

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

25th April 2008

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>08/0245</u> B	L/A Field 3328, Castle Carrock, Carlisle	<u>ARH</u>	1
02.	<u>07/0714</u> A	Land off St Ninians Road, Cammock Crescent, Carlisle	<u>AMT</u>	20
03.	<u>07/1362</u> A	McKnight and McIntosh, Denton Business Park, Denton Street, Carlisle CA2 5EL	<u>ARH</u>	78
04.	<u>08/0146</u> A	Little Bobbington, The Knells, Houghton, Carlisle, CA6 4JG	<u>SE</u>	106
05.	<u>08/0149</u> A	Land Behind Ash Tree Barn, Hayton, Carlisle, Cumbria, CA8 9HT	<u>SG</u>	125
06.	<u>08/0205</u> A	St Aidans County High School, Lismore Place, Carlisle, CA1 1LY	<u>RJM</u>	144
07.	<u>08/0254</u> A	39 Croft Road, Carlisle, CA3 9AG	<u>SE</u>	159
08.	<u>08/0220</u> A	Parkfield Stables, Newtown, Blackford, Carlisle	<u>ARH</u>	174
09.	<u>07/1293</u> A	Former Penguin Factory, Westmorland Street, Carlisle, CA2 5HL	<u>RJM</u>	184
10.	<u>07/1312</u> A	Former Penguin Factory, Westmorland Street, Carlisle, CA2 5HL	<u>RJM</u>	292
11.	<u>08/0235</u> A	April Cottage, Faugh, Brampton, Cumbria, CA8 9EA	<u>CG</u>	366
12.	<u>08/0058</u> A	Part Field 9063, Hunters Holme, Longtown, Carlisle	<u>CHA</u>	376
13.	<u>08/0086</u> A	22 - 24 Fisher Street, Carlisle, Cumbria	<u>ARH</u>	386
14.	<u>08/0150</u> A	13 South Wakefield Close, Carlisle, CA3 0HQ	<u>CG</u>	428
15.	<u>08/0157</u> A	1 Heathlands Cottages, Carlisle, Cumbria, CA6 4HQ	<u>BP</u>	440

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16.	<u>08/0177</u> A	Three Gables, Plains Road, Wetheral, Carlisle, CA4 8LE	<u>SG</u>	448
17.	<u>08/0252</u> A	72 Woodside North, Carlisle, Cumbria, CA2 4NP	<u>BP</u>	461
18.	<u>08/0267</u> B	1 Parkland Mews, Carlisle, Cumbria, CA1 3GL	<u>RJM</u>	472
19.	<u>08/0253</u> B	Land adjacent to Greyhound Inn, Burgh by Sands, Carlisle, CA5 6AN	<u>ARH</u>	480
20.	<u>07/1321</u> B	Curry Master, 31 John Street, Carlisle, CA2 5TR	<u>RJM</u>	492
21.	<u>08/9003</u> C	Land at Bruntons Hill Farm, Carwinley, Longtown, CA6 5PG	<u>BP</u>	501
22.	<u>07/0396</u> C	Former London Scottish Bank, Corner of Trafalgar Street and Denton Street, Denton Holme, Carlisle	<u>RJM</u>	515
23.	<u>07/0400</u> C	1 Hall Terrace, Gilsland, Carlisle, CA8 7BW	<u>RAM</u>	519
24.	<u>07/0468</u> C	Land at Randlawfoot, Cumwhitton, Carlisle	<u>RJM</u>	521
25.	<u>07/9028</u> C	Land At Englishtown Farm, Englishtown, Carlisle, Carlisle, CA6 5NL	<u>BP</u>	525
26.	<u>07/9029</u> C	Land adjacent Bruntons Hill Farm, Carwinley, Longtown, Carlisle	<u>BP</u>	539
27.	<u>07/9030</u> C	North Cumbria Technical College, Edgehill Road, Carlisle, CA1 3SL	<u>ARH</u>	555
28.	<u>08/0112</u> D	Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well)	<u>ARH</u>	562

## **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 11/04/2008 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 16/04/2008.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

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SCHEDULE A

## SCHEDULE B: Reports Requiring Further Information

08/0245

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Item No: 01

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0245

**Applicant:**  
Montgomery Homes  
(1970) Limited

**Parish:**  
Castle Carrock

**Date of Receipt:**  
14/03/2008

**Agent:**  
PFK Planning

**Ward:**  
Great Corby & Geltsdale

**Location:**  
L/A Field 3328, Castle Carrock, Carlisle

**Grid Reference:**  
354350 555270

**Proposal:** Erection Of 3no. Detached Dwellings

**Amendment:**

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**REPORT**

**Case Officer:** Angus Hutchinson

### **Reason for Determination by Committee:**

The application has been brought before Members of the Development Control Committee because the Parish Council has lodged an objection; a member of the public wishes to exercised their Right to Speak; and, six objections have been received to the proposal.

#### **1. Constraints and Planning Policies**

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

**Joint St. Plan Pol E37: Landscape character**

**Joint St. Plan Pol E38: Historic environment**

**Joint St. Plan Pol H17: Scale of housing provision**

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

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

**District E3 - AONBs**

**District E19 - Landscaping New Dev.**

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**District E22 - Sewers & Sew. Treat. Work**

**District E50 - Spaces within Settlements**

**District H5 - Village Development**

**District H16 - Design Considerations**

**District L5 - Rights of Way**

**Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity**

**Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists**

**Rev Redeposit Pl. Pol CP16 - Planning Out Crime**

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

**Rev Redeposit Pl. Pol H3 - Residential Density**

**Rev Redeposit Pl. Pol H5- Affordable Housing**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the estate road does not comply with the "Cumbria Design Guide". As the southern most access to the site will now give access to 7 dwellings it is recommended that the applicant puts in place a mechanism to ensure the adoption of the first 30m (and turning head ) of the current private drive (Sids Field), or failing this make himself/herself aware of the workings of the Advance Payment Code procedure ( if the road were to remain private). I attach hereto a guidance note for APC notices for the applicants attention.

Can therefore confirm that there is no objection to this application but would recommend the imposition of five conditions on any consent you may grant;

**Local Plans (Tree Preservation), Development Services:** the submitted drawings do not show all the trees/hedgerows growing on or within influencing distance of the development. There are many trees within the boundary hedgerows, as well as the hedgerows themselves and a large mature Sycamore tree on the western boundary that are omitted.

In order to give due consideration to the trees and hedgerows and to make an informed decision the applicant should submit detailed plans showing the location of the trees and hedgerows, the accurate crown spread of the trees and hedgerows.

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Also an arboricultural survey of the site should be requested.

The applicant and their architect should be advised to take into consideration the information within British Standard B.S. 5837: 2005 Trees in relation to construction; recommendations and Carlisle City Council Supplementary Planning Guidance Trees on Development Sites

If necessary to ensure the information requested for the making an informed decision does not delay the application beyond the statutory determination period the applicant should be advised to withdraw the application or the application should be refused on the grounds of insufficient information;

**United Utilities (former Norweb & NWWA):** 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.

Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems;

**Community 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 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;

**Carlisle Airport:** comments awaited;

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

**Ramblers Association:** comments awaited;

**North Pennines AONB Partnership:** comments awaited;

**Castle Carrock Parish Council:** would like to object as follows:

1. To allow the building of houses in this particular location will set a precedent for further development on similar parcels of land. Traditionally, and in fact right up until the time of the Montgomery Homes development recently built on Sid's Field, the village of Castle Carrock was a "ribbon" development with residential property built just one deep either side of the road. Sid's Field is currently 3 deep at one point, and if the current application is successful it will be 5 deep. What is then to stop further

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applications and subsequent building of this nature in other parts of the village where existing gardens stretch back far enough to accommodate additional housing?

2. Montgomery Homes has in the past put in repeated planning applications for this site – one of which was an application for twelve houses. This application was turned down. Since then, nine houses have been built bringing the total nicely back to twelve if the current application is successful. Since the application for twelve houses was turned down, why is the council now obliged to consider this application at all when it has been categorically turned down in the past. Montgomery Homes were originally told that they had to use the entire field for the nine dwellings allowed to them – this has not happened, hence allowing scope to add the next three. It does in fact make a total mockery of the very nature of planning laws.

3. Many of the nine properties on Sid's Field remain unsold, thus clearly demonstrating that there is no "need" for more housing of this type in Castle Carrock. None of the existing properties nor the proposed ones would be classed as "affordable" housing.

4. The infrastructure of Castle Carrock is already pushed to the limits in terms of surface water drainage and foul sewage drainage capabilities. Sid's Field, having originally been just that, a field, has been changed into an acreage of predominantly hard surfaces causing huge quantities of surface water to flow directly into Castle Carrock Beck as opposed to seeping gently into the ground as it used to. This only exacerbates the already existing problem of flooding in the village in adverse weather conditions. More houses – more problems.

5. Given the elevation of the proposed buildings it is clear that the visual impact will be great, with the new dwellings overlooking not only the houses recently built on Sid's Field, but over pre-existing homes as well.

6. Castle Carrock lies within the boundaries of the North Pennines AONB (Area of Outstanding Natural Beauty). It is doubtful that the addition of three more dwellings will enhance the natural beauty;

**East Cumbria Countryside Project:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Briar Cottage	20/03/08	Objection
[REDACTED] 4 Rectory Road	20/03/08	
[REDACTED] Fairfield House,	20/03/08	
[REDACTED] 5 Cleveleys Ave	20/03/08	
[REDACTED], Cornerstones	20/03/08	Comment Only
[REDACTED] Briar Cottage	20/03/08	
[REDACTED] Garth House	20/03/08	
[REDACTED] 5 Phoenix Park	20/03/08	

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[REDACTED]	Castlegate Cottage	20/03/08	
[REDACTED]	Lindeth	20/03/08	
[REDACTED]	The Swifts	20/03/08	
[REDACTED]	Fairfield	20/03/08	
[REDACTED]	Garth Marr	20/03/08	
[REDACTED]	Little Todhills	20/03/08	
[REDACTED]	Alderbeck	20/03/08	
[REDACTED]	Stone House	20/03/08	
[REDACTED]	Roxboro	20/03/08	
[REDACTED]	Nook Farm	20/03/08	
[REDACTED]	Hynam Shield	20/03/08	
[REDACTED]	Garth Hill	20/03/08	
[REDACTED]	Lancaster Cottage	20/03/08	
[REDACTED]	Ralph Cottage	20/03/08	
[REDACTED]	Fell View	20/03/08	
[REDACTED]	Forresters House	20/03/08	
[REDACTED]	5 Rectory Road	20/03/08	
[REDACTED]	Fell View	20/03/08	
[REDACTED]	3 Rectory Road	20/03/08	
[REDACTED]	10 Rectory Road	20/03/08	
[REDACTED]	Low Hynam	20/03/08	
[REDACTED]	The Rectory	20/03/08	
[REDACTED]	Gelt Hall Farm	20/03/08	
[REDACTED]	Garth Hill	20/03/08	
[REDACTED]	Lonning Foot	20/03/08	
[REDACTED]	Garth Foot	20/03/08	Objection
[REDACTED]	4 The Glebe	20/03/08	
[REDACTED]	1 Rectory Road	20/03/08	
[REDACTED]	Lauriston	20/03/08	
[REDACTED]	Poachers Pocket	20/03/08	
[REDACTED]	[REDACTED]	20/03/08	
[REDACTED]	[REDACTED] (Ref. RJW.LW)	20/03/08	
[REDACTED]	[REDACTED], 6 Rectory Road	20/03/08	
[REDACTED]	Geltsdale Farm Cottage	20/03/08	
[REDACTED]	4 The Courtyard	20/03/08	
[REDACTED]	Jockey Shield Cottage	20/03/08	
[REDACTED]	[REDACTED]	20/03/08	
[REDACTED]	[REDACTED] 1 Rectory Road	20/03/08	
[REDACTED]	Gelt Hall Farm	20/03/08	Objection
[REDACTED]	Garth Hill	20/03/08	
[REDACTED]	Russets	20/03/08	
[REDACTED]	Alderbeck	20/03/08	
[REDACTED]	Raysdale	20/03/08	
[REDACTED]	Bag End	20/03/08	
[REDACTED]	10 Rectory Road	20/03/08	
[REDACTED]	West View	20/03/08	
[REDACTED]	Shepherds View	20/03/08	Objection
[REDACTED]	Ralph Cottage	20/03/08	
[REDACTED]	Town Foot Farm	20/03/08	
[REDACTED]	Low Hynam	20/03/08	
[REDACTED]	Cornerstones	20/03/08	
[REDACTED]	1 Coach Flats	20/03/08	
[REDACTED]	The Swifts	20/03/08	
[REDACTED]	Geltsgarth	20/03/08	
[REDACTED]	Moor House	20/03/08	
[REDACTED]	Bag End	20/03/08	
[REDACTED]	Holly Cottage	20/03/08	
[REDACTED]	Garth House	20/03/08	
[REDACTED]	Hallsteads	20/03/08	
[REDACTED]	Victoria Cottage	20/03/08	
[REDACTED]	Garth Marr	20/03/08	

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[REDACTED]	Castle Carrock	20/03/08	Undelivered
[REDACTED]	Innisfree	20/03/08	
[REDACTED]	Garth Foot	20/03/08	Objection
[REDACTED]	Garth Lodge	20/03/08	
[REDACTED]	Four Winds	20/03/08	
[REDACTED]	Low Hynam	20/03/08	
[REDACTED]	Cumberland Cottage	20/03/08	
[REDACTED]	8 Rectory Road	20/03/08	
[REDACTED]	Lonning Foot	20/03/08	
[REDACTED]	The Lawn	20/03/08	
[REDACTED]	11 Rectory Road	20/03/08	
[REDACTED]	Carrock House	20/03/08	
[REDACTED]	12 Rectory Road	20/03/08	
[REDACTED]	Townfoot Farm	20/03/08	
[REDACTED]	Sunny Croft	20/03/08	
[REDACTED]	6 Clementina Terrace	20/03/08	
[REDACTED]	Lauriston	20/03/08	Objection
[REDACTED]	White Garth	20/03/08	
[REDACTED]	Raysdale	20/03/08	
[REDACTED]	The Barn	20/03/08	
[REDACTED]	Croftlands	20/03/08	
[REDACTED]	The Heights	20/03/08	
[REDACTED]	9 Rectory Road	20/03/08	
[REDACTED]	[REDACTED] 5 Sands Avenue	20/03/08	
[REDACTED]	Mr David Hassall	20/03/08	
[REDACTED]	Garthfoot Cottage	20/03/08	
[REDACTED]	Garth Hill	20/03/08	
[REDACTED]	Jockey Shield	20/03/08	
[REDACTED]	Gelt Hall	20/03/08	
[REDACTED]	Stone House	20/03/08	
[REDACTED]	10 Rectory Road	20/03/08	
[REDACTED]	Forresters House	20/03/08	
[REDACTED]	Garth House	20/03/08	
[REDACTED]	Ralph Cottage	20/03/08	
[REDACTED]	Fell view	20/03/08	
[REDACTED]	Virginia Cottage	20/03/08	Objection
[REDACTED]	Jockey Shield Cottage	20/03/08	
[REDACTED]	Poachers Pocket	20/03/08	
[REDACTED]	5 The Glebe	20/03/08	
[REDACTED]	3 The Glebe	20/03/08	
[REDACTED]	Victoria Cottage	20/03/08	
[REDACTED]	Gelt Hall Farm	20/03/08	
[REDACTED]	1 Sids Field	01/04/08	
[REDACTED]	2 Sids Field	01/04/08	
[REDACTED]	3 Sids Field	01/04/08	
[REDACTED]	4 Sids Field	01/04/08	
[REDACTED]	5 Sids Field	01/04/08	
[REDACTED]	6 Sids Field	01/04/08	
[REDACTED]	7 Sids Field	01/04/08	
[REDACTED]	8 Sids Field	01/04/08	
[REDACTED]	9 Sids Field	01/04/08	
[REDACTED]	Garth House Farm	20/03/08	
[REDACTED]	Bag End	20/03/08	
[REDACTED]	1 Burnside Terrace	20/03/08	
[REDACTED]	Shireburn House	20/03/08	
[REDACTED]	Lonning Foot	20/03/08	
[REDACTED]	Shireburn House	20/03/08	
[REDACTED]	Fell View	20/03/08	
[REDACTED]	Garth Farm	20/03/08	
[REDACTED]	Jockey Shield	20/03/08	
[REDACTED]	Russets	20/03/08	

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[REDACTED]	5 The Glebe	20/03/08	
[REDACTED]	Victoria Cottage	20/03/08	
[REDACTED]	12 Rectory Road	20/03/08	
[REDACTED]	Garth House	20/03/08	
[REDACTED]	14 Fairview Gardens	20/03/08	
[REDACTED]	Crofflands	20/03/08	
[REDACTED]	Murley Moss	20/03/08	
[REDACTED]	Forrestors House	20/03/08	Objection
[REDACTED]	Forresters House	20/03/08	
[REDACTED]	Dales Centre	20/03/08	
[REDACTED]	Briar Cottage	20/03/08	
[REDACTED]	Shireburn House	20/03/08	
[REDACTED]	Garth Foot		Objection

- 3.1 This application has been advertised by the direct notification of 142 neighbouring properties and the posting of a site notice. In response, five letters and one e-mail raising objections have been received at the time of preparing the report.
- 3.2 The letters and e-mail identifies the following issues:
1. horrified at the thought of more houses on the sewerage line as it can not take what its got. Flooded with sewerage on the ground floor of the house last year (14th July). Neighbours in centre of village are not yet back to normal. How would you like that?
  2. the water drain just can not take heavy rain and sewerage overflows into our yard. Have lived her 45 years and its only happened in the last two years. Since all these new houses have come its done it;
  3. the man who wants these houses can not even maintain the wall of this. Its always down in The Lonning (the last house built);
  4. please take my letter seriously as we are devastated;
  5. could you please prove the need for these houses before the greed. Ask for the proposal to be rejected for the sake of the village;
  6. the committee may not remember that in 2002/2003 an initial application to develop the (then) green-filed site was rejected on the grounds that the development of the upper part of the field would represent an unacceptable intrusion into the visual amenity of the village. This decision to refuse the application was upheld by the Planning Inspector when the developer appealed against it. It is for this very reason that the final successful application to develop Sids Field did not include development of the upper part of the site;
  7. it would indeed make a travesty of the planning process if the developer should be allowed to complete his initial proposal by merely allowing a couple of years to pass before "resubmitting" an application to develop this part of the site;

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8. developing this point, would once again seek the help of the Development Control Committee in defending Castle Carrock against remorseless carpet bombing of applications to develop this site. Those involved in the original application process will undoubtedly remember an endless barrage of applications, refusals, appeals and reapplications. The final insult delivered when the developer failed to comply with the detail of the ultimate, successful application. The committee was forced to accept the alterations made, on the whim of the developer, or would have to have taken the extraordinary step of ordering the demolition of the houses;
9. there is serious concern that this application, if successful, will create a precedent for other applications to develop sites, including gardens and current agricultural land adjacent to Field 3328 and further up and down the Geltsdale Road and The Glebe. The former pattern of ribbon development within the village has been cited by the City Council in the refusal of a number of other developments over some years. To overturn this principle may open the flood gates for copy-cat development;
10. .PPG3 Para 3, housing, Policy E31 Cumbria & Lake District Joint Structure Plan - It continues to be the case that there is no NEED for additional housing in Castle Carrock. The latest Housing Needs Survey may be consulted in this regard. It should also be noted that, despite the apparent desirability of Castle Carrock, there were 7 houses on the market in the village simultaneously last year not including the new houses built on this site already;
11. Policies E34, E37 and E38 Cumbria & Lake District Joint Structure Plan - Areas designated as being of national importance must be afforded the highest level of protection by Planning Authorities – consistent with Regional policies ER2 and ER5. The establishment of these areas is not for the convenience of local authorities and in many cases will cause problems for the authorities because of the stringent planning rules that must be brought to bear. There is no doubt that this site lies within the boundary of the North Pennines Area of Outstanding Natural Beauty (AONB) and, inconvenient though it may be, must be afforded the highest level of protection;
12. ER2, ER5, Schedule 2, AONB - the proposed intensification of development on this site must be considered to represent an urbanisation of the site. Particularly when considered alongside the existing ribbon-type development within the village, the style and layout of the development is so highly suggestive of urban or suburban development it will have a fundamentally detrimental effect upon the site, the village and the surrounding countryside
13. the Development Control Committee should, at the very least, be aware of the decision of the Planning Inspector relating to past development of this site and his reasons for upholding the Committees refusal of this development;

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14. object in the strongest possible terms to this application. From memory, the 13th in the last 6 years for the development on this field in Castle Carrock;
15. previous permission and appeals, both rejected and allowed, have stressed the importance that any development should "reflect similar patterns of housing and form layouts elsewhere in the village" and that any planning decisions "safeguard the character and appearance of the village within and in proximity to the AONB". An early appeal decision specifically excluded this top corner of the field from development as being particularly inappropriate, being both too high and too visible. Extending the built environment so far up the slope and away from the road as proposed is out of character and sets an alarming precedent. Please recommend this application be refused for this reason;
16. the previous development was allowed as it was designated as a "courtyard" layout as reflected elsewhere in the village, specifically the housing opposite. This current application to shoe horn 3 more detached houses onto the high ground behind one of these "courtyards" does nothing but undermine the previous decisions and authority of the planning authority and planning Inspectorate. the application does nothing to enhance or reflect the character of the village and makes a mockery of the "courtyard" design which was the key to gaining approval in the first place. Please recommend this application be refused for this reason;
17. of the 9 houses already built on this greenfield site, only 2 are permanently occupied, despite the houses being on the market for over 18 months. This clearly demonstrates there is no need for such a development in this location. Further development merely compounds the original poor decision to allow these homes to be built. Please recommend this application be refused for this reason;
18. as a householder whose property would be separated from this development by a narrow bridleway, the development would seriously negatively affect may amenity and impact on the quiet enjoyment. Where currently there are only gardens and fields, this application would place buildings far back from the road and overlook both. Do not want to be overshadowed by even more houses, even if they do stand empty and are only occupied on a part time basis as per the rest of this development. Please recommend this application be refused for this reason;
19. yet more housing on Sid's Field. Have deplored this development from the start, especially the sale by the County Council after having offered it as an amenity to the village;
20. objected to the main houses but have little confidence in the Planning Authority when a developer get whatever he wants;

## **SCHEDULE B: Reports Requiring Further Information**

08/0245

21. write to express opposition to the proposal of building three more houses on the field commonly known as Sid's Field in the village of Castle Carrock. As a resident of the village. Note that only comments about land use considerations can be taken into account in reflecting my thoughts;
22. firstly, the plans for the three extra homes seem to be extraordinarily close together, and not in keeping with the character of the village (until the nine new houses were built), which is not one of newly built housing estates, but one of traditional homes and converted buildings with space around them. Attempts have already been made to ensure that the 9 homes already built are not "estate-like" - I believe they have failed, and believe this proposed new development will further add to that failure;
23. secondly, the land is elevated. Understand the plans are for bungalows, but there can be little doubt that the visual impact of the development will be one of considerable size. Since the recent development was built (by the same developer, of course), already a new, modern, ugly, wooden fence has been erected alongside a well used footpath adjacent to the new buildings to screen the buildings from the path. It's a local eyesore. In my view, these proposed new homes will be further detrimental to the visual nature of the area;
24. Thirdly, drainage is already an issue in the village - at least two homes were flooded in recent months. cannot help but think that further new housing will have a negative impact on coping with surface water flow;
25. Observation are that nine houses have already been built on the aforementioned land - and even though they have been up for sale for what must be approaching 12 months now, only two thirds of them have actually been sold so far in a declining housing market. So there seems to be little need for further new housing in the village, particularly of that type and likely price range. It's clear to anyone who makes a site visit that the developer already had plans for further development - the proposed access route currently merely has a fence put across it. Indeed, it seems strange to me that there is an opportunity at all for further planning consent to be given for another 3 homes - surely these arguments have been gone over in previous discussions about any development of Sid's Field?
26. believe that the thoughts of local people about local developments are of paramount importance and hope my concerns are respected;
27. with reference to the Planning Application Ref 08/0245, it does not seem logical that this application should be approved until the adequacy of draining infrastructure of the village has been ascertained and found to be fit for purpose;
28. will be aware the City Council, in conjunction with the Environmental

## **SCHEDULE B: Reports Requiring Further Information**

08/0245

Agency and United Utilities, are currently investigating the causes of flooding in the village that occurred on 19 July 2007.

### **4. Planning History**

- 4.1 In a comparatively short period of time the site appears to have acquired an extensive planning history. Based upon which it is felt that the following aspects need to be highlighted.
- 4.2 In 2006, under application reference 06/0218, planning permission was given for the erection of 9 dwellings comprising minor revisions to site layout and substitution of houses types to provide 2 No.4 bed houses, 3 no. single storey 4 bed dwellings, 2 no. single storey 3 bed dwellings and 2 no. 2 bed houses.
- 4.3 Under application number 02/0196 planning permission to accommodate 16 dwellings including 4 low-cost houses for local needs, was refused at the Committee meeting held in April 2003.
- 4.4 An appeal against that refusal was considered under the Written Representations procedure. The Inspector's decision letter, issued on 1st October 2003, identified two main planning issues: i) scale and need; and ii) character and appearance.
- 4.5 In respect of the first of these matters the Inspector concluded that the application was unacceptable on grounds of "scale and need".
- 4.6 However, in respect of the second issue and the site's relationship to the AONB and the village as a whole, he considered that the site was well-screened, enclosed by the topography of the field and by hedges and trees and is within the village envelope. He felt the developers proposals "would not harmfully affect the character and appearance of Castle Carrock", and, gave no credence to assertions of the significance of the field as an amenity space critical to the character of the village and clearly felt its development would cause no harm to the North Pennines AONB.
- 4.7 In the interval between refusal of permission for application 02/0196 by the City Council and the appeal decision of the Inspector, the applicants lodged a second application for the erection of 9 dwellings, including two dwellings intended for local needs, on part of the field with the remainder being indicated as available as a local play area/amenity open space. That application (03/0580) was determined at the meeting held on 10th October 2003 but was refused by the Committee. An appeal against the above refusal was allowed in January 2004.
- 4.8 Prior to that appeal decision, the applicant also submitted two applications, one seeking planning consent for a development of 5 units on part of the site (reference 03/1150) and the other for a development of 4 dwellings with open

## **SCHEDULE B: Reports Requiring Further Information**

08/0245

space (reference 03/1151). Both were considered by the Committee on 25th November 2003: the application for 5 dwellings was approved while the submission for 4 dwellings and public open space was deferred to investigate a S106 Agreement protecting the open space from future development. After the Inspector's appeal decision on the application for 9 dwellings on the whole site, the application for 4 units was withdrawn.

- 4.9 In September 2004, a further detailed application (reference 04/1234) was submitted for the "Erection of 14no. dwellings incorporating 4no. small terraced 2 bed houses for local occupancy". That application was refused in February 2005.
- 4.10 In September 2004, a further detailed application (reference 04/1234) was submitted for the "Erection of 14no. dwellings incorporating 4no. small terraced 2 bed houses for local occupancy". That application was refused in February 2005.
- 4.11 In October 2005, application number 05/0583, planning permission was given for an amendment to the existing planning consent for the erection of 9no. dwellings to incorporate all of Field 3328 to form extended garden areas.
- 4.12 Last year, under application 07/1109, retrospective planning permission was granted for the erection of two dwellings (plot substitution - plots 1 & 2).

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Members will recollect that this application relates to a field which lies approximately 70 metres to the south of the Weary PH and the heart of Castle Carrock village at the "Y" junction formed by Rectory Road, the B6413, and, the classified road leading to Jockey Shield. On the opposite side of the road there is also an existing series of dwellings. The field is bounded to the north and south by residential development. A public footpath runs along the southern boundary.

#### **Background**

- 5.2 Based on the relevant history of the site it is apparent that this application follows five previous planning permissions, namely:
1. Application (number 03/1150) was for 5 detached dwellings, approved in November 2003;
  2. Application number 03/0580 (appeal reference APP/E0915/A/03/113087665) for 9 dwellings was allowed in January

## **SCHEDULE B: Reports Requiring Further Information**

08/0245

2004;

3. An amendment to ii) involving extended garden areas to include the whole field (number 05/0583) was approved in October 2005;
  4. In 2006, under planning reference 06/0218, planning permission was given for a revised proposal for the erection of 9 dwellings; and
  5. In 2007, under planning reference 07/1109, retrospective planning permission was given for erection of 2no. dwellings (revised house types - plots 1 & 2).
- 5.3 This application seeks Full Planning Permission for the erection of 3no. detached single storey dwellings on an elevated parcel of land to the "rear" of the Sid's Field development.

### **Assessment**

- 5.4 In the context of Ministerial advice contained in PPS3 "Housing" and PPS7 "Sustainable Development in Rural Areas"; the relevant policies of the Development Plan; and, the history of the site it is considered that the main issues in this case are whether any differences between the current proposal and the scheme(s) already approved would cause significant harm to the character and appearance of Castle Carrock and, as a result, to the AONB; the living conditions of neighbouring residents; and, foul and surface water drainage.
- 5.5 In making any assessment Members should be aware that the report into the Public Local Inquiry to the Revised Redeposit Carlisle District Local Plan has recently been published. In relation to this application three matters are of particular relevance. Firstly, it is recommended that Policy CP5 be amended by the deletion of the final paragraph with regard to specifying distances between properties. Secondly, the settlement boundary for Castle Carrock has been amended to include the current application site. Finally, the apparent interpretation of Policy H5 is that affordable housing in the rural area is necessary on small sites where it involves either over 0.1ha or (over) 3 units.

### **Conclusion**

- 5.6 In the context of the report into the Public Local Inquiry to the Revised Redeposit Carlisle District Local Plan, there is no objection in principle to the proposal. However, at the time of writing the report discussions are on-going with the applicant and the comments of various interested parties are awaited. The Case Officer also wishes to undertake a site visit with a representative of the Parish Council to clarify the extent of alleged flooding experienced. An updated report will be presented to Members during the Meeting.

## **SCHEDULE B: Reports Requiring Further Information**

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### **6. Human Rights Act 1998**

#### **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;

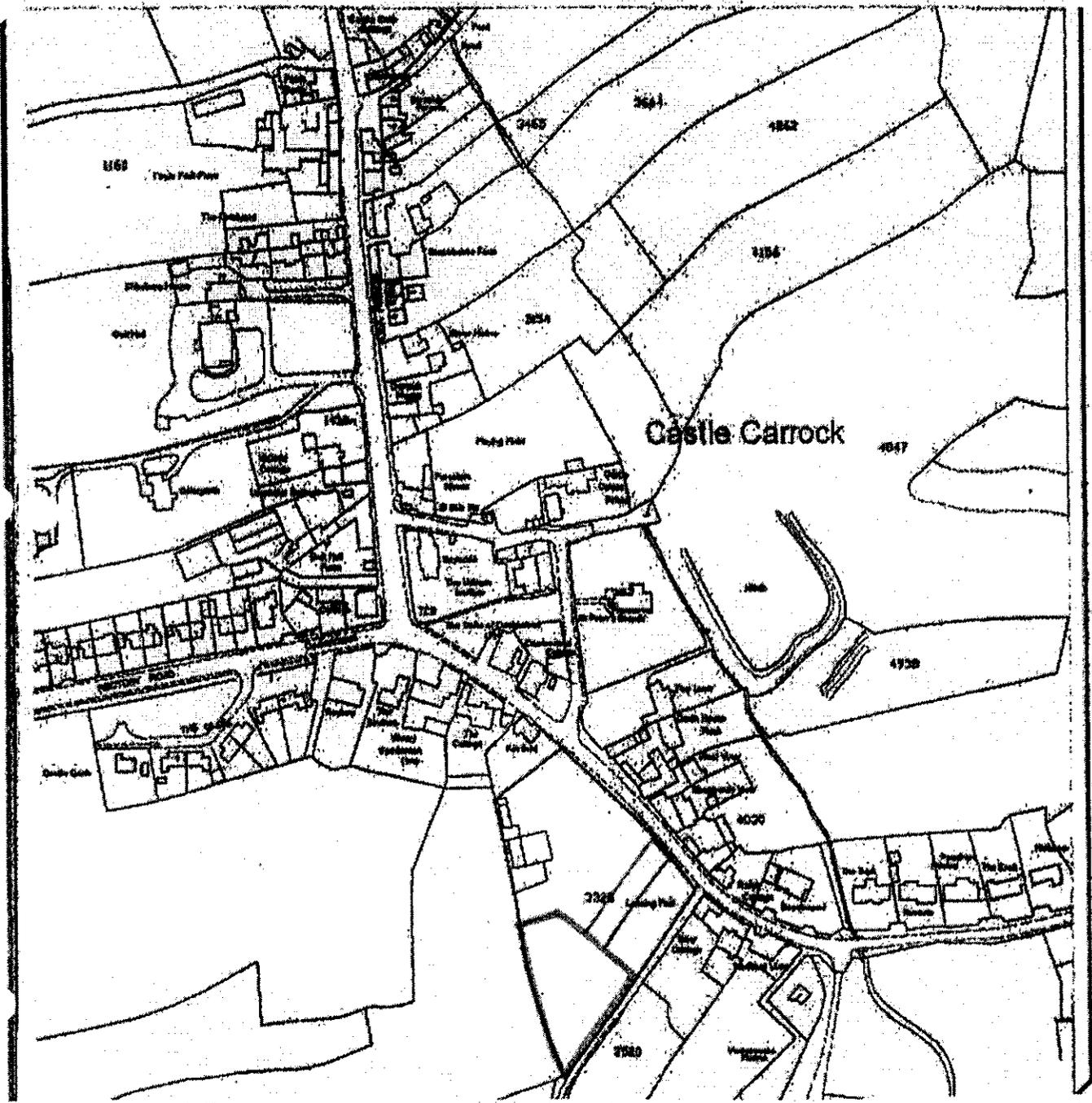
**Article 8** recognises the "Right To Respect for Private and Family Life";

**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 was not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

### **7. Recommendation**

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**PFK PLANNING**  
 Agricultural Hall, Skirsgill, Penrith, CA11 0DN  
 Tel. 01768 890140  
 Fax. 01768 890141

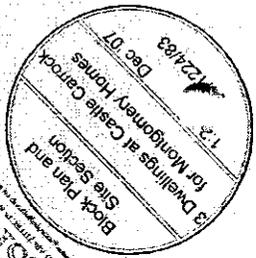
**PART FIELD 3328,  
 CASTLE CARROCK**

**LOCATION PLAN**

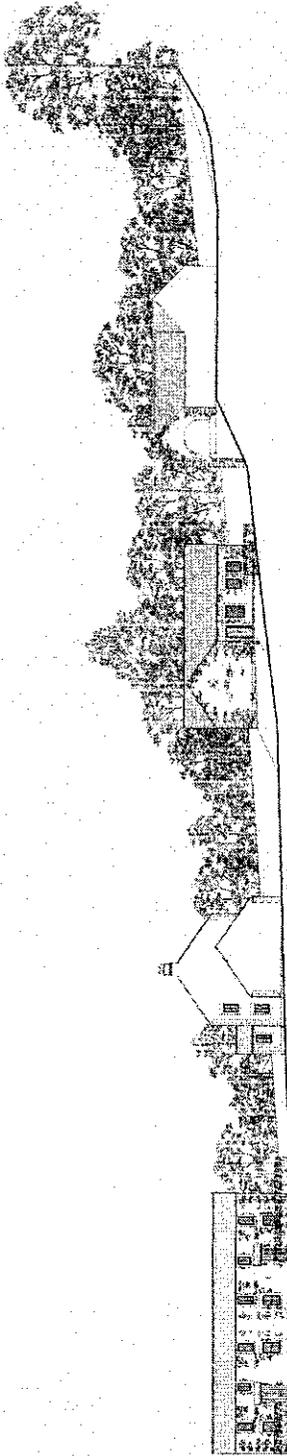
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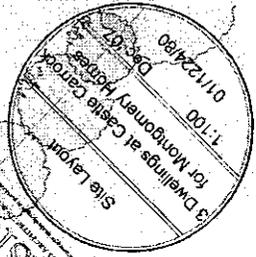
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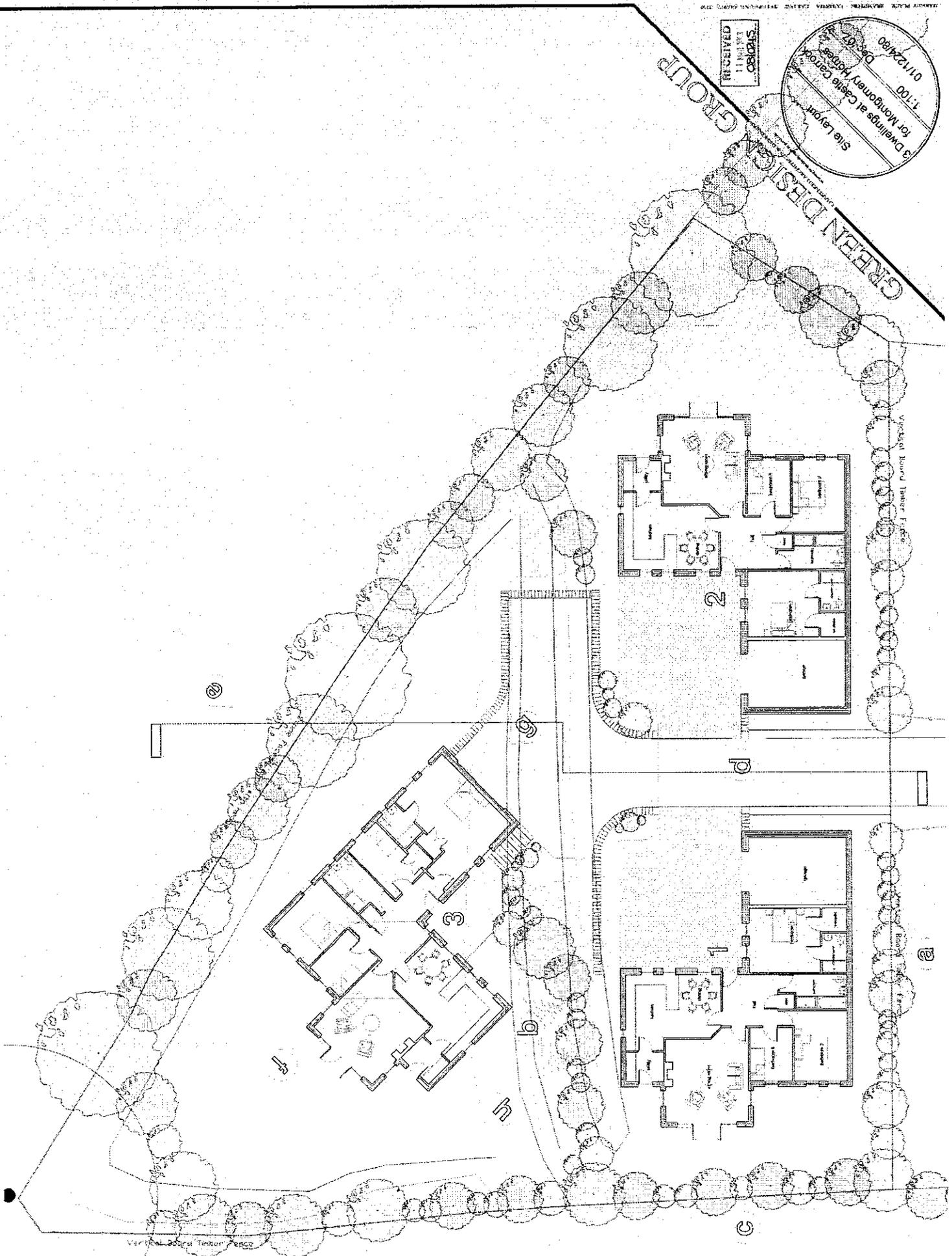
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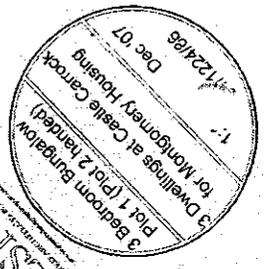


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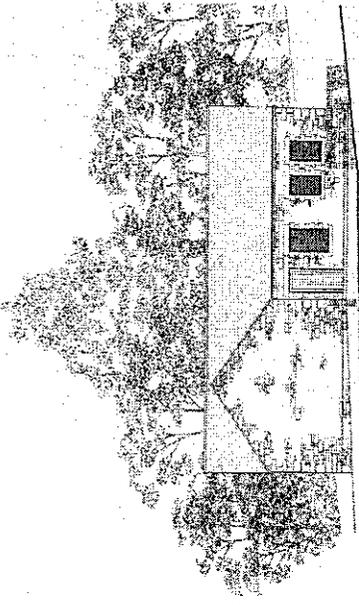


Vertical Board Timber Fence

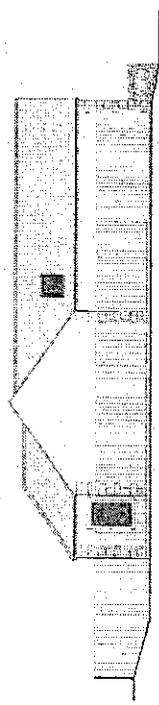
STEPHEN  
HEALTHCARE



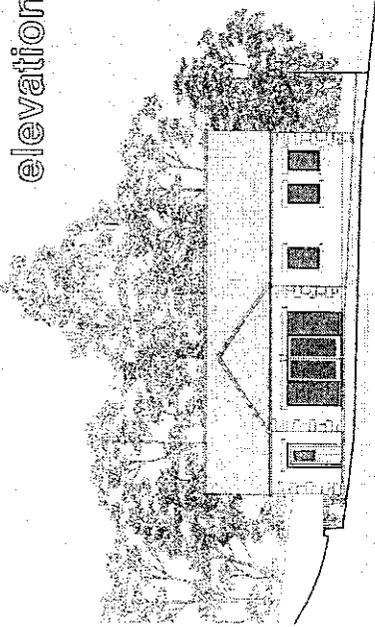
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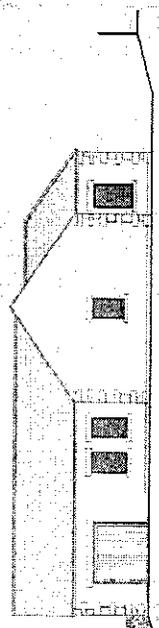
elevation d



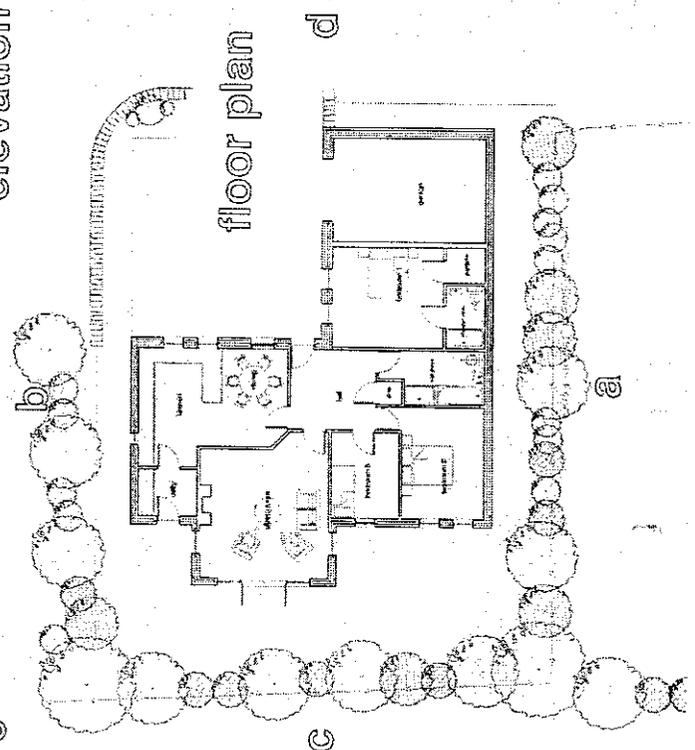
elevation a



elevation c



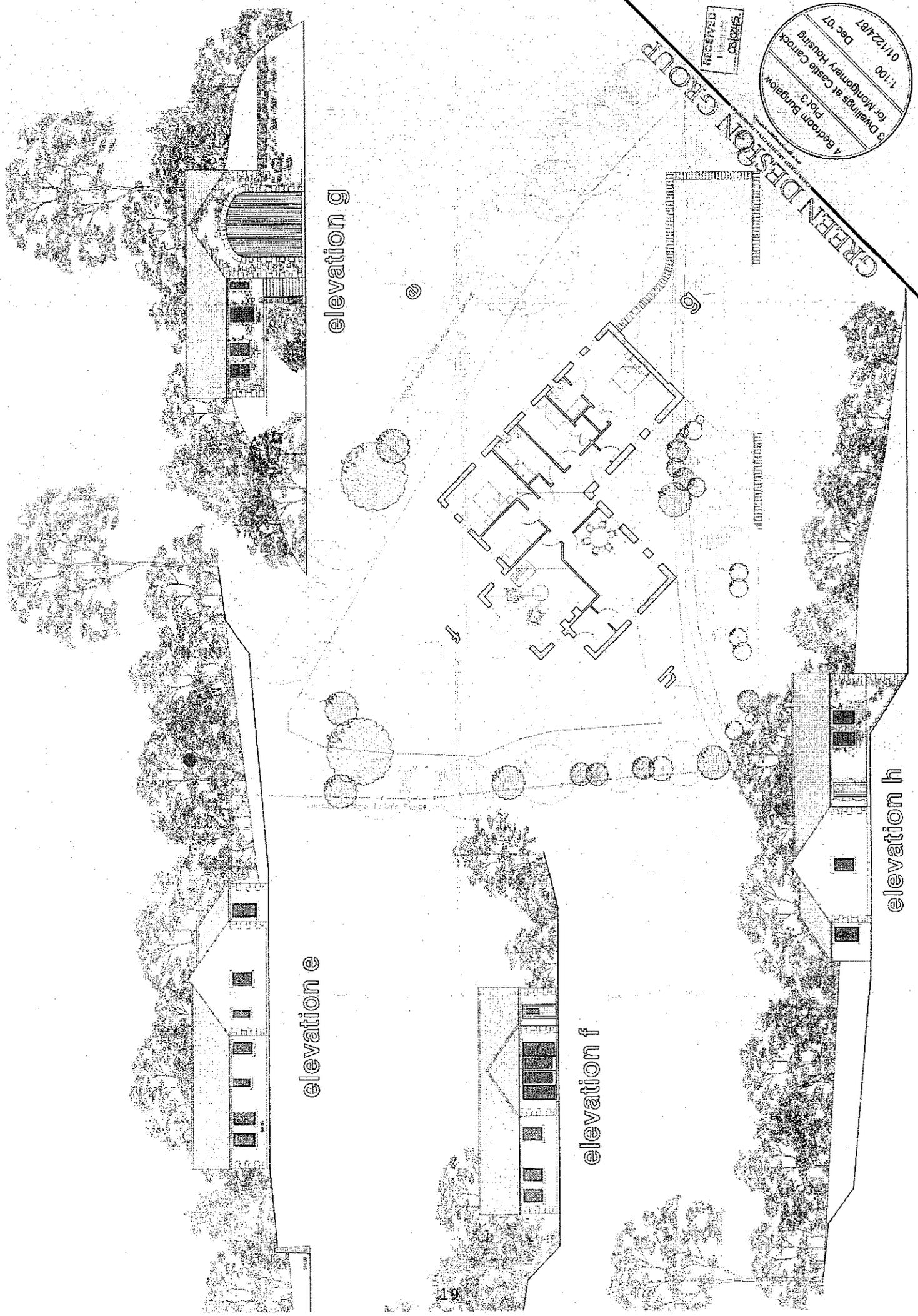
elevation b



floor plan

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Dec 07  
3 Dwellings at Castle Carrack  
for Montgomery Housing  
Plot 3  
4 Bedroom Bungalow

GREEN DESIGN GROUP



elevation g

elevation e

elevation f

elevation h

## **SCHEDULE A: Applications with Recommendation**

07/0714

**Item No: 02**

Date of Committee: 25/04/2008

**Appn Ref No:**  
07/0714

**Applicant:**  
Taggart Homes Carlisle  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
18/06/2007

**Agent:**  
Carrington Design (North)  
Ltd

**Ward:**  
Upperby

**Location:**  
Land off St Ninians Road, Cammock Crescent,  
Carlisle

**Grid Reference:**  
341500 553314

**Proposal:** Erection Of 132 Dwellings And Associated Infrastructure; Provision of Vehicular Accesses From St Ninian's Road, Brisco Meadows and Cammock Crescent (Resubmission Of Application 07/0009)

**Amendment:**

1. Submission of revised layout plan, re-siting the accesses to plots 1 and 2 and introducing a lych-gate feature at the entrance to block A; modified design details to the proposed apartments, including additional brick detailing and chimneys to Apartment Blocks A, B and C; revisions to the proposed mix for rent to include 2 no 4 bed units and submission of revised Affordable Housing Statement.
2. Further details of the formula for determining the numbers, property types and tenure of the proposed affordable housing units.
3. Confirmation of the developer's willingness to make a financial contribution of £110,000 towards the Petteril Cycleway, as requested by Cumbria County Council together with further information from the applicants' Consulting Engineer regarding the proposed methodology for dealing with contamination present on the site.
4. Minor modifications to the site layout to provide vehicular access to the former landfill site at the southern extent of the application boundary and to ensure adequate separation distances between existing and proposed dwellings.

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**REPORT**

**Case Officer:** Alan Taylor

**Reason for Determination by Committee:**

This application is before the Committee as a result of the receipt of more than 4 objection letters.

## **1. Constraints and Planning Policies**

### **Waste Disposal Site**

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

**Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria**

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

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

**Joint Str. Plan Pol ST8: The City of Carlisle**

**Joint St. Plan Pol H17: Scale of housing provision**

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

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

**Joint St. Plan Pol T30: Transport Assessments**

**Joint St. Plan Pol T31: Travel Plans**

**District E9 - Landscaping of New Dev.**

**District E55 - Derelict Land**

**District H1 - Allocation of Housing Land**

**District H9 - Aff. Housing Excep. Sites**

**District H16 - Design Considerations**

**District L5 - Rights of Way**

**District L8 - Open Space**

**District L9 - Play & Recreational Areas**

**Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

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

**Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists**

**Rev Redeposit Pl. Pol CP16 - Planning Out Crime**

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

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

**Rev Redeposit Pl. Pol H5- Affordable Housing**

**Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination**

**Rev Redeposit Pl. Pol LE31 - Derelict Land**

**Rev Redeposit Pl. Pol LC4-Children's Play & Recreation Areas**

**Rev Redeposit Pl. Pol LC8 - Rights of Way**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the developer has complied with the majority of comments made in respect of the previous, subsequently withdrawn, application to develop the site. The access as proposed to units 1 and 2 (from St Ninian's Road) is, however, still not acceptable and would need to be amended [*this was duly achieved through revised proposals*].

In more general terms, Brisco Meadows and Cammock Crescent will both see additional traffic flows as a result of this development 'though both of those roads are capable of taking the likely additional traffic generated. Indeed, both were constructed as spurs to serve future development although some upgrading, through a S278 Agreement under the Highways Act 1980, will be required for the following works-

1. road markings of junctions to establish through traffic routes
2. traffic calming on those routes to current estate road standards
3. replacement parking spaces for those lost in existing stub ends and possibly waiting restrictions on curves and at junctions [the Highway Authority subsequently agreed these cannot be required of the developer
4. drop kerbs to provide accessible routes for pedestrians on St Ninian's Road, Cammock Crescent and Brisco Meadows
5. the introduction of a one way system and a 20mph zone for the new estate

The developer should also be required to contribute £110,000 to the River Petteril Cycle Route Access Improvements through a suitable S106 Agreement since this

development should largely make use of this corridor to access employment, education and the City Centre as well as recreational uses and the provision is seen as vital to promote and maintain a sustainable environment. This will ensure that the development is not wholly dependent on the private motor vehicle and will not benefit just the occupiers of this development but also the people of Carlisle as a whole.

Some other details of the planned road layout require to be clarified but can either be dealt with by conditions or through the adoption details required under the S38 Agreement. There is, thus, no fundamental objection to this development from a Highways and Transportation perspective but 6 conditions are recommended;

**Network Rail:** does not wish to make any observations;

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

Noise - the Noise Assessment Report prepared by the applicants' consultants has been considered. The Assessment report indicates that the proposed site falls into NEC A daytime for mixed sources (the mixed sources being road, rail and industrial). The site has been visited and it is agreed that noise levels around the site are low overall. There is some concern that there is intermittent noise from the industrial/commercial units immediately adjacent to the proposed development site which could lead to potential noise complaints. It is considered that the specific noise levels from these units has not been fully considered in the report. The report recommends that to mitigate noise from the units a buffer zone should be incorporated into the site layout and an earth bund and boarded fencing to a height of 5m should also be constructed along the boundary. However without a suitable and sufficient assessment of the specific noise levels from the commercial/industrial units (using BS4142 1997 as a guide) comment could not be made on the suitability of these measures. In addition there was also concern that rail traffic noise from the adjacent West Coast Mainline, particularly at night-time, had not been fully addressed in the report and it is suggested that a specific assessment of rail noise is submitted as part of the application.

A further submission has been made by the applicants' consultants in relation to the above matters and the Environmental Health Officer view is that any potential noise generated can be mitigated by the acoustic/bund (shown on Drawing No. TAG/SNR-101 Rev I) that would align the north eastern boundary of the site.

Contaminated Land - a number of concerns were raised in correspondence with the consultancy that undertook the Contaminated Land Study submitted with the original planning application lodged by the applicants earlier in 2007. These issues were subject of a number of discussions involving the consultants, the Environment Agency and EPS and correspondence was submitted seeking to address these matters.

Further information from the consultants, received in August 2007, sought to resolve concerns arising from the borehole and trial pit investigations undertaken but this reinforces that it is essential, after the area concerned is excavated, for more gas monitoring to be undertaken and the actions proposed to be validated. The following

areas of concern can be dealt with by conditions-

1. the specification of the proposed capping layer (1000mm of clean material plus a geotextile warning layer)
2. the specification for drainage and water pipes (the minimum standard to be in accordance with the utility companies specification for pipe work on contaminated land)
3. the detailed specification of the cut off wall/bund/trench between the adjacent landfill and the development area
4. the requirement that all remediation work, including gas protection works to the properties, must be quality assured, to ensure that the guarantees for all materials used are valid
5. the requirement that all remediation work must be validated and a Report provided to the LPA, that validation to include some long term gas monitoring
6. the requirement for some form of agreement, i.e. S106, or planning requirement put in place to prevent subsequent development taking place on the land i.e. conservatories/extensions

The EA comments on ground water remediation/protection should also be incorporated in any conditions placed on the site. In addition to these conditions, it should be noted that although there is no reason to doubt that the proposals put forward by the developers will break the contamination pathways, there is no guarantee that the pathways will be permanently broken.

In this regard, while the detailed risk assessment concludes that the site represents a significant potential hazard to human health if redeveloped for residential use, the remediation and mitigation measures will enable the site to be safely developed. The Contaminated Land Study states that the existing wastes deposited on the site are safe to leave in situ but no account is taken of potential future degradation and possible increase in gas production that may be caused by this degradation. It is therefore essential that the developer confirms the life expectancy of the remediation measures that are being used and provides documentation/guarantees to support the scheme. The question that needs to be addressed is whether the remediation measures will match the life expectancy of the development and/or the life of the contamination.

The final concern raised was that the most heavily contaminated part of this area (not within the application site or the applicants' ownership) will remain problematical and remediation of this land may become even more difficult following this proposed development. In order to overcome this particular matter the agents submitted a revised layout that incorporates a vehicular access to the area in question thereby preventing the former landfill site becoming land locked.

The remaining foregoing matters were conveyed to the applicants and they have confirmed that there is no objection to the imposition of conditions 1-5 outlined above but further suggest that the matter listed under point 6. could be dealt with as a planning condition (withdrawing Permitted Development Rights). In relation to the matter of life expectancies and guarantees, the applicants state that these will be covered in the final specification of the materials or working methodology/details, the remediation strategy and the Validation Report once the work is completed. The

work will be inspected by the Building Control Officer and will be covered by the insurer's 10-year warranty. The agent's have confirmed that the membrane method of preventing gas migration is covered by a 25 year guarantee. The above information has been taken into account by the EPS Officer who has confirmed that it is acceptable subject to the imposition of several planning conditions;

**Environment Agency (N Area (+ Waste Disp)):** the Agency has previously commented on the need for the developer to provide details of their drainage strategy and when this is received will comment further. The broad approach it should take is to minimise the surface water run-off rate from the development to satisfy the Agency's Greenfield Run-off Criteria. A condition requiring details of a scheme for surface water drainage is recommended.

In relation to contaminated land matters, these have been subject of the direct involvement of Agency specialists. It is noted that the Contaminated Land Report identifies the presence of waste materials that have not yet degraded e.g. wood, plaster, paper, cardboard, plastic, oil drums, paint tins, fabric and that the trial pits have observed hydrocarbon smells and staining. Thus there is a significant mass of source term contamination as wastes are still undergoing natural degradation and will release contaminants in the form of gas and leachate at some time in the future. The principle of the proposed approach of capping the waste areas is acceptable subject to an appropriate methodology and measures being employed to ensure this is done properly.

The additional investigation, assessment and proposals to mitigate the potential risk of pollution to controlled waters from degrading waste and existing leachate are acceptable but all of the necessary measures must be encapsulated within appropriate planning conditions;

**United Utilities (former Norweb & NWWA):** no objections provided the site is drained to separate systems with only foul drainage connected to the foul sewer and surface water discharging to either the surface water sewer or relevant watercourse (subject to any approvals required from the Environment Agency). The nearby foul sewage is served by a foul water pumping station which may require that foul flows from this development are restricted. Equally similar restrictions may be applied to any proposed flows to the combined sewer which is designed to spill to river through a combined sewage overflow. the applicants must discuss these matters with UU.

It is understood that the development site is a former landfill site and a complete geotechnical survey, methane tests, etc. will be required before any on-site drainage is allowed to communicate with the public sewer network.

A water supply can be made available to the proposed development. The applicant must undertake a complete soil survey, as and when land proposals have progressed to scheme design, i.e. development, and its results submitted along with an application for water. This will aid UU's design of future pipework and materials to eliminate the risk of contamination to the local water supply;

**(Parks & Countryside - Landscape Services) Community Services - Greenspace Team:** in terms of obligations for public open space the Council's position hasn't changed from the pre-application meeting - a significant S106

contribution of £198,200 is required. It is proposed to utilise it on 1) improving the play and informal sports provision on the site immediately adjacent (Brisco Meadows) and 2) to improve the green space in the Petteril Valley, including possibly a contribution to the '3 Rivers' cycleway project;

**Cumbria Constabulary - Crime Prevention:** the layout of the development contributes to the Council's objective to create a neighbourhood in that the dwellings are laid out to interact with each other, enhancing natural surveillance, without conflicting with the needs for privacy. The incorporation of a substantial perimeter treatment, to deter casual intrusion or unobserved access and oblige all visitors to enter the site via the designated access points is encouraging. While side and rear gardens will primarily consist of 1.8m high fences or walls, the front boundaries will be open plan and this does not support the objective to ensure that the individual ownership of front gardens is easily distinguishable to act as a buffer zone between private and public areas. There is also concern at "bridged" units that permit vehicle access to rear parking areas as there is no indication how the spaces underneath the arches will be defined as "private" to deter youngsters congregating there and to prevent unauthorised access to the parking courts.

There is concern that the proposed development has two vehicular/pedestrian access links via Brisco Meadows and Cammock Crescent since providing additional access routes into the neighbouring areas shall undermine the overall security of the new development. There are examples of anti-social behaviour at Parkland Avenue and Carleton Grange through linked developments although it is clear, in this instance, that the additional access points have been introduced to ease vehicle congestion from the new development onto a single access point via St Ninian's Road.

A number of detailed comments are made about certain aspects of the layout e.g. the surveillance of parking spaces to certain units and the provision of open space while detailed points are made about the specification the developers should adopt for doors and windows;

**Development Services Planning & Housing Services - Urban Designer:** initial response raised concerns in relation to a number of elements of the design, specific detailing, treatment of streetscape and layout in general. These matters were discussed directly with the applicants and revisions were suggested.

Subsequently revised proposals were submitted that address the majority of the points made, and are considered a definite improvement although greater use of "mock" chimneys would have been preferred. A further amendment to the design detail of the "arches" spanning bridged units was also suggested;

**Development Services Planning & Housing Services - Local Plans (Trees):** the landscaping scheme is broadly acceptable although the choice of tree species could be more interesting, especially around the properties. Although it is appreciated that the landscaping on the properties will be subject to the tastes of the occupiers and could be changed by them, we should start off with a varied and interesting selection of species.

In addition, the ultimate size of the tree species is relatively small, even in the area

of the open space. There is the opportunity here to have larger tree species that, due to their size at maturity, will have a significant impact on the area because of their presence;

**Planning & Housing Services - Housing Strategy:** the proposals have been subject of a number of discussions with the applicants and planning consultants appointed by them. These have covered the number, location, type and tenure of units to be provided on an “affordable” basis.

Normally a contribution of 25-30% of the total stock of homes being built should be “affordable” but a lower figure would be acceptable if the scheme contained an element of rented accommodation, subject to clarification from the developer of their costing.

These were duly supplied and the applicants proposed to provide 19 affordable housing units, 13 as “rented properties and 6 as shared ownership but it is considered that one further unit for shared ownership is needed, giving a total “affordable” contribution of 20 units. This equates to 15% of the total stock of dwellings that the developer intends to build at this site;

**Cumbria County Council - (Archaeological Services):** does not wish to make any recommendations or comments;

**Cumbria County Council (Strategic Planning Authority) Wind Energy Consultations:** no comments received.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 34 St Ninians Road	03/07/07	
[REDACTED] 68 Brisco Meadows	03/07/07	Objection
[REDACTED] 66 Brisco Meadows	03/07/07	
[REDACTED] 64 Brisco Meadows	03/07/07	
[REDACTED] 60 Brisco Meadows	03/07/07	Comment Only
[REDACTED] 17 Cammock Crescent	03/07/07	
[REDACTED] 19 Cammock Crescent	03/07/07	
[REDACTED] 21 Cammock Crescent	03/07/07	
[REDACTED] 23 Cammock Crescent	03/07/07	
[REDACTED] 25 Cammock Crescent	03/07/07	
[REDACTED] 27 Cammock Crescent	03/07/07	Objection
[REDACTED] 62 Brisco Meadows	03/07/07	Objection
[REDACTED] 22 St Ninians Road	03/07/07	Objection
[REDACTED] 52 Brisco Meadows	03/07/07	Comment Only
[REDACTED] 58 Brisco Meadows	03/07/07	
[REDACTED] 50 Brisco Meadows	03/07/07	Objection
[REDACTED] 68 Brisco Meadows	03/07/07	Petition
[REDACTED] 14 Brisco Meadows	03/07/07	Objection
[REDACTED] 49 Brisco Meadows	03/07/07	Objection
[REDACTED] 6 Cammock Crescent	03/07/07	Objection
[REDACTED] 5 Gardenia Street	03/07/07	

	11 Brisco Meadows	03/07/07	Objection
	27 Cammock Avenue	03/07/07	Objection
	32 St Ninians Road	03/07/07	
	30 St Ninians Road	03/07/07	
	59 Brisco Meadows	03/07/07	
	61 Brisco Meadows	03/07/07	
	63 Brisco Meadows	03/07/07	
	69 Brisco Meadows	03/07/07	
	5 Haseil Street		Objection
	John Potts Ltd		Objection
			Support

- 3.1 The application has been publicised through the display of Site Notices, publication of Press Notices and by direct notification, by letter, to occupiers of properties abutting the site.
- 3.2 In response, 9 objection letters have been received from occupiers of homes at Brisco Meadows and Cammock Crescent in response to the original plans submitted, together with one letter commenting on the application, and a petition, opposing the development, which has been signed by 90 persons. The latter is specifically opposed to the opening up of Brisco Meadows as a route into the development site. Although it is mainly signed by residents of that street, the petition is also signed by several persons living elsewhere in the city or beyond. A letter objecting to the development has also been received from Ward Cllr Reardon who states he is also writing on behalf of his Ward colleagues, City Cllr David Wilson and County Cllr Stewart Young.
- 3.3 At the time of preparing this report four further letters of objection have been received in response to the revised plans submitted, which proposed minor modifications to the site layout.
- 3.4 The correspondence cumulatively raises the following issues or concerns:
1. the road system cannot accommodate the amount of development in the area;
  2. Brisco Meadows will become a "rat run";
  3. Brisco Meadows is a small winding road with six culs-de-sac and many residents who do not have a garage on the main road park their cars outside their houses;
  4. it will be unsafe for residents, especially children, as Brisco Meadows twists and turns and when people are parked on an evening or week-end it makes the road even narrower;
  5. Brisco Road, Upperby Road and Boundary Road are going to be affected by the additional traffic and as there are three schools in this area it is difficult enough dodging cars and children without the additional traffic;
  6. traffic from St Ninian's Road turning onto Upperby Road will be impossible with the extra traffic. Traffic at busy times now can be as far back as Petheril Bank at peak times;

7. traffic in the area will also increase due to the transfer of Carlisle Records Office to the Lady Gillford site;
8. Brisco Road, being a narrow road, has seen an increase in traffic as cars and lorries leave the M6 at Junction 42 travelling through Brisco as a quicker route to the west of the city, thus avoiding London Road;
9. Cammock Crescent is also just a narrow road, on which only one car can pass at a time;
10. if it was deemed necessary to close Manor Road for safety then all the other roads cannot cope with the traffic with the major changes;
11. trees will be taken down adjacent to property boundaries . Can the developers ensure no damage will be caused to neighbouring land by the roots;
12. the land might be a feeding ground for bats and hedgehogs are frequent visitors to gardens;
13. it will be unsafe for children to play on the local streets as passing traffic and strangers will cause a huge threat to their safety;
14. there is concern over increased noise and air pollution that the extra passing traffic will cause, as it is possible that other traffic than just that from persons living in the area will use these roads to miss out standing traffic (as Manor Road was previously);
15. adjacent dwellings might adversely affect privacy and crime rates;
16. one bedroom dwellings are impossible to fill by Carlisle Housing and slow to sell elsewhere so why are more being built as even single people need a spare room;
17. will the existing sewer and pumping station be able to cope as it seems to struggle to cope with existing demands;
18. the land is unsuitable to build on due to methane gas and other unsuitable materials and gasses emanating from the site were responsible for the deaths of 3 people on two separate occasions;
19. it is going to be a mammoth task to make this site safe and clean and what effects will this have on existing residents? Will they be exposed to chemicals? Residents need to know that this is going to be done safely as there are a lot of families with young children plus a lot of elderly people, many of whom could become ill if exposed to chemicals;
20. when buying homes, the lenders raised concerns about the proximity of tipped land even though it was approximately 1000 metres away, but this proposal places more homes on the land itself;

21. concerns about the effects on the future value of existing homes and assurances are sought that the new estate will blend in and not cause other homes' values to drop;
22. nature has taken its course in the area and many species of butterflies and orchids are found there now; and
23. specific comments are made regarding siting of proposed dwellings in relation to individual existing homes.

#### **4. Planning History**

- 4.1 This site has extensive planning history.
- 4.2 In December 1989, an application determined by Cumbria CC resulted in the grant of planning permission for *"excavation and tipping works, land to be restored for use in part for residential development and in part for agricultural purposes"*.
- 4.3 In February 1990 an application for Outline Planning Permission for residential development was refused.
- 4.4 In June 1990, Outline Planning Permission was granted for residential development.
- 4.5 In December 1990, an application was approved to vary a condition attached to the 1989 approval issued by the County Council.
- 4.6 In October 1992 an approval was given by Cumbria CC for the formation of a temporary access road from St Ninian's Road.
- 4.7 An application, submitted in June 1995, to erect 76 dwellings was withdrawn without determination In January 1997. A revised application, submitted the same month, for Outline Consent for residential development, which was approved in March 1999. An application for a related application described as *"Excavation of old land contamination in waste area 1 and relocation to redundant waste tip area 2. Inert fill to waste area 1 in preparation for housing development and capping, venting and landscaping to waste area 2"* was obtained in July 1997.
- 4.8 An application to renew the planning approval for the site reclamation/remediation in advance of development for housing was refused by Cumbria CC in May 2002.
- 4.9 In August 2002, the City Council renewed Outline Planning Permission for the residential development of the site i.e the March 1999 consent was renewed.
- 4.10 The current applicants submitted a detailed application in March 2007 for the

*"Erection Of 132 No Dwellings Consisting of 81 No 2 Storey Dwellings in Detached, Semi-Detached and Linked House Form, 51 No. 1 Bed and 2 Bed Apartments in 2/3 Storey Form Together With Associated Open Space and Provision of Vehicular Accesses From St Ninian's Road, Brisco Meadows and Cammock Crescent".* That application was withdrawn in May 2007 to enable the applicants to undertake further investigation in relation to the issue of potential contamination present on the site and their proposals to address that. The present application is a re-submission of that application, albeit with some design changes that were undertaken to incorporate comments made by consultees on the initial submission.

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 5.1 This application seeks Full Planning Permission for the development of a 3.04 hectares site located within Upperby Ward. The land is unused and unkempt and is bounded by St Ninian's Road to the north-west, industrial land occupied by Michael Thompson and Biffa to the north-east, former tipped land to the south-east and housing development at Brisco Meadows and Cammock Crescent to the south-west. Part of the site (approximately 30%) has been subject to previous tipping activity although not to the same degree as the adjoining land to the south-east.
- 5.2 The proposed site relates to almost all of the land (3.30 hectares) originally allocated for housing development in the former Urban Area Local Plan, that allocation being retained within the current adopted Carlisle District Local Plan, and which (by virtue of the fact it possessed planning permission) is regarded as a "committed" housing site within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

### **Details of the Proposals**

- 5.3 The application is supported by a Design and Access Statement, an Ecological Survey and Assessment, a Site Investigation Report (i.e. Contaminated Land Study), an Energy Statement, a Noise Assessment, a Supplementary Transport Form and an Interim Travel Plan as well as a full range of drawings including a topographical survey, the proposed site layout plan, floor plans and elevations of all proposed house types, "street elevations", garage and fencing details and detailed landscaping proposals.
- 5.4 The proposed housing development of 132 units, at a density of approximately 44 dwellings per hectare, is provided in the form of predominantly two-storey development though also includes 33 apartments within 3 storey blocks. Although no detailed material specification has been submitted, but is to be left as a condition of planning approval should it be forthcoming, the detailed drawings indicate the development will be faced in brickwork with tiled pitched roofs.
- 5.5 The scheme layout provides the proposed accommodation in a combination

of detached houses, pairs of semi-detached houses, terraces of semi's and/or mews houses and 4 no. 3 storey apartment blocks with courtyard parking (Blocks A, B, C and D on the layout plan). This overall mix of building forms, heights and design details will add visual interest as well as providing a socially well-distributed mix of accommodation. The overall distribution of the units, as proposed, comprises the following range of house sizes and house types:

1. 9 no. 2 bed semi/mews houses;
  2. 29 no. 3 bed semi/mews houses;
  3. 16 no. 3 bed detached houses;
  4. 23 no. 4 bed semi/mews houses;
  5. 9 no. 4 bed detached houses;
  6. 5 no. 1 bed apartments in "flyover" form;
  7. 8 no. 2 bed apartments in 2 storey blocks;
  8. 24 no. 2 bed apartments in 3 storey blocks; and
  9. 9 no. 1 bed apartments in 3 storey blocks.
- 5.6 The land has 3 options in terms of access, these consisting of a short road frontage onto St Ninian's Road and short sections of spur roads off the existing residential road system within the Brisco Meadows and Cammock Crescent housing estates. Pre-submission discussions held between the applicants and the Highway Authority resulted in the latter authority requiring that all 3 are used such that St Ninian's Road provides an "entry only" access, the spur on Cammock Crescent is to be an "exit only" with Brisco Meadows affording two-way vehicular movements.
- 5.7 Coupled with the nature of the road system - a one-way entry route from St Ninian's Road with a road layout incorporating a geometric layout and use of speed tables designed to minimise vehicle speeds through the estate and which is designed to dissipate traffic from the development through the two exit routes - the overall layout should be an attractive one. It provides for an additional area of open space close to the western boundary to augment an existing play area on the adjacent Brisco Meadows site, that area being over-viewed from the front windows of proposed properties on each of its 3 other sides.
- 5.8 In highway/traffic terms, the Highway Authority seeks a road system that will, in time, hopefully be able to be used by public transport (an indented bus stop is incorporated) while facilitating the even and safe distribution of traffic within the development and through the two adjacent housing areas. Hence it is assumed that vehicles from the homes at the more northerly part of the site will exit onto Brisco Road via Brisco Meadows while the residents of homes at

the southern end will utilise the access to Brisco Road via Cammock Crescent/Cammock Road.

- 5.9 That proposed site road layout departs from the previous approach adopted with the earlier housing consents for the site, which only permitted a short section of frontage development with access in/out from St Ninian's Road to serve 2 properties, with the remainder of the development being served by access to and from Brisco Meadows and Cammock Crescent. Although the current application has raised objections from residents of Brisco Meadows, who do not want the existing road system in that development used to provide access, the fact of the matter is that the road layout to Brisco Meadows was designed to afford future access to the application site.
- 5.10 As required by planning policy, the applicants' proposals include provision for an element of affordable housing. In this instance, following the advice provided by Housing Services, 20 units are considered to be appropriate particularly since the "mix" of accommodation being provided on an "affordable" basis includes a substantial number of properties for rent and includes some larger properties, these all being distributed throughout the development rather than in a single sector. The intended provision is, in terms of size, type and tenure, as follows:
1. 4 no. 4 bed mews houses on a shared ownership basis;
  2. 3 no. 3 bed mews houses on a shared ownership basis;
  3. 2 no. 4 bed mews houses on a rented basis;
  4. 5 no. 3 bed mews houses on a rented basis;
  5. 4 no. 2 bed apartments on a rented basis; and
  6. 2 no. 1 bed "flyover" apartments on a rented basis.
- 5.11 Assuming the development proposals as a whole are acceptable to Members, it would be necessary for the above provision to be secured through the provisions of a S106 Agreement. It is also appropriate to use S106 to secure the developer contribution of £110,000 sought by the Highway Authority towards the adjacent Petteril Valley footpath/cycle scheme [see Highway Authority comments in the Summary of Consultation Responses] as well as the developer contribution of £198,200 towards public open space/play facilities.
- 5.12 As indicated at the start of this Report, the site is identified within the Local Plan regime as an appropriate location for additional housing development to serve the city's overall housing needs. That said there are differences in the approach being adopted within the current proposals from that which pertained to the previous planning submissions which Members need to appreciate.
- 5.13 In essence, the previous development approach to the site was linked to

remediation proposals utilising the adjacent land to the south-east which was held in the same ownership. Hence, previous proposals involved the intended extraction of all waste from the former tipped parts of the current site and re-location of those wastes onto the adjoining tipped area, utilising the “best practice” approach to landfill operations. The area of the “development” site, where waste was to be removed, was then intended to be back-filled with inert waste to make it suitable for building. In this regard, Members will observe from viewing the Planning History [Section 3 of this Report] that in the late 1990’s “dual” applications were consented by, respectively, this Council and Cumbria County Council. However, even ‘though the site was allocated for housing development, the Outline Approval for housing was renewed by the City in August 2002 and the site requires remediation, the County Council refused the last application to renew the remediation proposals in May 2002. This clearly presents difficulties in terms of the economics of remediation: without an after-use of the land no one is going to incur the required remediation costs.

## **Assessment**

- 5.14 The current applicants have commissioned a detailed Site Investigation Report. That Report sought to identify both the extent and the nature of material that has been tipped on part of the land and its condition in terms of level of degradation/capacity to produce methane gas and leachate. Since an initial Report (December 2005) the site has been subject to further supplementary investigation at the request of both the Environment Agency and the Council’s Environmental Protection Service, these works consisting of additional ground investigations, monitoring and assessment. From those extensive investigations the applicants’ consultants have produced a remediation strategy which is to cap the wastes within the site with a 1 metre thick clay layer and related geotextile membrane and to provide a vertical gas barrier between the development site and the adjoining tipped land, not in the applicants’ ownership, lying to the south-east. That barrier would be required to extend below the lowest level of waste materials to prevent the transfer of leachates and contaminants across the boundary. A recommended specification for its construction has been provided by the Environment Agency.
- 5.15 Whilst the principle of that approach, the details of which would need to be covered by planning conditions attached to any planning approval, is acceptable to the Environment Agency, it is fair to say that the EPS Officer remains concerned insofar as capping of waste materials that are still degrading might give rise to future problems if they were to produce gas at a later stage. She has, therefore, sought the developers’ assurances in relation to the life expectancy of the remediation measures and associated materials that would be used. This information has been provided by the applicant’s and the EPS Officer has confirmed that it is acceptable to her.
- 5.16 The wider issues of cleaning up contaminated land and making it suitable for development is supported by Structure Plan Policy H18 and in emerging District Local Plan Policy LE30 and it is apparent that the EA regards the alternative approach now being promoted, i.e. “capping” rather than removal

and re-location of wastes elsewhere, is environmentally acceptable.

- 5.17 In “housing” policy terms, the key policy documents comprise the adopted Structure Plan (SP), the adopted Carlisle District Local Plan (CDLP) and the emerging policies within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (CRDP). Since the Structure Plan is the most recently adopted, in the event of a policy conflict its’ provisions prevail.
- 5.18 The underlying spatial principle in adopted SP policies and the emerging CRDP is that most new housing development should be located in “sustainable” locations, with first preference being given to the Carlisle urban area: the application site satisfies that objective. Policy ST8 of the Structure Plan specifically sees Carlisle as a primary focus for new investment in business, commerce, shopping, leisure and tourism and recognises that new housing will be needed to sustain the city’s economic prosperity: the application proposals accord with that objective. Related provisions of that policy recognise that giving priority to previously developed land will assist in delivering the required housing targets: the re-cycling of the application site follows that guidance.
- 5.19 Policy CP4 of the Revised Redeposit Draft Local Plan sets out a number of criteria that need to be satisfied when proposals for new development or redevelopment are being considered: the application proposals meet those “tests”. Similarly, Policy CP5 seeks to protect “residential amenity” and identifies site planning requirements to ensure the living conditions of existing and proposed properties are protected from inappropriate development. Although aspects of that Policy have been subject to objection and await the judgement of the Inspector who conducted the Local Plan Inquiry in relation to the acceptability of the Policy in its entirety, the key provision of securing adequate separation distances between facing windows and/or gables is, in this instance following the submission of revised details, not compromised.
- 5.20 Structure Plan Policy H19 and emerging Local Plan Policy H5 (CRDP) both require that housing developers make provision for an element of affordable housing within new housing development (the scale is dependent upon site size and its location). In this instance, following the advice provided by Housing Services, the applicants are expected to deliver 20 residential units (13 rented and 7 on a shared ownership basis). In view of their size and tenure, although this represents approximately 15% of the proposed stock to be built, that lower level of provision (compared to the requirements of emerging Policy H5) is considered acceptable.

## **Conclusion**

- 5.21 In overall terms, the principle of the redevelopment of the site for residential use is acceptable and in all aspects the development complies with the objectives of the relevant adopted and emerging Development Plan policies. As such, the application is recommended for approval.
- 5.22 If that recommendation is acceptable, however, it will be necessary for the required S106 Agreement to be agreed prior to the release of any Notice of

Approval. The S106 Agreement will secure the provision of developer contributions of £110,000 and £198,200, as requested by the Highway Authority and the Green Spaces Manager respectively, as well as the provision of 20 affordable units. It is, consequently, requested that Authority be given to issue that Notice once the required agreement is in place.

#### **Informative Notes to Committee:**

#### **1. Section 106 Agreement with Authority to Issue**

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval. The Agreement will set out the arrangements for the provision of affordable housing and will ensure the developer contribution towards both the River Petteril Cycle Route Access Improvements and the commuted payment in relation to open space.

#### **6. Human Rights Act 1998**

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

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

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

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

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

6.3 The application relates to land allocated for residential development and, provided the detailed site layout considerations avoid any direct adverse impacts in relation to existing neighbouring properties, it is not considered that the rights of the existing occupiers, bestowed by the Act, would be prejudiced.

**7. Recommendation** - Grant Subject to S106 Agreement

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

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

2. 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 H16 of the Carlisle District Local Plan.

3. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and 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 H16 of the Carlisle District Local Plan.

4. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure that the proposed boundary treatment is acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings hereby approved without the permission of the Local Planning Authority.

**Reason:** To ensure that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner in accordance with Policy H16 of the Carlisle District Local Plan.

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

during the next planting season.

**Reason:** To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy E19 of the Carlisle District Local Plan.

7. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy E22 of the Carlisle District Local Plan.

8. No development shall commence until the proposed means of surface water disposal, which shall include details of the discharge rate, 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.

9. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings 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 problem associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

10. The carriageways, footways, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority, in writing, before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any such works so approved shall be constructed before the development is completed. Where it is intended that the Highways Authority will assume responsibility for the roads once they are complete the work will take place under a Highways Act 1980, Section 38 Agreement with the Highway's Authority.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Policies LD5, LD7 and LD8.

11. No dwelling shall be occupied until the estate road, including footways and cycleways, 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 and to support Local Transport Policies LD5, LD7 and LD8.

12. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. Construction traffic shall predominantly access and egress the site from Petteril Bank Road and if the development is phased it will be expected the development commenced at the southern end, with estate traffic being via Cammock Crescent then also Brisco Mount, with the construction works isolated.

**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 residents to support Local Transport Plan Policy LD8.

13. Within three months of the development commencing, the developer shall prepare and submit to the Local Planning Authority for their approval a Residential Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Residential Travel Plan shall be implemented by the developer within 12 months of the first dwelling being occupied.

**Reason:** To aid in the delivery of sustainable transport objectives to support Local Transport Plan Policies WS1 and LD4.

14. An annual monitoring report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval annually for a period of 5 years from the full development opening.

**Reason:** To aid in the delivery of sustainable transport objectives to support Local Transport Plan Policies WS1 and LD4.

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

**Reason:** The Local Planning Authority wishes to retain full control over the matters referred to in order to ensure that the capped layer associated with the contamination remediation measures is not breached and to prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the dwellings hereby permitted without the prior permission of the Local Planning Authority and the approval by them of the design, siting and external appearance of such structures.

**Reason:** The Local Planning Authority wishes to retain full control over the matters referred to in order to ensure that the capped layer associated with the contamination remediation measures is not breached and to prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

17. All matters relating to contamination shall be remediated in accordance with the measures outlined in the "Contamination Assessment and Remediation Proposals Non Technical Summary" received 28th March 2008, the full details of which shall be submitted to and agreed, in writing, by the Local Planning Authority prior to development commencing on site. The remediation works shall be carried out in strict accordance with the approved details. A validation report must be submitted showing that all the work has been completed according to these agreements, and the work undertaken verified. No properties on the development shall be occupied until the site validation report has been submitted to and agreed, in writing, by the Local Planning Authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

18. A cut off trench/barrier is to be provided to separate the development site from the Romilly Waste Landfill site. The design and specification of the trench/barrier must be submitted and agreed, in writing, by the Local Planning Authority before construction begins. Once the barrier has been constructed a validation report verifying the work undertaken must be submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

19. No Pile Foundations shall be used unless a foundation design for the properties has been submitted and agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure that no contamination is given a preferential pathway to the aquifer and to protect the environment/prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

20. No development shall commence until details of the gas monitoring points have been submitted to and agreed, in writing, by the Local Planning Authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

21. Gas monitoring in the locations agreed by Condition 22 shall be carried out at least once every 6 months for 10 years once the development has been completed. The monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring shall be submitted to and agreed, in writing, by the Local Planning Authority prior to development commencing on site. The results from the monitoring shall be forwarded to the Local Planning Authority, each year, for 10 years, and should results indicate a gassing problem, the Local Planning Authority shall be notified immediately.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

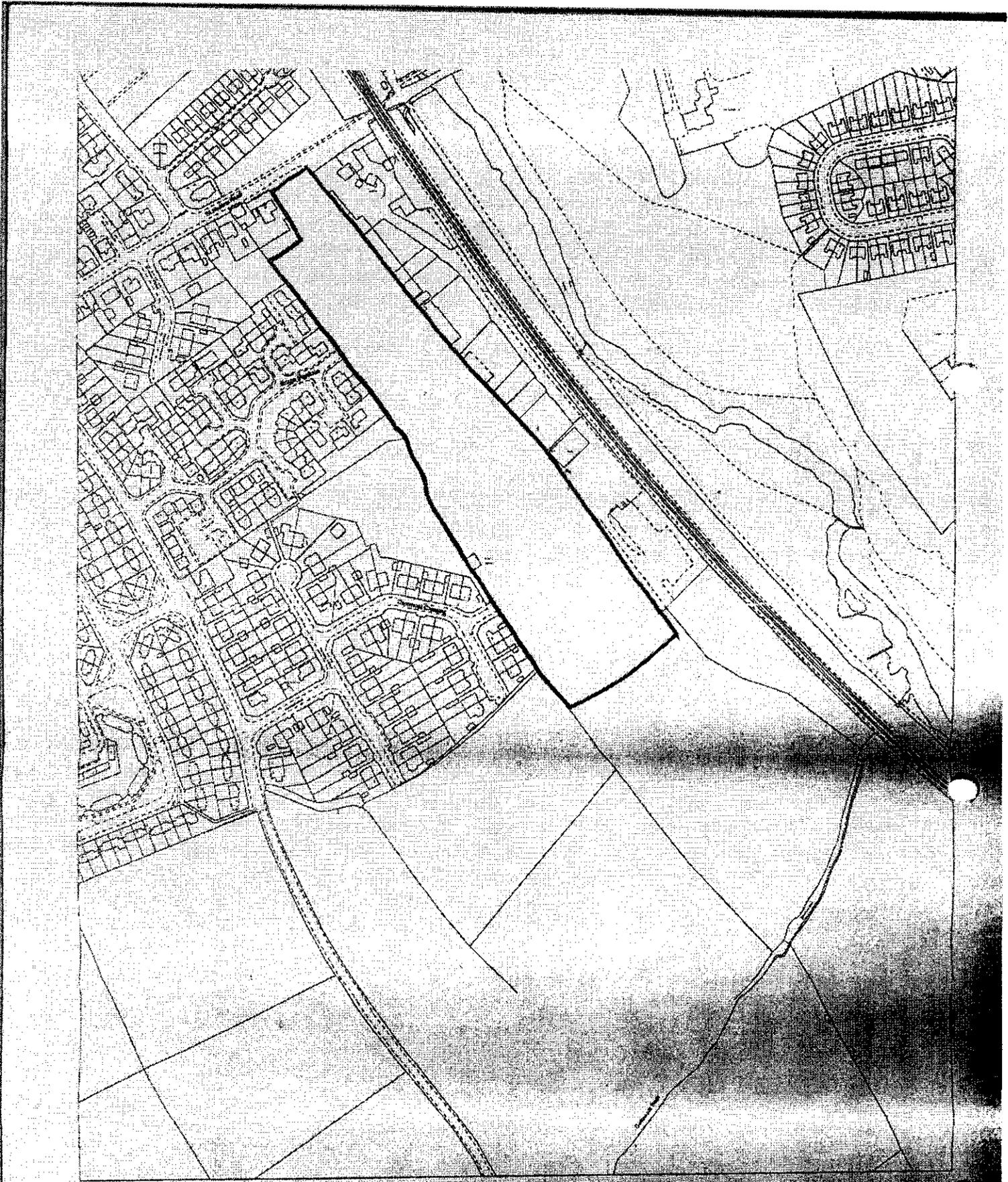
22. If, contamination not previously identified is found to be present during development (i.e. building works), no further development shall be carried out (unless otherwise agreed in writing by the Local Planning Authority) until the developer has submitted and obtained written approval from the Local Planning Authority. The written application shall detail how this unsuspected contamination shall be dealt with. Once the remediation measures have been carried out a validation report verifying the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE30 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

23. Before the occupancy of any of the residential units of the development hereby given permission, the proposed acoustic screen fencing and associated earth bunds along the north eastern boundary of the site shall be fully implemented in accordance with the revised planning layout drawing number TAG/SNR-101-I.

**Reason:** In order to ensure that the living condition of the occupiers of the proposed dwellings are safeguarded in accordance with Policy H16 of the Carlisle District Local Plan.

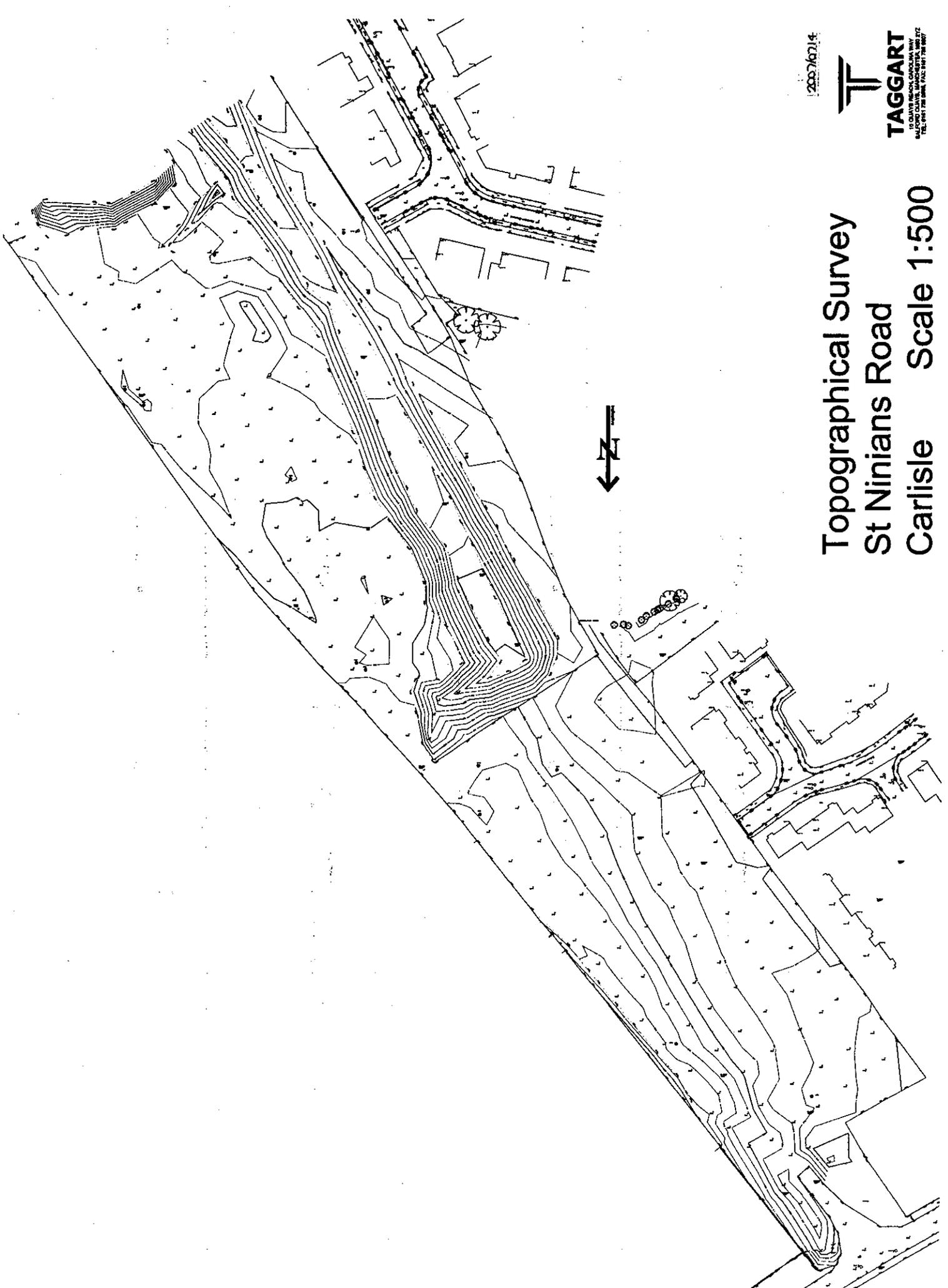
---



Site Location Plan (1:2500)

PHOTO  
NOV 02  
1:2500





2007/07/14

**T**  
**TAGGART**  
10 QUAY, NEWBOLTON, WAVERLEY  
GLASGOW, SCOTLAND G11 6JG  
TEL: 0141 204 2000 FAX: 0141 204 2001

**Topographical Survey**  
**St Ninians Road**  
**Carlisle**      **Scale 1:500**

# ST NINIAN'S ROAD, CARLISLE

TYPE	DESCRIPTION	SQFT	NO
CL	CLARENCE	796	6
MA	3 BED SEMI-D	608	17
AP	3 BED DETACHED	670	6
HA	3 BED DETACHED	1006	5
NS	3 BED SEMI-D	678	16
WH	3 BED SEMI-D	1284	17
SH	3 BED DETACHED	2194	5
X	2 BED PAVILION	500	3
APF	2 BED CORNER APTS	870	4
APFA	2 BED AFFORDABLE HOUSE	817	6
APFLF	2 BED AFFORDABLE HOUSE	1064	5
APFFD	2 BED AFFORDABLE HOUSE	500	3
APFFC	2 BED AFFORDABLE CORNER HOUSE	870	4
BLOCK A	2 BED APT, 3 STOREY	608	6
BLOCK B	2 BED APT, 3 STOREY	702	7
BLOCK C	2 BED APT, 3 STOREY	406	5
BLOCK D	2 BED APT, 3 STOREY	608	6
TOTAL: 116,272 SQFT			

Gross Area: 7.51 Acres  
 Landscape Buffer: 0.46 Acres  
 P.O.S: 0.39 Acres  
 Net Area: 5.63 Acres  
 Gross Density: 17.58 U/P A  
 Gross Footage: 12,349 sq ft/acre  
 Net Density: 18.81 U/P A  
 Net Footage: 17,396 sq ft/acre

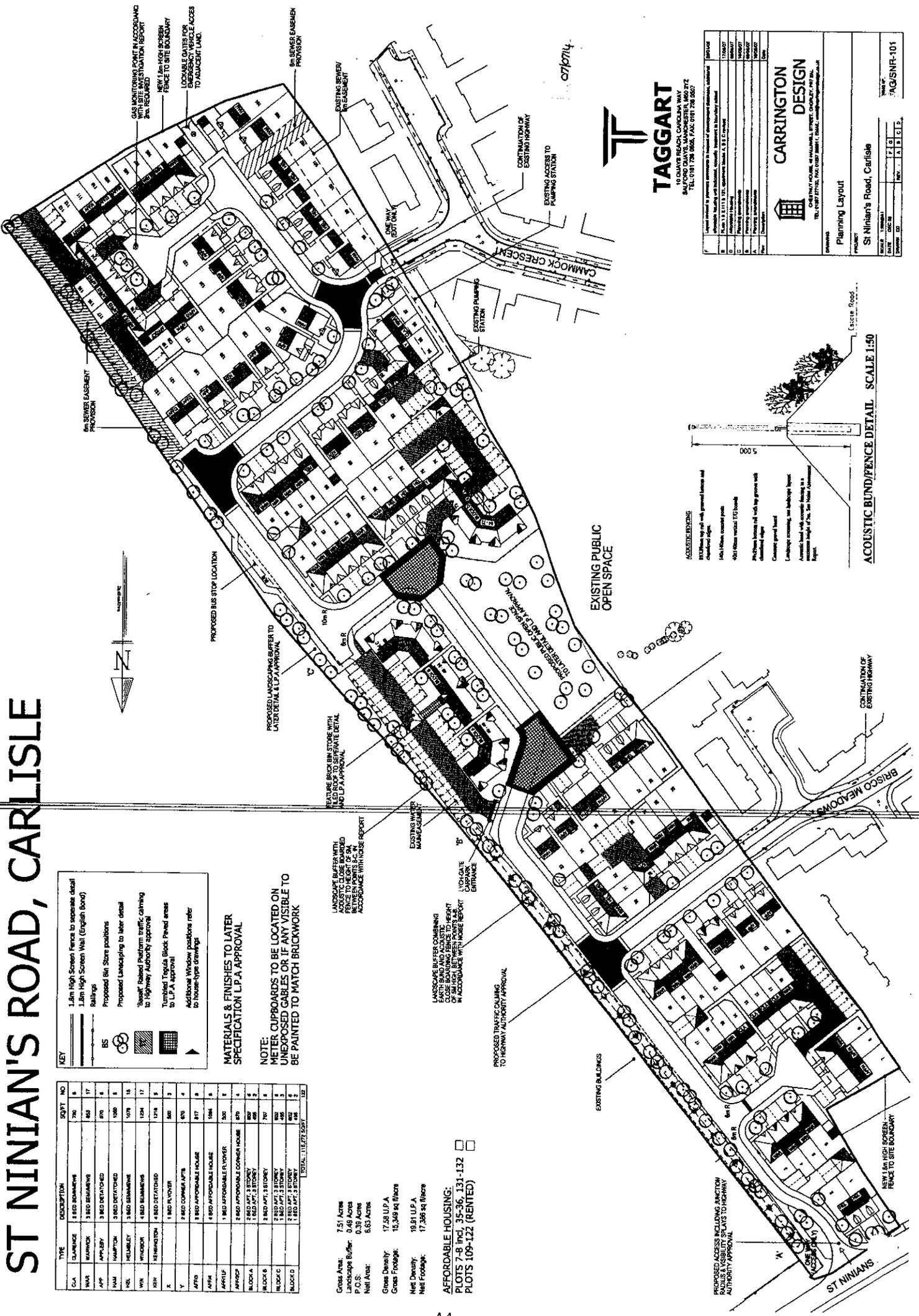
**AFFORDABLE HOUSING:**  
 PLOTS 7-8 incl, 35-36, 131-132  
 PLOTS 109-122 (RENTED)

**KEY**

- 1.8m High Screen Fence to separate detail
- 1.8m High Screen Wall (English Bond) Railings
- Proposed Bin Store positions
- Proposed Landscaping to later detail
- "Smart" Raised Platform traffic calming to Highway Authority approval
- Tumbled Tegula Block Paved areas to L.P.A. approval
- Additional Window positions refer to house-type drawings

**MATERIALS & FINISHES TO LATER SPECIFICATION L.P.A. APPROVAL**

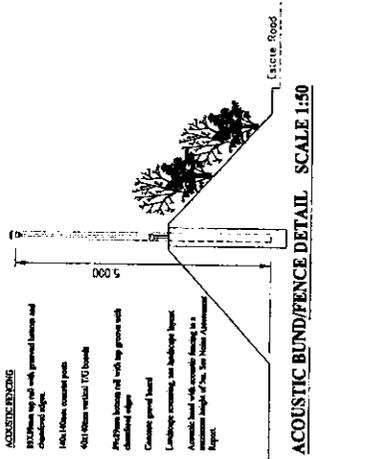
**NOTE:**  
 METER CIPBOARDS TO BE LOCATED ON UNEXPOSED CABLES OR IF ANY VISIBLE TO BE PAINTED TO MATCH BRICKWORK

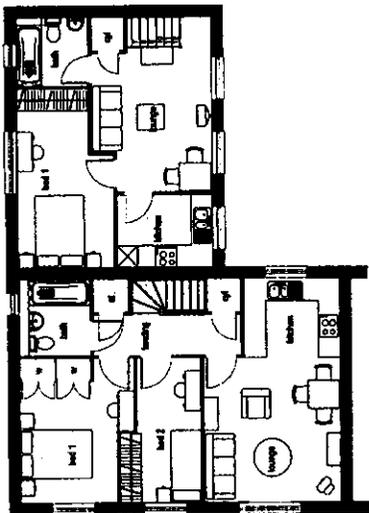


**TAGGART**  
 10 CHAVER REACH, CAROLINA WAY  
 SAUNDERS ROAD, MANCHESTER, M20 7TZ  
 TEL: 0161 275 6666, FAX: 0161 275 6667

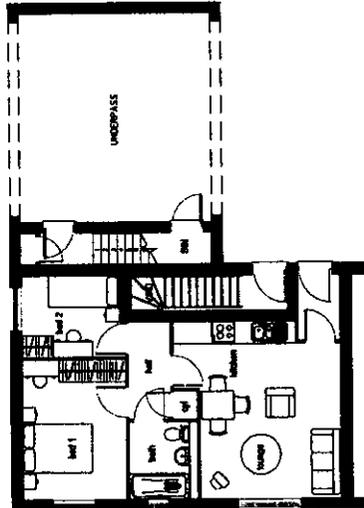
**CARRINGTON DESIGN**  
 CONSULTING ENGINEERS AND ARCHITECTS  
 TEL: 01757 57722, FAX: 01757 58811, EMAIL: info@carringtondesign.co.uk

**Planning Layout**  
 PROJECT: St Ninian's Road, Carlisle  
 DRAWING NO: 11/15  
 SCALE: 1:100  
 DATE: 15/11/15  
 DRAWN BY: J.D.  
 CHECKED BY: J.D.  
 APPROVED BY: J.D.  
 PROJECT NO: AGS/NR-101

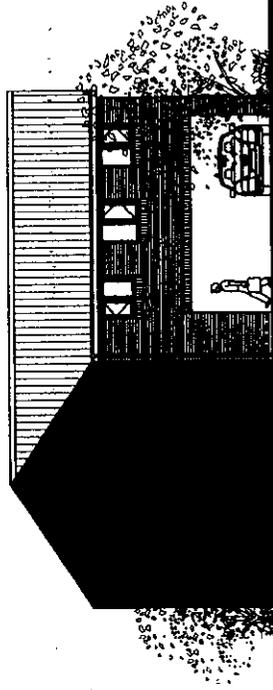




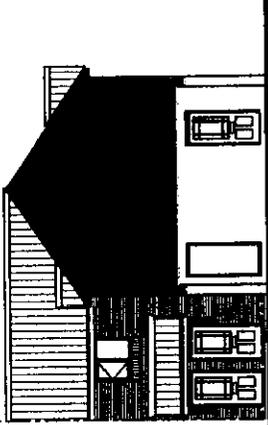
First Floor



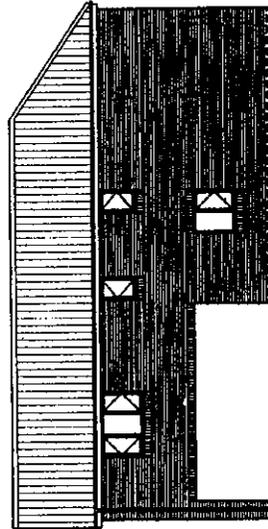
Ground Floor



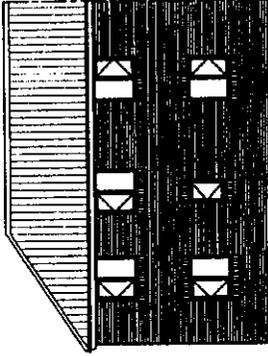
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



**TAGGART**

14 CLAYTON BEACH, CAROLINA WY.  
 84 LOCKWOOD CLAYTON, MANCHESTER, NH 03127  
 TEL: 0161 728 0505, FAX: 0161 728 0507



**CARRINGTON  
 DESIGN**

100 WINDY HOLLOW, 4000 LITTLE LAKES DRIVE, LOCKPORT, NY 14094  
 TEL: 607 277-9400, FAX: 607 277-9401, EMAIL: info@carringtondesign.com

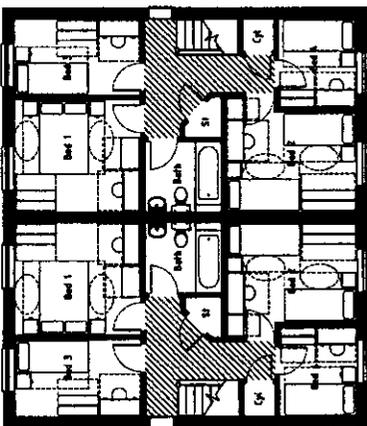
OWNER:  
 AFFALF  
 AFF/2CF

PROJECT:  
 1 & 2 Bed Corner Units

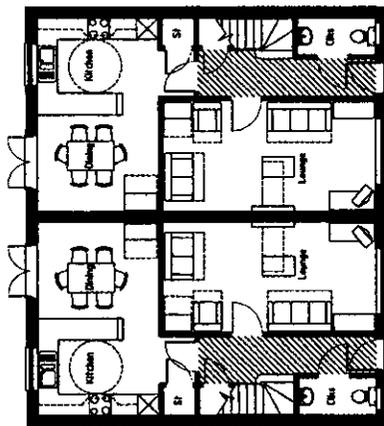
DATE:	NOV 20 2007	SCALE:	1/8" = 1'-0"	PROJECT NO.:	AFF-12-500670
DRAWN BY:		CHECKED BY:		DATE:	
DESIGNED BY:		APPROVED BY:			

2007.07.14

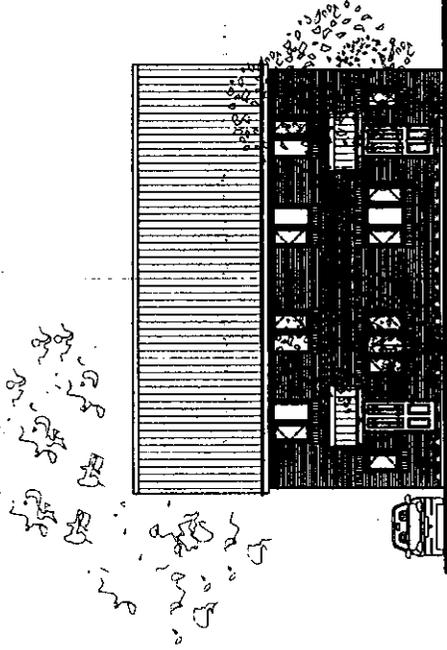




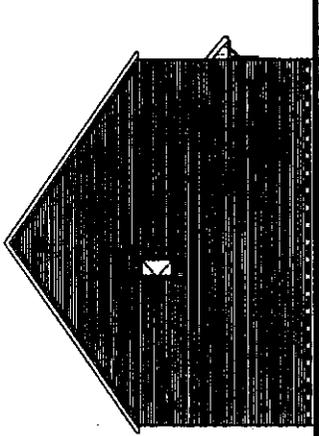
First Floor Plan



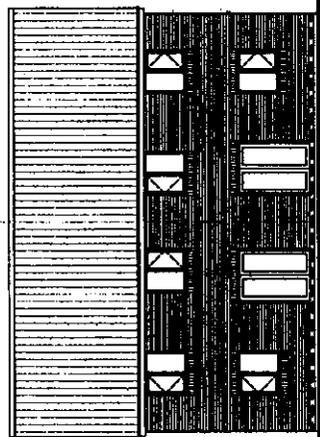
Ground Floor Plan



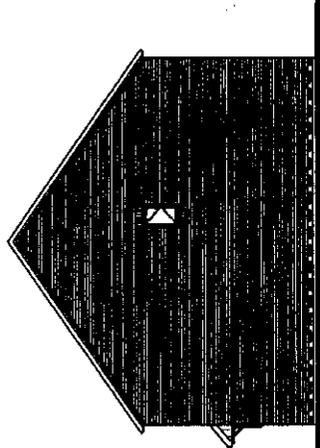
Front Elevation



Side Elevation



Rear Elevation

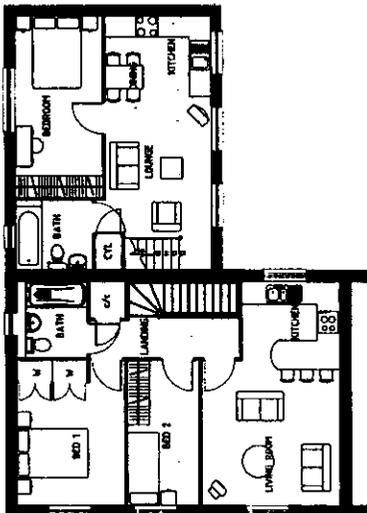


Side Elevation

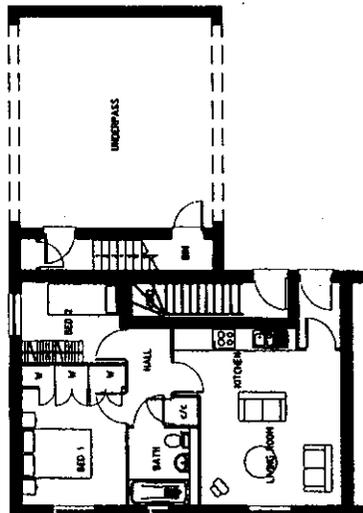


**TAGGART**  
 10 QUAYS REACH, CAROLINA WAY  
 SALFORD QUAYS, MANCHESTER, M60 2TZ  
 TEL: 0161 726 0605, FAX: 0161 726 0607

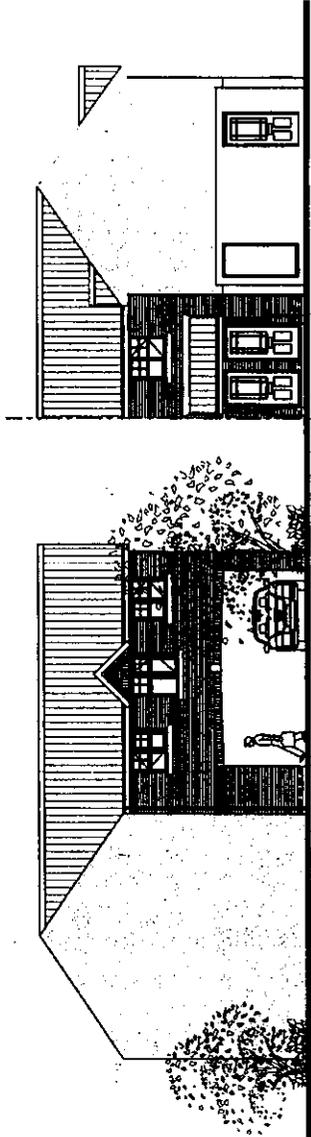
Project	4 Bed House
Client	
Architect	CARRINGTON DESIGN
Scale	1:100
Date	2005/10/14
Drawn by	
Checked by	
Project No.	AFF/74
Drawn No.	
Scale	1:100
Date	2005/10/14
Project No.	AFF: 4/6:1084



First Floor

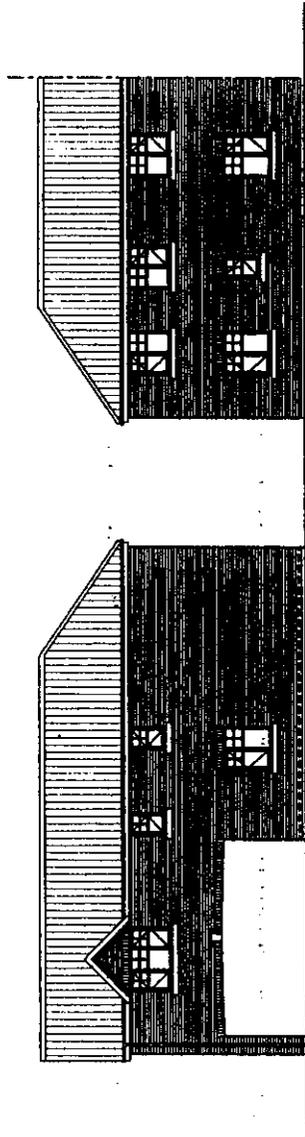


Ground Floor



Front Elevation

Side Elevation



Rear Elevation

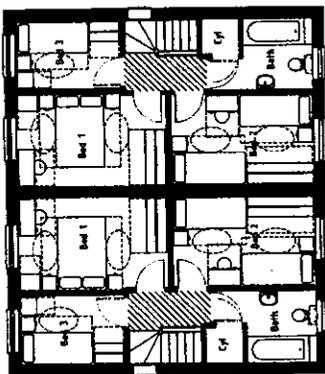
Side Elevation



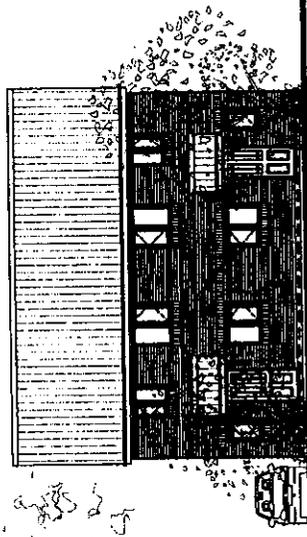
**TAGGART**  
 19 QUAYS BEACH, CAROLINA WAY  
 SALFORD QUAYS, MANCHESTER, M60 2YZ  
 TEL: 0161 738 0886, FAX: 0161 738 0887

Project No.	24-500670
Client	SI Wilkins Road, Carlisle
Scale	1:500
Date	15/02/14
Drawn by	
Checked by	
Project	X & Y - Floor Plans & Elevations
Company	CARRINGTON DESIGN
Address	19 QUAYS BEACH, CAROLINA WAY, SALFORD QUAYS, MANCHESTER, M60 2YZ
Phone	0161 738 0886
Fax	0161 738 0887
Website	www.carringtondesign.co.uk

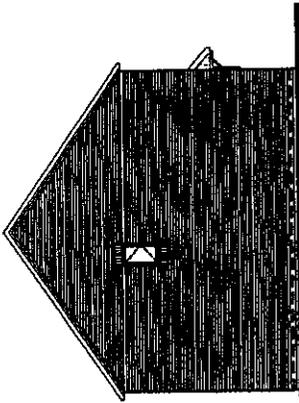
2007/07/14



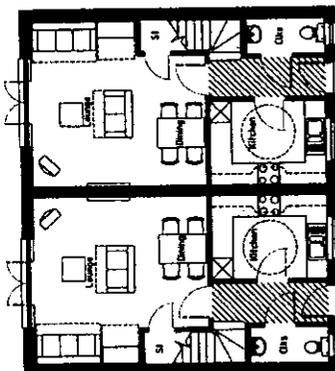
First Floor Plan



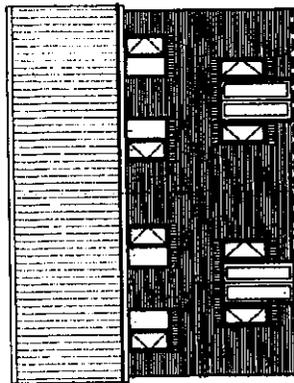
Front Elevation



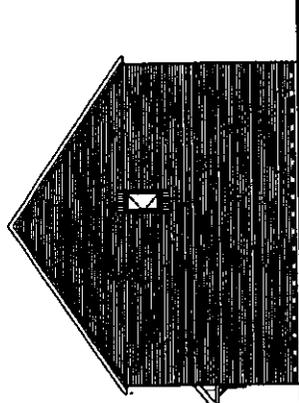
Side Elevation



Ground Floor Plan



Rear Elevation



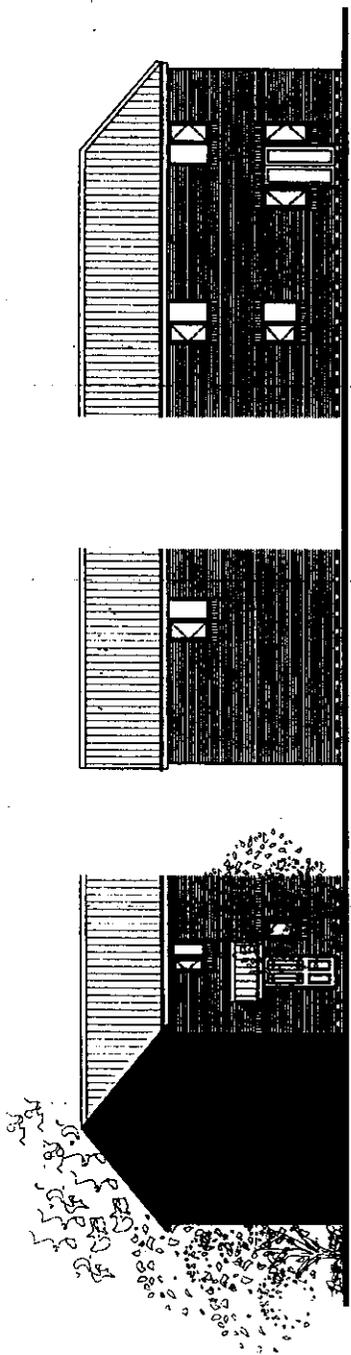
Side Elevation



**TAGGART**  
 19 QUAYLE BEACH, CAROLINA WAY  
 SALFORD QUAYS, MANCHESTER, M50 3YZ  
 TEL: 0161 738 0505, FAX: 0161 738 0507

 <b>CARRINGTON DESIGN</b> <small>REGISTERED ARCHITECTS IN VARIOUS COUNTRIES        105-115 FIFTH AVE SUITE 200 NEW YORK, NY 10020-2298</small>	
Drawings	AFF73
Product	3 Bed House
Scale	1/8" = 1'-0"
Date	2008/07/14
Checked	AF
Drawn	AF
Project No.	AFF: 305817

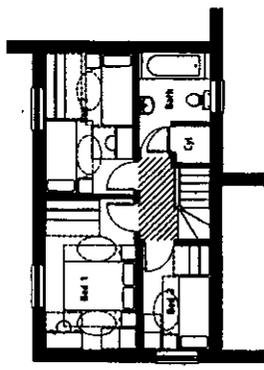
2008/07/14



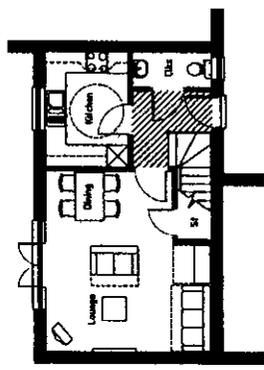
Rear Elevation

Side Elevation

Front Elevation



First Floor Plan

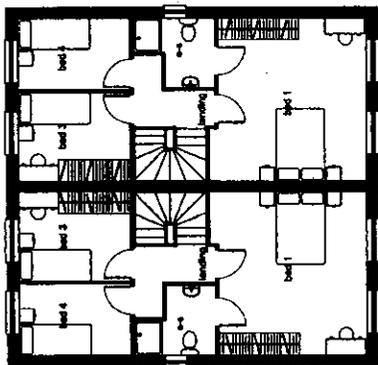


Ground Floor Plan

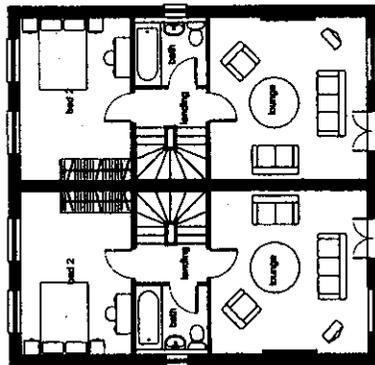
**T**  
**TAGGART**  
 10 OLIVAS REACH, CAROLINA WAY  
 MALFORD QUAYS, MANCHESTER, M60 2TZ  
 TEL: 0161 758 0800, FAX: 0161 758 0807

Project Name	3 Bed Corner House
Client	
Architect	CARRINGTON DESIGN
Address	10 OLIVAS REACH, CAROLINA WAY, MALFORD QUAYS, MANCHESTER, M60 2TZ
Scale	1:1000
Date	
Drawn by	
Checked by	
Project No.	AFF/SC
Drawn No.	
Checked No.	
Project Ref.	AFF: 95/817C

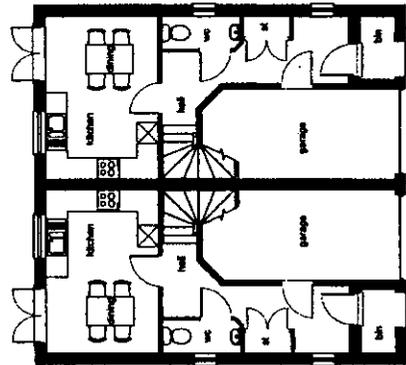
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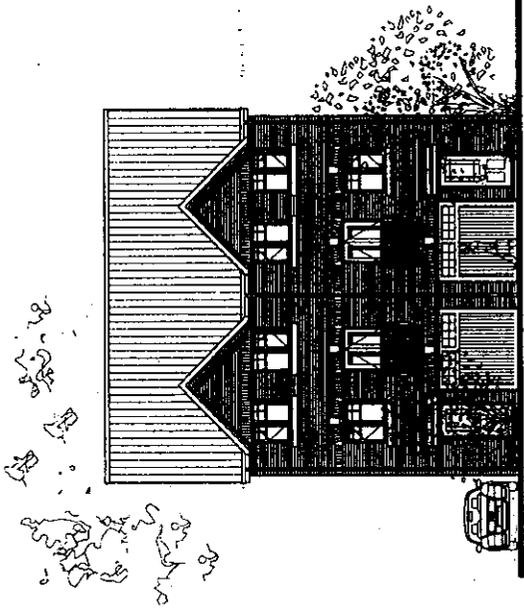
Second Floor



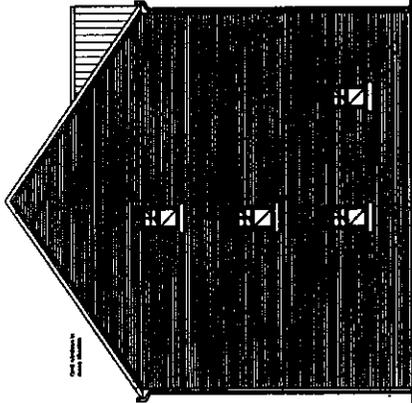
First Floor



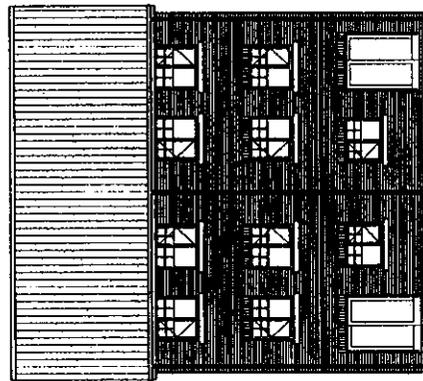
Ground Floor



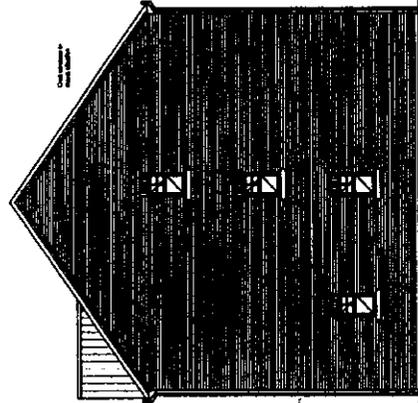
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

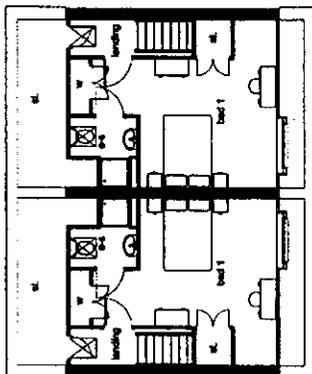
2007/02/14



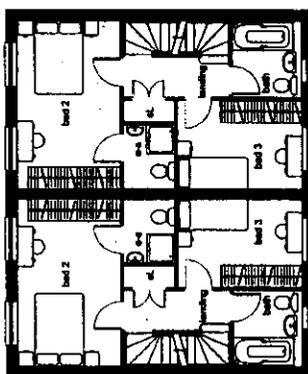
**TAGGART**

10 QUAYS REACH, CAROLINA WAY  
SALFORD QUAYS, MANCHESTER, M60 2Y2  
TEL: 0161 738 0666, FAC: 0161 738 0667

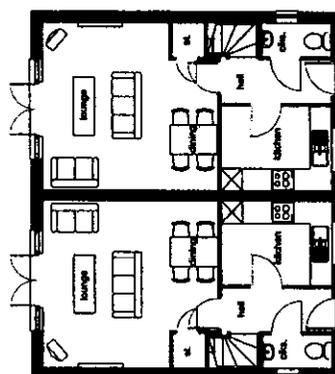
CARRINGTON DESIGN	
10 QUAYS REACH, CAROLINA WAY, SALFORD QUAYS, MANCHESTER, M60 2Y2 TEL: 0161 738 0666, FAC: 0161 738 0667	
PROJECT	Windsor - Floor Plans & Elevations
ADDRESS	St Nithians Road, Carlisle
SCALE	1:100 @ A2
DATE	04/01/07
DRAWN BY	
CHECKED BY	
DATE	
SCALE	4H-1234



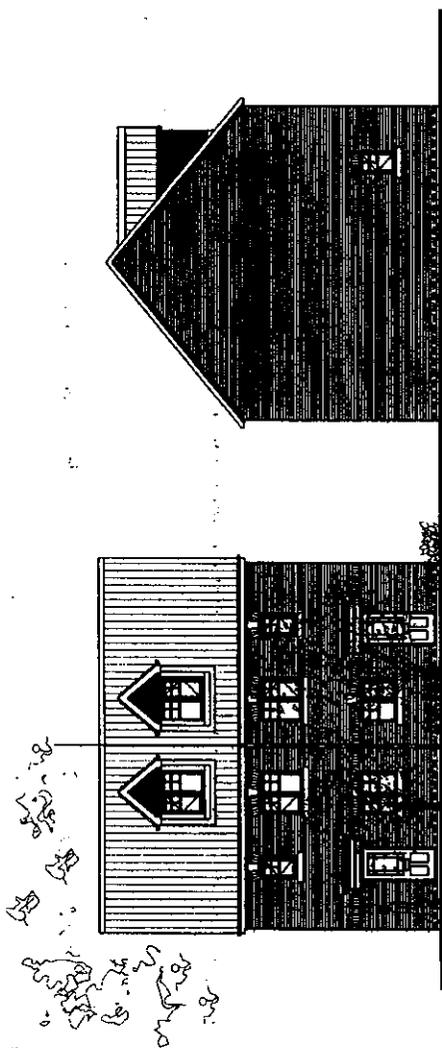
Second Floor



First Floor

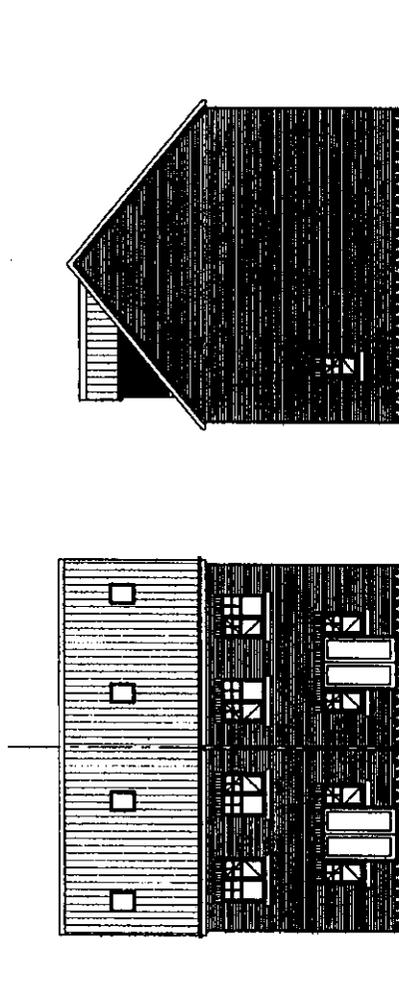


Ground Floor



Front Elevation

Side Elevation



Rear Elevation

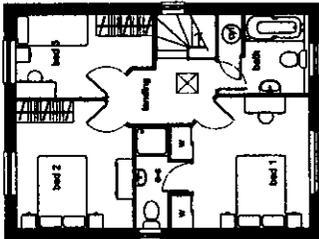
Side Elevation

2007/07/14

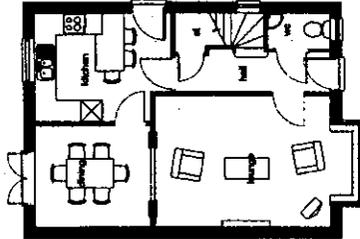


**TAGGART**  
 10 QUAYS REACH, CAROLINA WAY  
 SALFORD QUAYS, MANCHESTER, M6 2TZ  
 TEL: 0161 758 0800, FAX: 0161 758 0807

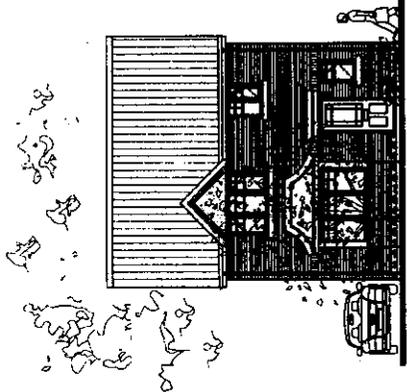
NO.	DATE	BY	CHKD.
<b>CARRINGTON DESIGN</b>			
<small>COMPANY HOUSE, 65 PALMER STREET, LONDON, E14 6AN TEL: 020 7770 1100, FAX: 020 7770 1101, EMAIL: CARRINGTON@CARRINGTONDESIGN.CO.UK</small>			
DRAWN BY: <b>Helmley - Floor Plans &amp; Elevations</b>			
PROJECT: <b>St Nicholas Road, Carlisle</b>			
SCALE: 1:500 & A4	DATE: 06/07/07	PROJECT NO: <b>3H-1078</b>	
DRAWN BY: <b>CD</b>	CHECKED BY: <b> </b>		



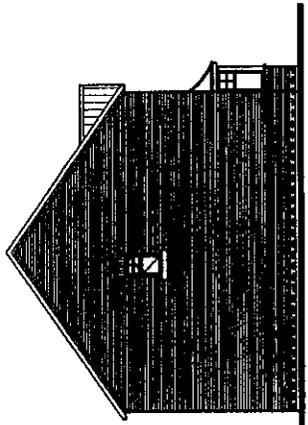
First Floor



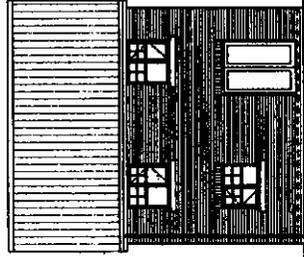
Ground Floor



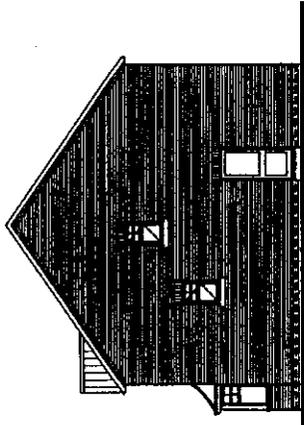
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

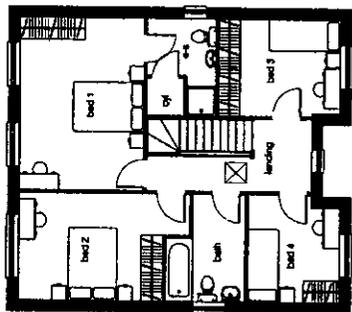
2007/07/14



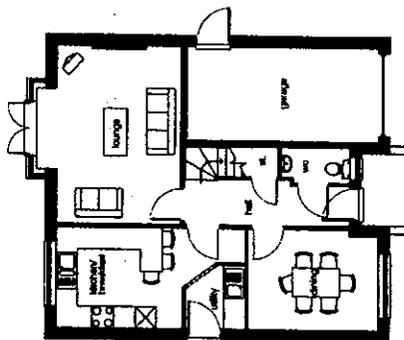
**TAGGART**

10 QUAYS BEACH, CAROLINA WAY  
SALFORD QUAYS, MANCHESTER, M50 2TZ  
TEL: 0161 738 0505 FAX: 0161 738 0507

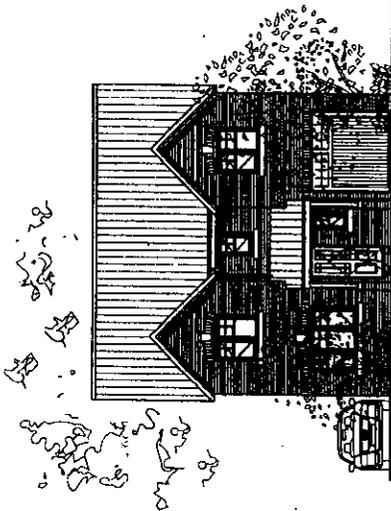
CARRINGTON DESIGN	
DESIGNER: CARRINGTON DESIGN, 10 QUAYS BEACH, CAROLINA WAY, Salford Quays, Manchester, M50 2TZ. TEL: 0161 738 0505 FAX: 0161 738 0507	
PROJECT: Hampton - Floor Plans & Elevations	
PROPERTY: St Nihiliana Road, Curflesh	
SCALE: 1:500 @ A4	DRAWING NO: 3H-1-050
DATE: MAY '07	
DRAWN BY:	
CHECKED BY:	



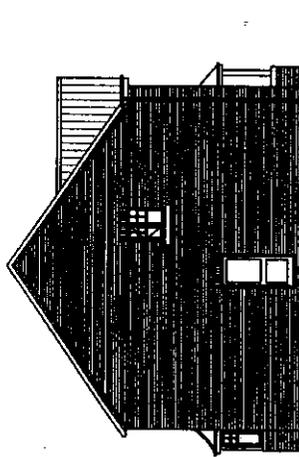
First Floor



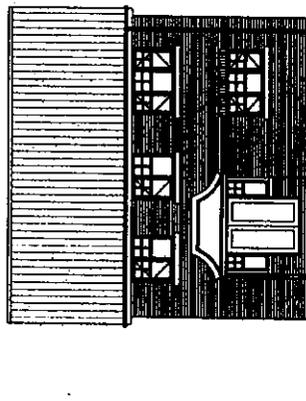
Ground Floor



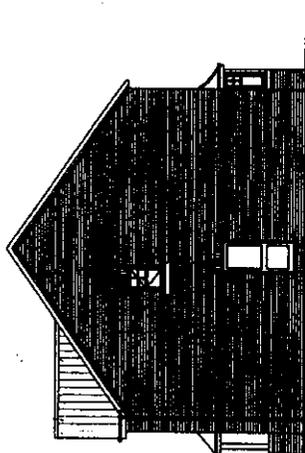
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

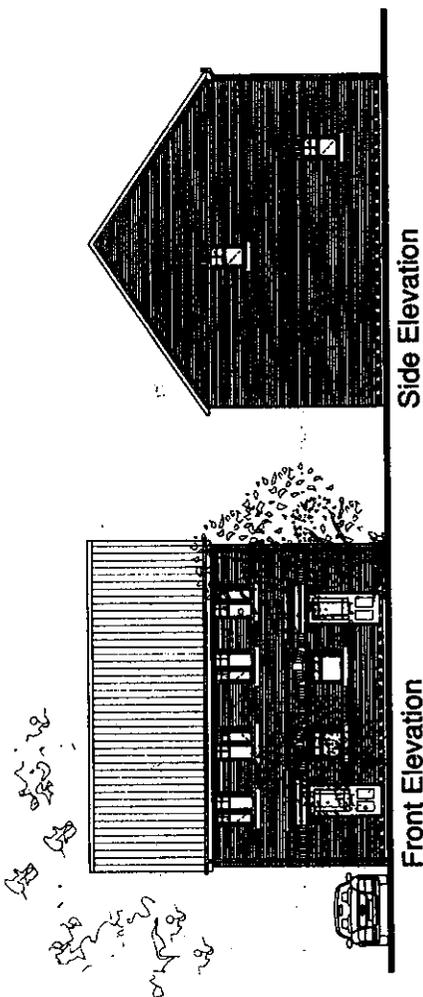
2007/07/14



**TAGGART**

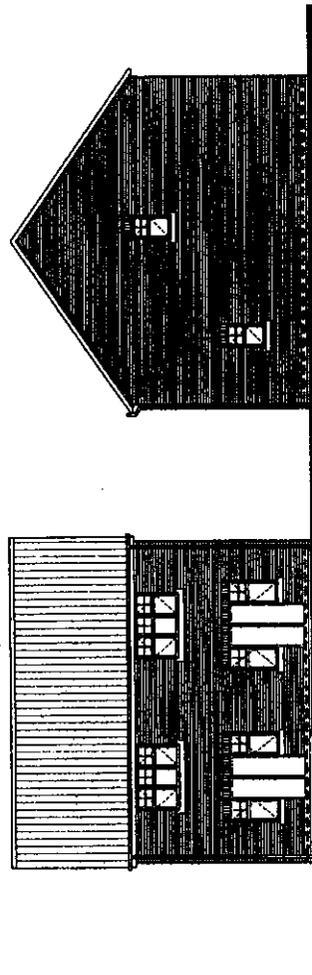
10 QUAYS BEACH, CAROLINA WAY  
SALFORD QUAYS, MANCHESTER, M6J 2YJ  
TEL: 0161 728 0806, FAX: 0161 728 0807

Project	Kennington - Floor Plans & Elevations
Product	St Ninians Road, Carlisle
Scale	1:500
Date	07/14
Drawn	4H-1316



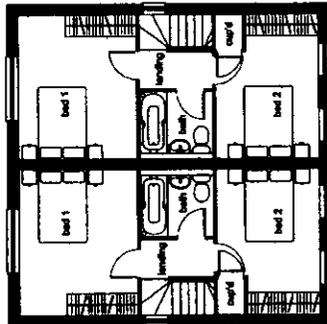
Side Elevation

Front Elevation

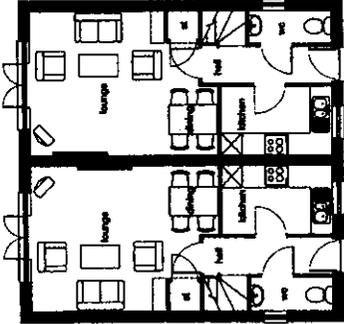


Side Elevation

Rear Elevation



Ground Floor



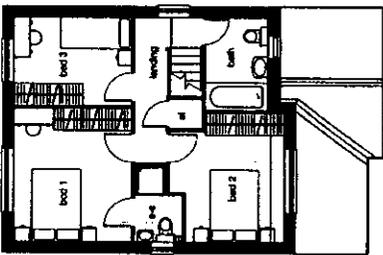
Ground Floor



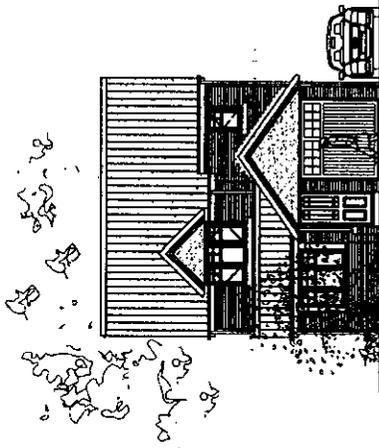
**TAGGART**  
 10 QUAYS REACH, CAROLINA WAY  
 SALFORD QUAYS, MANCHESTER, M6 6BT  
 TEL: 0161 728 6868 FAX: 0161 728 6867

Project No.	31-720
Client	St Nicholas Road, Carlisle
Architect	CARRINGTON DESIGN
Scale	1:50
Date	2007/07/14
Drawn by	
Checked by	
Project No.	31-720

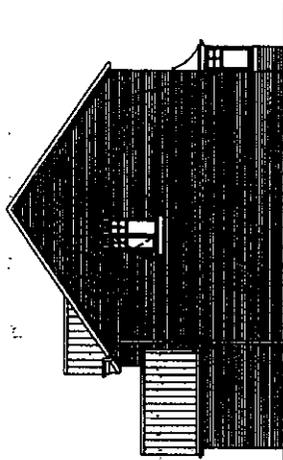
2007/07/14



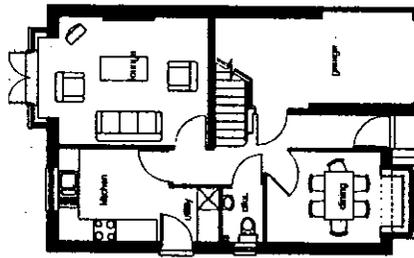
First Floor



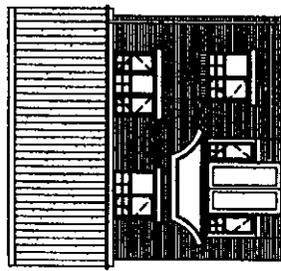
Front Elevation



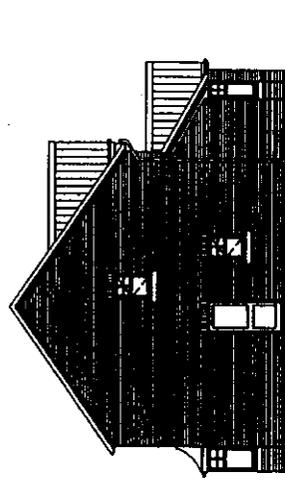
Side Elevation



Ground Floor



Rear Elevation



Side Elevation

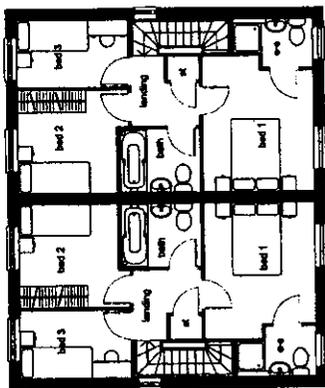
2007/07/14



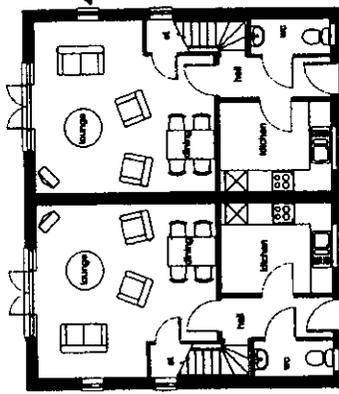
**TAGGART**

10 OLIVA BEACH, CAROLINA WAY  
SALFORD QUAYS, MANCHESTER, M6A 2Y2  
TEL: 0161 736 0806, FAX: 0161 736 0807

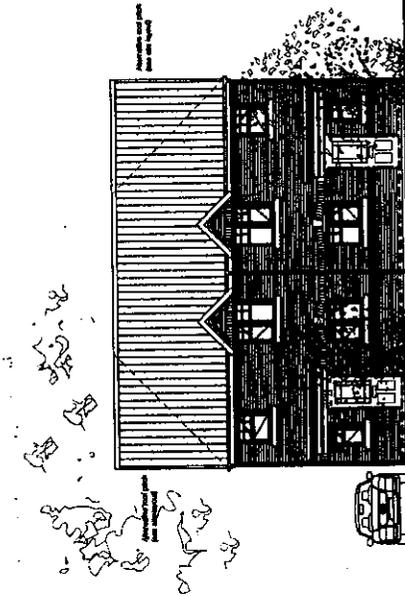
CARRINGTON DESIGN	
ARCHITECTS AND INTERIORS, 10 OLIVA BEACH, CAROLINA WAY, SALSFORD QUAYS, MANCHESTER, M6A 2Y2. TEL: 0161 736 0806, FAX: 0161 736 0807	
DRAWING NO: Appley - Floor Plans & Elevations	
PROJECT: St Ninians Road, Carlisle	
DATE: 14/07/04	DRAWN BY: [ ]
CHECKED BY: [ ]	SCALE: 1:100
CUSTOMER NO: 31-970	CITY: [ ]



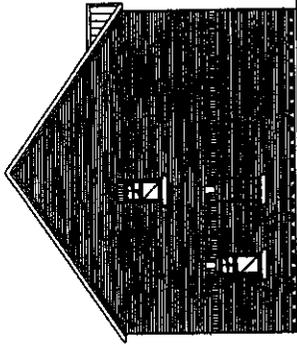
First Floor



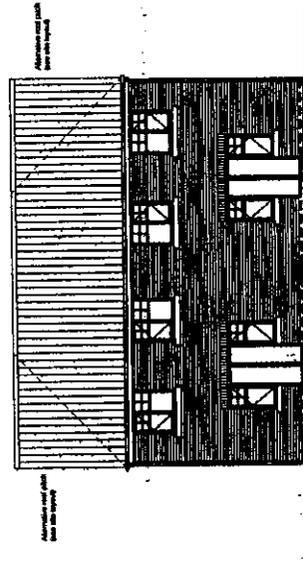
Ground Floor



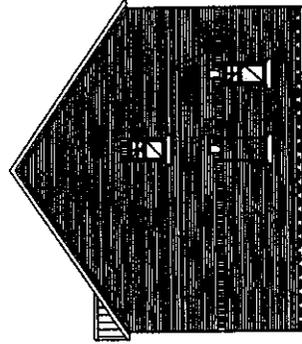
Front Elevation



Side Elevation



Rear Elevation



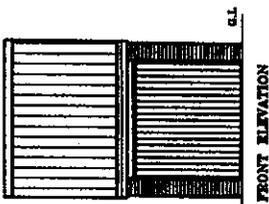
Side Elevation



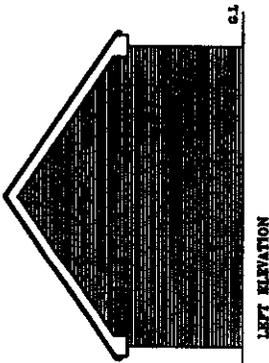
**TAGGART**

14 QUAY BEACH, CAROLINA WAY  
8ALWOOD CLAYS, MANCHESTER, M20 7YZ  
TEL: 0161 798 0656, FAX: 0161 798 0607

Client:	Project:	Drawn by:	Checked by:
Architect:	Product:	Date:	Scale:
Warwick - Floor Plans & Elevations	St Nijlans Road, Coptahle	2009/07/14	1:100
Project:	Drawn by:	Checked by:	Scale:
Warwick - Floor Plans & Elevations	St Nijlans Road, Coptahle	2009/07/14	1:100
Project:	Drawn by:	Checked by:	Scale:
Warwick - Floor Plans & Elevations	St Nijlans Road, Coptahle	2009/07/14	1:100



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



SINGLE GARAGE

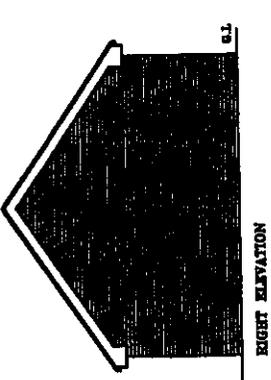
2007/07/14



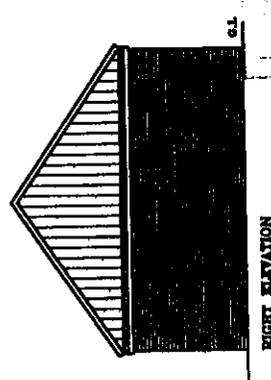
**TAGGART**

10 QUAYS REACH, CAROLINA WAY  
SALFORD QUAYS, MANCHESTER, M50 2YZ  
TEL: 0161 738 0505, FAX: 0161 738 0507

Client	Project	Drawn	Scale
<b>CARRINGTON DESIGN</b>			
<small>CONSULTANTS IN ARCHITECTURE, INTERIOR DESIGN, PROJECT MANAGEMENT, SURVEYING &amp; PLANNING</small>			
Standard Details Single Garage			
PROJECT			
St Niran's Road, Carlisle			
Checked	Drawn	Approved by	
		TH/RD-01	
Scale	Date		

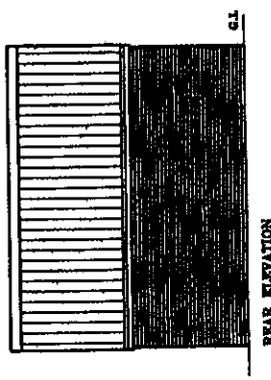


RIGHT ELEVATION

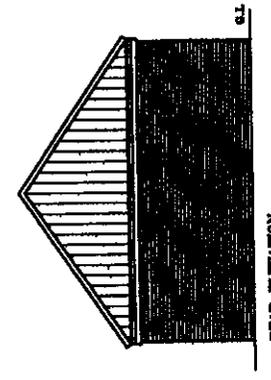


RIGHT ELEVATION

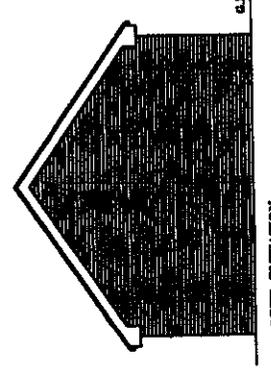
2007/07/14



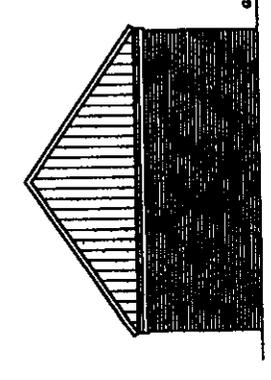
REAR ELEVATION



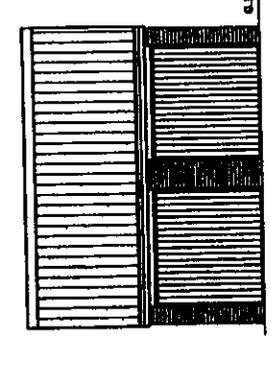
REAR ELEVATION



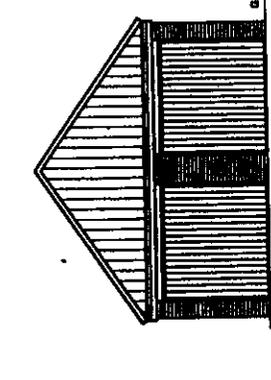
LEFT ELEVATION



LEFT ELEVATION



FRONT ELEVATION



FRONT ELEVATION



# TAGGART

10 QUAYS BEACH, CAROLINA WAY  
SALT CROSS QUAYS, MANCHESTER, M60 8YZ  
TEL: 0161 739 6665, FAX: 0161 739 0827



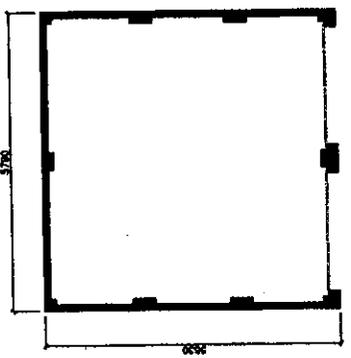
## CARRINGTON DESIGN

COMPANY FORMERLY KNOWN AS HILLWALL STREET, CARRINGTON, LANCASHIRE.  
THE FLOOR PLANS ARE THE PROPERTY OF CARRINGTON DESIGN

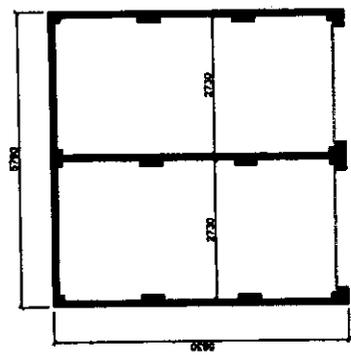
PROJECT: Standard Details  
Double Garage

PROJECT: St Nirlans Road, Carlisle

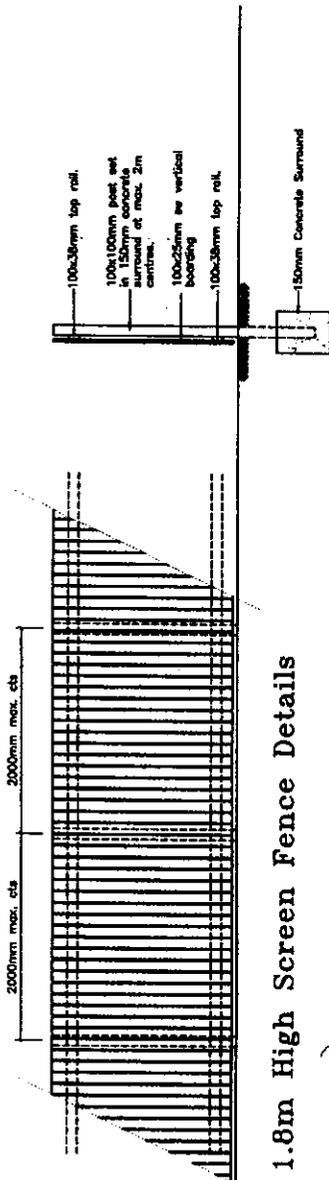
DATE: 11/08	ISSUED BY:	PROJECT NO:	17450-02
DATE: 08/10	ISSUED BY:	PROJECT NO:	
DATE: 08/10	ISSUED BY:	PROJECT NO:	
DATE: 08/10	ISSUED BY:	PROJECT NO:	
DATE: 08/10	ISSUED BY:	PROJECT NO:	
DATE: 08/10	ISSUED BY:	PROJECT NO:	
DATE: 08/10	ISSUED BY:	PROJECT NO:	
DATE: 08/10	ISSUED BY:	PROJECT NO:	



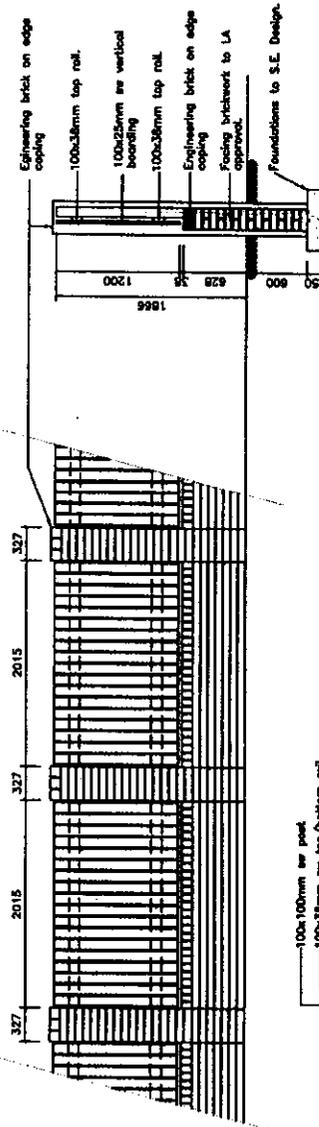
DOUBLE GARAGE (OPTION 2)



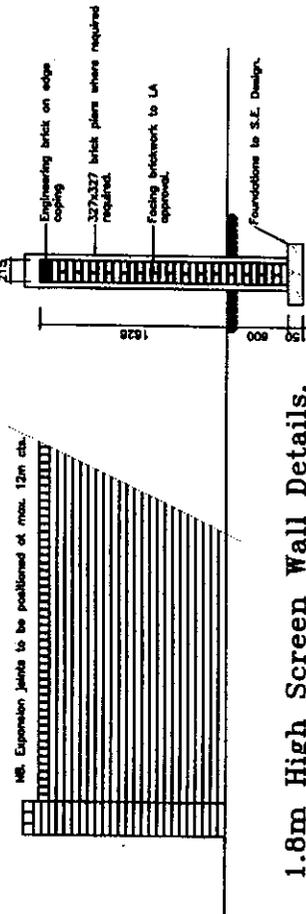
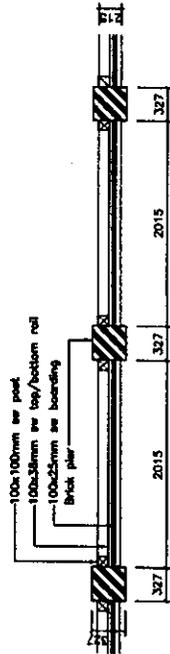
DOUBLE GARAGE (OPTION 1)



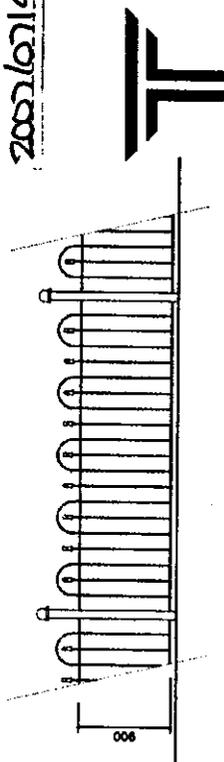
1.8m High Screen Fence Details



1.8m High Screen Fence Wall Details.



