

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

7th March 2008

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 22/02/2008 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 27/10/2008.

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.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>07/1271</u> A	Dyke Head Farm, Penton, Cumbria, CA6 5QB	<u>RJM</u>	1
02.	<u>07/1260</u> A	Garages To Rear Of Red Bank Square, Carlisle, Cumbria	<u>AH</u>	24
03.	<u>07/0642</u> A	Ingledene The Orchard, Durdar Road, Carlisle, CA2 4SF	<u>SG</u>	43
04.	<u>07/0527</u> A	Land to the rear of The Orchards, Carleton, Carlisle	<u>RJM</u>	57
05.	<u>08/0052</u> A	The Inglewood, Pennine Way, Carlisle, CA1 3QD	<u>ARH</u>	82
06.	<u>08/0068</u> A	68 Brampton Road, Carlisle, Cumbria, CA3 9AU	<u>SE</u>	109
07.	<u>07/1362</u> A	McKnight and McIntosh, Denton Business Park, Denton Street, Carlisle CA2 5EL	<u>ARH</u>	125
08.	<u>07/1217</u> A	Scotby Cycles, Church Street, Carlisle, CA2 5TL	<u>AH</u>	148
09.	<u>07/1291</u> A	Orchard Farm, Moorhouse, Carlisle, CA5 6EY	<u>DNC</u>	157
10.	<u>07/1298</u> A	Orchard Farm, Moorhouse, Carlisle, CA5 6EY	<u>DNC</u>	173
11.	<u>07/1305</u> A	Dalmar House, Barras Lane Estate, Dalston, Carlisle, CA5 7NY	<u>BP</u>	186
12.	<u>07/1321</u> A	Curry Master, 31 John Street, Carlisle, CA2 5TR	<u>RJM</u>	200
13.	<u>08/0114</u> A	2 Hillcrest Avenue, Carlisle, CA1 2QJ	<u>CG</u>	208
14.	<u>08/0112</u> B	Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well)	<u>ARH</u>	217
15.	<u>06/1139</u> C	48 Abbey Street, Carlisle, CA3 8TX	<u>SG</u>	239

Date of Committee: 07/03/2008

Applications Entered on Development Control Committee Schedule

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16.	<u>06/1303</u> C	Land opposite Castlegate Cottage, Castle Carrock, Brampton, CA8 9LT	<u>RJM</u>	241
17.	<u>06/1477</u> C	22 Beck Road, Belle Vue, Carlisle, CA2 7QL	<u>AH</u>	244
18.	<u>07/9018</u> C	Petteril Bank House, Petteril Bank Road, Carlisle, CA1 3AZ	<u>SG</u>	246
19.	<u>07/9017</u> C	Petteril Bank House, Petteril Bank Road, Carlisle, CA1 3AZ	<u>SG</u>	253
20.	<u>07/9025</u> C	The Grange, Wood Street, Carlisle, Cumbria, CA1 2SF	<u>RAM</u>	265
21.	<u>07/1033</u> D	Land adjacent to the T junctions north of Edenside, Cargo, Carlisle	<u>SG</u>	270

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SCHEDULE A

SCHEDULE A: Applications with Recommendation

07/1271

Item No: 01

Date of Committee: 07/03/2008

Appn Ref No:
07/1271

Applicant:
Mr A Williamson

Parish:
Nicholforest

Date of Receipt:
23/11/2007

Agent:
H & H Bowe Ltd

Ward:
Lyne

Location:
Dyke Head Farm, Penton, Cumbria, CA6 5QB

Grid Reference:
342900 575750

Proposal: Agricultural Workers Dwelling (Outline 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 due to the consultation response received from the County Land Agent.

1. Constraints and Planning Policies

District E8 - Remainder of Rural Area

District E19 - Landscaping New Dev.

District E22 - Sewers & Sew. Treat. Work

District H6 - Ag. & Forestry Need

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP5 - Residential Amenity

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

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;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): comments awaited;

County Land Agent (Capita dbs): the report concludes as follows:

1. there is a clearly established existing functional need in relation to this holding for two full time workers actively involved in the management of the dairy unit to be resident on or immediately adjacent to it.
2. the labour requirement based on the existing stocking and cropping is calculated at 2 full-time workers including contractors and therefore the labour requirement test is met.
3. the applicant has farmed for many years although his present farm business at Dyke Head was only established in 2006. This business however is currently financially viable.
4. the existing farmhouse at Dyke Head currently meets the requirement to house the one full-time worker that is actively one of the two full time workers that are actively involved in the management of this unit and are required to be resident on it; and

Nicholforest Parish Council: comments awaited.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

- 3.1 This application has been advertised by means of a site notice. At the time of writing this report, no representations have been received.

4. Planning History

- 4.1 Planning permission was granted in 2000 for the erection of a general purpose agricultural building.
- 4.2 In 2002, consent was granted under the agricultural prior notification procedure for the erection of a lean-to livestock building.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission for the erection of an agricultural workers dwelling on land at Dyke Head Farm, Penton, Carlisle.
- 2 The site is located approximately 11.27 kilometres (7 miles) north of Longtown. The agricultural land that comprises this application site measures 0.1 hectares and is located to the north-east of the main farm steading and buildings. The site is located in open countryside.
- 5.3 The site is accessed from the Longtown to Penton road by an access road that measures 360 metres in length; the topography of the land is such that it rises that falls towards Dyke Head farm. The site area as indicated on the block plan measures approximately 33.5 metres along the frontage by 30 metres in depth.
- 5.4 Dyke Head Farm extends in total to 89.99 hectares (210 acres) which is farmed by Mr Williamson together with part-time staff. Mr Williamson lives with his mother and his brother at the farmhouse. The family currently reside together in the farmhouse; however, Mr Williamson is in a relationship and wishes to reside in his own home. The applicant has looked at buying a suitable property in the vicinity but has found that the current market prices of suitable properties are in excess of what can be justified by the current farm business. The farm enterprise is centred around cattle rearing with silage to support the livestock.

Proposal

- 5.5 It is proposed to construct a dwelling for occupation by an agricultural worker on and close to but outwith the steading of The Beeches farm. The application seeks outline planning consent with all other matters being reserved for subsequent approval.
- 5.6 The application is in outline form but the supporting Design and Access Statement indicates that the property would be a bungalow and an indicative layout would include 3no. bedrooms, a study, kitchen, diner, lounge, shower room and bathroom together with an integral garage.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies E8, E19, E22, H6 and T7 of the Carlisle District Local Plan and Policies CP1, CP4, CP5, CP11, H7 and T1 of the emerging Carlisle District Local Plan Revised Redeposit Draft 2001 – 2016.
- 5.8 The proposals raise the following planning issues:

SCHEDULE A: Applications with Recommendation

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1. The Principle Of Residential Development
- 5.9 Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) published in July 2004 is relevant to this application, as it sets out the Governments planning policies for rural areas that should be taken into consideration when making planning decisions.
- 5.10 Paragraph 1 of PPS7, states that "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled". By doing so it is the Governments aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
- 5.11 Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside; however, there will be some cases where the nature and demands of the work concerned make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 5.12 In assessing permanent agricultural dwellings such as that proposed in the current application, there are 5 criteria to consider. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing that:
 - (i) there is a clearly established existing functional need
- 5.13 A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
- 5.14 In relation to the current proposal it is considered that there is a clearly established existing functional need on the holding in relation to the care of the livestock. This functional need relates to labour requirement for the all year round welfare of the livestock and general agricultural operations.
 - (ii) the need relates to a full-time worker, or one who is primarily employed in

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agriculture and does not relate to a part-time requirement;

- 5.15 In relation to the second criteria, relating to the requirement for a full-time worker or one who is primarily employed in agriculture, the requirement for labour is in the region of 1.9 full time workers as calculated by the applicant's agent whilst the County Land Agent calculated 2 full time workers. Although these figures differ there is clearly a requirement for a full time worker to be resident on the holding and this issue is not in dispute.
- (iii) the unit and the agricultural activity concerned has been established for at least three years, has been profitable for at least one of those, is currently financially sound, and has a clear prospect of remaining so;
- 5.16 PPS7 states that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises, which aim to operate broadly on a subsistence basis, but which nonetheless, provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
- 5.17 The unit and the agricultural activity have been established in this location for 2 years but have been farming for the past 36 years. The applicant has farmed at Dyke Head Farm since 2006, although the family have been in the farming industry since 1972. Following investment in machinery, livestock and buildings, the applicant's agent has indicated that the net farm income is £25,285 which is in excess of an agricultural worker's minimum wage, which is currently in the region of £12,000 per annum. It is considered that with the current level of stock the business is viable.
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- 5.18 Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or stock.
- 5.19 In conclusion to his report, the County Land Agent advises that there is clearly an established functional need for one full time worker actively involved in the management of the farm to be resident on it. The report continues that the existing farmhouse at Dyke Head currently meets the requirement to house the one full time worker that is actively involved in the management of the unit.
- 5.20 Particular consideration would have to be given to the circumstances of the

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applicant and Members need to decide how much weight can be afforded to this particular situation. The applicant, who is currently in a relationship, lives with his mother and her disabled son in the farmhouse, the only residential property on the farm. Properties in Canonbie, Longtown and Langholm are too far away from the holding to be suitable for the needs of the business. Rural properties in the area are prohibitively expensive to an agricultural workers wage and no properties in the area are restricted by an agricultural occupancy restriction.

- 5.21 The applicant's agent has confirmed that Mrs Williamson owns the farm house and it would be wholly unreasonable to ask that Mrs Williamson and her son vacate the farmhouse. Mrs Williamson is not actively involved in the management of the farm, which is left to her son. An agricultural need for a worker to be resident on the holding has been proven which could be fulfilled through the erection of the proposed dwelling, the occupancy of which would be restricted to that of an agricultural worker. The applicant wishes to live with his partner but due to the shortage of available properties locally as previously discussed, this is not a viable option.

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

- 5.22 In order to ensure residential amenity is not compromised, emerging Policy CP5 of the District Local Plan expects that a minimum distance of 21 metres should be provided between primary facing windows of existing and proposed new dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be provided between gable ends to allow for maintenance of property.
- 5.23 Based on the application site area, sufficient distance between the existing farmhouse and any proposed dwelling could be provided to ensure that the siting of the property will not adversely affect the living conditions of the occupiers of Dyke Head Farm by virtue of unreasonable loss of light, loss of privacy or over-dominance.

Conclusion

- 5.24 In overall terms, the issue centres on the personal circumstances of the applicant. A need for the agricultural worker to be resident on the farm has been proven and it would appear unreasonable to require the applicant to continue to reside in the farmhouse given the personal circumstances. The principle of the development, subject to the imposition of a restrictive occupancy condition, is acceptable. The proposal accords with all the relevant tests contained within PPS7. The development will not adversely affect the character or appearance of the area and will not affect the living conditions of adjacent properties by unreasonable scale or overlooking. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

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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 - Grant Permission

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

i) The expiration of 3 years from the date of the grant of this permission, or

ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

3. The occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependants of such persons residing with him or her, or a widow or widower of such a person.

Reason: The unrestricted use of the dwelling would be contrary to the provisions of Policies E8 and H6 of the Carlisle District Local Plan which seek to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

4. Prior to the commencement of development hereby approved samples or full details of all materials to be used on the exterior of the dwelling shall be 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 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.

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. Prior to the commencement of development hereby approved 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 be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

7. Prior to the commencement of development hereby approved a scheme for the conveyance of foul drainage to septic tank shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance

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with Policy E22 of the Carlisle District Local Plan.

8. 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.

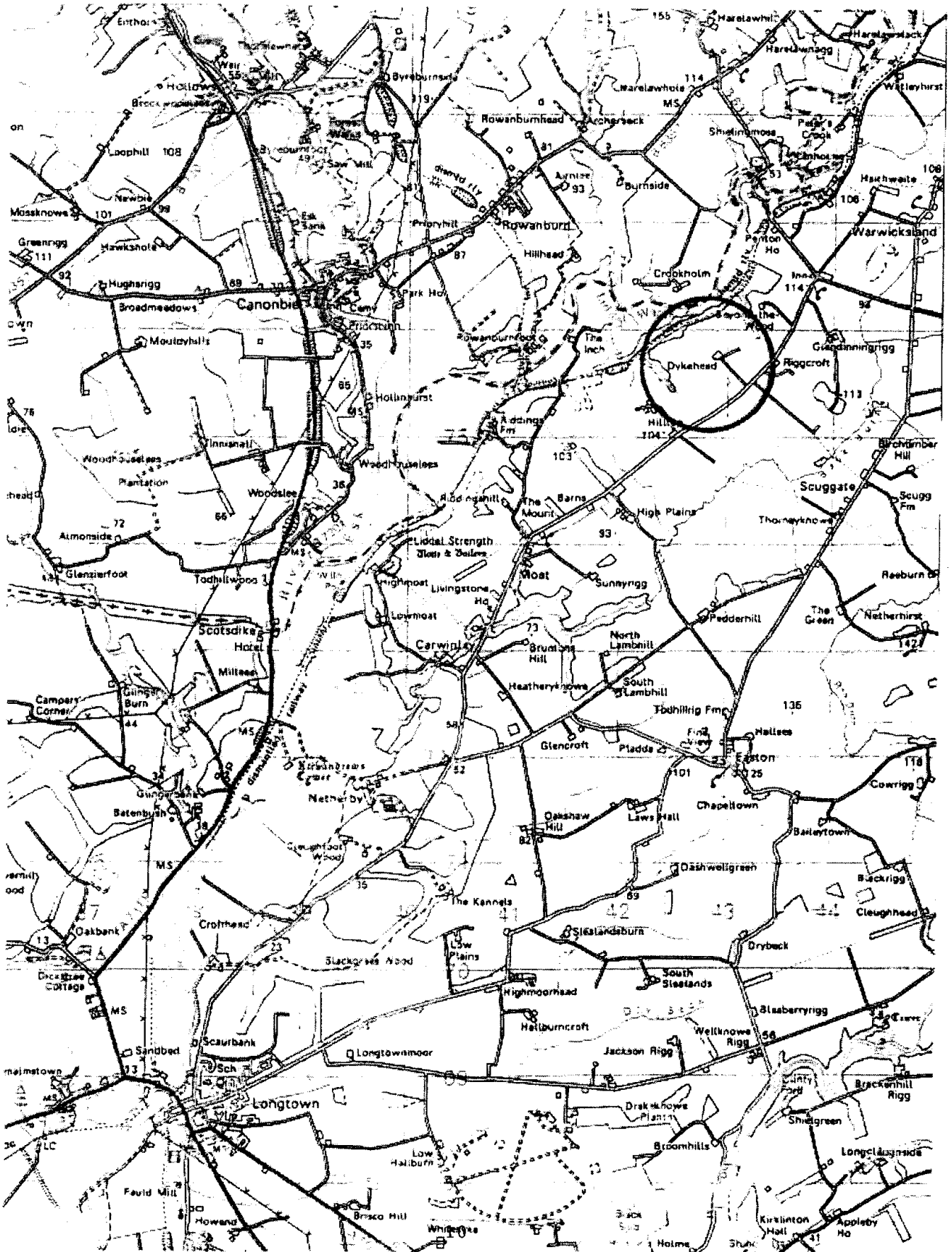
Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy E8 of the Carlisle District Local Plan.

A Williamson
Dykehead, Penton, Carlisle

H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS

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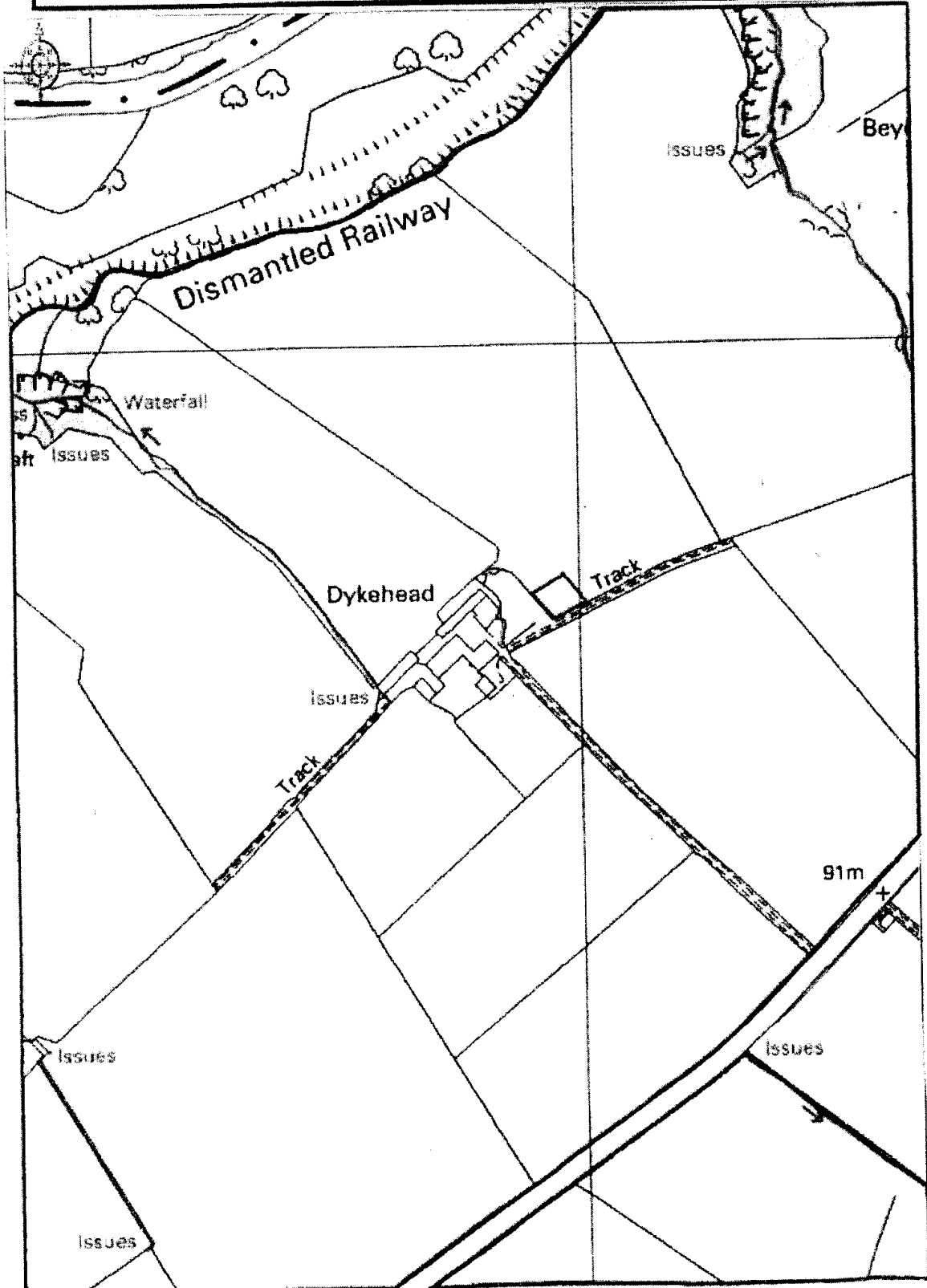
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Dykehead


Penton, Carlisle





Ordnance Survey


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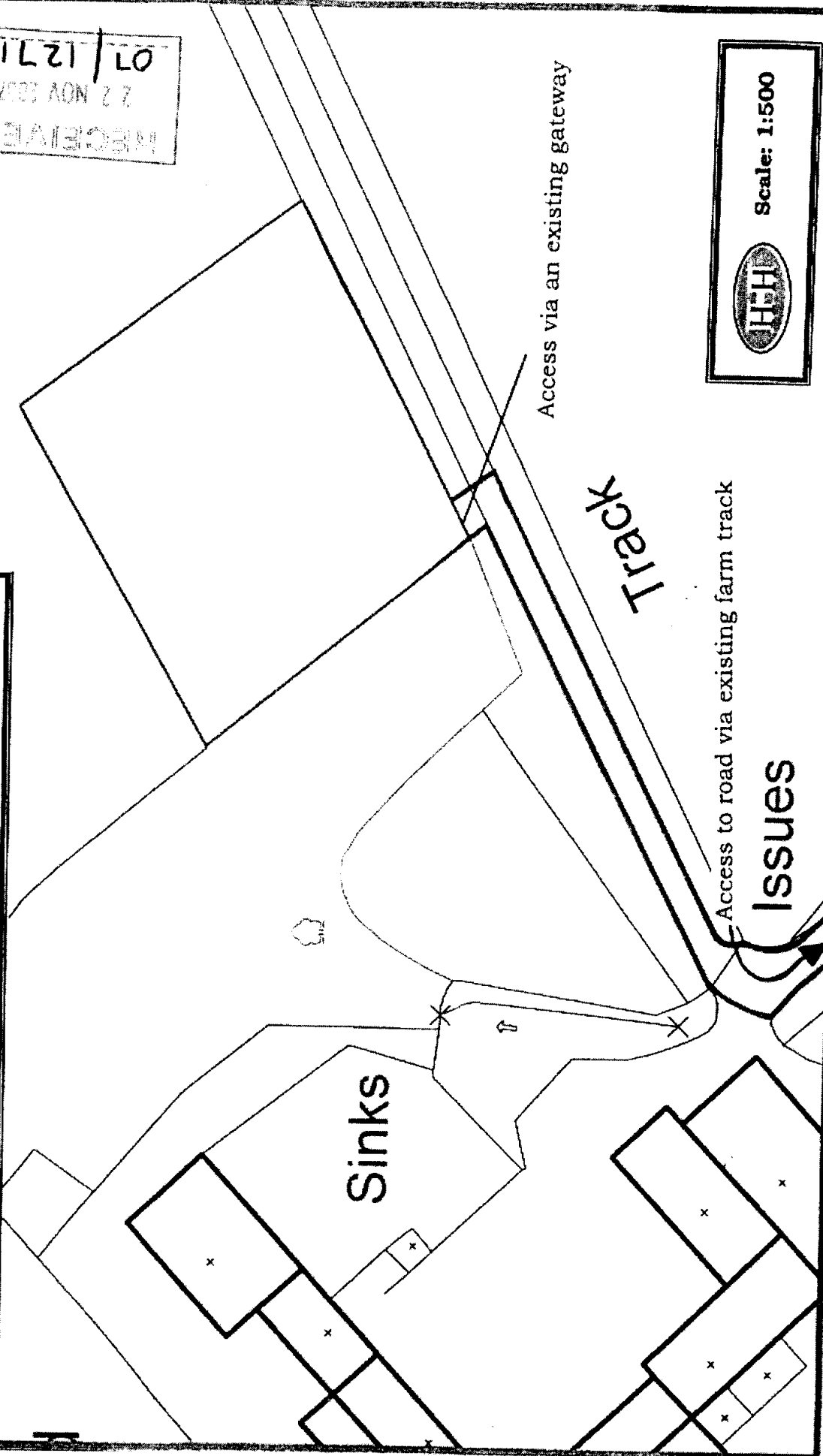
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Dykehead
Penton, Carlisle


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CAPITA

18th December 2007

Your ref RJM/DC/07/1271
Our ref P3/3A/DR/LW

Carlisle City Council
Planning & Housing Services
Civic Centre
CARLISLE
CA3 8QG

For the attention of Richard Maunsell

Dear Mr Maunsell

OUTLINE APPLICATION FOR AGRICULTURAL WORKS DWELLING AT DYKE HEAD FARM, PENTON

Thank you for letter with enclosures of the 28 November.

Please now find enclosed a copy of my report. Would you please let me have a copy of your Authority's Decision Notice in due course.

Yours sincerely

David Rawle
Land Agent

Tel 01768 242345
Fax 01768 242321
Email david.rawle@capita.co.uk

PLANNING & HOUSING SERVICES	
REF	07/1271
20 DEC 2007	
RECORDED	
SCANNED	HB
PASSED TO	RJM
ACTION	1-1

**REPORT ON THE AGRICULTURAL NEED IN RELATION TO A
PROPOSED PERMANENT AGRICULTURAL WORKER'S DWELLING
AT DYKE HEAD FARM, PENTON**

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242340

December 2007

CAPITA SYMONDS

**DYKE HEAD FARM, PENTON – REPORT ON A PROPOSED PERMANENT
AGRICULTURAL WORKERS DWELLING**

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who on 28 November 2007 asked if I would report on the agricultural need in relation to a proposed permanent Agricultural Worker's Dwelling at Dyke Head Farm, Penton.

1.2 I met the applicant Allan Williamson at the farm on the 11 December 2007. The following information was provided:

Part 1 – The Existing Situation

2.0 Land Occupied

2.1 Dyke Head Farm extends to 84.99 hectares (210 acres) of owner occupied land and has been owned by the applicant and his family since 2006. The applicant does not own or occupy any other land.

3.0 Livestock

3.1 Dyke Head is principally a stock farm with the following livestock typically kept on the farm at any time:

3.1.1 210 store cattle. The production system is based around the buying and selling of a small number of stock on a regular basis. Calves are bought onto the holding at approximately 2 weeks of age, reared and sold as forward stores at approximately 16 to 18 months of age.

3.1.2 510 wintering hogs. These young sheep are brought onto the holding from a hill farm in the Sedbergh area at the end of September/early October and are kept at Dyke Head on a full management basis until the end of April the following year.

4.0 Cropping

4.1 The whole holding is presently laid down to grass with the following areas cut for conserved crop each year:

- 28.3 hectares (70 acres) of first cut silage.
- 28.3 hectares (70 acres) of second cut silage.
- 4 hectares (10 acres) of hay.
- 4 hectares (10 acres) of round-baled silage.

The remainder of the farm is grazed grassland.

5.0 Farm Buildings

5.1 Dyke Head is a tidy and well maintained unit with a good selection of traditional and modern buildings as follows:

- A substantial range of stone built, slate roofed traditional barns now principally used for storage.
- 3 span traditional stock building containing loose housing, cattle pens and loose boxes and calve pens.
- Open fronted implemented store.
- Hay shed (24.3m x 8.8m).
- General purpose building (18.3m x 18.3m).
- Silage barn (18.3m x 9.4m).
- Open silage pit (18.3m x 9.1m).
- Cattle court (19.5m x 20.7m).
- Lean-to cattle court (22.8m x 20.1m).
- Covered cattle handling pens (22.8m x 8.2m).
- High level slatted cattle shed (18.3m x 9.75m).

6.0 Domestic Buildings

6.1 The existing farmhouse at Dyke Head offers 3 bedroomed accommodation, together with 2 bathrooms, kitchen/diner and 2 reception rooms. There is no other domestic accommodation on the holding.

7.0 Labour and Residence

7.1 Allan Williamson works full-time on the holding and currently lives in the farmhouse with his mother and brother. Occasional part time assistance is required on the farm and contractors are used for silage making.

8.0 Other Information

8.1 The Williamsons acquired Dyke Head Farm in 2006 having farmed successfully at a smaller unit across the Scottish border since 1972. At present, the unit is farmed by Allan Williamson and his mother in partnership. His older brother Bill is disabled and also lives in the farmhouse. Allan is now 38 years of age and wishes to have his own property in proximity to the holding to allow him to live independently whilst overseeing day to day farming operations. He has looked at acquiring nearby property on occasions however the prices which such properties achieve on the open market are beyond that which may be justified by the current farm business.

Part 2 – Guidance in relation to the requirements of PPS7

9.0 PPS7 and the Need for Agricultural Worker’s Dwellings

9.1 The need for Agricultural Workers Dwellings is covered in Planning Policy Statement PPS7: “Sustainable Development in Rural Areas” and in particular Annex A of that publication.

9.2 Guidance is given on the criteria to be met for Agricultural Worker’s Dwellings and in relation to a permanent Agricultural Worker’s Dwelling these criteria are set out in paragraph 3 of Annex A to PPS7.

These criteria are:-

i) There is a clearly established existing functional need.

There is a clearly established existing functional need on this holding at the present time arising from the care of livestock, particularly during the winter when the cattle are housed indoors and the over-wintered hogs are on the holding.

ii) The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.

I have calculated the labour requirement on this holding based on the existing numbers of livestock and cropping practices and am able to advise that there is a labour requirement in the region of 2 full time workers including contractors.

iii) The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.

As previously noted the applicant's current business at Dyke Head only commenced in 2006. Notwithstanding this, the family have been in the farming industry since 1972 and their current holding appears well managed and maintained.

Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a Net Farm Income after all expenses such as feed, fertiliser and property maintenance, at least equivalent to an Agricultural Worker's minimum wage, which is currently in the region of £12,600 per annum. I have calculated the Net Farm Income that is likely to be achieved on this farm, based on the current numbers of livestock and cropping practices and can advise that it is presently financially viable.

- iv) *The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area which is suitable and available for occupation by the workers concerned.*

Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products or in this case, losses of livestock.

In the present case I am of the opinion that in the interest and wellbeing of the livestock, for the efficient running of the holding and overall security, it is essential that one full-time worker actively involved in the management of this unit be present on or immediately adjacent to it.

- v) *Other normal planning requirements for example in relation to access or impact on the countryside are satisfied.*

These are beyond my instructions.

10.0 Conclusions

I therefore conclude by advising as follows:-

1. There is a clearly established functional need in relation to this holding for one full-time worker actively involved in the management of this unit to be resident on or immediately adjacent to it.
2. The labour requirement based on the existing stocking and cropping is calculated at 2 full-time workers including contractors and therefore the labour requirement test is met.
3. The applicant has farmed for many years although his present farm business at Dyke Head was only established in 2006. This business however is currently financially viable.
4. The existing farmhouse at Dyke Head currently meets the requirement to house the one full-time worker that is actively involved in the management of this unit and is required to be resident on or immediately adjacent to it.

D Rawle BSc(Hons) MRICS
December 2007

**COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING
AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion; and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement*; and
- (iii) That the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'.

SCHEDULE A: Applications with Recommendation

07/1260

Item No: 02

Date of Committee: 07/03/2008

Appn Ref No:
07/1260

Applicant:
Mr Paul Douglas Lovell
BSC (Hons)

Parish:
Carlisle

Date of Receipt:
30/11/2007

Agent:

Ward:
Currock

Location:
Garages To Rear Of Red Bank Square, Carlisle,
Cumbria

Grid Reference:
340284 554565

Proposal: Extension To Existing Garages On To Forecourt And Installation Of
Bollards

Amendment:

1. Amended plans have been received on the 20th February 2008 indicating the omission of the previously proposed extension to "garage no.1".

REPORT

Case Officer: Andrew Henderson

Reason for Determination by Committee:

A neighbouring resident wishes to exercise their Right to Speak.

1. Constraints and Planning Policies

District T7 - Parking Guidelines

District H17 - Residential Amenity

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections as the road is not an adopted public highway;

Cumbria Constabulary - Crime Prevention: have consulted with the Local Policing Team for this area to ascertain the extent to which the applicant or other residents have reported criminal or anti-social activity. The PC Informed me of an incident of criminal damage to a motor vehicle in Redbank Terrace on 29th December and a previous complaint regarding anti-social activity in October. To his knowledge, none of the matters related to the garages in this application. A search of our crime recording system showed that the area of Adelphi Terrace had the highest incidence of damage to motor vehicles - with 8 incidents reported between 2004 - 2007. (South Western Terrace - 2 in 2004) and they could find no record of any incidents relating to damage to the garages in this application. The applicant refers to a tenant whose vehicle was repeatedly damaged outside one of the garages. It appears these incidents were not reported to the police.

In order to make the lock-up garages more resistant to burglary, several measures may be considered. The intention is to make a forced entry more time-consuming or to detect the intrusion taking place. The current security standard for domestic garage doors is LPS 1175. They are aware of only one accredited product at this time the SeceuroGlide Excel, which is a roller shutter type. This product has been design to withstand forced entry, with the use of handtools for up to 15 minutes. Contact details for several suppliers shall be provided on request. Alternatively, garage doors may be fitted with additional products, to increase their resistance, but obviously depends on the dimensions and construction of the door material.

Two products which are particularly effective are the 'Garage Defender' and the 'Garage Guardian' which have been independently accredited as 'Sold Secure' or 'Police Preferred Specification' products. Images of both are attached. Alternatively, intruder alarms may be installed - either as an extension to an existing domestic system (utilising wireless technology) or as standalone devices. Once triggered, the offender is likely to be deterred from continuing the offence, which may also alert the owner.

The proposal to deploy collapsing bollards on the forecourt will have negligible effect on the resistance to burglary. However, they query if the intention to deter motor vehicles using the lane as a short-cut is lawful, as it may still constitute a right of way/access.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 1 Red Bank Square	07/12/07	Support
[REDACTED] 1a Red Bank Square	07/12/07	Support
[REDACTED] 20 Currock Road	07/12/07	Support
[REDACTED] 1 Red Bank Terrace	07/12/07	Support
[REDACTED] 3 Red Bank Terrace	07/12/07	
[REDACTED] 5 Red Bank Terrace	07/12/07	

[REDACTED]	7 Red Bank Terrace	07/12/07	
[REDACTED]	22 Currock Road	07/12/07	Objection
[REDACTED]	24 Currock Road	07/12/07	Objection
[REDACTED]	, 34 Currock Road		Objection
[REDACTED]	26 Currock Road		Objection
[REDACTED]	2 Red Bank Square		Support

3.1 This application has been advertised by the direct notification of twelve neighbouring properties. In response, four letters of objection has been received and five letters of support.

3.2 The letters of objection identify the following issues:

1. the bollard will block access to property and along the back lane;
2. a steel post erected on the applicants forecourt prevents access to No.22 Currocks Garage;
3. there has been a history of access to the lanes;
4. the garages extension would affect access for people entering and leaving the garage of No.22 Currock Road; and,
5. the bollards could prevent access for emergency vehicles.

3.3 The letters of support explain that:

1. the proposal would help to deter the lane being used as a rat run;
2. vehicles use the lane which don't belong to them;
3. the proposal would improve the appearance of the existing garages;
4. the proposal would deter youths hanging out near the garages; and,
5. cars have come down the lane at speed and can be a danger to children.

4. Planning History

4.1 There is no planning history relevant to this application site.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The application site lies within a residential area and is flanked by the

neighbouring properties 22 Currock Road to the east and by 1 Red Bank Square to the west. To the north the garages and forecourt face onto an unadopted road and the back end of the residential properties of Red Bank Terrace. There are six garages in total, constructed from calcil brick with combination of steel/timber doors.

- 5.2 This application seeks full planning permission to extend the existing garages onto the forecourt and the installation of collapsing bollards. Amended plans have been received showing the omission of the previously proposed extension to the garage adjacent to No.22 Currock Road

Background

- 5.3 Under the current application the garages would be extended from the front by 1.4 metres in length, resulting in a total length of 7 metres and reaching a total height of 3 metres. The bollards would be located at either end, one to towards Red Bank Square and the other towards the Currock Road in the east. The proposed bollards would measure 1.3 metre in height. The extended garages are to be constructed from concrete blocks with metal profile sheeted roofs. The applicant has submitted a statement of support highlighting the following reasons for the proposal: 1) parked vehicles have been vandalised and abandoned in the past on the lane; 2) the current garages are limited in size and can not accommodate larger vehicles; 3) the forecourt and non-adopted road have been maintained by the applicant; 4) the proposed bollards are to deter vehicles using the lane as a 'rat run'.

Assessment

- 5.4 The relevant planning policies against which this application needs to be assessed are Policies H17 and T7 of the adopted Plan and Policies CP4, CP5 and H2 of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016.

1. The affect of the proposal on highway safety and parking

- 5.5 The road that serves the site is an unadopted road that provides access to the 'rear' of a number of properties along Red Bank Terrace, Currock Road and the applicants garages. The site can also be accessed via a Currock Road to the east and by Adelphi Road to the south.

- 5.6 It is noted that the garage on the eastern elevation faces onto the garage entrance of No.22 Currock Road. The distance between the applicant's garages and the garage door of No, 22 Currock Terrace is 3 metres. While the existing garages already cut across the neighbour's garage entrance by four metres the proposed plans indicate the extension of the garage would eclipse the entrance of No. 22 Currock Road by a further 1.4 metres, thereby having the potential to create difficulty for vehicles entering or leaving the garage. A photograph has been attached showing hte relationship of the applicant's garage and the neighbouring garage of No22 Currock Road. Members should, nevertheless, be aware that amended plans have now been submitted to indicate that the garage on the eastern elevation would not be

extended. On this basis it is considered that the proposal would not exacerbate accessibility difficulties to the garage of No.22 Currock Road.

- 5.7 The proposed collapsing bollards would be located to the west and to the east of the garages. The bollard to the west would prevent vehicle access from Red Bank Square and the bollard to the east would deter traffic coming from Currock Road. Access would only be allowed by those with appropriate keys. However unrestricted vehicular access would still be retained from Red Bank Terrace. The bollards would not prevent pedestrian access. Comments from the Cumbria Police Architectural Officer acknowledged that incidents of vandalism and anti-social behaviour have taken place in the area, however this has not appeared to relate to the garages. It is, nevertheless, appreciated that the bollards will not deter burglary.

2. Scale and Design

- 5.8 The scale and design of the proposed extensions to the garages is considered to be appropriate and not detrimental to the character of the surrounding area. Discussions are, however, on going with the applicant over the proposed use of block walling.

Other Matters

- 5.9 Members will appreciate that any issues associated with rights of way are civil matters rather than a determining planning consideration in itself.

Conclusion

- 5.10 In conclusion, and on the basis that discussions with the applicant over the external walling material are resolved, the proposal will be recommended to the Committee 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;

- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced

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.

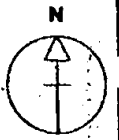
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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 and to comply with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redposit Draft.



TITLE NUMBER
CU198730



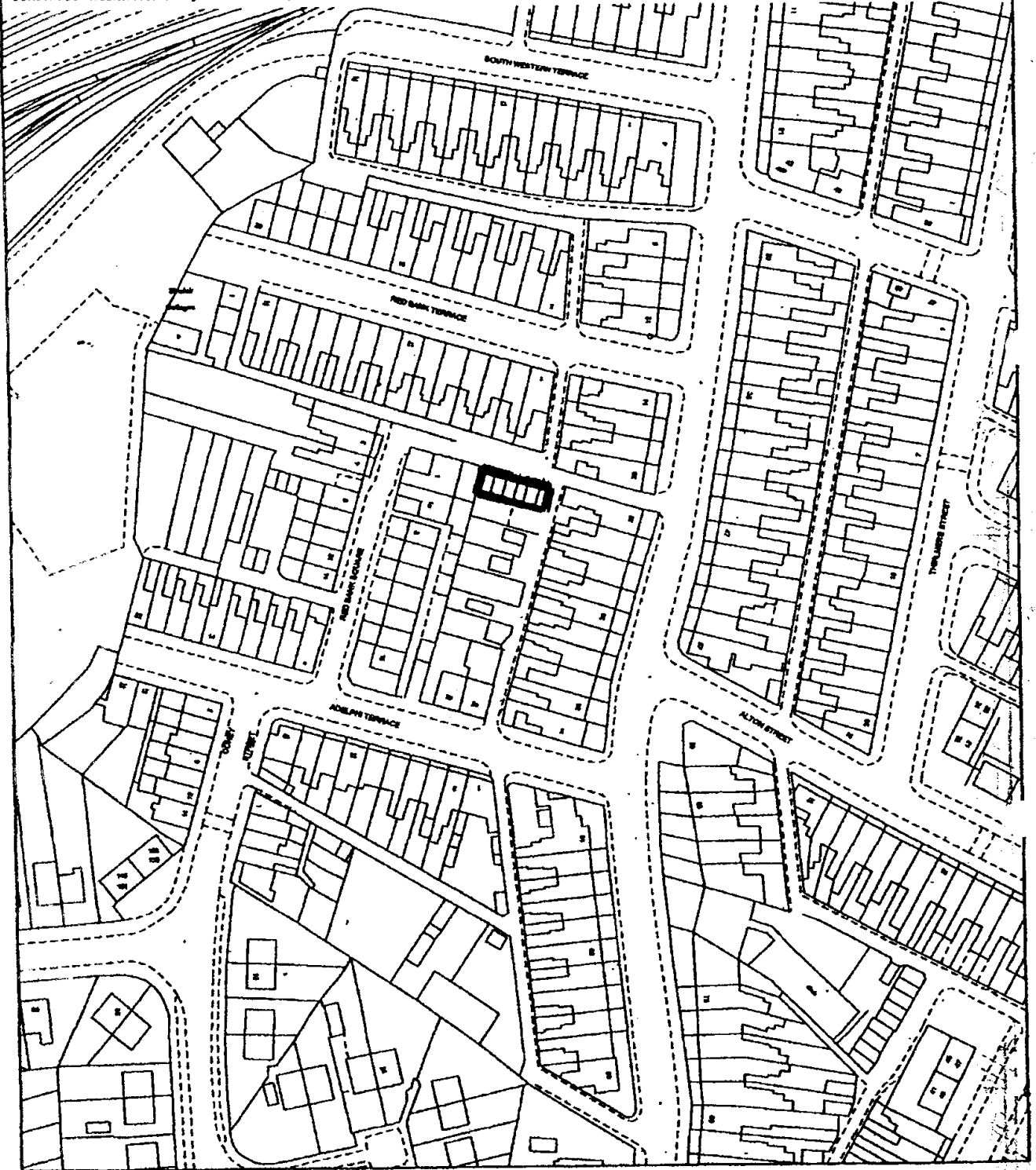
CUMBRIA : CARLISLE

ORDNANCE SURVEY MAP REFERENCE:

NY4854NW

SCALE 1:1250

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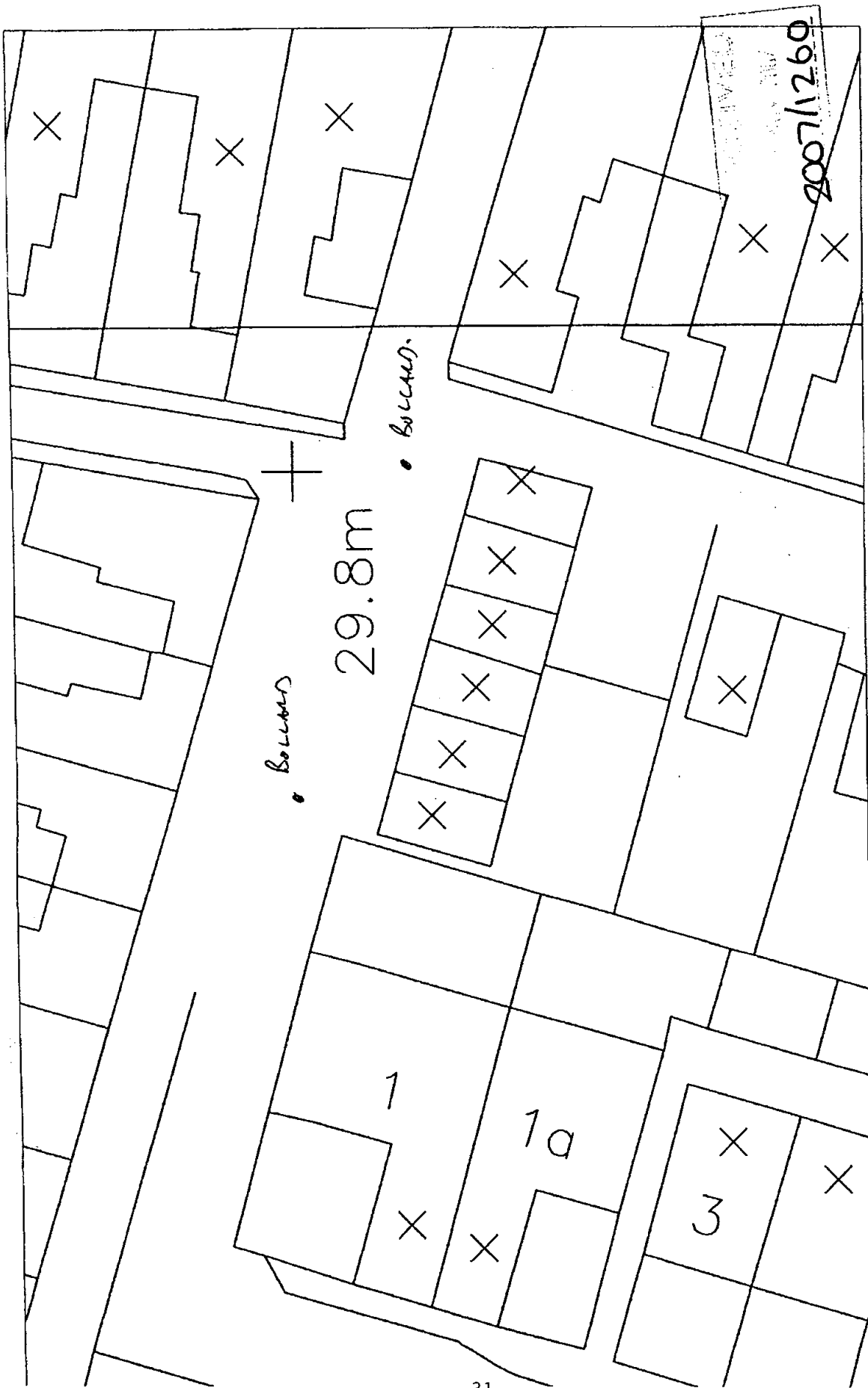


This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 13 July 2004 at 17:00:52. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 13 July 2004.

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



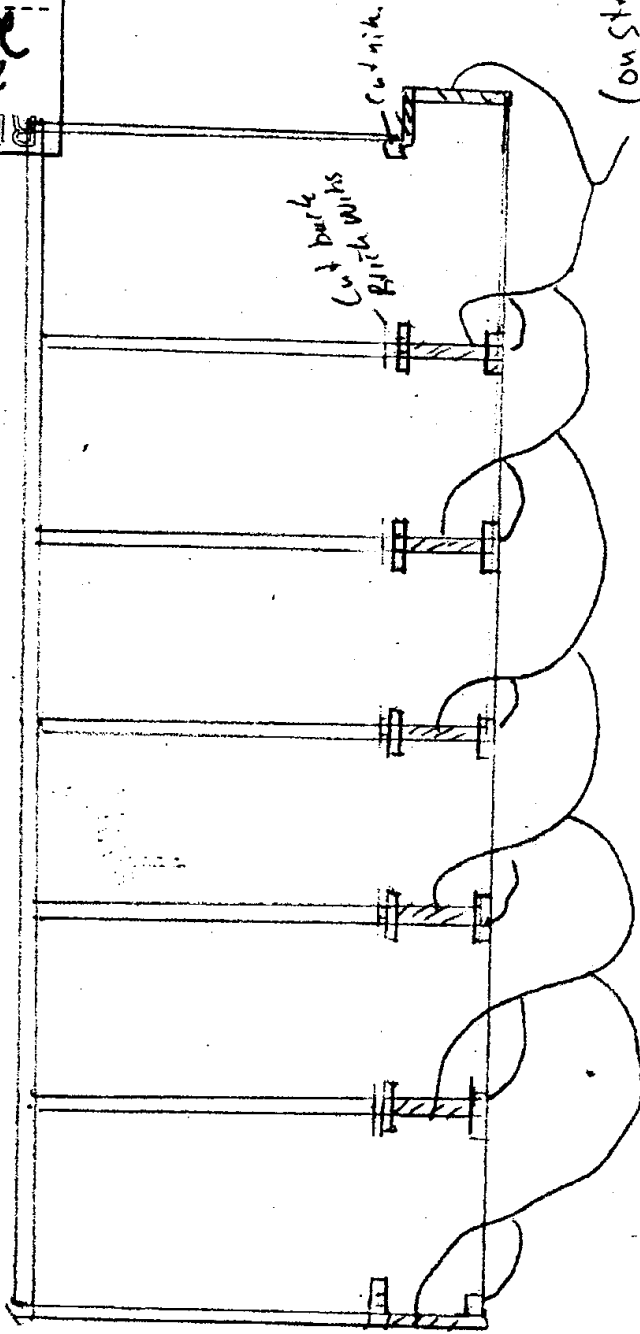


GARAGES NEAR OF OLD RAMP SQUARE. FOR PNL

SCALE 1:200

GARAGES REAR OF RED BANK SQUARE

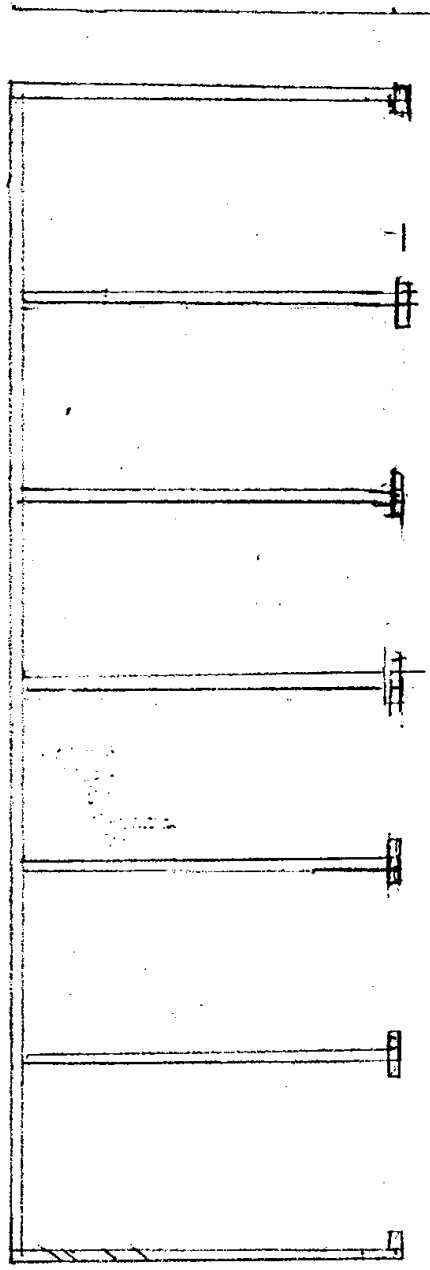
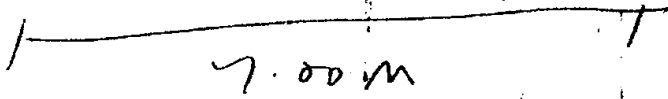
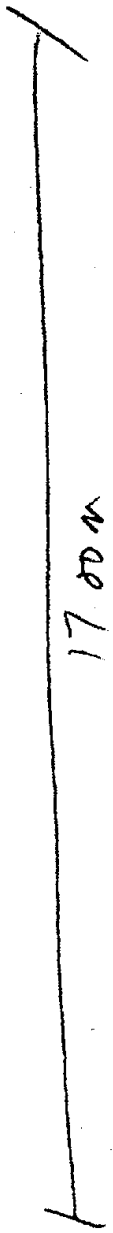
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(on structure
of new block
piers and
walls.

Proposed Floor Plan 1:100.

GARAGES REAR OF RED BANK SQUARE. CARLISLE.



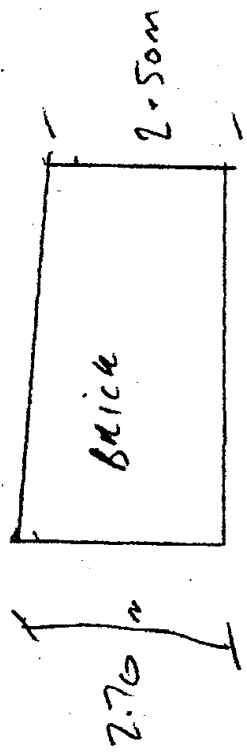
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1:100

Existing Floor Plan

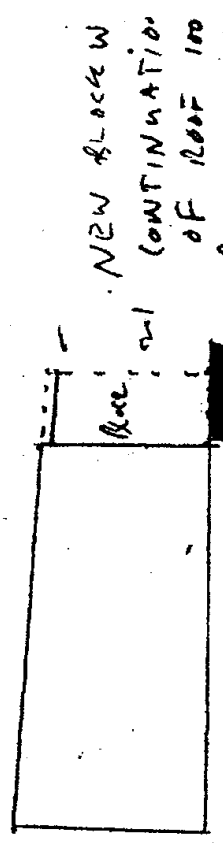
GARAGES REAR OF RESIDENCE

ROOF TO BE SHEETED WITH METAL
FLOOR SHEETING



EXISTING SIDE
ELEVATION.

1:100



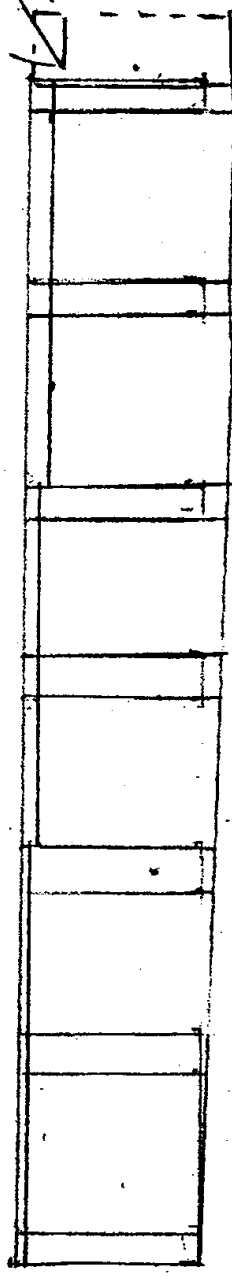
PROPOSED SIDE
ELEVATION

1:100

NEW BLOCK W
CONTINUATION
OF ROOF 100
PARALEL ON T.
NEW FOUNDATION NEW WOODEN
75 LIMESET /

17.00 m

TILES WALL
MOVED OVER
FELL BAR
WOODEN DOOR
IN VIEW OF
METAL ON
NEW PROPOSED
HANGED



EXISTING ELEVATION. FRONT.
+ PROPOSED ELEVATION. FRONT.

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Garages to rear of Red Bank Square

Access Statement.

On acquiring the Garages in May 2004 it was evident that a lot of work would be required to bring them up to a rentable condition, much of this work would cost more than the annual rental income. Where new doors were required at first due to the older ones being vandalised or broken this was done. Over the next few years gradual improvements have been made such as the road to the front of the garages (which is unadopted) having over 10 tonnes of road plainings put in. This avoided tenant's cars coming from Red Bank Terrace catching exhausts and damaging their vehicles on the pot holes.

In order to stop cars coming over the forecourt of the garages, from the lane to the rear of Currock Road, making the potholes worse and damaging the concrete forecourt, a metal post was erected. The forecourt was also re-concreted.

After the renewal of a number of doors to garages at over the cost of £800, vandals repeatedly tried to break in, one garage door being replaced twice. A tenant Mr Greenlands parked his van across his garage to protect it and keep his vehicle off the road, his own private vehicle being kept inside the garage. Mr Greenlands vehicle was repeatedly vandalised in this position by people using the lane from Red Bank Terrace as a shortcut to Coney Street and Lund Crescent.

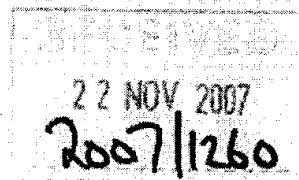
After contacting the police and the local councillor it was felt that something needed to be done due to the uneconomic nature of renting the Garages out, i.e. they were not making money.

A lintel to one of the garages adjoining Mr Greenlands was sagging and needing replaced it was felt if this work was carried out and the front of both garages extended larger vehicles could use the garages. After a phone call to the planning office discussing the plan it was advised although not granted no reason could be thought of to need permission for this proposal as it was only permitting use of an existing building.

However permission it would seem is now necessary.

On compiling the information for a planning proposal, consultation with Neighbours in the local of Currock Road and Red Bank Terrace occurred who said they did not see the problem and in fact the extension was of good quality and improved the garages immensely. Several Neighbours asked if Ally Gates could be fitted and stop the numbers of cars using the road as a rat run, the majority of cars using the road do not live in the local area or rent a garage. This is the reason bollards have been introduced on the application.

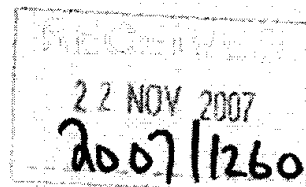
One resident did say that emergency vehicles would be unable to gain access from the rear if bollards were introduced. This was pointed out as being incorrect as only recently

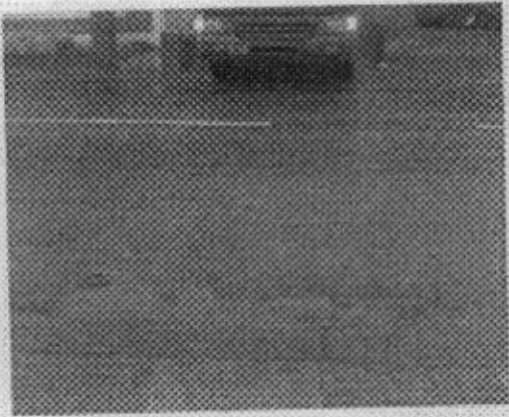


a stolen vehicle was set on fire in the lane and the emergency services accessed the road from Red Bank Square, unable to negotiate the lanes with their tender due to parked cars and manoeuvring the tender in tight spaces (photos enclosed).

In summary the proposals which have been submitted and the previous improvements will aesthetically improve the area and increase safety. After all who would want to look out on old broken garages, when new wooden doors would enhance the view and appearance of the area greatly?

Historically it should also be pointed out that the wall separating Red Bank Terrace odd numbers and the road in front of the garages was continuous, not allowing access at all from Red Bank Terrace, lack of maintenance and vandalism have led to it being demolished over the last twenty or so years. This giving the general opinion that it was a right of way.





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Removable Bollards



This range of bollards will meet all requirements to prevent unauthorised entry of vehicles or restrict access. The bollard is a heavy duty post that locates in a socket embedded into concrete. The post is locked in position by use of a socket flap and a padlock (supplied at extra cost). When post is removed socket flap can be padlocked in closed position keeping the socket free from rubbish when post is next used.

