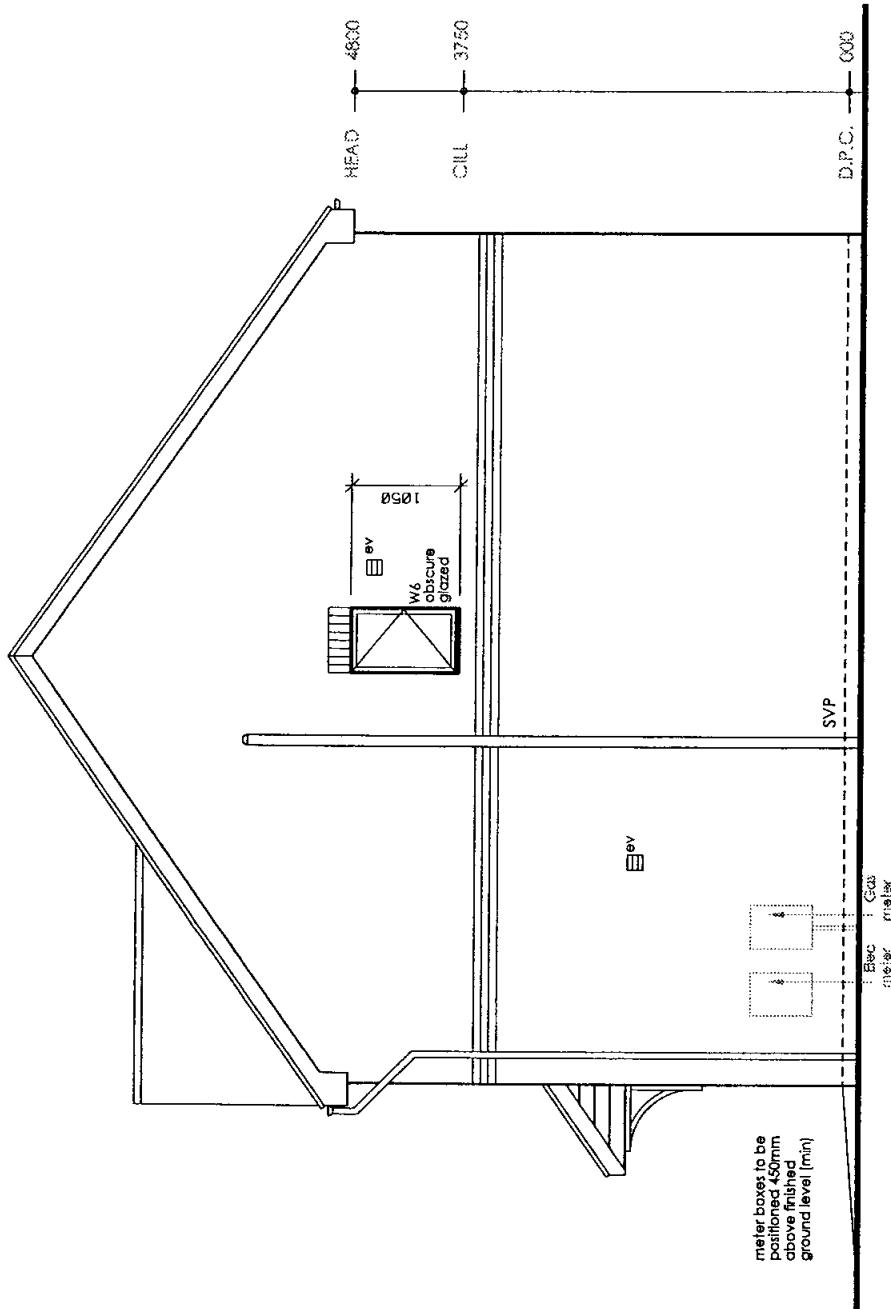
D.P.C. — 000

FRONT ELEVATION

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Job
10660/PL26.02
Drawing
Birnie Close, Morton Darlisle
Presbury Terrace House Type - Front Elevation
Scale
1:50
Date
Nov 06
Drawn
RW
Checked
CKC
Rev
—





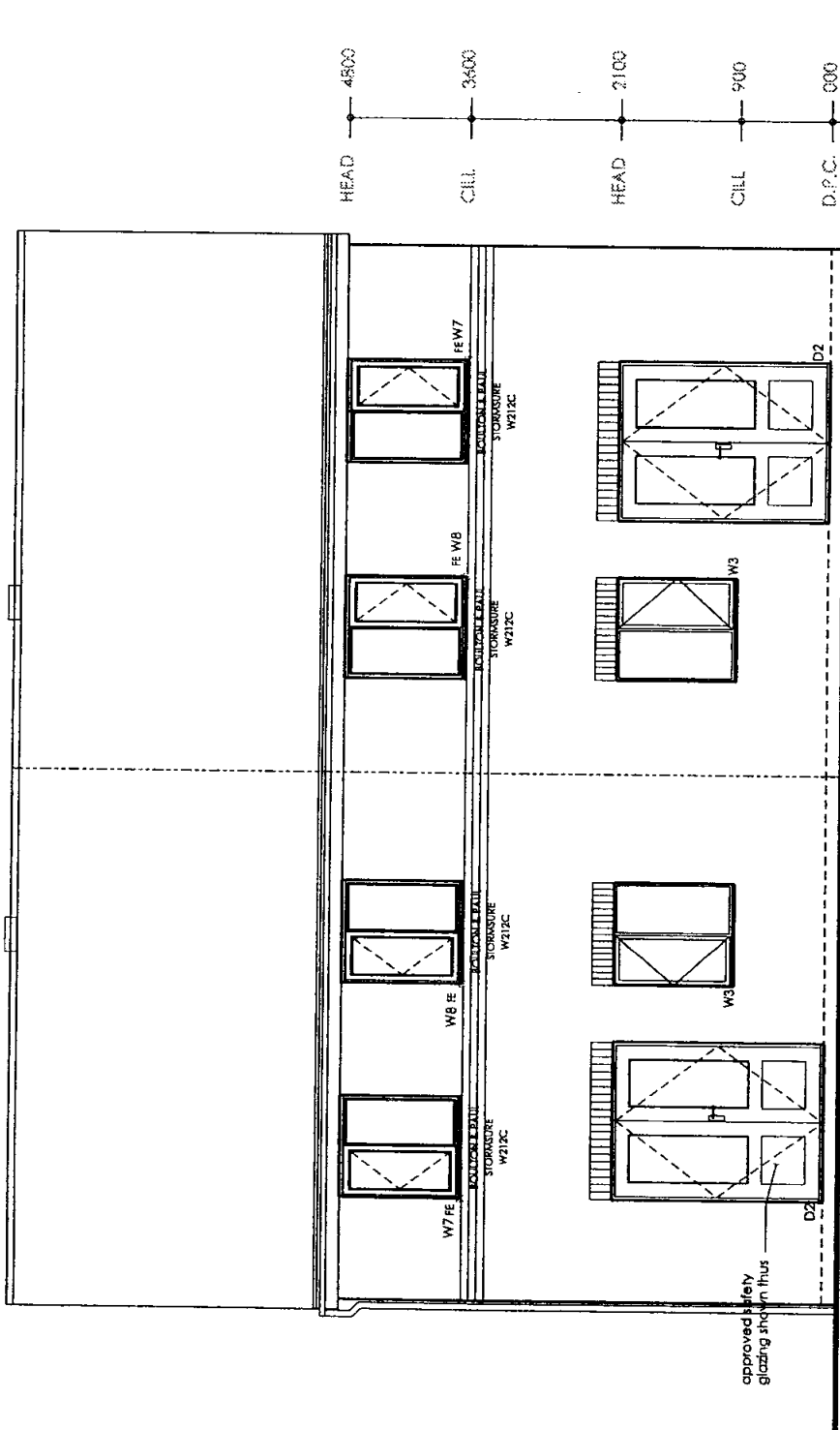
SIDE ELEVATION

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Job: 1060/PL26.03
 Name: Barrie Clow, Morton Carleton
 Drawing: Presbury Terrace House Type - Side Elevation
 Scale: 1:50
 Date: Nov 06
 Drawn: RW
 Check: CHS
 Rev: N/A

AINSLEY COMMON
 architects + landscape architects
 1060/PL26.03
 Presbury Terrace House Type - Side Elevation
 1060/PL26.03

RIDGE VENT TO
GAS BOILER



REAR ELEVATION

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As 1060/PL26.04

Barnes Close, Horton Kirby

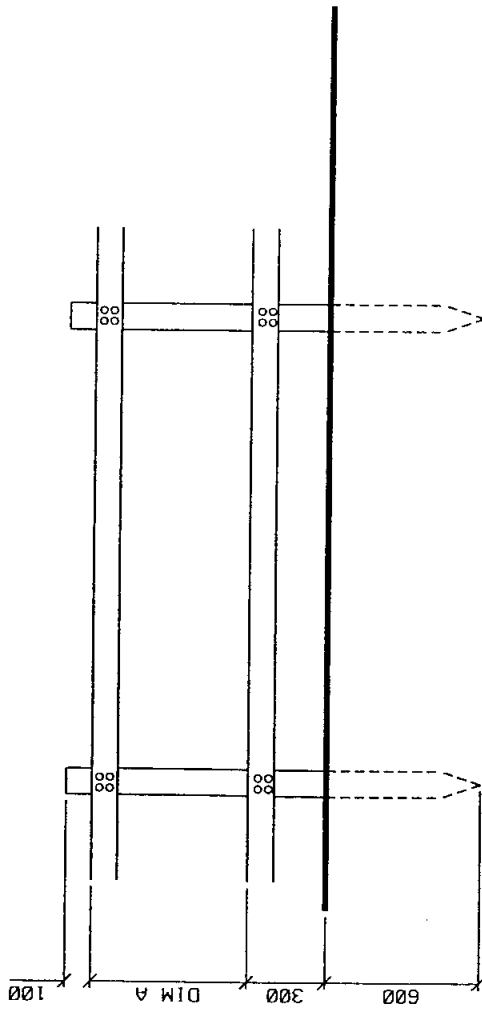
Drawn: Presbury Turner House Type - Rear Elevation

Scale: 1:50 Date: Nov 08

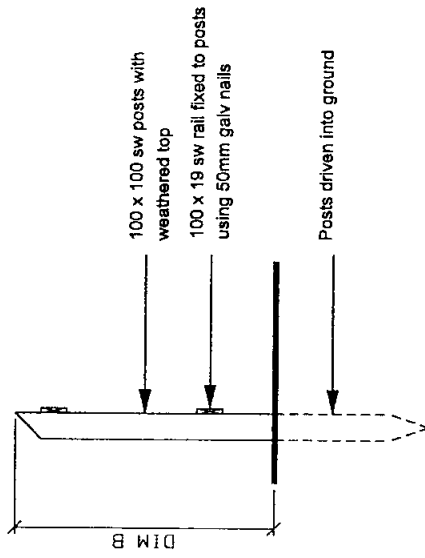
Drawn: RW Rev: CND

AINSLEY COMMON
ARCHITECTS : LANDSCAPE ARCHITECTS
1 PRIDE STREET, HAINES, TORQUAY, DEVON, PL30 2JH
Tel: 01323 886111 Fax: 01323 886112 Email: ainsley@ainsley-common.co.uk

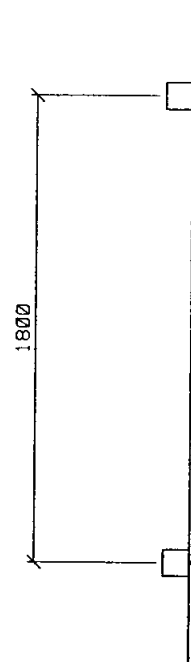
Elevation



Section



Plan



Schedule		
Fence Height	Dim A	Dim B
900	600	1000
1200	900	1300

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Job
1060/PL30.01

Client
Branco Cook, Morton Centre

Project
Lowell Fencing Detail A - Timber Post and Top Rails

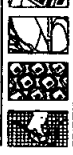
Scale
1:20

Date
Nov 2006

Drawn
RW

Checked
CKM

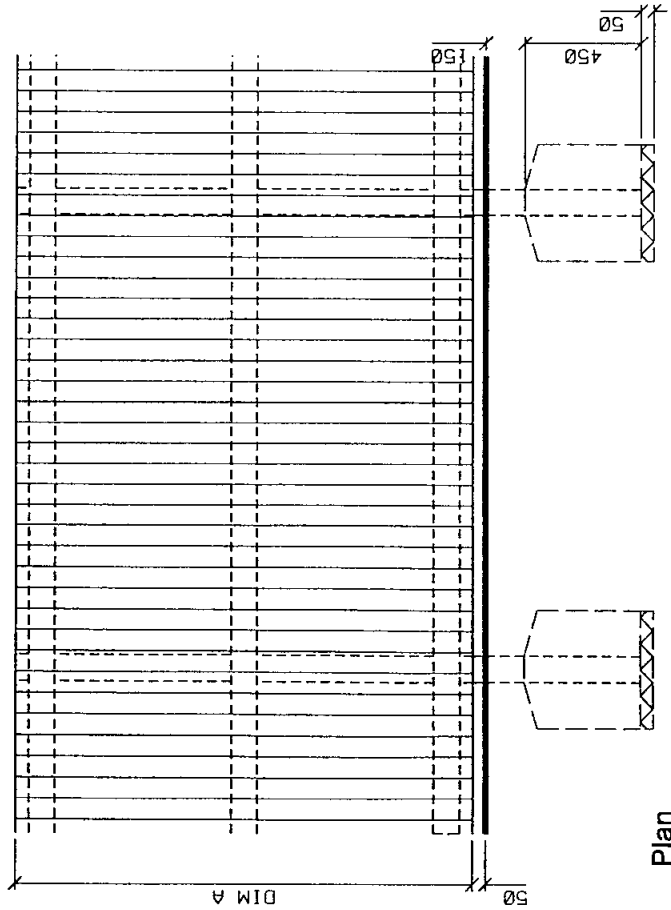
Rev
R0



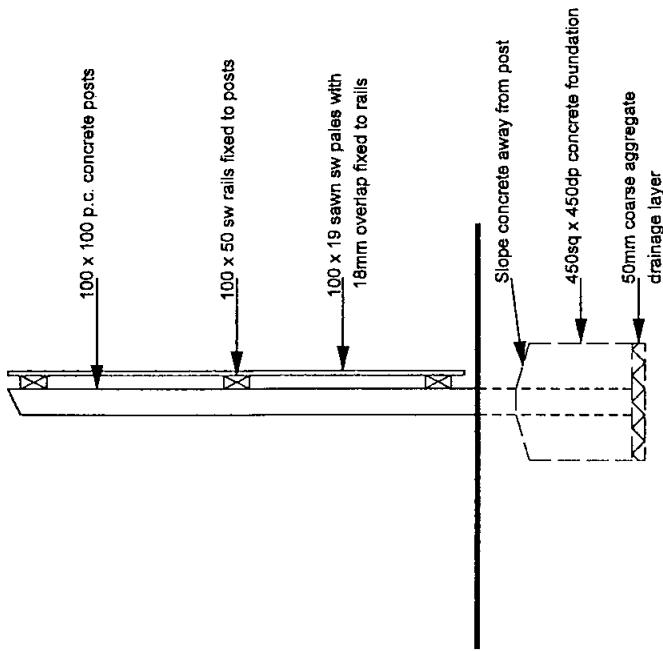
AINSLEY GOMON
ARCHITECTS - LANDSCAPE ARCHITECTS
1060/PL30.01
1060/PL30.01

Section

Elevation



Plan



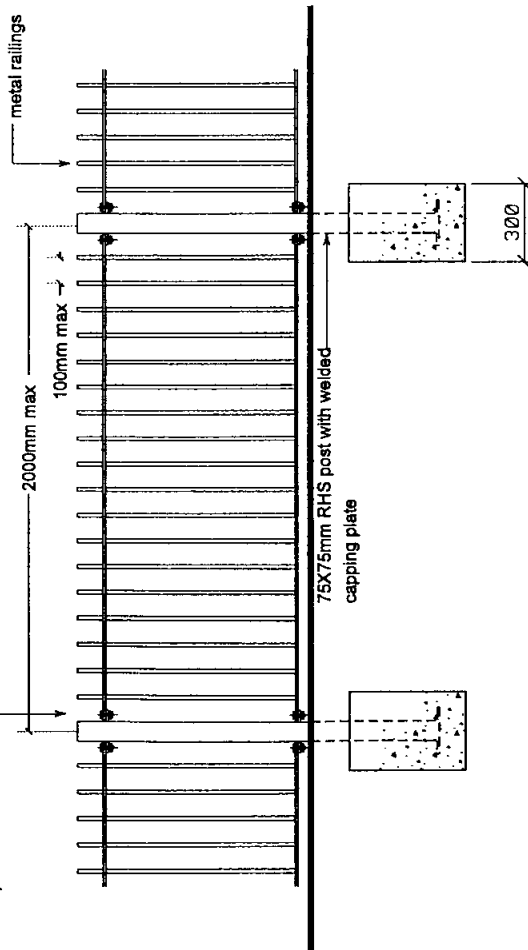
Schedule	
Fence Height	Dim B
1500	625
1800	775

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 Job: 1060/PL30.02
 Drawing: Level Fencing Detail E - Concrete Post and Lapped Boarding
 Date: Nov 2006
 Scale: 1:20
 Drawn: RW
 Checked: RW
 Rev: RW

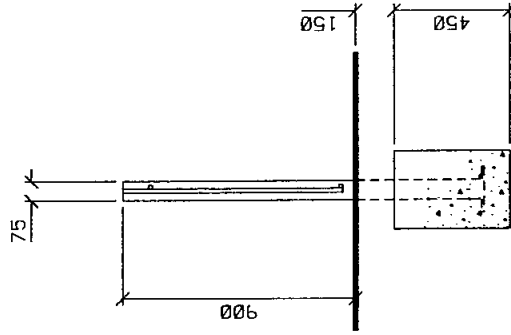


Elevation

45X30X8mm lugs with slotted holes to receive 12mm dia. bolt and washers, welded to r.h.s.



Section



Plan



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Job
1060/PL30.03
Barra Close, Morion Carlike

Drawing
900mm Railing Detail

Scale
1:20

Date
Nov 2006

Drawn
RWV

Check

Rev





Mr David Cartmell
Carlisle City Council,
Planning Services Division,
Dept of Environment and Development,
Civic Centre,
Carlisle.
CA3 8QG

PG/PG 1060

27th November 2006

Dear David

Barras Close, Morton, Carlisle – for Lovell Partnerships .

I refer to your email of 22 November 2006 and I would comment as follows.

Closure of the cut. When the application was presented to your Committee at the end of September, they were advised that the architectural liaison officer was insistent upon this closure and, in responding, Brian Barden clearly indicated to your Committee that such a closure of an existing footpath would be likely to be resisted by many local residents.

Your own Local Plan policies seek to protect such existing footpaths and this was also highlighted at the last Committee Meeting by Mr Barden, and was indeed a consideration in the Applicant's consistent inclusion of the footpath, within the layouts presented at Committee to date.. The scheme has been designed in such a way that if your Committee, notwithstanding its earlier decision, decided that the footpath should remain open, it could easily do so because the line of the service strip through existing gardens is shown on the layout.

It is therefore simply a matter for your Council to decide whether it does or does not wish to keep a footpath in that corner of the site. We would be grateful to obtain clarification of your Council's current position in this regard.

Garages The position with regard to garages was debated without issue as part of the last application and it does not figure as a reason for refusal. Representations had been made by a number of garage owners at the time of the last application. It is not now open to the Council to introduce such a consideration given the reason for refusal that has already been put on a decision notice.

Your members were not in any way supportive of the view that alternative parking facilities should be provided. You will recall that a clear indication had been given that measures for the provision of further on-street parking in verge areas were being considered jointly by the Housing Association, the City Council and the County Highway Authority, and that process will of course continue.



United Utilities The drainage design will be designed in accordance with the statutory authority's requirements.

Bats Bats are unlikely to be active at this time of year, but the Applicant is aware that they could be present, and is willing to follow best practice, which may include commissioning a survey should roosts be identified in the existing buildings.

Housing strategy So far as the comments from Housing Strategy are concerned, we have made our position clear with regard to the available funds and the provision of 12 dwellings going back to the Housing Association for rent, and as your consultee recognizes the applicant has indeed increased the number of dwellings passing to the Housing Association.

There is no other money available in the pot to cross-subsidise anything else, and I am not sure whether the Housing Association are able to consider the shared ownership of some of the 12 houses going back to them.

The proportion of affordability already offered within the proposal (at c. 25%?) is an outcome of the consultation between all parties concerned, ongoing since the November / December 2005 decisions on earlier Applications. Indeed this has resulted positively in an increase in numbers of homes passed to the Association and addresses requirements for a diverse housing mix. A thorough review resulted in the inclusion of the two bedroom family homes, thus satisfying matters raised in the progressive consultation between the Applicant, the Housing Association and your Council consultees.

Energy Conservation and Efficiency

Firstly, all the new dwellings will be built to meet the current amended Building Regulations, and as such will have a higher thermal performance than any housing stock previously occupying the site.

The development will reuse an existing site of dwellings that fall far short of such standards. The existing highway layout is being reused to minimise the need to haul material off site and where possible, suitable demolition material may be considered for re-use, reducing the use of quarried stone.

The layout is strongly influenced by the shape of the site, and the means of access, and as a result a substantial number of the dwellings are orientated easterly westerly, enjoying the benefit of sunlight on both principal elevations.

The provision of water butts can be considered for dwellings to ameliorate surface water run-off from dwellings and promote responsible water use during occupation.

Lovell partnerships operate an Environmental Management System and are accredited to ISO 14001. The development will be managed for waste reduction and recycling within the standards set out in ISO 14001.

Regeneration-

We would ask that consideration is given to the fact that the whole development is being approached by the Applicant as a regeneration scheme, with the benefit of development being returned to Carlisle Housing Association in the form of a diverse mix of housing for rent, in this case 12 dwellings, including two and three bedroom family homes and accommodation for existing residents who wish to remain in Barras Close.

Yours sincerely

Peter Gommon, Director
AINSLEY GOMMON ARCHITECTS

cc Phil Houghton-Lovell, Helen Knowles-CHA, Brian Barden BPC

Appendix A The Development Plan Policy Context.

Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the development plan unless material considerations (including objections) indicate otherwise.

Development plan policies reflect local requirements and issues in the context of national policy issued through the Planning Policy Guidelines (PPG) and Planning Policy Statements (PPS) and Regional Planning Guidance (RPG). Of particular relevance to the consideration of this application are PPS 1 (Delivering Sustainable Development), PPG3 (Housing) and PPG17 (Planning for Open Space and Recreation).

PPS1 sets out the role of the planning process in achieving the Government's objectives in relation to sustainable development. PPS 1 states that planning should facilitate and promote sustainable development and inclusive patterns of urban and rural development by:

1. making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
2. contributing to sustainable economic development;
3. protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities;
4. ensuring high quality development through good and inclusive design, and efficient use of resources; and,
5. ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

PPG3 particularly stresses the need for:

1. giving priority to re-using previously developed land within urban areas in preference to the development of greenfield sites
2. meeting the housing requirements of the whole community including those in need of affordable and special needs housing and
3. making the best use of land and therefore encouraging development which makes more efficient use of land (between 30 and 50 dwellings per hectare)

PPG17 stresses the need to retain local networks of high quality, well managed and maintained open spaces, sports and recreational facilities as an integral part of the Government's broader objectives which include:

1. supporting an urban renaissance
2. promoting social inclusion and community cohesion
3. health and well being

In the context of the Planning Policy Guidelines (PPG) Planning Policy Statements (PPS) and Regional Planning Guidance (RPG), policies in the Cumbria and Lake District Joint Structure Plan 2001-2016, and both the Adopted and Redeposit Draft Local Plans, are relevant to this application.

The Joint Structure Plan (2001-2010) sets out a Sustainable Vision for Cumbria which reflects the Government's four sustainable development objectives. The strategic policies to support this vision would involve:

- (a) focusing new development in Carlisle
- (b) giving priority to re-using existing buildings worthy of retention and previously developed land
- (c) focusing on sites that are accessible by public transport, walking and cycling
- (d) promoting a safe and secure environment which designs out crime
- (e) measures to improve existing housing stock by refurbishment, removal and clearance, particularly where it is necessary for the better functioning of the local housing market or for the overall improvement or regeneration of the area
- (f) ensuring the provision on new housing sites of a proportion of affordable housing for local people and their retention to meet affordable and local needs in perpetuity

The policies of both the adopted Carlisle District Local Plan and the Redeposit Draft Local Plan (2001-2016) seek to ensure that:

1. Where there is new residential development within Primary Residential Areas:
 - (a) existing areas of open space and other amenity areas are safeguarded
 - (b) it does not adversely effect the amenity of adjacent residential property
 - (c) it should complement or enhance existing residential areas and their amenity
 - (d) satisfactory access and appropriate parking arrangements can be achieved
 - (e) There is an appropriate mix of different types of houses (including affordable housing) to meet the needs of different types of household

(f) high standards of design are achieved

(g) there is a choice of means of travel to the site and the new development is designed to provide safe and convenient access for cyclists and pedestrians

(h) suitable areas of open space for public use for passive and active recreation are provided either within the development or elsewhere, through commuted payments, towards the provision of play space

(i) where appropriate, existing trees, shrubs and hedges are retained and landscaping schemes implemented

(j) the design of the development contributes to creating a safe and secure environment minimising the opportunity for crime

(k) where the development will generate an increase in surface water run-off which is likely to create or exacerbate flooding problems and sufficient land is available, sustainable drainage systems (SuDs) should be incorporated into a development proposal.

2. development within Primary Leisure Areas, and other significant leisure areas, relate to, and complement, the existing use

3. where playing fields become genuinely surplus to requirements, proposals for their development will only be acceptable where they meet criteria to ensure no loss of amenity, adequate access, car parking and landscaping.

4. protected species and their habitats are not affected by development

5. rights of way are maintained and replacement routes provided for any lost to new development.

SCHEDULE A: Applications with Recommendation

06/0955

Item No: 12

Date of Committee: 15/12/2006

Appn Ref No:

06/0955

Applicant:

Mr & Mrs Bevington

Parish:

Wetheral

Date of Receipt:

31/07/2006

Agent:

Jock Gordon

Ward:

Great Corby & Geltsdale

Location:

3 Glenview Cottages, Sandy Lane, Great Corby,
Carlisle, CA4 8NB

Grid Reference:

347530 554666

Proposal: Reinstatement Of Property Into Two Dwellings & Erection Of Rear
Dormer

Amendment:

1. Flat roof omitted and substuted for a pitched roof.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the Highways Authority have objected to the application.

Planning Policies:

Conservation Area

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H12 - Subdivision of Houses and Houses in Multiple Occupation

Proposals for the subdivision of houses into smaller units, or for change of use to a house in multiple occupation will be acceptable provided that:

1. there is no loss of amenity to surrounding residential properties; and
2. appropriate access and car parking provision can be achieved; and
3. the proposal ensures the creation of units of a good standard and does not result in the creation of substandard units; and
4. adequate internal and external space is provided. Proposals for additional

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subdivision of properties within Chatsworth Square and Portland Square will not be acceptable

Carlisle District Plan Housing - Proposal H2

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;

SCHEDULE A: Applications with Recommendation

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

1. is for a use inappropriate for residential areas; and/or

SCHEDULE A: Applications with Recommendation

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

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

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

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

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

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

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

SCHEDULE A: Applications with Recommendation

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Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): With reference to the application received on 11 August 2006. I would advise that I am not in favour of this property being reinstated as two dwellings as there is no off-street parking available and the dwellings are situated on a narrow road, steeply inclined, adjacent to other dwellings and St Corby School; there are known parking problems in this area. I therefore recommend refusal of this application on the grounds:-

The Local Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on a county highway to the detriment of the free flow of traffic and road safety.

Given the rural location, I would expect the provision of at least one off-highway parking space for each property which clearly cannot be provided within the curtilage of the property (s).

Wetheral Parish Council: Councillors have no objections to the reinstatement of this property into two dwellings, but do have concerns that this may create problems in the area regarding parking of extra vehicles, in an already congested road, where there is a lack of parking facilities.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
██████████ Cornerstones	10/08/06	Comment Only
██████████ 2 Glen View Cottages	10/08/06	
██████████, Oak House		Objection
██████████ Yew Tree House		Comment Only

This application has been advertised by means of a site notice. Two written representations have been made during the consultation period.

The first letter raised the issues that there is current difficulties from parking by the existing cottage residents. In addition the properties are adjacent to a village school which not only generate many more vehicles but poses a clear risk and demonstrable safety hazard for children. The nearby cottages at Glenwilly also have no parking and are now using the same very limited spaces.

There have been complaints from refuse collection drivers who are unable to reach properties in Sandy Lane because the narrow roadway is frequently blocked with parked cars. We similar risks applying to fire and ambulance vehicles.

The owners issue in regard to the potential increase in traffic in this part of Great Corby would be detrimental and dangerous

SCHEDULE A: Applications with Recommendation

06/0955

The second letter raised the issue that if the application was granted permission would raise the number of cottages from three to four. The only available parking is on the road, at a rather narrow point, where bigger vehicles sometimes have difficulties in negotiating (if cars are parked).

Four cottages could potentially mean six to eight cars, this figure adding to the traffic generated by village school and the increase in cars-parked on the road-from other nearby cottages.

With a primary school right in the middle of this area, there is always a considerable concern about safety.

We feel that the conversion of one cottage into two may increase parked traffic beyond a reasonable level.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relevant to this site.

Details of Proposal:

This property subject to this application is No. 3 Glen View Cottages, which is part of three terraced houses situated on the northern side of the Great Corby/Warwick Road. The dwellings are set back a minimum of 1 metre from a 'no through road' and are located within Great Corby Conservation Area. A steep elevated embankment to the north and east of the property encloses the 'rear' curtilage of the properties with mature planting on top of the embankment.

The proposal seeks full planning permission for reinstatement of the property into two dwellings and the erection of a rear dormer of what will be No. 4 Glen View Cottage, Great Corby, Carlisle. The proposal reinstates the original two small cottages from the existing 3 bed dwelling, the new small units having 2 smaller 2 bedrooms and a bathroom at first floor level with kitchens and living rooms at ground floor. In addition, two replacement timber sliding sash frame windows and a timber door will be installed to the front elevation and one dormer window to the 'rear' elevation.

The properties are neighboured by 'Cornerstone' to the northeast and by No. 1 and 2 'Glen View Cottages' to the west. 'Cornerstone' is located on the top of the embankment. The dwellings are two storeys high, constructed with red sand stone brick under a concrete tiled roof. There are no current parking spaces within the curtilage of the dwellings.

The relevant planning policies against which the application is required to be assessed are Policies H14 and T7 of the Carlisle District Local Plan and Policies

SCHEDULE A: Applications with Recommendation

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CP4, CP5, H11, H12 and T1 of the Carlisle District Local Plan 2001-2016 Redeposit Draft (the full text of these precedes this report in the schedule).

a) Principle of the Development

The proposal would involve re-instating a dwelling that was originally designed as two separate dwellings back into two separate dwellings. The proposal is within a residential area and in principle is considered acceptable and would not have an adverse impact on the neighbouring properties.

While there is no parking within the curtilage of the property the current residents park on the street next to the village green where there is more space and the road is wider. In terms of vehicle movements, given the proposed number of bedrooms from 3 to 4, it is not felt there would be harm to the living conditions due to parking congestion or increase in traffic. In addition the owners have decided to partition off their garden at 1 Glenwilley Cottages to provide an off-street car parking space, thus removing a requirement of one on street parking requirement.

b) The Impact Of The Proposal On The Character Of The Great Corby Conservation Area

In terms of sitting, design and materials used the proposed reinstatement of one dwelling into two dwellings and rear dormer window would not be detrimental to the character and appearance of the Great Corby Conservation Area.

c) The Impact Of The Proposal On Parking And Highway Safety

The Highway Authority which has been consulted, respond that *"Given the rural location, I would expect the provision of at least one off-highway parking space for each property which clearly cannot be provided within the curtilage of the properties. Therefore the Highway Authority would not recommend this application as it would likely result in more vehicles being parked outside on a county highway to the detriment of the free flow of traffic and road safety"*.

PPG13 however, states that the planning authority should not: *"require developers to provide more spaces than they themselves wish, other than in exceptional circumstance which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls"*.

In reviewing this issue, it is important to bear in mind that this proposal involves the formation from a three bedroom dwelling into two cottages with two bedrooms. The nature of the proposal would require substantial interior alternations, including installation of new stair cases, which results in the two proposed cottages having two bedrooms, each smaller than any of the bedrooms that currently exists, and the properties amount pretty much to "starter homes". This compares with the present position where the 3 bedroomed existing property could, arguably, be occupied by a family with children in their late teens all of whom might own a car.

SCHEDULE A: Applications with Recommendation

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It is important to note that the cottages are adjacent to a "no through road" that provides access to Sandy Lane to the north and access to a Bowling Green in the east. On the day of the site visit, the road was relatively congestion free from on street parking and vehicular traffic. In effect the road is subject to a very low volume of traffic upon which vehicles are not travelling at any great speed. It was also observed on the day of the site visit that many of the existing dwellings along the road, in comparison to the cottages, have off street parking provision within the curtilages of their property, therefore reducing the need for vehicles to be parked on the street.

In addition, the existing residents of 1 Glenwilly and Glenview Cottages use the lay by next to the village green where the road is wider and can accommodate on street parking. A photograph has been included for the benefit of Members.

It can clearly be argued that the size and potential market value of these small dwellings will result in them being occupied by either one person or a couple where car ownership could actually be lower than would be the case if the existing property was simply refurbished as a 3 bedroom house.

In this instance, it is felt the reinstatement of the property to the original two cottages with two small bedrooms from the existing three-bedroom dwelling would not lead to a significant demand for additional parking or generate more vehicular activity than already existing.

It is, therefore, concluded that the change from the existing situation would not demonstrably worsen present difficulties but would provide much needed, lower cost small units in the rural area without creating major traffic problems or difficulties such as could warrant the refusal of planning permission.

Human Rights Act 1998

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

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

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

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

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

SCHEDULE A: Applications with Recommendation

06/0955

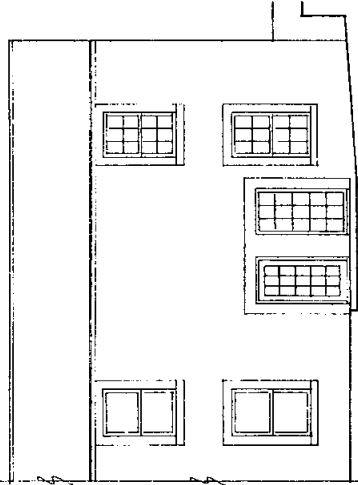
Recommendation: Grant Permission

1. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

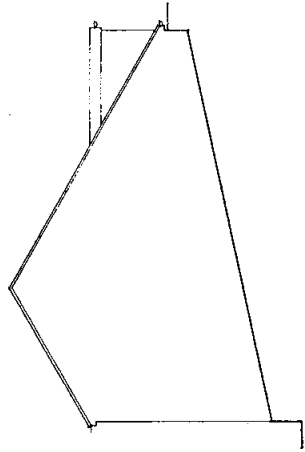
Reason: To ensure a satisfactory external appearance for the completed development.

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

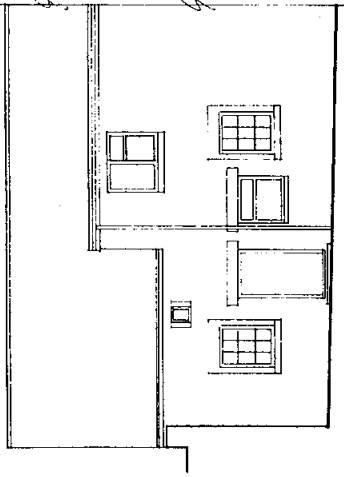
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).



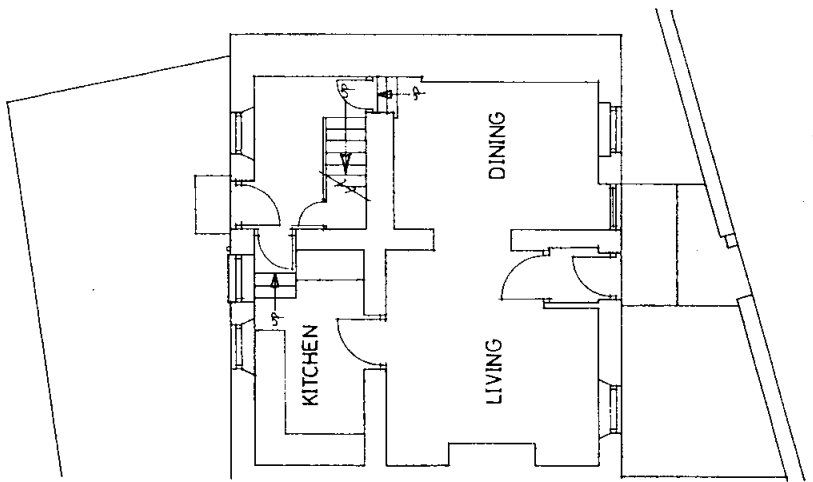
FRONT ELEVATION



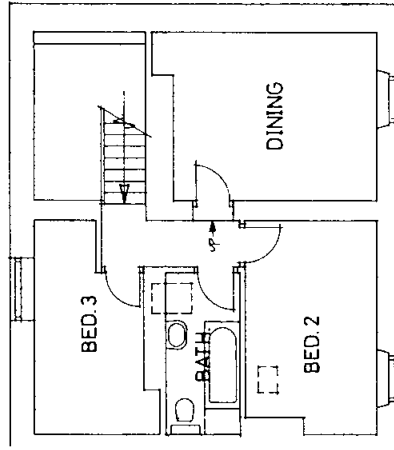
SIDE ELEVATION



REAR ELEVATION

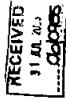


GROUND FLOOR PLAN



FIRST FLOOR PLAN

AS EXISTING

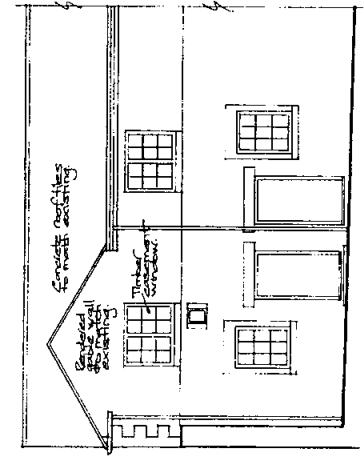


PROPOSED SUB-DIVISION TO FORM
SEPARATED DWELLING
3 GLEN VIEW COTTAGES - GT. CORBY

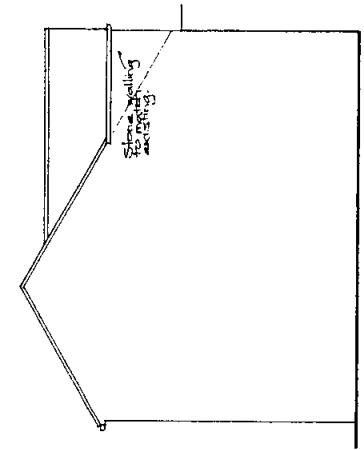
DRG. No. 1584/1

SCALE: 1/50

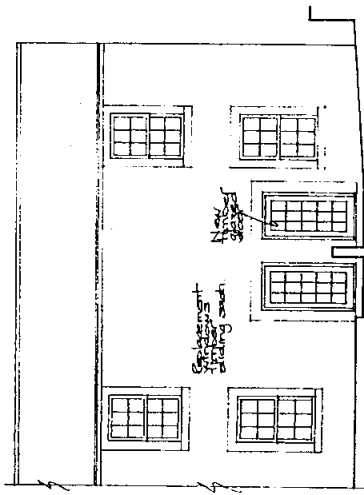
DATE: JULY



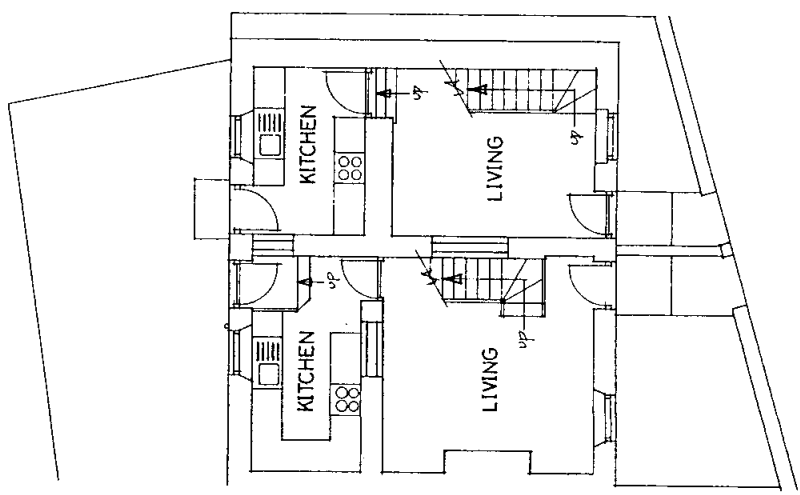
REAR ELEVATION



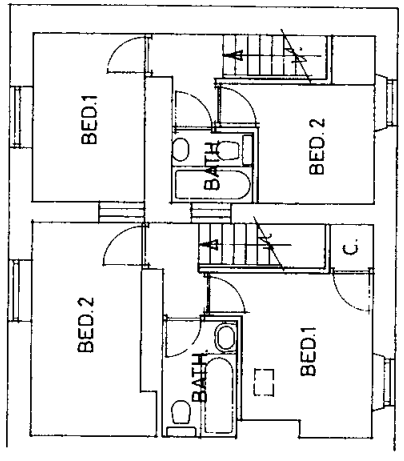
SIDE ELEVATION



FRONT ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

AS PROPOSED

RECEIVED
23 OCT 2006
COPPER

PROPOSED SUB-DIVISION TO FORM
SEPARATE DWELLING
3 GLEN VIEW COTTAGES - GT. CORBY

Draw. No. 1594/2A
SCALE: 1-50
DATE: JULY 2006





SCHEDULE A: Applications with Recommendation

06/0669

Item No: 13

Date of Committee: 15/12/2006

Appn Ref No:
06/0669

Applicant:
Mr & Mrs Fraser

Parish:
St Cuthberts Without

Date of Receipt:
01/06/2006

Agent:
S Buttler

Ward:
Dalston

Location:
Stable Cottage, Carleton, Carlisle, CA1 3DU

Grid Reference:
342866 552805

Proposal: Conversion of existing ground floor utility/conservatory to provide a dressing room, shower room and utility, together with the formation of a first floor extension above to provide a conservatory and study

Amendment:

1. Formation of a gable to the north western extent of the first floor extension.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant is an employee of Carlisle City Council.

Planning Policies:

Affecting the Setting of a Listed Building

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Plan Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development

SCHEDULE A: Applications with Recommendation

06/0669

to be sympathetic in scale, character and materials.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE13 - Proposals Affecting Listed Buildings

SCHEDULE A: Applications with Recommendation

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

Summary of Consultation Responses:

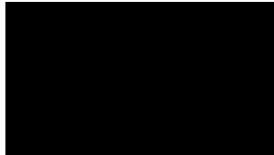
Cumbria County Council - (Highway Authority): no objections;

St Cuthberts Without Parish Council: no observations;

Development Services Planning & Housing Services - Conservation/Peter Messenger: no objections to the amended plans submitted 28th November.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
	The Olde Barn	06/06/06	
	Hill House	06/06/06	
	5 Brisco View	06/06/06	
	3 Brisco View	13/06/06	
	4 Brisco View	13/06/06	

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

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a first floor extension to Stable Cottage, Carleton, Carlisle. The dwelling, which is a two storey terraced property of traditional construction, is located on the north eastern side of the main road that leads from junction 42 of the M6 into Carlisle. The dwelling is constructed from sandstone with a natural slate roof.

SCHEDULE A: Applications with Recommendation

06/0669

The property, which is situated within a residential area on the outskirts of Carlisle, is enclosed by residential properties to either side boundary. To the rear of the application site is a courtyard that serves three residential properties; beyond which are domestic gardens. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as amended since the application was first received by the formation of a traditional two storey gable, seeks approval for the erection of a first floor extension over an existing lean to utility/conservatory. The ground floor area is to be converted to provide a dressing room, shower room and utility. Whilst the proposal involves alterations to the ground floor of the premises, it should be noted that these alterations in their own right would not require planning consent as they would constitute "Permitted Development".

The first floor extension, which would provide a study and a conservatory, occupies the whole footprint of the ground floor lean to, projecting outwards from the rear elevation by 2.5 metres, measuring 8.3 metres in width, 4.7 metres to the eaves and 6.5 metres to the ridge of the gable. One half of the extension would take on the appearance of a traditional two storey gable; the other half would appear as a first floor conservatory. The first floor extension would be finished in render to the rear and northwest side elevation. The parapet wall to the south eastern elevation would be constructed from stone to match the ground floor side elevation. The roof of the two storey gable would be slated to match the house and the conservatory roof would be glazed.

With regards to this application the main issues to consider are whether the scale and design of the extension is appropriate to the dwelling; whether the setting of the adjacent listed building or the living conditions of the neighbouring properties would be adversely affected. A photograph illustrating the relationship between the application site and the neighbouring listed building, 5 Brisco View, is reproduced in the Schedule.

The relevant planning policies against which the application is required to be assessed are Policies H14 and E35 of the Carlisle District Local Plan and Policies CP4, LE13 and H11 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

Members are reminded that the sole reason that this application has been brought before the Development Control Committee is because the applicant is an employee of Carlisle Council.

The proposals raise the following planning issues:

1. Whether the proposal is appropriate to the dwelling.

The scale and height of the proposed rear extension is comparable to the existing property with matching eaves and similar ridge lines being proposed. The extension would be constructed from materials to complement the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed rear extension would complement the existing dwelling in terms of design and materials to be used.

SCHEDULE A: Applications with Recommendation

06/0669

2. The impact of the proposal on the living conditions of neighbouring residents.

Taking into consideration the scale, position and orientation of the extension in relation to other neighbouring properties, the living conditions of the occupiers of those properties would not be adversely affected through loss of light, loss of privacy or overdominance.

3. The impact upon the setting of the adjacent listed building, No.5 Brisco View.

The photographs reproduced in the schedule illustrate the relationship between the proposed rear extension and the adjacent listed building. Members will note that the eaves height of the two storey gable has been positioned to correspond with the height of the flat roof dormers to the rear elevation of No.5 Brisco View. Although it is acknowledged that the first floor conservatory element of this scheme has the potential to impact upon the setting of the listed building it will be screened from view from within the grounds of the listed building by the proposed two storey gable, which would be traditional in appearance. As such, it is not felt that the proposed scheme will detract from the setting of the listed building. Furthermore, the Council's Conservation Officer has raised no objections to the amended plans received.

In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the proposed side and rear extension is considered acceptable in relation to the dwelling and the adjacent listed building. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in

SCHEDULE A: Applications with Recommendation

06/0669

these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

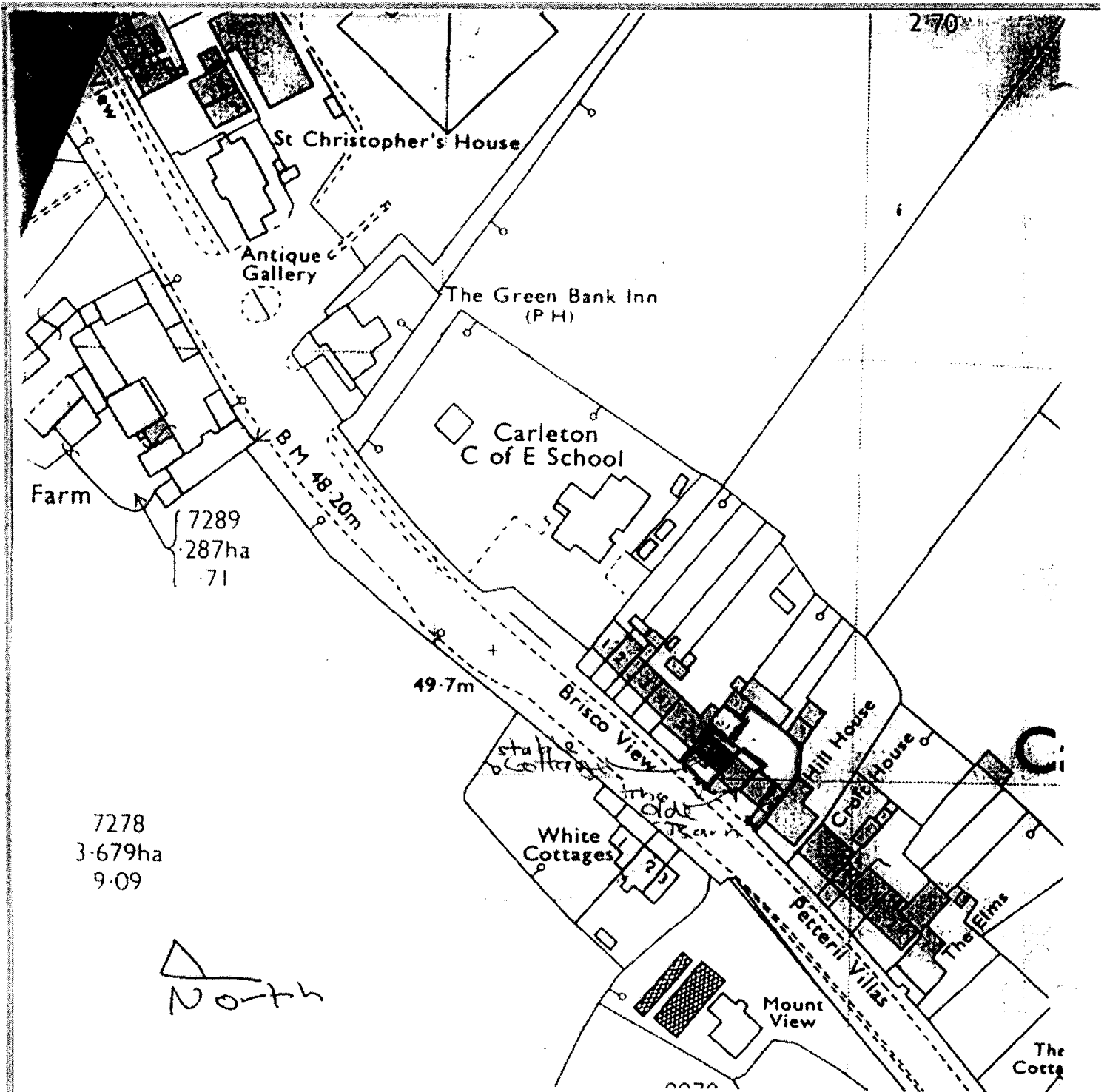
Recommendation: Grant Permission

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

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

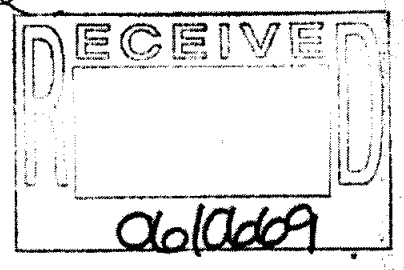
2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

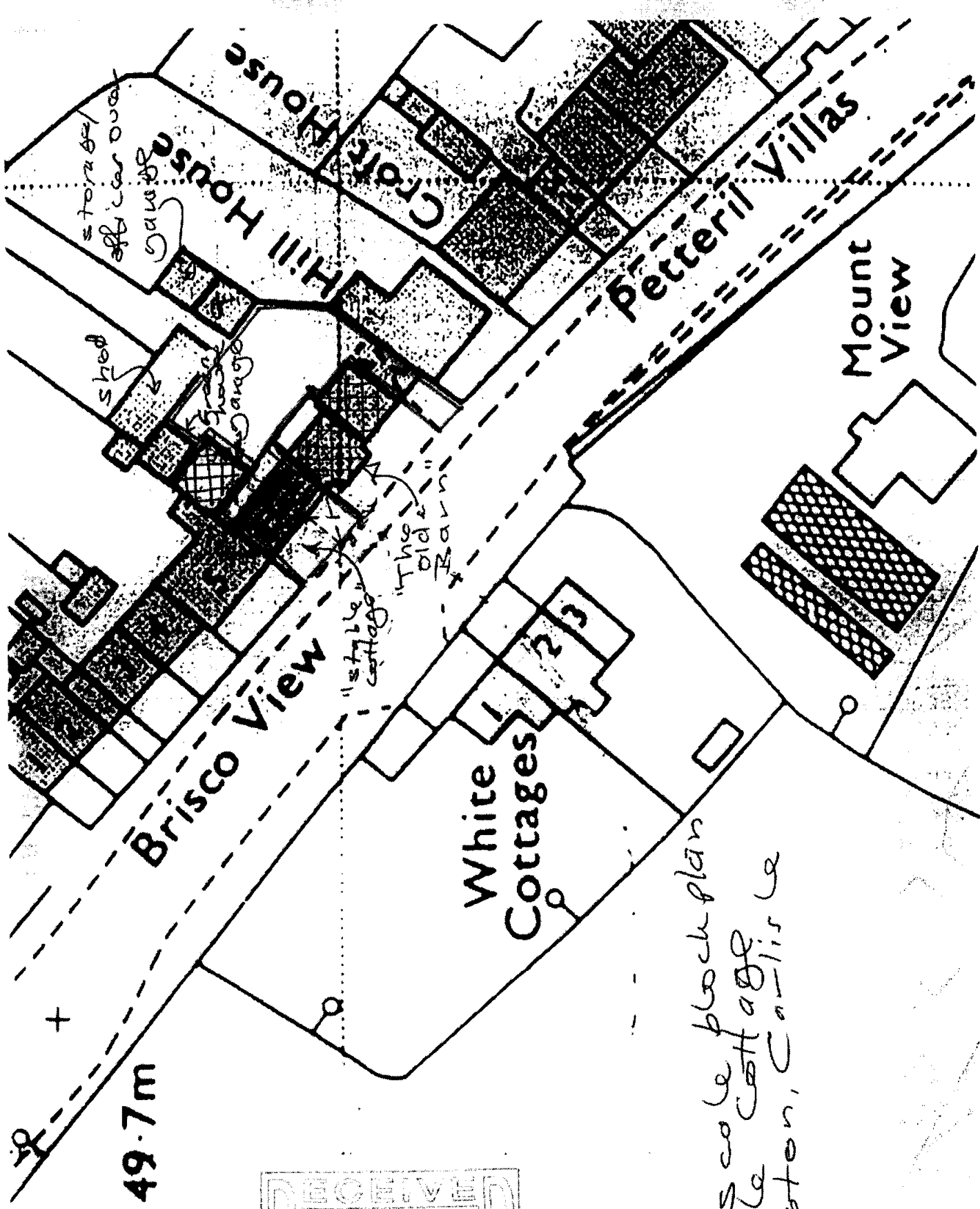
Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H14 of the Carlisle District Local Plan.



Site location plan 1/1250
Scale

Proposed 1st floor Conservatory
to Stable Cottage
Carleton, Carlisle



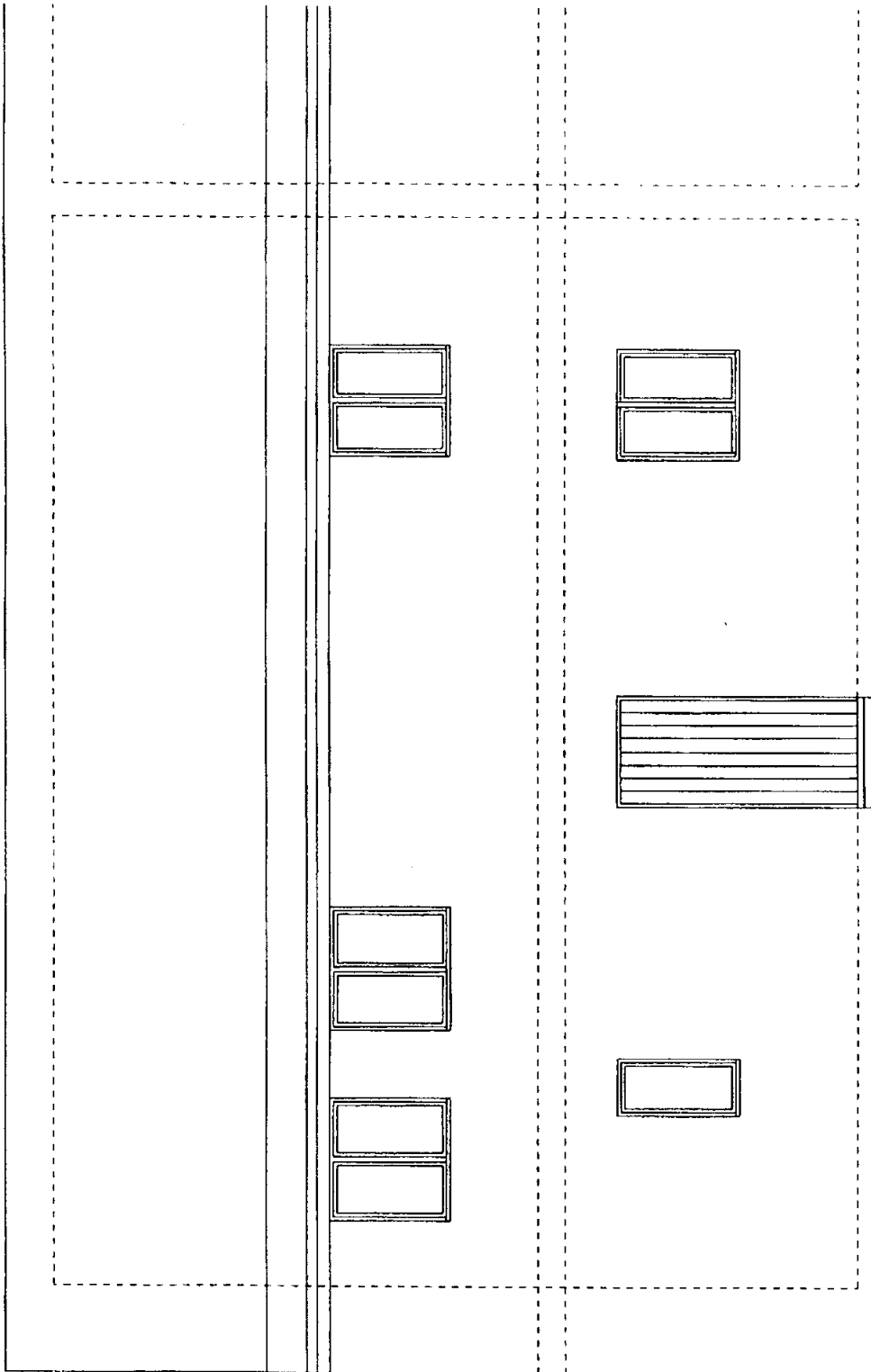


49.7m

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North

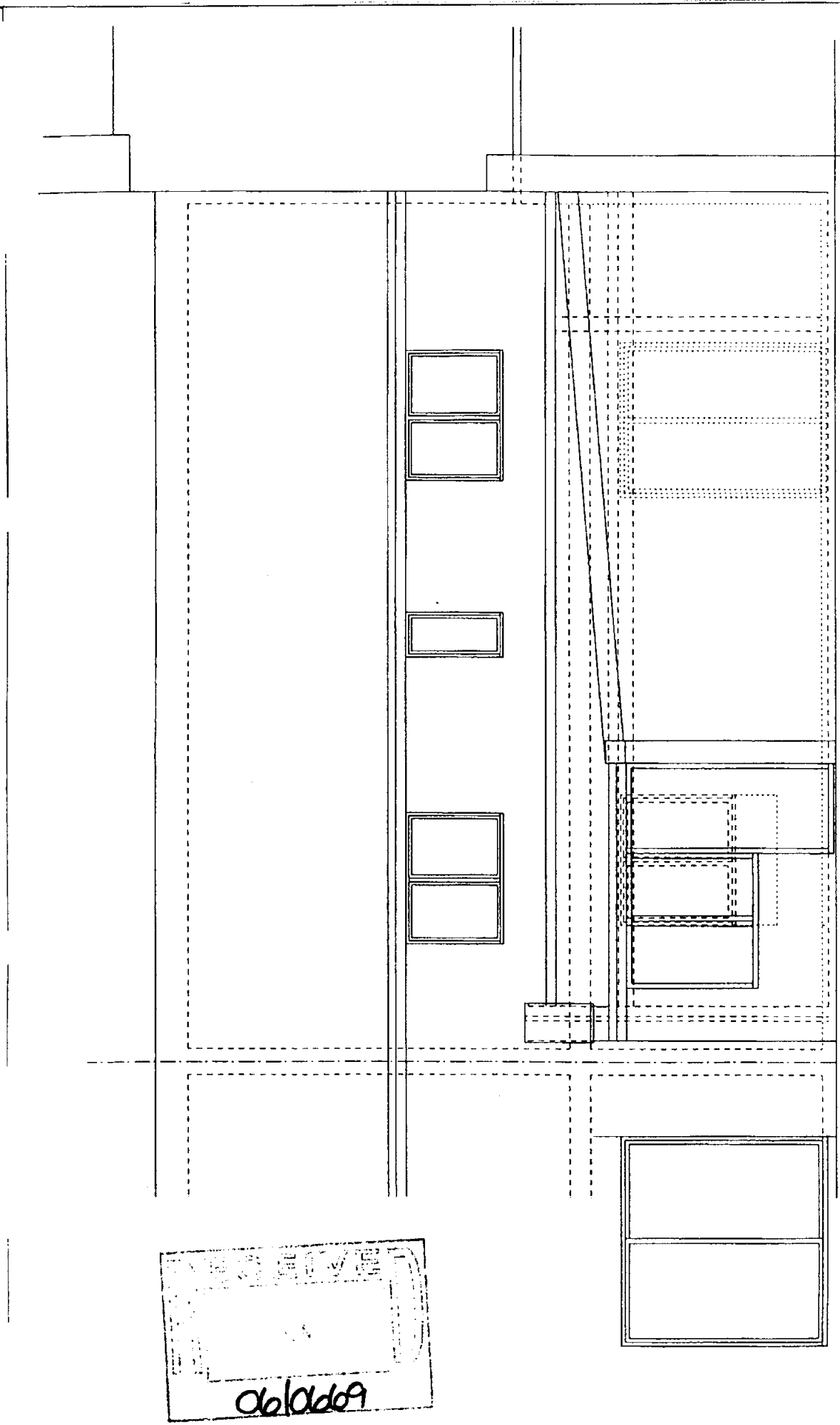
1500 scale block plan
 Stable Cottage
 Carlston, Carlisle



06/06/09

Existing front (south west) elevation scale 1/100

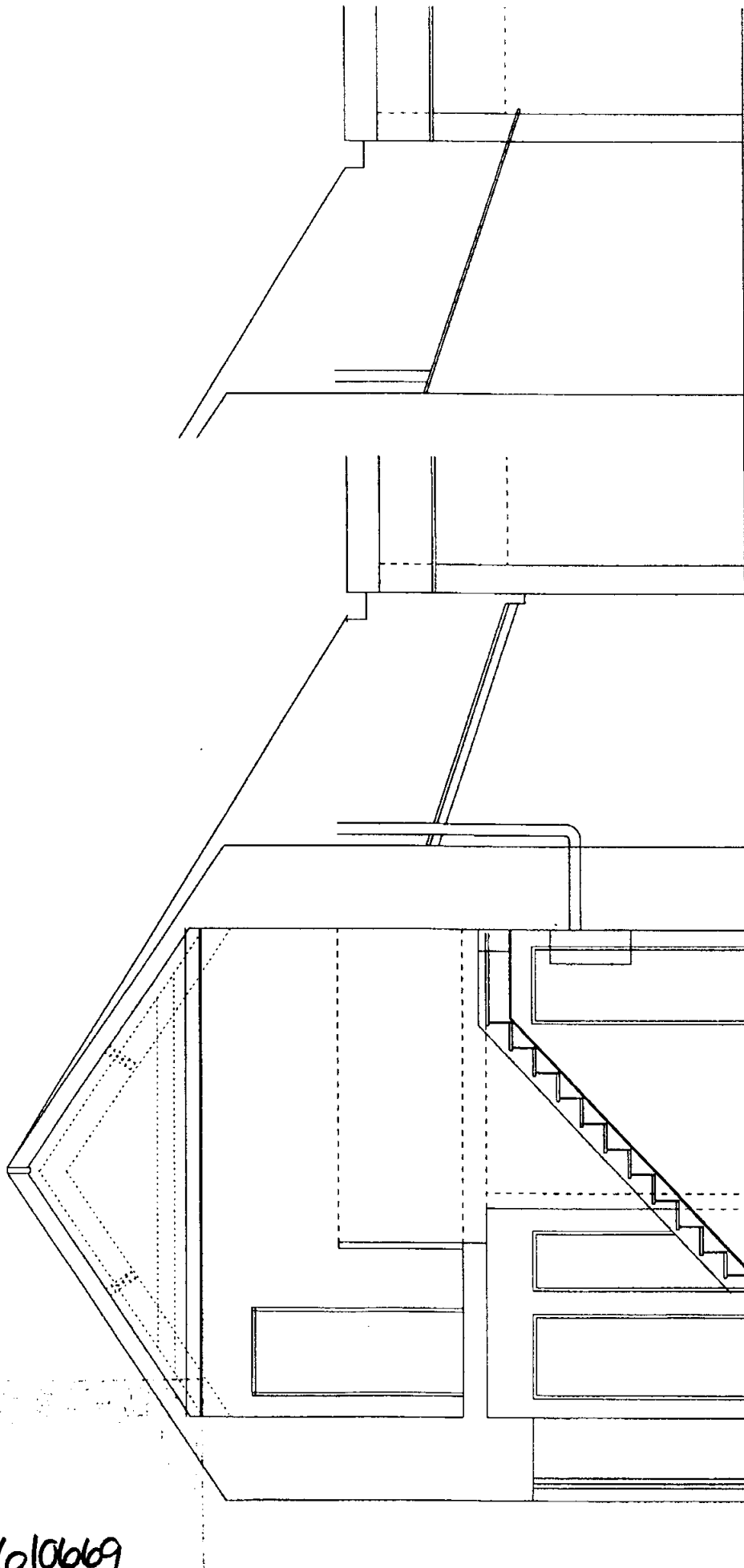
First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Butler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487



Existing rear (north east) elevation scale 1/100

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487

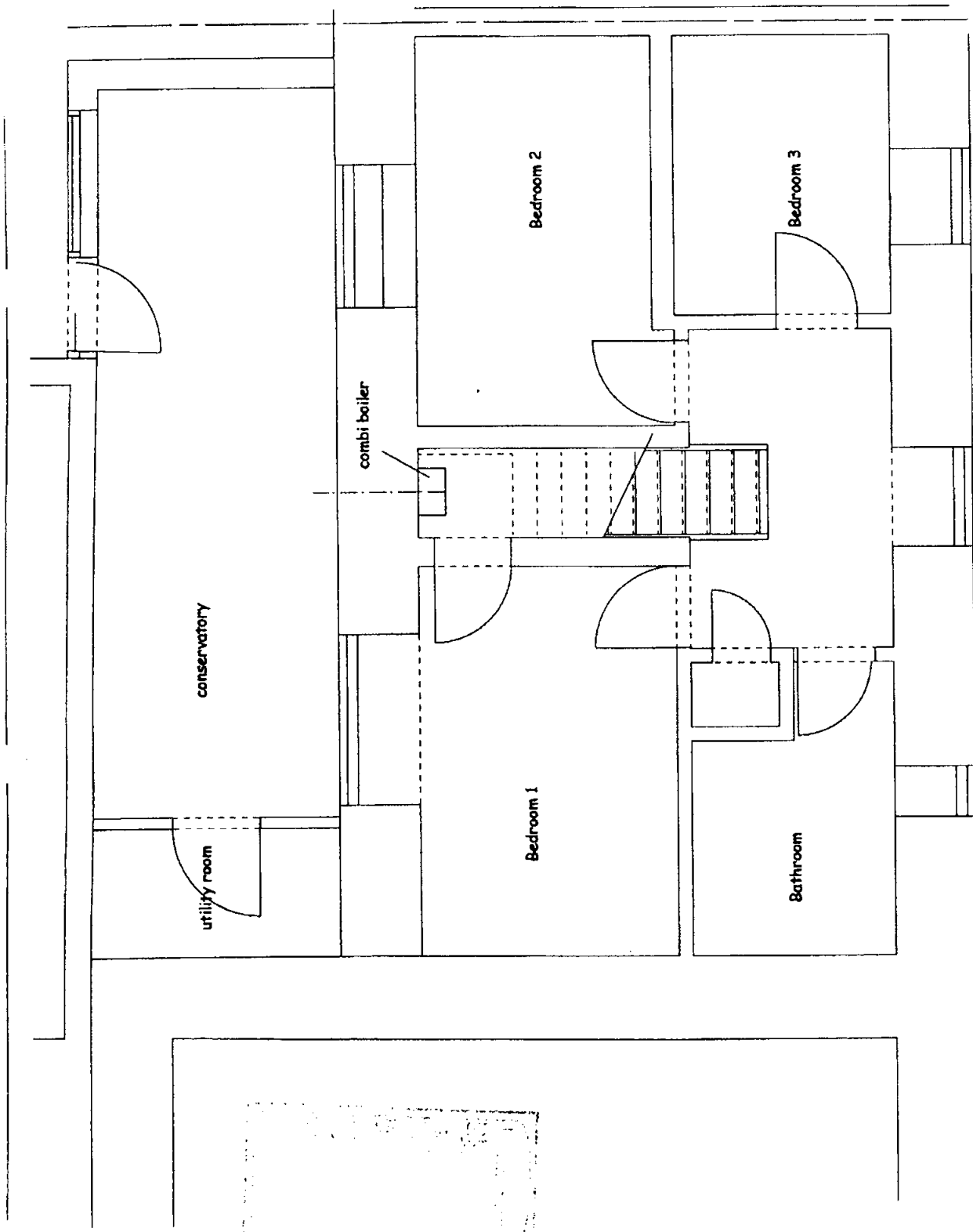
06/0609



Existing South East gable elevation to conservatory

Existing cross-section through staircase/hallway, scale 1/100

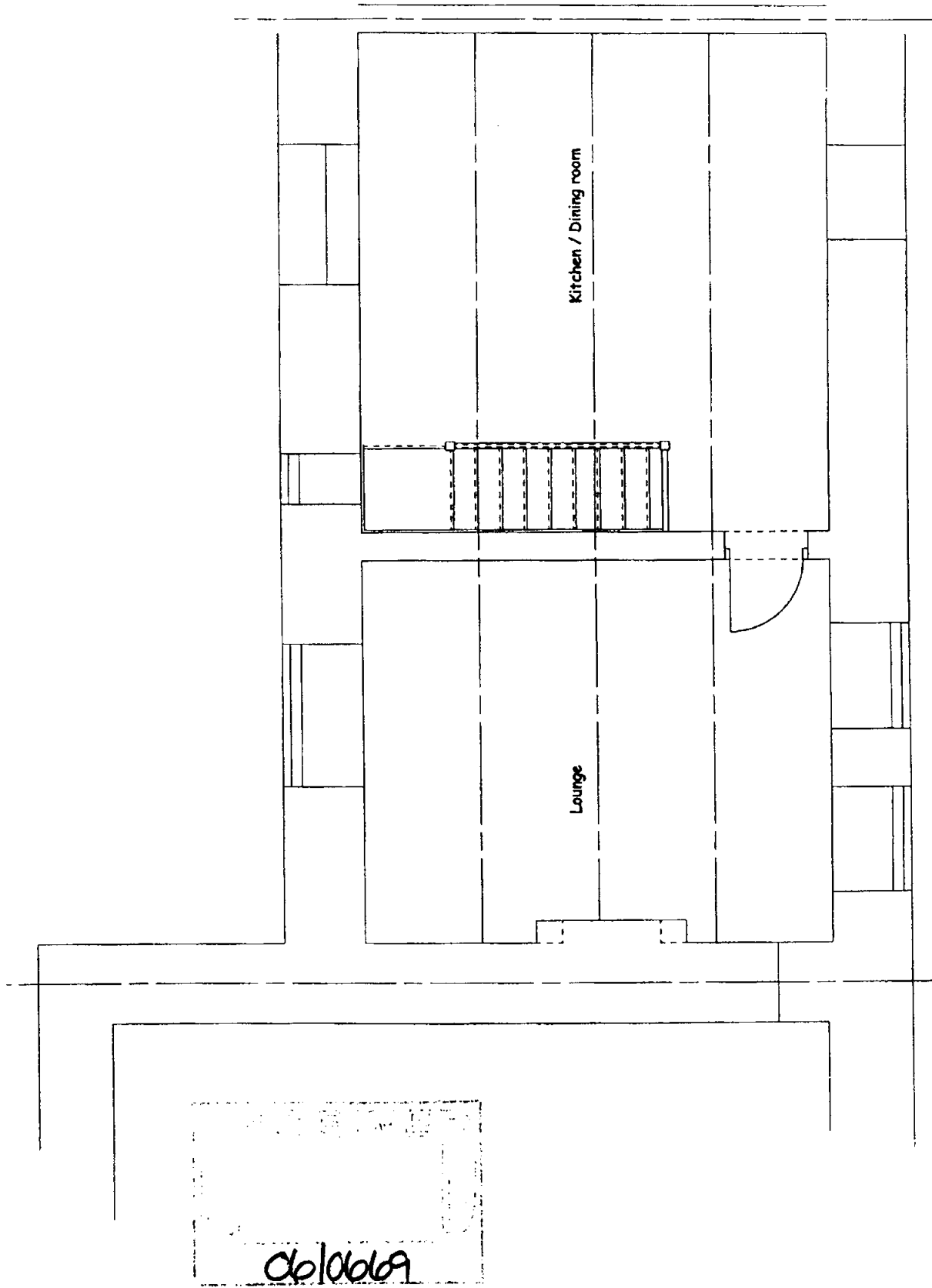
First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487



