

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

11th March 2011

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>10/0736</u> A	Langstile, Burgh by Sands, Carlisle, CA5 6BD	<u>SD</u>	1
02.	<u>10/1156</u> A	Former Railway Inn, 104 London Road, Carlisle, CA1 2PE	<u>SE</u>	21.1
03.	<u>10/1150</u> A	Former Railway Inn, 104 London Road, Carlisle, CA1 2PE	<u>SE</u>	23
04.	<u>10/1151</u> A	Former Railway Inn, 104 London Road, Carlisle, CA1 2PE	<u>SE</u>	41
05.	<u>10/1023</u> A	Land to the South of Moss Grove, Roweltown, Carlisle	<u>ARH</u>	60
06.	<u>10/1143</u> A	Fauld Farm, Burgh-by-Sands, Carlisle, Cumbria, CA5 6AN	<u>RAM</u>	77
07.	<u>11/0062</u> A	Parkfield Stables, Newtown, Blackford, Carlisle, CA6 4ET	<u>ARH</u>	131
08.	<u>11/0079</u> A	McDonalds Restaurant, Grearshill Road, Carlisle, CA3 0ET	<u>RJM</u>	146
09.	<u>10/1115</u> A	Richard Rose Morton Academy, Wigton Road, Carlisle, CA2 6LB	<u>SD</u>	156
10.	<u>10/0279</u> A	Land to the Rear of Ivy House, Ghyll Road, Scotby, Carlisle, CA4 8BT	<u>RJM</u>	184
11.	<u>10/1003</u> A	Highway Verge adj. B6413, South of Oaktree Hall, Castle Carrock	<u>SD</u>	199
12.	<u>10/1005</u> A	L/A outside Castle Carrock School, Castle Carrock, Brampton	<u>SD</u>	207
13.	<u>11/0112</u> A	1 Rosegate, Aglionby, Carlisle, Cumbria, CA4 8AJ	<u>AM</u>	215
14.	<u>11/0010</u> A	Units 5/6 Old Raffles Parade, Carlisle, Cumbria, CA2 7EX	<u>RJM</u>	224
15.	<u>09/0951</u> C	23-35 Brook Street, Carlisle, CA1 2HZ	<u>DNC</u>	245

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>10/0100</u> C	High Walls, Bank Street, Longtown, Carlisle, CA6 5PS	<u>RJM</u>	247
17.	<u>10/0141</u> C	15 Capon Hill, Brampton, CA8 1QJ	<u>DNC</u>	249
18.	<u>10/0233</u> D	Land Adjacent Moorhouse Hall, Moorhouse, Carlisle, Cumbria, CA5 6HA	<u>ST</u>	252
19.	<u>09/0358</u> D	Land adjacent to Dalston Service Station, Dalston, Carlisle, CA5 7QA	<u>DNC</u>	254
20.	<u>09/0512</u> D	L/A Junction of Bridge Street and Bridge Lane, Carlisle CA2 5TA	<u>SG</u>	258

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 25/02/2011 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 02/03/2011.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

10/0736

Item No: 01

Date of Committee: 11/03/2011

Appn Ref No:
10/0736

Applicant:
Mr & Mrs P Cottam

Parish:
Burgh-by-Sands

Date of Receipt:
12/08/2010

Agent:
Taylor & Hardy

Ward:
Burgh

Location:
Langstile, Burgh by Sands, Carlisle, CA5 6BD

Grid Reference:
332759 559447

Proposal: Erection Of Single Storey Two Bedroom Dwelling (Outline) (Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The application was withdrawn from discussion at the request of the applicant before the Planning Committee meeting in October 2010.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Ancient Monument

Gas Pipeline Safeguarding Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

Local Plan Pol H1 - Location of New Housing Develop.

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

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

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

Community Services - Drainage Engineer: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable as long as United Utilities has no objections.

The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal. There have been surface water issues in parts of Burgh-by-Sands so all surface water must be retained within the site.

The Drainage Engineer has no knowledge of flooding issues at this site;

United Utilities: no objections, provided surface water discharges to a public sewer and not the foul sewer;

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

English Heritage - North West Region: no comments;

Hadrians Wall Heritage Limited: no comments received;

Burgh-by-Sands Parish Council: objects, for the following reasons:

This development would create a precedent within the Parish in that it is a tandem build within the front garden of an existing property. This is contrary to Burgh by Sands PC Design Statement (accepted by Carlisle City planners as additional guidance). Statement H5 which states that 'Village development should be related to scale and form of existing buildings', Specifically, 'The linear form of existing village design should be maintained', 'New developments should be confined to infill sites, back land development and conversions'. Many of the older houses in the village have larger front gardens than this and this precedent, if set, would be very destructive the appearance and lifestyle of the village.

The proposed development will much reduce the amenity value of both properties as the space around each will be much reduced and will be totally out of keeping with the village and contrary to section H5 of the Parish Design Statement, bullet point 4, which states that siting of buildings should not affect the amenity of other buildings, in this case Langstile.

It has previously been observed that 'Both plots would have houses shoehorned into the gardens with little space around them'. Reference: Application made September 2010 (10/0736). This proposal leads to the loss of amenity and open space to an existing property. The shared drive is a reduction in the amenity value of the existing

property and clearly 'garden grabbing' in an inappropriate location.

Appropriate access to both properties and parking is hardly practical in that the turning circle into the parking spaces of the proposed property is so tight that few vehicles could achieve it smoothly.

The demolition of the conservatory at Langstile is a further reduction in the amenity of that property.

The current occupier is clearly prepared to accept a much reduced amenity value in order to meet planning regulations and achieve his aim. Although he may not want a garden, once it is built on it is lost to that property.

The proposed development of this site is situated at an important gateway both into the village and out to Solway AONB and will disfigure the aspect in both directions. Specific Environmental Policy Design Statement P6 Policy E3 – within and adjacent to AONB, States that permission will not be given for developments which impact on the landscape and are unacceptable if it is detrimental to the present quality and character of the landscape.

There are a significant number of properties of this scale, within both the private and social housing sectors in Burgh by Sands and it is suggested further examples not currently a necessity.

The Parish Council have concerns that this application will put further pressure on an overloaded drainage system and cause further problems. Reference; previous correspondence from the Vice Chairman, Mrs W Bolton dated 08.11.07.

Northern Gas Networks: no objections;

Solway Coast AONB Unit: the Solway Coast AONB Management Plan is seeking to conserve, enhance and manage the special cultural and historic character of the AONB. Burgh-by-Sands Parish Plan states that the linear form of the existing settlements should be maintained with new developments largely confined to backland sites, infill plots, redevelopments and conversions. As such the AONB does not recommend this development.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Highfield	16/08/10	Comment Only
Solway View	16/08/10	
Norda Brow	16/08/10	Objection
Green Trees	16/08/10	Objection
Cllr Burgh by Sands		Objection
Cllr Dalston		Comment Only
7 The Courtyards		Support
3 West End Croft		Support
The Rectory		Comment Only

3, Southfield,	Support
Panorama	Support
Four Winds	Support
Age Concern	Support
(M.B.E), Mayfield	Support
Church House	Support
Milton Cottage	Support
Southerly	Support
Leigh Cottage	Support
Watch Hill	Comment Only
9 Oaks lane	Support

- 3.1 This application was originally advertised by means of a site notice and notification letters sent to four neighbouring properties. Two letters of objection and thirteen letters of support were received.
- 3.2 Eighteen properties have been notified about the revised plans. To date thirteen letters of support and two letters of objection have been received.
- 3.3 The letters of objection raise the following issues:
- the application is still essentially the same as when it was originally submitted in August 2010.
 - the submitted application was “withdrawn from discussion” at the October 2010 Development Control Committee. Prior to its withdrawal the Case Officer produced an assessment of the proposal and a recommendation to “Refuse Permission”. Both the content of the assessment and the recommendation to refuse permission apply to this application.
 - in his previous report your officer stated "the application site lies directly adjacent to the road and currently forms part of the garden to Langstile. The site currently contains a number of trees and shrubs and a hedge runs along the eastern edge of the site, adjacent to the road. The hedge and the vast majority of the trees that currently occupy the site, and which make an important contribution to the character of the area, would be removed if the application is approved." “a new dwelling, shoe-horned into the garden to the front of the existing dwelling, in close proximity to the road and with limited outdoor amenity space, would have an adverse impact on the character of the area.” These statements are as true today as they were in December 2010, even though there has been a slight improvement in the layout.
 - deficiencies in the application are such that it is impossible to make an informed assessment of the proposed development. It would therefore be unreasonable to grant permission even if the principle of the development were to be considered acceptable;
 - the proposal would lead to tandem development and a consequent adverse impact on the future residential amenity of occupants of both Langstile and the proposed dwelling; and,

- the development as proposed would be detrimental to the character of the area by virtue of the cramped nature of the plot compared to surrounding house plots, the prominence of the site in the streetscape of Burgh-by-Sands, and the loss of an attractive garden and hedge.
- the proposals would therefore be contrary to Carlisle Local Plan Policies H1, H9, CP3, CP5 & CP6.
- an outline application is not appropriate because the cramped nature of the plot, its prominent position in the village and its relationship to another dwelling, requires that a full application with all details is required to properly consider its impact.
- the site layout and survey plans omit a considerable proportion of the existing house at Langstile. This has the effect of implying that the principle alignment of the existing house is at 90° to the proposed house when in fact it runs parallel. This compounds the tandem nature of the development. This omission is more important as the new plans propose not only the removal of the existing Langstile conservatory but also bringing the boundary of the proposed dwelling closer to the kitchen window and patio doors of Langstile.
- the existing fifteen healthy trees which provide a mature landscape setting for Langstile and the surrounding environment will be lost should the application succeed. The hedge that fronts the site would also be removed. This is contrary to Policy CP3 where there is a presumption in favour of retaining trees rather than, in this instance, removing them to obtain a cramped site.
- the removal of a further 40 metres of hedge in North End runs contrary to the Council's policy of its presumption in favour of retaining existing hedges and trees where they contribute to amenity, and are healthy.
- the plot is so cramped that it is difficult to conceive how new trees could be planted without, at best, adversely affecting the amenity of occupants by virtue of overshadowing, or at worst impacting on the structural integrity of the house. In these circumstances it is highly unlikely that any trees planted will remain on site until maturity.
- in this case a new house is proposed in front of an existing house. Policy H9 states that Tandem' development, consisting of one house immediately behind another and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the front house." The proposal would result in exactly the type of unsatisfactory development described and would have the adverse impacts described also.
- the outlook for future occupants of the proposed house and the existing

house would be unsatisfactory and significantly substandard.

- it is impossible to achieve sufficient separation between the two houses to overcome difficulties of overlooking, noise disturbance and loss of amenity. The fact that both properties will be single story dwellings will not alleviate these difficulties as Langstile will be on an elevated site overlooking the new property. Furthermore the constraints of the site would result in a very unsatisfactory outlook for future residents of the proposed house.
- the proposal as amended is still out of character with the area which is characterised by large plots with large gardens and forms an important gateway to the village. Both plots would have dwellings “shoe horned” into gardens with the result that we would end up with 2 dwellings on 2 relatively small plots. This is totally out of character with the area.
- the development as proposed would be detrimental to the character of the area by virtue of the cramped nature of the plot compared to surrounding house plots, the prominence of the site in the streetscape of Burgh by Sands, and loss of an attractive garden and hedge.
- the location of the proposed residential development site in front of an existing frontage development, Langstile, would be out of character with the pattern of residential development in this location.
- if the development is permitted neither Langstile nor the proposed house would retain this character, and would instead be “shoe horned” into cramped surroundings in contrast to surrounding properties.
- the layout of the site is not well related to existing property in the village or the form and character of the existing settlement in this location.
- the siting and design of the building would adversely affect the amenity of a neighbouring property.
- it is unclear whether appropriate access and parking can be achieved. The limited space and inward opening gates cast doubt on the ability for the shared access and private parking areas to cope with 4 vehicles.
- PPS3 has recently been amended to exclude private residential gardens from the definition of previously developed land, so this guidance no longer carries any weight which could be considered to balance out the deficiencies of this application. This application is an example of “garden grabbing” in that a front garden is being sacrificed to build a property requiring shared access with the existing property.
- should the Development Control Committee be minded to approve the application request that conditions are added to ensure that Langstile's conservatory is demolished prior to the commencement of development and to remove permitted development rights for both Langstile and the new dwelling.

- the whole plot size of Langstile has not increased so obviously to increase the amenity of one dwelling reduces the amenity of another.
- reference has been made to properties in this area, which are close to the road and on smaller plots. This cannot be used as reference as planning guidelines have changed and we must work to today's guides and not from 25yrs ago.
- the Local Plan stresses the need to protect the character of an area as an important objective. This is particularly applicable to Northend which at its northern end is an area with special characteristics. For example it is on the edge of the village where there is a linear form hemmed in by countryside which would be compromised by the establishment of a double row of development and consequently would be harmful to the setting of the village.
- the issue of drainage has attempted to be overcome with the rain water harvesting system. No mention has been made to the prevention of rain water running from the top level, which has a natural fall from West to East and flooding the new increased patio areas of the lower level and thus onto the road, which as also mentioned floods every time we have heavy rain.
- when full planning is applied for with detailed drawings the size of the dwelling could be changed and plans for a larger dwelling could be submitted.
- if this outline application is even considered for approval, conditions would possibly need to be looked at to include restricting the footprint of the dwelling to be no more than the new indicated plans and limiting occupation to local parish occupancy only.
- the proposed parcel of land outlined for development has never been used for domestic dwelling purposes, so to allow the construction of a property on this land would distinctively alter the character of the landscape.
- the proposal will lead to safety issues the layout does not cater for visitors so overspill of vehicles onto the small minor road will be inevitable. As the access point to Langstile is at the narrowest section of the road, on road parking would create safety issues, as this road is used daily by heavy farm machinery and an increased public use by walkers to Edwards monument and main access to Sandsfield, and is becoming ever more popular with cyclists using the cycle loop, this would become a accident waiting to happen.
- developing this land also decreases the amount of saturation land, causing increased surface water run off, leading to increased pressure on an already old and inadequate storm water drainage system.

- to allow a dwelling to be constructed on land adjacent to the front of Langstile would dramatically alter this layout and contravene the Council's policy CP6 on Residential Amenity by being visually intrusive and also raises the issue of tandem development with a shared access which is considered unsatisfactory.
- Burgh By Sands Parish Design Statement also refers to the "Linear design" and states "The linear form of the existing settlements should be maintained with new developments largely confined to backland sites, infill plots, redevelopment and conversions, not front gardens. This parish statement has been fully endorsed and accepted by the local council and as such should try to apply the guidelines as much as possible.
- in a recent application to build in a garden site in Burgh By Sands which was passed, part of the summary notes included a statement which is totally apt for this application which says "The revisions to PPS3 do not preclude residential development on garden land but focuses on the visual impact on the character of the area", this summary also has another angle on the PPS3 guideline and refers to "garden sites" can still be considered as Brownfield sites if there are no other possible Brownfield sites available, in Burgh By sands one site has had planning passed for 2 properties and another has had application for work in preparation for development, these should be exhausted before gardens are considered.
- the garden plays host to a range of bird, plant and animal species and their habitat would be lost if this development proceeds.
- a number of properties in North End and Burgh in general have considerably larger sized garden plots, granting permission to develop an inappropriate site, (whilst not creating a real precedent as all applications are decided on merit), could lead to a rise in applications being made to develop these plots.
- although planning decisions are not influenced by loss of light, views and depreciation of property values etc, such developments can be one person's financial gain (which is obviously why these are submitted) and another person's potential financial loss.
- taking all things into consideration and using all documents and planning policies as guidelines, this application would appear to have nothing going for it at all.

3.4 The letters of support make the following points:

- the proposed dwelling would be in keeping with the area;
- the bungalow will spoil no ones view - the neighbours live in elevated properties;

- the plot is 2m lower than the surrounding properties and would not be visibly obtrusive or have a detrimental affect on neighbouring properties;
- the proposed single-storey dwelling is completely in keeping with the rest of those on the lane, which contains houses of every shape and size;
- the proposed dwelling would blend in with other properties in the area;
- two bedroom houses with a garden are in short supply in Burgh;
- the property would be an added attraction to this area;
- the application site has always been, until recently, a completely separate plot, owned by someone else in the village;
- it is thought by local people that a cottage was previously located on the application site;
- the small bungalow will help those who need to down size to remain in their own communities;
- starter homes and property for older residents are in short supply - this often means that people have to leave the village;
- it is important to maintain a balance between large and small properties;
- there is a serious lack of smaller, affordable properties in the area;
- the proposed dwelling would not adversely affect the local area;
- the proposed dwelling is smaller, both in terms of area and height, than the one which received planning permission at Windrush - the current site has the advantage of being a level site with adjoining properties being slightly elevated, thus minimising any impact on the surrounding area;
- the dwelling is small scale and the design and siting will be in keeping with the general layout and character of existing properties in North End;
- a larger cottage, both in terms of size and height, similar to the proposed but positioned directly on the roadside, has recently been granted planning permission and is currently under construction some 100m away from the proposed development - this new building blends amicably with other dwellings in North End. The proposed dwelling would even more in keeping and considerably less intrusive;
- the applicants can no longer care for the large garden, which is located on a lower terrace adjacent to the road;
- the applicants make a valuable contribution to the community and they want to stay in the village;

- the revised plans will give greater amenity space to the new dwelling.

3.5 Cllr Trevor Allinson supports the application and considers that it is in keeping with the character of this part of the village.

4. Planning History

4.1 In October 2009, an outline application for the erection of a single-storey two bedroom dwelling was withdrawn prior to determination (09/0668).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 Outline Planning Permission is sought for the erection of a dwelling at Langstile, Burgh-by-Sands. The application seeks approval for the proposed access and the layout of the dwelling, with other matters (appearance, landscaping and scale) being reserved for subsequent approval.

5.2 Langstile is a single-storey, rendered property under a slate roof. A conservatory has been added to the east elevation of the dwelling, and a detached single garage is located to the south of the dwelling. The property sits to the rear of the plot, some 14.5m from the edge of the road. A large garden area, which contains a number of trees and shrubs, a small pond and a summer house is located to the front of the dwelling, adjacent to the road. It lies 1m lower than the rear section of the site, which contains the existing dwelling, the garage and some additional garden area, to the north and west of the dwelling. A driveway runs along the southern edge of the site and this provides access to the garage.

5.3 Two large detached dwellings (Norda Brow and Green Trees) are located east of the application site, on the opposite side of the road. These properties are set well back into their large plots and are located at a higher level than the application site. A large detached property (Highfield) is also located to the north of the application site, with a further residential property (Solway View) being located to the south.

Background

5.4 The application was withdrawn from discussion by the applicant prior to the Planning Committee meeting in October 2010.

5.5 In October 2009, an outline application for the erection of a single-storey two bedroom dwelling on this site was withdrawn prior to determination (09/0668).

The Proposal

5.6 This application is in outline, with only the proposed access and the layout

being considered as part of this application. The dwelling would be sited towards the northern end of the plot, with the front elevation being approximately 3m back from the edge of the road. A patio area would be located to the north of the dwelling and small gardens would be provided to the south and west of the dwelling. Parking for two vehicles and a turning area would be located to the south of the dwelling. Access to the new dwelling, would be via the existing driveway that serves Langstile. This would need to be improved to comply with the Highway Authority's standards on shared accesses.

- 5.7 The layout plan that has been submitted with the application shows a modest single-storey dwelling, which would contain a hall, kitchen/dining area, a living room, two bedrooms and a bathroom. The dwelling would be 'L-shaped', with the front elevation measuring 11.5m, and the width varying from 6m to 10.1m. The layout of the dwelling forms part of this application and any changes to the footprint would require the submission of a new application. The indicative elevations show a dwelling with a maximum ridge height of 5.3m, although the scale of the dwelling is reserved for future consideration.
- 5.8 The existing conservatory at Langstile would be demolished and a new hedge would be planted between Langstile and the proposed new dwelling. The indicative plan also shows a hedge planted to the front of the dwelling, in close proximity to the road. Landscaping is reserved for future consideration.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP9, H1, LE7, CP3 and CP5 of the Carlisle District Local Plan 2001-2016.
- 5.10 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 5.11 The application site lies within the settlement boundary of Burgh-by-Sands, which is identified as a sustainable settlement in Policy H1 of the adopted Local Plan. Residential development is, therefore, acceptable in principle, subject to satisfying the criteria in Policy H1.
2. The Impact Of The Proposal On The Character Of The Area
- 5.12 The application site lies directly adjacent to the road and currently forms part of the garden to Langstile. The site currently contains a number of trees and shrubs and a hedge runs along the eastern edge of the site, adjacent to the road. The hedge and the vast majority of the trees that currently occupy the site would be removed if the application is approved. Whilst the hedge currently makes a positive contribution to the area, the Council's Tree Officer considers that the trees are of limited amenity value and has not objected to their removal, subject to some replacement planting. Both the hedge and the trees could be removed by the applicant at anytime, without the need for consent.

- 5.13 Whilst landscaping is a reserved matter, the illustrative layout plan shows a new native species hedge being planted to the front of the new dwelling adjacent to the road and some additional planting within the garden areas. A landscaping condition has been added to the consent and this will ensure that some appropriate replacement planting takes place at the site.
- 5.14 The new dwelling would be sited approximately 3m back from the edge of the highway. Whilst it is acknowledged that the dwellings directly opposite the application site, sit in very large plots and are set back well back from the road, there are a number of buildings in this part of Burgh that sit in close proximity to the road. The siting of a traditional single-storey building in close proximity to the edge of the road would not be out of character with the area.
- 5.15 The Burgh-By-Sands Design Statement seeks to maintain the linear form of the existing settlement with new development largely confined to infill plots, limited "backland" development, redevelopment and conversions. The proposal would not increase the linear form of the village, since the site is located between existing dwellings (an infill site). The proposal is, therefore, considered to be consistent with the requirements of the Burgh-By-Sands Design Statement.
- 5.16 Solway Coast AONB has objected to the proposal as it considers that the proposal would not conserve or enhance the special cultural or historic character of the AONB and it would not maintain the linear form of the existing settlement. The proposal is, however, an infill plot in an existing settlement and it would not increase the linear form the of village. The proposal would not, therefore, have an adverse impact on the Solway Coast AONB.

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

- 5.17 The two dwellings that lie opposite the application site sit at a higher level than the proposed dwelling and have their front elevations over 30m away from the front elevation of the proposed dwelling. The proposed dwelling would not, therefore, have an adverse impact on the living conditions of the occupiers of these properties, through loss of light, loss of privacy or over-dominance.
- 5.18 The dwelling to the north of the application site, which sits in an elevated position, would have part of its front garden in line with the proposed dwelling. Existing boundary treatment would prevent overlooking between these two properties.
- 5.19 Langstile, which sits approximately 1m higher than the application site, would sit immediately to the west of the application site. The existing conservatory on Langstile would be demolished and the gable elevation of this property would be a minimum of 8.5m away from the rear elevation of the new dwelling. The provision of suitable boundary treatment on top of the retaining wall, which would lie between the two properties, would ensure that there is no loss of privacy to the occupiers of either dwelling.

5.20 The proposed dwelling would lie to the east of Langstile and would sit approximately 1m lower than the host dwelling. Provided the ridge height of the new dwelling was kept low (the height of the dwelling would be determined at the reserved matters stage), the proposal would not have an adverse impact on the living conditions of the occupiers of Langstile through loss of light or over-dominance.

4. Whether Satisfactory Living Conditions Would Be Provided For The Occupiers Of The New Dwelling

5.21 The revised plans have increased the size of the plot for the new dwelling and have reduced the size of the new dwelling. This has allowed the provision of additional amenity space around the new dwelling. The new dwelling would contain a patio area to the north and gardens to the south and west. Two car parking spaces and a turning area would also be provided within the site. The dwelling would be set back a minimum of 3m from the edge of the highway and a hedge would be provided between the dwelling and the road.

5.22 Langstile would still maintain gardens to the north and west and a garage and parking area to the south. This level of amenity space is considered to be acceptable.

5.23 In light of the above, it is considered that satisfactory living conditions could be provided for the occupiers of both the new dwelling and the existing dwelling.

Conclusion

5.24 In overall terms, the proposal is acceptable in principle. The siting of the dwelling would be acceptable and the scale and appearance would be determined at the reserved matters stage. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance and satisfactory living conditions could be provided for the occupiers of both the new and existing dwellings. In all aspects, the proposal is considered to be compliant with the objectives of the adopted 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, proportionate and there is social need;
- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

1. 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 scale, appearance and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

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

3. The approved documents for this Outline Planning Permission comprise:
- 1. the submitted planning application form;
 - 2. Design & Access Statement;
 - 3. Tree/ Hedge Report;

4. Site Location Plan (Plan 001, received 26 January 2011);
5. Block Plan (Plan 002, received 26 January 2011);
6. Topographic Survey (drawing 1920/1, received 9 August 2010);
7. Survey of the Building Plot (drawing 1920/2, received 9 August 2010);
8. Site Plan As Proposed (drawing 08076-11, received 11 January 2011);
9. Proposed Section & Elevations (drawing 08076-12, received 11 January 2011);
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. 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 drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

5. 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 local area and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

Reason: To ensure the privacy and amenity of the occupiers of the proposed dwellings and existing dwellings adjoining the application site, in accordance with Policies CP5 of the Carlisle District Local Plan 2001-2016.

8. Prior to the occupation of the new dwelling hereby approved, the existing conservatory at Langstile shall be removed.

Reason: To protect the living conditions of the occupiers of Langstile and the new dwelling, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and any associated garage shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. The development shall not commence until visibility splays providing clear visibility of 2 metres by 70 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. 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 grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

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

Reason: In the interests of highway safety and to support Local

Transport Plan Policies LD7 and LD8.

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

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

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

Reason: To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

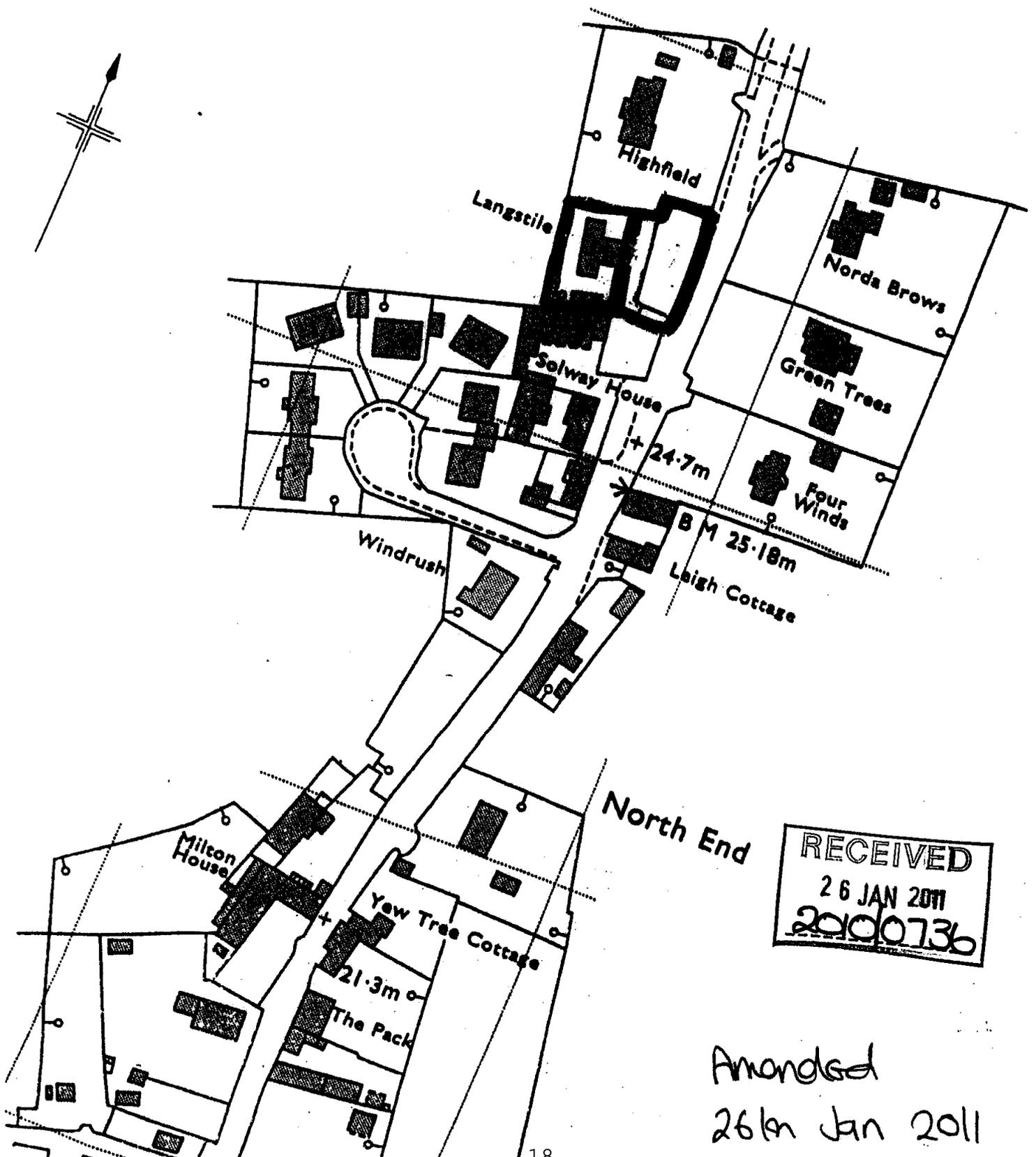
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the approval of the Local Planning Authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Plan 001

M. LAND REGISTRY		TITLE NUMBER	
		CU 124413	
ANCE SURVEY REFERENCE	NY 3259	SECTION A	Scale 1/1250 Enlarged from 1/2500
CUMBRIA	DISTRICT	CARLISLE	© Crown copyright 1979

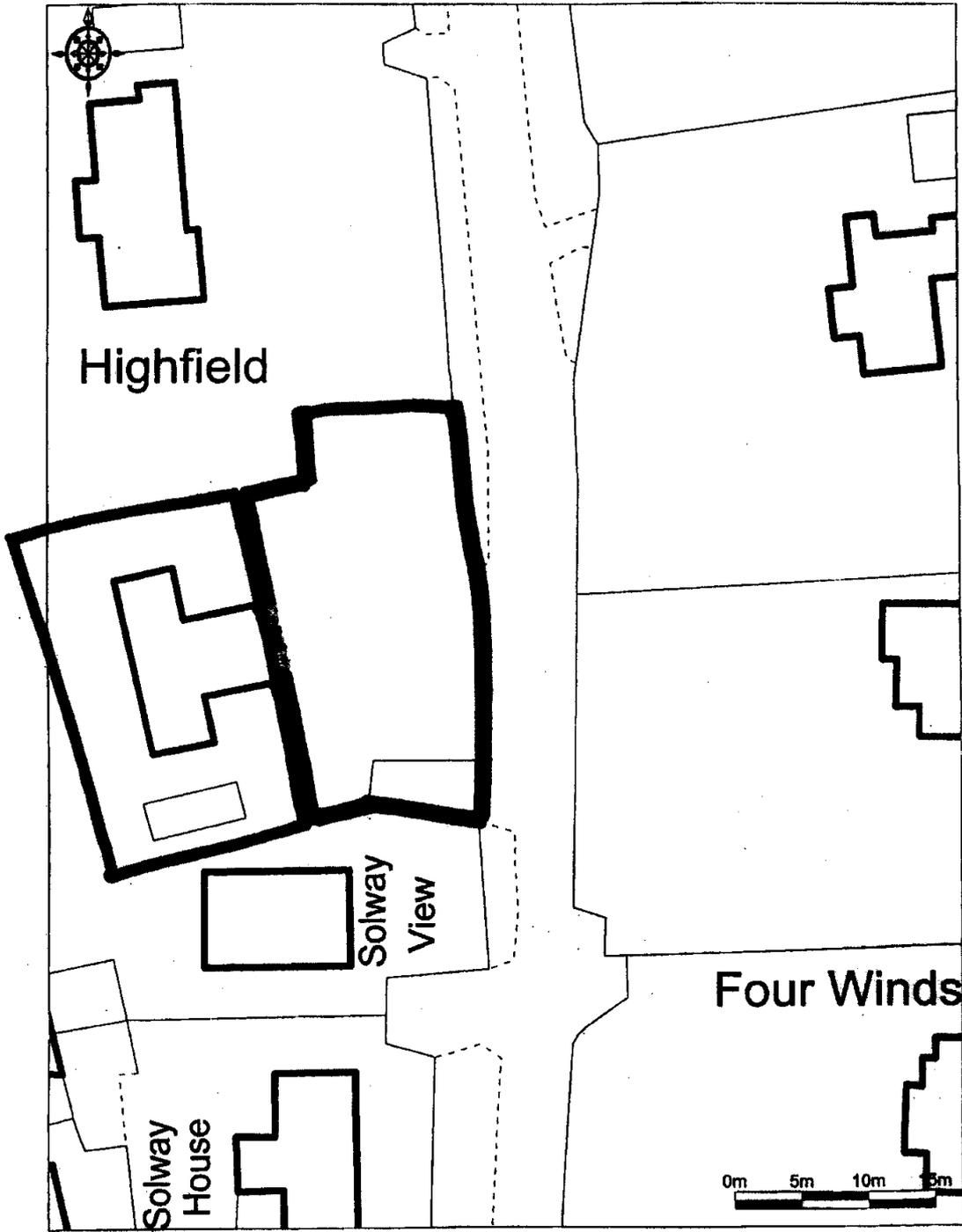
BURGH BY SANDS PARISH



RECEIVED
26 JAN 2011
20100736

Amended
26th Jan 2011

Plan 002



Ordnance Survey

© Crown Copyright 2008. All rights reserved. Licence number 100020449. Plotted Scale - 1:500

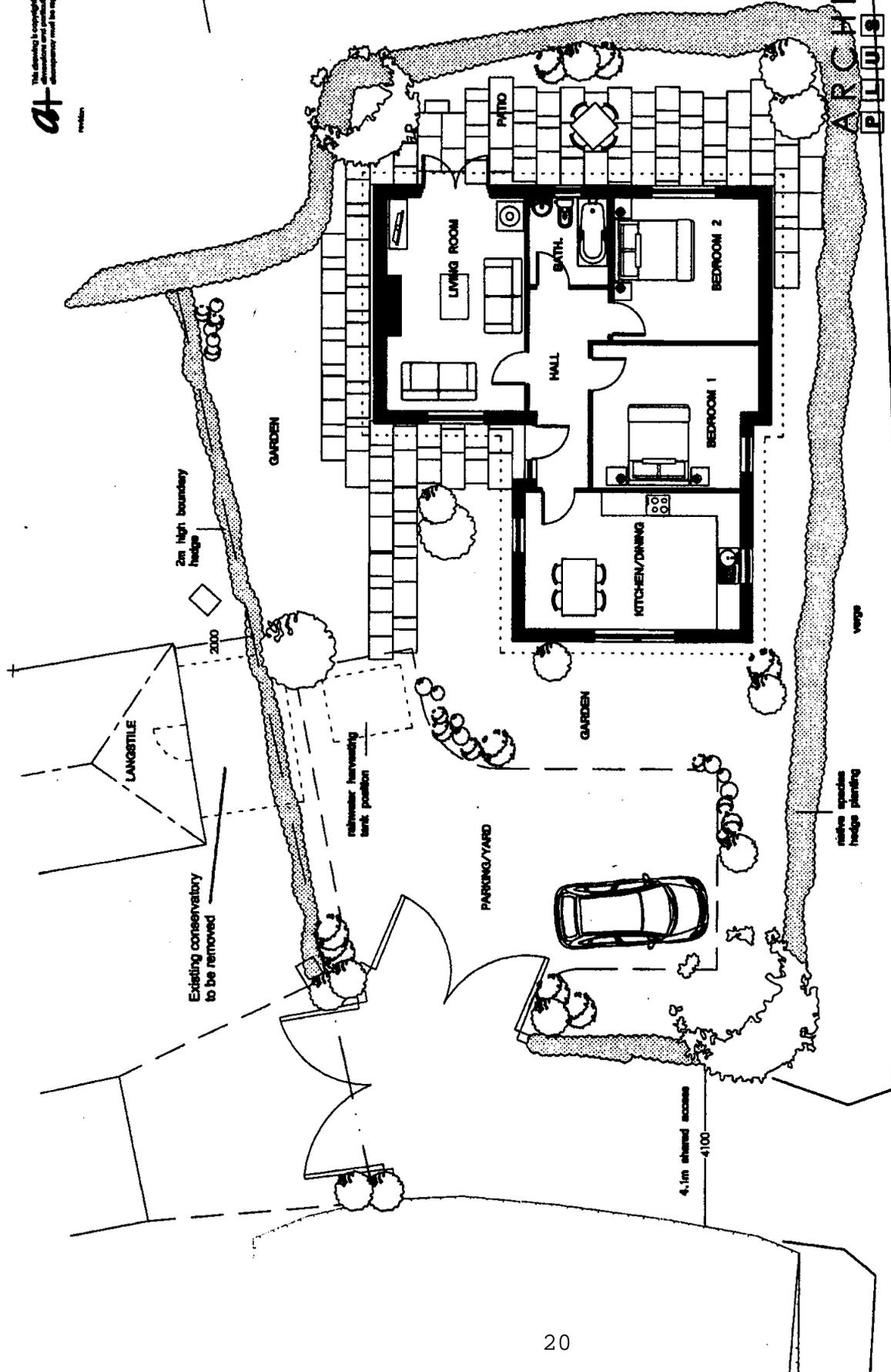
RECEIVED
26 JAN 2011
2010/0736

Amended
26 Jan 2011



RECEIVED
 11 JAN 2011
 101076

ARCHITECTS A+
 P L L U S



Project
**Proposed dwelling adjacent to
 LANGSTILE, BURGH BY SANDS**

Drawing
SITE PLAN

As proposed

Scale
 1:100 @ A3

Date
 26/11/10

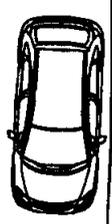
Drawn
 BD

Checked
 POS

Number
 08076 - 11

Architects Plus (UK) Limited
 Registered in England No. 4231140
 Victoria Gardens, Macclesfield House, Victoria Works, Macclesfield, Cheshire, Cheshire, CA13 9AN
 Tel: 01228 513114
 Fax: 01228 513033
 email: ap@architectsplus.co.uk
 web: www.architectsplus.co.uk

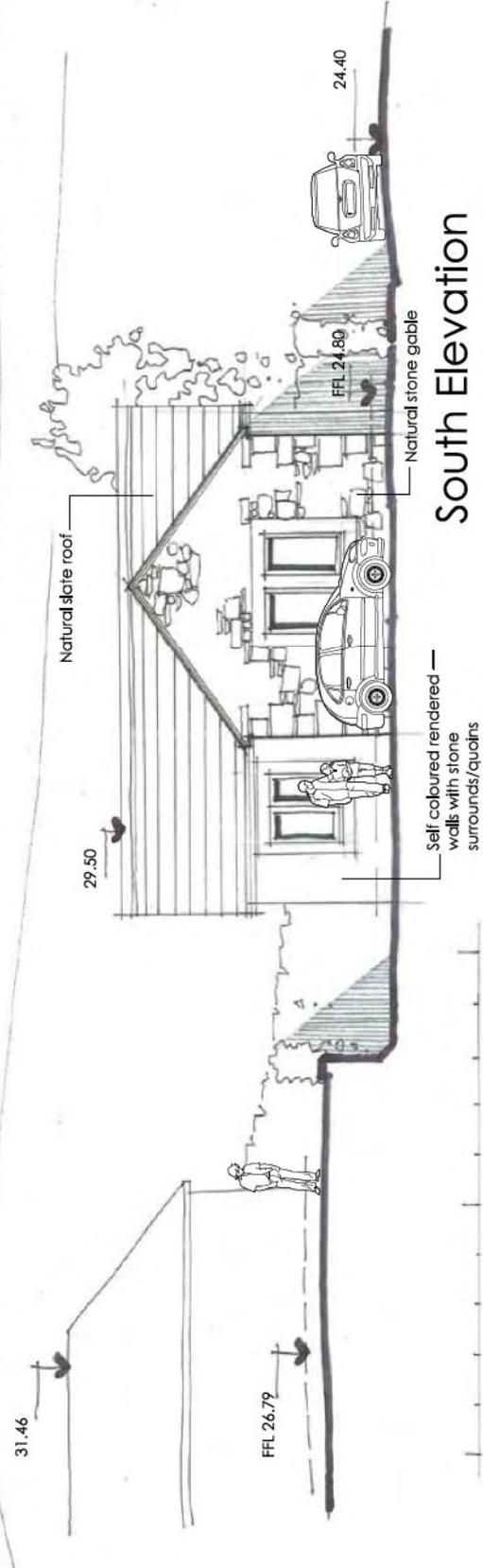
ROAD



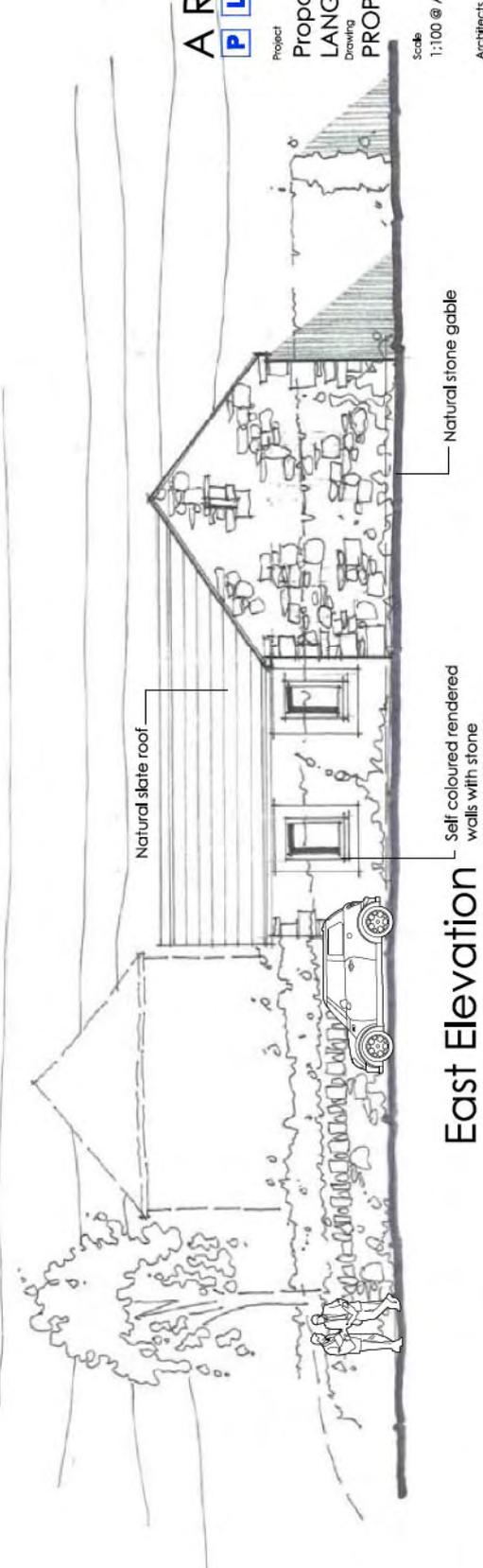


The drawings copyright. All used dimensions are to be followed in preference to scaled dimensions and particular care to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Reviewed by
Date
Description



South Elevation



East Elevation

ARCHITECTS **PLUS**

Project
Proposed Dwelling Adjacent to
LANGSTILE, BURGH BY SANDS
Drawing
PROPOSED SECTION & ELEVATIONS

Scale 1:100 @ A3
Date Nov 10
Drawn db
Comp.No. P03
Number 08076 - 12

Architects Plus (UK) Limited
Registered in England No. 4221140
Victoria Galleries, Vicarage House, Victoria Road, Coltishall, Cumbria, CA3 8AN
tel: 01228 515144
email: ap@architectsplus.co.uk
web: www.architectsplus.co.uk
fax: 01228 515033

SCHEDULE A: Applications with Recommendation

10/1156

Item No: 02

Date of Committee: 11/03/2011

Appn Ref No:
10/1156

Applicant:
Vitapoint Properties

Parish:
Carlisle

Date of Receipt:
29/12/2010

Agent:
Ashwood Design
Associates Ltd

Ward:
Currock

Location:
Former Railway Inn, 104 London Road, Carlisle,
CA1 2PE

Grid Reference:
340993 554987

Proposal: Renewal Of Unexpired Permission Of Previously Approved Application
07/1363 For Conversion Of First And Second Floor To Create Four
Apartments

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee in the context of a City Councillor wishing to exercise his right to speak for two other related planning applications for this property (Planning Applications 10/1150 and 10/1151).

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.

Listed Building

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

Conservation Area

The proposal relates to land or premises situated within the Settle Conservation

Area.

Local Plan Pol EC4 - Primary Retail Area

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol H1 - Location of New Housing Develop.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the renewal of unexpired permission of application 07/136;

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

Northern Gas Networks: no objections;

Health and Safety Executive: no comments received during the consultation period.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
The Owner / Occupier, Carlisle Auto Repairs	04/01/11	
The Owner / Occupier, Halfords Ltd	04/01/11	
The Owner / Occupier, HSS Lift & Shift	04/01/11	
The Owner / Occupier, Grahams Garage	04/01/11	
The Occupier / Owner, 106 London Road	04/01/11	Undelivered
The Occupier / Owner, 108 London Road	04/01/11	
Cllr Mr R Betton - Botcherby		Objection

- 3.1 This application has been advertised by the display of a site notice, press notice as well as notification letters sent to six neighbouring properties.
- 3.2 One letter of objection has been received during the consultation period from Councillor Betton who objects to the proposed development on the following grounds:
 1. Use of render to a Grade II Listed Building;
 2. Concerns regarding fire exits and parking;
 3. Impact of the proposed external alterations to a Grade II Listed Building;
 4. Concerns regarding the internal layout of the lower floor.

4. Planning History

- 4.1 The site has an extensive planning history. The most relevant are as follows:
- 4.2 In 2006 (planning reference 06/1363) Full Planning Permission was granted for alterations and extensions to form one retail unit and internal access.
- 4.3 In 2006 (planning reference 06/1364) Listed Building Consent was granted for the demolition of redundant WC accommodation, erection of extension to rear and internal alterations to form one retail unit and four residential apartments, general repairs to sliding sash windows, stonework and roof coverings.
- 4.4 In 2007 (planning reference 07/0143) Listed Building Consent was granted for the construction of a bin storage area to the side of 104 London Road.
- 4.5 In April 2007 an application was submitted (planning reference 07/0445) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. This application was refused planning consent on the recommendation of the Health and Safety Executive as the proposal fell within the inner consultation zone of a major hazard site. A revised application was submitted in December 2007 (planning reference 07/1363) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. The permission to store hazardous materials on warts yard (the major hazard site) had since been revoked therefore the Health and Safety Executive no longer raised any objections to the proposal and planning permission was therefore granted.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application relates to the former Railway Inn Public House which is located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear off-shoot. The building is predominantly constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via an alley between the south-east elevation of the Railway Inn and No.106 London Road. The site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

Background

- 5.2 The Railway Inn is currently vacant. A scheme to convert the ground floor of this building to retail was granted in 2006 (under planning reference 06/1363). A further application to alter the first and second floors of this property to create four apartments was granted in 2007 (under application reference 07/1363). Associated Listed Building Consents were also granted under planning references 06/1364 and 07/0143. None of these permissions have been implemented.
- 5.3 This application seeks a renewal of unexpired permission 07/1363 for the conversion of the first and second floors of this property to create four apartments. Planning application 07/1363 was granted on the 28th January 2008 with a three year commencement condition. The application for its renewal was registered on the 29th December 2010 prior to the application lapsing therefore the City Council are now dealing only with an application to "extend the life" of the permission, with all its existing conditions, etc remaining.

Assessment

- 5.4 The relevant Planning Policies against which the application is required to be assessed are Policies EC4, CP5, CP6, LE12, LE13, LE15, LE19, T1 and H1 of the Carlisle District Local Plan 2001-2016.
- 5.5 The main issues raised for application 07/1363 were considered to be:
1. The Impact Of The Proposal On The Local Highway Network;
 2. The Impact On The Grade II Listed Building And Setting Of The Conservation Area;
 3. Whether The Residential Use Is Appropriate;

4. Whether There Would Be Any Impact On The Living Conditions Of Neighbouring Residents; and

5. Whether The Proposals Would Have Health And Safety Implications.

- 5.6 The principle of residential apartments above a retail outlet was considered an appropriate use for the first and second floors of this building under the previous planning approval as Policy EC4 (relating to Primary Retail Areas) of the Carlisle District Local Plan encourages residential uses to be linked to retail schemes. It was also considered that the proposal would not have an adverse impact upon the living conditions of neighbouring residents as the first and second floors of the building have an existing residential use and the creation of four one bedroom flats would not lead to a significant worsening of the living conditions of neighbouring residents.
- 5.7 It was also established under the previous planning approval that the proposed development would not have an adverse impact upon the local highway network however a condition was imposed within the decision notice for application 07/1363 requiring the provision of bicycle parking facilities given the location of the site in relation to the town centre. The previous approval also considered that there would be no detrimental impact upon the character/ setting of the Grade II Listed Building or the Carlisle-Settle Conservation Area as the proposed alterations were inkeeping with the character/appearance of the Listed Building. Furthermore the Health and Safety Executive raised no objections to planning application 07/1363 therefore it was considered that the proposal would not have any health and safety implications.
- 5.8 In the intervening period from the previous approval it is considered that there has been no material change in planning policy or circumstances to preclude this application being renewed. The relevant statutory consultees have also raised no objections to the renewal of this permission. The proposal is therefore still regarded as acceptable and compliant with the relevant planning policies.

Conclusion

- 5.9 Given that there is no change to the details of the scheme and no material change in planning circumstances Members are recommended to approve the application.

6. Human Rights Act 1998

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

Article 6 bestowing the "Right to a Fair Trial" is applicable to both

applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Notice of Decision; and
3. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

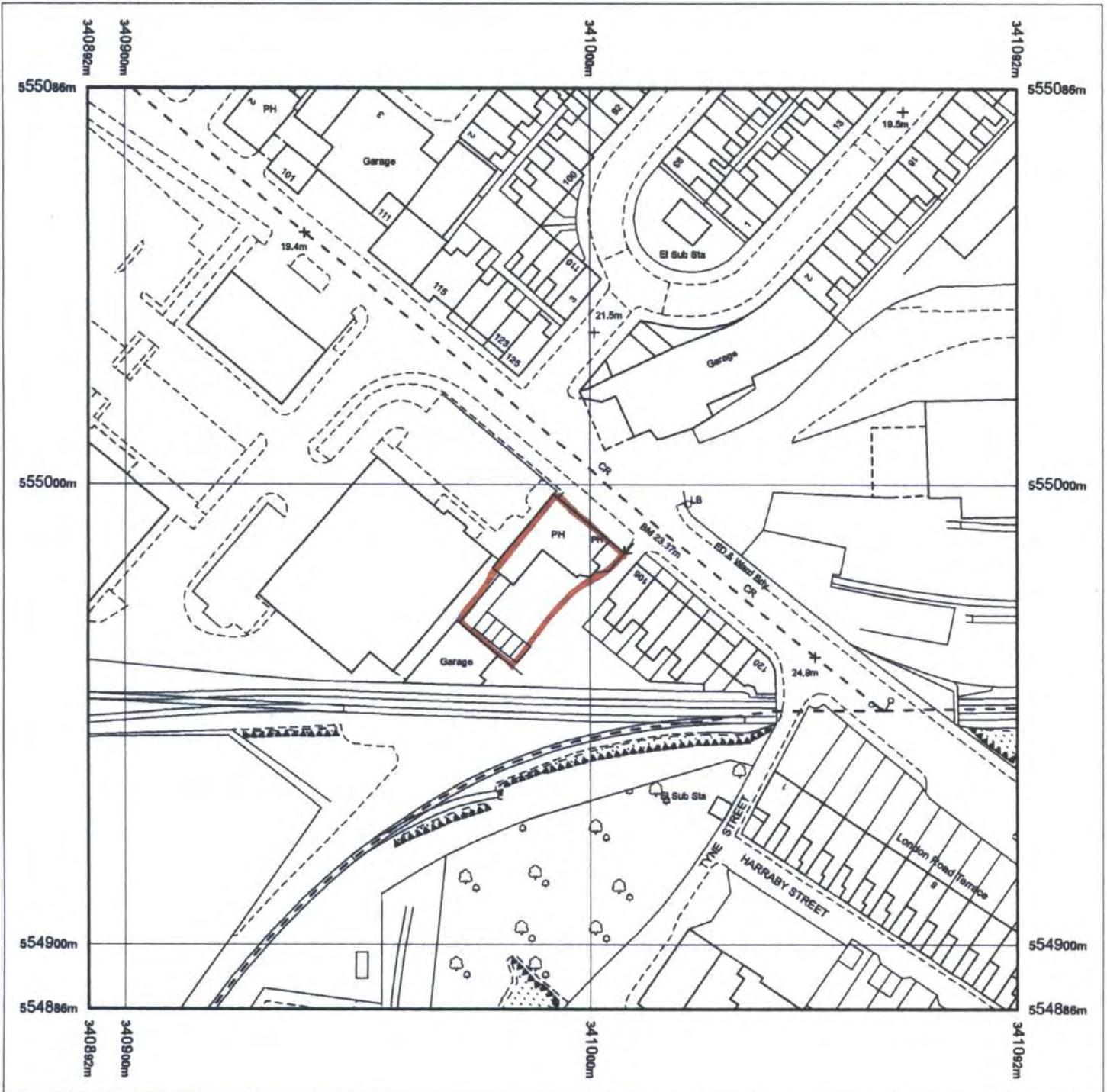
Reason: To ensure that materials to be used are acceptable and in accord with Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Rooflights should be of a conservation style and be flush fitted with the roof surface.

Reason: To preserve the character of the building in accordance with Policies LE12, LE13, LE15 and LE19 of the Carlisle District Local Plan 2001-2016.

5. Prior to the occupation of the development details of the number, location and design of bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.

Reason: To ensure appropriate bicycle parking is provided. To support Policy T1 of the Carlisle District Local Plan 2001-2016.



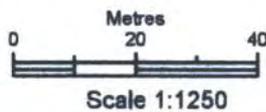
Produced 13.12.2007 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2007.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



21 DEC 2010
2010/1156

Supplied by: **Outlet User**
Serial number: 00004800
Centre coordinates: 340992 554986

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

SCHEDULE A: Applications with Recommendation

10/1150

Item No: 03

Date of Committee: 11/03/2011

Appn Ref No:
10/1150

Applicant:
Vitapoint Properties

Parish:
Carlisle

Date of Receipt:
06/01/2011

Agent:
Ashwood Design
Associates Ltd

Ward:
Currock

Location:
Former Railway Inn, 104 London Road, Carlisle,
CA1 2PE

Grid Reference:
340993 554987

Proposal: Alterations And Extensions To Form One Retail Unit And New Internal
Access (Renewal Of Expired Application 06/1363)

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee because a City Councillor wishes to exercise his right to speak.

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.

Listed Building

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

Conservation Area

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

Local Plan Pol EC4 - Primary Retail Area

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol H1 - Location of New Housing Develop.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the renewal of Application 06/1363;

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

Access Officer, Economic Development: as a result of the current proposal the Council's Access Officer has recommended the following with regard to the change of use of the ground floor of the property to retail:

Stepped access to the front of the premises:

- Nosings need to be provided
- Details of the brass strips to be inserted into the top landing of the steps would be appreciated (size of area, confirmation of contrast etc)
- It is noted that the footpath is at the bottom of the steps. Handrails should be provided to both sides of the steps as well as a central handrail central handrail should extend 300mm beyond the stairs at the top no extension to handrails at the bottom of the steps so as not to obstruct pedestrians
- Handrails should be 850mm 1m above the pitch line of the flight of stairs preferably with a 2nd handrail at 600mm

Front entrance doors:

- It has been stated that the front doors will be kept open during trading hours. The internal doors forming a vestibule will be automatic if these are glass manifestation should be in evidence

Ramped side entrance:

- Handrails should be provided to both sides of the ramp it is noted that there is to be a sandstone wall with handrails which have been quoted as stainless steel; materials should not be cold to the touch.
- The entry door is to be automatic.
- There should be adequate signage to the front of the property to identify this access point
- Consideration should be given to providing adequate lighting to the ramped area

Vertical access:

- New ambulant staircase to provide access to all floor levels within the extension

DDA Duties:

- There is no access for wheelchair users to use the toilet facility within the basement as there is to be no lift facility. This should be noted as there is a duty to provide access to employees (albeit future employees) to toilet facilities.

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

Northern Gas Networks: no comments received during the consultation period.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Carlisle Auto Repairs	10/01/11	
Halfords Ltd	10/01/11	
HSS Lift & Shift	10/01/11	
Grahams Garage	10/01/11	
106 London Road	10/01/11	
108 London Road	10/01/11	
Cllr Botcherby		Objection

3.1 This application has been advertised by the display of a site notice, press notice as well as notification letters sent to six neighbouring properties.

3.2 One letter of objection has been received during the consultation period from Councillor Betton who objects to the proposed development on the following grounds:

1. Use of render to a Grade II Listed Building;
2. Concerns regarding fire exits and parking;

3. Impact of the proposed external alterations to the Grade II Listed Building;
4. Concerns regarding the internal layout of the lower floor.

4. Planning History

- 4.1 The site has an extensive planning history. The most relevant are as follows:
- 4.2 In 2006 (planning reference 06/1363) Full Planning Permission was granted for alterations and extensions to form one retail unit and internal access.
- 4.3 In 2006 (planning reference 06/1364) Listed Building Consent was granted for the demolition of redundant WC accommodation, erection of extension to rear and internal alterations to form one retail unit and four residential apartments, general repairs to sliding sash windows, stonework and roof coverings.
- 4.3 In 2007 (planning reference 07/0143) Listed Building Consent was granted for the construction of a bin storage area to the side of 104 London Road.
- 4.4 In April 2007 an application was submitted (planning reference 07/0445) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. This application was refused planning consent on the recommendation of the Health and Safety Executive as the proposal fell within the inner consultation zone of a major hazard site. A revised application was submitted in December 2007 (planning reference 07/1363) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. The permission to store hazardous materials on watts yard (the major hazard site) had since been revoked therefore the Health and Safety Executive no longer raised any objections to the proposal and planning permission was therefore granted.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application relates to the former Railway Inn Public House which is located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear off-shoot. The building is predominately constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via an alley between the south-east elevation of the Railway Inn and No.106 London Road. The site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of

terraced dwellings to the east.

Background

- 5.2 The Railway Inn is currently vacant. A scheme to convert the ground floor of this building to retail was granted in 2006 (under planning reference 06/1363). A further application to alter the first and second floors of this property to create four apartments was granted in 2007 (under application reference 07/1363). Associated Listed Building Consent applications were also granted under planning references 06/1364 and 07/0143. None of these permissions have been implemented.
- 5.3 The applicant has submitted an application (planning reference 10/1156) on the 29th December 2010 to renew the unexpired 2007 application which has also been brought to Members of this Committee to determine. This application however seeks full planning permission to renew the 2006 application as the three year commencement condition has subsequently lapsed. Members are no doubt aware that the previous approval is a material planning consideration as the principle of the development was assessed and established under planning application 06/1363. The plans submitted for this application are identical to the previously approved plans and there has been no material change in planning policy or circumstances since the previous approval.
- 5.4 The drawings approved in 2006 and the drawings submitted for this application illustrate that it is proposed to convert the existing ground floor to retail and extend the rear of the property by means of a three storey extension adjacent to south-east elevation of the existing off-shoot which will house a new staircase providing access to the residential units on the first and second floors.
- 5.5 An extension to the rear elevation of the main building is also proposed which will be used to create additional retail space to the back of the building. The extension to the existing off-shoot will be 2.7m wide and 8.7m deep with a maximum height of 9.8m. The extension to the back of the building to house the retail unit will measure 3.5 metres by 6.9 metres and will have a total ridge height of 6.2 metres. An external WC and yard space to the side of the property will be demolished to make way for new wheelchair access to the premises and bin storage area.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies EC4, CP5, CP6, LE12, LE13, LE15, LE19, T1 and H1 of the Carlisle District Local Plan 2001-2016. Members should be aware that the aforementioned planning policies support the conversion of redundant listed buildings in order to secure the upkeep of historic buildings provided that it can be shown that the conversion can be achieved without adverse impacts upon the character of the building.

- 5.7 The proposal raises the following planning issues:
1. Whether The Principle Of The Development Is Acceptable
- 5.8 The principle of the development has already been established under the 2006 planning approval. There has been no change to the plans, relevant planning policies or material change in planning circumstances to preclude this application being approved. Members are reminded that the change of use of the existing ground floor of the building from a public house to retail is permitted as under the General Permitted Development (Amendment) Order 2005, a change from Class A4 (pubs and bars) to Class A1 (retail) does not require permission.
2. Impact On The Grade II Listed Building And Carlisle-Settle Conservation Area;
- 5.9 The Council's Conservation Officer's raised no objections to the redevelopment scheme approved under application 06/1363 or the associated Listed Building Consent applications (06/1364 and 07/0143). It has therefore already been considered that there would be no adverse impact upon the Grade II Listed Building or the Carlisle-Settle Conservation Area. The Council's Conservation Officer has raised no objections to the proposed development as the proposal incorporates no changes from that which has been previously approved.
3. Impact On Residential Amenity
- 5.10 The impact on residential amenity has already been established as being within tolerable limits in the previously approved plans. Members are reminded that the ground floor of the property was previously used as a public house with associated residential living space above. It is not considered that a change to retail/residential would lead to an increase in the level of noise or disturbance over and above that associated with the former use as a public house.
- 5.11 The proposed extensions are modest in size and would not bring the property any closer to the neighbouring dwellings than at present. The extension to house the extended retail area, which is closest to No.106 London Road, does not have any windows facing towards the neighbouring property so it is not considered that it would have any impact on the living conditions of the neighbouring residents. The three storey element, which is largely designed to house the new stairway between floors, would have large windows at the basement and ground floor levels facing towards the south-east. This would lead to a slight increase in the level of overlooking of No.106 London Road. It is considered however that given the distances involved (approximately 18m) and as the windows under consideration are not servicing primary rooms, the impacts would be acceptable.
4. Impact On The Local Highway Network And Whether Appropriate Parking Arrangements Can Be Achieved

5.12 Cumbria Highways have raised no objections to this application. It is acknowledged that the proposal may lead to commercial deliveries being made directly from the A6 or vehicles parking partly off the road, causing damage to the footway. Little weight can be attached to the aforementioned potential issues as the change of use from a public house to Class A1 retail is permitted development, and as such, is exempt from the need for planning permission. It also needs to be borne in mind that the premises was previously a Public House, and as such, would also have received regular deliveries. Members should also be aware that eight parking spaces will be provided to the rear of the site as well as a sufficient turning space. It is therefore not considered that the current proposal would lead to a worsening of local highway conditions.

5. Other Matters

5.13 The Council's Access Officer has made recommendations regarding disabled access arrangements which will be included as an advisory note if Members are minded to approve the application. The applicant's agent has been forwarded these details and has confirmed that at present there is no end user for the premises therefore the recommendations of the Access Officer will be dealt with under Part M of the Building Regulations.

Conclusion

5.14 In overall terms it is considered that the proposals are compliant with the objectives of the relevant adopted Development Plan policies and the conversion of the Grade II Listed Building can be achieved without adverse impacts upon its character or setting. It is therefore recommended that Members approve the application. To ensure that an appropriate finish to the building is achieved, it is recommended that the same conditions as the original planning consent are attached to any decision notice requiring the applicant to provide samples of all external materials to be used and details (including colour and design) of all windows and external doors.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Site Location Plan [Drawing No.020, Received 6th January 2011];
3. the Site Layout As Existing [Drawing No. 021, Received 6th January 2011];
4. the Site Layout Plan As Proposed [Drawing No.011 Rev C, Received 23rd December 2010];
5. the Existing Basement And Ground Floor Plans [Drawing No. 003 Rev B, Received 23rd December 2010];
6. the Proposed Basement And Ground Floor Plans [Drawing No. 007 Rev E, Received 23rd December 2010];
7. the Front And Side Elevations As Existing [Drawing No.005 Rev A, Received 23rd December 2010];
8. the Rear And Side Elevations As Existing [Drawing No.006 Rev B, Received 23rd December 2010];
9. the Front And Side Elevations As Proposed [Drawing No.009 Rev C,

Received 23rd December 2010];

10. the Rear And Side Elevations As Proposed [Drawing No.010 Rev F, Received 23rd December 2010];
11. the Topographic Survey [Drawing No. 1522/1, Received 23rd December 2010];
12. the Design And Access Statement [Received 23rd December 2010];
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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 Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Full details of choice of materials, design and colour of windows and doors 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 Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

NOTES AND AMENDMENTS
 The drawing is subject to change without notice and the client is advised to check the drawing against the site conditions and the planning application before construction.
REVISIONS

No.	Description	Date



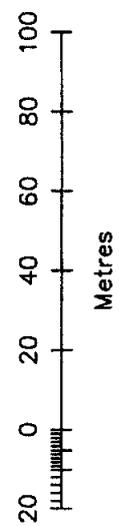
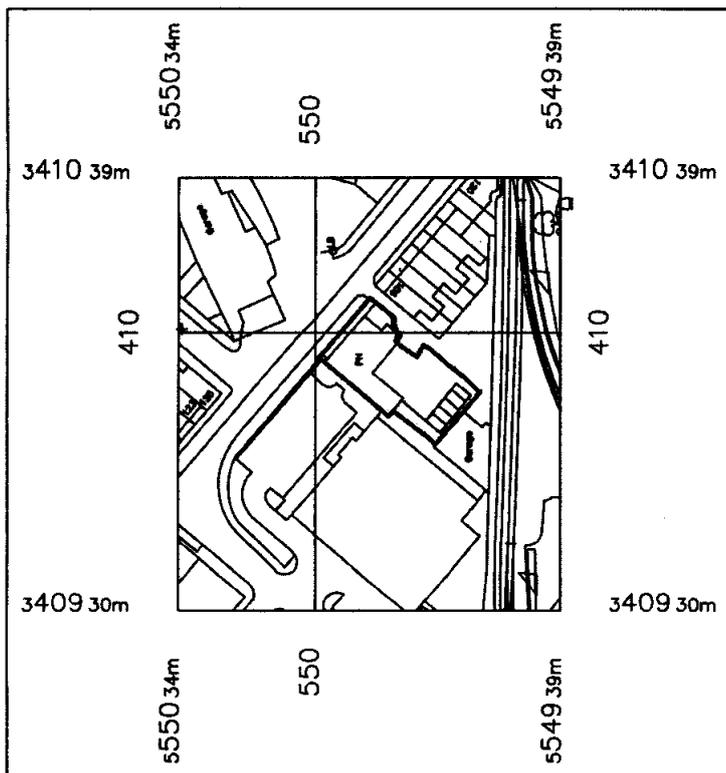
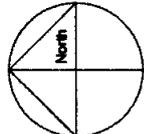
ASHWOOD DESIGN ASSOCIATES LTD
 Architects Surveyors CDM Co-ordinators
 12, The Green, Park Road, London, E14 6JH
 Tel: 020 7463 8888 Fax: 020 7463 8889
 www.ashwooddesign.co.uk

Client: Viteopoint Properties
Project: Redevelopment of Railway Inn
 London Road, Carlisle

Drawing No: S/Loc/01
Site Location Plan

Planning	
Case No.	1090/020
Applicant	Viteopoint Properties
Date of Application	11/12/10
Applicant's Reference	1090/020
Local Planning Officer	
Planning Committee	
Decision	

RECEIVED
 - 6 JAN 2011
 2010/1150



NOTES AND AMENDMENTS
 1. This drawing is a site plan showing the proposed layout of the site. It is based on the information provided by the client and the site survey. It is not a guarantee of accuracy and is subject to change without notice.
 2. The client is responsible for ensuring that the site is suitable for the proposed development and that all necessary permissions and consents are obtained.
 3. The site plan is subject to the planning conditions and any other conditions imposed by the local planning authority.
 4. The site plan is subject to the terms and conditions of the planning permission and any other conditions imposed by the local planning authority.

REVISIONS

No.	Description	Date
1	Issue for Planning	06/01/11
2	Issue for Construction	1/20

ASHWOOD DESIGN ASSOCIATES LTD
 Architects Surveyors CDM Co-ordinators
 12A Church Lane, Welwyn Garden City, Herts, SG13 7NF
 Tel: 0438 344444 Fax: 0438 344444
 www.ashwooddesign.co.uk

Client: Vitapoint Properties
Project: Redevelopment of Railway Inn
 London Road, Cuffley

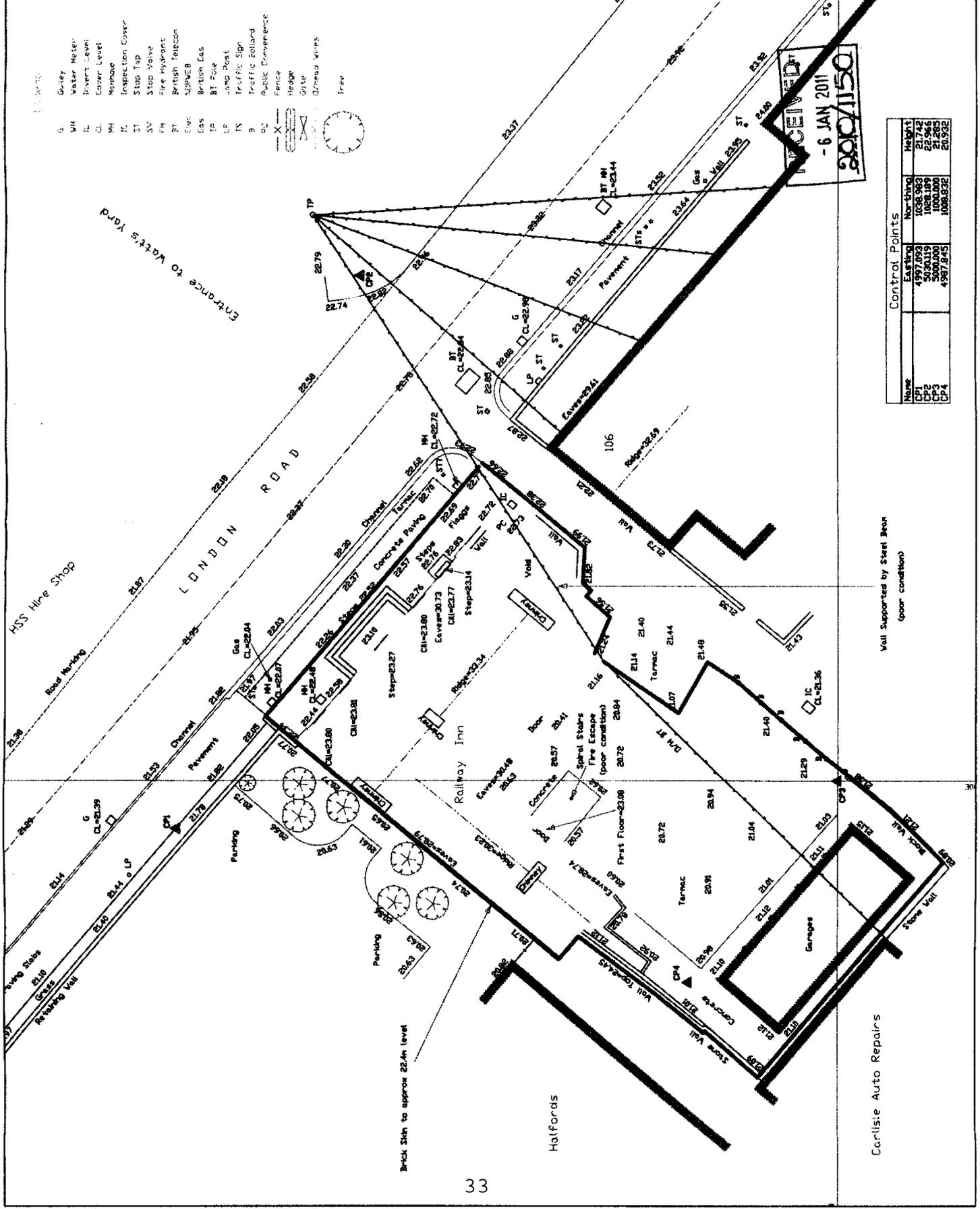
Site Layout As Existing

Planning

Date	By	For
06/01/11	MP	1/20
1/20	AJ	1090

1090 021

- LEGEND**
- G Gully
 - WH Water Meter
 - IL Invert Level
 - CL Cover Level
 - MH Manhole
 - IC Inspection Cover
 - ST Stop Tap
 - SV Stop Valve
 - FH Fire Hydrant
 - BT British Telecom
 - EL Electric
 - Gas Gas
 - BT Pole
 - LP Lamp Post
 - TS Traffic Sign
 - g Traffic Bollard
 - ac Public Convenience
 - X Fence
 - H Hedge
 - U Utility
 - D Overhead Wires
 - T Tree

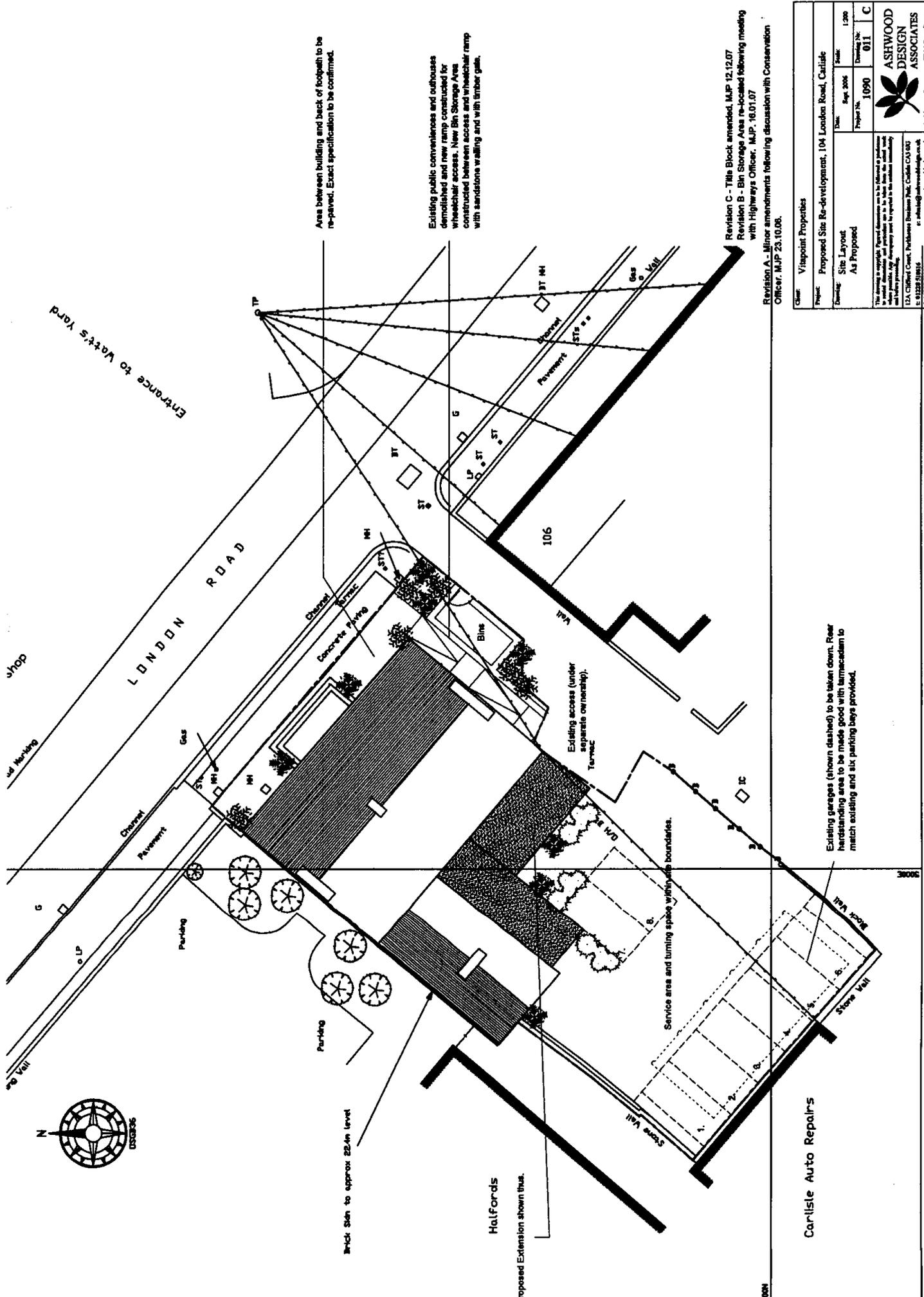


Control Points

Name	Existing	Non-Existing	Height
CP1	4997.693	1028.993	21.743
CP2	5020.119	1028.189	22.946
CP3	5000.000	1000.000	21.265
CP4	4987.845	1008.932	20.932

Vall Supported by Steel Beam
 (poor condition)

Carlisle Auto Repairs



Area between building and back of footpath to be re-paved. Exact specification to be confirmed.

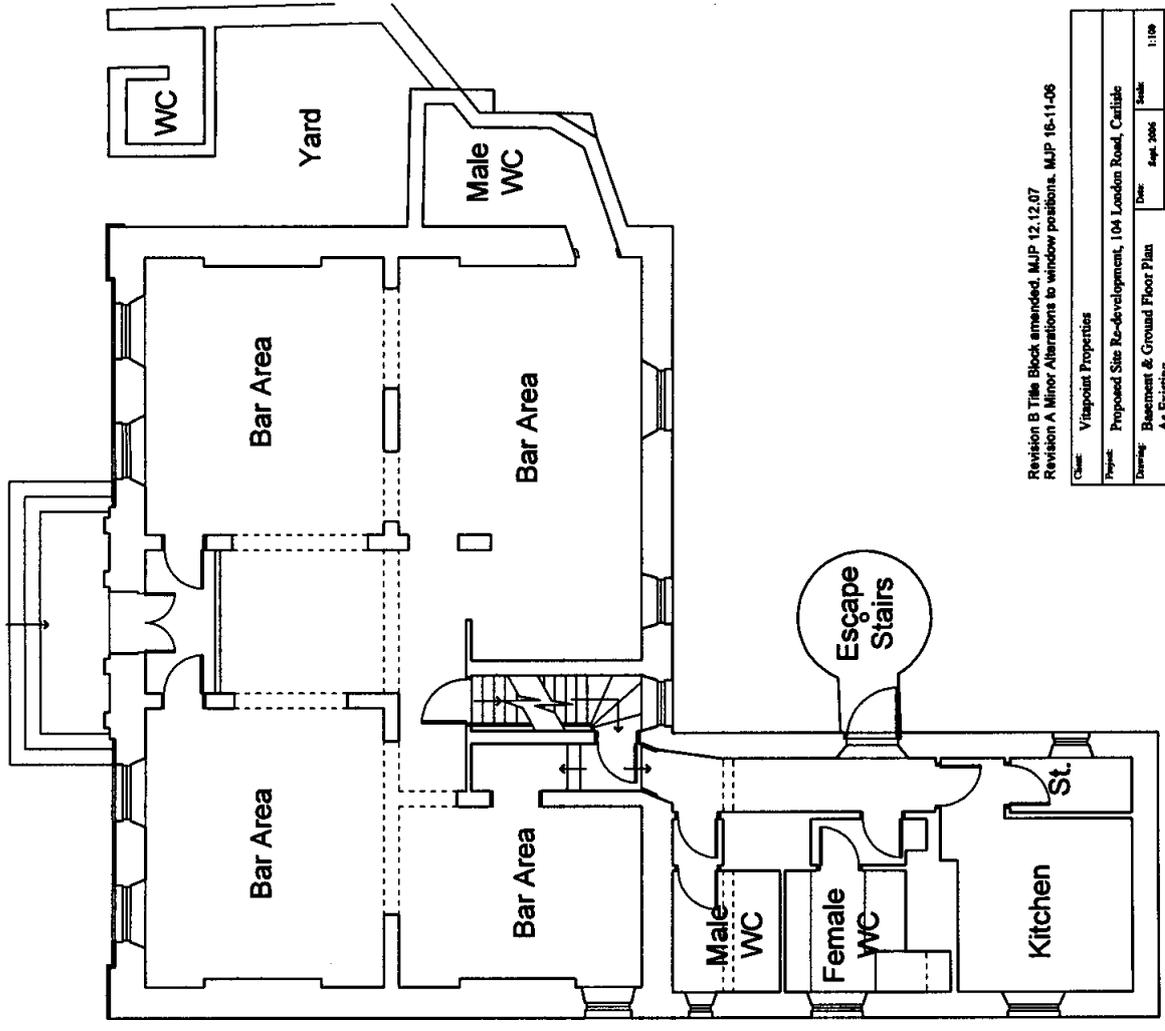
Existing public conveniences and outhouses demolished and new ramp constructed for wheelchair access. New Bin Storage Area constructed between access and wheelchair ramp with sandstone walling and with timber gate.