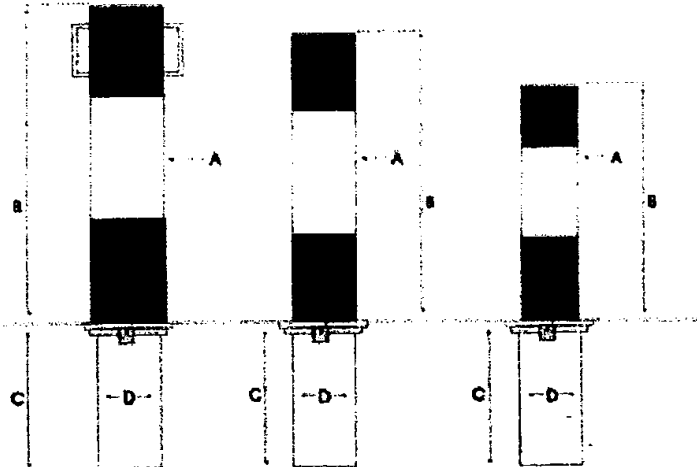
Ref. No. / Code	Small (70x70)	Intermediate (80x80)	Large (90x90)
A	70 x 70	80 x 80	90 x 90
B	215	275	300
C	300	300	300
D	100	100	100
Operating / Lifters weight	5.8kg	10.20kg	11.60kg

The removable bollard is available in three sizes:

- Small: For use in driveways, forecourts, etc.
- Intermediate: Car park use, town centres, supermarkets, garages.
- Large: For heavy duty applications where lorries, vans, etc. are involved.
Handles supplied on large bollard only, to assist removal of post.

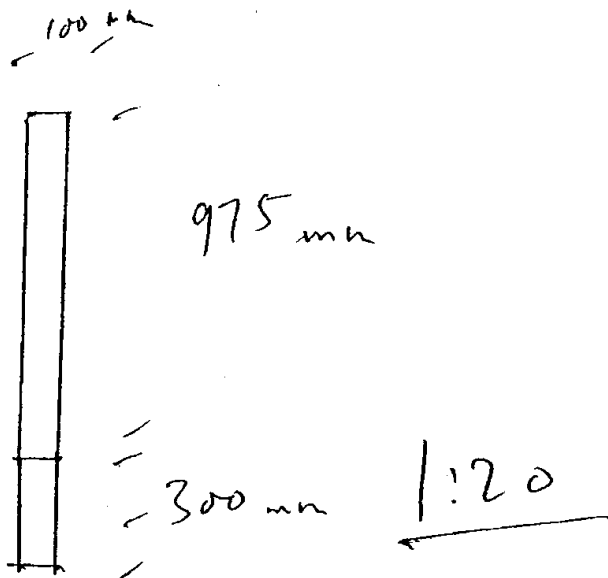
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Stainless Steel Version Firebrigade Lock (FBI4 For outside London) Removable Polymer Bollard RS Flush Socket Bollard

Engine



to scale drawings,

Proposed Bollard.

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2007/1260



SCHEDULE A: Applications with Recommendation

07/0642

Item No: 03

Date of Committee: 07/03/2008

Appn Ref No:
07/0642

Applicant:
Mr Tony Carr

Parish:
St Cuthberts Without

Date of Receipt:
06/06/2007

Agent:
Mr David Shankland

Ward:
Dalston

Location:
Ingledene The Orchard, Durdar Road, Carlisle, CA2
4SF

Grid Reference:
340108 553087

Proposal: Extensions to Ground Floor to Provide WC and Study together with Creation of First Floor to Provide 1no. En-Suite Bedroom, 2no. Bedrooms and Bathroom Together with a Detached Double Garage (Revised/Retrospective Application)

Amendment:

1. Amended elevations and floor plans of the dwelling and the garage, which address the discrepancies in the plans submitted to accurately reflect how the property has been extended.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

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

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

SCHEDULE A: Applications with Recommendation

07/0642

Cumbria County Council - (Highway Authority): no objections;

St Cuthberts Without Parish Council: no comments;

Development Services Planning & Housing Services - Local Plans (Trees): no comments.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	Blackwell Cottage	12/06/07	
	Meadowlands	12/06/07	
	Fairhaven	12/06/07	
	4 Blundell Terrace	12/06/07	
	13 Eldred Street	12/06/07	Objection
(Tenant), Inglede		12/06/07	
	5 Blundell Place	12/06/07	

3.1 This application has been advertised by means of notification letters sent to seven neighbouring properties. In response one local resident has objected to the application.

3.2 The grounds of objection are summarised as:

1. The scale and mass of the extended property is unacceptable;
2. The inclusion of a larger bedroom window and a bathroom window to the south facing gable will result in increased loss of privacy to the occupants of the property known as Nevarra.

4. Planning History

4.1 In 1988 planning permission was granted for the replacement of an existing flat felted roof with a concrete tiled roof (Application 88/0953).

4.2 In 2006 planning permission was granted for an extension to the ground floor to provide wc and study together with creation of first floor to provide three bedrooms, one of which has en-suite facilities, and a bathroom, together with a detached double garage (Application 06/1208).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This revised application seeks permission, retrospectively, to extend a single storey detached dwelling located to the south of Carlisle, 200 metres to the north of Carlisle Race Course. The dwelling, which is situated within a cluster of residential properties, is of modern construction and prior to being extended was finished in pebble dashed render with a grey concrete tile roof.
- 5.2 The site, which is set back from the road frontage, is accessed via a farm track from Blackwell Road that also serves Blackwell Farm and several other residential properties. The existing boundaries of the site are demarcated by a combination of fencing and stone walls of varying heights, adjacent to which is a variety of landscaping. With the exception of the farm the surroundings to the site are wholly residential.

Background

- 5.3 In 2006 permission was granted to extend the footprint of the property by 18 square metres and to raise the eaves and ridge height of the building to provide accommodation within the roof void. The accommodation to be provided comprised a WC and study on the ground floor with a bathroom and three bedrooms (one of which has en-suite facilities) being formed within the roof space. The proposal involved raising the eaves height of the building from 2.95 metres to 3.95 metres, with the ridge height of the building being raised from 5.35 metres to 7.3 metres. The materials to be used were to match those of the existing property.
- 5.4 As part of the previous approval it was also proposed to erect a detached double garage in the garden area to the north of the property, which would be situated 3 metres from the north facing gable. The garage would have measured 6.28 metres in width, 6.6 metres in length, 2.2 metres to the eaves with a ridge height of 4 metres. The garage was also to be finished in materials to complement the existing property.
- 5.5 Whilst the development was being undertaken a complaint was received from a local resident that the alterations to the property were not being constructed in accordance with the approved drawings. After investigation by Officers confirmed that was the case, the current application has been made to "regularise" the works.

The Proposal

- 5.6 This proposal seeks permission for similar extension to the dwelling, which would provide the same accommodation over the same footprint. The significant difference between this application and the previously approved scheme is that the eaves height of the dwelling has been raised by a further 0.35 metres to 4.3 metres and the ridge height has been increased by 0.40 metres to 7.7 metres. On the south facing gable a bedroom window has been increased by 0.6 metres in width and a bathroom window has been included.

- 5.7 With the modifications embraced by the current application, the effect is that the overall eaves and ridge heights in comparison with the original dwelling are increased by 1.35 metres and 2.35 metres respectively. The original pebble dashed finish to the property has been removed and it, and the extension, is now refaced with smooth render. The property has been roofed with smooth grey concrete tiles.
- 5.8 In respect of the proposed garage, its footprint has been reduced by 5 square metres and it has been repositioned within 1 metre of the north facing gable of the property. The applicant's agent has advised that the garage has been re-sited to avoid a nearby drain. The design of the roof of the garage has been altered with the eaves height being reduced by 0.6 metres to 2 metres and the ridge height has been increased by 0.6 metres to 4.6 metres, which results in a steeper roof pitch. The garage is finished in a smooth render with roof tiles to match that of the dwelling.

Assessment

- 5.9 The relevant planning policies against which the 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 2001-2016 Revised Redeposit Draft.
- 5.10 The proposals raise the following planning issues:
1. Whether The Proposal Is Appropriate To The Dwelling.
- 5.11 It was previously acknowledged that the alterations to the dwelling would significantly enlarge the property in terms of the living accommodation provided; however, this was achieved through the reconfiguration of the roof, which replaced a shallow pitched conservatory that related poorly to the original property. When the earlier application was determined it was the Officers view that, in terms of its scale, the extension was not disproportionate to the dwelling; nor would it dominate the original property.
- 5.12 The issue that Members are required to consider is whether a further increase in the eaves and ridge height by 0.35 metres and 0.4 metres is an acceptable deviation from the previous approval in relation to the scale of the original dwelling. On balance, it is the Officers view that the increase in the overall mass of the structure would not warrant refusal of the application in its own right.
- 5.13 With regard to the garage, its footprint has been reduced marginally and, therefore, its scale is not an issue. Although the roof design has altered, incorporating a steeper roof pitch than a conventional garage, the garage cannot be viewed from outside the site and, therefore, does not result in demonstrable harm to the wider area.
- 5.14 Both the garage and alterations to the property are to be finished in smooth

SCHEDULE A: Applications with Recommendation

07/0642

render, which is an improvement on the appearance of the original dwelling. Accordingly, the extension to the original dwelling, in terms of its scale, design and materials to be used, is acceptable.

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

- 5.15 As mentioned in paragraph 5.6 this current application includes the insertion of a bathroom window and the widening of a bedroom window that are situated at first floor level in the south facing gable of the extended dwelling, which faces towards the rear elevation of the neighbouring property, Nevarra. Aside from the scale of the extension, it is these two aspects that cause the occupier of that property greatest concern. Two photographs taken from the ground and first floor windows of the objectors property have been reproduced in the Schedule to assist Members in appreciating the relationship between the two properties.
- 5.16 With regard to the bedroom window, the principle of its position was agreed through the previous application. It is acknowledged that it has been increased in size by 0.6 metres; however, the minimum distance of 21 metres between primary facing windows, which emerging Policy CP5 of the Revised Redeposit Draft requires, has been achieved. The concerns of the objector are noted; however, as the necessary minimum distance is met it would be unreasonable of the Council to argue that the increase in the window size results in a unacceptable loss of privacy to the occupants of Nevarra.
- 5.17 In respect of the bathroom window Members may appreciate that, in planning terms, a bathroom is not considered a primary room and, therefore a minimum distance of 21 metres is not required to be maintained between the primary windows of the neighbouring property. Aside from the fact that a distance of in excess of 21 metres is maintained, the window is obscurely glazed thereby minimising any impact through overlooking.
- 5.18 The increased ridge height of the garage and its relocation within one metre of the north facing gable of the applicant's property will affect the outlook and level of light to the windows situated within the north facing gable of the applicant's property; however, this is a situation that the applicant has chosen to accept. The position of the garage causes no harm to the living conditions of any neighbouring property and, therefore, this aspect of the scheme does not warrant refusal of the application in its own right.
- 5.19 Although not a material planning consideration Members should be aware that the circumstances surrounding this application are unfortunate. Following negotiation with the applicant the 2006 application was amended prior to being recommended for approval. The occupiers of the neighbouring properties were notified of the alterations to the scheme; however, the occupant of Nevarra does not recall having received the letter. Had she done so would have voiced her concerns regarding the bedroom window. This matter is complicated further through the objector having misinterpreted the original planning drawings, which resulted in the understanding that the

outlook from her property would be onto the roof slope, which would be gradually tapering away, and not a gable wall.

- 5.20 There is sympathy for the objector; however, had those concerns be voiced when the previous application was considered it would not have affected the Officers recommendation, as the alterations to the dwelling were in accordance with current planning policy. In terms of this current proposal Members are advised that there are insufficient grounds to refuse the application on the basis of loss of privacy for the reasons stated. Similarly, given the increase in the roof height by an average of 0.375 metres from the previously agreed scheme, particularly given the relationship of the dwelling with the neighbouring properties, it is unlikely that the development will affect the living conditions of adjacent residents through loss of light or overdominance.

3. Other Matters.

- 5.21 The objector had expressed concern regarding the position of a security light high on the south facing gable. This matter was raised with the applicant and the security light has since been removed.

Conclusion

- 5.22 In overall terms, the revised 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 alterations to the dwelling and detached garage are acceptable. 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;

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,

SCHEDULE A: Applications with Recommendation

07/0642

does not impair the right to enforce the law if this is necessary;

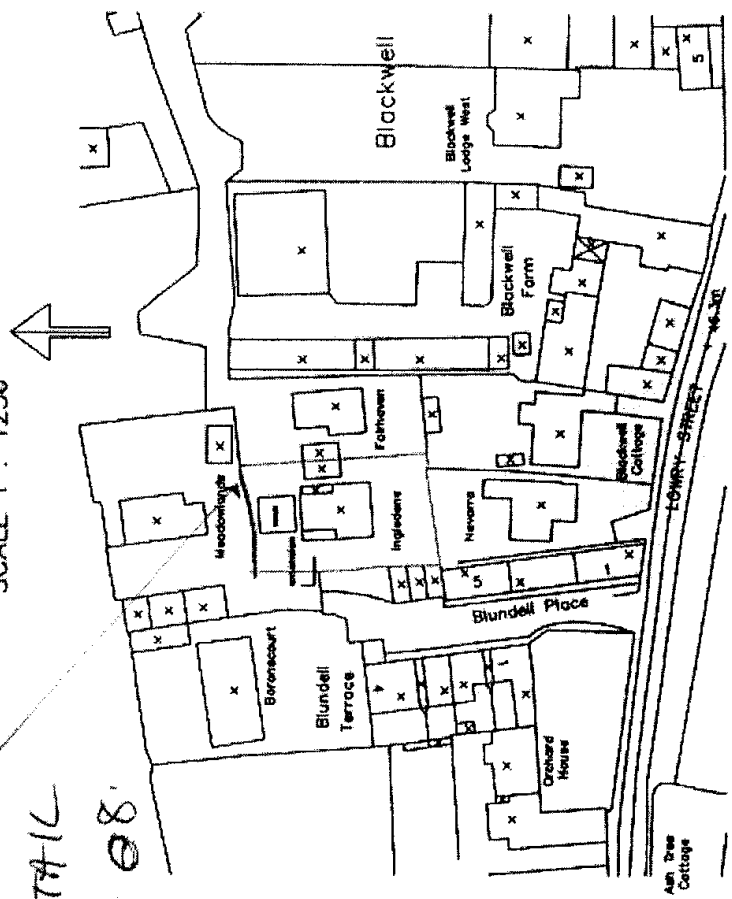
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. **Recommendation** - Grant Permission
-

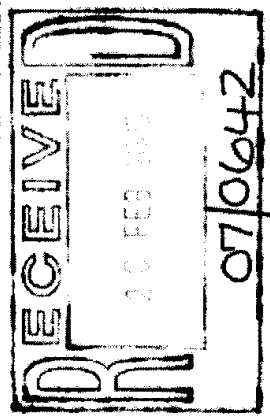
REVISION 'B'
 BOUNDARY
 DETAIL
 FEB 08

NORTH

SCALE 1 : 1250



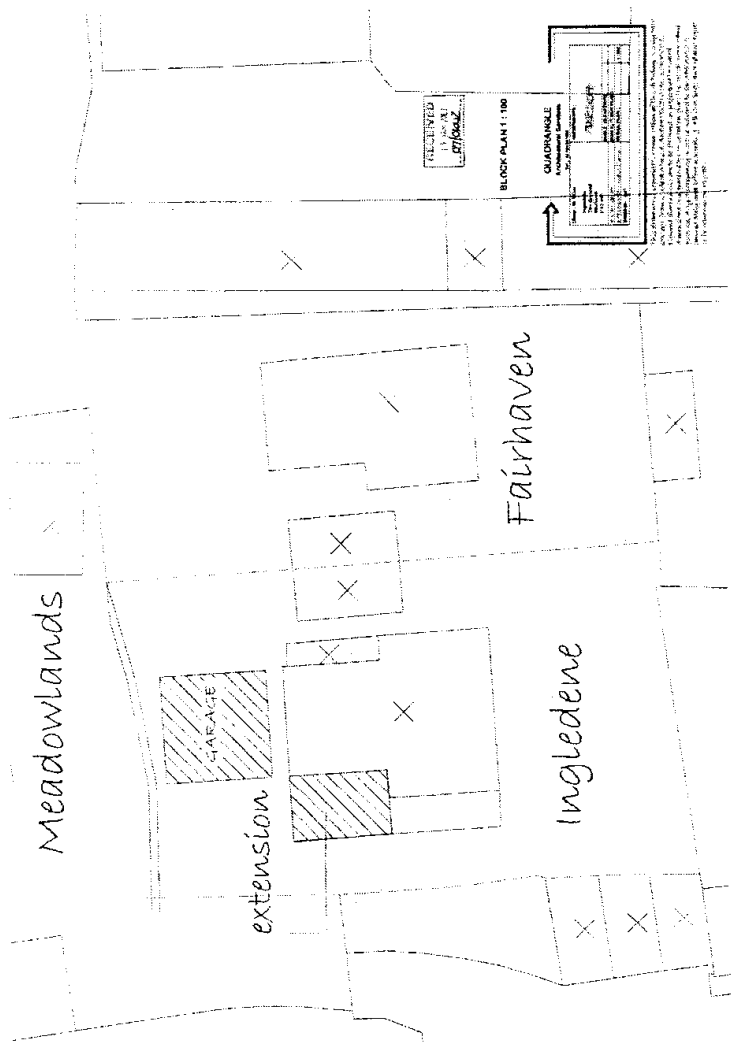
- LOCATION PLAN.

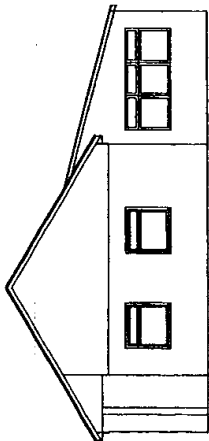


Architectural Services
 Tel : 07786 991404

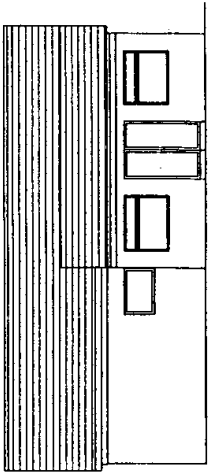
Client : Mr T Carr Ingledene The Orchard Blackwell CA2 4SF	AMENDMENTS : REVISION 'B' FEB 08	SCALE, ELEVATIONS : 1 : 50
DATE : FEB 08	REFERENCE : ds/ta/d/2006	SCALE, FLOOR PLANS : 1 : 50
DRWG No : ds/1		SCALE, SECTIONS :

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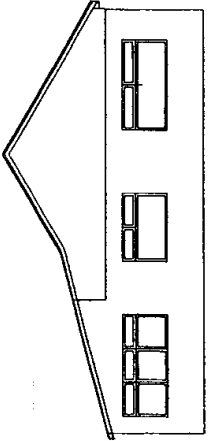




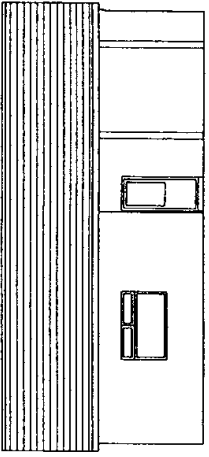
Existing Gable To Drive



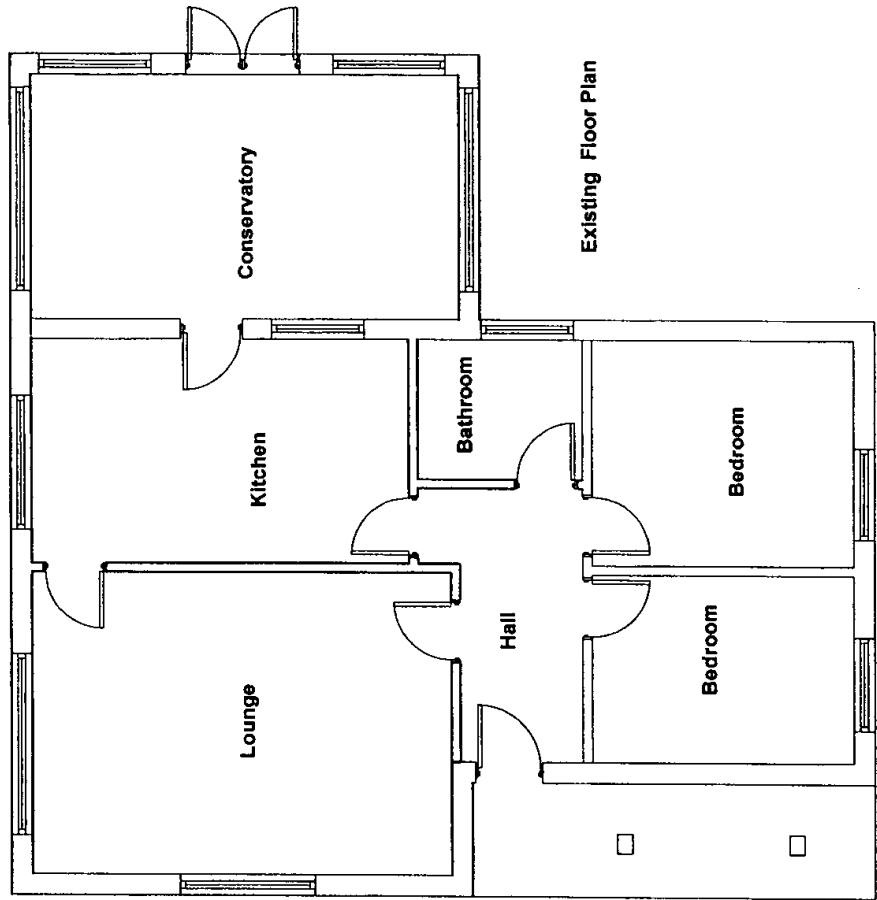
Existing Rear Elevation



Existing Gable To Garden



Existing Front Elevation



Plans Existing

07/0642

quadrangle
Architectural Services

CLIENT: Mr T Carr	AMENDMENTS:
Inglisburn The Orchard Barnham GA2 1BF	
DATE: 28/06/06	SCALE ELEVATIONS:
DRAWN BY: J. GIBSON	SCALE FLOOR PLANS:
	SCALE SECTIONS:

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Proposed Front Elevation
 Proposed Gable To Drive
 Proposed Gable To Garden
 Proposed Gable To Garden

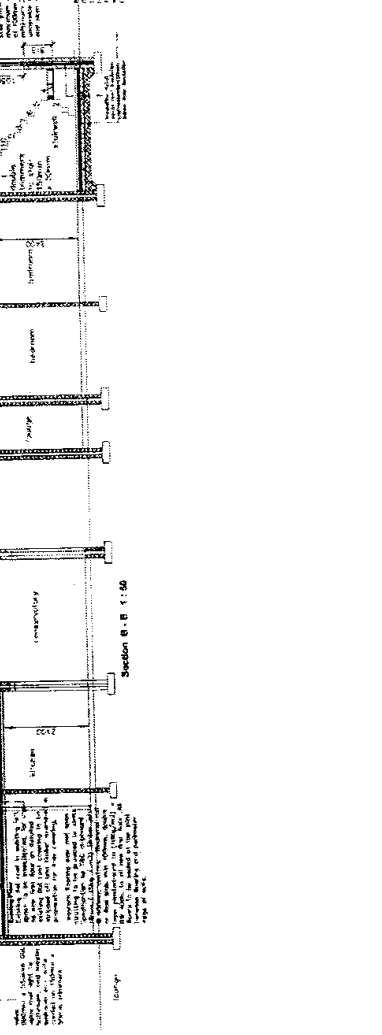
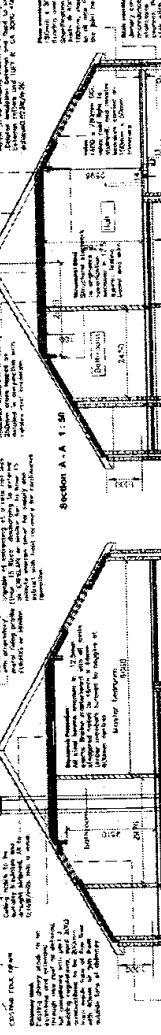
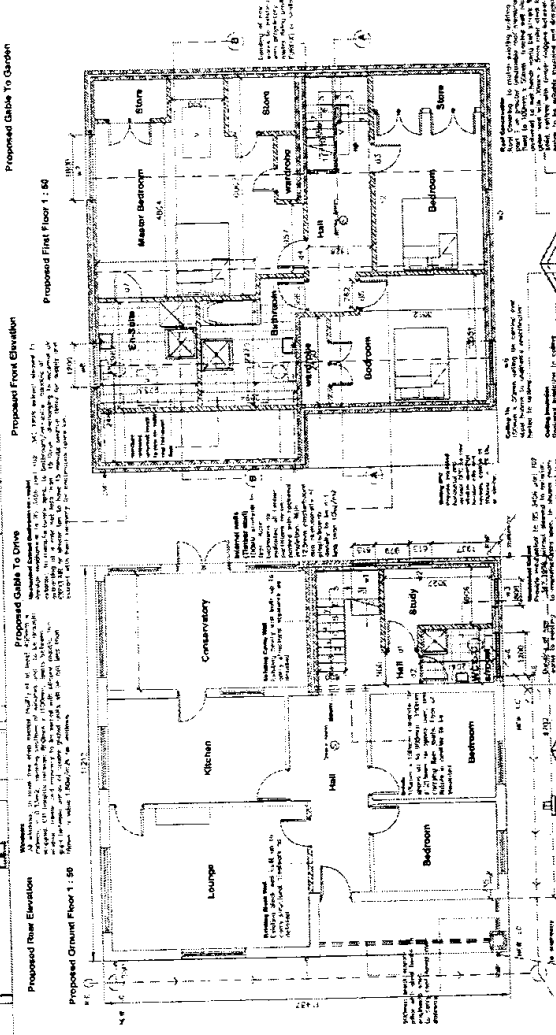
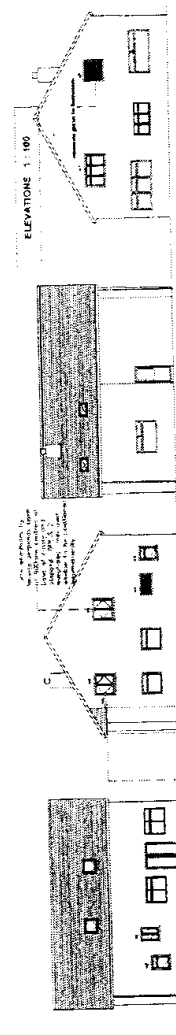
Proposed Ground Floor 1:50
 Lounge
 Kitchen
 Dining Room
 Study
 Bedroom
 Bath

Proposed First Floor 1:50
 Master Bedroom
 Bedroom
 Bedroom
 Bath
 Hall
 Store

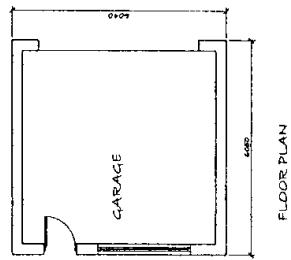
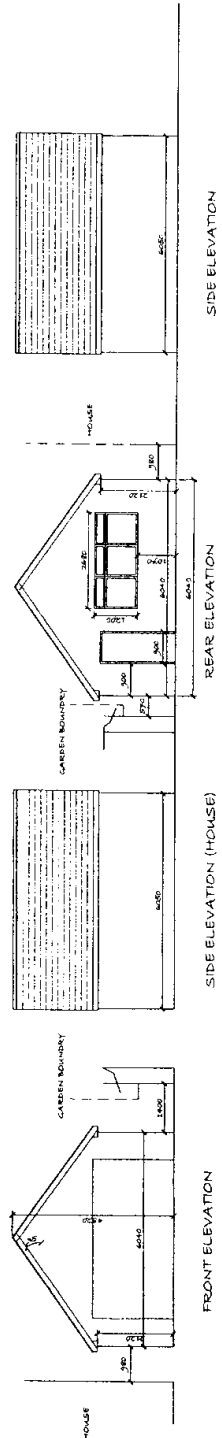
Section A-A 1:50
 Section B-B 1:50

Proposed Details
 Englewood The Orchard Backwell Q42 ASF

quadrangle
 Roof covering as existing
 Windows & doors - open to match existing
 Garage finish to match existing



Notes:
 1. All work to be in accordance with the Building Regulations and the Building Act 1984.
 2. The proposed work is to be carried out in accordance with the Building Regulations and the Building Act 1984.
 3. The proposed work is to be carried out in accordance with the Building Regulations and the Building Act 1984.
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PROPOSED FLOOR PLAN
AND ELEVATIONS (GARAGE)

RECEIVED
14 JAN 2011
... 07:00 AM

RECEIVED
 ARCHITECTURAL SERVICES
 14 JAN 2011 07:00 AM
 PROJECT: [illegible]
 DRAWING: [illegible]
 BY: [illegible]
 CHECKED: [illegible]
 APPROVED: [illegible]

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Photograph 1: Photograph looking northwards towards the application site, which is taken from a first floor bedroom to the rear elevation of the objector's property, Nevarra. At the time that the photo was taken the external smooth rendered finish had not been applied.



Photograph 2: Photograph looking northwards towards the application site, which is taken from the ground floor kitchen window to the rear elevation of the objector's property, Nevarra.



SCHEDULE A: Applications with Recommendation

07/0527

Item No: 04

Date of Committee: 07/03/2008

Appn Ref No:
07/0527

Applicant:
Mr & Mrs J R Workman

Parish:
St Cuthberts Without

Date of Receipt:
19/06/2007

Agent:
H & H Bowe Ltd

Ward:
Dalston

Location:
Land to the rear of The Orchards, Carleton, Carlisle

Grid Reference:
342902 552652

Proposal: Erection of Agricultural Workers Dwelling (Outline)

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 the consultation response received from the County Land Agent.

1. Constraints and Planning Policies

District E8 - Remainder of Rural Area

District E19 - Landscaping New Dev.

District E22 - Sewers & Sew. Treat. Work

District H6 - Ag. & Forestry Need

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP11-Foul/Surf Water Sewer Sewage Treatment

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): whilst there is no objection in principle of this site being used for housing, it should be noted that Mill Lane, Carleton is no public highway, it being Public Footpath 129013. It has been assumed that the applicant does have vehicular rights of access over this private street and subsequent detail application will provide internal space commensurate with the scale of the development for parking, turning and servicing.

Given the rural location and nature of the nearest highway (A6 London Road) if the site does not have vehicular access rights the Highway Authority would recommend refusal as it would be totally unacceptable to have vehicles associated with the property stopping on the A6 in this locality;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): comments awaited;

St Cuthberts Without Parish Council: no comment or observations;

Ramblers Association: provided that there is no interference with the public right of way over adjacent Public Footpath 129012, there is no objection to the proposal;

East Cumbria Countryside Project: Public Footpath 129012 must be kept open at all times during and after development;

Cumbria County Council - (Archaeological Services): no comment;

Development Services Planning & Housing Services - Local Plans (Trees): the large Ash tree on the northern boundary is infected with decay fungi that renders the tree liable to failure. Whilst at present the risk of damage or injury is small should the proposal go ahead this tree should be removed.

A landscaping scheme to screen the development from the open countryside to the west and north would be required; and

County Land Agent (Capita dbs): the report concludes by stating that:

1. There is a clearly established existing functional need in relation to this holding for two full time workers, actively involved in the management of the unit to be resident on or immediately adjacent to it.
2. The labour requirement on this holding has been calculated to be in the region of 5.5 full time workers and therefore the labour requirement test is met.
3. The holding is financially viable and therefore the financial test is met.

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4. At the present time, the existing dwelling at The Beeches meets the requirement to house one full time worker, with the potential availability of another property in the form of the attached flat, to house the second full time worker actively involved in the management of this unit who is required to be resident on it.

Further comments received on 7th November 2007 read as follows:

In assessing the need for an agricultural workers dwelling on this holding, the report established:

- there was a requirement for 2 full time workers actively involved in the management of the unit to be resident on or immediately adjacent to it;
- the existing farmhouse on the unit meets the requirement to house one of those full time workers, with the potential availability of another property on the unit in the form of the attached flat, to house the second worker.

PPS7 makes no reference to determining the "suitability" of the form of accommodation on an agricultural unit to house a worker. It appears that this element of the process governed by varying case law. In the recently approved Orton Grange Farm application at Little Orton, one of the primary factors in the decision to grant permission for a new dwelling to have been the relatively small floor area of the existing cottage to house a second worker.

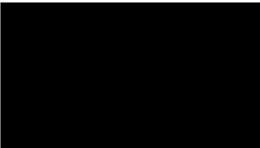
In light of this and other similar current cases the detailed wording of clause (iv) of paragraph 3 to Annex A of PPS7 has been looked at. This states:

"the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned."

It is suggested that further advice is sought in relation to the interpretation of this clause. On careful reading, it could be interpreted that any other existing dwelling on a unit (providing it is habitable) would be suitable to house a worker, with the "suitable and available" requirement only applying to other existing accommodation in the area.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	Broadfield	26/06/07
	Orchard House	26/06/07
	Orchard Lodge	26/06/07
	Orchard View	26/06/07
	Mill Cottage	26/06/07

3.1 This application has been advertised by means of a site notice and direct

notification to the occupiers of five of the neighbouring properties. At the time of writing this report, no representations have been received.

4. Planning History

- 4.1 There is no planning history relating to this parcel of land but the following planning history is relevant and relates to land at The Beeches, Carleton.
- 4.2 Planning permission was granted in 1990 for the erection of a replacement slurry store.
- 4.3 In 1994, planning consent was granted for the erection of a livestock building.
- 4.4 In the same year, planning permission was granted for the erection of a covered silage pit.
- 4.5 In 1996, listed building consent was granted for the provision of door and window to external elevation, internal alterations and demolition of external lean to annex building.
- 4.6 In the same year, an application was submitted under the prior notification procedure for the erection of a dutch barn and lean-to storage.
- 4.7 Also in 1996, planning permission was granted for the relocation of a general purpose storage barn.
- 4.8 Planning consent was granted in 2006 for the erection of a steel portal framed general purpose building.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission for the erection of an agricultural workers dwelling on land to the rear of The Orchards, Carleton, Carlisle.
- 2 The site is located approximately 3.6 kilometres (2.24 miles) south-east of the City Centre. The site which is a former stack yard, is located to the rear of Butterworths Overseas Property Centre and to the north of a series of residential properties. To the north and west of the site is open countryside and the site is located outwith the urban area.
- 5.3 The site is accessed from the main A6 road by means of a tarmacadamed single track road. The site area as indicated on the block plan measures

SCHEDULE A: Applications with Recommendation

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approximately 29 metres along the frontage by 31 metres to the rear. The depth of the site measures approximately 25 metres.

- 5.4 The Beeches Farm extends in total to 161.87 hectares (400 acres) which is farmed by Mr and Mrs Workman together with their son and two full-time staff. The family currently reside together in the farmhouse; however, Mr and Mrs Workman's son proposes to get married and wishes to occupy his own property. The applicants have looked at buying suitable property in the vicinity but find that the current market prices of suitable properties are in excess of what can be justified by the current farm business. The farm enterprise comprises of lambs, dairy cows, young stock together with grassland, the growing of winter and spring barley and wheat.

Proposal

- 5.5 It is proposed to construct a dwelling for occupation by an agricultural worker on and close to, but outwith the steading of The Beeches farm. The application seeks outline planning consent with all other matters being reserved for subsequent approval.
- 5.6 The application is in outline form but the supporting Design and Access Statement indicates that the building would be one and a half storeys high and would include a kitchen, dining area, utility room, sitting room, study, hall/ stairs and toilet to the ground floor with 2no. bedrooms, 2no. bathrooms and storage above.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies E8, E19, E22, H6 and T7 of the Carlisle District Local Plan and Policies CP1, CP4, CP5, CP11, H7 and T1 of the emerging Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016.
- 5.8 The proposals raise the following planning issues:
1. The Principle Of Residential Development
- 5.9 Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) published in July 2004 is relevant to this application, as it sets out the Governments planning policies for rural areas that should be taken into consideration when making planning decisions.
- 5.10 Paragraph 1 of PPS7, states that "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled". By doing so it is the Governments aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.

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- 5.11 Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside; however, there will be some cases where the nature and demands of the work concerned make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 5.12 In assessing permanent agricultural dwellings such as that proposed in the current application, there are 5 criteria to consider. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing that:
- (i) there is a clearly established existing functional need
- 5.13 A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
- 5.14 In relation to the current proposal it is considered that there is a clearly established existing functional need on the holding in relation to the care of the livestock. This functional need relates to labour requirement for the all year round welfare of the livestock and general agricultural operations.
- (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- 5.15 In relation to the second criteria, relating to the requirement for a full-time worker or one who is primarily employed in agriculture, the requirement for labour is in the region of 7.38 full time workers as calculated by the applicant's agent whilst the County Land Agent calculated 5.5 full time workers. Although these figures differ there is clearly a requirement for a full time worker to be resident on the holding and this issue is not in dispute.
- (iii) the unit and the agricultural activity concerned has been established for at least three years, has been profitable for at least one of those, is currently financially sound, and has a clear prospect of remaining so;
- 5.16 The unit and the agricultural activity have been established for in excess of 3 years. PPS7 states that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable.

SCHEDULE A: Applications with Recommendation

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A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Financial viability can be defined as offering a competent person a prospect of a sufficient livelihood. Some enterprises, which aim to operate broadly on a subsistence basis, but which nonetheless, provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

5.18 The Workman's have farmed at The Beeches since 1904. The current applicants have been farming at the Beeches for the past 22 years. Following investment in machinery, livestock and buildings, the applicant's agent has indicated that the net farm income is £36,406 which is in excess of an agricultural worker's minimum wage, which is currently in the region of £12,000 per annum. It is considered that with the current level of stock the business is viable.

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

5.19 Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or stock.

5.20 Based on the overall stock numbers and the level of care required in the interests and the wellbeing of the livestock, for the efficient running of the holding and overall security, it is essential that two full time workers actively involved in the management of this unit be present on, or immediately adjacent to it. At the present time, the existing dwelling at The Beeches farm satisfies the requirement to house one of those workers. Of relevance in this case however, is the availability of the self-contained farm flat, which measures approximately 75 square metres externally, located with the farm steading.

5.21 This one-bedroomed flat is currently rented to tenants and the income generated contributes to the overall farm income. Furthermore, whether the accommodation that this flat provides would be suitable is an issue. Annex A of PPS7 requires that if there are existing dwellings they need to be **suitable and available for occupation by the workers concerned**. The County Land Agent advises that:

"although the current purpose of the flat to provide a diversified source of income is commendable, the overriding interest to provide farm workers accommodation for the wider benefit of the farm business should not be disregarded."

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- 5.22 Whilst the County Land Agent raises concerns about the proposal insofar as he advocates the use of the flat within the steading, he does state that he is unable to comprehensively comment on the suitability of the potentially available property and suggests that due to the fact that this is clearly a small property, in light of recent decisions relating to agricultural workers dwelling, the planning authority might consider the flat to be below the size of property that might be reasonable for the applicant.
- 5.23 The reference made to 'recent decisions' refers to the decision by Members of the Development Control Committee to approve an outline planning application for an agricultural workers dwelling in 2007 at Little Orton farm. The circumstances that prevailed in the consideration of this application were tangible to this application at The Beeches insofar as there was a cottage on the farm; however, given the limited floor space of 93 square metres and the applicant's circumstances being similar to that of the current applicant intending to get married and start a family, the application was approved. Given these issues, it would be unreasonable to suggest anything other than the principle of development being acceptable.
- 5.24 It has already been accepted that the proposed dwelling is of an acceptable scale; therefore, in line with previous decisions, whilst the existing flat could be made available it is not suitable for the worker concerned and would undermine a portion of the farm income.

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

- 5.25 In order to ensure residential amenity is not compromised, emerging Policy CP5 of the District Local Plan expects that a minimum distance of 21 metres should be provided between primary facing windows of existing and proposed new dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be provided between gable ends to allow for maintenance of property.
- 5.26 Based on the application site area, there is sufficient distance between the existing buildings and any proposed dwelling that will ensure that the siting of the property 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.
- 5.27 The Highway Authority has suggested that if the applicant does not have vehicular access rights over the lane that lead from the A6 to the application site, then the proposal should be refused. The applicant's agent has confirmed that the applicant has a right of access to the site as this land was a former stack yard that was in operation as part of the farm.

Conclusion

- 5.28 In overall terms, the principle of the development, subject to the imposition of a restrictive occupancy condition, is acceptable. The occupancy of the flat

SCHEDULE A: Applications with Recommendation

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within the farm would be too restrictive for the applicant due to its limited size. The proposal accords with all the relevant tests contained within PPS7. The development will not adversely affect the character or appearance of the area and will not affect the living conditions of adjacent properties by unreasonable scale or overlooking. 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 - 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.

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

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

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

3. 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.

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 E8 of the Carlisle District Local Plan.

4. Prior to the commencement of development hereby approved samples or full details of all materials to be used on the exterior of the dwelling shall be 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 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.

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. The occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependants of such persons residing with him or her, or a widow or widower of such a person.

Reason: The unrestricted use of the dwelling would be contrary to the provisions of Policies E8 and H6 of the Carlisle District Local Plan which seek to prevent additional sporadic development in

SCHEDULE A: Applications with Recommendation

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the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

7. Prior to the commencement of development hereby approved 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 be constructed and completed in accordance with the approved plans.

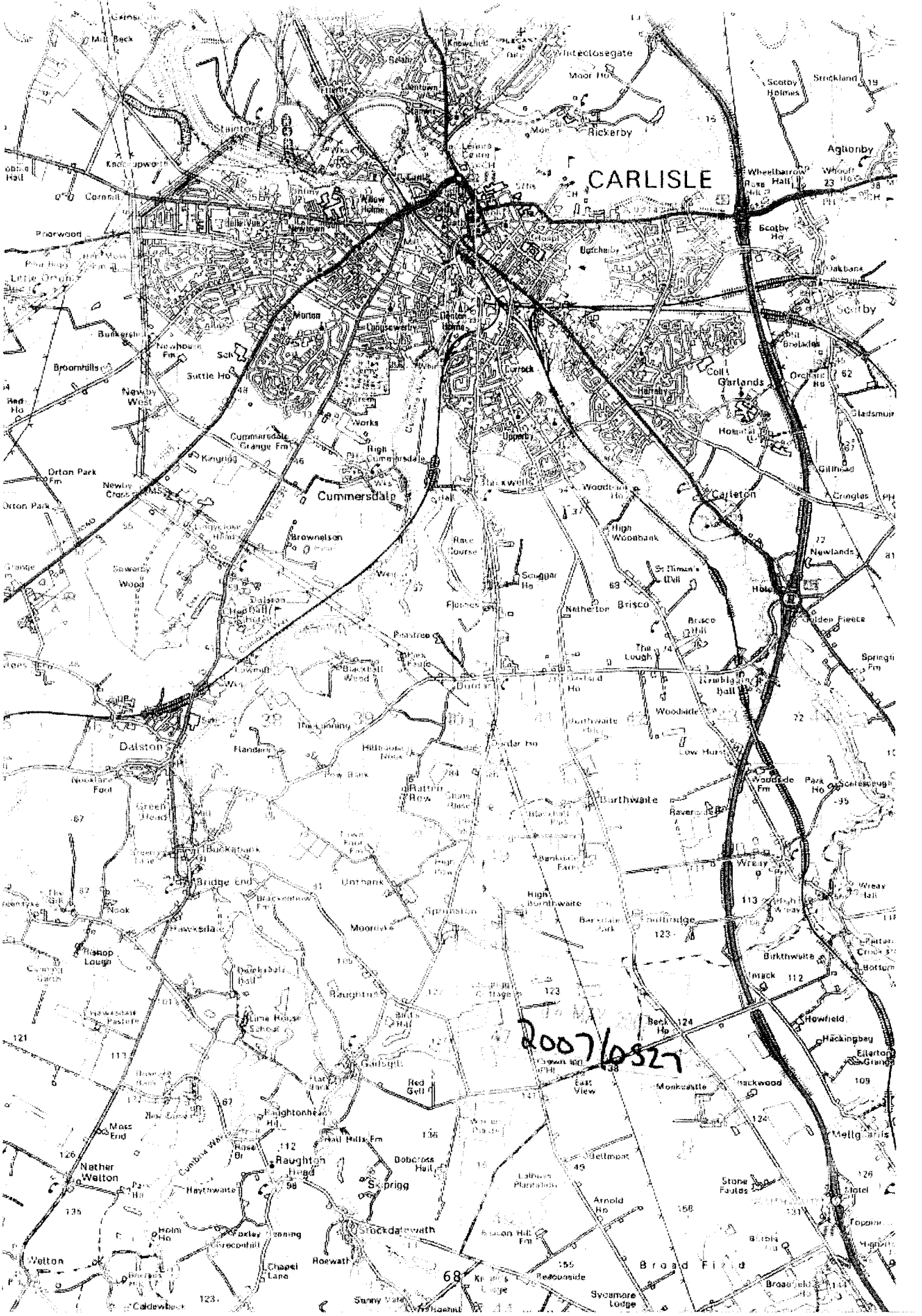
Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

8. Prior to the commencement of development hereby approved a scheme for the conveyance of foul drainage to septic tank shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with Policy E22 of the Carlisle District Local Plan.

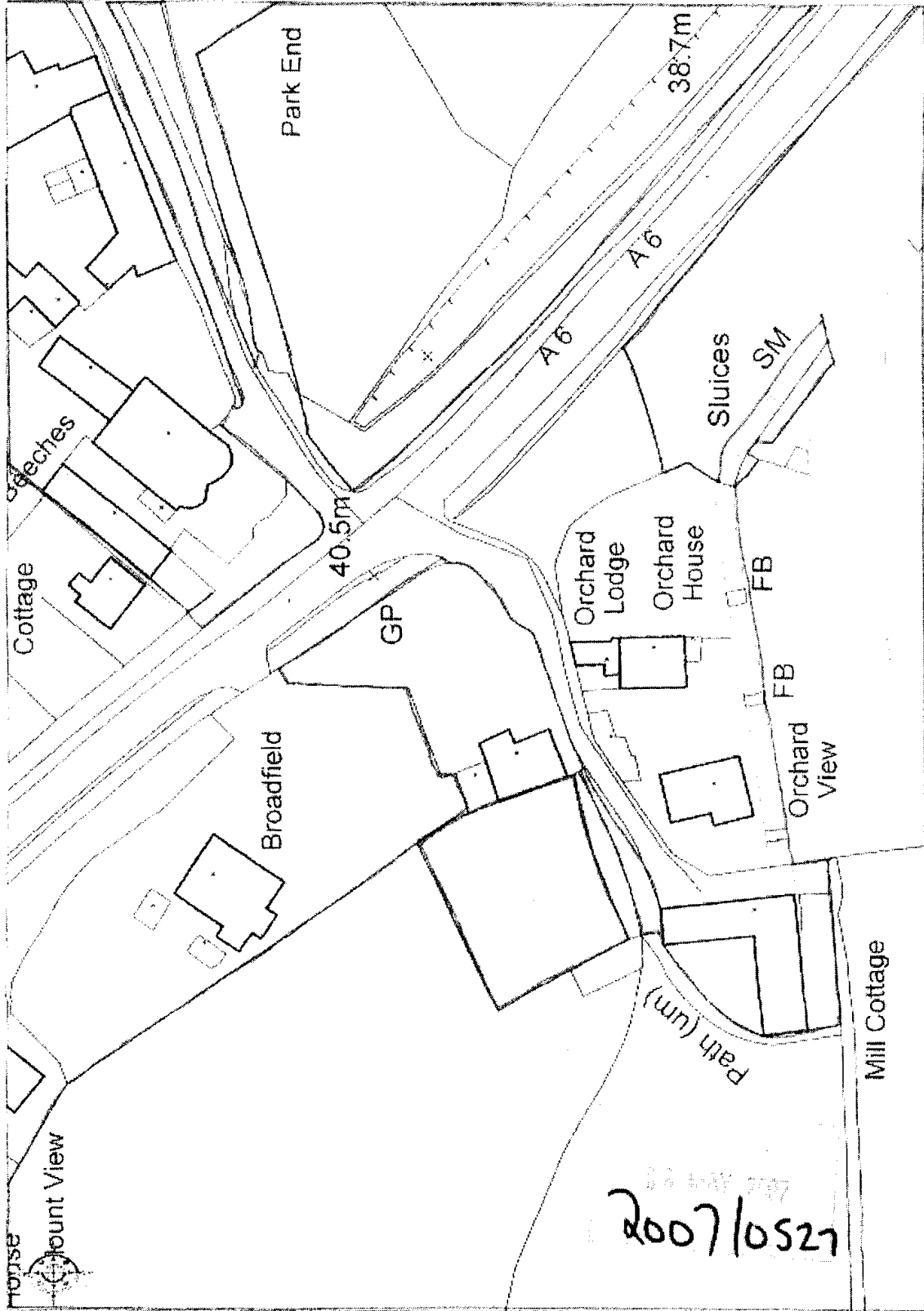
9. Prior to the commencement of development hereby approved, a scheme for the planting of trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy E19 of the Carlisle District Local Plan.



CARLISLE

2007/0327



This map was created with Promap

CAPITA

10th October 2007

Your ref RJM/DC/07/0527

Our ref P3/3A/DR/LW

Carlisle City Council
Planning & Housing Services
Civic Centre
CARLISLE
Cumbria
CA3 8QG

For the attention of Richard Maunsell

Dear Mr Maunsell

PROPOSED PERMANENT AGRICULTURAL WORKERS DWELLING ON LAND TO THE REAR OF THE ORCHARDS, CARLETON, CARLISLE

Thank you for your letter with enclosures of 20 August 2007.

Please now find enclosed a copy of my report.

Would you please let me have a copy of your Authority's decision notice in due course.

Yours sincerely

David Rawle
Land Agent

Tel 01768 242345
Fax 01768 242321
Email david.rawle@capita.co.uk

Enc.

PLANNING & HOUSING SERVICES	
REF	07/0527
11 OCT 2007	
RECORDED	HB
SCANNED	
PASSED TO	RJM
ACTION	

THE BEECHES, CARLETON, CARLISLE, CA1 3DP

**REPORT ON THE AGRICULTURAL NEED IN RELATION TO A
PROPOSED PERMANENT AGRICULTURAL WORKER'S DWELLING
ON LAND TO THE REAR OF THE ORCHARDS, CARLETON, CARLISLE**

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242340

September 2007

CAPITA SYMONDS

**THE BEECHES, CARLETON, CARLISLE – REPORT ON A PROPOSED
PERMANENT AGRICULTURAL WORKERS DWELLING**

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who on 20 August 2007 asked if I would report on the agricultural need in relation to a proposed permanent Agricultural Workers Dwelling on land to the rear of the Orchards at Beeches Farm, Carleton.

1.2 I met the applicants, Mr & Mrs Richard Workman together with their son Mathew at the Farm on Tuesday 4 September 2007. The following information was provided by the applicant.

Part 1 – The Existing Situation

2.0 Land Occupied

2.1 The Beeches extends in total to 162 ha (400 acres) of owner occupied land. The farm business rents a further 32.4 ha (80 acres) of land on a variety of arrangements from simple seasonal grazing licenses to more permanent farm business tenancies.

2.2 The Workman's have farmed at Carleton since 1904 and are a well established local farming family.

3.0 Livestock

3.1 The following livestock are currently kept on the holding.

3.1.1 175 Montbeliarde dairy cows. The farm pursues an all year round calving policy.

3.1.2 300+ young stock to include dairy calves, heifers and beef stock.

3.1.3 1 Stock bull.

3.1.4 300 fattening lambs. These stock are bought into the farm in September/October each year and are fattened through the winter and sold the following spring.

4.0 Cropping

4.1 The following crops are currently grown on the holding.

4.1.1 Approximately 12.1 ha (38 acres) of winter barley, together with 6 ha (15 acres) of spring barley and 16 ha (40 acres) of wheat are grown on the holding for cattle feed and bio fuels.

4.1.2 The remainder of the farm is laid down to grass with approximately 133 ha (330 acres) of grass conserved as silage in up to three cuts.

5.0 Farm Buildings

5.1 The following farm buildings currently exist on the holding:

- 5.1.1 Traditional stone courtyard of farm buildings housing calving boxes and bull pen.
- 5.1.2 2 steel portal framed buildings (40 ft x 135 ft and 200 ft x 150 ft) offering loose housed accommodation for heifers and cubicles for 170 dairy cows, together with the milking parlour and collecting yard.
- 5.1.3 Steel framed Dutch barn.
- 5.1.4 Timber pole barn.
- 5.1.5 70 ft by 170 ft steel framed silage shed.
- 5.1.6 A further steel portal framed general purpose building (75 ft x 50 ft) is in the process of construction.

6.0 Domestic Buildings

6.1 The following domestic and other buildings currently exist on the holding:

- 6.1.1 There is a large traditional farmhouse at the Beeches offering six bedroom accommodation. Additionally, the house provides two reception rooms, kitchen, office, utility room and two bathrooms.
- 6.1.2 Attached to the farmhouse is a two bedroom flat which is let on an Assured Shorthold Tenancy to a private tenant. The applicant confirmed

this property provided a useful source of diversified income to the farm business.

6.1.3 An outlying bungalow is separately owned and occupied by Mr Workman's mother whilst a traditional set of farm buildings to the West of the A6 was converted to form office accommodation a number of years ago. The applicant confirmed that neither of these properties was available for farm use and Planning Authority records should be able confirm the presence of any Agricultural Occupancy Restriction on the bungalow.

7.0 Labour and Residence

7.1 The Beeches is farmed by Mr & Mrs Workman together with their son Mathew and two further full time farm workers.

7.2 The Workman family all live in the farmhouse at the Beeches whilst one of the full time workers lives at Abbeytown and the other at Southwaite.

8.0 Other Information

8.1 Mathew Workman is now 23 years of age and wishes to move into his own house. Any suitable properties which have come for sale close to the farm have realised sums in excess of what maybe justified by the current farm business.

Part 2 – Guidance in relation to the requirements of PPS7

9.0 PPS7 and the Need for Agricultural Worker’s Dwellings

9.1 The need for Agricultural Workers Dwellings is covered in Planning Policy Statement PPS7: “Sustainable Development in Rural Areas” and in particular Annex A of that publication.

9.2 Guidance is given on the criteria to be met for Agricultural Worker’s Dwellings and in relation to a permanent Agricultural Worker’s Dwelling these criteria are set out in paragraph 3 of Annex A to PPS7.

These criteria are:-

1) There is a clearly established existing functional need.

There is a clearly established existing functional need on this holding at the present time arising from the care of the livestock, particularly the dairy herd as they calve on a year round pattern. There is also a functional need in relation to the care of young stock on the farm and the shepherding of the over-wintered sheep.

- 2) *The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.*

I have calculated the labour requirement on this holding based on the existing numbers of livestock and cropping practices and am able to advise that there is a labour requirement in the region of 5.5 full time workers.

- 3) *The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.*

As previously reported, the Workman's have farmed at Carleton since 1904.

Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a Net Farm Income after all expenses such as feed, fertiliser and property maintenance, at least equivalent to an Agricultural Worker's minimum wage, which is currently in the region of £12,000 per annum. I have calculated the Net Farm Income that is likely to be achieved and I am able to advise that the business is viable.

- 4) *The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area, which is suitable and available for occupation by the workers concerned.*

Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or stock.

In the present case I am of the opinion that in the interest and wellbeing of the livestock, for the efficient running of the holding and overall security, it is essential that two full time workers actively involved in the management of this dairy farming unit be present on or immediately adjacent to it.

Currently, the existing dwelling at The Beeches satisfies the requirement to house one of those workers. Of relevance however is the availability of the flat which is attached to the farmhouse. Whilst this is presently let on an Assured Shorthold Tenancy Agreement, the rules relating to the regaining of possession are relatively simple and the applicants could have this property back in hand within a short period of time.

Although the current purpose of the cottage to provide a diversified source of income is commendable, the overriding interest to provide farm

workers accommodation for the wider benefit of the farm business should not be disregarded. It may be considered that the decision not to bring this property into direct farm business use may constitute evidence of a lack of need in line with the principle contained within Paragraph 5 to Annex A of PPS 7.

At the present time however I am unable to advise comprehensively on the *suitability* of this potentially available property for a farm worker in accordance with the criteria. With a reported Gross External Area of 75 square metres this is clearly a small property and in light of other recent decisions, may be below what the Planning Authority considers reasonable for an agricultural worker (and his family) to occupy.

- 5) *Other normal planning requirements for example in relation to access or impact on the countryside are satisfied.*

These are beyond my instructions.

10.0 Conclusions

I therefore conclude by advising as follows:

1. There is a clearly established existing functional need in relation to this holding for two full time workers, actively involved in the management of the unit to be resident on or immediately adjacent to it.
2. I have calculated the labour requirement on this holding in the region of 5.5 full time workers and therefore the labour requirement test is met.
3. I confirm that the holding is financially viable and therefore the financial test is met.
4. At the present time, the existing dwelling at The Beeches meets the requirement to house one full time worker, with the potential availability of another property in the form of the attached flat, to house the second full time worker actively involved in the management of this unit who is required to be resident on it.

D Rawle BSc(Hons) MRICS
September 2007

**COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING
AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion; and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement*; and
- (iii) That the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'.

SCHEDULE A: Applications with Recommendation

08/0052

Item No: 05

Date of Committee: 07/03/2008

Appn Ref No:
08/0052

Applicant:
Mr R Wood

Parish:
Carlisle

Date of Receipt:
17/01/2008

Agent:
Architects Plus (UK) Ltd

Ward:
Botcherby

Location:
The Inglewood, Pennine Way, Carlisle, CA1 3QD

Grid Reference:
342170 554539

Proposal: Redevelopment Of Site For 41no. Residential Units (30no. Flats And 11no. Houses) And Associated Car Parking (Revised Application)

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

The application has been brought before Members of the Development Control Committee as a member of the public has requested to speak, and the proposals are of local public interest.

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.

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 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.

District T1 - Choice of Means of Travel

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Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

District T7 - Parking Guidelines

District H2 - Primary Residential Areas

Rev Redeposit Pl. Pol CP8 - Dev. Energy Cons. And Efficiency

Rev Redeposit Pl. Pol CP9 - Sustainable Drainage Systems

District H16 - Design Considerations

District H17 - Residential Amenity

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

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

District L9 - Play & Recreational Areas

Rev Redeposit Pl. Pol DP4 - Carlisle Racecourse

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

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 IM1 - Planning Obligations

Rev Redeposit Pl. Pol LC2 - Primary Leisure Areas

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

Rev Redeposit Pl. Pol LC5 - Playing Fields

Rev Redeposit Pl. Pol EC12-Sustaining Rural Facilities/Serv.