1.8m High Screen Fence Wall Details.



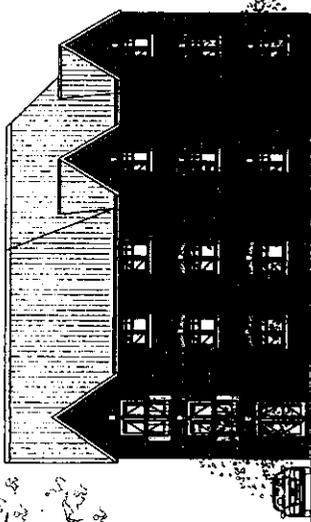
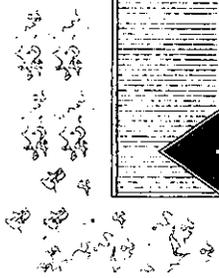
900mm Low Railings Detail.

2007/07/14

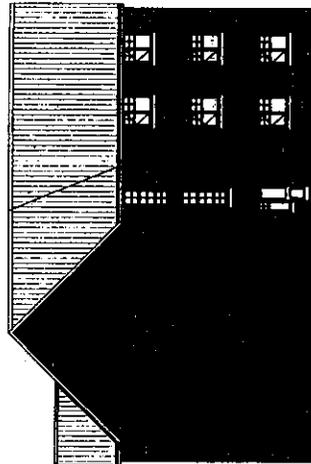


**TAGGART**  
 10 QUAYS REACH, CAROLINA WAY  
 SALFORD QUAYS, MANCHESTER, M50 2YZ  
 TEL: 0161 736 0505, FAX: 0161 736 0507

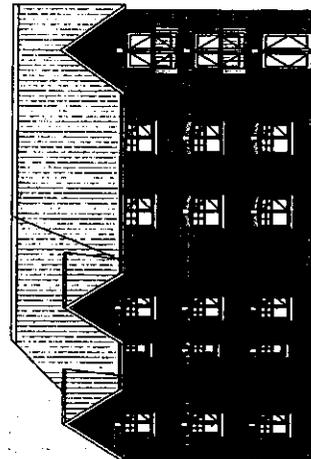
CARRINGTON DESIGN STANDARD DETAILS FENCING & RAILINGS DETAILS	
PROJECT: St Nirlans Road, Carlisle	
DATE: 14/07/07	DRAWN BY:
CHECKED BY:	APPROVED BY:
DRAWING NO: TV95D-03	



Front Left Elevation



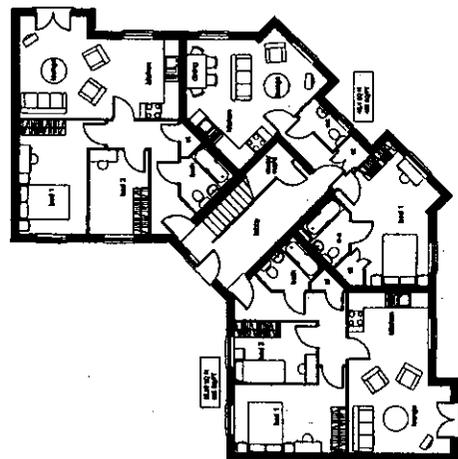
Side/Rear Elevation



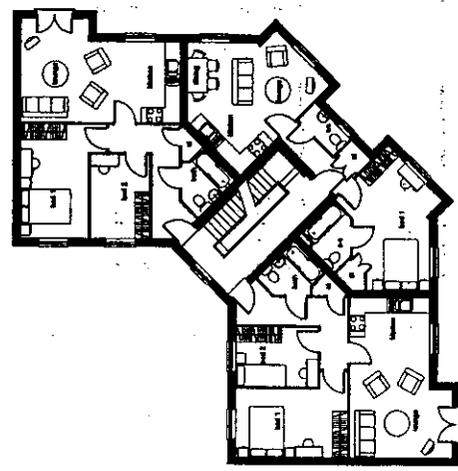
Front Right Elevation



Side/Rear Elevation



Ground Floor Plan



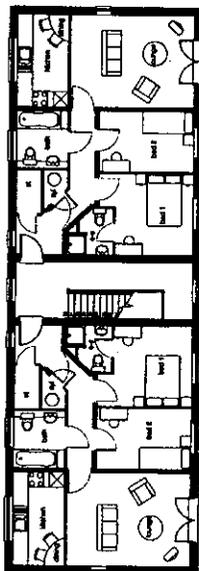
First Floor Plan



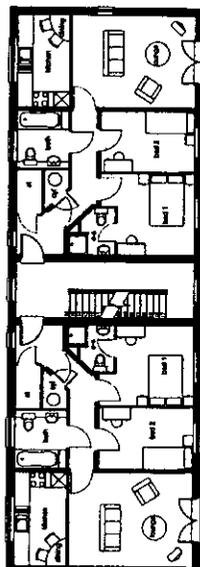
Second Floor Plan


  
**TAGGART**
  
 18 OLIVE BEACH, CAROLINA WAY
   
 BALFOUR CLAYTON, MANCHESTER, M20 7YZ
   
 TEL: 0161 708 1066, FAX: 0161 708 1067

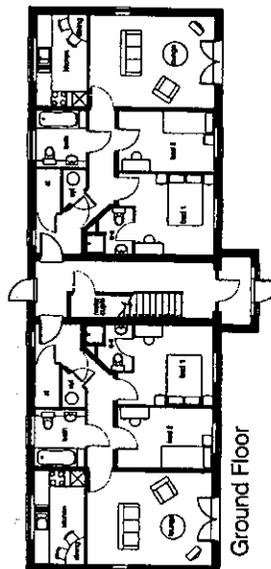
 <b>CARRINGTON DESIGN</b>	
Apartment Blocks A, C & D - Floor Plans & Elevations	
St Ninians Road, Carlisle	
DRAWN BY:	CHECKED BY:
DATE:	SCALE:
PROJECT NO:	41-495/602



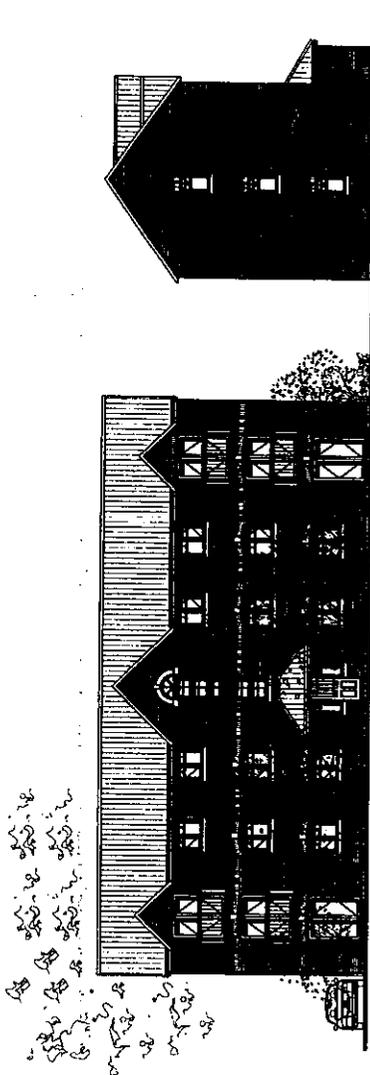
Second Floor



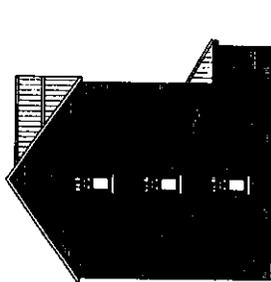
First Floor



Ground Floor



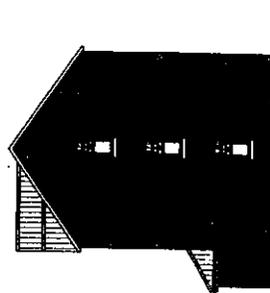
Front Elevation



Side Elevation



Rear Elevation

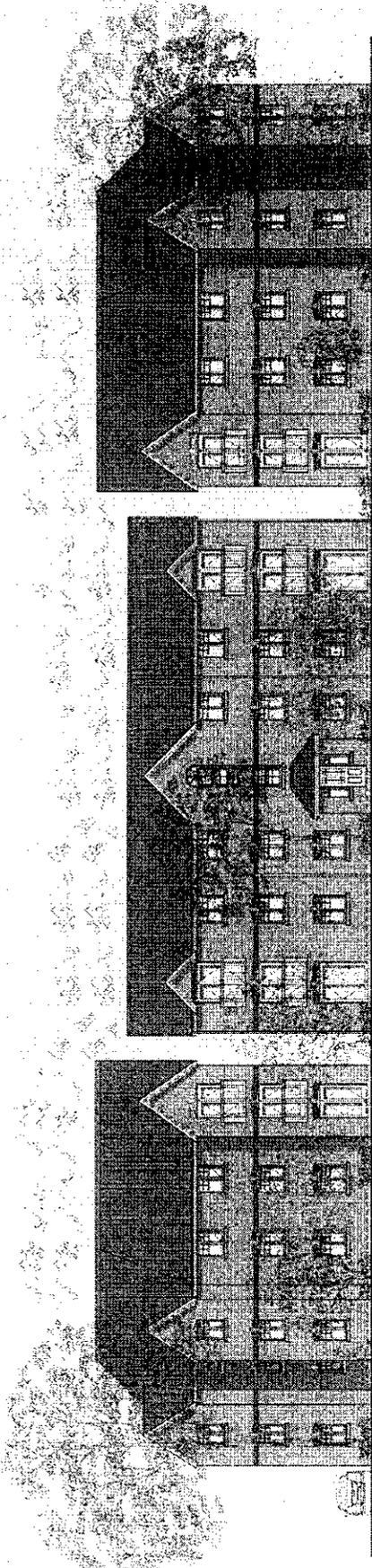


Side Elevation



10 QUAYS BEACH, CAROLINA WAY  
SALFORD QUAYS, MANCHESTER, M6 7YZ  
TEL: 0161 758 0800, FAX: 0161 758 0807

<b>CARRINGTON DESIGN</b>	
ARCHITECTS, PLANNERS, INTERIORS, LANDSCAPE ARCHITECTS, SURVEYORS	
TEL: 0161 758 0800, FAX: 0161 758 0807	
<b>Apartment Block B - Floor Plans &amp; Elevations</b>	
St Nicholas Road, Carlisle	
DRAWN BY:	DATE:
CHECKED BY:	SCALE:
PROJECT NO:	SHEET NO:
TOTAL SHEETS:	OF:



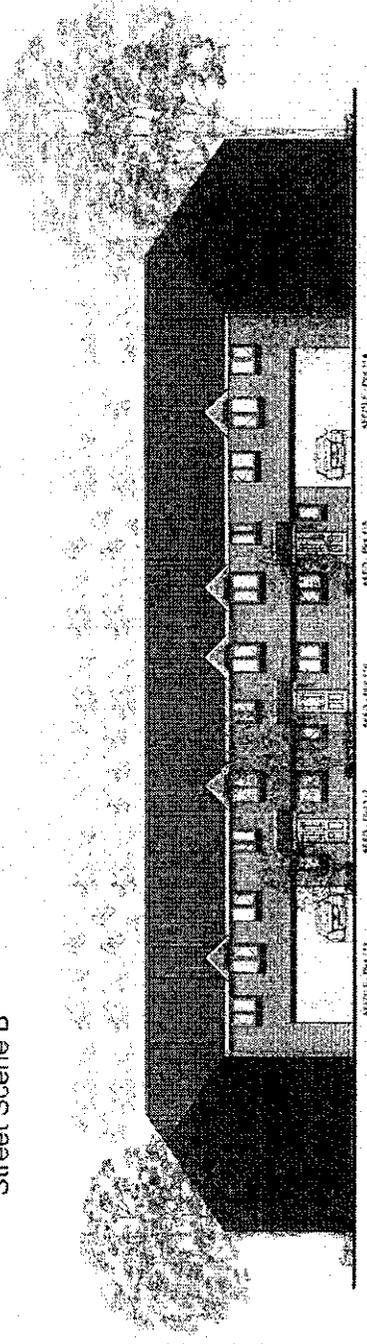
Unit A - Pkg 04E  
Unit B - Pkg 04E  
Unit C - Pkg 04E

Street Scene A



Unit 1 - Pkg 04E  
Unit 2 - Pkg 04E  
Unit 3 - Pkg 04E  
Unit 4 - Pkg 04E  
Unit 5 - Pkg 04E  
Unit 6 - Pkg 04E  
Unit 7 - Pkg 04E  
Unit 8 - Pkg 04E  
Unit 9 - Pkg 04E  
Unit 10 - Pkg 04E

Street Scene B



Unit 11 - Pkg 04E  
Unit 12 - Pkg 04E  
Unit 13 - Pkg 04E  
Unit 14 - Pkg 04E  
Unit 15 - Pkg 04E  
Unit 16 - Pkg 04E  
Unit 17 - Pkg 04E  
Unit 18 - Pkg 04E  
Unit 19 - Pkg 04E  
Unit 20 - Pkg 04E

Street Scene C



**TAGGART**  
16 S. JACOBE BEACH, CAROLINA BEACH, NC 28511  
252.733.1111  
www.taggartdesign.com

2007/07/14



**CARRINGTON  
DESIGN**

1000 S. JACOBE BEACH, CAROLINA BEACH, NC 28511  
252.733.1111  
www.carringtondesign.com

Indicative Street Scenes AB & C

Project: SI Nihans Road, Carlisle

Sheet: TAGSNR-05

**TREVOR BRIDGE**  
 01100101

PROJECT NO. 11/11/11  
 DATE 11/11/11  
 DRAWN BY [Name]  
 CHECKED BY [Name]  
 APPROVED BY [Name]

LANDSCAPE ARCHITECTURE

**KEY**

- PROPOSED TREES (Symbol: tree in circle)
- EXISTING TREES (Symbol: tree in circle with dot)
- PROPOSED DRIVEWAYS (Symbol: rectangle with diagonal lines)
- EXISTING DRIVEWAYS (Symbol: rectangle with diagonal lines and dot)
- PROPOSED DRIVEWAYS (Symbol: rectangle with diagonal lines)
- EXISTING DRIVEWAYS (Symbol: rectangle with diagonal lines and dot)
- PROPOSED DRIVEWAYS (Symbol: rectangle with diagonal lines)
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- PROPOSED DRIVEWAYS (Symbol: rectangle with diagonal lines)
- EXISTING DRIVEWAYS (Symbol: rectangle with diagonal lines and dot)
- PROPOSED DRIVEWAYS (Symbol: rectangle with diagonal lines)
- EXISTING DRIVEWAYS (Symbol: rectangle with diagonal lines and dot)

1. The proposed landscape scheme is based on the information provided in the site plan and the client's brief. It is intended to provide a high quality, sustainable, and cost-effective landscape solution for the site.

2. The scheme includes a range of plant species, including native and non-native species, to provide a diverse and resilient landscape. The planting is designed to provide a range of benefits, including improved air quality, reduced noise, and enhanced biodiversity.

3. The scheme also includes a range of landscape features, including paths, walls, and furniture, to provide a high quality and functional outdoor space. The design is intended to be flexible and adaptable to future changes in the site.

4. The scheme is designed to be sustainable and low-maintenance, using native and drought-tolerant species where possible. The planting is designed to be self-sustaining and to require minimal watering and fertilizing.

5. The scheme is designed to be cost-effective, using a range of plant species and landscape features that are available locally and at a reasonable price. The design is intended to provide a high quality landscape solution that is also affordable.

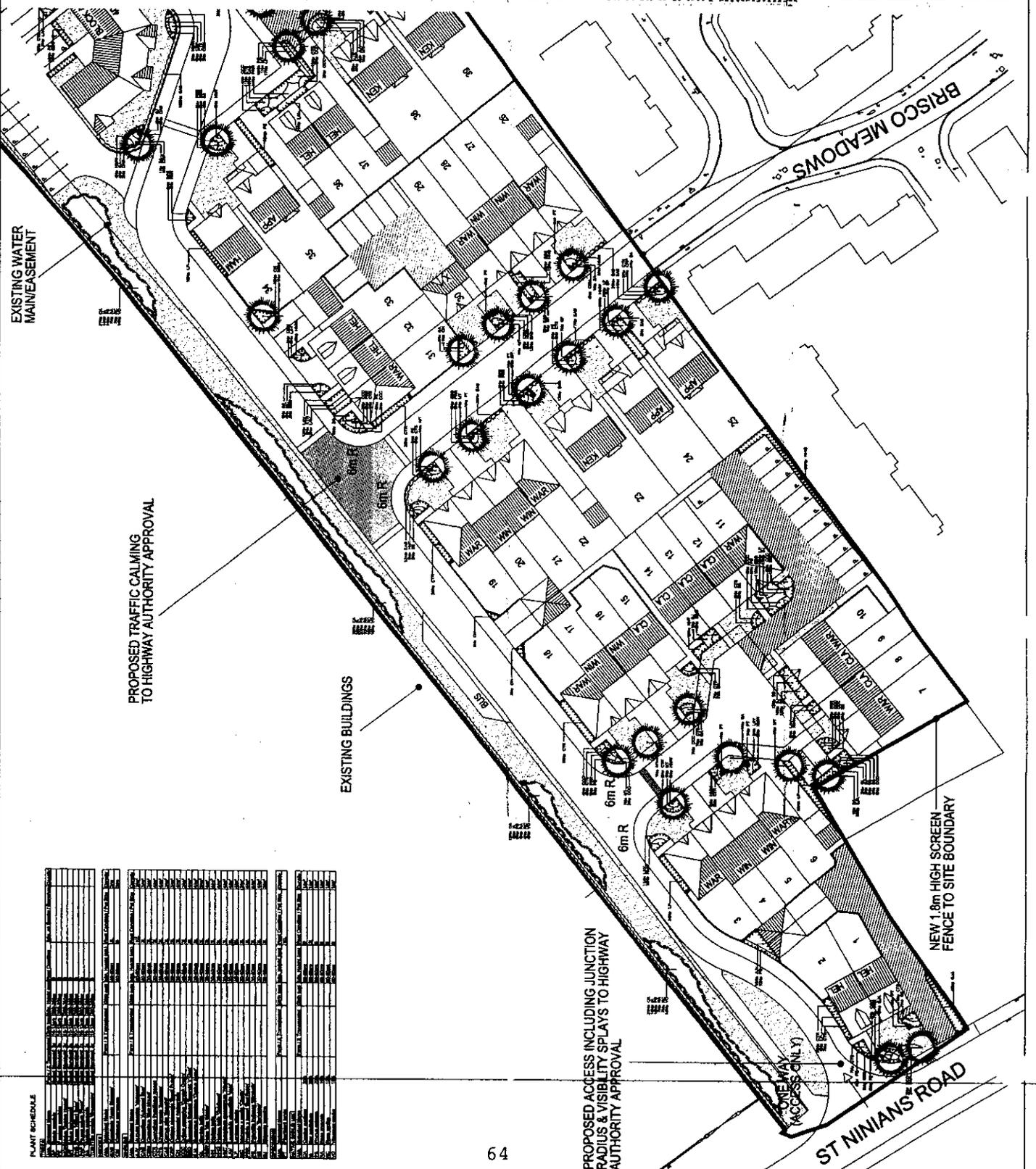
6. The scheme is designed to be functional and practical, providing a range of benefits to the site and its users. The planting is designed to provide a range of benefits, including improved air quality, reduced noise, and enhanced biodiversity.

7. The scheme is designed to be flexible and adaptable to future changes in the site. The planting is designed to be self-sustaining and to require minimal watering and fertilizing.

8. The scheme is designed to be sustainable and low-maintenance, using native and drought-tolerant species where possible. The planting is designed to be self-sustaining and to require minimal watering and fertilizing.

9. The scheme is designed to be cost-effective, using a range of plant species and landscape features that are available locally and at a reasonable price. The design is intended to provide a high quality landscape solution that is also affordable.

10. The scheme is designed to be functional and practical, providing a range of benefits to the site and its users. The planting is designed to provide a range of benefits, including improved air quality, reduced noise, and enhanced biodiversity.



**PLANT SCHEDULE**

NO.	PLANT SPECIES	QUANTITY	REMARKS
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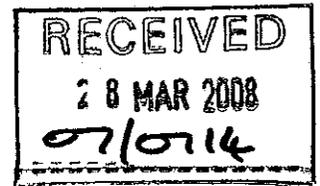






Report 04266/3

Proposed Residential Development  
St Ninian's Road, Carlisle  
Planning Application 07/0714



**Contamination Assessment & Remediation Proposals  
Non Technical Summary**

**Background**

Historically the site and surrounding area has been occupied by a mill and later a laundry and dyeing works. More recently part of the site was used for the disposal of inert wastes from the construction and demolition industries under licence from the predecessors to the Environment Agency.

The land to the south was also a landfill but it was operated for commercial and industrial wastes as well as inert wastes. A perimeter barrier and vent trench was installed around three sides of the southern landfill site to minimise pollution of the groundwater and protect the nearby residential properties from hazardous gases.

The barrier was not constructed between the southern landfill and the residential development site.

Taggart Homes Carlisle has applied for planning permission for the redevelopment of the site for residential use. The proposed development comprises a combination of detached and semi detached properties and apartments with associated infrastructure, roads, services and a large area of recreational open space.

**Liaison with the Regulatory Authorities**

The applicant and their technical consultants have maintained liaison and correspondence with both Carlisle City Council and the Environment Agency throughout the investigation and assessment process.

These negotiations started in 2005 at which time it was evident that despite the sites history neither the Council nor the Environment Agency had any records relating to the operation of the site or associated activities.

Key technical staff from the City Council's Environmental Health Department and the Environment Agency have contributed to the method and scope of the investigations undertaken to form the basis of the assessment of the site.

An independent investigation was carried out by Capita Symonds, directly for Cumbria County Council in 2005. The investigation had no input from the developer or their consultants. Cumbria County Council has provided the findings of their investigation and assessment to the applicant and this data has been used to supplement the findings of the developers own studies providing more information than would ordinarily have been available from a single study of the site.

### **Planning**

The site was granted outline planning permission for residential land use in March 1999. This permission was awarded by the Planning Inspectorate following a public enquiry on appeal.

At this time it was intended that the wastes disposed of at the development site would be excavated and redeposited on the southern landfill site as part of the restoration and reclamation of this land. This would have effectively moved the waste to an area outside but adjacent to the land where the houses were to be constructed.

This outline permission was renewed in August 2002 without the requirement for the restoration and reclamation of the southern landfill site. The renewal permission contained two specific conditions which required that the site was remediated, reclaimed and restored to make it fit for housing development and to control landfill gas arising from the wastes in the southern landfill.

The outline planning permission lapsed in August 2005.

Taggart's have acquired the site and applied for full planning permission for residential development. The southern landfill site is not owned or controlled by Taggarts although TACCL understands that it is in private ownership.

### **Investigations**

The site has been extensively investigated on behalf of the applicant/developer and by Capita Symonds on behalf of Cumbria County Council.

The investigations include excavation of trial holes and sinking boreholes through the made ground and waste deposits as well as into the natural strata beneath and around the site.

The investigations include extensive laboratory testing and environmental monitoring.

### **Risk Assessments**

Detailed risk assessments have carried out in support of the application for full planning permission submitted recently by Taggart's. These assessments have been carried out in accordance with appropriate, Government backed, technical guidance.

The assessments consider potential hazards associated with the site, particularly those related to historic waste disposal activities, and the risks to the proposed residential development as well as risks to the wider environment, including neighbouring land and property and controlled waters (groundwater and the River Pettril).

The assessments demonstrate that the made ground/waste material contains levels of contamination and hazardous gases which represent a potential risk to proposed residential development and the environment if left untreated.

Risks to the residential development can be addressed by straightforward remediation and mitigation measures.

There is a potential risk to the development from hazardous gases generated from the biodegradation of organic matter within the waste at the site and at the adjacent southern landfill. Gas concentrations and flow rates are generally low although there are localised areas where significant concentrations of methane have been identified. Gas risks can be addressed by installation of barriers and ventilation.

The contaminants are generally insoluble although there is evidence of low levels of shallow groundwater contamination below the previously deposited wastes at the site.

If left undeveloped or unrestored there is a long term risk of groundwater and surface water pollution from the site. This risk can be significantly reduced by reducing rainwater infiltration.

Higher levels of contamination in the southern landfill may also impact on groundwater quality at the development site and in the underlying aquifers. This risk can be reduced by providing additional lateral containment between the southern landfill and the residential development site. Risks could be further reduced by reducing rainwater infiltration although this land is not owned or controlled by the developer.

### **Remediation Strategy**

A remediation strategy has been developed on the basis of the site investigation and risk assessments. This strategy addresses the risks to the development as well as those to the wider environment.

In summary the key remediation and mitigation measures proposed and agreed with Carlisle City Councils Environmental Health Department and the Environment Agency are summarised as follows:

**Removal of Waste Material:** Previous developers considered the wholesale removal of the deposited waste. However based on the extensive information which is now available this is not

necessary; nor is it a practical, sustainable, environmentally friendly or cost effective solution.

Current waste management controls would prevent the movement of this material onto the southern landfill site which is not controlled by the applicant.

It is proposed to excavate and remove an area of waste from the southern portion of the site, where significant methane gas has been identified. This material will be removed from the site and replaced with inert, uncontaminated soils; validation testing will confirm that significant methane is not present in the remaining material.

### Site Capping:

All gardens and landscaped areas including the public open space which are underlain by the historically deposited waste will be capped.

The capping layer will serve two purposes; firstly it will protect future residents and secondly it will significantly reduce infiltration of rainwater into the waste.

The capping layer will comprise the following component layers:

- 150 mm thick topsoil
- 350 mm thick subsoil layer
- 500 mm thick engineered clay barrier
- geotextile marker layer

### Gas Protection Measures:

Specific gas protection measures will be installed in each individual residential property or block of properties to prevent the ingress of potentially hazardous gases into the properties as well as preventing gas build up within the foundations.

The gas protection measures will provide a high level of protection based on the current ground gas regime as well as the long term conditions anticipated.

The gas measures comprise passive ventilation beneath the foundation slab and a gas barrier membrane installed within the foundations.

### Impermeable Cut off Barrier:

An impermeable cut off barrier will be installed across the southern boundary of the site between the southern landfill site and the residential development.

This barrier will be constructed to the maximum depth of the waste at this location and will prevent hazardous gases or contaminated water from migrating between the southern landfill site and the development site.

This barrier provides protection to the development. It also significantly reduces the potential for further contamination of shallow groundwater from the southern landfill site.

These remediation measures have been reviewed and assessed by Carlisle City Council and the Environment Agency who have worked with the developer and their consultant to ensure that all potential risks are addressed and that there will be no unacceptable risks to the development, residents or the environment.

### **Implementation and Validation of the Remediation Strategy:**

The implementation of the proposed remediation and mitigation measures will be controlled through specific planning conditions.

Detailed designs for each key element will be submitted to Carlisle City Council and will be scrutinised and assessed by technical staff from both the Environmental Health and Building Control Departments as well as technical officers from the Environment Agency.

This review and assessment process will ensure that the cap and the cut off barrier meet the specific design requirements and provide a high level of protection to the development and future occupants as well as to neighbours and neighbouring property, groundwater and the River Pettril.

The works will be supervised and validated by specialist independent professional consultants who will confirm for the purchasers, Carlisle City Council, the Environment Agency and the National House Building Council that each plot meets the requirements of the remediation strategy.

## SCHEDULE A: Applications with Recommendation

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**Item No: 03**

Date of Committee: 25/04/2008

**Appn Ref No:**  
07/1362

**Applicant:**  
McKnight & Son Builders

**Parish:**  
Carlisle

**Date of Receipt:**  
04/01/2008

**Agent:**  
John Potts Limited

**Ward:**  
Denton Holme

**Location:**  
McKnight and McIntosh, Denton Business Park,  
Denton Street, Carlisle CA2 5EL

**Grid Reference:**  
339778 555258

**Proposal:** Change Of Use From Industrial (B2) To Residential Development (C3)  
Comprising 54 No. 2 And 3 Bedroom Apartments And Townhouses And  
370m<sup>2</sup> Of Commercial Space (Class A1 & A2 Use) (Resubmission)

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

The application has been brought before Members of the Development Control Committee as this is a major application of local interest.

#### **1. Constraints and Planning Policies**

##### **Flood Risk Zone**

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

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

**Joint Str. Plan Pol ST8: The City of Carlisle**

**Joint Str. Plan Pol EM13: Employment land provision**

**Joint Str. Plan Pol EM14: Dev.employment land other purposes**

**Joint St. Plan Pol H17: Scale of housing provision**

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

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

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**Joint St. Plan Pol T30: Transport Assessments**

**District E19 - Landscaping New Dev.**

**District E20 - Development in Floodplain**

**District E22 - Sewers & Sew. Treat. Work**

**District T1 - Choice of Means of Travel**

**District T3 - Affecting Road Network**

**District T7 - Parking Guidelines**

**District H16 - Design Considerations**

**District H17 - Residential Amenity**

**District EM2 - Primary Employment Areas**

**District L9 - Play & Recreational Areas**

**Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP9 - Sustainable Drainage Systems**

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

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

**Rev Redeposit Pl. Pol CP16 - Planning Out Crime**

**Rev Redeposit Pl. Pol EC1 - Primary Employment Areas**

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

**Rev Redeposit Pl. Pol H3 - Residential Density**

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

**Rev Redeposit Pl. Pol H5- Affordable Housing**

**Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

### 2. Summary of Consultation Responses

**Development Services Planning & Housing Services - Access Officer:** awaiting comments;

**Development Services Planning & Housing Services - Local Plans (Trees):** a detailed landscaping scheme will be required at the reserved matters application.

The gardens of the properties are generally very small and there is no provision within the site for even a small amount of public open space. The applicant should seek to address this and provide at least a small area for public use.

**Development Services Planning & Housing Services - Local Plans:** the brownfield site (previously occupied by a foundry) forms 0.6 hectares of largely vacant, former industrial land and buildings in Denton Holme, surrounded by commercial, residential and industrial buildings. A mixed use development is proposed for the site comprising Class A commercial units to the Denton Street frontage and a mixed type and sized residential development. Access to the site is proposed by means of two cul-de-sac from Collingwood Street and Blencowe Street. 14 affordable residential units are suggested. The new commercial floorspace proposed is 5306 square metres..

The site needs to be assessed against Policies ST3, EM13, EM14, H17, H18 and C42 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policies DP1, EC1, EC7, EC20, H1 and LE28 of the Revised Redeposit draft Carlisle District Local Plan 2001-2016.

Policy ST3 outlines various general criteria which apply to all development, one of which is sustainable locations. The site lies towards the northern end of Denton Holme, some 0.35 mile from the City Centre which is a convenient walking distance. The main frontage on Denton Street is a main bus route. The site is in a location to support sustainable travel choices. The site lies adjacent to the District Shopping Centre which provides a wide variety of local services and facilities. The location for development is highly sustainable therefore.

Policy EM13 of the Cumbria and Lake District Joint Structure Plan 2001-2016 makes provision for employment land: for the period 2006-2011. 15 hectares are proposed for local employment in this period to which this site makes a small contribution and 15 hectares in 2011-2016. Policy EM14 would apply if allocations for mixed uses and employment uses were not needed to meet the requirements of Policy EM13. Evidence was given to the Inspector at the Carlisle District Local Plan Public Inquiry in summer 2007 that there is a shortfall of over 5 hectares of employment land in the City to meet provision for the period 2006-2011. This is explained in the Employment Core Topic Paper for the Inquiry.

Policies H17 and H18 concern housing provision in the Structure Plan period. The draft RSS requires housing provision of at least 450 dwelling units in Carlisle District per annum. The total housing units granted permission by the end of December 2007 totalled 340. The Cumbria and Lake District Joint Structure Plan requires the

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provision of 250 units per annum under Policy H17.

Policy C42 concerns flood risk, requiring that development proposals should take account of flood risk. The site is at high risk of flooding, lying in Zone 3a. The residential use proposed is a use 'more vulnerable' in a flooding situation. The Environment Agency's River Calder Flood Alleviation Scheme will provide a measure of protection for this site. The avoidance of living accommodation at ground floor level may be an appropriate design measure for a site such as this.

To conclude, employment land targets in the Revised Redeposit draft Local Plan reflect the minimum targets in the Joint Structure Plan and there is a shortage of this land in the City.

The use proposed would result in a direct loss of land for employment purposes and would be contrary to Cumbria and Lake District Joint Structure Plan Policy EM14 criterion 2. The current position on the residential land supply is that there is no over-riding need for additional residential properties at present in Carlisle. I would raise an objection to the application.

**Development Services Planning & Housing Services - Urban Designer:** No adverse comment at this stage but some concerns with the elevations. i.e. they use a broadly traditional idiom but fail to follow through with detailing. This can be tackled if it progresses to a full application. I would refer the applicant to the Denton Holme Design SPD.;

**Cumbria County Council - Transport & Spatial Planning:** it is not considered the proposal to be a Category 1 Application and the County Council will not be responding from a strategic planning perspective;

**Legal & Democratic Services (former TCCE) - Committee Clerk:** awaiting comments;

**Northern Gas Networks:** United Utilities has no objection to these proposals, however there maybe apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail;

**Cumbria County Council - (Highway Authority):** 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 Calder cycleway and Town Centre/Railway station.

It should however be noted that around half the site is the former NE&NB Joint Railway corridor that has now 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 has now been formally accepted as an acceptable route. It would therefore appear inopportune to further this proposal at this juncture.

It is therefore felt that if a development of this nature is permitted to proceed, that

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this would negate the possibility of the above route being constructed.

The parking provision for the development is well below standard. This development should provide 119 parking spaces but only provides for 70. Residents and visitors to the development will therefore be forced to park in the surrounding road networks where parking is already at a premium. Considering the Town Centre location of the site, it is however considered that this element would not justify a highway objection.

Recommends refusal of the application for the following reason: 'The layout of the proposed development would prejudice the comprehensive development / improvement of the area in terms of vehicular, cycle and pedestrian access and that of local public transport'.

In the event that the application is approved, nine conditions and a Section 106 Agreement are recommended to secure contributions;

**Environment Agency (N Area (+ Waste Disp)):** the Agency's Development Control Engineer has reviewed the Flood Risk Assessment which has been revised in accordance with the current Planning Policy Statement 25 "Development and Flood Risk".

Of particular significance are the recommendations made in relation to the raising of finished habitable floor levels, to a precautionary level above predicted flood risk levels and for the inclusion of SUDS in the surface water drainage design.

The Agency has no objection in principle to the development as proposed, providing the recommendations made in the FRA are taken forward into detailed design and the imposition of two conditions;

**Community Services - Drainage Engineer:** awaiting comments;

**United Utilities (former Norweb & NWWA):** a public sewer crosses the south east corner of this site and UU will not permit building over it. 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 will be required. 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

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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.

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):** no observations or recommendations to make;

**Environmental Services - Environmental Quality:** the Local Planning Authority, in accordance with PPS23, when dealing with outline planning permission must ensure that risks have been properly assessed and if there are unacceptable risks the options to deal with contamination are appraised sufficiently to identify a viable remediation scheme that will reduce the risk to acceptable levels, just as it would with a full application.

The Phase 1 report recommends that Phase 2 investigation is required. A Phase 2 investigation must be undertaken and the results submitted to the LPA.

It is also noted that a noise assessment has been undertaken by Faber Maunsell on behalf of the application. The noise report indicates that some of the proposed properties will experience noise during the day in their gardens. This noise generated from car maintenance workshop, road traffic noise and intermittent industrial noise from ADV Mitchell Limited. The LPA may wish to consider this factor as noise from the locality has the potential to give rise to noise complaints from occupants of the proposed developments.

Recommends the imposition of three conditions to govern the above;

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**Planning & Housing Services - Housing Strategy:** Denton Holme is a popular location, its proximity to the City Centre as well as services and amenities in the local area means its ideally suited to the provision of affordable housing.

The results of the district housing survey 2006 (carried out in partnership with the other district councils in the county, under the auspices of the Cumbria Housing Group, (following the former ODPM's *Housing Market Assessment Guidance*) identifies a significant level of housing need in the wider Housing Market Area of Carlisle Urban. The research is a 'higher level' survey, and the results have been weighted to make the data more representative, and gives an annual figure of 72 for the number of affordable units required in Carlisle Urban Housing Market Area, over and above the supply of affordable units already committed.

Carlisle Housing Association holds the largest waiting list (being the stock transfer Housing Association) in the district, however they have much stock in Denton Holme and what they do have is made up largely of 1 and 2 bedroom flats.

Impact Housing Association is the RSL with the most properties in Denton Holme, with approximately 142 units. These are largely properties which have been bought on the open market (mostly terraced houses) and then let at affordable rents. Impact ceased to keep a waiting list towards the end of 2005, as they have moved towards a 'choice based lettings' system of advertising vacancies. However, the Housing Officer for the area has confirmed that vacancies in Denton Holme were extremely popular.

Other Housing Association stock in Denton Holme is made up of 25 elderly flats at Conisburgh Court owned by Two Castles, and 6 very sheltered units for people requiring live-in support at Goschen Road managed by the Abbeyfield Society.

This means that total social rented stock in Denton Holme is around 283 (10.3%) of a total of 2741 households (per the Regional Spatial Strategy), compared with 16.9% across the Carlisle district., this information would support a case for an increased provision in affordable housing in the area - particularly in respect of family housing and flats for younger people.

House price data for the last quarter July 2007 – Sept 2007 for the four-digit postcode CA2 5 (which covers Denton Holme) shows average property prices, as £120,407 the median household income in Denton Holme is £23,150 (CACI Paycheck). Based on these figures a mortgage of just over 5 times annual household income would be required to secure a property in this area, Government recommends that sensible mortgage borrowing should not exceed 2.9 times joint household income and 3.5 times a single household income.

Carlisle City Council maintains an affordable housing register, in October 2007 we undertook an analysis of single and joint applicants income, this analysis showed that the median income of single applicant was £15,096.00 and joint income was £21,941.71. Based on these figure and a average property price of £120,407 in the CA2 5 area, applicants would be required to take out a mortgage just under 8 (single applicants) and 5.4 (joint applicants) times their annual incomes. Unless people are prepared to take on a mortgage well above recommended borrowing levels they

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would not be able to afford the average property in Denton Holme based on these figures. There would therefore appear to be a clear case for shared ownership or shared equity accommodation in the area to help people onto the property ladder.

There is obviously a need for an element of affordable housing on this site and in accordance with the City Council's Housing Strategy 2005 -2010 and Carlisle District Local Plan 2001 – 2016 Revised Redeposit Draft (September 2006). It is suggested that at least 14 of the 54 units are made affordable, those being a mix of socially rented and low cost home ownership e.g. shared ownership/equity. Working on the basis that the largest identified need in Carlisle is mainly for larger family accommodation (3 bed plus) we would request that the numbers are weighted in favour of 3 bed houses. We do appreciate that if some of the units are to be made available as socially rented units via an Housing Association it may be necessary reduce the overall figure contributed to affordable housing provision providing that the developers overall contribution remained the same.

Having now read the draft S106 I can advise that the proposed number (14) and type of units proposed is acceptable. I understand that the S106 hasn't yet been to Legal and when it does the relevant comments regarding affordable rents etc will be inserted. Also the Section 106 Agreement doesn't state if the rented units will transfer to a Housing Association, this will also need to be clarified, we may need to look at the total contribution to enable a Housing Association to 'stack up' a scheme;

**Cumbria Constabulary - Crime Prevention:** the Council's objective is to create an environment which encourages neighbourliness and through this, a natural surveillance and mutual responsibility. In doing so, this should reduce an offender's anonymity and minimise their ability and opportunity to commit crime.

The basic layout contributes to this objective. The proposal to divide the site creates two smaller developments (neighbourhoods), each in a cul-de-sac arrangement. The DAS makes specific reference to the intention to prevent a thoroughfare across the site, thereby removing the desire or opportunity to shortcut across it.

The key to the security of any residential development is to discourage casual intrusion. Public and private spaces should therefore be defined by a clear boundary.

The drawings indicate that the ground floor space will be further delineated to create semi-public and semi-private spaces. I acknowledge that this application is for outline permission only, so the proposed site perimeter and sub-dwelling boundaries have not been detailed. In the event of this application being approved, the nature and construction of these boundaries must be agreed.

Entrance routes into residential areas should include such features as rumble strips, change of road surface through colour or texture, pillars or narrowing of the carriageway. This helps to create the impression that the area beyond these features is deemed to be private property.

It is also important that the designated access points are well overlooked, in order to make potential offenders feel conspicuous. In this regard, there is concern regarding

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the proposed pedestrian access point into Denton Street and what appears to be an adjacent access point into Collingwood Street. Neither of these features is directly overlooked from inside the development and potentially may become gathering places for local youngsters. The treatment of the void access point (between nos. 42 & 44 Collingwood Street) is also important, to prevent any unauthorised or unobserved access to the site.

Landscaping schemes can improve and enhance the attractiveness of an area. However, such schemes should avoid creating hidden areas and should not prevent good visibility, especially in areas adjacent to dwellings, footpaths and car parking areas.

The drawings indicate that the site shall be extensively landscaped. Care must be taken in the choice and location of species to achieve the above objective and must be strictly maintained to ensure compliance as plants mature. Trees must not be placed adjacent to lighting columns, where they may eventually create deep shadows.

It is encouraging to note the incorporation of secure garages each dwelling. I also note the separate provision for car parking (with the inclusion for disabled parking) which is well overlooked from three-bed townhouses on the opposite side of the access road. However, as mentioned above, the proximity of the unobserved pedestrian access into Denton Street makes this area more vulnerable.

The location of the cycle parking facility gives cause for concern. It is not directly overlooked (even if windows in the adjacent gable wall were provided). Its proposed location may not reassure legitimate users, who shall perceive they are hidden from view when they approach and enter. Obviously, the construction of this facility must be carefully considered (i.e. to deter youth gathering, climbing opportunities, or other anti-social activity).

Lighting is a proven deterrent against crime. Careful consideration should be paid to the location, type and intensity of lighting. The drawings supplied do not give any indication of the provision for security lighting. This measure has a specific purpose and should not be confused with courtesy lighting, which is not always illuminated. The intention is to illuminate the exterior of the buildings throughout darkness hours, especially above doors and in recesses, or in other vulnerable areas. Illumination need not be harsh or intrusive, but must be even, to minimise shadows. The design must avoid pollution, annoyance and nuisance and the lamps should be mounted as high as possible, to prevent tampering. Lighting should be controlled by photoelectric cell or timeswitch (operated from inside the buildings).

By this arrangement, any casual observer can see into the space and be reassured that no intruder is concealed there. A potential intruder shall also perceive that by entering the lit area, their presence is more likely to be detected. The use of halogen bulb floodlights, controlled by passive infrared detector is not appropriate as the lamp is always switched off, until a heat source activates the unit. This arrangement is prone to false activations by wildlife or domestic pets and may cause unnecessary anxiety to observers if triggered for the wrong reason.

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It is important that [good] physical security is incorporated into all types of building design and that developments conform to a minimum level of security'.

I therefore recommend the incorporation of security standard exterior doorsets and windows. Security standard products can be identified by the incorporation of a British Standard or Loss Prevention Certification Board number. Exterior doors should comply with BS PAS 24-1:1999. Products that conform to this standard have been subjected to a series of professional attacks each lasting up to 15 minutes, using a variety of hand tools such as hammers, crowbars, chisels and hacksaws. The door to each apartment should also conform to this standard. Windows at ground floor or at vulnerable levels should conform to BS 7950:1997. Products certified to this standard have been subjected to a series of professional attacks each lasting up to 10 minutes, with the use of hand tools. All glazing at ground floor or vulnerable levels should be a laminated type, to at least 6.4mm;

**Property Services:** the Property Services Section were requested for a view on the Business / Economic Report accompanying the planning application. The consultant surveyor (Sarah Briggs) made the following points:-

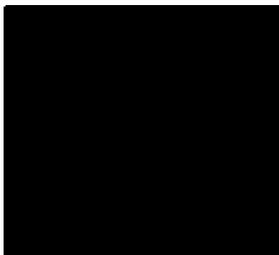
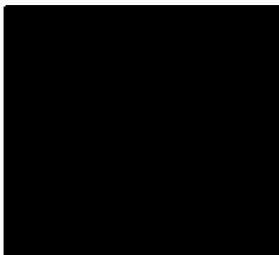
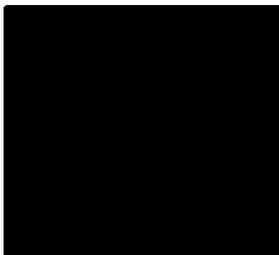
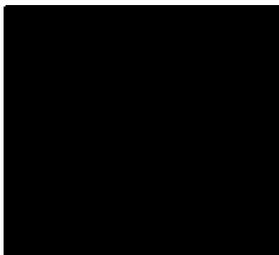
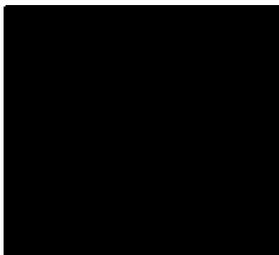
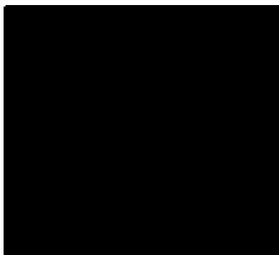
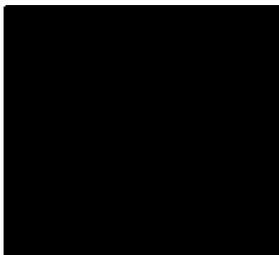
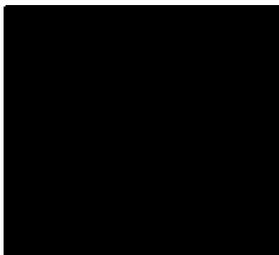
- A better mix would be a few 500 sq. ft. units, the majority 750 sq. ft. units and then a couple of 1,000 sq. ft. units.
- There is a high demand for industrial 'starter' units in the Denton Holme area.
- £50 per sq. ft. would be a more appropriate build cost.
- There is a contradiction in the report as the valuer's client states that no remediation is necessary, yet a figure of £30,000 has been included.
- Costs on acquisition are likely to be nearer 4% than 5%

Grants/funding may have been available from NWDA but the applicant/agent has not approached them.

A marketing exercise of 3 months is too short a period to assess the market demand; 6 months to 12 months would be appropriate.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	2 Collingwood Street	10/01/08
	4 Collingwood Street	10/01/08
	64 Collingwood Street	10/01/08
	66 Collingwood Street	10/01/08
	68 Collingwood Street	10/01/08
	70 Collingwood Street	10/01/08
	72 Collingwood Street	10/01/08
	74 Collingwood Street	10/01/08

# SCHEDULE A: Applications with Recommendation

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	76 Collingwood Street	10/01/08
	78 Collingwood Street	10/01/08
	1 Collingwood Street	10/01/08
	3 Collingwood Street	10/01/08
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	41 Collingwood Street	10/01/08
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	45 Collingwood Street	10/01/08
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	67 Collingwood Street	10/01/08
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	71 Collingwood Street	10/01/08
	73 Collingwood Street	10/01/08
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	5 Blencowe Street	10/01/08
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	11 Blencowe Street	10/01/08
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	15 Blencowe Street	10/01/08
	17 Blencowe Street	10/01/08
	19 Blencowe Street	10/01/08
	42 Denton Street	10/01/08
	65 Denton Street	10/01/08
	67 Denton Street	10/01/08
	69 Denton Street	10/01/08
	71 Denton Street	10/01/08
	73 Denton Street	10/01/08
	75 Denton Street	10/01/08
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	79 Denton Street	10/01/08
	81 Denton Street	10/01/08
	83 Denton Street	10/01/08
	85 Denton Street	10/01/08

## SCHEDULE A: Applications with Recommendation

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[REDACTED]	87 Denton Street	10/01/08	
[REDACTED]	89 Denton Street	10/01/08	
[REDACTED]	91 Denton Street	10/01/08	
[REDACTED]	93 Denton Street	10/01/08	
[REDACTED]	95 Denton Street	10/01/08	
[REDACTED]	Sandersons	10/01/08	
[REDACTED]	Mitchell Dryers Ltd	10/01/08	
[REDACTED]	Porters Yard	10/01/08	
[REDACTED]	Lappet Manufacturing Company Ltd	10/01/08	
[REDACTED]	Cumbria Chamber of Commerce &	10/01/08	
Industry			
[REDACTED]	6 Collingwood Street	10/01/08	
[REDACTED]	8 Collingwood Street	10/01/08	
[REDACTED]	10 Collingwood Street	10/01/08	
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[REDACTED]	56 Collingwood Street	10/01/08	
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[REDACTED]	60 Collingwood Street	10/01/08	
[REDACTED]	62 Collingwood Street	10/01/08	
[REDACTED]	Denton Holme		Objection

- 3.1 This application has been advertised by direct notification of the occupiers of one hundred and three neighbouring properties and the posting of a site notice. In response one letter of objection and one verbal objection have been received from neighbouring properties.
- 3.2 The main points of the objections being:
- 3.3 The noise emanating from a neighbouring factory would be impossible to control and would impact on the living conditions of the potential residents.
- 3.4 The development backs onto a machine shop, in which there is night shift work.
- 3.5 The proposal should include the blocking off of a side lane between 42 and 44 Collingwood Street due to security, fly tipping, anti social behaviour and disturbance.
- 3.6 In addition, pro forma letters have been circulated by the applicant to

residents of Collingwood Street, asking them to confirm whether they would prefer residential development or industrial development on the proposal site. A total of 23 responses have been submitted by the applicant's agent. 22 respondents indicated that they were in favour of a change of use from industrial to residential use. One respondent did not mind industrial or residential land use.

### **4. Planning History**

- 4.1 In 1999, under application 99/0736, outline planning permission was given for social housing and industrial development.
- 4.2 In 2006 an application (06/1091) was refused on the site for the redevelopment of the entire site to provide 82 apartments and 1no house with ancillary parking together with three storey commercial units. There were 5 key reasons for refusal. In summary, these centred on (1.) the loss of a Primary Employment Area; (2.) a shortfall of proposed affordable housing; (3.) the lack of public open space or agreement to payment of a commuted sum; (4.) the introduction of a noise-sensitive use immediately adjacent to existing industrial/commercial units; and finally (5.) the proposed 'under-croft' parking would compromise security and increase the risk of crime and fear of crime.
- 4.3 Subsequently an appeal was lodged against this decision but this was withdrawn prior to determination.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Members may recall that the aforementioned previous application for residential development on this site (ref: 06/1091) was refused at the 15 December 2006 meeting. This application was deferred at the 7 March committee meeting, as the applicant's agent submitted a large volume of information shortly before the meeting. Due to the late submission of these details it was considered that the application could not be determined until any new information had been fully considered.

## **SCHEDULE A: Applications with Recommendation**

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- 5.2 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.
- 5.3 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.
- 5.4 The site is identified in the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as a designated Primary Employment Area.

### **Background**

- 5.5 The current application involves the removal of the existing structures and their replacement by 54 no. 2 and 3 bedroom apartments and townhouses, with 370 square metres of commercial space (use class A1 and A2) proposed along the Denton Street frontage.
- 5.6 As this is an outline application only, all matters are reserved except for layout and access. Indicative elevations have been submitted alongside the application, which suggest that the majority of apartments and townhouses would be required to be three-storeys in height, with 4 storeys proposed along the Denton Street frontage, in order to achieve this proposed density.
- 5.7 The residential accommodation would be at the first floor level and above with car parking and landscaping at the lower level to address potential flooding issues.
- 5.8 Access to the site is proposed from two points, from Collingwood Street and from Blencowe Street.
- 5.9 A Design and Access Statement, Planning Statement, Marketing Report and Viability Appraisal, Flood Risk Assessment, Site Search Report, Air Quality Assessment, Noise & Vibration Assessment, Geo-Environmental Desk Study, Transport Assessment, Public Consultation Exercise Report and draft S106

Agreement have all been submitted to support the application.

### Assessment

5.10 A number of the reasons for refusal of the previous application on this site remain as pertinent issues for this application also. Whilst some of the previous reasons for refusal have been addressed, there are now concerns in relation to other material considerations. 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 proposed residential development of the site is appropriate in the light of its designation for employment use in the current Local Plan, and, proximity to commercial uses;
- ii) Whether proposed residential development on this site is compatible with existing industrial uses adjacent to the site, and whether a residential use on this site is otherwise appropriate in light of national and local planning objectives for sustainable development;
- 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 living conditions of adjacent residential properties;
- v) Whether the proposal would be detrimental to the character of the area;
- vi) Whether the proposal meets the underlying objectives of Policy LC4; and,
- vii) What level of site contamination is present and whether a satisfactory level of remediation is achievable.

5.11 A wealth of material has been submitted by and on behalf of the applicant, and regard has been had to these documents as appropriate and applicable throughout the following assessment of these proposals. The aforementioned key issues will be considered in turn below.

- 5.12 In relation to issue (i), the principle of primarily residential development on this site was a key reason for refusal of the previous planning application. No significant changes in circumstances have occurred since the previous application was refused planning permission in late 2006; The Council's Policy Officer has confirmed that employment land targets in the Revised Redeposit draft Local Plan reflect the minimum targets in the Joint Structure Plan and there is a shortage of this land in the City. Policy EM14 applies as all allocations for mixed uses and employment uses are needed to meet the requirements of Policy EM13 of the Cumbria and Lake District Joint Structure Plan 2001-2016, which makes provision for employment land for the period 2006-2011 (15 hectares).
- 5.13 Evidence was given to the Inspector at the Carlisle District Local Plan Public Inquiry in summer 2007 that there is a shortfall of over 5 hectares of employment land in the City to meet provision for the period 2006-2011. The use proposed would result in a direct loss of land for employment purposes and would be contrary to Cumbria and Lake District Joint Structure Plan Policy EM14 criterion 2. It should be noted however that the shortfall will be addressed through the Local Development Framework. The Council will produce an Allocations Development Plan Document which will look at employment and housing land by examining existing primary employment area designations as well as potential allocations.
- 5.14 Furthermore, the current position on the residential land supply is that there is no over-riding need for additional residential properties at present in Carlisle as there is an identified 5-year supply. There is no justification at this time for permitting the loss of this employment site for a residential development.
- 5.15 A marketing and viability appraisal has been submitted on behalf of the applicant, although this does appear to be deficient in a number of respects. Firstly, a marketing exercise took place for just 3 months, from 10 September 2007 until 7 December 2007. Whilst active marketing recommenced in mid-March 2008, this is considered to be a particularly short marketing period and it cannot be asserted from this that there is no demand for this site for employment purposes, particularly as the guide price has been set unrealistically high.
- 5.16 Notwithstanding the above, Members will appreciate that land allocations are *strategic* allocations, and this site contributes to the required employment land supply through until 2016. It would therefore appear to be short-sighted to

## **SCHEDULE A: Applications with Recommendation**

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release this site for residential development on the basis that no offers were received for an employment use after a mere 3 months of marketing. It is inevitable that some allocated employment sites will be developed before others, and currently there appears to be no justification to release this land for any other purpose, particularly as there is no particular need for further residential development in the city.

- 5.17 The submitted supporting information also claims that the site is not economically viable for employment purposes. Since the previous committee meeting, further details have been submitted on behalf of the applicant. It has been confirmed that the site has been marketed as a largely vacant employment site with a guide price of £950,000. Independent expert advice has been sought to ascertain whether this figure is realistic. An independent valuer has stated that an employment site (for B1/B2/B8 uses) of this nature in Carlisle typically has a ceiling land value of £200,000 per acre. This site is approximately 1.6 acres in area, and so based on the independent valuation figures the site has a value for employment purposes in the region of £320,000. The site's viability assessment is therefore fundamentally flawed, as the value placed on the land has been set around £630,000 too high. It is therefore unsurprising that no offers have been received, and if the viability assessment was carried out using the adjusted land value, an employment use development would indeed be economically viable.
- 5.18 In conclusion, it is considered that the principle of this development is unsound and the applicant has failed to demonstrate that the site is unsuitable or unviable for redevelopment for employment purposes, contrary to the provisions of Joint Structure Plan Policy EM14 and Local Plan (Redevelop) Policy EC1.
- 5.19 The second key issue for assessment is whether a residential development on this site is compatible with the existing adjacent industrial and commercial uses to the north. The proximity of a number of proposed residential units to the existing commercial / industrial premises is a key concern. These industrial premises operate on a 24hr basis and generate significant noise levels day and night. A noise assessment has been submitted alongside the application, which sets out recommended mitigation measures. It is accepted that the noise levels within the proposed dwellings could be controlled with the use of acoustic insulation, but notwithstanding the proposed use of passive ventilation, occupiers are likely to want to open windows for direct ventilation but the consequent noise impact internally would be unacceptably high.

- 5.20 Furthermore, a key consideration is whether the gardens and any other amenity space could reasonably be used. Central government advice on this matter is clear; Planning Policy Guidance Note 24 (PPG24) 'Planning and Noise', Paragraph 17 states:
- 5.21 *Where it is proposed to grant permission for noise-sensitive development in areas of high ambient noise, planning conditions should be imposed to ensure that the effects of noise are mitigated as far as possible. For example, intervening buildings or structures (such as garages) may be designed to serve as noise barriers. In some cases sound insulation measures may be considered appropriate. However, it should be remembered that the sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.*
- 5.23 As the noise assessment identified a significant level of noise generated by the adjacent industrial premises, the proposals are unable to satisfactorily mitigate against the noise generation, and so gardens would not be suitable for any peaceful enjoyment. It is therefore considered that the site is unsuitable for the use proposed where immediately adjacent to existing industrial premises.
- 5.24 Aside from the above noise concerns, from a purely spatial perspective the site is otherwise in accordance with locational considerations for development. The sustainability of the site for the proposed residential and commercial uses must be considered against national and local policy objectives. Joint Structure Plan Policy ST3 outlines various general criteria which apply to all development, one of which is sustainable locations. The site lies towards the northern end of Denton Holme, within a convenient walking distance from the city centre. Denton Street itself is a main bus route, and the site is in a location that would support sustainable travel choices. The site lies adjacent to the District Shopping Centre which provides a wide variety of local services and facilities. The location for development is highly sustainable therefore.
- 5.25 The third key issue centres on whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing. This was a reason for refusal of the previous planning application. For this proposal, the Council's Housing Development Officer has recommended that at least 14 of the 54 units should be affordable (representing approximately

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26% of the total number of dwellings proposed), in line with Local Plan (Redeposit) Policy H5. The draft S106 Agreement, prepared and submitted on behalf of the applicant, proposes provision of 14 affordable units on-site. As such, there are no objections to the development from this perspective.

- 5.26 The fourth key issue is to consider whether the proposal would be detrimental to the amenities of neighbouring residents. Policy CP5 of the Revised Redeposit Local Plan establishes clearly prescribed separation distances to be maintained between dwellings, in the interests of preserving the amenity of existing and prospective residents. Although this is an outline application, layout is for full consideration at this stage. Following further negotiations with the applicant and agent, a revised layout has been submitted to address initial concerns and to demonstrate that the number of units proposed can be satisfactorily accommodated on this site. The amended layout satisfies the separation distance requirements prescribed by Policy CP5, and in the main proposes 3-storey development. This scale and layout of the development are considered to be acceptable in terms of urban design and its relationship with existing neighbouring developments, and it is anticipated that favourable design solutions are achievable, if this outline application was to be approved.
- 5.27 It should once again be noted however that the revised layout does not address the conflict between a number of proposed dwellings and the industrial premises immediately to the north of the site. This amended layout would still lead to windows serving principal rooms within 5 metres of these industrial premises, leading to irresolvable, unacceptable conflict between uses. This is a fundamental failing of the proposed use of the site as a whole rather than a specific weakness of the proposed layout however..
- 5.28 The fifth key issue to consider is whether the proposal would be detrimental to the character of the area. The Denton Holme area is characterised by a mix of residential, commercial and industrial developments. The proposed retail use on the Denton Street frontage is appropriate, being immediately adjacent to other retail premises. Notwithstanding the concerns in relation to layout and living conditions, the character of the area would not be adversely affected by residential development *per se* on this site. The proposals are therefore in accordance with Joint Structure Plan Policy ST3. Regard should not be had to the elevation drawings at this stage as these are purely indicative and should be considered only if this application progresses to the reserved matters stage.
- 5.29 A sixth consideration is whether the proposal meets the underlying objectives

of Local Plan Policy LC4, regarding provision of public open space and play provision. As per the previous application on the site, no open space or play equipment is proposed within the site. As such, a commuted sum would be required for off-site provision. In the Supporting Planning Policy Statement submitted on behalf of the applicant, it states that the applicant is willing to enter into further discussions on this matter; these negotiations have not taken place as the basic principle of residential development on this site is unsound.

- 5.30 The final key consideration is regarding site contamination. A Geo-Environmental Desk Study was submitted alongside the application; this stated that additional assessments were required to appreciate the level of remediation required. Paragraph 2.44 of PPS23 'Planning and Pollution Control' is explicit in its requirements, stating '*...further investigations and risk assessments will be needed unless this initial assessment clearly and reliably demonstrates that the risk from contamination is acceptable. Where the desk study and site reconnaissance does not provide sufficient information to assess the risks and appraise remedial options, further investigations will need to be carried out before the application is determined*'.
- 5.31 In this instance, the use of planning conditions to address the issue of site contamination would be inappropriate. It is fundamental to the proposal to demonstrate that satisfactory remediation can be achieved. If a Grampian condition was used, and then it was subsequently discovered that a satisfactory level of remediation could not be achieved, the planning permission would effectively be undeliverable. As such, the condition would fail to meet the tests of Circular 11/95 'The Use of Conditions in Planning Permissions', as the condition would be unreasonable. Unless and until further survey work is carried out to demonstrate that effective remediation is possible, the proposals are thereby contrary to the provisions of Planning Policy Statement 23 (PPS23) 'Planning and Pollution Control' and Policy LE30 of the Carlisle District Local Plan Revised Redeposit Draft.

Other matters:

- 5.32 The site is within Flood Risk Zone 3a. A Flood Risk Assessment (FRA) has been submitted alongside the application, and due regard has been shown to the risk of flooding, with all dwellings designed to have all habitable space at first floor level or above. A sequential test and 'exceptions test' have been carried out on behalf of the applicant, in line with national guidance within PPS25 'Development and Flood Risk'. The Environment Agency has verbally

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confirmed that they accept these findings, and so their formal response has concentrated solely on the FRA itself, with the recommendation that a number of conditions are imposed if approved.

- 5.33 A final consideration is that this site has now been identified in the Carlisle Renaissance Transportation proposals for an inner ring road. Although granting planning permission for any development on this site would negate the possibility of this route being constructed, it is considered that this can be attributed only negligible weight. Although preventing development on this site may be in the public interest, these ring road proposals are not recognised in any adopted or emerging planning policy documents and so a refusal on these grounds could be unreasonable.

### Conclusion

- 5.34 The principle of this proposal is considered to be unacceptable, having regard to the strategic primary employment designation of this site, and the lack of evidence submitted with the application to suggest that this site is unviable for an employment use. The site has been marketed for a particularly short period of time, with a guide price almost three times higher than appropriate for a site available for employment use. Such a high guide price will undoubtedly lead to very little interest in the site for employment purposes, so there is no evidence whatsoever of a lack of demand for this employment site at this time. Furthermore, the proposed residential development would be wholly incompatible with existing adjacent industrial and commercial uses due to their significant noise output and the incapability to mitigate against this.

## 6. Human Rights Act 1998

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above. The applicants rights are respected but based on the foregoing it is considered that any personal considerations do not outweigh the harm created.

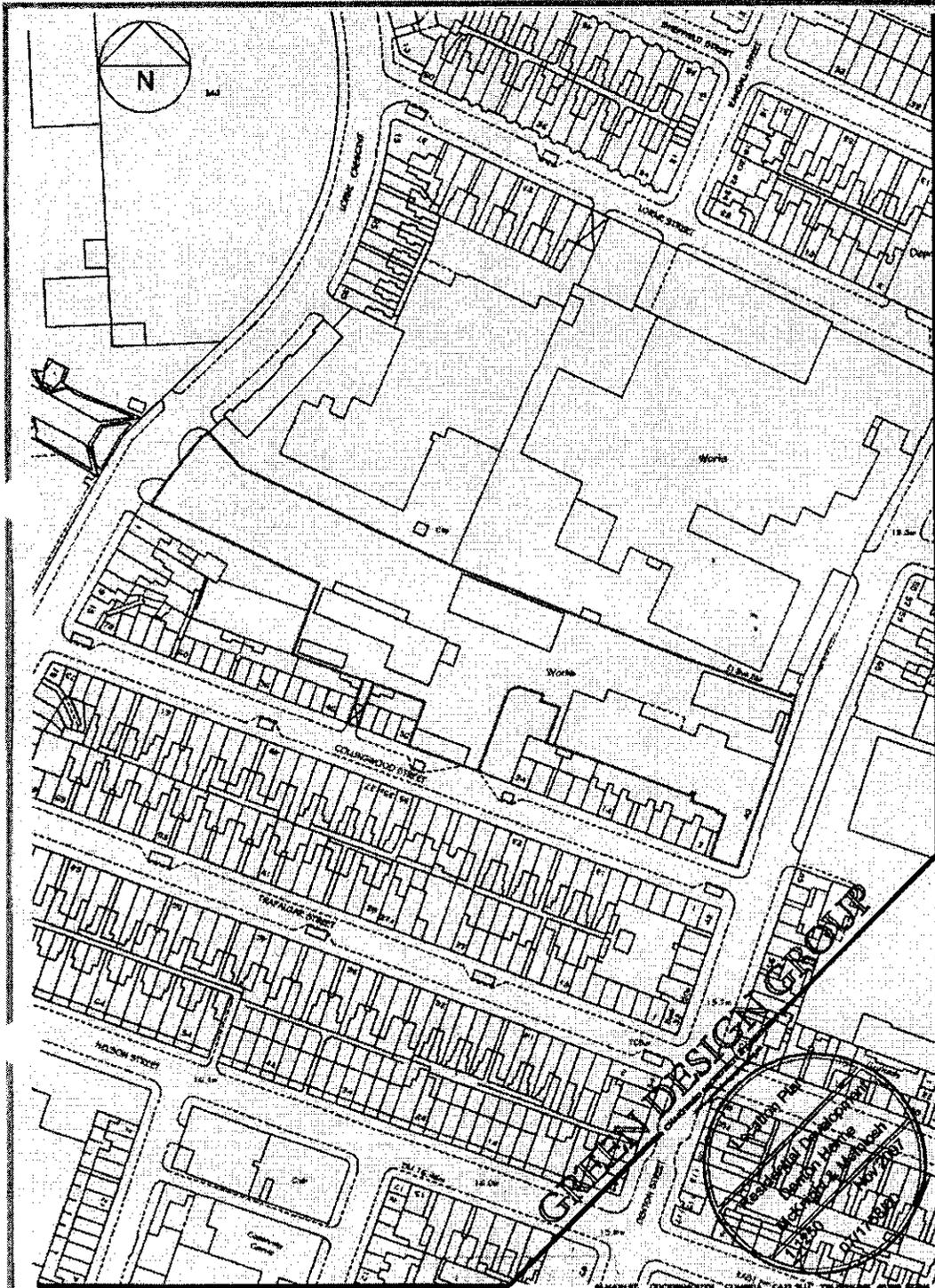
### **7. Recommendation** - Refuse Permission

1. **Reason:** The site is designated as a Primary Employment Area under the Carlisle District Local Plan and the Carlisle District Local Plan (2001-2016) (Redeposit Draft). The redevelopment of the site, inclusive of the erection of 54 dwellings and A1 and A2 units, is primarily for purposes which fall outside of Use Classes B1, B2 and B8 of the Town and Country Planning Use Classes (Amendment) Order 2005. The available evidence indicates that there is currently a shortfall of approximately 15 hectares of land for local employment purposes within the District. In addition, it has not been demonstrated that the site is unlikely to remain in employment use, or, that the commercial use of the site has materially adversely affected the living conditions of the adjacent residential properties. This is in the current context where there is no over-riding need for additional residential properties in the City. In such circumstances the proposal will not only result in the direct loss of land for employment purposes but is also likely to restrict the nature of any use of the neighbouring employment land. The proposal is therefore considered to be contrary to Policy EM14 of the Cumbria and Lake District Joint Structure Plan, criteria 1 and 2 of Policy EM2 of the Carlisle District Local Plan, and, criteria 1, 2 and 3 of Policy EC1 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft).
2. **Reason:** The proposed development will introduce a noise sensitive development immediately adjacent to existing industrial/commercial units. The effectiveness of any mitigation measures cannot satisfactorily address the impact and disturbance that would occur in proposed domestic curtilages immediately adjacent to the northern site boundary. The noise assessment also unreasonably assumes that windows in the proposed dwellings would be closed at all times. It is therefore considered that the proposal will lead to unsatisfactory living conditions contrary to criterion 1 of Policy H4 of the Carlisle District Local Plan, and, criterion 5 of Policy CP4 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft).

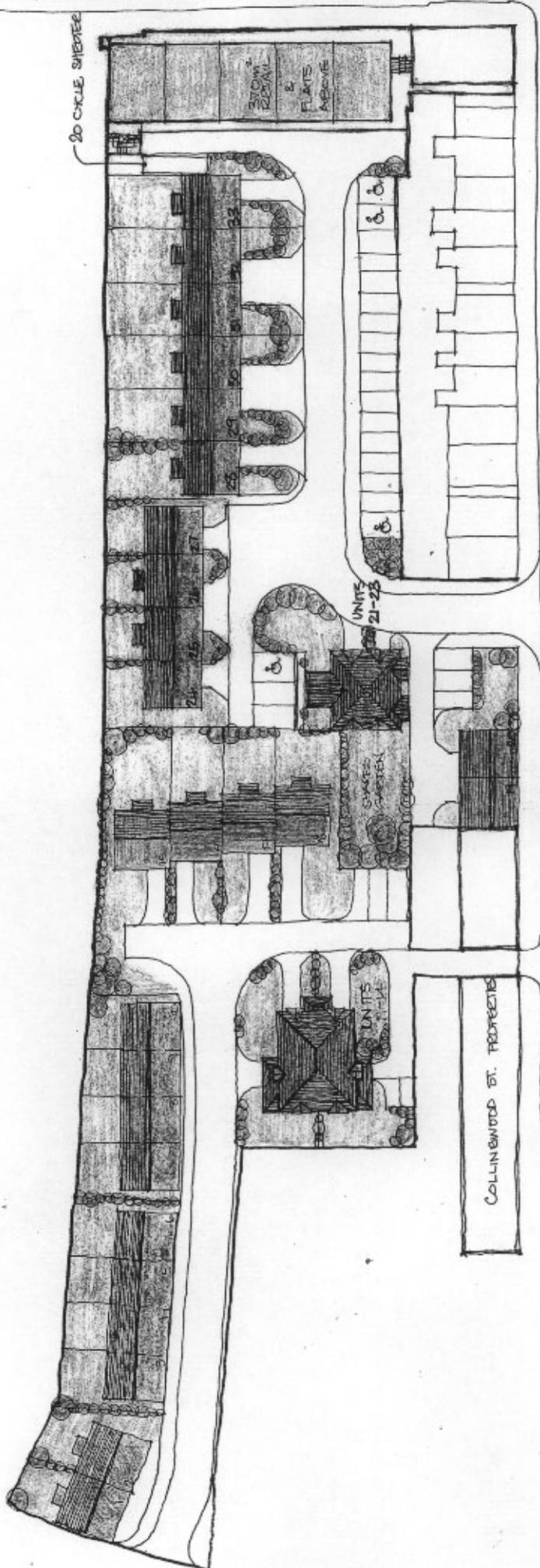
## SCHEDULE A: Applications with Recommendation

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3. **Reason:** The Phase 1 analysis report into the possibility of on-site contamination submitted alongside this application inadequately addresses the issues of contamination types and adequacy of remediation. The Phase 1 report identifies the need to carry out a Phase 2 assessment. In the absence of a Phase 2 assessment it has not been satisfactorily demonstrated that the contaminated condition of the land is understood and that an appropriate means of remediation can be achieved. The proposals are thereby contrary to the provisions of Planning Policy Statement 23 (PPS23) 'Planning and Pollution Control' and Policy LE30 of the Carlisle District Local Plan 2001 – 2016 Revised Redeposit Draft.
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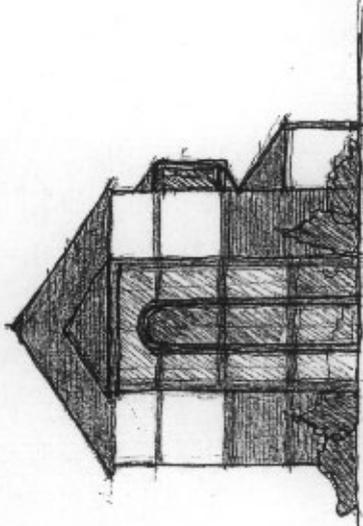


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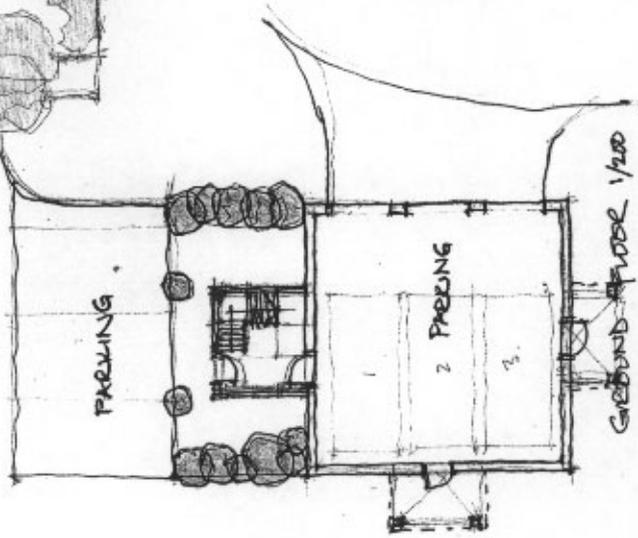
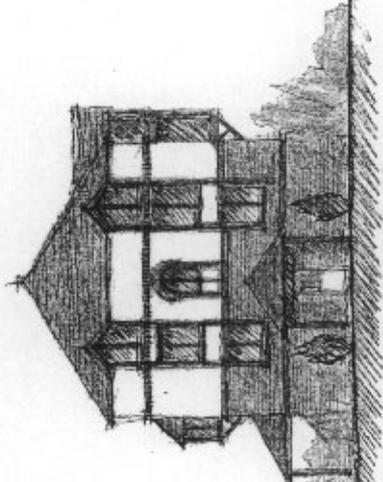


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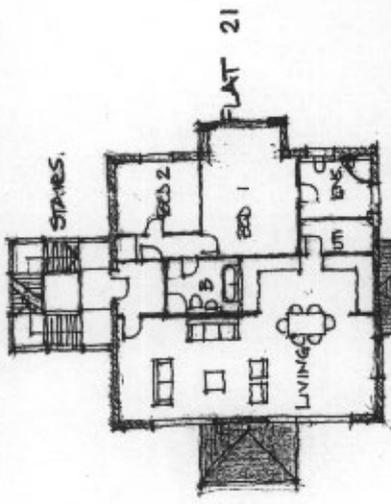
ENTRANCE ELEVATION



PARKING

1  
2 PARKING  
3

GROUND FLOOR 1/200



STAIRS

FLAT 21

BED 2

BED 1

BATH

KITCHEN

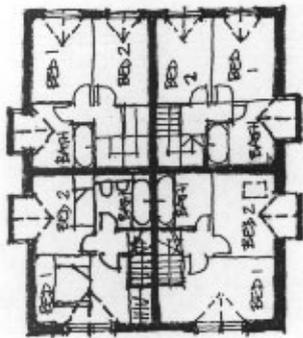
LIVING

FIRST FLOOR 1/200

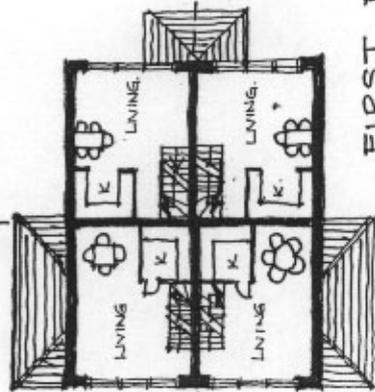
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GREEN DESIGN GROUP

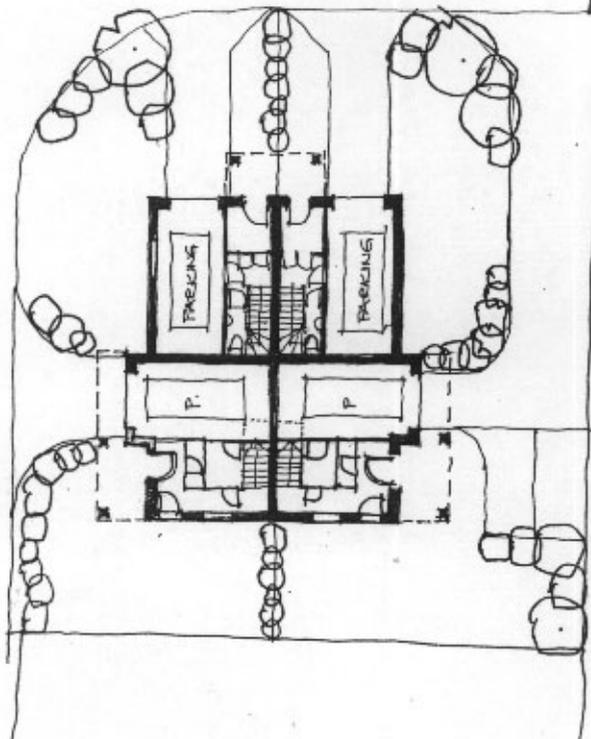
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LINTS 21-23  
BEAUFORT-DEBORAH  
WILKINSON & MURPHY  
1/200 APRIL 08  
08/195 8/10



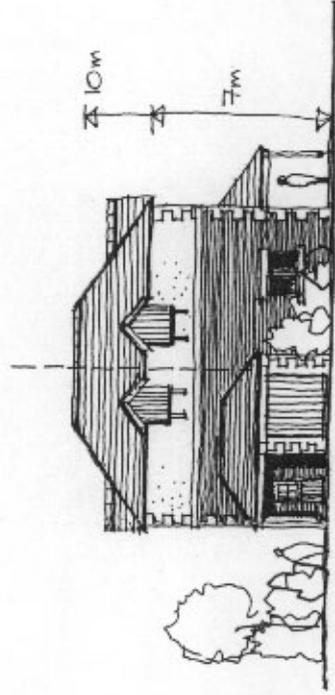
SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN 1/200



ELEVATION UNITS 11-14

9 APR 2003  
07/1362

GREEN DESIGN GROUP



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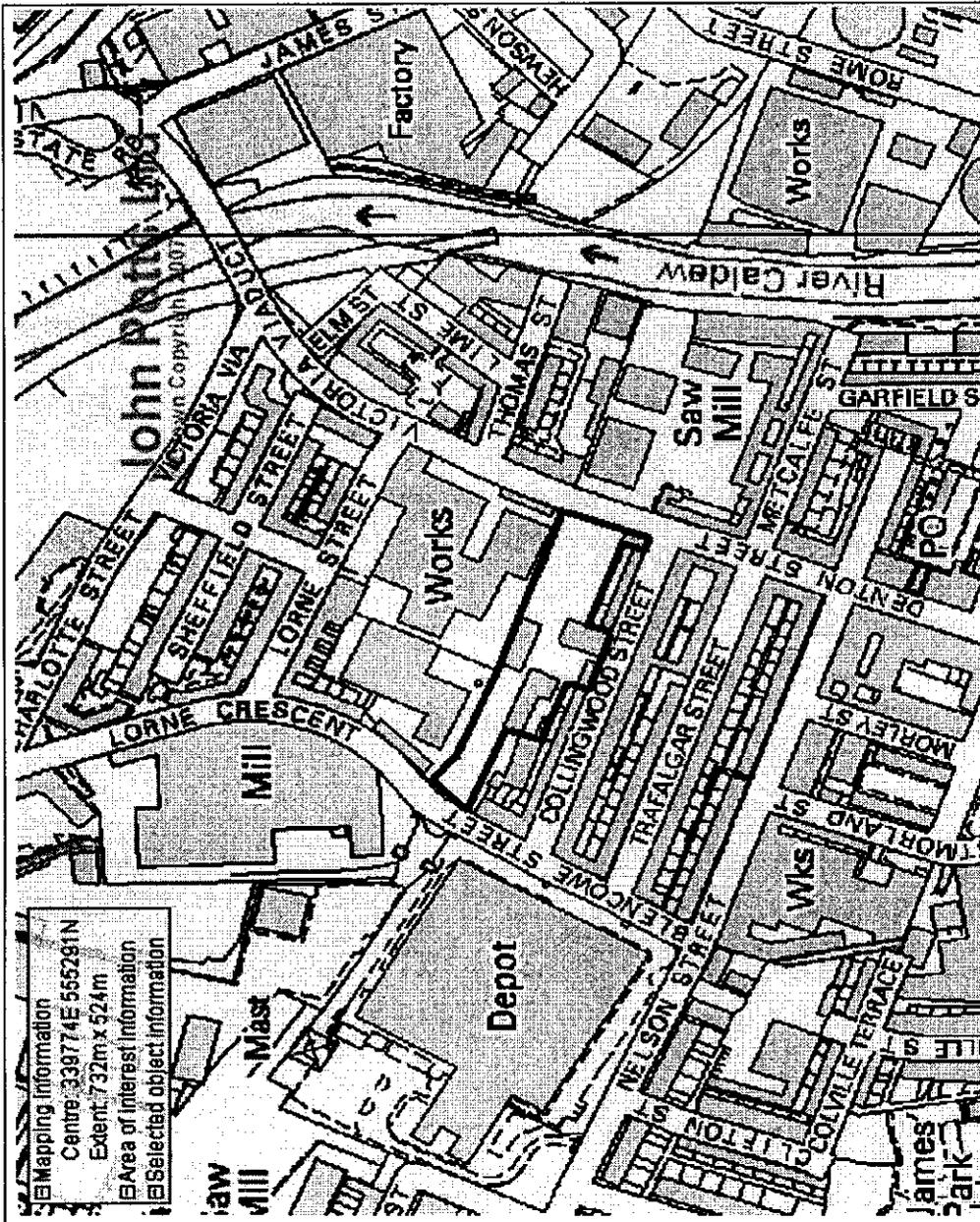
Change of use from industrial  
(B2) to residential development  
(C3) comprising 54 no. 2 & 3  
bedroom apartments and  
townhouses, and 370m<sup>2</sup> of  
commercial space (class A use)  
(resubmission)

Site

McKnight and McIntosh  
Denton Street, Denton Holme  
Carlisle, CA2 5EL

Scale: 1:10,000

**Site Location Plan**



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08/0146

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**Item No: 04**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0146

**Applicant:**  
Mr Nicholson

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
14/02/2008

**Agent:**  
Ian Carrick (Designs)

**Ward:**  
Stanwix Rural

**Location:**  
Little Bobbington, The Knells, Houghton, Carlisle,  
CA6 4JG

**Grid Reference:**  
341123 560303

**Proposal:** Revision Of Approved Garages

**Amendment:**

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### REPORT

**Case Officer:** Suzanne Edgar

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee as the occupier of the neighbouring property 'Parkside' has exercised his Right to Speak and because the Parish Council have raised objections to the proposed development.

#### **1. Constraints and Planning Policies**

##### **Gas Pipeline Safeguarding Area**

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

##### **District H14 - Extensions to Dwellings**

##### **District E26 - Buffer to Hadrian's Wall**

##### **Rev Redeposit Pl. Pol CP4 - Design**

##### **Rev Redeposit Pl. Pol CP5 - Residential Amenity**

##### **Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

##### **Ancient Monument**

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

**2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** No objection to the proposed development as it is considered that the proposal does not affect the highway.

**Development Services Planning & Housing Services - Local Plans (Trees):** No comments/observations to make on the amended proposal.

**National Grid UK Transmission:** Based on the information you have provided and the proximity and sensitivity of these networks to your proposals we have concluded, using the enclosed tables, that the risk is NEGLIGIBLE.

**Stanwix Rural Parish Council:** The property to which the application refers has recently been the subject of extensive development, including planning approval given in May 2007 (Appn. 07/0347) for a first storey extension providing additional living accommodation and 2 garages.

Further planning approval was given in December 2007 (under application 07/1227 - amended details) for an entrance porch to the front elevation and an additional garage. This third garage, permitted retrospectively, exceeded the building line of the neighbouring property 'Parkside' by over 2 metres (07/1227 Decision Notice) and protruded above the newly erected 1.8 metre high boundary fence by 0.83 metres.

The current application seeks permission to further extend the row of garages to the front of the property by a dimension similar to that of garage 3, i.e. a width of 4.20 metres. This would mean that the terminal line of the fourth garage would extend almost 6.3 metres beyond the building line of 'Parkside'.

The Council understands that this development, as with its predecessor, may already have taken place.

It is difficult to reconcile this proposal with its description as a "revision of approved garages" when it forms a completely new application for an extension to an existing building.

The Parish Council considers the above proposal to be a further over development of the site and constitutes yet another step in a creeping development that has seen this part of the property begin to resemble an urban light industrial unit rather than a building ancillary to a rural domestic dwelling.

The Parish Council also considers that the proposal, if permitted, would further prejudice the already significantly eroded residential amenity of 'Parkside's' rural setting, which previously enjoyed a more open outlook to the north.

In view of the foregoing Stanwix Rural Parish Council objects to the above proposal and urges the initiation of any enforcement action that may be required.

## SCHEDULE A: Applications with Recommendation

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Since the initial consultation response submitted by the Parish Council an email has since been received stating the following:

It has been brought to my attention by the applicant that the Parish Council included in its comments in respect of 08/146 the erroneous calculation of a 6.3m projection beyond the building line of 'Parkside'.

The application form in respect of Appn.No.08/0146 states at paragraph 7 that the existing floor space is 376m<sup>2</sup> and that the proposed new floor space will be 403m<sup>2</sup>, an increase of 27m<sup>2</sup>.

The width of the third garage approved under 07/1227 is shown as 4.200m, thus when comparing the proposed floor plan with that of Appn No. 07/1227 the dimension of 420mm was misread. An impression strongly reinforced by the proposed increase in area of 27m<sup>2</sup>.

These circumstances lead to the calculation of a 6.3m projection beyond the build line of 'Parkside', rather than a total projection under 08/0146 of 2.510m. As author of the Councils comments I apologise unreservedly for any inconvenience this error may have caused Planning Officers and for any distress that may have been suffered by the applicant.

**Hadrians Wall Heritage Limited:** Comments awaiting.

**English Heritage (Hadrians Wall) - NE Region:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
 San Giorgi Parkside	27/02/08 27/02/08	Objection

- 3.1 This application has been advertised by notification letters sent to two neighbouring properties. Two letters of objection and two verbal objections (on material planning grounds) have been received from the occupier of the neighbouring property to the south of the application site 'Parkside'. These raise the following grounds:
1. The application is retrospective.
  2. There should be a change of building materials above the fence, bricks instead of pebbledashed breezeblock. If this request cannot be granted the conditions of the application approved in December 2007 shall still be

maintained.

3. The conditions regarding water drainage on the application approved in December 2007 should still apply.
4. Many of the trees which were supposed to provide screening have been removed.
5. The front hedge has been cut back by 1m approx.
6. The back hedge has been removed. This was mentioned in the application which was approved in May 2007 as possible screening as overlooking would occur from the development of the two bedrooms approved for Little Bobbington.
7. Concerns about further development above the top of the garage.
8. Inaccuracies in the drawings for the applications approved in May and December 2007 and the current application.
9. A condition should be imposed that no further development of the garages should take place.
10. The additional extension of the garages increases the obtrusiveness and dominance. The further extensions will affect the front and back lounge windows.
11. Dispute about boundaries and the garages that are being constructed are not on land owned by the client.
12. The application should be considered as an extension to the main house.
13. Little Bobbington is reaching a stage of over development.

#### **4. Planning History**

- 4.1 In 2001, under application 01/0635, full planning permission was granted for the erection of a two storey extension and roof dormer.
- 4.2 In 2006, under application 06/1422, full planning permission was granted for the erection of a single storey extension to front elevation.
- 4.3 In 2007, under application 07/0347, full planning permission was granted for a first storey extension providing additional living accommodation and detached garages.
- 4.4 In 2007, under application 07/1227, full planning permission was granted for a proposed entrance porch to front elevation and additional garage adjoining

existing.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This submission seeks approval for a revised application relating to approvals obtained in 2007 for the erection of detached garages on the side boundary of Little Bobbington, The Knells. Little Bobbington is a two storey detached dwelling constructed from brick/rendered walls under a tiled roof. The property sits on a large plot and is neighboured, on each flank, by detached properties known as 'Parkside' and 'San Giorgi', the principle building lines of which each sit forward of the application site.

#### Background

- 5.2 Planning approval was given in May 2007 for a first storey extension providing additional living accommodation above the existing dwelling, together with the erection of 2 no. garages to be located adjacent to the north-west boundary (flank) with "Parkside". A further planning approval was given late last year (December) for the erection of an additional garage continuing the block adjacent to the boundary with "Parkside" towards the roadside, coupled with the construction of an entrance porch attached to the front elevation of the main dwelling. Construction of those garages has been undertaken and is continuing.
- 5.3 The current application seeks approval for a revision to the garages approved under these previous consents to extend the block forward (towards the road). The proposed revised scheme would, thus, provide the garages with a total length of 14.27 metres as opposed to a total length of 13.850 metres (as has already been approved cumulatively under the previous applications). The total width of the garage has also been clarified: whereas the drawings submitted with previous applications showed their depth varying from 5.8 metres to 4.2 metres, the drawings now before Members affirm that the actual dimensions, when measured from the gable wall of the original dwelling to the flank boundary, vary from 7.45 metres at its greatest, tapering to 4.6 metres. The applicant now also proposes to install four garage doors on the "entrance" elevation i.e. the north-east facade as opposed to the three doors shown on the previously approved drawings. An additional window to be situated on the south-east elevation is also proposed. The proposed materials are unaltered, these being rendered walls under a flat roof.

#### Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies H14 and E26 of the Carlisle District Local Plan together with Policies CP4, CP5, H11 and LE7 of the Carlisle District Local Plan Revised Redeposit Draft.

- 5.5 The proposal raises the following planning issues:
1. The Impact Of The Proposal On The Living Conditions Of The Neighbouring Residents
- 5.6 The proposed development will be located adjacent to the side boundary of the application site. The construction of the garages approved under the two previous consents is currently taking place but is at an early stage. The applicant is aware that the garages currently under construction do not correspond with the previously approved plans and therefore do not have planning permission. The applicant is aware that he is at risk of enforcement action if the current application is refused.
- 5.7 The occupier of the neighbouring property 'Parkside' has objected to the application on two principle grounds: first, that the additional extension of the garages increases their obtusiveness and dominance and secondly, that the further extensions will affect the front and back lounge windows of his own home. Furthermore the Parish Council has objected to the proposed development on the grounds that, if permitted, it would further prejudice the already significantly eroded residential amenity of Parkside's rural setting, which previously enjoyed a more open outlook to the north.
- 5.8 The garages will project beyond the building line of the neighbouring property at 'Parkside' by 2.6 metres (approx). The flank boundary between the two properties is delineated by a 1.8 metre (6ft) high fence. This has the effect that the proposed revision to the approved garages would protrude approximately 0.83 metres (2' 9") above this fence line. In this respect, the proposed revision to the approved garages would be quite limited and would not appear obtrusive or incongruous within the streetscene. In short there is no wider "public amenity" loss.
- 5.9 In addition, taking into consideration the scale and position of the extension in relation to the neighbouring property, 'Parkside' (which has no windows in its gable facing towards the application site) it is evident that the living conditions of the occupiers of 'Parkside' would not be adversely affected through loss of light, loss of privacy or over dominance.
- 5.10 Furthermore, there is an existing 1.8 metre high fence delineating the other flank boundary of the application site. It, likewise, means that the proposed additional garage would not adversely affect the living conditions of the occupiers of the neighbouring property on that side, i.e. 'San Giorgi', on the basis of loss of light, over dominance or overlooking.
2. Whether The Proposal Is Appropriate To The Dwelling.
- 5.11 The occupier of the neighbouring property at 'Parkside' has requested that there should be a change of building materials above the fence (bricks instead of pebbledashed breezeblock). However, the Council has to deal with what is proposed and the choice of building materials proposed are pebble

## **SCHEDULE A: Applications with Recommendation**

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dashed walls to match the existing walls and, likewise, a flat roof to match the roof on the existing approved garages. A condition has, accordingly, been included within the Officer recommendation which would, if accepted, ensure that the materials match those of the garages previously approved and entitled to be constructed (i.e. pebbledashed walls under a flat roof).

- 5.12 The Parish Council and the objector have also objected to the proposal on the grounds that the proposal is overdevelopment of the site. Furthermore the Parish Council have stated that the garages resemble a light industrial unit rather than a building ancillary to a rural domestic dwelling. As stated above Little Bobbington is a two storey detached property situated on a large plot. In such circumstances it is considered that the garages are clearly ancillary to the main dwelling house and would not dominate the existing dwelling in terms of scale or design.
- 5.13 In overall terms the scale and height of the proposed revisions to the previously approved garages are comparable to the existing property. The proposed development would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed extension would complement the existing dwelling in terms of design and materials to be used.

### **3. Disposal Of Surface Water**

- 5.14 The objector has also requested that the same conditions regarding water drainage that were imposed on application 07/1227 should still apply. A condition has been included within the recommendation requiring the submission of a scheme for surface water to be provided prior to the occupation of the garages.

### **4. Removal Of Trees/Hedges**

- 5.15 The objector has also objected on the grounds that many of the trees that were supposed to provide screening have been removed. He also states that the back hedge which was mentioned in the May 2007 application as possible screening has been removed and that overlooking would occur from the development of the two bedrooms approved. However, the applicant does not require planning permission to remove trees/hedges and there was no condition on the original application requiring the trees/hedges to be maintained. In such circumstances this is not considered to be an appropriate planning consideration in relation to the current application.

### **5. Other Matters**

- 5.16 The Parish Council has objected to the planning application on several grounds: one of these is that the application is described as a "revision to approved garages" when it forms a completely new application for an extension to an existing building. As stated previously, however, the

## SCHEDULE A: Applications with Recommendation

08/0146

application is seeking a revision to both of the garages approved during 2007 not an extension to what has been previously approved.

- 5.17 The objector has also raised concerns about a possible "future" extensions above the garages and has requested that a condition be imposed should the application be approved stating that no further development of the garages should take place. However, even if it were envisaged, a further planning application would need to be submitted and planning permission obtained. Consequently, this is not an appropriate planning consideration in relation to the current application i.e. the Council has to deal with what is proposed now and is before the Committee.
- 5.18 The objector has also objected on the grounds that all the garages (those approved in May and December 2007 and the revisions to the approved garages now proposed) are currently under construction. The construction of the garages has indeed been started. The City Council's Enforcement Officer has visited the site and advised the applicant that, should the application be refused, the works will be the subject of enforcement action.
- 5.19 The objector has also objected to the application on the grounds that there are inaccuracies in the drawings submitted with the previous applications. This is not relevant to this application.
- 5.20 Furthermore the objector has stated that the garages that are being constructed are not on land owned by the client. However, the application is accompanied by an ownership certificate (Certificate A) stating that he owns all the land to which the application relates to. This dispute is, therefore, a civil matter between the applicant and the objector.
- 5.21 There have been several letters received from the objector which have not been included or mentioned within this Report as they do not relate to material planning matters but concern an on-going neighbour dispute between the objector and the applicant. Furthermore the applicant has submitted letters to Planning Services referring to the objection letters received by the objector: likewise, these letters have not been included within this Report as they, again, essentially allude to the dispute between the applicant and objector. However the applicant has pointed out the following matters which he thinks are relevant to "proper planning considerations";
1. The external materials on the wall will be render
  2. The Building Inspector has inspected the drainage
- 5.22 Furthermore it is noted that the application site falls within Hadrians Wall Buffer Zone. In such circumstances Hadrians Wall Heritage Limited and English Heritage have been consulted on the proposal. Whilst a response is awaited from the former English Heritage has stated that there are no objections. As such, it is not considered that the proposal does not adversely affect Hadrians Wall Buffer Zone.

### Conclusion

- 5.23 In all aspects the proposal is considered to be compliant with the objectives of Policy H14 of the Carlisle District Local Plan and Policy H11 of the Carlisle District Local Plan Revised Redeposit Draft as the proposed development will not affect the living conditions of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight. Furthermore the proposal is of an appropriate scale and will not dominate the original two storey dwelling.
- 5.24 The proposal is therefore considered to be compliant with the objectives of the relevant adopted and emerging development plan policies. In such circumstances approval is recommended.

## 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Articles 1/6/8 of the Human Rights are relevant to this application and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

## 7. Recommendation - 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

## **SCHEDULE A: Applications with Recommendation**

08/0146

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

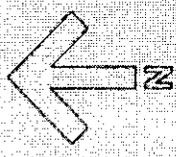
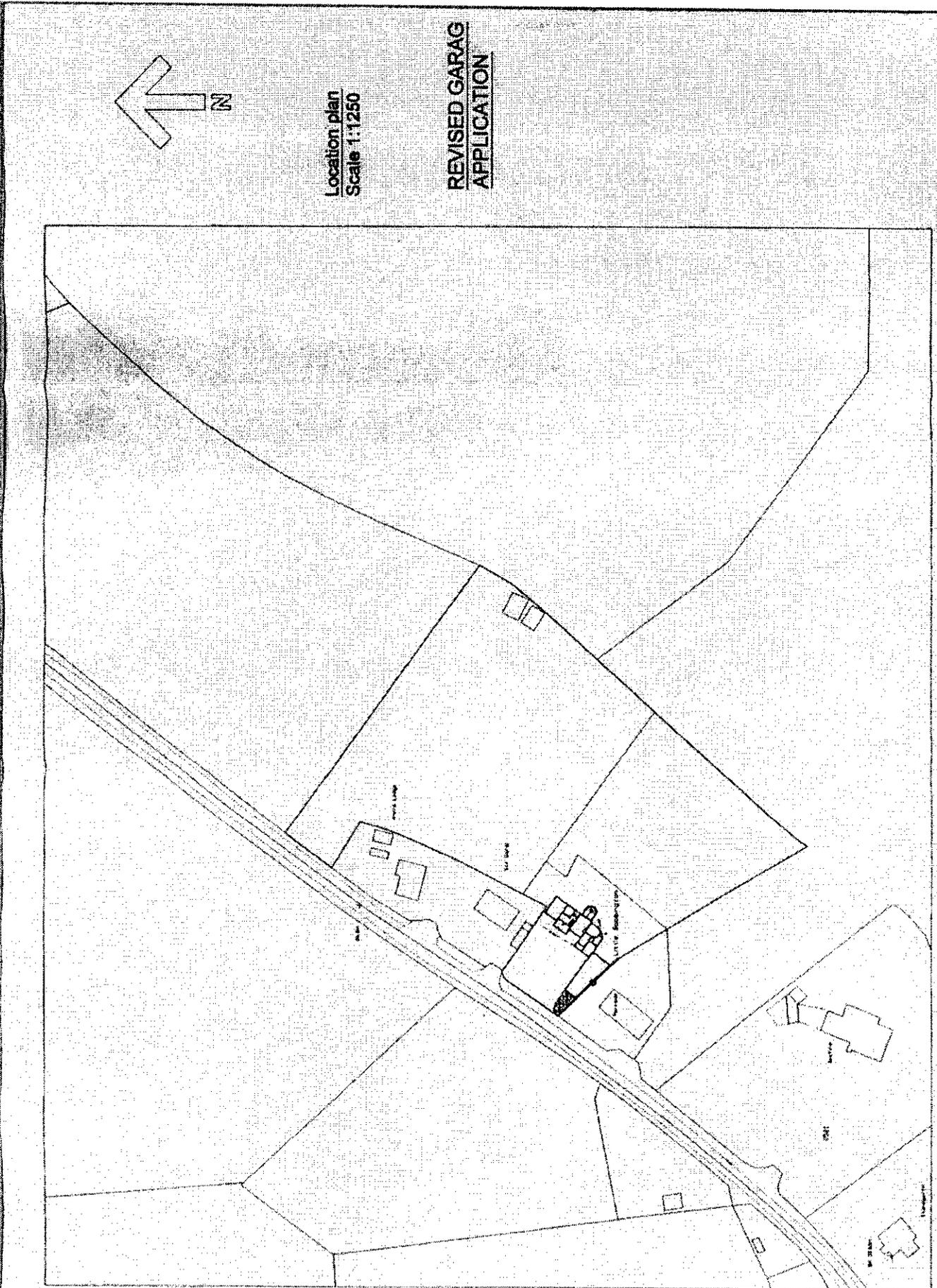
2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application and prior to the garage been brought into use the external dash finishes to all walls shall be fully complied with.

**Reason:** To ensure a satisfactory external appearance for the completed development.

3. The proposed garages shall not be occupied until a scheme for surface water drainage has been submitted to, approved in writing by the local planning authority and carried out in full.

**Reason:** To ensure that adequate drainage facilities are available.

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Location plan  
Scale 1:1250

**REVISED GARAGE  
APPLICATION**

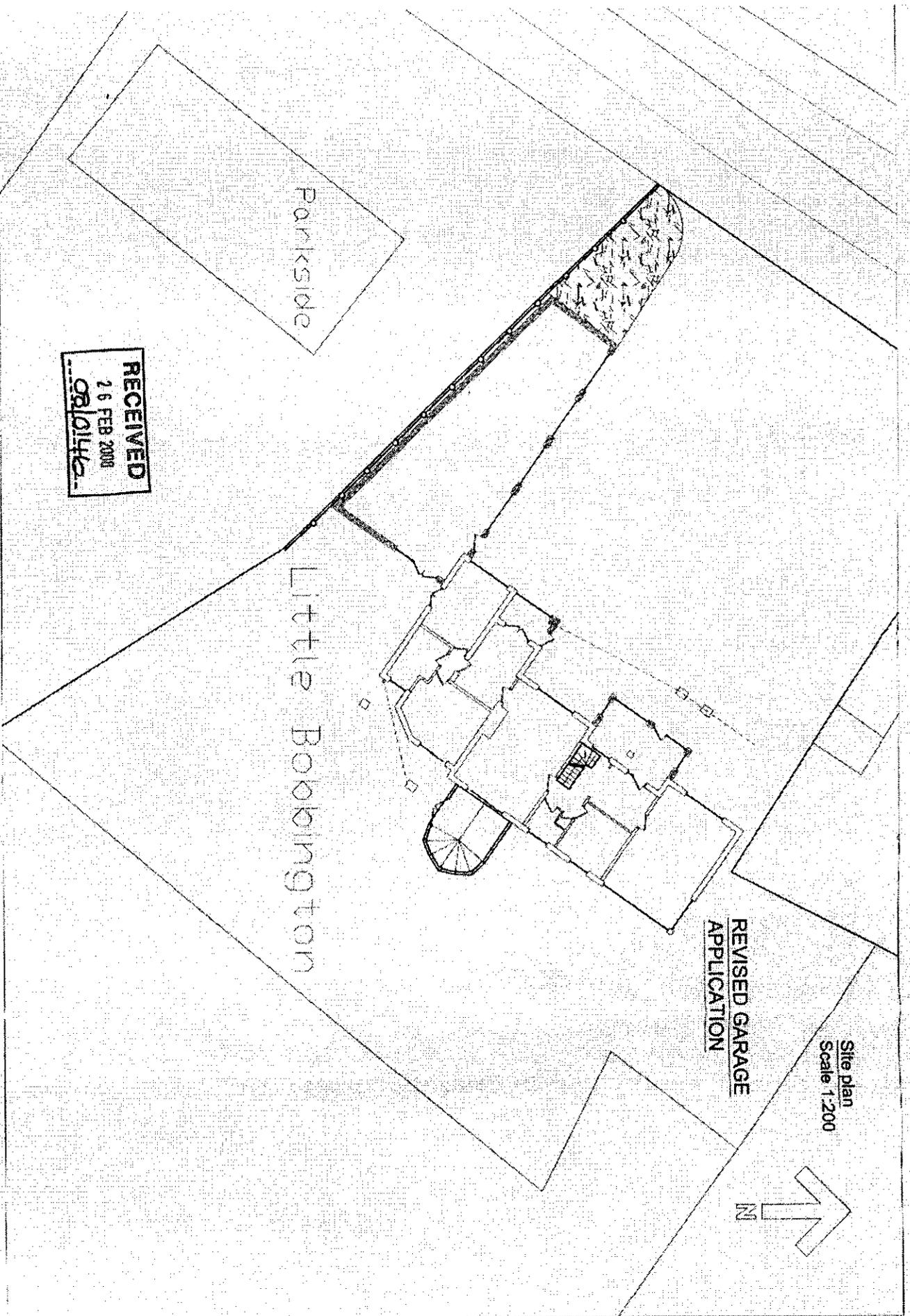
**RECEIVED**  
25 FEB 2003  
08/01/46

It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of Ian Carnick (Designs). Ian Carnick accepts no responsibility or liability for any damage arising from mistakes within the drawing.

Information contained within this drawing relates to the visual & spatial impact only. All works must be carried out in full compliance with the current regulations & standards. Dimensions to be measured & checked on site. All drainage to be of Local Authority approval.

Client: Mr Anthony Nicholson  
Ref: Little Bobbington  
Scale: 1:1250  
Date: 14/2/08  
Title: New garage  
Drawing No: 1 Rev  
Sheet: 1 of 6

ck  
22008  
Lowgate  
CA11 0HT  
76



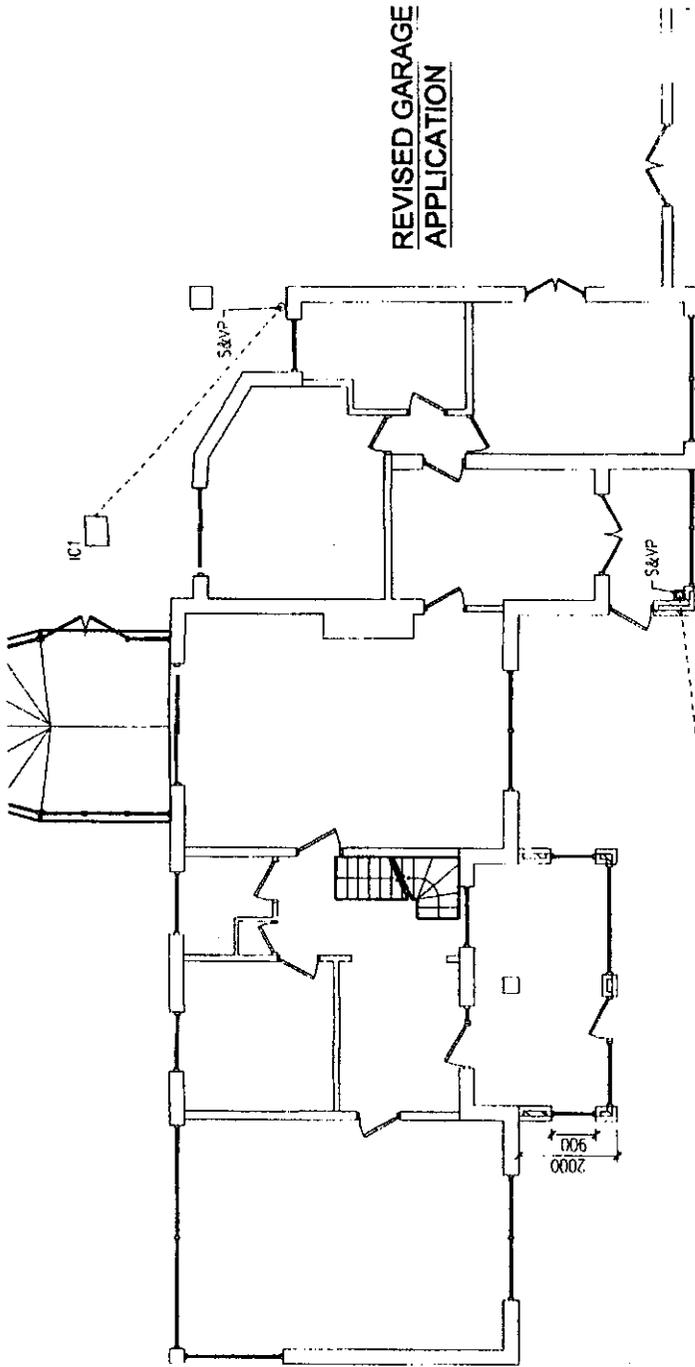
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 26 FEB 2008  
 CALDWELL

Client Mr. Anthony Nicholson Scale 1:200  
 Ref Little Bobbington Date 25/2/08  
 The Kneels, Carlisle CA6 4JG  
 Title Revise page  
 DWG No 2  
 1 of 1  
 Sheet 1 of 1

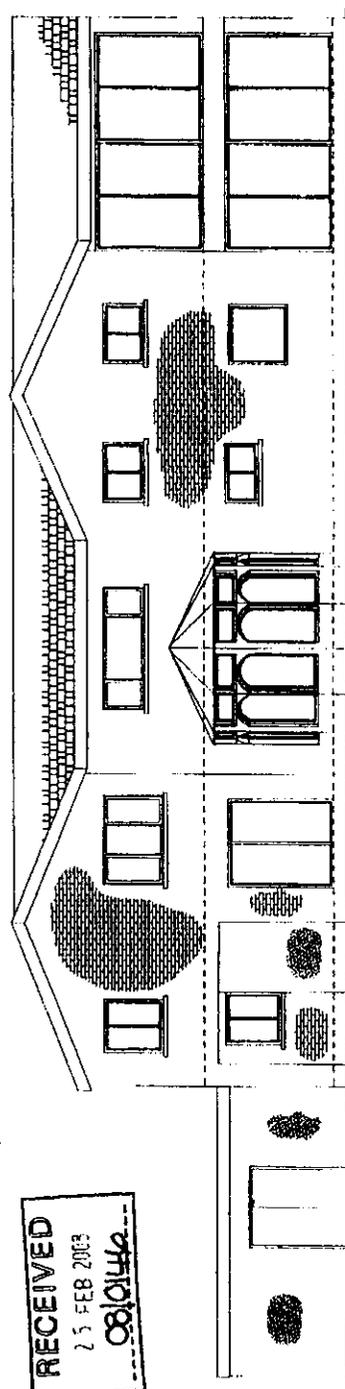
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**REVISED GARAGE APPLICATION**



Existing approved plan  
Scale 1:100



Existing approved rear elevation  
Scale 1:100

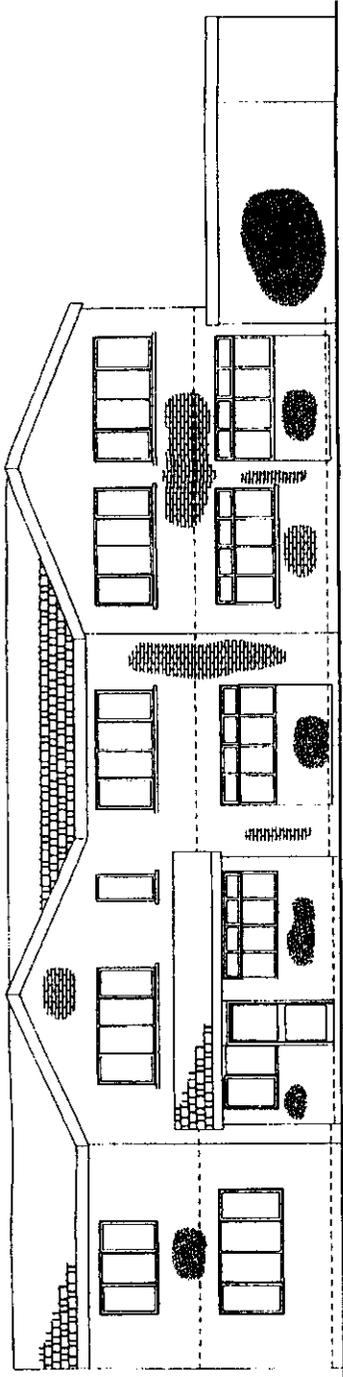
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25 FEB 2008  
08/01/08

Client Mr Anthony Nicholson Scale 1:100  
 Ref Little Bobbington Date 14/2/08  
 The Kneils, Carlisle CA6 4JG  
 Title Revised garage  
 Draw No 1 Rev  
 Newburn Penrith CA11 0HT  
 7684 83175  
 Sheet 3 Of 6

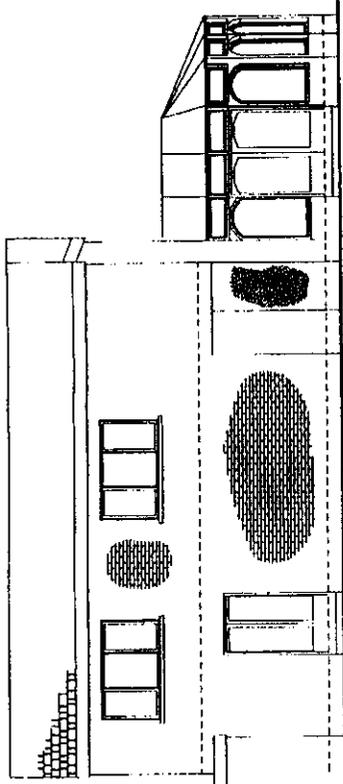
Information contained within this drawing relates to the visual & spatial impact only. All works must be carried out in full compliance with the current regulations & standards. Dimensions to be measured & marked on site. All drawings to be of A3/A4. Authority approval.

It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of the architect in writing. The architect accepts no responsibility or liability for loss of damage arising from mistakes within the drawing.

**REVISED GARAGE APPLICATION**

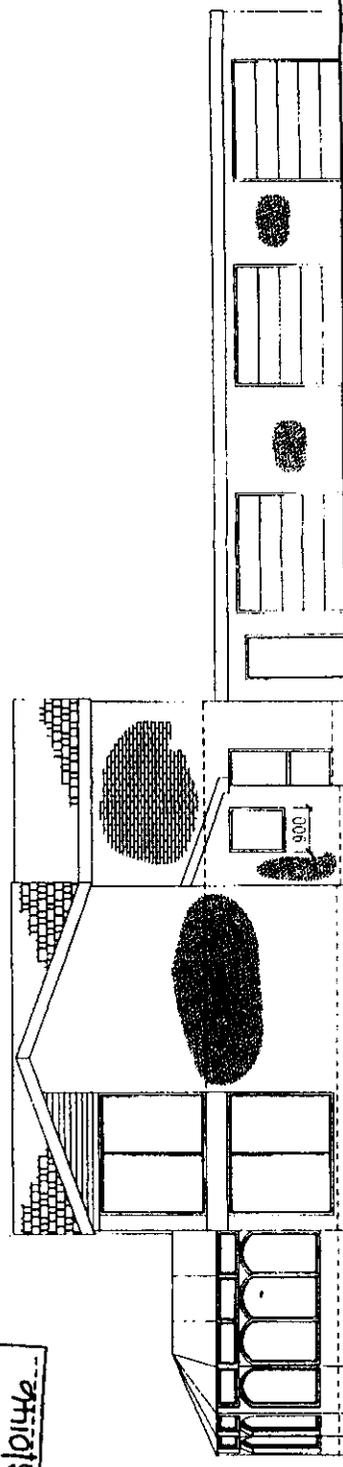


Existing approved front elevation  
Scale 1:100



Existing approved light elevation  
Scale 1:100

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21 SEP 2008  
0810144



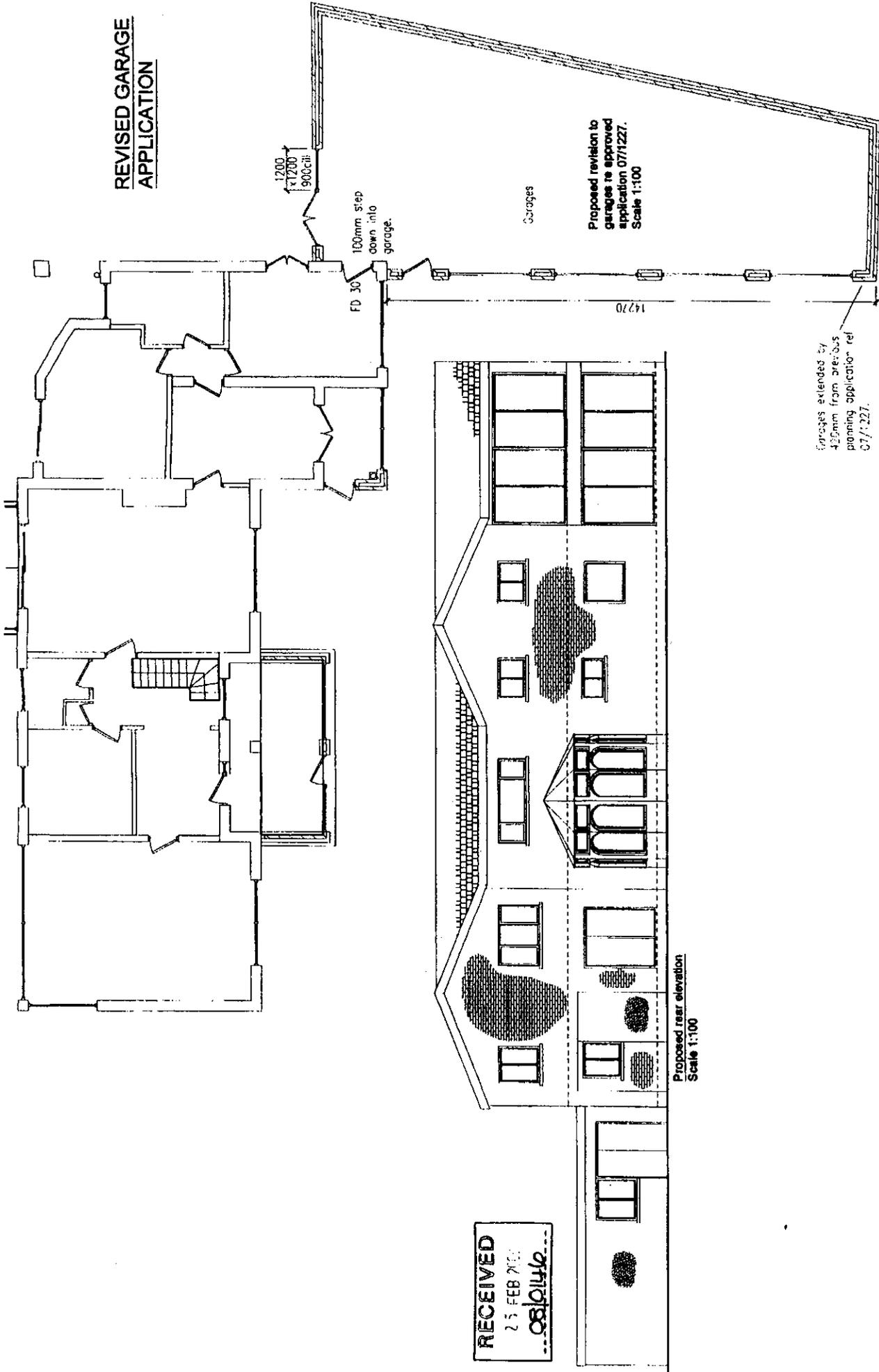
Existing approved left elevation  
Scale 1:100

Client Mr Anthony Nicholson Scale 1:100  
Ref Little Bobbington Date 14/2/08  
The Knells, Carlisle CA6 4JG  
Title Revised garage  
Draw No 1 Rev  
Sheet 4 Of 6

Information contained within this drawing relates to the visual & spatial impact only. All works must be carried out in full compliance with the current regulations & standards. Dimensions to be measured & marked on site. All drainage to be of Local Authority approval.

It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of the architect in writing. The architect accepts no responsibility for loss or damage arising from mistakes within the drawing.

**REVISED GARAGE APPLICATION**



\* It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of the architect in writing. The architect does not accept any responsibility or liability for loss or damage arising from mistakes within the drawing.

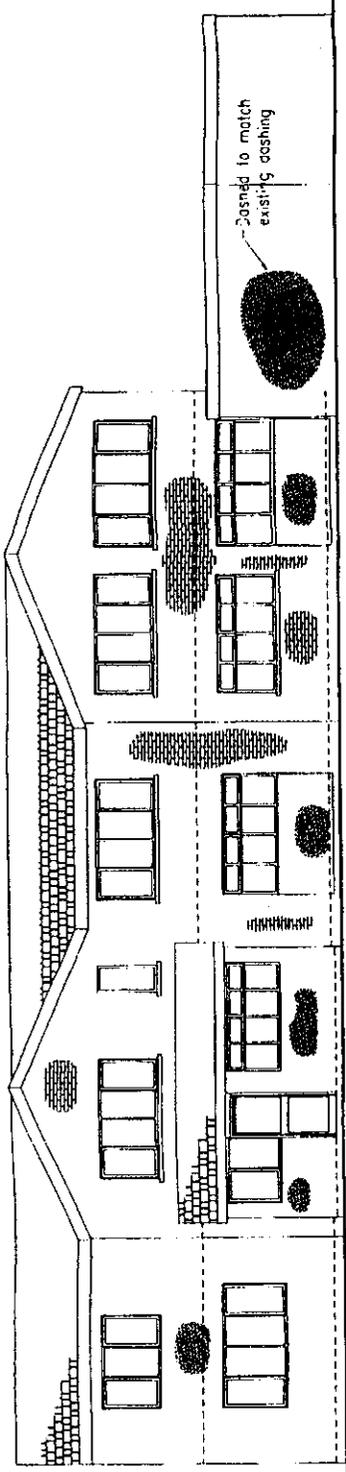
Information contained within this drawing relates to the visual & spatial impact only. All works must be carried out in full compliance with the current regulations & standards. Dimensions to be measured & checked on site. A 10% allowance of Local Authority approval.

Client: Mr Anthony Nicholson  
 Ref: Little Bobbington  
 Title: Revised garage  
 Date: 14/2/08  
 Draughtsman: The Kneels, Carlisle CA6 4JG  
 Drawn: Rev  
 Sheet: 5 of 6

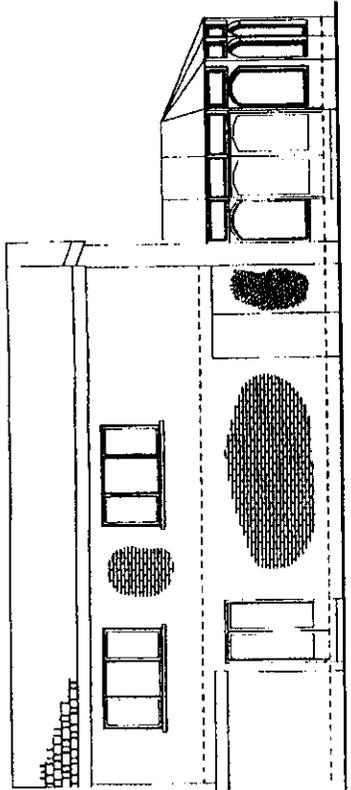
RECEIVED  
 23 FEB 2008  
 The Kneels

IAN CARRICK  
 (Designs) © 2008  
 Barn Cottage 3 Howgate  
 Newbrough Penarth CA11 0HT  
 7664 63175

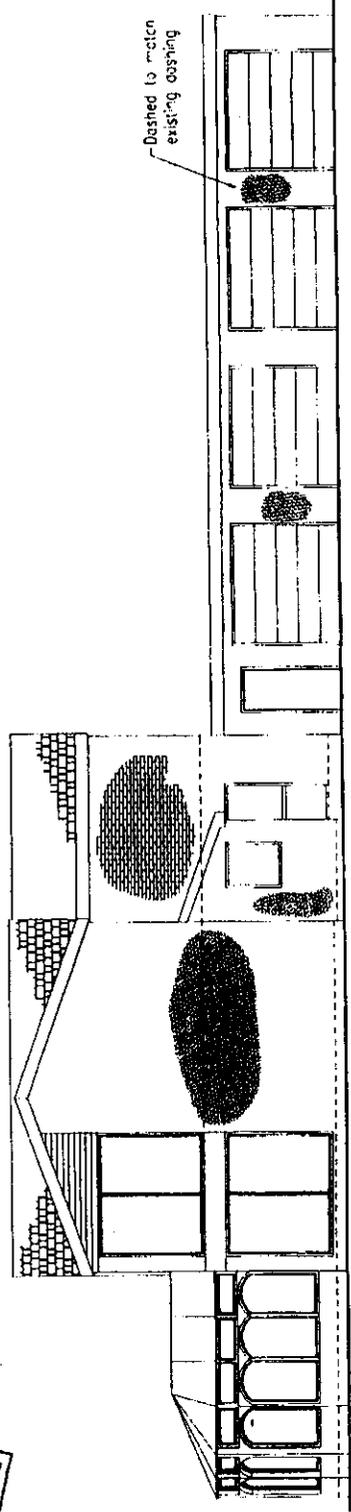
**REVISED GARAGE APPLICATION**



Proposed front elevation  
Scale 1:100



Proposed right elevation  
Scale 1:100



Proposed left elevation  
Scale 1:100

**RECEIVED**  
25 FEB 2008  
08/01/08

Information contained within this drawing relates to the visual & spatial impact only. All works must be carried out in accordance with the current regulations & standards. Drawings to be reviewed & checked on site. An application to be at local authority approval.

Client: Mr Anthony Nicholson  
Ref: Little Bobbington  
Title: Revised garage  
Drawn No: 1 Rev  
Sheet: 6 OF 6

Scale: 1:100  
Date: 14/2/08  
Drawn: CA6 4JG

170 Canick  
(Designs) © 2008  
Barn Cottage 3 Howgate  
Newbigin Penrith CA11 0HT  
017684 83175

It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of the architect in writing. The architect accepts no responsibility or liability for loss or damage arising from mistakes within the drawing.

08\_0146 Little Bobbington, The Knells, Houghton 07 28.02.2008.jpg @ 33.3% (RGB/8)



08\_0146 Little Bobbington, The Knells, Houghton 06 28.02.2008.jpg @ 33.3% (RGB/8)



**STANWIX RURAL PARISH COUNCIL**

Chairman:

Cllr. Craig Nicholson

Clerk: Andrea McCallum, 257 Durdar Road, Carlisle, CA2 4TJ

Tel: 01228 595117

E-mail: [stanwixruralpc@carlisle-city.gov.uk](mailto:stanwixruralpc@carlisle-city.gov.uk)

F.a.o. Suzanne Edgar  
 Carlisle City Council  
 Development Services  
 Planning & Housing Services  
 Development Control  
 6<sup>th</sup> Floor - Civic Centre  
 Carlisle  
 CA3 8QG

PLANNING & HOUSING SERVICES	
REF	08/0146
26 MAR 2008	
RECORDED	KS
SCANNED	
PASSED TO	CSB
ACTION	

19<sup>th</sup> March 2008

Dear Suzanne

**Appn. No:** 08/0146  
**Location:** Little Bobbington, The Knells, Houghton  
**Proposal:** Revision of Approved Garages

The property to which the application refers has recently been the subject of extensive development, including planning approval given in May 2007 (Appn. 07/0347) for a first storey extension providing additional living accommodation and 2 garages.

Further planning approval was given in December 2007 (under application 07/1227 - amended details) for an entrance porch to the front elevation and an additional garage.

This third garage, permitted retrospectively, exceeded the building line of the neighbouring property 'Parkside' by over 2 metres (07/1227 Decision Notice) and protruded above the newly erected 1.8 metre high boundary fence by 0.83 metres.

The current application seeks permission to further extend the row of garages to the front of the property by a dimension similar to that of garage 3, i.e. a width of 4.20 metres. This would mean that the terminal line of the fourth garage would extend almost 6.3 metres beyond the building line of 'Parkside'.

The Council understands that this development, as with its predecessor, may already have taken place.

It is difficult reconcile this proposal with its description as a "revision of approved garages" when it forms a completely new application for an extension to an existing building:

The Parish Council considers the above proposal to be a further over development of the site and constitutes yet another step in a creeping development that has seen this part of the property begin to resemble an urban light industrial unit rather than a building ancillary to a rural domestic dwelling.

The Parish Council also considers that the proposal, if permitted, would further prejudice the already significantly eroded residential amenity of 'Parkside's' rural setting, which previously enjoyed a more open outlook to the north.

In view of the foregoing Stanwix Rural Parish Council objects to the above proposal and urges the initiation of any enforcement action that may be required.

Yours sincerely

*A. McCallum*  
**Andrea McCallum**  
 Clerk to the Council

## SCHEDULE A: Applications with Recommendation

08/0149

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**Item No: 05**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0149

**Applicant:**  
Mr and Mrs M Robinson

**Parish:**  
Hayton

**Date of Receipt:**  
15/02/2008

**Agent:**  
Green Design Group

**Ward:**  
Hayton

**Location:**  
Land Behind Ash Tree Barn, Hayton, Carlisle,  
Cumbria, CA8 9HT

**Grid Reference:**  
350942 557755

**Proposal:** Erection Of Detached Dwelling

**Amendment:**

1. Alteration to the ridge height of the two storey section of the dwelling; the inclusion of a porch to the front elevation and alterations to the design of the 'link' between the single storey and two storey element of the dwelling.
2. Further alterations to the design of the 'link' between the single storey and two storey element of the dwelling to achieve a more traditional appearance.

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### REPORT

**Case Officer:** Sam Greig

#### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination due to the receipt of seven letters of objection and as the applicants wish to exercise their right to speak in support of the application.

#### **1. Constraints and Planning Policies**

**Airport Safeguarding Area**

**District E19 - Landscaping New Dev.**

**District H5 - Village Development**

**District H11 - Backland Development**

**District H16 - Design Considerations**

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**District H17 - Residential Amenity**

**District T7 - Parking Guidelines**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

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

**Rev Redeposit Pl. Pol H9 - Backland Development**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** awaiting comments;

**Community Services - Drainage Engineer:** awaiting comments;

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

**Hayton Parish Council:** have made the following observations:

1. Highway safety concerns regarding the access with the main road;
2. Concern regarding the height of the dwelling and that it is not in keeping with the surrounding area; and
3. The site extends outside the settlement boundary;

**Carlisle Airport:** no objection;

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

**Development Services Planning & Housing Services - Local Plans (Trees):** a large mature evergreen Oak is located adjacent the access drive boundary on the neighbouring property opposite Ash Tree Barn. To avoid damaging this tree during the development of this site, should the proposal prove acceptable, the following is recommended:

1. To avoid damage to the roots of the tree no new services are to be routed along the access track.
2. If excavations of the access track within the root protection area of the tree are to be carried this should be done by hand and no roots over 25mm diameter should be severed without the consent of the Local Authority.
3. The access track should not be upgraded if this will result in any removal or excavation of the track.
4. If practical the height of any vehicle accessing the site including the load it is carrying should be restricted to 3.5m to avoid unnecessary pruning of the tree.

Following these comments being provided the Landscape Architect has confirmed verbally that in respect of Point 1 that the services could be provided along the access track provided that the location and means of excavation the service trench is regulated by an appropriate condition.

**3. Summary of Representations**

**Representations Received**

Initial:	Consulted:	Reply Type:
[REDACTED] Applegarth	25/02/08	Objection
[REDACTED] Millbrook	25/02/08	
[REDACTED] The Old Barn	25/02/08	Objection
[REDACTED] Ash Tree Farm	25/02/08	
[REDACTED] Ash Tree Cottage	25/02/08	
[REDACTED] The Paddock	25/02/08	Objection
[REDACTED] Croft Cottage	25/02/08	
[REDACTED] Hope Cottage	25/02/08	Objection
[REDACTED] Rose Villa	25/02/08	
[REDACTED] The Nurses Cottage		Objection
[REDACTED] East View		Objection
[REDACTED] - Hayton		Objection

3.1 This application has been advertised by means of notification letters sent to nine neighbouring properties.

3.2 In response seven letters of objection have been received to the original plans submitted. The grounds of objection are summarised as;

1. the application site includes land outside the settlement boundary, which would set a precedent for the future development of the village;
2. the height of the dwelling would dominate the surrounding properties and would be visible from the main street;
3. the design of the dwelling is out of keeping with the surrounding properties;
4. increased loss of privacy to neighbouring properties;
5. the access to the site does not conform to current highway standards. The increased vehicular use of the narrow access with the junction of the main highway would be detrimental to highway safety;
6. there are congestion problem in the village, which are at their worst when children are dropped off/collected from school. The construction traffic and day to day traffic associated with the dwelling would worsen this

problem to the detriment of highway and pedestrian safety;

7. the land where the dwelling is sited has previously been raised. Is it now suitable for the construction of a new dwelling?
  8. surface water drainage is an existing problem that would be exacerbated through the creation of larger hard surfaced area associated with the dwelling;
  9. access to the site is too narrow for construction vehicles, which would have to unload on the main road;
  10. construction traffic may cause structural damage to the foundations of adjacent properties; and
  11. can the existing sewerage system cope with the increased load; and
  12. the development is a speculative development on the part of the applicant.
- 3.3 Members are advised that Point 12 is not a material planning consideration to be taken into account in the determination of this application.

#### **4. Planning History**

- 4.1 In 1999 planning permission was granted for the conversion of a barn to a dwelling (Application 99/0241).
- 4.2 In 2003 planning permission was granted for the conversion of a barn to a dwelling (Application 02/1300).

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 This application seeks full planning permission for the erection of a dwelling on land to the rear of Ash Tree Barn, Hayton. The site, which is set back from the main road, forms part of the rear garden of 'Ash Tree Barn' and part of the adjoining paddock located to the south.
- 5.2 To the north of the site, along the road that leads through Hayton, are a number of residential properties. To the east and south of the site lies open countryside and to the west of the site is an orchard that is linked to 'The Old Barn', beyond which are residential properties.
- 5.3 Part of the site is identified as lying within the settlement boundary of the

village of Hayton, as identified on the Inset Map that accompanies the emerging Local Plan. The remainder of the application site lies 11.5 metres outwith the settlement boundary and is designated as open countryside.

### The Proposal

- 5.4 It is proposed to erect a two storey dwelling measuring 6.9 metres in height, with a 'T' shaped footprint that would occupy 180 square metres. The dwelling would be positioned towards the northern extent of the plot, parallel to 'Ash Tree Barn', with its garden area located to the south.
- 5.5 The proposed dwelling comprises an integral double garage, entrance hall, study, utility, kitchen, dining room and lounge to the ground floor with four bedrooms (one of which has ensuite facilities), a dressing room and a bathroom to the first floor.
- 5.6 The dwelling, which is traditional in appearance, would be predominantly two storeys in height; however, the northern section of the dwelling, which is nearest to 'Ash Tree Barn', would be single storey. The external walling of the two storey element of the property would be finished using wet dashed render, with natural stone jambs, lintels and quoins. The external walling of the single storey element would be finished in stone. Natural slate would be used on the roof. All new windows are to be timber framed and rainwater goods would be cast iron.
- 5.7 The dwelling would be served by the existing vehicular and pedestrian access that leads alongside the west facing gable of 'Ash Tree Barn' towards the rear garden of the existing property. Parking provision for two vehicles would be available within the garage, together with two further parking spaces on the forecourt, adjacent to the turning area.
- 5.8 The boundaries of the plot, the southern extent of which encroaches into open countryside, are to be landscaped although no specific details have been provided at this stage. A 1.8 metres high wall is to be formed along the northern extent of the plot to separate the proposed dwelling from the 'host' dwelling 'Ash Tree Barn'.
- 5.9 It is proposed to discharge foul drainage to the main sewer, with surface water disposed of via soakaways.

### Assessment

- 5.10 The relevant planning policies against which the application is required to be assessed are Policy H2, H11, H16, H17, E19 and T7 of the Carlisle District Local Plan and Policies CP4, CP5, T1, H1 and H9 of the Carlisle District Local Plan Revised Redeposit Draft.
- 5.11 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.

## **SCHEDULE A: Applications with Recommendation**

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- 5.12 The position of the proposed dwelling lies within the settlement boundary of Hayton, which is identified as a Local Service Centre by Policy H1 of the emerging Local Plan. As such the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H1 of the Revised Redeposit Draft and other relevant policies contained within the adopted and emerging Local Plan.
- 5.13 Whilst the rear garden of the proposed property would lie outwith the settlement boundary, this is insufficient reason, in its own right, to warrant refusal of the application. A judgement has to be made as to whether the projection of the domestic curtilage into the adjoining paddock harms the landscape character of the surrounding area. This matter is discussed in paragraphs 5.30 - 5.31.
- 5.14 A local resident has voiced concern that the settlement boundary identified on the inset maps that accompany the emerging Local Plan do not reflect the actual boundaries of the village, as the agricultural buildings that once occupied the site were removed when the 'Ash Tree Barn' was converted to a dwelling in 2003.
- 5.15 Although the inclusion of the parcel of land within the settlement boundary may be an anomaly it is not this Committee's place to redefine the settlement boundary. The site lies within the identified settlement boundary and, therefore, the principle of residential development remains acceptable.
2. Whether The Scale And Design Of The Dwelling Is Acceptable.
- 5.16 The appearance of the property is traditional in character and the external materials to be used are sympathetic to the surrounding dwellings.
- 5.17 In terms of the scale of the dwelling, it is commensurate to the plot and the adjacent property. Adequate parking provision and garden space have been provided serve the property. Similarly, adequate parking and amenity space has been retained to serve the present and future occupiers of 'Ash Tree Barn'.
- 5.18 A number of local residents have voiced concerns regarding the height of the building, which, in their view, would be visible from the main road leading through Hayton. To allay these fears the applicant's agent has provided a cross section drawing that illustrates the site in relation to the main road. It illustrates that when standing on the main road the roof of the dwelling would be obscured from view from those dwellings on the road frontage, but also 'Ash Tree barn', which is three storeys in height.
- 5.19 It is acknowledged that the proposed dwelling would be visible when viewed up the access road; however, this in its own right would not result in demonstrable harm to the wider area. The layout of the development in relation to the adjoining properties is reflective of the built form of Hayton, which is characterised by similar forms of closely-knit development.

5.20 In summary, the scale, design and external materials to be used area are acceptable. Taking into account the position of the neighbouring properties and their height in relation to the building proposed, the overall height and mass of the dwelling would sit comfortably with the scale of these buildings.

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

5.21 Adequate separation distance has been maintained between the existing residential properties and the proposed dwelling. As such, taking into consideration the scale and position of the proposed development in relation to the existing properties it is unlikely that the living conditions of the occupiers of these properties will be compromised through loss of light, loss of privacy or overdominance.

5.22 The outlook from the applicant's property will be affected, in terms of loss of view; however, Members will appreciate that loss of view is not a material planning consideration. Irrespective of this, the architect has purposely designed the dwelling so that the northern section is single storey to minimise the impact of the development upon the occupiers of Ash Tree Barn. Members should take into account that despite the difference in levels between the existing and proposed dwelling a distance of 19.5 metres being retained between the rear elevation of 'Ash Tree Barn' and the north facing single storey gable of the proposed dwelling. The dwelling has also been positioned in so it is offset from the principal windows serving 'Ash Tree Barn' to maintain the open aspect that the current occupiers enjoy.