Revision C - Time Block amended, M.P. 12.12.07
 Revision B - Bin Storage Area re-located following meeting with Highways Officer, M.P. 16.01.07
 Revision A - Minor amendments following discussion with Conservation Officer, M.P. 23.10.06.

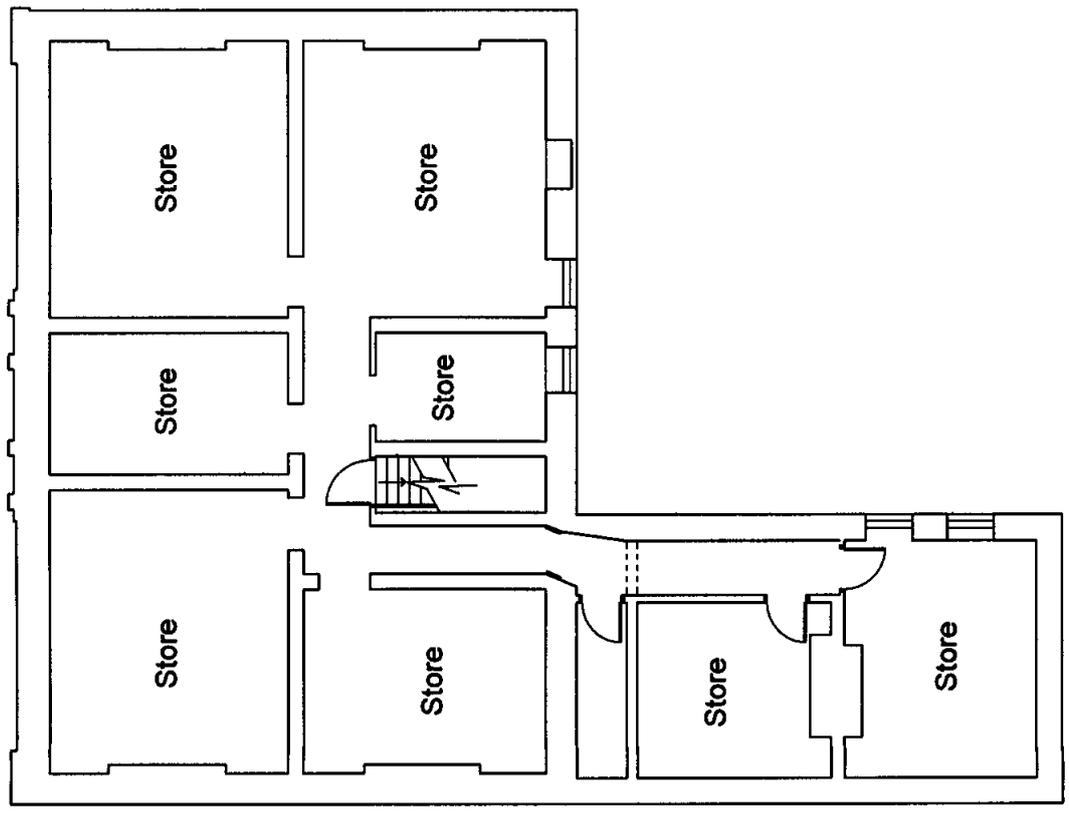
Client: Vitapoint Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	Date: Aug. 2006
Drawing: Site Layout	Scale: 1:200
AS Proposed	Drawing No: 011
	Project No: 1090
	C
 ASHWOOD DESIGN ASSOCIATES Architects Surveyors CBM Consultants	
<small>This drawing is copyright. Planned alterations are to be allowed as provided in the contract documents. Any alterations must be agreed in the contract documents and liability provided. Any alterations must be agreed in the contract documents and liability provided.</small>	
<small>12A, CARRISTON COURT, FORTHEVER BUSINESS PARK, CARLISLE, CUMBRIA, CA3 0UJ E: 01228 518616 F: 01228 518601 www.ashwooddesign.co.uk e: ashwood@ashwooddesign.co.uk</small>	

Existing garages (shown dashed) to be taken down. Rear handstanding area to be made good with tarmac to match existing and six parking bays provided.

Scale 1:200



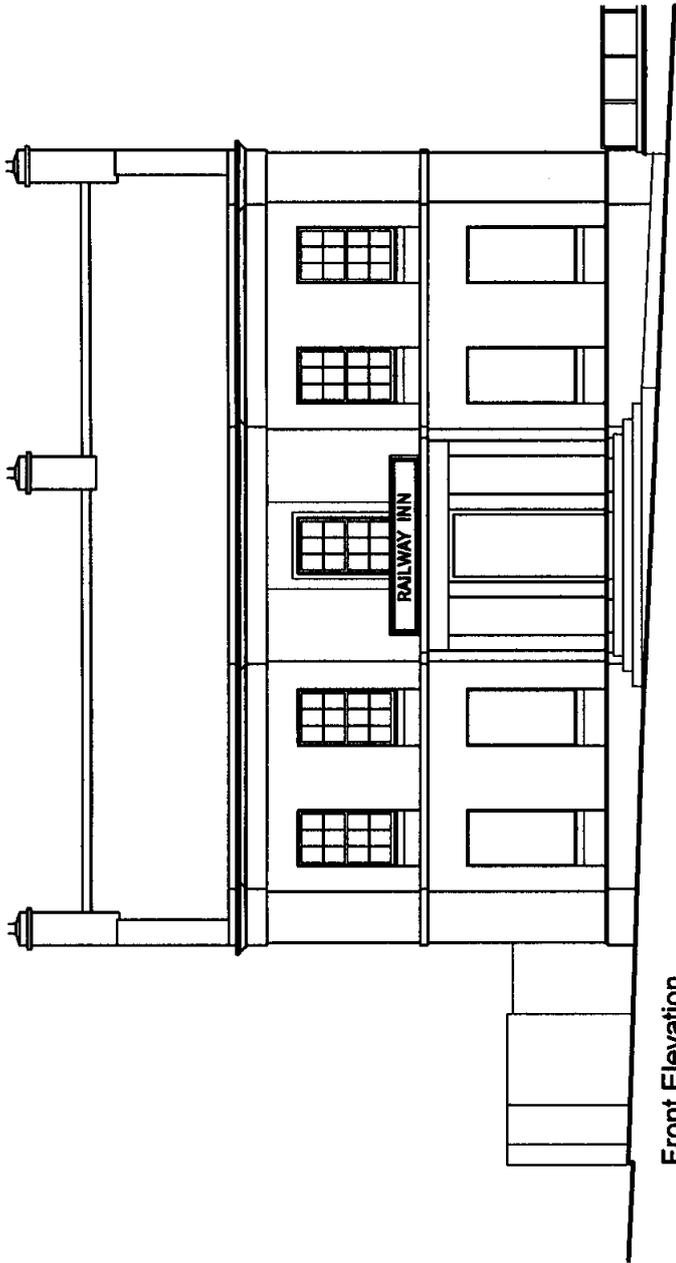
Ground Floor Layout



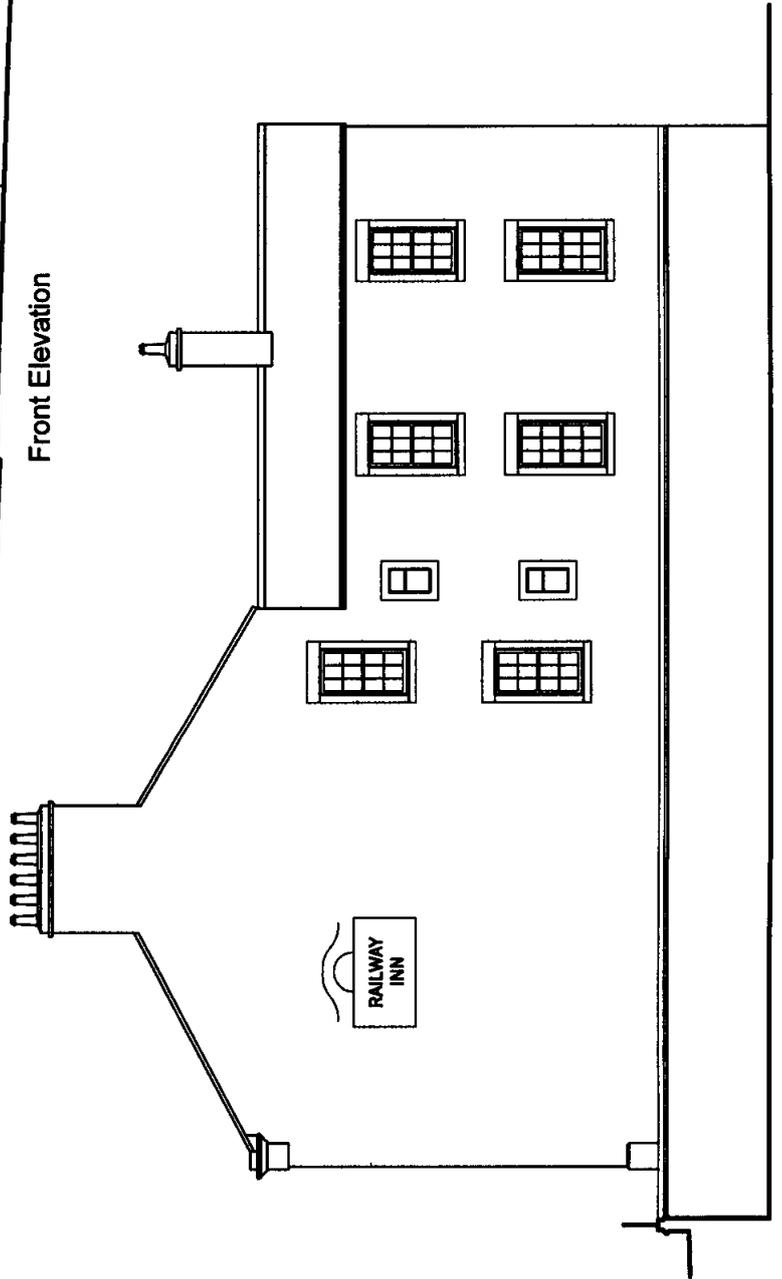
Basement Floor Layout

Revision B Title Block amended, MJP 12.12.07
 Revision A Minor Alterations to window positions, MJP 16-11-06

Client: Vitapoint Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	Scale: 1:100
Drawing: Basement & Ground Floor Plan	Date: Sept. 2006
As Existing	Project No: 10990
	Drawing No: 003
	B
<small>This drawing is copyright. Please do not use it in any form without the written permission of the author. The author shall not be held responsible for any errors or omissions. All dimensions are to be taken from the finished state unless otherwise stated.</small>	
12A Clifford Court, Parkhouse Business Park, Carlisle CA5 0EG t 01228 518614 or ashwood@ashwooddesign.co.uk f 01228 518661 www.ashwooddesign.co.uk Architects Surveyors CEM Co-ordinators	



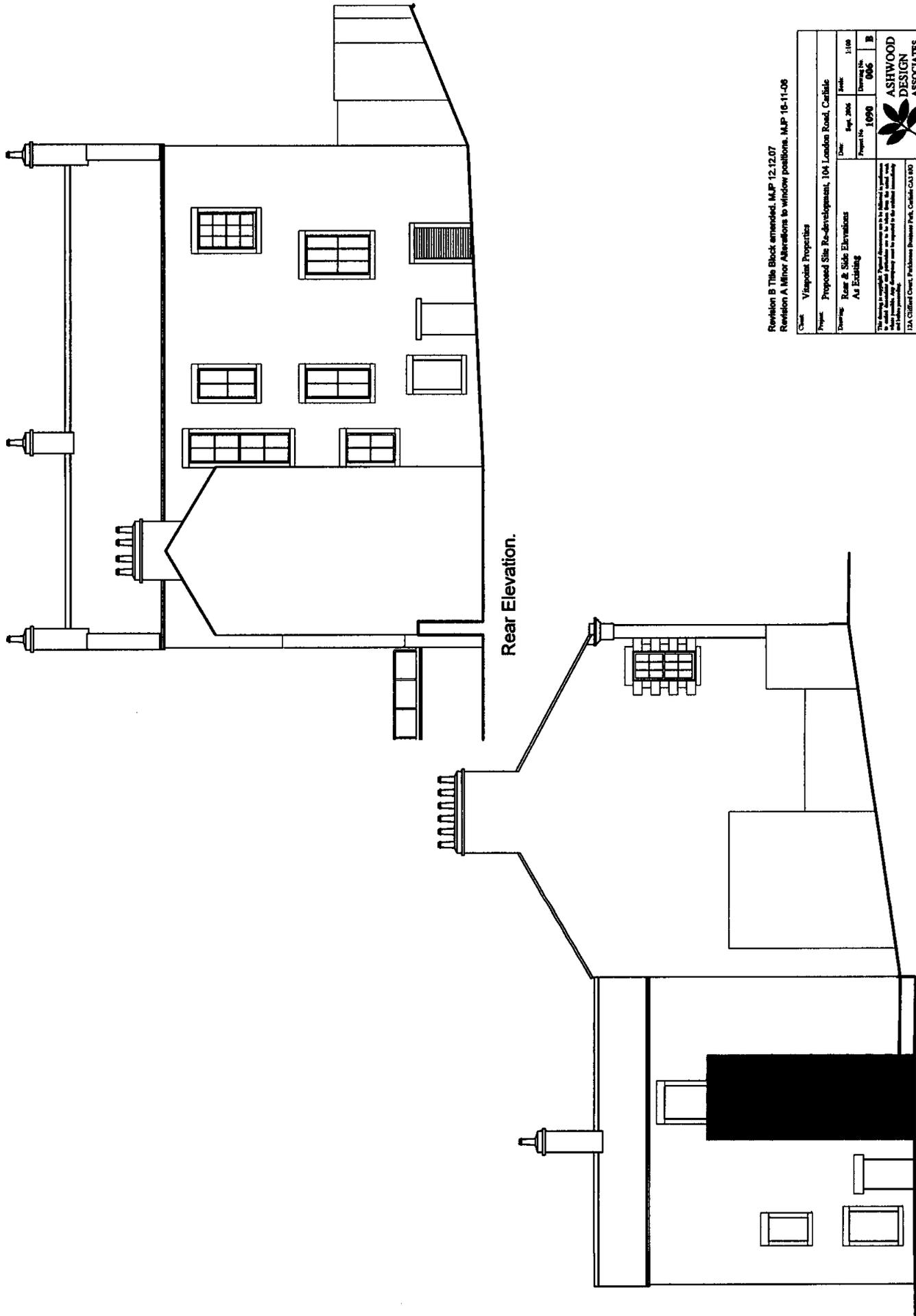
Front Elevation



Side Elevation

Revision A Title Block amended MJP 12.12.07

Client: Viragopus Properties		Date: Sept. 2004		Scale: 1:100	
Project: Proposed Site Re-development, 104 London Road, Carlisle		Drawing No: 1090		Drawing No: 005	
Drawing: Front & Side Elevations		Project No: 1090		Revision: A	
<p>This drawing is intended to provide a visual representation of the proposed development. It is not to be used for construction purposes. Any discrepancy shall be reported to the architect immediately.</p>					
<p>12A Clifford Court, Farnham Business Park, Clifton, CO 800 or Ashwood Design Associates R 01285 828841 www.ashwooddesign.co.uk Architects Surveyors CBM Co-ordinators</p>					

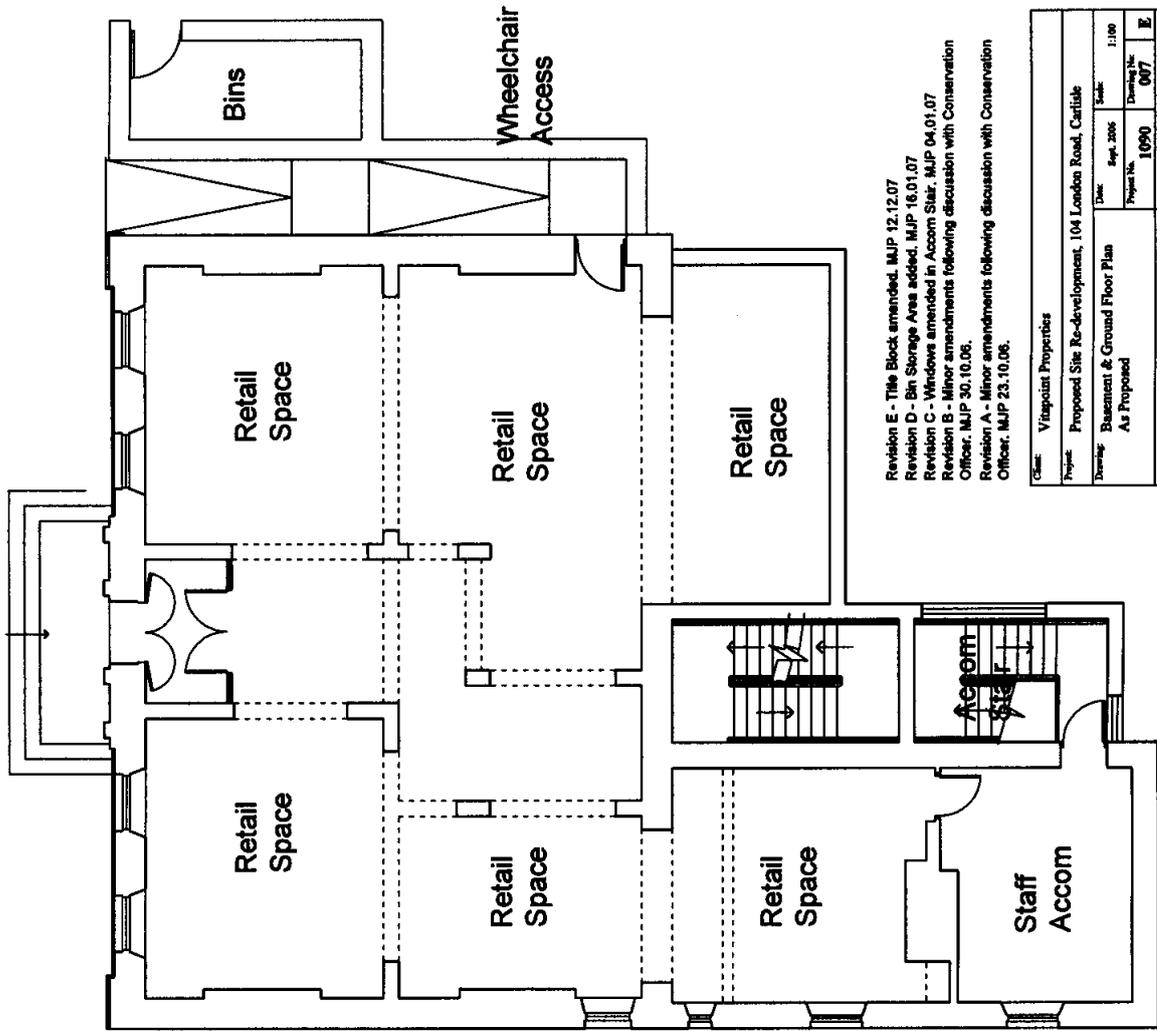


Rear Elevation.

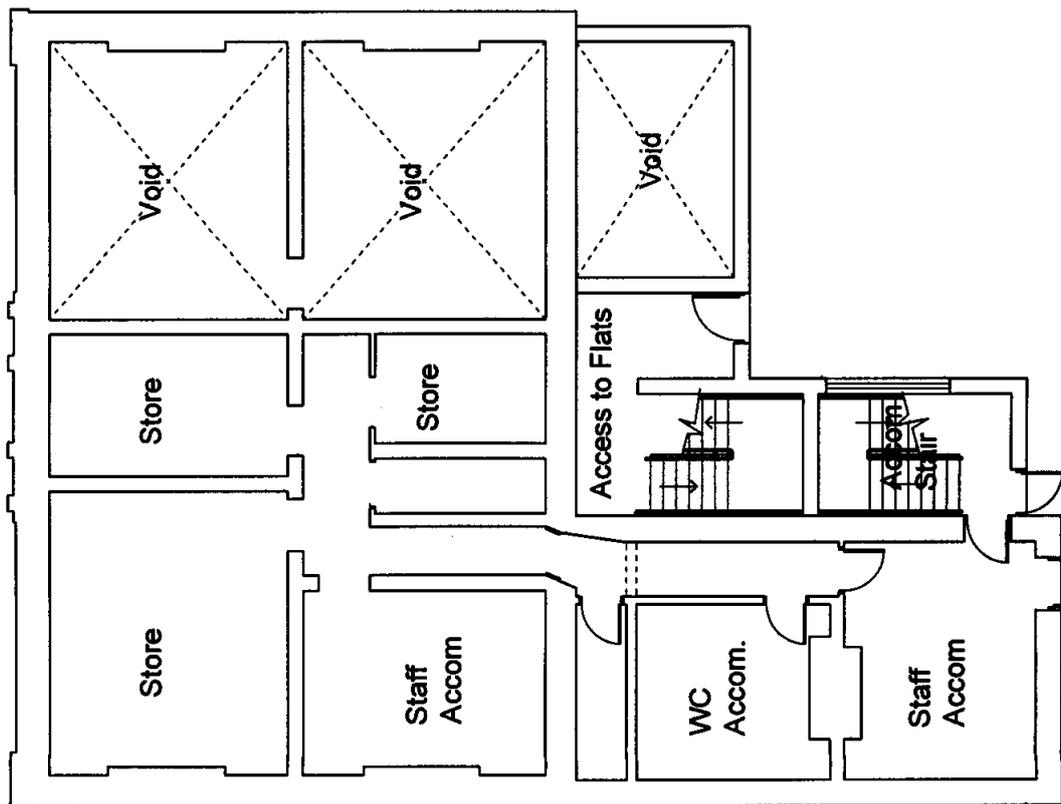
Side Elevation.

Revision B Title Block amended, MAP 12.12.07
 Revision A Minor Alterations to window positions, MAP 16-11-06

Client: Vispoutz Properties		Project: Proposed Site Re-development, 104 London Road, Carlisle	
Drawing: Rear & Side Elevations	Date: Sep. 2016	Scale: 1:100	Sheet: 11/10
All Existing	Project No: 1090	Drawing No: 006	B
<small>This drawing is intended for use in connection with the planning application for the proposed development. It is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom. The architect's liability is limited to the professional fee paid to him/her.</small>			
IZA Gillford Chartered Professional Building Practitioner, Chartered Architect 6 91233 818451 01223 818451 www.iza-architectural.co.uk Architects Surveyors CBMA Co-ordinators			



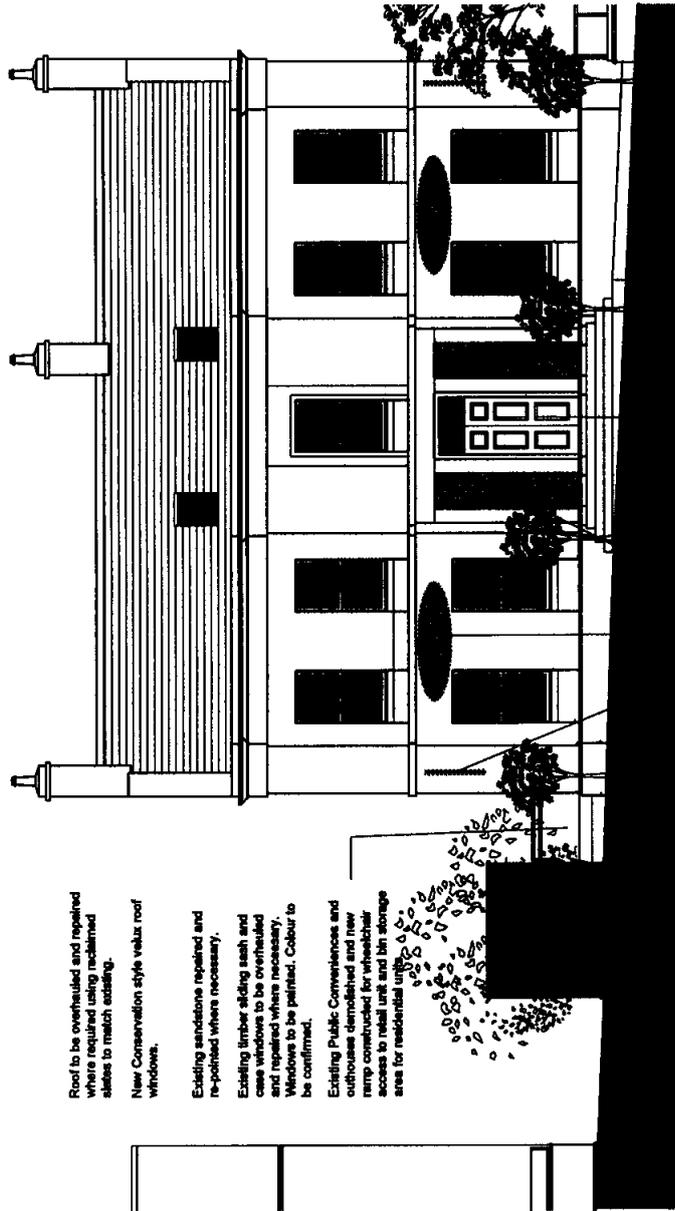
Ground Floor Layout



Basement Floor Layout

Revision E - Title Block amended, MJP 12.12.07
 Revision D - Bin Storage Area added, MJP 16.01.07
 Revision C - Windows amended in Accom Stair, MJP 04.01.07
 Revision B - Minor amendments following discussion with Conservation Officer, MJP 30.10.06.
 Revision A - Minor amendments following discussion with Conservation Officer, MJP 23.10.06.

Client: Vitapoint Properties	
Project: Proposed Site Re-developments, 104 London Road, Carlisle	Scale: 1:100
Drawing: Basement & Ground Floor Plan	Date: Sept. 2006
As Proposed	Project No: 1090 007
<p>The drawing is prepared by Ashwood Design Associates on behalf of Vitapoint Properties. It is to be used for planning purposes only. Any amendments must be referred to the architect for approval and implementation.</p> <p>12A Clifftop Court, Parkhouse Business Park, Carlisle CA3 0JG 01273 804616 01273 804617 www.ashwooddesign.co.uk info@ashwooddesign.co.uk</p>	
<p>ASHWOOD DESIGN ASSOCIATES Architects Surveyors CBM Co-ordinators</p>	



Front Elevation

Roof to be overhauled and repaired where required using reclaimed slates to match existing.

New Conservation style velux roof windows.

Existing sandstone repaired and re-painted where necessary.

Existing timber sash and case windows to be overhauled and repaired where necessary. Windows to be painted. Colour to be confirmed.

Existing Public Conveniences and outdoorse demolished and new ramp constructed for wheelchair access to retail unit and bin storage area for residential units.

Existing front door rubbed down, repaired where necessary and re-painted with black glass paint finish. New ironmongery to be confirmed.

Shaded Areas denoted thus indicated potential signage zones for tenant signage. Any signage to be subject to separate applications by tenant.

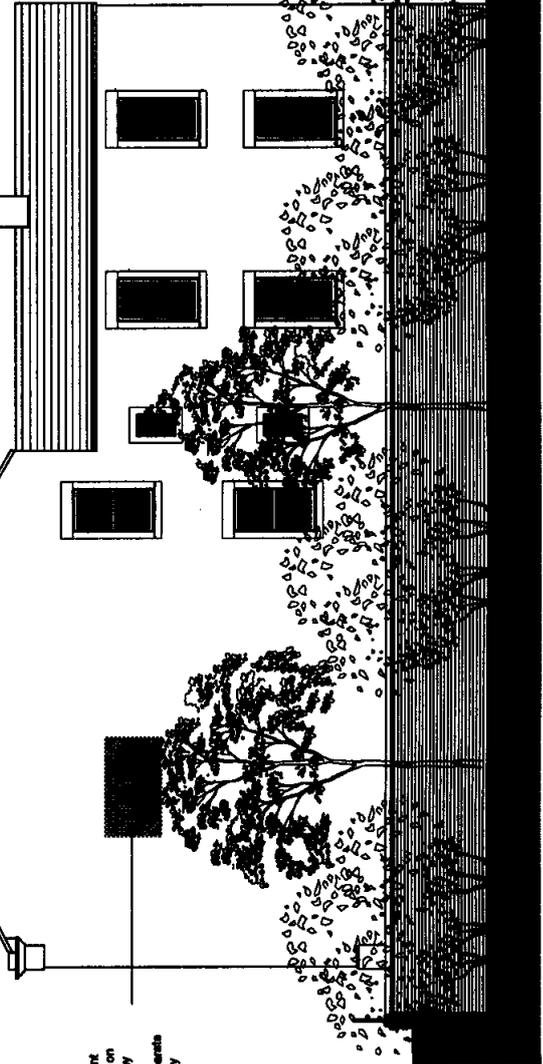
Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Existing timber sash and case windows to be overhauled and repaired where necessary. Windows to be painted. Colour to be confirmed.

Existing render finish to be repaired where necessary and re-painted with masonry paint. Colour to be confirmed.

Potential tenant signage zone on gable wall. Any signage to be subject to separate applications by tenant.

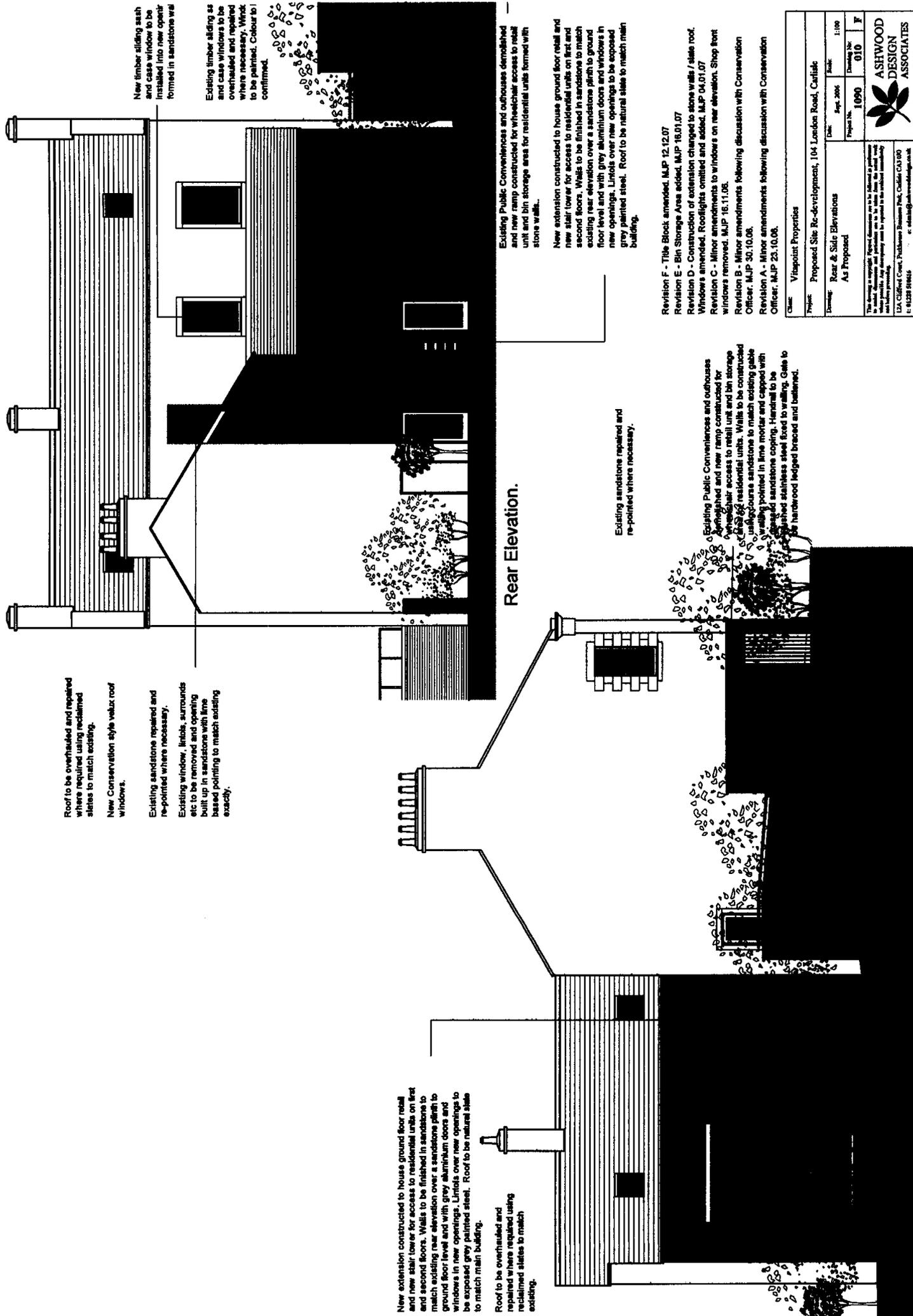
Roof to be overhauled and repaired where required using reclaimed slates to match existing.



Side Elevation

Revision C Title Block amended, M.P 12.12.07
 Revision B Bin Storage Area added, M.P. 10.01.07
 Revision A Shopfront windows omitted. Note re: signage added, M.P 16.11.06

Client: Vitapoint Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	Date: 24th 2006
Drawing: Front & Side Elevations	Scale: 1:100
Project No: 1090	Drawing No: 009
	C
15, Cliffside Court, Parkhouse, Penrith, Cumbria, CA10 1NU Tel: 01228 85444 Fax: 01228 52666 www.ashwooddesign.co.uk	
Architects: Approved CEMT Certificate No: 0281	



Roof to be overhauled and repaired where required using reclaimed slates to match existing.

New Conservation style velux roof windows.

Existing sandstone repaired and re-pointed where necessary.

Existing window, lintels, surrounds etc to be removed and opening built up in sandstone with lime based pointing to match existing exactly.

New extension constructed to house ground floor retail and new stair tower for access to residential units on first and second floors. Walls to be finished in sandstone to match existing rear elevation over a sandstone plinth to ground floor level and with grey aluminium doors and windows in new openings. Lintels over new openings to be exposed grey painted steel. Roof to be natural slate to match main building.

Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Rear Elevation.

Existing sandstone repaired and re-pointed where necessary.

Existing Public Conveniences and outhouses demolished and new ramp constructed for wheelchair access to retail unit and bin storage area for residential units formed with stone walls.

New extension constructed to house ground floor retail and new stair tower for access to residential units on first and second floors. Walls to be finished in sandstone to match existing rear elevation over a sandstone plinth to ground floor level and with grey aluminium doors and windows in new openings. Lintels over new openings to be exposed grey painted steel. Roof to be natural slate to match main building.

Existing Public Conveniences and outhouses demolished and new ramp constructed for wheelchair access to retail unit and bin storage area for residential units formed with stone walls.

New timber sliding sash and case window to be installed into new opening formed in sandstone wall.

Existing timber sliding sash and case windows to be overhauled and repaired where necessary. Work to be painted. Colour to be confirmed.

Revision F - Title Block amended. MJP 12.12.07

Revision E - Bin Storage Area added. MJP 16.01.07

Revision D - Construction of extension changed to stone walls / slate roof. Windows amended. Rootlights omitted and added. MJP 04.01.07

Revision C - Minor amendments to windows on rear elevation. Shop front windows removed. MJP 16.11.06.

Revision B - Minor amendments following discussion with Conservation Officer. MJP 30.10.06.

Revision A - Minor amendments following discussion with Conservation Officer. MJP 23.10.06.

Client: Viapoint Properties

Project: Proposed Site Re-development, 104 London Road, Carlisle	
Location: Rear & Side Elevations	Date: Sept. 2006
As Proposed	Scale: 1:100
Project No: 1090	Drawing No: 010
	Page: 1 of 1

The drawings are copyright. Reproduction or use in any form without the written permission of the author is prohibited. The author shall not be held responsible for any errors or omissions in the drawings. The drawings are provided for information only and are not to be used for construction purposes without the written permission of the author.

LIA Clifford Court, Parkhouse Business Park, Carlisle CA3 0D
 t: 01228 518616 e: ashwood@ashwooddesign.co.uk
 www.ashwooddesign.co.uk
 Architects Surveyors CDM Co-ordinators

Side Elevation.

SCHEDULE A: Applications with Recommendation

10/1151

Item No: 04

Date of Committee: 11/03/2011

Appn Ref No:
10/1151

Applicant:
Vitapoint Properties

Parish:
Carlisle

Date of Receipt:
06/01/2011

Agent:
Ashwood Design
Associates Ltd

Ward:
Currock

Location:
Former Railway Inn, 104 London Road, Carlisle,
CA1 2PE

Grid Reference:
340993 554987

Proposal: Demolition Of Redundant W.C. Accommodation, Erection Of Extension To Rear And Internal Alterations To Form One Retail Unit And 4No. Residential Apartments; General Repairs To Sliding Sash Windows, Stonework And Roof Coverings; Construction Of Bin Storage Area To The Side Of 104 London Road (LBC)

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee because a City Councillor wishes to exercise his right to speak.

1. Constraints and Planning Policies

Conservation Area

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

Local Plan Pol CP5 - Design

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no comment

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Carlisle Auto Repairs	13/01/11	
Halfords Ltd	13/01/11	
HSS Lift & Shift	13/01/11	
Grahams Garage	13/01/11	
106 London Road	13/01/11	Undelivered
108 London Road	13/01/11	Undelivered
Cllr Botcherby		Objection
Parkland Avenue		Support

3.1 This application has been advertised by the display of a site notice, press notice as well as notification letters sent to six neighbouring properties.

3.2 One letter of objection has been received during the consultation period from Councillor Betton who objects to the proposed development on the following grounds:

1. Use of render to the Grade II Listed Building;
2. Concerns regarding Fire Exits and Parking;
3. Impact Of The Proposed External Alterations To The Grade II Listed Building;
4. Concerns regarding the internal layout of the lower floor.

3.3 One letter of support has also been received during the consultation period. This letter is summarised as follows:

1. Great Asset to London Road to get the Railway Inn Developed;
2. At the moment the site is not pleasant. The complete development of the Railway Inn would make London Road more desirable.

4. Planning History

- 4.1 The site has an extensive planning history. The most relevant are as follows:
- 4.2 In 2006 (planning reference 06/1363) Full Planning Permission was granted for alterations and extensions to form one retail unit and internal access.
- 4.3 In 2006 (planning reference 06/1364) Listed Building Consent was granted for the demolition of redundant WC accommodation, erection of extension to rear and internal alterations to form one retail unit and four residential apartments, general repairs to sliding sash windows, stonework and roof coverings.
- 4.3 In 2007 (planning reference 07/0143) Listed Building Consent was granted for the construction of a bin storage area to the side of 104 London Road.
- 4.4 In April 2007 an application was submitted (planning reference 07/0445) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. This application was refused planning consent on the recommendation of the Health and Safety Executive as the proposal fell within the inner consultation zone of a major hazard site. A revised application was submitted in December 2007 (planning reference 07/1363) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. The permission to store hazardous materials on watts yard (the major hazard site) had since been revoked therefore the Health and Safety Executive no longer raised any objections to the proposal and planning permission was therefore granted.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application relates to the former Railway Inn Public House which is located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear off-shoot. The building is predominantly constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via an alley between the south-east elevation of the Railway Inn and No.106 London Road. The site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

Background

- 5.2 The Railway Inn is currently vacant. A scheme to the convert the ground

floor of this building to retail was granted in 2006 (under planning reference 06/1363). A further application to alter the first and second floors of this property to create four apartments was granted in 2007 (under application reference 07/1363). Associated Listed Building Consent applications (under references 07/0143 and 06/1364) were approved for the works to convert this property. None of these permissions have been implemented.

- 5.3 The applicant has submitted an application (planning reference 10/1156) on the 29th December 2010 to renew the unexpired 2007 application and a full planning application to renew the 2006 application (planning reference/1150) as the three year commencement condition has subsequently lapsed. This application seeks Listed Building Consent for the demolition of redundant W.C. Accommodation; erection of extensions to the rear and internal alterations to form one retail unit and 4no. residential apartments; general repairs to sliding sash windows, stonework and roof coverings together with construction of bin storage areas to the side of the property. All of these works have been previously approved under Listed Building Consent Applications 06/1364 and 07/0143. As the three year commencement period for both of the aforementioned Listed Building Consent applications has subsequently lapsed the applicant has had to reapply. Members are no doubt aware that the previous approvals are a material planning consideration as the principle of the development was assessed and established under planning applications 06/1364 and 07/0143. The plans submitted for this application are identical to the previously approved plans and there has been no material change in planning policy or circumstances since the previous approval.
- 5.4 The drawings approved in 2006 and 2007 together with the drawings submitted for this application illustrate that it is proposed to convert the existing ground floor to retail and extend the rear of the property by means of a three storey extension adjacent to south-east elevation of the existing off-shoot which will house a new staircase providing access to the residential units on the first and second floors.
- 5.5 An extension to the rear elevation of the main building is also proposed which will be used to create additional retail space to the back of the building. The extension to the existing off-shoot will be 2.7m wide and 8.7m deep with a maximum height of 9.8m. The extension to the back of the building to house the retail unit will measure 3.5 metres by 6.9 metres and will have a total ridge height of 6.2 metres. An external WC and yard space to the side of the property will be demolished to make way for new wheelchair access to the premises and bin storage area.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE13, LE15 and LE19 of the Carlisle District Local Plan 2001-2016. The aforementioned planning policies support the conversion of redundant listed buildings in order to secure the upkeep of historic buildings provided that it can be shown that the conversion can be achieved without adverse impacts upon the character of the building.

- 5.7 The main issue with regard to this application is considered to be whether the proposal safeguards the character, historic features, and, setting of the Grade II Listed Building. The proposed extensions are considered to be subservient to the existing property and sympathetic to the character of the listed building. As the majority of the proposed alterations are taking place to the rear of the site it is considered that the alterations do not affect the setting of the listed building and its contribution to the existing street scene.
- 5.8 The Listed Building Consent applications approved in 2006 and 2007 were subject of numerous discussions with the Council's Conservation Officers and the impact on the character, historic features and setting of this Grade II Listed Building has already been established as being acceptable. There has been no material planning changes that would preclude this Listed Building Consent application being approved. The Council's Conservation Officer has been consulted on the proposal and has raised no objections. If Members are minded to approve the application, the conditions attached to the previous Listed Building Consent approvals (relating to samples of materials) will be imposed within this decision notice in order to ensure that an appropriate finish to the building is achieved.

Conclusion

- 5.9 In overall terms it is considered that the Former Railway Inn can be converted without adversely affecting the character or setting of the Listed Building. The proposal is considered to be compliant with the relevant Development Plan policies and Members are therefore recommended to approve the application.

6. Human Rights Act 1998

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

there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Listed Building Consent comprise:
1. the submitted planning application form;
 2. the Site Location Plan [Drawing No.020, Received 6th January 2011];
 3. the Site Layout As Existing [Drawing No. 021, Received 6th January 2011];
 4. the Site Layout Plan As Proposed [Drawing No.011 Rev C, Received 23rd December 2010];
 5. the Existing Basement And Ground Floor Plans [Drawing No. 003 Rev B, Received 23rd December 2010];
 6. the Proposed Basement And Ground Floor Plans [Drawing No. 007 Rev E, Received 23rd December 2010];
 7. the Existing First And Second Floor Plans [Drawing No. 004 Rev B, Received 23rd December 2010];
 8. the Proposed First And Second Floor Plans [Drawing No. 008 Rev F, Received 23rd December 2010];
 9. the Front And Side Elevations As Existing [Drawing No.005 Rev A, Received 23rd December 2010];
 10. the Rear And Side Elevations As Existing [Drawing No.006 Rev B, Received 23rd December 2010];
 11. the Front And Side Elevations As Proposed [Drawing No.009 Rev C, Received 23rd December 2010];

12. the Rear And Side Elevations As Proposed [Drawing No.010 Rev F, Received 23rd December 2010];
13. the Topographic Survey [Drawing No. 1522/1, Received 23rd December 2010];
14. the Design And Access Statement [Received 23rd December 2010];
15. the Notice of Decision; and
16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

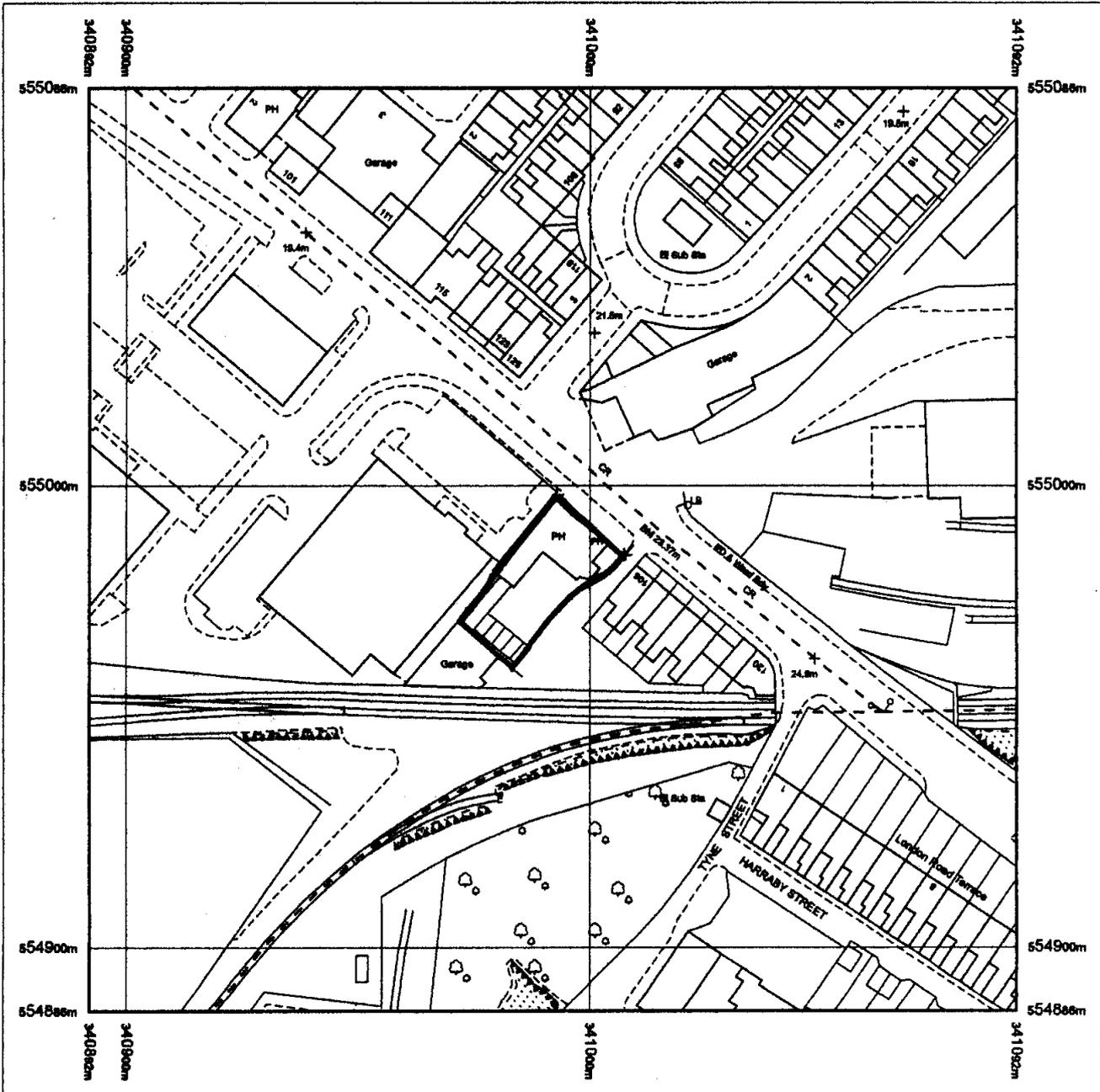
Reason: For the avoidance of doubt.

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 Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.

4. Full details of choice of materials, design and colour of windows and doors 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 Policies CP5 and LE13 of the Carlisle District Local Plan 2001-2016.



Produced 13.12.2007 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2007.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

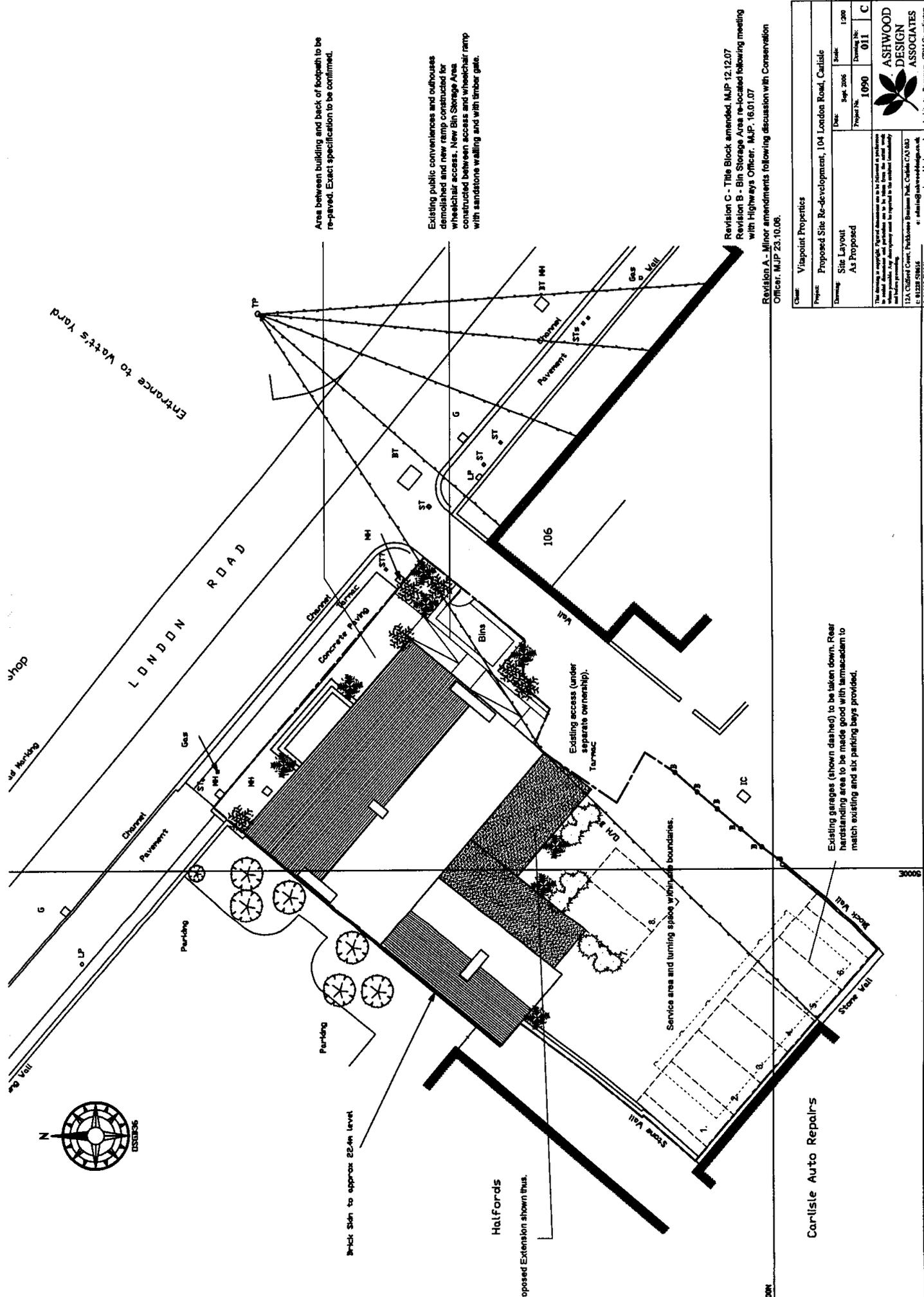
The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

Supplied by: **Outlet User**
 Serial number: 00004800
 Centre coordinates: 340992 554996

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk



Area between building and back of footpath to be re-paved. Exact specification to be confirmed.

Existing public conveniences and outhouses demolished and new ramp constructed for wheelchair access. New Bin Storage Area constructed between access and wheelchair ramp with sandstone walling and with timber gate.

Revision C - Title Block amended, MJP:12.12.07
 Revision B - Bin Storage Area re-located following meeting with Highways Officer, MJP: 16.01.07
 Revision A - Minor amendments following discussion with Conservation Officer, MJP: 23.10.06.

Client: Viapoint Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	Date: Sept. 2006
Drawing: Site Layout	Scale: 1:200
AS Proposed	Project No: 1090
	Drawing No: 011
	C

This drawing is copyright. It shall not be used for any other project without the written consent of Ashwood Design Associates. Any alterations must be approved by the architect (consultant) and before proceeding.

12A Clifford Court, Parkhouse Business Park, Carlisle CA3 0BZ
 T: 01273 536615
 F: 01273 536611
 e: ash@ashwooddesign.co.uk
 www.ashwooddesign.co.uk
 Architects Surveyors CDM Coordinators

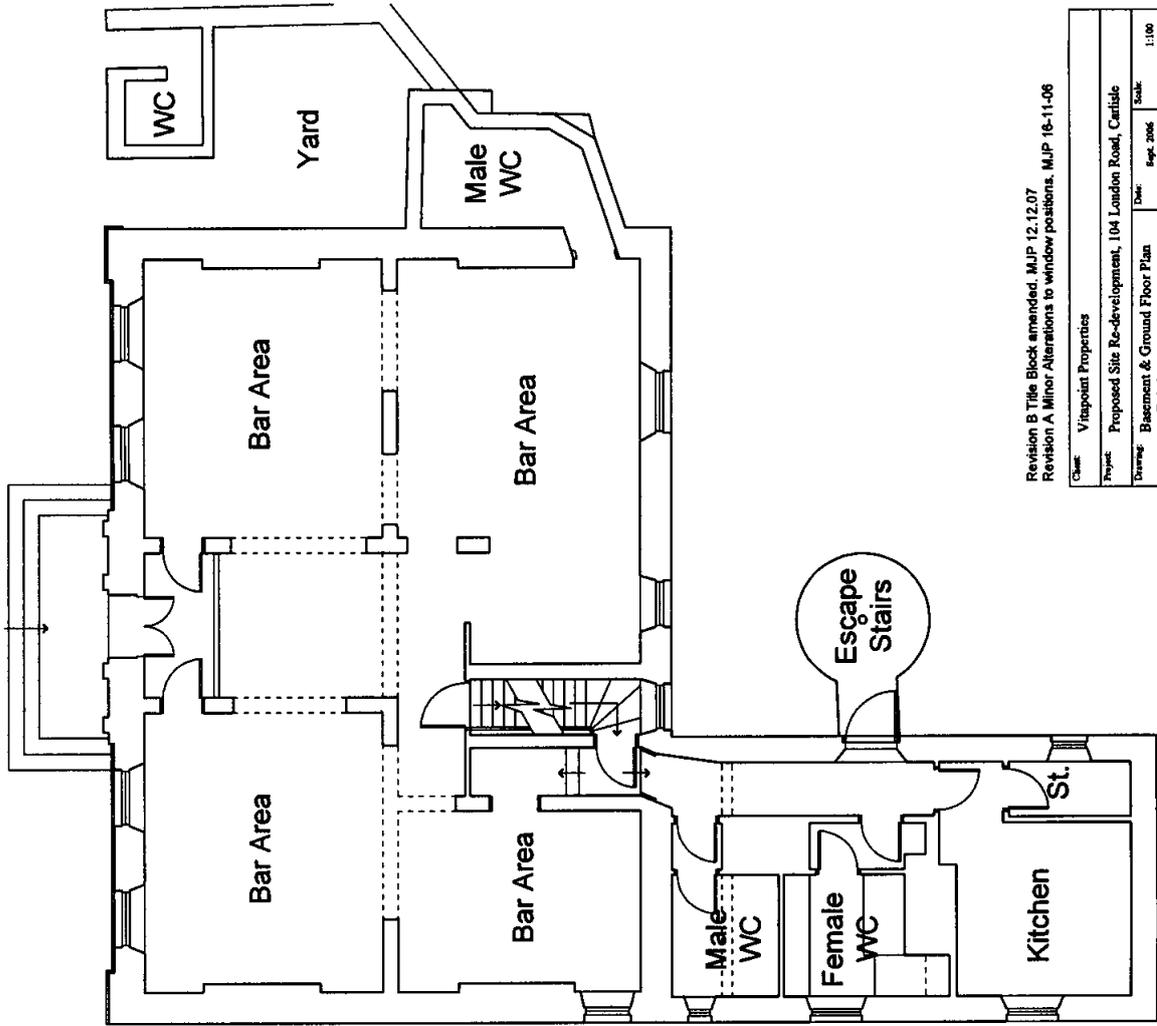
Existing garages (shown dashed) to be taken down. Rear handstanding area to be made good with tarmac to match existing and six parking bays provided.

Carliste Auto Repairs

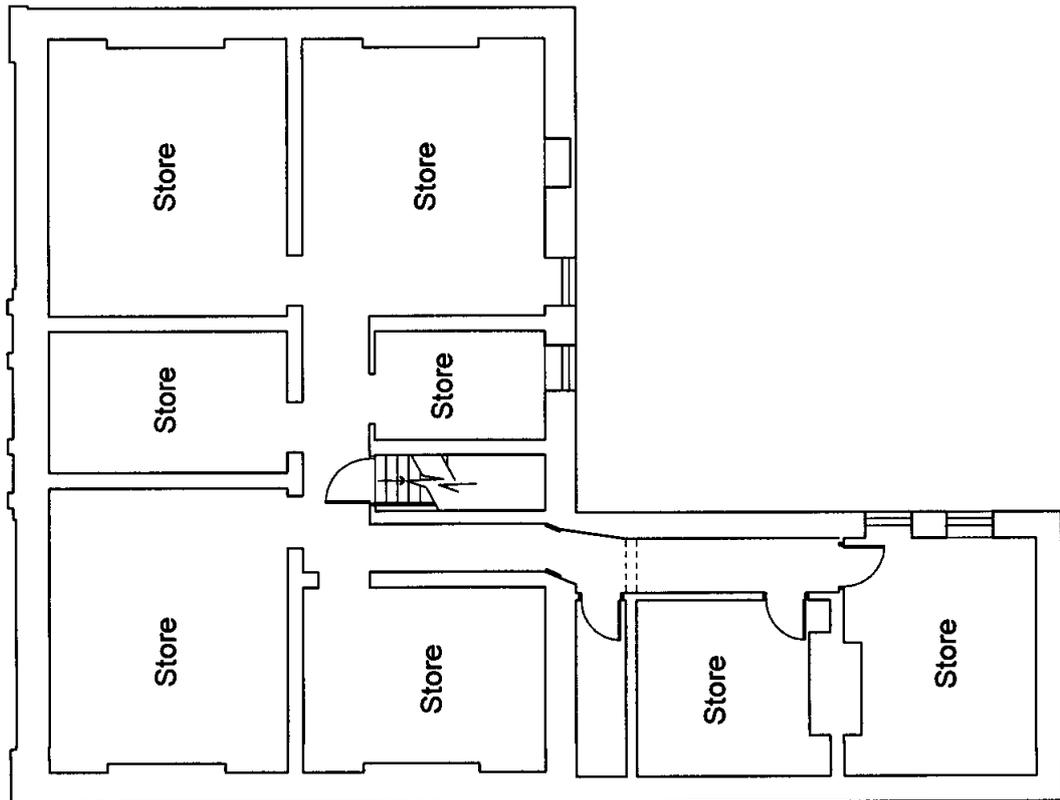
Halfords

Proposed Extension shown thus.

Brick Slin to approx 22.4m level



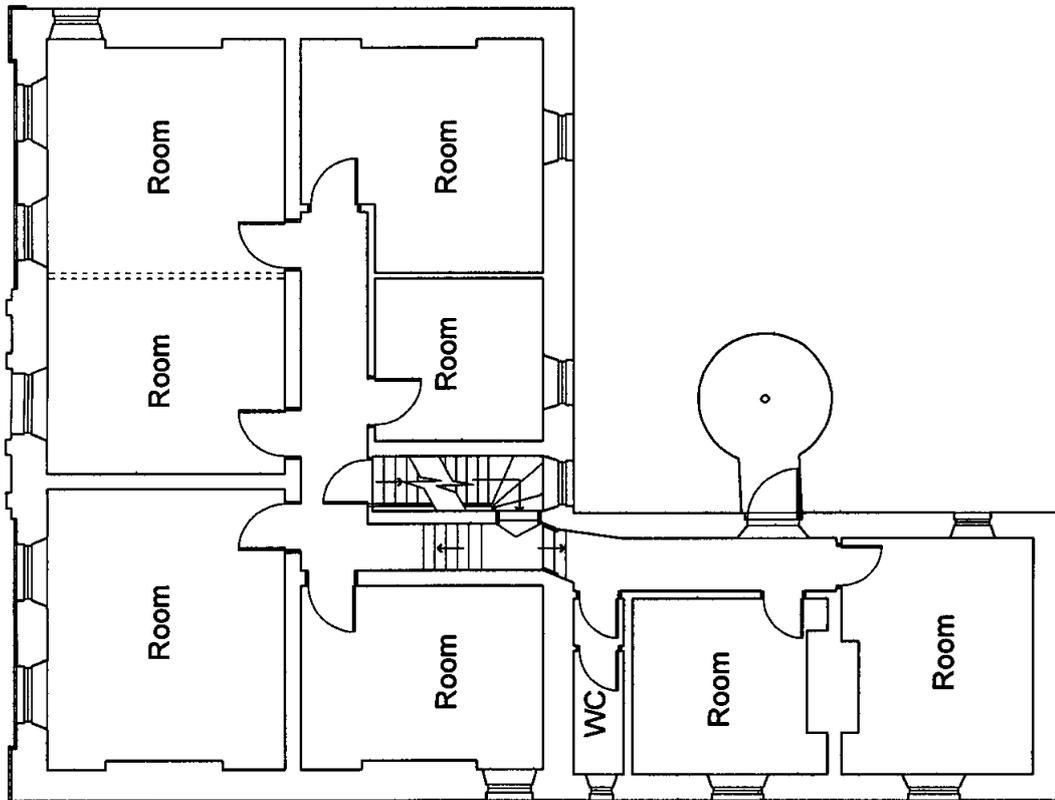
Ground Floor Layout



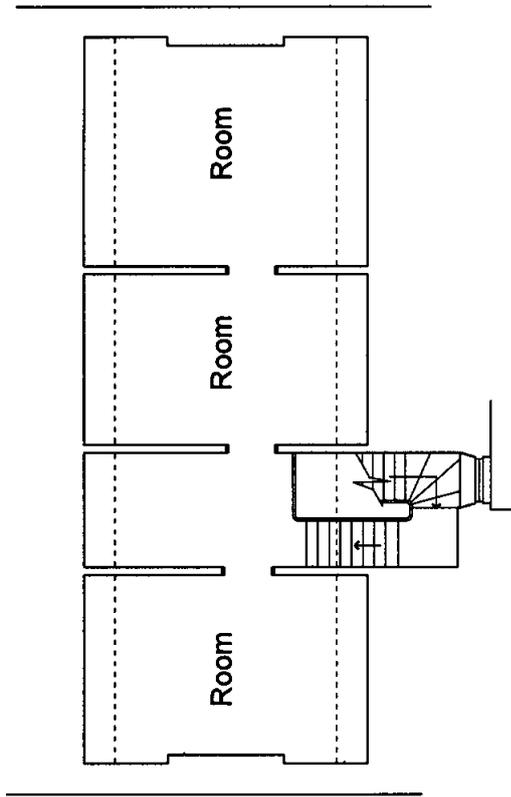
Basement Floor Layout

Revision B Title Block amended, MJP 12.12.07
 Revision A Minor Alterations to window positions, MJP 16-11-06

Client: Vitapout Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	Date: Sept. 2006
Drawings: Basement & Ground Floor Plan	Scale: 1:100
As Existing	Drawing No: 003
Project No: 1090	Revision: B
<small>The drawing is copyright. No part of this document may be allowed in preference to the original. Alterations and variations are to be made from the original and any discrepancy shall be referred to the architect immediately.</small>	
12A Clifford Court, Parkstone Business Park, Carlisle CA3 9UD t: 01228 619616 f: 01228 619661 www.ashwooddesign.co.uk Architects Surveyors CDM Co-ordinators	



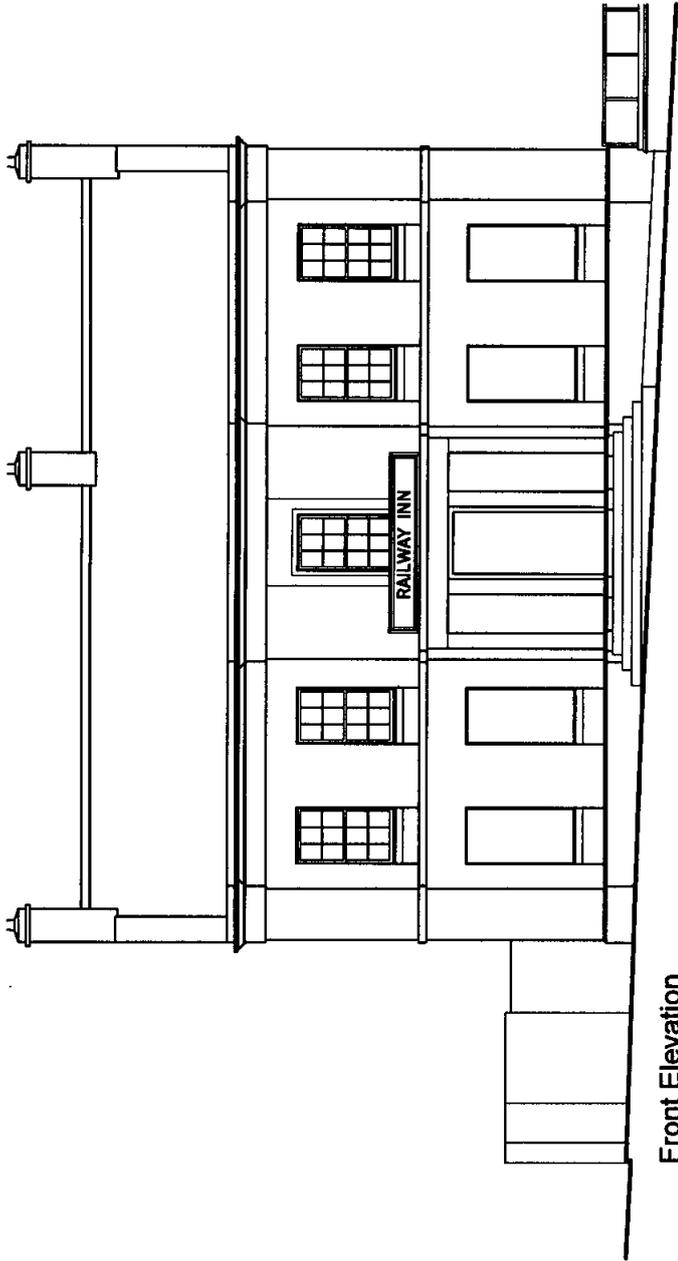
First Floor Layout



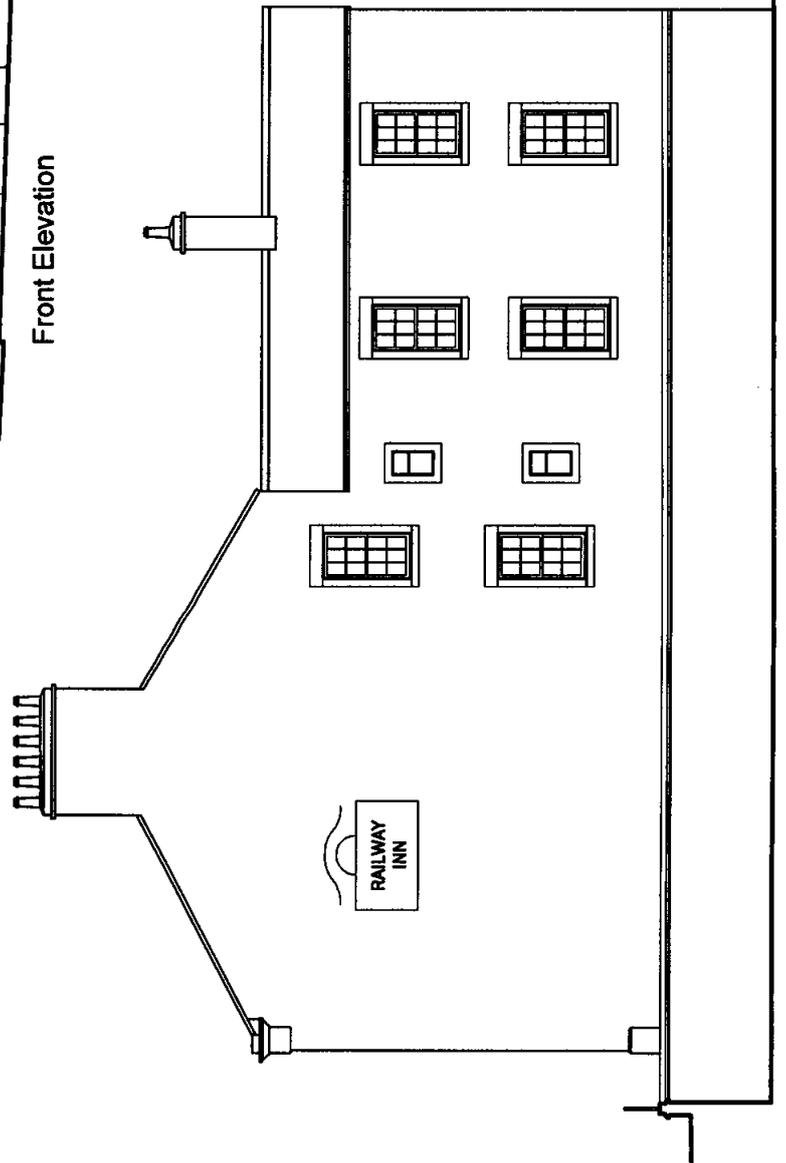
Second Floor Layout

Revision B Title Block amended, 12.12.07
 Revision A Minor Alterations to window positions, MJP 18-11-06

Client: Vinapoint Properties		Date: Sept. 2006		Scale: 1:100
Project: Proposed Site Re-development, 104 London Road, Carlisle		Project No: 1090		Drawing No: 004
Drawing: First & Second Floor Plan		As Existing		B
<small>The drawing is copyright. Payment does not entitle the recipient to produce copies for other than the project for which it is intended. Any reproduction without the written permission of the author is prohibited.</small>				
12A Clifford Court, Parkhouse Business Park, Carlisle CA3 0DD T: 01228 816614 e: info@ashwooddesign.co.uk F: 01228 526661 www.ashwooddesign.co.uk				
ASHWOOD DESIGN ASSOCIATES		Architects Surveyors CBM Co-ordinators		



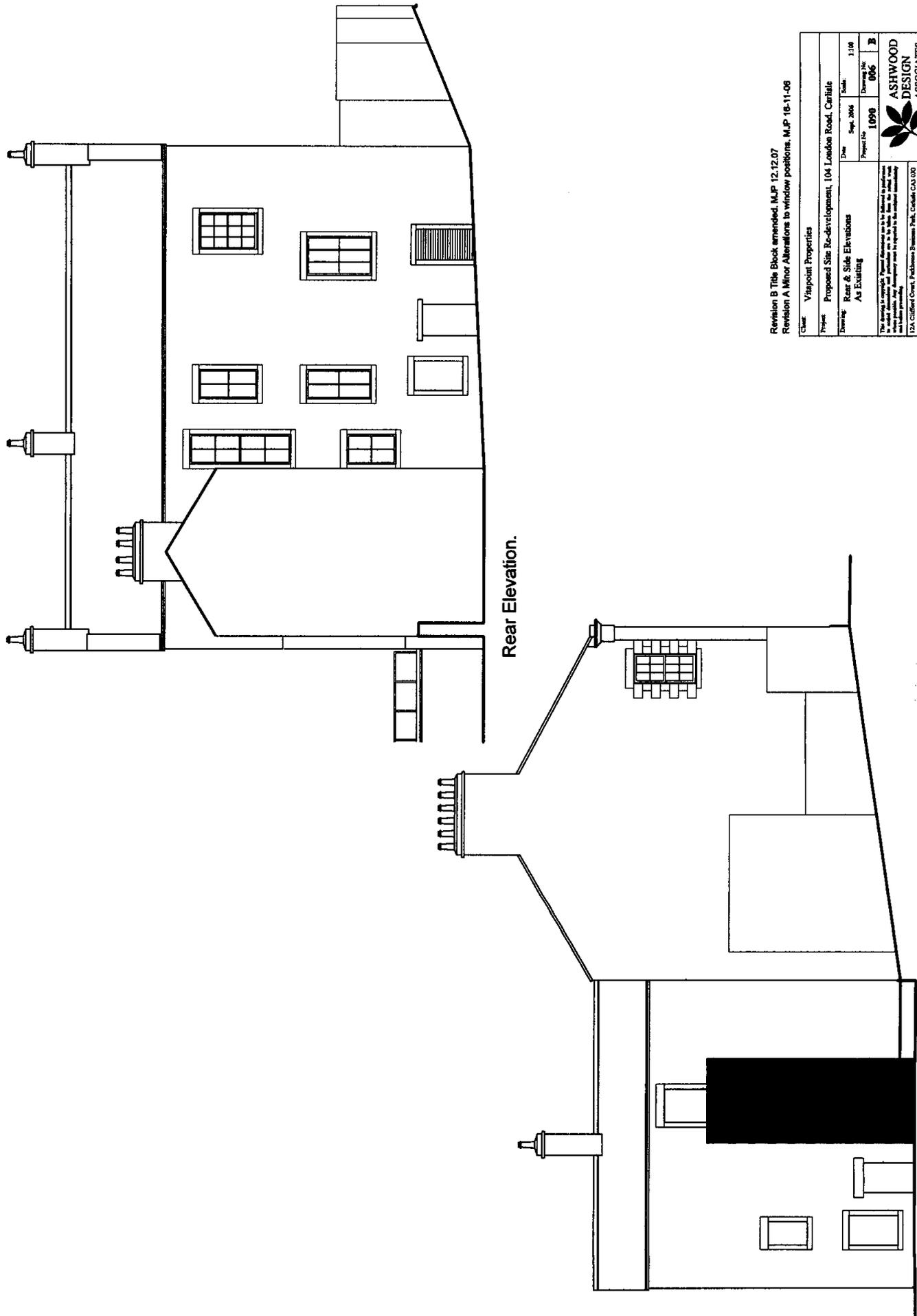
Front Elevation



Side Elevation

Revision A Title Block amended IJP 12.12.07

Client	Viatpoint Properties		
Project	Proposed Site Re-development, 104 London Road, Carlisle		
Drawing	Front & Side Elevations	Date	Sept. 2006
Project No.	1090	Scale	1:100
Drawing No.	005	Revision No.	A
<p>This drawing is copyright. Reproduction without the written permission of the author is prohibited. Any alterations must be reported to the author immediately.</p>			
<p>17A Clifford Court, Parkstone Business Park, Carlisle CA2 0UG Tel: 01223 518461 Fax: 01223 518462 Email: info@ashwooddesign.co.uk Website: www.ashwooddesign.co.uk Architects Surveyors CBM Co-ordinators</p>			

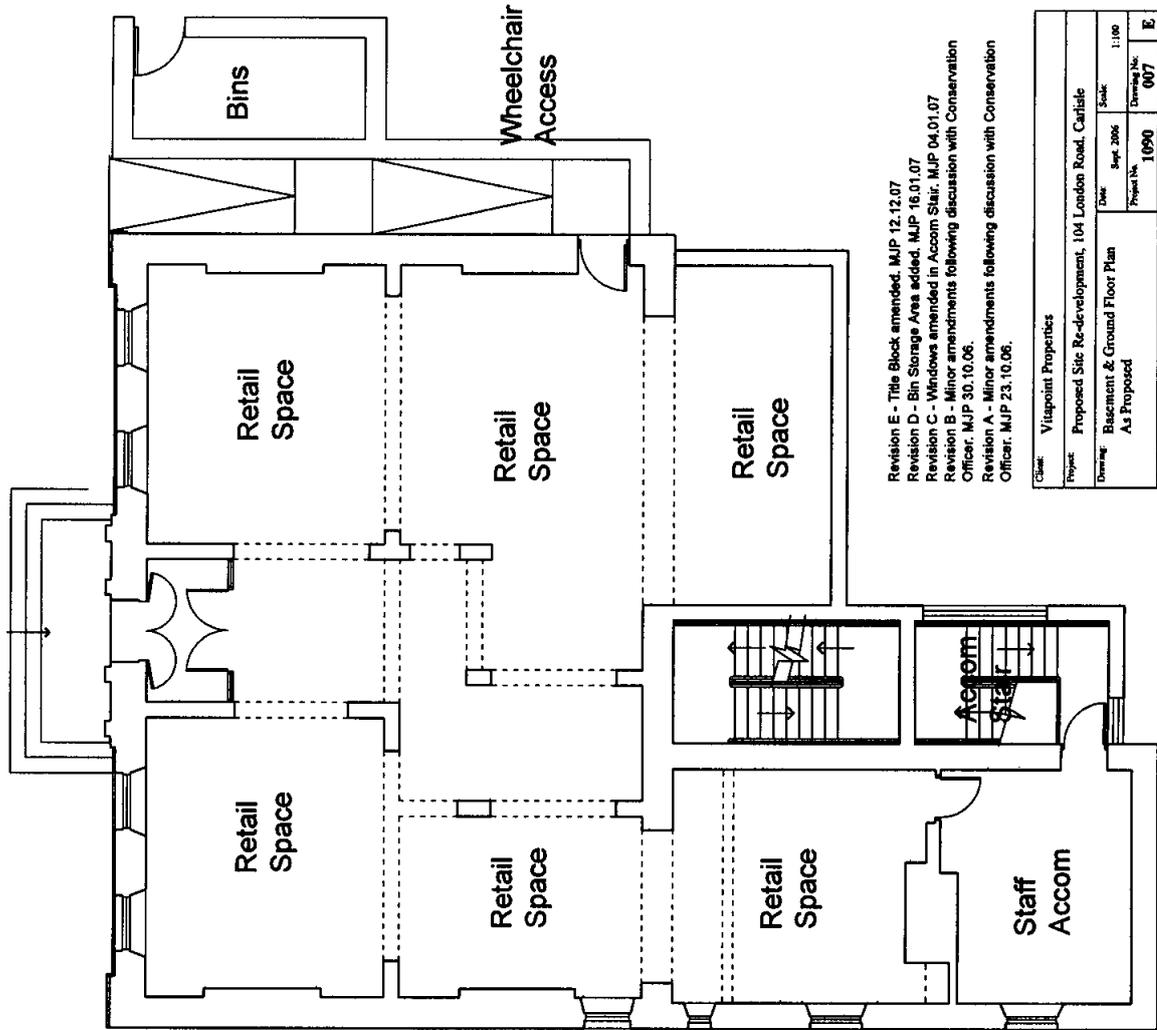


Rear Elevation.

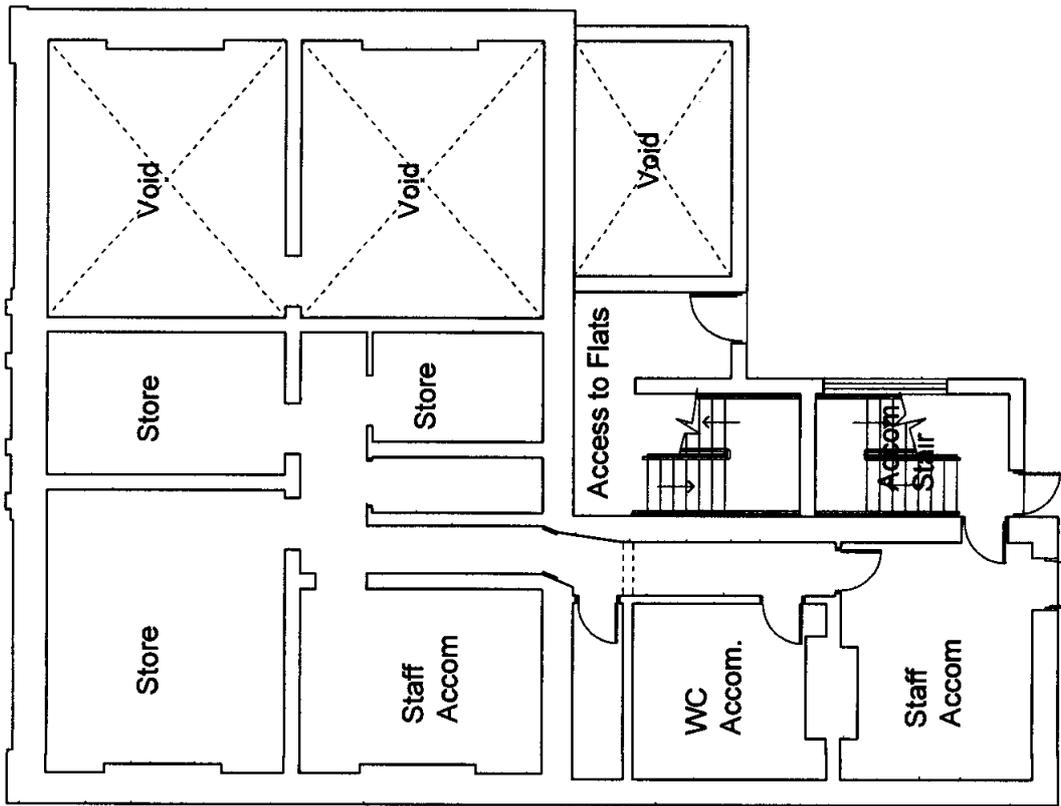
Side Elevation.