2. Summary of Consultation Responses

SCHEDULE A: Applications with Recommendation

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Cumbria County Council - (Highway Authority): the applicant has been in consultation with the Highway Authority from a very early stage and most of the access arrangements for the site have been agreed and as such there are no objection to the application as shown on the indicative plan no 06010-04 with this application.

As this application is for outline planning permission only with access and internal layout held over for the reserved matters application, comments are restricted to the access arrangement as indicated on the submitted plan. Due to the proximity of road junctions of Argyll Drive and Central Avenue the access shown will be the only viable position for new access.

The Applicant will however be required to enter into a Sec 278 (of the Highway Act1980) agreement with this authority to secure the relocation of the pedestrian refuge and the associated speed cushions necessitated due to the new access. Details of this to be submitted to the Highway Authority.

The applicant should be required to contribute £9,530 (£9,130 toward the scheme and £400 for legal fees) through a suitable S106 agreement. The monies will be utilised to improve the current cycle/pedestrian way leading from Pennine Way to Durraniill Road. This route forms a vital route for pedestrians and cyclists from this development to the town centre and in particular for households on the development with children attending Trinity/St Aiden's/ Newman Schools or the Carlisle College/University of Cumbria. This provision is seen as important to promote and maintain a sustainable development. This will assist the development being not so dependant on the private motor vehicle. The provision whilst being of use to this particular development, also benefits the people of Carlisle and in particular residents of the Harraby/Botcherby locale.

Cumbria Highways are of the opinion that this will be in line with both national guidelines and Circular 05/05, planning obligations). This requirement should be imposed by way of a negative Planning Condition or a Planning Obligation.

However, there is no fundamental objection to the development subject to three suitable conditions relating to access, footway crossings and parking/turning arrangements are attached to any permission which may be given;

Environment Agency (N Area (+ Waste Disp)): awaiting comments;

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): no objection to the proposal.

The water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Section 41,42 and 43 of the Water Industry Act 1991. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Water pressure in this area is regulated to around 20 metres head. This

should be taken into account when designing the internal plumbing.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. According to United Utilities records the nearest foul flow connection would need to be made into the foul network at the top of Westville. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system it would have to connect to the network outside no 14 Pennine Way;

Development Services Planning & Housing Services - Urban Designer: the development is sited on Pennine Way, off the Eastern Way. Notwithstanding any policy objections to the proposal I would make the following comments:

1. Consideration must be given as to how we anticipate Eastern Way may change in the future and how our proposed layouts may promote or hinder this change. At present it is a 'road' rather than a 'street' and for a large part of its length nearby housing turns its back on it. No significant housing fronts the road but some development 'sides' on to it, such as the adjacent Westville Drive. There are a number of large sites in the area, including areas of incidental open space and existing industrial areas, which may change their use in the future. If substantial areas were to come forward for residential development current urban design and highways thinking would suggest that one might wish to make Eastern Way less of a 'road' and more of a 'street'. This would in part be achieved by units facing the street.
2. As such, the proposed layout for the Inglewood Pub reinforces the negative 'road' character of Eastern Way while nearby Westville Drive, by presenting its flank to the road, softens it. I would suggest that while some elements of the proposed layout should be retained, such as the units directly fronting Pennine Way, consideration needs to be given to orientating the rear of the site in such a way as to turn its back somewhat less, and to present side elevations to Eastern Way. I would suggest that the final layout be modified to reflect this.

National Grid UK Transmission: negligible risk to operational electricity transmission network;

Local Plans (Tree Preservation), Development Services: the majority of comments made on the 22 October following a visit to the site on the 19 August 2007 remain valid, and are repeated below.

Also of concern is the loss of screening between Eastern Way and the proposed development and the useable garden space that the residents of these properties would have.

There is a belt of trees and shrubs on this site along the boundary with Eastern Way, and various other trees and shrubs scattered around the other boundaries. None of these are shown on the plans so I can only assume that they are to be removed contrary to the submitted application.

SCHEDULE A: Applications with Recommendation

08/0052

Before a decision is made regarding this proposal the following information should be submitted:

1. Site survey showing the accurate location and crown spread of all the trees with a diameter over 75mm at 1.5m up the main stem.
2. The plan should also show the accurate location and spread of any groups of shrubs over 10m²
3. The plan should also show which trees are to be retained and which are to be removed and the location of protection barriers for the retained trees and the proposed landscaping area.
4. A tree survey and recommendations for work to the retained trees.
5. Protective barriers for the trees and landscaping barriers to a suitable standard should be erected at locations to be agreed with the local authority.
6. Details of any changes in levels.
7. A detailed landscaping scheme;

Planning & Housing Services - Housing Strategy: the site is well located in terms of transport links and local shops and amenities, and would provide an ideal location for a new development including an element of affordable housing.

There are reservations over the longer-term sustainability of the number of apartment coming through the planning system, and we would have preferred to see a larger proportion of houses on this development (apartments accounting for over 75% of total units), although it is positive that all of the apartments are two-bedroom. The greatest identified need is for larger (three or more bedroom) rented family accommodation.

The target in the Housing Strategy for Carlisle 2005-10 Action Plan is for 25-30% of units to be affordable – in this case we would recommend a 30% developer contribution, due to the high level of need identified in the Housing Market Assessment; major impact of Right to Buy sales; and need for more low cost home ownership (e.g. shared ownership) to help people (especially young first-time buyers) onto the housing ladder.

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. 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. The proviso being that in cases where we accept less units 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 be 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.

SCHEDULE A: Applications with Recommendation

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Community Services - Environmental Quality: this division would recommend that the following condition be attached:

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 submission 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.

In complying with this condition, the words 'contamination not previously identified' shall mean; substances present in soil or groundwater.

Cumbria Constabulary - Crime Prevention: awaiting comments;

Campaign for Real Ale: the matter was discussed at our recent branch meeting. We are very concerned by the current number of closed public houses in the city as CAMRA believes pubs are an important aspect in maintaining and developing communities. On this occasion, however, we have no objections to this particular development.

Strategic & Performance Services - Communications: awaiting comments;

Development Services Planning & Housing Services - Access Officer: no observations;

Environmental Services - Green Spaces: a commuted sum contribution to provision/maintenance of Public Open Space which is calculated to be a sum of £70,842 based on the information supplied in the application;

Local Plans: in relation to public open space requirements, it is acknowledged that the Local Plan has no definition of family housing so there is no definitive statement to refer to explicitly in the Council's Plan. In the absence of any definition it is still considered that the principle is whether families could live in the accommodation provided and whether the general area would be suitable for families. The latter point relating to other sites. In terms of living arrangements the minimum size needed for a family is 2 bedrooms. Whilst most would presume three bedrooms later in life i.e. parents and two children being average when the children are older they will require a bedroom each, this is not always within the reach of young families. Many of the older terraced houses in Carlisle are two bedroomed and you have a mix of families and single people living in them. Whether you live on a single floor or two storeys is a matter of choice.

In determining whether it should apply to a site it is reasonable to consider whether there is a satisfactory living environment for children. On this basis I would concur that provision of apartments at Bridge Street/Bridge Lane is not such an environment you would promote for families given the nature of surrounding uses

SCHEDULE A: Applications with Recommendation

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and traffic/road usage in that area. In relation to Infirmary Street I recall the Council's witness raising issues about the amount of space available to the occupiers of the building who were to be provided with little amenity space in relation to the number of apartments. Whilst the final plans for the scheme may still remain with little open space provision it may be considered that you do not wish to see families in that area especially as the scheme included special care provision.

The scheme in Harraby is within an area populated by families and is a suitable living environment for families. It is therefore feasible that families wishing to remain in the area may very well consider an apartment close to their family ties a reasonable proposition. I therefore contend that it is still feasible that 2 bedroomed accommodation can still provide family housing and that this is based on the appropriate locality as well as the size of apartment and so the commuted sum required for public open space should reflect this.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Elizabeth Welsh house	24/01/08	
[REDACTED] 2 Westville	24/01/08	Objection
[REDACTED] 38 Central Avenue	24/01/08	
[REDACTED] 39 Central Avenue	24/01/08	
[REDACTED] 1 Central Avenue	24/01/08	
[REDACTED] 5 Moorhouse Road	24/01/08	
[REDACTED] 4 Westville	24/01/08	Objection
[REDACTED] 6 Westville	24/01/08	
[REDACTED] 8 Westville	24/01/08	
[REDACTED] 10 Westville	24/01/08	Objection
[REDACTED] 12 Westville	24/01/08	
[REDACTED] 14 Westville	24/01/08	
[REDACTED] 1 Pennine Way	24/01/08	
[REDACTED] 1 Argyll Drive	24/01/08	
[REDACTED] 2 Argyll Drive	24/01/08	
[REDACTED] 3 Argyll Drive	24/01/08	
[REDACTED] 4 Argyll Drive	24/01/08	
[REDACTED] 5 Argyll Drive	24/01/08	
[REDACTED] 6 Argyll Drive	24/01/08	
[REDACTED] 7 Argyll Drive	24/01/08	
[REDACTED] 8 Argyll Drive	24/01/08	
[REDACTED] 9 Argyll Drive	24/01/08	
[REDACTED] 10 Argyll Drive	24/01/08	
[REDACTED] 35 Central Avenue	24/01/08	
[REDACTED] 36 Central Avenue	24/01/08	
[REDACTED] 37 Central Avenue	24/01/08	

- 3.1 This application has been advertised in the form of a site notice and by direct notification of the occupiers of 26 neighbouring properties. In response three letters of objection from neighbouring properties have been received.

3.2 The main points of the objections being:

- Loss of a public house which is of historical interest and a community facility
- The indicative drawings / plans suggest 4-storey flats, and the development would overshadow and overlook existing properties on Westville.
- An increase in traffic is a concern
- It is claimed that there is a restrictive covenant on the land, which prevents development on the site.
- The bowling green is 6ft above the level of Westville; the development will reduce the amount of sun entering these properties.
- There is currently a large amount of flats in Carlisle which are stood empty.
- The properties on Westville are going to be flooded with the excess water and surface water from the development.
- The proposed flats are not in the context with the vicinity.
- The proposal will cause overlooking onto the Elizabeth Welsh Home

4. Planning History

- 4.1 In 1990, under application 90/1097, permission was given for the installation of a satellite dish.
- 4.2 In 2003, application 03/0009, permission was given for alterations and an extension to provide a tv lounge.
- 4.3 Of greatest significance, application 07/0921 was received in September 2007 for outline planning permission for the redevelopment of this site for residential development. This application was deferred by committee on two occasions; this application is now the subject of an appeal against non-determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members may recall that the aforementioned previous application for residential development on this site was deferred at the December 2007 committee meeting; the previous application is now the subject of an appeal against non-determination. The applicant has submitted this application in an attempt to secure planning permission without further delay. The applicant has indicated that if this most recent application is approved, the appeal against the previous application will be withdrawn.
- 5.2 The application site, which is approximately 0.51ha, and fronts both Pennine Way and Eastern Way, is located to the immediate north-east of Elizabeth Welsh House (a residential care home for the elderly) and to the south-west of the houses at 1 Pennine Way and 2-14 Westville. The site currently

consists of the Inglewood (PH) and associated facilities in the form of car parking, garden and, remnants of a bowling green. Vehicular access is indicated as being via Pennine Way. On the opposite side of Pennine Way there are the retail units based around Central Avenue and the relatively recent residential development at Argyll Drive.

Background

- 5.3 The application seeks outline permission for the demolition of the existing structures and the re-development of the site for residential purposes, to comprise of 30 No. flats and 11 No. houses. Unlike the previous application (as amended) the number of units has been specified so as to provide the applicant with a level of certainty at the Reserved Matters stage, should outline planning permission be granted.
- 5.4 Following ongoing discussions and negotiations with the applicant and agent, amended (but purely indicative) layout and block plans were submitted on 14 February 2008. It must be borne in mind that this is an outline application with all matters reserved, but the amended indicative drawings and plans have been submitted to illustrate that the proposed number of dwellings can be accommodated on the site without adverse impacts upon the living condition of neighbouring residents, or upon the character and appearance of the area.
- 5.5 Shadow diagrams were also submitted alongside the application to show what the impact would be on those residing in the neighbouring properties on the 21st June and 21st December (the respective dates for the Summer and Winter solstices in 2007) and include a solar study of the worst case scenario for each month.
- 5.6 The illustrative layout plan shows how the site could be developed with vehicular access off Pennine Way by having two terraces/blocks fronting on to Pennine Way and additional buildings arranged in a "U" shape including a centralised courtyard for car parking – see attached plan.
- 5.7 The application is accompanied by a completed Transport Form/Statement, a Design and Access Statement, and the results of a Bat Survey.

The completed Transport Form/Statement highlights six points.

- This is infill development in the existing Harraby residential estate of several thousand dwellings. Traffic generated by the development would gain access to the nearby distributor of Eastern Way by a priority junction at Arnside Road.
- Given that there are over 2500 households in the Harraby Estate the additional traffic from the proposed development passing through the Arnside junction will be less than 5% of existing traffic and, at this level, will not have a significant impact on the adjacent highway network.
- The site is close to the cycle track on Eastern Way, which connects to other routes serving Harraby, and to London Road which has provision for bicycles.

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- The site is close to an existing bus stop which has a frequent service and provides a travel time to the City Centre in the range of 20-30 minutes.
- The site is within walking distance of an infant and junior school and the local technical college.
- No special measures are proposed to influence travel given that the site is close to a bus stop on an existing high frequency bus route; there are bicycle routes close by; and, social and educational facilities are all within walking distance.

5.8 The submitted Design and Access Statement, amongst other things, explains that:

- Although the public house is still in use, the bowling green is derelict and has not been used for a number of years.
- The site is bounded on three sides by a mixture of 2 and 3 storey residential development.
- The site is close to a number of local amenities with a variety of local shops and post office on Central Avenue, St Elizabeth's Church off Arnside Road, the Arroyo (PH) on Silverdale Road, and, local schools.
- The site is generally level from Pennine Way, but is elevated above the adjacent Eastern Way. The site is slightly lower than the adjacent residential care home.
- The primary objectives for developing the site are to provide simple low cost accommodation for a mixture of family and individuals. The recent development of the former Cosmo nightclub (Argyll Drive) has proved extremely successful.
- An element of affordable housing will be included in the development.
- The existing landscaping to the boundary with Eastern Way is to be reinforced so as to improve security and also help reduce traffic noise from the road.
- It is proposed to take a more contemporary approach to the design with the use of self coloured renders, facing brickwork and cedar cladding to the walls with plain tiled mono-pitched overhanging roofs.
- The positioning of the access will require the existing pedestrian refuge island and associated speed cushions on Pennine Way to be relocated in order to form the new access and to retain the existing bus lay-by position.
- The main sewer is located in Pennine Way. The surface water drainage system is to be designed as a Sustainable Urban Drainage System with the hard landscaped car park, footpaths and roads being a permeable paving attenuation system. All roof water drainage will discharge into the same SUDS system.
- The proposal will be designed with crime prevention in mind.

A full inspection survey of the building found no evidence of bats.

5.9 The site is within a Primary Residential Area in both the adopted Carlisle District Local Plan and the emerging Redeposit Version. Both versions of Policy H2 recognise, in the Written Justification, that Primary Residential Areas contain other uses and public houses are identified as one such example. The policy sets a presumption in favour of residential development

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subject to criteria being satisfied and clearly anticipates that the loss of such neighbourhood facilities can be expected to occur.

- 5.10 It is also equally clear from earlier Committee discussions that the protection of such facilities in the rural area of the District, under the terms of Policy EC12, does not apply within the urban area where there is a greater abundance of such facilities. This matter was confirmed to the Committee by the Council's Solicitor and by the Development Control Manager.
- 5.11 No permission is required under the Town and Country Planning Act Procedures to prevent the demolition of the existing public house which is neither listed nor within a Conservation Area.
- 5.12 It is accepted that the retention of an existing public house can be a material planning consideration to be weighed in the balance. Discussion of this issue in "Planning Law: Practice and Precedents" suggests that: "... *The strength of the case for retaining the existing use on Town and Country Planning criteria has to be weighed against lack of substantial objection, if such be the case, to the proposed use.*"
- 5.13 In this case clearly the principle of the proposed use is a component of the Council's own planning policies and the lack of control over the building is such that there is no guarantee that the building and use will be retained. In such circumstances it is not considered that the issue of whether the public house is viable is, in itself, material to the Council's decision. In the event that it is relevant, however, the applicant asserts that the public house is not an economic proposition such that a tenant would be able to achieve a satisfactory return.

Assessment

- 5.14 It is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:
- 1) Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
 - 2) Whether the proposal would be detrimental to the living conditions of neighbouring residents;
 - 3) Whether the proposal would be detrimental to the character of the area;
- and,
- 4) Whether the proposal complies with the policies of the Development Plan with regard to the provision of public open space/play equipment and represents a sustainable form of development.
- 5.15 Policy H5 of the Carlisle District Local Plan (Redeposit draft) establishes the

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required level of affordable housing in proposed residential schemes. The applicant has agreed to comply with the requirements stipulated by the Council's Housing Services i.e. 30% of the total number of units to be social housing. The exact size, tenure and type of these units would be decided in dialogue with the applicant, during the drafting of the required S106 Agreement. The development is nonetheless in complete accordance with Policy H5.

- 5.16 Under the Proposals Map of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft the site is within a designated Primary Residential Area and therefore subject to Policy H2. The aforementioned Policy states that residential development will be acceptable provided that four criteria are met.
- 5.17 None of this relatively modest site provides any existing public open space, and it has no other amenity benefits, with the former bowling green area having evidently been disused for a significant amount of time. The proposal site thereby satisfies the first criterion as it will secure the redevelopment of this partially redundant brownfield site.
- 5.18 The second and third criteria seek to prevent new development adversely affecting the amenity of adjacent residential property. This issue will be considered in more detail below against Local Plan Policy CP5 'Residential Amenity', although it must be borne in mind that this is an outline application only, with all matters reserved for subsequent approval. As such, the only issue for consideration in this regard is whether the site is likely to be capable of satisfactorily accommodating the number of units proposed. Following on from lengthy discussions with the agent and applicant, it has been demonstrated in sufficient detail at this stage that the number of units can indeed be forthcoming without adverse impacts upon the living conditions of neighbouring properties, or indeed upon the character and appearance of the area.
- 5.19 The final criterion of Policy H2 relates to access and parking arrangements. This is an issue for consideration at the Reserved Matters stage, although the indicative layout plan and comments received from the Highways Authority suggest that this should prove to be unproblematic.
- 5.20 When assessing iii) and the impact on the living conditions of neighbouring residents, a subjective judgment has to be made in the context of Policy CP5 of the CDLP 2001-2016 which states that:
- "In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window)...Changes in levels of land and height of development will be taken into account in applying these distances."*
- 5.21 A judgement that is also consistent with not only the treatment of the residents of the Elizabeth Welsh House and Westville but also any other

development proposal subject to Policy CP5; and, that takes account of outlook as well as losses in light and privacy. Any judgment can then be reflected in the imposition of relevant conditions concerning finished heights of any building(s) within specified distances and the required separation distances between primary facing windows whilst taking into account the difference in levels between existing and proposed dwellings.

- 5.22 Following on from lengthy negotiations with the applicant and agent, it has been demonstrated that the site is capable of accommodating the specified number of units in the proposal description, without leading to inevitable harm to living conditions within existing neighbouring properties. It is noted that the properties in Westville are approximately 1.8m lower than the proposal site, and it is therefore appreciated that two residents have raised concerns regarding the potential loss of privacy. Bearing in mind the changes in levels, a separation distance of 21m, as prescribed in Policy CP5, is considered to be insufficient.
- 5.23 This element of the policy is primarily concerned with eliminating the potential for overlooking and loss of privacy, and not to address overshadowing (for which in isolation less separation would be required). As such, the key aim at this outline stage is to ensure that a minimum separation distance is required, taking into account the difference in window height, as this is the fundamental issue when considering potential for overlooking. To this end, it is therefore proposed to impose a condition (to which the applicant is also agreeable) that will require the elevation of the proposed development to be set back from the existing neighbouring dwellings by the sum total of 21m plus an additional distance equal to the difference in window height between the existing and proposed dwellings, when measured from the highest point of the highest windows. In practice, if a two storey block were proposed at reserved matters stage adjacent to the houses on Westville, the required separation distance would be in the region of 22.5 to 23 metres. With this condition in place, the living conditions of all existing residents will be safeguarded.
- 5.24 The final consideration for this application is whether the development would be likely to have a positive, neutral or detrimental impact upon the character of the area. There is only limited scope to consider this matter as this is an outline application with all other matters reserved for subsequent approval. It is possible however to consider the likely basic form and scale of development required to accommodate the total number of units proposed. Indicative block plans and section drawings have been submitted to illustrate the likely scale of development required. These show that along Pennine Way and to the rear of Westville, two-storey units may be the preferred choice, to reflect the scale and type of development already present on these roads.
- 5.25 It is acknowledged that there is more flexibility to increase the height of units along the boundary with Eastern Way, where it would not be immediately adjacent to existing neighbours. The submitted indicative block plans indicate a height of approximately 11.5m would be required – equivalent to a 3 storey block with a pitched roof, or up to four storeys if a more contemporary flat roof

approach was favourable – in order to achieve the proposed number of units. An approximate maximum height in the region of 11m is considered to be appropriate adjacent to Eastern Way, as this road has large verges and is tree lined, softening the impact of any new development. There is a gentle fall on the site, and the indicative block plans and sections suggest that it is entirely possible to follow the gradient and step the development down as appropriate. This scheme also offers the potential to create a high quality building which could contribute to the wider enhancement of the character of Eastern Way.

- 5.26 Although the final scheme may differ significantly from that shown in the indicative drawings, the applicant has successfully demonstrated that the proposed number of units can be accommodated on this site, without unavoidable adverse impacts upon the living conditions of neighbours, or upon the character of the area. Indeed, this proposal may offer the opportunity to enhance the character of the area. As such, this proposal satisfies the requirements of Joint Structure Plan Policy ST3, and Policy CP4 'Design' of the Redeposit CDLP.
- 5.27 The final key issue is concerning public open space provision. Policy LC4 in the Revised Redeposit Local Plan requires provision of open space on housing developments, or the payment of a commuted sum in lieu on smaller sites where on-site provision is unachievable. Following negotiations, the applicant has confirmed willingness to enter into a Section 106 Agreement for the payment of a commuted sum of £70,842, which is the full amount based on the provision of 41 units, in accordance with advice given by the Council's Open Space section.

Conclusion

- 5.28 This application relates to a brownfield site in a sustainable location. There is no policy provision to protect the existing public house from demolition and it is considered that the redevelopment of this site and affordable housing provision outweighs the loss of this local facility. It has also been sufficiently demonstrated at this stage that the number of units proposed can be accommodated on this site without resulting in adverse impacts on the character and appearance of the area, and without raising significant neighbourliness concerns. The proposal is recommended for approval subject to the imposition of relevant conditions.

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

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

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

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

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

3. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to s.106 of the said Act relating to the

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land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide: a) 30% of the total number of residential units will be affordable dwellings to be sold at a 30% market value discount or the equivalent as rental units provided by a Registered Social Landlord;

Reason: In accordance with Policies ST3 and H19 of the Cumbria and Lake District Joint Structure Plan 2001-2016; Policies IM1 and H5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

4. Prior to the first occupation of any dwelling unit hereby permitted a planning obligation pursuant to s.106 of the Town and Country Planning Act 1990 relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide a) the payment of a commuted sum of £70842 with regard to the provision/improvement of off-site of play equipment, play space and public open space; and b) the payment of a commuted sum of £9530 to contribute towards the improvement of the current cycle/pedestrian way leading from Pennine Way to Durrhill Road.

Reason: In accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016; Policies IM1, LC2 and LC4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft); Policies L8 and L9 of the adopted Carlisle District Local Plan 1997.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the site levels specified in drawing number 06010-06, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To safeguard the living conditions of neighbouring residents and the character of the area in accordance with Policies CP4, CP5 and H2 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft), and Policies CP4, CP5 and H2 of the adopted Carlisle District Local Plan 1997

6. All development along the northern boundary of the site adjacent to 2-14 Westville and 1 Pennine Way shall be set back from the aforementioned properties by a minimum distance of 21 metres plus the distance equal to the difference in the height of the highest windows on the existing and proposed dwellings when measured from the highest part of the windows. All separation distances shall otherwise fully accord with the distances between primary facing windows/walls and gable ends as specified in Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

Reason: To safeguard the living conditions of neighbouring residents,

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taking into account the elevated ground level of the proposal site relative to existing properties in accordance with Policies CP4, CP5 and H2 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policies CP4, CP5 and H2 of the adopted Carlisle District Local Plan 1997.

7. All development along the southern boundary of the site adjoining Elizabeth Welsh House shall not have a roof height in excess of 8 metres when measured from the ground level(s) of the application site and shall fully accord with the distances between primary facing windows/walls and gable ends as specified in Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

Reason: To safeguard the living conditions of neighbouring residents and the character of the area in accordance with Policies CP4, CP5 and H2 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policies CP4, CP5 and H2 of the adopted Carlisle District Local Plan 1997.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the works hereby approved.

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 2001-2016 (Revised Redeposit Draft) and Policy H16 of the adopted Carlisle District Local Plan 1997.

9. Prior to the commencement of development there shall be submitted to, and approved in writing by the local planning authority ("the LPA"), a plan and/or program showing the proposed phasing of the development (inclusive of the proposed relocation of the existing pedestrian refuge and associated speed cushions on Pennine Way). The development shall thereafter proceed only in accordance with the approved phasing and/or program or such variation to that plan and/or program as may subsequently be agreed in writing by the LPA.

Reason: To secure in the public interest a satisfactorily correlated order of development in accordance with Policy H4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

10. Adequate underground ducts shall be installed by the developers, in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority, before any of the residential units hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate

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the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the local planning authority.

Reason: To safeguard the character of the area in accordance with Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policy H16 of the adopted Carlisle District Local Plan 1997.

11. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes in accordance with details submitted to and approved beforehand by the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the character of the area in accordance with Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policy H16 of the adopted Carlisle District Local Plan 1997.

12. The access onto Pennine Way, carriageway, footways and footpaths in respect of each phase of the development (inclusive of the proposed relocation of the existing pedestrian refuge and associated speed cushions on Pennine Way) 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 in respect of each phase. No work shall be commenced in respect of each phase until a full specification has been approved in respect of that phase. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7.

13. Pedestrian crossing facilities shall be provided on each side of every junction throughout the development in accordance with the DETR's publication "Guidance on the use of Tactile Paving Surfaces". Details of all such crossing facilities shall be submitted to and approved in writing by the local planning authority before the commencement of development. All details so approved shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the completion (by the plastering out) of the final residential unit of that phase of the development as specified in the phasing plan and/or programme required to be submitted by condition 8.

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Reason: In the interests of pedestrian safety in accordance with Local Transport Plan Policies S3, LD12, and, LD7.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

15. No residential unit hereby approved shall be occupied until the estate road to serve such unit has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed and constructed to the satisfaction of the Local Planning Authority and in accordance with Local Transport Plan Policies LD7 and LD8.

16. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policy H17 of the adopted Carlisle District Local Plan 1997.

17. Before any residential unit is occupied its associated cycle/bin store and off-street parking space(s)/garage shall be provided together with vehicular access thereto in accordance with the approved plans. The garage/parking space(s) shall be used for no other purpose without the prior approval of the Local Planning Authority.

Reason: To ensure that the proposed residential units are provided with parking and garage space and cycle/bin storage facilities to comply with Policies CP8 and T1 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

18. The development shall be landscaped in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and, shall include details of any regrading/engineering of slopes and the proposed

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type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft), and Policies E19 and H16 of the adopted Carlisle District Local Plan 1997.

19. All works comprised in the approved details of landscaping for the constituent phases of development shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following the completion of that phase of the development, as specified in the phasing plan and/or programme required to be submitted by condition 2.

Any trees, hedgerows, shrubs or ground cover planting shown to be retained or planted within the relevant landscaping scheme for the constituent phase which, within 5 years of completion of that phase, die or are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft), and Policies E19 and H16 of the adopted Carlisle District Local Plan 1997.

20. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the Local Planning Authority in respect of each phase of the development prior to the commencement of that phase of the development hereby permitted.

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 2001-2016 (Revised Redeposit Draft) and Policy H16 of the adopted Carlisle District Local Plan (1997).

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

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 2001-2016 (Revised Redeposit Draft) and Policy H16 of the adopted Carlisle District Local Plan 1997.

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22. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the works hereby approved.

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 2001-2016 (Revised Redeposit Draft) and Policy H16 of the adopted Carlisle District Local Plan 1997.

23. Details of the heights of the proposed finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area, safeguards the character of the area and living conditions of neighbouring residents in accordance with the objectives of Policies CP4, CP5 and H2 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policies CP4, CP5 and H2 of the adopted Carlisle District Local Plan 1997.

24. No development approved by this permission shall be commenced until:
- a) a Drainage Impact Assessment (inclusive of pre and post development run-off rates for a range of annual flow rate possibilities up to and including the 1% annual probability of occurrence scheme and, sustainable urban drainage methods) for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority;
 - and,
 - b) a scheme for the provision of surface water drainage works (based on the aforementioned Drainage Impact Assessment) has been approved in writing by the Local Planning Authority.
- No residential unit hereby permitted shall be occupied until its surface water drainage system has been constructed and completed in accordance with the approved scheme/plans.

Reason: To ensure a satisfactory means of surface water disposal in accordance with Policy CP11 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policy E22 of the adopted Carlisle District Local Plan 1997.

25. No residential unit hereby permitted shall be occupied until its foul drainage system is connected to a public sewer in accordance with details to be submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available in accordance with Policy CP11 of the Carlisle District Local Plan

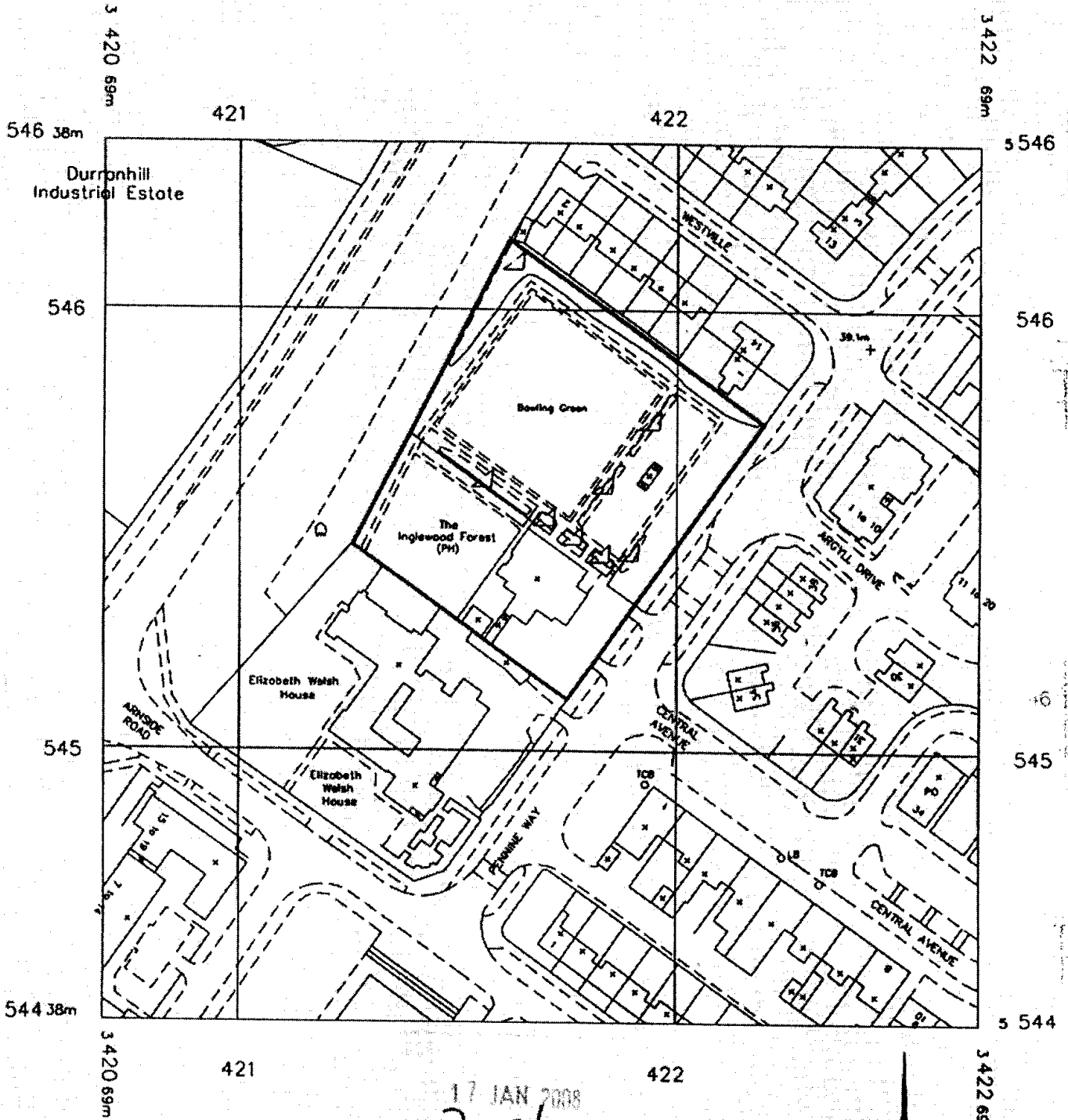
SCHEDULE A: Applications with Recommendation

08/0052

2001-2016 (Revised Redeposit Draft) and Policy E22 of the Carlisle District Local Plan.

26. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment and cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution in accordance with Policy LE30 Policy of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).



17 JAN 2008
2008/0052

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Revision
Revision Date Description

Revised by

ARCHITECTS *a+*
PLUS

Project
The Inglewood,
Pennine Way, Carlisle.

Drawing
LOCATION PLAN

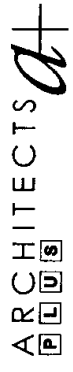
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1:1250	Aug 07	DB	E01	06010-00

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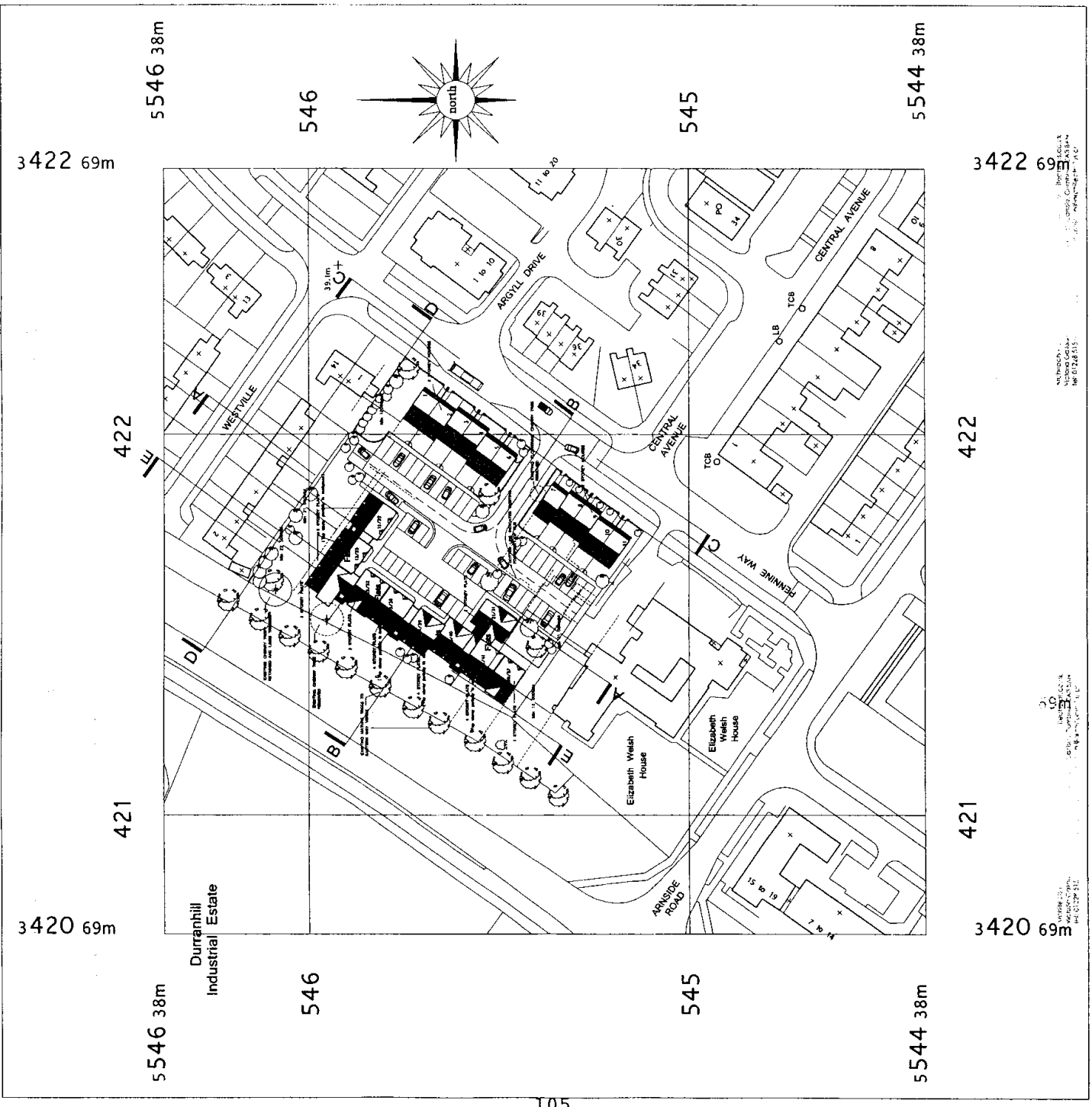
Architects Plus (UK) Limited
Victoria Coleridge, Victoria House, Victoria Road, Carlisle, Cumbria, CA3 8AH
tel: 01228 515144
fax: 01228 515033
Registered in England No. 4221140
email: aplus@architectsplus.co.uk
www: www.architectsplus.co.uk

Units 1-11	Houses - 2 storey
2B/3P	Units 2,3,4,5,7&11
	Floor area 73.75m ²
3B/5P	Houses - 2 storey
	Units 1,6,8,9&10
	Floor area 76.25m ²
Units 12-41	
2B/3P	Flats
	Floor area 58m ²
2 Storey Flats	
	Units 12,13,14,21,22,
	23,24,31 (8 units)
	Floor area 58m ²
3 Storey Flats	
	Units 15,20,25,30,32,37
	(6 units)
	Floor area 58m ²
4 Storey Flats	
	Units 16,17,18,19,26,27,
	28,29,33,34,35,36
	38,39,40,41 (16 units)
	Floor area 58m ²

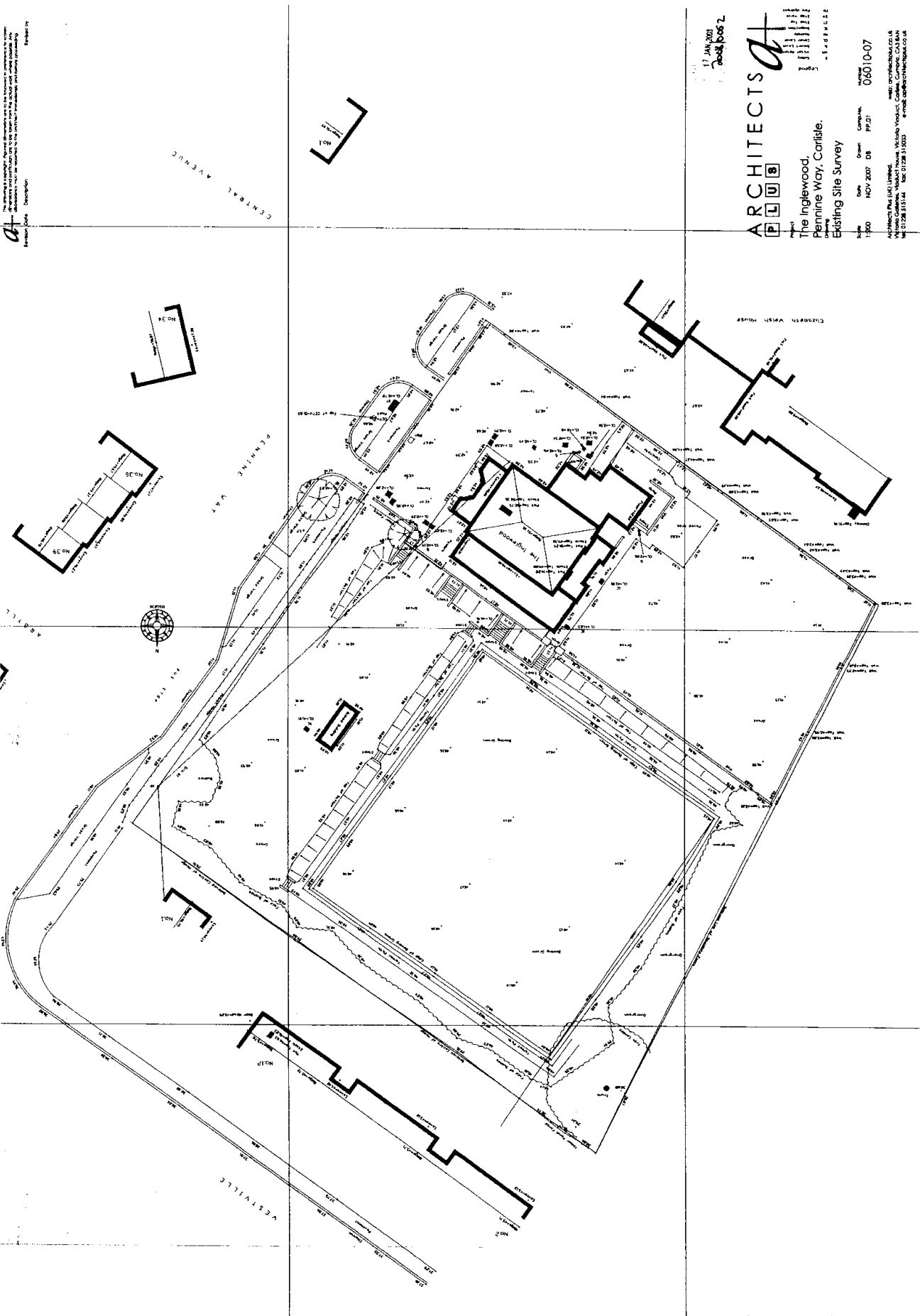
LANDSCAPING AND BOUNDARIES
 EXISTING TREES
 The flowering Cherry and the multi-stemmed Cherry tree both as shown on the site plan are to be retained. The flowering Cherry to N.W. boundary of the site is to be retained. The multi-stemmed Cherry tree is to be retained. The flowering Cherry tree to be retained is to be retained. The flowering Cherry tree to be retained is to be retained. The flowering Cherry tree to be retained is to be retained.



Project:
 The Ingleswood,
 Pennine Way, Carlisle.
 Drawing:
 PROPOSED RESIDENTIAL DEVELOPMENT
 SITE LAYOUT
 Scale:
 1:500
 Date:
 JAN 2008
 DB
 Comp. No.
 PP 04
 Number
 06010-08A
 ARCHITECTS ALU LIMITED,
 10000 Gables, Victoria Road, Carlisle, Cumbria, CA3 8AN
 Tel: 01276 51014 Fax: 01276 51005
 Email: alu@architectsalu.co.uk




Architects' Plans shall be prepared by the Architect and shall be subject to the approval of the Local Planning Authority. The Architect shall be responsible for the accuracy of the information provided and shall be liable for any errors or omissions. The Architect shall not be responsible for any errors or omissions by the Local Planning Authority or any other third party.

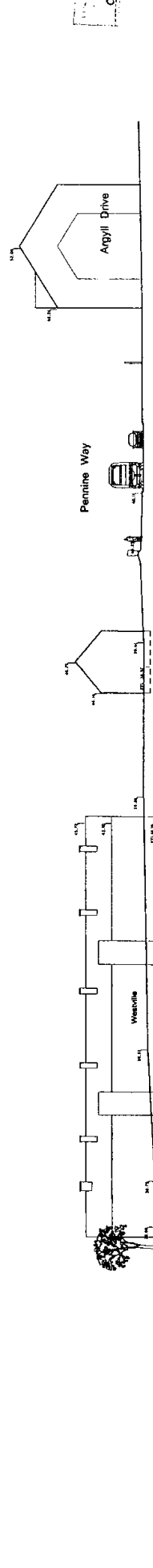
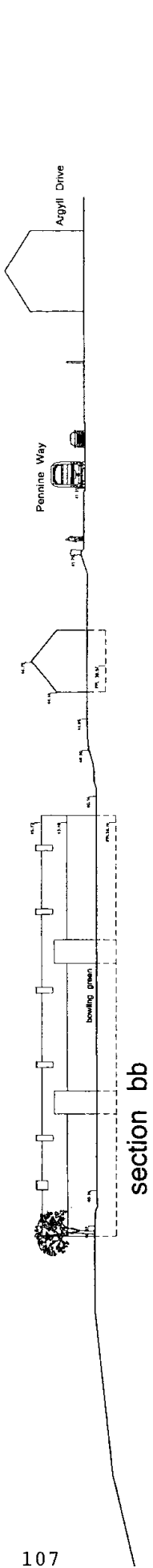
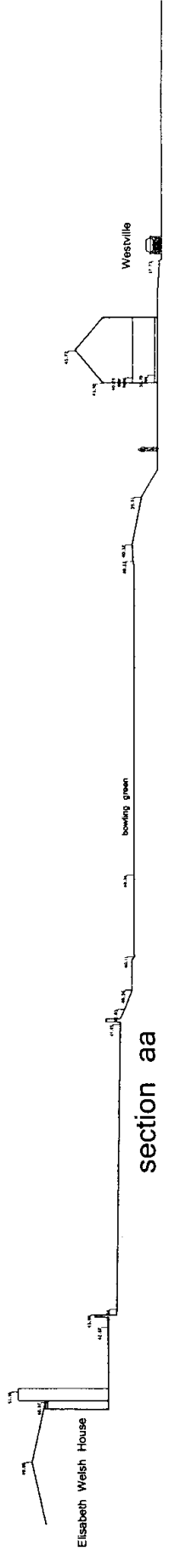
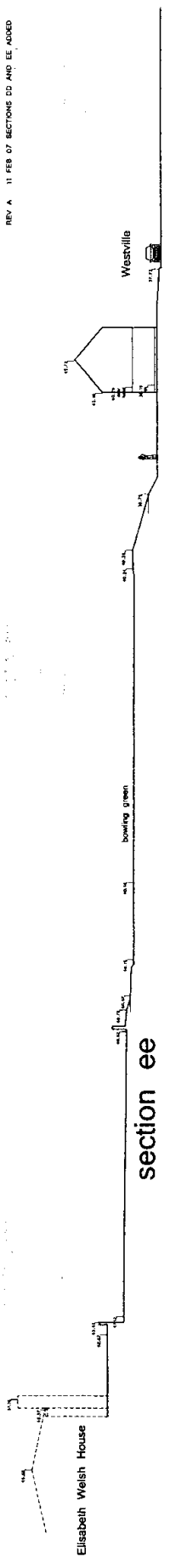


17 JAN 2011
 0601007
ARCHITECTS
 The Ingleswood,
 Pennine Way, Carlisle.
 Existing Site Survey
 Date: 17 NOV 2010
 Drawn: DB
 Checked: PPT
 Project: 06010-07
 Architects PPL (UK) LIMITED
 Victoria Cottage, Victoria Works, Victoria Road, Carlisle, Cumbria, CA1 1BA
 Tel: 01273 813144 Fax: 01273 813133 Email: carlisle@architectspp.com


Printed and prepared by the Architect. Scale 1:500


 No liability is accepted for any errors or omissions in the drawings or specifications unless it is shown that the architect has been negligent in the preparation of the drawings or specifications. Any discrepancy shall be referred to the architect.

Revision Date Description
 REV A 11 FEB 07 SECTIONS DD AND EE ADDED DB




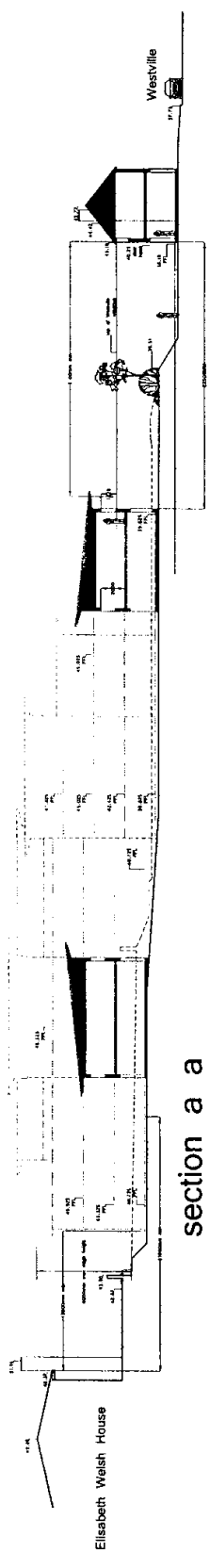
Existing site sections

ARCHITECTS 
P L U S

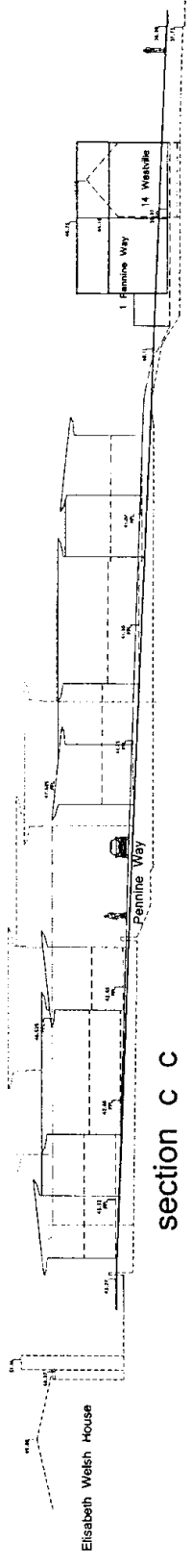
Project
 The Inglewood,
 Pennine Way, Carlisle.
 Drawing
 Existing Site Sections

Scale 1:200 Date NOV 2007 DB
 Contd No. PP.01
 No. 0610-05A
 Architects Plus (UK) Limited,
 160-162, Colindale Avenue, Colindale, London, N9 9TA
 Tel: 020 8351 2323 Fax: 020 8351 2324
 www.architectsplus.co.uk
 Architects Plus (USA) Limited,
 160-162, Colindale Avenue, Colindale, London, N9 9TA
 Tel: 020 8351 2323 Fax: 020 8351 2324


 The drawings, copyright, planning, elevations are to be followed in preference to other documents and provisions are to be taken from the contract work unless possible. Any amendments to the drawings shall be made by the architect's instructions and shall be signed by the architect.



section a a





section c c



section b b

08|0052

ARCHITECTS 



Project
 The Inglewood,
 Pennine Way, Carlisle.
 Drawing
 Proposed Site Sections

Scale: 1:200
 Date: NOV 2007
 Drawn: DB
 Checked: PFD
 No: 06010-068

ARCHITECTS PLUS LIMITED
 Victoria Gardens, Woodset House, Victoria Road
 LE12 2B 5JL, Leicester, Leicestershire, UK
 Tel: 01228 315114 Fax: 01228 315031
www.architectsplus.co.uk

SCHEDULE A: Applications with Recommendation

08/0068

Item No: 06

Date of Committee: 07/03/2008

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:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as the occupiers of the neighbouring property '66 Brampton Road' has exercised the right to speak.

1. Constraints and Planning Policies

District H14 - Extensions to Dwellings

District H16 - Design Considerations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

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

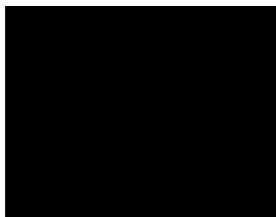
2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the proposed development as it is considered that the existing driveway provides adequate in-curtilage parking facility;

Northern Gas Networks: no objection. There may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promotor of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	19 Croft Road	30/01/08
	21 Croft Road	30/01/08
	165 Brampton Road	30/01/08
	167 Brampton Road	30/01/08
	169 Brampton Road	30/01/08
	66 Brampton Road	30/01/08
	70 Brampton Road	30/01/08

Objection

- 3.1 This application has been advertised by notification letters sent to seven neighbouring properties. There has been one verbal objection and one formal written objection from the occupiers of the neighbouring property 66 Brampton Road who have objected to the proposed development on the grounds of loss of view, loss of light and concerns that the proposed development is disproportionate to the size of the plot and is not inkeeping with similar properties on Brampton Road.

4. Planning History

- 4.1 There is no relevant planning history on this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks approval for a two storey side extension to provide a garage, utility and kitchen on ground floor with an en-suite bedroom above, a single storey rear extension to provide a breakfast room, and a first floor rear extension to provide extended bedrooms at 68 Brampton Road, Carlisle. The property is a two storey semi-detached dwelling constructed from brick/render walls under a slate roof and is surrounded to the north-east, south-east and south-west by two storey houses.

Background

- 5.2 The proposed side extension has a length that varies from 7.6 metres to 11.8 metres, a width that varies from 3.5 metres to 3.8 metres and a total ridge height of 7.9 metres. The proposed rear extension has a total length of 4.2 metres, a width of 4.7 metres and a total ridge height of 4.4 metres. The first floor extension to the rear has a total length of 3.6 metres, a width of 6.75 metres and a total ridge height of 7.7 metres. All of the proposed extensions will be constructed from materials to match those of the existing dwelling.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies H14 and H16 of the Carlisle District Local Plan together with Policies CP4, CP5 and H11 of the Carlisle District Local Plan Revised Redeposit Draft.
- 5.4 Paragraph 29 of PPS1 identifies that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. PPS 1 continues "it can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and building which ought to be protected in the public interest." Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured, for example, it might be material to consider the question of 'overlooking' or loss of privacy experienced by a particular resident".
- 5.5 In effect, there is no reason why the loss of amenity suffered by occupiers of a single dwelling (which may be a step in the degradation of a residential area) cannot be considered as a material planning consideration. For this reason it is normally accepted that there is no private right to a view that the planning system should protect. However, the loss of a view from a public vantage point is a material consideration.
- 5.6 In line with the forgoing it is felt that the two fundamental issues are: 1) whether the proposal can be considered detrimental to the amenity of neighbours; and, 2) whether the proposal is appropriate to the dwelling.
1. The Impact Of The Proposal On The Living Conditions Of The Neighbouring Residents
- 5.7 The proposed side and rear extensions will have no windows located on the north-east elevations. The property located to the north-east of the application site (70 Brampton Road) has four windows located on the gable of the property. The ground floor windows are obscurely glazed and the first floor windows serve a landing and a bedroom. It is noted that this bedroom is also served by a larger window to the front of the property in such

circumstances the bedroom window to the gable is not designated as a primary window. Furthermore there is a 1.2 metre (approx) high fence and shrubbery delineating the north-eastern boundary of the application site. In such circumstances and in relation to the aforementioned matters it is considered that the proposed development will not adversely affect the occupiers of the property situated to the north-east of the application site by overlooking, loss of light or over dominance.

- 5.8 Furthermore the windows to the front elevation of the side extension and the windows to the south-east elevation of the rear extensions comply with the minimum distances required under the emerging Carlisle District Local Plan. In such circumstances it is considered the proposed development will not adversely affect the amenities of the occupiers of the residential dwellings situated to north-west and south-east of the application site through overlooking, loss of light or over dominance.
- 5.9 The occupiers of the neighbouring property "66 Brampton Road" have objected to the proposed development on the grounds that the development will cause loss of light to their property. In relation to the aforementioned matters it is noted that the first floor extension to the rear of 68 Brampton Road will be located directly on the boundary between 66 and 68 Brampton Road and will project 3.6 metres from the dwelling. Even though the extension projects 3.6 metres from the dwelling it is noted that the proposed extension is south-east facing. In this regard it is accepted that a degree of additional overshadowing and loss of sunlight will result particularly in the early morning; however, in this case, it is considered not to represent issues to a level sufficient to refuse the application on this basis.
- 5.10 Furthermore the single storey rear extension to provide a breakfast room has windows situated on the south-west elevation. This extension is situated 5.25 metres from the boundary of the neighbouring property 66 Brampton Road. There is a 1 metre (approx) high fence delineating the boundary between the two properties and the windows in the south-west elevation will not directly face any of the neighbouring properties windows. In such circumstances it is considered that the proposed single storey rear extension will not adversely affect the occupiers of 66 Brampton Road through poor design, over looking or loss of light.
- 5.11 The objectors have also raised concerns verbally regarding loss of view to their property, however this is not considered to be a material planning objection.

2. Whether The Proposal Is Appropriate To The Dwelling

- 5.12 The occupiers of 66 Brampton Road have also raised concerns that the proposed development is disproportionate to the size of the plot and is not in keeping with similar properties on Brampton Road.
- 5.13 Brampton Road consists of a mixture of house types which have similar side and rear extensions. In this respect it is considered that the proposed

SCHEDULE A: Applications with Recommendation

08/0068

extension would not appear obtrusive or incongruous within the street scene.

- 5.14 The proposed extension complements the existing dwelling in terms of its design and materials to be used. Whilst the proposal is large in terms of its scale it is not considered that the development is excessive or that the extension dominates the original dwelling. The extension would be constructed from materials to match the existing dwelling. It is considered that the proposed extensions would complement the existing dwelling in terms of design and materials to be used.

Conclusion

- 5.15 Members are thus in the position of having to make a choice between the wishes of the applicant and the objections by the neighbouring residents. In considering the proposal the principal judgement that Members have to make is whether, bearing in mind all the relevant factors relating to light and design, the proposal will lead to either a significant reduction in the level of living conditions that any occupier of an adjoining property could reasonably expect to enjoy, or, be detrimental to the character of the area. In relation to the first issue it is considered that any perceived over dominance from the first floor extension to the rear of 68 Brampton Road and additional overshadowing/loss of light experienced by the residents of 66 Brampton Road are not of such a significance or scale as to warrant refusal of permission.
- 5.16 It is also considered that the proposal will not harm the character and appearance of the area. The scale of the proposed extensions are 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.
- 5.17 In conclusion the rights of the objectors are respected but in overall terms the proposal is neither considered detrimental to the living conditions of the neighbouring residents nor detrimental to the character of the area sufficient to warrant refusal.