5.23 The pedestrian and vehicular access to the site passes the gable of Ash Tree Barn, within which there are three ground floor windows. The use of the access has the potential to adversely affect the living conditions of the occupants of 'Ash Tree Barn' through disturbance and loss of privacy; however, the windows are small in size and, with the exception of a study window, are not the principal windows serving the rooms in question. On balance, a refusal on the above basis could not be substantiated.

5.24 Where the access drive wraps around part of the rear garden of 'Ash Tree Barn' a 1.8 metre high wall is proposed to maintain privacy, which will adequately serve that purpose.

### 4. Access And Parking Provision.

5.25 The Highway Authority acknowledged that development would result in an increase in traffic using the existing access, which is below current standards. They also highlighted that most of the properties adjacent to the application site had substandard accesses that did not provide the required 2m x 43m visibility splay.

5.26 The Highway Authority observed that vehicle speeds are low and that cars parked on the southern side of the road causes cars to travel on the northern

## **SCHEDULE A: Applications with Recommendation**

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side of the road, thereby marginally increasing the safety of vehicles and pedestrians existing this particular site.

5.27 Taking into account the existing use of the property, it is the Highway Authorities view, that the proposal will be unlikely to have a material affect on the existing highway and that the access and parking arrangements are acceptable.

5.28 The local residents concerns regarding the access arrangements and increased traffic congestion are noted; however, as the Highway Authority does not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

### **5. Whether Proposed Landscaping Is Acceptable.**

5.29 No specific landscaping details have been provided at this stage; however the plans illustrate that some landscaping is proposed, particularly along the boundaries of the site. This aspect of the scheme can be regulated through the imposition of a condition.

### **6. Impact Upon The Landscape Character Of The Surrounding Area.**

5.30 Part of the rear garden of the proposed dwelling lies outside the settlement boundary by approximately 11.5 metres. To assist Members in assessing its likely impact an extract of the Inset Map that accompanies the emerging Local Plan, which shows the Hayton settlement boundary, has been reproduced in the Schedule following this report.

5.31 From this map Members will note that to the west of the application site the built form of the village projects outwards into the surrounding countryside, significantly beyond the application site. If compared against the backdrop of this built up area of the village, which it is closely related, the projection of the garden area 11.5 metres outside the settlement boundary would not be visually significant provided that its boundaries are sympathetically landscaped with hedging.

### **7. Impact Upon The Oak Tree In The Grounds Of The Adjacent Property.**

5.32 A local resident has voiced concern that the works to the access drive may damage the root system of an Oak tree that is situated adjacent the application site within grounds of 'Applegarth'. The Council's Landscape Architect shared similar concerns; however, is satisfied that the position/depth and means of excavating any required service trench can be dealt with by an appropriately worded condition, thereby preventing damage to the tree.

5.33 The applicant has sought independent advice from an arboriculturalist to verify this point. The arboriculturalist report was not available at the time of writing this report, but will be presented to Members should it become available prior to the Committee meeting. If the report, which is being prepared at the applicant's request, is not made available, Members are

advised that it should not prejudice or delay the determination of this application.

- 5.34 Concern has also been voiced by the neighbour that construction traffic may cause damage to the limbs of the tree. The concerns of the resident are noted; however, it is a matter for the prospective developer to address, and in the event that damage does occur a civil matter to be resolved between the relevant parties.

### 8. Impact Created By Construction Traffic/Works.

- 5.35 Local residents have expressed concern that, if the scheme were approved, construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. Where this is the case, a planning condition restricting the construction hours could be applied.
- 5.36 Members should be aware that the applicants have confirmed, in writing, that they would accept a condition restricting delivery times; however, in this instance, Members are advised that it is not appropriate due to the inability to effectively enforce the condition.

### Conclusion

- 5.37 In overall terms, the principle of the proposed development is acceptable. The scale, siting and design of the proposed dwelling are acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking and amenity space would be provided to serve the dwelling. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Local Plan policies.

## 6. Human Rights Act 1998

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

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- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

### 7. **Recommendation** - 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 that the materials to be used are acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

3. 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 the materials to be used are acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

4. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings 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 problem associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy H16 of the Carlisle District Local Plan.

5. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be

## SCHEDULE A: Applications with Recommendation

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erected have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure that the materials to be used are acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

6. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

**Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

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

**Reason:** To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy E19 of the Carlisle District Local Plan.

8. 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.

9. Before any development is commenced on the site, including site works of any description, a plan illustrating the crown spread of the Oak tree situated opposite the west facing gable of Ash Tree Barn, within the rear curtilage of Applegarth, shall be submitted to the Local Planning Authority. If any trenches for services are required within 1 metre of the crown spread of the Oak tree, details of the position, depth and means of excavation shall be submitted to the Local Planning Authority for prior written approval. Any roots encountered with a diameter of 50mm or more shall be left unsevered, unless agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that adequate protection is afforded the Oak tree within the grounds of the adjacent property, Applegarth, in

## **SCHEDULE A: Applications with Recommendation**

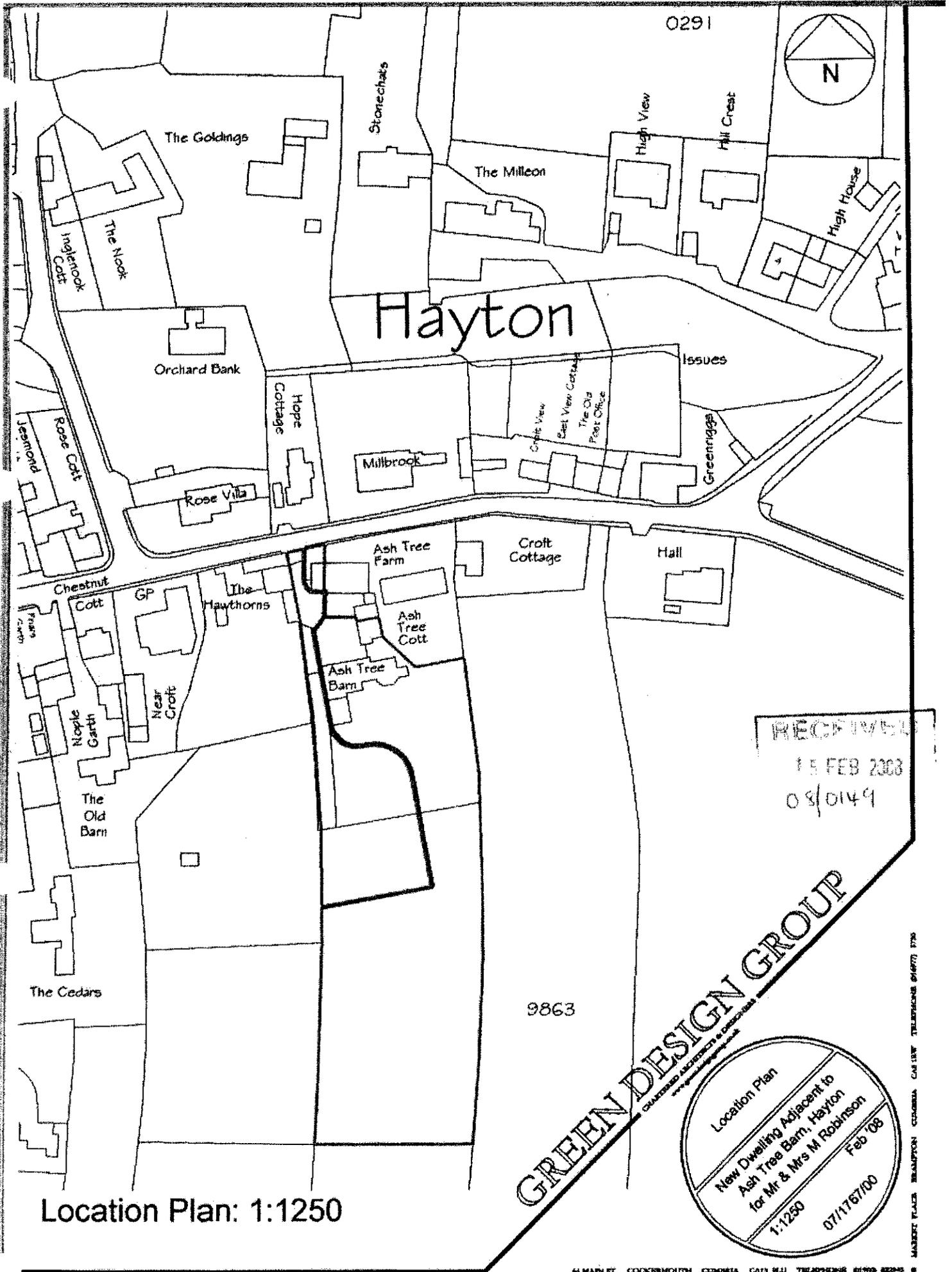
08/0149

accordance with Policy E19 of the Carlisle District Local Plan.

10. All new external stonework shall be carried out in randomly laid natural stone. No development shall commence until a sample has been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure that the materials used are acceptable in accordance with Policy H16 of the Carlisle District Local Plan.

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Location Plan: 1:1250

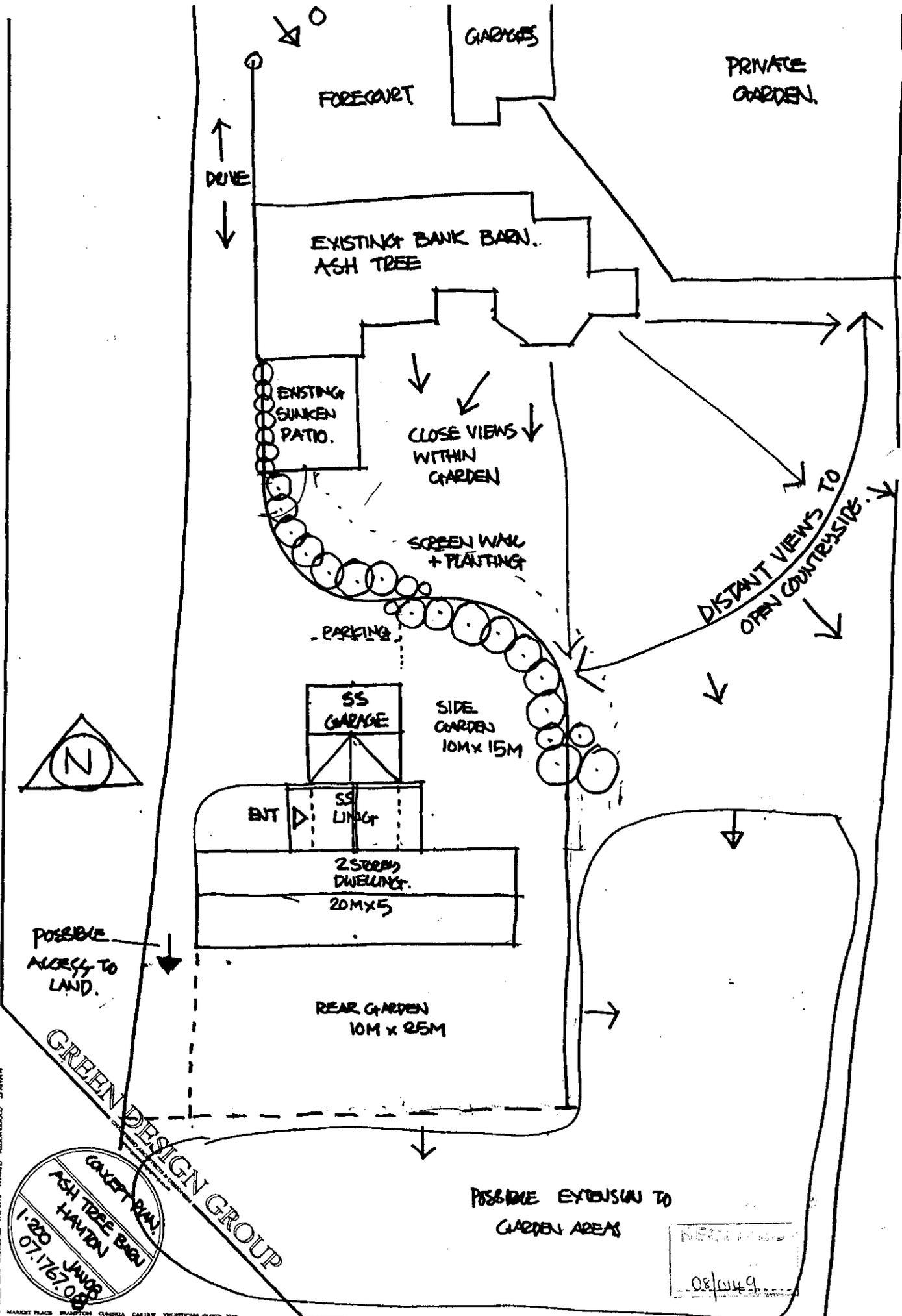
RECEIVED  
15 FEB 2008  
08/0149

**GREEN DESIGN GROUP**  
CONSULTING ARCHITECTS & ENGINEERS  
 www.greendesigngroup.co.uk

Location Plan  
 New Dwelling Adjacent to  
 Ash Tree Barn, Hayton  
 for Mr & Mrs M Robinson  
 Feb 08  
 1:1250  
 07711761700

MARKET PLACE BRAMPTON COLUMBIA CATS HILL TEL: 07711761700

41 MAIN ST. COCKERMOUTH COLUMBIA CATS HILL TEL: 07711761700



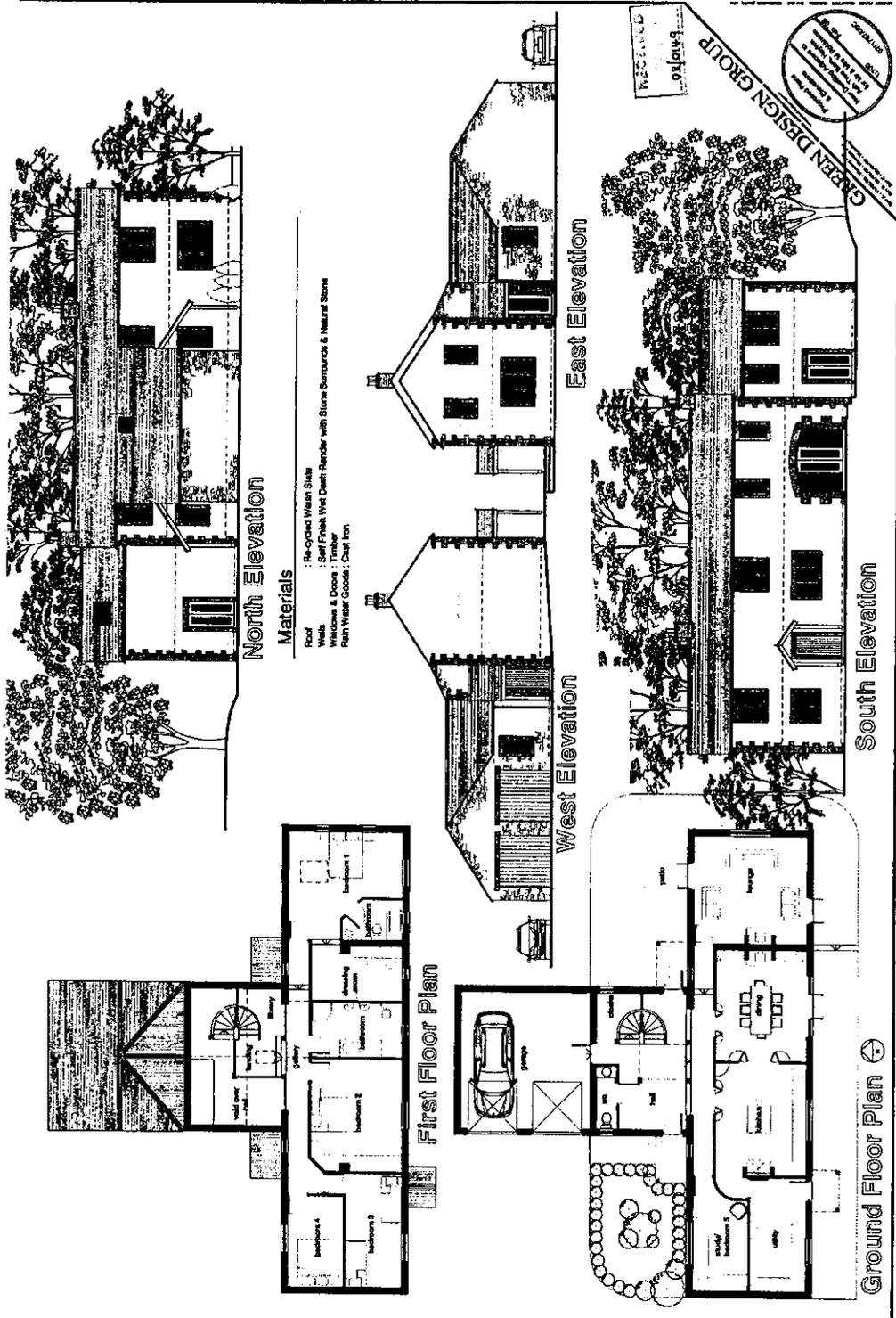
GREEN DESIGN PLAN  
 ASH TREE BARN  
 HAYTON  
 1-280 JANOR  
 07.1767.089

08/04/9



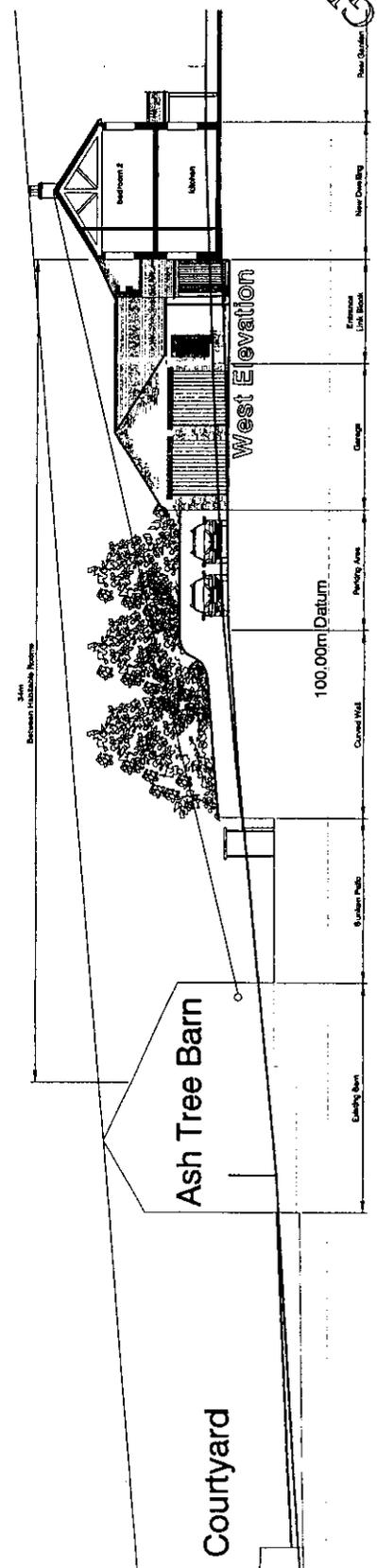
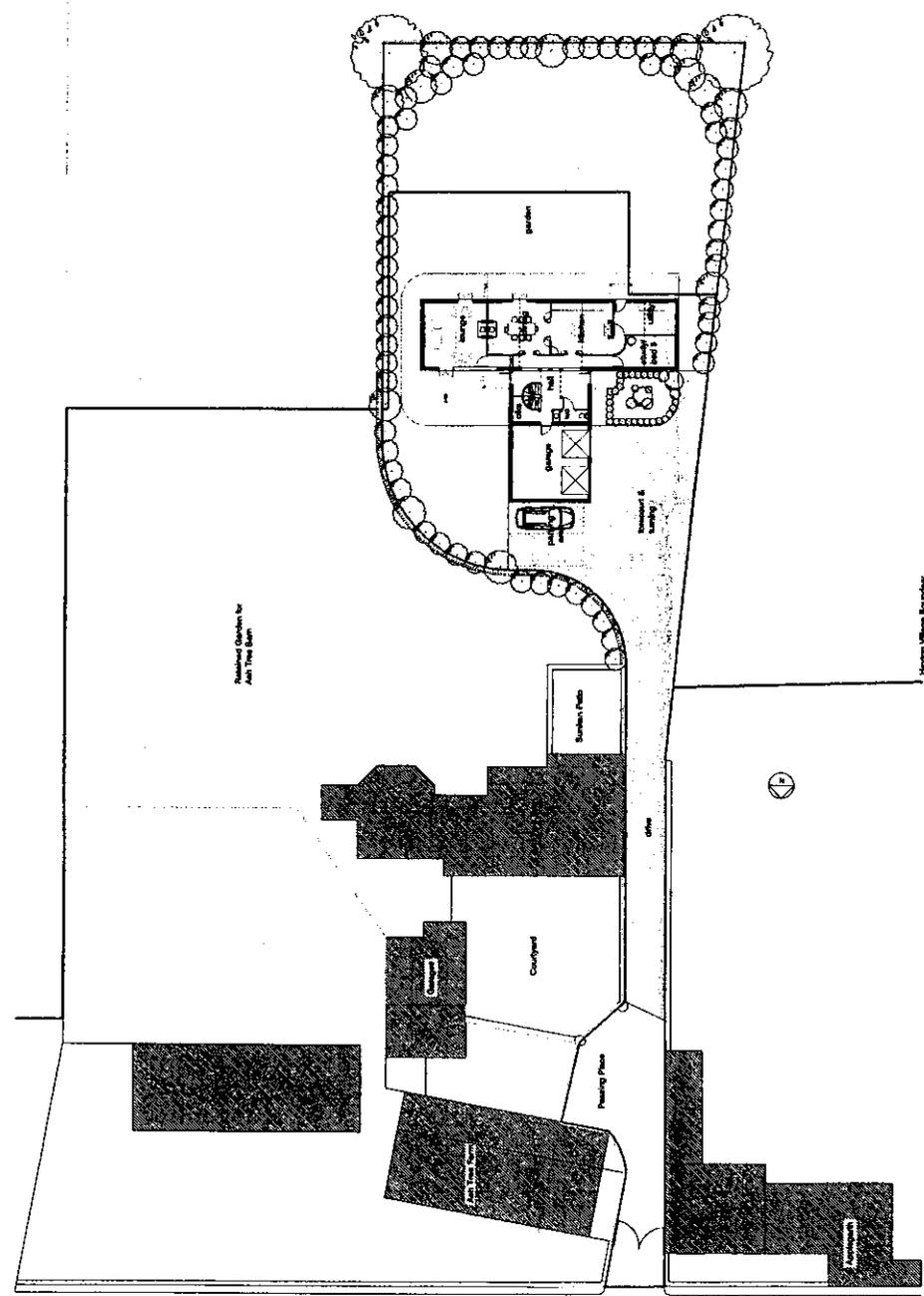
REC-1  
15 FEB 2023  
03:04:59

GREEN DESIGN GROUP  
Level Survey adjacent to  
Ash Tree Barn Hayton  
& Garden Through Site  
1320  
01/16/1701  
for Mr & Mrs M Robinson  
Jan 19

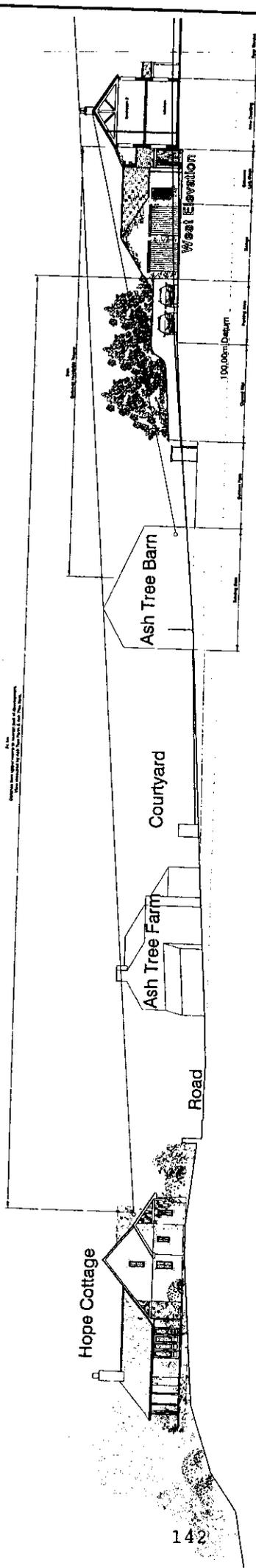


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RECEIVED  
7 JAN 2009  
08:00 AM  
Site Plan  
& Site Section  
for Mt. & Mrs. M. Robinson  
12001110  
07/16/1058  
New Dwelling adjacent to  
Ash Tree Barn, Haydon  
Garage



Section Through Site 1:100



Section Through Site 1:100

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## SCHEDULE A: Applications with Recommendation

08/0205

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**Item No: 06**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0205

**Applicant:**  
The Governors

**Parish:**  
Carlisle

**Date of Receipt:**  
28/02/2008

**Agent:**  
Crellin Surveying Services  
Ltd

**Ward:**  
St Aidans

**Location:**  
St Aidans County High School, Lismore Place,  
Carlisle, CA1 1LY

**Grid Reference:**  
340896 556020

**Proposal:** Removal Of Existing Temporary Building And Replace With Larger  
Temporary Building For Day Nursery And Drop Off Zone With Short  
Term Parking

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

#### **Reason for Determination by Committee:**

This application is brought for determination by Members of the Development Control Committee due to one of the objectors wishing to exercise his right to speak.

#### **1. Constraints and Planning Policies**

District H17 - Residential Amenity

District E20 - Development in Floodplain

Rev Redeposit Pl. Pol CP5 - Residential Amenity

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

Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains

#### **2. Summary of Consultation Responses**

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

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**Environment Agency (N Area (+ Waste Disp)):** the Agency has considered the proposal and comments as follows.

The Flood Risk Assessment dated 28th February 2008 adequately addresses the main areas of concern in line with the current guidance. It reflects the fact that the Eden and Petteril Flood Alleviation Scheme now protects the site to an acceptable standard. The applicant as owners and operators of the site will be fully aware of any residual risk and should be satisfied that the impact of any flooding will not adversely affect their proposal.

The Agency has no objection to the development as proposed and no further comment to make;

**Northern Gas Networks:** no objection;

**Development Services Planning & Housing Services - Access Officer:** comments awaited; and

**Community Services - Food, Health & Safety:** no objection.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 1 St Aidans Road	07/03/08	
[REDACTED] 3 St Aidans Road	07/03/08	
[REDACTED] 5 St Aidans Road	07/03/08	Objection
[REDACTED] 7 St Aidans Road	07/03/08	
[REDACTED] 9 St Aidans Road	07/03/08	
[REDACTED] Eden Holme	07/03/08	
[REDACTED] 62 Victoria Place	07/03/08	
[REDACTED] 62A Victoria Place	07/03/08	Comment Only

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of eight of the neighbouring properties. At the time of writing this report, two letters of objection, one containing six names from three of the neighbouring properties. The main issues are summarised as follows:

1. the area was once a pleasant green area with ornamental tree planting which has been neglected and vandalised over the years;
2. when planning consent was granted for the arts and music centre, a condition of the permission was that the area would be properly fenced and landscaped. This was never undertaken;

## **SCHEDULE A: Applications with Recommendation**

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3. since the temporary building has been sited adjacent to the neighbouring boundary, there have been instances of nuisance, trespass and damage. This proposal seeks to extend this problem;
  4. there are other available sites within the grounds of the school that could accommodate the building and that could provide proper parking and off-loading of passengers;
  5. the proposed access from Victoria Place does not have planning permission for use by the general public. It was temporarily constructed for construction vehicles associated with the building of the temporary classrooms. Use of this access would cause confusion and danger for all users of the highway;
  6. a five year consent is neither necessary or acceptable. For relocation to new permanent nursery buildings, two years should be more than adequate; and
  7. any temporary consent cannot be granted until a guarantee has been provided of adequate permanent future accommodation.
- 3.2 Further correspondence has been received following a meeting with the objectors and the Headmaster of the school and the main issues raised are summarised as follows:
1. the school could offer no guarantees that the nursery would be sited in the new Academy and on this basis the application should be refused. It is, in effect, a permanent consent being sought not a temporary one;
  2. the site will continue to be used for sixth form students whilst the Academy develops. There will continue to be delivery, drop-off and temporary parking facilities within the site and the proposed access is therefore not required; and
  3. the proposed building could be sited adjacent to the boundary with Victoria Place, away from neighbouring residential properties. This would negate the need for the access and the building could be screened by the existing hawthorn hedge. This would only be acceptable as a temporary arrangement.

## **4. Planning History**

- 4.1 Planning permission was granted in 1994 for the provision of pitched roofs to the library and science block.
- 4.2 Later in the same year, planning consent was granted for the provision of new metal over-roofing to the existing flat roofed areas of 6th form, science block and changing accommodation.

## **SCHEDULE A: Applications with Recommendation**

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- 4.3 In 1995, planning permission was granted for the provision of flood lighting for the existing hockey pitch.
- 4.4 Later in the same year, planning permission was granted for the provision of a 3.75 metre high mesh fencing to the existing hockey pitch.
- 4.5 In 1996, planning consent was granted for the formation of a new entrance and reception area.
- 4.6 Planning permission was granted in 1997 for extension and alterations to the existing accommodation, alteration to vehicular access, new pedestrian access and new hard play area/ car park.
- 4.7 In 1998, advertisement consent was granted for the erection of a sign on the gable of the sports hall.
- 4.8 Later in the same year, planning permission was refused for the variation of a condition of approval 95/0053 to allow increased illumination levels and extended hours of operation until 6.00pm on Saturdays and Sundays. The decision was allowed on appeal with the hours being until 5.00pm on Saturday but retained a closure time of 3.00pm on Sundays.
- 4.9 In 1999, planning consent was granted for the renewal of planning permission for perimeter fencing to the rear lane of dwellings on Warwick Road with 2.4m high galvanised palisade fencing.
- 4.10 Planning permission was granted in 2000 for a new pitched roof to the CDT block.
- 4.11 Later in the same year planning consent, was granted for an extension to the single storey CDT block for proposed new store/ preparation area.
- 4.12 In 2001, planning permission was granted for a three storey extension to form 6no. classrooms, science laboratory and IT laboratory.
- 4.13 Later in the same year, planning consent was granted for the erection of an external fire escape. Again, in the same year, planning permission was granted for the erection of a pitched roof over the existing flat roof of the science block.
- 4.14 Planning permission was granted in 2002 for the erection of a single storey lean-to extension to provide a sports development centre and associated changing facilities.
- 4.15 Later in the same year, advertisement consent was granted for the erection of 1no. 8 metre high flag pole.
- 4.16 Again, later in the same year, planning permission was granted for the erection of a 3no. storey library and class base extension.

## **SCHEDULE A: Applications with Recommendation**

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- 4.17 In 2003, advertisement consent was granted for non-illuminated signage.
- 4.18 Later in the same year, planning permission was granted for a new drama and music hall with associated store and practice rooms.
- 4.19 Again in the same year, planning consent was granted for the provision of a new electrical substation.
- 4.20 In 2007, temporary planning permission was granted for the siting of a temporary classroom unit.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 The application seeks approval for the temporary siting of a classroom to provide a nursery at St. Aidan's County High School, Lismore Place, Carlisle. The proposed application site is located to eastern fringe of the school grounds; to the west is the all-weather sports pitch and to the east are residential properties that front St. Aidan's Road. The site is within Flood Zones 2 and 3 and adjacent to a Primary Residential Area.

#### **Background**

- 5.2 Temporary planning permission was granted in 2007 for the siting of a classroom unit until 30th September 2009. Due circumstances surrounding the creation of the Academy within the City and the associated redevelopment of the St. Aidan's site, it has become necessary to relocate the existing nursery within one of the school buildings and hence, this has resulted in the requirement for a larger classroom unit. The existing classroom would be removed to accommodate the current proposal.

#### **Proposal**

- 5.3 It is proposed to site a temporary classroom within the existing school grounds, adjacent to the eastern boundary and to the rear of the properties on St. Aidan's Road. The building would comprise a kitchen, office, babies room, staff room, toddlers room, wet room, toilets and pre-school room. The structure would measure 26.4 metres in width by 14.25 metres in depth at the widest point and 9.45 metres at the narrowest point. In height, the building would measure 3.74 metres to the roof and on the north-west elevation would be an access ramp. The building would essentially be coloured goosewing grey under a white roof.

#### **Assessment**

## **SCHEDULE A: Applications with Recommendation**

08/0205

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies H17 and E20 of the Carlisle District Local Plan and Policies CP5, CP14 and LE28 of the emerging Carlisle District Local Plan Revised Redeposit Draft. The proposal raises the following planning issues.
1. Whether The Proposal Is Appropriate To The Site
- 5.5 The building would be sited on adjacent to the eastern boundary, flanked by a brick wall and the sports pitch. Victoria Place is approximately 13 metres to the north-east, along which there is access gates and an established hedgerow. The scale and footprint of the proposal would be large but would be appropriate to the character of the site and would not be obtrusive or incongruous. The colour of the materials is acceptable.
2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.6 The boundary between the application site and the neighbouring properties comprises of a brick wall, approximately 2.5 metres in height. The building would be offset from the boundary by approximately 3 metres. The classroom is complementary of the existing land use and it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. Due to the siting, scale and design of the extension, the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of unreasonable loss of light, loss of privacy or over-dominance.
3. Highway Issues
- 5.7 The letters of representation that have been received raise concern about the location of the vehicular access on Victoria Place forms one of the main arterial routes within the City and becomes congested at peak times. A temporary access which was formed by way of dropped kerbs and an opening within the boundary structure during construction works several years ago and is not currently in use. Whilst the reinstatement of this access is temporary, the highway issues are still a material consideration in determining this application. In response, the Highway Authority has raised no objection to the re-use of the access subject to the imposition of highway conditions relating to pedestrian visibility splays, provide a minimum carriageway edge, drainage details and the provision of parking and turning facilities prior to the building being brought into use.
4. Other matters
- 5.8 The site is within an area designated as being in Flood Zones 2 and 3. The applicant has submitted a Flood Risk Assessment in support of the application which has been approved by the Environment Agency.
- 5.9 The proposal incorporates an access ramp to ensure that the facility is publicly accessible.

## **SCHEDULE A: Applications with Recommendation**

08/0205

- 5.10 The issue of noise, disturbance and general anti-social behaviour is raised by the objectors. The use of the land already forms part of the school site and could be used by students. The issue of the behaviour of the students is essentially a matter for the school to manage. The siting of a building adjacent to the boundary would prohibit close access by students to the neighbouring properties.
- 5.11 The objectors have suggested an alternative siting for the building but this has been rejected by the applicant as it may prejudice future development associated with the Academy.
- 5.12 Concern is expressed that due to lack of guarantees about the future of the site, the development will undoubtedly result in the permanent siting of the building. Planning consent is sought on a temporary basis and should Members be minded to grant approval, a condition would be imposed reflecting this and would require the building to be removed after the appropriate time period. Should there be a failure to comply with this condition, the correct mechanism would be to initiate enforcement action.
- 5.13 The allegation of the breach of previous planning conditions is currently being investigated. No previous complaints have been received in this respect and this issue should not be prejudicial in the determination of this application.

### **Conclusion**

- 5.14 In overall terms, the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the building is acceptable and in all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Local Plan policies.

## **6. Human Rights Act 1998**

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

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

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

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

## SCHEDULE A: Applications with Recommendation

08/0205

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

### 7. **Recommendation** - Grant Permission

1. The nursery building hereby approved shall be removed and there shall be carried out such works as may be required for the reinstatement of the land in a scheme to be agreed in writing by Local Planning Authority not later than the 30th day of April 2013.

**Reason:** The Local Planning Authority wish to review the matter at the end of the limited period specified.

2. The use of the development shall not be commenced until the access has been formed to give a minimum carriageway width of 4.1 metres and that part of the access road extending 5 metres into the site from the existing highway has been constructed in accordance with details approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate access is available and in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

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

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

4. Prior to the commencement of development hereby approved, details of the method of construction and drainage for the whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

## SCHEDULE A: Applications with Recommendation

08/0205

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

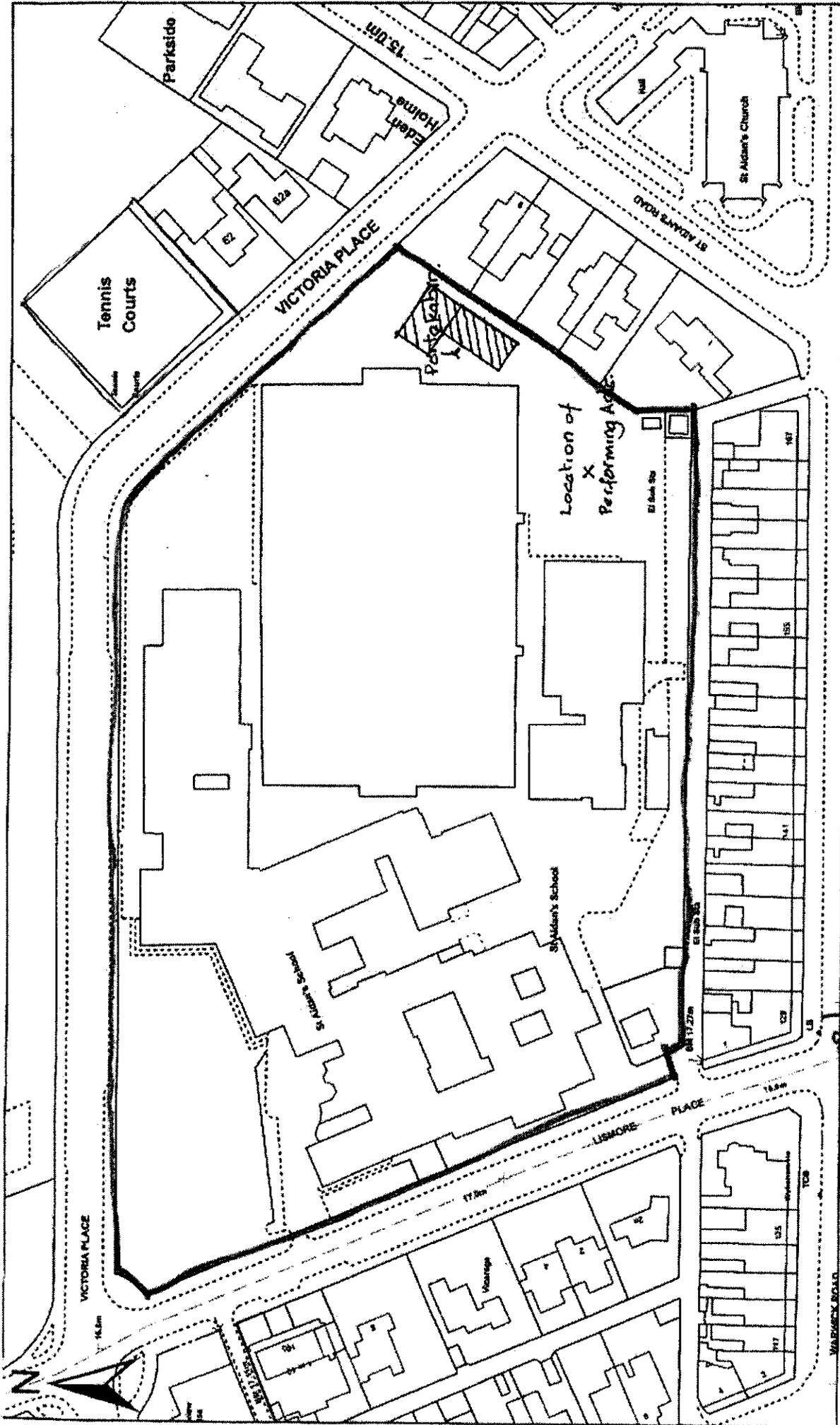
5. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.

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

6. The vehicular access hereby approved shall cease to be used as an access following the removal of the temporary nursery and the reinstatement of the land required by condition 1 of this approval.

**Reason:** For the avoidance of doubt.

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**St Aldans School**

**Civic Centre  
Rickergate  
Carlisle  
CA3 8QG**

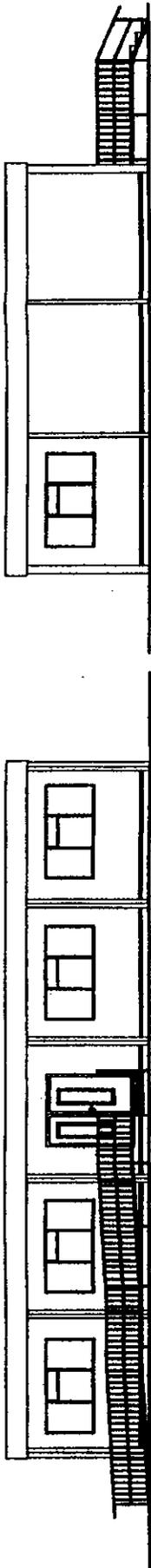


2008/0205

Scale: 1:1,250    Date: 20/07/2007  
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 Carlisle City Council LA 0100024459. 2007.

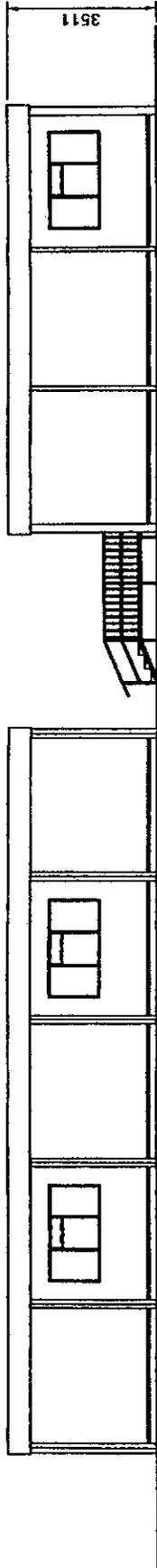


Do not scale off this drawing. All discrepancies to be reported to Portakabin Limited.



Left Elevation

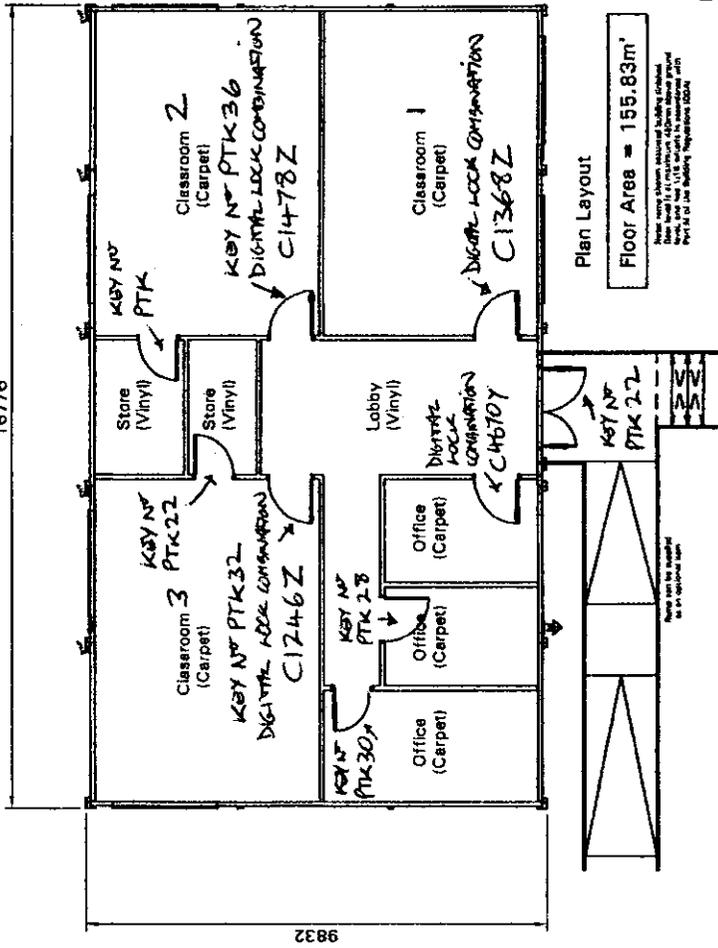
Front Elevation



Rear Elevation

Right Elevation

- Notes:**
1. Windows with UPVC double glazed 2300 x 1350
  2. No side sashes and 1 No top counterpane to be fitted with locks and restrictors.
  3. Steel External double doors with standard lock, fitted with white UPVC vision panels 2 ft and finger guards.
  4. 3mm fire grey perforated vinyl with polyurethane coating.
  5. Internal doors to be American White Oak with Tiger brand. Classroom doors 2100mm for disabled access. 3 No vision panels and finger guards.
  6. Each classroom to have whiteboards (900mm x 1200mm)
  7. Classroom lighting to be operated by PIR detectors, with manual override available. Note 2 of external lullback rights also to be controlled.
  - 7.4 No double windows to each classroom.
  8. 2 No 8" exterior fire in each classroom.
  9. Coat hooks fitted in classroom.
  10. All partitioning supplied to be half hour fire resisting.
  11. Paintwork iniding base
  12. 2 No wall mounted fire alarm call points to each classroom, with time clock control.
- EXTERIOR COLOUR SCHEDULE**
- |               |           |                      |
|---------------|-----------|----------------------|
| Walls         | - Honesty | nearest BS ref 10C31 |
| Windows       | - Honesty | nearest BS ref 10C31 |
| External Skin | - Honesty | nearest BS ref 10C31 |
| Roof          | - White   | nearest BS ref 00B8  |
| Windows       | - White   | nearest BS ref 00B8  |
| Vision Panels | - White   | nearest BS ref 00B8  |
| Doors         | - Honesty | nearest BS ref 10C31 |
13. The lighting provided is designed in Category 5 level. This means a good general level of lighting is available in the teaching areas.
  14. To ensure minimum running costs, lights in the teaching areas, controlled by PIR's, will automatically be turned off 30 minutes after the last person has left the room. Please note however that the PIR's are not to be used as a replacement for the lighting in the classroom.
  15. The fire detectors fitted in each classroom to provide automatic extract ventilation is required to operate as a wall fan in the classroom.



Plan Layout

Floor Area = 155.83m<sup>2</sup>

Please note the height of this building is as detailed on sheet 1 of 11 drawings of this block of work and that this drawing is to be used in conjunction with the other drawings of this block of work.

2008 10205

Project: St Aidan's County High School		Date: 04.10.07	Drawn: LDT
Client: Lambert Gill Ltd		Scale: 1:100 @ A3	Rev.
Title: Plan & Elevations Two Classroom Block 5 x UK093		Drw. No. HD/6244/01	



Portakabin Limited Huntington York YO32 9PT  
Telephone 01904 611666 Fax 01904 611644

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Partition Key: 2008/0205

- Standard door
- Sliding door
- Double door
- Double door with transom
- 20. Module Pro
- 20. Module Pro with transom
- 20. Module Pro with transom and window

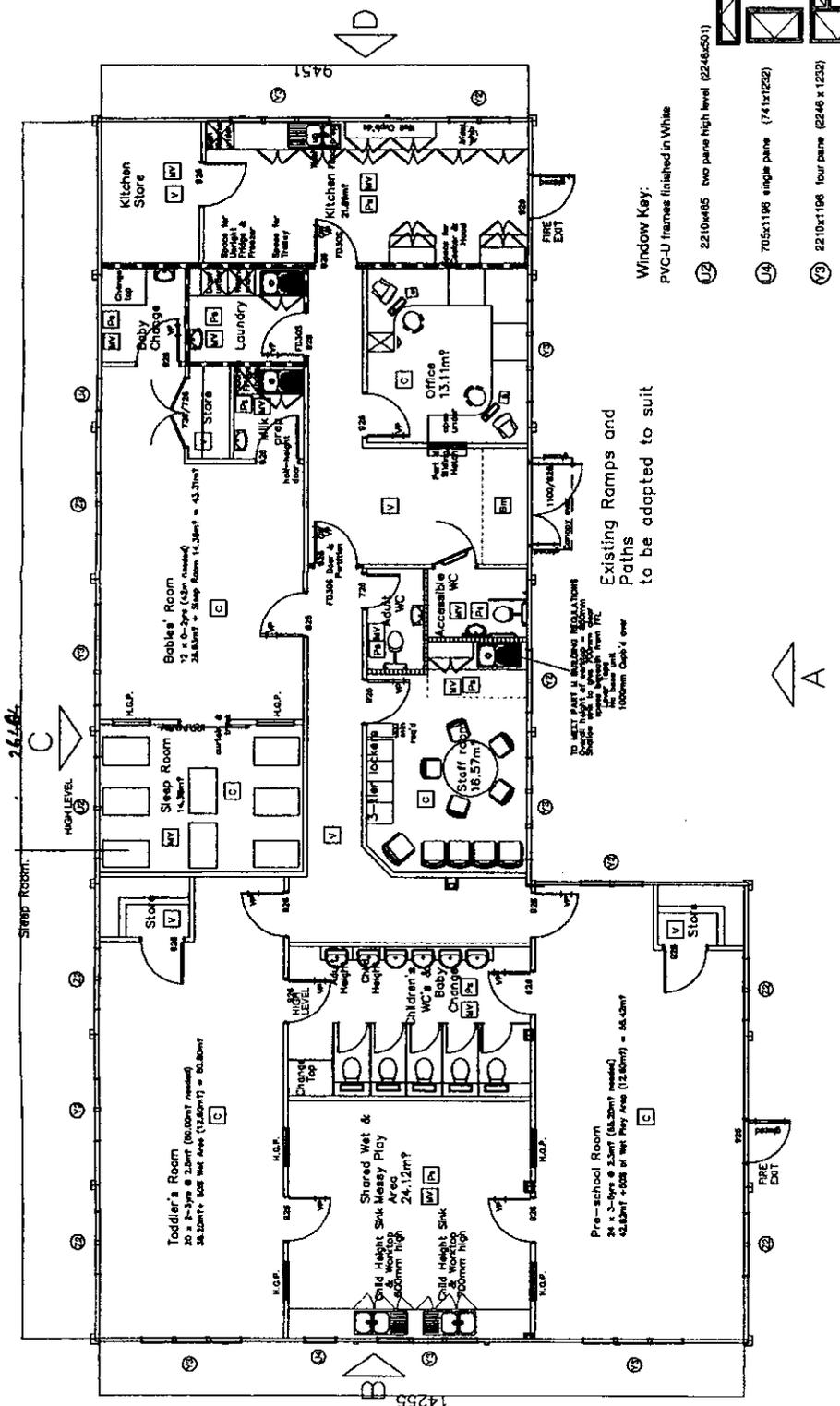
Height:  
 2000 to 2100mm  
 2100 to 2200mm  
 2200 to 2300mm  
 2300 to 2400mm

Door Numbering:  
 07.01 Ground Floor Door 01  
 03.005 Fire Door meeting fire rating  
 V.S. Vision Panel  
 P.P. Polycarbonate Panel  
 V.V. Vinyl Cladding  
 C.C. Carpet Tile  
 B.B. Barrier Molding

Floor Finishes:  
 P.P. Polycarbonate Panel  
 V.V. Vinyl Cladding  
 C.C. Carpet Tile  
 B.B. Barrier Molding

Mechanical Ventilation  
 Air Conditioned Room  
 Rainwater Pipe  
 Suspended Ceiling

NOTES:  
 All outstanding furniture and white goods - BY OTHERS



Window Key:  
 PVC-U frames finished in White

- 2210x465 two pane High level (2246x501)
- 705x1196 single pane (741x1232)
- 2210x1196 four pane (2246 x 1232)
- 1365 x 1196 three pane (1401 x 1232)
- 1365x1958 four pane (1407x2000)

Floor Area = 297.12m² approx.



**Portakabin Ultima**

Portakabin Limited  
 Huntingdon York YO32 9PT  
 Telephone 01904 611655 Fax 01904 611644

Project: Day Care Nursery  
 at St Aidan's School, Carlisle  
 Client: Lambert Gill Ltd

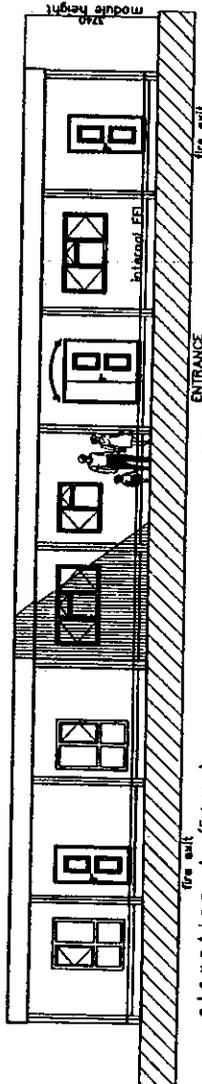
Title: Floor Plan

Date: 14.02.08  
 Scale: 1:100 @ A3  
 Drawn: SA  
 Rev: U1349\_01

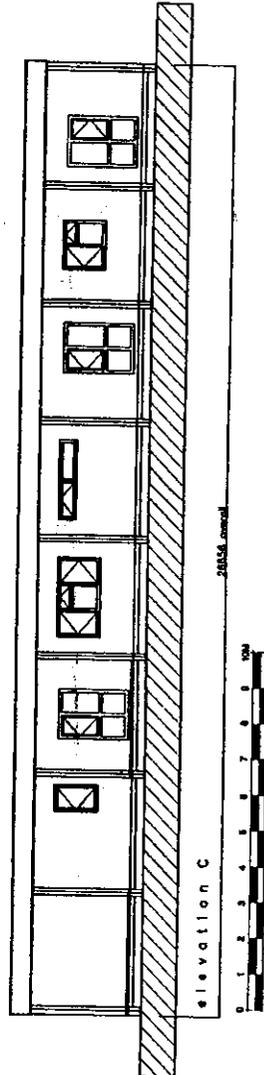
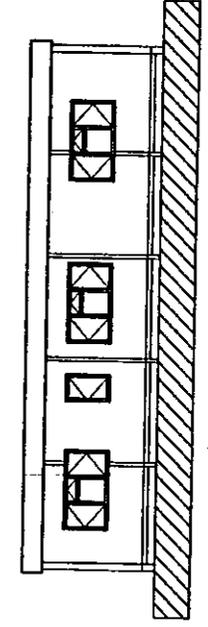
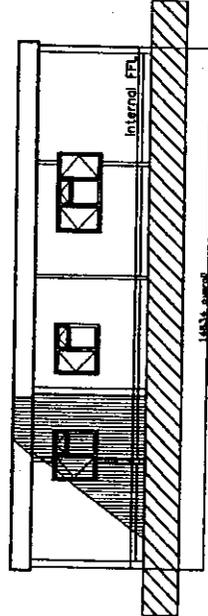
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 Rev. Date By



ELEVATION A (Entrance)  
 (EXISTING RAMPS AND PATHS ADJUSTED TO SUIT)



**MATERIALS AND COLOUR SCHEME**

WALLS : External wall cladding of Dural 200KT Plastered  
 FABRIC HIGHWAY (Design BS 741:1933) Steel.  
 Colour Hemeley (Hemeley BS ref 1023)

FASCIAS : One plate per module structural insulated  
 composite panel finished with Alupol profile

ROOF : Structural steel finished with Alupol profile  
 COLLUMNS : 10033

WINDOWS : PVCU Window frames in White

RAINFALL PIPES : Blue Grey pipe ref 18023

DOORS : External doors: Polymeric powder coated steel, with powder coated steel frames. Door colour to contrast with wall to meet Part M Building Regulations.

**Portakabin Uktima**  
 Portakabin Limited Huntington York YO32 9PT  
 Telephone 01904 811655 Fax 01904 811644

Project	New Classroom for ST AIDAN'S DAY ACADEMY.	
Client	St Aidan's School, Carlisle (Lambert-Gill Limited)	
Title	Elevations	
Date	21.02.08.	SA
Scale	1:100 @ A2	
Draw. No.	U1349_02	

20208002

## SCHEDULE A: Applications with Recommendation

08/0254

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**Item No: 07**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0254

**Applicant:**  
Mr G Robertson

**Parish:**  
Carlisle

**Date of Receipt:**  
12/03/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
39 Croft Road, Carlisle, CA3 9AG

**Grid Reference:**  
340915 557514

**Proposal:** Two Storey Side Extension To Provide Garage, WC & Dining Room On Ground Floor With 2No. Bedrooms Above

**Amendment:**

1. Amended plans illustrating on-site parking arrangements
2. Change of materials on gable from facing brick to render

---

**REPORT**

**Case Officer:** Suzanne Edgar

**Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee as the applicants have exercised their Right to Speak.

**1. Constraints and Planning Policies**

**Ancient Monument**

**Gas Pipeline Safeguarding Area**

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

**District H14 - Extensions to Dwellings**

**District E26 - Buffer to Hadrian's Wall**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

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

**2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** This application will result in a 4 bedroom property. The 'Parking Guidelines in Cumbria' require 2 off-street parking spaces for such a dwelling - a garage (minimum internal size of 7m x 3m) may form part of this requirement. The drawing accompanying the application shows no off-street space and the 'garage' indicated on the drawing is of insufficient size to allow it to be used for vehicular storage. On the basis of the original plans submitted The Highways Authority recommended that the application be refused with the following reason:

*"The proposal would result in inadequate vehicle parking facilities and would therefore encourage parking on the highway, with consequent risk of additional danger to all users of the road."*

Further to the above Highway Authority consultation response (received by Planning Services on the 1st of April) the applicants have submitted amended plans illustrating proposed parking for the proposed development. The Highways Authority has considered this information and has confirmed in writing that it is acceptable to them.

**Northern Gas Networks:** No objections. Forward information to applicant.

**Hadrians Wall Heritage Limited:** Comments awaited.

**English Heritage (Hadrians Wall) - NE Region:** Comments awaited.

**3. Summary of Representations**

**Representations Received**

Initial:	Consulted:	Reply Type:
[REDACTED] 37 Croft Road	19/03/08	Objection
[REDACTED] 86 Brampton Road	19/03/08	
[REDACTED] 41 Croft Road	19/03/08	Objection
[REDACTED] 44 Croft Road	19/03/08	
[REDACTED] 46 Croft Road	19/03/08	
[REDACTED] 82 Brampton Road	19/03/08	
[REDACTED] 84 Brampton Road	19/03/08	

3.1 This application has been advertised by means of notification letters sent to seven neighbouring properties. Two letters of objection have been received from the occupiers of the neighbouring properties No.37 Croft Road and No.41 Croft Road in response to the original plans submitted.

- 3.2 The grounds of objection are summarised as:
1. Loss of light to the windows in the gable of No.41 Croft Road;
  2. Possible noise during construction;
  3. How the rear of the site will be accessed and maintained;
  4. Impact on Highway Safety; and
  5. Where are refuse bins to be located?
- 3.3 At the time of writing this report no representations have been received regarding the most recent amended plans submitted.

#### **4. Planning History**

- 4.1 There is no relevant planning history.

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 This application seeks approval for a two storey side extension at 39 Croft Road, a two storey semi-detached property constructed from brick/render walls under a slate roof. The surroundings to the application site are wholly residential.

##### **Background**

- 5.2 The proposed extension would accommodate a garage, WC and dining room on the ground floor with 2no.bedrooms above. The two storey side extension measures 2.3 metres in width, although it would wrap around part of the rear elevation, at which point its width would increase to 2.95 metres. The ground floor extension would measure 11.8 metres, although the first floor would be marginally shorter measuring 9.9 metres. The proposed development will be finished using facing brick to the front and rear elevation together with render to the gable and a slate roof.

##### **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies H14 and E26 of the adopted Carlisle District Local Plan together with Policies CP4, CP5, H11 and LE7 of the Carlisle District Local

## **SCHEDULE A: Applications with Recommendation**

08/0254

Plan Revised Redeposit Draft.

5.4 The proposals raise the following planning issues:

### **1. Whether The Proposal Is Appropriate To The Dwelling**

5.5 The scale and height of the proposed side extension is comparable to the existing dwelling. The proposed development would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed extension would complement the existing dwelling in terms of design and materials to be used.

### **2. The Impact Of The Proposal On Neighbouring Properties**

5.6 The proposed two storey side extension would be located 2.7 metres from the gable of No.41 Croft Road which has five windows that face towards the extension. The windows on the ground floor serve a kitchen, pantry and hallway, with the upper floor windows serving a bathroom and landing. The windows serving the pantry and bathroom are obscurely glazed. Of the rooms affected only the kitchen window serves a habitable room.

5.7 The kitchen window, which would look out onto the proposed extension, has no other windows serving this room. The proposed two storey extension by reason of its height, scale and proximity in relation to the kitchen window affected would have a harmful effect on the living conditions enjoyed by the occupants of the neighbouring property (41 Croft Road), through loss of light and overdominance.

5.8 Due to the position of opposing principle windows in the extension and those serving neighbouring properties the application raises no issues in terms of loss of privacy.

5.9 The applicants have raised the point that there are similar side extensions on the majority of properties on Croft Road. This is not disputed and it is evident that the majority of properties on Croft Road have been extended; however Members will appreciate that each application must be dealt with on its own merits and, in this instance, the impact upon the occupiers of No.41 Croft Rod is such that the Officers could not justify approval of the application.

5.10 Since submitting the application the applicants have amended the materials on the gable of the two storey side extension from brick to render in the hope that this would elevate some of the concerns raised by the occupier of the neighbouring property. The neighbouring properties have been reconsulted on the amended materials and their response is awaited. The amended materials will correspond with those of the existing dwelling; however for the reasons outlined in paragraph 5.7 the changes proposed are insufficient to overcome the fundamental issues.

### **3. Construction noise**

- 5.11 Objectors have expressed concern that, if the scheme were approved, construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. Where this is the case, a planning condition restricting the construction hours could be applied. In this case such a condition is not considered necessary.

#### 4. Highway Matters

- 5.12 The Highway Authority originally recommended refusal of the application on the basis that there was inadequate off-street parking spaces on site. The objector from the neighbouring property No.37 Croft Road has also objected on the grounds of highway safety. Since the Highways original consultation response the applicants have submitted amended plans regarding parking. The Highway Authority have also been renotified and now no longer object to the proposed development. As such, it is considered that the proposal would not adversely impact upon the surrounding area in terms of off street parking.

#### 5. Other Matters

- 5.13 The objectors have raised issues regarding access for emergency vehicles and future maintenance of the extension. Members are advised that neither of these issues would warrant refusal of the application in their own right.

### Conclusion

- 5.14 In overall terms, whilst the design and scale of the extension has similarities with other domestic extensions for which planning consent has previously been given in the surrounding vicinity, the specific relationship with the immediate neighbouring property at No. 41 Croft Road means that, if permitted, the proposal would lead to an unacceptable reduction in the living conditions of the occupiers of that property and would be at variance with adopted and emerging Local Plan policies.

## 6. Human Rights Act 1998

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

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

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

## SCHEDULE A: Applications with Recommendation

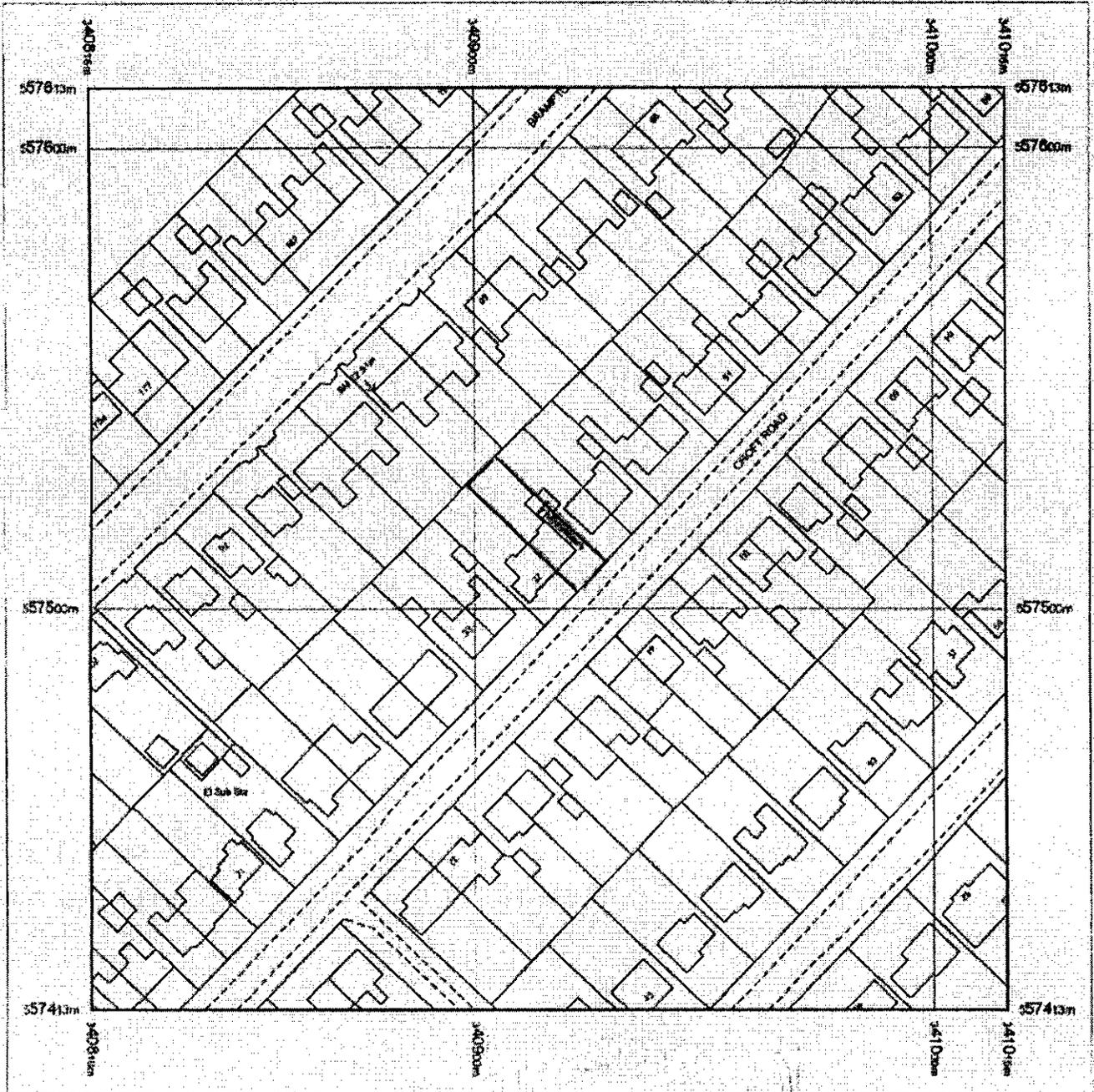
08/0254

- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Articles 1/6/8 of the Human Rights are relevant to this application and should be considered when a decision is made. Members are advised that for the reasons identified in the report it is considered that the harm which will be created out weigh any personnel considerations of the applicant who has redress to the appeals process.

### 7. **Recommendation** - Refuse Permission

**Reason:** The proposed two storey side extension would be located 2.7 metres from a ground floor kitchen window on the side elevation of No.41 Croft Road. As a result the proposed two storey extension, by reason of its height and scale in relation to the sole kitchen window serving No.41 Croft Road, would have a harmful affect on the living conditions of the occupants of 41 Croft Road through loss of light and overdominance. The proposal is therefore contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan, as well as the objectives of Policy H11 (Extensions to Existing Residential Premises) and Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

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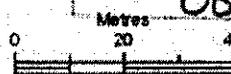
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Stuart Scott
38 Croft Road
Carlisle
CA3 9AG



**Suzanne Edgar**

---

**From:** Garry Robertson [GarryR@steadmans.co.uk]  
**Sent:** 07 April 2008 13:53  
**To:** Suzanne Edgar  
**Subject:** Planning Application : 08/0254 : 39 Croft Road

Dear Suzanne,

Thank you for your time this morning.

As mentioned in the meeting this morning, our intention now is to apply a rendered finish rather than matching brick, to the external gable wall on the proposed 2 storey extension that is currently with yourself for approval.

The reason for us wanting apply this finish is in the hope that it will alleviate some of the light issue that has been mentioned by our neighbour, we intend to paint this render in a suitable white paint which would help brighten the driveway to the side.

We understand that this correspondence is suffice enough for your records.

Many Thanks

Garry Robertson

**Garry Robertson**

016974 78277



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ATT213246.jpg

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## SCHEDULE A: Applications with Recommendation

08/0220

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**Item No: 08**

**Date of Committee: 25/04/2008**

**Appn Ref No:**  
08/0220

**Applicant:**  
Mr Carrigan

**Parish:**  
Westlinton

**Date of Receipt:**  
04/03/2008

**Agent:**  
Green Planning Solutions

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Parkfield Stables, Newtown, Blackford, Carlisle

**Grid Reference:**  
338820 562629

**Proposal:** Erection Of Stable Block And Hay Barn

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

This application is brought before Members of the Development Control Committee because the Parish Council has objected to the proposal and a neighbouring resident wishes to exercise their Right to Speak.

#### **1. Constraints and Planning Policies**

**District E8 - Remainder of Rural Area**

**District E9 - Landscaping of New Dev.**

**District H17 - Residential Amenity**

**District T1 - Choice of Means of Travel**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists**

**Rev Redeposit Pl. Pol LE25 - Equestrian Development**

#### **2. Summary of Consultation Responses**

## SCHEDULE A: Applications with Recommendation

08/0220

**Cumbria County Council - (Highway Authority):** taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. Can therefore confirm that the Highway Authority has no objection to the proposal;

**Environmental Services - Environmental Quality:** no objection;

**Westlinton Parish Council:** the Parish Council are strongly opposed to this proposal on the following grounds:

1. Mr Carrigan was granted temporary permission on Appn.Ref: 07/1083 for a limited period of three years after which time all materials and equipment brought onto the land in connection with the use shall be removed and the land restored to its former condition. (These conditions should be enforced).

In view of the above, any further development on this site is unnecessary and unwarranted and contravenes part 2 of the planning consent.

2. The scale of the site does not warrant a shed of the proposed size.

3. Part 6 of the Planning Application Details refers to Public Rights of Way and indicates that it is proposed to alter or divert a public right of way but no details of this are given.

Require clarification on this and to what this entails.

4. Believe complaints are still being made regarding the previous application and these should be determined before any further applications are considered.

Trust the above observations made by the Parish Council will be taken on board and that the views of the Parish Council will be supported by the Planning Department.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[Redacted] Rowanlea	19/03/08	Objection
[Redacted] Lownds Garden	19/03/08	
[Redacted] Hermitage	19/03/08	
[Redacted] Avonlea	19/03/08	
[Redacted] Braemar	19/03/08	
[Redacted] Leagate	19/03/08	
[Redacted] Holly Cottage	19/03/08	
[Redacted] Fairview	19/03/08	
[Redacted] Palumic House	19/03/08	
[Redacted] Westerly	19/03/08	
[Redacted] Newtown House	19/03/08	Objection
[Redacted] 57 Etterby Lea Crescent	19/03/08	

## SCHEDULE A: Applications with Recommendation

08/0220

[REDACTED]	Waverley House	19/03/08
	The Beeches	19/03/08
	Meadow View	19/03/08
	Holme Lea	19/03/08
	Burnetts Solicitors	19/03/08
[REDACTED]	PC	

- 3.1 This application has been advertised by means of a site notice and notification letters sent to eighteen neighbouring properties. One letter of objection has been received during the consultation period from the occupiers of "Rowanlea" who have stated that they are against the proposed stables and hay barn and any further development on this temporary occupied site.

### 4. Planning History

- 4.1 In April 2003, under application number 03/0278, planning permission was refused for the erection of four stables and tack room with enclosed paddock. Enforcement action was also authorised. The subsequent appeal (ref APP/E0915/A/03/1119582) was dismissed.
- 4.2 In November 2003, application 03/0854, retrospective permission was refused for a building for storage of silage and animal feed and a container for the storage of implements.
- 4.3 The subsequent appeal ( ref APP/E0915/C/04/1151115) concerning an enforcement notices served on the 19th April 2004 was dismissed and the enforcement notice upheld.
- 4.4 In April 2006, under application reference number 06/0134, planning permission was refused for the use of part of the land for the erection of stables and tack room and the change of use to a caravan site for one gypsy family. The applicant (Mr Carrigan) appealed with a Public Inquiry held on the 9<sup>th</sup> and 10<sup>th</sup> November 2006. The Inspector allowed the erection of the stables and tack room but dismissed the proposed caravan site for a gypsy family.
- 4.5 In August 2007, application 07/0547, planning permission was refused for the change of use of land to a gypsy caravan site for one family.
- 4.6 Also in 2007, under application 07/1083, planning permission was granted for the change of use of land to a gypsy caravan site for one family (revised application).

### 5. Details of Proposal/Officer Appraisal

#### Introduction

## **SCHEDULE A: Applications with Recommendation**

08/0220

- 5.1 Members will be aware that the application site has been the subject of a number of planning applications. In relation to an Appeal concerning application reference number 06/0134, the Inspector allowed the erection of stables and a tack room. Last year, under application no. 07/1083, planning permission was granted for the change of use of land to a gypsy caravan site for one family.

### **Background**

- 5.2 The property currently consists of a hardcore surfaced area with two caravans, two garden sheds, a playhouse, a portable toilet, horsebox, HGV, trailer, field shelter, container, and, a generator. A timber fence has enclosed part of the site. Stables approved as part of application 06/0134 have also been erected.
- 5.3 This application now seeks full planning permission for the erection of a stable block and hay barn. The proposed location is in the south east corner of the field adjacent to an existing stable block.
- 5.4 The submitted drawings illustrate that the stable block would have 4 loose boxes and measure 14.4 metres in length by 6.6 metres wide with a ridge height of 5 metres. The stables would be finished in timber cladding and roofed in reconstituted slate. The dimensions of the proposed hay barn would be 13.71 metres in length by 5.1 metres in width with a ridge height of 4.7 metres. It would be of portal framed construction with timber boarding and a roof covering of profiled sheeting.
- 5.5 The application is accompanied by a Design and Access Statement and a letter sent to the City Council's Environmental Services. The aforementioned Statement states, amongst other things, that:
- 1) the style of the proposed buildings is typical and appropriate to ancillary buildings of this type; and,
  - 2) the location of the buildings provides sufficient access for the proposed use of these buildings and their orientation, respecting the existing boundaries that also provide screening from the existing hedgerows with additional planting, help to set the building in the landscape and mitigate any visual impact.
- 5.6 The agent's letter explains that:
- 1) the site has had mains electricity since December 2007 and that the proposed barn and stable block would be supplied by mains electricity; and,
  - 2) the keeping of horses is an established use on the site. The majority of the surrounding land has agricultural uses which include the grazing and keeping of animals and welfare of animals and livestock such as sheep, cows and horses. Given the foregoing it would therefore be difficult to demonstrate that the noise generated by horses, in an established agricultural area, would be demonstrably prejudicial to health or cause a nuisance as defined by the

## **SCHEDULE A: Applications with Recommendation**

08/0220

Environmental Protection Act 1990.

### **Assessment**

5.7 The relevant planning policies against which the application is required to be assessed are Policies E8, E9, H17 and T1 of the Carlisle District Local Plan together with Policies CP4, CP5, CP15 and LE25 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

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

5.8 When assessing the proposal it is apparent that the submitted block plan annotates the apparent erection of two stable blocks as opposed to the stable block and hay barn. Clarification is therefore required on the position of each.

5.9 This aside, it is considered that the nature of the proposal, in the context of the existing use and stables approved and constructed under application 06/0134, should not harm the living conditions of the neighbouring residents. The proposed structures are also of sufficient distance so as not to lead to any problems associated with overshadowing.

2. Impact Of The Proposal On The Character Of The Area

5.10 When considering this issue it is pertinent to reiterate that the site already contains permanent stables approved under 06/0134. The proposed structures are shown to be sited within the existing enclosed yard within the south-eastern corner of the field. The proposal is therefore set within the backdrop of the existing field boundaries and hamlet. The opportunity also exists to mitigate the impact of the existing development and proposed structures through additional landscaping.

### **Conclusion**

5.11 On the basis that satisfactory clarification is received on the location within the site of the proposed stables and hay barn; whether or not it involves the diversion of a footpath; and, the number of horses based at the premises, the proposal is recommended for approval.

5.12 It is appreciated that other issues have been raised such as the temporary nature of the permission for the gypsy accommodation, but they are not considered to be of sufficient weight to determine the application.

## **6. Human Rights Act 1998**

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

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

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

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

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

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

### 7. **Recommendation** - Grant Permission

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

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

2. The stables and hay barn hereby permitted shall be used only for private purposes for the stabling and breeding of horses and storage of associated equipment and feed and no other commercial, industrial and/or retail activity shall take place without the prior permission of the local planning authority.

**Reason:** To control the precise nature of the use to safeguard the living conditions of neighbouring residents and character of the area.

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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 an E19 of the Carlisle District Local Plan.

4. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of use of either the stables or hay barn hereby permitted, or, the completion of the development (whichever is the sooner) and maintained thereafter in

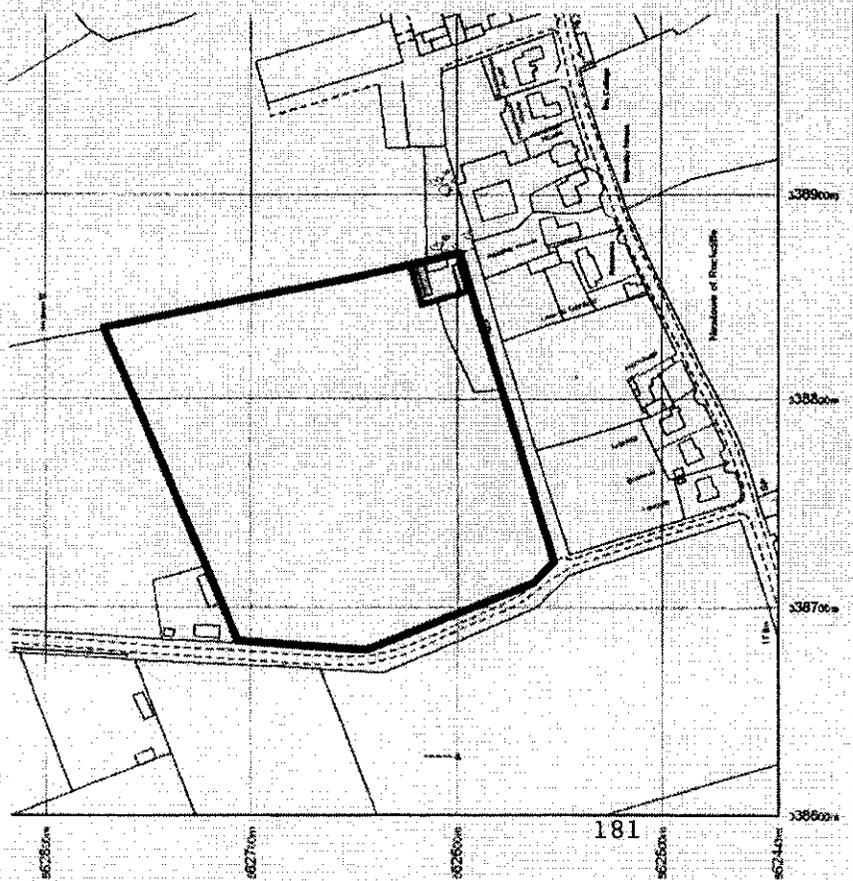
## **SCHEDULE A: Applications with Recommendation**

08/0220

accordance with the approved details; 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 E9 of the Carlisle District Local Plan.

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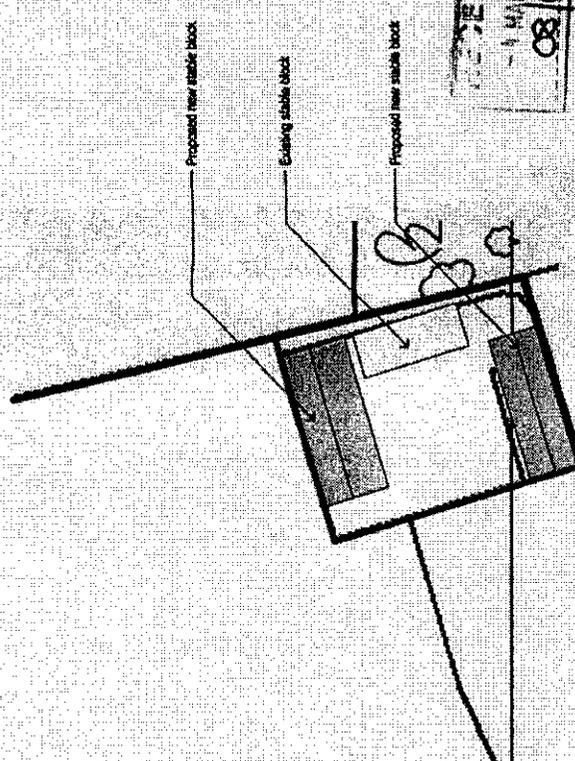
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Site Location Plan

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Site Plan

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Drawing Name	Site Plan, Site Location Plan
Drawing Status	Planning
Drawing Scale	1:500, 1:2500
Layout ID	07_120_CARRI_004
Scale	Revision
Partners: Mainwood Green St. Rush Field Bk. Old Arns. MA. 6324 Reg. No. 00327618	

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3A High Street  
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Shropshire  
TF13 6AA

Client  
Mr Carrigan

Job Title  
Parkfield Stables, Newtown

Drawing Name  
West Elevation, South Elevation,  
North Elevation, Stable Block -  
Layout, East Elevation

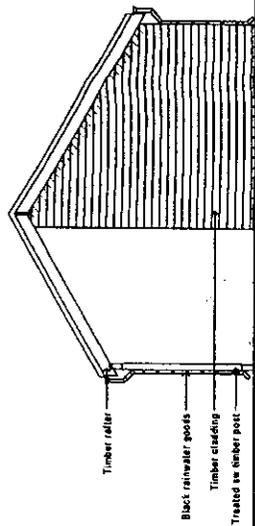
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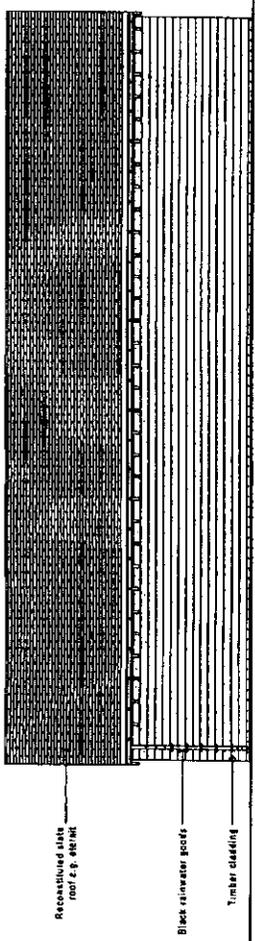
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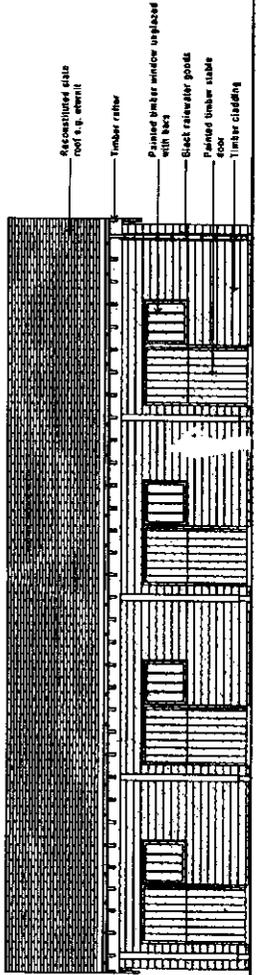
Partners: Matthew Green BA, Ruth Reed BA, Dip Arch, M.A. RIBA  
Reg. No. 00237353



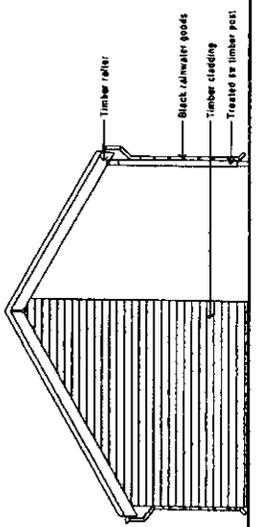
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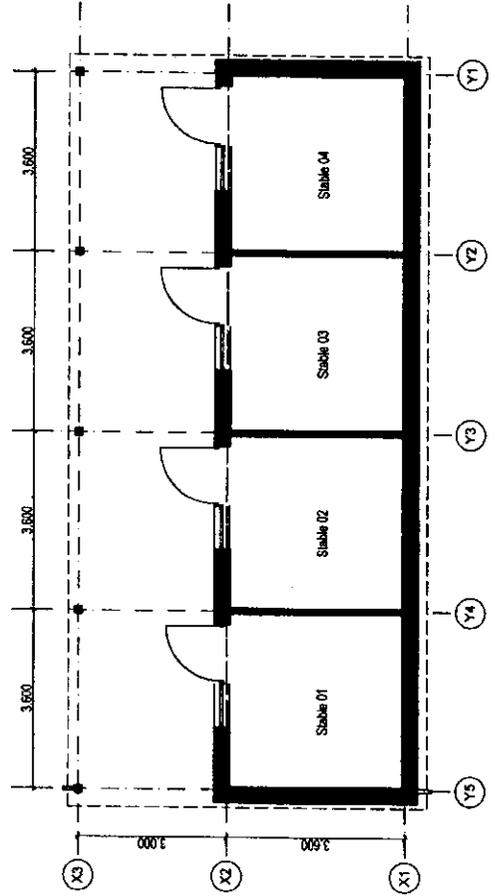
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South Elevation  
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East Elevation  
1:100



Stable Block - Layout  
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**Job Title**  
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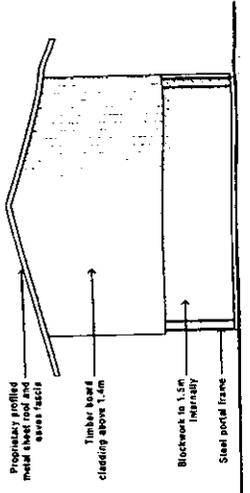
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 North Elevation, South Elevation,  
 Barn - Layout

**Drawing Status**  
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**Drawing Scale**  
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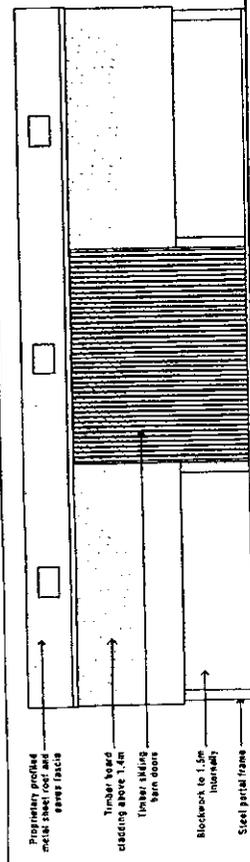
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Prepared: Matthew Green, BA, BArch, RIBA  
 Drawn: ACP, MA, RIBA  
 Ref: No. 003/7035



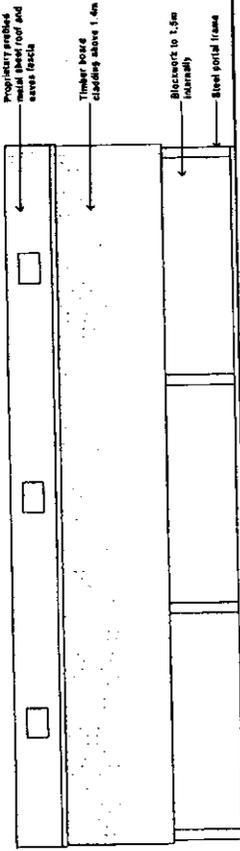
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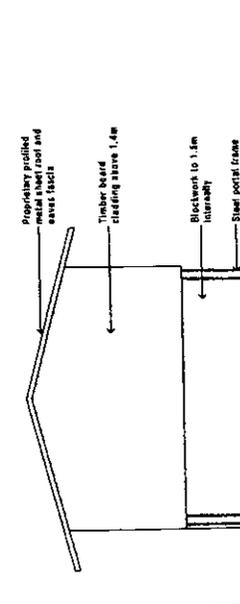
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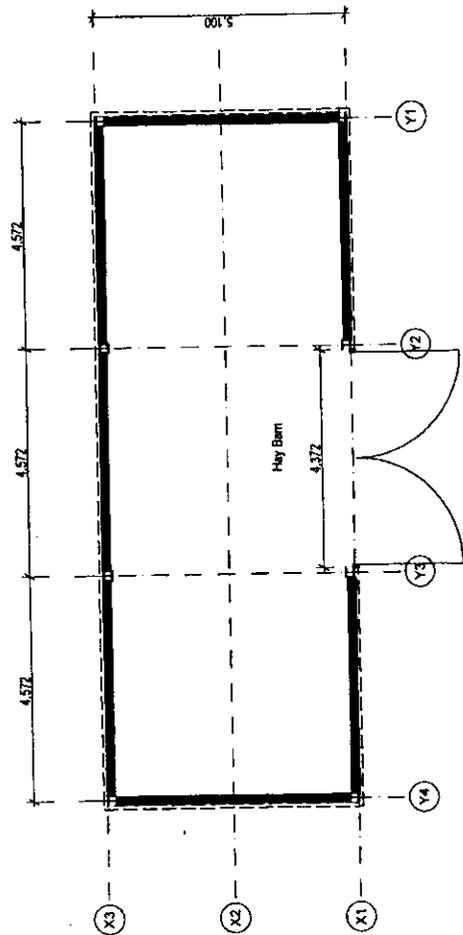
South Elevation

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East Elevation

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Barn - Layout

1:100

## SCHEDULE A: Applications with Recommendation

07/1293

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**Item No: 09**

Date of Committee: 25/04/2008

**Appn Ref No:**  
07/1293

**Applicant:**  
House of York Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
26/11/2007

**Agent:**  
Nathaniel Lichfield and  
Partners

**Ward:**  
Denton Holme

**Location:**  
Former Penguin Factory, Westmorland Street,  
Carlisle, CA2 5HL

**Grid Reference:**  
339590 555028

**Proposal:** Outline application for the erection of 99 residential units, comprising 88 flats and 11 town houses, with 117 car parking spaces, associated landscaping and means of access.

**Amendment:**

---

### REPORT

**Case Officer:** Richard Maunsell

#### **Reason for Determination by Committee:**

This application is brought for determination by Members of the Development Control Committee due to x letters of objection having been received from the occupiers of neighbouring properties.

#### **1. Constraints and Planning Policies**

#### **2. Summary of Consultation Responses**

**Development Services Planning & Housing Services - Local Plans:** the application is for residential development on a former factory site (0.7 hectares) in Denton Holme close to the City Centre.

The application makes a contribution to required housing provision; the Draft RSS requires the provision of at least 450 dwelling units in Carlisle District per annum. The total granted permission by the end of November totalled only 240. The Cumbria and Lake District Joint Structure Plan 2001-2016 requires in Policy H17 the provision of 250 units per annum. Under Policy H16 of the Revised Redeposit Draft Local Plan the site is allocated for 64 dwellings. It is commented in the Policy that, as the then existing buildings have a dense urban form, this might be echoed in proposals for the site.

Policy H3 of the Carlisle Revised Redeposit draft Local Plan seeks to achieve average densities of between 30 and 50 dwellings per hectare. This is based on the guidance in PPS3 to local authorities to use land efficiently which advises a minimum density of 30 dwellings per hectare. This application is a high density scheme in the order of some 141 dwellings per hectare. The findings of the 2004 Denton Holme Residents' Survey 'Yours Future in Your Hands' on housing voiced criticism of the recent provision of new flats and apartments and called for the provision of family housing. The provision of family housing is minimal in this application. The Housing Strategy Section may wish to comment on the need/demand for housing in this inner City area.

Policy CP4 of the Revised Redeposit draft Local Plan has a number of criteria against which applications may be assessed. One of the criteria requires applications to take into consideration any important landscape features. The site has the Little Caldew River bisecting it, although some of its course is in culvert. The illustrative layout does show fairly extensive communal open space around the River which makes a contribution to the strengthening of the Little Caldew river corridor. This is in line with the objectives of PPS9 to improve and restore the quality and extent of natural habitat. Paragraph 12 of PPS9 advises the repair of the fragmentation of natural habitats and that networks should be strengthened and integrated into development. There may be an opportunity here to improve the banks of the river through a landscaping scheme with the intention of raising the contribution of the river corridor to biodiversity.

The illustrative scheme does pay regard to its context and relate to the surrounding housing in scale. There are reservations about its institutional appearance which may reflect the previous use on the site but may not be appropriate. The developer should be encouraged to consider energy conservation measures in the design for the site. These are mentioned in Revised Redeposit draft Policy CP8 and in the Denton Holme and Longsowerby SPD Design Statement and need to be incorporated early in the design process.

The proposed development is in Flood Zone 3a Developed Areas identified by the Council's Strategic Flood Risk Assessment. PPS25 requires all development proposals in this Zone to be accompanied by a **Flood Risk Assessment** and Annex D paragraph D9 details the **Exception Test** which must be passed. The developer should be advised to contact the Environment Agency for advice.

It is difficult to come to a conclusion on the application without full information. However, the application is, in general, acceptable;

**Cumbria County Council - (Highway Authority):** whilst this application is for outline planning permission, access and internal layout is not held over for a Reserved Matters application, therefore can be determined within this application and the Highway Authority has given due weight to this probability in this response.

The site lies within Denton Holme, on the western edge of Carlisle city centre. Given the extent of the former commercial sites that are vacant within this area and trends to develop them for residential purposes, there is no objection to this change of use.

## SCHEDULE A: Applications with Recommendation

07/1293

Whilst the site is close to local shops, schools and other amenities and relatively accessible by all means of transport, the Highway Authority is of the opinion that the design (in its current form) would further improve connectivity of the entire area in creating a direct pedestrian/ cycle link between Coleville Terrace and Westmorland Street.

However, the Highway Authority disagrees with the applicant's submission where it opines that no remedial measures are needed to the pedestrian and/ or cycling infrastructure within this area. The proposed development will substantially increase both motorised and non-motorised traffic within the area. The need for improvements to existing infrastructure is therefore of importance. In its current form the proposals create a vehicular route through the car park between Coleville Terrace and Westmorland Street. Whilst the Highway Authority could not justify refusal on this facet on highway grounds, it is unlikely to find favour locally. The Highway Authority would prefer if the car park were divided into two equal traffic generating halves. A natural point for such a divide would be to the left of parking space no. 54 on plan number PFC01/1601B. Dividing the site at this point would have the added advantage of creating an additional 3/4 parking spaces. I would ask that the applicant give consideration to this. In addition to the aforementioned the Highway Authority wish to point out that the provision of 5 disabled parking spaces does not constitute 5% of the parking provision. The applicant should be required to provide an additional parking spaces.

Within current Local Transport proposals the Highway Authority has a review of waiting restrictions underway arising in part from local concerns about the effect of additional parking and traffic associated with residential development. There are also schemes for variations to the existing Denton Holme Controlled Zone, further provision of bus service infrastructure, improved pedestrian connectivity and completion of the Caldew cycleway 'missing link' (between Metclafe Street and Lime Street) and associated street lighting improvements. It should be noted that future residents of the proposed development will not be eligible for Residents Parking Permits for the Denton Holme Controlled Zone.

The Highway Authority would therefore propose that consideration be given to a Town and Country Planning Act 1990, Section 106 Agreement requiring that a £26,640 contribution be made from the development (based on submitted number and type of properties) towards such improvements in the surrounding area. The Transport Statement and Safety Audit (Paragraphs 3.2,4.3, 5.1, 6.1, 6.3, 6.5 & 7.5 and associated recommendations) describe some of these deficiencies, the designers generic response ***that these are Highway Authority maintenance issues*** is unacceptable and does not reflect current national practice with regard to Development Contributions to such improvements. It is perceived advantageous to require Section 106 Contributions to such measures, rather than recommend a Grampian condition onto the consent. The Highway Authority is of the opinion that this will be in line with both national guidelines and Circular 05/05 (Planning Obligations).

Having due regard to the foregoing, it is also recommended that highway conditions are also attached to any planning consent;

## **SCHEDULE A: Applications with Recommendation**

07/1293

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** no further comment to those relating to application 05/0633;

**Development Services Planning & Housing Services - Local Plans (Trees):** whilst there is no objection in principal to the development of this site for housing it is considered that the submitted design is inappropriate and out of keeping with the character of the surrounding area.

Whilst there is some indicative landscaping information supplied with the application it is wholly inadequate for the proposed scheme;

**Cumbria County Council - (Archaeological Services):** the site has been the subject of a desk-based assessment and building recording programme. The results indicate that it was the location of a fulling mill and mill race as shown on a map dating to the late 18<sup>th</sup> century (Historic Environment Record no. 40964). It is therefore considered likely that important archaeological remains relating to the early textile industry of Carlisle survive on the site and that they would be damaged or destroyed by the proposed development.

Consequently, it is recommend that an archaeological evaluation, and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition (PPG16, para. 30) in any planning consent;

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

**Cumbria Constabulary - Crime Prevention:** Cumbria Constabulary has considered this application from a Community Safety and Architectural Liaison perspective. Cumbria Constabulary have referred to the SPG 'Designing Out Crime in Residential Areas (DOCRA) and the 'Secured By Design' guidelines for New Homes and are encouraged to note the extensive references to the prevention of crime in the Design and Access Statement, yet it is felt the security of the development is compromised on two key elements - unrestricted pedestrian access and car parking.

### **Creating neighbourhoods (The establishment of 'Defensible Space')**

DOCRA 6.1 states:

'The key to the security of any residential development is to discourage casual intrusion. People expect to see strangers in public spaces and so are naturally less likely to question their presence. This provides any potential criminal with the opportunity to commit offences with complete anonymity. Public and private spaces should therefore be defined by a clear boundary.'

8.2 continues:

'Access should be confined to as few routes as possible and should be designed to serve the development rather than provide unrestricted public access.....'

The proposal to link Colville Terrace with Westmorland Street invites public access and Cumbria Constabulary believes this factor shall lead to non-residents using the link as a shortcut, which creates a semi-public space and will increase the likelihood of crime or anti-social activity occurring.

It is acknowledged that the central amenity space is intended to be completely isolated from non-residents, by the incorporation of locking gates, although the height, specification and construction of these is not detailed.

### **Car Parking**

Cumbria Constabulary has concerns regarding the incorporation of 'Undercroft' car parking facilities. This is simply due to the lack of surveillance opportunities by residents, who shall be unable to observe this area. The Design and Access Statement (DAS) states that the car park shall be physically secure, yet from my interpretation of the drawings, the only gated access appears to be at Westmorland Street. There does not appear to be any access control via Colville Terrace. For car parking provision of this nature to be successful, all access points must be completely secure and surveillance opportunities improved by the use of CCTV. The interior must be well lit at all times and the interior surfaces should be suitably painted to reflect light. A bright environment shall reassure legitimate users. The design should avoid wide columns that could be exploited as hiding places.

The gates at Westmorland Street are located within a deep covered recess, which conflicts with the reference in the DAS of the intention to avoid unnecessary set backs (1.6.5). This feature may become a gathering place for local youngsters and litter trap. Ideally, the gates should be placed as close to the build line as possible.

### **Cycle Parking**

It is noted the intention to include cycle parking for residents and visitors and it is perceived that the visitors parking shall be located adjacent to the 'drum form' at the north side. This should take the form of 'Sheffield' stands, to permit variable locking of the cycle frame to the stand. The residents parking is contained within the ground floor of the 'drum'. This area must remain secure and well lit (I refer to physical security measures below).

### **Landscaping**

This is an important element in crime prevention design. The scheme must not impede surveillance opportunities (including observation from upper floors), nor hinder the effects of street/ security lighting. Although the landscaping scheme depicted is only indicative, the number and location of broad canopied trees around the site must be considered to achieve this objective.

### Security Lighting

The drawings supplied do not give any indication of the provision for security lighting. This measure has a specific purpose and should not be confused with courtesy lighting, which is not always illuminated.

The intention is to illuminate the exterior of the buildings throughout darkness hours, especially above doors and in recesses, or in other vulnerable areas. Illumination need not be harsh or intrusive, but must be even, to minimise shadows. The design must avoid pollution, annoyance and nuisance and the lamps should be mounted as high as possible, to prevent tampering. Lighting should be controlled by photoelectric cell or timeswitch (operated from inside the building).

By this arrangement, any casual observer can see into the space and be reassured that no intruder is concealed there. A potential intruder shall also perceive that by entering the lit area, their presence is more likely to be detected. If CCTV is deployed, the light source must be compatible. Metal halide is the most popular choice, although specialised LED schemes are available, which provide a more directed illumination.

The use of halogen bulb floodlights, controlled by passive infrared detector is not appropriate as the lamp is always switched off, until a heat source activates the unit. This arrangement is prone to false activations by wildlife or domestic pets and may cause unnecessary anxiety to observers if triggered for the wrong reason.

### Physical Security

The DAS makes no reference to the proposed access control measures to the buildings from the street or car park areas. It is recommended that the communal access doors should comply with BS PAS 024 or LPS 1175 (Grade 2). Where ten or more households use a common entrance, access should be permitted only by audio *and* visual verification or by a concierge. Audio verification alone is not sufficient.

I also recommend that each exterior door (including patio doors) and the door to each dwelling should conform to BS PAS 24.

(With the intention to place first floor flats at only 1.7m above ground level, the 'juliet' balconies could potentially become climbing aids to reach these dwellings. Consequently, first floor doors and windows shall be more vulnerable).

All windows at ground floor and easily accessible levels should conform to BS 7950. All glazing at ground floor and accessible levels should be a laminated type, to at least 6.4mm;

**Environmental Services - Food, Health & Safety:** as this land had a former industrial/commercial use Planning Policy Statement 23 (PPS23) would need to be used. This means the local authority must require sufficient information to show that the "development is safe and suitable for use for the purpose for which it is intended." As part of the planning process the developer must carry out an

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adequate investigation in the form of a risk assessment to determine any land contamination and the pollutant linkages (sources, pathway, receptor) present and present this information in the form of a conceptual model.

This risk assessment should also identify whether the development proposed will create new linkages and whether new vulnerable receptors (e.g. residents) will be established; the action needed to break linkages, avoid new linkages and deal with unacceptable risks should also be included.

Effectively this will require that development i.e. building works shall not begin until the site has been fully remediated in a validation report has been submitted to the satisfaction of the Local Planning Authority.

### Approved Methodology

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

It is strongly recommended that where houses are to be built on land which may have contamination the following guidance is used.

CLR II and R & D Publication 66 (Guidance for the Safe Development of Housing on Land affected by contamination).

These publications can be purchased from the Stationery Office.

In addition the development could have an impact on air quality, thus it is essential that an assessment of the likely impact of the development on air quality should be carried out by a suitably qualified person. The assessment should consider what impact the proposed development will have in terms of the air quality objectives as set out in the Air Quality regulations 2000 particularly in respect to nitrogen dioxides and particulates;

**Development Services Planning & Housing Services - Urban Designer:** the proposal occupies the site of the demolished Penguin factory, a substantial building complex of buildings, which although unlisted, had some buildings of significant architectural and townscape value, notably facing Westmorland Street.

The area is characterised by a strongly defined perimeter block pattern with a mixture of Victorian industrial buildings and their associated terraced housing. There is strong materials palette and pattern of building form in Denton Holme, which as you will know is the subject of the 'Denton Holme and Longsowerby Design Statement' SPD.

The proposed footprint relates well to the characteristics of the site. The continuous frontage to Westmorland St, the preservation of the characteristics of the alley to Coleville St, the relationship to the Little Caldew watercourse and the provision of a new terrace to the north of the site, with frontage presence and private outdoor space to the rear are positive elements. The discreet undercroft car parking and private courtyard to the centre of the development could work well.

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However, while recognising that this is an outline application the following concerns are raised:

The elevations exhibit too much linearity which conflicts with the vertical subdivisions that brings visual relief to adjacent terraced forms. The Coleville St and Westmorland St elevations in particular illustrate this unfortunate horizontal emphasis. Some vertical subdivision between units would relieve this. It is also suggested that additional detailing such as a cornice level, and around door and window openings would remedy this. The saw-tooth roof to the Westmorland St block, and the bookend tower, are welcome elements to the proposal, although the tower requires further detail.

On plan, there is concern about the lack of subdivision on each level, with very lengthy corridors. It is suggested that subdivision would be better for security, and to foster better social relations between residents, which a barrack like format can discourage. An additional appropriately scaled entrance to Westmorland St could subdivide this frontage, with a further entrance with some design presence, on the north western gable of the horseshoe.

The applicant should also consider the appropriateness of the proposed materials, and show how adjacent palettes of materials have been considered and taken into account. To an extent the Design & Access statement touches on this but more detail should be expected if a full application is made. Consideration should also be given to how the boundary of the proposal relates to the existing alleys that bound it.

Subject to the above comments this is a commendable scheme that makes good use of its site and is responds positively to the design challenges of its context;

**Environmental Services - Green Spaces:** the total contribution requested is £152,350 or equivalent. In this proposal the developer is looking to provide some of the play area and POS within the development and the equivalent cost could be deducted from the figure above. However, the City Council is looking to reduce, rather than increase, the number of equipped play areas we maintain and it should not be assumed that the Council would wish to take on the maintenance of any play area provided by the developer. The City Council would be looking to use any commuted sums for the upgrading and future maintenance of POS, sports and play facilities at St James Park, Denton Holme; and

**Northern Gas Networks:** no objection.

**Planning & Housing Services - Housing Strategy:** the previous memorandum of 08 March 2006, in respect of a previous application (05/0633) on the same site, comments in some detail on a range of issues relating to the provision of affordable housing in the Denton Holme area, and with specific reference to this particular site.

### **Property type/ Housing Need**

There have been reservations for some time over the longer-term sustainability of the number of apartments coming through the planning system, and it would be

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preferred to see a larger proportion of houses on this development (apartments accounting for almost 90% of the overall units), although we are pleased that just 9 of the apartments are only one-bedroom.

It is noted that these concerns have also been highlighted in the internal memorandum from the Principal Local Plans Officer, of 03 January 2008, citing the findings of the 2004 Denton Holme Residents' Survey: "Your Future In Your Hands", which criticised the recent high levels of apartment provision, and called for more family housing.

### Affordable Housing Requirement

The developer has offered to provide 25% affordable units in the Design and Access Statement. (para 1.6.4). The target in the Housing Strategy for Carlisle 2005-10 Action Plan is for 25-30% of units to be affordable – in the previous memorandum, a 30% developer contribution is recommended (pending the results of the district survey). The results of the Housing Market Assessment for Carlisle Urban are summarised in the table below (please note these are the numbers of new affordable units required over and above those already in the planning system) and support the request for a 30% contribution. The greatest identified need is for larger (three or more bedroom) rented family accommodation.

### Housing Need (2006-11) based on CLG Housing Market Assessment guidance

Carlisle Urban	Housing Market Assessment				Total
	General		Older		
	Smaller 0-2 Beds	Larger 3+ Beds	1 Bed	2+ beds	
Intermediate	24	28	1	(14)	39
Social Rent	61	96	(88)	(36)	33
<b>Total</b>	<b>85</b>	<b>124</b>	<b>(87)</b>	<b>(50)</b>	<b>72</b>
<b>5 Year Requirement</b>					<b>360</b>

(Intermediate/ rental split based on 70% of lower quartile house prices)

(Note: oversupply of elderly accommodation is due to reduced demand for (especially) 1-bed ex-council flats in some parts of the City, which were previously designated as elderly accommodation.)

In light of the housing need evidence, a roughly even split of affordable units for rent and low cost home ownership is recommended, and the breakdown of the units should take into account the identified need for affordable three-bedroom rented housing. There is very little demand for flats/ apartments from applicants on the Low Cost Home Ownership register maintained by the City Council for discounted sale homes, so it is therefore recommended that any intermediate apartments are provided on a shared ownership or shared equity basis in partnership with a Housing Association – a RSL would also be the best partner to provide the rented units.

However, in terms of the exact number of units, the updated Housing Strategy Action Plan for 2007-10 (para 4.2 (d) of the Affordability and Balancing the Housing Market section) acknowledges the need for us to allow some flexibility regarding the overall number of dwellings where rental units are being provided, as we appreciate these are significantly more expensive for partner RSLs to "stack up" without grant.

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The proviso being that in cases where less units are accepted in order to deliver rented homes to meet an identified housing need, the overall financial contribution from the developer should be equivalent to what it would have been on a discounted sale basis – i.e. a 30% market value discount on 30% affordable units.

It is therefore requested that the developer draw up some costings in order that the number, type, and tenure of the affordable units can be discussed in more detail. (It is appreciated that this is currently just an outline application, so this could be firmed up later in the planning process).

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED]	40 Westmorland Street 05/12/07	
[REDACTED]	25 Westmorland Street 05/12/07	
[REDACTED]	27 Westmorland Street 05/12/07	
[REDACTED]	29 Westmorland Street 05/12/07	
[REDACTED]	31 Westmorland Street 05/12/07	
[REDACTED]	33 Westmorland Street 05/12/07	
[REDACTED]	16 Norfolk Street 05/12/07	
[REDACTED]	18 Norfolk Street 05/12/07	Objection
[REDACTED]	20 Norfolk Street 05/12/07	
[REDACTED]	22 Norfolk Street 05/12/07	
[REDACTED]	24 Norfolk Street 05/12/07	
[REDACTED]	26 Norfolk Street 05/12/07	
[REDACTED]	1 Colville Street 05/12/07	
[REDACTED]	3 Colville Street 05/12/07	
[REDACTED]	5 Colville Street 05/12/07	
[REDACTED]	7 Colville Street 05/12/07	
[REDACTED]	9 Colville Street 05/12/07	
[REDACTED]	11 Colville Street 05/12/07	
[REDACTED]	13 Colville Street 05/12/07	Objection
[REDACTED]	15 Colville Street 05/12/07	
[REDACTED]	17 Colville Street 05/12/07	
[REDACTED]	19 Colville Street 05/12/07	
[REDACTED]	21 Colville Street 05/12/07	
[REDACTED]	23 Colville Street 05/12/07	
[REDACTED]	25 Colville Street 05/12/07	
[REDACTED]	27 Colville Street 05/12/07	
[REDACTED]	29 Colville Street 05/12/07	
[REDACTED]	31 Colville Street 05/12/07	
[REDACTED]	33 Colville Street 05/12/07	
[REDACTED]	35 Colville Street 05/12/07	
[REDACTED]	37 Colville Street 05/12/07	
[REDACTED]	39 Colville Street 05/12/07	
[REDACTED]	41 Colville Street 05/12/07	
[REDACTED]	43 Colville Street 05/12/07	Objection
[REDACTED]	45 Colville Street 05/12/07	
[REDACTED]	47 Colville Street 05/12/07	
[REDACTED]	49 Colville Street 05/12/07	
[REDACTED]	51 Colville Street 05/12/07	
[REDACTED]	53 Colville Street 05/12/07	
[REDACTED]	55 Colville Street 05/12/07	

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	57 Colville Street	05/12/07	
	59 Colville Street	05/12/07	
	61 Colville Street	05/12/07	
	4 Colville Terrace	05/12/07	
	6 Colville Terrace	05/12/07	
	8 Colville Terrace	05/12/07	
	10 Colville Terrace	05/12/07	
	12 Colville Terrace	05/12/07	
	14 Colville Terrace	05/12/07	
	16 Colville Terrace	05/12/07	
	18 Colville Terrace	05/12/07	
	20 Colville Terrace	05/12/07	
	2 Westmorland Street	05/12/07	
	4 Westmorland Street	05/12/07	
	6 Westmorland Street	05/12/07	
	8 Westmorland Street	05/12/07	
	10 Westmorland Street	05/12/07	
	12 Westmorland Street	05/12/07	
	14 Westmorland Street	05/12/07	
	16 Westmorland Street	05/12/07	
	18 Westmorland Street	05/12/07	
	20 Westmorland Street	05/12/07	
	22 Westmorland Street	05/12/07	
	24 Westmorland Street	05/12/07	
	Atlas Works	05/12/07	
	1 Westmorland Court	05/12/07	
	2 Westmorland Court	05/12/07	
	3 Westmorland Court	05/12/07	
	4 Westmorland Court	05/12/07	
	5 Westmorland Court	05/12/07	
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	20 Westmorland Court	05/12/07	
	21 Westmorland Court	05/12/07	
	22 Westmorland Court	05/12/07	
	23 Westmorland Court	05/12/07	
	5 Norfolk Court	05/12/07	Objection
	Holme Works	05/12/07	
	14 Whitfell Avenue	05/12/07	
	42 Westmorland Street	05/12/07	
	44 Westmorland Street	05/12/07	
	46 Westmorland Street	05/12/07	
	48 Westmorland Street	05/12/07	
	50 Westmorland Street	05/12/07	
	52 Westmorland Street	05/12/07	
	54 Westmorland Street	05/12/07	
	56 Westmorland Street	05/12/07	
	17 Westmorland Street	05/12/07	
	19 Westmorland Street	05/12/07	

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	21 Westmorland Street	05/12/07	
	23 Westmorland Street	05/12/07	
Online			Objection
- Denton Holme			

- 3.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of x of the neighbouring properties. As a result of this consultation exercise, no representations were received.
- 3.2 A public exhibition was also held in the Denton Holme Community Centre. At the time of writing this report, x letters of objection have been received and the main issues raised are summarised as follows:
1. [\*Enter text here]
  2. [\*Enter text here]

### 4. Planning History

- 4.1 In 1955, planning consent was granted for an extension to the boiler house.
- 4.2 Planning permission was granted in 1967 for the alterations to increase the width of the existing entrance to the confectionary manufacturing premises.
- 4.3 In 1968, planning consent was granted for the erection of a workshop. A revised application was approved in the following year.
- 4.4 In 1972, outline planning permission was granted for the reinstatement of a fire damaged building. Also in the same year, outline planning permission was granted for the reduction of a four storey fire damaged building to single storey with new flat roof at present first floor level.
- 4.5 Later in the same year, planning permission was granted for the reinstatement of a recently fire damaged 4 storey building.
- 4.6 In 1973, planning permission was granted for a single storey extension to the east end of the existing fire damaged building.
- 4.7 An application for the demolition of South Lodge was approved in 1995.
- 4.8 Planning permission was approved in 1998 for a pipe bridge to carry insulated pipework between existing process building.
- 4.9 In 2000, advertisement consent was approved for the display of internally illuminated signage. Later in the same year, advertisement consent was refused for the siting of two flag poles.
- 4.10 Outline planning consent was refused in 2006 for the demolition of factory

and development of 130 apartments and 3 no. commercial units.

- 4.11 An application for planning consent for the erection of 58 dwellings comprising 30 apartments (6no. 1 bedroom and 24no. 2 bedroom) and 28 townhouses (28no. 3 bedroom), internal access roads, car parking, garages, cycle and bin stores and associated landscaping is currently being considered under application reference 07/1312.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 The application has been made for "Outline" Planning Permission and seeks approval for the redevelopment of a 0.7215 hectare parcel of land comprising the site of the former Penguin Confectionery Manufacturing Premises situated at Westmorland Street, Carlisle.

#### **Background**

- 5.2 The site was previously occupied by 2 and 3 storey buildings but during the course of the previous application, all buildings on the site were demolished and the site subsequently cleared. The site is surrounded by residential properties although the site itself lies within a Primary Employment Area.
- 5.3 When originally submitted in June 2005, the applicants at that time sought approval for a scheme to redevelop the site to provide a housing development contained in 4 apartment blocks: one containing 42 units, one containing 46 units, and 2 each containing 21 units, providing a total of 130 units and 140 parking spaces. The application also incorporated 3 no. commercial premises with unspecified end uses totalling 624.8 square metres floorspace together with 4 no. parking spaces.
- 5.4 The proposed buildings would have ranged from 3 to 6 storeys in height and the apartments from 1 to 3 bedrooms. There would have been associated parking of 140 spaces to serve the residential element of the scheme. The development would have been finished through a combination of natural coursed stone, facing brickwork and render under a slate roof.
- 5.5 The application was refused due to the over-intensive nature of the development; the relationship of the scale with the neighbouring residential properties; inadequate parking facilities; risk of crime and fear of crime; lack of affordable housing; and potential detrimental effect on the living conditions of neighbouring properties from the unidentified use of the commercial units.

#### **Proposal**

- 5.6 This application seeks planing consent for the erection of 99no. dwellings, with an internal access road, associated car parking and landscaping. Only

the layout, scale and means of access are to be considered as part of this application; external appearance and means of access are reserved for a subsequent application. The development would comprise 88no. apartments together with 11no. town houses. The buildings would be set out in a horse-shoe arrangement flanking the east, south and west boundaries. This would provide the 88no. apartments. An access way would link Westmorland Street and Colville Terrace in an east-west direction and to the north of this, would be 11 three storey dwelling houses.

- 5.7 The accommodation would be broken down into 9no. 1 bedroom flats, 72no. 2 bedroom flats, 7no. 3 bedroom flats, 10no. 2 bedroom houses and 1no. 3 bedroom house.
- 5.8 The River Caldew runs in a south-north direction through the site and the area surrounding the river and within the centre of the 'horse-shoe' would provide a landscaped communal area.
- 5.9 The apartment buildings would vary in scale from three-storey in height along the western boundary, adjacent to Colville Street; three-storey in height along the south elevation, adjacent to Norfolk Court/ Norfolk Terrace; and four-storey in height along the eastern boundary, adjacent to Westmorland Street. The latter four storey apartment block would increase in height to six storeys in height at the northern most point in the form of a rotunda.
- 5.10 The development would incorporate 117 parking spaces, the majority of which would be provided on the ground floor of the apartment buildings with the town houses having separate parking facilities. Vehicular access to the site would be taken from both Westmorland Street and Colville Terrace.
- 5.11 The buildings would be constructed from predominantly from red facing brick to match the materials of the surrounding buildings. The roof material at this time is unspecified.

### **Assessment**

- 5.12 The relevant planning policies against which the application is required to be assessed are Policies E19, E20, E22, E26, EM2, T1, T7, H16, L8 and L9 of the Carlisle District Local Plan; and Policies DP1, CP4, CP5, CP7, CP9, CP10, EC1, H1, H2, H3, H4, H5, LE9, LE30, T1, LC4 and LC13 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016. In assessing the application proposal, it is considered that there are nine primary planning issues that are relevant and are dealt with below:

#### **1. Principle of Development**

- 5.13 The site is allocated under Policy EM2 of the adopted Carlisle District Local Plan as a Primary Employment Area. This policy supports the redevelopment of the area for employment purposes. Other uses may be acceptable where one of a number of criteria can be met. The emerging Carlisle District Local Plan Revised Redeposit Draft 2001 – 2016 allocates the site for residential

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development. There were no objections to the allocation and, therefore, this application is considered against the emerging policy rather than the adopted policy.

5.14 Planning Policy Statement 3 (PPS3) (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 developed, to promote the reuse of previously developed land. The use of brown field sites further contributes to a co-ordinated spatial strategy and promotes regeneration.

5.15 Paragraph 41 of PPS3 continues along the same vein insofar that it states that:

*"the national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land and buildings that are vacant as well as land that is currently in use but which has potential for re-development."*

5.16 The issue of density is further discussed at paragraph 47 which states that:

*"...Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range although 30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making..."*

### 2. Sustainable Development

5.17 The site is located within the urban area and in such locations, PPS3, along with Structure and Local Plan policies seek to provide a strategic and sustainable approach to the housing strategy for Local Authorities. Under Policy DP1 of the Local Plan Revised Redeposit Draft, all proposals for development will be assessed against their ability to promote sustainable development, provided they are in scale with their location and consistent with other Policies of the Plan will be considered favourably within the urban area of Carlisle. In this regard, the proposed site is well-related to the Denton Holme area of Carlisle, it is close to local public transport routes and to strategic network nodes within the city itself.

5.18 In relation to the general thrust of PPS3, the site is clearly *"previously developed land"* and its potential ability to contribute to the Government's objectives for urban housing would be in accordance with planning policy objectives encouraging reuse of urban land. Priority is given over greenfield housing development to the re-use of brown field land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create more sustainable patterns of development and which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services.

5.19 With regard to the loss of employment land, the designation of the land has been and it has been established that the site is identified in the Local Plan Revised Redeposit Draft, which recognises that retention of employment use on the site is not considered appropriate. The Plan also allocates the site as being suitable for residential development and identifies that the site could contribute 64 dwellings to the Council's overall requirement to provide housing land. These views are expressed in the Council's Local Plan Officer's response.

5.20 The accompanying Design and Access Statement details that the construction specification will encompass high levels of thermal insulation energy efficient lighting, efficient heating systems, low-flow toilets and shower and grey water recycling .

### 3. Density

5.21 The application details show the application site area to be 0.716 hectares. Planning consent is sought for 99 dwelling units and the overall density of development equates to 137.24 dwellings per hectare. In this context, the density of the proposed development is in excess of the minimum stated in PPS3. In paragraph 9.14 of the Planning Statement accompanying the application, a copy of which is reproduced following this report, states that:

*"An innovative design has lead to the very efficient use of this site without compromising the quality of the environment. Indeed, the development is of a scale and massing that is in keeping with the character and appearance of the area..."*

5.22 Members will note from the consultation response from the Council's Local Plans Officer that it is recognised that the proposal is 'high density'. Furthermore, the findings of the 2004 Denton Holme Residents Survey 'Your Future in Your Hands' voiced criticism of the recent provision of flats and apartments and called for the provision of family housing. Members may be consider this issue to be finely balanced. On the one hand, the proposal seeks consent for development for a large number of flats in an area of the City that has already seen several planning consents having been granted for flats and where the public wish is for lower density, family housing. On the other hand, the number of dwellings proposed is not wholly disproportionate to that of the surrounding area and in planning terms, subject to consideration against other policy criteria, advocates to maximise the potential for brown field urban sites. On balance, the density of the development and housing mix is acceptable.

### 4. Affordable Housing

5.23 Circular 06/98 and PPS3 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

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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.

- 5.24 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.
- 5.25 A need for affordable housing on the site is clear from the comments submitted by the Council's Housing Strategy Officer and from the results of the Housing Needs Survey. Whilst there is no dedicated affordable housing indicated on the drawings, the applicant is willing to provide such and this could be secured by way of a S106 Agreement. A mix of properties could be provided throughout the site following negotiations with the Council's Housing Strategy Officer, Development Control Officer and the applicant.
5. Effect on the Living Conditions of Occupiers of Neighbouring Properties
- 5.26 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 criterion being that the living conditions of the occupiers of adjacent residential properties is not adversely affected by the proposed development. This is echoed and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 5.27 Some of the reservations expressed by local residents comment that the scale of the development is too large and that this will have an over-bearing impact on neighbouring properties that will also block out sunlight from habitable rooms. This matter relates to the relationship of the proposed development along the southern boundary of the site with the neighbouring properties on Norfolk Terrace and Norfolk Court, both of which have gables that face the application site. In particular, it is stated that the habitable windows on the west elevation of the property on Norfolk Terrace will be cast in shadow by the development to the north.
- 5.28 The height of the building at this point on the site will measure approximately 7.3 metres to the ridge and would be the same as the ridge height for the properties on Westmorland Street. Given the orientation of the application

site with adjacent properties, it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. Adequate separation distances have been achieved between the existing and proposed dwellings to ensure that there is no loss of privacy.

### 6. Scale and Design

- 5.29 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. A Supplementary Planning Document (SPD) has been produced and adopted by the City Council entitled 'Denton Holme and Longsowerby Design Statement' that provides further particular advice regarding development proposals in the area.
- 5.30 The surrounding area is characterised by two storey terraced properties and the proposal is essentially three storey in height, rising to four storeys along Westmorland Street and culminating in a six-storey rotunda in the north-east corner of the development, which is not directly over-looked by any of the existing properties. This scale is as a result of the flood risk implications of the development of the site and the requirement dictated by the Environment Agency relating to minimum floor levels. The development will be noticeably higher than the surrounding buildings but should not result in such a discordant feature as to be detrimental to the character and appearance of the area. By virtue of the relationship of the layout, scale and massing, the development would not be detrimental to the living conditions of the occupiers of these adjoining properties.
- 5.32 The development incorporates some of the advice in the SPD in terms of the materials proposed, the fenestration, together with the physical relationship of the proposal with the adjacent buildings.

### 7. Safe Environment

- 5.33 Policy CP16 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. The proposed development incorporates a formal centrally positioned pedestrian access through the development.
- 5.34 Concern has been expressed by Cumbria Constabulary's Architectural Liaison Officer regarding the public's access to this site. Indeed, it is considered that the proposal, by virtue of the open access and a significant degree of permeability through and within the site, the development may result in casual intrusion by non-residents which may result in the security and defensible space of this development being compromised due to unrestricted pedestrian access. Further negotiation is required with the applicant; however, this matter could be addressed through details required by a planning condition that will require the submission of boundary treatment for

the site.

### 8. Transport

- 5.35 Planning Policy Guidance 13 (Transport) recognises that brown field sites within the urban area which are well related to existing transport nodes will contribute to the reduction in dependency on the car. In particular, guidance is provided on the integration of planning and transport issues. Paragraph 4 of this document states that:

*"The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:*

1. *promote more sustainable transport choices for both people and for moving freight;*
2. *promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
3. *reduce the need to travel, especially by car."*

- 5.36 There is increasing emphasis for all proposals for development will be assessed against their ability to promote sustainable development, provided they are in scale with their location and consistent with other Policies of the Plan and will be considered favourably within the urban area of Carlisle. In this regard, the proposed site is to the surrounding development and is close to local public transport routes and to strategic network nodes within the city itself.

- 5.37 There are concerns raised by residents relating to the access leading from Colville Terrace. It is their view that the surrounding road network is already congested at peak times and parking provision within the surrounding area is at a premium. Consequently, it is considered that the proposal will adversely affect the surrounding highway network by virtue of the number of vehicles that would use the site.

- 5.38 The Highway Authority do not share this view and have raised no objection to the application subject to the imposition of several planning conditions and the requirement for a commuted sum to contribute towards infrastructure improvements in the area.

### 9. Archaeology

- 5.39 The response from the County Archaeologist advises that works should be undertaken prior to the commencement of development to determine the extent of any archaeological remains on the site. Since the submission of the application the buildings have been demolished which, in itself, did not require planning consent.

- 5.39 The County Archaeologist advises in the consultation response that further information should be submitted in the form of a desk-based assessment to determine whether the presence, nature and extent of any archaeology on the

site. Subject to the imposition of an appropriate condition, there is no objection to the proposal.

### 10. Other Matters

- 5.40 Should planning permission be forthcoming, in order to comply with current Local Plan policies, it will be necessary to ensure the provision of affordable housing, a commuted sum for off-site highway infrastructure improvements together with a commuted sum for the provision of off-site improvements to open space and play equipment. The normal mechanism for achieving this is by way of a S106 Agreement. The applicant, in this instance, is suggesting the imposition of Grampian conditions in place of a S106 Agreement. Conditions have been imposed by the Planning Inspectorate to secure such aims and the applicant has also provided examples of conditions that have been attached by other planning authorities. The provisional advice from the Council's Legal Services Manager is that a S106 Agreement, as opposed to a planning condition, is the correct course of action, should Members be minded to grant approval of this application. A detailed response is awaited at the time of writing this report and an update will be provided for Members' attention.

### Conclusion

- 5.41 Members should have careful regard to the advice within planning policies and determine applications in accordance with the development plan unless material considerations indicate otherwise. In overall terms, the principle of the redevelopment of this brown field site is acceptable. Members are reminded that only the layout, scale and means of access are to be considered as part of this application; external appearance and means of access are reserved for a subsequent application. The number of dwellings proposed is in excess of the figures suggested in the Local Plan Revised Redeposit Draft but PPS3 provides no ceiling density for developments. A mixture of house types will be provided on the site, including the provision of affordable units, which will be secured through a S106 Agreement, as will commuted sums to ensure that the development complies with planning policies in terms of open space, play equipment and transport infrastructure.
- 5.42 Development of the site will ultimately changed the appearance following the demolition of the buildings three years ago; however, the impact on the living conditions of the occupiers of the neighbouring properties has been taken into account and the proposal will not conflict with current planning policies in this respect.

## 6. Human Rights Act 1998

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

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

### 7. Recommendation - Grant Permission

1. 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 external appearance 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. Prior to the commencement of development hereby approved, samples or

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full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016.

4. Prior to the commencement of development hereby approved, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016.

5. Prior to the commencement of development hereby approved, 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. The development shall be undertaken in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP4 of the Carlisle District Local plan Revised Redeposit Draft 2001 - 2016.

6. 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") a remediation scheme ("the Remediation Scheme"), which shall:
    - i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
    - ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and
  - b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance

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of such Remediation Measures being undertaken; and

- c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:
- 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. To protect the environment and prevent harm to human health.

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

7. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies LD5, LD7 and LD8.

8. There shall be no vehicular access to or egress from the site other than via the approved accesses, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route in the interests of road safety and to support Local Transport Plan Policies LD7 and LD8.

9. Prior to the commencement of development hereby approved, details of the proposed accesses from the existing highways shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until such details have been approved and the crossings have been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

10. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic

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can park and turn clear of the highway. 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 written consent of the Local Planning Authority.

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

11. Prior to the first occupation of any dwelling, the existing unused accessed to the highway shall be permanently closed and such highway crossings and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To minimise highway danger and for the avoidance of doubt and to support Local Transport Plan Policies LD5, LD7 and LD8.

12. No dwelling shall be occupied until a pedestrian means of access to it (including satisfactory lighting) has been constructed. Not more than 30 dwellings shall be occupied before the internal parking facilities have been constructed and are available for use. The final 28 dwellings shall not be occupied until the final access and parking arrangements have been constructed to the satisfaction of the Local Planning Authority and are available for use.

**Reason:** To ensure the accesses to the proposed development are constructed in a phased manner with completion of dwellings, in the interest of the surrounding highways and general amenity of the area and to support Local Transport Plan Policies S3, S4 and LD9.

13. Prior to the commencement of development hereby approved, details of the number, location and design of motorcycle and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the facilities shall be provided in accordance with the approved details and prior to the development being brought into use.

**Reason:** To ensure that provision is made for motorcycle and bicycle parking, in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

14. If contamination not previously identified to be present during development, no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement provided, unless otherwise agreed in writing by the Local Planning Authority. The addendum shall detail how this

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unsuspected contamination shall be dealt with and the removal of the contamination shall be executed in accordance with the approved details.

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

15. Prior to the commencement of development hereby approved, the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components:

1. An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
2. An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation; and
3. 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.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains.

16. Prior to the commencement hereby approved, details of a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall incorporate, where possible Sustainable Drainage Systems and shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of surface water disposal in accordance with Policy E22 of the Carlisle District Local Plan.

17. Prior to the commencement of development hereby approved, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order that the approved development overcomes any problem associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

18. No dwelling shall be occupied until its drainage system is connected to a public sewer.

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**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy E22 of the Carlisle District Local Plan.

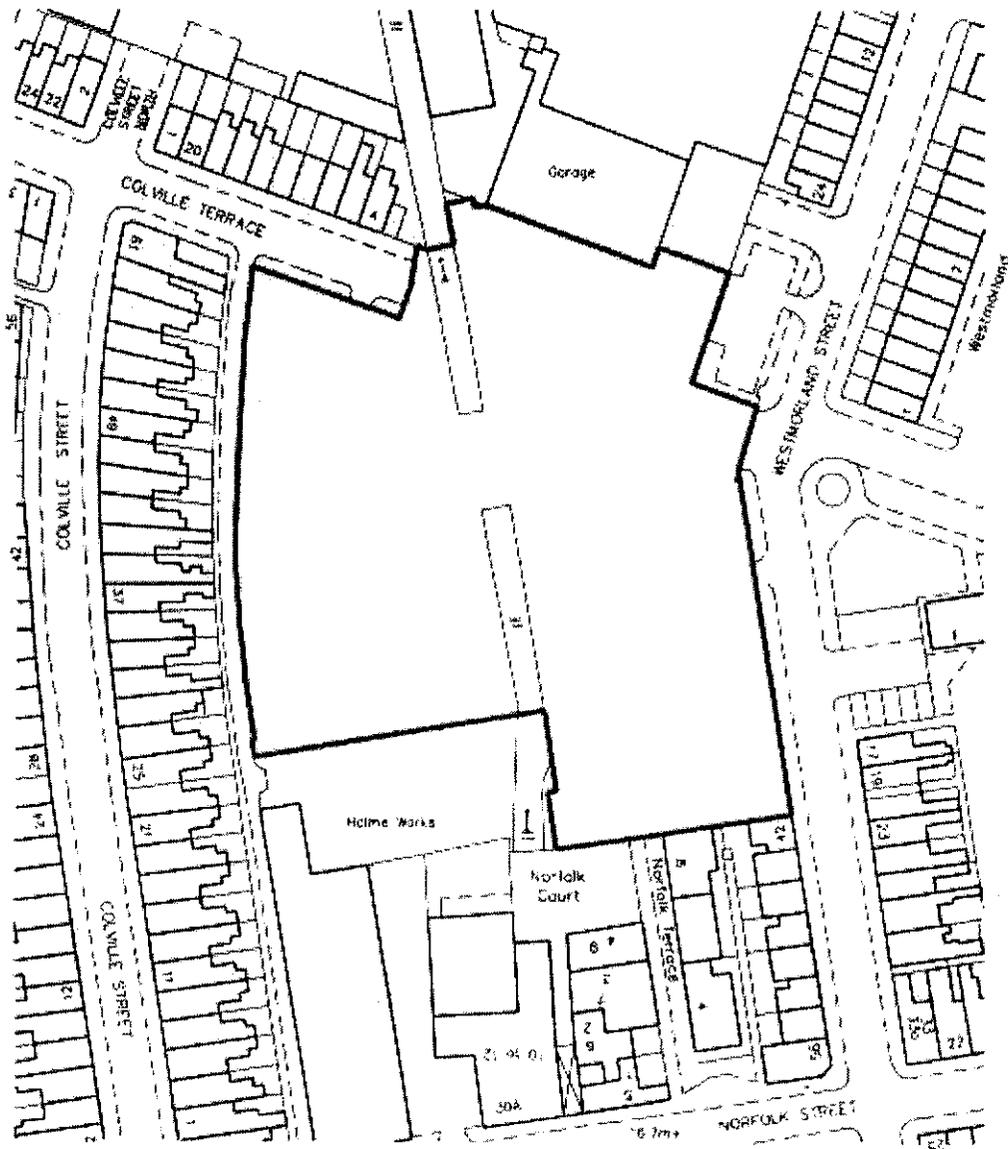
19. Detailed plans to be submitted under Condition 4 shall incorporate full design details of walls, gates, fences and other means of permanent enclosure and boundary treatment, including height and means of construction, in respect of areas in front of the forward most part of the dwelling(s). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, any enclosure of such garden areas shall take place strictly in accordance with the agreed scheme.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner in accordance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016.

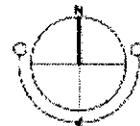
20. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy E9 of the Carlisle District Local Plan.

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PENGUIN FACTORY SITE, WESTMORLAND STREET, CARLISLE  
 SITE LOCATION PLAN



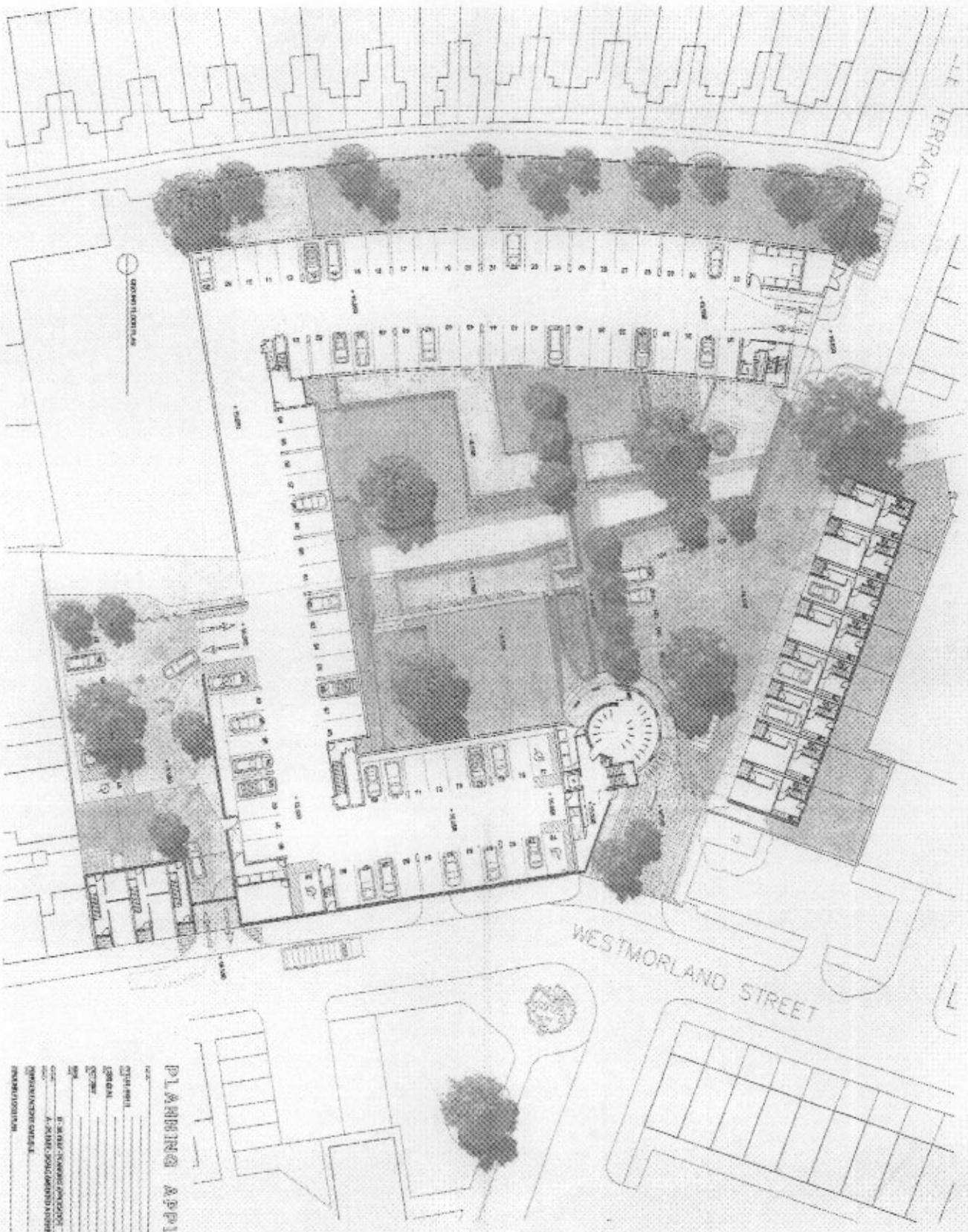
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PLANNING APPLICATION



**PLANNING APPLICATION**

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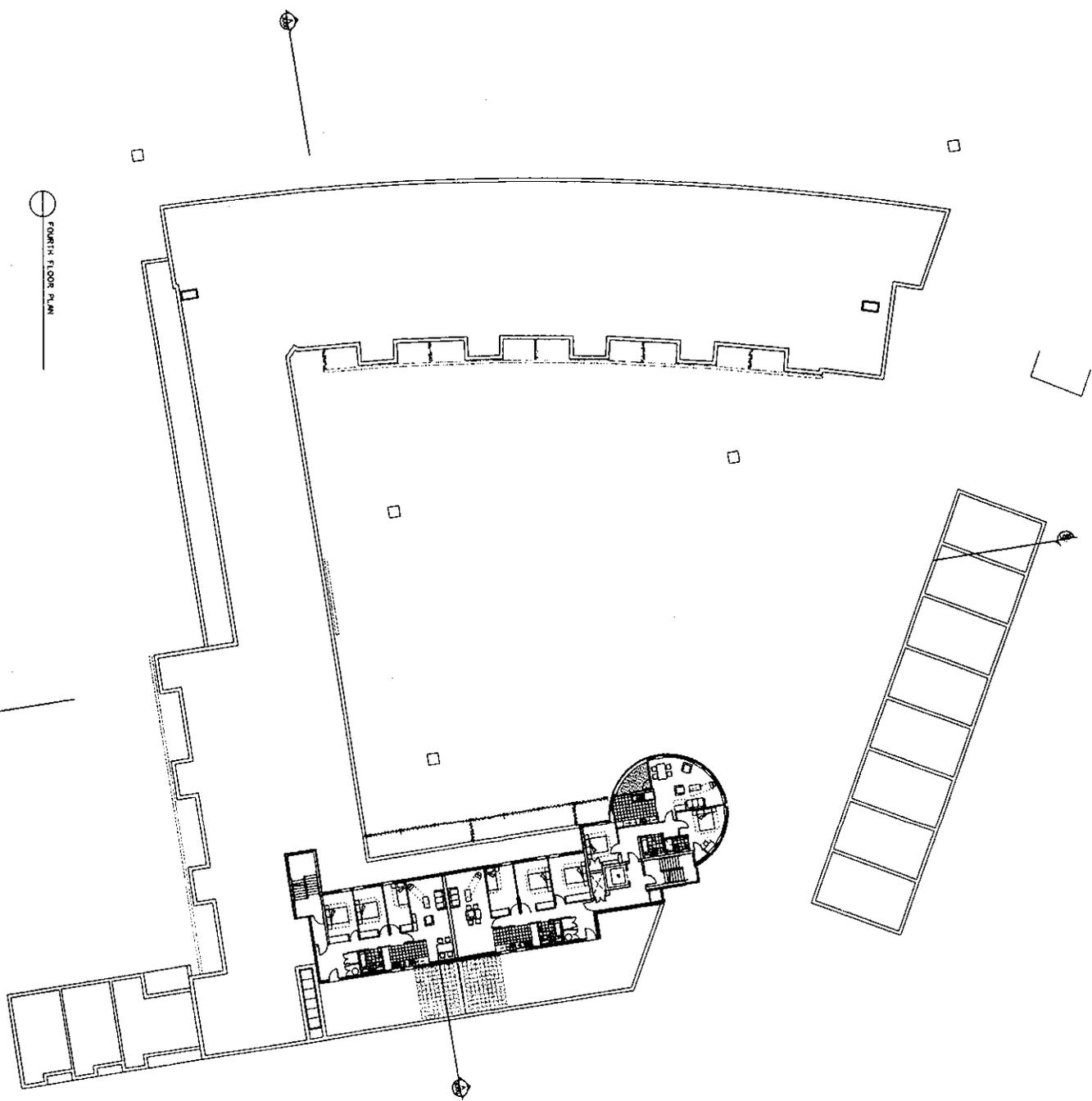


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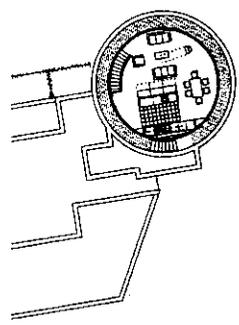




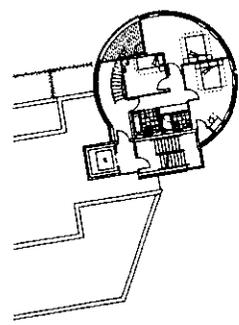




FOURTH FLOOR PLAN



SIXTH FLOOR PLAN



FIFTH FLOOR PLAN

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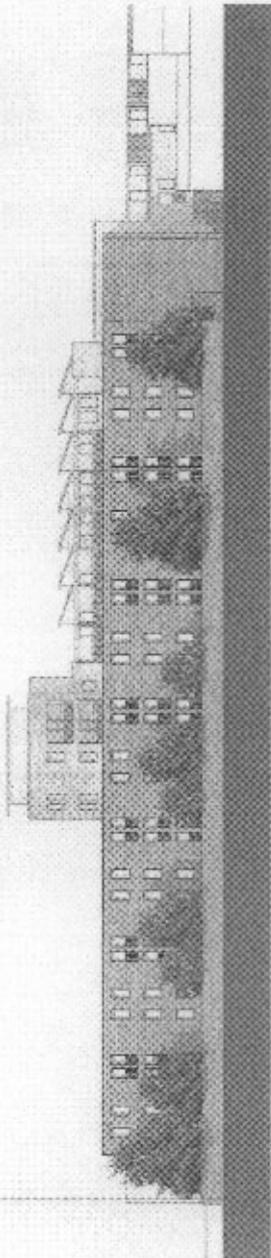
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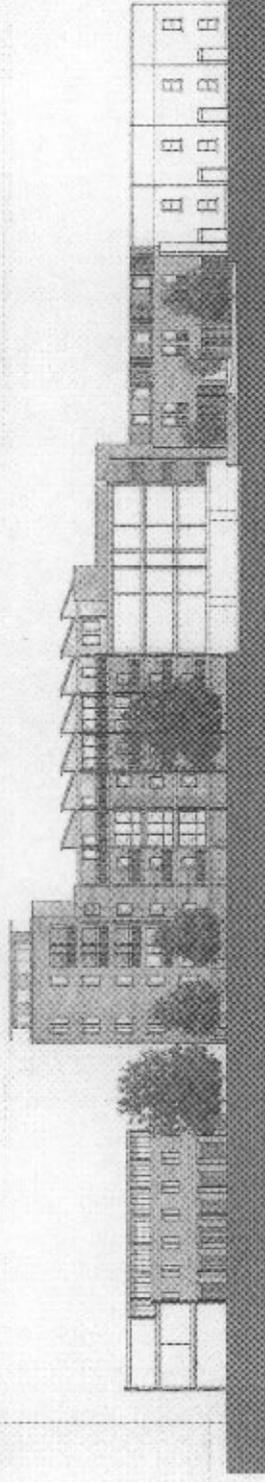


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STABLE STREET ELEVATION



WEST SIDE ELEVATION

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 PROJECT DESCRIPTION \_\_\_\_\_  
 PRELIMINARY ACTION REQUIRED \_\_\_\_\_



**Nathaniel Lichfield  
and Partners**

Planning Design Economics

**FORMER PENGUIN FACTORY  
SITE, WESTMORLAND STREET,  
CARLISLE**

**PLANNING STATEMENT**

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## **1.0 INTRODUCTION**

- 1.1 This planning statement considers proposals for the residential redevelopment of the former Penguin Factory site on Westmorland Road, Carlisle for 99 dwellings against the relevant planning policy guidance at national, regional and local levels. The statement was commissioned by House of York Ltd and has been prepared by Nathaniel Lichfield & Partners (NLP).

### **Accompanying Documentation**

- 1.2 This Planning Statement forms part of a suite of documentation that accompanies the planning application for the former Penguin Factory site development package. The submitted documents are:
- *Design and Access Statement* which illustrates the design approach at the former Penguin Factory site, including an appraisal of the site's accessibility;
  - *Transportation Statement* which provides an assessment of transportation issues associated with the developments, including a Stage 1 Road Safety Audit and a Designers Response to this Audit; and
  - *A Flooding Issues Report* accompanies the planning application. At the time of writing this report, the Flood Risk Assessment was being finalised and will follow shortly.

### **Pre-application Discussions**

- 1.3 Pre-application discussions have been held with the Planning and Design Officers at the Council and their advice has been taken into consideration during the evolution of the scheme's design.