Revision B Title Block amended, M.P 12.12.07
 Revision A Minor Alterations to window positions, M.P 18-11-06

Client: Vitapoint Properties		Date: Sept. 2006		Scale: 1:100
Project: Proposed Site Re-development, 104 London Road, Carlisle		Drawing No: 006		Sheet: 2B
Drawing: Rear & Side Elevations		Project No: 1090		
As Existing		<small>The drawings to copyright © remain the property of Ashwood Design Associates and are to be used only for the project and site specified. Any other use without the written consent of Ashwood Design Associates is prohibited. All dimensions are to be taken from the finished ground level unless otherwise stated.</small>		
Ashwood Design Associates 104 London Road, Carlisle, Cumbria, CA1 1JQ Tel: 01273 818444 Fax: 01273 828881 www.ashwooddesign.co.uk		Ashwood Design Associates Architects, Surveyors, Quantity Surveyors 104 London Road, Carlisle, Cumbria, CA1 1JQ		



Ground Floor Layout

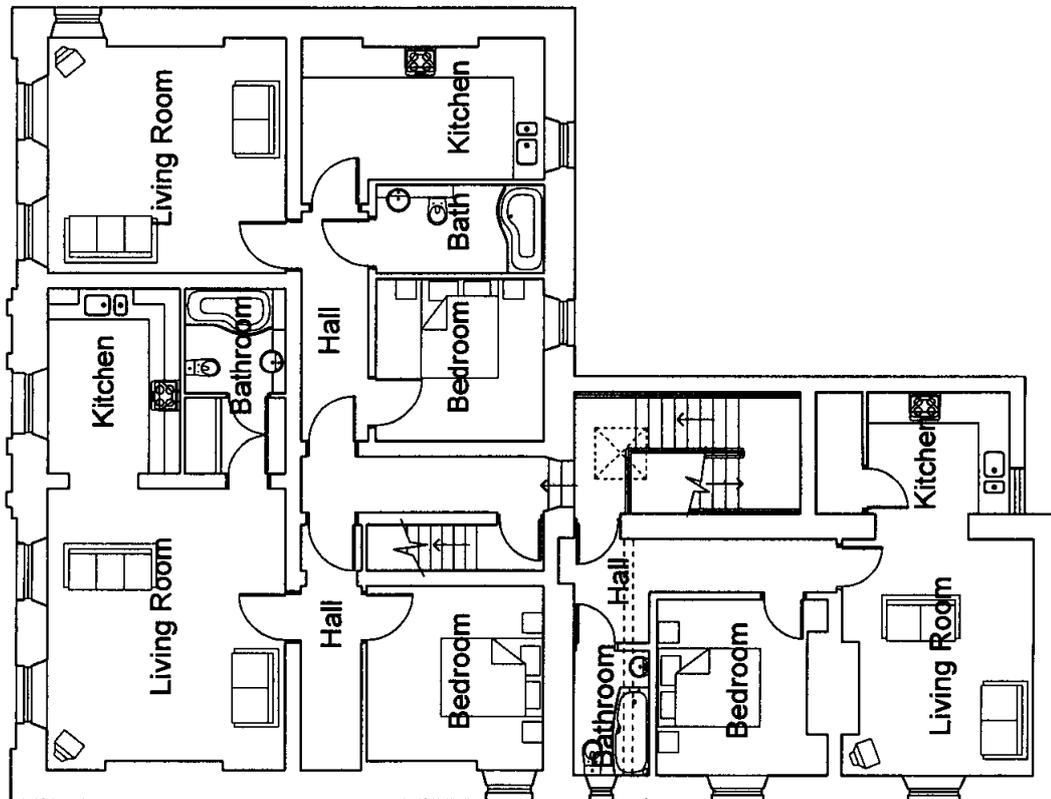


Basement Floor Layout

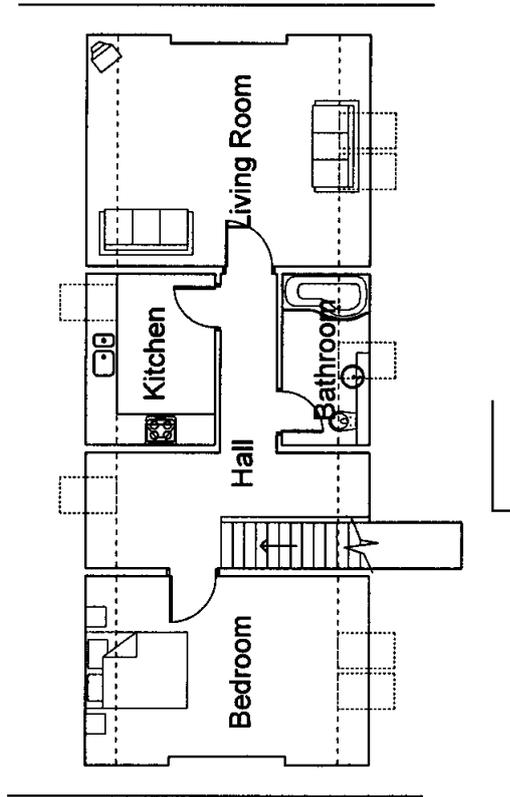
Client: Vitapoint Properties
 Project: Proposed Site Re-development, 104 London Road, Cattle
 Drawing: Basement & Ground Floor Plan
 Date: Sept. 2006
 Project No: 1090
 Drawing No: 007
 Scale: 1:100

Revision E - Title Block amended, MJP 12.12.07
 Revision D - Bin Storage Area added, MJP 16.01.07
 Revision C - Windows amended in Accom Stair, MJP 04.01.07
 Revision B - Minor amendments following discussion with Conservation Officer, MJP 30.10.06.
 Revision A - Minor amendments following discussion with Conservation Officer, MJP 23.10.06.

Ashwood Design Associates 12A Clifford Court, Parkstone Business Park, Cattle CA3 0UD t: 01228 518614 e: ash@ashwooddesign.co.uk www.ashwooddesign.co.uk Architects Surveyors CDM Co-ordinators	



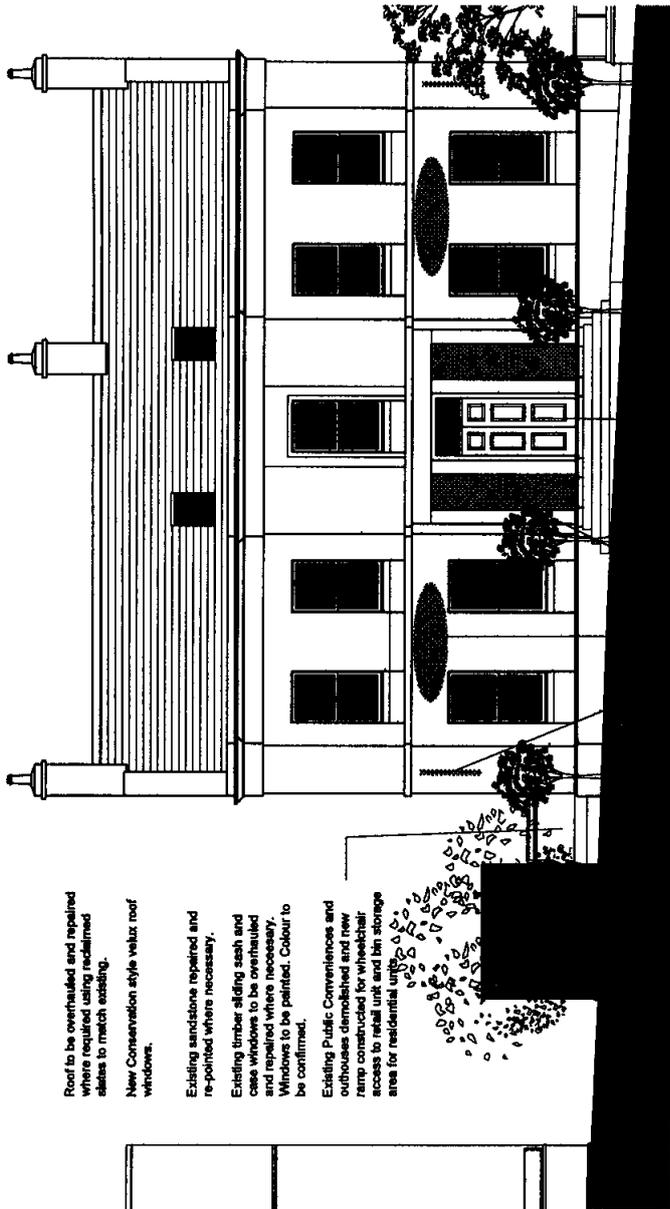
First Floor Layout



Second Floor Layout

Revision F - Title Block amended MJP 12.12.07
 Revision E - Apartment Layouts re-introduced. MJP 24.04.07
 Revision D - Existing first and second floor layouts retained as existing. Ex. stairs removed from ground to first floors. New extensions retained. MJP 23.02.07
 Revision C - Amendments to window in Kitchen to rear flat. Rooflight note amended over stairs. Rooflights omitted on rear slope of second floor flat. MJP 04.01.07
 Revision B - Minor amendments following discussion with Conservation Officer. MJP 30.10.06.
 Revision A - Minor amendments following discussion with Conservation Officer. MJP 23.10.06.

Client: Vitapoint Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	
Drawing: First & Second Floor Plan As Proposed	Date: Sept. 2006
Scale: 1:100	Project No: 1090
Drawing No: 008	Rev: F
<small>The drawings & any notes, printed documents are to be retained in accordance with the relevant legislation and regulations as to the retention of records. The user of these drawings and documents is to be responsible for the retention of the relevant legislation and regulations.</small>	
12A Clifford Court, Parkhouse Business Park, Carlisle CA3 0JQ t: 01228 518616 e: ash@ashwooddesign.co.uk www.ashwooddesign.co.uk f: 01228 528861	
 ASHWOOD DESIGN ASSOCIATES Architects Surveyors CDM Co-ordinators	



Roof to be overhauled and repaired where required using reclaimed slates to match existing.
 New Conservation style velux roof windows.

Existing sandstone repaired and re-pointed where necessary.
 Existing timber sliding sash and case windows to be overhauled and repaired where necessary. Windows to be painted. Colour to be confirmed.

Existing Public Conveniences and outhouses demolished and new ramp constructed for wheelchair access to rear unit and bin storage area for residential units.

Front Elevation

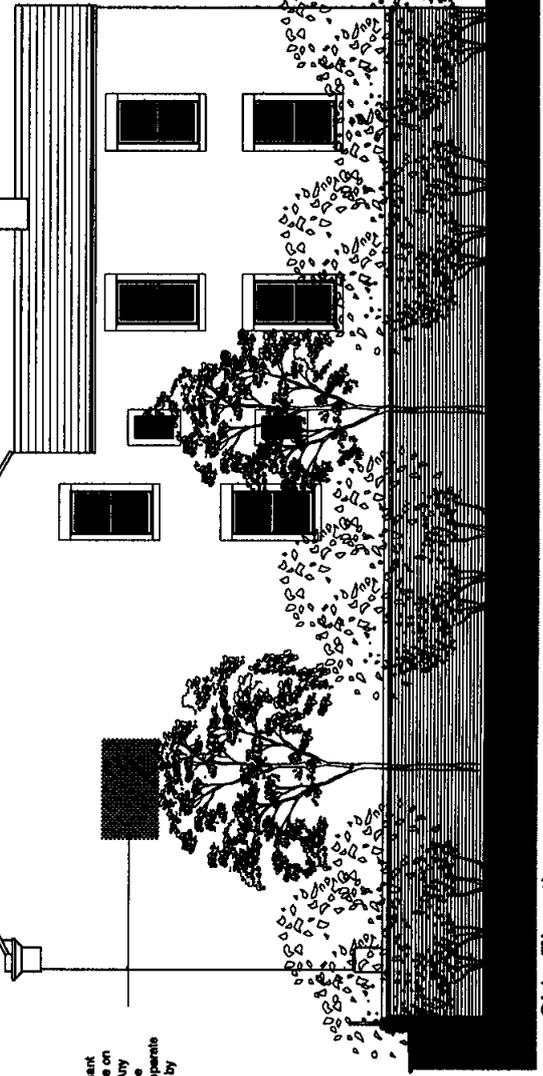
Existing front door rubbed down, repaired where necessary and re-painted with black gloss paint finish. New ironmongery to be confirmed.

Shaded Areas denoted thus indicated potential signage zones for tenant signage. Any signage to be subject to separate applications by tenant.

Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Existing timber sliding sash and case windows to be overhauled and repaired where necessary. Windows to be painted. Colour to be confirmed.

Existing render finish to be repaired where necessary and re-painted with masonry paint. Colour to be confirmed.



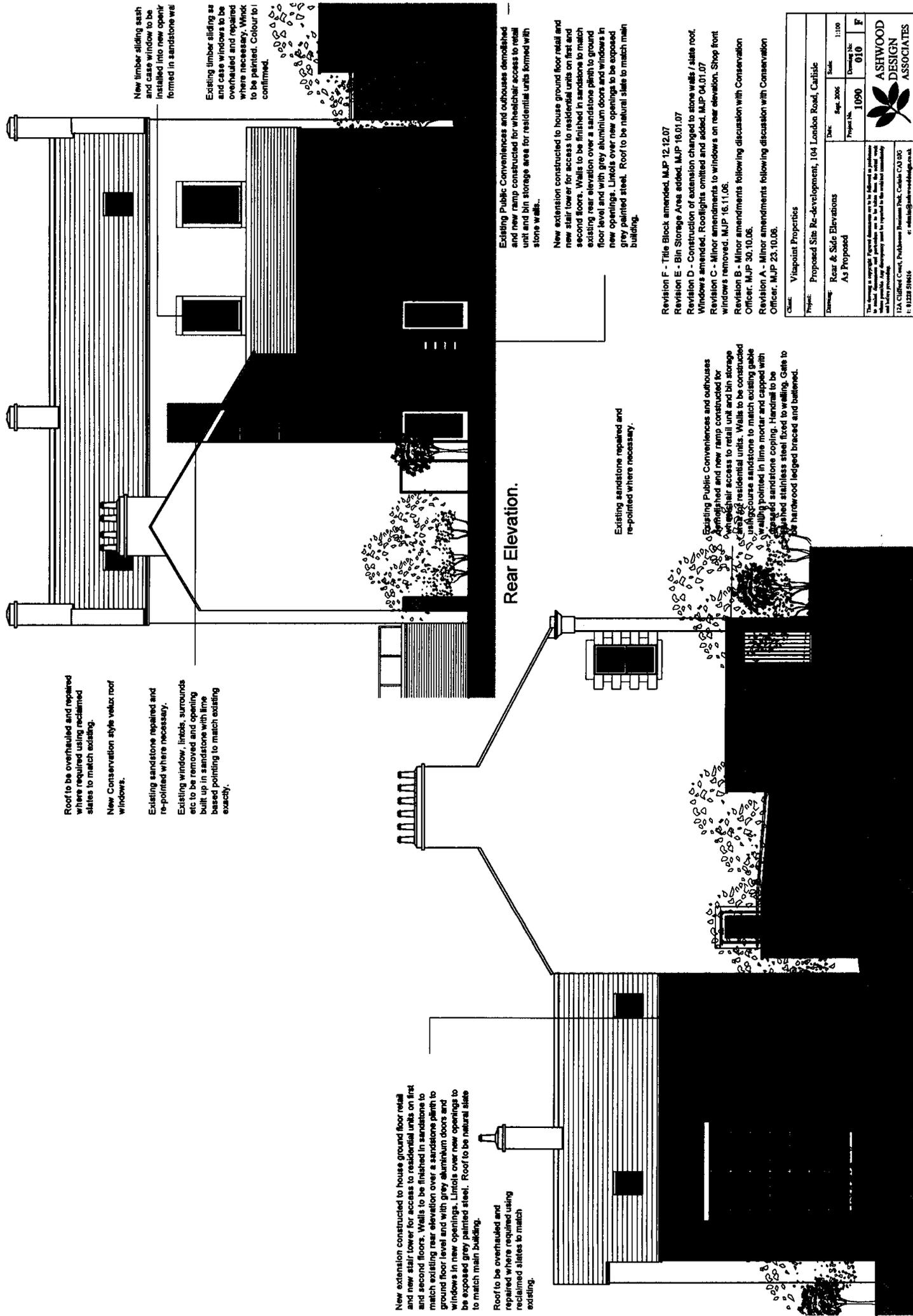
Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Potential tenant signage zone on gable wall. Any signage to be subject to separate applications by tenant.

Side Elevation

Revision C Title Block amended, MJP 12.12.07
 Revision B Bin Storage Area added, MJP 16.01.07
 Revision A Shopfront windows omitted. Note re: signage added, MJP 16.11.06

Client: Viaipoint Properties	
Project: Proposed Site Re-development, 104 Leamlow Road, Carlisle	Scale: 1:100
Drawing: Front & Side Elevations	Date: Sept. 2004
As Proposed	Drawing No: 1090
	009
	C
<p>The drawings are copyright. Permission is to be obtained in writing from Ashwood Design Associates for any reproduction or use for any purpose other than that for which they were prepared. All drawings are to be read in conjunction with the specifications.</p> <p>12A Clifford Court, Fiddabrook Business Park, Carlisle CA2 8DG Tel: 01273 829881 Fax: 01273 829882 www.ashwood-design.co.uk Ashwood Design Associates Ltd. CEM Accredited</p>	



Roof to be overhauled and repaired where required using reclaimed slates to match existing.

New Conservation style velux roof windows.

Existing sandstone repaired and re-pointed where necessary.

Existing window, lintels, surrounds etc to be removed and ceiling built up in sandstone with lime based pointing to match existing exactly.

New timber sliding sash and case window to be installed into new opening formed in sandstone wall.

Existing timber sliding sash and case windows to be overhauled and repaired where necessary. Work to be painted. Colour to be confirmed.

Rear Elevation.

Existing sandstone repaired and re-pointed where necessary.

Existing Public Conveniences and outhouses demolished and new ramp constructed for wheelchair access to retail unit and bin storage area for residential units formed with stone walls.

New extension constructed to house ground floor retail and new stair tower for access to residential units on first and second floors. Walls to be finished in sandstone to match existing rear elevation over a sandstone plinth to ground floor level and with grey aluminium doors and windows in new openings. Lintels over new openings to be exposed grey painted steel. Roof to be natural slate to match main building.

New extension constructed to house ground floor retail and new stair tower for access to residential units on first and second floors. Walls to be finished in sandstone to match existing rear elevation over a sandstone plinth to ground floor level and with grey aluminium doors and windows in new openings. Lintels over new openings to be exposed grey painted steel. Roof to be natural slate to match main building.

Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Revision F - Title Block amended, MJP 12.12.07

Revision E - Bin Storage Area added, MJP 16.01.07

Revision D - Construction of extension changed to stone walls / slate roof. Windows amended. Rootlights omitted and added, MJP 04.01.07

Revision C - Minor amendments to windows on rear elevation. Shop front windows removed, MJP 16.11.06.

Revision B - Minor amendments following discussion with Conservation Officer, MJP 30.10.06.

Revision A - Minor amendments following discussion with Conservation Officer, MJP 23.10.06.

Client: Viapoint Properties

Project: Proposed Site Re-development, 104 London Road, Carlisle

Drawing: Rear & Side Elevations
As Proposed

Date: Sept. 2006

Scale: 1:100

Project No: 1090

Drawing No: 010

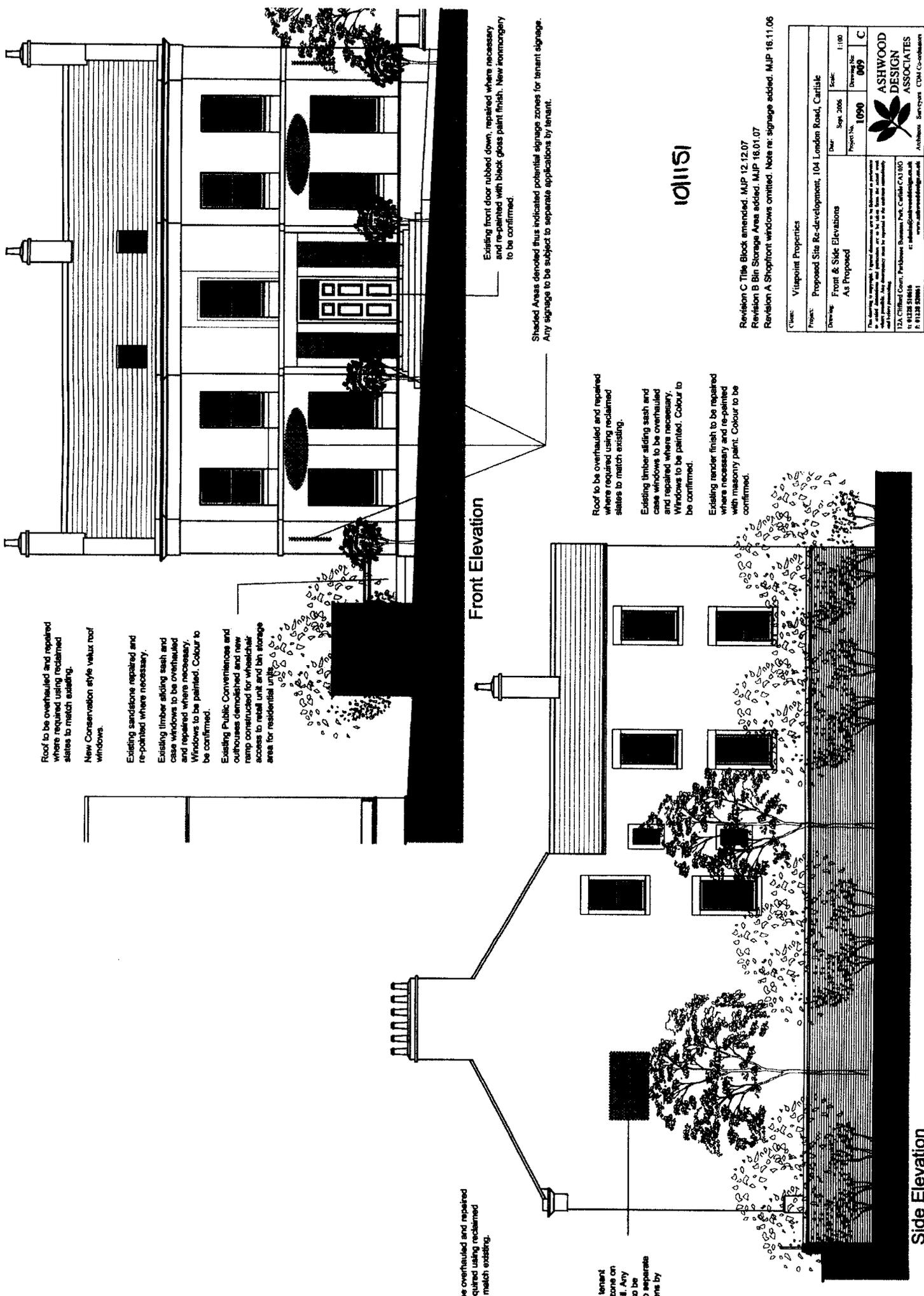
F



ASHWOOD DESIGN ASSOCIATES
Architects Surveyors

The drawings are prepared for the information of the client and are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in the drawings or for any damage or loss of any kind arising from the use of the drawings. The architect's liability is limited to the professional services provided. 11A Clifford Court, Parkhouse Business Park, Carlisle CA2 0JG
T: 01223 519616
F: 01223 519611
E: ash@ashwooddesign.co.uk
W: www.ashwooddesign.co.uk

Side Elevation.



Roof to be overhauled and repaired where required using reclaimed slates to match existing.

New Conservation style velux roof windows.

Existing sandstone repaired and re-pointed where necessary.

Existing timber sliding sash and case windows to be overhauled and repaired where necessary. Windows to be painted. Colour to be confirmed.

Existing Public Conveniences and outhouses demolished and new ramp constructed for wheelchair access to retail unit and bin storage area for residential units.

Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Potential tenant signage zone on gable wall. Any signage to be subject to separate applications by tenant.

Front Elevation

Roof to be overhauled and repaired where required using reclaimed slates to match existing.

Existing timber sliding sash and case windows to be overhauled and repaired where necessary. Windows to be painted. Colour to be confirmed.

Existing render finish to be repaired where necessary and re-painted with masonry paint. Colour to be confirmed.

Existing front door rubbed down, repaired where necessary and re-painted with black gloss paint finish. New nonmasonry to be confirmed.

Shaded Areas denoted thus indicated potential signage zones for tenant signage. Any signage to be subject to separate applications by tenant.

101151

Revision C Title Block amended. MJP 12.12.07
 Revision B Bin Storage Area added. MJP 16.01.07
 Revision A Shopfront windows omitted. Note re: signage added. MJP 16.11.06

Client: Viapoint Properties	
Project: Proposed Site Re-development, 104 London Road, Carlisle	
Drawn: Front & Side Elevations	Scale: 1:100
As Proposed	Drawn No: 1090 009 C
<small> This drawing is prepared by the Architect and is to be used for the purposes of the planning application only. It is not to be used for any other purpose without the written consent of the Architect. Any necessary work for approval of the planning application is to be carried out by the Applicant. </small>	
<small> 12A Clifton Court, Parkhouse Business Park, Carlisle, CA1 9UD Tel: 01273 834444 Fax: 01273 834441 www.ashwooddesign.co.uk e: info@ashwooddesign.co.uk Architects. Surveyors. CDM Co-ordinators </small>	

Side Elevation

SCHEDULE A: Applications with Recommendation

10/1023

Item No: 05

Date of Committee: 11/03/2011

Appn Ref No:
10/1023

Applicant:
Banks Renewables
(Mossgrove Windfarm) LTD

Parish:
Stapleton

Date of Receipt:
24/11/2010

Agent:
Mr M. Simpson

Ward:
Lyne

Location:
Land to the South of Moss Grove, Roweltown,
Carlisle

Grid Reference:
351197 568863

Proposal: Temporary Installation For 3 Years Of A Wind Monitoring Mast 60m High
Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

In the light of the number of objections received and those wishing to exercise their Right to Speak.

1. Constraints and Planning Policies

Airport Safeguarding Area

RSS Pol EM 1- Integrated Enhancement &Prot.of Reg.Env.Assets

RSS Pol EM1 (A) - Landscape

RSS Pol EM1 (B) - Natural Environment

RSS Pol EM 15 - A Framework for Sustain.Energy in the NW

RSS Pol EM 17 - Renewable Energy

Joint St. Plan Pol E35: Areas&feat.of nature conservation

Joint St. Plan Pol E37: Landscape character

Joint St. Plan Pol R44: Renew.energy out.LDNP & AONBs

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP8 - Renewable Energy

Local Plan Pol LE3 - Other Nature Conservation Sites

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the proposed development.

Stapleton Parish Council: the Council does not wish to make any representation on the proposal.

Carlisle Airport: no comments received.

Ministry of Defence/Defence Estates: no safeguarding objections to this proposal. In the interests of air safety, the MOD requests that the mast is fitted with aviation lighting. The mast should be fitted with 25 candela omni-directional red lighting or infra-red lighting at the highest practicable point.

Whilst the MOD has no safeguarding objections to this application, the height of the development will necessitate that our aeronautical charts and mapping records are amended. Defence Estates safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify Defence Estates Safeguarding of the following information prior to development commencing:

1. Precise location of development
2. Date of commencement of the construction
3. Date of completion of the construction
4. The height above ground of the tallest structure
5. The maximum extension height of any construction equipment
6. If the structure will be lit with air navigation warning beacons.

The MOD recognises that a metrological monitoring mast is frequently deployed prior to the development of a wind farm. The applicant should note that the erection of wind turbines in this area may affect military aviation and radar.

Eskdalemuir Seismic Recording Station: no comments received.

National Air Traffic Services: no safeguarding objections to the proposal;

Royal Society for the Protection of Birds: no comments received.

Hethersgill Parish Council: the Parish Council has raised concerns regarding a danger to birdlife; danger to low flying aircraft (e.g. hercules aircraft and helicopters are often on exercise with troops at Carlisle airport), low flying jets because of the Spadeadam radar testing station, and small aircraft using the airport; and the link with a proposed wind turbine development in the area.

Nicholforest Parish Council: object on the grounds that although they are not in our parish at the moment, the monitoring mast is a forerunner to wind farms across three sites: Mossgrove, Black Knors and Stonechest in Nicholforest. The results of a survey revealed an overwhelming majority of residents against the proposed wind farm. The objections were on the basis that the residents living conditions and entire environment will be irreversibly affected by the environmental, economic and social impact of the wind turbines, both above and below ground (where thousands of tons of reinforced concrete is likely to have a huge impact on the eco system).

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	10/12/10	
c/o Smiths Gore	29/11/10	
Holme House	29/11/10	
Thomas Dean	29/11/10	
The Barns	29/11/10	
Moss View Cottage	29/11/10	
Petersyke	29/11/10	
The Annex	29/11/10	
Leaps Rigg	29/11/10	Objection
Moss View	29/11/10	
Graham's Onsett	29/11/10	Objection
Hill Head Farm	29/11/10	
Crubbins Farm	29/11/10	
Saugh's Farm	29/11/10	
West Mains Farm	03/12/10	
Cross Cottage	03/12/10	
High Stonegarthside Farm	03/12/10	
Dorryfield Cottage	29/11/10	Objection
	10/12/10	
The Stubb	29/11/10	
Blackpool Gate	29/11/10	
The Knowe	29/11/10	
Holmehead	29/11/10	
The Dower House	29/11/10	
Moss Nook	29/11/10	
New Dorryfield Farm	29/11/10	
The Flat	29/11/10	
Oldtown	29/11/10	
Patties Hill	29/11/10	
Patties Hill Cottage	29/11/10	
Black Rigg	29/11/10	
Dormansteads	29/11/10	

Blackrigg Gate	29/11/10	
Cracrop Farm	29/11/10	
Cracrop Cottage	29/11/10	
Howdale	29/11/10	
Howdale Cottage	29/11/10	
Green Dale	29/11/10	
Chestnuts	29/11/10	
Kershope Lodge		Objection
Kiln Cottage		Objection
Catlowdy Cottage		Objection
Old rectory		Objection
Hopes House farm		Objection
Westview		Objection
Kiln Cottage		Objection
Lukes House		Objection
Damhead		Objection
Rowanbrae		Objection
Whitecloserigg		Objection
New House		Objection
Sorbietrees		Objection
Sorbietrees		Objection
West Mains Cottage		Objection
Smuggy's Pike Cottage		Objection
Smuggy's Pike Cottage		Objection
Craiggy Ford		Objection
Craiggy Ford		Objection
Petersyke Cottage		Objection
Saughs Farm		Objection
Saughs Farm		Objection
Petersyke Cottage		Objection
Pike		Objection
52 Lowry Hill Road		Objection
Soutermoor		Objection
Saughtrees Farm		Objection
Saughtrees Farm		Objection
Highlandview		Objection
Coker House		Objection
Coker House		Objection
Churchfield House		Objection
Bartiestown		Objection
Bartiestown		Objection
churchfield House		Objection
Churchfield House		Objection
Churchfield House		Objection
25 Pennington Drive		Objection
Smithsteads		Objection
Redgatehead,		Objection
Soutermoor,		Objection
Redgatehead,		Objection
Petersyke Cottage		Objection
Nookfield Cottage		Objection
Nookfield Cottage		Objection
Russelgate		Objection
Mossfoot		Objection
The Island		Objection
Badgers Rake		Objection
24 Rosebery Road		Objection
Widewath Farm		Objection
Widewath Farm		Objection
Red Hall		Objection
Red Hall		Objection
Graham's Onsett		Objection

Red Hall	Objection
Stonegarthside Hall	Objection
28 Hawthorn Place	Objection
Murray Holme	Objection
Badgers Rake	Objection
Fairhill	Objection
Coach House	Objection
The Swallows	Objection
Willow Tree Cottage	Objection
Willow Tree Cottage	Objection
Brooklands	Objection
Brooklands	Objection
Sleagill View	Objection
Woodruff	Objection
Woodruff	Objection
Hermitage Lodge	Objection
East Above Park	Objection
	Comment Only
	Objection
Castle Court	Objection
Rosley Rigg	Objection
Blaenderva	Objection
Blaenderva	Objection
Nook Farm	Objection

3.1 This application has been advertised by the display of a site notice and by means of notification letters sent to thirty five neighbouring properties. At the time of preparing the report 82 letters/emails of objection have been received.

3.2 The letters of objection are summarised as follows:

1. will lead to a future proposal of 40 giant turbines 125 metres high;
2. impact on landscape character and visual amenity;
3. impact on house prices;
4. noise pollution and potential impacts on health arising from this;
5. impact upon wildlife habitat, such as breeding birds, great crested newts and bats - need for a detailed biodiversity survey;
6. health and safety impacts from broken blades, ice blocks flung in winter etc;
7. impact on aviation particularly low flying aircraft;
8. electromagnetic interference;
9. traffic hazards during construction phases;
10. all renewable energy projects need to be sympathetically sited and a balance needs to be achieved between the benefits of renewable energy

to the wider population and the detrimental impact upon the local population;

11. impact on an Area Of Outstanding Natural Beauty;
12. remain to be convinced that there will be any significant financial advantage for the local community;
13. adverse impact on tourism e.g. Hadrian's Wall;
14. a costly eyesore/unnatural for years to come;
15. this application and any subsequent one for the erection of wind turbines are intrinsically linked;
16. set a precedent for large scale industrial development in the countryside;
17. efficiency and cost effectiveness of turbines;
18. the 3 wind farms will have a huge impact on the landscape and will create one large wind farm clearly visible from a wide area;
19. the sites are situated next to an area of rare lowland peat moss;
20. impacts on CO2 emissions due to additional volume of traffic;
21. impact on standards of living;
22. proposal does not comply with the distance from a SSSI (Newcastle/Langholm Moorland) which is home to Hen Harriers;
23. the turbines should be positioned off-shore;
24. impacts on families;
25. impact on Bolten Fell Peat Bog SSSI - Natural England is currently negotiating with landowners regarding the expansion of the SSSI;
26. the proposed turbines will be as high as Blackpool Tower and Dixons Chimney;
27. Denmark, once in favour of wind energy, is now dismantling their wind farms;
28. the north east corner of Cumbria is currently unaffected by light and noise pollution at the moment.

4. Planning History

- 4.1 The available records indicate that the site has not previously been the subject of an application.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Moss Grove is an isolated farmstead approximately 38 metres to the south of the road running between Kirkambeck and Roweltown. Blackrigg Cottage, Blackrigg Gate and Dormansteads are respectively 580 metres, 700 metres and 730 metres to the north of the steading.
- 5.2 The farmstead comprises a bungalow based around which there are a series of agricultural buildings varying in age, design and materials to form a yard. The application site is 120 metres to the south of the farmstead and is relatively flat set within a rolling topography of agricultural fields, field drains and a semi- mature copse to the immediate west. A County Wildlife Site lies 750 metres to the east.

Background

- 5.3 The application is accompanied by a Supporting Statement that states, amongst other things, that:
1. This application is independent of any planning application for a wind farm;
 2. Paragraph 32 of technical annex 7 of the Companion Guide to PPS22 "Planning for Renewable Energy" advises that temporary anemometer masts are needed to assess whether a particular site will harness wind power satisfactorily;
 3. The proposed mast is an assembly of bolted galvanised steel tube sections supported and hinged on a steel base plate that rests upon timber boards on the ground, and secured by steel guy wires to five "anchors";
 4. The proposed mast has a diameter of 3-5 inches and have a grey finish;
 5. The UK has signed up to the Climate Change Act 2008, a legal obligation ensuring the nation pursues a low carbon economy. The UK Renewable Energy Strategy 2009 (UKRES) confirms that government's aim is to source 30% of the UK's electricity from renewable sources by 2020. We are currently only creating 5.5% of electricity from renewable sources. The new coalition government submitted in July a National Renewable Energy Action Plan (NREAP) legally committing the UK to those targets set in the UKRES;
 6. Policy EM17 of the RSS states that at least 15% of electricity in the region should be provided by renewable sources by 2015, and 20% by 2020;
 7. Under the Cumbria Wind Energy SPD (2007) Moss Grove is within a moderate landscape capacity for wind energy development. Policy CP8

of the Local Plan is in support of the principle of renewable energy subject to the satisfaction of a number of criteria;

8. It is considered that due to the relatively slim design of the structure, there will be little impact in terms of the character of the landscape, and visual intrusion upon either the setting of historic buildings or residential properties.

Assessment

- 5.4 The most relevant national planning policy is set out in PPS1 “Delivering Sustainable Development” and PPS1 Supplement “Planning and Climate Change”; PPS7 “Sustainable Development in Rural Areas”; PPS9 “Biodiversity and Geological Conservation”; and PPS22 “Renewable Energy” inclusive of “Planning for Renewable Energy – A Companion Guide to PPS22.
- 5.5 PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England although the potential impact of renewable energy projects close to nationally designated areas (such as National Parks and Areas of Outstanding Natural Beauty) is a material consideration. ETSU-R-97 is to be used when assessing the impact of noise on nearby residents. PPS7 states that countryside policies should provide for the sensitive exploitation of renewable energy. PPS9 sets out the key principles relating to development and nature conservation. Planning decisions should aim to maintain, enhance, restore or add to biodiversity.
- 5.6 The Climate Change Supplement to PPS1 refers to the urgent need for action on climate change and encourages local authorities to tackle the causes and impacts of climate change through policies to promote, rather than restrict, the development of renewable energy sources such as wind power.
- 5.7 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO₂ emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 20% of overall energy and 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use of renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.
- 5.8 The Government has also produced a revised draft National Policy Statement (NPS) on Energy (EN-1) and a draft NPS for Renewable Energy Infrastructure (EN-3). Although in draft, the NPs reiterate the key role of renewable electricity production in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.

- 5.9 The development plan includes the North West of England Plan – Regional Spatial Strategy to 2021, the Cumbria and Lake District Joint Structure Plan (JSP), and the Carlisle District Local Plan 2001-2016 (LP). RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 10% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2010 (rising to at least 15% by 2015 and at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 5.10 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. Proposals having to be assessed in relation to visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity.
- 5.11 In terms of the LP policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policy CP6 seeks to protect the amenity of residential areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.
- 5.12 According to Map 5 (Landscape Capacity Assessment) of the Cumbria Wind Energy Supplementary Planning Document the site lies in Area 5: Lowland that has moderate landscape capacity i.e. up to a small group, exceptionally a large group, of turbines could be accommodated. A small group is defined as 3-5 turbines; a large group is 6-9 turbines.
- 5.13 In such a context it is considered that the main issue is whether any harm the wind monitoring mast might have on the character and appearance of the landscape is outweighed by any benefits it might bring.
- 5.14 One of the key principles of PPS7 is to protect the countryside for the sake of its intrinsic character and beauty. The proposed mast is a relatively tall, man made intrusion (inclusive of any warning light) that cannot be deemed protective of the intrinsic character and beauty of the countryside so affected. However, there are a number of factors that serve to mitigate that harm. Firstly, the nature of the topography allows long distance views and a prominent skyline. The landscape has a sense of scale and it is not particularly intimate. Secondly, the slender nature of its design combined with the colour will provide a recessive quality enabling a degree of assimilation into the landscape.

- 5.15 The purpose of the mast is to gather information to facilitate a renewable energy scheme. In that context, it is considered that the proposal falls within the remit of JSP Policy 44 and LP Policy CP8. Given the temporary period and limited harm, it is considered that the proposal complies with these policies in terms of its landscape impact. The harm the wind mast would cause to the landscape is far outweighed by the benefit it would give in assessing the suitability of the site.

Other Matters

- 5.16 It is evident that the majority of comments have been made in anticipation of a subsequent proposal for a wind turbine cluster. However, Members will appreciate that in the case of Newlands Farm, Cumwhinton the appeal Inspector did not accept that such an approach was reasonable.
- 5.17 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to a mast supported and hinged on a steel base plate resting upon timber boards on the ground. On this basis it is considered that there should be no significant effects from the proposal, and that there will be no harm the favourable conservation of any protected species or their habitats.
- 5.18 It has been suggested that the proposal would have a negative impact on tourism and aviation safety although no evidence has been presented to back up these assertions. Concerns have been raised over house prices but it is a longstanding principle that the planning system does not exist to protect the private interests of one individual against another.

Conclusion

- 5.19 Given the temporary period and limited harm, it is considered that the proposal complies with JSP Policy 44 and LP Policy CP8 in terms of its landscape impact. The harm the wind mast would cause to the landscape is far outweighed by the benefit it would give in assessing the meteorology of the site. The proposal is recommended for approval.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - 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.

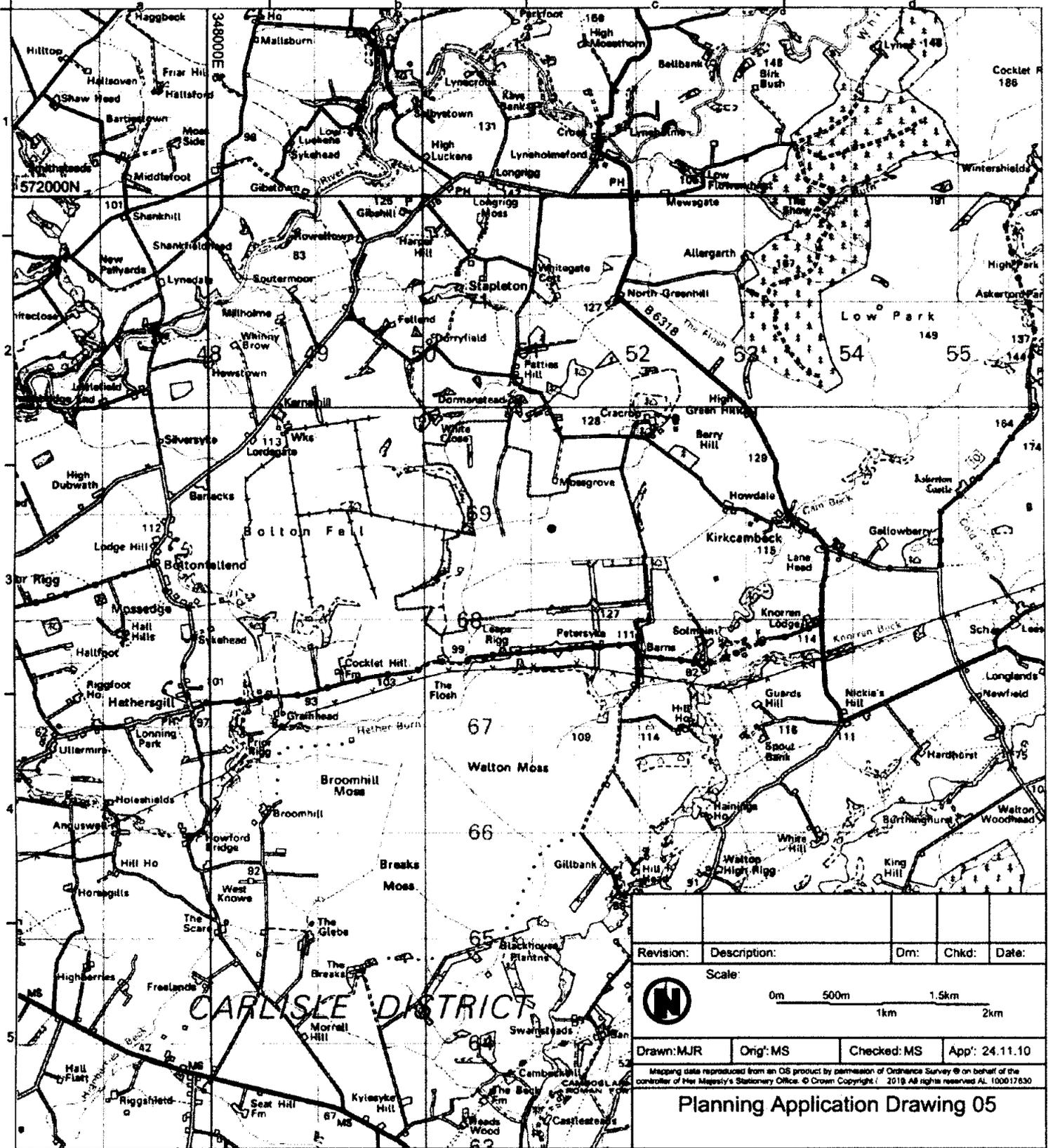
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Within 3 years of the date of its erection, the wind monitoring mast hereby permitted shall be removed from the site in its entirety and the land restored to its former condition, in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: The local planning authority wish to review the matter at the end of the limited period specified.

3. No development shall take place until details of the design and coloured finish of the wind monitoring mast hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such for the period of the permission.

Reason: To safeguard the character of the area.



Revision:	Description:	Drm:	Chkd:	Date:
Scale				
 				
Drawn: MJR	Orig: MS	Checked: MS	App: 24.11.10	
<small>Mapping data reproduced from an OS product by permission of Ordnance Survey © on behalf of the Controller of Her Majesty's Stationary Office. © Crown Copyright. 2018 All rights reserved AL 100017630</small>				
Planning Application Drawing 05				

Key

 Site location

 Mast location

2010/1023

Project: Moss Grove

Title: 1:50000 - Site Location Plan

Scale: 1:50000@A4	Ref: HJB / 735 / PA05	Sheet: 1 / 1
--------------------------	------------------------------	---------------------

BANKS Renewables

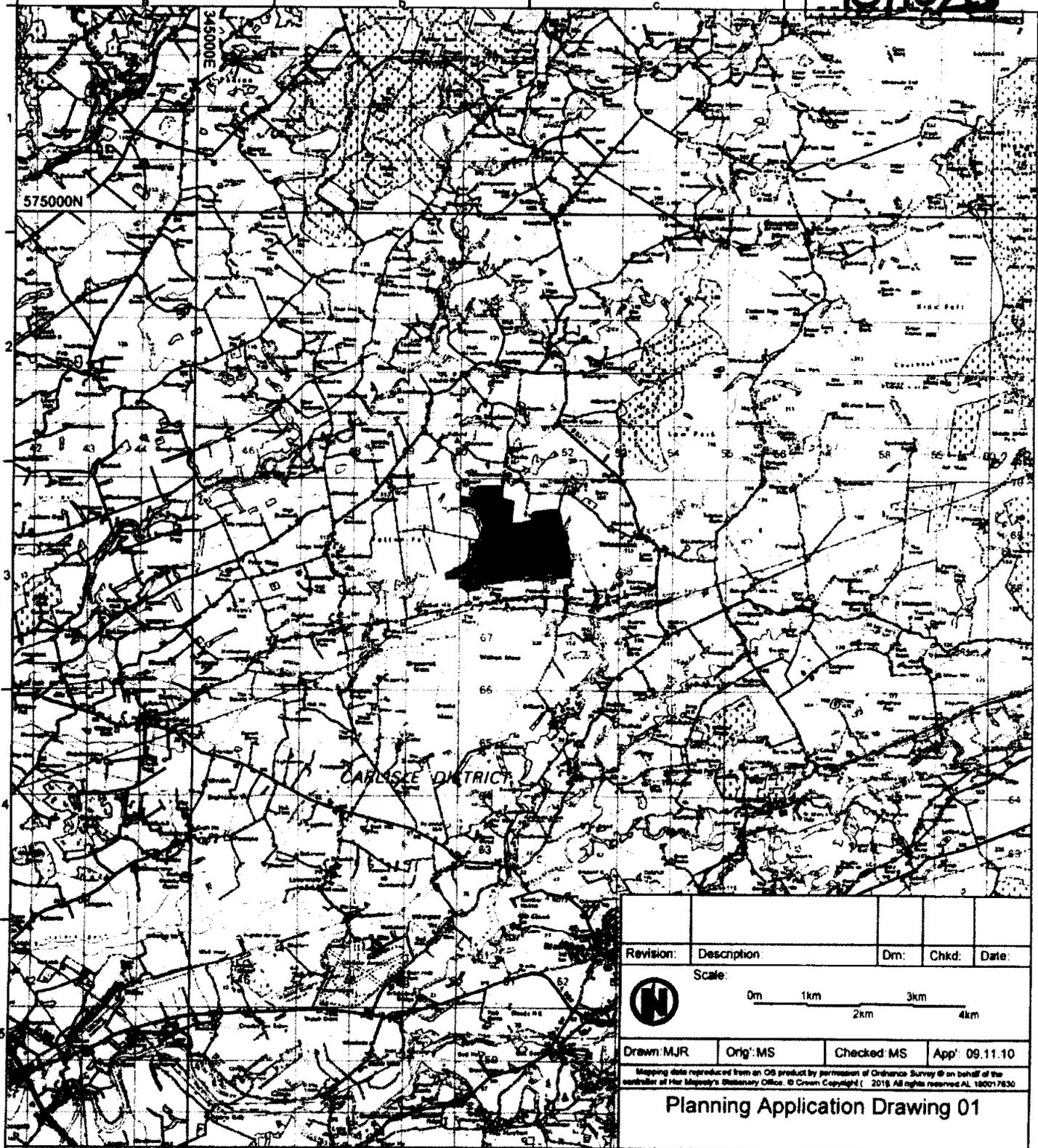
development with care

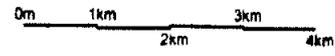
3 Lindrick Way, Barborough Links, Chesterfield, Derbyshire. S43 4XE
T: 01246 571500 F: 01246 571555 W: www.banksgroup.co.uk

RECEIVE

15 NOV 2010

10/10/10



Revision:	Description:	Dm:	Chkd:	Date:
Scale:				
 				
Drawn: MJR	Orig: MS	Checked: MS	App: 09.11.10	

Mapping data reproduced from an OS product by permission of Ordnance Survey © on behalf of the controller of Her Majesty's Stationary Office. © Crown Copyright (2010. All rights reserved. AL 180017830

Planning Application Drawing 01

Key

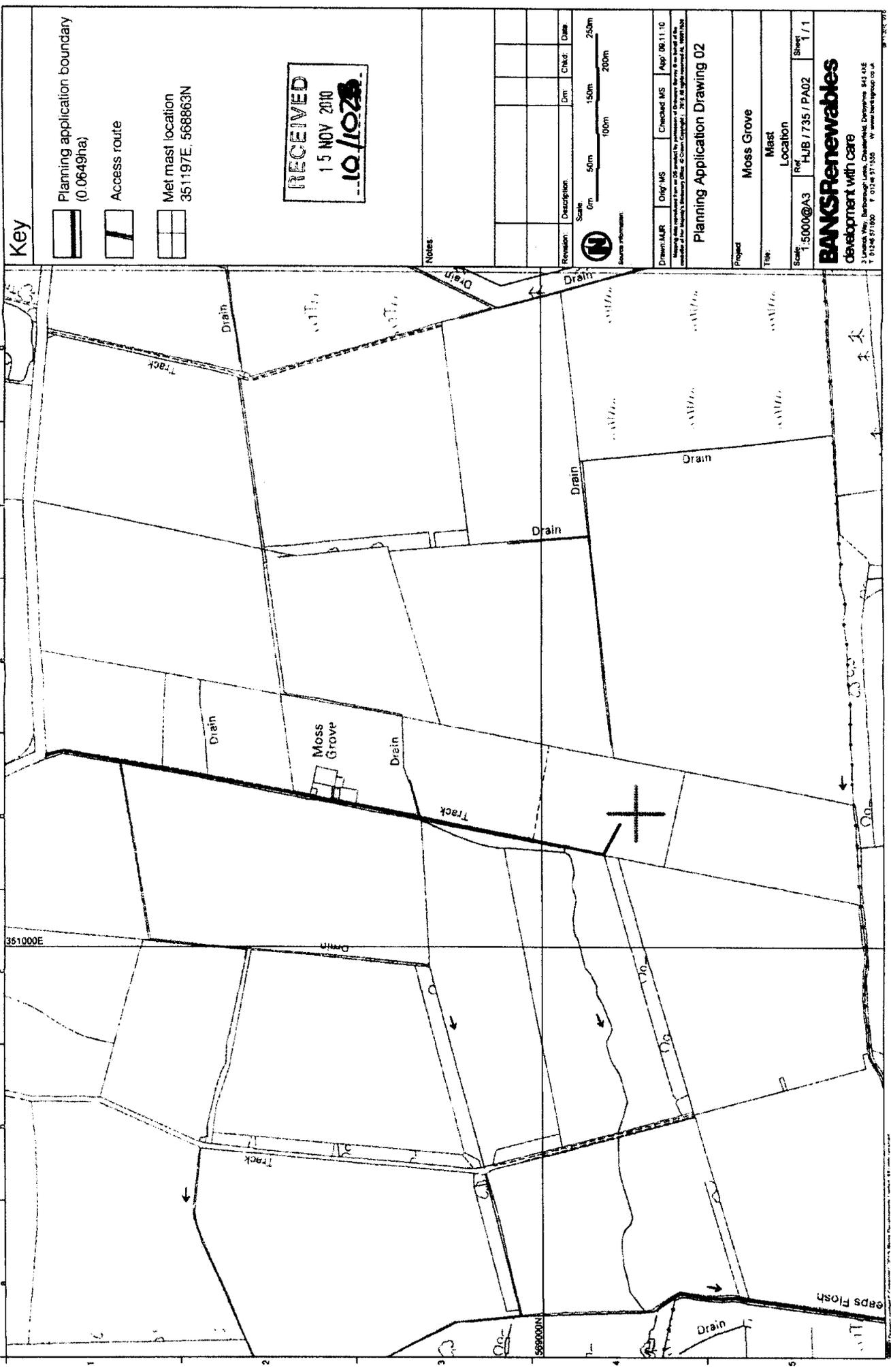


Site location

Project:	Moss Grove		
Title:	Site Location Plan		
Scale:	1:100000@A4	Ref:	HJB / 735 / PA01
		Sheet:	1 / 1

BANKS Renewables
development with care

3 Lindrick Way, Barborough Links, Chesterfield, Derbyshire S43 4XE
T: 01246 571500 F: 01246 571555 W: www.banksgroup.co.uk



Key

-  Planning application boundary (0.0649ha)
-  Access route
-  Met mast location 351197E, 568863N

RECEIVED
 15 NOV 2010
 10/1025

Notes:

Revision	Description	Drn	Chkd	Date



Scale: 0m 50m 100m 150m 200m 250m

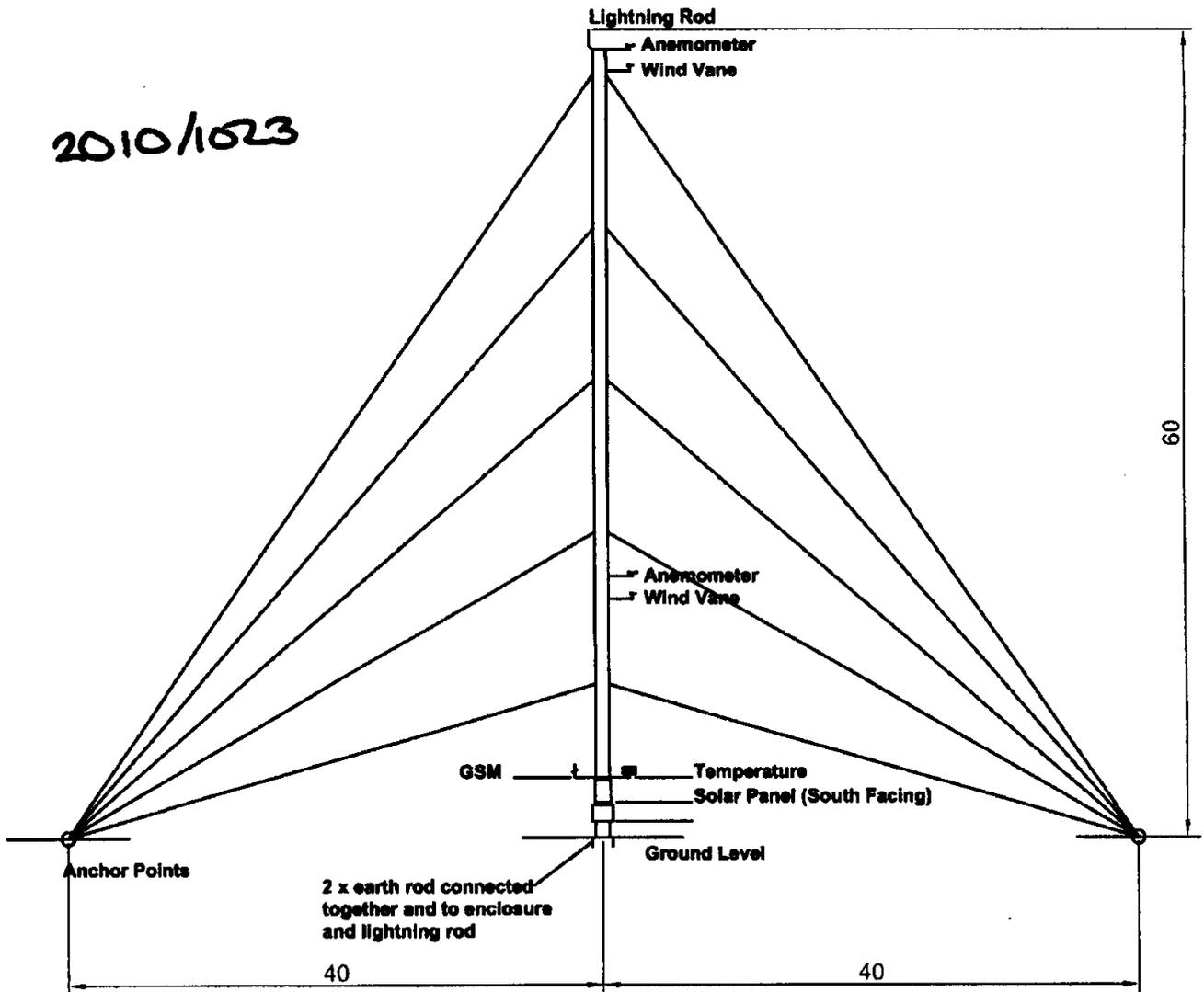
Drawn: AJR | Orig: MS | Checked: MS | App: 06/11/10
 Drawing not reproduced from an OZ product by permission of Ordnance Survey. On the basis of the certificate of the Ordnance Survey Office of Crown Copyright. © 2010 All rights reserved. 10001502

Planning Application Drawing 02

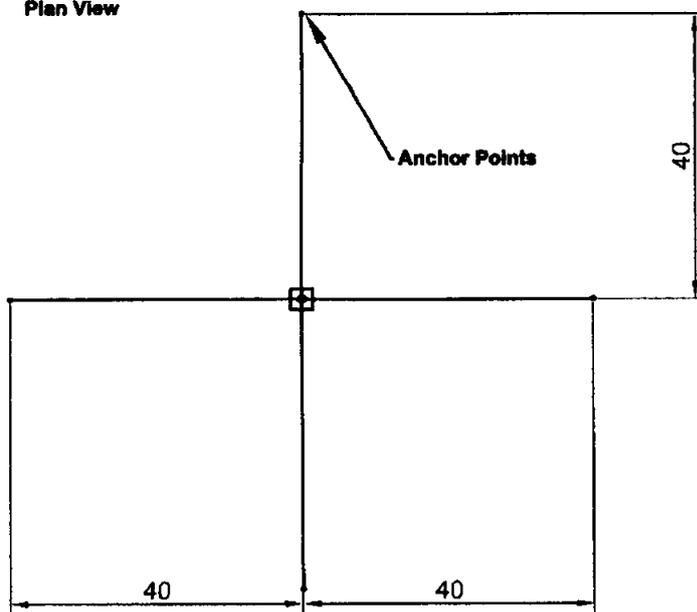
Project: Moss Grove
 Title: Mast Location
 Scale: 1:5000@A3
 Ref: HJB/735/PA02
 Sheet: 1/1

BANKSPRENEWABLES
 Development with care
 31 Leazes Way, Newcastle Upon Tyne, Tyne and Wear, NE4 4BE
 T: 01274 871000 F: 01274 871035 W: www.banksprenewables.co.uk

2010/1023

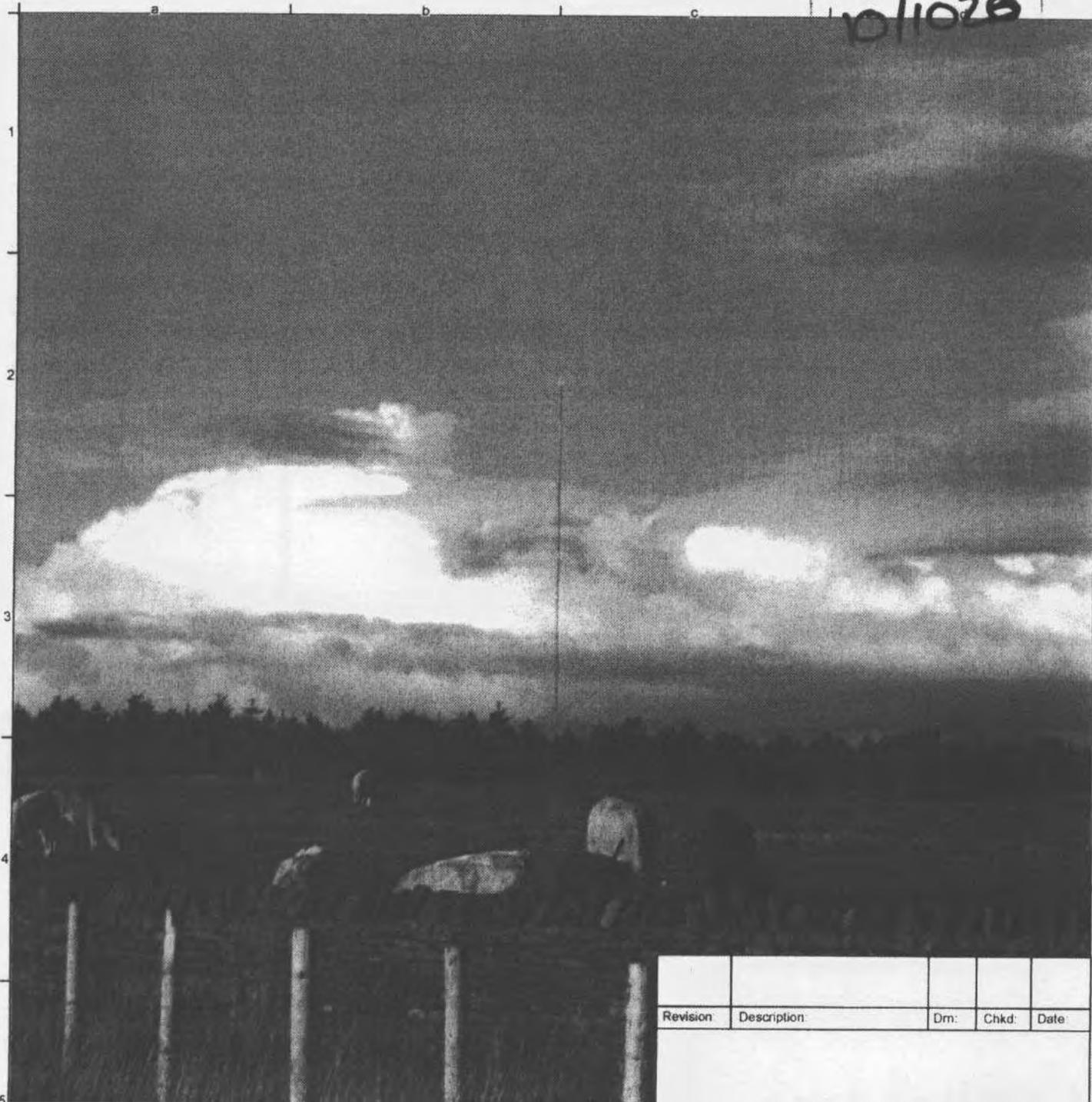


Plan View



A	Amendment to drawing scale.	MJR	MS	24.11.10
Revision:	Description:	Dm:	Chkd:	Date:
Wind mast sizes vary depending on manufacturer. Instrument locations are indicative only				
Drawn: MJR	Orig: MS	Checked: MS	App: 09.11.10	
Mapping data reproduced from an OS product by permission of Ordnance Survey © on behalf of the controller of Her Majesty's Stationary Office. © Crown Copyright (2010). All rights reserved AL 100017630				
Planning Application Drawing 04				
Project:		Moss Grove		
Title:		Indicative Details of Wind Monitoring Mast		
Scale:	1:500@A4	Ref:	HJB / 735 / PA04a	Sheet: 1 / 1
BANKS Renewables development with care				
3 Lindrick Way, Barborough Links, Chesterfield, Derbyshire. S43 4XE T: 01246 571500 F: 01246 571555 W: www.banksgroup.co.uk				

RECEIVED
 15 NOV 2010
 10/11028



Revision:	Description:	Dm:	Chkd:	Date:
-----------	--------------	-----	-------	-------

--	--	--	--	--

Drawn: MJR	Orig: MS	Checked: MS	App: 09.11.10-
------------	----------	-------------	----------------

Mapping data reproduced from an OS product by permission of Ordnance Survey © on behalf of the controller of Her Majesty's Stationary Office. © Crown Copyright (2010. All rights reserved AL 100017630

Planning Application Drawing 03

Key

Project: Moss Grove

Title: Indicative Example of Wind Monitoring Mast

Scale: NTS@A4	Ref: HJB / 735 / PA03	Sheet: 1 / 1
---------------	-----------------------	--------------

BANKS Renewables
 development with care
 3 Lindnick Way, Barborough Links, Chesterfield, Derbyshire S43 4XE
 T. 01246 571500 F. 01246 571555 W. www.banksgroup.co.uk

SCHEDULE A: Applications with Recommendation

10/1143

Item No: 06

Date of Committee: 11/03/2011

Appn Ref No:
10/1143

Applicant:
Mr Ian Postlethwaite

Parish:
Burgh-by-Sands

Date of Receipt:
06/01/2011

Agent:
Phoenix Architects

Ward:
Burgh

Location:
Fauld Farm, Burgh-by-Sands, Carlisle, Cumbria,
CA5 6AN

Grid Reference:
332381 559089

Proposal: Internal Alterations To Grade II Listed Former Farmhouse & Barn
Including Re-Location Of Kitchen, With Bedroom Above, Access Stair,
Infilling Of Non-Original Door Openings & Repair To Barn Clay Walls
(LBC)

Amendment:

REPORT

Case Officer: Richard Majewicz

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as Cllr Collier wishes to exercise his right to speak in support of the application.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Ancient Monument

Listed Building

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

Conservation Area

The proposal relates to land or premises situated within the Burgh-By-Sands Conservation Area.

RSS Pol EM1 (C) - Historic Environment

Local Plan Pol LE13 - Alterations to Listed Buildings

2. Summary of Consultation Responses

English Heritage - North West Region: Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the City Council's expert conservation advice;

Hadrians Wall Heritage Limited: comments awaited;

Solway Coast AONB Unit: comments awaited;

Burgh-by-Sands Parish Council: The Parish Council wish to support this application on the basis that old houses need to be uplifted in careful and sympathetic manner to contemporary living standards;

Conservation Area Advisory Committee: Continues to be concerned about making a further breach of the clay wall. The lighting and ventilation of the area designated as kitchen seem inadequate and we question the use of glazed French doors on such a building even if placed behind plain brown shutters.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Cllr Burgh by Sands Cllr Dalston		Comment Only Support

- 3.1 The application was advertised by the posting of site and press notices. In response no representations were received from the occupiers of any neighbouring properties.
- 3.2 Two letters of support have, however, been received; one from City Councillor John Collier on 1st February, 2011 and the other from County Councillor Trevor Allison, received on 21st February, 2011.
- 3.3 Councillor Collier has asked to register a Right To Speak at the forthcoming committee in favour of the application.
- 3.4 County Councillor Allison has written in support of the application and has asked that the application be placed before the Development Control Committee and that a Site Visit may be arranged so that members could 'see for themselves the way the building has been preserved'.
- 3.5 Councillor Allison has provided a comprehensive and balanced letter of support for the application, praising the owner's commitment to preserving the property, maintaining its features and also its character. Although he recognises that an opening needs to be made through the existing clay wall,

he nevertheless considers that the building would benefit from the proposed adaptation and secure its long term structural integrity.

4. Planning History

- 4.1 Planning history for this property goes back to 1988 when Listed Building Consent was granted for the replacement of five windows and certain internal alterations, followed by an application to re-roof the front of the building using Welsh slate.
- 4.2 Planning permission was granted in 1998 for the erection of a detached garage and store, and advertising consent was granted in 2007 for the installation of a non-illuminated sign (07/1165).
- 4.3 In 2008, Listed Building Consent was refused by the City Council's Development Control Committee on the recommendation of the City Council's Conservation Officer for the formation of an opening in the ground floor clay wall between the dwelling and the former barn (08/1148). The applicant subsequently lodged an appeal against the decision.
- 4.4 Listed building Consent was again refused in 2009, on this occasion under the Council's Delegated Powers (09/0461). The application included forming the same opening which had been the subject of the 2008 application, with a further opening formed between the rear of the dwelling and the barn at first floor level to allow for an improvement to the internal arrangement of the dwelling. Additionally, two existing openings in the clay wall within the existing dwelling were to be built up, the kitchen relocated to the barn and a bedroom and en-suite created on the upper floor of the barn, accessed by a new staircase. A further appeal was lodged by the applicant as a result of this decision.
- 4.5 An informal hearing and site visit took place in August 2009 to hear both appeals against the Council's decisions to refuse Consent, and also to claim costs against the Council. None of the appeals was upheld by the Planning Inspectorate.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Fauld Farm is an early 18th century clay built, cruck framed farmhouse with attached former barn and adjoining outbuildings which was registered as a Grade II Listed Building in 1984. The property is centrally located within the village of Burgh by Sands, opposite the Greyhound Inn Public House.
- 5.2 This application seeks Listed Building Consent to form new internal openings in the clay walls between the existing dwelling and the adjoining barn at ground and first floor level to allow for an improvement to the internal arrangement of the dwelling. In addition to these works, the applicant

proposes to build up two existing openings in the clay wall within the existing dwelling. The application also includes for re-siting the kitchen to the barn, providing a new staircase to access the floor over the barn, and the conversion of the upper floor of the barn to a bedroom and en-suite.

Background to Proposal

- 5.3 Approvals have been granted in the past for various alterations to the property and for the construction of a detached garage and store to the rear of the property.
- 5.4 More recently the applicant had consulted with the City Council's Conservation Officers over the possibility of forming new openings in the clay wall between the dwelling and the barn at either ground or first floor level to improve circulation.
- 5.5 The applicant had been advised that this would not be acceptable as alternative solutions existed which did not rely on the need to destroy original clay walling in order to create two new openings. These suggested alternative solutions were not acceptable to the applicant, and as a result the applicant submitted an application in 2008 for Listed Building Consent to form a new opening in the clay wall between the dwelling and barn to provide access to a new kitchen.
- 5.6 Application 08/1148 was subsequently recommended for refusal and the decision confirmed by the Planning Committee.
- 5.7 A revised application was submitted in 2009, which included the formation of the opening previously applied for, but in addition, included forming a new window opening in the clay wall to the barn, a further opening at first floor level in the barn to accommodate a new stair access, and for re-forming the fire window to the inglenook fireplace in the lounge.
- 5.8 Application 09/0461 was determined and refused under the City Council's Delegated Powers in July 2009 and an appeal against the decision as well as the 2008 refusal was subsequently made under the Town and Country Planning (Appeals) (Informal Hearing Procedure) Regulations 1990. The Planning Inspectorate subsequently dismissed both of the appeals and also a claim for costs against the Council.
- 5.9 The current application, 10/1143, has been submitted despite the fact that at pre-application stage the agent had been advised that altering the plan form by further demolition to create the same two openings into the barn, which had been refused on two previous occasions, could not be mitigated by building up two other existing openings in the dwelling.

Policy Guidance:

- 5.10 Government Policy against which this application is required to be assessed is now Planning Policy Statement (PPS) 5 'Planning for the Historic Environment', which supersedes Planning Policy Guidance Notes

PPG15: 'Planning and the Historic Environment' and PPG16: 'Archaeology and Planning'.

- 5.11 The policies in PPS5 are a material consideration which must be taken into account in development management decisions, where relevant.
- 5.12 The relevant Planning Policies against which this application is required to be assessed are Policy EM1 of the North West of England Plan - Regional Spatial Strategy to 2021 and Policy LE13 of the Carlisle District Local Plan 2001-2016.
- 5.13 Further guidance relevant to this application is the report commissioned by English Heritage entitled 'Clay Buildings of the Cumbria Solway Plain: Extensive Survey' and published in 2006.
- 5.14 The essence of these policies is to protect the scale, proportion, character and detailing of existing buildings, and to consider their historic, archaeological, architectural and artistic significance particularly in relation to designated and non-designated heritage assets.

Assessment:

- 5.15 The Solway Plain has a relatively small number of surviving clay dabbins, most of which have been so altered that much of their character is lost. Fauld Farm is one of the handful of important clay buildings that survive, which contain several significant features and most of their structural integrity intact.
- 5.16 The rarity of these clay dabbins lies first of all in the material used for their construction, namely, thin layers of clay interleaved with even thinner layers of straw, and that, in England, this method of construction is unique to the Solway Plain.
- 5.17 The Heritage Assessment submitted by the applicant's agent in support of his application, suggests that any clay building without a cruck frame would have very limited significance. This is not the case. Both clay wall and cruck frame are significant elements of this tradition of vernacular architecture. However the clay dabbin continued to develop after crucks ceased to be relevant to their construction and these buildings are every bit as important a part of the local vernacular tradition. A tradition that has seen the number of surviving examples diminish alarmingly in recent years.
- 5.18 Despite additions and extensions, Fauld Farm retains its surviving original plan form and much of its original fabric, however, the proposed destruction of the clay wall to form a new opening will, at the same time, destroy part of the original plan form as well as part of its original fabric.
- 5.19 There is no objection in principle to the re-use and conversion of the former barn by improving the internal layout of the building by means other than set out in this proposal. The former barn could be accessed through the existing lean-to additions at the rear of the building by the formation of a new doorway in the brick wall between the existing kitchen and utility rooms. The demolition

of this wall would have considerably less significance than the proposed demolition of part of the original fabric of a rare example of a listed clay dabbin.

5.20 The applicant's agent has submitted a detailed Design, Access and Heritage Assessment in support of this application, a copy of which is reproduced in the Schedule following this report. The key issues arising from the report are as follows:

- Whilst it acknowledges that Fauld Farm is indeed a building and a building type of high significance, the report questions the degree of significance of the elements of the building.
- That the proposed modest alterations would have little effect on the significance of the building or its layout.
- That the option suggested by the City Council's Conservation Officer is unreasonable and would be harmful to the external appearance of the property.
- That the works would merely add to and improve upon the development of the historic plan of the building, increasing the equity of the property and enabling maintenance and repair funding to be more easily accessible.
- That the determination of previous applications for Fauld Farm have been inconsistent with decisions taken by the City Council on other clay dabbins.
- That the Chair of the Conservation Area Advisory Committee (Mr Kelsall, the applicant's agent) and the Secretary (Mr Messenger, the Council's Principal Conservation Officer) both leave the CAAC meeting when the application is being considered by it, so that it may discuss this application alone and unaided.
- That the application can be reasonably consented and that the resulting works and conditioning recording of the current layout to English Heritage Level 3 Survey standards will enhance the condition and the significance of Fauld Farm for future generations.

5.21 The City Council's Conservation Officer is satisfied that nothing in the above Assessment alters the fact that the principle of forming new openings into the Barn, however minor an alteration, will destroy the integrity of its plan. The demolition of original fabric, which is not a reversible process, is contrary to the concepts of significance contained in PPS5. In addition, the act of opening up the wall will severely weaken its structural integrity.

5.22 In addition, it is noted that the above Assessment contains a number of inaccuracies, particularly with regard to the significance of Fauld Farm, misconceptions regarding the status of the Listed Buildings Register and does not appear to have considered any alternative proposals for altering the building without recourse to the destruction of the clay structure.

Conclusion

- 5.23 Historic buildings are a finite resource and clay buildings, as a traditional vernacular form of construction, are especially vulnerable to change and are rapidly disappearing. Where significantly intact examples survive their retention is, therefore, of paramount importance
- 5.24 This application seeks to demolish two sections of the original clay wall and the Conservation Officer's view is that this will destroy the historic integrity of this part of the structure. This view is also supported by the Conservation Area Advisory Committee following consideration of the application when both the applicant and the City Council's Conservation Officer were absent.
- 5.25 Fauld Farm is currently one of the limited number of intact examples of this rare vernacular building tradition. The proposed works will significantly alter the original layout and plan form, damage the internal character and appearance of the building and reduce the architectural and historical significance of the property.
- 5.26 Of additional concern is that previous discussions have suggested the formation of an opening at first floor level between the existing master bedroom and the barn, and that approval of this application could result in a future application to undertake such work with the possibility that a further section of the original clay wall will be destroyed.
- 5.27 In conclusion, the City Council's Conservation Officer is satisfied that the proposal is not compliant with the objectives of the relevant National and Development Plan policies in that the works would reduce the architectural and historical significance of the building and would, therefore, have a detrimental impact on the Grade II Listed Building.

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the

right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;

- 6.3 The proposal has been considered against the above. The applicant's Human Rights are respected but based on the foregoing it is not considered that any personal considerations out-weigh the harm created by the development.

7. Recommendation - Refuse Permission

1. **Reason:** This application requires the demolition of two sections of the original clay walls of the property to form two new openings between the dwelling and the former barn, which will destroy the integrity of part of the building's historic structure. It will also significantly damage the internal character, plan form and appearance of the building and reduce the architectural and historical significance of Fauld Farm, a Grade II Listed Building, which is currently one of the limited number of intact examples of this rare vernacular building tradition.

The proposal is, therefore, not compliant with the objectives of Planning Policy Statement 5 'Planning for the Historic Environment'; Policy EM1 (C) "Historic Environment" of the North West of England Plan - Regional Spatial Strategy to 2021, Policy E38: "Historic Environment" of the Cumbria and Lake District Joint Structure Plan 2001 – 2016 and criteria 1 and 2 of Policy LE13 "Alterations to Listed Buildings" of the Carlisle District Local Plan 2001-2016.