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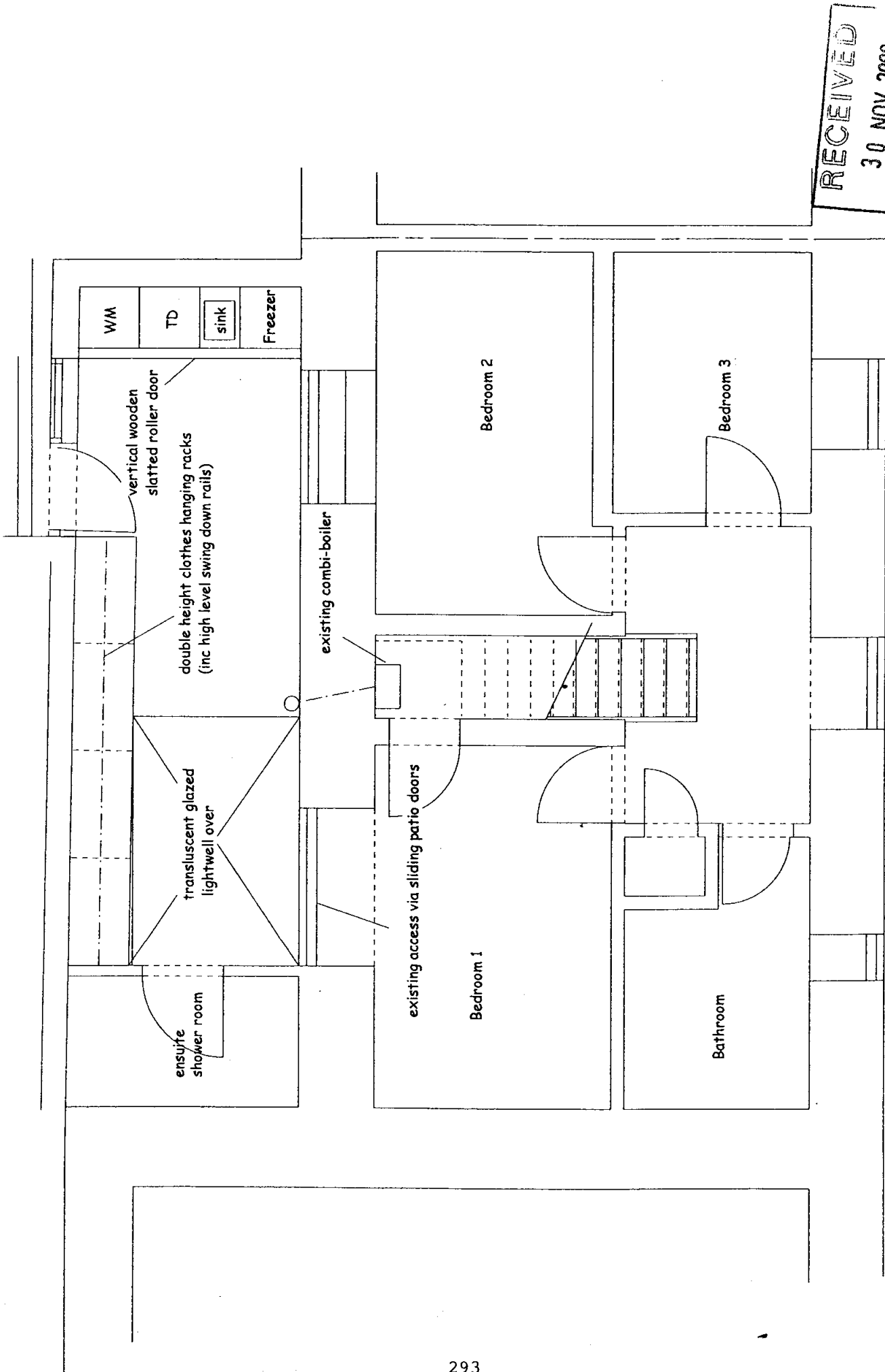
Existing ground floor plan scale 1/100

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
 S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487



Existing first floor plan scale 1/100

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
 S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487

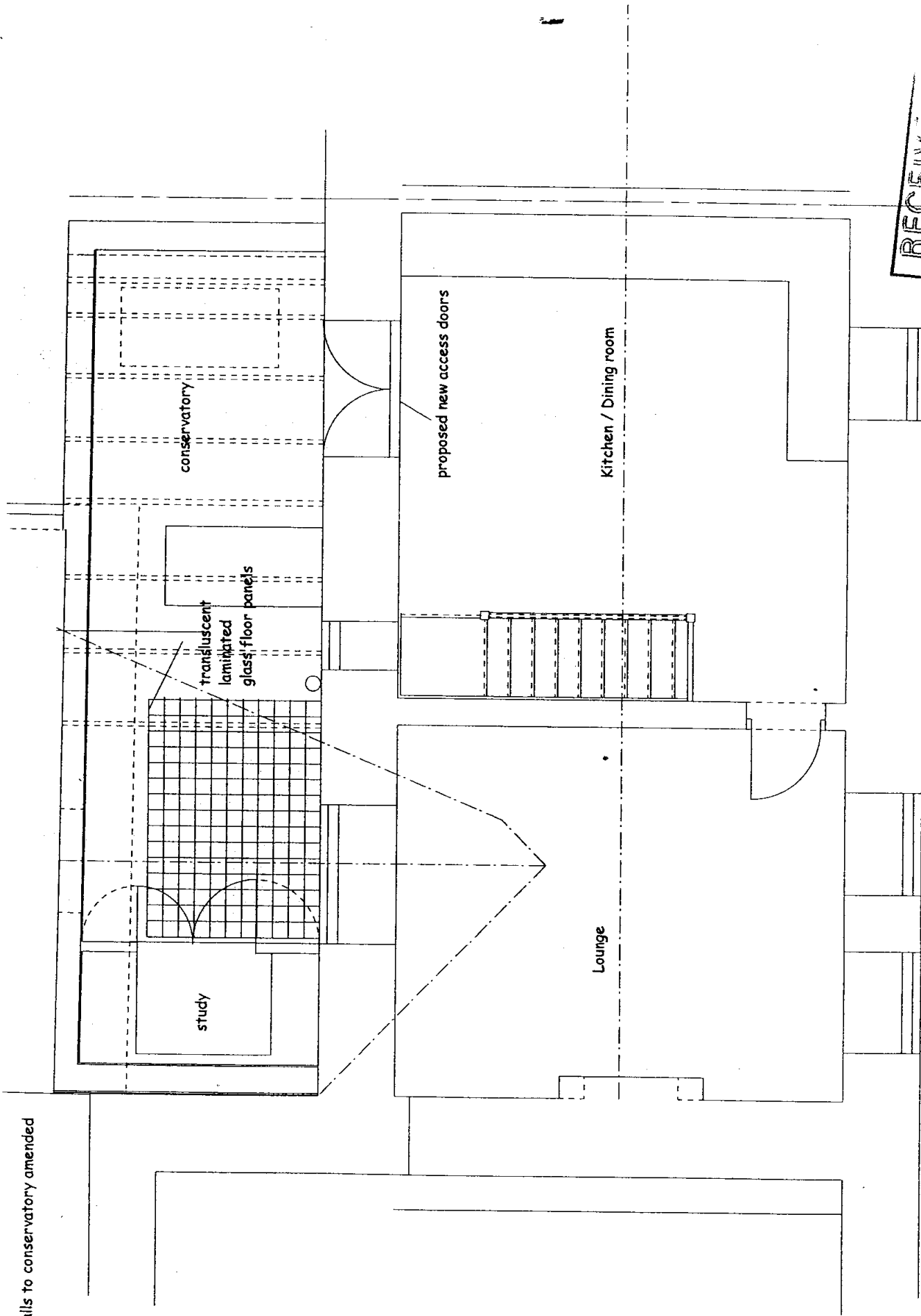


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Proposed ground floor plan scale 1/100

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
 S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487

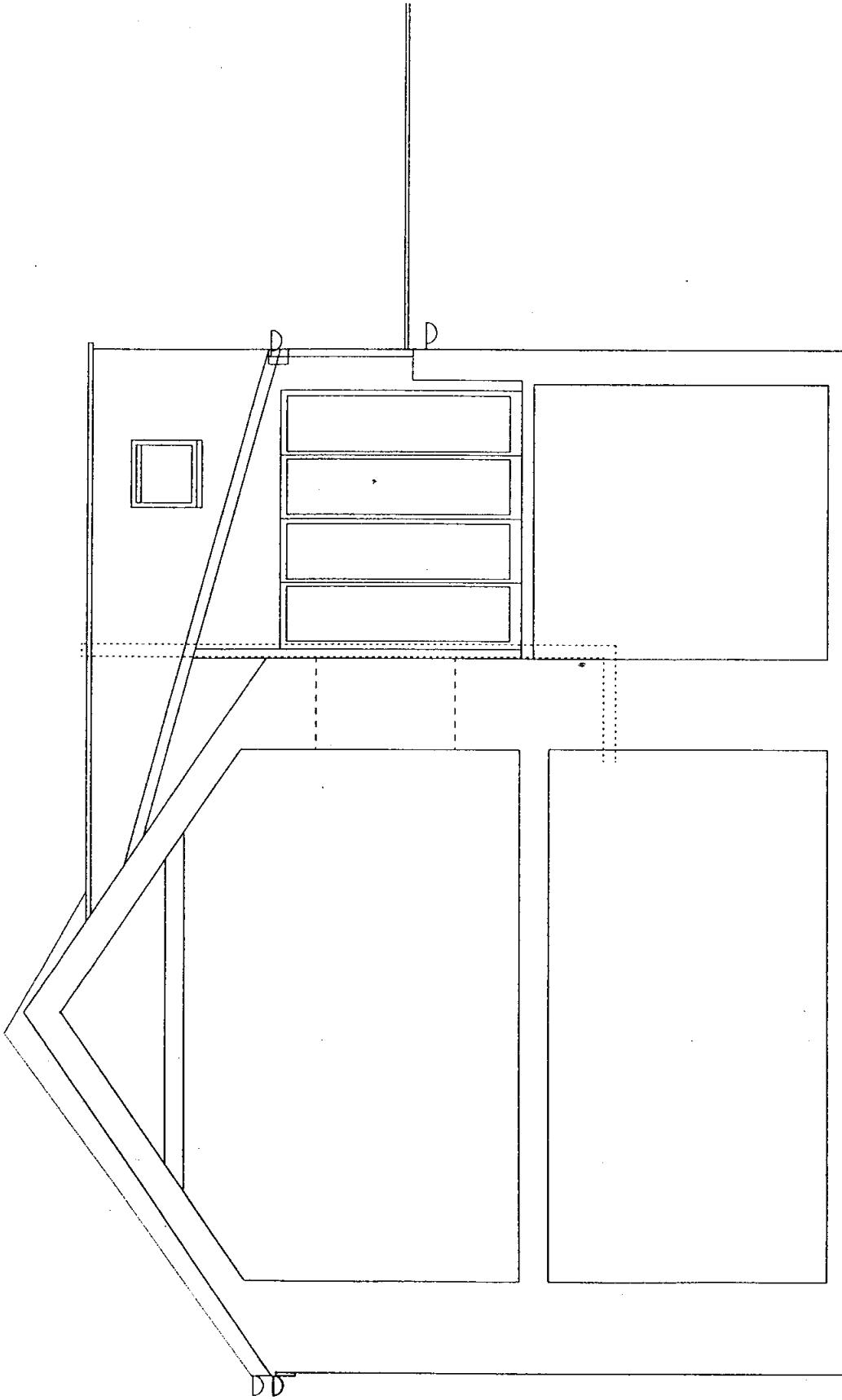
rev A eaves and flank walls to conservatory amended



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Proposed first floor plan scale 1/100

First conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Butcher, Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. Tel/fax 01228 546487

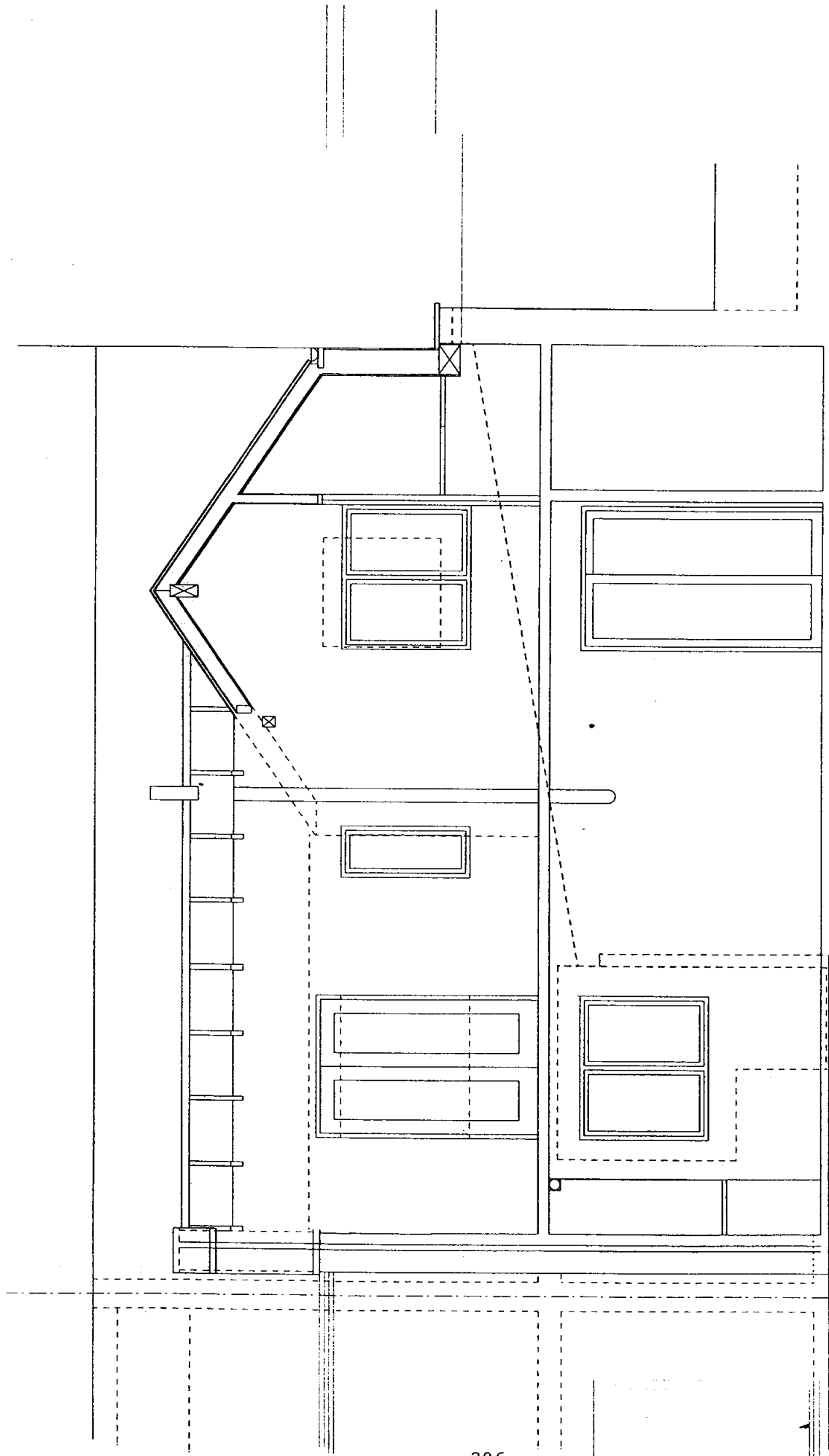


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 S Buttler

Proposed cross section through extension and existing dwelling scale 1/100

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
 S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487

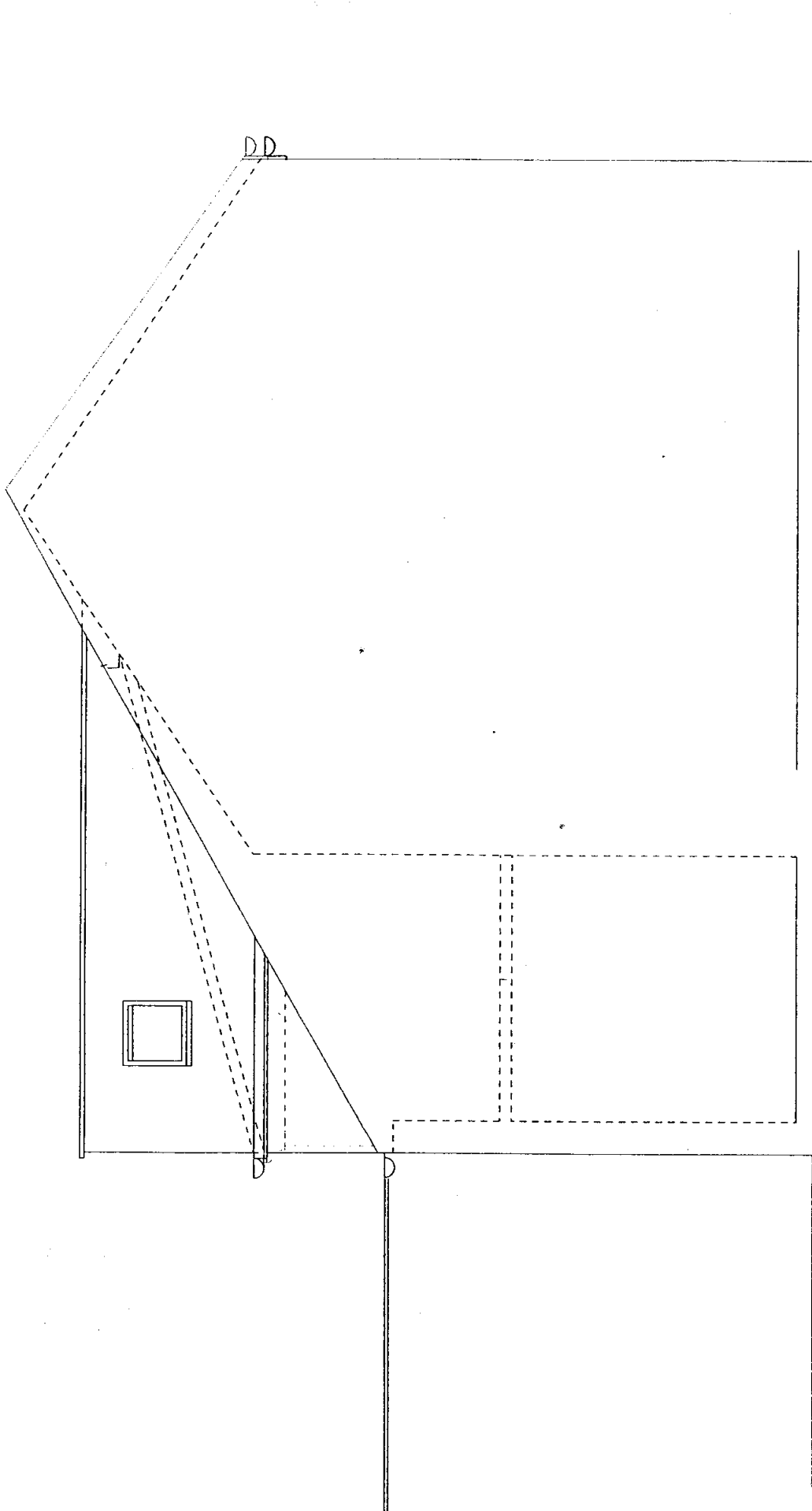
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C.A. [Signature]



scale 1/100

Longitudinal section through proposed extension

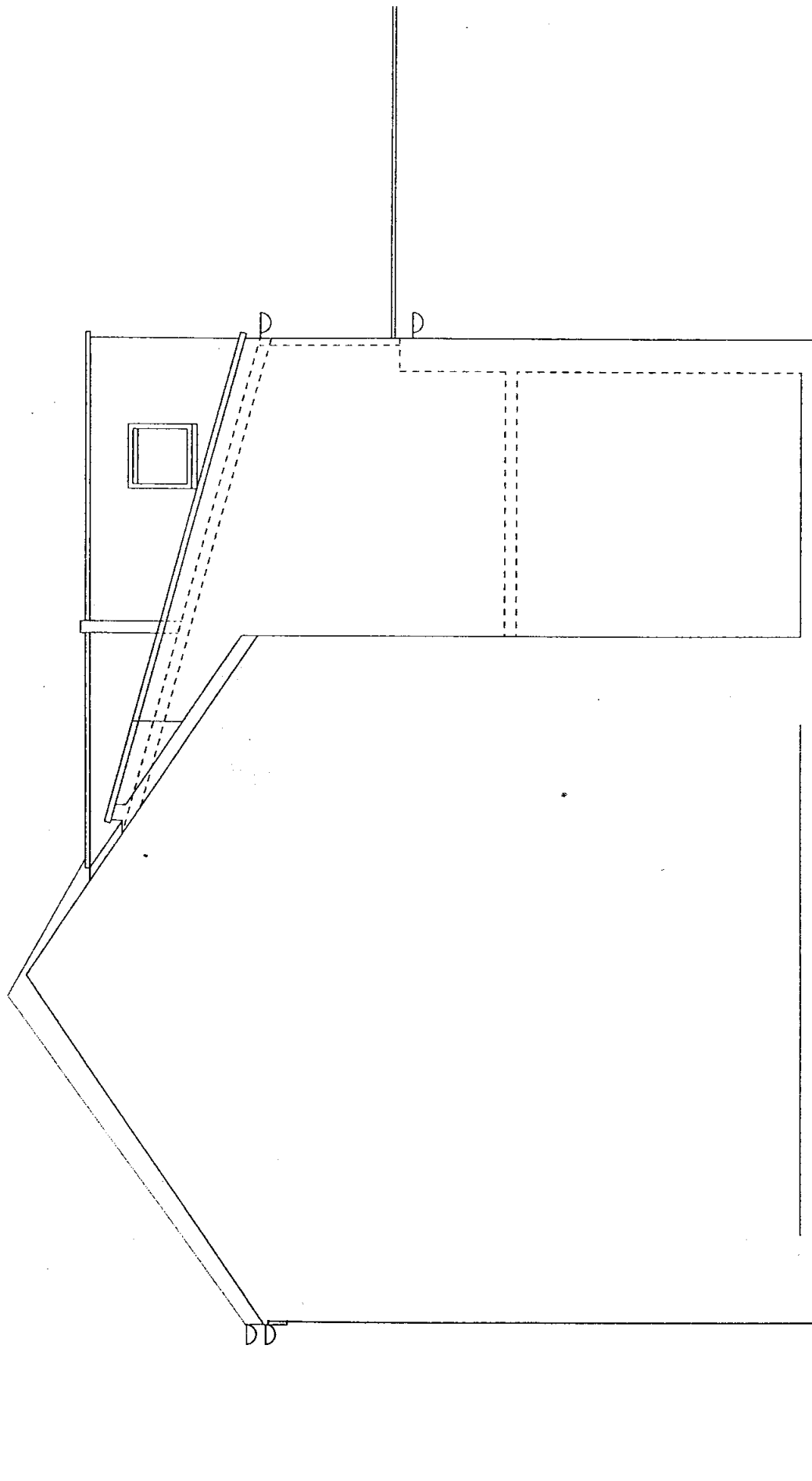
First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Buttler-Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487



Proposed north west elevation of extension scale 1/100

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
 S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fox 01228 546487

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Proposed south east elevation of extension scale 1/100

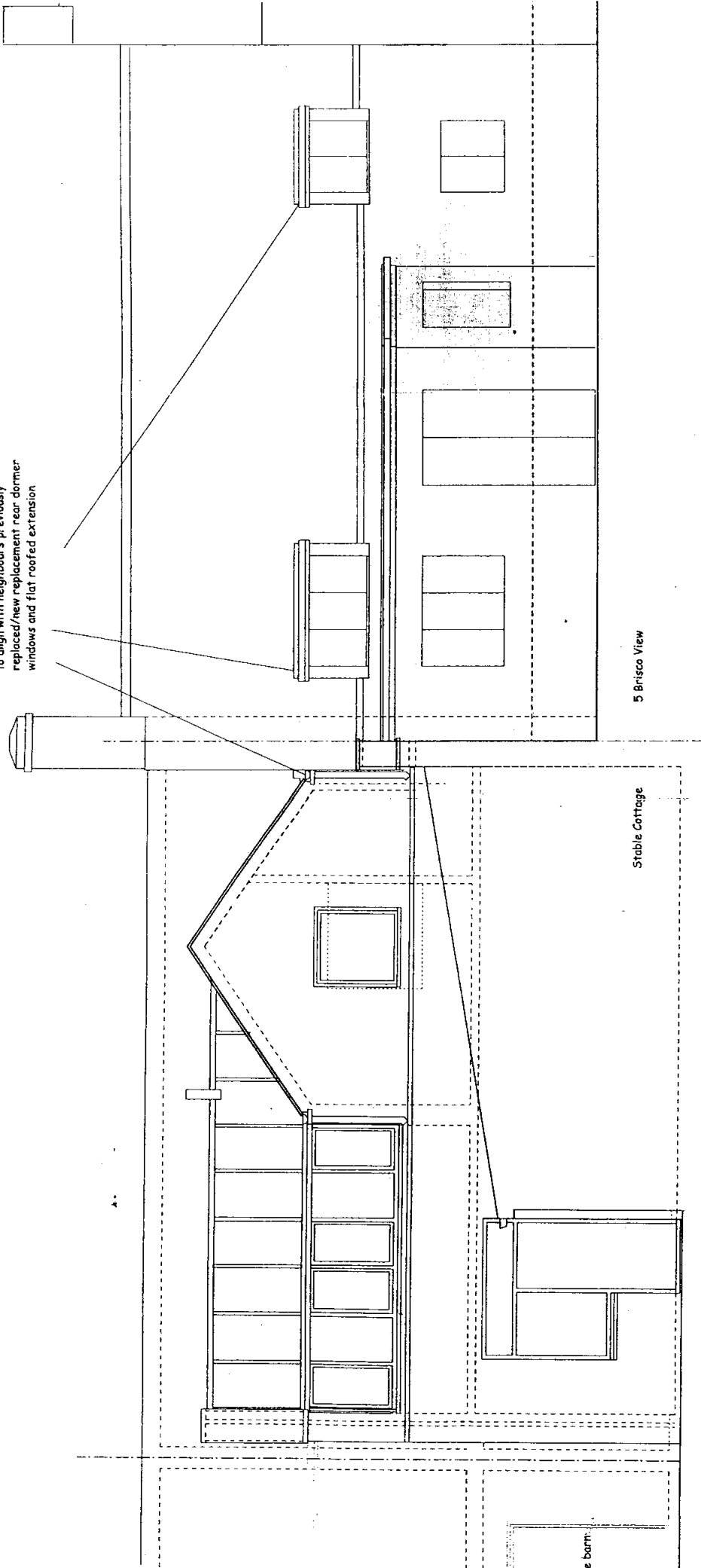
First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR, tel/fax 01228 546487

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Proposed gable wall to rear extension
to align with neighbours previously
replaced/new replacement rear dormer
windows and flat roofed extension



5 Brisco View

Stable Cottage

The Olde barn

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cla/ldd/9

scale 1/100

Proposed Rear (North East) Elevation showing rear elevation of 5 Brisco View view

First floor conservatory, Stable Cottage, Carleton, Carlisle, Cumbria
S Buttler Chartered Architect, 9 Howard Place, Carlisle, CA1 1HR. tel/fax 01228 546487

Photograph 1: Photograph of the rear elevation of Stable Cottage. The first floor extension would be situated above the lean to between the main house and the garage. The flat roof dormer window to the rear of No.5 Brisco View, a Grade II listed building, can be seen beyond the double garage.



Photograph 2: Photograph of the rear elevation of No.5 Brisco View, a Grade II listed building. The application site can be seen on the far left-hand side of the photograph. The eaves height of the proposed extension will mirror the eaves height of the flat roof dormer windows.



SCHEDULE A: Applications with Recommendation

06/0943

Item No: 14

Date of Committee: 15/12/2006

Appn Ref No:
06/0943

Applicant:
Paton House
Developments Ltd

Parish:
Brampton

Date of Receipt:
27/07/2006

Agent:
Black Box Architects
Limited

Ward:
Brampton

Location:
Hemblesgate, Tarn Road, Brampton, CA8 1QX

Grid Reference:
353570 560537

Proposal: Erection of 9no dwellings, access road and alterations to existing farmhouse (revised application)

Amendment:

1. Revised floor and elevation plans received 10/11/06.

REPORT

Reason for Determination by Committee:

This application is being brought before Members of the Development Control Committee following comments received from the Parish Council.

Planning Policies:

Airport Safeguarding Area

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

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

Carlisle District Plan Environment - Policy E19

SCHEDULE A: Applications with Recommendation

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In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan Environment - Policy E31

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

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

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

Carlisle District Plan Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

Dwellings	Site	Ha.
i. Morton Carlisle	41.00	1,025*
ii. Garlands Carlisle	17.80	445*
iii. Warwick Road, Carlisle	5.10	128*
iv. Brisco Road, Carlisle	3.30	83*
v. RAF 14MU Site No. 4	3.50	90*
vi. Windsor Way, Carlisle	8.04	200*
vii. Scotby, Carlisle	2.30	58*
viii. William Howard Lower School, Brampton	1.00	25*
ix. Barras Lane, Dalston	2.99	50
x. Nook Lane, Dalston	1.47	20
xi. Ladyseat, Longtown	0.87	22*
Total	87.37	2,146

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential development not included in the above allocations will be assessed according to Policies H2-H7.

SCHEDULE A: Applications with Recommendation

06/0943

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Carlisle District Plan Housing - Proposal H2

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H3

Within the Capon Tree Road area of Brampton, shown in the Brampton Inset Proposals Map residential development will be permitted, provided:

1. The proposed development is of high quality, sympathetic to the character of the area;
2. The proposal is of low density with no more than five dwellings per hectare;
3. The proposed development does not involve the loss of existing mature trees.

Carlisle District Plan Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

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

Carlisle District Plan Housing - Proposal H9

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and
2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and
3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

Carlisle District Plan Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Conservation Area

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP9 - Landscapes of County Importance

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment- Policy LE8 - Archaeology on Other Sites

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE18 - Demolition of Unlisted Buildings in Conservation Areas

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for conservation area consent for the total demolition of unlisted buildings in conservation areas will be assessed against the following criteria:

1. the contribution of the building to the landscape/townscape; and
2. the structural condition of the building; and
3. the suitability of the building for its existing, proposed or any other use; and
4. the cost of repair; and
5. the contribution which the demolition/ redevelopment would make to broader conservation objectives.
- 6 the inclusion of any building on a local list as defined in policy LE17

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE28 - Developed Land in Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

1. no other lower risk alternative site exists; and

SCHEDULE A: Applications with Recommendation

06/0943

2. flood defence measures to the appropriate standard are already in place or can be provided; and
3. adequate flood plain storage capacity can be provided; and
4. the development will not interfere with flood flows nor increase flood risk elsewhere; and
5. access and egress could be reasonably maintained at times of flood risk; and
6. adequate flood warning and evacuation procedures will be provided; and
7. mitigation measures will be provided where necessary; and
8. the building materials are appropriate for a flood risk area.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

The amenity of residential areas will be protected from inappropriate development

SCHEDULE A: Applications with Recommendation

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where that development:

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP15 - Public Transport, Pedestrians and Cyclists

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development

SCHEDULE A: Applications with Recommendation

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New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

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

SCHEDULE A: Applications with Recommendation

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Housing - Policy H2 - Primary Residential Areas

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

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

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

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): This is essentially a revised application for Application/Consent 05/1395 and the comments made there are still applicable, so would ask that Conditions 3,4,5,6,7,8,11,12,14,15 & 20 for that Consent shall be incorporated into any new Consent you may be minded to issues in respect of this Application, believe these deal with the Highway Authority issues adequately.

Brampton Parish Council: Oppose the application on the following grounds:

1. the proposed development will extend the boundaries of Brampton .
2. the development will result in road safety and drainage problems
3. over development of the site

SCHEDULE A: Applications with Recommendation

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4. not in keeping with the locality

United Utilities (former Norweb & NWWA): No further comment to add to those contained in the enclosed copy letter relating to application no. 04/0628. See below:

No objection to the proposal providing that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Sewer water should discharge to the watercourse/soakaway surface water sewer and may require consent of the Environment Agency.

A water supply can be made available to the proposed development. However, a separate metered supply to each unit will be required at the developer's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Our water mains will need extending to serve any development on this site. The developer, who may be required to pay a capital contribution, will need to sign an agreement under Section 41, 42 & 43 of the Water Industry Act 1991. The applicant is advised to contact UU Networks, Hadrians Mill, Nelson Street, Carlisle, CA2 5BJ in order to discuss the matter in more detail.

The developer must undertake a complete soil survey, as and when land proposals have been progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply. Should this application be approved the developer must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington WA5 2DS.

Cumbria County Council - (Archaeological Services): Do not wish to make any recommendations or comments.

Carlisle Airport: Comments awaited.

Cumbria Constabulary - Crime Prevention: Satisfied with the overall layout of the development, which has one designated access point and the dwellings tend to overlook each other. This arrangement contributes to the concept of 'Defensible Space'. The perimeter treatment could be enhanced with defensive planting of hawthorn or similar species, to deter casual intrusion.

The concept of 'Defensible Space' has been enhanced with the combination of proposed boundary treatments of the detached dwellings - with low walls to the front and 1.8 metre timber palisade fencing to the rear.

The provision of secure garages is welcomed and the position of alternative parking arrangements towards the centre of the development are overlooked by several dwellings is good. I refer the developer to my earlier report, dated 28th February 2006 under this reference, with regard to landscaping issues and the provision of security lighting.

Recommend the incorporation of security standard exterior doors and windows i.e.

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doors (including the examples within garages permitting access to dwellings - plots 5,6,7 and 8) should conform to BS PAS 24 and windows to BS7950. All glazing at ground floor level or at vulnerable levels should be a laminated type to at least 6.4mm thickness,

Commercial & Technical Services - Drainage Engineer: The applicant indicated disposal of foul sewage to the mains (public) sewer, which is acceptable.

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

No knowledge of flooding issues at this site.

Council for Protection of Rural England: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Previously consulted on planning application 06/0943 and responded in our letter. Main concerns were that:

A watercourse known as Brampton Beck bisects the site. Although there is no modelled flood risk at this location we considered it prudent that the applicant undertook a Flood Risk Assessment to determine the setting of floor levels and the layout details.

Additionally, made the applicant aware that Brampton Beck has been 'emained' by DEFRA and so now falls under the Agency's jurisdiction. Therefore, under the terms of the Water Resources Act 1991 and Land Drainage, the prior written consent of the Agency is required for any works in, over or within 8 metres of the 'main river'.

No details pertaining to a FRA have been received for our attention.

Two Land Drainage Consents (E975 and E994) have been sought and obtained from the Agency.

Conservation Area Advisory Committee: This revised scheme introduces larger houses and bigger plots which are now more dominant than the original farm buildings and the surviving farmhouse. This changes the character of this part of the Conservation Area quite drastically. Some attempt has been made to retain the original character along the road frontage but the rest of the development is not related to the site or its location in the Conservation Area in any way. Is there an elevation for Plot 7?

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Bay Hills	09/08/06	
[REDACTED] Sandy Cross	09/08/06	

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[REDACTED], Gelt Garth	09/08/06	
[REDACTED] Willow Close	09/08/06	Comment Only
[REDACTED], Wansbeck	09/08/06	
[REDACTED] Tarnway	09/08/06	
[REDACTED], The Grange	09/08/06	
[REDACTED] Kinmont	09/08/06	Comment Only
[REDACTED], Carradale	09/08/06	
[REDACTED] Gelt Lodge	09/08/06	
[REDACTED], Ashcroft	09/08/06	
[REDACTED] Woodburn	09/08/06	
[REDACTED], 2 Crossways	27/11/06	
[REDACTED] Woodsyde	09/08/06	
[REDACTED]	09/08/06	Undelivered
Associates		
[REDACTED] Rye Hill	09/08/06	
[REDACTED] Woodvale	09/08/06	

This application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. One letter of objection and one letter offering comments has been received during the consultation period on the following grounds:

This development is within the Brampton Conservation Area, what criteria is given for allowing the development to go ahead?

The development makes no concession to providing low cost housing within the Brampton area.

The extension to the existing farmhouse should have been in a natural colour in keeping with the stonework of the original house, rather than a garish white. From drawing 119-24, (The view from our living room and kitchen) this shows that the roof elevation of plots 5 and 6 are level with the height of the existing farmhouse, can this be confirmed?

Will the existing tree line running in front of these two plots be preserved? Our address is Willow Close, Paving Brow, and we will probably be more affected by this development, since we have an unrestricted view directly onto the proposed area from our living room and kitchen. The property on our left is at a lower elevation and has a bank of trees in their own garden which restricts their view. The property on our right has a wall surrounding the property as well as mature trees, and the current view will be mostly unaffected.

This development will break into what is a mostly unbroken green view along the tree line and onto the hills behind. Our view will be changed, and whilst we are not against progress, this development we feel is based on profit motives only, and will recoup a large profit when considering what was paid for the property.

The conservation area should be preserved wherever possible, continued encroachment into green fields cannot be justified. We are fortunate to be living in this area, continued development obviously makes demand on existing services. Developments such as this will no doubt bring speculators buying early and selling on.

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What advantages will the development bring to the area?

The development lies within the Brampton Conservation Area, therefore the development needs to reflect the character and style of the original farm and barns. Specifically all buildings should be constructed from traditional materials i.e. slate roofs - not tiles; wooden windows - not plastic; external walls to be sandstone - not brick or rendering; guttering to be metal - not plastic.

Details of Proposal/Officer Appraisal:

Planning History:

In July 2004, under application reference number 04/0628, planning permission was refused for the demolition of the existing outbuildings and their replacement by a total of 16 dwellings, formation of an access road together with refurbishment/alterations to the farmhouse. The applicant has subsequently appealed over this decision.

In November 2004, application number 04/1042, planning permission was given for an extension to the existing house to form a workshop and bedroom including demolition of part of a barn/mill.

In June 2005, application 05/0435, planning permission was refused for the erection of 9 dwellings and alterations to the existing farmhouse.

In 2005, under application reference number 05/1395, planning permission was given for the erection of nine dwellings and related access road.

In June of this year, under application reference numbers 05/1395 and 05/1396, planning permission and Conservation Area Consent was given for the demolition of outbuildings, and, the erection of nine dwellings and related access road.

Details of Proposal:

1. SITE DESCRIPTION

Hemblesgate is located on the western side of Tarn Road and originally comprised a farmhouse; traditional range of two storey and single storey outbuildings with stonewalls and slate roofs. There were also more recent agricultural buildings to the immediate south of the courtyard. The farmhouse and traditional outbuildings, although not listed, formed a local landmark. Brampton Beck runs through the site and along the western wall of a barn/mill.

2. BACKGROUND INFORMATION

In June of this year, under application numbers 05/1395 and 05/1396, planning permission and Conservation Area Consent were given for the demolition of the

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existing outbuildings and their replacement by a terrace of five houses and four detached houses. The proposed terrace (plots 1-4 and 9) followed the layout of the former range of outbuildings. A new access was to be formed to the south of the site. The proposed dwellings on plots 5-8 were four bed units.

In comparison to the previous scheme approved under applications 05/1395 and 05/1396 the current proposal involves the re-siting and redesign of the proposed dwellings. The originally submitted plans, which show the incorporation of additional land, have subsequently been revised so that the various house types now incorporate:

- Stone quoins on the main buildings and the link houses
- A reduced footprint of the proposed dwelling on plot 8
- Full stone surrounds to all windows to match ails and heads
- Re-introduction of chimneys and eaves details
- Closed eaves details to stonework walls and gables
- Amended windows to kitchens and living rooms
- Re-designed window/door assemblies to the link houses
- Amended rooflines to the houses on plots 5 and 6
- The introduction of weathervanes

Copies of the revised plans have been attached to this report.

3. ASSESSMENT

At the time of assessing application 05/1395 it was considered that the main issues revolved around seeing whether the benefits outweigh the harm in terms of:

- a) Whether the proposal would harmonise with the character and appearance of Brampton Conservation Area, and, the designated County Landscape;
- b) Whether the site would be appropriate for residential use in the light of national, regional and local planning policy;
- c) Whether there are any problems associated with flooding and/or the disposal of surface water; and,
- d) Highway safety.

The relevant national guidance being contained in PPS1 "Delivering Sustainable Development,, PPG3 "Housing,, (revised March 2000), PPS7 "Sustainable Development in Rural Areas,, PPG13 "Transport,, and,, and, PPG15 "Planning and the Historic Environment".

In the context of the current proposal it is considered that the circumstances concerning the aforementioned issues b), c) and d) have not fundamentally altered.

In the case of a), it is considered that the revised plans are acceptable and therefore the proposal is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

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.

Recommendation: Grant Permission

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the letters from Architects Plus dated the 13th January 2006 and 24th February 2006.

Reason: To ensure that the development accords with the scheme approved by the local planning authority in accord with Policy E43 of the Carlisle District Local Plan.

3. Before the occupation of any dwelling hereby approved the existing 30 mph speed limit shall be extended beyond the proposed junction in accordance with details submitted to and approved beforehand by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy H2 of

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the Carlisle District Local Plan.

4. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to and approved in writing by the local planning authority before any work (apart from demolition and clearance of the site) commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7

5. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before any work (apart from demolition and clearance of the site) commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7 and Structure Plan Policy L49.

6. No dwellings shall be occupied until the estate road, including footways, to serve such dwellings has been constructed in all respects to base course level and street lighting (where it is to form part of the estate road) has been provided and brought into full operational use.

Reason: In the interests of highway safety in accordance with Policy H2 of the Carlisle District Local Plan, and, to support Local Transport Plan Policies S3, S4 and LD9.

7. Before any development takes place (apart from demolition and clearance of the site) 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 Policies S3 and LD9.

8. Before any dwelling is occupied the respective off-street parking shall be

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provided together with vehicular access thereto and the associated turning area in accordance with the approved plans. The access, spaces for garage and parking, and, turning area(s) shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that the dwellings are provided with parking to the satisfaction of the local planning authority and thus comply with Criterion 4 of Policy H2 and Policy T7 of the Carlisle District Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure shall be erected within the curtilage of the dwellings on plots 1, 2, 3, 4, 8 and 9 hereby given consent without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the character of the area in accord with Policy H43 of the Carlisle District Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwellings on plots 1, 2, 3, 4, 8 and 9 hereby given consent shall be carried out without the permission of the local planning authority.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting in accord with Policy H43 of the Carlisle District Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within the curtilages associated with the dwellings on plots 1, 2, 3, 4, and, 9 without the approval of the local planning authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy H16 of the Carlisle District Local Plan.

12. 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 on the northern, eastern and southern boundaries of plots 5 and 8; and, the northern, western and southern boundaries of plots 6 and 7 (other than those expressly authorised by this permission) without the permission of the local planning authority.

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Reason: To ensure that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner in accord with Policy H16 of the Carlisle District Local Plan.

13. Adequate underground ducts shall be installed by the developers, to the satisfaction of the local planning authority, before any of the building(s) hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and 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 special visual character of the locality in accord with Policy E43 of the Carlisle District Local Plan.

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

Reason: To ensure the works harmonise as closely as possible with the character of the area in accordance with Policy E43 of the Carlisle District Local Plan.

15. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy E43 of the Carlisle District Local Plan.

16. No development (apart from demolition and clearance of the site) shall take place until details of a landscaping scheme, which shall include the planting of hedging to define the boundaries of the site, 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 E19 of the Carlisle District Local Plan.

17. 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 any dwelling hereby given consent or the completion of the

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development (whichever is the sooner) and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policy E19 of the Carlisle District Local Plan.

18. Before the commencement of development (outside of demolition and site clearance) an assessment of the existing watercourse will be submitted and approved in writing by the local planning authority. The aforementioned assessment, which shall not only establish the setting of the lowest finished floor levels of the approved dwellings but also what repairs need to be undertaken to the mill race wall, shall be fully undertaken contemporaneously with the completion of individual plots or, in the alternative, prior to the occupation of more than seven of the dwellings hereby given planning permission.

Reason: To reduce the risk of flooding in accordance with the underlying objectives of Policy E20 of the Carlisle District Local Plan.

19. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence.

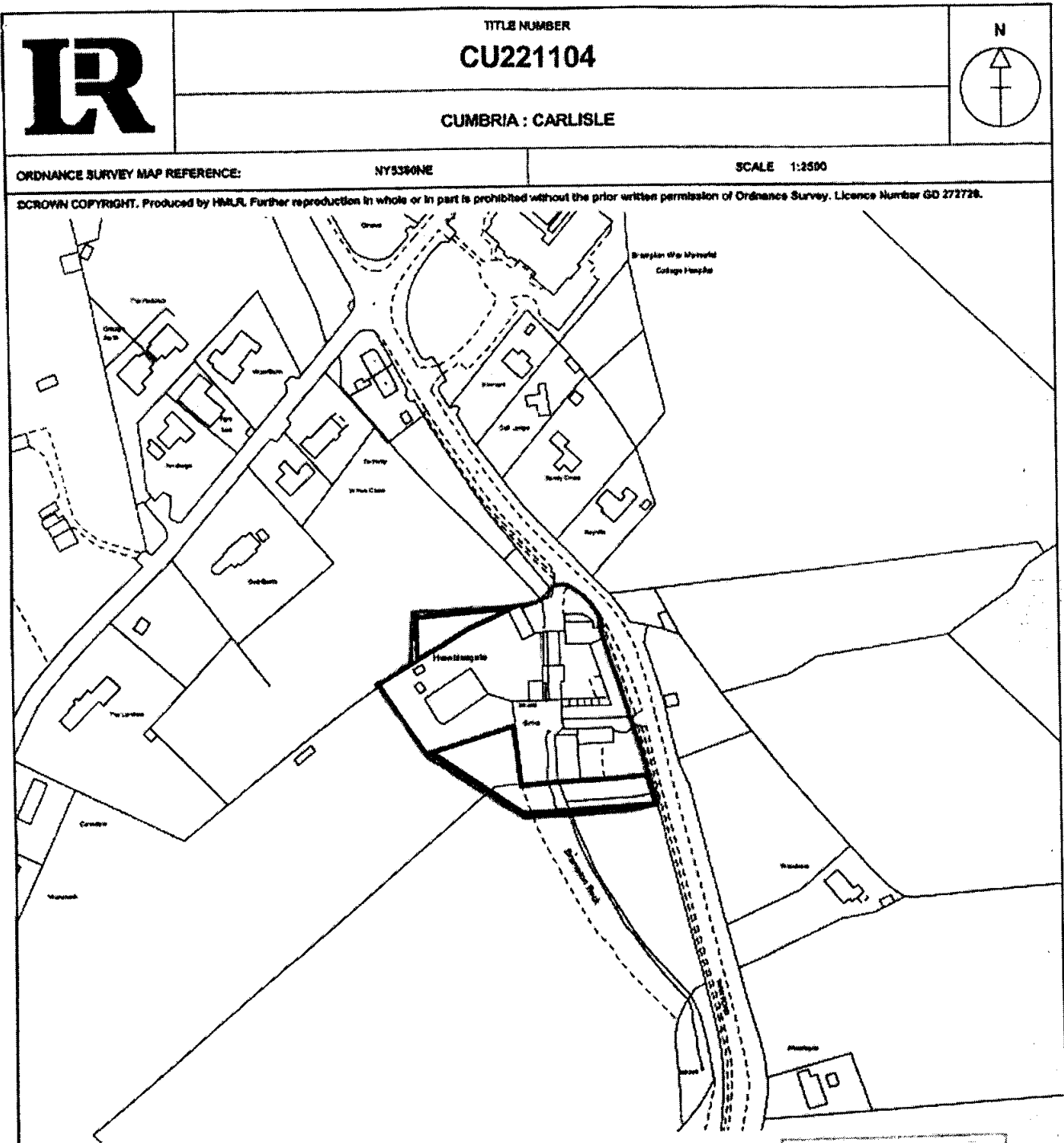
Reason: In order that the approved development overcomes any problems associated with the topography of the area, that it satisfies the requirements of the Environment Agency in relation to flood risk and that it meets the objectives of Policy E20 of the Carlisle District Local Plan.

20. No development approved by this permission shall commence (outside of demolition and site clearance) until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details contemporaneously with the completion of individual plots or, in the alternative, prior to the occupation of the final dwelling hereby given planning permission.

Reason: To reduce the risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with the underlying objectives of Policy E20 of the Carlisle District Local Plan.

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2006/0943

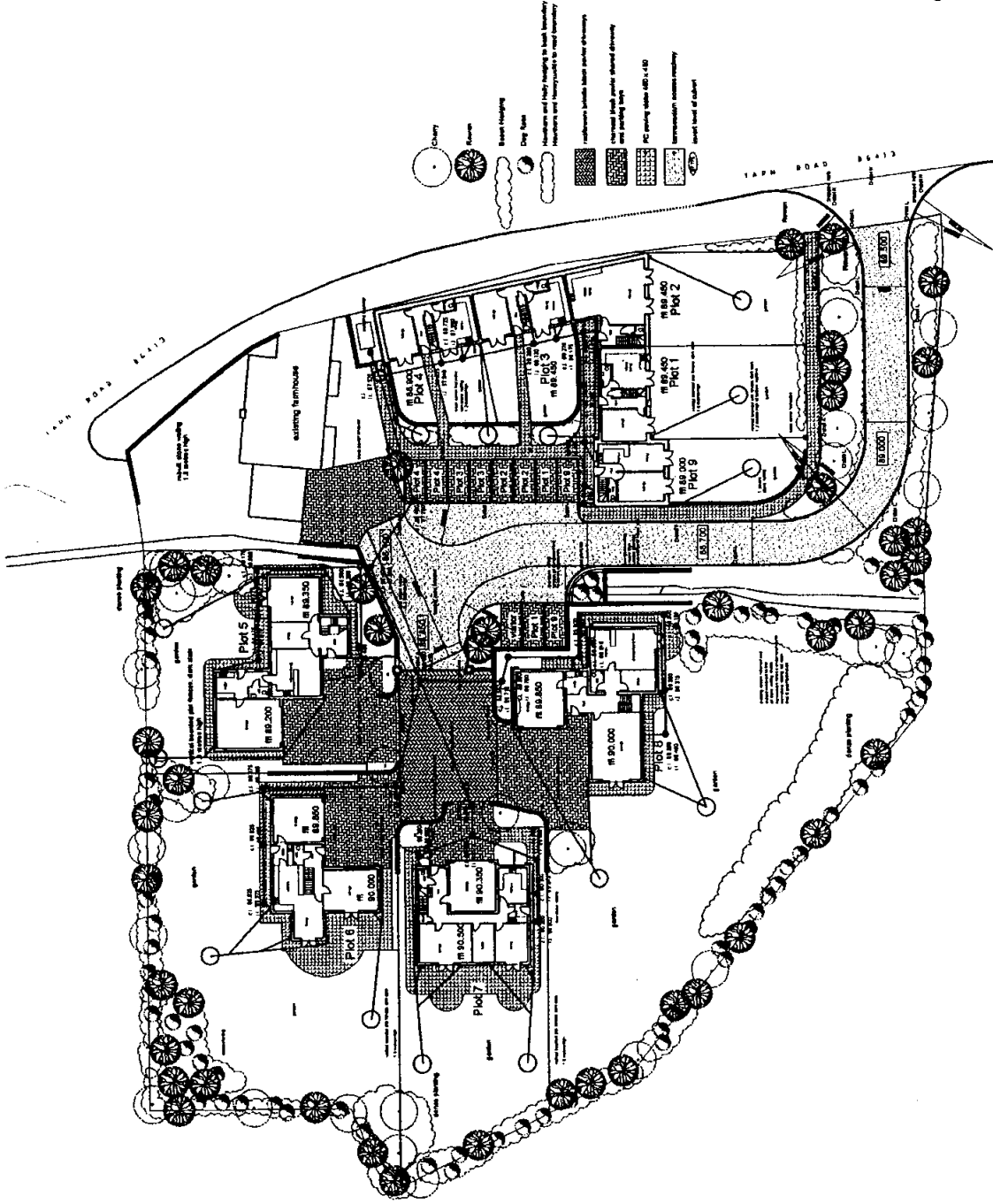
Project	Hemblesgate Housing. Brampton			Black Box Architects Limited. Paton House, Victoria Viaduct Carlisle, Cumbria	
Drawing	Planning Application	Revision	Scale	1:250	Tel: 01228 635230
Detail	Location Plan	Job No	119-25-42	Date	20.06.06



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06/09/13

Rev. A Sept 06: Scaleways shown from Building Reg set.

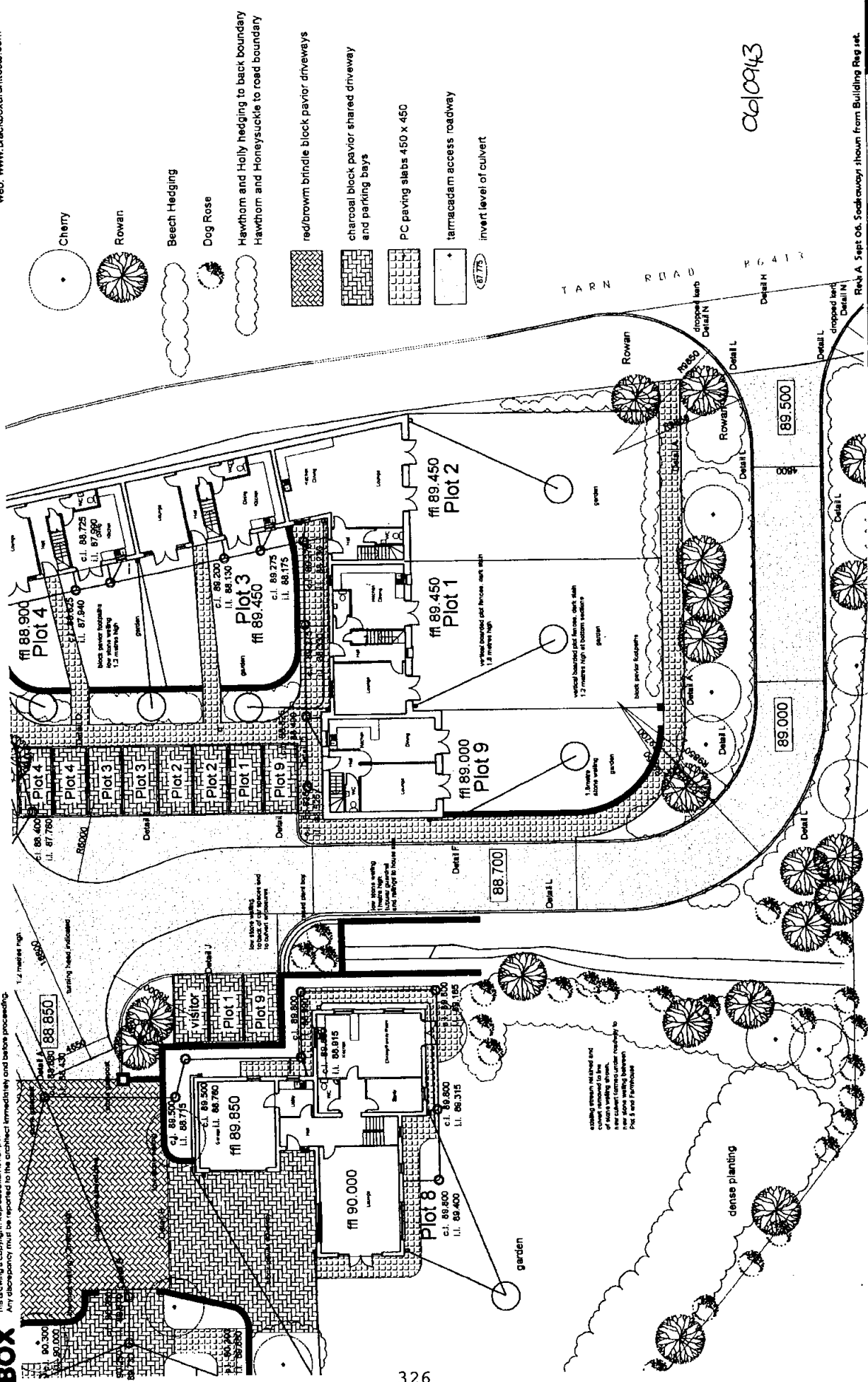
Project	Revision	Date
Hemblegate Housing, Brampton	1800	20.06.06
Planning Application		
Block Plan		

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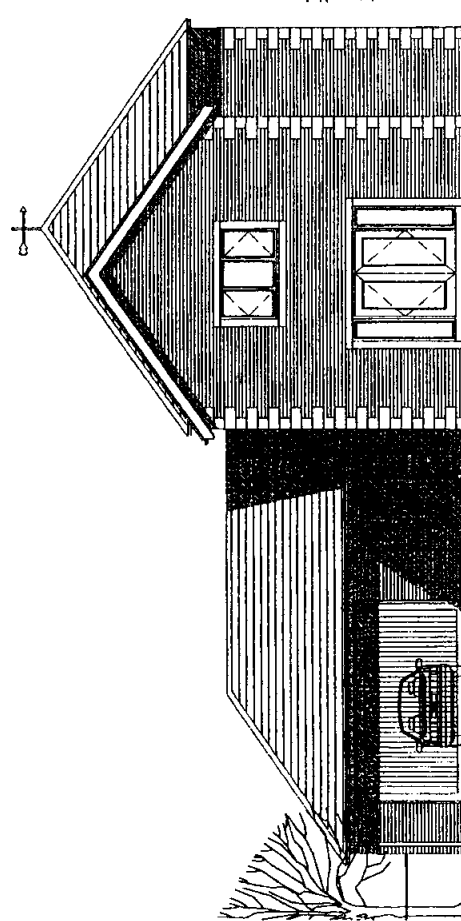


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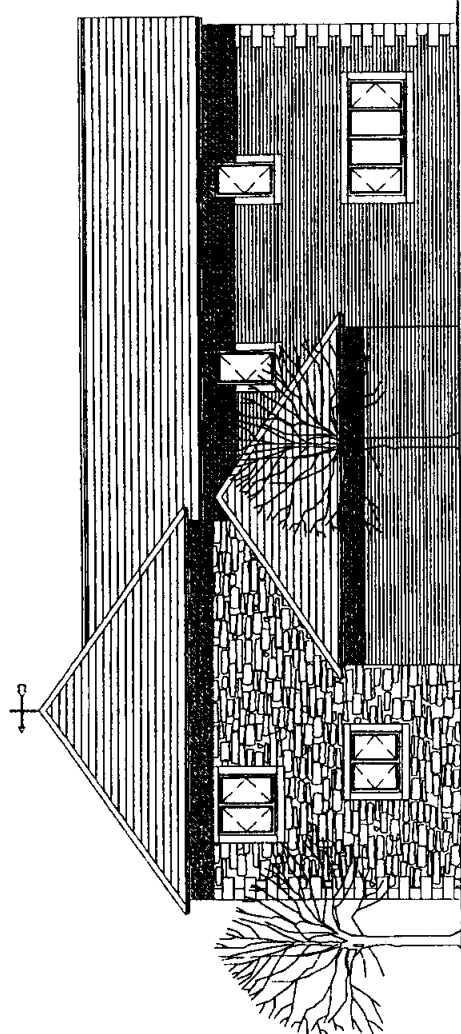
Reek A, Sept 06, See elevations shown from Building Reg set.

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 Paton House, Victoria Road,
 Carlisle, Cumbria, CA3 8AN
 Tel: 01228 635290

Project:	Hembleysgate Housing, Brampton
Drawing:	Planning Application
Date:	Site Plan, 1 of 2
Author:	JAB/ML
Scale:	1:100-ZA
Date:	20.06.08

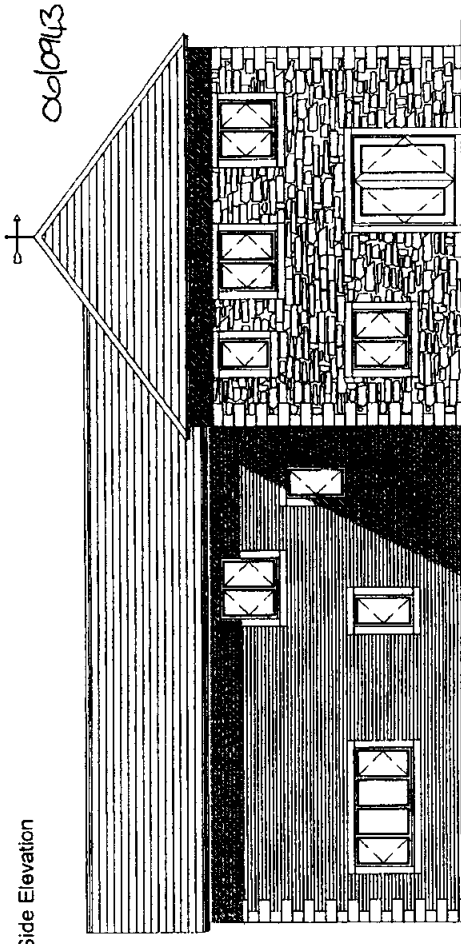


Front Elevation



Side Elevation

06/10/13



Rear Elevation

Rev B Nov 06, amended following comments from Planning
Rev A Sept 06, amended window sizes to client request

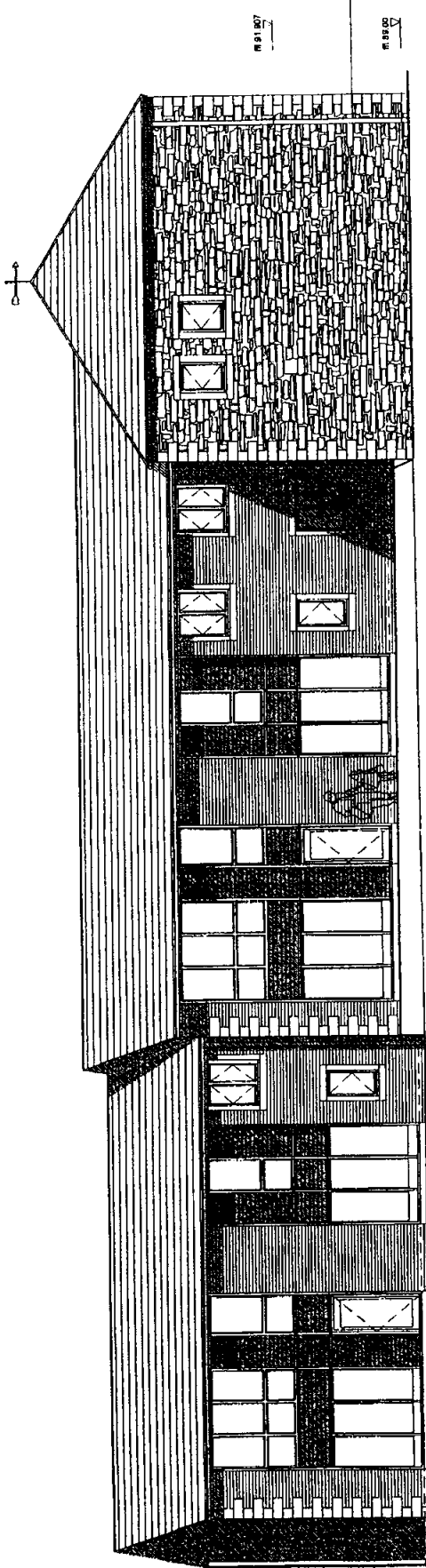
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Client	Revision	Date	Scale
Black Box Architects Limited, Paton House, Victoria Road Carlisle, Cumbria	06-119-018	08-May-06	1:100
Drawn	Checked	Date	Scale
Black Box Architects Limited	Black Box Architects Limited	08-May-06	1:100
Detail	Plot No.	Plot No.	Plot No.
	Elevations Plot 8		

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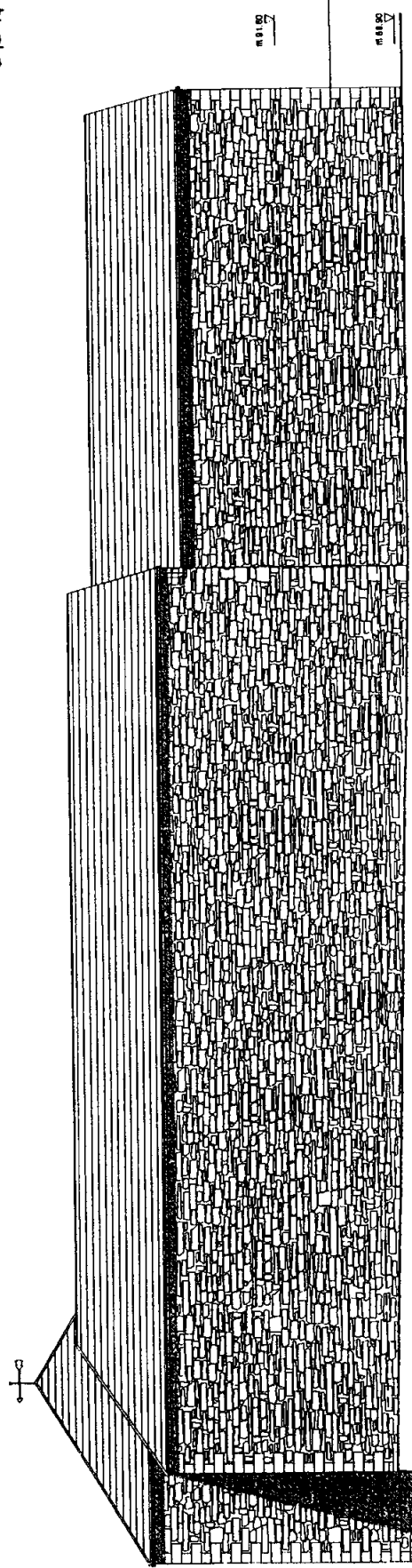
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Front Elevation

06/09/13



Rear Elevation

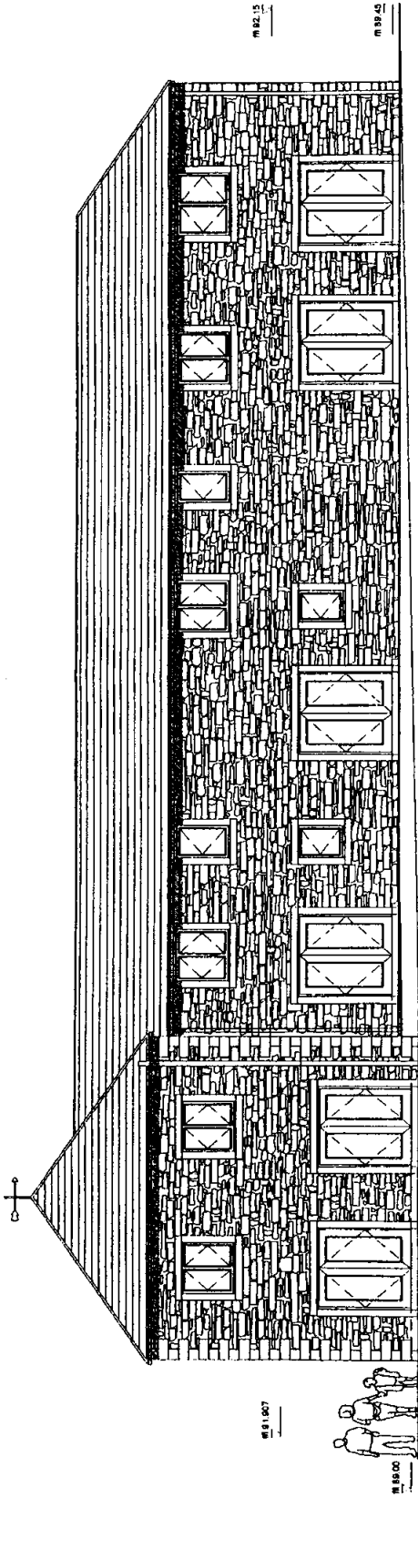
Rev. B. Nov 05. amended following comments from Planning
Rev. A. Sept 06. amended window size to client request

Project		Housing Development, Hembleysgate, Brampton	
Drawing	Rev. No.	Rev. No.	Date
001	05-117-348	05-117-348	May '06
Client		Black Box Architects Limited, Paton House, Victoria Road, Carlisle, Cumbria Tel/fax: 01228 653290	
Architect		BLACK BOX ARCHITECTS	

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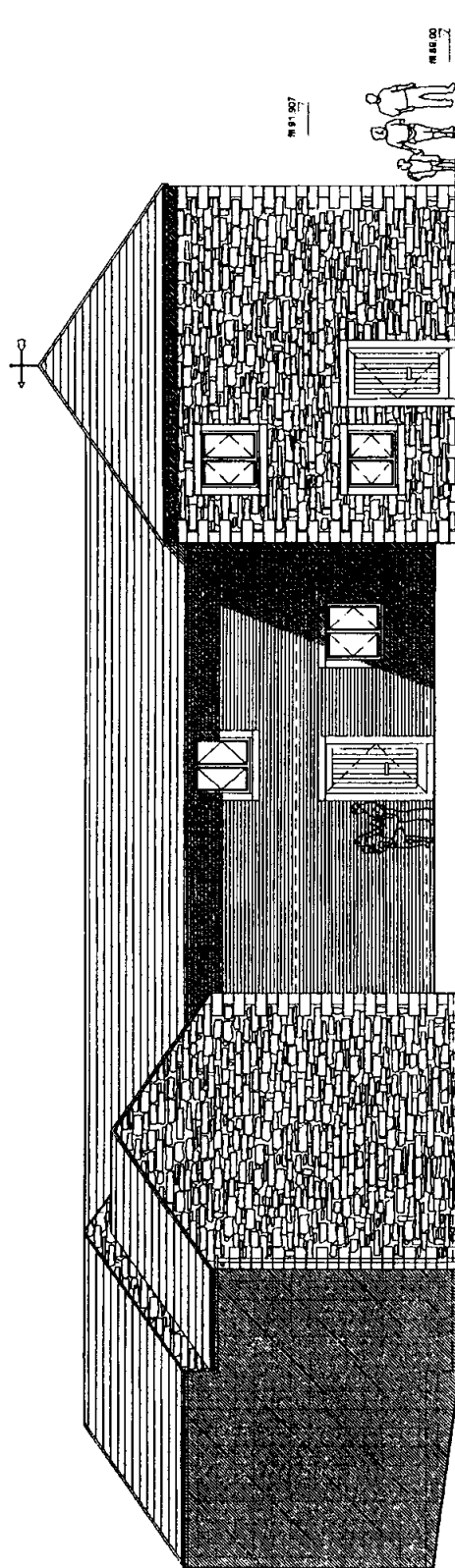
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Side Elevation

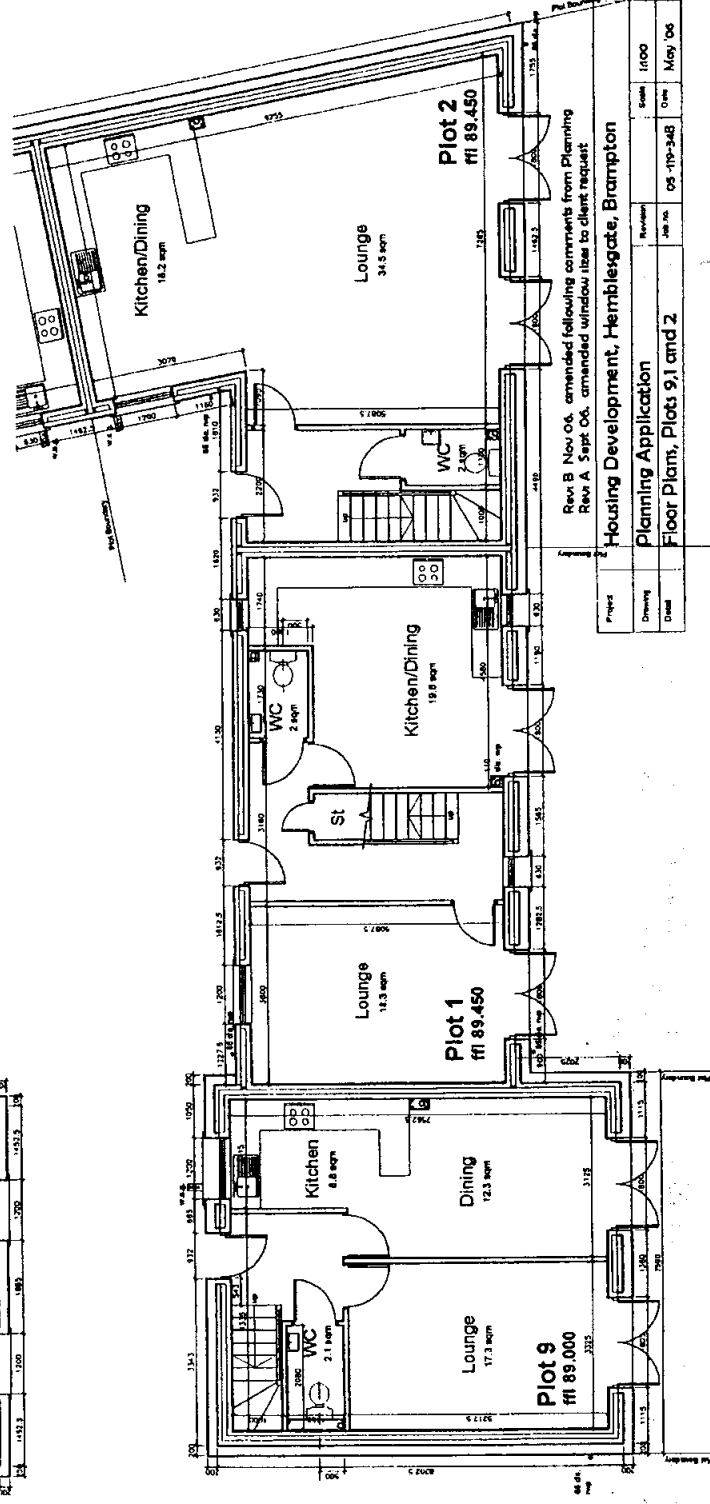
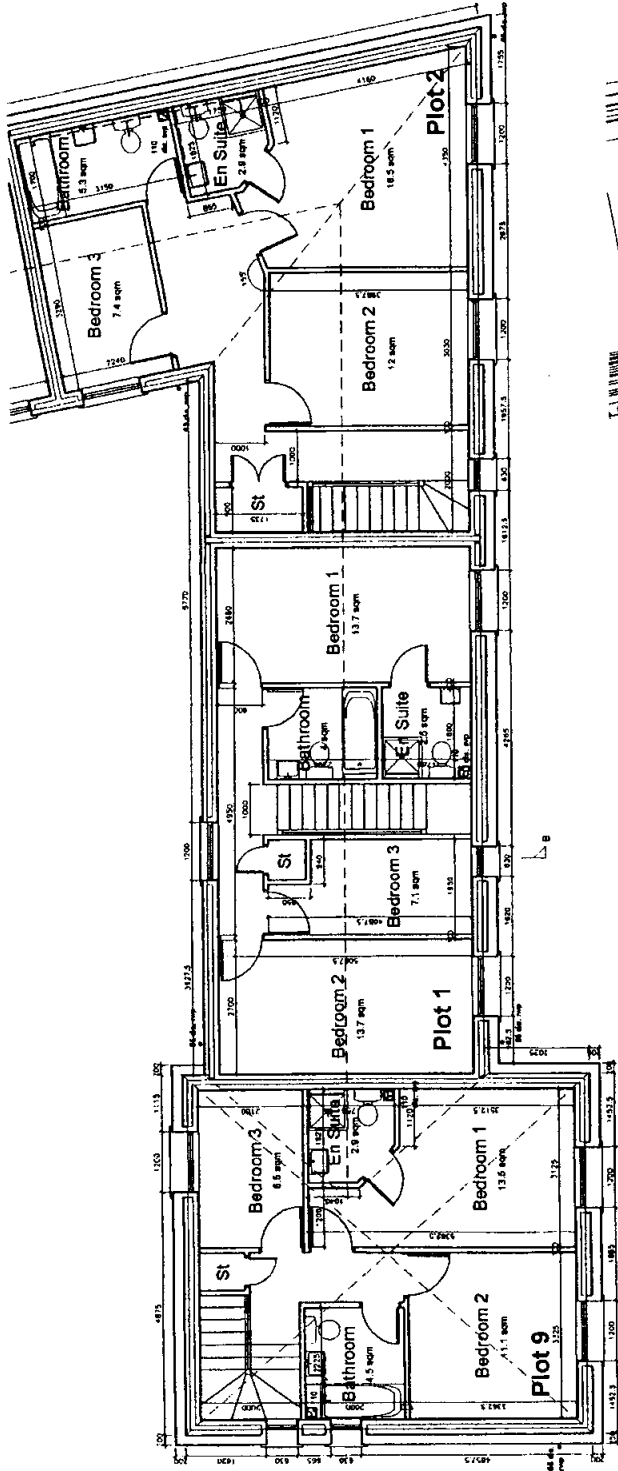