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

SCHEDULE A: Applications with Recommendation

08/0068

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 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the south-west 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.



l i m i t e d

15 Brunswick Street

Carlisle CA1 1PB

Tel: 01228 521887

Fax: 01228 818582

mail@htgl.demon.co.uk



Client:
Mr B Nuttal

Project:
68 Brampton Road
Carlisle

Title:
Site Location Plan

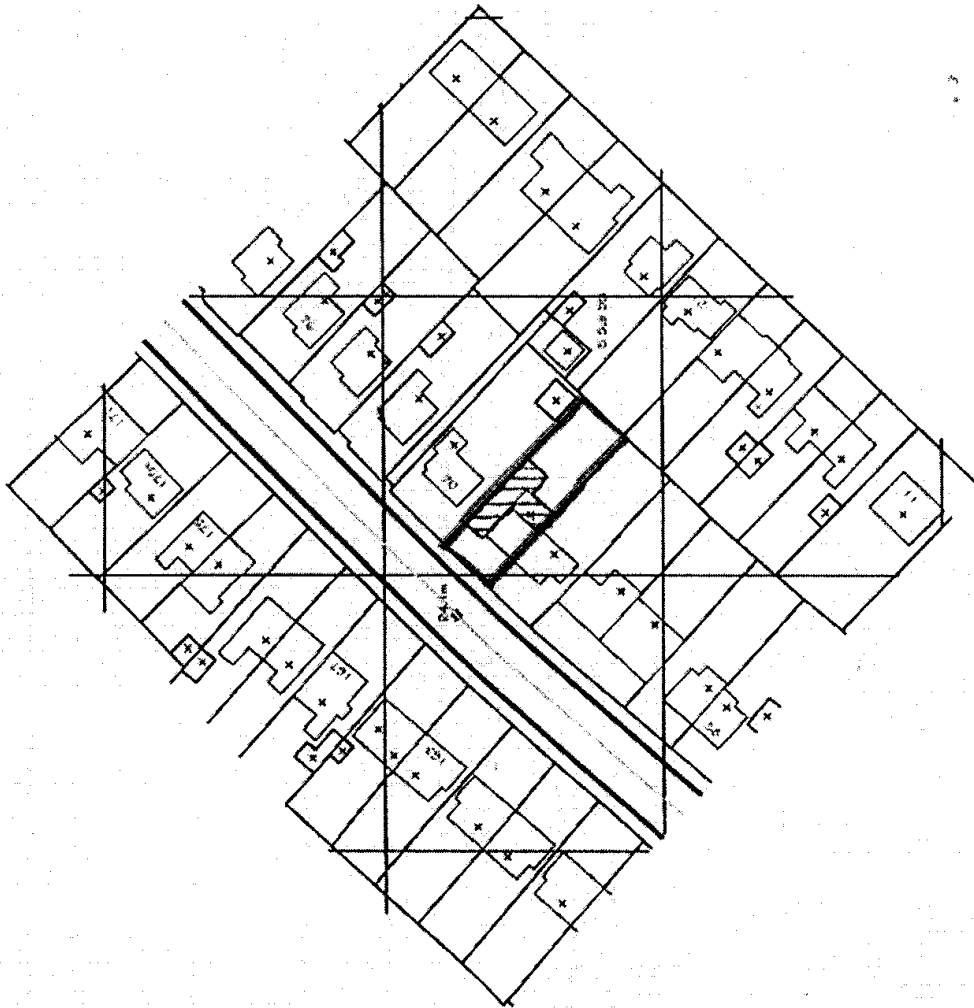
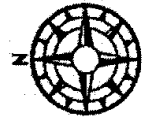
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Date: 01/05

Scale: 1:1250

DRAWING No.

1927.06



HTGL ARCHITECTS
21 JAN 2008
2008/0068

Site Location Plan

HTGL ARCHITECTS

L i m i t e d

15 Brunswick Street

Carlisle CA1 1PB

Tel: 01228 521887

Fax: 01228 818582

mail@htgl.demon.co.uk



Client:
Mr B Nuttal

Project:
65 Brampton Road
Carlisle

Title:
Location Plan

Drawn: JEC

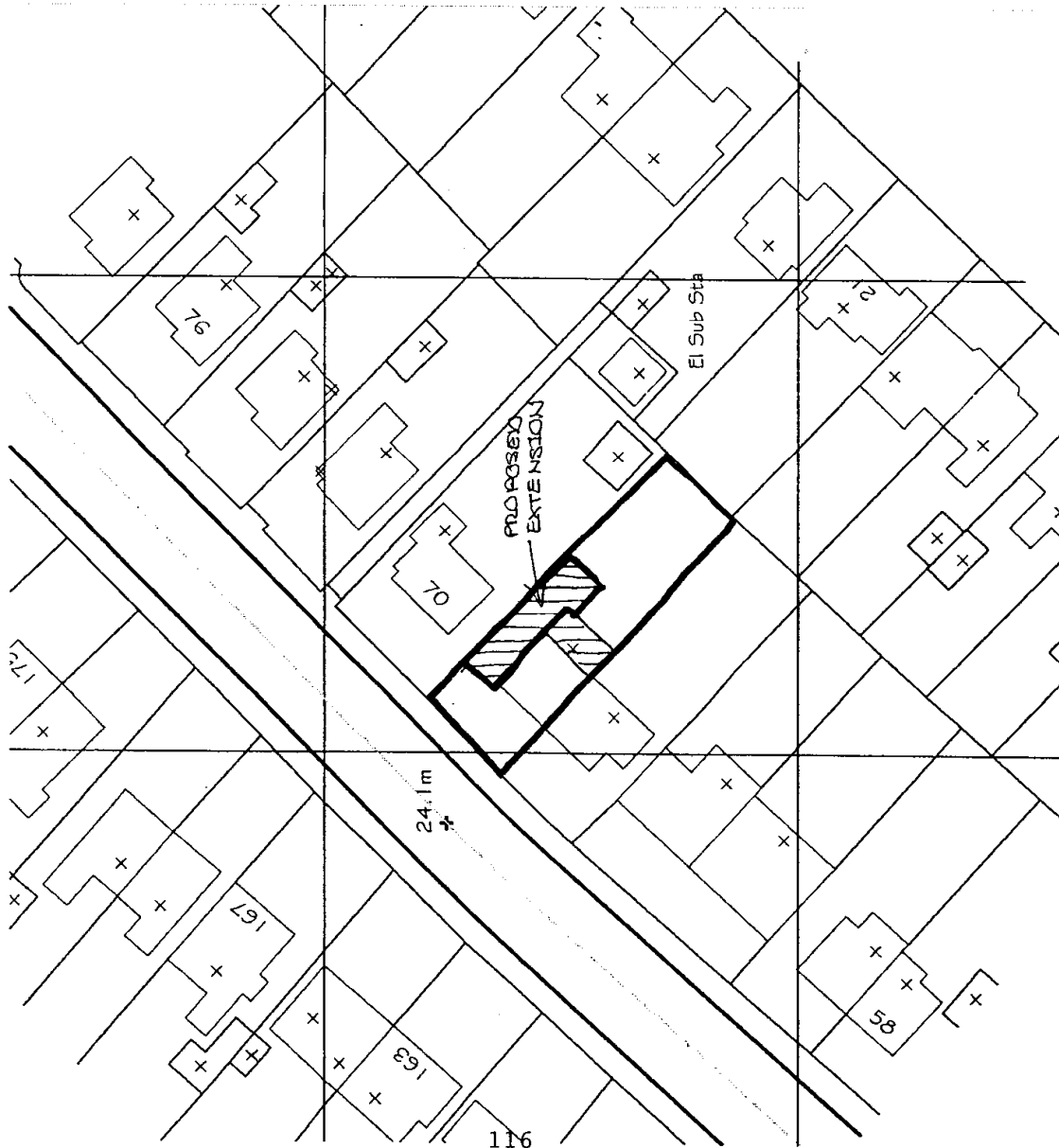
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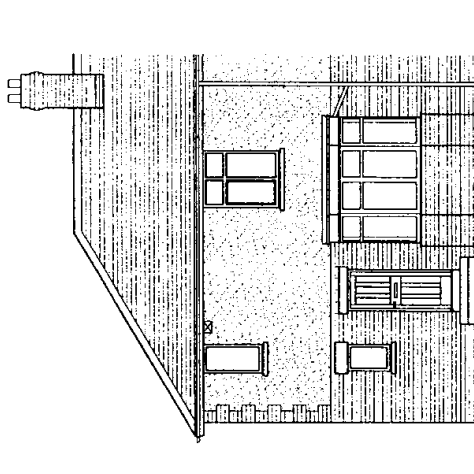
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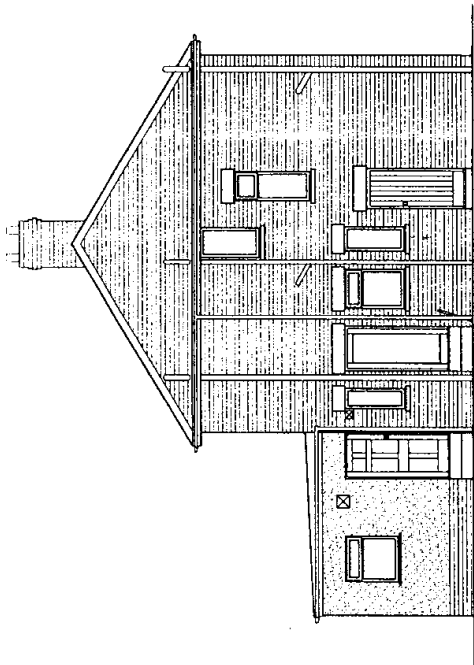
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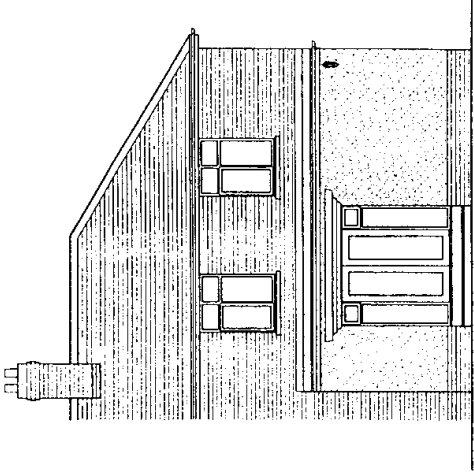
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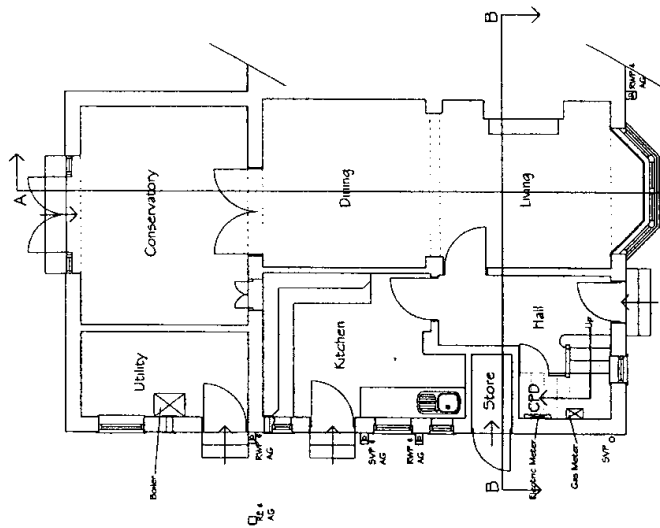
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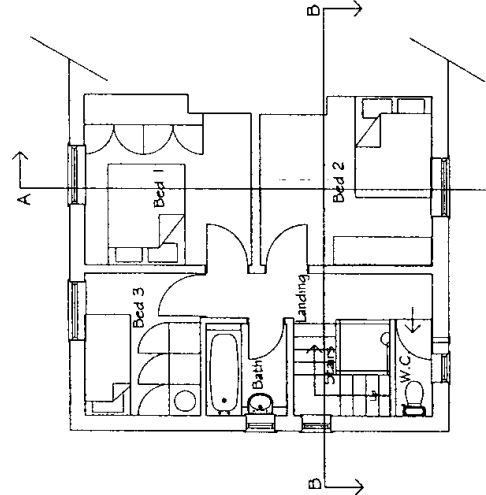
Side Elevation



Rear Elevation



Ground Floor



First Floor

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ARCHITECTS
I L I M I T E D

15 Brunswick Street
Carlisle CA1 1PB
Tel: 01228 521887
Fax: 01228 818582
mail@htgl.demon.co.uk

Client: Mr D Huxford

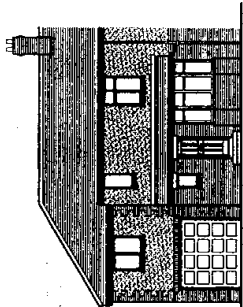
Project: 60 Drampston Road
Carlisle

TITLE: Plans & Elevations AS Enabling

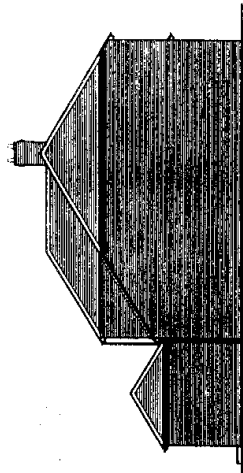
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Date: 24 JAN 2008
Scale: 1:50

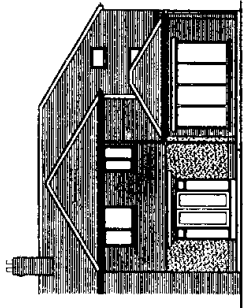
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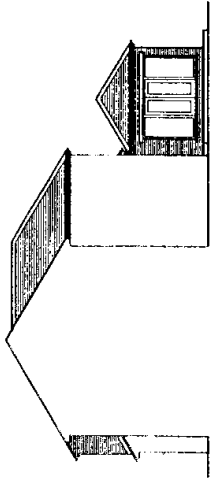
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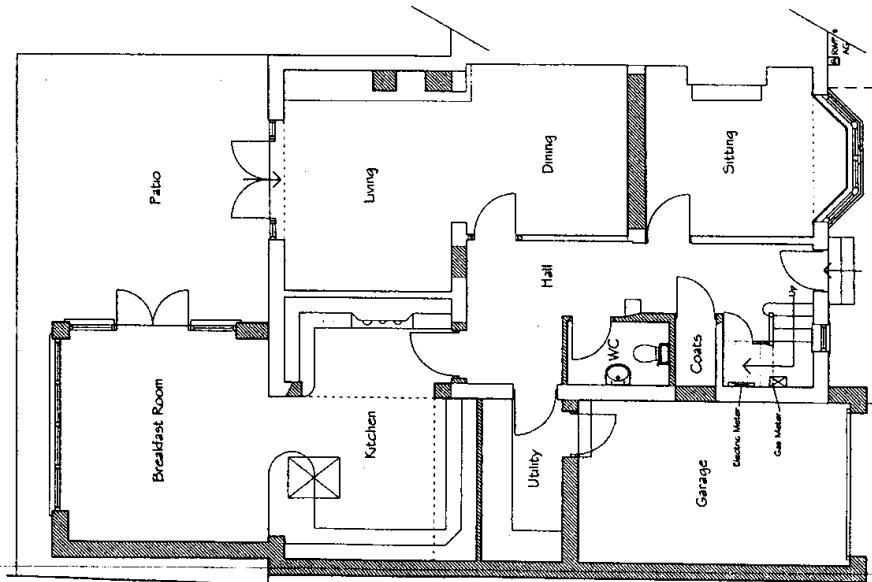
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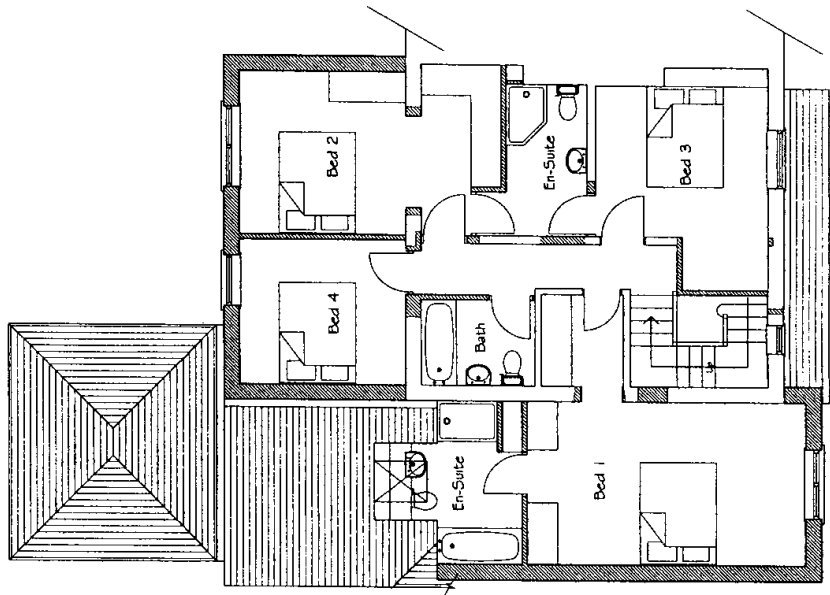
Rear Elevation



Side Elevation



Ground Floor



First Floor

MATERIALS

- Brickwork: To match existing.
- Render: White rough cast to match existing.
- Roof Finish: Slates to match existing.
- Windows & Doors: White UPVC to match existing.
- Rainwater Goods: Black UPVC.



l i m i t e d
 15 Brunswick Street
 Carlisle CA1 1PB
 Tel: 01228 221887
 Fax: 01228 818582
 mail@htgl-darwin.co.uk



Client: Mr B Nuttal
 Project: 60 Drumpion Road
 Carlisle
 Title: Plans & Elevations As Proposed

Drawn: JCC
 Date: 11/07
 Scale: 1:50 & 1:100

ISSUED
 21 JAN 2008
 008 0085
 DRAWING No: 100704

08_0068 68 Brampton Road, Carlisle 03 31.01.2008.jpg



08_0068 68 Brampton Road, Carlisle 02 31.01.2008.jpg



08_0068 68 Brampton Road, Carlisle 01 31.01.2008.jpg



08_0068 68 Brampton Road, Carlisle 03 07.02.2008.jpg



08_0068 68 Brampton Road, Carlisle 02 07.02.2008.jpg



08_0068 68 Brampton Road, Carlisle 01 07.02.2008.jpg



SCHEDULE A: Applications with Recommendation

07/1362

Item No: 07

Date of Committee: 07/03/2008

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 55258

Proposal: Change Of Use From Industrial (B2) To Residential Development (C3)
Comprising 54 No. 2 And 3 Bedroom Apartments And Townhouses And
370m² Of Commercial Space (Class A1 & A2 Use) (Resubmission)

Amendment:

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.

SCHEDULE A: Applications with Recommendation

07/1362

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 not too happy 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. The applicant needs to refer 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:-

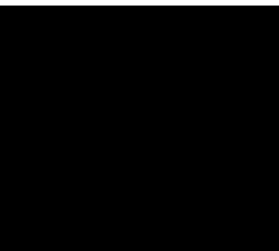
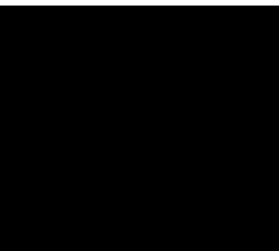
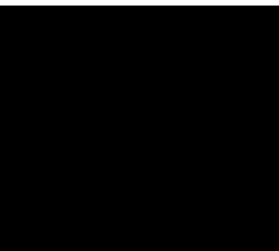
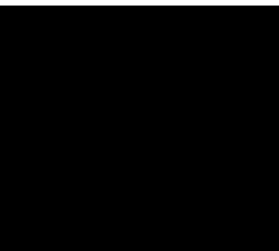
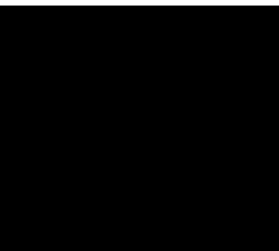
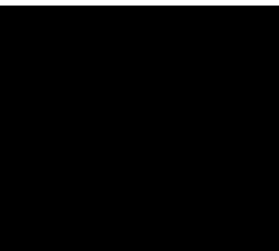
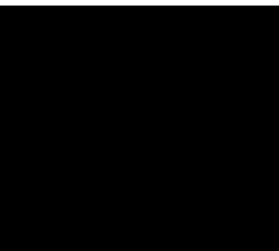
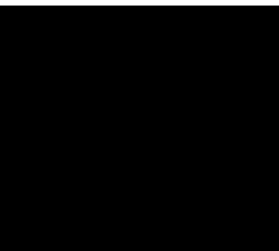
- A better mix would be a few 500 sq. ft. units, the majority 750 sq. ft. units and then a couple of 1,000 sq. ft. units.
- There is a high demand for industrial 'starter' units in the Denton Holme area.
- £50 per sq. ft. would be a more appropriate build cost.
- There is a contradiction in the report 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.

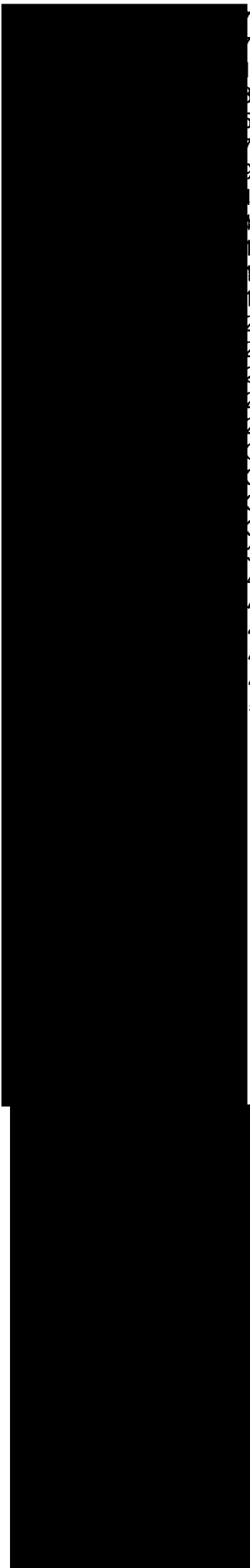
3. Summary of Representations

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

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6 Collingwood Street	10/01/08
8 Collingwood Street	10/01/08
Collingwood Street	10/01/08
3 Collingwood Street	10/01/08
5 Collingwood Street	10/01/08
7 Collingwood Street	10/01/08
9 Collingwood Street	10/01/08
11 Collingwood Street	10/01/08
13 Collingwood Street	10/01/08
15 Collingwood Street	10/01/08
17 Collingwood Street	10/01/08
19 Collingwood Street	10/01/08
21 Collingwood Street	10/01/08
23 Collingwood Street	10/01/08
25 Collingwood Street	10/01/08
27 Collingwood Street	10/01/08
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43 Collingwood Street	10/01/08
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65 Collingwood Street	10/01/08
67 Collingwood Street	10/01/08
69 Collingwood Street	10/01/08
71 Collingwood Street	10/01/08
73 Collingwood Street	10/01/08
1 Blencowe Street	10/01/08
3 Blencowe Street	10/01/08
5 Blencowe Street	10/01/08
7 Blencowe Street	10/01/08
9 Blencowe Street	10/01/08
11 Blencowe Street	10/01/08
13 Blencowe Street	10/01/08
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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
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77 Denton Street	10/01/08
79 Denton Street	10/01/08
81 Denton Street	10/01/08
83 Denton Street	10/01/08
85 Denton Street	10/01/08

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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]	D.R. Engineering, Porters Yard	10/01/08	
[REDACTED]	, Lappet Manufacturing Company Ltd	10/01/08	
[REDACTED]	Cumbria Chamber of Commerce &	10/01/08	
[REDACTED]	Industry		
[REDACTED]	6 Collingwood Street	10/01/08	
[REDACTED]	8 Collingwood Street	10/01/08	
[REDACTED]	10 Collingwood Street	10/01/08	
[REDACTED]	12 Collingwood Street	10/01/08	
[REDACTED]	14 Collingwood Street	10/01/08	
[REDACTED]	16 Collingwood Street	10/01/08	
[REDACTED]	18 Collingwood Street	10/01/08	
[REDACTED]	20 Collingwood Street	10/01/08	
[REDACTED]	22 Collingwood Street	10/01/08	
[REDACTED]	24 Collingwood Street	10/01/08	
[REDACTED]	36 Collingwood Street	10/01/08	
[REDACTED]	38 Collingwood Street	10/01/08	
[REDACTED]	40 Collingwood Street	10/01/08	
[REDACTED]	42 Collingwood Street	10/01/08	
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[REDACTED]	46 Collingwood Street	10/01/08	
[REDACTED]	48 Collingwood Street	10/01/08	
[REDACTED]	50 Collingwood Street	10/01/08	
[REDACTED]	52 Collingwood Street	10/01/08	
[REDACTED]	54 Collingwood Street	10/01/08	
[REDACTED]	56 Collingwood Street	10/01/08	
[REDACTED]	58 Collingwood Street	10/01/08	
[REDACTED]	60 Collingwood Street	10/01/08	
[REDACTED]	62 Collingwood Street	10/01/08	
[REDACTED]	.td, 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.

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 1 no 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.
- 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 are 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

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Redeposit Draft as a Primary Employment Area allocation.

Background

- 5.6 The current application seeks outline permission for 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.
- 5.7 As this is an outline application only, all matters are reserved except for layout and access. Indicative elevations have been submitted which suggest that the majority of apartments and townhouses would be three-storeys in height, with 4 storeys proposed along the Denton Street frontage, in order to achieve this proposed density.
- 5.8 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.
- 5.9 Access to the site is proposed from two points, from Collingwood Street and from Blencowe Street.
- 5.10 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

- 5.11 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 issues. 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 allocation for employment use in the current Local Plan, and, proximity to commercial uses;
 - ii) Whether the proposal is appropriate in the 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;

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- 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) Whether any development on this site would be inappropriate at this time as the site may be suitable for the proposed inner ring road development.
- 5.12 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.
- 5.13 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's; 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).
- 5.14 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.
- 5.15 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, and so there is no justification whatsoever for permitting the loss of this employment site for a residential development.
- 5.16 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. 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. Furthermore, the submitted information gives no indication of what guide price was placed upon the site, and so it may have been set unrealistically high for such a use. The appraisal states that there were 4 interested parties who showed an interest in developing the site for employment purposes. Although no offers were forthcoming from these parties, this indicates that there is potential demand

for this site in line with its allocation.

- 5.17 A second important consideration is in relation to the anticipated build costs for a mixture of B2 and B8 units. The appraisal assumes build costs of approximately 753 per square metre; experience suggests that this figure is excessive for employment units of this nature, bearing in mind that a standard two-storey house in the North West would typically have a build cost of around £740 per square metre. Units for B2 and B8 units are invariably basic structures, and relatively quick and simple to construct, keeping build costs relatively low at around £500 per square metre. Costs on acquisition are more likely to be nearer 4% than 5%, and there is a contradiction within the application, as the valuer's client states that no remediation is necessary, yet a figure of £30,000 has been included. Critically also, the Council's Property Services Section has confirmed that there is a high demand for industrial 'starter' units in the Denton Holme area. With the above points in mind, the reliability of the submitted Marketing Report & Valuation Appraisal is in doubt.
- 5.18 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 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.
- 5.19 In conclusion, it is considered that the principle of this development is unsound and the applicant has failed to conclusively 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 (Redeposit) Policy EC1.
- 5.20 The site is also considered to be inappropriate for residential development due to the proximity of a number of proposed units to existing noise-generating commercial / industrial premises immediately adjacent to the northern boundary, which operate on a 24hr basis. A noise assessment has been submitted alongside the application, which also sets out recommended mitigation measures. Although it is claimed that internally the noise could be controlled with the use of acoustic insulation, this assumes that all windows are closed, which, regardless of the effectiveness of passive ventilation, seems an unreasonable assumption. Of course, no mitigation is available to reduce the noise levels experienced in the domestic curtilages that would back onto the northern boundary, and so the living conditions experienced by prospective residents would be adversely affected.
- 5.21 In relation to issue (ii), 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

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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.

- 5.22 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 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.
- 5.23 The fourth key issue is to consider whether the proposal would be detrimental to the amenities of neighbouring residents. Policy CP5 of the 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. It is clear from the submitted layout plan that the proposals fall significantly below the required separation distances.
- 5.24 For example, the proposed three-storey townhouses immediately behind No's 36 - 44 Collingwood Street are just 10 metres from the rear elevation of the existing dwellings. The Design & Access Statement suggests that the proposed development would improve the amenity of these residents; whilst the majority of the existing properties do not have any primary windows at first floor level, a three storey structure in the position proposed would have a significant overbearing and overshadowing impact upon the rear of these existing properties. Furthermore, it would result in unacceptable overlooking of the rear yards of the existing properties.
- 5.25 There are a number of instances between the proposed units themselves where the minimum distances are not achieved; the principal windows of the central 'B' type units would be as little as 5.6m from one-another's gable end, and the distance between gable ends and primary windows would consistently fall below the required separation distance of 12m, as set out in Policy CP5. Refusal is therefore justified on this basis.
- 5.26 To reiterate an earlier point, the proximity of a number of the proposed dwellings to operational and noise-generating industrial premises is a concern, as this would have a significant bearing upon the living conditions of prospective occupiers, particularly as the noise generated would heavily restrict the enjoyable use of private garden areas, and the acoustic insulation measures recommended assume that windows would be shut at all times. This is likely to lead to a conflict between uses and unsatisfactory living

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conditions in a number of the proposed dwellings, also contrary to Policy CP5.

- 5.27 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.
- 5.28 A further 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. The applicant has confirmed that they are willing to pay the required commuted sum of £82712.50.
- 5.29 The previously proposed under-croft parking has been revised to take into account the inherent security and crime concerns and subsequent reason for refusal. The scheme now proposes garage doors and gated entry to under-croft parking, which creates defensible space and a clear distinction between public and private realm. This approach is considered to be favourable, and the scheme is now in accordance with Joint Structure Plan Policy ST3 and Local Plan (Redeposit) Policy CP4.
- 5.30 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 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.
- 5.31 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.

- 5.32 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 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

- 5.33 The principle of this proposal is considered to be unacceptable, having regard to the strategic primary employment allocation of this site, and the lack of conclusive evidence submitted with the application to suggest that this site is unviable for an employment use. Not only would the proposed residential development be incompatible with existing adjacent industrial and commercial uses, but it would also have an adverse impact upon the amenity of existing residents on Collingwood Street. Furthermore, the level of residential amenity experienced by prospective occupiers would be below a reasonable minimum standard, again due to the inadequate separation distances.

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.

SCHEDULE A: Applications with Recommendation

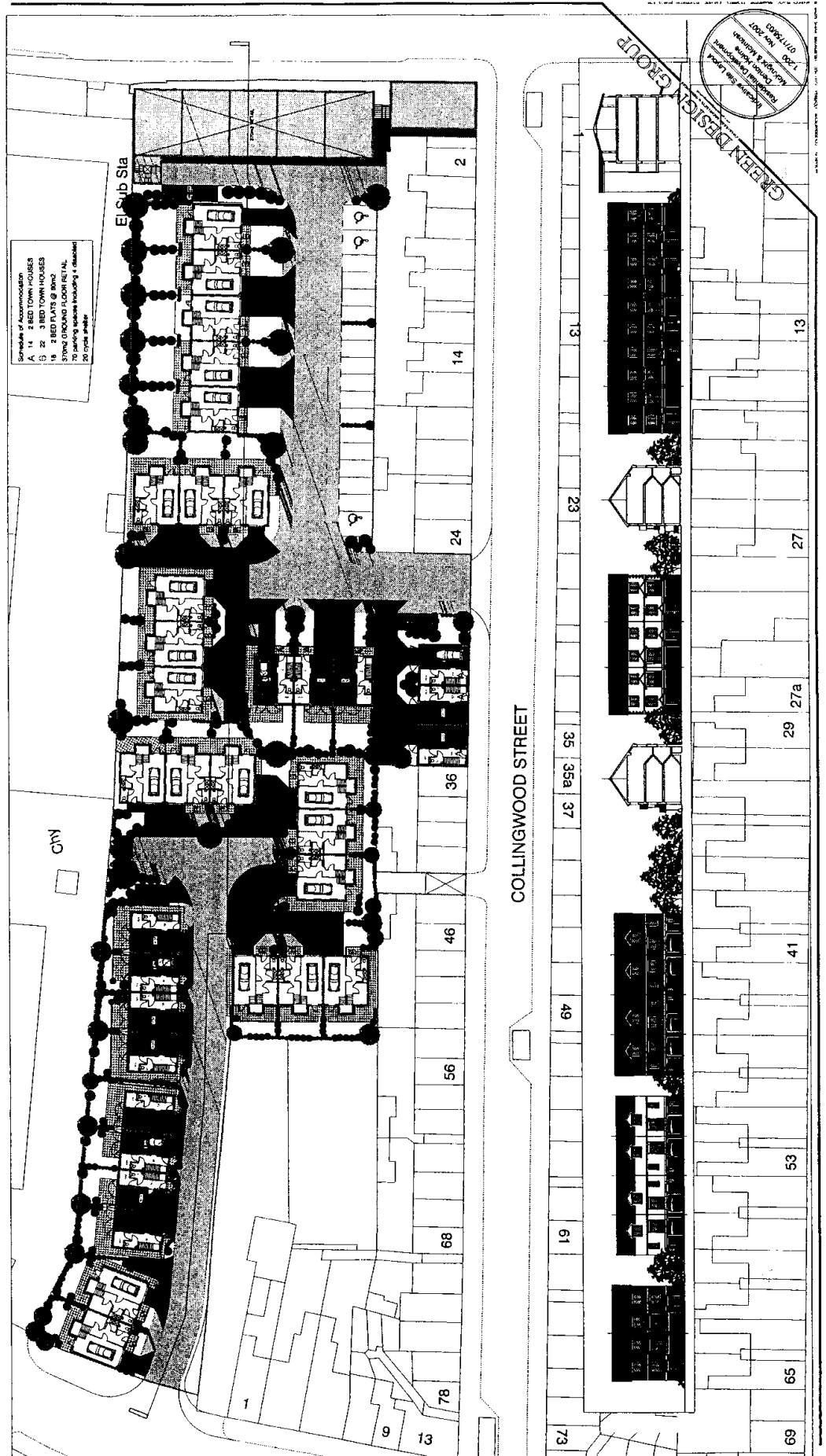
07/1362

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).
3. **Reason:** Due to the proximity of the proposed buildings in relation to the rear elevations and domestic curtilages of numbers 36 – 50 Collingwood Street it is considered that the living conditions of these adjacent properties would be adversely affected as a result of the proposed development being unduly overbearing and due to overlooking of curtilages. Furthermore, Policy CP5 of the emerging Carlisle District Local Plan Redeposit Draft requires that a minimum distance of 12 metres be maintained between a primary window and a gable elevation of an adjacent building. In a number of instances the proposed layout

would result in the separation distance between proposed dwellings falling significantly below the required standards of 12 metres between primary windows and gable elevations, which would lead to an unsatisfactory level of residential amenity for future occupiers. The proposal is therefore contrary to the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

4. **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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SCHEDULE A: Applications with Recommendation

07/1217

Item No: 08

Date of Committee: 07/03/2008

Appn Ref No:
07/1217

Applicant:
Mr G Dickson

Parish:
Carlisle

Date of Receipt:
05/11/2007

Agent:
B F Child

Ward:
Castle

Location:
Scotby Cycles, Church Street, Carlisle, CA2 5TL

Grid Reference:
339272 555835

Proposal: Alterations To Shop Front Windows (Revised Application)

Amendment:

Revised plans for shopfront windows received 22nd February 2008.

REPORT

Case Officer: Andrew Henderson

Reason for Determination by Committee:

Members will recollect that this application was deferred by the Committee during their Meeting held on the 14th of December 2007.

1. Constraints and Planning Policies

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Flood Risk Zone

Joint St.Plan Pol S3: Principles applying to all new devel.

District E45 - Shopfronts

District E20 - Development in Floodplain

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains

Rev Redeposit Pl. Pol EC8 - Shopfronts

2. Summary of Consultation Responses


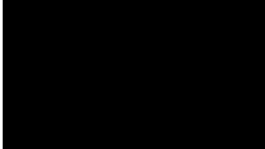
Cumbria County Council - (Highway Authority): no objections;

Environment Agency (N Area (+ Waste Disp)): comments awaited;

Urban Designer (Urban Renaissance): The view of the urban design officer was that it would be preferable not to expand the window area on this frontage at all. However, the proposal to retain the arched brick work openings, supported on columns, with additional modest openings to either side, with glazing brought down to meet the plinth course would be acceptable.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	Gordon Box Ltd	07/11/07
	G Brown Washing	07/11/07
Machine Repairs		
	2 Morton Street	07/11/07
	1 Hawick Street	07/11/07
	3 Hawick Street	07/11/07
	5 Hawick Street	07/11/07
	1A Hawick Street	07/11/07

This application has been advertised by means of a site notice and a notification letter sent to seven neighbouring properties. No verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 In 1989 full planning permission was granted for erection of a wall sign under application number 89/1203.
- 4.2 In 1995 full planning permission was granted for change of use from place of religious workshop under application number 95/0182.
- 4.3 In 1998 full planning permission was sought for change of use from chapel to cycle shop with new internal ground floor for new shop, repair bay, storage etc, under application number 98/0186. Also in 1998 full planning permission was granted for display of illuminated sign and cladding canopy over the door and was refused under application number 98/0987
- 4.4 In 1998 full planning permission was sought for change of use from chapel to cycle shop with new internal ground floor for new shop, repair bay, storage etc, under application number 98/0186. Also in 1998 full planning permission

was granted for display of illuminated sign and cladding canopy over the door and was refused under application number 98/0987

- 4.5 In 2007 full planning permission was sought for alterations to shop front and was subsequently refused under application number 07/0525.
- 4.6 Members should be aware that on the 27th July 2007 it was reported that the property had two temporary banners advertising HOT SUMMER DEALS + HUGE REDUCTIONS which were not subject to advertisement consent. Following the intervention of the Council's Enforcement Officer, the banners have been removed on the 7th of August 2007.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The property is a late 19th century former Methodist Chapel located at the junction of Wigton Road and Morton Street. While the site is located in a designated Primary Residential Area, there are several commercial properties operating along Wigton Road. The building has a prominent gabled pediment facing Wigton Road, consisting of decorative quoins, string courses, plinth and feature semi-circular and circular window openings, notably at ground floor area and at first floor. The property has a number of existing shop signs on the front elevation with the shop title 'Scotby Cycles' and a box sign stating 'The Bike Shop' underneath. There is also a canopy with the company's 'website address' hanging over the main entrance to the premises. There have been several alterations to the property over the past decade with two small box windows inserted on the first floor and an entrance inserted on the ground floor.

Background

- 5.2 In May of this year, under application 07/0525, planning permission was refused for alterations to the shop front windows. The current application is a resubmission of an amended proposal to that previously recommend for refusal. Members may recall this application was deferred at the Committee held on the 14 th of December in order for further discussions to take place with the applicant. Revised plans have subsequently been received on the 22nd February 2008.
- 5.3 The applicant has submitted a letter in support of his application from which six points can be highlighted:
 - 1. the building is not listed
 - 2. it is alleged that the building is not of any architectural interest and cannot accept that there will be a loss of character and local distinctiveness in the area;
 - 3. the principle of the conversion to a shop has already been accepted by

- the Council;
4. the alteration carried out previously (to the entrance) has already been accepted by the Council;
 5. an increase in the display area (increase in the size of windows) is required to attract passers-by on foot or in vehicle otherwise the business will suffer - this would also give more natural light into the building; and,
 6. the Council should be encouraging such activity in the Caldewgate area especially as the Council recognises the need for regeneration.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed against are Policies ST3 of the Joint Cumbria Structure Plan, Policies E20 and E45 of the adopted Carlisle District Local Plan, and, Policies EC8, CP4 and LE28 of the Carlisle Revised Redeposit Draft (2001-2016). As such it is considered that the proposal raises two main issues.

1.) Whether The Proposal Is Sympathetic To The Character Of The Building

- 5.5 Policy ST3 and its supporting text of the adopted Cumbria and Lake District Joint Structure Plan (2001 -2016) requires new development to meet high standards of design, siting, scale and use of materials which respect and where possible, enhance the distinctive character of the townscape. This is further supported by criteria 3 of Policy CP4 of the emerging Local Plan that states development should reinforce local architectural features where appropriate and respecting local distinctiveness rather than detracting from it. Policy EC8, which specifically deals with shopfronts, states that new shopfronts should relate in scale, proportions, materials and decorative treatment to the relevant facade of the building.

- 5.6 The previous application was recommended for refusal for the following reason:

"The property is a late 19th century former Chapel with a prominent gabled pediment and with decorative quoins, string courses, plinth and feature semi-circular and circular window openings, notably at ground floor area and at first floor on Morton Street. The current proposal to replace the semi-circular ground floor windows to each side of the entrance and related string course would result in the loss of important and attractive detailing of the building and there will be loss of local character and local distinctiveness in the area, contrary to criteria 7 of Policy ST3 of the Cumbria and Lake District Joint Structure Plan, Policy E45 of the Carlisle District Local Plan, and, Policies EC8 and Criteria 3 of Policy CP4 of 2001-2016 Revised Redeposit Draft."

- 5.7 The amended plans indicate removing the stone surrounds of the two existing windows and inserting two glass panels on either side of the windows. The stone surrounds would be replaced by brick mullion's and a glass panel inserted to replace the existing window . The glass panels measure 854 mm in width by 1.8 metres in length. The string courses, brick arches and stone

plinth would remain unaffected and the degree of brick masonry to be removed is significantly less than the previously submitted plans had indicated. While the alterations are still significant in relation to the detailing and key features of this building it is not considered that the proposal would warrant refusal on the grounds of the proposal being detrimental to the visual appearance of the building.

2. Flood Risk

- 5.8 Whilst the application site is located in an area that is at risk from flooding the applicant's agent has submitted a basic flood risk assessment identifying several measures that are to be undertaken to minimise the potential risk of flooding in the future. These measures are considered to be acceptable.

Conclusion

- 5.9 Members have to decide if the proposed alterations, as amended, to the frontage of this building would be acceptable in relation to the character of the building. It is considered that the proposal is in compliance with Policy ST3 of the Structure Plan, Policy E45 of the Carlisle District Local Plan, and, Policies EC8 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

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. Samples of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority before any work is commenced.

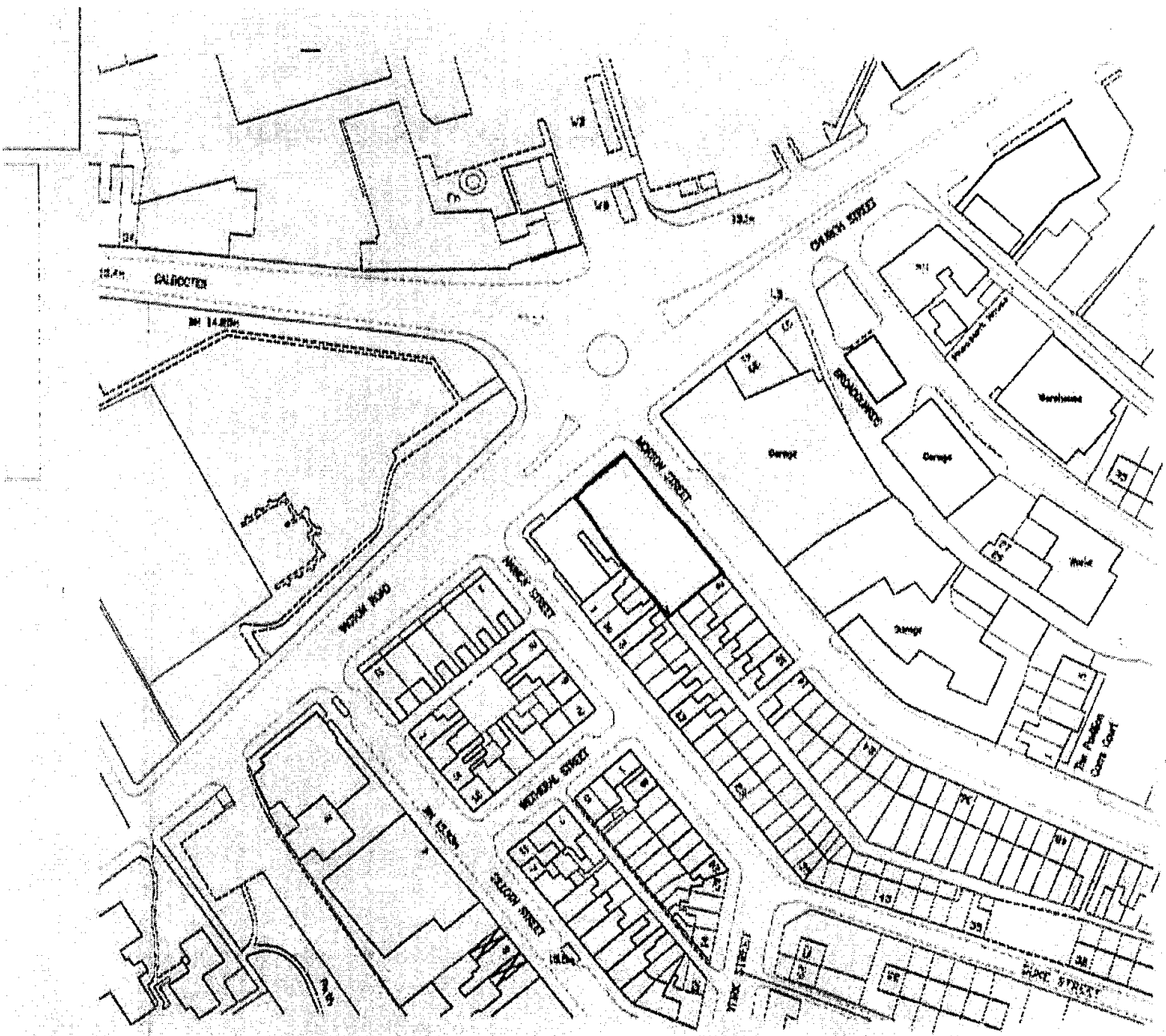
Reason: To ensure the works harmonise as closely as possible with the existing building and to comply with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

3. All new mortar used in the pointing of the building hereby approved shall be coloured and of a type and joint to match the existing building exactly to the satisfaction of the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policies CP4 and of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

4. 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.



LOCATION PLAN
SCALE 1:1250



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WITH THE PERMISSION OF THE CONTROLLER
OF HER MAJESTY'S STATIONERY OFFICE
LICENCE NUMBER 100005179

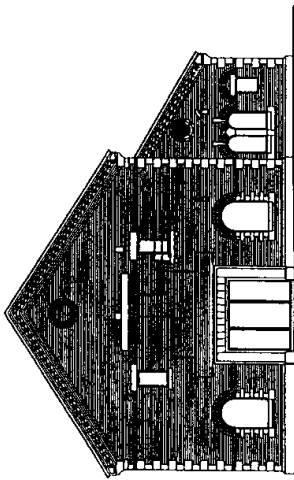
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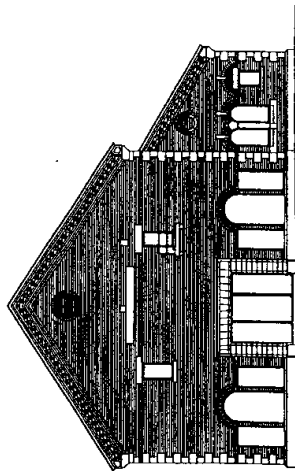
BLOCK PLAN
SCALE 1:500

↑ NORTH

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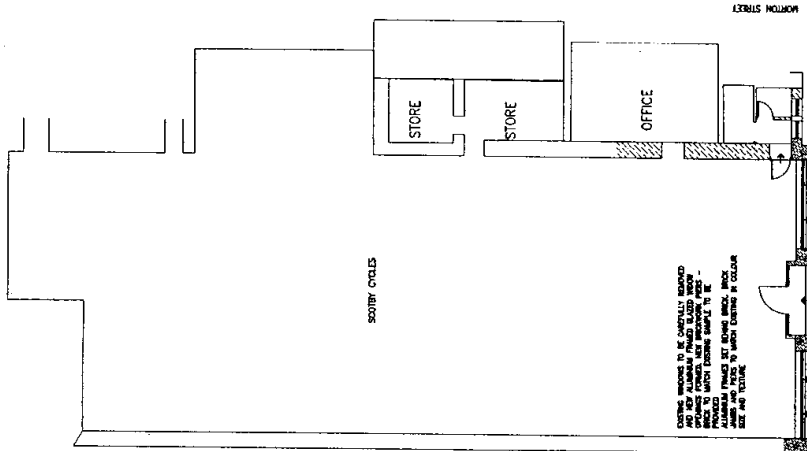


FRONT ELEVATION EXISTING
scale 1:100



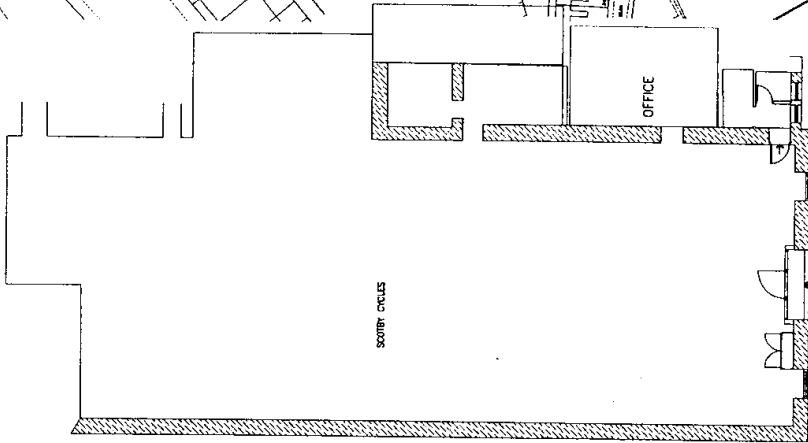
FRONT ELEVATION PROPOSED
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EXISTING WINDOWS TO BE CAREFULLY MAINTAINED AND REPAIRED TO ORIGINAL CONDITION. ALL NEW WINDOWS TO MATCH EXISTING SAMPLE TO BE PROVIDED. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS.

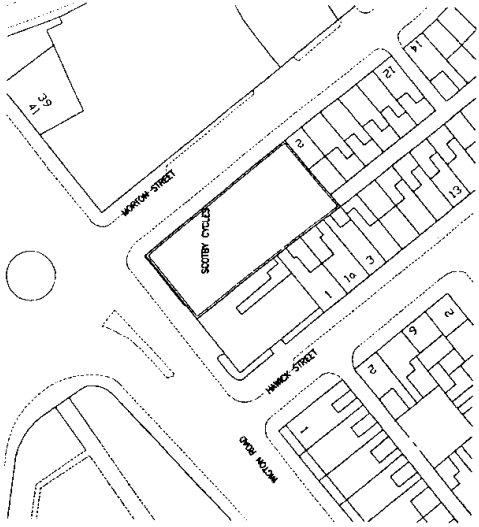


Ground Floor Plan
Proposed
scale 1:100

EXISTING WINDOWS TO BE CAREFULLY MAINTAINED AND REPAIRED TO ORIGINAL CONDITION. ALL NEW WINDOWS TO MATCH EXISTING SAMPLE TO BE PROVIDED. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS.

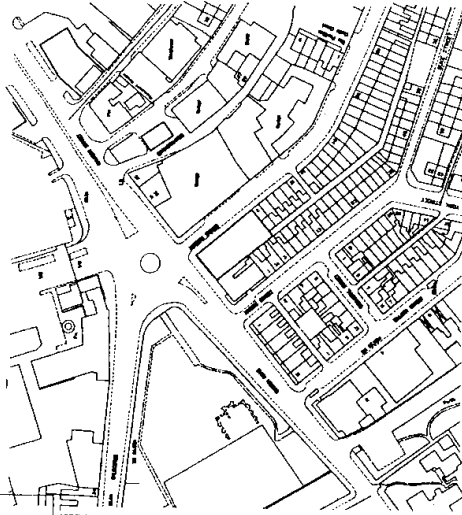


Ground Floor Plan Existing
scale 1:100



BLOCK PLAN
SCALE 1:500

EXISTING WINDOWS TO BE CAREFULLY MAINTAINED AND REPAIRED TO ORIGINAL CONDITION. ALL NEW WINDOWS TO MATCH EXISTING SAMPLE TO BE PROVIDED. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS.



LOCATION PLAN
SCALE 1:1250

EXISTING WINDOWS TO BE CAREFULLY MAINTAINED AND REPAIRED TO ORIGINAL CONDITION. ALL NEW WINDOWS TO MATCH EXISTING SAMPLE TO BE PROVIDED. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS. ALL NEW WINDOWS TO BE SET IN ORIGINAL OPENINGS.

Revisions:
A: 18.02.08 AMENDED WINDOW PROFILE

18/02/08
18/02/08
18/02/08

18/02/08
18/02/08
18/02/08

Project Proposed Alterations to Scotby Cycle
Church Street, Caldewgate, Carlisle
Existing and Proposed
Plans and Elevations
Scale as shown DATE 07/02/07 Drawn
130-01A

SCHEDULE A: Applications with Recommendation

07/1291

Item No: 09

Date of Committee: 07/03/2008

Appn Ref No:
07/1291

Applicant:
Kirkaldy and Roe Ltd

Parish:
Burgh-by-Sands

Date of Receipt:
18/12/2007

Agent:
Mr Brian Child

Ward:
Burgh

Location:
Orchard Farm, Moorhouse, Carlisle, CA5 6EY

Grid Reference:
333430 556775

Proposal: Demolition Of Farm Outbuildings, Alteration And Conversion Of Retained Barn To A Single Dwelling And The Erection Of Two New Dwellings (Semi-Detached)

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination because there has been a statutory objection from a consultee (Burgh by Sands Parish Council).

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.

District H5 - Village Development

District E31 - Arch. on Other Sites

District E34 - Alts. to LBC's

District E35 - Affecting LBC's

District E36 - Change of Use to LBC's

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

Rev Redeposit Pl. Pol H5- Affordable Housing

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Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites

Rev Redeposit Pl. Pol LE14 - Alterations To Listed Building

Rev Redeposit Pl. Pol LE13-Proposals Affecting Listed Bldgs.

Rev Redeposit Pl. Pol LE16-Change Of Use Of Listed Buildings

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

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

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

District E14 - Protected Species

District E22 - Sewers & Sew. Treat. Work

District E24 - Ground Waters etc

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

Rev Redeposit Pl. Pol CP10 - Protect. Ground/Surface Waters

District E14 - Protected Species

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the proposed development utilising the existing access as it is considered that the proposed traffic usage will be less than when it operated as a farm. Advise that two conditions should be imposed relating to the provision and implementation within the site of parking/turning/ loading and unloading of vehicles and for vehicles to enter and leave the site an forward gear, all prior to building work commencing on site;

Community Services - Drainage Engineer: reply awaited;

United Utilities (former Norweb & NWWA): no objection;

Cumbria County Council - (Archaeological Services): advise that the County Historic Environment Record indicates that the barn proposed for conversion is shown on the first OS map and therefore dates from at least the mid 19th century. It is therefore considered that the building is of historic importance and that its character and appearance would be altered by the proposed conversion.

SCHEDULE A: Applications with Recommendation

07/1291

It is recommended that an archaeological building programme be undertaken in advance of construction works. This should be in accordance with a Level 2 Survey as described by English Heritage in *Understanding Buildings A guide to Good Recording Practice 2006*. (Condition required);

Natural England: reply awaited;

Development Services Planning & Housing Services - Access Officer: no comments;

Development Services Planning & Housing Services - Conservation Section: amended proposals are acceptable and have no further comments to make;

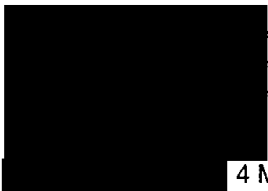
Development Services Planning & Housing Services - Local Plans: reply awaited;

Burgh-by-Sands Parish Council: note that the outbuildings have been demolished before planning has been discussed and would like to see enforcement action taken and:

1. point out that the farm buildings are noted as 'Other buildings of character' and adjoin a listed building and effect its setting (see Burgh by Sands Parish Design Statement)
2. consider that the additional buildings will put further pressure on the drainage problems in Moorhouse (at the present time raw sewage is discharging into a field behind the development) and
3. object to the dormer window on one of the new houses as dormers are not part of the local vernacular.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	The Birches 07/01/08	
	Bracklin 07/01/08	
	Glenesk 07/01/08	
	Westmead 07/01/08	
	The Joiners Cottage 07/01/08	
	4 Monkhill Road	Objection

- 3.1 Publicity was given to the application by both site and press notice and direct notification of neighbours.
- 3.2 One written representaion was received which expressed grave concerns about any new housing (and particularly the disposal of surface water)

because of existing ' problems with water and flooding'.

4. Planning History

- 4.1 Planning permission (93/487) and listed building consent (93/497) were granted in 1993 for renovation of the farmhouse, demolition of outbuildings, erection of two new dwellings and four garages and conversion of barns into two houses.
- 4.2 Listed building consent (96/4310) was granted in 1996 for alterations within the farmhouse.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for full planning permission to demolish farm out buildings; to alter and convert a barn to a single dwelling and to erect two (semi-detached) new dwellings on the site of a demolished barn at Orchard Farm, Moorhouse. The site lies to the east of a triangular village green near the centre of the village and the existing access will be used. Orchard House is a Grade II listed building and the barn is curtilage listed.
- 5.2 This application (and the related one for listed building consent (07/1298)) is to modify the planning permission (Ref 93/0487) and listed building consent (Ref 93/0497) approved in 1993.

Background

- 5.3 The applicant has submitted a Design & Access Statement which includes the following points:
 - 1. while the proposal remains basically the same for both the barn conversion and the two new dwellings, changes in the Building Regulation - particularly requirements relating to mobility access and the provision of toilet facilities on the ground floor - has resulted in the need to relocate of doors and windows.
 - 2. to achieve adequate headroom, a dormer window will replace a rooflight on the west elevation of the house on Plot 2.
- 5.4 The footprint and general form of the new dwellings (which will each have three bedrooms) remains the same being two storeys in height (with a ridge height of 6.8m and an upper eaves height of 4.5m) and a single storey lean to extension being formed by to the west by a downward projection of the roof.