Phoenix

ARCHITECTS

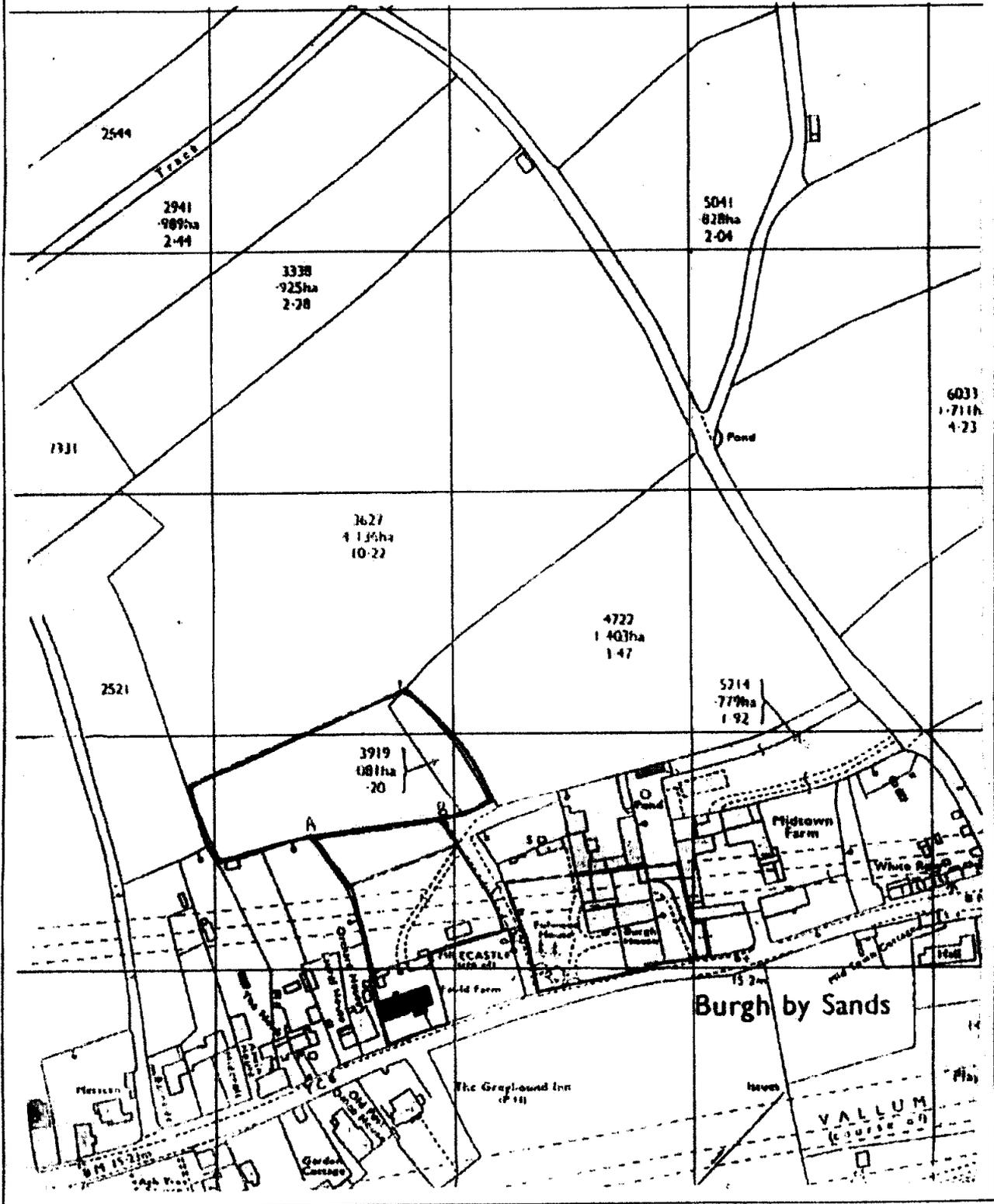
28 Abbey Street, Carlisle, Cumbria, CA3 8TX
Tel: 01228 539537 Fax: 01228 531306



Date: NOVEMBER 2010

Job FAULD FARM, BURGH BY SANDS

Detail No. PA08/602/03



Copy to:

1
2

3
4

85

5
6

22 DEC 2010

PASF/51/MAR/92

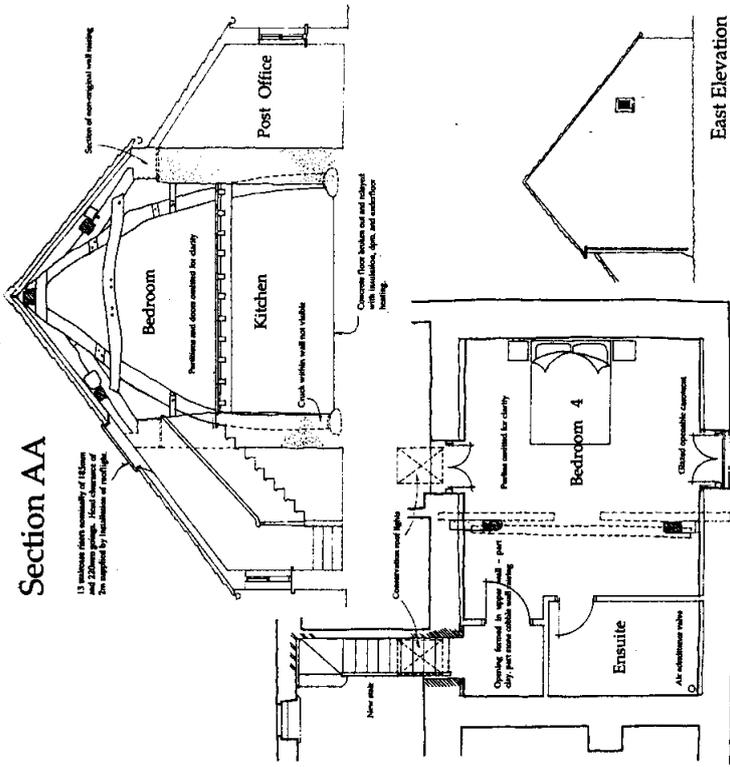
SCALE 1:2500



BLOCK PLAN 1:200
PA06/602/02

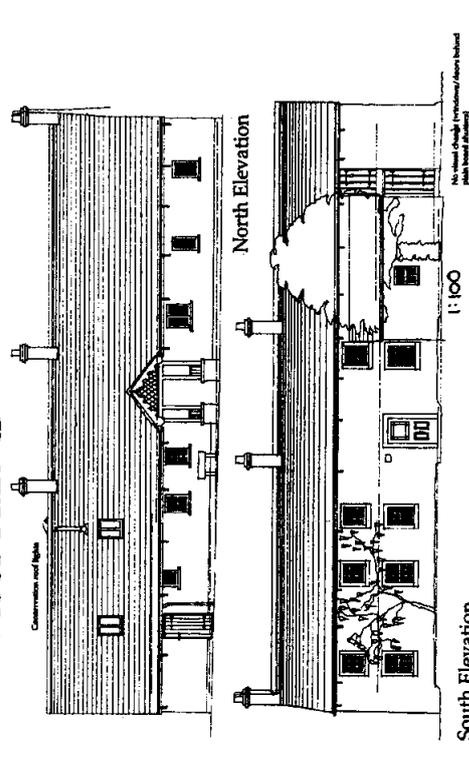
101143

Section AA



East Elevation

Part 1st Floor Plan



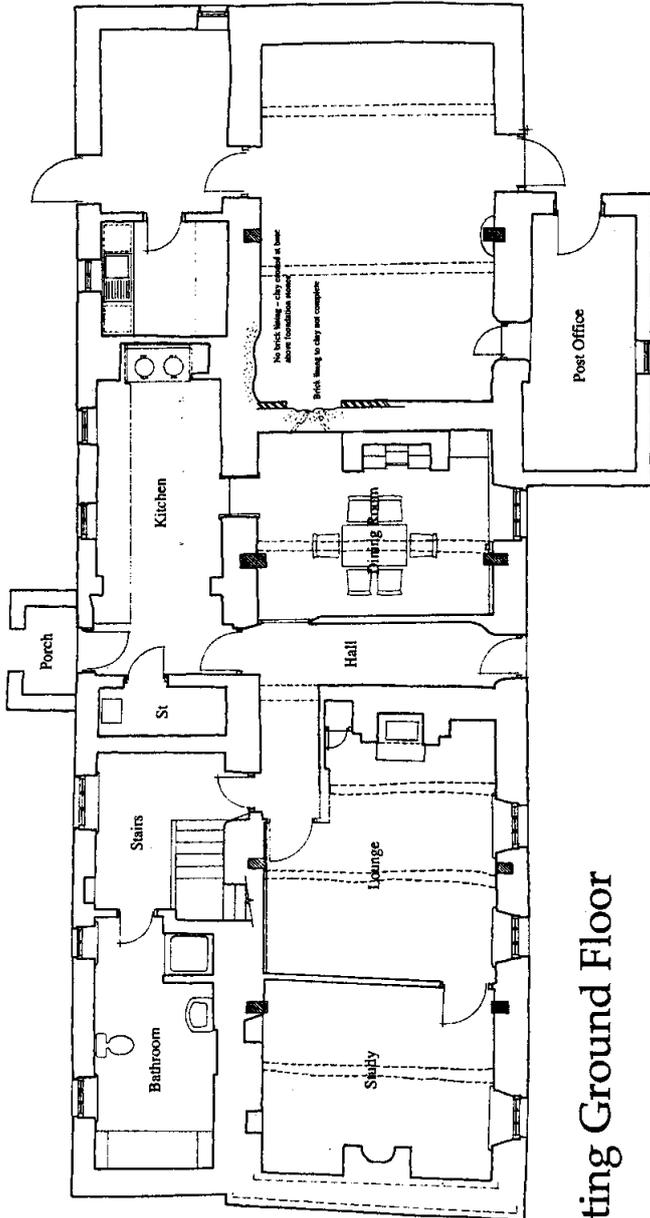
Project: Fauld Farm
 Bought by: Sands
 For: Mr & Mrs Postlethwaite
 Title: Alterations to Listed Building
 Scale: 1:50
 Date: October 2008
 Draw No: FA08/002/01A

Phoenix
 ARCHITECTS
 &
 DESIGNERS

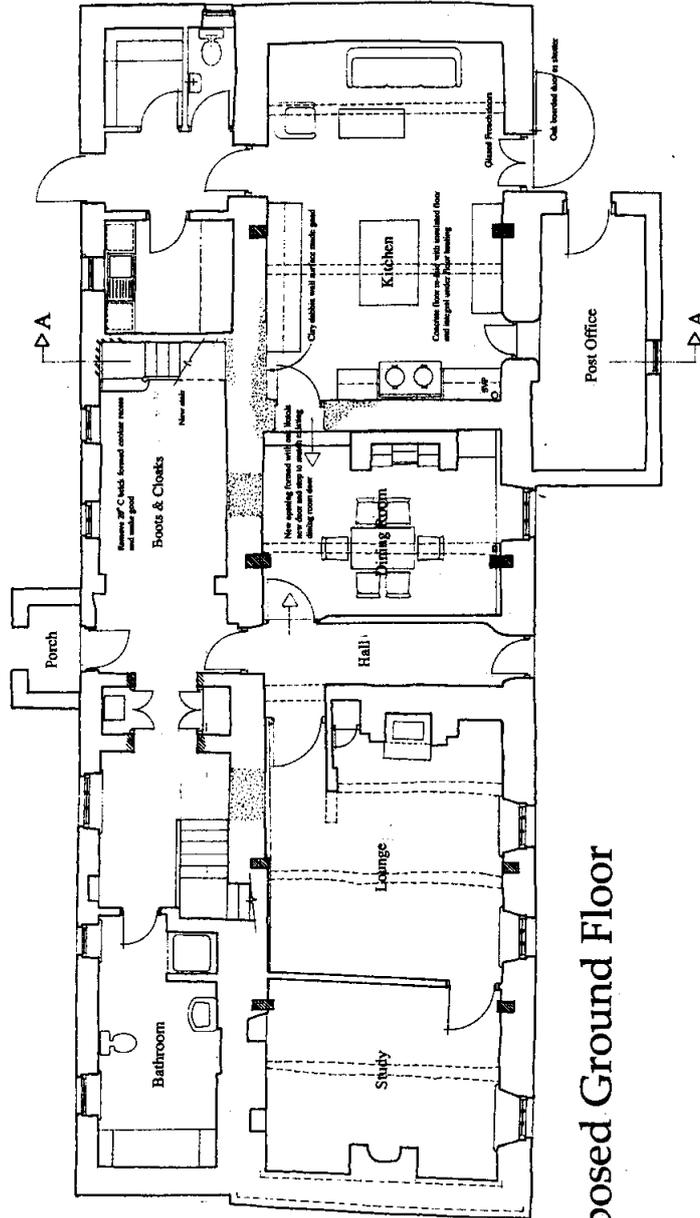
28 Alder Street, Colindale, Cambridgeshire, Cambs, CB3 9ET
 Tel: 01228 539357 Fax: 01228 531306

Mr & Mrs Postlethwaite
 28 Alder Street, Colindale, Cambridgeshire, Cambs, CB3 9ET
 Tel: 01228 539357 Fax: 01228 531306

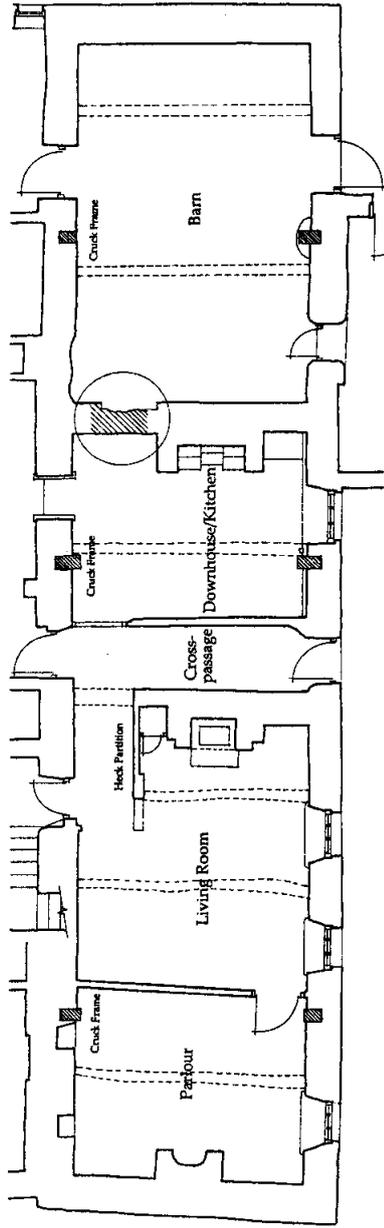
It is assumed that the integrity of the existing structure is maintained. The drawings are prepared by the architect on site.



Existing Ground Floor



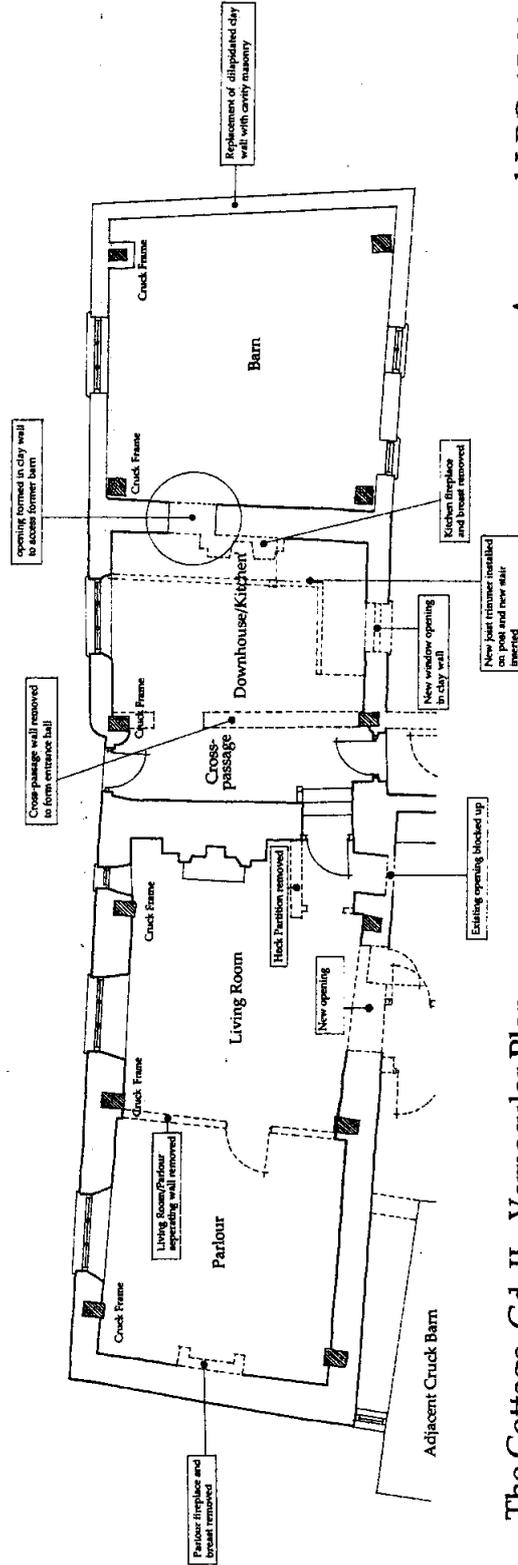
Proposed Ground Floor



Fauld Farm, Gd. II - Vernacular Plan

Roof slated

Refused LBC
Application dated 14.11.08



The Cottage, Gd. II Vernacular Plan

One standard commencement condition
No officers report retained by LPA
Case Officer - anonymous
Roof thatched

Floor beams not shown on application drawing

Project Name: Barn at Fauld Farm
Client: Mr & Mrs Forthwright
Location: Fauld Farm, Leicestershire, Leicestershire, Leicestershire, Leicestershire
Date Issued: 15/08/2008
Drawing No: 1011143

Project Name: The Cottage at Fauld Farm
Client: Mr & Mrs Forthwright
Location: Fauld Farm, Leicestershire, Leicestershire, Leicestershire, Leicestershire
Date Issued: 15/08/2008
Drawing No: 1011143

1011143

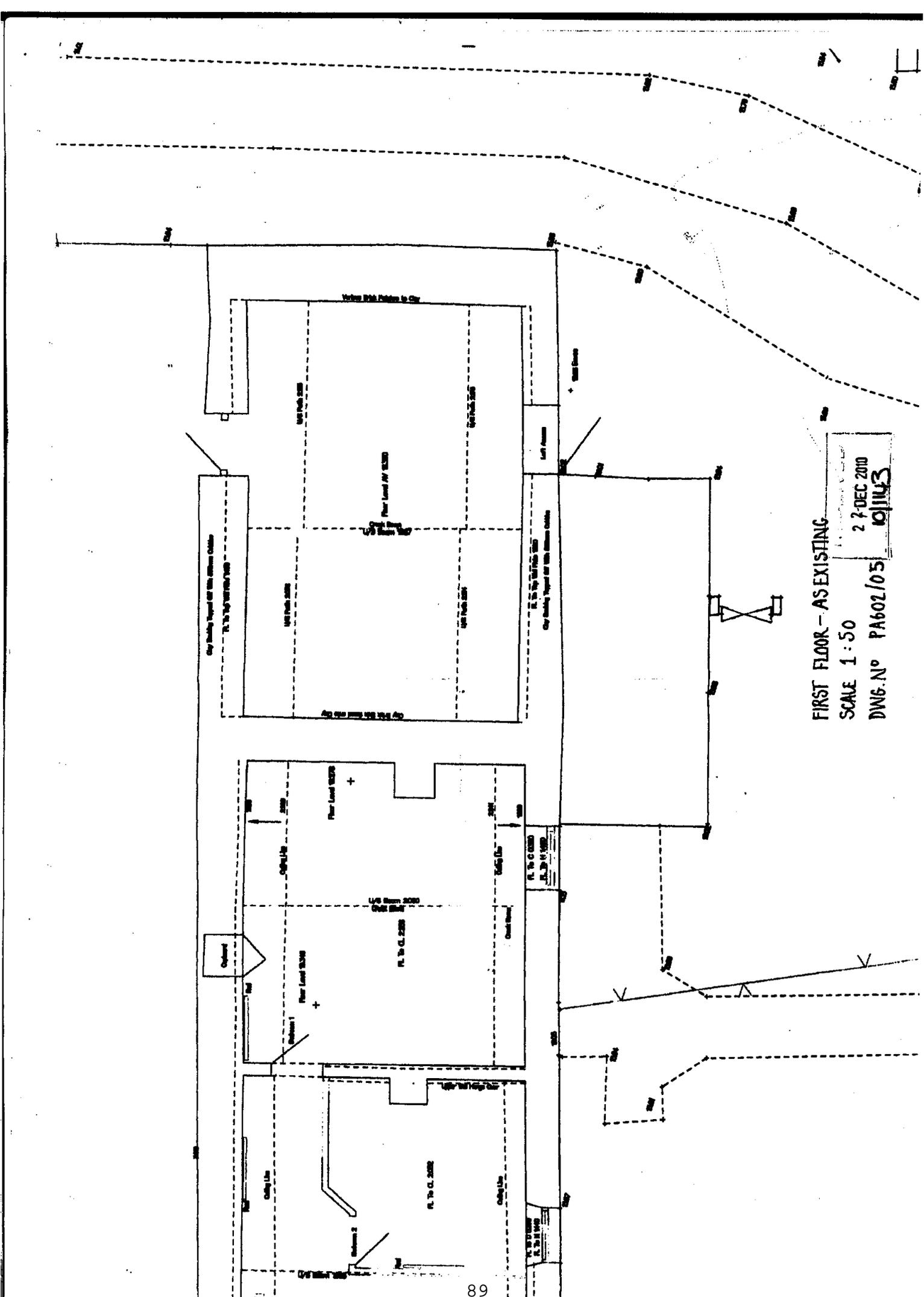
Phoenix
ARCHITECTS
&
DESIGNERS

Project: Fauld Farm
Borough by Stands
For: Mr & Mrs Forthwright
Title: Vernacular plan comparison

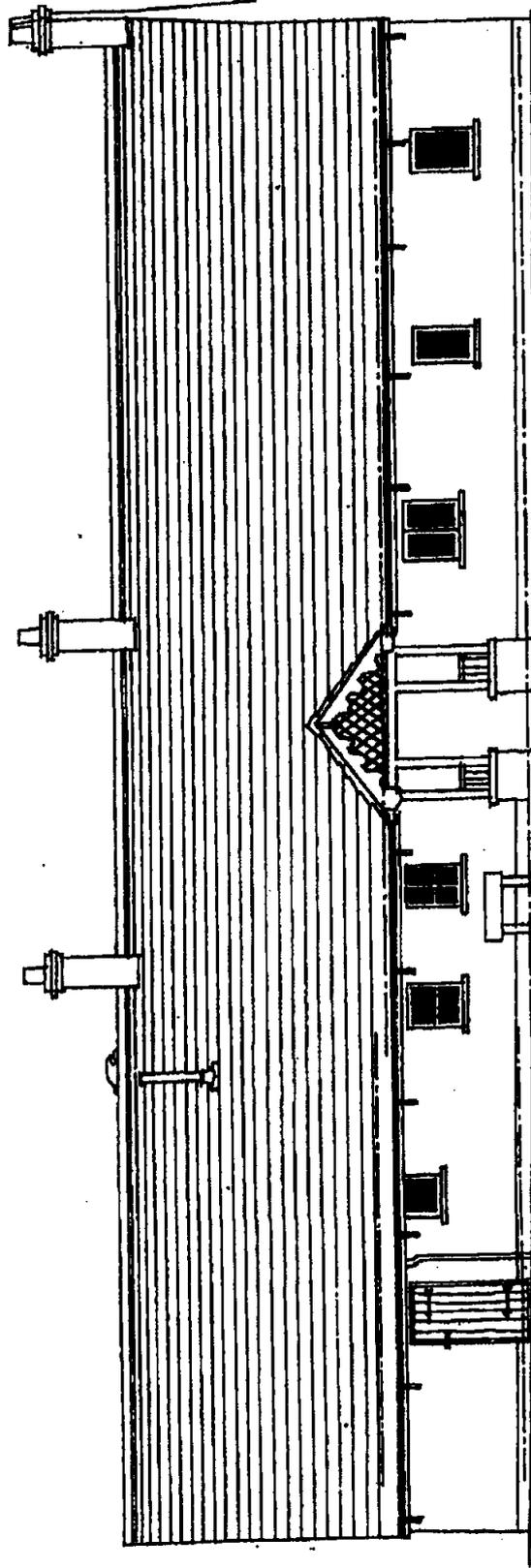
Scale: 1:50
Date: May 2009
Drawing No: PA60204

29 Abbey Street, Carlton, Cambridge, CB3 9ET
Tel: 01223 580507 Fax: 01223 511306

Fauld Farm



FIRST FLOOR - AS EXISTING
 SCALE 1:50
 DWG. N° PA602/05
 27-DEC-2010
 01143



As Existing

North Elevation

Fauld Farm

Scale 1:100

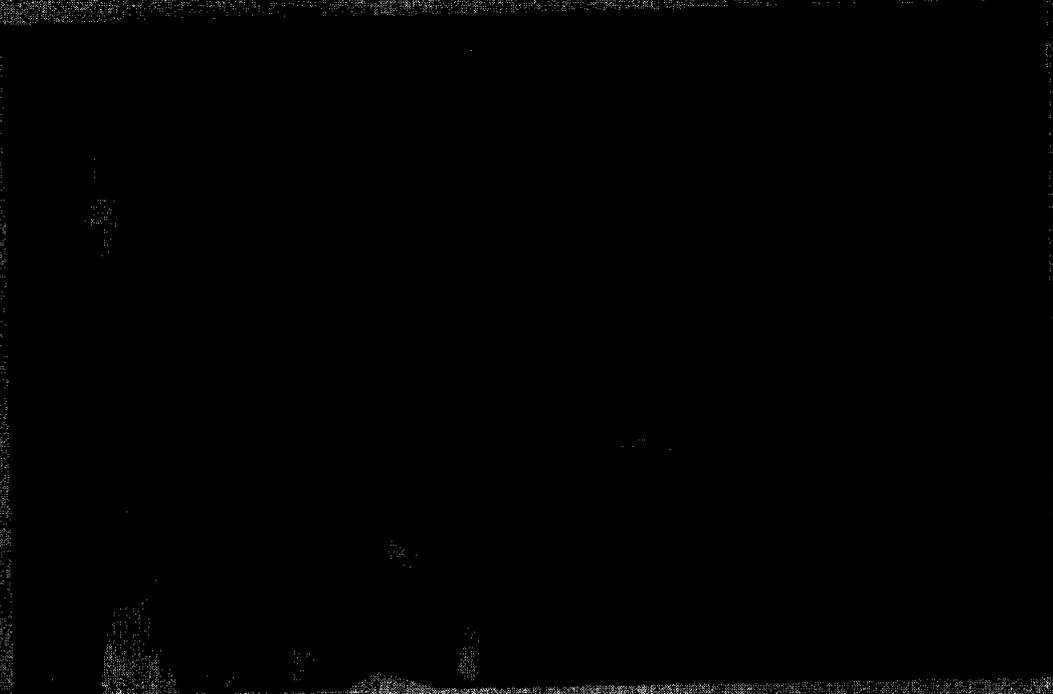
RECEIVED
- 6 JAN 2011
2010/1143

DESIGN, ACCESS AND HERITAGE ASSESSMENT

FOR

ALTERATIONS TO

**PAULD FARM, BURGH BY SANDS, CA3 6AN
NGR NY 32377 55985**



PAULD FARMHOUSE 1600 - 2010

12 DEC 2010
10/1143

Prepared by **J. L. SELBALL, B.Arch Dip Arch, MA, RIBA, RTPI, FRSA**
PHOENIX ARCHITECTURE AND PLANNING
19 ABBEY STREET, CARLISLE, CUMBRIA, CA3 8TX
01275 559537
www.phoenixarchitects.co.uk

DESIGN, ACCESS AND HERITAGE ASSESSMENT

Prepared by Mr John L Kelsall, B.Arch, Dip Arch, MA, RIBA, MRTPI, FRSA
of Phoenix Architecture and Planning

for Mr Ian Postlethwaite

**INTERNAL ALTERATIONS TO A GRADE II LISTED FORMER FARM HOUSE
AND BARN COMPRISING RE-LOCATION OF KITCHEN, INCLUDING THE
MAKING GOOD TO BARN CLAY WALLING, CREATION OF BEDROOM
OVER WITH ACCESS STAIR AND THE BUILDING UP OF TWO NON-
ORIGINAL DOOR OPENINGS**

**AT
FAULD FARM, BURGH BY SANDS, CA5 6AN**

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Ref: PA08/602
Application Date: November 2010

C O N T E N T S

SUMMARY

- 1.0 GENERAL CONTEXT FOR THIS APPLICATION**
- 2.0 DWELLING HISTORY AND ORIGINAL FABRIC**
- 3.0 THE HOUSE PLAN AND INTERNAL CHARACTER**
- 4.0 THE SIGNIFICANCE OF THE BUILDING**
- 5.0 THE PROPOSALS**
- 6.0 CONSERVATION PRINCIPLES & CONSTRUCTIVE CONSERVATION**
- 7.0 CONSISTENCY OF DECISION MAKING**
- 8.0 CONCLUSION**

SUMMARY

This application is for consent to undertake minor internal alteration works to what was originally clay dabbin walling, now composite clay encased by masonry, incorporated within the current dwelling. A prior application was considered by the Development Control Committee in 2009 and narrowly rejected because the Council's Conservation Officer contended the wall concerned was 'significant' to the importance of the listed building and there was an alternative access route to a kitchen to be located in the former adjacent barn. The matter was Appealed upon the principal ground that the route was not reasonably workable. That Appeal was dismissed in what is regarded as a controversial decision.

The application returns to the Council for consideration under new national guidance. It makes a more detailed case that the balance between the loss of fabric with resulting amended plan form, and improving the future viability of the house, falls in favour of granting consent..

This Statement, as required by current guidance (PPS5), assesses the history and development of the property in order to understand its significance as an historic asset. The original parts of the property are known to date from 1600 and incorporate Oak cruck and clay dabbin construction. The construction method is of a distinct type local to the Solway Plain to the west of Carlisle District. The house reflects the vernacular building methods in the local area of the 17th Century and, as a building type requiring regular maintenance, it is a significant survival. The house structure is predominantly based upon the timber cruck and framing with the fabric of the clay walls being of secondary importance there is also reasonable doubt that the cruck and clay compartments of the property were raised at the same time thereby making them of a lower order of significance.

The layout of the house exhibits many traditional characteristics, however, despite considerable alteration in its 400+ year life, its early layout, of a range of rooms end to end, remains easily discernable even if the oldest part may have been a much smaller dwelling. Unfortunately, during the 19th and 20th Centuries, as elsewhere, repair/replacement of the clay ceased in favour of masonry encapsulation leaving much of the clay at low levels in poor order and not visible. Erosion by farm stock to the byre and barn, and extensive tunnelling with nesting burrowing rodents, encouraged encapsulation. The character of the clay building is, therefore, now very much disguised by later works.

This proposal seeks to connect a former barn and byre via a single, traditionally sized door opening enabling a new kitchen to be located next to an existing dining room and conveniently positioned for internal access to the Burgh by Sands Post Office run by Mrs Postlethwaite. It is also proposed to install a new staircase to access a bedroom over the kitchen requiring a small amount of clay removal for a door at the eaves of what would once have been a thatched roof, 1 metre lower than the existing eaves.

Although the proposal would alter the house plan by changing internal circulation this is considered of a minor order and can be mitigated by the following:

- *It is not certain that the walls affected are part of the original house.*

- *Attaching a condition to carry out an English Heritage Level 3 survey for the public record will ensure any significance in the current layout is duly recorded.*
- *Included in the proposal is the reversal of the two 20th Century doorway interventions through the clay walling in like construction with at least one of these returning the plan to its earliest form.*
- *The inclusion of clay repairs to the barn enabling the clay walls to, once again, become a visible internal element of the house.*

In this way the legacy of the original clay walling is suitably recorded with the net effect of the plan form becoming closer to the original with clay repairs ensuring the building becomes a more sustainable heritage asset. It is considered following this strategy will not only satisfy the domestic needs of the residents but also meet current Conservation Principles and be supported by English Heritage's concept of Constructive Conservation.

1.0 GENERAL CONTEXT FOR THIS APPLICATION

- 1.1 Access issues only involve the installation of an internal ground floor opening and a partial opening for a second staircase. This Statement concentrates on the design layout and conservation issues arising from these internal access alterations. There are no external access issues involved.
- 1.2 Regard is given here to current guidance within DCMS Planning Policy Statement 5 "planning for the Historic Environment" 2010 (PPS5) for the need to assess the significance of Heritage Assets. The Heritage Asset represented by Fauld Farmhouse is, therefore, here assessed for its significance and the effects of the proposals upon that significance.
- 1.3 A previous decision of the Authority (08/1148) was delegated for Officers to determine but came before the Development Control Committee on 30 January 2009 at the request of the Applicant. On that occasion a motion by Councillors to approve was very narrowly defeated but, with general sympathy for the Applicant's desire to make comparatively minor adjustments to improve his family's home. The decision to refuse turned upon the Conservation Officer confirming that an alternative form of internal arrangement was available without creating a new opening in what was contended to constitute the original walls of this dabbin building. That alternative is not regarded as a workable solution without incurring unreasonable internal movement difficulties and there is now doubt that the area affected was necessarily part of the original dwelling. This proposal, therefore, returns to the Council for re-consideration.
- 1.4 The refusal decision of 30 January 2009 was also Appealed at an Informal Hearing held on 19 August 2009. The Appeal was dismissed largely due to the Inspector's concerns that the historic 'plan form' of the house would be altered contrary to guidance in Para C.58 of PPG15. Since this decision new guidance has replaced PPG15 and the Applicant now presents further reasoning as to why the weight of the argument in favour of the alteration is greater than the alternative which would adversely restrict the practicality of living in this

dwelling. In addition, there has subsequently been gained Counsel opinion that the Decision was flawed on several grounds:

- Evidence that the formal decision was written-up prior to the Hearing.
- Fundamental weight was given to a document used in the Council's submission despite acceptance at the Hearing that this was not admissible as it was not available to the Applicant or the Public.
- Insufficient weight was granted in regard to the Local Authority's obligation to determine applications in a fair and consistent manner having regard to the precedents cited.
- The Inspector wrongly concluded that the internal character of the house led to its listing when only external features are included in the 1984 listing description and there is no evidence that the property was even entered for this process (Appendix D).

1.5 As this Application follows a prior refused Application it is considered likely that it will not attract Council Officer support. As the principal advisors are likely to be the same individuals for the parties both of whom attend the City Council's Conservation Area Advisory Committee, myself as its Chair and Mr Peter Messenger or Mr Richard Majewicz as the Committee Clerk, it is considered appropriate that due declarations of interest are made if this application is referred to this Committee. It is anticipated, in such circumstances, that the Committee would appoint a temporary Chair to determine whether the Committee would wish to hear limited duration presentations on behalf of the Applicant and the Council or consider the matter on the Application documents alone, unaided, in order to ensure equal opportunity for the view points of each side of the debate to be communicated in a balanced briefing. If such a meeting were to take place the applicant would appreciate stated reasons for any decision reached.

2.0 SOCIAL HISTORY AND ORIGINAL FABRIC

- 2.1 As was the normal social structure in the period covered by the 17th & 18th Centuries, during which Fauld Farm was built, the land and principal building structure would remain in the ownership of the Lord of the Manor and the building erected and occupied by tenants.
- 2.2 Geographically, when Fauld Farmhouse was built, utilitarian dwelling construction evolved in a vernacular way involving materials most readily to hand. As a consequence in the Carlisle District construction practices would differ considerably between East and West. To the East stone as a natural resource was easily available for walls strong enough to support roof timbers, however, to the West, as at Burgh by Sands, stone was less plentiful so mixed clay dabbin and structural timber cruck construction evolved. The Landowner, in granting a tenancy for the creation of a farmstead, such as Fauld Farm, would have agreed land rights and access for felling timber but both these commodities would remain the property of the Lord of the Manor. The tenant would raise walls to the timber structural frame (usually Oak) from what was

to hand (Jennings 2002) and had a duty to the Landlord to keep walls and roof covering (thatch) in good condition to protect the asset of the main timbers as timber resources were also known to be limited in the area since 800AD (Jennings 2002).

- 2.3 With increased prosperity and the availability of re-usable crucks from elsewhere, or suitable timber to hand, many dabbins were enlarged, extended and modified to suit residents and farming needs. Dr R. W Brunskill, an authority on vernacular building, describes this practice

"... study of buildings of this plan (cross passage) is complicated by the practice, which may have been longstanding, of alternate re-building ie. of re-building the domestic and agricultural portions of a longhouse at different times... it is possible that on an ancient longhouse site the domestic buildings were re-erected... first and the farmbuildings later, perhaps not until the late 18C or even 19C."

Brunskill, 1974, p59

Similarly it is also possible for an original small two room (or two-unit) house to be extended following the pattern of the established, larger, longhouse plan (Brunskill p.57).

- 2.4 The walls and thatch to the roof being of a less permanent nature to the Oak frame were subject to a requirement for regular maintenance (Wrathmell 1989). It is quite likely that the skills and motivation to maintain the clay walls dissipated with the transfer from leasehold traditions to freehold which brought forward owner investment and encouraged farming modernisation. This trend inevitably led to the loss of many of these buildings due to their age, run down condition, their unsuitability for mechanised farming and the perceived poor living conditions.



Photograph 1

June 1965

- 2.5 A local account by Joe Roe, a life long resident of Burgh by Sands, recalls Fauld Farm being tenanted until the purchase by the Applicants in 1988 (see Appendix A). Photograph 1 shows the property in June 1965, during its last tenancy and 23 years prior to its sale. Mr Roe's account graphically illustrates this modernising trend and that Fauld Farmhouse was almost lost to the process described above. The property was effectively saved from dereliction by the Applicant. Appendix B supplies photographic evidence of the Condition c.1990 and the quality of renovation works to date illustrated in photograph 2 below which are a credit to the efforts and tenacity of the Applicants.



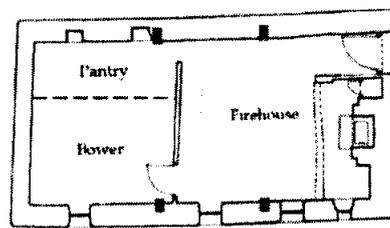
Photograph 2

June 2009

3.0 THE HOUSE PLAN AND INTERNAL CHARACTER

- 3.1 To appreciate what is proposed in this application, a brief study of the evolution of the house plan is shown to provide context. The development of the house since the 17th Century is illustrated via a number of chronological diagrams.

3.2

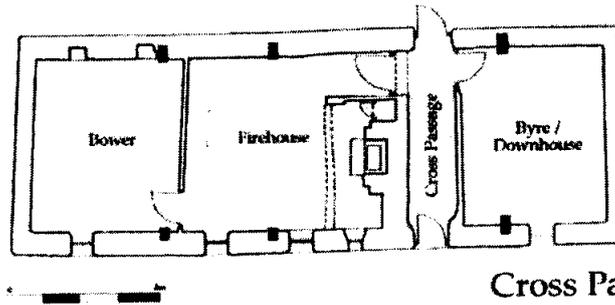


Two Unit House c. 1600

The probable original plan is now considered to date from 1600. (The lintol stone dated 1725 is believed to mark the passing of the property by way of a wedding present to Thomas Hodgson and not the date of completion). The extent of the original building work in evidence today will not be clear without detailed archaeological investigation however it is known from recent dendro dating by Bob Howarth (2010) that the 2nd pair of crucks (from the West gable) were felled between 1591-1610 and the third pair between 1463-1468. There is therefore a possibility that Fauld Farmhouse started out as a 'two-unit' house around 1600 with the earlier crucks employed to develop a later extension

brought from elsewhere or recovered from an earlier building with 1725 suggesting a date for the extension works. Brunskill has doubted that such enlargements take place very often using the lack of a formal dressed stone front door surround remaining insitu adjacent to the 'heck' however given the value in dressed stone in the area at the time and the practice of carving initials to external lintols as a mark of ownership (transporting the same when re-locating) it is quite conceivable that the dressed work could have been moved to the new front entrance at the end of the cross passage and the now internal former entrance made good in clay.

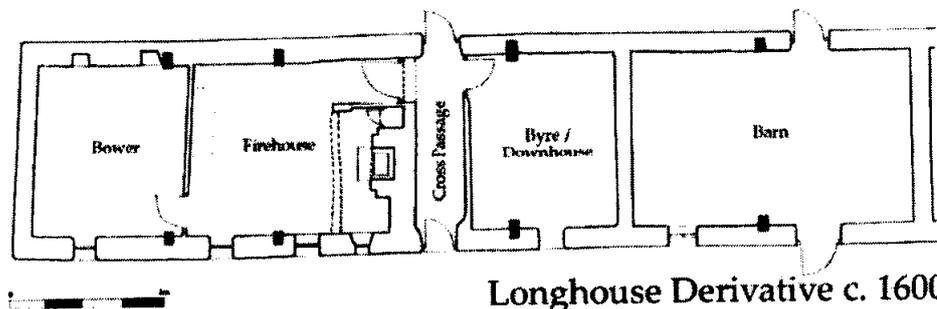
3.3



Cross Passage House c. 1600

Alternatively the older crucks to the byre could have been sourced at the same time as the new pairs in the firehouse and a cross passage house created in one build with the front door lintel retro carved or inserted a century or so later. The room (to the right shown here) off the cross passage in this type of house was sometimes domestic and sometimes agricultural in purpose. The step down into this room indicates a possible agricultural use as a byre preventing foul drainage entering the domestic part of the house. In this event it is possible that the barn was a later addition. Indeed close study of photograph 1 indicates a clay nib supporting a welsh slate roof bridging an access way (since demolished) suggesting that the range of clay structures had continued further East than at present – a notion supported by the account of Mr Roe (Appendix A).

3.4



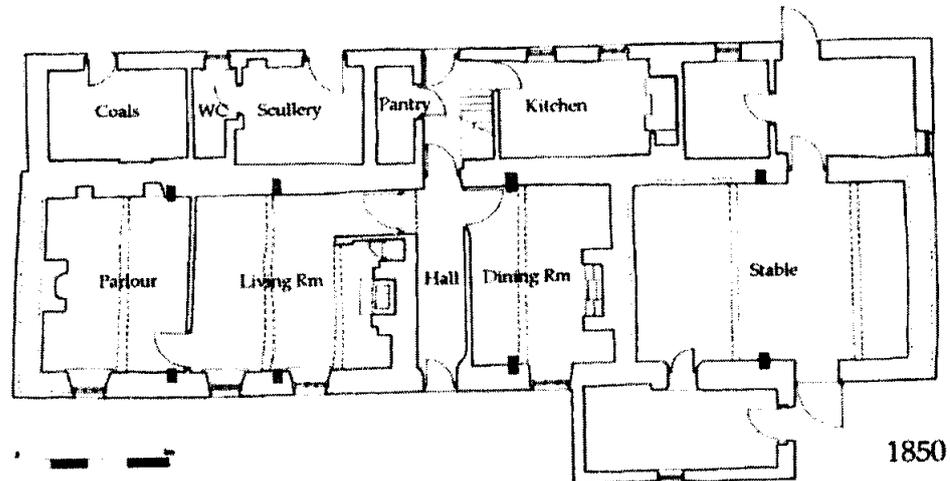
Longhouse Derivative c. 1600

Another alternative is that 1600 saw the construction of a 'longhouse' plan as a single build. The benefits of internal connectivity between living accommodation and agricultural buildings does seem to suggest that this is less likely for this year of construction. However without removing render and plaster, abutments representing build phases will remain hidden and conclusions speculative. There is no apparent evidence of an original means to access a first floor loft space in any of these plan permutations. This may have been undertaken by a ladder or ladder stair now removed. Its possible location is shown with dashed lines with a clue supplied by the unusual location for the

door to the bower (bedroom) diagonally across the living room. (However, this is not certain as the bower separating wall is brick and clearly not the original). Similarly, the main beams that now support floor joists are not certain to be part of the earlier structures – the sawn beams in the barn are clearly not original and were probably added in the 19th Century to provide feed storage above. Fauld Farm, in this latter form would not have been an original long house but a 'longhouse derivative' as it appears the inglenook fireplace was a part of the build not an insertion (Jennings 2003).

3.5 As will be seen by this illustrated evolution of the house, there are many changes and additions that could have occurred over the 400+ years yet the plan and layout is not difficult to reassemble in the drawings above, a point which is enlarged upon later at 3.10.

3.6 Alterations and extensions taking place over the 18th and 19th Centuries are now shown below.

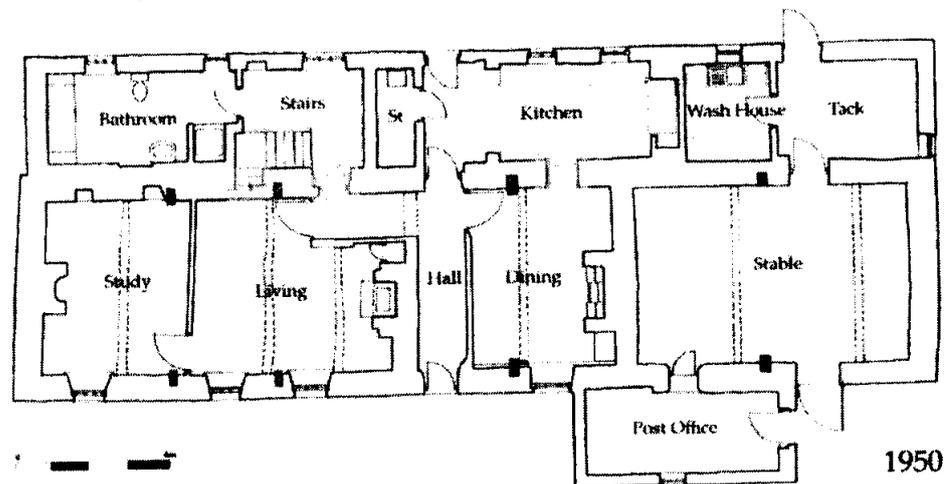


By the end of the 19th Century changes had been made to increase the accommodation and improve living conditions in reaction to improving prosperity and desire for greater privacy and comfort. This included the following works:

- Addition of an offshoot range of lean-to buildings in brick to the rear and an extension to the front of the barn.
- Insertion of a stair to properly access a usable first floor.
- Raising of the eaves in brick and cobble on top of the original clay to create a functional first floor with Oak frame adaptations of the crucks to form a shallower roof pitch covered in slate and dispense with the high maintenance of a 45 degree thatch roof covering.
- The Bower became a Parlour (a withdrawing room) and sleeping accommodation moved upstairs.
- Insertion of additional chimney breasts for improved heating.
- Insertion of first floor windows.
- The separation of cooking and sitting room functions.
- Walls thickened in mortared brick to line the clay rather than to repair it.

- Replacement of casement windows with larger sash windows.
- Replacing the first floor wall over the inglenook in brick as a likely repair to replace a former clay wall (possibly an original gable).

3.7 20th Century alterations.



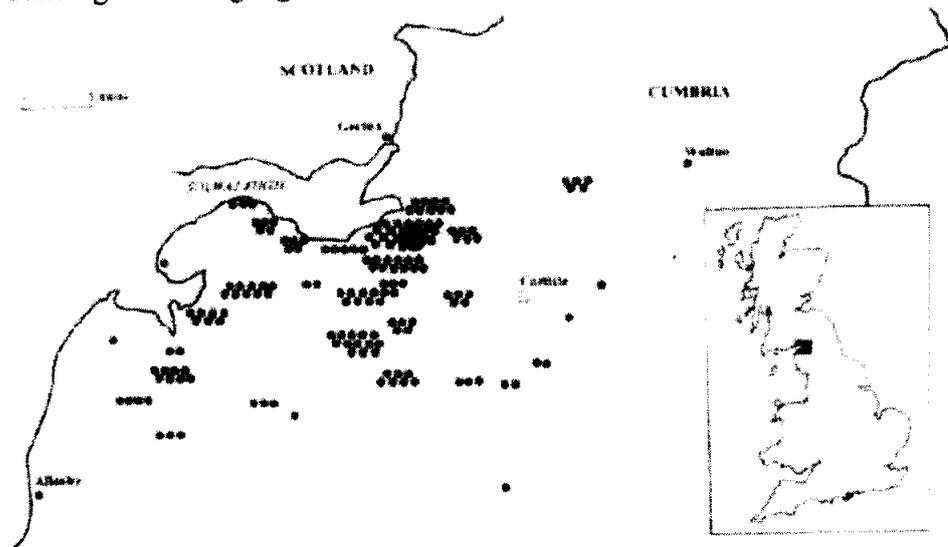
During the last century an attempt was made to improve the internal function of the house by forming new openings in the clay, now internalised, rear wall. These openings (shown in yellow above) were formed between the kitchen and the former Byre, now a dining room, and in the living area to access a new stair location freeing up space to locate a more modern kitchen within the offshoot range overlooking the farmyard. These alterations largely ceased by the 1950's and the layout very much resembles this plan today other than for repairs and renovations by the applicants including a stone and timber porch to the rear.

- 3.8 The Victorian extension to the front now serves as a valuable local amenity being the Burgh by Sands Post Office. Unfortunately access for Mrs Postlethwaite, the Post Mistress, has currently to be by leaving the house by the back door into the rear yard and regaining access to the building via the barn. A practice which is regarded as extremely inconvenient. The barn is already in domestic use as a play room, workshop and store.
- 3.9 It can be noted, therefore, from the above chronology that to freeze internal re-development as the existing plan in 3.7 will effectively be freezing the development in the 1950's. Doing so offers little of historical or contemporary benefit with the likely original layout already altered.
- 3.10 Criticism that the current proposal would change the internal "character" of the Listed Building was made during the processing of the previous application and Appeal, particularly in reference to Para 3.4 of PPG15. PPG15 has been replaced by PPS5 where reference to 'character' is more measured. In any event, it is difficult to see how the current proposals could change the internal 'character' of the building. Julian Holder of English Heritage (2001) favours the view that for buildings up to the mid 18th Century an assessment of character should be regarded as purely deriving from function (after Boffrand 1745) and is all that is required in any 21st Century assessment. The internal character at Fauld Farmhouse is of a series of linked spaces for domestic

activity with informally formed openings framed by almost organically created structure. There is significance to some openings more than others and this is considered later, nevertheless, it follows that a penetration through an internal wall separating the likely original uses of two rooms created for agricultural purposes (byre to barn) would change the internal characteristics of such a vernacular building very little, if at all. The occurrence of such openings is also observed by Brunskill (1974.57).

4.0 THE SIGNIFICANCE OF THE BUILDING

- 4.1 It is accepted that the clay dabbin buildings of the Cumbria Solway Plain are a valuable historical example of clay mass-walling technique unique to the area. The applicants are well aware that they possess an example of 300 or so surviving structures incorporating this material and method. Cruck framed longhouses or longhouse derivatives may be few in number, perhaps only 12 within Carlisle District of which Fauld Farm is one whether by original design or by gradual extension.. The building is, therefore, significant for the rarity of its structure and mode of construction and its localised development. The location of Fauld Farm is within the heart of the distribution of clay dabbin buildings and is highlighted in red on the map below after Jennings, 2002.



- 4.2 As referred to in Section 3 the original dwelling at Fauld Farm has been altered, extended and adapted over more than 400 years so the dwelling today is not pure in concept or plan form. Nina Jennings following extensive research of the building type makes reference to this process:

The earliest dabbins may have originated as single-storey longhouses in the fifteenth century, and both they and later examples have been adapted to serve the changing needs of their occupants and are still in use as comfortable working farmhouses. Unlike dwellings built today they were designed and built by the people who were intending to live and work in them, so that they are fit for their purpose.

Jennings, 2002, p19

And Brunskill:

...they (agricultural buildings) may retain intercommunication with the domestic quarters, the doors may have been blocked or such interconnection may once have been possible and lost in later improvements.

Brunskill p57

- 4.3 In respect of the fabric, the Oak cruck, framing and the clay construction are likely to date between 1600 and 1750 but it is difficult to be precise as to the proportion of each element that would be original. The Oak crucks and frame, as discussed at 2.2, represent the main structure and is of primary significance with the clay walling of secondary importance in that it is a material requiring high levels of regular maintenance/replacement and may be considerably younger than the main structure. The tendency is to think of the clay walls as a once only operation, likened to contemporary masonry structures, however, the probable reality is that the walls were so high maintenance, both internally and externally, that where this was not delivered, condition would deteriorate rapidly a point also made by Jennings:

Another valid comparison between the cost of medieval and modern buildings is the amount of maintenance required; the former were low-cost, high maintenance buildings, whereas the latter are high-cost, low-maintenance. This is due to the change from labour intensive to capital intensive working.

Nina Jennings, 2002, p20

The structural cruck frame should also not be considered necessarily as purpose made for the buildings where they are found – frequently, as at Fauld Farm, this is not the case, with dendro dating indicating felling dates of between 1463 – 1468 on the 3rd cruck pair from the West gable and 1591 – 1610 on the 2nd pair, indicating re-use of at least one pair of crucks from an earlier building on the site, imported from elsewhere or re-use of the remains of an earlier building.

- 4.4 It follows from 4.2 and 4.3 that routine repairs and the creation or blocking up of openings during the ‘clay tradition’ would have been an insignificant event responding to changing needs and maintenance. Indeed, as the convenience of later accessibility to cementitious products increased so the clay tradition lapsed leaving repairs to the clay reinterpreted as encasement behind brick walling – as at Fauld Farm. Trial investigations show that the clay wall thickness when constructed is now no more than of the order of 300 – 340mm at best in a number of areas, perhaps a little over half their original thickness due to abrasion from stock and the effects of dampness and freeze/thaw temperature differential and most particularly the burrowing of farm vermin. Indeed the effects of rat tunnels in the clay at the location proposed to form the opening to the proposed kitchen are quite evident such that the back of the plaster in the dining room can be seen from the barn through such a rat run. Rather than repairing like for like, as would have been the earlier tradition, 20th Century repairs have encased the clay remnant in brick and block cladding evidently without further repair. The significance of the clay structure is,

therefore, denuded by later building techniques and, where this has occurred, visually lost to the eye e.g. the western gable where no original clay remains visible to internal or external surfaces.

- 4.5 There is a probability, as confirmed by Dr Stuart Wrathmell, BA, PhD, FSA, MIFA, an archaeologist and national expert on mediaeval farmsteads and clay/cruck construction that larger elements of the clay walls, particularly at the vulnerable lower levels, would not actually be part of first construction but would have to have undergone selective replacement (Wrathmell 2010). Given the age of the survival this becomes far more likely to have been the case. Considering the nature of the material there comes a point where replacement in a traditional manner becomes more practical than clinging onto original clay weakened by denudation in use, natural erosion and, laterally, damaging non-complementary building techniques and can be seen as supported by para. 149 in the PPS5 Practice Guide.

Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste. Repairs to a listed building may require consent. One would expect that the loss of historic fabric following repairs, and alteration, would be proportionate to the nature of the works.

PPS5 Practice Guide

- 4.6 The significance of the plan form now requires to be considered. Clay dabbin house plans have an organic nature whilst following a number of overarching formats and features within the basic layouts. The openings onto the cross passage of the longhouse, longhouse derivative and cross passage house will have greater significance than openings to the rear for example as the former are nearly always in evidence the latter less so. However, despite a number of 18th Century and 19th Century alterations to Fauld Farmhouse there has been no difficulty for Conservation Officers and myself to obtain a reasonably clear picture of the nature of the house and its possible development (see 3.2 – 3.7) apart from the extent of development to the East since demolished. It, therefore, seems inappropriate even patronising to consider that the forming of an opening as proposed in this application, would in some way, disguise the earlier layout from study and understanding by future generations. Study of the house plan when altered would be quite transparent and clearly convey that the byre/downhouse had been connected with an adjacent barn just as it can be certain that the fireplace and chimney breast in the former byer and bedroom above is a non-original element. To cover any doubt, record when the opening was made and to ensure a suitable public record, an English Heritage Level 3 Survey could be conditioned and attached to a grant of consent.
- 4.7 Alterations to the clay wall plan form due to the non-permanent nature of the material underlines the fact that they could be entirely and easily reversible using known techniques as condoned in Para 180 of the PPS5 Practice Guide.



North of England Civic Trust – New Clay Dabbin House

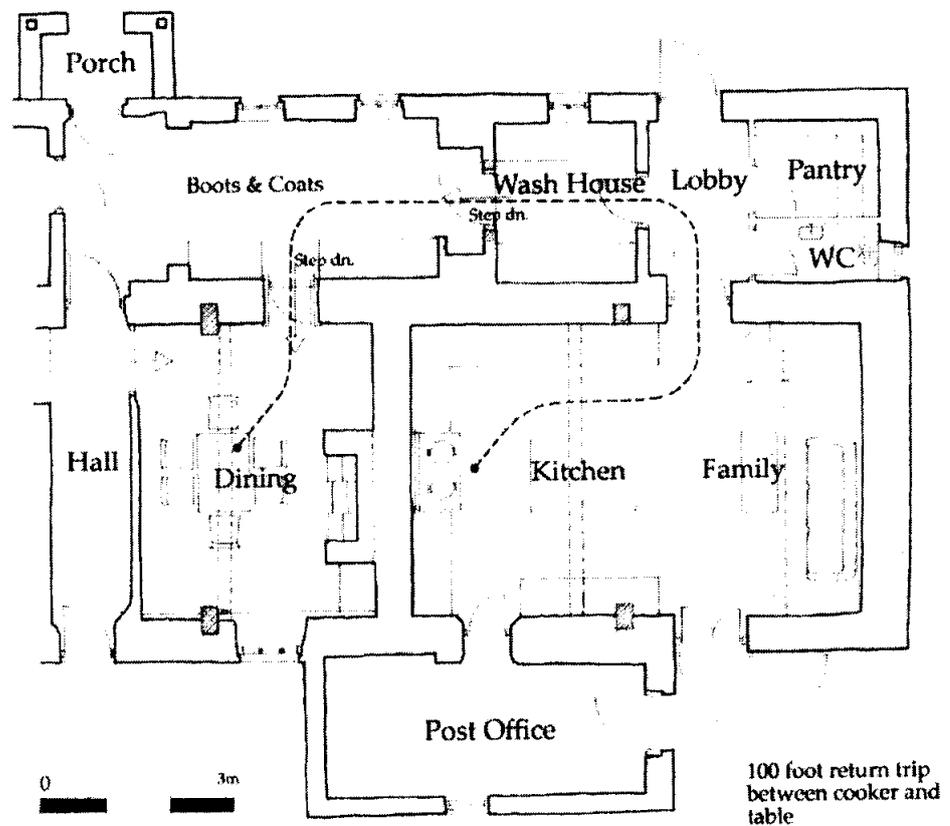
- 4.8 One other aspect of significance is that the property has not, as yet, succumbed to any pressures for sub-division. Such a wide frontage to the village lends itself, as elsewhere, to sub-division into separate dwellings which would have inevitably brought with it alterations of far greater order than the current application.

5.0 THE PROPOSALS

- 5.1 This application seeks consent to convert the ground floor of the former barn to a larger family kitchen with an en-suite bedroom above accessed by a new staircase installed like the 19th & 20th Century previous examples, i.e. within the rear offshoot building without the need to change any of the original rooms or penetrate the 'cat-slide' roof slope.
- 5.2 The Council's Conservation Officers and the Appeal Inspector have previously taken no issues with the internal rearrangement of spaces. Where issues of disagreement have occurred is in the preferred method of access being through an internal clay wall between the Dining Room and the former barn and a small amount of clay removed to allow the positioning of the stair. The advantages in doing so are clear:
- i. The route from cooker to dining table is much more convenient and direct.

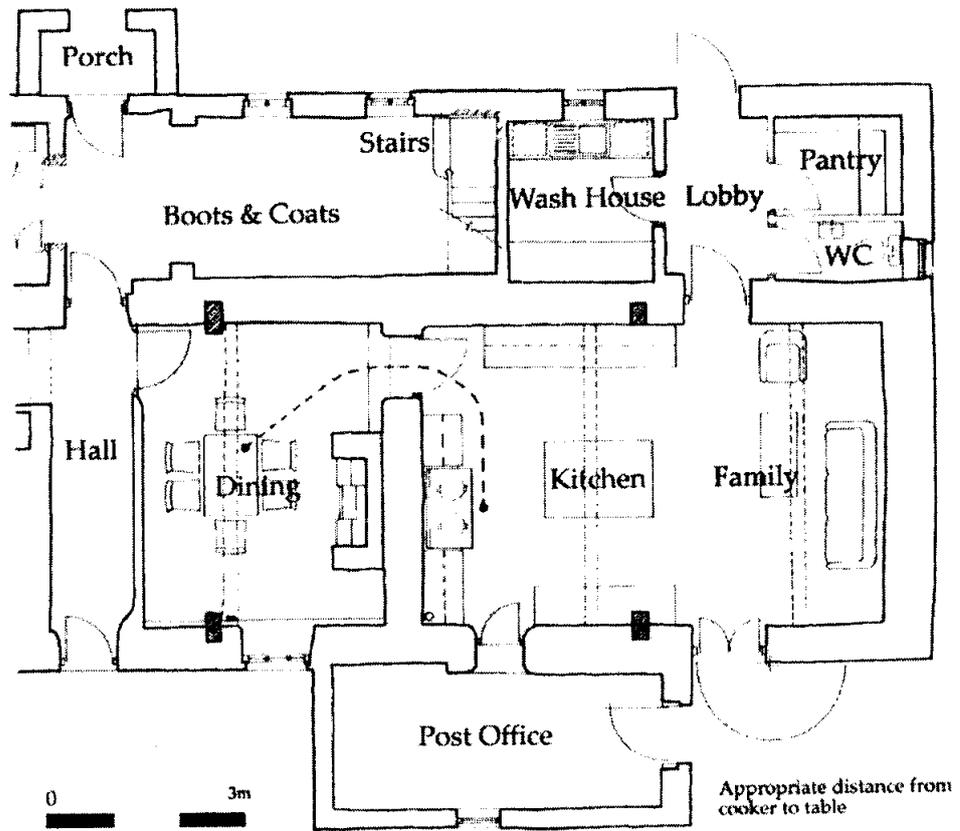
- ii. The alternative route, advocated by Conservation Officers would be tortuous involving service from cooker to table in a round trip of 30.5m (100ft) via 4 separate door ways and four changes in level of single steps, known to create higher trip risk, all as shown in the drawing extract below.

This is considered unreasonable not least because most housing would not be so encumbered and less than a quarter of this distance. In addition a food route through a toilet lobby and wash house is less than ideal.

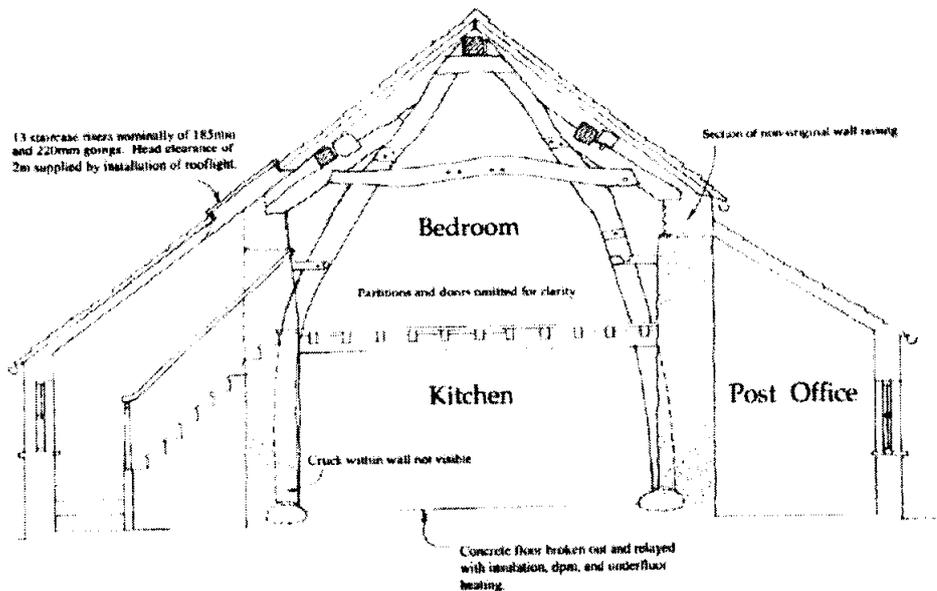


The Conservation Officers Proposal

- 5.3 The applicants proposal is shown below with the same route highlighted on the application drawing extract.



5.4 Although there is a current clay opening existing in the former rear wall (presumed an 18th/19th Century former hay door) to access the new bedroom with a stair, using this opening, as advocated by council officers, will require the construction of a dormer window to accommodate a quarter landing over the existing ground floor opening. This is regarded as uncharacteristic to the smooth cat-slide form of the existing roof. The alternative proposed would require only a conservation style roof window as shown below.



6.0 CONSERVATION PRINCIPLES AND CONSTRUCTIVE CONSERVATION

- 6.1 Guidance supplied in PPS5, "Planning for the Historic Environment", 2010 is the appropriate means to assess the proposals in this application. It is considered particular weight should be given to the stated Government objective in para 7 where it recognises that:
- "intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term".*
- 6.2 The guidance focuses particularly upon conservation driven by appropriate assessment of the significance of an Heritage asset to ensure decisions are appropriate but where possible the building should be maintained in a viable use.
- 6.3 The previous section has made an assessment of significance and concludes that Fauld Farm, and the type of building it characterises in the area, is indeed of high significance. It is an assessment of the effect on this significance by the current proposals that is required to determine this application in line with national guidance. Earlier it has been pointed out that the primary structure to the dwelling is the Oak crucks and framing and their protection and maintenance is paramount over the clay walling which can be regarded as an infill fabric element (whilst being of significant interest) but of secondary importance for the survival of the whole building. It has been shown through assessing the views of nationally respected historians and clay building specialists (R Harrison, S Wrathmell and N. Jennings) that the clay element in the dabbin buildings is fundamentally different to the load-bearing walls of most contemporary housing and is subject to requirements of relatively high degrees of ongoing repair including, where required, partial and total replacement. It follows that this type of wall building material cannot be frozen in time – they actually require maintenance and replacement to continue full and effective survival and, therefore, to comply with PPS5 objectives.
- 6.4 What is significant about the clay element of dabbin buildings is the method of construction not the material itself. Accordingly the removal of clay to form a new opening has no more or less impact upon its significance than removal to effect a correctly conceived repair. It is entirely reversible and in keeping with the vernacular tradition to regularly maintain and adapt according to changing need. 400 year old buildings, particularly when involving an easily denudable fabric, have not survived by accident – they survive by being relevant, useful and an asset. The house we have today at Fauld Farm, whilst being well restored by the current owner has been stuck with an internal layout last reviewed in the 1950's. After 60 years it does not seem unreasonable to review the plan form and space usage and make minor changes that will see the dwelling remaining relevant and useful further into the future and complimentary to the original vernacular tradition and intent.
- 6.5 English Heritage is a principal contributor in the development of PPS5 guidance. It advocates that conservation is best undertaken with a positive, well informed and collaborative approach they term 'Constructive Conservation'. Consideration of the aim of 'Constructive Conservation' is appropriate during the determination of this application.

"The conservation movement has evolved from a reactive process, focusing on preventing change, into a flexible process of helping people to understand their historic environment and through that understanding, to manage change to it in the most appropriate way".

"The best way to save a building is to find a new use for it. Even recently restored buildings that are vacant will soon start to degenerate again. An unreasonable, inflexible approach will prevent action that could have given a building new life".

Bee, S, English Heritage 2010

The Applicant has taken regard of this advice, he has balanced an assessment of significance with the under-use of the adjacent former barn and concluded that the improvements to the dwelling would be such that the equity value would be raised significantly enabling maintenance and repair funding to be more easily accessed and justified. In short, approving this application will actually assist in maintaining and enhancing the historic significance of Fauld Farmhouse more than damaging it.

- 6.6 The proposals are modest in their affect on significance. The applicant reports that during previous pre-application discussions a Planning Officer indicated that the Council would not be opposed to the re-development of the barn as a separate dwelling in preference to breaking through to the former byre. This is surely an illogical suggestion given the limited number of openings in the barn to create suitable conditions for a completely separate dwelling. It is here strongly recommended that retaining the former barn as part of Fauld Farmhouse will maintain greater significance and, as a result, a way must be allowed to bring the barn into more productive domestic use as suggested in this application.

7.0 CONSISTENCY OF DECISION MAKING

- 7.1 At the appeal of the previous application a detailed comparison was submitted with a prior approval for works to Baldwinholme Farm. This is reproduced in this application at drawing PA08/602/04. The points made were:
- In the late 1980s both buildings were in a similar condition requiring significant elements of repair.
 - Baldwinholme Farm is of the earlier date of 1572 with Fauld Farm now thought to be 30 years later at 1600.
 - The context of National Guidance of PPG15 (1994) was the same for Baldwinholme Farm (2002) as the previous Fauld Farm application (2008) and Appeal (2009) yet considerable works were consented at Baldwinholme and the request for minimal works at Fauld Farm refused.
 - The listing description records Baldwinholme in greater detail to Fauld Farm indicating that its significance was clearly known when

required. This confirms a completely different approach by the same Authority under a similar policy and guidance context. The correct approach is clearly somewhere between these extremes; Baldwinholme appears too loosely conditioned and incorporates the loss of too many features of significance: e.g. the bower wall, heck partition and cross passage; but Fauld Farm would benefit significantly from the creation of only two new door openings (one not exclusively in the clay) with the opportunity for an appropriate record to be made.

8.0 CONCLUSION

- 8.1 Fauld Farmhouse consists of a number of phases of development arriving at the building we see today. It commenced its visible construction in or around 1600 (it is possible a house of some form stood on the same site previously) and is significant for its main part retaining an Oak cruck frame and locally characteristic clay dabbin walling construction.
- 8.2 The property is not significant for consisting wholly of pre-planned, sourced and crafted timbering. Dendro-dating indicates the existence of timbers re-used from earlier buildings which exemplifies a common vernacular expedient and supports a conclusion that the house consists of several phases of building.
- 8.3 Nationally respected authorities on timber cruck frame and clay wall construction suggest that for a clay wall survival of the best part of 400 years selective repair and replacement will have been undertaken. Consequently, the significance of the clay walling is its survival, whether contemporary or first construction, and not just the mode of its construction but also the mode of its maintenance and adaption.
- 8.4 It follows that the clay is not significant or valuable as a material in itself and its existence cannot be assumed to be original fabric, so alterations, repairs and replacement can be undertaken without undermining its significance providing traditional methods of construction are observed and recorded. Furthermore, any such alterations are ultimately and easily reversible.
- 8.5 The plan form of the house is organic in the vernacular tradition, there is no symmetry to respect. Traditional features of the 'cross-passage' longhouse derivative plan exist in the main and are easily deduced where not. The proposed opening does not damage the plan characteristics as indeed the previous, non-original openings have not. To ensure this remains the case an approval can be conditioned to include an English Heritage Level 3 Survey Record.
- 8.6 The condition of the clay walls at low levels is poor. At some point, probably the 19th Century, clay maintenance/replacement has ceased and efforts made to contain the remaining clay and prevent further damage, probably from burrowing rodents, with masonry wall lining. The clay, therefore, to much of the building, is not visible and the 'soft' character of render or plaster clad clay is largely missing such that it is not obvious that this is a clay house at all. An opportunity in this proposal exists to repair the clay to the barn now that burrowing rodents are no longer a threat to further stability.

- 8.7 Prior to statutory control, two door openings were made in the former rear clay wall to interconnect spaces in the dwelling. The applicant is prepared to commit to closing these non-original openings with traditional clay construction thus returning the plan form back to its previous form in these areas. Balancing the net effect of the closures within the proposed opening dispenses with the negative argument of damage to 'character' and 'plan-form'.
- 8.8 The Authority has to also consider the far more extensive works consented at Baldwinholme Farm, an older and more significant survival, and reflect upon the matter of fairness and consistency in decision making
- 8.9 Taking all factors into account it is considered that this application can be reasonably consented and the resulting works and conditioned recording of the current layout will enhance the condition and the significance of Fauld Farm for future generations.

J L Kelsall
Phoenix Architecture and Planning

December 2010

REFERENCES

Bee S (2010)	Director of Planning and Development, English Heritage, Constructive Conservation Advice for Professionals
Brunskill R W (1974)	Vernacular Architecture of the Lake Counties A Field Handbook. Faber & Faber
Holder J (2001)	The Concept of Character in Old Buildings in The Building Conservation Directory, 2001.
Jennings, N (2002)	The Buildings of the Clay Dabbins of the Solway Plain Materials and Man-hours. Vernacular Architecture 33, paragraph following Figure 3, p.19 - 27.
Jennings, N (2003)	Clay Dabbins: Vernacular Buildings of the Solway Plain. Cumberland Westmorland Antiquarian Archeological Society. Extra Ser. 30.Kendal.p33
Wrathmell, S (1989)	Domestic Settlements 2: Mediaeval Peasant Farmsteads. York University Archaeological Publications 8.
Wrathmell, S (2010)	E-mail discussion with J L Kelsall, 10 September 2010.

APPENDICES

- A Recollections of Joe Roe – Life Long Resident of Burgh by Sands**
- B Photographs showing condition of Fauld Farm c.2000**
- C Photographs showing condition of Baldwinholme Farm c.2002
(immediately following Listed Building Consent).**
- D Listing Description of Fauld Farm**
- E Listing Description of Baldwinholme Farm**

Appendix A

Recollections of Joe Roe – Life long Burgh-by-Sands Resident.

Croft House (formerly The Post Office)
Burgh by Sands
CARLISLE
CA5 6NN

22 June 2010

Mr J Kelsall
Phoenix Architects
28 Abbey Street
CARLISLE
CA3 8TX

Dear Mr Kelsall

I have known the house at Fauld Farm all my life and have visited all the residents who have lived in it during that time.

The first tenants on the farm I remember were the Bowmans in the 1940/50's. I visited their home as a baby in a pram up to about 9 or 10 years old. They basically lived in what is now the kitchen. There was an old black range where the Aga is now and a tin bath hung beside it. All normal daily activities took place in this room, cooking, eating, spending the evenings. The other downstairs rooms were not used except occasionally the parlour for special occasions. The kitchen room opened directly onto the yard and there was a door into the rest of the house where the glass panelled door is now.

The Irvings came in about the mid 50's. They brought the house up to modern standards for the time. The doorway was made through the clay from the old kitchen into the present dining room and a sliding door put in. A panel partition with another door was built across the end of the kitchen where the outer and inner door are to make a small vestibule. The old black range was partly pulled out and the remains panelled up out of sight. A Rayburn cooker was installed in the present dining room where a black range is now. Other parts of the ground floor were brought into use as a sitting room as they are at present and the bathroom was installed. A fireplace, modern for the time, built with decorative brick was put in the sitting room. The stable at the end that had been used for the horses and a shorthorn bull were converted into pig pens.

The Percivals, who were my relatives, came in February 1964. They left the house largely unchanged during their tenancy except it was kept beautifully furnished and decorated. However, underneath their immaculate decoration the fabric of the house was disintegrating and it was difficult to keep it in good condition. They left the pig pens as they were but used them for calves.

The Postlethwaites came in 1988 to find the empty house crumbling around them. It owes its present beautiful condition to their efforts. Apart from the basic clay walls and oak beams all the features that seem original have been put in over the last 20 years. These and other work include:

- Black range in the dining room rescued from another cottage in the village.
- The panelling in the living room and the panelling and panelled ceiling in the dining room.
- The carved sandstone fireplace in the sitting room made on the job by a stonemason from gateposts already here.

The oak beams, which had been hidden by plasterboard in the original renovation in the 1950's, were exposed to show the true character of the building.

- Crumbling clay walls were stabilised.
- The bathroom was extended into an outhouse at the western end of the building.
- The kitchen was modernised and, in the process, the broken remains of the black range were discovered but were beyond repair. The Aga was placed in that position.
- The pens in the stable were removed and the space is a general outhouse and store.
- The now village Post Office was created in what had been a lean to feed store with an asbestos roof.
- The new spectacular outbuildings to the east of the site were built on the position of an old clay barn and outbuilding that had been removed by the landlord during the Percival's tenancy because of their state of decay.

The house has continuously been brought up to modern living standards. However the development over the last 20 years has been sympathetic to its original heritage. It would not be as it is without the Postlethwaite's vision and care in renovation of the entire site.

It now seems logical that the Postlethwaite's insight should continue to operate in the incorporation of the former stable into the living accommodation of the house. Their skills and vision seem entirely appropriate for the fabric of this heritage site and to preserve it for future generations.

Yours sincerely

Joe Roe

Appendix B

Condition of Fauld Farm photographed during repair works c.1990.



Photo. FF 1

Front elevation of clay barn. Clay nib visible in aerial photograph 1 has been removed and corner made good.

Later lean-to has asbestos roof and has now been refurbished as the Burgh-by-Sands Post Office.

c.1990



Photo. FF 2

Interior condition to be compared with similar condition in BF 2.

c.1990



Photo. FF 3

Repairing the roof to the rear of the barn. Note the long span which shows a different mode of construction to the main house indicating a later build date.

c.1990



Photo. FF 4

Cruck and clay wall junction in room over byre.

c.1990

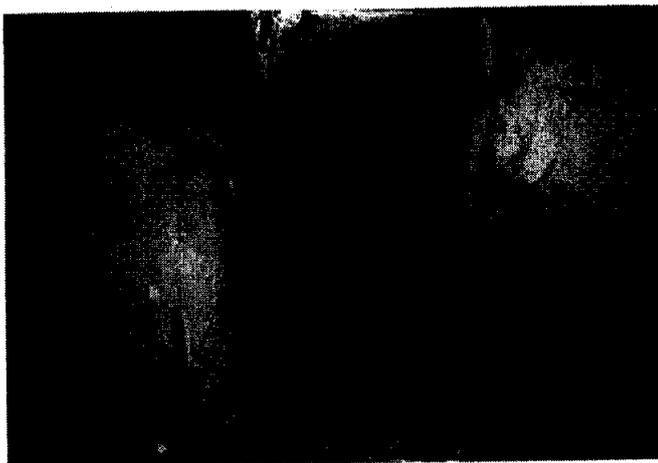


Photo. FF 5

Opening in internalised rear wall next to cross passage presumed to be head of earlier stair.

c.1990



Photo. FF 6

2nd cruck pair from the West gable contemporary with the house – dendro dated at 1591-1610 located to the firehouse.

c.1990



Photo. FF 7

Another view of possible former stair opening showing also the 3rd pair of crucks dendro dated to 1463 – 1468 located over the byre, now dining room.

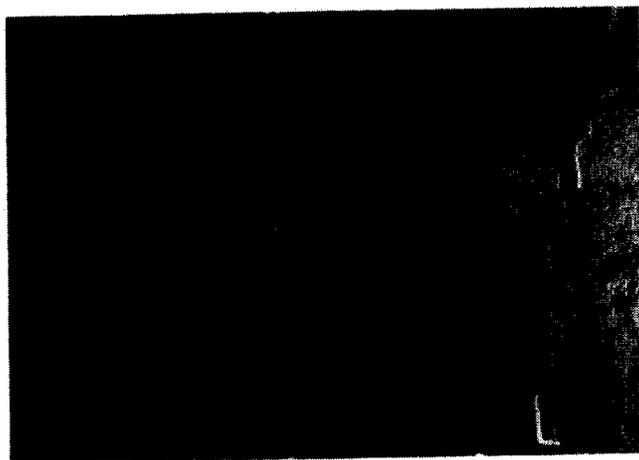


Photo. FF 8

Mix of materials visible in the offshoot coal house. Cobble and brick to the end wall, external wall in brick (to the right) and former rear wall in clay (to the left) with repair section at low level in brick.

c. 1990

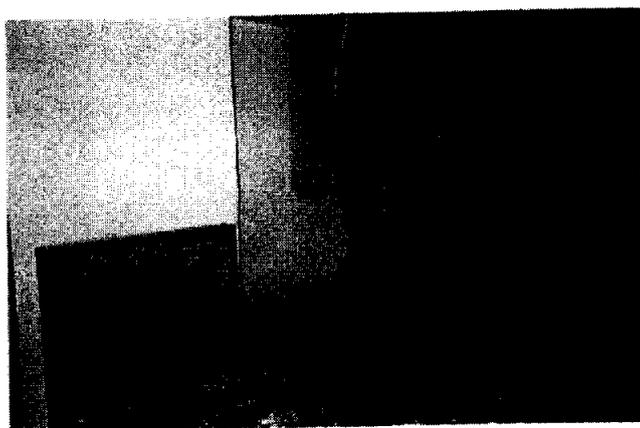


Photo. FF 9

Condition of byre front clay wall. The chimney breast wall to the barn is clay but skinned in brick.

c.1990

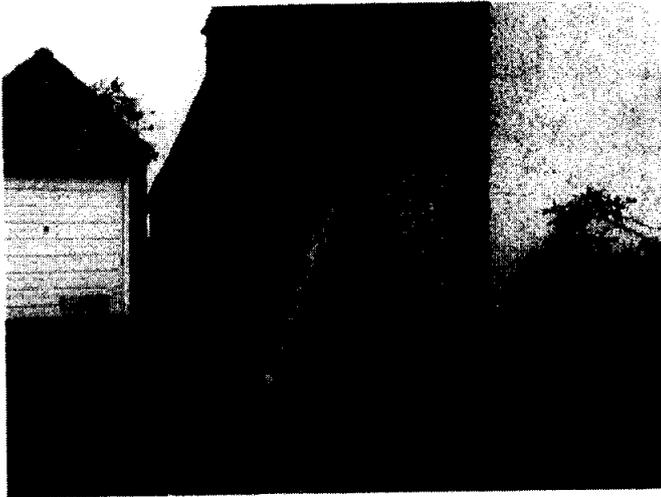


Photo. FF 10

West gable. Removal of cement render reveals external brick lining of clay wall.

c.1990



Photo. FF 11

Footing of rear barn cruck in clay wall pieced up with later brickwork.

c.2009

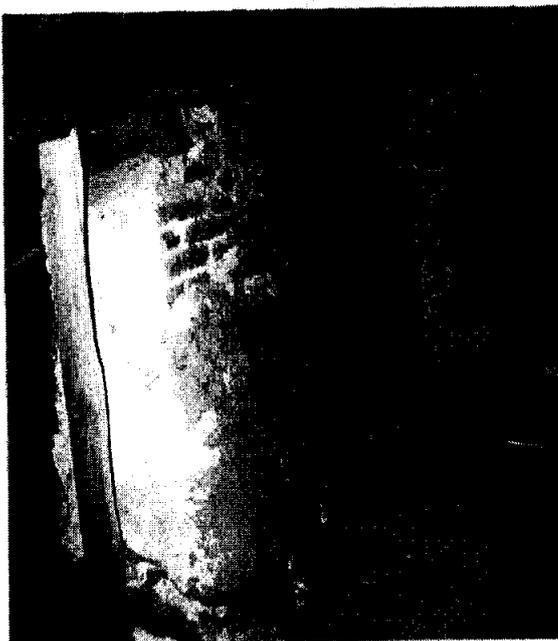


Photo. FF 12

Upper level in barn showing eaves raising in cobble and brick and clay former rear wall discontinuous with gable clay.

c.2009

Appendix C

Condition of Baldwinholme Farm c.2002 showing the extent of consented alteration and demolition works.

No visuals have been located prior to work commencing.



Photo. BF 1

Gable of barn consented for demolition – same condition as Fauld Farm but at Fauld Farm they have been lined with brickwork – justification for demolition over repair in this context is questionable.



Photo. BF 2

Internal view of the clay rear wall with erosion and damage at low level as at Fauld Farm. External block lining and cruck also visible.

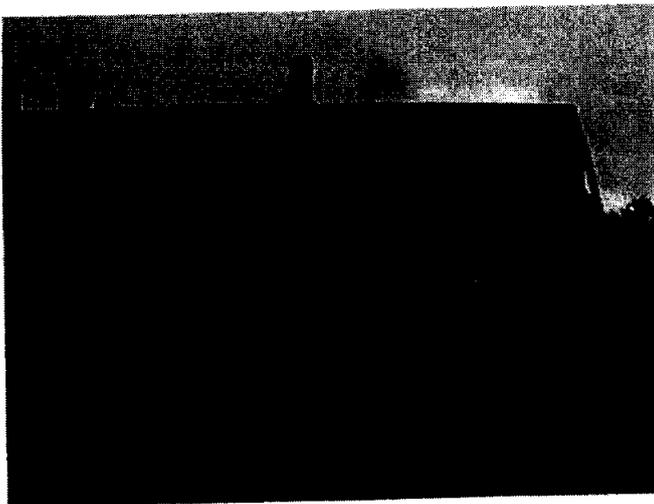


Photo. BF 3

Rear view of barn consented for demolition. With the straightening of the roof line and eaves there is little justification for total demolition of this clay structure.

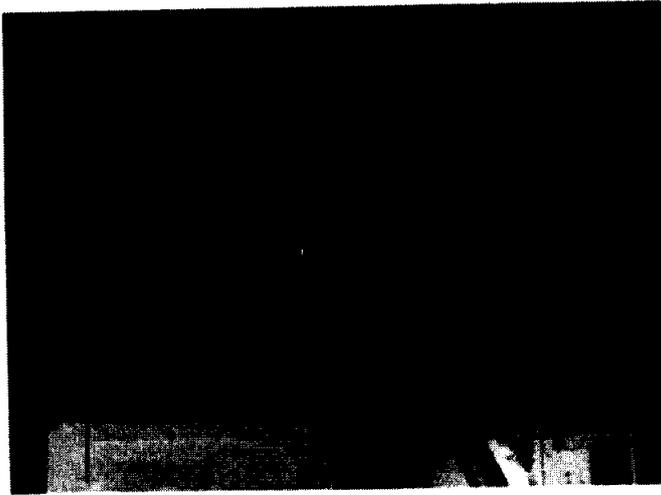


Photo. BF 4

Remains of loft bedroom clearly visible above firehouse but consented for removal

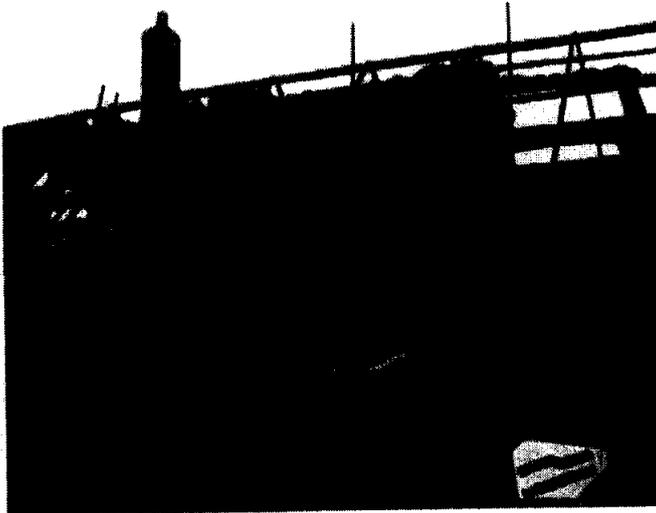


Photo. BF 5

View of front elevation of firehouse and bower showing old thatch in position under the tin sheet and removal of former spars – similar to works at Fauld Farm but more original woodwork was retained and thatch and roof angle has been changed to slate at the latter many years ago.

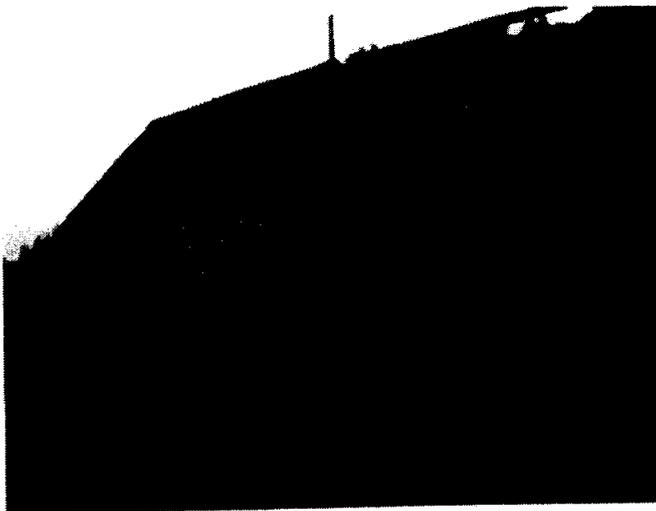


Photo. BF 6

Frontage of byre and barn showing cross passage front door. There is little to separate the condition of the barn from the rest of the dwelling however it was never-the-less consented for demolition.



Photo. BF 7

Barn clay walls demolished and removed. Half cruck truss frame retained illustrating the longevity of the oak frame over the clay walling when not maintained.



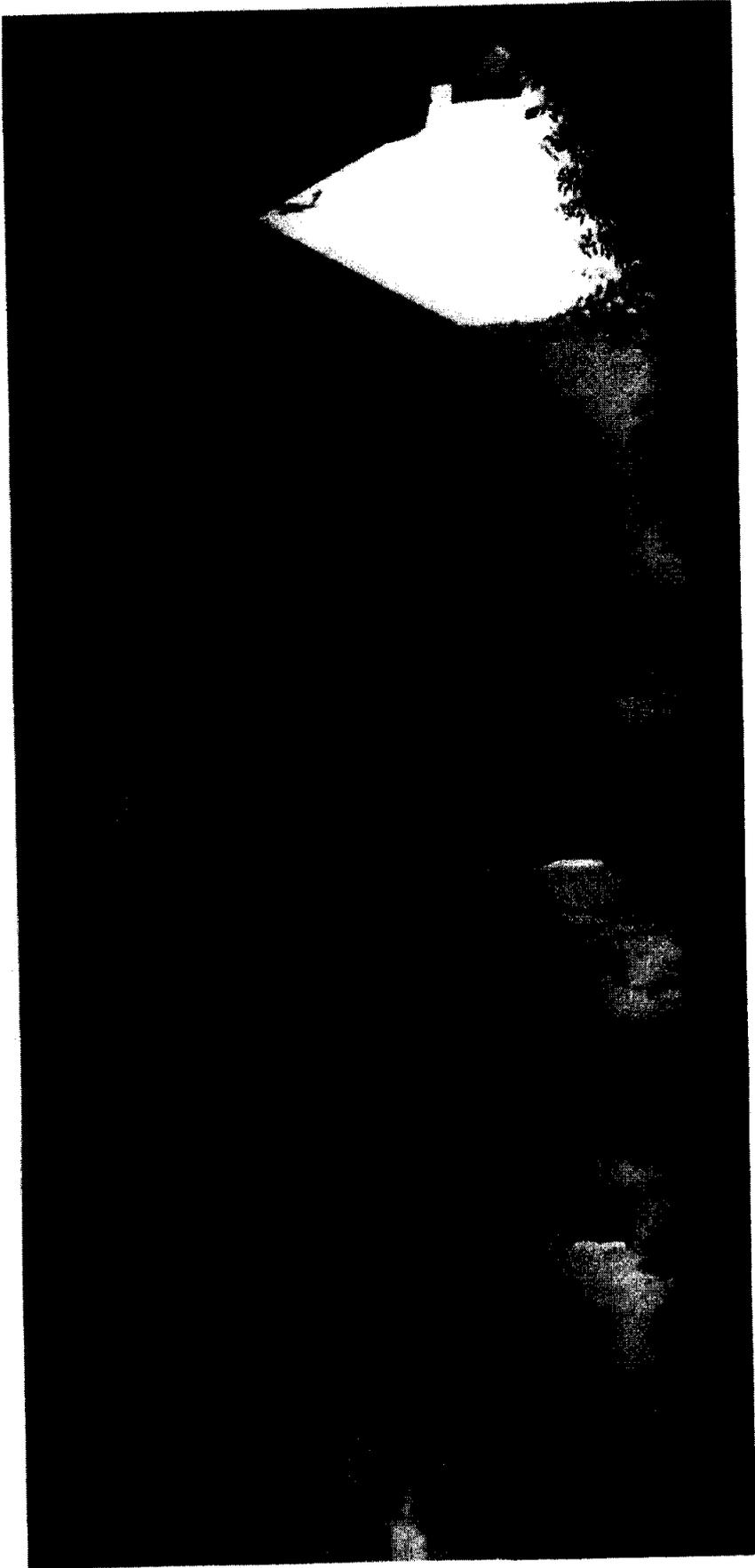
Photo. BF 8

Predominantly clay wall to the front of the firehouse showing old brick infill repairs and levelling of eaves in masonry.



Photo. BF 9

The new-build barn replacement in a variety of stock bricks.



Baldwinholme Farm c.2010. Although extensively altered the longhouse character remains.

Appendix D

Listing Description of Fauld Farm

Listed 19.09.1984

Parish Name: Burgh-by-Sands Grid Reference: 332,381.00 559,01 Date Listed: 19/09/1984

Listing Title: FAULD FARM AND ADJ OUTBUILDING

Statutory Reference: 128-1/13/00034 Grade: II Delisted Date:

Land Parcel Ref	Location Address
1 13481	Fauld Farm and adjoining outbuilding, Burgh-by-Sands, Cumbria

Building Description

Farmhouse and former barn. Dated 1725 over entrance with initials T.H. (Thomas Hodgson). Whitewashed, rendered clay walls; graduated greenslate roof; yellow brick chimney stacks. 2 storeys. 4 bays, with 2-bay former barn to right under common roof. C20 in plain painted stone surround with dated and inscribed lintel. Sash windows with glazing bars in plain painted stone surrounds. Former barn has single-storey extension to front with lean to roof, and plank door in plain stone surround. Barn has plank door with loft door above in plain painted stone surrounds.

Appendix E

Listing Description of Baldwinholme Farm

Listed 10.01.2000

Note : description now considerably out of date following the consented works which appears to have taken little regard of the listing.

SCHEDULE A: Applications with Recommendation

11/0062

Item No: 07

Date of Committee: 11/03/2011

Appn Ref No:
11/0062

Applicant:
Mr Carrigan

Parish:
Westlinton

Date of Receipt:
24/01/2011 16:00:35

Agent:
Green Planning Solutions
LLP

Ward:
Longtown & Rockcliffe

Location:
Parkfield Stables, Newtown, Blackford, Carlisle,
CA6 4ET

Grid Reference:
338839 562599

Proposal: Use Of Land For The Stationing Of Caravans For Residential Purposes
For 1 No. Gypsy Pitch Together A Utility/Dayroom Ancillary To That Use
Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

In the light of the number of objections received and the wish of a resident to exercise his Right to Speak.

1. Constraints and Planning Policies

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H14 - Gypsies and Travellers

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the recommendation made by this Authority to the previous application (07/1083 07/0547 & 06/0134) would still apply i.e. no objection to details although query regarding extent of car borne traffic.

Westlinton Parish Council: strong objections raised to the proposal on the following grounds:

the address which is given as Newton Farm, Blackford is incorrect, Field 7765 is not part of Newton Farm and has no connection with the farm or any property in the area;

a lack of information about how many caravans/buildings will be located on the site;

the proposal will have an adverse impact upon the character of Newtown and a detrimental impact to adjacent residential properties;

the proposal is not in the interest of the local community and would compound local planning issues of unlawful land use;

the proposal is contrary to guidance on transport objectives, local roads are inadequate and the entrance to the site located by a blind tree junction;

concerns regarding the suitability of a septic tank to deal with foul sewage and potential noise nuisance from electricity generators located on site;

the approval of this application would create a precedent leading to further such development in the area;

there is no real need for caravans on this site given that there is currently ample provision for gypsies in the area - furthermore property adjacent to Parkfield Stables which came on the market last year would have been suitable for applicant's purpose;

previous applications for this site have been refused planning permission.

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

Community Engagement, Private Sector Housing: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Rowanlea	02/02/11	Objection

Lownds Garden	02/02/11	Undelivered
Hermitage	02/02/11	
Avonlea	02/02/11	Objection
Braemar	02/02/11	
Leagate	02/02/11	
Holly Cottage	02/02/11	Objection
Fairview	02/02/11	Objection
Palumic House	02/02/11	Objection
Westerly	02/02/11	Objection
Newtown House	02/02/11	Objection
57 Etterby Lea Crescent	02/02/11	Undelivered
Waverley House	02/02/11	
The Beeches	02/02/11	
Meadow View	02/02/11	
Holme Lea	02/02/11	
Burnetts Solicitors	02/02/11	
Clerk to Westlinton PC	02/02/11	

3.1 This application has been advertised by the means of a site notice as well as the direct notification of 18 neighbouring properties. In response five letters and one e-mail of objection have been received.

3.2 The responses raise the following issues

1. The applicant has previously been refused permission at this site due to a lack of perceived need. Despite refusal the applicant moved onto the site and due to a newly identified need for additional Traveller and Gypsy Accommodation in the area, the applicant was granted temporary permission for this site. Despite the temporary nature of the permission the applicant has proceeded to build a significant pitch on the site.

2. Since granting temporary permission there has been a significant change to sites available for Travellers, a new site at Ghyll Bank has been built and the previous need for additional accommodation has now been met, removing the need for this site.

3. The development is disproportionate visually and in scale to the local area and does not follow the established building line on the main road and represents development in the open countryside.

4. A right of way over the access lane is held by one household (Rowanlea) providing access to the rear of the property and access to drainage infrastructure. This access has been blocked on several occasions.

5. The application states that there will be parking for 2 vehicles however there is no reference to the scrap wagon on site.

6. Concern that as the family grows there may be a need for further accommodation the site.

7. Permission for a similar application at Sandysyke was refused on the grounds that there was no shortage of gypsy accommodation. This should apply to this application as suitable accommodation has now been provided in

the area.

8. Applicant should be subject to the same planning rules as any other member of the community.

9. Wording of the proposal is unclear and fails to state how many caravans/buildings will be located on the site which raises further concerns relating to the traffic associated with the site.

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application site is located on the eastern side of the road leading to Westlinton on the immediate northern outskirts of Newtown. The property currently consists of a hardcore surfaced area with a single storey utility/day room and mobile home in the western part and fenced off stables in the eastern portion. The site is enclosed along the northern and southern

boundaries by a timber fence.

- 5.2 To the east of the site there are buildings associated with Newtown Farm. To the immediate north, in the adjoining field number 7584, there is the property known as Greenacres which comprises some stables, constructed in block work and green sheeting, and a mono-pitched building constructed externally in black corrugated sheeting. Approximately 220 metres to the north of the entrance of the application site, on the western side of the Westlinton road, there is the property referred to as Black Moss. In overall terms the site is within an area of relatively flat landscape that is interspersed with small settlements and connected by rural lanes leading to major roads such as the A7.
- 5.3 Mr Carrigan lives with his wife and their six children at Parkfield Stables. The children either attend Houghton C of E School or are tutored at Parkfield Stables. Three of the children experience hearing loss. The status of the family as Gypsies has already been accepted.

Background

- 5.4 In the District provision for Gypsies and Travellers primarily consists of two private sites, namely Hadrian's Park and Ghyll Bank House, and the site managed on behalf of the City Council at Ghyll Bank Park.
- 5.5 At Hadrian's Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrian's Park.
- 5.6 In April 2009, under application 08/1204, planning permission was given for a private Gypsy and Traveller site with 12 pitches at Ghyll Bank House. The applicant/owner of Ghyll Bank House has subsequently confirmed that the site is fully occupied.
- 5.7 In November 2008, under application 08/0976, planning permission was given for the re-instatement of use of Ghyll Bank Caravan Park as a Gypsy and Traveller site with 15 pitches. This site appears to be fully occupied.
- 5.8 Members will also be aware that this provision has been augmented by the granting of three temporary planning permissions (under application reference numbers 07/0522, 07/1083 and 08/350) for single family Gypsy -Traveller sites at Ghyll Bank Stables, Parkfield Stables, and Ghyll Bank Yard.
- 5.9 The University of Salford published in May 2008 a final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA). It concluded that between 2007- 2012 there is an additional need within Carlisle District for 29 residential pitches; from 2012-2016 there is a requirement for 6 additional residential pitches; and an additional transit need in Cumbria as a whole between 2007-2016 of 35 pitches. The latter has then been equally

split to 5 pitches per district and for the Lake District National Park. These conclusions were, however, reached on the basis that Carlisle District had 30 authorised pitches i.e. at a time when the transit site at Hadrian's Park was closed and no account made of provision at Ghyll Bank Park.

- 5.10 Thus the Cumbria GTAA indicates a total need for 59 pitches up to 2012, rising to 62 by 2016. The current provision within the District is 30 permanent pitches (and 30 transit pitches) at Hadrian's Park; 12 pitches at Ghyll Bank House; 15 pitches at Ghyll Bank Caravan Park; and 3 single family pitches. Of the 3 single family pitches, 2 are currently the subject of applications to continue that use including Parkfield Stables.

Assessment

- 5.11 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise.
- 5.12 At a general level, government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.
- 5.13 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks to create sustainable communities where gypsies have fair access to suitable accommodation, education, and, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.
- 5.14 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options. Paragraphs 45 and 46 explain that where there is unmet need but no available gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need (as in this case), local planning authorities should give consideration to granting a temporary permission. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.
- 5.15 Policy H14 of the Carlisle District local Plan 2001 –2016 requires that where there is an identified need the City Council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet five criteria. These are:

- 1) the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance:
- 2) there would be no adverse impact on the local landscape;
- 3) appropriate access and parking can be achieved;
- 4) the proposed site is reasonably accessible to community services; and
- 5) the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

5.16 On this basis the two main issues are considered to be:

- a) the effect of the proposal on the character and appearance of the surrounding area; and,
- b) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally, the specific needs of the applicant and his family, and the matter of their Human Rights.

5.17 When considering the impact of the proposal on the character and appearance of the area, the site is in an area of open countryside not subject to any special planning constraints. Although such locations are described in Circular 01/2006 as being acceptable in principle it also goes on to indicate that sites should respect the scale of, and not dominate the nearest settled community, and that local authorities should be realistic about the availability of alternatives to the car for accessing local services.

5.18 In this case the presence of the development is readily apparent and has the effect of interrupting the rural setting of the edge of Newtown.

5.19 In regard to the question of need, the Cumbria GTAA indicates a total need for 59 pitches up to 2012, rising to 62 by 2016. This compares to current actual provision of 30 permanent pitches (and 30 transit pitches) at Hadrian's Park; 12 pitches at Ghyll Bank House; 15 pitches at Ghyll Bank Caravan Park; and 3 single family pitches.

5.20 As such, in order for the Council to comply with the requirements of the GTAA it is still reliant on the previously approved single family pitches including Parkfield Stables.

Other Matters

5.21 The parents of an employee of the Council have commented on the proposal. Needless to say this member of staff has not directly or indirectly been involved in the processing of this application. Concerns regarding sustainability, drainage and the impact on the living conditions of neighbouring residents have been previously addressed when temporary planning permission was given under application 07/1083.

Conclusion

5.22 The Council has proactively sought to address the accommodation needs of

the Gypsy and Traveller community. This has not only involved the direct provision of a site, with the help of grant funding from the Department of Communities and Local Government, at Ghyll Bank Park but also the granting of permission for a private 12 pitch site at Ghyll Bank House. There has also been recognition that this variety in provision can further be enhanced and augmented by single family plots. Compliance with the Cumbria GTAA will still be dependent upon the continued provision of a site at Parkfield Stables.

- 5.23 There is a direct need for a site to accommodate Mr Carrigan and his family. In the context of the Cumbria GTAA it is considered that this need outweighs the harm to the character and appearance of the surrounding area. The proposal is therefore recommended for approval.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 In the past residents have highlighted that applicants Human Rights are no more or less important than those of the residents of Newtown. Article 8 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. It was alleged that if they become unable either to sell their homes or unable to experience the Right for Peaceful enjoyment of possessions then it is considered that the Council will have contravened the above Human Rights.

- 6.4 In response, it is considered that any noise and disturbance from the applicant's family and vehicles can also be considered commensurate with that of a relatively large family dwelling and therefore not unreasonable.

- 6.5 Conversely, the applicant and his wife have 6 children of which 3 have

hearing difficulties. If planning permission were to be refused this would inevitably lead to moves to evict them from the site. In the event of this happening, and if considered that there is no suitable alternative accommodation, eviction would undoubtedly disrupt the education of the school age children with little hope of any continuity being achieved from an itinerant roadside existence. Forcing the applicant and his family to leave the site would also result in them losing their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights. In the context of the Cumbria GTAA any interference with the applicant and his family's human rights resulting from eviction from the site could be considered disproportionate to the harm caused to the public interest by the retention of the site.

7. Recommendation - Grant Permission

1. The occupation of the site shall be carried on only by the following and their immediate family: Mr Peter Carrigan, Mrs Lorraine Carrigan, Ms Katrina Carrigan, Ms Charmaine Carrigan, Ms Shannon Carrigan, Master Peter Carrigan, Ms Naomi Carrigan and Master Isaac Carrigan.

Reason: But for the special circumstances of the applicants permission would not have normally been forthcoming.

2. When the land ceases to be occupied by all of the following: Mr Peter Carrigan, Mrs Lorraine Carrigan, Ms Katrina Carrigan, Ms Charmaine Carrigan, Ms Shannon Carrigan, Master Peter Carrigan, Ms Naomi Carrigan and Master Isaac Carrigan, the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use shall be removed, and the land shall be restored to its former condition.

Reason: But for the special circumstances of the applicants permission would not have normally been forthcoming.

3. No more than a total of 2 caravans as defined in the Caravan Sites and Control of Development Act 1968 shall be stationed on the land at any time.

Reason: To safeguard the character of the area.

4. The site shall only be used for residential purposes and the keeping/breeding of horses and no other commercial, industrial and/or retail activity shall take place on any part of it.

Reason: To safeguard the character of the area.

5. No vehicle over 7.5 tonnes shall be stationed, parked, or stored on the land.

Reason: To safeguard the character of the area.

Ordnance Survey OS Sitemap

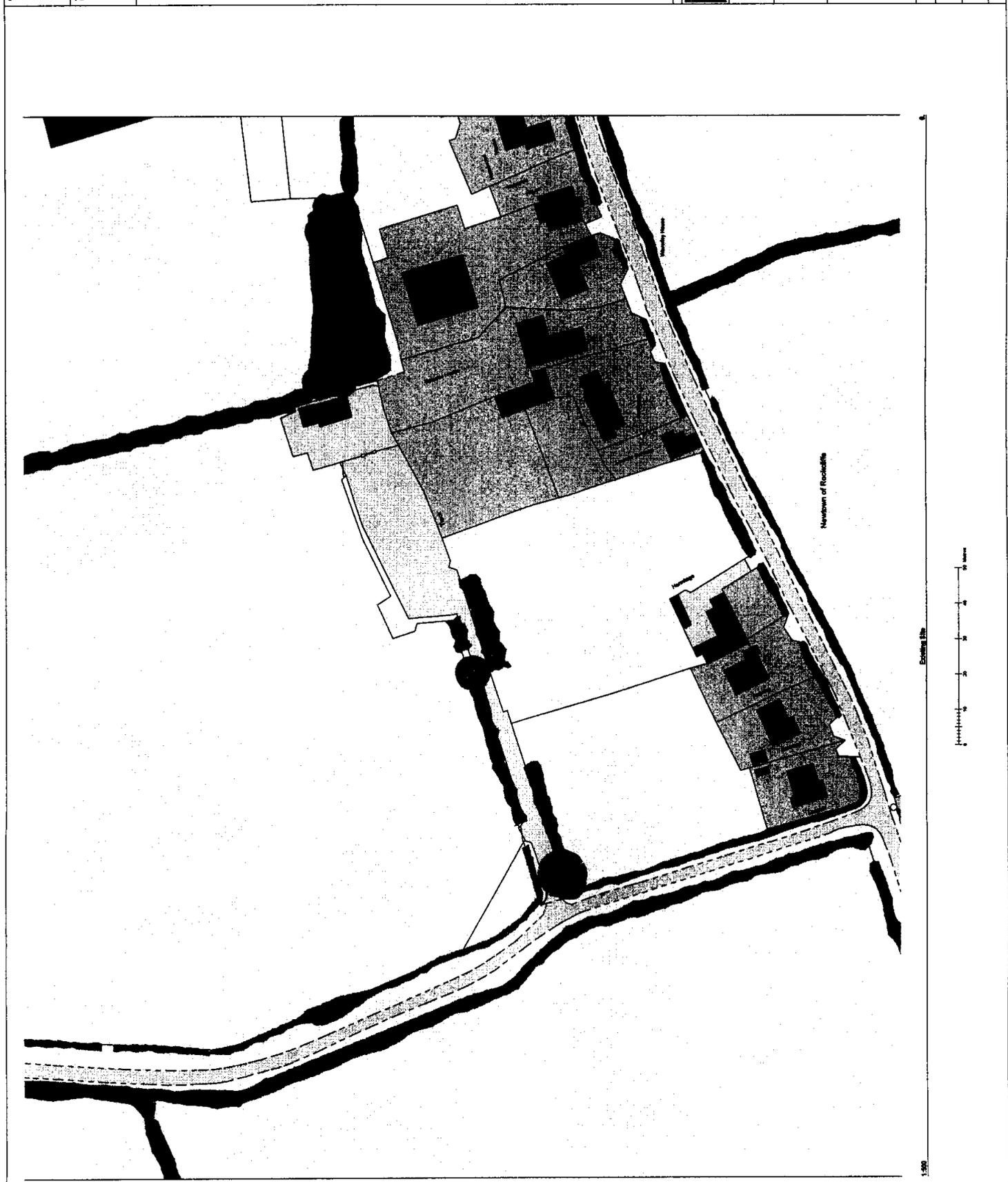


© Crown Copyright 2010
Reproduction in whole or in part is prohibited
without the prior permission of Ordnance Survey.

1:1250 Location Plan

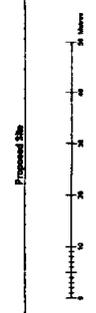
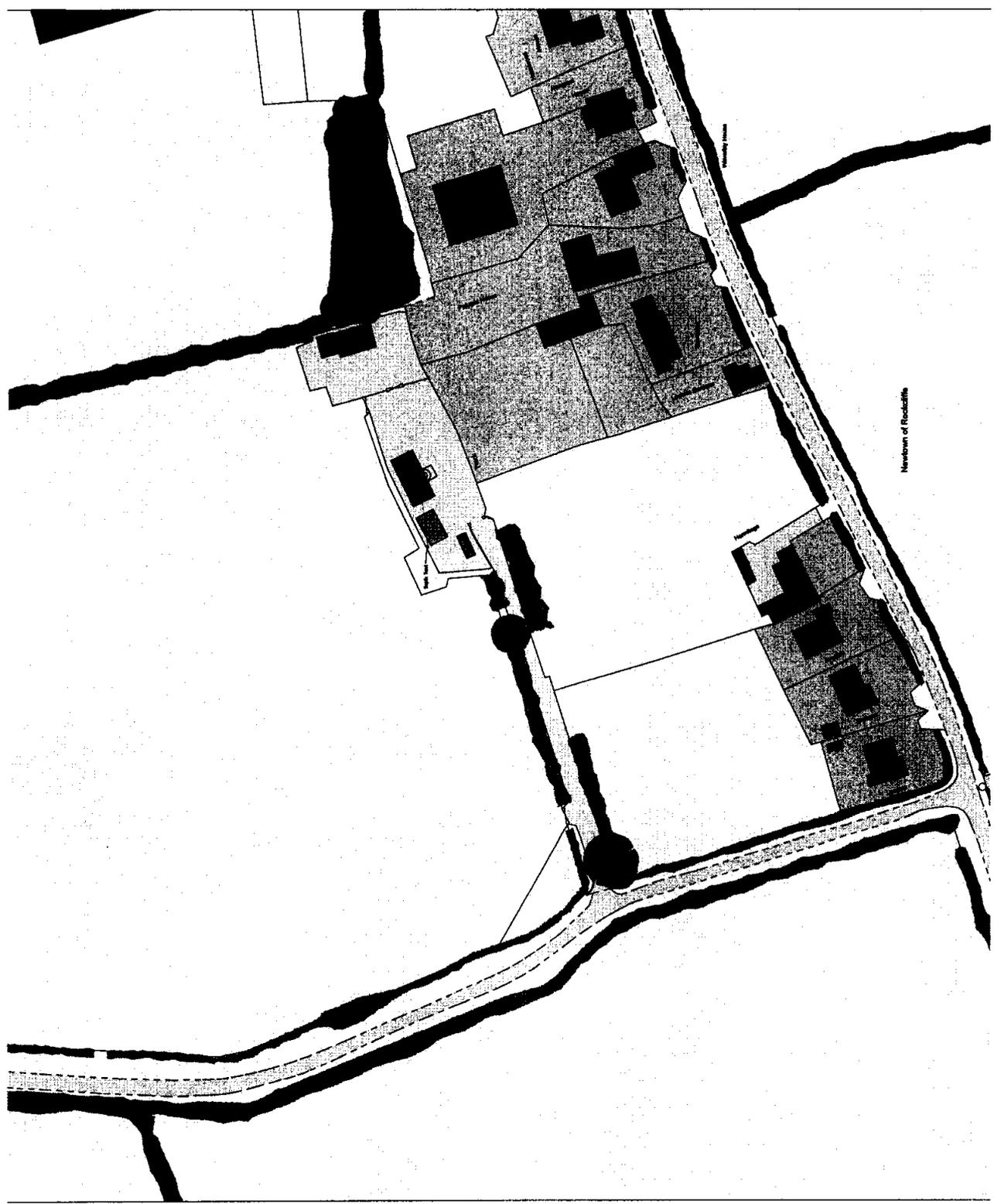
<p>with 1:50,000 Ordnance Survey map sheets 1:50,000, 1:25,000, 1:10,000, 1:5,000, 1:2,500, 1:1,250, 1:625, 1:312.5, 1:156.25, 1:78.125, 1:39.0625, 1:19.53125, 1:9.765625, 1:4.8828125, 1:2.44140625, 1:1.220703125, 1:0.6103515625, 1:0.30517578125, 1:0.152587890625, 1:0.0762939453125, 1:0.03814697265625, 1:0.019073486328125, 1:0.0095367431640625, 1:0.00476837158203125, 1:0.002384185791015625, 1:0.0011920928955078125, 1:0.00059604644775390625, 1:0.000298023223876953125, 1:0.0001490116119384765625, 1:0.00007450580596923828125, 1:0.000037252902984619140625, 1:0.0000186264514923095703125, 1:0.00000931322574615478515625, 1:0.000004656612873077392578125, 1:0.0000023283064365386962890625, 1:0.00000116415321826934814453125, 1:0.000000582076609134674072265625, 1:0.0000002910383045673370361328125, 1:0.00000014551915228366851806640625, 1:0.000000072759576141834259033203125, 1:0.0000000363797880709171295166015625, 1:0.00000001818989403545856475830078125, 1:0.000000009094947017729282379150390625, 1:0.0000000045474735088646411895751953125, 1:0.00000000227373675443232059478759765625, 1:0.000000001136868377216160297393798828125, 1:0.0000000005684341886080801486968994140625, 1:0.00000000028421709430404007434844970703125, 1:0.000000000142108547152020037174224853515625, 1:0.0000000000710542735760100185871124267578125, 1:0.00000000003552713678800500929355621337890625, 1:0.000000000017763568394002504646778106689453125, 1:0.0000000000088817841970012523233890533447265625, 1:0.0000000000044408920985006261616945266723828125, 1:0.00000000000222044604925031308084726333619140625, 1:0.000000000001110223024625156440413166678095703125, 1:0.0000000000005551115123125782202070833390478815625, 1:0.00000000000027755575615628911010354166952394078125, 1:0.000000000000138777878078144555051770834761970390625, 1:0.00000000000006938893903907227752588541738095478815625, 1:0.000000000000034694469519536138762942708692394078125, 1:0.0000000000000173472347597680693814703543461970390625, 1:0.000000000000008673617379884034690735177173095478815625, 1:0.00000000000000433680868994201734536758858692394078125, 1:0.0000000000000021684043449710086726837942970390625, 1:0.0000000000000010842021724855043363418971485195478815625, 1:0.00000000000000054210108624275216817094874257970390625, 1:0.000000000000000271050543121376084085474371485195478815625, 1:0.00000000000000013552527156068804204273718757970390625, 1:0.00000000000000006776263578034402102136859393985195478815625, 1:0.0000000000000000338813178901720105106842969698757970390625, 1:0.00000000000000001694065894508600525534214848498757970390625, 1:0.000000000000000008470329472543002627671072224498757970390625, 1:0.00000000000000000423516473627150131383553611224498757970390625, 1:0.00000000000000000211758236813575065691776805611224498757970390625, 1:0.00000000000000000105879118406787532845888902805611224498757970390625, 1:0.00000000000000000052939559203393766422944451402805611224498757970390625, 1:0.00000000000000000026469779601696883211472225701402805611224498757970390625, 1:0.00000000000000000013234889800848441605736112853507252805611224498757970390625, 1:0.00000000000000000006617444900424220802868056426752805611224498757970390625, 1:0.000000000000000000033087224502121104014340282133611224498757970390625, 1:0.000000000000000000016543612251060552007170141066805611224498757970390625, 1:0.0000000000000000000082718061255302760035850705333611224498757970390625, 1:0.0000000000000000000041359030627651380017925352666805611224498757970390625, 1:0.0000000000000000000020679515313825690008962676333611224498757970390625, 1:0.000000000000000000001033975765691284500044813381666805611224498757970390625, 1:0.000000000000000000000516987882845642250002240669333611224498757970390625, 1:0.0000000000000000000002584939414228211250001120334666805611224498757970390625, 1:0.00000000000000000000012924697071141056250000560167333611224498757970390625, 1:0.000000000000000000000064623485355705281250000280083666805611224498757970390625, 1:0.00000000000000000000003231174267785264062500001400418333611224498757970390625, 1:0.0000000000000000000000161558713389263203125000007002091666805611224498757970390625, 1:0.00000000000000000000000807793566946316015625000003501045833611224498757970390625, 1:0.00000000000000000000000403896783473158007812500000175052291666805611224498757970390625, 1:0.000000000000000000000002019483917365790039062500000087526145833611224498757970390625, 1:0.000000000000000000000001009741958682895019531250000004376307291666805611224498757970390625, 1:0.0000000000000000000000005048709793414475009765625000002188153645833611224498757970390625, 1:0.00000000000000000000000025243548967072237504882812500000109407682291666805611224498757970390625, 1:0.0000000000000000000000001262177448353611875024414062500000054703841145833611224498757970390625, 1:0.0000000000000000000000000631088724176808937501222031250000002735192057291666805611224498757970390625, 1:0.00000000000000000000000003155443620884044687500611015625000001367596028645833611224498757970390625, 1:0.0000000000000000000000000157772181044202234375003055578125000000683798014291666805611224498757970390625, 1:0.000000000000000000000000007888609052210111718750015269440625000000341899007145833611224498757970390625, 1:0.000000000000000000000000003944304526105055859375000763472031250000017094950357291666805611224498757970390625, 1:0.00000000000000000000000000197215226305252792968750003817360156250000008547475178645833611224498757970390625, 1:0.000000000000000000000000000986076131526263964843750001908680078125000000427373758932291666805611224498757970390625, 1:0.0000000000000000000000000004930380657631319824218750000954344039062500000021368687946645833611224498757970390625, 1:0.0000000000000000000000000002465190328815659912109375000047717201953125000001068434397332291666805611224498757970390625, 1:0.00000000000000000000000000012325951644078299560546875000023858600976562500000053421719866645833611224498757970390625, 1:0.00000000000000000000000000006162975822039149780273437500001192930048828125000000267108599332291666805611224498757970390625, 1:0.000000000000000000000000000030814879110195748901367187500000596465024414062500000013355429966645833611224498757970390625, 1:0.000000000000000000000000000015407439555097874450683593750000029823251222031250000000667771498332291666805611224498757970390625, 1:0.000000000000000000000000000007703719777548937225034296875000014911625611015625000000033388574916645833611224498757970390625, 1:0.00000000000000000000000000000385185988877446861251714843750000074558128055781250000001669428745833611224498757970390625, 1:0.000000000000000000000000000001925929944387234306258571921875000003727906402890625000000083471437291666805611224498757970390625, 1:0.000000000000000000000000000000962964972193617153125428596093750000018639532014453125000000041735718645833611224498757970390625, 1:0.0000000000000000000000000000004814824860968085765625214293046875000000931976600722656250000002086785932291666805611224498757970390625, 1:0.0000000000000000000000000000002407412430484042878125107146534375000000465988300361328125000000104339296645833611224498757970390625, 1:0.0000000000000000000000000000001203706215242021439062505357327187500000232994150180664062500000005216964832291666805611224498757970390625, 1:0.0000000000000000000000000000000601853107621010719531250267863593750000116497075090332812500000002608482416645833611224498757970390625, 1:0.0000000000000000000000000000000300926553810505397656251339316796875000058248537545166406250000000130424120832291666805611224498757970390625, 1:0.0000000000000000000000000000000150463276905252698828125066963198437500029124268772583203125000000065212060416645833611224498757970390625, 1:0.00000000000000000000000000000000752316384526263494414062503348159718750001456213438664062500000003260603020832291666805611224498757970390625, 1:0.0000000000000000000000000000000037615819226313174720312501674079890625000072810671832031250000001630301510416645833611224498757970390625, 1:0.00000000000000000000000000000000188079096131565873601562500837039945312500003640533590625000000081515075520832291666805611224498757970390625, 1:0.0000000000000000000000000000000009403954806578293680078125004185199726562500001820266795312500000040757537760416645833611224498757970390625, 1:0.000000000000000000000000000000000470197740328914684003906250020925986328125000009101333976562500000020378768880416645833611224498757970390625, 1:0.00000000000000000000000000000000023509887016445734200195312500104629931640625000004550666988281250000010189384440416645833611224498757970390625, 1:0.000000000000000000000000000000000117549435082228671000976562500052314965703125000002275333494140625000005094692220416645833611224498757970390625, 1:0.00000000000000000000000000000000005877471754111433500488281250002615748285156250000113766674703125000006347346110416645833611224498757970390625, 1:0.00000000000000000000000000000000002938735877055716750244140625000130787414257812500005688333735156250000317367305520832291666805611224498757970390625, 1:0.00000000000000000000000000000000001469367938527858337512220312500006539370712890625000284416674703125000153683687760416645833611224498757970390625, 1:0.000000000000000000000000000000000007346839692639291687506110110156250001422083373515625000142208337351562500007110416645833611224498757970390625, 1:0.000000000000000000000000000000000003673419846319645843750305505557812500007110416645833611224498757970390625, 1:0.0000000000000000000000000000000000018367099231598229218750152752789062500003555208337351562500017552083373515625000087760416645833611224498757970390625, 1:0.00000000000000000000000000000000000091835496157991146093750076376195312500017552083373515625000087760416645833611224498757970390625, 1:0.00000000000000000000000000000000000045917748078995573046875003818809765625000087760416645833611224498757970390625, 1:0.000000000000000000000000000000000000229588740394977865234375001909404882812500004388020833735156250002194010416645833611224498757970390625, 1:0.00000000000000000000000000000000000011479437019748893261718750009547024414062500010970052083373515625001097005208337351562500054850260416645833611224498757970390625, 1:0.0000000000000000000000000000000000000573971850987444663085937500477351220312500054850260416645833611224498757970390625, 1:0.000000000000000000000000000000000000028698592549372233154296875002386756101562500274251260416645833611224498757970390625, 1:0.00000000000000000000000000000000000001434929627468611657714843750119337800781250119337800781250059512560416645833611224498757970390625, 1:0.0000000000000000000000000000000000000071746481373430582885719218750059512560416645833611224498757970390625, 1:0.0000000000000000000000000000000000000035873240686717291442859375002975628020833735156250029756280208337351562501487814016645833611224498757970390625, 1:0.0000000000000000000000000000000000000017936620343358645721429687501487814016645833611224498757970390625, 1:0.0000000000000000000000000000000000000008968310171678322860714843750074390700781250074390700781250037195300416645833611224498757970390625, 1:0.00000000000000000000000000000000000000044841550858391614285719218750037195300416645833611224498757970390625, 1:0.00000000000000000000000000000000000000022420775429195780714285937500185976502083373515625001859765020833735156250092987750416645833611224498757970390625, 1:0.00000000000000000000000000000000000000011210387714597890357142968750092987750416645833611224498757970390625, 1:0.005605193857298945178571429687500464938750416645833611224498757970390625, 1:0.00280259692864947258928571921875002324693750416645833611224498757970390625, 1:0.0014012984643247362946428593750011623468750416645833611224498757970390625, 1:0.00070064923216236814723142968750058117343750416645833611224498757970390625, 1:0.00035032461608118407361571429687500290586718750416645833611224498757970390625, 1:0.000175</p>			
---	--	--	--

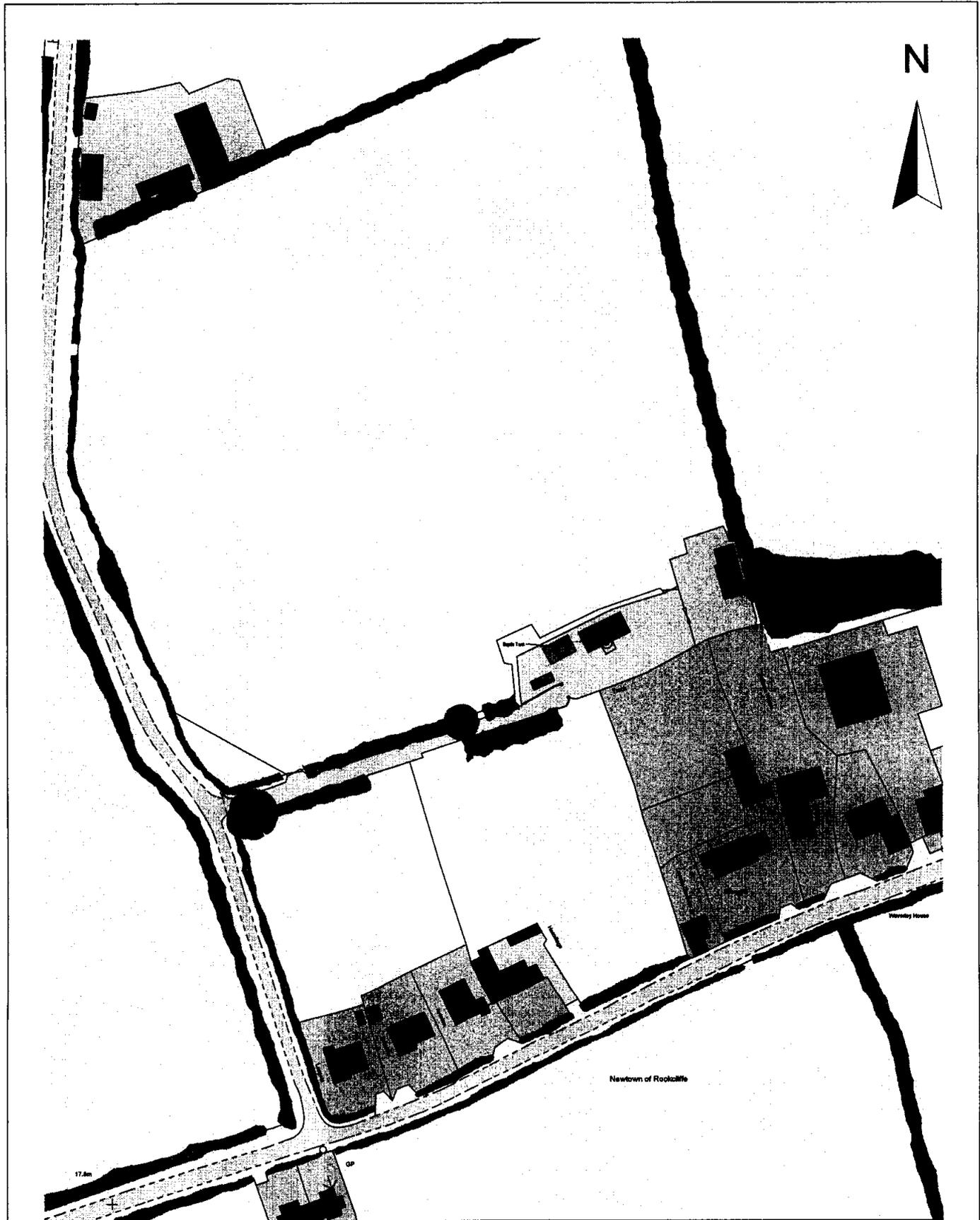
<p>1:500</p> <p>Scale of this drawing</p>		<p>07_120A_CARR1 Planning</p> <p>07_120A_002</p>	
<p>1:500</p> <p>Scale of this drawing</p>		<p>07_120A_CARR1 Planning</p> <p>07_120A_002</p>	
<p>1:500</p> <p>Scale of this drawing</p>		<p>07_120A_CARR1 Planning</p> <p>07_120A_002</p>	



<p>Green Planning Solutions</p> <p>2013-2014 1000 Main St Syracuse, NY 13202 315.437.3100</p>		<p>Client: Mr Carrigan</p>	
<p>Project No: 07_120A_CARR1</p>		<p>Project Name: Parfield Stables, Newtown</p>	
<p>Scale: 1:500</p>		<p>Sheet No: 07_120A_003</p>	

- LEGEND**
- Proposed main drive
 - Proposed utility area
 - Proposed parking spaces
 - Proposed site boundary
 - Existing garden
 - Existing area
 - Additional notes: bridge & tree planting
 - Existing landscaping
 - Existing landscape
 - Existing
 - Proposed tree planting
 - Existing trees
 - Proposed foot drainage
 - Existing landscaping
 - Proposed path & rail (shaded) fence
 - Proposed area to be used (shaded) fence
 - Existing fence
 - Existing watercourse
 - Proposed impermeable surface

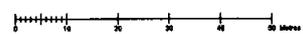




1:1000

Proposed Site

0.



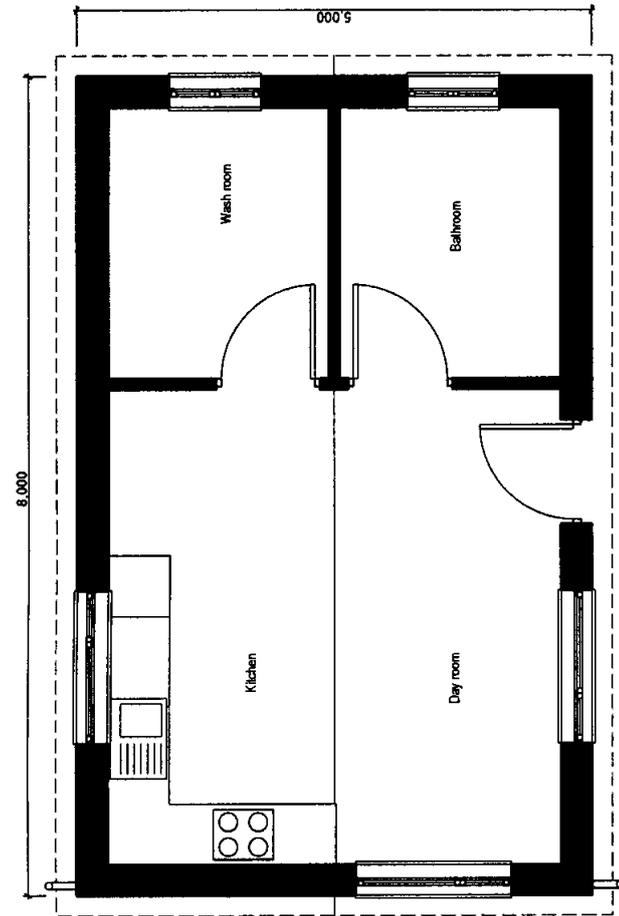
Notes:

Client:	Mr Carrigan	Scale:	1:1000 @ A3
Project title:	Parkfield Stables, Newtown	Project:	07_120A_CARR1
Drawing title:	Proposed Site	Dwg. No.:	07_120A_004

Green Planning Solutions LLP is a limited liability partnership.
Partners: Matthew Green BA, Ruth Reed BA, Dip Arch, MA, RIBA
Reg. No: OC327035

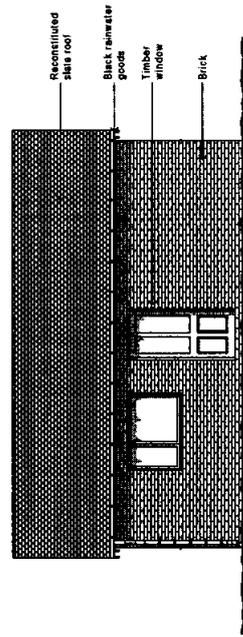


Unit D Lunesdale
Upton Magna
Business Park
Shrewsbury SY4 4TT
t. 01743 709364
f. 01743 709385
e. admin@gpsllp.co.uk



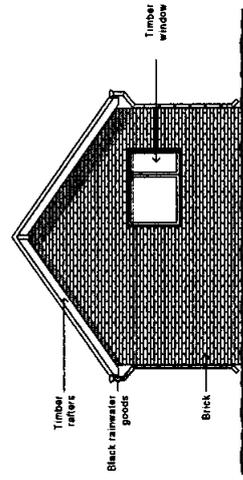
Utility/Day Room - Indicative internal layout

1:50



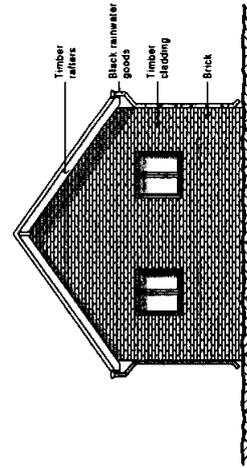
South Elevation

1:100



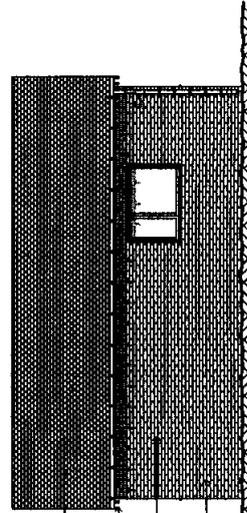
West Elevation

1:100



East Elevation

1:100



North Elevation

1:100

Notes:

Health & Safety Information:
(‘L’ indicates latent risk - ‘C’ indicates construction risk)

Rev.	Date	Amendments	Author
			Unit D Lunsedale Upper Magna Business Park, Strickland 594-4TT t: 01743 709364 f: 01743 709385 e: admin@gpslp.co.uk
			Client: Mr Carrigan
Project title: Parfield Stables, Newdown			
Drawing title: Utility/Day Room - Indicative internal layout - West Elevation, South Elevation, North Elevation, East Elevation			
Scale @ A3: 1:50, 1:100	Date of first issue:	Drawn:	
Project No. 07_120A_CARR1	Issue Status Planning	Revision	
Drawing No. 07_120A_005			
Green Planning Solutions LLP is a limited liability partnership Partners: Matthew Green BA, Ruth Reed BA, De Anh MA, RIBA Reg. No. 0127255			

SCHEDULE A: Applications with Recommendation

11/0079

Item No: 08

Date of Committee: 11/03/2011

Appn Ref No:
11/0079

Applicant:
McDonalds Restaurant

Parish:
Carlisle

Date of Receipt:
01/02/2011

Agent:
Savills

Ward:
Belah

Location:
McDonalds Restaurant, Gearshill Road, Carlisle,
CA3 0ET

Grid Reference:
339396 559460

Proposal: Variation Of Condition 4 Of 97/0203 To Allow Restaurant To Open
Between The Hours Of 6am - Midnight Daily

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 recommendation is contrary to a previous decision made by Members of this Committee.

1. Constraints and Planning Policies

Local Plan Pol EC1 - Primary Employment Areas

Local Plan Pol CP5 - Design

Local Plan Pol EC10 - Food and Drink

2. Summary of Consultation Responses

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

Environmental Protection: no objection;

Cumbria Constabulary: comments awaited; and

Property Services: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
250 Kingstown Road	04/02/11	
252 Kingstown Road	04/02/11	
254 Kingstown Road	04/02/11	
256 Kingstown Road	04/02/11	
258 Kingstown Road	04/02/11	
260 Kingstown Road	04/02/11	
262 Kingstown Road	04/02/11	
264 Kingstown Road	04/02/11	
266 Kingstown Road	04/02/11	
268 Kingstown Road	04/02/11	
270 Kingstown Road	04/02/11	
272 Kingstown Road	04/02/11	
274 Kingstown Road	04/02/11	
276 Kingstown Road	04/02/11	
278 Kingstown Road	04/02/11	Objection
280 Kingstown Road	04/02/11	
282 Kingstown Road	04/02/11	
284 Kingstown Road	04/02/11	
286 Kingstown Road	04/02/11	Undelivered
288 Kingstown Road	04/02/11	Undelivered
290 Kingstown Road	04/02/11	
300 Kingstown Road	04/02/11	
302 Kingstown Road	04/02/11	
304 Kingstown Road	04/02/11	
306 Kingstown Road	04/02/11	
308 Kingstown Road	04/02/11	Undelivered
310 Kingstown Road	04/02/11	
312 Kingstown Road	04/02/11	
314 Kingstown Road	04/02/11	
316 Kingstown Road	04/02/11	
318 Kingstown Road	04/02/11	
320 Kingstown Road	04/02/11	Undelivered
322 Kingstown Road	04/02/11	Undelivered
324 Kingstown Road	04/02/11	Objection
HSBC Bank	04/02/11	
326 Kingstown Road	04/02/11	Objection
Kingstown Filling Station	04/02/11	
292 Kingstown Road	04/02/11	
294 Kingstown Road	04/02/11	Undelivered
296 Kingstown Road	04/02/11	
298 Kingstown Road	04/02/11	

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 41 of the neighbouring properties. At the time of writing this report, three letters of objection have been received and the main issues raised are summarised as follows:

1. there is a residential area adjoining the site and the nighttime peace would

- be damaged by the later opening time;
- 2. should permission be granted, all night trading will follow;
- 3. there is a constant problem with the illegal parking of HGVs even with two dedicated HGV parks in the vicinity. The extended opening hours would attract more of the same;
- 4. there is already a serious litter problem and the later closing time will mean that no cleaning of the area will take place prior to employees going home.

4. Planning History

- 4.1 In 1997, planning permission was granted for the erection of a restaurant (Class A3) together with associated drive through facility and ancillary staff storage and office accommodation including height restrictor barrier.
- 4.2 Advertisement consent was granted in 1997 for the erection of an internally illuminated pole mounted free standing sign.
- 4.3 In the same year, advertisement consent was granted for the erection of 4no. company name sign and logo signs.
- 4.4 Also in the same year, advertisement consent was granted for the display of 10no. information/ directional signs.
- 4.5 In 2005, advertisement consent was granted for the erection of a single sided internally illuminated roof mounted sign.
- 4.6 Later in 2005, planning permission was granted for the variation of condition 4 attached to planning consent 97/0203 to allow the premises to trade from 0630 until 2300 hours seven days a week.
- 4.7 Planning permission was refused in 2008 for to vary condition 4 of planning permission 97/0203 to allow the restaurant to open between the hours of 6.30am to 11pm Sunday to Thursday, 6.30am Friday to 1am Saturday and 6.30am to 1am Sunday.
- 4.8 An application for planning permission is currently being considered under application reference 09/1069 for the refurbishment of the restaurant and patio area, with extension and changes to elevations; installation of customer order display.
- 4.9 An application for advertisement consent is currently being considered under application reference 09/1070 replacement and new signage comprising 4no. fascia signs, 5no. freestanding signs, 2no. banners and 1no. customer order display (all internally illuminated)
- 4.10 Advertisement consent was refused in 2009 for an extension of the existing pole sign by 2 metres.
- 4.11 In 2010, advertisement consent was refused for the display of 2no. non

illuminated aluminium banner units.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Full planning permission is sought for the variation of planning condition four relating to application 97/0203. This permission relates to McDonald's Restaurant, Gearshill Road, Carlisle. The building is sited on the northern edge of the city and within Kingstown Industrial Estate, which is designated as a Primary Employment Area within the Carlisle District Local Plan.
- 5.2 The premises comprise a 90 seat restaurant with cooking and storage facilities and associated 'Drive Thru' facilities and parking provision.

Background

- 5.3 When planning permission was approved for the development on 27th June 1997, condition number 4 stated that:

"The premises shall not be open for trading except between the hours of 0700 and 2300 on any day."

The reason given states:

"To prevent disturbance: nearby occupants."

- 5.4 When submitted in 2004, the application for a variation of the trading hours sought planning consent to open until midnight. During the consideration of the application, additional information was submitted for Member's attention which stated that the company normally trades from 0700 to 2300 hours but that in view of this location they wished to increase their trading hours to attract customers employed in businesses based at Kingstown on a 7 day a week basis.
- 5.5 Under this same planning application, consent was sought for the variation of this condition to allow trading from 6am until midnight 7 days a week; however, through discussions with the applicant it was considered that opening hours between 6.30am and 11pm hours was more appropriate and the application was amended accordingly. Planning permission was granted on this basis.
- 5.6 A further application was submitted in 2008 which sought consent for the variation of the condition to allow increase the opening hours until 3am on Saturday and Sunday mornings. Following discussions with Officers, the closing times were reduced from 3am until 1am. Although the Officer's report recommended approval, Members resolved to refuse the application for the following reason:

"The proposed variation of condition number four would permit the premises

to trade until 01:00 hours on Saturday and Sunday mornings. The building is located close to a Primary Residential Area. Although the application site is separated from the neighbouring dwellings, the additional opening hours would lead to an unacceptable level of disturbance caused by increased traffic movements, congregation of people and general activity, particularly late at night and early morning. This would cause annoyance to nearby residents and would be detrimental to the overall amenity of the area. The proposal is therefore considered to be contrary to criteria 1 of Policy S15 (Food and Drink) of the Carlisle District Local Plan and criteria 1 of Policy EC10 (Food and Drink) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Planning Inspector's decision; contrary to criteria 3 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan and criteria 3 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Planning Inspector's decision; and to the objectives of Policy T1 (Choice of Means of Travel) of the Carlisle District Local Plan."

Proposal

- 5.7 The current proposal seeks to extend the closure time from 2300 hours until midnight seven days a week.

Assessment

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies EC1, EC10 and CP5 of the Carlisle District Local Plan 2001–2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 5.9 Policy EC10 of the Carlisle District Local Plan, which relates to existing establishments, seeks to protect the living conditions of the occupiers of neighbouring properties. This policy specifically relates to food and drink uses and allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to the opening times for premises outside of the City Centre Shopping Area; however, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.
- 5.10 The fact that the site is within a Primary Employment Area does not raise any planning issues in the consideration of the principle of this application. The applicant has argued in previous applications that there are businesses that operate from Kingstown and the additional opening hours would provide a facility to this sector of workers together with the drivers of heavy goods vehicle that park on the estate overnight, where there presently is none.
- 5.11 Planning policies therefore allow flexibility of opening hours for food and drink establishments and in the case of this application, the main issue is the

potential impact on the occupiers of the neighbouring residential properties which is discussed in the following paragraphs.

2. The Impact On The Occupiers Of Neighbouring Properties

- 5.12 Although the site is located on the edge of an industrial estate, there are in the wider area, a number of residential properties, the closest of which are 324 and 326 Kingstown Road, which are approximately 114 metres from the east of the restaurant building and 63 metres from the closest point of the adjacent car park.
- 5.13 The application site is dissected from the nearby residential properties by Kingstown Road, which is a major arterial route leading from the north into the city. The question that arises is whether there would be a significant increase in traffic during the proposed extended opening hours; whether this would lead to a material increase in the level of noise generated; and whether this, in turn, would exceed the ambient noise levels. The application seeks consent to extend the opening hours for an additional hour each day and a balanced decision has to be made as to whether, during this relatively limited period, there would be a prejudicial and unacceptable effect on the living conditions on the occupiers of the residential properties.
- 5.14 It is accepted that the site is separated by a main arterial route into the City Centre but during the hours for which a variation is sought, traffic levels will be low compared to peak flows and therefore, ambient noise levels will be much reduced; however, there is sufficient distance between the application site and the neighbouring properties to suppress any noise transmission issues.
- 5.15 In previous applications to vary the planning condition, Officers in Environmental Protection Services (EPS) have stated that few complaints have been received regarding the business and those that have, relate mainly to the issue of litter discarded in the area. Further comments have been received in respect of the current proposal where it has been confirmed that since the previous application in 2008, no complaints have been received of noise nuisance emanating from the premises. It is further stated that Officers do not anticipate that an extension to the opening times would cause problems with noise nuisance.
- 5.16 The development may not raise issues in terms of a statutory noise nuisance, Members need to consider the general congregation of people and associated conversation noise, closing of car doors and general engine noise, together with the noise of air brakes from heavy goods vehicles which may also visit the site and the potential impact this may have on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance over and above the ambient noise levels. Clearly, Members must form a balanced view on this matter. The objectives of the policies require that the increased trading hours must not result in increased noise and disturbance during times when the occupiers of neighbouring properties can reasonably expect to enjoy peace and quiet. The site is some distance from these properties and the separation by Kingstown Road and the associated traffic, albeit at a reduced flow, must be a consideration. On

balance, the proposal is considered acceptable in this respect.

3. Other Matters

- 5.17 In addition to the matters already addressed, the objector has raised the issue of alleged illegal parking of heavy goods vehicles on Kingstown Industrial Estate. Vehicles do park on the estate overnight but whether this is illegal, is not a planning matter and is not relevant to the consideration of this application.
- 5.18 The objector has also raised the issue of litter that occurs locally and throughout the wider area that is discarded by patrons of the restaurant. Historically, there have been problems with litter from the restaurant and complaints have been made to the Council about it. The applicant's agent has previously addressed this issue and stated that there are dedicated members of staff employed to collect litter within a one mile radius of the site between the hours of 0600 hours and 1400 hours and again between 1500 hours and 2100 hours. This is stated to be operated in consultation with the Council's EPS Officers. Obviously litter from the premises can be found much further a field but provided the issue continues to be managed effectively, this seems a reasonable effort to deal with the matter in the immediate locality.
- 5.19 This problem of litter is referenced in the comments received from Officers in EPS who state that should planning consent be granted, the applicant should continue to control litter emanating from the site during the extended hours of opening.

Conclusion

- 5.20 In conclusion, the merits of this application are finely balanced. On the one hand, planning policies seek to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied demand as society's needs change. The opposing view is the potential impact that the increase trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. The comments from EPS show that no complaints have been received in respect of noise nuisance and that an increase in trading hours as proposed is not anticipated that noise complaints would be generated as a result.
- 5.21 Given the marginal increase in trading hours together with the presence of Kingstown Road that bisects the application site from the neighbouring residential properties, on balance the proposal will not conflict with current Local Plan policies and is considered to be acceptable.

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. **Recommendation** - Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
- Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The approved documents for this planning permission comprise:
1. The Planning Application Form received 1st February 2011;
 2. The Site Location Plan received 1st February 2011 (Drawing No. SAVHD01); and
 3. The Notice of Decision.
 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.
- Reason:** To define the permission.
3. The premises hereby permitted shall not commence trading before 0630 hours or remain open for business after 0000 hours.
- Reason:** To protect the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2001-2016.

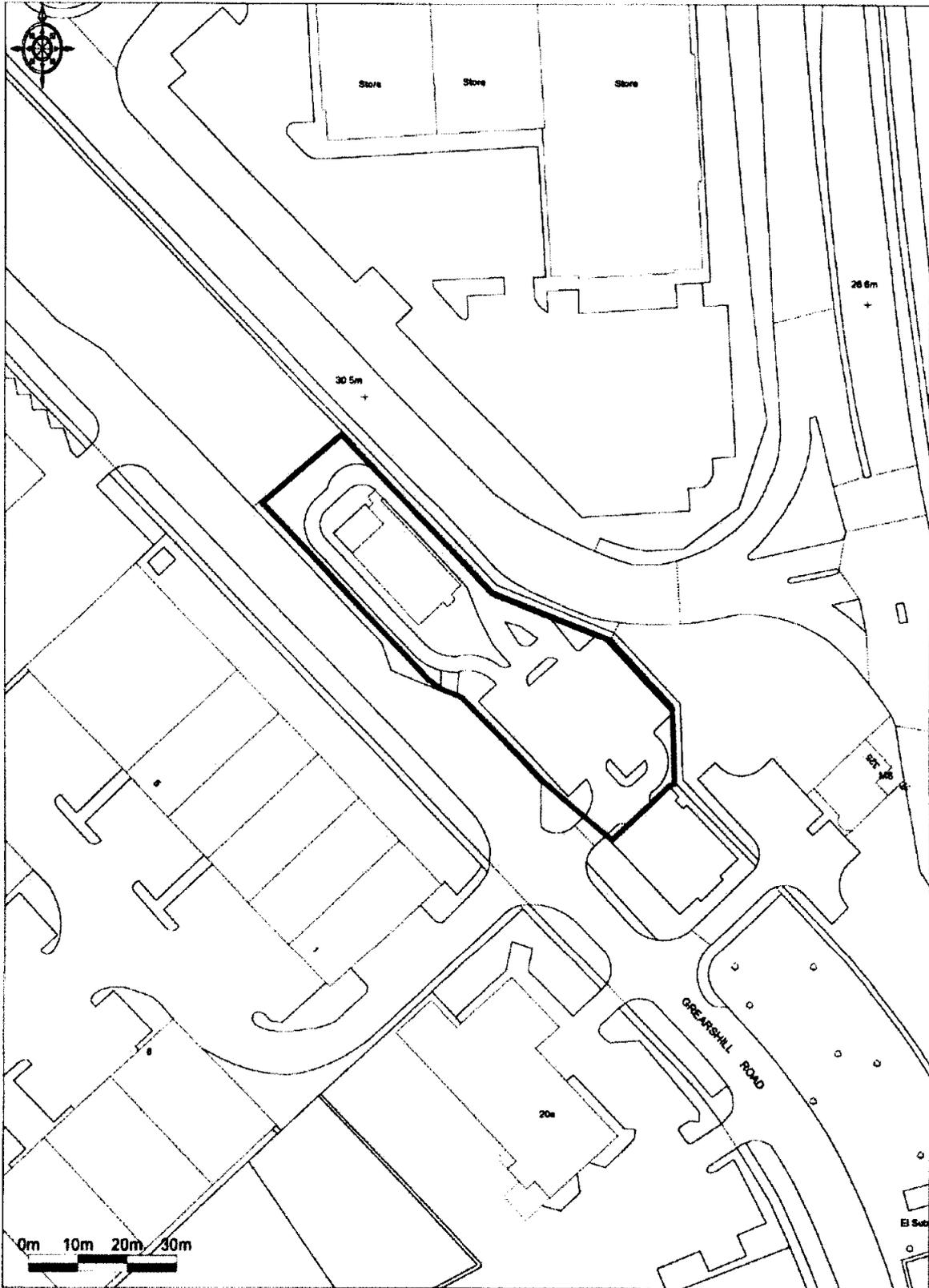
4. The proposed vehicular access, and the service vehicle lay-by, shall be sealed, outside those times when the premises are open for business or receiving deliveries respectively, by the erection of lockable bollards which preclude access by motor vehicles.

Reason: To prevent encroachment within the site when it is unattended or unsupervised in the interests of the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policies EC10 and CP5 of the Carlisle District Local Plan 2001-2016.

5. Fencing and landscaping shall be maintained at all times along the frontage of the site to Parkhouse Road and at no time shall any form of pedestrian or vehicular access be formed or allowed to be used from that frontage.

Reason: In the interests of highway safety.

- 1 FEB 2011
11/0079



Ordnance Survey © Crown Copyright 2011. All rights reserved. Licence number 100020449.
Contouring plc 2011. Flatted Scale - 1:1250

SAVHD01: Site Location Plan McDonald's Restaurant, Kingstown, Carlisle

SCHEDULE A: Applications with Recommendation

10/1115

Item No: 09

Date of Committee: 11/03/2011

Appn Ref No:
10/1115

Applicant:
Richard Rose Federation

Parish:
Carlisle

Date of Receipt:
14/12/2010

Agent:
Capita Symonds Limited

Ward:
Yewdale

Location:
Richard Rose Morton Academy, Wigton Road,
Carlisle, CA2 6LB

Grid Reference:
337651 554541

Proposal: Erection Of A Gymnasium Building And 3G Football Pitch With
Floodlighting

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

Twelve letters of objection have been received.

1. Constraints and Planning Policies

Local Plan Pol LC11- Educational Needs

Local Plan Pol LC5 - Playing Fields

Local Plan Pol LC1 - Leisure Development

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP17 - Planning Out Crime

2. Summary of Consultation Responses

Sport England North West: The proposed development would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss

of the playing fields. Therefore, no objections to the proposal, subject to conditions;

Cumbria County Council - (Highway Authority): no objections, subject to conditions;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): the design of the floodlighting should be such that it does not cause a light nuisance either directly or by glare to any neighbouring properties;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): the submitted Design & Access Statement does not demonstrate how crime prevention measures have been considered in the design of this proposal. Additional information has been requested on security matters.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Morton Cottage	05/01/11	
Morton Farm Cottage	05/01/11	Undelivered
218 Wigton Road	05/01/11	
220 Wigton Road	05/01/11	
222 Wigton Road	05/01/11	
224 Wigton Road	05/01/11	
226 Wigton Road	05/01/11	
228 Wigton Road	05/01/11	
230 Wigton Road	05/01/11	
232 Wigton Road	05/01/11	
234 Wigton Road	05/01/11	
236 Wigton Road	05/01/11	
238 Wigton Road	05/01/11	
Morton Lea	05/01/11	
1 Orchard lea	05/01/11	
2 Orchard lea	05/01/11	
1 Haycock Lane	05/01/11	
3 Haycock Lane	05/01/11	
5 Haycock Lane	05/01/11	
7 Haycock Lane	05/01/11	
9 Haycock Lane	05/01/11	
11 Haycock Lane	05/01/11	
13 Haycock Lane	05/01/11	
15 Haycock Lane	05/01/11	
17 Haycock Lane	05/01/11	
19 Haycock Lane	05/01/11	
21 Haycock Lane	05/01/11	
23 Haycock Lane	05/01/11	
25 Haycock Lane	05/01/11	
27 Haycock Lane	05/01/11	
55 Helvellyn Rise	05/01/11	
57 Helvellyn Rise	05/01/11	
59 Helvellyn Rise	05/01/11	
61 Helvellyn Rise	05/01/11	
63 Helvellyn Rise	05/01/11	
65 Helvellyn Rise	05/01/11	

67 Helvellyn Rise	05/01/11	
69 Helvellyn Rise	05/01/11	
71 Helvellyn Rise	05/01/11	
29 Whitfell Avenue	05/01/11	
31 Whitfell Avenue	05/01/11	
33 Whitfell Avenue	05/01/11	
35 Whitfell Avenue	05/01/11	
37 Whitfell Avenue	05/01/11	
215 Whernside	05/01/11	
216 Whernside	05/01/11	
217 Whernside	05/01/11	
218 Whernside	05/01/11	
219 Whernside	05/01/11	
220 Whernside	05/01/11	
221 Whernside	05/01/11	
222 Whernside	05/01/11	
223 Whernside	05/01/11	
224 Whernside	05/01/11	
225 Whernside	05/01/11	
226 Whernside	05/01/11	
227 Whernside	05/01/11	
228 Whernside	05/01/11	
229 Whernside	05/01/11	
18 Helvellyn Rise	05/01/11	
20 Helvellyn Rise	05/01/11	
22 Helvellyn Rise	05/01/11	
24 Helvellyn Rise	05/01/11	
26 Helvellyn Rise	05/01/11	
28 Helvellyn Rise	05/01/11	
51 Helvellyn Rise	05/01/11	
53 Helvellyn Rise	05/01/11	
1 Hebden Avenue	05/01/11	Objection
3 Hebden Avenue	05/01/11	
5 Hebden Avenue	05/01/11	Objection
7 Hebden Avenue	05/01/11	
9 Hebden Avenue	05/01/11	
11 Hebden Avenue	05/01/11	
13 Hebden Avenue	05/01/11	
15 Hebden Avenue	05/01/11	
17 Hebden Avenue	05/01/11	
19 Hebden Avenue	05/01/11	
21 Hebden Avenue	05/01/11	
23 Hebden Avenue	05/01/11	
25 Hebden Avenue	05/01/11	
27 Hebden Avenue	05/01/11	
29 Hebden Avenue	05/01/11	
Maggie Mason	18/02/11	Comment Only
Maggie Mason	18/02/11	Comment Only
5 Suttle Close	05/01/11	Objection
6 Suttle Close	05/01/11	
7 Suttle Close	05/01/11	Objection
8 Suttle Close	05/01/11	Objection
9 Suttle Close	05/01/11	Objection
10 Suttle Close	05/01/11	Objection
11 Suttle Close	05/01/11	Objection
12 Suttle Close	05/01/11	
13 Suttle Close	05/01/11	
14 Suttle Close	05/01/11	Objection
29 Queensway	05/01/11	Objection
214 Wigton Road	05/01/11	
216 Wigton Road	05/01/11	
4 Suttle Close		Objection

1 Suttle Close
3 Suttle Close
17 Suttle Close
4 Hebden Avenue

Objection
Objection
Comment Only
Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to ninety-five neighbouring properties.

3.2 Twelve letters of objection have been received, which make the following points:

- the proposal is a commercial development, running out of school hours during the week and at weekends - question whether this is an appropriate use for a residential area;
- this type of facility should be located in a central location, such as the Sheepmount or The Sands Centre, where there are no residential properties to be affected;
- the existing use of the site is currently limited to socially acceptable hours;
- it is inappropriate to place this pitch in the middle of four quiet residential estates;
- there are a number of gardens adjacent to the playing field;
- the position of the flood lit football pitch with fencing is in the wrong place - it should be more central, nearer to the main building - could be more easily monitored and would have less impact on residential properties;
- the floodlighting and noise from the pitch will affect the quality of life of the occupiers of neighbouring properties once it is up and running;
- noise will be created by players shouting, spectators, the referees whistle and balls hitting the metal perimeter fence;
- the pitch will be used by adults after school hours and bad language and shouting until late at night and at weekends will affect local residents;
- a time limit of 10pm is totally unacceptable in this quiet, residential area;
- kids will try and climb the fences and use the pitch;
- the floodlighting could cause more accidents at the junction of Queensway and Hebden Avenue - there have already been a

number of accidents at this junction;

- the pitch will affect the peace and tranquility of the area, which is currently quiet outside school hours;
- the proposal will lead to increased traffic in the area;
- users will park in the residential streets near to the site;
- whilst there are existing sports pitches at Richard Rose Central and Caldew School, Dalston, these are not comparable to this site - this site is currently quiet in the evenings and at weekends (there is no existing background noise like at Central) and the dwellings would be much nearer the pitch than in this case in Dalston;
- the height of the floodlighting will be clearly visible some distance from the school;
- the pitch and the fence will be visually intrusive - they will totally destroy the open aspect of the playing fields;
- the school stated in 2009 that there would be no floodlighting of pitches;
- if the pitch is approved it should be moved nearer to the school building, the use of the facility should be limited with no commercial casual use and the hours should be limited to 20:00 hours mid-week and 18:00 hours weekends
- the fact that funding providers have stipulated certain hours of use is not relevant and should not override the impact of the proposal on the neighbours;
- the noise will frighten birds away from the area;
- the floodlighting would use 30kw of electricity per hour which does not fit in with the Academy's green image;
- the pitch could affect drainage in the area, which is already a problem.

4. Planning History

- 4.1 These is an extensive planning history relating to the use of this site as a school.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This proposal is seeking planning permission for the erection of a gymnasium building and the construction of a 3G sports pitch with floodlighting at Richard Rose Morton Academy, Wigton Road, Morton, Carlisle. A new school building is currently under construction at the site, which also includes a swimming pool/ gym building which is open to the general public and extensive playing fields, which are located to the rear of the site. Residential properties surround the school site, with those on Suttle Close, Hebden Avenue and Helvellyn Rise adjoining the playing fields.

The Proposal

- 5.2 The proposed gymnasium would be sited to the rear of the new school building, in close proximity to the existing swimming pool/ gym and near to car parking. It would measure 47m by 36m and would have a ground floor area of approximately 1,650 sq m and a first floor of 530 sq m. The gym would become a regional centre for Cumbria and would allow the Carlisle Gymnastics Club to expand and attract new members.
- 5.3 The building would contain a gymnasium, equipment zones, equipment stores, changing facilities, a reception, offices, a staff room, a medical room and toilets on the ground floor, with an activities studio, physiotherapy rooms, classrooms/ meeting rooms, a cafe, a kitchen and toilets being located on the first floor.
- 5.4 The gymnasium would be constructed of blockleys charcoal smooth facing brick to the lower sections of the walls, with red cedar timber cladding to the upper sections, under a pewter grey steel roof. The majority of the roof would be pitched, although a small section would have a flat roof.
- 5.5 The new 3G sports pitch would be located on part of the existing school playing fields. The pitch would measure 80m by 112m and would be surrounded by a perimeter fence. The pitch would be floodlit by fourteen luminaries which would be sited on six 15m high lighting columns. These would be located at each corner of the pitch, as well as midway down the sides of the pitch. Ten of the luminaries would be medium beam, with four being narrow beam. A lighting plan accompanies the application and this shows that lighting would not 'spill out' more than 30m from the pitch.
- 5.6 There are currently three 3G pitches in Cumbria, two in the west of the County and one in Penrith but there is no such facility in Carlisle. The 3G pitch turf is similar to astroturf, though of a higher standard and more realistic appearance. There is strong demand for such a facility in Carlisle.
- 5.7 Both the gym and the sports pitch would be available to school pupils and also to members of the public/ clubs during evenings and weekends and in the school holidays. The applicants have requested that the gym and pitch be open from 8.30am to 10pm seven days a week, although the floodlighting would be switched off at 9.15pm. The site currently operates from the start of the school day until 10pm at night.

- 5.8 The gym and 3G sports pitch would form the first phase of the development of the Morton Sports Village, which when fully developed would include swimming pools and a well-being centre as well as the gymnasium and 3G sports pitch.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies LC1, LC5, LC11, CP3, CP5 and CP17 of the Carlisle District Local Plan 2001-2016.
- 5.10 The proposal raises the following planning issues:
1. Whether The Proposals Are Acceptable In Principle
- 5.11 Whilst the gymnasium and floodlit sports pitch would be let out on a commercial basis at evenings and weekends, both facilities would be extensively used by pupils from the school and they would greatly enhance the existing facilities. The siting of the facilities on an alternative site, away from the school, would not improve the school facilities and would not, therefore, be an option. It should not be noted that there is already a gym on the site, which together with the swimming pool, is currently available to the public outside school hours. The principle of siting these facilities on the school site is, therefore, considered to be acceptable.
2. The Visual Impact Of The Proposal
- 5.12 The gymnasium building would replace an existing building and would be sited in close proximity to the new main school building and the existing swimming pool/ gym building. The building would be constructed of charcoal smooth facing brick to the lower sections of the walls, with red cedar timber cladding to the upper sections, under a pewter grey steel roof. This would match the new school building, which is predominantly brickwork at ground floor, with vertical cedar boarding to the upper floors. The visual impact of the gymnasium building would, therefore, be acceptable.
- 5.13 The nearest residential properties on Hebden Avenue would be approximately 53m away from the edge of the sports pitch and would face towards it. The nearest residential properties on Suttle Close would be approximately 115m away from the edge of the pitch, with those on Helvellyn Rise being over 170m away.
- 5.14 It is acknowledged that the new sports pitch would have an adverse visual impact on some of these surrounding residential properties, particularly four properties on Hebden Avenue that would face the pitch. The pitch would be enclosed by a high metal fence and six 15m high lighting columns would be located at the corners of the pitch and midway down the sides of the pitch. These would be visible from outside the site.
- 5.15 Details of the perimeter fencing that would enclose the pitch have yet to be

submitted, but these would need to be agreed with the Council. The fencing would not be solid and would allow views through, thus reducing its visual impact. Whilst the lighting columns would be 15m high, the height of the main school building would measure 12.6m to the parapet, 15.8m to the top of the screening for mechanical plant which would be installed on the roof and 20.3m to the top of the 2 stair towers and the existing chimney on the site is 21.5m high.