Side Elevation

Rev. B Nov 06. amended following comments from Planning
Rev. A Sept 06. amended window sizes to client request

Project		Housing Development, Hemblegate, Brampton	
Drawing	Scale	Revision	Date
001	1:100		06-11-06-07
Client	Address	Plot No.	Date
			May '06
Elevations Plots 9, 1, 2, 3 and 4		BLACK BOX architects	
Black Box Architects Limited, Paton House, Victoria Viaduct Carlisle, Cumbria		Tel/Fax 01228 65290	

060943



Rev B New OA amended following comments from Planning
Rev A Sept 04 amended window sizes to client request

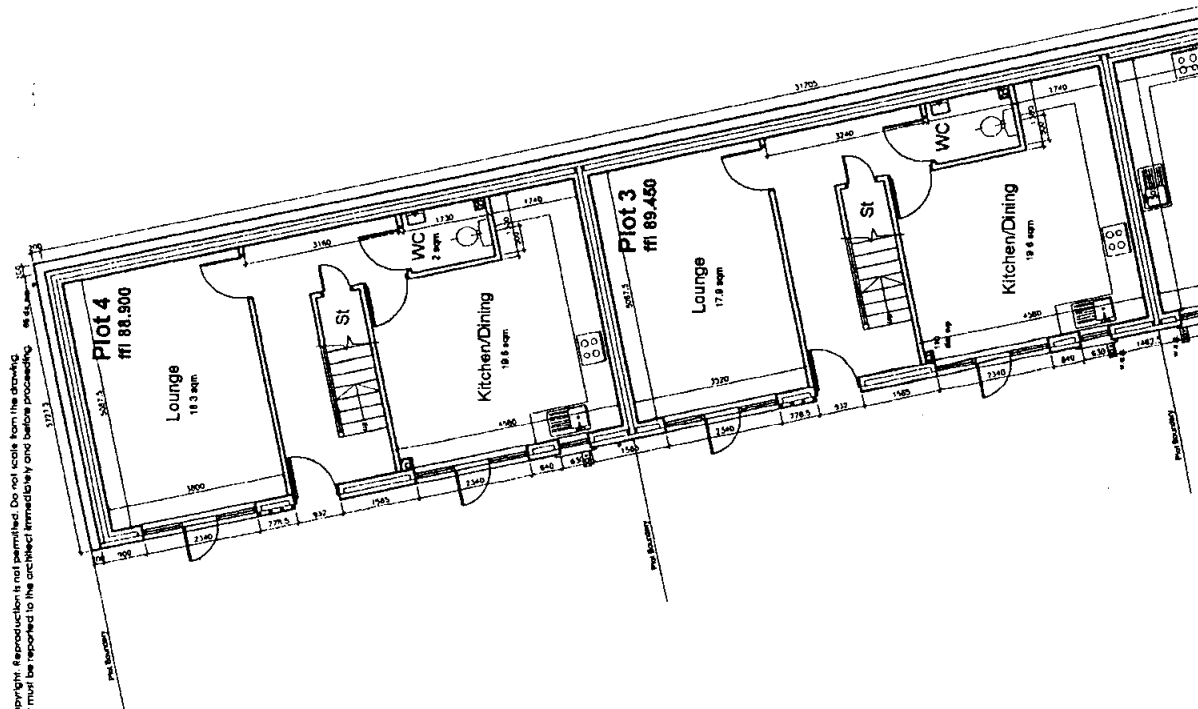
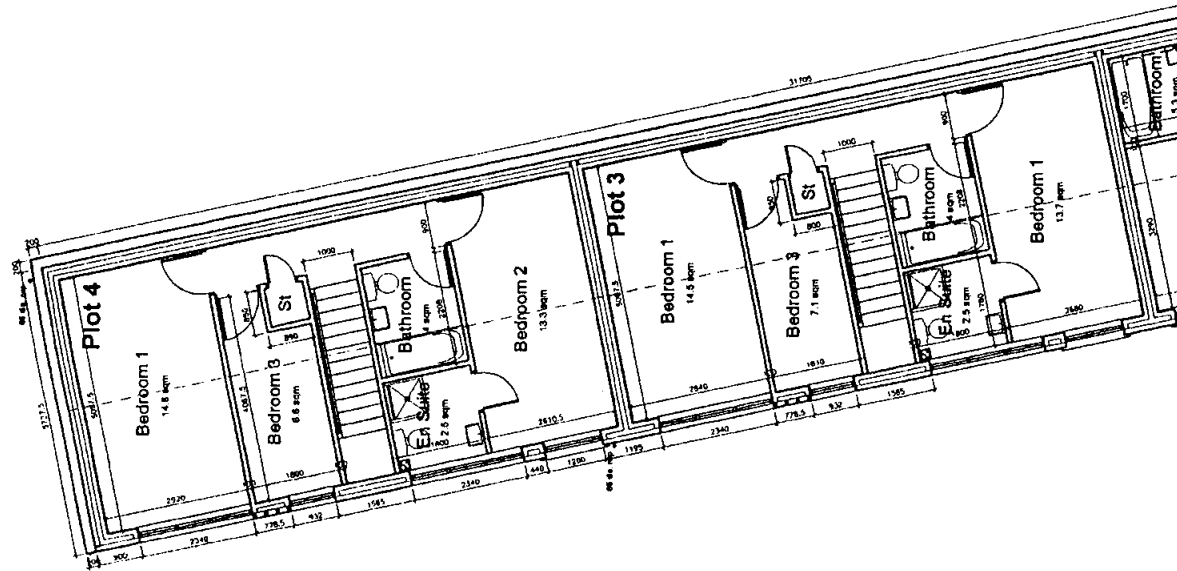
Project	Drawing	Date	Rev	Rev Date	Rev By
Housing Development, Hemblegate, Brampton Planning Application Floor Plans, Plots 9, 1 and 2	01	05-11-04	01		
	02	05-11-04	02		
	03	05-11-04	03		

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04/09/13

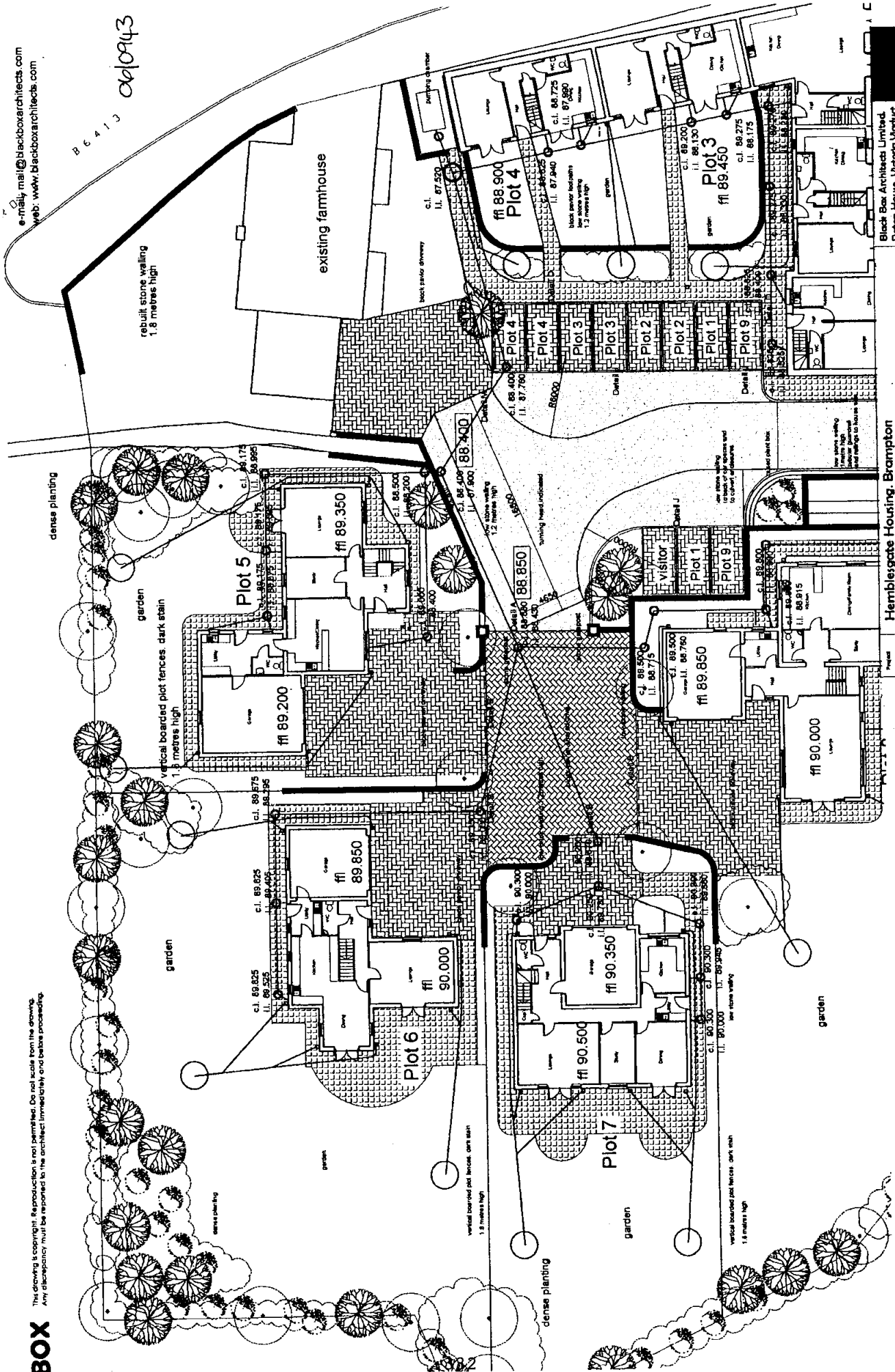


Rev: B Nov 06, amended following comments from Planning
Rev: A Sept 06, amended window size to client request

Project	Housing Development, Hemblegate, Brampton			
Drawing	Planning Application	Revision	Sheet	1 of 100
Date	Plot 3 and 4	Job No.	05-419-558	Scale
		Author	05	May 06

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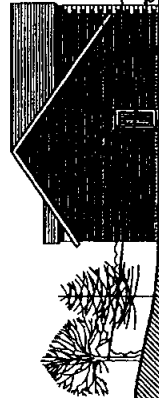
Black Box Architects Limited
Plecom House, Victoria West
Carlisle, Cumbria, CA3 8AN
Tel: 01228 635230

Project	Hemingesgate Housing, Brampton
Drawn	12/08
Date	20.08.08
Revision	119-22A
Rev. no.	119-22A

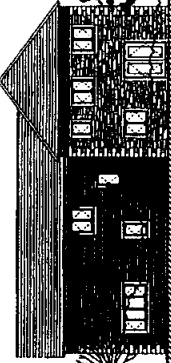
Hemingesgate Housing, Brampton
Planning Application
Site Plan, 2 of 2

06/09/13

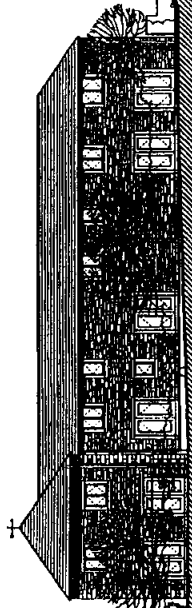
Plot 7



Plot 8

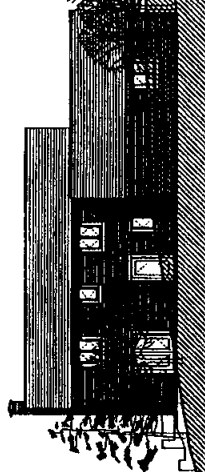


Plots 9 and 1,2,3,4



Long Cross Section Through the Entrance Roadway

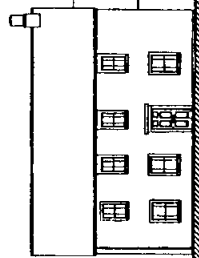
Plot 5



Plot 6



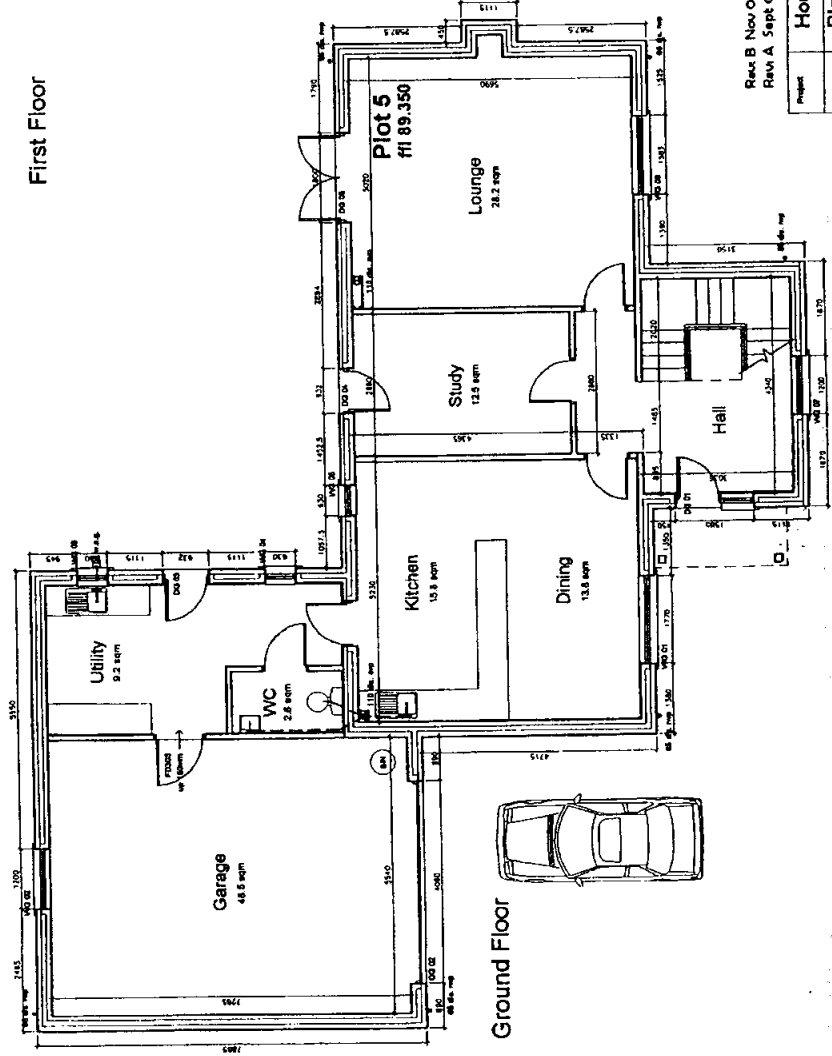
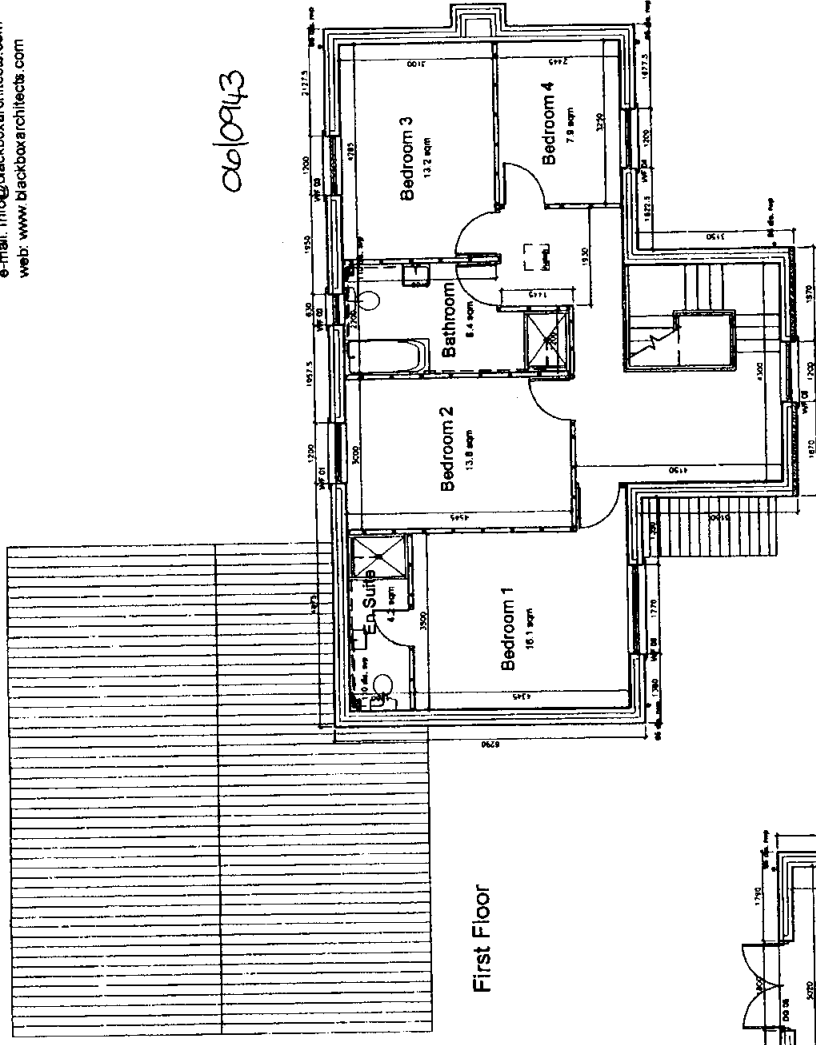
Long Cross Section to The Existing Farmhouse



Rev B Nov 06, amended following comments from Planning
Rev A Sept 06, amended window size to client request

Project	Hemblegate Housing, Brompton		
Drawing	Planning Application		
Client	Cross Section		
Revision	Date	Drawn	Check
	10/30	11/24/06	10/06/06
Black Box Architects Limited, Paton House, Victoria Road, Carlisle, Cumbria, CA3 8AN Tel: 01228 65290 BLACK BOX architects			

06/09/13

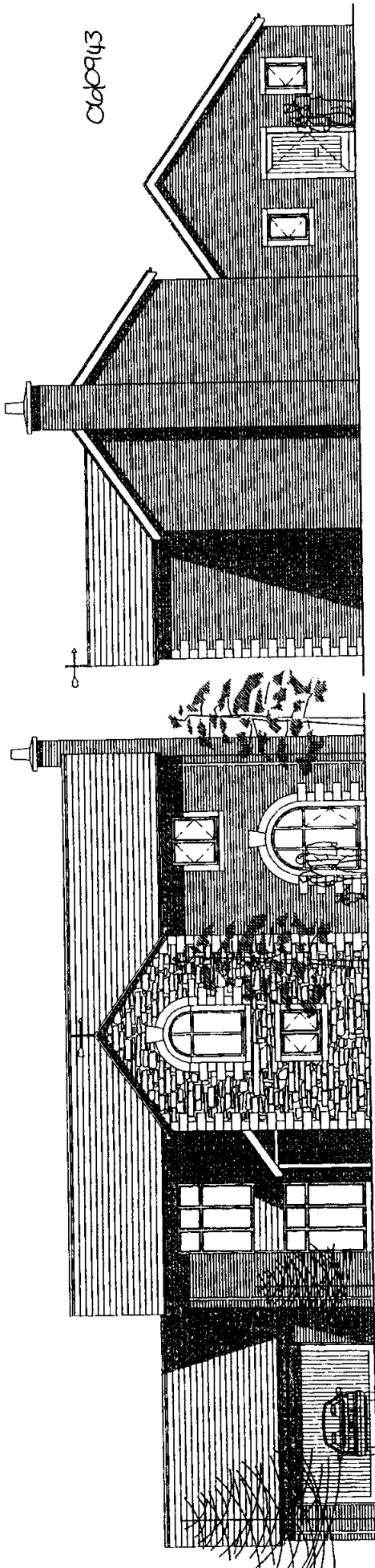


Rev B Nov 06, amended following comments from Planning
Rev A Sept 06, amended window size to client request

Project		Housing Development, Hemblegate, Brampton	
Drawing	Revision	Date	Issue
001	001	09-11-06	1st Issue
002	002	09-11-06	2nd Issue
003	003	09-11-06	3rd Issue
004	004	09-11-06	4th Issue
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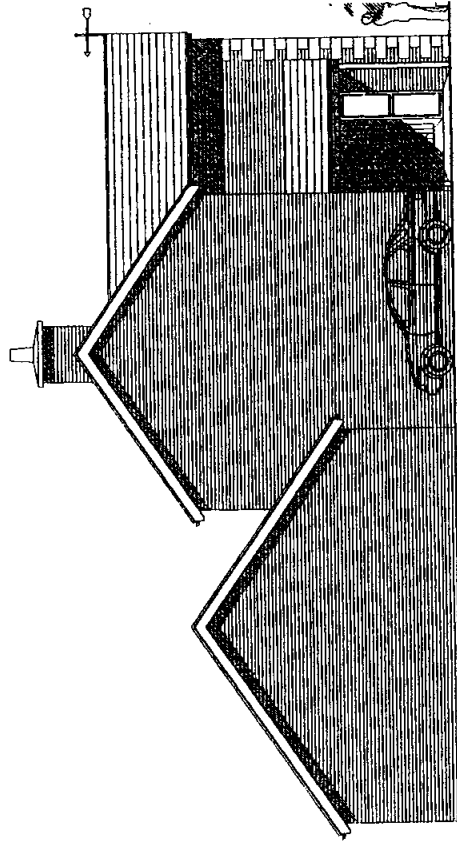
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Carlisle, Cumbria
Telephone: 01228 633330



Side Elevation

Front Elevation



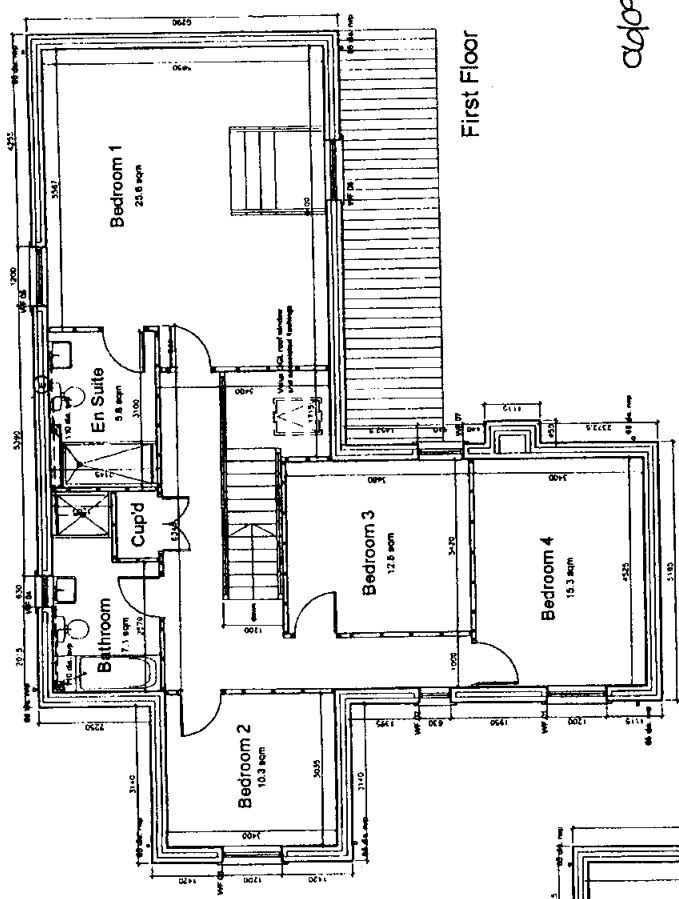
Side Elevation

Rear Elevation

Rev. B Nov 05, amended following comments from Planning
Rev. A Sept 05, amended window sizes to client request

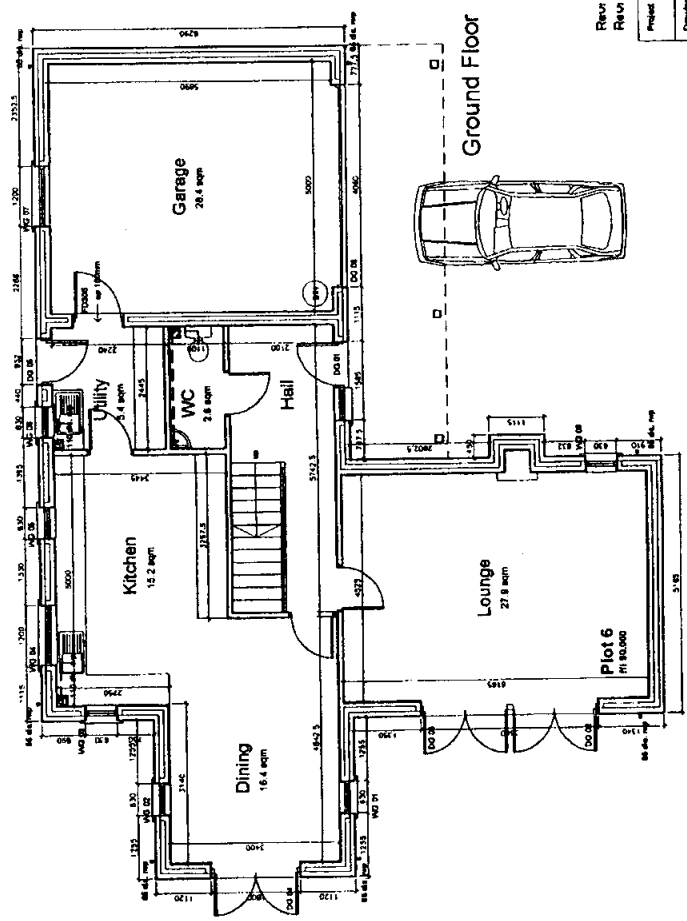
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Drawn	11/00	11/00	11/00
Check	05-11/00-3/05	05	May '04
Planning Application			
Elevations Plot 5			

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Carlisle, Cumbria
Tel/fax: 01228 65230



First Floor

0109143

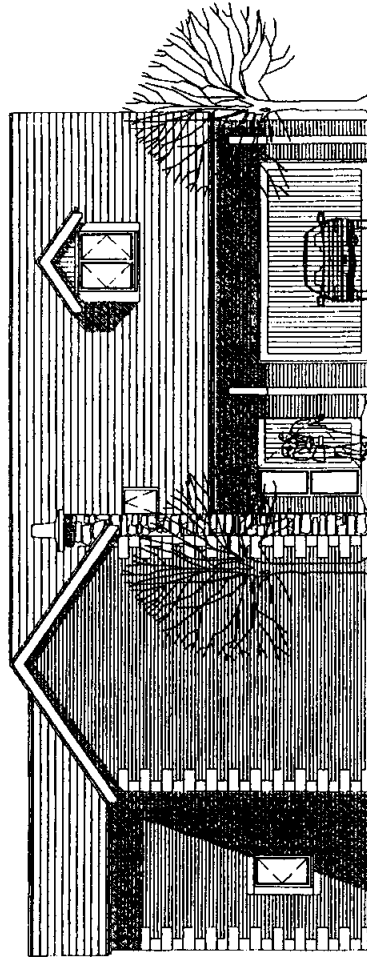


Ground Floor

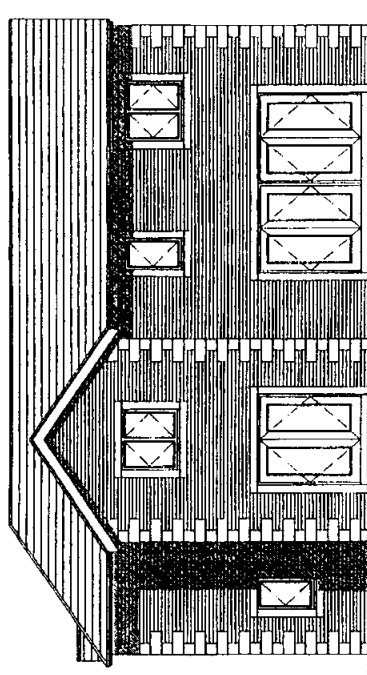
Rev B Nov 06, amended following comments from Planning
Rev A Sept 06, amended window sizes to client request

Project	Revision	Date	Scale
Housing Development, Hembleysgate, Brampton Planning Application Floor Plans Plot 6	1/06/06	05-11-06-08	1/500
	1/06/06	05-11-06-08	1/500

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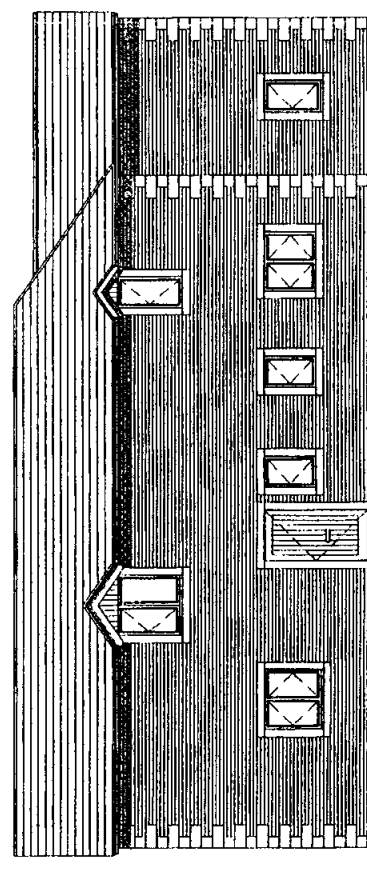


Front Elevation

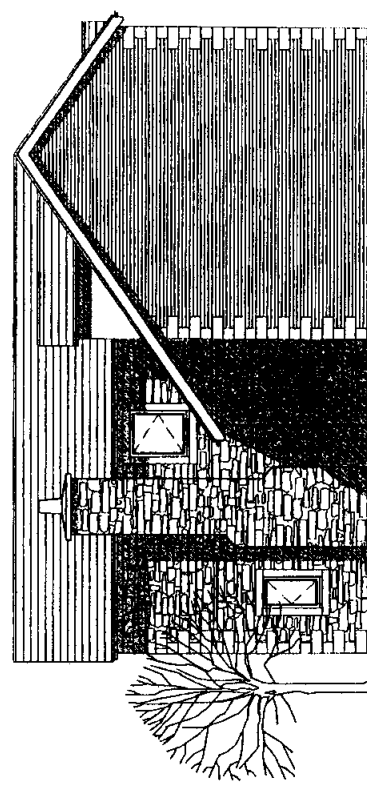


Side Elevation

06/09/13



Rear Elevation



Side Elevation

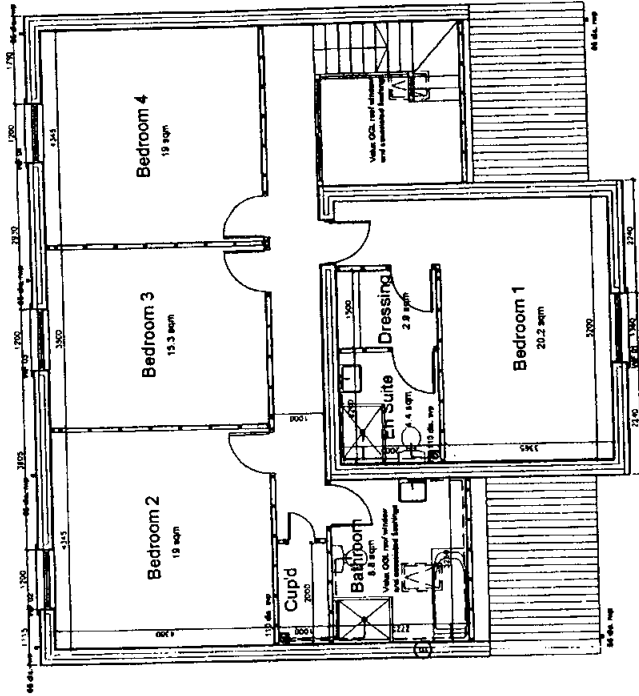
Rev: B Nov 06, amended following comments from Planning
Rev: A Sept 06, amended window sizes to client request

Project	Housing Development, Hemblegate, Brampton		
Drawing	Planning Application	Scale	1:100
Date	Elevations Plot 6	Date	05/11/06
		Rev	May/06

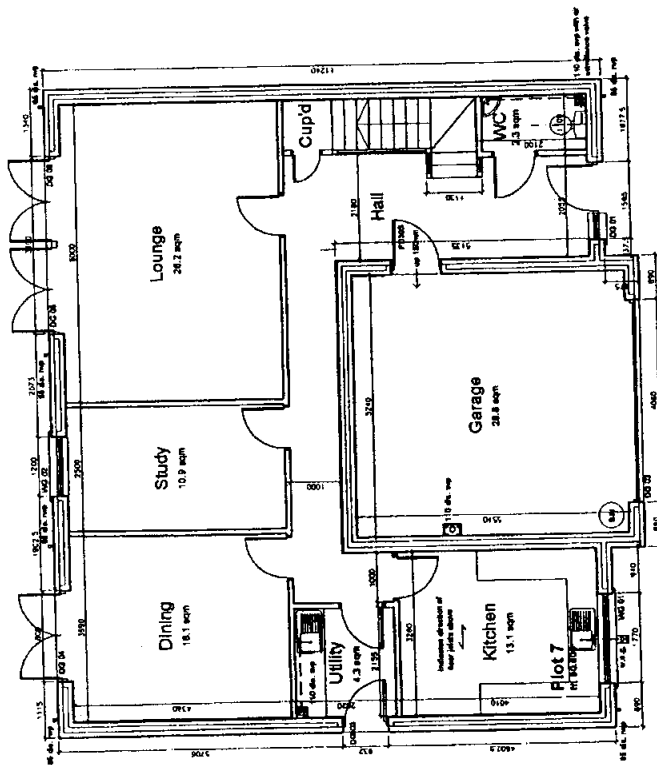
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BOX This drawing is copyright. Reproduction is not permitted. Do not scale from the drawing. Any discrepancy must be reported to the architect immediately and before proceeding.

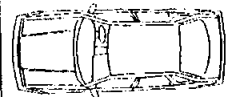
06/09/13



First Floor



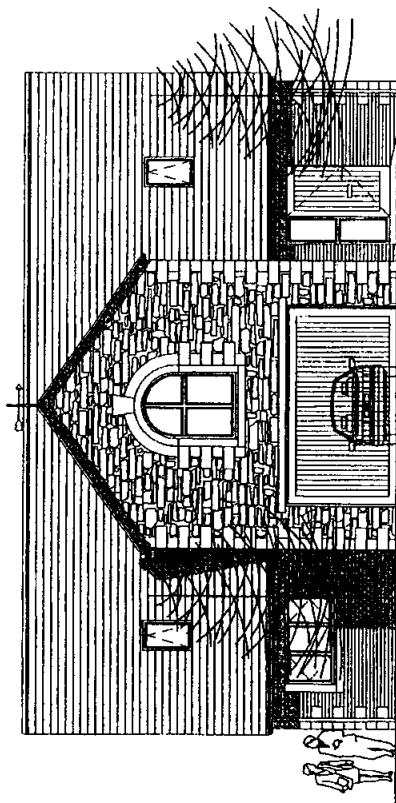
Ground Floor



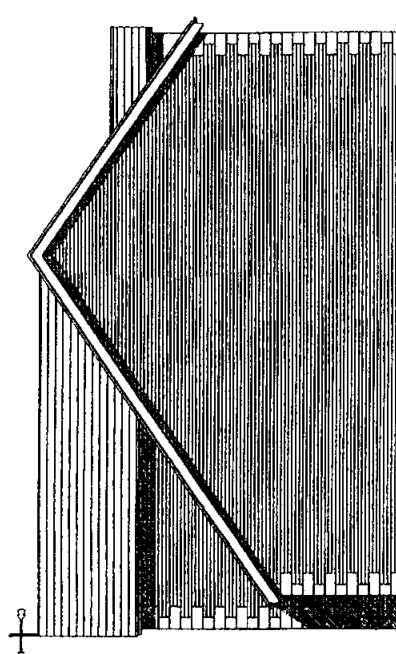
Rev: B Nov 06, amended following comments from Planning
 Rev: A Sept 06, amended window sizes to client request

Project	Housing Development, Hembleysgate, Brampton	Scale	1:100
Drawing	Planning Application	Revision	
Date	06-11/09-2010	Date	May '06
	Floor Plans Plot 7		

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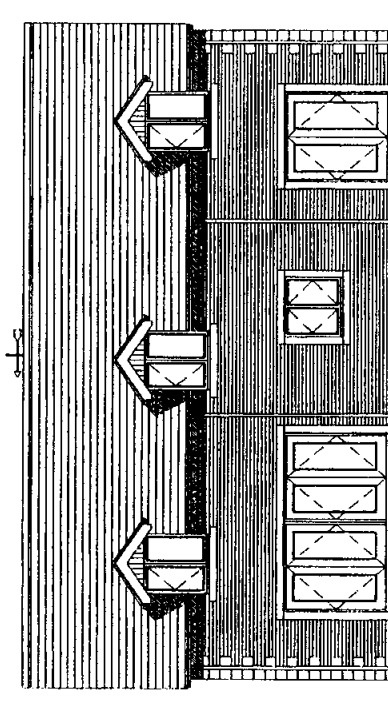


Front Elevation

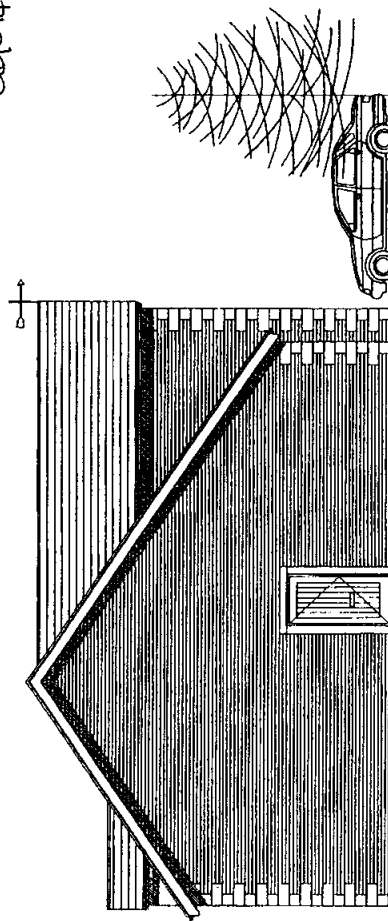


Side Elevation

06/07/13



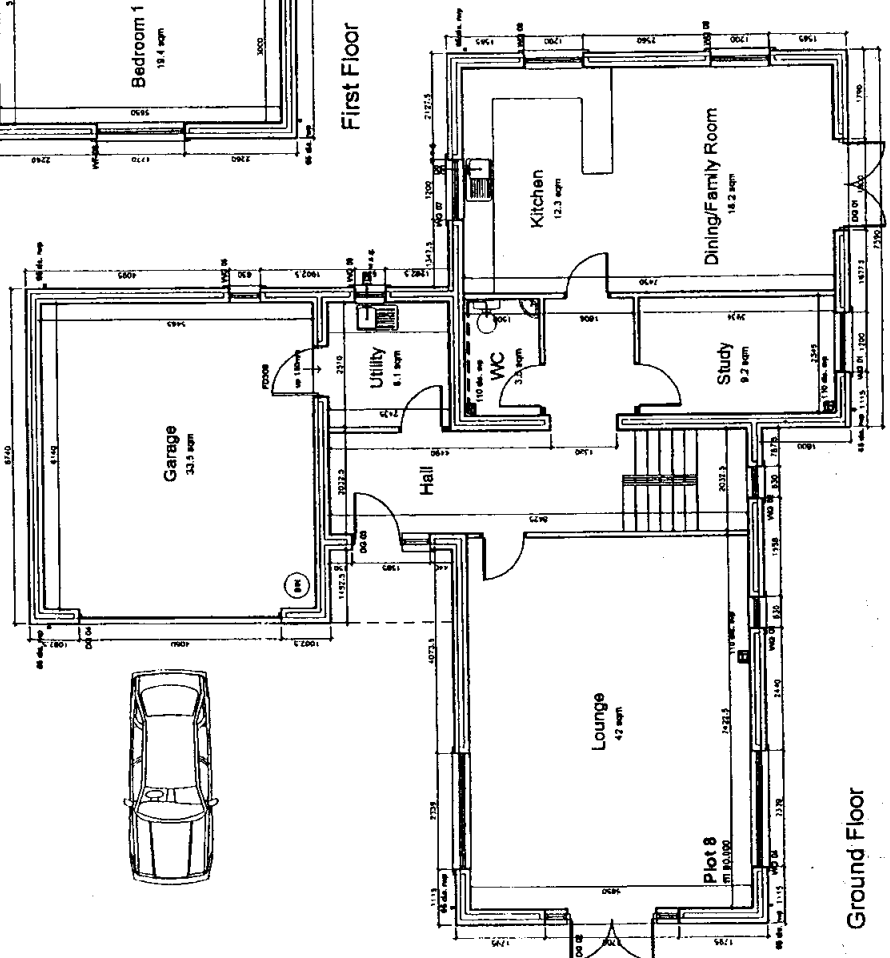
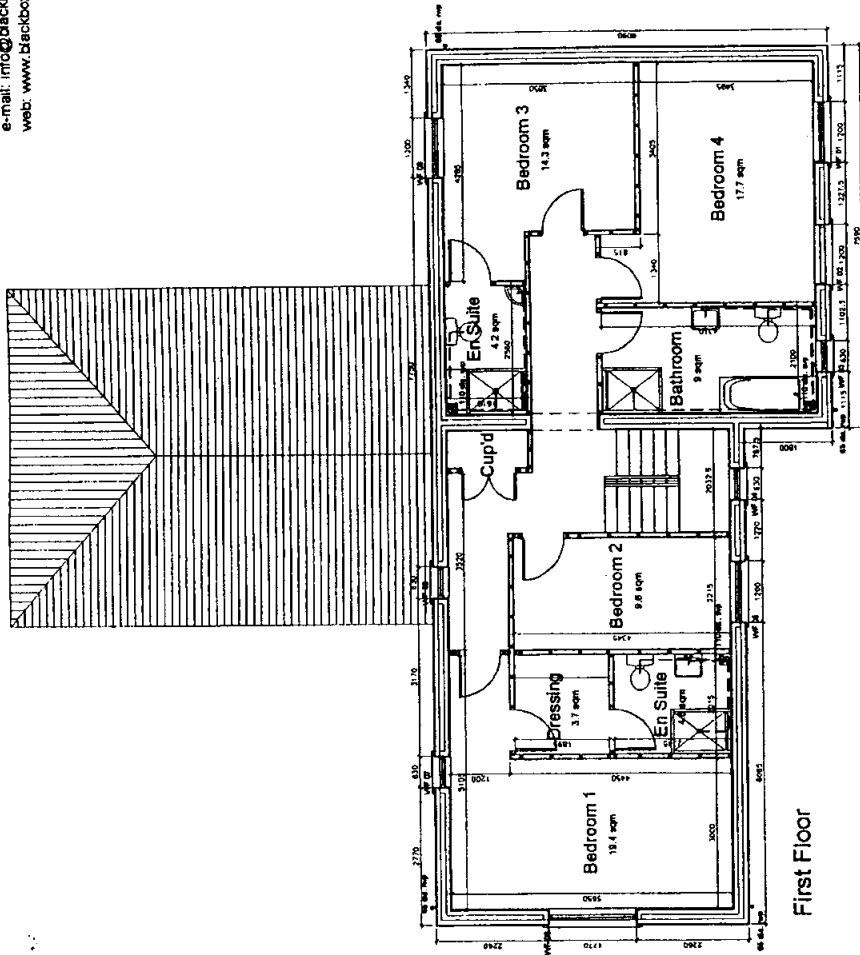
Rear Elevation



Side Elevation

Rev B Nov 06, amended following comments from Planning
Rev A Sept 06, amended window sizes to client request

Project	Housing Development, Hemblegate, Brampton		
Drawing	Number	Scale	Date
Detail	06-110-38B	1:100	May 06
Planning Application Elevations Plot 7			
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06/09/13

Rev B Nov 06, amended following comments from Planning
 Rev A Sept 06, amended window sizes to client request

Project	Housing Development, Hemblegate, Brampton
Drawing	Planning Application
Client	Floor Plans Plot 8
Scale	1:100
Date	05-np-13B
Revision	06-np-13B
Job No	05-np-13B
Date	May 06

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 Carlisle, Cumbria
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 architects

SCHEDULE A: Applications with Recommendation

06/1162

Item No: 15

Date of Committee: 15/12/2006

Appn Ref No:

06/1162

Applicant:

Mr D Klein

Parish:

Stanwix Rural

Date of Receipt:

02/10/2006

Agent:

Jock Gordon

Ward:

Stanwix Rural

Location:

Orchard Holme, Orchard Gardens, Houghton,
Carlisle, CA3 0LH

Grid Reference:

340576 559218

Proposal: Erection of detached domestic double garage

Amendment:

REPORT

Reason for Determination by Committee:

The application is brought before Committee due to an objection being received from the Parish Council.

Planning Policies:

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Housing - Proposal H14

SCHEDULE A: Applications with Recommendation

06/1162

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

SCHEDULE A: Applications with Recommendation

06/1162

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The Highway Authority has no objection to the proposal.

Stanwix Rural Parish Council: The Parish Council objects to the proposed double garage on the grounds that it is considered to be of inappropriate scale and character, being detrimental to the neighbouring environmental amenity.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	Smithy Cottage	04/10/06
	South View Farm	04/10/06
	2 Orchard Gardens	04/10/06

This application has been advertised by means of a site notice and a notification letter sent to three neighbouring properties. No verbal or written representations have been made during the consultation period.

Details of Proposal/Officer Appraisal:

Planning History: The site has previous planning consent for the erection of a

SCHEDULE A: Applications with Recommendation

06/1162

detached dwelling and garage granted in August 2000 (reference number 00/0446).

Details of Proposal:

The proposal seeks full planning permission for the erection of a detached garage within the curtilage of Orchard Holme, Houghton, Carlisle. The site is square in nature and has an access leading from the cul du sac head of Orchard Garden, situated on the western fringe of the village. The house is currently under construction on the site and the site is bounded by residential properties to the north and south.

It is proposed to add a single level double garage to the site south-west of the dwelling to be used for domestic purposes. The garage is to be constructed from facing brick and roof tiles to match the house under construction and will be sited 3 metres from the dwelling at the nearest point. It will extend 10 metres along the south-eastern boundary and 12 metres along the southern boundary and will be 4.4 metres at the highest point. The garage at no point will be closer than 1 metre to the hedge adjoining the neighbouring sites.

The relevant planning policies against which the application is required to be assessed against is Policies H14 and H17 of the Carlisle District Local Plan; and Policies CP4, CP5 and H11 of the Carlisle District Local Plan Redeposit Draft. To surmise these policies relate to amenity values and ensuring any development is consistent with the surrounding environment and of an appropriate scale and style.

- **Amenity Values**

As aforementioned the proposed garage is at the closest 1m to the nearest boundary and is of a single storey nature. Vegetation exists along the boundaries of the adjoining properties and aids in acting as a screening mechanism. No windows exist in the garage ensuring no additional outlook onto neighbouring properties that could result in a loss of privacy. Overall it is considered that given the vegetation and scale of the garage the proposed development will not be overbearing to adjacent properties, detract from the visual outlook as currently experienced, or create issues in regards to restriction of privacy or daylight. The proposal is for a further residential extension on the site and will not result in traffic or noise effects associated with non residential activities. As stated both the Carlisle District Local Plan and the Carlisle District Local Plan Redeposit Draft have policies to ensure that residential amenities are not compromised. Proposals should not be visually intrusive, lead to an increase in traffic or noise or be of an unacceptable scale. The proposal is not considered to result in any of these and for the reasons as outlined it is considered the proposal is consistent with the relevant policies of both these plans.

- **Appropriateness of the Development**

The Carlisle District Local Plan Redeposit Draft has policies related to design principles and ensuring that any new development complements the existing

SCHEDULE A: Applications with Recommendation

06/1162

environment, both built and natural. The development will ensure this and will not contradict the existing and intended environment. The scale and height of the proposed garage is comparable to the existing development of the site. The garage will complement the existing dwelling currently being erected as will be constructed from matching materials. The site is of a moderate size and the construction of the dwelling and garage will still maintain a high level of open space similar to those sites in the surrounding area. The level of development proposed is considered appropriate to the dwelling and for the site overall. No vegetation removal will be required to complete the development.

- **Other Matters**

The Parish Council has commented the garage is of inappropriate scale and character, being detrimental to neighbouring environmental amenity. Although these are relevant planning considerations, for the reasons detailed in the preceding paragraphs, the proposal is considered to be consistent with current planning policies.

- **Summary**

In overall terms it is considered the proposal does not adversely affect the amenities of adjacent properties by poor design and lack of compatibility with existing development, or through the loss of privacy or restriction of daylight. The scale and design of the proposed garage is considered acceptable in relation to the dwelling and the size of the site. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies. The application is recommended for approval.

Human Rights Act 1998

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

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

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

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not

SCHEDULE A: Applications with Recommendation

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impair the right to enforce the law if this is necessary;

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.

Recommendation: Grant Permission

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

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

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

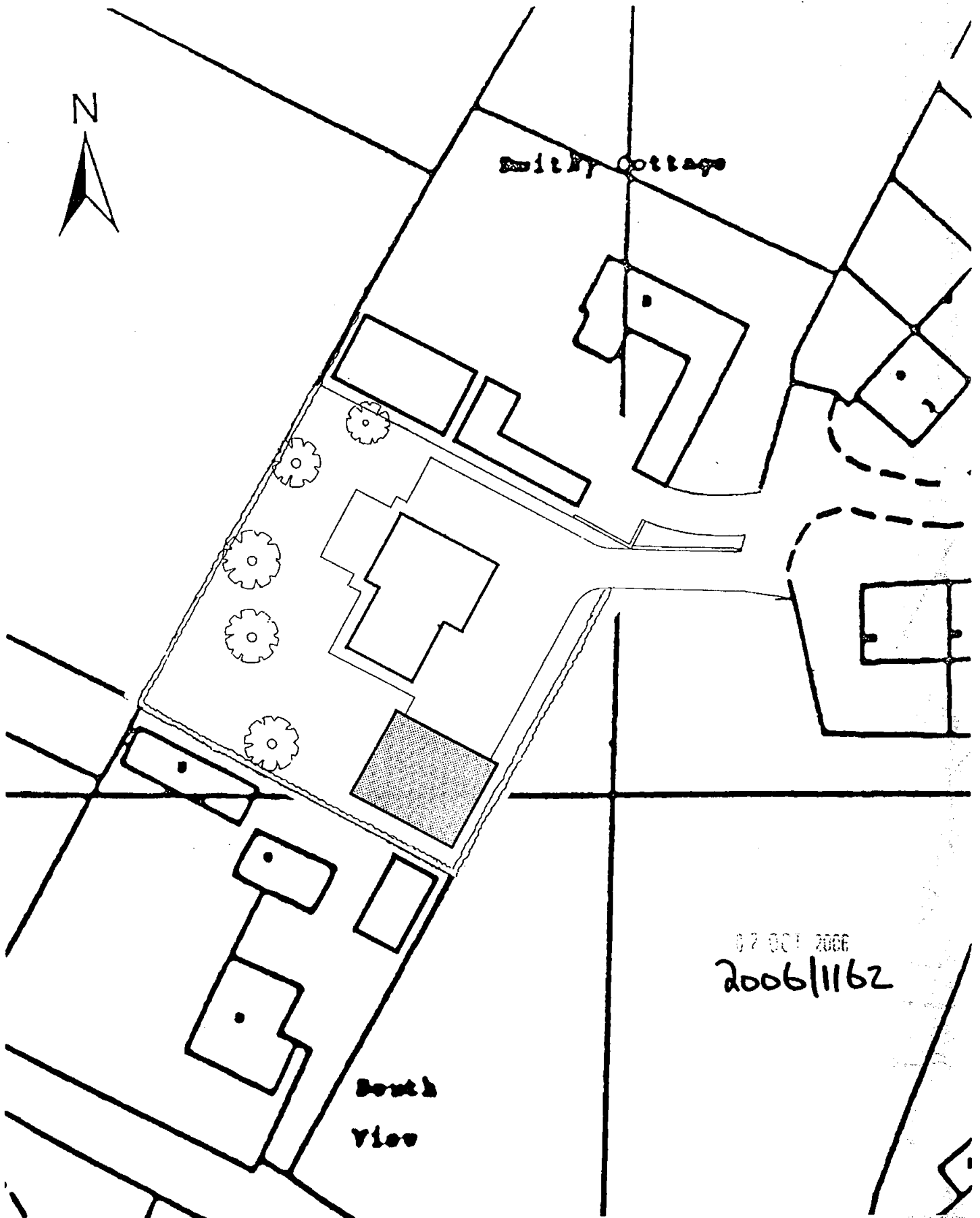
Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H14 of the Carlisle District Local Plan.



02 OCT 2006
2006/1162

Houghton

Scale : 1-2500

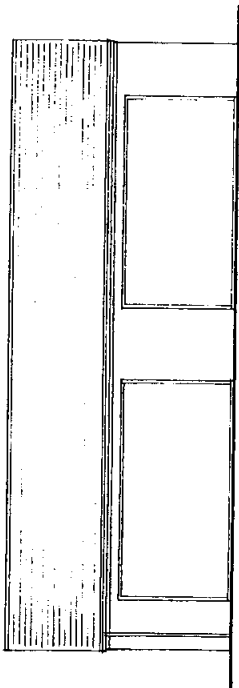


PROPOSED DETACHED GARAGE

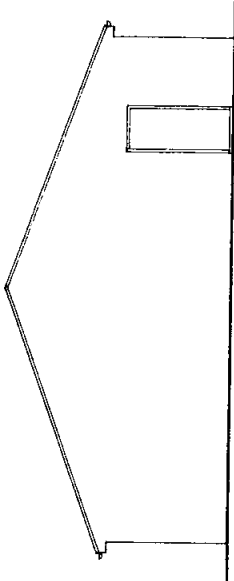
ORCHARD HOLME - HOUGHTON

SITE PLAN

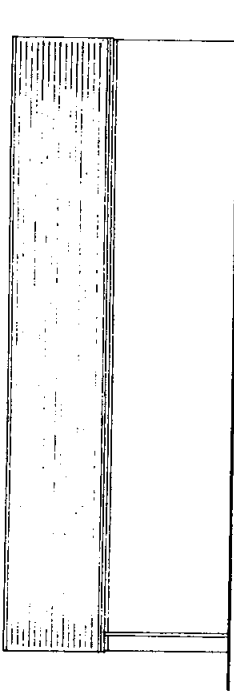
Scale : 1-500



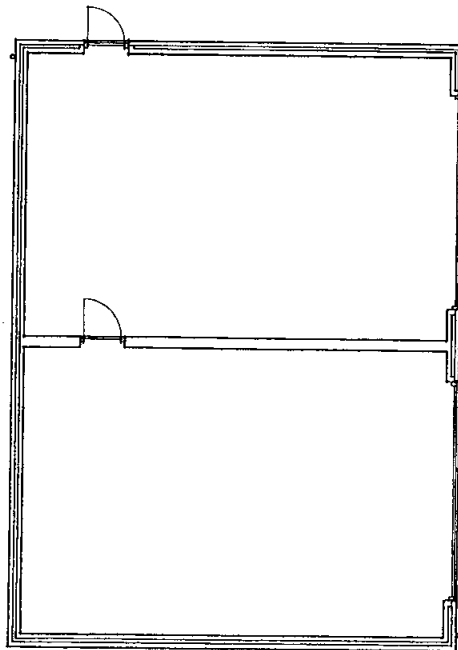
NORTH ELEVATION



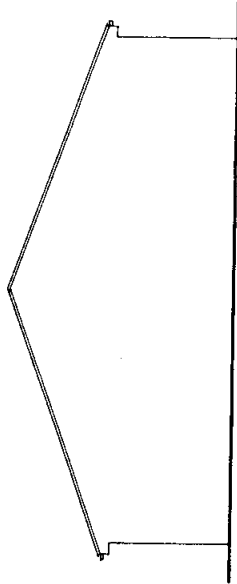
WEST ELEVATION



SOUTH ELEVATION



PLAN



EAST ELEVATION

07 OCT 2005
2006/1162

PROPOSED DETACHED GARAGE ORCHARD HOLME - HOUGHTON	
Draw. No. 916/3	DATE SEPT. 2006
SCALE: 1-50	

SCHEDULE A: Applications with Recommendation

06/1244

Item No: 16

Date of Committee: 15/12/2006

Appn Ref No:
06/1244

Applicant:
Mapeley Abi Provider Ltd

Parish:
Kingmoor

Date of Receipt:
26/10/2006

Agent:
King Sturge LLP

Ward:
Stanwix Rural

Location:
Part Ground Floor, Suite 1, Regent's Court,
Kingmoor Business Park, Carlisle, CA6 4SJ

Grid Reference:
338500 560297

Proposal: Change of use to an interview and administration centre (sui generis) for a temporary period up to 30 September 2011

Amendment:

1. Description amended to seek temporary consent until 30th September 2011 as opposed to 2006.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of four letters of objection.

Planning Policies:

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

SCHEDULE A: Applications with Recommendation

06/1244

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC1- Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

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

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

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

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

SCHEDULE A: Applications with Recommendation

06/1244

provided:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection.

In response to the amended description the Highway Authority has confirmed that they have no further comments to make;

Kingmoor Parish Council: awaiting comments.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Capita	07/11/06	
[REDACTED] 2 Regents Court	07/11/06	
[REDACTED] 3A Regents Court	07/11/06	
[REDACTED] 3B Regents Court	07/11/06	
[REDACTED] 3C Regents Court	07/11/06	
[REDACTED] 4 Regents Court	07/11/06	
[REDACTED] 5 Regents Court	07/11/06	
[REDACTED] Flat 11 Wesley Court		Objection
[REDACTED] 2 Vale Cottages		Objection
[REDACTED] 122a Dalston Road		Objection
[REDACTED] 8 Hope Street		Objection

SCHEDULE A: Applications with Recommendation

06/1244

This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. In response four letters of objection have been received. The grounds of objection are summarised as being;

1. It is an inappropriate location for the intended use of the proposed building, in terms of its proximity from its intended users;
2. Absence of any public facilities such as toilets and baby changing areas;
3. The inclusion of a 'panic room' suggests that the developers envisage situations of tension or violence, which may adversely affect the occupiers of adjacent employment premises;
4. The proposal will result in increased congestion through Carlisle City Centre and worsen existing parking problem within the site; and
5. The introduction of an ID card system is morally wrong.

Members should note that in respect of the point 5 this is not a material consideration to take into account in the determination of the application, but a separate matter that the objector should take up with central government.

Details of Proposal/Officer Appraisal:

Planning History:

In 2006 planning permission was granted, under application 06/1150, for the installation of 5no. new condenser units.

In 2000 planning permission was granted, under application 00/0786, for the change of use of the former canteen as an office, together with the erection of new entrance canopies.

Details of Proposal:

This application seeks temporary planning consent for the change of use of part of the ground floor of a premises to enable it to be used as an interview/administration centre. The premises is located within Kingmoor Business Park, formerly 14MU, which is located to the north of the City. The application site is located adjacent to the 'Capita Building' close to the northern entrance to the business park. The site is identified by the Carlisle District Local Plan as lying within a Primary Employment Area. There are no residential properties within close proximity of the site.

The proposal involves internal alterations to the building, which in their own right do not require planning consent. No external alterations are proposed to the building. Whilst the description of the application refers to an interview/ administration centre the premises is intended to be occupied by the Identity and Passport Service (IPS), which is a Government Department. IPS is establishing a nation wide network of

SCHEDULE A: Applications with Recommendation

06/1244

new offices in order to provide a service for first time adult passport applicants, for whom it is now a requirement to be interviewed.

Visitors to the centre will be almost exclusively by appointment only and the Department will undertake an administration process whereby invited applicants will be interviewed and the data will be collected and processed. It is anticipated that there will be approximately ten visitors per day, although numbers will vary on a daily basis. Initially four staff will be employed at the premises. A total of ten car parking spaces have been allocated to the premises to cater for both staff and visitor car parking.

The relevant planning policies against which the application is required to be assessed are Policies EM2 and T7 of the Carlisle District Local Plan and Policies EC1 and T1 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

Members will note that four letters of objection have been received in response to the application. The objections raised have been summarised earlier in this report.

The proposals raise the following planning issues:

1. Whether the principle of the development is acceptable.

When considering the objections raised Members are reminded that the site lies within a Primary Employment Area where proposals for B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) uses are considered acceptable.

Although the range of activities carried out will be similar to uses that fall under the umbrella of Use Class B1, because of the particular of activities that will take place, the applicants agent has confirmed, in writing, that their client does not consider that the proposed use sits entirely within Class B1. In order to ensure that the proposed use will be lawful the agents have been instructed to apply for planning permission.

The issue of whether consent for the proposed use has been debated with the agents. The 'Land Use Gazetteer', which is commonly used to establish the use class that a particular activity falls within, suggests that 'passport offices' lie within Class B1. The fact that members of the public will visit the premises alters this position slightly insofar as it is not entirely office based; however, irrespective of this debate, the use of the premises will be principally office based. Whilst the use may be considered to be sui generis (not falling within a specific use class) it is 'employment based' and it is not considered that the use itself is contrary to either Policy EM2 of the adopted Local Plan or Policy EC1 of the emerging Local Plan.

2. Whether the proposal will result in excessive traffic generation and whether adequate car parking is available to serve the premises.

A total of ten car parking spaces are available to serve the premises. Given that four members of staff are to be employed, with approximately ten members of the public visiting the premises over the course of the day, adequate car provision would be available.

SCHEDULE A: Applications with Recommendation

06/1244

In light of the above, the anticipated level of traffic generation is considered to be negligible. The objectors concerns regarding the impact that the proposal will have upon traffic congestion within Carlisle are unfounded. Furthermore, Members will note that the Highway Authority has raised no objections to the proposal.

3. Impact of the proposal upon neighbouring businesses.

Given that the use of the premises, like many of the surrounding uses, is office based the proposal will not adversely affect the occupants of these premises.

Two of the objectors have suggested that the inclusion of a 'panic room' denotes that the applicants anticipate situations of tension or violence, which may adversely affect the occupiers of adjacent employment premises. In respect of this matter the applicant's agent has advised the 'panic room' is a health and safety requirement so that the receptionist has an escape route in the event of an emergency. Given the nature of the proposed use it is not envisaged that situations involving tension or violence are likely to occur on a regular basis.

4. Other matters.

In response to the objectors concern regarding the location of the premises in relation to the public that it is intended to serve, Members are advised that this is a matter for the IPS to address and not one that should affect the determination of the planning application.

With regard to the absence of public facilities the applicant's agent has advised that toilets are available within the 'common areas' that serve the premises and surrounding units.

In overall terms the use of the premises is considered acceptable in this location. The proposal will not result in excessive traffic generation or disturbance that will adversely affect the surrounding commercial properties on the site. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Human Rights Act 1998

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

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

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

SCHEDULE A: Applications with Recommendation

06/1244

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

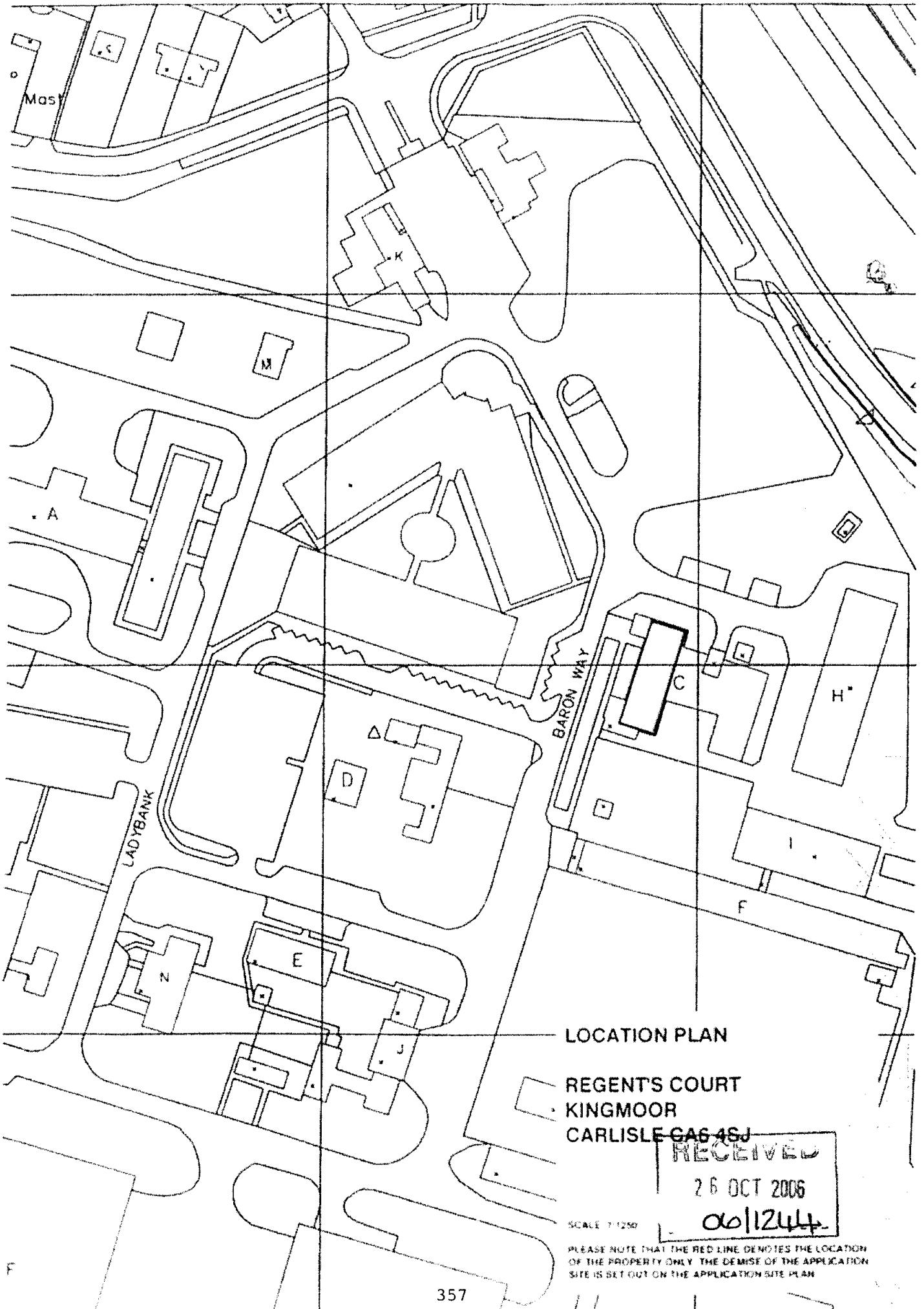
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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.

Recommendation: Grant Permission

1. The use hereby permitted shall be discontinued not later than the 30th September 2011 unless in the meantime a further application has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The local planning authority wish to review the matter at the end of the limited period specified to ensure compliance with Policy EM2 of the Carlisle District Local Plan.



LOCATION PLAN

REGENT'S COURT
KINGMOOR
CARLISLE CA6 4SJ

RECEIVED
26 OCT 2006
06/1244

SCALE 1:1250

PLEASE NOTE THAT THE RED LINE DENOTES THE LOCATION OF THE PROPERTY ONLY. THE DEMISE OF THE APPLICATION SITE IS SET OUT ON THE APPLICATION SITE PLAN

New Alter / Extension Other Other

Ventilation / Airflow Approval Comments Approved

Contact Air Risk

Comments Building Control

Client Approval

Design Rep. Name: _____ date: _____
 Signed: _____

Maplecroft
 26th Floor
 Leadenhall Tower
 266, Leadenhall Street
 London, England, EC3A 3BS
 T: 020 7488 1133 F: 020 7488 1701
 www.maplecroft.com

Morgan Lovell
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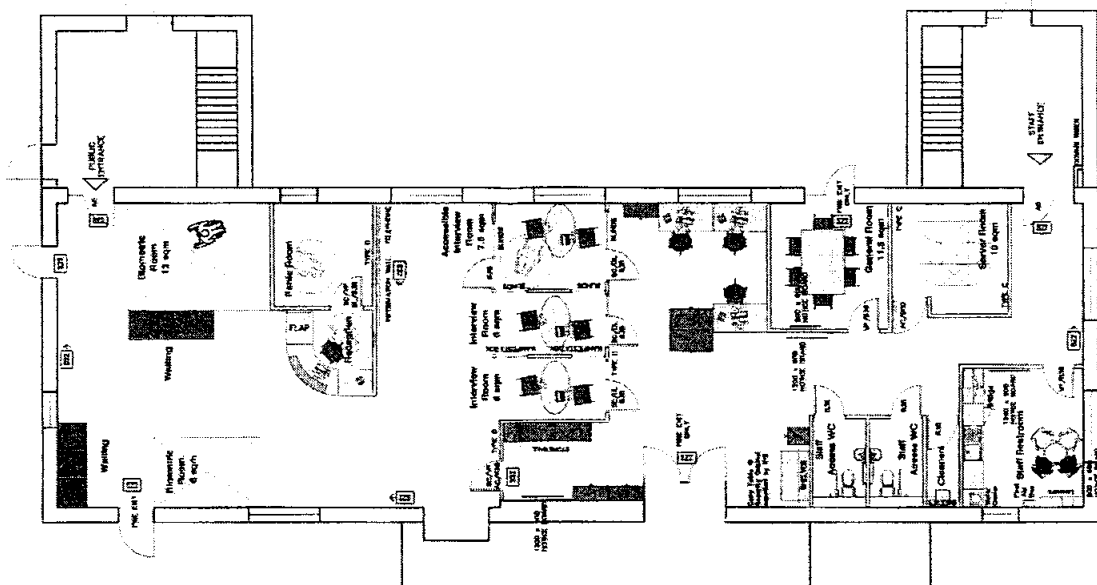
In Partnership With
RECEIVED
 26 OCT 2006
 09:12:44

4001 Ingle, Rushmore Road, Rushmore, Reading, RG4 2BQ
 T: 0118 988 3300 F: 0118 988 3511 E: c.singh@morganlovell.com
 W: www.morganlovell.com

Building Name: **REGENTS COURT**
 Party Address: **KING MOOR
CARLISLE CA6 4SJ**

Project Description: **PLANNING APPLICATION**
 Drawing Title: **GROUND FLOOR
PROPOSED LAYOUT OF FLOOR AREA**
 DWG / DATE / REV: _____ / _____ / _____

Checked: For Morgan Lovell
 Drawn: **ST** Date: **15.09.06** Scale: **1:100@A2**
 Project No: _____ Drawing No: _____ Rev: _____
P6610 00 GL



PROPOSED LAYOUT OF FLOOR AREA

PLANNING

Client Approval

Project Name: _____
 Date: _____

Site: _____
 Scale: _____

Planning Information: _____
 Approved Date: _____

Site: _____
 Scale: _____

Project Name: _____
 Date: _____

Client Approval

Project Name: _____
 Date: _____

Morgan Lovell
 Inspiring office transformation

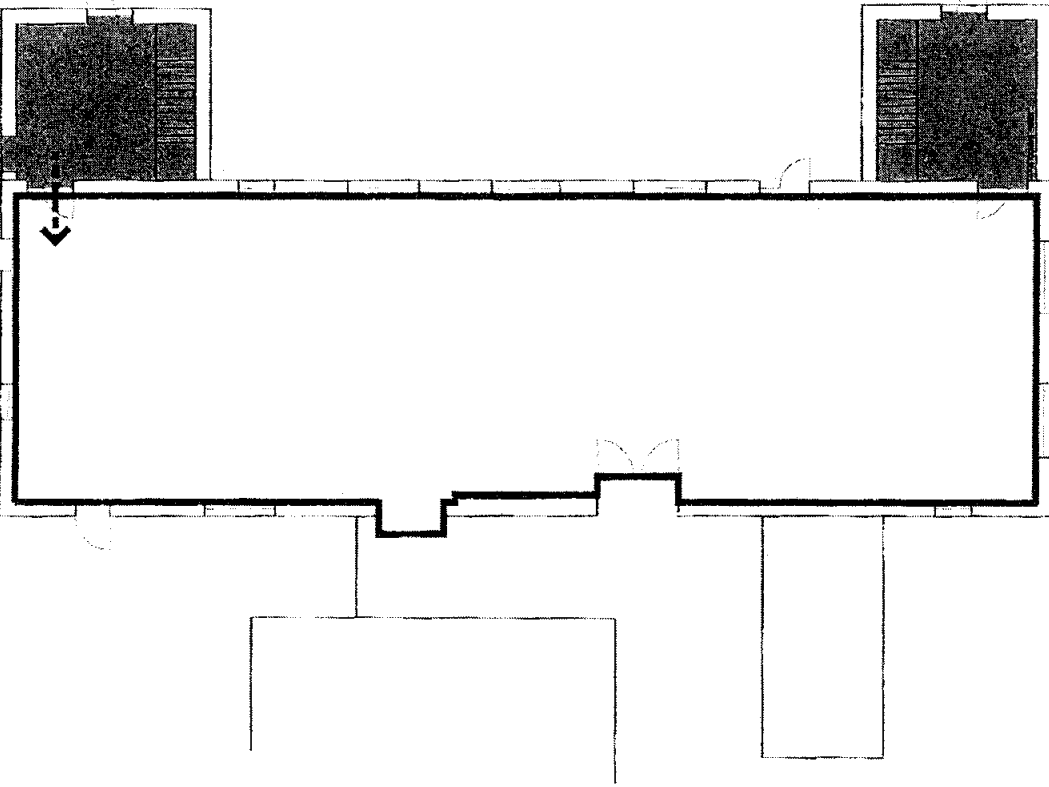
REGENTS COURT
 KING MOOR
 CARLISLE CA6 4SJ

PLANNING APPLICATION

GROUND FLOOR
 DEMISE APPLICATION SITE PLAN

Order No: P6610
 Date: 15.09.08
 For Morgan Lovell

Project No: DE



APPLICATION SITE PLAN

1:500
 MADE BY APPLICATION
 CONSULTANTS

GFA: 270 SQM / 2935 sq ft

SCHEDULE A: Applications with Recommendation

06/1214

Item No: 17

Date of Committee: 15/12/2006

Appn Ref No:
06/1214

Applicant:
D & D Premier Homes Ltd

Parish:
Carlisle

Date of Receipt:
17/10/2006

Agent:
John Lyon Associates

Ward:
Belah

Location:
Land Adjacent 52, Caird Avenue, Carlisle

Grid Reference:
338984 557844

Proposal: Erection of 2no. semi detached houses

Amendment:

REPORT

Reason for Determination by Committee:

The application is brought for determination by Members of the Development Control Committee due to the number of objections that have been received from the occupiers of neighbouring properties.