### **Structure of Statement**

- 1.4 This statement is structured accordingly:
- Section 2.0 The Site, Surroundings and Planning History
  - Section 3.0 Development Proposals
  - Section 4.0 Compliance with the Development Plan
  - Section 5.0 Relationship to the Emerging Development Plan
  - Section 6.0 Housing Requirement

- **Section 7.0     Securing an Appropriate Mix of Dwellings**
- **Section 8.0     Residential Sustainability Issues**
- **Section 9.0     Suitability of the former Penguin Factory site for Residential Uses**
- **Section 10.0    Addressing Previous Reasons for Refusal**
- **Section 11.0    Other Matters**
- **Section 12.0    Conclusions**

## **2.0 THE SITE, SURROUNDINGS AND PLANNING HISTORY**

### **Introduction**

2.1 This section of the report considers the following:

- Site history
- The site and surrounding area
- Planning history
- Refusal of previous residential scheme

### **Site History**

2.2 The site once contained a complex of buildings, with the earliest building being a late 18<sup>th</sup> century mill which was extended and converted into a cotton finishing and dyeing mill in 1824. A confectionery factory was opened in 1858 and the manufacturing complex developed during the 19<sup>th</sup> and 20<sup>th</sup> centuries when new buildings were built and existing buildings were extended. The confectionery works operated for 145 years until closure in 2003. All buildings have since been demolished.

### **The Site and Surrounding Area**

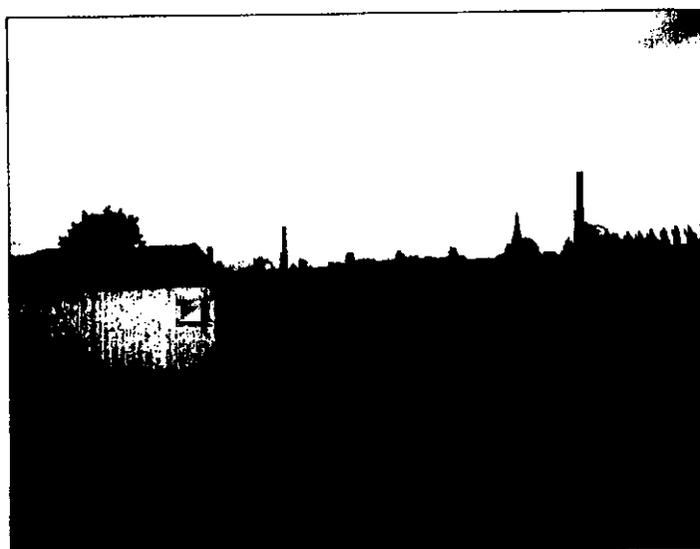
2.3 The former Penguin Factory site is located within a predominately residential area in the Denton Holme Ward, approximately 1km to the south west of the city centre. The site is bounded by Westmorland Street to the east, which contains terraced rows and a small area of open space, and a back lane along the rear of Colville Street to the west. Workshops and residential properties within Norfolk Court and Norfolk Terrace are situated to the south, whilst residential properties within Colville terrace and a parking area are located to the north. A plan showing the site's location is provided within the Design and Access Statement.

2.4 This 0.716 hectare site is a derelict, contains mounds of rubble and is bounded by a high security fence. This vacant site detracts from the character and appearance of the area and presents a negative image within this area of Denton Holme.

*Photograph of site from Westmorland Street facing South West*



*Photograph of Site from Westmorland Street through Security Gate*



- 2.5 Within the wider area, commercial properties are situated along Nelson Street to the north of the site and St James Park, including a bowling green, lie beyond Colville Street to the west. The site also lies within close proximity to the District Centre located at the junction of Nelson Street and Denton Street.

#### **Planning History**

- 2.6 The below table provides a summary of the site's planning history.

YEAR	PROPOSAL	DECISION
1955	Extension to boiler house	Approved
1967	Alterations to increase width of entrance to confectionary manufacturing premises	Approved
1972	Reinstatement of a fire damaged building	Approved
1972	Reduction of a four storey fire damaged building to single storey	Approved
1972	Reinstatement of a fire damaged 4 storey building	Approved
1973	Single storey extension to east end of existing fire damaged building	Approved
1995	Demolition of South Lodge	Approved
1998	Pipe bridge to carry insulated pipework between existing processing building	Approved
2000	Advertisement consent for display of internally illuminated signage	Approved
2000	Advertisement consent for siting of two flag poles	Refused
2006	Erection of 130 apartments and 3 commercial units	Refused

#### Refusal of Previous Residential Scheme

2.7 As detailed above, planning permission was refused, in accordance with Officer recommendation, in November 2006 for the erection of 130 apartments and 3 commercial units following the demolition of the existing buildings at the site. This application was refused for reasons which related to the following:

- Reason 1 – Development Density – The scheme comprised an overdevelopment of the site, having a density of 317.85 units per hectare;
- Reason 2 – Scale and Massing – The development would have an overbearing and oppressive effect on the neighbouring houses by way of its height, scale and disposition;
- Reason 3 – Highway Issues - Inadequate parking facilities were provided that included some inaccessible spaces and no peak time trip generation or a Stage 1 Road Safety Audit were provided;
- Reason 4 – Designing out Crime - The open access and degree of permeability would result in casual intrusion by non-residents which may result in the security and defensible space of this development being compromised. In turn, this may result in an increased risk of crime and fear of crime;
- Reason 5 – Affordable Housing – No affordable housing was provided; and
- Reason 6 – Commercial Premises – Insufficient information was provided to determine the end use of the proposed commercial premises. Accordingly, the proposed use may be inappropriate in a residential area resulting in an adverse impact on the amenity of existing residents.

2.8 Section 10 of this report addresses the reasons for refusal, whilst the decision notice containing the full reasons for refusal is provided within Appendix 1.

### 3.0 DEVELOPMENT PROPOSALS

3.1 The proposed development is illustrated on the accompanying plans. Briefly, the development comprises the following elements:

#### *Residential Development*

- Erection of 99 residential dwellings (providing a Gross Internal Floor Area of 8,994m<sup>2</sup> or 96,814sqft). The scheme comprises the following mix:
  - 1-bedroom flats 9
  - 2-bedroom flats 72
  - 3-bedroom flats 7
  - 2-bedroom houses 10
  - 3-bedroom houses 1
- Provision of 117 car parking spaces, comprising 107 parking spaces for the flats plus 10 integral garages for the proposed town houses. Six of these spaces are dedicated spaces for disabled people;
- The majority of the car parking for the flats is provided beneath the development allowing the creation of a central landscaped area; and
- Provision of 26 Sheffield style parking racks, providing 40 secure and covered cycle parking spaces for residents and 12 cycle spaces for visitors.

#### *Open Space and Landscape*

- The proposed layout comprises a 'U' shaped layout of linked blocks with an internal landscaped private courtyard area;
- The courtyard area is bisected by the Mill Race watercourse which runs through the site, providing a unique feature with a historical linkage;
- The indicative landscaping scheme as shown on the ground floor plan will create an interesting and high quality amenity area for prospective residents; and
- A children's play area will be provided adjacent to the north west corner of the site of a minimum of 107sqm.

#### *Infrastructure*

- The site will have two accesses providing access into the undercroft parking area from both Westmorland Street and Colville Terrace, whilst the townhouses located within the northern section of the site will be accessed from Colville Terrace. The entrance into the car parking area will be physically secured with electrically operated gates;

- An emergency vehicle access will be provided between Westmorland Street and Colville Terrace which will be protected by demountable bollards;
- A new route is proposed linking Northumberland Street with Colville Terrace to strengthen links between the residential area and St James Park to the west. This route will be separated from the courtyard area of the development by a brick wall; and
- Several bus stops are located within a five minute walking distance of the site as illustrated within Figure 4 of the Transportation Assessment.

3.2 Further details of the development concepts are set out in the accompanying Design and Access Statement. Overall, the redevelopment of this site will provide a sustainable residential development which will significantly improve the visual quality of this area through the redevelopment of a derelict site.

## **4.0 COMPLIANCE WITH THE DEVELOPMENT PLAN**

### **Introduction**

- 4.1 This section of the report considers the compliance of the development proposals with the adopted development plan. A detailed assessment of the development proposals against development plan policies, together with national, regional and local planning guidance is contained with Appendix 2 of this report.

### **The Adopted Development Plan**

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan when determining planning applications, the decision must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.3 In this instance, the adopted development plans are:
- Regional Spatial Strategy (formerly Regional Planning Guidance for the North West RPG13 (March 2003)); and
  - Cumbria and Lake District Joint Structure Plan 2001 – 2016 (April 2006).
- 4.4 The Structure Plan was adopted in 2006 and its policies have automatically been saved for three years.
- 4.5 With regard to the Carlisle District Local Plan (adopted September 1997), under the Planning and Compulsory Purchase Act 2004, the Secretary of State had the power to make a direction to save specified policies by 27 September 2007. However, the Local Plan review has reached an advanced stage, with the revised redeposit plan having been subject to a Public Inquiry in July / August 2007. Accordingly, the Secretary of State has not saved any policies within the adopted Plan. The Council are now relying on the Revised Redeposit Local Plan, albeit they recognise that there are outstanding objections to some policies which affect the weight that can be afforded to a particular policy.

### *Regional Planning Guidance for the North West - RPG13*

- 4.6 RPG1 sets the framework for local authority development plans and transport plans within the north west region. Proposed development should therefore comply with RPG1 policies unless material considerations indicate otherwise.
- 4.7 Within this document, the following key points of particular relevance to the development proposals are:
- Policy DP1 promotes the efficient use of land and requires development to follow a sequential approach through re-using existing buildings and accessible previously developed land before the release of accessible previously undeveloped land.
  - Policy SD3 priorities the concentration of development in the key towns and cities outside the North West Metropolitan Area. Carlisle is identified as a key city. (para. 2.63).

### *Cumbria and Lake District Joint Structure Plan 2001 – 2016*

- 4.8 The adopted Structure Plan post dates RPG13 and sets the policy framework for development within Cumbria. The Structure Plan seeks to focus the majority of development within the main towns and city centres. Policy ST8 - *The City of Carlisle* – is of particular relevance, stating:

*"The City of Carlisle's importance will be fostered by the new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism...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."*

- 4.9 Additionally, the Structure Plan states:

*"The regional role identified for Carlisle will influence the way this city will develop...It will be a location for a significant scale of development that should support and enhance this role and increase the overall attractiveness for private investment". (para. 2.26)*

### **Compliance with the Development Plan**

- 4.10 The redevelopment of a vacant, previously developed site within the urban area of Carlisle complies with the locational strategy of the RSS and Structure Plan. These policies all seek to locate development within the main towns and cities of the region,

particularly Carlisle, to build on its role as a regional centre for business, commerce, shopping, leisure and tourism.

### **Conclusions**

4.11 The preceding section of this report is summarised as follows:

- The proposals conform with the up to date policy of the RSS (former RPG1) and Structure Plan, to which substantial weight must be given.
- The scheme complies with other development plan policies regarding sustainable development on brownfield sites, making efficient use of land and providing a mix of house types, including affordable housing, to which substantial weight must also be given, as detailed in section 9.

4.12 The relationship of the development proposals to the emerging development plan is now considered.

## 5.0 RELATIONSHIP TO THE EMERGING DEVELOPMENT PLAN

### Introduction

- 5.1 In respect of emerging policies, the ODPM publication *"The Planning System – General Principles"* which was issued with PPS1: *Delivering Sustainable Development* states that:

*"Emerging policies, in the form of draft policy statement and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account."*

- 5.2 In this instance the following needs to be considered:

- Submission Draft Regional Spatial Strategy for the North West (January 2006) and Examination in Public Panel Report (May 2007); and
- Redeposit draft Local Plan.

### Submission Draft Regional Spatial Strategy for the North West

- 5.3 The RSS for the North West is currently under review, with the North West Regional Assembly having published the Submission Draft in January 2006. This document was subject to an Examination in Public, with the Panel Report being released in May 2007. A final version of the RSS is expected in early 2008.
- 5.4 Policy RDF1 of the draft RSS seeks to concentrate most new development in the urban areas of the regional towns and cities. Carlisle is identified as a regional city. Particularly, development is supported in these areas to secure urban regeneration and economic growth that is complementary to the regional centres.
- 5.5 The main housing issue for Carlisle is the:
- 'provision of sufficient new residential development to support the economic growth and regeneration of Carlisle, while ensuring that the local and affordable housing needs of rural communities can be met elsewhere.'* (page 35)
- 5.6 Additionally, Policy DP1 seeks for the efficient use of land and re-use of previously developed land within settlements, whilst Policy L4 also focuses new housing

developments on brownfield land. This approach is also reflected in the Examination in Public Panel Report.

### **Local Plan Review**

- 5.7 The existing Local Plan (adopted 1997) is being reviewed to roll the Plan forward to 2016 and will become a 'saved' document for three years from the date of adoption. The Local Plan will then be incorporated into the Local Development Framework. The Council produced a deposit draft Local Plan in July 2004, a redeposit draft in August 2005 and a revised redeposit draft in September 2006. It was then subject to a Local Plan Inquiry in July and August 2007. The Inspector's Report is anticipated in February 2008 and the policies are scheduled to be adopted by the Council in April 2008.
- 5.8 Policy H1 of the Revised Deposit Draft Local Plan identifies that 80% of new development should be located within the urban area of Carlisle, with the remaining 20% in the rural area.
- 5.9 Policy H2 of this Plan identifies that proposals for new residential development will be acceptable in the Primary Residential Areas provided that:
- i) Existing areas of open space and other amenity areas are safeguarded; and
  - ii) The proposed development does not adversely affect the amenity of adjacent residential property; and
  - iii) The proposed development complements or enhances existing adjacent residential areas and their amenity; and
  - iv) Satisfactory access and appropriate parking arrangements can be achieved.
- 5.10 With regard to the former Penguin Factory site, this site has been allocated as the following within the emerging Local Plan:
- Deposit Draft (July 2004) – Policy EC2 allocated site as a Primary Employment Area, whilst it was situated within the Primary Residential Area identified by Policy H2.
  - Redeposit Draft (August 2005) – allocated for residential uses, with a site capacity of 64 units based on the conversion of the factory.
  - Revised Redeposit Draft Local Plan (September 2006). - Allocated for a residential development of 64 units. The Strategic Flood Risk Assessment identifies the site as falling within an area liable to flood. However, it states that

discussion has been undertaken with the Environment Agency and the site is capable of being developed that would satisfy flooding matters.

5.11 The site is allocated in the emerging Local Plan for a residential development of 64 units, whilst the proposed development seeks planning permission for 99 units. In the Committee Report for the Persimmon Homes application, the Local Plans team have stated the 64 unit figure is *"based on conversion of the existing building into apartments and the remainder of the site used for commercial / employment use"*. The existing buildings have now been demolished. Furthermore, the Revised Redeposit Plan states that *"retention of employment use is not considered appropriate for this site"*. (para. 5.94)

5.12 In respect of the previous application, the Council's Local Plans Team in the Committee Report stated:

*"It is...anticipated that overall site development may be in the region of 100 units to reflect a high-density conversion and development of the remainder of the site at a similar density to the surrounding areas."*  
(page 353)

5.13 Importantly, the Local Plans Team has accepted in their response that a development for 100 units could be acceptable in principle.

### **Conclusions**

5.14 The principle of residential redevelopment at the former Penguin Factory site accords with the emerging development plan, namely both the emerging RSS and Local Plan. It is located in a Primary Residential Area and allocated for a residential development within the Revised Redeposit Draft Local Plan which has reached an advanced stage in its preparation. The emerging Local Plan identifies that the site could be developed for 64 units. However, the Local Plan Teams have now accepted that the site could accommodate in the region of 100 units.

## **6.0 HOUSING REQUIREMENT**

### **Introduction**

- 6.1 The Government's housing policy objective, contained within Planning Policy Statement 3: *Housing*, is to ensure that everyone has the opportunity of a decent home, which they can afford, in a community where they want to live. A key objective of this PPS is to ensure that the planning system delivers a flexible, responsive supply of land. Paragraph 6 requires a rolling five-year supply of deliverable land for housing to be identified and maintained. Paragraph 53 continues by requiring the identification of sites that will enable continuous delivery of housing for at least 15 years from the date of adoption, taking account the level of housing provision set out in the Regional Spatial Strategy.
- 6.2 This section of the report considers whether there is a requirement for the release of the former Penguin Factory site and is structured as follows:
- Development Plan Requirement
  - Emerging Policy Requirement
  - Projected Housing Supply
  - Residual Requirement
- 6.3 Conclusions then follow.

### **Development Plan Requirement**

- 6.4 Policy UR7 of RPG13 (March 2003) sets a target that 1,170 dwellings should be completed per annum in Cumbria and the Lake District compared to the adopted Cumbria and Lake District Joint Structure Plan 2001 – 2016 (April 2006) requirement of 1,833 units per annum. For Carlisle, Policy H17 of the Structure Plan provides an annual average dwelling provision of 250 units between 2002 – 2016, totalling 3,500 over the period 2002 – 2016.

## **Emerging Policy Requirement**

### *Submission Draft Regional Spatial Strategy (January 2006)*

- 6.5 Policy L4 of the submission draft RSS sets out the emerging distribution of regional housing provision. The total maximum net provision between 2003 and 2021 for Carlisle is 8,100 units, with an annual average rate of net provision of 450 units.
- 6.6 An Examination in Public (EiP) was held to assess the Draft RSS in October 2006. The housing provision figures for the region remained unchanged in the EiP Panel report (May 2007). Proposed changes to the RSS are expected in November 2007 and after a statutory period of consultation and further consideration by the Secretary of State the North West Plan is expected to be published in early 2008. Accordingly, given that these figures remain unchanged, for the purposes of this report, the housing provision of the draft RSS are taken into consideration.

### *Emerging Local Plan*

- 6.7 The Revised Redeposit Draft Local Plan (September 2006) focuses 80% of new housing development during the plan period within the urban area of Carlisle; to include allocated sites on the edge of the city. The remaining 20% will be permitted in the rural areas of the District. If 80% of the draft RSS requirement is proportioned to urban area, this provides a requirement of **360 units per annum** or 2,880 units between 2003 – 2011.

## **Projected Housing Supply**

- 6.8 The Revised Redeposit Draft Local Plan was subject to a Public Inquiry in July / August 2007. Appendix 7 of Carlisle City Council's Core Topic Housing Paper (May 2007) states the following for the urban area on 1 April 2007:
- Supply against Structure Plan = 1,158 units (net permission) / 250 units per annum = 4.6 years supply
  - RSS requirement = 1,158 units / 360 per annum = 3.2 years supply
- 6.9 In respect of the 3.2 years supply, para. 11.4 of the Topic Paper states that "*this is a significant undersupply and additional sites will need to be brought forward particularly in the urban area*".

- 6.10 The Topic Paper identifies that 11 sites are allocated in the urban area within revised reposit plan, providing 678 units. Of these, 64 units are provided on the former Penguin Factory site.
- 6.11 Paragraph 11.5 of the Topic Paper advises that *"if the RSS figures are verified in the Panel's report there is a need to increase the supply of housing for both urban and rural areas."* The RSS figures have been verified in the Panel Report. Additionally, paragraph 2.6 of the Core Topic Paper states that there is *"a limit on the amount of brownfield land that can be developed"* within the urban area, with paragraph 4.9 advising that there will be capacity for windfalls within the urban area. Accordingly, there is a requirement to use land more efficiently and potentially for the release of additional sites.

### **Conclusions**

- 6.12 The above section of this report is summarised as follows:
- On 1 April 2007 there was only a 3.2 years supply against the RSS requirement for the urban area;
  - An urgent requirement exists for the release of additional sites to ensure a five year rolling supply within the urban area;
  - The former Penguin Factory site has been identified for 64 units within the Revised Redeposit Plan; and
  - Increasing the number of units to 99 units would assist in meeting the RSS housing requirement and would enable a more efficient use of a vacant, previously developed site in a sustainable location within the urban area of Carlisle.

## **7.0 SUITABILITY OF THE FORMER PENGUIN FACTORY SITE FOR RESIDENTIAL USES**

### **Introduction**

- 7.1 Planning Policy Statement 3: *Housing* (November 2006) aims to create mixed and sustainable communities through delivering housing in suitable locations which offer a range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 69 of PPS3 provides criteria for determining planning applications against which proposals for residential uses should be considered. This section of the report considers the suitability of the former Penguin Factory site for residential uses against these criteria.

### **Assessment of the former Penguin Factory Site Against PPS3**

- 7.2 The compliance of the former Penguin Factory site against these criteria are as follows:
- Achieving high quality housing
    - The proposed scheme will provide a high quality development of a scale and massing that is in-keeping with existing properties;
    - The central landscaped courtyard area, bisected by the Mill Race watercourse will create a unique and interesting environment;
    - The development will enhance the character of the area through the re-development of a vacant, derelict site which currently detracts from visual amenity; and
    - Space is laid out so that it is safe, accessible and user-friendly.
  - Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
    - The site will meet identified regional housing needs through diversifying housing stock and type, whilst the provision of up to a maximum of 25% affordable housing will assist in meeting local housing needs for affordable properties;
    - A range of dwelling sizes will be provided comprising 9no. 1 bed flats, 72no. 2 bed flats, 7no. 3 bed flats, 10no. 2 bed houses and 1 no. 3 bed house, which will contribute towards the creation of a sustainable, mixed community; and

- The development will provide high quality properties in a desirable location to increase the community's choice and meet aspirations, creating a more balanced, mixed and sustainable community.
- The suitability of a site for housing, including its environmental sustainability
  - The proposals comprise the redevelopment of a vacant, previously developed site which lies within the urban area of Carlisle;
  - Accessibility – the site lies in a highly accessible location with several bus stops, together with local shops and services on Denton Street all lying within a 5 minute walk as detailed within the Transportation Statement. St James Park lies less than a 5 minute walk away and contains a range of recreational facilities and the city centre lies a 15 minute walk away;
  - Flood Risk – The Environment Agency require finished habitable rooms to be higher than 18.05mAOD to minimise flood risk. All habitable rooms are at least +18.325m AOD which exceeds the Environment Agency's requirement; and
  - Efficient use of resources – minimising energy consumption and sustainability are central to the scheme's design and construction as discussed within the Design and Access Statement.
- Using land effectively and efficiently
  - The scheme comprises the re-use of a vacant, previously developed site;
  - The scheme will assist in meeting the Structure Plan target that 65% of residential development should be on previously developed sites;
  - Careful attention has been paid to preparing a high quality scheme that is in-keeping with the character and appearance of the area. This has resulted in an imaginative design which has lead to a very efficient use of this site without compromising the quality of the environment; and
  - The scheme density is 138 dwellings per hectare. This density is not unusual for urban redevelopments.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues
  - The emerging RSS and adopted Structure plan identify that new residential development is important to support the economic growth and regeneration of Carlisle;
  - The site is allocated for 64 residential units within the Revised Redeposit Plan, albeit in respect of the previous application the Council's Policy Team advised that the site could accommodate 100 units;
  - The Council's Core Strategy identifies there is only a 3.2 year supply against the RSS requirement; and

- The provision of 99 units on this site accords with planning policy through making efficient use of a vacant, previously developed site lying in a sustainable location.

7.3 From the above, it is evident that the proposed development complies with PPS3, para. 69 criteria.

## **8.0 SECURING AN APPROPRIATE MIX OF DWELLINGS**

### **Introduction**

8.1 This section of the report considers whether the proposed development would secure an appropriate mix of dwelling size, type and affordability. Accordingly, this section of the report is structured as follows:

- National Guidance
- House types and requirement
- Provision of an appropriate mix of house types
- Affordable housing

8.2 Conclusions then follow.

### **National Guidance**

8.3 National Planning Policy contained within PPS3 and PPS1 seek the delivery of strong, balanced and mixed sustainable communities. In achieving this, paragraph 9 of PPS3 states that the Government is seeking:

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community;
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing;
- To improve affordability across the housing market, by increasing the supply of housing; and
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural.

### **House Types and Requirements**

8.4 The Submission Draft RSS for the North West of England and its Technical Appendix (January 2006), the Cumbria Housing Strategy 2006 – 2011 and the Cumbria and Lake District Joint Structure Plan, has identified the following within Carlisle and the Region:

- New housing is required in Carlisle to sustain the city's economic potential and support its regeneration;

- There is a large stock of high-density older terraced housing and pre/post war local authority-built housing;
- Rising divorce statistics, decreasing numbers of people marrying, increasing numbers of single parents and more people living on their own have lead to a trend towards smaller average household sizes in the region;
- The population is ageing;
- There are limited economic and housing opportunities for young people which undermine balanced communities and lead to outward migration; and
- There is a need for the provision of high quality affordable housing for future generations in mixed and sustainable communities.

8.5 Importantly, the North West Regional Housing Strategy 2005 recognises that:

*“There needs to be a supply of good quality, attractive housing of a type necessary to attract and retain the skilled workforce needed to sustain economic development.” (para. 25)*

8.6 At a local level, the Census (2001) identifies the following within Denton Holme:

- Fewer residents in Denton Holme own a property outright (21.82%) compared to Carlisle (30.41%), the North West (29.78%) and nationally (29.19%);
- More residents in Denton Holme rent a Council property (13.90%) compared to the North West Region (13.57%);
- Over twice as many residents in Denton Holme 6.53% rent a property from a Housing Association or Registered Social Landlord (6.53%) compared to Carlisle (2.99%); and
- More residents in Denton Holme 34.88% rent a property from the Council, HA, RSL or other (34.88%), compared to Carlisle (29.15%) and the North West (30.74%).

#### **Provision of an Appropriate Mix of House Types**

8.7 In light of the above, the development proposals will play a most important role in helping to meet housing needs through the following:

- Delivery high quality urban apartments and town houses of a range of sizes including 1, 2 and 3 bedroom apartments and 2 and 3 bedroom houses to meet needs and local aspirations;
- Provision of up to a maximum of 25 affordable housing units will help address local needs and will assist in the delivery of a balanced community;
- Redevelopment of a derelict site, with the Mill Race watercourse providing a unique and distinctive feature within the site, will assist in the regeneration and renaissance of this area of Carlisle;

- New housing will support economic growth through the retention and attraction of economically active, skilled workers, which will also assist in rebalancing the ageing population; and
  - The scheme will create a mixed and sustainable community.
- 8.8 Ultimately, the provision of a choice of high quality dwellings within a landscaped setting will contribute towards delivering a sustainable community.

### **Affordable Housing**

- 8.9 Carlisle City Council recognises that house prices have increased significantly over the last few years. Accordingly, Policy H5 of the Revised Redeposit Draft Local Plan states:

*“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*

- 8.10 Paragraph 5.32 of the supporting text of Policy H5 advises that:

*“In the urban area targets will be established for all allocated sites of between 15% and 30% to ensure a continued supply throughout the City.”*

- 8.11 At the current time, it is not known whether there will be any exceptional development costs for example remediation. In light of this uncertainty, it is proposed to provide up to a maximum of 25% affordable units. This will address local housing needs, whilst providing some flexibility should any exceptional development costs emerge. To secure this provision, we suggest the following condition which is based on the model condition from the Planning Officers Society:

*“The development shall not begin until a scheme for the provision of up to a maximum of 25% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:*

- 1) the numbers, type and location of the site of the affordable housing provision to be made;*
- 2) the timing of the construction of the affordable housing;*

*3) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and*

*4) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.*

*Informative: For the avoidance of doubt, the term affordable housing means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord."*

### **Summary**

8.12 The above section of this report is summarised as follows:

- The development proposals will provide a range and choice of housing stock, tenure and type to meet identified housing needs within the Region;
- The development will provide high quality properties on a unique site which will assist in the attraction and retention of population and in turn will help sustain the city's economic potential; and
- Up to a maximum of 25% affordable housing will be provided.

## **9.0 RESIDENTIAL SUSTAINABILITY ISSUES**

9.1 Sustainable development is central to national, regional and local planning guidance. Specifically, Planning Policy Statement 1: *Delivering Sustainable Development* (February 2005) states the following:

*"Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations."*  
(para. 3)

9.2 Given the importance of sustainable development, this next section of the report considers the sustainability of the proposals. Accordingly, this section of the report is structured as follows:

- Creation of sustainable communities
- Maximising development on brownfield sites
- Making more efficient use of land
- Accessibility
- Open space and play provision
- Energy Efficiency / Sustainability
- Employment generation

9.3 Conclusions are then drawn.

### **Creation of Sustainable Communities**

9.4 Planning has a key role to play in the creation of sustainable communities, defined in PPS1 as being *"communities that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential"* (para. 6).

*"The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens"* (PPS1, para. 14)

9.5 The aim of the Structure Plan is to secure a more sustainable pattern of development (para. 2.3). Policy ST1: *A Sustainable Vision for Cumbria* states:

*"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:*

9.6 This Policy continues by stating that urban and rural communities should be sustained through measures including the following:

- A flourishing and diverse local economy;
- Access to good quality housing for all;
- 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; and
- Vibrant, harmonious and inclusive communities.

9.7 Sustainable development is also a central theme running throughout the Revised Redeposit Local Plan which states:

*"The Sustainable Strategy for Carlisle District gives a high priority to the conservation of its scenic beauty, natural resources and the quality of the built environment through protection from inappropriate development, as outlined in the Policies, whilst seeking to meet economic and commercial, housing and other needs of the population" (para. 2.17)*

9.8 Importantly, the residential redevelopment of the former Penguin Factory site is strongly committed to delivering a sustainable community. The proposals:

- deliver a carefully planned, high quality, safe and inclusive development;
- meet local housing needs through providing a range of dwellings types, including affordable housing;
- create an accessible development to jobs, education, shops and leisure opportunities through public transport, walking and cycling as alternatives to the private car;
- the new residents will bring increased spending power into this area which will support local shops and facilities, together with those within the city centre;

- support the local economy through providing employment opportunities during the construction of the developments; and
  - greatly enhance the visual amenity of this area through redevelopment of a derelict site.
- 9.9 Given the above, the former Penguin Factory scheme closely accords with the Government's aims and aspirations to create a sustainable, inclusive and balanced development which will contribute towards to the building of a sustainable community within Denton Holme, Carlisle.

#### **Maximising Development on Brownfield Sites**

- 9.10 PPS3 sets the national target that 60% of new housing should be provided on previously-developed land. At a regional level, Policy 4 of the submission draft RSS sets a brownfield target of at least 50% for Carlisle as a whole and this policy is reiterated in the EiP Panel Report. Paragraph 36 of PPS 3 states:

*"The priority for development should be previously developed land, in particular vacant and derelict sites and buildings".*

- 9.11 Policy H18 of the adopted Structure Plan sets a target for the City of Carlisle that 65% of additional housing should be on previously developed land between 2002 – 2016. Policy H4 of the Revised Redeposit Local Plan reiterates the Structure Plan Policy and sets a target of 65% brownfield in the urban area, with 40% in the rural areas. This Plan states:

*"The main objective of this Local Plan is therefore to continue to make the best use of the existing land resource by maximising the use for development of urban land, especially where it is vacant, derelict or contaminated, and protecting the open countryside from development" (para. 2.18)*

- 9.12 The re-development of the former Penguin Factory site will assist in Carlisle continuing to meet the brownfield target.

#### **Making More Efficient Use of Land**

- 9.13 National and regional guidance contained within PPS1, PPS3 and the draft RSS require developments to make the best use of land and to avoid inefficient use of land. Policy H3 of the Revised Redeposit Local Plan states that:

*“Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare”.*

- 9.14 The site lies within the centre of the urban area of Carlisle, within a 15 minute walk of the City Centre. The proposed development will have a density of approximately 138 dwellings per hectare. An innovative design has led to the very efficient use of this site without comprising the quality of the environment. Indeed, the development is of a scale and massing that is in-keeping with the character and appearance of the area as fully outlined in the accompanying Design and Access Statement. Furthermore, the site lies in a very accessible location as discussed below. Accordingly, it is considered that 99 units can reasonably be accommodated on this site without any adverse effects.

#### **Accessibility**

- 9.15 PPG13 requires housing developments to be situated in sustainable locations that are accessible to retail facilities, local services and employment opportunities by public transport, walking and cycling as alternatives to the private car. This advice is followed in PPS3 which states:

*“The Government’s policy is to ensure that housing is developed in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.” (para. 36)*

- 9.16 The site is located within a 5 minute walk of the Denton Street District Centre which contains a range of local facilities, services and employment opportunities. Additionally, it is located within a 15 minute walk of the city centre, which is a key service centre within the region. Additionally, Carlisle Railway Station is located less than 1km away from the site where access can be gained to lines including the following:

- Carlisle to London Euston line (Virgin Trains)
- Carlisle to Leeds line (Northern Rail)
- Carlisle to Middlesbrough line (Northern Rail)
- Carlisle to Plymouth (Virgin Trains)
- Carlisle to Edinburgh line (Virgin Trains)
- Carlisle to Glasgow (Virgin Trains)

9.17 Furthermore, the high frequency of public transport services running along Nelson Street and Norfolk Street to the north and south of the site provides alternatives to trips by the private car. Services from these stops provide access to destinations including Carlisle Bus and Rail Stations, Dalston, Sctoby, Wetherall, Cotehill, Edentown, Stanwix, Holme Head, Morton Park, Lowry and Kingmoor Park.

9.18 The accessibility of the site was also recognised in the Council's Committee Report which stated:

*"The proposed site is well-related to the Denton Holme area of Carlisle, it is close to local public transport routes and to strategic network nodes within the city itself." (Page 364)*

9.19 Accordingly the site is highly sustainable and complies with the requirements of PPS3 and PPG13. The accessibility of the site is considered in more detail in the Transportation Assessment which accompanies this planning application.

#### **Open Space and Play Provision**

9.20 The central landscaped area provides a high quality area of informal open space for use of prospective residents, with the Mill Race watercourse providing a unique feature within the site and a linkage back to the site's history. The Mill Race bisects the central open space and is crossed by a proposed bridge. The precise details of this bridge and the boundary treatment along each side of the water course can be conditioned. Provision is also made within the area adjacent to the north western corner of the site for a children's play area of a minimum size of 107sqm.

9.21 The site is also fully accessible to St James Park which lies less than a 5 minute walk away beyond Colville Terrace to the west. This park contains a high quality bowling green, two floodlit outdoor sports areas suitable for football, tennis and basketball, together with a children's play area, whilst a football pitch is located on the park area to the south of Norfolk Road.

#### **Energy Efficiency / Sustainability**

9.22 The overall aim of this scheme is to deliver a high quality and energy efficient development with sustainability central to its design and construction. The Design and Access Statement provides details of the measures to conserve energy and water through insulation, ventilation, lighting and power, heating systems and greywater recycling.

### **Employment Generation**

- 9.23 The former Penguin Factory proposals comprise the provision of 99 residential units. In terms of job creation, the Cambridge Econometric model states that for every 10,000 new homes built in the UK, 7,000 additional jobs are created within the construction industry, as well as a further 4,600 in the wider economy.
- 9.24 Applying the direct and indirect employment multipliers of 0.7 and 0.46 respectively to the construction of 99 new units, the proposed development could be expected to generate 69 direct jobs within the construction industry and 49 indirect jobs. This will result in the creation of 118 jobs in total.
- 9.25 Furthermore, it is likely that the construction workers will spend some of their wages within the area and hence will support local shops, services and other firms. Accordingly, these benefits will reach Denton Holme District Centre and Carlisle City Centre which is readily accessible to the site by foot, cycle and public transport.

### **Conclusions**

- 9.26 The above section of this report is summarised as follows:
- The development proposals comprise a sustainable development on a vacant, brownfield site within Carlisle;
  - The development is accessible to jobs, education, shops and leisure opportunities through public transport, walking and cycling as alternatives to the private car;
  - The development will make a most efficient use of the site having a density of approximately 138 dwellings per hectare;
  - A significant proportion of the prospective resident's disposable income will be spent in Carlisle, whilst the construction of the development will generate 118 jobs, supporting the local economy;
  - Importantly, the proposals will contribute towards the building of a sustainable community within Denton Holme.

## **10.0 ADDRESSING PREVIOUS REASONS FOR REFUSAL**

### **Introduction**

10.1 This section of the report addresses the reasons why the previous application was refused and is structured as follows:

- Reason 1 – Development density
- Reason 2 – Scale and massing
- Reason 3 – Highway issues
- Reason 4 – Designing out crime
- Reason 5 – Affordable housing
- Reason 6 – Commercial premises

10.2 Conclusions then follow.

### **Reason 1 – Development Density**

10.3 This reason for refusal advised that PPG3 (March, 2000) suggests a density of between 30 – 50 units per hectare in urban areas and that higher densities can be provided in places with good accessibility. The previous scheme, comprising 130 residential units and 3 commercial units, had a density of 317.85 units per hectare.

10.4 The new scheme comprises the erection of 99 residential units providing a density of 138 dwellings per hectare. This accords with the new PPS3 (November 2006) which replaced PPG3 and does not provide any limitations in respect of maximum densities. Importantly, PPS3 seeks for the efficient use of land.

10.5 As demonstrated throughout the Design and Access Statement (DAS), an imaginative design has led to a very efficient use of the site without compromising residential amenity or the environment. Indeed, this development does not comprise an overdevelopment of the site.

### **Reason 2 – Scale and Massing**

10.6 This reason for refusal considered that the development, which had six floors, by reason of its height, scale and disposition, would have an overbearing and oppressive

effect on the neighbouring houses and would have a detrimental impact on the living conditions of the occupiers of the neighbouring residential properties.

- 10.7 As demonstrated within the DAS, careful consideration has been given to the height, scale and massing of the development to ensure it respects that of existing properties. The development is generally three storey but only steps up in height to the north where the area opposite is open and where there will be no loss of residential amenity.
- 10.8 In accordance with Policy CP5 *Residential Amenity* of the Revised Redeposit Draft Local Plan, a minimum distance of 21 metres is provided between primary facing windows to protect the privacy of existing residents.
- 10.9 More details are provided within the 'Scale and Massing' and 'Residential Amenity' sections of the DAS.

#### **Reason 3 – Highway Issues**

- 10.10 This reason for refusal stated that inadequate parking facilities were provided that included some inaccessible spaces. Furthermore, no peak time trip generation or a Stage 1 Safety Audit was included. With regard to car parking, 117 spaces are provided comprising 1 space per unit plus 18 visitor spaces. This level of provision is considered to be appropriate and accords with advice in the Committee Report for the previous application which states that the minimum provision needs to be one space per dwelling plus some visitor parking.
- 10.11 In terms of trip rates, the figures within the new Transportation Assessment have been agreed by the Highways Department at Cumbria County Council and demonstrate no adverse impact on the highway network resultant of this proposal.
- 10.12 The planning application includes a Stage 1 Safety Audit confirming that safe access can be achieved.

#### **Reason 4 – Designing out Crime**

- 10.13 This reason for refusal considered that the open access and degree of permeability through and within the site would result in casual intrusion by non-residents which may result in the security and defensible space of this development being

compromised due to unrestricted pedestrian access. In turn, this may result in an increased risk of crime and fear of crime.

10.14 As demonstrated within the 'Security' section within the DAS and in accordance with Policy CP16 of the Revised Redeposit Draft Local Plan, this matter has been fully considered and is summarised as follows:

- Flats, windows and front doors are located on the street frontages along Westmorland Street and the area to the front of the northernmost located terraced houses;
- The central private amenity space is enclosed on three sides by flats and to the north by a brick wall;
- Access points to the courtyard area is via controlled gates;
- Spaces have been carefully designed so ensure they are overlooked and have a sense of ownership by residents; and
- The car park is physically secure.

#### **Reason 5 – Affordable Housing**

10.15 This reason for refusal was on the basis that no affordable housing was provided even though there was an identified need. Policy H5 of the Revised Redeposit Draft Local Plan states that the City Council will negotiate with developers the affordable housing provision, with paragraph 5.32 of the supporting text stating that:

*“In the urban area targets will be established for all allocated sites of between 15% and 30% to ensure a continued supply throughout the City.”*

10.16 In accordance with the above, this application commits to the delivery of up to 25% affordable housing.

#### **Reason 6 – Commercial Premises**

10.17 This reason states that as there is insufficient information to determine the end use of the proposed commercial premises. Accordingly, the proposed use may be inappropriate in a residential area resulting in an adverse impact on the amenity of existing residents. The new application seeks permission solely for a residential development. This is in accordance with paragraph 5.94 of the Revised Redeposit Draft Local Plan which states that *“retention of employment use is not considered appropriate for this site.”*

### **Conclusion**

- 10.18 The above section of this report, together with details in the accompanying Design and Access Statement and Transportation Assessment, demonstrate that the previous reasons for refusal have been fully considered and addressed. The proposed development will not have any adverse impacts on residential amenity, the character and appearance of the area, the environment, highway safety or crime prevention and will ensure the delivery of up to a maximum of 25% affordable housing.

## **11.0 OTHER MATTERS**

### **Archaeology**

- 11.1 The previous planning application was accompanied by an archaeological desk top assessment and a level 2 building recording survey. The buildings were demolished prior to the determination of the previous application. The County Archaeologist has confirmed that further archaeological investigation is required and that this work can be secured as a condition of any planning consent. This letter is provided within Appendix 3 of this report.

## **12.0 CONCLUSIONS**

12.1 In conclusion, the salient issues that have been raised throughout this report are summarised as follows:

- The proposals conform with the up to date policy of the RSS (former RPG13) and locational strategy of the Cumberland Structure Plan;
- The emerging RSS and adopted Structure plan identify that new residential development is important to support the economic growth and regeneration of Carlisle;
- The site is allocated within the Revised Redevelopment Plan for 64 residential units, based on the conversion of the existing buildings;
- The Local Plan teams in respect of the previous planning application advised that the site could accommodate 100 units;
- There is a demonstrable requirement for the release of additional housing sites to comply with the emerging RSS requirements and to deliver a five year rolling supply, with Carlisle having a supply of only 3.2 years on 1 April 2007;
- The development will provide a high quality scheme on a vacant previously developed site in a highly accessible location within the urban area of Carlisle;
- The scheme accords with other development plan policies regarding sustainable development on brownfield sites, making efficient use of land, providing a mix of house types, including affordable housing, accessibility to which substantial weight must also be given;
- The scheme will deliver a step change in the housing offer through provision of high quality urban apartments and town houses of a range of sizes including 1 and 2 bedroom apartments and 2 and 3 bedroom houses to meet needs and local aspirations;
- Provision of up to a maximum of 25 affordable housing units will help address local affordability needs;
- New housing will support economic growth through the retention and attraction of economically active, skilled workers, which will also assist in rebalancing the ageing population; and
- The scheme will create a balanced, mixed and sustainable community.

12.2 Accordingly, for the above reasons, it is respectfully requested that planning permission for this most sustainable development comprising 99 residential units (Gross Internal Floor Area of 8,994m<sup>2</sup> or 96,814sqft) be granted.

**APPENDIX 1**  
**REASONS FOR REFUSAL**

**CARLISLE  
CITY COUNCIL**



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

**Development Services  
Planning and Housing Services  
Civic Centre, Rickergate, Carlisle, CA3 8QG.**  
Phone: 01228 817000 Fax: 01228 817199  
Typetalk: 0800 95 95 98  
Email: [DC@carlisle.gov.uk](mailto:DC@carlisle.gov.uk)

## **Application for Planning Permission Notice of Refusal**

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

**Applicant:**

Persimmon Homes Lancashire

Persimmon House

Lancaster Business Park

Caton Road

LANCASTER

LA1 3RQ

**Agent: (if any)**

Swarbrick Associates

Chartered Architects

Ashville House

40 Aglionby Street

CARLISLE

CA1 1JP

### **Part 1 - Particulars of Application**

Date of Application: 22/06/2005

Application Number: 05/0633

**Particulars and Location of Proposal:**

**Proposal:**

**Demolition of Factory and Development of 130 Apartments and 3 no. Commercial Units**

**Location:**

**Penguin Confectionery, Westmorland Street, Carlisle, CA2 5HL**

### **Part 2 - Particulars of Decision**

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Refused** for the carrying out of the development referred to in Part 1 hereof and shown on the plan(s) submitted for the following reason(s):

- Reason:** Planning Policy Guidance 3 (Housing) advises that in the urban area a density of between 30 and 50 units per hectare should be provided. Whilst it is recognised that higher density development can be achieved at places with good public accessibility, the application seeks consent for 130 residential units, representing a density of 317.85 units per hectare. In the context of the character of the surrounding area, this represents an over intensive development that would be obtrusive and detrimental to the character and appearance of the area, contrary to paragraph 57 of Planning Policy Guidance 3 (Housing); Policy H17 (Scale of Housing Provision) of the Cumbria and Lake District Joint Structure Plan; and criteria 1 and 2 of Policy CP4 (Design) of the emerging Carlisle District Local Plan Revised Redeposit Draft.

- 2. Reason:** The application relates to 0.721 ha of vacant land neighboured by non-residential development and, residential properties represented by two storey terraced houses. The proposed apartment block has six floors and in such circumstances the proposed apartment block, by reason of its height, scale and disposition, would have an overbearing and oppressive effect on the neighbouring houses. The scale, height and massing of this proposal are inappropriate for this area and has little relationship with the surrounding two storey dwellings. The proposal is therefore considered to be detrimental to the living conditions of the occupiers of the neighbouring residential properties contrary to paragraph 63 of Planning Policy Guidance 3 (Housing); paragraph 7 of Policy ST3 (Principles applying to all new development) of the Cumbria and Lake District Joint Structure Plan; criteria 2 and 4 of Policy H2 (Primary Residential Areas); criteria 2 and 4 of H17 (Residential Amenity) of the Carlisle District Local Plan; criteria 2 and 4 of Policy H2 (Primary Residential Areas) and criteria 2 and 4 of Policy CP5 (Residential Amenity) of the emerging Carlisle District Local Plan Revised Redeposit Draft.
- 3. Reason:** The proposal involves a mixed-use development including residential and commercial elements. Whilst recognising that in sustainable and accessible locations in urban areas, car parking standards may be relaxed. The level of car ownership, however, in the area is particularly high and Denton Holme is an area that is currently the subject of parking problems and traffic congestion. The proposal provides inadequate parking facilities that include spaces that are inaccessible. The Transport Impact Assessment has no details of peak time trip generation or a Stage 1 Safety Audit. Accordingly, a comprehensive highways assessment cannot be made but on the basis of the information submitted, is contrary to the objectives of PPG3 (Housing); Policy T30 (Transport Assessments) of the Cumbria and Lake District Joint Structure Plan; Policy T7 (Parking Guidelines) of the Carlisle District Local Plan and Policy T1 (Parking Guidelines) of the emerging Carlisle District Local Plan Revised Redeposit Draft.
- 4. Reason:** The proposal, by reason of the open access and a degree of permeability through and within the site, would result in casual intrusion by non-residents which may result in the security and defensible space of this development being compromised due to unrestricted pedestrian access. In turn, this may result in an increased risk of crime and fear of crime, contrary to the objectives of Section 17 of the Crime and Disorder Act 1998, paragraph 56 of Planning Policy Guidance 3 (Housing); criterion 10 of Policy CP4 (Design) and to the objectives of Policy CP16 (Designing Out Crime) of the emerging Carlisle District Local Plan Revised Redeposit Draft.

- 5. Reason:** The site is well located within the Denton Holme area and to the City Centre. There is an identified level of demand for affordable housing in the vicinity of the site given current high levels of Registered Social Landlord waiting list demands. The proposal should include between 25 - 30% of affordable units, as reflected in Carlisle City Council's Housing Strategy 2005 - 2010. The scheme does not include any provision for affordable housing and is therefore contrary to the objectives of Planning Policy Guidance 3 (Housing), criterion 1 of Policy H19 of the Cumbria and Lake District Joint Structure Plan; Policy H8 (Affordable Housing on Large Sites) of the Carlisle District Local Plan; and criterion 1 of Policy H5 (Affordable Housing) of the emerging Carlisle District Local Plan Revised Redeposit Draft.
- 6. Reason:** There is insufficient information to determine the end use of the proposed commercial premises. Consequently, the proposed commercial development may be inappropriate in a residential area resulting in an adverse impact upon the amenity of the occupiers of the residential properties, contrary to criterion 2 of Policy H2 (Primary Residential Areas); criterion 1 of H17 (Residential Amenity) of the Carlisle District Local Plan; criterion 2 of Policy H2 (Primary Residential Areas) and criterion 1 of Policy CP5 (Residential Amenity) of the emerging Carlisle District Local Plan Revised Redeposit Draft.

### **Relevant Development Plan 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

**APPENDIX 2**  
**PLANNING POLICY APPRAISAL**

**1.0 APPRAISAL AND CONSIDERATION OF THE PROPOSALS AGAINST NATIONAL, REGIONAL AND LOCAL PLANNING GUIDANCE AND STATEMENTS**

**Introduction**

1.1 This Appendix provides a succinct appraisal of the proposals against planning policy guidance at the national, regional and local levels which is of relevance to the proposed developments. Indeed, the appraisal against planning policy is considered under the following headings:

- Creating Sustainable Communities
- Housing
- Principles of Design
- Energy Efficiency
- Movement and Accessibility
- Environment, Landscape and Nature Conservation
- Open Space Provision
- Historic Environment
- Flood Risk

1.2 Each of these matters is now considered.

**Creating Sustainable Communities**

1.3 Sustainable development is central to national, regional and local planning guidance. Indeed, ensuring a better quality of life for everyone, now and for future generations is at the heart of this principle.

1.4 The following table analyses the proposals against national, regional and local planning policy.

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
PPS 1	Sustainable Communities are where people want to live and which will enable people to meet their aspirations and potential (para. 6)	<ul style="list-style-type: none"> <li>• The proposals will create a high quality, safe and attractive place to live.</li> <li>• The proposals will provide a range and choice of dwellings.</li> <li>• Through increased residential development housing needs will be met within Carlisle, especially the requirement for affordable units.</li> <li>• The development will attract new population.</li> </ul>

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
PPS1 and PPS3	Delivering strong, vibrant, balanced and sustainable communities with new housing developments should help to secure a better social mix (PPS1, para. 14)	<ul style="list-style-type: none"> <li>• A range of house types will be provided, ensuring a better social mix and promoting social inclusion.</li> <li>• This will assist in delivering a balanced, mixed and sustainable community.</li> </ul>
PPS3, and Draft RSS	Provision of wider housing opportunity and choice and a better mix in the size, type, location and affordability of housing	<ul style="list-style-type: none"> <li>• A range of dwellings are to be provided as part of the scheme.</li> <li>• These are anticipated to be a range of sizes to cater for a range of needs.</li> <li>• Up to a maximum of 25% of the dwellings will be affordable to meet local needs.</li> </ul>
PPS 1, PPS3, PPG 13, Draft RSS	Ensuring new development is located where everyone can access services or facilities on foot, bicycle or public transport	<ul style="list-style-type: none"> <li>• Several bus shelters are located in close proximity to the site.</li> <li>• All the roads in the vicinity of the site have streetlights and footways giving pedestrian access to the town centre, local schools and convenience shops.</li> </ul>

1.5 The above demonstrates that the residential redevelopment of the former Penguin Factory conforms to the principles of creating sustainable communities.

### Housing

1.6 In addition to the above, planning policies in respect of housing seek to ensure the housing requirements of the whole community are met, sufficient sites are allocated for housing developments which are situated in sustainable locations, and the re-use of previously developed sites is maximised.

1.7 A succinct analysis of the proposals against national, regional and local planning policy is now provided.

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
Draft RSS, Policy ST3 of Cumbria and Lake District JSP, Revised Redeposit Draft Local Plan Policy	Sequential approach to the release of housing, with priority to brownfield sites	<ul style="list-style-type: none"> <li>• The release of this site complies with the sequential approach being a previously developed site located within Carlisle, a regionally important service centre.</li> </ul>

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
DP1		
Cumbria and Lake District JSP Policy H8	Development on PDL should be maximised. The target at the County level is to meet 65% of housing on previously developed land within Carlisle between 2002 and 2016	<ul style="list-style-type: none"> <li>The proposed development will make a most important contribution towards achieving the County target.</li> </ul>
Cumbria and Lake District JSP Policy ST5	Housing must be concentrated in the main service centres	<ul style="list-style-type: none"> <li>Carlisle is one of the identified service centres</li> </ul>
Cumbria and Lake District JSP Policy H2	The identification and release of sites should take account of the development strategy, locational sequential test and sustainability criteria.	<ul style="list-style-type: none"> <li>The proposals comply with the requirement to focus development on brownfield sites within the main towns of the County.</li> </ul>
PPS 1, PPS 3 and draft RSS	More efficient use of land, indicative national minimum is 30 dwellings per hectare	<ul style="list-style-type: none"> <li>99 dwellings are proposed at a density of approximately 138 dwellings per hectare.</li> <li>This accords with national planning policy.</li> </ul>
PPS 3 and Draft RSS	Suitability of site for housing development (PPS3, para. 69)	<ul style="list-style-type: none"> <li>The development will deliver high quality housing</li> <li>A mix of housing will be provided to cater for single people, couples and families</li> <li>Up to a maximum of 25% affordable housing will be delivered</li> <li>The site is suitable, being a highly accessible, vacant, previously developed site within the urban area of Carlisle</li> <li>As required by the Environment Agency, all habitable rooms will be at least +18.325mAOD</li> <li>Minimising energy consumption and sustainability are central to the scheme's design and construction</li> <li>The development uses land effectively and efficiently</li> <li>The scheme accords with planning for housing objectives</li> </ul>
PPS3, Cumbria and Lake District JSP	Affordable housing provision to meet local needs	<ul style="list-style-type: none"> <li>Up to a maximum of 25% affordable housing will be provided on-site</li> </ul>

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
Policy H9 and emerging Local Plan Policy H5		

1.8 The above demonstrates the scheme accords with planning policy in respect of housing.

#### **Principles of Design**

1.9 National, regional and local planning policy guidance place an increasingly greater emphasis on the need for high quality in designing for places and people, and this is reflected in the design proposals for the site.

1.10 The design, quality and layout are all issues which are discussed in detail within the accompanying Design and Access Statement which demonstrates compliance with regards to the objectives of 'By Design' and the CABA's 'Design and Access Statements: how to write, read and use them'. However, the following table provides a summary of the analyses of the proposals against planning policy at all levels.

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
PPS1, PPS3, Draft RSS Policy DP1, Policy CP4 of Revised Redeposit Draft Local Plan	Promotion of high quality design in all development	<ul style="list-style-type: none"> <li>• The development will be to a high standard of design.</li> <li>• The residential redevelopment of this derelict site will visually enhance the area.</li> <li>• More details are provided in the Design and Access Statement.</li> </ul>
PPS 3, PPS1	Greater emphasis is to be placed on design quality and designing places and for people	<ul style="list-style-type: none"> <li>• The residential scheme will be developed to a high standard.</li> <li>• The applicants have a commitment to deliver development which incorporates a good quality public realm which is safe and attractive.</li> <li>• The needs of pedestrians will be placed before the needs of vehicles.</li> </ul>
Policy CP4 of Revised	Visual appearance and character of new	<ul style="list-style-type: none"> <li>• The indicative master plan for the former Penguin Factory site accords with best practice and policy</li> </ul>

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
Redeposit Draft Local Plan	development and their surroundings will be taken into consideration, particularly in respect of scale, height and massing, and making use of appropriate materials and detailing.	on masterplans and layouts as set out in the Design and Access Statement.

1.11 Accordingly, the development proposals will accord with design guidance through the creation of a good quality development within a landscaped setting.

#### **Energy Efficiency**

1.12 The issue of energy consumption is inexorably tied with the global environmental concerns that have received considerable coverage and attention since the late 1980s. The following table analyses the proposals against national, regional and local planning policy.

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
Draft supplement to PPS1, Draft RSS Policy EM16, Cumbria and Lake District JSP Policy ST3, Policy CP8 of Revised Redeposit Draft Local Plan	Development Proposals should maximise energy efficiency in its design, layout and choice of materials	<ul style="list-style-type: none"> <li>• Highest standards of insulation</li> <li>• Windows and doors to be draught proofed and joining details sealed</li> <li>• Energy efficient lighting and A energy rated white goods</li> <li>• Energy efficient heating systems with good insulation</li> <li>• Underground car park will be naturally cross ventilated to negate the need for mechanical plant</li> <li>• Water conservation including low-flow toilets and showers together with grey water recycling where appropriate</li> <li>• Materials selected depending on their environmental performance</li> <li>• Heavy materials sourced locally</li> <li>• Materials derived from sustainable sources wherever possible</li> <li>• Recovered or recycled materials used where economically viable</li> <li>• Local labour wherever possible</li> <li>• Development located in a highly accessible, sustainable location to reduce private car journeys</li> </ul>

1.13 The above demonstrates the scheme accords with planning policy in respect of energy efficiency.

**Movement and Accessibility**

1.14 Improving connectivity and accessibility is a major consideration in planning new developments and in delivering a renaissance in the North East. RPS have undertaken a Transportation Assessment of the redevelopment of the former Penguin Factory site, a copy of which is included within the planning documentation. Indeed, the proposals reflect current national, regional and local policy on accessibility, with the following table analysing the proposals against national, regional and local planning policy.

<b>Policy</b>	<b>Summary of Policy</b>	<b>Former Penguin Factory Site Compliance</b>
PPG13	To promote more sustainable patterns of development and make better use of previously developed land, the focus for additional housing should be existing towns and cities (para. 13)	<ul style="list-style-type: none"> <li>• The proposed development will be on a previously developed site in Carlisle.</li> <li>• Sustainability is central to the development.</li> </ul>
PPG13, draft RSS and Policy CP15 of Revised Redeposit Draft Local Plan	New development should help to create places that are sustainable, well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.	<ul style="list-style-type: none"> <li>• Local services and facilities are provided on Denton Street, a 5 minute walk away.</li> <li>• The site is accessible to Carlisle City Centre, being a 15 minute walk, which provides a range of facilities, services and job opportunities.</li> <li>• The site is in a highly accessible location with several bus stops located within a 5 minute walk of the site, including those on Nelson Street to the north of the site and Norfolk Street to the south.</li> </ul>
Cumbria and Lake District JSP Policy ST3	New development should be on sites that are/will be made accessible by public transport, walking and cycling.	<ul style="list-style-type: none"> <li>• As stated above, the site is highly accessible by public transport and walking</li> </ul>

1.15 The development proposals will seek to deliver a sustainable development through providing new housing within walking distance of existing facilities and services within the Town Centre. Furthermore, the site will be fully accessible to public transport. A more detailed analysis of the accessibility of the development is provided within the Design and Access Statement.

### Open Space Provision

1.16 Open spaces and recreation all underpin people's quality of life. They are important in creating attractive environments, promoting social inclusion and community cohesion and improving the health and well being of the population which contribute towards sustainable development.

1.17 The following table sets out the appraisal of the scheme against national and local policy.

Policy	Summary of Policy	Former Penguin Factory Site Compliance
PPG17, Policy LC2 of Revised Redeposit Draft Local Plan	Open spaces perform valuable functions including improving quality of life and providing an attractive environment and should be provided for in new developments	<ul style="list-style-type: none"> <li>• A central landscaped courtyard area will be provided within the site, providing informal open space</li> <li>• Children's play equipment will be created adjacent to the north west corner of the site</li> <li>• The Race Mill watercourse will provide an unique and distinctive feature, enhancing the environment and providing a historic linkage</li> <li>• St James Park is located within a 5 minute walk to the west of the site where facilities include a bowling green, two floodlit outdoor sports area suitable for football, tennis and basketball, together with a children's play area</li> <li>• A football pitch is located on the park area to the south of Norfolk Road.</li> <li>• Open spaces will be provided within the development to create an attractive environment and to provide recreational space.</li> </ul>

1.18 The residential redevelopment of the former Penguin Factory site will contain a central landscaped area to create interest and deliver a high quality environment, with formal recreational opportunities provided within a short walk of the site.

### Flood Risk

1.19 The aim of national policy is to reduce the risks to people, property and the natural environment from flooding. PPS25: *Development and Flood Risk* (December 2006) seeks to ensure that flood risk is properly taken into account in the planning of developments to reduce the risk of flooding and the damage which floods cause.

Policy	Summary of Policy	Former Penguin Factory Site Compliance
PPS25	Prevention of inappropriate	<ul style="list-style-type: none"> <li>• The EA require the habitable floor level to be above 18.05m AOD. All habitable floors are at</li> </ul>

	development in areas at risk of flooding	least 18.325mAOD.
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1.20 At the time of writing this report, the Flood Risk Assessment was being finalised. However, the Environment Agency's advice in respect of the previous planning application has been taken into consideration and the habitable floor levels meet the Agency's requirements.

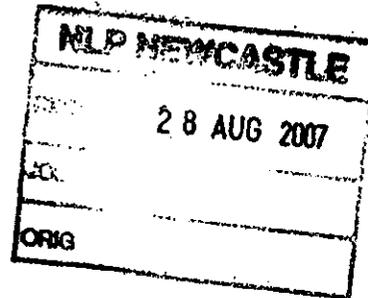
**Conclusions**

1.21 The above section has assessed the proposals for the residential redevelopment of the former Penguin Factory site and assessed them against the requirements of national, regional and local planning policy requirements. Drawing together the preceding section of this report, it is clear that the proposals will be in full accordance with relevant planning policy in respect of sustainability, housing, accessibility, environmental and flood risk policy.

**APPENDIX 3**  
**LETTER FROM CUMBRIA COUNTY COUNCIL**

Date: 23 August 2007  
Your Ref:  
Our Ref: JNP/1050633

Lynda Stevenson  
Senior Planner  
Nlp  
Generator Studios  
Trafalgar Street  
Newcastle upon Tyne NE1 2LA



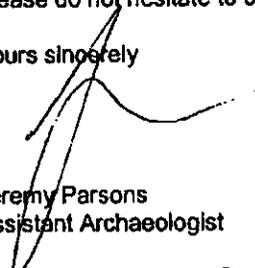
Dear Ms Stevenson

**RESIDENTIAL DEVELOPMENT  
FORMER PENGUIN FACTORY, WESTMORLAND STREET, CARLISLE**

Further to your letter dated 10<sup>th</sup> August concerning the above site, I confirm that the site requires further archaeological investigation and that this work can be secured as a condition of any planning consent. The archaeological work will need to be in line with a brief produced by this office, which I can supply on request.

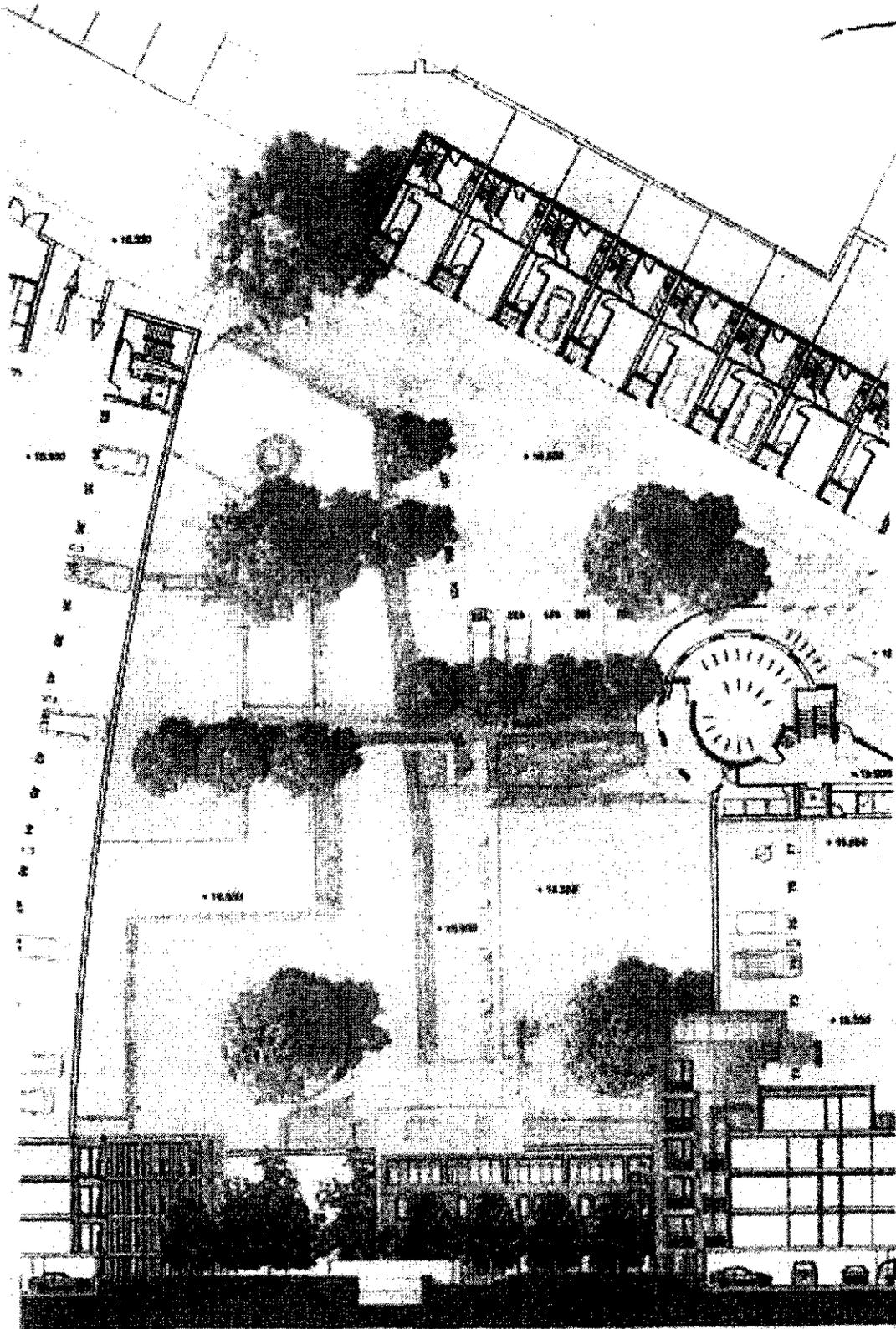
Please do not hesitate to contact me if you have any queries regarding the above.

Yours sincerely

  
Jeremy Parsons  
Assistant Archaeologist

Email: [jeremy.parsons@cumbriacc.gov.uk](mailto:jeremy.parsons@cumbriacc.gov.uk)

07/1293



**PENGUIN FACTORY CARLISLE  
DESIGN AND ACCESS STATEMENT**

**Nathaniel Lichfield  
and Partners**  
Planning Design Economics

**DAVID RICHMOND + PARTNERS**



**ARCHITECTS  
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## 1.0 Architectural Design Statement

### 1.1 Introduction

The former Penguin Factory complex occupies a prominent position on the western side of Westmorland Street close to the junction with Norfolk Street. The site lies within the Denton Holme Ward approximately 1 km south of Carlisle City Centre.



This brownfield site formerly comprised a Victorian factory complex comprising three principal buildings with a gross internal area of approximately 10,737 sq. m (115,576 sq.ft). The site has an area of approximately 0.716 hectares (1.77 acres). All of the former buildings have been demolished and the site is presently clear and relatively level.

The analytical evaluation and design principles submitted within this report have been conducted by David Richmond + Partners (Architects) in conjunction with GVA Grimley, Nathaniel Lichfield and Partners and RPS Transport. The development proposal submitted is the result of consultation with key officers of Carlisle City Council and Cumbria Highways Department.

### 1.2 Purpose of Statement

This design statement sets out the key design principles and approach which have generated and informed the outline application proposal. It also seeks to establish a rational and coherent design context for any subsequent approval of reserved matters.

This Design Statement has been prepared in support of the Outline Planning Application proposing development of the former Penguin factory site in Carlisle. The application proposal is for 99 residential units comprising a total of 8994 sq metres (96,814 sq.ft) gross internal area. This comprises a total of 88 flats to be accommodated in three linked blocks and 11 three storey houses in two terraces. In addition, the application also proposes associated car-parking, means of access, and landscaping works.

### 1.3 Scope of the Outline Application

The application is submitted in outline form with detailed appearance and landscaping matters reserved for subsequent approval. Details are provided with regard to matters of means of access, siting and design.

It is anticipated that the indicative landscaping scheme submitted can be appropriately conditioned. The residential gross internal floor area of 8994 sq metres (96,814 sq.ft) is NOT reserved for subsequent approval. Indicative elevation and section drawings have also been provided which seek to demonstrate how the detailed design could be developed in accordance with the adopted design strategy to provide an appropriate development which responds in a positive manner to the established context whilst maintaining, and improving, the amenities of existing residents.

## 1.4 Context

### 1.4.1 Physical Context



The former Penguin Manufacturing site lies to the west of Westmorland Street approximately 1km from Carlisle city centre. The brownfield site, measuring some 0.716 hectares, has been cleared and is fenced off with temporary hoardings. It was formerly occupied by a complex of 19<sup>th</sup> and 20<sup>th</sup> century 2, 3 and 4 storey factory buildings of a commercial scale and appearance.

The site lies within a predominantly residential area, with traditional 2-storey terraced properties to the west and east and beyond part of the southern and northern boundaries.

The area is characterised by dense grain of development with regular grids of 2-storey terraced housing interspersed with larger scale industrial sites and smaller workshops. A large commercial garage building lies adjacent to the northern boundary, beyond which lies a row of three and four storey high commercial properties which front onto Nelson Street. Additionally, a group of smaller scale workshops and yards are located adjacent to the western section of the southern boundary ranging from 2 to 2½ storeys in height. A range of local shops and services serving the needs of local residents are located within five minutes walk on Denton Street.

The Penguin Confectionary was the last in a long series of industries active on the site. The earliest known mill on the site is visible on 18<sup>th</sup> century maps, but does not appear to relate to the current mill complex, which appears to date to the early 19<sup>th</sup> century. The former buildings, dated from 1824 onwards, expanded from the site of an early mill, called the Frigate Works, which began as a finishing and dyeing works. In 1858, the site became a confectionary and biscuit works, and remained as such until 2003, when the complex, then called the Penguin Confectionary, was closed down.



When occupied by Penguin Confectionary, the site had two points of vehicular access off of Westmorland Street and a further access from the end of Colville Terrace. In addition there was a pedestrian gate off the alleyway to the west of the site.

A small wedge of public open space exists to the south of the junction of Westmorland St and Northumberland St opposite the main entrance to the site. Adjacent to the south of the site are a couple of small private commercial courtyards enclosed by frontage development. St. James' public park lies beyond Colville Street to the west.

#### 1.4.2 Social Context

The site is fully accessible to a range of local community facilities. St James Park lies less than a 5 minute walk away and contains a high quality bowling green, two floodlit outdoor sports areas suitable for football, tennis and basketball, together with a children's play area, whilst a football pitch is located on the park area to the south of Norfolk Road.

Robert Ferguson Primary School lies within 400m of the site, whilst several colleges and the University are within a 25 minute walk comprising Cumbria Institute of the Arts, University of Central Lancashire, Carlisle College, Trinity College and St Martin's College. There is capacity within the primary school and secondary schools for additional pupils.

The site lies within a 15 minute walk of most of the City Centre where a range of community facilities can be found including St Aidon's Community Sports Complex, Bourne Business Centre and The Cumberland Infirmary.

### 1.4.3 Planning Policy Context

A full review of planning policy relevant to the proposal is provided in the Planning Statement that accompanies the application. The following provides a brief summary of those policies and guidance that affect and shape the form and content of redevelopment on the site.

#### National Planning Guidance

Planning Policy Statement 1: *Delivering Sustainable Development* (2004) sets out central Government's overarching planning policies on the delivery of sustainable development and design quality through the planning process. At paragraph 35 it states that:

*"Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:*

- *Address the connections between people and places by considering the needs of people to access jobs and key services;*
- *Be integrated into the existing urban form and the natural and built environments;*
- *Be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;*
- *Create an environment where everyone can access and benefit from the full range of opportunities available to members of society, and*
- *Consider the direct and indirect impacts on the natural environment"*

Planning Policy Statement 3: *Housing* (November 2006) addresses housing provision and quality. In respect of design, the following quotes are of particular relevance:

*"Good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable, mixed communities" (para. 12)*

*"Creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character". (para. 14)*

#### Cumbria and Lake District Joint Structure Plan 2001 – 2006 (April 2006)

Policy ST3 *Principles Applying to all New Development* is the Structure Plan policy that is of most relevance to the development proposals, with the key principles in respect of design and access being to:

- Seek accessible locations by public transport, walking or cycling
- Ensure high standards of design and landscaping
- Promote a safe and secure environment that designs out crime
- Promotes energy and water efficiency

## Carlisle District Local Plan 2001 – 2016 – Revised Redeposit Draft (September 2000)

The Revised Redeposit Draft Local Plan provides the most up to date policies against which planning decisions will be made. The policies and principles most relevance to the proposed development are summarised as follows.

- Policy CP4 – Design
  - Consider height, scale and massing of surrounding buildings
  - Use appropriate materials and detailing
  - Retain important landscape or topographical features
  - Respect local landscape character
  - Reinforce local architectural features and local distinctiveness
  - Be well integrated with all components of a development being well related to one another
  - Protect amenity of existing residents
  - Use of landscaping to assist in integration of new development into existing areas
  - Promote energy and water conservation
  - Minimise the potential for crime and antisocial behaviour
- Policy CP5 – Residential Amenity
  - Protect amenity of residential areas from inappropriate development
  - Minimum distance of 21 metres between primary facing windows between dwellings
  - Minimum distance of 12 metres gable end to primary facing window
- Policy CP8 – Development, Energy Conservation and Efficiency
  - Consider energy conservation and efficiency in design, layout and choice of materials
- Policy CP16 – Planning out Crime
  - Create a safe and secure environment that minimises the opportunity for crime
- Policy H2 – Primary Residential Areas
  - Protect amenity of adjacent residents
  - Adjacent residential areas should be complemented or enhanced
  - Provision of satisfactory access and parking
- Policy CP15 – Public Transport, Pedestrians and Cyclists
  - Accessibility to public transport, walking and cycling
  - Secure cycle parking

## 1.5 Analysis

### 1.5.1 Urban Form

The area of Denton Holme extends to the south of Carlisle city centre contained in most part between the physical boundary of River Caldew to the east and Dalston Road to the west. The area experienced rapid industrialised growth in the mid-nineteenth century. This rapid growth has resulted in a cohesive townscape characterised by large textile mills and other industrial buildings accompanied by compact workers houses set out in a grid-iron street pattern with a strong and dense urban grain. One of the catalysts for growth was the River Caldew which provided a ready source of power. The Head Bay mill race was also created to power the mills. This mill race bisects the application site on a north-south access and provided the original power for the industrial origins of the site. It is proposed to retain and regenerate this section of the mill race as a landscape amenity feature as well as retaining an important vestige of the site's history.



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### 1.5.2 Townscape, landmarks, spaces and building edges

The townscape is largely intact from its Victorian origins with larger industrial complexes strung along the mill race with the intimate scale and regular grid-iron pattern of terraced houses around them. Generally, there is a very strong sense of containment established by continuous brick buildings built up against the back edge of the pavement.



This dense and regular urban grain is relieved in particular by St. James park to the west of the site. Located on the western edge of the park, St. James church forms a particular landmark. There are other landmarks within the townscape, in particular the brick chimneys of former mill buildings to the north of the site.

### 1.5.3 Site access

The site has two road frontages, one onto the eastern end of Colville Terrace, which is a cul-de-sac, and the other onto Westmorland Street which forms the western boundary of the site. Both roads are residential streets with good visibility at access points to the site.

### 1.5.4 Residential Amenity

The proposed design has been carefully considered with regard to preserving and enhancing the residential amenities of existing residents as well as providing a high standard of residential amenity to new residents. The proposed development responds to edge conditions around the site. Along the eastern edge, the building is kept to its lowest with three residential levels above a semi-underground parking level.



A minimum gap of 21 metres between primary facing windows is proposed in order to avoid loss of privacy through overlooking. In addition, a continuous wall along the back edge of the alleyway and a substantial planting scheme will further screen the private amenity space to the existing houses.

The southernmost part of the proposed development fronting Westmorland Street comprises three townhouses in order to protect the amenities of existing houses opposite. The proposed building only steps up in height to the north where the area on the opposite side of the street is open and where loss of amenity will not occur through loss of privacy or visual intrusion.

### 1.5.5 Activity

The area is a quiet residential area with some industrial/commercial uses to the north and south.

### 1.5.6 Constraints

The Victorian growth in Denton Holme took place largely within the floodplain of the Caldew. There is an Environment Agency requirement that all finished habitable floor levels should be set at least +18.05m AOD to minimise flood risk. All habitable rooms in the proposal are at least +18.325m AOD.

### 1.5.7 Opportunities/Potential

A new route is proposed through the site linking Northumberland Street with Colville Terrace and strengthening the links between the residential area and the park to the west. This is done whilst still retaining a strong and clear hierarchy of public and private space in order to maintain security and privacy.

Development of the site also provides the opportunity to retain and to improve the mill race both as an amenity feature within the landscaping scheme. This is considered important as it provides a strong sense of historical continuity and context.

The potential also exists to incorporate sustainable considerations into the design process. This will be achieved by ensuring methods of energy efficient construction including high standards of insulation to reduce energy use. (Refer to "Environmental Considerations" below.)

### 1.5.8 Development Principles

- **Environmental Sustainability** - This is a brownfield site within a predominantly residential area with a good level of accessibility to services, employment opportunities, transport links and community facilities. As such it is submitted that the site is developed in an efficient manner whilst protecting and enhancing the local environment and protecting the residential amenities of existing residents. In respect of the previous application for 130 units on the site, the Council's Local Plans Team stated in the Committee Report that :

*"It is...anticipated that overall site development may be in the region of 100 units to reflect a high-density conversion and development of the remainder of the site at a similar density to the surrounding areas."*

The submitted application proposes a total of 99 units accommodation representing a density of 130 units/hectare.

In addition, the design seeks to promote energy efficiency.

- **Context** - The design has been carefully developed from and informed by a thorough analysis of the site context (physical, social, historical and political) as set out above.
- **Social Sustainability and Security** - the principle of creating an environment which is socially inclusive, attractive and safe has also informed the design process. In particular a clear and robust approach to promoting a safe and secure environment and discouraging crime and anti-social behaviour has been fundamental to the design development.

## 1.6 Design Proposal

### 1.6.1 Design evolution

The design approach was based on an initial analytical study of the site and its surroundings and the development of an approach which responded to the context whilst taking advantage of the potential to provide a high quality environment.

The design also evolved having regard to a number of site constraints, some of which are evident from the local authority's objections to the previous application on the site. The reasons for refusal of the previous application include: -

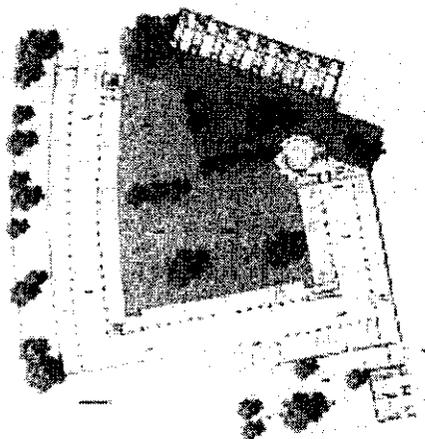
- Inappropriately high density of development
- Scale and massing
- Lack of security and crime-prevention in the design
- Flood risk

The design submitted as part of this outline application has evolved with constant reference back to the context, constraints, opportunities and design principles as set out below. In addition, the design has progressed in discussion with local authority planning officers and reference to planning policy and the 'Denton Holme and Longsowerby Design Statement' SPG.

The design was evolved using physical modelling as a tool for investigating and assessing layout, form, scale and massing in relation to surrounding development, in conjunction with extensive plan, elevational and section drawings.

### 1.6.2 Design concept

The fundamental design concept is the creation of a linked group of perimeter blocks which modulate in scale to respond to varied edge conditions and create 'hard' urban edges in keeping with the prevailing character of the area.



The layout and form of the blocks identify a clear and robust boundary between public space (the street) and private defensible space (the courtyard). This simple and clear definition between private and public space is consistent with the typology of traditional terraced houses in the area.

The proposal opens up a new route through the site which will improve the local network of pedestrian and cycle routes and establishes a connection with the open amenity space of the park to the west.

### 1.6.3 Use

The proposed use is residential. This is consistent with the predominant residential character of the area and will protect the amenities of occupiers of neighbouring properties. It is considered that a single residential use will avoid any potential conflicts between residential and commercial uses.

### 1.6.4 Accommodation mix

A range of small to medium sized flats and terraced houses is proposed as follows. -

• 1-bedroom flats	9
• 2-bedroom flats	72
• 3-bedroom flats	7
• 2-bedroom houses	10
• 3-bedroom houses	1
<b>TOTAL</b>	<b>99</b>

It is submitted that this range of housing accommodation is reflective of the demand in the area.

The proposal can provide 25% of total accommodation towards meeting the identified needs for affordable housing in the locality in accordance with National Planning Guidance and regional and local planning policy. It is submitted that provision of affordable housing can be dealt with by condition at outline planning application and progressed in discussion with Local Authority officers and other stakeholders as part of the submission for detailed consent.

### 1.6.5 Layout

As stated elsewhere in this report the built form is laid out in linked blocks around the edges of the site forming a continuous built edge along street boundaries. This reinforces the sense of containment characteristic of the Victorian terraced streets surrounding the site. This layout also creates a legible distinction between public and private space in order to promote security of residents and discourage crime and anti-social behaviour.

The primary frontage is onto the west side of Westmorland Street. Development directly adjoins the existing houses on the west side of the street, and maintains the established building line against the back of the pavement in order to retain a sense of continuity prevalent in the area. Unnecessary set backs, or spaces in front of the building could create ambiguities as to ownership and use and may encourage neglect, anti-social behaviour and crime.



A reciprocal block forms the western edge of the site. The edge condition here is different in that it adjoins an alleyway to the rear of two-storey terraced houses fronting Colville Street. Beyond the alley are the private yards and assorted rear extensions to the existing houses. The western block 'mirrors' this condition by setting the new block back behind a new wall along the eastern side of the alleyway with a zone of private amenity space between the new block and the alleyway. The new block curves gently in plan in response to the back of the Colville Street houses and a reminder of the curved building previously on the site (seen left). A minimum gap of 21 metres between the rear windows of the Colville Street houses and the new development is maintained in order to maintain the amenities of the occupiers of the existing houses.

These two blocks which contain the 'public' edges of the site are linked by a block along the southern part of the site. This block spans the mill race in reference to the layout and position of traditional mill buildings on the site. This 'U' shaped layout responds to the public edges of the site and encloses an internal private courtyard giving a very strong articulation of public and private space.

A terrace of 3-storey houses completes the composition by 'containing' the northern edge of the site. This block refers to the scale and alignment of the traditional houses along Colville Terrace.

This perimeter layout naturally creates two distinct spaces – the 'street' and the 'courtyard'. The linear space along the northern part of the site continues the prevailing street pattern by linking Northumberland Street with Colville Terrace. Vehicle access via Colville Terrace is restricted to residents only. Emergency vehicles will be able to access from Westmorland Street. The new route through the site is therefore restricted to pedestrians and cyclists and is semi-public in character, but retains a sense of enclosure and natural surveillance similar to surrounding streets.

The larger courtyard space to the south is separated by a high brick wall with controlled access points. The yard is enclosed on the remaining three sides by the new blocks.

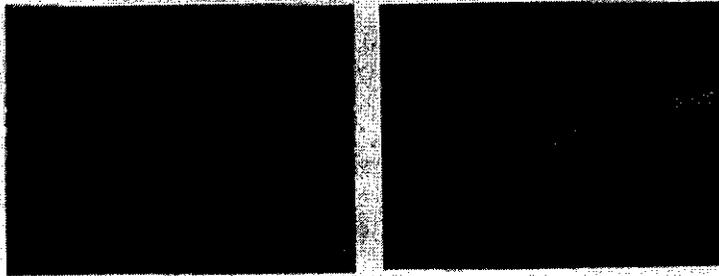
The proposed layout therefore provides a very safe area of open amenity space for residents with clear physical and symbolic boundaries and a high perception of defensible open space.

The regular grid pattern of streets shifts around the axis of Northumberland Street/Colville Terrace. The north-eastern corner of the site adjacent to the junction of Westmorland Street with Northumberland Street is therefore very significant in urban design terms as it marks the point of this shift of grids. A small urban square is created opposite the end of Northumberland Street in recognition of this condition.

This space establishes a dialogue with the open space on the other side of Westmorland Street and re-establishes a sense of coherence to the townscape at this point. The 'square' also acts as the first of a series of entry spaces into the new development. The treatment of this area in the development as a point of transition, or 'knuckle', is reinforced by the drum form which terminates the 'U' shaped block. This is also the highest point of the development which again, provides a new landmark in the local area.

### 1.6.6 Scale and massing

Given the location of the site immediately adjacent to tightly-knit terraced housing it is clearly important that the scale and massing of the proposed development is well considered in order to protect the amenities of existing occupiers. The proposal aims to mediate between the modest scale and massing of traditional housing whilst retaining the scale and massing of industrial buildings which form an important element of the historical context.



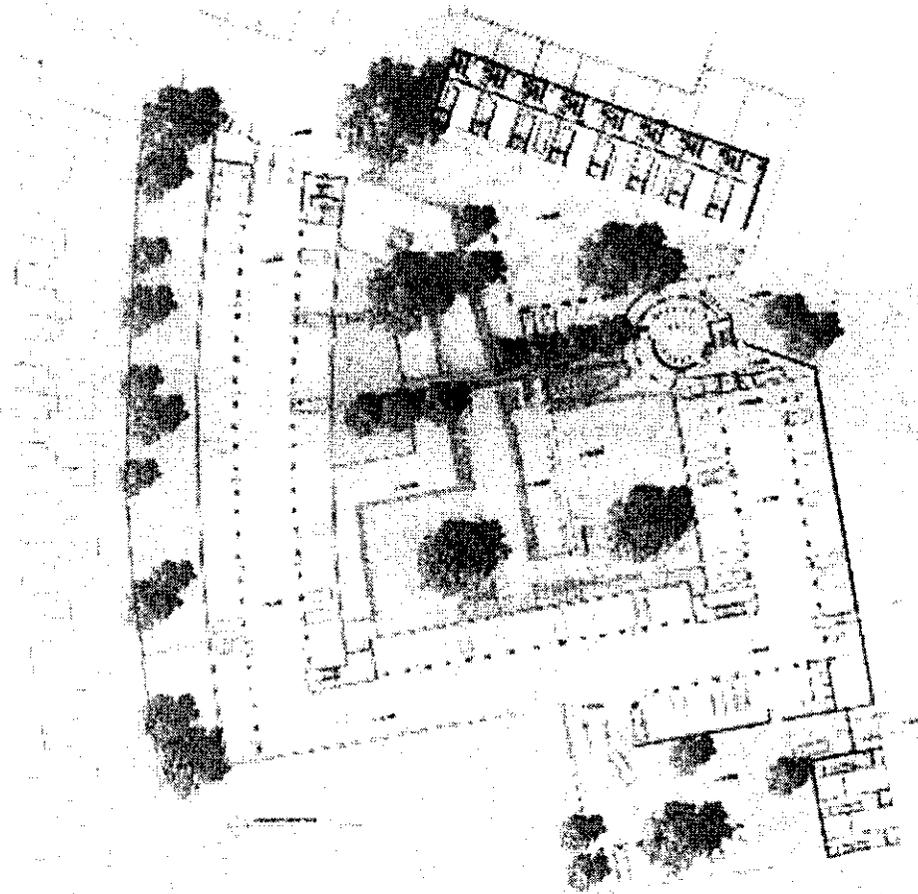
The building forming the northern edge of the site has been viewed as a continuation of traditional terraced housing and whilst of contemporary design and appearance, it reflects the traditional terrace of artisans houses in terms of alignment, scale, massing and height. The scale of the building relates successfully to the space which it fronts onto.

The scale and massing of the 'U' shaped blocks is similar to the buildings which formerly occupied the site. The height varies around the site in response to the prevailing edge-conditions. The westernmost block is therefore the lowest part in order to respect the scale of the existing houses to the west. The building steps up to a fourth floor along Westmorland Street, although this level is stepped back behind the frontage in order to reduce the massing along the street. The end of the block at the junction of Westmorland Street and Northumberland Street is 'terminated' by a six storey drum (the top floor of which is stepped back). The increased height and drum form is proposed in recognition of this corner of the site as the primary point of entry to the site and a nodal point within the local townscape.

The height of the development is dictated to some extent by the need to provide car parking and by flood constraints. Clearly it is important to avoid large areas of surface car parking, which would dominate the open space and provide a poor level of open amenity space. The decision was taken at an early stage to provide parking under the residential blocks in order to keep the central space open for landscaped amenity space. This also allows the habitable residential levels to be set above the required flood level. In order to minimise the overall building height, the parking level has been set 1 metre below street level. This means the first floor flats are only some 1.7 metres above ground level giving them a greater sense of connection with the street than they would have had, had they been a full storey-height above pavement level.

Transition between the scale and massing of existing houses in Westmorland Street and the larger scale of the flats is provided by three new houses which continue the scale of the existing houses before stepping up to a slightly higher level of the flats. The transition between the scale and massing, as well as the change in levels of window openings, is achieved by the introduction of a large scale timber element in the elevation. This marks the access road for vehicles to enter a parking court to the rear of the new houses and from there into the undercroft car parking.

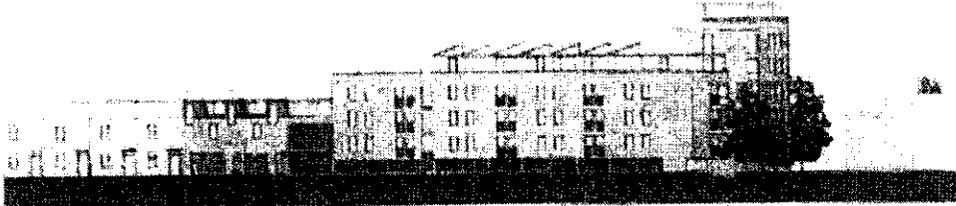
### 1.6.7 Landscaping



Although this is an outline application, an indicative landscaping scheme has been submitted to demonstrate an approach which will integrate the development into its physical and historic context. The pattern of the historic buildings on the site has been super-imposed on the proposed layout in order to retain vestiges of the historical development and use of the site. The pattern of the former buildings can then be used as a landscape framework to create a series of landscape 'spaces.' Boundaries and thresholds between each one can be subtly marked by discreet changes in planting species, ground levels, floorscape materials, low walls and use. For example, one of these spaces will be designated as an outdoor children's play space in accordance with planning policy.

### 1.6.8 Appearance and Materials

The predominant building material is almost exclusively brick. The primary facing material will therefore be a red brick to match the existing houses and factories. Windows will be thermally broken colour coated aluminium with clear double glazing. The architectural language on the external elevations will express the nature of surrounding construction with small scale regular window and door openings punched into a brick masonry façade, expressing a clear boundary between public and private space.



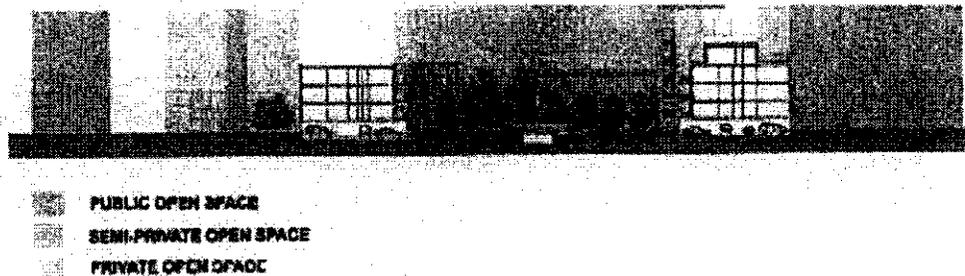
The perimeter buildings are formally and materially restrained in order to reflect the character of the area. Doors from the street may be signified by a greater level of detailing, as occurs on many of the Victorian terraced houses in adjoining streets.

A fundamental design principle is a clear distinction between the hierarchies of public/private open space. The appearance and materiality of the buildings and landscaping aim to reflect this approach. Therefore, whereas the masonry wall with smaller openings creates an appropriate outer defensive 'shell' to the public streets around the site, the internal elevations respond to the private courtyard context by providing a more permeable and layered boundary between inside and out. This informality of the 'rear' elevations is expressed by the use of a more varied palette of 'softer' materials. The internal courtyard elevations have larger glazed openings and private balconies, within a framework of timber fitch columns, encouraging a greater level of interaction between interior private space and external semi-private space.

There is a very clear vertical ordering of the apartment blocks. A plinth 'anchors' the building to the ground. This plinth is formed by the car park level. Doors to the houses and flats are provided directly off the street in order to provide a sense of connection with the street and encourage street activity along this façade. Above the plinth are three storeys of flats unified by the use of brick and a regular rhythm and pattern of openings. The proportions and rhythm of the window openings has been carefully composed to respond to the pattern set up by the existing terraced houses. Above the third floor, the building breaks from its regular building line along the back edge of the pavement in order to reduce the perceived massing as well as providing terraces to the fourth floor flats. A lighter architectural language and materiality is adopted to reflect this shift. A glazed curtain walling system will be used to give the appearance of a light glass pavilion on the roof. A 'cow-tooth' roof profile is proposed to this level in order to introduce north light into the internal spaces, to animate the silhouette of the building and to make reference to traditional factory rooflights. This also provides the opportunity to install photo-voltaic panels on the south facing roof planes.

### 1.8.8 Security and safety

Issues of safety and security have been an integral consideration in the design process. Rather than reliance on physical barriers, which can in itself create a threatening environment, the proposed development relies on creating spaces which are carefully designed to provide a high quality of environment to encourage engagement and a sense of ownership by residents, in conjunction with natural surveillance and clear distinction between public, semi-public, semi-private and private open space in order to provide a safe, secure and crime free environment for residents. The hierarchy of public and private space is shown on the diagram below.



The proposals put flats, windows and front doors onto the street frontage along Westmorland Street and the area in front of the northernmost terraced houses. This will encourage engagement and activity along the public street, fostering a sense of 'ownership' and discouraging crime and anti-social behaviour.

The central private amenity space at the 'heart' of the development is enclosed on three sides by the flats. To the north, the courtyard is separated from the new pedestrian/cycle route through the site by a brick wall. Access points into the courtyard will be restricted to two points, both of which will have controlled gated access and subject to a high level of natural surveillance. The central courtyard space will therefore provide a high level of security to residents.

The car park will be physically secure. Residents will still be able to access their car park at night via electrically operated gates.

### 1.0.9 Environmental Considerations

The redevelopment of the former Penguin Factory site provides a most exciting opportunity to deliver a high quality and energy efficient development with sustainability central to its design and construction. The proposed development aims to minimise energy consumption in order to achieve a more sustainable development, which seeks to provide the following:

- Underground car park - The normal solution for an underground or hidden car park is that it has to be mechanically ventilated. In line with our practice's philosophy of finding environmentally sustainable solutions we have provided natural cross ventilation, which negates the need for mechanical plant.
- Insulation - The highest standards of insulation will be used to more than comply with the latest Approved Document L.

- Ventilation – windows and doors will be draught proofed and joining details sealed.
- Lighting and power – use of energy efficient lighting and 'A' energy rated white goods within all dwellings.
- Heating systems - use of energy efficient heating systems to reduce fuel consumption, with a good insulation of hot water cylinders and the distribution pipework.
- Water conservation – installation of low-flow toilets and showers, which could comprise dual flush 4/2 litre cisterns, together with greywater recycling, where appropriate.

The proposal provides an opportunity to provide housing in an area has a very high level of accessibility to services, job opportunities and public transport and to reduce dependence on private car journeys. It is therefore considered that a reduced level of on site car parking provision would be appropriate given the good level of accessibility in conjunction with the objective of reducing private car journeys. This has to be balanced with ensuring that the development does not result in an undue increase in demand for on-street parking in the local area. It is considered that the provision of 117 car spaces is an appropriate provision in the context of the above considerations.

A new pedestrian and cycle route through the site improves the local network and will help to improve connections between people and places in the locality. In addition, 40 secure and covered cycle parking spaces and lockers will be provided for residents and a further 12 cycle spaces for visitors."

To maximise the sustainability of this development, during the construction process, developers should seek to carry out the following:

- Work closely with suppliers to ensure care is taken in the selection of materials and products with regard to their environmental performance.
- To source heavy materials locally and more lightweight materials from further away, where justified.
- Use materials derived from sustainable sources where ever possible.
- Use recovered or recycled materials where economically viable.
- Hire labour locally wherever possible to reduce travel to and from the site.

## 2.0 Access Statement

This statement should be read in conjunction with the latest plans, elevations, sections and topographical survey.

Sources of Guidance and Design References used:

- Planning and Access for Disabled People – A Good Practice Guide (ODPM)
- The Building Regulations 2000 - Approved Document Part M (2004) – Access to and use of buildings
- The Building Regulations 1991 - Approved Document Part K (1998) – Protection from falling, collision and impact

### 2.1 Access to Dwellings

#### 2.1.1 Approach

The approach to the main reception entrance is via ramp or by external stair designed in accordance with the parameters set out in the Approved Document Part M of the Building Regulations. The stair has been provided in the recognition that ramps are not always the best way to gain access for the ambulant disabled who can sometimes find it easier negotiating a stair.

The development has its own private undercroft car park which is set level. Parking bays designated for disabled people are provided and set out in accordance with the requirements of Approved Document Part M. Access to the dwellings can be made directly from the car park via 2 lifts that reach this level.

Level thresholds are provided at the point of access into the building and minimum clear door opening width of 775mm is provided in all instances.

#### 2.1.2 Vertical circulation

One of the main objectives of the internal circulation strategy is to make provision for disabled people to access flats on any level. The most suitable means of access for disabled people from one level to another is by passenger lift and this has been provided. Both lifts will incorporate the following design features.

- Landing and car controls shall be not less than 900mm and not more than 1200mm above the landing and car level at a distance of at least 400mm from the front wall.
- Suitable tactile indication will be provided on or adjacent to the controls.
- Visual signalling system which gives notification that the lift is responding to a call.
- 'Dwell time' of 5 seconds before it's doors begin to close after they are fully open (a shorter opening period maybe acceptable down to 3 seconds provided that an appropriate door re-activating device is used).
- Visual and audible notification of the floor reached.

Common stairs will be provided which will be suitably designed for use by ambulant disabled people in accordance with the Approved Document to Part M.

The design features will include the following.

- Minimum clear width of 900mm.
- Step nosings of suitable profile, which are distinguishable through contrasting brightness.
- Uniform rise and going of each step not in excess of 170mm and 250mm respectively.
- Continuous handrail on each side of the stairs and landings.

#### **2.1.3 Horizontal circulation in common areas**

The design objective is to provide convenient circulation by a wheelchair user within common circulation areas giving access to flats. All corridors in common areas will have minimum 900mm clear width and doors will have a minimum clear opening of 775mm (when approached head-on) increasing to 800mm (when the approach is not head-on) in order to allow wheelchair users to turn into the door opening. Landing areas outside of lift doors will exceed the minimum standard of 1.5 by 1.5 metres set out in the Approved Document to the Building Regulations.

#### **2.1.4 Approach to refuse area**

Access routes to the bin stores from flats are level and thresholds will be fully negotiable by wheelchair users. Bin stores generally are directly accessible from the street.

#### **2.1.5 Access and circulation within flats**

Corridors within flats will have a clear width of 900mm and doors will have a minimum clear opening of 775mm (when approached head-on) increasing to 800mm (when the approach is not head-on).

Bathrooms will be provided with outward opening doors for unobstructed access in case of emergency should someone fall etc in the bathroom.

#### **2.1.6 Location of switches and sockets**

In order to assist people with limited reach, wall-mounted switches and sockets within flats will be positioned at appropriate heights between 450mm and 1200mm above finished floor level.

### 3.0 Summary

As demonstrated throughout this Design and Access Statement, the development proposals accord with national, regional and local planning policy. The scheme will deliver a development of a high quality design that respects the scale and massing of adjacent properties and the character and appearance of the locality. Importantly, the development is situated in a sustainable location that is highly accessible to pedestrians and cyclists with good links to the public transportation network.

## ASSESSMENT AGAINST POLICY

Design Policy Objectives	Rationale
<ul style="list-style-type: none"> <li>• Securing high quality design (PP61, PP63 and ST3)</li> </ul>	<ul style="list-style-type: none"> <li>• The development will be to a high standard at surrounding area</li> <li>• The residential redevelopment will enhance the area</li> </ul>
<ul style="list-style-type: none"> <li>• Development should relate to the height, scale and massing of the surrounding buildings (Policy CP4)</li> </ul>	<ul style="list-style-type: none"> <li>• The plans illustrate how the development and massing of the surrounding residential</li> <li>• The development has been designed away from existing properties</li> </ul>
<ul style="list-style-type: none"> <li>• Protect amenity of existing residents (Policies CP4, CP5 and H2)</li> </ul>	<ul style="list-style-type: none"> <li>• The development will have no adverse impact on existing residents</li> <li>• Appropriate spacing distances have been provided with a minimum distance of 21m between properties</li> <li>• Locally sourced traditional materials will be used</li> </ul>
<ul style="list-style-type: none"> <li>• Use of traditional materials (Policy CP6)</li> <li>• Retention of any important landscape features (Policy CP4 and H2)</li> <li>• Use of landscaping to assist in the integration of the new development into the area (Policy CP4)</li> </ul>	<ul style="list-style-type: none"> <li>• Any large trees around the site perimeter will be retained</li> <li>• Landscaping will be used to enhance the development scheme, including the creation of a central amenity space for prospective residents</li> </ul>
<ul style="list-style-type: none"> <li>• Layout and design should minimise the potential for crime and antisocial behaviour (Policies CP4, CP16 and ST3)</li> </ul>	<ul style="list-style-type: none"> <li>• A brick wall will be provided along the perimeter to create a safe and defensible development</li> <li>• The central amenity space will be well lit</li> </ul>
<ul style="list-style-type: none"> <li>• Promotion of energy and water conservation (Policies CP4, CP8 and ST3)</li> </ul>	<ul style="list-style-type: none"> <li>• The scheme will seek to conserve resources as demonstrated within this statement</li> </ul>
<ul style="list-style-type: none"> <li>• Accessibility to public transport, walking and cycling (Policies CP10, H2 and ST3)</li> </ul>	<ul style="list-style-type: none"> <li>• The site will be accessible to pedestrians</li> <li>• Bus stops lie to the north and south of Norfolk Street ensuring the site is well served by bus services</li> </ul>
<ul style="list-style-type: none"> <li>• Provision of appropriate car parking (Policies H2 and T1)</li> </ul>	<ul style="list-style-type: none"> <li>• 107 car parking spaces will be provided including 10 garages for the town houses</li> </ul>
<ul style="list-style-type: none"> <li>• Provision of secure cycle parking (Policy CP15)</li> </ul>	<ul style="list-style-type: none"> <li>• 52 cycle parking spaces will be provided</li> </ul>

## SCHEDULE A: Applications with Recommendation

07/1312

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**Item No:** 10

Date of Committee: 25/04/2008

**Appn Ref No:**  
07/1312

**Applicant:**  
Persimmon Homes  
Lancashire

**Parish:**  
Carlisle

**Date of Receipt:**  
28/11/2007

**Agent:**  
Taylor and Hardy Limited

**Ward:**  
Denton Holme

**Location:**  
Former Penguin Factory, Westmorland Street,  
Carlisle, CA2 5HL

**Grid Reference:**  
339590 555028

**Proposal:** Erection of 58 dwellings comprising 30 apartments (6no. 1 bedroom and 24no. 2 bedroom) and 28 townhouses (28no. 3 bedroom), internal access roads, car parking, garages, cycle and bin stores and associated landscaping.

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

#### **Reason for Determination by Committee:**

This application is brought for determination by Members of the Development Control Committee due to the nature of the proposal and the letters of representation that have been received from the occupiers of neighbouring properties.

#### **1. Constraints and Planning Policies**

**District E19 - Landscaping New Dev.**

**District E20 - Development in Floodplain**

**District E22 - Sewers & Sew. Treat. Work**

**District E26 - Buffer to Hadrian's Wall**

**District EM2 - Primary Employment Areas**

**District T1 - Choice of Means of Travel**

**District T7 - Parking Guidelines**

## **SCHEDULE A: Applications with Recommendation**

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**District H16 - Design Considerations**

**District L8 - Open Space**

**District L9 - Play & Recreational Areas**

**Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP7 - Renewable Energy**

**Rev Redeposit Pl. Pol CP9 - Sustainable Drainage Systems**

**Rev Redeposit Pl. Pol CP10 - Protect. Ground/Surface Waters**

**Rev Redeposit Pl. Pol EC1 - Primary Employment Areas**

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

**Rev Redeposit Pl. Pol H2 - Primary Residential Areas**

**Rev Redeposit Pl. Pol H3 - Residential Density**

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

**Rev Redeposit Pl. Pol H5- Affordable Housing**

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

**Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

**Rev Redeposit Pl. Pol LC4-Children's Play & Recreation Areas**

**Rev Redeposit Pl. Pol LC13 - Drs' Surgeries & Health Centres**

## **2. Summary of Consultation Responses**

**Development Services Planning & Housing Services - Local Plans:** the application is for residential development on a former factory site (0.7 hectares) in Denton Holme close to the City Centre.

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The application makes a small contribution to required housing provision. Under Policy H16 of the Carlisle Revised Redeposit Draft Local Plan the site is allocated for 64 dwellings. This application marginally falls short of the allocation for the site.

Policy H3 of the Carlisle Revised Redeposit Draft Local Plan seeks to achieve average densities of between 30 and 50 dwellings per hectare. This is based on guidance in PPS3 to local authorities to use land efficiently which advises a minimum density of 30 dwellings per hectare. This application is a moderately high density scheme at around 82 dwellings per hectare. It is a mixed housing scheme for a variety of family sizes and needs. The Housing Strategy Section may wish to comment on the need/demand for housing in this inner City area.

The site needs to make a contribution to affordable or social housing in the ward as expanded in Policy H5 of the Revised Redeposit Draft Local Plan. The 25% of affordable units proposed complies with the policy.

The site has the Little Caldew River bisecting it. Policy LE5 of the Revised Redeposit draft Local Plan recognises that river corridors are of importance for nature conservation and encourages the enhancement of river environments through landscape improvements. This policy reflects advice in PPS9 encouraging the repair of fragmented natural habitats and the integration into development. There could be an opportunity to improve the banks of the river with the intention of raising the contribution of the river corridor to biodiversity. The Ecological Assessment accompanying the application recommends in its conclusion that the design of the site incorporates features that would benefit wildlife and a suggestion is made that the margins of the river are naturalised. This has not been done in the submitted scheme; the Design and Access Statement in its section on Public Realm and Landscape Strategy acknowledges that there is a significant investment in hard landscaping, believing that the potential for soft landscaping is limited. The Statement in its 'Detailing the Place' section states that there is limited planting in public open spaces. I believe that this is a missed opportunity in a scheme which has a significant element of family housing.

Linked to the proposal for hard landscaping for the majority of the site's external areas I would express concern about the siting of dwellings in very close proximity to the river, sometimes within 1 metre of the river's brick retaining wall. The proposed development is in Flood Zone 3a, a zone of high probability for flooding. PPS25 requires all development proposals in this Zone to be accompanied by a Flood Risk Assessment and Annex D paragraph D9 details the Exception Test which must be passed. I would advise the developer to contact the Environment Agency for advice.

Whilst I have reservations about the scheme it may be appropriate for an inner urban area where hard landscaping materials generally prevail. The design principles of a strong frontage to Westmorland Street and courtyard developments are suitable for this site and should meet Secured by Design principles.

The scheme meets the majority of Local Plan policy requirements. I would raise no objections;

## **SCHEDULE A: Applications with Recommendation**

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**Cumbria County Council - (Highway Authority):** the site lies within Denton Holme, on the western edge of Carlisle city centre. Given the extent of the former commercial sites that are vacant within this area and trends to develop them for residential purposes, there is no objection to this change of use. Whilst the site is close to local shops, schools and other amenities and relatively accessible by all means of transport, the Highway Authority is of the opinion that the design (in its current form) further improves connectivity by creating a direct pedestrian/ cycling link between Coleville Terrace and Westmorland Street. This link is important and should be design, constructed, drained and lit in accordance with the details in the Cumbria Design Guide for an Urban Cycle path with a view to it being adopted.

The application provides for 91 car parking spaces and a number of cycling spaces. An application of this size should have provided for 130 car parking spaces. Considering the Town Centre location of this site, it is however, considered that this element would not justify a highway objection.

Within current proposals, the Highway Authority has a review of waiting restrictions underway (arising in part from local concerns about the effect of additional parking and traffic associated with residential developments), to the existing Denton Holme Controlled Zone, further provision of bus service infrastructure, improved pedestrian connectivity and completion of the Caldew cycle way 'missing link (between Metcalfe Street and Lime Street) and street lighting improvements. It should be noted that future residents of the proposed development will not be eligible for Residents Exemption Permits for the Denton Holme Controlled Zone.

The Highway Authority also disagrees with the applicant's submission where it opines in 8.10 of the transport Assessment that no remedial measures are needed to the pedestrian and/ or cycling infrastructure within this area.

The Highway Authority would therefore propose that consideration be given to a Town and Country Planning Act 1990, Section 106 Agreement requiring that a £26,640 contribution be made from the development (based on submitted number and type of properties).

Such contribution will be drawn down as may be deemed appropriate to achieve the delivery of the measures mentioned earlier. This would greatly increase the sustainability of the site and will encourage and improve cycling within Denton Holme. Considering the development's heavy reliance on sustainable modes of transport (lack of parking provision) this contribution is seen as very important to improve the local sustainable and transport infrastructure. The Highway Authority are of the opinion that this will be in line with both national guidelines and Circular 05/05 (Planning Obligations).

The Highway Authority also takes note of the applicant's intention to bring the existing alley to the rear of the properties on Coleville Street up to adoptable standards. This alley can only be used to access the site if these improvements are done. The applicant should be conditions to enter into the appropriate agreement (S228/ S38 of the Highways Act 1980) with this Authority to accommodate this application.

## SCHEDULE A: Applications with Recommendation

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Having due regard to the foregoing, it is also recommended that highway conditions are also attached to any planning consent;

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** comments awaited;

**Development Services Planning & Housing Services - Local Plans (Trees):** comments awaited;

**Cumbria County Council - (Archaeological Services):** the site has been subject of a desk-based assessment and building recording programme. The results indicate that it was the location of a fulling mill and mill race as shown on a map dating back to the late 18th century (Historic Environment Record no. 40964). It is therefore considered likely that important archaeological remains relating to the early textile industry of Carlisle survive on the site and that they would be damaged or destroyed by the proposed development.

Consequently, it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of the development and secured by way of a condition;

**Environment Agency (N Area (+ Waste Disp)):** United Utilities objects to the application as there is a public sewer just outside the western boundary close to the proposed substation and United Utilities will not permit building over it. United Utilities will require an access strip of no less than 8 metres wide, measuring at least 4 metres either side of the centre line of the sewer for maintenance or replacement;

**Cumbria Constabulary - Crime Prevention:** the repeated references in the Design and Access Statement (DAS) of the desire to create a safe and secure environment is noted. The 'Community Safety' section advises that SBD guidelines are being applied to the design, yet I do not feel that this objective will be properly achieved.

### **Creating neighbourhoods (The establishment of 'Defensible Space')**

DOCRA 3.2 states:

'The third essential element that links both surveillance and neighbourhood concerns the ability to distinguish between public and private space. The purpose is to make potential criminals aware that they have crossed a threshold between public and private space, making them more vulnerable to detection.'

The interpretation of the various boundary treatments suggests that the demarcation of semi-public and private space has not been effectively executed. For example, a pedestrian entering the development via Colville Terrace appears to have unrestricted access to the rear of unit 58, the car parking spaces located there and the rear of the adjacent Aspen units. Similarly, a pedestrian entering the development via Westmorland Street appears to have unrestricted access to the rear of units 24-30. Clearly, this arrangement does not contribute to an increased

sense of privacy.

8.2 continues:

'Access should be confined to as few routes as possible and should be designed to serve the development rather than provide unrestricted public access.....'

The design effectively provides a new link between Colville Terrace with Westmorland Street where none existed before. This feature creates a new public space, which Cumbria Constabulary believes shall lead to non-residents using the development as a shortcut and shall increase the opportunities for crime or anti-social activity to occur. This situation has already been demonstrated at Robert Chance Gardens, Denton Mills and Parkland Avenue.

Cumbria Constabulary concurs with Roger Higgins observations regarding lack of clarity and ambiguity of pedestrian routes. The overall security of the development is compromised and is compounded by the choice of pedestrian routes into the courtyards.

Consequently, it is felt that this element of the design does not comply with SPG.

### **Car Parking**

Statistics from the British Crime Survey 2007 suggest that up to 68% of vehicle related crime occurs within residential areas, yet only 2% occurs with a private garden curtilage or garage. These figures support the SBD recommendations for in-curtilage car parking arrangements.

Cumbria Constabulary is encouraged to note the inclusion of secure garages for the townhouses, yet the apartment blocks appear to have unrestricted access to undercroft parking spaces, which cannot be observed from upper levels. The DAS does not indicate how these spaces shall be made secure but states 'Each courtyard is linked by a pedestrian/cycle route leading back to the main access road' - which suggests access to these areas is not restricted.

### **Cycle Parking**

Cumbria Constabulary notes the incorporation of cycle storage areas within the apartment buildings. These areas must remain secure to encourage legitimate use. Between 1<sup>st</sup> January 2006 and 31<sup>st</sup> December 2006, 509 pedal cycles were stolen within North Cumbria, of which only 87 were recovered. The deployment of 'Sheffield Stands' is considered to be best practice, permitting the frame to be locked by various means. Reference should also be made to the observations in respect of Physical Security below.

### **Building Design**

DOCRA 5.4

'Each dwelling should ideally have its own private entrance from the main street,

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which should be easily surveyed from neighbouring dwellings and visible from windows within the dwelling itself, as this will often deter prospective intruders'. Although porches provide residents with shelter from the weather, they can also hide intruders and allow them to force entry into the home completely unnoticed'

It appears that the entrance doors to the Farthing units are concealed from easy view by neighbours, due to the orientation of these buildings at an angle to the street and to the doors being positioned inside archways formed by first floor dwellings.

Units 1-7 and units 12-23 overlook each other, as do units 31-37 and 38 -40, which improves surveillance opportunities.

### **Landscaping**

#### **DOCRA 7.1**

'Generally speaking, landscaping schemes can improve and enhance the attractiveness of an area. However, such schemes should avoid creating hidden areas and should not prevent good visibility, especially in areas adjacent to dwellings, footpaths and car parking areas.'

Additionally, landscaping elements should not impede the street or security lighting schemes by creating shadows.

The DAS refers to the limited potential for a soft landscaping scheme. However, the choice and location of species must be carefully considered to ensure that surveillance opportunities are not compromised.

### **Physical Security**

SBD guidelines stipulate the incorporation of security standard door and window products. Each exterior door and the door to each apartment should conform to BS PAS 24 and windows at ground floor or vulnerable levels should comply with BS 7950. I recommend the incorporation of security standard products, fitted with laminated glazing to at least 6.4mm.

Despite the DAS referring to SBD guidelines being applied to this design, there is no indication that the developer intends to comply with this element;

**Environmental Services - Food, Health & Safety:** no objection subject to the imposition of a condition relating to contamination issues;

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

**Environmental Services - Green Spaces:** this application is for fewer residential units and the total commuted sum requirement is for £105,519. This proposal envisages minimal provision of POS and no play features within the site itself. The City Council therefore would look to utilise the entire commuted sum for the upgrading and future maintenance of POS, sports and play facilities at St James

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Park, Denton Holme; and

**Northern Gas Networks:** no objection.

**Planning & Housing Services - Housing Strategy:** the previous memorandum of 08 March 2006, in respect of a previous application (05/0633) on the same site, comments in some detail on a range of issues relating to the provision of affordable housing in the Denton Holme area, and with specific reference to this particular site.

### Property type

There have been reservations for some time over the longer-term sustainability of the number of apartments coming through the planning system, and we would have preferred to see a larger proportion of houses on this development – with just under half (28) of the dwellings being houses.

It is noted that these concerns have also been highlighted in the internal memorandum from the Principal Local Plans Officer, of 03 January 2008, citing the findings of the 2004 Denton Holme Residents' Survey: "Your Future In Your Hands", which criticised the recent high levels of apartment provision, and called for more family housing.

However, the percentage of houses in this application is at least substantially higher than application 07/1293 in respect of the same site, and it is pleasing to see that just 6 of the apartments are only one-bedroom.

### Affordable Housing Requirement

The developer has offered "in accordance with Policy H5 of the CRRDLP" to provide 14no affordable units out of 58 on the scheme (this is actually only around 24% affordable units).

The affordable housing target in the Housing Strategy for Carlisle 2005-10 Action Plan is for 25-30% of units to be affordable – in the previous memorandum 30% developer contribution was recommended (pending the results of the district survey).

The results of the Housing Market Assessment for Carlisle Urban are summarised in the table below (please note these are the numbers of new affordable units required over and above those already in the planning system) and support the request for a 30% contribution – or 17 affordable units. The greatest identified need is for larger (three or more bedroom) rented family accommodation.

### Housing Need (2006-11) based on CLG Housing Market Assessment guidance

Carlisle Urban	General		Older		Total
	Smaller 0-2 Beds	Larger 3+ Beds	1 Bed	2+ beds	
Intermediate	24	28	1	(14)	39
Social Rent	61	96	(88)	(36)	33

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<b>Total</b>	<b>85</b>	<b>124</b>	<b>(87)</b>	<b>(50)</b>	<b>72</b>
<b>5 Year Requirement</b>					<b>360</b>

(Intermediate/ rental split based on 70% of lower quartile house prices)

(Note: oversupply of elderly accommodation is due to reduced demand for (especially) 1-bed ex-council flats in some parts of the City, which were previously designated as elderly accommodation.)

In light of the housing need evidence, it is therefore recommended that a roughly even split of affordable units for rent and low cost home ownership, and the breakdown of the units should take into account the identified need for affordable three-bedroom rented housing. There is very little demand for flats/ apartments from applicants on the Low Cost Home Ownership register maintained by the City Council for discounted sale homes, so it is therefore recommended that any intermediate apartments provided are on a shared ownership or shared equity basis in partnership with a Housing Association – a RSL would also be the best partner to provide the rented units.

However, in terms of the exact number of units, the updated Housing Strategy Action Plan for 2007-10 (para 4.2 (d) of the Affordability and Balancing the Housing Market section) acknowledges the need to allow for some flexibility regarding the overall number of dwellings where rental units are being provided, as it is appreciated these are significantly more expensive for partner RSLs to “stack up” without grant. The proviso being that in cases where less units are accepted in order to deliver rented homes to meet an identified housing need, the overall financial contribution from the developer should be equivalent to what it would have been on a discounted sale basis – i.e. a 30% market value discount on 30% affordable units.

It is therefore requested that the developer draw up some costings in order that we can discuss the number, type, and tenure of the affordable units in more detail.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 40 Westmorland Street	18/01/08	Undelivered
[REDACTED] 25 Westmorland Street	18/01/08	
[REDACTED] 27 Westmorland Street	18/01/08	
[REDACTED] 29 Westmorland Street	18/01/08	
[REDACTED] 31 Westmorland Street	18/01/08	
[REDACTED] 33 Westmorland Street	18/01/08	
[REDACTED] 16 Norfolk Street	18/01/08	
[REDACTED] 18 Norfolk Street	18/01/08	Comment Only
[REDACTED] 20 Norfolk Street	18/01/08	Support
[REDACTED] 22 Norfolk Street	18/01/08	
[REDACTED] 24 Norfolk Street	18/01/08	Undelivered
[REDACTED] 26 Norfolk Street	18/01/08	
[REDACTED] 1 Colville Street	18/01/08	
[REDACTED] 3 Colville Street	18/01/08	
[REDACTED] 5 Colville Street	18/01/08	

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	7 Colville Street	18/01/08	
	9 Colville Street	18/01/08	
	11 Colville Street	18/01/08	
	13 Colville Street	18/01/08	
	15 Colville Street	18/01/08	
	17 Colville Street	18/01/08	
	19 Colville Street	18/01/08	
	21 Colville Street	18/01/08	
	23 Colville Street	18/01/08	
	25 Colville Street	18/01/08	
	27 Colville Street	18/01/08	
	29 Colville Street	18/01/08	
	31 Colville Street	18/01/08	
	33 Colville Street	18/01/08	
	35 Colville Street	18/01/08	
	37 Colville Street	18/01/08	
	39 Colville Street	18/01/08	
	41 Colville Street	18/01/08	
	43 Colville Street	18/01/08	Comment Only
	45 Colville Street	18/01/08	
	47 Colville Street	18/01/08	
	49 Colville Street	18/01/08	
	51 Colville Street	18/01/08	
	53 Colville Street	18/01/08	
	55 Colville Street	18/01/08	
	57 Colville Street	18/01/08	
	59 Colville Street	18/01/08	
	61 Colville Street	18/01/08	
	4 Colville Terrace	18/01/08	
	6 Colville Terrace	18/01/08	
	8 Colville Terrace	18/01/08	
	10 Colville Terrace	18/01/08	
	12 Colville Terrace	18/01/08	
	14 Colville Terrace	18/01/08	
	16 Colville Terrace	18/01/08	
	18 Colville Terrace	18/01/08	
	20 Colville Terrace	18/01/08	
	2 Westmorland Street	18/01/08	
	4 Westmorland Street	18/01/08	
	6 Westmorland Street	18/01/08	
	8 Westmorland Street	18/01/08	
	10 Westmorland Street	18/01/08	
	12 Westmorland Street	18/01/08	
	14 Westmorland Street	18/01/08	
	16 Westmorland Street	18/01/08	
	18 Westmorland Street	18/01/08	
	20 Westmorland Street	18/01/08	
	22 Westmorland Street	18/01/08	
	24 Westmorland Street	18/01/08	
	Atlas Works	18/01/08	
	1 Westmorland Court	18/01/08	
	2 Westmorland Court	18/01/08	
	3 Westmorland Court	18/01/08	
	4 Westmorland Court	18/01/08	
	5 Westmorland Court	18/01/08	
	6 Westmorland Court	18/01/08	
	7 Westmorland Court	18/01/08	
	8 Westmorland Court	18/01/08	
	9 Westmorland Court	18/01/08	
	10 Westmorland Court	18/01/08	
	11 Westmorland Court	18/01/08	

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[REDACTED]	12 Westmorland Court	18/01/08	
[REDACTED]	13 Westmorland Court	18/01/08	
[REDACTED]	14 Westmorland Court	18/01/08	
[REDACTED]	15 Westmorland Court	18/01/08	
[REDACTED]	16 Westmorland Court	18/01/08	
[REDACTED]	17 Westmorland Court	18/01/08	
[REDACTED]	18 Westmorland Court	18/01/08	
[REDACTED]	19 Westmorland Court	18/01/08	
[REDACTED]	20 Westmorland Court	18/01/08	
[REDACTED]	21 Westmorland Court	18/01/08	
[REDACTED]	22 Westmorland Court	18/01/08	
[REDACTED]	23 Westmorland Court	18/01/08	
[REDACTED]	5 Norfolk Court	18/01/08	Objection
[REDACTED]	Holme Works	18/01/08	
[REDACTED]	14 Whitfell Avenue	18/01/08	
[REDACTED]	42 Westmorland Street	18/01/08	
[REDACTED]	44 Westmorland Street	18/01/08	
[REDACTED]	46 Westmorland Street	18/01/08	
[REDACTED]	48 Westmorland Street	18/01/08	
[REDACTED]	50 Westmorland Street	18/01/08	
[REDACTED]	52 Westmorland Street	18/01/08	
[REDACTED]	54 Westmorland Street	18/01/08	
[REDACTED]	56 Westmorland Street	18/01/08	
[REDACTED]	17 Westmorland Street	18/01/08	
[REDACTED]	19 Westmorland Street	18/01/08	
[REDACTED]	21 Westmorland Street	18/01/08	
[REDACTED]	23 Westmorland Street	18/01/08	
[REDACTED]	Denton Holme		
[REDACTED]	7 Norfolk Street		Support
[REDACTED]	8 Norfolk Street		Objection

- 3.1 This application has been advertised by means of three site notices, a press notice and direct notification to the occupiers of one hundred and three of the neighbouring properties. As a result of this consultation exercise, one letter of support was received which states that the development is appropriate for the site as it is a family orientated and green proposal.
- 3.2 A public exhibition was also held in the Denton Holme Community Centre. At the time of writing this report, five comment sheets were received and the negative issues raised are summarised as follows:
1. the development is too close to the neighbouring properties and will darken adjacent habitable rooms; and
  2. Colville Street is narrow and access from Colville Terrace is not appropriate. Any additional traffic should access the site from Westmorland Street.
- 3.3 In contrast, the supporting comments are summarised as follows:
1. the combination of flats and houses works well;
  2. something has to be done with this derelict site;

3. the development is in keeping with the area and parking provision is well thought out; and
4. the proposed materials are in keeping with the character of the area.

### **4. Planning History**

- 4.1 In 1955, planning consent was granted for an extension to the boiler house.
- 4.2 Planning permission was granted in 1967 for the alterations to increase the width of the existing entrance to the confectionary manufacturing premises.
- 4.3 In 1968, planning consent was granted for the erection of a workshop. A revised application was approved in the following year.
- 4.4 In 1972, outline planning permission was granted for the reinstatement of a fire damaged building. Also in the same year, outline planning permission was granted for the reduction of a four storey fire damaged building to single storey with new flat roof at present first floor level.
- 4.5 Later in the same year, planning permission was granted for the reinstatement of a recently fire damaged 4 storey building.
- 4.6 In 1973, planning permission was granted for a single storey extension to the east end of the existing fire damaged building.
- 4.7 An application for the demolition of South Lodge was approved in 1995.
- 4.8 Planning permission was approved in 1998 for a pipe bridge to carry insulated pipework between existing process building.
- 4.9 In 2000, advertisement consent was approved for the display of internally illuminated signage. Later in the same year, advertisement consent was refused for the siting of two flag poles.
- 4.10 Outline planning consent was refused in 2006 for the demolition of factory and development of 130 apartments and 3 no. commercial units.
- 4.11 An application for outline planning consent for the erection of 99 residential units, comprising 88 flats and 11 town houses, with 117 car parking spaces, associated landscaping and means of access is currently being considered under application reference 07/1293.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

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- 5.1 The application has been made for "Full" Planning Permission and seeks approval for the redevelopment of a 0.7215 hectare parcel of land comprising the site of the former Penguin Confectionery Manufacturing Premises situated at Westmorland Street, Carlisle.

### **Background**

- 5.2 The site was previously occupied by 2 and 3 storey buildings but during the course of the previous application, all buildings on the site were demolished and the site subsequently cleared. The site is surrounded by residential properties, although the site is identified as a Primary Employment Area.
- 5.3 When originally submitted in June 2005, the applicants at that time sought approval for a scheme to redevelop the site to provide principally a housing development contained in 4 apartment blocks: one containing 42 units, one containing 46 units, and 2 each containing 21 units, providing a total of 130 units and 140 parking spaces. The application also incorporated 3 no. commercial premises with unspecified end uses totalling 624.8 square metres of floorspace together with 4 no. parking spaces.
- 5.4 The proposed buildings would have ranged from 3 to 6 storeys in height and the apartments from 1 to 3 bedrooms. There would have been associated parking of 140 spaces to serve the residential element of the scheme. The development would have been finished through a combination of natural coursed stone, facing brickwork and render under a slate roof.
- 5.5 The application was refused due to the over-intensive nature of the development; the relationship of the scale with the neighbouring residential properties; inadequate parking facilities; risk of crime and fear of crime; lack of affordable housing; and potential detrimental effect on the living conditions of neighbouring properties from the commercial units, given that the end users were unspecified.

### **Proposal**

- 5.6 This application seeks planning consent for the erection of 58no. dwellings, an internal access road, associated car parking and landscaping. The dwellings would comprise 28no. 3 bedroom townhouses together with 6no. 1 bedroom apartments and 24no. 2 bedroom apartments. The buildings would be arranged with a three storey building situated in the south-east corner of the site accommodating apartments in the western portion and houses along the northern and eastern flanks. The north elevation would contain angled corners with a coach entrance leading through into a central vehicular access.
- 5.7 A vehicular access leading from Westmorland Street separates the apartment buildings from the seven town house buildings along the northern boundary. Further to the west, adjacent to Colville Street, it is proposed to construct a courtyard type development with the opening facing west and a vehicular

access taken from the rear lane that serves Colville Street. This building would also contain a mixture of houses and apartments, with the latter flanking the boundary with the River Caldew.

- 5.8 To the south of this building is another vehicular access into the site whereby a terrace of seven townhouses would be constructed.
- 5.9 The buildings would be three-storeys in height with the exception of the 'Aspen' apartments, located adjacent to the River Caldew that would be four storeys in height. It is proposed to finish the buildings in red facing brick under a natural slate roof. Part of the finish detail would also incorporate manufactured wall cladding panels, timber surrounds to some of the larger windows and Juliet balconies with stainless steel handrails.
- 5.10 The development would incorporate 86 parking spaces plus 5 visitor parking spaces. The scheme would be landscaped and allow a public walkway access through the site and across the River Caldew.

### Assessment

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies E19, E20, E22, E26, EM2, T1, T7, H16, L8 and L9 of the Carlisle District Local Plan; and Policies DP1, CP4, CP5, CP7, CP9, CP10, EC1, H1, H2, H3, H4, H5, LE9, LE30, T1, LC4 and LC13 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016. In assessing the application proposal, it is considered that there are nine primary planning issues that are relevant and are dealt with below:
  - 1. Principle of Development
- 5.12 The site is allocated under Policy EM2 of the adopted Carlisle District Local Plan as a Primary Employment Area. This policy supports the redevelopment of the area for employment purposes. Other uses may be acceptable where one of a number of criteria can be met. The emerging Carlisle District Local Plan Revised Redeposit Draft 2001 – 2016 allocates the site for residential development. There are no objections to the allocation and therefore this application is considered against the emerging policy rather than the adopted policy.
- 5.13 Planning Policy Statement 3 (PPS3) (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 developed, to promote the reuse of previously developed land. The use of brownfield sites further contributes to a co-ordinated spatial strategy and promotes regeneration.
- 5.14 Paragraph 41 of PPS3 continues along the same vein insofar that it states that:

*"the national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land and buildings that are vacant as well as land that is currently in use but which has potential for re-development."*

### 2. Sustainable Development

- 5.15 The site is located within the urban area and in such locations, PPS3, along with Structure and Local Plan policies seek to provide a strategic and sustainable approach to the housing strategy for Local Authorities. Under Policy DP1 of the Local Plan Revised Redeposit Draft, all proposals for development will be assessed against their ability to promote sustainable development, provided they are in scale with their location and consistent with other Policies of the Plan and will be considered favourably within the urban area of Carlisle. In this regard, the proposed site is well-related to the Denton Holme area of Carlisle, it is close to local public transport routes and to strategic network nodes within the city itself.
- 5.16 In relation to the general thrust of PPS3, the site is clearly *"previously developed land"* and its potential ability to contribute to the Government's objectives for urban housing would be in accordance with planning policy objectives encouraging reuse of urban land. Priority is given over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised. In addition, ways of building are advised which would create more sustainable patterns of development and which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services.
- 5.17 With regard to the loss of employment land, the Local Plan Revised Redeposit Draft recognises that retention of employment use on the site is not considered appropriate. The Plan allocates the site as being suitable for residential development and identifies that the site could contribute 64 dwellings to the Council's overall requirement to provide housing land.

### 3. Density

- 5.18 Advice regarding the density of new residential development is provided within PPS3. Local Plan policies advocate, in order to maximise the best and most efficient use 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. PPS3 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 corridor.
- 5.19 The application details show the application site area to be 0.716 hectares. Planning consent is sought for 58 dwelling units and the overall density of development equates to 81 dwellings per hectare. In this context, the density

of the proposed development is in excess of the minimum stated in PPS3. Given the character of the surrounding built environment, this would not be wholly disproportionate and is less than the amount suggested in the Local Plan Revised Redeposit Draft.

#### 4. Affordable Housing

- 5.20 Circular 06/98 and PPS3 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.
- 5.21 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.
- 5.22 A need for affordable housing on the site is clear from the comments submitted by the Council's Housing Strategy Officer and from the results of the Housing Needs Survey. Whilst there is no dedicated affordable housing indicated on the drawings, the applicant is willing to provide such and this could be secured by way of a S106 Agreement. A mix of properties could be provided throughout the site following negotiations with the Council's Housing Strategy Officer, Development Control Officer and the applicant.

#### 5. Effect on the Living Conditions of Occupiers of Neighbouring Properties

- 5.23 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 principle of residential development, subject to the consideration against the relevant policy criteria and against other relevant Policies within the Plan. One of the criterion being that the living conditions of the occupiers of adjacent residential properties is not adversely affected by the proposed development. This is echoed and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 5.24 Some of the reservations expressed by local residents comment that the

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scale of the development is too large and that this will have an over-bearing impact on neighbouring properties that will also block out sunlight from habitable rooms. This matter relates to the relationship of the proposed development along the southern boundary of the site with the neighbouring properties on Norfolk Terrace and Norfolk Court, both of which have gables that face the application site. In particular, it is stated that the habitable windows on the west elevation of the property on Norfolk Terrace will be cast on shadow by the development to the north.

- 5.25 The height of the building at this point on the site will measure 8.7 metres to the eaves and 11.5 metres to the ridge. The building will be sited diagonally opposite the property in Norfolk Terrace and will be 1.8 metres from the boundary. Given the orientation of the application site with adjacent properties, it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight.

### **6. Scale and Design**

- 5.26 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, massing and making use of appropriate materials and detailing. A Supplementary Planning Document (SPD) has been produced and adopted by the City Council entitled 'Denton Holme and Longsowerby Design Statement' that provides further particular advice regarding development proposals in the area.
- 5.27 The surrounding area is characterised by two storey terraced properties and the proposal is essentially three storey in height, rising to four storeys in the north-west quadrant. The scale of the development is partly as a result of the flood risk implications of the development of the site and the requirement dictated by the Environment Agency relating to minimum floor levels. The development will be noticeably higher than the surrounding buildings but should not result in such a discordant feature as to be detrimental to the character and appearance of the area. By virtue of the relationship of the layout, scale and massing, the development would not be detrimental to the living conditions of the occupiers of these adjoining properties.
- 5.28 The development attempts to incorporate some of the advice in the SPD in terms of the materials proposed, the fenestration, the incorporation of Flemish bond brickwork.
- 5.29 The accompanying Design and Access Statement details that the construction specification will encompass high levels of thermal insulation minimising CO2 emissions. The selection of materials, it is stated, will take account of local sourcing where possible and will be measured against the BRE Green Guide to Specification.

### **7. Safe Environment**

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- 5.30 Policy CP16 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. The proposed development incorporates a formal centrally positioned pedestrian access through the development.
- 5.31 Concern has been expressed by Cumbria Constabulary's Architectural Liaison Officer regarding the public's access to this site. Indeed, it is considered that the proposal, by virtue of the open access and a significant degree of permeability through and within the site, the development may result in casual intrusion by non-residents which may result in the security and defensible space of this development being compromised due to unrestricted pedestrian access. Further negotiation is required with the applicant; however, this matter could be addressed through details required by a planning condition that will require the submission of boundary treatment for the site.

### 8. Transport

- 5.32 Planning Policy Guidance 13 (Transport) recognises that brownfield sites within the urban area which are well related to existing transport nodes will contribute to the reduction in dependency on the car. In particular, guidance is provided on the integration of planning and transport issues. Paragraph 4 of this document states that:

*"The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:*

1. *promote more sustainable transport choices for both people and for moving freight;*
2. *promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
3. *reduce the need to travel, especially by car."*

- 5.33 There is increasing emphasis for all proposals for development will be assessed against their ability to promote sustainable development, provided they are in scale with their location and consistent with other Policies of the Plan and will be considered favourably within the urban area of Carlisle. In this regard, the proposed site is well-related to the surrounding development and is close to local public transport routes and to strategic network nodes within the city itself.
- 5.34 There are concerns raised by residents relating to the access leading from Colville Terrace and Colville Street. The surrounding road network is already congested at peak times and parking provision within the surrounding area is at a premium. Consequently, concern has been expressed that the proposal will adversely affect the surrounding highway network by virtue of the number of vehicles that would use the site.
- 5.35 The Highway Authority do not share this view and have raised no objection to

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the application subject to the imposition of several planning conditions and the requirement for a commuted sum to contribute towards infrastructure improvements in the area.

- 5.36 To alleviate concerns that the access to the rear of Colville Street, leading into the site from the west, may become a 'rat run', it would also be appropriate to include a condition some preventative measures to discourage this kind of activity.

### **9. Archaeology**

- 5.37 The response from the County Archaeologist advises that works should be undertaken prior to the commencement of development to determine the extent of any archaeological remains on the site. Since the submission of the application the buildings have been demolished which, in itself, did not require planning consent.
- 5.38 The County Archaeologist advises in the consultation response that further information should be submitted in the form of a desk-based assessment to determine whether the presence, nature and extent of any archaeology on the site. Subject to the imposition of an appropriate condition, there is no objection to the proposal.

### **Conclusion**

- 5.39 Members should have careful regard to the advice within planning policies and determine applications in accordance with the development plan unless material considerations indicate otherwise. In overall terms, the principle of the redevelopment of this brownfield site is acceptable. The scale, design and layout of the site takes account of the character and appearance of the surrounding built environment and to the advice with current planning policies and Supplementary Planning Documents. A mixture of house types will be provided on the site, including the provision of affordable units. The commuted sums will ensure that the development complies with planning policies in terms of open space, play equipment and transport infrastructure.
- 5.40 Development of the site will ultimately changed the appearance following the demolition of the buildings three years ago; however, the impact on the living conditions of the occupiers of the neighbouring properties has been taken into account and the proposal will not conflict with current planning policies in this respect.

## **6. Human Rights Act 1998**

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

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

### 7. **Recommendation** - Grant Permission

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

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

2. Prior to the commencement of development hereby approved, 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. The development shall be undertaken in accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016.

3. Prior to the commencement of development hereby approved, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft

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2001 - 2016.

4. Prior to the commencement of development hereby approved, 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. The development shall be undertaken in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP4 of the Carlisle District Local plan Revised Redeposit Draft 2001 - 2016.

5. 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") a remediation scheme ("the Remediation Scheme"), which shall:
- i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
  - ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and
- b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and
- c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:
- 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. To protect the environment and prevent harm to human health.

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

6. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further

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details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies LD5, LD7 and LD8.

7. There shall be no vehicular access to or egress from the site other than via the approved accesses, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route in the interests of road safety and to support Local Transport Plan Policies LD7 and LD8.

8. Prior to the commencement of development hereby approved, details of the proposed accesses from the existing highways shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until such details have been approved and the crossings have been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

9. 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. 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 written consent of the Local Planning Authority.

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

10. Prior to the first occupation of any dwelling, the existing unused accessed to the highway shall be permanently closed and such highway crossings and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To minimise highway danger and for the avoidance of doubt and to support Local Transport Plan Policies LD5, LD7 and

## SCHEDULE A: Applications with Recommendation

07/1312

LD8.

11. No dwelling shall be occupied until a pedestrian means of access to it (including satisfactory lighting) has been constructed. Not more than 30 dwellings shall be occupied before the internal parking facilities have been constructed and are available for use. The final 28 dwellings shall not be occupied until the final access and parking arrangements have been constructed to the satisfaction of the Local Planning Authority and are available for use.

**Reason:** To ensure the accesses to the proposed development are constructed in a phased manner with completion of dwellings, in the interest of the surrounding highways and general amenity of the area and to support Local Transport Plan Policies S3, S4 and LD9.

12. Prior to the commencement of development hereby approved, details of the number, location and design of motorcycle and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the facilities shall be provided in accordance with the approved details and prior to the development being brought into use.

**Reason:** To ensure that provision is made for motorcycle and bicycle parking, in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

13. If contamination not previously identified to be present during development, no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement provided, unless otherwise agreed in writing by the Local Planning Authority. The addendum shall detail how this unsuspected contamination shall be dealt with and the removal of the contamination shall be executed in accordance with the approved details.

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

14. Prior to the commencement of development hereby approved, the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components:

1. An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
2. An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation; and
3. Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by

## SCHEDULE A: Applications with Recommendation

07/1312

the Planning Authority, completion of an archive report and publication of the results in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains.

15. Prior to the commencement hereby approved, details of a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall incorporate, where possible Sustainable Drainage Systems and shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of surface water disposal in accordance with Policy E22 of the Carlisle District Local Plan.

16. Prior to the commencement of development hereby approved, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order that the approved development overcomes any problem associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

17. No dwelling shall be occupied until its drainage system is connected to a public sewer.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy E22 of the Carlisle District Local Plan.

18. Detailed plans to be submitted under Condition 4 shall incorporate full design details of walls, gates, fences and other means of permanent enclosure and boundary treatment, including height and means of construction, in respect of areas in front of the forward most part of the dwelling(s). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, any enclosure of such garden areas shall take place strictly in accordance with the agreed scheme.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner in accordance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016.

## **SCHEDULE A: Applications with Recommendation**

07/1312

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

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy E9 of the Carlisle District Local Plan.

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1. DO NOT SCALE from this drawing.
2. Refer to the notes on the drawing.
3. Reports of discrepancies to JCKX, plotted, must be IMMEDIATELY.
4. Refer to the following ASSOCIATED DRAWINGS:

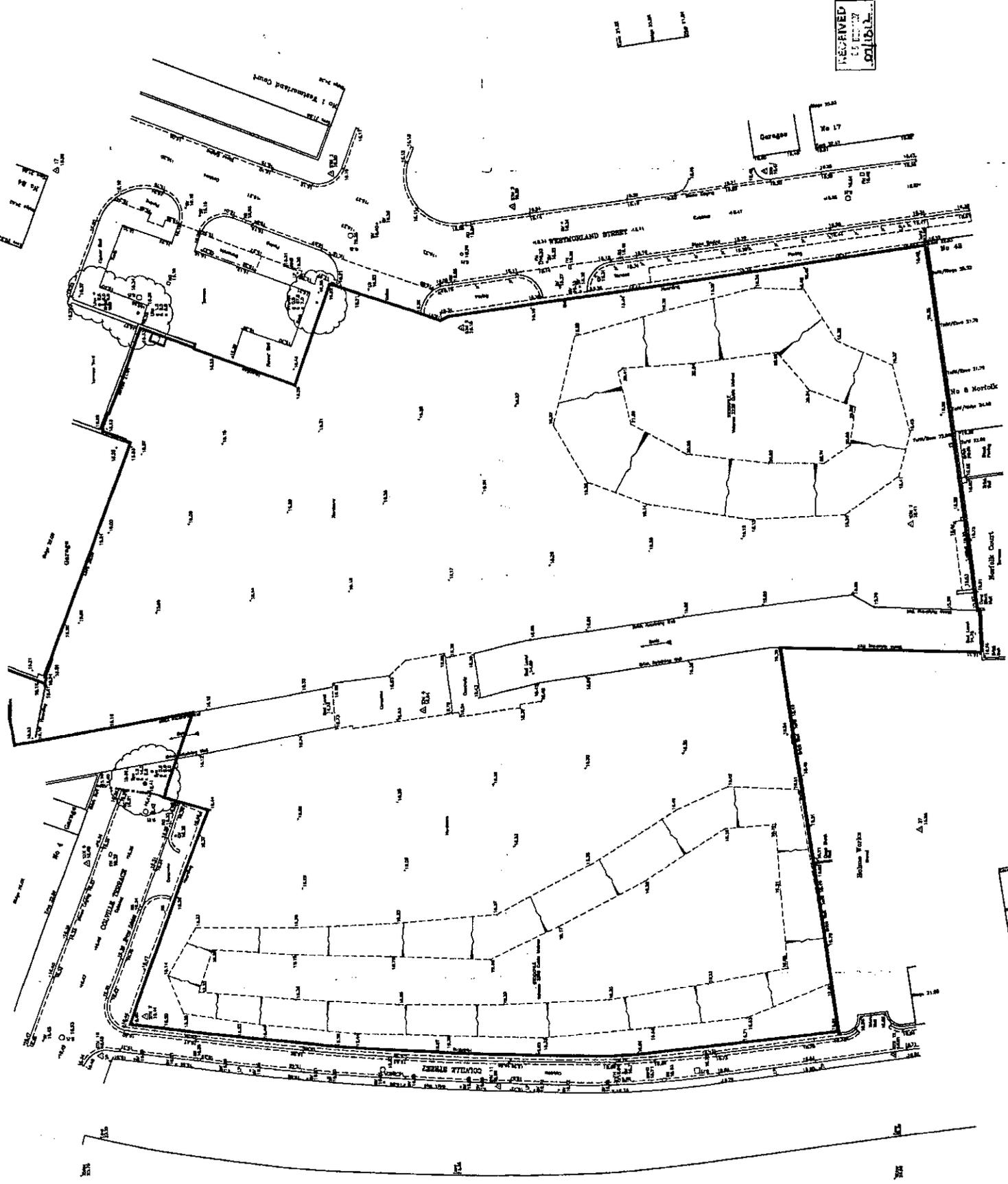
Revision Log	Date	Description



**Jane Darbyshire and David Kendall Limited**  
 Chartered Architects and Landscape Architects  
 100, Victoria Road, Southport, Merseyside L35 9JF  
 Telephone: 051 881111 Fax: 051 881111  
 Telex: 950000 JDDK G

CLIENT	PERSIMMON HOMES LANCASHIRE
PROJECT	PENGUIN FACTORY, CARLISLE
TITLE	EXISTING SITE PLAN
DATE	
DESIGNED BY	
CHECKED BY	
DATE	
SCALE	
DRAWING NO.	2736
REV	10
DATE	00
TYPE	
NO.	

RECEIVED  
15 FEB 1977  
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NOTES

1. DO NOT SCALE FROM THIS DRAWING
2. All dimensions are in meters unless otherwise stated
3. Report all discrepancies to the project technical team IMMEDIATELY
4. Refer to the following ASSOCIATED DRAWINGS:

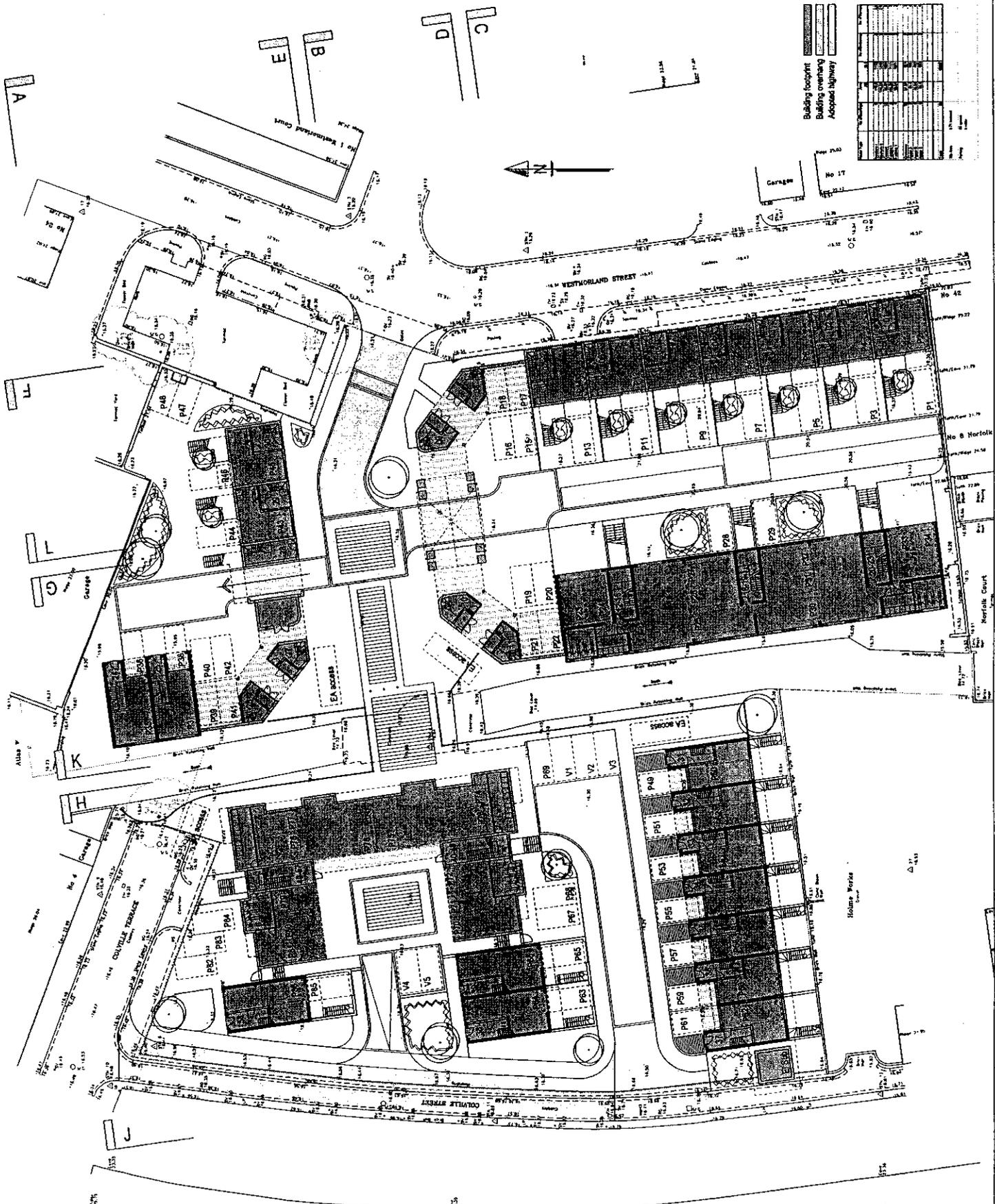
Revision Log  
For Input Date Description



Jane Darbyshire and David Kendall Limited  
Chartered Architects and Landscape Architects  
100, The Quadrant, Newcastle upon Tyne, NE1 7JQ  
Telephone: 0191 275 1111 Fax: 0191 275 1112  
www.jdk.co.uk

CLIENT	PERSIMMON HOMES LANCASHIRE
PROJECT NAME	PENGUIN FACTORY, CARLISLE
TITLE	SITE PLAN
DATE	08/01/2010
QUANTITY SURVEYOR	MR COLLETT
STRUCTURAL CONSULTANT	SWIN
OTHER	SWIN

DRAWING NO.	2736	Revision	F
DATE	08/01/2010	SCALE	1:500
CHECKED BY	DMT	PAPER SIZE	A1
DWG STATUS	PLANNING	CHECKED BY	RW



**NOTES**

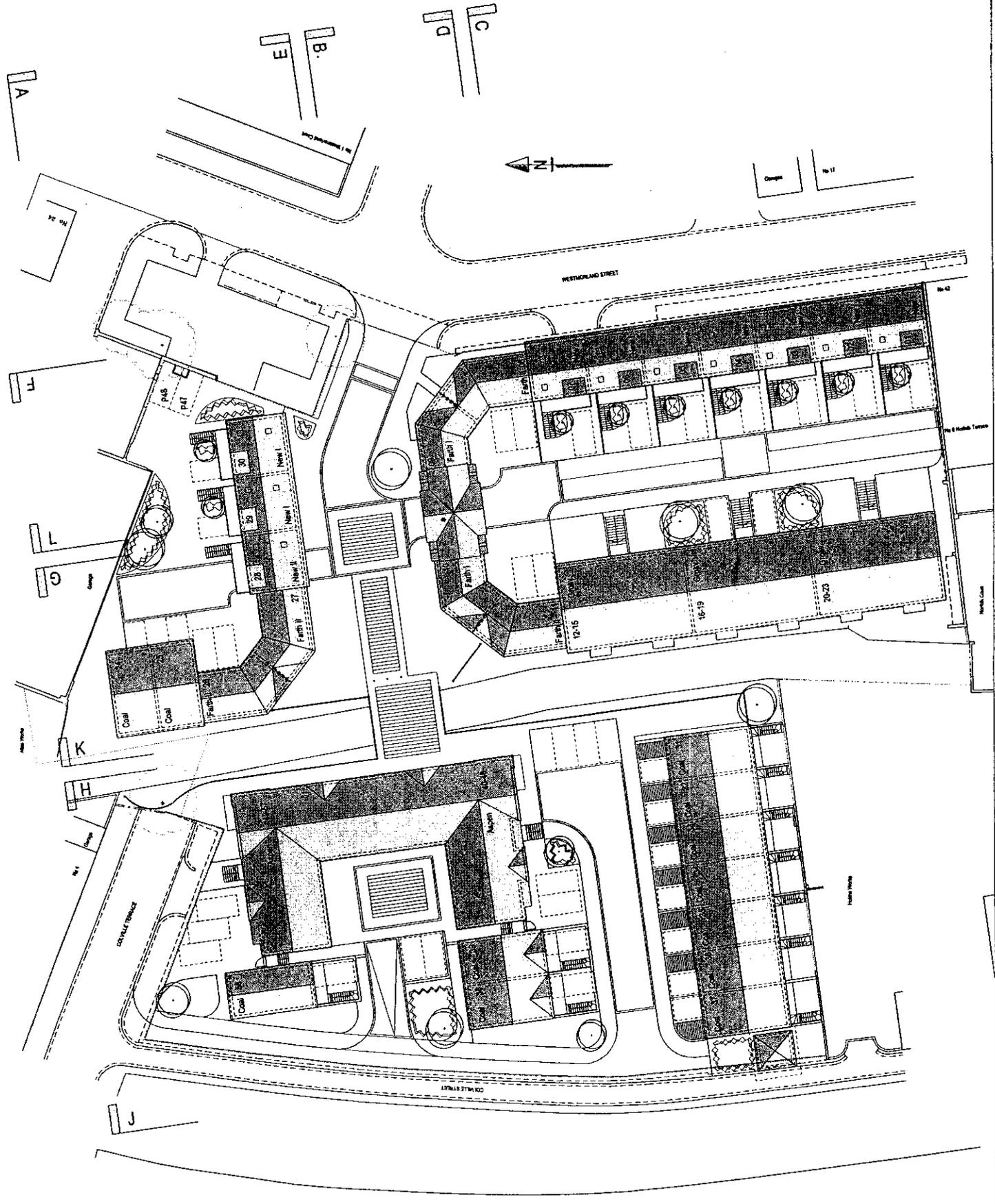
1. DO NOT SCALE from this drawing
2. Further Dimensions required to be requested from Project Architect
3. All dimensions are to be taken from the centre line unless otherwise stated
4. Refer to the following ASSOCIATED DRAWINGS:-

Revision Log	Rev	Issue	Date	Description



**Jane Darbyshire and David Kendall Limited**  
 Chartered Architects and Landscape Architects  
 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

<b>CLIENT</b>	PERSIMMON HOMES LANCASHIRE		
<b>PROJECT TYPE</b>	PENGUIN FACTORY, CARLISLE		
<b>TITLE</b>	ROOF PLAN		
<b>DATE</b>	11/07		
<b>SCALE</b>	1:200	<b>PAPER SIZE</b>	A1
<b>DRAWING NO.</b>	2736	<b>Job Ref</b>	102
<b>DATE</b>	11/07	<b>CHECKED BY</b>	JRW
<b>ORIG STATUS</b>	PLANNING		



NOTES

1. DO NOT SCALE from the printed form
2. Furnish dimensions from Project Architectural Plans
3. All dimensions are to be taken from the most RECENTLY issued drawings
4. Refer to the following ASSOCIATED DRAWINGS:-

Revision Log	Date	Description



Jane Darbyshire and David Kendall Limited  
 Chartered Architects and Landscape Architects  
 100, The Quadrant, Leeds LS2 9JF  
 Telephone: 0113 244 1111 Fax: 0113 244 1112  
 www.jdk.co.uk

CLIENT  
 PERSIMMON HOMES LANCASHIRE

PROJECT NO.  
 PENGUIN FACTORY, CARLISLE

TITLE  
 THE APARTMENTS I  
 GROSVENOR UNITS 12-23 PLANS

USE  
 RESIDENTIAL

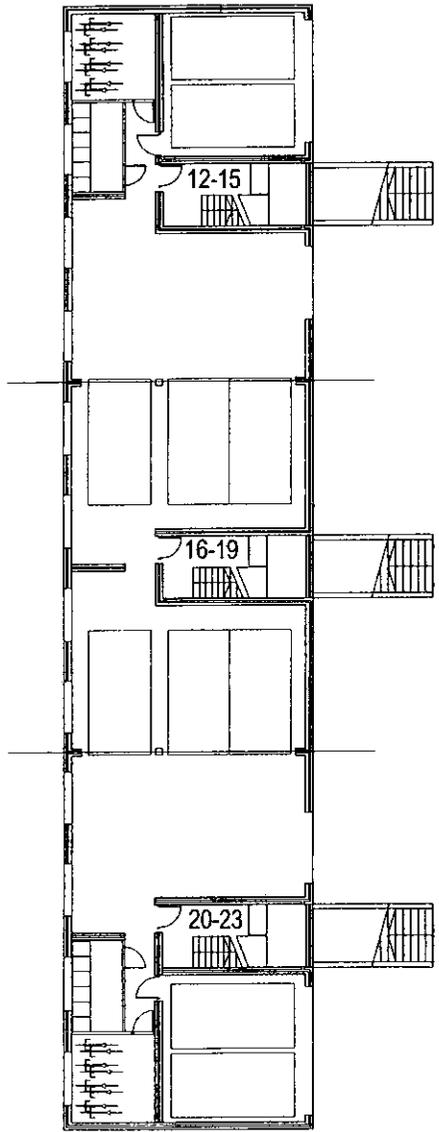
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DRAWING NO.	NO.	NO.	NO.
2376	20	01	

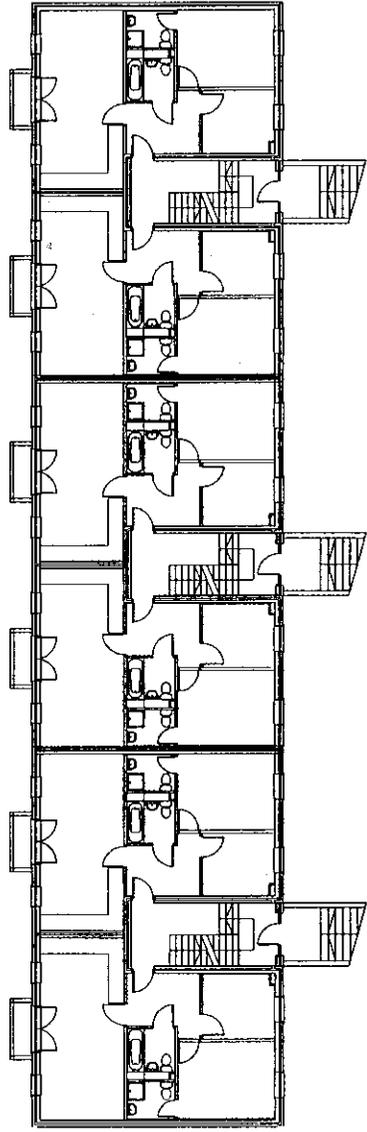
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DATE	CHECKED BY	CHKD
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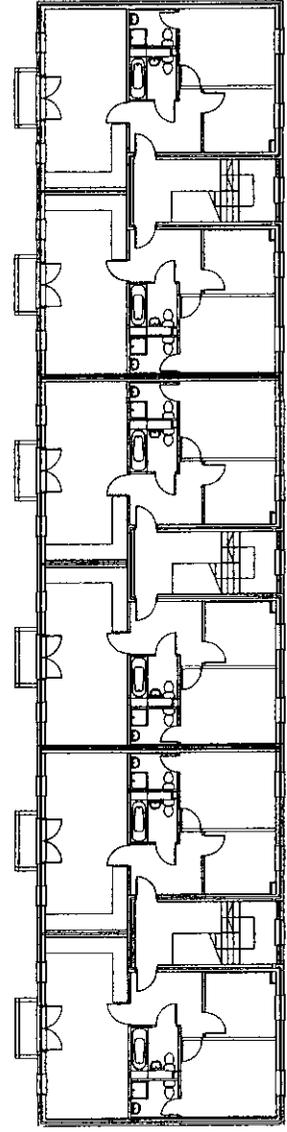
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GROUND FLOOR PLAN  
 UNITS 12-23



FIRST FLOOR PLAN



SECOND FLOOR PLAN

- 1. DO NOT SCALE from the drawing
- 2. Further dimensions required to be requested from Project technical team.
- 3. Report all discrepancies to JDOF project technical team IMMEDIATELY.
- 4. Refer to the following ASSOCIATED DRAWINGS:

Revision Log	Rev	Initial	Date	Description



**Jane Chryshure and David Kendall Limited**  
 Chartered Architects and Landscape Architects  
 10th Floor, 100 Broad Street, Birmingham, B4 7DQ  
 Telephone: 0121 633 1111 Fax: 0121 633 1112  
 www.jcd.co.uk

**CLIENT:** PERSIMMON HOMES LANCASHIRE

**PROJECT TITLE:** PENGUIN FACTORY, CARLISLE

**TITLE:** APARTMENTS / GROSVENOR UNITS 12-23 ELES

**DATE:** 20/10/07

**BY:** [Signature]

**FOR:** [Signature]

**DATE:** 20/10/07

**SCALE:** 1:100

**DATE:** 20/10/07

**DATE:** 20/10/07

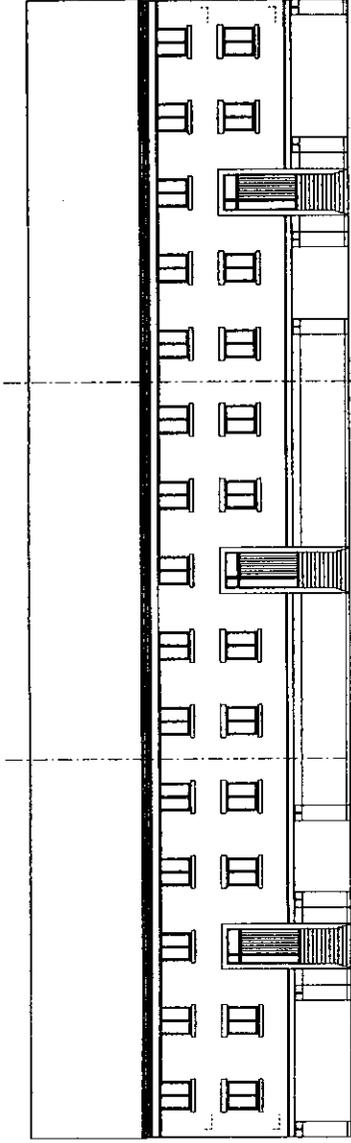
**DATE:** 20/10/07

**DATE:** 20/10/07

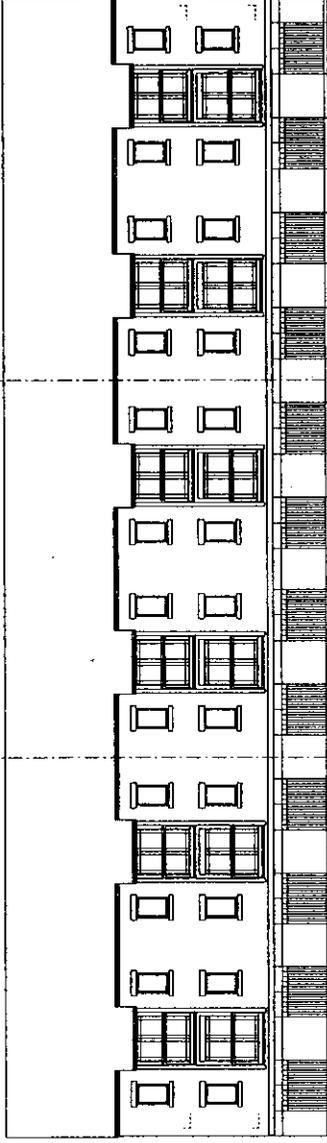
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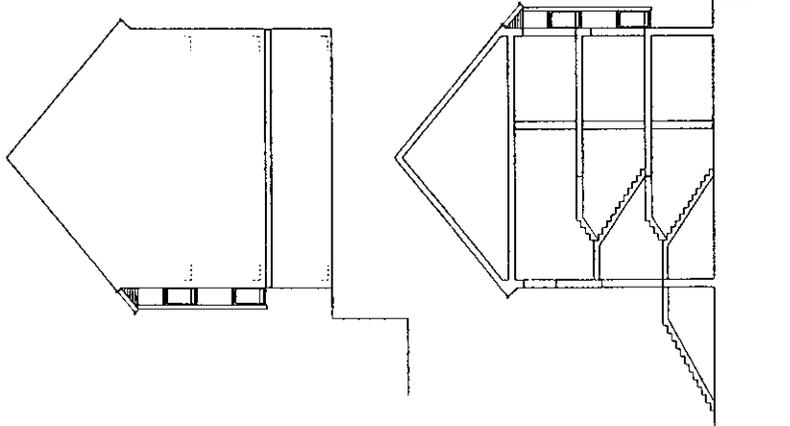
**DATE:** 20/10/07



COURTYARD ELEVATION  
UNITS 12-23



BECKSIDE ELEVATION



NOTES:

1. DO NOT SCALE from I
2. Further information re proposed from
3. Revised drawings to suit project
4. Refer to the following ASSOCIATED DRAWINGS:

Revision Log  
Rev No. Date Description



Jane Darbyshire and David Kendall Limited  
Chartered Architects and Landscape Architects  
Telephone: +44 (0) 1283 571777  
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Client: PERSIMMON HOMES LANCASHIRE

Project Name: PENGUIN FACTORY, CARLISLE

Project Description: APARTMENTS II ASPEN UNITS 40-57 PLANS & ELES

Scale: 1:100

Date: OCT 2007

Checked By: [Signature]

Rev: [Signature]

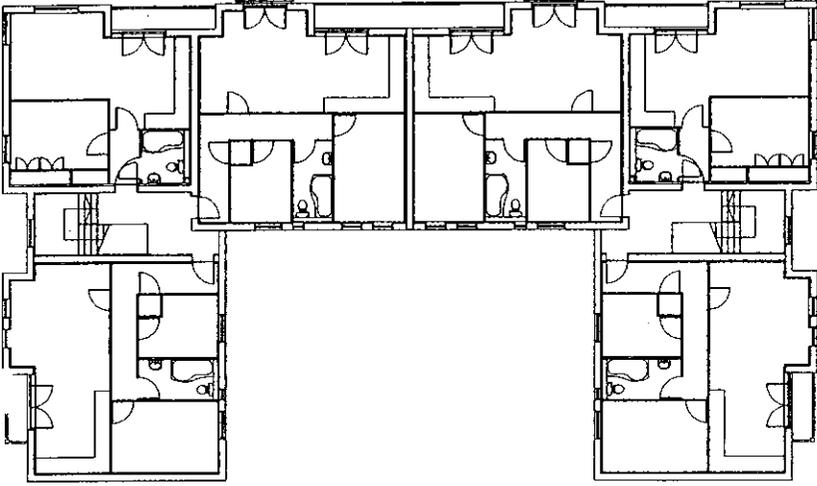
Project No: 2376

Sheet No: 20

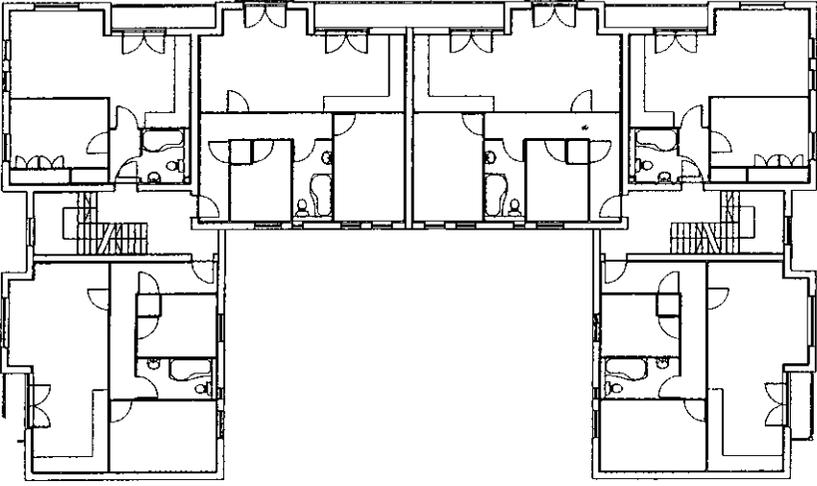
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Paper Size: A1

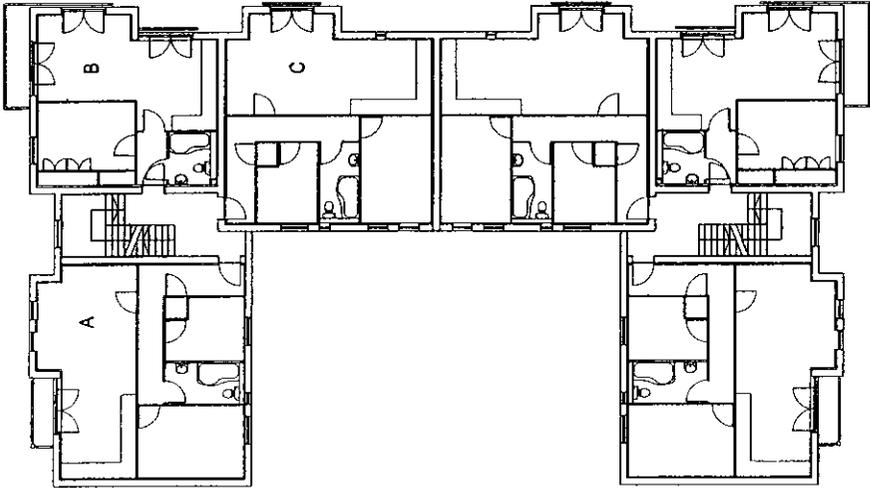
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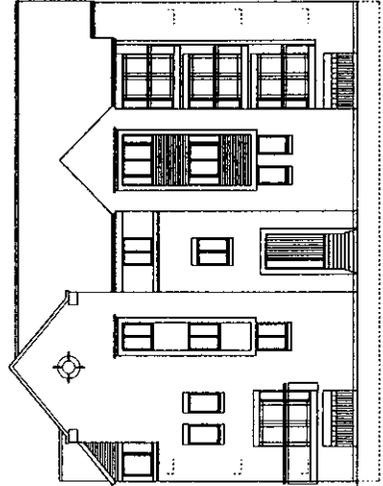
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



NOTES:

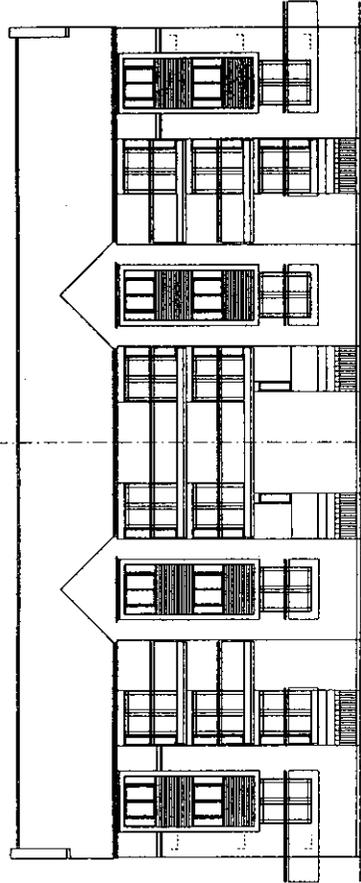
1. DO NOT SCALE from this drawing.
2. Further Dimensions required to be requested from Project Technical team.
3. All dimensions are to 2004 project technical drawing standards.
4. Refer to the following ASSOCIATED DRAWINGS:

Revision Log  
Rev. Number Date Description

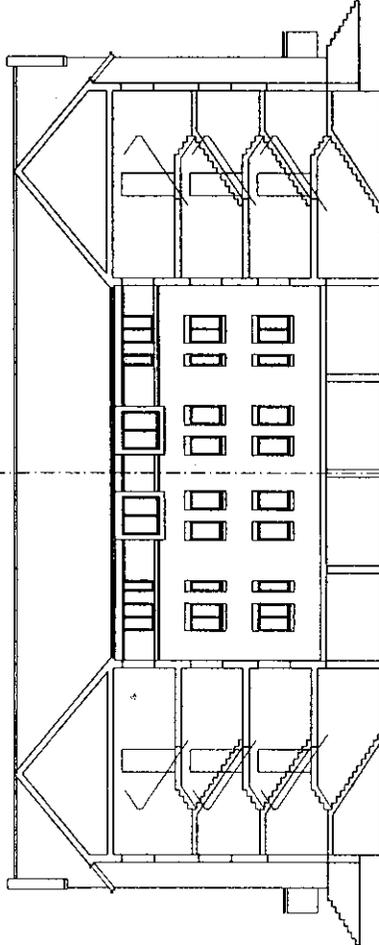


**Jave Daryabhai and David Kinneil Limited**  
 Chartered Architects and Landscape Architects  
 10th Floor, 100 Broad Street, Birmingham B1 2HT, UK  
 Telephone: +44 (0)121 633 1111  
 Fax: +44 (0)121 633 1112  
 www.jdkl.co.uk

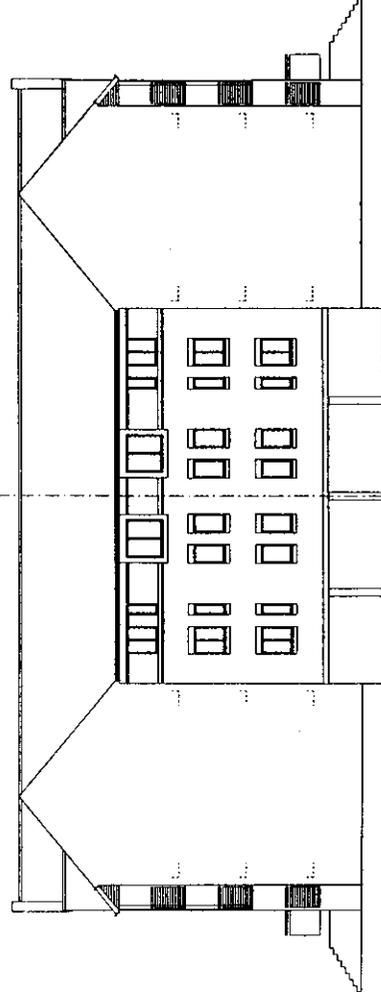
CLIENT <b>PERSIMMON HOMES LANCASHIRE</b>	
PROJECT TITLE <b>PENGUIN FACTORY CARLSLE</b>	
PROJECT DESCRIPTION <b>THE APARTMENTS II ASPEN UNITS 40-57 PLANS &amp; ELES</b>	
DRAWING NUMBER <b>2376</b>	
DATE <b>20</b>	SCALE <b>1:100</b>
REVISION <b>103</b>	CHECKED BY <b>BM</b>
PAPER SIZE <b>A1</b>	DWG STATUS <b>PLANNING</b>



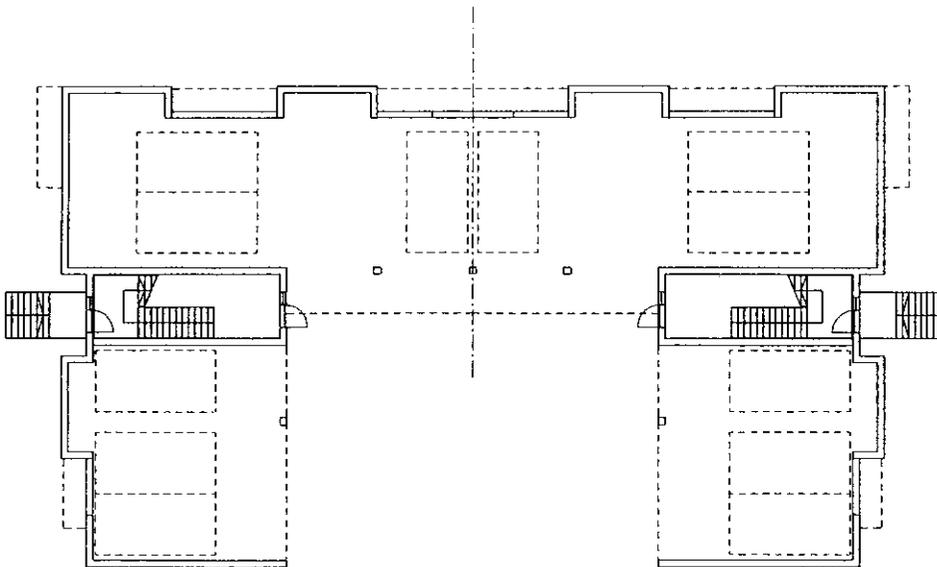
BECKSIDE ELEVATION



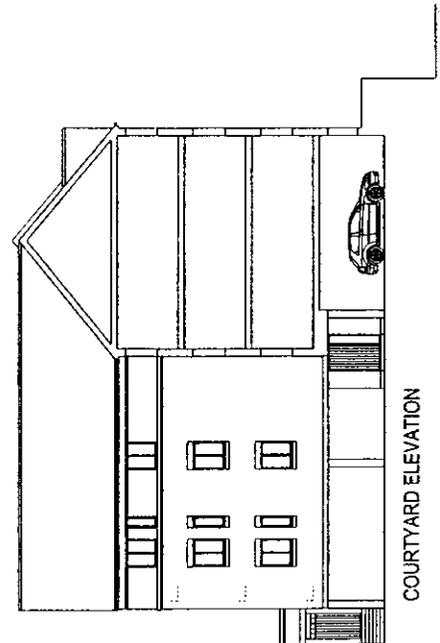
COURTYARD ELEVATION



COURTYARD ELEVATION



GROUND FLOOR PLAN  
UNITS 40-57



COURTYARD ELEVATION

NOTES

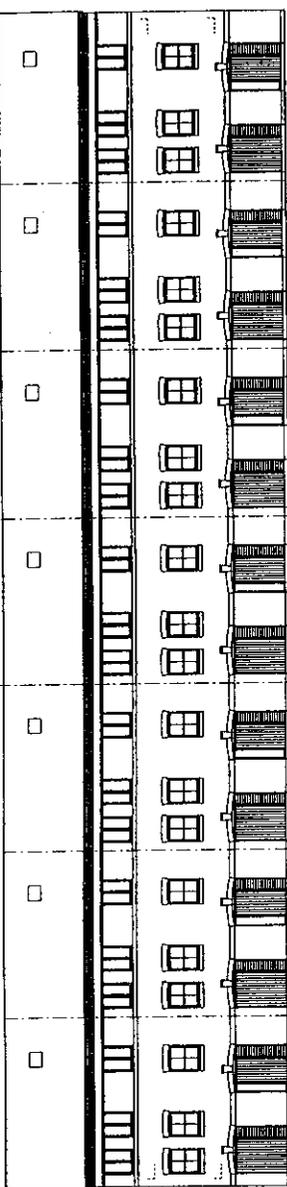
1. DO NOT SCALE from the drawing.
2. All dimensions are in millimetres unless otherwise stated.
3. Height of discrepancies shall be indicated by a note.
4. Refer to the following ASSOCIATED DRAWINGS:-

Revision Log  
Rev: Initial Date Description

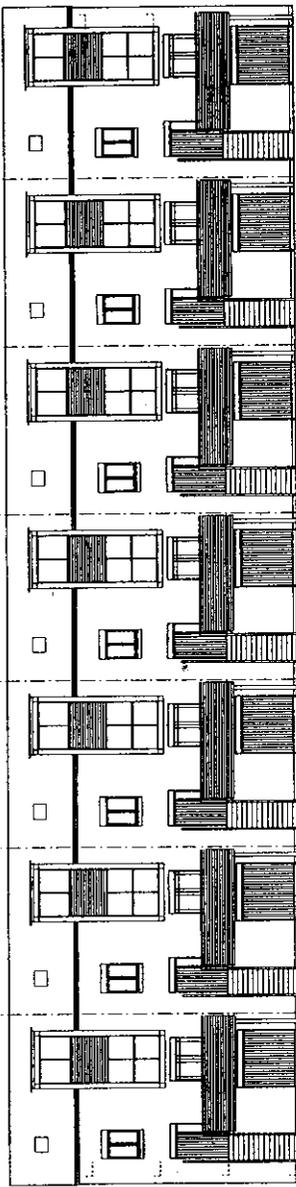


Jane Darroghda and David Kendall Limited  
 Chartered Architectural and Landscape Architects  
 100, The Quadrant, Manchester, M1 2JX  
 Telephone: 0161 275 1111 Fax: 0161 275 1112  
 www.persimmonhomes.co.uk

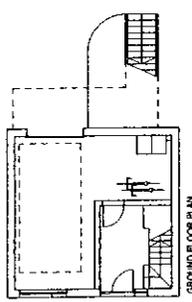
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PROJECT NAME	PENGUIN FACTORY, CARLISLE
TYPE	HOUSE TYPE 1 NEWBURY UNITS 1-7
DATE	
QUANTITY	105 UNITS
PERMITTED	YES
DATE	
DRAWING NO.	2376
DATE	20 OCT 2007
SCALE	1:100
PAPER SIZE	A1
CHECKED BY	RV
DATE	
DWG STATUS	PLANNING



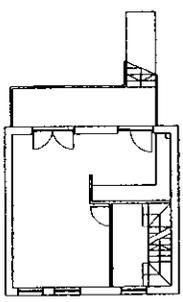
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UNITS 1-7



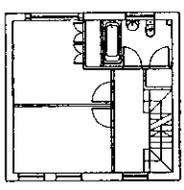
COURTYARD ELEVATION



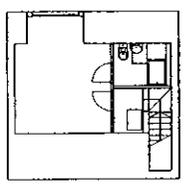
GROUND FLOOR PLAN



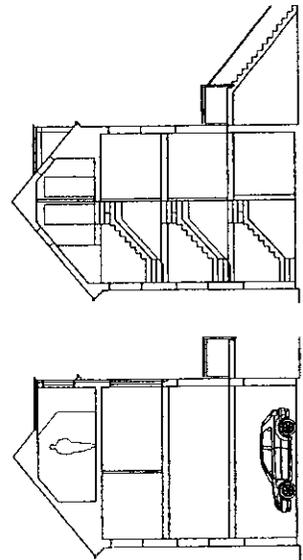
FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



SECTIONS  
UNITS 1-7 & 29-30

**NOTES:**

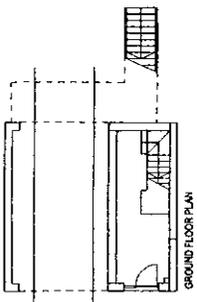
1. DO NOT SCALE from the drawings
2. For any work not specified to be required from Project technical team.
3. Report all discrepancies to JCKER project technical team IMMEDIATELY.
4. Refer to the following ASSOCIATED DRAWINGS:

Revision Log	Rev	Issue	Date	Description

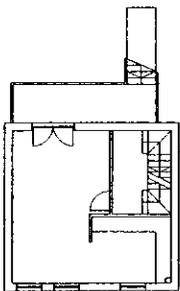


Jane Daugherty and David Kendall Limited  
 10th Floor, 100, Victoria Road, London, E16 1JH  
 Telephone: +44 (0) 20 7417 1100  
 Fax: +44 (0) 20 7417 1101  
 Email: jdk@janeanddavid.co.uk

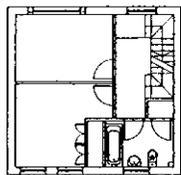
<b>CLIENT</b>	PERSIMMON HOMES LANCASHIRE
<b>INDUSTRY</b>	RESIDENTIAL
<b>PROJECT</b>	PENGUIN FACTORY, CARLISLE
<b>TYPE</b>	HOUSE TYPE II
<b>NEWBURY UNITS</b>	UNITS 28-30
<b>DATE</b>	20/06/06
<b>DESIGNER</b>	JANE DAUGHERTY AND DAVID KENDALL LIMITED
<b>DATE</b>	20/06/06
<b>SCALE</b>	1:100
<b>PAPER SIZE</b>	A1
<b>DATE</b>	OCT 2007
<b>CHECKED BY</b>	
<b>DESIGN STATUS</b>	PLANNING



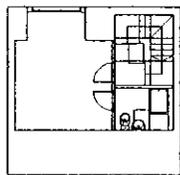
GROUND FLOOR PLAN



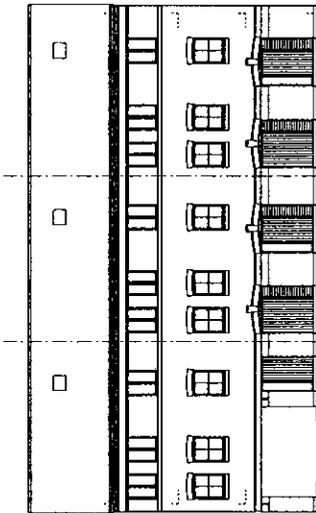
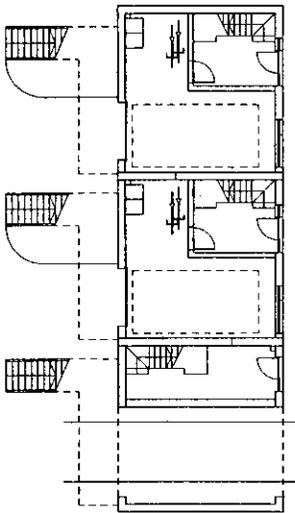
FIRST FLOOR PLAN



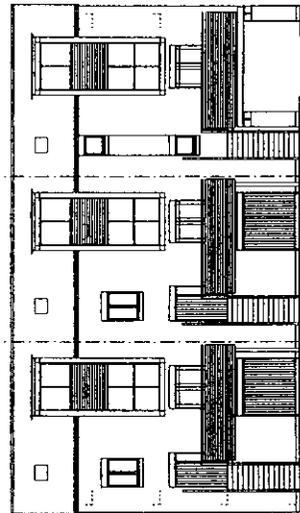
SECOND FLOOR PLAN



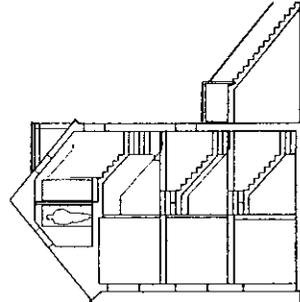
THIRD FLOOR PLAN



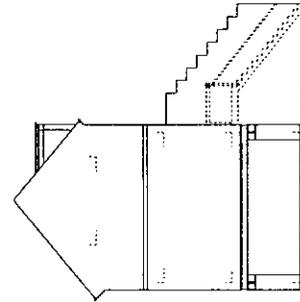
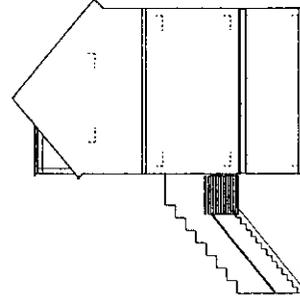
ENTRANCE ELEVATION  
UNITS 28-30



COURTYARD ELEVATION  
UNITS 28-30



SECTION  
UNIT 28



**NOTES:**

1. DO NOT SCALE from drawings.
2. All dimensions are to be taken from the Project technical form.
3. Report all discrepancies to the Project Manager immediately.
4. Refer to the following ASSOCIATED DRAWINGS:

**Revision Log**

Rev. No. Date Description



Jane Darbyshire and David Kenyon Limited  
 Chartered Architects and Landscape Architects  
 10th Floor, 100, The Quadrant, Leeds LS2 9JL  
 Telephone: 0113 245 1111 Fax: 0113 245 1112  
 www.jdk.co.uk

**CLIENT**  
 PERSIMMON HOMES LANCAASHIRE

**PROJECT TITLE**  
 PENGUIN FACTORY, CARLISLE

**TITLE**  
 HOUSE TYPE III  
 COALPORT UNITS 31-37

**DATE CONSTRUCTION**

**QUANTITY SURVEYOR**  
 AND CONSULTANT

**ARCHITECTURAL CONSULTANT**

**OTHER**

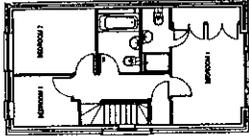
**DRAWING NO.**  
 2376 | 20 | 107

**Job Ref. / Type / No.**

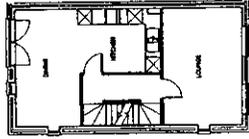
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**DATE:** OCT 2007 **CHECKED BY:** J. RW

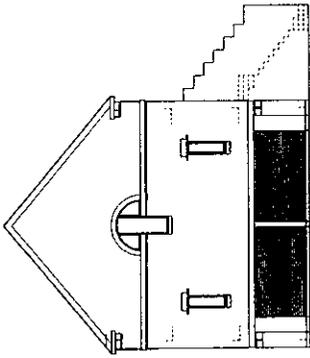
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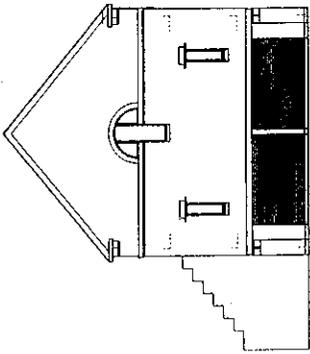
**SECOND FLOOR PLAN**



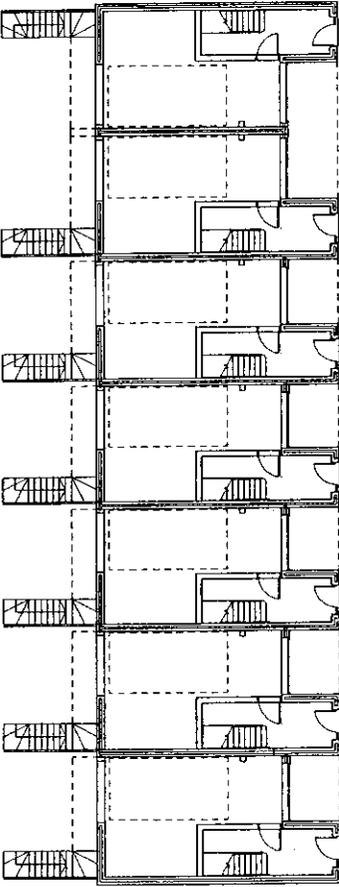
**FIRST FLOOR PLAN**



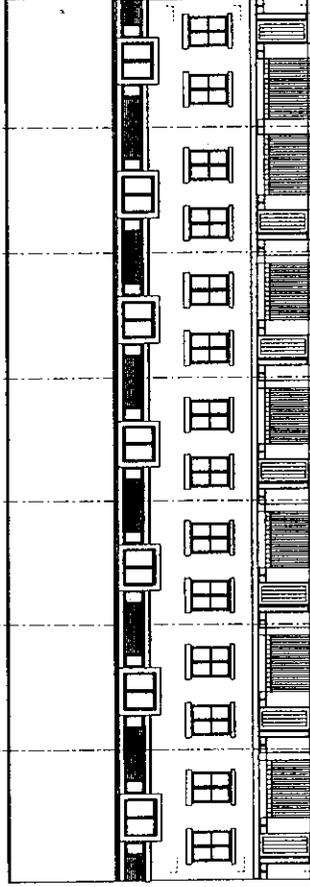
**SIDE ELEVATION**



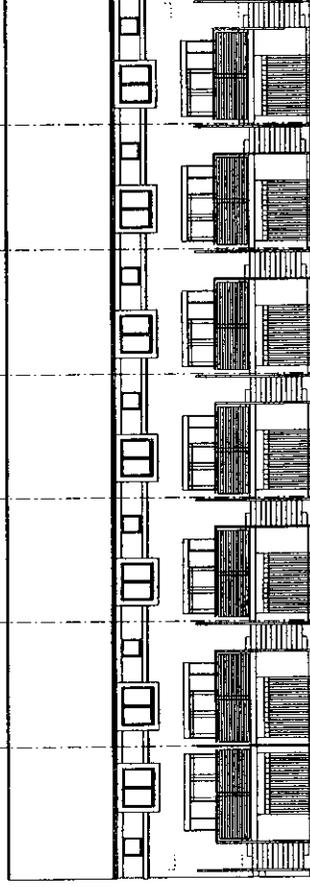
**BECKSIDE ELEVATION**



**GROUND FLOOR PLANS  
 UNITS 31-37**



**FRONT ELEVATION  
 UNITS 31-37**



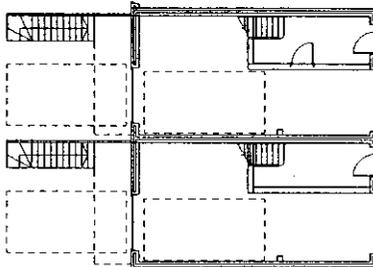
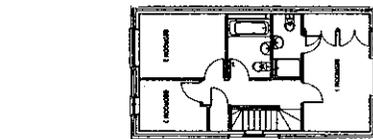
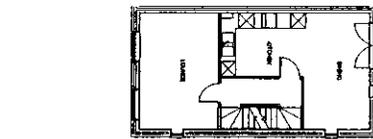
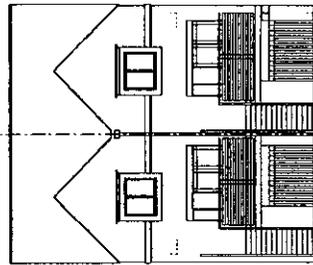
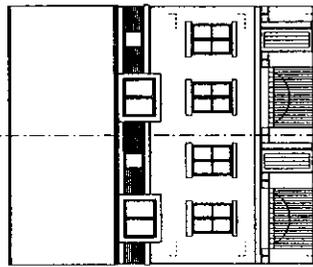
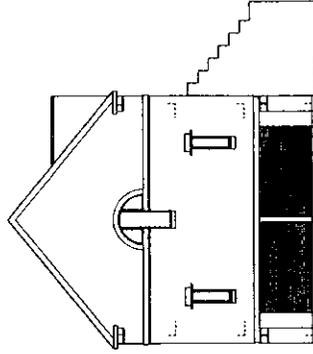
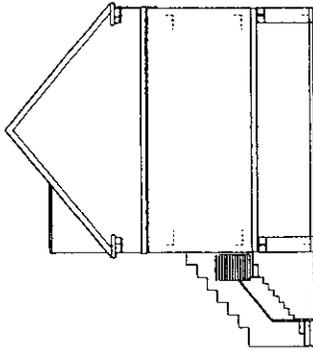
**REAR ELEVATION  
 UNITS 31-37**

**NOTES:**

1. DO NOT SCALE from this drawing.
2. Further Dimensions including to be requested from Project Technical Team.
3. Report all discrepancies to JDA project technical team immediately.
4. Refer to the following ASSOCIATED DRAWINGS:-

**Revision Log**

Rev. Issue Date Description



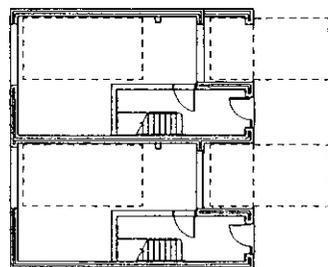
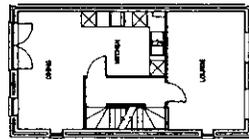
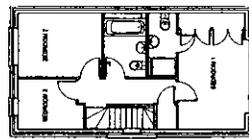
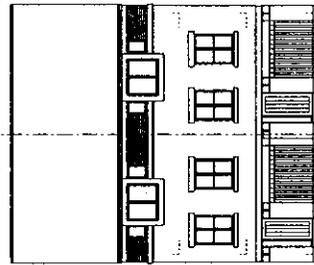
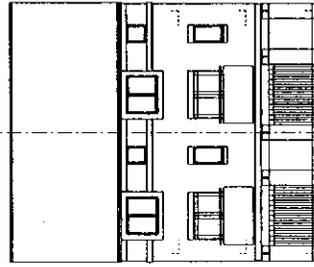
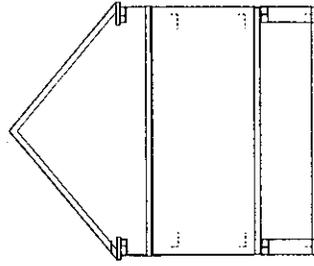
**SIDE ELEVATIONS**

**COURTYARD ELEVATION**

**STREET ELEVATION**

**GROUND FLOOR PLANS  
UNITS 38-39**

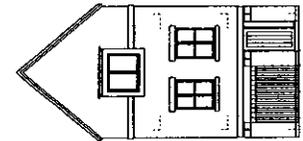
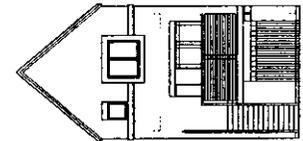
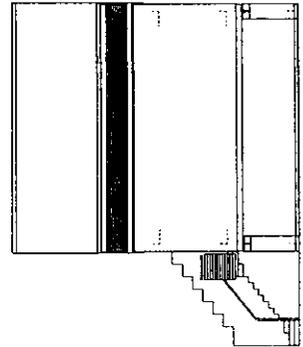
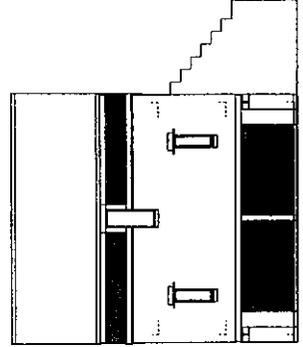
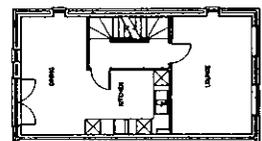
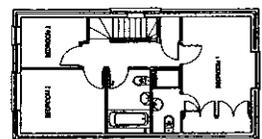
**GROUND FLOOR PLANS  
UNITS 24-25**



**BACKSIDE ELEVATION**

**COURTYARD ELEVATION**

**FIRST FLOOR PLAN SECOND FLOOR PLAN**



**SIDE ELEVATIONS**

**COURTYARD ELEVATION**

**ENTRANCE ELEVATION**

**GROUND FLOOR PLAN  
UNIT 58**



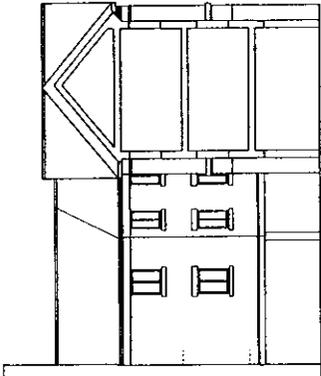
**Jane Darbyshire and David Kendall Limited**  
 Chartered Architects and Landscape Architects  
 100, The Quadrant, Newcastle Upon Tyne, NE1 7JQ  
 Telephone: 0191 286 8800  
 Fax: 0191 286 8801  
 www.jdk.co.uk

<b>CLIENT</b>	PERSIMMON HOMES LANCASHIRE
<b>PROJECT TITLE</b>	PENGUIN FACTORY, CARLISLE
<b>THE HOUSE TYPE IV</b>	COALPORT UNITS 24-25, 38-39 & 58
<b>DATE COMPLETED</b>	
<b>QUANTITY SURVEYOR</b>	MR CORNELL TAYLOR
<b>STRUCTURAL CONSULTANT</b>	CHM
<b>ENGINEER</b>	CHM
<b>DRAWING NO.</b>	2376 / 20 / 08
<b>JOB REF.</b>	1 / Type / No.
<b>SCALE:</b>	1:100
<b>PAPER SIZE:</b>	A1
<b>DATE:</b>	OCT 2007
<b>DRAWN BY:</b>	AW
<b>CHECKED BY:</b>	AW
<b>DRG STATUS:</b>	PLANNING

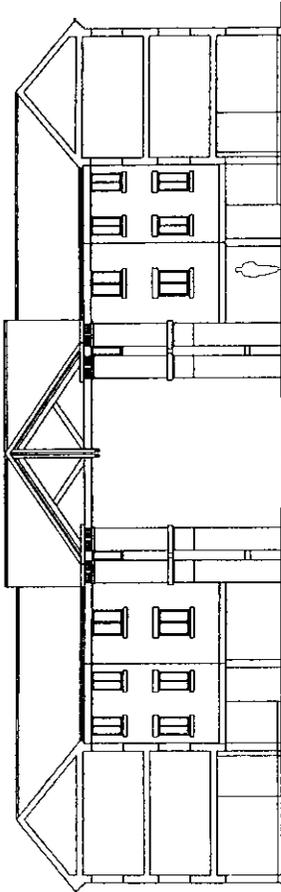
NOTE:

1. DO NOT SCALE FROM THIS DRAWING
2. Further dimensions may be required
3. Report all discrepancies to the architect
4. Refer to the following ASSOCIATED DRAWINGS:-

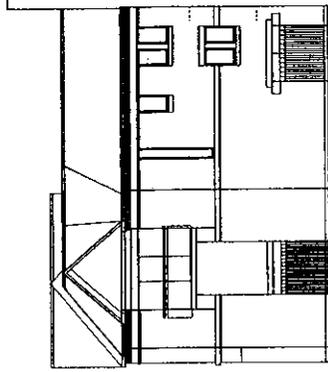
Revision Log	Date	Description



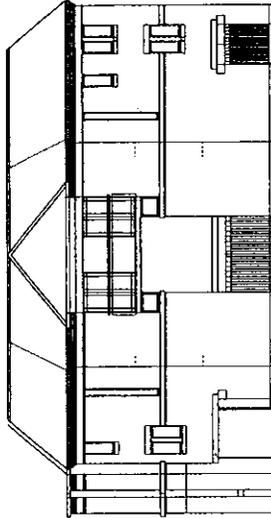
COURTYARD ELEVATION



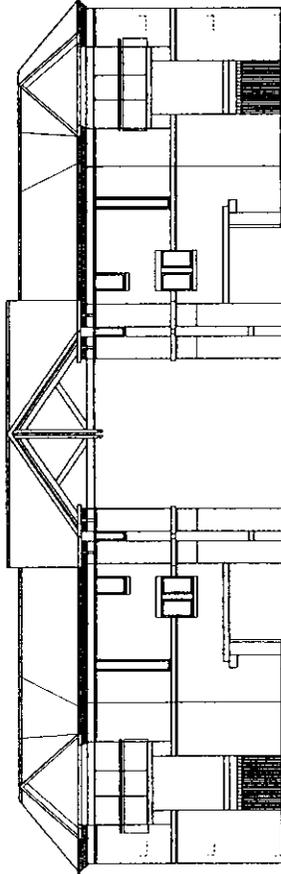
COURTYARD ELEVATION



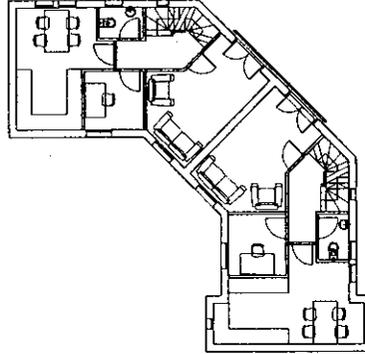
BACKSIDE ELEVATION



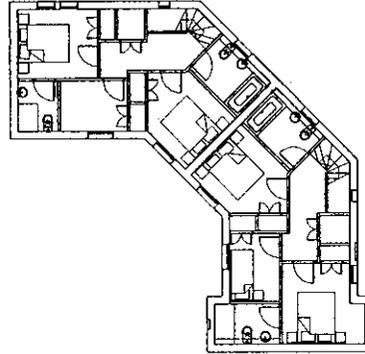
CORNER ELEVATION



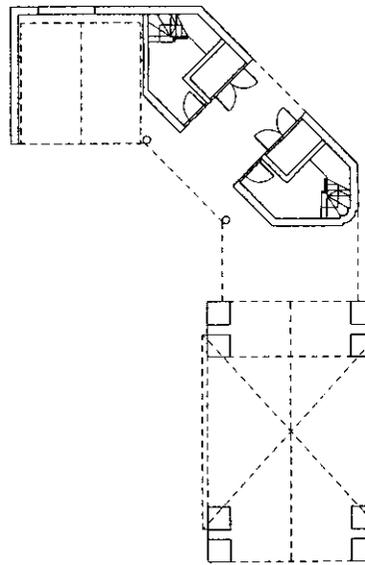
ENTRANCE ELEVATION



SECOND FLOOR PLANS



FIRST FLOOR PLANS



GROUND FLOOR PLANS  
UNITS 10-11  
HANDED 8-9



Jane Darbyshire and David Kennell Limited  
Chartered Architects and Landscape Architects  
Member of the Royal Institute of British Architects  
Registered with the Architects Registration Board  
100, The Quadrant, Brighton, BN1 1QD  
Tel: 01273 733333 Fax: 01273 733334  
www.jdk.co.uk

CLIENT	PERSIMMON HOMES LANCASHIRE
PROJECT TITLE	PENGUIN FACTORY, CARLISLE
TITLE	HOUSE TYPE V PARTING UNITS 8-9 & 10-11
DATE	10/09/08
QUANTITY	ONE
STRUCTURAL CONSULT	ONE
MEASUREMENT	ONE
DATE	ONE
DATE	ONE

DRAWING No.	2376	20	09	Revision
Job No.		Type	No.	
SCALE:	1:100	PAPER SIZE:	A1	
DATE:	OCT 2007	CHECKED BY:	RW	
DRG STATUS:	PLANNING			

**NOTES:**

1. DO NOT SCALE from the drawings.
2. For any dimensions not included to be requested from Project technical team.
3. Report all discrepancies to JDDV project services team IMMEDIATELY.
4. Refer to the following ASSOCIATED DRAWINGS:

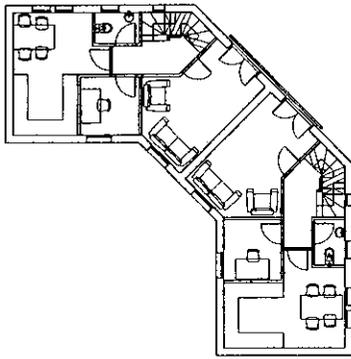
**Revision Log**

Rev	Issue	Date	Description

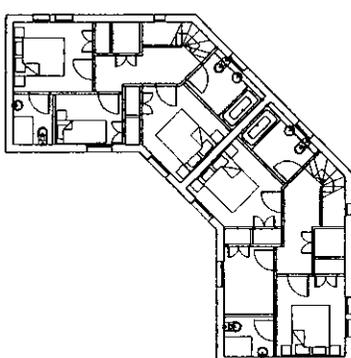


Jane Darbyshire and David Knappall Limited  
 Chartered Architects and Landscape Architects  
 10th Floor, 100 Broad Street, Birmingham B1 2HT  
 Telephone: +44 (0)121 633 1100  
 www.jdkl.co.uk

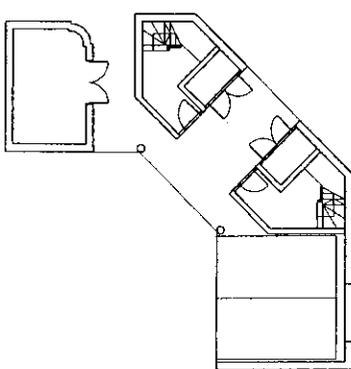
<b>CLIENT</b>	PERSIMMON HOMES LANCASHIRE
<b>PROJECT TITLE</b>	PENGUIN FACTORY, CARLISLE
<b>NO.</b>	HOUSE TYPE VI
<b>FARTHING UNITS</b>	26-27
<b>WWW.COMPARISON</b>	
<b>QUALITY INSPECTOR</b>	MR COLMAN / JKT
<b>STRUCTURAL CONSULT.</b>	
<b>TYPE</b>	
<b>DATE</b>	
<b>DRAWING NO.</b>	2376 / 20 / 10
<b>JOB NO.</b>	
<b>SCALE:</b>	1:100
<b>DATE:</b>	OCT 2007
<b>DRG STATUS:</b>	PLANNING



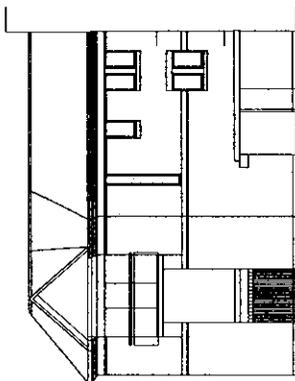
SECOND FLOOR PLANS



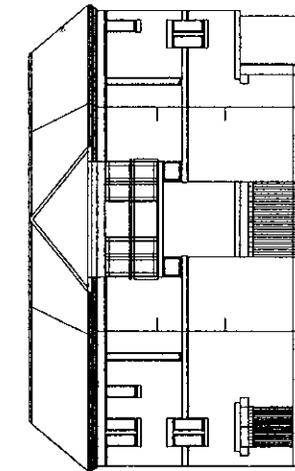
FIRST FLOOR PLANS



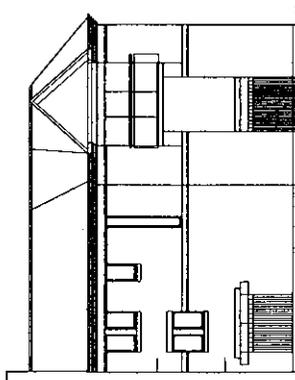
GROUND FLOOR PLANS  
UNITS 26-27



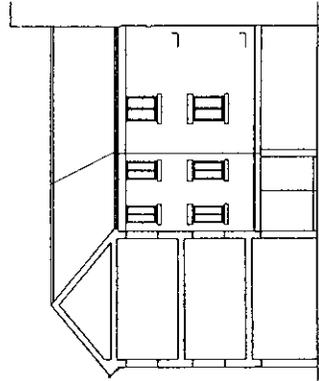
STREET ELEVATION



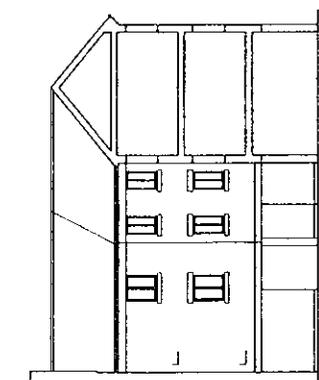
CORNER ELEVATION



BECKSIDE ELEVATION



COURTYARD ELEVATION



COURTYARD ELEVATION

NOTES

1. DO NOT SCALE from this drawing.
2. All dimensions are to be taken from the Project Technical Data.
3. Report all discrepancies to the Project Manager immediately.
4. Refer to the following ASSOCIATED DRAWINGS:

Revised Log  
Rev. Title Date Description



**Jane Daybridge and David Kendall Limited**  
Chartered Architects and Landscape Architects  
100, Victoria Road, Newcastle, Tyne and Wear, NE4 6LQ  
Telephone: 0191 2618117 Fax: 0191 2618118  
www.jdkd.co.uk

**CLIENT:** PERSIMMON HOMES LANCASHIRE

**PROJECT NAME:** PENGUIN FACTORY, CARLISLE

**TITLE:** SITE SECTIONS & STREET SCENES I

**DATE:** 23/06/13

**SCALE:** 1:200

**DRAWING NO.:** 2376

**JOB REF.:** 130

**TYPE:** 01

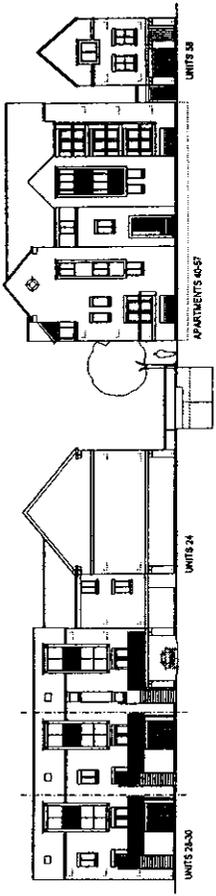
**REVISION:**

**DATE:** OCT 2017

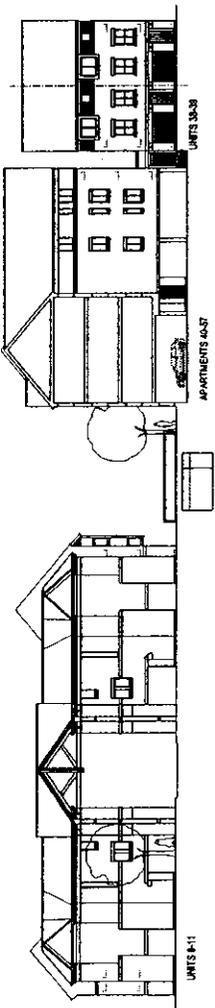
**CHECKED BY:** RW

**DWG STATUS:** PLANNING

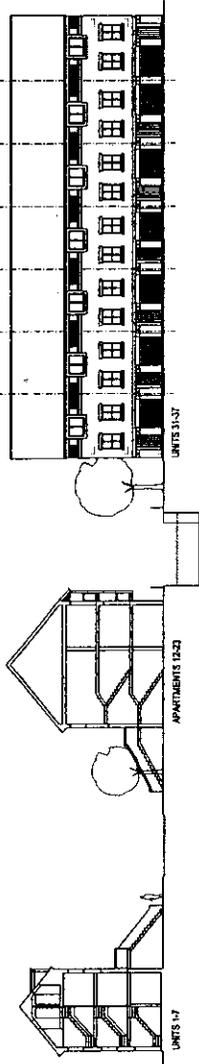
ELEVATION A



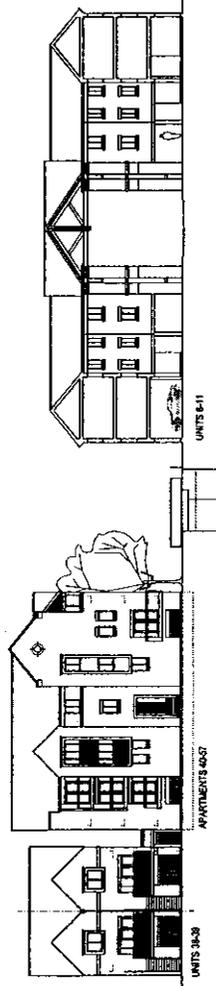
ELEVATION B



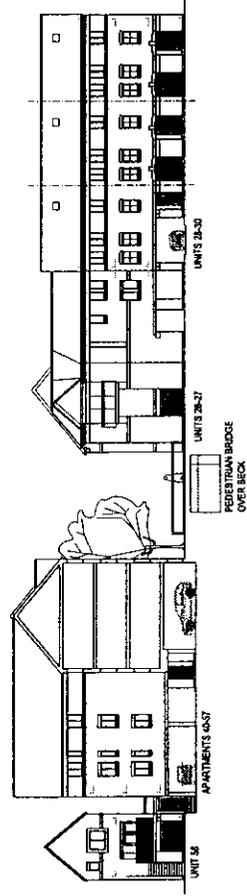
ELEVATION C



ELEVATION D



ELEVATION E

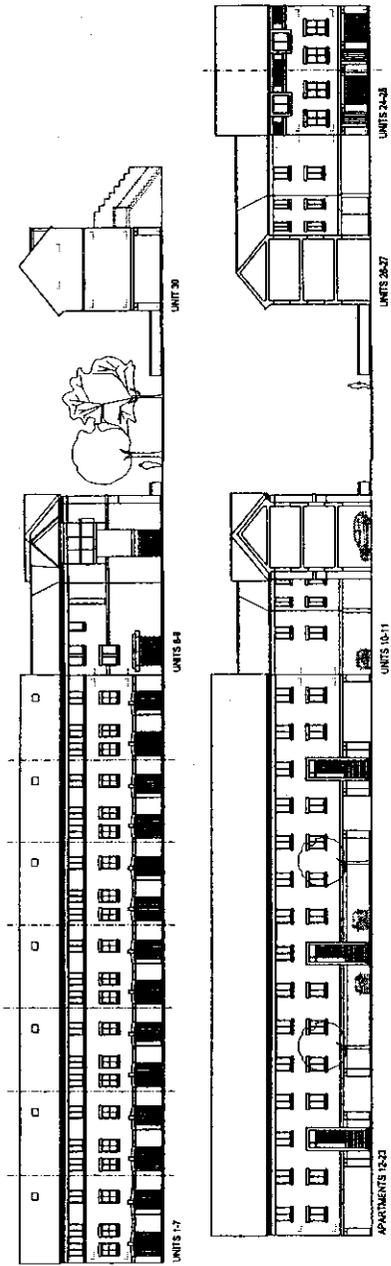


**NOTES**

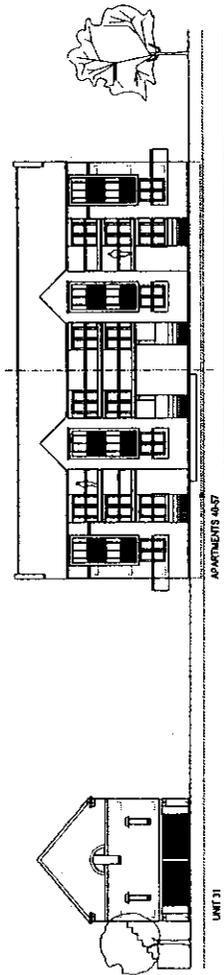
1. CHECK SCALE from the drawing.
2. Further Dimensions required to be requested from Project Technical team.
3. Report all discrepancies to JCKK project technical team.
4. Refer to the following ASSOCIATED DRAWINGS:

Revision Log	Date	Description

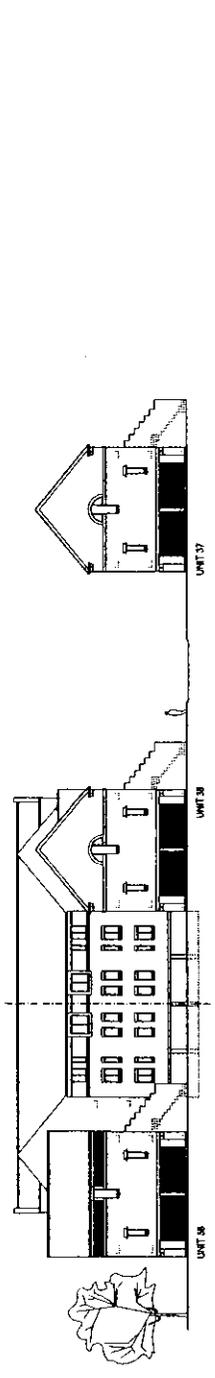
ELEVATION F



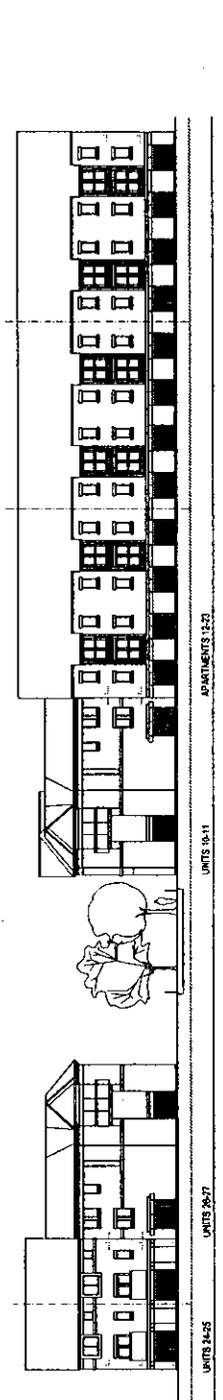
ELEVATION G



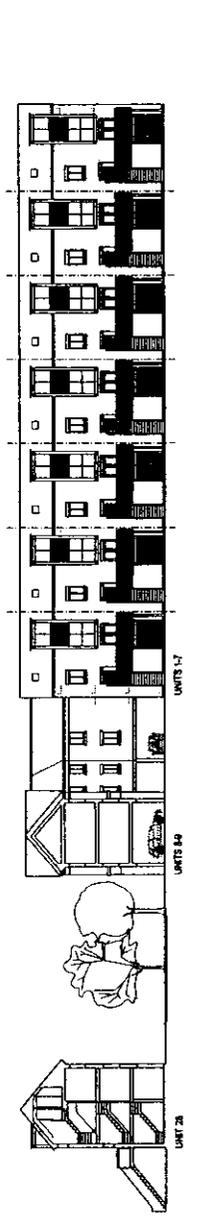
ELEVATION H



ELEVATION J



ELEVATION K



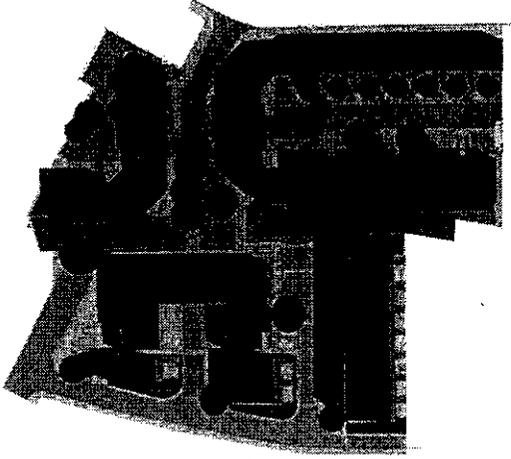
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<b>CLIENT</b> PERSIMMON HOMES LANCASHIRE	
<b>PROJECT NAME</b> PENGUN FACTORY, CARLISLE	
<b>TITLE</b> SITE SECTIONS & STREET SCENES II	
<b>DATE</b> 10/01/2020	
<b>QUANTITY SURVEYOR</b>	<b>MR CORNELL</b>
<b>STRUCTURAL CONSULTANT</b>	<b>STUBB</b>
<b>ENGINEER</b>	<b>STUBB</b>
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<b>DRG STATUS:</b> PLANNING	





# **Penguin Confectionery Site Westmorland Street, Carlisle Design and Access Statement**

**November 2007  
Jane Darbyshire and David Kendall Ltd**



# Penguin Confectionery Site, Carlisle

## Design and Access Statement

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## Penguin Confectionery Site, Carlisle Design and Access Statement

### Introduction

#### Background

Persimmon Homes' aspirations for the Penguin Confectionery Site on Westmorland Street, Carlisle is to provide a development that is reflective of the needs of the community in terms of housing layout, external landscaping, mix of tenure and dwelling type whilst respecting and responding to the existing urban fabric and infrastructure.

A Full Planning Application was submitted to Carlisle City Council in 2005 by Persimmon Homes Lancashire to develop the site to provide 130 no apartments and 3 no commercial units.

The application was refused due to the scale and nature of the development.

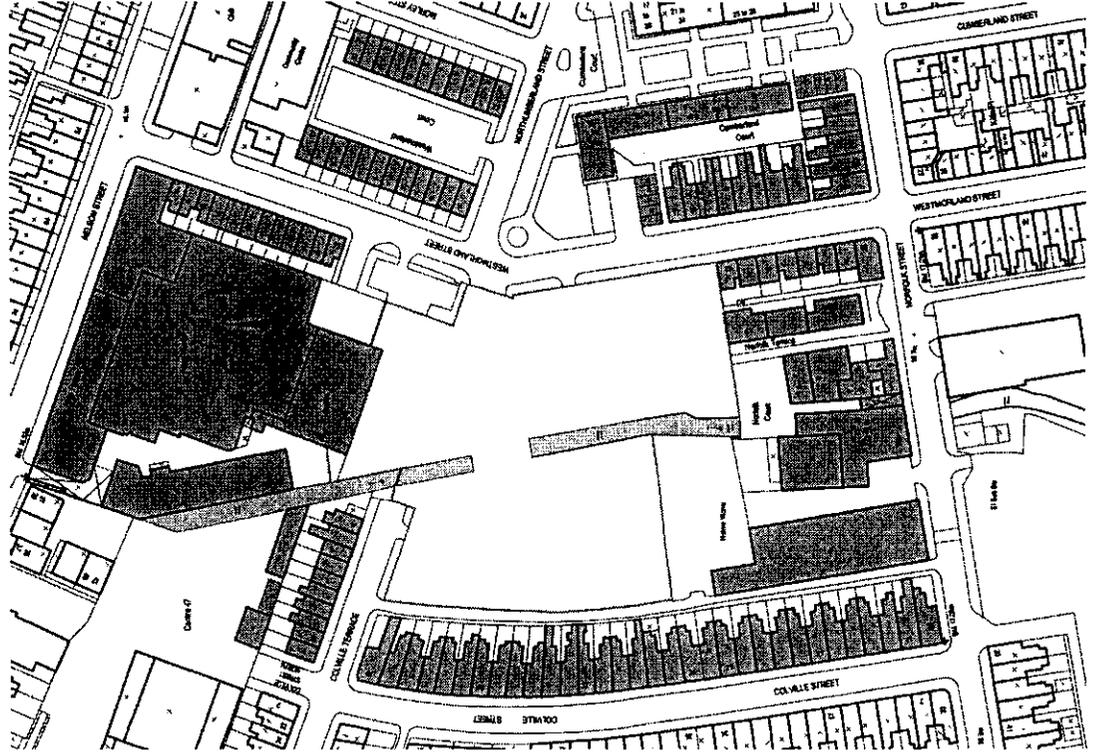
#### Scope Of Report

This Design and Access Statement sets out an appraisal of the Penguin Confectionery site and its context and then identifies the **opportunities and constraints** offered by the site. The statement continues by setting out the vision based on the principles of good urban design established by The Commission for Architecture and the Built Environment. The document sets out the **urban structure** and movement strategies, followed by the **public realm** guidelines and sustainable best practice and concludes with the **detail** of the place.

This tiered approach to the design statement is intended to ensure a robust design encompassing broad principles with a clear aspiration for the creation of a distinctive new development with an inherent sense of place.



**Penguin Confectionery Site, Carlisle**  
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Redeposit Plan Extract, Carlisle City Council  
 Site lies between two primary employment areas, surrounded by primary residential



context



## Penguin Confectionery Site, Carlisle

### Design and Access Statement

#### Existing Site Appraisal

##### Location and Characteristics

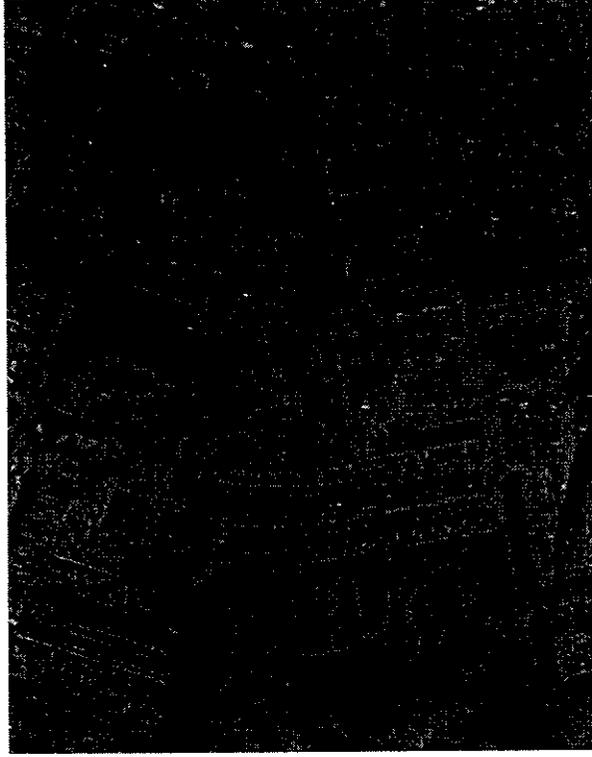
The site lies to the south of Carlisle City Centre in the Denton Holme District, a primary residential area. The site has recently been cleared but was previously home to the Penguin Confectionery Factory, the now demolished Victorian red-brick warehouse buildings were typical of the Denton Home Area.

The site is bound by Victorian terraces on Westmorland Street to the East, Colville Street to the west and Colville Terrace to the north. More recent residential developments are located in Westmorland Court and Cumberland Court to the east. Light industrial buildings define the boundaries to the north and south. A pleasant park and recreational area lie to the west and the Holm Head Conservation areas is located to the south.

The site lies within the flood plain of the River Caldew and a small watercourse flows south-north through the centre of the site. Consequently the site is divided with only a pedestrian link between the two sides. Vehicular and pedestrian access to the site is limited from Westmorland Street and Colville Terrace.

##### Connectivity

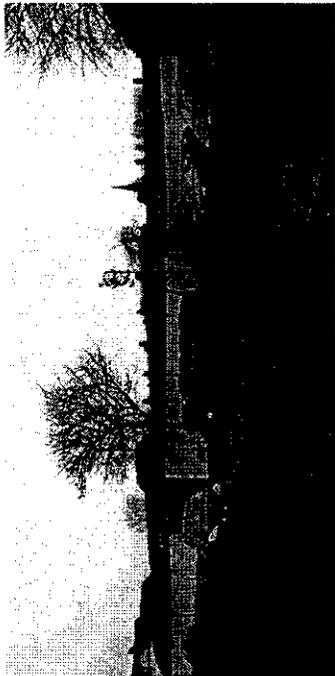
The area is served well by many bus routes along Denton Street, Norfolk Street, St James Road and Nelson Street, encircling the site. The main railway station is approximately 750m in a north-easterly direction.



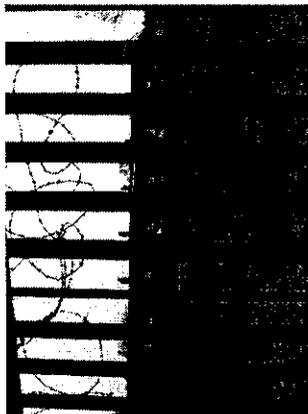
Context



**Penguin Confectionery Site, Carlisle**  
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Hoarding around site fronting the cobbled Westmorland Street



Rear of Colville Terrace from Westmorland Street



Colville Terrace leading to the north west corner of the site  
Rear of Colville Street



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Existing Buildings on the Site

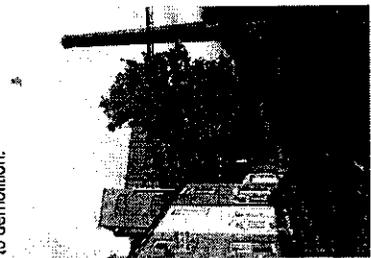
The site is currently vacant but was previously home to the Penguin Confectionery Factory. The former factory was housed across a number of buildings on the site, principally Victorian red-brick warehouses structures.

### Landscape Character and Amenity

The site has little distinguishable landscape character. The site is predominantly level except for the watercourse which flows south-north through the centre of the site. Brick retaining walls line the route of the beck and a concrete infill provides access over. The bed level is approximately 2.5m below ground level.

The site has little ecological value and offers little by way of wildlife habitat.

Colville Terrace, leading to north west corner of site, prior to demolition.



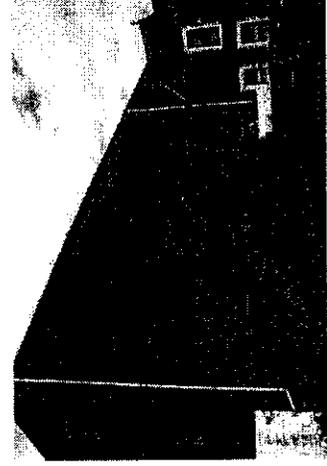
The Beck, prior to demolition of the factory buildings.



Site photograph prior to demolition—Westmorland Street elevation



Site photograph prior to demolition



Site photograph prior to demolition, southern boundary

context

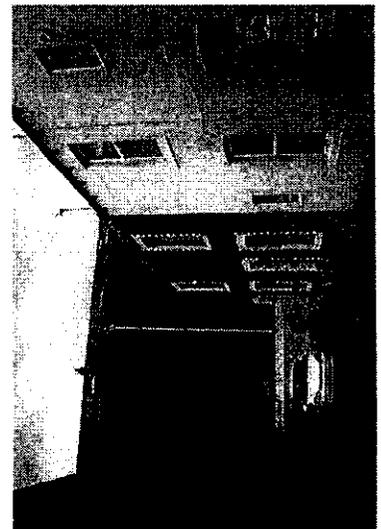


# Penguin Confectionery Site, Carlisle

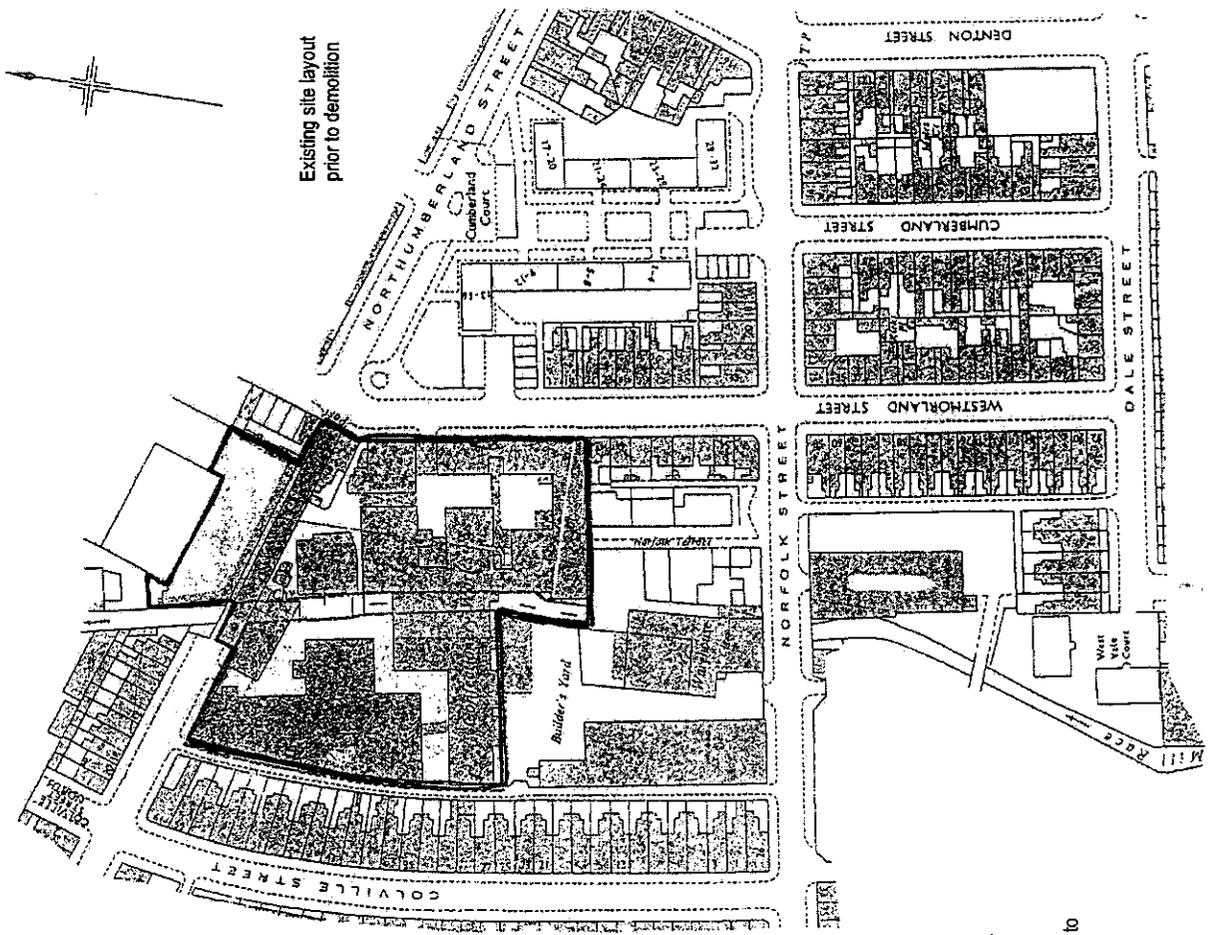
## Design and Access Statement



Site photograph prior to demolition, western boundary



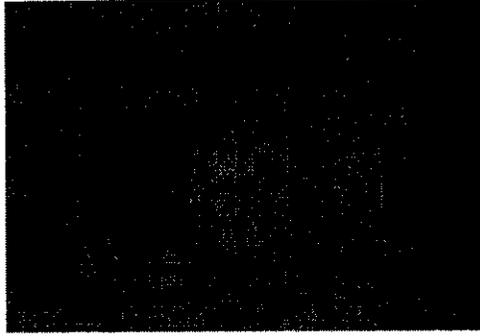
Site photograph prior to demolition, southern boundary



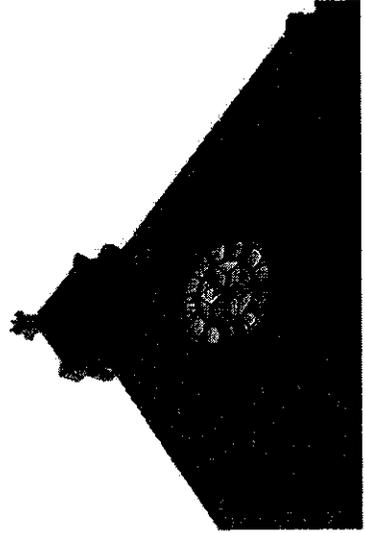
Existing site layout prior to demolition



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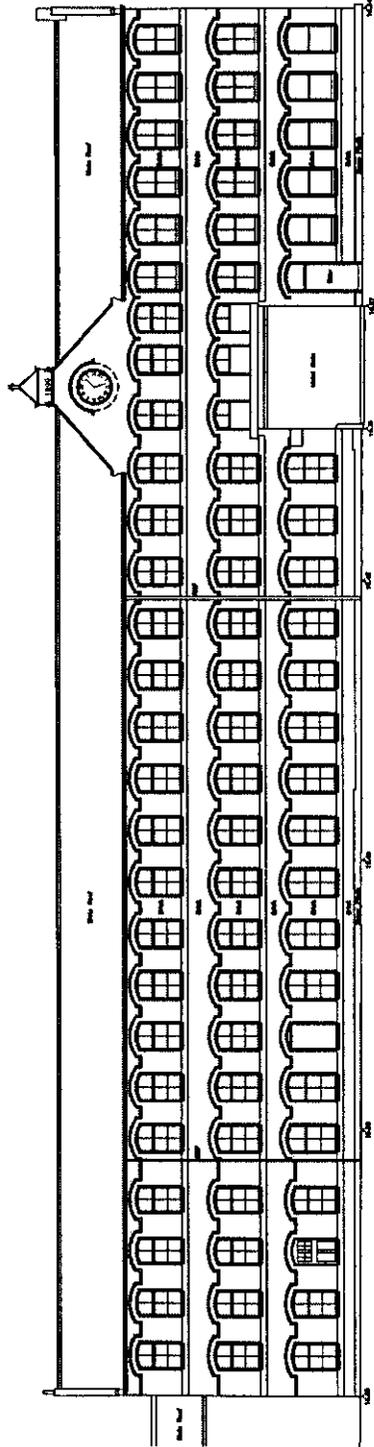
Site photograph prior to demolition, window detail to Westmorland Street



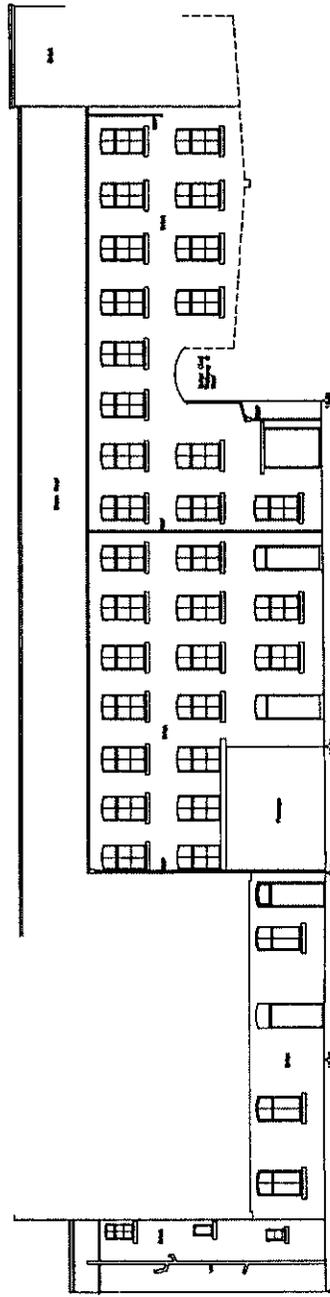
Site photograph prior to demolition, gable detail to Westmorland Street



**Penguin Confectionery Site, Carlisle**  
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Westmorland Street Elevation

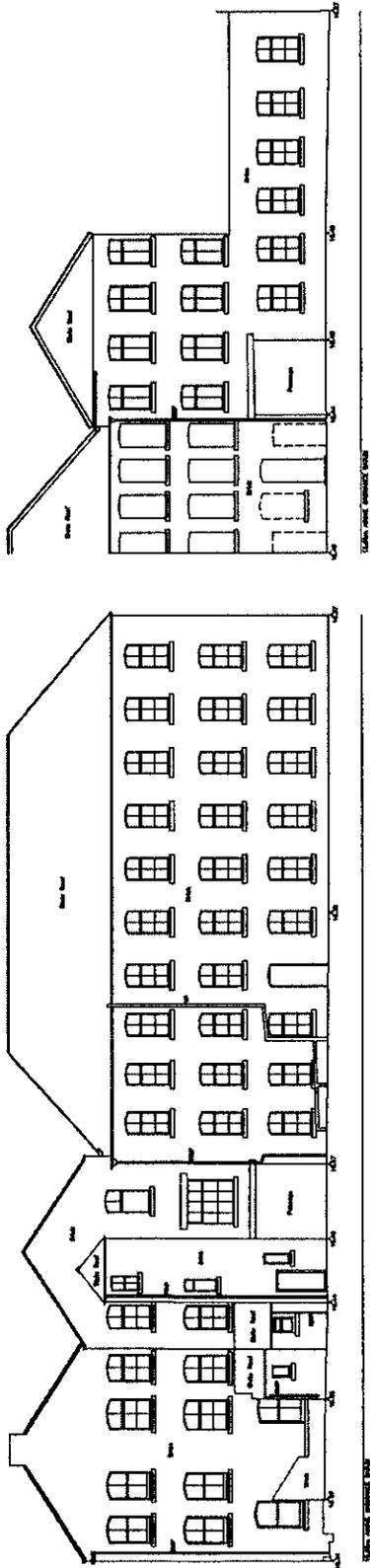


Westmorland Street Block—Rear Elevation

Penguin Confectionery Factory — now demolished  
 Existing Elevations

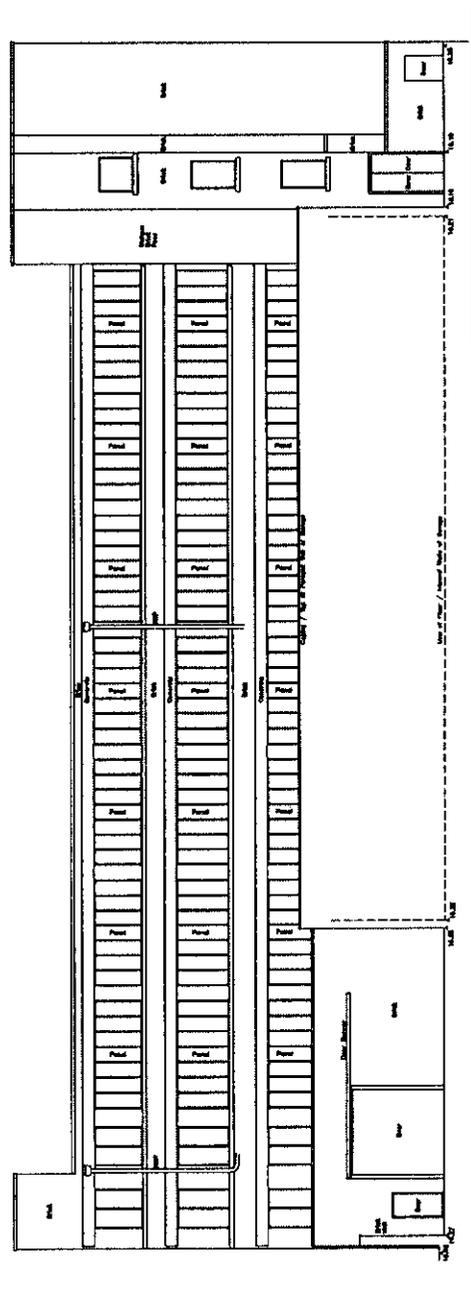


**Penguin Confectionery Site, Carlisle**  
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Westmorland Street Return and Adjoining Building

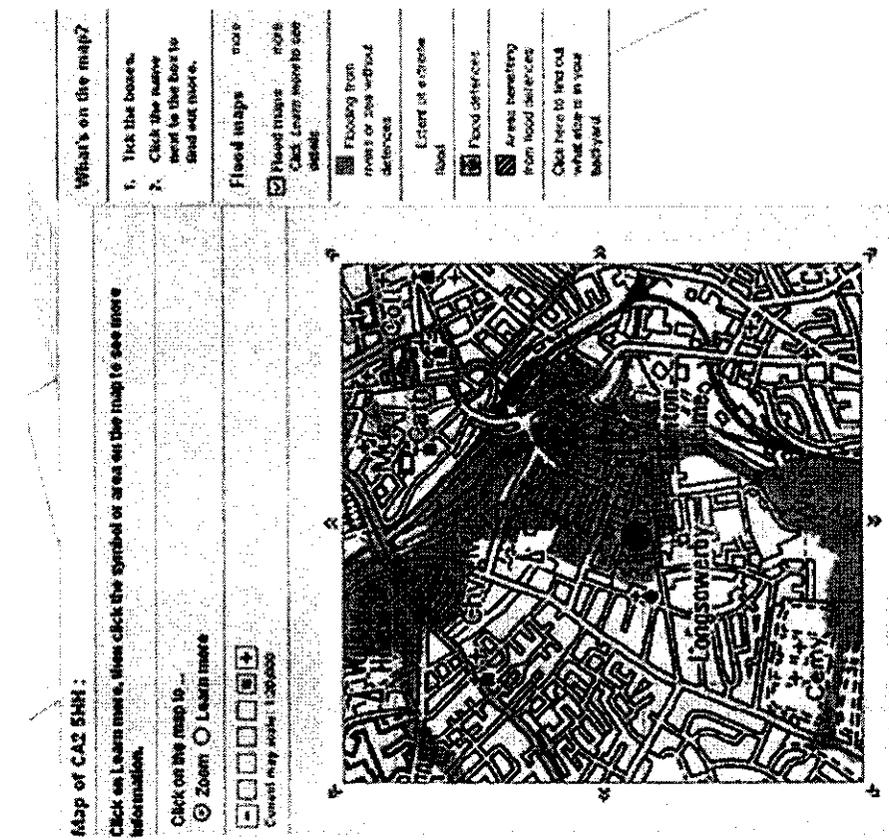
Internal Yard, South Elevation



Concrete Frame Building—North East Elevation



# Penguin Confectionery Site, Carlisle Design and Access Statement



Flood risk information obtained from the Environment Agency website. The site lies in the flood plain of the River Caldew, refer to report by White Young green for detailed flood risk assessment.

## Key

### 1. Floodplain

A floodplain is the area that would naturally be affected by flooding if a river rises above its banks, or high tides and stormy seas cause flooding in coastal areas.

There are two different kinds of area shown on the Flood Map. They can be described as follows:-

- Dark blue  shows the area that could be affected by flooding, either from rivers or the sea, if there were no flood defences. This area could be flooded:
  - from the sea by a flood that has a 0.5% (1 in 200) or greater chance of happening each year
  - or from a river by a flood that has a 1% (1 in 100) or greater chance of happening each year.
- Light blue  shows the additional extent of an extreme flood from rivers or the sea. These outlying areas are likely to be affected by a major flood, with up to a 0.1% (1 in 1000) chance of occurring each year.

These two colours show the extent of the natural floodplain if there were no flood defences or certain other manmade structures and channel improvements.

For a fuller explanation of flood likelihood, follow the link at the bottom of the page.

### 2. Flood Defences

The purple line  shows all flood defences built in the last five years to protect against river floods with a 1% (1 in 100) chance of happening each year, or floods from the sea with a 0.5% (1 in 200) chance of happening each year, together with some, but not all, older defences and defences which protect against smaller floods. Flood defences that are not yet shown, and the areas that benefit from them, will be gradually added.

Hatched areas  benefit from the flood defences shown, in the event of a river flood with a 1% (1 in 100) chance of happening each year, or a flood from the sea with a 0.5% (1 in 200) chance of happening each year. If the defences were not there, these areas would be flooded.

Flood defences do not completely remove the chance of flooding, however, and can be overtopped or fail in extreme weather conditions.

### 3. Significant, Moderate or Low Likelihood of Flooding

Our assessment of the likelihood of flooding from rivers and the sea at any location is based on the presence and effect of all flood defences, predicted flood levels, and ground levels. By clicking within either of the blue areas of floodplain, you can see which of three further categories of likelihood of flooding (significant, moderate, or low) apply there.



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Movement

Pedestrian links to the site are unrestricted and there are also opportunities to connect pedestrian routes through the site. Access into the site is limited for vehicles and the two main existing access points on Westmorland Street and Colville Terrace are retained in the proposed scheme.

### Housing in the Local Area

The majority of the surrounding dwellings are Victorian terraced properties with the exception of modern residential developments at Westmorland Court and Cumberland Court. The existing terraces offer no amenity space for residents although access is provided to the rear of most of the dwellings via narrow lanes.

The predominantly stow storey, red brick terraces are typical of the area and the cobbled streets enhance the setting. The terraces are simple and well proportioned and many demonstrate fine Victorian detailing characteristic of the majority of Victorian terraces in Carlisle.

### Opportunities and Constraints

The site is well located in terms of proximity to schools, shops, recreational areas, bus routes and other transport links.

The opportunity exists to create a housing layout that reflects and enhances the local vernacular and offers a distinct character to the area which reflect best practice in urban design.

The watercourse through the centre of the site restricts development and limits useable amenity space however it does also provide the opportunity to create a unique setting.

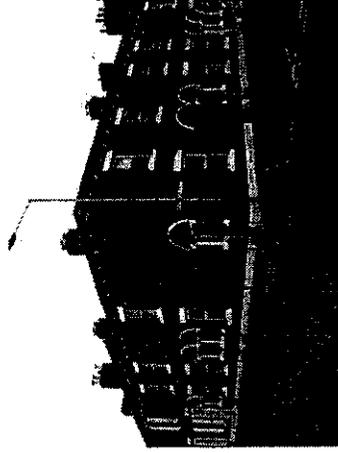
As the site lies within a flood plane ground floor accommodation is restricted to garaging and storage.

The housing mix is selected to reflect the need for a mix of tenure, giving a range of choice for local housing needs.

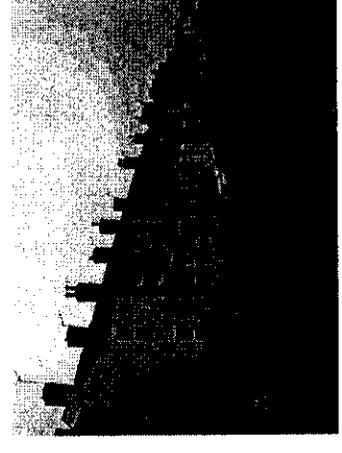
New housing offers the potential to be built to minimise the impact on the environment and reduce ongoing CO<sub>2</sub> emission during its lifetime.



Colville Street North



Westmorland Street / Norfolk Street corner



Nelson Street

Context



## Penguin Confectionery Site, Carlisle

### Design and Access Statement

## Proposals

### The Proposed Layout

#### Vision

The proposed scheme seeks to create a unique sense of place with a design led approach to the public realm that contributes positively to the locality and responds creatively to the setting.

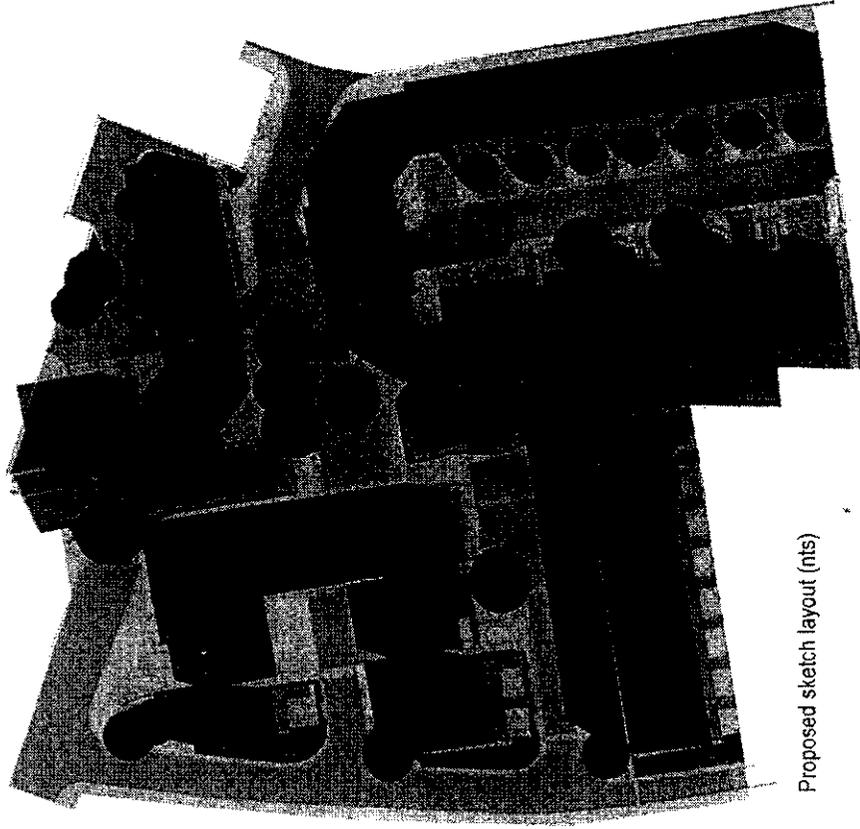
The aspiration is to create a cohesive design that brings character to the area and exciting homes that meet the needs of residents and minimise impact on the environment.

The design aspirations for the new housing and apartments follow key objectives for good urban design:

- Create high quality public spaces and routes that integrate with the fabric of the local neighbourhood area.
- The new housing and landscaping should be an imaginative and positive contribution to the area.
- Local permeability is encouraged with pedestrians priority over traffic.
- The layout should follow Secured by Design principles to encourage safe public spaces.
- The layout should be legible, that is with clear public routes and a distinction between public and private places.
- To promote sustainable development through careful consideration of materials and construction.
- The landscaping should provide positive amenity for the local residents.

#### Proposals

The proposal is to provide 58 no new units, a range of 1 and 2 bedroom apartments, 3 and 4 bed dwellings, 3 and 3.5 storey terraces, semi-detached and detached properties on a 0,71 hectare site.

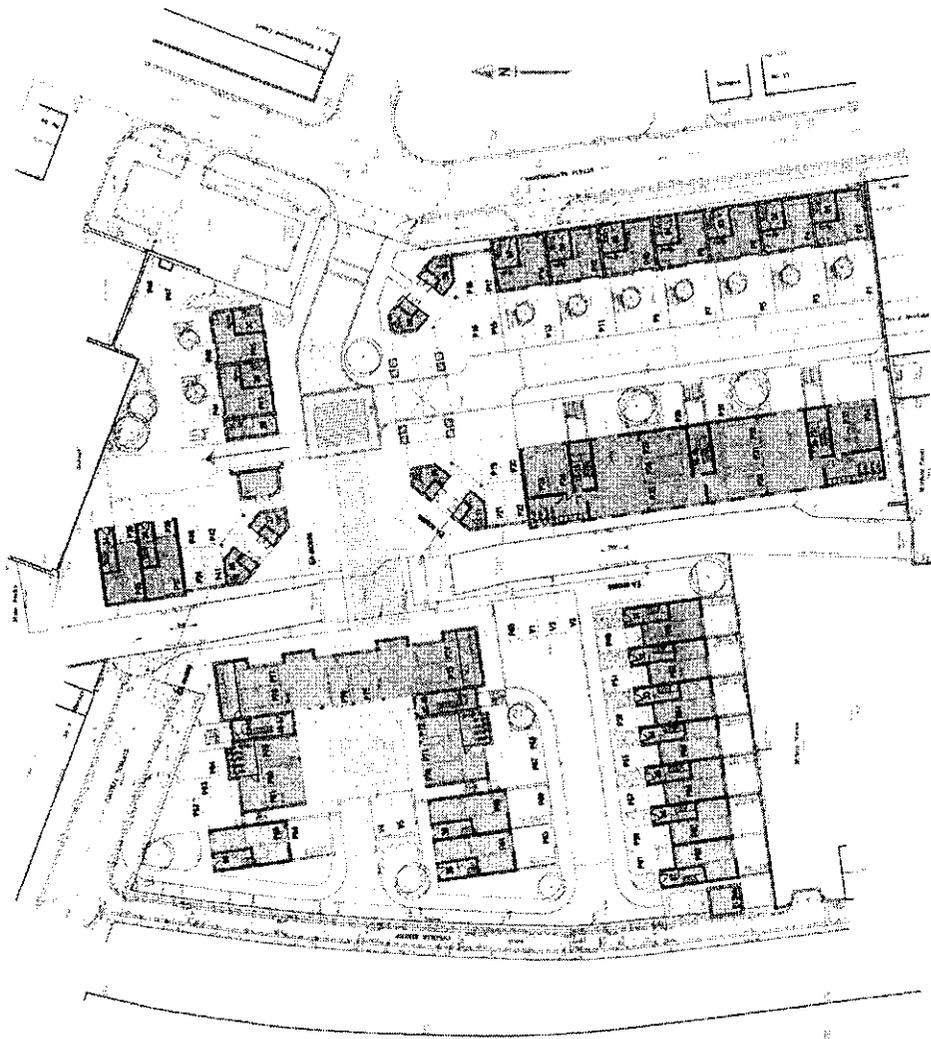


Proposed sketch layout (nis)



**Penguin Confectionery Site, Carlisle**  
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proposals



Proposed site plan (nts)

## Penguin Confectionery Site, Carlisle Design and Access Statement

### Urban Design Strategy

#### Sustainable Development Strategy

The proposed development is physically divided by the existing watercourse running south-north through the site. A point of entry is provided to each half, one from Westmorland Street to the east and one from Colville Terrace in the north-west corner. The restrictions of the site do not present the opportunity to provide a vehicle link across the site however a pedestrian link is proposed. The new streets and courtyards are individual in character and style. The setting of the courtyards to the east of the site provide semi-private streetscapes to enhance ownership of the space by residents. This rationale provides good legibility as each space is identifiable unique and therefore has a good sense of place.

The close relationship between dwellings and streetscape gives and increased sense of privacy and therefore security, and designing for pedestrian priority will create a safe, attractive environment.

The dwellings are situated to provide a strong frontage along the eastern boundary, replicating the former industrial buildings. The Aspen apartments provide a focus at the entrance to the site from Westmorland Street and each house type has been carefully chosen to be suitable for the particular location.

#### Movement Framework

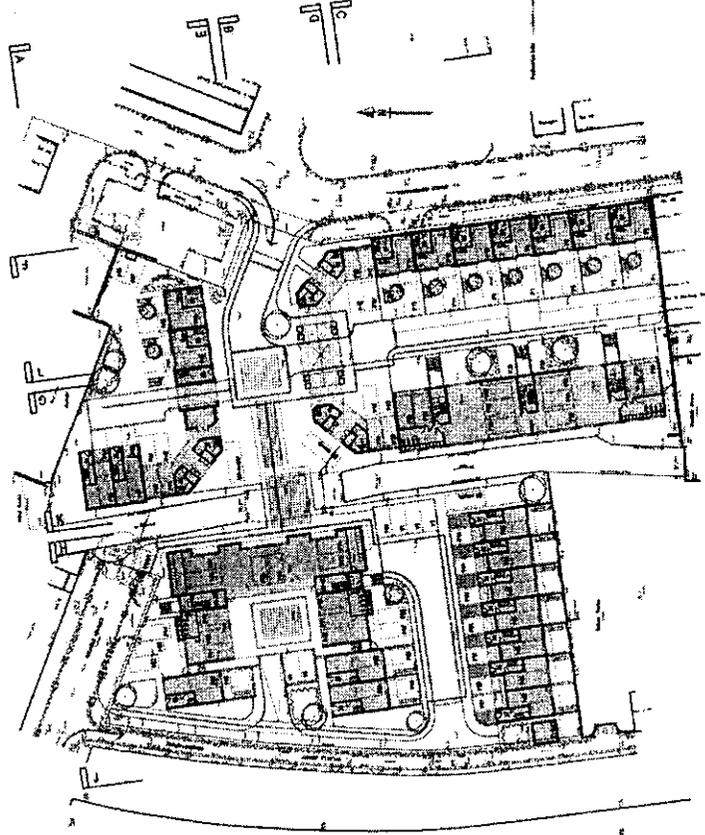
Permeability of the site within the existing urban fabric is limited although permeability across and through the site has been carefully considered. The access point from Westmorland Street leads through public open space to a footbridge, linking the two halves of the sites. Either side of the access residential courtyards are accessed via undercrofts to ensure the residential environment is pedestrian friendly. Each courtyard is linked by a pedestrian/cycle route leading back to the main access road. The apartment courtyard to the west of the site is accessed via a shared surface with separate pedestrian access into the apartments from street level.

As the site is predominantly level there is no topographical hindrance to free movement for those with limited mobility.

The street scenes are designed to be pedestrian friendly with low kerbs providing an environment easy to manoeuvre.

The ground floor of the development is dominated by garaging and storage with all habitable rooms positioned on the first floor or above.

Maintenance access is provided along the watercourse and where possible vehicles access is provided in accordance with the Environment Agency requirements.



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Infrastructure & Highways Strategy

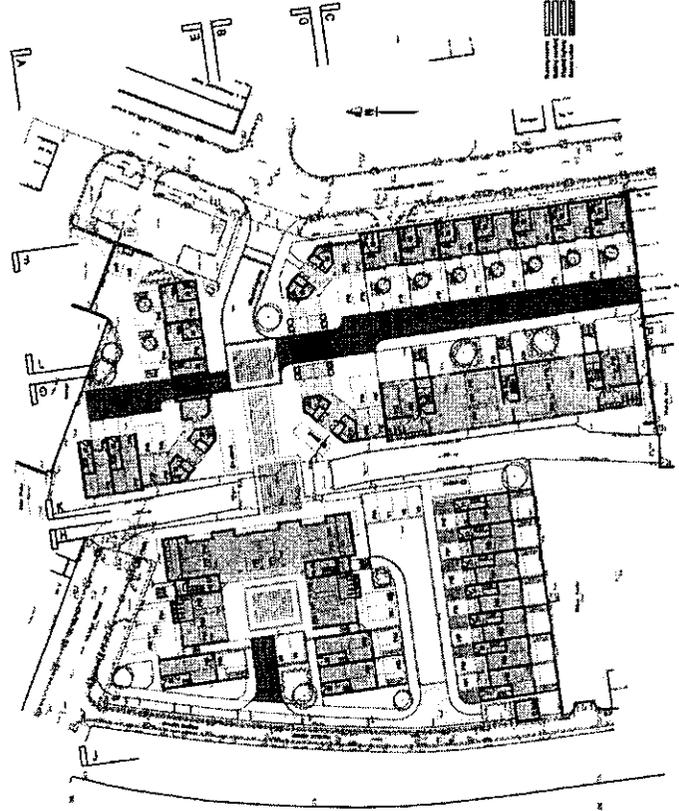
Reference should be made to the comprehensive transport assessment prepared by White Young Green which details the existing infrastructure and the impact the proposed development will have on the existing resources.

The main access roads into the site from Westmorland Street and Colville Street will be constructed to adoptable standards and it is proposed that Colville Street is widened to adoptable standards. The extent of the adoption is shaded in light grey on the adjacent plan. The design incorporates adoption criteria whilst creating an attractive public space that acts as an amenity for local residents. The roadscapes will integrate the housing layout and hard landscaping with the road design to limit traffic speeds. The local roads are paved in traditional basalt sets and it is proposed to reuse the existing basalt sets from Colville Street at the Westmorland Street entrance and across the pedestrian footbridge.

Careful delineation of the pedestrian routes with clear crossing points will be incorporated into the road designs. This arrangement also creates an environment where pedestrian movement is safe and attractive therefore encouraging transport by foot, cycle and public transport.

Parking spaces will be provided in a sensitive manner and integrated with the landscape scheme to ensure vehicles do not dominate the streetscene. All dwellings have integral or undercroft parking. The parking both on-street and off-street has been located to maximise supervision and therefore reduce car crime.

Parking is provided at approximately 1 space per apartment and 2 spaces per dwelling house. An additional 5 spaces are identified for visitors.



strategy



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Public Realm and Landscape Strategy

The close relationship between dwellings and streetscape gives an increased sense of privacy and therefore security and designing for pedestrian priority will create a safe and attractive environment. A palette of good quality hard landscaping materials will be used to delineate pedestrian routes, integrate parking areas and slow traffic to create an attractive public realm. The dwellings are essentially grouped in courtyard arrangements with the exception of the terrace of dwelling house along the southern boundary.

Key to the nature of the scheme is to invest in a significant hard landscaping scheme in both public and private areas. The potential for soft landscaping is limited by the nature of the site but urban greenery has been provided where appropriate to bring colour, texture and year round interest to the area. In addition to its aesthetic quality the planting will enhance the ecological value of the site.

strategy



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Urban Sustainability

#### Objectives

Sustainable housing development involves more than just meeting current building standards and achieving an environmental rating. The housing must meet a wider agenda to ensure it offers long term solutions for the community, maintaining viable and sought after localities.

#### Community:

The housing offers a range of dwelling types reflecting current and predicted housing needs giving flexibility for the future.

#### Travel:

To encourage local trips to be made by bus, walking or cycling attractive, accessible routes that link where possible with local cycle and bus networks are provided.

Pedestrian routes also reflect the key trip generators locally, providing safe routes from the housing to the locally based shops, schools and facilities.

#### Community Safety:

Secured by Design guidelines are being applied to the design, providing adequate levels of surveillance to both public and private areas. The team will liaise with the Architectural Liaison Officer to ensure the design is developed in line with the guidelines.

The scheme seeks to maximise a sense of ownership by the residents by careful delineation of public and private space.

#### Built Environment:

The construction specification will encompass high levels of thermal insulation minimising CO<sub>2</sub> emissions and giving residents low cost heating. Selection of materials will take into account local sourcing where possible and will be measured against the BRE Green Guide to Specification, environmental good practice and avoid materials that are harmful to the environment.

All the above measures will provide residents with low cost heating by reducing the CO<sub>2</sub> emissions during the day to day running of individual properties.

#### Recycling

The proposal will incorporate appropriate storage of refuse and recycling bins to suit the collection policies of Carlisle City Council.



# Penguin Confectionery Site, Carlisle

## Design and Access Statement

### Detailing The Place

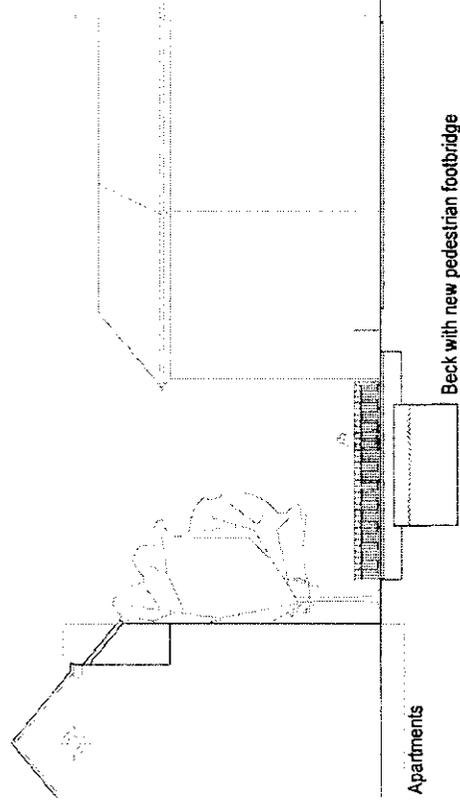
#### Public Realm

The proposed scheme is characterised by the following:

- Undercroft parking creates public realm with limited parking on street
- Where on street parking is provided it is landscaped to integrate with the street design
- Turning heads are provided on access ways
- Limited planting in public open spaces due to site restrictions and nature of development.
- Pedestrian routes are identified by different surface treatments
- The entrance to the site is defined in basalt setts, found locally on the adjacent street.
- The bridge link provides focus at the entrance, centred around public open space.
- Roadways within the site are surfaced with tarmac with a conservation kerb edging and some areas of tegular blocks provide contrast.

- The pedestrian bridge link over the existing watercourse provides focus at the entrance to the site, centred around public open space.

It is proposed that the existing concrete mass over the beck is removed and a new crossing constructed. The wide footbridge, for use by pedestrian and cycles will read as an extension of the public open space. The local basalt setts identify the crossing point and small bollards will prevent vehicles crossing. The railings either side of the footbridge and along the length of the beck will reflect the garage railing design proposed throughout the scheme. The treatment of the beck sidings is subject to an engineering study.



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Boundary Treatments

Boundary treatments vary across the proposed development.

Where front gardens are provided, eg Coalport terrace plots 31-37, a low level timber fence will define the individual plot boundaries.

Where first floor external terrace/balconies are provided eg Newbury terrace plot 1-7 and Coalport terrace plots 31-37 a staggered timber fence will separate the dwellings.

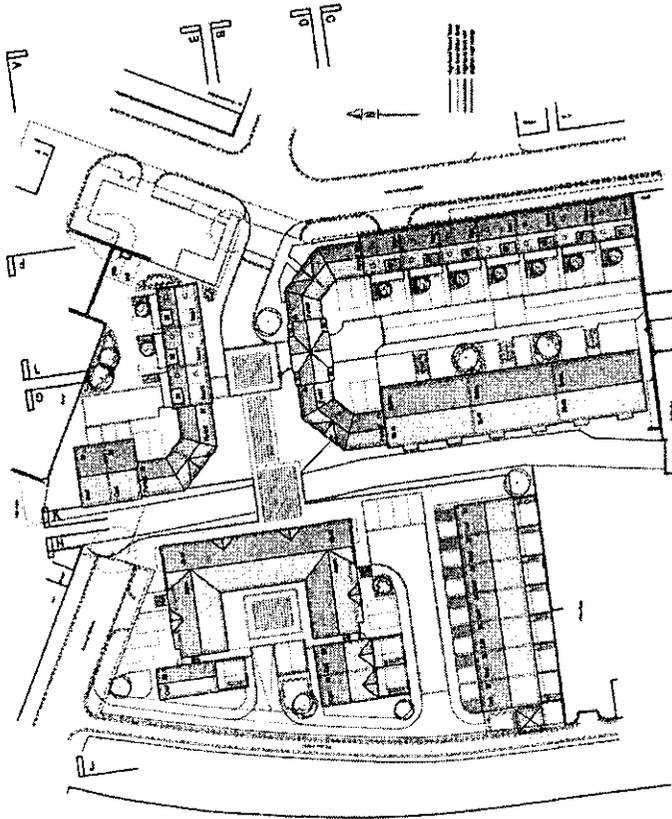
The private gardens of the detached and semi-detached properties and the end terraces are defined by 1800mm facing brick walls which increase in height to provide privacy at first floor terrace level.

A 900mm decorative railing is proposed along the length of the watercourse.

### Refuse & Cycle Storage

Wheeled bins will be stored in the oversized garages of dwelling houses and secure bins stores are provided at the ground floor of each apartment block. These will be provided to suit the number of bins provided by Carlisle City Council.

Cycle parking is provided at approximately 1 space per apartment and 2 spaces per dwelling house and all spaces are covered and secure.



detailing the place





# Penguin Confectionery Site, Carlisle Design and Access Statement

## Apartments Character

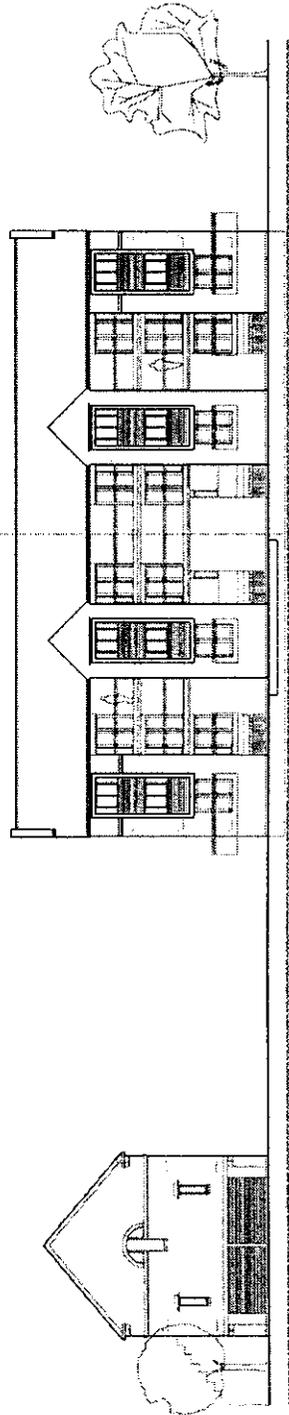
The style adopted for the development is a contemporary interpretation of the former Victorian industrial building that previously occupied the site.

The palette of materials has been kept simple and of good quality:

- Natural slate effect roofs in keeping with the surrounding terraces
- Warm red facing brick, the Carlisle vernacular
- Warm red facing brick with contrasting brick, Flemish bond.
- Timber surrounds to large windows with lead detailing to flat roof
- Trespa cladding panel, colour tbc
- Toughened glass Juliet balconies with stainless steel handrail and fixings
- Timber slatted balustrade to balconies
- Timber effect uPVC windows, doors, eaves fascias and barge boards. Colours tbc.



Aspen apartments



Beckside Elevation

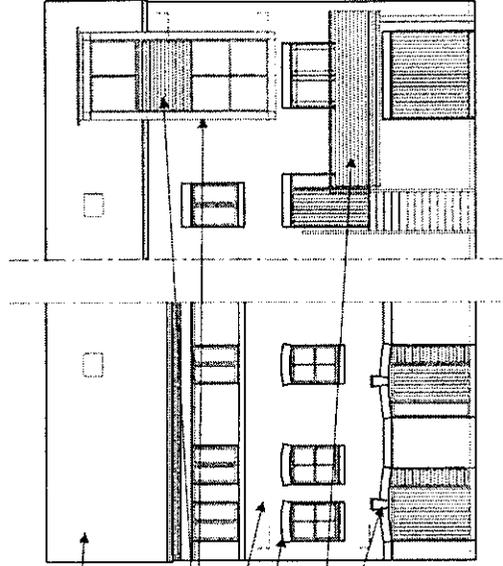
## Penguin Confectionery Site, Carlisle Design and Access Statement

### Housing Character I

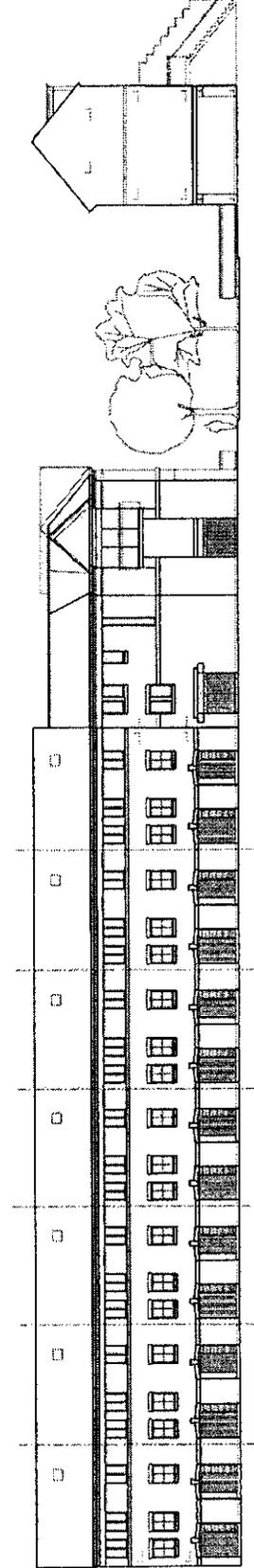
Character detailing such as brick projections, decorative brick corbelling, brickwork detailing to window and door heads and brick banding are proposed.

- Natural slate effect roofs in keeping with the surrounding terraces
- Warm red facing brick, the Carlisle vernacular
- Brick headers to Westmorland Street
- Timber surrounds to dormer windows with lead detailing to flat roof
- Trespa cladding panel, colour tbc
- Timber slatted balustrades to terraces.
- Timber effect UPVC windows, doors, garage doors, eaves fascias and barge boards. Colours tbc.

The brick detailing helps to break down the streetscapes and articulate the elevation elements in addition to bringing a variety of textures to the streetscape.



Newbury House Type



Westmorland St Elevation

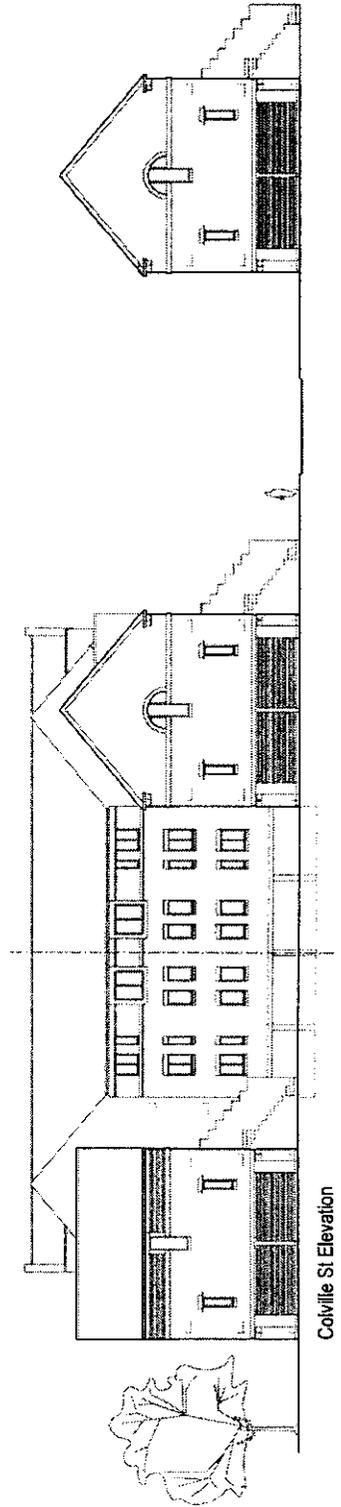
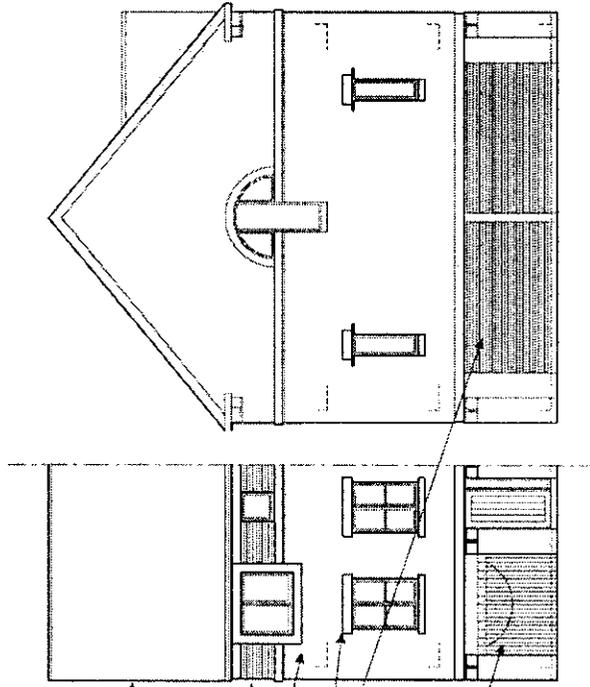


## Penguin Confectionery Site, Carlisle Design and Access Statement

### Housing Character II

Character detailing such as brick piers and banding, panels of Flemish bond brickwork and art stone surrounds are proposed.

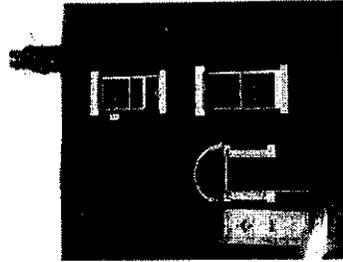
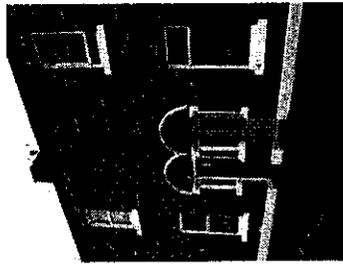
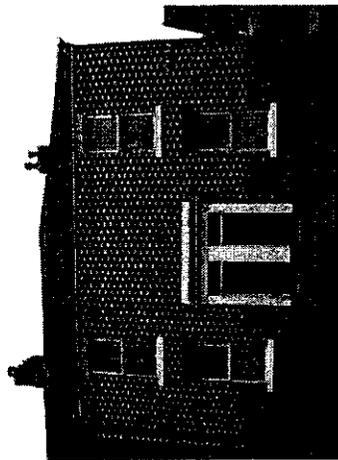
- Natural slate effect roofs in keeping with the surrounding terraces
- Warm red facing brick, the Carlisle vernacular
- Warm red facing brick with contrasting brick, Flemish bond.
- Art stone cills and headers to street elevations
- Metal work grills to garage openings
- Timber effect uPVC windows, doors, garage doors, eaves-fascias and barge boards.  
Colours tbc.



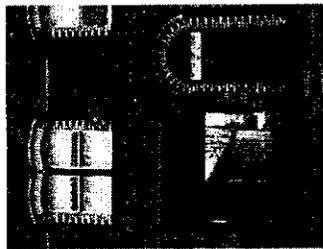
Colville St Elevation



## Penguin Confectionery Site, Carlisle Design and Access Statement



Examples of warm red facing brick, Flemish bond and local detailing. The scale, character and appearance of the existing Victorian terraces are reflected in the design for the Penguin Factory site.



detailing the place



## Penguin Confectionery Site, Carlisle Design and Access Statement

### Landscape Proposal

The proposed development will be constructed on the former Penguin Factory site which is devoid of vegetation and of minor value for wildlife. It is bisected by a beck. The adjacent area is predominantly terrace housing with some cobbled streets.

The black basalt cobbles on Colville Street will be removed as part of the development and the road widened and replaced with tarmac but they will be reused at the site entrance from Westmorland Street and as the pedestrian footbridge over the beck to give a feeling of continuity with the existing surroundings. Within the site tarmac will be used for roads with regular blocks in specific locations to provide contrast and continue the scale of the cobbles. Regular setts will define entrances to individual dwellings. Saxon paving will provide pedestrian access.

Areas for planting are limited but there are opportunities to 'soften' the development. Trees and shrubs will be planted adjacent to gable ends along Colville Street. There will be a mixture of evergreen and deciduous shrubs which will provide colour throughout the year. Trees such as multi stemmed birch and the coloured stems of dogwood will provide particular interest in winter. There is shrub planting at either side of the entrance from Westmorland Street, again the selection of species will provide year round interest. Within the site the fastigate form of hornbeam will be planted to provide scale and height where space permits. In rear gardens small upright trees underplanted with ground cover will soften the planted areas.

The use of existing materials along with new of similar scale will achieve a sense of continuity with the surrounding environs. The introduction of planting will improve habitats for wildlife and add interest in the form of colour and texture.

detailing the place



**Penguin Confectionery Site, Carlisle**  
Design and Access Statement



# Penguin Confectionery Site, Carlisle Design and Access Statement

## Housing Schedule

House Type	No of Dwellings	Area m2	sq ft	No of Bedrooms	No of Stairways
Newbury I	9	110.8	1193	3	3.5
Newbury II	1	115.23	1240	3	3.5
Coalport	12	92.97	1001	3	3
Farthing I	2	103.21	1111	3	3
Farthing II	4	99.51	1071	3	3
Grosvenor	12	57.97	624	2	3
Aspen A	6	64.4	693	2	4
Aspen B	6	45.84	493	1	4
Aspen C	6	64.4	693	2	4
<b>Total</b>	<b>58</b>		<b>49257</b>		

Site Area: 0.71 hectares

Parking: 86 spaces  
5 visitor

Plot no	House Type
01-07	Newbury I
08	Farthing II
09-10	Farthing I
11	Farthing II
12-23	Grosvenor
24-25	Coalport
26-27	Farthing II
28	Newbury II
29-30	Newbury I
31-39	Coalport
40-57	Aspen
58	Coalport



**Penguin Confectionery Site, Carlisle**  
Design and Access Statement





## SCHEDULE A: Applications with Recommendation

08/0235

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Item No: 11

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0235

**Applicant:**  
Mr M North & Ms G Kirby

**Parish:**  
Hayton

**Date of Receipt:**  
06/03/2008

**Agent:**  
Green Design Group

**Ward:**  
Hayton

**Location:**  
April Cottage, Faugh, Brampton, Cumbria, CA8  
9EA

**Grid Reference:**  
350963 554596

**Proposal:** Erection Of Two Storey Extension To Provide Kitchen/dining And Garden Room On Ground Floor With 2no. Bedrooms And Gallery Above.

**Amendment:**

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### REPORT

**Case Officer:** Colin Godfrey

#### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee as the applicant is employed by the City Council.

#### **1. Constraints and Planning Policies**

**District H14 - Extensions to Dwellings**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** No objection;

**Development Services Planning & Housing Services - Local Plans (Trees):**

The proposed entrance is approximately 1m from the base of the nearest Pine tree. Construction of the drive will have a detrimental effect on the safety and health of the tree. The applicant may wish to consider either the removal of this tree. Or if they

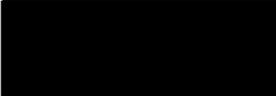
wish to retain this tree construction of the drive will need to be by means of a no dig method. This would not be too difficult to achieve as the ground falls into the site.

Tree protection barriers will be required to ensure that the construction is kept away from the remaining trees will be required.

**Hayton Parish Council:** awaiting comments;

**3. Summary of Representations**

**Representations Received**

Initial:	Consulted:	Reply Type:	
	The Cottage Taurgo West View	19/03/08 19/03/08 19/03/08	Undelivered

3.1 This application has been advertised by means of notification letters sent to three neighbouring properties. No verbal or written representations have been made during the consultation period.

**4. Planning History**

4.1 There is no relevant planning history in relation to this site.

**5. Details of Proposal/Officer Appraisal**

**Introduction**

5.1 This application seeks approval for extensions to a two-storey semi-detached property located approximately 200m south of the village of Faugh, to the western side of the distributor road which runs through the village. The house is constructed from render with a slate roof and is bounded by a combination of larch lap and post and wire fencing and beech hedging.

5.2 It is proposed to extend the property by means of a two storey side and rear extension which will provide an additional wing to the house. The extension will provide a W.C., utility, kitchen, dining and garden room to the ground floor and an additional two bedrooms (one of which has en-suite facilities), bathroom, gallery and stores to the first floor. The extension measures 8m in width, 11.6m in length with a roof height of 6.5m and includes the reconfiguration of the internal layout of the existing first floor. The existing single storey kitchen/bathroom which has a modest footprint will be

## **SCHEDULE A: Applications with Recommendation**

08/0235

demolished to make way for the extension.

- 5.3 The relevant planning policies against which this application is required to be assessed are policies H14 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan Revised Redeposit Draft.
- 5.4 The proposal raises the following planning issues:
1. Impact On The Living Conditions Of Neighbouring Residents
- 5.5 The extension is to be located to the side of the property, away from the boundary with the adjoining dwelling, 'The Cottage'. It is proposed to introduce windows in the northern elevation of the extension at both the ground and first floor level, facing towards the Cottage. At the closest point, the windows will be at a distance of approximately 16m from windows within the southern elevation of the Cottage. To ensure that the living conditions of the residents of 'The Cottage' are protected from inappropriate overlooking, conditions are recommended requiring the first floor bedroom window to be obscurely glazed and details of proposed privacy planting to be submitted in advance of development. No other dwellings would be adversely impacted by the proposals.
2. Impact On The Character Of The Property And The Wider Area
- 5.6 The proposals would significantly alter the character of the existing dwelling by virtue of the introduction of an additional wing, however, the adjoining property, 'The Cottage' has been similarly extended so it is considered that there is a precedent for this type of extension in the locality. The extension is to be constructed from materials to match the existing. In light of the above, it is considered that the proposal would be acceptable in relation to the character of the dwelling and the wider area.
3. Other Issues
- 5.7 The Council's Tree Officer, while raising no objection to the proposal, has indicated that the proposed location of the entrance would have a detrimental impact on the health and safety of the nearest Pine tree. While there is no concern over the loss of this tree, he has indicated that it could be retained by means of a 'no-dig' method of construction, however, this is not fundamental to the determination of the application. He has however recommended that a condition be attached requiring protective barriers to be erected around remaining trees.
- 5.8 In overall terms it is considered that the proposal would not adversely impact on the living conditions of neighbouring residents or the character of the property or wider area. In all aspects the proposals are considered to be compliant with the objectives of the Local Plan Policies.

**6. Human Rights Act 1998**

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

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

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

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

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

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

**7. Recommendation - Grant Permission**

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

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

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory external appearance for the completed development in accordance with Policy CP4 of the Carlisle District Local Plan Revised Redeposit Draft

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the first floor window to the bedroom in the north-western elevation of the building shall be obscurely glazed, factor 3 or above, and

## SCHEDULE A: Applications with Recommendation

08/0235

thereafter retained as such.

**Reason:** In order to protect the privacy and living conditions of residents in close proximity to the site in accordance with Policy H14 of the Carlisle District Local Plan.

4. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, 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, unless otherwise agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon without the written prior agreement of the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 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.

5. No vegetation clearance associated with the proposed development hereby approved shall take place, unless with the prior written approval of the local planning authority, from the 1st March to 31st July of any calendar year during the main bird breeding season

**Reason:** In order to avoid impacts on nesting birds and ensure compliance with Policies E11 and E12 of the Carlisle District Local Plan.

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

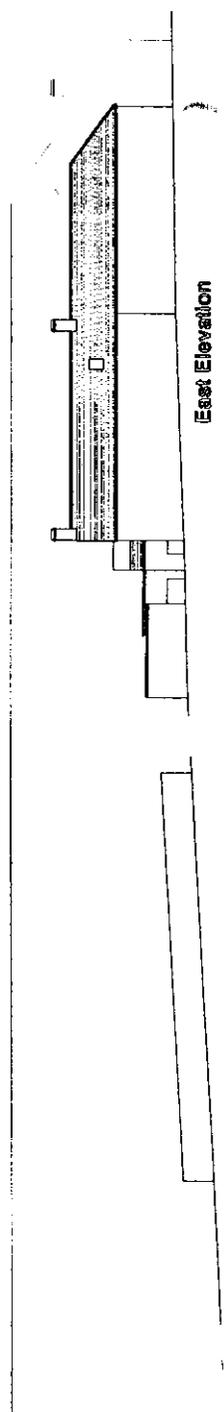
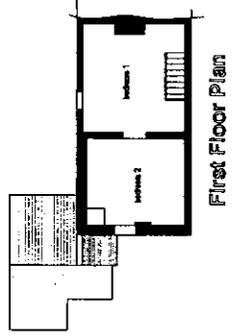
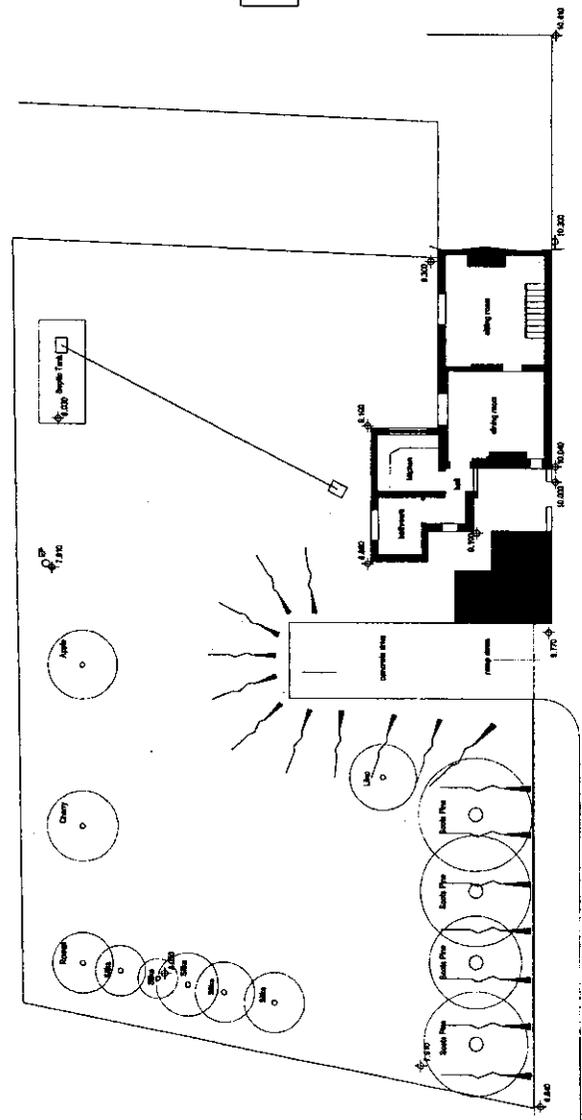
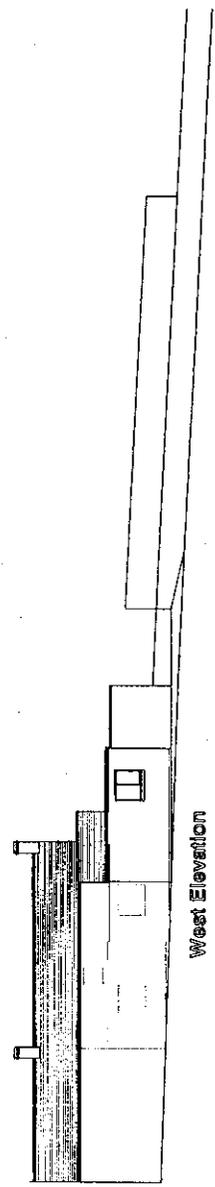
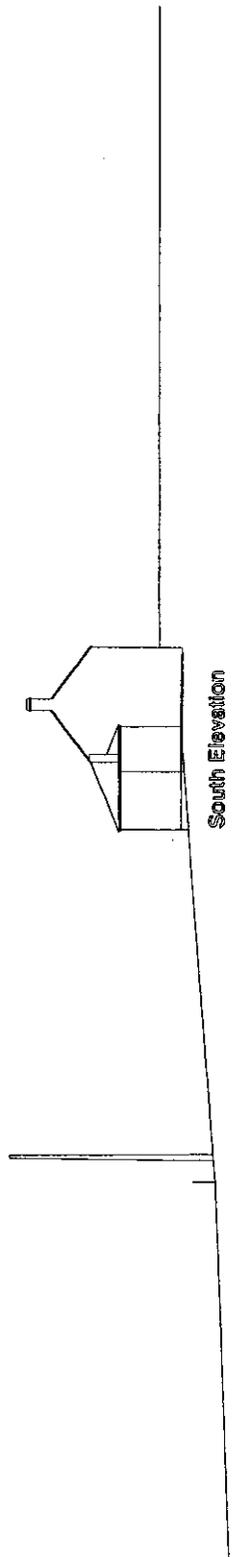
**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with E19 of the Carlisle District Local Plan.

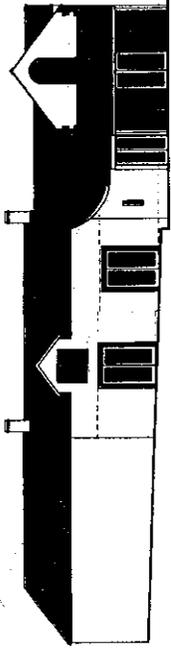


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- 8 MAR 2008  
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13201  
Feb 08  
Mick North & Grace Kirby  
Alvarado & Extensions to  
Survey

GREEN DESIGN GROUP  
ARCHITECTURAL DESIGN GROUP

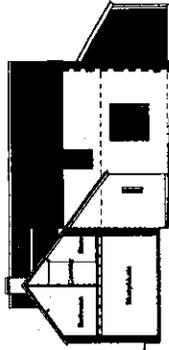




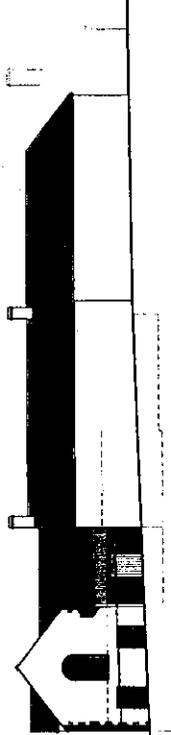
West Elevation



South Elevation

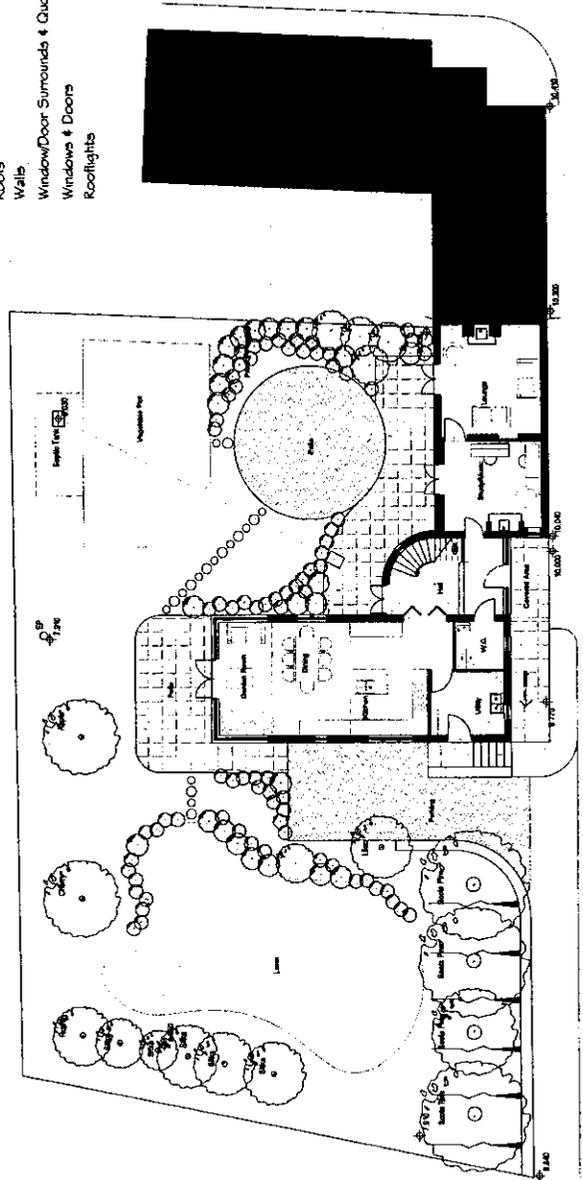


North Elevation/Section

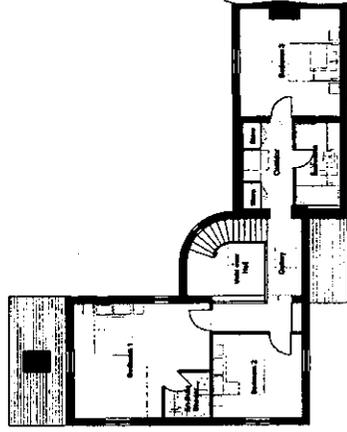


East Elevation

- Materials**
- Roofs : Natural Slate to match existing
  - Walls : Render as existing
  - Window/Door Surrounds & Quoins : Natural Stone
  - Windows & Doors : Timber to match existing
  - Rooflights : Velux



Ground Floor/Site Layout



First Floor Plan

RECEIVED  
1 MAR 2008  
03:09:55

GREEN DESIGN GROUP  
Proposed Plans  
& Elevations to  
Alterations & Extensions to  
Mick North & Grace Kelly  
1:100  
07/17/2008  
Feb 08

**APRIL COTTAGE, FAUGH**  
**DESIGN AND ACCESS STATEMENT TO SUPPORT AN APPLICATION**  
**FOR ALTERATIONS AND EXTENSION TO A DWELLING.**

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**Background:**

April Cottage is a two storey, two-bedroom dwelling attached to another property called "The Cottage", close to the road junction, to the south of the village of Faugh. It stands in a generous garden at about 650sq metres.

The part of the building that is attached to "The Cottage" is the oldest part of the property and consists of two rooms on each of the two floors.

To the south-east is a collection of poorly constructed rooms including kitchen, bathroom and stores.

The problems associated with the existing dwelling are as follows:

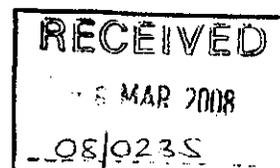
- The single storey, more recently constructed parts are in a very poor state of repair and have problems with dampness, structural stability and leaking flat roofs.
- Although there are two bedrooms, access to one of the bedrooms is via another bedroom and a staircase that has insufficient headroom beneath a very low attic type roof area.
- Access to the stairs is via the two principal rooms on the ground floor. This is both inconvenient and hazardous with respect to fire safety.
- The bathroom is sited on the ground floor; away from the bedrooms and a journey to the bathroom from Bedroom 2 involves going through Bedroom 1, the sitting room, the dining room and the hall/kitchen.

**Brief:**

The Brief is to provide three-bedroom accommodation suitable for the existing owners of the property and their family of two children.

**Design Principles:**

- To retain the older part of the property, that is attached to the neighbouring property.
- To demolish all the substandard recently constructed parts of the building.
- To replace the demolished areas and also extend the property to accommodate the requirements of the residents i.e. three bedroom accommodation.



### **The Proposals:**

The proposals show how a new accommodation wing of similar character and form to the retained, can be built at right angles to the road and set away from the retained part.

The changing levels of the site allow the new building to be set down on the site, so that it does not overwhelm the existing in height. The roof has been kept as low as practicable by having dormer windows to the upper rooms.

The staircase is removed from its former inappropriate location and re-sited between the two "wings" of accommodation. The link block also contains an entrance hall and the roof over the link is set lower than the two "wings" to join them together in an appropriate way, the roof being kept as low as possible.

The materials and finishes in the new parts of the building are complimentary to and compatible with the retained part of the building and other buildings in the immediate neighbourhood i.e. re-cycled slate, rendered walls and natural stone surrounds to doors and windows.

### **Access:**

Although the site has some significant changes in level, it has been possible to provide ramped access to the front door with a covered entrance canopy over the entrance area.

Level access will be provided from within the property via French doors linking to external patios. These may also have access from the road area via a ramped driveway and linking footpaths.

Internally, there is a toilet on the ground floor at the same level as the entrance.

### **Security:**

This has been considered within the design and all of the external doorways and windows will be fitted with standard security locks.

## SCHEDULE A: Applications with Recommendation

08/0058

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Item No: 12

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0058

**Applicant:**  
Mr & Mrs R Armstrong

**Parish:**  
Arthuret

**Date of Receipt:**  
06/02/2008

**Agent:**  
Roger Armstrong Architect

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Part Field 9063, Hunters Holme, Longtown, Carlisle

**Grid Reference:**  
342900 567550

**Proposal:** Erection Of Agricultural Worker's Dwelling (Reserved Matters/Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Chris Harrison

#### **Reason for Determination by Committee:**

As an objection was received from Arthuret Parish Council.

#### **1. Constraints and Planning Policies**

##### **Gas Pipeline Safeguarding Area**

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

##### **Health & Safety Executive Consultation**

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

##### **Joint St. Plan Pol E37: Landscape character**

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

##### **District E8 - Remainder of Rural Area**

##### **District E19 - Landscaping New Dev.**

##### **District E22 - Sewers & Sew. Treat. Work**

##### **District H6 - Ag. & Forestry Need**

**District H16 - Design Considerations**

**District T7 - Parking Guidelines**

**Rev Redeposit Pl. Pol CP3 - Agricultural Land**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol H7 - Agricultural And Forestry Need**

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objection to the proposed development given the existing planning permission obtained under references 03/0410 and 05/0700;

**Environment Agency (N Area (+ Waste Disp)):** no objection subject to a supplementary informative;

**Community Services - Drainage Engineer:** no consultation response received;

**County Land Agent (Capita dbs):** the revised application is beyond remit as it focuses on minor modifications to the design of the dwelling. Outline planning consent for an Agricultural Workers Dwelling was granted in respect of an earlier application reference: 03/0410, which included an appraisal in respect of the agricultural need at that time;

**National Grid UK Transmission:** based on the information provided and the proximity and sensitivity of the networks to the proposal, it is concluded that the risk is negligible;

**Arthuret Parish Council:** object, on the basis that the size of the building in a rural setting will be conspicuous and out of character.

## **3. Summary of Representations**

### **Representations Received**

<b>Initial:</b>	<b>Consulted:</b>	<b>Reply Type:</b>
	Hunters Holme	11/02/08
	Lyne View	11/02/08
	Nook On Lyne	11/02/08

- 3.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. No verbal or written representations have been made during the consultation period.

#### **4. Planning History**

- 4.1 In 2003 outline planning permission was granted for the erection of an agricultural workers dwelling (application reference: 03/0410).
- 4.2 In 2005 reserved matters approval was granted for the erection of an agricultural workers dwelling (application reference 05/0700).

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 This application seeks full planning permission for the erection of an agricultural worker's dwelling within Field 9063, Hunters Holme, Longtown, Carlisle.
- 5.2 The application site covers approximately 2700 square metres and is located 120 metres south of the farmstead to which the dwelling is associated, in the south corner of field No. 9063. The site is located directly adjacent to an existing steel-framed agricultural building; is bound immediately to north and west by open fields utilised for the grazing of livestock and to the south by the highway connecting the site to the A6071. Access to the site is to be via a newly created access located to the north of the existing field gate.
- 5.3 The site is identified as white land within the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 and is in close proximity to a Site of Special Scientific Interest. Three single storey dwellings are located 250m south of the site directly adjacent to the highway.

##### **Proposal**

- 5.4 It is proposed to erect an agricultural workers dwelling, which would be predominantly two storeys in height under a dual pitched roof incorporating eaves and ridge heights of 4.5 metres and 6.3 metres respectively, with an 's' shaped footprint measuring approximately 343 square metres. The dwelling would be set back 8 metres from the highway and located directly adjacent to an existing agricultural building.
- 5.5 The dwelling would be finished with wet dash render, with a natural slate roof. A comprehensive landscaping scheme is proposed. It illustrates the retention

of the existing mature hedgerow boundary and trees to the south, the installation of mixed hawthorn/beechn hedging and a post and wire fence to delineate the north and west curtilage boundaries. The sporadic planting of chestnut and beech trees is proposed within the curtilage of the dwelling.

- 5.6 This revised application seeks to amend the internal layout, the fenestration in the south and west elevation, the external finishes and reduce the scale of the garage/utility element of the dwelling that was approved under reserved matters application (05/0700). No changes are proposed to the access or landscaping details approved under application reference 05/0700.
- 5.7 The proposed amendments to the approved scheme seek to replace two double pane French doors located on the south elevation with triple pane windows, remove the ground floor single pane window located on the east elevation adjacent to the chimney breast wall and remove a roof light within the western roof plane. It is also proposed to utilise oak grain finish upvc window frames in place of timber. The garage/utility element is to be reduced by 3.85 square metres in floor area. The chimney located on the west elevation is to be relocated 1 metre north across the west elevation.
- 5.8 In respect of the external finished, it is proposed to utilise facing brick in place of natural wet dash render and replace the brick soldier course lintels with reconstituted stone cills. Natural wet dash render is to be retained to the garage and north elevation.

### **Assessment**

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies E37 and ST03 of the Cumbria and Lake District Joint Structure Plan 2001 – 2016, Policies E8, E19, E22, H6, H16 and T7 of the Carlisle District Local Plan and Policies CP3, CP4, CP5, H7 and T1 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016.
- 5.10 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.11 This application is a revision of reserved matters application reference 05/0700. The principle of erecting a dwelling of this type and scale has therefore been established by the earlier approval. The aforementioned planning permission has not been commenced; however, the statutory expiration period has not expired.
2. Whether The Scale, Layout And Appearance Of The Development Is Acceptable.
- 5.12 The general scale and overall design of the dwelling has been agreed under the previous application (05/0700) The variations to the scheme do not significantly affect the scale of the dwelling, which remains acceptable. and is therefore not a material consideration in the determination of this planning

application.

- 5.13 In terms of the appearance of the dwelling, the amendments to the external finishes of the property, fenestration and relocation of the chimney are an improvement to the previously agreed scheme in terms of design and overall massing. In this regard the development does not unduly impact upon the character of the wider locality.

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

- 5.14 The nearest protected residential property is sited approximately 210 metres away from the proposed dwelling on the opposite site of the existing agricultural barn. As such the proposed development would not adversely affect the living conditions of occupants by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

### 4. Access And Parking Provision.

- 5.15 Cumbria Highway Authority has confirmed that the parking and access arrangements which were agreed under the two previous planning applications are acceptable.

### 5. Whether Proposed Landscaping Is Acceptable.

- 5.16 No amendments are proposed to the landscaping scheme submitted and approved under planning application 05/0700.

## Conclusion

- 5.17 In overall terms, the principle of the proposed development has been accepted in the previous applications. The scale, siting and design of the proposed dwelling are acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking and amenity space would be provided to serve the dwelling. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Development Plan policies.

## 6. Human Rights Act 1998

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

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

whose interests may be affected by such proposals;

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

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

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

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

**7. Recommendation - Grant Permission**

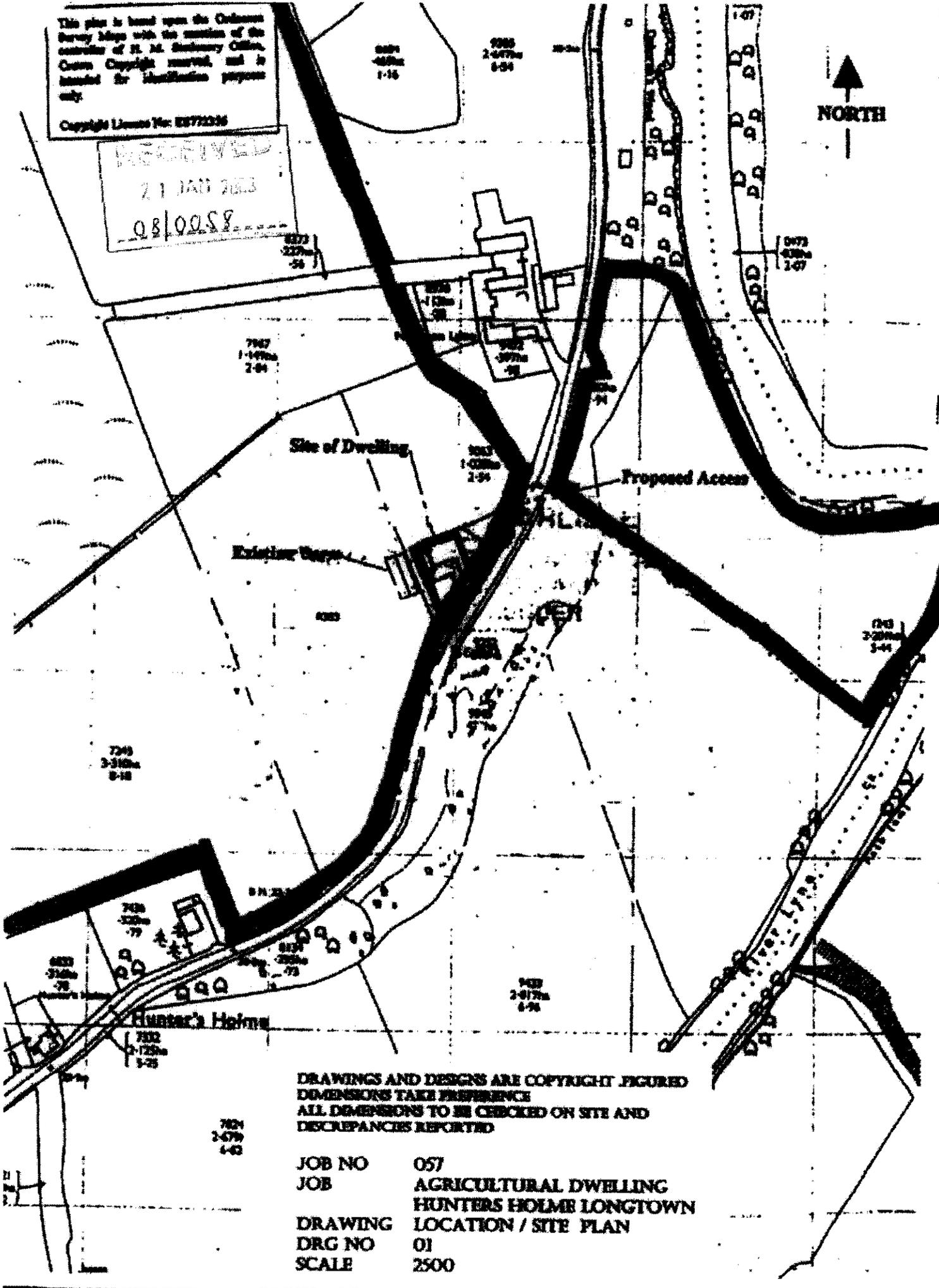
1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 attached to the outline planning consent reference 03/0410 to develop the site.

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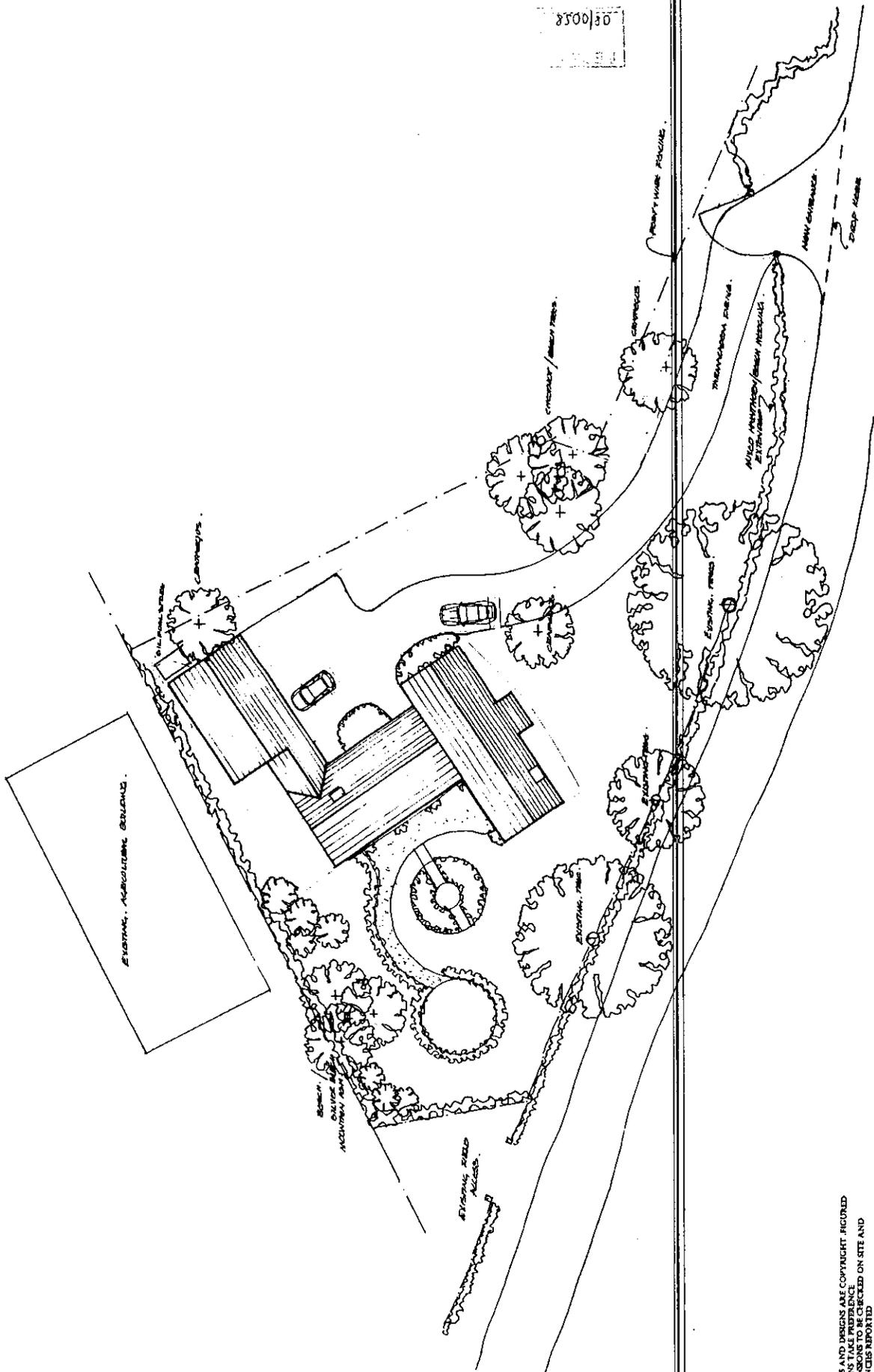
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**JOB NO 057  
JOB AGRICULTURAL DWELLING  
HUNTERS HOLME LONGTOWN  
DRAWING LOCATION / SITE PLAN  
DRG NO 01  
SCALE 2500**

ROGER ARMSTRONG ARCHITECT

PROJECT DESIGNER

05/0058



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JOB NO 097  
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 DRAWING HUNTERS HOLME LONGTOWN  
 PROPOSED SITE PLAN  
 DPC NO 01  
 SCALE 1:200  
 DATE JUNE 05

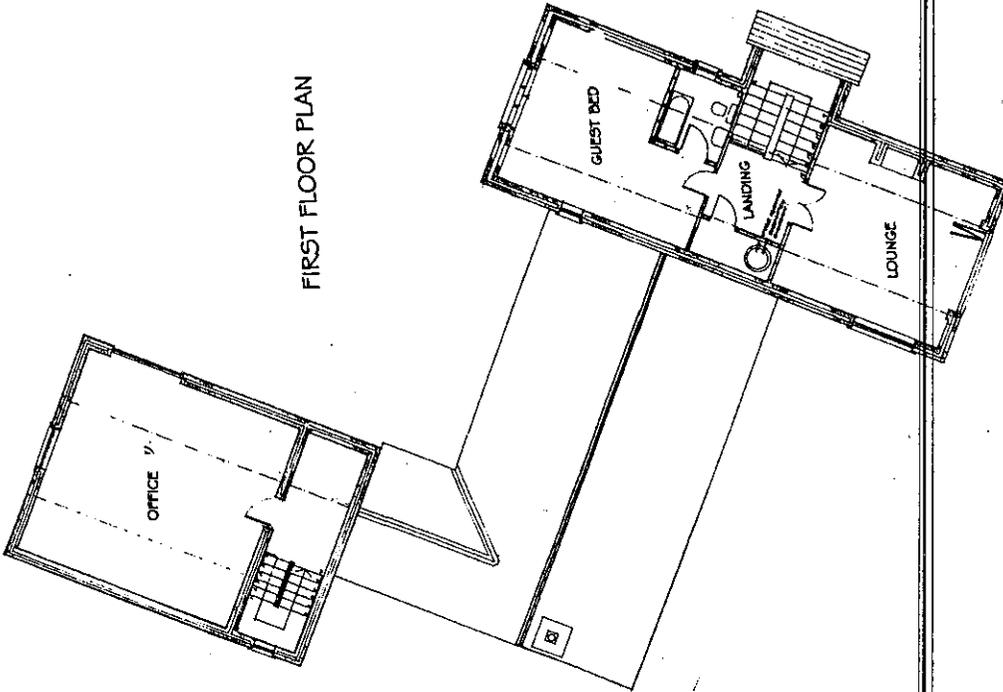
PROJECT DESIGNER  
**ROGER ARMSTRONG ARCHITECT**

ROGER ARMSTRONG ARCHITECT 200 ARCH BLDG. 110 S. 10TH ST. SUITE 100 OMAHA, NE 68102  
 TEL: 402.476.1111 FAX: 402.476.1112

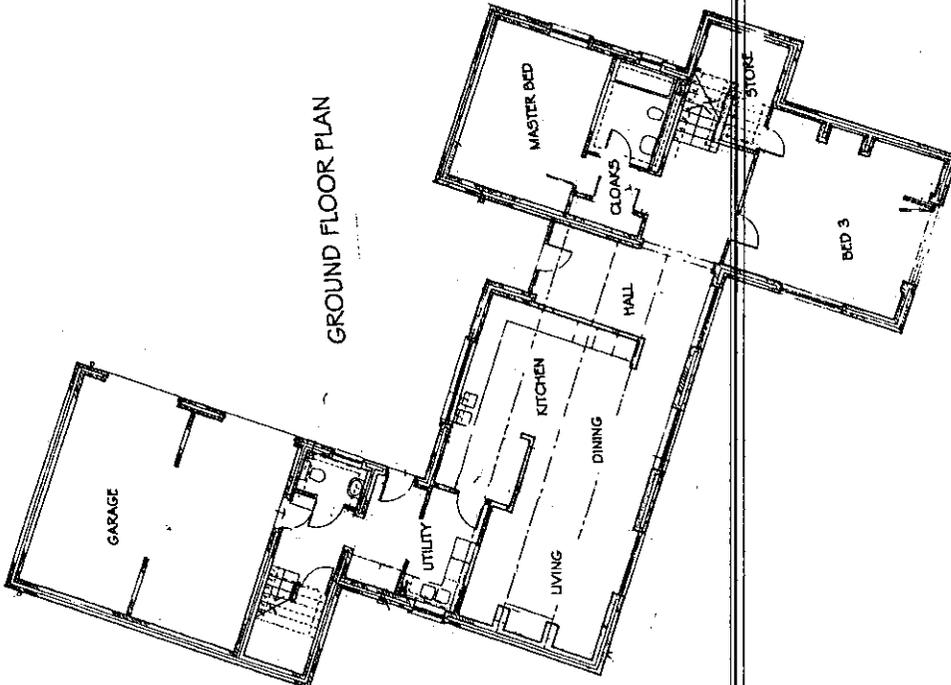


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FIRST FLOOR PLAN



GROUND FLOOR PLAN



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 DRG NO 03A  
 SCALE 1/8" = 1'-0"  
 DATE NOV 07

PROJECT DESIGNER  
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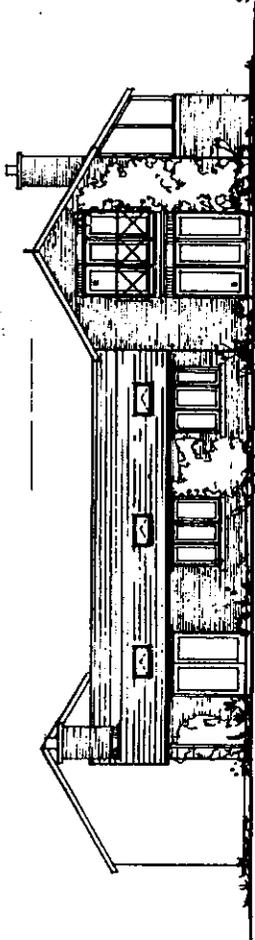


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 Phone: (907) 562-1111 Fax: (907) 562-1112  
 Email: rarmstrong@armstrongarchitect.com

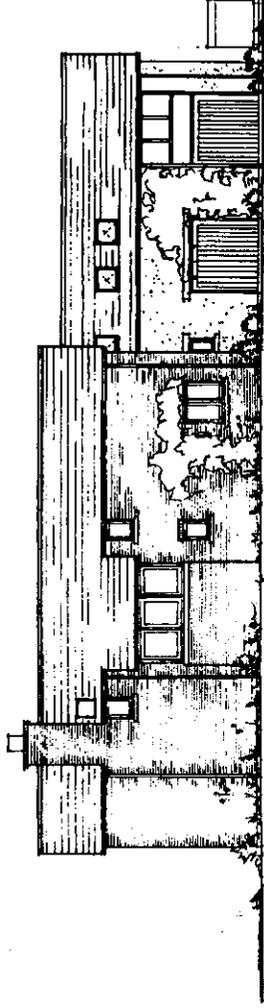
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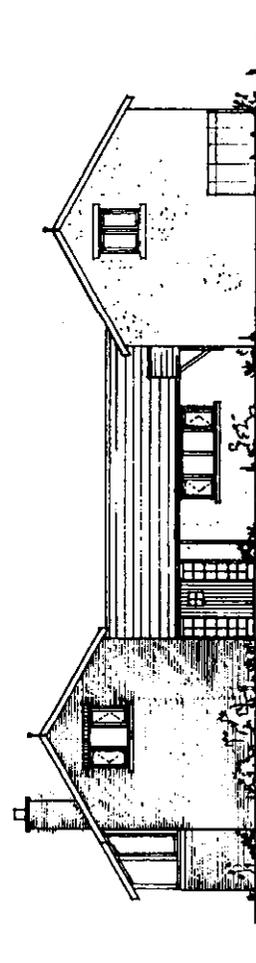
SOUTH ELEVATION



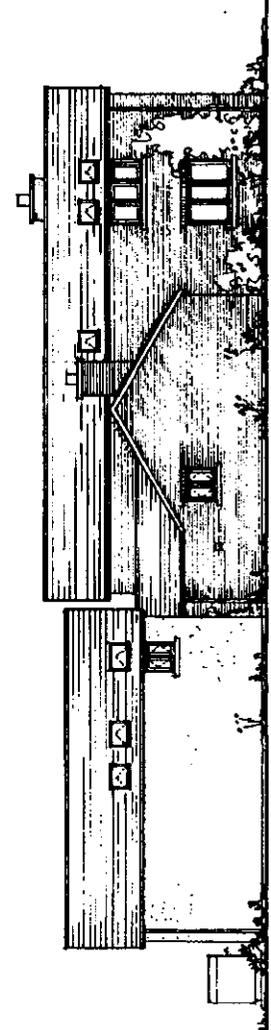
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



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 CLIENTS POLINE LONGTOWN  
 DRAWING PREPARED ELEVATIONS  
 DRG NO 049  
 SCALE 1/8" = 1'-0"  
 DATE NOV 07

## SCHEDULE A: Applications with Recommendation

08/0086

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**Item No: 13**

**Date of Committee: 25/04/2008**

**Appn Ref No:**  
08/0086

**Applicant:**  
Carlisle YMCA

**Parish:**  
Carlisle

**Date of Receipt:**  
14/02/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Castle

**Location:**  
22 - 24 Fisher Street, Carlisle, Cumbria

**Grid Reference:**  
339949 556066

**Proposal:** Internal & External Alterations Leading To Change Of Use Of No. 24 To Residential, 9 Bedsit & 2 Shared Flats, & Multi Use Hall. Change Of Use Of No. 22 To Residential, 1 Shared Flat, & Refurbishment Of Existing Retail Unit, Cafe, Offices & Social Facilities

**Amendment:**

1. Revised floor and elevation plans (drawing nos. 06120-05F, 06D, 07D, 08B and 09A) received 07.04.08.

---

**REPORT**

**Case Officer:** Angus Hutchinson

**Reason for Determination by Committee:**

In the light of the objections to the original scheme made by the Conservation Area Advisory Committee and the significance of the site as a local landmark.

**1. Constraints and Planning Policies**

**Listed Building**

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

**Conservation Area**

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

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

**Joint St. Plan Pol E38: Historic environment**

## **SCHEDULE A: Applications with Recommendation**

08/0086

**District E34 - Alts. to LBC's**

**District E35 - Affecting LBC's**

**District E36 - Change of Use to LBC's**

**District E39 - Dem. in Cons. Areas**

**District E43 - Imps. to Cons. Areas**

**District E29 - Archaeological Signif.**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP6 - Use Of Traditional Materials**

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

**Rev Redeposit Pl. Pol CP16 - Planning Out Crime**

**Rev Redeposit Pl. Pol EC6 - Primary Shopping Frontages**

**Rev Redeposit Pl. Pol EC9 - Use Of Upper Floors**

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

**Rev Redeposit Pl. Pol LE14 - Alterations To Listed Building**

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

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

**Rev Redeposit Pl. Pol LE20 - Conservation Areas**

**Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites**

## **2. Summary of Consultation Responses**

**Environmental Services - Food, Health & Safety:** there are no objections to the above application, however the applicant is advised to consult this department prior to any works being carried out to ensure that the proposed cafe area will comply with food hygiene requirements;

**Cumbria County Council - (Highway Authority):** comments awaited;

**Development Services Planning & Housing Services - Conservation Section:**

## **SCHEDULE A: Applications with Recommendation**

08/0086

the revised plans represent the best solution produced so far although unlikely to please everyone. Do not know what more can be done to provide anything better and therefore okay in general with the principles shown. If minded to approve it is suggested that conditions are imposed concerning the stonework and render; window details; glass panel; gutter/roof overhang; design of ornamental gates; and, glazed staircase;

**Conservation Area Advisory Committee:** the Committee consider this to be one of the most significant parts of the historic core of the City and this site contains one of the eyesores that need to be removed if the character of the area is to be improved. At present this site adjoins an impressive Grade II listed building but fortunately it has a modest design with its height and proportions restricted so that it does not over-dominate the listed building. The proposed replacement unfortunately fails drastically to maintain the scale and rhythm of the streetscape, it introduces new discordant elements into the design and fails to blend in any way with the character and appearance of the Conservation Area.

This building has blighted Fisher Street for many years and it now needs something exceptional to replace it. This is not that scheme. It proposes to increase the height of the current building, introduce horizontal elements at odds with the character of adjacent buildings and add another huge opening on the ground floor. This last feature is gargantuan and gives the building a "prison-like" feel which is hardly appropriate. However the present building is dealt with it must not be increased in height and the scale, proportions and rhythm of its openings should relate it to its surroundings;

**Development Services Planning & Housing Services - Urban Designer:** the revised drawings are satisfactory subject to the points raised by the Council's Conservation Officer;

**Environmental Services - Environmental Quality:** no objections;

**Cumbria County Council - (Archaeological Services):** the site has been the subject of an archaeological desk-based assessment and enclosed is a copy for your records. The results indicate that the site lies in an area of high archaeological potential in the historic core of Carlisle. There is a strong likelihood that archaeological remains relating to the Roman settlement, and medieval and post medieval city survive on the site, as shown by numerous archaeological investigations in the immediate vicinity. Any such remain would be damaged or destroyed by the proposed development.

Consequently, it is recommend that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that this work should be commissioned and undertaken at the expense of the developer. Consider that this programme of work can be secured through the inclusion of two conditions in any planning consent and suggest the following form of words based on the model given in PPG16 (para 30).

Would also suggest that you advise the applicant that such archaeological investigations are liable to involve some financial outlay;

## SCHEDULE A: Applications with Recommendation

08/0086

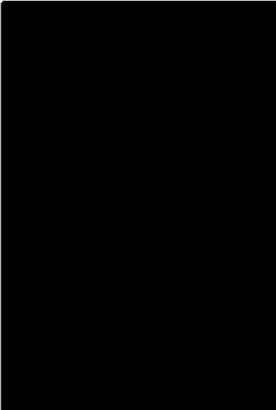
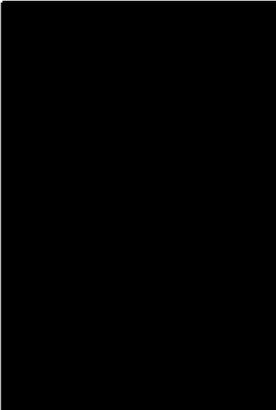
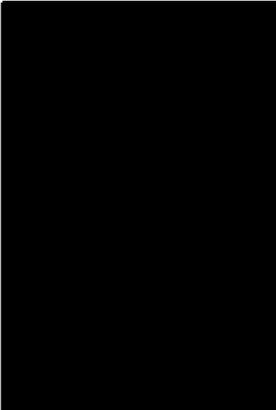
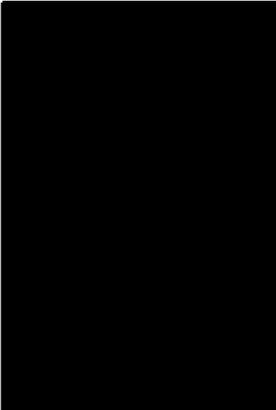
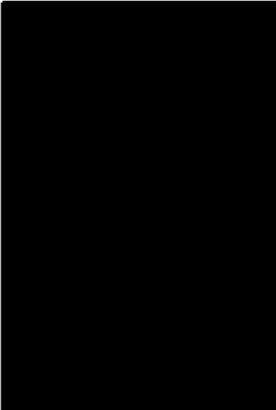
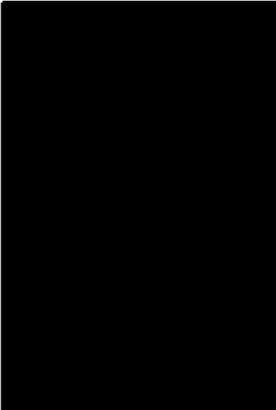
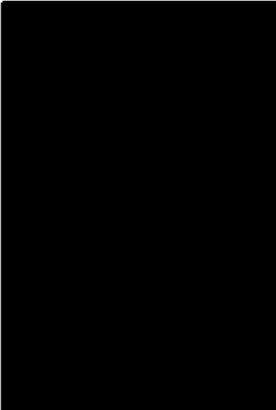
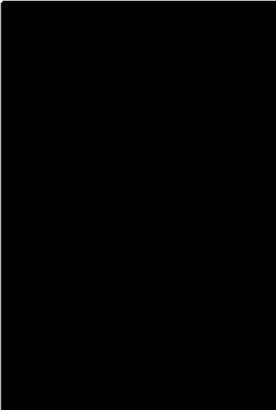
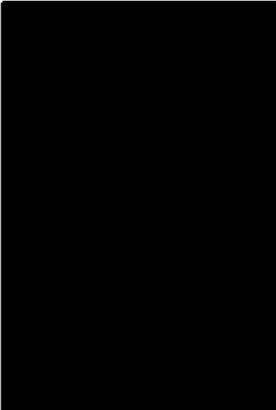
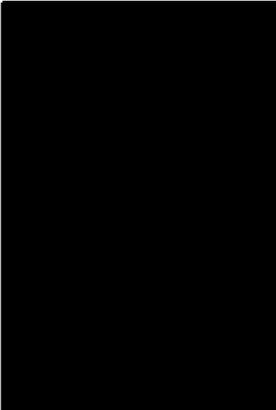
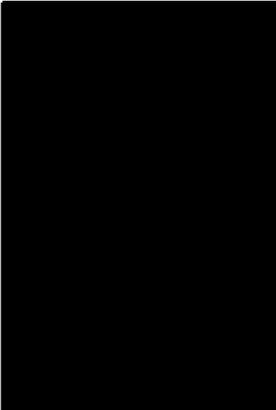
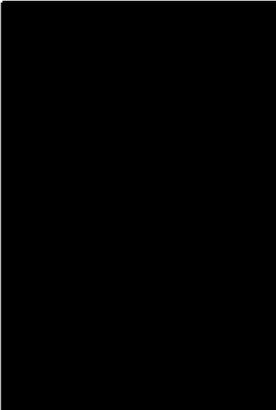
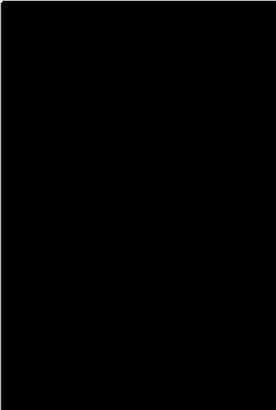
**Cumbria Constabulary - Crime Prevention:** aware that YMCA already manage premises of the type proposed and perceived clear intention to implement security measures to protect residents, staff and the proposed facilities;

**Planning & Housing Services - Housing Strategy:** comments awaited;

**Development Services Planning & Housing Services - Access Officer:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	20 Fisher Street	20/02/08
	Central Methodist Church	20/02/08
	15 Fisher Street	20/02/08
	Suite 1	20/02/08
	26 Fisher Street	20/02/08
	28 Fisher Street	20/02/08
	30 Fisher Street	20/02/08
	Stocklund House	20/02/08
	31 Castle Street	20/02/08
	33 Castle Street	20/02/08
	35 Castle Street	20/02/08
	37 Castle Street	20/02/08
	39 Castle Street	20/02/08

- 3.1 This application has been advertised in the form of a press notice, site notice and the direct notification of the occupiers of 13 neighbouring properties. No formal or informal observations have been received although the managing agents of a neighbouring property requested details on the proposal.

### 4. Planning History

- 4.1 In 1997, under application reference numbers 97/864 and 97/0865, advertisement and listed building consent were given for the erection of an illuminated shop projecting sign.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 The YMCA lies on the south-west side of Fisher Street at the junction with

## **SCHEDULE A: Applications with Recommendation**

08/0086

Market Street to the east of the retail premises at Carlyle Court and west of the RAOB club and Fisher Street Galleries. To the south and south-west there are Hoopers, Classics, and, Stocklund House (with its associated car parking) which front Castle Street. On the opposite side of the road there are offices at 15 Fisher Street and the Central Methodist Church.

- 5.2 The existing YMCA premises consists of two distinct elements, namely 22 and 24 Fisher Street. 22 Fisher Street is a grade II listed building which appears to date from the early nineteenth century and comprises a shop, "drop in" and former cafe on the ground floor with offices and meeting rooms above. 24 Fisher Street dates from the 1960's and provides car parking on the ground floor with a sports hall on the first floor.
- 5.3 The YMCA is located within the City Centre Conservation Area and neighboured by listed buildings at 9, 11, 13, 18 and 20 Fisher Street.

### **Background**

- 5.4 The current proposal comprises changes to both 22 and 24 Fisher Street to create a YMCA Foyer Centre. 22 Fisher Street is proposed to consist of: a) basement floor - two music studios and male/female toilets; b) ground floor - a retail unit and cafe; c) first floor - support offices, training and meeting rooms, toilets and changing facilities; and, d) second floor - converted to a two bed flat. An existing two storey extension at the "rear" would be demolished and replaced by a glazed staircase and lift.
- 5.5 24 Fisher Street is proposed to be radically altered externally and internally by the introduction of an additional floor within the existing space and the construction of a further floor above set back on the Fisher Street frontage. The submitted plans show the first floor to be multi purpose space and three self-contained residential units. The proposed second and third floors will each have three bedsits and three self-contained units. Externally, the Fisher Street elevation involves the building being clad in buff sandstone and lead with aluminium window frames. The proposed "rear" elevation is to have rendered and lead clad walls.
- 5.6 The application is accompanied by a Design and Access Statement, Listed Building and Conservation Area Appraisal, a Strategic Review, and, Archaeological Desk Based Assessment. The overall purpose of the proposed Foyer Centre is to support young people to access opportunities by creating resources and enhancing the range of facilities available.

### **Assessment**

- 5.7 When assessing this application it is considered that the main issues revolve around whether the advantages outweigh any disadvantages associated with a) impact on the Listing Building and Conservation Area; b) the conditions of the occupiers of neighbouring properties; and, c) archaeology.
- 5.8 In relation to a) it is evident that the proposed alterations to 22 Fisher Street

are limited with the scheme submitted on the basis of retaining all significant architectural features. In the case of 24 Fisher Street, the proposal is a contemporary solution which is considered to represent a considerable improvement on the existing structure. The scale and massing of the proposed development is not considered to be incongruous in the context of the existing street.

- 5.9 The proposed works do not fundamentally alter the relationship of the existing buildings to the neighbouring properties. The proposed uses are also considered to be consistent with those neighbouring the site although an important element to the success of the project will be the effective management of the premises.
- 5.10 Finally, the County Archaeologist has not raised any objections to the proposal based on the submitted Assessment.

### Other Matters

- 5.11 The submitted Design and Access Statement confirms that the proposed design will be fully compliant with the requirements of Part M of the Building Regulations and the Disability and Discrimination Act.

### Conclusion

- 5.12 This application relates to a sensitive site within the City Centre Conservation Area adjoining a grade II listed building. In overall terms it is considered that the advantages outweigh the disadvantages and the proposal is recommended for approval.

## 6. Human Rights Act 1998

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

## SCHEDULE A: Applications with Recommendation

08/0086

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

### **7. Recommendation** - Grant Permission

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

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

2. Before the commencement of the development hereby permitted the following details shall be submitted to and approved in writing by the local planning authority:

- a) the coursing, colour and external finish of the proposed stonework;
- b) the design of the lintels, cills and parapet;
- c) the window details, colour of the frames and opening action;
- d) the opaque glass panel colour;
- e) the design of the proposed gutter/roof overhang and downpipes;
- f) the design of the proposed ornamental gates;
- g) the colour and finish of the external render; and,
- h) the glazing details of the proposed staircase on the south-west elevation.

**Reason:** To safeguard the character of this Listed Building and the City Centre Conservation Area in accordance with Policies LE13, LE14, LE16 and LE20 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

3. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This written scheme will include the following components:

- a) an archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and,
- b) an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination

## SCHEDULE A: Applications with Recommendation

08/0086

and recording of such remains in accordance with Policy E29 of the Carlisle District Local Plan and Policy LE08 of the Carlisle District Local Plan 2001-20116 (Revised Redeposit Draft).

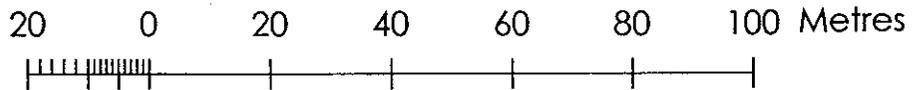
4. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried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

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy E29 of the Carlisle District Local Plan and Policy LE08 of the Carlisle District Local Plan 2001-20116 (Revised Redeposit Draft).

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revisions  
 Revision Date Description

Revised by

ARCHITECTS *at*  
 PLUS

Project  
 CARLISLE YMCA FOYER  
 22/24 FISHER STREET  
 Drawing  
 SITE LOCATION PLAN

Scale Date Drawn Comp.No. Number  
 1/1250 12/07 RJW CI 06120-11

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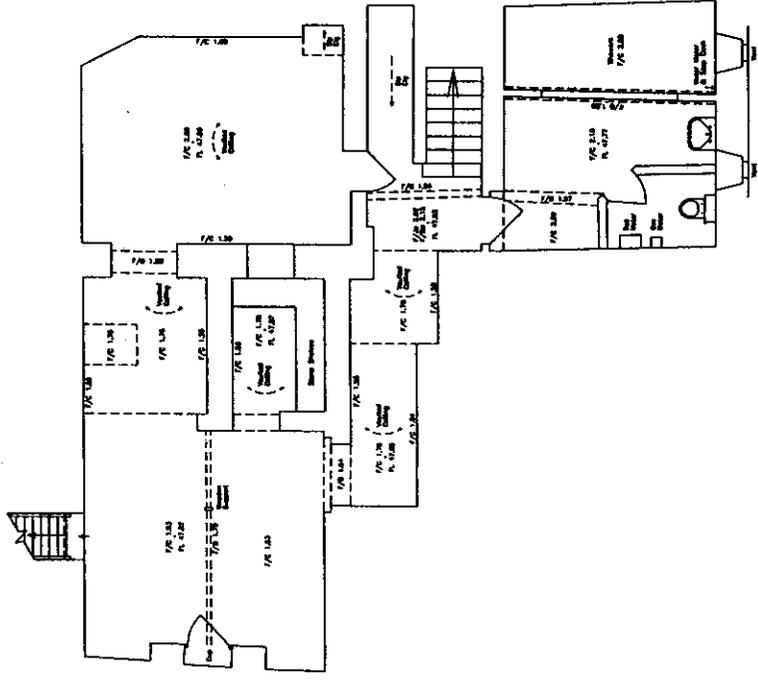
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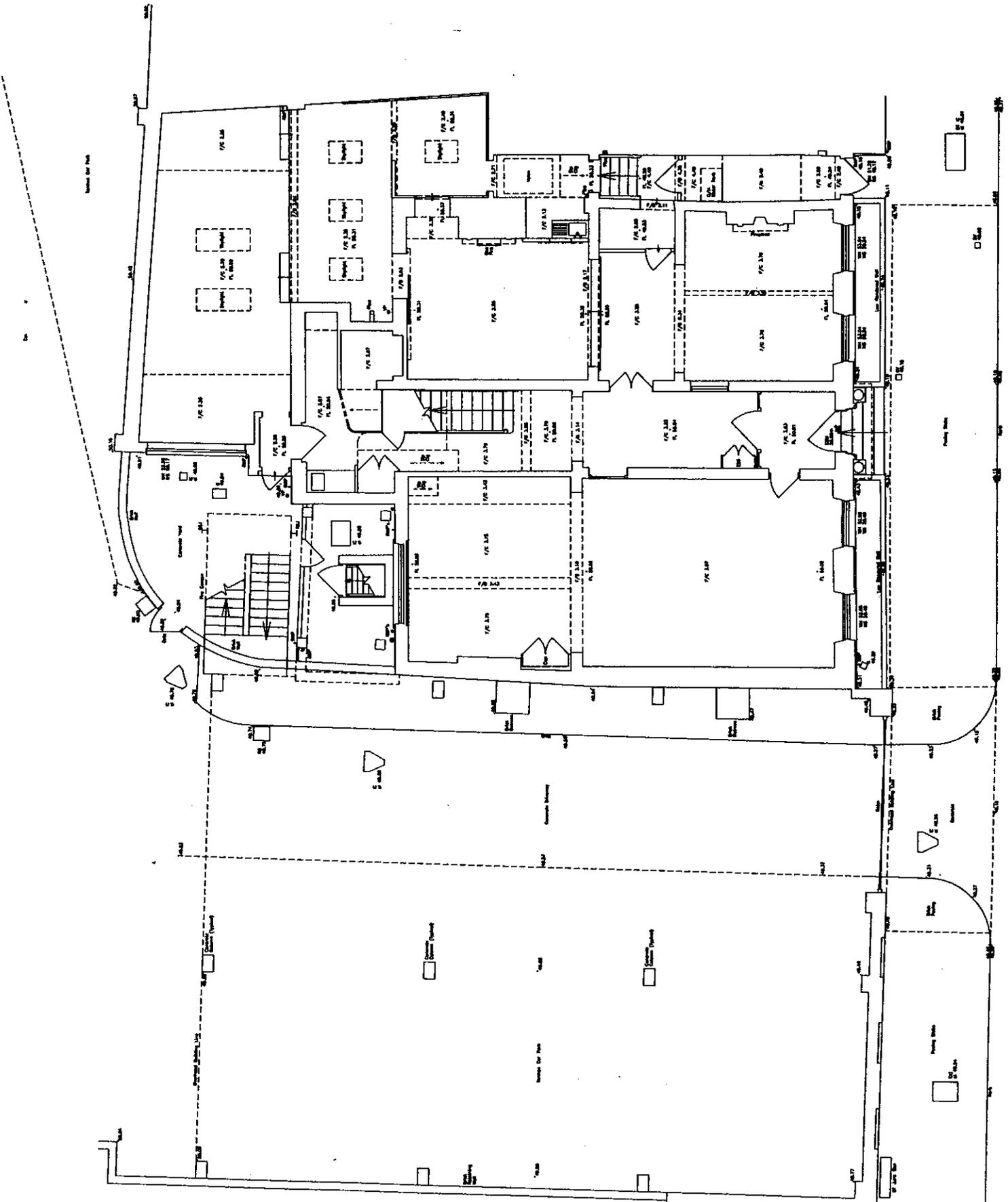


Architect: Plus  
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 Oakland  
 CA 94612  
 Tel: 415-778-0000  
 Email: plusarchitect@aol.com

Job No.  
**YMCA**  
 Faber Street, Carlele  
 Basement

Scale 1:100  
 Date: July 2004  
 Sheet: 1 of 1  
 Drawing No.: 0001-01  
 Revision: 0  
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Specialists Plus  
Victoria Milleries  
Victoria Viaduct  
Carlisle CA2 5AN



YMCA  
Plaster Street, Carlisle  
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Drawing No.: P001-02  
GNW Job No.: P001 Checked: GNW

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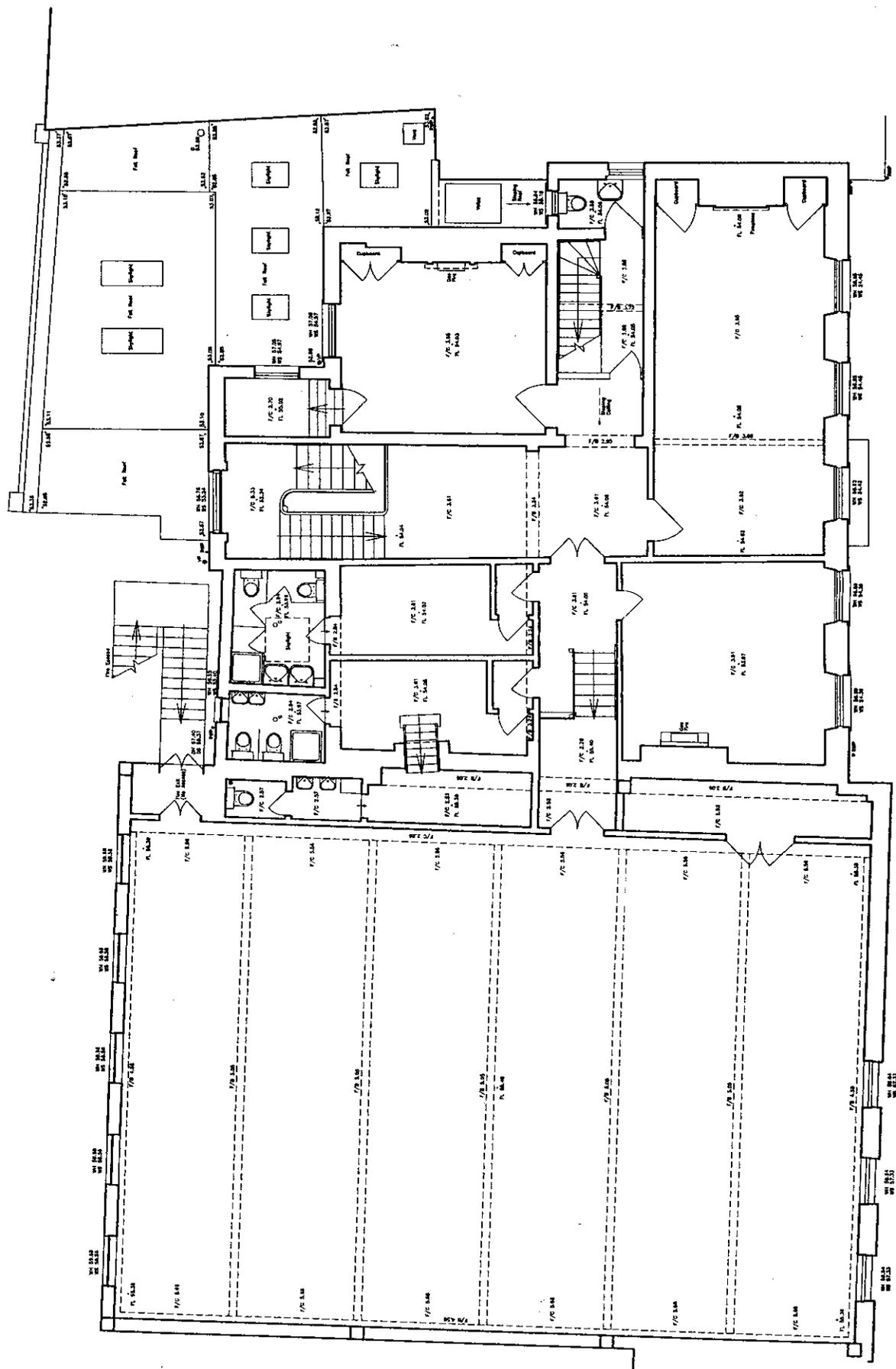
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 Fax: 01897-42090  
 Email: gnwassociates@aol.com

Architects Plus  
 Victoria Galleries  
 Madnot House  
 100-102 High Street  
 Canville CA3 6AN



Job No.  
**YMCA**  
 Fisher Street, Canville  
**First Floor**

Scale 1:100  
 Date: July 2007  
 Sheet: 1 of 1  
 Revision: 0  
 Drawing No.: P001-03  
 GNWA Job No.: P001 | Checked: GNW





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GNW ASSOCIATES  
 BUILDING, ENGINEERING & LAND SURVEYORS

Building  
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 Hampton  
 Frees Road  
 CAW 1XX

Tel: 018877-2835  
 Fax: 018877-42050  
 Email: gnwassociates@aol.com

Scale 1:100

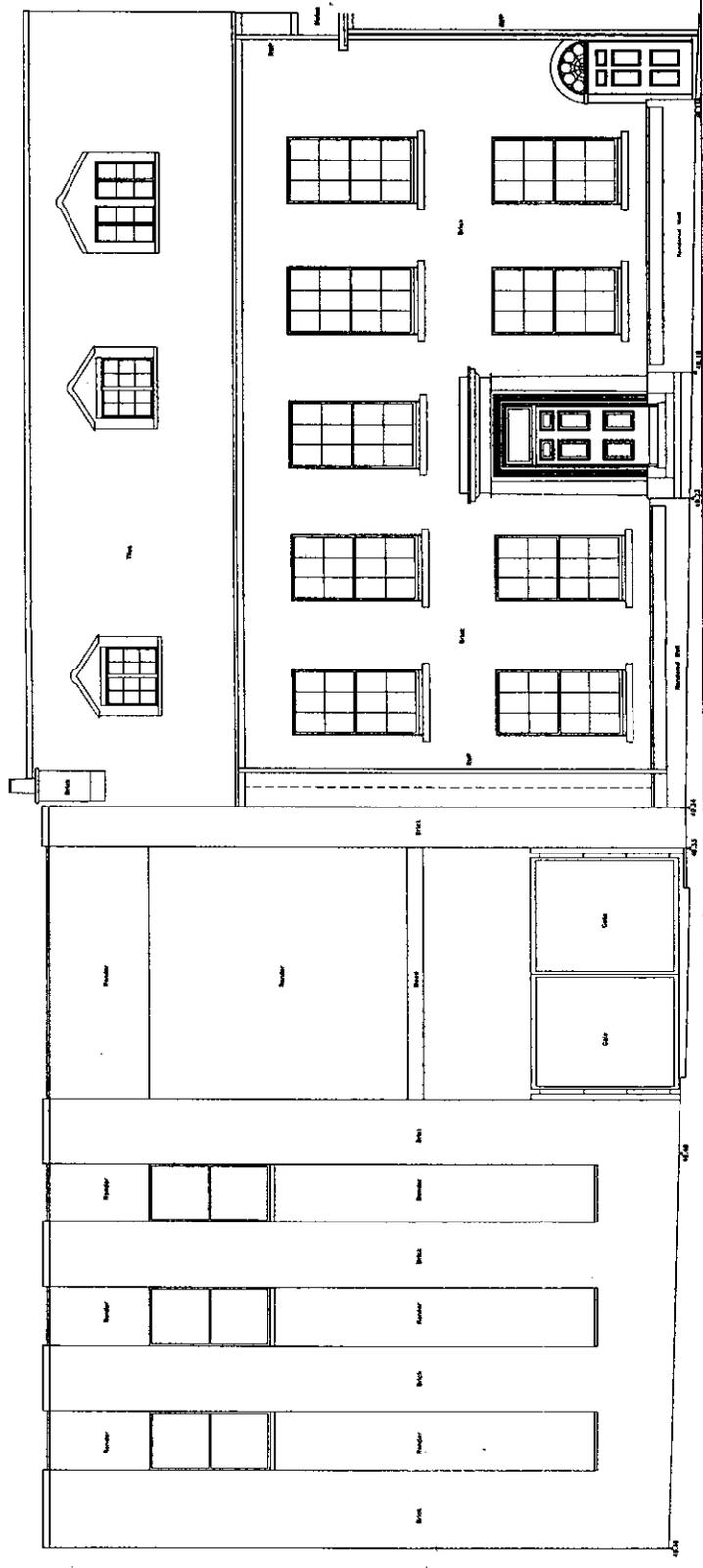
Date: July 2004

Sheet: 1 of 1

Revision: 0

Drawing No.: P001-05

GNWA Job No.: P001 Checked: GNW

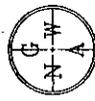


FISHER STREET ELEVATION

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 Building Engineering & Land Surveyors  
 21, Levee Street, Victoria, 3800  
 All drawings are prepared and issued in accordance with  
 the Building Act 1993 and the Building Regulations 1993  
 The Client's Name is: Y.M.C.A.

Prepared and Drawn by  
**G.N.W. ASSOCIATES**  
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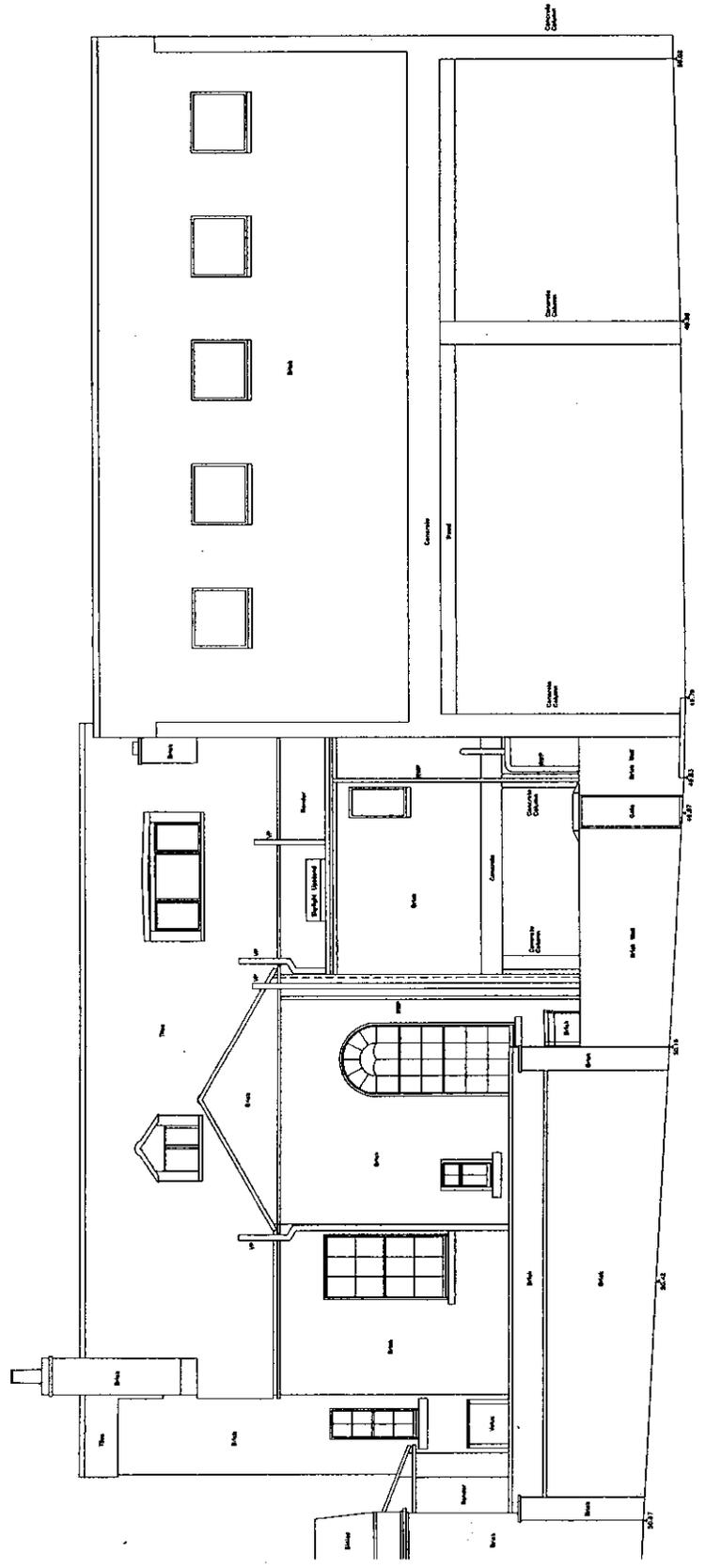


Client:  
 Archibald Plus  
 Victoria Galleries  
 Viaduct House  
 Victoria Viaduct  
 Carlisle CA3 8AN

Job Title:  
**YMCA**  
 Fisher Street, Carlisle  
 Rear Elevation

Scale 1:100

Date: July 2004  
 Sheet: 1 of 1  
 Revision: D  
 Drawing No.: P001-06  
 G.N.W. Job No.: P001 | Checked: G.N.W.



REAR ELEVATION

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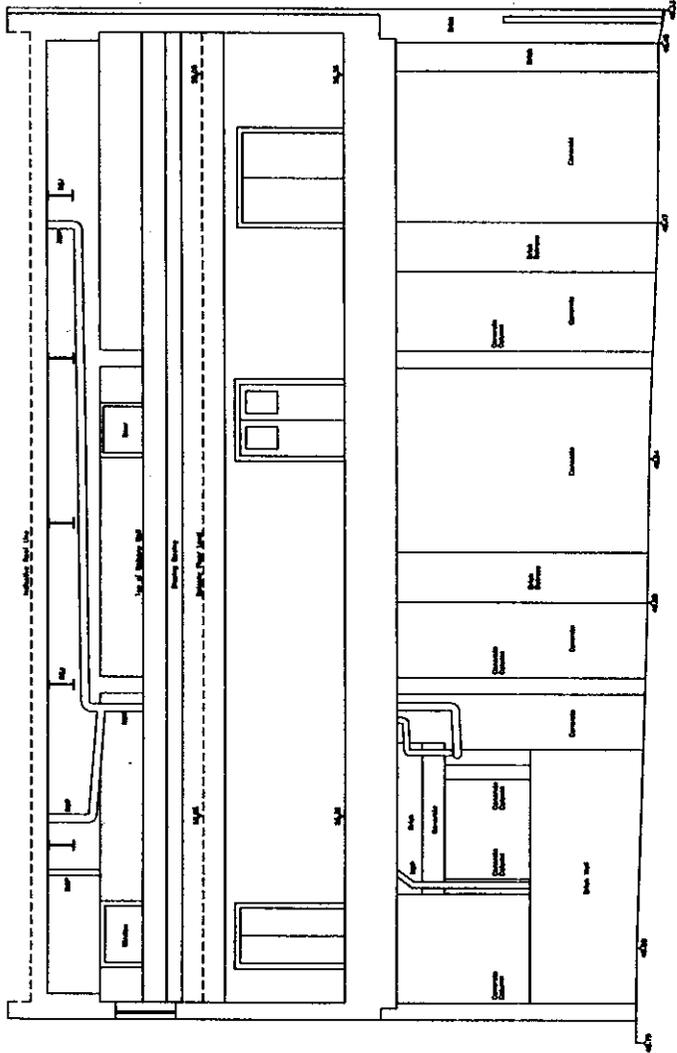
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 Frankston Road  
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Architects Plus  
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Site No  
**YMCA**  
 Fisher Street, Carlisle  
 Section Elevation

Scale 1:100  
 Date July 2004  
 Sheet 1 of 1  
 Drawing No. 001-07  
 Revision: 0  
 Prepared: GNP



SIDE / YARD SECTION ELEVATION

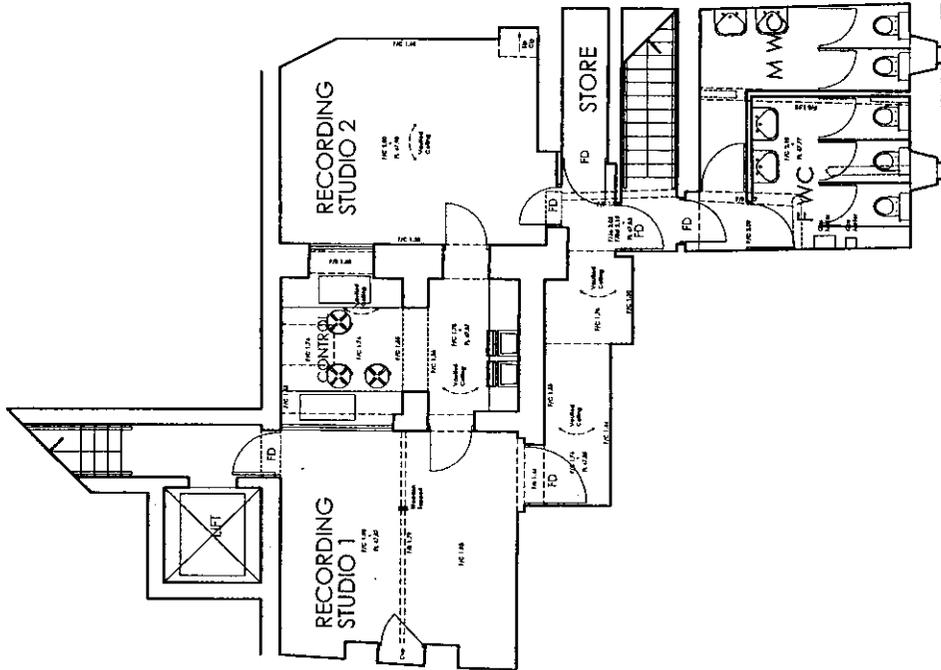
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RJW  
RJW  
RJW

Revision Date Description

A 09/07 REVISED FIRE STRATEGY  
B 11/07 GENERAL AMENDMENTS  
C 12/07 STAIRS AMENDED



PLU S  
-9 APR 2003  
-08/0086

ARCHITECTS *PLU S*

Project:

CARLISLE YMCA FOYER  
22/24 FISHER ST CARLISLE

Drawing:

BASEMENT

Scale 1/100 Date 12/06 Drawn RJW Comp.No. C1A Number 06120-01D

Architect Plus (UK) Limited.  
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e-mail: ap@architectplus.co.uk

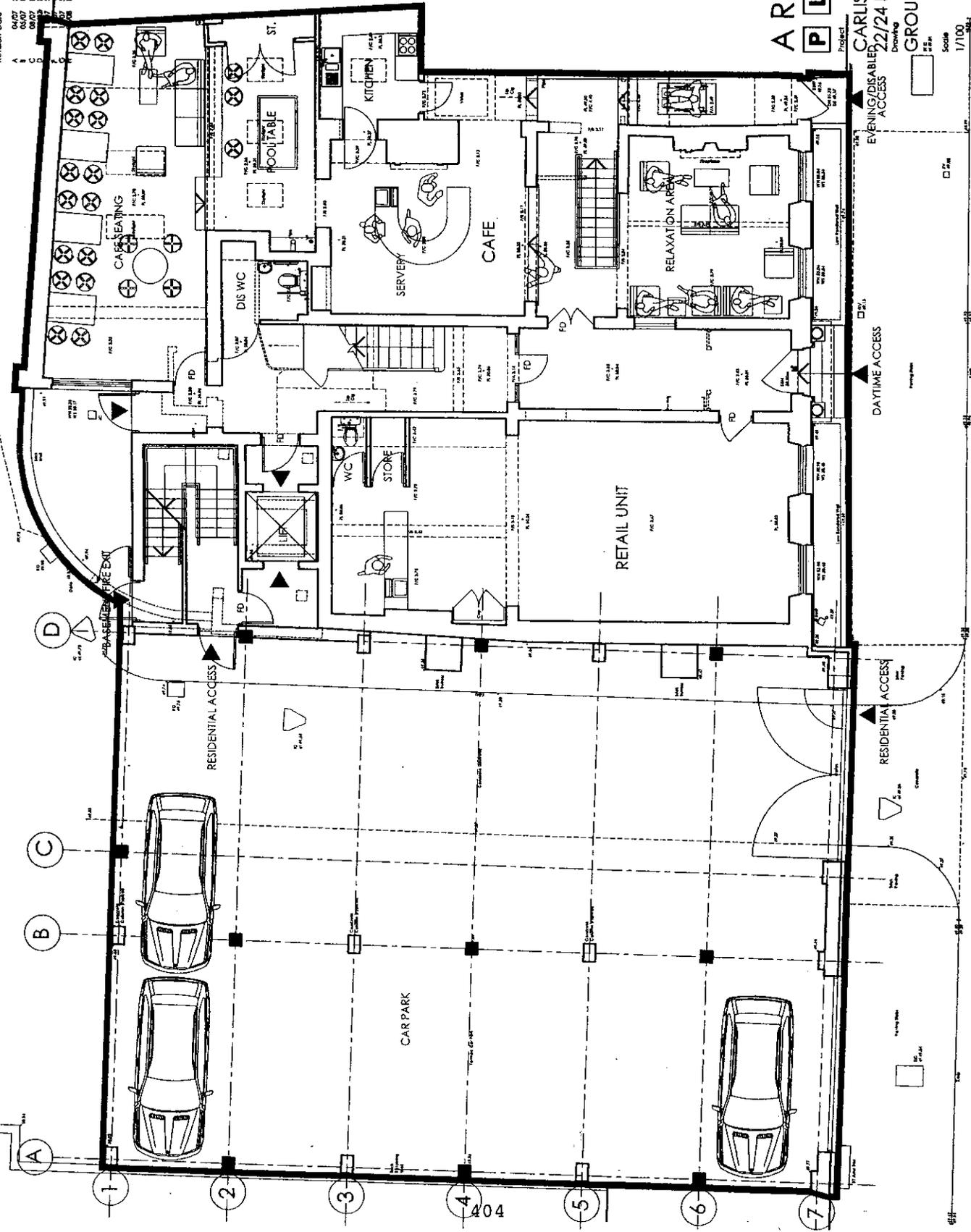
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Revised By:  
 RJW  
 RJW  
 RJW  
 RJW  
 RJW  
 RJW  
 RJW

Revision Code	Description
A	STRUCTURE ADDED, ELEVATION AMENDED
B	REVISIONS TO FLOOR PLAN
C	REVISED FIRE STRATEGY
D	REVISED FIRE STRATEGY
E	REVISED FIRE STRATEGY
F	REVISED FIRE STRATEGY
G	REVISED FIRE STRATEGY
H	REVISED FIRE STRATEGY
I	REVISED FIRE STRATEGY
J	REVISED FIRE STRATEGY
K	REVISED FIRE STRATEGY
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V	REVISED FIRE STRATEGY
W	REVISED FIRE STRATEGY
X	REVISED FIRE STRATEGY
Y	REVISED FIRE STRATEGY
Z	REVISED FIRE STRATEGY

10/10/06  
 19 APR 2007  
 08/0086

ARCHITECTS  
 P L U S



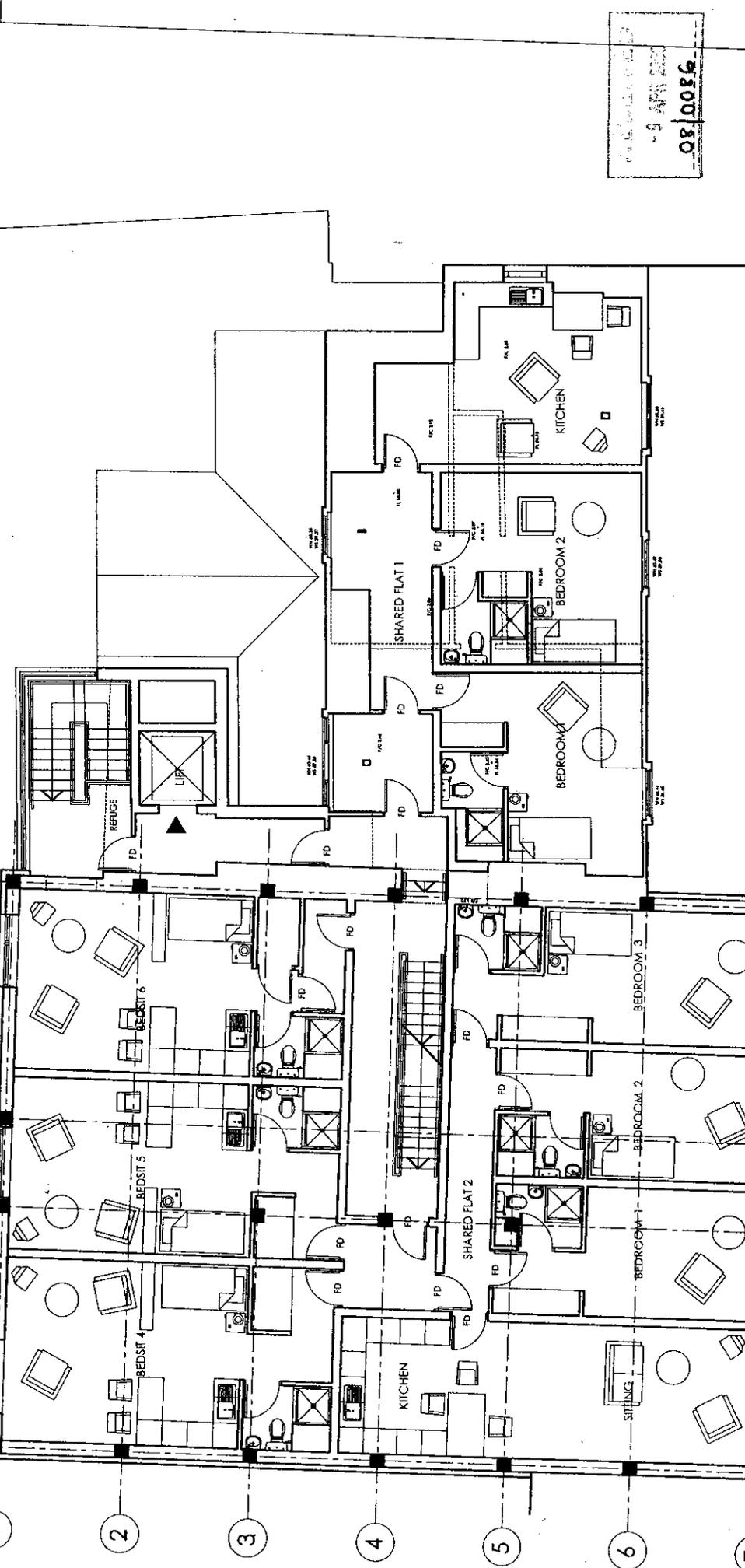
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 22/24 FISHER ST CARLISLE  
 Drawing: GROUND FLOOR  
 Scale: 1/100  
 Date: 12/06  
 Drawn: RJW  
 Comp. No.: CIA  
 Number: 06120-02H

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Revision	Date	Description	Revised By
A	04/07	BEDS/PLATS AMENDED	RJW
B	05/07	BEDS/PLATS AMENDED	RJW
C	07/07	REVISED FLOOR PLAN	RJW
D	09/07	REVISED FLOOR PLAN	RJW
E	11/07	GENERAL AMENDMENTS	RJW
F	12/07	STAIRS AMENDED	RJW
G	04/08	FLOOR FINISHES RE-CALLED	RJW



08/0086

**ARCHITECTS**  
**PLUS**

Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
Drawing  
**SECOND FLOOR**

Scale 1/100 Date 12/06 Drawn RJW Comp.No. CIA Number 06120-04G

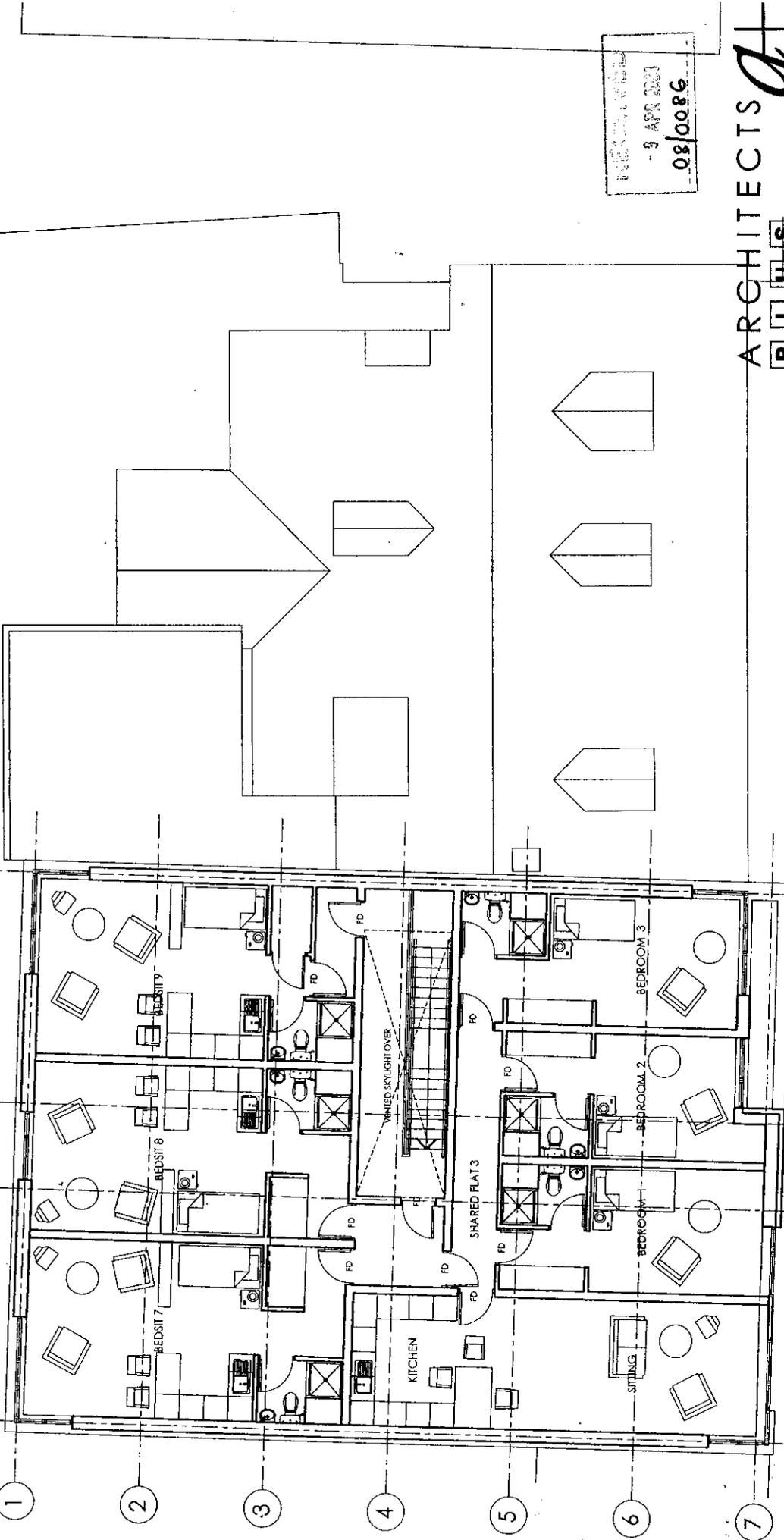
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R.J.W.  
R.J.W.  
R.J.W.  
R.J.W.  
R.J.W.

Revision	Date	Description
A	04/07	REORDER FLATS AMENDED
B	05/07	REORDER FLATS AMENDED
C	08/07	REVISED FIRE STRATEGY
D	11/07	REVISIONS TO DRAWING
E	11/07	GENERAL AMENDMENTS
F	04/08	FISHER ST ELEVATION RE-COLOURED



**ARCHITECTS**  
**PLUS**

Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
Drawing  
**THIRD FLOOR**

Scale 1/100  
Date 12/06  
Drawn R.J.W.  
Comp.No. CIA  
Number 06120-05F

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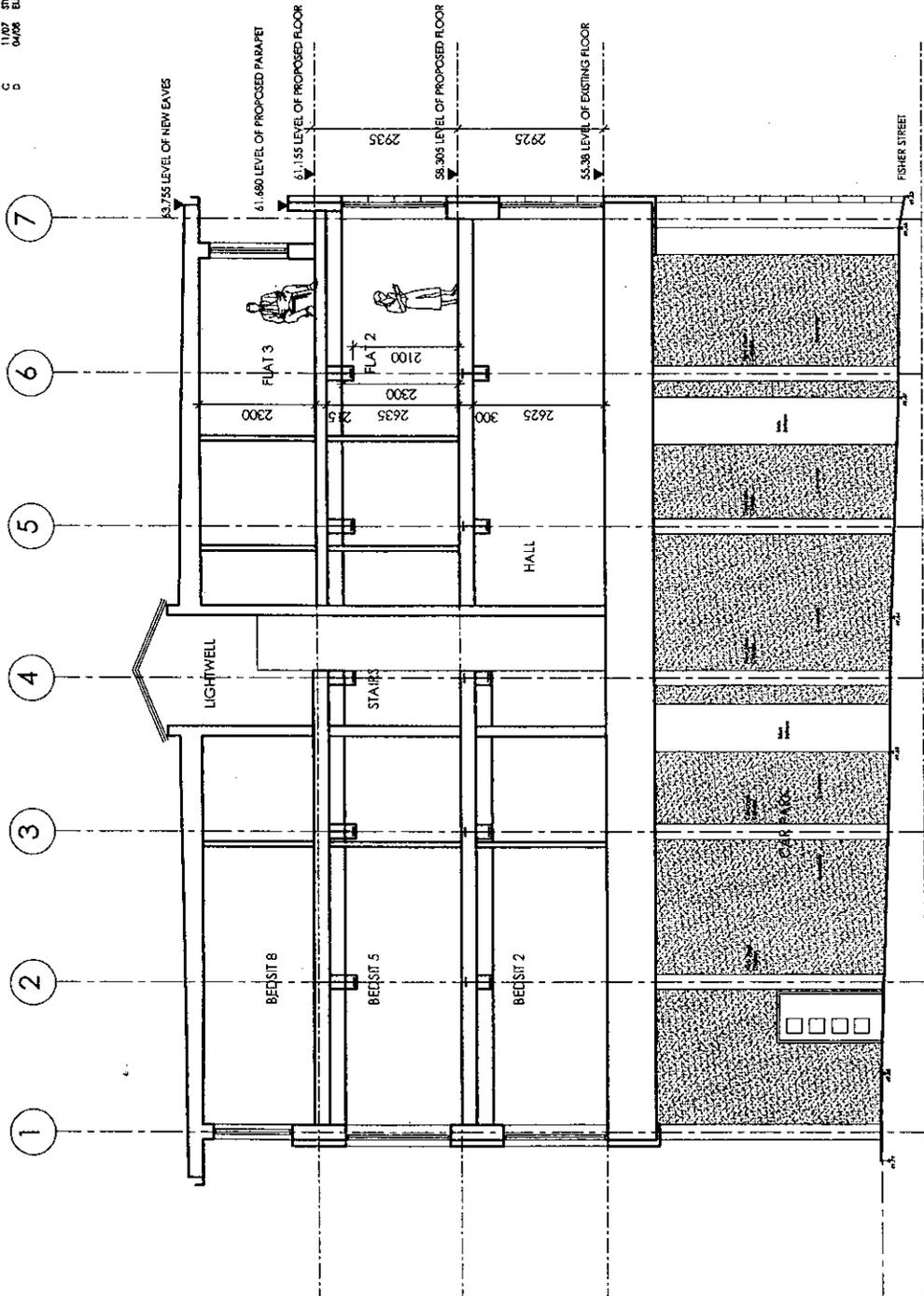
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Revised by

RJW  
RJW  
RJW  
RJW

Revision Date Description

A 04/07 BEDS/FLOORS AMENDED  
B 05/07 STRUCTURE AMENDED  
C 11/07 STRUCTURE AMENDED  
D 04/08 ELEVATION RECORRECTED



ARCHITECTS **PLUS**

Project  
CARLISLE YMCA FOYER  
22/24 FISHER ST CARLISLE  
Drawing  
SECTION THROUGH FORMER SPORTS HALL

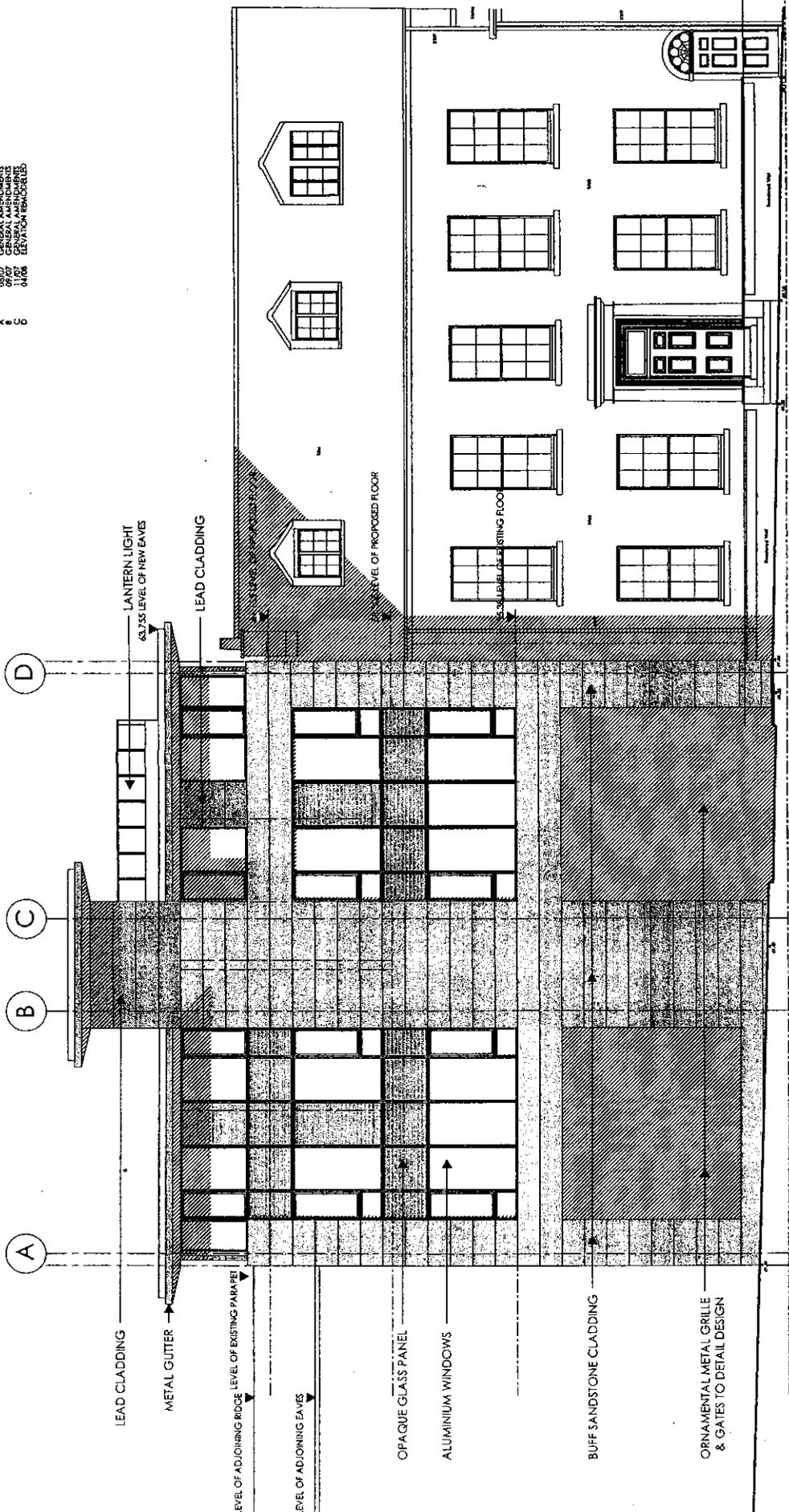
Scale 1/100 Date 12/06 Drawn RJW Comp.No. C1A Number 06120-06D

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Revised by:  
R/W  
R/W  
R/W  
R/W

Revision Date Description  
A 05/07 GENERAL AMENDMENTS  
B 07/07 GENERAL AMENDMENTS  
C 04/06 ELEVATION REMOVED



# ARCHITECTS *a+*

**P L U S**

Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
Drawing  
**FISHER ST / NE ELEVATION**

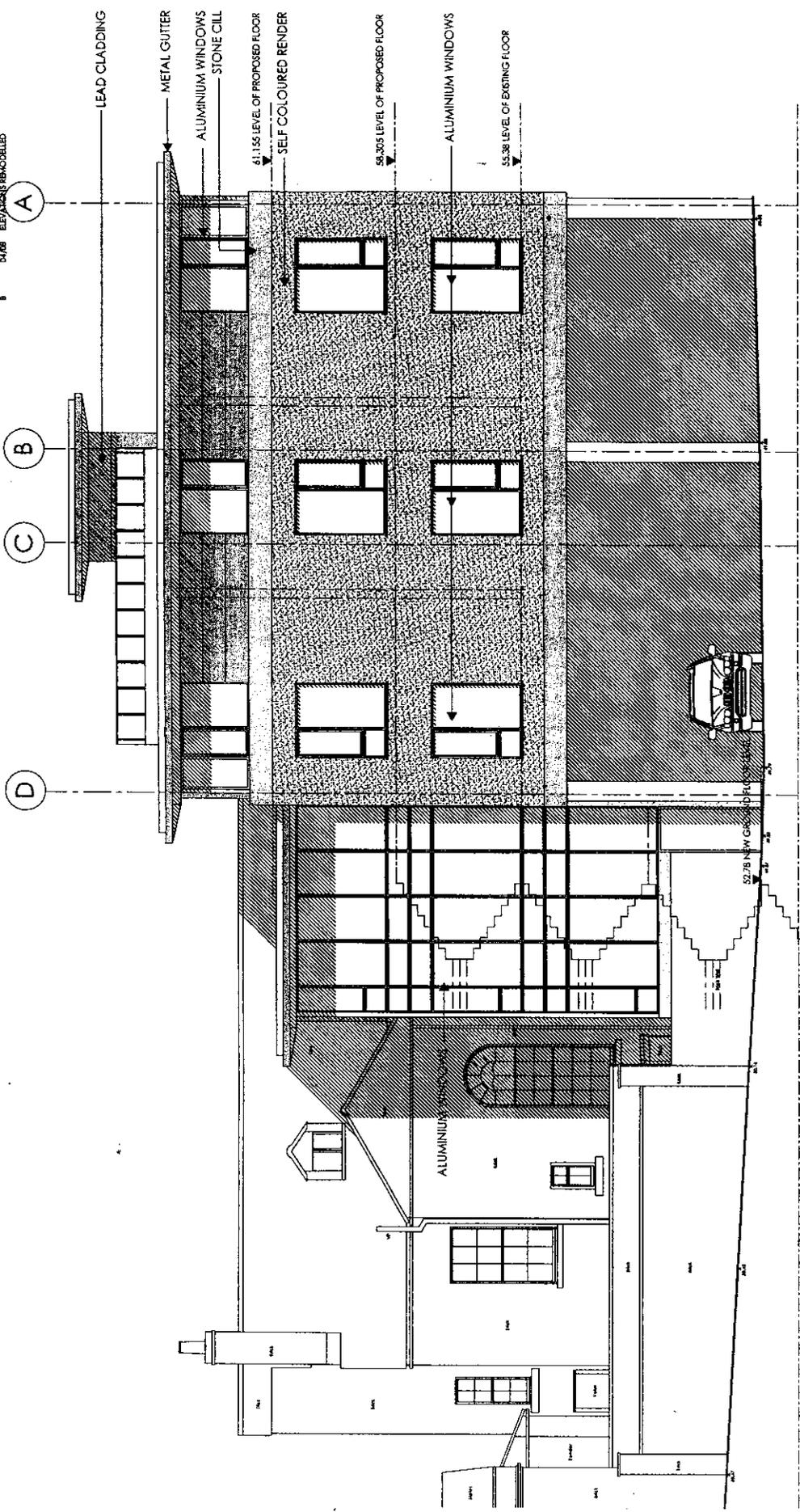
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Revision	Date	Description	Revised by
1	12/07	STAIRS TOWER AMENDED	RJM
2	04/08	ELEVATIONS REWORKED	RJM



# ARCHITECTS *apl*

**P L U S**

Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
 Drawing  
**REAR / SW ELEVATION**

Scale 1/100 Date 04/07 Drawn RJW Comp.No. CIA Number 06120-08B

11.04.07 15.00.00  
 19 APR 2008  
 08/0096

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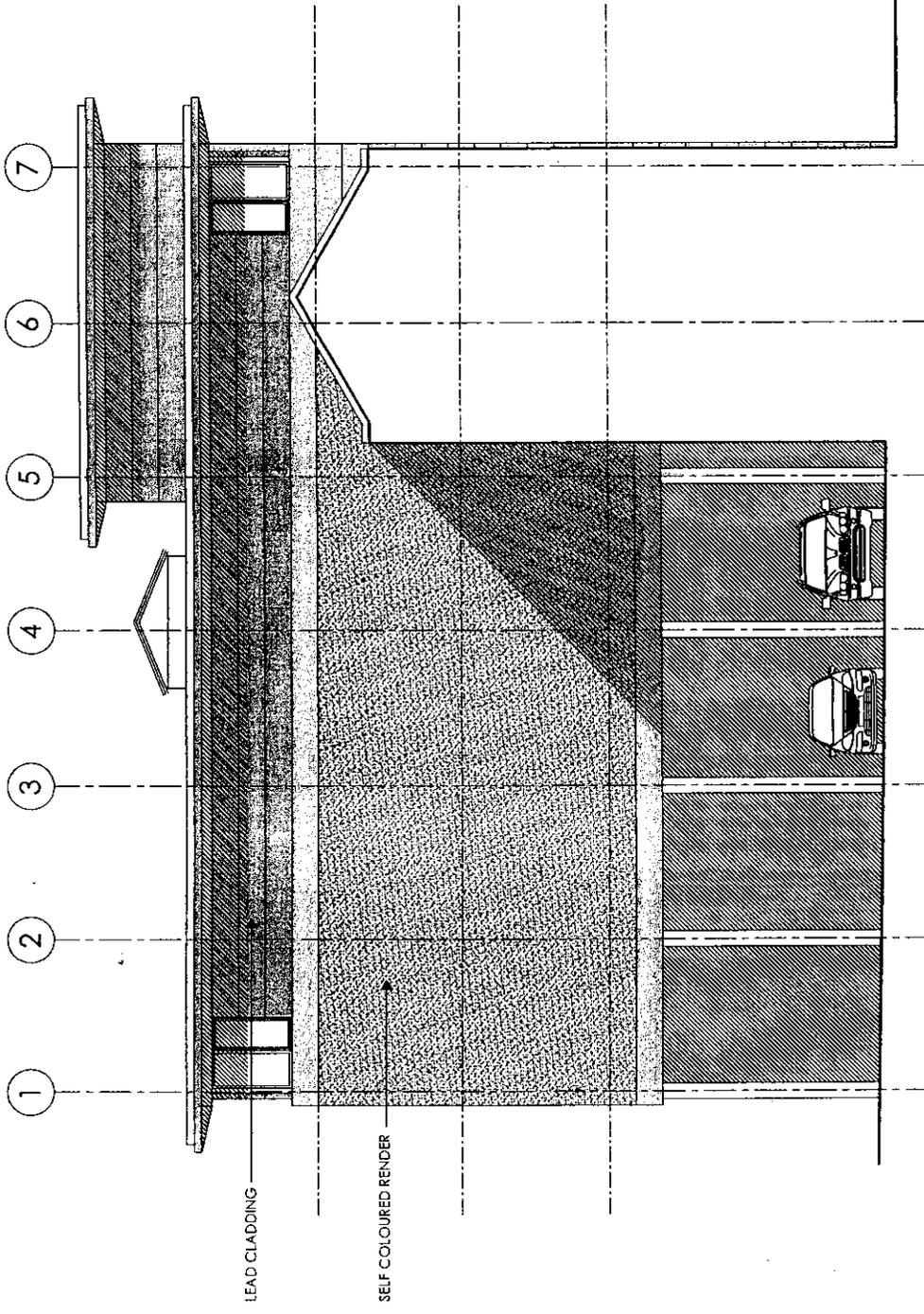
reference to card  
drawing and  
from proceeding.

Revised by  
R/JW

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Revision Date Description

A 04/08 ELEVATIONS RE-MODELLED



ARCHITECTS *at*  
**P L U S**

Project  
CARLISLE YMCA FOYER  
22/24 FISHER ST CARLISLE  
Drawing  
SIDE / SE ELEVATION

Scale 1/100 Date 04/07 Drawn R/JW C/A Comp.No. C/A Number 06120-09A

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05/0086

ARBITRARY DATA 49.00m

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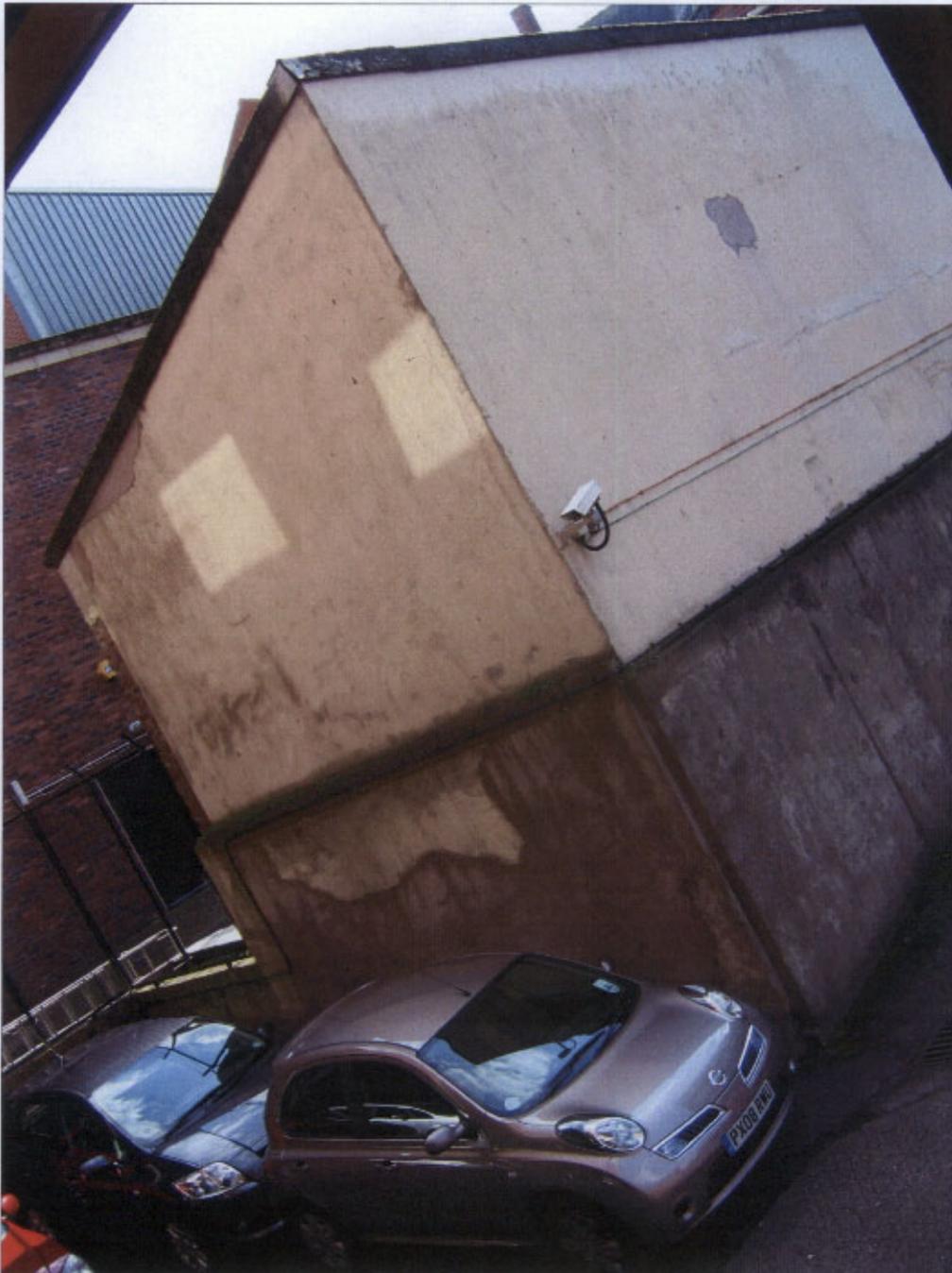
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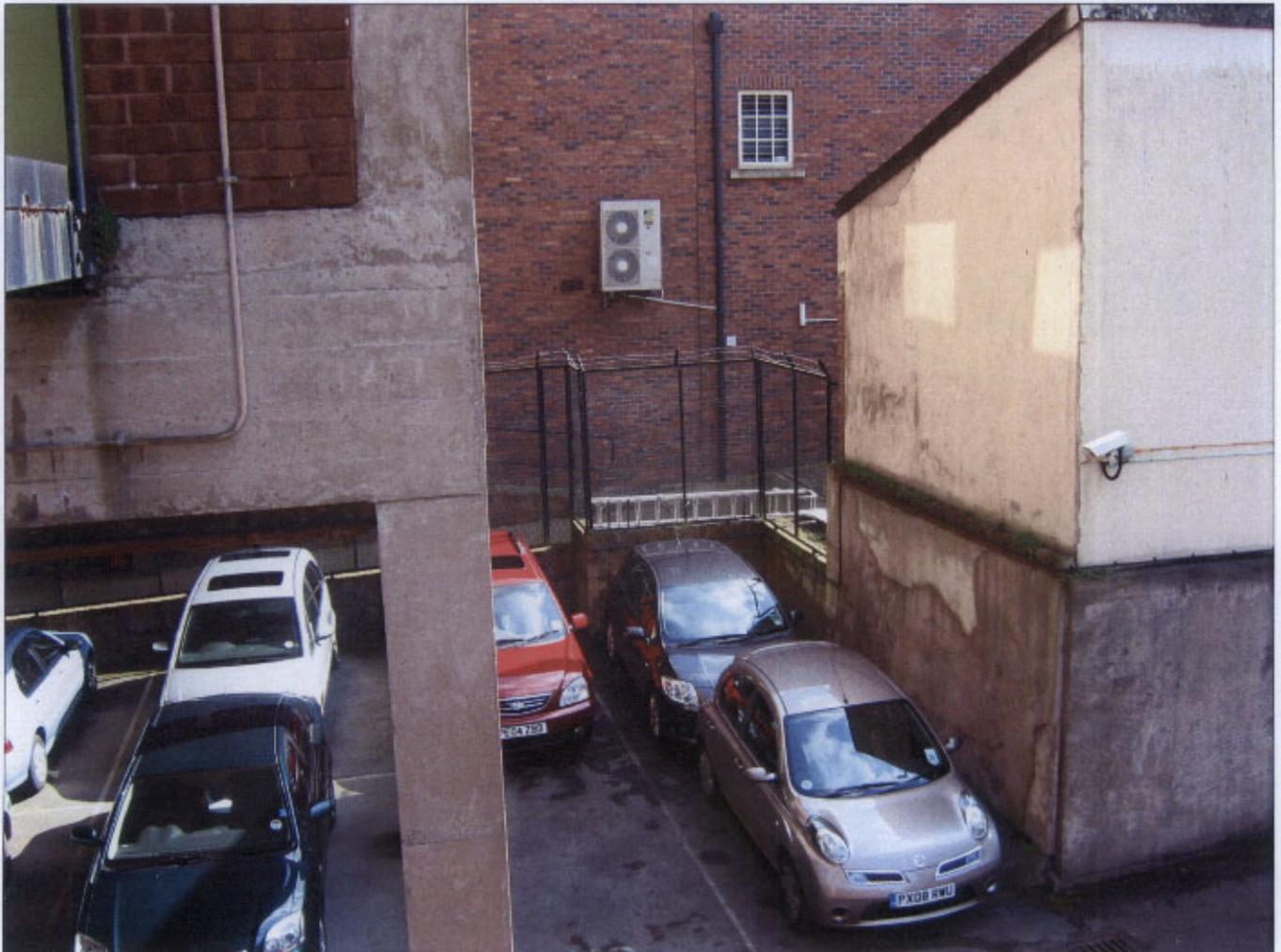


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420

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## SCHEDULE A: Applications with Recommendation

08/0150

---

**Item No: 14**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0150

**Applicant:**  
Mr & Mrs Robertshaw

**Parish:**  
Carlisle

**Date of Receipt:**  
21/02/2008

**Agent:**  
Co-ordinate (Cumbria)  
Limited

**Ward:**  
Belah

**Location:**  
13 South Wakefield Close, Carlisle, CA3 0HQ

**Grid Reference:**  
339113 558307

**Proposal:** Two Storey Side Extension To Provide Kitchen & Utility On Ground Floor  
With En-Suite Bedroom & Extended Bathroom Above. Single Storey  
Rear Extension To Provide Sun Room

**Amendment:**

---

**REPORT**

**Case Officer:** Colin Godfrey

### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee as the applicant is employed by the City Council.

### **1. Constraints and Planning Policies**

#### **Gas Pipeline Safeguarding Area**

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

#### **District H14 - Extensions to Dwellings**

#### **Rev Redeposit Pl. Pol CP4 - Design**

#### **Rev Redeposit Pl. Pol CP5 - Residential Amenity**

#### **Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

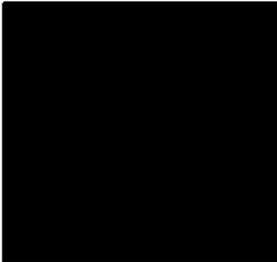
### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objection;

Northern Gas Networks: awaiting comments.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
	8 South Wakefield Close	27/02/08
	12 South Wakefield Close	27/02/08
	20 Teasdale Road	27/02/08
	22 Teasdale Road	27/02/08
	3 Kershope Road	27/02/08
	5 Kershope Road	27/02/08
	7 Kershope Road	27/02/08
	21 Bailey Road	27/02/08

3.1 This application has been advertised by means of notification letters sent to 8 neighbouring properties. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

4.1 In 2002, under application reference 02/0125, planning permission was given for the formation of pitched roofs to double garage, dormer window and kitchen

### **5. Details of Proposal/Officer Appraisal**

5.1 This application seeks approval for extensions to a detached house located to the northern side of South Wakefield Close, to the head of the cul-de-sac. The property is constructed from facing brick with a tile roof and is bounded by a combination of larch lap fencing and conifer hedging.

5.2 It is intended to extend the property by means of a two storey side extension and single storey rear extension to provide a sun room, extended kitchen and utility to the ground floor and an additional bedroom with en-suite and bathroom to the first floor.

5.3 The sun room, which is to be adjacent to the existing dining area is to have a length and depth of 3.5m with a maximum height of 3.9m to the pitched roof. The two storey side extension is to have a maximum length of 5.6m, depth of 5.5m and height to the pitched roofs of 6.5m and 7m. All extensions are to be

constructed from facing brick with a tiled roof.

5.4 The relevant policies against which this application is required to be assessed are Policy H14 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan Revised Redeposit Draft.

5.5 The proposal raises the following planning issues:

1. Impact on the Living Conditions of Neighbouring Residents

5.6 The sun room is to be located to the rear of the property. Given its location and the size and location of existing boundary fences, it is not considered that this element of the proposal would have an adverse impact on neighbouring properties. The two storey element is to be located to the side of the property, towards the boundary with 12 South Wakefield Close. Given the orientation of the two properties and the position of opposing windows, the development will not result in any loss of privacy. No other neighbouring properties would be adversely impacted by the proposals.

2. Impact on the Character of the Property and the Wider Area

5.7 The proposal will result in the introduction of a single storey rear extension and a two storey side extension which will replace an existing dormer window. There were initial concerns over the two-storey element of the proposal as the proposed roof pitch was at odds with that of the main dwelling. Subsequently revised elevations have been received in which the roof detail is considered to be more in keeping with that of the original dwelling. In light of the above and as the proposal is located to the head of a cul-de-sac meaning views from outside of the site will be limited, it is not considered that the impact on the character of the property or the wider area would be sufficiently adverse to warrant refusal of the application.

3. Other Issues.

5.8 While United Utilities have indicated that a sewer passes through the application site they have confirmed that given its location in relation to the proposed extension, they have no objection to the proposal.

5.9 In overall terms it is considered that the proposal would not adversely impact on the living conditions of neighbouring residents or the character of the property of the wider area. In all aspects the proposals are considered to be compliant with the objectives of the Local Plan Policies.

## 6. Human Rights Act 1998

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

## SCHEDULE A: Applications with Recommendation

08/0150

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

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

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

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

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

### 7. **Recommendation** - Grant Permission

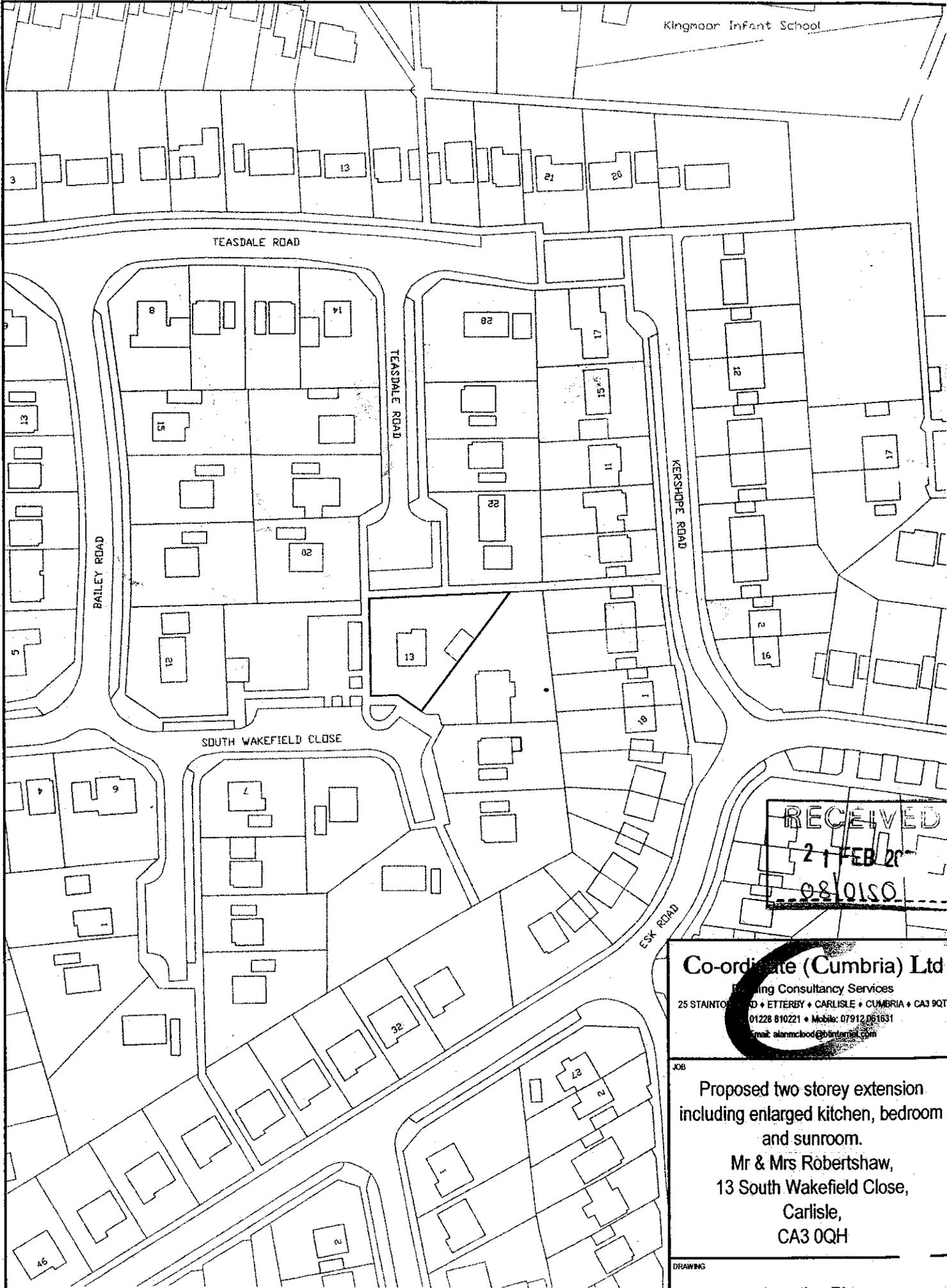
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

2. The 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 25 of the Cumbria and Lake District Joint Structure Plan.

---



Kingmoor Infant School

TEASDALE ROAD

BAILLEY ROAD

TEASDALE ROAD

KERSHOPE ROAD

SOUTH WAKEFIELD CLOSE

ESK ROAD

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**Co-ordinate (Cumbria) Ltd**  
Planning Consultancy Services  
25 STAINTON ROAD • ETTERBY • CARLISLE • CUMBRIA • CA3 9QT  
01228 810221 • Mobile: 07912 061631  
Email: alanmcbod@btinternet.com

JOB  
Proposed two storey extension  
including enlarged kitchen, bedroom  
and sunroom.  
Mr & Mrs Robertshaw,  
13 South Wakefield Close,  
Carlisle,  
CA3 0QH

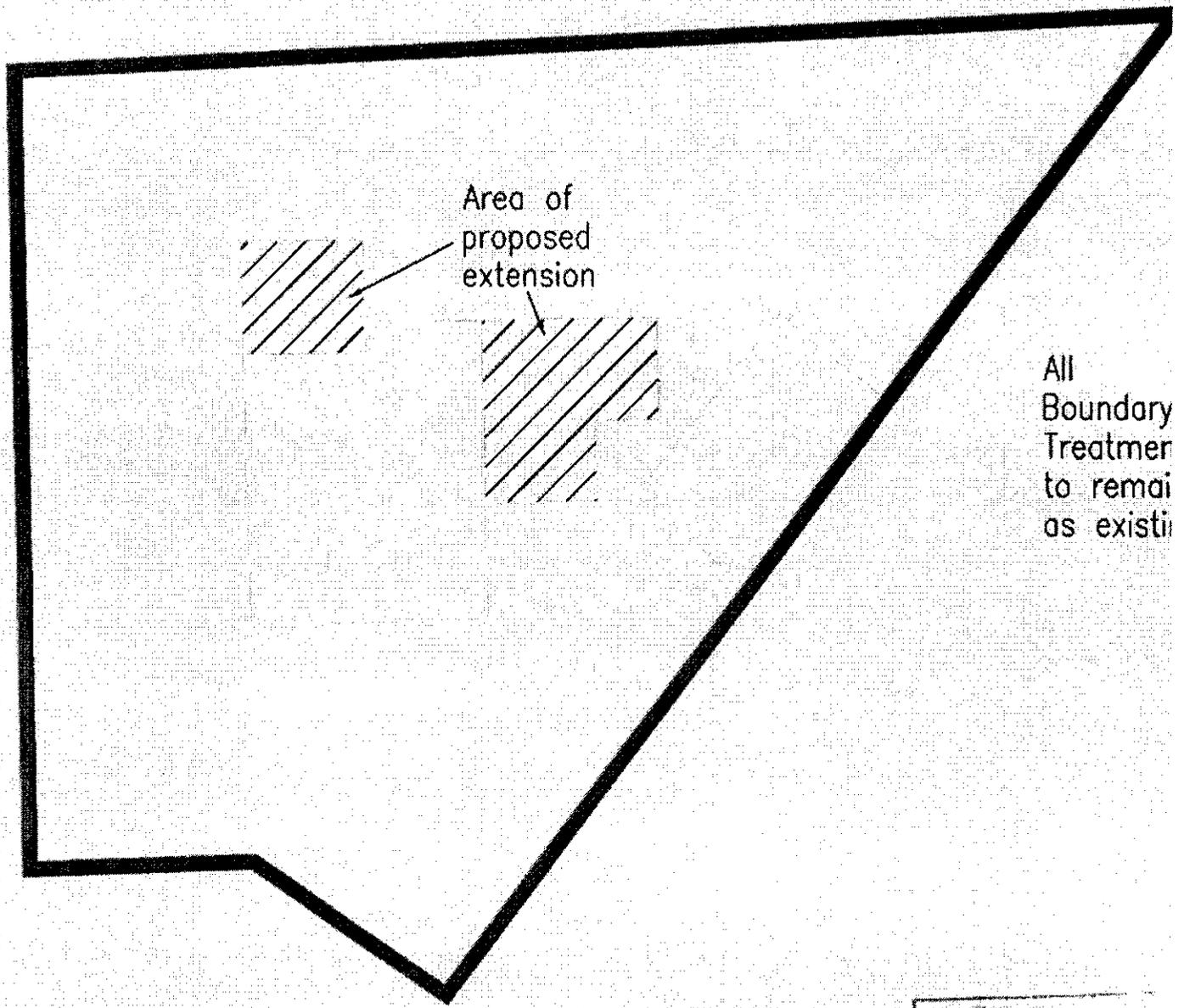
DRAWING  
Location Plan

Location Plan



432

DRAWN BY: sdm DATE: 08/02/2008 SCALE: 1:1250  
DRAWING: CO36 100 01 1 P REVISION:



Area of  
proposed  
extension

All  
Boundary  
Treatment  
to remain  
as existing

REVISION  
21 FEB 2003  
08/0150

**Co-ordinate (Cumbria) Ltd**

Building Consultancy Services  
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Tel: 01228 810221 • Mobile: 07912 081631  
Email: alan@coor.co.uk

Proposed two storey extension  
including enlarged kitchen, bedroom  
and sunroom.

Mr & Mrs Robertshaw,  
13 South Wakefield Close,  
Carlisle,  
CA3 0QH

DRAWING

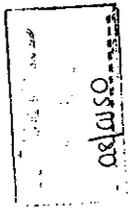
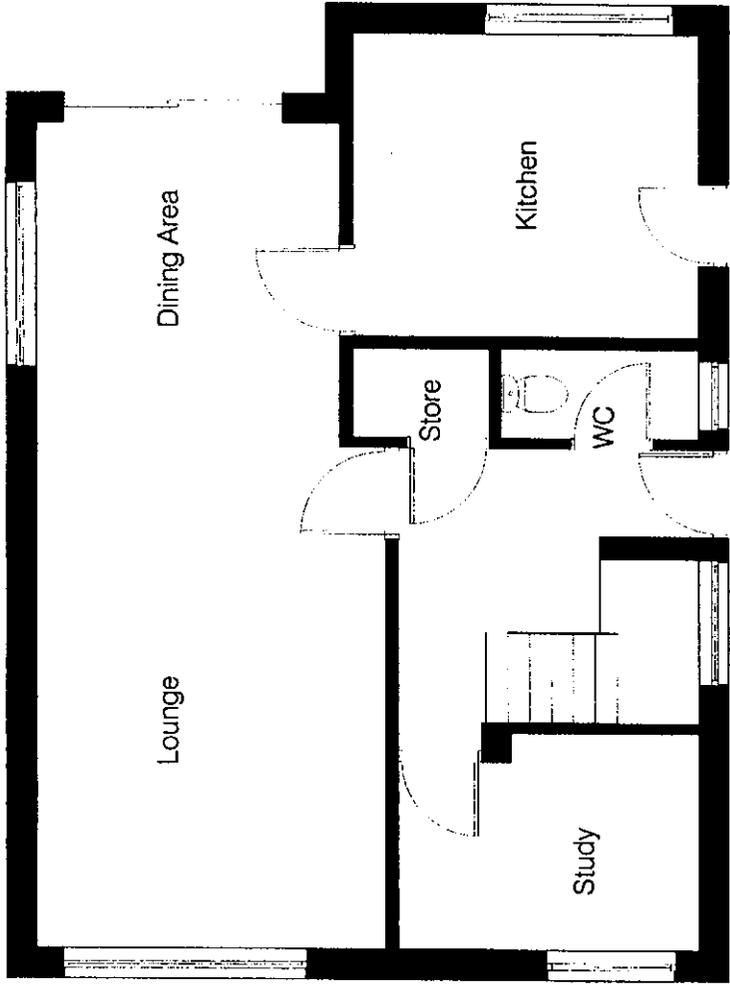
Block Plan

DRAWING NO. DATE: 08/02/2003 SCALE: 1:200

DRAWING NUMBER: C036.100.02.BP

Block Plan

433



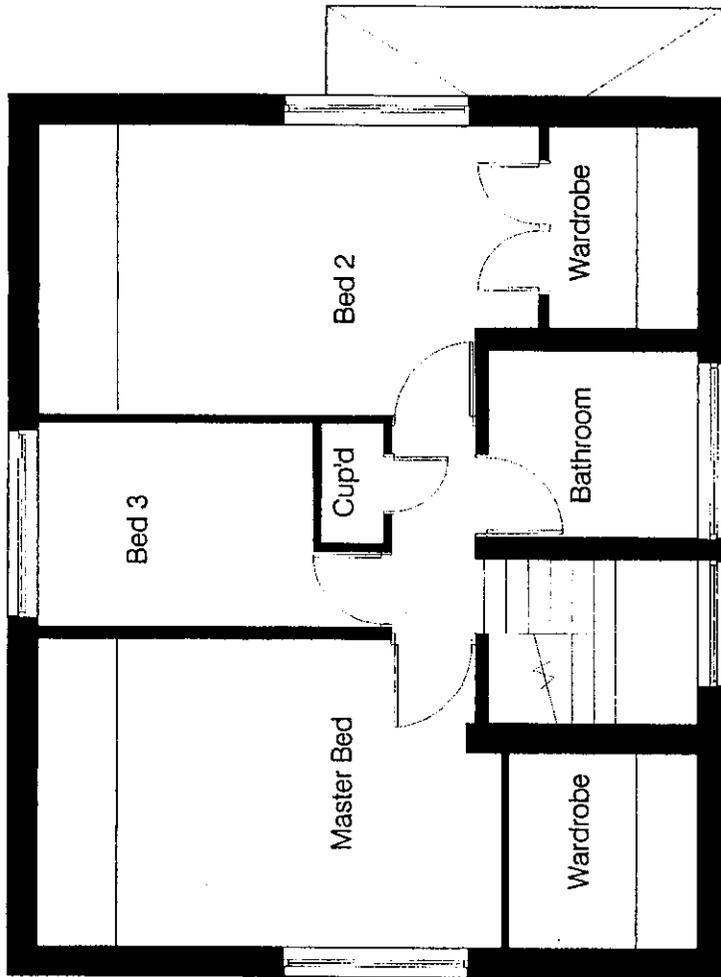
**Co-ordinate (Cumbria) Ltd**  
 Building Consultancy Services  
 23 STANTON ROAD • ETTERRIE • CARLISLE • CUMBRIA • CA3 0JT  
 Tel: 01274 832271 • Mobile: 07742 581871  
 Email: [enquiries@co-ordinate.com](mailto:enquiries@co-ordinate.com)

**Proposed two storey extension**  
 including enlarged kitchen, bedroom  
 and sunroom.  
 Mr & Mrs Robertshaw,  
 13 South Wakefield Close,  
 Carlisle,  
 CA3 0QH

**Existing Ground Floor Plan**

DATE: 04/07/2008 SCALE: 1/50  
 DRAWING NUMBER: CO36.100.04.EGP

Ground Floor Plan



RECEIVED  
08/01/10

**Co-ordinate (Cumbria) Ltd**  
 Building Consultancy Services  
 25 STANTON ROAD • ETTINGBY • CARLISLE • CUMBRIA • CA11 1QT  
 Tel: 01228 802211 • Mobile: 07913 919121  
 Email: [admin@co-ordinate.com](mailto:admin@co-ordinate.com)

Proposed two storey extension  
 including enlarged kitchen, bedroom  
 and sunroom.  
 Mr & Mrs Robenshaw,  
 13 South Wakefield Close,  
 Carlisle,  
 CA3 0QH

Existing First Floor Plan  
 Drawing Number: CO36.100.05.EFP

First Floor Plan

Existing Materials  
House Walls:

Vertical tiles, smooth white painted render and brickwork to front elevation. Brickwork and vertical tiles to side elevations. Brickwork and vertical tiles to rear elevation. As shown.

House Roof:

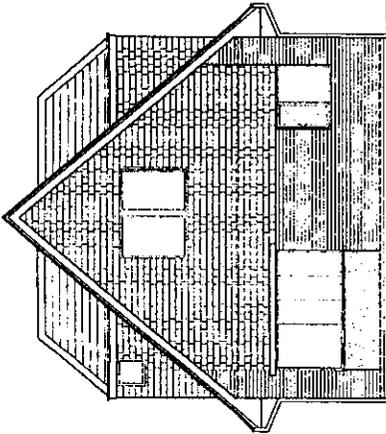
Windows:

Doors:

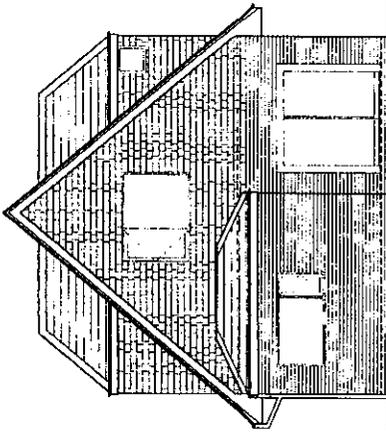
Cutters:

Downpipes:

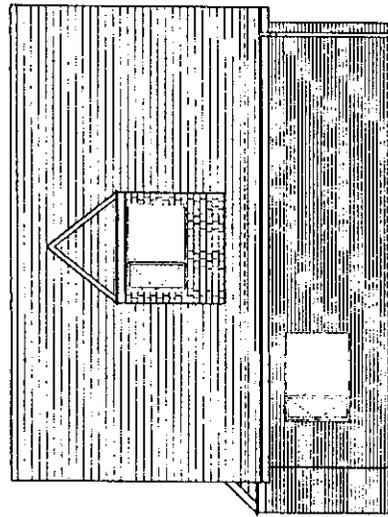
Fascias and Soffits:



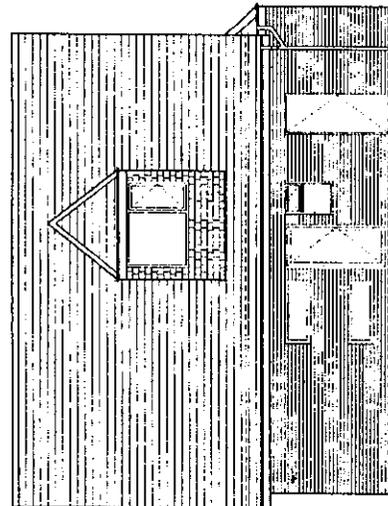
Front Elevation



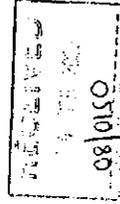
Rear Elevation



Side Elevation



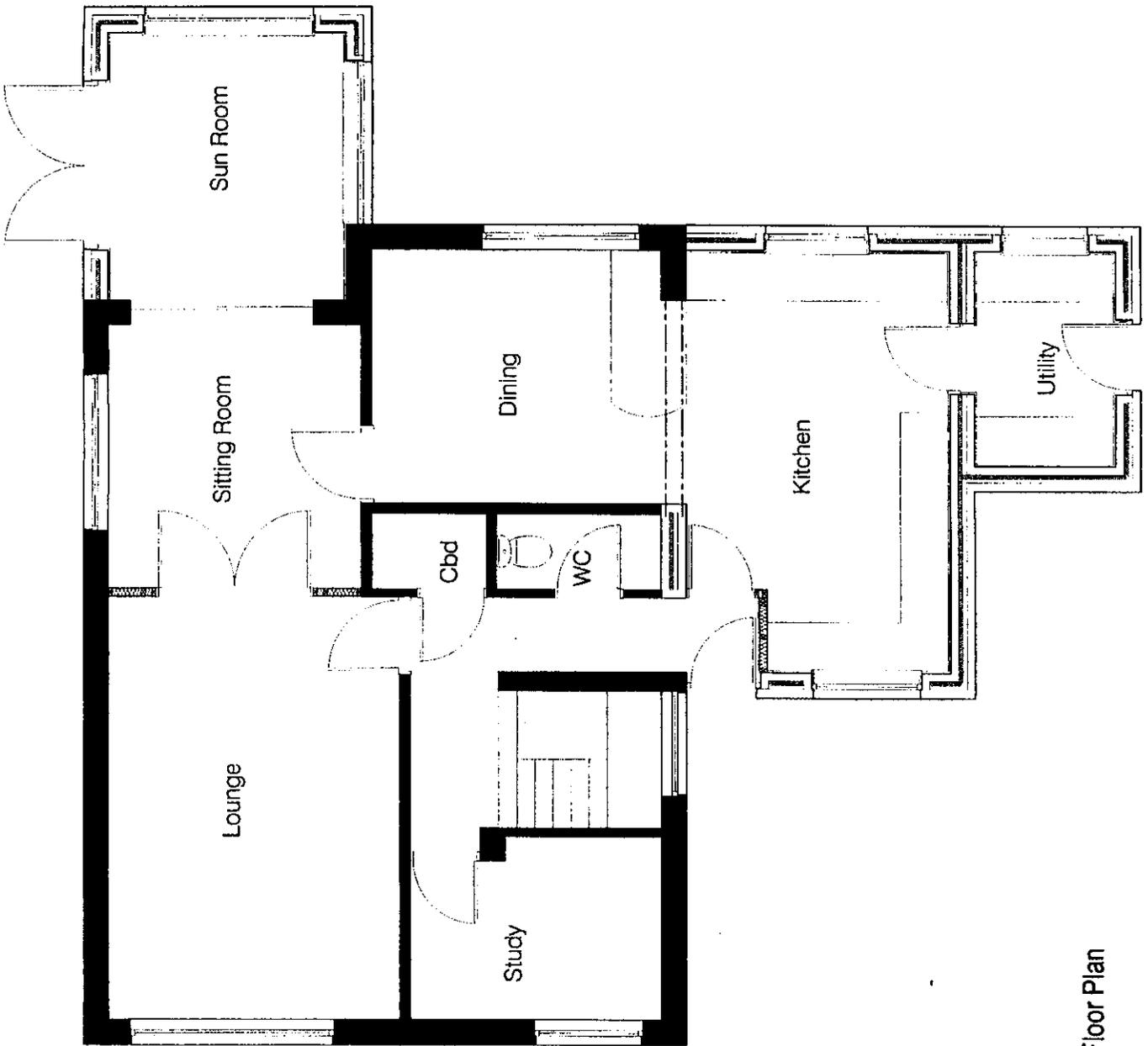
Side Elevation



**Co-ordinate (Cumbria) Ltd**  
Building Consultancy Services  
28 STANTON ROAD • ETTERY • CARLISLE • CUMBRIA • CA3 9DT  
TEL: 01273 84221 • FAX: 01273 81917  
Email: [info@co-ordinate.com](mailto:info@co-ordinate.com)

002 Proposed two storey extension including enlarged kitchen, bedroom and sunroom.  
Mr & Mrs Robertshaw,  
13 South Wakefield Close,  
Carlisle,  
CA3 0QH

000000 Existing Elevations  
DRAWN BY: JFM DATE: 04/02/2001 SCALE: 1:100  
PROJECT NUMBER: CO36-100.03.EF



08/05/00  
08/05/00

**Co-ordinate (Cumbria) Ltd**  
 Building Consultancy Services  
 25 STATION ROAD • EMBAY • CARLISLE • CUMBRIA • CA3 9DT  
 TEL: 01276 51221 • FAX: 01276 51213  
 EMAIL: [info@co-ordinate.com](mailto:info@co-ordinate.com)

Proposed two storey extension  
 including enlarged kitchen, bedroom  
 and sunroom.  
 Mr & Mrs Robertshaw,  
 13 South Wakefield Close,  
 Carlisle  
 CA3 0QH

Proposed Ground Floor Plan  
 DATE: 04/02/00 SCALE: 1/50  
 DRAWING NUMBER: C036.100.07.PGP

Ground Floor Plan



Rev A. Additional storey above lobby added 28.02.2008

**Co-ordinate (Cumbria) Ltd**  
 Building Consultancy Services  
 25 STANTON ROAD • FLETCHER • CARLISLE • CUMBRIA • CA3 9JF  
 Tel: 01273 876221 • Mobile: 07731 876221  
 Email: services@co-ordinate.com

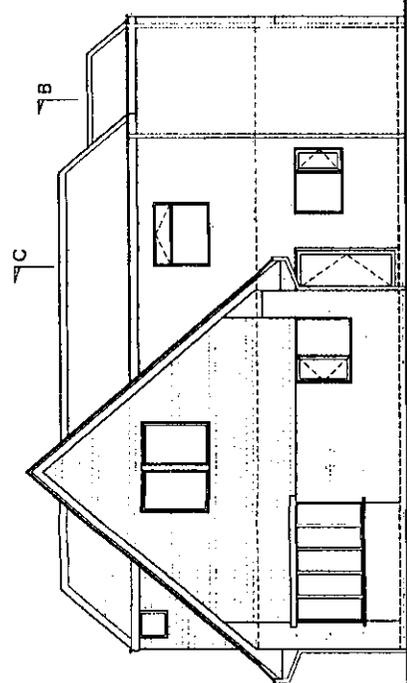
Proposed two storey extension:  
 including enlarged kitchen, bedroom  
 and sunroom.  
 Mr & Mrs Robertshaw,  
 13 South Wakefield Close,  
 Carlisle,  
 CA3 0HQ

Proposed First Floor Plan  
 SCALE: 1:50  
 DATE: 28/02/2008  
 DRAWING NUMBER: C036.100.08.PFP | A

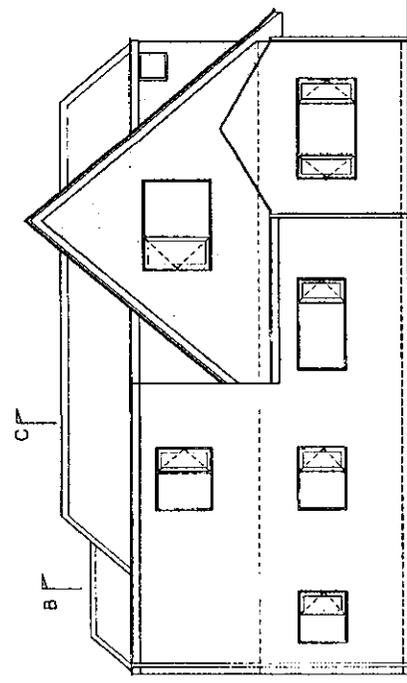
First Floor Plan

**Proposed Materials of Extension**

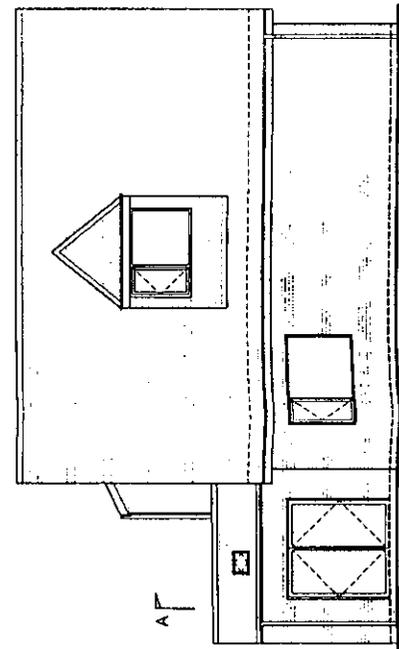
- Walls:** Brickwork to all elevations to match existing
- Roof:** Brown concrete tiles to all elevations to match existing.
- Windows:** White upvc to all elevations to match existing.
- Doors:** White upvc to all elevations to match existing
- Gutters:** Plastic to all elevations to match existing.
- Downpipes:** Plastic to all elevations to match existing.
- Fascias and Soffits:** White plastic to all elevations to match existing.



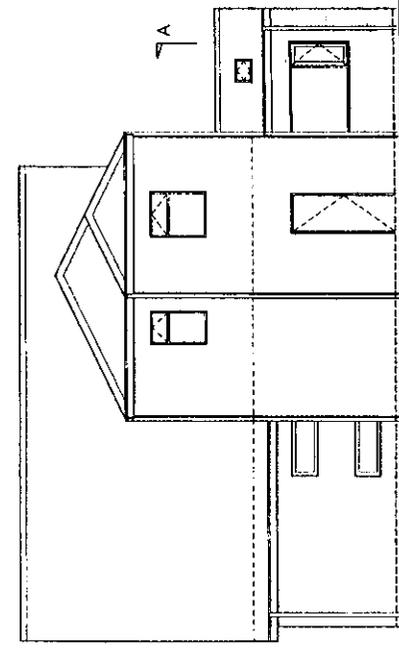
**Front Elevation**



**Rear Elevation**



**Side Elevation**



**Side Elevation**

**RECEIVED**  
28/11/20

<b>Co-ort' (Cumbria) Ltd</b> JRG Consultancy Services 25 STANRO 10A FLETCHER CARLISLE, CRY 112A BURNETT, MABLETHORP Carlisle, Cumbria, CA3 0HQ	
Proposed two storey extension including enlarged kitchen, bedroom and sunroom. Mr & Mrs Robersshaw, 13 South Wakefield Close, Carlisle, CA3 0HQ	
DRAWING NO: Proposed Elevations	DATE: 04/02/2008 SCALE: 1/200
DRAWING NUMBER: CO306.100.09.PE01	REVISION:

## SCHEDULE A: Applications with Recommendation

08/0157

---

**Item No: 15**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0157

**Applicant:**  
Mr Mark Forster-Spratt

**Parish:**  
Rockcliffe

**Date of Receipt:**  
18/02/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
1 Heathlands Cottages, Carlisle, Cumbria, CA6  
4HQ

**Grid Reference:**  
337946 561303

**Proposal:** Single Storey Rear Extension To Provide Lounge/ Dining Area. Single Storey Side Extension To Provide En-Suite Master Bedroom

**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

#### **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 Carlisle City Council.

#### **1. Constraints and Planning Policies**

##### **Trunk Road/Motorway Affected**

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

##### **District H14 - Extensions to Dwellings**

**Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises**

**Rev Redeposit Pl. Pol CP4 - Design**

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objection to the proposed development as it is considered that the existing driveway provides an adequate in-curtilage parking facility;

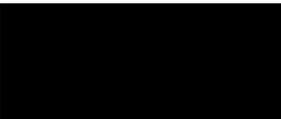
**Rockcliffe Parish Council:** do not wish to make any representation on the

proposal;

**Department for Transport (Highways Agency):** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	2 Heathlands Cottages	29/02/08
	3 Heathlands Cottages	29/02/08
	Heathlands House	29/02/08

3.1 This application has been advertised by the direct notification of the occupiers of three neighbouring properties. No verbal or written representations have been made during the consultation period.

### 4. Planning History

- 4.1 In 2000, under planning reference 00/00066, planning permission was granted for a single storey extension to provide additional bedrooms and bathroom and extension to existing kitchen.
- 4.2 In 2006, under planning reference 06/0712, planning permission was granted for the change of use of agricultural land to domestic garden together with erection of detached garage, stone wall and driveway gates to front of property.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

5.1 1 Heathlands Cottages is the end property of a terrace of three single storey cottages to the north of Aero Nurseries at Harker. The property is finished in painted render and roofed in concrete roof tiles. Its boundaries are made up of a combination of wooden fences, walls and hedges of varying heights whilst its rear boundary is adjacent to the A74.

#### Background

5.2 This application seeks Full Planning Permission to extend the cottage by the addition of rear and side extensions to provide a lounge/dining area, utility, w.c., shower room and an en-suite master bedroom. The rear extension,

## **SCHEDULE A: Applications with Recommendation**

08/0157

which would replace an existing extension, would project rearwards along the boundary by 10.25 metres and be 7 metres in width with a ridge height of 4.5 metres. The side extension would be stepped back from the front elevation by 500mm and be 5 metres wide with the ridge line following that of the existing dwelling. The proposed materials are rendered blockwork and roofed in concrete roof tiles in keeping with the existing property and its immediate neighbours.

### **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policy H14 of the Carlisle District Local Plan together with Policies H11 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.
- 5.4 The proposal raises the following planning issues
1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.5 It is acknowledged that the proposals are reasonably significant in scale. In mitigation, however, its impact on the living conditions of the adjoining property, 2 Heathlands Cottages, would be minimal as the rear extension would replace an existing extension and that it would be partially obscured by the adjacent property's extension which projects outwards to a similar extent. As such the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight and is considered to be appropriate to this terraced cottage.
2. Whether The Proposal Is Appropriate To The Dwelling
- 5.6 The existing property is situated within a large curtilage and in such a context it is felt that the current proposals complements the design of the existing dwelling whilst retaining an effective garden. The extensions would be constructed from materials to match the existing dwelling and would employ similar detailing. Accordingly, it is considered that the proposed extension would complement the existing dwelling in terms of design and materials to be used.
3. Other Matters
- 5.7 Members should also be aware that although Mrs Forster-Spratt is an employee of the City Council she has not been involved in the determination of the application outside of her role as applicant.

### **Conclusion**

- 5.8 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable

overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed extension is considered acceptable in relation to the dwelling. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging development plan policies.

**6. Human Rights Act 1998**

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

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

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

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

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

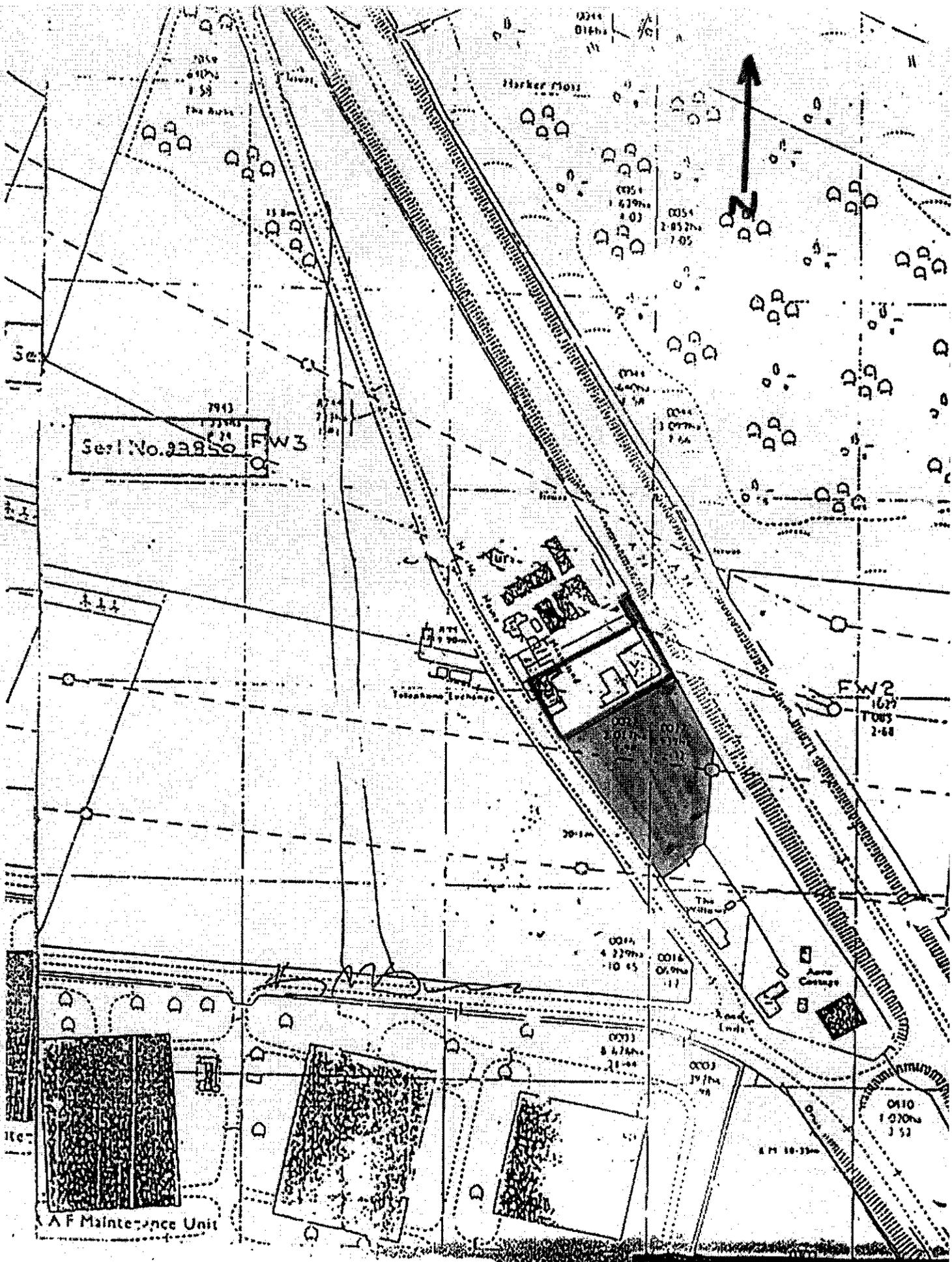
6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

**7. Recommendation - Grant Permission**

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

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

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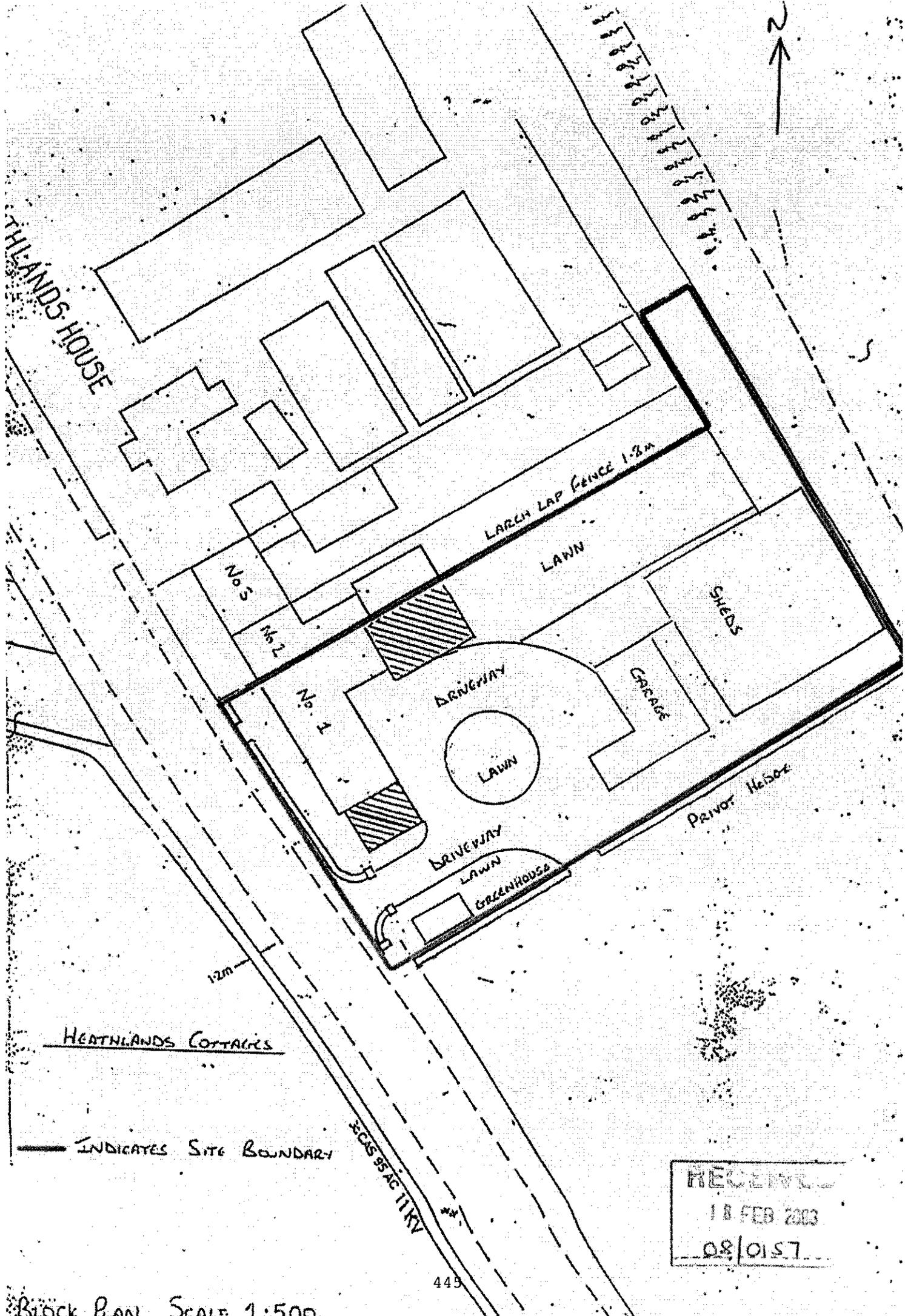
revisions

scale  
1:2500

HEATHLANDS COTTAGES

18 FEB 2003

Approved by: [Signature]  
 Drawn by: [Signature]  
 Checked by: [Signature]  
 Date: 15/01/03



HEATHLANDS HOUSE

No. 3

No. 2

No. 1

LARCH LAP FENCE 1.8m

LAWN

DRIVEWAY

LAWN

GARAGE

SHEDS

DRIVEWAY

LAWN

GREENHOUSE

Private Road



12m

HEATHLANDS COTTAGES

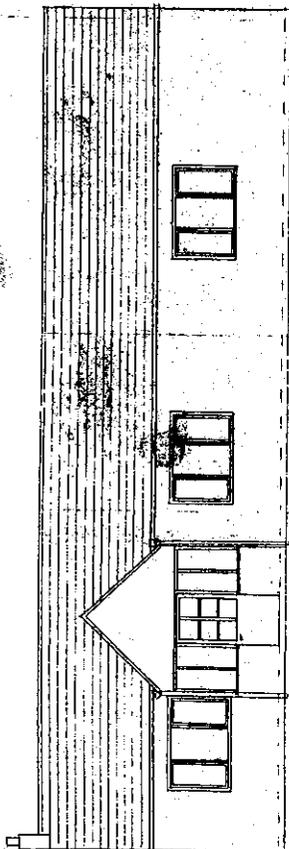
INDICATES SITE BOUNDARY

SCAS 95 AC 11 KV

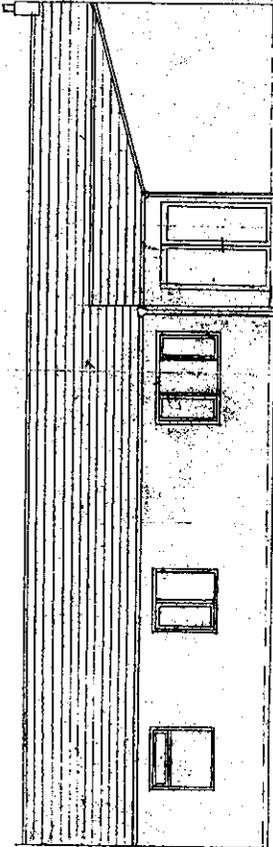
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18 FEB 2003  
08/0157

445

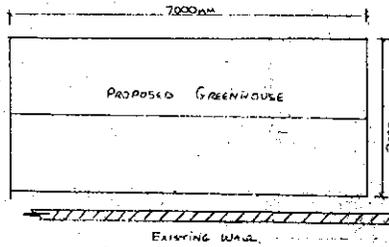
Block Plan Scale: 1:500



FRONT ELEVATION



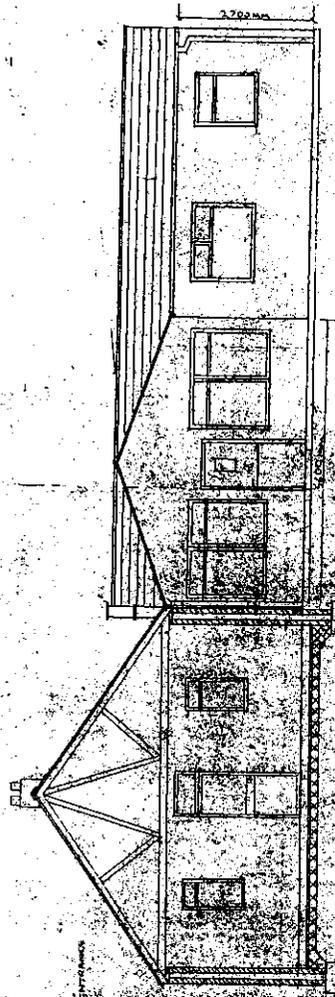
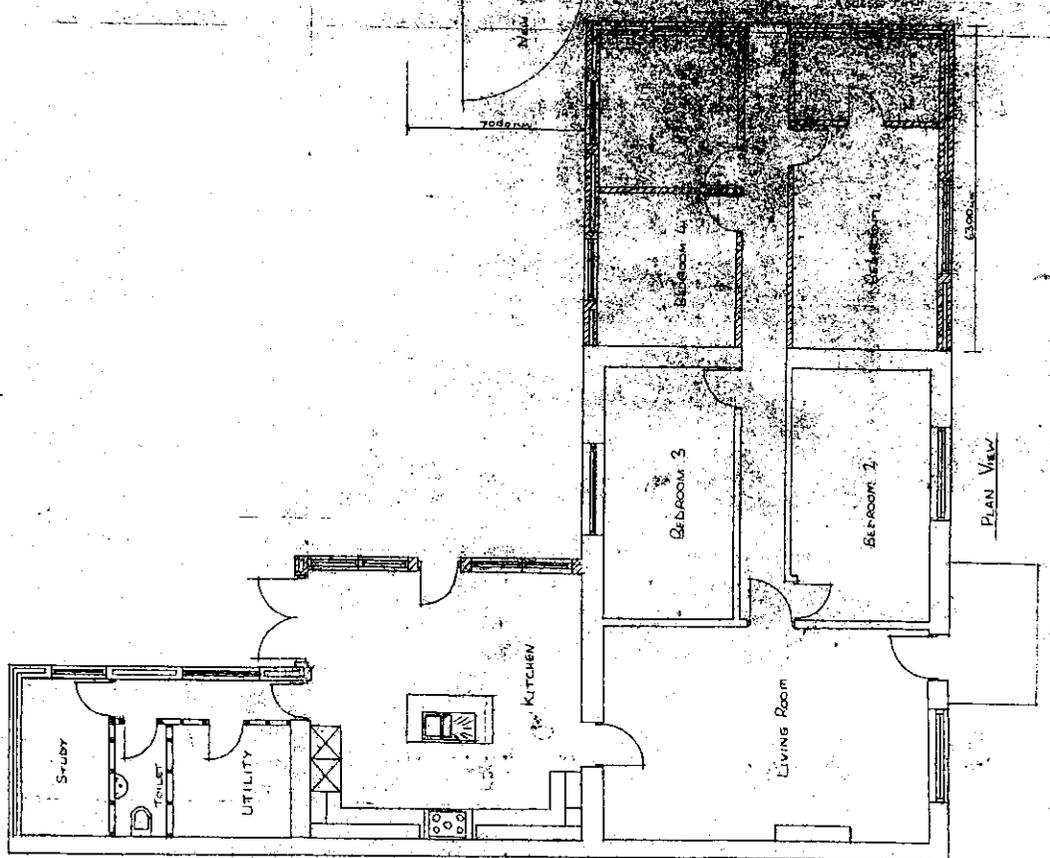
REAR ELEVATION



**ROOFS**  
 MASONRY CONCRETE TILES  
 TO MATCH EXISTING TILES  
 TRANSFORMER ROOF CONNECTION  
 ABOVE GUTTER AREA  
 TILES TO MATCH CONNECTION  
 ABOVE SUBROOF EXTENSION

**EXTERNAL WALLS**  
 HIGH DENSITY CONCRETE 120mm  
 WITH 100mm CEILING RE INSULATION  
 HIGH DENSITY CONCRETE  
 UP TO MATCH  
 EXISTING WALLS

**INTERNAL WALLS**  
 DENSE CONCRETE BLOCKS  
 FINISH TO MATCH EXISTING  
 TO BE JOINTED TO EXISTING  
 AT 6000mm LEVELS TO MATCH EXISTING  
 FINISH TO MATCH EXISTING  
 INSULATION BETWEEN STUDS

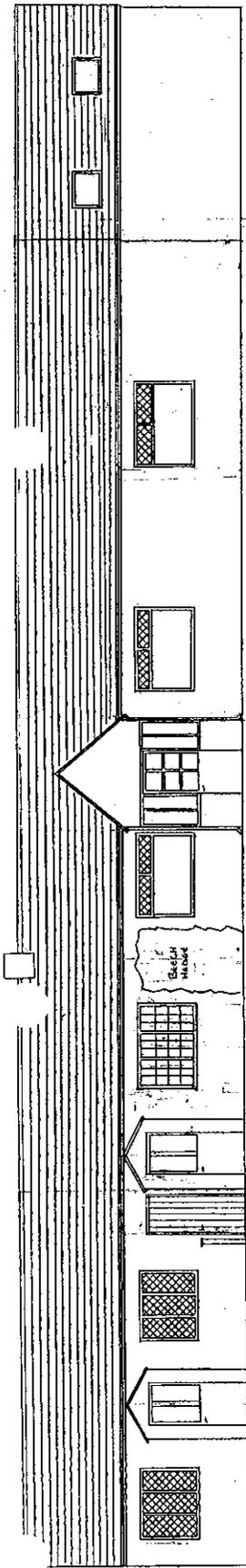


SIDE ELEVATION

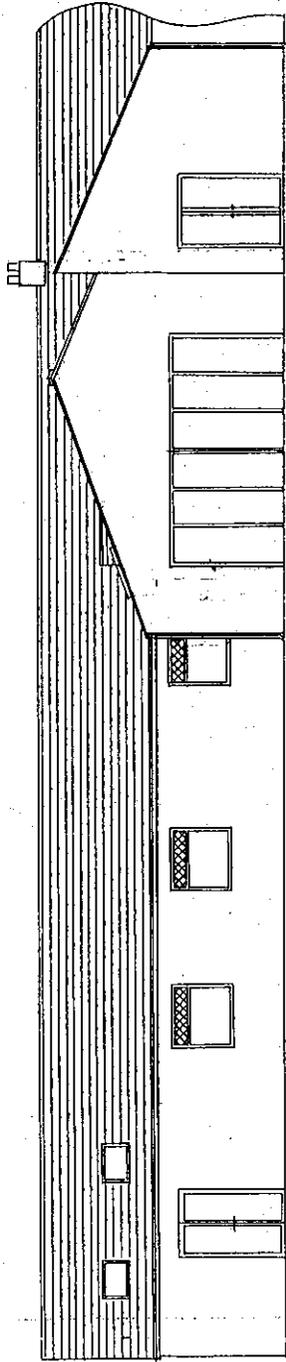
RECEIVED  
 18 FEB 2011  
 11:05 AM

REAR/SUITS AND LOUNGE DINING AREA  
 EXTENSIONS  
 AT 1 HEARNLAW GARAGES, HARNER ROAD STIRLING  
 CAELISLE CUMBERGIE  
 AS EXISTING /  
 SCALE 1:50

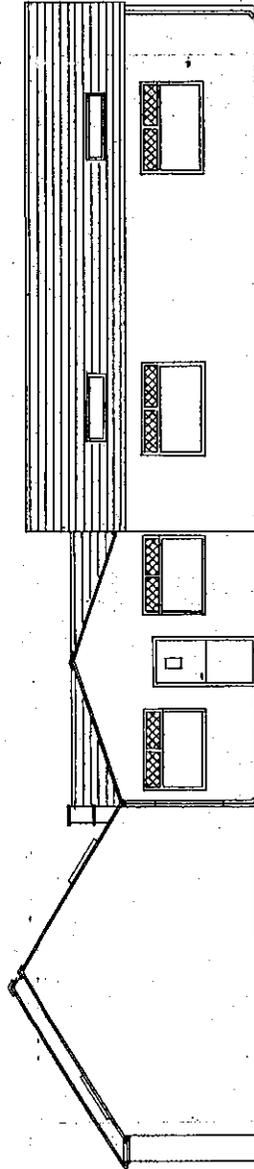
Floors  
 150mm Concrete on  
 50mm Jute Insulation or  
 1200g Verminex or  
 150mm HERRAGE



FRONT ELEVATION

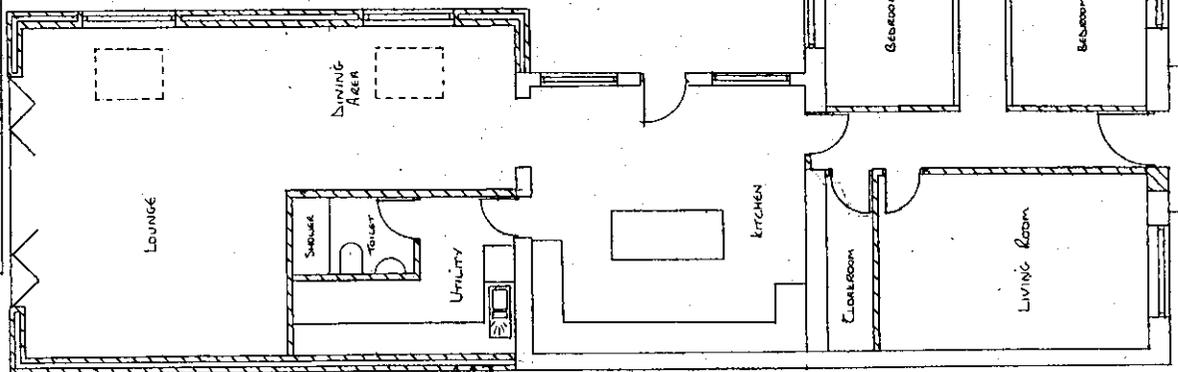


REAR ELEVATION



SIDE ELEVATION

WALLS TO BE REFINISHED WITH FIREPROOF FINISH  
 TO SUIT EXTERIOR WALLS.  
 MATCH CONCRETE TRIM TO BE USED TO MATCH  
 IN WITH EXISTING TRIM.  
 DOOR AND WINDOW LINC. FINISHING TO BE DONE  
 AND WINDOWS TO BE CONSTRUCTED IN DUAL  
 MANNER WITH LEADS FOR OPENERS TO  
 MATCH EXTERIOR.



PLAN VIEW

RECEIVED  
 FEB 20  
 1917

Bedroom, Lounge/Dining Area Emissions  
 As Proposed  
 1.1 HOURS GAS  
 HOUSE GAS GAS  
 CARBON  
 CONCENTR

SCALE 1:50

## SCHEDULE A: Applications with Recommendation

08/0177

---

**Item No: 16**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0177

**Applicant:**  
John & Angela Wright

**Parish:**  
Wetheral

**Date of Receipt:**  
22/02/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Wetheral

**Location:**

Three Gables, Plains Road, Wetheral, Carlisle, CA4  
8LE

**Grid Reference:**

346205 555405

**Proposal:** Erection Of Detached 5 Bedroomed Dwelling With Integral Double  
Garage (Reserved Matters Application Pursuant To Outline Application  
07/1060)

**Amendment:**

1. Minor alterations to the northwest elevation to include a log store and reposition two windows serving the utility room.

---

**REPORT**

**Case Officer:** Sam Greig

### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as Wetheral Parish Council has objected to the scheme.

#### **1. Constraints and Planning Policies**

##### **Gas Pipeline Safeguarding Area**

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

##### **Health & Safety Executive Consultation**

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

**District E19 - Landscaping New Dev.**

**District H5 - Village Development**

## **SCHEDULE A: Applications with Recommendation**

08/0177

**District H16 - Design Considerations**

**District H17 - Residential Amenity**

**District T7 - Parking Guidelines**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

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

**Rev Redeposit Pl. Pol T1 - Parking Guidelines**

### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objections;

**Community Services - Drainage Engineer:** awaiting comments;

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

**Northern Gas Networks:** awaiting comments;

**Health and Safety Executive:** does not advise against the granting of permission of health and safety grounds;

**Wetheral Parish Council:** wishes to maintain its objection to this application on the same grounds detailed within the outline application (07/1060).

There still appears to be no planning justification for the demolition of the existing property. If it is to be demolished why should it not be replaced by a single dwelling?

The current application only relates to part of the site and thus side steps some of the previous objections. The Parish Council feel that the applicants should be required to produce a scheme for the whole of the site in order that the proposals can be considered in their entirety.

The Parish Council also feel that the Planning Authority should review and co-ordinate response to applications for infill development in this part of Plains Road to ensure that the character of this area is not destroyed and road safety issues are addressed;

**Local Plans (Tree Preservation), Development Services:** the location of the proposal is in a road that has a distinctive character, which in no small part is due to the presence of the large population of mature trees. Two such large mature trees, a Beech and a Lime stand on the Plains Road boundary of the site.

## SCHEDULE A: Applications with Recommendation

08/0177

The mature trees at the front of the site are of significant amenity value and their retention within the scheme should be a priority. A tree protection scheme to include robust tree protection barriers for all the trees that are to be retained is required.

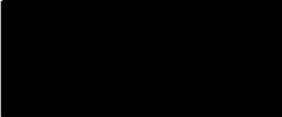
### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

 The Limes  
Foxdale  
Moor Yeat

05/03/08

05/03/08

05/03/08

- 3.1 This application has been advertised by means of a site notice and notification letters sent to four neighbouring properties. No verbal or written representations have been made during the consultation period.

### 4. Planning History

- 4.1 In 2007 outline planning permission was granted for the erection of two dwellings (Application 07/1060).

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This application seeks reserved matters approval, pursuant to outline application 07/1060, for the erection of a detached dwelling on the site of 'Three Gables', Plains Road, Wetheral.
- 5.2 The site comprises part of the curtilage of 'Three Gables' and part of the paddock located to the rear of the site. 'Three Gables' is a large 'Y' shaped detached bungalow, centrally located within a substantial curtilage, at the north western fringe of Plains Road. The surroundings to the site are wholly residential, with the exception of the open countryside that lies immediately beyond the north eastern rear boundary of the application site.
- 5.3 The total road frontage of 'Three Gables', which is delineated by a low lying brick wall, is approximately 50 metres, although this application only relates to the north western portion of the site that measures 30 metres in width (Plot A).
- 5.4 The existing vehicular entrance to 'Three Gables' is situated at the north

western extent of the frontage, adjacent to which is a large Beech tree. A mature Lime tree is positioned two-thirds further southwards along the road frontage from the existing access point. A high Leylandi hedge forms the north western boundary and a post and wire fence demarcates the south eastern boundary.

### Background

- 5.5 During the meeting of this Committee in November 2007 outline planning permission was granted for the demolition of the 'Three Gables' and the erection of two dwellings.
- 5.6 The approved outline scheme proposed to divide the site along the frontage to form two plots of 30 metres and 20 metres (Plots A and Plot B respectively). A five bedroom detached dwelling was proposed for the larger plot, which is adjacent to 'The Limes' and 'The Oaks', a pair of substantial two storey detached dwellings on deep plots. A smaller 3-4 bedroom property was proposed on the narrower plot, located adjacent to 'Foxdales', which is a modestly proportioned four bedroom detached dwelling, positioned to the south of the application site.
- 5.7 It was proposed that the larger property would be two storeys in height with a one and a half storey forward projection the front elevation. The property adjacent to 'Foxdales' would be predominantly one and half storey with a single storey detached double garage to the front. The proposed rear boundary of the two plots extended into the adjoining paddock to form a logical link between the rear boundary of 'The Limes' and 'Foxdales'.

### The Proposal

- 5.8 This reserved matters application provides the details of the proposed house to be erected on Plot A, which is the larger of the two plots. It is proposed to erect a two storey, five bedroom detached dwelling, which would be centrally located within the plot. The accommodation to be provided on the ground floor comprises double garage, study, utility, kitchen, hall, dining room, living room, TV room and conservatory with an office, five bedrooms (four of which would have ensuite facilities), a bathroom and gallery to the first floor.
- 5.9 The dwelling's footprint extends to around 300 square metres and is situated within a plot that measures approximately 2100 square metres. The main part of the dwelling would be two storeys in height, with symmetrical projecting gables to the front and rear elevations. The dwelling is designed with forward projection to the front of the property, which, whilst providing accommodation over two levels, would be one and a half storey in height.
- 5.10 The external walling of the property is to be finished using red/brown facing brick, with natural stone jambs, lintels and quoins. Natural slate would be used on the roofs.

## **SCHEDULE A: Applications with Recommendation**

08/0177

- 5.11 The existing vehicular access to 'Three Gables' would be utilised. From the access drive a spur road would be taken along the north western boundary of the site to provide access to the rear paddock. Any works to the driveway that are in the vicinity of the Beech tree would be of a 'no dig' construction to prevent damage to the root system of the Beech tree, in accordance with those details agreed at the outline stage.
- 5.12 The Leylandi hedge to the north western boundary would be removed, as agreed at the outline stage, and replaced with a Beech hedge. Further landscaping is proposed to be undertaken to the front and rear of the dwelling. The principle aims of the landscaping scheme are to add to the existing landscape character of this part of Plains Road by filtering views of the proposed dwelling through a deep landscaped band between the dwelling and Plains Road, and to soften the boundary between the paddock and the plot's rear boundary.

### **Assessment**

- 5.13 The relevant planning policies against which the application is required to be assessed are Policy H2, H16, H17, E19 and T7 of the Carlisle District Local Plan and Policies CP4, CP5, T1 and H1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.
- 5.14 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.15 The application site lies within the settlement boundary of Wetheral, which is identified as a Local Service Centre by Policy H1 of the Revised Redeposit Draft Local Plan. As such the principle of residential development, which has been established through the outline approval, is acceptable, subject to compliance with the criteria identified in Policy H1 of the Revised Redeposit Draft and other relevant policies contained within the adopted and emerging Local Plan.
2. Whether The Scale, Layout And Appearance Of The Dwelling Is Acceptable.
- 5.16 As part of this current application the agent has provided a drawing of the Plains Road frontage (Drawing No. 07056-02B), which incorporates the dwellings from 'The Oaks' to 'Foxdales', a 160 metres stretch of Plains Road comprising five properties. It includes an indicative drawing of the front elevation of the dwelling to be erected on the other part of this site (Plot B) and that which was recently approved to the north of 'Foxdales' (revised application 08/0135).
- 5.17 The 'Plains Road' elevation illustrates that the dwelling's overall mass and architectural style complements the existing properties along this stretch of Plains Road, as well as those that have recently been approved to the north of 'Foxdales', but also to the south of 'The Limes', which is immediately

adjacent to the application site.

- 5.18 Members will note from the layout plan that the scale and position of the proposed dwelling to Plots A and the indication of the dwelling to Plot B are intended to form a transition from 'The Limes' and 'The Oaks, the more substantial properties set back from Plains Road, to the smaller scale of 'Foxdales' set closer to the Plains Road.
- 5.19 The proposed dwelling would be set sufficiently far back from Plains Road (27 metres to the gable of the one and a half storey element) to allow for planting between the dwellings and the road. If appropriately landscaped, as proposed by the applicant, the setting of Plains Road, characterised by large properties set back within deep, well landscaped front gardens, would remain unchanged. It is acknowledged that the built form of this part of Plains Road would change, in terms of its density; however, this, in its own right, would not be to the detriment of the character of Plains Road.
- 5.20 The Parish Council has questioned the planning justification for the demolition of a single dwelling, "Three Gables", and its replacement with two dwellings. This issue was taken into account by Members when the outline application was considered and was subsequently found to be acceptable, hence the granting of outline permission.
- 5.21 The Parish Council also feels that the applicant should be required to produce a scheme for the whole of the site in order that the proposals can be considered in their entirety. Whilst this reserved matters application only deals with one half of the site (Plot A), an indicative elevation and layout plan of the dwelling to be erected on Plot B has been provided (Drawing No. 07056-02B).
- 5.22 Members are advised that neither of the issues identified in paragraphs 5.19 and 5.20 should prejudice the determination of this current application, as both issues were taken into account when the outline application was considered.
- 5.22 In summary, the position of the proposed dwelling is well related to the surrounding properties in terms of its siting, scale and plot width. In terms of its scale and appearance, the dwelling complements the adjoining properties on this stretch of Plains Road. Although the dwellings would occupy almost the full width of the plot, a deep landscaped front garden would be retained thereby maintaining the character and setting of Plains Road.
3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.
- 5.23 Adequate separation distance has been maintained between the existing residential properties and the proposed dwelling. As such, taking into consideration the scale and position of the proposed dwelling in relation to these properties, including that to the south of 'The Limes' which was recently approved, it is unlikely that the living conditions of the occupiers of these

## **SCHEDULE A: Applications with Recommendation**

08/0177

properties will be compromised through loss of light, loss of privacy or overdominance.

### **4. Access And Parking Provision.**

- 5.24 The Highway Authority has confirmed that the proposed access and parking arrangements are acceptable. Five highway related planning conditions were attached to the outline planning consent, which related to the construction of the access and visibility splays.

### **5. Whether Proposed Landscaping Is Acceptable.**

- 5.25 The site layout plan (Drawing No. 07056-02B) illustrates that the side and rear boundaries of the site are to be planted with a Beech hedge. Further tree planting is also proposed in the front and rear elevation of the dwelling. The landscaping scheme has been considered by the Council's Landscape Architect who has confirmed verbally that the scheme is acceptable.

- 5.26 Two large mature trees, a Beech and a Lime stand on the Plains Road boundary of the site. Their protection during the construction phase of the development will be safeguarded through the imposition of a planning condition attached to the outline consent that requires the erection of a tree protection barrier.

### **6. Other Matters.**

- 5.27 An abandoned gas main does cross the site. The applicant has agreed with United Utilities that the abandoned section of pipe will be removed and capped.

## **Conclusion**

- 5.28 In overall terms, the principle of the proposed development has already been established as acceptable through the approval of the outline application. The scale, siting and design of the proposed dwelling are acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking and amenity space would be provided to serve the dwelling. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Local Plan policies.

## **6. Human Rights Act 1998**

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

## SCHEDULE A: Applications with Recommendation

08/0177

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

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

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

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

6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

### 7. Recommendation - Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 1 (part), 2 (part) and 6 (part) attached to the outline planning consent to develop the site.

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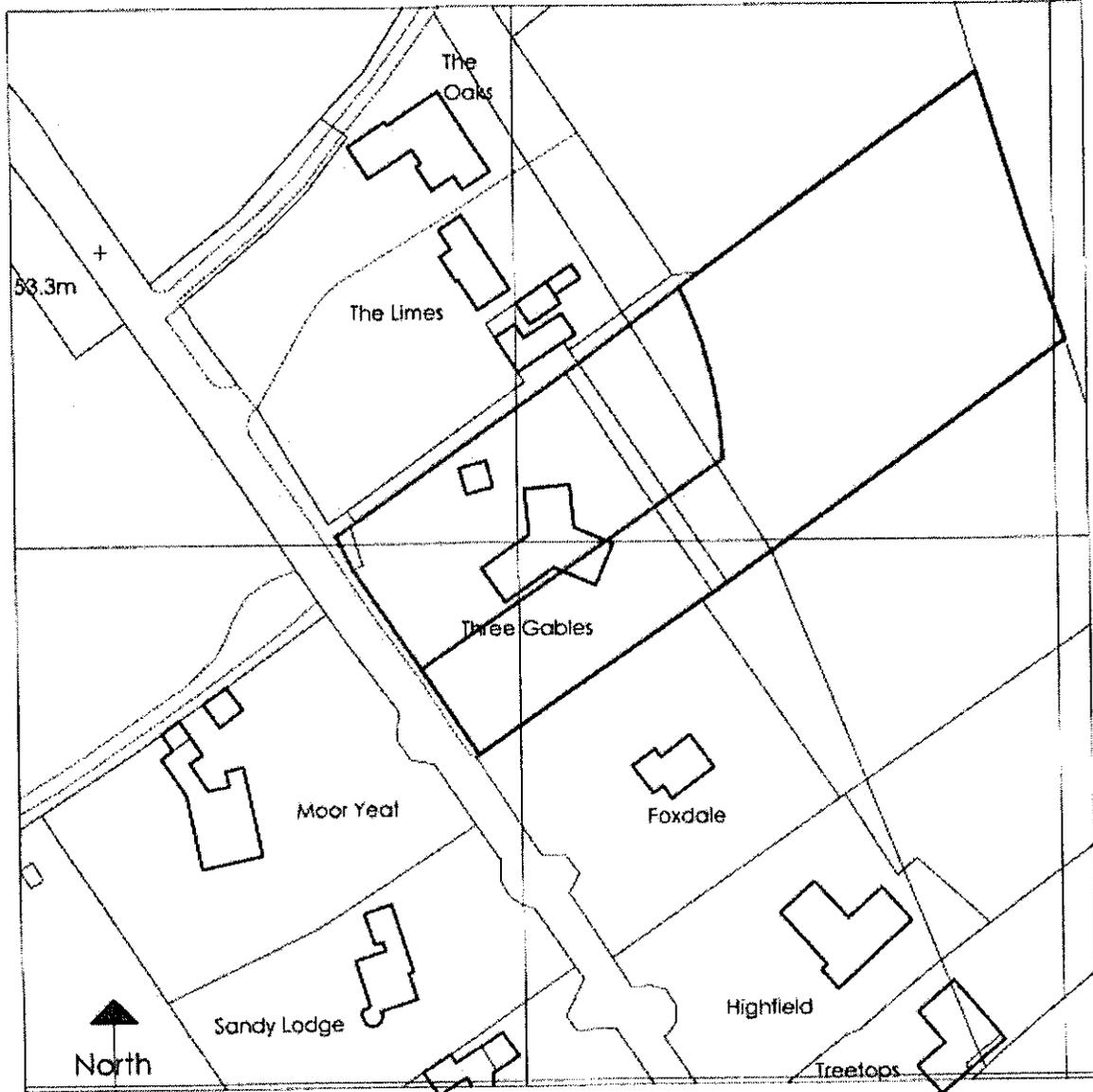
3461 06m

3463 06m

462

99m

55.



554

554

99m

3461 06m

3463 06m

462



Metres

RECEIVED  
 27 FEB 2011  
 08/0177

Project:  
**Proposed New Dwellings, Three Gables,  
 Plains Road, Wetheral, CA4 8LE**  
 Drawing:  
**Location Plan**

A 02.12  
 Revision Date Description

**ARCHITECTS**  
**PLUS** *at*

Name	Date	Drawn	Checked	Number
11250	07/07	DL	SOB	07056-00

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Architect Plus (UK) Limited  
 Victoria Galleries, Victoria House, Victoria Road, Carlisle, Cumbria, CA3 8...  
 Tel: 01228 515144 Fax: 01228 515033 e-mail: ap@architectplus.co.uk

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 21 FEB 2008  
 04:01:11

**ARCHITECTS**  


Proposed new dwellings, Three Gables,  
 Plains Road, Wetheral Plains Road, Wetheral,  
 As Existing Block Plan

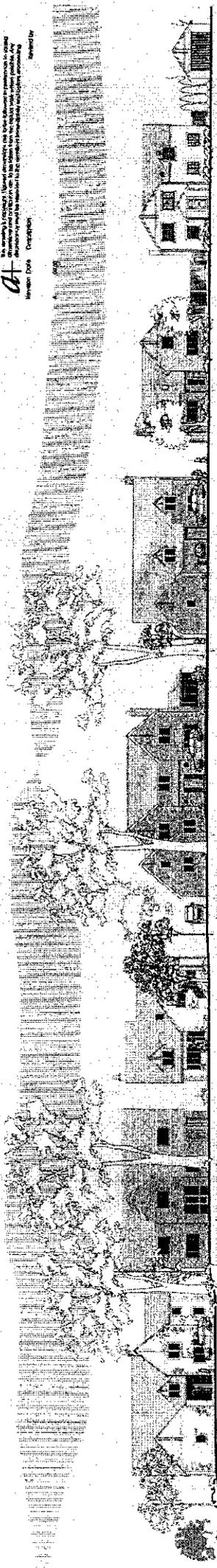
Project: 07056-01  
 Date: 07/07  
 Drawn: JSC  
 Checked: JSC  
 Scale: 1:500  
 Project: 07056-01  
 Date: 07/07  
 Drawn: JSC  
 Checked: JSC



Kolan sand (protec) meeting here along Plains Road boundary.  
 NOTE: Line of protective barrier fence formed with original paling fence of  
 least 1000mm high and fixed to 100mm stone posts, to provide exclusion  
 zone around existing trees during construction.

Remove existing (overlaid) along boundary and  
 replace with beech hedge.

Remove existing (overlaid) tree



West Elevation to Plains Road  
 1:200

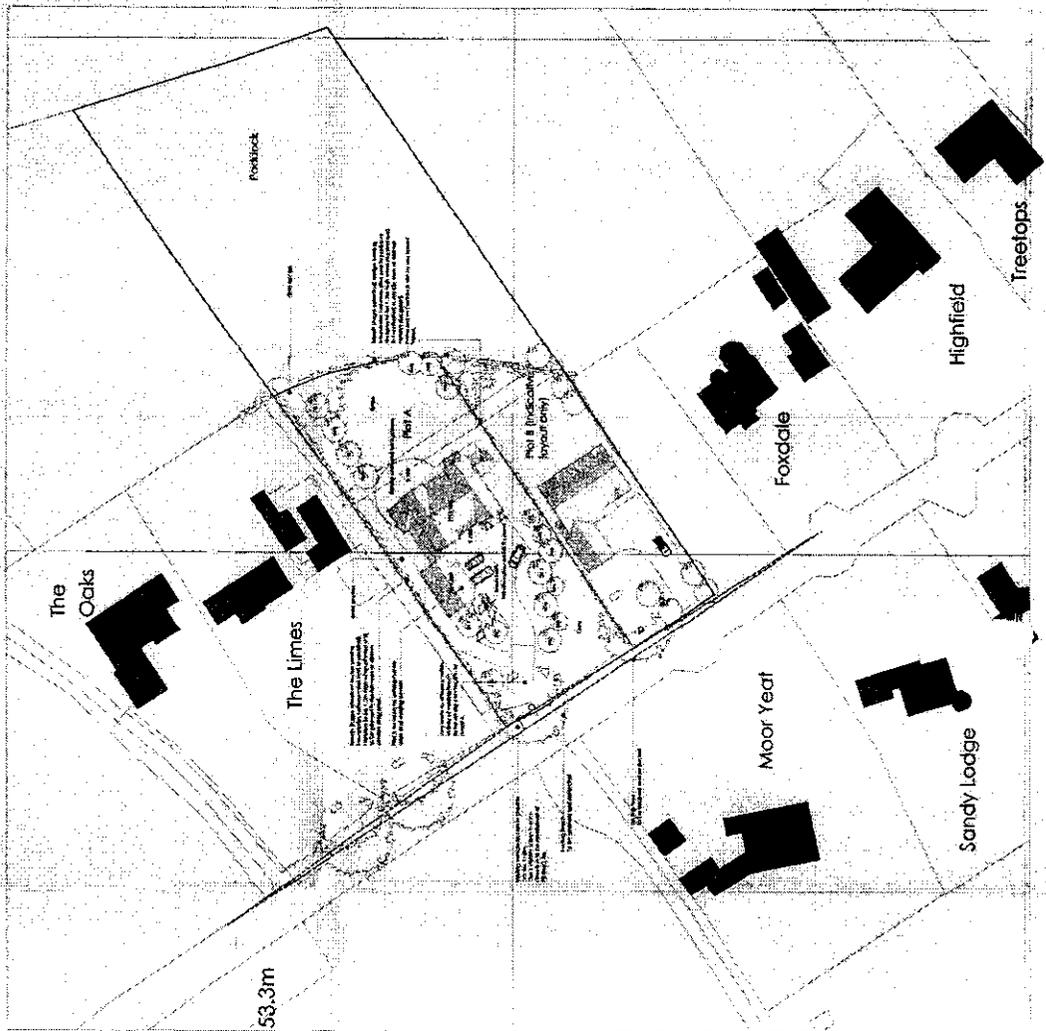
554 99m

554 99m

Plot A

Plot B

Plot B (indicative only)

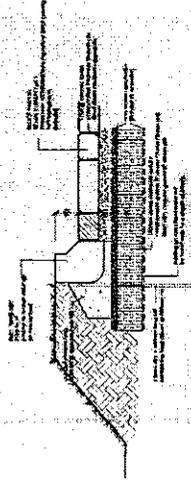


554

554



Detail A (1:10)



Project:  
 12 FISH LANE  
 WETHERAL, WEST YORKSHIRE  
 LS12 2JF  
 TEL: 01924 464646  
 FAX: 01924 464647  
 WWW.A+ARCHITECTS.CO.UK

**ARCHITECTS**  
**A+**  
**PLU S**

Proposed new dwellings: Three Gables,  
 Plains Road, Wetheral, Plains Road, Wetheral,  
 As Proposed Block Plan

Date: 07/07  
 Drawn: JCL  
 Checked: JCL  
 Project No: 06-02B  
 Architects: A+ Architects  
 12 Fish Lane, Wetheral, West Yorkshire, LS12 2JF  
 Tel: 01924 464646  
 Fax: 01924 464647  
 www.a+architects.co.uk

**A+** The drawing is copyright. If required dimensions are to be followed in preference to scaled dimensions, the latter shall prevail. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision: Date Description Drawn By Checked by  
 A 07/2008 Opening room windows removed, doors added to conservatory DL DL  
 D 17/02/08 Top stone added, windows repositioned in utility area DL DL

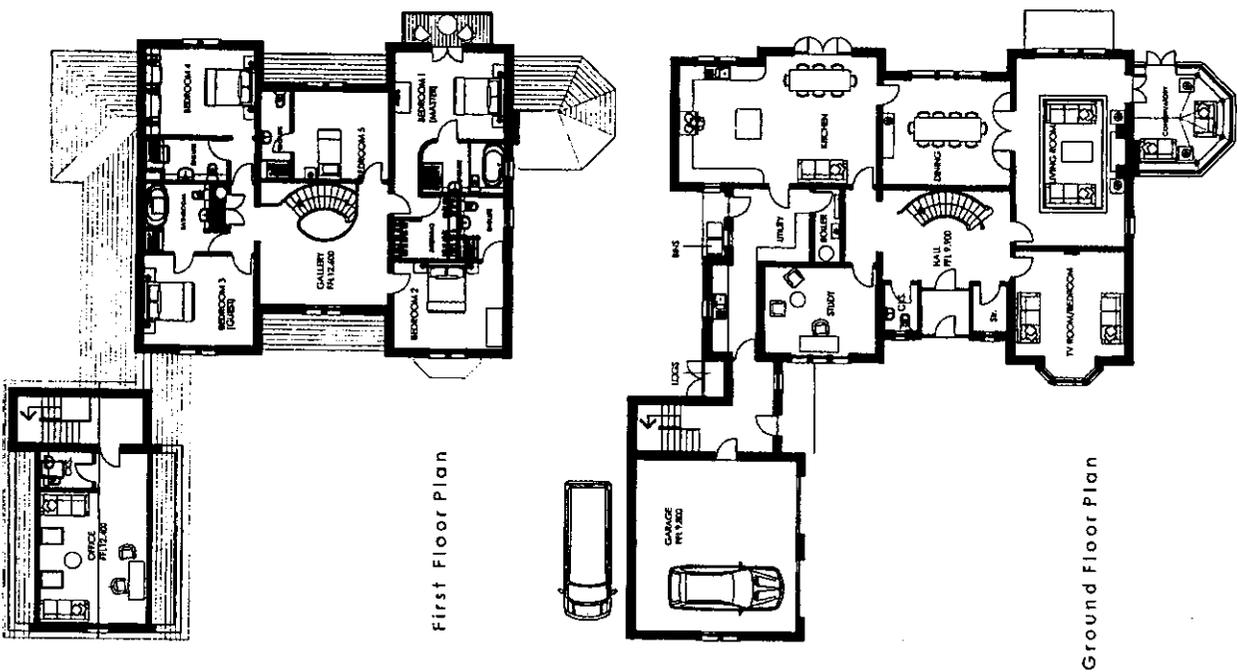
08/01/77

**ARCHITECTS** *A+*  
**P L U S**

Project: Plains Road, Wetheral.  
 Proposed New Dwellings, Three Gables,  
 Drawing: PLOT A

Proposed Floor Plans  
 Scale: 1:100 @ A1 07/07 Drawn: DL  
 1:200 @ A3 SO-3  
 Number: 07056-03D

Architect Plus (UK) Limited, web: architectsplus.co.uk  
 Victoria Gardens, Victoria House, Victoria Road, Carlisle, Cumbria, CA3 8AN  
 Tel: 01228 515144 Fax: 01228 515033 e-mail: ap@architectsplus.co.uk

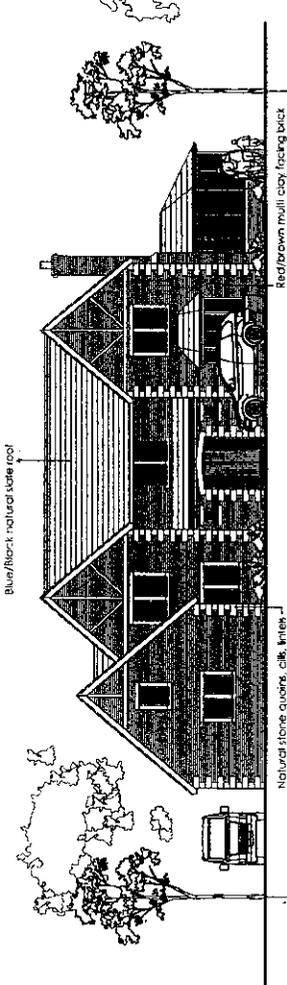


First Floor Plan

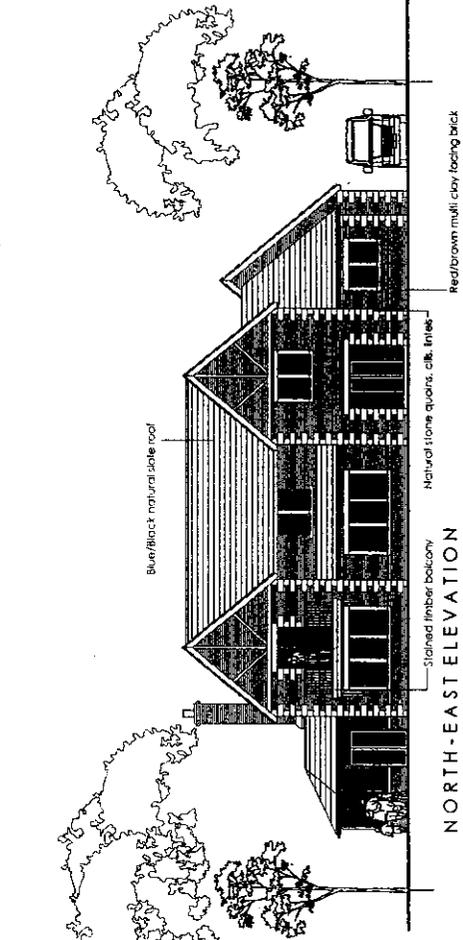
Ground Floor Plan

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

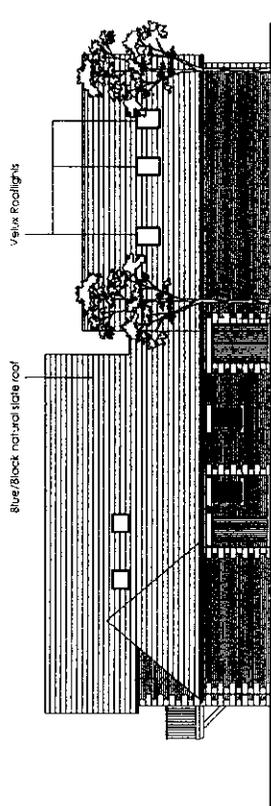
Revised by  
 Description  
 Date  
 A 07/02/08 Design room windows revised, door added to conservatory, DL  
 B 18/03/08 Log store added, window repositioned in utility area, DL  
 D



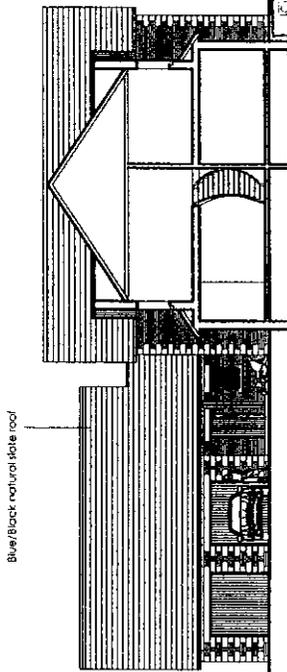
**SOUTH - WEST ELEVATION**



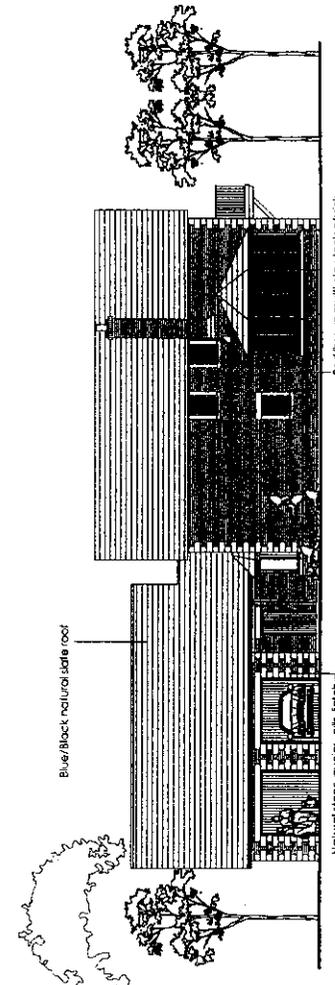
**NORTH - EAST ELEVATION**



**NORTH - WEST ELEVATION**



**SECTION**



**SOUTH - EAST ELEVATION**

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 10 MAR 2008  
 08.0177

**ARCHITECTS** *a*  
**PLUS**

Project  
 Plains Road, Wetheral.  
 Proposed New Dwellings, Three Gables,  
 PLOT A.

Proposed Elevations  
 Scale Date Drawn Comp.No. Number  
 1:100 @ A1 07/07 DL SO-3 07056-04D

1:200 @ A3  
 Architects Plus (UK) Limited,  
 Victoria Galleries, Victoria House, Victoria Road, Cumbria, CA3 8AN  
 Tel: 01228 515144 Fax: 01228 515033 e-mail: ar...@architectsplus.co.uk

## SCHEDULE A: Applications with Recommendation

08/0252

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**Item No: 17**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0252

**Applicant:**  
Mrs N Mitchell

**Parish:**  
Carlisle

**Date of Receipt:**  
14/03/2008

**Agent:**  
Anchor Staying Put -  
Carlisle

**Ward:**  
Upperby

**Location:**  
72 Woodside North, Carlisle, Cumbria, CA2 4NP

**Grid Reference:**  
341120 553328

**Proposal:** Erection Of Single Storey Rear Extension To Provide Additional  
Bedroom And Bathroom

**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee as the applicant is an employee of Carlisle City Council.

#### **1. Constraints and Planning Policies**

District H14 - Extensions to Dwellings

District H19 - Special Needs

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol H13 - Special Needs Housing

#### **2. Summary of Consultation Responses**

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

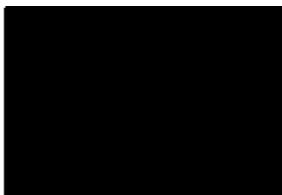
#### **3. Summary of Representations**

### Representations Received

Initial:

Consulted:

Reply Type:

 56 Woodside North  
58 Woodside North  
65 Woodside North  
67 Woodside North  
70 Woodside North  
74 Woodside North

- 3.1 This application has been advertised by the direct notification of the occupiers of six neighbouring properties. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

- 4.1 In 2004, under planning reference 04/0834, planning permission was granted for a two storey extension to side elevation to provide enlarged kitchen, utility and w.c. on the ground floor with ensuite bedroom above.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 72 Woodside North is a semi-detached property located on the west side of Woodside North. The property is finished in painted render and roofed in concrete roof tiles. Its boundaries are made up of rendered walls approximately 1.2 metres in height.

#### **Background**

- 5.2 This application seeks Full Planning Permission to extend the dwelling by a ground floor bedroom and provide an en-suite bathroom for a disabled person. The "L" shaped extension would project 7.25 metres from the existing rear elevation and be 4.5 metres at its widest points with a ridge height of 3.5 metres. The extension would be finished in rendered blockwork and roofed in concrete roof tiles in keeping with the existing property.

#### **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies H14 and H19 of the Carlisle District Local Plan together with Policies H11, H13 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

- 5.4 The proposal raises the following planning issues
1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.5 Policies H14 of the Local Plan and H11 and CP4 of the Revised Redeposit Draft seek to protect the amenity of adjacent properties from proposals which adversely affect them, through poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.
- 5.6 Although the proposal would project rearwards along the shared boundary with number 70 Woodside North by 7.25 metres, its roof plane would slope away from the adjoining property with an eaves height of 2.4 metres. As such it is unlikely that the extension would be overbearing or result in unreasonable loss of light to the occupiers of number 70 Woodside North.
- 5.7 No windows are to be inserted into the northern elevation thereby preventing loss of privacy. In order to further safeguard the living conditions of the occupiers of 70 Woodside North a condition has been included within the decision notice removing permitted development rights to insert additional openings on that elevation. It is therefore considered that the proposal would not have a significant impact on the living conditions of the adjoining property through overlooking, overdominance or unreasonable loss of daylight or sunlight.
2. Whether The Proposal Is Appropriate To The Dwelling
- 5.8 The scale and height of the proposed single storey extension is comparable to the existing property. The extension would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed rear extension would complement the existing dwelling in terms of design and materials to be used.
3. Other Matters
- 5.9 Members should also be aware that although Mrs Nicholson is an employee of the City Council she has not been involved in the determination of the application outside of her role as applicant.

### **Conclusion**

- 5.10 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed extension is considered acceptable in relation to the dwelling. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

**6. Human Rights Act 1998**

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

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

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

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

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

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

**7. Recommendation - Grant Permission**

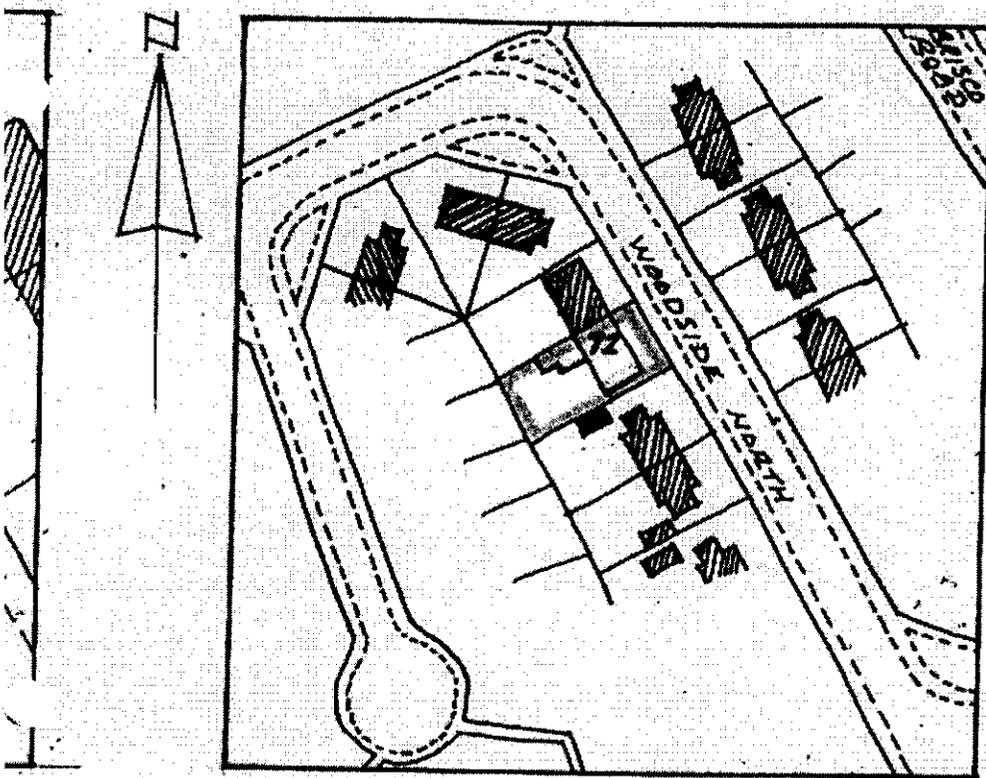
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

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

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

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1:1250

SITE PLAN



Please be advised that this drawing remains the intellectual property of Anchor Trust (Anchor) until completion of the works as agreed in the 'Agreement to provide the Staying Put service' and/or all monies due to Anchor have been paid in full

Client **C MITCHELL**

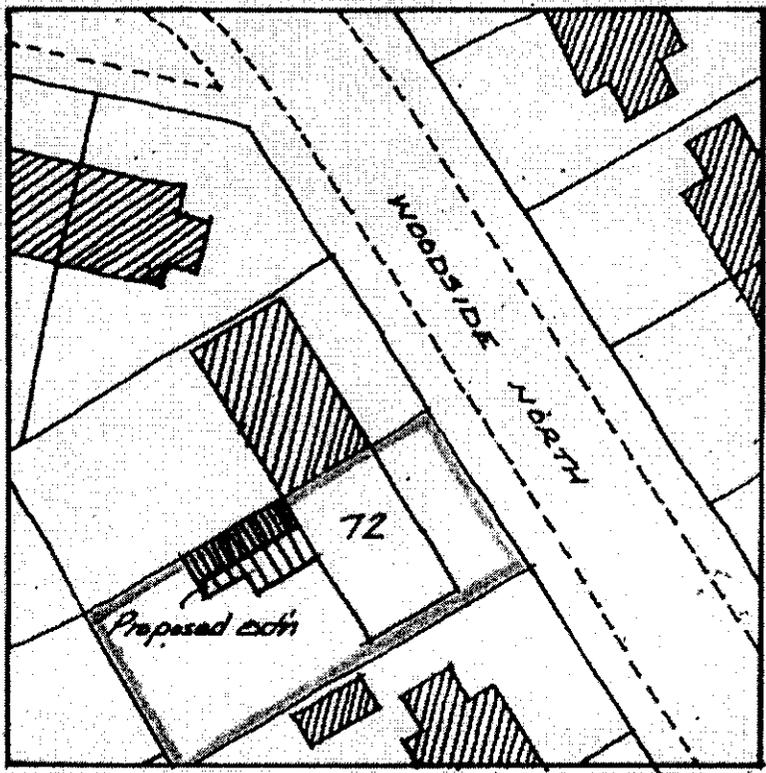
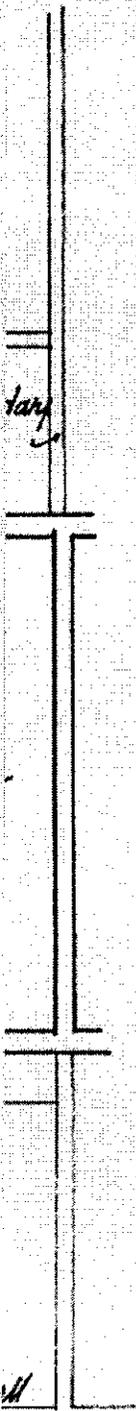
Address **12 WOODSIDE NORTH  
CARLISLE**

Job **GROUND FLOOR BEDROOM  
& BATHROOM FOR RDP**

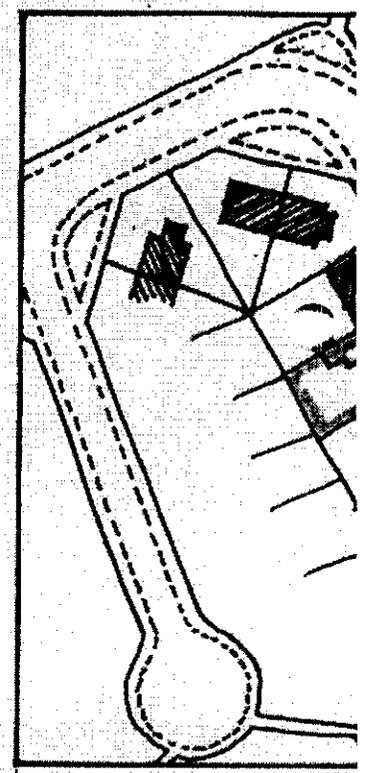
Drawing **GF AS EXISTING  
BLOCK & SITE PLANS**

Scale	1 to 100	Drg No	CM-1E
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Date	MAR 09	Revision	
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1 : 500



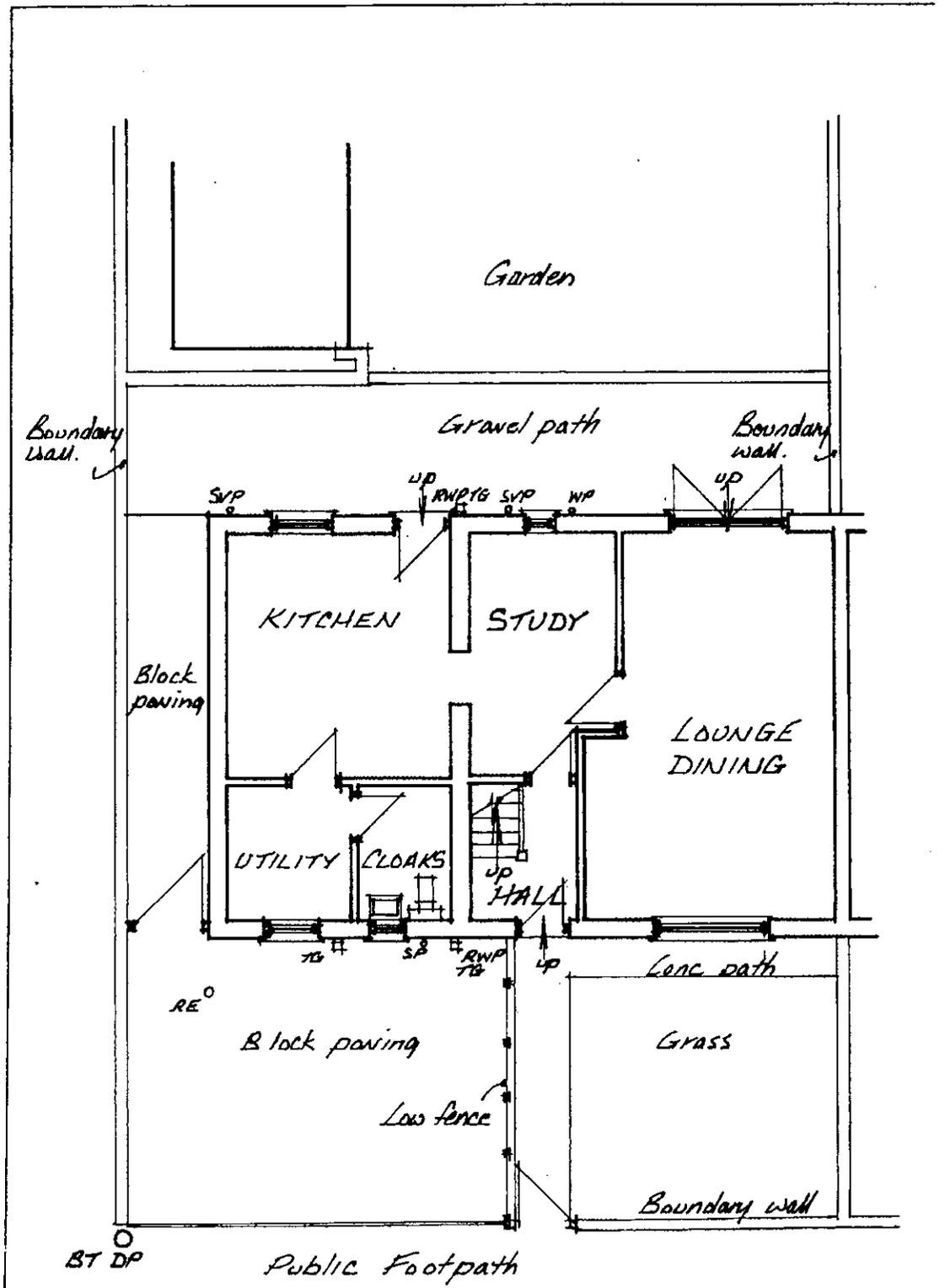
BLOCK PLAN

SITE PLAN

NG

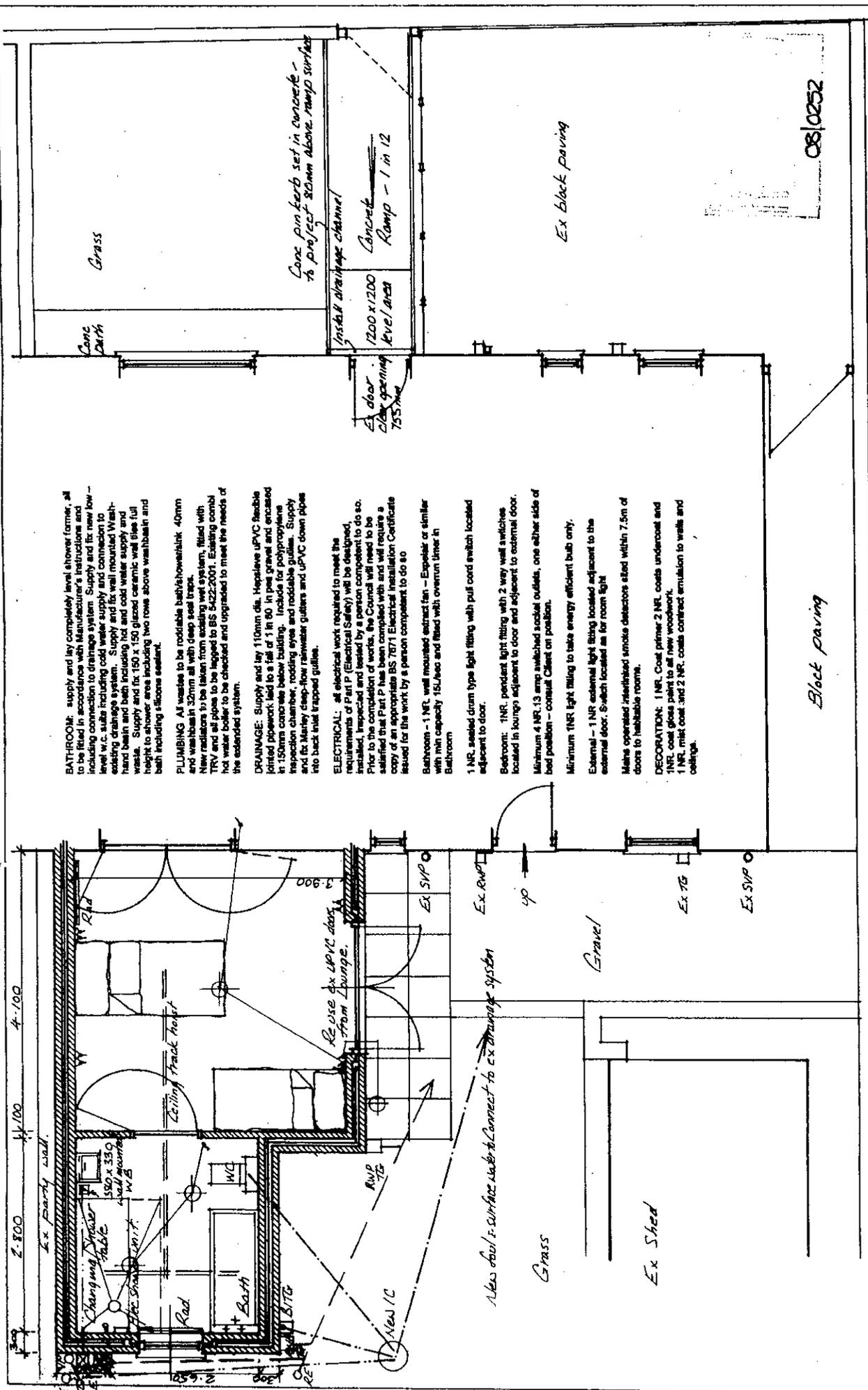
REVISIONS

1	2	3	4	5
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GROUND FLOOR PLAN-AS EXISTING





**BATHROOM:** supply and lay completely level shower corner, all to be fitted in accordance with manufacturer's instructions, including connection to drainage system. Supply and fit new low-level w.c. suite including cold water supply and connect to existing drainage system. Supply and fit wall mounted Wash-hand basin and bath including hot and cold water supply and waste. Supply and fit 150 x 150 glazed ceramic wall (see full height to shower area including two rows above washbasin and bath including silicone sealant).

**PLUMBING:** All wastes to be rotable bath/shower/sink 40mm and washbasin 20mm all with deep seal track. New radiators to be taken from existing wet system. Mixed with TRV and all pipes to be lagged to BS 5422:2001. Existing central hot water boiler to be checked and upgraded to meet the needs of the extended system.

**DRAINAGE:** Supply and lay 110mm dia. Hepulave uPVC flexible jointed pipework laid to a fall of 1 in 80 in pea gravel and encased in 150mm concrete below building. Inlets for postprogrammable inspection chamber, rodding eyes and roddable gullies. Supply and fit Manley deep-flow rainwater gutters and uPVC down pipes into back inlet trapped gullies.

**ELECTRICAL:** all electrical work required to meet the requirements of Part P (Electrical Safety) will be designed, installed, inspected and tested by a person competent to do so. Prior to the completion of works, the Council will need to be satisfied that Part P has been completed with and will require a copy of an appropriate BS 7671 Electrical Installation Certificate issued for the work by a person competent to do so.

**Bathroom - 1 NR, wall mounted extract fan - Empire or similar with min capacity 15L/sec and fitted with overrun timer in Bathroom**

**1 NR, sealed drum type light fitting with pull cord switch located adjacent to door.**

**Bedroom: 1 NR, pendant light fitting with 2 way wall switches located in lounge adjacent to door and adjacent to external door.**

**Minimum 4 NR, 13 amp switched socket outlets, one either side of bed position - consult Client on position.**

**Minimum 1 NR light fitting to take energy efficient bulb only.**

**External - 1 NR external light fitting located adjacent to the external door. Switch located in for room light**

**Mains operated interlinked smoke detectors fitted within 7.5m of doors to habitable rooms.**

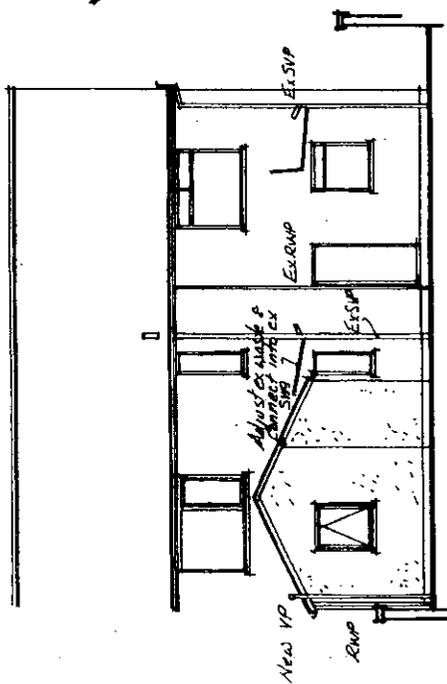
**DECORATION: 1 NR, Coat primer 2 NR, coats undercoat and 1 NR, coat gloss paint to all new woodwork.**

**1 NR, mist coat and 2 NR, coats contract emulsion to walls and ceilings.**

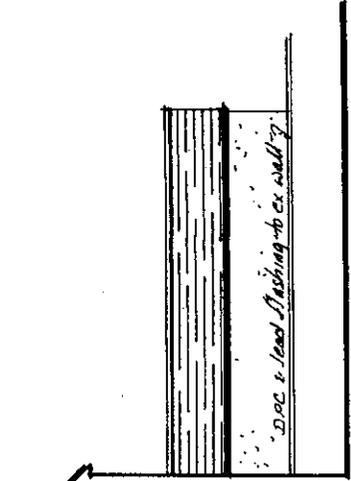
Client: <b>C MITCHELL</b>	Job: <b>RAMP ACCESS TO GF BEDROOM &amp; BATHROOM</b>	Drawn by: <b>DW</b>	Scale: <b>1 to 50</b>
Address: <b>72 WOODSIDE NORTH CARLISLE</b>	Drawing: <b>PROPOSED PLAN</b>	Date: <b>FEB 08</b>	Drawing number: <b>CM-17</b>



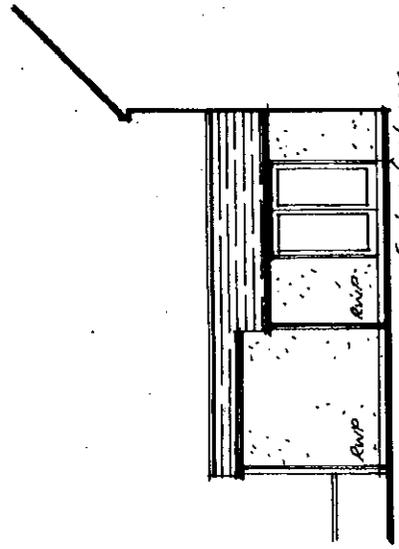
Please be advised that this drawing remains the intellectual property of Anchor Trust (Anchor) until completion of works as agreed in the 'Agreement to provide the Shaping PA service' and/or all monies due to Anchor have been paid in full.



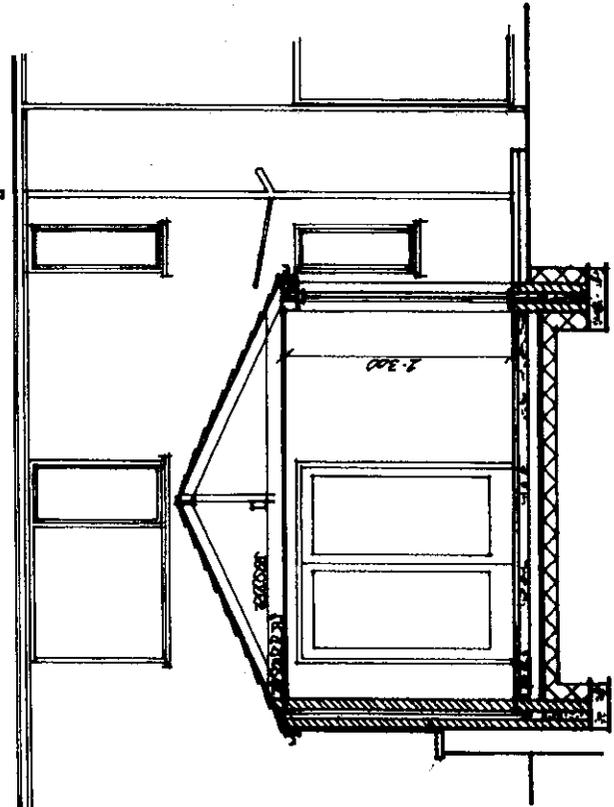
REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



SECTION

CONSTRUCTION NOTES

FOUNDATIONS: 600 wide x 200 deep Gen 1 mix concrete foundations to external walls and 450 x 200 concrete founds to internal walls. Foundations taken down to suitable strata - min depth 800mm - and below the first level of any adjacent drain. Protect from elements until fully cured. Back-fill foundations trenches externally in 100mm layers of compacted hardcore to 100mm below ground level.

EXTERNAL WALLS: to be outer skin of 100 Celcon block with render finish to match main building. 100 cavity with 50mm Extralith or other approved cavity batts in outer leaf. Inner leaf of 100mm Celcon blockwork with 50mm thick spaced 750mm horizontally and 450mm vertically. Joints to be at min 300mm at all openings. All doors & window levels to be solid dense concrete. Built in head of skirting door work proceeds at min 150mm above finished ground level. Vertical DPC to be provided at the junction of the existing and new wall. If skirting bars are used provide DPC in external insulated DPC to all cavity closures. Include for chasing cavity at wall head with non combustible board. Cavity fill to stop 225mm below lowest DPC and cavity insulation to continue 150mm below top of floor insulation. Provide and build in Spankies inside over drain where it passes through the wall and include for filling voidaround pipe with flexible filler. Build in Celcon C380/100 lintol over external door and window openings. Lintols to be factory galvanneal. Mild steel verge and eaves restraint straps at 1.200 centres as work proceeds to anchor new roof structure.

INTERNAL WALLS to be 100mm lightweight concrete blockwork built off finished floor slab

FLOOR: 50mm sand and cement screed on 100mm concrete on 110mm Styrofoam, with perimeter upstand, on 1500 gauge Viqueen clamp - proof membrane on 25mm sand blinding on 150 clean corrugated hardcore.

ROOF: install lead flashing and cavity tray to existing wall. Matching interlocking concrete roof tiles on 38 x 50 Vaco-Vac treated European grade A s.w battens on Proctor Roadbedded breathable roofing felt laid in accordance with Manufacturer's instructions on 100 x 50 Vaco-Vac treated European grade A soft wood rafters at 400 centres, 75 x 50 bender and 100 x 50 bangers every 4<sup>th</sup> rafter, 75mm x 50mm ceiling joists at 400mm centres. UPVC trays between spar feet to give a clear ventilation space of min 50mm. Form near 600 x 400 hatch with loose 12mm ply insulated hatch cover include for trimmer joists, hook, catch and architrave. Lay 150mm glass wool insulation between ceiling joists and 100mm across joists. Ensure insulation to roof and cavity are continuous.

DOORS: Supply and fit pair of internal doors. Glazing to be laminated or toughened K glass

WINDOWS: to be UPVC with trickle ventilation of 4000mm<sup>2</sup> glazed with double glazing, 16mm gap with K glass to give U value of 1.6w/m<sup>2</sup>K

PLASTERWORK: two coat plasterwork to all walls. Plaster to be Celnic or similar - total depth 15mm. Include for galvanneal beads to external angles. Vapour barrier and 12.5mm vapour-check plasterboard and skim coat to ceilings



	<p>*Please be advised that this drawing remains the intellectual property of Anchor Trust (Anchor) until completion of works as agreed in the 'Agreement to provide the Staying P.U. service' and/or all markets due to Anchor have been paid in full</p>		<p>Client: <b>C MITCHELL</b></p>	<p>Job: <b>RAMP ACCESS FOR BED &amp; BATHROOMS</b></p>	<p>Drawn by: <b>DM</b></p>	<p>Scale: <b>1/4 SD &amp; 1/4 100</b></p>
	<p>Address: <b>72 WOODSIDE NORTH CARLISE</b></p>		<p>Drawing: <b>ELEVATIONS SECTION</b></p>	<p>Date: <b>MAR '08</b></p>	<p>Drawing number: <b>CM-29</b></p>	<p>08/0252</p>

SCHEDULE B

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SCHEDULE B

## SCHEDULE B: Reports Requiring Further Information

08/0267

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**Item No: 18**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0267

**Applicant:**  
Mr Robert Nichol

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
19/03/2008

**Agent:**  
S & H Construction

**Ward:**  
Dalston

**Location:**  
1 Parkland Mews, Carlisle, Cumbria, CA1 3GL

**Grid Reference:**  
343301 553959

**Proposal:** Single Storey Extension To Side Elevation To Provide Living Room  
(Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Richard Maunsell

#### **Reason for Determination by Committee:**

This application is brought for determination by Members of the Development Control Committee in anticipation of the number of letters of objection that were received in respect of the previous application.

#### **1. Constraints and Planning Policies**

District H14 - Extensions to Dwellings

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

Rev Redeposit Pl. Pol CP5 - Residential Amenity

#### **2. Summary of Consultation Responses**

Cumbria County Council - (Highway Authority): no objection; and

Development Services Planning & Housing Services - Local Plans (Trees): no comment.

#### **3. Summary of Representations**

**Representations Received**

Initial:	Consulted:	Reply Type:
[REDACTED]	34 Pennine View	03/04/08
[REDACTED]	2 Parkland Mews	03/04/08
[REDACTED]	3 Parkland Mews	03/04/08
[REDACTED]	4 Parkland Mews	03/04/08
[REDACTED]	5 Parkland Mews	03/04/08
[REDACTED]	36 Pennine View	03/04/08
[REDACTED]	38 Pennine View	03/04/08
[REDACTED]	36 Pennine View	03/04/08

- 3.1 This application has been advertised by means of direct notification to the occupiers of eight of the neighbouring properties. At the time of writing this report, no representations have been received.

**4. Planning History**

- 4.1 A planning application for single a storey extension to the side elevation to provide living room was submitted last year but was withdrawn prior to determination.

**5. Details of Proposal/Officer Appraisal****Introduction**

- 5.1 The application seeks approval for an extension to 1 Parkland Mews, Carlisle. The property is a two storey attached dwelling that is finished in natural stone with stone quions and window detail under a slate roof.
- 5.2 The curtilage of the property lies to the north-east and north-west of the property; to the south-east is a communal car park for the development. The site is bounded by an open boarded fence that measures approximately 1.8 metres in height. The rear elevation of properties along Pennine View face gable of the application site from the north-east and the application site and is within a Primary Residential Area.

**Proposal**

- 5.3 It is proposed to construct a single storey extension on the north-east gable of the property to form a living room. The extension would measure 5.9 metres in width by 5.3 metres in depth. The height to the eaves would measure 3.3 metres with the height to the ridge measuring 4.6 metres.
- 5.4 The extension would be finished in natural stone to match the existing

## **SCHEDULE B: Reports Requiring Further Information**

08/0267

building and would incorporate quoin detail to the gable and window surrounds to the pair of French doors in the east elevation. The roof would be finished in natural slate.

### **Assessment**

#### **1. The Principle of Development**

5.5 Planning policies allow for the principle of extensions to dwellinghouses provided that they are appropriate in terms of their scale, design and setting on the existing building. The principle of an extension in the location proposed is acceptable.

5.6 Although the building is not listed, it is nevertheless an aesthetically attractive building being constructed of natural red stone with contrasting yellow stone details around the windows, quoins and string courses. The dwelling has large sash windows and is constructed under a slate roof. The applicant has been asked to amend the application and reduce the overall width of the extension from 5.9 metres to approximately 5 metres. The amendment would improve the currently elongated appearance of the extension which is disproportionate to that of the existing dwelling. The rake of the roof would appear as to follow on from that on the existing property and overall, would improve the characteristics of the development. At the time of writing this report, these details are outstanding but it is anticipated that these will be available for publication in the Supplementary Schedule.

#### **2. The Effect Of The Development On The Occupiers Of The Neighbouring Properties**

5.7 The boundary between the application site and the neighbouring properties comprises of a timber panel fence that measures approximately 1.8 metres. Numbers 34 and 36 Pennine View have been extended through the construction of conservatories to the rear elevations. The extension would extend closer to the boundary and therefore to the neighbouring properties, than the existing dwelling. However, the extension is single storey in height and is separated from the adjacent properties by a timber fence that measure approximately 1.8 metres in height. Furthermore, there are no windows proposed on the gable of the extension that faces the properties along Pennine View.

5.8 Given the orientation of the application site with adjacent properties, it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of unreasonable loss of light, loss of privacy or over-dominance.

### **Conclusion**

5.9 In overall terms, the principle of an extension on the gable of the property is

acceptable, subject to the receipt of amended drawings that reduce the overall width of the extension to make it more proportionate to the main dwelling. The living conditions of the occupiers of adjacent properties will not be adversely affected by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Local Plan policies.

### 6. Human Rights Act 1998

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

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

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

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

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

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

### 7. Recommendation

#### Reason For Including Report In Schedule B

A full recommendation cannot be made as further amended drawings are awaited from the applicant.

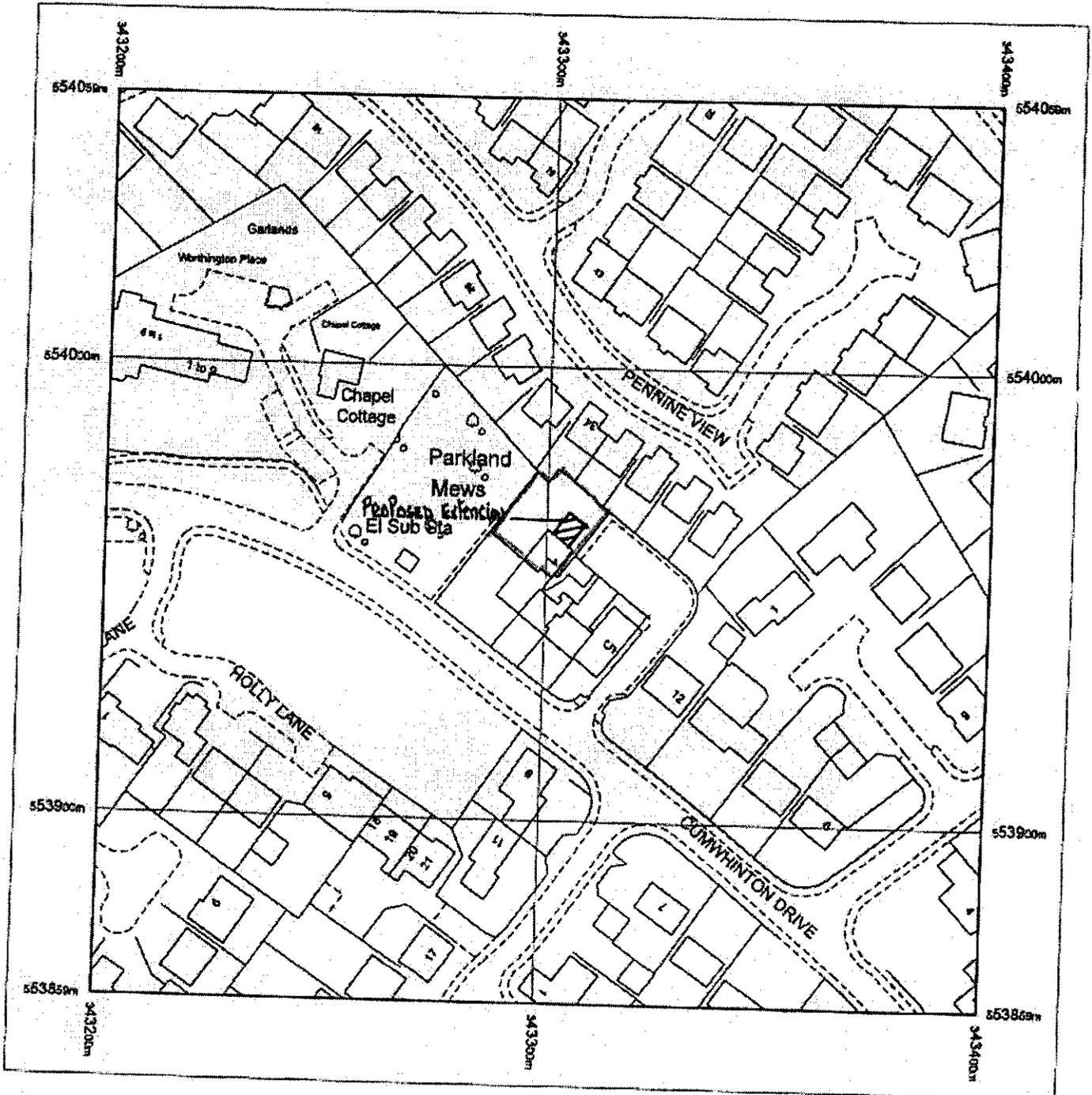
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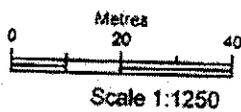
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The representation of features as lines is no evidence of a property boundary.

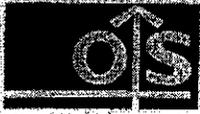


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Centre coordinates: 343300 553959

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**1 PARKLAND MEWS**

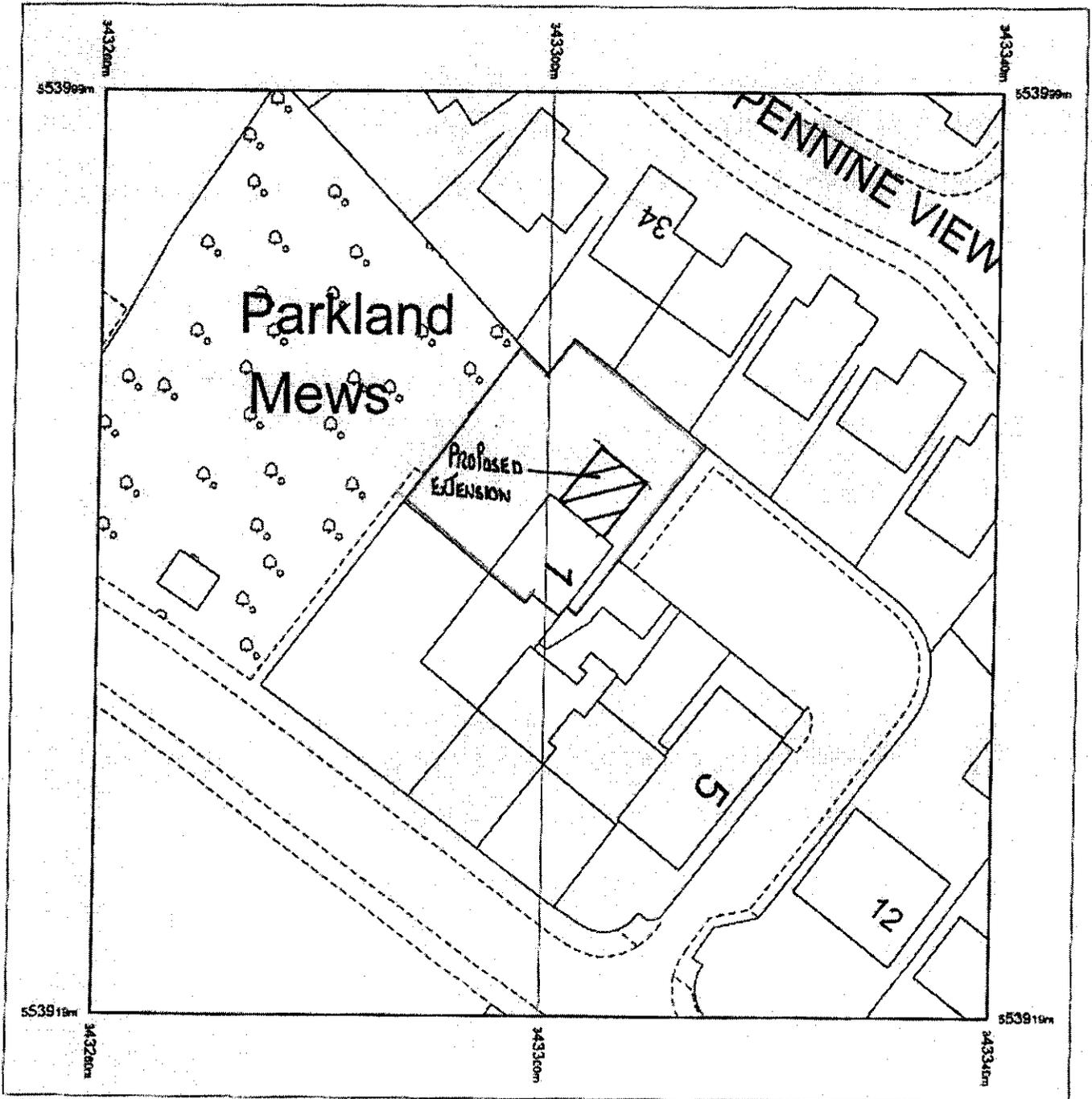
CARLISLE CA1 3GL



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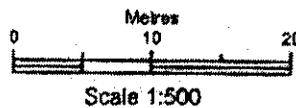
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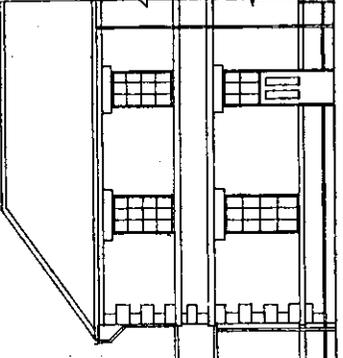
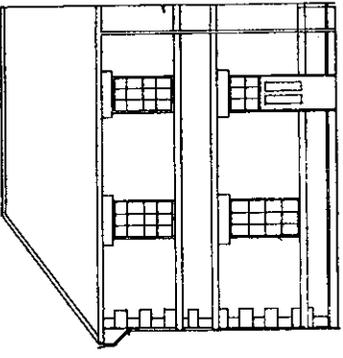
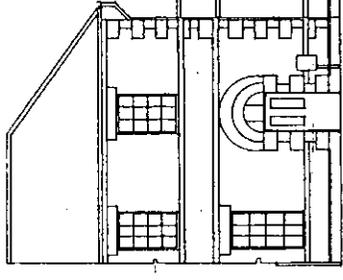
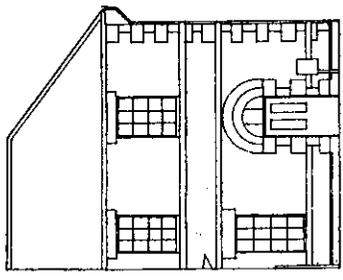
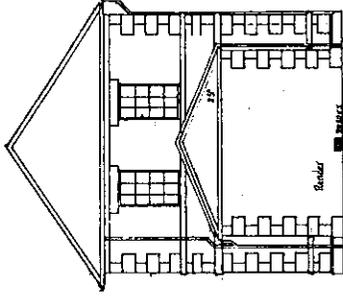
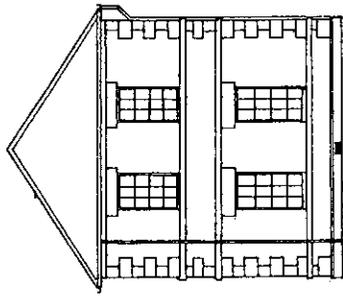
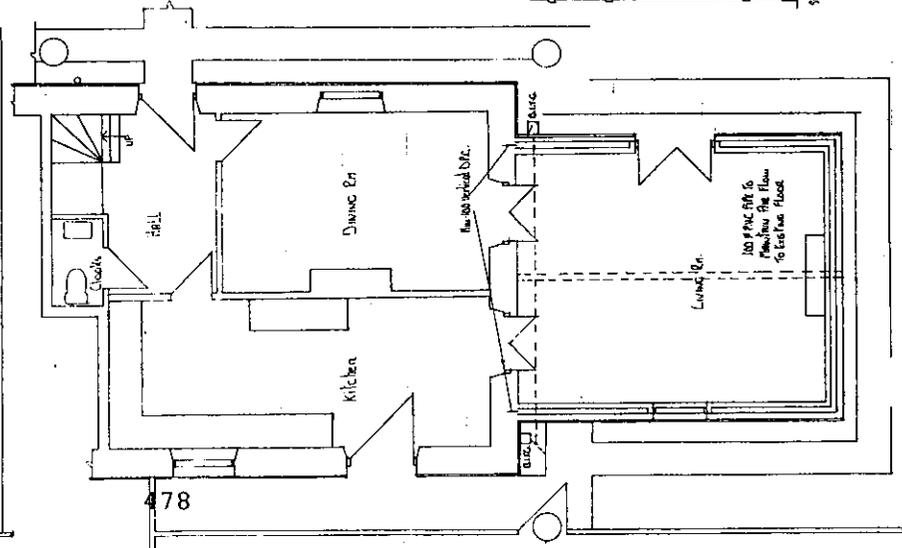
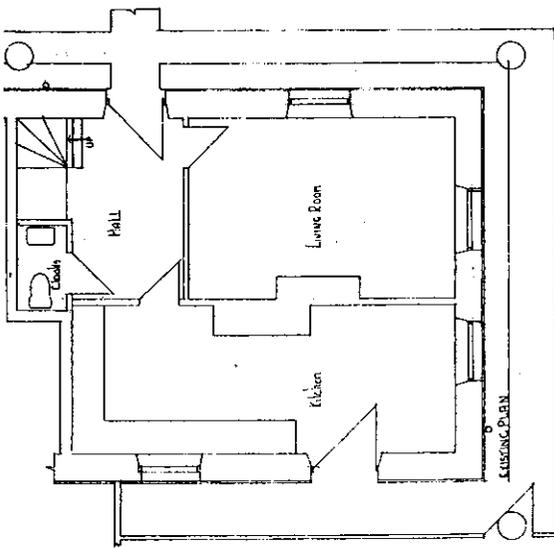


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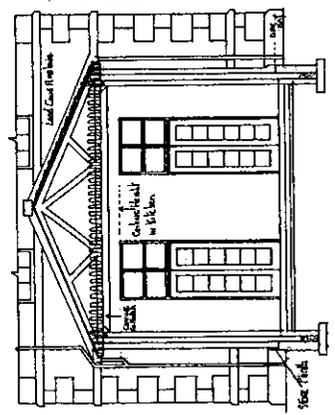
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1 PARKLAND MEWS

CARLISLE CA1 3GL



PROPOSED EXTENSION FOR THE ROBERT NICHOL | Park Lane House, CAROLINE CROSS  
Scale 1/50 1/15 1/200



**Foundations:** The existing foundations are of concrete and brickwork. The proposed extension shall be founded on concrete foundations. The foundations shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations. The foundations shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

**Structure:** The proposed extension shall be of brickwork and shall be built to the same standard as the existing building. The structure shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

**Roofs:** The proposed extension shall be of a gabled roof and shall be covered with slate. The roof shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

**Services:** The proposed extension shall be provided with water, gas, and electricity. The services shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

**Notes:** The proposed extension shall be built to the same standard as the existing building. The structure shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

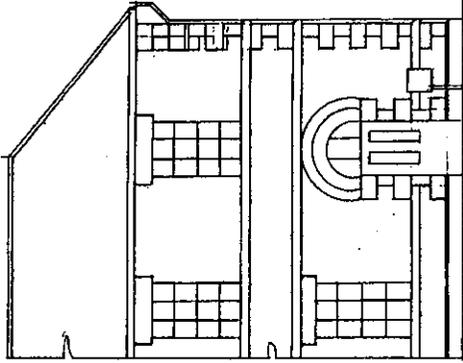
**Materials:** The proposed extension shall be of brickwork and shall be built to the same standard as the existing building. The materials shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

**Workmanship:** The proposed extension shall be built to the same standard as the existing building. The workmanship shall be designed to carry the proposed extension and shall be founded on the same level as the existing foundations.

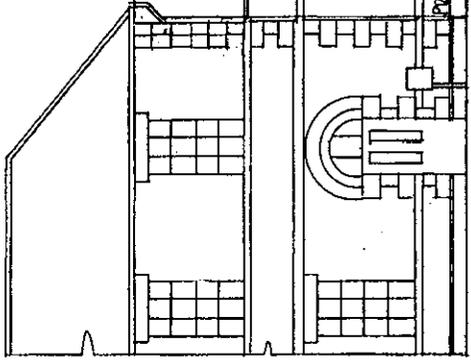
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19 MAR 2008  
10.24.03

Proposed Extension of  
M&V Parklands Mews for  
Messrs R. Nichol  
Scale 1/100

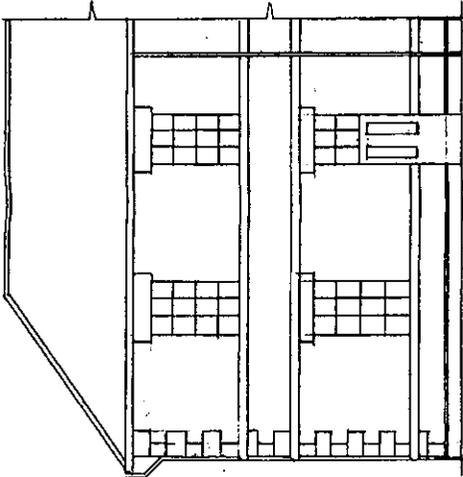
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08/0261



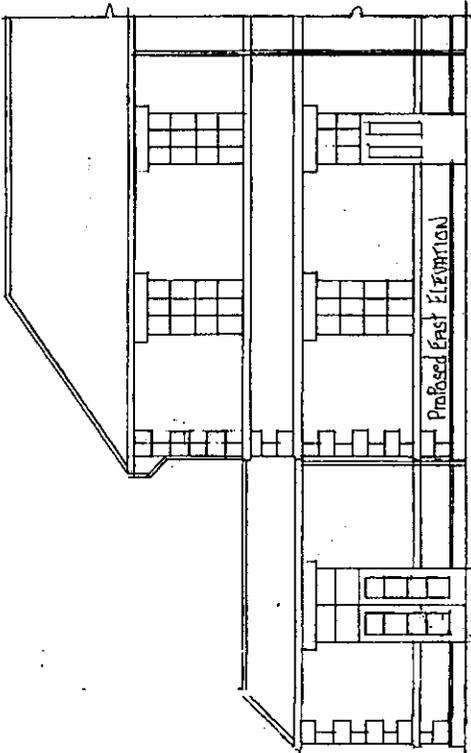
WEST ELEVATION



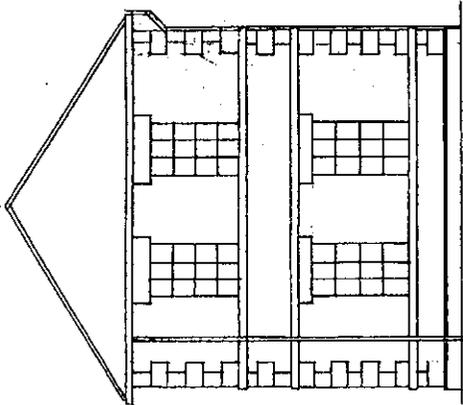
PROPOSED WEST ELEVATION



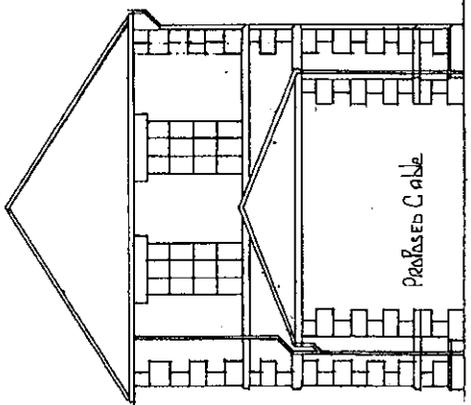
EAST ELEVATION



PROPOSED EAST ELEVATION



EXISTING GABLE



PROPOSED GABLE

## SCHEDULE B: Reports Requiring Further Information

08/0253

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**Item No: 19**

Date of Committee: 25/04/2008

**Appn Ref No:**  
08/0253

**Applicant:**  
Burgh by Sands Sports &  
Recreation Association

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
12/03/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
Land adjacent to Greyhound Inn, Burgh by Sands,  
Carlisle, CA5 6AN

**Grid Reference:**  
332355 558964

**Proposal:** Creation Of Pond In The Wildlife Area Including Reed-Bed For Water  
Cleansing And Sluice For Water Level Control

**Amendment:**

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**REPORT**

**Case Officer:** Angus Hutchinson

**Reason for Determination by Committee:**

In anticipation of further comments from interested parties.

**1. Constraints and Planning Policies**

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

**Joint St. Plan Pol E38: Historic environment**

**District E3 - AONBs**

**District E28 - Ancient Monuments**

**District E43 - Imps. to Cons. Areas**

**District L8 - Open Space**

**Rev Redeposit Pl. Pol CP4 - Design**

**Rev Redeposit Pl. Pol CP5 - Residential Amenity**

**Rev Redeposit Pl. Pol CP10 - Protect. Ground/Surface Waters**

## **SCHEDULE B: Reports Requiring Further Information**

08/0253

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

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

**Rev Redeposit Pl. Pol LE6-Hadrian's Wall World Heritage Site**

**Rev Redeposit Pl. Pol LE12-Schedule/Nat.Imp.Ancient Mons.**

**Rev Redeposit Pl. Pol LE20 - Conservation Areas**

**Rev Redeposit Pl. Pol LC1 - Leisure Development**

### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objection to the proposed development;

**United Utilities (former Norweb & NWWA):** no objection to this proposal providing the application correlates with Plan provided in conjunction with this planning consultation : Project No 1159, Drawing No 003 A;

**Cumbria County Council - (Archaeological Services):** comments awaited;

**English Heritage - (Hist Bldg & Monuments):** comments awaited;

**Natural England:** comments awaited;

**Development Services Planning & Housing Services - Access Officer:** comments awaited;

**Hadrians Wall Heritage Limited:** comments awaited;

**English Heritage (Hadrians Wall) - NE Region:** comments awaited;

**Solway Coast AONB Unit:** comments awaited;

**Burgh-by-Sands Parish Council:** comments awaited;

**Council for Protection of Rural England/Friends of the Lake District:** FLD have provided financial and officer assistance to Burgh By Sands Sport and Recreation Association in the recent past. We support the aims of the Association with regard to the village green, and as such would wish to register our support for this application.

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

### **3. Summary of Representations**

## SCHEDULE B: Reports Requiring Further Information

08/0253

### Representations Received

Initial:

Consulted:

Reply Type:

[REDACTED]	Midtown Farm	26/03/08	
	Nookfield Cottage	26/03/08	
	Old Station	26/03/08	
	4 Southfield	26/03/08	
	7 Southfield	26/03/08	
	Bank Cottage	26/03/08	
	Burgh House	26/03/08	
	Fulwood House	26/03/08	
	Birch House	26/03/08	
	Faulds Farm	26/03/08	
	Ashmead Cottage	26/03/08	
	The Greyhound Public	26/03/08	
	House		
[REDACTED]	The Old Post Office	26/03/08	Objection
	Garden Cottage	26/03/08	
	Ashbank	26/03/08	
	Ash Tree Cottage	26/03/08	
	1 Ash Tree Square	26/03/08	
	2 Ash Tree Square	26/03/08	
	3 Ash Tree Square	26/03/08	
	4 Ash Tree Square	26/03/08	
	5 Ash Tree Square	26/03/08	
	6 Ash Tree Square	26/03/08	
	West View	26/03/08	
	Oaklea	26/03/08	
	Slottet	26/03/08	
	4 Station Road	26/03/08	
6 Station Road	26/03/08		
Bradfield	26/03/08		

- 3.1 This application has been advertised in the form of a press notice, site notice and the direct notification of the occupiers of twenty-eight neighbouring properties.
- 3.2 At the time of preparing the report one letter of objection has been received raising the following grounds:
1. part of a plan includes the neighbour's property;
  2. the proposed wetland areas will mean that remedial action to the sewerage system will be difficult if not impossible for most of the year;
  3. a large body of water will encourage the breeding of biting insects, midges, mosquitoes etc which will reduce the quality of life of residents - the move north of Blue Tongue may also give the agricultural community within the Village concerns;
  4. the wetland area is likely to raise the water table and create new water logging of garden adjacent to the scheme;

5. much of the attraction of the wild life will be negated by a large cat, dog and heron population;
6. what is the precise status of this scheme? Are the owners allowed to restrict access to the site?

### **4. Planning History**

- 4.1 In 2005, under application 04/1372, planning permission was given for the change of use of an agricultural field to a village green.
- 4.2 In 2007, application 07/0257, permission was given for the erection of a bronze statue of King Edward I.
- 4.3 Earlier this month, under application 08/0152, permission was granted for the creation of a public playing field with ancillary car parking and access.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Burgh by Sands Village Green is centrally located within the Village on the southern side of the C2042 road to the immediate east and south of the Greyhound Inn. The Green, as a whole, is approximately 2.7 ha in extent and bounded to the south by the former Carlisle - Silloth railway line and Bush Cottage; to the west by residential properties based around Station Road; to the north partly by residential properties and the main Village road; and, to the east by Nookfield Cottage and an open field. The boundary is delineated by a stone wall along the road frontage otherwise it consists of post and wire fencing and mature hedging. There are existing field gates to the west of Nookfield Cottage and east of the Greyhound Inn.
- 5.2 The site is traversed by the course of the Vallum, a watercourse and a public sewer. The site is located within the designated Solway Coast Area of Outstanding Natural Beauty, Burgh by Sands Conservation Area, and, the Buffer Zone of Hadrian's Wall World Heritage Site.

#### **Background**

- 5.3 In 2005, under application 04/1372, planning permission was given for the change of use to a village green. Permission has also recently been granted, application 08/0152, for the creation of a public playing field with ancillary car parking.

## SCHEDULE B: Reports Requiring Further Information

08/0253

- 5.4 The current application, which relates to approximately 1.2 ha of the Green, seeks full planning permission for the creation of a pond (measuring approximately 38.5m by 34m) and nature reserve to the west of the playing field approved under 08/0152. The intention is to alter site levels by lowering certain sections filling others to enhance the existing contours to form the pond and provide a bund adjacent to the properties at Station Road. The pond is proposed to have a maximum depth of 1.5m. A "dipping" platform for the use of school parties is shown on the southern edge of the pond. The submitted plans also show the creation of a reed bed and a sluice. The intention is for the proposed bunding to offer an area of storage capacity for a 100-200 year storm. A footpath is proposed to be constructed to give access to the pond.
- 5.5 The submitted forms and plans are accompanied by a series of annexes which cover "Pond Design, Use and Access", "Archaeological Considerations", "Drainage and Sewerage", "Flood Risk Assessment", a "Concern Resolution Document", and a completed application for Scheduled Monument Consent. The aforementioned documents explain, amongst other things, that:
1. the pond development has attracted support from both the Big Lottery Fund and the Heritage Lottery Fund;
  2. the objective of the wildlife area is to provide a community facility which will support wildlife and enhance the landscape - the development will include measures to control water levels;
  3. the BBSSRA has received 44 letters of support for the present project. In September 2005 the community was consulted through a questionnaire delivered to every household. There was a 35% return of questionnaires of which 97.5% favoured development of a Green to include both a recreation area and a wildlife area;
  4. BBSSRA is working closely with Cumbria Wildlife Trust over the design of the wildlife area;
  5. educational use of the pond will be positively encouraged through direct invitation and advertisement to local schools;
  6. the pond will be accessed by a wheelchair friendly path;
  7. the route of the path will avoid the neighbouring houses;
  8. the proposed sluice is shown to be built at the western end of the watercourse to control the rate of flow into the exit pipe which passes under the houses at Station Road;
  9. as part of the proposed infilling the Vallum will be protected by a membrane where it crosses the Scheduled Monument;
  10. BBSSRA has agreed a way leave and 2m access strip with United Utilities and intends to raise and replace the access covers with sealed units to prevent leakage;
  11. the Flood Risk Assessment (FRA) indicates that the creation of a pond will not increase the risk of flooding in the area. The FRA also recommends the construction of a bund behind the properties in Station Road to protect those properties from flooding which already occurs;
  12. BBSSRA have spoken to Dr I Wallace of the Liverpool School of

## SCHEDULE B: Reports Requiring Further Information

08/0253

Tropical Medicine who has explained that the only human biting mosquitoes inhabit brackish/salty lagoons or dark woodland ponds. In this instance the proposed open water pond acting as a balanced ecosystem should not lead to a mosquito problem. Any flying insects associated with the pond are likely to stay there as opposed to the Village. In the case of the reed beds, any odour would only be released upon deliberate excavation into the substrate. In addition, it has been explained that rats are primarily attracted by available food whatever the habitat. In the absence of an apparent source of food at the wildlife area, it is unlikely that this problem would manifest itself.

- 5.6 In response to comments received, the applicant has written to apologise to a neighbouring resident that one of the submitted plans ("plan 2") showing a schematic representation of the site has mistakenly included part of their property.

### Assessment

- 5.7 When assessing this application Policies E34 and E38 of the Cumbria and Lake District Joint Structure Plan 2001-2016, Policies E3, E28, E43 and L8 of the Carlisle District Local Plan together with Policies CP4, CP5, CP10, CP14, DP8, LE6, LE12, LE20 and LC1 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) are of relevance.
- 5.8 In the light of the foregoing it is considered that the main issues revolve around whether the advantages outweigh any disadvantages with regard to a) the character of the AONB and Conservation Area; b) archaeology ; c) drainage; and, d) the living conditions, welfare and security of neighbouring residents.
- 5.9 In looking at the impact of the proposal on the character of the area it is evident that the proposal will be in contrast to the more formalised provision of the sports pitch on the Village Green. The Village Design Statement states that:
- "There are very few open spaces (either public or private) within the Conservation Area. The most substantial area is the open field in the centre of the village between Nookfield Cottage and the Greyhound Inn. This is currently the subject of an option to purchase by the community aimed at creating an area of public open space....Whatever the outcome of this initiative, the prominence of this space within the village means ...avoiding any hint of urbanity in terms of design and materials, in order to ensure that its potential contribution to the visual amenity of the Conservation Area is fully realised."
- 5.10 In such a context it is considered that the proposal is a compatible use which will retain the open character of the site.
- 5.11 In the case of above items b) and c) comments are awaited from interested parties.

## **SCHEDULE B: Reports Requiring Further Information**

08/0253

- 5.12 Finally, the proposed use is still likely to be relatively low key yet also provide recreational and social benefits to the community at the heart of the settlement. The relationship to neighbouring dwellings should also allow for natural surveillance. In the context of the information provided by the applicant, the proposal should, in addition, not lead to significant problems associated with animal/human welfare.

### **Conclusion**

- 5.13 In conclusion it is considered that the proposal should neither be detrimental to the character of the area nor the living conditions and welfare/security of neighbouring residents. This aside, comments of interested parties are still awaited. On this basis an updated report will be presented to Members during the Meeting.

## **6. Human Rights Act 1998**

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

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

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

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

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

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

## **7. Recommendation**

### **Reason For Including Report In Schedule B**

Comments from statutory consultees are awaited and notification period yet to expire (18.04.08) at time of preparing the report.

## **SCHEDULE B: Reports Requiring Further Information**

08/0253

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PLAN 1

**LR**

TITLE NUMBER  
**CU171885**

**CUMBRIA : CARLISLE**

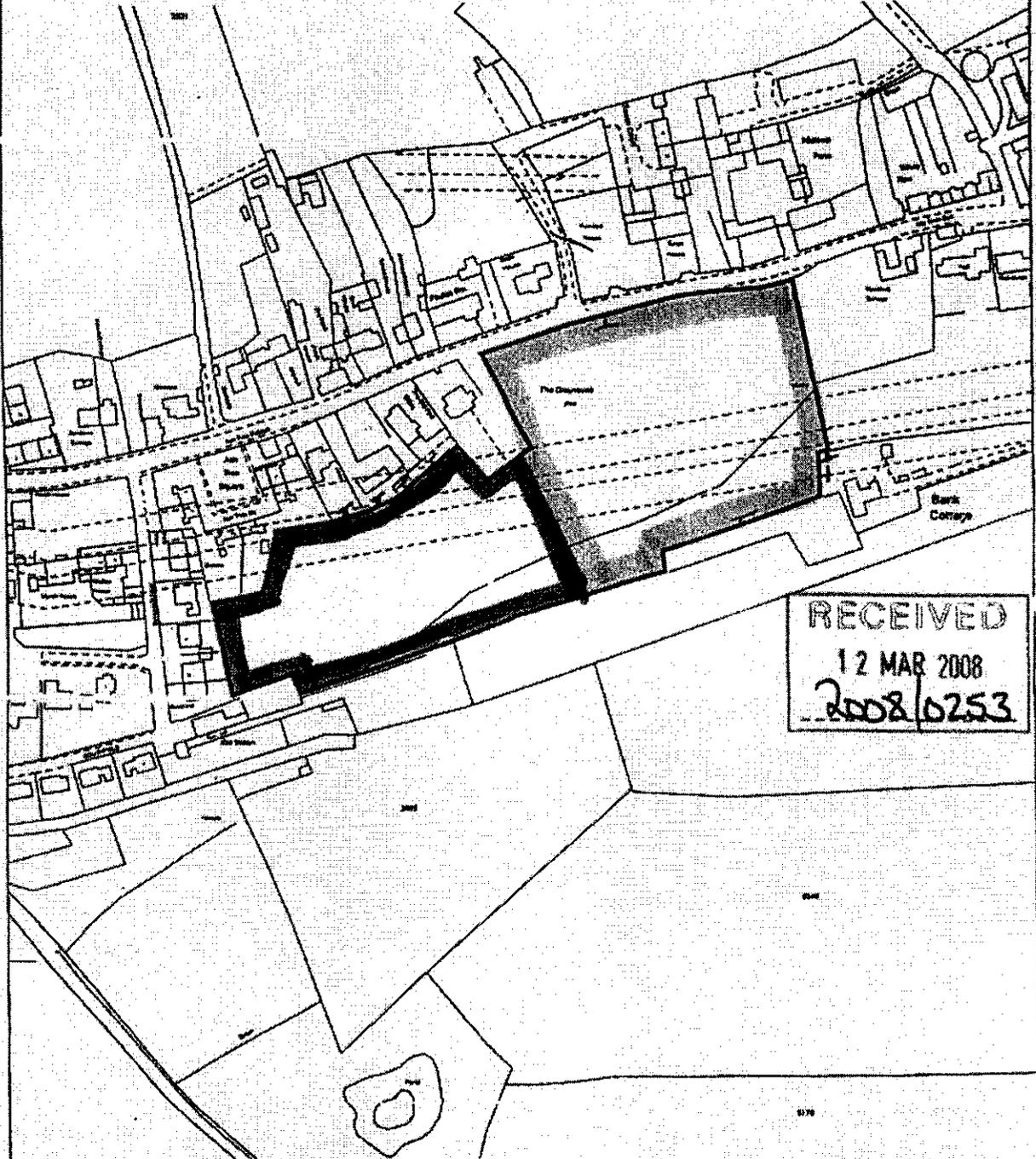


ORDNANCE SURVEY MAP REFERENCE:

NY32595W

SCALE 1:2500

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2008/0253

This office copy shows the state of the title plan on 21 August 2002 at 16:26:17. It may be subject to minor distortions in scale. Under s.113 of the Land Registration Act 1925, this copy is admissible in evidence to the same extent as the original. Issued on 22 August 2002.

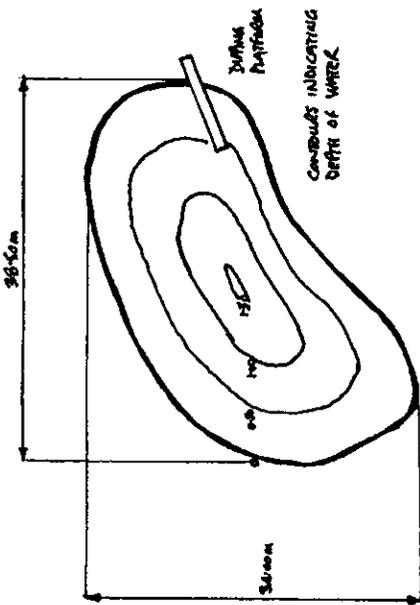
This title is dealt with by the Durham (Baldon House) District Land Registry.



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PLANS

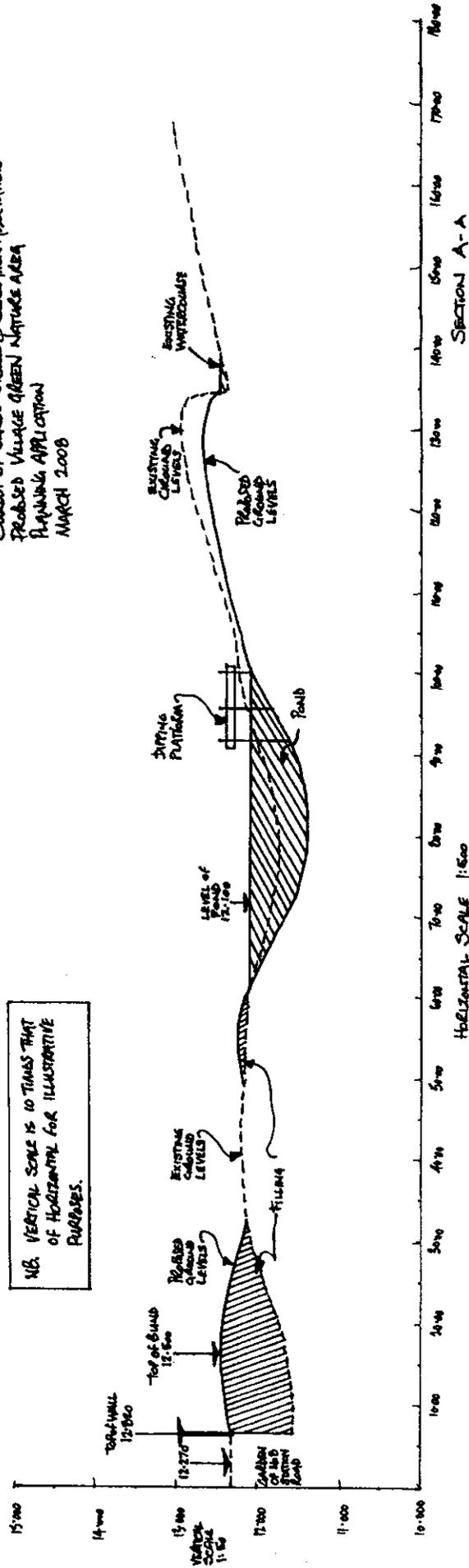


PLAN OF POND SCALE 1:50  
 MAXIMUM DEPTH 1.50m  
 AT CENTER

17 MAR 2008  
 2008 10253

BULH-GY-SANDS STOKES RECREATION ASSOCIATION  
 PROPOSED VILLAGE GREEN NATURAL AREA  
 PLANNING APPLICATION  
 MARCH 2008

N.B. VERTICAL SCALE IS 10 TIMES THAT  
 OF HORIZONTAL FOR ILLUSTRATIVE  
 PURPOSES.



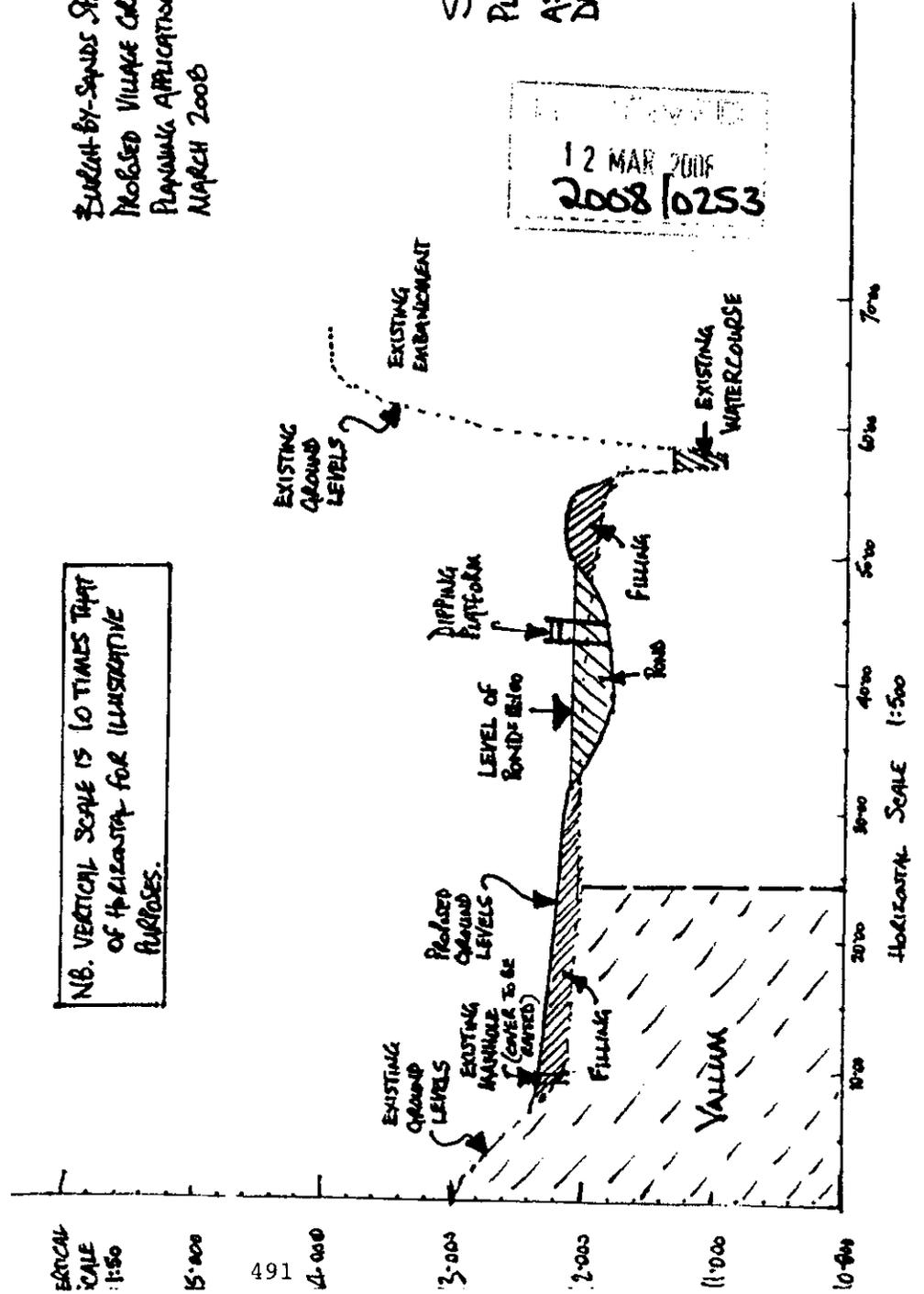
SECTION A-A  
 PLEASE REFER TO  
 ASSHED DESIGN ASSOCIATES  
 DRAWING NO. 1159/003 REV. B

SUKLINT BY-SANDS SPORTS & RECREATION ASSOCIATION  
 PROPOSED VILLAGE GREEN NATURE AREA  
 PLANNING APPLICATION  
 MARCH 2008

SECTION B-B  
 PLEASE REFER TO  
 ASHWOOD DESIGN ASSOCIATES  
 DRAWING NO. 1159/003 REV.B

12 MAR 2008  
 2008 10253

NB. VERTICAL SCALE IS 10 TIMES THAT  
 OF HORIZONTAL FOR ILLUSTRATIVE  
 PURPOSES.



## SCHEDULE B: Reports Requiring Further Information

07/1321

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Item No: 20

Date of Committee: 25/04/2008

**Appn Ref No:**  
07/1321

**Applicant:**  
Mr A Harid

**Parish:**  
Carlisle

**Date of Receipt:**  
13/12/2007

**Agent:**  
Jock Gordon

**Ward:**  
Castle

**Location:**  
Curry Master, 31 John Street, Carlisle, CA2 5TR

**Grid Reference:**  
339401 555939

**Proposal:** Erection of Illuminated Fascia Sign (Retrospective)

**Amendment:**

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**REPORT**

**Case Officer:** Richard Maunsell

### **Reason for Determination by Committee:**

This application is brought for determination by Members of the Development Control Committee as the applicant is an elected Member of the City Council.

#### **1. Constraints and Planning Policies**

District E47 - Advertisements

Rev Redeposit Pl. Pol EC16 - Advertisements

#### **2. Summary of Consultation Responses**

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

#### **3. Summary of Representations**

**Representations Received**

Initial:

Consulted:

Reply Type:

 29 John Street

03/01/08

## **SCHEDULE B: Reports Requiring Further Information**

07/1321

- 3.1 This application has been advertised by means of a site notice and direct notification to the occupier of the neighbouring property. At the time of writing this report, no representations have been received.

### **4. Planning History**

- 4.1 Planning permission was granted in 2001 for the change of use to a hot food take away.
- 4.2 In 2006, advertisement consent was granted for the erection of illuminated fascia signage.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Retrospective advertisement consent is sought for signage to Curry Master, 31 John Street, Carlisle. The take away occupies a two storey end of terrace property located close to the junction of John Street and Bridge Street. The site is designated as being a Mixed Commercial Area within the Carlisle District Local Plan.

#### **Background**

- 5.2 An application to display an internally illuminated fascia sign was approved in 2006. During the course of this application, Officers were concerned about the nature and extent of the internal illumination on this prominently located corner site and undertook successful negotiations with the applicant's agent to ensure that only a portion of the fascia sign would be illuminated and only then, by way of halo illumination. To further re-enforce this issue, a condition was attached to the consent requiring the installation of halo illumination. The depth of the fascia was also reduced in scale.
- 5.3 Since that time, the applicant has erected the fascia sign which disregards the amendments made to the proposal and the condition imposed on the advertisement consent. A revised application has hence been submitted to regularise the situation.

#### **Proposal**

- 5.4 The proposal seeks consent for the display of a fascia sign that would occupy the entire frontage of the building. The sign measures 7.25 metres in width by 0.5 metres in height. The sign comprises two parts: the first, displays the words 'Curry Master' and this occupies approximately 4.5 metres of the width of the sign. This element consists of individual letters that stand proud of the fascia and are lit by static neon illumination that is coloured pink. The

## **SCHEDULE B: Reports Requiring Further Information**

07/1321

remainder of the sign is non illuminated with the words 'Balti & Tandoori Take Away' applied to the fascia. The fascia itself is coloured white.

### **Assessment**

- 5.5 Applications for advertisement consent can only be controlled in the interests of 'amenity' and 'public safety'. No objection has been received from the Highway Authority and the sign would not be so prominently sited as to be sufficient to cause a distraction and therefore pose a threat to users of the highway.
- 5.6 The merits of the application must therefore be assessed under 'amenity' grounds. Advertisement proposals should have regard to the environment and the visual amenity of the area, as defined in Planning Policy Guidance Note 19 (Outdoor Advertisement Control). A material consideration of advertisement applications is the effect on the character of the area.
- 5.7 Policy E47 of the Carlisle District Local Plan and Policy EC16 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016 require that advertisement proposals are appropriate to the character of the surrounding area and that the amenity of the locality is protected. The application involves the installation of a sizeable fascia sign along the John Street elevation of the building that would measure 7.25 metres by 0.5 metres. Although the signage would appear significant in scale, the siting and design are considered to be proportionate to this building within the character of this mixed commercial area.
- 5.8 Development should also be appropriate in terms of quality to that of the surrounding area and proposals should 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.
- 5.9 There are a number of prominent fascia signs in the vicinity of the application site, namely KC Superbikes. Whilst there are a variety of illuminated and non-illuminated fascia signs, there are no examples of neon illuminated signs in the locality.
- 5.10 Whilst there is no objection to the scale of the fascia sign, the issue centres around the means of illumination. During daylight hours, the signage is relatively innocuous; however, its visual impact is more apparent during the hours of darkness when the sign is illuminated. The building occupies a prominent corner site which given the angular nature of its footprint, is most visible when travelling west. The combination of the method and colour of illumination probably emphasises its impact on the character and appearance of the locality.

### **Conclusion**

- 5.11 In overall terms, the principle of fascia signage on the building is not in

dispute. The concern centres about the combination of the method, colour and extend of illumination that is detrimental to the visual amenity and character of the area and is visually dominant due to the means of illumination, contrary to current Local Plan policies.

**6. Human Rights Act 1998**

**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;

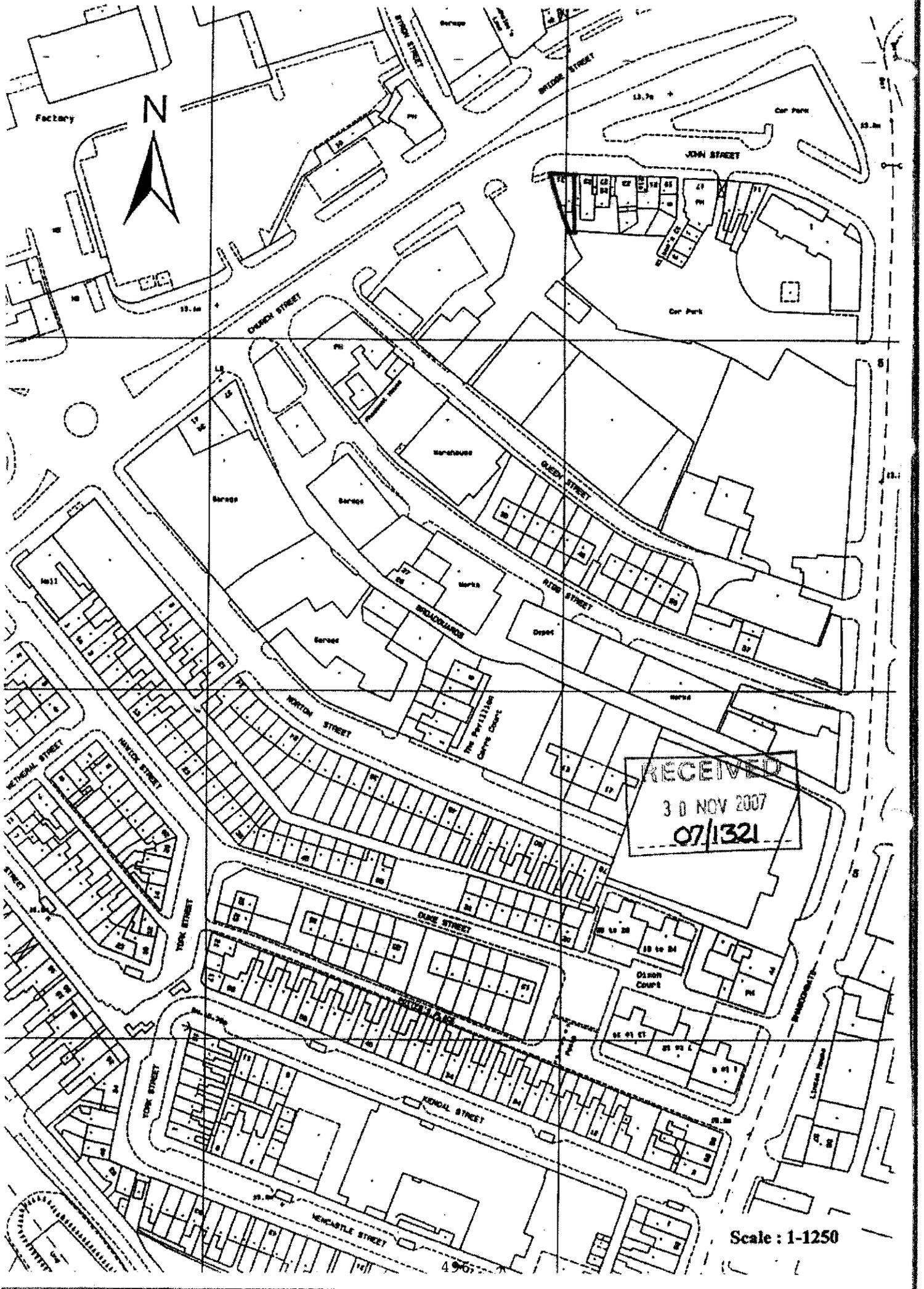
The applicants rights are respected, however, the proposal is considered to be contrary to acknowledged interests of importance.

**7. Recommendation**

**Reason For Including Report In Schedule B**

A recommendation is unable to made as a night-time assessment of the proposal is currently awaited.

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Factory



JOHN STREET

CHURCH STREET

Warehouse

Garage

Workshop

Garage

BRINSFORD LANE

ROPER STREET

WINTON STREET

Per 113138a Curve Court

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METCAL STREET

INWICK STREET

DUNE STREET

Dixon Court

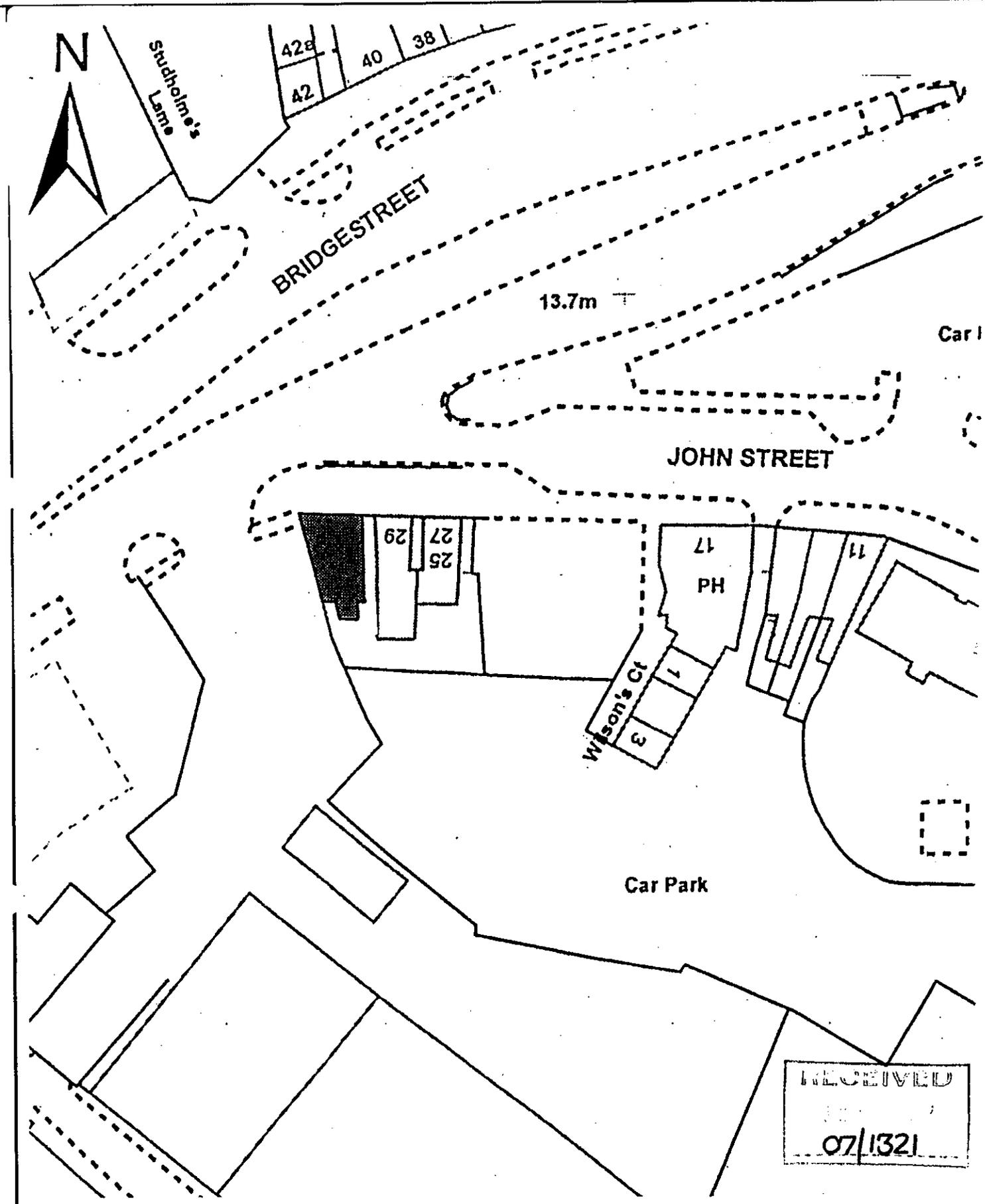
TOPK STREET

KENDAL STREET

NEWCASTLE STREET

Scale : 1-1250

4967



**PROPOSED FASCIA SIGN**

**SITE PLAN**

**31 JOHN STREET - CARLISLE**

**Scale : 1-500**



AS EXISTING



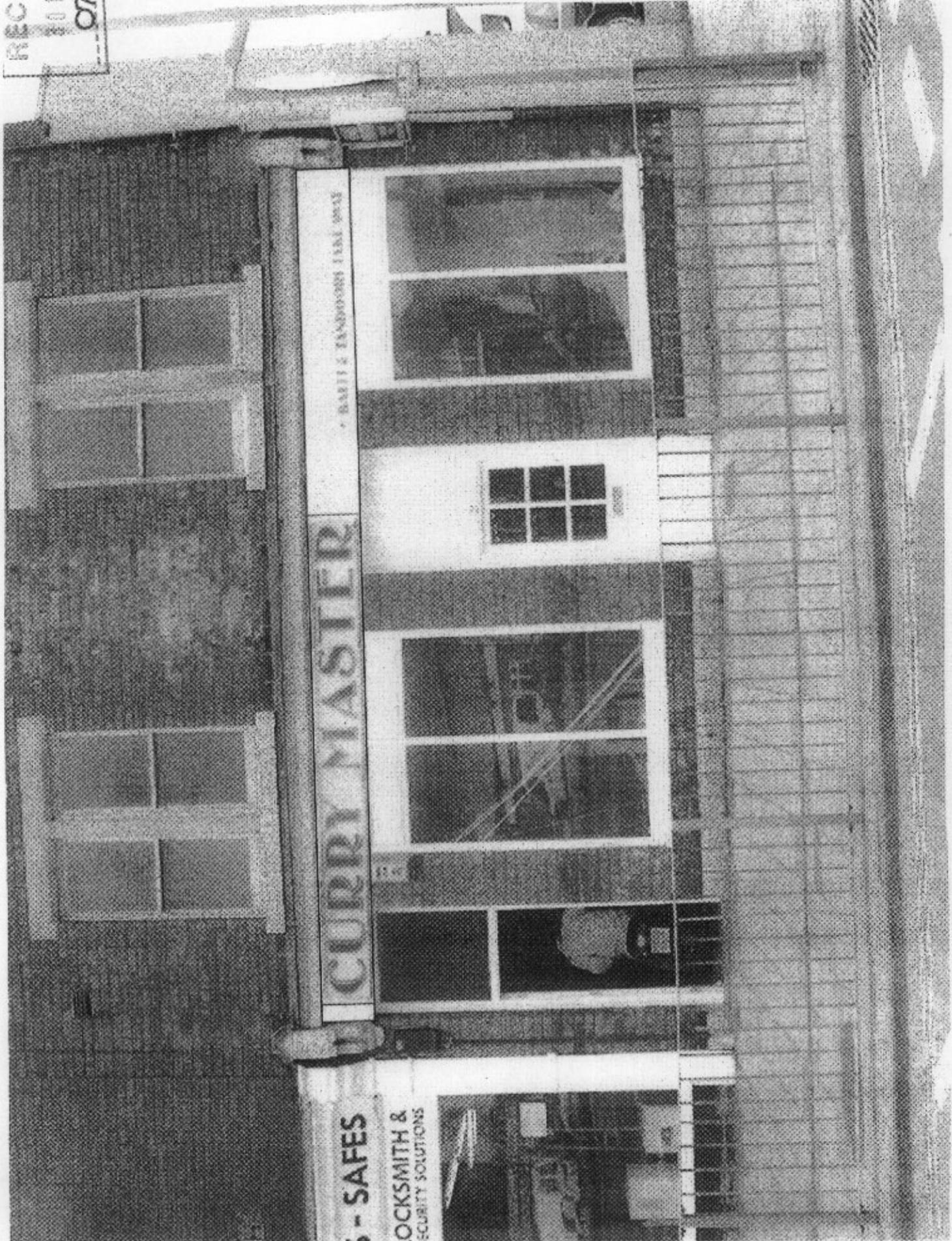
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PROPOSED SIGNAGE  
31 JOHN STREET - CARLISLE

DRG. No. 1585/2B  
SCALE: 1-50  
DATE: JUNE 2006

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NOV 13 2007  
07/1321



• BART'S TANDORNS 1381 HWY 41

CURRY MASTER

SAFES  
LOCKSMITH &  
SECURITY SOLUTIONS

SCHEDULE C

SCHEDULE C

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SCHEDULE C

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 21**

Between 24/01/2008 and 11/04/2008

**Appn Ref No:**  
08/9003

**Applicant:**  
Greenpark Energy

**Parish:**  
Arthuret

**Date of Receipt:**  
22/02/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land at Bruntons Hill Farm, Carwinley, Longtown,  
CA6 5PG

**Grid Reference:**  
340680 572996

**Proposal:** Formation Of New Vehicular Access

**Amendment:**

### REPORT

**Case Officer:** Barbara Percival

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 19/03/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 20/03/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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## **1.0 RECOMMENDATION**

- 1.1 That, having taken account of the environmental information submitted in the Environmental Impact Assessment planning application 1/07/9029 is GRANTED for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.
- 1.2 That planning application 1/08/9003 is GRANTED for the reasons set out in Appendix 1 and subject to the conditions in Appendix 3.
- 1.3 That the planning assessment in Section 4 of this report shall form the basis of the statement required to be made public under Section 21 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999 in relation to planning application 1/07/9029.

## **2.0 THE PROPOSAL**

- 2.1 The proposed development under application 1/07/9029 is for the construction of a hardstand for siting and operation of drill rigs for drilling a borehole for exploration and use of the borehole for appraisal/testing of coal bed methane and construction and operation of plant and equipment for coal bed methane production. The application site is a 0.42ha section of a field located adjacent to an unclassified road north east of Longtown. The application is accompanied by an Environmental Statement.
- 2.2 The construction of the hardstand for the drill rig would involve stripping of topsoil and storage on the site during the drilling and testing phases. The exposed ground would be surfaced with a geotextile membrane covered with a layer of crushed rock/hardcore. The height of the drill rig for the borehole drilling would be approximately 30m. The second phase of testing for the presence and quality of methane would require a smaller drill rig approximately 28m high. A third type of drill rig up to 30m high would be used for the drilling of lateral boreholes for gas extraction. The period requested for the borehole drilling, testing, appraisal and lateral drilling phases is for up to two years within which the drill rigs could be operated for a maximum cumulative period of twenty eight weeks. The actual drilling and operation of a rig for testing is proposed to be carried out for periods of 24 hours per day seven days per week.
- 2.3 If the testing and appraisal phase does not demonstrate that adequate quantities of methane that is of the right quality then the site would be restored by the removal of the hardstand area and reinstatement of soils for a return to agricultural use. If the testing and appraisal phase demonstrates that the gas extraction would be commercially viable there would be a second phase of drilling of lateral boreholes into the coal seams for to be collect and draw methane to the surface.
- 2.4 If the site shows the presence of an adequate quantity/quality of methane then it is proposed to use a smaller area of the site (approximately 0.2ha) for the installation of methane production equipment. This would consist of a permanent access capable of supporting the production plant for up to 25 years. Site equipment would comprise a gas extraction suction fan measuring 2m x 2m by 1m high, linked to surface 'condensers' (up to three upright cylindrical tanks 2m high and 0.75m diameter to be used for water separation and gas piping to a collection/distribution system). Water would be piped to a smaller tank

measuring 2m high by 6m diameter. Gas would be piped out of the site to be connected to a separate network of pipes (which would require a further planning application). If used for methane production the equipment would be secured by the provision of a 2m high palisade fence.

- 2.5 On exhaustion of the methane resource which is expected to be approximately 20 - 25 years from commencement of production the site would be restored to agricultural grassland.
- 2.6 Access to the development was originally proposed to be from a farm track linking to the U1011. However following receipt of an objection over the proximity to residential property and a site visit from the Development Control and Regulation Committee, a separate application for a replacement access linking to the C1001 has been submitted (application 1/08/9003).
- 2.7 The replacement access would link to the highway through creation of a new track leading to the south west from a corner of the drill site for a distance of 115 metres. The track would be 7.3m wide and at the junction with the public highway would be provided with 10m kerb radii with 2.4m x 215m visibility splays. The track is proposed to be surfaced with tarmac as for the adjacent road for a distance of 15m back into the track route from the road junction.

### 3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 Carlisle City Council (Planning): No objection subject to conditions being imposed on any permission covering detailed approval of access and parking, hours of operation and consideration of the gas pipeline safeguarding zone in the vicinity.
- 3.2 Carlisle City Council (Environmental Health): No objection. It is recommended that a Condition is imposed covering hours of operation.
- 3.3 Arthuret Parish Council: No objection. Consideration should be given to the potential effect of noise and traffic on nearby residential property.
- 3.4 English Heritage: No objection.
- 3.5 The Highway Authority have no objections subject to the means of access to the highway providing satisfactory visibility splays and turning radii and the adherence to an agreed vehicle route. The application for the replacement access if granted permission should be subject to conditions
- 3.6 Environment Agency: No objection. Conditions are recommended to be imposed covering approval of details of a surface water regulation system and the management of the borehole to prevent transfer of fluids between geological formations.
- 3.7 The local Member, Mr GR Prest, has been notified.
- 3.8 No response had been received from the Health and Safety Executive, DEFRA and Natural England at the time of drafting this report.
- 3.9 One letter of representation has been received on behalf of a local resident. This objects to the original proposal on the grounds of traffic on the original access

road and proximity to a residential property. The objection also comments on the Environmental Impact Assessment. The same objector has submitted representations on the application for the replacement access road. The letter notes that the new application proposes a means of access to the highway that will be further from the residential property but that it will still be close enough to cause a nuisance to the occupier from noise.

#### **4.0 PLANNING ASSESSMENT**

- 4.1 Policies 40 and 41 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Policies), (the CMWLP) establish a presumption in favour of approval of developments of this type (including gas production facilities) provided that the scheme is consistent with an overall scheme of appraisal and production. Within the terms of these policies there would be clear benefits through the development of this natural resource.
- 4.2 Planning permission has recently been granted for two other coal bed methane drilling and appraisal sites elsewhere in the County. This application is different in one respect in that it includes a proposal for use of a smaller area of the application site for the installation of gas production facilities should the testing and appraisal of the potential resource show that the gas is present in sufficient quantity and quality. The prospective development would therefore be in two distinct phases of setting up the drilling/testing/appraisal equipment followed by dismantling and removal then installation of the gas production equipment.
- 4.3 The individual elements of the proposal need to be assessed in relation to the potential environmental impacts that could arise. For installation of the drilling/testing/appraisal element the most significant impacts that would be likely to occur would be from traffic for construction and removal of the drilling/testing equipment, visual impact during the drilling/testing phase and from noise of operation of the drill rig equipment. If the site is used for gas production the most likely significant environmental impact would be from visual impact from the surface plant and equipment. There are no known agricultural or nature conservation interests at this site and no objection has been received from Natural England and DEFRA.
- 4.4 In terms of potential traffic impacts, the site is isolated with relatively few sensitive properties in the vicinity. There is no objection from the Highway Authority. The nearest residential property is 160m distant from the proposed drill rig. It is concluded that granting permission for Application 1/08/9003 for the replacement access to the C1001 would reduce the potential for there to be an adverse impact from traffic on sensitive receptors even though the objector considers that there remains a potential for such an adverse impact from noise.
- 4.5 The noise of operation of the drill rig including any noise from erection and dismantling of equipment would be the same as that for the other test drilling sites recently granted planning permission, one of which is approximately 1km to the south east of this application site. The EIA contains predicted maximum noise levels from rig operation that are less than 50dB<sub>(LAeq 1hr free field)</sub> at the nearest residential property (Stottfoot) approximately 160m distant. Noise from construction equipment and machinery at peak levels of operation, which would be temporary have been calculated as being up to 64dB<sub>(LAeq 1hr free field)</sub> at the nearest noise sensitive receptor. The first of these calculated noise levels are

below the 55dBA daytime noise level limit indicated as acceptable for rural areas and the second is just below the 10dBA excess (above 55dBA) noise levels for peak operation levels such as soil stripping with bulldozers for temporary periods. These are the noise limits indicated as acceptable in MPS2. Therefore the applicant has demonstrated that the proposed development would comply with the requirements of Policy 2 of the CMWLP in that surrounding land uses would not be subject to unacceptable noise.

- 4.6 The Carlisle City Environmental Health Dept have recommended a restriction on hours of operation as part of controls on noise levels. The hours suggested would confine all activities to normal working days and would prohibit the 24hour 7 days per week operation of the drill rigs. The nature of drilling operations requires that as and when this is carried out continuous operation is necessary. Previous sites permitted for drill operation have operated these extended hours for drilling without an adverse impact from noise and it is concluded that it is unlikely that the operation of drill rigs at this site on the same basis would have an adverse impact. It would be reasonable however for the developer to be required to limit the hours and days of operation for site preparation and installation and dismantling works to the more normal hours suggested.
- 4.7 The site is a field partially screened from view by trees and hedges. The topography of the site is of gently sloping hill leading up to the buildings comprising Bruntons Hill Farm. Therefore there is a potential for an adverse visual impact from the drill rig from some limited elevation of the drill rig above the nearby roads and from Bruntons Hill Farm. There could be two types of drill rig operated firstly for drilling the borehole (going to a height of 30m) and for the second phase of testing/appraisal a smaller rig (28m high). A third rig of up to 30m could be used for the drilling of lateral boreholes into coal seams. The drill rigs would not be operated for more than a cumulative period of 28 weeks within a period of two years. If the test showed that the site could be used for methane production then the smaller production facility would be readily concealed by screen planting. It is the isolation of this site that provides the minimisation of any visual impact. Therefore the requirements of Policy 7 of the CMWLP with regard to minimising visual impact can be met.
- 4.8 The use of a smaller area for gas production proposes the provision of a perimeter palisade fence which along with the type of gas production equipment would create an industrial type of facility in an otherwise open area of large fields bordered by managed hedgerows. As such it would not be in keeping with the landscape character of the area and would have a degree of adverse visual impact. This impact could be mitigated by altering the fencing to a black wire mesh with some perimeter planting which should be approved and implemented before the site is used for gas production.
- 4.9 It is not yet certain that the site would be used for gas production. It is possible that the site would have to be restored after completion of the testing and appraisal phase. This means that any permission granted would have to allow for the possible requirement for early restoration. This can be secured by planning conditions.

Human Rights Act 1998

- 4.10 The proposal will have a limited impact on the visual, residential and

environmental of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

### **Conclusion**

- 4.11 I recommend that planning permission is granted for both the drill/test/appraisal site and for methane production site and also for the replacement access subject to the conditions in Appendices 2 and 3.

**Shaun Gorman**  
**Head of Environment**

### **Contact**

Mr Nick Long, Kendal, tel: 01539 773426, email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

### **Background Papers**

Planning Application File Reference No. 1/07/9029

### **Electoral Division Identification**

Longtown & Bewcastle ED - Mr GR Prest

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**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Local Plan (1996 – 2006) (Saved Policies)**

Policy 2: Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

Policy 7: Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

Policy 40: Proposals for the appraisal drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

Policy 41: Proposals for the commercial production, processing and transporting of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

**Cumbria and Lake District Joint Structure Plan (2001 – 2016)**

Policy ST7: Small scale development to help sustain local services, meet local needs or support rural businesses will be permitted in towns and villages defined as local service centres in Local Development Frameworks. It will be the exception for new development to be located in the open countryside.

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

## CONDITIONS

### Time limits of the permission.

- 4 The development hereby permitted shall be for a limited period for each of the phases of the development with the permission expiring after the time periods listed below:
- (a) For the installation operation and completion of the drilling testing and appraisal phases, two years from the date of commencement of the development.
  - (b) Unless other wise overridden by the requirement for compliance with the time limit imposed by part (c) of this condition; for the installation and operation of the gas extraction/production phase (if implemented), twenty five years from the date of completion of installation of the gas extraction/production equipment the date of which shall have been notified in writing to the Local Planning Authority not later than seven days from that completion. This date of completion of installation shall thereafter be designated as the date of commencement of the twenty five year period of the permission for extraction.
  - (c) Notwithstanding the limitations imposed by parts (a) and (b) of this condition the development shall not continue after the expiry of 28 years from the date of commencement of the development.
  - (d) The development shall not be implemented in any part if the initial drilling and appraisal/lateral drilling phases have not been commenced after the expiry of three years from the date of this Decision Notice.

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

### Environmental Controls

- 5 The operation of any drill rigs for the purposes of this development shall not continue for a cumulative period exceeding 28 weeks (that is to say 196 days or 4,704hours) within the two year period of operation allowed under the terms of Condition 1(a) with this permission.

*Reason: To minimise the potential for an adverse impact from noise on sensitive receptors arising from the development in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 6 Other than for operations for the use of drill rigs for the drilling of boreholes, lateral gas extraction boreholes, testing and appraisal of gas quality and for operation of the gas extraction plant if installed, (all of which may be carried out

24 hours per day seven days per week), no other use, operation or activity for the development hereby permitted shall be carried out outside of the following hours:

07.00 to 17.00 hours Mondays to Fridays  
08.00 to 13.00 hours Saturdays

and not at all on Sundays, Bank or other Public Holidays.

*Reason: To minimise the potential adverse impact from noise on sensitive receptors arising from the development hereby permitted in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 7 For the duration of the installation of site preparation operation of initial drilling, testing/appraisal and lateral drilling and for dismantling and removal of equipment and restoration of the site the developer shall implement a noise monitoring scheme at noise sensitive receptors that has been given prior approval in writing by the Local Planning Authority and the results of such monitoring shall be deposited with the Local Planning Authority on request.

*Reason: To enable monitoring of compliance with the noise limits specified for the development under the terms of this permission in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 8 Other than for operations carried out under the terms of Condition 6 with this permission no use, operation or activity for the development hereby permitted shall be carried out so as to give rise to noise levels as measured a noise sensitive receptors within the following hours, which exceed:

- a) Between 08.00 to 18.00 hours 55 dB<sub>(LAeq 1hr free field)</sub>;  
b) Between 18.00 to 08.00 hours 45 dB<sub>(LAeq 1hr free field)</sub>.

*Reason: To minimise any potential for an adverse impact from noise arising from the development in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 9 Notwithstanding the requirements of Condition 5 with this permission, temporary operations for the stripping of topsoil or for any other excavation using large plant shall only be carried out within the hours of 08.00 to 17.00 Mondays to Fridays and such operations shall not be carried out so as to give rise to noise levels exceeding 65dB<sub>(LAeq 1hr free field)</sub> as measured at any noise sensitive property.

*Reason: To minimise the potential adverse impact from noise from temporary operations in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 10 No operation or activity in connection with the drilling, operation and decommissioning of the boreholes shall be carried out so as to permit any ground water or other fluids to be transferred between different geological formations and so as to prevent the discharge of groundwater to surface.

*Reason: To prevent any incident of ground or water pollution in accordance with*

*Policy 5 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 11 The development hereby permitted shall not be commenced prior to the approval in writing by the Local Planning Authority of details of a scheme for the regulation of surface water flows from the development. Such a scheme shall be implemented prior to the construction of any impermeable surfaces required for the development.

*Reason: To prevent any incident of ground or water pollution and to minimise any risk of flooding in accordance with Policy 5 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

**Access**

- 12 There shall be no vehicular access constructed or utilised for operation of the development hereby permitted other than that granted planning permission for linking to the C1001 under the terms of planning permission 1/08/9003.

*Reason: To minimise the potential for any adverse impact on residential property in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 13 On completion of the development including for gas production/extraction and landscaping the access permitted under the terms of planning permission 1/08/9003 shall be removed and the land restored and trees and hedgerow species reinstated in any gaps opened up for construction of this access as part of the restoration of the site under permission 1/07/9029.

*Reason: To safeguard the visual amenity of the area in accordance with Policy 7 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

**Approval of Details**

- 14 The site or any part of the site shall not be used for gas extraction/production prior to the approval in writing by the Local Planning Authority of detailed plans and elevations of the location and design of plant and equipment and perimeter fencing and landscaping and planting for that part of the site which is proposed to be used for methane extraction/production. All landscaping and planting of the site required under the terms of this Condition shall only be implemented in accordance with the terms of the approved scheme and within the first planting season of completion of installation of the plant machinery and equipment.

*Reason: To secure the satisfactory landscaping and screening of the site to minimise any potential for any adverse visual impact arising in accordance with Policy 7 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

**Restoration**

- 15 In the event that the site or any part of it is not to be used for methane production then not later than twelve months from completion of all drilling,

testing and appraisal, all plant, equipment, machinery and surfacing materials shall have been dismantled and removed and all surfacing materials removed, from the site and topsoil reinstated so that the land is restored to a condition fit for use for agriculture of an equivalent or better quality than that which existed prior to the development being carried out.

*Reason: To safeguard the land for use for agriculture in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 16 In the event that the land is to be restored under the terms of Condition 12 the restoration shall only be carried out in accordance with a scheme of restoration and aftercare that has received prior approval in writing from the Local Planning Authority. The restoration and after care scheme shall be submitted for approval not later than eighteen months from the date of commencement of the development.

*Reason: To secure the restoration of the site to a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 17 No topsoil stripped from the site shall be removed from the site but shall be stored within its boundaries for use in restoration.

*Reason: To safeguard the soil resources for use in restoration in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 18 In the event that the site is to be used for methane production then not later than two years from the date of commencement of the development a detailed scheme for restoration of that part of the site not to be occupied by methane production equipment, to a condition fit for agricultural use shall be submitted to for the approval in writing by, the Local Planning Authority, showing the reinstatement of topsoil and any seeding and aftercare of the restored area and the approved scheme implemented within the first planting season following completion of the installation of the gas production plant and equipment.

*Reason: To secure the restoration of the site to a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006.*

- 19 All trees, shrubs, plants and seeded areas planted as part of the landscaping or restoration of any part of the site shall be maintained for a period of not less than five years from the date of completion of any phase of planting or seeding. Within this period any tree, shrub, plant or seeded area which dies, is seriously damaged or becomes seriously diseased shall be replaced with a tree, plant, shrub or seeding of the same or similar size and species as that originally required to be planted or seeded.

*Reason: To secure the maintenance of the restored areas to ensure that the land is in a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Polices).*

- 20 That part of the site that is occupied by plant and equipment that has been used for methane production shall as and when gas reserves are exhausted only be restored to a condition fit for agricultural use. The date of cessation of methane production shall be notified in writing to the Local Planning Authority not later than seven days after cessation. Thereafter all such plant and equipment shall be removed from the site not later than twelve months from the cessation of methane production and the borehole sealed and the site restored in accordance with details that have been given prior approval in writing by the Local Planning Authority. The restoration shall thereafter only be carried out in accordance with the approved scheme and completed within the first planting season available after the completion of removal of the plant and equipment.

*Reason: To secure the restoration of the site in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 21 Notwithstanding the requirements of Condition 17 with this permission, if for any reason the extraction of methane ceases prior to the expiry of the time limits set by Conditions 1 and 17 with this permission, then the site shall be restored in accordance with details that have been given prior approval in writing by the Local Planning Authority. Such details to be submitted for approval not later than three months from the cessation of extraction and the restoration scheme completed in accordance with the approval not later than twelve months from approval being given.

*Reason: To secure the restoration of the site in accordance with policy 21 and Policy 22 of the Cumbria Mineral and Waste Local Plan 1996 – 2006 (Saved Policies) in the event of the early cessation of methane extraction.*

#### **Informative for Applicant**

Development for the extraction of methane falls within the definition of extraction or winning and working, of minerals for the purposes of the Environment Act 1995. Therefore this planning permission becomes subject to statutory periodic review under Schedule 14 of the Environment Act 1995, fifteen years from the date of this Decision Notice. Statutory procedures require that the applicant/operator receives not less than twelve months notice of the due date for the statutory review and this notice must contain a written warning of the consequences arising from failure to submit an application for new conditions for the permission. The applicant/operator is advised via the mechanism of this informative that the statutory notice will state that the consequence of failure to submit an application for new conditions by the due date for the periodic review will cause the expiry of this permission and bring the immediate requirement for restoration of the site. The applicant/operator is also advised that statutory procedures also allow for an operator who on receiving notice of the date for submission of the application for new conditions can apply to the Planning Authority for a postponement of the review.

**Appendix 3**  
**Ref No. 1/08/9003**  
**Development Control And Regulation Committee 20 March 2008**

**Conditions**

- 1 The development hereby permitted shall not be commenced after the expiry of three years from the date of this permission.

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

- 2 Unless otherwise given prior approval in writing by the Local Planning Authority the development hereby permitted shall only be carried out in accordance with the terms of and plans accompanying the application.

*Reason: To define the terms of the permission.*

- 3 The development hereby permitted shall not be constructed or operated for any purpose other than for implementation of the development permitted under the terms of planning permission 1/07/9029.

*Reason: To minimise the potential for any adverse impact on the highway in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 4 The development hereby permitted shall not be brought into use unless the access track has been provided with a hard impervious surface covering a distance of not less than 15 metres from the junction with the public highway and no gates shall be erected on the site other than gates that are constructed to open inwards away from the highway.

*Reason: In the interests of highway safety in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 5 The land subject to the development hereby permitted shall not continue in use after cessation of use and operation of the land subject to planning permission 1/07/9029 at any point of cessation of that development but shall be restored in accordance with a scheme of restoration that has been given prior approval in writing by the Local Planning Authority.

*Reason: To secure the restoration of the site to a beneficial after use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006.*



## **SCHEDULE C: Applications Determined by Other Authorities**

residential, there are businesses on Denton Street (including takeaways, a restaurant with bar and a convenience store) that are open well into the evening. Given those business premises, and given that suitable measures to protect neighbours from potentially harmful noise or vibration could be the subject of planning conditions, the Inspector considered that the principle of a public house use here to be unacceptable.

It was noted that the appeal site is in a parking permit area and the Inspector concluded that there is no need for on-site parking provision and car use in this location should be discouraged. This would be in line with government guidance.

The Inspector noted that the supporting text of saved policy H17 of the Local Plan confirms that a public house use may be acceptable in a residential area. The proviso is that it must not adversely affect residential amenity. It was concluded that as a drinking establishment solely, with limited access and a small floor area, the clientele would not be large and would mainly comprise local people. The Inspector found no reason why antisocial behaviour would necessarily ensue from smokers' use of this particular proposal rather than any other and that the proposal would not adversely affect the living conditions of residents.

For these reasons the appeal was allowed subject to the conditions that restrict the opening times to between 1200 and 2230 hours Monday to Thursday, and 1200 to 2300 hours on Fridays and weekends. There are also conditions that require details and approval of noise and vibration assessments and the implementation of appropriate attenuation together with restricted deliveries between 0900 and 1800 on any day. Details of refuse storage will also require approval.

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 03/04/2008



# Appeal Decision

Site visit made on 18 March 2008

by **R R Lyon MA CEng MICE MRTPI FIHT**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Temple Quay  
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Decision date:  
3 April 2008

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## Appeal Ref: APP/E0915/A/07/2058712 52 Denton Street, Carlisle CA2 5EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by McKnight & Son Builders against the decision of Carlisle City Council.
- The application Ref 07/0396, dated 5 April 2007, was refused by notice dated 17 August 2007.
- The development proposed is change of use of redundant bank to public house on ground floor, with 1 No. flat above.

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### Decision

1. I allow the appeal, and grant planning permission for change of use of redundant bank to public house on ground floor, with 1 No. flat above at 52 Denton Street, Carlisle CA2 5EG in accordance with the terms of the application, Ref 07/0396, dated 5 April 2007, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The public house use hereby permitted shall not be open to customers outside the following times: 1200 to 2230 hours Monday to Thursday, and 1200 to 2300 hours on Fridays and weekends.
  - 3) No development shall take place until a detailed noise assessment and a scheme for attenuating noise in relation to the first floor flat and the neighbouring residential property has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before use as a public house commences.
  - 4) No deliveries shall be taken at or despatched from the premises except between the hours of 0900 and 1800 hours on any day.
  - 5) No development shall take place until a noise and vibration assessment of any proposed plant to be installed has been submitted to and approved in writing by the local planning authority.
  - 6) No development shall take place until details of a scheme for the storage of refuse has been submitted to and approved in writing by the local planning authority. The storage facilities approved shall be implemented before use as a public house commences, and retained thereafter.

## Reasons

2. Although the proposal is in a flood risk area, the first floor flat would not be isolated; I consider it to be a safe development. The intended ground floor use is classified as less vulnerable. I do not consider flooding to be at issue in this case. Food would not be sold, this would be a drinking establishment with limited attraction outside the area; further, car use should be discouraged in this sustainable location. Whilst noting that the appeal site is in a parking permit area, I do not consider that there is a need for on site parking provision. This would be in line with government guidance.
3. The area is predominantly residential, but there are businesses on Denton Street (including takeaways, a restaurant with bar and a convenience store) that are open well into the evening. Given those business premises, and given that suitable measures to protect neighbours from potentially harmful noise or vibration could be the subject of planning conditions, I do not consider that the principle of a public house use here to be unacceptable.
4. The supporting text of saved policy H17 of the Local Plan confirms that a public house use may be acceptable in a residential area. The proviso is that it must not adversely affect residential amenity. The Council and residents suggest that the small planted area and seat on the opposite corner of Trafalgar Street could provide a focus point for smokers, who may disturb residents. However, as a drinking establishment solely, with limited access and a small floor area, I consider that the clientele would not be large and would mainly comprise local people – smokers would similarly be few in number.
5. The main door is on Denton Street; the side door on Trafalgar Street would not be used by customers. As the public house facilities would be the focus of any visit, I see no reason why smokers should necessarily cross Trafalgar Street to smoke rather than lean on the pub wall or simply stand on street. In any case, I can see no reason why antisocial behaviour would necessarily ensue from smokers' use of this particular proposal rather than any other. I conclude that the proposal would not adversely affect the living conditions of residents and would comply with saved policies S15 and H17(1) of the Carlisle District Local Plan and policy CP5(1) of the Carlisle District Local Plan 2001-2016 Revised Deposit Draft.
6. I have considered what conditions would be necessary apart from the usual commencement condition. To integrate with the business hours of other activities and the resulting ambience of Denton Street, it would be appropriate to limit opening times to between 1200 and 2230 hours Monday to Thursday, and 1200 to 2300 hours on Fridays and weekends. To protect living conditions in the upstairs flat and of neighbours, planning conditions will require the Council's approval of noise and vibration assessments and the implementation of appropriate attenuation. For a similar reason, any delivery should take place between 0900 and 1800 on any day and details of refuse storage will require the Council's approval.

*R R Lyon*  
INSPECTOR

## SCHEDULE C: Applications Determined by Other Authorities

07/0400

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**Item No: 23**

Between 24/01/2008 and 11/04/2008

**Appn Ref No:**  
07/0400

**Applicant:**  
Iain Barker

**Parish:**  
Upper Denton

**Date of Receipt:**  
09/05/2007

**Agent:**

**Ward:**  
Irthing

**Location:**  
1 Hall Terrace, Gilsland, Carlisle, CA8 7BW

**Grid Reference:**  
363305 566438

**Proposal:** Replacement UPVC Windows (LBC)

**Amendment:**

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### REPORT

**Case Officer:** Richard Majewicz

**Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** A Listed Building Consent application 07/0400 was submitted on 10 April 2007 for retrospective permission or the installation of new PVC-u casement windows to replace two of the existing timber casement windows to the front elevation of this property and four of the existing timber casement windows to the rear of the property.

The application was refused under Delegated Powers on the 4 July 2007 and an appeal was subsequently made under the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 2000.

Having visited the site the Planning Inspectorate has subsequently dismissed the appeal.

**Appeal Decision:** Appeal Dismissed

**Date:** 04/03/2008



# Appeal Decision

Site visit made on 22 February 2008

by **John L Gray** DipArch MSc Registered  
Architect

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
4 March 2008

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## Appeal Ref. APP/E0915/E/07/2058627

### 1 Hall Terrace, Gilsland, Brampton, CA8 7BW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Iain Barker against the decision of Carlisle City Council.
- The application, ref. 07/0400, dated 6 April 2007, was refused by notice dated 4 July 2007.
- The works proposed are replacement upvc windows.

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### Decision: I dismiss the appeal.

#### Reasons

1. Nos. 1-4 Hall Terrace were listed in grade II in March 1984. It seems clear that no. 1 did not have sash windows when Mr Barker purchased it in 1995. And it may well not have had any when it was listed, though the list description is silent on that. Neither, however, obviates the need to have sought prior listed building consent for the upvc windows now installed. Also, lack of knowledge of listing is not a defence for the failure to seek consent.
2. Put simply, the upvc windows are wholly out of keeping with the architectural and historic character of the terrace. I realise that, at the front, there were (and are) timber windows with narrow top-hung opening lights in no. 3 and no.1 – but that cannot justify installing replacement windows which are also out of character. In fact, the central transoms in the new windows are an improvement on the previous style. On the other hand, the top-hung design still jars with the traditional sashes of nos. 2 and 4 and the first floor windows of no. 3. And the upvc frames are very different to timber ones, primarily in terms of their dimensions, mitred joints and finish. The rear of the terrace is less rhythmical and more altered. Even so, the introduction of upvc windows is out of keeping for the same reasons. I cannot see how the installed windows, at the front in particular, might be altered so as to become visually acceptable.
3. In policy terms, the upvc windows run contrary to what is sought by Structure Plan Policy E38 and adopted District Plan Policy E34, and also to the advice in Planning Policy Guidance Note 15: Planning and the Historic Environment.

*John L Gray*

Inspector

## SCHEDULE C: Applications Determined by Other Authorities

07/0468

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**Item No: 24**

Between 24/01/2008 and 11/04/2008

**Appn Ref No:**  
07/0468

**Applicant:**  
Mr Peter Haslam

**Parish:**  
Cumwhitton

**Date of Receipt:**  
03/05/2007

**Agent:**  
PFK Planning

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land at Randlawfoot, Cumwhitton, Carlisle

**Grid Reference:**  
349442 552083

**Proposal:** Use of Land as a Static Caravan Site (Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

**Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This written representations appeal related to an application for full planning permission for the use of land as a static caravan site on land at Randlawfoot, Cumwhitton, Carlisle. The application was refused for the following 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 of the tourism or other benefits to the overall economic base of the area and 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); to the objectives of Policy EM16 (Tourism) of the Cumbria and Lake District Joint Structure Plan; to the objectives of Policy E8 (Remainder of the Rural Area); Policy DP1 (Sustainable Development Locations); and criteria 3 of Policy EC15*

## **SCHEDULE C: Applications Determined by Other Authorities**

07/0468

*(Tourism Development) of the Carlisle District Local Plan Redeposit Draft."*

The Inspector considered that the main issue was the physical location of the site. It was noted, in accordance with PPS7, that away from larger urban areas most new development should be in or near to local service centres. The Inspector dismissed the appellant's arguments that this site is sufficiently well-related to Cumwhitton, Great Corby, Wetheral and concluded that the site is not sustainably located. The unsustainable location of the proposal is not outweighed by the general importance of tourism to Cumbria or the areas economic performance.

The Inspector considered that the site is physically well-related to an existing cluster of buildings , would be visually well-contained by existing trees and hedges and would not harm the visual amenity or character of the area.

In reporting the appeal decision, the Inspector found that given the nature and presence of passing places along the access road, little merit could be placed on highway objections. Furthermore, it is stated that it is a commercial judgement as to whether a caravan site could operate adjacent to the poultry unit. Bio-security could be dealt with adequately robust boundary treatment. These comments were as a result of concerns raised by the Parish Council.

For these reasons the appeal was dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 14/03/2008



# Appeal Decision

Site visit made on 22 February 2008

by **John L Gray** DipArch MSc Registered  
Architect

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
14 March 2008

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## Appeal Ref. APP/E0915/A/07/2056988 Land at Randlawfoot, Cumwhitton, Carlisle

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Haslam against the decision of Carlisle City Council.
- The application, ref. 07/0468, dated 24 April 2007, was refused by notice dated 13 July 2007.
- The development proposed is the use of land as a static caravan site.

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### Decision: I dismiss the appeal.

#### Reasons

1. The reason for refusal of the application is essentially that no justification has been provided for setting aside the general presumption against development in the countryside.
2. PPS7 advises that, away from larger urban areas, most new development should be in or near to local service centres. The Good Practice Guide on Planning for Tourism, which replaced PPG21, notes that sites close to existing settlements and other services will generally be more sustainable. The appeal site is some 3km by road from Cumwhitton, 1.2km by public footpath. It is about 4.5km from Great Corby. Both are identified as local service centres in Policy DP1 of the Revised Redeposit Draft Local Plan but have only a modest range of facilities to offer. Wetheral has far more but, while geographically close to Great Corby, is separated from it by the River Eden valley. There is a bus service from Cumwhitton to Carlisle but it would be a considerable walk from the site to catch that bus. Put simply, the appeal site is not sustainably located. And, of course, even if walking or using the bus were reasonable options, the vast majority of people on the site would have arrived by car and would have no incentive not to drive the distances involved.
3. Joint Structure Plan Policy EM16 is cited in the reason for refusal but, unlike other policies, is not quoted. In terms of adopted District Plan Policy E8, the proposal is not well-related in use or siting to any existing settlement. On the other hand, it may be said to be physically well-related to an existing small cluster of buildings (the poultry buildings and two dwellings), would be visually well-contained by existing trees and hedges and need not harm the amenity of neighbouring property or the character and appearance of the area. It would go against only criterion 3 of Policy EC15 in the Revised Redeposit District Local Plan (I am uncertain of the status of that Plan but the particular policy follows the thrust of the guidance in PPS7 and the Good Practice Guide.)

4. The Council quotes several other policies in the refusal notice, even if not in the reason for refusal itself. In the Joint Structure Plan, any conflict with Policy ST1 seems somewhat nebulous and negative; the visual containment of the site means there would be no conflict with Joint Structure Plan Policy E37; but the proposal must run contrary to Policy EM15, even if the nature of the site and the limited employment opportunities tend to mitigate the impact. In the adopted District Local Plan, I see no compelling objection in relation to Policies E8, E9 and E22, nor Proposal EM13, which deals specifically with caravan sites; in terms of Proposals T1 and T7, there is no effective choice of means of transport other than the private car. In the Revised Redeposit District Local Plan, there need be no objection in relation to Policies CP1, CP4 or EC11; Policies EC14 and EC15 deal with caravan sites and tourism development respectively but the only objection is the lack of a choice of means of transport.
5. While objection in terms of the more detailed local policies may be limited, it does not resolve what I see as a compelling conflict with national policy and guidance in PPS7 and the Good Practice Guide (reiterated in local policy). Nor do I consider that the appellant's grounds of appeal can do that.
6. The unsustainable location of the proposal is not outweighed by the general importance of tourism to Cumbria or the area's economic performance – there is nothing to suggest that there do not exist more sustainable opportunities for addressing both. The fact that Carlisle District has fewer than 20 licensed caravan sites says nothing on its own. My passing knowledge of the landscape and attractions of the area suggests that it is unsurprising that Eden District has many more such sites – in any event, numerical comparison cannot signify anything without evidence on the reasons for the difference. Equally, the geographical distribution of sites around Carlisle District cannot of itself indicate any particular lack (or excess). Users of static caravan sites may well become more familiar with, and rely upon, local services – here, however, there are few such services and the expectation would be of people driving to wherever the necessary services are best grouped. Lastly, to 'regenerate' the appeal site can be a compelling argument only if the use to which it would be put would be beneficial and comply with policy – which, on the evidence, it would not.

#### **Other matters**

7. The Parish Council has objected on four counts – that the adjoining poultry unit generates noise, light and traffic 24 hours a day, that it raises bio-security concerns, that the road to the site is narrow and in poor condition and that the existing caravan site in the parish is not fully occupied, raising doubt about the need for another. In effect, my reasoning deals with the last of these. Bio-security could probably be ensured by appropriately robust boundary treatment around the appeal site. I consider it more a matter of commercial judgement whether a caravan site would prove successful in the context of whatever noise, light, traffic – or smell – might emanate from the poultry enterprise. The access road is largely straight, there are a number of places where passing is possible which could probably be made more permanent and, being a static site, it would normally be cars, not caravans, which used it; I do not consider that the nature of the access could justify dismissal of the appeal.

*John L Gray*

Inspector

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 25**

Between 24/01/2008 and 11/04/2008

**Appn Ref No:**  
07/9028

**Applicant:**  
Greenpark Energy

**Parish:**  
Kirkandrews

**Date of Receipt:**  
14/12/2007

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land At Englishtown Farm, Englishtown, Carlisle,  
Carlisle, CA6 5NL

**Grid Reference:**  
334352 572439

**Proposal:** The Exploration, Appraisal And Operation Of A Well For Coal Bed  
Methane Production And The Development Of Associated Works

**Amendment:**

### REPORT

**Case Officer:** Barbara Percival

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise Objection(s)      **Date:** 25/01/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 20/03/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

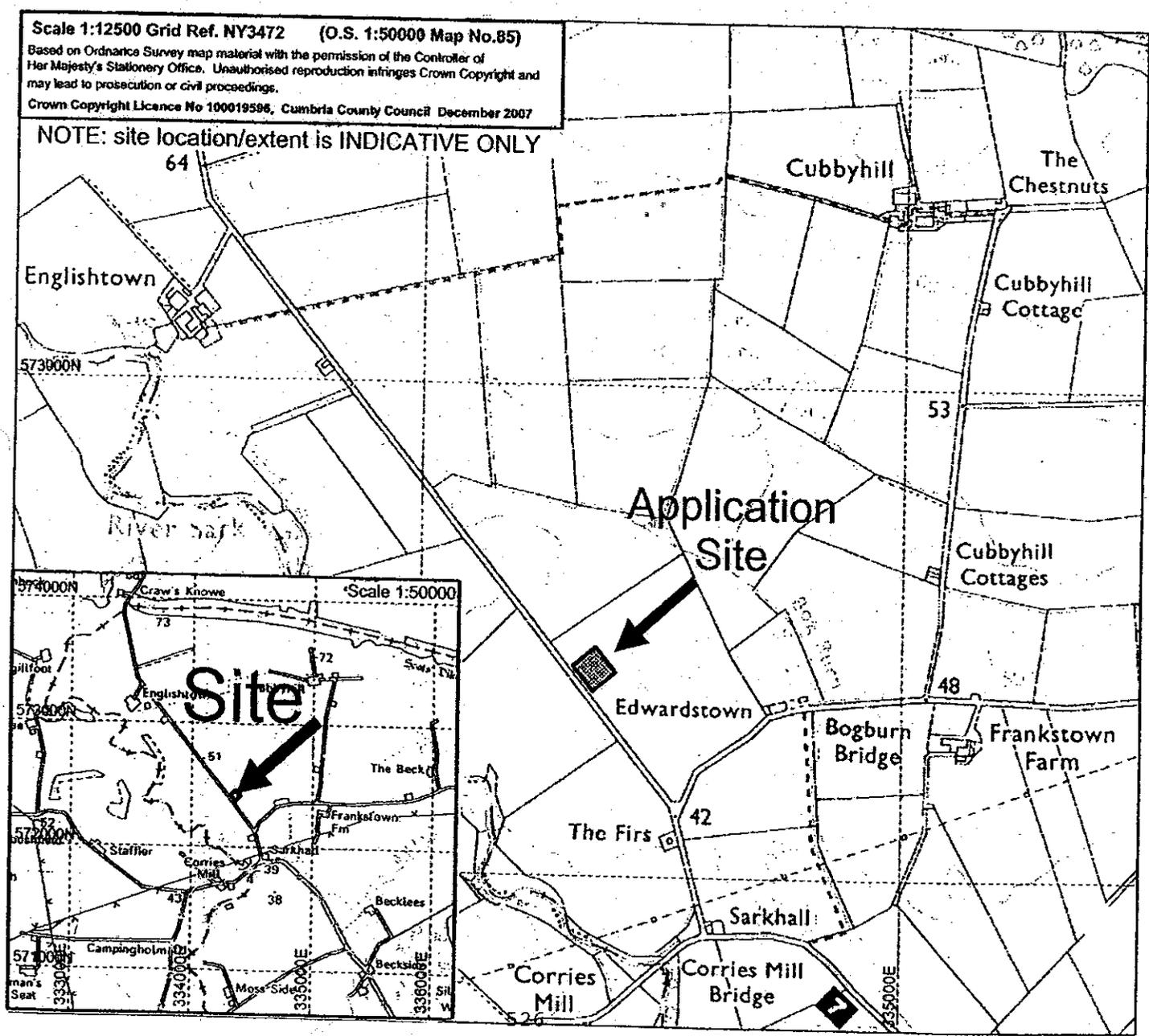
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1

**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**20 March 2008**  
**A Report by the Head of Environment**

Application No. 1/07/9028	District	Carlisle
Applicant	Greenpark Energy Ltd Alexander House Mansfield Road Chesterfield	Parish Kirkandrews-On-Esk
	Date of Receipt	11 December 2007

**PROPOSAL** Exploration, appraisal and operation of a well for coal bed methane and production and development of associated works;  
 Land at Englishtown Farm, Englishtown, Longtown, Carlisle, CA6 5NJ



## **1.0 RECOMMENDATION**

- 1.1 That, having taken account of the environmental information submitted in the Environmental Impact Assessment with the application, planning permission is GRANTED for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.
- 1.2 That the planning assessment in Section 4 of this report shall form the basis of the statement required to be made public under Section 21 of the Town And Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999.

## **2.0 THE PROPOSAL**

- 2.1 The proposed development is for the construction of a hardstand for siting and operation of drill rigs for drilling a borehole for exploration and use of the borehole for appraisal/testing of coal bed methane. The proposal also includes the construction and operation of plant and equipment for coal bed methane production. The application site is a 0.4ha section of a field located adjacent to an unclassified road north west of Longtown. The application is accompanied by an Environmental Statement.
- 2.2 The construction of the hardstand for the drill rig would involve stripping of topsoil and storage on the site during the drilling and testing phases. The exposed ground would be surfaced with a geotextile membrane covered with a layer of crushed rock/hardcore. The height of the drill rig for the borehole drilling would be approximately 30m. The second phase of testing for the presence and quality of methane would require a smaller drill rig approximately 28m high. A third type of drill rig up to 30m high would be used for the drilling of lateral boreholes for gas extraction. The period requested for the borehole drilling and testing appraisal and lateral drilling phases is for up to two years within which the drill rigs could be operated for a maximum cumulative period of twenty eight weeks. The actual drilling and operation of a rig for testing is proposed to be carried out for periods of 24 hours per day seven days per week.
- 2.3 If the testing and appraisal phase does not demonstrate that there were adequate quantities of methane that is of the right quality then the site would be restored by the removal of the hardstand area and reinstatement of soils for a return to agricultural use. If the testing and appraisal phase demonstrates that the gas extraction would be commercially viable there would be a second phase of drilling of lateral boreholes into the coal seams to create space for methane gas to be collected and drawn to the surface.
- 2.4 If the site shows the presence of an adequate quantity/quality of methane then it is proposed to use a smaller area of the site (approximately 0.2ha) for the installation of methane production equipment. This would consist of a permanent access capable of supporting the production plant for up to 25 years this being the anticipated, site equipment comprising a gas extraction suction fan measuring 2m x 2m by 1m high, linked to surface 'condensers' which would be comprised of up to three upright cylindrical tanks 2m high and 0.75m diameter to be used for water separation and gas piping to a collection/distribution system. The water being piped to a smaller tank measuring 2m high by 6m diameter. Gas would be piped out of the site to be connected to a separate network of

pipes (which would require a further planning application). If used for methane production the equipment would be secured by the provision of a 2m high palisade fence.

- 2.5 On exhaustion of the methane resource which is expected to be approximately 25 years from commencement of production the site would be restored to agricultural grassland.

### 3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 Carlisle City Council (Planning): No objection subject to any planning permission including conditions covering access and parking and hours of operation. A bat survey should be carried out prior to determination of the application to investigate the possibility of a bat roost.
- 3.2 Carlisle City Council (Environmental Health): No objection in principle subject to conditions controlling noise levels and hours of operation being imposed on any consent.
- 3.3 Kirkandrews on Esk Parish Council: No objection.
- 3.4 Highway Authority: No objection.
- 3.5 Environment Agency: A condition should be included requiring that the borehole is constructed and decommissioned in such a way as to prevent the transfer of fluids between geological formations and to prevent uncontrolled discharge of ground water to the surface.
- 3.6 English Heritage: No objection.
- 3.7 Health & Safety Executive: No objection.
- 3.8 The local Member, Mr G R Prest, has been notified.
- 3.9 No response had been received from DEFRA and Natural England at the time of drafting this report.
- 3.10 No other representations had been received when this report was prepared.

### 4.0 PLANNING ASSESSMENT

- 4.1 Policies 40 and 41 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Policies) (the CMWLP) establish a presumption in favour of approval of developments of this type (including gas production facilities) provided that the scheme is consistent with an overall scheme of appraisal and production. If potential gas resources are to be exploited then any development associated with such exploitation can only be located in areas and on sites which are suitable for such a resource.
- 4.2 Planning permission has recently been granted for two other coal bed methane drilling and appraisal sites elsewhere in the County. This application is different in one respect in that it includes a proposal for use of a smaller area of the application site for the installation of gas production facilities should the testing and appraisal of the potential resource show that the gas is present in sufficient

quantity and quality. The prospective development would therefore be in two distinct phases of setting up the drilling/testing/appraisal equipment followed by dismantling and removal then installation of the gas production equipment.

- 4.3 The individual elements of the proposal need to be assessed in relation to the potential environmental impacts that could arise. For installation of the drilling/testing/appraisal element the most significant impacts that would be likely to occur would be from traffic for construction and removal of the drilling/testing, visual impact whilst the hardstand for the drilling/testing phase existed and from noise of operation of the drill rig equipment. If the site is used for gas production the most likely significant environmental impact would be from some visual impact from the surface plant and equipment. There are no known agricultural or nature conservation interests at this site and no objection has been received from Natural England and DEFRA.
- 4.4 In terms of potential traffic impacts the site is isolated with few sensitive properties in the vicinity. There is no objection from the Highway Authority. The nearest residential properties are 400m distant from the proposed drill rig. Therefore there is unlikely to be an adverse impact from traffic.
- 4.5 The noise of operation of the drill rig including any noise from erection and dismantling of equipment would be the same as that for the other test drilling sites recently granted planning permission, one of which is approximately 1km to the south east of this application site. The EIA contains predicted maximum noise levels from rig operation that are less than  $45\text{dB}_{(\text{LAeq } 1\text{hr free field})}$  at the nearest noise sensitive receptor. Noise from construction equipment and machinery, which would be temporary has been calculated as being up to  $60\text{dB}_{(\text{LAeq } 1\text{hr free field})}$  at the nearest noise sensitive receptors. Both of these calculated noise levels are below firstly the 55dBA daytime noise levels limit recommended for rural areas and the 10dBA excess (above 55dBA) noise levels for peak operation levels such as soil stripping with bulldozers for temporary periods. These are the recommended limits in MPS2. Therefore the applicant has demonstrated that the proposed development would comply with the requirements of Policy 2 of the CMWLP in that surrounding land uses would not be subject to unacceptable noise.
- 4.6 The Carlisle City Environmental Health Dept have recommended a restriction on hours of operation. The hours suggested would confine all activities to normal working days and would prohibit the 24hour 7 days per week operation of the drill rigs. Previous sites permitted for drill operation have operated these extended hours without an adverse impact from noise and it is concluded that it is unlikely that the operation of drill rigs at this site on the same basis would have an adverse impact. It would be reasonable however for the developer to be required to limit the hours and days of operation for site preparation and installation and dismantling works to the more normal hours suggested.
- 4.7 The site is an isolated but exposed field. Therefore there is a potential for an adverse visual impact from the drill rig. There could be two types of drill rig operated firstly for drilling the borehole (going to a height of 30m) and for the second phase of testing/appraisal a smaller rig (28m high). The drill rigs would not be operated for more than a cumulative period of 28 weeks within a period of two years. If the test showed that the site could be used for methane production then the smaller production facility would be readily concealed by screen

planting. It is the isolation of this site that provides the minimisation of any visual impact. Therefore the requirements of Policy 7 of the CMWLP with regard to minimising visual impact can be met.

- 4.8 Secondly the use of a smaller area for gas production proposes the provision of a perimeter palisade fence which along with the type of gas production equipment would create an industrial type of facility in an otherwise open area of large fields bordered by managed hedgerows. As such it would not be in keeping with the landscape character of the area and would have a degree of adverse visual impact. This impact could be mitigated by altering the fencing to a black wire mesh with some perimeter planting which should be approved and implemented before the site is used for gas production.
- 4.9 It is not yet certain that the site would be used for gas production. It is possible that the site would have to be restored after completion of the testing and appraisal phase. This means that any permission granted will have to allow for the possible requirement for early restoration. This can be secured by planning conditions.

#### **Human Rights Act 1998**

- 4.10 The proposal will have a limited impact on the visual residential and environmental amenities of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

#### **CONCLUSION**

- 4.11 I recommend that planning permission is granted subject to the conditions set out in Appendix 2 with this report

**Shaun Gorman**  
**Head of Environment**

#### **Contact**

Mr Nick Long, Kendal, tel: 01539 773426, email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

#### **Background Papers**

Planning Application File Reference No. 1/07/9028

#### **Electoral Division Identification**

Longtown & Bewcastle ED - Mr GR Prest

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**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Local Plan (1996 – 2006) (Saved Policies)**

Policy 2: Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

Policy 7: Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

Policy 40: Proposals for the appraisal drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

Policy 41: Proposals for the commercial production, processing and transporting of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

**Cumbria and Lake District Joint Structure Plan – (2001 – 2016)**

Policy ST7: Small scale development to help sustain local services, meet local needs or support rural businesses will be permitted in towns and villages defined as local service centres in Local Development Frameworks. It will be the exception for new development to be located in the open countryside.

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

**CONDITIONS**

**Time limits of the permission**

- 1 The development hereby permitted shall be for a limited period for each of the phases of the development with the permission expiring after the time periods listed below:
  - (a) For the installation operation and completion of the drilling testing and appraisal phase, two years from the date of commencement of the development.
  - (b) Unless other wise overridden by the requirement for compliance with the time limit imposed by part (c) of this condition; for the installation and operation of the gas extraction/production phase (if implemented), twenty five years from the date of completion of installation of the gas extraction/production equipment the date of which shall have been notified in writing to the Local Planning Authority not later than seven days from that completion. This date of completion of installation shall thereafter be designated as the date of commencement of the twenty five year period of the permission for extraction.
  - (c) Notwithstanding the limitations imposed by parts (a) and (b) of this condition the development shall not continue after the expiry of 28 years from the date of this Decision Notice.
  - (d) The development shall not be implemented in any part if the initial drilling and appraisal/lateral drilling phases have not been commenced after the expiry of three years from the date of this Decision Notice.

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

**Environmental Controls**

- 2 The operation of any drill rigs for the purposes of this development shall not continue for a cumulative period exceeding 28 weeks (that is to say 196 days or 4,704 hours) within the two year period of operation allowed under the terms of Condition 1(a) with this permission.

*Reason: To minimise the potential for an adverse impact from noise on sensitive receptors arising from the development in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 3 Other than for operations for the use of drill rigs for the drilling of boreholes, lateral gas extraction boreholes and for testing and appraisal of gas quality (which may be carried out 24 hours per day seven days per week), no other use, operation or activity for the development hereby permitted shall be carried out outside of the following hours:

07.00 to 17.00 hours Mondays to Fridays  
08.00 to 13.00 hours Saturdays

and not at all on Sundays, Bank or other Public Holidays.

*Reason: To minimise the potential adverse impact from noise on sensitive receptors arising from the development hereby permitted in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 4 For the duration of the installation of site preparation operation of initial drilling, testing/appraisal and lateral drilling and for dismantling and removal of equipment and restoration of the site the developer shall implement a noise monitoring scheme that has been given prior approval in writing by the Local Planning Authority, at noise sensitive receptors and the results of such monitoring shall be deposited with the Local Planning Authority on request.

*Reason: To enable monitoring of compliance with the noise limits specified for the development under the terms of this permission in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 5 Other than for operations carried out under Condition 6 with this permission no use, operation or activity for the development hereby permitted shall be carried out so as to give rise to noise levels as measured a noise sensitive receptors within the following hours, which exceed:

- a) Between 08.00 to 18.00 hours 55 dB (LAeq 1hr free field);  
b) Between 18.00 to 08.00 hours 45 dB (LAeq 1hr free field).

*Reason: To minimise any potential for an adverse impact from noise arising from the development in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 6 Notwithstanding the requirements of Condition 5, temporary operations for the stripping of topsoil or for any other excavation using large plant shall only be carried out within the hours of 08.00 to 17.00 Mondays to Fridays and such operations shall not be carried out so as to give rise to noise levels exceeding 60dB<sub>(LAeq 1hr free field)</sub> as measured at any noise sensitive property.

*Reason: To minimise the potential adverse impact from noise from temporary operations in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 7 No operation or activity in connection with the drilling, operation and decommissioning of the boreholes shall be carried out so as to permit any ground water or other fluids to be transferred between different geological formations and so as to prevent the discharge of groundwater to surface.

*Reason: To prevent any incident of ground or water pollution in accordance with Policy 5 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

### Approval of Details

- 8 Not later than twelve months from the date of commencement of the development hereby permitted, the developer shall submit for the approval in writing of the Local Planning Authority detailed plans and elevations of the location and design of plant and equipment and perimeter fencing and landscaping and planting for that part of the site which are proposed to be used for methane production. All landscaping and planting of the site required under the terms of this Condition shall only be implemented in accordance with the terms of the approved scheme and within the first planting season of completion of installation of the equipment.

*Reason: To secure the satisfactory landscaping and screening of the site to minimise any potential for any adverse visual impact arising in accordance with Policy 7 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

### Restoration

- 9 In the event that the site or any part of it is not to be used for methane production then not later than twelve months from the completion of all drilling, testing and appraisal, all plant, equipment, machinery and surfacing materials shall have been dismantled and removed and all surfacing materials removed, from the site and topsoil reinstated so that the land is restored to a condition fit for use for agriculture of an equivalent or better quality than that which existed prior to the development being carried out.

*Reason: To safeguard the land for use for agriculture in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 10 In the event that the land is restored under the terms of Condition 9 the restoration shall only be carried out in accordance with a scheme of restoration and aftercare that has received prior approval in writing from the Local Planning Authority. The restoration and after care scheme shall be submitted for approval not later than eighteen months from the date of commencement of the development.

*Reason: To secure the restoration of the site to a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 11 No topsoil stripped from the site shall be removed from the site but shall be stored within its boundaries for use in restoration.

*Reason: To safeguard the soil resources for use in restoration in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 12 In the event that the site is to be used for methane production then not later than two years from the date of commencement of the development, a detailed

scheme for restoration of that part of the site not to be occupied by methane production equipment, to a condition fit for agricultural use shall be submitted to for the approval in writing by, the Local Planning Authority, showing the reinstatement of topsoil and any seeding and aftercare of the restored area and the approved scheme implemented within the first planting season following completion of the installation of the methane production plant and equipment.

*Reason: To secure the restoration of the site to a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006.*

- 13 All trees, shrubs, plants and seeded areas planted as part of the landscaping or restoration of any part of the site shall be maintained for a period of not less than five years from the date of completion of any phase of planting or seeding. Within this period any tree, shrub, plant or seeded area which dies, is seriously damaged or becomes seriously diseased shall be replaced with a tree, plant, shrub or seeding of the same or similar size and species as that originally required to be planted or seeded.

*Reason: To secure the maintenance of the restored areas to ensure that the land is in a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 14 That part of the site that is occupied by plant and equipment used for methane production shall as and when methane reserves are exhausted only be restored to a condition fit for agricultural use. The date of cessation of methane production shall be notified in writing to the Local Planning Authority not later than seven days after cessation of extraction. Thereafter all such plant and equipment shall be removed from the site not later than twelve months from the cessation of methane production and the borehole sealed and the site restored in accordance with details that have been given prior approval in writing by the Local Planning Authority. The restoration shall thereafter only be carried out in accordance with the approved scheme and completed within the first planting season available after the completion of removal of the plant and equipment.

*Reason: To secure the restoration of the site in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 15 Notwithstanding the requirements of Condition 14 with this permission, if for any reason the extraction of methane ceases prior to the expiry of the time limits set by Conditions 1 and 14 with this permission, then the site shall be restored in accordance with details that have been given prior approval in writing by the Local Planning Authority. Such details to be submitted for approval not later than three months from the cessation of extraction and the restoration scheme completed in accordance with the approval not later than twelve months from approval being given.

*Reason: To secure the restoration of the site in the event of the early cessation of methane extraction.*

**Informative for Applicant**

Development for the extraction of methane falls within the definition of extraction or winning and working, of minerals for the purposes of the Environment Act 1995. Therefore this planning permission becomes subject to statutory periodic review under Schedule 14 of the Environment Act 1995, fifteen years from the date of this Decision Notice. Statutory procedures require that the applicant/operator receives not less than twelve months notice of the due date for the statutory review and this notice must contain a written warning of the consequences arising from failure to submit an application for new conditions for the permission. The applicant/operator is advised via the mechanism of this informative that the statutory notice will state that the consequence of failure to submit an application for new conditions by the due date for the periodic review will cause the expiry of this permission and bring the immediate requirement for restoration of the site. The applicant/operator is also advised that statutory procedures also allow for an operator who on receiving notice of the date for submission of the application for new conditions can apply to the Planning authority of a postponement of the review.

**Town And Country Planning (Environmental Impact Assessment) (England And Wales) Regulations 1999. Regulation 20.**

**Statement Of Reasons For Granting Of Planning Permission 1/07/9028. Land At Englishtown Farm, Longtown, Cumbria.**

Policies 40 and 41 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Policies) (the CMWLP) establish a presumption in favour of approval of developments of this type (including gas production facilities) provided that the scheme is consistent with an overall scheme of appraisal and production. If potential gas resources are to be exploited then any development associated with such exploitation can only be located in areas and on sites which are suitable for such a resource.

Planning permission has recently been granted for two other coal bed methane drilling and appraisal sites elsewhere in the County. This application was different in one respect in that it included a proposal for use of a smaller area of the application site for the installation of gas production facilities should the testing and appraisal of the potential resource show that the gas is present in sufficient quantity and quality. The prospective development would therefore be in two distinct phases of setting up the drilling/testing/appraisal equipment followed by dismantling and removal then installation of the gas production equipment.

The individual elements of the proposal was assessed in relation to the potential environmental impacts that could arise. For installation of the drilling/testing/appraisal element the most significant impacts that would be likely to occur would be from traffic for construction and removal of the drilling/testing, visual impact whilst the hardstand for the drilling/testing phase existed and from noise of operation of the drill rig equipment. If the site is used for gas production the most likely significant environmental impact would be from some visual impact from the surface plant and equipment. There are no known agricultural or nature conservation interests at this site and no objection was received from Natural England and DEFRA.

In terms of potential **traffic** impacts the site is isolated with few sensitive properties in the vicinity. There was no objection from the Highway Authority. The nearest residential properties are 400m distant from the proposed drill rig. Therefore there is unlikely to be an adverse impact from traffic.

The **noise** of operation of the drill rig including any noise from erection and dismantling of equipment would be the same as that for the other test drilling sites recently granted planning permission, one of which is approximately 1km to the south east of this application site. The EIA contains predicted maximum noise levels from rig operation that are less than 45dB<sub>(LAeq 1hr free field)</sub> at the nearest noise sensitive receptor. Noise from construction equipment and machinery, which would be temporary has been calculated as being up to 60dB<sub>(LAeq 1hr free field)</sub> at the nearest noise sensitive receptors. Both of these calculated noise levels are below firstly the 55dBA daytime noise levels limit recommended for rural areas and the 10dBA excess (above 55dBA) noise levels for peak operation levels such as soil stripping with bulldozers for temporary periods. These are the recommended limits in MPS2. Therefore the applicant demonstrated that the proposed development would comply with the requirements of Policy 2 of the CMWLP in that surrounding land uses would not be subject to unacceptable noise.

The Carlisle City Environmental Health Dept recommended a restriction on hours of operation. The hours suggested would confine all activities to normal working days and would prohibit the 24hour 7 days per week operation of the drill rigs. Previous sites permitted for drill operation have operated these extended hours without an adverse impact from noise and it is concluded that it is unlikely that the operation of drill rigs at this site on the same basis would have an adverse impact. It was considered reasonable for the developer to be required to limit the hours and days of operation for site preparation and installation and dismantling works to the more normal hours suggested.

The site is an isolated but exposed field. Therefore there is a potential for an adverse **visual impact** from the drill rig. There could be two types of drill rig operated firstly for drilling the borehole (going to a height of 30m) and for the second phase of testing/appraisal a smaller rig (28m high). The drill rigs would not be operated for more than a cumulative period of 28 weeks within a period of two years. If the test showed that the site could be used for methane production then the smaller production facility would be readily concealed by screen planting. It is the isolation of this site that provides the minimisation of any visual impact. Therefore the requirements of Policy 7 of the CMWLP with regard to minimising visual impact can be met.

Secondly the use of a smaller area for gas production proposes the provision of a perimeter palisade fence which along with the type of gas production equipment would create an industrial type of facility in an otherwise open area of large fields bordered by managed hedgerows. As such it would not be in keeping with the landscape character of the area and would have a degree of adverse visual impact. This impact could be mitigated by altering the fencing to a black wire mesh with some perimeter planting which should be approved and implemented before the site is used for gas production.

It is not yet certain that the site would be used for gas production. It is possible that the site would have to be restored after completion of the testing and appraisal phase. This means that any permission granted will have to allow for the possible requirement for early restoration. This is secured by planning conditions.



Shaun Gorman  
Head of Environment

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 26**

Between 24/01/2008 and 11/04/2008

**Appn Ref No:**  
07/9029

**Applicant:**  
Greenpark Energy

**Parish:**  
Arthuret

**Date of Receipt:**  
20/12/2007

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land adjacent Bruntons Hill Farm, Carwinley,  
Longtown, Carlisle

**Grid Reference:**  
341140 573104

**Proposal:** Exploration, Appraisal and Operation of a Well for Coal Bed Methane  
Production and Development of Associated Works

**Amendment:**

### REPORT

**Case Officer:** Barbara Percival

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise Objection(s)      **Date:** 25/01/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission      **Date:** 20/03/2008

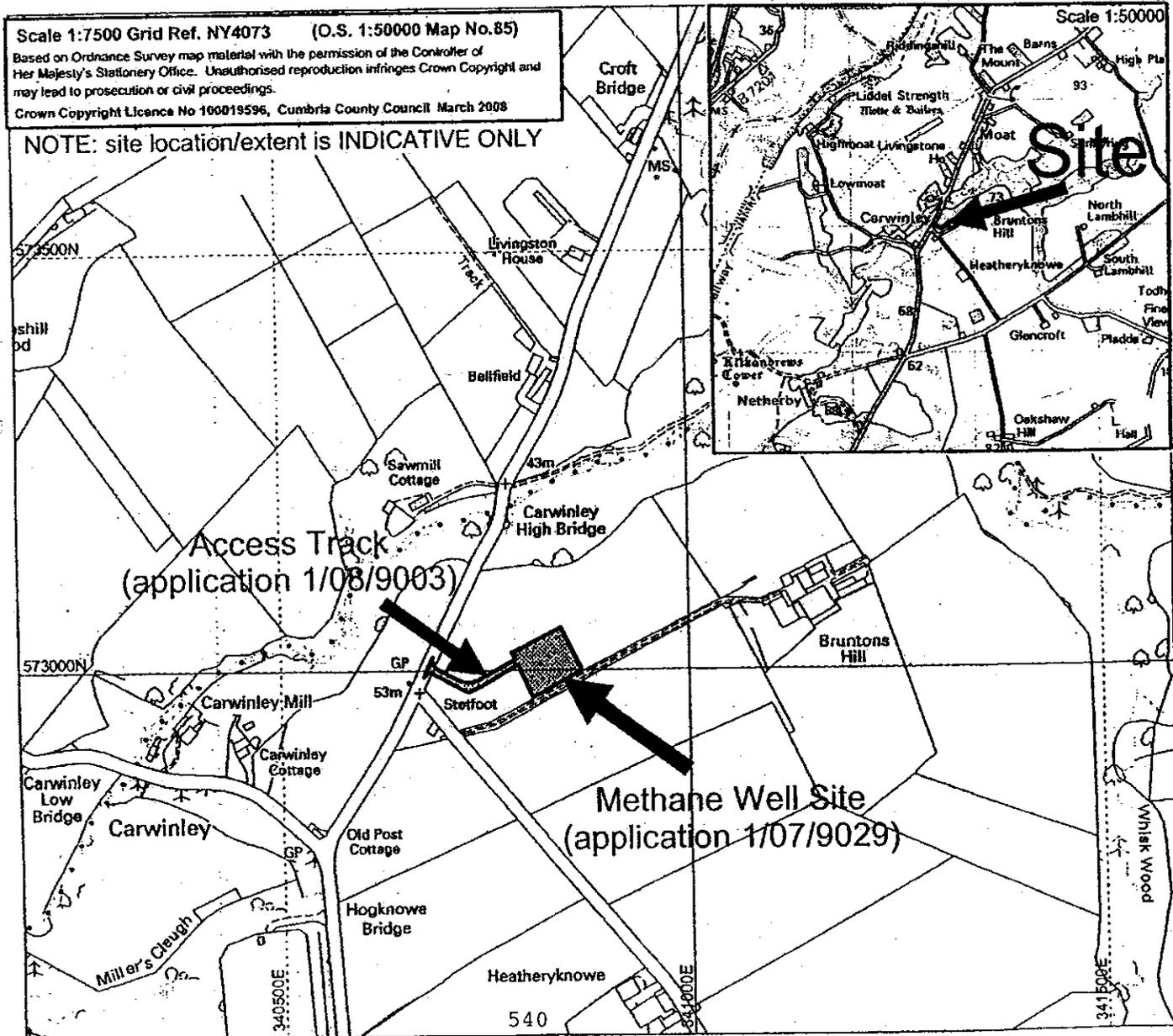
A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**20 March 2008**  
**A Report by the Head of Environment**

Application No. 1/07/9029 & 1/08/9003	District	Carlisle
Applicant Greenpark Energy Ltd Alexander House Mansfield Road Chesterfield	Parish	Arthuret
	Dates of Receipt:	14 December 2007 (1/07/9029) & 18 February 2008 (1/08/9003)

**PROPOSAL** Exploration, appraisal & operation of a well for coal bed methane production & development of associated works (application 1/07/9029).  
 Construction of access to unclassified road (application 1/08/9003):  
 Land at Bruntons Hill Farm, Carwinley, Longtown, Carlisle, CA6 5PG



## **1.0 RECOMMENDATION**

- 1.1 That, having taken account of the environmental information submitted in the Environmental Impact Assessment planning application 1/07/9029 is GRANTED for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.
- 1.2 That planning application 1/08/9003 is GRANTED for the reasons set out in Appendix 1 and subject to the conditions in Appendix 3.
- 1.3 That the planning assessment in Section 4 of this report shall form the basis of the statement required to be made public under Section 21 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999 in relation to planning application 1/07/9029.

## **2.0 THE PROPOSAL**

- 2.1 The proposed development under application 1/07/9029 is for the construction of a hardstand for siting and operation of drill rigs for drilling a borehole for exploration and use of the borehole for appraisal/testing of coal bed methane and construction and operation of plant and equipment for coal bed methane production. The application site is a 0.42ha section of a field located adjacent to an unclassified road north east of Longtown. The application is accompanied by an Environmental Statement.
- 2.2 The construction of the hardstand for the drill rig would involve stripping of topsoil and storage on the site during the drilling and testing phases. The exposed ground would be surfaced with a geotextile membrane covered with a layer of crushed rock/hardcore. The height of the drill rig for the borehole drilling would be approximately 30m. The second phase of testing for the presence and quality of methane would require a smaller drill rig approximately 28m high. A third type of drill rig up to 30m high would be used for the drilling of lateral boreholes for gas extraction. The period requested for the borehole drilling, testing, appraisal and lateral drilling phases is for up to two years within which the drill rigs could be operated for a maximum cumulative period of twenty eight weeks. The actual drilling and operation of a rig for testing is proposed to be carried out for periods of 24 hours per day seven days per week.
- 2.3 If the testing and appraisal phase does not demonstrate that adequate quantities of methane that is of the right quality then the site would be restored by the removal of the hardstand area and reinstatement of soils for a return to agricultural use. If the testing and appraisal phase demonstrates that the gas extraction would be commercially viable there would be a second phase of drilling of lateral boreholes into the coal seams for to be collect and draw methane to the surface.
- 2.4 If the site shows the presence of an adequate quantity/quality of methane then it is proposed to use a smaller area of the site (approximately 0.2ha) for the installation of methane production equipment. This would consist of a permanent access capable of supporting the production plant for up to 25 years. Site equipment would comprise a gas extraction suction fan measuring 2m x 2m by 1m high, linked to surface 'condensers' (up to three upright cylindrical tanks 2m high and 0.75m diameter to be used for water separation and gas piping to a collection/distribution system). Water would be piped to a smaller tank

measuring 2m high by 6m diameter. Gas would be piped out of the site to be connected to a separate network of pipes (which would require a further planning application). If used for methane production the equipment would be secured by the provision of a 2m high palisade fence.

- 2.5 On exhaustion of the methane resource which is expected to be approximately 20 - 25 years from commencement of production the site would be restored to agricultural grassland.
- 2.6 Access to the development was originally proposed to be from a farm track linking to the U1011. However following receipt of an objection over the proximity to residential property and a site visit from the Development Control and Regulation Committee, a separate application for a replacement access linking to the C1001 has been submitted (application 1/08/9003).
- 2.7 The replacement access would link to the highway through creation of a new track leading to the south west from a corner of the drill site for a distance of 115 metres. The track would be 7.3m wide and at the junction with the public highway would be provided with 10m kerb radii with 2.4m x 215m visibility splays. The track is proposed to be surfaced with tarmac as for the adjacent road for a distance of 15m back into the track route from the road junction.

### 3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 Carlisle City Council (Planning): No objection subject to conditions being imposed on any permission covering detailed approval of access and parking, hours of operation and consideration of the gas pipeline safeguarding zone in the vicinity.
- 3.2 Carlisle City Council (Environmental Health): No objection. It is recommended that a Condition is imposed covering hours of operation.
- 3.3 Arthuret Parish Council: No objection. Consideration should be given to the potential effect of noise and traffic on nearby residential property.
- 3.4 English Heritage: No objection.
- 3.5 The Highway Authority have no objections subject to the means of access to the highway providing satisfactory visibility splays and turning radii and the adherence to an agreed vehicle route. The application for the replacement access if granted permission should be subject to conditions
- 3.6 Environment Agency: No objection. Conditions are recommended to be imposed covering approval of details of a surface water regulation system and the management of the borehole to prevent transfer of fluids between geological formations.
- 3.7 The local Member, Mr GR Prest, has been notified.
- 3.8 No response had been received from the Health and Safety Executive, DEFRA and Natural England at the time of drafting this report.
- 3.9 One letter of representation has been received on behalf of a local resident. This objects to the original proposal on the grounds of traffic on the original access

road and proximity to a residential property. The objection also comments on the Environmental Impact Assessment. The same objector has submitted representations on the application for the replacement access road. The letter notes that the new application proposes a means of access to the highway that will be further from the residential property but that it will still be close enough to cause a nuisance to the occupier from noise.

#### 4.0 PLANNING ASSESSMENT

- 4.1 Policies 40 and 41 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Policies), (the CMWLP) establish a presumption in favour of approval of developments of this type (including gas production facilities) provided that the scheme is consistent with an overall scheme of appraisal and production. Within the terms of these policies there would be clear benefits through the development of this natural resource.
- 4.2 Planning permission has recently been granted for two other coal bed methane drilling and appraisal sites elsewhere in the County. This application is different in one respect in that it includes a proposal for use of a smaller area of the application site for the installation of gas production facilities should the testing and appraisal of the potential resource show that the gas is present in sufficient quantity and quality. The prospective development would therefore be in two distinct phases of setting up the drilling/testing/appraisal equipment followed by dismantling and removal then installation of the gas production equipment.
- 4.3 The individual elements of the proposal need to be assessed in relation to the potential environmental impacts that could arise. For installation of the drilling/testing/appraisal element the most significant impacts that would be likely to occur would be from traffic for construction and removal of the drilling/testing equipment, visual impact during the drilling/testing phase and from noise of operation of the drill rig equipment. If the site is used for gas production the most likely significant environmental impact would be from visual impact from the surface plant and equipment. There are no known agricultural or nature conservation interests at this site and no objection has been received from Natural England and DEFRA.
- 4.4 In terms of potential traffic impacts, the site is isolated with relatively few sensitive properties in the vicinity. There is no objection from the Highway Authority. The nearest residential property is 160m distant from the proposed drill rig. It is concluded that granting permission for Application 1/08/9003 for the replacement access to the C1001 would reduce the potential for there to be an adverse impact from traffic on sensitive receptors even though the objector considers that there remains a potential for such an adverse impact from noise.
- 4.5 The noise of operation of the drill rig including any noise from erection and dismantling of equipment would be the same as that for the other test drilling sites recently granted planning permission, one of which is approximately 1km to the south east of this application site. The EIA contains predicted maximum noise levels from rig operation that are less than 50dB<sub>(LAeq 1hr free field)</sub> at the nearest residential property (Stottfoot) approximately 160m distant. Noise from construction equipment and machinery at peak levels of operation, which would be temporary have been calculated as being up to 64dB<sub>(LAeq 1hr free field)</sub> at the nearest noise sensitive receptor. The first of these calculated noise levels are

below the 55dBA daytime noise level limit indicated as acceptable for rural areas and the second is just below the 10dBA excess (above 55dBA) noise levels for peak operation levels such as soil stripping with bulldozers for temporary periods. These are the noise limits indicated as acceptable in MPS2. Therefore the applicant has demonstrated that the proposed development would comply with the requirements of Policy 2 of the CMWLP in that surrounding land uses would not be subject to unacceptable noise.

- 4.6 The Carlisle City Environmental Health Dept have recommended a restriction on hours of operation as part of controls on noise levels. The hours suggested would confine all activities to normal working days and would prohibit the 24hour 7 days per week operation of the drill rigs. The nature of drilling operations requires that as and when this is carried out continuous operation is necessary. Previous sites permitted for drill operation have operated these extended hours for drilling without an adverse impact from noise and it is concluded that it is unlikely that the operation of drill rigs at this site on the same basis would have an adverse impact. It would be reasonable however for the developer to be required to limit the hours and days of operation for site preparation and installation and dismantling works to the more normal hours suggested.
- 4.7 The site is a field partially screened from view by trees and hedges. The topography of the site is of gently sloping hill leading up to the buildings comprising Bruntons Hill Farm. Therefore there is a potential for an adverse visual impact from the drill rig from some limited elevation of the drill rig above the nearby roads and from Bruntons Hill Farm. There could be two types of drill rig operated firstly for drilling the borehole (going to a height of 30m) and for the second phase of testing/appraisal a smaller rig (28m high). A third rig of up to 30m could be used for the drilling of lateral boreholes into coal seams. The drill rigs would not be operated for more than a cumulative period of 28 weeks within a period of two years. If the test showed that the site could be used for methane production then the smaller production facility would be readily concealed by screen planting. It is the isolation of this site that provides the minimisation of any visual impact. Therefore the requirements of Policy 7 of the CMWLP with regard to minimising visual impact can be met.
- 4.8 The use of a smaller area for gas production proposes the provision of a perimeter palisade fence which along with the type of gas production equipment would create an industrial type of facility in an otherwise open area of large fields bordered by managed hedgerows. As such it would not be in keeping with the landscape character of the area and would have a degree of adverse visual impact. This impact could be mitigated by altering the fencing to a black wire mesh with some perimeter planting which should be approved and implemented before the site is used for gas production.
- 4.9 It is not yet certain that the site would be used for gas production. It is possible that the site would have to be restored after completion of the testing and appraisal phase. This means that any permission granted would have to allow for the possible requirement for early restoration. This can be secured by planning conditions.

#### Human Rights Act 1998

- 4.10 The proposal will have a limited impact on the visual, residential and

environmental of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

### Conclusion

- 4.11 I recommend that planning permission is granted for both the drill/test/appraisal site and for methane production site and also for the replacement access subject to the conditions in Appendices 2 and 3.

**Shaun Gorman**  
**Head of Environment**

### Contact

Mr Nick Long, Kendal, tel: 01539 773426, email: [nick.long@cumbriacc.gov.uk](mailto:nick.long@cumbriacc.gov.uk)

### Background Papers

Planning Application File Reference No. 1/07/9029

### Electoral Division Identification

Longtown & Bewcastle ED - Mr GR Prest

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**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Local Plan (1996 – 2006) (Saved Policies)**

Policy 2: Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

Policy 7: Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

Policy 40: Proposals for the appraisal drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

Policy 41: Proposals for the commercial production, processing and transporting of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

**Cumbria and Lake District Joint Structure Plan (2001 – 2016)**

Policy ST7: Small scale development to help sustain local services, meet local needs or support rural businesses will be permitted in towns and villages defined as local service centres in Local Development Frameworks. It will be the exception for new development to be located in the open countryside.

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

**CONDITIONS****Time limits of the permission.**

- 4 The development hereby permitted shall be for a limited period for each of the phases of the development with the permission expiring after the time periods listed below:
- (a) For the installation operation and completion of the drilling testing and appraisal phases, two years from the date of commencement of the development.
  - (b) Unless other wise overridden by the requirement for compliance with the time limit imposed by part (c) of this condition; for the installation and operation of the gas extraction/production phase (if implemented), twenty five years from the date of completion of installation of the gas extraction/production equipment the date of which shall have been notified in writing to the Local Planning Authority not later than seven days from that completion. This date of completion of installation shall thereafter be designated as the date of commencement of the twenty five year period of the permission for extraction.
  - (c) Notwithstanding the limitations imposed by parts (a) and (b) of this condition the development shall not continue after the expiry of 28 years from the date of commencement of the development.
  - (d) The development shall not be implemented in any part if the initial drilling and appraisal/lateral drilling phases have not been commenced after the expiry of three years from the date of this Decision Notice.

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

**Environmental Controls**

- 5 The operation of any drill rigs for the purposes of this development shall not continue for a cumulative period exceeding 28 weeks (that is to say 196 days or 4,704 hours) within the two year period of operation allowed under the terms of Condition 1(a) with this permission.

*Reason: To minimise the potential for an adverse impact from noise on sensitive receptors arising from the development in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 6 Other than for operations for the use of drill rigs for the drilling of boreholes, lateral gas extraction boreholes, testing and appraisal of gas quality and for operation of the gas extraction plant if installed, (all of which may be carried out

24 hours per day seven days per week), no other use, operation or activity for the development hereby permitted shall be carried out outside of the following hours:

07.00 to 17.00 hours Mondays to Fridays

08.00 to 13.00 hours Saturdays

and not at all on Sundays, Bank or other Public Holidays.

*Reason: To minimise the potential adverse impact from noise on sensitive receptors arising from the development hereby permitted in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 7 For the duration of the installation of site preparation operation of initial drilling, testing/appraisal and lateral drilling and for dismantling and removal of equipment and restoration of the site the developer shall implement a noise monitoring scheme at noise sensitive receptors that has been given prior approval in writing by the Local Planning Authority and the results of such monitoring shall be deposited with the Local Planning Authority on request.

*Reason: To enable monitoring of compliance with the noise limits specified for the development under the terms of this permission in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 8 Other than for operations carried out under the terms of Condition 6 with this permission no use, operation or activity for the development hereby permitted shall be carried out so as to give rise to noise levels as measured a noise sensitive receptors within the following hours, which exceed:

a) Between 08.00 to 18.00 hours 55 dB<sub>(LAeq 1hr free field)</sub>;

b) Between 18.00 to 08.00 hours 45 dB<sub>(LAeq 1hr free field)</sub>.

*Reason: To minimise any potential for an adverse impact from noise arising from the development in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 9 Notwithstanding the requirements of Condition 5 with this permission, temporary operations for the stripping of topsoil or for any other excavation using large plant shall only be carried out within the hours of 08.00 to 17.00 Mondays to Fridays and such operations shall not be carried out so as to give rise to noise levels exceeding 65dB<sub>(LAeq 1hr free field)</sub> as measured at any noise sensitive property.

*Reason: To minimise the potential adverse impact from noise from temporary operations in accordance with Policy 2 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 10 No operation or activity in connection with the drilling, operation and decommissioning of the boreholes shall be carried out so as to permit any ground water or other fluids to be transferred between different geological formations and so as to prevent the discharge of groundwater to surface.

*Reason: To prevent any incident of ground or water pollution in accordance with*

*Policy 5 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 11 The development hereby permitted shall not be commenced prior to the approval in writing by the Local Planning Authority of details of a scheme for the regulation of surface water flows from the development. Such a scheme shall be implemented prior to the construction of any impermeable surfaces required for the development.

*Reason: To prevent any incident of ground or water pollution and to minimise any risk of flooding in accordance with Policy 5 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

**Access**

- 12 There shall be no vehicular access constructed or utilised for operation of the development hereby permitted other than that granted planning permission for linking to the C1001 under the terms of planning permission 1/08/9003.

*Reason: To minimise the potential for any adverse impact on residential property in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 13 On completion of the development including for gas production/extraction and landscaping the access permitted under the terms of planning permission 1/08/9003 shall be removed and the land restored and trees and hedgerow species reinstated in any gaps opened up for construction of this access as part of the restoration of the site under permission 1/07/9029.

*Reason: To safeguard the visual amenity of the area in accordance with Policy 7 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

**Approval of Details**

- 14 The site or any part of the site shall not be used for gas extraction/production prior to the approval in writing by the Local Planning Authority of detailed plans and elevations of the location and design of plant and equipment and perimeter fencing and landscaping and planting for that part of the site which is proposed to be used for methane extraction/production. All landscaping and planting of the site required under the terms of this Condition shall only be implemented in accordance with the terms of the approved scheme and within the first planting season of completion of installation of the plant machinery and equipment.

*Reason: To secure the satisfactory landscaping and screening of the site to minimise any potential for any adverse visual impact arising in accordance with Policy 7 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

**Restoration**

- 15 In the event that the site or any part of it is not to be used for methane production then not later than twelve months from completion of all drilling,

testing and appraisal, all plant, equipment, machinery and surfacing materials shall have been dismantled and removed and all surfacing materials removed, from the site and topsoil reinstated so that the land is restored to a condition fit for use for agriculture of an equivalent or better quality than that which existed prior to the development being carried out.

*Reason: To safeguard the land for use for agriculture in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 16 In the event that the land is to be restored under the terms of Condition 12 the restoration shall only be carried out in accordance with a scheme of restoration and aftercare that has received prior approval in writing from the Local Planning Authority. The restoration and after care scheme shall be submitted for approval not later than eighteen months from the date of commencement of the development.

*Reason: To secure the restoration of the site to a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 17 No topsoil stripped from the site shall be removed from the site but shall be stored within its boundaries for use in restoration.

*Reason: To safeguard the soil resources for use in restoration in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 18 In the event that the site is to be used for methane production then not later than two years from the date of commencement of the development a detailed scheme for restoration of that part of the site not to be occupied by methane production equipment, to a condition fit for agricultural use shall be submitted to for the approval in writing by, the Local Planning Authority, showing the reinstatement of topsoil and any seeding and aftercare of the restored area and the approved scheme implemented within the first planting season following completion of the installation of the gas production plant and equipment.

*Reason: To secure the restoration of the site to a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006.*

- 19 All trees, shrubs, plants and seeded areas planted as part of the landscaping or restoration of any part of the site shall be maintained for a period of not less than five years from the date of completion of any phase of planting or seeding. Within this period any tree, shrub, plant or seeded area which dies, is seriously damaged or becomes seriously diseased shall be replaced with a tree, plant, shrub or seeding of the same or similar size and species as that originally required to be planted or seeded.

*Reason: To secure the maintenance of the restored areas to ensure that the land is in a condition fit for agricultural use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Polices).*

- 20 That part of the site that is occupied by plant and equipment that has been used for methane production shall as and when gas reserves are exhausted only be restored to a condition fit for agricultural use. The date of cessation of methane production shall be notified in writing to the Local Planning Authority not later than seven days after cessation. Thereafter all such plant and equipment shall be removed from the site not later than twelve months from the cessation of methane production and the borehole sealed and the site restored in accordance with details that have been given prior approval in writing by the Local Planning Authority. The restoration shall thereafter only be carried out in accordance with the approved scheme and completed within the first planting season available after the completion of removal of the plant and equipment.

*Reason: To secure the restoration of the site in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 21 Notwithstanding the requirements of Condition 17 with this permission, if for any reason the extraction of methane ceases prior to the expiry of the time limits set by Conditions 1 and 17 with this permission, then the site shall be restored in accordance with details that have been given prior approval in writing by the Local Planning Authority. Such details to be submitted for approval not later than three months from the cessation of extraction and the restoration scheme completed in accordance with the approval not later than twelve months from approval being given.

*Reason: To secure the restoration of the site in accordance with policy 21 and Policy 22 of the Cumbria Mineral and Waste Local Plan 1996 – 2006 (Saved Policies) in the event of the early cessation of methane extraction.*

#### **Informative for Applicant**

Development for the extraction of methane falls within the definition of extraction or winning and working, of minerals for the purposes of the Environment Act 1995. Therefore this planning permission becomes subject to statutory periodic review under Schedule 14 of the Environment Act 1995, fifteen years from the date of this Decision Notice. Statutory procedures require that the applicant/operator receives not less than twelve months notice of the due date for the statutory review and this notice must contain a written warning of the consequences arising from failure to submit an application for new conditions for the permission. The applicant/operator is advised via the mechanism of this informative that the statutory notice will state that the consequence of failure to submit an application for new conditions by the due date for the periodic review will cause the expiry of this permission and bring the immediate requirement for restoration of the site. The applicant/operator is also advised that statutory procedures also allow for an operator who on receiving notice of the date for submission of the application for new conditions can apply to the Planning Authority for a postponement of the review.

## Development Control And Regulation Committee 20 March 2008

**Conditions**

- 1 The development hereby permitted shall not be commenced after the expiry of three years from the date of this permission.

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

- 2 Unless otherwise given prior approval in writing by the Local Planning Authority the development hereby permitted shall only be carried out in accordance with the terms of and plans accompanying the application.

*Reason: To define the terms of the permission.*

- 3 The development hereby permitted shall not be constructed or operated for any purpose other than for implementation of the development permitted under the terms of planning permission 1/07/9029.

*Reason: To minimise the potential for any adverse impact on the highway in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 4 The development hereby permitted shall not be brought into use unless the access track has been provided with a hard impervious surface covering a distance of not less than 15 metres from the junction with the public highway and no gates shall be erected on the site other than gates that are constructed to open inwards away from the highway.

*Reason: In the interests of highway safety in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (Saved Policies).*

- 5 The land subject to the development hereby permitted shall not continue in use after cessation of use and operation of the land subject to planning permission 1/07/9029 at any point of cessation of that development but shall be restored in accordance with a scheme of restoration that has been given prior approval in writing by the Local Planning Authority.

*Reason: To secure the restoration of the site to a beneficial after use in accordance with Policy 21 and Policy 22 of the Cumbria Minerals and Waste Local Plan 1996 – 2006.*

Statement of Reasons For Granting Planning Permission 1/07/9029. Bruntons Hill  
Farm, Longtown.

Policies 40 and 41 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 (Saved Policies), (the CMWLP) establish a presumption in favour of approval of developments of this type (including gas production facilities) provided that the scheme is an consistent with an overall scheme of appraisal and production. Within the terms of these policies there would be clear benefits through the development of this natural resource.

Planning permission has recently been granted for two other coal bed methane drilling and appraisal sites elsewhere in the County. This application was different in one respect in that it includes a proposal for use of a smaller area of the application site for the installation of gas production facilities should the testing and appraisal of the potential resource show that the gas is present in sufficient quantity and quality. The prospective development would therefore be in two distinct phases of setting up the drilling/testing/appraisal equipment followed by dismantling and removal then installation of the gas production equipment.

The individual elements of the proposal were assessed in relation to the potential environmental impacts that could arise. For installation of the drilling/testing/appraisal element the most significant impacts that would be likely to occur would be from traffic for construction and removal of the drilling/testing equipment, visual impact during the drilling/testing phase and from noise of operation of the drill rig equipment. If the site is used for gas production the most likely significant environmental impact would be from visual impact from the surface plant and equipment. There are no known agricultural or nature conservation interests at this site and no objection was received from Natural England and DEFRA.

In terms of potential traffic impacts, the site is isolated with relatively few sensitive properties in the vicinity. There is no objection from the Highway Authority. The nearest residential property is 160m distant from the proposed drill rig. It was concluded that granting permission for Application 1/08/9003 for the replacement access to the C1001 would reduce the potential for there to be an adverse impact from traffic on sensitive receptors even though the objector considered that there remained a potential for such an adverse impact from noise.

The noise of operation of the drill rig including any noise from erection and dismantling of equipment would be the same as that for the other test drilling sites recently granted planning permission, one of which is approximately 1km to the south east of this application site. The EIA contains predicted maximum noise levels from rig operation that are less than 50dB(L<sub>req</sub> 1hr free field) at the nearest residential property (Stoffoot) approximately 160m distant. Noise from construction equipment and machinery at peak levels of operation, which would be temporary have been calculated as being up to 64dB(L<sub>req</sub> 1hr free field) at the nearest noise sensitive receptor. The first of these calculated noise levels are below the 55dBa daytime noise level limit indicated as acceptable for rural areas and the second is just below the 10dBa excess (above 55dBa) noise levels for peak operation levels such as soil stripping with bulldozers for temporary periods. These are the noise limits indicated as acceptable in MPS2. Therefore the applicant

has demonstrated that the proposed development would comply with the requirements of Policy 2 of the CMWLP in that surrounding land uses would not be subject to unacceptable noise.

The Carlisle City Environmental Health Dept recommended a restriction on hours of operation as part of controls on noise levels. The hours suggested would confine all activities to normal working days and would prohibit the 24hour 7 days per week operation of the drill rigs. The nature of drilling operations requires that as and when this is carried out continuous operation is necessary. Previous sites permitted for drill operation have operated these extended hours for drilling without an adverse impact from noise and it is concluded that it is unlikely that the operation of drill rigs at this site on the same basis would have an adverse impact. It was considered to be reasonable for the developer to be required to limit the hours and days of operation for site preparation and installation and dismantling works to the more normal hours suggested.

The site is a field partially screened from view by trees and hedges. The topography of the site is of gently sloping hill leading up to the buildings comprising Bruntons Hill Farm. Therefore there is a potential for an adverse visual impact from the drill rig from some limited elevation of the drill rig above the nearby roads and from Bruntons Hill Farm. There could be two types of drill rig operated firstly for drilling the borehole (going to a height of 30m) and for the second phase of testing/appraisal a smaller rig (28m high). A third rig of up to 30m could be used for the drilling of lateral boreholes into coal seams. The drill rigs would not be operated for more than a cumulative period of 28 weeks within a period of two years. If the test showed that the site could be used for methane production then the smaller production facility would be readily concealed by screen planting. It is the isolation of this site that provides the minimisation of any visual impact. Therefore the requirements of Policy 7 of the CMWLP with regard to minimising visual impact were met.

The use of a smaller area for gas production proposed the provision of a perimeter palisade fence along with the type of gas production equipment would create an industrial type of facility in an otherwise open area of large fields bordered by managed hedgerows. As such it would not be in keeping with the landscape character of the area and would have a degree of adverse visual impact. This impact would be mitigated by altering the fencing to a black wire mesh with some perimeter planting which should be approved and implemented before the site is used for gas production.

It is not certain that the site would be used for gas production. It is possible that the site would have to be restored after completion of the testing and appraisal phase. This means that any permission granted would have to allow for the possible requirement for early restoration. This is secured by planning conditions.



Shaun Gorman  
Head of Environment

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No:** 27

Between 24/01/2008 and 11/04/2008

**Appn Ref No:**  
07/9030

**Applicant:**  
Capita Symonds

**Parish:**  
Carlisle

**Date of Receipt:**  
27/12/2007

**Agent:**  
Cumbria County Council

**Ward:**  
Harraby

**Location:**  
North Cumbria Technical College, Edgehill Road,  
Carlisle, CA1 3SL

**Grid Reference:**  
342799 554345

**Proposal:** Temporary Teaching Accommodation, Car Parking Areas and  
Associated Works

**Amendment:**

### REPORT

**Case Officer:** Angus Hutchinson

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise Objection(s)      **Date:** 24/01/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission      **Date:** 25/01/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Capita Symonds Ltd - Mr RC Garner  
59 Stramongate  
Kendal  
Cumbria  
LA9 4BH

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 20 December, 2007.

**viz: Temporary teaching accommodation, car parking areas and associated works**  
**North Cumbria Technical College, Edgehill Road, Carlisle**

subject to due compliance with the following conditions:

- 1 This permission shall only be for a temporary period that shall expire not later than three years from the date of this permission and thereafter all parts of the development shall be removed from the site and the land restored to an appropriate condition that has previously been approved in writing by the Local Planning Authority, with the completion of the reinstatement being implemented not later than twelve months from the expiry date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and to secure the restoration of the site on completion of operation of the development.*

- 2 Application for the approval of reserved matters shall be made to the Local Planning Authority not later than twelve months from the date of this permission and the development must be begun not later than twelve months from the date of approval of the last of the details to receive approval.

*Reason: In accordance with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).*

- 3 Details of the layout, elevations scale and appearance of all buildings, all other structures, site surfacing, drainage, landscaping, car and bus parking, fencing and the details of the means of access (including ramped access for pedestrians, pushchairs and wheelchairs (which shall comprise the reserved matters the subject of Condition 2), shall be submitted for approval in writing by

the Local Planning Authority and the development shall thereafter only be carried out in accordance with those approved details.

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

- 4 Notwithstanding the requirements of Condition 3 the development shall not be operated prior to the submission to and approval in writing by the Local Planning Authority of details of the means of operation of access to the site as demonstrated through submission and approval of a detailed Transport Assessment and a Travel Plan and no part of the development shall be operated unless all mitigating measures identified as being required through the Transport Assessment and the Travel Plan have been and continue to be implemented throughout the period of operation of the development.

*Reason: To ensure that there is no adverse impact on the public highway arising from the development.*

- 5 The development shall not be operated prior to the submission to and approval in writing by the Local Planning Authority of details of the means of storage of all topsoils stripped from any part of the site and all such soils shall be retained on land under the control of the developer for the duration of the development until required for use in restoration.

*Reason: To safeguard soils for use in restoration of the site on completion of operation of the development*

Dated the 25<sup>th</sup> day of January 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 25<sup>th</sup> day of January 2008

*Shaun Gorman*

.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
1. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State")

## NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of the notice of decision, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0117 372 6372).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

- If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE D

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## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 28**

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0112

**Applicant:**  
Environment Agency

**Parish:**  
Multiple Parishes

**Date of Receipt:**  
06/02/2008

**Agent:**  
Axis

**Ward:**  
Multiple Wards

**Location:**

Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well)

**Grid Reference:**  
340004 554904

**Proposal:** Construction Of Flood Alleviation Scheme At Various Locations Along The Rivers Caldew And Eden. The Proposed Development Amends, In Part, The Previously Consented Caldew And Carlisle City Flood Alleviation Scheme (ref: 06/1473) By: Enhancement of Fairy Beck; Revision Of Flood Gate, Flood Defence Wall & Telemetry Control Box At Holme Head Weir; Realignment & Regrading Of Cycle Track On Right Bank Of Denton Street Bridge; Widening Of Embankment, Revised Steps/Ramp, Access Ramp & Site Compound From Denton Street Bridge To South Vale Bridge; Telemetry Kiosk & Realignment Of Defence Wall At Metcalfe Street; Temporary Site Compound Off Graham Street; Revised Access, Telemetry Kiosk & Realignment Of Defence Wall To Rear Of Dunelm; Revised Alignment Of Embankment To Trinity School; Replacement Of Existing Swifts Driving Range; Revised Location Of Defence Wall & Car Park Entrance & New Telemetry Kiosk From Turf Tavern To Swifts Bank; Revised Wall Alignment, Play Areas & Extension Of Defence Wall At The Sands Centre; Revised Location Of Flood Defence, Access Ramps/Steps From Hardwicke Circus Subway To Bitts Park; Revised Location & Form Of Flood Defences From Bitts Park To Dacre Road; Ground Raising To Dacre Road & Adjacent Paths; Reconfiguration Of Dacre Road Car Park Including Extension With Revised Access.

**Amendment:**

**REPORT**

**Case Officer:** Angus Hutchinson

**Details of Deferral:**

Members will recall at Committee meeting held on 7th March 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to: no objections from interested parties prior to the expiration of the notification/consultation period (14/3/08); the imposition of the same conditions as imposed under 06/1473 with an additional condition concerning the provision of nesting holes/boxes for Kingfisher birds; and, the completion of an Appropriate

## **SCHEDULE D: Reports on Previously Deferred Decisions**

Assessment under the Conservation (Natural Habitats and Conservation) Regulations 1994. The consultation period has now expired and the relevant conditions have been imposed and approval was issued on 31st March 2008.

**Decision:** Grant Permission

**Date:** 31/03/2008

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

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the revised drawing IMNW525/EL05/3000.

**Reason:** To ensure that the development accords with the scheme approved by the local planning authority.

4. Before the development hereby permitted commences, a scheme shall be submitted to and approved in writing by the local planning authority describing the means by which the provision of public art as part of the development will be secured. The development shall be carried out and completed in accordance with this scheme.

**Reason:** In order to ensure that the development makes suitable provision in accordance with Policy LC15 of the Carlisle District Local Plan 2001-2016 (Redeposit Draft).

5. 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 local planning authority.

The written scheme will include the following components:

- 1) An archaeological watching brief to be undertaken during the course of the development of the ground works at the following locations:
  - a) along the south-west side of the WCML between the left bank of the Caldew and Hadrian's Wall (if deemed appropriate following evaluation work carried out under Condition 5 attached to this approval);
  - b) south of Dacre Road within Carlisle Castle Scheduled Ancient Monument;
  - c) right bank immediately south of Nelson Bridge, in the vicinity of the electricity sub-station/Carlisle Enterprise Centre;

## **SCHEDULE D: Reports on Previously Deferred Decisions**

- d) left bank to the rear of the University Library;
  - e) left bank embankment adjacent to Robert Ferguson School, Denton Holme; and
  - f) within north-east corner of BT depot.
- 2) An archaeological building recording programme of the structures of historic interest affected by the proposed development to be undertaken prior to works commencing, comprising:
- a) photographic and drawn record with supporting documentary evidence of Denton Street footbridge;
  - b) photographic record, measured survey and supporting documentary evidence of former Bone Mill, Willow Holme in accordance with a Level 2 survey as described by English Heritage "Understanding Historic Buildings A Guide to Good Recording Practice" 2006; and
  - c) photographic record both before and after removal of the railway embankment at Waverley Viaduct and adjacent flood embankments forming its setting.
- 3) Where appropriate a post-excavation assessment and analysis, preparation of a site archive ready for disposition at a store approved by the Planning Authority, completion of an archive report and publication of the results in a suitable journal.

**Reason:** To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and, ensure that a permanent record is made of the structures of historic interest prior to their alteration as part of the proposed development in accordance with Policies E25, E26, E28, E29, E30 and E31 of the Carlisle District Local Plan.

6. No part of the structure/embankment associated with the flood defence scheme adjacent to the West Coast Main Line (between Hadrians Wall and the property currently occupied by Brown Bros Engineering, Willowholme Industrial Estate) hereby permitted shall be erected/formed until:
- a) an archaeological evaluation has been undertaken adjacent to the West Coast Main Line (between Hadrians Wall and the property currently occupied by Brown Bros Engineering, Willowholme Industrial Estate) in accordance with a written scheme of investigation to be submitted to and approved in writing beforehand by the local planning authority;
  - b) in the event that the results of the evaluation provided for in paragraph a) above reveals that there are remains associated with Hadrians Wall Vallum, the applicant/developer will submit additional details to be approved in writing by the local planning authority allowing for the remains to be preserved in situ; and,
  - c) archaeological remains, other than those defined in above paragraph b),

## SCHEDULE D: Reports on Previously Deferred Decisions

identified in the evaluation will be recorded in accordance with a written scheme of investigation submitted to and approved by the local planning authority.

**Reason:** To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and, ensure that a permanent record is made of the structures of historic interest in accordance with Policies E25, E26, E28, E29, E30 and E31 of the Carlisle District Local Plan.

7. Before the development within the Scheduled Ancient Monument of Carlisle Castle hereby permitted commences a scheme shall be submitted to and approved in writing by the local planning authority detailing the means by which the wall within the boundary of the Scheduled Ancient Monument, identified as part of the submitted archaeological evaluation, will be preserved in-situ.

**Reason:** In accordance with Policy E28 of the Carlisle District Local Plan.

8. Before the commencement of development of the proposed new bridges precise details, to scale, of their design and finish shall be submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard the character of the area and ensure the provision of an effective crossing.

9. Before the commencement of development of the proposed floodgates and pumping station precise details, to scale, of their design and finish shall be submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard the character of the area in accordance with Policies E34, E35 and E43 of the Carlisle District Local Plan, Policy CP4 of the Carlisle District Local Plan 2001-2016 (Redeposit Draft).

10. Any part of the development approved by this permission that is subject to alteration of an agreed method statement or structure that might have an adverse impact on a SAC/SSSI and/or UK Biodiversity Action Plan Habitats or species, must not be commenced until details have been submitted to, and approved in writing by, the local planning authority.

**Reason:** To ensure that there is no adverse impact on the SAC/SSSI and/or UK Biodiversity Action Plan Habitats or species in 2001-2016 (Redeposit Draft).

11. Before the commencement of development detailed plans and particulars of the

## SCHEDULE D: Reports on Previously Deferred Decisions

proposed landscaping and schemes of wetland habitat creation shall be submitted to and approved in writing by the local planning authority.

**Reason:** To ensure an attractive and appropriate scheme of works that satisfies the requirements of Policies E11 and E21 of the Carlisle District Local Plan, and Policy LE3 of the Carlisle District Local Plan 2001-2016 (Re-Deposit Draft).

12. All works comprised in the approved details of landscaping and/or the schemes of wetland habitat creation for the constituent phases of the development hereby permitted shall be carried out by not later than the end of the planting and seeding season following the completion of that phase of the development.

**Reason:** To ensure that satisfactory landscaping/habitat creation scheme(s) is implemented in accordance with Policies E9, E11 and E21 of the Carlisle District Local Plan, and Policy LE3 of the Carlisle District Local Plan 2001-2016 (Re-Deposit Draft).

13. There shall be submitted to and approved in writing by the local planning authority precise construction drawings and specifications for the proposed footpaths and cycletracks along the river corridors subject of this application. The approved details shall be fully completed within 6 months of the final execution of the hereby approved Flood Defence Scheme.

**Reason:** To ensure the development supports the objectives of Policies E21 and L5 of the Carlisle District Local Plan and Policy LE5 of the Carlisle District Local Plan 2001-2016 (Re-Deposit Draft).

14. Samples of the respective stone, brick and concrete formliner to be used in the construction of the external walls together with coursing patterns and proposed formliner pattern shall be submitted to and approved in writing by the local planning authority before any work on wall construction is commenced.

**Reason:** To ensure the works harmonise with the existing character of the area and buildings in accordance with Policies E34, E35 and E43 of the Carlisle District Local Plan, and, Policy CP4 of the Carlisle District Local Plan 2001-2016 (Redeposit Draft).

15. Before the commencement of development of the proposed footpaths and cycletracks details shall be submitted to and approved in writing by the local planning authority showing the provision of ducting along the respective sections subject of the work hereby permitted.

**Reason:** In the interests of public safety.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

16. Before any phase of the development hereby permitted commences at the site, a scheme shall be submitted to and approved in writing by the local planning authority describing the means by which construction activity at the site and construction traffic to and from the site shall be controlled. The scheme shall include measures for: i) construction traffic washing; ii) public highway cleaning; iii) dust suppression; iv) noise suppression; v) hours of work; and, vii) construction waste disposal.

The development hereby permitted shall only be carried out and completed in accordance with the approved scheme.

**Reason:** In order to ensure that the construction of the development of this site is undertaken in a manner which minimises its effect on the local environment and the living conditions of neighbouring residents.

17. Before the commencement of development of the proposed compound to the east of Denton Street details shall be submitted to and approved in writing by the local planning authority specifying the precise siting.

**Reason:** To safeguard the living conditions of neighbouring residents.

18. Before the commencement of development of the embankments at Etterby and Stainton details shall be submitted to and approved in writing by the local planning authority specifying the extent of the removal and re-modelling.

**Reason:** For the avoidance of doubt and to safeguard the character of the area.

19. Before any part of the development hereby permitted commences, precise details for the provision of artificial kingfisher nesting boxes along relevant sections of the River Caldeu shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully undertaken following the completion of that respective phase of the development.

**Reason:** To ensure that the proposal not only protects but also enhances biodiversity in accordance with PPS 9.

20. Before any part of the development hereby permitted commences, precise details for the provision of bat foraging habitat shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully undertaken following the completion of that respective phase of the development.

**Reason:** To ensure no adverse impact on a favourable status of a European protected species in accordance with the requirements of the Habitats Regulations 1994.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

<b>Appn Ref No:</b> 06/1041	<b>Applicant:</b> Mr C Champney	<b>Parish:</b> Wetheral
<b>Date of Receipt:</b> 31/08/2006	<b>Agent:</b> Architects Plus (UK) Ltd	<b>Ward:</b> Wetheral
<b>Location:</b> Warwick Bank, Warwick-on-Eden, Carlisle, CA4 8PA		<b>Grid Reference:</b> 346600 556559

**Proposal:** Erection of two dwellings

**Amendment:**

**Decision:** Finally Disposed of Application  
07/04/2008

**Date:**

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Between 23/02/2008 and 11/04/2008

<b>Appn Ref No:</b> 07/1183	<b>Applicant:</b> Keith Kin Chung Wong	<b>Parish:</b> Carlisle
<b>Date of Receipt:</b> 31/01/2008	<b>Agent:</b> Cartmell Shepherd	<b>Ward:</b> Castle
<b>Location:</b> New Jade Garden, 141-145 Botchergate, Carlisle		<b>Grid Reference:</b> 340573 555393

**Proposal:** Certificate of Lawfulness for use as a restaurant and ancillary use as a  
takeaway

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/03/2008

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Between 23/02/2008 and 11/04/2008

<b>Appn Ref No:</b> 07/1207	<b>Applicant:</b> Border Construction Ltd	<b>Parish:</b> Carlisle
<b>Date of Receipt:</b> 12/12/2007	<b>Agent:</b> Unwin Jones Partnership	<b>Ward:</b> Denton Holme

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Allied Signal Ltd, Norfolk Street, Carlisle, CA2 5HX

**Grid Reference:**  
339531 554851

**Proposal:** Engineering Works In Association With Site Remediation And To Facilitate Future Development

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1231

**Applicant:**  
George Scott

**Parish:**  
Carlisle

**Date of Receipt:**  
15/01/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
107 Botchergate, Carlisle, CA1 1RZ

**Grid Reference:**  
340514 555441

**Proposal:** Change Of Use From Amusement Arcade To Retail Charity Shop

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1278

**Applicant:**  
Mr T Fisher

**Parish:**  
Brampton

**Date of Receipt:**  
07/01/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Brampton

**Location:**  
Low Gelt Bridge Farm, Brampton, Carlisle, CA8 1TA

**Grid Reference:**  
351964 559449

**Proposal:** Earth Banked Clamp For Whole Crop

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/02/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1302

**Applicant:**  
Mr B Tweddle

**Parish:**  
Bewcastle

**Date of Receipt:**  
26/11/2007

**Agent:**  
Hawdon Russell Architects

**Ward:**  
Lyne

**Location:**  
Crosshill Barn, Roadhead

**Grid Reference:**  
355224 578178

**Proposal:** Conversion Of Barn To Dwelling (Revised/Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1344

**Applicant:**  
Mrs M Nixon

**Parish:**  
Cumwhitton

**Date of Receipt:**  
10/12/2007

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Stepping Stones, Cumwhitton, Carlisle, Cumbria,  
CA8 9EX

**Grid Reference:**  
350688 552294

**Proposal:** Erection Of Garage (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1352

**Applicant:**  
R & A Slack (Cockley  
Bank)LTD

**Parish:**  
Wetheral

**Date of Receipt:**  
14/02/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Great Corby & Geltsdale

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Cockley Bank Farm, Heads Nook, Brampton, CA8  
9EQ

**Grid Reference:**  
349305 553987

**Proposal:** Erection of Milking Parlour, Feed Bins, Collecting Yard, Calving Pens  
and Slurry Tank

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1366

**Applicant:**  
Mr M Armstrong

**Parish:**  
Arthuret

**Date of Receipt:**  
10/01/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
1 & 5 Fauld Cottages, Longtown, Cumbria, CA6  
5SN

**Grid Reference:**  
337978 566658

**Proposal:** Two Storey Side And Rear Extensions To Provide 2no. Bedrooms To  
Ground Floor With Formation Of First Floor Providing 2no. Bedrooms  
And Bathroom To No. 5 Fauld Cottage; And 1no. Bedroom To Ground  
Floor With Formation Of First Floor Providing 2no. Bedrooms, Bathroom  
And Storeroom To No. 1 Fauld Cottage

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default  
**Date:** 28/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1370

**Applicant:**  
Collectables

**Parish:**  
Carlisle

**Date of Receipt:**  
08/01/2008

**Agent:**  
Escott Signs LTD

**Ward:**  
Castle

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

63 Castle Street, Carlisle, Cumbria. CA3 8SL

339980 555981

**Proposal:** Display Of 2no Halo Illuminated Fascia Box Signs And 1no Non-Illuminated Projecting Sign (Retrospective)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 29/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1372

**Applicant:**  
Eden Housing Association  
Ltd

**Parish:**

**Date of Receipt:**  
03/01/2008

**Agent:**  
Day Cummins Limited

**Ward:**  
Belle Vue

**Location:**  
Land adjacent to Low Meadow / Brookside, Low  
Meadow/Brookside, Belle Vue, Carlisle

**Grid Reference:**  
337949 555856

**Proposal:** Proposed Extra Care Housing Development of 60 Dwellings, consisting of an Extra Care Scheme of 40 apartments with Communal Facilities; 20 Dwellings; associated access road, footways, parking areas and gardens. (Outline Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1378

**Applicant:**  
Ashton Design

**Parish:**  
Hayton

**Date of Receipt:**  
20/12/2007

**Agent:**  
Ashton Design

**Ward:**  
Hayton

**Location:**  
Kinrara, Hayton, Brampton, Cumbria, CA8 9HR

**Grid Reference:**  
350728 557762

**Proposal:** Two Storey Rear Extension to Provide Kitchen, Living Room and Utility to Ground with 2no. Bedrooms (1no. en suite) and Bathroom to First Floor ( Revised Application)

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 27/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1380

**Applicant:**  
National Express

**Parish:**  
Carlisle

**Date of Receipt:**  
02/01/2008

**Agent:**  
Bradley-Mason LLP

**Ward:**  
Castle

**Location:**  
Earls Lane Bus Station, Lonsdale Street, Carlisle,  
Cumbria, CA1 1BJ

**Grid Reference:**  
340338 555913

**Proposal:** Installation Of A New Bus Shelter To Replace Existing Bus Stop  
(Revised Application)

### Amendment:

**Decision:** Grant Permission

**Date:** 27/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1381

**Applicant:**  
The Governors

**Parish:**  
Brampton

**Date of Receipt:**  
11/01/2008

**Agent:**  
Capita Symonds Limited

**Ward:**  
Brampton

**Location:**  
William Howard School, Longtown Road, Brampton,  
CA8 1AR

**Grid Reference:**  
352528 561288

**Proposal:** Alterations To Widen Road Junction/Access Into School, Erection of  
New Science Classroom Extension, New S.E.N. Extension and New  
Drama And Music Block

### Amendment:

**Decision:** Grant Permission

**Date:** 27/02/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1382

**Applicant:**  
Mr T Ward

**Parish:**  
Brampton

**Date of Receipt:**  
21/12/2007

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Brampton

**Location:**  
Random Hill, Station Road, Brampton, CA8 1EZ

**Grid Reference:**  
354267 560849

**Proposal:** Single Storey Side Extension To Provide Garage, Utility, Ensuite Bathroom And Dressing Room Together With Two Dormer Windows To Replace Existing Velux Rooflights.

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1390

**Applicant:**  
Mr A Nettleton

**Parish:**  
Carlisle

**Date of Receipt:**  
28/12/2007

**Agent:**  
Jock Gordon

**Ward:**  
Currock

**Location:**  
241 Blackwell Road, Carlisle, CA2 4DN

**Grid Reference:**  
340295 554046

**Proposal:** Erection of Detached Domestic Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/02/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1391

**Applicant:**  
Mr & Mrs Lee

**Parish:**  
Cumrew

**Date of Receipt:**  
02/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Great Corby & Geltsdale

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Kirkdale, Cumrew, Heads Nook, Brampton, Cumbria  
CA9 9DD

**Grid Reference:**  
354491 550794

**Proposal:** Erection Of Single Storey Extension to Provide Sunroom and  
Replacement Roof over Porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
07/1392

**Applicant:**  
Mr & Mrs Smith

**Parish:**  
Wetheral

**Date of Receipt:**  
09/01/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Land To The Rear Of Jasmine Cottage, Wetheral,  
Carlisle, CA4 8JG

**Grid Reference:**  
346473 554596

**Proposal:** Erection Of Two Storey Dwelling

**Amendment:**

**Decision:** Refuse Permission

**Date:** 05/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0002

**Applicant:**  
Mr & Mrs Moffat

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
02/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
Smithy Cottage, Orchard Gardens, Houghton,  
Carlisle, Cumbria, CA3 0LH

**Grid Reference:**  
340595 559248

**Proposal:** Erection Of Single Storey Extension To Provide 1no. En-Suite Bedroom

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 27/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0007

**Applicant:**  
Mr Geoff Grice

**Parish:**  
Carlisle

**Date of Receipt:**  
17/01/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
17 Monks Close Road, Carlisle, CA2 7BZ

**Grid Reference:**  
338986 555518

**Proposal:** Construction Of Two Storey Rear Extension To Provide Enlarged  
Ground Floor Kitchen And First Floor Bathroom (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0009

**Applicant:**  
Mrs Joyti Saraswati

**Parish:**  
Carlisle

**Date of Receipt:**  
04/01/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
Flat 3, 13 Marlborough Gardens, Carlisle, CA3 9NH

**Grid Reference:**  
339882 556963

**Proposal:** Creation Of New Replacement Ramp To Provide External Access For  
Disabled Resident

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/02/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0011

**Applicant:**  
Mr T Aspinall

**Parish:**  
Wetheral

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:** 14/01/2008      **Agent:**      **Ward:** Great Corby & Geltsdale

**Location:** Yew Tree Cottage, Great Corby, Carlisle, CA4 8NE      **Grid Reference:** 347475 554674

**Proposal:** Erection Of Garden Summerhouse And Greenhouse

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:** 08/0012      **Applicant:** Commerce Media LTD      **Parish:** Carlisle

**Date of Receipt:** 10/01/2008      **Agent:**      **Ward:** Stanwix Urban

**Location:** 9 Church Street, Carlisle, Cumbria, CA3 9DT      **Grid Reference:** 340063 557041

**Proposal:** Change Of Use From Residential Dwelling (C3) To Office Use (B1)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/02/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:** 08/0013      **Applicant:** Mr & Mrs Selstrom      **Parish:** Kirkandrews

**Date of Receipt:** 08/01/2008      **Agent:** Phoenix Architecture & Planning      **Ward:** Longtown & Rockcliffe

**Location:** Grahams Arms House, Guards Mill, GRETNA, DG16 5JA      **Grid Reference:** 333258 567373

**Proposal:** Alterations to Existing Side Extension and Replacement Dormer Window to Provide Additional Pantry and WC with 2 No. En-Suites over

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 04/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0014

**Applicant:**  
Mr & Mrs McKeown

**Parish:**  
Wetheral

**Date of Receipt:**  
09/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Sandy Lodge, Plains Road, Wetheral, Cumbria,  
CA4 8LE

**Grid Reference:**  
346174 555320

**Proposal:** Conversion And Extension Of Existing Garage, Laundry Room And WC To Include Living Room, Utility Room, WC On The Ground Floor With En-Suite Bedroom Above; And Erection Of New Detached Garage (Revised Application)

### Amendment:

**Decision:** Grant Permission

**Date:** 28/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0016

**Applicant:**  
Mr L Carson

**Parish:**  
Carlisle

**Date of Receipt:**  
15/01/2008

**Agent:**  
Jon Thompson & Co Ltd

**Ward:**  
Stanwix Urban

**Location:**  
5 Beech Grove, Carlisle, Stanwix, CA3 9BE

**Grid Reference:**  
340351 557380

**Proposal:** Single Storey Rear Extension To Provide Dining Room.

### Amendment:

**Decision:** Grant Permission

**Date:** 11/03/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0019

**Applicant:**  
Mr & Mrs Bell

**Parish:**  
Carlisle

**Date of Receipt:**  
14/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Multiple Wards

**Location:**  
52 Castlesteads Drive, Carlisle, Cumbria, CA2 7XD

**Grid Reference:**  
336995 555642

**Proposal:** First Floor Extension To Side To Provide En-Suite Bedroom And Single Storey Rear Extension To Provide Sunroom.

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0021

**Applicant:**  
Mr B Dixon

**Parish:**  
Beaumont

**Date of Receipt:**  
22/01/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
Land at Knockupworth Hall, Burgh Road, Carlisle,  
CA8 7RF

**Grid Reference:**  
337086 556522

**Proposal:** Erection of Private Dwelling And Detached Garage (Outline Application)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 13/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0022

**Applicant:**  
Mrs Lisa Farish

**Parish:**  
Carlisle

**Date of Receipt:**  
11/01/2008

**Agent:**

**Ward:**  
Upperby

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

33 Baird Road, Carlisle, CA1 3AD

341683 553975

**Proposal:** 2 Storey Side Extension To Provide Kitchen On Ground Floor, With 1no Bedroom And Bathroom Extension At First Floor Level;g/f Conservatory To Rear

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0024

**Applicant:**  
Mr & Mrs Yeadon

**Parish:**  
Arthuret

**Date of Receipt:**  
11/01/2008

**Agent:**  
G R & D J Stephen

**Ward:**  
Longtown & Rockcliffe

**Location:**  
The Sycamore Tree Cafe, 40-42 Bridge Street,  
Longtown, Carlisle, CA6 5UD

**Grid Reference:**  
337877 568749

**Proposal:** Conversion Of Dwelling To Bed And Breakfast Accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0026

**Applicant:**  
W.Vasey & Sons (Carlisle) LTD

**Parish:**  
Carlisle

**Date of Receipt:**  
25/01/2008

**Agent:**  
Michael Carigiet  
Associates LTD

**Ward:**  
Currock

**Location:**  
Premises Formerly Occupied By Bowmans Carpets,  
Lancaster Street, Carlisle, CA1 1TF

**Grid Reference:**  
340590 555049

**Proposal:** Change Of Use To Include Sale And Storage Of Furniture

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 14/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0027

**Applicant:**  
Mr Harrison

**Parish:**  
Nicholforest

**Date of Receipt:**  
14/01/2008

**Agent:**  
Rol Design Limited

**Ward:**  
Lyne

**Location:**  
Shankend House, Penton, Carlisle, CA6 5QX

**Grid Reference:**  
343707 577256

**Proposal:** Alterations And Extension To Existing Dwelling House To Form  
Additional Bedrooms And Reception Rooms. Construction Of Car Port

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0029

**Applicant:**  
Mr Gary Jones-Wright

**Parish:**  
Carlisle

**Date of Receipt:**  
18/01/2008

**Agent:**  
Graham Schofield  
Associates

**Ward:**  
Botcherby

**Location:**  
Land at Low Durrhill, Tilbury Road, Carlisle,  
Cumbria

**Grid Reference:**  
342429 555779

**Proposal:** Durrhill Beck Flood Alleviation Scheme Adjacent To 'Low Durrhill'  
Tilbury Road Carlisle. - Brick Faced Sheet Piled Wall (Maximum Height  
1.6 Meters) And New Galvanised Screen And Platform Where Beck  
Enters Culvert.

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0030

**Applicant:**  
Mrs Geraldine Hall

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
18/01/2008

**Agent:**  
Jackson Contractors

**Ward:**  
Stanwix Rural

**Location:**  
19 The Green, Houghton, Carlisle, Cumbria, CA3  
0HF

**Grid Reference:**  
340792 559395

**Proposal:** Erection Of Single Storey Bathroom Extension To Rear Elevation To  
Allow For Disabled Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0031

**Applicant:**  
G Dobson

**Parish:**  
Wetheral

**Date of Receipt:**  
17/01/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Land To The Rear Of The Limes And The Oaks,  
Plains Road, Wetheral

**Grid Reference:**  
346200 555500

**Proposal:** Change of Use of Paddock to Domestic Garden

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0032

**Applicant:**  
Mr George Bowman

**Parish:**  
Wetheral

**Date of Receipt:**  
14/01/2008

**Agent:**  
Mr Miles Hodgson

**Ward:**  
Wetheral

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Eden Brows Bungalow, Eden Brows, Armathwaite,  
Carlisle

**Grid Reference:**  
349603 549588

**Proposal:** Construction Of Ground And First Floor Extensions To Form Lounge  
With 2no Bedrooms And 1no Bathroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/02/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0033

**Applicant:**  
Mr Charles Deans

**Parish:**  
Dalston

**Date of Receipt:**  
14/01/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
10 Carlisle Road, Dalston, Carlisle, CA5 7NG

**Grid Reference:**  
337072 550647

**Proposal:** Single Storey Rear Extension To Provide Kitchen/Dining Room And  
Lounge; Loft Conversion To Provide 2No.Bedrooms And Bathroom, With  
Dormer Window To Front Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0034

**Applicant:**  
Swallow Hilltop Hotel and  
Harrison Northern Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
15/01/2008

**Agent:**  
Rol Design 3D Limited

**Ward:**  
Harraby

**Location:**  
Swallow Hilltop Hotel & Capital Building, Hilltop  
Heights, London Road, Carlisle, CA1 2NS

**Grid Reference:**  
341176 554687

**Proposal:** Formation Of Footpath To Improve Pedestrian Access To Hotel And  
Primary Care/Office Building

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 13/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0035

**Applicant:**  
Mr Ralph Townsley

**Parish:**  
Wetheral

**Date of Receipt:**  
22/01/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
2 Old Nursery Croft, Warwick On Eden, Carlisle,  
Cumbria, CA4 8PX

**Grid Reference:**  
346566 556438

**Proposal:** Two Storey Rear Extension To Provide Sun Lounge On Ground Floor  
With 1no. En-Suite Bedroom Above

### Amendment:

**Decision:** Withdrawn by Applicant/or by default

**Date:** 06/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0036

**Applicant:**  
Billingford Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
15/01/2008

**Agent:**  
Green Design Group

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Moorvale, Sandy Lane, Heads Nook, Carlisle,  
Cumbria, CA8 9BQ

**Grid Reference:**  
348036 555172

**Proposal:** Alterations Of An Existing 3 Bedroom Bungalow By Re-Instating A  
Previously Demolished (In 1978) Upper Floor To Provide A 4 Bedroom  
House. Work To Include Demolition Of Existing Flat Roofed Garage  
And Upvc Conservatory. Internal Alterations And Extensions

### Amendment:

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 04/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0039

**Applicant:**  
Mr N & Mrs S J Sanderson

**Parish:**  
Burtholme

**Date of Receipt:**  
21/01/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
Burtholme Farm, Lanercost, Brampton, Cumbria,  
CA8 2HH

**Grid Reference:**  
354495 563721

**Proposal:** Erection of General Purpose Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0040

**Applicant:**  
United Biscuits

**Parish:**  
Carlisle

**Date of Receipt:**  
22/01/2008

**Agent:**  
Technical Department

**Ward:**  
Castle

**Location:**  
McVities Biscuit Works or United Biscuits, 54  
Church Street, Carlisle, CA2 5TG

**Grid Reference:**  
339227 556008

**Proposal:** Erection Of Roof Over Existing Waste Compactor

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0042

**Applicant:**  
Mr & Mrs D Moore

**Parish:**  
Dalston

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

21/01/2008

Mr B Child

Dalston

**Location:**

The Store to No. 20 The Bakery, Indian King Court,  
Dalston, Carlisle

**Grid Reference:**

336840 550110

**Proposal:** Change of Use of Storage Facilities and Staff Rooms to 1no. Dwelling  
with Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0043

**Applicant:**  
Mr & Mrs Drinkall

**Parish:**  
Wetheral

**Date of Receipt:**  
25/01/2008

**Agent:**  
Scandia-Hus Ltd

**Ward:**  
Wetheral

**Location:**

Lonsdale Park, Cumwhinton, Cumbria, CA4 0AY

**Grid Reference:**  
346799 551531

**Proposal:** Erection Of 1no. Detached Residential Dwelling And Garaging

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0045

**Applicant:**  
Messrs Henderson & Son

**Parish:**  
Dalston

**Date of Receipt:**  
22/01/2008

**Agent:**  
David Hetherington  
Environmental And  
Planning Services

**Ward:**  
Dalston

**Location:**

Gill Farm, The Gill, Dalston, Carlisle, CA5 7JP

**Grid Reference:**  
335763 548440

**Proposal:** Proposed Agricultural Workers Dwelling (Outline)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Refuse Permission

**Date:** 17/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0046

**Applicant:**  
Paton House  
Developments Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
17/01/2008

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Brampton

**Location:**  
Plot 8, Hemblesgate, Tarn Road, Brampton, CA8  
1QX

**Grid Reference:**  
353548 560506

**Proposal:** Erection Of Chimney And Alteration To Window/Door Arrangements  
(Revised House Type)

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0047

**Applicant:**  
Mrs Sandra Taggart

**Parish:**  
Carlisle

**Date of Receipt:**  
21/01/2008

**Agent:**

**Ward:**  
St Aidans

**Location:**  
46 Broad Street, Carlisle, Cumbria, CA1 2AQ

**Grid Reference:**  
340967 555822

**Proposal:** Change Of Use From Residential To Dental Laboratory

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/03/2008

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Between 23/02/2008 and 11/04/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0048

**Applicant:**  
Mr C Pollock

**Parish:**  
Arthuret

**Date of Receipt:**  
21/01/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land Adjacent To Fauld Farm, Longtown, Carlisle,  
CA6 5SN

**Grid Reference:**  
337682 567041

**Proposal:** Proposed Milking Parlour, Collecting Yard And Office Facility  
**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0049

**Applicant:**  
Mr C Pollock

**Parish:**  
Arthuret

**Date of Receipt:**  
21/01/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land Adjacent To Fauld Farm, Longtown, Carlisle,  
CA6 5SN

**Grid Reference:**  
337682 567041

**Proposal:** Proposed Cubicle, Feed Shed With Below Ground Storage/Slurry  
**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0053

**Applicant:**  
Elim Community Church

**Parish:**  
Carlisle

**Date of Receipt:**  
24/01/2008

**Agent:**

**Ward:**  
Castle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
St Pauls Church, Lonsdale Street, Carlisle, CA1  
1BJ

**Grid Reference:**  
340411 555870

**Proposal:** Installation Of Replacement Heating System (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0054

**Applicant:**  
Mr & Mrs Ratcliffe SNR

**Parish:**  
Carlisle

**Date of Receipt:**  
30/01/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Belle Vue

**Location:**  
20 Moorhouse Road, Carlisle, CA2 7LU

**Grid Reference:**  
337619 556141

**Proposal:** Erection of 1no. New Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0055

**Applicant:**  
Mr S Proudfoot

**Parish:**  
Carlisle

**Date of Receipt:**  
18/01/2008

**Agent:**  
Mr D Shankland

**Ward:**  
Stanwix Urban

**Location:**  
22 Larch Drive, Carlisle, Cumbria, CA3 9FL

**Grid Reference:**  
340392 557497

**Proposal:** Erection Of Two Storey Side Extension To Provide Extended Lounge  
And Dining Room On Ground Floor With En-Suite Bedroom Above.  
Single Storey Garage To Front Elevation

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 14/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0057

**Applicant:**  
CWS Retail Financial  
Services

**Parish:**  
Carlisle

**Date of Receipt:**  
25/01/2008

**Agent:**  
Futurama Ltd

**Ward:**  
Denton Holme

**Location:**  
Co-op Food Store, Denton Street, Carlisle, CA2  
5EN

**Grid Reference:**  
339772 555102

**Proposal:** Display Of Internally Illuminated Fascia Signs And 2no Projecting Signs  
**Amendment:**

**Decision:** Grant Permission

**Date:** 20/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0062

**Applicant:**  
WH & KR Parkin

**Parish:**  
Waterhead

**Date of Receipt:**  
11/02/2008

**Agent:**  
Mr Noel Hakeman

**Ward:**  
Irthing

**Location:**  
Guns Hole Farm, Banks, Brampton, CA8 2BX

**Grid Reference:**  
358604 564875

**Proposal:** Re-Configuration Of Rear Roof From Flat To 3x Gable Profile  
**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0063

**Applicant:**  
Starbucks Coffee Co (UK)  
Ltd

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
07/02/2008

**Agent:**  
Pegasus Planning Group

**Ward:**  
Castle

**Location:**  
64 Scotch Street, Carlisle, Cumbria, CA3 8DP

**Grid Reference:**  
340083 556000

**Proposal:** Display of 1no. Internally Illuminated Fascia Sign And 1no. Externally Illuminated Projecting Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0064

**Applicant:**  
Starbucks Coffee Co (UK)  
LTD

**Parish:**  
Carlisle

**Date of Receipt:**  
07/02/2008

**Agent:**  
Pegasus Planning Group

**Ward:**  
Castle

**Location:**  
64 Scotch Street, Carlisle, Cumbria, CA3 8DP

**Grid Reference:**  
340083 556000

**Proposal:** Change Of Use Of Premises From Class A1 Use To Mixed Class A1/A3 Use

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0065

**Applicant:**  
Starbucks Coffee (UK)  
LTD

**Parish:**  
Carlisle

**Date of Receipt:**  
07/02/2008

**Agent:**  
Pegasus Planning Group

**Ward:**  
Castle

**Location:**  
64 Scotch Street, Carlisle, Cumbria, CA3 8DP

**Grid Reference:**  
340083 556000

**Proposal:** Installation Of Replacement Shop Front

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 25/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0067

**Applicant:**  
Mr & Mrs Hodgson

**Parish:**  
Carlisle

**Date of Receipt:**  
24/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
24 Knowe Park Avenue, Stanwix, Carlisle, Cumbria,  
CA3 9EJ

**Grid Reference:**  
340120 557375

**Proposal:** Single Storey Rear Extension To Extend Living Room

### Amendment:

**Decision:** Grant Permission

**Date:** 18/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0068

**Applicant:**  
Mr Barry Nuttal

**Parish:**  
Carlisle

**Date of Receipt:**  
24/01/2008

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Stanwix Urban

**Location:**  
68 Brampton Road, Carlisle, Cumbria, CA3 9AU

**Grid Reference:**  
340815 557473

**Proposal:** Two Storey Side Extension To Provide Garage, Utility And Kitchen On Ground Floor With En-Suite Bedroom Above. Single Storey Rear Extension To Provide Breakfast Room. First Floor Rear Extension To Provide Extended Bedrooms

### Amendment:

**Decision:** Grant Permission

**Date:** 29/02/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0069

**Applicant:**  
Stanley Tangt

**Parish:**  
Carlisle

**Date of Receipt:**  
06/02/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
38 Lowther Street, Carlisle, Cumbria, CA3 8DH

**Grid Reference:**  
340249 555907

**Proposal:** Install A New External Wall Fan In The Kitchen. Replace Back The Air Grille Fan Kit. Remove The Existing Lobby Door And Increase Wall Opening Width. Re-Instate Lobby Door (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0072

**Applicant:**  
Lofthouse Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
30/01/2008

**Agent:**  
Lofthouse (Cumbria) Ltd

**Ward:**  
Brampton

**Location:**  
Dean Place, Falkins Hill, Brampton, Carlisle  
CA81BU

**Grid Reference:**  
353034 561208

**Proposal:** Conversion And Alterations To Form A 2no. Bed Detached Single Storey Dwellinghouse (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0075

**Applicant:**  
Sisters Of The Sacred  
Heart Of Mary

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

06/02/2008

Williams Surveyors Ltd

Castle

**Location:**

St Gabriel's Convent, 52 & 54 Victoria Place,  
Carlisle, Cumbria, CA1 1HP

**Grid Reference:**

340668 556105

**Proposal:** Single Storey Rear Extension To House Disabled Access Passenger Lift  
And A New Rear Stepped Access From Basement To Ground Floor  
Level

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0078

**Applicant:**  
Mr & Mrs Coupland

**Parish:**  
Wetheral

**Date of Receipt:**  
31/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
High House Cottage, Cumwhinton, Cumbria, CA4  
8EA

**Grid Reference:**  
345330 552840

**Proposal:** Two Storey Side Extension To Provide Living Room & Bedrooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0079

**Applicant:**  
Mr & Mrs Heathcote

**Parish:**  
Carlisle

**Date of Receipt:**  
28/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
34 Knowefield Avenue, Carlisle, Cumbria, CA3 9BQ

**Grid Reference:**  
340187 557582

**Proposal:** Demolition Of Existing Garage And Utility Room. Two Storey Side  
Extension To Provide 2 No. bedrooms, Study, Shower Room And

## SCHEDULE E: Decisions Issued Under Delegated Powers

Extended Kitchen Together With A Slate Roof To Replace Polycarbonate  
To Rear Offshoot.

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 18/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0080

**Applicant:**  
Carlisle Golf Club

**Parish:**  
Wetheral

**Date of Receipt:**  
01/02/2008

**Agent:**  
Morton Garden Buildings

**Ward:**  
Wetheral

**Location:**  
Carlisle Golf Club, Access road to Carlisle Golf  
Club, Aglionby, Carlisle, CA4 8AG

**Grid Reference:**  
344681 556080

**Proposal:** Erection Of Gazebo Adjacent To 9th Tee For Use As Half-Way House  
To Serve Refreshments

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0082

**Applicant:**  
Mr Christopher Cook

**Parish:**  
Carlisle

**Date of Receipt:**  
31/01/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Botcherby

**Location:**  
355 Warwick Road, Carlisle, Cumbria, CA1 2BS

**Grid Reference:**  
341824 555923

**Proposal:** Demolition Of Existing Kitchen And Out Building And Erection Of Single  
Storey Kitchen/Dining Room, Utility And Shower Room

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0083

**Applicant:**  
S & C Ashbridge Limited

**Parish:**  
Brampton

**Date of Receipt:**  
01/02/2008

**Agent:**  
Jock Gordon

**Ward:**  
Brampton

**Location:**  
Cumcatch Farm, Brampton, CA8 2QR

**Grid Reference:**  
354753 561200

**Proposal:** Conversion Of Redundant Farm Buildings To Provide Residential Units  
(revised Application For Unit Nos. 2 & 4)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0084

**Applicant:**  
S & C Ashbridge Limited

**Parish:**  
Brampton

**Date of Receipt:**  
01/02/2008

**Agent:**  
Jock Gordon

**Ward:**  
Brampton

**Location:**  
Cumcatch Farm, Brampton, CA8 2QR

**Grid Reference:**  
354751 561153

**Proposal:** Conversion Of Redundant Farm Buildings To Provide Residential Units  
(Revised Application For Unit Nos. 2 & 4) (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0085

**Applicant:**  
Mr W Hawkins

**Parish:**  
Wetheral

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

07/02/2008

Wetheral

**Location:**

4 West View, School Road, Cumwhinton, Carlisle,  
CA4 8DX

**Grid Reference:**

345301 552746

**Proposal:** Two Storey Rear Extension To Provide Dining Room On Ground Floor,  
With 1no. Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0089

**Applicant:**  
Mr Richard Bell & Mrs  
Joan Bell

**Parish:**  
Carlisle

**Date of Receipt:**  
13/02/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
89A Warwick Road, Carlisle, Cumbria, CA1 1EB

**Grid Reference:**  
340579 555870

**Proposal:** Replace Two Front And One Rear Window At First Floor Level With  
Timber Sash Windows (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0090

**Applicant:**  
Mr David Nicol

**Parish:**  
Carlisle

**Date of Receipt:**  
30/01/2008

**Agent:**

**Ward:**  
Belah

**Location:**  
11 Bracken Close, Carlisle, Cumbria, CA3 9TF

**Grid Reference:**  
339294 557863

**Proposal:** Erection Of Timber Clad Wooden Shed

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0091

**Applicant:**  
Mr & Mrs S Oliver

**Parish:**  
Wetheral

**Date of Receipt:**  
30/01/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Wetheral

**Location:**  
Cartref, 5 The Glebe, Wetheral, Carlisle, CA4 8EY

**Grid Reference:**  
346707 554241

**Proposal:** Single Storey Extension To Front And Side Elevations To Provide An Enlarged Bedroom With En-Suite Facilities, 1no. Bedroom And En-Suite To Serve An Existing Bedroom (Resubmission)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0092

**Applicant:**  
Newclose Properties Ltd

**Parish:**  
Wetheral

**Date of Receipt:**  
31/01/2008

**Agent:**  
Bywater + Tweedale

**Ward:**  
Wetheral

**Location:**  
Rydal, Park Road, Scotby, Carlisle, CA4 8AT

**Grid Reference:**  
343803 555344

**Proposal:** Demolition Of Existing Bungalow, Garage And Outbuildings. Construction Of 1no. Two Storey Dwelling With 4no. Bedrooms And Integral Double Garage (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/03/2008

---

Between 23/02/2008 and 11/04/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0094

**Applicant:**  
Mr Michael Bray

**Parish:**  
Farlam

**Date of Receipt:**  
04/02/2008

**Agent:**  
Mr Stephen Bray

**Ward:**  
Irthing

**Location:**  
Prospect Cottage, Farlam, Brampton, CA8 1LA

**Grid Reference:**  
355553 558574

**Proposal:** Single Storey Side Extension To Existing Kitchen To Provide Bedroom, Single Storey Side Extension To Enlarge Hall, Formation Of First Floor To Provide Lounge/Kitchen/Dining Area, With Roof Terrace & Balcony (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0095

**Applicant:**  
Mr & Mrs Atkinson

**Parish:**  
Carlisle

**Date of Receipt:**  
31/01/2008

**Agent:**  
Jock Gordon

**Ward:**  
Belah

**Location:**  
136 Kingstown Road, Carlisle, CA3 0AY

**Grid Reference:**  
339669 558569

**Proposal:** Two Storey Rear Extension To Provide Two Bedrooms And Kitchen (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0096

**Applicant:**  
Miss Scott-Parker

**Parish:**  
Irthington

**Date of Receipt:**  
12/02/2008

**Agent:**  
Mr G R Stephen

**Ward:**  
Stanwix Rural

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**  
Fell View Nursery, Heathersgill, Carlisle, CA6 6EY

**Grid Reference:**  
348271 564704

**Proposal:** Replacing Of Polytunnel With New Workshop & Siting Of Static Caravan  
**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0100

**Applicant:**  
Mr J M Long

**Parish:**  
Wetheral

**Date of Receipt:**  
08/02/2008

**Agent:**  
Mr Jak Jones

**Ward:**  
Wetheral

**Location:**  
Land Adjacent To The Rookery & Village Green,  
Scotby, Carlisle

**Grid Reference:**  
344200 554980

**Proposal:** Erection Of 1no Bungalow With Attached Garage (Plot 2)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 25/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0103

**Applicant:**  
Mr and Mrs Lloyd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
04/02/2008

**Agent:**  
Andrew Nash Associates

**Ward:**  
Dalston

**Location:**  
The Cottage, Brisco Hill, Carlisle, CA4 0DZ

**Grid Reference:**  
342571 551433

**Proposal:** Formation Of First Floor Window, Alterations And Enlargements To  
Openings On Ground Floor Together With Internal Alterations (LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 31/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0104

**Applicant:**  
Mr John Bell

**Parish:**  
Carlisle

**Date of Receipt:**  
08/02/2008

**Agent:**

**Ward:**  
Harraby

**Location:**  
5 Harraby Grove, Carlisle, Cumbria, CA1 2QN

**Grid Reference:**  
341666 554426

**Proposal:** Demolition Of Existing Conservatory And Erection Of Single Storey Rear Extension To Provide En-Suite Bedroom And Dining Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0105

**Applicant:**  
Ian Simpson

**Parish:**  
Carlisle

**Date of Receipt:**  
07/02/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Currock

**Location:**  
L/A Hasell Street, Currock, Carlisle

**Grid Reference:**  
340900 554484

**Proposal:** Amendment To Planning Conditions 5 & 6 Of Application 03/0789 To Alter The Proposed Road Construction

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0106

**Applicant:**  
Mr S Jeffrey

**Parish:**  
Nicholforest

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

04/02/2008

Tsada Building Design  
Services Lyne

**Location:**

High Plains, Penton, Longtown, Cumbria, CA6 5RY

**Grid Reference:**

344159 574397

**Proposal:** Ground Floor Rear Extension To Provide Kitchen And Living Area;  
Provision Of First Floor To Provide 2 No Bedrooms, Bathroom And  
Store; Retrospective Change Of Use Of Agricultural Land To Domestic  
Garden

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0107

**Applicant:**  
Carter & Forster Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
04/02/2008

**Agent:**  
Jock Gordon

**Ward:**  
Morton

**Location:**  
137 Wigton Road, Carlisle, CA2 6JR

**Grid Reference:**  
338192 554969

**Proposal:** Erection Of 1No. Detached Dwelling (Reserved Matters Application,  
Pursuant To Outline Application 07/0503)

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0108

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
11/02/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Belah

**Location:**  
Belah Community Centre, Briar Bank, Carlisle, CA3  
9SR

**Grid Reference:**  
339569 558005

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Demolition Of Existing Timber Shed And Flat Roof Link Buildings And Erection Of Single Storey Extension To Occupy Similar Footprint

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0109

**Applicant:**  
McKnight & Son Builders

**Parish:**  
Carlisle

**Date of Receipt:**  
04/02/2008

**Agent:**  
Green Design Group

**Ward:**  
Castle

**Location:**  
Murrell Hill, Dalston Road, Carlisle

**Grid Reference:**  
339345 555600

**Proposal:** Erection Of 3no. 2 Bedroom Flats And Associated Parking (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0110

**Applicant:**  
Mr J B Clarke

**Parish:**  
Carlisle

**Date of Receipt:**  
05/02/2008

**Agent:**  
Jock Gordon

**Ward:**  
Harraby

**Location:**  
54 Carloli Drive, Carlisle, Cumbria, CA1 2RE

**Grid Reference:**  
341554 554136

**Proposal:** Two Storey Side Extension To Provide Garage And Kitchen On Ground Floor With En-Suite Bedroom Above. Single Storey Rear Extension To Provide Study And Extended Dining Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0111

**Applicant:**  
S & K properties

**Parish:**  
Carlisle

**Date of Receipt:**  
06/02/2008

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Currock

**Location:**  
224 Blackwell Road, Carlisle, CA2 4RR

**Grid Reference:**  
340257 553725

**Proposal:** Erection Of Detached Garage/Store  
**Amendment:**

**Decision:** Grant Permission

**Date:** 20/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0113

**Applicant:**  
The Governors

**Parish:**  
Castle Carrock

**Date of Receipt:**  
11/02/2008

**Agent:**  
Green Design Group

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Castle Carrock School, Castle Carrock village,  
Castle Carrock, Brampton, CA8 9LU

**Grid Reference:**  
354330 555461

**Proposal:** Extension To Existing School Building To Provide Additional Classroom  
And Internal Alterations

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0116

**Applicant:**  
Mr Plumb

**Parish:**  
Carlisle

**Date of Receipt:**  
06/02/2008

**Agent:**

**Ward:**  
Harraby

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Former Cavaghan & Gray Limited, London Road,  
Carlisle, CA1 3EU

**Grid Reference:**  
341870 553940

**Proposal:** Proposed Aldi Supermarket, Additional Retail Unit And Single Storey  
Workshop Development (Reserved Matters) (Revised Scheme)

**Amendment:**

1. Revised site and elevation plans received 5th March 2008 re. proposed boundary treatment and elevations.

**Decision:** Grant Permission

**Date:** 17/03/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0118

**Applicant:**  
Messrs K Story

**Parish:**  
Arthuret

**Date of Receipt:**  
13/02/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Blackrigg, Longtown, Carlisle, CA6 5TX

**Grid Reference:**  
344705 571055

**Proposal:** Erection of Milking Parlour, Dairy And Collecting Yard (Phase One)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0119

**Applicant:**  
Messrs K Story

**Parish:**  
Arthuret

**Date of Receipt:**  
13/02/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Blackrigg, Longtown, Carlisle, CA6 5TX

**Grid Reference:**  
344705 571055

**Proposal:** Erection of Cubicle Feeding Shed with Below Ground Storage/Slurry  
(Phase Two)

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 08/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0129

**Applicant:**  
Mr & Mrs Stubbs

**Parish:**  
Carlisle

**Date of Receipt:**  
12/02/2008

**Agent:**  
Jock Gordon

**Ward:**  
Denton Holme

**Location:**  
12 Coogan Close, Carlisle, Cumbria, CA2 5SG

**Grid Reference:**  
339523 554480

**Proposal:** Single Storey Rear Extension To Provide Lounge, Study & WC  
**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0130

**Applicant:**  
Mr & Mrs Hope

**Parish:**  
Hayton

**Date of Receipt:**  
12/02/2008

**Agent:**  
Jock Gordon

**Ward:**  
Hayton

**Location:**  
Greystone Cottage, Townhead, Hayton, Carlisle,  
Cumbria, CA8 9JQ

**Grid Reference:**  
351721 557912

**Proposal:** Extension And Alterations To Provide 'Granny Annexe' And Revised  
Layout To Existing House

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

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Between 23/02/2008 and 11/04/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0133

**Applicant:**  
Mr Colin Stamper

**Parish:**  
Carlisle

**Date of Receipt:**  
14/02/2008

**Agent:**  
Johnston & Wright

**Ward:**  
St Aidans

**Location:**  
3-4 Roseville Terrace, Carlisle, Cumbria, CA1 2JD

**Grid Reference:**  
340905 555313

**Proposal:** Proposed Roof Windows To 1no Flat (Revision To Flat 3 Approved Under 06/0910)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/04/2008

---

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0135

**Applicant:**  
Mr S Brown

**Parish:**  
Wetheral

**Date of Receipt:**  
12/02/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Wetheral

**Location:**  
Land adjacent to Foxdales Plains Road, Wetheral, Carlisle, CA4 8LE

**Grid Reference:**  
346218 555370

**Proposal:** Erection Of Detached Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0137

**Applicant:**  
Scaleby Parish Parochial  
Church Council

**Parish:**  
Scaleby

**Date of Receipt:**  
15/02/2008

**Agent:**  
Mr G R Stephen

**Ward:**  
Stanwix Rural

**Location:**  
Scaleby Parish Church Hall, Scaleby, Carlisle

**Grid Reference:**  
344673 563105

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Variation of Condition 5 of Application 04/0537 regarding Drainage Works for Installation of Bio-Disc

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0141

**Applicant:**  
Mr Keith Davidson

**Parish:**  
Carlisle

**Date of Receipt:**  
19/02/2008

**Agent:**

**Ward:**  
Botcherby

**Location:**  
1 Bramerton Orchard, Carlisle, CA1 2SH

**Grid Reference:**  
342386 555664

**Proposal:** Single Storey Rear Extension To Provide Dining Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0145

**Applicant:**  
Mr James Smith

**Parish:**  
Dalston

**Date of Receipt:**  
14/02/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
7 Crakegarth, Dalston, Carlisle, CA5 7RB

**Grid Reference:**  
336623 549921

**Proposal:** Single Storey Rear Extension To Provide Enlarged Living Room And Dining Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0151

**Applicant:**  
Kingmoor Park Properties  
Ltd

**Parish:**  
Kingmoor

**Date of Receipt:**  
15/02/2008

**Agent:**  
How Planning

**Ward:**  
Stanwix Rural

**Location:**  
Sites between 1-5 Kingmoor Park Road, Kingmoor  
Park Central, Carlisle, CA6 4SD

**Grid Reference:**  
338327 559469

**Proposal:** Variation Of Condition 9 Of Planning Permission 05/0531 To Seek An  
Amendment To The Access Arrangement From The Roundabout

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0152

**Applicant:**  
Burgh by Sands Sports  
and Recreation Association

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
16/02/2008

**Agent:**  
Story Land and  
Development

**Ward:**  
Burgh

**Location:**  
Land adjacent to Greyhound Inn, Burgh by Sands

**Grid Reference:**  
332470 559065

**Proposal:** Creation Of Public Playing Field With Ancillary Car Parking And Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0153

**Applicant:**  
Mrs Gowling

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

18/02/2008

Paramount Windows &  
Conservatories

Multiple Wards

**Location:**

7 Avon Close, Carlisle, CA2 6RZ

**Grid Reference:**

337962 554948

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**

08/0156

**Applicant:**

A G Grant Construction  
Ltd

**Parish:**

Carlisle

**Date of Receipt:**

18/02/2008

**Agent:**

BSP Architects

**Ward:**

Upperby

**Location:**

Post Office, 2 Petteril Bank Road, Carlisle, CA1  
3AH

**Grid Reference:**

341810 553830

**Proposal:** Installation Of External ATM

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**

08/0160

**Applicant:**

Parkfield Nursery

**Parish:**

Carlisle

**Date of Receipt:**

19/02/2008

**Agent:**

**Ward:**

Denton Holme

**Location:**

143 Dalston Road, Carlisle, Cumbria, CA2 5PG

**Grid Reference:**

339070 554911

**Proposal:** Erection Of Open Fronted Shelter Within Existing Playground

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0189

**Applicant:**  
Mr Miles

**Parish:**  
Carlisle

**Date of Receipt:**  
27/02/2008

**Agent:**  
Ashwood Design  
Associates

**Ward:**  
Harraby

**Location:**  
5 Longholme Road, Carlisle, CA1 3HN

**Grid Reference:**  
342510 553808

**Proposal:** Single Storey Extension To Front Elevation To Provide A Bedroom And  
WC With Pitched Roof Over Existing Garage (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/0202

**Applicant:**  
House Of Fraser

**Parish:**  
Carlisle

**Date of Receipt:**  
28/02/2008

**Agent:**  
Wood & Wood Signs

**Ward:**  
Castle

**Location:**  
26-40 English Street, Carlisle, Cumbria, CA3 8HU

**Grid Reference:**  
340049 555861

**Proposal:** Display Of Halo Illuminated Signage (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/9002

**Applicant:**  
The School Governors

**Parish:**  
Carlisle

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
21/02/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Harraby

**Location:**  
Inglewood Infant School, School Road, Carlisle,  
CA1 3LX

**Grid Reference:**  
342081 554217

**Proposal:** Single Storey Nursery Extension

**Amendment:**

**Decision:** City Council Observation - Raise No Objection

**Date:** 18/03/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/9004

**Applicant:**  
United Utilities plc

**Parish:**  
Carlisle

**Date of Receipt:**  
28/02/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Castle

**Location:**  
United Utilities, Carlisle Wastewater Treatment  
Works, Willowholme Industrial Estate, Willowholme  
Road, Carlisle, CA2 5SH

**Grid Reference:**  
338895 556662

**Proposal:** Construction of Centrifuge Building, Screens Building, Kiosk and  
Associated Works

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 07/04/2008

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Between 23/02/2008 and 11/04/2008

**Appn Ref No:**  
08/9006

**Applicant:**  
Cumbria County Council

**Parish:**  
Beaumont

**Date of Receipt:**  
13/03/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Burgh

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Field No. 0006 and land adj. to Knockupworth Farm, 336985 556606  
Burgh Road, Carlisle

**Proposal:** Formation Of Field Access For Agricultural Vehicles (field No.0006) And  
Formation Of Vehicular Access To Bypass Main Farnyard

**Amendment:**

**Decision:** City Council Observation - Raise No Objection

**Date:** 01/04/2008

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