- 5.16 There are some existing trees to the rear of the properties on Suttle Close, which would help to reduce the pitches visual impact when viewed from these properties. A landscaping condition has been added to the consent and this would ensure that new planting is sited between the pitch and the properties on Hebden Avenue, thus reducing the visual impact of the pitch on these properties.
- 5.17 The floodlighting would be visible from outside the site but conditions have been added to ensure that these are switched off by 9.15pm Monday to Friday and by 8.15pm on Saturdays, Sundays and Bank Holidays.
- 5.18 Whilst the sports pitch would have an adverse visual impact on some residential properties, this can be mitigated to an acceptable level by the provision of landscaping and the control of the hours of use of the floodlighting. The visual impact of the proposal is, therefore, considered to be acceptable.

3. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighboring Properties

- 5.19 The applicants want to use the gymnasium and sports pitch from 8.30am to 10pm, seven days a week. The use of the gym for these hours would be acceptable, given its location close to the existing school buildings and given that the existing gym and swimming pool at the site are open until 10pm during the week.
- 5.20 The use of the pitch for these hours would, however, be unacceptable as noise levels generated by the use of the pitch would have an adverse impact on the occupiers of neighbouring residential properties. It is considered that the use of the pitch should be restricted to the hours of 8.30am to 9pm Monday to Friday and from 9am to 8pm on Saturdays, Sundays and Bank Holidays.
- 5.21 The floodlighting could also adversely affect the amenity of occupiers of local residents. A condition has, therefore, been added to the permission, which ensures that the floodlights are switched off at 9.15pm Monday to Friday and at 8.15pm on Saturdays, Sundays and Bank Holidays.

4. Crime Prevention Measures

- 5.22 Cumbria Constabulary has requested additional information on crime prevention measures. A condition has been added to the consent to ensure that this information is submitted and agreed prior to the commencement of

development.

Conclusion

- 5.23 The siting of the gymnasium and sports pitch at Richard Rose Morton Academy is acceptable in principle. The imposition of conditions would ensure that the proposal would not have an unacceptable adverse visual impact, or an unacceptable impact on the living conditions of the occupiers of any neighbouring residential properties. In all aspects, the proposal is considered to be compliant with the objectives of the adopted 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, proportionate and there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Design & Access Statement (received 13 December 2010);
3. BS5837:2005 Trees in Relation to Construction Report (received 13 December 2010);
4. Tree Protection Method Statement (received 13 December 2010);
5. Preliminary Arboricultural Survey (received 13 December 2010);
6. Flood Risk Assessment (received 13 December 2010);
7. Transport Statement (received 13 December 2010);
8. Ecological Scoping Survey (received 13 December 2010);
9. Floodlighting Details - Non-League Football - Performance Results - 180 LUX (received 13 December 2010);
10. Preliminary Sources (Desk) Study Report (received 21 December 2010);
11. Location Plan (drawing CS047269_001, received 13 December 2010);
12. Block Plan (drawing CS047269_002, received 13 December 2010);
13. Proposed Ground Floor Plan (drawing CS_047269_L(01)003, received 13 December 2010);
14. Proposed First Floor Plan (drawing CS_047269_L(01)004, received 13 December 2010);
15. Proposed Roof Plan (drawing CS_047269_L(01)005, received 13 December 2010);
16. Proposed Elevations - South & West (drawing CS_047269_L(01)006, received 13 December 2010);
17. Proposed Elevations - North & East (drawing CS_047269_L(01)007, received 13 December 2010);
18. Proposed Section, Massing and Exterior Finishes (drawing CS_047269_L(01)008, received 13 December 2010);
19. Proposed Site Plan Showing Sewer to be Diverted/ Built Over (drawing CS_047269_L(01)009A, received 13 December 2010);
20. Lighting Plan (drawing CS047269_007, received 14 December 2010);

21. Fencing Plan (drawing CS047269_006, received 13 December 2010);
22. the Notice of Decision; and
23. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Prior to the commencement of the development of the proposed 3G sports pitch, details of its design, specification and layout, which shall comply with Sport England Technical Design Guidance Notes including 'A guide to the design, specification and construction of MUGAs and STPs', shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Sport England. The sports pitch shall be constructed in strict accordance with these details.

Reason: To ensure that the 3G sports pitch is constructed to an appropriate standard and to accord with Policy LC5 of the Carlisle District Local Plan 2001-2016.

4. Prior to the commencement of the development a Community Use Scheme for the 3G sports pitch and the gymnastics centre shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hours of use, access by non-school users/ non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To ensure that the 3G sports pitch and the gymnastics centre allow appropriate community use and to accord with Policy LC5 of the Carlisle District Local Plan 2001-2016.

5. The 3G sports pitch hereby approved shall only be open for use between the hours of 08:30 and 21:00 Monday to Friday and between the hours of 09:00 to 20:00 on Saturday, Sunday and Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The gymnasium hereby approved shall only be open for use between the hours of 08:30 and 22:00 Mondays to Sundays.

Reason: To protect the amenity of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. The floodlights shall be switched off no later than 9.15pm on Mondays to Fridays and by 8.15pm on Saturdays, Sundays and Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. 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 and to support Local Transport Plan Policies LD7 and LD8.

9. Prior to the commencement of development hereby approved, protective fencing shall be erected in accordance with the details contained in the BS5837: 2005 Trees in Relation to Construction Report dated November 2010 (received 13 December 2010) and Tree Protection Method Statement dated November 2010 (received 13 December 2010) and retained in place until the construction work is completed.

Reason: In order to protect existing trees, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

10. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implanted in accordance with this plan. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. Prior to the commencement of development hereby approved, details of the proposed fencing to be erected around the new 3G sports pitch shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the design of the fencing is acceptable, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Prior to the commencement of development hereby approved, details of the proposed lighting columns to be erected around the new 3G sports pitch shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the design of the lighting columns is acceptable, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development hereby approved, details of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with Cumbria Constabulary. These details shall include:

- Specification of all exterior door and window products, including plant/

exterior storage (with regard to resistance of gymnasium building to forced entry);

- Extent of laminated glazing at ground floor level;
- Proposed locking devices for 3G pitch gates;
- Internal access control measures;
- Provision of secure personal lockers for students/ teams/ officials;
- Provision of separate Intruder Alarms or integration with Academy system;
- Provision of separate CCTV system or integration with Academy system;
- Implementation of property marking programme.

The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the development minimises the opportunity for crime in accordance with the objectives of Policy CP17 of the Carlisle District Local Plan 2001-2016.



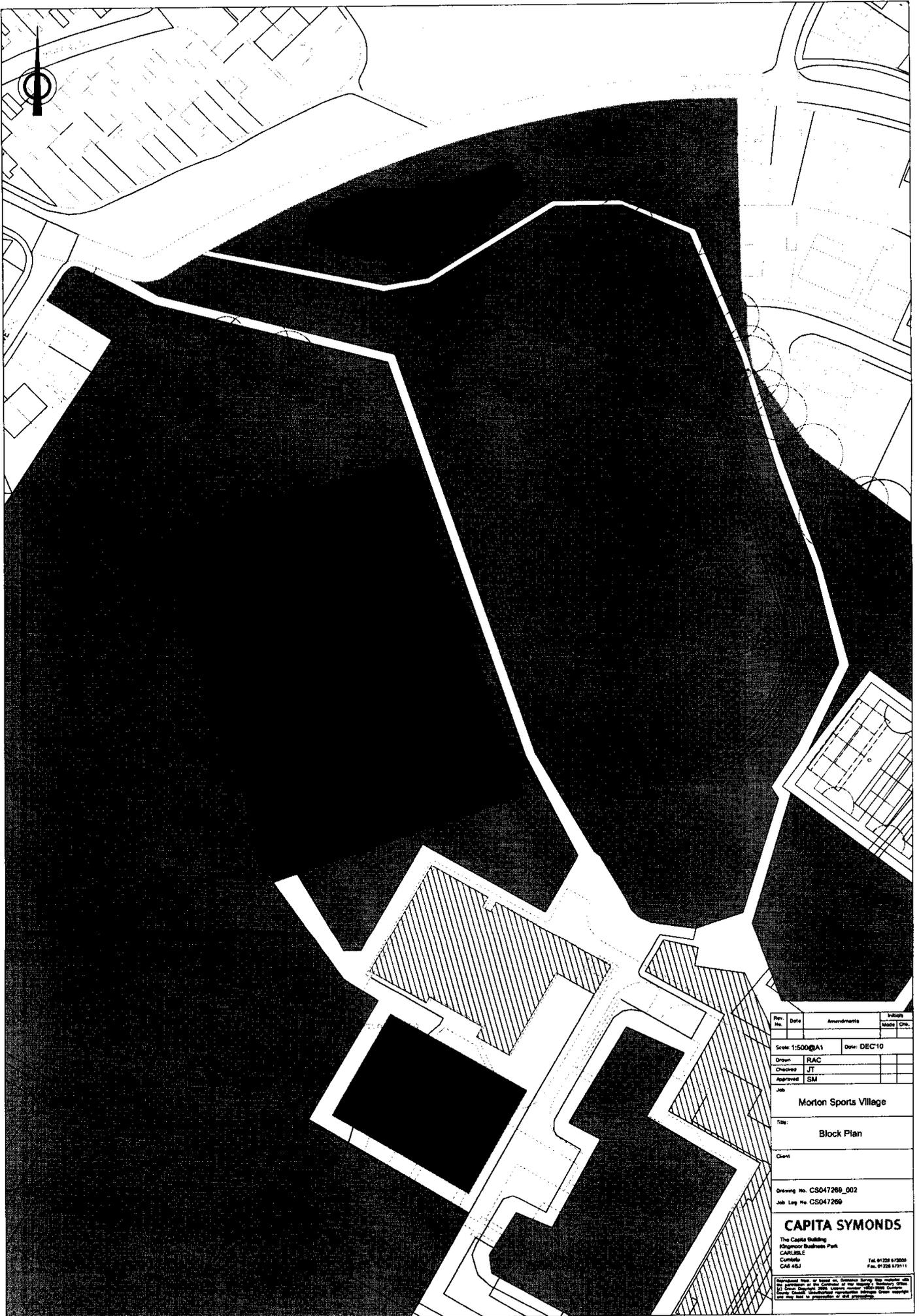
Reproduced from, or based on, Ordnance Survey map material with the permission of the Controller of Her Majesty's Stationery Office. (c) Crown Copyright 2008. Licence number 1 00019556

Drawing No. CS047269_001

Drawn by RAC Scale 1:2500 Date DEC '10

Morton Sports Village Location Plan

CAPITA SYMONDS
 The Capita Building
 Kingmoor Business Park
 CALLEBIE
 GLASGOW
 G40 4SU
 Tel: 01228 673000
 Fax: 01228 673111



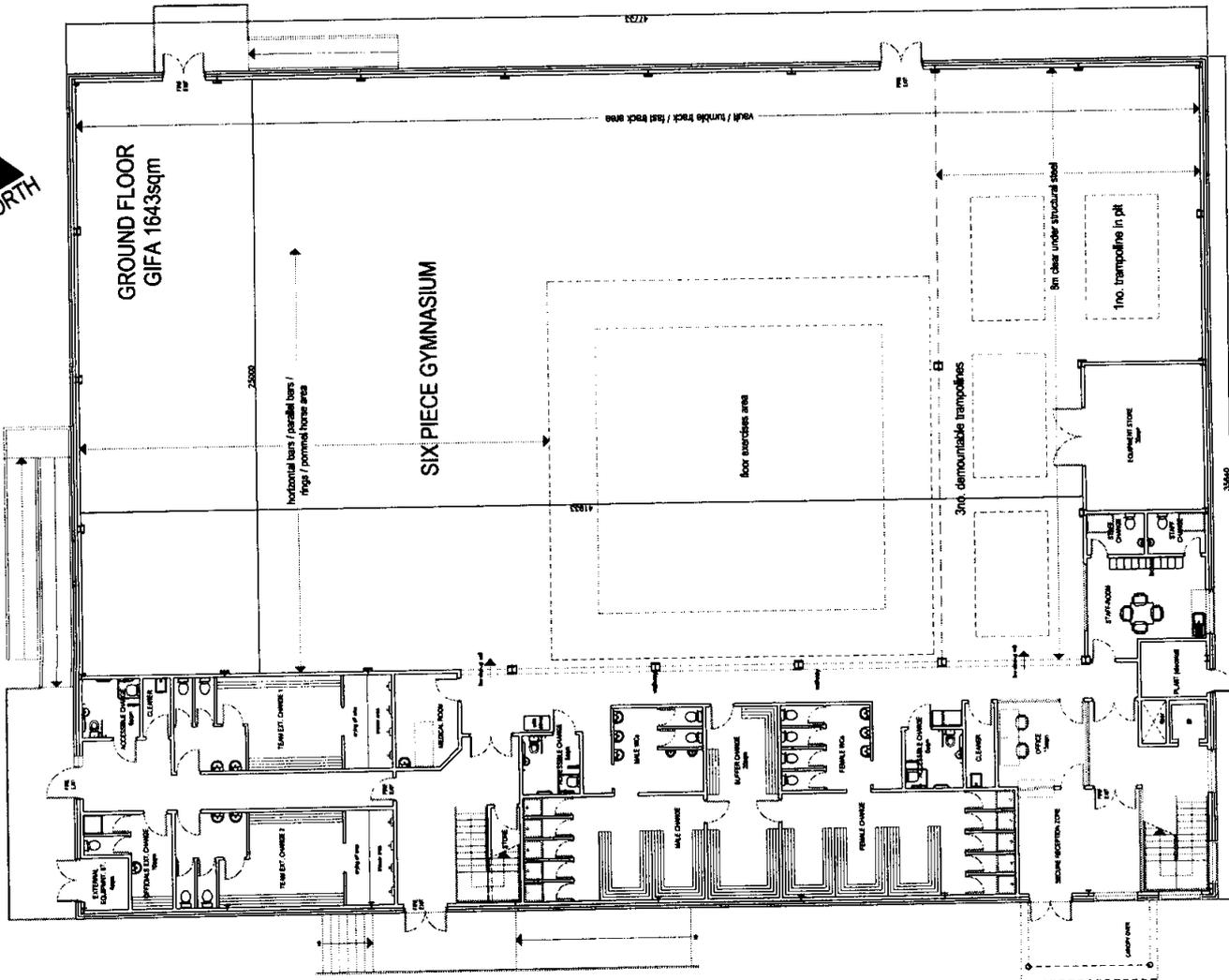
Rev. No.	Date	Amendments	1/8"=1'-0"	Mode	Chg.
Scale: 1:500 @ A1		Date: DEC'10			
Drawn	RAC				
Checked	JT				
Approved	SM				
Job					
Morton Sports Village					
Title					
Block Plan					
Client					
Drawing No. CS047289_002					
Job Lay No. CS047289					
CAPITA SYMONDS					
The Capita Building Edgemoor Business Park CARLISLE Cumbria CA8 4JZ					
Tel: 01228 672000 Fax: 01228 672111					



GROUND FLOOR
GIFA 1843sqm

SIX PIECE GYMNASIUM

horizontal bars / parallel bars / rings / pommel horse area



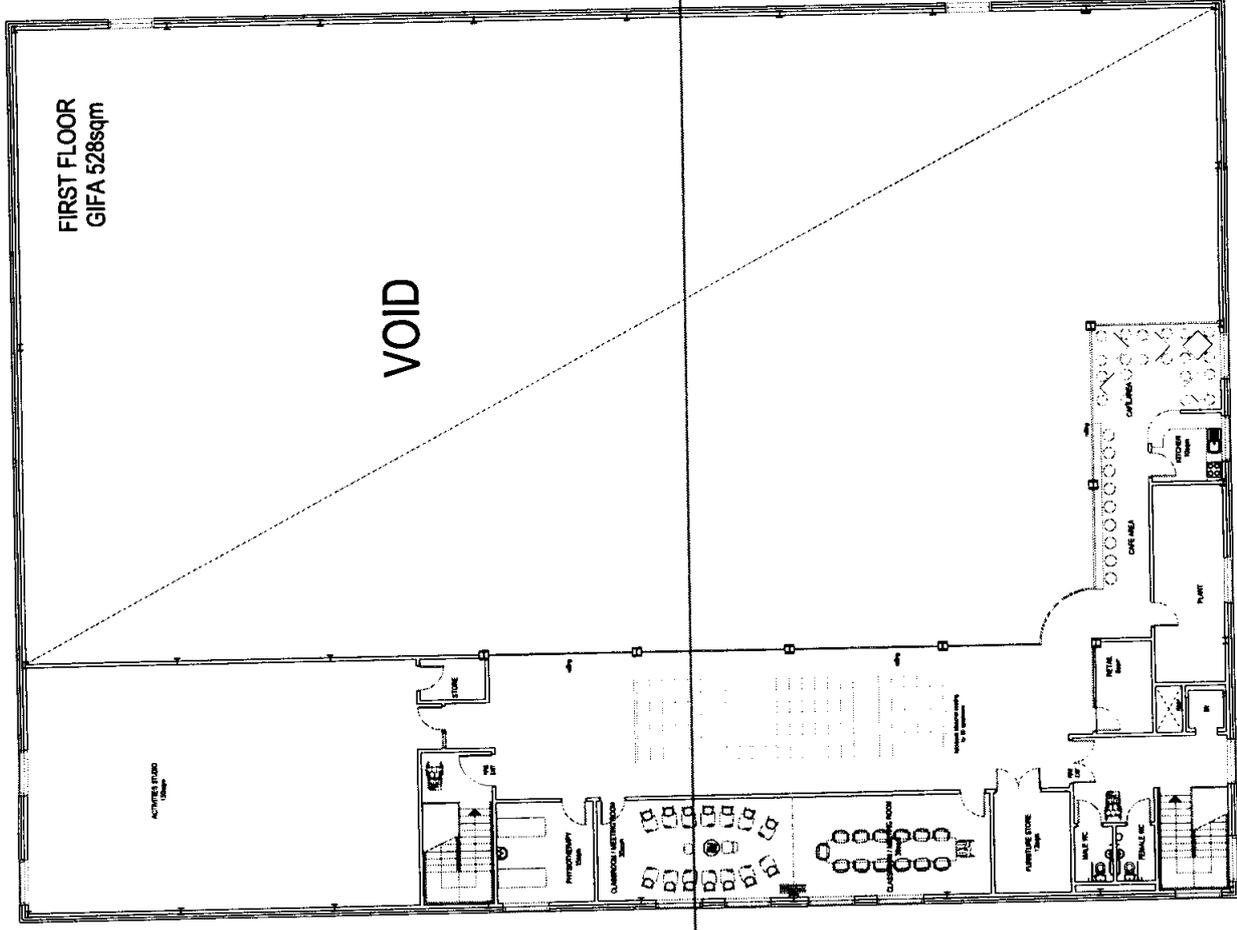
GROUND FLOOR PLAN Mk5 Planning

Project Name	CAPITA SY ONDS		
Client	The Capita Building Nigelmore Business Park Carrick C.M. 52F Tel: 01276 810000 www.capitaireland.co.uk		
Discipline	Planning		
Site	Morton Sports Village		
Phase No.	Morton Sports Village - Phase 1		
Project No.	Proposed Ground Floor Plan (Mk5 - Planning)		
Drawn By	1:100	Scale	06.12.2010
Checked By	GOV	Checked By	GOV
Project No.	CS_141728		
Drawn No.	CS_141728_1(01).dwg		



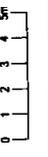
FIRST FLOOR
GIFA 528sqm

VOID



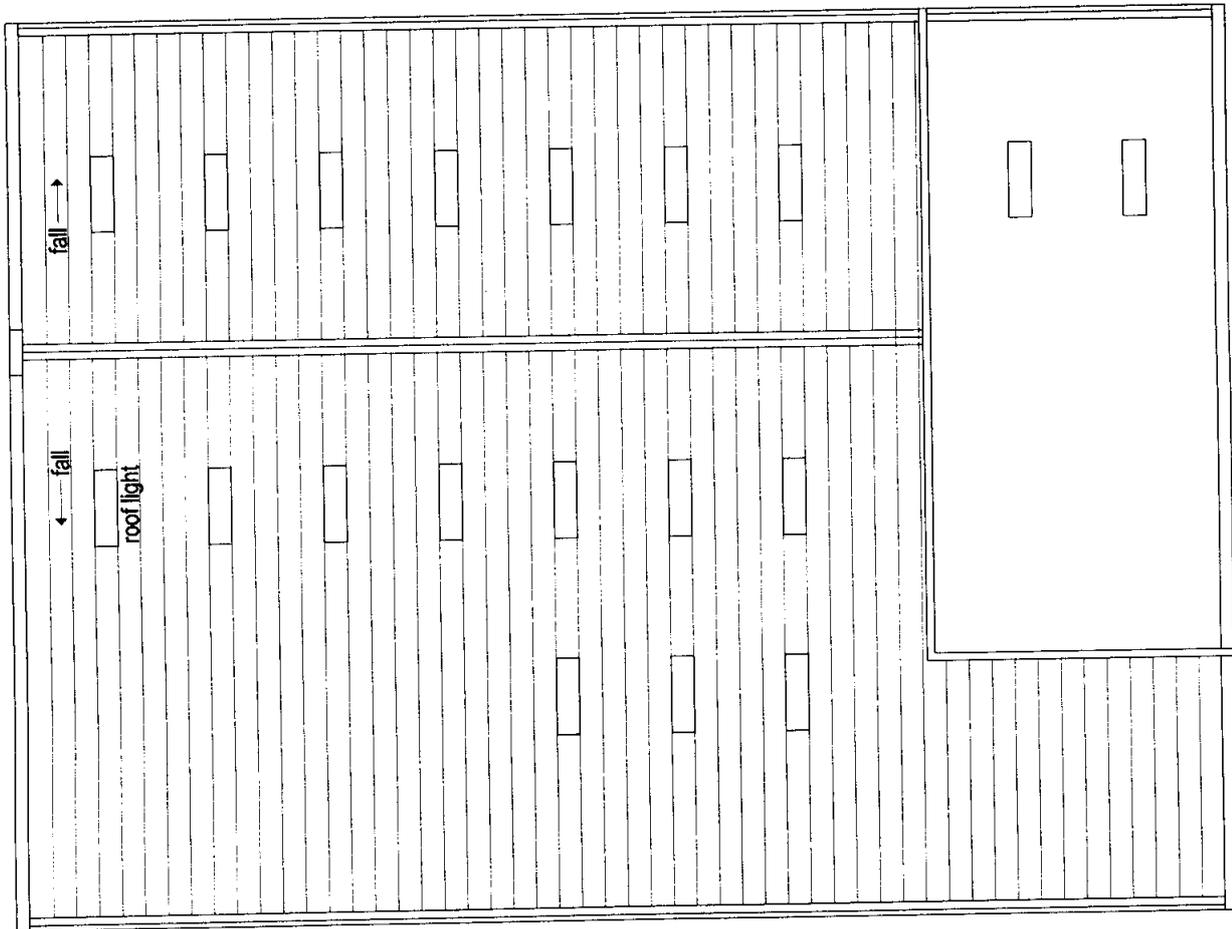
A

A



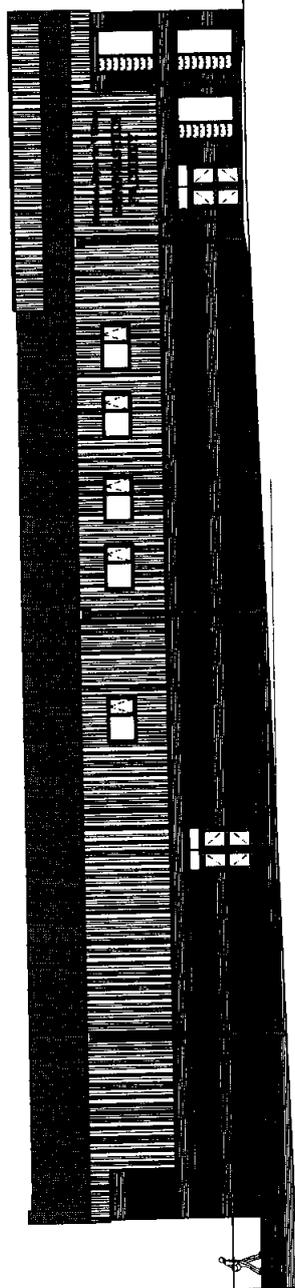
FIRST FLOOR PLAN Mk5 Planning

NO.	DATE	BY	CHK.	REV.
CAPITA SYMONDS				
The Capita Building Kilgobbin Business Park Caroline CAE 45J Tel: 01234 47288 Fax: 01234 47311 www.capita.com.au				
Planning				
Morton Sports Village				
Morton Sports Village - Phase 1				
Proposed First Floor Plan (Mk5 - Planning)				
Scale 1:100	Drawn by: GDL	Checked by: GDL	Submitted by: GDL	Date: 04.12.2010
Project: CS_047288	Drawing No: CS_047288_1(01)104			



NO.	DESCRIPTION	DATE	BY	CHK			
CAPITA SY ONDS							
The Capita Building Moorpark Business Park Cardale C.M. 62J Tel: 01238 67266 Fax: 01238 67311 www.capitasystems.co.uk							
Project	Planning						
Site	Morton Sports Village						
Area No.	Morton Sports Village - Phase 1						
Working No.	Proposed Roof Plan (MK5 - Planning)						
Scale	1:100	Drawn by	GCJ	Checked by	MM	Date	08.12.2010
Project No.	CS_04726						
Working No.	CS_04726_L01/005						

ROOF PLAN Mk5 Planning

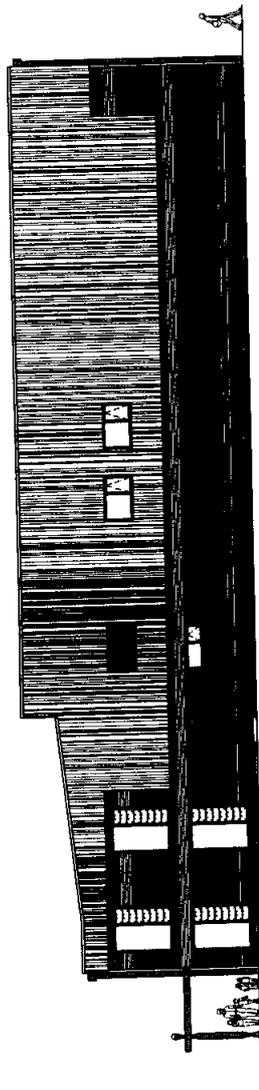


SOUTH ELEVATION

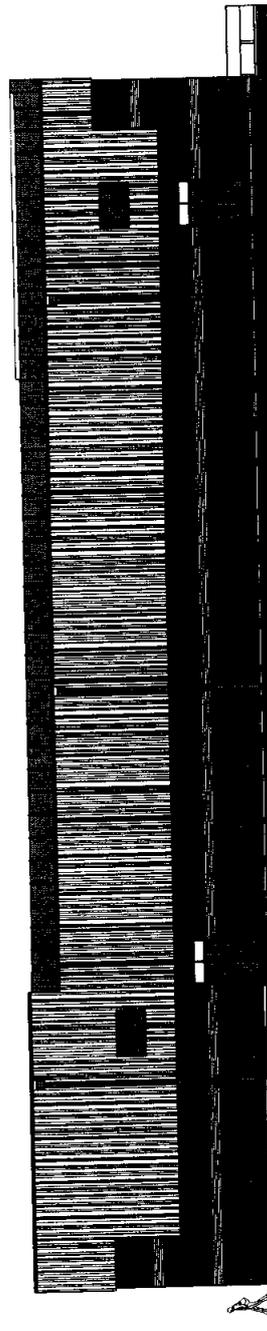


WEST ELEVATION

DATE	REVISIONS	NO.	DATE	BY
CAPITA SYMONDS				
The Capita Building Kingston Business Park Cardiff, CF4 6SJ Tel: 01222 47288 Fax: 01222 473111 www.capitasymonds.co.uk				
Project: Planning				
Site: Morton Sports Village				
Project Title: Morton Sports Village - Phase 1				
Drawing Title: Proposed Elevations - South and West (M&S - Planning)				
Scale:	1:100	Scale:	1:100	Scale:
Author:	CS_04728	Checker:	CS_04728	Date:
Project No.:	CS_04728	Revision:	08.12.2010	Drawn By:
Client:	CS_04728_L001_005	Project Manager:		Scale:



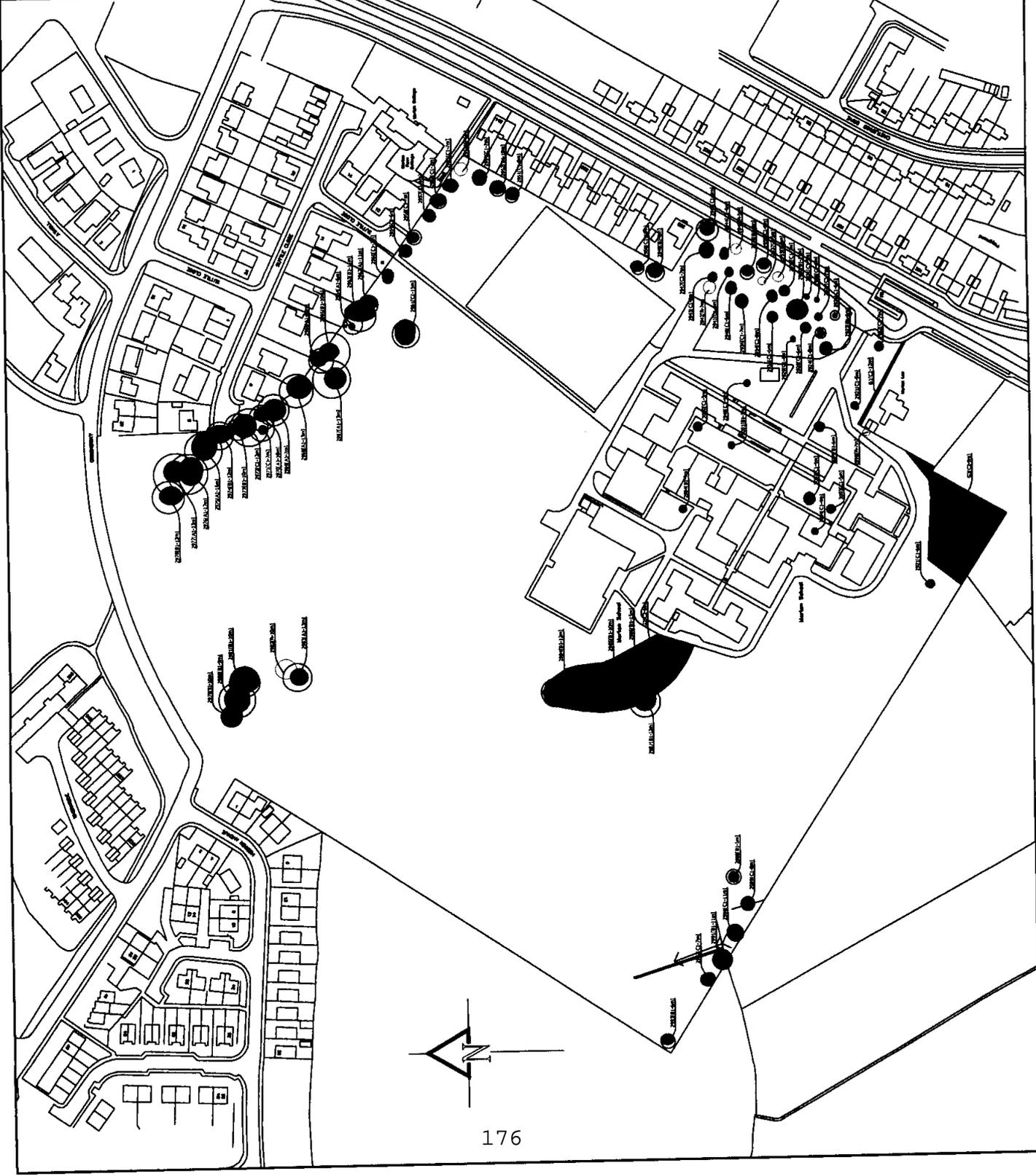
EAST ELEVATION

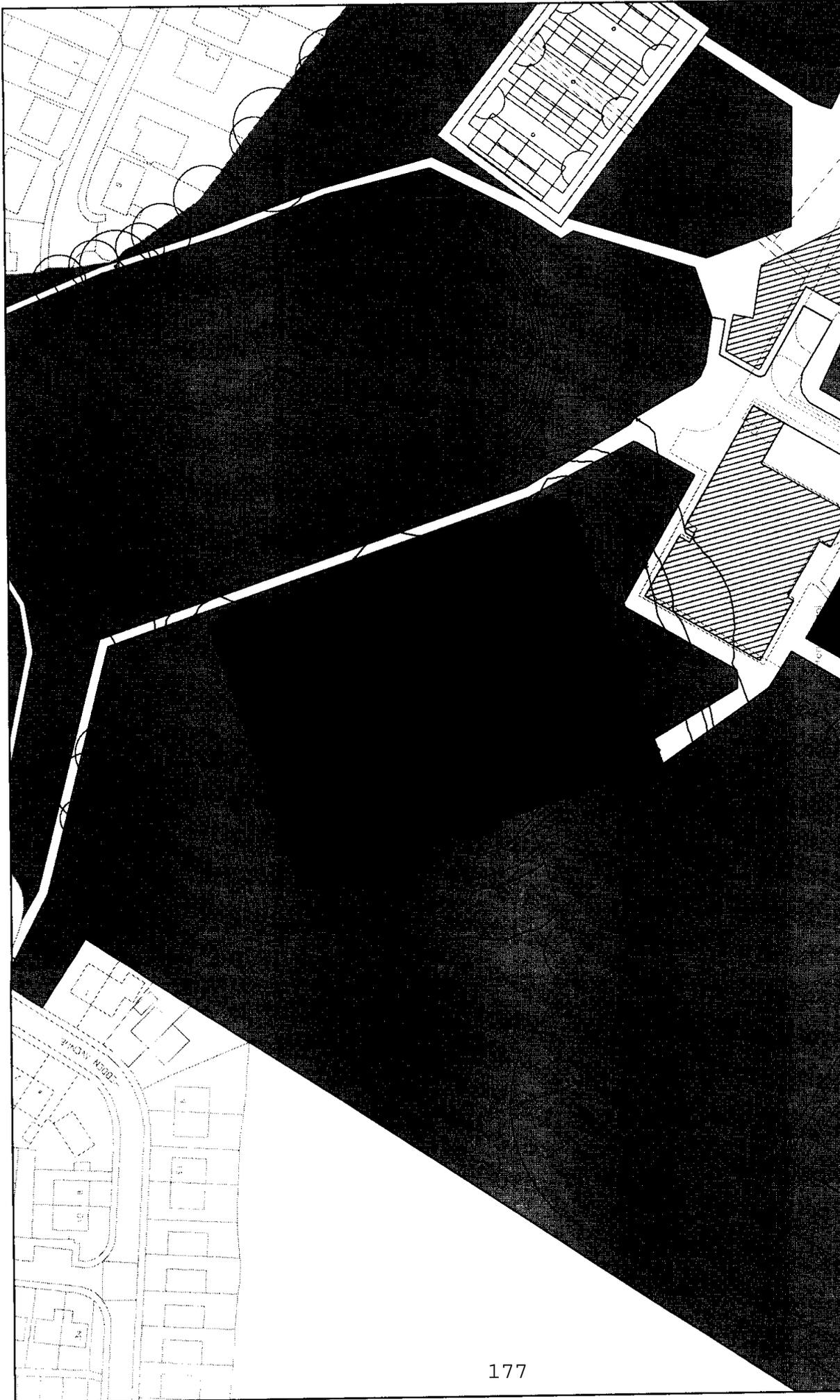


NORTH ELEVATION

DATE	10/10/08	BY	CS	NO	001
CAPITA SYMONDS					
The Capita Building Kingsway Business Park Kingsway, London EC1A 3DF T: 4 933 87200 F: 4 933 87311 www.capitasymonds.co.uk					
PROJECT	Planning				
CLIENT	Morton Sports Village				
PROJECT NO.	Morton Sports Village - Phase 1				
PROJECT NAME	Proposed Elevations, North and East (MUS - Planning)				
SCALE	1:100	DATE	06.12.2010	BY	CS
PROJECT NO.	CS_047268				
PROJECT NAME	CS_047268_L011007				

LEGEND	
●	TREE STEM LOCATION (+/- 3M)
○	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY R (RED DASHED LINE)
●	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY A (GREEN CONTINUOUS LINE)
●	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY B (BLUE CONTINUOUS LINE)
●	ACCURATE CROWN SPREAD - BS5837 RETENTION CATEGORY C (GREY CONTINUOUS LINE)
○	BS 5837:2005 ROOT PROTECTION AREA (RPA)
-T1[Cl-8m]	TREE IDENTIFICATION NUMBER [TREE RETENTION CATEGORY - TREE HEIGHT IN METRES]
THIS TREE CONSTRAINTS PLAN IS TO BE READ IN CONJUNCTION WITH TREE REPORT.	
DRAWN BY: AH	CHECKED BY: GN
CAPITA SYMONDS COUNTRYSIDE & HERITAGE MANAGEMENT SERVICES CLINT MILL CORNMARKE PENRITH CUMBRIA CALL 7HP 01768 242322	
TITLE: TREE CONSTRAINTS PLAN	
DRAWING NO: MS/0208/GN-01	
SCALE: 1:2000 @ A3	DATE: 09/06/08





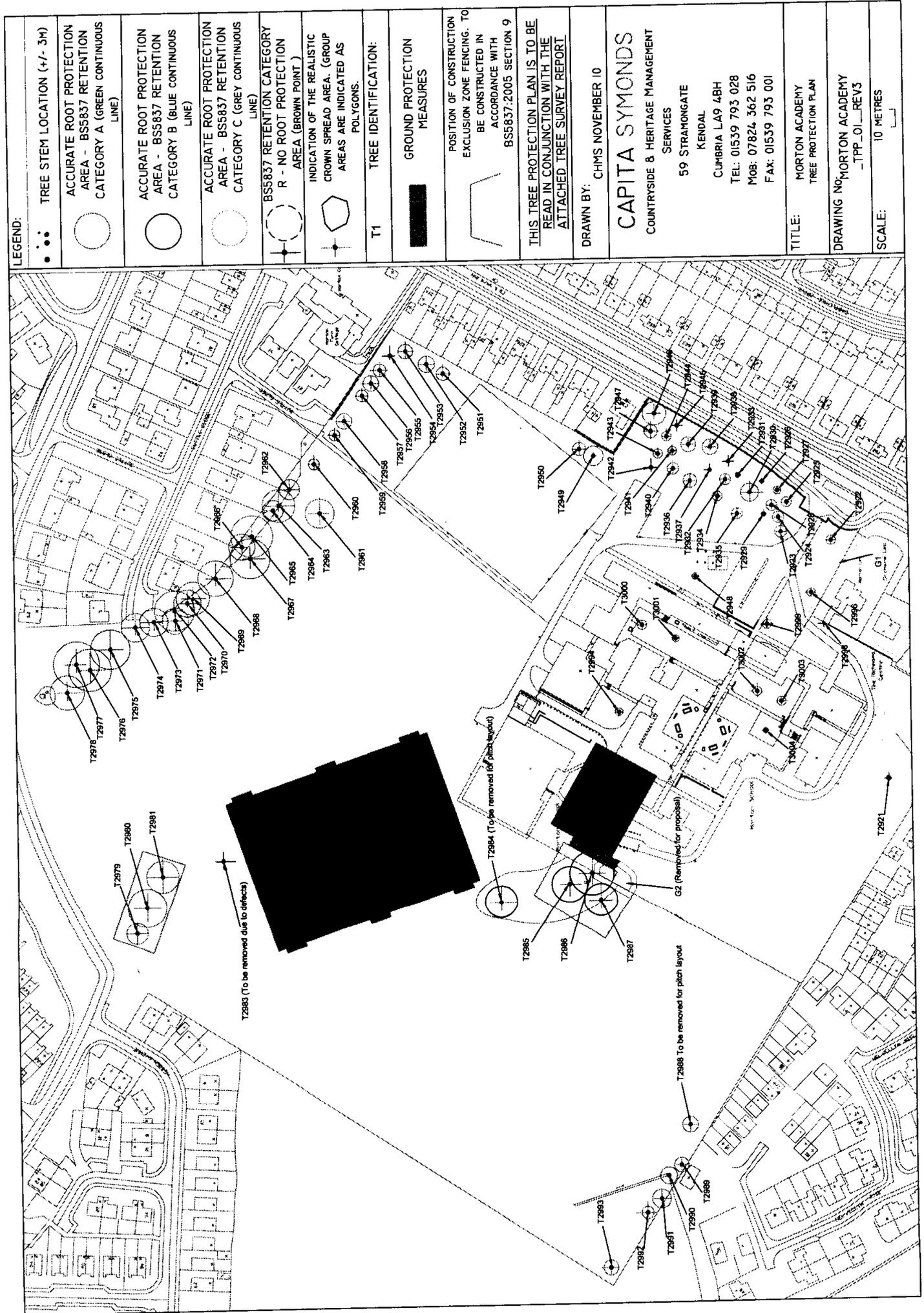
Reproduced from, or based on, Ordnance survey map material with the permission of the Controller of Her Majesty's Stationery Office. (c) Crown Copyright 2006. Licence number 100019596

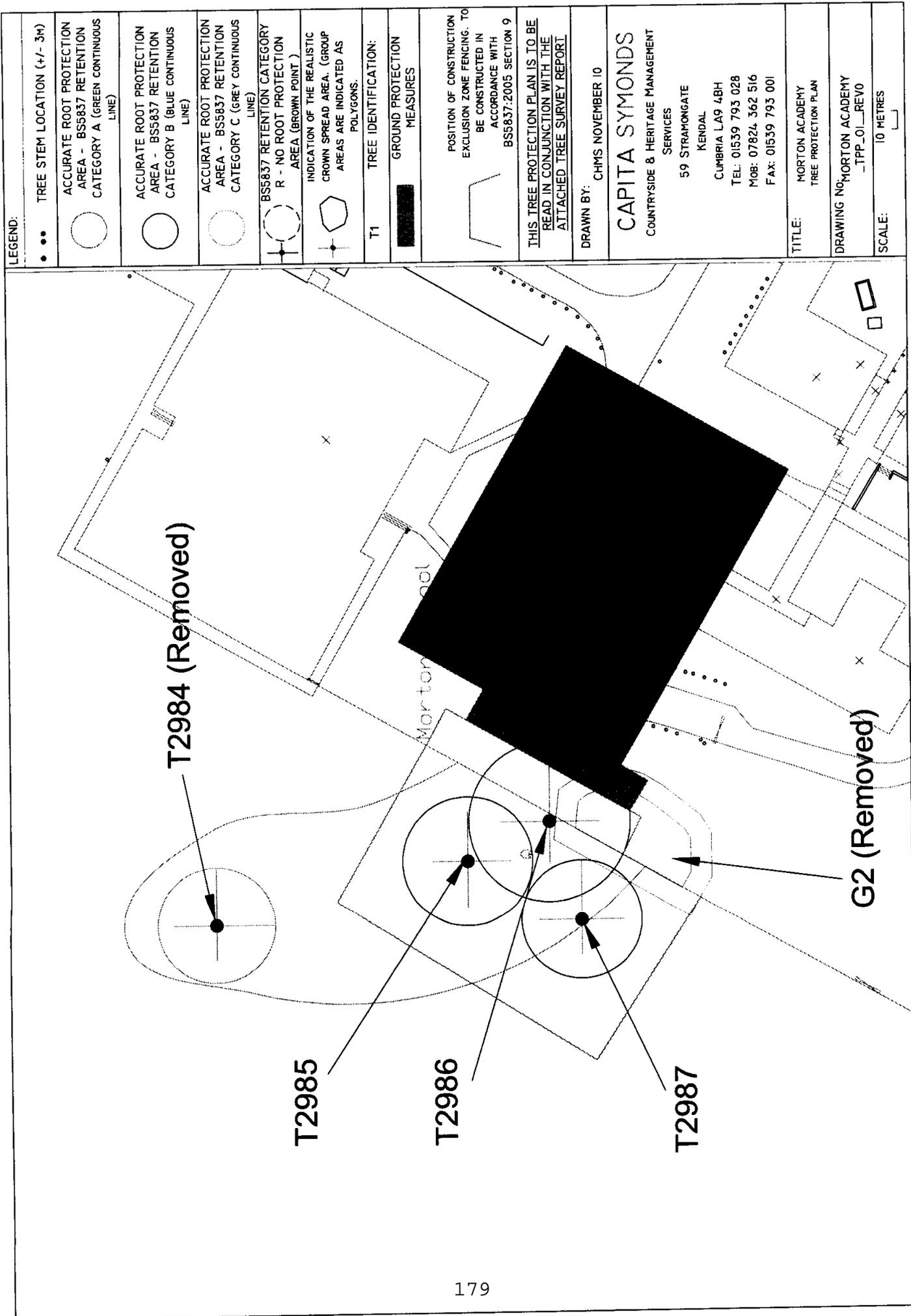
Drawing No. CS047269_007

Drawn by RAC Scale 1:2500 @A3 Date DEC '10

Morton Sports Village Lighting Plan

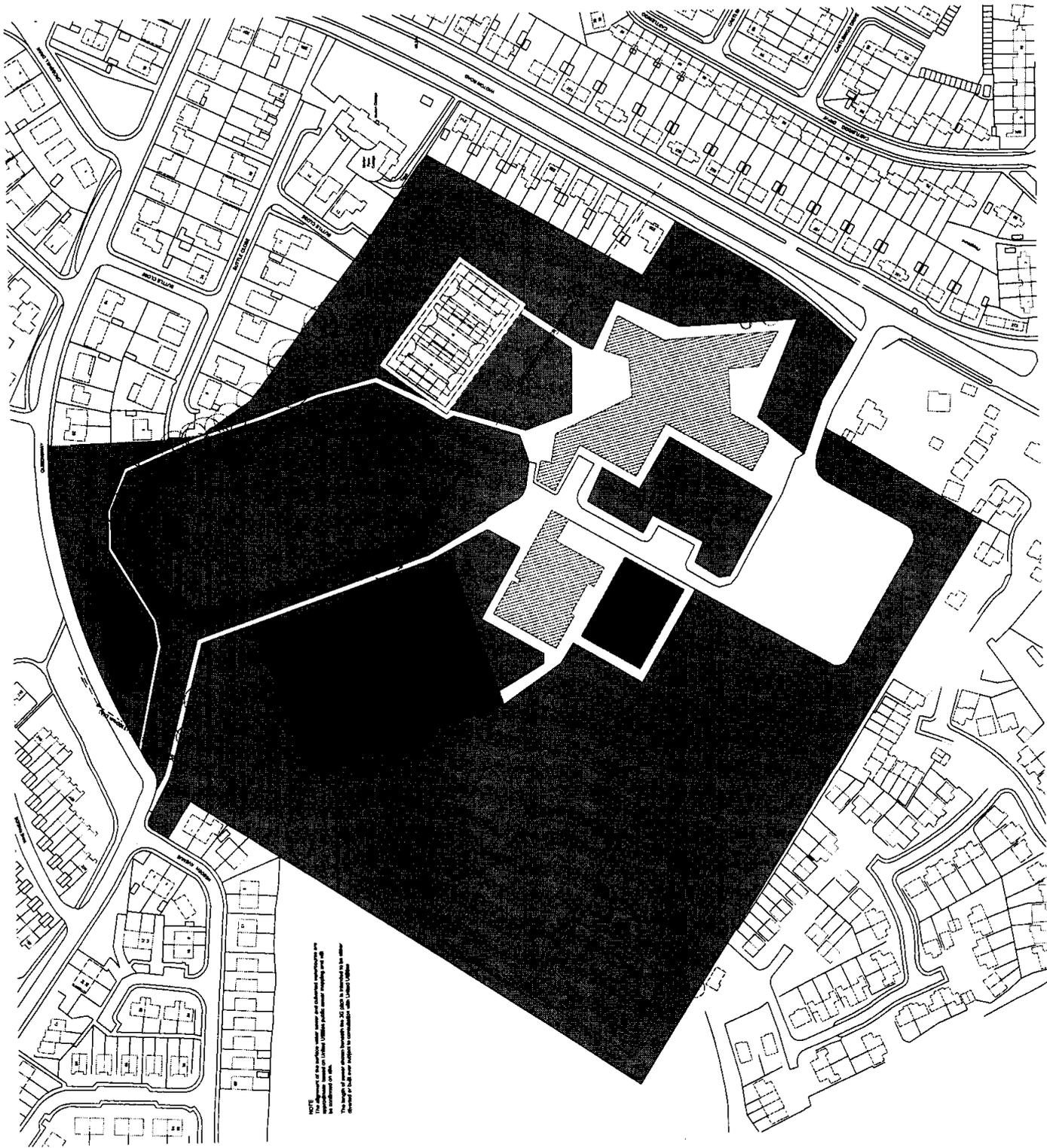
CAPITA SYMONDS
 The Capita Building
 Magdalen Business Park
 CARLISLE
 Cumbria
 CB6 7LS
 Tel: 01274 87000
 Fax: 01274 873111



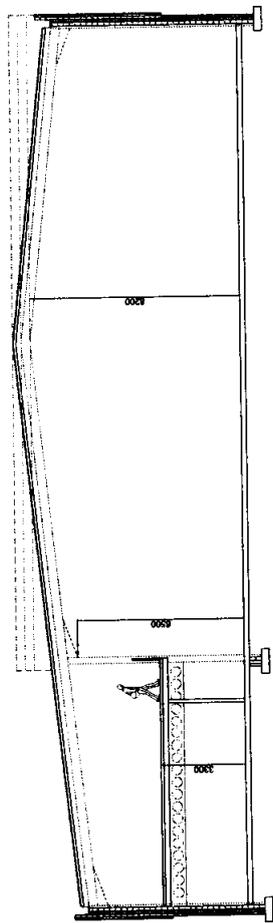


A modification of all plans contained

CAPITA SYMONDS	
The Capita Building Kingswood Business Park Cardinal CMR 45J 14, 16 & 18 Kingswood Road, Kingswood, Bristol, Avon, BS15 8JF www.capitasymonds.co.uk	
Project	Planning
Client	Merton Sports Village
Project No.	Merton Sports Village - Phase One
Project Title	Proposed Site Plan Showing Sewer to be Diverted / Built Over
Scale	1:1000
Author	CS/JAT/206
Check Date	18.11.2010
Project No.	CS/JAT/206
Project Title	CS/JAT/206_L01/100
Sheet No.	A



NOTE:
 The Agreement of Sale of this site is subject to the following conditions:
 1. The site is to be used for the purposes of the development shown on the site plan.
 2. The site is to be used for the purposes of the development shown on the site plan.
 3. The site is to be used for the purposes of the development shown on the site plan.



SECTION A-A

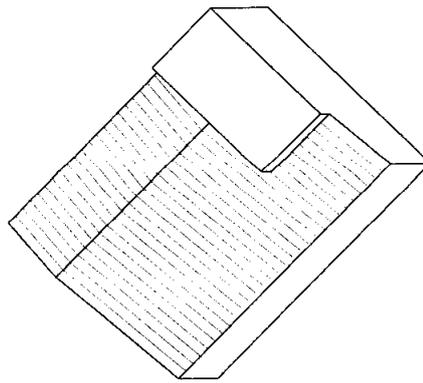
External Facade Specifications

Timber Cladding - Variable width 25mm thick rough sawn Western Red Cedar boarding timber cladding

Facing Brickwork - Blockleys Charcoal Smooth with Tarmac Y90 mortar

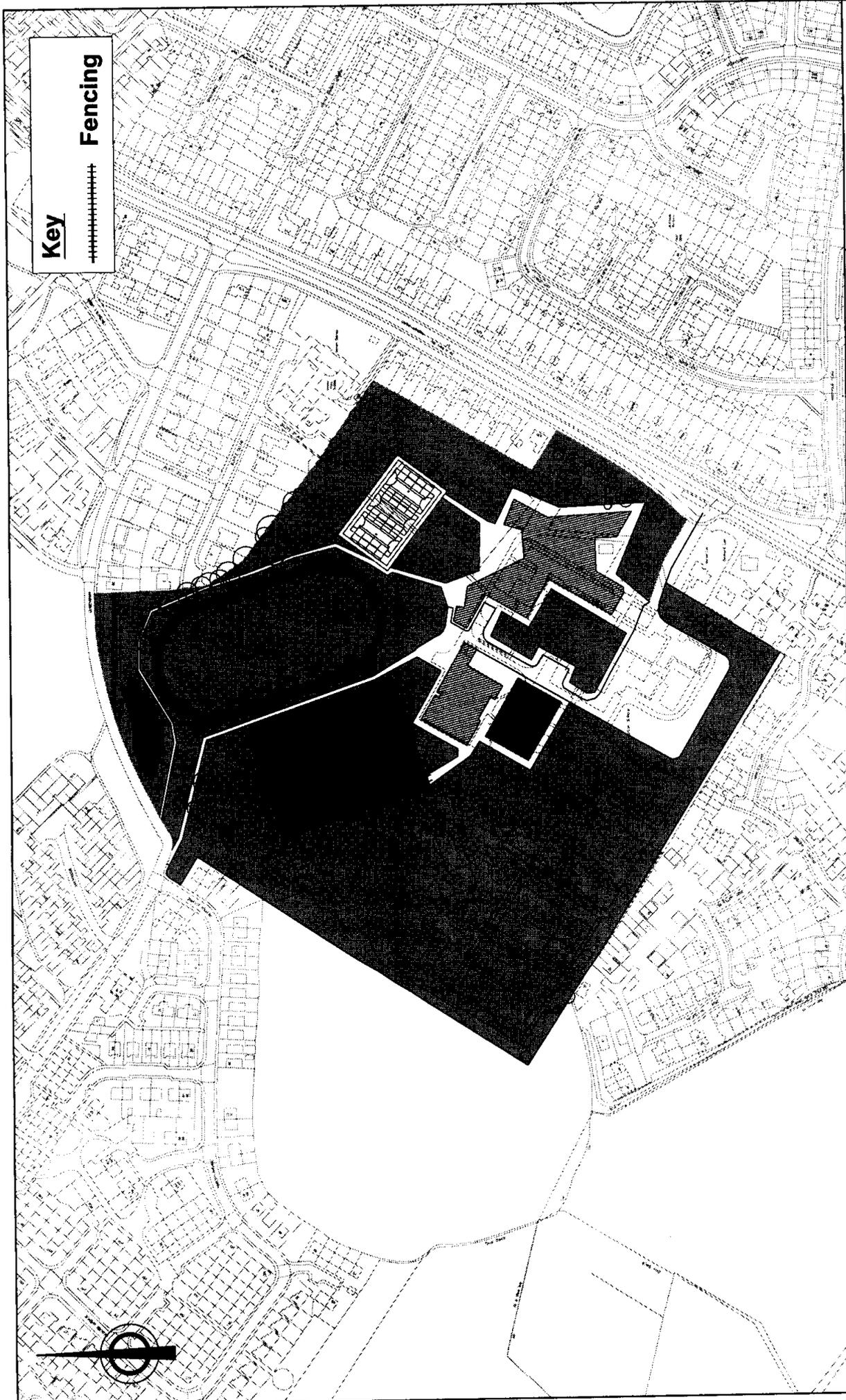
Flashings / Windows / Doors / Handrails / Canopy / Ventilation Grilles - Colour to match adjacent new academy

Roof - pewter grey PPC steel and grey Sarnafil to flat (to falls) section.



3D MASSING (nts)

CAPITA SY ONDS The Capita Building 100, The Quadrant, Park Cardiff, CF4 4SJ Tel: 01222 47999 Fax: 01222 47111 www.capitasystems.co.uk	
Project	Planning
Site	Morton Sports Village
Project No.	Morton Sports Village - Phase 1
Project Name	Proposed Section, Massing and Exterior Finishes (MKS - Planning)
Scale	1:100
Drawn by	COL
Checked by	COL
Date	06.12.2010
Project No.	CS_041288
Project Name	CS_041288_L061006



Key

Fencing

Reproduced from, or based on, Ordnance survey map material with the permission of the Controller of Her Majesty's Stationery Office. (C) Crown Copyright 2006. Licence number 100016586

Drawing No. CS047269_006

Drawn by RAC Scale 1:2500 Date DEC '10

Morton Sports Village Fencing Plan

CAPITA SYMONDS
 The Capita Building
 Mooroor Business Park
 CARLISLE
 North Yorkshire
 CB8 4SL
 T: 01728 67299
 F: 01728 67311

SCHEDULE A: Applications with Recommendation

10/0279

Item No: 10

Date of Committee: 11/03/2011

Appn Ref No:
10/0279

Applicant:
Mr & Mrs Blain

Parish:
Wetheral

Date of Receipt:
28/04/2010

Agent:
Ashwood Design
Associates

Ward:
Wetheral

Location:
Land to the Rear of Ivy House, Ghyll Road, Scotby,
Carlisle, CA4 8BT

Grid Reference:
344267 554678

Proposal: Erection Of Detached Dwelling (Revised Application)

Amendment:

1. Alterations To The Layout And Fenestration Of The Dwelling
2. Revised Site Location Plan
3. Resiting Of Swimming Pool And Utility Room

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 objections that have been received from Wetheral Parish Council and local residents.

1. Constraints and Planning Policies

Tree Preservation Order

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

Gas Pipeline Safeguarding Area

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

Affecting The Setting Of A Listed Building

Conservation Area

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

Listed Building

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

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

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

There is no knowledge of flooding issues at this site;

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

the discharge of surface water;

Development Services Planning & Housing Services - Conservation Section:

the Conservation Officer has been involved in pre-application discussions.

Alterations to the fenestration pattern and the simplification of the elevation treatment by using blocks of solid wall and blocks of glazing has improved the overall appearance of the exterior of the building, yet it remains an imposing building rather than the sleek, modestly proportioned building which had been imagined when first visiting the site.

Despite the many changes in the footprint of the building since the initiation of this scheme, the floor area remains extremely generous and deep, with a series of large interconnecting rooms. As a consequence, ceiling heights exceed normal standards to avoid the claustrophobic effect that much lower ceilings would provide. This in turn leads to a higher roofline and adds to the building's mass. Although the stepped roofline succeeds partially in reducing the physical bulk of the building, the Conservation Officer still considers that it sits too high on the site. The introduction of more horizontal members also helps to reduce the apparent height by emphasising the horizontal, but there is a lack of continuity of these members. A reduction in the overall height of the building, physically or apparently, would help to reduce the dominance of the structure in the landscape and in relation to both Ivy House and its immediate neighbours on both sides of the railway.

The addition of an enclosed swimming pool may appear extravagant but it helps to elongate the building and reduce the effect of its bulk but it also adds considerably to the footprint of the building and its structural mass. The Officer notes that there have been objections to the idea of canting the footprint of the building in relation to its surroundings; however, this is not something that is opposed. The footprint helps to define the entrance to the new building and allows the building to be set further back into the landscape, away from the railway.

Finally, it is noted that there have been objections to the principle of building a contemporary structure within a Conservation Area. Local Plan policy does not prevent such an occurrence providing it is of high quality. The Conservation Officer comments that although quality is subjective, he has no doubt that the applicant's ultimate intention is to construct a building finished to the highest possible standards.

Whilst the principle of a contemporary building on the site is supported, the Officer objects to the proposal in its present form.

Following the receipt of amended drawings, the Conservation Officer has provided further comments. "The proposal has been revised through the removal of the external staircase approach to the pool by a modification of the floor layout, the removal of the shadowing to clarify the elevation treatment and by the addition of a frame around the glazing to the principal south facing elevation. This is considered an improvement on the much deeper fascia shown on the previous drawings. The central first floor bay of the south elevation has also been recessed to provide a degree of modelling to that elevation and although the application drawings lack the level of construction detail that would be necessary to fully evaluate the quality of the design, what is now presented is a clean lined, minimal, contemporary building where every effort has been made to reduce the impact of the structure within the

landscape by careful ground modelling. The proposal is supported subject to the issue of construction details which confirm the quality of the design and also an appropriate landscaping scheme which will help to soften the clean lines of the building and which will provide some privacy and screening to both the occupants and their neighbours. Large scale detailed sections through the building which would at least clearly show the construction of a typical elevation bay together with horizontal and vertical sections through the components, floors and roof to confirm the quality of construction and finish to the exterior of the building;

Local Plans (Tree Preservation): all the trees on the site and adjacent the site are protected by virtue of their location within the Carlisle to Settle railway line Conservation Area. A number of trees are also protected by Tree Preservation Order 54.

Whilst the trees are numbered and plotted on a plan within the Tree Survey by Iain Tavendale dated 16 October 2008 there are no corresponding/ cross referenced numbers on the plans relating to the house. It is not therefore possible to determine the effect the proposals will have on the trees, or which are to remain, and which, if any, trees are to be felled. So that a reasoned decision can be made it will be necessary to provide this information.

If any of the large mature trees are to be removed suitable replacements will be required. To ensure that the tree replacement is carried out a detailed landscaping scheme must be a condition of any granting of consent, should it be forthcoming.

Should the proposals prove acceptable a condition must be attached to the decision notice requiring a detailed scheme of tree protection to be agreed in writing prior to the commencement of any works on site. This must include a specification for the tree protection barriers and a plan showing where the tree protection barriers are to be erected.

Furthermore the tree protection scheme must be erected prior to commencement of any works on site and maintained throughout the development;

Forestry Commission: no comment received;

Wetheral Parish Council: the Parish Council objects to the proposal on the grounds that it would be contrary to Policies CP5, H9, LE12 and LE19 of the Carlisle and District Local Plan 2001–2016.

This contemporary development in the back garden of a Grade II listed building is within Scotby Conservation Area and the Parish Council considers that the scale and design will neither enhance nor harmonise with the existing surroundings. The Council would suggest that a site meeting be carried out to enable Members of the Development Control Committee to see the location in relation to the Grade II listed building and Conservation Area.

Further comments received on 13th August 2010 states that the Parish Council considers that under the new Planning Policy Statement 3: Housing (PPS), the Authority should prevent the overdevelopment of neighbourhoods and 'garden

grabbing'. This development falls in this category;

Northern Gas Networks: no objection; and

Conservation Area Advisory Committee: originally, the Committee considered this proposal to be poorly related to both its own site and the adjacent buildings, particularly the attractive sandstone house on the opposite side of the railway line which looks very close to the new build. As there was no section through the site and the railway it was difficult to determine what impact the new dwelling would have on the railway and the house opposite. In parts this building is three storeys tall and it would be important to know if this was an elevation that would create a dominant and overpowering effect on the house opposite but it is also going to be highly visible from the Carlisle – Settle Railway line.

Further comments regarding the amended drawings state that there is no objection to the principle of the construction of a contemporary building within the Scotby Conservation Area; however, the following concerns were raised by the Committee.

"The set of drawings viewed were inaccurate and lacked any detailing confirming the construction of the building. The massing and width of the proposed building remained of concern and the Committee feel that a softer, lighter touch was necessary to the treatment of the elevations and particularly the roof.

Due to the sensitivity of the site, a 3-D representation of the proposed dwelling should be provided, either as an illustration or, preferably, as a model, showing the building's relationship with surrounding properties. Given the amount of glazing proposed for the dwelling, concerns were expressed over the sustainability of the proposals, how it was intended to deal with issues of sound (from the railway) and thermal insulation and also the effect of internal lighting on neighbouring properties and also privacy for the occupants."

Further comments following the meeting held on 16th February 2011 regarding the preliminary drawings. The Committee recalled the earlier version of this proposal and felt that this still needed to be put into context with adjacent buildings and the railway line. It was particularly concerned about the views likely from the Settle to Carlisle Railway Line and the property on the opposite side of the railway. The Committee concluded by requesting that further information should be provided to determine the impact of this building.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Settle View	05/05/10	Support
6 Broomfallen Road	05/05/10	Objection
8 Broomfallen Road	05/05/10	Objection
Ladysteps	05/05/10	Undelivered
1 Stonebroom	05/05/10	
Killiecrombie	05/05/10	Objection

21 Ghyll Road	05/05/10	Support
c/o Taylor & Hardy	05/05/10	Objection
12 Ghyll Road	05/05/10	Support
Ivy House	05/05/10	
Netherby House	05/05/10	
Chestnut Bank	05/05/10	
Avalon	05/05/10	
5 Townhead Farm Courtyard	05/05/10	
4 Broomfallen Road		Objection
Applegarth		Support
3 Broomfallen Road		Support
Wetheral Crook		Support
98 Scotby Rd		Support
Beech Croft,		Support
Meadowbank		Support
26 Ghyll Road		Support
M108 Scotby Road		Support
Foxfield		Support
Railbeck House		Support
Hawthorn		Support
1 Townhead Farm Courtyard		Support
107 Scotby Rd		Support
Lough Butts Farm		Undelivered
Beckfoot		Support
Ivy Cottage		Support
23 Holmefauld		Support
6 Ghyll Road		Support

3.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of fourteen of the neighbouring properties. At the time of writing this report, five letters of objection have been received and the main issues raised are summarised as follows:

1. the siting, scale, design and materials are wholly inappropriate for the site and its surroundings;
2. the siting of the building is awkward in relation to the adjacent buildings;
3. the building would be on an elevated part of the site. The scale, bulk and mass of the proposed building would be incongruous, visually dominant and intrusive;
4. the design and materials are out of character with the adjacent buildings many of which are of historic interest, including several which are listed;
5. the trees identified as G1, G2 and G3 are on land owned by National Rail. Whilst these are in the Conservation Area, as they are less than 6 metres from the railway line they are not afforded the same protection as other trees in the Conservation Area. If these trees were removed there would be nothing along the rear boundary with the exception of a leylandii hedge which is only a few feet high;
6. the three storey dwelling would not blend in with the surroundings; and

7. the building would look out of place in the Conservation Area.
- 3.2 Twenty one letters of support have also been received and the main issues raised are summarised as follows:
1. the building would be a welcome addition to the village and the area;
 2. the applicant has undertaken other development in the area that has been to a high standard;
 3. the contemporary building would blend into the landscape without detracting from the existing properties
 4. there is an eclectic variety of buildings in the locality and the building would be an improvement rather than another faux Victorian building that looks anything but old;
 5. a good design should not have to be traditional or conservative in concept, form and materials with the purpose of camouflaging it in order to 'lose' it amongst buildings and materials that reflect architectural trends and fashions of the past; and
 6. the site is already secluded and as further planting and screening is proposed, the building will eventually be almost totally hidden from the public and neighbours.

4. Planning History

- 4.1 An application for planning permission for the erection of a dwelling was submitted in 2009 but was withdrawn by the applicant prior to determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members will recall that this application was deferred at the previous meeting to undertake a site visit. The application was then further deferred to allow the applicant to submit additional details in respect of the design of the building and clarification regarding energy efficient and sustainable initiatives.
- 5.2 This application seeks "Full" planning permission for the erection of a dwelling on land to the rear of Ivy House, Ghyll Road, Scotby, Carlisle. The proposal relates to a modestly proportioned piece of land located within the village. There are residential properties on all sides of the application site which is within a Primary Residential Area, the Settle Conservation Area and within the curtilage of a Grade II Listed Building.
- 5.3 The site is accessed via an existing access that leads from Ghyll Road to the

north west of Ivy House. The access rises up to the site, which is elevated above Ghyll Road and the railway to the south-west. A temporary timber panel fence has been erected whilst the hedgerow that separates the site from Ivy House becomes established. Along the north-west boundary are several large trees that are subject to a Tree Preservation Order; along the south-west boundary is a belt of young leylandi trees.

- 5.4 There is an eclectic mix of properties along Ghyll Road of various ages and architectural styles. Immediately adjacent to Ivy House is a two storey detached brick house to the north-west and a brick built bungalow to the south-east. On the opposite side of the railway is a traditional property of stone construction that reflects the building style of properties along the Settle to Carlisle Conservation Area.
- 5.5 The application site, which extends to around 2,084 square metres, is irregular in shape. It is proposed to construct a three storey flat roofed property which would be contemporary in appearance. The property would be set back 38 metres from the boundary with Ghyll Road.
- 5.6 The accommodation to be provided within the proposed dwelling would consist of a plant room, garage, cinema, gym and hall/ snooker room in the basement; an office, living room, hall, utility, W.C., dining area, kitchen, conservatory, bedroom, changing room and swimming pool; and 2no. bedrooms, 2no. ensuite bedrooms, balcony and a bathroom on the first floor.
- 5.7 The property would be constructed from white rendered walls under a flat roof. The windows would be pre-finished glazing systems constructed from aluminium with a powder coated finish.
- 5.8 The foul drainage system would connect into the mains sewer.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP9, CP12, H1, H2, LE12, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
1. Principle Of Residential Development In the Rural Area
- 5.10 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.
- 5.11 The application site lies within Scotby, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan. Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant

criteria are met and, on this basis, the principle of residential development is acceptable. The issues raised are discussed in more detail in the analysis which follows.

- 5.12 Members will be aware of the Government's revisions to Planning Policy Statement 3 (PPS3) which were issued on 9th June 2010 that removes gardens from the definition of "brown field" land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.
- 5.13 In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all, the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements. Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration. The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should be allowed.
- 5.14 The applicant's agent has provided additional information in which he states that the land has never formed part of the garden to Ivy House but has always been a separate parcel of land. Accordingly, the revisions to PPS3 do not apply but the impact on the character of the area remains an important consideration.

2. Scale And Design

- 5.15 The property would be sited at an angle within the site and would be positioned to take account of the topography of the site by sinking elements of the building into the ground. The application has been amended to take account of the Conservation Officer's and Conservation Area Advisory Committee's (CAAC) comments.
- 5.16 The submitted drawings illustrate that the proposed dwelling would be of a similar scale and massing to its immediate neighbour, Ivy House. Whilst the building would be larger than properties on the opposite side of the railway and the bungalow immediately to the south-east of the site, there is diversity in the style, size and mix of properties along Ghyll Road and the scale of the dwelling would not be out of character with other buildings in the area. The scheme has been amended to refine the fenestration in accordance with the advice from the Conservation Officer. The drawings illustrate that there would be less glazing to the gables of the property and the swimming pool

would be to the rear of the property rather than off-set to the side. The footprint has been amended so that the elevations would have fewer recessed areas.

- 5.17 Following the deferral of the application last year, further negotiations have been taking place between Officers and the applicant. As a result additional drawings have been submitted that clarify the construction methods and finished detail of the eaves, the glazed corners, the level thresholds and the cantilevered balcony. Although a formal response is awaited from the Assistant Conservation Officer, he was involved and provided advice to the applicant earlier in the process and informally, these drawings have met with approval.
- 5.18 Members will note that many of the objections received relate to the contemporary design of the building and the perceived detrimental effect that this would have on the character and appearance of the area, in particular, the Conservation Area. Planning policies do not rule out the use of a contemporary design but rather that development proposals should not adversely affect the character and appearance of the Conservation Area. The design of the property is distinctive but it is clear from the comments received from the Council's Conservation Officer that the development would not conflict with the policy criteria.
- 5.19 It is evident from the consultation responses from both the Conservation Officer and CAAC, that there is overall support for a dwelling of contemporary design on the site and that overall, the proposal is acceptable to the site.
- 5.20 A sectional drawing of the site was available to Members of CAAC which clearly shows the relationship of the proposed dwelling with the neighbouring properties and the railway line. In addition, the planting that took place along the boundary with the railway is becoming increasingly established and already obscures most of the site from view. This would also serve to reduce the impact of the building during the hours of darkness when concern was expressed by Members that the building would be illuminated and visibly prominent.
- 5.21 The proposal would achieve adequate amenity space and off-street parking. Glimpsed views of the site would be visible from public vantage points but given this together with landscaping and existing trees, the development would not be obtrusive within the streetscene.
- 5.22 Considering the fact that the site is within the Conservation Area, if planning permission is granted, it would be appropriate to impose a condition removing Permitted Development rights to extend or alter the property at a later date.
3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.23 As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed

Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed building would be sited opposite and adjacent to residential properties. The dwelling would have habitable windows on all sides of the building. At the first floor windows to the rear would be 37.5 metres from the property known as 'Stonebroom' on the opposite side of the railway, 21.5 metres from 'Settle View', and 24 metres from the rear of Ivy House. To the north-west of the property would be an oblique angle to the immediate neighbouring properties, with the exception of Ivy House that would be directly opposite.

5.24 Given the physical relationship of the windows and the distances involved, the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring property.

5.25 The height of the dwelling at the highest point would be 8 metres and given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

4. Impact On The Character And Appearance Of The Settle to Carlisle Conservation Area

5.26 Members will note that concerns were initially expressed by the Conservation Area Advisory Committee (CAAC) in relation to the impact of the development on the Conservation Area. The scheme was amended in light of this objection and CAAC has raised no objection to the revised scheme. The scale, design and use of materials is appropriate to the site and would be consistent with the context of the Conservation Area. Although the dwelling would be contemporary, the character and appearance of the Conservation Area would not be adversely affected.

5. Environmental Issues

5.27 An amended Environmental Report has been submitted by the applicant. This identifies some of the ecological and environmental considerations that would be incorporated in the design of the dwelling. It is stated that property would incorporate solar panels; overhanging roof perimeters and balconies to provide sun screening; a heat exchange ventilation system; a air source heat pump; and an underground grey water tank for harvesting rainwater. This is in addition to sourcing local materials and some materials that have been recycled. These measures would contribute to the reduction of the overall environmental impact of the development and is supported by current planning policies.

5. Drainage Issues

5.28 Members will note from the consultation responses that the Council's Drainage Officer has raised no objection to the proposal. It would appropriate to impose a condition requiring the approval of the surface water

drainage details.

6. Highway Matters

- 5.29 The site would be served by the existing access adjacent to Ivy House. This access was formed as part of a previous planning application that involved development and alterations to Ivy House itself. The Highway Authority has raised no objection subject to the imposition of conditions.

Conclusion

- 5.30 In overall terms, the key issue for Members to consider is the impact on the character and appearance of the Conservation Area. The revisions to PPS3 and the issue of 'garden grabbing' are not relevant in this instance but notwithstanding this, the changes to PPS3 do not preclude residential development on garden land but instead focus on the visual impact on the character of the area. The site comprises an area adjacent to residential properties within the village but is not particularly prominent as it is screened by surrounding buildings; however, the site would be seen from the Conservation Area to the rear of the site but this would be diminished over time due to the proposed landscaping.
- 5.31 The scale, design and use of materials in the building together would contribute to the character of the area. Further, it proposes a quality contemporary design that would not mimic a 'traditional' building but rather would introduce a further dimension. Given the context of the site, it is the view of the Conservation Officer, that this would not adversely affect the character or appearance of the Conservation Area.
- 5.32 The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings and would incorporate infrastructure that contribute to energy conservation and efficiency. In all other aspects the proposal is compliant with the objectives of the relevant 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, proportionate and there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this planning permission comprise:

1. the Planning Application Form received 26th March 2010;
2. the Location plan received 24th February 2011 (Drawing No. (1292) ;
3. the Block Plan Planning Application Form received 24th February 2011 (Drawing No. 101);
4. the Proposed Floor Plans received 24th February 2011 (Drawing No. 102);
5. the Proposed Elevations received 24th February 2011 (Drawing No. 103);
6. the Proposed Main Section received 24th February 2011 (Drawing No. 104);
7. the Construction Details received 24th February 2011 (Drawing No. 105);
8. the Proposed Site Section received 24th February 2011 (Drawing No. 106);
9. the Environmental Report 2 received 24th February 2011;
10. the Survey Details for Trees received 14th April 2010;
11. the Design and Access Statement received 26th March 2010;
12. the Desktop Study for Environmental History received 28th April 2010;
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No development hereby approved by this permission shall commence until details of the relative heights of the existing and proposed ground levels and

the height of the proposed finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved plans.

Reason: In order that the development is appropriate to the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that the character and appearance of the area and the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding any description of materials in the application no development hereby approved by this permission shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.

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

6. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and permeable in accordance with the objectives of Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

7. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the dwelling or completion of the development whichever is the sooner.

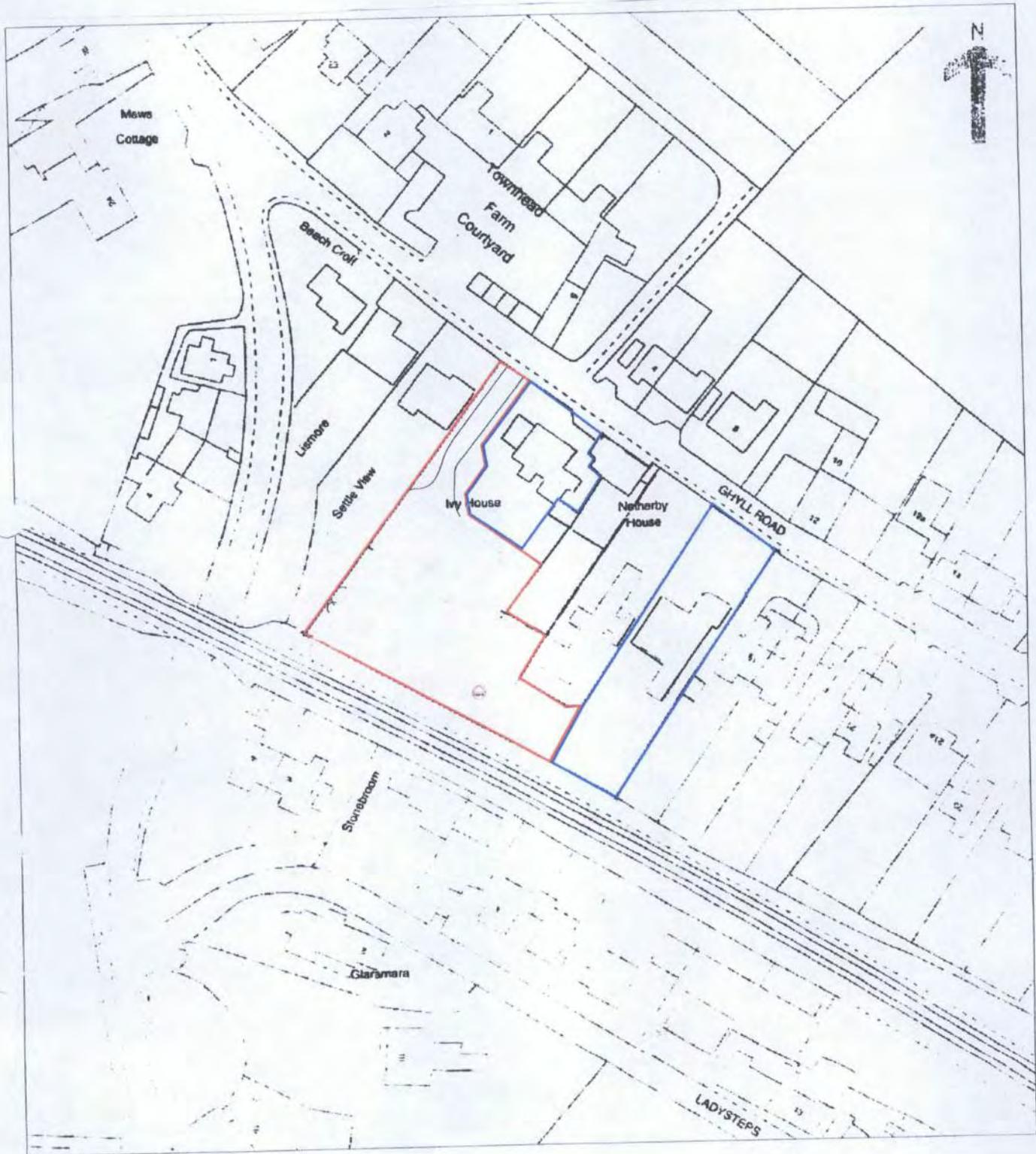
Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development hereby approved by this permission shall commence until details of the construction of the soakaway, that should include metric scale drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the soakaway would be constructed in an appropriate manner in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall commence until the percolation test results for the soakaway have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the soakaway would be constructed in an appropriate manner to ensure that the risk of surface water flooding would not be increased in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.



GARDEN HOUSE, GHYLL ROAD, SCOTBY
 LOCATION PLAN
 1:1250

RECEIVED
 -9 SEP 2010
 2010/0279

ASHWOOD DESIGN ASSOCIATES, 12 CLIFFORD
 COURT, COOPER WAY, PARKHOUSE BUSINESS
 PARK, CARLISLE CA3 0JG.



198.2

NOTES AND AMENDMENTS
 The drawing is copyright. Figural dimensions are to be taken as stated unless otherwise indicated. All dimensions are in millimetres unless stated otherwise. Any discrepancy shall be reported to the client immediately and resolved prior to construction.

REV.	DESCRIPTION	ISSUED DATE



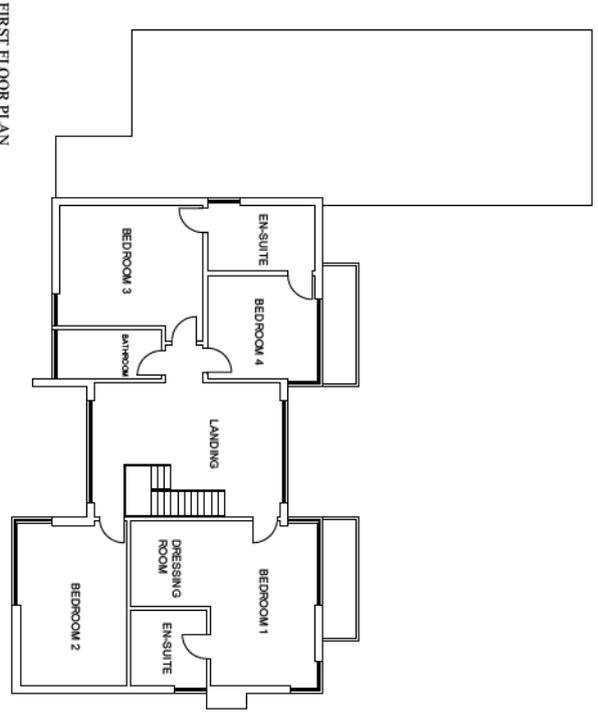
Architects Surveyors CDMA Co-ordinators
 12A, Colford Court, Parkdene, Hantsley Park, Ashford, Kent, TN25 9JG
 T: 01233 818181
 F: 01233 818182
 E: enquiries@ashwooddesign.com
 W: www.ashwooddesign.com

Client: Mr Russell Blain
Project: Proposed Dwelling
Location: Land Adj. Ivy House, Ghyll Road, Sockley
Drawing Title: Block Plan

Client: GRC	Date: 22/02/11
Drawn by: AI	Scale: 1:200
Project No.: 1292	Drawing No.: 101

NOTES AND AMENDMENTS
 The drawing is copyright. Physical dimensions are to be taken as shown. The drawing is for information only. It is not to be used for construction without the written approval of the architect. Any discrepancy must be reported to the architect immediately and resolved prior to construction.

REV.	DESCRIPTION	ISSUED DATE



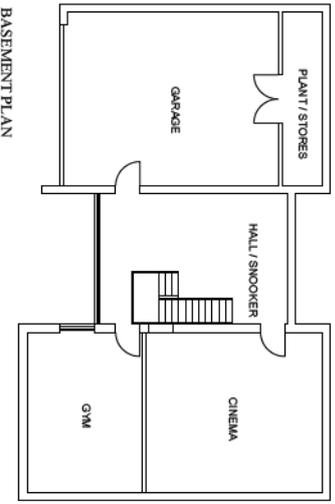
FIRST FLOOR PLAN



GROUND FLOOR PLAN



VERTICAL SCALE



BASEMENT PLAN

TYPICAL WALL MAKEUP (STEEL FRAME WHERE NECESSARY TO BE CONCEALED WITHIN WALL CONSTRUCTION)

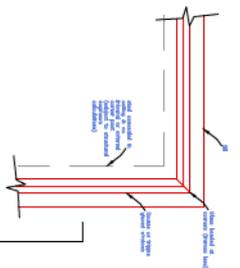
- EXTERNAL WALL
- 125MM Rockwool, Rockshield Render
- 100MM Concrete, Rockshield (RD) Slab
- 4MM Rockwool, Rockshield Mortar
- 215MM Dense concrete Blocks
- 12.5MM Plasterboard on 15mm dbbs.

EXTERNAL WALL (Timber)

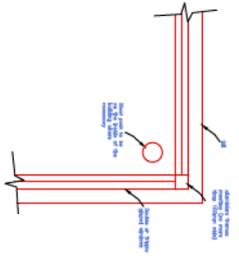
- Aluminium Cladding Finish
- 12MM Plywood
- 140MM Timber Stud with 140MM Frameterm Slab 35 between studs
- 12.5MM Gyproc Wallboard.

STUD WORK

- 70MM "GRPROC" metal framework / Timber
- 25MM Wool bats internally (minimum thickness 25MM, Minimum density 10 KG/M3)
- 15MM Sound Bloc to both sides of joints to be taped and skimmed.



CORNER GLAZING DETAIL 1 - 1:20

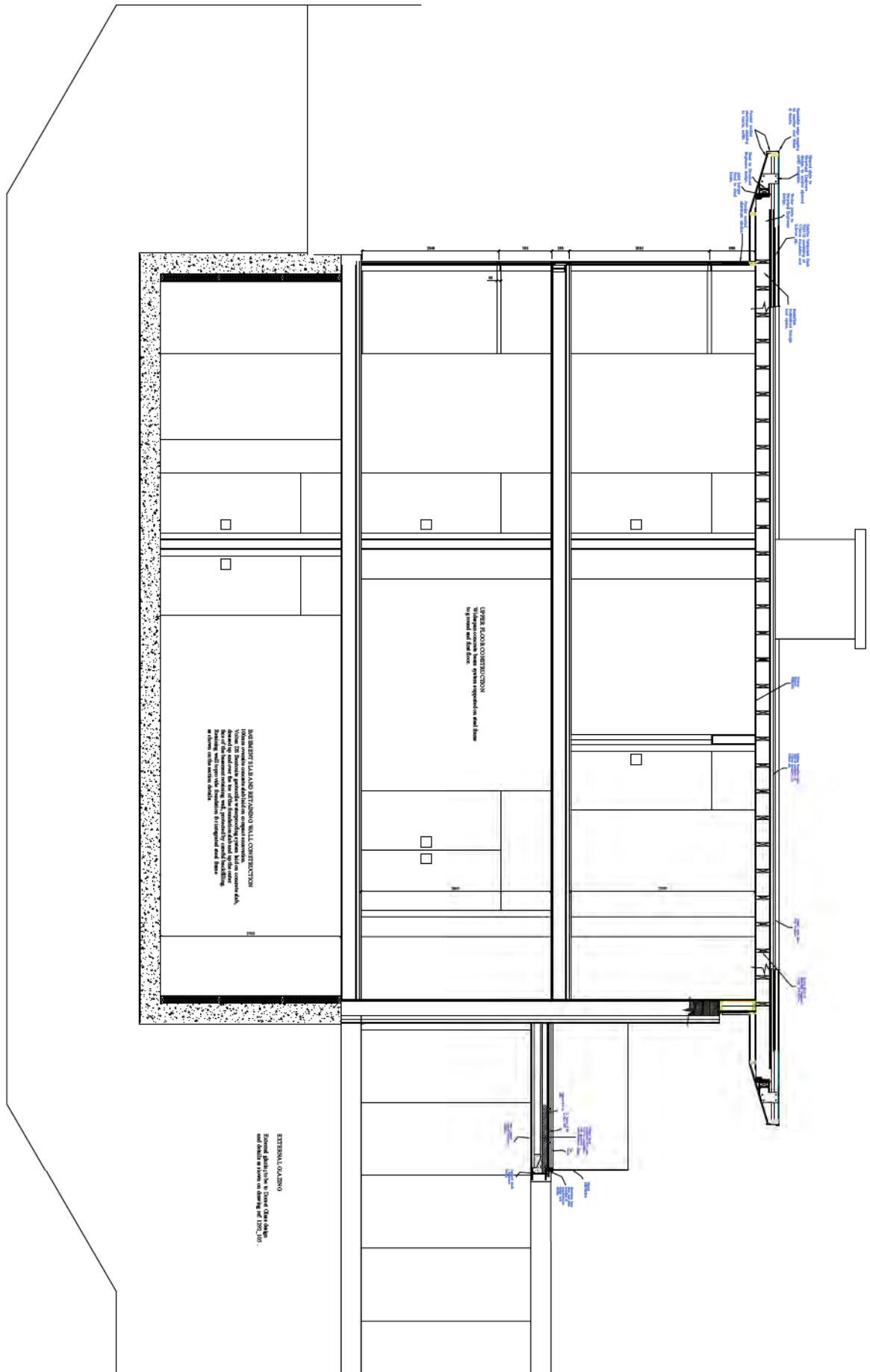


CORNER GLAZING DETAIL 2 - 1:20

Architects	Surrey ones
CDM Co-ordinators	CDM Co-ordinators
12A, Colford Court, Parkside, Guildford, Surrey, GU10 2AA	www.ashwooddesign.com
Client:	Mr Russell Blain
Project:	Proposed Dwelling Land Adj. Ivy House, Ghyll Road, Society
Drawing Title:	Proposed Floor Plans
Drawing Name:	
Client:	GRC
Date:	22/02/11
Drawn By:	AI
Scale:	1:100
Project No.:	1292
Drawing No.:	102

NOTES AND AMENDMENTS
 The drawing is copyright. All dimensions are to be taken as shown unless otherwise stated. All dimensions are in millimeters. All work shall be done in accordance with the current British Standards. Any discrepancy shall be reported to the architect immediately and resolved promptly.

REV.	DESCRIPTION	ISSUE DATE



198.6

SECTION

Project: Mr Russell Blain

Proposed Dwelling
 Land Adj. Ivy House, Ghyll Road, Sockley

Drawing Title: Proposed Main Section

Client: Mr Russell Blain

Architects: Ashwood Design Associates Ltd
 12A, Church of Court, Parkhouse, Harrogate, North Yorkshire, HG2 9JG
 Tel: 01423 811111
 Email: info@ashwooddesign.co.uk
 Website: www.ashwooddesign.co.uk

Architects: Surveyors: CDMA Co-ordinators

Drawn: GRC Date: 22/02/11
 Check: AI Scale: 1:30
 Project No: 1292 Drawing No: 104

SCHEDULE A: Applications with Recommendation

10/1003

Item No: 11

Date of Committee: 11/03/2011

Appn Ref No:
10/1003

Applicant:
Lancashire County
Council

Parish:

Date of Receipt:
11/01/2011

Agent:
Lancashire County Council
Roads Design

Ward:

Location:

Highway Verge adj. B6413, South of Oaktree Hall,
Castle Carrock

Grid Reference:

353990 554909

Proposal: Installation of 10m High Radio Pole To Provide Private Internet Service
As A Relay To Castle Carrock School

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The Parish Council has objected to the proposal.

1. Constraints and Planning Policies

Local Plan Pol EC19 - Telecommunications

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections - the applicant will, however, need to apply for the appropriate licence to enable the works to be done within the highway, as well as enabling the apparatus to remain legitimately within the highway;

Castle Carrock Parish Council: whilst the Parish Council is mindful of the

difficulties facing the school, we feel that the proposed masts will present a problem for the rest of the village due to their visual impact. Both masts (B6413 and Castle Carrock School) will visually impact on the village landscape. The B6413 mast will be a stand-alone structure placed on the grass verge, and be visually unmissable as people either enter or leave the village. The taller school-mast will potentially loft above the roofline of the Village Hall, when viewed from the village green, and will add an unwanted urban and vaguely industrial aspect to a treasured rural setting. The centre of the village remains a sensitive area that is protected as much as possible by the Parish Council because it is so highly valued by villagers and visitors alike.

In view of this and the likelihood that the masts will become redundant in the near future, when an even higher-speed broadband becomes available for the whole village by conventional means, the Parish Council would like any planning permission to reflect this temporary use and stress the need for the subsequent removal of the structures once they become obsolete.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Oaktree Hall The Swifts 12 Rectory Road Holly Cottage	12/01/11	Comment Only Comment Only Objection

3.1 This application has been advertised by means of a site notice and a notification letter sent to one neighbouring property. Two letters of objection have been received which make the following points:

- The village of Castle Carrock is an Area of Outstanding Natural Beauty and the masts will be visually intrusive and have a negative impact on the landscape;
- The design is out of keeping with the character of the area;
- The mast will be highly visible to those entering/ leaving the village. It is on a popular circular route used by bikers, walkers, ornithologists from both Castle Carrock and from further afield;
- The Parish Council is looking into the possibility of providing faster broadband for the whole village via a more sympathetic approach, therefore, the masts could well become obsolete within a relatively short period of time;
- Would prefer to see a larger project instigated which improves connectivity for the whole community in line with Government policy

without the installation of two masts, which will hopefully be obsolete in a short time but an immediate scar on the landscape of Castle Carrock.

- 3.2 A comment has also been received which considers that these poles are not the best solution to the problem of slow broadband at the school. The entire village would like higher speed broadband and the government is aiming to improve broadband for all rural communities. This is a quick fix solution, which will leave the village with two obsolete poles, which will be an immediate scar on the landscape, when a better solution is found in what could be the near future. A larger project should be instigated which improves connectivity for the whole community in line with government policy.
- 3.3 A further comment has been received which is seeking clarification as to whether the pole would interfere with the clarity of reception or operation of any other device.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking planning permission for the installation of a 10m high radio pole with antenna receiver and communications cabinet in the highway verge adjacent to the B6413 to the south of Oaktree Hall, Castle Carrock. The equipment would provide an improved broadband service to Castle Carrock School, so that it can have access to the educational services provided by Cumbria and Lancashire Education Online.
- 5.2 An application for a 12m high radio pole with antenna receiver to be located outside Castle Carrock School has also been submitted (10/1005). This pole would also be required if improved broadband services are to be provided at the school.
- 5.3 The pole and cabinet would be located in the grass verge on the eastern side of the B6413. Open fields would be located to the rear of pole and on the opposite side of the road. The nearest residential property would be located 35m to the north of the pole, on the opposite side of the road. A wooden telegraph pole is located in the grass verge opposite this dwelling.

The Proposal

- 5.4 The proposed radio pole would measure 10m in height and would have a diameter of 14cm. A flat plate antenna measuring 35cm by 35cm would be attached to the top of the pole. The cabinet, which would be sited next to the pole, would measure 1.2m in height by 0.8m in width. A small power supply pillar would also be sited next to the cabinet. The applicant is proposing to

paint the pole, the cabinet and the power supply pillar a dark green colour.

- 5.5 The radios would use WiFi devices similar to those used by people to provide a wireless connection in their own homes. These devices have a typical output power of 100mW, which is thousands of times smaller than the output power permitted from mobile phone masts.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies EC19, DP10 and CP5 of the Carlisle District Local Plan 2001-2016.

- 5.7 The proposal raises the following planning issues:

1. Whether The Visual Impact Of The Proposals Would Be Acceptable

- 5.8 Whilst the pole would measure 10m in height, it would only measure 14cm in diameter and the antenna would only measure 35cm by 35cm. The cabinet and the power pillar would be reasonably small. A telegraph pole, which would be of a similar height and wider than the proposed radio pole, would be located in the grass verge to the north of the proposal. Whilst the applicant has suggested that the pole and associated equipment should be painted dark green, light grey is considered to be a more appropriate colour and this would be secured by condition. The proposal would not, therefore, have a significant adverse visual impact on the character of the area. The benefits that the radio pole would bring to the pupils at Castle Carrock School are considered to be sufficient to outweigh the visual harm that the pole and associated equipment would cause.

2. Other Matters

- 5.9 The Parish Council and two objectors have requested that the poles should only be granted a temporary planning permission as they could soon become obsolete if high-speed broadband is brought to the village via high optic cables that would link to the Hayton Exchange. However, discussions with the applicant have indicated that the costs of this are likely to be prohibitive. Furthermore, even if high-speed broadband were to be provided in the village, the radio poles would still be needed as these provide additional services to the school.

Conclusion

- 5.10 In overall terms, the proposal would not have an unacceptable visual impact. In all aspects, the proposal is considered to be compliant with the objectives of the adopted 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, proportionate and there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. supporting statement (received 9 November 2010);
3. Site Location Plan (drawing 16341/11, received 9 November 2010);
4. Block Plan & Elevations (drawing 16341/11, received 9 November 2010);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the radio pole and associated equipment is no longer required it should be removed within 1 month of ceasing to be used.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. The radio pole, cabinet and power pillar shall be painted a light grey colour and retained as such, unless agreed in writing with the Local Planning Authority.

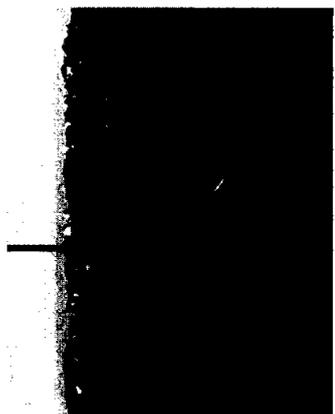
Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

State when the drawings were prepared with the name of the drafter and the date of preparation. No reproduction or translation or use of the drawings without the written consent of the drafter. Copyright © 2010. All rights reserved. Reproduction of any part of these drawings without the written consent of the drafter is prohibited.

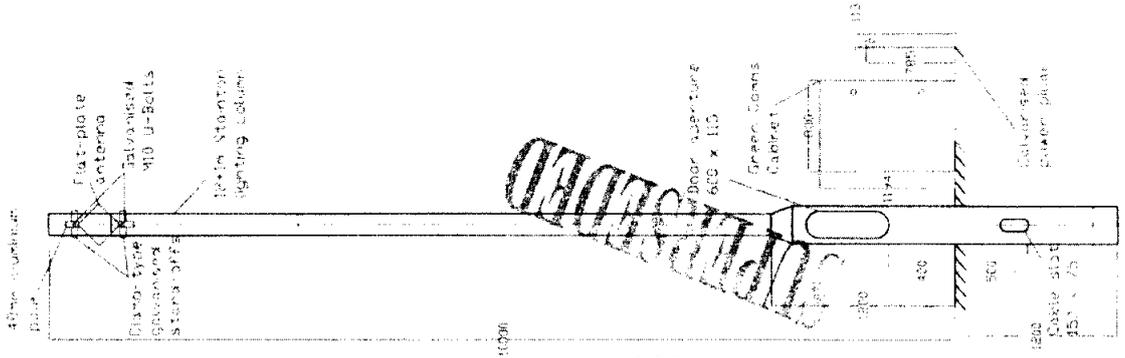
- 9 NOV 2010

10/1003

353911mE, 554911mN



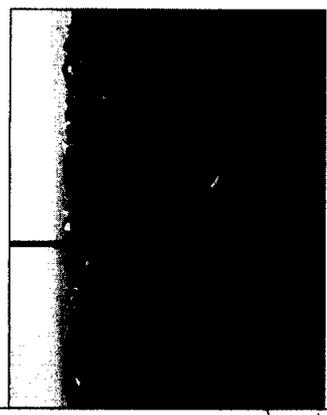
REVISIONS	Environment Directorate
Lancashire	Highways And Environmental Management
PROJECT TITLE	PROJECT No.
DRAWING TITLE	DRAWING No.
DESIGNED BY	CHECKED BY
DRAWN BY	DATE
SCALE	SHEET No.
CUSTOMER No.	



Pit & cabinet not to scale

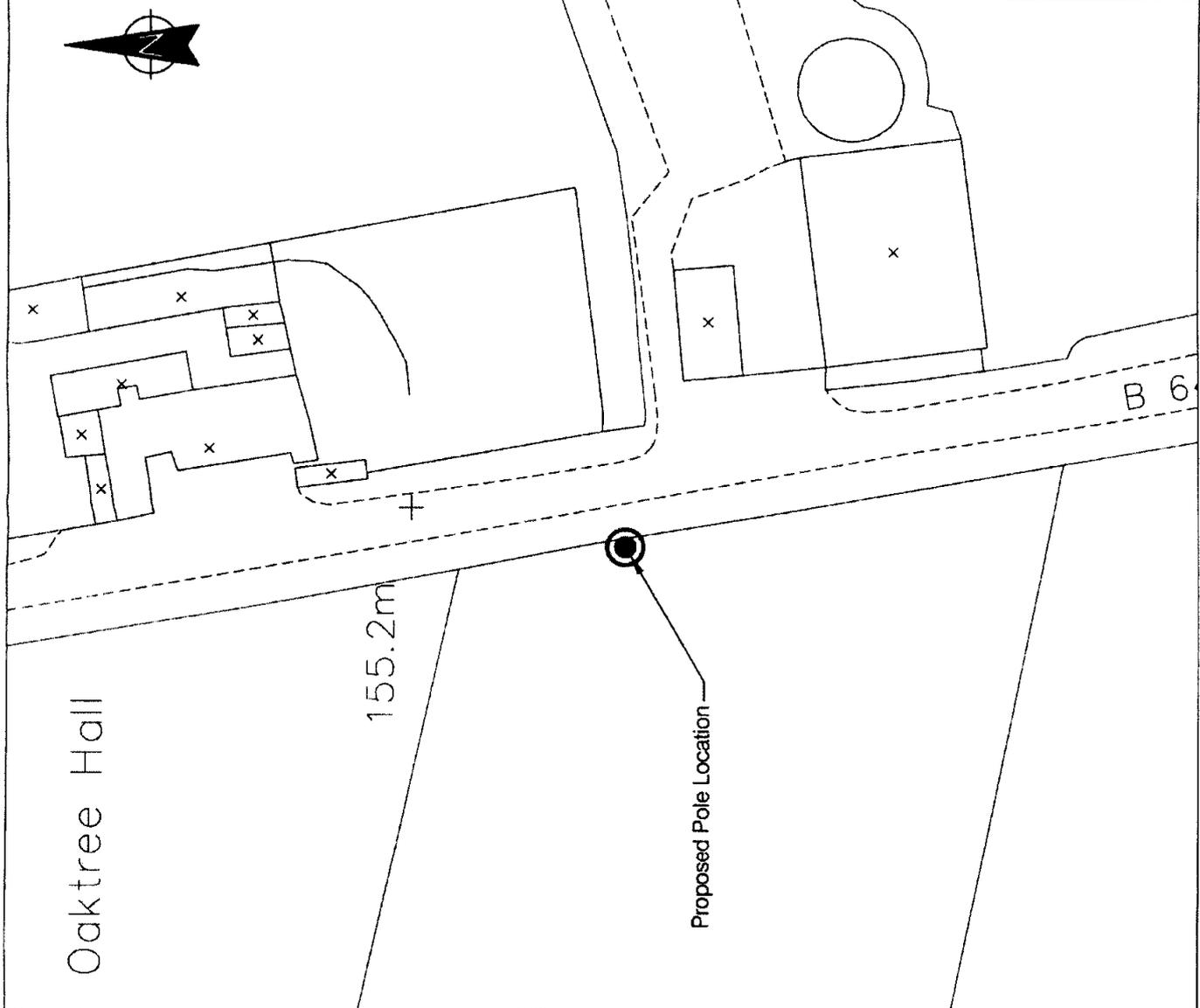
Based upon the information supplied in accordance with the provisions of the Copyright Act 1988, the copyright in this document is owned by the Controller of Her Majesty's Stationery Office. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of the Controller of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Lancaster County Council, Licence No. LA10002320.

353911mE, 554911mN



RECEIVED
18 NOV 2010
Saxoficos

1. 10/11/10	Issue approved	WKL	DIT
2. 10/11/10	Issue approved	WKL	DIT
3. 10/11/10	Issue approved	WKL	DIT
REVISIONS			
Lancashire County Council		Environment Directorate	
Highways And Environmental Management			
PROJECT TITLE CLEO Provision of Poles for Private Internal Service Cable Carrot, Hely (Verge of B6113)			
SHEET TITLE Pole Location			
DESIGNED BY BLR	PROJECT NO. 16341		
CHECKED BY WKL	DRAWING NO. 16341/11		
DATE October 2010			
SCALE Plan, 1:500. Pole Detail 1:50			
CAD FILE KAD17A200			
			Sheet 1 of 1

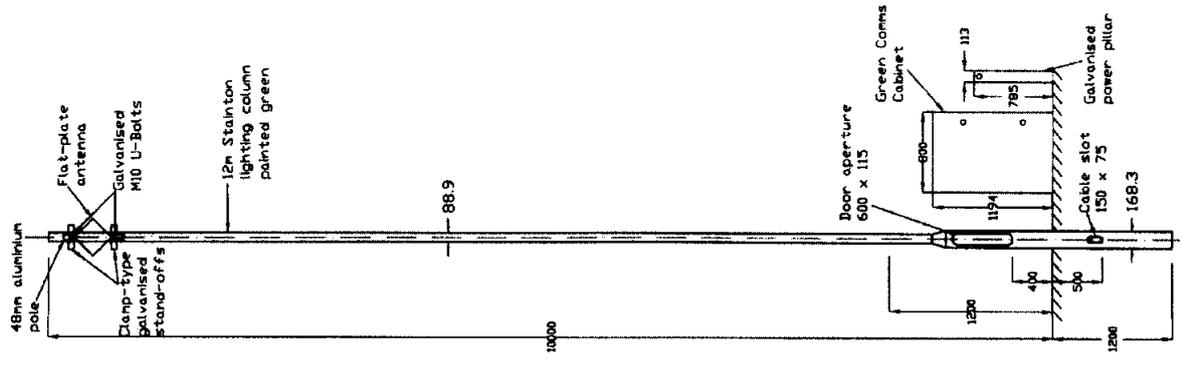


Oaktree Hall

155.2m

Proposed Pole Location

B6



V:\EM\Project Files\HornRoad Design\16341 CLEO School Halls\16341_Pole\16341_Pole_Cable Carrot Hely_Per A.dwg

SCHEDULE A: Applications with Recommendation

10/1005

Item No: 12

Date of Committee: 11/03/2011

Appn Ref No:
10/1005

Applicant:
Lancashire County
Council

Parish:
Castle Carrock

Date of Receipt:
11/01/2011

Agent:
Lancashire County Council
Roads Design

Ward:
Great Corby & Geltsdale

Location:
L/A outside Castle Carrock School, Castle Carrock,
Brampton

Grid Reference:
354334 555448

Proposal: Installation Of 12 Metre Radio Pole With Antenna Receiver To Provide
Private Internet Service To Castle Carrock School

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

The Parish Council has objected to the proposal.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Airport Safeguarding Area

Flood Risk Zone

Local Plan Pol EC19 - Telecommunications

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections - the applicant will, however, need to apply for the appropriate licence to enable the works to be done within the highway, as well as enabling the apparatus to remain legitimately within the highway;

Castle Carrock Parish Council: whilst the Parish Council is mindful of the difficulties facing the school, we feel that the proposed masts will present a problem for the rest of the village due to their visual impact. Both masts (B6413 and Castle Carrock School) will visually impact on the village landscape. The B6413 mast will be a stand-alone structure placed on the grass verge, and be visually unmissable as people either enter or leave the village. The taller school-mast will potentially loft above the roofline of the Village Hall, when viewed from the village green, and will add an unwanted urban and vaguely industrial aspect to a treasured rural setting. The centre of the village remains a sensitive area that is protected as much as possible by the Parish Council because it is so highly valued by villagers and visitors alike.

In view of this and the likelihood that the masts will become redundant in the near future, when an even higher-speed broadband becomes available for the whole village by conventional means, the Parish Council would like any planning permission to reflect this temporary use and stress the need for the subsequent removal of the structures once they become obsolete.

Carlisle Airport: comments awaited;

North Pennines AONB Partnership: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
St Peter's Church	17/01/11	
Julia Cottage	17/01/11	
James Cottage	17/01/11	
Clara Cottage	17/01/11	
Castle Carrock Village Hall	17/01/11	
Brackenthwaite		Support
11 Rectory Rd		Objection
Holly Cottage		Objection

3.1 This application has been advertised by means of a site notice and a notification letter sent to one neighbouring property. Two letters of objection and one letter of support have been received. The letters of objection making the following points:

- The village of Castle Carrock is an Area of Outstanding Natural Beauty and the masts would be visually intrusive and have a

negative impact on the landscape;

- The design is out of keeping with the character of the area;
- The Parish Council is looking into the possibility of providing faster broadband for the whole village via a more sympathetic approach, therefore, the masts could well become obsolete within a relatively short period of time;
- classrooms and the playground will be metres away from the mast - concerned about the health implications of prolonged exposure to these masts;
- insufficient consultation has taken place with people living in the village and with parents of children attending the school;
- it would be prudent to site the mast as far away from the classrooms and playground as possible;
- the mast would be an incongruous feature in a rural area and would be sited within metres of two Listed Buildings.

3.2 One letter of support has been received. Internet provision is an issue at the school, with slow speeds and dropped connections causing problems. Numerous alternative options have been explored but there is no other affordable solution to solve this long-running problem.

4. Planning History

4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application is seeking planning permission for the installation of a 12m high radio pole with antenna receiver on land adjacent to Castle Carrock School. The equipment would provide an improved broadband service to Castle Carrock School, so that it can have access to the educational services provided by Cumbria and Lancashire Education Online.

5.2 An application for a 10m high radio pole with antenna receiver, communications cabinet and power pillar to be located in the grass verge on the eastern side of the B6413 to the south of the village has also been submitted (10/10053). This pole and associated equipment would also be required if improved broadband services are to be provided at the school.

5.3 The pole would be located in a grass verge approximately 3m from the main school building and in close proximity to an existing lamp post. A road runs

to the front of the school and this contained a number of parked cars at the time of the site visit. St Peter's Church, which is a listed building, is located on the opposite side of the road. The nearest residential property would be approximately 18m from the pole.

The Proposal

- 5.4 The proposed radio pole would measure 12m in height and would have a diameter of 17cm. A flat plate antenna measuring 35cm by 35cm would be attached to the top of the pole. The applicant is proposing to paint the pole a dark green colour.
- 5.5 The radios would use WiFi devices similar to those used by people to provide a wireless connection in their own homes. These devices have a typical output power of 100mW, which is thousands of times smaller than the output power permitted from mobile phone masts.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies EC19, DP10 and CP5 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposal raises the following planning issues:
1. Whether The Visual Impact Of The Proposals Would Be Acceptable
- 5.8 Whilst the pole would measure 12m in height, it would only measure 17cm in diameter and the antenna would only measure 35cm by 35cm. It would be sited in a grass verge in close proximity to the main school building and an existing lamp post. Whilst the applicant has suggested that the pole should be painted dark green, light grey is considered to be a more appropriate colour and this would be secured by condition. Given the location of the pole, it would not have an adverse impact on the listed church. The proposal would not, therefore, have a significant adverse visual impact on the character of the area. The benefits that the radio pole would bring to the pupils at Castle Carrock School are considered to be sufficient to out weigh the visual harm that the pole would cause.
2. Other Matters
- 5.9 The Parish Council and two objectors have requested that the poles should only be granted a temporary planning permission as they could soon become obsolete if high-speed broadband is brought to the village via high optic cables that would link to the Hayton Exchange. However, discussions with the applicant have indicated that the costs of this are likely to be prohibitive. Furthermore, even if high-speed broadband were to be provided in the village, the radio poles would still be needed as these provide additional services to the school.
- 5.10 One objector is concerned about the health implications of siting the pole near

to the classroom and playground. The radios would use WiFi devices similar to those used by people to provide a wireless connection in their own homes. These devices have a typical output power of 100mW, which is thousands of times smaller than the output power permitted from mobile phone masts.

Conclusion

- 5.11 In overall terms, the proposal would not have an unacceptable visual impact. In all aspects, the proposal is considered to be compliant with the objectives of the adopted 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, proportionate and there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. supporting statement (received 9 November 2010);
3. Site Location Plan (drawing 16341/13, received 9 November 2010);
4. Block Plan & Elevations (drawing 16341/13, received 9 November 2010);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the radio pole is no longer required it should be removed within 1 month of ceasing to be used.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. The radio pole shall be painted a light grey colour and retained as such, unless agreed in writing with the Local Planning Authority.

Reason: To protect the character of the area, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

11/0112

Item No: 13

Date of Committee: 11/03/2011

Appn Ref No:
11/0112

Applicant:
Mr Gordon Wood

Parish:
Wetheral

Date of Receipt:
11/02/2011

Agent:

Ward:
Wetheral

Location:
1 Rosegate, Aglionby, Carlisle, Cumbria, CA4 8AJ

Grid Reference:
344830 556532

Proposal: Erection Of Single Storey Extension To Provide En-Suite Bedroom And Extended Porch

Amendment:

REPORT

Case Officer: Andrew Menzies

Reason for Determination by Committee:

This application has been reported to Members because the applicant is an employee of Carlisle City Council.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol H11 - Extns to Existing Resid. Premises

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): Comments awaited.

Wetheral Parish Council: Comments awaited.

Northern Gas Networks: Comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
2 Rosegate	16/02/11	
19 Rosegate	16/02/11	
Stone Bank	16/02/11	
Hunters Croft	16/02/11	

- 3.1 This application has been advertised by means of notification letters sent to four neighbouring properties. At the time of preparing the report no verbal or written representations have been received. The consultation period expires on 9th March 2011.

4. Planning History

- 4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The dwelling at 1 Rosegate is a single storey detached dwelling located on the northern side of Rosegate. The dwelling is constructed of white rendered walls, grey tile roofing, and white timber framed doors and windows. The south eastern (front) and south western (side) boundaries are open to the road way, and the north western boundary (rear) is defined by a 1.8 metre high timer fence. The north eastern boundary is open and defined by low level vegetation. The subject site is surrounded by residential properties, but as described is bordered on two sides by the highway.

Background

- 5.2 The application seeks Full Planning Permission for the erection of a single storey front extension to provide a bedroom and extended porch. The bedroom will extend 4.2 metres from the front of the existing dwelling, and will have a width of 5.9 metres together with matching eaves and ridge height. The proposal also includes a modest extension to the existing porch measuring 1.8 square metres.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following issues:

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

- 5.5 There will be windows located on the south east and south western elevations of the proposed extensions. These windows will be located an appropriate distance from neighbouring properties. It is noted that a window will be installed on the north eastern elevation of the existing dwelling to serve an existing bedroom, however, the insertion of this window does not require planning permission.
- 5.6 It is also noted that the proposed bedroom extension may cast a shadow over 2 Rosegate at sunset, however, given the separation distance between the two dwellings, it is considered the likely loss of sunlight is insufficient to warrant the refusal of the application.
- 5.7 Given the positioning of the extension in relation to neighbouring dwellings together with scale and design of the proposal, and the orientation of the application site it is considered that the proposal would not adversely affect the living conditions of any occupiers of neighbouring properties on the basis of loss of light, over dominance or loss of privacy. If members are minded to approve the application, a condition will be imposed within the decision notice to ensure that this situation remains in perpetuity.

2. Whether the Proposal is Appropriate to the Dwelling

- 5.8 The scale and height of the proposed extension is comparable to the existing property. The extension would be constructed from materials which would correspond with the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed development would complement the existing dwelling in terms of design and the materials to be used.

3. Other Matters

- 5.9 Members should also be aware that although the applicant is an employee of the City Council the applicant has not been involved in the determination of the application outside of his role as applicant.

Conclusion

- 5.10 In overall terms, the scale, siting and design of the proposal is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable loss of light, overlooking or over dominance.
- 5.11 Subject to the receipt of no observations from the consultation process which expires on 9th March 2011, the recommendation will be that the application is approved as it is considered that the proposal is compliant with the objectives of the adopted 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, proportionate and there is social need;

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

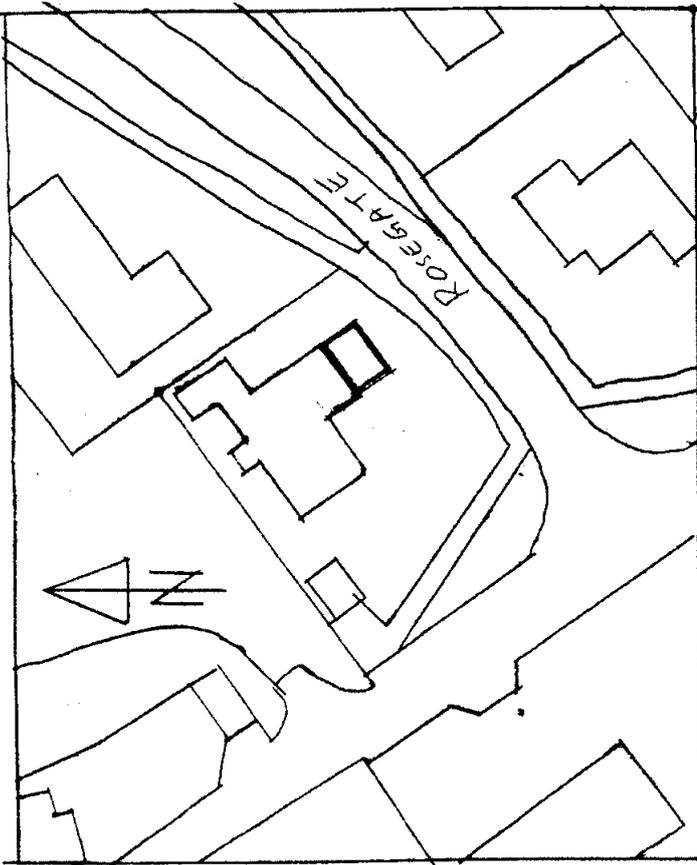
1. the submitted planning application form;
2. the Site Location Plan and Site Block Plan [Drawing No. GSW 04, Received 11 February 2011];
3. the Existing Elevations [Drawing No. GSW 01. Received 11 February 2011];
4. the Proposed Elevations [Drawing No. GSW 02. Received 11 February 2011];

5. the Existing and Proposed Floor Plans [Drawing No. GSW 03. Received 11 February 2011)
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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



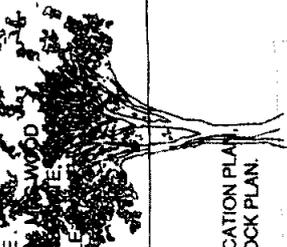
SITE BLOCK PLAN 1:500



SITE LOCATION PLAN 1:1250

project

PROPOSED GROUND FLOOR
EXTENSION PROVIDING BEDROOM
WITH LEVEL ACCESS SHOWER, AT
ENSUITE, FOR MR & MRS WOOD
AT 1, ROSEGATE,
CARLISLE



drawing

SITE LOCATION PLAN
SITE BLOCK PLAN

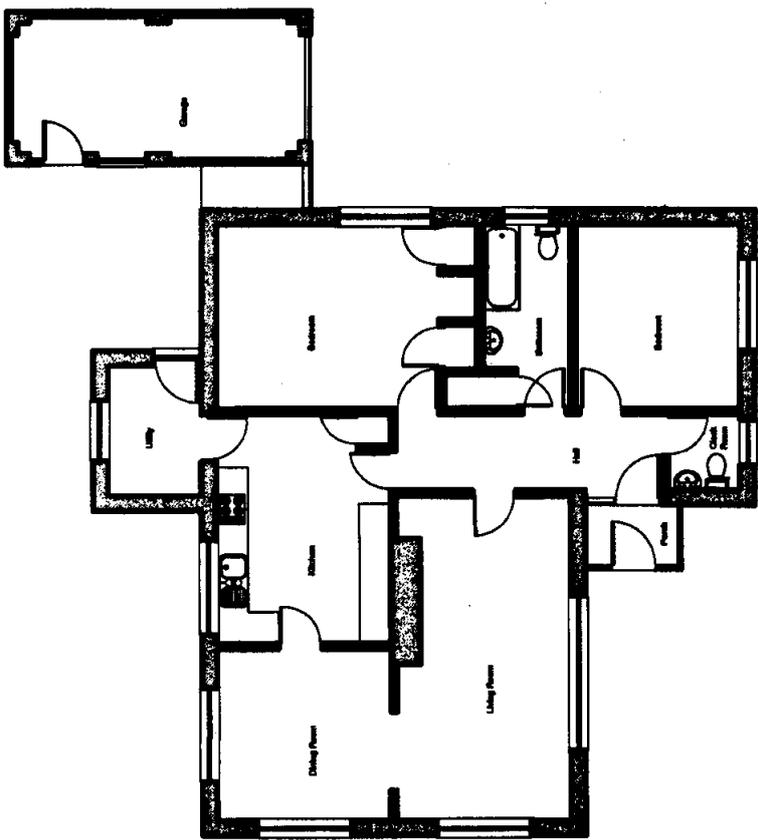
scale
1:1250
1:500

date
11 FEB 2011
11/012

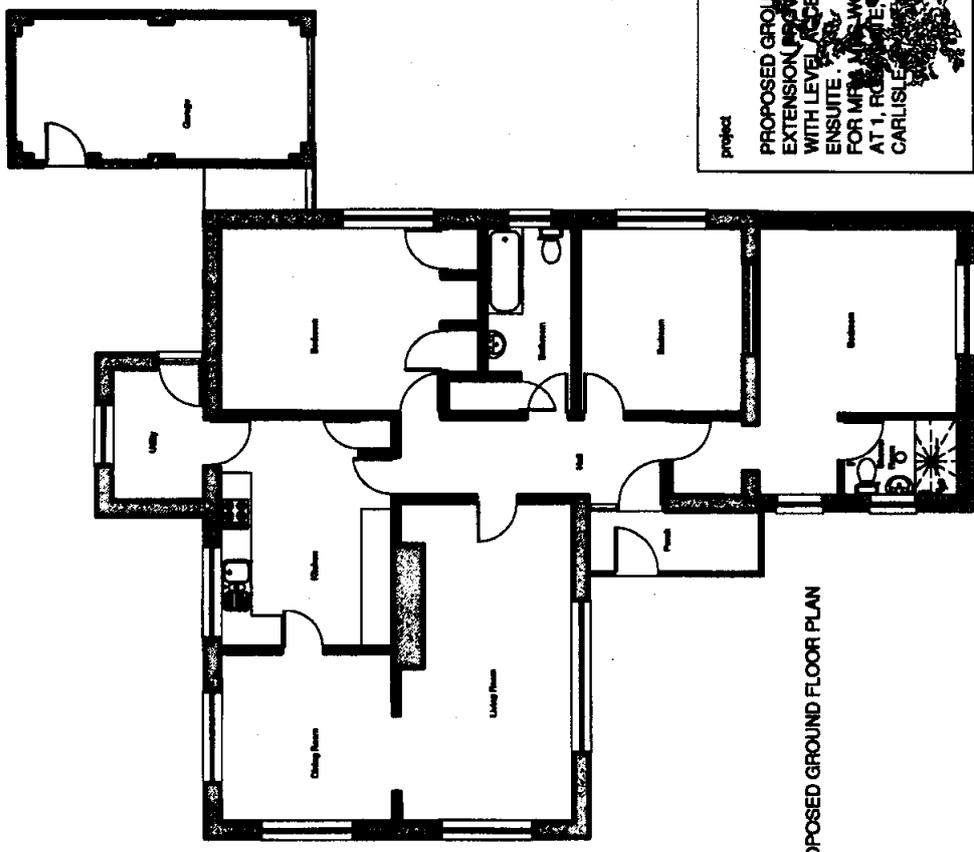
21-11-10

drawn by
GSL

nos
GSW/04

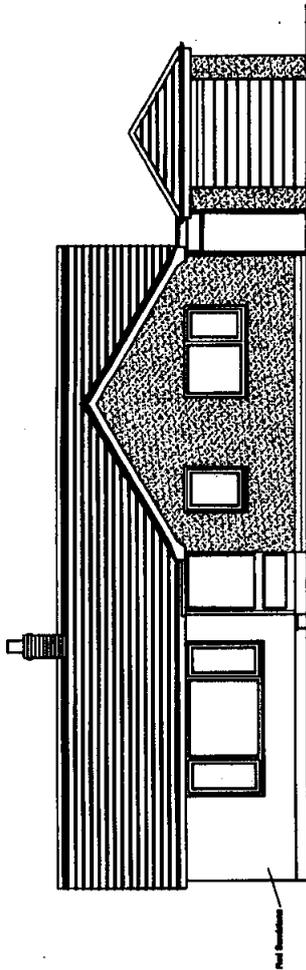


EXISTING GROUND FLOOR PLAN



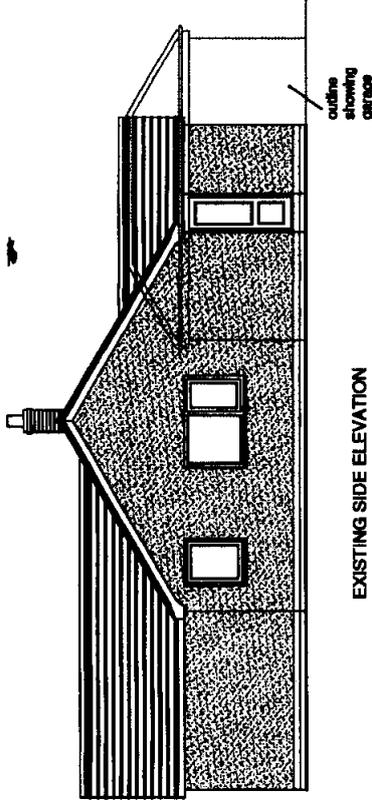
PROPOSED GROUND FLOOR PLAN

project PROPOSED GROUND FLOOR EXTENSION INCLUDING BEDROOM WITH LEVEL ACCESS SHOWER ENSUITE FOR MEN AND WOOD FOR MEN AND WOOD AT 1, RUMBLE, CARLISLE	drawing EXISTING AND PROPOSED FLOOR PLANS.	date 11 FEB 2011 05:02:11	nos GSW/03
		scale 1:100	

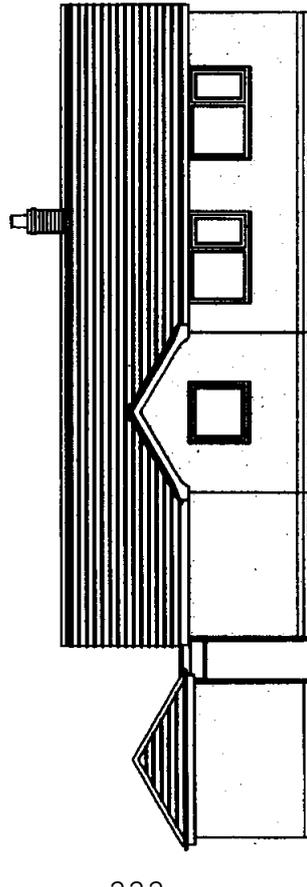


EXISTING FRONT ELEVATION

White Brown Sand Finish



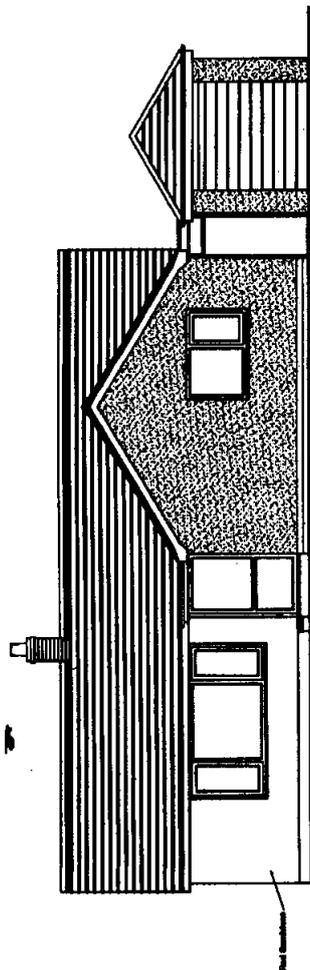
EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

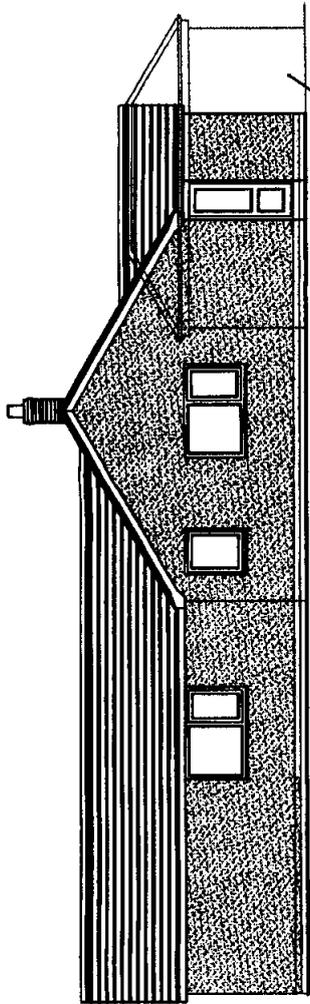
- NOTES - EXISTING CONSTRUCTION.
- ROOF - Brown smooth concrete interlocking tiles.
 - RAINWATER GOODS - Black plastic half round gutters, black plastic down spouts and exp.
 - WALLS - Front wall panel in red sandstone with all other walls white cement rendered with Barrea shell washing.
 - WINDOWS - White upvc.
 - PORCH - Softwood casement frames painted white.
 - DOORS - Front door stained hardwood, side and back doors painted flush.

project PROPOSED GROUND FLOOR EXTENSION INCLUDING BEDROOM WITH LEVEL ACCESS SHOWERS ENSUITE. FOR MR & MRS J. WOOD AT 1, ROBERTSON STREET, CARLISLE		drawing EXISTING ELEVATIONS	date 11 FEB 2011 06:02:11
		scale 1:100	name GSW/01

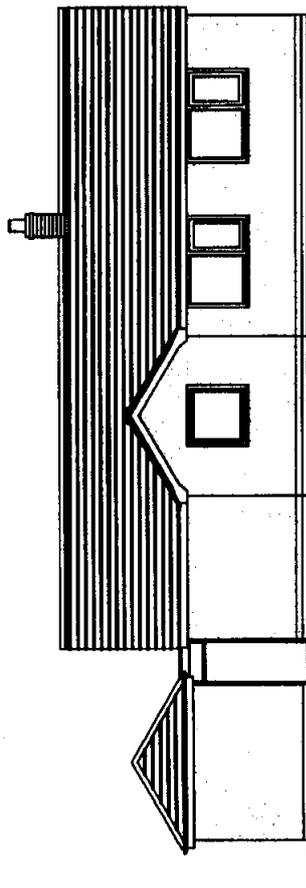


with Reverse Roof Panels

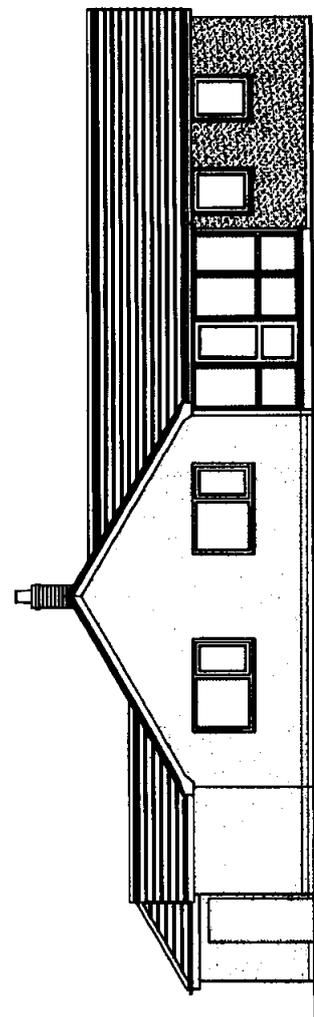
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION (no change)



PROPOSED SIDE ELEVATION

NOTES - PROPOSED CONSTRUCTION.

ROOF - Grey smooth concrete interlocking tiles.

RAINFATHER GOODS - Grey plastic half round gutters, black plastic down spouts and eap.

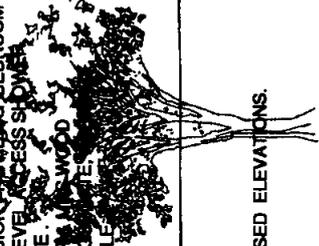
WALLS - Front wall panel in red sandstone with all other walls white cement rendered with Barrow shell chalking.

WINDOWS - White upvc.

PORCH - White upvc.

project

PROPOSED GROUND FLOOR
EXTENSION INCLUDING BEDROOM
WITH LEVEL ACCESS SHOWERS
ENSUITE.
FOR MR & MRS WOOD
AT 1, ROBERTSON ST,
CARLISLE



drawing

PROPOSED ELEVATIONS.

scale

1:100

date

05-02-11

11 FEB 2011
HIGH2

drawn by

GSL

ref

GSW 02

SCHEDULE A: Applications with Recommendation

11/0010

Item No: 14

Date of Committee: 11/03/2011

Appn Ref No:
11/0010

Applicant:
Mellawood Properties Ltd

Parish:
Carlisle

Date of Receipt:
07/01/2011

Agent:
Taylor & Hardy

Ward:
Belle Vue

Location:
Units 5/6 Old Raffles Parade, Carlisle, Cumbria,
CA2 7EX

Grid Reference:
338396 555245

Proposal: Change Of Use Of Retail Unit (Use Class A1) To Hot Food Takeaway
(Use Class A5)

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 recommendation is contrary to a previous decision made by Members of this Committee.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC7 - Neighbourhood Facilities

Local Plan Pol EC10 - Food and Drink

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Food Hygiene: if the application is successful then the applicant will need to contact this Division so as to be advised with regard to legislative compliance for food hygiene and occupational health and safety.

It will need to be ensured that adequate provisions have been put in place to prevent oil and grease entering the drainage system. Details of this should be submitted to this authority.

Premises of this nature can give rise to complaints with regard to odour. The likelihood of such complaints can be reduced although not totally obviated by specifying and installing an appropriate extract ventilation system. Details of this system should be submitted to this authority;

Cumbria Constabulary: no objections although Cumbria Constabulary seek assurances from the applicant that this establishment shall not have a negative impact on the 'Quality of Life' of nearby residents, nor will generate disproportionate calls for police service. From previous experience, premises of this nature may become popular gathering places for local youngsters, which may lead to noise nuisance and litter.

The proposed trading hours are noted and the premises shall not be contributing the night-time economy. As the establishment shall close at 10pm each evening, disturbance to residents shall be minimised and there is little reason for persons to loiter in the vicinity.

Cumbria Constabulary strongly suggest that the applicant consults them in consideration of the crime prevention measures to be implemented, particularly with regard to resistance to burglary and the personal safety of staff; and

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

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
166 Wigton Road	12/01/11	Objection
168 Wigton Road	12/01/11	Objection
20 Orton Road	12/01/11	
22 Orton Road	12/01/11	
164 Wigton Road	12/01/11	
117 Wigton Road	12/01/11	
119 Wigton Road	12/01/11	
121 Wigton Road	12/01/11	
123 Wigton Road	12/01/11	
125 Wigton Road	12/01/11	
127 Wigton Road	12/01/11	
129 Wigton Road	12/01/11	
131 Wigton Road	12/01/11	

Renuccis
Blockbusters
Coral Bookmakers

12/01/11
12/01/11
12/01/11

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of sixteen of the neighbouring properties. At the time of writing this report, two letters of objection have been received from the same household and the main issues raised are summarised as follows:

1. Parking is a problem in the area and it is already difficult to access the driveway. There is always traffic waiting at the junction and cars are parked outside the parade of shops, down the side of the house and on the tarmac area in front of the house;
2. There is already a constant litter problem in the area;
3. The area is already well served by takeaways with three fish and chip shops and three Chinese restaurants in walking distance from the site;
4. The results of young persons loitering seven days a week with the possibility of vandalism to property would mean residents wouldn't feel relaxed in their own homes;
5. There is a fish and chip shop, a video shop and a bookmakers beside the neighbouring properties all of which are open at night; and
6. The use of the premises will lead to additional parking demand, particularly adjacent to the gable of the neighbouring property, leading to additional noise and disturbance.

4. Planning History

4.1 Planning permission was refused in 1986 for the change of use to a leisure arcade to include snooker, pool, video games etc.

4.2 In 1991, planning consent was granted for the installation of security roller blinds.

4.3 Planning permission was refused in 2004 for the change of use from A1 shop to A3 takeaway/ cafe.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks "Full Planning" permission for the change of use of Units 5/6 Old Raffles Parade, Wigton Road, Carlisle from a retail outlet to a hot food takeaway. Units 5/6, which is currently vacant, form part of a district centre which lies within the Primary Residential Area, as defined by the Carlisle District Local Plan 2001-2016. There are a number of other uses on the parade, which comprises a bookmakers, a video rental shop, and a fish and chip shop. There is an existing car park situated in front of the Parade.

- 5.2 The proposal, as submitted, seeks change of use from a retail premises to a hot food takeaway. The application relates to both the ground and first floor of the premises. The ground floor of the premises measures approximately 121 square metres, with approximately half as much again on the first floor. No external alterations are proposed as part of this application, with the exception of an extractor flue. The details of the extractor flue are to be regulated by the imposition of an appropriate condition. An additional condition has been imposed restricting the opening hours of the premises from between 8.00 a.m. to 10.00 p.m. Monday to Sunday.

Background

- 5.3 In 2004, an application for "Full Planning" permission for the change of use of the building from an A1 shop to an A3 take away/cafe was considered by Members of the Development Control Committee. Members resolved to refuse the application for the following reason:

"The proposed change of use will generate a demand for additional car parking, which cannot be satisfied by the existing car park available. This will increase the occurrence of indiscriminate parking in the vicinity, which would be detrimental to highway safety and the amenity of neighbouring residential properties. The proposal would therefore be contrary to criteria 1 and 4 of Policy S15 of the Carlisle District Local Plan and criteria 1 and 3 of Policy S10 of the Carlisle District Local Plan."

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP15, CP17, EC7, EC10 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle of Development

- 5.5 Policy EC10 of the Carlisle District Local Plan, which relates to existing establishments, seeks to protect the living conditions of the occupiers of neighbouring properties. This policy specifically relates to food and drink uses and allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to the opening times for premises outside of the City Centre Shopping Area; however, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.
- 5.6 With the exception of the extractor flue, there are no alterations proposed to the external appearance of the building and the reuse of the currently vacant premises would not detrimentally affect the character of the area. The building is located within the urban area of Carlisle and within a district centre adjacent to other commercial uses. In this respect, the principle of the

change of use is acceptable. Planning policies allow flexibility of opening hours for food and drink establishments and in the case of this application, the main issue is the potential impact on the occupiers of the neighbouring residential properties which is discussed in the following paragraphs.

2. The Impact On The Occupiers Of Neighbouring Properties

- 5.7 Although the site is located within a district centre, there are residential properties to the east of the application site. The nearest property, 168 Wigton Road, is 10 metres from the gable of the building and is separate by an access road that leads to the rear of the application site. Internally, the ground floor of the takeaway would be subdivided into a customer waiting area and a storage area and it is the latter that would occupy the portion of the building adjacent to the gable. The customer entrance and waiting area would be furthest away from the adjacent residential properties and closest to the existing businesses.
- 5.8 The applicant proposes that the business would trade between 8am and 10pm each day. The site is within a district centre where there are existing businesses that includes a takeaway which remain open into the evening. The proposed trading hours are comparable to those of the existing business and whilst there may be some noise from patrons leaving the premises the business would operate as a food establishment and due to the scale of the premises, would be unlikely to give rise to a significant level of noise and disturbance over that already experienced during the late evening. The proposed trading hours are therefore acceptable.
- 5.9 The development may not raise issues in terms of a statutory noise nuisance; however, Members need to consider the general congregation of people and associated conversation noise, closing of car doors and general engine noise and the potential impact this may have on the living conditions of the occupiers of neighbouring properties through increased noise and disturbance over and above the ambient noise levels. The objectives of the policies require that the use of the premises together with the proposed trading hours must not result in increased noise and disturbance during times when the occupiers of neighbouring properties can reasonably expect to enjoy peace and quiet. The building is 10 metres from the gable of the adjacent property but the entrance to the takeaway would be 17 metres. The parking area is off-set from the neighbouring property and the noise level from the associated traffic along Wigton Road, albeit at a reduced flow, must be a consideration. On balance, the proposal is considered acceptable in this respect.

3. Highway Issues

- 5.10 The site is well related to public transport corridors; it is convenient to pedestrian routes from the City centre and nearby shops and commercial premises; is adjacent to cycle routes and there is parking provision for twelve vehicles in front of the parade of shops. The surrounding area is essentially residential and as such, many customers of the proposed business would be likely to arrive on foot.

- 5.11 Customers arriving by car would be likely to park in the area directly in front of the shops. There are several other businesses adjacent to the site that are open during the evening. Noting the type of goods sold by those businesses, it is likely that there may be some linked trips. As the use would generate short-term parking demand, the site is suitably accessible with sufficient parking provision in the vicinity.
- 5.12 Members will note that the reason for refusal for the previous planning application on this site involved that lack of parking provision; however, there is a fundamental difference between the two proposals. The application in 2004 sought consent for a takeaway/ cafe. The cafe element involves the purchase of food and drink for consumption on the premises as well as off the premises and it is the former that is likely to result in longer term parking demand from patrons driving to the site. The current proposal does not include a cafe element. Members will note that the Highway Authority has raised no objection.

4. Public Access

- 5.13 The design and layout of the building is required to be designed to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of Policy CP15 of the Local Plan. The entrance to the public area on the ground floor has level access and the proposal is compliant with the policy objectives.

5. Crime Reduction

- 5.14 Policy CP17 of the Local Plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.
- 5.15 The objector is concerned that the change of use to a takeaway would lead to persons loitering outside the premises and in the general area. As part of the process, Cumbria Constabulary's Architectural Liaison Officer has considered the application in respect of loitering, nuisance and litter and raised no objection subject to the opening hours being conditioned to those sought as part of this application.

6. Other Matters

- 5.16 The objectors raise the issue of existing takeaways within the vicinity and the fact there is no need for an additional restaurant. As Members will be aware, it is the economic market that dictates whether there is an opportunity for an additional takeaway and this is not a material planning consideration.
- 5.17 A further issue raised by the objectors relates to the amount of litter that would increase in the area if permission is granted. There is a litter bin in close proximity to the site that is maintained by the City Council. It is not considered that a reason for refusal could be sustained on those grounds.

Conclusion

- 5.18 In overall terms, the principle of a hot food takeaway within a district centre is acceptable. It is important to bear in mind the question as to what degree of harm would occur to the living conditions of the occupiers of the neighbouring properties. The premises are located adjacent to a main thoroughfare and within a parade of existing commercial uses where there are businesses that open into the evening. There are residential properties close to the application site, the closest being 10 metres to the east of the application site.
- 5.19 Subject to the imposition of a condition restricting the opening hours, the use would not adversely affect the living conditions of the occupiers of the neighbouring properties to such a degree as to be contrary to current planning 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, proportionate and there is social need;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town

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

2. The approved documents for this planning permission comprise:
 1. the Planning Application Form received 7th January 2011;
 2. the Location Plan received 7th January 2011 (Drawing No. 12.10.1);
 3. the Block Plan received 7th January 2011 (Drawing No. 12.10.2);
 4. the Existing Ground Floor Plan received 7th January 2011 (Drawing No. 10.10.1);
 5. the Existing First Floor Plan received 7th January 2011 (Drawing No. 10.10.2);
 6. the Existing Front Elevation received 7th January 2011 (Drawing No. 10.10.3);
 7. the Existing Rear Elevation received 7th January 2011 (Drawing No. 10.10.4);
 7. the Existing Side Elevation received 7th January 2011 (Drawing No. 10.10.5);
 8. the Proposed Ground Floor Plan received 7th January 2011 (Drawing No. 10.10.6);
 9. the Proposed Rear Elevation received 7th January 2011 (Drawing No. 10.10.7);
 10. the Proposed Side Elevation received 7th January 2011 (Drawing No. 10.10.8);
 11. the Notice of Decision; and
 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The premises shall not be open for trading except between 0800 hours and 2200 hours.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy EC10 of the Carlisle District Local Plan 2001-2016.

4. The premises hereby approved shall be used for a hot food takeaway and for no other purpose including any other purpose in the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Details of the design, height, external finish and position of the proposed mechanical extractor flue(s) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall then be undertaken in accordance with the approved

details.

Reason: In order to safeguard the living conditions of the occupiers of the neighbouring properties in accordance with Policies EC10 and CP5 of the Carlisle District Local Plan 2001-2016.

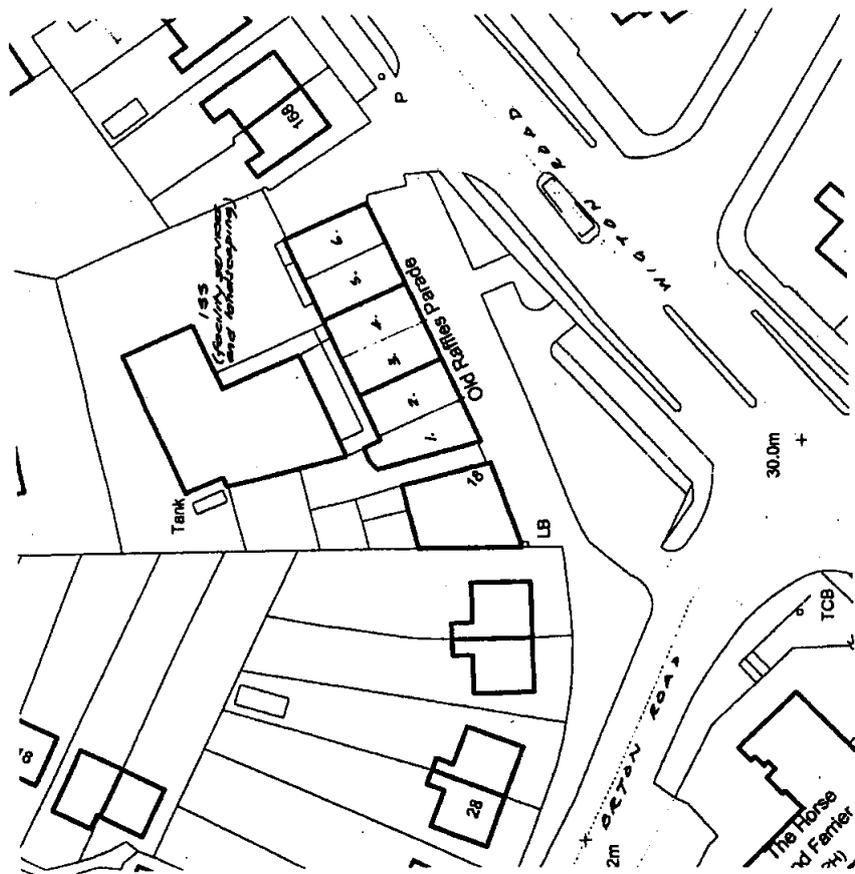


Promap

Ordnance Survey. © Crown Copyright 2010. All rights reserved.
License number: 10002418. Printed scale: 1:1250

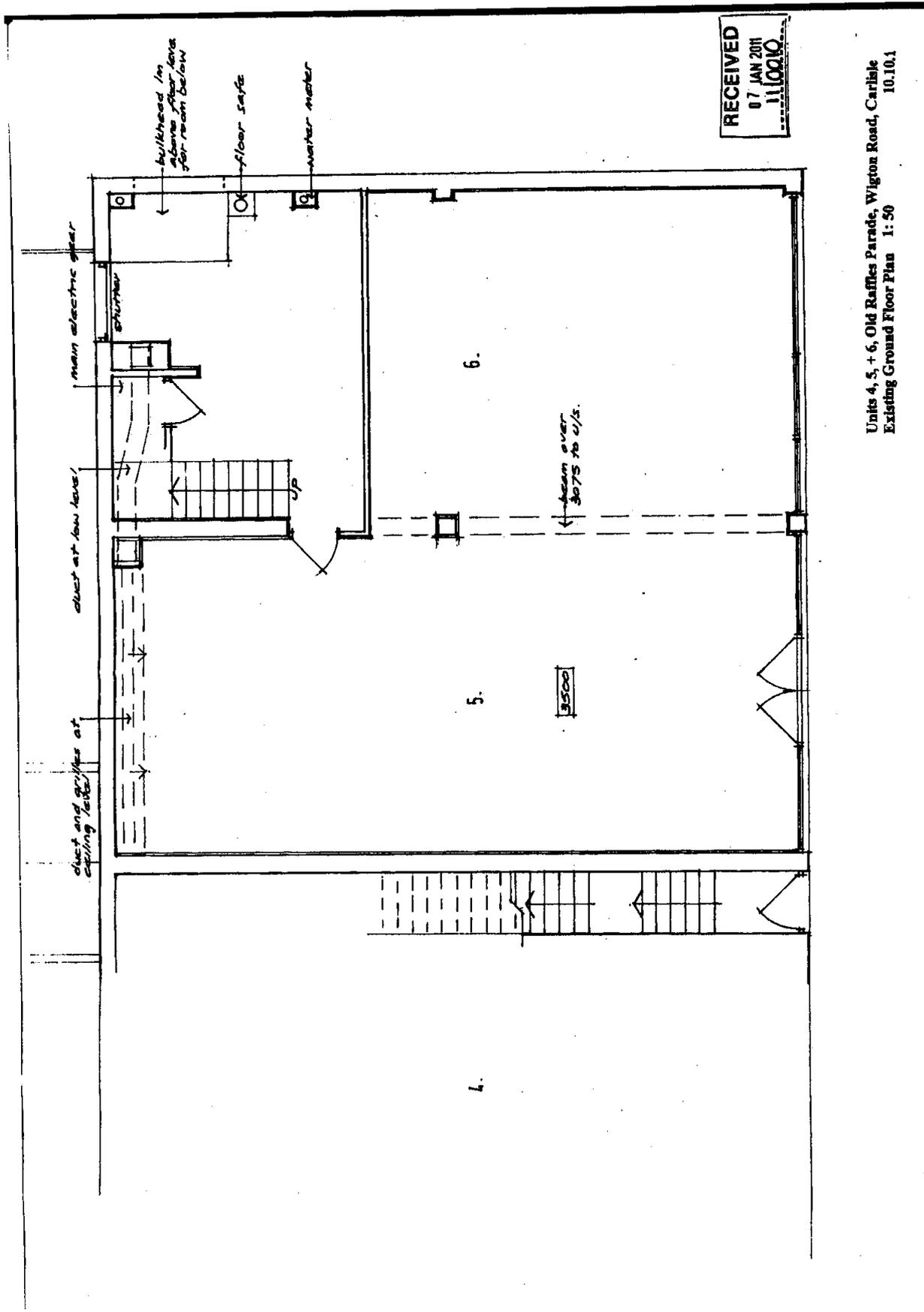
RECEIVED
07 JAN 2011
11:00:10

Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Location Plan 1: 1250 **12.10.1**

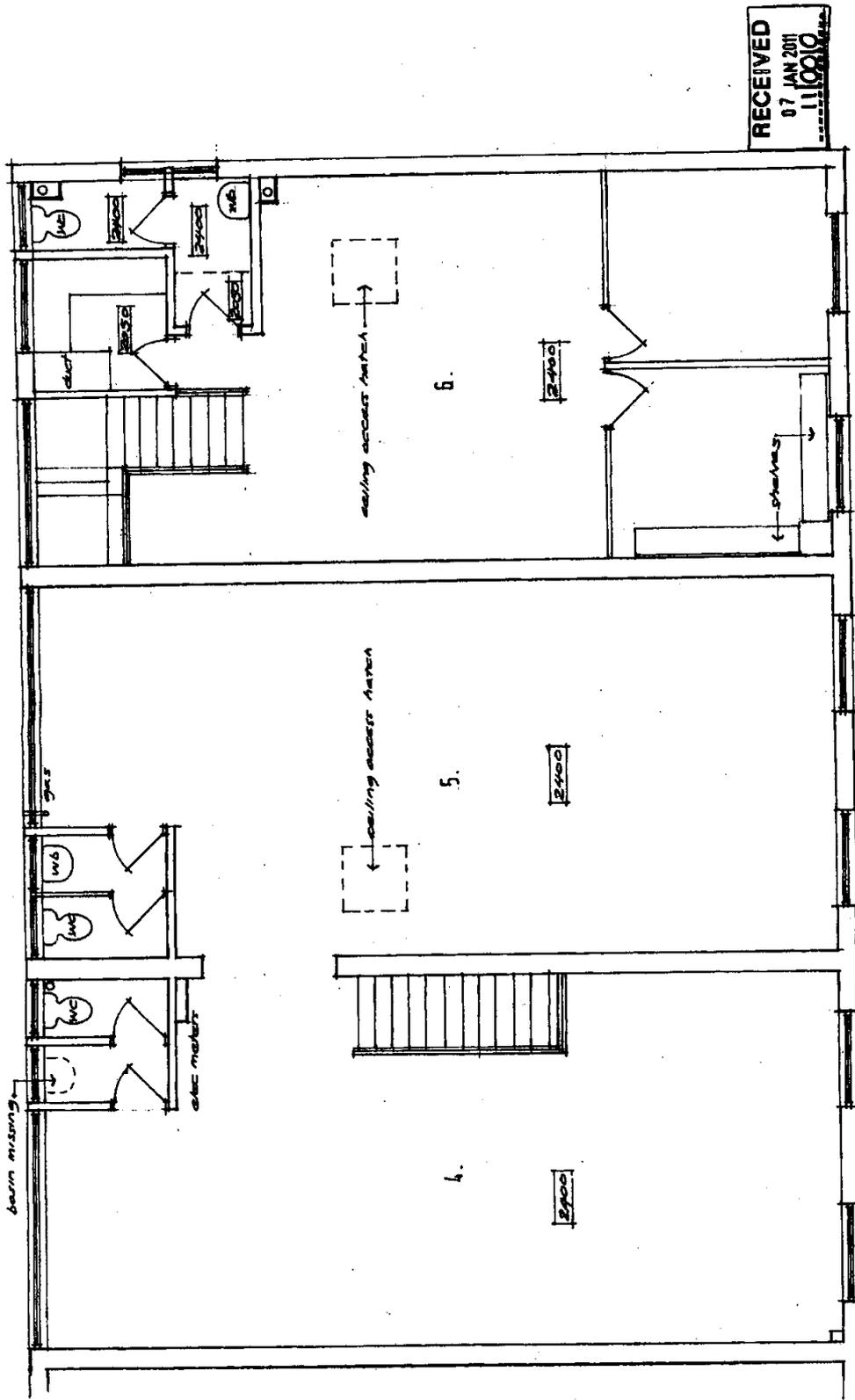


RECEIVED
07 JAN 2011
110010

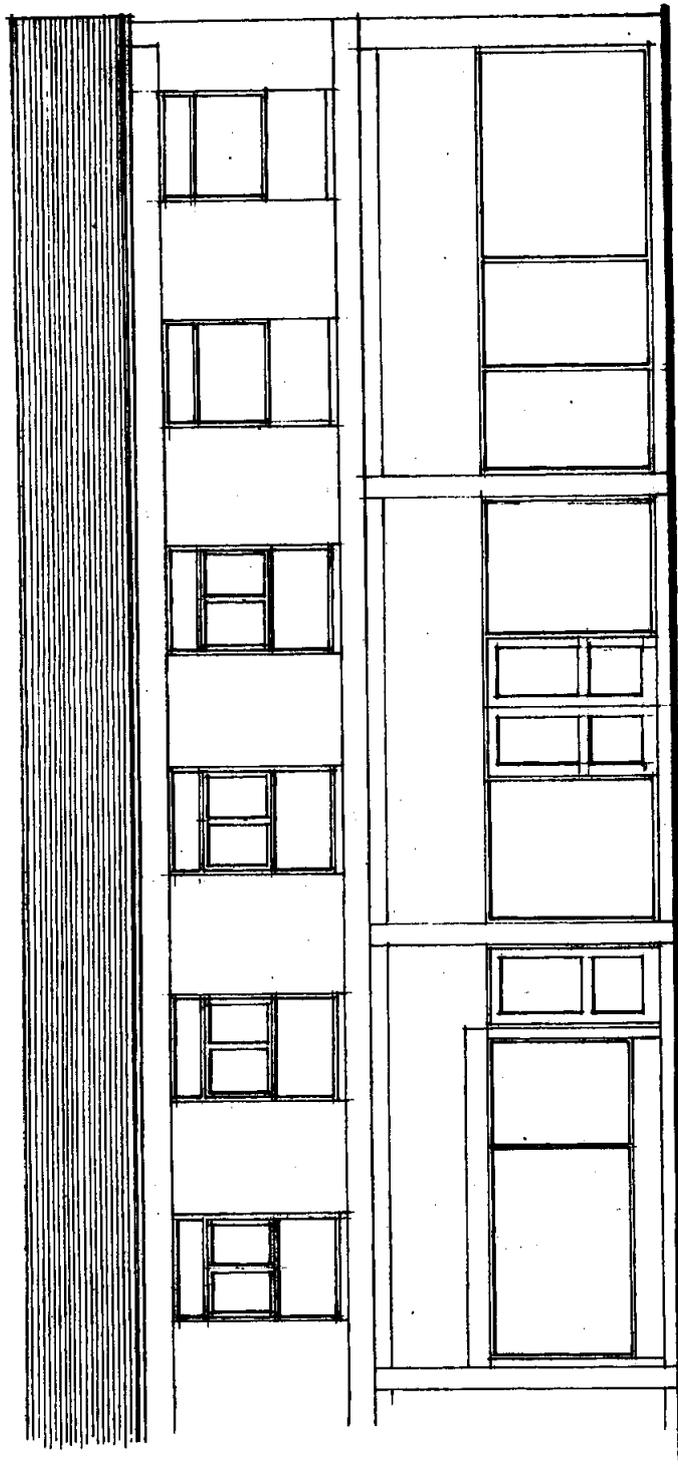
Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
12.10.2
Block Plan 1: 500



Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carrisble
Existing Ground Floor Plan 1: 50

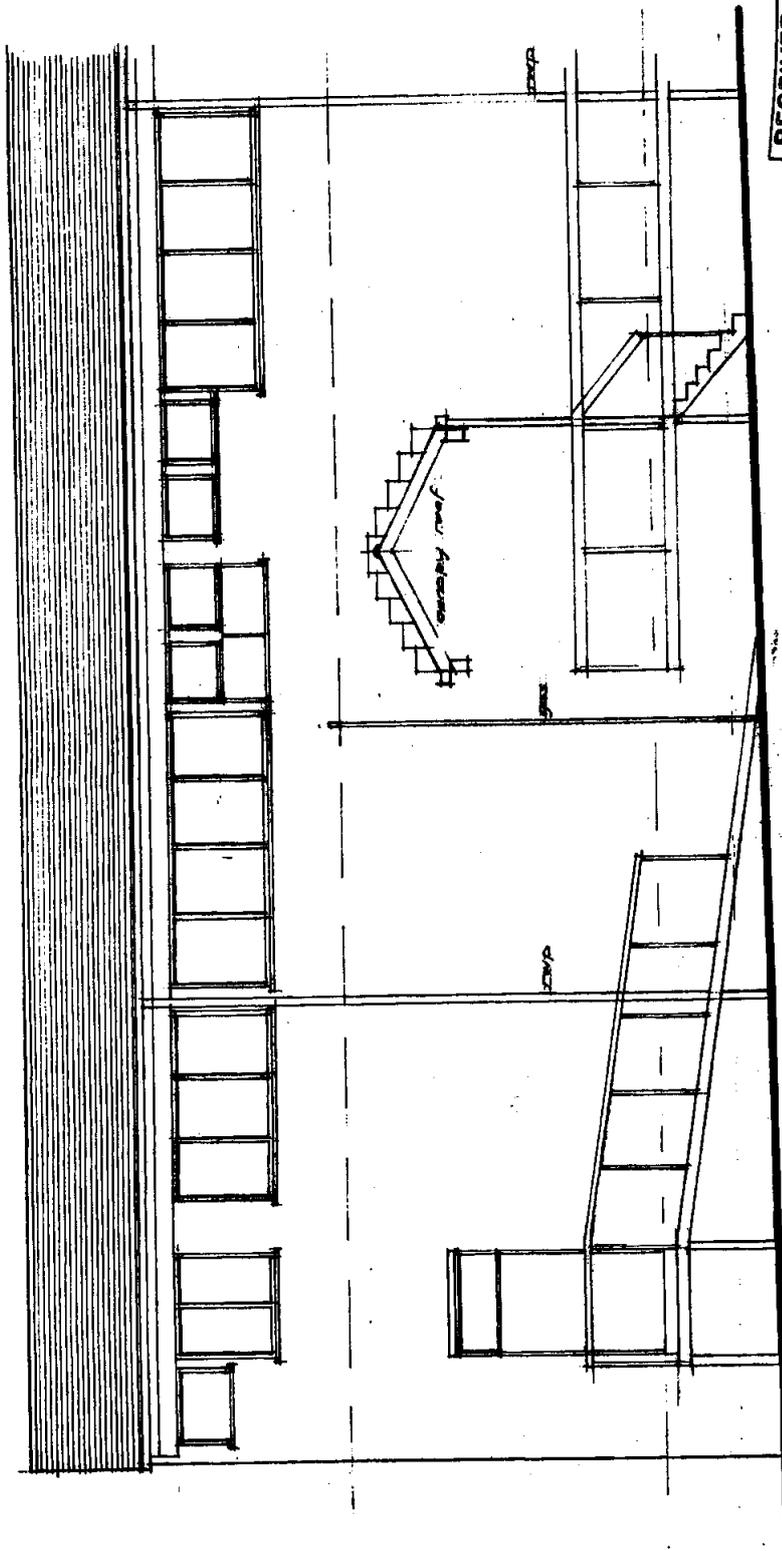


Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Existing First Floor Plan 1: 50



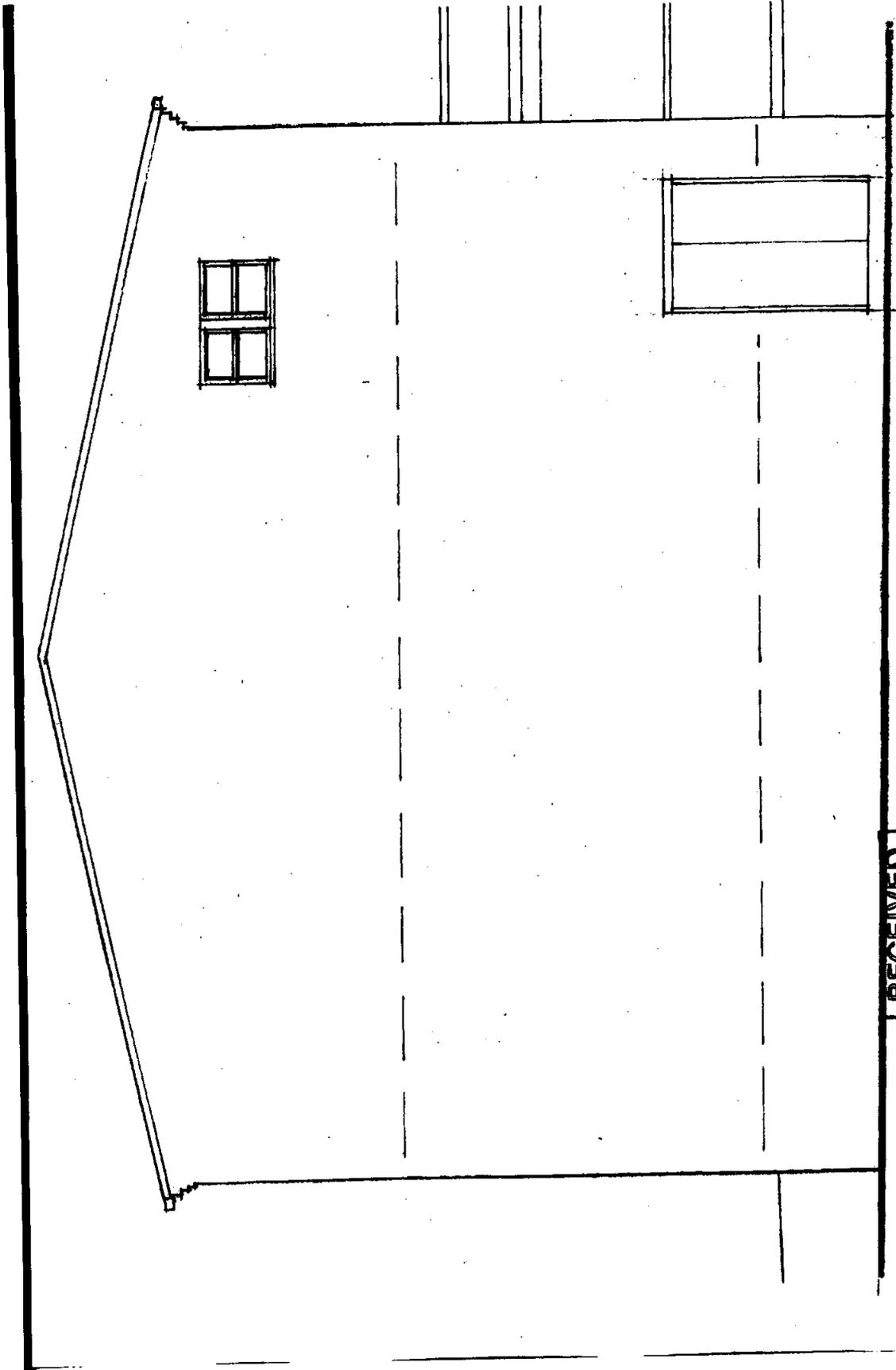
RECEIVED
07 JAN 2011
110010

Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Existing Front Elevation 1:50 10.10.3



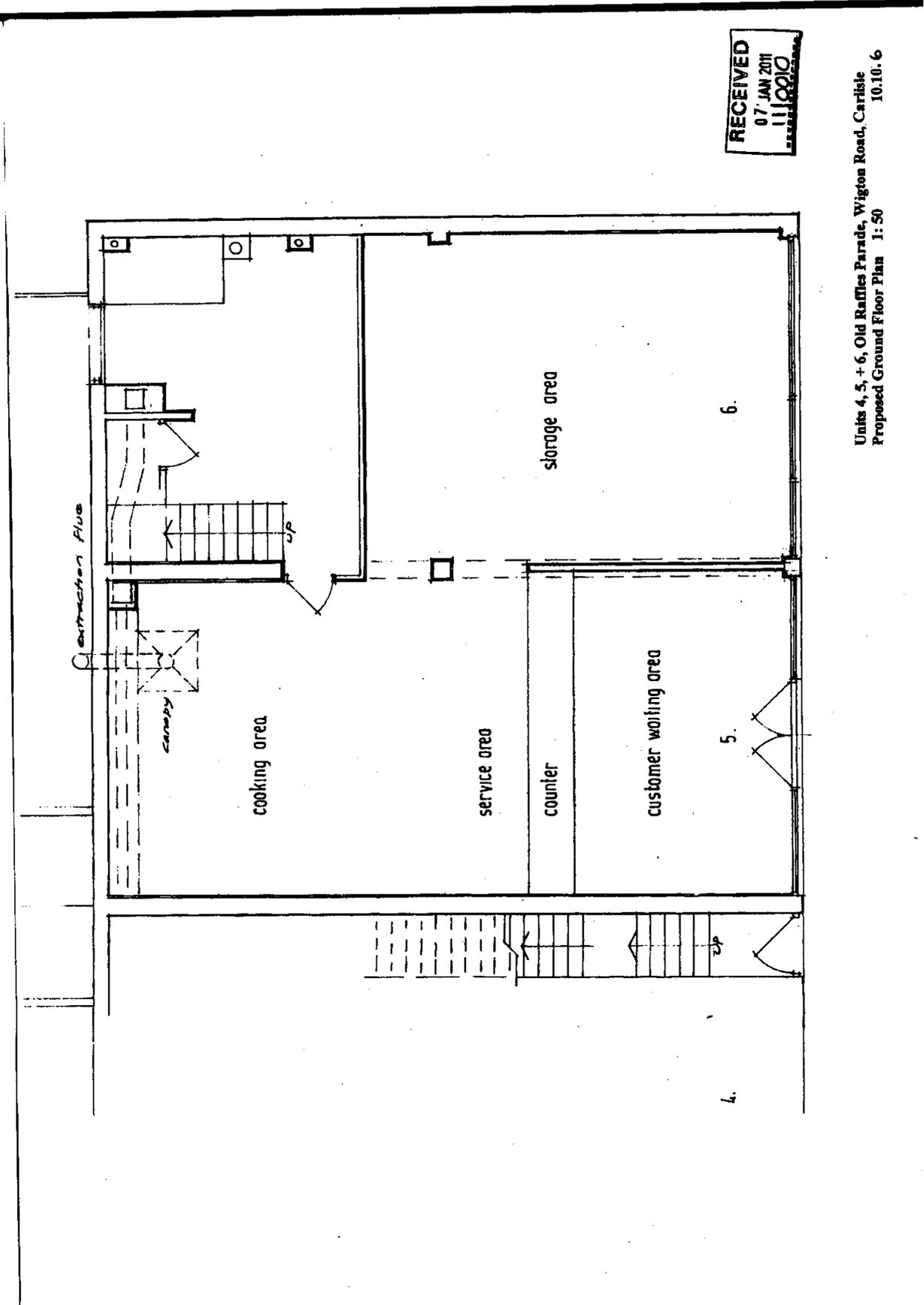
RECEIVED
07 JAN 2011
110010

Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Existing Rear Elevation 1:50 10.10.4



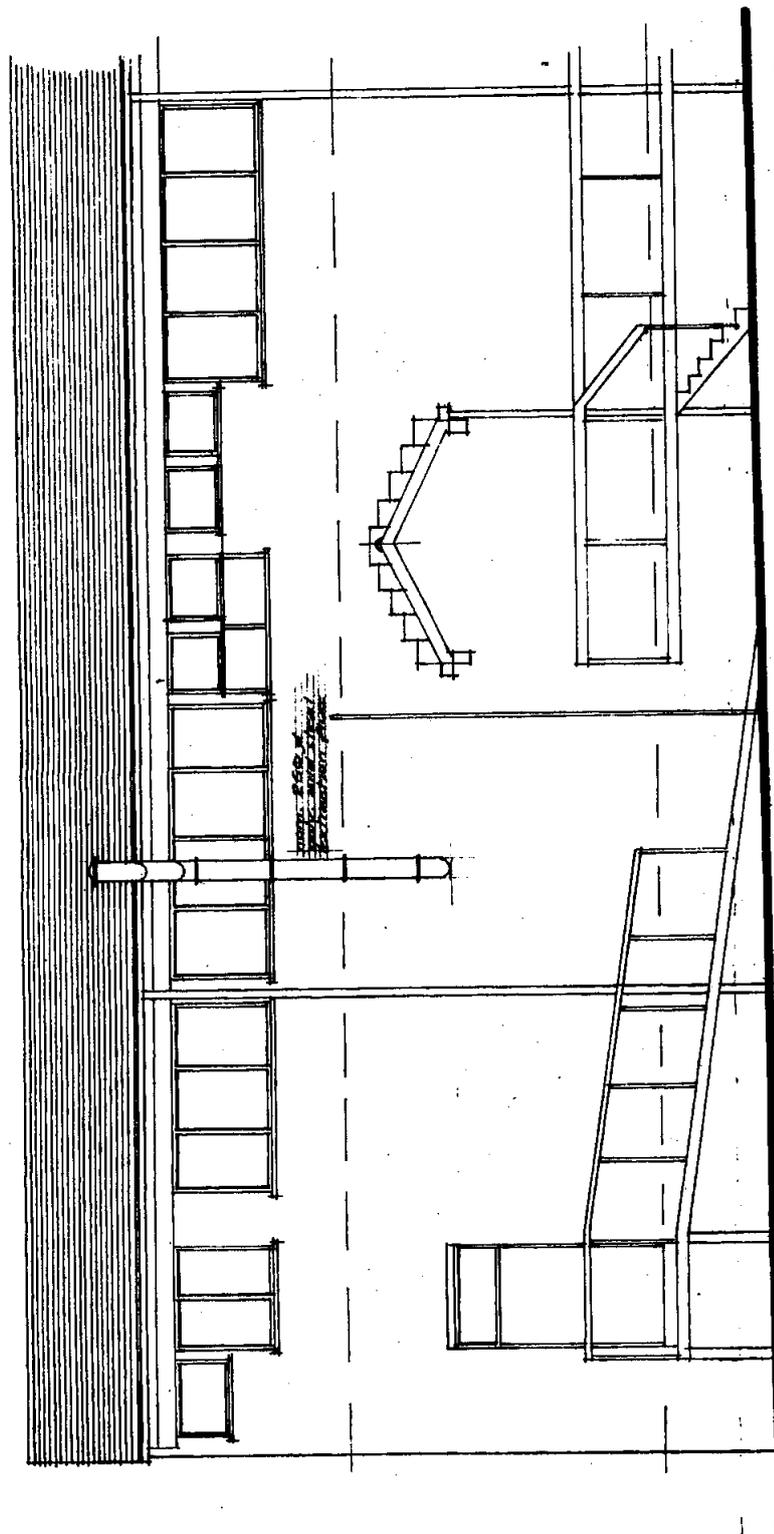
Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Existing Side Elevation 1:50 10:10:5

RECEIVED
07 JAN 2011
110010



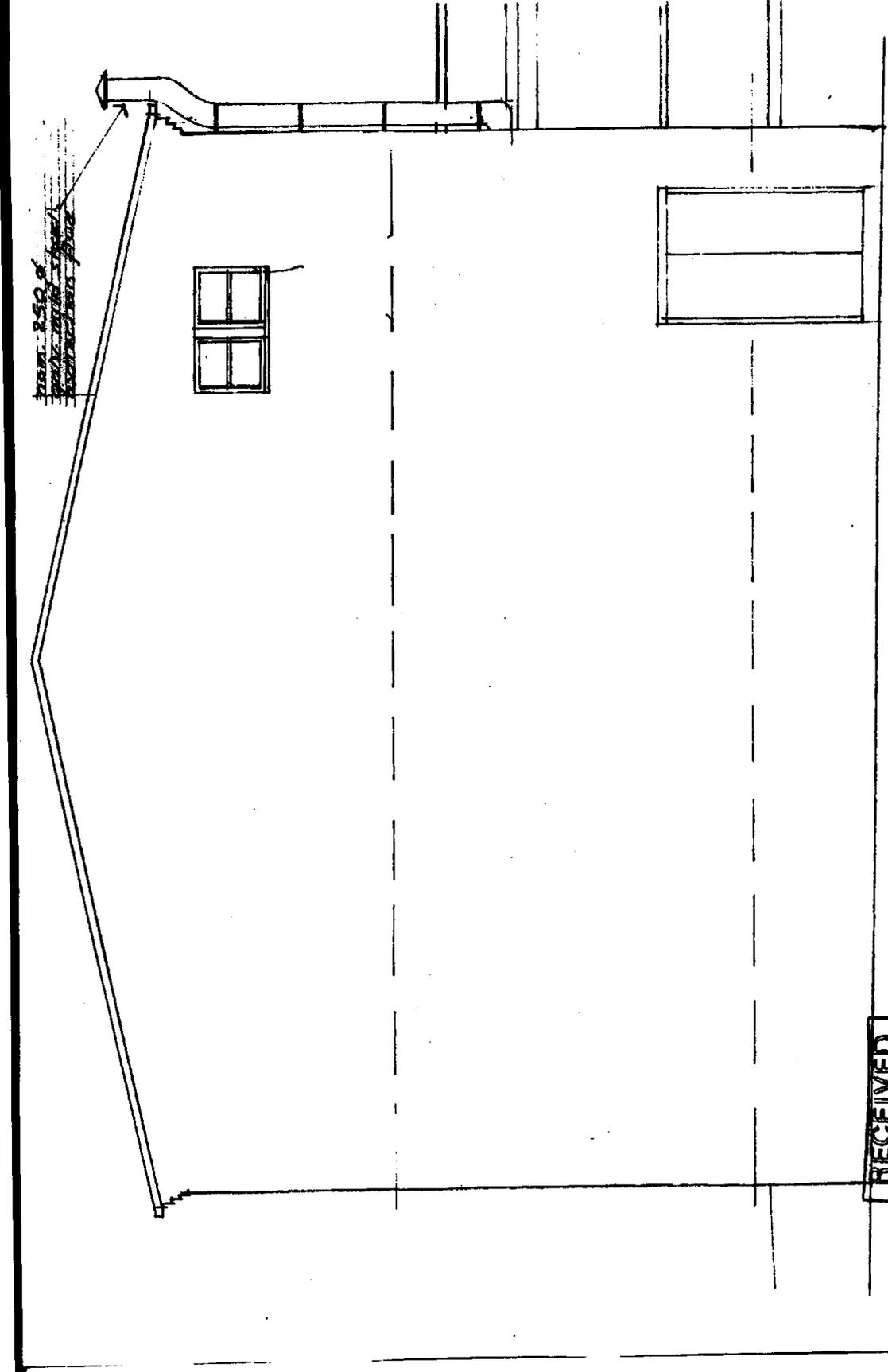
RECEIVED
07 JAN 2011
11:00:10
CARRISLE

Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carrislie
Proposed Ground Floor Plan 1:50 10.10. 6



RECEIVED
07 JAN 2011
110010

Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Proposed Rear Elevation 1:50
10.10.7



Scale: 1:50
Proposed Side Elevation
Units 4, 5, + 6

Units 4, 5, + 6, Old Raffles Parade, Wigton Road, Carlisle
Proposed Side Elevation 1: 50 10.10.8

RECEIVED
07 JAN 2011
MICO

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

09/0951

Item No: 15

Between 15/01/2011 and 25/02/2011

Appn Ref No:

09/0951

Applicant:

Mr Barry Pluckrose

Parish:

Carlisle

Date of Receipt:

30/10/2009

Agent:

Phoenix Architects

Ward:

St Aidans

Location:

23-35 Brook Street, Carlisle, CA1 2HZ

Grid Reference:

340923 555187

Proposal: Re-Development Of Former Housing Site To Form 8no. 3 Bedroomed Terraced Town Houses (Revised Application)

Amendment:

REPORT

Case Officer: Dave Cartmell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: The application for the redevelopment of a former housing area to form 8 No 3 bedroomed terraced houses was refused on 25 January 2011.

The Inspector considered that main issues to be the effect of the proposed development on (1) the character and appearance of the area and (2) the living conditions of the nearby residents with regard to potential loss of privacy.

The advocacy of high quality design for new housing in Planning Policy Statement 3 - Housing, and the requirement of Policy CP5 of the Carlisle District Local Plan that new development should respond to local context in relation to height, scale and massing of surroundings, was noted by the Inspector. He considered that (1) the proposed development would dominate the street scene and (2) the substantial overhanging bay windows would be a prominent discordant feature and (3) the strong horizontal emphasis of the bay windows failed to recognise the local context and failed to enhance the character and quality of the area.

The Inspector also considered that (1) the wide first and second floor living room windows would afford a significantly greater opportunity for overlooking the front windows opposite from a higher floor level not normally associated with terraced housing in Brook Street and (2) the

SCHEDULE C: Applications Determined by Other Authorities

09/0951

second floor rear windows would afford views into the properties in Orchard Street. Accordingly he concluded that the proposal would introduce unacceptable levels of overlooking with a consequent loss of privacy for the residents opposite and to the rear of the appeal site.

The Inspector therefore dismissed the appeal.

The Inspector also dismissed applications for full costs submitted by the applicant (alleging that the Council had acted unreasonably in the determination of the application) and a counter claim by the council claiming the additional costs incurred in dealing with the appeal through the hearings procedure instead of written representations.

Appeal Decision: Appeal Dismissed

Date: 19/01/2011

SCHEDULE C: Applications Determined by Other Authorities

10/0100

Item No: 16

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/0100

Applicant:
Mr Ronald Nichol

Parish:
Arthuret

Date of Receipt:
03/02/2010

Agent:
Taylor & Hardy

Ward:
Longtown & Rockcliffe

Location:
High Walls, Bank Street, Longtown, Carlisle, CA6
5PS

Grid Reference:
337844 568688

Proposal: Variation Of Condition 11 Of Previously Approved Application 03/0505
To Allow Use Of Alternative Vehicular Access On Esk Street

Amendment:

1. Revised Site Location Plan

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal:

Report: This appeal related to an application for "Full" planning permission for the variation of a planning condition at High Walls, Bank Street, Longtown, Carlisle. Condition 11 attached to planning permission reference 03/0505 states:

"There shall be no vehicular access to or egress from the site other than via the approved access.

Reason: In the interests of highway safety and the amenity of neighbouring residents."

This appellant sought consent to vary the condition to allow the use of an alternative vehicular access to the rear of the site. This would enable vehicles from the site to exit the curtilage at its south-west corner via the lane that lies parallel with the eastern boundary of Esk Bank Farm.

Members resolved to refuse the application for the following reason:

"An existing access allows vehicular egress and access to the site from

SCHEDULE C: Applications Determined by Other Authorities

10/0100

Bank Street. The proposed access to the rear of the property is narrow and includes a sharp ninety degree bend from the property to the access lane. It is located in close proximity to the residential properties and the use of the access would involve manoeuvring vehicles adjacent to these properties. The intensification of the use of the access leading to Esk Street and the manoeuvring of vehicles would generate an unacceptable level of traffic and resulting disturbance that would result in an overall detrimental effect on the living conditions of the occupiers of the neighbouring properties, contrary to criteria 3 of Policy CP6 (Residential Amenity) of the Carlisle District Local Plan 2001-2016."

The Inspector considered that the main issues in the consideration of the appeal is the effect of the removal of condition no. 11 on the living conditions of neighbouring residents, with particular reference to noise and disturbance.

The Inspector noted that in the vicinity of the Bank Street appeal site entrance there is provision for on-street parking along most of the street and he understood it to be well used. Nevertheless, bold highway markings prominently identify that the entrance to the site should be kept clear. Under these circumstances, the Inspector concluded that the likelihood of the entrance being blocked by others is small.

The southwestern sidewall of No. 32, which fronts directly onto one side of the access track, appears to contain a number of windows serving habitable rooms. The rooms served by these windows are less likely to be affected by traffic noise arising from Esk Street than those contained in the front elevation of the dwelling, as they are set back further from that highway. In his judgement, the Inspector noted that the noise associated with vehicles passing along the track to and from the appeal site would be likely to materially increase the levels of disturbance experienced by the residents of No. 32 when using the habitable rooms served by windows that face directly on to the track.

The Inspector concluded that it is likely that the removal of condition no. 11 would unacceptably harm the living conditions of neighbouring residents, with particular reference to noise and disturbance, and in this respect it would conflict with criterion 3 of Policy CP6 of the Carlisle District Local Plan, 2001-2016. Furthermore, on balance he considered that condition no. 11 is reasonable and necessary as a means of safeguarding the living conditions of those neighbouring residents that it meets the other tests of conditions set out in Circular 11/95.

For these reasons, the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 27/01/2011

SCHEDULE C: Applications Determined by Other Authorities

10/0141

Item No: 17

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/0141

Applicant:

Leehand Properties Ltd

Parish:

Brampton

Date of Receipt:

15/02/2010

Agent:

JWPC

Ward:

Brampton

Location:

15 Capon Hill, Brampton, CA8 1QJ

Grid Reference:

353044 560225

Proposal: Erection Of 1no. Dwelling (Revised Application)

Amendment:

1. Plan No 5 has been replaced by Plan No 5A which (1) shows the gable window of bedroom No 3 being glazed in obscure glass with no openers and (2) amends an error in the windows elevations on the north and west gables so that they accord with the floor plans.

REPORT

Case Officer: Dave Cartmell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The proposal for a detached dwelling within the side garden of 15 Capon Hill, Brampton was refused on 11th June 2010.

The Inspector considered the main issue to be the effect of the new dwelling on the character of the area noting that (1) dwellings in this part of Brampton are generally set in large plots (2) there are generally large gaps between buildings and (3) the area has a spacious character.

The Inspector considered that (1) there would be a resulting concentration of five dwellings that would have uncharacteristic small rear garden areas (2) there would be a narrow gap between the gable end of the proposed dwelling and the side elevation of the existing house and (3) with the restricted road frontage, access to the new dwelling would be severely cramped. He therefore concluded that the proposed development would be cramped and would have a significant adverse effect on the character of the area.

Accordingly he dismissed the appeal.

SCHEDULE C: Applications Determined by Other Authorities

10/0141

(In his decision, the Inspector referred to the revision in 2010 of Planning Policy Statement 3 - Housing to exclude residential gardens from the definition of previously developed land and noted that the Council's stance on this matter is that the criteria set out in Local Plan Policy's H1, H2 and H9 allow appropriate control of development in residential gardens.)

Appeal Decision: Appeal Dismissed

Date: 31/01/2011

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 18

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/0233

Applicant:

Mrs Judith Towill

Parish:

Burgh-by-Sands

Date of Receipt:

16/03/2010

Agent:

Taylor & Hardy

Ward:

Burgh

Location:

Land Adjacent Moorhouse Hall, Moorhouse,
Carlisle, Cumbria, CA5 6HA

Grid Reference:

333135 556719

Proposal: Erection Of 1No. Detached Dwelling

Amendment:

REPORT

Case Officer: Shona Taylor

Details of Deferral:

Members will recall at Committee meeting held on 20th August 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to enable Officers to investigate the applicant(s) willingness to enter into a legal agreement relating to the local occupancy restrictions rather than using a condition. The Section 106 has been agreed and approval was issued on 22 February 2011.

Decision: Grant Permission

Date: 22/02/2011

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the site location plan dated 10th March 2010;
2. the existing plan dated 10th March 2010, drawing number 1270,004;
3. the proposed plans, sections and elevations dated 10th March 2010, drawing number 1270,005;
4. the site plan as proposed dated 28th May 2010, drawing number

SCHEDULE D: Reports on Previously Deferred Decisions

- 1270,003,C;
5. the proposed new entrance details dated 10th March, drawing number 1270,007;
 6. the design and access statement dated 10th March;
 7. the tree survey report dated 10th March 2010, along with updated diagrams 4.1 and 5.1 dated 8th July 2010;
 8. the tree method statement dated June 2010;
 9. the bat survey dated 8th July 2010;
 10. the contamination statement dated 16th December 2010;
 10. the Notice of Decision; and
 11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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 CP5 of the Carlisle District Local Plan 2001-2016.

4. No development hereby approved by this permission shall commence until details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved plans.

Reason: In order that the development is appropriate to the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that the character and appearance of the area and the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

SCHEDULE D: Reports on Previously Deferred Decisions

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fence, wall or other means of enclosure shall be erected or constructed within the curtilage of the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (2) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and appearance of the area and the adjacent are not adversely affected by the erection of inappropriate enclosures and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development hereby approved by this permission shall commence until details of the construction and drainage of the whole of the access area bounded by the carriageway edge, entrance gates and the splays has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and permeable in accordance with the objectives of Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

Item No: 19

Between 15/01/2011 and 25/02/2011

Appn Ref No:
09/0358

Applicant:
J. J. Lattimer Limited

Parish:
Dalston

Date of Receipt:
01/05/2009

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Land adjacent to Dalston Service Station, Dalston,
Carlisle, CA5 7QA

Grid Reference:
336831 549981

SCHEDULE D: Reports on Previously Deferred Decisions

Proposal: Formation Of Car Parking Area To Serve The Proposed Convenience Store And Two Residential Units Subject Of Planning Application Ref: 08/1254

Amendment:

1. Submission of revised layout plan, condensing the site area, and reducing the number of parking spaces to 20 spaces (including 2 no. spaces for disabled persons and 3 no spaces for residents' use)
2. Submission of a revised layout plan and cross sections of an alteration to the shape of the car park to accommodate a turning path for a 12 m long delivery truck and to relocate the southeast boundary to the top of the embankment.

REPORT

Case Officer: Dave Cartmell

Details of Deferral:

Members will recall at Committee meeting held on 2 October 2009 that authority was given to the Assistant Director (Economic Development) to issue approval subject to completion of a section 106 Agreement for Highway works associated with a related application for a convenience store and three residential units (08/1254). The Section 106 has been completed and approval was issued on 20 January 2011.

Decision: Granted Subject to Legal Agreement

Date: 20/01/2011

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 adjacent convenience store and residential units approved under reference 08/1254 shall not be occupied until the car park hereby approved has been implemented in accordance with the approved plans. The car park shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure appropriate parking provision in accordance with the objectives of Policies CP6 (Criteria 3), T1 and T2 of the Carlisle District Local Plan (2001 - 2016)

3. The whole of the access area(s) shall be constructed and drained to the

SCHEDULE D: Reports on Previously Deferred Decisions

specification of the Local Planning Authority in consultation with the Highway Authority.

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

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

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

5. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any day other than for refuse/ waste collection services. All such movements shall leave and access the public highway in a forward direction.

Reason: In the interests of road safety and to support Local Transport Plan Policy LD8.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 (Criteria 7) of the Carlisle District Local Plan.

7. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with the objectives of Policy CP5 (Criteria 6) of the Carlisle District Local Plan.

8. For the duration of the development works existing trees adjacent to the convenience store car park shall be protected by a suitable barrier, details of

SCHEDULE D: Reports on Previously Deferred Decisions

which shall be submitted for the written approval of the Local Planning Authority and erected, prior to the commencement of development, in the locations specified in the letter of 6 June 2009 from Treescape Consultancy Ltd. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with the objectives of Policy CP5 (Criteria 6) of the Carlisle District Local Plan.

9. No development shall commence within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains and to ensure compliance with Policy LE10 of the Carlisle District Local Plan.

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

Reason: To ensure that a permanent and accessible by the record by the public is made of the archaeological remains that have been disturbed by the development in accordance with the objectives of Policy LE10 of the Carlisle District Local Plan.

11. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 4), CP17 (Criteria 6) and LE19 of the Carlisle District Local Plan.

12. 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 related site works commence.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies CP5 (Criteria 1) and LE19 of the Carlisle District Local Plan.

13. Prior to the commencement of development, the applicant shall submit details of a gate to secure the car park for the written approval of the Local Planning Authority, which gate shall remain locked during the hours of closure of the convenience store approved under reference 08/1254.

Reason: To accord with the objectives of Policy CP17 of the Carlisle District Local Plan.

14. The stone wall along the southeast side of the car park shall be 1.8 metres high and shall be erected prior to the commencement of development.

Reason: To accord with the objectives of Policies CP5 (Criteria 5), CP6 (Criteria 1) and CP17 (Criteria 1) of the Carlisle District Local Plan.

15. Before any development takes place a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority.

Reason: To reduce the increased risk of flooding by ensuring a satisfactory means of surface water disposal in accordance with Policy CP10 of the Carlisle District Local Plan (2001 - 2016).

Item No: 20

Between 15/01/2011 and 25/02/2011

Appn Ref No:
09/0512

Applicant:
Sainsburys Stores Limited

Parish:
Carlisle

Date of Receipt:
29/06/2009 13:00:41

Agent:
HOW Planning LLP

Ward:
Castle

Location:
L/A Junction of Bridge Street and Bridge Lane,
Carlisle CA2 5TA

Grid Reference:
339431 556022

Proposal: Erection Of A Class A1 Foodstore Comprising 8,886 Sq.m. Gross External Area (5,514 Sq.m. Net Sales) Floorspace, A Petrol Filling Station Of 132 Sq.m. Gross External Floorspace (70 Sq.m. Net Sales), Ancillary Development And Car Parking At Land At The Junction Of

SCHEDULE D: Reports on Previously Deferred Decisions

Bridge Street And Bridge Lane, Carlisle.

Amendment:

1. Relocation of the petrol filling station to accommodate two small retail units with separate office accommodation above.
2. Relocation of the petrol filling station and the position of the two storey retail/office building to accommodate revised access arrangements.
3. Omission of the Sainsbury's "sky sign" from the roof of the store.
4. Submission of a revised site layout plan re-locating the re-cycling centre, plan of pedestrian routes, revised elevational details and finishes of the main store and the retail/office building on the Caldewgate frontage, amended visualisations of the store, alternative options for bus services if the roundabout scheme is implemented, and details of the proposed Energy Efficient Technologies to be employed in the development

REPORT

Case Officer: Sam Greig

Details of Deferral:

Members will recall at Committee meeting held on 16th July 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to:

- a) the completion of an "Assessment of Likely Significant Effect";
- b) clearance by GONW following the referral of the application as a "Departure"; and
- c) the satisfactory completion of a S106 agreement to secure the financial contributions referred to in the Committee Report; together with the implementation of the training schemes/initiatives outlined in the supporting Regeneration Statement; the submission of a trolley management plan and the arrangements for testing and potential provision of a biomass boiler.

These items have been satisfactorily finalised and the approval was issued on 23rd February 2011.

Decision: Grant Permission

Date: 23/02/2011

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

2. The approved documents for this planning consent comprise:
 1. The Planning Application Form received 25th June 2009;
 2. The existing site layout plan received 14th January 2010 (Drawing No. P01);
 3. The proposed site layout received 1st July 2010 (Drawing No. P02 Revision S);
 4. The proposed elevations received 29th June 2010 (Drawing No. P04 Revision F);
 5. The proposed ground floor plan received 25th June 2009 (Drawing No. P09);
 6. The proposed mezzanine and roof plans received 29th June 2010 (Drawing No. P03 Revision B);
 7. The proposed site sections received 29th June 2010 (Drawing No. P05 Revision D);
 8. The indicative colour elevations of the store received 29th June 2010 (Drawing No. E01 Revision K);
 9. The indicative colour detailed elevational view of the store received 29th June 2010 (Drawing No. E03);
 10. The indicative colour street scene elevation received 29th June 2010;
 11. Railing/wall details received 29th June 2010 (Drawing No. P13 Revision B);
 12. The proposed retail and office building elevations received 6th July 2010 (Drawing No. P12 Revision D);
 13. The proposed retail and office building floor plans received 9th July 2010 (Drawing No. P11 Revision D);
 14. The proposed filling station elevations received 14th January 2010 (Drawing No. P08 Revision C);
 15. The proposed filling station floor plans received 13th July 2010 (Drawing No. P07 Revision G);
 16. The proposed site elevations received 23rd June 2010 (Drawing No. P06 Revision D);
 17. The indicative landscape plan received 15th January 2010 (Drawing No. 677-01 Revision I);
 18. The proposed access and highway improvements received 15th January 2010 (Drawing No. N71289/010 Revision A);
 19. The proposed access and highway improvements received 29th June 2010 (Drawing No. N71289/011 Revision B);
 20. The proposed access and highway improvements – Option 2 received 29th June 2010 (Drawing No. N71289/014 Revision A);
 21. List of proposed energy efficient technologies received 29th June 2010;
 22. Design and Access Statement received 25th June 2009;
 23. Planning and Retail Assessment received 10th September 2009;
 24. Regeneration Statement received 25th June 2009;
 25. Employment Statement received 25th June 2009;
 26. Flood Risk Assessment received 2nd November 2009;

SCHEDULE D: Reports on Previously Deferred Decisions

27. Summary of Public Consultation received 25th June 2009;
28. Transport Assessment received 25th June 2009;
29. Transport Assessment – Supplementary Report received 5th October 2009;
30. Stage One Road Safety Audit received 15th January 2010;
31. Environmental Impact Assessment Volumes 1-3 received 25th June 2009;
32. The Notice of Decision; and
33. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The foodstore premises shall be used as a Class A1 foodstore (with a net tradeable retail area of 5,514 square metres) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

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

4. The sale of convenience goods within the foodstore shall be restricted to a net floor area of 3,741 square metres and the sale of comparison goods shall be limited to a net floor area of 1,773 square metres; and there shall be no increase in Class A1 net retail floor space by installation of a mezzanine floor or in any other way, unless permitted, in writing, by the Local Planning Authority.

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

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

EC5 of the Carlisle District Local Plan 2001-2016.

6. The foodstore and office/retail units hereby approved shall not be open for trading except between 0700 hours and 2300 hours on Mondays-Saturday or between 1100 hours and 1700 hours on Sunday or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

8. The development, or part thereof, shall not be brought into use until:

- Junction improvements (removal of edge of carriageway markings across the entry to the superstore car park; correction of arrow markings on John Street carriageway; road markings on the eastbound Church Street carriageway to prevent vehicles from blocking the junction; no entry signs on the two give way junctions on the new entry and exit roads; high friction surface provision throughout the area on approaches to junctions and pedestrian crossing points (drawing number N71289/010 Rev A);
- Widening of Shaddongate and the provision of an extended 2 lane approach to the signals (shown on drawing number N71289/010 Rev A);
- Lengthening the 3 lanes on Castle Way (shown on drawing number N71289/010 Rev A);
- Provision of a second lane on John Street (shown on drawing number N71289/010 Rev A);

have been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policy LD8.

SCHEDULE D: Reports on Previously Deferred Decisions

9. Notwithstanding Condition 08, in the event of a roundabout subsequently being constructed at the A595/Bridge Lane/Shaddongate junction, the access arrangements to the development shall be modified by the Highway Authority to ensure that:

- The site access from Church Street operates as a priority controlled junction;
- There is no right turn into the development from the southern side of Church Street; and
- An additional access/egress to the development shall be provided on the Bridge Lane frontage.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policy LD8.

10. 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 and environmental management and to support Local Transport Plan Policies LD7 and LD8.

11. No part of the development hereby approved shall be brought into use until the access and parking requirements have been constructed in accordance with the approved plan. The access and/or parking provision shall thereafter not be removed or altered, other than as required by Condition 09, without the prior consent of the Local Planning Authority. In all other respects, 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 a minimum standard of access provision when the development is brought into use and to ensure that vehicles can be properly and safely accommodated clear of the highway in accordance with the objectives of Local Transport Plan Policies LD5, LD7 and LD8.

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

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to

SCHEDULE D: Reports on Previously Deferred Decisions

inconvenience and danger to road users in accordance with Local Transport Plan Policy LD8.

13. The access and parking/turning requirements, as required by Condition 12, 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 in accordance with Local Transport Plan Policy LD8.

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

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

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

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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

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

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

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

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

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

20. Samples or full details of all materials to be used on the exterior shall be

SCHEDULE D: Reports on Previously Deferred Decisions

submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

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

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

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

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

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

23. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water disposal has been approved, in writing, by the Local Planning Authority in consultation with the Environment Agency and Natural England. The scheme shall include details of pollution prevention measures in accordance with best practice, such as the use of silt traps and oil/ petrol interceptors during operation.

Reason: To prevent pollution of the water environment in accordance with Policies CP12, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

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

SCHEDULE D: Reports on Previously Deferred Decisions

implemented and operated in all respects, unless otherwise approved in writing by the Local Planning Authority.

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

25. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated October 2009, referenced PMM/PSA release 3.0 and compiled by Hadfield Cawkwell Davidson and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as part of the production of a site specific Flood Action Plan for the site;
3. Flood-routing measures detailed on page 6, section 7.01 shall be implemented in the car park adjacent the western boundary of the new development and be designed to maintain the current overland flow path.

Reason: To reduce the impact of flooding on the proposed development and future occupants/customers in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to the Local Planning Authority in the form of a written report. The Local Planning Authority shall consult with the Environment Agency and Natural England upon submission of the written report. The written report will be subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

SCHEDULE D: Reports on Previously Deferred Decisions

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the quality of groundwater and surface waters of the River Caldew in accordance with Policy CP5, LE2, LE4 and LE29 of the Carlisle District Local Plan 2001-2016.

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

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

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

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

29. Prior to the carrying out of any demolition work, the former iron foundry in Byron Street, the remains of the early 19th Century houses in Byron Street and Cawthorpes Lane, The Lodge in Byron Street, and 30-42 Bridge Street shall be recorded in accordance with a written scheme of investigation that has been approved by the Local Planning Authority. Within 2 months of the commencement of construction works 3 copies of the resultant building recording report shall be furnished to the Local Planning Authority.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure that a permanent record is made of the buildings and structures of architectural and historic interest prior to their demolition as part of the proposed development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/0229
Applicant: Carlisle Estates Company Limited
Parish: Carlisle

Date of Receipt: 26/03/2010
Agent: Black Box Architects Limited
Ward: Castle

Location: Land at Orfeur Street, Carlisle
Grid Reference: 340694 555659

Proposal: Demolition Car Storage Buildings And No 2 Orfeur Street And Erection Of 6No. Terraced Dwellings

Amendment:

Decision: Granted Subject to Legal Agreement

Date: 21/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/0868
Applicant: Mr Stuart Palmer
Parish: Rockcliffe

Date of Receipt: 24/09/2010
Agent:
Ward: Longtown & Rockcliffe

Location: Metal Bridge Wood, Floriston Rigg, Rockcliffe, Carlisle, Cumbria
Grid Reference: 335547 564383

Proposal: Change Of Use Of Land To Paintball Site

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/0877
Applicant: Telfonica UK
Parish: Carlisle

Date of Receipt:
Agent:
Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/12/2010 Sign 2000 Ltd Castle

Location: 45 Scotch Street, Carlisle, CA3 8PT
Grid Reference: 340116 556032

Proposal: Display Of 1No. Internally Illuminated Fascia Sign And 1No. Non-Illuminated Fascia Sign

Amendment:

Decision: Grant Permission

Date: 20/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/0922
Applicant: Mr S Lane
Parish: Carlisle

Date of Receipt: 26/10/2010
Agent: Jock Gordon
Ward: Castle

Location: 30 Aglionby Street, Carlisle, CA1 1JP
Grid Reference: 340650 555638

Proposal: Demolition Of Two Storey Rear Extension To Dwelling and Erection Of Two Storey Dwelling

Amendment:

Decision: Refuse Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/0931
Applicant: Russell Armer Ltd
Parish: Dalston

Date of Receipt: 05/01/2011
Agent:
Ward: Dalston

Location: Hawksdale Pastures, Welton Road, Dalston
Grid Reference: 336050 547116

Proposal: Demolition Of Agricultural Building And Construction Of New Two Bedroom Dwelling (Plot 6) - Revised Design To Include Garden Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 22/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/0945

Applicant:
Dundee Tyres LTD

Parish:
Irthington

Date of Receipt:
21/10/2010

Agent:
Green Design Group

Ward:
Stanwix Rural

Location:
Dundee Tyres LTD, Carlisle Airfield, CA6 4NW

Grid Reference:
347439 560999

Proposal: Change Of Use From Agricultural Land To Extension Of Tyre Storage Area (B2 Use)

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/0970

Applicant:
Knightsbridge
Developments

Parish:
Hayton

Date of Receipt:
28/10/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Hayton

Location:
Former Womens Institute Hall, Brier Lonning,
Hayton, Brampton, CA8 9HN

Grid Reference:
350568 557995

Proposal: Erection Of 3no. Linked Dwellings With Separate Garages

Amendment:

Decision: Grant Permission

Date: 10/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Rear Extension To Provide Bedroom And Shower Room
Amendment:

Decision: Grant Permission

Date: 27/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1011

Applicant:
The Mills Management Co
Ltd

Parish:
Carlisle

Date of Receipt:
23/11/2010

Agent:
James Associates

Ward:
Denton Holme

Location:
The Mills, Denton Holme, Carlisle CA2 5NZ

Grid Reference:
339648 554450

Proposal: Strengthening Existing Steelwork Support To Cast Iron Gutters,
Replacement Of Roof Glazing, Reslating Roof And Replacement Of
Decayed Timbers (LBC)

Amendment:

Decision: Grant Permission

Date: 27/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1041

Applicant:
Carleton Cricket Club

Parish:
St Cuthberts Without

Date of Receipt:
24/11/2010

Agent:

Ward:
Dalston

Location:
Carleton Cricket Club, Parklands, Sycamore Lane,
Carleton Grange, Carlisle CA1 3SR

Grid Reference:
343051 553809

Proposal: Siting Of Metal Container For The Storage Of Grass Cutting Equipment

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1048

Applicant:
Miss Blake

Parish:
Kingmoor

Date of Receipt:
22/11/2010 08:00:34

Agent:

Ward:
Stanwix Rural

Location:
Holly Cottage, Cargo, Carlisle, CA6 4AW

Grid Reference:
336547 559154

Proposal: Internal Alterations Together With Installation Of 1no. Rooflight (LBC)
Amendment:

Decision: Grant Permission

Date: 11/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1049

Applicant:
Home Retail Group Plc

Parish:
Carlisle

Date of Receipt:
23/11/2010

Agent:
Spencer Signs Ltd

Ward:
Belah

Location:
Argos, Unit B2, Parkhouse Road, CARLISLE, CA3 0JR

Grid Reference:
339365 559595

Proposal: Display Of 3No. Internally Illuminated Signs; (Retention Of Existing), 1No. Non Illuminated Sign; Retention Of 4No. Estate Signs

Amendment:

Decision: Grant Permission

Date: 17/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1050

Applicant:
Mr & Mrs Grant

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

26/11/2010

Rodney Jeremiah

Currock

Location:

L/A Leabourne Road, Carlisle, CA2 4QL

Grid Reference:

340486 553916

Proposal: Construction Of 4No. Dwellings

Amendment:

Decision: Grant Permission

Date: 21/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/1051

Applicant:

Mr Rickerby

Parish:

Carlisle

Date of Receipt:

02/12/2010

Agent:

Black Box Architects
Limited

Ward:

Stanwix Urban

Location:

Shawholm, Cavendish Terrace, Carlisle, CA3 9NF

Grid Reference:

339717 557047

Proposal: Erection Of Single Storey Rear Extension To Provide Additional Living Accommodation; Front Entrance Porch

Amendment:

Decision: Grant Permission

Date: 27/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/1052

Applicant:

Lonsdale Leisure Ltd

Parish:

Carlisle

Date of Receipt:

26/11/2010

Agent:

HTGL Architects

Ward:

Currock

Location:

4-6 Botchergate, Carlisle

Grid Reference:

340308 555570

Proposal: Alterations To Entrance To No. 6 Botchergate Including Formation Of New Entrance To Upper Floors No.4 Botchergate

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1063

Applicant:
Punch Pub Co Ltd

Parish:
Carlisle

Date of Receipt:
18/01/2011

Agent:
Ashleigh Signs Ltd

Ward:
Currock

Location:
The Griffin, Court Square, Carlisle, CA1 1QX

Grid Reference:
340284 555584

Proposal: Display Of 2no. Externally Illuminated Fascia Signs, 2no. Externally Illuminated Amenity Signs And 2no. Internally Illuminated Menu Cases

Amendment:

Decision: Grant Permission

Date: 22/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1065

Applicant:
Ramsdens Financial Ltd

Parish:
Carlisle

Date of Receipt:
30/11/2010

Agent:

Ward:
Castle

Location:
51 Lowther Street, Carlisle, CA3 8EQ

Grid Reference:
340218 555902

Proposal: Display Of 1No. Externally Illuminated Fascia Sign, 1No. Non Illuminated Projecting Sign And Vinyl Signs Applied To Glazing

Amendment:

Decision: Grant Permission

Date: 25/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1068

Applicant:
Lonsdale Leisure Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
26/11/2010

Agent:
HTGL Architects

Ward:
Currock

Location:
4-6 Botchergate, Carlisle

Grid Reference:
340308 555570

Proposal: Alterations To Entrances To Nos. 4 & 6 Botchergate; Formation Of New Entrance To Upper Floors No.4 Botchergate (LBC)

Amendment:

Decision: Grant Permission

Date: 17/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1069

Applicant:
Mrs Susan Ruth Boyd

Parish:
Carlisle

Date of Receipt:
07/12/2010

Agent:

Ward:
Currock

Location:
Unit 9, St Nicholas Industrial Estate, Lord Street,
Carlisle, Cumbria

Grid Reference:
340556 555187

Proposal: Change Of Use From Warehouse Space To A Sandwich Bar (Hot And Cold Food Takeaway)

Amendment:

Decision: Grant Permission

Date: 21/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1072

Applicant:
Mr Glen Hunt

Parish:
Carlisle

Date of Receipt:
01/12/2010

Agent:

Ward:
Castle

Location:
52 Bower Street, Carlisle, CA2 7DF

Grid Reference:
338619 555789

Proposal: Erection Of Two Storey Extension To Side Elevation To Provide

SCHEDULE E: Decisions Issued Under Delegated Powers

Kitchen/Living Room On Ground Floor With 1No. En-Suite Bedroom
Above And Erection Of Porch

Amendment:

Decision: Grant Permission

Date: 25/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1073

Applicant:
Dorsman Estates

Parish:
Carlisle

Date of Receipt:
29/11/2010

Agent:
RRDS Ltd

Ward:
Castle

Location:
45 Grapes Lane, The Lanes Shopping Centre,
Carlisle, CA3 8NH

Grid Reference:
340189 555929

Proposal: New Shopfront With Roller Shutters To Front And Side Elevations;
Replacement Air Conditioning Unit And Shop Fit Out

Amendment:

Decision: Grant Permission

Date: 24/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1076

Applicant:
Box Clever

Parish:
Carlisle

Date of Receipt:
15/12/2010

Agent:
Martin Cuthell Ltd

Ward:
Belah

Location:
Box Clever, 64/65 Millbrook Road, Kingstown,
Carlisle

Grid Reference:
339156 559381

Proposal: Display Of 9no. Non-Illuminated Fascia Signs (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 21/01/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1077

Applicant:
Border City Autos

Parish:
Carlisle

Date of Receipt:
13/12/2010

Agent:

Ward:
Currock

Location:
Land and building at Crown Street, Carlisle,
Cumbria, CA2 5AB

Grid Reference:
340274 555215

Proposal: Change Of Use To Motor Vehicle Display And Related Purposes To
Include Sales, Preparation And Repair

Amendment:

Decision: Grant Permission

Date: 03/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1078

Applicant:
Mr Sewell

Parish:
Wetheral

Date of Receipt:
01/12/2010

Agent:
John Lyon Associates Ltd

Ward:
Wetheral

Location:
12 Goosegarth, Wetheral, Carlisle, CA4 8JR

Grid Reference:
346257 554423

Proposal: Erection Of Single Storey Rear Extension To Provide Garden Room

Amendment:

Decision: Grant Permission

Date: 21/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1079

Applicant:
Mr Baird

Parish:
Carlisle

Date of Receipt:
01/12/2010 08:00:26

Agent:
John Lyon Associates Ltd

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
25 Chiswick Street, Carlisle, CA1 1HQ

Grid Reference:
340525 555924

Proposal: Single Storey Infill To Rear

Amendment:

Decision: Grant Permission

Date: 20/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1080

Applicant:
Harrison Homes (Cumbria) Carlisle
Limited

Parish:

Date of Receipt:
09/12/2010

Agent:
Unwin Jones Partnership

Ward:
Harraby

Location:
Former Highgrove Dairy, Harraby Green, Carlisle

Grid Reference:
341330 554457

Proposal: Discharge Of Conditions 3 (Highway Design); 7 (Surface Water); 8 (Ramps); 12 (Details Of Play Area); 11 (Archaeological Investigation);14 (Landscape Scheme); And 20 (Site Investigation) Of Previously Approved Appn 06/1265

Amendment:

Decision: Partial Discharge of Conditions
04/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1081

Applicant:
Harrison Homes (Cumbria) Carlisle
Limited

Parish:

Date of Receipt:
09/12/2010

Agent:
Unwin Jones Partnership

Ward:
Harraby

Location:
Former Highgrove Dairy, Harraby Green, Carlisle

Grid Reference:
341330 554457

Proposal: Discharge Of Conditions 12 (Details Of Play Area); 14 (Landscape Scheme); And 20 (Site Investigation) Of Previously Approved Appn

SCHEDULE E: Decisions Issued Under Delegated Powers

09/0607

Amendment:

Decision: Partial Discharge of Conditions
04/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1082

Applicant:
Harrison Homes (Cumbria) Limited

Parish:
Carlisle

Date of Receipt:
09/12/2010

Agent:
Unwin Jones Partnership

Ward:
Harraby

Location:
Former Highgrove Dairy, Harraby Green, Carlisle

Grid Reference:
341330 554457

Proposal: (1) Discharge Of Conditions 13 (Play Area); 15 (Landscaping) ; And 20 (Site Investigation); Of Previously Approved Appn 09/0663 And (2) Discharge of Condition 17 (Site Investigation) Of Previously Approved 10/0902

Amendment:

Decision: Partial Discharge of Conditions
04/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1083

Applicant:
More Handles Ltd

Parish:
Carlisle

Date of Receipt:
13/01/2011

Agent:

Ward:
Belah

Location:
Unit 3, 54 Gearshill Road, Kingstown Industrial Estate, Kingstown, Carlisle, CA3 0ET

Grid Reference:
339347 559431

Proposal: Display Of 1no. Internally Illuminated And 2no. Non-Illuminated Fascia Signs

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 24/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1085

Applicant:
Mr Les Kerans

Parish:
Wetheral

Date of Receipt:
09/12/2010

Agent:
S & H Construction

Ward:
Wetheral

Location:
Fibre Cottage, Wetheral, Carlisle, Cumbria, CA4
8HD

Grid Reference:
346500 554316

Proposal: Erection Of Front Porch, Single Storey Rear Extension To Provide
Conservatory And Utility/WC; Repositioning And Enlargement Of
Windows To Front Elevation

Amendment:

Decision: Grant Permission

Date: 03/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1089

Applicant:
02/Vodafone

Parish:
Carlisle

Date of Receipt:
03/12/2010

Agent:
WFS Telecom

Ward:
Belah

Location:
Carrs Billington Agriculture Ltd, 16 Montgomery
Way, Carlisle, CA1 2UY

Grid Reference:
343051 555720

Proposal: Erection Of 20.5m High Joint Operator Slimline Lattice
Telecommunications Tower (Incorporating 18m Support Tower, Head
Frame, 6no. Antennas And 2no. 300mm Transmission Dishes)
Equipment Cabinet; Meter Cabinet; Fenced Compound

Amendment:

Decision: Grant Permission

Date: 28/01/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1090 **Applicant:** Mr Ron Wood **Parish:** Wetheral

Date of Receipt: 08/12/2010 **Agent:** Architects Plus (UK) Ltd **Ward:** Wetheral

Location: The Manor, Plains Road, Wetheral, Carlisle, CA4 8JY **Grid Reference:** 346464 554795

Proposal: Removal Of Conditions 5 (Access Onto Carriageway); 8 (Details Of External Hardstandings); 11 (Landscaping); 12 (Contamination Desktop Study); 13 (Drainage) And Variation Of Condition 10 Of Previously Approved Permission 07/0564

Amendment:

Decision: Grant Permission

Date: 26/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1094 **Applicant:** Urban Stone **Parish:** Carlisle

Date of Receipt: 14/12/2010 **Agent:** **Ward:** Castle

Location: Viaduct House, Victoria Viaduct, Carlisle, CA3 8AN **Grid Reference:** 340058 555652

Proposal: Proposed New Shopfront

Amendment:

Decision: Grant Permission

Date: 24/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1097 **Applicant:** Mrs Emma Postlethwaite **Parish:** Wetheral

Date of Receipt: **Agent:** **Ward:**

SCHEDULE E: Decisions Issued Under Delegated Powers

08/12/2010 Hogg & Robinson Design Wetheral
Services

Location: 140 Scotby Road, Scotby, Carlisle, CA4 8BJ
Grid Reference: 343907 556093

Proposal: Change Of Use Of Garden Room To Hair Salon

Amendment:

Decision: Grant Permission

Date: 19/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1103
Applicant: Mobile Mini (UK) Ltd
Parish: Dalston

Date of Receipt: 13/12/2010
Agent: Beaumont and Cowling (Sheffield) Ltd
Ward: Dalston

Location: Mobile Mini (UK) Ltd, Barras Lane Industrial Estate, Dalston, Carlisle, CA5 7ND
Grid Reference: 336541 550630

Proposal: Erection Of Modular Blueline Building For Use As Repair Building For Cabins And Containers

Amendment:

Decision: Grant Permission

Date: 07/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1104
Applicant:
Parish: Carlisle

Date of Receipt: 13/12/2010
Agent: Castle & Gatehouse
Ward: St Aidans

Location: 151 Warwick Road, Carlisle, CA1 1LJ
Grid Reference: 340919 555929

Proposal: Change Of Use Of Building To House Of Multiple Occupation (HMO)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 08/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1105

Applicant:
Matterhorn Capital
Residential No.1 Portfolio
Limited

Parish:
Carlisle

Date of Receipt:
10/12/2010

Agent:
Castle & Gatehouse

Ward:
Castle

Location:
92 Aglionby Street, Carlisle, CA1 1JT

Grid Reference:
340815 555825

Proposal: Change Of Use Of Building To House Of Multiple Occupation (HMO)

Amendment:

Decision: Grant Permission

Date: 04/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1108

Applicant:
Wapping Property Limited

Parish:
Carlisle

Date of Receipt:
13/12/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
The Royal Hotel, 9 Lowther Street, Carlisle, CA3
9ES

Grid Reference:
340235 555716

Proposal: Discharge Of Condition 3 (Window Details) Of Previously Approved
Application 10/0696

Amendment:

Decision: Grant Permission

Date: 03/02/2011

Between 15/01/2011 and 25/02/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 10/1109 **Applicant:** Allan Builders Limited **Parish:** Carlisle

Date of Receipt: 17/12/2010 **Agent:** Architects Plus (UK) Ltd **Ward:** Castle

Location: Citadel Chambers, Citadel Row, Carlisle **Grid Reference:** 340228 555689

Proposal: Change Of Use Of Existing Building To Provide 9No. One Bedroom Apartments To Upper Floors And Retail/Financial Professional Services Units To Ground Floor (A1 And A2 Use)

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1110 **Applicant:** Mr Murray **Parish:** Carlisle

Date of Receipt: 06/01/2011 **Agent:** PH Partnership **Ward:** Belah

Location: 81 Lowry Hill Road, Carlisle, CA3 0DJ **Grid Reference:** 338974 558637

Proposal: Certificate Of Proposed Lawful Development For A Single Storey Rear And Side Extension And Alterations To Existing Garage For Domestic Purposes

Amendment:

Decision: Grant Permission

Date: 02/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1111 **Applicant:** Environment Agency **Parish:** Stanwix Rural

Date of Receipt: 13/12/2010 08:01:15 **Agent:** Jacobs Engineering UK Ltd **Ward:** Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land adjacent St John's Church, Low Crosby,
Carlisle

Grid Reference:

344833 559647

Proposal: Changes To St John's Churchyard Wall, Two Vehicle Turning Heads To Serve Flood Embankments And A Revised Landscape Works - As Additional/Altered Elements Associated With The Flood Alleviation Scheme Approved In Applications 10/0316 & 10/0317

Amendment:

Decision: Grant Permission

Date: 07/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/1112

Applicant:

Environment Agency

Parish:

Stanwix Rural

Date of Receipt:

13/12/2010 08:01:15

Agent:

Jacobs Engineering UK Ltd

Ward:

Stanwix Rural

Location:

Land adjacent St John's Church, Low Crosby,
Carlisle

Grid Reference:

344803 559602

Proposal: Changes To St John's Churchyard Wall, Two Vehicle Turning Heads To Serve Flood Embankments And A Revised Landscape Works - As Additional/Altered Elements Associated With The Flood Alleviation Scheme Approved In Applications: 10/0316 & 10/0317 (LBC)

Amendment:

Decision: Grant Permission

Date: 07/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/1113

Applicant:

Little Angels Nursery

Parish:

Carlisle

Date of Receipt:

07/01/2011

Agent:

Ward:

Castle

Location:

8 Brunswick Street, Carlisle, Cumbria, CA1 1PN

Grid Reference:

340478 555739

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change Of Use From Office To Nursery

Amendment:

Decision: Grant Permission

Date: 09/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1114

Applicant:
Little Angels Nursery

Parish:
Carlisle

Date of Receipt:
07/01/2011

Agent:

Ward:
Castle

Location:
8 Brunswick Street, Carlisle, Cumbria, CA1 1PN

Grid Reference:
340478 555739

Proposal: Creation Of Openings Between 28 Portland Square And 8 Brunswick Street; Alterations To Internal Walls (LBC)

Amendment:

Decision: Grant Permission

Date: 09/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1118

Applicant:
Mr Hawker

Parish:
Hayton

Date of Receipt:
21/12/2010

Agent:

Ward:
Hayton

Location:
Low Gelt Barn, Low Gelt Bridge, CA8 1SY

Grid Reference:
351985 559123

Proposal: Conversion Of Attached Barn To Holiday Cottage (Revised Application)

Amendment:

Decision: Grant Permission

Date: 15/02/2011

Between 15/01/2011 and 25/02/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/1121

Applicant:
Mrs Maureen Combe

Parish:
Carlisle

Date of Receipt:
15/12/2010

Agent:
Hogg & Robinson Design
Services

Ward:
Upperby

Location:
97 Scalegate Road, Upperby, Carlisle, CA2 4PR

Grid Reference:
340800 553627

Proposal: Single Storey Extension To Front Elevation To Provide Extended Living Area, Single Storey Extension To Rear To Provide Conservatory Together With Additional Hardstanding To Front Of Property

Amendment:

Decision: Grant Permission

Date: 31/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1123

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
16/12/2010

Agent:
Mr Michael Swindlehurst

Ward:
Castle

Location:
Land Known as Bitts Park to the rear of Carlisle
Castle and parallel to Dacre Road, Carlisle

Grid Reference:
339770 556300

Proposal: Construction Of A 1.8m Wide Tarmac Footpath In Bitts Park Along With 2no. 8m High Lighting Columns On Dacre Road

Amendment:

Decision: Grant Permission

Date: 10/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1125

Applicant:
Dr & Mrs Roger & Sally
Nelson

Parish:
Brampton

Date of Receipt:
17/12/2010

Agent:
Eco Arc Architects

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Sandy Knowe, The Sands, Brampton, Cumbria,
CA8 1UB

Grid Reference:
353644 561111

Proposal: Demolition Of Detached Garage And Rear Extension; Widening Of Existing Access Together With Internal Alterations And Erection Of A Single Storey Rear Extension At Higher Ground Level With A Glazed Link To The Existing Dwelling

Amendment:

Decision: Grant Permission

Date: 02/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1126

Applicant:
Dr & Mrs Roger & Sally
Nelson

Parish:
Brampton

Date of Receipt:
17/12/2010

Agent:
Eco Arc Architects

Ward:
Brampton

Location:
Sandy Knowe, The Sands, Brampton, Cumbria,
CA8 1UB

Grid Reference:
353644 561111

Proposal: Demolition Of Detached Garage And Rear Extension; Widening Of Existing Access Together With Internal Alterations And Erection Of A Single Storey Rear Extension At Higher Ground Level With A Glazed Link To The Existing Dwelling (Conservation Area Consent)

Amendment:

Decision: Grant Permission

Date: 02/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1131

Applicant:
Dr Hesselgreaves

Parish:
Irthington

Date of Receipt:
23/12/2010

Agent:
TSF Developments Ltd

Ward:
Stanwix Rural

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

1 Woodhouse, Hethersgill, Cumbria, CA6 6HA

348462 564864

Proposal: Erection Of Single Storey Extension To Provide Extended Kitchen/Dining Area Together With Entrance Porch And Utility

Amendment:

Decision: Grant Permission

Date: 26/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1132

Applicant:
Mr Hodgson

Parish:
Hayton

Date of Receipt:
23/12/2010

Agent:
TSF Developments Ltd

Ward:
Hayton

Location:
Land adjacent 57 Cairn Wood, Heads Nook,
Carlisle, Cumbria, CA8 9AH

Grid Reference:
349651 554967

Proposal: Erection Of 1No. Detached Bungalow (Revised Application)

Amendment:

Decision: Grant Permission

Date: 15/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1136

Applicant:
Mr & Mrs Dixon

Parish:
Carlisle

Date of Receipt:
21/12/2010

Agent:
Jock Gordon

Ward:
Morton

Location:
47 Greta Avenue, Carlisle, Cumbria, CA2 5RH

Grid Reference:
338816 555162

Proposal: Two Storey Side Extension To Provide Lounge And Study On Ground Floor With 2No. Bedrooms Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1137

Applicant:
Mr Thomas Cubby

Parish:
Walton

Date of Receipt:
22/12/2010

Agent:

Ward:
Irthing

Location:
Brooklands, Walton, Brampton, Cumbria, CA8 2DX

Grid Reference:
352138 565204

Proposal: Change Of Use From Agricultural Land To External Horse Arena;
Toegther With The Erection Of 5no. 5.5 Metre High Lighting Columns

Amendment:

Decision: Grant Permission

Date: 16/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1138

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
21/12/2010

Agent:
Ainsley Gommon
Architects

Ward:
Morton

Location:
Land At Burnrigg Road, Morton, Carlisle

Grid Reference:
338220 554476

Proposal: Display Of 1no. Non-Illuminated Free Standing Pole Mounted Sign

Amendment:

Decision: Grant Permission

Date: 15/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1142

Applicant:
Mr Nick Penny

Parish:
Dalston

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

22/12/2010 Hogg & Robinson Design Dalston
Services

Location: 1 Ninerigg, Dalston, Carlisle, CA5 7NP
Grid Reference: 336979 550402

Proposal: Demolition Of Existing Garage/Utility Room And Erection Of Single Storey Garage And Enlarged Kitchen Together With Pitched Roof Over Existing Porch And Bay Window

Amendment:

Decision: Grant Permission

Date: 15/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1148
Applicant: Mr Watson
Parish: Orton

Date of Receipt: 04/01/2011
Agent: Maris Properties
Ward: Burgh

Location: Langstrath, Great Orton, CA5 6LZ
Grid Reference: 332912 553732

Proposal: Demolition Of Existing Garage And Erection Of Single Storey Extension To Form Residential Annexe

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 10/1152
Applicant: J. J. Lattimer Limited
Parish: Dalston

Date of Receipt: 23/12/2010 16:01:14
Agent: Swarbrick Associates
Ward: Dalston

Location: Dalston Agricultural Showfield, Glave Hill, Dalston, Carlisle, CA5 7QA
Grid Reference: 336861 550000

Proposal: Discharge Of Conditions 8 (Land Reserved For Parking Of Vehicles

SCHEDULE E: Decisions Issued Under Delegated Powers

Engaged In Construction Operations Associated With The Development); Condition 9 (Landscaping Scheme); Condition 11 (Tree Protection Measures); Condition 12 (Implementation Of A Programme Of Archaeological Work); Condition 13 (Details Of Proposed External Lighting Columns); Condition 14 (Details Of Hard Finishes To All Public And Private External Areas); Condition 15 (Details On Vehicle Barrier To The Convenience Store And Two Residential Units Car Park); Condition 16 (Location And Detail For 1.8m High Stone Wall To Southeast Side Of Car Park); Condition 17 (Surface Water Drainage System); Condition 18 (Metal Fencing To Define Car Parks) And Condition 19 (Details Of Trolley Park) As Previously Approved Under Appn Ref: 10/0050

Amendment:

Decision: Grant Permission

Date: 16/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/1153

Applicant:

Hills of Corby Hill Ltd

Parish:

Stanwix Rural

Date of Receipt:

24/12/2010 08:00:23

Agent:

John Lyon Associates Ltd

Ward:

Stanwix Urban

Location:

Whiteclosegate Service Station, Brampton Old Road, Carlisle, CA3 0JN

Grid Reference:

341239 558098

Proposal: Out Of Hours Security Shutter To Front Door

Amendment:

Decision: Grant Permission

Date: 31/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:

10/1154

Applicant:

J. J. Lattimer Limited

Parish:

Dalston

Date of Receipt:

23/12/2010 16:01:53

Agent:

Swarbrick Associates

Ward:

Dalston

Location:

Ben Hodgson Bodyworks, Dalston Service Station, The Square, Dalston, Carlisle, CA5 7QA

Grid Reference:

336861 550000

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 3 (Construction And Drainage Arrangements For Access Area(s)); 5 (Land Reserved For Parking Of Vehicles Engaged In Construction Operations); 6 (Details Of Unused Access To Highway To Be Permanently Closed And Highway Boundary And Crossing And Boundary Reinstated); 7 (Details Of Scheme To Deal With Risks Associated With Contamination); 8 (Landscaping Scheme); 10 (Tree Protection Measures) 11 (Implementation Of Programme Of Archaeological Work); 12 (Archaeological Post-Evaluation Assessment And Analysis, Storage And Archive Report); 13 (Details Of Proposed External Lighting Columns); 14 (Details Of Materials And Finishes); 15 (Hard Surface Finishes); 19 (Details Of 1.8m High Solid Fencing Along Boundary With No.1 The Green Adjacent To The Raised Sitting Area And Details Of Barrier To Be Erected Adjacent To The Parking Area For Unit 1 To Prevent Access To Convenience Store Entrance); 20 (Details Of Welded Mesh Style Fencing Around Convenience Store Yard); And 21 (Information On Air Conditioning System To Convenience Store With Sound Levels For External Condensers To Follow) Of Previously Approved Application 08/1254

Amendment:

Decision: Partial Discharge of Conditions
17/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1155

Applicant:
Mr Lawrence Rickerby

Parish:
Wetheral

Date of Receipt:
24/12/2010

Agent:
Philip Turner Associates

Ward:
Wetheral

Location:
Land Adjacent to Dalegarth, Cumwhinton, Carlisle,
Cumbria, CA4 8DT

Grid Reference:
344877 552659

Proposal: Discharge Of Condition 6 (Surface Water Drainage) Of Previously Approved Application 09/0133

Amendment:

Decision: Grant Permission

Date: 04/02/2011

Between 15/01/2011 and 25/02/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/1157

Applicant:
Mr & Mrs P Butler

Parish:
Brampton

Date of Receipt:
10/01/2011

Agent:

Ward:
Brampton

Location:
Land opposite the Larches, Paving Brow, Brampton,
Cumbria CA8 1QT

Grid Reference:
353330 560632

Proposal: Discharge Of Conditions 6 (Protection Of Trees And Hedgerows) And 9
(Bat Mitigation Measures) Relating To Previously Approved Application
10/0951

Amendment:

Decision: Grant Permission

Date: 04/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1159

Applicant:
Mr & Mrs Brough

Parish:
Irthington

Date of Receipt:
06/01/2011

Agent:
Edenholme Architectural
Surveyors

Ward:
Stanwix Rural

Location:
Rowan Syde, Laversdale, Cumbria, CA6 4PS

Grid Reference:
348434 563542

Proposal: Change Of Use Of Existing Agricultural Land To Domestic Garden; Two
Storey Side And Rear Extension To Provide Rear Conservatory, Kitchen
To Rear And Side With Rear Lobby, Garden Store And Garage To Side,
With 2No. En-Suite Bedrooms Above; Porch To Front Elevation

Amendment:

Decision: Grant Permission

Date: 24/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1160

Applicant:
Mr & Mrs Mitchell

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
05/01/2011

Agent:
Edenholme Architectural
Surveyors

Ward:
Belle Vue

Location:
16 Acredale Road, Carlisle, CA2 7QT

Grid Reference:
336870 556003

Proposal: Single Storey Side Extension To Provide Extended Kitchen Together
With Single Storey Rear Extension To Provide Conservatory

Amendment:

Decision: Grant Permission

Date: 03/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
10/1161

Applicant:
Messrs C.K.M Weir

Parish:
Kingwater

Date of Receipt:
31/12/2010

Agent:
Edwin Thompson

Ward:
Irthing

Location:
Craig Hill, Banks, Brampton, CA8 2BX

Grid Reference:
357114 565773

Proposal: Internal Alterations Of The Existing House Together With Conversion Of
Adjoining Barn To Provide Extra Living Accommodation Along With
Proposed New Access (Revised Application)

Amendment:

Decision: Grant Permission

Date: 22/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0005

Applicant:
Mr Nigel Hawes

Parish:
Wetheral

Date of Receipt:
31/01/2011

Agent:

Ward:
Wetheral

Location:
8 Lonsdale Terrace, Cumwhinton, Carlisle,
Cumbria, CA4 0AY

Grid Reference:
346554 551386

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Two Storey Side Extension To Provide Living Room On Ground Floor With 2no. Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 25/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0008

Applicant:
Irving Builders Limited

Parish:
Carlisle

Date of Receipt:
07/01/2011

Agent:
Architects Plus (UK) Ltd

Ward:
Currock

Location:
Land to rear 60 Currock Road, Carlisle, CA2 6BJ

Grid Reference:
340274 554455

Proposal: Erection Of 3no. Linked Bungalows And Parking/Turning Area

Amendment:

Decision: Grant Permission

Date: 25/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0009

Applicant:
Mr S Brown

Parish:
Carlisle

Date of Receipt:
07/01/2011

Agent:

Ward:
Belah

Location:
10 St Mellion Close, Carlisle, CA3 9QL

Grid Reference:
338949 557371

Proposal: Two Storey Rear Extension To Provide Extended Living Room On Ground Floor With 2no. Bedrooms Above (Retrospective/Revised Application)

Amendment:

Decision: Grant Permission

Date: 23/02/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 15/01/2011 and 25/02/2011

Appn Ref No: 11/0013 **Applicant:** Mr Somerville **Parish:** Dalston

Date of Receipt: 13/01/2011 **Agent:** Gray Associates Limited **Ward:** Dalston

Location: 16 Nook Lane Close, Dalston, Carlisle, CA5 7JA **Grid Reference:** 336404 549900

Proposal: Erection Of First Floor Extension Above Existing Garage To Provide Bedroom And Bathroom Together With Single Storey Rear Extension To Provide Sun Room

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 11/0015 **Applicant:** Mandy Patuelli **Parish:** Carlisle

Date of Receipt: 13/01/2011 **Agent:** Ashton Design **Ward:** Castle

Location: 41 Crummock Street, Carlisle, CA2 5PT **Grid Reference:** 338969 555503

Proposal: Erection Of First Floor Rear Extension To Provide Bathroom Together With Internal Alterations To Ground Floor

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No: 11/0016 **Applicant:** Home Retail Group Plc **Parish:** Carlisle

Date of Receipt: 12/01/2011 **Agent:** Spencer Signs Ltd **Ward:** Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
42 Lowther Street, Carlisle, CA3 8DH

Grid Reference:
340260 555927

Proposal: Display Of 1no. Part Internally Illuminated Fascia Sign; 1no. Internally Illuminated Projecting Sign And 1no. Set Of 2 Window Vinyls

Amendment:

Decision: Grant Permission

Date: 17/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0017

Applicant:
BP Oil UK Ltd

Parish:
Rockcliffe

Date of Receipt:
11/01/2011

Agent:
Brian Barber Associates

Ward:
Longtown & Rockcliffe

Location:
BP Oil Moss Motorway Service Area, M74
Southbound, Todhills, Carlisle, CA6 4HA

Grid Reference:
337370 562387

Proposal: Discharge Of Condition 2 (Surface Water) Of Previously Approved Application 10/0268

Amendment:

Decision: Grant Permission

Date: 24/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0018

Applicant:
Mr & Mrs O'Neill

Parish:
Carlisle

Date of Receipt:
11/01/2011

Agent:
Jock Gordon

Ward:
Belah

Location:
55 Lowry Hill Road, Lowry Hill, Carlisle, Cumbria,
CA3 0DH

Grid Reference:
338990 558859

Proposal: Erection Of Single Storey Side Extension To Provide Extended Kitchen, Store, WC & Replacement Of Conservatory Roof With Tiles

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 10/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0022

Applicant:
H Jobson & Partners LTD

Parish:
Arthuret

Date of Receipt:
14/01/2011 08:00:20

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
16-20 English Street, Longtown, CA6 5SD

Grid Reference:
337935 568607

Proposal: Discharge Of Condition 3 (Samples Of Materials) Of Previously
Approved Application 09/1025

Amendment:

Decision: Grant Permission

Date: 31/01/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0023

Applicant:
Border Cars

Parish:
Carlisle

Date of Receipt:
12/01/2011

Agent:
Tara Signs

Ward:
Belah

Location:
Border Cars Carlisle Ltd, Kingstown Broadway,
Kingstown Industrial Estate, Carlisle, CA3 0HA

Grid Reference:
339215 559627

Proposal: Display Of 3no. Internally Illuminated Fascia Signs And 1no. Internally
Illuminated Freestanding Sign (Retrospective).

Amendment:

Decision: Grant Permission

Date: 23/02/2011

Between 15/01/2011 and 25/02/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0028

Applicant:
Mr Irving

Parish:
Carlisle

Date of Receipt:
20/01/2011

Agent:

Ward:
Castle

Location:
Former Village Nightclub, Lonsdale Street, Carlisle,
CA1 1DB

Grid Reference:
340323 555857

Proposal: Change Of Use From Nightclub To Retail (Use Class A1 on Ground Floor) And Ancillary Stores

Amendment:

Decision: Grant Permission

Date: 25/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0029

Applicant:
Capita Symonds Limited

Parish:
Kingmoor

Date of Receipt:
17/01/2011

Agent:
Capita Symonds - Miss
Jessica Taylor

Ward:
Stanwix Rural

Location:
The Capita Building, Kingmoor Business Park,
Carlisle, Cumbria, CA6 4SJ

Grid Reference:
338426 560338

Proposal: Display Of 1no. Non-Illuminated Fascia Sign (Retrospective)

Amendment:

Decision: Grant Permission

Date: 24/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0032

Applicant:
Dr Stephen Watson

Parish:
Dalston

Date of Receipt:
14/01/2011

Agent:
Abacus Building Design

Ward:
Dalston

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Bluebell House, Green Lane, Dalston, Nr Carlisle, 338516 549964
Cumbria, CA5 7AF

Proposal: Erection Of Detached Double Garage And Erection Of 1.2 Metre
Boundary Wall

Amendment:

Decision: Grant Permission

Date: 24/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0033

Applicant:
Dr Stephen Watson

Parish:
Dalston

Date of Receipt:
14/01/2011

Agent:
Abacus Building Design

Ward:
Dalston

Location:
Bluebell House, Buckabank, Dalston, Carlisle, CA5
7AF

Grid Reference:
338516 549964

Proposal: Erection Of 1.2 Metre Boundary Wall (LBC)

Amendment:

Decision: Grant Permission

Date: 24/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0037

Applicant:
Carlisle College

Parish:
Carlisle

Date of Receipt:
24/01/2011

Agent:
Ryder Architecture Ltd

Ward:
Castle

Location:
Carlisle College, Strand Road, Carlisle, Cumbria,
CA1 1HS

Grid Reference:
340510 556100

Proposal: Non Material Amendment Of Previously Approved Appn 09/1085
Relating To Fenestration Details

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Amendment Accepted
04/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0045

Applicant:
Mr Mark Craggs

Parish:
Wetheral

Date of Receipt:
19/01/2011

Agent:
Hogg & Robinson Design
Services

Ward:
Wetheral

Location:
Prospect, School Road, Cumwhinton, Carlisle, CA4
8DU

Grid Reference:
345361 552634

Proposal: First Floor Extension Above Existing Ground Floor Kitchen And Family Room To Provide First Floor Family Bathroom And Bedroom With EnSuite

Amendment:

Decision: Grant Permission

Date: 24/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0052

Applicant:
Mr Colin Martin

Parish:
Carlisle

Date of Receipt:
25/01/2011

Agent:
Mr John Hughes

Ward:
Yewdale

Location:
144 Yewdale Road, Carlisle, CA2 7SD

Grid Reference:
337260 555450

Proposal: Erection Of Single Storey Side Extension

Amendment:

Decision: Grant Permission

Date: 25/02/2011

Between 15/01/2011 and 25/02/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0065

Applicant:
Mr Robert Gordon

Parish:
Stanwix Rural

Date of Receipt:
28/01/2011

Agent:
Gray Associates Limited

Ward:
Stanwix Rural

Location:
13 The Nurseries, Linstock, Carlisle, CA6 4RR

Grid Reference:
342700 558313

Proposal: Non Material Amendment To Previously Approved Application 10/0912
Amendment:

Decision: Amendment Accepted
23/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0072

Applicant:
Mr & Mrs S & R Danson

Parish:

Date of Receipt:
31/01/2011

Agent:
Lakes Architect Ltd

Ward:
Lyne

Location:
Dir Tup, Roadhead, Nr Brampton, Carlisle, Cumbria

Grid Reference:
351318 576935

Proposal: Non Material Amendment To Amend Positions Of Windows And To
Introduce New Door To Laundry Of Previously Approved Application
10/0809

Amendment:

Decision: Amendment Accepted
24/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0074

Applicant:
Mr John Hogarty

Parish:
Stanwix Rural

Date of Receipt:
31/01/2011

Agent:

Ward:
Stanwix Rural

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Meadow Cottage, Tarraby, Carlisle, CA3 0JS

340867 558173

Proposal: Non Material Amendment Relating To Previously Approved Application 06/0495 To Include A Flue For The Boiler (Retrospective)

Amendment:

Decision: Amendment Accepted
24/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0081

Applicant:
Mr Gordon Wilson

Parish:
St Cuthberts Without

Date of Receipt:
01/02/2011

Agent:

Ward:
Dalston

Location:
Bankdale Farm, Wreay, Carlisle, Cumbria, CA4 0RS

Grid Reference:
341494 548942

Proposal: Discharge Of Condition 7 (Landscape Scheme) Relating To Previously Approved Application 10/0780

Amendment:

Decision: Partial Discharge of Conditions
09/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/0102

Applicant:
Mrs Betty Percival

Parish:
Carlisle

Date of Receipt:
07/02/2011

Agent:
Carlisle City Council

Ward:
Upperby

Location:
22 Holmacres Drive, Harraby, Carlisle, CA1 3AA

Grid Reference:
341579 553950

Proposal: Non Material Amendment Of Previously Approved Application 10/0606 To Change The External Brick From Calsil Facing To Cavadale Royal Smooth Facings

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Amendment Accepted
14/02/2011

Date:

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/9005

Applicant:

Parish:
Dalston

Date of Receipt:
28/01/2011

Agent:
Mrs Maggie Mason

Ward:
Dalston

Location:
Fire Service Workshops, Barras Lane Industrial
Estate, Dalston, Carlisle, Cumbria, CA5 7NY

Grid Reference:
336378 550617

Proposal: 2 No. portacabins With Associated Access Ramps

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 23/02/2011

Between 15/01/2011 and 25/02/2011

Appn Ref No:
11/9006

Applicant:
Mr Geoff Holden

Parish:
Cummersdale

Date of Receipt:
08/02/2011

Agent:
Jane Corry

Ward:
Dalston

Location:
New House Farm, Newby West, Carlisle, CA2 6QZ

Grid Reference:
337073 554424

Proposal: Construction Of Bituminous Farm Accommodation Track From Orton
Road Through OS Field Numbers 7851 & 8738 To Connect To Existing
Farm Track Leading To New House Farm

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 24/02/2011