SCHEDULE A: Applications with Recommendation

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The west and north walls of the extension will be of cobbles to match those of the farmhouse. The remainder of the walls will be of red multi-facing brick (of a type to be approved) with quoins on the corners of the extension. (The existing planning permission is for the walls to be white painted render).

5.5 The barn conversion (4 bedrooms) is of random stone and will have a single storey lean-to extension (also formed by a downward roof extension) for the staircase. The double garage attached to the east gable will also be formed of random stone.

5.6 On both buildings the roof will be of natural slate to match the existing house and doors and windows will be timber framed and double glazed.

5.7 The applicant has also submitted:

1. a 'Report on the Structural Inspection of The Barn of Moorhouse Farm' which concludes that the property is generally suitable for domestic accommodation subject to specified remedial works.
2. a 'Bat and Barn Owl Survey' which concludes that:

No barn owl sites will be affected by the proposed development.

There was no evidence of past use by bats. The report recommends however that a precautionary approach be adopted and general working guidelines and a mitigation strategy are specified. The mitigation strategy requires crevices to be left at the eaves of the building and gaps left in ridge tiles to form a bat access gap.

Assessment

5.8 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the development plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes/ Planning Policy Statements, and objections) indicate otherwise. Conversely, applications which are not in accordance with the relevant policies in the plan should not be allowed unless material considerations justify granting planning permission.

5.9 In consideration of this application Policies H5, E14, E31, E34, E35 and E36 of the Carlisle District Local Plan, Policies H1, H5, LE8, LE13, LE14, LE16, CP4, CP5 and CP14 of the Revised Redeposit Draft (2001 - 2016) and Policy ST3 of the Cumbria and Lake District Joint Structure Plan are relevant.

5.10 It is considered that the principle of (1) demolition of the barn adjacent to the house and the lean-to buildings to the north and west of the barn which is to be retained and (2) residential development on the site, have been established by a previous planning permission. As the permitted works have

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commenced, that planning permission (93/0487) is still extant.

- 5.11 In relation to the Development Plan objectives and the material issues raised by a consultee and an objector, it is considered that the key issues are as follows:
1. the effect on the character of the barn, the setting of the Grade II listed building (Orchard House) and the character of the area.
- 5.12 The County Archaeologist considers the building to be of historic importance, the character and appearance of which would be altered by the proposed conversion. A condition could be attached requiring an archaeological building recording programme to be carried out before construction work commences.
- 5.13 It is considered that the scheme has been designed to match the traditional features of the existing farmhouse and attached outbuildings using natural slate for the roof and stone and brick for the walls with timber doors and windows. (Condition required to ensure that details are received of external materials).
- 5.14 More recently built non traditional buildings, extensions and materials (such as the barn roof) will be removed and/or replaced.
- 5.15 The repositioned and additional windows are, like the farmhouse, in a range of shapes, sizes which add interest to elevations, and the development retains the traditional courtyard setting. Conditions are required to ensure that lintels, cills and surrounds are of cast stone and that details of joinery and detailed working drawings are submitted.
- 5.16 The introduction of a dormer window on the west elevation of Unit 2 was opposed by the Parish Council who consider that dormer windows are not vernacular to the Burgh Parish area but that exceptions included in recent planning permissions are changing this. There are existing local examples of modern developments with dormers and it is considered that the dormer in Unit 2 is small relative to the large roof area which it breaks up visually. Provided it is faced in slate, it should be not be an alien or intrusive feature (Condition required).
- 5.17 As boundary treatment is important in relation to the setting of the listed building, a condition should be attached requiring submission of details.
2. the requirement for an element of affordable housing.
- 5.18 While the Revised Redeposit Draft Local Plan (Policy H5) advocates a contribution towards affordable housing from housing sites of 3 or more units in the rural area, the policy was the subject of challenge at the recent enquiry, the outcome of which is awaited. It is not therefore considered reasonable to seek a contribution from this development.

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3. the quality of the living conditions of the occupiers of both the proposed and adjacent dwellings.
- 5.19 Although not yet an adopted Local Plan policy, it has become the practice in dealing with planning applications to ensure that residential amenity is not compromised by ensuring that a minimum distance of 21 metres is allowed between primary facing windows between dwellings (12 metres gable end to primary facing windows).
- 5.20 With the exception of the farmhouse , which is owned by the applicant, there are no other houses in close proximity to the proposed development. The three windows in the south elevation of the barn conversion face the windows in the north elevation of the farmhouse. One of the barn windows (a secondary living room window) is only 13m from the elevation of the farmhouse and the other two (which serve a study and utility) are 16m from the farmhouse. However given (1) the fact that the windows are not directly facing (2) the types of rooms and windows involved and (3) the fact that they are existing buildings which will continue to form part of courtyard, it is not considered that the living conditions of present and future occupiers will be significantly affected.
4. standards of accessibility and inclusion for all potential users regardless of disability, age or gender.
- 5.21 Access and facilities within the proposed development will be level and will conform to the requirements of the Building Regulations.
- 5.22 The applicant advises that access and movement around the site will be defined and generally lead to the courtyard which will be publicly accessible space overlooked by each of the units. A condition could be attached requiring submission of hard surface details.
5. safeguards for protected species.
- 5.23 Although there is no evidence of use of the building by bats or owls, it is considered that a precautionary approach is adapted during construction work. A condition could be attached requiring works to be carried out to form bat access gaps and roost opportunities.
6. adequacy of disposal arrangements for foul and surface water.
- 5.24 It is proposed to install a private treatment plant with disposal via sub-surface irrigation or a drainage mound (depending on percolation tests). Surface water is to be disposed of to a soakaway. It is not considered that the development will exacerbate the existing situation. However, given the concern expressed about the local drainage situation conditions can be attached requiring submission of details to be approved.
7. adequacy of access and parking arrangements

SCHEDULE A: Applications with Recommendation

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- 5.25 County Highways have no objections to access and parking arrangements provided that two conditions are attached relating to the provision and implementation within the site of facilities for parking/turning/ loading and unloading of vehicles and for vehicles to enter and leave the site an forward gear, all prior to building work commencing on site.

Conclusion

- 5.26 In overall terms the proposed development is considered acceptable in relation to the site and the character of the area. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Development Plan policies .
- 5.27 The application is therefore recommended for approval subject to the conditions outlined above.

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 giving due regard to the provisions of the Act. It is not considered that the proposal would conflict with the Act. Where any conflict is perceived it is not considered that such conflict would be significant enough to warrant refusal of the application.

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.

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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 of the new and converted building 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 existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

3. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the completion of the development or occupation of the dwellings, whichever is the earlier, hereby permitted.

Reason: To ensure that the appearance of the area and the setting of the listed building is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy E35 of the Carlisle District Local Plan and Policy LE13 of the Revised Redeposit Draft (2001 - 2016).

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy E35 of the Carlisle District Local Plan and Policy LE13 of the Revised Redeposit Draft (2001 - 2016).

5. Prior to the carrying out of any construction works, the existing building occupying the site shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings- A Guide to Good Recording Practice 2006 and, following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the building of architectural or historic interest prior to its alteration as part of the development and in accordance with Policies E31 and E34 of the Carlisle District Local Plan and Policies LE8 and LE14 of the Revised Redeposit Draft (2001 - 2016)

6. All lintels, cills and surrounds shall be of cast stone.

SCHEDULE A: Applications with Recommendation

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Reason: To ensure the works harmonise as closely as possible with existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

7. The dormer in Unit 2 shall be faced in natural slate.

Reason: To ensure the works harmonise as closely as possible with existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

8. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction, shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway in accordance with the objectives of Policy H5 of the Carlisle District Local Plan and Policy H1 of the Revised Redeposit Draft (2001 - 2016) and to support Local Transport Plan Policies 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.

Reason: The carrying out of this development without the provision of these facilities during construction work is likely to lead to inconvenience and danger to road users. The condition is in accordance with the objectives of Policy H5 of the Carlisle District Local Plan and Policy H1 of the Revised Redeposit Draft (2001 - 2016) and to support Local Transport Plan Policies LD7 and LD8.

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

Reason: To ensure the works harmonise as closely as possible with existing buildings and to ensure compliance with the objectives

SCHEDULE A: Applications with Recommendation

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of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

11. Detailed working drawings for the barn conversion, at a suitable scale, shall be submitted to and approved by the local planning authority prior to the commencement of construction works and these shall show:

- 1 New work in relation to existing;
- 2 Proposed repairs to existing, including structural works, roof structure, doors, windows, fittings, panelling and other architectural works.
- 3 External ventilation details

Reason: To ensure that the development is carried out in a manner that respects the architectural integrity of the listed building in accordance with Policy E34 of the Carlisle District Local Plan and Policy LE14 of the Revised Redeposit Draft (2001 - 2016).

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

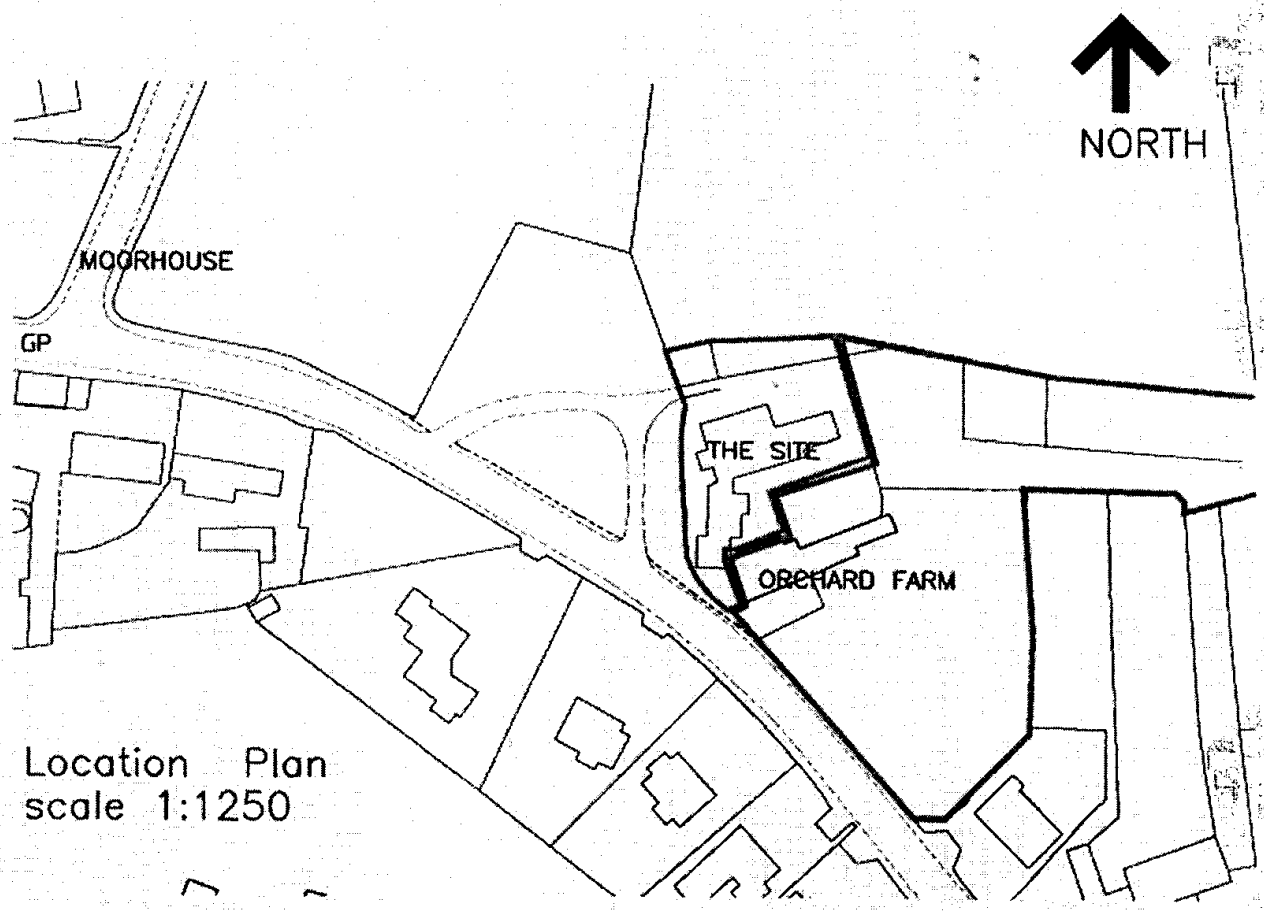
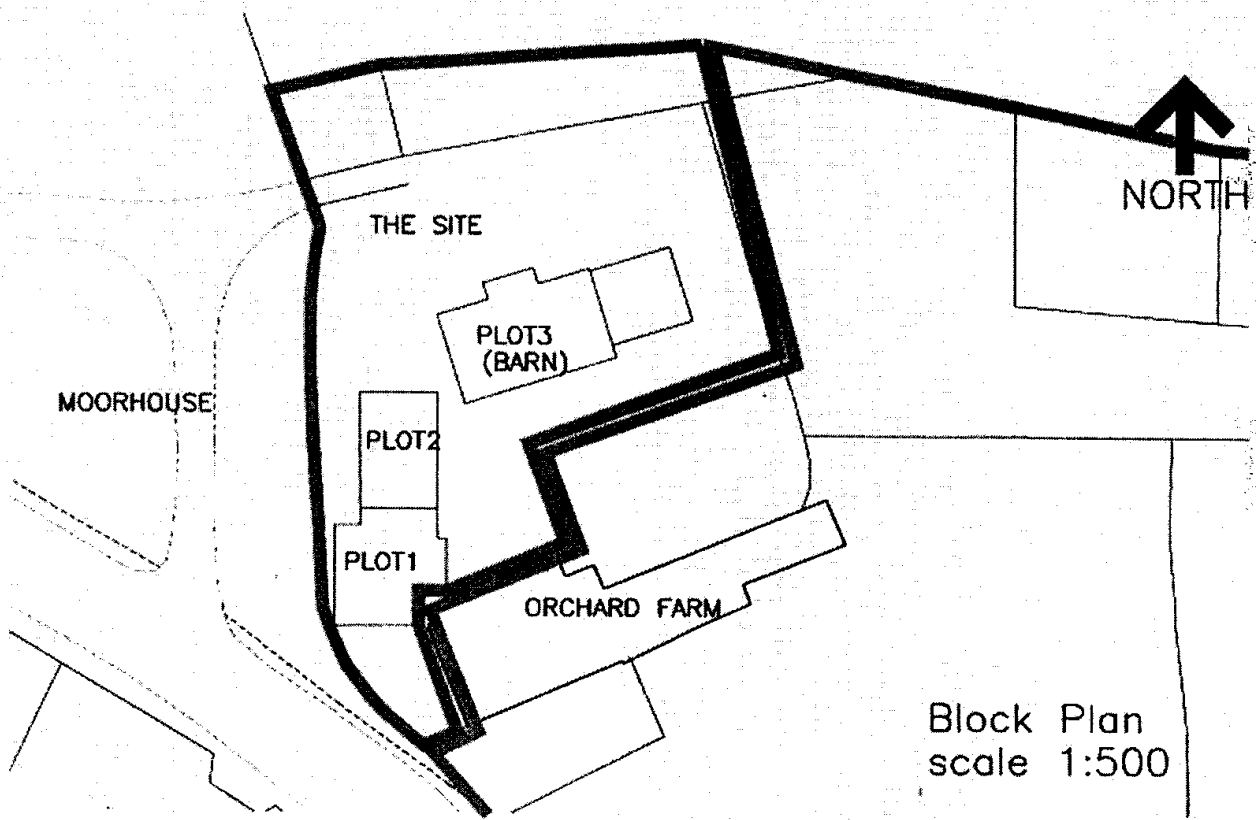
Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

13. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to private treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with the objectives of Policies E22 of the Carlisle District Local Plan and CP11 of the Revised Redeposit Draft (2001 - 2016).

14. Within the barn conversion, the applicant shall provide roosting opportunities for bats in the eaves and under ridge tiles as specified on page 17 and Annex H3 of the Bat and Barn Owl survey report (Reference BAT/07/275) prepared by Envirotech and submitted with the planning application.

Reason: To provide appropriate habitats for European protected species in accordance with the objectives of Policy E14 of the Carlisle District Local Plan and Policy ST3 of the Cumbria and Lake District Joint Structure Plan (2001 - 2016).



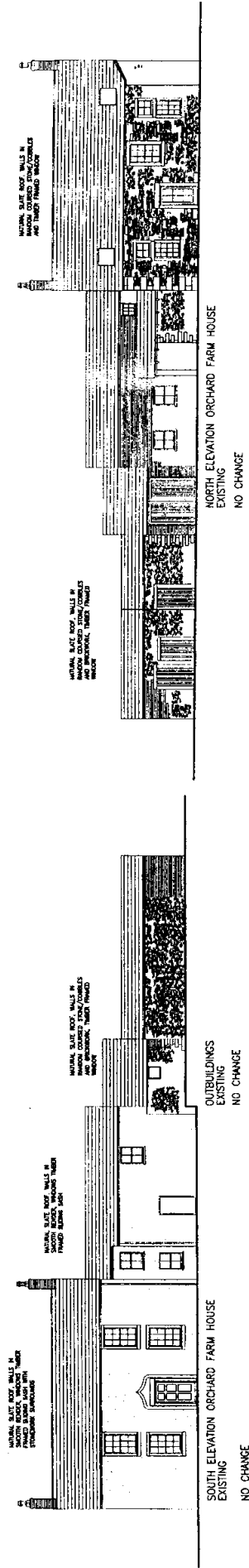
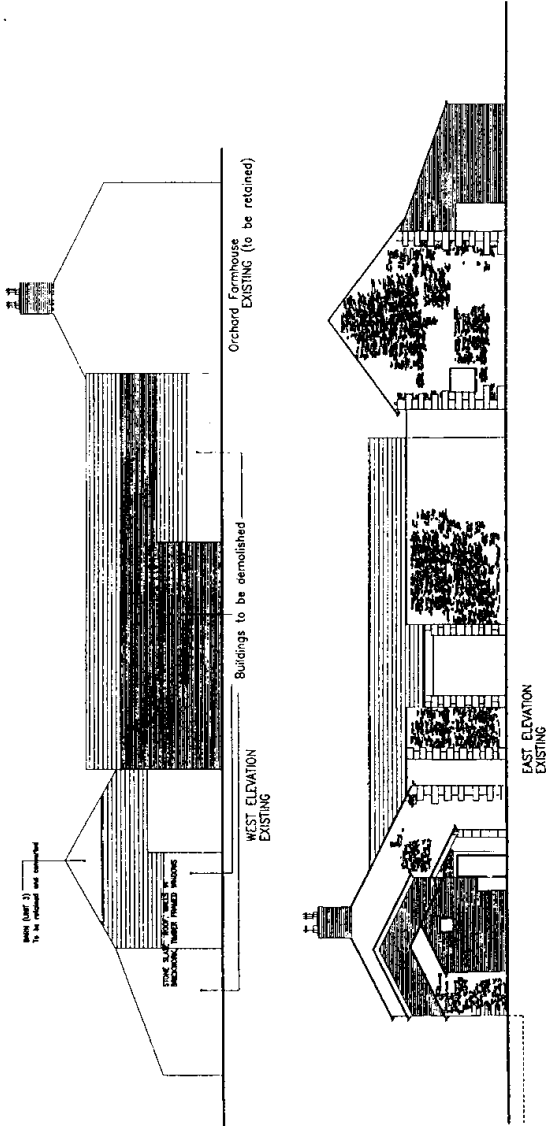
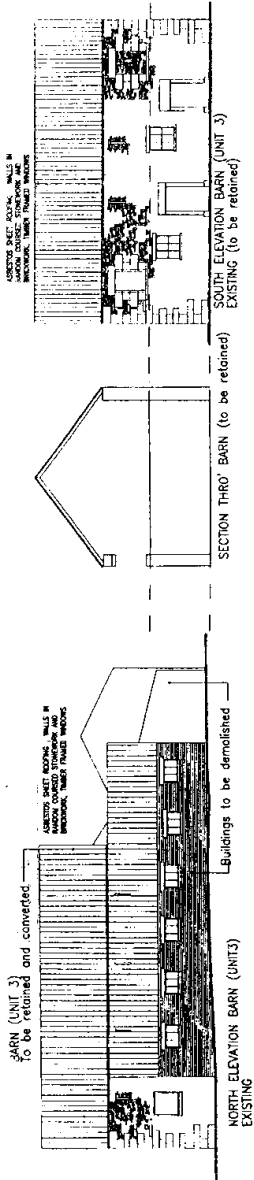
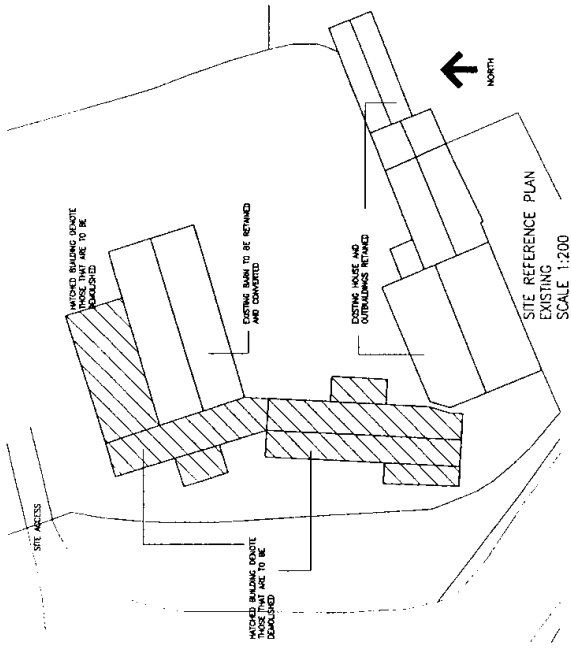
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23 NOV 2007
07/1291

Project **New Build and Barn Conversion
Orchard Farm, Moorhouse,**
Eran by **Carlisle**
SITE LOCATION PLANS
Scale as shown Date **08/08/07** Drawn by Number **11205-07**

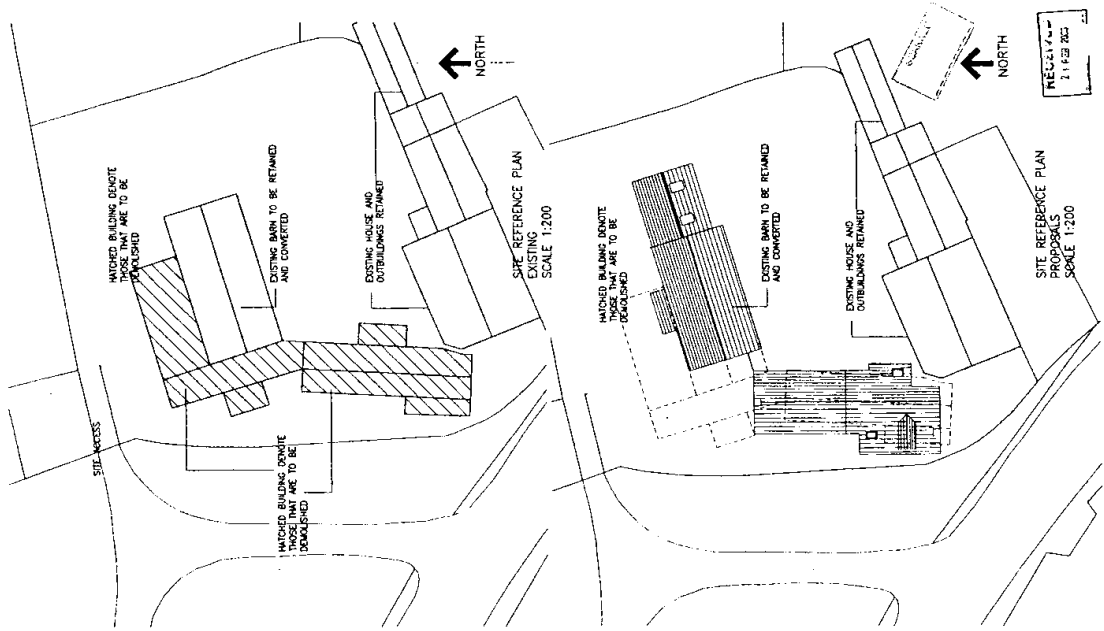
THIS DRAWING IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT TO BE USED AS A BASIS FOR CONSTRUCTION. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE INFORMATION PROVIDED BY THE CLIENT.



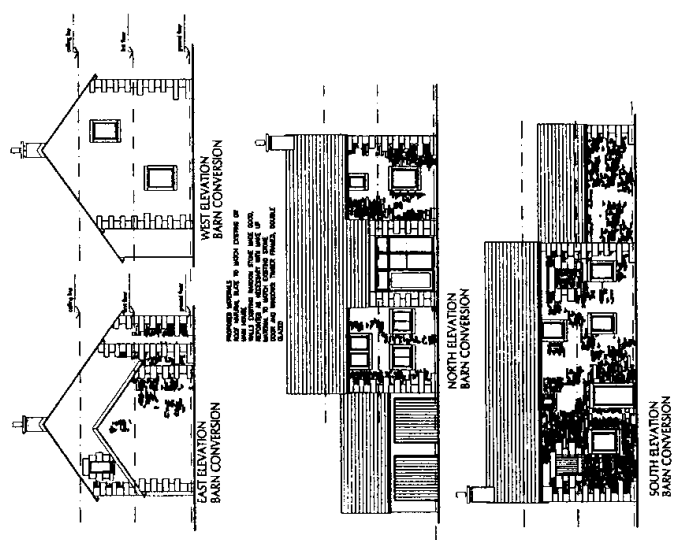
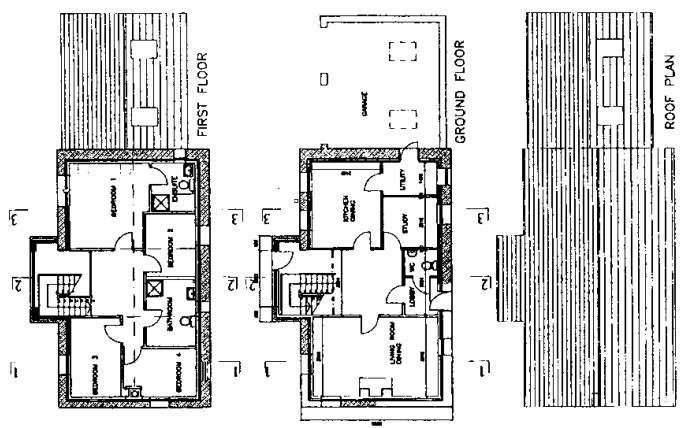
Revisions:

Project: Kirkaldy and Roe Ltd
Orchard Farm Development
Moorhouse, Cairnlie
Existing Elevations
Drawing: 27 NOV 2007
Date: 22/10/07
Scale: 1:100
Number: 11205-08

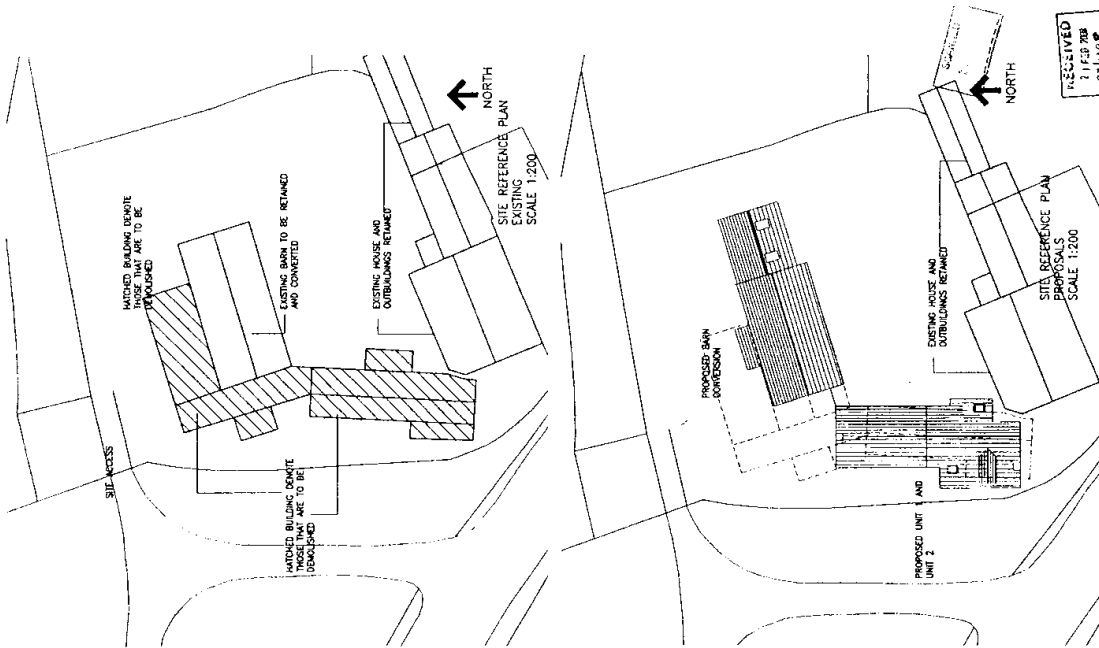
Architect: J. G. GIBSON
Elevations
100, 25, 26th Street, Bris...



Project: Kirkaldy and Roe Ltd
 Orchard Farm Development
 Moorhouse, Carlisle
 Proposed Barn Conversion
 Scale: 1:100 Date: 22.10.07 Drawn: M.C. Number: 11205-9A
 This drawing is prepared by the architect and is not to be used for any other purpose without the written consent of the architect.

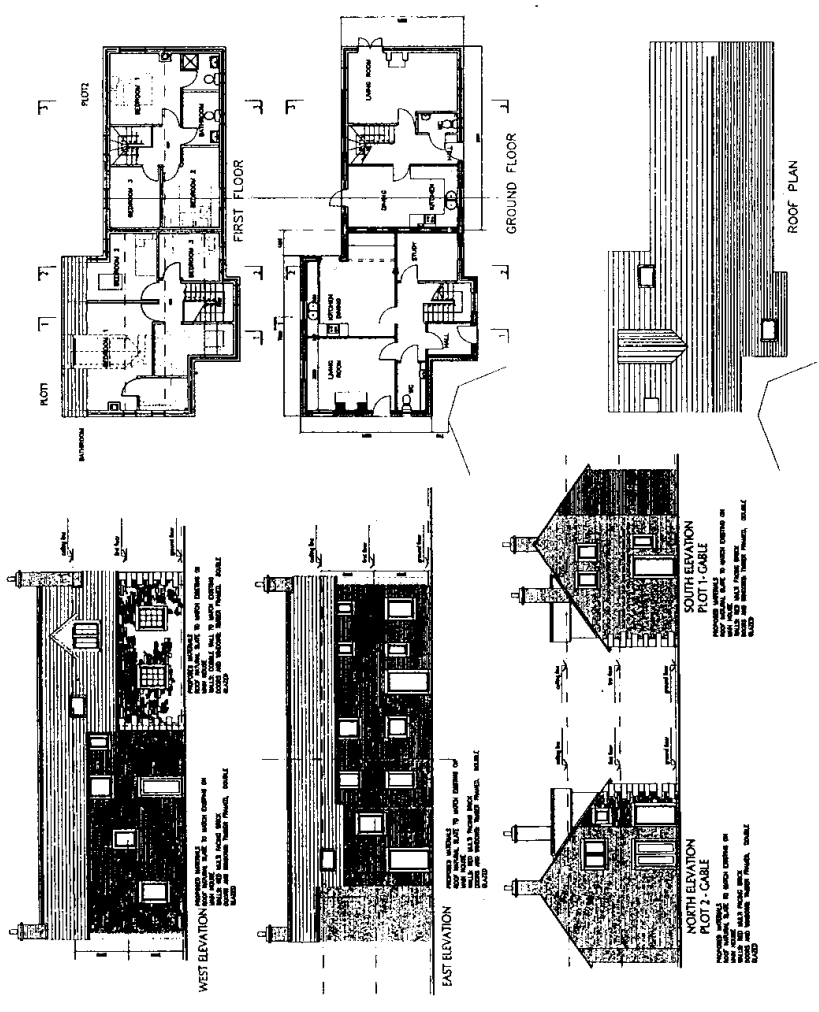


Revisions:
 A. 11.05.08 IMPROVED TO SPEC DATED 07.05.08 PREPARED BY L.R.



RECEIVED
21 FEB 2008
09:11:55

Project: Kirkaldy and Roe Ltd
Orchard Farm Development
Moorhouse, Carlisle
Proposals Units 1 and 2
Scale: 1:100 Date: 28.10.07 Drawn by: Number: 11205-10A



Representative:
N. 1402506 REFERENCE TO SPEC. DOTTED AND HATCHED PATTERNS IS LAY

SCHEDULE A: Applications with Recommendation

07/1298

Item No: 10

Date of Committee: 07/03/2008

Appn Ref No:
07/1298

Applicant:
Kirkaldy and Roe Ltd

Parish:
Burgh-by-Sands

Date of Receipt:
10/12/2007

Agent:
Mr Brian Child

Ward:
Burgh

Location:
Orchard Farm, Moorhouse, Carlisle, CA5 6EY

Grid Reference:
333430 556775

Proposal: Demolition Of Farm Outbuildings, Alteration And Conversion Of Retained Barn To A Single Dwelling (LBC)

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination because there has been a statutory objection from a consultee (Burgh by Sands Parish Council).

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.

District E31 - Arch. on Other Sites

District E34 - Alts. to LBC's

District E35 - Affecting LBC's

District E36 - Change of Use to LBC's

Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites

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

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

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It is recommended that an archaeological building programme be undertaken in advance of construction works. This should be in accordance with a Level 2 Survey as described by English Heritage in *Understanding Buildings A guide to Good Recording Practice 2006*. (Condition required);

Natural England: reply awaited;

Development Services Planning & Housing Services - Access Officer: no comments;

Development Services Planning & Housing Services - Conservation Section: amended proposals are acceptable and have no further comments to make;

Development Services Planning & Housing Services - Local Plans: reply awaited;

Burgh-by-Sands Parish Council: note that the outbuildings have been demolished before planning has been discussed and would like to see enforcement action taken and:

1. point out that the farm buildings are noted as 'Other buildings of character' and adjoin a listed building and effect its setting (see Burgh by Sands Parish Design Statement)

2. consider that the additional buildings will put further pressure on the drainage

SCHEDULE A: Applications with Recommendation


07/1298

problems in Moorhouse (at the present time raw sewage is discharging into a field behind the development) and

3. object to the dormer window on one of the new houses as dormers are not part of the local vernacular.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
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	Bracklin	07/01/08
	Glenesk	07/01/08
	Westmead	07/01/08
	The Joiners Cottage	07/01/08
	The Forge	Comment Only

3.1 Publicity was given to the application by both site and press notice and direct notification of neighbours.

3.2 One written representaion was received which expressed grave concerns about any new housing (and particularly the disposal of surface water) because of existing ' problems with water and flooding'.

4. Planning History

4.1 Planning permission (93/487) and listed building consent (93/497) were granted in 1993 for renovation of the farmhouse, demolition of outbuildings, erection of two new dwellings and four garages and conversion of barns into two houses.

4.2 Listed building consent (96/4310) was granted in 1996 for alterations within the farmhouse.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This is an application for listed building consent to demolish farm out buildings and to alter and convert a barn to a single dwelling at Orchard Farm, Moorhouse. The site lies to the east of a triangular village green near the centre of the village and the existing access will be used. Orchard House is a Grade II listed building and the barn is curtilage listed.

SCHEDULE A: Applications with Recommendation

07/1298

- 5.2 This application (and the related one for planning permission (07/1291)) is to modify the planning permission (Ref 93/0487) and listed building consent (Ref 93/0497) approved in 1993.

Background

- 5.3 The applicant has submitted a Design & Access Statement which includes the following points:
1. while the proposal remains basically the same for both the barn conversion and the two new dwellings, changes in the Building Regulation - particularly requirements relating to mobility access and the provision of toilet facilities on the ground floor - has resulted in the need to relocate of doors and windows.
 2. to achieve adequate headroom, a dormer window will replace a rooflight on the west elevation of the house on Plot 2.
- 5.4 The barn conversion (4 bedrooms) is of random stone and will have a single storey lean-to extension (formed by a downward roof extension) housing the staircase. The double garage attached to the east gable will also be formed of random stone.
- 5.5 The roof will be of natural slate to match the existing house and doors and windows will be timber framed and double glazed.
- 5.6 The applicant has submitted a 'Report on the Structural Inspection of The Barn of Moorhouse Farm' which concludes that the property is generally suitable for domestic accommodation subject to specified remedial works.

Assessment

- 5.7 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsary Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the development plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes/ Planning Policy Statements, and objections) indicate otherwise. Conversely, applications which are not in accordance with the relevant policies in the plan should not be allowed unless material considerations justify granting planning permission.
- 5.8 In consideration of this application Policies E31, E34, E35 and E36 of the Carlisle District Local Plan, Policies LE8, LE13, LE14, LE16 of the Revised Redeposit Draft (2001 - 2016) and Policy ST3 of the Cumbria and Lake District Joint Structure Plan are relevant.
- 5.9 It is considered that the principle of (1) demolition of the barn adjacent to the house and the lean-to buildings to the north and west of the barn which is to

SCHEDULE A: Applications with Recommendation

07/1298

be retained and (2) residential development on the site, have been established by a previous planning permission. As the permitted works have commenced, that planning permission (93/0487) is still extant.

- 5.10 In relation to the Development Plan objectives and the material issues raised by a consultee and an objector, it is considered that the key issue is the effect on the character of the barn, the setting of the Grade II listed building (Orchard House) and the character of the area.
- 5.11 With regard to this issue:
- 5.12 The County Archaeologist considers the building to be of historic importance, the character and appearance of which would be altered by the proposed conversion. A condition could be attached requiring an archaeological building recording programme to be carried out before construction commences.
- 5.13 It is considered that the scheme has been designed to match the traditional features of the existing farmhouse and attached outbuildings using natural slate for the roof and stone and brick for the walls with timber doors and windows. (Condition required to ensure that details are received of external materials).
- 5.14 More recently built non traditional buildings, extensions and materials (such as the barn roof) will be removed and/or replaced.
- 5.15 The repositioned and additional windows are, like the farmhouse, in a range of shapes, sizes which add interest to elevations, and the development retains the traditional courtyard setting. Conditions are required to ensure that lintels, cills and surrounds are of cast stone and that details of joinery and detailed working drawings are submitted prior to commencement of construction works.
- 5.16 The introduction of a dormer window on the west elevation of Unit 2 is opposed by the Parish Council who consider that dormer windows are not vernacular to the Burgh Parish area but that exceptions included in recent planning permissions are changing this. There are existing local examples of modern developments with dormers and it is considered that the dormer in Unit 2 is small relative to the large roof area which it breaks up visually. Provided it is faced in slate, it should be not be an alien or intrusive feature (Condition required).
- 5.17 As boundary treatment is important in relation to the setting of the listed building, a condition should be attached requiring submission of details.

Conclusion

- 5.18 In overall terms the proposed development is considered acceptable in relation to the site and the character of the buildings. In all aspects the proposals are compliant with the objectives of the relevant adopted and

emerging Development Plan policies.

- 5.19 The application is therefore recommended for approval subject to the conditions outlined above and an further condition requiring submission of details of all proposed hard surfaces.

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 giving due regard to the provisions of the Act. It is not considered that the proposal would conflict with the Act. Where any conflict is perceived it is not considered that such conflict would be significant enough to warrant refusal of the application.

7. Recommendation - Grant Permission

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

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

2. Samples or full details of all materials to be used on the exterior of the new and converted building 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 existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and

SCHEDULE A: Applications with Recommendation

07/1298

Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

3. Prior to the carrying out of any construction works, the existing building occupying the site shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings- A Guide to Good Recording Practice 2006 and , following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the building of architectural or historic interest prior to its alteration as part of the development and in accordance with Policies E31 and E34 of the Carlisle District Local Plan and Policies LE8 and LE14 of the Revised Redeposit Draft (2001 - 2016)

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy E35 of the Carlisle District Local Plan and Policy LE13 of the Revised Redeposit Draft (2001 - 2016).

5. All lintels, cills and surrounds shall be of cast stone.

Reason: To ensure the works harmonise as closely as possible with existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

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

Reason: To ensure the works harmonise as closely as possible with existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

7. Detailed working drawings for the barn conversion, at a suitable scale, shall be submitted to and approved by the local planning authority prior to the commencement of construction works and these shall show:

SCHEDULE A: Applications with Recommendation

07/1298

- 1 New work in relation to existing;
- 2 Proposed repairs to existing, including structural works, roof structure, doors, windows, fittings, panelling and other architectural works.
- 3 External ventilation details

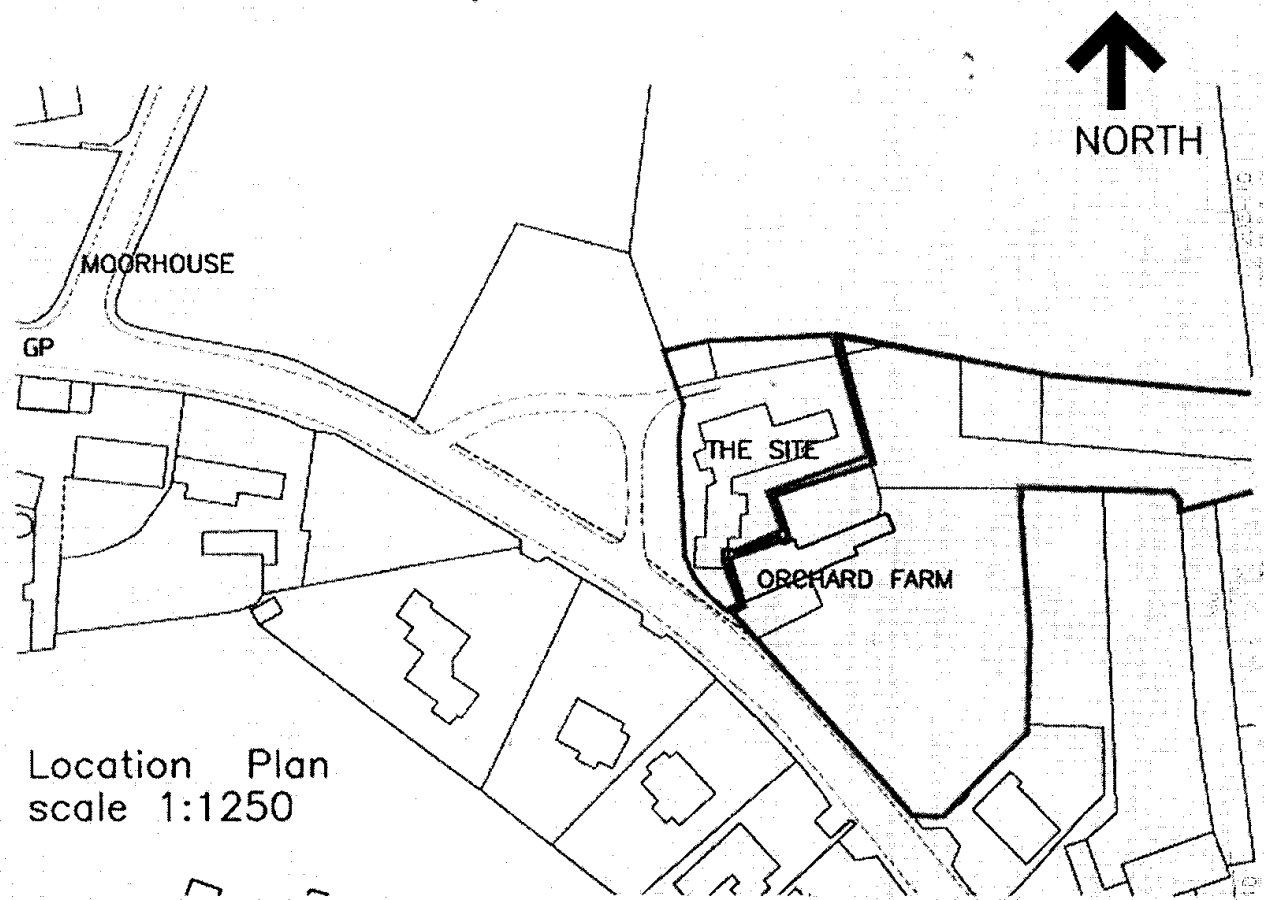
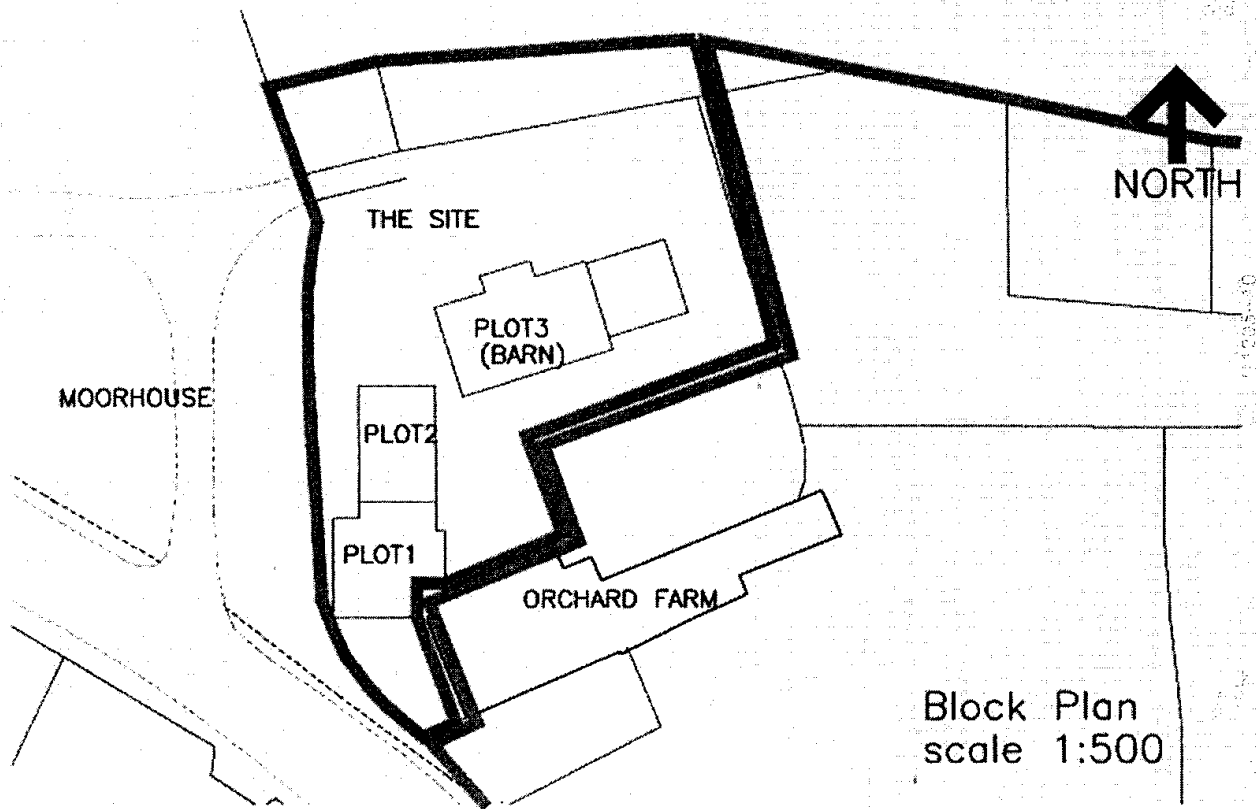
Reason: To ensure that the development is carried out in a manner that respects the architectural integrity of the listed building in accordance with Policy E34 of the Carlisle District Local Plan and Policy LE14 of the Revised Redeposit Draft (2001 - 2016).

8. The dormer in Unit 2 shall be faced in natural slate.

Reason: To ensure the works harmonise as closely as possible with existing buildings and to ensure compliance with the objectives of Policies E34 and E35 of the Carlisle District Local Plan and Policies LE13 and LE14 of the Revised Redeposit Draft (2001 - 2016).

9. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the completion of the development or occupation of the dwellings, whichever is the earlier, hereby permitted.

Reason: To ensure that the appearance of the area and the setting of the listed building is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy E35 of the Carlisle District Local Plan and Policy LE13 of the Revised Redeposit Draft (2001 - 2016).



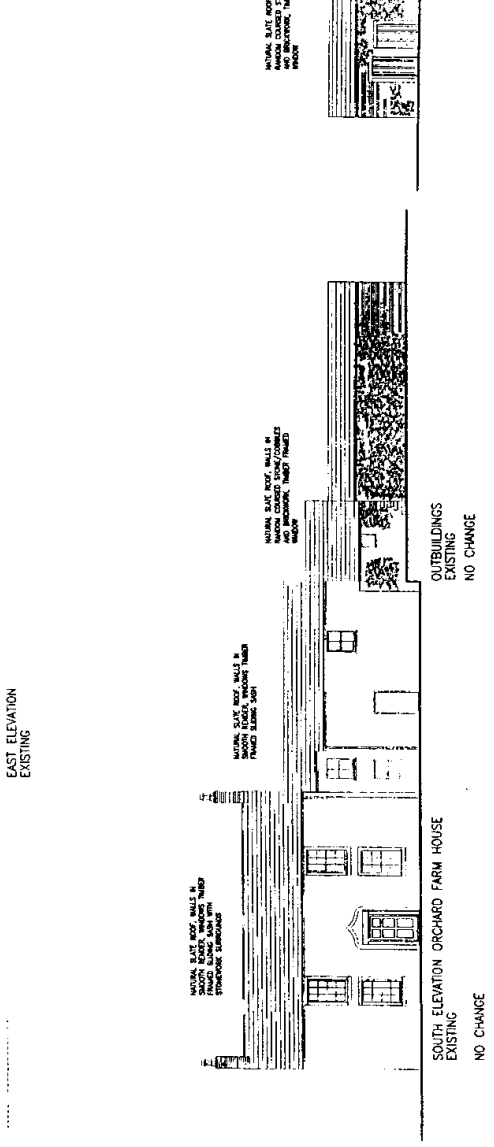
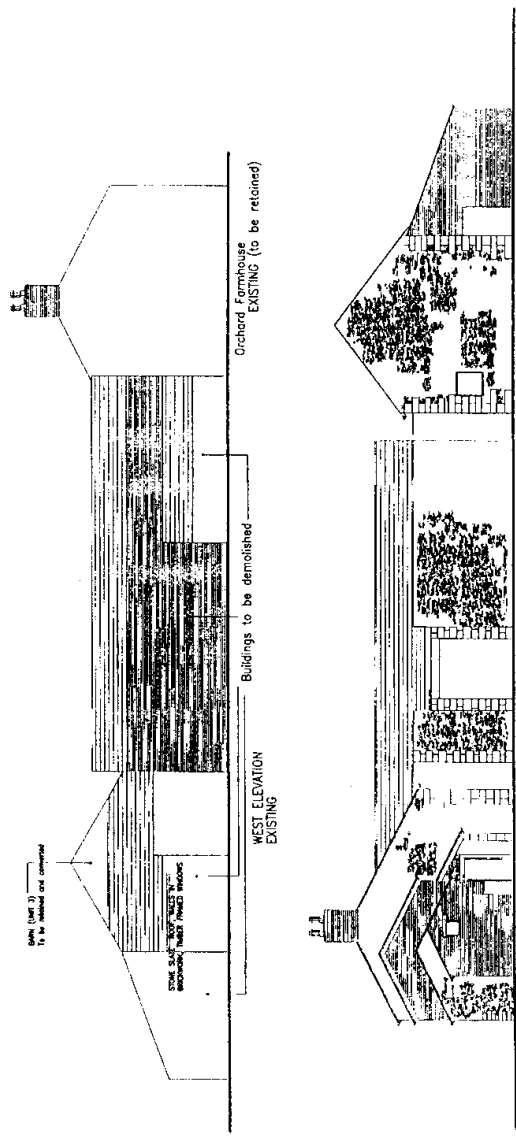
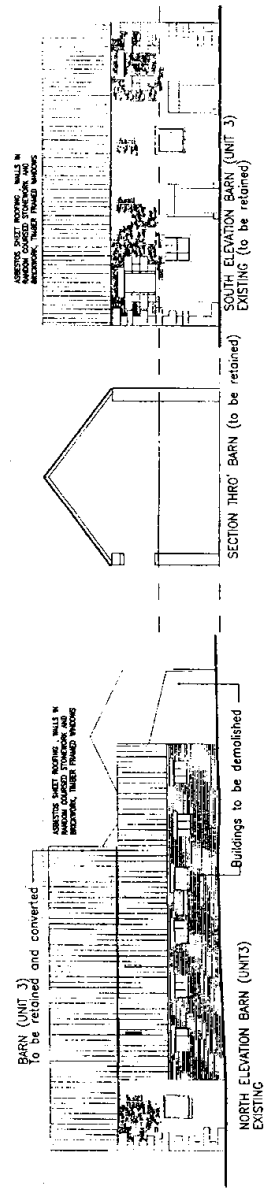
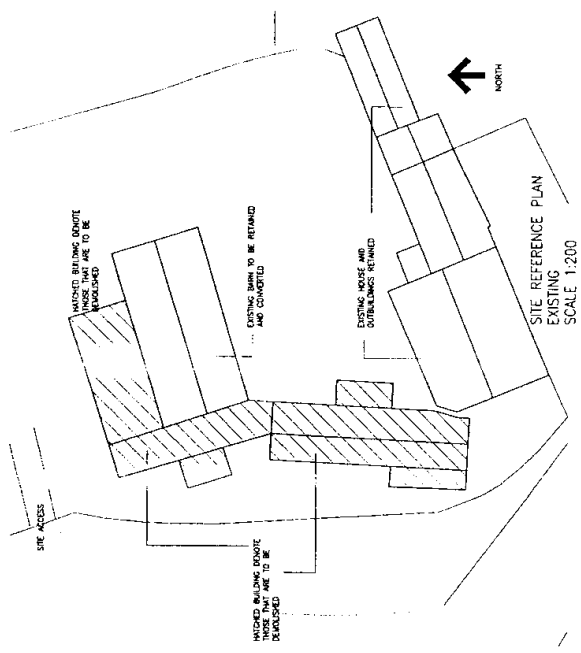
REVISIONS

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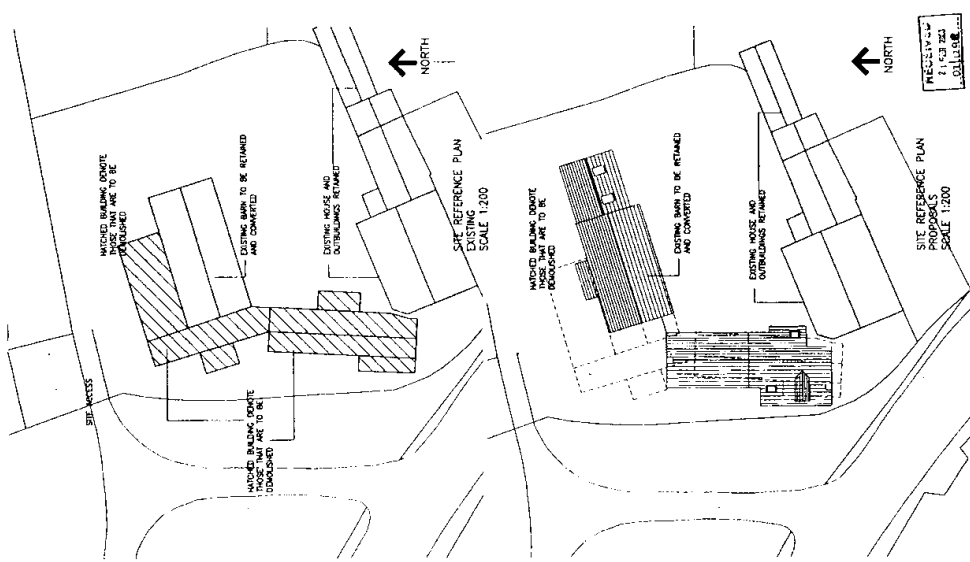
RECEIVED
26 NOV 2007
07/1298

Project New Build and Barn Conversion
Orchard Farm, Moorhouse,
Drawing Carlisle
SITE LOCATION PLANS
Scale as shown Date 08/08/07 Drawing Number 11205-07

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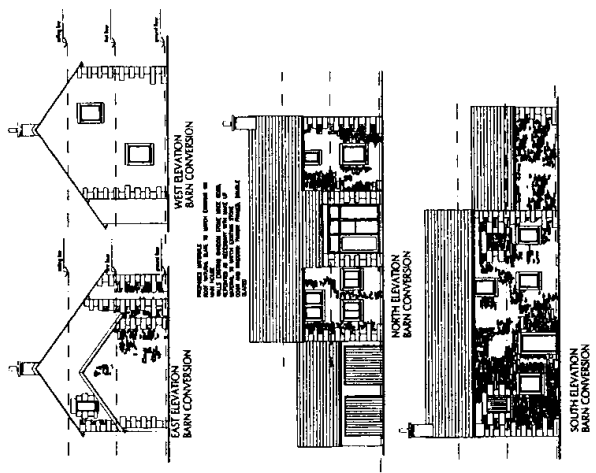
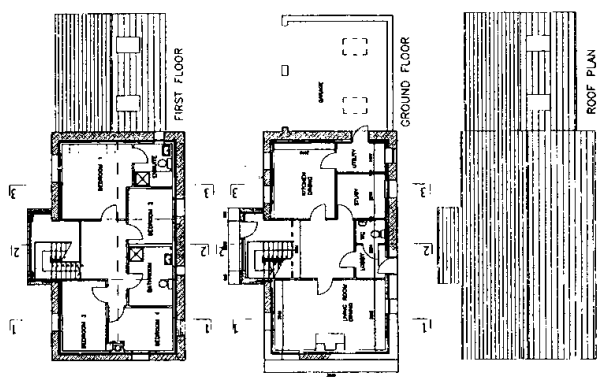


Project: Kirkaldy and Roe Ltd
 Orchard Farm Development
 Moorhouse, Carlisle
 Existing Elevations
 Scale 1:100 DATE 22.10.07 Drawn: BJC...
 Number 05-08

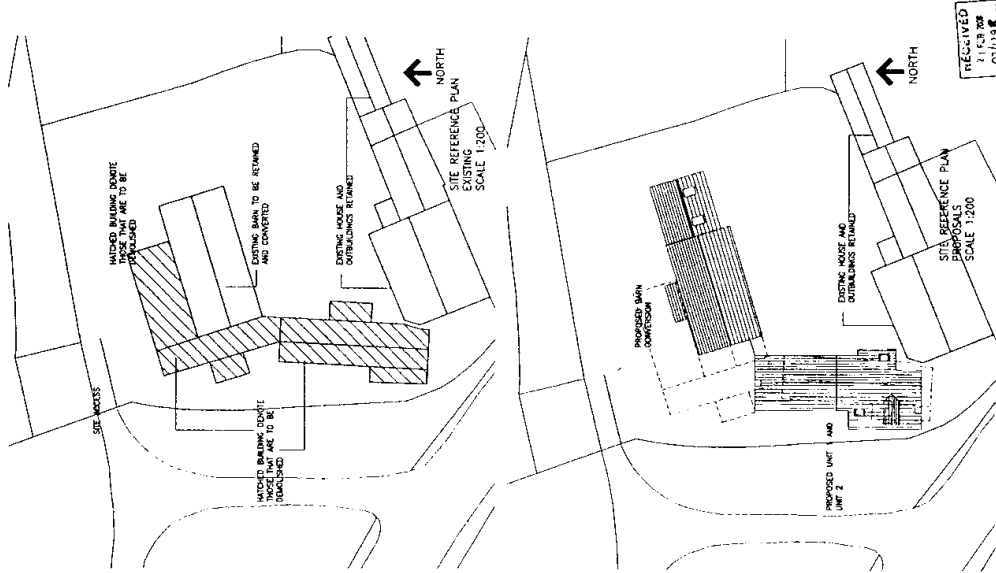


PROJECT NO. 11205-9

Project: Kirkaldy and Roe Ltd
 Orchard Farm Development
 Moorhouse, Carlisle
 Proposed Barn Conversion
 Scale: 1:100 Date: 22/10/07 Drawn: MJC Number: 11205-9-A

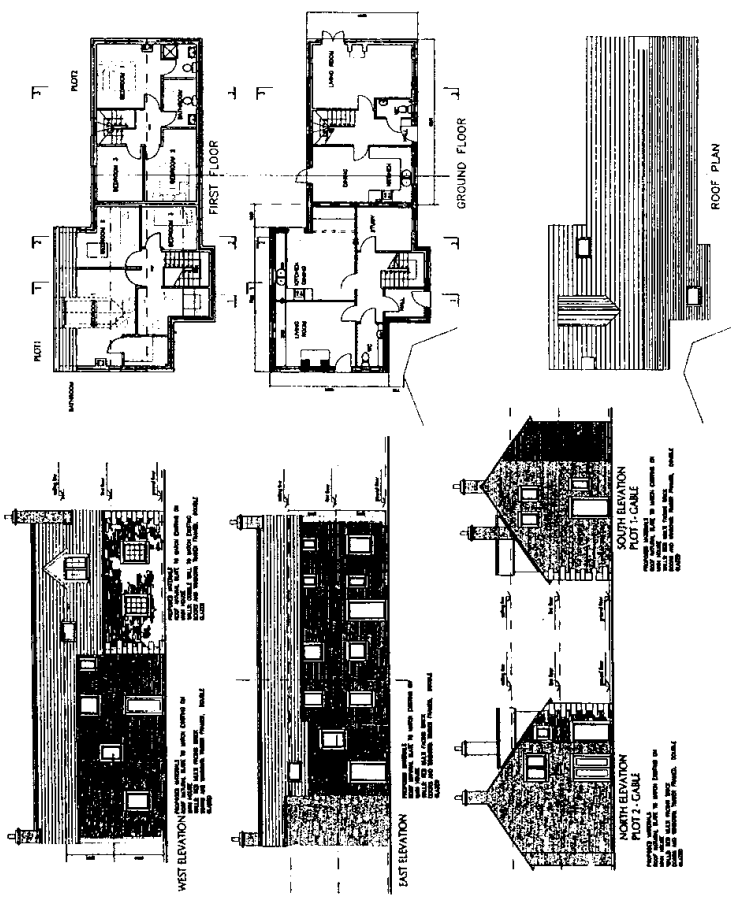


Architects: [unreadable] 11205-9-A

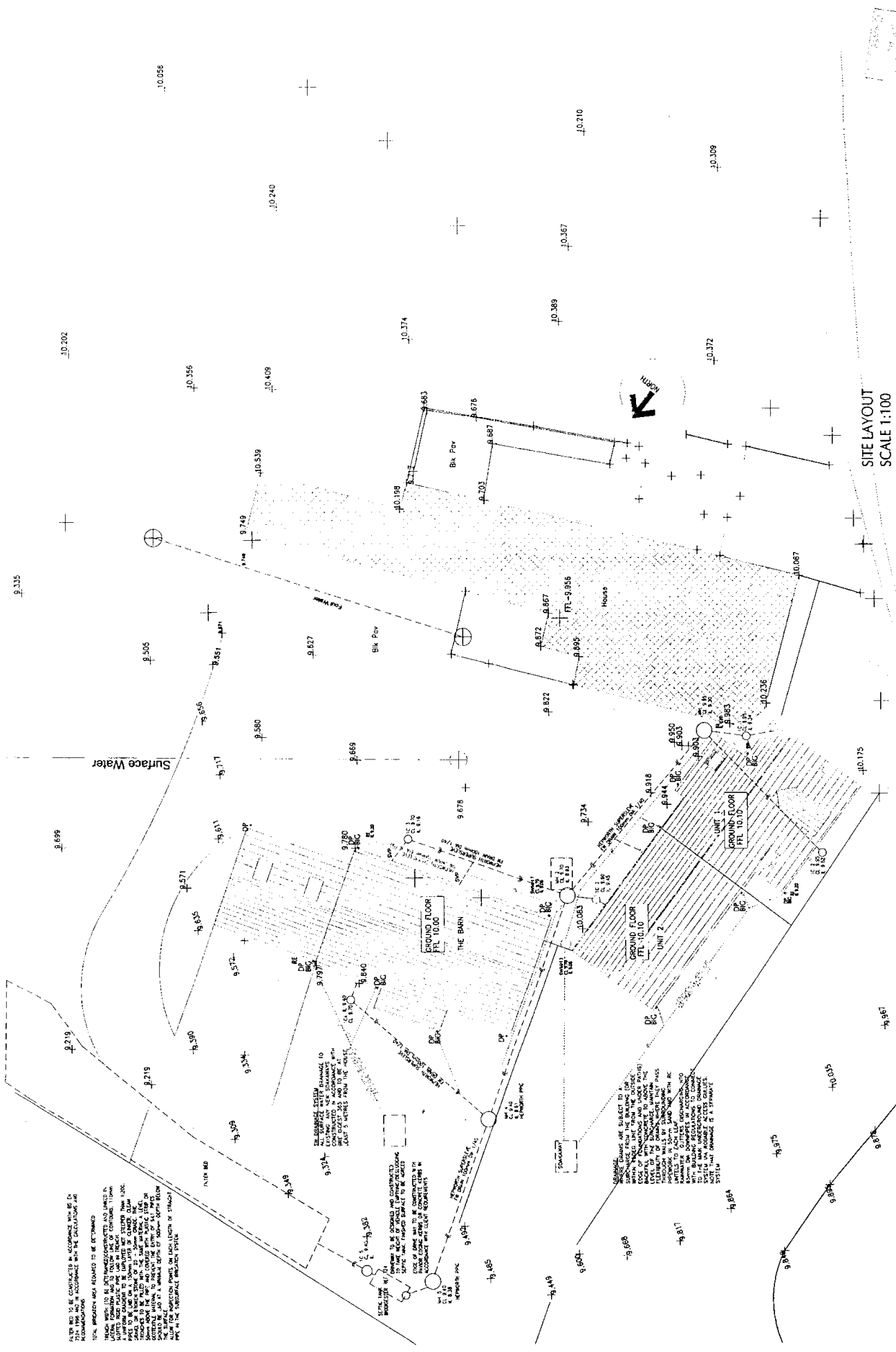


RECEIVED
14/3/2007
12:03:38

Kirkcaldy and Roe Ltd
Orchard Farm Development
Moorhouse, Carlisle
Proposals Units 1 and 2
Drawn: 22/10/07
Scale: 1:100
Number: 1/205-10A



REVISIONS:
A. 14/03/07 REFERENCE TO PLOT 10/11 AND 10/12 FROM 10/11 & 10/12



SITE LAYOUT
SCALE 1:100

Project Kirkaldy and Roe Ltd
Orchard Farm Development
Drawing Moorhouse, Carlisle
Site Layout and Drainage
Scale 1:100 Date 16/06/07
Number 11205-(P)-03

THE DRAWING IS CONTRACTUAL. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE AUTHOR.