Planning Policies:

Carlisle District Plan Housing - Proposal H2

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health

SCHEDULE A: Applications with Recommendation

06/1214

impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and

SCHEDULE A: Applications with Recommendation

06/1214

- hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

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

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

1. existing areas of open space and other amenity areas are safeguarded; and
2. the proposed development does not adversely affect the amenity of adjacent residential property; and
3. the proposed development complements or enhances existing adjacent

SCHEDULE A: Applications with Recommendation

06/1214

residential areas and their amenity; and

4. satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP2 - Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

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

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

SCHEDULE A: Applications with Recommendation

06/1214

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The Highway Authority does not object to the proposal but has recommended conditions in regards to approval of crossings, surface water discharge, access design and also construction material of the access.

Community Services - Drainage Engineer: The Drainage Engineer has stated no knowledge of flooding issues on the site. The disposal of foul sewage to the mains public sewer is considered acceptable. It is recommended that the applicant should investigate the use of soakways for surface water disposal rather than to an existing drain as this is the most sustainable method.

United Utilities (former Norweb & NWWA): United Utilities have no objection to the proposal providing this site must be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakway/surface water sewer and may require the consent of the Environment Agency. An access strip of no less than 6 metres wide will be required to ensure maintenance of the public sewers. 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 applicants expense and all internal pipe work compliant with current water supply regulations.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 50 Caird Avenue	27/10/06	Objection
[REDACTED] 52 Caird Avenue	27/10/06	Objection
[REDACTED] 21 Caird Avenue	27/10/06	
[REDACTED] 23 Caird Avenue	27/10/06	
[REDACTED] 25 Caird Avenue	27/10/06	
[REDACTED] 27 Caird Avenue	27/10/06	
[REDACTED] 4 Crookburn Close	27/10/06	Comment Only
[REDACTED] 5 Crookburn Close	27/10/06	Comment Only
[REDACTED] 6 Crookburn Close	27/10/06	Comment Only
[REDACTED] 8 Kirkbeck Close	27/10/06	
[REDACTED] 9 Kirkbeck Close	27/10/06	
[REDACTED] 10 Kirkbeck Close	27/10/06	
[REDACTED] 11 Kirkbeck Close	27/10/06	

SCHEDULE A: Applications with Recommendation

06/1214

[REDACTED], 6 Hollinlea

Objection

- This application has been advertised by a means of a site notice and a notification letter sent to 13 neighbouring properties. At the time of writing this report, four letters of objection have been received and the main issues raised are summarised as follows:
 1. The land proposed for development is an areas of grassland within 500 metres from Kingmoor Nature Reserve which is known to support populations of great crested newts, a European protected species. It is possible that the newts may be present within the proposed site as have been recorded in the residential gardens adjacent to the development site and have been recorded within 200 metres of the development site. If the development is to proceed, it would be appropriate to carry out great cressed new surveys and if great crested newts were to be found within the development site then mitigation would be necessary.
 2. The approval of the building will have a dramatic impact on the amount of light received by the adjacent dwellings.
 3. There is concern regarding the potential noise during and on completion of the building and the impact on quality of life resulting from any increase in noise. However if the level of remediation to the existing hedgerow closest to the boundary is appropriate and the existing trees remain in situ and untouched, then the impact on both visual and audible aspects will remain below acceptable levels.
 4. The development if raises the ground level of the site will create flooding issues.
 5. The plans show the boundary running to a point marked as number 4 which is on the neighbouring property and is defined by the original boundary fence and posts.

Details of Proposal/Officer Appraisal:

Planning History:

Planning application was made for the erection of 2 no. 2 bedroom flats for the site in 1987 (reference 87/0852).

Details of Proposal:

The application seeks full planning permission to develop 2 semi-detached houses on the land adjacent to 52 Caird Avenue, Carlisle. The site is approximately 466m² in size and is located to the very west of Caird Avenue at the end of the avenue with there being no through fare. To the north of the site is located a car park with trees along the boundary. To the east of the site is two semi-detached dwellings and to the west is a ditch/gully area with houses on the other side. On the opposite side of Caird Avenue to the site is a row of attached two storey dwellings. The surrounding area is predominantly residential but there is the Belah Playing Fields to the south east of the site and the Kingmoor Nature Reserve to the north west.

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Each of the dwellings will be 7.5 metres in height, 6.4 metres in width and 9.2 metres in length. The dwellings will be constructed of red brown rustic facing brick to match the adjacent properties with a grey concrete slate roof and white double glazed windows. The dwellings will consist of a kitchen, dining room and living room on the ground floor with 3 bedrooms and a bathroom on the first floor. Each of the dwellings will have two car parking spaces to the front with access gained directly from Caird Avenue.

- **Relevant Planning Policy and Assessment**

The relevant planning policies against which the application is required to be assessed are Policies H2, H16, E22 and E19 of the Carlisle District Local Plan; and Policies CP4, CP5, H2, H11 and CP2 of the Carlisle District Local Plan Redeposit Draft.

- **Primary Residential Areas**

The site is located within the Carlisle Primary Residential Area which allows for new residential development providing open space and amenity values are safeguarded, the proposal complements and enhances existing residential areas and satisfactory access and parking is provided. The proposed development achieves these outcomes. Within the wider neighbourhood there is the Belah Playing Fields and the Kingmoor Nature Reserve, which will maintain a level of open space to provide relief from the built environment. As aforementioned the proposal will not create a loss of privacy or restriction in daylight, not detracting from neighbouring amenity values. The dwellings will be constructed in a similar style and manner to complement the surrounding residential development and satisfactory access and parking is proposed. As the development is consistent with the criteria for development within a Primary Residential Area it is considered of the nature of development envisaged.

- **Amenity Values**

Both of the Carlisle District Local Plans require development to maintain amenity values for neighbouring parties. To achieve this within a residential environment development should not create loss of privacy, restriction of daylight or create noise or traffic disturbances of a non-residential nature. Overall it is considered the proposal will not detract from the amenity values of the neighbouring residents.

As aforementioned the site is adjoined only by household units to the south east. Household unit 'B' is located 1 metre from the boundary and 5 metres from the adjacent dwelling. On this side of the dwelling two windows are proposed, one being a bathroom window on the ground floor and the other being a window on the landing on the upper floor. Given the location of both these windows in non-habitable locations it will not result in the loss of privacy to the adjacent dwelling. There will be no direct outlook between windows of habitable rooms. As the proposed dwelling will be 5 metres from the adjoining dwelling which lies at an angle to the proposed dwellings it is considered there will not be a shading effect which will result in a loss of daylight to the adjoining dwelling. Noise levels form a component of amenity values and comments have been received from the neighbours on the opposite side of the ditch on Crookburn Close that the construction of the dwellings will emanate a

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level of noise that will affect their quality of life. However the noise will only be for a temporary period until the household units are constructed so will not have an effect any greater than de minimis. The objectors have requested that if the existing trees between the subject site and their rear boundary are maintained in their present condition and the remediation occurs to the existing hedgerow the impacts of the development will be minimised. It is considered appropriate conditions of consent can be applied to ensure this.

- **Design**

Proposed developments have a number of design criteria which need to be assessed against. The dwellings have been designed to ensure compatibility with the surrounding residential development being two storey in nature and constructed of similar materials reinforcing the local style of development. No major earthwork's or vegetation removal will be required on the site for construction to occur.

Comments have been made by submitters regarding the Great Crested Newt that is found within the area. According to submitters the Newt breeds from the Kingmoor Nature Reserve which is within close proximity to the site and have also been spotted within the adjoining ditch and residential sites. Concern has been expressed that the development will harm the Newts and their breeding patterns. English Nature has been contacted but at the time of writing this report no response was forthcoming. However it could be a condition of consent that the applicant conduct a survey prior to commencement of works to ascertain if there are Newts on the site and if so then agreements should be made to secure the protection of them.

A component of the design assessment is to ensure that necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features. The Council's Drainage Engineer has assessed the proposal and stated no knowledge of flooding issues on the site, disposal of foul sewage to the mains public sewer is acceptable but that the applicant should investigate the use of soakaways for surface water disposal rather than to an existing drain as a more sustainable option. This can be secured by means of an appropriate condition. United Utilities have also stated that the site must be drained on a separate system with only foul drainage connected into the foul sewer. Neighbours have commented on the proposal and its potential to create flooding issues however given the comments from Council and United Utilities it is considered these concerns are not valid.

The Highway Authority have also assessed the proposal and stated that they have no objection but have recommended conditions of consent. These being in regards to the construction of the vehicle crossing for pedestrian safety; prior approval of surface water discharge; accesses designed to be paired with each other to minimise separate access ways along the highway; and construction material of the accesses in the interests of highway safety. Given that the Highway Authority do not object to the proposal it is considered it will not detrimentally affect the use of the highway and road safety.

Overall it is considered that the proposal is of a design that will complement the existing residential development and is consistent with the design principles as

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outlined within Policy CP4 of the Carlisle District Local Plan Redeposit Draft.

- **Summary**

In overall terms it is considered the proposal does not adversely affect the living conditions of the occupiers of adjacent properties by poor design and lack of compatibility with existing development, or through the loss of privacy or restriction of daylight. The scale and design of the proposed household units is considered acceptable in relation to the size of the site and the surrounding scale of development. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies. The application is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

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 individuals under this legislation will not be prejudiced.

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).

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2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance for the completed development.

3. The accesses shall be designed to be paired with each other.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority in accordance with Policy (H5 - village development, H15 – New build, EM14 – Tourism, L13 – Hospital) of the Carlisle District Local Plan.

4. The access drive shall be surfaced in bituminous or cement bound material, so as to prevent loose material being carried onto the highway which could lead to damage to the highway, nuisance or danger to highway users.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety and environmental management.

6. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety.

7. No buildings or other structures shall be erected over or within 3 metres of the centre line of the public sewer crossing the site.

Reason: To ensure the protection of public sewers and to prevent unacceptable environmental risk through lack of access for maintenance purposes.

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

Reason: To ensure a satisfactory means of surface water disposal and in

SCHEDULE A: Applications with Recommendation

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accord with Policy H16 of the Carlisle District Local Plan.

9. Before development is started details shall be submitted to and approved by the local planning authority showing the proposed measures for the [retention/consideration/management] of all existing hedgerows and specifying the stage in the development by which these measures are to be completed.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible in accord with Policy E15 of the Carlisle District Local Plan.

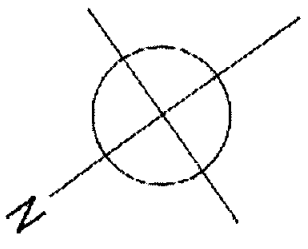
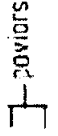


2006/1214

Land adj 52 Caird Avenue · Carlisle
Location 1:1250

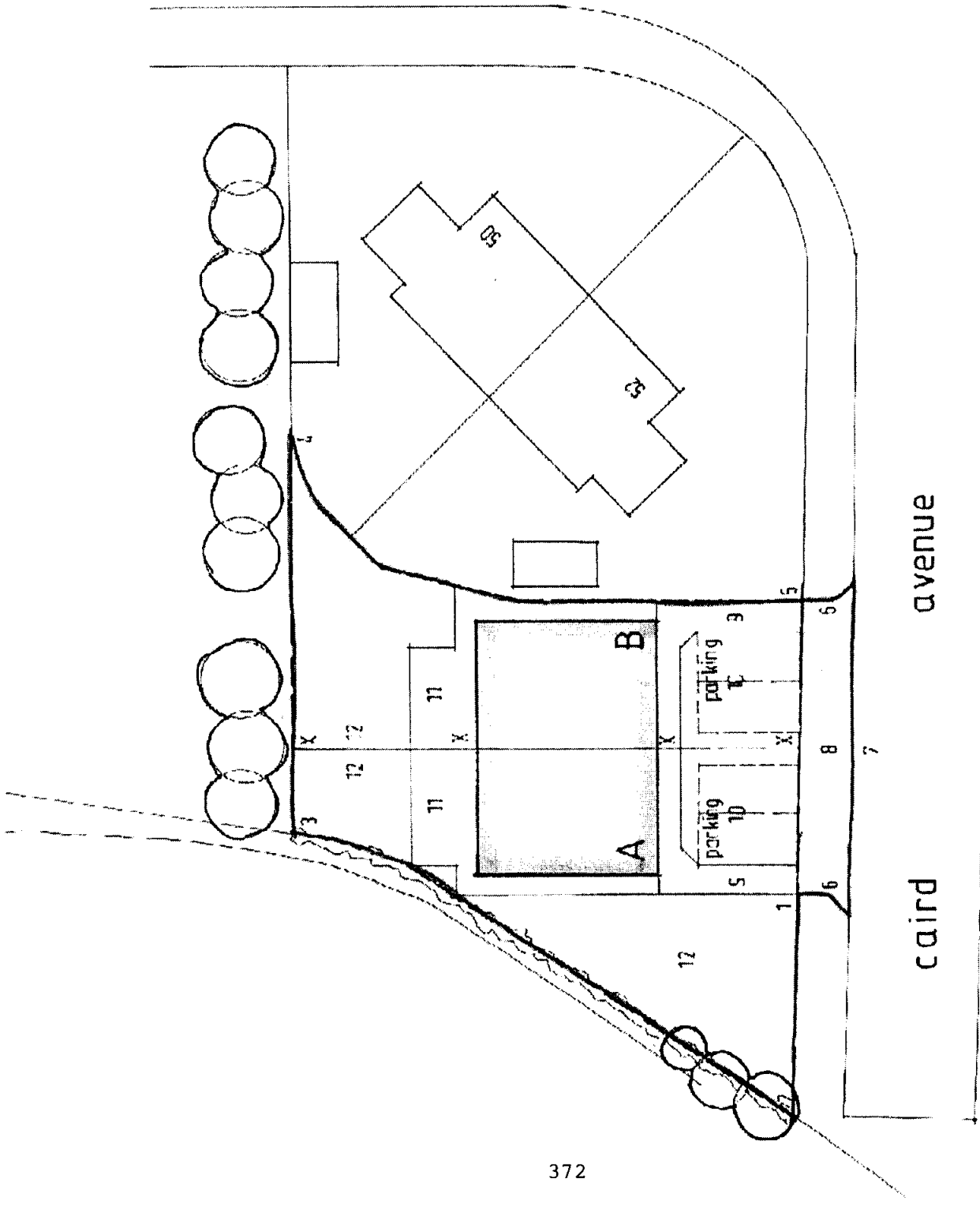
10/06

- 1-2 Timber palisade fence 0.9m high
- 2-3 Retained hedge/row (remediated)
- 3-4 Timber palisade fence 1.8m high
- 4-5 Existing boundary treatments retained
- 6 Drop kerbs/rampings
- 7 Interface margin
- 8 HRA crossing
- 9 Path
- 10 Vehicle hardstand
- 11 Paving
- 12 Lawned garden/amenity space
- XX Fence as (1-2)



2006/1214

1/200



Proposed Semi detached Houses (1 pair) A/B · Caird Avenue · Carlisle · Site Plan and boundary Treatments

MATERIALS

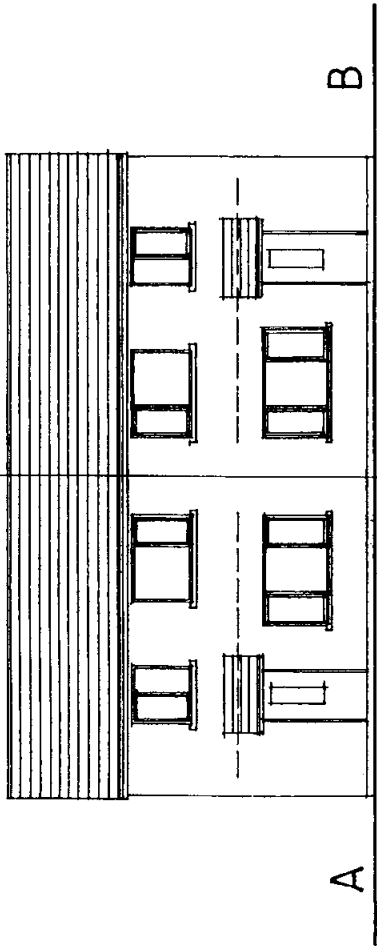
WALLS Red brown multi rustic facing brick (to match adjacent properties)

ROOF Grey concrete slate

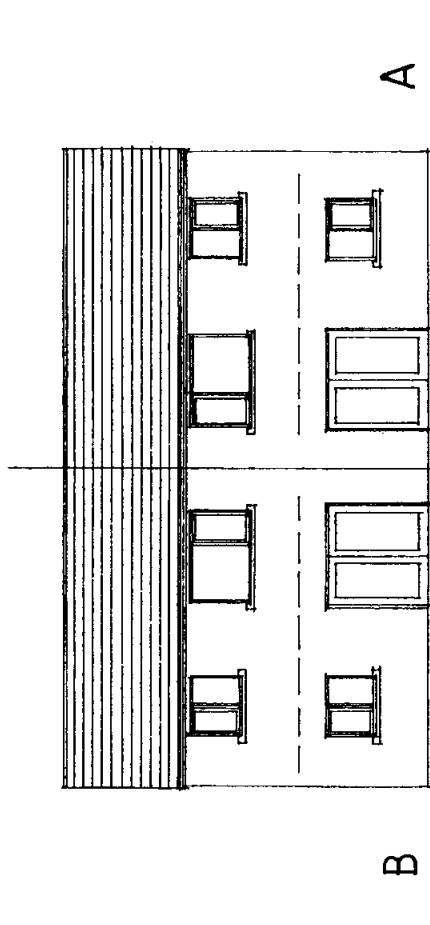
WINDOWS White pvcU, double glazed

RW goods Black pvc

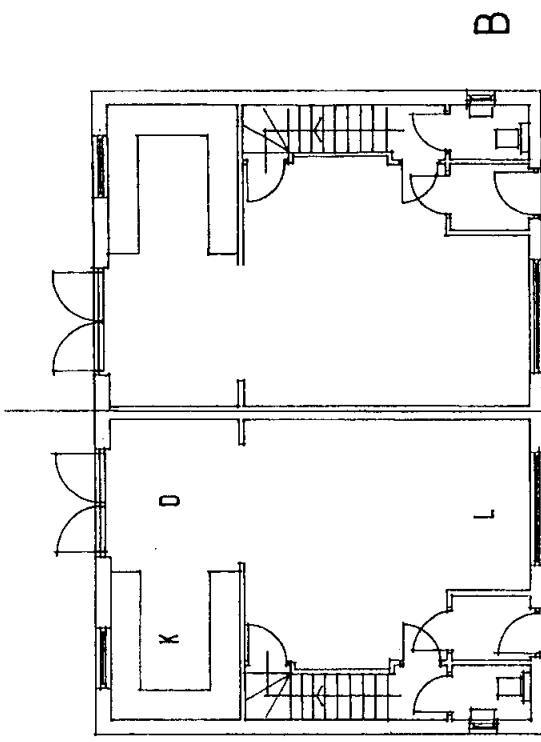
Access etc to be compliant with Building Regulations Approved document Part M



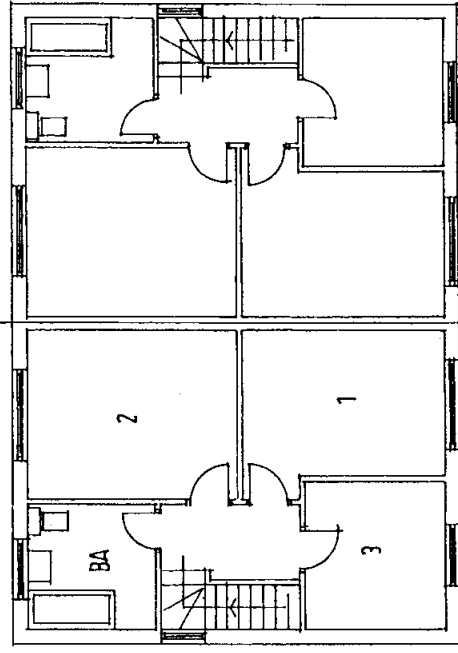
FRONT ELEVATION



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

2006/1214

SCHEDULE A: Applications with Recommendation

06/1295

Item No: 18

Date of Committee: 15/12/2006

Appn Ref No:
06/1295

Applicant:
Mr R Miller

Parish:
Stanwix Rural

Date of Receipt:
10/11/2006

Agent:
R E Banks

Ward:
Stanwix Rural

Location:
Greenfield Farm, The Green, Houghton, Carlisle,
CA3 0LP

Grid Reference:
340795 558885

Proposal: Change of use of land to mixed use and erection of storage shed
(retrospective)

Amendment:

REPORT

Reason for Determination by Committee:

This application is for determination by the Committee in anticipation of an objection being received from the Parish Council.

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan Environment - Policy E2

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and

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4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE26 - Agricultural Buildings

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted provided that;

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONBs, conservation areas and Landscapes of County Importance, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable impact on any adjacent properties.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.

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3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP1 - Sustainable Development Locations

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

SCHEDULE A: Applications with Recommendation

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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited

Stanwix Rural Parish Council: Comments awaited

Ramblers Association: Comments awaited

East Cumbria Countryside Project: Comments awaited

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

SCHEDULE A: Applications with Recommendation

06/1295

This application has been advertised in the form of a site notice. No observations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The site has been subject to several planning applications. An application was withdrawn in 2006 for an identical proposal however could not be determined as the application also required the change of use of the land.

Details of Proposal:

The application seeks approval, retrospectively, for the erection of a storage shed and the change of use of the agricultural land to include 'horiculture' at Greenfield Farm, Houghton. The application site is located immediately to the rear of 6-8 The Green. With the exception of these properties, located adjacent to the northern boundary, the site is surrounded entirely by open countryside.

The application site comprises the residential property of Greenfield Farm; the storage building and an 11.5 acre field that are subject to this application, together with a dwelling that is currently under construction, which was approved under application 06/0090. The vehicular access to the site remains unchanged with access being obtained via The Green.

Permission is required for the change of use of the land as the applicant uses the land for recreational purposes associated with 'horiculture' together with the keeping of cattle for agricultural purposes. The land subject to this application will be used for the grazing of both horses and cattle although, essentially, there will be no change in visual terms of its appearance. The building, which has already been constructed, is located at the north western extent of the site and would be used for the storage of hay associated with the keeping of cattle/horses. It measures 22.0 metres in length, 8.3 metres in width, 3.04 metres to the eaves and 3.96 metres to the ridge. The building is constructed of render and grey profile cladding under a grey profile sheeted roof.

The application is brought before Members as the Parish Council objected to a previous application for an identical proposal, which was withdrawn earlier in the year. The Parish Council has confirmed verbally that they intend to reiterate the previous three objections raised, which relate to the lack of justification for the proposal, the inaccuracy of the block plan and the reference made to the buildings used in conjunction with an equestrian centre.

The relevant planning policies against which this application is required to be assessed are policies E2 and H17 of the Carlisle District Local Plan and Policies LE26, CP4, DP1 and CP5 of the Carlisle District Local Plan Redeposit Draft.

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The proposal raises the following planning issues.

1. Principle of the proposal

'Greenfield Farm' and the new residential property sit at the front of the site; therefore the location of the shed to the rear of these properties restricts the impact of the proposal on the surrounding area. An agricultural building of similar scale and footprint previously occupied the site; however, this was demolished in order to allow for the erection of the new dwelling. The proposal is now located further away from the residential properties of the Green; essentially improving the situation for these properties. With reference to the settlement boundaries set out in the Local Plan Deposit Draft, the building is located within the settlement boundary designated for Houghton. It is considered the proposal is well related to the village and would not constitute development in the open countryside. The Parish Council have raised that no justification for the building has been submitted; however the applicant has verbally confirmed this proposal is not for commercial use and is for the applicant's personal use. Justification of the scheme in this instance would be inappropriate; to ensure the building is only used for personnel use a condition ensuring this has been attached.

2. Design and Scale

The land, which makes up the application, extends in a linear formation to the rear of the property. The building is of modern agricultural scale and design but it is considered the scale of the building is appropriate for the land and the keeping of on average 8 cattle and 5 horses at one time. The building is constructed of materials, which blend with the surrounding area and minimises the visual impact of the proposal.

3. Residential Living Conditions

The site does have residential properties adjacent to the eastern boundary and the living conditions of the occupiers of these properties should be protected. The shed is to be used for hay and it is not considered the proposal will impact on these neighbouring properties in terms of the use. The site has no other buildings of this type however the proposal has been designed to minimise the impact; by keeping the height of the building to a minimum and through the use of materials and colours which attempt to blend with the surrounding.

In conclusion, the proposed building is of an appropriate scale to the size of land the unit will be serving. Due to the layout of the site and location of the building within the site is not considered to impact on the neighbouring residential properties or the visual appearance of the area. The site has previously housed an agricultural building and this scheme would replace the building, which was lost due to the construction of the new dwelling. The change of use of the land regularises the situation so the applicant can graze both horses and cattle on his land. It is considered the proposal is in accordance with Development Plan Policies and therefore the application is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

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.

Recommendation: Grant Permission

1. No competitive events advertised to the general public shall take place on the land.

Reason: In order to safeguard the level of use of the site to preserve the character of the countryside.

2. No system of public address, loudspeaker system or amplified music shall be operated within the site without the prior written approval of the Local Planning Authority.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure compliance with Policy H17 of the Carlisle District Local Plan.

3. Notwithstanding the provisions of the town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement relating to the use hereby approved, shall be displayed on any land forming part of Greenfield Farm, Houghton without prior consent in writing of the local planning authority.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

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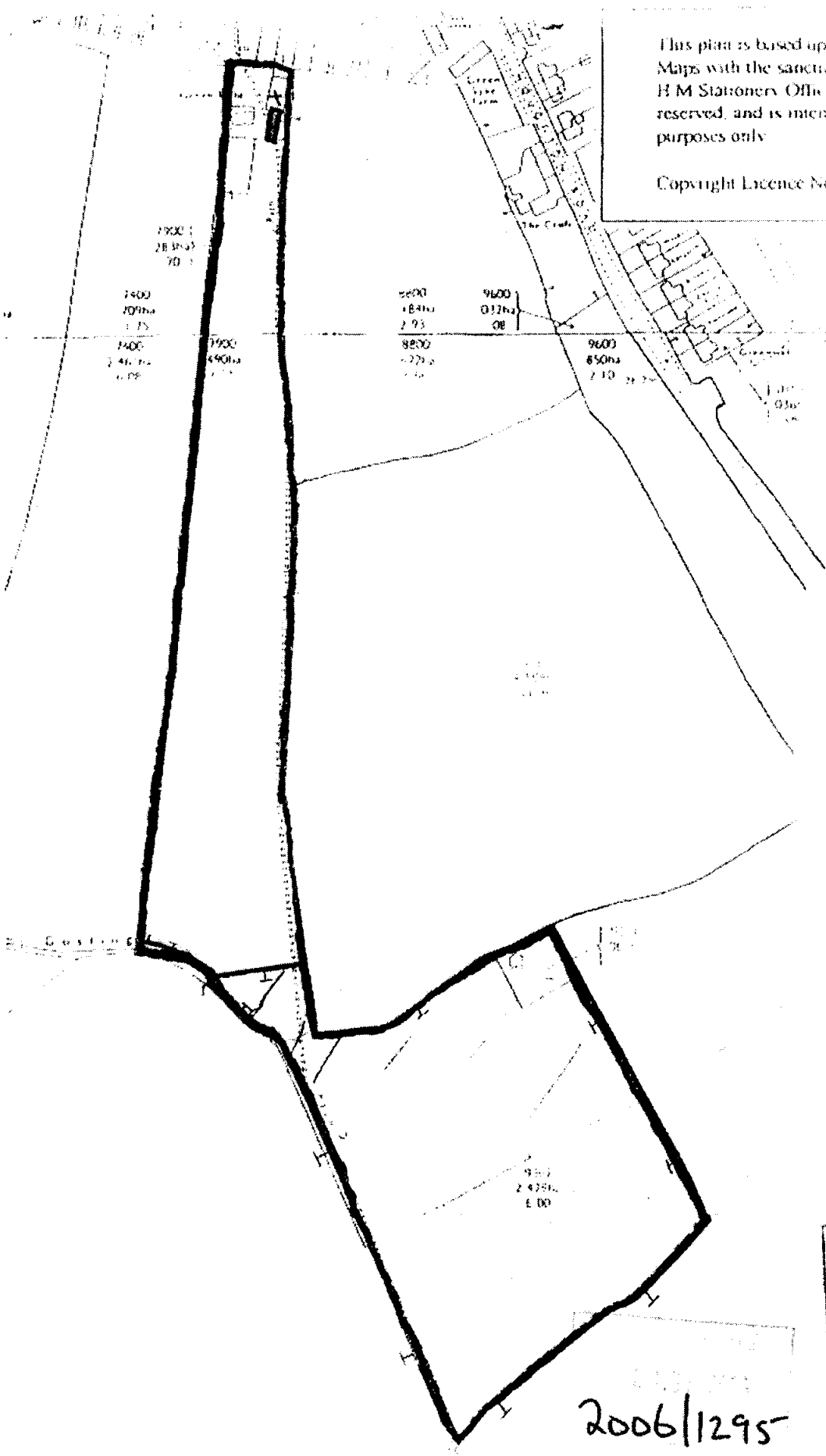
06/1295

4. The shed hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure compliance with Policy H17 of the Carlisle District Local Plan.

This plan is based upon the Ordnance Survey Maps with the sanction of the controller of H M Stationery Office. Crown Copyright reserved, and is intended for identification purposes only.

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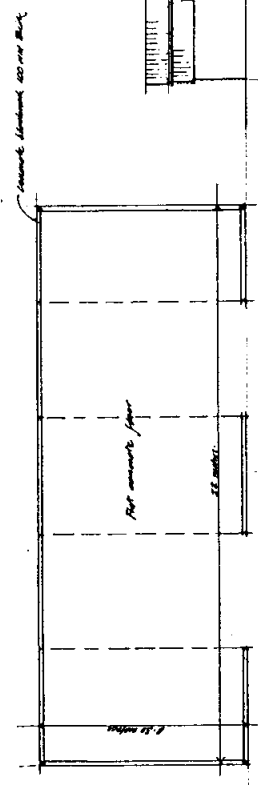
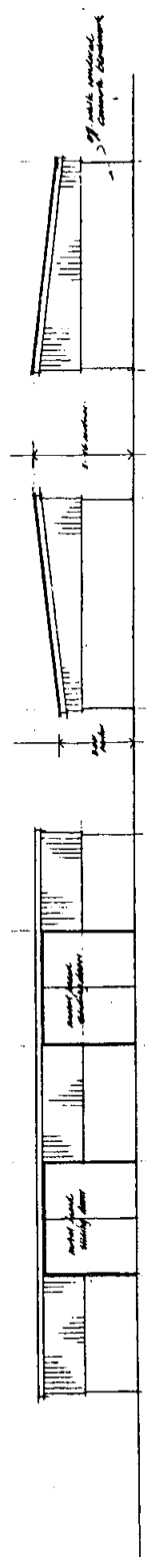


RECEIVED
15 AUG 2006
06/0757

2006/1295

LOCATION
PLAN
SCALE 1/2500

Greenfield Farm,
Houghton, Carlisle



Proposed roof structure to be 7' pitch.
 Proposed roof structure to be 7' pitch.
 Proposed roof structure to be 7' pitch.

Robert E. Banks ARCHITECT 1000 GREENFIELD BLVD. HOUSTON, TEXAS 77042	
PROJECT: PROPOSED MAY STORAGE SHED AT GREENFIELD BLVD. HOUSTON, TEXAS	
DRAWN BY: M. R. MILLER	
CHECKED BY: M. R. MILLER	
SCALE: 1" = 100'	
SHEET: DRG NO 61A-40	

SEE SEPARATE DRAWING FOR LOCATION PLAN.

SCHEDULE A: Applications with Recommendation

06/1368

Item No: 19

Date of Committee: 15/12/2006

Appn Ref No:
06/1368

Applicant:
Mr & Mrs Daley

Parish:
Wetheral

Date of Receipt:
27/11/2006

Agent:
Jock Gordon

Ward:
Wetheral

Location:
Braeside, Cumwhinton, Carlisle, CA4 8DH

Grid Reference:
345035 552771

Proposal: Single storey rear extension to provide extended kitchen, utility & wc

Amendment:

REPORT

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as one of the applicants is an employee of the City Council.

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

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

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Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
- 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Community Services - Drainage Engineer: Comments awaited.

Wetheral Parish Council: Comments awaited.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

06/1368

Initial:

Consulted:

Reply Type:

[REDACTED]	The Cottage	28/11/06
	Upna House	28/11/06
	Green End Cottage	28/11/06

This application was advertised by the direct notification of the occupiers of three neighbouring properties. At the time of preparing the report no letters of objection had been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no relevant planning history.

Details of Proposal:

This application seeks approval to extend a detached house situated in the centre of Cumwhinton to the west of St John's Hall. The property is constructed from sandstone with a concrete tiled roof and has a rear two storey flat roof extension constructed from red facing bricks. A sandstone barn runs along the rear boundary whilst the eastern boundary is delineated by a mature hedge approximately 1.9 metres in height.

It is proposed to demolish an existing rear single storey store and w.c. and replace it with an extension which would provide accommodation for a repositioned kitchen, utility and w.c. The extension would be 3.2 metres by 4 metres with a lean-to roof butting up to the main back wall of the house, its maximum height being 3.6 metres. The extension together with the existing two storey rear extension would be rendered with the single storey element having concrete roof tiles.

The relevant planning policies against which the application is required to be assessed are Policy H14 of the Carlisle District Local Plan and Policies H11 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

This proposal raises the following planning issues:

- a) The impact of the proposal on the amenities of the neighbouring residents.

The proposal is for a rear single storey extension to replace an existing extension of a similar scale. Although the proposed drawings indicate the insertion of a door and window in the side elevation it is considered that these would not impact on the amenity of the occupiers of the adjoining property, The Cottage, through overlooking due to the height of the existing hedge. It is also considered that the extension would not adversely affect the amenities of its neighbours on the basis of loss of light or over dominance.

SCHEDULE A: Applications with Recommendation

06/1368

- b) Whether the proposal is appropriate to the dwelling.

The scale and height of the proposed single storey extension is comparable to the existing property. The extension would be constructed from materials to harmonise with the existing dwelling. Accordingly, it is considered that the proposed rear extension would complement the existing dwelling in terms of design and materials to be used.

- c) Other Matters

Members should also be aware that although Mr Daley is an employee of the City Council he has not been involved in the determination of the application outside of his role as applicant.

In overall terms it is considered that the proposal does not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed rear extension is considered acceptable in relation to the dwelling. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

The recommendation therefore is for authority to issue subject to the expiry of the publicity period on 19th December 2006.

Human Rights Act 1998

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

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

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

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

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

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

SCHEDULE A: Applications with Recommendation

06/1368

Recommendation: Grant Permission

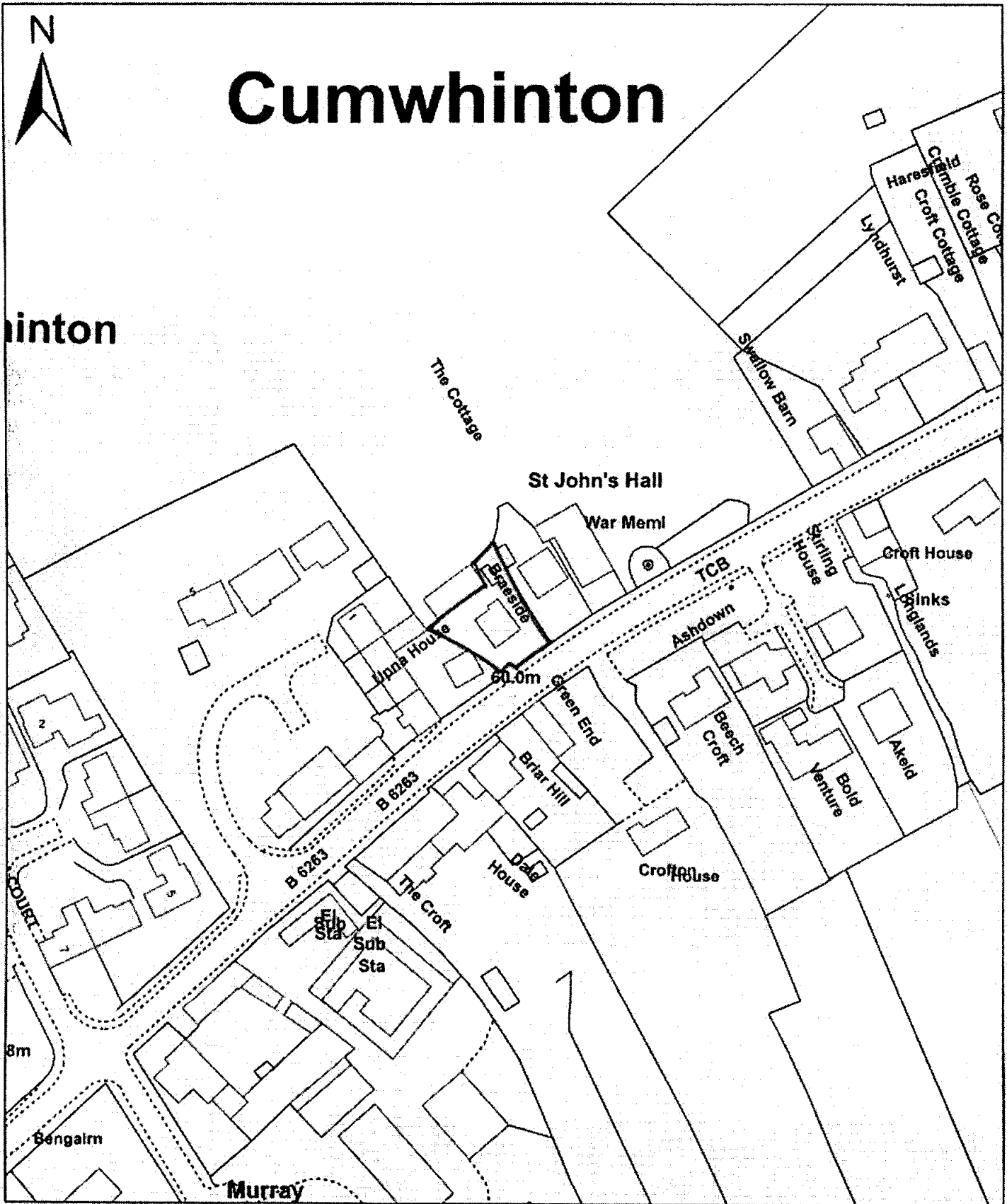
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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).

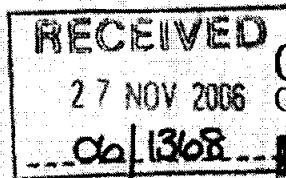


Cumwhinton

hinton



Braeside, Cumwhinton



CARLISLE
CITY COUNCIL

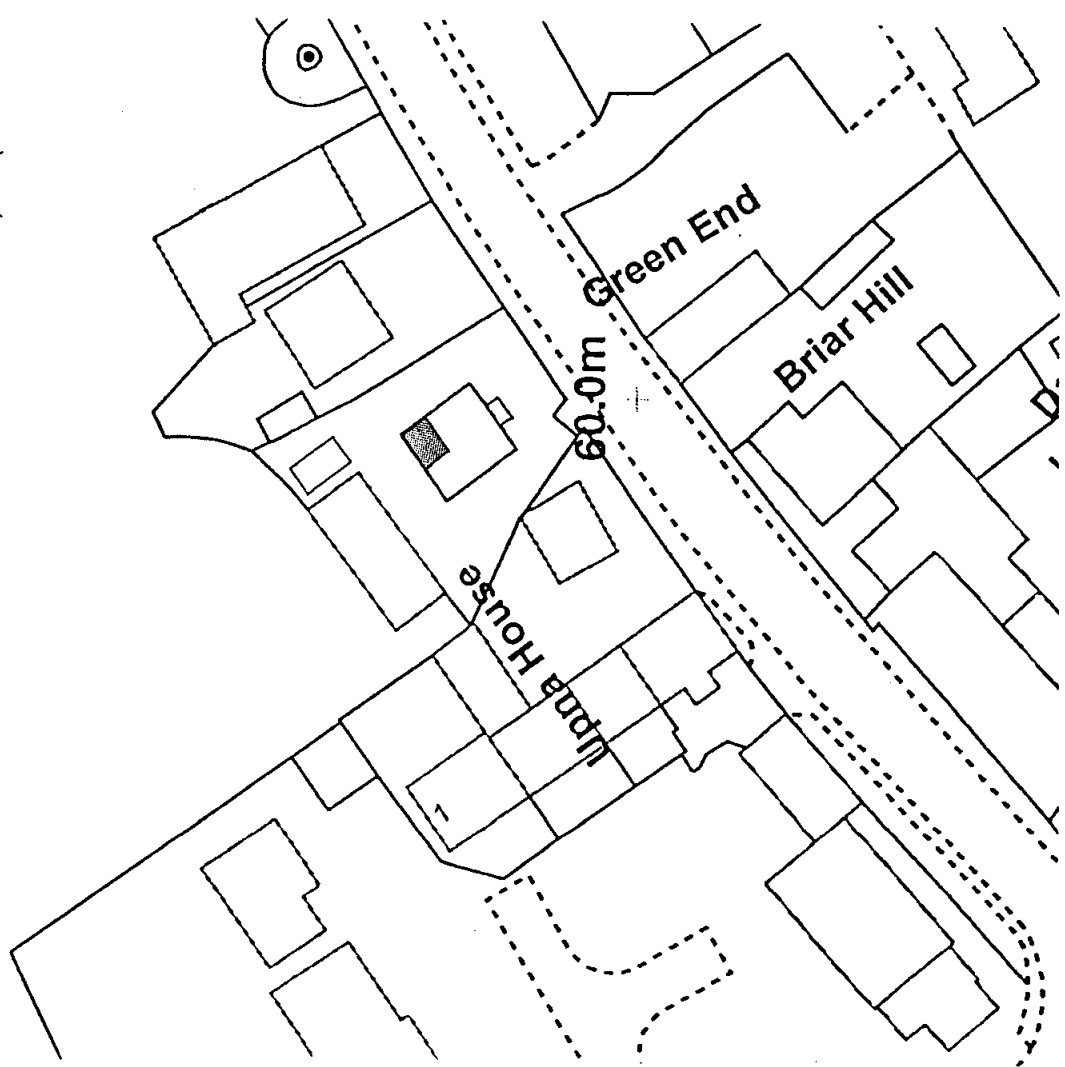


www.carlisle.gov.uk

Civic Centre
Rickergate
Carlisle
CA3 8QG

Scale: 1:1,250 Date: 30/10/2006

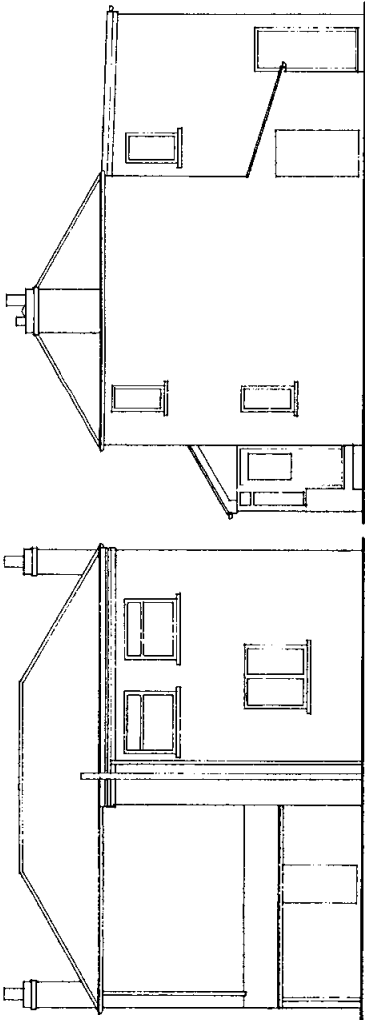
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Carlisle City Council LA 0100024459. 2006.



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77 MAY 2005
CLG/1368
Scale: 1-500

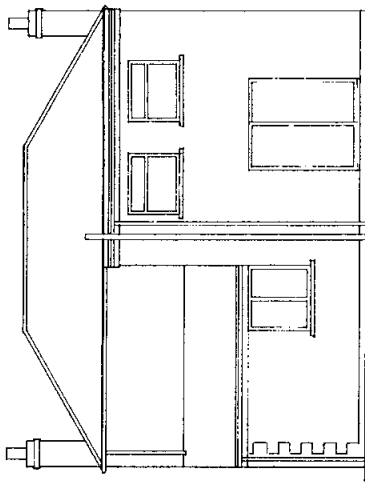
PROPOSED EXTENSION

BRAESIDE - CUMWHINTON

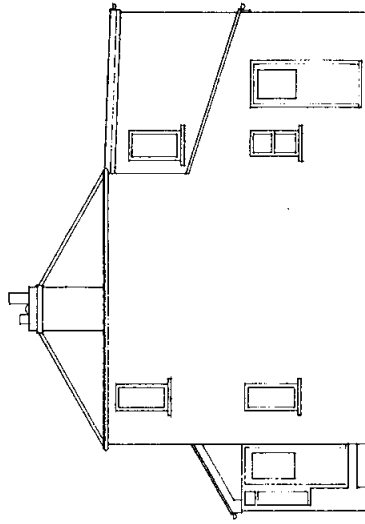


REAR ELEVATION

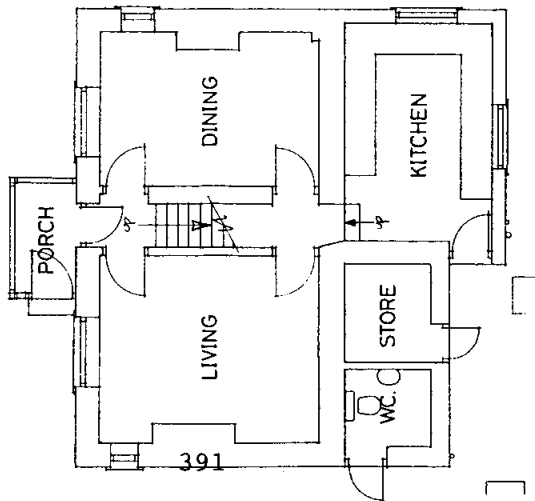
SIDE ELEVATION



REAR ELEVATION

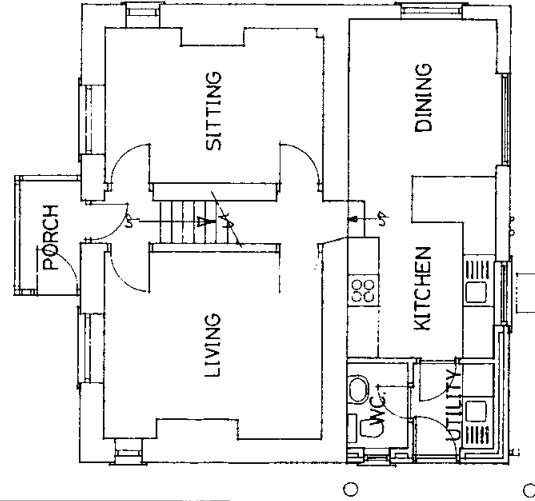


SIDE ELEVATION



PLAN

AS EXISTING



PLAN

AS PROPOSED

RECEIVED
27 NOV 2006
04/13/06

RECEIVED 27 NOV 2006 04/13/06	
PROPOSED EXTENSION BRAESIDE - CUMWHINTON	
DRES. No. 1639	DATE NOV 2006
SCALE: 1 = 50	

SCHEDULE A: Applications with Recommendation

06/1213

Item No: 20

Date of Committee: 15/12/2006

Appn Ref No:
06/1213

Applicant:
Barchester Healthcare
PLC

Parish:
Carlisle

Date of Receipt:
17/10/2006

Agent:
Gelder & Kitchen Architects

Ward:
Belle Vue

Location:
Lanercost House, Berkeley Grange, Newtown
Road, Carlisle CA2 7PW

Grid Reference:
337622 555950

Proposal: Care facility for 15no. residents with associated parking

Amendment:

1. Revised details received 27/10/06 showing an additional 4 parking spaces; replacement of 1.8 m high fence with one 1m high; and, confirmation that applicant would accept a condition restricting construction hours.

REPORT

Reason for Determination by Committee:

This application is being reported to Members following the receipt of four letters of objection.

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan Housing - Proposal H2

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development

where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**Carlisle District Plan
Housing - Proposal H19**

Proposals which relate to special or particular housing needs (e.g. the elderly, mentally and physically disabled, the homeless etc) will be acceptable, provided that:

1. They are consistent with other Policies of the Plan; and
2. The City Council being satisfied there is a need which is not being met elsewhere; and
3. The site being appropriate for that need.

**Carlisle District Plan
Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

**Carlisle District Plan
Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against

the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP8 Development Energy Conservation and Efficiency

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP9 - Sustainable Drainage Systems

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled

people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H13 - Special Needs Housing

Proposals which relate to special or particular housing needs (e.g. the elderly, mentally and physically disabled, the homeless etc) will be acceptable, provided that:

1. they are consistent with other policies of the Plan ; and
2. the City Council are satisfied there is a need which is not being met elsewhere;
and
3. the site is appropriate for that need.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): [*Enter text.]

Environmental Protection Services: This division has no objections to this application subject to the applicant confirming the arrangements for the hygienic transport and service of food and the provision of drinks making facilities.

National Care Standards Commission: [*Enter text.]

Cumbria County Council - (Archaeological Services): do not wish to make any recommendations or comments.

Commercial & Technical Services - Drainage Engineer: The applicant indicates disposal of foul sewage to an existing system, this was not clarified in the application.

The applicant indicates disposal of surface water to an existing system, this was not clarified in the application. However, in the first instance the applicant should

investigate the use of soakaways for surface water disposal, as this is the most sustainable method.

I have no knowledge of flooding issues at this site.

Ramblers Association: Provided that there is no interference with the public right of way over adjacent footpaths 109070 and 109124, we have no objections to the proposal.

East Cumbria Countryside Project: [*Enter text.]

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 111 Berkeley Grange	25/10/06	Objection
[REDACTED] 133 Berkeley Grange	25/10/06	
[REDACTED] 113 Berkeley Grange	25/10/06	
[REDACTED] 11a Moorhouse Road	25/10/06	
[REDACTED] 9 Moorhouse Road	25/10/06	
[REDACTED] 11 Moorhouse Road	25/10/06	
[REDACTED] 13 Moorhouse Road	25/10/06	
[REDACTED] 15 Moorhouse Road	25/10/06	
[REDACTED] 17 Moorhouse Road	25/10/06	
[REDACTED] 19 Moorhouse Road	25/10/06	
[REDACTED] 21 Moorhouse Road	25/10/06	
[REDACTED] 23 Moorhouse Road	25/10/06	
[REDACTED] 117 Berkeley Grange	25/10/06	
[REDACTED] 109 Berkeley Grange	25/10/06	Objection
[REDACTED] 133 Berkeley Grange	25/10/06	
[REDACTED] 117 Berkeley Grange	25/10/06	Objection
[REDACTED] 115 Berkeley Grange	25/10/06	
[REDACTED] 119 Berkeley Grange	25/10/06	
[REDACTED] 107 Berkeley Grange	25/10/06	
[REDACTED] 141 Berkeley Grange	25/10/06	
[REDACTED] 139 Berkeley Grange	25/10/06	
[REDACTED] 137 Berkeley Grange	25/10/06	
[REDACTED] 135 Berkeley Grange	25/10/06	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of neighbouring properties. In response four letters of objection have been received on the following grounds:

- The impact on nearby properties - I believe this building is out of character with the majority of nearby properties with its scale, boundaries and aspect. Not only is another bit of rare green field site going to be turned into concrete but the proposed development is alien to the surroundings in the brief of this facility.
- I also believe a property of this scale would have a significant long term downwards effect of local house prices and a severe effect on them in the short term.

- This development I believe would have an effect on the open views across green fields from my front windows and as such a direct effect on my property price and re-salability
- Looking at the proposed plans it seems as if this structure will tower above, rather than compliment, the local properties
- The current nursing home and adjacent properties are of a single construction. It is in my opinion that this two storey construction is too high at roof level in relation to them. Looking at the plans in detail this roof structure does not have to be as tall as modern construction methods allow for all sorts of structures.
- The provision of a high roof, boundary walled fence and associated shrubbery would I feel make this currently open location feel enclosed. The fencing in of the neighbouring paths could be seen as creating darkened corners for youths to hang around in or increasing security risks for those walking in enclosed allies. This frequently may include young children and lone women.
- When this housing estate was developed it was, I understand, built under the brief of Secured by Design, where we can all see each others front and back doors and the escape routes. This development it seems would not be best placed within this brief.
- By default this building will bring with it additional vehicular movements on an estate with only one entrance and exit.
- Currently parking spills out onto the road in front of many properties on many occasions. This is especially of note during events or special holidays and icy conditions. When staff and visitors are unable to get into the current car park.
- Can I also advise that cars parked on or alongside the pavement opposite the entrance to my driveway can not be seen as we exit due to the slope on our driveway. So we always have the worry of hitting parked cars opposite or people using the path. We also have to swing onto the opposite side of the road to approach the driveway square on.
- This development during the building stages will also bring with it additional concerns as heavy vehicles bringing goods and those employed during construction will wish to park on or near to site. Not to mention months of noise and disruption.
- It is also to be noted that this facility is to be used for daycare. This would bring tidal traffic at the start and end of the day which is out of character with the current traffic movements.
- Getting on to and off this estate is also of concern due to the increasing traffic volumes on Newtown Road, which if the bypass becomes a reality will no doubt increase as traffic use of the road to gain access to this new road from Caldewgate.

- I would also like to draw your attention to the dangerous camber on the hill as you leave the estate. With the increasing volume of traffic comes the risk of an accident on this hill. Almost every year during a cold snap or in snow this hill becomes highly dangerous due to the camber and gradient of the hill causing vehicles to slew sideways towards the house at the bottom of the hill. Often this results to damage to the Wightvble junction box, oncoming traffic or as you hit the curb, damage to your own vehicle. I believe it is only a matter of time before serious damage or injury is caused here.
- The safety of this hill is further compounded by cars parking at the ends of the double yellow lines, both on Berkely Grange and on Newtown Road obstructing travel and vision on or off the estate. I would also like to question additional night time noise due to boilers and air conditioning, vehicle movements and general overnight site noise from the young people and staff
- This proposal looks like it will create dark areas along the paths opposite to my property. These must have lights installed and as the builder is enclosing the space we think it owuld be prudent to save the public space if they installed and maintained them for a period. This area was built as 'secured by design' this concept should be maintained.
- The general use of this green field site as development -when the estate was proposed it was to be a quiet multi-occupancy housing estate. I would hope that any damage caused by trucks to and from the site to the road surface will be monitored. As possibly this tarmac is of low grade compared to Newtown Road or a major trunk route
- The addition of the old age peoples home was in some ways an ideal bedfellow as it was quite, in keeping and of little impact on the general feel of the area. In my opinion you are nw changing the bried and I must object to you adding another business unit to this estate.
- Many buildings or grey field sites exist not to far away. These could be used to house this centre without impact on a green quite family area.
- Two storey structure would dominate the skyline.
- The size of the project on a residential housing estate seems to be inappropriate for this area.
- Limited access along a single entrance road to the home, which is already overcrowded, with daily traffic on an hourly basis from as early as 5.30 am up until 22.30. Which must be a concern with the amount of school children who use this road and pathway
- Over-flow from staff and visitors cars along the main road, blocking access to driveways and causing disruption to the residents at certain times of the day.
- The amount of traffic and noise from the various vehicles will increase with the new build

- The boundary will be a six foot boarded fence which is not in keeping with the open plan nature of the estate.
- The safety of persons, especially the school children who use the pathways on route to the local school, but will now be enclosed by fences.
- Increases in traffic will lead to gridlock and multiply the danger to children
- The professional teams supporting this application are either London or Yorkshire based and we doubt that they have the necessary local knowledge to reflect a balanced view on this proposed development.
- Concerns over the arrangements for site access during construction of any such facility with regard to the number and size of vehicles delivering to, or working on the project, restrictions on when large vehicles would be allowed into the estate road to limit noise disruption early in the morning or in the evening. We would assume also that the work itself would create noise and disruption for residents and feel that restrictions would need to be applied to the hours and days of such work.

We also feel that a high, closed boarded fence 180mm would be unsightly.

Details of Proposal/Officer Appraisal:

Planning History:

*

Details of Proposal:

1) Site Description

Lanercost House is a "twin unit" 82 bed nursing home providing care for the elderly who are either frail (43 beds), or, emotionally/mentally infirm (39 beds) located on the northern side of Berkeley Grange to the immediate south of the houses at 9-23 Moorhouse Road. Externally, the single storey building is constructed from yellow/brown brick walling with red brick header and cill courses, and, has orange tiles on the roof.

90 staff are currently based at Lanercost House of which 25 are ancillary staff (cleaners, cooks, administration etc) who work during the day. The remainder are nursing staff who operate in three shifts of 25 in the morning and evening with 15 at night time.

The layout plan approved under application 04/0361 showed the provision of 30 off street parking spaces.

2) Background Information

The current proposal involves land to the immediate south of Lanercost House and

involves the erection of a building to provide 15 no. en suite bedrooms to provide accommodation for adults with a variety of physical and mental impairments who require long-term care.

The submitted plans show the building to have two floors, the lower of which would be built into the slope of the site. The ground floor would have the training/staff room; physiotherapy rooms; sensory room; bathroom; and, office. The proposed first floor consists of 13 bedrooms with en-suite facilities; two dayrooms; a quiet room; and, an external terrace. The building would have red/brown concrete roof tiles, multi cream brickwork and off white render panels for the walls, and, artstone detailing. The intention is for the property to be enclosed on its southern boundary by a 1.0m high close boarded fence; and, along the road frontage by a 900mm brick wall. The plans show that an additional 8 car spaces would be provided.

3) ASSESSMENT

In considering this application, and in the context of the policies of the Development Plan, it is felt that the main issues revolve around whether the advantages outweigh any objections with regard to:

- (a) Having regard to the special characteristics of the development (and the intended occupiers) whether it is poorly located;
- (b) Is any reduction in normal planning standards which the development implies (such as parking) admissible on special grounds, or would deficiencies be such as to be a matter of public concern; and,
- (c) Is the particular form of development, its design, activity generation and general amenity such as would impinge on the character of the area or the amenities of neighbours to such an extent as to merit the refusal of permission.

When considering the matter of location, paragraph 4.108 accompanying Policy H19 explains that:

"Likewise, there is a growing awareness that mentally and physically disabled people require special or modified living accommodation ... provision of accommodation for these groups will usually be within Primary Residential Areas, or other settlements, and be close to shops and other facilities".

This is reiterated in paragraph 5.65 of Policy H13 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft). From this it is evident that a distinction can be drawn between the requirements of the existing nursing home residents, who are unlikely to travel independently even short distances, and the potential occupiers of the proposed accommodation.

In the case of the application site the nearest shop is Mills on Newtown Road at the junction with Shadygrove Road. Further along Newtown Road there are hot and cold food takeaways at "Chopsticks", "Golden City" and "Big Baps". There is also a florist (W. Lees). The aforementioned premises are likely to involve more than a 15 minute journey time. Any community facilities are more distant.

In addition the site is on a gradient which would be a serious deterrent to the mobility and contact with the community that physically disabled people are likely to wish. Based on the degree of disability experienced by the intended occupiers, this is not considered to be a significant issue.

In the case of (b) it is considered unlikely that the residents or direct users of the proposed day centre will be car owners. Thus the only likely parking needs stem from the needs of staff, visitors and any specialised vehicles that might be required. Under Policy T7 residential care homes require 1 delivery/ambulance space; 1 space per 4 bedspaces; and, 1 space per 3 non residential staff.

Finally when assessing (c) it is appreciated that the proposed building has a relatively large footprint and has two floors. However, it is also recognised that the building would be built into the existing slope of the land. As such it should not be so incongruous as to be visually intrusive. In addition, it should not be overbearing nor harmful to the amenity of neighbouring residents.

4) CONCLUSION

When considering this application the underlying objectives of "care in the community" are recognised. It is also the case that the proposal is located within a Primary Residential Area, and, that the existing nursing home and proposed accommodation fall within the same Use Class, C2. The proposed building, although relatively large, is not felt to be either visually intrusive or detrimental to the amenity of neighbouring residents.

On this basis the proposal is recommended for approval.

5) OTHER MATTERS

It is appreciated that other matters have previously been raised by local residents, such as loss of outlook and safety along the footpath. It is, however, felt that these matters do not override the aforementioned considerations.

Human Rights Act 1998

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

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

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

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

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

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.

Recommendation: Grant Permission

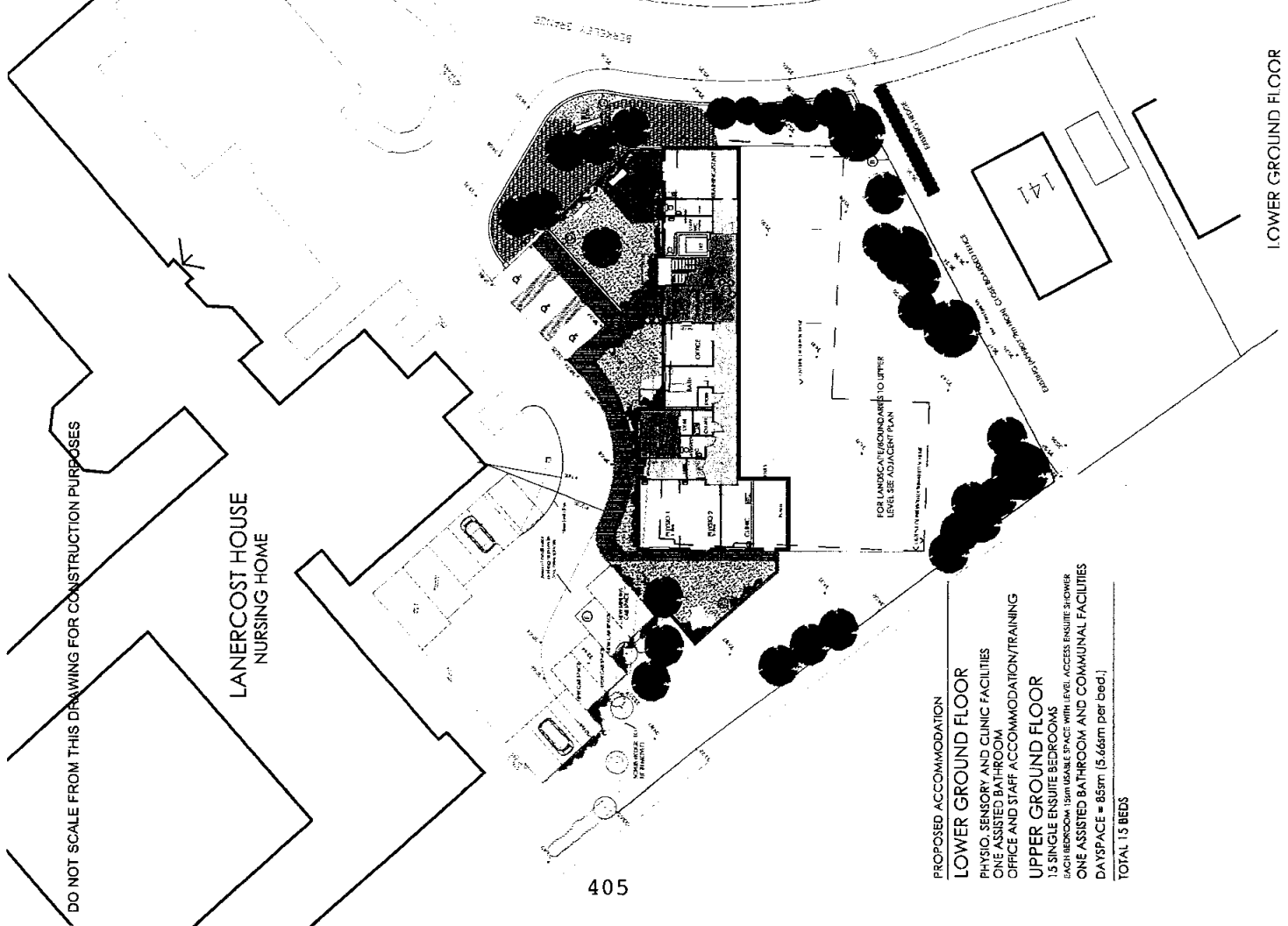
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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).

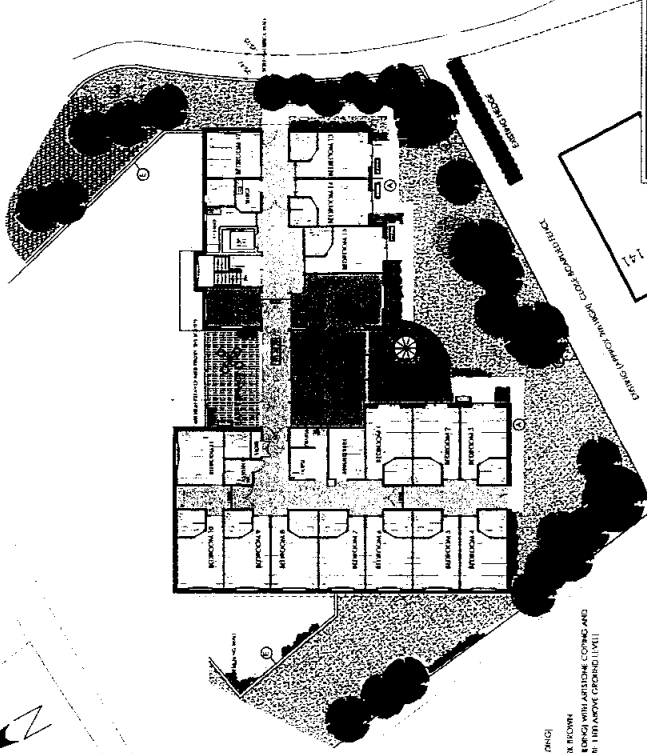
DO NOT SCALE FROM THIS DRAWING FOR CONSTRUCTION PURPOSES

LANERCOST HOUSE
NURSING HOME

405



- PROPOSED ACCOMMODATION
- LOWER GROUND FLOOR**
 PHYSIO, SENSORY AND CLINIC FACILITIES
 ONE ASSISTED BATHROOM
 OFFICE AND STAFF ACCOMMODATION/TRAINING
- UPPER GROUND FLOOR**
 15 SINGLE ENSUITE BEDROOMS
 EACH BEDROOM 15m² USABLE SPACE WITH LEVEL ACCESS ENSUITE SHOWER
 ONE ASSISTED BATHROOM AND COMMUNAL FACILITIES
 DAYSPACE = 85m² (5.66m² per bed.)
TOTAL 15 BEDS



- KEY TO SITE MATERIALS**
- A. CONCRETE PAVING SLABS, COLOUR: IMP
 - B. INTERLOCKER BOARDING FINISH
 - C. INTERLOCKER PAVING SLABS TO MATCH MAIN BUILDING
 - D. CONCRETE BLOCK (AND/OR) COLOUR: DARK BROWN
 - E. BRICK RETAINING WALL TO MATCH MAIN BUILDING WITH OUTSIDE CORNER AND INTERIOR SITE WALLS (TO FIT TO B.T. APPROX. CROWN LEVEL)
 - F. IMMEDIATELY
- ALL MATERIALS SUBJECT TO APPROVAL OF:
 LANCASHIRE COUNTY COUNCIL
 BARCHESTER HEALTHCARE
 DESIGN AND ARCHITECT

UPPER GROUND FLOOR

Geider and Kitchen
LIMITED LIABILITY PARTNER DESIGN

REGISTERED ARCHITECTS
 1. ARCHITECTURAL SERVICES
 2. INTERIOR DESIGN
 3. LANDSCAPE ARCHITECTURE
 4. PROJECT MANAGEMENT
 5. CONSTRUCTION MANAGEMENT

100, BRIDGE STREET, BARCHESTER, LANCS. LA14 1JG
 TEL: 01524 881111
 WWW.GEIDERANDKITCHEN.CO.UK

BARCHESTER HEALTHCARE LTD

LANERCOST HOUSE
 BERKELEY GRANGE
 CARLISLE
 CUMBRIA, LA14 1JG

RECEIVED
 17 OCT 2008
 2008 1123

PROPOSED CARE FACILITY ON
 ADJOINING LAND

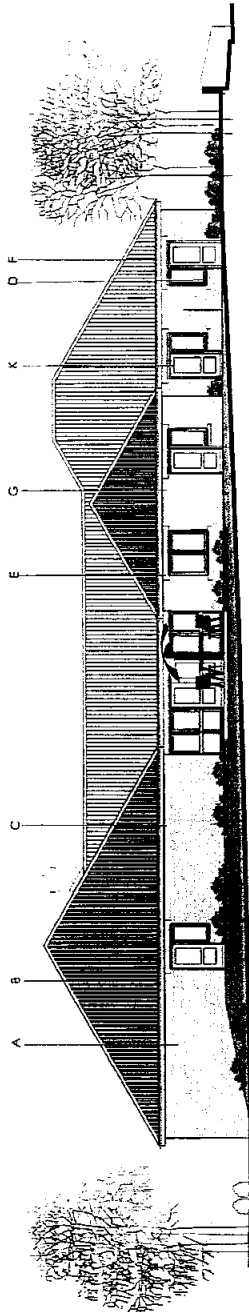
PROPOSED FLOOR AND SITE PLANS

02-335 7D111 A

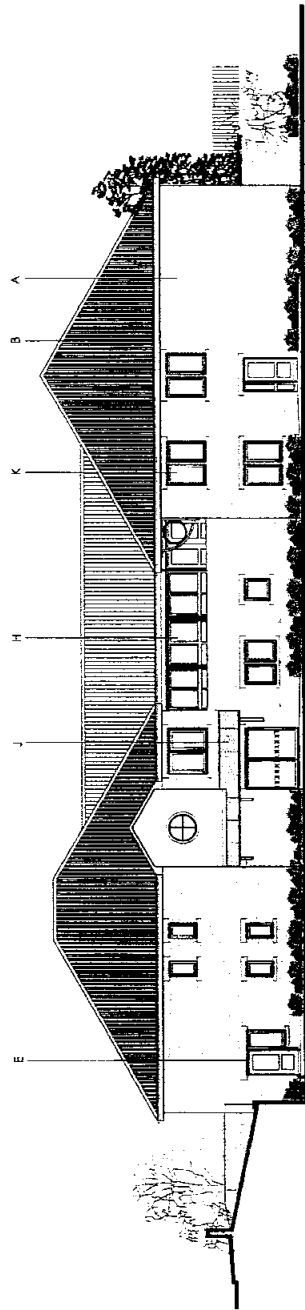
SITE LOCATION PLAN 1:1250

LOWER GROUND FLOOR

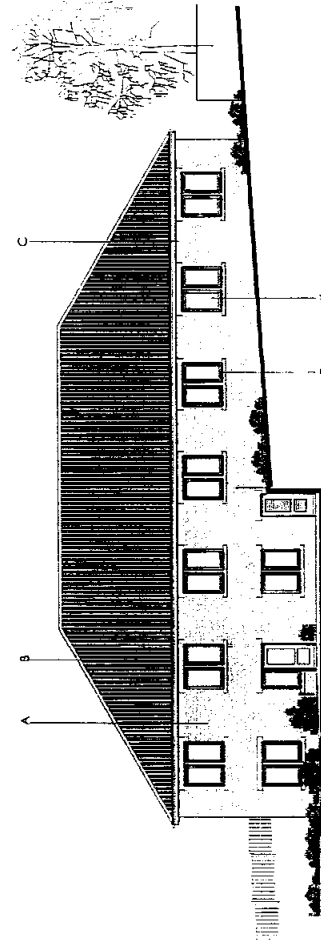
DO NOT SCALE FROM THIS DRAWING FOR CONSTRUCTION PURPOSES



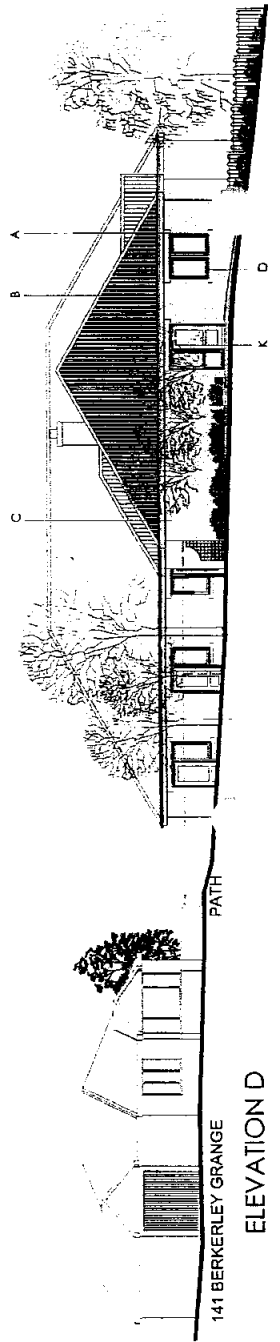
ELEVATION A



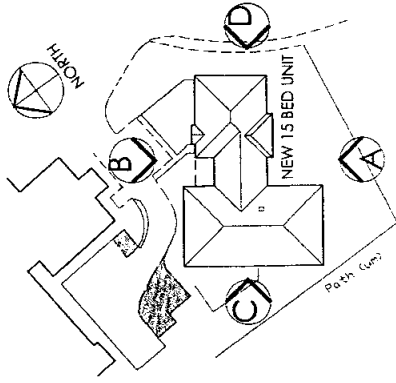
ELEVATION B



ELEVATION C




ELEVATION D



KEY TO MATERIALS

- A Multi cream facing brickwork
- B Red/brown concrete roof tile
- C Arstone band
- D Arstone cills
- E Arstone lintels
- F Black half round UPVC rainwater goods
- G Off white render
- H Clear glazed protection screen
- J Glass Canopy
- K White external joinery

ALL MATERIALS SUBJECT TO APPROVAL OF:
 PLANNING AUTHORITY
 BARCHESTER HEALTHCARE
 GELDER AND KITCHEN

 <p>Gelder and Kitchen LIMITED LIABILITY PARTNERSHIP 100, BARKWAY, BRISTOL, BR3 4QY 0117 923 3333 www.gelderandkitchen.co.uk</p>	<p>1:5.11 1:5.12 1:5.13 1:5.14 1:5.15 1:5.16 1:5.17 1:5.18 1:5.19 1:5.20</p>	<p>BARCHESTER HEALTHCARE LTD</p>	<p>LANERCOST HOUSE RECEIVED BERKERLEY GRANGE CARLISLE CUMBRIA, CA9 6 1R</p>	<p>DATE: 11/03/24 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]</p>	<p>PROPOSED CARE FACILITY ON ADJACENT LAND PROPOSED ELEVATIONS</p>	<p>02-335 (D) 12</p>
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SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B: Reports Requiring Further Information

06/1297

Item No: 21

Date of Committee: 15/12/2006

Appn Ref No:
06/1297

Applicant:
Mr A Reynolds

Parish:
Carlisle

Date of Receipt:
20/11/2006

Agent:
Taylor & Hardy

Ward:
St Aidans

Location:
Jesmond Street Garage, Jesmond Street, Carlisle,
CA1 2DE

Grid Reference:
341277 555592

Proposal: Amended scheme for the erection of 37 dwellings

Amendment:

REPORT

Reason for Determination by Committee:

This is a major application which has been subject of an objection from the Health and Safety Executive.

Planning Policies:

Flood Risk Zone

Health & Safety Executive Consultation

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

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Environment - Policy E24

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

**Carlisle District Plan
Environment - Policy E30**

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

**Carlisle District Plan
Housing - Proposal H2**

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

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

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

**Carlisle District Plan
Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
 4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP9 - Sustainable Drainage Systems**

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Development Principles - Policy DP1 - Sustainable Development Locations**

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

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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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

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

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Local Environment - Policy LE28 - Developed Land in Floodplains**

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

1. no other lower risk alternative site exists; and
2. flood defence measures to the appropriate standard are already in place or can be provided; and
3. adequate flood plain storage capacity can be provided; and
4. the development will not interfere with flood flows nor increase flood risk elsewhere; and
5. access and egress could be reasonably maintained at times of flood risk; and
6. adequate flood warning and evacuation procedures will be provided; and
7. mitigation measures will be provided where necessary; and
8. the building materials are appropriate for a flood risk area.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Local Environment - Policy LE31- Derelict Land**

Development involving the reclamation of derelict land and buildings will be permitted provided that the land has been remediated to a standard that is fit for the proposed land use. The proposed land use shall also be appropriate to the location, and the development and accompanying landscaping are in keeping with the surroundings. Where the derelict land has reverted to a natural state its quality, and the importance as a green area, will be taken into account in any decision about its future development.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H3 - Residential Density

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Community Services - Drainage Engineer: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria County Council - (Archaeological Services): The site has been the subject of an archaeological evaluation. The results identified that upstanding and below ground remains survive of Raven Nook woollen mill, which was constructed in 1850 (Historic Environment Record no. 10124). These remains will be damaged or destroyed by the proposed development.

I therefore recommend, in line with earlier advice from this office, that an archaeological watching brief and photographic record of the site be undertaken in advance, and during the course of, the development and advise that these works be secured by attaching a negative condition to any planning consent you may otherwise be minded to grant. I suggest the following form of words based on the model given in PPG16 (para 30).

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 by the Planning Authority.

This written scheme will include the following components:

- i) An archaeological watching brief and photographic record in accordance with the agreed written scheme of investigation;*

- ii) where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

I would also suggest that you advise the applicant that such investigations are liable to involve some financial outlay.

Health and Safety Executive: The HSE is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for a development and also within at least one Consultation Distance, has been using PADHI+, HSE's planning advice software tool, based on the details input by the City Council. The assessment indicates that the risk of harm to people at the proposed development is such that the HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc Act 1974, which includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

If the Council are minded to grant permission against HSE's advice, it should give advance notice for HSE to give further consideration to the matter.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED]	13 Nook Street	22/11/06
[REDACTED]	14 Nook Street	22/11/06
[REDACTED]	95 Greystone Road	22/11/06
[REDACTED]	96 Greystone Road	22/11/06
[REDACTED]	80 Greystone Road	22/11/06
[REDACTED]	82 Greystone Road	22/11/06
[REDACTED]	83 Greystone Road	22/11/06
[REDACTED]	97 Greystone Road	22/11/06
[REDACTED]	98 Greystone Road	22/11/06
[REDACTED]	96 Greystone Road	22/11/06
[REDACTED]	Jesmond Street	27/11/06
[REDACTED]	15 Nook Street	22/11/06
[REDACTED]	16 Nook Street	22/11/06
[REDACTED]	17 Nook Street	22/11/06
[REDACTED]	4 Nook Street	22/11/06
[REDACTED]	2 Nook Street	22/11/06
[REDACTED]	3 Nook Street	22/11/06
[REDACTED]	5 Nook Street	22/11/06

	6 Nook Street	22/11/06
	7 Nook Street	22/11/06
	8 Nook Street	22/11/06
	9 Nook Street	22/11/06
	10 Nook Street	22/11/06
	11 Nook Street	22/11/06
	12 Nook Street	22/11/06
	92 Greystone Road	22/11/06
	91 Greystone Road	22/11/06
	90 Greystone Road	22/11/06
	89 Greystone Road	22/11/06
	88 Greystone Road	22/11/06
	87 Greystone Road	22/11/06
	1 Nook Street	22/11/06
	86 Greystone Road	22/11/06
	93 Greystone Road	22/11/06
	94 Greystone Road	22/11/06

This application has been advertised in the form of press and site notices, and, the direct notification of the occupiers of the neighbouring properties. At the time of preparing the report no observations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In November 2004, under application 04/1032, planning permission was given to demolish the buildings on the site and to redevelop it for residential use in the form of 29 no. apartments.

In December of last year, application 05/1035, permission was granted for 29 no. apartments but involving a revised scheme following the flooding in Carlisle of the 7th/8th January 2005.

Details of Proposal:

1) Site Description

This application relates to a 0.2 hectare site situated at the eastern end of Jesmond Street formerly comprising of a brick and slate roofed building and related open hard surfaced yard (last occupied as a motor vehicle repair garage) together with a block of lock-up garages.

The application site is bounded to the north-east by the premises used by Irving's Coaches, to the east by an extensive wedge of open space at Melbourne Park and extending on both the western and eastern sides of the River Petteril, to the south by housing development at Nook Street and to the west by the back lane running behind terraced housing on the even numbered side of Greystone Road.

The former repair garage is a substantial brick building with a steep pitched roof and is sited on a north-south axis so that its primary facades face towards Greystone

Road and the Park. It is understood that it was at one time part of a mill that stood on the western bank of the former course of the Petteril. The mill (Raven Nook) was a former carpet mill established in 1850 but it is many years since it was so used (probably 1950's).

2) Background Information

Members may recollect that in November 2004, under application 04/1032, planning permission was given to demolish the buildings on the site and to redevelop it for residential use in the form of 29 no. apartments.

In December of last year, application 05/1035, permission was granted for 29 no. apartments but involving a revised scheme following the flooding in Carlisle of the 7th/8th January 2005. The development approved under 05/1035 has:

- A „T“ shaped form with the primary, longer and deeper section being positioned towards the Melbourne Park boundary and having front and rear views, with the remaining leg extending westwards towards Greystone Road. The central part of the main wing has 5 floors of accommodation measuring 15.8 metres in height to the ridge of the highest section. At either end of that block the height reduces to 4 storeys with the flat roof areas above being the external garden areas to the larger "penthouse" units in the top floor.
- The westward projecting leg of the "T" is 4 floors extending to 13.7 metres in height and having a hipped roof form.
- The apartments were primarily brick faced with buff coloured Artstone heads and sills; a Spanish slate covered roof; and, window frames and doors of light brown uPVC.
- Alongside the flank boundary with the properties on Nook Street, the approved plans show the construction of a block containing bin stores and garages. These vary in height from just over 5 metres to the ridge, at the "elevated" eastern end, to just over 7 metres in height where they run through to established ground level at the Greystone Road end.
- The remaining site boundaries are defined by brick walling varying from 1.5 metres with 0.6 m railings on top to the boundary with Melbourne Park and to the rear of Greystone Road to 2.1 metre high walls to other boundaries.

The proposed floor levels were designed to take account of the 1 in 100 year flood level predicted in the modelling with an allowance of 600mm for freeboard together with 200mm for climate change. This allowed the creation of a basement car park providing 39 spaces to augment the surface level provision of 5 garages and 5 spaces. The surface water drains designed to have storage capacity and fitted with non-return valves to cope with abnormal flooding conditions. The proposal included a "grey water" storage system whereby rainwater would be collected in tanks and re-cycled within the development i.e. for toilet flushing. The applicants also confirmed that a Flood Management Plan would be introduced for the benefit of future occupiers.

The current proposal fundamentally involves the creation of 37 residential units within the „shell“ of what was granted planning permission under 05/1035. This is achieved by the block formerly containing bin stores etc along the boundary of the properties at Nook Street being converted to form 4 townhouses (of which 3 would have integral garages), and, the maximisation of floor space within the „T“ shaped building to provide an additional 4 apartments – see attached copies of plans.

A Design and Access Statement and a Planning Context Statement accompany the application. The Design and Access Statement highlights, amongst other things, that:

- Within the principal building there is a common entrance lobby from which access is gained to staircases and lifts, internal circulation being to wheelchair dimensions, to all floors.
- The site boundaries will be defined by brick walling with railings on top to the boundary with Melbourne Park and to the rear of Greystone Road.
- The access road to the development is to be surfaced in cobbled sets to match the existing surfaces. Within the site, road surfaces will be tegular or herringbone paviers with contrasting paviers to footpaths and ramps.
- The site curtilage to the building will be communal and maintained and administered by a management company. Once completed and occupied a caretaker will oversee the site.
- The building will be constructed as a poured, permanent shuttering concrete frame system with high thermal mass coupled to both an in-situ high density insulating layer. The combined system will produce thermal levels of insulation almost twice that required by current legislation. Also proposed on the rooftop are heat exchangers with backup photo voltaic cells.
- The external lighting will be low level down light luminaries. A high level of security will be provided through the perimeter walls, lighting, CCTV, and, a controlled entry gate system.
- In the vicinity of the site entrance 2 visitor car parking spaces will be provided. Within the site 36 parking spaces, including disabled spaces, are shown in the basement.

The Access Statement includes a copy of a letter from the Council's Local Plans and Conservation Manager confirming that, in the light of the history of the site and the costs of provision of measures to increase flood defence, no affordable housing provision would be sought. In a letter dated the 25th October 2006 the Council's Urban Design Officer has (in the light of the scale, height and massing precedent set by the scheme approved under 05/1035) not stated an objection to the proposal.

The Planning Context Statement identifies that, in comparison to the scheme approved under 05/1035, the design changes to the main building have included the removal of gable roofs on bay windows; a slight reduction in the height of the side wings; and, the use of render above brickwork on the external walls. In the case of

the secondary building the changes have included the introduction of piers to either side of the garages under a walkway/balcony, and, the use of lintels on the garage entrance. The aforementioned Statement also concludes that:

- The site is within a Primary Residential Area and involves the redevelopment of a recently cleared brownfield site in a more efficient manner whilst also contributing to the range and mix of residential opportunities in the Greystone Road area.
- As the proposal is making better use of the accommodation already approved no issue of overshadowing arises. The gable to gable distance with 12 Nook Street is as the scheme approved in 2005. The closest wall to wall distance where there are facing widows between the proposed apartment building and existing houses meets the normal requirements of 21 metres.
- The requirements of the Environment Agency in terms of minimising flood risk have been satisfied.

3) Assessment

At the time of considering application 05/1035 the main issues discussed related to the sustainability of the location; the amenity of neighbouring residents; design; drainage; and, flooding. In the context of the information accompanying the application it is considered that the current proposal does not significantly alter the situation.

It is, nevertheless, apparent in this case that a standardised consultation response on behalf of the Health and Safety Executive has advised that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case. At the time of preparing the report further clarification has been sought from the Health and Safety Executive.

In such circumstances an updated report will be presented to Members that will include the awaited comments from interested parties.

Human Rights Act 1998

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

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

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

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

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

Recommendation:

Block Plan 1:500



Scale: 1:1,250 Date: 6/06/2005
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Jesmond Street

06/1297



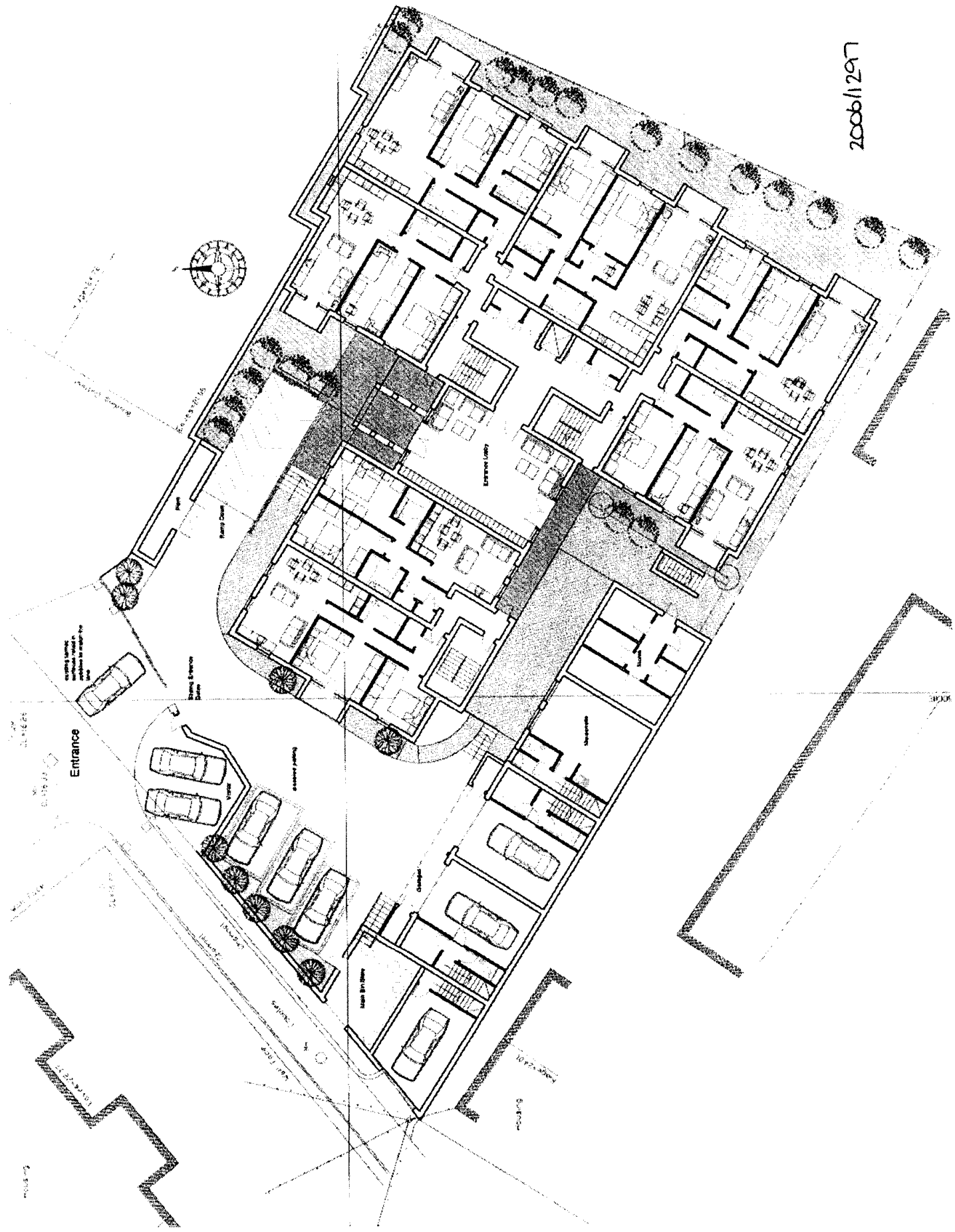
Civic Centre
 Rickergate
 Carlisle
 CA3 8QG

Revision A: Block Plan red lined to Planning Officers request

Project	Jesmond Street. 33 Flat / 4 Townhouse Development		
Document	Block and Location Plan	Revision: A1 17.11.06	Date: 15.00
Date:	General Arrangement	Job no: 06-102-30A	Draw: 20.02.06

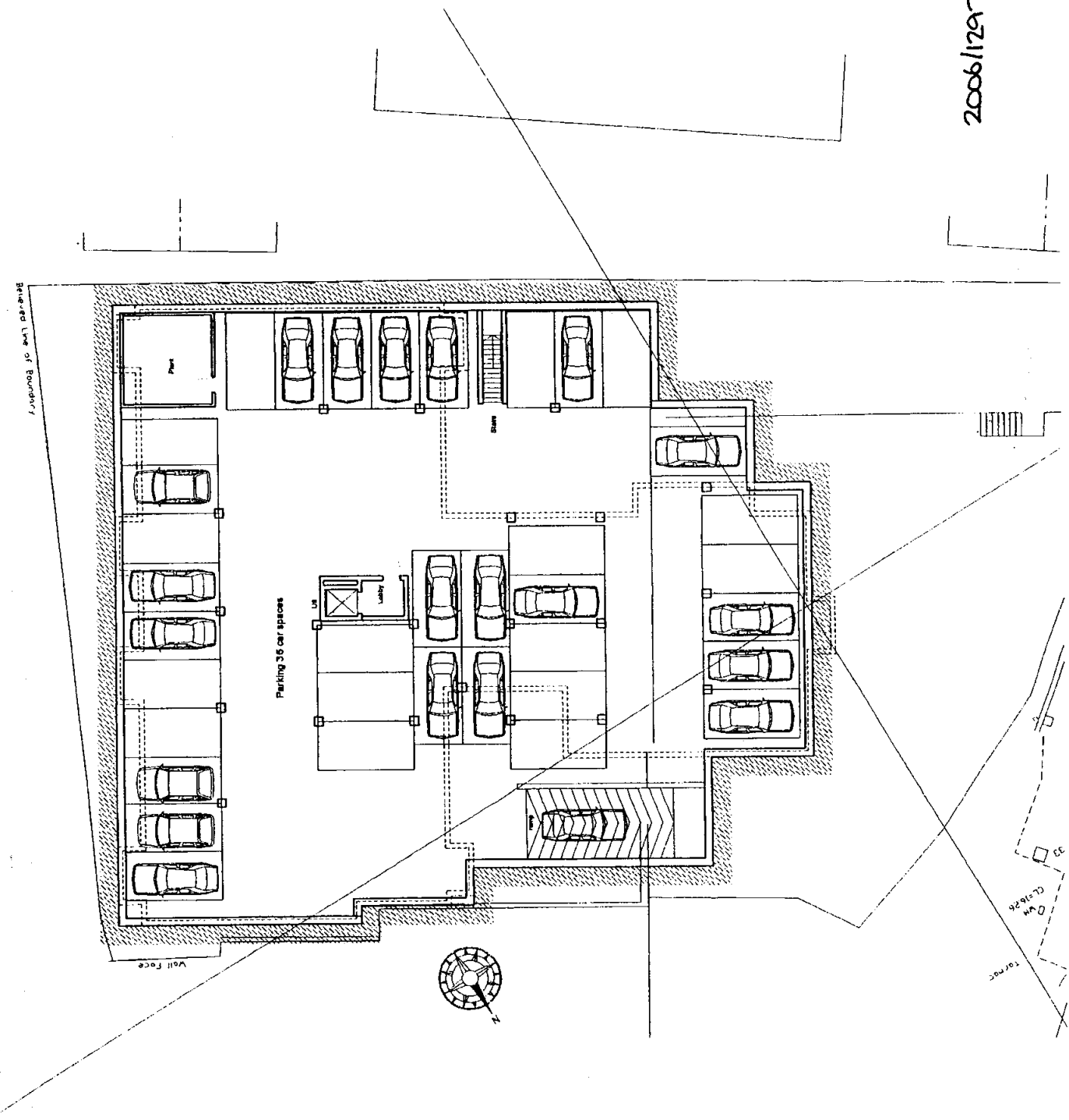
Alan Reynolds
 The Copse
 Harker
 Carlisle
 CA6 4HW

2006/12/27



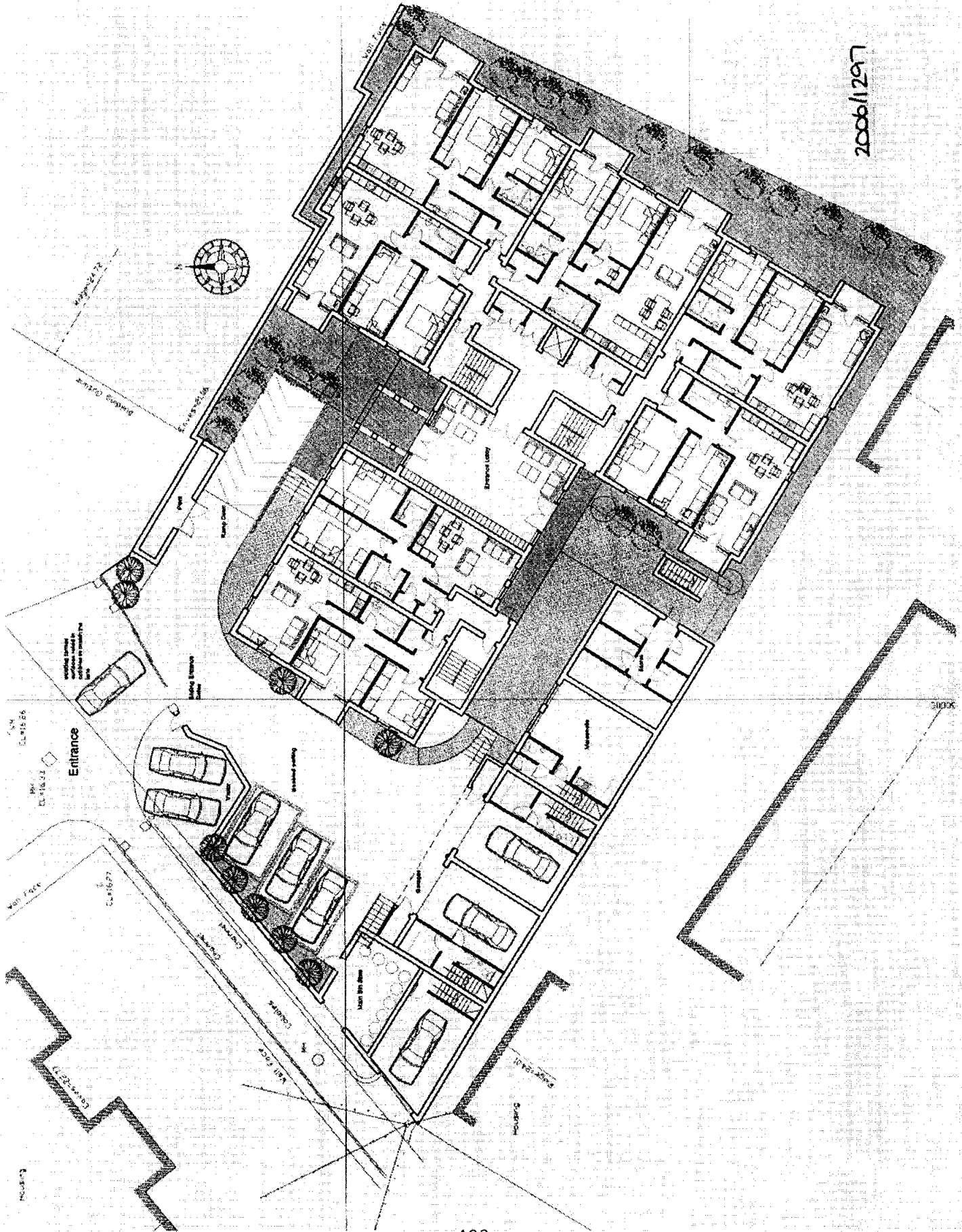
Project	Jesmond Street 33 Flat / 4 Townhouse Development		
Drawn	Scale	Date	Job No.
	1:200	20.02.06	06-102-32
Checked	The Copse Hartle CAG dhw		
Drawn	Alan Reynolds		

2006/1297



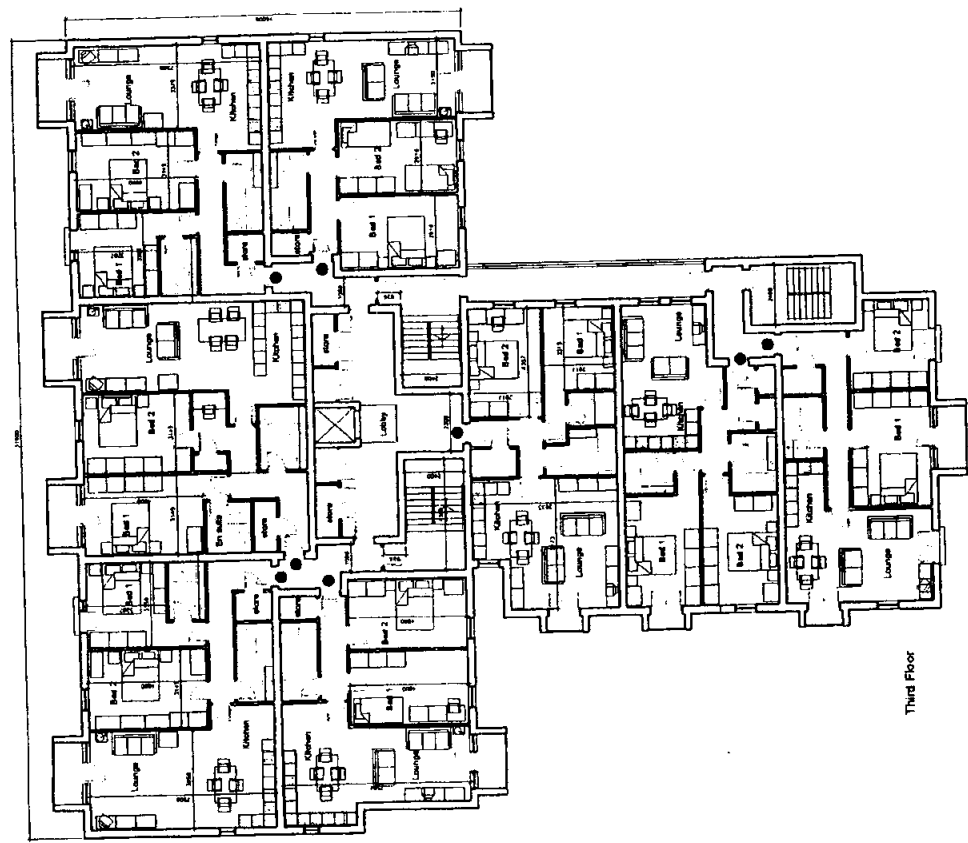
2006/12/27

Project	Lamond Street, 33 Flats / 4 Townhouse Development	
Client	Alan Reynolds The Coppe Hartley CAB 41W	
Architect		
Site Plan Ground Floor		
General Arrangement		
Date	20.02.06	
Drawn	12.00	
Rev No	06-103-28	

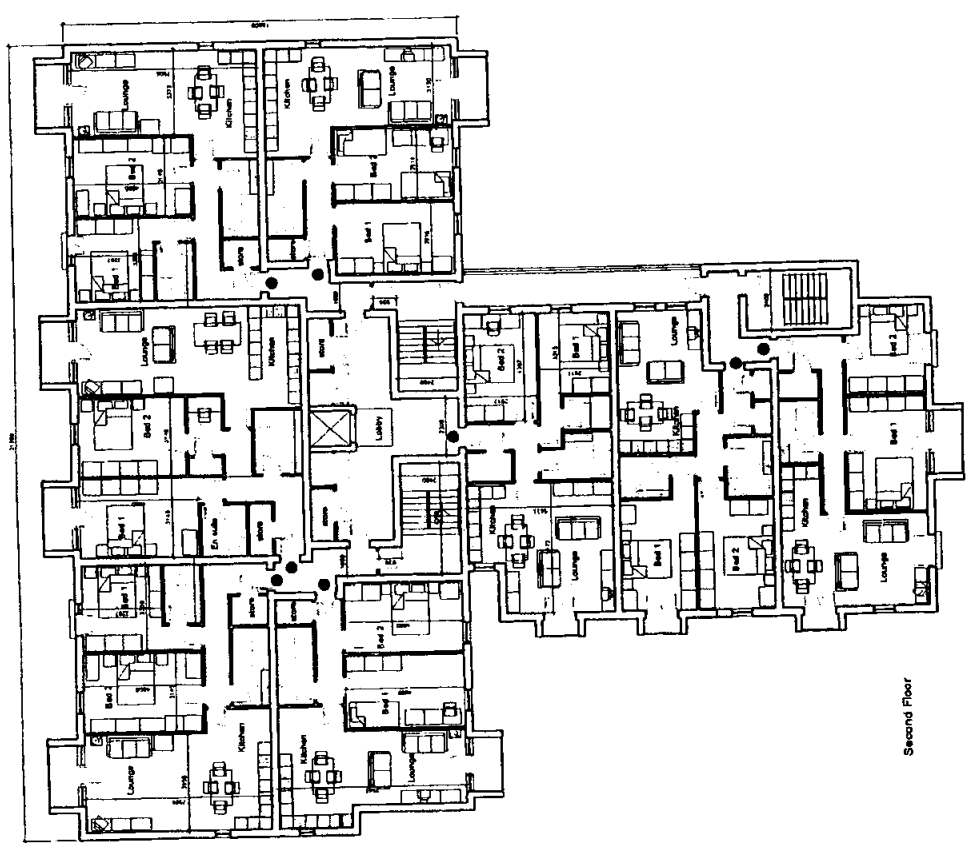


2006/1297

Project	Ismond Street, 33 Flat / 4 Townhouse Development
Client	Alan Reynolds The Copse Larkes CA04HW
Contract	Second and Third Floors
Drawn	1200
Date	20.02.06
Revision	06-102-31
Drawn	General Arrangement

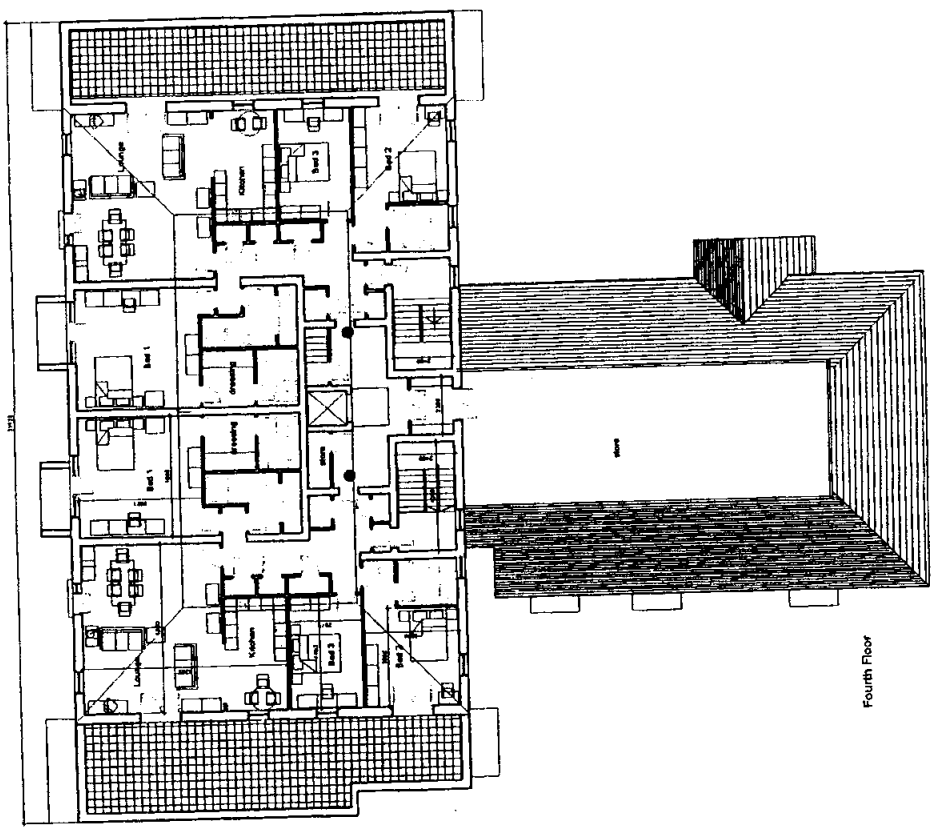
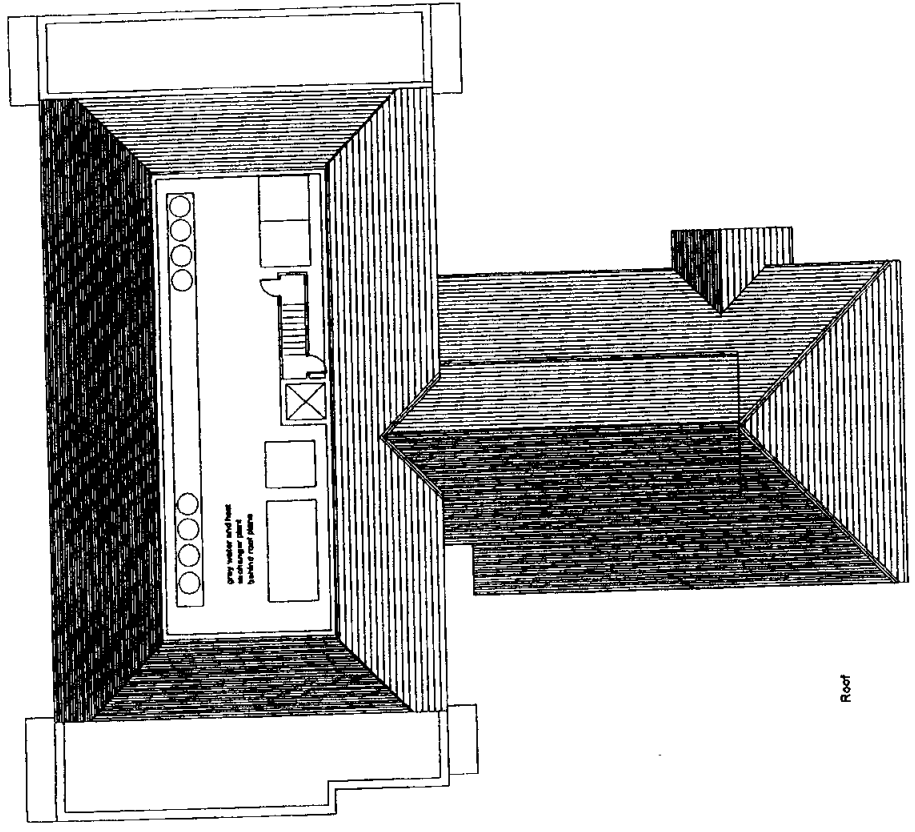


Third Floor

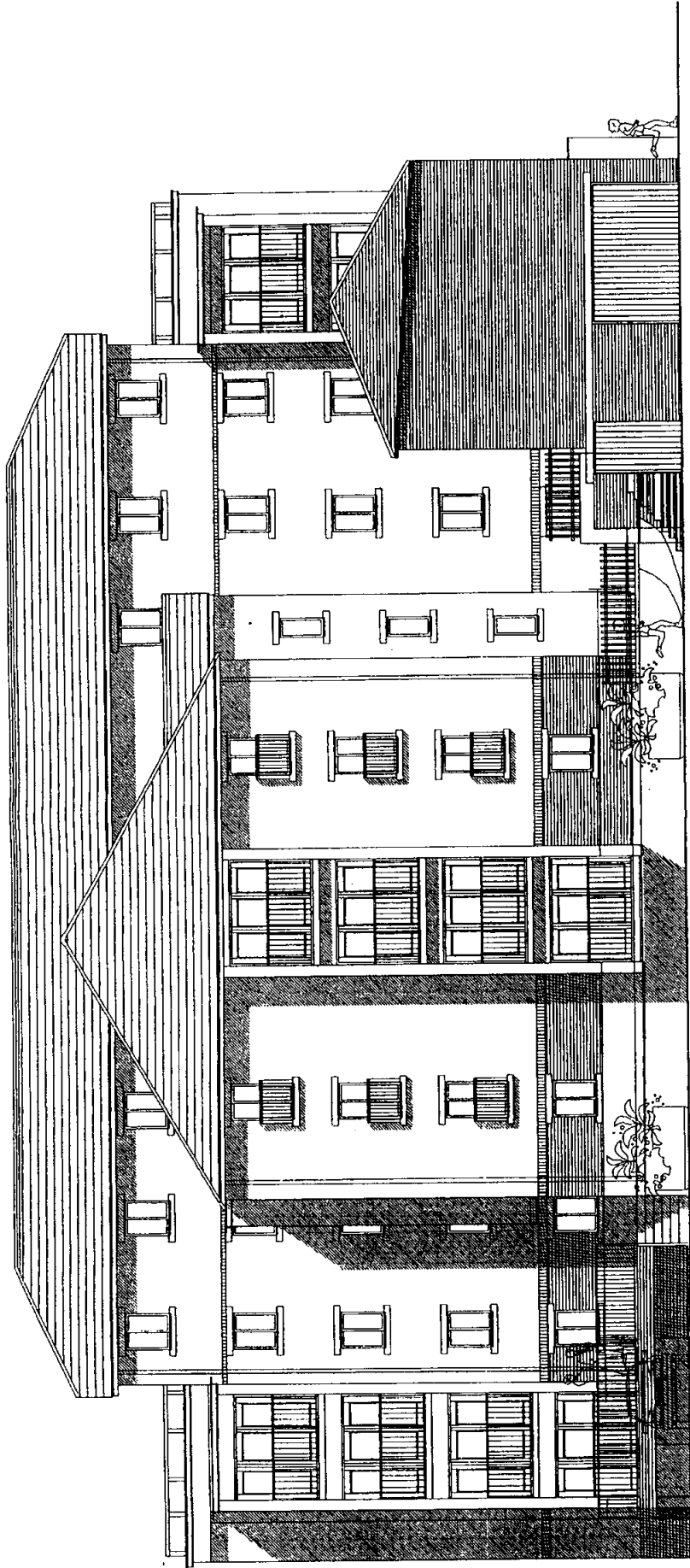


Second Floor

2006/1297



Project	Jesmond Street, 33 Flat / 4 Townhouse Development		
Drawn	1200	Scale	1:200
Checked	06-102-35	Date	20.02.06
Author	Alan Reynolds		
Client	The Copsey Harker Caldwell CAD 4HMV		
Drawn	General Arrangement		
Checked	Fourth Floor and Roof		

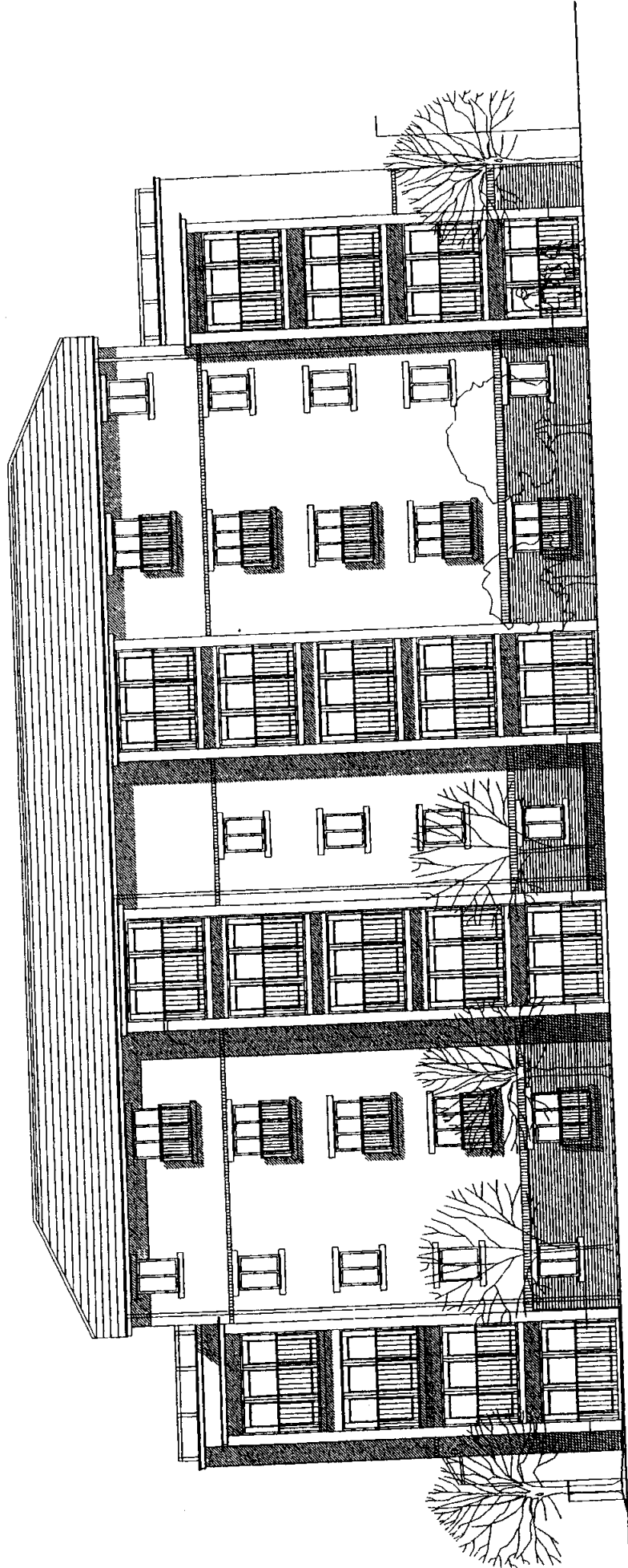


Front Elevation

06/1297

Materials:
 Walls: Red/rowen facing brick
 Cornices: Red/rowen facing brick
 Shutters: Red/rowen facing brick
 Stairs: Light brown siding
 Two colour render to the main block above brick base
 Lighter render to the top floor
 Windows: Light brown siding and 6/1 Um.
 Sills: Red sandstone and surrounds
 Roof: Dark Grey Profiling Metal to the Main Block.
 Blue Grey Slate to the Townhouse Block
 Roof's and Gutters: Black half round and circular

Project: Jesmond Street, 33 Flat / 4 Townhouse Development		Scale: 1:100
Client: The Coppe	Architect: Alan Reynolds	Date: 20.02.06
Designer: Harker	Project No: 06-102-4	
Drawn: Carlisle	General Arrangement	

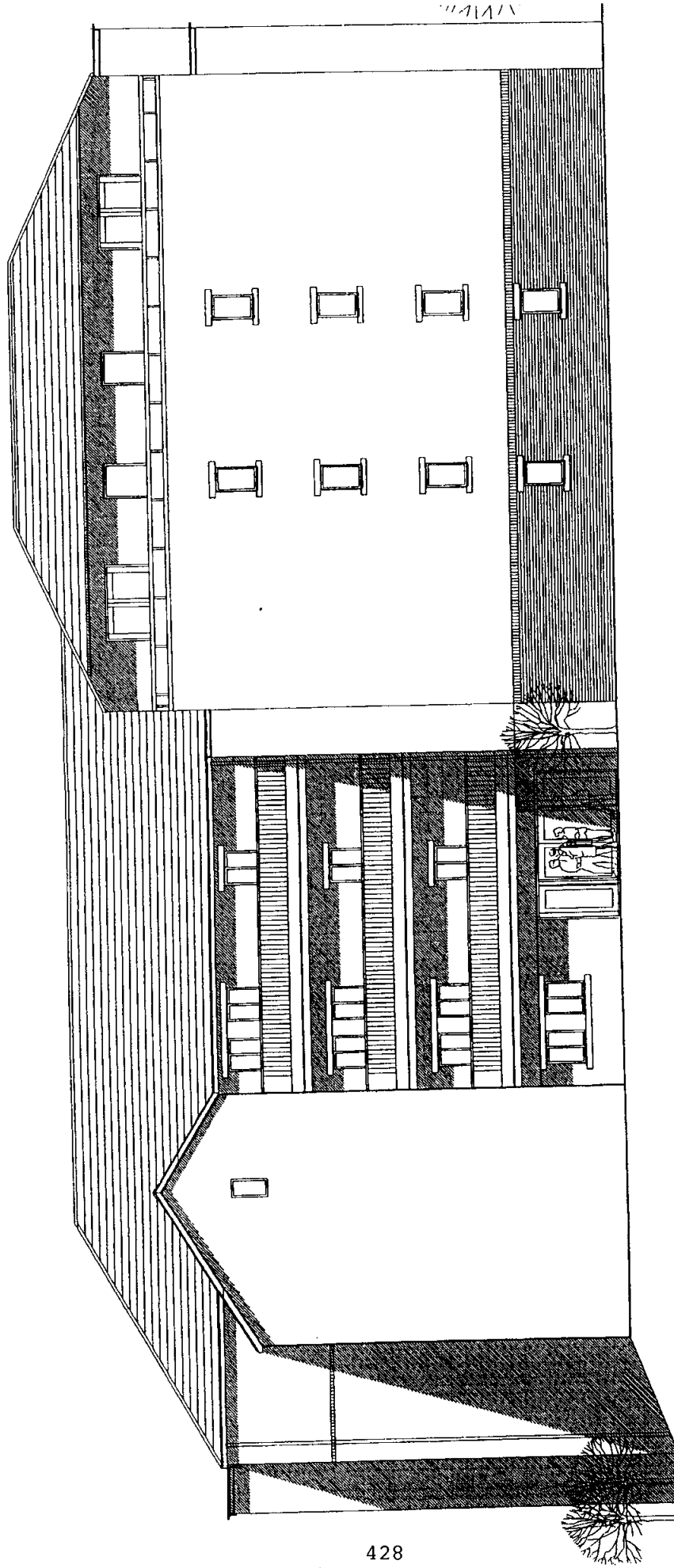


Rear Elevation

06/12/97

Materials:
 Brick: Red/brown facing brick
 Render: Buff self coloured render to inner elevation of townhouses
 Roof: Red tiled roof
 Stained timber: Filler panels to window / door assemblies
 Two colour timber to the main block above brick base
 Lighter timber to the top floor
 Windows: Light brown sliding sash and tilt turn.
 Sills: Red terracotta and surrounds
 Roof: Dark Green lead Metal to the Main Block.
 Sills: Red terracotta and surrounds
 RVP's and Gutters: black half round and circular

Project	Jermond Street. 33 Flat / 4 Townhouse Development			Drawn	11/00/97
Drawing	Elevations (Detail)			Checked	06/10/97
Date	General Arrangement			Date	20.02.00
Alan Reynolds The Coopers Harrier Carlton C.A.S 4/1W					

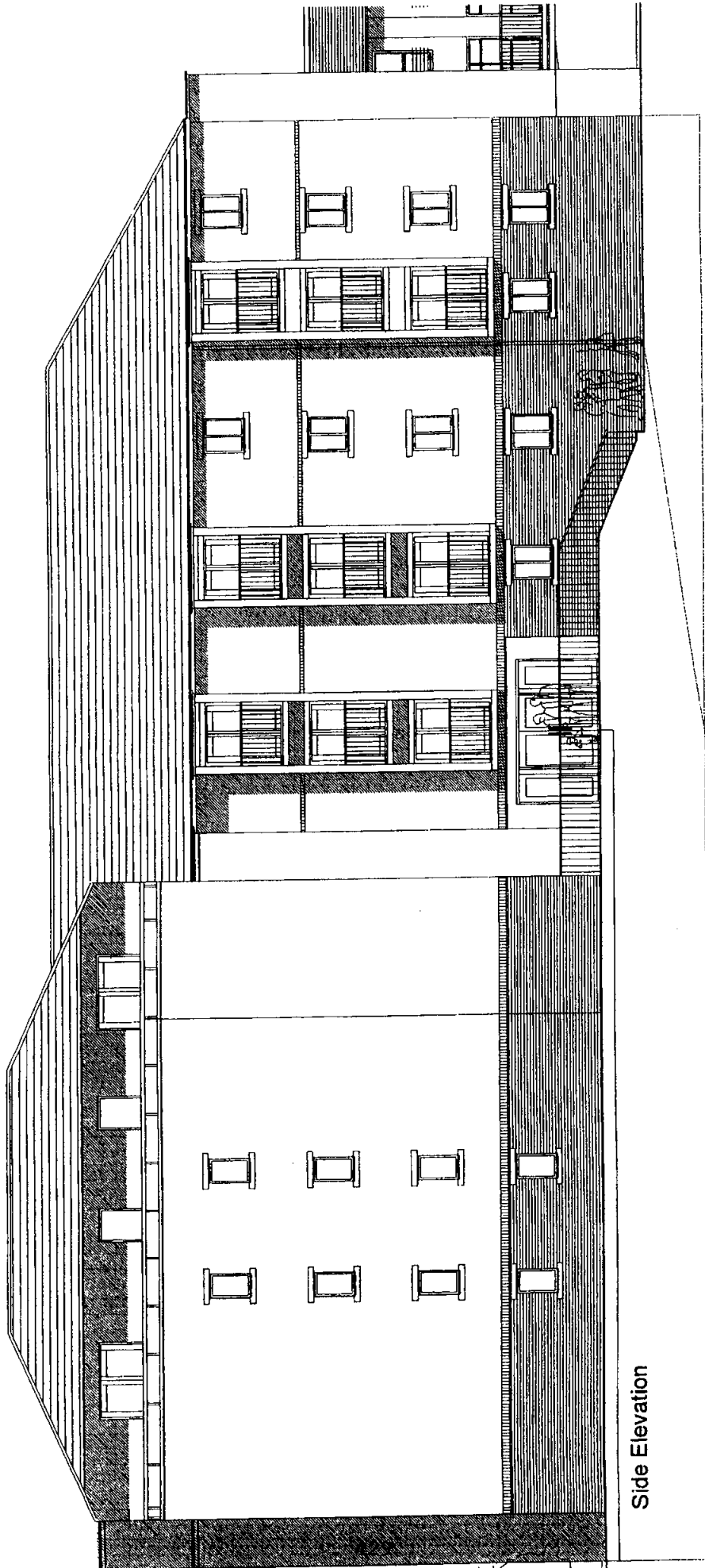


Side Elevation

06/1297

Materials:
 Walls: Red/brown facing brick
 Buff self coloured render to inner elevation of townhouses
 Stained timber fill panels to window / door assemblies
 Two colour render to the main block above brick base
 Lighter render to the top floor
 Windows: Light brown siding eath and 1/2 turn.
 Sills: Red sandstone and surrounds
 Roof: Dark Grey Profiled Metal to the Main Block.
 Blue Grey Slates to the Townhouse block
 RVP's and Gutters: black half round and circular

Project		Jesmond Street, 33 Flat / 4 Townhouse Development	
Drawn	Scale	1:100	
Detail	Date	06-102-40	10.02.06
Elevations (Detail)		General Arrangement	
Project		Alan Reynolds	
Drawn		The Cope	
Detail		Harber	
		Carlike	
		CAG 4HW	



Side Elevation

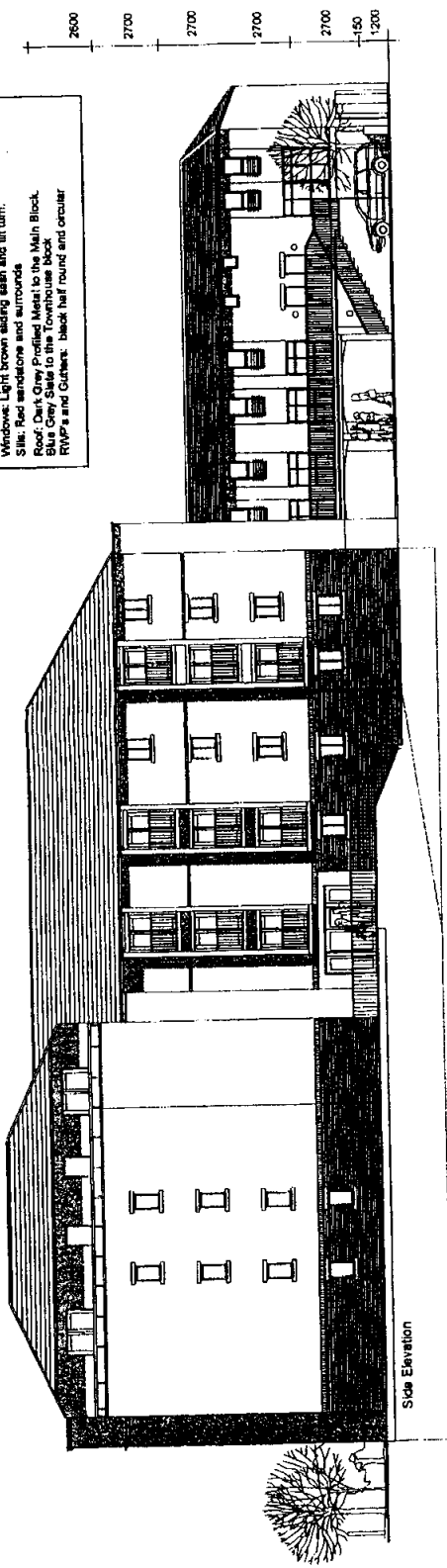
Materials:
 Walls: Red/brown facing brick
 Buff half coloured render to inner elevation of townhouse
 Stained timber lift/lift panels to window / door assemblies
 The colour render to the main block above brick base
 Lighter render to the top floor
 Windows: Light brown siding sash and (8) turn.
 Sills: Full mitre and surrounds
 Roof: Dark Grey to match external to Main Block.
 Roof: Dark Grey to match external to Main Block.
 RVP's and Gutters: black half round and circular

06/12/97

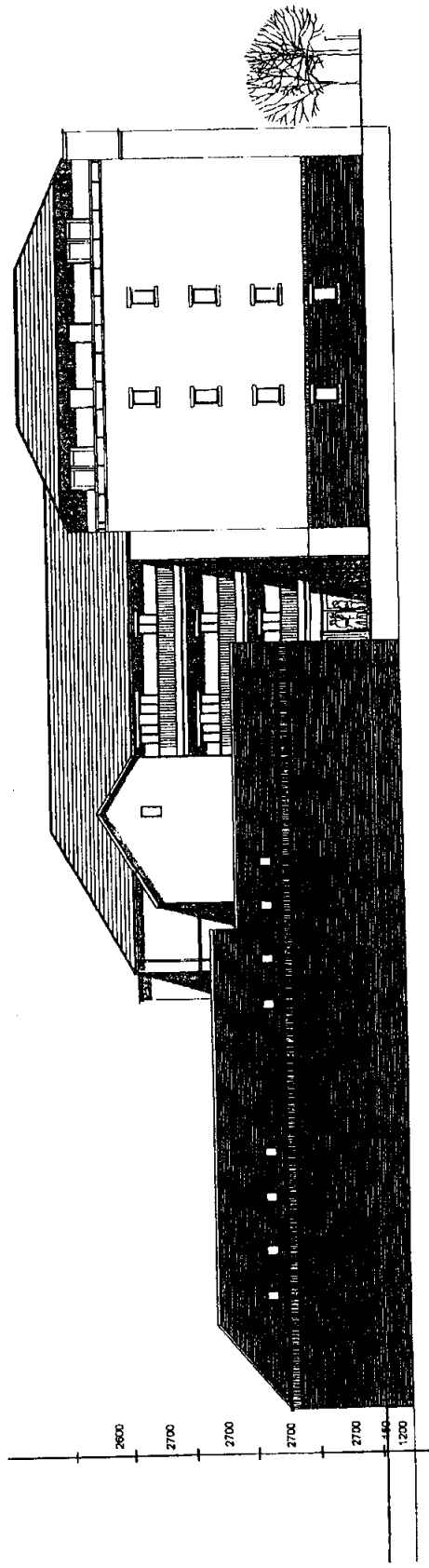
Project	Jesmond Street, 33 Flat / 4 Townhouse Development		Scale	1:100
Client	Alan Reynolds		Date	20.02.00
Drawn	The Copse Harriet Carlisle CAG 4HW		Rev	
Detail	Elevations (Detail)		Job No	06-102-36
	General Arrangement			

Project	Jesmond Street, 33 Flat / 4 Townhouse Development		
Drawn	1200	Scale	1:200
Date	06-10-06	Job no.	06-101-36
Client	General Arrangement		
Drawn	Alan Reynolds		
Checked	The Copsey Harker Cartier CAG AHM		

Materials:
 Walls: Red/white brick
 Bluff self coloured render to inner elevation of townhouses
 Shaded timber infill panels to window / door assemblies
 Two colour render to the main block above brick base
 Windows: Light brown sliding sash and tilt turn.
 Sills: Red sandstone and surrounds
 Roof: Dark Gray Profiled Metal to the Main Block.
 Blue Gray Slate to the townhouse roof.
 RHP's and Gutters: black half round and circular



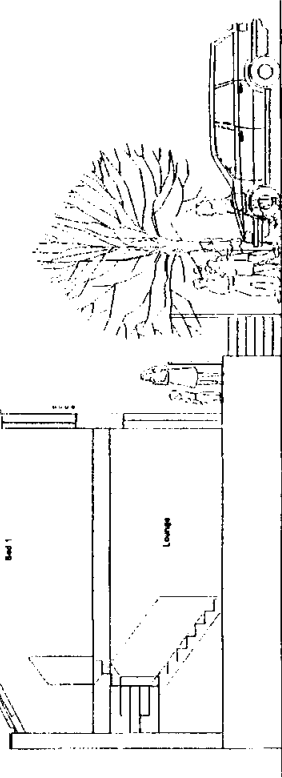
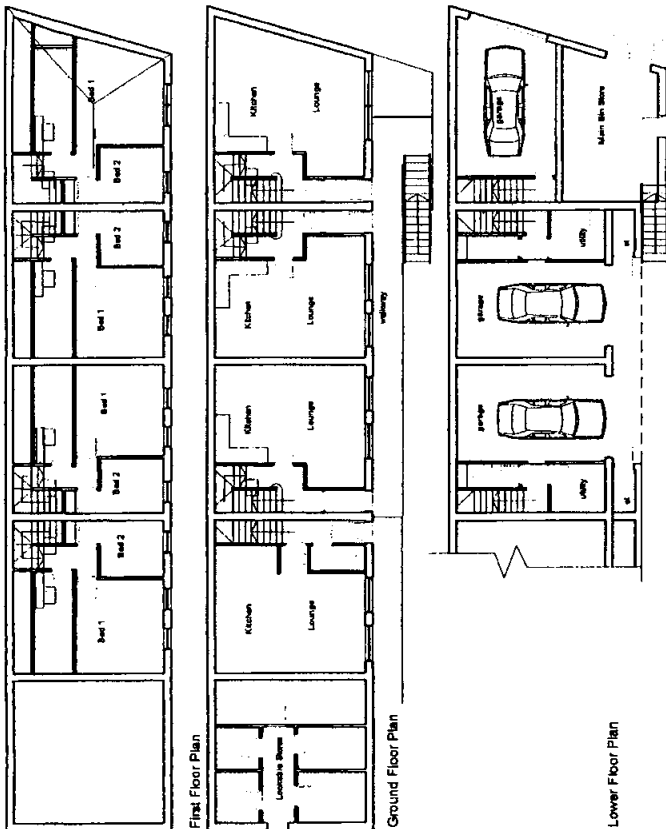
Side Elevation



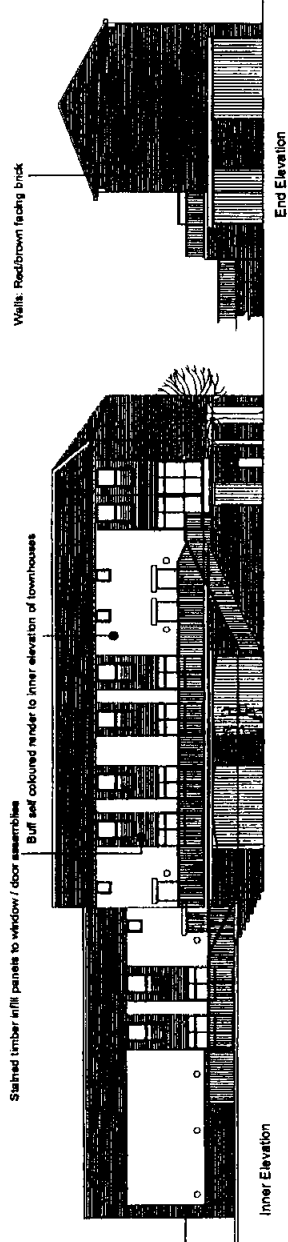
Side Elevation

2006/12/27

Project	Lemond Street, 33 Flat / 4 Townhouse Development	
Client	The Copse, Harle, CAB 4HW	
Design	Studio Apartment Block	NO. 06-102-38
Drawn	Scale	Date
	1:200, 1:100	10.02.06
Architect	Alan Reynolds	



Schematic Cross Section
Missions: 1:100



Walls: Redbrown facing brick

Stained timber infill panels to window / door assemblies
Buff self coloured render to inner elevation of townhouses

Inner Elevation

End Elevation

Schematic Cross Section
Townhouses
1:100

Materials:
 Walls: Redbrown facing brick
 Buff self coloured render to inner elevation of townhouses
 Stained timber infill panels to window / door assemblies
 Two colour render to the main block above brick base
 Lighter render to the top floor
 Windows: Light brown sliding sash and lift turn.
 Sills: Red sandstone and surrounds
 Roof: Dark Grey Profiled Metal to the Main Block.
 Blue Grey Slate to the Townhouse block
 RMP's and Gutters: black half round and circular

4 no. Townhouses (1 two storey and 3 with garage under)

2006/12/27

SCHEDULE B: Reports Requiring Further Information

06/0667

Item No: 22

Date of Committee: 15/12/2006

Appn Ref No:
06/0667

Applicant:
Woodford Land Limited

Parish:
Carlisle

Date of Receipt:
31/05/2006

Agent:
King Sturge LLP

Ward:
Harraby

Location:
Former Cavaghan & Gray Limited, London Road,
Carlisle, CA1 3EU

Grid Reference:
341870 553940

Proposal: Outline application (all matters reserved) for mixed use development
(residential, foodstore and employment units)

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the potential significance of the proposal.

Planning Policies:

Gas Pipeline Safeguarding Area

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

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

**Carlisle District Plan
Employment - Proposal EM17**

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

**Carlisle District Plan
Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**Carlisle District Plan
Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan
Environment - Policy E24**

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

**Carlisle District Plan
Environment - Policy E31**

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

**Carlisle District Plan
Environment - Policy E55**

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

Carlisle District Plan

Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan

Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan

Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan

Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan

Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan

Housing - Proposal H17

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

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

3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**Carlisle District Plan
Leisure - Proposal L8**

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements and wherever possible with 0.5 km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

**Carlisle District Plan
Leisure - Proposal L9**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Plan

Shopping - Proposal S8

Proposals for neighbourhood supermarkets within or adjacent to the larger neighbourhood centres, identified on the Proposals Map, will be acceptable providing that:

1. It is well related to existing local shopping provision; and
2. It does not adversely affect the amenity of any adjacent residential areas; and
3. Appropriate access, parking and security arrangements can be achieved; and
4. Appropriate landscaping is an integral part of the scheme.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP4 (CP15) Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP5 (CP16) Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP6 (CP17) Use of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment. Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP8 (CP19) Development Energy Conservation and Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss. These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP9 (CP22) Sustainable Drainage Systems

When the following conditions apply, sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and

2. Hydraulic design details/ calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP10 (CP23) Protection of Groundwaters and Surface waters**

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment**

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP14 (CP29) Accessibility, Mobility and Inclusion**

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 *'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'*.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP15 (CP30) Public Transport, Pedestrians and Cyclists**

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP16 (CP34) Planning Out Crime**

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

The following points should be applied to all development proposals:

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H1 Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in

Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H3 Residential Density

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding

development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY H4 Residential Development on Previously Developed Land and
Phasing of development**

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H5 Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Proposal H16 Site Specific Residential Land Allocations**

To provide for housing needs an additional 4955 dwellings are required between April 1st 2002 and March 31st 2016. This figure takes account of the number of outstanding permissions at 1st April 2002. Making allowances for windfall sites provision, land for a further 2190 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. The additional sites, are set out in the table below and subsequent paragraphs. All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE8 Archaeology on Other Sites**

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE30 (CP26) Land Affected by Contamination**

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

1. Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
2. Cause the contamination of adjoining land or allow contamination to continue;
3. Lead to the contamination of any watercourse, water body or aquifer;
4. Have an unacceptable adverse effect on habitats and ecosystems

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY LE31 (CP27) Derelict Land**

Development involving the reclamation of derelict land and buildings will be permitted provided that the land has been remediated to a standard that is fit for the proposed land use. The proposed land use shall also be appropriate to the location, and the development and accompanying landscaping are in keeping with the surroundings. Where the derelict land has reverted to a natural state its quality, and the importance as a green area, will be taken into account in any decision about its future development.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY T1 (T3) Parking Guidelines**

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LC4 (LC2) Children's Play and Recreation Areas**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m² per hectare
Informal playspace 270m² per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being carried out by the City Council as required by PPG 17.

Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LC15 (LC12) Percent for Art

The City Council will require the provision of works of Public Art when dealing with applications for development schemes that will have a significant visual impact. Developers will usually be expected to allocate a minimum of 1% of their construction costs for the inclusion of Public Art. This money should fund the provision of art in a publicly accessible/ visible place or incorporated within the development itself.

The following indicates the threshold for the requirement:

1. housing developments of 20 dwellings or over; and/or
2. development of 1000sq. metres and over; and/or
3. development in a prominent location or on a major transport route.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy EC7 (EC8) Neighbourhood Facilities

Proposals for neighbourhood supermarkets and other shopping proposals within or adjacent to the district centres, identified on the Proposals Map, will be acceptable providing that:

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

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

Summary of Consultation Responses:

1. Cumbria County Council - (Highway Authority): Transport Policy

The brief overview of relevant policy omits current national policy on retail contained in PPS 6, as well as the requirement for a Green Travel Plan at the proposed foodstore set out in PPG 13.

2. Development Site

The layout of the development and its content are illustrative at present. It is therefore noted that future reserved matters applications or a new detailed application may well result in a different land use mix as well as different vehicle access locations. If so, a revised Transport Assessment will be required.

There is no pedestrian or cycle link between the residential area and the foodstore/ B1 units, and there is no direct pedestrian or cycle route between the foodstore and London Road. A link between the residential area and the foodstore/ B1 units would be beneficial, and a link between the foodstore and London Road would better tie in with the bus stops, pelican crossing and cycle facilities on London Road. It would be helpful if these facilities are shown on the development drawing.

Vehicle access junctions are covered in the next section.

3. Local Highway Network

a. Extent of Highway Network

The local highway network considered in the Transport Assessment does not include the nearby London Road/ Cumwhinton Road traffic signals junction. The traffic impacts of the development at the Cumwhinton Road junction should be assessed, since queues of southbound vehicles frequently extend back to the London Road/ Petteril Bank Road priority junction, thereby affecting its operation. Owing to the proximity of the Cumwhinton Road junction it is my view that it should be considered to be a sensitive location.

b. Traffic Survey

The surveyed traffic flows from Eastern Way indicate that the left-turn to London Road south is greater than the right-turn towards the city centre. This does not accord with my site observations, nor expectations. In addition the traffic survey was undertaken on Thursday 20th April, only two days after Easter Monday on 17th April. Although the local schools were back, I am concerned that the traffic flows may still have been affected by the Easter break. It is my view that a second traffic survey should be carried out to verify the traffic flows used in the Transport Assessment.

c. A6 London Road

No comment.

d. London Road/ Eastern Way

This junction does not have pelican crossings.

Observations on site of queue lengths and the frequency of call of the pedestrian stage are required to enable the models for the existing operation at the junction to be validated. No such information has been provided in the Transport Assessment.

The LINSIG window shown at page 8 of the report indicates infinitely long right-turn lanes on both London Road approaches. On the ground, the right-turn lanes are some 6 to 7 pcus in length. The use of infinitely long lanes will overstate the capacity of the junction.

e. London Road/ Petteril Bank Road

This section should note that the ghost island right-turn lane at the junction is sub-standard in length.

Although the visibility distances at a set back of 2.4m comply with TD 42/95, such a set back distance should only be used in „exceptionally difficult circumstances“. It is not clear what are the exceptionally difficult circumstances in this case.

Observations on site of queue lengths are required to enable the models for existing operation to be validated.

Queuing back from the London Road/ Cumwhinton Road traffic signals junction, along with platooning of traffic from the Cumwhinton Road junction and the Eastern Way traffic signals junction are relevant for an accurate assessment of this priority junction.

f. Carlol Drive/ Site Access

Visibilities from Cumbria Design Guide would be appropriate.

g. Petteril Bank Road/ Site Access

Reference within the Transport Assessment to a stagger distance between the foodstore vehicle access and Welsh Road taken from the Cumbria Design Guide is inappropriate, since this refers to residential roads. It is my view that a stagger distance of 20m is insufficient, especially as any queue of vehicles waiting to turn right into the foodstore/B1 units access will interfere with the operation of Welsh Road. A revised junction layout is considered necessary.

h. Accident History

It is notable that the London Road/ Petteril Bank Road priority junction has a poor safety record. The nearby pelican crossing and traffic signals, poor visibility, and high flows on London Road are contributory factors. Remedial measures are indicated as part of the road safety programme, but the nature and timing of those works are not indicated within the Transport Assessment.

The poor safety record of the Petteril Bank Road junction is a concern given the increase in traffic flows at the junction, particularly right-turn into Petteril Bank Road (which has a sub-standard ghost island) and the turns out of Petteril Bank Road (which has poor visibility).

A junction improvement is considered necessary to overcome the poor visibility and layout deficiencies so that it can accommodate the additional traffic flows generated by the development.

4. Accessibility

a. Public Transport

It is not clear from the report how the bus travel isochrones have been calculated. For example are waiting and interchange times included?

Waiting facilities at the nearby bus stops should be investigated and any need to upgrade existing facilities should be identified.

Considering a one-hour travel time by bus in my view overstates the accessibility of the site.

b. Cycling

It is not clear from the report what cycle speed has been assumed in order to calculate the isochrones.

c. Pedestrians

It is not clear from the report what walking speed has been assumed in order to generate the isochrones. If the normal assumption of 1.2m/s has been used, then areas beyond the 25-min isochrone are beyond the 13 reasonable walking distance criterion in PPG13.

5. Trip Generation and Assignment

a. Housing Development

TRICS land use category „Private Mixed Housing“ states that no particular dwelling type should predominate by more than 75% (i.e. houses, flats, bungalows etc). However, the illustrative development layout indicates a split of 79% houses and 21% apartments. In trip generation terms, there is a significant difference between houses and apartments, with the trip rates for houses being approximately twice those for apartments. It is my view that separate TRICS 85th percentile rates should be derived for private houses and private apartments.

b. Supermarket Development

The use of TRICS mean trip rates is not considered appropriate and does not comply with CCC's TA Guidelines. A site near to the top of the rank order should be used as a proxy 85th percentile site or the size range should be suitably extended

In the submitted TA a 50% discount has been applied in the number of vehicle trips generated by the foodstore because it is located in a residential area. This discount is not acceptable.

The correct IHT terminology for non-primary trips is „pass-by“ and „diverted“. Given the configuration of the local highway network, diverted trips need to be considered as new trips.

c. Light Industrial Development

From the Planning Statement the industrial units are envisaged to be B1, however TRICS land use category „Industrial Estate“ has been used within the Transport Assessment which mainly consists of sites listed as B2. A more appropriate TRICS category should be used.

d. Committed Development Traffic

In the absence of traffic flows generated by the committed development which have been previously approved by Cumbria County Council, the TA predicts the committed development flows themselves. The use of TRICS mean trip rates is not considered appropriate and does not comply with CCC's TA Guidelines. A site near to the top of the rank order for each element of the committed development should be used as a proxy 85th percentile site or the size ranges should be extended.

e. Assignment of Development Traffic

The TA uses turning proportions taken from the April 2006 traffic surveys to assign vehicle trips generated by the development. This is considered inappropriate.

For example, as shown at Figure B5 in the Transport Assessment, only one-quarter of residential development traffic has been assigned to London Road north (towards the city centre) which is a similar proportion to that assigned to the left-turn out of the site onto Carlial Drive towards the residential areas of Upperby and Currock. This is considered unrealistic. The Upperby/ Currock route is also not considered an attractive rat-run towards the city centre avoiding London Road.

As also shown at Figure B5, vehicle trips generated by the retail element on the development have not been assigned in a similar manner to that used for the committed retail development. Using turning proportions for assignment purposes at the Petteril Bank Road junction results in an assignment for inbound development vehicle trips which differs significantly from that for outbound traffic.

A more appropriate method of assignment should be used for development generated traffic.

6. Operational Assessment

a. Assessment Traffic Flows

Refer to relevant comments above. It is also noted that despite the retail element on

the development, the Transport Assessment does not consider traffic impacts on a Saturday.

b. Junction Capacity Assessment - London Road/ Eastern Way

Refer to relevant comments above.

At the Eastern Way traffic signals junction, observations on site of queue lengths, frequency of call of the pedestrian stage, and green and cycle times are required to enable the results of the models for existing operation to be validated.

The summary results for the existing junction layout should include predicted queues.

While introducing MOVA control at the junction is considered beneficial, I have concerns regarding the suggestion in the TA to extend the left-turn lane on Eastern Way and operating Carloli Drive and Eastern Way in separate stages. First, the Transport Assessment does not make clear whether or not the extended left-turn lane on Eastern Way can be delivered within the adopted highway boundary. Secondly, running the side roads in separate stages is more likely to reduce capacity at the junction than increase it. Instead it is suggested that consideration should be given to introducing an indicative green arrow to assist the right-turn from Eastern Way.

The results of DfT and TRL tests show that the installation of MOVA at junctions typically reduces overall vehicle delay by between 10% and 15%. The actual benefits vary with operation at the junction, i.e. high flow congested junctions are prime candidates. My previous experience suggests that the savings in overall junction delay equate to increasing junction capacity by 3% to 5%.

It is considered that increasing the saturation flow of each lane at a junction by up to 5% represents a reasonable approach for modelling the benefits of MOVA in LINSIG.

The summary results for the proposed junction layout scenarios should include predicted queues. In addition, the model results for the proposed improvements can not be trusted with any degree of certainty unless they are based on existing layout models which have been validated against on-site observations.

It is agreed that running Eastern Way and Carloli Drive in separate stages will represent an improvement in safety at the junction.

c. Junction Capacity Assessment - London Road/ Petteril Bank Road

The model results for future operations with the existing junction layout can not be trusted with any degree of certainty unless they are based on models for existing operations which have been validated against on-site observations.

The arrival profile of vehicles at the Petteril Bank Road junction is directly affected by operation of the Eastern Way and Cumwhinton Road traffic signals. As a result, PICADY is not considered the appropriate modelling tool.

It is suggested that a TRANSYT network is set up covering the Eastern Way, Petteril Bank Road and Cumwhinton Road junctions, along with the pelican crossing immediately north of London Road/ Petteril Bank Road.

d. Parking - Housing Development

No comment.

e. Parking - Supermarket Development

The Transport Assessment does not include an assessment of car parking accumulation for the foodstore.

In accordance with Cumbria County Council's Parking Guidelines, the foodstore should include motorcycle parking spaces.

f. Parking - Light Industrial Development

Refer to my comments above on parking for the foodstore.

There are a number of matters which I feel need to be addressed by the TA, and I list the main issues below:

- The report makes no reference to a Green Travel Plan for the foodstore.
- The April 2006 traffic survey was carried out soon after Easter Monday. A second traffic survey should be undertaken to verify the traffic flows. The report does not include a Saturday assessment.
- Assessment of development traffic at the London Road/ Cumwhinton Road traffic signals junction is not included.
- The results of the models for the London Road/ Carlol Drive/ Eastern Way traffic signals and the London Road/ Petteril Bank Road priority junction have not been validated against on-site observations.
- The LINSIG model for the Eastern Way traffic signals overstates its capacity.
- A junction improvement is considered necessary at the Petteril Bank Road junction to overcome its poor visibility and layout deficiencies and to improve road safety.
- The stagger distance of the foodstore/ B1 units from Welsh Road is considered insufficient.
- Further clarification is required on the isochrones calculated for bus services, cyclists and pedestrians.

More appropriate TRICS 85th percentile trip generation rates should be derived for the residential, supermarket and B1 elements on the development, along with the

committed development on London Road. A 50% discount in the foodstore vehicle trips is not acceptable.

The method of assignment used for development generated traffic is considered inappropriate.

There are concerns regarding the deliverability of the proposed extended left-turn lane on Eastern Way and the capacity benefit of running Eastern Way and Carloli Drive in separate stages.

The use of PICADY and LINSIG to model operations at separate junctions in isolation is considered inappropriate. A TRANSYT network should be set up covering London Road between the Eastern Way and Cumwhinton Road junctions.

The report does not include car parking assessments for the foodstore and the B1 units.

I trust the above is of assistance and suggest that further consideration in particular to the items listed above to produce an adequate Transport Assessment for the development.

Environment Agency (N Area (+ Waste Disp)): Within Flood Zone 1, therefore, Flood Risk Assessment required.

Commercial & Technical Services - Drainage Engineer: The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. The applicant indicates disposal of surface water to an existing drain. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal rather than to an existing drain, as this is the most sustainable method.

No knowledge of flooding issues at this site.

United Utilities (former Norweb & NWWA): Have no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system we may require the flow to be attenuated to a maximum discharge determined by United Utilities.

The developer should be made aware of that there is a trunk main north of the site within a 10 metre easement, 5 metres either side of the centre side of the main.

A water supply can be made available to the proposed development. 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. The water mains will need extended to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 and 43 of the Water Industry Act 1991. Water

pressure in this area is regulated to around 20 metres head. This should be taken into account when designing the internal plumbing.

Should this application be approved the applicant must contact our water fittings section at Warrington.

Any water mains connections to the site must be properly disconnected to prevent the risk of waste and contamination. Any necessary disconnection or diversion of the private mains must have the approval of the pipeline owner and be carried out to our standards at the applicant's expense.

The development is shown to be adjacent to/include our electricity substation site and therefore, it is essential that the applicant check that they are within their own land ownership and that UU maintenance and/or access rights are maintained.

The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also refer to the relevant document produced by the HSE - HS(G) 47-Avoiding danger from underground services.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be made aware of our requirements for access to inspect, maintain, adjust, repair, or alter our substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

Cumbria County Council - (Archaeological Services): Records indicate that the application site lies in an area of some archeological potential. It is located adjacent to the Roman road that ran to the fort and town at Carlisle and Roman finds have been revealed in the vicinity (Historic Environment Record no. 536, 18931 & 18940). The site also lies on raised ground above the River Petteril and would have been an ideal location for prehistoric activity. The geotechnical survey of the site indicated that much of it has been disturbed by 20th century industrial development, but it also identifies areas of minimal disturbance where former ground surfaces exist. It is therefore considered likely that archaeological remains survive in these areas and that they would be damaged or destroyed by the proposed development.

Consequently, it is recommended that an archaeological investigation of the site be undertaken in advance of development and advise that these works be secured by attaching a negative condition to any planning consent you may otherwise be minded to grant. Suggests the following form of word based on the model given in PPG16 (paragraph 30).

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 by the Planning Authority.

This written scheme will include the following components:

- 1) An archeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) An archeological 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;
- iii) where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

Head of Leisure Services: Comments awaited.

Environmental Protection Services: No objections.

Cumbria Constabulary - Crime Prevention: Awaiting response.

Cumbria County Council - Transport & Spatial Planning: The County Council's Development Control and Regulation (DC&R) Committee considered the following application at its meetings on 31st July 2006.

The committee resolved that no objection be raised to the application subject to: Carlisle City Council having regard to the matters set out in paragraphs 3.10, 3.11, 3.14 and 3.20 of the report considered by DC&R on 31st July 2006, and attaching the conditions set out in Annex 1 of this report to any permission that it is mined to grant. A copy of the report to this meeting is enclosed.

No objection being raised to the proposal by the County Council in its role as the Highways Authority and any recommended Highways conditions being incorporated.

Should you or your Development Control/Planning Committee make a contrary recommendation my Council may wish to have further discussions at a joint member meeting. I should also be grateful if you would send me a copy of the Decision Notice of my records.

Planning Services - Urban Designer: Awaiting response.

Local plans and Conservation Manager: Based on an initial impression from the application further time will be needed to consider the reports accompanying the proposal.

The site is identified for mixed use development in the Redeposit Draft Local Plan. On the process through to consultation Members requested that the proposed uses for the site include commercial as well as employment and housing. The proposed application therefore reflects these uses with up to 70% housing (not checked % split), employment and commercial (supermarket). The mixture of uses in itself will pose difficulties in establishing a satisfactory relationship between the uses within the site and the surrounding area. There are no objections to the Local Plan specifically relating to this site and as it is the only brownfield site in the area for housing development it is unlikely to generate issues of prematurity.

The agents have asked what uses for the employment part of the site. Research has

revealed that whilst the Council provides starter units there are fewer workspaces of the next size up for expansion of those businesses. These units would provide for this need. The proximity of these units may leave insufficient space for screening (unless leylandi) which needs to be addressed.

With regards to the supermarket, this will inevitably replace some of the employment space of the site and the applicants would no doubt argue that retail provides employment for some people. Discussion has been around the potential for a discount food operator and the scale should reflect this. Overall this means that the amount of employment on the site is significantly lower than the previous use. I have not had an opportunity to read the submitted report on retail impact, which accompanies the application.


The housing numbers on the site are not significantly different from the numbers indicated in the Redeposit Plan and therefore I do not consider there is an issue with this. The supply position for the urban area as at April 1st 2006 was only 4 years, the allocated sites (Morton) being tied into the Local Plan Inquiry. We have also granted only a few permissions this year on urban housing sites. There is therefore not an issue with the numbers of housing proposed on this site.

Given that there is an indicative layout residential amenity needs to be secured although I note all matters are reserved for this outline application. The site layout indicates it is possible to achieve a mix of units across the site from flats to detached houses which is a good mixture in accord with policy. On detail the central layout looks as if it should be amenity space but happens to be able to accommodate housing. As there is amenity and open space in the vicinity there may be no requirement on this site and I trust that Leisure services will provide more information.

Additional comments on the reports are to follow.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	2 Baird Road	05/06/06
	4 Baird Road	05/06/06
	52	05/06/06
	54	05/06/06
	56	05/06/06
	58	05/06/06
	60	05/06/06
	6 Baird Road	05/06/06
	8 Baird Road	05/06/06
	10 Baird Road	05/06/06
	12 Baird Road	05/06/06
	14 Baird Road	05/06/06
	16 Baird Road	05/06/06
	18 Baird Road	05/06/06
	20 Baird Road	05/06/06
	22 Baird Road	05/06/06
24 Baird Road	05/06/06	

[REDACTED]	26 Baird Road	05/06/06	
[REDACTED]	28 Baird Road	05/06/06	
[REDACTED]	30 Baird Road	05/06/06	
[REDACTED]	32 Baird Road	05/06/06	
[REDACTED]	34 Baird Road	05/06/06	
[REDACTED]	36 Baird Road	05/06/06	
[REDACTED]	38 Baird Road	05/06/06	
[REDACTED]	40 Baird Road	05/06/06	
[REDACTED]	42 Baird Road	05/06/06	
[REDACTED]	44 Baird Road	05/06/06	
[REDACTED]	46 Baird Road	05/06/06	
[REDACTED]	48 Baird Road	05/06/06	
[REDACTED]	50 Baird Road	05/06/06	
[REDACTED]	52 Baird Road	05/06/06	
[REDACTED]	54 Baird Road	05/06/06	
[REDACTED]	56 Baird Road	05/06/06	
[REDACTED]	58 Baird Road	05/06/06	
[REDACTED]	60 Baird Road	05/06/06	
[REDACTED]	62 Baird Road	05/06/06	
[REDACTED]	64 Baird Road	05/06/06	
[REDACTED]	66 Baird Road	05/06/06	
[REDACTED]	68 Baird Road	05/06/06	
[REDACTED]	70 Baird Road	05/06/06	
[REDACTED]	72 Baird Road	05/06/06	
[REDACTED]	74 Baird Road	05/06/06	
[REDACTED]	76 Baird Road	05/06/06	
[REDACTED]	286 London Road	05/06/06	
[REDACTED]	288 London Road	05/06/06	
[REDACTED]	290 London Road	05/06/06	
[REDACTED]	292 London Road	05/06/06	
[REDACTED]	294 London Road	05/06/06	
[REDACTED]	296 London Road	05/06/06	
[REDACTED]	298 London Road	05/06/06	
[REDACTED]	300 London Road	05/06/06	
[REDACTED]	302 London Road	05/06/06	
[REDACTED]	10 Broome Court	05/06/06	
[REDACTED]	12 Broome Court	05/06/06	
[REDACTED]	14 Broome Court	05/06/06	
[REDACTED]	16 Broome Court	05/06/06	
[REDACTED]	18 Broome Court	05/06/06	
[REDACTED]	20 Broome Court	05/06/06	
[REDACTED]	22 Broome Court	05/06/06	
[REDACTED]	24 Broome Court	05/06/06	
[REDACTED]	26 Broome Court	05/06/06	
[REDACTED]	28 Broome Court	05/06/06	
[REDACTED]	30 Broome Court	05/06/06	
[REDACTED]	32 Broome Court	05/06/06	
[REDACTED]	328 London Road	05/06/06	Undelivered
[REDACTED]	330 London Road	05/06/06	
[REDACTED]	1 Petteril Bank Road	05/06/06	
[REDACTED]	3 Petteril Bank Road	05/06/06	
[REDACTED]	5 Petteril Bank Road	05/06/06	
[REDACTED]	7 Petteril Bank Road	05/06/06	
[REDACTED]	9 Petteril Bank Road	05/06/06	
[REDACTED]	11 Petteril Bank Road	05/06/06	
[REDACTED]	13 Petteril Bank Road	05/06/06	
[REDACTED]	15 Petteril Bank Road	05/06/06	
[REDACTED]	17 Petteril Bank Road	05/06/06	
[REDACTED]	19 Petteril Bank Road	05/06/06	
[REDACTED]	21 Petteril Bank Road	05/06/06	
[REDACTED]	23 Petteril Bank Road	05/06/06	
[REDACTED]	25 Petteril Bank Road	05/06/06	

	27 Petteril Bank Road	05/06/06
	345 London Road	05/06/06
	347 London Road	05/06/06
	1 Carliol Close	05/06/06
	2 Carliol Close	05/06/06
	3 Carliol Close	05/06/06
	16	05/06/06
	18	05/06/06
	20	05/06/06
	22	05/06/06
	24	05/06/06
	26	05/06/06
	28	05/06/06
	30	05/06/06
	32	05/06/06
	34	05/06/06
	36	05/06/06
	38	05/06/06
	40	05/06/06
	42	05/06/06
	44	05/06/06
	46	05/06/06
	48	05/06/06
	50	05/06/06

This application has been advertised in the form of Press and Site notices and the direct notification of the occupiers of 103 neighbouring properties. At the time of preparing the report no observations have been received to date.

Details of Proposal/Officer Appraisal:

Planning History:

The site has a relatively extensive site history which since the year 2000 consists of the following:

In January and October 2000, under application nos. 00/0018 and 00/0868 permission was given for the installation of plant to house blast freezers; and, the demolition of tray wash/store and erection of an extension to provide a bakery, boiler house, workshop, and relocation of silo.

In 2001, application 01/0604, permission was given for the erection of a vacuum cooling unit and associated pump house.

In 2002 application 02/0594 permission was granted for demolition of tray store and erection of holding freezer.

Earlier this year under application 06/0638 planning permission was given for the reclamation/remediation of the former factory site.

Details of Proposal:

1. INTRODUCTION

Members will recollect that at their Meeting on the 29th September they resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to: a) no objections being received from the Highways Authority with regard to the revised Transport Assessment, the Council's Green Spaces concerning the proposed contribution towards POS, and, the Government Office for the North West; b) the receipt of a 'Final Development Profile' plan which accords with the plan approved under application 06/0638; c) the imposition of relevant conditions; and, d) the completion of a Section 106 Agreement concerning the provision of affordable housing and the payment of the commuted sum with regard to the POS.

Following this decision subsequent discussions have led the Highways Authority to confirm that they do not have any fundamental objections to the proposal subject to the imposition of relevant conditions. The applicant has also submitted a revised plan showing the intended contours for the site. At the time of preparing the report discussions are ongoing with the Environmental Quality Manager to establish whether the proposed depth of top soil is considered appropriate.

In such circumstances an updated report will be presented to Members but what follows is a resume of the current proposal.

2. SITE DESCRIPTION

This application relates to the former Cavaghan and Gray factory located on the southern side of London Road to the east of the junction with Carloli Drive and Eastern Way. The site is bounded to the south by dwelling houses fronting Baird Road, and, to the east by Petteril Bank Road.

The site is 3.3ha (8.1 acres) in area and approximately 39 metres Above Ordinance Datum (AOD). The property comprised of a bakery; a food production factory; a pastry building; and several smaller ancillary buildings and stores. The site was previously used as a food manufacturing plant for the production of potato topped fish meals, frozen baby food, and, Heinz food production. The majority of the site was covered by hardstanding. Some small grassed and planted areas exist in the south-east corner and between the factory building and the bakery. A house and associated garden at the Junction of London Road and Petteril Bank Road is included as part of the site. Three electricity sub-stations are present on site which are understood to have supplied the manufacturing processes. Two water abstraction boreholes are located within the site. Access to the site can be via London Road, Carloli Drive and Petteril Bank Road.

3. BACKGROUND INFORMATION ON THE APPLICATION

The submitted application seeks outline permission for a mixed use scheme comprising the demolition of the existing structures and the re-development of the site for residential, a foodstore, and, Use Class B1(c) light industrial units. An illustrative layout plan indicates that approximately 70% of the site would be for residential purposes with the remainder consisting of a single storey foodstore of 1635 square metres gross, and, four B1(c) units each of 2,750 square metres. Vehicular access to the residential element of the site will be achieved from Carloli

Drive whilst the foodstore and light industrial units will be accessed from Petteril Bank Road.

The application is accompanied by a Transport Assess, Retail Assessment, Design Statement, Planning Statement, and, an Air Quality Assessment.

The Transport Assessment (TA) indicates that the development proposals can be accommodated by the existing highway network with some recommended improvements at the London Road/Eastern Way junction concerning lane widening and signal controls. The TA also recommends that further accident investigation work is undertaken at the London Road/Eastern Way junction.

The Retail Assessment concludes that:

- The proposed foodstore will serve a local catchment;
- There is a clear qualitative need for the development, with the catchment benefiting from a discount type of food operator within an accessible location and also providing a physical and social regeneration benefit;
- The foodstore will provide the opportunity for linked trips to the nearby Petteril Bank neighbourhood shopping centre. There will be no adverse impact on vitality and viability of the convenience retail offer within the catchment area, and it may indeed support the neighbourhood centre which may otherwise decline.

The Design Statement sets out the principles behind the design and layout.

The Planning Statement highlights, amongst other things, that:

- The situation in respect of residential amenity is particularly relevant as the Cavaghan and Gray operations were run on a 24 hour day, 7 days a week basis which as a B2 (General Industrial) operation attracted complaints in particular with regard to noise and odours;
- The Redeposit Local Plan contain a site specific policy allocating 70% of the site for residential development, with the balance being seen as a possible opportunity for commercial development, including employment units.
- The current application relates to a brownfield site which is in a sustainable location with accessibility to a range of jobs and services by a variety of means of transport.
- The proposed mixed use development is in accordance with Government advice in PPS1, PPG3 and PPG13.
- The former operations at the site were clearly no longer able to meet modern day requirements and furthermore they were constructed to meet the particular needs of a specific business.

- The provision of modern dwellings will provide a diverse range of housing types and sizes.
- The proposal will deliver the requirements for the provision of open space or alternatively a financial contribution to upgrade existing local facilities.
- The development will also make a contribution to assisting those local households who cannot afford to buy their own home.
- The application is providing a net addition to the supply of Local Employment Sites, as a "windfall" opportunity. Although the application is being made on a speculative basis, but based on the English Partnerships Employment Densities, there is an indication that about 100 jobs could be provided in the small business units and foodstore.

The Air Quality Assessment concludes that concentration levels would generally increase following the proposed development, although this increase would be marginal, and, no exceedences of current UK Air Quality Strategy objectives have been predicted.

4. ASSESSMENT OF THE PROPOSAL

When the application was considered at the previous Meeting of the Committee it was held that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:

- i) Whether the application was premature in advance of the Inquiry considering the Carlisle District Local Plan (Redevelopment Draft)
- ii) Whether the proposed residential development of the site was appropriate in the light of its allocation for employment use in the current Local Plan, and, with regard to retail policy;
- iii) Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
- iv) Whether the proposal would be detrimental to the amenities of neighbouring residents;
- v) Whether the proposal would be detrimental to the character of the area;
- vi) Whether the proposal meets the objectives of the Development Plan with regard to the provision of a play area/public open space;
- vii) Whether the proposal meets the objectives of the Development Plan with regard to security and provision of Public Art;
- viii) Whether the proposal would be detrimental to highway safety.

In the light of the awaited comments an updated report will be presented to

Members during the Meeting.

Human Rights Act 1998

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

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

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

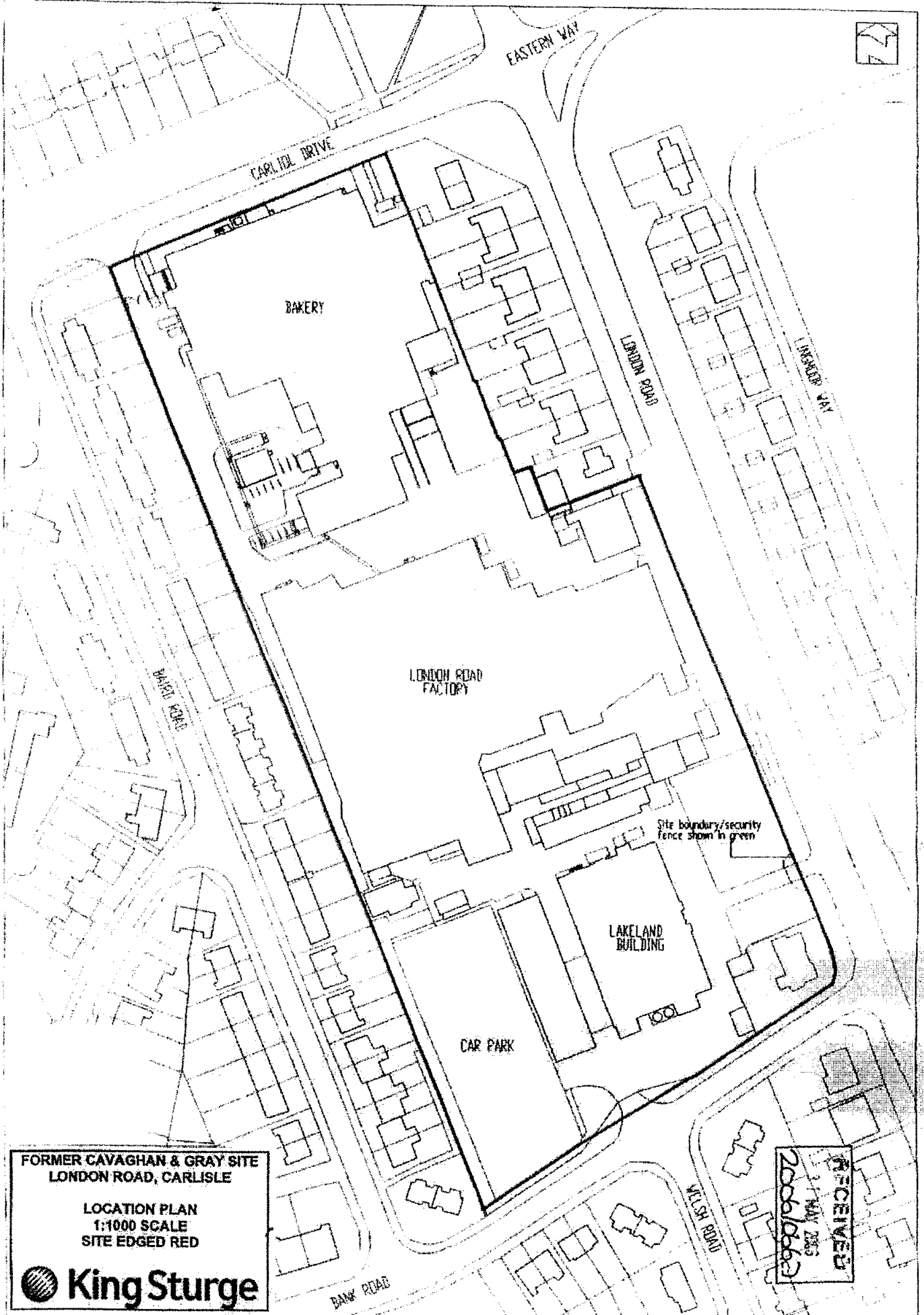
Article 8 recognises the "Right To Respect for Private and Family Life";

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

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report the formal observations of the Environmental Quality Manager are awaited.

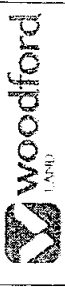


FORMER CAVAGHAN & GRAY SITE
LONDON ROAD, CARLISLE

LOCATION PLAN
1:1000 SCALE
SITE EDGED RED

King Sturge

RECEIVED
 3 MAY 2005
 2005/0662



Job Title: LONDON ROAD CARLEISLE

Drawing Title: DEVELOPMENT SITE LAYOUT

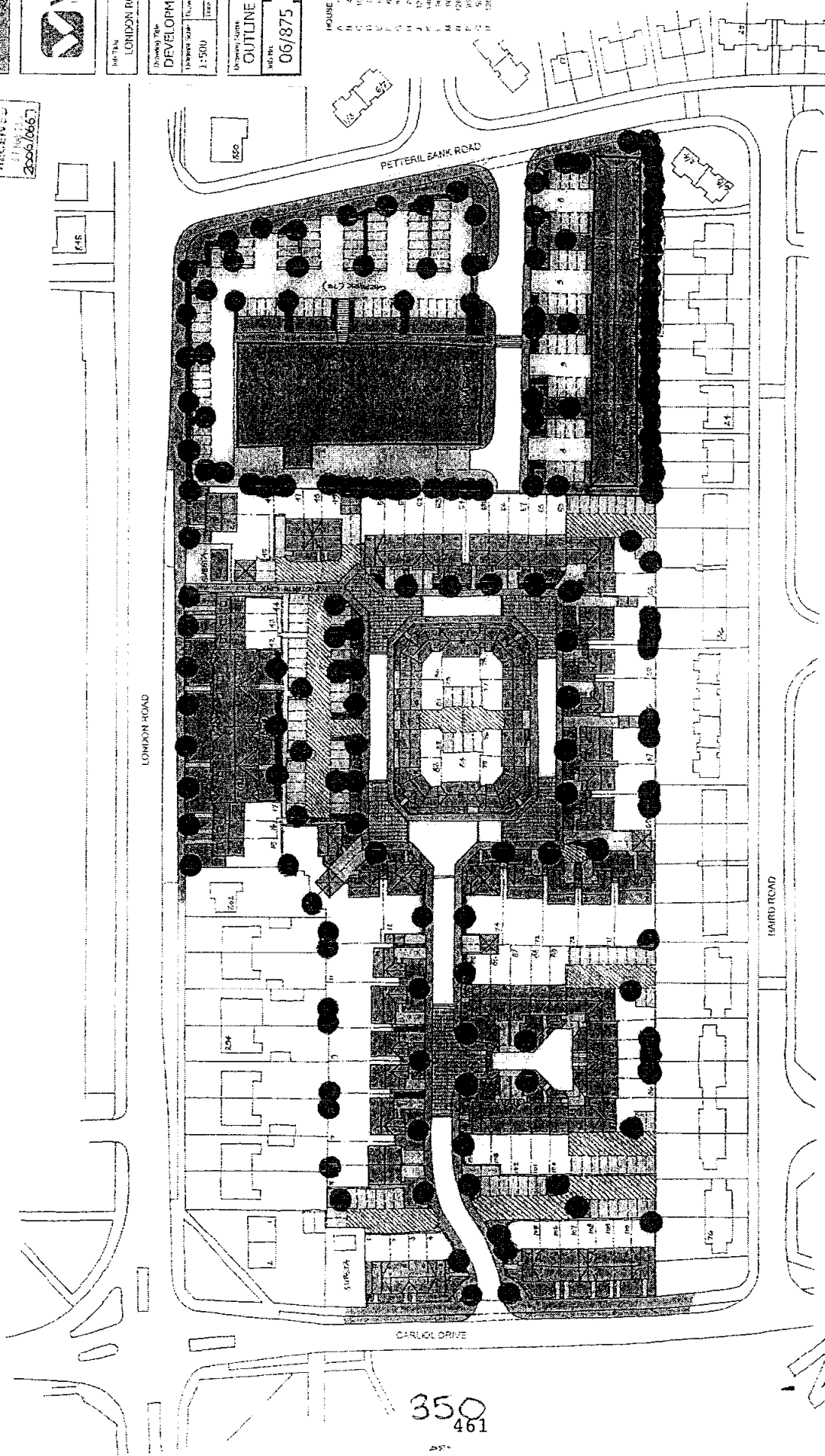
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Issue No: 001	Check: []	Date: []

Drawing No: 06/875 SK02

HOUSE TYPES

NO'S	HOUSE TYPE	NO'S
1	A	11
2	B	12
3	C	13
4	D	14
5	E	15
6	F	16
7	G	17
8	H	18
9	I	19
10	J	20
11	K	21
12	L	22
13	M	23
14	N	24
15	O	25
16	P	26
17	Q	27
18	R	28
19	S	29
20	T	30
21	U	31
22	V	32
23	W	33
24	X	34
25	Y	35
26	Z	36
27	AA	37
28	AB	38
29	AC	39
30	AD	40
31	AE	41
32	AF	42
33	AG	43
34	AH	44
35	AI	45
36	AJ	46
37	AK	47
38	AL	48
39	AM	49
40	AN	50
41	AO	51
42	AP	52
43	AQ	53
44	AR	54
45	AS	55
46	AT	56
47	AU	57
48	AV	58
49	AW	59
50	AX	60
51	AY	61
52	AZ	62
53	BA	63
54	BB	64
55	BC	65
56	BD	66
57	BE	67
58	BF	68
59	BG	69
60	BH	70
61	BI	71
62	BJ	72
63	BK	73
64	BL	74
65	BM	75
66	BN	76
67	BO	77
68	BP	78
69	BQ	79
70	BR	80
71	BS	81
72	BT	82
73	BU	83
74	BV	84
75	BW	85
76	BX	86
77	BY	87
78	BZ	88
79	CA	89
80	CB	90
81	CC	91
82	CD	92
83	CE	93
84	CF	94
85	CG	95
86	CH	96
87	CI	97
88	CJ	98
89	CK	99
90	CL	100
91	CM	101
92	CN	102
93	CO	103
94	CP	104
95	CQ	105
96	CR	106
97	CS	107
98	CT	108
99	CU	109
100	CV	110
101	CU	111

MERCURY
LONDON
2-556/6667



350
461

SCHEDULE B: Reports Requiring Further Information

06/1091

Item No: 23

Date of Committee: 15/12/2006

Appn Ref No:
06/1091

Applicant:
Darby Macy
Developments Ltd

Parish:

Date of Receipt:
25/09/2006

Agent:
Denovo Design Ltd

Ward:
Denton Holme

Location:
McKnight and McIntosh, Denton Business Park,
Denton Street, Carlisle CA2 5EL

Grid Reference:
339757 554725

Proposal: Demolition of existing buildings and redevelopment of entire site to provide 81 apartments and 1 no.house with ancillary parking together with three storey commercial units on Denton Street frontage (use class B1)

Amendment:

REPORT

Reason for Determination by Committee:

This is a Major application of local interest.

Planning Policies:

Flood Risk Zone

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or

cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST5 : New development and key service centres outside the Lake District National Park

New development will be focused on the key service centres as set out below:

	Development emphasis	Major development of regional towns and cities	Sustained development of large towns	Moderate development appropriate to scale of town
City of Carlisle	Fostering regional role see Policy	Carlisle		

ST8

North Cumbria	Sustaining rural services see Policy ST9			Brampton, Longtown, Wigton
Furness and West Cumbria	Securing regeneration see Policy ST10	Barrow In Furness	Maryport, Ulverston, Whitehaven, Workington	Aspatria Cleator Moor, Cockermouth, Dalton in Furness, Egremont, Silloth, Millom
South and East Cumbria	Meeting local needs, see Policy ST11		Kendal Penrith	Alston, Appleby, Grange over Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe

The scale of development should be appropriate to the size and role of each key service centre and reflect the development emphasis of Policies ST8 – ST11, but as a minimum requirement provision should be made in each key service centre for:

1. a supply of new housing over the whole plan period,
2. an appropriate supply of readily available land in the Local Employment Site market sector,
3. a high level of transport accessibility, and
4. the ability to connect to high speed communications technology.

To ensure consistency with policies EM13 and H17 it will be the role of Local Planning Authorities to manage the above supply of land, particularly in areas of high demand to avoid over provision of development.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 **Policy ST8: The City of Carlisle**

The City of Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. A range of employment opportunities including a Regional Investment Site at

Kingmoor will be provided. Opportunities will be taken to strengthen links to employment uses at Kingmoor by all forms of transport. The role of Carlisle airport and its potential for contributing to economic activity within the city will be supported. New housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. In accommodating new development regard should be had to the city's historic character.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 **Policy EM13: Employment land provision**

Local Plans will ensure that there is the following supply of readily available land for employment purposes in the following Sub County Areas, Employment Land Market Sectors and outside the National Park at the start of each period indicated:

Sub County Area	Employment Land Market Sectors	Period		
		2001-2006 (Ha)	2006-2011 (Ha)	2011-2016 (Ha)
City of Carlisle	Regional Investment Site.~	15	20	15
	Strategic Employment Site	10	10	10
	Local Employment Site	15	15	15
	Business/Science Park	5	10	10
<hr/>				
North Cumbria				
Carlisle	Strategic Employment Site+	6	6	6
	Local Employment Site	5	5	5
Allerdale	Local Employment Site	2	2	2
<hr/>				
Furness & West Cumbria				
Allerdale	Strategic Employment Site+	20	20	20
	Local Employment Site	10	10	20
	Business/Science Park	3	5	5
	Port Related	7#	0	0
Copeland	Strategic Employment Site+	5	5	5
	Local Employment Site	13	13	13
	Business/Science Park*	10	10	10
Barrow In Furness	Strategic Employment site	5	5	5
	Local Employment Site	7	7	7
	Business/Science Park	5	5	5
	Port Related	0	11#	0
South	Strategic Employment Site	0	5#	0

Lakeland	Local Employment Site	3	3	3
	Business/Science Park	3	3	3
South & East Cumbria				
Eden	Strategic Employment Site	5	10	10
	Local Employment Site	7	7	7
	Business/Science Park	3	3	3
South Lakeland	Strategic Employment Site	5	5	0
	Local Employment Site	5	5	5
	Business/Science Park	3	3	3
Lake District National Park	Local Employment Site (B1 and B2 uses only)		3	

* Includes Strategic Regional Site identified by the NWDA at Westlakes, Copeland
Carry over provision to the next period if not completed
~ Kingmoor, Carlisle listed in RPG as a Regional Investment Site
+ Carlisle Airport

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy EM14: Development of employment land for other purposes

Outside the Lake District National Park, the development of existing employment sites, premises and land allocations for non-employment or mixed uses will be considered where it can be demonstrated that over the Structure Plan period either:

- a) The site or premises is likely to remain unsuitable for employment purposes; or
- b) The retention of the site or premises in employment use is not needed to meet the requirements of Policy EM13 including the requirement that each Key Service Centre retains an appropriate supply of land within the Local Employment site Market Sector.

Within the Lake District National Park, permission will not be given for the redevelopment or use for other purposes of land and buildings with an established business use for Class B1, B2 or B8 of the Use Classes Order, or of land identified for employment use in a Local Plan or Local Development Documents, unless it can be demonstrated to be unsuitable for business purposes or, exceptionally, viable alternatives are readily available in the locality.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy H17: Scale of housing provision

Land will be made available for new housing until 2016 by the granting of planning permission for the following scale of new dwellings (net additions):

Annual Average Dwellings permitted during period of:

	2002-2006	2006-2011	2011-2016
City of Carlisle	250	250	250
North Cumbria			
Allerdale	40	40	40
Carlisle	65	65	65
Furness and West Cumbria			
Allerdale	210	210	210
Barrow	110	110	110
Copeland	190	190	190
South Lakeland	70	70	70
South and East Cumbria			
Eden	170	170	170
South Lakeland	195	195	195

Completion rates and the take up of planning permissions will be monitored to ensure building rates are sufficiently high to meet the objectives of Policies ST8 to 11 and are broadly compatible with Regional Planning Guidance.

The unique characteristics of the Lake District National Park means that housing will only be permitted to meet the needs of the locality, in line with Policy ST12. No specific level of provision is set within the National Park but any permissions that are granted within the Park will not be counted against District Council targets.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy H18: Targets for the recycling of land and buildings

During the period 2002 to 2016 at least 50% of housing constructed in Cumbria should use previously developed land and buildings. To achieve this, the following local targets will apply to planning permissions granted in the period 2002 to 2016:

	%
City of Carlisle	65
North Cumbria	
Allerdale	40
Carlisle	40
Furness and West Cumbria	
Allerdale	70
Barrow	85
Copeland	70
South Lakeland	50
South and East Cumbria	
Eden	30
South Lakeland	50

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy H19: Affordable housing outside the Lake District National Park

Affordable housing to meet proven local need will be provided through:

1. the provision of an element of affordable housing as part of residential or mixed use development of sites of more than 0.4 hectares or 10 or more dwellings, or
2. the development of affordable housing in rural sites considered an exception to normal planning policy contained in Local Plans.

Adequate arrangements must be made to ensure that the housing remains available on an affordable basis for local people in perpetuity.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Transport - Policy T30: Transport Assessments

Transport assessments will be required for development proposals in accord with national guidance. In the interim proposals which either individually or cumulatively meet the following scale of development will require a transport assessment:

1. residential development in excess of 100 units, or
2. employment uses in excess of 5,000 sq. m gross floorspace, or
3. other developments in excess of 1,000 sq. m gross floorspace, or
4. hotel developments in excess of 100 bedrooms, or
5. caravan or similar holiday sites in excess of 100 units, or
6. any development that either generates in excess of 100 heavy goods vehicles per day or 100 vehicle movements in any hour, or
7. any development that materially adds to local congestion, or
8. any development that may impact on the trunk road network.

Carlisle District Plan

Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan

Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan

Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve

the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan Environment - Policy E56

When considering proposals for new development including changes of use where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to , from and within buildings. In addition the City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and other s with mobility problems.

Carlisle District Plan Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan Transport - Proposal T3

Proposals for development which materially increase the traffic movement on the road network will need to be accompanied by a Traffic Impact Assessment. The City Council will usually require any road improvements or new highways, identified as being necessary by the assessment, to be funded by the developer. Such work should be consistent with the role and function of the highway. In the case of trunk roads all the costs will be borne by the developer and the scheme should be designed to be consistent with the Development of Environment, Transport and Regions' design horizon.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

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

Carlisle District Plan Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

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

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

5. Leads to a loss of housing stock.

**Carlisle District Plan
Employment - Proposal EM2**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

**Carlisle District Plan
Employment - Proposal EM17**

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

**Carlisle District Plan
Leisure - Proposal L9**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP1 - Sustainable Development Locations

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

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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and 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 rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP9 - Sustainable Drainage Systems

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees

3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP16 - Planning Out Crime**

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

The following points should applied to all development proposals:

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

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Economic and Commercial Growth - Policy EC1- Primary Employment Areas**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
2. the proposed alternative use provides for needed community building or public amenity space; or
3. the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
4. the alternative development would be appropriate in terms of scale and design to

the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H1 - Location of New Housing Development

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H3 - Residential Density

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H4 - Residential Development on Previously Developed Land and Phasing of development

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE28 - Developed Land in Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

1. no other lower risk alternative site exists; and
2. flood defence measures to the appropriate standard are already in place or can be provided; and
3. adequate flood plain storage capacity can be provided; and
4. the development will not interfere with flood flows nor increase flood risk elsewhere; and
5. access and egress could be reasonably maintained at times of flood risk; and
6. adequate flood warning and evacuation procedures will be provided; and
7. mitigation measures will be provided where necessary; and
8. the building materials are appropriate for a flood risk area.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Further to the Development Control Group Meeting of 12th October 2006 I would advise of grave reservations about this redevelopment from the Highway & Transport perspective.

Firstly, the site is currently not allocated as Residential in the Local Plan, whilst it is on the border of existing residential areas, this is also a business/commercial area close to the City Centre and there are a number of business premises to the north and a thriving metal fabrication business on the site, which I understand is not looking to cease business as stated in the Application documents. The area is well served by a highway network (Blencowe Street/Junction Road) from the B5299 main distributor road and I do not feel this loss of a well served industrial site should be taken lightly. I note there is currently 6,600 sq ft. warehouse type building vacant and being marked by Walton & Goodland to the north and it would be prudent to see what demand there has been for this. I seriously question the proposed shops on the Denton Street frontage, there are already a number of vacant shops on this street, some of which are already being proposed for other uses.

From a point of view of sustainable transport there should be a pedestrian/cycle link onto Denton Street as this is the local service centre, bus route and way to the Caldew cycleway and Town Centre/Railway Station.

Collingwood Street is a one way street and cobbled with the idea of limited vehicular use from preference I would wish to see this frontage built up with no vehicular access. The main access and cul-de-sac layout from Blencowe Street is good, however, I would not countenance this being a private street unless there is some form of overall maintenance management plan for the proposed housing. If being sold as private homes this should be an estate road constructed to Design Guide standards.

Finally it should be noted around half of the site is the former NE&NB Joint Railway corridor that has been identified in the Carlisle Renaissance Transportation proposals for an inner ring road to allow further removal of through traffic from the City Centre. Whilst these proposals have yet to be incorporated into statutory documents such as the Local Development Framework and Local Transport Plan it would appear inopportune to further this housing proposal at this juncture.

Environment Agency (N Area (+ Waste Disp)): The site is located within Flood Zone 3 as defined in Table 1 of PPG25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at high risk from fluvial flooding which shows the extent of floods with a 1% annual probability of occurrence. Table 1 of PPG25 (Development and Flood Risk) recommends that for planning applications within a high risk flood zone, a Flood Risk Assessment (FRA) appropriate to the scale and nature of development, should be provided by the applicant.

A FRA undertaken by Faber Maunsell has been provided with the application. The FRA has been undertaken in accordance with current guidance, addresses the main areas of concern and provided additional information.

Providing the conclusions and recommendations made in 15.1 p.60 of the FRA are given due consideration, and where appropriate taken forward into the detailed design measures, then we have no objection to the proposal in terms of flood risk.

The Agency has no objection in principle to the proposed development subject to the

inclusion of conditions on any planning permission which meet the following requirement.

Surface Water Disposal

In accordance with the FRA, the Agency would recommend that any developer incorporates some form of Sustainable Drainage System (SuDS) to mitigate the impact that the creation of large impermeable areas would have on the local surface water drainage system. Alternatively, the Agency would request that the run-off to surface water to the existing surface water infrastructure is maintained at the existing rates.

Condition: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Finished Floor Levels

The FRA considers the existing situation and a hypothetical viewpoint which considers the existing flood defence future improvements. The FRA does not however discount residual risk and maintains a precautionary approach in relation to the setting of finished floor levels for living accommodation.

Condition: Finished ground floor habitable levels shall be set at a minimum level of 18.00m AOD. This equates to the revised current 1:100 year flood levels plus a 200mm allowance for climate change, plus a further 600mm for freeboard.

Reason: To ensure an appropriate minimum principal standard of defence is in place to accordance with the Flood Risk Assessment (FRA), and to minimise risk to life and property during time of potential flooding.

Condition: No development approved by this permission shall be commenced until details of construction materials and their resistance to floodwaters have been submitted to and approved by the Local Planning Authority. The materials shall be used in construction of the development in accordance with the submitted details.

Reason: To mitigate the effects of flooding on the development

Condition: No development approved by this permission shall be commenced until details confirming the location and routing of electrical sockets and services have been submitted to and approved by the Local Planning Authority. The electrical services shall be installed in accordance with the approved plans.

Reason: To mitigate the effects of flooding on the development.

Use of Suds

In line with environmental good practice and source control of quantity and quality of surface water run-off we would strongly advocate the use of sustainable drainage techniques. For residential developments we would encourage the use of porous paving systems and roof water recycling.

Development that increases impermeable area and discharges surface water directly to positive drainage systems and thence to receiving watercourses without attenuation or treatment is detrimental to ecology and flood risk management.

Condition: Prior to the commencement of any development, a scheme for the provision and implementation of a flood warning and action plan shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority.

Reason: To ensure that occupiers are informed of the flood risk, warning and evacuation procedures in accordance with Planning Policy Guidance Note 25 Development and Flood Risk (PPG25).

Condition: Prior to the commencement of any development a study of foul sewer discharges should be undertaken to ensure that no back flow could affect the development during high river levels.

Reason: To reduce the risk of flooding by ensuring the provision of a satisfactory means of foul sewage disposal.

Potentially Contaminated Land

The Agency's Contaminated Land Officer, Caroline Nisbett has examined the Desk Study Report and concurs with its conclusion that an intrusive investigation is required at this site to determine the potential risk to controlled waters, namely the River Caldeu and the aquifer from this site. We would therefore request the inclusion of the following condition on any planning permission:

Condition: No development approved by this planning permission shall be commenced until:

a) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected and,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

b) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

Where there are planning conditions requiring the submission of information (site investigation, remediation method statement and remediation verification report) in relation to either Special Sites or pollution controlled waters then the Agency would like to be consulted by the Local Planning Authority.

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

The applicant indicates disposal of surface water to an existing system, this was not clarified in the application. However, in the first instance the applicant should investigate the use of soakaways for surface water disposal, as this is the most sustainable method.

The proposed site is located within a flood risk area and as such the applicant should consult with the Environment Agency for advice.

United Utilities (former Norweb & NWWA): A public sewer crosses the south east corner of this site and we will not permit building over it. We will require an access strip of no less than 6 metres wide, measuring at least 3 metres either side of the centre line of the sewer for maintenance or replacement. If a diversion of the affected public sewer is required it will be at the applicant's expense. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Wastewater Adoptions Engineer as lengthy lead in period may be required if a sewer diversion proves to be acceptable.

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

A water supply can be made available to the proposed development.

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Section 41,42 and 43 of the Water Industry Act 1991. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Water pressure in this area is regulated to around 20 metres head. This should be taken into account when designing the internal plumbing.

Should this application be approved the applicant must contact our water fitting

section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 2DS.

The applicant is advised to contact UU Networks, Hadrians Mill, Nelson Street, Carlisle, CA2 5BJ in order to discuss the matter in more detail.

The development is shown to be adjacent to include our electricity substation site and therefore, it is essential that the applicant check that they are within their own land ownership and that United Utilities maintenance and/or access rights are maintained.

The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to a relevant document produced by the Health & Safety Executive, which is available from the Stationary Office Publications Centre and the Stationary Office Bookshops, and advised to follow the guidance given. The document is as follows:- HS(G) 47 - avoiding danger from underground services.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter out substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

Cumbria County Council - (Archaeological Services): Do not wish to make any recommendations or comments.

Cumbria County Council (Strategic Planning Authority): The proposal involves a significant housing development, with 368sq m of B1 floorspace in an accessible location, on previously developed land in Carlisle (a Key Service Centre).

Whilst the proposal would involve the loss of employment land this is not considered of a scale to undermine the strategic policies of the Structure Plan. The proposal retains an element of employment activity and provides this in modern premises.

It is therefore recommended that no objection be raised to the proposal, although the City Council will need to give detailed consideration as to the implications of the loss of an existing employment site arising from the proposal.

Should the City Council be minded to approve the scheme, they must also address the issues of the need for affordable housing and consider the phasing of units as part of the wider management of overall housing supply in the City. In addition, whilst the development complies with the transport related policies it is considered appropriate that a cycle/pedestrian link be provided onto Denton Street and that vehicular access to the site be via Blencowe Street only.

Environmental Protection Services: From a contaminated land view point it is recommended that the following conditions should be imposed:

1) No part of the development hereby permitted shall commence until:

(a) there has been submitted to and approved by the Local Planning Authority ("the LPA") in writing a methodology for site investigations and assessments,

(b) following approval of the methodology by the LPA as provided for in paragraph (a) above such site investigations and assessments as are referred to therein have:

(i) been carried out in accordance with British Standard 10175:2001 "Investigation of potentially contaminated sites – code of practice" and current Government and Environment Agency guidance, and by appropriately qualified personnel; and

(ii) identified the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary and the laboratories used for analysis of samples shall be registered to the ISO 17025:2000 quality standard,

(c) following the carrying out of such site investigations and assessments as provided for in paragraph (b) above there has been submitted to and approved in writing by the LPA a remediation scheme ("the Remediation Scheme"), which shall:

(i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals,

(ii) include a remediation and verification methodology comprising a sampling and analysis programme to confirm the adequacy of decontamination; and

(iii) provide for an appropriately qualified person to oversee the implementation of all remediation ("the Remediation Scheme").

(d) all measures as are identified in the Remediation Scheme have been undertaken in accordance with the Implementation Timetable and any measures at variance with the Remediation Scheme have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and ,

(e) there has been submitted to and approved by the LPA a report which shall

include details of the following:

- i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,
- (ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
- (iii) future monitoring proposals and reporting

Reason: To protect the environment and prevent harm to human health.

2) No development hereby permitted shall be commenced until:

(a) A site investigation ("The Site Investigation") has been carried out to include monitoring for methane gas and carbon dioxide, such monitoring to be carried out over a period of at least 2 calendar months duration with a minimum of 12 bore holes and four readings taken over that period,

(b) There have been submitted by way of report to the Local Planning Authority ("the LPA") the results of the Site Investigation together with, for approval by the LPA, a scheme of any remedial measures which are identified in the Site Investigation as necessary to combat effectively any risk to future occupiers and property from methane gas and/or carbon dioxide ("the Scheme"); and

(c) Following approval in writing by the LPA of the Scheme or agreement in writing by the LPA that no remedial measures are necessary, the development shall be undertaken in complete accordance with the Scheme.

Reason: To ensure that any risks which may arise from the generation of migratory gas from the adjacent former land fill site are minimised.

Comments re. noise are awaited.

Development Services Planning & Housing Services - Access Officer:

Awaiting comments.

Development Services Planning & Housing Services - Local Plans (Trees):

Details of the tree and shrub species, size at time of planting and density of planting, and, the new steel railings should be supplied.

Planning & Housing Services - Housing Strategy: Awaiting comments.

Cumbria Constabulary - Crime Prevention: Following an earlier DTG meeting on the 9th June 2006, I am encouraged to note the contents of a more detailed 'Secured by Design' (SBD) section of the Design and Access Statement and reference to Policy CP16 (Planning Out Crime) within the Planning Statement.

The SBD section provides detailed responses to security and community safety issues raised after the first DTG and confirms the applicants intention to comply fully with current SBD criteria. The applicants have stated that their intention to prevent and deter casual intrusion by discarding the proposal for a pedestrian access into Denton Street and controlling access at Collingwood Street and Lorne Crescent with electronic locking vehicle and pedestrian gates. These measures shall deter the development being used as a shortcut to reach amenities in Denton Street, reducing the opportunities for anti-social activity occurring.

I am also encouraged to note the inclusion of security standard products at the block access doors and each apartment door.

However, I maintain my concerns over the security of the undercroft parking areas (as residents will likely only be able to view their neighbour's vehicles in an adjacent block and not their own, concealed underneath the building). I feel it would be far more prudent to reconfigure these spaces as garages and allocate them as required to residents.

I am concerned that the proposed scheme will not create a neighbourhood (a cohesive community where the residents accept mutual responsibility) in which unacceptable behaviour would be noted and challenged. The elevated accommodation will have the effect of detaching the ground floor spaces from the care and control of residents. It is this issue that I believe does not comply with the SPG 'Designing Out Crime in Residential Areas'.

I have other minor concerns in respect of

Landscaping. The choice of species of trees will prevent natural surveillance from first floor level (and above) into the ground floor spaces due to the spreading habit of canopies.

Apparently superfluous pedestrian access in Denton Street (adjacent to the last commercial unit). If retained, gates should be full height and situated to each build line. The interior access point is heavily landscaped, preventing natural surveillance into this area and should be illuminated throughout darkness.

Discrepancy between the 'SBD' statement and annotation on drawings referring the access control technology to the stairwells. I recommend these should be visual confirmation systems, not audio intercoms.

Development Services Planning & Housing Services - Local Plans: Awaiting comments.

Development Services Planning & Housing Services - Urban Designer: Awaiting comments.

Cumbria County Council - Transport & Spatial Planning: Awaiting comments.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED]	2 Collingwood Street	29/09/06
[REDACTED]	4 Collingwood Street	29/09/06
[REDACTED]	7 Blencowe Street	29/09/06
[REDACTED]	9 Blencowe Street	29/09/06
[REDACTED]	11 Blencowe Street	29/09/06
[REDACTED]	13 Blencowe Street	29/09/06
[REDACTED]	15 Blencowe Street	29/09/06
[REDACTED]	17 Blencowe Street	29/09/06
[REDACTED]	19 Blencowe Street	29/09/06
[REDACTED]	42 Denton Street	29/09/06
[REDACTED]	65 Denton Street	29/09/06
[REDACTED]	67 Denton Street	29/09/06
[REDACTED]	69 Denton Street	29/09/06
[REDACTED]	71 Denton Street	29/09/06
[REDACTED]	73 Denton Street	29/09/06
[REDACTED]	75 Denton Street	29/09/06
[REDACTED]	77 Denton Street	29/09/06
[REDACTED]	79 Denton Street	29/09/06
[REDACTED]	81 Denton Street	29/09/06
[REDACTED]	83 Denton Street	29/09/06
[REDACTED]	85 Denton Street	29/09/06
[REDACTED]	87 Denton Street	29/09/06
[REDACTED]	89 Denton Street	29/09/06
[REDACTED]	91 Denton Street	29/09/06
[REDACTED]	93 Denton Street	29/09/06
[REDACTED]	95 Denton Street	29/09/06
[REDACTED]	Sandersons	29/09/06
[REDACTED]	Mitchell Dryers Ltd	29/09/06
[REDACTED]	6 Collingwood Street	29/09/06
[REDACTED]	8 Collingwood Street	29/09/06
[REDACTED]	10 Collingwood Street	29/09/06
[REDACTED]	12 Collingwood Street	29/09/06
[REDACTED]	14 Collingwood Street	29/09/06
[REDACTED]	16 Collingwood Street	29/09/06
[REDACTED]	18 Collingwood Street	29/09/06
[REDACTED]	20 Collingwood Street	29/09/06
[REDACTED]	22 Collingwood Street	29/09/06
[REDACTED]	24 Collingwood Street	29/09/06
[REDACTED]	36 Collingwood Street	29/09/06
[REDACTED]	38 Collingwood Street	29/09/06
[REDACTED]	40 Collingwood Street	29/09/06
[REDACTED]	42 Collingwood Street	29/09/06
[REDACTED]	44 Collingwood Street	29/09/06
[REDACTED]	46 Collingwood Street	29/09/06
[REDACTED]	48 Collingwood Street	29/09/06
[REDACTED]	50 Collingwood Street	29/09/06
[REDACTED]	52 Collingwood Street	29/09/06
[REDACTED]	54 Collingwood Street	29/09/06
[REDACTED]	56 Collingwood Street	29/09/06
[REDACTED]	58 Collingwood Street	29/09/06
[REDACTED]	60 Collingwood Street	29/09/06

	62 Collingwood Street	29/09/06	
	64 Collingwood Street	29/09/06	
	66 Collingwood Street	29/09/06	
	68 Collingwood Street	29/09/06	
	70 Collingwood Street	29/09/06	
	72 Collingwood Street	29/09/06	
	74 Collingwood Street	29/09/06	
	76 Collingwood Street	29/09/06	
	78 Collingwood Street	29/09/06	
	1 Collingwood Street	29/09/06	Undelivered
	3 Collingwood Street	29/09/06	
	5 Collingwood Street	29/09/06	
	7 Collingwood Street	29/09/06	
	9 Collingwood Street	29/09/06	
	11 Collingwood Street	29/09/06	
	13 Collingwood Street	29/09/06	
	15 Collingwood Street	29/09/06	
	17 Collingwood Street	29/09/06	
	19 Collingwood Street	29/09/06	
	21 Collingwood Street	29/09/06	
	23 Collingwood Street	29/09/06	
	25 Collingwood Street	29/09/06	
	27 Collingwood Street	29/09/06	
	29 Collingwood Street	29/09/06	
	31 Collingwood Street	29/09/06	
	33 Collingwood Street	29/09/06	
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	37 Collingwood Street	29/09/06	
	39 Collingwood Street	29/09/06	
	41 Collingwood Street	29/09/06	
	43 Collingwood Street	29/09/06	
	45 Collingwood Street	29/09/06	
	47 Collingwood Street	29/09/06	
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	63 Collingwood Street	29/09/06	
	65 Collingwood Street	29/09/06	
	67 Collingwood Street	29/09/06	
	69 Collingwood Street	29/09/06	
	71 Collingwood Street	29/09/06	
	73 Collingwood Street	29/09/06	Undelivered
	1 Blencowe Street	29/09/06	
	3 Blencowe Street	29/09/06	
	5 Blencowe Street	29/09/06	
	Porters Yard		Objection
	Lappet Manufacturing Company Ltd		Objection
	Cumbria Chamber of Commerce &		Support
Industry			

This application has been advertised in the form of press and site notices and the direct notification of the occupiers of neighbouring properties. In response formal correspondence has been received from four parties of which one is a letter of support with the remainder comprising objections.

The letter of support is from Cumbria Chamber of Commerce and Industry who state their belief that the development would supplement the retail and business offer in Denton Holme, provide additional residential units and greatly improve the environment of the area. It is hoped that the application will be approved.

The objections are on the basis that:

- The noise emanating from an adjacent factory is impossible to control and would affect the quality of life of any residential development in the area.
- The proposed development backs onto a machine shop, in which there is night shift working. Forklift trucks also use the adjacent alleyway at all hours.
- It is alleged that the submitted Employment Land Statement incorrectly states that the owner of D.R. Engineering intends to retire. The intention is for the owner's son to take over at a later date.
- Access to the Lappet Manufacturing Co. is currently hampered at all times through the parking of cars on both sides of the road near the factory gates. The concern is that the existing problem will be exacerbated by the increased volume of traffic that will result from the proposed development and its facility to provide for another 80 plus cars.
- Visibility for motorists in this area of Lorne Crescent is severely restricted due to the number of cars, which already park along its length, and the curvature of the road at this point. The influx of another 80 cars moving in and out of the proposed development can only add to the number of road safety issues that already exist.

In addition, two informal queries have been raised regarding the boundary treatment of properties along Collingwood Street.

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application 99/0736, outline planning permission was given for social housing and industrial development.

Details of Proposal:

1 Site Description

The site covers an area of 0.63ha that is only partly in use for industrial and office units. To the east of the site, fronting Denton Street there two terraced properties incorporating a retail and office use. At the entrance to the site from Collingwood Street there is a workshop/office and outbuildings. An industrial shed lies in the centre of the site. The majority of the site is currently vacant.

The site is bordered by terrace housing on Collingwood Street to the south, employment uses to the north, a mix of retail, residential and employment uses on Denton Street and Blencowe Street which lie to the east and west of the site respectively.

2 Background Information

The current application involves the removal of the existing structures and their replacement by 81 no. apartments and 1 no. house (75 no. two bedroom and 6 no. one bedroom apartments plus 1 no. three bedroom house) with ancillary parking and the creation of B1 commercial space.

The proposal primarily consists of three and four storey structures ("Blocks A - E") constructed externally with aluminium roofing and brick/render/cedar cladding for the walls. The residential accommodation is at the first floor level and above with car parking and landscaping at the lower level to address potential flooding issues. The height of the new development varies from 9.8 metres to 13.3 metres - see attached copies of plans.

The applicants also state that:

- The proposal incorporates design measures to ensure that the residential environment is not compromised by the proximity of the industrial area to the north of the site, which includes minimising window elevations.
- The existing office use on the site would transfer to the proposed 368 sq m of B1 floor space that would be located on the Denton Street frontage of the site.
- The proposed access to the site will be via two-gated access points, one from Collingwood Street and one from Blencowe Street.

A Design and Access Statement, Planning Statement, Affordable Housing, Flood Impact Assessment, Air Quality Assessment, Noise Impact Assessment, and, Transport Assessment support the application.

3 Assessment

It is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:

- i) Whether the application is premature in advance of the preparation of the Carlisle District Local Plan (Redeposit Draft)
- ii) Whether the proposed residential development of the site is appropriate in the light of its allocation for employment use in the current Local Plan, and, proximity to commercial uses;
- iii) Whether the proposal is appropriate in the light of national and local planning objectives for sustainable development;
- iv) Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
- v) Whether the proposal would be detrimental to the amenities of neighbouring residents;

- vi) Whether the proposal would be detrimental to the character of the area; and,
- vii) Whether the proposal meets the underlying objectives of Policy L9.

It is appreciated that these issues inter-relate to a certain degree. In addition a wealth of material has also been submitted by and on behalf of the applicant. At the time of preparing the report responses from interested parties are still awaited. In such circumstances an updated report will be presented to Members during the Meeting.

Human Rights Act 1998

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

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

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

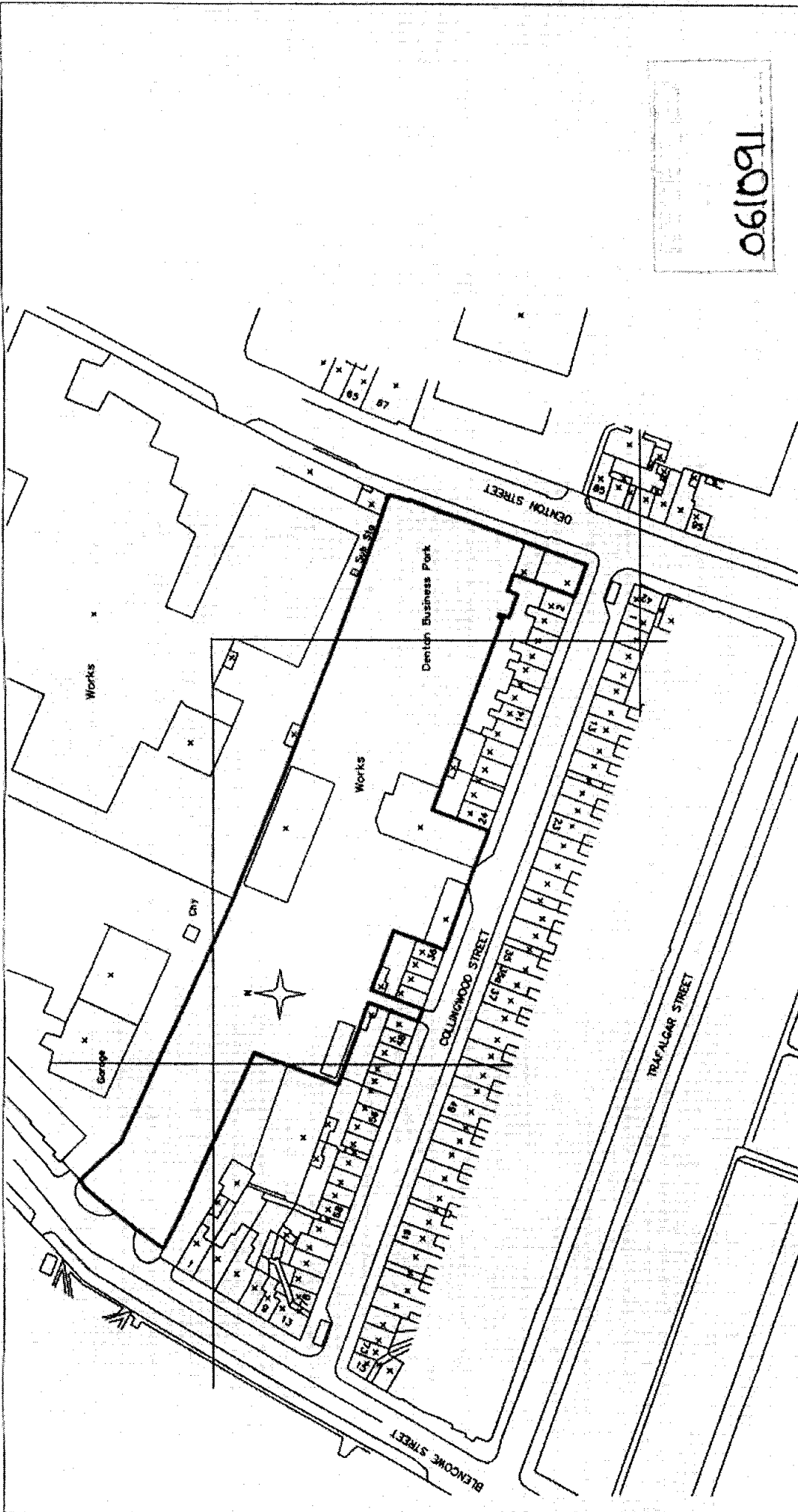
Article 8 recognises the "Right To Respect for Private and Family Life";

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

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report the formal observations of interested parties are still awaited.



Rev A: 04 sept 06: Issued for Planning Approval

**Residential Development
Denton Holme Carlisle**

Site plan

69 SEEL STREET,
LIVERPOOL, L1 4AZ

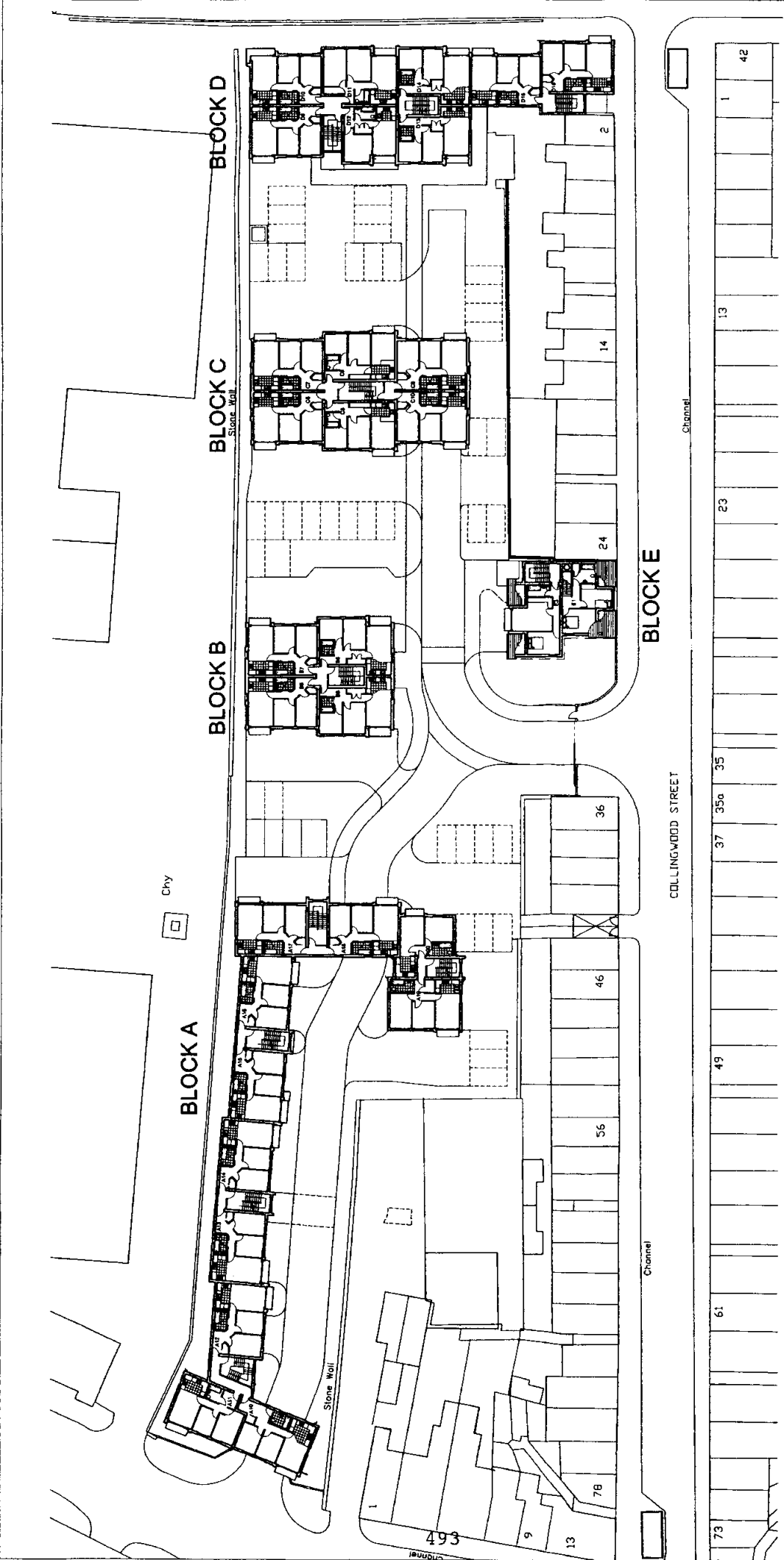
tel: (0151) 708 4888
fax: (0151) 708 5335
e-mail: post@denovodesign.co.uk

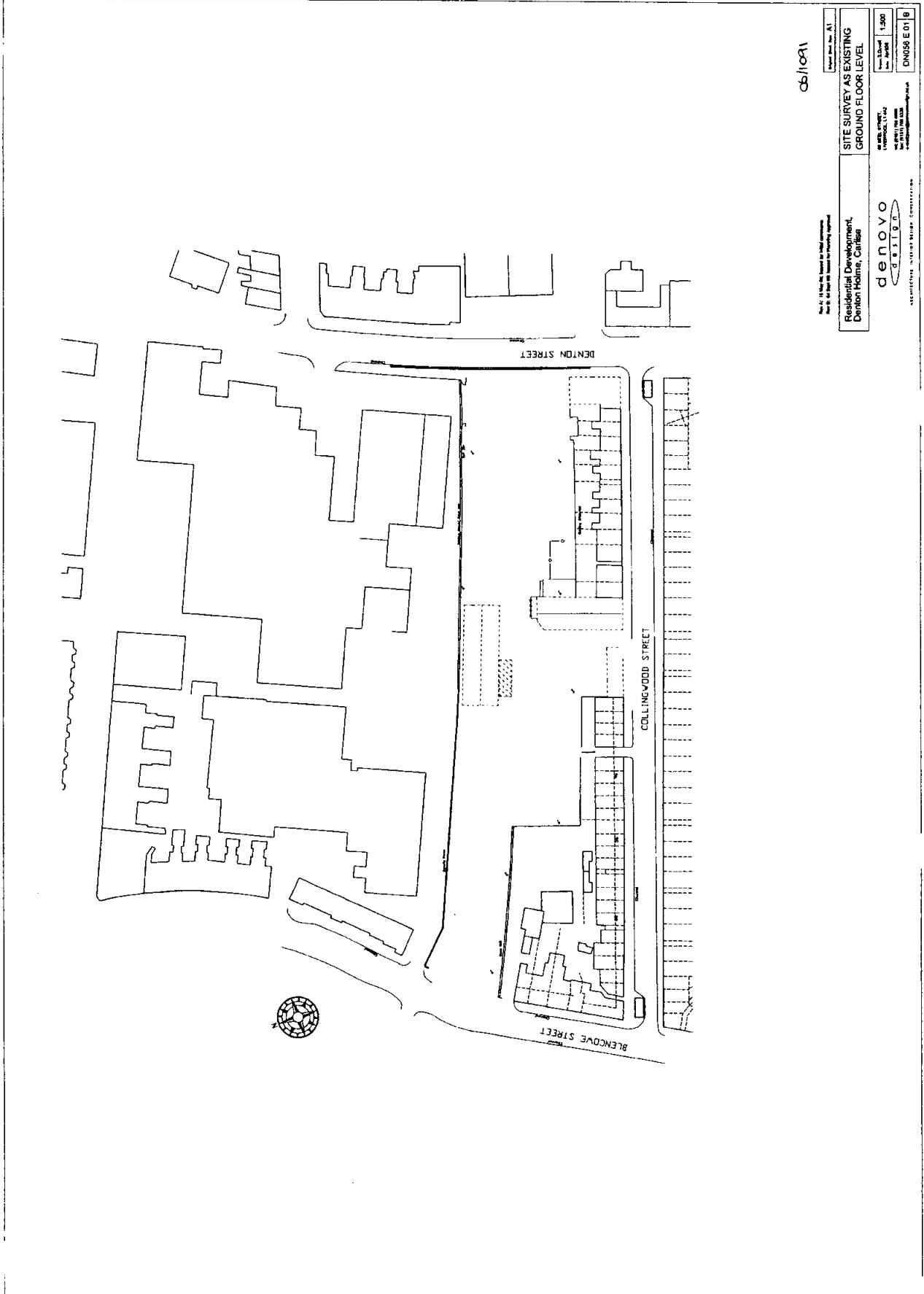
Drawn: P. Compall
Date: Sept 06
1:1250

DN056 S 02 A

denovo
design

ARCHITECTURE INTERIOR DESIGN CONSULTING





06/10/21

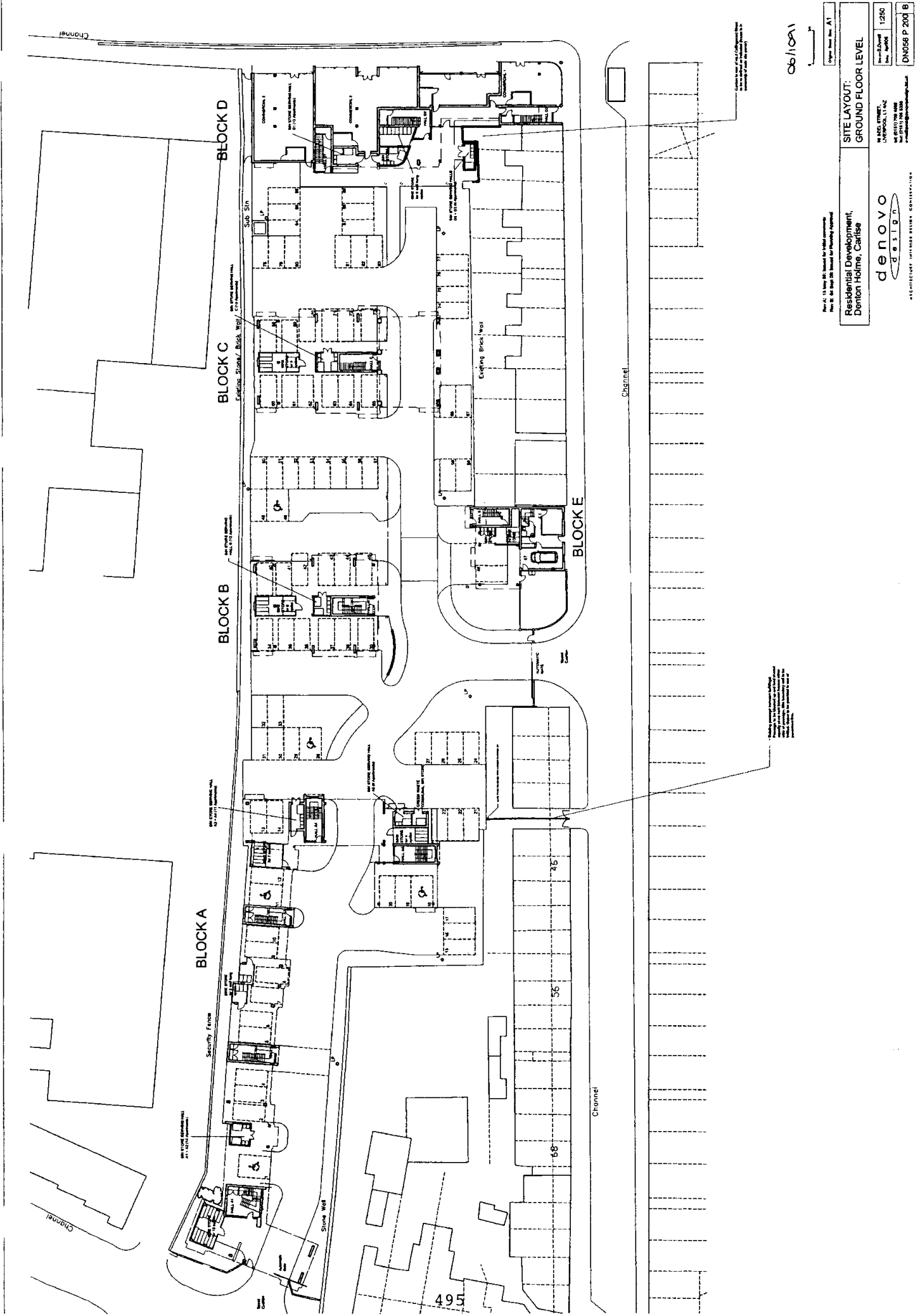
Residential Development,
 Denton Rd, Collingwood, VIC 3061

SITE SURVEY AS EXISTING
 GROUND FLOOR LEVEL

1:500
 15/06/2021

DENOVOCITY

DENOVOCITY AUSTRALIA BUILDING CONSTRUCTION



Plot 4: 15 May 2010 Issued for Public Comment
 Plot 10: 26 Sept 2010 Issued for Planning Approval

Residential Development,
 Denton Holmes, Carlisle

denovo
 architects

ARCHITECTURAL SERVICES CONSULTANTS

SITE LAYOUT:
 GROUND FLOOR LEVEL

Plot 4: 15 May 2010 Issued for Public Comment
 Plot 10: 26 Sept 2010 Issued for Planning Approval

Residential Development,
 Denton Holmes, Carlisle

denovo
 architects

ARCHITECTURAL SERVICES CONSULTANTS

06/10/11

Sheet Size: A1

DN0056 P 2001 B

Notes:
 1. All dimensions are to the centre line of the building unless otherwise stated.
 2. All dimensions are in metres.
 3. All dimensions are to the nearest millimetre.
 4. All dimensions are to the nearest centimetre.

Channel

Channel

BLOCK A

BLOCK B

BLOCK C

BLOCK D

BLOCK E

Security Fence

Sub Stn

Sub Stn

Sub Stn

Existing Brick Wall

Strom Weir

495

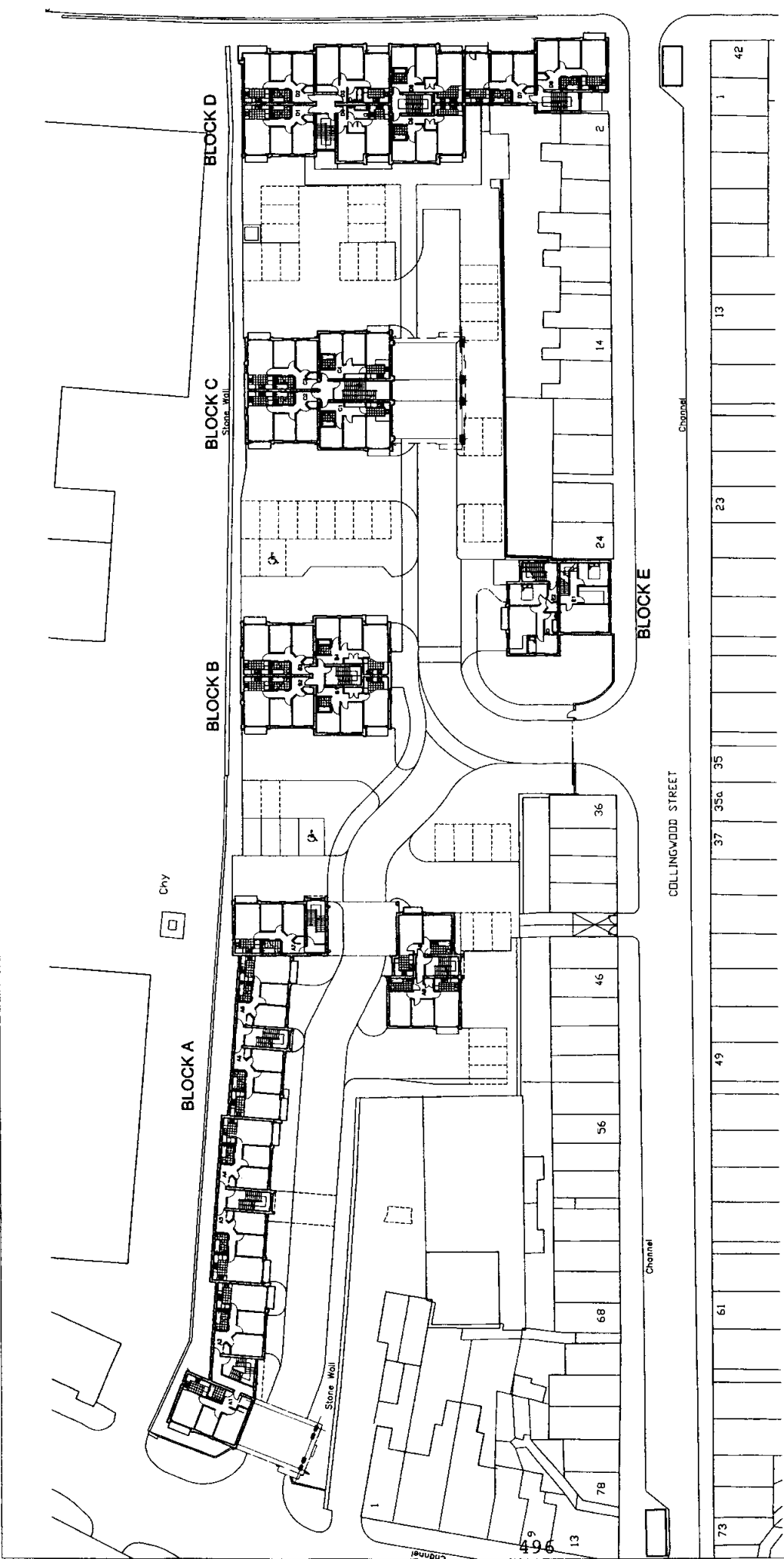
56

56

56

Channel

Channel



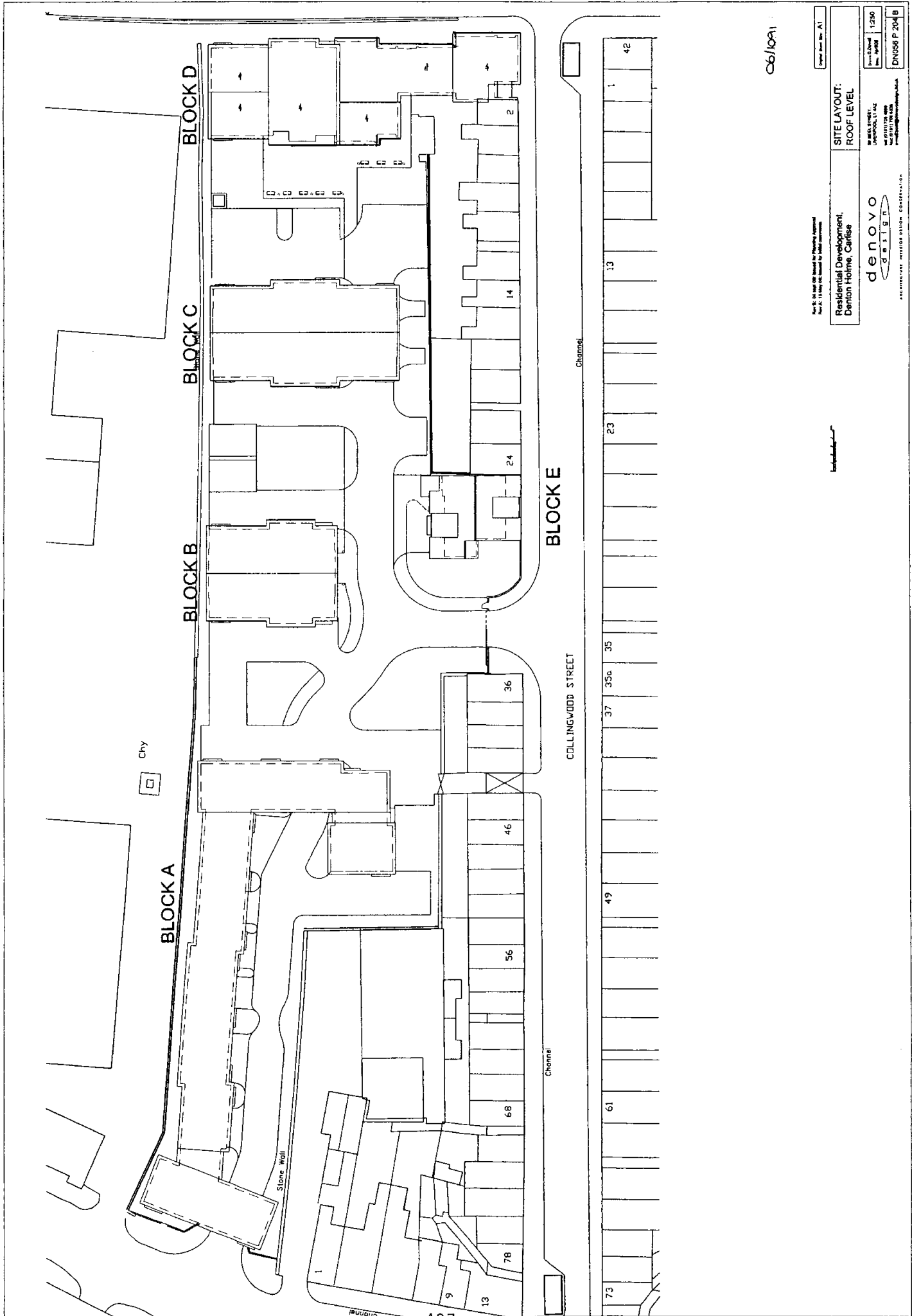
collora

Site No. 14-001-00-0000-00-0000-0000 Date: 10/05/2011 1230	Project No. 1230	DIN 2011 B

**SITE LAYOUT:
FIRST FLOOR LEVEL**

14 BEE STREET
LONDON, U.K.
W1D 7BE
020 7011 7000
collora@collora.com

denovo
ARCHITECTS INTERIOR DESIGN CONSULTANTS



C6/1091

See also the layout for the site in the site plan.

Residential Development,
Denton Holme, Carlisle

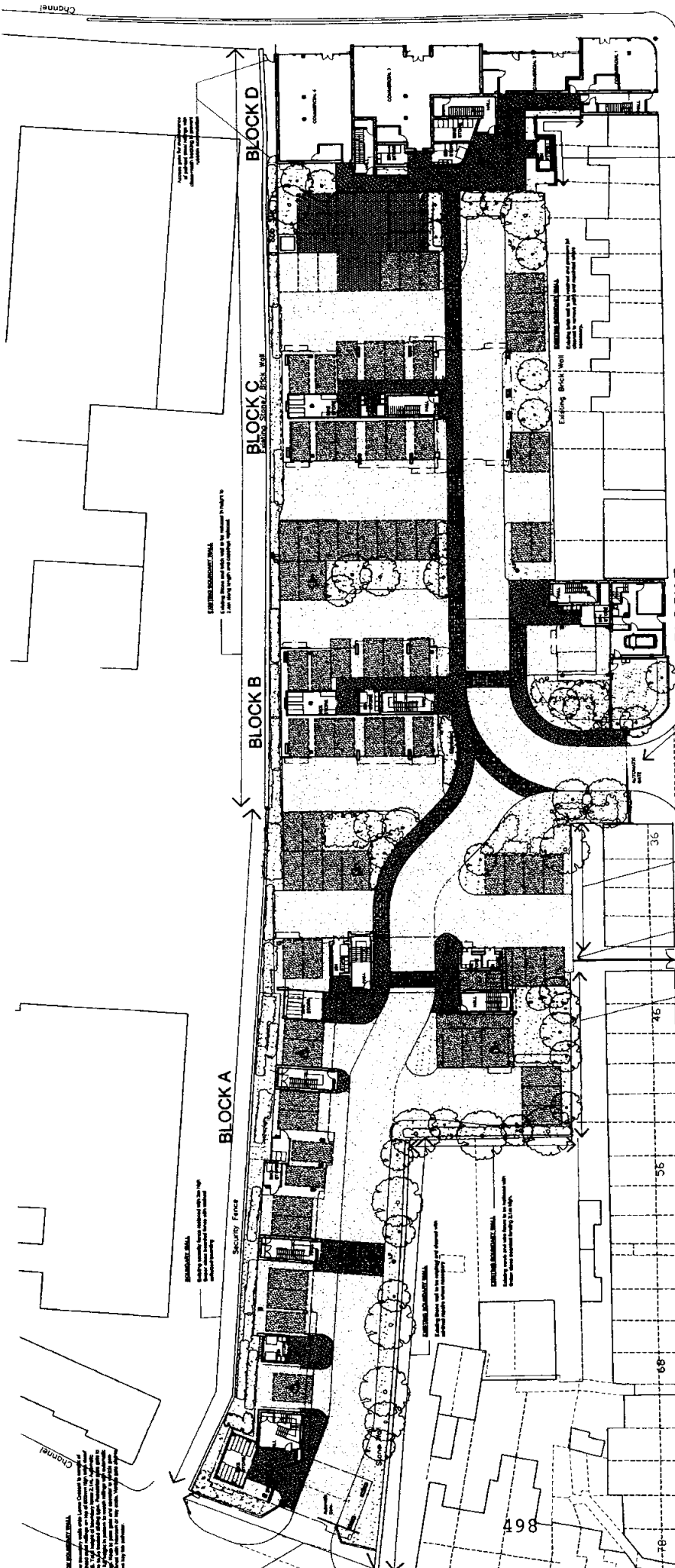
SITE LAYOUT:
ROOF LEVEL

1:250
1:250
1:250

denovo

ARCHITECTURE INTERIOR DESIGN CONSULTING

DN056 P. 20/18



06/10/11

Project No: A1
 Date: 1/25/10
 Scale: 1:250
 Project: Residential Development
 Location: Denton Holmes, Carlisle
 Project No: J1056 P 205 B

Residential Development,
 Denton Holmes, Carlisle

denovo
 DESIGN
 ARCHITECTURAL INTERIOR GROUP CONSULTATION

Site Layout: LANDSCAPING

EXISTING BLOCK WALL
 The existing wall shown is to be retained and repaired. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish.

EXISTING BLOCK WALL
 The existing wall shown is to be retained and repaired. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish.

EXISTING BLOCK WALL
 The existing wall shown is to be retained and repaired. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish.

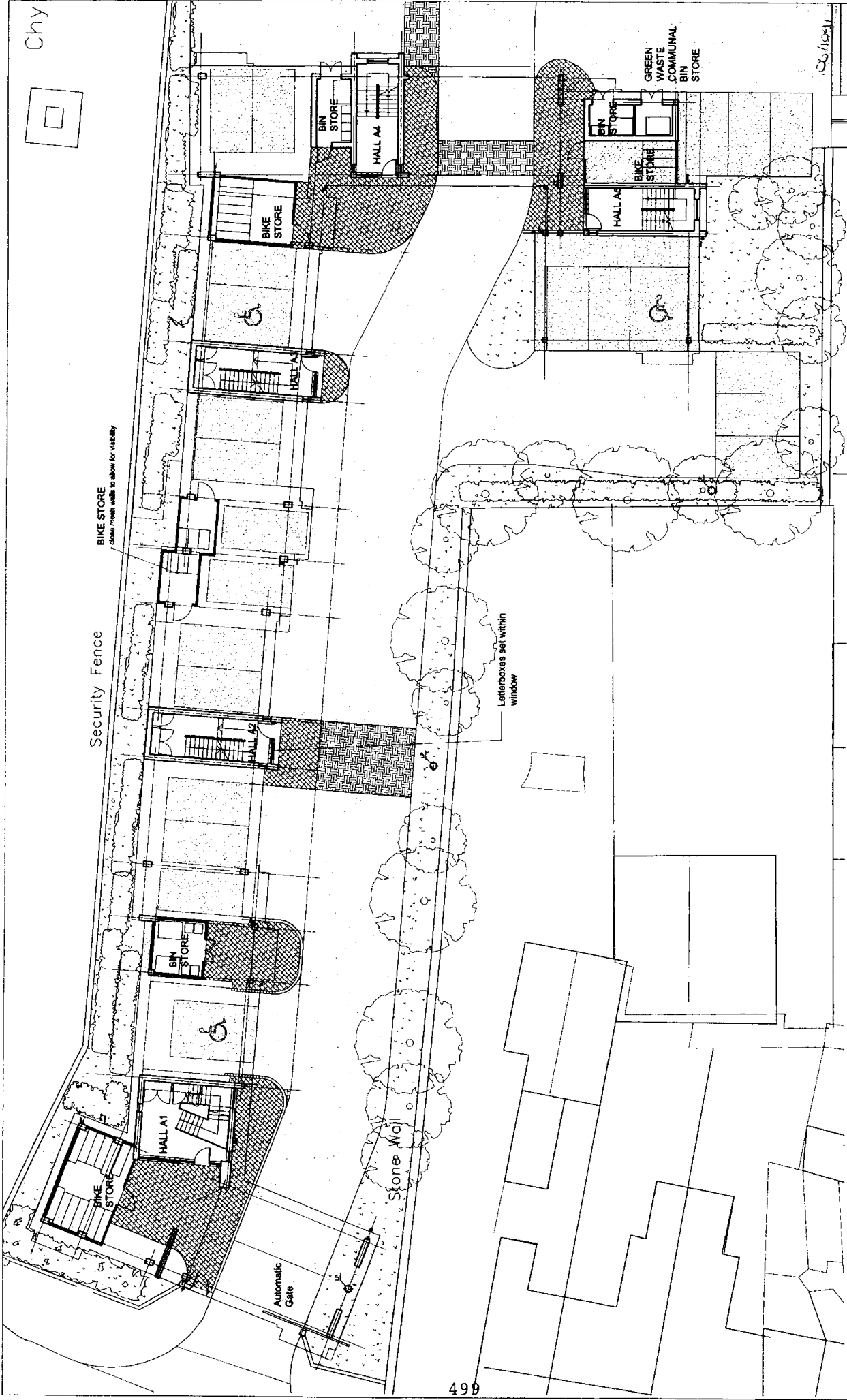
EXISTING BLOCK WALL
 The existing wall shown is to be retained and repaired. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish.

EXISTING BLOCK WALL
 The existing wall shown is to be retained and repaired. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish. It is to be repaired in situ and to be made good to the original finish.

LANDSCAPING
 All planting is to be carried out in accordance with the following details:
 - Trees: To be planted in the following positions and to be maintained for a minimum of 10 years.
 - Shrubs: To be planted in the following positions and to be maintained for a minimum of 10 years.
 - Lawns: To be laid in the following positions and to be maintained for a minimum of 10 years.
 - Pathways: To be laid in the following positions and to be maintained for a minimum of 10 years.

REMARKS
 The site layout plan is to be used in conjunction with the following documents:
 - The site layout plan.
 - The site layout plan.
 - The site layout plan.

NOTES
 The site layout plan is to be used in conjunction with the following documents:
 - The site layout plan.
 - The site layout plan.
 - The site layout plan.

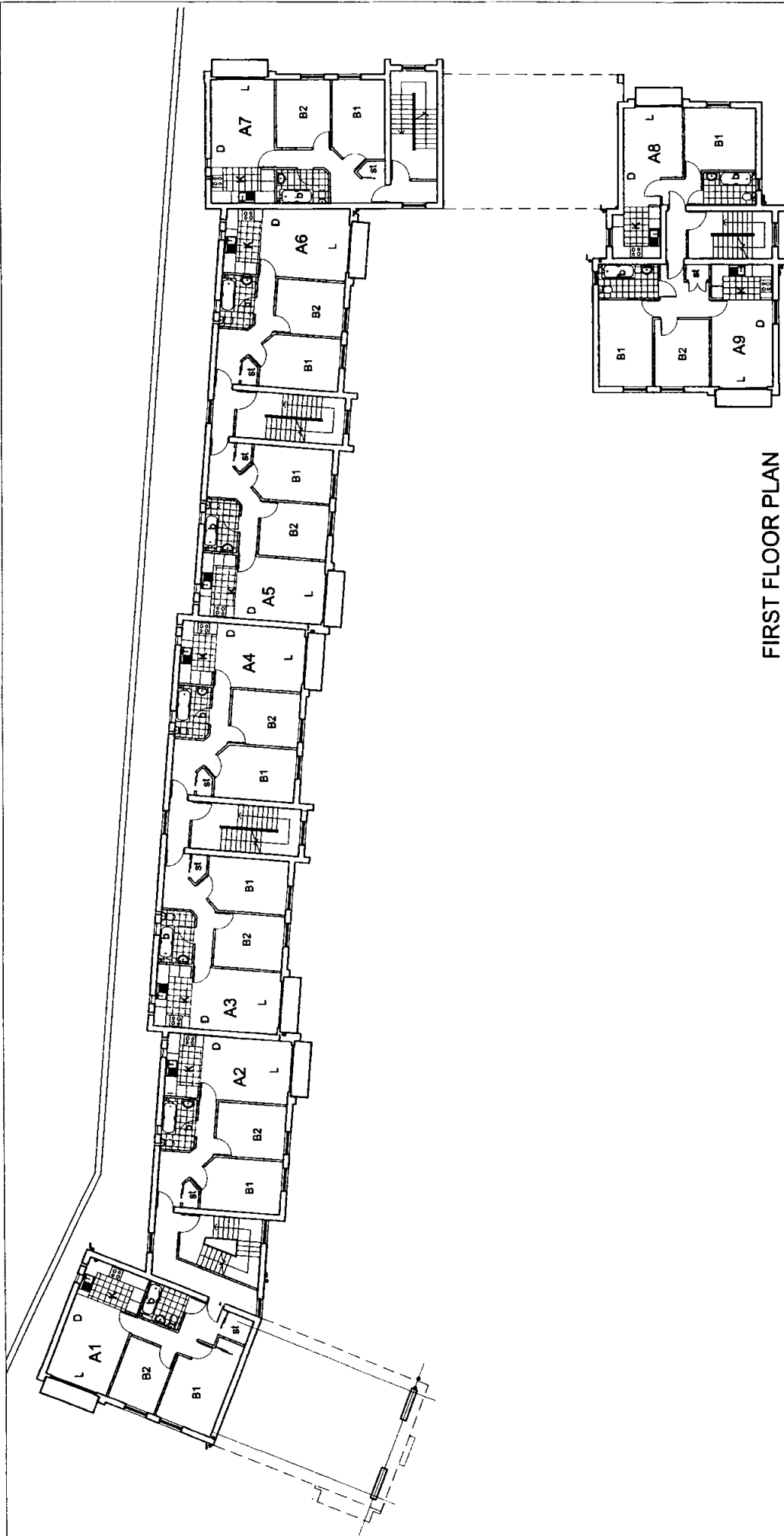


GROUND FLOOR PLAN

BLOCK A: GROUND FLOOR
 AS PROPOSED
 Residential Development,
 Denton Holmes, Carlisle
 1:100
 DN056 P 21d B

denovo
 DESIGN
 ARCHITECTURE INTERIOR PLANNING CONSULTANTS





FIRST FLOOR PLAN

CK/HPY

Project Name: A1

Residential Development,
Denham Holm, Cellite

denovo
design

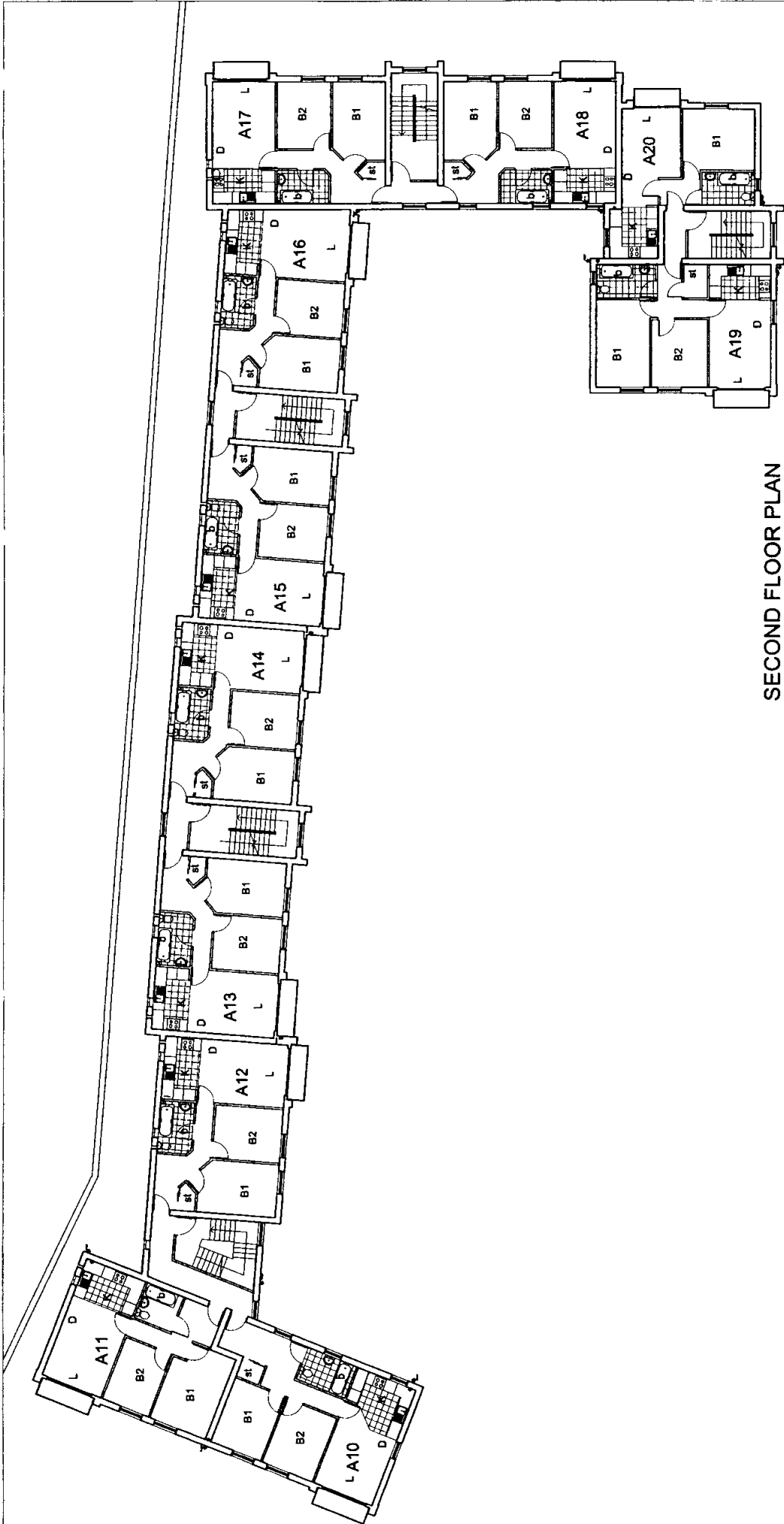
ARCHITECTURAL LIMITED LIABILITY CORPORATION

1100
New York, NY 10001
Tel: (212) 755-8888
Fax: (212) 755-8888
www.denovodesign.com

Block A: FIRST FLOOR
PLAN AS PROPOSED

Scale: 1/8" = 1'-0"

Sheet No.: 211 B



SECOND FLOOR PLAN

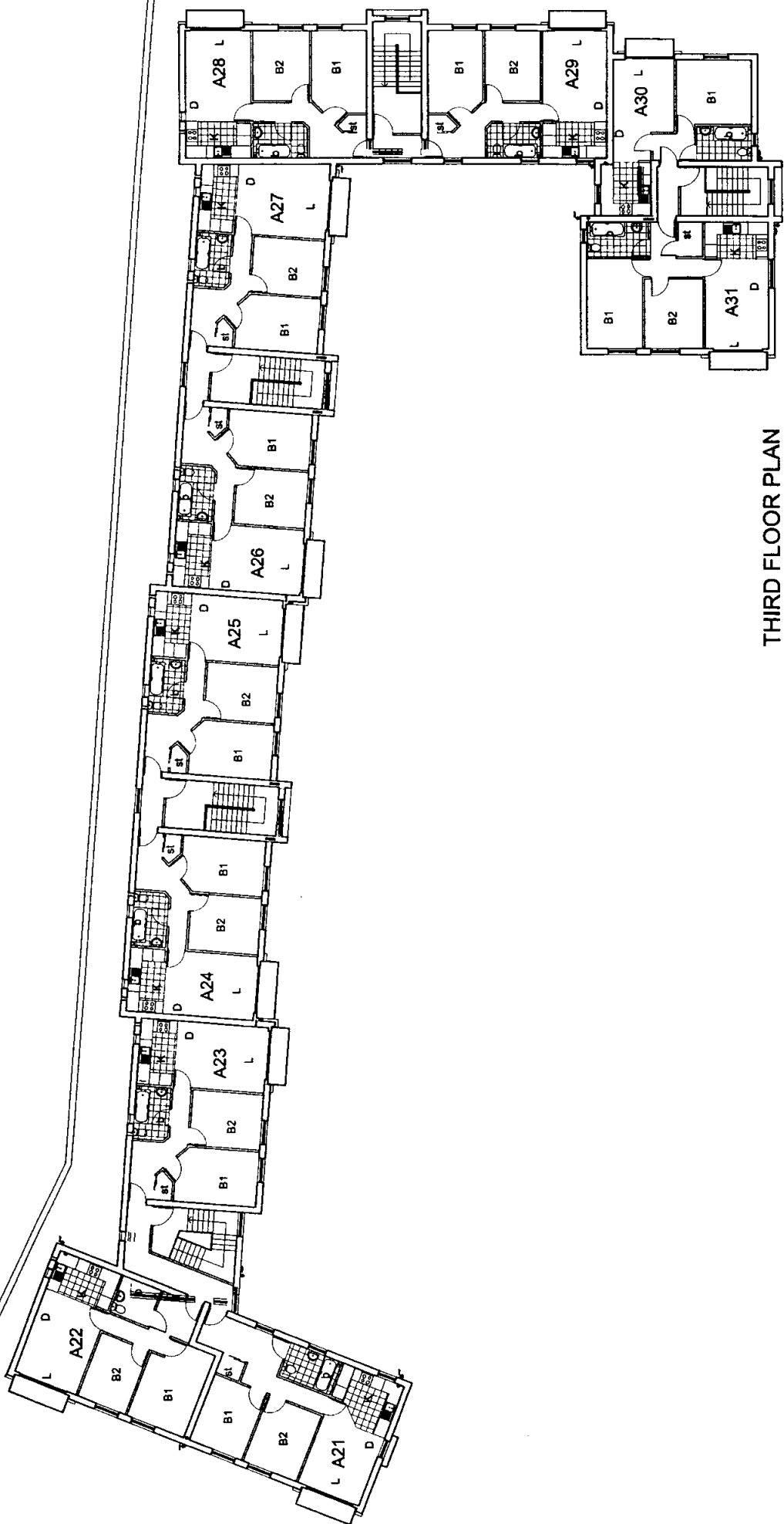
06/10/21

Residential Development,
Denton Holmes, Carlisle

denovo
ARCHITECTURAL CONSULTANTS

Block A, Second Floor
PLAN AS PROPOSED

Scale: 1:100
Date: 06/10/21
Drawing No: DN058 P 2/2B



THIRD FLOOR PLAN

CL/10/11

Not to be used for building without
the consent of the architect.

Residential Development,
Denton Hoime, Carlisle

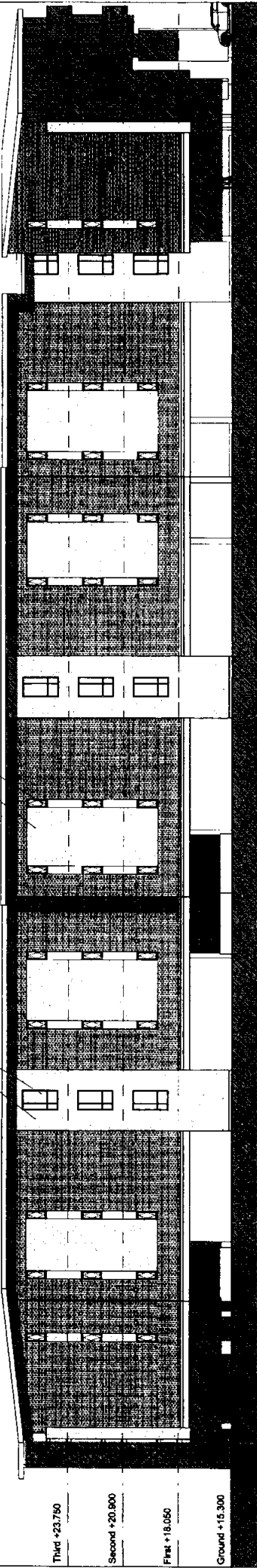
BLOCK A: THIRD FLOOR
PLAN AS PROPOSED

denovo
design

ARCHITECTS INTERIOR DESIGN CONSULTATION

DATE: 10/11/11
SCALE: 1:100
DRAWN: [unintelligible]
CHECKED: [unintelligible]
PROJECT: [unintelligible]
DRAWING NO: DMS6 P 213 B



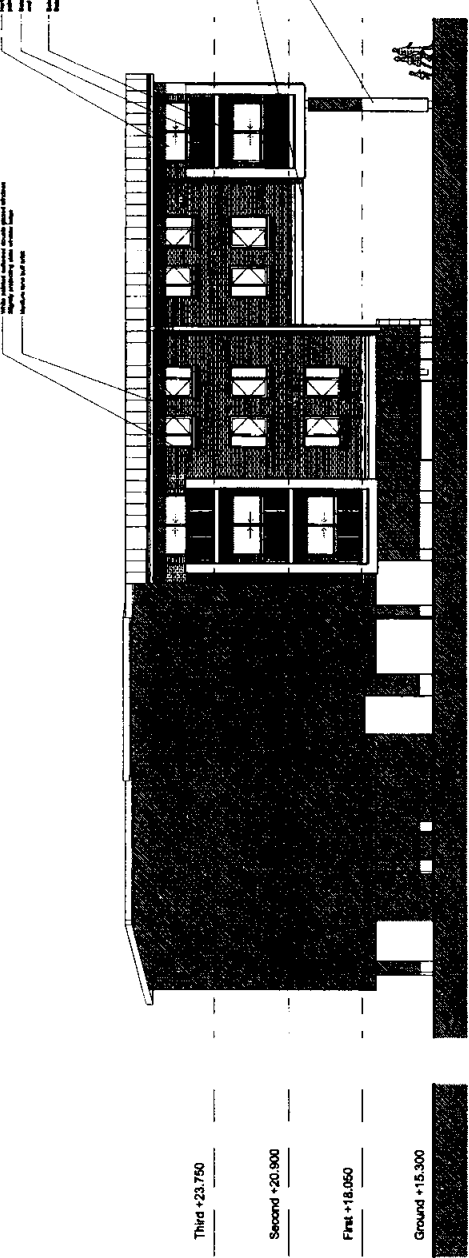


Handmade, weathered copper
Handmade, weathered copper

Solid brass door
Double glass entrance with heavy Sign
to identify the development.

Third +23.750
Second +20.900
First +18.050
Ground +15.300

NORTH ELEVATION



Dark grey metal window frames with brass hardware and polished zinc brass handles
Solid brass door

Third +23.750
Second +20.900
First +18.050
Ground +15.300

WEST ELEVATION (TO LORNE CRESENT)

Under crane parking. Smooth finish parking with recessed ground level lighting with LED lighting.
Black, finished, cast aluminium
Screen door with glass and stainless steel handle.
Glass doors. Handmade brass with ventilation holes at high level. Glass floor with lead and stainless steel base. Glass floor with stainless steel and stainless steel base. Glass floor with stainless steel and stainless steel base.
Dark grey metal window frames with brass hardware. Individual accessible walkways from street level. Accessible to all users. All wheelchair accessible. All users.

Plan No. 44 (not 45) issued for Project approval
Per A.C. 19 May 2024 issued for Project approval

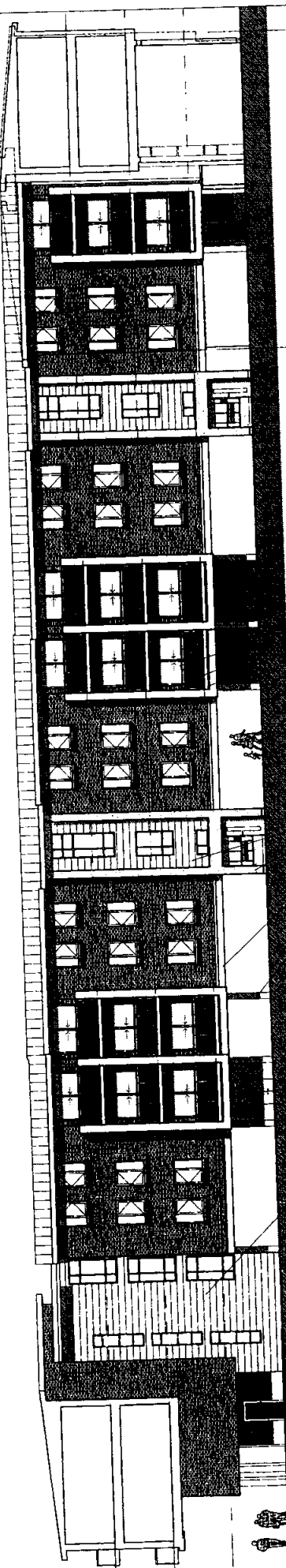
denovo
design

Residential Development,
Denton Holmes, Carlisle

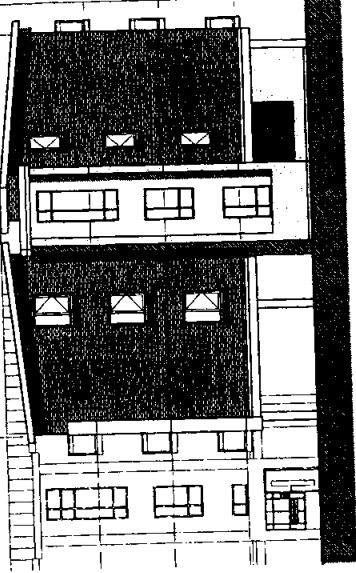
BLOCK A: ELEVATIONS
TO NORTH AND WEST

Scale: 1:100	Date: 20/10/24	Project: P 216 B
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ARCHITECT: INDEPENDENT CONSULTANTS



SOUTH ELEVATION



EAST ELEVATION

Third +23.750
 Second +20.900
 First +18.050
 Ground +15.300

Third +23.750
 Second +20.900
 First +18.050
 Ground +15.300

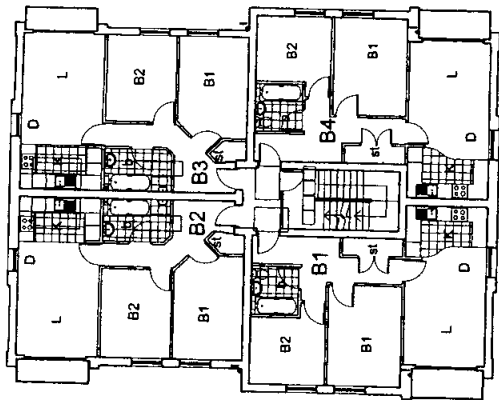
Under roof parking. Smooth finish painted with self-renewing exterior lighting with wide distribution lenses.
 Blue acrylic. Commercial grade vinyl finish. Color match with a local and available for accuracy.
 Blue acrylic. Blue wide textured white ventilation holes at high level. Color blue with lock and available. Cement seems large like blue acrylic and green acrylic (no. 4 per wall).
 Stalwart: Versatile, entry with lantern to all elevations. Individual facade panels are not required. Individual facade panels need to be related to entrance.

BLOCK A: ELEVATIONS TO SOUTH

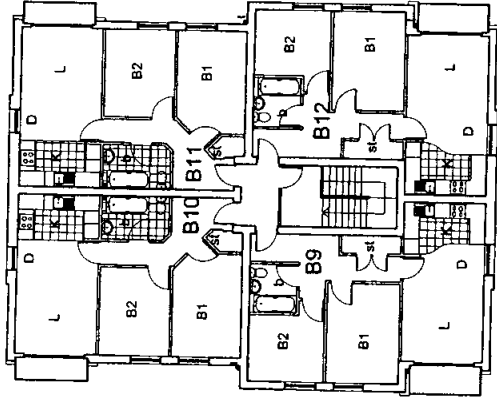
Residential Development, Denton Holmes, Carlisle

denovo DESIGN ARCHITECTS LIMITED PARTNERSHIP CORPORATION

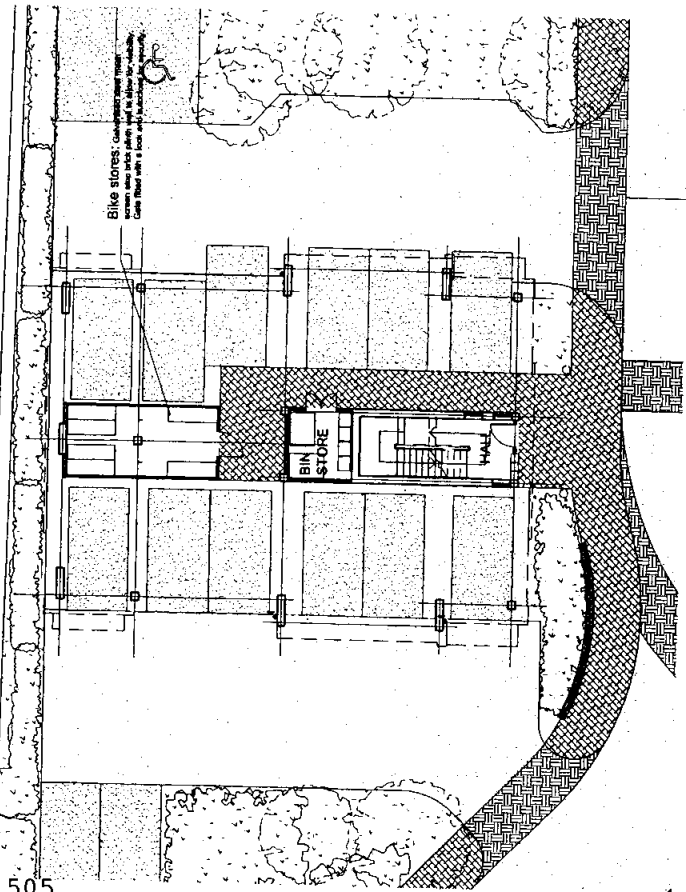
Scale: 1/8" = 1'-0" (1/4" = 1'-0" for 2nd elevation)
 Date: 11/19/08
 Project: Denton Holmes
 Drawing: 11/19/08
 Scale: 1/8" = 1'-0"
 Drawing: 11/19/08
 Scale: 1/8" = 1'-0"
 Drawing: 11/19/08



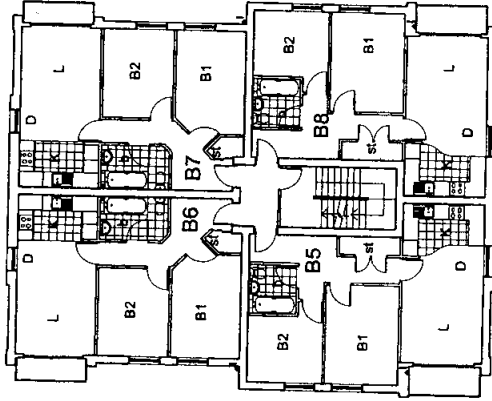
FIRST FLOOR PLAN



THIRD FLOOR PLAN



GROUND FLOOR PLAN



SECOND FLOOR PLAN

05/10/19

Project Name: Block B: FLOOR PLANS AS PROPOSED

Residential Development, Denton Homes, Carlisle

denovo DESIGN ARCHITECTURAL INTERIOR DESIGN CONSULTATION

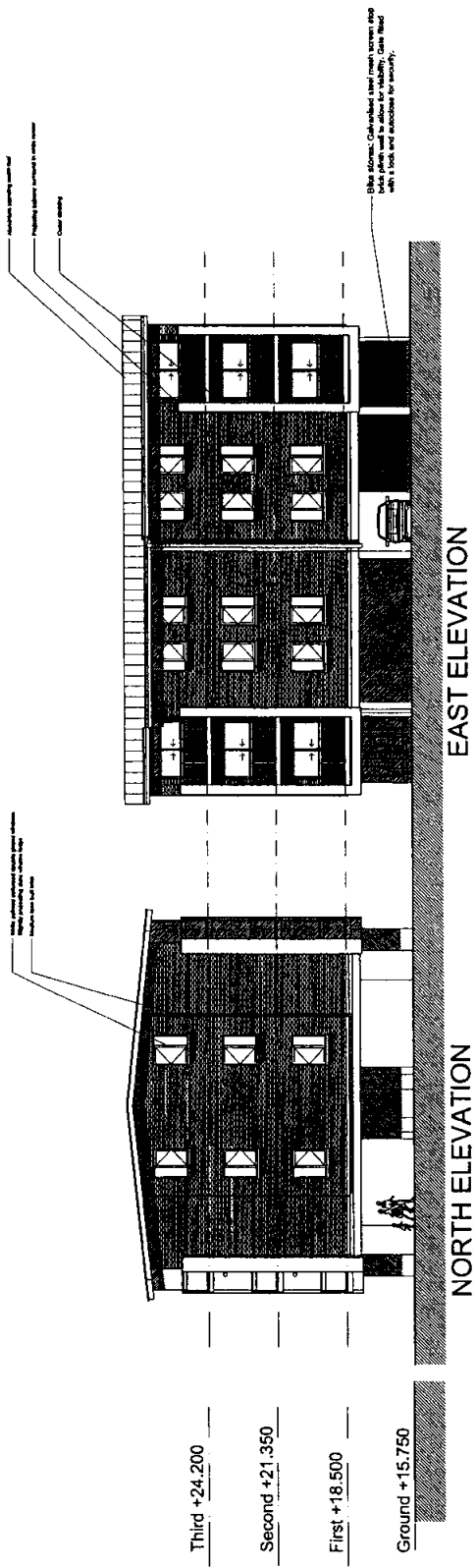
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Drawn: [Name]

Checked: [Name]

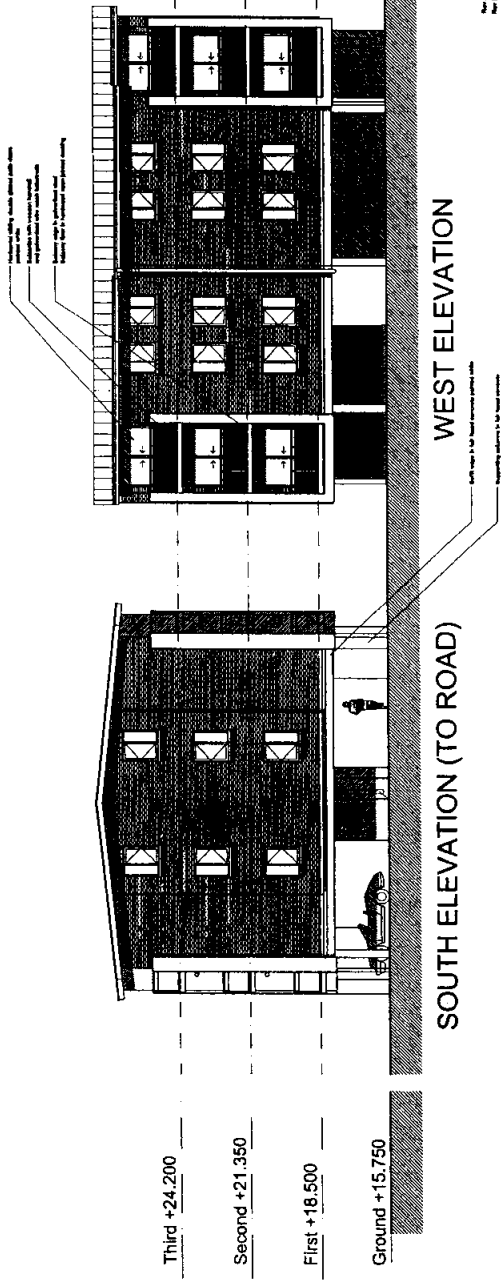
Project No: 22019

DN066 P 22019



EAST ELEVATION

NORTH ELEVATION



WEST ELEVATION

SOUTH ELEVATION (TO ROAD)

Undercroft parking. Smooth finish painted with recessed linear recessed lighting with blue LED. Call-outbed steel mesh screen stop bins placed wall to allow for visibility. Glass filled with 1 inch steel mesh for security.
Bin screen: hand-cast brick wall with ventilation holes. Glass filled with 1 inch steel mesh for security. Glass filled with 1 inch steel mesh for security.
Stairwell: recessed entry with screen to all levels. All glass is to be recessed into brick wall. All glass is to be recessed into brick wall.

06/10/21

Residential Development, Carlsbad
Denton Holme, Carlsbad

denovo DESIGN

RESIDENTIAL INTERIOR DESIGN CONSULTING

BLOCK B:
ELEVATIONS AS PROPOSED

Scale: 1/8" = 1'-0"

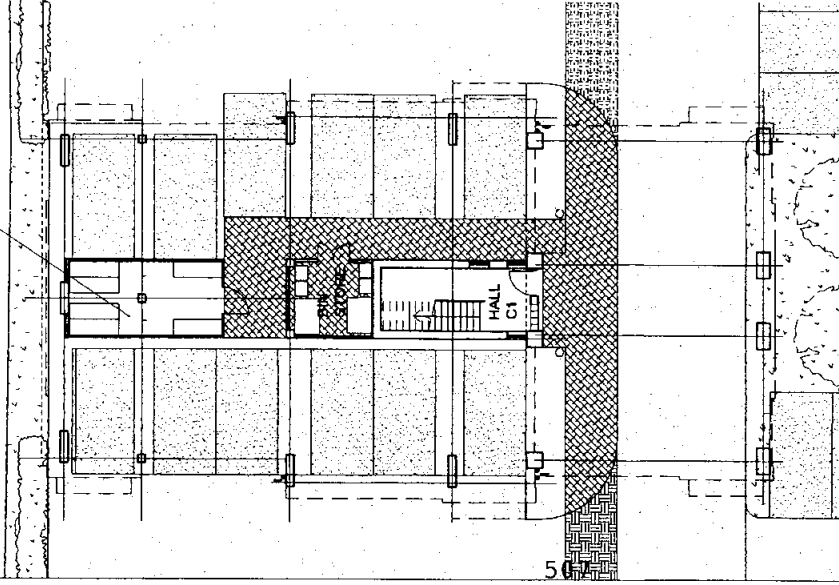
Project No: 2021-001

Sheet No: 06/10/21

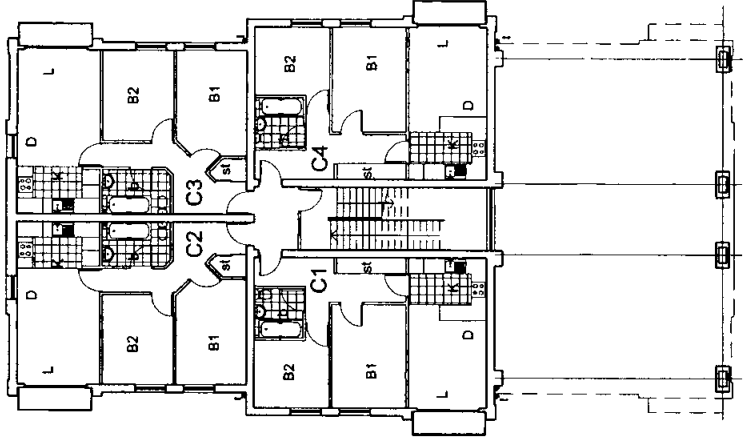
DATE: 06/10/21

DWGNO: P 222 B

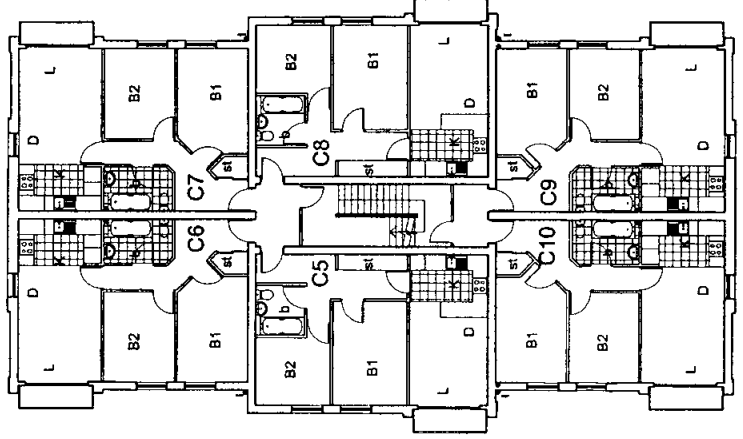
Blue stone: Chalkhead used main areas also brick pith wall to allow for 40.5% Green Wall with a lock and manholes for security.



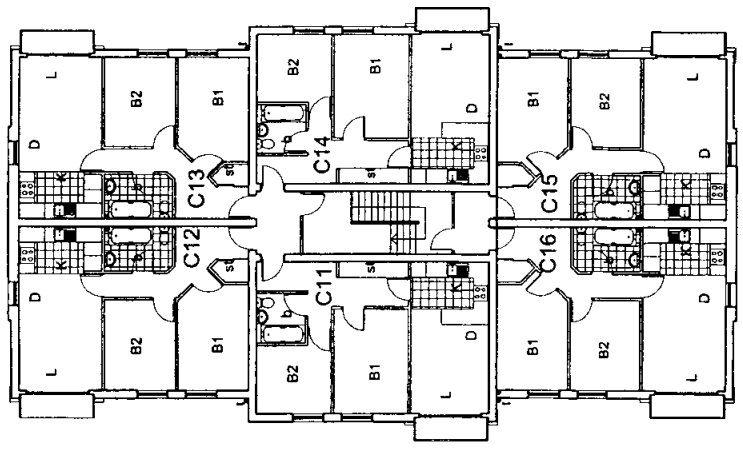
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



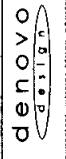
THIRD FLOOR PLAN



06/10/17

Rev A: 15 May 16: Based on 1:500 consultation
 Rev B: 01 April 16: Based on Planning Approval

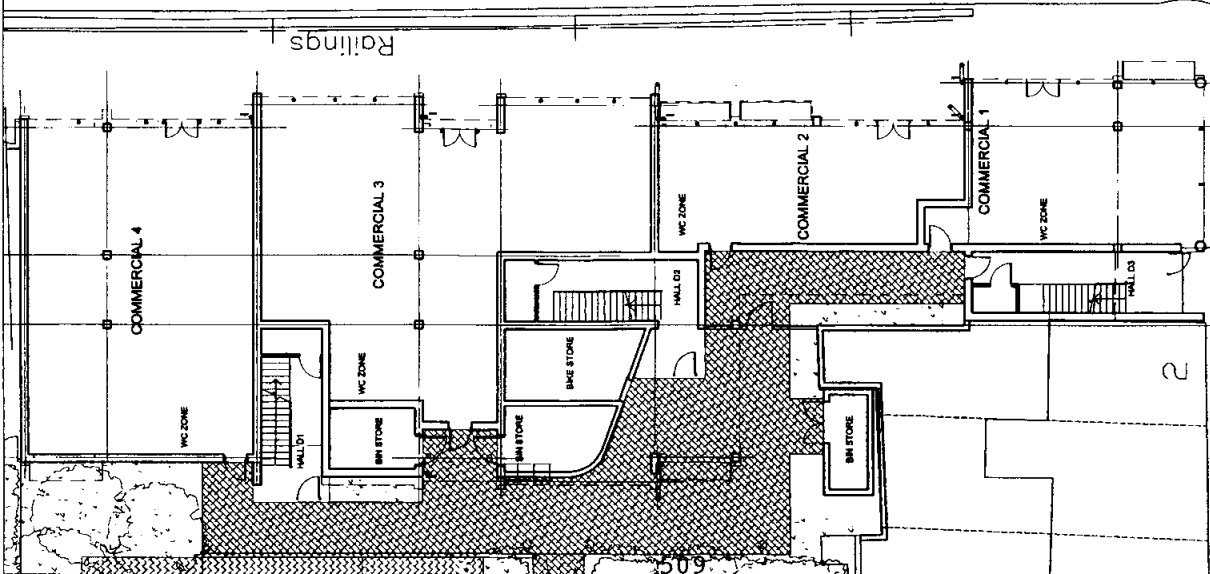
Residential Development,
 Denton Holme, Carlisle



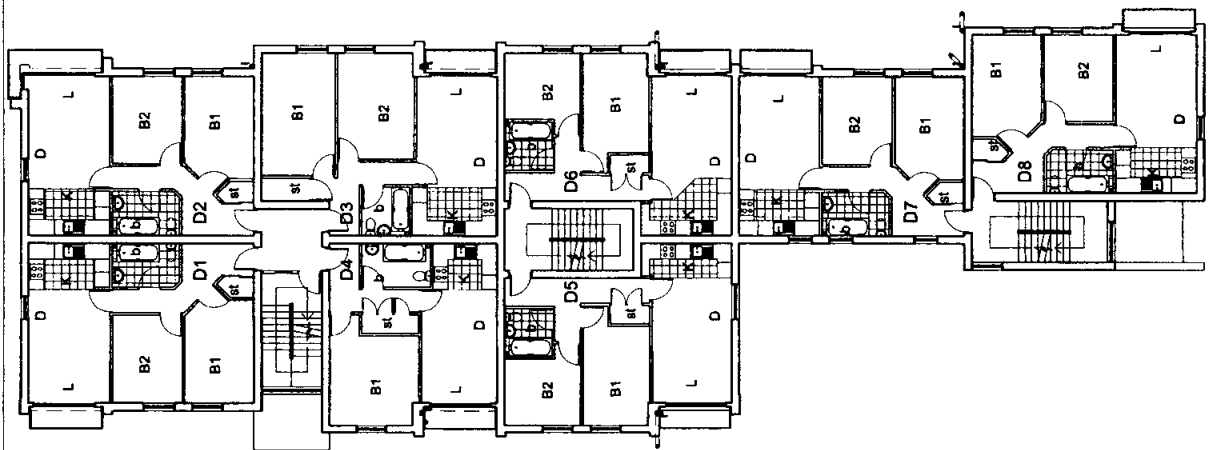
ARCHITECTS • 110103 BISHOP • CARRINGTON

BLOCK C:
 FLOOR PLANS AS PROPOSED

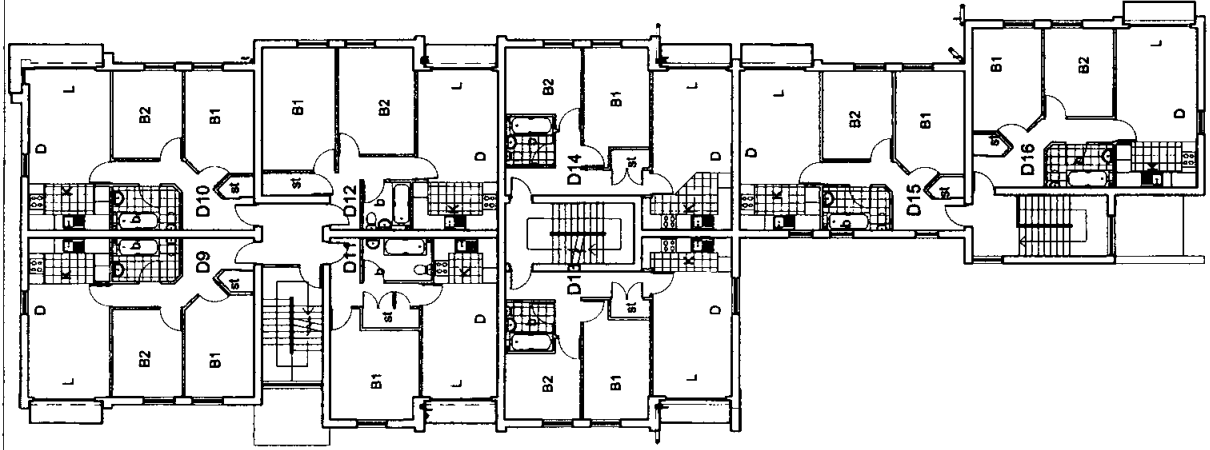
Project No:	11100
Client:	DN066 P 234 B



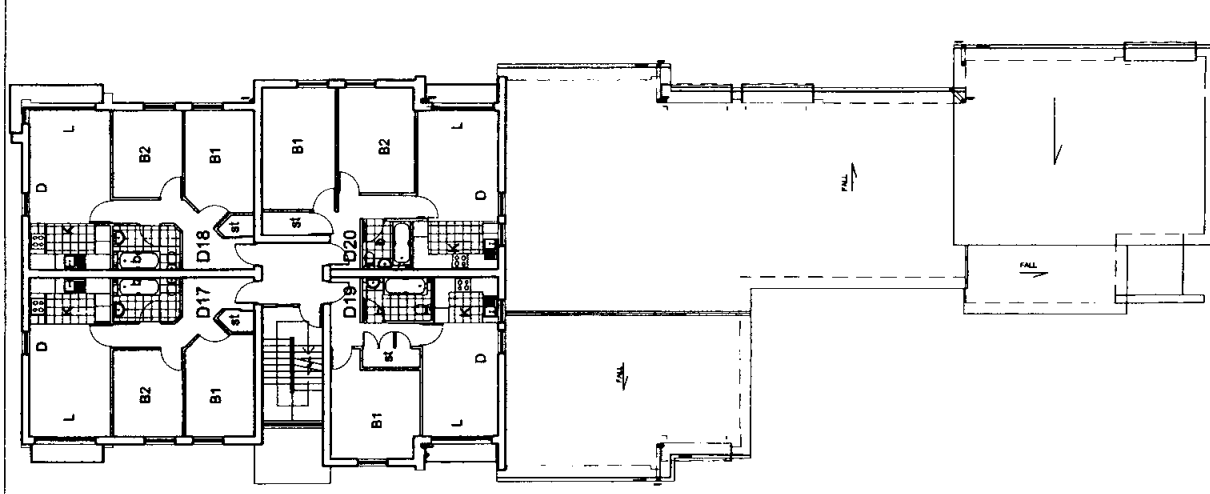
GROUND FLOOR PLAN



FIRST FLOOR PLAN

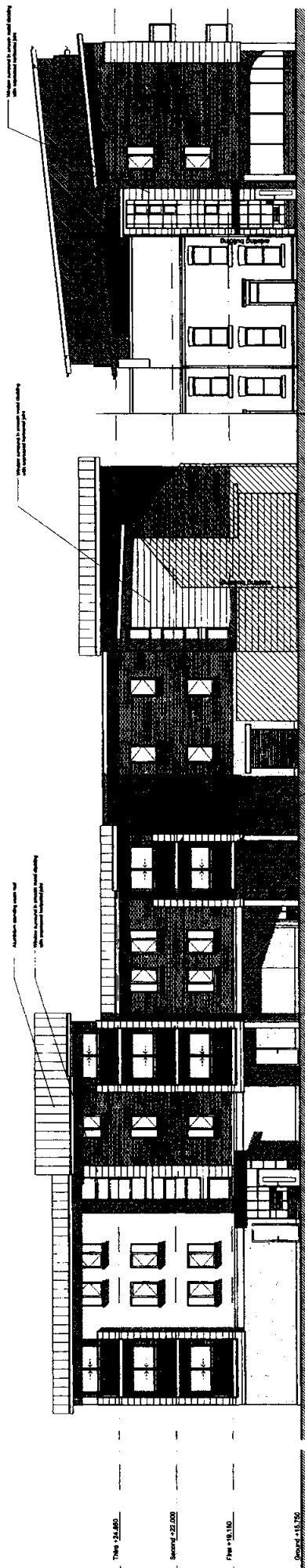


SECOND FLOOR PLAN

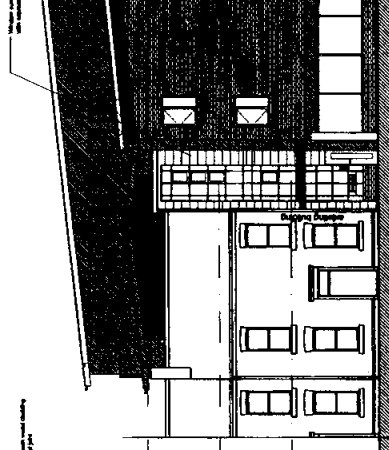


THIRD FLOOR PLAN

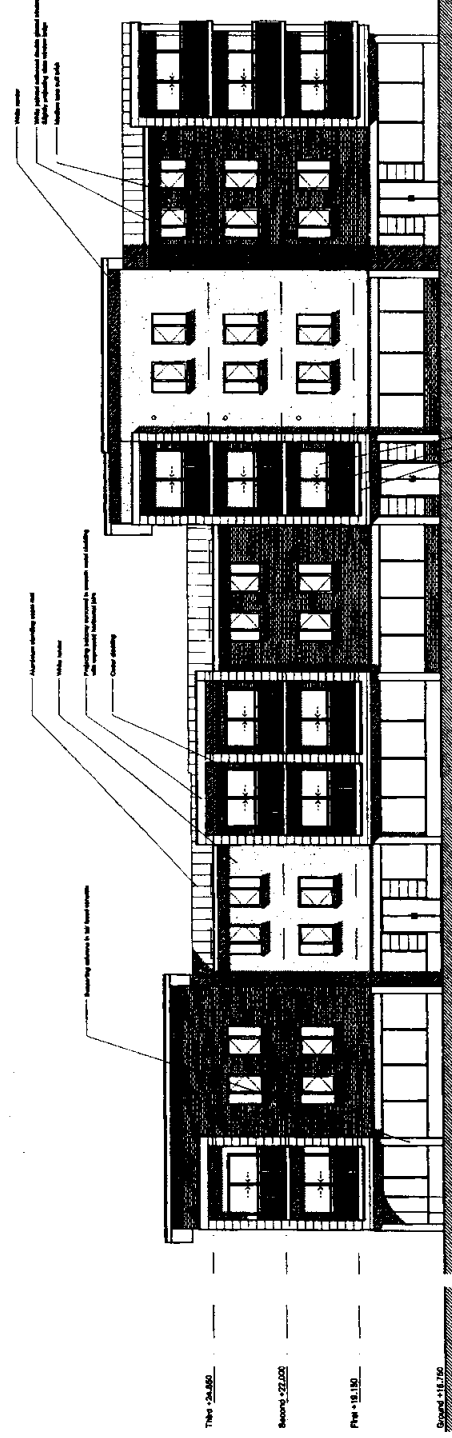
Project Name: A1
 Block D: FLOOR PLANS AS PROPOSED
 Residential Development,
 Denton Holmes, Canishe
 denovo design
 ARCHITECTURE INTERIOR DESIGN CONSULTANTS
 11100
 11056 P 240 B



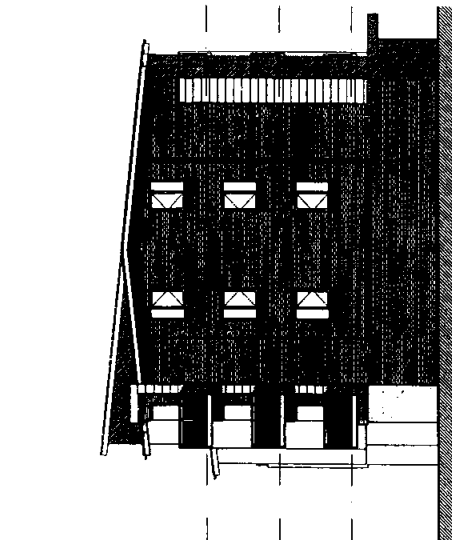
WEST ELEVATION (TO CAR PARK)



SOUTH ELEVATION (TO COLLINGWOOD STREET)



EAST ELEVATION (TO DENTON STREET)



NORTH ELEVATION

Third +23.850
Second +22.000
First +19.150
Ground +1.750

Third +23.850
Second +22.000
First +19.150
Ground +1.750

Undercroft parking: Smooth finish polished with recessed linear recessed lighting with 2400K color temperature. Recessed lighting to be provided for all parking spaces. (See Note 10 for details on lighting.)
 (B)1: Access: White reinforced brick wall with horizontal louvers at high level. One floor with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)2: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)3: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)4: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)5: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)6: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)7: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)8: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)9: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)
 (B)10: Access: White reinforced brick wall with horizontal louvers at high level. (See Note 10 for details on lighting.)



06/2021

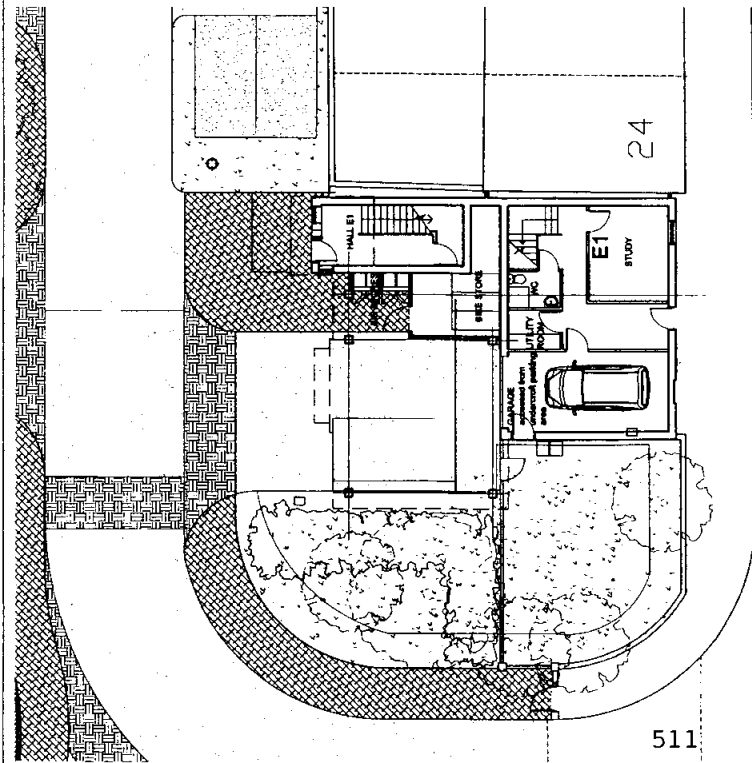
Residential Development,
Denton Holmes, Carlisle

BLOCK D:
ELEVATIONS AS PROPOSED

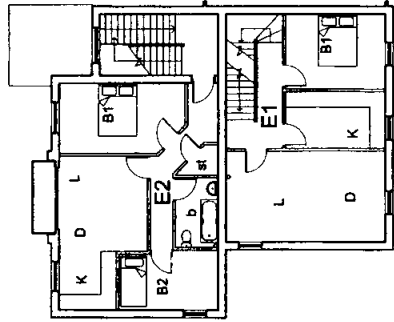
1:100
P 242 B

denovo
DESIGN

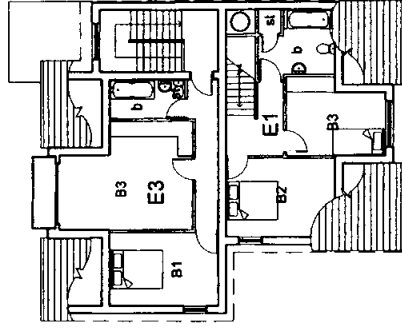
ARCHITECTURAL INTERIOR DESIGN CONSULTANTS



GROUND FLOOR PLAN



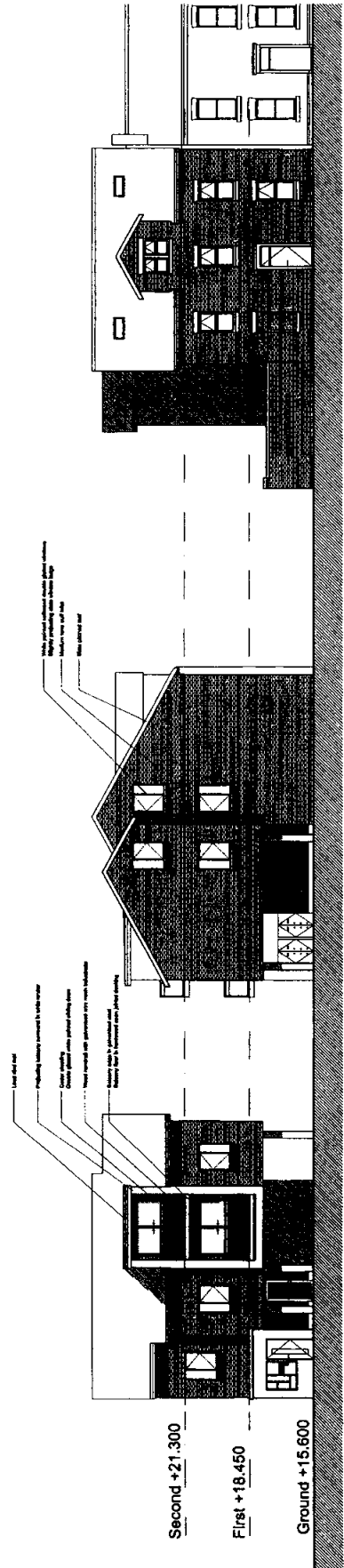
FIRST FLOOR PLAN



SECOND FLOOR PLAN

0.1/1001

Under each parking space, ground water is shown with the indicated level. Resident parking with vehicle circulation shown.
 Note: The building is shown with the indicated level. The building is shown with the indicated level. The building is shown with the indicated level.
 Note: The building is shown with the indicated level. The building is shown with the indicated level. The building is shown with the indicated level.



NORTH ELEVATION

WEST ELEVATION

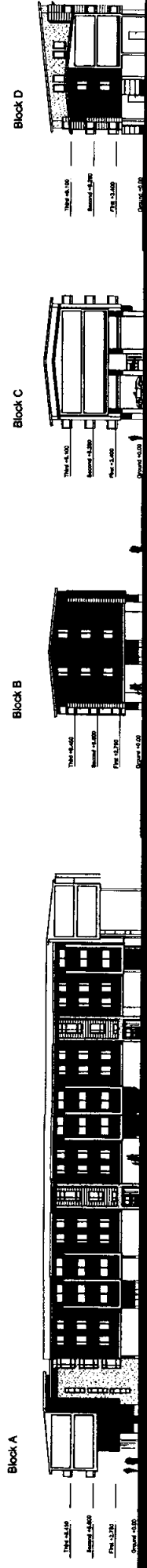
SOUTH ELEVATION

Architect: denovo design
 Residential Development,
 Denton Horne, Carlisle

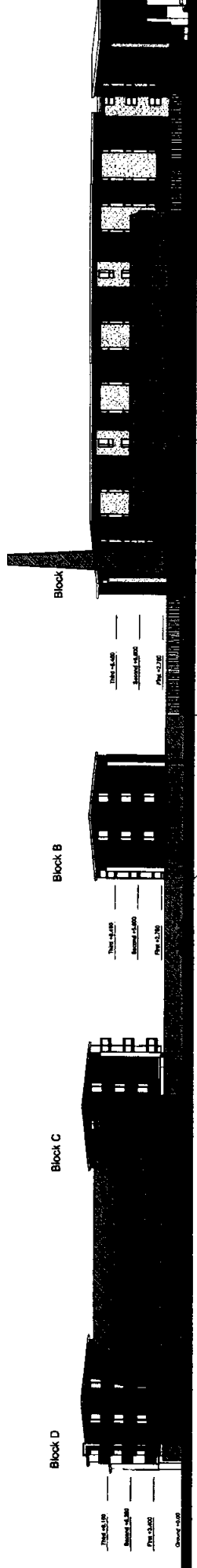
Project Name:	1100
Client:	DND58 P 250 B
Scale:	1:100
Date:	11/10

BLOCK E PLANS & ELEVATIONS AS PROPOSED

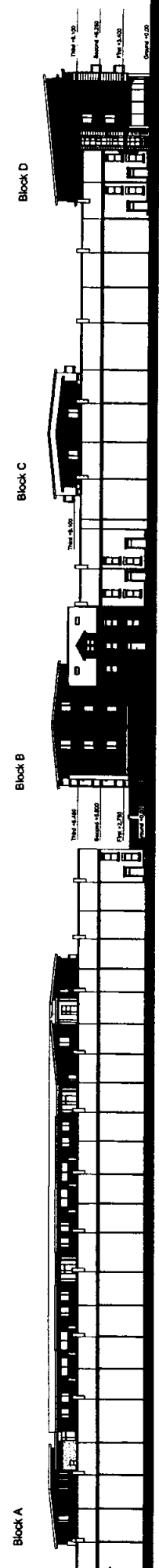
denovo design
 ARCHITECTURE INTERIOR DESIGN CONSTRUCTION



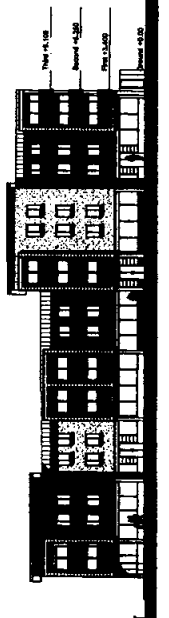
SOUTH ELEVATION ALONG INTERNAL ROAD



NORTH ELEVATION FROM FACTORY SITE



SOUTH ELEVATION ALONG COLLINGWOOD STREET



ELEVATION ONTO DENTON STREET

Under cross parking, built through brick pattern with raised gravel walkway. The parking area is paved with asphalt and includes a drainage system and access to the street.

Block elevations are shown with a 10' grid. The elevations are based on the datum of 4.10. The elevations are shown in feet and inches.

Block elevations are shown with a 10' grid. The elevations are based on the datum of 4.10. The elevations are shown in feet and inches.

CONTEX ELEVATIONS AS PROPOSED

denovo
RESIDENTIAL DEVELOPMENT,
DENTON HOLMES, CALIFORNIA

1250
DIN 8608

ARCHITECTURE INTERIOR DESIGN CONSULTATION

06/1091

Per 11.14 Reg. CC: Based on field measurements. Per 11.14 Reg. CC: Based on field measurements.





Original Sheet Size: A1

Rev A: 04 Sept 08: Issued for Planning Approval
**Residential Development,
 Denton Holme, Carlisle**

**SITE LAYOUT:
 LANDSCAPING**

66 BEEL STREET,
 LIVERPOOL, L1 4AZ
 Tel: (0151) 708 4999
 Fax: (0151) 708 5335
 email: info@denovodesign.co.uk

denovo
 d e s i g n
 ARCHITECTURE INTERIOR DESIGN CONSERVATION

Drawn: D.Divell
 Date: April 08
 1:250
 DN056 P 277 A

Carlisle City Council

Community Services
Environmental Quality Section

INTERNAL MEMORANDUM

PLANNING & HOUSING SERVICES	
REF	06/1091
13 OCT 2006	
RECORDED	MS
SCANNED	#8
PASSED TO	AMT
ACTION	

From: Assistant Environmental Quality Manager
To: Planning
FAO: Alan Taylor

Please ask for: Janet Blair
Extension: 7329
E-mail: Janet Blair
Your ref: 06/109/
Our ref: EP2/5 JB.MR
13 October 2006

RE: DENTON BUSINESS PARK, DENTON STREET, CARLISLE CA2 5EL

Further to the development meeting on the 12/10/06 regarding the above I can confirm that from a contaminated land view point the following would be required:

CL8

No part of the development hereby permitted shall commence until:

- (a) there has been submitted to and approved by the Local Planning Authority ("the LPA") in writing a methodology for site investigations and assessments,
- (b) following approval of the methodology by the LPA as provided for in paragraph (a) above such site investigations and assessments as are referred to therein have:
 - (i) been carried out in accordance with British Standard 10175:2001 "Investigation of potentially contaminated sites – code of practice" and current Government and Environment Agency guidance, and by appropriately qualified personnel; and
 - (ii) identified the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary and the laboratories used for analysis of samples shall be registered to the ISO 17025:2000 quality standard,
- (c) following the carrying out of such site investigations and assessments as provided for in paragraph (b) above there has been submitted to and approved in writing by the LPA a remediation scheme ("the Remediation Scheme"), which shall:

- (i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals,
 - (ii) include a remediation and verification methodology comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
 - (iii) provide for an appropriately qualified person to oversee the implementation of all remediation ("the Remediation Scheme").
- (d) all measures as are identified in the Remediation Scheme have been undertaken in accordance with the Implementation Timetable and any measures at variance with the Remediation Scheme have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and ,
- (e) there has been submitted to and approved by the LPA a report which shall include details of the following:
- i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,
 - (ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
 - (iii) future monitoring proposals and reporting

Reason: To protect the environment and prevent harm to human health.

CL10

No development hereby permitted shall be commenced until:

- (a) A site investigation ("The Site Investigation") has been carried out to include monitoring for methane gas and carbon dioxide, such monitoring to be carried out over a period of at least 2 calendar months duration with a minimum of 12 bore holes and four readings taken over that period,
- (b) There have been submitted by way of report to the Local Planning Authority ("the LPA") the results of the Site Investigation together with, for approval by the LPA, a scheme of any remedial measures which are identified in the Site Investigation as necessary to combat

effectively any risk to future occupiers and property from methane gas and/or carbon dioxide ("the Scheme"); and

(c) Following approval in writing by the LPA of the Scheme or agreement in writing by the LPA that no remedial measures are necessary, the development shall be undertaken in complete accordance with the Scheme.

Reason: To ensure that any risks which may arise from the generation of migratory gas from the adjacent former land fill site are minimised.

J Blair

Assistant Environmental Quality Manager

A handwritten signature in black ink, appearing to be 'J Blair', written over the printed name and title.



COUNTY COUNCIL

Economy, Culture and Environment

Your ref: AMT/DC/06/1091
Our Ref: S0104/1/06/1091

27th November 2006

Mr A Taylor
Development Control Manager
Development Services
Carlisle City Council
Civic Centre
Carlisle CA3 8QG

PLANNING & HOUSING SERVICES	
REF	06/1091
28 NOV 2006 14	
RECORDED	ms
SCANNED	
PASSED TO	AMT
ACTION	

Transport and Spatial Planning
The Courts, Carlisle
Cumbria CA3 8NA
Fax - 01228 606726
Te - 01228 606739
kathryn.holliday@cumbriacc.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990, SCHEDULE 1, PARAGRAPH 7
CONSULTATION ON PLANNING APPLICATION**

Cumbria County Council's Development Control and Regulation (DC&R) Committee considered the following application at its meeting on 24th November 2006.

LOCATION: McKnight and McIntosh, Denton Business Park, Denton Street, Carlisle

PROPOSAL: Demolition of existing building and redevelopment of entire site to provide 81 apartments and 11 no. house with ancillary parking together with three storey commercial units on Denton Street frontage (use class B1)

REF NO: 06/1091

The Committee resolved that:

- That no objections be raised subject to Carlisle City Council having regard to the matters set out in paragraphs 3.11, 3.15, 3.18 and 3.21 of the attached report and attaching the conditions set out in Annex 1 on the report to any permission that it is minded to grant.
- In addition to the matters set out in the report, Carlisle City Council, if minded to approve the permission, should seek developer contributions via a Section 106 agreement to carry out traffic calming measures in the surrounding streets

A copy of the relevant report is enclosed.

Should you or your Development Control/Planning Committee make a contrary recommendation my Council may wish to have further discussions at a joint member meeting. I should also be grateful if you would send me a copy of the Decision Notice for my records.

If this application is subsequently the subject of an appeal I should be grateful if you would keep me informed.

Yours sincerely

Kathryn Holliday
Senior Planning Officer

-27

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
24th November 2006
A Report by the Head of Transport and Spatial Planning

District	Carlisle
Application No	1/06/1091
Applicant	Darby Macy Developments Ltd

PROPOSAL	Demolition of existing buildings and redevelopment of entire site to provide 81 apartments and 1no. house with ancillary parking together with three storey commercial units on Denton Street frontage (use class B1), McKnight and McIntosh, Denton Business Park, Denton Street, Carlisle CA2 5EL
----------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1 RECOMMENDATION

- 1.1 That no objections be raised subject to Carlisle City Council having regard to the matters set out in paragraphs 3.11, 3.15, 3.18 and 3.21 of this report and attaching the conditions set out in Annex 1 to any permission that it is minded to grant.

2 THE PROPOSAL

- 2.1 Cumbria County Council has been consulted by Carlisle City Council on a full planning application for the creation of 81 no. apartments and 1 no. house (75 no. two bedroom and 6 no. one bedroom apartments plus 1 no. three bedroom house) with ancillary parking and the creation of B1 commercial space. The County Council has been consulted on the application as it involves housing development in excess of 60 units.
- 2.2 The site covers an area of 0.63ha which is only partly in use for industrial and office units. To the east of the site, fronting Denton Street there two terraced properties incorporating a retail and office use. At the entrance to the site from Collingwood Street there is a workshop/office and outbuildings. An industrial shed lies in the centre of the site. The majority of the site is currently vacant. The existing development on the site would all be demolished as part of this proposal. The application site is therefore considered previously developed land.
- 2.3 The site is bordered by terrace housing on Collingwood Street to the south, employment uses to the north, a mix of retail, residential and employment uses on Denton Street and Blencowe Street which lie to the east and west of the site respectively.
- 2.4 The proposal incorporates residential accommodation at the first floor level and above with car parking and landscaping at the lower level to address potential flooding issues. The height of the new development would be 13.3 meters. The applicants also state that the proposal incorporates design measures to ensure that the residential environment is not compromised by the proximity of the industrial area to the north of the site which includes minimising window elevations.
- 2.5 The applicant states that the existing office use on the site would transfer to the proposed 368 sq m of B1 floorspace which would be located on the Denton Street frontage of the site.
- 2.6 It is proposed that access to the site will be via two gated access points, one from Collingwood Street and one from Blencowe Street.
- 2.7 The application is supported by a Design and Access Statement, Planning Statement, Affordable Housing, Flood Impact Assessment, Air Quality Assessment, Noise Impact Assessment and Transport Assessment

3 PLANNING AND TRANSPORT ISSUES

- 3.1 The remit of the County Council is to consider whether this application would

materially conflict with or prejudice the implementation of any policy contained within the Structure Plan – the Cumbria and Lake District Joint Structure Plan 2001-2016 (JSP).

- 3.2 This report also includes an assessment of the proposal against policies as contained in the Cumbria Local Transport Plan(LTP).
- 3.3 It is considered that the main strategic issues raised by the application and relevant policies are:

Locational issues

ST3: Principles applying to all new development

ST5: New development and key service centres outside the Lake District National Park

ST8: The City of Carlisle

Employment issues

EM13: Employment Land Provision

EM14: Development of Employment Land for other purposes

Housing issues

H17: Scale of housing provision

H18: Targets for the recycling of land and buildings

H19: Affordable housing outside the Lake District National Park

Transport issues

ST3: Principles applying to all new development

T30: Transport assessments

LTP Policies:

C3: Cycle parking

LD4: Transport assessments and travel plans

LD5: Access to new developments

LD7: Design standards

Locational Issues

- 3.4 The proposal is located in the City of Carlisle and therefore satisfies JSP Policies ST3 and ST5 which seek to focus new development in Key Service Centres. JSP Policy ST8 states that Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. It is also identified that new housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. The proposal supports this policy (and JSP Policy ST3) in providing housing on previously developed land. In addition, the site location satisfies JSP Policy ST3 in that it is accessible by public transport, walking and cycling.
- 3.5 The site also lies within Flood Zone 3 as identified by the Environment Agency which means that the site is at high risk from fluvial flooding. A Flood Risk

Assessment (FRA) has been submitted in support of the application and the Environment Agency have indicated that they are satisfied that the assessment has been undertaken in accordance with current guidance, addresses the main areas of concern and provides additional information. The Environment Agency have suggested that the proposal is satisfactory in terms of flood risk providing the conclusions and recommendations as contained in the FRA are taken forward in detailed design measures of the scheme.

- 3.6 The sequential approach to siting development in terms of flood risk needs to be balanced with the emphasis given to previously developed land and buildings. Given the sustainable location of the development in terms of ST3 and ST5, and the recognition of the flood risk by the applicant, it is considered that this is an appropriate location for development.
- 3.7 The applicants have also submitted an Air Quality Assessment in support of the application which concludes that the proposed development is likely to have a negligible adverse impact on the local air quality compared to the 'do nothing' scenario.

Employment issues

- 3.8 The site is currently identified as a Primary Employment Area in both the adopted Carlisle District Local Plan (1997) and the Revised Redeposit Draft of the Carlisle Local Plan 2001-2016 (September 2006)
- 3.9 The applicants state that the site's location adjacent to residential properties, the long narrow form of the site, access and highway safety issues mean that the site is unlikely to be suitable for employment purposes throughout the Structure Plan period. The applicants advise that the engineering firm which currently occupies the industrial unit on the site is seeking to relocate to Dalston. There is a further engineering business on site. The applicants state that the owner of this business intends to retire if this proposal goes ahead. It is further stated that the site owners, who occupy the current office premises on the site, will move into the proposed new B1 premises on the Denton Street frontage of the development. The applicants also advise that the owners have attempted to let the empty store on the site for the past several years but without success. The majority of the site has been vacant for several years.
- 3.10 Within the City of Carlisle, JSP Policy EM13 requires a rolling requirement of 15 – 20ha of Regional Investment Site, 10ha of Strategic Employment Sites, 15ha of Local Employment Sites and 10ha of Business / Science Park sites over the Plan periods of 2006-2011 and 2011-16. JSP Policy EM14 states that the development of existing employment sites, premises and allocations for non-employment or mixed uses will be considered where it can be demonstrated that over the JSP period either the site or premises is likely to remain unsuitable for employment purposes, or the retention of the site or premises in employment use is not needed to meet the requirements of Policy EM13, including the requirement that each Key Service Centre retains an appropriate supply of land within the Local Employment Site market sector.
- 3.11 The most up-to-date Cumbria County Council Employment Land Availability Schedule indicates that at 31st March 2006 there was: 45.77ha of Regional Investment Site; 0ha of Strategic Employment Land; 12.94ha of Local

Employment Land; and 12ha of Business Park land in the City of Carlisle. There therefore appears to be a shortage of strategic and local employment land against Structure Plan requirements within the City of Carlisle. Whilst the City Council when determining the application will need to give detailed consideration to the impact of the loss of the existing employment site, alongside the likelihood of the site being developed for employment use in the future, given that the current site is largely unoccupied and the proposed development covers just 0.63ha, it is not considered to undermine the strategic employment policies of the JSP. There are also other local employment sites in the locality of the proposal. However, it is considered important that the proposed B1 units are incorporated as an essential element of the scheme and to reduce the net loss of employment opportunities in the area.

Housing issues

- 3.12 As the proposal would utilise previously developed land and is within the City of Carlisle (a Key Service Centre) the principle of new housing on the site would be in accordance with JSP Policy ST8, which advises that new housing is needed within Carlisle to sustain its economic potential and also gives priority to the use of previously developed land. The proposal would also support the aims of JSP Policy H18 which prescribes that at least 65% of housing constructed within the City during the period 2002-2016 should make use of use previously developed land and buildings.
- 3.13 JSP Policy H17 sets the annualised housing requirement for each district. For the City of Carlisle this amounts to 250 dwellings per annum to be provided for in three tranches of 2002-2016, 2006-2011, and 2011-2016. It is proposed that the site would accommodate 81 dwellings which would account for a significant proportion of one years' annual requirement. It is recognised however that the annualised requirement can be considered as an average, in the context of the 4 to 5 year time periods. The City Council will need to manage housing supply to ensure that provision is available at the start of the each monitoring year and account is taken of the annual average set out in the Structure Plan.
- 3.14 JSP Policy H19 relates to the provision of affordable housing. The applicants have submitted an 'Affordable Housing Statement' which states that the proposed development is aimed at the starter home market and units will be at the lower end of locally prevailing market prices. The applicant further states that the developer proposes that 8 of the apartments on the site will be offered as shared ownership, in perpetuity, directly via the developer or in conjunction with a social landlord partner.
- 3.15 In order to satisfy JSP Policy H19, the City Council will need to determine the proven local need for affordable housing and ensure that this need is provided for through the incorporation of an appropriate element of affordable housing on this site. Adequate arrangements must be made to ensure that any such affordable housing remains available on an affordable basis for local people in perpetuity.

Transport Issues

- 3.16 The applicants have submitted a Transport Assessment (TA) in support of the

application in accordance with JSP Policy T30 and LTP Policy LD4(part).

- 3.17 Access to the site is proposed via Blencowe Street and Collingwood Street and as at present it is envisaged that the development would remain private it is proposed that access would be controlled in order to restrict car and pedestrian movements through the site. However, it is intended that the roads etc will be constructed to an adoptable standard. The Design and Access Statement states that the development has been designed to create a 'home zone' road layout where the emphasis is on the safety of pedestrians, including ensuring level throughout meet with the Disability Discrimination Act 1995 requirements, and cyclists while still allowing for the free movement of cars and servicing vehicles.
- 3.18 With regards traffic impact, the TA has demonstrated that the proposed development will not have a material impact on the adjacent highway network and therefore no mitigating measures are required in this regard. However, Collingwood Street is one-way and cobbled and it is considered preferable that the development site should be served by a single vehicle access from Blencowe Street. In addition facilities should be provided in order to enable the proposed commercial units to be serviced from the rear without obstructing the proposed car parking facilities in order to reduce the likelihood vehicular conflicts occurring.
- 3.19 Regular bus services run along Denton Street and bus stops are located near to the site. The site is also within an acceptable walking distance from Carlisle Railway Station and is therefore considered to be accessible by rail services.
- 3.20 National Cycle Route 7 and Local Route 10 run near the proposed development on the Caldew Cycleway and directional signage exists along Denton Street to assist cyclists. However, although the site fronts onto Denton Street, no direct cycle link is proposed as part of the development proposals. The proposals include the provision of dedicated, secure cycle storage and parking facilities for 53 cycles in accordance with LTP Policy C3.
- 3.21 Pedestrians access the site via both Collingwood Street and Blencowe Street and it is considered that the existing pedestrian facilities are adequate to serve the proposed development. It is therefore considered that the proposed development is accessible by sustainable transport modes and therefore complies with JSP Policy ST3 and LTP Policy LD5. However, while the development is considered to comply with the aforementioned policies, it is considered appropriate that a pedestrian/cycle link should be provided onto Denton Street given that this has local services, a bus route, cycle route and way to the City Centre and Railway Station.
- 3.22 The applicant states that 84 car parking spaces would be incorporated into the development along with 5 disability spaces. This proposed parking provision does not exceed the maximum parking standards and is therefore considered to be acceptable given the location and the accessibility of the proposed development.

4 Conclusion

- 4.1 The proposal involves a significant housing development, with 368sq m of B1 floorspace in an accessible location, on previously developed land in Carlisle (a Key Service Centre). Whilst the proposal would involve the loss of employment

land this is not considered of a scale to undermine the strategic policies of the Structure Plan. The proposal retains an element of employment activity and provides this in modern premises.

- 4.2 It is therefore recommended that no objection be raised to the proposal, although the City Council will need to give detailed consideration as to the implications of the loss of an existing employment site arising from the proposal. Should the City Council be minded to approve the scheme, they must also address the issues of the need for affordable housing and consider the phasing of units as part of the wider management of overall housing supply in the City.
- 4.3 In addition, whilst the development complies with the transport related policies it is considered appropriate that a cycle/pedestrian link be provided onto Denton Street and that vehicular access to the site be via Blencowe Street only.

Rob Terwey
Head of Transport and Spatial Planning

Contact

Kathryn Holliday, Carlisle, tel. 01228 606739

Background Papers

Planning Application File Reference No. 1/06/1091

Electoral Division Identification

Cllr H McDevitt, Denton Holme

Annexe 1: Recommended conditions

1. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority 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. 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.

To support Local Transport Plan Policies: LD5, LD7, LD8

2. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage.

To support Local Transport Plan Policies: LD5, LD7, LD8

3. The surfacing of the access road shall extend for at least 20m inside the site, as measured from the highway boundary prior to the buildings being occupied and shall be carried out in accordance with details of construction which have been approved by the Local Planning Authority as shown on Drawing No DN056 p200. The access road shall be constructed in accordance with a specification approved by the Local Planning Authority.

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

4. There shall be no other vehicular access to nor egress from the site other than the Blencowe Street access referred to in the last condition.

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

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

Reason: In the interests of highway safety and environmental management.

To support Local Transport Plan Policies: LD7, LD8

6. Before the development building works commence the existing access to Collingwood Street and Denton Street shall be stopped up 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

7. The use shall not be commenced until the access and parking requirements 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.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32

8. 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.

To support Local Transport Policies: LD8

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

05/0694

Item No: 24

Between 23/10/2006 and 01/12/2006

Appn Ref No:
05/0694

Applicant:
RSPB Geltsdale Reserve

Parish:
Farlam

Date of Receipt:
07/10/2005

Agent:
Mr D O'Hara

Ward:
Irthing

Location:
9 Coalfell Terrace, Hallbankgate, Brampton, CA8
2PY

Grid Reference:
359392 559994

Proposal: Change of use from residential to office use and erection of aerial to rear of property

Amendment:

Report

Decision on Appeals:

Appeal Against: Against Enforcement Action

Type of Appeal: Written Representations

Report:

Appeal Decision: Appeal Dismissed

Date: 03/11/2006

SCHEDULE C: Applications Determined by Other Authorities

Item No: 25

Between 23/10/2006 and 01/12/2006

Appn Ref No:
06/0548

Applicant:
Primelight Advertising Ltd

Parish:
Carlisle

Date of Receipt:
28/04/2006 09:19:19

Agent:
Tetlow King Planning

Ward:
Belle Vue

Location:
225-227 Newtown Road, Carlisle, CA2 7LN

Grid Reference:
338162 556004

Proposal: 1 x single sided free standing display unit

Amendment:

Report

City Council Observations on the Proposal:

Decision: Refuse Permission

Date: 22/06/2006

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 23/10/2006

A copy of the Notice of the decision of the Determining Authority is printed following the report.

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 26

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1115

Applicant:
A & S Services

Parish:
Stanwix Rural

Date of Receipt:
21/09/2006

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
Land at Rear Of The Beeches, Houghton Road,
Houghton, Carlisle

Grid Reference:
340958 559188

Proposal: Formation of access road and erection of 1no. bungalow and 2no. dormer bungalows (outline).

Amendment:

1.
 1. Dormer bungalow on plot 3 substituted for a single storey bungalow;
 2. Indicative layout of Plot 1 amended to incorporate a link between the garage and the house;
 3. Clarification that the existing boundary treatment is to be retained; and
 4. Confirmation that a 1.8 metre high wall is to be erected between Beech House and the access road, which would taper down to 1.2 metres in height where it abuts the access road.

Report

Details of Deferral:

Members will recall at Committee meeting held on 10th November 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to the expiry of the consultation period with no objections being received from United Utilities.

The consultation period has expired and the approval was issued on 27th November 2006.

Decision: Grant Permission

Date: 27/11/2006

1. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the 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.

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and any associated garage shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy H16 of the Carlisle District Local Plan.

6. No development shall take place until full landscaping details, including including identification of those trees/shrubs to be retained, have been submitted to and approved in writing by the Local Planning Authority and these

SCHEDULE D: Reports on Previously Deferred Decisions

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 E19 of the Carlisle District Local Plan.

7. Before any development is commenced on the site, including site works of any description, a post and wire or chestnut pale fence shall be erected around the trees and hedges to be retained, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater. 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 50mm 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 E19 of the Carlisle District Local Plan.

8. Not more than 3 dwellings with garages shall be erected on the site. The dwellings to be erected on Plots 1 and 2 shall be in the form of a dormer bungalow and the dwelling to be erected on Plot 3 shall be of single storey construction only.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of building in the locality and to ensure compliance with Policy CP5 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

9. No development shall commence until detailed drawings showing the development and means of access thereto, together with details of the proposed parking provision, have been submitted to and approved in writing by the Local Planning Authority. The approved means of access and parking provision to be provided shall be completed in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety and to minimise potential hazards in support of Local Transport Plan Policies S3, S4, LD10 and LD11.

SCHEDULE D: Reports on Previously Deferred Decisions

10. The access shall be designed to be paired with that of the adjoining property, Spring Grove.

Reason: To minimise the number of separate accesses to the highway and to support Local Transport Plan Policies S3, LD9, LD7 and LD5.

11. Details of the proposed crossing of the footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved, in writing, and the crossing has been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies S4, S3 and LS10.

12. The access and parking/turning requirements shall be constructed to base course before any building work commences on site so that construction 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 Plan Policies S3 and LD9.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no dormer window or rooflight shall be inserted above the ground floor on the western elevation of the proposed dwellings without the prior written 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 CP5 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

14. No development shall commence until the proposed means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the means of disposal is acceptable and to ensure compliance with Policy CP9 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

15. No development shall commence until details made for the provisions of relocating the bats at the premises, together with the timing of these works,

SCHEDULE D: Reports on Previously Deferred Decisions

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 E14 of the Carlisle District Local Plan.

Item No: 27

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0764

Applicant:
Mr J Parkinson

Parish:
Nicholforest

Date of Receipt:
28/07/2006

Agent:
Rodney Jeremiah

Ward:
Lyne

Location:
High Catlowdy Farm, Penton, Carlisle, CA6 5QP

Grid Reference:
346142 577161

Proposal: Erection Of 2no. Poultry Sheds (Retrospective)

Amendment:

1. Revised siting of the buildings .

Report

Details of Deferral:

Members will recall at Committee meeting held on 10th November 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to the expiry of the consultation period with no new planning issues being raised.

The consultation period has expired and the approval was issued on 23rd November 2006.

Decision: Grant Permission

Date: 23/11/2006

1. The development hereby approved shall be undertaken in accordance with the Working Practice Statement submitted by Rodney Jeremiah that was received on 27 October 2006 by the Local Planning Authority.

Reason: In order to ensure a satisfactory form of development and to protect the living conditions of the occupier of the neighbouring property in accordance with Policy H17 of the Carlisle District

SCHEDULE D: Reports on Previously Deferred Decisions

Local Plan.

Item No: 28

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0842

Applicant:
Norbrook Laboratories

Parish:
Wetheral

Date of Receipt:
10/07/2006

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
The Queen Inn and The Courtyard, Corby Castle,
Great Corby, Carlisle, CA4 8LR

Grid Reference:
347206 554360

Proposal: Retrospective change of use of 1st floor to meeting room and lounge area, together with external seating area and associated car parking in connection with existing bar and restaurant

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 29th September 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to no objections being received from the Parish Council. No objections have been received by the Parish Council and the approval was issued on 1st November 2006.

Decision: Grant Permission

Date: 01/11/2006

Item No: 29

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0844

Applicant:
Norbrook Laboratories

Parish:
Wetheral

Date of Receipt:
10/07/2006

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:

Grid Reference:

SCHEDULE D: Reports on Previously Deferred Decisions

The Queen Inn and The Courtyard, Corby Castle, 347206 554360
Great Corby, Carlisle, CA4 8LR

Proposal: Retrospective application for change of use of 1st floor to meeting room and lounge area, together with external seating area and associated car parking in connection with existing bar and restaurant (LBC)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 29th September 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to no objections being received from the Parish Council. No objections have been received by the Parish Council and the approval was issued on 1st November 2006.

Decision: Grant Permission

Date: 01/11/2006

SCHEDULE E

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No:
05/1011

Applicant:
Mr & Mrs J Ratcliffe

Parish:
Carlisle

Date of Receipt:
23/09/2005

Agent:
J Cameron Blackhall
Associates

Ward:
Belle Vue

Location:
Avonlea, 20 Moorhouse Road, Carlisle, Cumbria,
CA2 7LU

Grid Reference:
337619 556141

Proposal: Erection Of 1no. Dwelling

Amendment:

Decision: Refuse Permission

Date: 02/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0494

Applicant:
Mr N Marriner

Parish:
Carlisle

Date of Receipt:
25/04/2006

Agent:
Ramsden Barrett Architects

Ward:
Castle

Location:
Treasury Court, Fisher Street, Carlisle, CA3 8RF

Grid Reference:
340033 556050

Proposal: Alterations To Existing 1st And 2nd Floor Office Accommodation To
Provide Facilities Of A Modern Standard (LBC)

Amendment:

Decision: Grant Permission

Date: 03/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0729

Applicant:
Solway Homes Ltd

Parish:
Orton

Date of Receipt:
14/06/2006

Agent:

Ward:
Burgh

Location:
The Cottage, Cross House Farm, Great Orton,

Grid Reference:
332844 554255

SCHEDULE E: Decisions Issued Under Delegated Powers

Carlisle, CA5 6NA

Proposal: Erection of two storey extension to provide a kitchen and conservatory on the ground floor with a bathroom above (resubmission of 03/0252 with revised plot boundaries, garaging and parking).

Amendment:

Decision: Grant Permission

Date: 03/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0740

Applicant:
Wetheral Parish Council

Parish:
Wetheral

Date of Receipt:
25/09/2006

Agent:

Ward:
Wetheral

Location:
Brackenbank Wood, Wetheral, Carlisle

Grid Reference:
348450 552179

Proposal: Positioning Of 1no. Interpretation Panel Along Footpath Wetheral - Brackenbank River Eden

Amendment:

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0757

Applicant:
Mr R Miller

Parish:
Stanwix Rural

Date of Receipt:
21/08/2006

Agent:
R E Banks F.R.I.C.S.

Ward:
Stanwix Rural

Location:
Greenfield Farm, Houghton, Carlisle CA3 OLP

Grid Reference:
340795 558885

Proposal: Erection of hay storage shed (Retrospective)

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 09/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0789

Applicant:
Gill Mulvey

Parish:
Carlisle

Date of Receipt:
23/08/2006

Agent:

Ward:
Castle

Location:
121 Warwick Road, Carlisle, CA1 1JZ

Grid Reference:
340768 555930

Proposal: Demolition of rear extension (LBC)

Amendment:

Decision: Grant Permission

Date: 23/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0812

Applicant:
Mr Sean Rayson

Parish:

Date of Receipt:
03/07/2006

Agent:

Ward:
Belah

Location:
71 Lowry Hill Road, Carlisle, CA3 0DJ

Grid Reference:
338964 558714

Proposal: Erection of timber boarded panel perimeter fence and driveway gates

Amendment:

Decision: Grant Permission

Date: 30/10/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0836

Applicant:
Nigel Thompson
Developments Ltd

Parish:
Wetheral

Date of Receipt:
07/07/2006

Agent:
Alpha Design

Ward:
Great Corby & Geltsdale

Location:
Low Allenwood Farm, Broadwath, Heads Nook,
Brampton, CA8 9AJ

Grid Reference:
348580 555396

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Conversion Of Existing Barns & Demolition/Re-Build Of Existing Outbuildings To Form 4 No. Live-Work Units (Revised Application)

Amendment:

Decision: Granted Subject to Legal Agreement

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0878

Applicant:
Ben Hodgson Bodyworks

Parish:
Dalston

Date of Receipt:
24/07/2006

Agent:
Gray Associates

Ward:
Dalston

Location:
Dalston Service Station, The Green, Dalston,
Carlisle, CA5 7QA

Grid Reference:
336860 550000

Proposal: Erection of steel framed shed for use as commercial garage

Amendment:

Decision: Grant Permission

Date: 31/10/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0883

Applicant:
Mrs Mary Cork

Parish:
Orton

Date of Receipt:
18/07/2006

Agent:

Ward:
Burgh

Location:
Plot 3, Low House Farm, Baldwinholme, CA5 6LJ

Grid Reference:
333857 552064

Proposal: Erection of 3no. bed detached house with sun room to the rear elevation and attached double garage to the side elevation

Amendment:

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
06/0888

Applicant:
Messrs Graham

Parish:
Waterhead

Date of Receipt:
03/10/2006

Agent:
Hopes of Wigton

Ward:
Irthing

Location:
Miller Hill, Gilsland, Brampton CA8 7DE

Grid Reference:
359064 566331

Proposal: Formation of Midden (Phase 4) (Retrospective)

Amendment:

Decision: Grant Permission

Date: 27/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0889

Applicant:
Messrs Graham

Parish:
Waterhead

Date of Receipt:
03/10/2006

Agent:
Hopes of Wigton

Ward:
Irthing

Location:
Miller Hill, Gilsland, Brampton CA8 7DE

Grid Reference:
359064 566331

Proposal: Creation Of Interceptor And Hardstanding (Phase Five) (Retrospective)

Amendment:

Decision: Grant Permission

Date: 27/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0906

Applicant:
Wetheral Parish Council

Parish:
Wetheral

Date of Receipt:
25/09/2006

Agent:

Ward:
Wetheral

Location:
Ferry Landing, Wetheral Riverbank, Wetheral,
Carlisle

Grid Reference:
346917 554381

Proposal: Positioning Of 1no. Interpretation Panel Along Footpath From Wetheral
To Brackenbank, River Eden.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0911

Applicant:
Network Rail
(Infrastructure) Ltd

Parish:
Carlisle

Date of Receipt:
21/07/2006

Agent:
Network Rail (Commercial
Property)

Ward:
Currock

Location:
Citadel Railway Station, Court Square, Carlisle, CA1
1QX

Grid Reference:
340243 555532

Proposal: Erection Of Customer Information Screens And Additional/Replacement Public Address Equipment Throughout The Station. Works Are Required To Make The Station Compliant With The 1995 Disability Discrimination Act

Amendment:

Decision: Grant Permission

Date: 13/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0954

Applicant:
Mr C E Patrickson

Parish:
Carlisle

Date of Receipt:
20/09/2006

Agent:
Black Box Architects
Limited

Ward:
St Aidans

Location:
71 London Road, Carlisle, CA1 2LF

Grid Reference:
340857 555145

Proposal: Change Of Use From Residential Dwelling To Ground Floor Retail Unit With 1no. Bedroom Flat Above Together With Rear Ground Floor Extension

Amendment:

Decision: Grant Permission

Date: 02/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/0982

Applicant:
Mr & Mrs S Russell

Parish:
Carlisle

Date of Receipt:
09/08/2006

Agent:

Ward:
Belle Vue

Location:
22 Beck Road, Belle Vue, Carlisle, CA2 7QL

Grid Reference:
337117 555967

Proposal: Single And Two Storey Extension To Provide Garage, Utility, Dining Room And Kitchen With Enlarged Bedroom, Bathroom And 1no. En-Suite Bedroom Above

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1008

Applicant:
Mr & Mrs J Ackerley

Parish:
Brampton

Date of Receipt:
15/08/2006

Agent:
Ashton Design

Ward:
Brampton

Location:
Milton Mains Farm, Milton, Brampton, CA8 1JD

Grid Reference:
355608 560490

Proposal: Conversion of existing barn to 3no. holiday units (including 1no. accessible unit) creation of new entrance road and widening of existing farm entrance

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1009

Applicant:
Messrs Dickinson

Parish:
Beaumont

Date of Receipt:
15/08/2006

Agent:
Tsada Building Design

Ward:
Burgh

SCHEDULE E: Decisions Issued Under Delegated Powers

Services

Location:
Eden Farm, Kirkandrews-on-Eden, Carlisle, CA5
6DJ

Grid Reference:
335353 558447

Proposal: Erection Of Granny Annex

Amendment:

Decision: Grant Permission

Date: 03/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1010

Applicant:
Mr Clive Neame

Parish:
Cumrew

Date of Receipt:
08/09/2006

Agent:
Manning & Elliott

Ward:
Great Corby & Geltsdale

Location:
L/A, Townfoot Farm, Cumrew, Heads Nook,
Brampton, CA8 9DD

Grid Reference:
354870 550840

Proposal: Substitution of house type (Unit 2)

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 31/10/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1013

Applicant:
Cubby Construction
Limited

Parish:
Kingmoor

Date of Receipt:
05/09/2006

Agent:
Rol Design Ltd

Ward:
Stanwix Rural

Location:
Unit H & L, Knights Drive, Kingmoor Business Park
Central, CA6 4SG

Grid Reference:
338127 559466

Proposal: Erection of shed for the storage of prefabricated construction panels.
Erection of lean-to conservatory adjacent to office canteen area

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 30/10/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1024

Applicant:
Glenmore Trust

Parish:
Carlisle

Date of Receipt:
05/09/2006

Agent:
Impact Housing
Association Ltd

Ward:
Belle Vue

Location:
Newtown House, 241 Newtown Road, Carlisle, CA2
7LT

Grid Reference:
338096 556010

Proposal: Installation Of Inter Floor Lift (LBC)

Amendment:

Decision: Grant Permission

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1038

Applicant:
Solo Bars Limited

Parish:
Carlisle

Date of Receipt:
21/08/2006

Agent:

Ward:
Castle

Location:
Office Bar Restaurant, Unit 1A-2 Englishgate Plaza,
Botchergate, Carlisle, CA1 1RP

Grid Reference:
340445 555580

Proposal: Use As Restaurant Bar To Remain Open Until 4.30am

Amendment:

Decision: Grant Permission

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1046

Applicant:
Mr Anthony Britton

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
28/09/2006

Agent:
D'Ream Windows

Ward:
Upperby

Location:
27 Cammock Avenue, Carlisle, CA2 4PD

Grid Reference:
341395 553192

Proposal: Erection Of Conservatory And Extend Existing Garage

Amendment:

Decision: Grant Permission

Date: 23/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1054

Applicant:
Mr R Little

Parish:
Rockcliffe

Date of Receipt:
13/09/2006

Agent:

Ward:
Longtown & Rockcliffe

Location:
Harker Service Station, Harker, Carlisle, CA6 4DT

Grid Reference:
339587 561061

Proposal: Display Of Internally Illuminated Signage

Amendment:

Decision: Grant Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1058

Applicant:
Mr D Carruthers

Parish:
Brampton

Date of Receipt:
08/09/2006

Agent:
Scotyne Design Ltd

Ward:
Brampton

Location:
Land Adjoining Lyndene, Station Road, Brampton,
CA8 1EX

Grid Reference:
353850 561015

Proposal: Erection of detached dwelling

Amendment:

Decision: Grant Permission

Date: 01/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1059 **Applicant:** Mrs E E Clark **Parish:** St Cuthberts Without

Date of Receipt: 05/10/2006 **Agent:** Ian Ward Architects **Ward:** Dalston

Location: 42 Durdar Road, Carlisle, CA2 4SQ **Grid Reference:** 340223 553120

Proposal: Two storey extension to provide new lounge and dining room with bedrooms over

Amendment:

Decision: Grant Permission

Date: 29/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1063 **Applicant:** Motogear Marketing Ltd **Parish:** Carlisle

Date of Receipt: 15/09/2006 **Agent:** Batty France Consultancy **Ward:** Belah

Location: 74 Kingstown Broadway, Carlisle, CA3 0HA **Grid Reference:** 339124 559514

Proposal: Conversion Of Existing Vacant Building (ex Visual Link Site) To Car Dealership

Amendment:

Decision: Grant Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1065 **Applicant:** Gleniffer Developments Ltd **Parish:** Carlisle

Date of Receipt: 22/09/2006 **Agent:** Keppie Planning **Ward:** Castle

Location: **Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

23-27 Church Street, Carlisle, CA2 5TJ

339348 555925

Proposal: Erection of subdivided Wholesale Retail Warehouse

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1069

Applicant:
Mr Martin Buchanan

Parish:
Carlisle

Date of Receipt:
13/09/2006

Agent:

Ward:
Belle Vue

Location:
20 Criffel Road, Carlisle, CA2 7QP

Grid Reference:
337059 555974

Proposal: Erection Of A Side Extension To Provide A Car Port On The Ground Floor With Two Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1070

Applicant:
Mr & Mrs Cruickshank

Parish:
St Cuthberts Without

Date of Receipt:
28/09/2006

Agent:
N J Hodgson

Ward:
Dalston

Location:
Inglewood, Wreay, Carlisle, CA4 0RL

Grid Reference:
343595 548988

Proposal: Extension Over Existing Garage To Provide Office Space (Business Purposes)

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1071 **Applicant:** Mountskip Ltd **Parish:** Wetheral

Date of Receipt: 18/09/2006 **Agent:** HM Architecture **Ward:** Wetheral

Location: 7 Scotby Grange, Park Road, Scotby, CA4 8AR **Grid Reference:** 343715 555646

Proposal: Single Storey 'Rear' Extension To Provide A Porch

Amendment:

Decision: Grant Permission

Date: 13/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1072 **Applicant:** Mr & Mrs D Fish **Parish:** Burgh-by-Sands

Date of Receipt: 13/09/2006 **Agent:** Lawson Margerison Ltd **Ward:** Burgh

Location: 11 The Courtyards, Moorhouse, Carlisle, CA5 6EX **Grid Reference:** 332972 556821

Proposal: Two storey extension to rear to provide lounge and en-suite bedroom on ground floor, with master bedroom above (LBC)

Amendment:

Decision: Grant Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1073 **Applicant:** Mr & Mrs D Fish **Parish:** Burgh-by-Sands

Date of Receipt: 13/09/2006 **Agent:** Lawson Margerison Ltd **Ward:** Burgh

Location: 11 The Courtyards, Moorhouse, Carlisle, CA5 6EX **Grid Reference:** 332972 556821

Proposal: Two Storey Extension To Rear To Provide Lounge And En-Suite Bedroom On Ground Floor, With Master Bedroom Above.

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1081

Applicant:
R & S Swainson

Parish:
Kingmoor

Date of Receipt:
11/09/2006

Agent:
Michael Holliday

Ward:
Stanwix Rural

Location:
Oakdale, Stainton Road, Carlisle, Etterby, CA3 9QZ

Grid Reference:
338362 558263

Proposal: Replacement General Purpose Store

Amendment:

Decision: Grant Permission

Date: 06/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1082

Applicant:
Mr G Dutton

Parish:
Wetheral

Date of Receipt:
24/10/2006

Agent:
Green Design Group

Ward:
Great Corby & Geltsdale

Location:
Barn D, Broadwath, Carlisle, CA8 9BA

Grid Reference:
348392 555281

Proposal: Conversion of redundant farm building to dwelling

Amendment:

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1083

Applicant:
Carl & Cheryl Barnett

Parish:
Brampton

Date of Receipt:
09/10/2006

Agent:

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Unit 2K, Townfoot Industrial Estate, Brampton,
Cumbria, CA8 1SW

Grid Reference:
352200 560950

Proposal: Change Of Use To Garage/Workshop Purposes (retrospective)

Amendment:

Decision: Grant Permission

Date: 14/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1084

Applicant:
Mr T Gibson

Parish:
Carlisle

Date of Receipt:
12/09/2006

Agent:
QS Dimensions Ltd

Ward:
Currock

Location:
4 Boston Avenue, Carlisle, CA2 4DR

Grid Reference:
340368 554212

Proposal: Kitchen Extension (Revised Proposal)

Amendment:

Decision: Grant Permission

Date: 06/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1086

Applicant:
Cubby Construction
Limited

Parish:
Carlisle

Date of Receipt:
18/09/2006

Agent:
Rol Design Ltd

Ward:
Castle

Location:
16 - 18 Port Road, Carlisle, CA2 7AJ

Grid Reference:
339034 555905

Proposal: Conversion Of Shop Units To 2no Apartments

Amendment:

Decision: Grant Permission

Date: 03/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1087	Applicant: Mr R Hill	Parish: Hayton
Date of Receipt: 06/09/2006	Agent: G R & A J Stephen	Ward: Hayton
Location: 14 Little Corby Road, Little Corby, Carlisle, CA4 8QN		Grid Reference: 347556 557099

Proposal: Addition of sloping tiled roof to existing flat roof extension

Amendment:

Decision: Grant Permission

Date: 01/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1089	Applicant: Argos Distribution Ltd	Parish: Carlisle
Date of Receipt: 03/10/2006	Agent: Sign Specialists Ltd	Ward: Castle
Location: Argos Extra Store, 42 Lowther Street, Carlisle, Cumbria, CA3 8DH		Grid Reference: 340275 555927

Proposal: Display Of One Internally Illuminated Fascia Sign And One Internally Illuminated Projecting Sign.

Amendment:

Decision: Grant Permission

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1090	Applicant: Mr N Thompson	Parish: Hayton
Date of Receipt: 14/09/2006	Agent: Acorus Rural Property Services	Ward: Hayton
Location:		Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Yew Tree Farm, Fenton, Carlisle, CA8 9JZ 350005 556100

Proposal: Erection of agricultural storage building and adjoining midden with underground effluent tank

Amendment:

Decision: Refuse Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1093

Applicant:
Mr N Thompson

Parish:
Hayton

Date of Receipt:
14/09/2006

Agent:
Acorus Rural Property
Services

Ward:
Hayton

Location:
Yew Tree Farm, How Mill, CARLISLE, CA8 9JZ

Grid Reference:
350005 556100

Proposal: Erection of agricultural livestock building

Amendment:

Decision: Refuse Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1094

Applicant:
Mr G Guest

Parish:
Carlisle

Date of Receipt:
14/09/2006

Agent:

Ward:
Denton Holme

Location:
2 East Norfolk Street, Carlisle, CA2 5JL

Grid Reference:
339752 554953

Proposal: Change Of Use From Shop To A Two Bedroom Ground Floor Flat

Amendment:

Decision: Refuse Permission

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1098 **Applicant:** Mr & Mrs Workman **Parish:** St Cuthberts Without

Date of Receipt: 21/09/2006 **Agent:** Adrian Hogarth **Ward:** Dalston

Location: Land between Mill Cottage and River Petteril, Carleton, Carlisle, CA1 3DZ **Grid Reference:** 342894 552588

Proposal: Change of use from field to garden and redirection of public footpath129012

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1100 **Applicant:** Moto Hospitality Ltd **Parish:** Rockcliffe

Date of Receipt: 13/10/2006 **Agent:** CgMs Ltd **Ward:** Longtown & Rockcliffe

Location: Todhill Service Station (South Bound), Carlisle, CA6 4HA **Grid Reference:** 347420 562330

Proposal: Relocation of existing pole sign.

Amendment:

Decision: Grant Permission

Date: 29/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1105 **Applicant:** Mrs Dodd **Parish:** St Cuthberts Without

Date of Receipt: 13/09/2006 **Agent:** Jock Gordon **Ward:** Dalston

Location: Risena, Brisco, Carlisle, CA4 OQS **Grid Reference:** 342323 551641

Proposal: Single Storey Rear Extension To Provide A Conservatory

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 08/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1106

Applicant:
United Utilities North West

Parish:
Castle Carrock

Date of Receipt:
20/09/2006

Agent:
United Utilities North West

Ward:
Great Corby & Geltsdale

Location:
Water Treatment Works, Castle Carrock, Brampton,
CA8 9ND

Grid Reference:
354484 555039

Proposal: Erection Of Building To Accommodate Chemical Dosing, Static Mixer
And Emergency Shut Down Valve Together With Location Of Ultra Violet
Process Units.

Amendment:

Decision: Grant Permission

Date: 15/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1107

Applicant:
S & N Pub Enterprises

Parish:
Carlisle

Date of Receipt:
21/09/2006

Agent:
IMD & Associates Ltd

Ward:
Harraby

Location:
Harraby Grange Cottage, Harraby Grove, Carlisle,
CA1 2QN

Grid Reference:
341648 554362

Proposal: Minor Alterations Internally And Change Of Use From Dis Used
Domestic Accommodation To Letting Bedrooms (revised Proposal
Showing Substitution Of Window To Form Secondary Door Access).

Amendment:

Decision: Grant Permission

Date: 15/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
06/1108

Applicant:
Mr M Parker

Parish:
Hayton

Date of Receipt:
21/09/2006

Agent:
Alan Gosling Chartered
Designer

Ward:
Great Corby & Geltsdale

Location:
Garages between Corner House and former Hare
and Hounds, Talkin, Brampton

Grid Reference:
354915 557385

Proposal: Change of use of garage into one single dwelling

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1109

Applicant:
Mr Andrew Farrer

Parish:
Scaleby

Date of Receipt:
14/09/2006

Agent:
Ian Ward Architects

Ward:
Stanwix Rural

Location:
3 Oakland View, Barclose, Scaleby, Carlisle, CA6
4LH

Grid Reference:
344316 562916

Proposal: Two Storey Extension To Provide Ground Floor Lounge And First Floor
En- Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1110

Applicant:
Mr J Little

Parish:
Carlisle

Date of Receipt:
19/09/2006

Agent:
Phoenix Architects

Ward:
Denton Holme

Location:
No. 7 Block B, Higginson Mill, Denton Holme,

Grid Reference:
339607 554532

SCHEDULE E: Decisions Issued Under Delegated Powers

Carlisle, CA2 5NZ

Proposal: Installation of mezzanine sleeping deck (LBC)

Amendment:

Decision: Grant Permission

Date: 22/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1112

Applicant:
Ponteland Properties

Parish:
Carlisle

Date of Receipt:
15/09/2006

Agent:
Unwin Jones Partnership

Ward:
Botcherby

Location:
Riverside, Warwick Road, Carlisle

Grid Reference:
341821 555952

Proposal: Proposed Two Storey Development With Associated Parking Area
Comprising 1 No. Hairdressing Unit (Use Class A1) And 3 No. Office
Suites (Use Classes A2/B1)

Amendment:

Decision: Grant Permission

Date: 10/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1113

Applicant:
Dr Hollings

Parish:
Cumrew

Date of Receipt:
29/09/2006

Agent:
Hurd Rolland Partnership

Ward:
Great Corby & Geltsdale

Location:
Cumrew House, Cumrew, Heads Nook, Brampton,
CA8 9DD

Grid Reference:
355042 550438

Proposal: Incorporation Of Store To Provide Entrance Hall And Utility Room For
Holiday Let.

Amendment:

Decision: Grant Permission

Date: 22/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1114

Applicant:
Dr Hollings

Parish:
Cumrew

Date of Receipt:
29/09/2006

Agent:
Hurd Rolland Partnership

Ward:
Great Corby & Geltsdale

Location:
Cumrew House, Cumrew, Heads Nook, Brampton,
CA8 9DD

Grid Reference:
355042 550438

Proposal: Internal Alterations To Form New First Floor Kitchen/sitting Room With Utility Room On Ground Floor. Insertion Of 5no. Roof Lights To Existing Roof And Install New Entrance Door.

Amendment:

Decision: Grant Permission

Date: 22/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1118

Applicant:
Castellum Ltd

Parish:
Wetheral

Date of Receipt:
22/09/2006

Agent:
Gray Associates

Ward:
Wetheral

Location:
Land to the rear of Wendover, Park Road, Scotby,
Carlisle, CA4 8AT

Grid Reference:
343854 555418

Proposal: Single Storey Detached Dwelling And Detached Garage

Amendment:

Decision: Grant Permission

Date: 14/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1121

Applicant:
Mr & Mrs D Chicken

Parish:
Cummersdale

Date of Receipt:
19/09/2006

Agent:
L N Rook

Ward:
Dalston

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

11 The Crescent, Cummersdale, Carlisle, CA2 6BB 338876 553201

Proposal: Front Extension To Provide Porch With Cloakroom, Rear Two Storey Extension To Provide Enlarged Living Room With Enlarged Bedroom And Bedroom Over

Amendment:

Decision: Grant Permission

Date: 02/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1123

Applicant:
Messrs Stoddart

Parish:
Burgh-by-Sands

Date of Receipt:
26/09/2006

Agent:
ML Planning Services Ltd

Ward:
Burgh

Location:
Hill Farm, Thurstonfield, Carlisle, CA5 6HG

Grid Reference:
331350 556750

Proposal: Extension To Existing Livestock Building And Demolition Of Existing Silo Towers (Phase 1)

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1125

Applicant:
Messrs Stoddart

Parish:
Burgh-by-Sands

Date of Receipt:
26/09/2006

Agent:
ML Planning Services Ltd

Ward:
Burgh

Location:
Hill Farm, Thurstonfield, Burgh by Sands, Carlisle,
CA5 6HG

Grid Reference:
331350 556750

Proposal: Replacement Agricultural Livestock Building (Phase 2)

Amendment:

Decision: Grant Permission

Date: 16/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1127

Applicant:
Mr R Telford

Parish:
Stanwix Rural

Date of Receipt:
20/09/2006

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
The Craig, Linstock, Carlisle, CA6 4PY

Grid Reference:
342674 558157

Proposal: Demolition Of Existing Garage Repairs With Office, Utility, Cloakroom
And Attic Bedroom, Remodel Of Existing Dwelling And Installation Of
Attic Bedroom

Amendment:

Decision: Grant Permission

Date: 27/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1128

Applicant:
Llyods TSB Bank

Parish:
Carlisle

Date of Receipt:
27/09/2006

Agent:
Lloyds TSB

Ward:
Castle

Location:
Lloyds TSB Bank, 8 Lowther Street, Carlisle CA3
8DB

Grid Reference:
340268 555778

Proposal: Internally illuminated fascia sign and 2no. projecting signs (LBC)

Amendment:

Decision: Refuse Permission

Date: 22/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1129

Applicant:
Lloyds TSB Bank

Parish:
Carlisle

Date of Receipt:
27/09/2006

Agent:
Gregor Cunningham

Ward:
Castle

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Lloyds TSB Bank, 8 Lowther Street, Carlisle CA3 8DB 340268 555778

Proposal: Internally illuminated fascia sign and 2no. projecting signs

Amendment:

Decision: Refuse Permission

Date: 22/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1130

Applicant:
Mr A V Ireland

Parish:
Brampton

Date of Receipt:
25/09/2006

Agent:
Jock Gordon

Ward:
Brampton

Location:
Brackenfell Cottage, Tarn Road, Brampton, CA8 1HN

Grid Reference:
353957 559158

Proposal: Erection Of Detached Domestic Garage And Garden Shed

Amendment:

Decision: Grant Permission

Date: 03/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1132

Applicant:
Wilkinson

Parish:
Carlisle

Date of Receipt:
21/09/2006

Agent:
Craig & Green Architects

Ward:
Castle

Location:
Wilkinson, Market Hall, Scotch Street, Carlisle

Grid Reference:
340008 556068

Proposal: Alterations to Fisher Street comprising relocation of entrance doors and screen (LBC)

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1135 **Applicant:** Mr Davidson **Parish:** Dalston

Date of Receipt: 25/09/2006 **Agent:** Gray Associates **Ward:** Dalston

Location: 2 Lingyclose Cottage, Lingyclose Road, Dalston, Carlisle, CA5 7LB **Grid Reference:** 337446 552188

Proposal: Two Storey Side Extension Providing Lounge And Office On The Ground Floor With 2no. Additional Bedrooms (One With En-Suite) To First Floor.

Amendment:

Decision: Grant Permission

Date: 09/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1137 **Applicant:** Mr K Moualem **Parish:** Carlisle

Date of Receipt: 03/10/2006 **Agent:** **Ward:** Castle

Location: 23 Victoria Place, Carlisle, CA1 1EJ **Grid Reference:** 340360 556001

Proposal: Change Of Use Offices To Residential

Amendment:

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1138 **Applicant:** Mr K Moualem **Parish:** Carlisle

Date of Receipt: 09/10/2006 **Agent:** **Ward:** Castle

Location: 23 Victoria Place, Carlisle, CA1 1EJ **Grid Reference:** 340360 556001

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Refurbishment of kitchen area to provide up to date equipment
Amendment:

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1142

Applicant:
Messrs JR Lyall

Parish:
Carltonton

Date of Receipt:
25/09/2006

Agent:
Nick Scholefield M.R.I.C.S

Ward:
Great Corby & Geltsdale

Location:
North Scales, Heads Nook, Brampton, CA8 9BT

Grid Reference:
351870 554217

Proposal: Proposed extension to existing livestock shed
Amendment:

Decision: Grant Permission

Date: 30/10/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1149

Applicant:
Mr & Mrs Minns

Parish:
Carlisle

Date of Receipt:
27/09/2006

Agent:
Jock Gordon

Ward:
Belah

Location:
14 Newfield Park, Carlisle, CA3 0AH

Grid Reference:
339771 558711

Proposal: 2 Storey Side Extension To Provide Kitchen, Utility, Extended Bedroom, Bathroom & Study, Replacement Frontage Porch & Extension To Garage
Amendment:

Decision: Grant Permission

Date: 14/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1150

Applicant:
Morgan Lovell

Parish:
Kingmoor

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
03/10/2006

Agent:

Ward:
Stanwix Rural

Location:
Regents Court, Baron Way, Kingmoor Business
Park, Carlisle, CA6 4SJ

Grid Reference:
338500 560297

Proposal: Installation Of 5no. New Condenser Units

Amendment:

Decision: Grant Permission

Date: 24/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1151

Applicant:
Story Homes

Parish:
Carlisle

Date of Receipt:
02/10/2006

Agent:

Ward:
Denton Holme

Location:
Shaddon Mill, Junction Street, Carlisle

Grid Reference:
339512 555638

Proposal: Variation Of Condition 6 And 7 Of Application Reference 03/1381 To
Enable Alteration To Parking Layout To Provide 9 No. Additional Spaces

Amendment:

Decision: Grant Permission

Date: 24/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1153

Applicant:
Lovell Partnerships
Limited

Parish:
Carlisle

Date of Receipt:
19/10/2006

Agent:
Ainsley Gommon
Architects

Ward:
Belle Vue

Location:
Site H, Heysham Park Avenue, Raffles Estate,
Carlisle

Grid Reference:
337563 555539

Proposal: Residential development - new build, development of cleared site on the

SCHEDULE E: Decisions Issued Under Delegated Powers

Raffles Estate. Regeneration scheme with Riverside Housing Association and Carlisle Council (small re-location of 22 houses) (revised application)

Amendment:

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1154

Applicant:
Mr S Edmondson

Parish:
Carlisle

Date of Receipt:
29/09/2006

Agent:
Ian Ward Architects

Ward:
Belle Vue

Location:
7 High Meadow, Carlisle, CA2 7PZ

Grid Reference:
337678 555778

Proposal: Single Storey Garden Room, Utility Room, Playroom And Wc

Amendment:

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1156

Applicant:
TNT Uk Ltd

Parish:
Carlisle

Date of Receipt:
03/10/2006

Agent:
Bayliss Design

Ward:
Belah

Location:
TNT Depot , Site 31, Peterfield Road, Kingstown
Industrial Estate, Carlisle, CA3 0EY

Grid Reference:
338948 559222

Proposal: Erection Of Canopies Over Loading Bay Doors (Revised Application)

Amendment:

Decision: Grant Permission

Date: 06/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

06/1157 Mr Johnstone & Miss
Flannery Kingmoor

Date of Receipt: **Agent:** **Ward:**
29/09/2006 Alan Fox Design Stanwix Rural

Location: **Grid Reference:**
4 Crindledyke, Kingstown, Carlisle, CA6 4BZ 338385 560480

Proposal: Erection of conservatory

Amendment:

Decision: Grant Permission

Date: 20/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: **Applicant:** **Parish:**
06/1158 Mr Mark Wightman Carlisle

Date of Receipt: **Agent:** **Ward:**
29/09/2006 Belle Vue

Location: **Grid Reference:**
139 Green Lane, Belle Vue, Carlisle, CA2 7QE 337232 555787

Proposal: Two storey extension to provide store, utility and shower room to ground floor

and two bedrooms to first floor. Single storey lean-to extension to rear to provide extended kitchen and family room.

Amendment:

Decision: Grant Permission

Date: 20/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: **Applicant:** **Parish:**
06/1161 Mr & Mrs Henderson Carlisle

Date of Receipt: **Agent:** **Ward:**
02/10/2006 Jock Gordon Belah

Location: **Grid Reference:**
63 Newfield Drive, Carlisle, CA3 0AG 339869 559012

Proposal: First Floor Extension Over Existing Garage To Provide Bedroom And

SCHEDULE E: Decisions Issued Under Delegated Powers

Conservatory

Amendment:

Decision: Grant Permission

Date: 24/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1163

Applicant:
Mr & Mrs Aitkenhead

Parish:
Carlisle

Date of Receipt:
02/10/2006

Agent:
Jock Gordon

Ward:
Botcherby

Location:
47 Victoria Road, Carlisle, CA1 2UE

Grid Reference:
342160 555749

Proposal: Single Storey Frontage Extension To Provide Sunroom To Replace Existing Porch

Amendment:

Decision: Grant Permission

Date: 06/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1164

Applicant:
Mr John Pattinson

Parish:
Carlisle

Date of Receipt:
02/10/2006

Agent:

Ward:
Upperby

Location:
4 Blackwell Place, Carlisle, CA2 4RZ

Grid Reference:
340291 553538

Proposal: First Floor Extension To Create 2no. Additional Bedrooms

Amendment:

Decision: Grant Permission

Date: 21/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1165

Applicant:
Mr & Mrs Haughan

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

04/10/2006

Agent:

Ward:

Belle Vue

Location:

198 Green Lane, Carlisle, Belle Vue, CA2 7RA

Grid Reference:

336942 555854

Proposal: Extension To Create Bedroom, En-Suite, Kitchen, Dining And Utility
Amendment:

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:

06/1166

Applicant:

Mr Malcolm Graham

Parish:

Arthuret

Date of Receipt:

05/10/2006

Agent:

Rodney Jeremiah

Ward:

Longtown & Rockcliffe

Location:

7 Cliff Road, Sandysyke, Longtown, CA6 5SU

Grid Reference:

339401 565839

Proposal: Extension Above Existing Utility Room To Provide Enlarged Bedroom
And Bathroom Together With Summer House/changing Room

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:

06/1167

Applicant:

Mr T Dixon

Parish:

Wetheral

Date of Receipt:

03/10/2006

Agent:

G R & A J Stephen

Ward:

Wetheral

Location:

Moor Yeat, Plains Road, Wetheral, Carlisle, CA4
8LA

Grid Reference:

346137 555359

Proposal: Demolition Of Existing Conservatory, Erection Of A Two Storey Living
And Bedroom Area With Terrace Together With Single Storey Sun
Room

Amendment:

1. Omission of 3 car garage with playroom and storage area above.

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1168

Applicant:
Mr & Mrs D Stephenson

Parish:
Wetheral

Date of Receipt:
04/10/2006

Agent:
Architects Plus (UK) Ltd

Ward:
Wetheral

Location:
Caerluel, Wetheral, Carlisle, CA4 8JG

Grid Reference:
346403 554556

Proposal: Demolition Of Existing Flat Roofed Garage, Kitchen And Utility And
Erection Of New Garage, Kitchen, Family Room And Utility, Formation
Of Dormer In Roof Of Existing Bathroom

Amendment:

Decision: Grant Permission

Date: 15/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1170

Applicant:
Paton House
Developments

Parish:
Carlisle

Date of Receipt:
10/10/2006

Agent:
Black Box Architects
Limited

Ward:
Harraby

Location:
Plots 3 & 4, The Bungalow, Harraby Grove, Carlisle
CA3 8AN

Grid Reference:
341709 554483

Proposal: Erection of conservatories to plots 3 & 4 and erection of detached
garage to plot 4

Amendment:

Decision: Grant Permission

Date: 29/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1172
Applicant: Edwin Thompson LLP & Dodd & Co
Parish: Carlisle

Date of Receipt: 12/10/2006
Agent: Edwin Thompson LLP
Ward: Botcherby

Location: Site 15, Montgomery Way, Carlisle, CA1 2RW
Grid Reference: 342885 555581

Proposal: Variation Of Condition 2 Of Application 05/0431 Which States That The Premises Is Used Only As A Chartered Accountants/ surveyors. The Application Seeks To Vary The Consent By Permitting Part Of The Building To Be Occupied And Used By H & H Group Whilst Retaining The Use Of The Building Within Class A2 Of The Use Classes Order

Amendment:

Decision: Grant Permission

Date: 16/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1174
Applicant: Mr Peter Ingledow
Parish: Carlisle

Date of Receipt: 04/10/2006
Agent:
Ward: Belle Vue

Location: 61 Moorpark Avenue, Carlisle, CA2 7LY
Grid Reference: 337097 556207

Proposal: Demolition Of Existing Detached Garage And Erection Of Two Storey Side Extension To Provide Enlarged Attached Garage And Front Porch With En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 14/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1182
Applicant: Mr Colin Renwick
Parish: Cumrew

Date of Receipt: 06/10/2006
Agent: Ashton Design
Ward: Great Corby & Geltsdale

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
L/A, Townfoot Farm, Cumrew, Heads Nook,
Brampton, CA8 9DD

Grid Reference:
354870 550840

Proposal: Substitution of house type (Unit One)

Amendment:

Decision: Grant Permission

Date: 29/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1184

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
06/10/2006

Agent:
Robin Beattie

Ward:
Castle

Location:
Bitts Park Depot, Dacre Street, Carlisle, CA3 8UZ

Grid Reference:
339508 556358

Proposal: Demolition Of 2 Buildings, Construction Of New Steel Portal Frame Building With Profiled Metal Cladding For Storage And Event Preparation (Revised Application)

Amendment:

Decision: Grant Permission

Date: 23/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1185

Applicant:
Mr A Harrison

Parish:
Cummersdale

Date of Receipt:
09/10/2006

Agent:
L W Rook

Ward:
Dalston

Location:
16 The Crescent, Cummersdale, Carlisle, CA2 6BB

Grid Reference:
338856 553205

Proposal: Erection Of Two Storey Rear Extension To Provide Dining Room And Bathroom Above

Amendment:

Decision: Grant Permission

Date: 14/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1186

Applicant:
Mr Chris Robson

Parish:
Carlisle

Date of Receipt:
12/10/2006

Agent:
Ashwood Design
Associates

Ward:
Currock

Location:
17 Hasell Street, Currock, Carlisle, CA2 4HB

Grid Reference:
340909 554532

Proposal: Ground Floor Rear Extension To Create Dining Room

Amendment:

Decision: Grant Permission

Date: 23/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1187

Applicant:
Joanne Secular Hall

Parish:
Wetheral

Date of Receipt:
09/10/2006

Agent:
Green Design Group

Ward:
Wetheral

Location:
3 Elm Garth, Plains Road, Wetheral, CA4 8LB

Grid Reference:
346337 555144

Proposal: Two storey extension to rear to provide kitchen with en-suite bedroom above, with single and two storey extensions to side and rear to provide double garage and utility room, living room, sun room to ground floor with en-suite bedroom above

Amendment:

Decision: Grant Permission

Date: 30/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1189

Applicant:
Mr & Mrs Clark

Parish:
St Cuthberts Without

Date of Receipt:
09/10/2006

Agent:
Jock Gordon

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
403 Durdar Road, Carlisle, CA2 4TR

Grid Reference:
340568 551645

Proposal: Single storey side extension to provide en-suite bedroom and dining room plus car port to side, frontage porch and detached garage/store

Amendment:

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1190

Applicant:
Mrs A Foley

Parish:
Carlisle

Date of Receipt:
09/10/2006

Agent:
Jock Gordon

Ward:
Botcherby

Location:
183 Beverley Rise, Harraby, Carlisle, CA1 3RZ

Grid Reference:
343180 554544

Proposal: Single storey side extension to provide dining room and store

Amendment:

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1192

Applicant:
Persimmon Homes
Lancashire

Parish:
Arthuret

Date of Receipt:
10/10/2006

Agent:

Ward:
Longtown & Rockcliffe

Location:
Sutton and Son Longtown Depot, Albert Street,
Longtown, Carlisle, CA6 5SF

Grid Reference:
338213 568536

Proposal: Proposed erection of 4 flag advertisements and 1 stackerboard sign

Amendment:

Decision: Grant Permission

Date: 30/11/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1198 **Applicant:** Mr David Jarvis **Parish:** Carlisle
Date of Receipt: 10/10/2006 **Agent:** **Ward:** Upperby
Location: 51 Sclegate Road, Carlisle, CA2 4JX **Grid Reference:** 340708 553858
Proposal: Single Storey Extension To Rear
Amendment:

Decision: Grant Permission **Date:** 24/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1203 **Applicant:** Carlisle City Council **Parish:** Wetheral
Date of Receipt: 12/10/2006 **Agent:** Waste Services **Ward:** Wetheral
Location: Tesco Recycling Area, Rosehill, Carlisle, CA1 2SB **Grid Reference:** 342678 556152
Proposal: Extension Of Existing Waste Recycling Site
Amendment:

Decision: Grant Permission **Date:** 23/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No: 06/1209 **Applicant:** Mr & Mrs McCormack **Parish:** Rockcliffe
Date of Receipt: 16/10/2006 **Agent:** Tsada Building Design Services **Ward:** Longtown & Rockcliffe
Location: High Harker Farm, Harker, Carlisle, CA6 4DS **Grid Reference:** 339445 560870
Proposal: Proposed cattery with car park and access

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 17/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1215

Applicant:
Mr & Mrs J Ruddick

Parish:
Kingmoor

Date of Receipt:
17/10/2006

Agent:

Ward:
Stanwix Rural

Location:
2 Crindledyke Estate, Kingstown, Carlisle, CA6 4BZ

Grid Reference:
338356 560460

Proposal: Removal of existing extension, erection of ground floor and first floor extension to side elevation to provide w.c, study and utility on ground floor, with 2 no. rooms above

Amendment:

Decision: Grant Permission

Date: 21/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1221

Applicant:
Mr & Mrs D Batey

Parish:
Brampton

Date of Receipt:
23/10/2006

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
21 Irthing Park, Brampton, CA8 1EB

Grid Reference:
352800 561400

Proposal: Front Extension To Garage; Side And Rear Extension To Provide Utility And Dayroom On Ground Floor, With Bedroom And Bathroom To First Floor (Revised/Retrospective Proposal)

Amendment:

Decision: Grant Permission

Date: 29/11/2006

Between 28/10/2006 and 01/12/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
06/1228

Applicant:
Mr & Mrs Pathanoglou

Parish:
Carlisle

Date of Receipt:
23/10/2006

Agent:
Jock Gordon

Ward:
Belah

Location:
33 Naworth Drive, Carlisle, CA3 0DD

Grid Reference:
339258 558513

Proposal: First Floor Extension To Provide Bedroom, Conversion Of Garage To Habitable Room And Frontage Porch

Amendment:

Decision: Grant Permission

Date: 30/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1245

Applicant:
Mr C Noble

Parish:
Brampton

Date of Receipt:
26/10/2006

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
2 Crossways, Tarn Road, Brampton, CA8 1TU

Grid Reference:
353490 560647

Proposal: Extension To Provide Enlarged Living Room With 2no. Bedrooms And Bathroom In Roof Space (revised Proposal)

Amendment:

Decision: Grant Permission

Date: 30/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1250

Applicant:
Argos Ltd

Parish:
Carlisle

Date of Receipt:
27/10/2006

Agent:
3D Architects

Ward:
Castle

Location:
Argos Ltd, 42 Lowther Street, Carlisle, CA3 8DH

Grid Reference:
340275 555927

Proposal: Removal Of Existing Steel Structure And Construction Of New External

SCHEDULE E: Decisions Issued Under Delegated Powers

Steel Fire Escape Stair (Revised Proposal)

Amendment:

Decision: Grant Permission

Date: 28/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/1264

Applicant:
Katherine Dalglish

Parish:
Carlisle

Date of Receipt:
31/10/2006

Agent:

Ward:
Castle

Location:
51 Chiswick Street, Carlisle, CA1 1HJ

Grid Reference:
340636 555933

Proposal: Install Fireplace And Fire Surround In Living Room

Amendment:

Decision: Grant Permission

Date: 29/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/9015

Applicant:
Margaret Graham

Parish:
Carlisle

Date of Receipt:
17/10/2006

Agent:
Cumbria County Council

Ward:
Castle

Location:
3 Alfred Street North, Carlisle, CA1 1PX

Grid Reference:
340582 555794

Proposal: Erection Of Advertisement Signage To The Front Of The Building

Amendment:

Decision: City Council Observation - Observations

Date: 06/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/9016

Applicant:
Margaret Graham

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
17/10/2006

Agent:
Cumbria County Council

Ward:
Castle

Location:
3 Alfred Street North, Carlisle, CA1 1PX

Grid Reference:
340582 555794

Proposal: Affixation of signage to the front of the building

Amendment:

Decision: City Council Observation - Observations

Date: 06/11/2006

Between 28/10/2006 and 01/12/2006

Appn Ref No:
06/9022

Applicant:
Cumbria Waste
Management Ltd

Parish:
Rockcliffe

Date of Receipt:
06/11/2006

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Hespin Wood Landfill Site, Todhills, Carlisle, CA6
4BJ

Grid Reference:
336300 562872

Proposal: Construction of vehicle wash area and installation of wheelwash

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 28/11/2006