Revisions:

SCHEDULE A: Applications with Recommendation

07/1305

Item No: 11

Date of Committee: 07/03/2008

Appn Ref No:
07/1305

Applicant:
David Allen & Co.

Parish:
Dalston

Date of Receipt:
12/12/2007

Agent:

Ward:
Dalston

Location:
Dalmar House, Barras Lane Estate, Dalston,
Carlisle, CA5 7NY

Grid Reference:
336200 550700

Proposal: Display of Replacement Free Standing Sign (Externally Illuminated)

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee due to comments received from the Parish Council.

1. Constraints and Planning Policies

Waste Disposal Site

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

Health & Safety Executive Consultation

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

District E48 - Areas of Special Control

District EM2 - Primary Employment Areas

Rev Redeposit Pl. Pol EC17 - Areas Spec.Control Of Advertis.

Rev Redeposit Pl. Pol EC1 - Primary Employment Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the proposed development subject to the inclusion of two conditions;

Dalston Parish Council: the Parish Council felt that the scale of the sign was inappropriate for its location and in relation to the building.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
----------	------------	-------------

- 3.1 This application has been advertised by the posting of a site notice. No verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 In 1990, under planning permission 90/0443, planning permission was granted for the erection of an industrial unit.
- 4.2 In 2000, under planning permission 00/0797, planning permission was granted for the erection of a two storey office accommodation.
- 4.3 In 2005, under planning permission 05/0646, planning permission was granted for a three storey extension to existing office accommodation and associated car parking.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application seeks approval for a externally illuminated free standing sign to replace an existing sign at Dalmar House on the Barras Lane Industrial Estate, Dalston. The site is identified in the Carlisle District Local Plan as being within a Primary Employment Area.

Background

- 5.2 The submitted drawings illustrate a curved double sided sign finished in brushed aluminium measuring 2.4 metres in height by 1 metre in width. The

sign will be externally illuminated utilising the existing ground located floodlights.

Assessment

- 5.3 In the context of Ministerial advice contained in Circular 5/92 and PPG19 "Advertisements" and the relevant policies of the adopted and emerging Development Plan the two fundamental issues are "amenity" and "public safety". Amenity considerations are typically those relating to the effect on the appearance of buildings or the immediate vicinity. Important considerations would include the presence of any Listed Buildings and Conservation Areas.
- 5.4 Considerations of public safety include those matters having a bearing on the safe use and operation of any form of traffic or transport, including pedestrians. For example, by causing a distraction to drivers or confusion with traffic signs or signals.
- 5.5 When assessing the application on this basis it is evident that the proposed sign is located close to the entrance of the Barras Lane Industrial Estate and would be viewed against the backdrop of the two/three storey office building to which it relates. In addition, the application site is not immediately neighboured by any Listed Buildings or part of a designated Conservation Area. It is, therefore, considered that the siting, scale and method of illumination is appropriate to the immediate vicinity and would not impact upon the visual amenities of either the area or adjacent properties.
- 5.6 With regard to highway safety whilst the sign may attract attention it would not be sufficient to cause a distraction and therefore pose a threat to users of the highway. The Highways Authority has also confirmed that they have no objections to the proposal subject to the imposition of two conditions.

Conclusion

- 5.7 In overall terms the siting, scale and design of the signage is such that it is considered that it would not impact on the amenity of the surrounding area or highway safety. In all aspects the proposals are 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

SCHEDULE A: Applications with Recommendation

07/1305

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 consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with Regulation 13(5) of the Town and Country Planning (Control of Advertisements) Regulations 1992.

2. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

3. Any advertisements or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

SCHEDULE A: Applications with Recommendation

07/1305

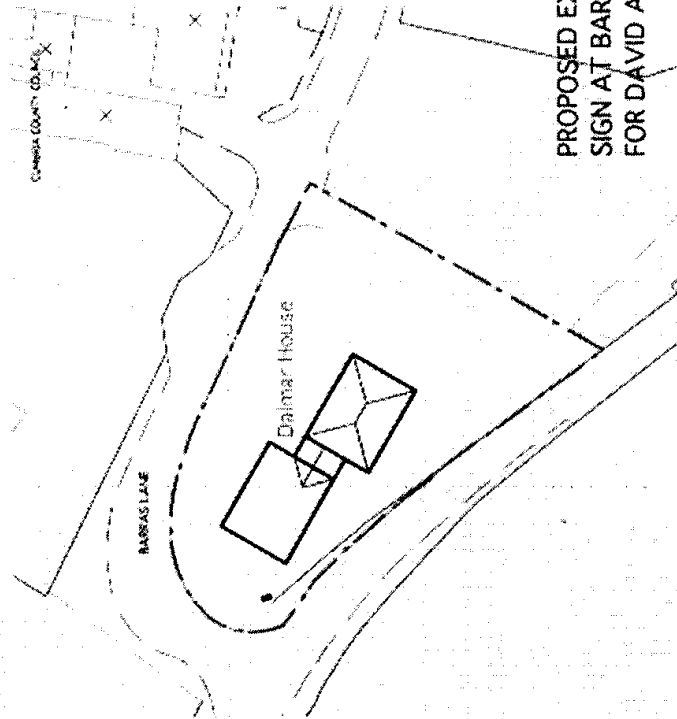
Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

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

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

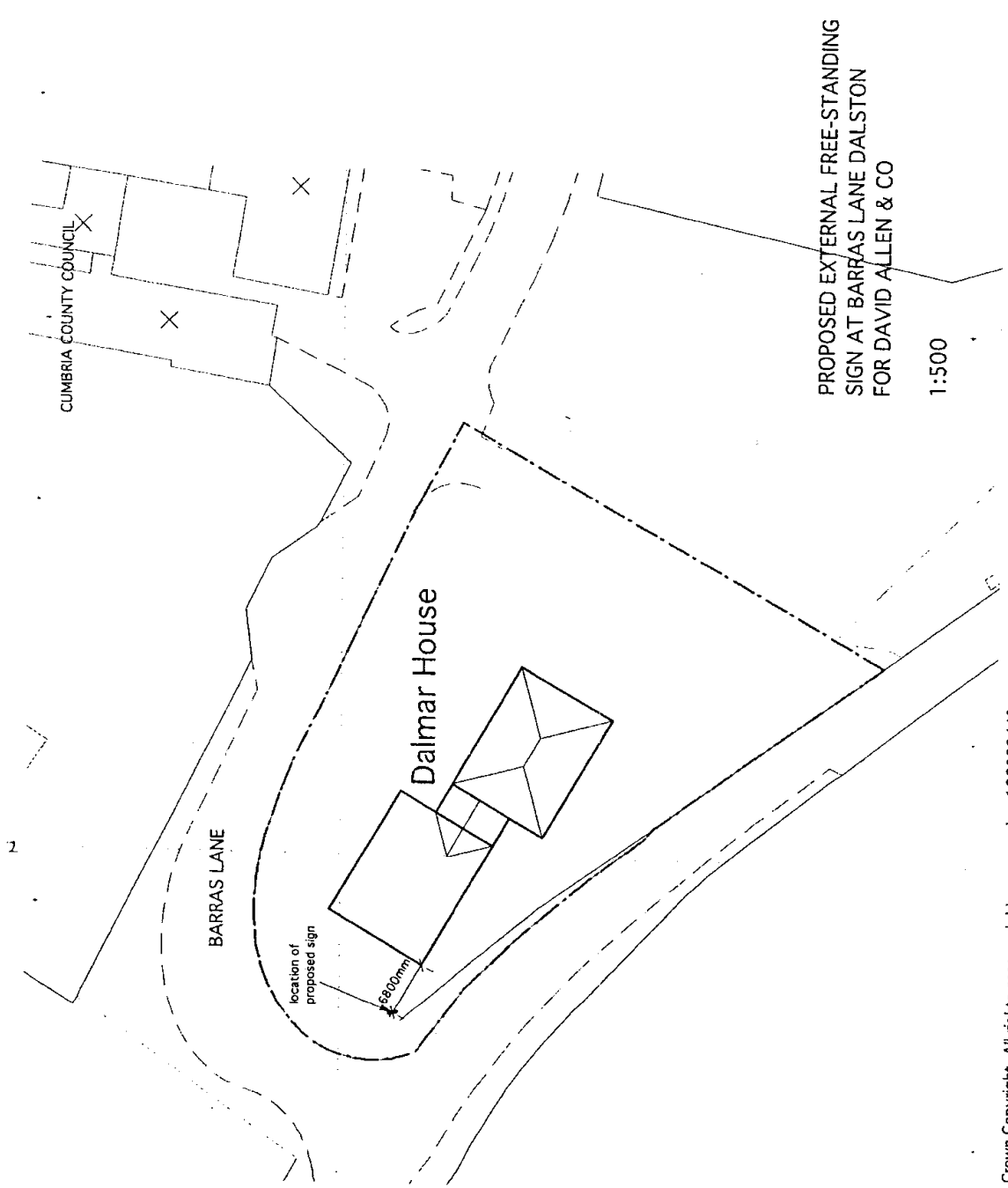


**PROPOSED EXTERNAL FREE-STANDING
SIGN AT BARRAS LANE DALSTON
FOR DAVID ALLEN & CO**

1:1250

© Crown Copyright. All rights reserved. Licence number: 100026443

DATE: 12/04/2007
07/1305



PROPOSED EXTERNAL FREE-STANDING
SIGN AT BARRAS LANE DALSTON
FOR DAVID ALLEN & CO

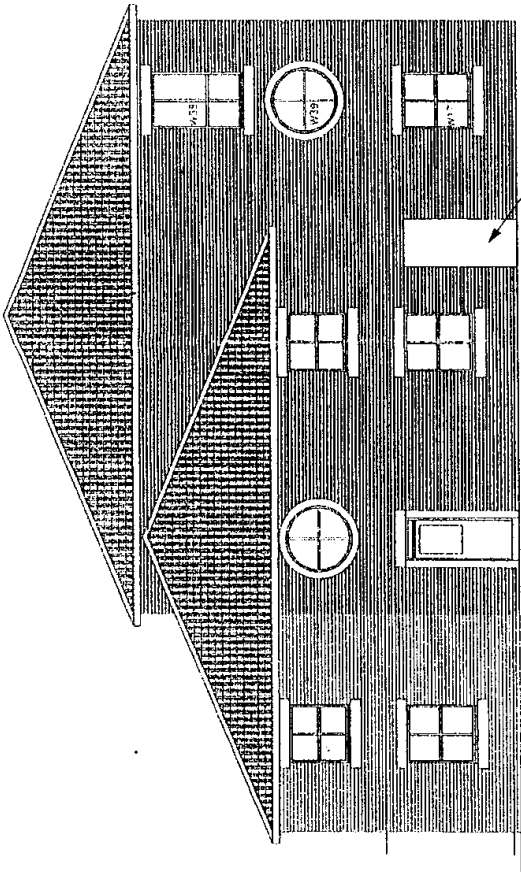
1:500

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07/1305

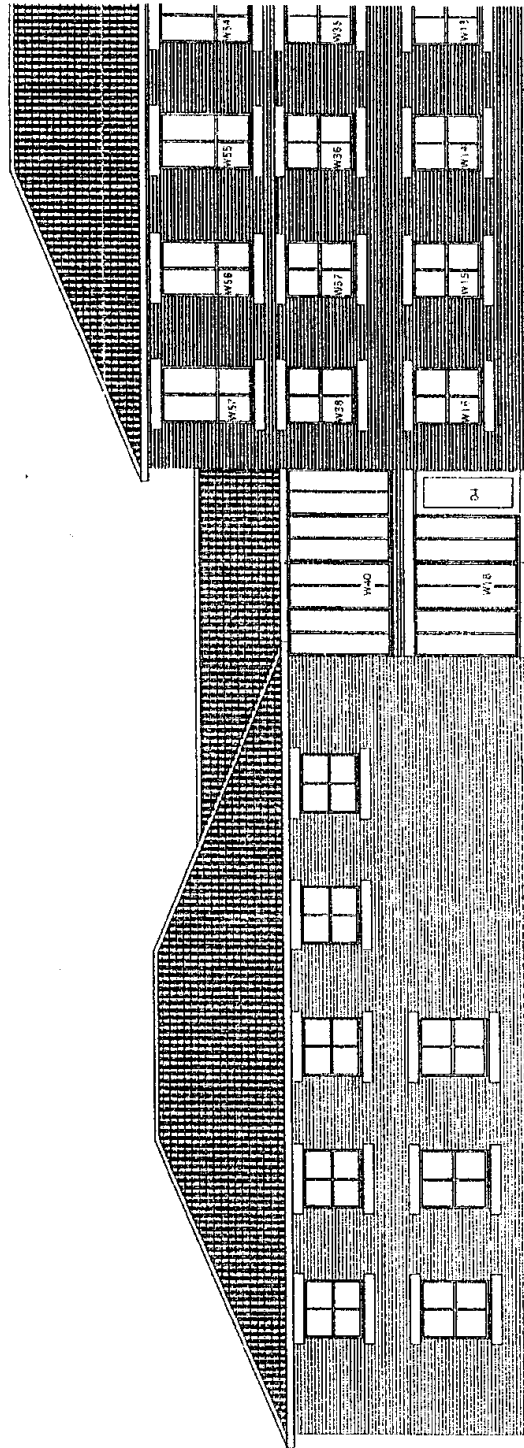
PROPOSED EXTERNAL FREE-STANDING
SIGN AT BARRAS LANE DALSTON
FOR DAVID ALLEN & CO

1:100



WEST ELEVATION 1:100

proposed sign
brushed aluminium
2400h x 1000w



SOUTH ELEVATION 1:100

proposed sign
brushed aluminium
2400h x 1000w

07 | 130S

EXISTING ADVERTISEMENT
DRAWING



RECEIVED
27 NOV 2007
07/1305

PROPOSED ADVERTISEMENT
DRAWING



195

RECEIVED

27 NOV 2007

2007

PROPOSED ADVERTISEMENT
DRAWING



1900mm

DALMAR HOUSE

DAVID
ALLEN
& Co

CHARTERED
ACCOUNTANTS

• Auditing •

• Tax Compliance & Planning •

• Business Planning •

• VAT Processing & Advice •

• Payroll Bureau •

2400mm

GAP

FINANCIAL
MANAGEMENT

• Pensions •

• Investments •

CAR PARK

AT REAR OF BUILDING

RECEIVED

12 DEC 2007

a7/1305

Application for Consent to Display Advertisements

Supporting Statement

David Allen & Co are a Chartered Accountancy practice based at Dalmar House, Barras Lane Industrial Estate, Dalston.

Our firm built the premises and moved into them in 2001 and have just recently completed an office extension. The firm employs more than 60 staff and GAP Financial Management Limited who are Independent Financial Advisers also use some of the office space in the building.

We already have a sign at the entrance to the estate which has been in place for the last six years. This advertises our Accountancy practice and shows the direction to the entrance and car park.

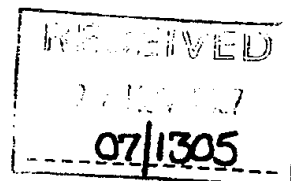
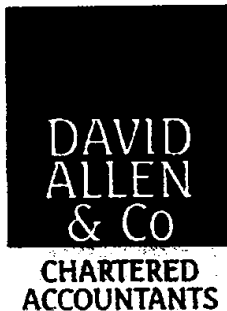
We are now looking to replace that sign with a new sign to compliment our business and the extended services we provide but also to advertise the existence of GAP Financial Management Limited and the services that they provide.

The proposed sign will be a curved double sided sign made of brushed aluminium and the dimensions will be 2.4 meters high by 1 meter wide. It is to be positioned at the same place as the existing sign which is more than 5 meters away from the road of Barras Lane and the estate road of Barras Lane Industrial Estate. We have ensured that we do not obstruct any visibility of traffic either coming into the estate or leaving the estate.

The fixings will be hidden inside the structure and will consist of posts to be driven 3ft into the ground. The sign will be illuminated by external static floodlights which again are already positioned for the existing sign.

The sign itself consists of each firm's individual logos with the words Dalmar House at the top and directions to the car park at the bottom. Below each logo will be five service lines each advertising five main areas we are associated with.

The logos for each firm are as follows.



David Allen started his accountancy practice from his home in Dalston and as the firm has grown he has moved to larger premises within the Dalston area, finally designing and building the purpose built, Dalmar House. As a firm we are proud of our reputation locally around the Dalston and Carlisle area.

We are an integral part of the community of Dalston supporting many local events like the annual Dalston Show and also are an employer of a large number of locally based staff. Our firm has just been nominated in four categories in the Cumbria Business Awards on Thursday 29 November which is a fantastic achievement and we want to build on our previous success. We strongly believe that the fresh appealing design of the advertising which links in well with our new extension, will promote the services we can offer and also promote the industrial estate where it is great to see other businesses are growing and developing.

SCHEDULE A: Applications with Recommendation

07/1321

Item No: 12

Date of Committee: 07/03/2008

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:

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): comments awaited.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

██████████ 29 John Street

03/01/08

3.1 This application has been advertised by means of a site notice and direct

SCHEDULE A: Applications with Recommendation

07/1321

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 Advertisement consent is sought for signage to Curry Master, 31 John Street, Carlisle. The site is 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. This was the subject of a condition attached to the approval. 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 remainder of the sign is non illuminated with the words 'Balti & Tandoori Take Away' applied to the fascia. The fascia itself is coloured white.

SCHEDULE A: Applications with Recommendation

07/1321

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 does involve the installation of a fascia sign along the John Street elevation of the building that would measure 7.25 metres by 0.5 metres. The signage would appear significant in scale but 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 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.
- 5.9 There are a number of noticeable fascia signs in the vicinity of the application site, namely KC Superbikes. These signs vary but include non-illuminated fascias, which can be found on the adjacent building, halo illuminated signage on the aforementioned KC Superbikes premises, which was the result of lengthy negotiations with Officers, together with externally 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 apparent during the hours of darkness when the sign is illuminated. The building occupies a relatively prominent corner site which given the angular nature of its footprint, is most visible when approaching from the City Centre. The combination of neon illumination together with the colour of the sign, is detrimental to 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

SCHEDULE A: Applications with Recommendation

07/1321

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;

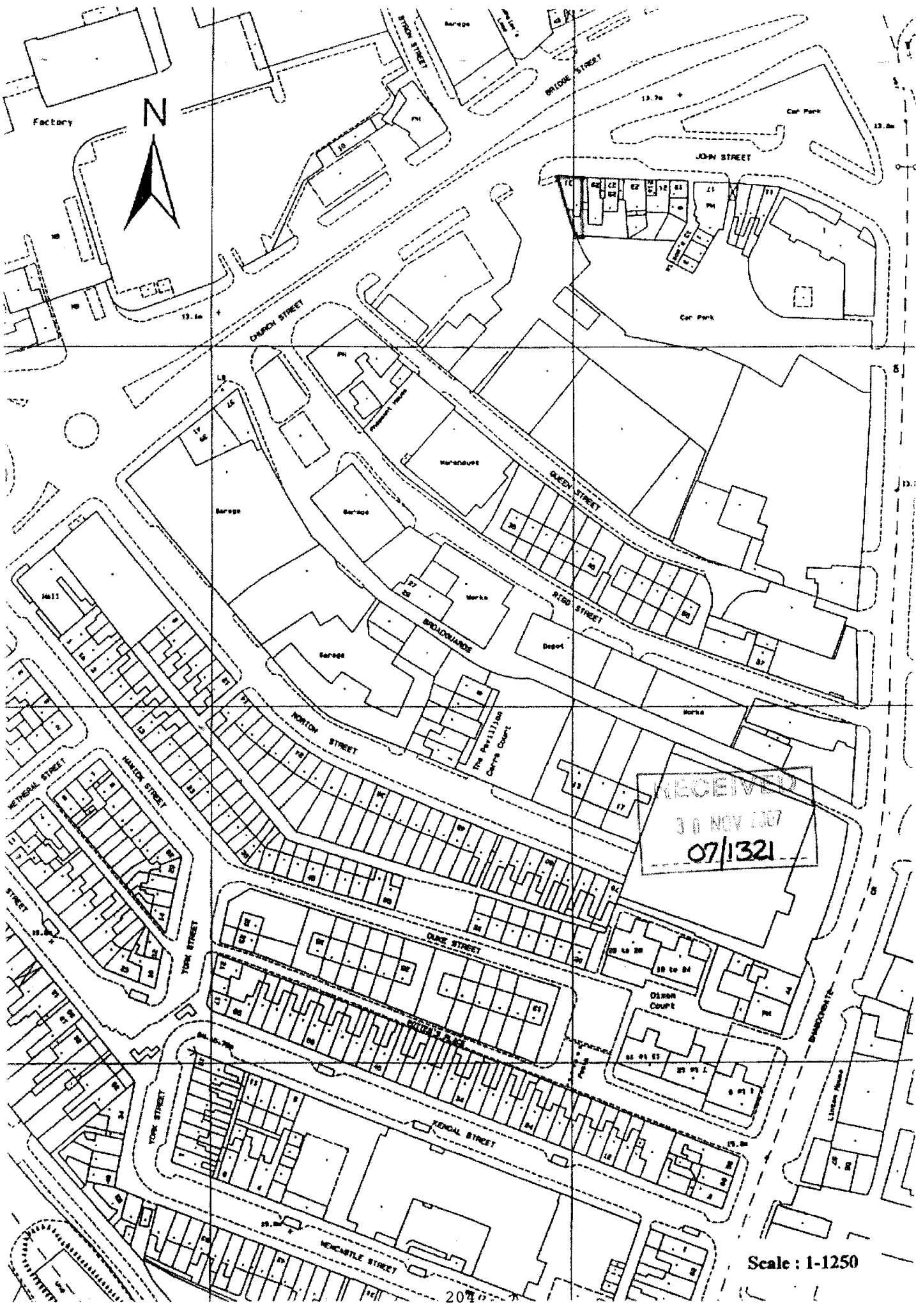
Article 8 recognises the "Right To Respect for Private and Family Life";

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.

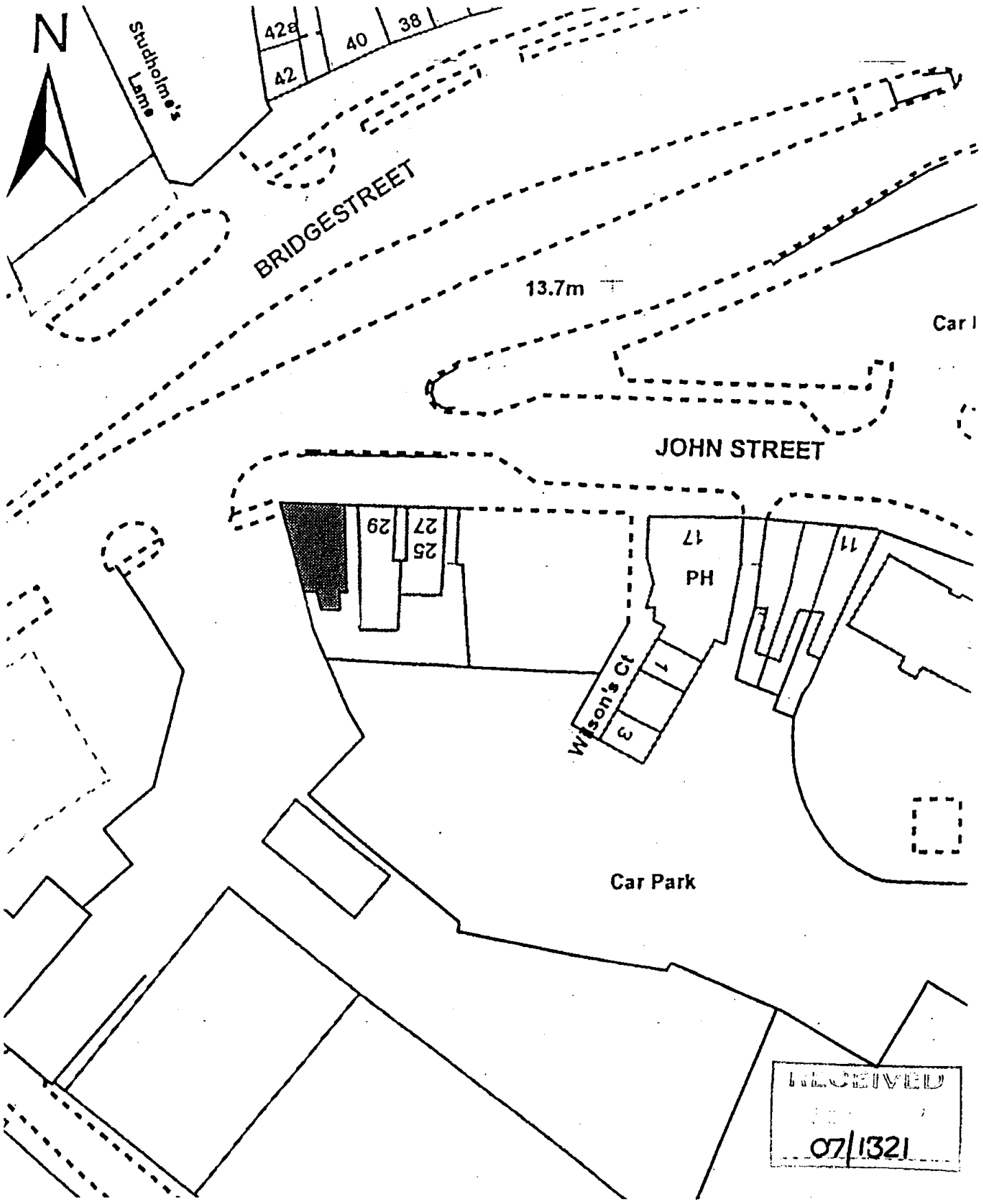
7. Recommendation - Refuse Permission

- Reason:** The building is prominently sited on a corner site, close to a main thoroughfare into the City centre. In such a location, the display of the signage, particularly the neon lettering, by reason of its scale, design and illumination, and visual dominance during the hours of darkness, is excessively dominant and incongruous within the streetscene and its surroundings. The signage does not positively contribute to the appearance of the environment and adversely affects the character and amenity of the area generally contrary to Policy E47 (Advertisements) of the Carlisle District Local Plan and Policy EC16 (Advertisements) of the Carlisle District Local Plan Revised Redeposit Draft 2001 – 2016.
-



RECEIVED
30 NOV 1967
07/1321

Scale: 1-1250



RECEIVED
07/1321

PROPOSED FASCIA SIGN

SITE PLAN

31 JOHN STREET - CARLISLE

Scale : 1-500



AS EXISTING

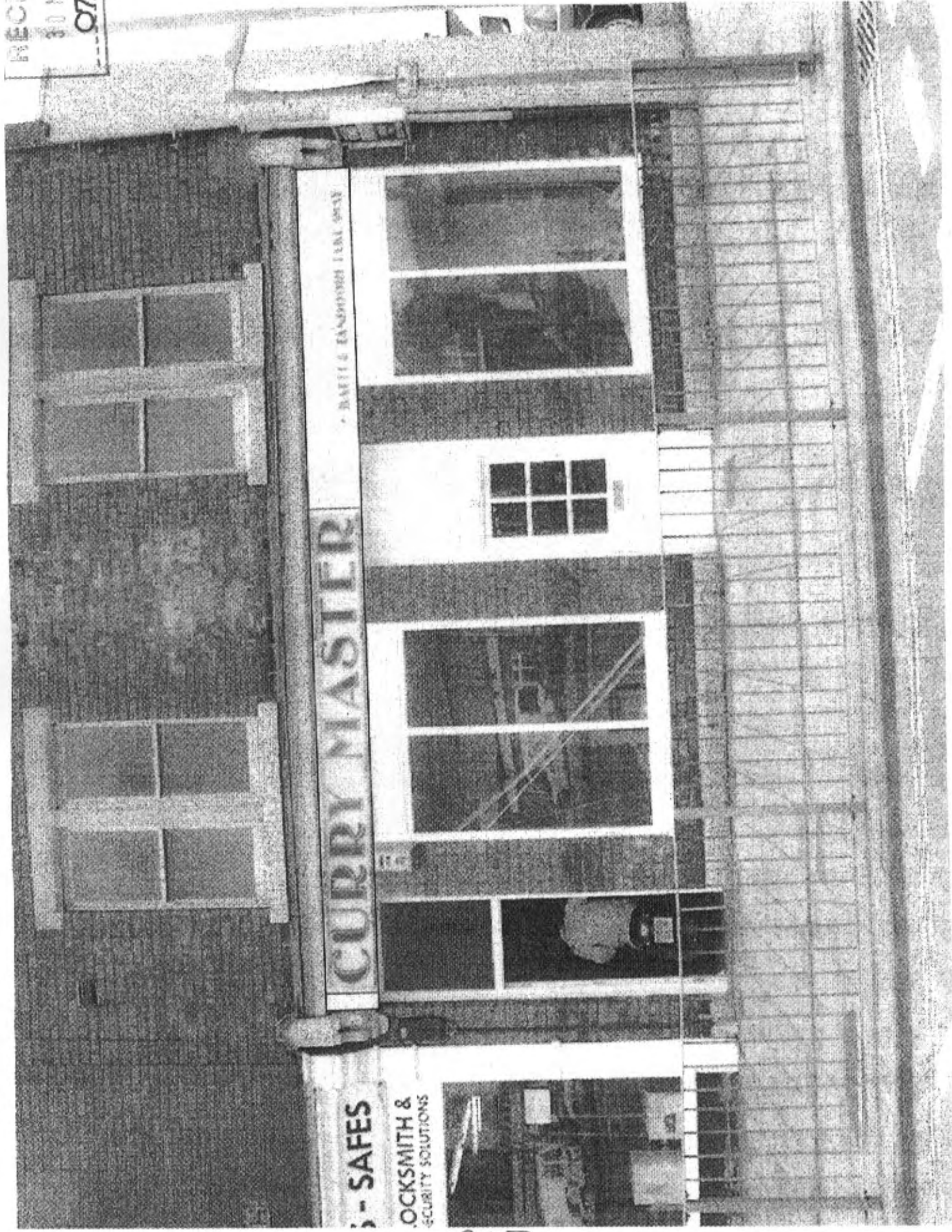


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13 DEC 2007
09/132

PROPOSED SIGNAGE 31 JOHN STREET - CARLISLE	
DRG. No. 1585 / 2B	[REDACTED]
SCALE: 1-50	
DATE: JUNE 2006	

RECEIVED
30 NOV 1977
07/1321



207

SCHEDULE A: Applications with Recommendation

08/0114

Item No: 13

Date of Committee: 07/03/2008

Appn Ref No:
08/0114

Applicant:
Mr & Mrs Booth

Parish:
Carlisle

Date of Receipt:
06/02/2008

Agent:
Jock Gordon

Ward:
Harraby

Location:
2 Hillcrest Avenue, Carlisle, CA1 2QJ

Grid Reference:
341536 554529

Proposal: Single Storey Side Extension To Provide Extended Kitchen
Amendment:

REPORT

Case Officer: Colin Godfrey

Reason for Determination by Committee:

This application is brought before the Development Control Committee as the applicant works for the City Council

1. Constraints and Planning Policies

District H14 - Extensions to Dwellings

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

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

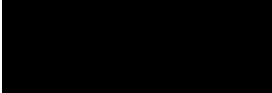
2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): [*Enter text.]

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

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	1 Hillcrest Avenue 4 Hillcrest Avenue 237 London Road	08/02/08 08/02/08 08/02/08

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,

1. [*Enter text here]
2. [*Enter text here]

4. Planning History

4.1 There is no relevant planning history in relation to this site.

5. Details of Proposal/Officer Appraisal

5.1 This application seeks approval for extensions to a semi-detached property located on a corner plot on Hillcrest Avenue, directly to the south of the telephone exchange. The property is constructed from rendered brickwork to a tiled roof and is bounded to each flank by wooden board fencing.

5.2 It is proposed to extend the property by means of a single storey side extension to provide an extended kitchen. The proposed extension will have a width of 3.5m, depth of 4.3m and a maximum height of 3.4m to the pitched roof. The extension is to be constructed from rendered brickwork and concrete roof tiles to match the existing.

5.3 The relevant planning policies against which this application is required to be assessed are Policy H14 of the Carlisle District Local Plan and Policies CP4, CP5 and H14 of the Carlisle District Local Plan Revised Redeposit Draft.

5.4 The proposal raises the following planning issues:

5.5 1) Impact on the Living Conditions of Neighbouring Residents

The extension is to be located to the north-west of the house, away from the adjoining property, 4 Hillcrest Avenue. As such, it is not considered that there would be any adverse impact on the living conditions of the residents of this property. Given the location of the proposed extension, it is not considered that the living conditions of the residents of any other neighbouring properties would be adversely impacted.

5.6 2) Impact on the Character of the Property

The proposed extension is relatively small and is to be constructed from materials to match the existing. As such, it is considered that it can be accommodated without detriment to the character of the property.

5.7 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the proposed extension is considered acceptable in relation to the dwelling. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

5.8 Providing no objections are received during the consultation period, the application 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;

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.

SCHEDULE A: Applications with Recommendation

08/0114

7. Recommendation - Grant Permission

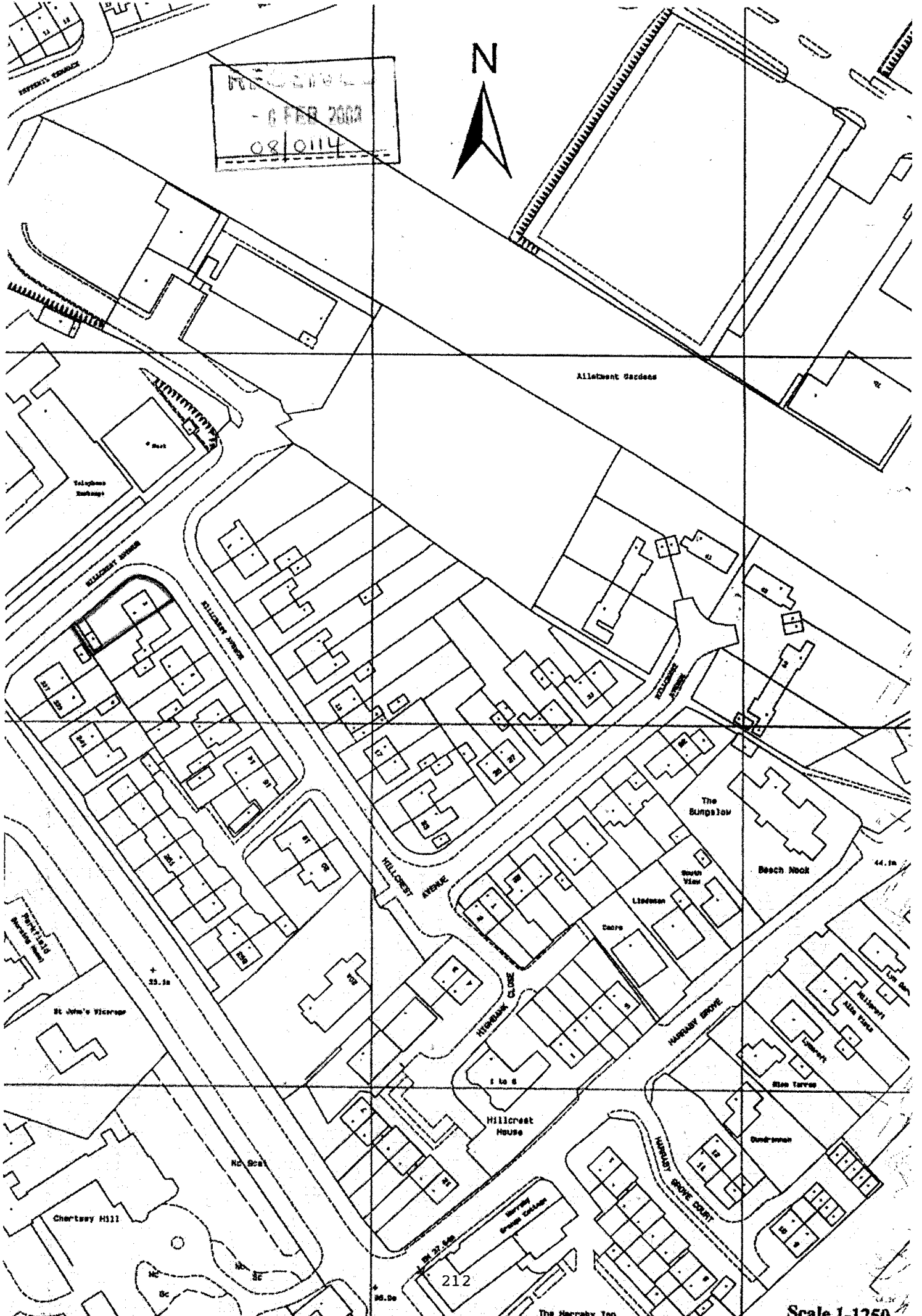
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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.

REC'D
- 6 FEB 2003
08/0114



Allotment Gardens

The Sunslow

Beach Nook

St John's Vicarage

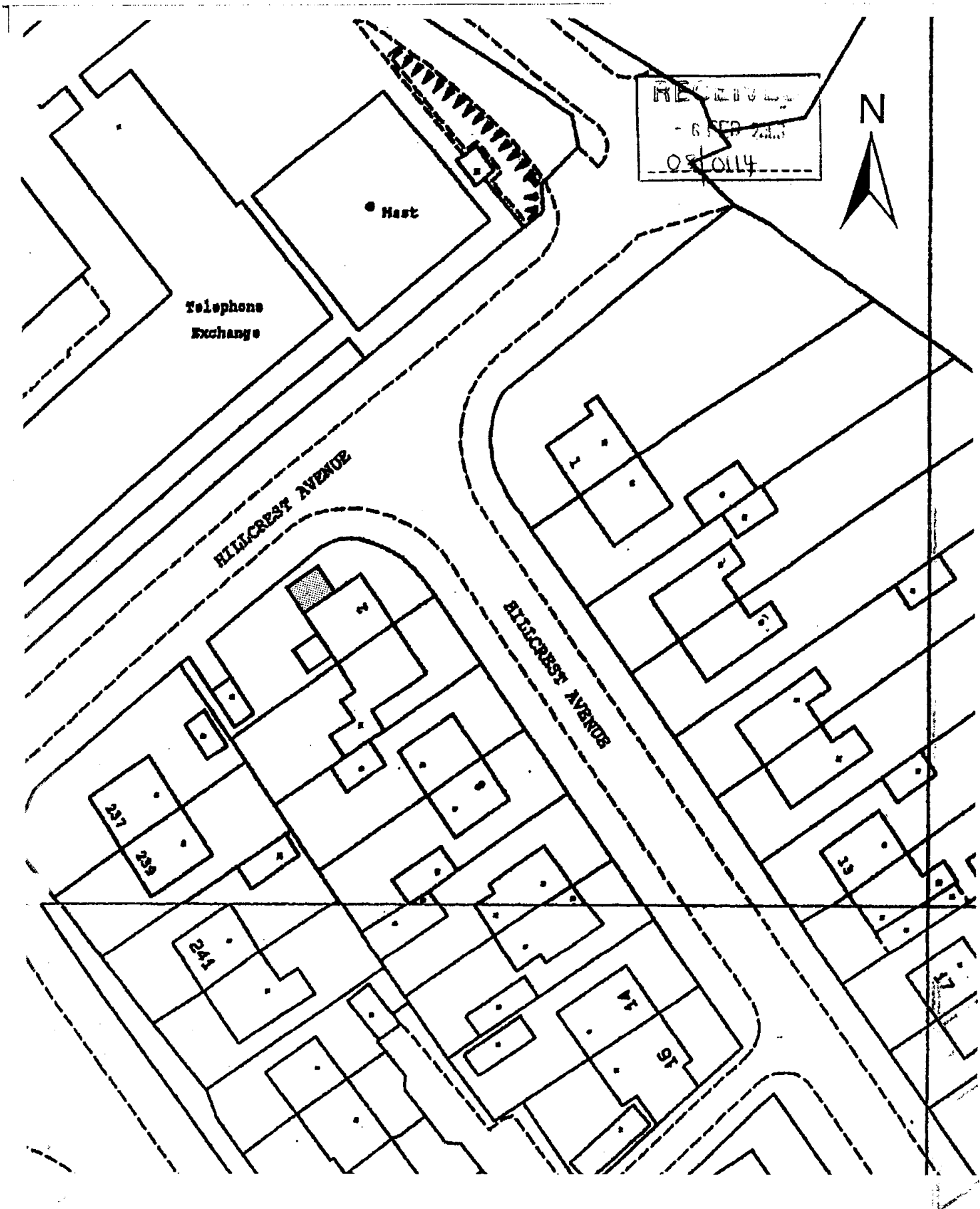
Hillcrest House

Chertsey Hill

212

The Harraby Inn

Scale 1-1250

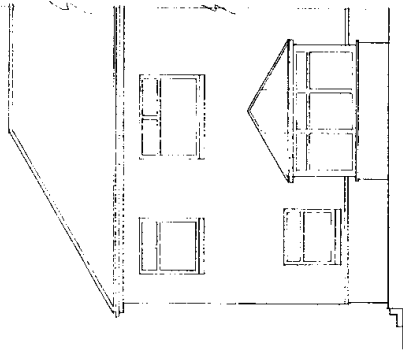


PROPOSED EXTENSION

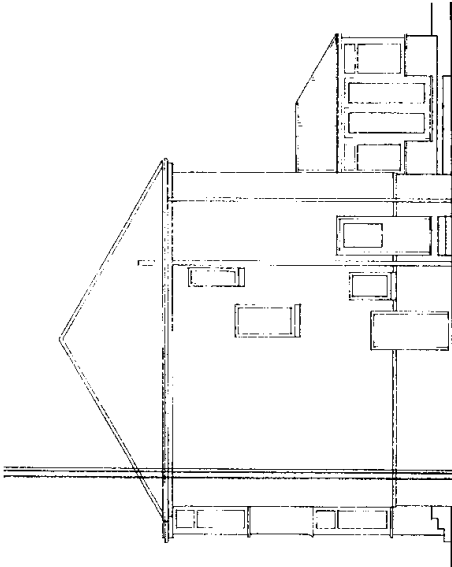
SITE PLAN

2 HILLCREST AVENUE - CARLISLE

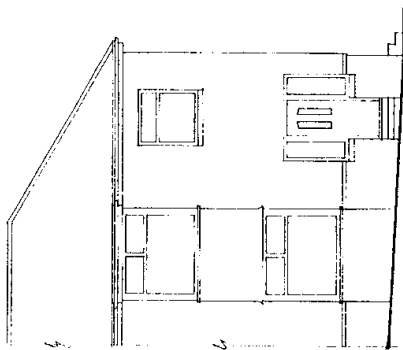
Scale : 1-500



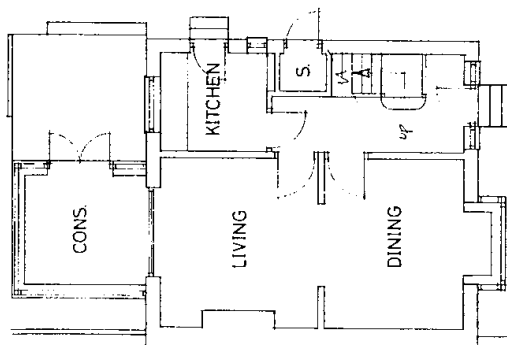
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



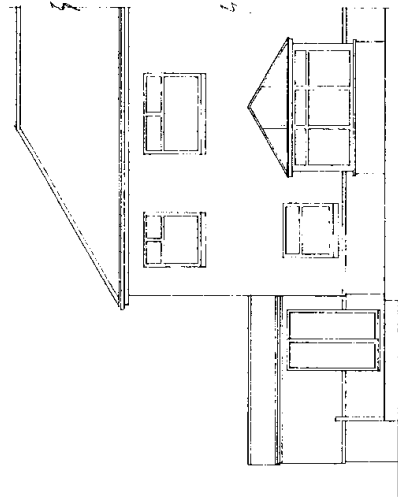
GROUND FLOOR PLAN

RECEIVED
- FEB 2008
CITY OF CARLSLE

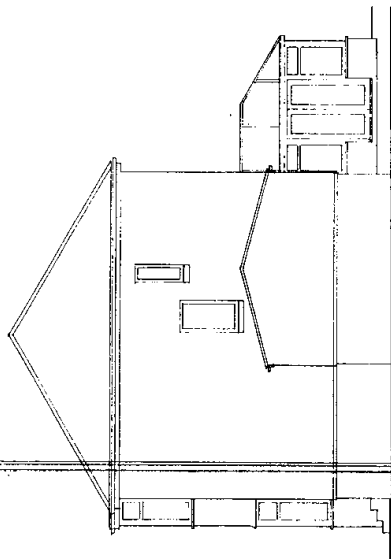
AS EXISTING

PROPOSED EXTENSION
2 HILLCREST AVENUE
CARLSLE

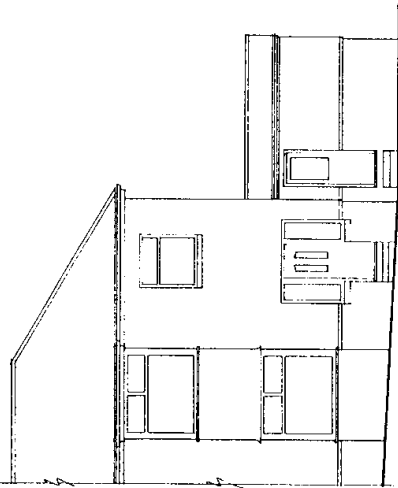
Draw. No. 1784/1
SCALE: 1-50
DATE: JAN 2008



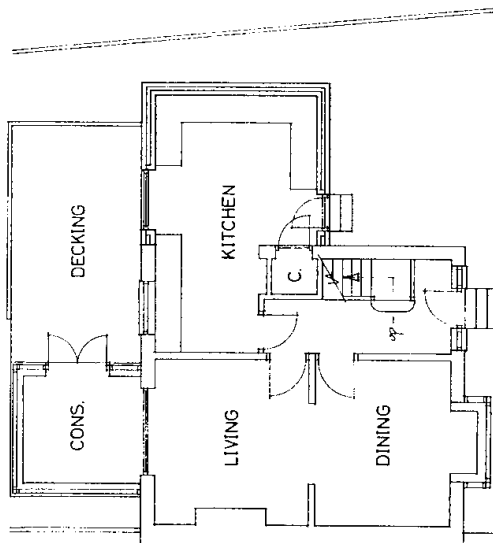
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



GROUND FLOOR PLAN

RECEIVED
- 1 FEB 2008
CASHIERS

AS PROPOSED

PROPOSED EXTENSION
2 HILLCREST AVENUE
CARLISLE

ORDER No. 1784/2
SCALE: 1/50
DATE: JAN 2008

SCHEDULE B

SCHEDULE B

SCHEDULE B

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SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B: Reports Requiring Further Information

08/0112

Item No: 14

Date of Committee 07/03/2008

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 Caldw (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 Caldw And Eden. The Proposed Development Amends, In Part, The Previously Consented Caldw 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

Reason for Determination by Committee:

1. **Constraints and Planning Policies**

Ancient Monument

Site Of Special Scientific Interest

The proposal relates to land or premises situated within or adjacent to a Site of Special Scientific Interest.

Site Of Nature Conservation Significance Gas Pipeline Safeguarding Area

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

Flood Risk Zone

Waste Disposal Site

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

Conservation Area

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

Health & Safety Executive Consultation

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

Public Footpath

The proposal relates to development which affects a public footpath.

Listed Building

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

Affecting The Setting Of A Listed Building

Listed Building In A Conservation Area

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

District E1 - Agricultural Land

District E9 - Landscaping of New Dev.

District E11 - SSSI

District E12 - Wildlife Sites

District E14 - Protected Species

District E19 - Landscaping New Dev.

District E20 - Development in Floodplain

District E21 - River Corridors

District E23 - Imps. Waste Water Infra.

District E25 - Hadrian's Wall Area

District E26 - Buffer to Hadrian's Wall

District E27 - Hadrian's Visual Envelope

District E28 - Ancient Monuments

District E29 - Archaeological Signif.

District E30 - Arch. Evaluation Prior

District E31 - Arch. on Other Sites

District E35 - Affecting LBC's

District E43 - Imps. to Cons. Areas

District T15 - Cyclists & Pedestrians

District H17 - Residential Amenity

District L2 - Primary Leisure Areas

District L5 - Rights of Way

District L6 - Long Distance Footpaths

District L7 - Disused Railway Lines

District L8 - Open Space

District L10 - Playing Fields

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): comments awaited;

Development Services Planning & Housing Services - Local Plans (Trees):
comments awaited;

Kingmoor Parish Council: comments awaited;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): comments awaited;

Cumbria County Council - (Archaeological Services): comments awaited;

English Heritage - (Archaeology) NW Region: comments awaited;

English Heritage - (Hist Bldg & Monuments): comments awaited;

Natural England: comments awaited;

Cumbria Wildlife Trust: comments awaited;

Environmental Services - Green Spaces: comments awaited;

Ramblers Association: comments awaited;

East Cumbria Countryside Project: comments awaited;

Environmental Services - Environmental Quality: the following condition should be applied to the above application.

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.

In complying with this condition, the words 'contamination not previously identified' shall mean; substances present in soil or groundwater at levels that were not included in the original assessments.

Cumbria Constabulary - Crime Prevention: comments awaited;

Development Services Planning & Housing Services - Urban Designer:
comments awaited;

National Grid Company: comments awaited;

Northern Gas Networks: comments awaited;

Hadrians Wall Heritage Limited: comments awaited;

Network Rail: comments awaited;

River & District Fisheries Association: comments awaited;

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

Cumbria County Council - Transport & Spatial Planning: comments awaited;

Development Services - Property Services: comments awaited;

Carlisle Angling Association: comments awaited;

Cumbria Bridleway Society: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
██████████ Blackwell Hall Farm	14/02/08	
██████████, The Mills Management Co. c/o Leasecare Ltd	14/02/08	
██████████ c/o 1 Tower Court	14/02/08	
██████████ Border Travel Services Ltd	14/02/08	
██████████ University of Central Lancashire	14/02/08	
██████████ Tesco	14/02/08	
██████████ c/o Cumbria Indoor Bowls	14/02/08	
██████████ Eden Bridge Club	14/02/08	
██████████, Earsdon Properties LLP	14/02/08	
██████████ Saint Gonain Distribution Ltd	14/02/08	
██████████, Impact Housing Assoc. Ltd	14/02/08	
██████████, Smiths Gore	14/02/08	
██████████ Arlesville Estates Ltd	14/02/08	
██████████, PP1A North Street	14/02/08	
██████████, Autumnwindow Ltd	14/02/08	
██████████ Showmans Quarters	14/02/08	
██████████, Showmans Quarters	14/02/08	
██████████ Brow Top	14/02/08	
██████████ Carlisle Trade Centre	14/02/08	
██████████ Brown Brothers	14/02/08	
██████████ Ashtead Plant Hire Co. Ltd	14/02/08	
██████████, c/o Osbourne & Earl	14/02/08	
██████████, Vodafone Ltd	14/02/08	
██████████, Elba Securities c/o Able UK Ltd	14/02/08	
██████████, Wallace Oils Division	14/02/08	
██████████ Carlisle Leisure Ltd	14/02/08	

[REDACTED]	Eden View Farm	14/02/08
[REDACTED]	Stainton Farm	14/02/08
[REDACTED]	, 7 Castle Crescent	14/02/08
[REDACTED]	, National Grid Gas Plc	14/02/08
[REDACTED]	, Network Rail	14/02/08
[REDACTED]	, DFS Trading Ltd	14/02/08
[REDACTED]	Trinity School	14/02/08
[REDACTED]	Waste Recycling Ltd	14/02/08
[REDACTED]	1 The Barrel House	14/02/08
[REDACTED]	2 The Barrel House	14/02/08
[REDACTED]	, 3 The Barrel House	14/02/08
[REDACTED]	4 The Barrel House	14/02/08
[REDACTED]	5 The Barrel House	14/02/08
[REDACTED]	6 The Barrel House	14/02/08
[REDACTED]	7 The Maltings	14/02/08
[REDACTED]	, Goodlands & Watson	14/02/08
[REDACTED]	c/o Rose Cottage	14/02/08
[REDACTED]	10 The Maltings	14/02/08
[REDACTED]	Carlisle & Borders Estate Agents	14/02/08
[REDACTED]	, 12 The Maltings	14/02/08
[REDACTED]	13 The Maltings	14/02/08
[REDACTED]	, 14 The Maltings	14/02/08
[REDACTED]	The Rectory	14/02/08
[REDACTED]	Shoregate House	14/02/08
[REDACTED]	, 17 The Maltings	14/02/08
[REDACTED]	37 Mallyclose Drive	14/02/08
[REDACTED]	Awelfryn	14/02/08
[REDACTED]	, 20 The Maltings	14/02/08
[REDACTED]	, High House	14/02/08
[REDACTED]	, Aden Bahr	14/02/08
[REDACTED]	23 The Maltings	14/02/08
[REDACTED]	, 24 The Maltings	14/02/08
[REDACTED]	25 The Maltings	14/02/08
[REDACTED]	, 6 Church Street	14/02/08
[REDACTED]	The Beeches	14/02/08
[REDACTED]	, 28 The Maltings	14/02/08
[REDACTED]	The Old Rectory	14/02/08
[REDACTED]	, 30 The Maltings	14/02/08
[REDACTED]	31 The Maltings	14/02/08
[REDACTED]	32 The Maltings	14/02/08
[REDACTED]	, 33 The Maltings	14/02/08
[REDACTED]	34 Caldew Maltings	14/02/08
[REDACTED]	, 36 The Maltings	14/02/08
[REDACTED]	37 Caldew Maltings	14/02/08
[REDACTED]	12 Marlborough	14/02/08
[REDACTED]	Gardens	
[REDACTED]	, 39 Caldew Maltings	14/02/08
[REDACTED]	c/o Mrs A Leach	14/02/08
[REDACTED]	41 The Maltings	14/02/08
[REDACTED]	, High Blaitwaite	14/02/08
[REDACTED]	, 44 The Maltings	14/02/08
[REDACTED]	, 23 Corporation Road	14/02/08
[REDACTED]	, 2 Old Close	14/02/08
[REDACTED]	, 47 The Maltings	14/02/08
[REDACTED]	The Beeches	14/02/08
[REDACTED]	103 Castlerigg Drive	14/02/08
[REDACTED]	, 50 The Maltings	14/02/08
[REDACTED]	51 The Maltings	14/02/08
[REDACTED]	52 The Maltings	14/02/08
[REDACTED]	Shoregate House	14/02/08
[REDACTED]	54 The Maltings	14/02/08
[REDACTED]	, Holly House	14/02/08

Comment Only

[REDACTED], 15/10 Rothesay Terrace	14/02/08	
[REDACTED] Troutbeck Cottage	14/02/08	
[REDACTED] 58 The Maltings	14/02/08	
[REDACTED] 59 The Maltings	14/02/08	
[REDACTED] 60 The Maltings	14/02/08	
[REDACTED] 61 The Maltings	14/02/08	
[REDACTED] 19 Arnhem Wharf	14/02/08	
[REDACTED] 62 The Maltings	14/02/08	
[REDACTED] 64 The Maltings	14/02/08	
[REDACTED] Longhirst	14/02/08	
[REDACTED] C/O The Sands Centre	14/02/08	
[REDACTED], c/o PFK Planning	14/02/08	
[REDACTED], H & H Bowe Ltd	14/02/08	
[REDACTED] McVities	14/02/08	
[REDACTED] 1 Stainton Road	14/02/08	Objection
[REDACTED] 35 Caldew Maltings	21/02/08	
[REDACTED] Scottish & Newcastle Pub	14/02/08	
[REDACTED] Enterprises		
[REDACTED] c/o The Bay	14/02/08	
[REDACTED] Property Services	14/02/08	
[REDACTED] Manager		
[REDACTED] Robert Ferguson Primary School	14/02/08	
[REDACTED] Cumbria County Council Headquarters, The Courts	14/02/08	
[REDACTED] Burgh Road Industrial Estate	14/02/08	
[REDACTED] Andersons Ltd	14/02/08	
[REDACTED] c/o 14 Talbot Road	14/02/08	
[REDACTED] c/o Denton Tyre Centre Ltd	14/02/08	
[REDACTED] c/o 111 Denton Street	14/02/08	
[REDACTED] Cumbria Waste Management	14/02/08	
[REDACTED] United Utilities	14/02/08	
[REDACTED] c/o Scott Self Storage	14/02/08	
[REDACTED] A-Z Vehicle Dismantlers	14/02/08	
[REDACTED] Property Department	14/02/08	
[REDACTED] Dunelm Soft Furnishings Ltd	14/02/08	
[REDACTED] Storey Carpets	14/02/08	
[REDACTED] Aberdeen City Council Pension Fund	14/02/08	
[REDACTED] c/o APex	14/02/08	
[REDACTED] Electrical		
[REDACTED] c/o Northern Electrical Ltd	14/02/08	
[REDACTED] JP McDougall & Co Ltd	14/02/08	
[REDACTED] c/o Finesse PVCu Ltd	14/02/08	
[REDACTED] c/o S & G Sealed Units	14/02/08	
[REDACTED] UPS	14/02/08	

3.1 This application has been advertised by the direct notification of 127 neighbouring properties and the posting of site and press notices. In response, one letter of comment has been received querying the provision of additional parking spaces at Bitts Park.

4. Planning History

4.1 In December 2005, under planning application 05/1024, planning permission was given for a scheme of flood defence improvement works associated with

the east of the City along sections of the Rivers Eden and Petteril.

- 4.2 In 2006, under planning application 06/1473, planning permission was given for flood defence improvements for the Rivers Caldew and Eden (Caldew and Carlisle City Flood Defence scheme).
- 4.3 In 2007, under planning application 07/0090, Listed Building Consent was granted for modifications to the riverside frontage comprising: 32m length of new flood defence wall permanent frame to inside of ground floor windows fitting of ductile iron flap valve filling in of cellar windows with brickwork 17m length of new flood defence wall repointing the existing wall using polymer modified mortar.
- 4.4 In 2008, under planning application 07/1389, planning permission was granted for construction of flood alleviation scheme along the right bank of the River Caldew, adjacent to Boustead's Grassing, comprising embankment and walls (amendments to scheme approved under ref 06/1473).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members will appreciate that Carlisle has experienced floods in 1963, 1968, 1979, 1980, 1984, and, January 2005. On the 21st January 2008 the properties at Tilbury Road narrowly missed being flooded. The January 2005 flood resulted in the death of two people, the flooding of approximately 1,844 properties in Carlisle as well as distress and disruption to residents and businesses. The Environment Agency has presently identified that approximately 3,000 properties have a 1% chance of flooding annually throughout Carlisle.
- 5.2 It appears that the January 2005 flood was caused by a combination of localised sewer and road drainage flooding and floodwater from the Rivers Eden, Petteril, Caldew, and, minor watercourses such as the Little Caldew.
- 5.3 In December 2005, under planning application 05/1024, planning permission was given for a scheme of flood defence improvement works associated with the east of the City along sections of the Rivers Eden and Petteril. In May 2007, application 07/0345, planning permission was given for revisions to the scheme approved under 05/1024. The works approved under 05/1024 and 07/0345 representing Phase 1 of a two-phase project comprising the Carlisle Flood Alleviation Scheme.
- 5.4 In March 2007, application reference numbers 06/1473 and 07/0090, planning permission and listed building consent were given for proposed flood defence improvements associated with the west of the City along the River Caldew and the River Eden downstream from Eden Bridge, i.e. Phase 2 of the Carlisle Alleviation Scheme. In February 2008, application 07/1389, permission was given for amendments to the scheme approved under 06/1473 concerning land adjacent to Boustead's Grassing.

- 5.5 In addition, under application reference numbers 07/0706 and 08/0029 planning permission has been given for two "missing links" in the aforementioned flood defences on land adjacent to Etterby Terrace/Eden Place and Tilbury Road.
- 5.6 This application should also be viewed in the context of United Utilities having agreed to implement an upgrade of the sewer network in Warwick Road and Willowholme.

Background Information on Scheme Approved Under 06/1473

- 5.7 At present the estimated cost of Phase 2 is approximately £24 million. Tree clearance associated with the scheme commenced in February of this year with operational development set to commence in April 2008 and be completed in 2010. As per Phase 1, the intention is for the scheme to give protection against a 1 in 200 year return flood event. The applicant has previously explained that the proposal has been determined through detailed computer modelling taking into account a range of different flows. The outputs from this modelling exercise have determined the locations and necessary height of the proposed flood defence structures. Based on experience, an allowance has also been included for 'freeboard' thus allowing for minor unexpected variations in the height of water caused by such things as wave action, turbulence and approximations in the computer model.
- 5.8 The details approved under application 06/1473 showed raised defences between Holme Head Weir along both banks of the Caldew to its confluence with the River Eden; defences between the Turf Tavern and Carlisle Castle; and, various defences along the banks of the River Eden. The proposal also consisted of the removal of an existing disused railway bridge south of Nelson Bridge; the replacement of two bridges in Denton Holme; improvements to the existing footpaths/cycle ways along the Caldew Riverside Trail, Stainton and north of the River Eden; the construction of a pumping station near The Maltings; the removal of selected lengths of embankment near Stainton and Etterby to maximise use of the natural floodplain; and, the creation of wildlife enhancement areas.
- 5.9 The applicant also confirmed a willingness to make a contribution of £50,000 to help finance the provision of public art in addition to the proposed landscape and habitat improvements associated with Phase 2 of the Carlisle Alleviation Scheme.
- 5.10 In order to provide a more detailed description of the original Phase 2 scheme approved under 06/1473 it has been split into seven sections.

1. Holme Head Weir to South Vale Bridge

Proposed new walls or raised walls between Holme Head Weir and Denton Street are along the line of the existing walls or along the edge of the existing carriageway. The proposed walls will rise in height so that opposite the houses at Bousteads Grassing the indicative levels are 0.28

metres to 1.0 metre. At the Bousteads Grassing Car Park the proposed wall is shown to be 1.9 metres. The replacement of two bridges at Denton Street and South Vale.

A new embankment along the edge of Robert Ferguson School playing fields which will accommodate a new 2.5 metres wide footpath rising towards South Vale Court/ South Vale Bridge where it will be 1.72 metres higher than existing levels.

An existing series of trees around the boundary of the Robert Ferguson School playing field and around the Denton Street Bridge will be felled but the intention is to plant replacements.

The proposed replacement South Vale Bridge will be approximately 2 metres higher than the existing structure.

The proposed defence wall along Boustead's Grassing will utilise a relatively small strip of existing amenity grassland at the upstream end and lead to the loss of parking spaces at the City Council car park near South Vale.

The creation of a wildlife enhancement area to the south of Maryport Court.

2. South Vale to Nelson Bridge

The proposed wall along the edge of the Graham Street development will be a piled wall along the riverside edge of the new road. The flood defence wall is shown to be 2.1 metres high at Graham Street.

The proposed walls between Metcalf Street and Lime Street are for construction within the existing buildings, anticipating that in the short to medium term there will be pressure to redevelop this site.

Between Lime Street and Nelson Bridge the proposed defence wall is set back by a minimum 4 metres to allow for the construction of a new foot and cycleway to link into the Caldew Riverside Trail. At the end of Lime Street, it is proposed to install a flood defence gate.

The footpath link between the car park at Lamplugh Street and Carlisle Enterprise Centre will be maintained though there will be changes to allow future Environment Agency access via a new ramp.

3. Nelson Bridge to Caldew Bridge

It is proposed to replace the existing chain link boundary between the Lidl and Dunelm premises and the riverside path by a new flood defence wall 2.1 metres high. The proposed flood defence wall varies in height from 0.6 metres to 2.59 metres along the Viaduct Estate Road.

A new pedestrian access is proposed from the road adjacent to Lidl onto

the riverside footpath that will double up as an Environment Agency vehicular access for maintenance purposes providing the route to a new access ramp to the riverbed.

The proposed foot and cycle path along the line of the disused railway would include ramps at the corner to the rear of the Carlisle Tile Centre.

Adjacent to Caldew Bridge, the proposed flood defence is maintained by providing ramps at the access road under the bridge.

The proposed new defence wall along the eastern edge of Viaduct Estate Road, which has been designed to ensure that floodwater is unable to travel along the West Coast Main Line through the track bed and compromise defences provided elsewhere, ranges in height from 2.0 to 2.55 metres.

Existing self-seeded trees will be removed and replaced by a series of clear-stemmed trees along the path. The area adjoining the University Library will be regarded and subject to a landscaping scheme.

4. Caldew Bridge to West Coast Main Line

Proposed new walling and the utilisation and reinforcement of existing walls at The Maltings. The proposed new defence walls will vary in height from 1.26 metres to 1.83 metres.

The proposed scheme shows the provision of a new flood defence embankment 3.06 metres above the adjacent ground level around the back of the Showman's Guild site wrapping around to the back of the Carlisle Trade Centre.

New tree planting is proposed along the diverted path.

5. The Swifts to Carlisle Castle

A proposed embankment will be 4.69 metres above the adjacent ground level and occupy part of the Swifts Golf Course and Driving Range, and, the "rear" of the Turf Inn.

The current proposal shows the raising of land to the immediate north of the Sands Centre and north-east of the Turf Inn. The line of the proposed defences is relatively close to the "rear" of the Sands Centre but because of the suggested position and provision of a floodgate, the desire is to adequately take account of the access needs of visitors to the Centre, and, the needs of the canoeists to access the River using car drawn trailers.

The proposed defence wall along Castle Way will replace an existing low wall and be 1.3 metres above the adjacent pavement level. The proposed works will result in the loss of a strip of dense ornamental shrubs but the retention of the existing mature trees.

A new defence wall is proposed around the edge of the Dacre Road Car Park tying into the high ground at Bitts Park and the Castle embankment on the west side of Dacre Road.

The need to maintain defence heights across Dacre Road requires localised raising of the road level using ramps to the point of a proposed floodgate 1 metre above road level.

A relatively large number of trees will be affected to construct the embankment at The Swifts and around the edge of The Sands Centre Car Park. The intention is, however, to replace the trees lost with an equivalent extent of new planting.

6. Sheepmount Viaduct to Waverley Viaduct

On the "left" bank of the Eden, there is a proposed embankment 2.2 metres in height at the downstream end of Parham Beck.

On the "right" bank, the proposals make provision for the continuous riverside footpath and the informal path network across the floodplain to the "rear" of the embankment.

The proposal involves lowering a section of the existing railway embankment by approximately 3 metres in height on the north side of the Waverley Viaduct.

The intention is for the proposed reductions on ground levels on the "right" bank, upstream of Waverley Viaduct, will allow improved nature conservation potential to be realised. It is proposed to raise ground levels on parts of the floodplain that are not required for the floodwater route and make these more usable for agricultural purposes.

Self-seeded trees will have to be felled along the "right" bank of Parham Beck adjacent to Willowholme Road.

7. Waverley Viaduct to Spa Well

It is intended that the small United Utilities sub station downstream of Waverley Viaduct will have an embankment constructed around its perimeter to provide protection against flooding.

The existing low embankment running along the length of the right bank from Waverley Viaduct to Spa Well will be removed in places to allow floodwaters to return to the river post-flood. Existing paths along the embankment top will be maintained.

The area upstream of Waverley Viaduct will be subject to an environmental enhancement scheme although trees will have to be removed as a consequence of the proposed alterations to the embankments.

- 5.11 The approved flood defence structures are to be constructed as either clay-core earth embankments, concrete walls, and/or, steel sheet pile walls. The aim is for the clay embankments to be generally covered with a layer of soil and then seeded with grass seed. Brick cladding is to be typically applied to the concrete or sheet pile walls, for example in the Denton Holme area adjoining Holme Head, Denton Street and Boustead's Grassing. Sandstone is to be used at Castle Way and Dacre Road in the vicinity of the Castle. The coping for the walls is either a sandstone or composite concrete look-alike.
- 5.12 The applicants have explained that where the proposed flood defence structure is hidden from view by the general public, a more economical surface finish in the form of a textured concrete finish ("formliner") is to be used.
- 5.13 The scheme approved under 06/1473 also shows the creation of a main compound on the Viaduct Estate Road and eight satellite compounds at Denton Street, Rome Street, Lamplugh Street, Willowholme Road, Newark Terrace/Turf Tavern, Bitts Park Car Park, adjoining the River Eden from Willowholme Road, and, to the south-east of Etterby. In order to undertake the proposed work it will necessitate the temporary closure of existing footpaths/cycle tracks.
- 5.14 In comparison to the scheme approved under 06/1473, the current proposal involves changes to those sections relating to: 1) Holme Head Weir to South Vale Bridge; 2) South Vale Bridge to Nelson Bridge; 3) Nelson Bridge to Caldew Bridge; and, 5) The Swifts to Carlisle Castle.

1. Holme Head Weir to South Vale Bridge

The proposed revisions involve the location of enhancement works from Wire Mire Beck to Fairy Beck; the revised location of a floodgate, amendments to EA access ramp, realignment of wall, alterations to alignment/grading of cycletrack and new telemetry box at Holme Head Weir to Denton Street; realignment and regrading of foot/cycle paths approaching Denton Street Bridge; widening of embankment crest to 4m with 3m path, extension of 3m crest path to Denton Street, revised steps/ramp to South Vale Bridge, new access ramp, and, potential alternative site compound fronting Dale Street.

2. South Vale Bridge to Nelson Bridge

The submitted plans show revisions involving a telemetry kiosk and temporary site compound at Graham Street/East Dale Street; and, new telemetry kiosk, realigned defence wall, new access steps and temporary site compound at Metcalfe Street.

3. Nelson Bridge to Caldew Bridge

It is proposed to have a revised maintenance/pedestrian access, new telemetry kiosk and realigned defence wall to rear of Dunelm; and, realignment of defence wall at Milbourne Street.

5. The Swifts to Carlisle Castle

The revised scheme involves the realignment of the embankment to Trinity School, replacement of Swifts Driving Range stalls and office building; revised location of flood defence wall to the south of The Swifts car park including revisions to entrance/road/path layout including new floodgate and telemetry kiosk; revised wall alignment to east of the Sands Centre, revised play areas, and extension of defence wall; and, revised location and form of flood defences and change to embankment from Bitts Park Castle Way to Dacre Road, ground raising to Dacre Road and adjacent paths, reconfiguration of existing Dacre Road car park, new car park extension with revised access to serve both car parks.

Assessment

- 5.14 When considering this application it is held that the relevant policies are E1, E9, E10, E11, E12, E14, E18, E19, E20, E21, E23, E25, E26, E27, E28, E29, E30, E31, E35, E43, E44, E56, T15, H17, L2, L5, L6, L7, L8, and, L10 of the Carlisle District Local Plan. The application can also be assessed based upon Policies DP2, DP6, CP1, CP2, CP3, CP4, CP5, CP6, CP10, CP11, CP12, CP14, CP15, CP16, LE1, LE2, LE3, LE4, LE5, LE6, LE7, LE8, LE9, LE10, LE12, LE13, LE20, LE27, LE28, LE30, T5, LC2, LC3, LC5, LC8, LC9 and LC9 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft). In addition, the proposal should be viewed in the context of the underlying objectives of Carlisle Renaissance, the Three Rivers Strategy, and, the Connect2/Sustrans cycle route.
- 5.15 At the time of considering application 06/1473 it was readily acknowledged that substantial social and economic benefits arise to the City as a whole and to the individual residents and businesses previously affected by the January 2005 flood. On this basis it was considered that the determining issues related to whether the advantages outweighed any disadvantages associated with:
1. the loss of agricultural land;
 2. the visual and historic character of areas including designated conservation areas (the City Centre, Stanwix, and, Holme Head) and Hadrian's Wall World Heritage Site;
 3. the flora and fauna re. SAC and SSSI designation and protected species;
 4. archaeology;
 5. the protection of the setting, architectural and historic importance of any Listed Buildings;
 6. access for people with mobility problems;
 7. provision for cyclists and pedestrians;

- 8. the living conditions of neighbouring residents;
 - 9. the provision of open space and protection of playing fields;
 - 10. existing rail infrastructure, the freight/rail avoidance line, and, whether determination is premature ahead of consideration at the forthcoming Inquiry into the Local Plan (2001-2016) (redeposit Draft);
 - 11. the potential future use of the Caldey Riverside area of the City;
 - 12. an extant planning permission for housing on land at Lime Street; and
 - 13. security.
- 5.16 In the context of the current proposal the aforementioned issues 1) and 12) are not considered relevant.
- 5.17 This aside, an updated report will be presented to Members following receipt of the awaited comments from interested parties.

Other Matters

- 5.18 It is appreciated that other issues exist relating to such matters as the future ownership and maintenance of the proposed wildlife enhancement areas and new paths/cycle track; the emergency procedures to be established for the occupiers of Bitts Park Lodge; and, any separate agreement the applicant enters with the City Council as a landowner re. the proposed compounds and undertaking of ancillary works. These matters are, however, either not held to be of sufficient weight to determine the application and/or not directly relevant to the consideration of the proposal.

Conclusion

- 5.19 An updated report will be presented to Members with regard to the awaited observations of interested parties.

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**

Reason for including report in Schedule B

At the time of preparing the report responses from interested parties are awaited.

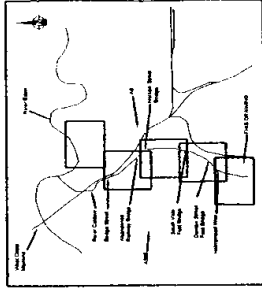
NOBS
 1. All dimensions in metres unless otherwise stated.
 2. All points are in the AHD 1985 datum.
 3. All coordinates are in metres relative to national grid.

Legend
 Application site indicates area required for construction working and access.



FAIRY BECK ENHANCEMENT (EN01)
 Revised location of enhancement works (formerly at Wire Mire Beck).
 Works comprise naturalisation of the Fairy Beck open channel, formation of a new wet depression within area of existing depressions localised land raising to create new landform in vicinity of woodland and new planted areas of woodland, scrub and wet wildflower.

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PT	DATE	DESCRIPTION	BY	CHK	APP	NO.
Rev	Date	Project Description	Drawn	Checked	Approved	

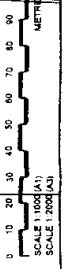
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Environment Agency

Calder and Carlisle City FAS
 Detailed Design Phase 1

Overview Of Proposed Works
 Fairy Beck Enhancement Area
 Sheet 1 of 5

Drawing Title	PRELIMINARY
Project No.	IMNW525/P2/OV/001
Scale	SCALE 1:1000 (A1)
Scale	SCALE 1:2000 (A3)
Author	
Checked	
Drawn	
Appr'd	
Date	

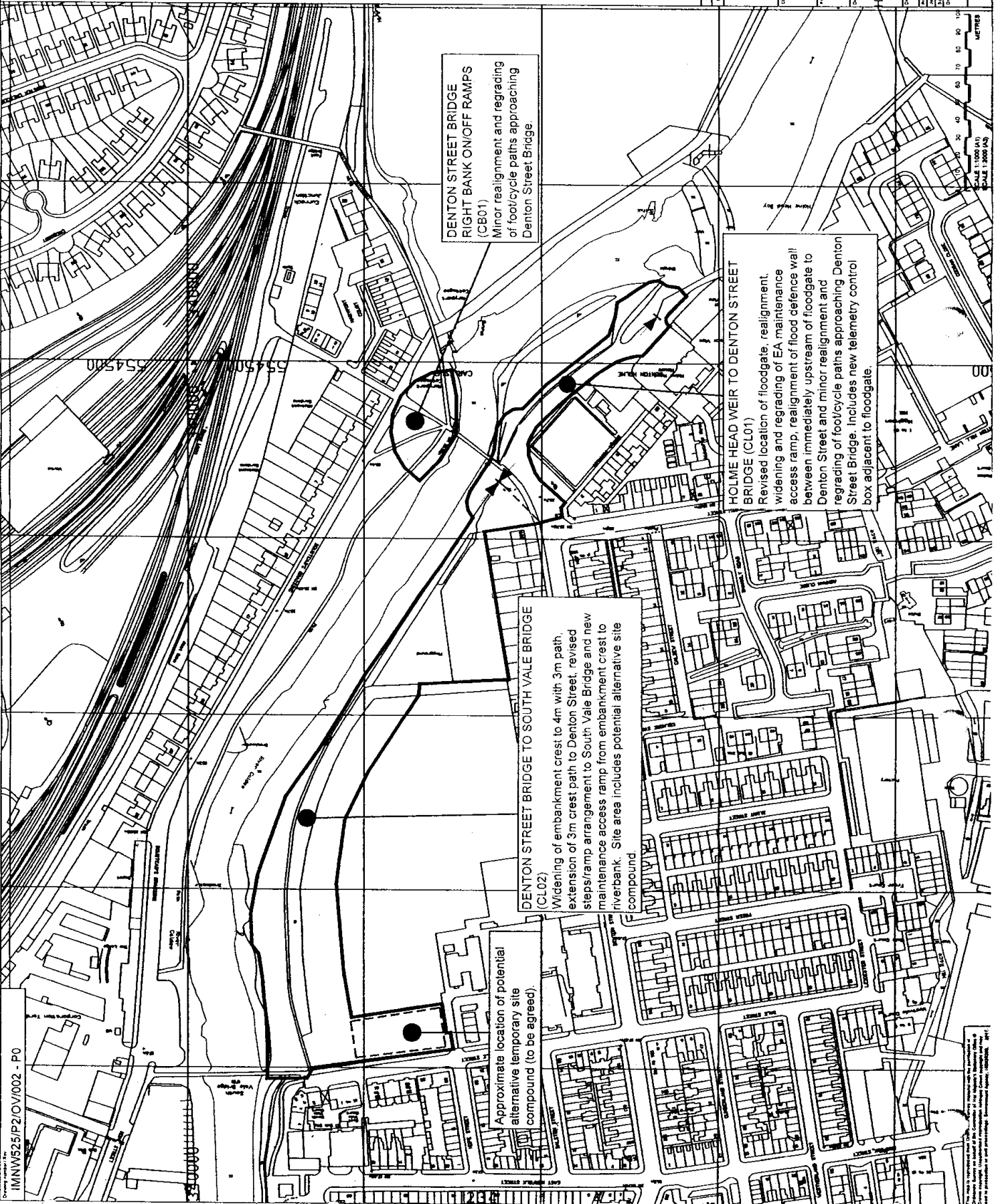


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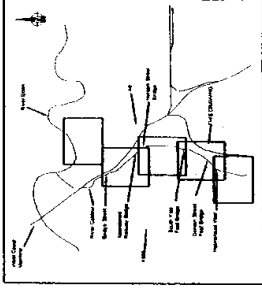
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- 2. All levels are in meters relative to Canadian Datum.
- 3. All coordinates are in meters relative to national grid.

Legend

Application Site indicates area required for construction and access.



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Project No.	IMNW525/P2/0V/002
Client	City of Calgary
Project Name	Overview of Proposed Works Holme Head Weir to South Vale Bridge Sheet 2 of 5
Design Stage	PRELIMINARY
Scale	DO NOT SCALE
Sheet No.	P0

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 Caldwell and Carlisle City FAS
 Detailed Design Phase 1

**DENTON STREET BRIDGE
RIGHT BANK ON/OFF RAMP
(CB01)**
 Minor realignment and regrading
of foot/cycle paths approaching
Denton Street Bridge.

**HOLME HEAD WEIR TO DENTON STREET
BRIDGE (CL01)**
 Revised location of floodgate, realignment,
widening and regrading of EA, maintenance
access ramp, realignment of flood defence wall
between immediately upstream of floodgate to
Denton Street and minor realignment and
regrading of foot/cycle paths approaching Denton
Street Bridge. Includes new telemetry control
box adjacent to floodgate.

**DENTON STREET BRIDGE TO SOUTH VALE BRIDGE
(CL02)**
 Widening of embankment crest to 4m with 3m path,
extension of 3m crest path to Denton Street, revised
steps/ramp arrangement to South Vale Bridge and new
maintenance access ramp from embankment crest to
riverbank. Site area includes potential alternative site
compound.

Approximate location of potential
alternative temporary site
compound (to be agreed).

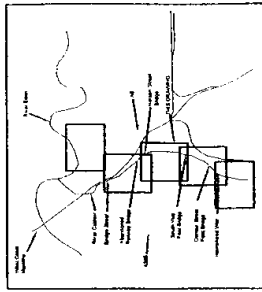
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IMNW525/P2/0V/003 - P0

NOTES

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 - 2. All levels are in metres above sea level
 - 3. All coordinates are in metres above sea level
- Legend
- Application Site indicates area required for construction working and access

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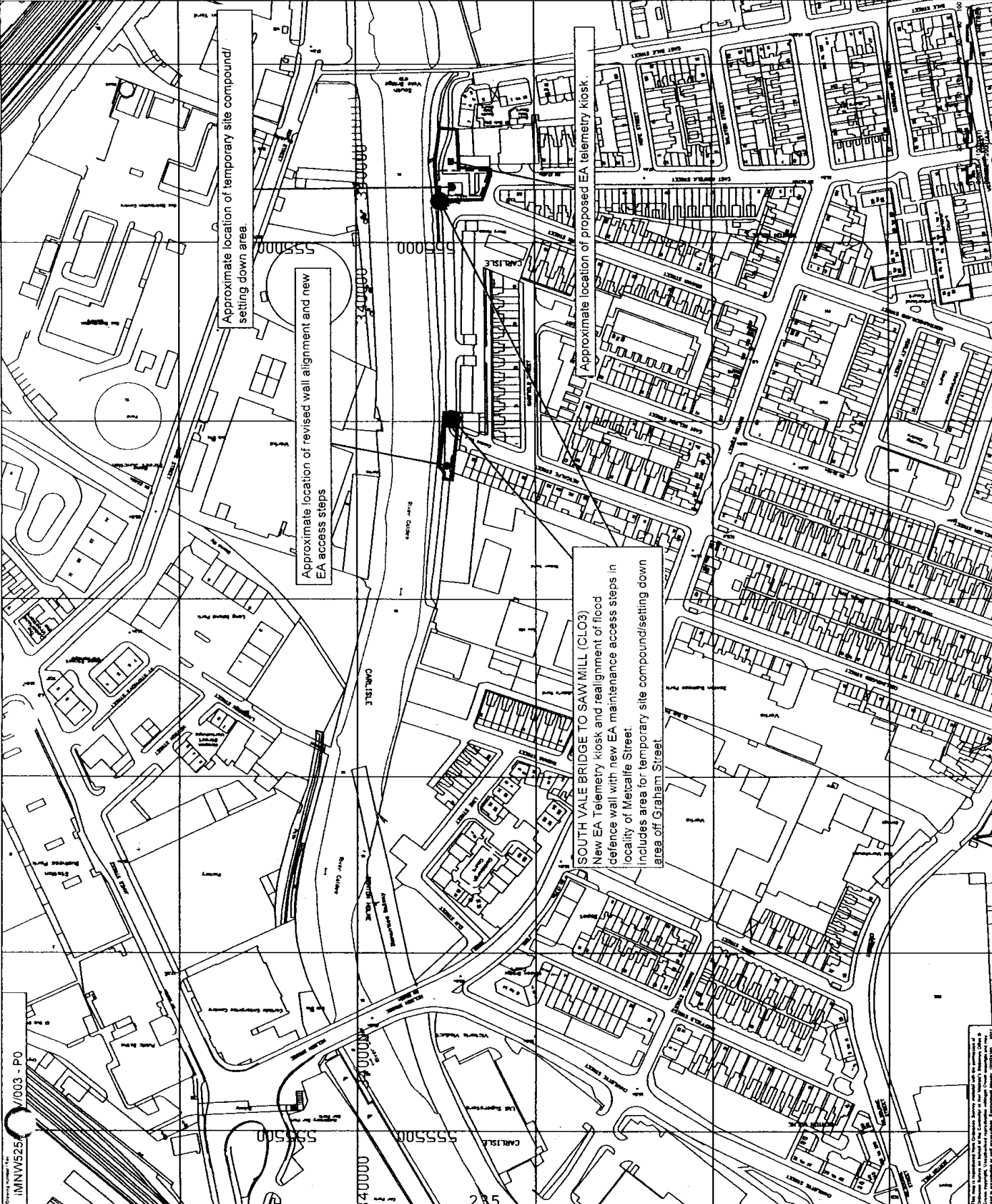
Environment Agency
Caldew and Carlisle City FAS
Detailed Design Phase 1

Overview Of Proposed Works
South Vale Bridge to Nelson Bridge
Sheet 3 of 5

PRELIMINARY

IMNW525/P2/0V/003

P0



Approximate location of temporary site compound/
setting down area.

Approximate location of revised wall alignment and new
EA access steps

SOUTH VALE BRIDGE TO SAW MILL (CLO3)
New EA Telemetry kiosk and realignment of flood
defence wall with new EA maintenance access steps in
locality of Metcalfe Street.
Includes area for temporary site compound/setting down
area off Graham Street

Approximate location of proposed EA telemetry kiosk.

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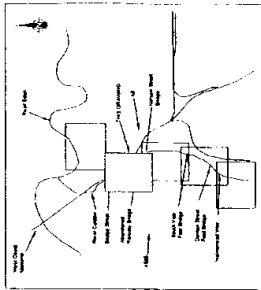
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Legend

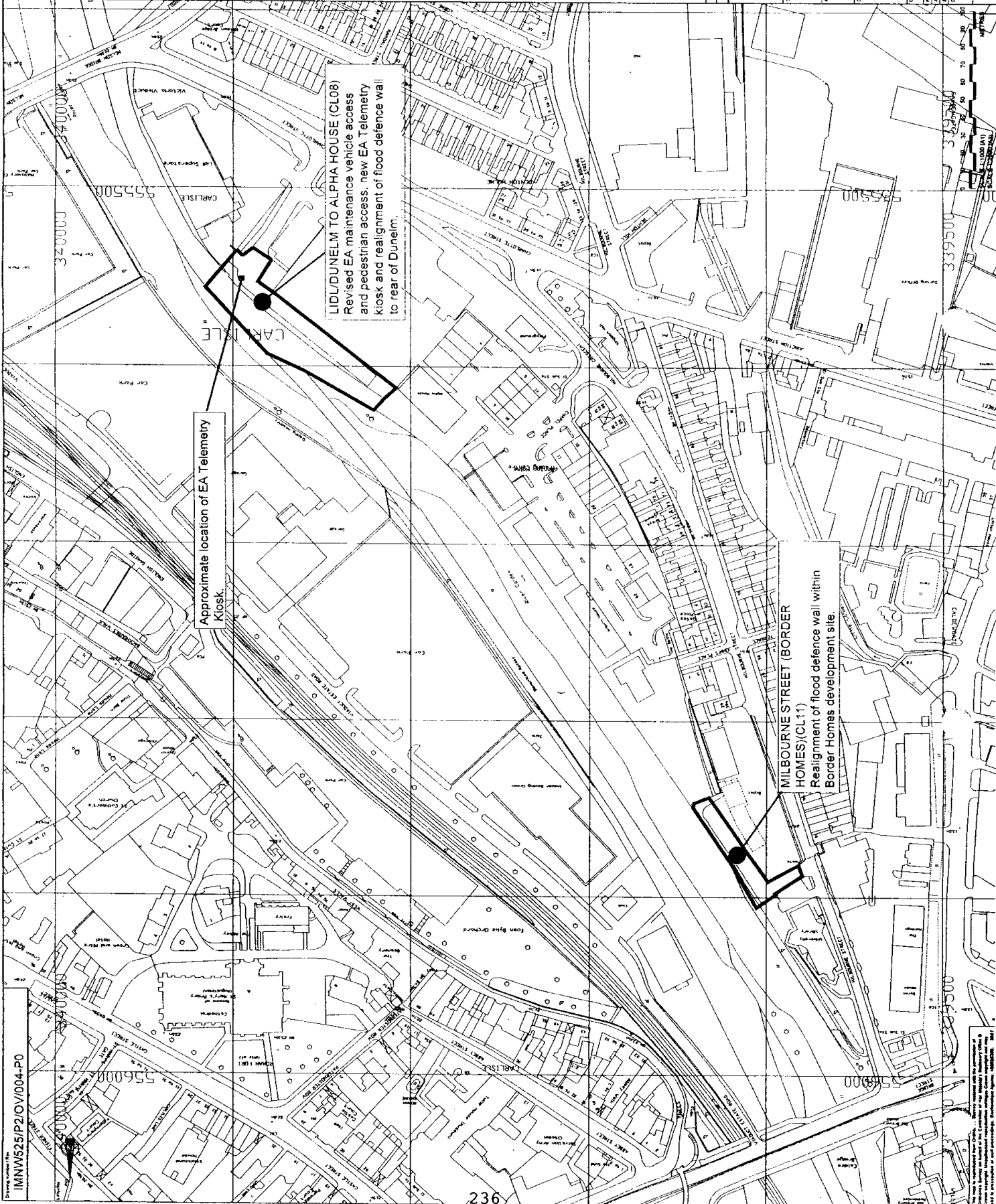
Application Site address area requires by construction working and access

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Project No.	IMNW525/1/004
Client	Environment Agency
Project Name	Calder and Carlisle City FAS Detailed Design Phase 1
Project Location	Overview Of Proposed Works Nelson Bridge to Calder Bridge Sheet 4 of 5
Project Status	PRELIMINARY
Project Manager	DO NOT SCALE
Project Engineer	IMNW525/1/004
Project Date	08/01/02

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IMNW525/P2/OV/004-P0

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NOTES

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3. All coordinates are in metres relative to national grid.

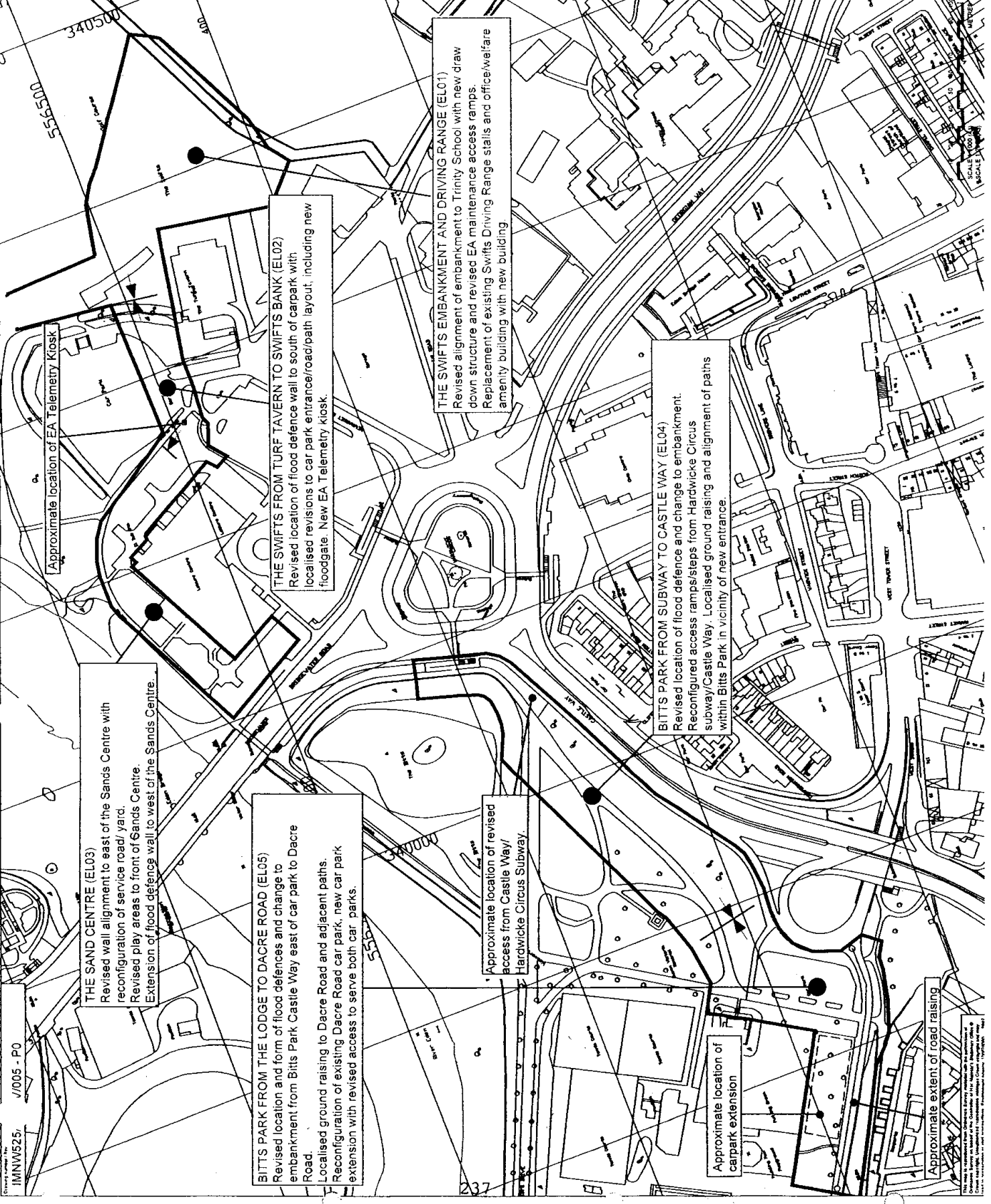
Legend

Application Site indicates area required for construction working and access

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Caldew and Carlisle City FAS
Detailed Design Phase 1
Overview Of Proposed Works
The Swifts to Bitts Park/Dacre Road
Sheet 5 of 5

PRELIMINARY
Drawing No: 1/005 - P0
Drawing Date: 08/02/03
Drawing Scale: 1:500
Drawing No: 1/005 - P0
Drawing Date: 08/02/03
Drawing Scale: 1:500
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Drawing Date: 08/02/03
Drawing Scale: 1:500



IMNW525/1005 - P0

Environment Agency
Caldew and Carlisle City FAS
Detailed Design Phase 1
Overview Of Proposed Works
The Swifts to Bitts Park/Dacre Road
Sheet 5 of 5

PRELIMINARY
Drawing No: 1/005 - P0
Drawing Date: 08/02/03
Drawing Scale: 1:500

IMNW525/P2/0V/005
P0

SCHEDULE C

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SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

06/1139

Item No: 15 Between 12/01/2008 and 22/02/2008

Appn Ref No: 06/1139 **Applicant:** Mr Davies **Parish:** Carlisle

Date of Receipt: 25/09/2006 **Agent:** Taylor & Hardy **Ward:** Castle

Location: 48 Abbey Street, Carlisle, CA3 8TX **Grid Reference:** 339788 555955

Proposal: Variation of condition No.3 attached to L.P.A. ref No. 01/0447 to extend the opening hours to those stated on the premises licence dated 31st October 2005, i.e. Sunday - 11.00 am to 12.20 am; Monday to Thursday - 11.00 am to 12.50am; Friday to Saturday - 11.00 am to 1.50 am; and on Christmas Eve, Easter Sunday and public holidays up to 2.00 am and up to 5.00 am on New Years Eve.

Amendment:

REPORT

Case Officer: Sam Greig

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeal refers to an application to vary the opening hours of a licensed premises currently trading as "Fat Fingers", which is located approximately 300 metres to the west of the city centre. The current trading hours of the premises are restricted from 11.00 a.m. to 11.30 p.m. The appeal sought a relaxation of the opening hours to bring them in line with those specified on the premises license, which are as follows:

- i. Sundays - 11.00am to 12.20am;
- ii. Monday to Thursday - 11.00am to 12.50am;
- iii. Friday to Saturday - 11.00am to 1.50am;
- iv. Christmas Eve, Easter Sunday and Public Holidays - 11.00am to 2.00am; and
- v. New Years Eve - 11.00am to 5.00am.

The application was determined by the Head of Planning and Housing Services under the Council's delegated powers procedure on 8th December 2006, when it was resolved to refuse permission for the

SCHEDULE C: Applications Determined by Other Authorities

06/1139

following reason:

“The intensification of commercial activity within this predominantly residential area, including trading into the late evening, would lead to an overall increase in the levels of noise, disturbance and anti-social behaviour likely to be experienced by immediate and nearby residents. This would have an unacceptable adverse impact upon the amenity and character of the street and would therefore be contrary to the objectives of criterion 1 of Policy S15 (Food and Drink) of the Carlisle District Local Plan and Policy EC10 (Food and Drink) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft; criterion 3 of Policy H17 (Residential Amenity) and Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft and the objectives of Policy CP16 (Planning Out Crime) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft”.

The Inspectorate concurred with the Councils view that the proposal would result in the intensification of activity late into the evening, which would lead to an overall increase in the levels of noise, disturbance and anti-social behaviour likely to be experienced by immediate and nearby residents at a time when they could reasonably expect peace and quiet. The Inspector had sympathy for the applicant who wished the planning permission to be brought in line with the premises license; however, he stated that the premises license has different objectives from the planning permission and is concerned with matters such as crime prevention, safety and public nuisance. The planning permission, which restricts the closing time to 11.30 p.m., serves different, though closely related, purposes, and in this context is concerned mainly with protecting the living conditions of residents. As such, the Inspector considered that the extension to the opening hours to be inappropriate and the appeal was subsequently dismissed.

Appeal Decision: Appeal Dismissed

Date: 08/02/2008

SCHEDULE C: Applications Determined by Other Authorities

06/1303

Item No: 16

Between 07/01/2008 and 22/02/2008

Appn Ref No:
06/1303

Applicant:
Mr & Mrs G Armstrong

Parish:
Castle Carrock

Date of Receipt:
13/11/2006

Agent:

Ward:
Great Corby & Geltsdale

Location:
Land opposite Castlegate Cottage, Castle Carrock,
Brampton, CA8 9LT

Grid Reference:
354200 555680

Proposal: Erection Of One Detached Dwelling (outline) Together With The
Provision Of 2no. Parking Spaces For Castlegate Cottage

Amendment:

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeal related to an application for outline planning permission for the erection of a dwelling on land opposite Castlegate Cottage, Castle Carrock. The application was refused for the following reason:

"The application site is located outwith the settlement of Castle Carrock. In this location the proposed development would be conspicuous, expanding the existing built up frontage of the village and thereby increasing its intrusion into the countryside to the detriment of the rural character of the area. The proposal would establish an undesirable precedent which would make it difficult to resist further such applications, that would be detrimental and erode the character and visual amenity of the open countryside contrary to the objectives of Policy E4 (County Landscapes) of the Carlisle District Local Plan and Policy DP9 (Landscapes of County Importance) of the Carlisle District Local Plan Redeposit Draft.

A settlement boundary is proposed for Castle Carrock within the emerging Carlisle District Local Plan Redeposit Draft. The application site lies outwith the proposed settlement boundary and proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a

SCHEDULE C: Applications Determined by Other Authorities

06/13/03

proven agricultural or forestry need or only in exceptional circumstances. This application does not provide any evidence to support a special need for a dwelling in this location and the proposed development is also not put forward as the basis of meeting a local need. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements. The proposal is premature to the emerging Local Plan and contrary to the objectives of the advice within Policy H6 (Agricultural and Forestry Need) of the Carlisle District Local Plan; Policy H7 (Agricultural and Forestry Need); and Policy H1 (Location of New Housing Development) of the emerging Carlisle District Local Plan Redeposit Draft."

The Inspector considered that the main issues were whether the proposal conflicts with local and national policies designed to protect the countryside and promote sustainable development the impact of the proposal on the character and appearance of the area.

Reference was made to the previous planning appeal in 2000 that was dismissed for the erection of a dwelling. The Inspector considered that the character of the site had changed significantly since this time and is more domestic in use and appearance; furthermore, it was concluded that the proposal complies with local and national policies designed to protect the countryside and promote sustainable development and is in accordance with Policy H1 of the Local Plan.

The application was in outline form but the Inspector commented that when looking from the north, the dwelling would be seen against the backdrop of other buildings in Castle Carrock and an additional structure would not, in his view, appear to extend the built form of the village. Further, he saw no reason why a dwelling could not be designed to complement the existing garage and its surroundings.

For these reasons, the appeal was allowed, subject to the imposition of conditions.

In addition to the appeal decision, the appellants submitted an application for an award of costs. The Inspector considered that the Council did produce sufficient evidence by way local policy and a description of the site and the area to support its stance regarding the impact of the proposal on the landscape. The case for a full award, therefore, failed.

The planning application was refused before the Council resolved not to contest the appellants' objection to the emerging Local Plan. However, once the decision was made to include the site in the settlement boundary the policy support for the second reason for refusal fell away. On that basis it was found that there was no need, as alleged in the reason for refusal, to demonstrate an agricultural need or exceptional circumstances. Further, the Inspector agreed with the appellant that the proposal could not be considered to be of a scale such that to permit it would prejudice the

SCHEDULE C: Applications Determined by Other Authorities

06/1303

aims and objectives of the emerging Local Plan.

The second reason for refusal could have been withdrawn at that stage and in not doing so, the Council behaved unreasonably and this behaviour led the appellant to incur unnecessary expense. The Inspector found that unreasonable behaviour resulting in unnecessary expense had been demonstrated and it was therefore concluded that an award of partial costs was justified. An application for the sum of the costs has yet to be received.

Appeal Decision: Appeal Allowed with Conditions **Date:** 08/01/2008

SCHEDULE C: Applications Determined by Other Authorities

06/1477

The Inspector concurred with the councils view, stating that the proposed extension in relation to the kitchen ground floor window would have an overbearing affect on the living conditions of the occupiers of the neighbouring property. The Inspector acknowledged that there were two windows serving the kitchen, one on the 'rear' elevation and one on the 'side' elevation and accepts that both windows were of similar size. The Inspector argued that the window in the rear elevation would render the kitchen less susceptible to an overbearing effect and the 12 metre minimum guideline of Policy CP5 could be relaxed. However, the Inspector noted that the separation distance between the extension and gable end of N.24 Beck Road would be 3 metres, 25% of the normal requirement. In respect of this, the Inspector argued that the extension by virtue of its two-storey height would have an overbearing and oppressive affect upon the occupiers of No 24 Beck Road.

While the Planning Inspector recognised the concerns of No.20 about the "tunnel affect" as well as loss of light and view. The Inspector sympathised to some extent that the sense of enclosure the two storey extension would project onto their property, however the Inspector agrees with the Council, that given the extension would be single storey at this side, any harm in these respects would be within tolerable limits.

The Planning Inspector concluded that the proposal is contrary to current planning policies. As such, the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 27/12/2007



1/07/2018

GOVERNMENT OFFICE
FOR THE NORTH WEST

Mrs Rachel Brophy
Development Control
County Offices
Kendal
Cumbria
LA9 4RQ

City Tower
Piccadilly Plaza
Manchester
M1 4BE

Tel: 0161 952 4229
Fax: 0161 952 4106

michael.morris@gonw.gsi.gov.uk

Your Ref: 1/07/9018
Our Ref: PNW/5049/270/86

16th January 2008

Dear Madam

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1990

1. I am directed by the Secretary of State for Communities and Local Government to refer to your letter of 21st December 2007 enclosing an application for listed building consent in respect of a new extension, minor alterations and refurbishment of Petteril Bank House, Petteril Bank Road, Carlisle.

2. The details supplied in support of the application have been considered, together with the views of English and with the objections received as a result of advertisement of the proposal. It is noted that these objections concerned the possible affect on properties at Gilford Crescent, noise, traffic, trees and the proposed design of the building. Those were matters for the City Council's consideration when determining the planning application for the new extension, minor alterations and refurbishment. On the information before her, the Secretary of State sees no reason to refuse the application. Accordingly, she hereby grants listed building consent to carry out the above works in accordance with the application No. 1/07/9018 dated 3rd August 2007 and the drawings submitted therewith, subject to the following conditions:

- I. the works to which this consent relates shall be begun no later than 3 years from the date of this letter;
- II. the development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. Any variation to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out. The approved scheme shall comprise the following:
 - i. the planning application form, dated 3 August 2007;
 - ii. the Drawings for Planning document, dated July 2007;

ECE
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ENVIRONMEI
UNIT



- iii. the Drawings for Listed Building Consent document, dated July 2007;
 - iv. the PPG 15 Statement, dated July 2007;
 - v. the Design and Access Statement, dated July 2007;
 - vi. the Conservation Management Plan, dated June 2006; the Audience Development Plan, dated May 2005;
 - vii. the Travel Plan, dated 30 November 2007;
 - viii. the plans numbered L201, L202, and L209, dated 5 November 2007;
 - ix. the Landscape Layout Sketch Design Stage E plan, dated November 2007;
 - x. the Drainage Layout plan, dated November 2007;
 - xi. the Ecological Report, prepared by Capita Symonds, dated October 2006;
 - xii. the Baseline Protected Species Survey, undertaken by Andrew Gardner, dated 16 October 2007;
 - xiii. the letter from Ben Aston (Austin-Lord: Smith) dated 5 November 2007;
 - xiv. the letter from Envirotech, dated 27 November 2007;
 - xv. the decision notice;
- III. during the construction of the development, a copy of the approved scheme and any other documents subsequently approved in accordance with this permission shall always be available on site for inspection during working hours. Their existence and content shall be made known to all operatives likely to be affected by them;
- IV. prior to the commencement of development a scheme shall be submitted for the approval of the Local Planning Authority to control the impact of the development during its construction on residents and other occupiers in the vicinity of the construction site. Once approved, the scheme shall be adhered to during the carrying out of works on site. The scheme shall include provision for the following matters:
- i. the hours of working during the construction of the site;
 - ii. a traffic management plan, to include details of parking, the number and type of vehicles accessing the site; vehicle turning and manoeuvring requirements and provisions for loading and unloading of vehicles and site deliveries;
 - iii. lighting provision, to be directed away from residential properties, and
 - iv. measures to control noise, dust and to prevent the tracking mud/debris onto the public highway;
- V. prior to the commencement of development, the developer shall submit samples of external finishes to be used on the new extension to the Local Planning Authority for approval. This shall include samples of the reconstituted stone to be applied to the block work cavity walls; external render to be applied to areas of curtain walling; the timber panels on the north facing elevation, and the treatment, colour and finish of the louvers on the north elevation. Once approved the external finishes should be applied as detailed in the approved documents;

- VI. the wedding element of the facilities offered on site shall be restricted to provision of the ceremony only. No post wedding ceremony activities shall take place on the site;
- VII. the site entrance area from the proposed vehicle barrier (shown on the Landscape Layout Sketch Design Stage E plan, dated November 2007) to the edge of the public highway, including splays, shall be constructed and drained in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority prior to works being carried out. When approved, the site entrance area shall be constructed in accordance with the approved scheme prior to the commencement of development at the site;
- VIII. the internal access road, described as 'Road Surface' on the Landscape Layout Sketch Design Stage E plan, dated November 2007 shall be surfaced in bituminous or cement bound materials, or otherwise bound with the prior approval of the Local Planning Authority. Once approved, it shall be constructed and completed before the development is brought into use;
- IX. the site access gates (described as 'vehicle barrier' on the Landscape Layout Sketch Design Stage E plan, dated November 2007) shall be hung to open inwards or to operate vertically only away so as not to obstruct the public highway. The gates shall be recessed no less than 4.5 metres as measured from the edge of the public highway and shall incorporate 45 degree splays to each side;
- X. prior to the commencement of development, the developer shall submit a detailed site traffic management plan to the Local Planning Authority for approval. The plan shall explain provision within the site for parking, turning and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors. The development shall not be brought into use until such facilities have been approved and the parking, loading, unloading and manoeuvring facilities have been constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose;
- XI. prior to the commencement of development, details of the number, location and design of motorcycle and bicycle parking facilities shall be submitted to the Local Planning Authority for approval. Once approved, the facilities shall be provided in accordance with the approved documents and prior to the development being brought into use;
- XII. prior to the commencement of development a detailed scheme for the provision of cycleways within the site that link continuously and conveniently to the nearby off-site cycleways shall be submitted to the Local Planning Authority for approval. The layout shall provide for safe and convenient access by bicycle and once approved shall be implemented in full and prior to the development being brought into use;
- XIII. during the construction of the development any facilities placed on site for the storage of chemicals, oils or fuels shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity

of interconnected tanks plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall discharge downwards into the bund;

- XIV. prior to the commencement of development, a detailed scheme for the provision of surface water drainage works shall be submitted to the Local Planning Authority for approval. The scheme shall be in accordance with Option A as detailed in the Drainage Impact Assessment, dated 30 October 2007 and the Drainage Layout plan, dated November 2007. Any such scheme that proposes the discharge of clean surface water from the site to the River Petteril via a new outfall structure shall be designed in accordance with the Environment Agency's Greenfield Run-off Criteria – A Specification Summary for Developers publication. Once approved, the scheme shall be implemented in full and before the construction of impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority;
- XV. prior to the commencement of development, the developer shall submit for approval to the Local Planning Authority, details of the perimeter boundary to secure the site. This shall include details of the style, height, colour and finish of the proposed fences, walls, gates and barriers as indicated on the Landscape Layout Sketch Design Plan Stage E, dated November 2007. Once approved, the perimeter boundary shall be installed as detailed in the approved documents;
- XVI. prior to the commencement of development, the developer shall submit for approval to the Local Planning Authority, details of the proposed lighting and surveillance system (to include CCTV and infra red detector locations and camera types) to be installed to secure the site. This shall include a detailed explanation and justification for the type of installations proposed and a plan to demonstrate how site security will be managed. Once approved the lighting and surveillance system and site security management plan shall be implemented in full as detailed in the approved documents;
- XVII. all waste disposal facilities for the site shall be located in the Bin Storage Area as indicated on the Landscape Layout Sketch Design Plan Stage E, dated November 2007. Within six months of the date of this permission, the developer shall submit for approval to the Local Planning Authority details of the type, size, number and housing of such facilities and shall include provision for waste recycling. Once approved, the facilities shall be installed in accordance with the approved details;
- XVIII. the only on site trees to be felled as a result of this development are those identified as having 'low' bat potential (in the Baseline Protected Species Survey, conducted by Envirotech, dated 16 October 2007) and hatched blue on an abstract of the Landscape Layout Sketch Design Plan Stage E, dated November 2007 incorporated in the letter from Envirotech, dated 27 November 2007;
- XIX. prior to the commencement of any tree pruning, a further survey and assessment of the trees identified as having 'low-medium' bat potential (in the Baseline

Protected Species Survey, conducted by Envirotech, dated 16 October 2007) shall be conducted by the developer to confirm whether the trees do have (a) any positive signs of bats, or (b) likely bat roosting features. If there are positive signs of bats or bat roosting features, a Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to any works to the trees being undertaken. Once approved, the strategy shall be implemented in full;

- XX. no felling and/or pruning of trees shall take place during the bird breeding season; that is, between 1 March and 1 September in any year;
- XXI. prior to the commencement of development, a detailed bat survey and assessment of the part of Petheril Bank House that will link with the new extension shall be submitted to the Local Planning Authority for approval. This shall include:
- i. a survey of the roof slates from above the block work edging;
 - ii. further inspection of the gaps between the lining of the habited areas and the roof, from the eaves cupboards and/or holes through the internal lining;
 - iii. a diagram of the locations of the open roof voids, the lined sections, and the eaves cupboards;
- If there is evidence of the presence of use by bats as a roost site a Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to the development commencing. Once approved the Strategy shall be implemented in full;
- XXII. immediately prior to the commencement of development, an inspection of the whole site shall take place to ascertain the presence of badgers. If there is evidence of the presence of badgers, a Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to the development commencing. Once approved, the Strategy shall be implemented in full ;
- XXIII. the development of this site shall be subject to all the measures as set out in the Mitigation and Compensation Section E part of the Baseline Protected Species Survey, conducted by Envirotech, dated 16 October 2007;
- XXIV. prior to the commencement of development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval. This shall include detailed design for the tree protection fences to be erected, their location in accordance with the 'Protection zone for existing trees' as identified on the Landscape Layout Sketch Design Plan Stage E, dated November 2007, and other protection measures when plant or people have to move within these areas. Once approved, the scheme shall be implemented in full and apply to any works or activity taking place with the 'Protection zone for existing trees'. The protection measures shall remain in situ from the commencement of construction of the development to its completion;
- XXV. prior to the commencement of development, an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval. This shall

demonstrate how the site will be redeveloped without causing harm to trees to be retained and where appropriate shall include proposals for tree friendly building techniques, no drill techniques and tree work such as pruning and felling. The approved methodology shall be implemented in full;

- XXVI. within six months of the date of this permission, the developer shall submit a detailed landscaping scheme to the Local Planning Authority for approval. Once approved, the scheme shall be implemented in its entirety. The scheme shall be in accordance with the concept scheme shown on the Landscape Layout Sketch Design Stage E plan, dated November 2007 and shall include details of the following:
- i. the species type, number and spacing of all trees and shrubs to be planted;
 - ii. the submission of samples of the proposed retaining wall, the granite aggregate concrete sett pavers and the resin bonded gravel surface, as indicated on the above plan;
- XXVII. existing trees, shrubs and hedges and those planted in accordance with the requirements of this permission shall be protected, managed and maintained in accordance with a management and maintenance plan to be submitted for the approval of the Local Planning Authority within six months of the date of this permission. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority;
- XXVIII. prior to the commencement of any alteration and extension works, the existing building affected by the development (Petteril Bank House) shall be recorded in accordance with a Level 2 survey, as described by English Heritage's document Understanding Historic Buildings: A Guide to Good Recording Practice, 2006. Once completed, three copies of the survey shall be submitted to the Local Planning Authority and, when approved, construction works may commence.
3. This letter does not convey any consent or approval required under any enactment, byelaw, order or regulation other than section 8,16,17 and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours faithfully



M MORRIS

SCHEDULE C: Applications Determined by Other Authorities

Item No: 19

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/9017

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
15/08/2007

Agent:
Cumbria County Council

Ward:
Upperby

Location:
Petteril Bank House, Petteril Bank Road, Carlisle,
CA1 3AZ

Grid Reference:
341650 553650

Proposal: New Extension To Petteril Bank House, Minor Alterations And
Refurbishment

Amendment:

REPORT

Case Officer: Sam Greig

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 24/10/2007

Decision of: First Secretary of State (GONW)

Decision Type: Grant Permission

Date: 28/01/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Mr Pritchett
Austin Smith: Lord
4 Jordan Street
Manchester
M15 4PY

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 6 August 2007.

**viz: New extension to Petteril Bank House, Minor Alterations and Refurbishment
Petteril Bank House, Petteril Bank Road, Carlisle, Cumbria, CA1 3AJ**

subject to due compliance with the following conditions:

TIME LIMITS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

APPROVED OPERATIONS PROGRAMME

- 2 The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. Any variation to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out. The approved scheme shall comprise the following:

- 2.1 the planning application form, dated 3 August 2007;
- 2.2 the Drawings for Planning document, dated July 2007;
- 2.3 the Drawings for Listed Building Consent document, dated July 2007;
- 2.4 the PPG 15 Statement, dated July 2007;
- 2.5 the Design and Access Statement, dated July 2007;
- 2.6 the Conservation Management Plan, dated June 2006;
- 2.7 the Audience Development Plan, dated May 2005;

- 2.8 the Travel Plan, dated 30 November 2007;
- 2.9 the plans numbered L201, L202, and L209, dated 5 November 2007;
- 2.10 the Landscape Layout Sketch Design Stage E plan, dated November 2007;
- 2.11 the Drainage Layout plan, dated November 2007;
- 2.12 the Ecological Report, prepared by Capita Symonds, dated October 2006;
- 2.13 the Baseline Protected Species Survey, undertaken by Andrew Gardner, dated 16 October 2007;
- 2.14 the letter from Ben Aston (Austin-Lord: Smith) dated 5 November 2007,
- 2.15 the letter from Envirotech, dated 27 November 2007, and
- 2.16 the decision notice.

Reason: To ensure that the site is developed in accordance with the approved scheme.

- 3 During the construction of the development, a copy of the approved scheme and any other documents subsequently approved in accordance with this permission shall always be available on site for inspection during working hours. Their existence and content shall be made known to all operatives likely to be affected by them.

Reason: To ensure that those involved in the development of the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

- 4 Prior to the commencement of development a scheme shall be submitted for the approval of the Local Planning Authority to control the impact of the development during its construction on residents and other occupiers in the vicinity of the construction site. The scheme shall include provision for the following matters:

- 4.1 the hours of working during the construction of the site;
- 4.2 a traffic management plan, to include details of parking, the number and type of vehicles accessing the site; vehicle turning and manoeuvring requirements and provisions for loading and unloading of vehicles and site deliveries;
- 4.3 lighting provision, to be directed away from residential properties, and
- 4.4 measures to control noise, dust and to prevent the tracking mud/debris onto the public highway.

Once approved, the scheme shall be adhered to during the carrying out of works on site.

Reason: To control and minimise the impact of the development upon residents and other adjacent land users during construction, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit) and Policy LD7 of the Local Transport Plan 2006-2012.

- 5 Prior to the commencement of development, the developer shall submit samples of external finishes to be used on the new extension, to the Local

Planning Authority for approval. This shall include samples of the reconstituted stone to be applied to the blockwork cavity walls; external render to be applied to areas of curtain walling; the timber panels on the north facing elevation, and the treatment, colour and finish of the louvers on the north elevation. Once approved the external finishes should be applied as detailed in the approved documents

Reason: To reserve for subsequent approval by the Local Planning Authority, details relevant to the development hereby permitted which were not submitted with the planning application, in the interests of good design, in accordance with Policy CP4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

- 6 The wedding element of the facilities offered on site shall be restricted to provision of the ceremony only. No post wedding ceremony activities shall take place on the site.

Reason: To minimise the impact of activities upon nearby residents, in the interests of residential amenity, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

ACCESS AND HIGHWAYS

- 7 The site entrance area from the proposed vehicle barrier (shown on the Landscape Layout Sketch Design Stage E plan, dated November 2007) to the edge of the public highway, including splays, shall be constructed and drained in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority prior to works being carried out. When approved, the site entrance area shall be constructed in accordance with the approved scheme prior to the commencement of development at the site.

Reason: To ensure a suitable standard of access road construction at its junction with the public highway in the interests of highway safety, in accordance with Policy LD8 of the Local Transport Plan 2006-2011.

- 8 The internal access road, described as 'Road Surface', on the Landscape Layout Sketch Design Stage E plan, dated November 2007 shall be surfaced in bituminous or cement bound materials, or otherwise bound with the prior approval of the Local Planning Authority. Once approved, it shall be constructed and completed before the development is brought into use.

Reason: To ensure that the internal roads are constructed to an acceptable standard in the interests of highway, in accordance with Policy LD8 of the Local Transport Plan 2006-2011

- 9 The site access gates (described as 'vehicle barrier', on the Landscape Layout Sketch Design Stage E plan, dated November 2007) shall be hung to open inwards or to operate vertically only away so as not to obstruct the public highway. The gates shall be recessed no less than 4.5 metres as measured

from the edge of the public highway and shall incorporate 45 degree splays to each side.

Reason: To ensure that the site access gates do not cause an obstruction in the public highway in the interests of highway safety, in accordance with Policy LD8 of the Local Transport Plan 2006-2011.

- 10 Prior to the commencement of development, the developer shall submit a detailed site traffic management plan to the Local Planning Authority for approval. The plan shall explain provision within the site for parking, turning and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors. The development shall not be brought into use until such facilities have been approved and the parking, loading, unloading and manoeuvring facilities have been constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the public highway in the interests of highway safety, in accordance with Policies LD7 and LD8 of the Local Transport Plan 2006-2011.

- 11 Prior to the commencement of development, details of the number, location and design of motorcycle and bicycle parking facilities shall be submitted to the Local Planning Authority for approval. Once approved, the facilities shall be provided in accordance with the approved documents and prior to the development being brought into use.

Reason: To ensure that provision is made for motorcycle and bicycle parking, in accordance with Policies LD5, LD7 and LD8 of the Local Transport Plan 2006-2011 and Policy CP15 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

- 12 Prior to the commencement of development a detailed scheme for the provision of cycleways within the site that link continuously and conveniently to the nearby off-site cycleways shall be submitted to the Local Planning Authority for approval. The layout shall provide for safe and convenient access by bicycle and once approved shall be implemented in full and prior to the development being brought into use.

Reason: To ensure adequate provision for bicycle users, in accordance with Policies LD5 and LD8 of the Local Transport Plan 2006-2011 and Policy CP15 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

SAFEGUARDING OF WATERCOURSES AND DRAINAGE

- 13 During the construction of the development any facilities placed on site for the storage of chemicals, oils or fuels shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and

site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall discharge downwards into the bund.

Reason: To avoid the pollution of any watercourse or groundwater resource, in accordance with Policy CP10 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

- 14 Prior to the commencement of development, a detailed scheme for the provision of surface water drainage works shall be submitted to the Local Planning Authority for approval. The scheme shall be in accordance with Option A as detailed in the Drainage Impact Assessment, dated 30 October 2007 and the Drainage Layout plan, dated November 2007. Any such scheme that proposes the discharge of clean surface water from the site to the River Petteril via a new outfall structure shall be designed in accordance with the Environment Agency's Greenfield Run-off Criteria & A Specification Summary for Developers publication. Once approved, the scheme shall be implemented in full and before the construction of impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to protect receiving waters (the River Petteril) by ensuring the provision of a satisfactory means of surface water disposal, in accordance with Policies CP9 and CP10 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit) and Policy C42 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

SITE SECURITY

- 15 Prior to the commencement of development, the developer shall submit for approval to the Local Planning Authority, details of the perimeter boundary to secure the site. This shall include details of the style, height, colour and finish of the proposed fences, walls, gates and barriers as indicated on the Landscape Layout Sketch Design Plan Stage E, dated November 2007. Once approved, the perimeter boundary shall be installed as detailed in the approved documents.

Reason: To ensure that the site is adequately secured in order to prevent and minimise the opportunity for crime, in accordance with Policy CP16 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

- 16 Prior to the commencement of development, the developer shall submit for approval to the Local Planning Authority, details of the proposed lighting and surveillance system (to include CCTV and infra red detector locations and camera types) to be installed to secure the site. This shall include a detailed explanation and justification for the type of installations proposed and a plan to demonstrate how site security will be managed. Once approved the lighting and surveillance system and site security management plan shall be implemented in full as detailed in the approved documents.

Reason: To ensure that the site is adequately secured in order to prevent and minimise the opportunity for crime, in accordance with Policy CP16 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

WASTE DISPOSAL

- 17 All waste disposal facilities for the site shall be located in the Bin Storage Area as indicated on the Landscape Layout Sketch Design Plan Stage E, dated November 2007. Within six months of the date of this permission, the developer shall submit for approval to the Local Planning Authority details of the type, size, number and housing of such facilities and shall include provision for waste recycling. Once approved, the facilities shall be installed in accordance with the approved details.

Reason: To reserve for subsequent approval by the Local Planning Authority, details relevant to the development hereby permitted which were not submitted with the planning application and to make provision for waste recycling, in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

PROTECTED SPECIES

- 18 The only on site trees to be felled as a result of this development are those identified as having 'low' bat potential (in the Baseline Protected Species Survey, conducted by Envirotech, dated 16 October 2007) and hatched blue on an abstract of the Landscape Layout Sketch Design Plan Stage E, dated November 2007 incorporated in the letter from Envirotech, dated 27 November 2007.

Reason: To safeguard the interests of bats, in accordance with Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

- 19 Prior to the commencement of any tree pruning, a further survey and assessment of the trees identified as having 'low-medium' bat potential (in the Baseline Protected Species Survey, conducted by Envirotech, dated 16 October 2007) shall be conducted by the developer to confirm whether the trees do have (a) any positive signs of bats, or (b) likely bat roosting features. If there are positive signs of bats or bat roosting features, a Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to any works to the trees being undertaken. Once approved, the strategy shall be implemented in full.

Reason: To safeguard the interests of bats, in accordance with Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

- 20 No felling and/or pruning of trees shall take place during the bird breeding season; that is, between 1 March and 1 September in any year.

Reason: To safeguard the interests of birds during the bird breeding season, in accordance with Section 1 of the Wildlife and Countryside Act 1981, as amended.

- 21 Prior to the commencement of development, a detailed bat survey and assessment of the part of Petteril Bank House that will link with the new extension shall be submitted to the Local Planning Authority for approval. This shall include:

- 21.1 a survey of the roof slates from above the block work edging;
- 21.2 further inspection of the gaps between the lining of the habited areas and the roof, from the eaves cupboards and/or holes through the internal lining, and
- 21.3 a diagram of the locations of the open roof voids, the lined sections, and the eaves cupboards.

If there is evidence of the presence of use by bats as a roost site a Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to the development commencing. Once approved the Strategy shall be implemented in full.

Reason: To safeguard the interests of bats, in accordance with Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

- 22 Immediately prior to the commencement of development, an inspection of the whole site shall take place to ascertain the presence of badgers. If there is evidence of the presence of badgers, a Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to the development commencing. Once approved, the Strategy shall be implemented in full.

Reason: To safeguard the interests of protected species that may be present on the site, in accordance with Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

- 23 The development of this site shall be subject to all the measures as set out in the Mitigation and Compensation Section E part of the Baseline Protected Species Survey, conducted by Envirotech, dated 16 October 2007.

Reason: To safeguard the interests of protected species that may be present on the site, in accordance with Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

TREE PROTECTION

- 24 Prior to the commencement of development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval. This shall include detailed design for the tree protection fences to be erected, their location in accordance with the 'Protection zone for existing trees', as identified on the Landscape Layout Sketch Design Plan Stage E, dated November 2007, and other protection measures when plant or people have to move within these areas. Once approved, the scheme shall be implemented in full and apply to any works or activity taking place within the 'Protection zone for existing trees'. The protection measures shall remain in situ from the commencement of construction of the development to its completion.

Reason: To ensure that the existing on site trees are not lost or damaged as a result of the redevelopment of the site.

- 25 Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval. This shall demonstrate how the site will be redeveloped without causing harm to trees to be retained and where appropriate shall include proposals for tree friendly building techniques, no drill techniques and tree work such as pruning and felling. The approved methodology shall be implemented in full.

Reason: To ensure that the existing on site trees are not lost or damaged as a result of the redevelopment of the site.

DETAILED LANDSCAPING SCHEME

- 26 Within six months of the date of this permission, the developer shall submit a detailed landscaping scheme to the Local Planning Authority for approval. The scheme shall be in accordance with the concept scheme shown on the Landscape Layout Sketch Design Stage E plan, dated November 2007 and shall include details of the following:

- 26.1 the species type, number and spacing of all trees and shrubs to be planted, and
- 26.2 the submission of samples of the proposed retaining wall, the granite aggregate concrete sett pavers and the resin bonded gravel surface, as indicated on the above plan.

Once approved, the scheme shall be implemented in its entirety.

Reason: To reserve for subsequent approval by the Local Planning Authority, details relevant to the development hereby permitted which were not submitted with the planning application.

TREE, SHRUB AND HEDGE PLANTING

- 27 Existing trees, shrubs and hedges and those planted in accordance with the requirements of this permission shall be protected, managed and maintained in accordance with a management and maintenance plan to be submitted for the approval of the Local Planning Authority within six months of the date of this permission. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

Reason: To secure the satisfactory establishment and maintenance of trees, hedges and shrubs in the interests of local and residential amenity, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

ARCHAEOLOGY

- 28 Prior to the commencement of any alteration and extension works, the existing building affected by the development (Petteril Bank House) shall be recorded in accordance with a Level 2 survey, as described by English Heritage's document Understanding Historic Buildings: A Guide to Good Recording Practice, 2006. Once completed, three copies of the survey shall be submitted to the Local Planning Authority and, when approved, construction works may commence.

Reason: To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development, in accordance with Policy LE14 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

INFORMATIVES

1. This grant of planning permission does not absolve the developer of the need to comply with legislation that safeguards protected species. In particular, with regards to this application, any works that would affect a bat or a bat roost, at any time during the development, would require a licence under Regulation 44 of the Habitat Regulations, as amended, before the works commencing.
2. All wild birds are protected under the Wildlife and Countryside Act 1981, as amended, which makes it illegal to intentionally kill, injure or take any wild bird, or to take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 of the 1981 Act while it is building, is at or near a nest with eggs or young or disturb its dependent young.

3. Any works involving the construction of a new surface water outfall structure to the River Petteril, Main River will require the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.

Dated the 28th 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 28th day of January 2008

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 20

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/9025

Applicant:
Property Unit

Parish:
Carlisle

Date of Receipt:
04/12/2007

Agent:
Cumbria County Council

Ward:
Botcherby

Location:
The Grange, Wood Street, Carlisle, Cumbria, CA1
2SF

Grid Reference:
342249 555617

Proposal: Demolish Slated Porch To Rear Of Property (LBC)

Amendment:

REPORT

Case Officer: Richard Majewicz

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 27/12/2007

Decision of: First Secretary of State (GONW)

Decision Type: Grant Permission

Date: 17/01/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.



GOVERNMENT OFFICE
FOR THE NORTH WEST

Mr Nick Long
Development Control
County Offices
Kendal
Cumbria
LA9 4RQ

City Tower
Piccadilly Plaza
Manchester
M1 4BE

Tel: 0161 952 4229
Fax: 0161 952 4106

michael.morris@gonw.gsi.gov.uk

Your Ref: 1/07/9025
Our Ref: PNW/5049/270/87

17th January 2008

Dear Sir

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS
1990**

1. I am directed by the Secretary of State for Communities and Local Government to refer to your letter of 11th January 2008 enclosing an application for listed building consent to demolish slated porch to rear of property at The Grange, Wood Street, Botcherby, Carlisle

2. The details supplied in support of the application have been considered, together with the views of English Heritage. On the information before her, the Secretary of State sees no reason to refuse the application. Accordingly, she hereby grants listed building consent to carry out the above works in accordance with the application No. 1/07/9025 dated 27th November 2007 and the drawings submitted therewith, subject to the following conditions:

- I. the works to which this consent relates shall be begun no later than 3 years from the date of this letter;
- II. the development shall be carried out in accordance with the approved scheme. Any variation to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.
- III. all damage and disturbance to the wall of the listed building remaining after demolition of the porch and removal of all rubble from the site of the listed building, shall be repaired and reinstated in accordance with details that have been previously given prior approval in writing by the Local



Planning Authority. The repair and reinstatement shall be completed no later than twelve months from completion of the demolition of the porch.

3. This letter does not convey any consent or approval required under any enactment, byelaw, order or regulation other than section 8,16,17 and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'M Morris', written in dark ink.

M MORRIS

Economy, Culture and Environment

County Offices • Kendal • Cumbria

• LA9 4RQ • Fax: 01539 773439

Tel: 01539 773426

• Email: developmentcontrol@cumbriacc.gov.uk



Date: 18 January 2008

References: 1/07/9025

Mr A Eales
Carlisle City Council - Planning Services
Civic Centre
Rickergate
Carlisle
Cumbria
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/9025/CT1
22 JAN 2008	
RECORDED	KL
SCANNED	
PASSED TO	RAM
ACTION	

Dear Mr Eales

Proposal: Demolish slated porch to rear of property (Listed Building Consent)
Location: The Grange, Wood Street, Botcherby, Carlisle, Cumbria, CA1 2SF
Ref No: 1/07/9025

The Development Control and Regulation Committee of Cumbria County Council resolved that this application be forwarded to the Secretary of State with a recommendation for approval subject to conditions. This matter has now been determined by the Government Office for the North West who grants Listed Building Consent for the above development.

A copy of the letter from Government Office for the North West is enclosed for your information.

Yours sincerely

Mr Nick Long
Email: nick.long@cumbriacc.gov.uk

Enclosures

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 21

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1033

Applicant:
Mr Liam Moscrop

Parish:
Kingmoor

Date of Receipt:
24/09/2007

Agent:

Ward:
Stanwix Rural

Location:
Land adjacent to the T junctions north of Edenside,
Cargo, Carlisle

Grid Reference:
336941 559820

Proposal: Erection Of Detached House, Garage, Stables, Indoor Riding Arena And Barn (Outline Application)

Amendment:

1. Re-siting of the access to serve the equestrian centre.
2. Omission of a paddock to ensure adequate parking and turning provision.

REPORT

Case Officer: Sam Greig

Details of Deferral:

Members will recall at Committee meeting held on 25th January 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the submission of further plans that address the minor discrepancies identified on the submitted plans.

These plans have been received and the approval was issued on 1st February 2008.

Decision: Grant Permission

Date: 01/02/2008

1. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the landscape character of the surrounding area in accordance with Policy E9 of the Carlisle District Local Plan.

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

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy E9 of the Carlisle District Local Plan.

7. 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 E9 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. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant or septic tank have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the proposed means of foul drainage has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment and to ensure compliance with Policy E22 of the Carlisle District Local Plan.

10. The occupation of the dwelling shall be limited any persons solely in full time employment at the equestrian centre hereby approved.

Reason: The unrestricted use of the dwelling would be contrary to the provisions of Policies E8 and H6 of the Carlisle District Local Plan which seek to prevent additional sporadic development in the

SCHEDULE D: Reports on Previously Deferred Decisions

countryside unless demonstrated by an overriding need.

11. The riding school and livery hereby approved shall not be open to the public except between the 0900 hours and 2100 hours.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy H17 of the Carlisle District Local Plan.

12. No development shall commence until details of the proposed external lighting scheme have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the living conditions of neighbouring residents are not adversely affected and to ensure compliance with Policy H17 of the Carlisle District Local Plan.

13. No system of public address, loudspeaker system or amplified music shall be operated within the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to adjoining occupiers in accordance with Policy H17 of the Carlisle District Local Plan.

14. The development shall not commence until visibility splays providing clear visibility of 2.4 metres x 215 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway (this applies to both the access to the dwelling and the access to the riding school). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

15. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have

SCHEDULE D: Reports on Previously Deferred Decisions

been constructed.

Reason: Policies LD7 and LD8. To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Policies: LD5, LD7 and LD8.

16. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.

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

17. The use of the development shall not be commenced until the access to the riding school has been formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved, in writing, by the Local Planning Authority.

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

18. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unacceptable access or route, in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

19. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

20. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety/environmental management and

SCHEDULE D: Reports on Previously Deferred Decisions

to support Local Transport Plan Policies LD7 and LD8.

21. Details showing the provision within the site for the parking, turning, loading and unloading of vehicles (including horse boxes) visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to and approved, in writing, by the Local Planning Authority prior to development commencing. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 and LD8.

22. 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.

SCHEDULE E

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SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/0766

Applicant:
Mr A Storey

Parish:
Beaumont

Date of Receipt:
09/08/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Burgh

Location:
Eden Farm, Kirkandrews on Eden, Carlisle, CA5
6DJ

Grid Reference:
335350 558416

Proposal: Conversion Of Existing Barn To A Dwelling And The Provision Of A New Build Annex For Home Office, Guest Accommodation And Garaging (Revised Application)

Amendment:

1. Amended elevations of the proposed annex/office accommodation.

Decision: Grant Permission

Date: 21/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/0772

Applicant:
Mr R Twedde

Parish:
Arthuret

Date of Receipt:
03/07/2007

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Unit 29, Brampton Road, Longtown, Carlisle, CA6
5TR

Grid Reference:
340154 567207

Proposal: Temporary Planning Consent For The Siting Of A Portable Office Unit Together With The Installation Of A Septic Tank (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 24/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/0930

Mr P Cochrane

Rockcliffe

Date of Receipt:

09/08/2007

Agent:

Tsada Building Design
Services

Ward:

Longtown & Rockcliffe

Location:

25 Harker Park, Carlisle, Cumbria, CA6 4HS

Grid Reference:

339743 560810

Proposal: Single Storey Extension To Front Elevation To Provide Sunroom; Single Storey Extension To Rear To Provide Kitchen, Enlarged Games Room And W.C; Formation Of First Floor To Provide 1no. En-suite Bedroom With Balcony; Formation Of Dormer To Front Elevation. (Retrospective).

Amendment:

Decision: Grant Permission

Date: 20/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/1120

Applicant:

Gladman

Parish:

Carlisle

Date of Receipt:

22/10/2007

Agent:

Ward:

Castle

Location:

Land At Port Road, Port Road Business Park,
Carlisle, CA2 7AF

Grid Reference:

338871 556315

Proposal: Development Of Business Park Consisting Of 2no. Office Blocks Providing 3no. Units, And 1no. Single Storey Building For Motorcycle Test Centre With Associated Access Road, Landscaping And Hard Surface Area.

Amendment:

Decision: Grant Permission

Date: 21/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/1188

Applicant:

Mr & Mrs Telfer

Parish:

Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

24/10/2007

Morton

Location:

16 Windermere Road, Carlisle, Cumbria, CA2 5RB

Grid Reference:

338604 555227

Proposal: Two Storey Rear Extension To Provide Extended Living Room, & Kitchen On Ground Floor; With Extended Bedroom & Bathroom. Erection Of Detached Garage (Revised Application).

Amendment:

Decision: Grant Permission

Date: 23/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/1210

Applicant:

Mrs Y Scott

Parish:

Carlisle

Date of Receipt:

30/11/2007

Agent:

Jock Gordon

Ward:

Belah

Location:

144 Kingstown Road, Carlisle, Cumbria, CA3 0AY

Grid Reference:

339666 558578

Proposal: Erection of Single Storey Detached Extension For Use As A Store (Retrospective)

Amendment:

Decision: Grant Permission

Date: 24/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/1247

Applicant:

Mr & Mrs E Wilson

Parish:

Brampton

Date of Receipt:

23/11/2007

Agent:

G R & D J Stephen

Ward:

Brampton

Location:

Red Barn and Land Adjacent A6071, Longtown Road, Brampton

Grid Reference:

352465 561640

Proposal: Conversion of and extensions to existing barn to provide 1no. dwelling and garage (Outline Application)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 14/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/1261

Applicant:

Mr Plumb

Parish:

Carlisle

Date of Receipt:

21/11/2007

Agent:

Waring & Netts

Ward:

Harraby

Location:

Former Cavaghan & Gray Limited, London Road,
Carlisle, CA1 3EU

Grid Reference:

341870 553940

Proposal: Proposed Aldi Supermarket, Additional Retail Unit And Workshop
Development With Office Units Over (Reserved Matters)

Amendment:

Decision: Grant Permission

Date: 16/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/1272

Applicant:

Upperby Mens Institute Ltd Carlisle

Parish:

Carlisle

Date of Receipt:

28/11/2007

Agent:

Upperby Mens Institute Ltd

Ward:

Upperby

Location:

41 Lamb Street, Carlisle, Cumbria, CA2 4NF

Grid Reference:

340983 553371

Proposal: Smoking Shelter Above Patio Area/Flagged Area

Amendment:

Decision: Grant Permission

Date: 23/01/2008

Between 12/01/2008 and 22/02/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
07/1274

Applicant:
Lesley William

Parish:
Carlisle

Date of Receipt:
28/11/2007

Agent:
Rowena Sim

Ward:
Castle

Location:
53 Scotch Street, Carlisle, Cumbria, CA3 8PD

Grid Reference:
340120 555972

Proposal: Display Of 1no Illuminated Fascia Sign And 1no Non-illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 22/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1276

Applicant:
Mr & Mrs R Lamb

Parish:
Carlisle

Date of Receipt:
20/11/2007

Agent:
Black Box Architects
Limited

Ward:
Morton

Location:
17 Eskdale Avenue, Carlisle, Cumbria, CA2 5RA

Grid Reference:
338566 555211

Proposal: Single Storey Flat Roof Extension To Rear Of Property To Provide Shower Room.

Amendment:

Decision: Grant Permission

Date: 14/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1277

Applicant:
Mr Bob Baldwin

Parish:
St Cuthberts Without

Date of Receipt:
23/11/2007

Agent:
Capita Symonds Limited

Ward:
Dalston

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Low Hurst Highways Depot, Wreay, Carlisle, CA4 0RH 343117 550076

Proposal: Erection Of Proposed New Highways Agency Traffic Officer Outstation
And External Storage Container

Amendment:

Decision: Grant Permission

Date: 14/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1281

Applicant:
Mr Kevin Williamson

Parish:
Wetheral

Date of Receipt:
21/11/2007

Agent:

Ward:
Wetheral

Location:
1 Lowhouse Crossing, Armathwaite, Carlisle,
Cumbria, CA4 9SP

Grid Reference:
350737 548717

Proposal: Single Storey Side Extension To Provide Sitting Room And En-Suite
Bedroom. (Revised Application).

Amendment:

Decision: Grant Permission

Date: 16/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1285

Applicant:
Mr Jonathan Barker

Parish:
Carlisle

Date of Receipt:
30/11/2007

Agent:

Ward:
Stanwix Urban

Location:
83 Larch Drive, Stanwix, Carlisle, CA3 9FJ

Grid Reference:
340436 557766

Proposal: Erection Of Two Storey Side Extension To Provide Kitchen And Living
Room On Ground Floor With Bedroom And Bathroom Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1287

Applicant:
Mr Liddell

Parish:
Kirkandrews

Date of Receipt:
22/11/2007

Agent:
Mr G Kidd

Ward:
Longtown & Rockcliffe

Location:
3 High Moat Cottages, Longtown, Cumbria, CA6
5PF

Grid Reference:
339707 573713

Proposal: Erection Of Conservatory To Front Elevation

Amendment:

Decision: Refuse Permission

Date: 17/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1288

Applicant:
Handy Concrete LTD

Parish:
Dalston

Date of Receipt:
22/11/2007

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Barras Lane, Dalston, Carlisle

Grid Reference:
336351 550748

Proposal: Proposed Extension Of Existing Concrete Batching Plant To Allow For
The Formation Of An Additional Bay For The Storage Of Aggregate

Amendment:

Decision: Grant Permission

Date: 17/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1289

Applicant:
Anthony Irving

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
28/11/2007

Agent:

Ward:
Castle

Location:
2-4 Spencer Street, Carlisle, CA1 1BG

Grid Reference:
340361 555981

Proposal: Brick Up Internal Doorway On Ground Floor (Listed Building)

Amendment:

Decision: Grant Permission

Date: 14/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1292

Applicant:
Mr Ned Wiseman

Parish:
Carlisle

Date of Receipt:
23/11/2007

Agent:

Ward:
Morton

Location:
36 Eskdale Avenue, Carlisle, Cumbria, CA2 5RA

Grid Reference:
338609 555142

Proposal: First Floor Rear Extension To Provide 1no. Bedroom (Revised Application)

Amendment:

Decision: Refuse Permission

Date: 18/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1294

Applicant:
Mr D Thomlinson

Parish:
Scaleby

Date of Receipt:
28/11/2007

Agent:
M Lindsay

Ward:
Stanwix Rural

Location:
Parkview, Scaleby, Carlisle, CA6 4LT

Grid Reference:
343416 562408

Proposal: Erection Of Agricultural Straw Store And Feed Store

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 16/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1295

Applicant:
R & J Byers

Parish:
Hayton

Date of Receipt:
11/12/2007

Agent:
Mike Dewis Farm Systems

Ward:
Hayton

Location:
Byegill, Corby Hill, Carlisle, CA4 8QB

Grid Reference:
349780 558136

Proposal: Erection of Portal Framed Building to Store Cattle Feed.

Amendment:

Decision: Grant Permission

Date: 24/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1297

Applicant:
Mr & Mrs M Wrightson

Parish:
Carlisle

Date of Receipt:
26/11/2007

Agent:
Green Design Group

Ward:
Stanwix Urban

Location:
2 Etterby Scour, Stanwix, Carlisle, CA3 9NX

Grid Reference:
339485 557270

Proposal: Demolition Of Existing Single Storey Kitchen. Erection Of Single Storey Rear Extension To Provide Garden Room. Internal Alterations To Provide Ground Floor WC And Utility Room; Alteration To Chimney And Removal Of Slate

Amendment:

Decision: Grant Permission

Date: 18/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1299 The Highways Agency St Cuthberts Without

Date of Receipt: **Agent:** **Ward:**
26/11/2007 HIM Associates Dalston

Location: **Grid Reference:**
The Highways Agency, Lowhurst Depot, Wreary,
Carlisle, CA4 0RH 343117 550076

Proposal: Erection Of Open Fronted Shelter To Store Variable Message Sign Units

Amendment:

Decision: Grant Permission **Date:** 14/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No: **Applicant:** **Parish:**
07/1307 Mr S A White Kirkandrews

Date of Receipt: **Agent:** **Ward:**
28/11/2007 Rodney Jeremiah Longtown & Rockcliffe

Location: **Grid Reference:**
7 The Moat, Longtown, Carlisle, CA6 5PH 341077 573934

Proposal: Demolition Of Existing Conservatory To Be Replaced By A Single Storey
Lean-To Extension To Provide Dining Room, Utility And WC To The
Rear Of The Property

Amendment:

Decision: Grant Permission **Date:** 23/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No: **Applicant:** **Parish:**
07/1308 Mr C Taylor Scaleby

Date of Receipt: **Agent:** **Ward:**
28/11/2007 Tsada Building Design
Services Stanwix Rural

Location: **Grid Reference:**
7 Oakland View, Barclose, Scaleby, Cumbria, CA6 344323 562945

SCHEDULE E: Decisions Issued Under Delegated Powers

4LH

Proposal: Two Storey Side Extension To Provide Study On Ground Floor With 2no Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 23/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1309

Applicant:
Ms Kerry Aston

Parish:
Brampton

Date of Receipt:
04/12/2007

Agent:

Ward:
Brampton

Location:
2 Lorne Terrace, Brampton, Cumbria, CA8 1NS

Grid Reference:
352929 561040

Proposal: Change Of Use From Shop To Coffee/Smoothie Bar

Amendment:

Decision: Grant Permission

Date: 06/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1311

Applicant:
Dr Manning

Parish:
Carlisle

Date of Receipt:
07/12/2007

Agent:
John Lyon Associates Ltd

Ward:
Stanwix Urban

Location:
5 Eden Place, Stanwix, Carlisle, CA3 9JQ

Grid Reference:
339665 557182

Proposal: Demolition Of Existing Rear Ground Floor Bathroom. Partial Two Storey Rear Extension To Provide Kitchen/Dining Room On Ground Floor With Bathroom Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1313

Applicant:
Mrs L Goddard

Parish:
Hayton

Date of Receipt:
04/12/2007

Agent:
Tsada Building Design
Services

Ward:
Hayton

Location:
L/A field 4774, Oak Ghyll, Fenton Road, Heads
Nook, Carlisle

Grid Reference:
349478 555680

Proposal: Erection Of Lean To Livestock Feeding Shed

Amendment:

Decision: Grant Permission

Date: 29/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1314

Applicant:
Messrs Turnbull,
Phillipson, West and
Forsyth

Parish:
Carlisle

Date of Receipt:
28/11/2007

Agent:
Mr Paul J Fitton

Ward:
Castle

Location:
1 & 2 The Crescent, Carlisle, Cumbria, CA1 1QN

Grid Reference:
340304 555686

Proposal: Replacement Shop Front

Amendment:

Decision: Grant Permission

Date: 06/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1315

Applicant:
Messrs Turnbull,

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Phillipson, West and
Forsyth

Date of Receipt:
05/12/2007

Agent:
Mr Paul J Fitton

Ward:
Castle

Location:
1 & 2 The Crescent, Carlisle, Cumbria, CA1 1QN

Grid Reference:
340304 555686

Proposal: Renovation And Internal Alterations; Formation Of 2no Additional Windows To Rear Elevation And New Electrical, Heating And Air Conditioning Systems (LBC)

Amendment:

Decision: Grant Permission

Date: 30/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1317

Applicant:
Done Brothers (Cash
Betting) LTD

Parish:
Carlisle

Date of Receipt:
07/12/2007

Agent:

Ward:
Castle

Location:
Unit 48, 53 Lowther Street, Carlisle, CA3 8EQ

Grid Reference:
340215 555912

Proposal: Alteration To Shop Front To Move Position Of Door

Amendment:

Decision: Grant Permission

Date: 22/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1318

Applicant:
Done Brothers (Cash
Betting) LTD

Parish:
Carlisle

Date of Receipt:
07/12/2007

Agent:
Done Brothers (Cash
Betting) Ltd

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
51-53 Lowther Street, Carlisle

Grid Reference:
340215 555912

Proposal: Erection of Non-Illuminated Replacement Fascia Sign

Amendment:

1. Removal of the projecting sign and reduction in scale of the proposed fascia sign.

Decision: Grant Permission

Date: 05/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1319

Applicant:
Mr D Winter

Parish:
Carlisle

Date of Receipt:
29/11/2007

Agent:

Ward:
Castle

Location:
Winters Caravans, Stephenson Industrial Estate,
Willowholme Lane, Carlisle, CA2 5RN

Grid Reference:
338701 556555

Proposal: Erection Of Garage For Flat Bed Lorries

Amendment:

Decision: Grant Permission

Date: 16/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1320

Applicant:
Mr & Mrs Boyd

Parish:
Castle Carrock

Date of Receipt:
10/12/2007

Agent:
Carlisle Window Systems

Ward:
Great Corby & Geltsdale

Location:
The Weary Restaurant, Castle Carrock, Cumbria,
CA8 9LU

Grid Reference:
354261 555370

Proposal: Erection Of Orangery To Replace Existing Lean To Conservatory

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 21/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1322

Applicant:
Ms Debbie Otterburn

Parish:
Arthuret

Date of Receipt:
30/11/2007

Agent:
Black Box Architects
Limited

Ward:
Longtown & Rockcliffe

Location:
Fauld Mill, Arthuret Road, Longtown, Carlisle, CA6
5SN

Grid Reference:
337883 567957

Proposal: Single Storey Front Extension To Provide Kitchen And Single Storey Rear Extension To Provide Sunroom, Together With Conversion Of Existing Store To Form Additional Living Accomodation.

Amendment:

Decision: Grant Permission

Date: 24/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1323

Applicant:
Smiths Gore

Parish:
Carlisle

Date of Receipt:
05/12/2007

Agent:
Smiths Gore

Ward:
Castle

Location:
66 Warwick Road, Carlisle, Cumbria, CA1 1DR

Grid Reference:
340440 555760

Proposal: Change Of Use From An Office To A Flat

Amendment:

Decision: Grant Permission

Date: 30/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Conversion Of Office Accommodation Into Five Residential Units Over Three Floors

Amendment:

Decision: Grant Permission

Date: 30/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1331

Applicant:
Town & Country Estate
Agents Limited

Parish:
Carlisle

Date of Receipt:
06/12/2007

Agent:
Gray Associates Limited

Ward:
Castle

Location:
27 Portland Square, Carlisle, CA1 1PE

Grid Reference:
340469 555720

Proposal: Conversion Of Office Accommodation Into Five Residential Units Over Three Floors (LBC)

Amendment:

Decision: Grant Permission

Date: 30/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1332

Applicant:
Mr & Mrs Chivers

Parish:
Hethersgill

Date of Receipt:
04/12/2007

Agent:
S Buttler

Ward:
Lyne

Location:
East Nook, Hethersgill, Carlisle, CA6 6EH

Grid Reference:
347908 567218

Proposal: Single Storey Rear Extension To Provide Dining Room And En-Suite Bedroom/Study

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1333

Applicant:
Mr C Brown

Parish:
Carlisle

Date of Receipt:
04/12/2007

Agent:
John Lyon Associates

Ward:
Stanwix Urban

Location:
1 Stanwix Bank, Carlisle, CA3 9AH

Grid Reference:
340016 556847

Proposal: Provision Of Access Ramp And Reinstatement Of Railings To Frontage (LBC)

Amendment:

Decision: Grant Permission

Date: 29/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1334

Applicant:
Mr & Mrs Davis

Parish:
Carlisle

Date of Receipt:
10/12/2007

Agent:
S Buttler

Ward:
Castle

Location:
105 Warwick Road, Carlisle, CA1 1EA

Grid Reference:
340638 555895

Proposal: Installation Of Handrails To Front Entrance (LBC)

Amendment:

Decision: Grant Permission

Date: 04/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1335

Applicant:
House Of Fraser

Parish:
Carlisle

Date of Receipt:
17/12/2007

Agent:
Wood & Wood Signs

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
26-40 English Street, Carlisle, Cumbria, CA3 8HU

Grid Reference:
340049 555861

Proposal: Display Of Illuminated And Non-Illuminated Signage And Flags
Amendment:

Decision: Partial Express Consent
11/02/2008

Date:

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1337

Applicant:
M & L Richardson & Sons

Parish:
Nether Denton

Date of Receipt:
06/12/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Irthing

Location:
Low Row Service Station, A69 Low Row, Brampton,
CA8 2JE

Grid Reference:
359114 562991

Proposal: Alteration Of Existing Shop Front

Amendment:

1. Replacement of concertina doors on the eastern end of the frontage with a brick plinth and 2no. windows.

Decision: Grant Permission

Date: 23/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1338

Applicant:
Mr Paul Mehan

Parish:
Carlisle

Date of Receipt:
07/12/2007

Agent:
Jock Gordon

Ward:
Stanwix Urban

Location:
2 Devonshire Terrace, Stanwix Bank, Carlisle, CA3
9NB

Grid Reference:
339963 556775

Proposal: Formation Of Vehicular Access Involving Taking Down Existing Stone

SCHEDULE E: Decisions Issued Under Delegated Powers

Wall And Re-Using Stone To Form New Retaining Wall

Amendment:

Decision: Refuse Permission

Date: 01/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1339

Applicant:
Mr Paul Mehan

Parish:
Carlisle

Date of Receipt:
13/12/2007

Agent:
Jock Gordon

Ward:
Stanwix Urban

Location:
2 Devonshire Terrace, Stanwix Bank, Carlisle, CA3
9NB

Grid Reference:
339963 556775

Proposal: Formation Of Vehicular Access Involving Taking Down Existing Stone
Wall And Re-Using Stone To Form New Retaining Wall (LBC)

Amendment:

Decision: Refuse Permission

Date: 01/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1340

Applicant:
Halliwell Farm

Parish:
Westlinton

Date of Receipt:
13/12/2007

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Keysmount Farm, Blackford, Carlisle, CA6 4ER

Grid Reference:
340477 562461

Proposal: Erection of Agricultural Storage Building (Retrospective)

Amendment:

Decision: Grant Permission

Date: 04/02/2008

Between 12/01/2008 and 22/02/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
07/1347

Applicant:
Mr Peter Britland

Parish:
Carlisle

Date of Receipt:
10/12/2007

Agent:
S & H Construction

Ward:
Yewdale

Location:
28 Priorwood Close, Carlisle, Cumbria, CA2 7TU

Grid Reference:
336757 555050

Proposal: Erection Of First Floor Extension Above Existing Garage To Provide Dressing Room And Bathroom

Amendment:

Decision: Grant Permission

Date: 04/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1349

Applicant:
Anthony Livesey

Parish:
Kirkandrews

Date of Receipt:
10/12/2007

Agent:

Ward:
Longtown & Rockcliffe

Location:
Mill Hill Bungalow, Mill Hill, Gretna, Carlisle, CA6 5HU

Grid Reference:
333731 567819

Proposal: Erection Of 1no Dwelling (Reserved Matters Pursuant To Outline Appn 06/1171)

Amendment:

Decision: Grant Permission

Date: 04/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1350

Applicant:
Done Brothers (Cash Betting) LTD

Parish:
Carlisle

Date of Receipt:
19/12/2007

Agent:
Pegasus Planning Group

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Unit B, 53 Lowther Street, Carlisle, Cumbria, CA3
8EQ

Grid Reference:
340215 555912

Proposal: Change Of Use Of Premises From Class A1 Use To Class A2 (Betting Shop) Use.

Amendment:

Decision: Grant Permission

Date: 28/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1351

Applicant:
Mr Clarence Smith

Parish:
Cumrew

Date of Receipt:
14/12/2007

Agent:
Mr P Nicholson

Ward:
Great Corby & Geltsdale

Location:
Cumrew Farm, Cumrew, Heads Nook, Brampton,
CA8 9DD

Grid Reference:
355090 550370

Proposal: Additional Windows To Gable End Of Barn 3 and replacement of window by a door and screen within an existing opening. (Amendment To Previous Approval Appn No 04/0853)

Amendment:

Decision: Grant Permission

Date: 08/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1353

Applicant:
Mr Duncan Staples

Parish:
Carlisle

Date of Receipt:
13/12/2007

Agent:

Ward:
Belah

Location:
54 Lowry Hill Road, Carlisle, Cumbria, CA3 0DQ

Grid Reference:
339087 558889

Proposal: Erection Of En-Suite Bedroom To Rear Elevation

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 25/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1356

Applicant:
Mr Greg McGough

Parish:
Wetheral

Date of Receipt:
19/12/2007

Agent:

Ward:
Great Corby & Geltsdale

Location:
Hadfield House, Allengrove, Heads Nook,
Brampton, CA8 9AP

Grid Reference:
348405 556652

Proposal: Formation Of New Vehicle Access And Erection Of 2 Metre High
Wooden Fence And Gate

Amendment:

Decision: Grant Permission

Date: 06/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1357

Applicant:
Border Homes

Parish:
Carlisle

Date of Receipt:
13/12/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Yewdale

Location:
Land at Suttle House, Wigton Road, Carlisle,
Cumbria

Grid Reference:
337560 554287

Proposal: Erection Of 4no. Semi-Detached Houses In Lieu Of 4no. Terraced
Dwellings Granted Planning Permission Under Planning Appeal
Reference APP/E0915/A/06/2029472 (Units 38-40)

Amendment:

Decision: Grant Permission

Date: 04/02/2008

Between 12/01/2008 and 22/02/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 07/1358 **Applicant:** Border Homes **Parish:** Carlisle

Date of Receipt: 13/12/2007 **Agent:** Architects Plus (UK) Ltd **Ward:** Yewdale

Location: Land at Suttle House, Wigton Road, Carlisle, Cumbria **Grid Reference:** 337640 554280

Proposal: Formation Of New Access And Garage To Serve Suttle House Together With Heightening of Boundary Walls

Amendment:

Decision: Grant Permission

Date: 07/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No: 07/1359 **Applicant:** Border Homes **Parish:** Carlisle

Date of Receipt: 13/12/2007 **Agent:** Architects Plus (UK) Ltd **Ward:** Yewdale

Location: Land at Suttle House, Wigton Road, Carlisle, Cumbria **Grid Reference:** 337640 554280

Proposal: To Raise The Proposed Rear Boundary Wall From 1800mm To Match The Height Of The Existing Boundary Wall At 2100mm (LBC)

Amendment:

Decision: Grant Permission

Date: 04/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No: 07/1361 **Applicant:** Mr Swainson **Parish:** Burgh-by-Sands

Date of Receipt: 27/12/2007 **Agent:** Gray Associates Limited **Ward:** Burgh

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Moor Park Farm, Thurstonfield, Carlisle, CA5 6HB

Grid Reference:
332291 556767

Proposal: Single Storey Rear Extension To Provide Sun Room And Home Office

Amendment:

Decision: Grant Permission

Date: 06/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1363

Applicant:
Vitapoint Properties Ltd

Parish:
Carlisle

Date of Receipt:
14/12/2007

Agent:
Ashwood Design
Associates

Ward:
Currock

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

Grid Reference:
341001 554982

Proposal: Conversion Of First And Second Floor To Create Four Apartments
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 28/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1364

Applicant:
Mr R Peart

Parish:
Irthington

Date of Receipt:
14/12/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
Woodside, Newby East, Carlisle, Cumbria, CA4
8RA

Grid Reference:
348439 559329

Proposal: Alterations And Extensions To Provide Dining Room, Utility, Cloak
Room, Office, Hall, Living Room, Garden Room And Garage With 2no
En-Suite Bedrooms And 1no Bedroom Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 29/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1365

Applicant:
Mr Nicholas Nelson

Parish:
Dalston

Date of Receipt:
02/01/2008

Agent:

Ward:
Dalston

Location:
26 Sowerby Wood, Dalston, Carlisle, CA5 7LD

Grid Reference:
337114 552046

Proposal: Erection Of Garage

Amendment:

Decision: Grant Permission

Date: 22/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1371

Applicant:
Prupim Real Estate
Investment

Parish:
Carlisle

Date of Receipt:
18/12/2007

Agent:
Mr Stephen Hyland

Ward:
Belah

Location:
Unit 2B, Kingstown Retail Park, Parkhouse Road,
Carlisle, CA3 0JR

Grid Reference:
339365 559595

Proposal: Variation Of Condition 4 Attached To Planning Permission Ref: 98/0630
To Allow For The Sale Of Goods By A Catalogue Retailer (Excluding
Clothing And Footwear)

Amendment:

Decision: Grant Permission

Date: 12/02/2008

Between 12/01/2008 and 22/02/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 07/1375 **Applicant:** Mr P Hopper **Parish:** Stanwix Rural

Date of Receipt: 19/12/2007 **Agent:** HTGL Architects Ltd **Ward:** Stanwix Rural

Location: 24 Houghton Road, Houghton, Carlisle, CA3 0LA **Grid Reference:** 341280 558308

Proposal: Single Storey Extension To Front Elevation To Provide Garage. Two Storey Side Extension To Provide Extended Kitchen, WC And Utility To Ground Floor With En-Suite Bedroom Above. Single Storey Rear Extension To Provide Extended Living Room And Exercise Room.

Amendment:

Decision: Grant Permission

Date: 06/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No: 07/1376 **Applicant:** Border Pilates **Parish:** Carlisle

Date of Receipt: 19/12/2007 **Agent:** **Ward:** Castle

Location: 84 Warwick Road, Carlisle, CA1 1DZ **Grid Reference:** 340574 555825

Proposal: Change Of Use From Office To Pilates/Fitness Studio (Retrospective)

Amendment:

Decision: Grant Permission

Date: 13/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No: 07/1379 **Applicant:** Mr C Brown **Parish:** Carlisle

Date of Receipt: 20/12/2007 **Agent:** John Lyon Associates **Ward:** Stanwix Urban

Location: **Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

1 Stanwix Bank, Carlisle, CA3 9AH

340016 556847

Proposal: Provision Of Access Ramp And Reinstatement Of Railings To Frontage
Amendment:

Decision: Grant Permission

Date: 20/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1385

Applicant:
Mr & Mrs Magill

Parish:
Cummersdale

Date of Receipt:
27/12/2007

Agent:
Jock Gordon

Ward:
Dalston

Location:
Greenways, Garden Village, Newby West, Carlisle,
CA2 6QU

Grid Reference:
337404 553780

Proposal: Erection Of Single Storey Side Extension to Provide Garage and Store
Amendment:

Decision: Grant Permission

Date: 15/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1386

Applicant:
Mr A P Irving

Parish:
Beaumont

Date of Receipt:
27/12/2007

Agent:
W Jeffrey Bowes

Ward:
Burgh

Location:
Copper Beech House, Grinsdale, Carlisle, CA5 6DS

Grid Reference:
336829 557994

Proposal: Erection Of A Two Storey Side And Rear Extension To Provide An Enlarged Garage, Utility Room, Kitchen/breakfast Room, Sitting Room And Garage On The Ground Floor With A Family Room, Balcony, Bathroom, 2no.En-Suite Bedrooms And Covered Balcony On The First Floor (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 07/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1387

Applicant:
Mr G Brown

Parish:
Kingmoor

Date of Receipt:
27/12/2007

Agent:
Green Design Group

Ward:
Stanwix Rural

Location:
Albert Cottage, Harker, Carlisle, CA6 4HW

Grid Reference:
339535 560436

Proposal: Erection Of Detached Garage

Amendment:

Decision: Grant Permission

Date: 15/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
07/1389

Applicant:
Environment Agency

Parish:
Carlisle

Date of Receipt:
22/12/2007

Agent:
AXIS

Ward:
Denton Holme

Location:
Property along the river Caldew (upstream from
South Vale Bridge) Carlisle

Grid Reference:
340004 554904

Proposal: Construction Of Flood Alleviation Scheme Along The Right Bank Of The River Caldew, Adjacent To Boustead's Grassing, Comprising Embankment And Walls. (Amendments To Scheme Approved Under Ref 06/1473)

Amendment:

Decision: Grant Permission

Date: 19/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/9028

Greenpark Energy

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:

Decision: City Council Observation - Raise Objection(s)

Date: 25/01/2008

Between 12/01/2008 and 22/02/2008

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:

Decision: City Council Observation - Raise Objection(s)

Date: 25/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

07/9030

Applicant:

Capita Symonds

Parish:

Carlisle

Date of Receipt:

27/12/2007

Agent:

Cumbria County Council

Ward:

Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

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:

Decision: City Council Observation - Raise Objection(s)
Date: 24/01/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
08/0001

Applicant:
Mr A.R. Sykes

Parish:
Carlisle

Date of Receipt:
02/01/2008

Agent:
Jock Gordon

Ward:
Currock

Location:
263-265 Blackwell Road, Carlisle, CA2 4RB

Grid Reference:
340312 553913

Proposal: Change Of Use From Offices to Two Dwellings

Amendment:

Decision: Grant Permission

Date: 21/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
08/0003

Applicant:
Jock Gordon

Parish:
Carlisle

Date of Receipt:
02/01/2008

Agent:

Ward:
St Aidans

Location:
33 London Road, Carlisle, CA1 2JZ

Grid Reference:
340750 555245

Proposal: Change Of Use To Hot Food Takeaway

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
08/0005

Applicant:
Mr Andrew Frizzell

Parish:
Arthuret

Date of Receipt:
02/01/2008

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Beechwood, Broomhills, Longtown, CA6 5TS

Grid Reference:
343033 568072

Proposal: Extension to Provide Kitchen, Playroom, Hall and Cloakroom on Ground Floor; with 1no. Ensuite Bedroom And Living Room on First Floor
(Revised Application to Include Dormers)

Amendment:

Decision: Grant Permission

Date: 20/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:
08/0006

Applicant:
Mr Chris Sara

Parish:
Carlisle

Date of Receipt:
03/01/2008

Agent:

Ward:
Morton

Location:
134 Dunmail Drive, Morton, Carlisle CA2 6DQ

Grid Reference:
338455 555192

Proposal: Two Storey Side Extension to Provide Extended Garage and Utility Room on Ground Floor with En-Suite Bedroom above

Amendment:

Decision: Grant Permission

Date: 18/02/2008

Between 12/01/2008 and 22/02/2008

Appn Ref No:

Applicant:

Parish:

