

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

12th November 2010

## Applications Entered on Development Control Committee Schedule

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01.	<u>10/0818</u> A	Land at Seatoller Close, Morton, Carlisle, CA2 6LQ	<u>ST</u>	1
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03.	<u>10/0813</u> A	1 Cranbourne Road, Carlisle, CA2 7JN	<u>SE</u>	52
04.	<u>10/0857</u> A	Site Between 1 Eden Mount and 4 St Georges Crescent, Stanwix, Carlisle	<u>SG</u>	65
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Applications Entered on Development Control Committee Schedule

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<b>Item No.</b>	<b>Application Number/ Schedule</b>	<b>Location</b>	<b>Case Officer</b>	<b>Page No.</b>
16.	<u>10/0634</u> D	Field 5718, Opposite Hollow Creek Farm, Kirkandrews on Eden, CA5 6DJ	<u>RB</u>	230
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## The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 29/10/2010 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 03/11/2010.

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

SCHEDULE A

SCHEDULE A

## SCHEDULE A: Applications with Recommendation

10/0818

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**Item No: 01**

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0818

**Applicant:**  
Riverside Carlisle

**Parish:**  
Carlisle

**Date of Receipt:**  
08/09/2010

**Agent:**  
Ainsley Gommon Architects

**Ward:**  
Morton

**Location:**  
Land at Seatoller Close, Morton, Carlisle, CA2 6LQ

**Grid Reference:**  
338180 554212

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**Proposal:** Erection Of 23 Dwellings To Be Made Affordable By Means Of Social Rent And Shared Ownership

**Amendment:**

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**REPORT**

**Case Officer:** Shona Taylor

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

This application is brought before the Development Control Committee for determination due to the receipt of more than four letters of objection.

### **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.

#### **Public Footpath**

The proposal relates to development which affects a public footpath.

#### **Local Plan Pol CP2 - Biodiversity**

#### **Local Plan Pol CP3 - Trees and Hedges on Development Sites**

#### **Local Plan Pol CP5 - Design**

#### **Local Plan Pol CP6 - Residential Amenity**

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



**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H2 - Primary Residential Area**

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

**Local Plan Pol T1- Parking Guidelines for Development**

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

**Highway Authority:** it is suggested that the proposed grass verges should be replaced with block pavers, although there are no objections subject to the inclusion of three conditions on any grant of permission. The applicants are also reminded of the requirements in relation to the need to stop up an area of the highway;

**Environment Agency:** the Local Planning Authority should refer to the Environment Agency's surface water good management good practice advice, as the size of the site and its location within Flood Zone 1 means that it is not necessary for the Agency to be consulted on this application;

**Drainage Engineer:** the use of a sustainable drainage scheme should be investigated;

**United Utilities:** no objections providing the following conditions are met: the site is drained on a separate system, with only foul drainage connected to the sewer; a public sewer crosses the south western boundary of the site and United Utilities will not permit building over it; deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems;

**Green Spaces:** maintenance contributions of £14,481 are requested for the full ten year period;

**Ramblers Association:** no response received;

**Resources - Property Services:** no response received;

**Environmental Protection:** the desk study indicates that the presence of contamination is potentially low. However one condition has been recommended to be attached to any permission granted in case contamination is found. In addition if made ground is uncovered gas monitoring should be undertaken;

**Cumbria Constabulary - North Area Community Safety Unit :** the Crime Prevention Officer has commented that whilst the applicant has expressed a desire to achieve "Secured by Design" accreditation for this development, in his opinion, the

excessive permeability of the site undermines the overall security of the development, conflicting with Secured by Design guidance, particularly with relation to the separation of plots 18, 19 and 20 from 16, 17 and 21-23;

**Local Plans:** no further comments;

**Local Plans - Trees:** the revised proposed landscaping scheme is acceptable;

**Housing Strategy:** no objections;

**Urban Designer:** the redevelopment of the site is welcomed, however the Urban Designer has suggested an alternative arrangement, involving the relocation and re-orientation of plots 11 and 12, capitalising on the opportunity to positively address the park via the location of doorways and fenestration;

**Open Spaces Society:** requested that they are notified when details of any permanent changes to any public rights of way are received;

**Highway Authority - Footpaths:** commented that the proposed boundaries alongside Public Right of Way 109289 should be reduced from 1.8m to 1.5m. Also, if public safety can not be ensured during the development a temporary closure order will be required for the route in the vicinity of the development;

**Natural England:** bats and breeding birds are present on site. As such the applicant is reminded of their responsibilities and the Local Authority should ensure that adequate provision is made for protected species;

**Northern Gas Networks:** no objections.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
50 Westrigg Road	14/09/10	
52 Westrigg Road	14/09/10	
37 Seatoller Close	14/09/10	Objection
38 Seatoller Close	14/09/10	Objection
39 Seatoller Close	14/09/10	Objection
40 Seatoller Close	14/09/10	
41 Seatoller Close	14/09/10	
42 Seatoller Close	14/09/10	
43 Seatoller Close	14/09/10	
44 Seatoller Close	14/09/10	
Mr Moffat, 45 Seatoller Close	14/09/10	Objection
46 Seatoller Close	14/09/10	
47 Seatoller Close	14/09/10	
48 Seatoller Close	14/09/10	
48a Seatilloer Close	14/09/10	
1 Loughrigg Terrace	14/09/10	
2 Loughrigg Terrace	14/09/10	
3 Loughrigg Terrace	14/09/10	

4 Loughrigg Terrace	14/09/10	
5 Loughrigg Terrace	14/09/10	
6 Loughrigg Terrace	14/09/10	
35 Ashness Drive	14/09/10	
37 Ashness Drive	14/09/10	
39 Ashness Drive	14/09/10	
41 Ashness Drive	14/09/10	
43 Ashness Drive	14/09/10	
45 Ashness Drive	14/09/10	
47 Ashness Drive	14/09/10	
49 Ashness Drive	14/09/10	
51 Ashness Drive	14/09/10	
53 Ashness Drive	14/09/10	
55 Ashness Drive	14/09/10	
57 Ashness Drive	14/09/10	
54 Westrigg Road	14/09/10	
56 Westrigg Road	14/09/10	
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59 Westrigg Road	14/09/10	
61 Westrigg Road	14/09/10	
63 Westrigg Road	14/09/10	
65 Westrigg Road	14/09/10	
67 Westrigg Road	14/09/10	
69 Westrigg Road	14/09/10	
71 Westrigg Road	14/09/10	
73 Westrigg Road	14/09/10	
75 Westrigg Road	14/09/10	
77 Westrigg Road	14/09/10	
29 Seatoller Close	14/09/10	
30 Seatoller Close	14/09/10	Objection
31 Seatoller Close	14/09/10	
32 Seatoller Close	14/09/10	Objection
33 Seatoller Close	14/09/10	
34 Seatoller Close	14/09/10	
35 Seatoller Close	14/09/10	Objection
36 Seatoller Close	14/09/10	
Cllr - Morton		Objection
Cllr - Morton		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to forty five neighbouring properties. In response nine letters of objection have been received. The grounds of objection are summarised as;

1. Lack of secondary parking on Seatoller and Westrigg Road;
2. Grass verges will be used as parking spaces;
3. The bungalow on plot 20 should be removed and left as parking for the residents of the remaining properties on Seatoller Close;
4. Emergency vehicles will be prevented from entering the site due to lack of parking;
5. The figures for the car ownership are almost ten years out of date;
6. It is unacceptable to build a bungalow on public highway at plot 20.

## **4. Planning History**

- 4.1 In 2005 permission was refused for the demolition of properties at Seatoller Close and their replacement with a new build residential development of 49 houses (Application 05/0818).
- 4.2 In 2008 a demolition notice was approved to allow Riverside to demolish Flats 1-12 & 17-28 Seatoller Close (Application 08/0001/DEM).
- 4.3 In 2010 a demolition notice was granted, allowing Riverside to demolish Flats 13-16 Seatoller Close (Application 10/0002/DEM).
- 4.4 Also in 2010 an application for advertisement consent for the display of a site signboard for the proposed development consent was submitted. At the time of writing this report the application has not been determined (Application 10/0865).

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

### **Introduction**

- 5.1 This application seeks "Full" Planning Permission for the erection of 23 dwellings, together with associated parking, landscaping and the formation of a new access road, on land at Seatoller Close, Morton, Carlisle. The site, which is identified within the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area, covers an area of approximately 0.73 hectares and is currently occupied by seven blocks of two-storey maisonettes.
- 5.2 Several public footpaths run through the site, in particular Loughrigg Terrace to the south, but also several others which give access from the south and west, through Seatoller Close, to the neighbourhood centre on Newlaithes Avenue. A number of mature trees are located both within and surrounding the site. There is a significant change in levels across the site, with the land rising from the northern to the southern boundaries of the site.
- 5.3 The existing dwellings on Seatoller Close, both the owner-occupied semi-detached dwellings and maisonettes that are owned by the housing association, adjoin the application site to the east. Westrigg Road bounds the site to the north, Loughrigg Terrace to the south, and a large area of open space, which is also owned by Riverside, lies beyond the western boundary.

### **Background**

- 5.4 The application site is owned by Riverside Housing Association and was transferred from the City of Carlisle to Carlisle Housing Association in 2002. Tenants have purchased a number of the semi-detached properties within the estate under the "right-to-buy" scheme, although over time it has proved increasingly difficult for Riverside to let the maisonettes within Seatoller

Close. The last tenant moved out in 2007 and as such all of the properties within the application site are vacant.

## **The Proposal**

- 5.5 The application proposes the erection of 23 affordable dwellings for social rent and shared ownership by Riverside Housing Association. Seven of the dwellings would be located within a cul-de-sac, which would lie to the south of the site and be accessed via an existing cul-de-sac off Ashness Drive. These would comprise two pairs of semi-detached dwellings, one of which would be two-storey, with the other pair being single-storey bungalows. There would also be a terrace of three single storey bungalows.
- 5.6 Three further pairs of two-storey semi-detached dwellings and three terraces of three two-storey dwellings would be located to the northern part of the site, accessed separately via Seatoller Close, off Westrigg Road. A detached bungalow, accessed from Seatoller Close at the end of the cul-de-sac, is proposed on an area currently referred to as "The Square", adjacent to 33-36 Seatoller Close.
- 5.7 The proposed dwellings would be constructed using a mixture of facing brick with some rendered walls, with concrete tiled roofs. They have been designed to achieve Level 3 of the Code for Sustainable Homes, a requirement of the Homes and Communities Agency, which is financially supporting the development. It is proposed that the dwellings would encourage environmentally responsible living by providing adequate space for the storage of recyclable refuse, space for the collection of rainwater for watering the garden and external storage for bicycles to encourage the use of non-polluting means of personal transport. Each unit will feature a solar generation panel.
- 5.8 All of the dwellings would have private rear gardens with direct street access for bins and recycling. To the street frontages the properties have manageable private garden spaces screened by shrub planting, with access paths and in most cases incurtilage car parking. The boundary treatment would consist of a mixture of timber close boarded fences and hedging at a height of 1.5m high between properties, raised to 2.1m privacy screening where the party fence abuts the dwelling, and 1.8m high on all interface boundaries. Front boundaries and any corners vulnerable to "short-cutting" will be protected by way of a low wall and railings between 0.9 and 1m high.
- 5.9 The County Council's footpaths officer was concerned about the 1.8m high fencing alongside the existing footpaths, as he considered that this would make the footpath uninviting, and recommended lowering this stretch of fencing to 1.5m. It is appreciated that a balance needs to be struck between addressing these concerns and ensuring the site is secure, as required by the Crime Prevention Officer. As such, Riverside have agreed to lower the close boarded element of these fences to 1.5m but above this will erect 0.3m of trellis, ensuring that both parties' comments are satisfied.
- 5.10 Vehicular and pedestrian access to the dwellings would be provided from

Westrigg Road onto Seatoller Close and from Ashness Drive, as well as pedestrian access via Newlaithe Avenue and Loughrigg Terrace. The existing footpaths and road layout would also provide access to the recreation area/open space that lies to the west of the application site.

- 5.11 Twenty-six car parking spaces would be provided across the site, with nineteen of these being provided in-curtilage and seven being provided in marked parking bays, which would be overlooked by properties. Each dwelling would have one car parking space, with the remaining three being for visitor parking.
- 5.12 The application is accompanied by a Schedule of Materials, Planning Support Document, an Ecology Report, a pre-development Arboricultural Report, a Geotechnical and Ground Contamination Desk Top Assessment, and details of consultation responses from both statutory consultees and the public, which were provided in respect of a pre-application and consultation exercise.

### **Assessment**

- 5.14 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP3, CP5, CP6, CP12, CP15, CP17, H1, H2, LC4 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.15 The proposal raises the following planning issues:
1. Principle Of Development
- 5.16 The application site is situated within an extensive area that is identified as a Primary Residential Area in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.
2. Scale, Layout And Design Of The Development
- 5.17 The proposed development is well laid out and will compliment the existing housing development within Morton. There are a range of house types, including semi-detached, detached and terraces of three properties, both single storey and two storey, which incorporate a range of finishes, helping to create a visually interesting development. The dwellings incorporate reasonably sized rear gardens that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped.
- 5.18 Soft landscaping has been incorporated into the scheme, with trees shrubs and hedging all being planted. The mature trees present around the site are to be retained.
- 5.19 The design of the houses includes sustainable elements that will improve the energy efficiency of the dwellings. Each property has a dedicated parking space, with an additional three visitor spaces also being provided throughout

the site and a pull-in visitor parking area adjacent to plot 1.

- 5.20 Due to the permeability of the site, the agents are aware that the scheme will not achieve Secured by Design Certification as a whole, however, they are seeking to achieve the required standards for each individual plot.
- 5.21 In light of the above, the scale, layout and design of the proposals are acceptable.

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

- 5.22 The distance between the side elevation of plot 7 lies a minimum of 10.5m away from the rear elevations of plots 8-10. The applicants have confirmed that this distance cannot be altered, due to the designation of the open space to the west as a village green and the minimum space required for the driveways to the front of the terrace. It is also worth noting that the only window in the gable is a secondary living room window. It is therefore considered that this issue is not so significant that it justifies refusal of the application.
- 5.23 The dwellings to be accommodated on Plots 19 and 20 have been relocated since the application was first submitted so that the recommended minimum distances are achieved. As such the separation distances within the proposed development and between the new dwellings and the existing properties at Seatoller Close, Loughrigg Terrace and Westrigg Road are acceptable and the proposal would not, therefore, have a significant adverse impact on the occupiers of any of the existing or proposed dwellings through loss of light, loss of privacy or over-dominance.
- 5.24 Members will be aware that there have been a number of objections received from the occupiers of the surrounding properties. In the main, these relate to the construction of a dwelling on highway land and the proposed retention of the grassed areas adjacent to the pavements. These objections are noted, but for the reasons detailed within this report, have not been addressed.

### 4. Landscaping And Tree Issues

- 5.24 The application is accompanied by a Pre-Development Arboricultural Report, the content of which is acceptable to the Council's Landscape Architect. A condition is recommended that requires protective fencing to be erected around any trees/hedges to be retained, and for the fencing to be kept in place for the duration of the development.
- 5.25 In order to offset the loss of existing trees the Council's Landscape Architect requested that larger species of trees are planted where space allows either within the development itself or within areas within the applicant's control in the area. A revised proposed landscaping scheme was submitted, changing the tree planting within plots 21-23. The Landscape Architect has confirmed that this revision is acceptable.

## 5. Affordable Housing

- 5.26 The land is presently owned by Riverside Housing Association, and the whole site is being developed for affordable housing. In order to secure the provision of these affordable properties, in perpetuity, Riverside has agreed to enter into a Section 106 Agreement to regulate this matter. If Members are minded to approve this application it is requested that authority to issue an approval is granted subject to the completion of the Section 106 agreement.

## 6. Open Space

- 5.27 The large area of open space to the west of the application site is designated as 'village green', as such there are strict development regulations on this area of land, which is why, despite the land being under the ownership of Riverside, the Council's Urban Designer's comments regarding the relocation of plots 18 and 19 cannot be accommodated.
- 5.28 Given that the site is being developed for mostly family housing, the Council's Green Spaces Department has requested a financial contribution of £14,481 towards the maintenance of amenity space and children's play space in the locality. The provision of this money would be secured through the completion of a Section 106 Agreement.

## 7. Highway Issues

- 5.29 Local Councillors and residents consider that there is insufficient parking within the development. The Highway Authority is, however, satisfied with the level of parking provision, which equates to 1 space per dwelling plus three visitor parking spaces. It has, however, recommended that the grass verges within the development are replaced with block paved pull in areas.
- 5.30 The applicant's agent has confirmed that it is not possible to replace the grassed area to the front of the site, along Westrigg Road, due to the proximity of the entrances to plots 1-5. They have, however, replaced an area of verge adjacent to plot 1 with parking bays.
- 5.31 Neighbouring residents had requested that the grassed areas to the opposite side of Seatoller Close were also removed, in order to prevent them being destroyed by residents of the new development using them for parking. However, the agents for the application have confirmed that this is not possible due to the location of fibre-optic cables located within these verges.

## 8. Flooding And Drainage Issues

- 5.32 The Environment Agency has confirmed that the site is within land assessed as Flood Zone 1 - Land at a low risk of flooding. Therefore, it relies on the Agency's Standing Advice, which relates to surface water management and government policy, and strongly recommends that a sustainable drainage system (SUDS) is incorporated into developments.
- 5.33 The Council's Drainage Engineer has also recommended that the applicant



should investigate the use of either a SUDS or soakaways for surface water disposal. These comments have been relayed to the applicant. As yet a response has not been received, although one is expected before this application is due to be determined by the Committee.

- 5.34 United Utilities note that a public sewer crosses the south western boundary of the site. However, provided the applicants comply with various conditions outlined in the "Summary Of Representations" section of the report, United Utilities has no objections to the proposal.

## 9. Contamination Issues

- 5.35 The Geotechnical and Ground Contamination desk top assessment indicates that the potential for the presence of contamination is low. A condition has been recommended requiring the applicant to inform the Council in the event that any contamination is found when carrying out the development which has not previously been identified.

## 10. Ecology

- 5.36 The Ecology Report identified that block 25-28 Seatoller Close has in the past been home to a pipistrelle bat; however, at the time of the latest survey no bats were found. It is acknowledged that during the demolition the roost will be destroyed and as such a European Protected Species Licence will be required. Various methods of mitigation have been recommended within the survey, including raised 'bat-tiles'.
- 5.37 Further information has been received from the applicants, detailing the proposed mitigation methods, which includes the erection of six bat boxes on trees within the site, along with the insertion of four roof crevice units within Plot 23 of the proposed development, accessed via raised tiles.

## Conclusion

- 5.38 In overall terms, the principle of the development is acceptable. The scale, layout and design of the proposals are acceptable and the development would not have an adverse impact on the surrounding area. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and car parking provision would be available to serve the dwellings. In all aspects the proposals are considered to be 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 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

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

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the location plan numbered 1241-SI-01 and dated 21st September 2010;
3. the existing site layout numbered 1241-SI-03 and dated 21st September 2010;
4. the proposed site layout numbered 1241-SI-07 and dated 19th October 2010;
5. the temporary stopping up layout numbered 1241-SI-15 and dated 7th September 2010;
6. the proposed boundary treatments numbered 1241-EW-400 and dated 19th October 2010;
7. the further fencing details numbered 1241-EWD-01 and dated 19th

October 2010;

8. the proposed landscaping plan numbered 1241-EW-401 (Revision A) and dated 20th October 2010;
9. the elevational drawings numbered 1241-BG-DT-220, 1241-BG-ET-220; 1241-3B-GE-220, 1241-3B-ET-220, 1241-2B-GE-220, 1241-2B-ET-220, 1241-3B-MT-220, 1241-4B-GE-220, 1241-4B-ET-220, 1241-4B-MT-220, 1241-BG-MT-220, all dated 7th September 2010;
10. the topographical survey numbered 1241-SI-02 and dated 7th September 2010;
11. the existing site sectional elevations numbered 1241-SI-10-01 and dated 7th September 2010;
12. the proposed site sectional elevations numbered 1241-SI-10-02 and dated 7th September 2010;
13. the proposed Plot 01 site section numbered 1241-SI-16 and dated 19th September 2010;
14. the schedule of materials dated 20th October 2010;
15. the planning support document dated 7th September 2010;
16. the geotechnical report dated 8th September 2010;
17. the pre-development arboricultural report dated 7th September 2010;
18. the bat survey dated 7th September 2010;
19. the bat species natural england method statment documents 1 and 2 dated 20th October 2010;
20. the Notice of Decision; and
21. any such variation as may subsequently be approved in writing by the Local Planning Authority.

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

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

**Reason:** To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

5. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

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

6. 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 inconvenience and danger to road users, and in accordance with Local Transport Policy LD8.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. This contamination would then need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users

of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

8. The landscaping scheme shall be implemented in accordance with the proposed landscape layout received 20th October 2010 (Drawing No. 1241-EW-401 (Revision A) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings indicated as plots 1-23 on the approved site plan, Drawing No. 1241-SI-07 (Revision C) received 19th October 2010, without the permission of the Local Planning Authority.

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

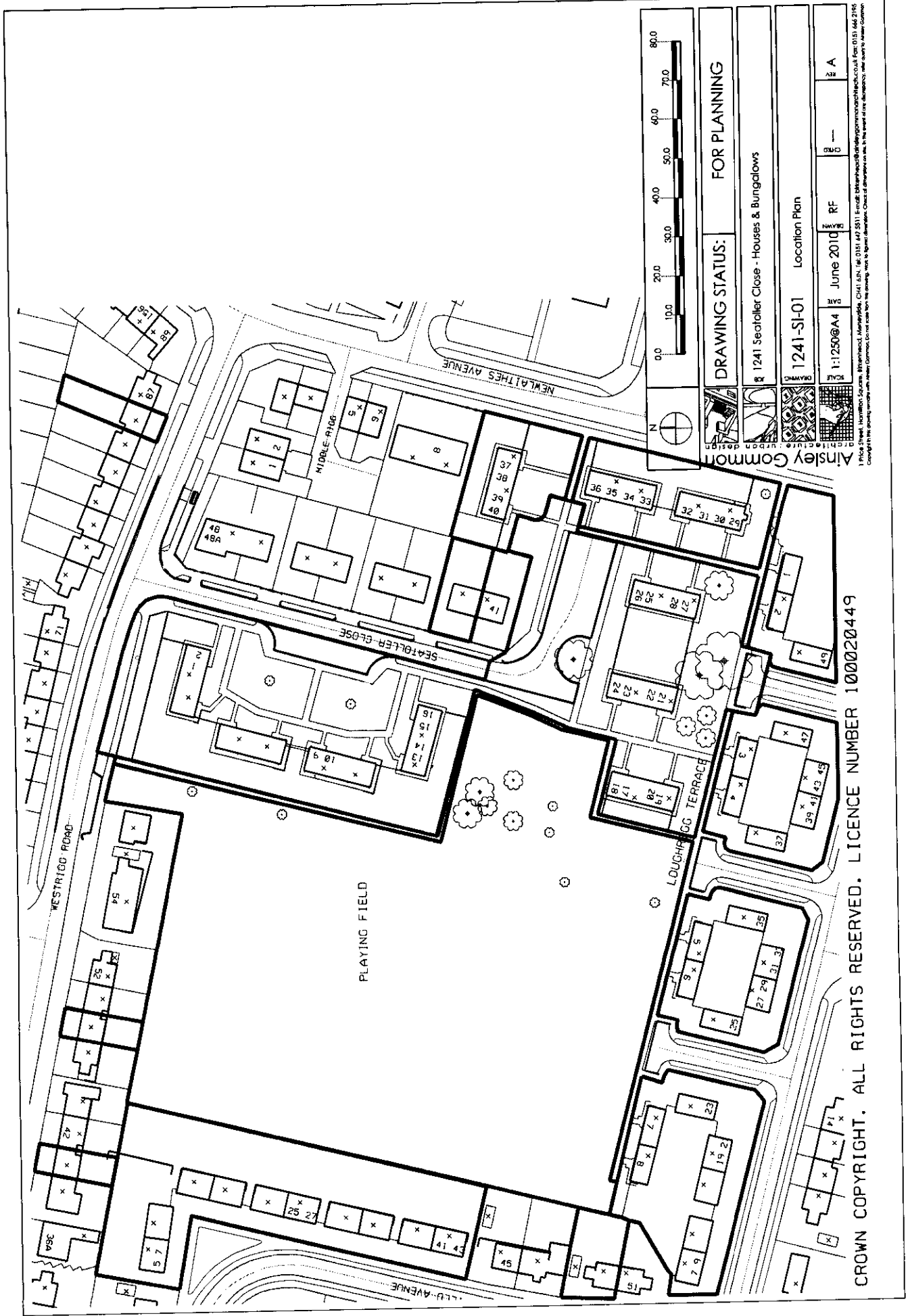
11. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

**Reason:** To ensure that adequate foul drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

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

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**DRAWING STATUS:** FOR PLANNING

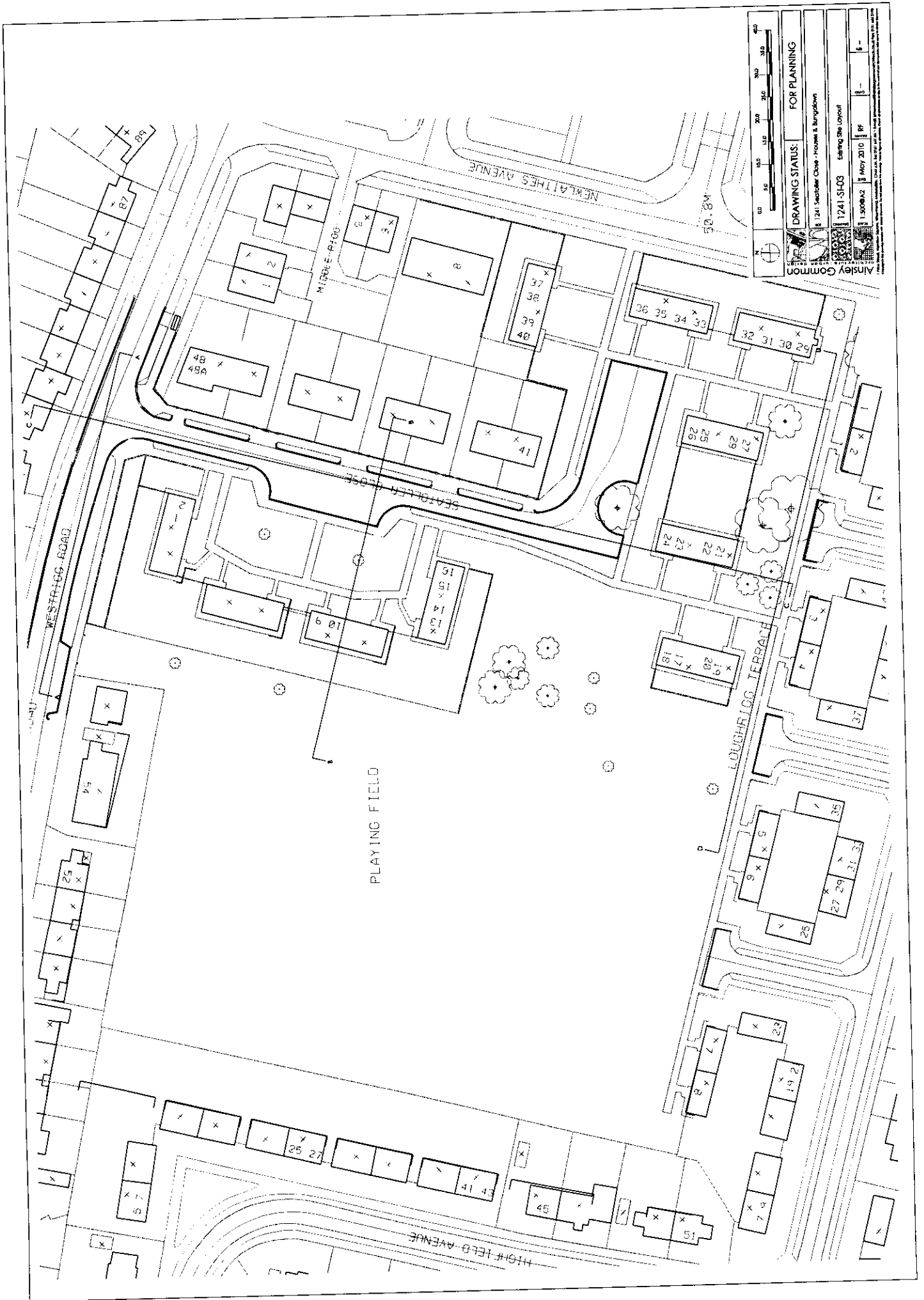
1241 Seatoller Close - Houses & Bungalows

1241-SI-01 Location Plan

1:250@A4 June 2010 RF

1 Price Street, Inverclyde, Renfrewshire, Glasgow G20 1JH, Scotland  
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**DRAWING STATUS:** FOR PLANNING

1241 Seaford Close - Homes & Bungalow

1241-SI-03 Existing Site Layout

1:5000 A2 | May 2010 | RF

**Anisley Gorman**

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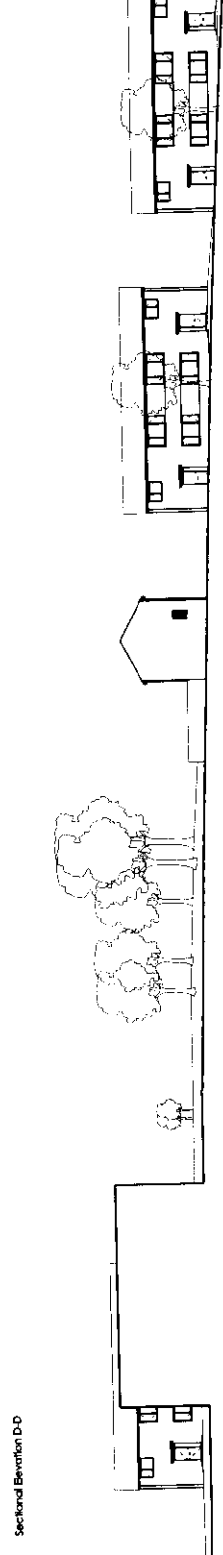
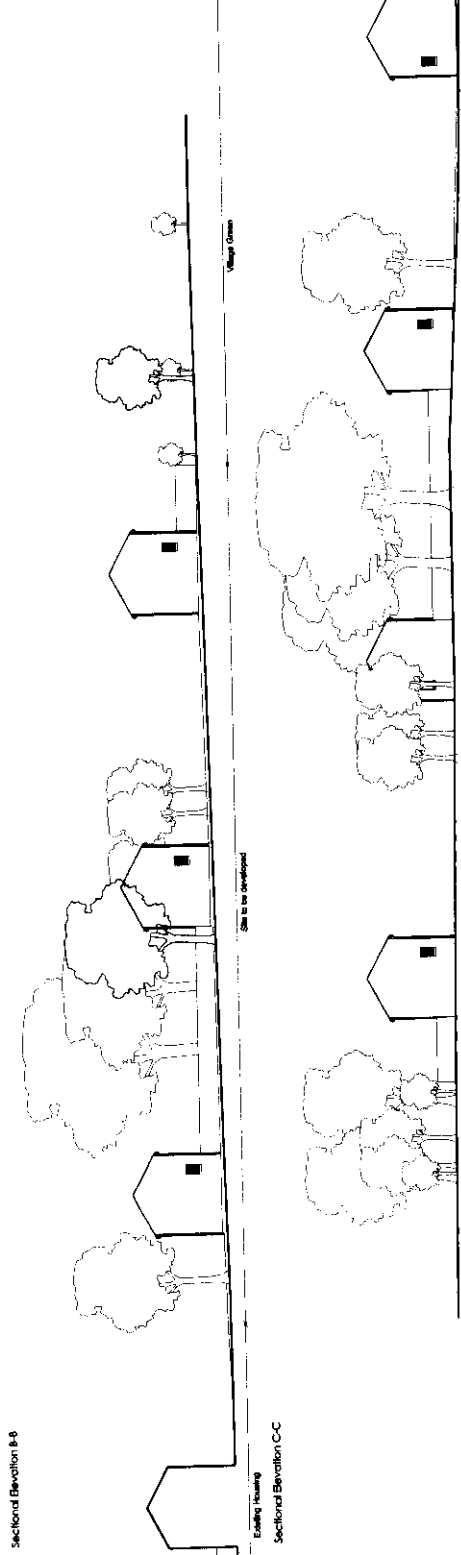
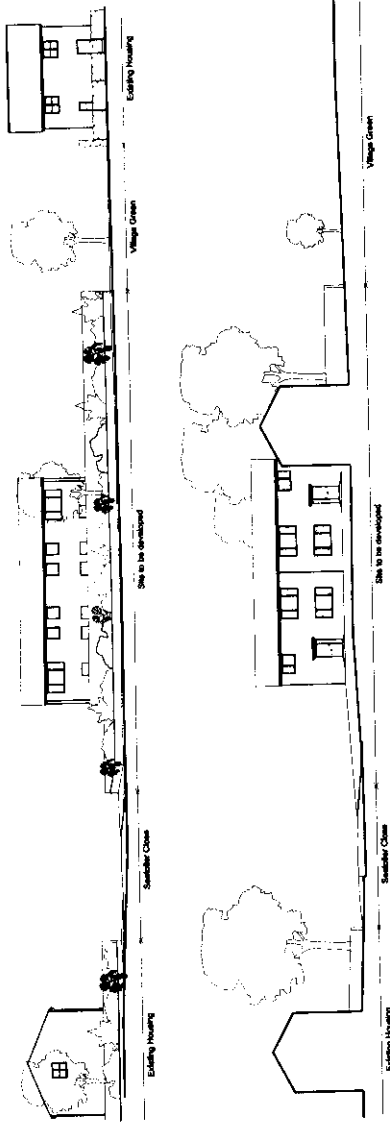
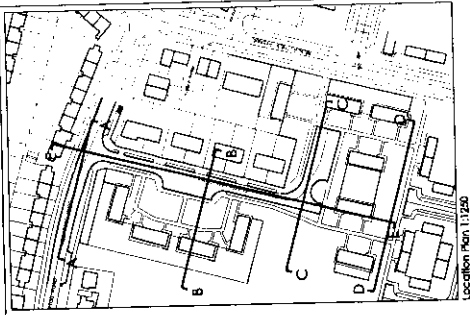




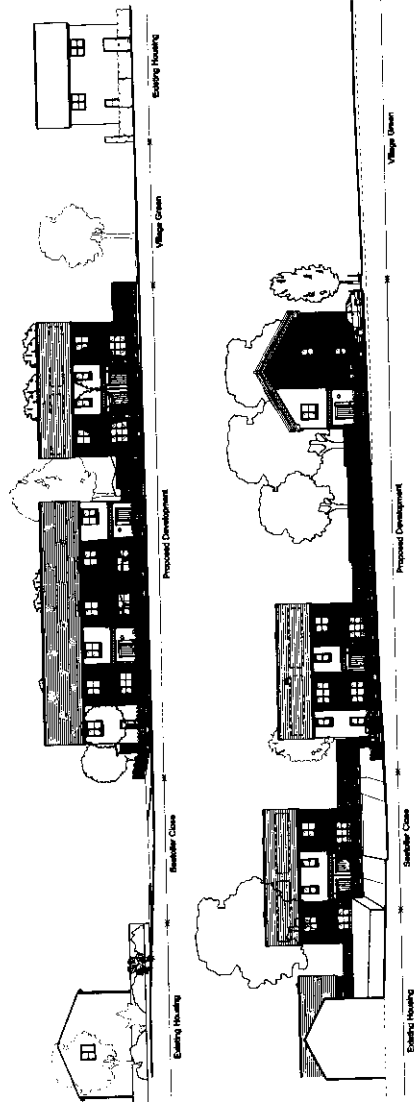
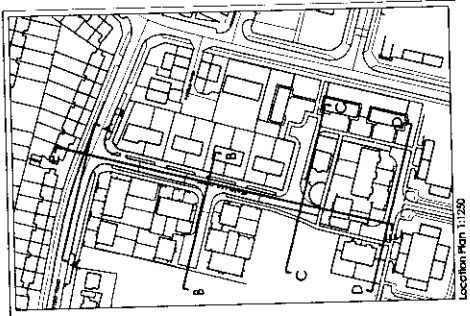
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2	Revised Design	11/15/2011
3	Final Design	11/15/2011

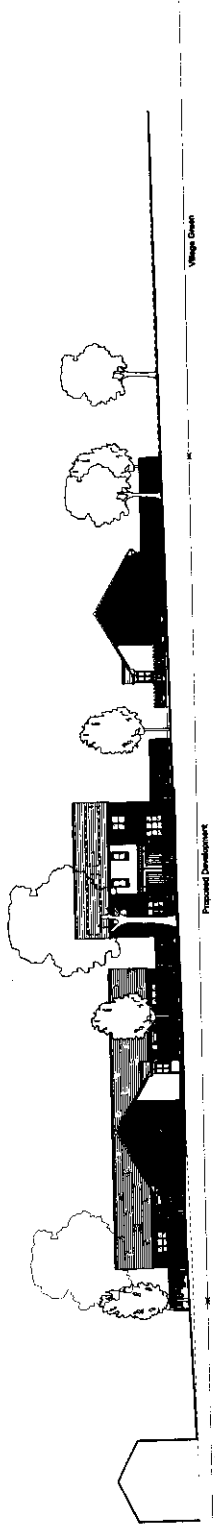
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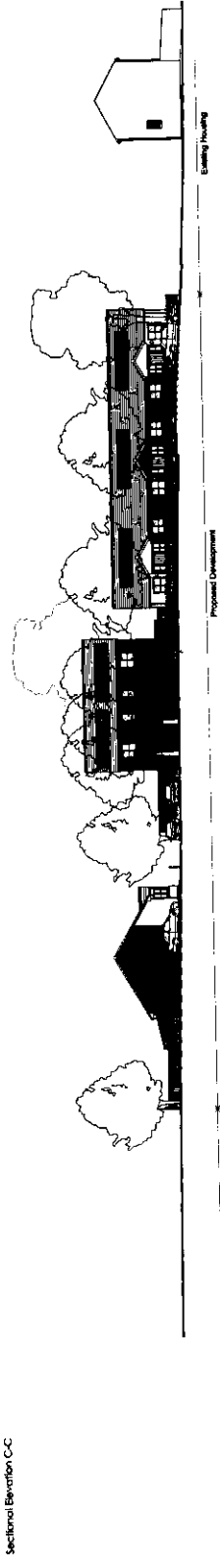
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 Prepared by: **1241-SP-1001** | Existing Site Sectional Elevations  
 Date: **12 June 2010**



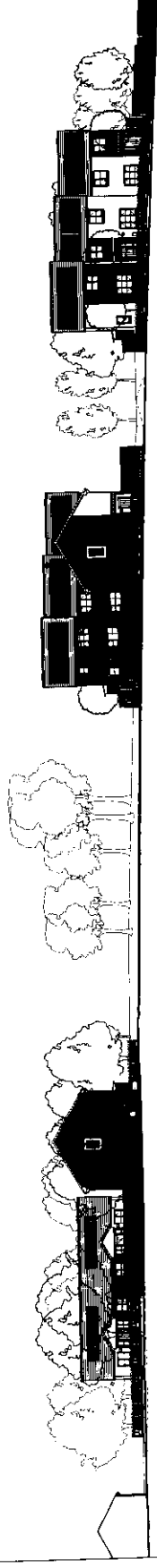
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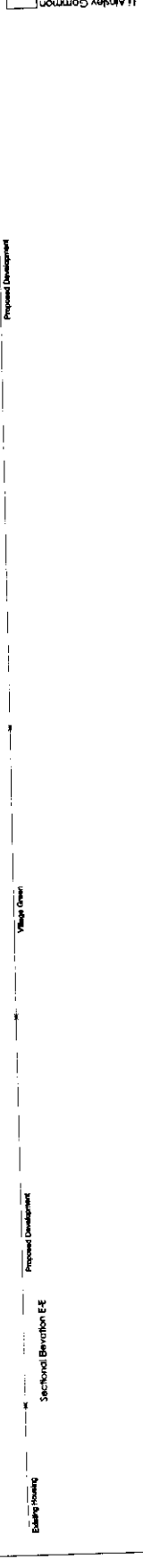
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

Sectional Elevation C-C



Sectional Elevation D-D

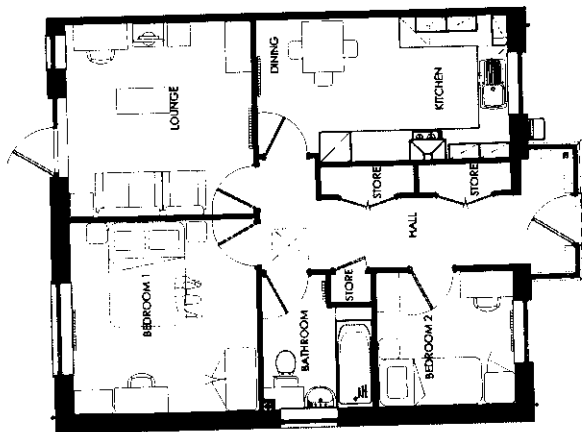


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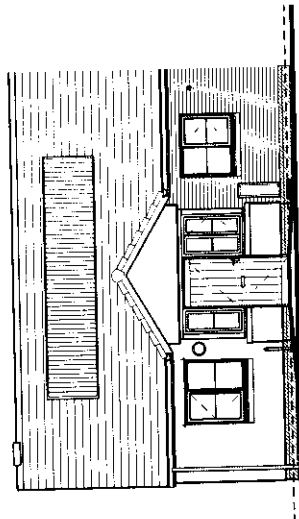



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CHECKED BY:	12741 - GJ - 13/02 - Residential Site Technical Services
DATE:	June 2010

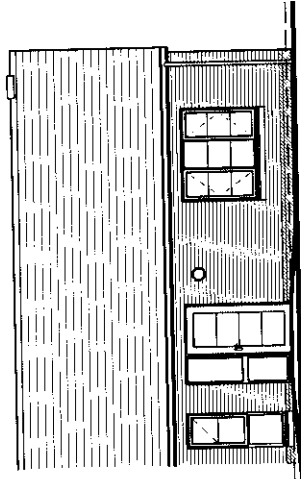
Andy Gormon  
 Andy Gormon



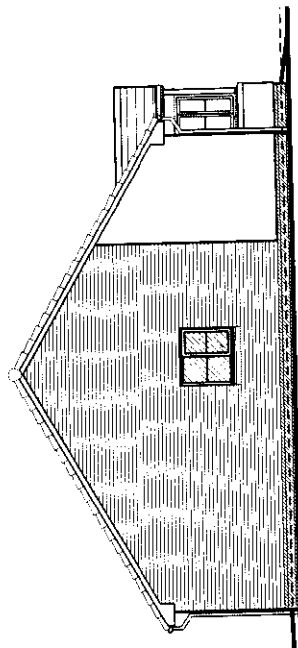
GROUND FLOOR PLAN







FRONT ELEVATION

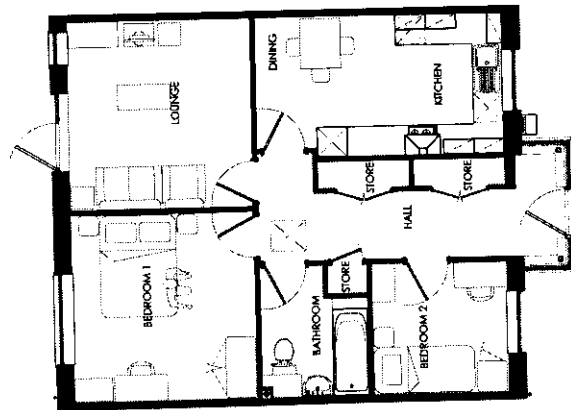


REAR ELEVATION

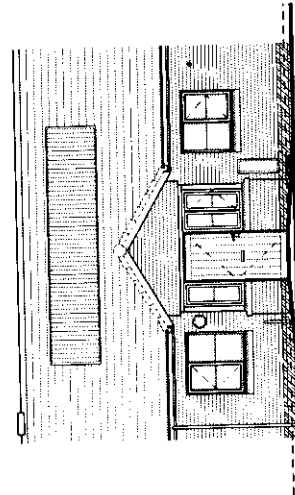


GABLE ELEVATION

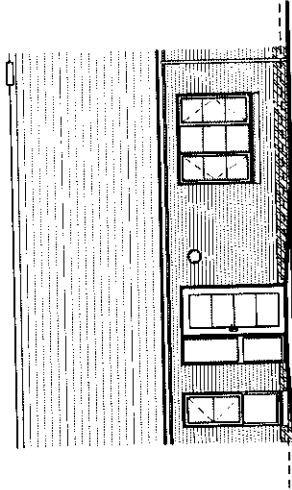
284P End Terrace - Floor Area - 67.85m <sup>2</sup> or 730.33sq.ft	
 DRAWING STATUS:	FOR PLANNING
	1241 - Seaholm, Carlisle
	1241-BG-ET-220 Planning Drawings
	1:100 @ A3   Aug '10   TM   -   -
<small>Ainsley Common                  1 Pines Street, Northolt, Uxbridge, Middlesex, U.K. Tel: 0181 647 8311 E-mail: ainsley@ainsleycommon.co.uk Fax: 0181 647 8378                  Copyright © Ainsley Common. All rights reserved. This drawing is the property of Ainsley Common.</small>	



GROUND FLOOR PLAN









FRONT ELEVATION

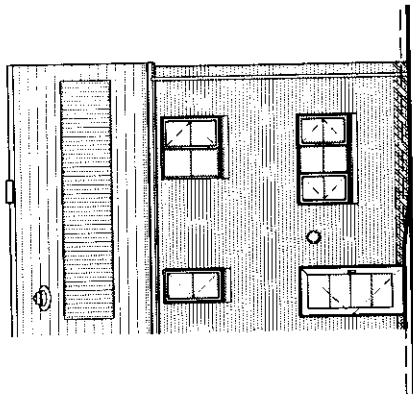


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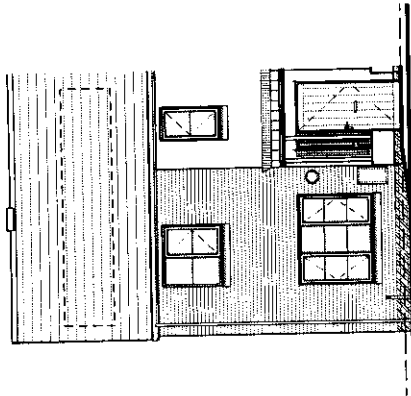
283P Mid-Terrace Bung - Floor Area - 67.85m<sup>2</sup> or 730.33sq.ft

	<b>DRAWING STATUS:</b>	FOR PLANNING
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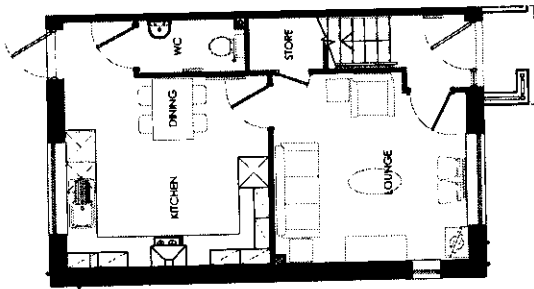
**Ainsley Gannon**  
 17 Piccadilly Street, Lanchester Square, Birmingham, B2 1AB, UK. Tel: 0121 455 1111 Email: ainsley@ainsleygannon.co.uk Fax: 0121 464 2196  
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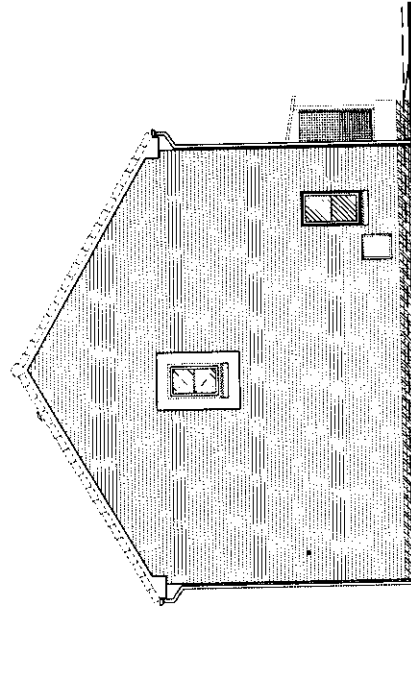
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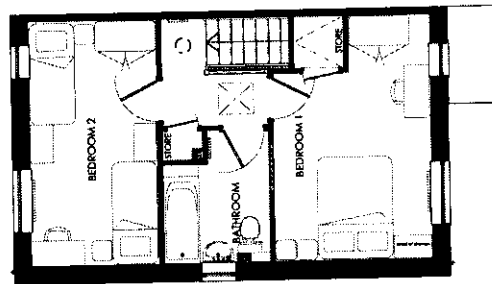
FRONT ELEVATION



GROUND FLOOR PLAN



Gable Elevation



FIRST FLOOR PLAN

284P End Terrace - Floor Area - 77.16m<sup>2</sup> or 830.54sq.ft

DRAWING STATUS:

FOR PLANNING

1241 - Sectator, Carlisle

1241-2B-ET-220 Planning Drawings

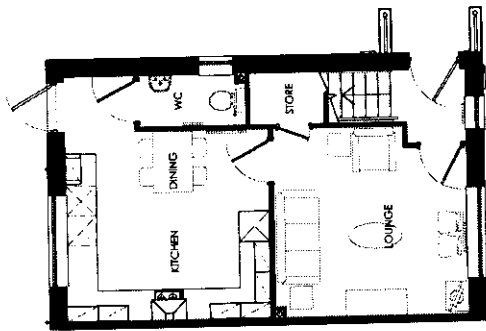
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Aug '10

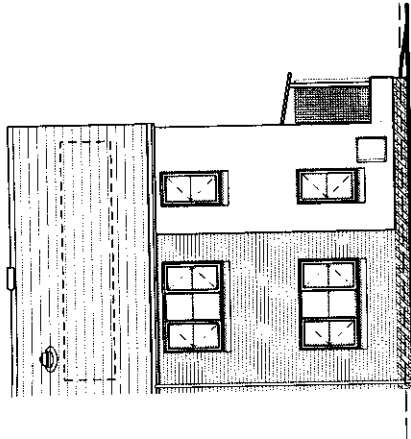
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2B

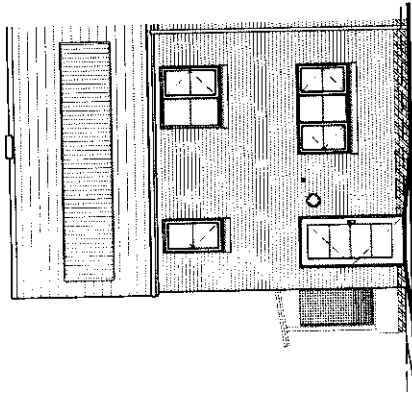
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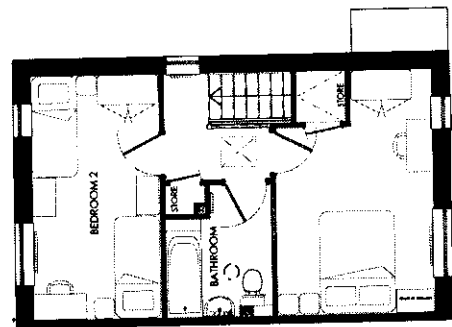
GROUND FLOOR PLAN



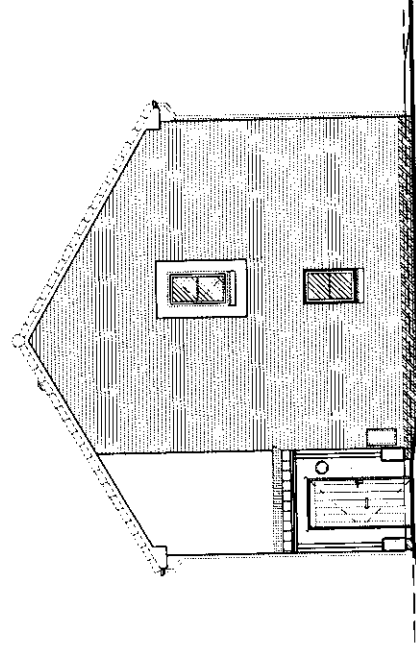
FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



Gable Elevation

2B4P Gable Entrance - Floor Area - 77.16m<sup>2</sup> or 830.54sq.ft

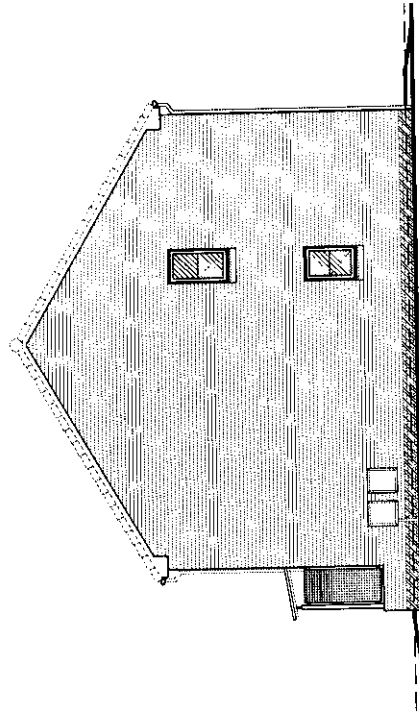
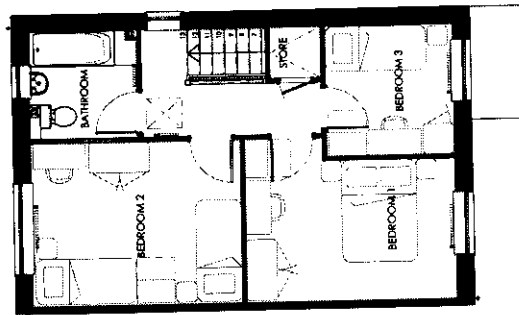
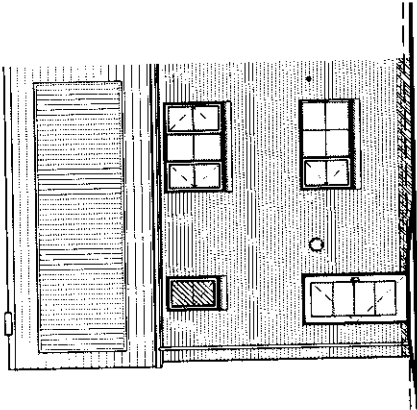
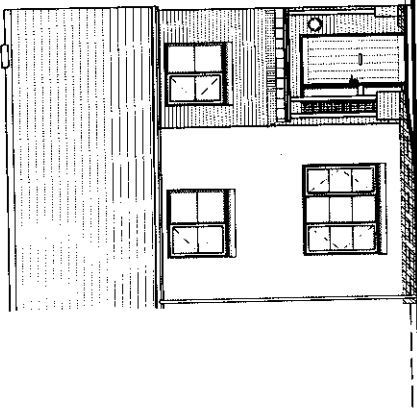
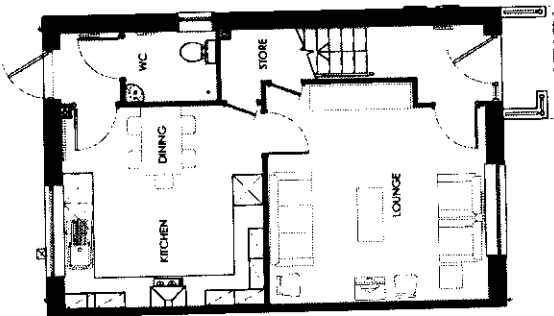
DRAWING STATUS: FOR PLANNING

1241 - Sector 1, Carlisle

1241-2B-GE-220 Planning Drawings

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385P End Terrace - Floor Area - 91.97m<sup>2</sup> or 989.95sq.ft

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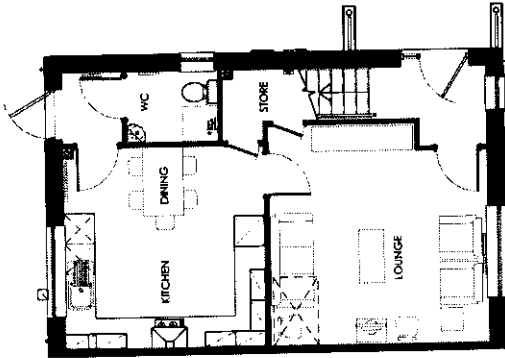
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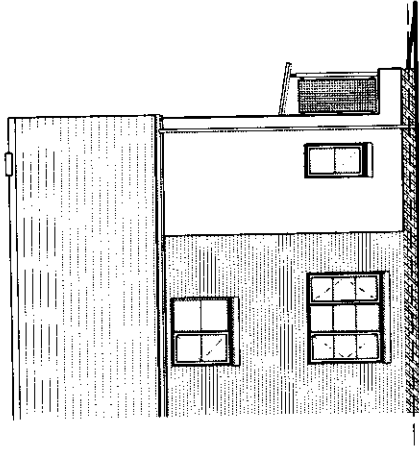
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 1241-38-EI-220  
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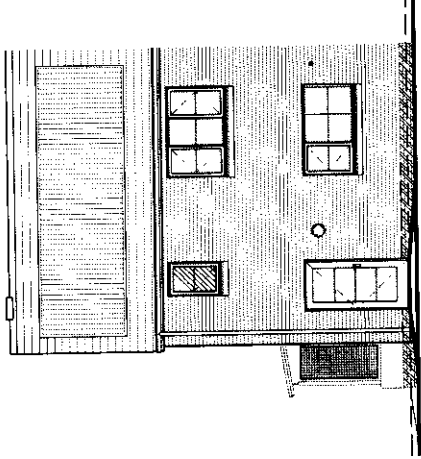




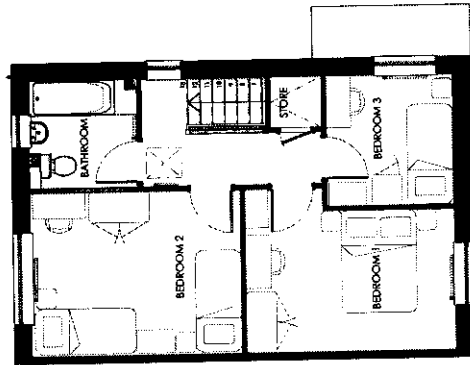
GROUND FLOOR PLAN



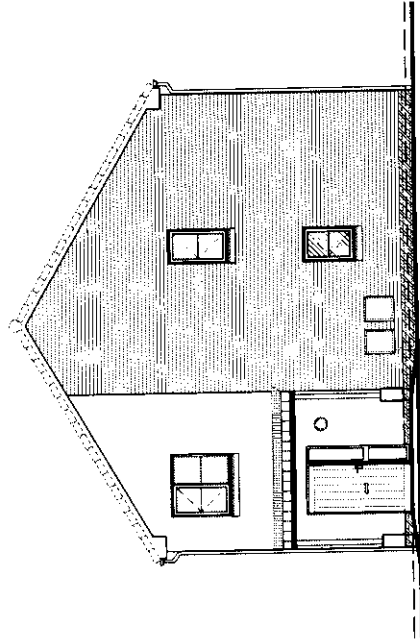
FRONT ELEVATION



REAR ELEVATION








FIRST FLOOR PLAN



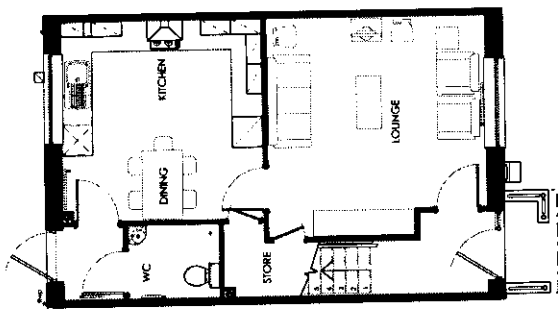
Gable Elevation

3B5P Gable Entrance - Floor Area - 91.97m<sup>2</sup> or 989.95sq.ft

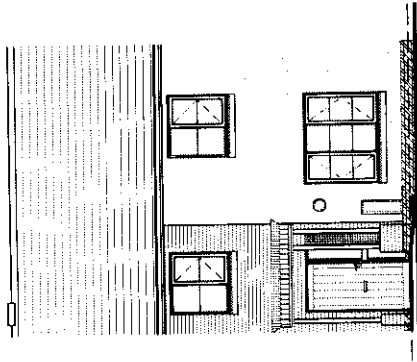
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	1241-3B-GE-220	Planning Drawings
	Scale: 1:100 @ A3	Date: Aug '10
	Author: TM	Check: -

**Ainsley Common**  
 1241-3B-GE-220  
 Planning Drawings  
 1:100 @ A3  
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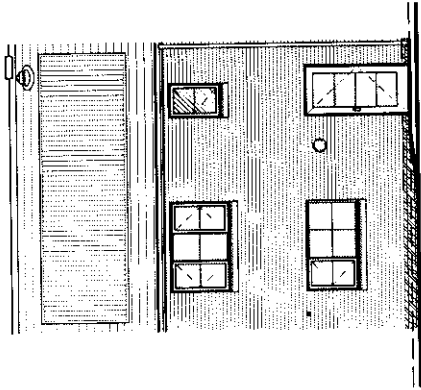
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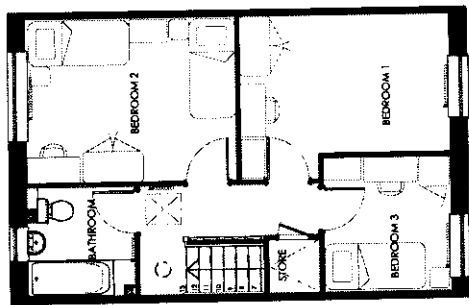
GROUND FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN

3B5P Mid Terrace - Floor Area - 91.97m<sup>2</sup> or 989.95sq. ft

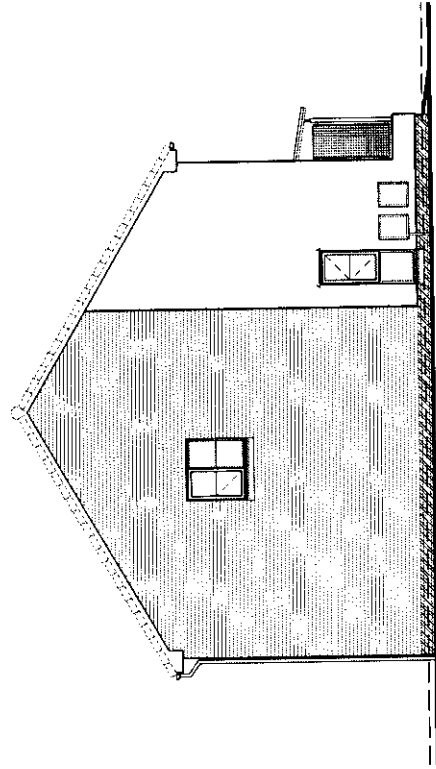
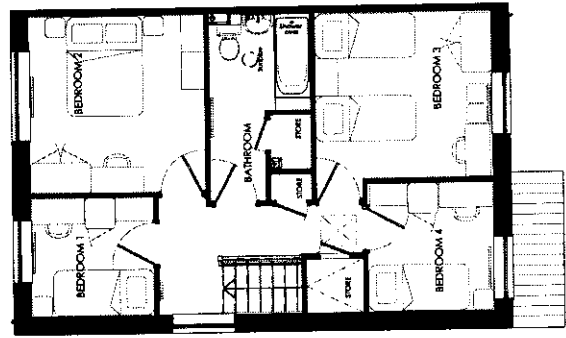
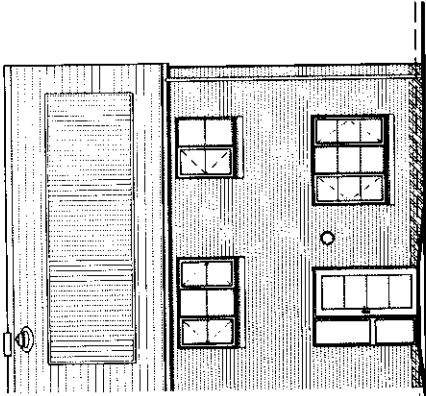
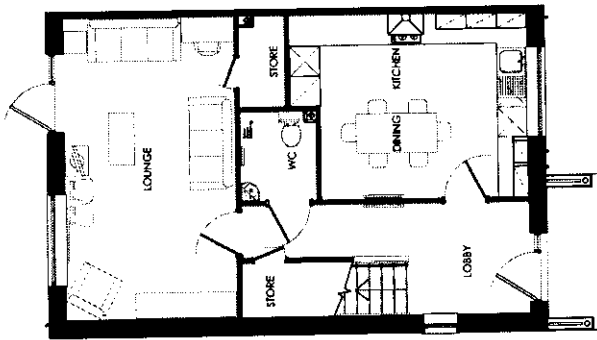
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




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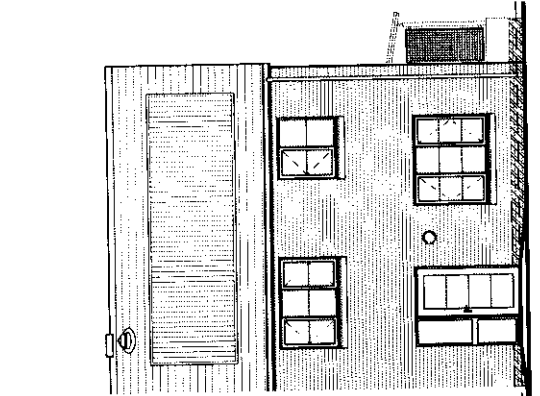
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 1241-3B-MT-220 Planning Drawings  
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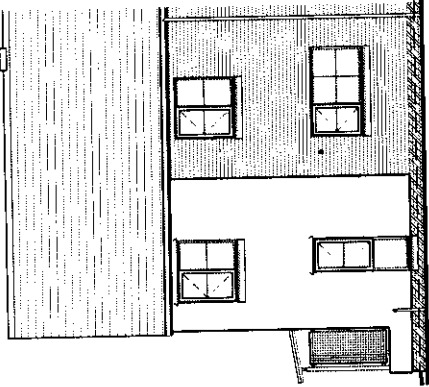
4B6P End Terrace - Floor Area - 109.86m<sup>2</sup> or 1182.52sq.ft

	<b>DRAWING STATUS:</b>	<b>FOR PLANNING</b>
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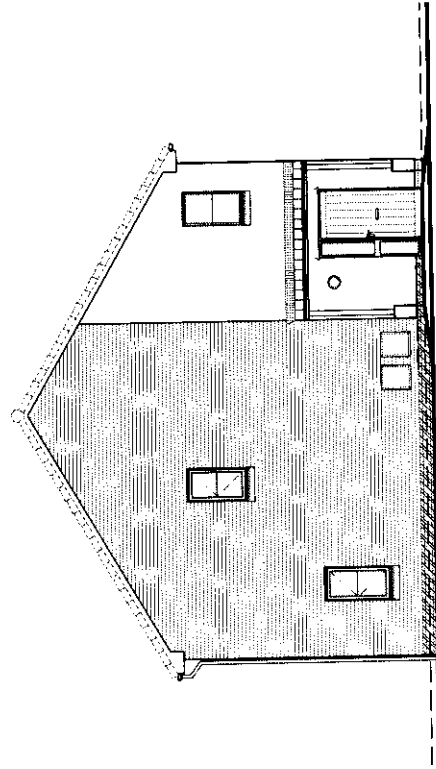
**Ainsley Common**  
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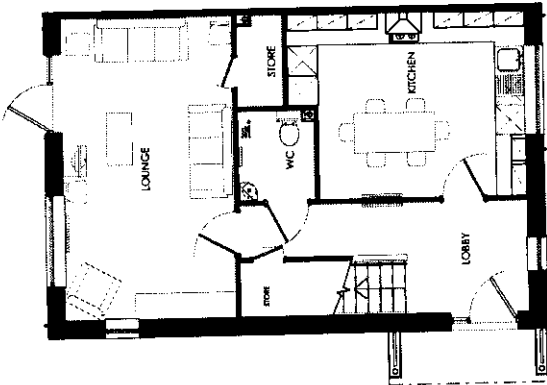
REAR ELEVATION



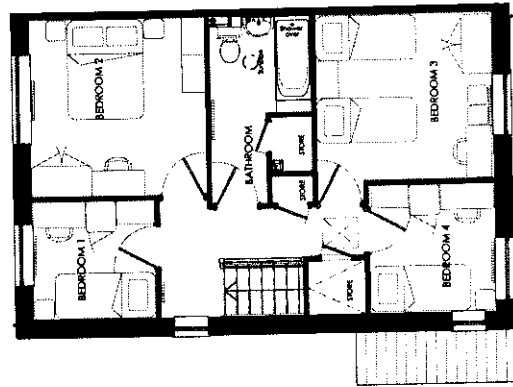
FRONT ELEVATION



Gable Elevation








GROUND FLOOR PLAN

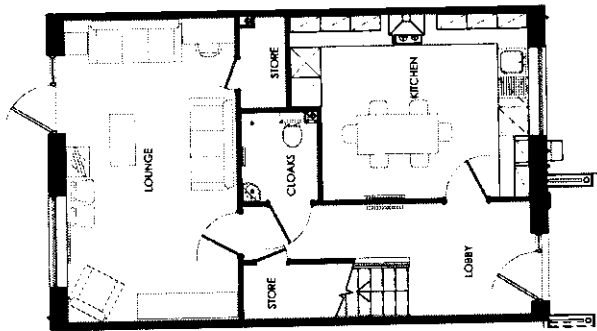


FIRST FLOOR PLAN

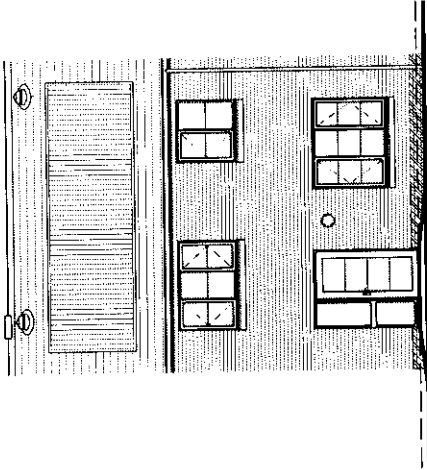
4B&P Gable Entrance - Floor Area - 109.86m<sup>2</sup> or 1182.52sq.ft

	<b>DRAWING STATUS:</b>	<b>FOR PLANNING</b>
	R 1241 - Secioller, Corfise	
	1241-4B-GE-220 Planning Drawings	
	Scale: 1:100 @ A3	Date: Aug '10
	Author: IM	Check: -

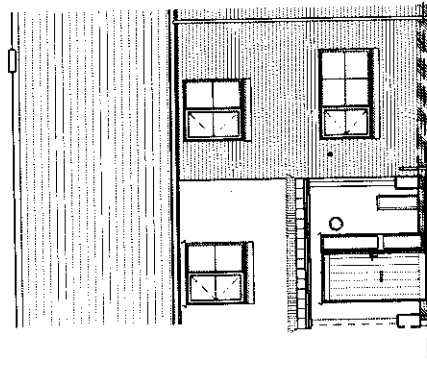
**Ainsley Common**  
 1241-4B-GE-220 Planning Drawings  
 1:100 @ A3 Aug '10 IM -  
 © 2010 Riverside Lovell Architects. All Rights Reserved. This drawing is the property of Riverside Lovell Architects. It is not to be used for any other purpose without the written consent of Riverside Lovell Architects. Check all dimensions on site. In the event of any discrepancy, refer to the approved planning permission for details.



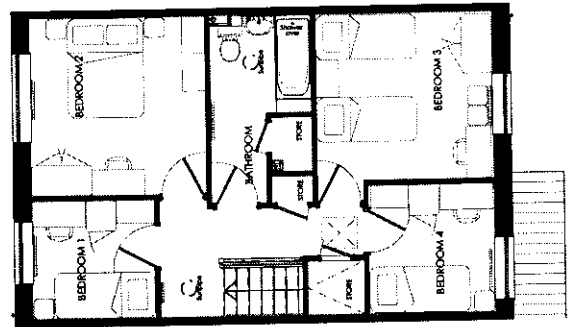
GROUND FLOOR PLAN



REAR ELEVATION








FRONT ELEVATION

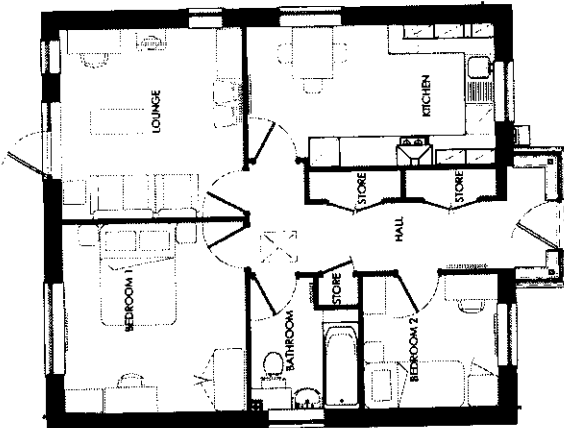


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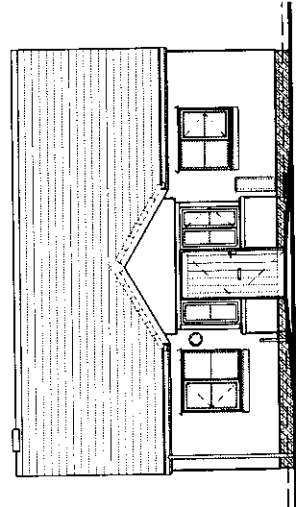
4B6P Mid Terrace - Floor Area - 109.86m<sup>2</sup> or 1182.52sq.ft

	<b>DRAWING STATUS:</b>	<b>FOR PLANNING</b>
	1241 - Sector 6, Carlisle	
	1241-4B-MT-220 Planning Drawings	
	1:100 @ A3	Aug '10
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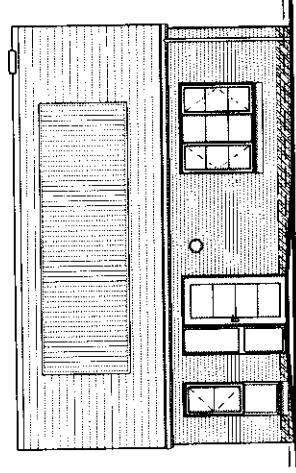
© 2010 Riverside Lovell. All rights reserved. CHAL 4B. 146.0101.42.56.11.6-mail: j.lamb@riversidelovell.co.uk. Reg. 0111 666 2116. Riverside Lovell is a registered company with the Registrar of Companies. The first number in the company name is the registration number. Check of references for the 10th week of any subsequent year prior to issue. General Contracting Ltd. 10th week of any subsequent year prior to issue. General Contracting Ltd. 10th week of any subsequent year prior to issue. General Contracting Ltd. 10th week of any subsequent year prior to issue.



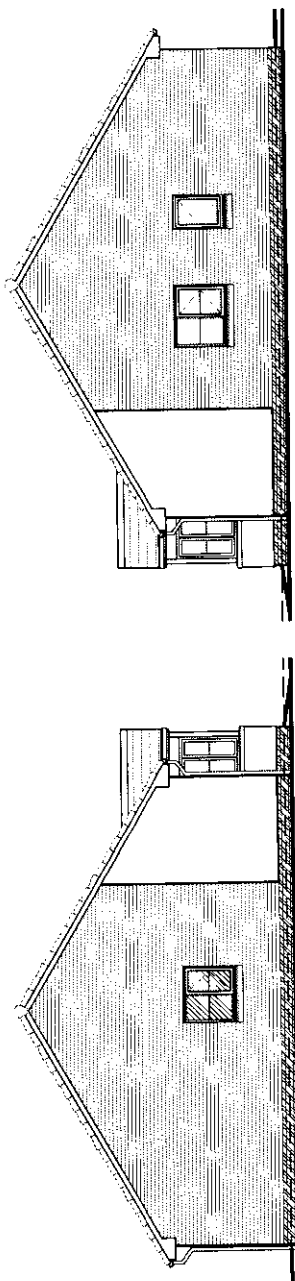
GROUND FLOOR PLAN



FRONT ELEVATION








REAR ELEVATION



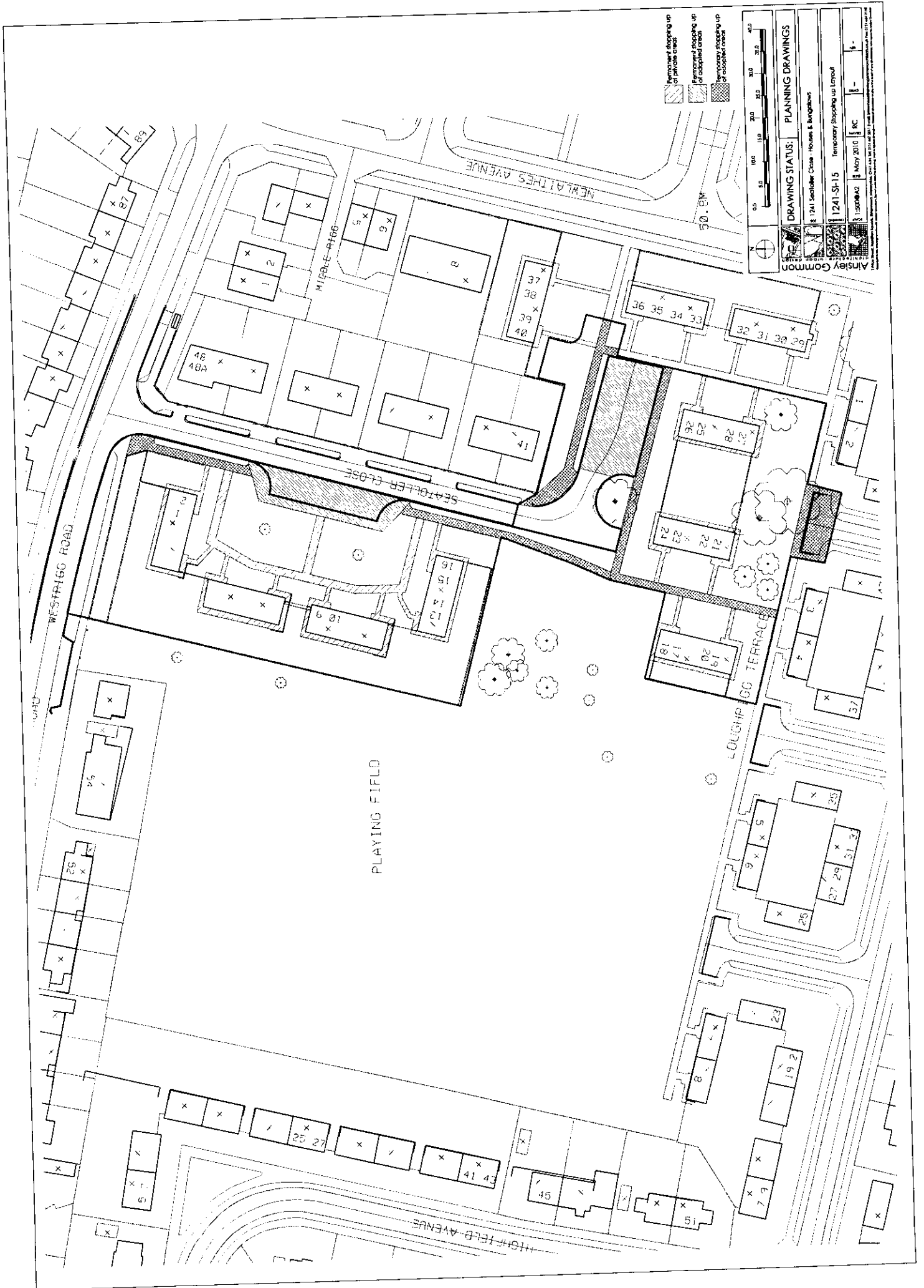
GABLE ELEVATION

GABLE ELEVATION

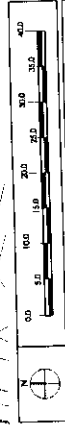
2B3P Detached Bungalow - Floor Area - 67.85m<sup>2</sup> or 730.33sq.ft

	<b>DRAWING STATUS:</b>	FOR PLANNING
	1241 - Sectioner, Corbie	
	1241-BG-DT-220	Planning Drawings
	1:100 @ A3	Aug '10
		IM

**Ansley Common**  
 1000 HOLLOWAY, LONDON, N16 7RN  
 020 8447 6511 | Email: sales@ansleycommon.co.uk | www.ansleycommon.co.uk  
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- Temporary stopping up of private roads
- Temporary stopping up of public roads
- Temporary stopping up of adopted roads



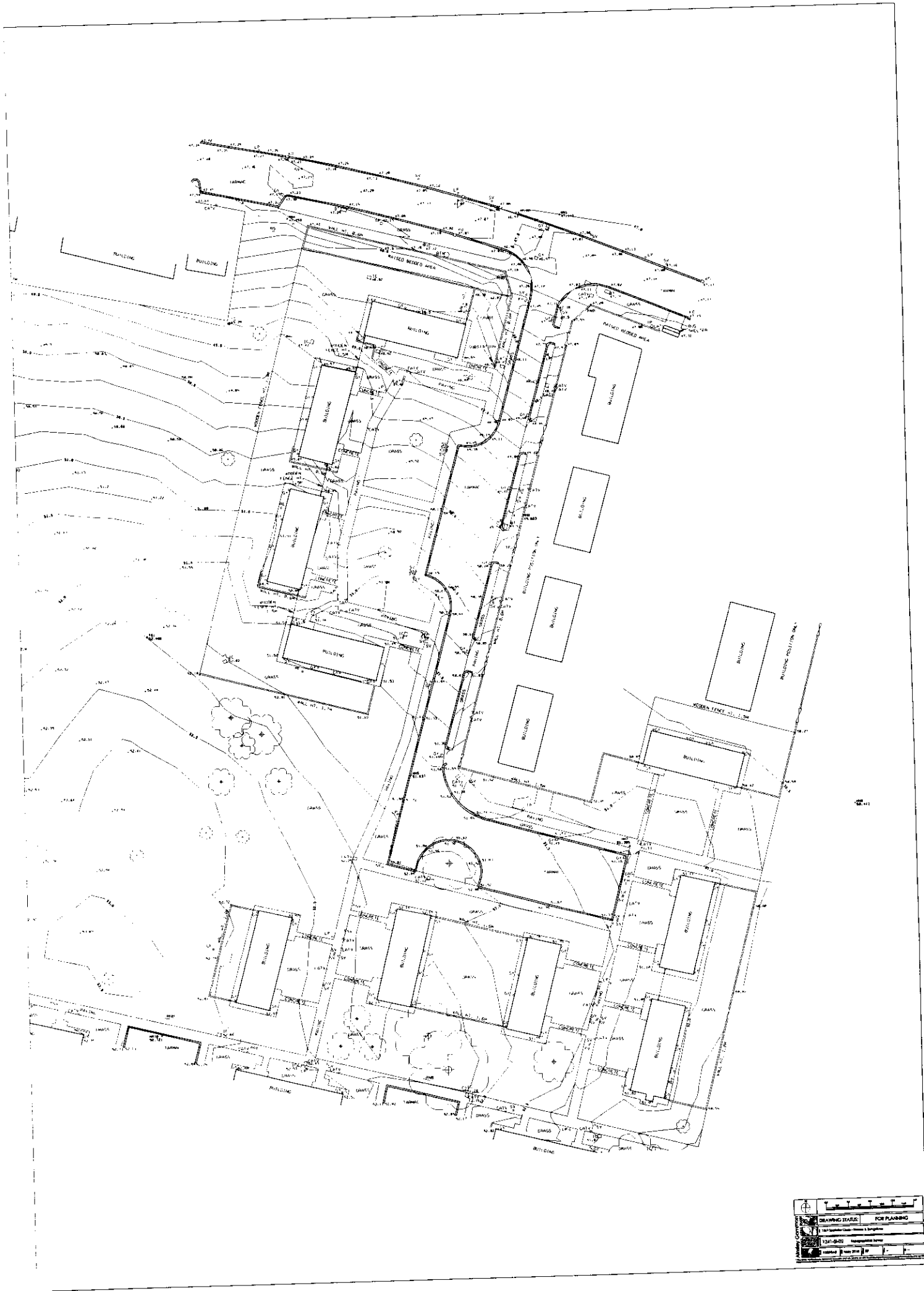
**PLANNING DRAWINGS**

DRAWING STATUS: 1241 Sealdale Close - House & Outbuildings

1241-SH-15 Temporary Stopping up Layout

1308002 1 May 2010 RC

Anslay Common



<b>DRAWING STATUS</b> FOR PLANNING	<b>FOR PLANNING</b>
1241-0-02	1241-0-02
1241-0-02	1241-0-02



1000 mm Rafting

Reinforcing wall with 1000 mm Rafting

1500 mm wall with 300mm Trills

1500 mm slope boarded timber fence with 300mm Trills

Reinforcing wall with 1500mm close boarded timber fence with 300mm Trills

2100 mm privacy screen

Flag on edge with 1500mm close boarded timber fence with 300mm Trills

Flag on edge with 1500 mm wall with 300mm Trills

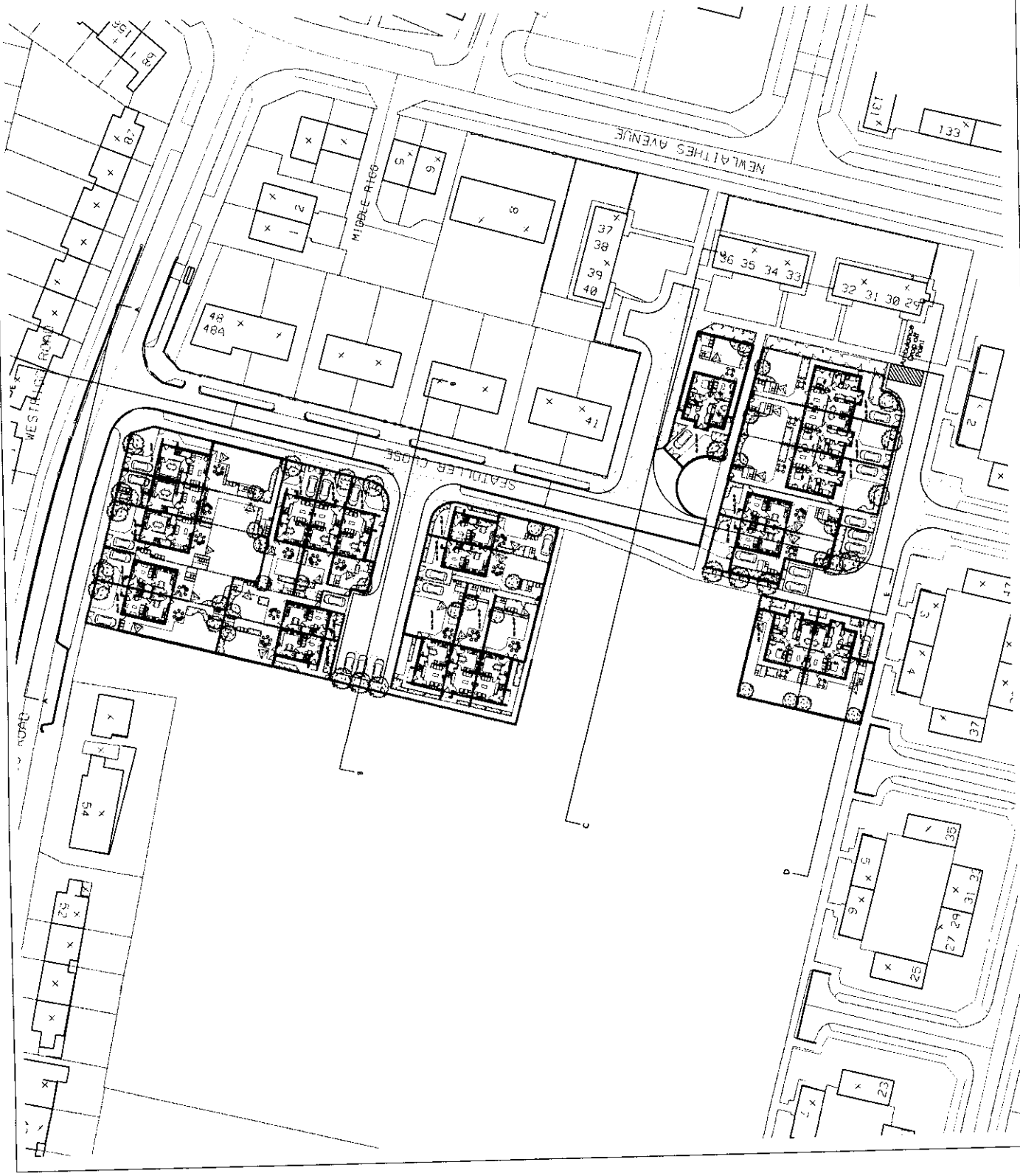
DRAWING STATUS: PLANNING DRAWINGS

1241 - Seaside Close - Houses & Burglars

1241-EW-400 Proposed Boundary Treatments




1500042 5 JULY 2010 RC

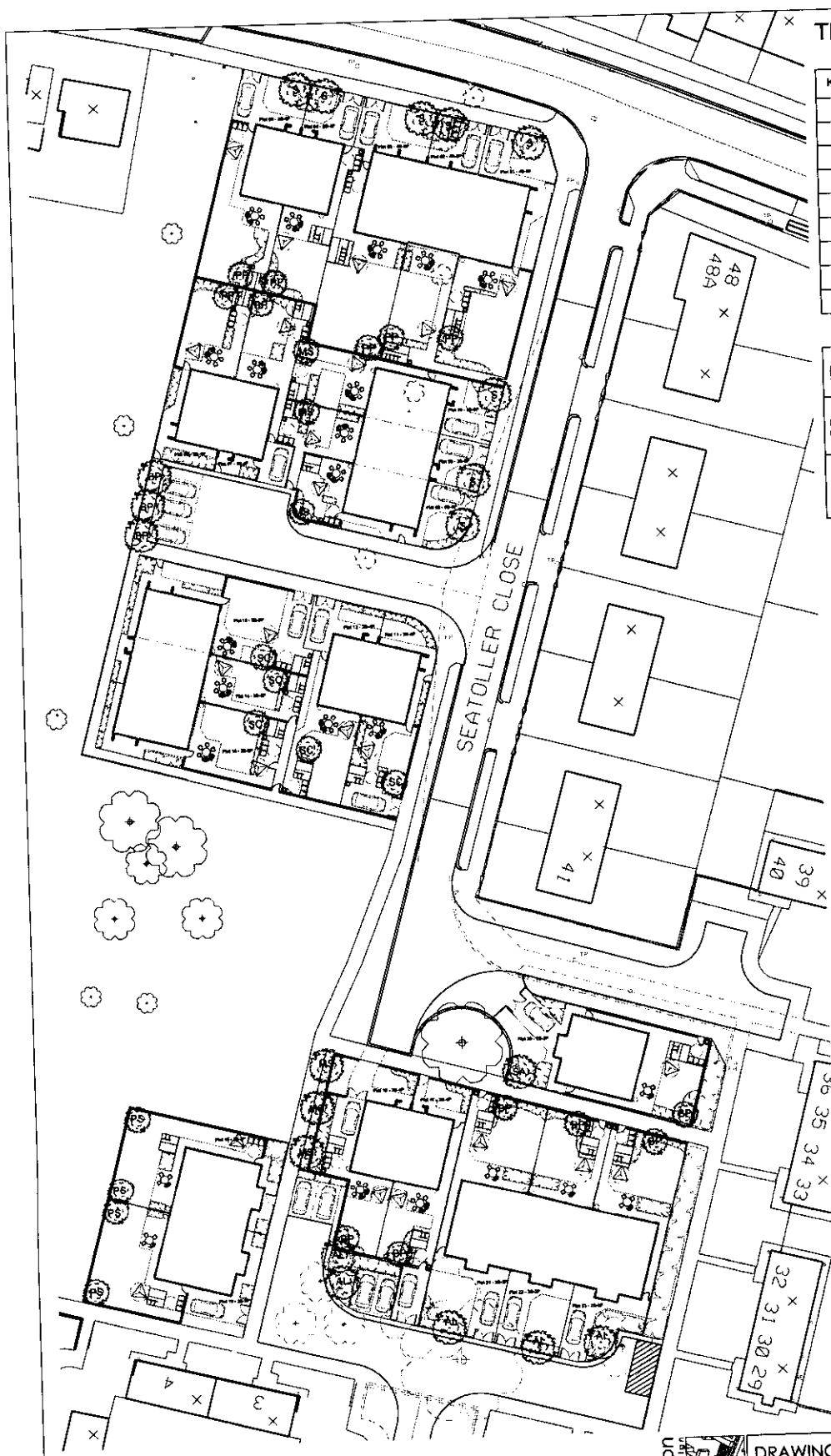
Ainsley Gorman

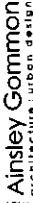


# TREE TABLE

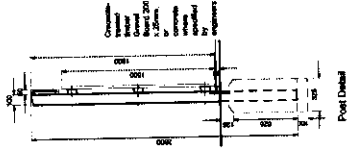
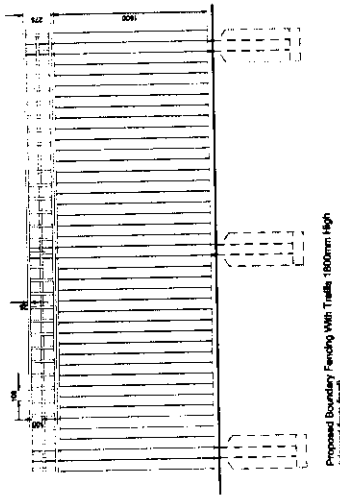
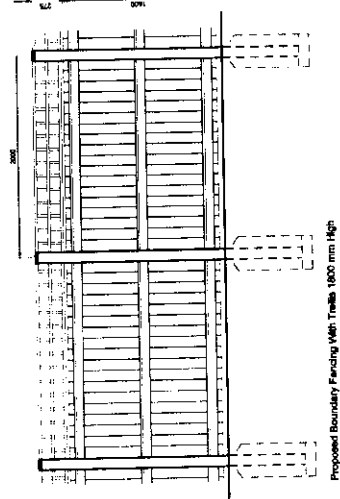
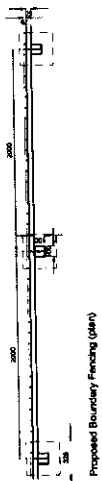
KEY	TREE NAME	No
AL	Amelanchier lamarckii	5
BP	Betula pendula - Silver Birch	8
MS	Malus sylvestris - Crab Apple	8
PS	Pyrus salicifolia 'Pendula'	4
PP	Prunus padus - Bird Cherry	7
SC	Salix caprea - Goat Willow	5
SA	Sorbus aria - Whitebeam	1
S	Sorbus aucuparia 'streetwise' - Rowan	9
<b>TOTAL</b>		<b>45</b>

	New Tree
	Existing Tree Retained
	Existing Tree Removed

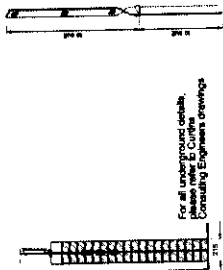
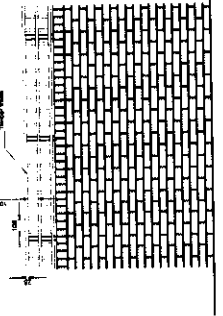
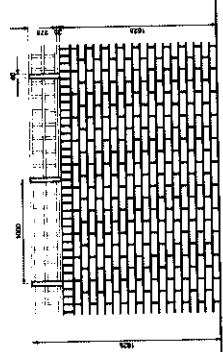


 <small>ARCHITECTS LANDSCAPE ARCHITECTS PLANNERS</small>	<b>DRAWING STATUS:</b>	PLANNING DRAWINGS
	1241 Seatoller Close Carlisle	
	1241-EW-401 Proposed Landscape Layout	
	1:500@A3	AUG 2010

1 Price Street, Hamilton Square, Bruntonwood, Merseyside, CH41 6JN. Tel: 0151 647 5511. E-mail: d@ainsleygorman.co.uk. Fax: 0151 644 2195  
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**1800mm HIGH CLOSE BOARDED TIMBER FENCING WITH TRELLIS**



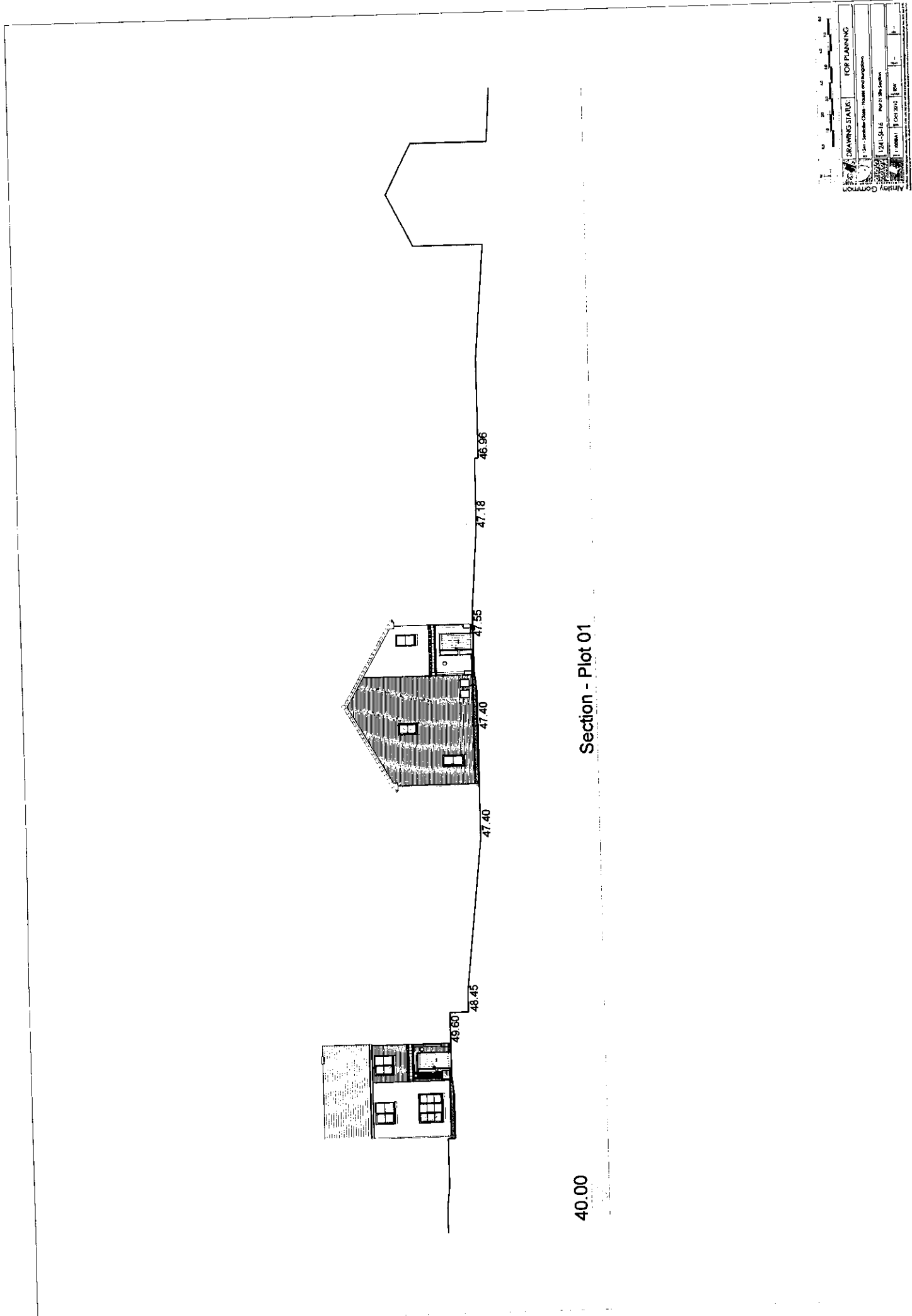
For all undertakings details, Consulting Engineers Drawings

Galvanneal bar made from 40 x 5mm flat bar with 10mm diameter hole. Bar round ends to act as a flange to sit on top of the lock web.



DRAWING STATUS: <b>PLANNING DRAWINGS</b>	
Seottler Close, Morton, Carlisle	
1241-EWD-01 Fencing Details 01	
1:500@A3	Oct 2010
DAWN	RW
Ainsley Common	

1 Pick Street, Northolt Square, Bournemouth, Hampshire, UK. Tel: 01534 631111. Email: [info@seottler.com](mailto:info@seottler.com). Website: [www.seottler.com](http://www.seottler.com). All rights reserved. No part of this publication 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 and retrieval system, without the prior written permission of the copyright owner.



Section - Plot 01

40.00

DRAWING STATUS: FOR PLANNING	
1:001 - Residential Other: Houses and Buildings	
1/21/05-16	Part of the Section
1:0001	Plot 01
Arley Common	

## SCHEDULE A: Applications with Recommendation

10/0611

Item No: 02

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0611

**Applicant:**  
Miss Dicken

**Parish:**  
Carlisle

**Date of Receipt:**  
30/06/2010 16:00:21

**Agent:**  
Green Design Group

**Ward:**  
Belah

**Location:**  
22 Kingstown Road, Carlisle, CA3 0AD

**Grid Reference:**  
339777 558074

---

**Proposal:** Demolition Of Existing Redundant 2 Bed Dwelling. Erection Of 3no. Flats With On-Site Parking (Revised Application)

**Amendment:**

1. Amended plans showing alterations to the access arrangements, alterations to the design of the balconies and removal of two windows from the northern gable.
2. Amended plans showing the wall screening the bin store and yard area lowered to a height of 1m adjacent to the access lane.

---

**REPORT**

**Case Officer:** Shona Taylor

**Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination due to the receipt of more than four letters of objection from neighbouring residents. It will also be recalled that, at the last meeting, Members resolved to undertake a Site Visit prior to determination.

**1. Constraints and Planning Policies**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H2 - Primary Residential Area**

**Local Plan Pol T1- Parking Guidelines for Development**

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

**Cumbria County Council - (Highway Authority):** the details now shown on 09/1922/04D are acceptable. The access is wider, the first parking space is set back far enough to give clear visibility of the highway/access road and the wall has been lowered to 1m adjacent to the access lane;

**United Utilities:** no response received;

**Community Services, Drainage Engineer:** the applicant indicates disposal of foul sewage to the mains sewer which is acceptable, however, in the first instance the applicant should investigate the use of either soakaways or a sustainable drainage system for surface water disposal;

**Environmental Services - Environmental Quality:** no objections to the proposal, subject to the inclusion of a condition regarding any contamination that may be found during the ground works;

**Northern Gas Networks:** no objections to the proposal; however, there may be apparatus in the area that would be at risk during construction works and should the application be approved, Northern Gas Networks require the promoter of these works to contact it directly to discuss its' requirements in detail;

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** although the applicant has not sought any crime prevention design advice for the development it is apparent that previous comments provided in response to application 09/0867 have been acknowledged and sufficient information has been provided to comply with Policy CP17 of the Local Plan.

## **3. Summary of Representations**

### **Representations Received**

Initial:	Consulted:	Reply Type:
Morrisons	06/07/10	
49 Gosling Drive	06/07/10	Objection
49 Gosling Drive	06/07/10	Objection
26 Kingstown Road	06/07/10	Objection
28 Kingstown Road	06/07/10	
30 Kingstown Road	06/07/10	
32 Kingstown Road	06/07/10	

34 Kingstown Road	06/07/10	Objection
36 Kingstown Road	06/07/10	
38 Kingstown Road	06/07/10	Objection
40 Kingstown Road	06/07/10	
42 Kingstown Road	06/07/10	
45 Kingstown Road	06/07/10	
47 Kingstown Road	06/07/10	Objection
49 Kingstown Road	06/07/10	
51 Kingstown Road	06/07/10	
53 Kingstown Road	06/07/10	
55 Kingstown Road	06/07/10	
57 Kingstown Road	06/07/10	
19 Kingstown Road	06/07/10	
21 Kingstown Road	06/07/10	
Goslingsyke Cottage	06/07/10	Support
25 Kingstown Road	06/07/10	
27 Kingstown Road	06/07/10	
29 Kingstown Road	06/07/10	
24 Kingstown Road	06/07/10	Objection
K49 Gosling Drive	06/07/10	Objection
31 Kingstown Road	06/07/10	
33 Kingstown Road	06/07/10	Petition
35 Kingstown Road	06/07/10	
37 Kingstown Road	06/07/10	
39 Kingstown Road	06/07/10	Objection
41 Kingstown Road	06/07/10	
43 Kingstown Road	06/07/10	
24 Kingstown Road	06/07/10	Objection
Suite 9C		Objection
25 Eldred Street		Objection
E8 Mediview Resort		Objection
35 Finn Avenue		Objection
6 Reiver Place		Comment Only
Carlisle & District Civic Trust		Comment Only

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 30 neighbouring properties. In response, eighteen representations have been received, which includes two "comments" neither for nor against the application and one letter in favour. Two petitions have also been received, one with thirteen signatures from the occupiers of numbers 31-39, 45 and 47 Kingstown Road and the second with ten signatures from occupiers of numbers 31, 33, 37, 39, 43 and 45 Kingstown Road.
- 3.2 One of the letters of objection from a neighbouring occupier was also endorsed with 15 signatures from the occupiers of 24-40 Kingstown Road, plus the owner of the large garage to the rear of the terrace.
- 3.3 The letters of objection and the petitions raise the following issues:
1. the development will have an adverse impact on the living conditions of the surrounding properties;
  2. there is inadequate access and parking;
  3. the proposal represents a gross overdevelopment of the site;

4. it constitutes an additional hazard to both pedestrians and vehicles on Kingstown Road;
5. the surface of the access will tear up in a short period of time;
6. the access exists only up to the claimed boundary of No 22 not further;
7. the access road will not be wide enough to accommodate two cars and would be hazardous for pedestrians;
8. it is a shame to lose an old building such as this cottage;
9. one of Carlisle's historical gems will be lost;
10. two way traffic into and out of the site will be dangerous;
11. the turn onto the access is very tight;
12. Derwent Terrace is a sociable and pleasant place to live, it is feared that this would be destroyed if the current development is approved;
13. it is acknowledged that the development of the site is inevitable, but consider that a single dwelling would be more appropriate.
14. is 5m acceptable length for a parking space?
15. does the applicant have to resurface the access lane?
16. will the surface water be drained towards the garage to the rear of the terrace?
17. the front elevation of the building will block light into the houses on the opposite side of the road;
18. the windows in the front elevation will directly look into the windows on the terrace opposite the development;
19. whilst the design of the flats is clever, it should be two storey only and there should be proof that the applicants are legally entitled to use the shared access;
20. the bins and the washing area directly behind the now lowered wall are higher than 1m;
21. the lack of a pedestrian walkway alongside the access lane causes highway safety issues;
22. the new access will be unsafe and also a cottage of this age should automatically qualify it for preservation not demolition;



23. the height of the top floor apartment would be higher than that of the bedroom windows opposite and as such would be very intrusive;
  24. the submitted plans are inaccurate as they depict the lane as being two-way;
  25. the development is too large and not in character with the surrounding dwellings.
- 3.3 An objection has been received, on behalf of Wm Morrisons, regarding possible future objections from the occupiers of the proposal to operations associated with their site, notably car parking and recycling.
  - 3.4 All of the representations are available for Members to view in the week preceding Committee in the 3rd party file in the Members Group Offices.

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

- 4.1 In 2009 an application has submitted for the for the demolition of the cottage and the erection of 5 flats. The application was withdrawn prior to determination.

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

##### **Introduction**

- 5.1 This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit is scheduled to take place on Wednesday 10th November.
- 5.2 Members will recall that this application is seeking planning consent for the demolition of the cottage at 22 Kingstown Road and the erection of three flats within its curtilage. The cottage, which is located immediately to the south of the neighbouring terraced properties (24-38 Kingstown Road) is in a poor state of repair. It is situated towards the north of the plot, which measures 233 square metres. The surroundings to the site are wholly residential, with the exception of the Wm Morrisons Superstore, the car park of which is located directly to the rear of the plot, beyond an area of planting.
- 5.2 The site currently has no vehicle access, but fronts onto Kingstown Road, and is situated adjacent to the lane which gives vehicular access to the rear of 24-38 Kingstown Road. The existing boundaries of the site are demarcated by a mixture of a low brick wall to the front and hedging of varying heights to the rear boundary. The application site is within a Primary Residential Area, as identified on the Proposals Map that accompanies the Local Plan.

##### **The Proposal**

- 5.3 The plan that accompanies the application illustrates that it is proposed to

erect an apartment building which would be two and a half storeys in height. It will occupy a footprint measuring approximately 116 square metres. Two two-bedroom flats would be located, on the ground and first floors, with a third one-bedroom unit being formed within the roof void. The building would have a frontage onto Kingstown Road, parallel with the neighbouring terrace. It would be finished using facing brick, with a reclaimed welsh slate roof. A large dormer window, 3.5m in width is incorporated on the front elevation, and to the south elevation are three balconies serving each of the proposed residential units.

- 5.4 Four parking spaces are to be provided to the west of the site, with direct vehicular access onto the side lane, which leads out onto Kingstown Road. There have been several objections to the use of this access lane from the occupiers of 24-38 Kingstown Road, stating that they deny access over this private road. In respect of this particular issue, this is a civil matter to be resolved between the residents and the prospective developer.
- 5.5 It is proposed to widen the width of the lane for an initial section, that leads from Kingstown Road, to 5.5m. This would enable traffic entering and exiting the lane to do so without interrupting the free flow of traffic on Kingstown Road. It is proposed to discharge foul and surface water to the combined sewer.
- 5.6 A yard area and bin store will be located to the east of the site, to the front of the parking spaces, and sheltered from Kingstown Road by way of an approximately 1.5m high brick wall.

### **Assessment**

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP12, CP17, H1, H2 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposals raise the following planning issues:
  - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.8 In policy terms, Members will appreciate that the land is 'Brown Field' land within the urban area, in an established and popular residential area and is well located in a relation to choice of modes of transport. Accordingly, the principle of its development for housing is not an issue, subject to compliance with the criteria identified in Policy H2 of the Local Plan.
  - 2. Whether The Scale And Layout Of The Development Is Acceptable.
- 5.9 In terms of the physical height of the building, Members will see from the proposed west elevation that the overall height and mass of the apartment block is comparable with the scale of the adjacent terraced dwellings.
- 5.10 Each flat has its own balcony, along with the shared yard area and bin store, ensuring adequate amenity space is available for the future occupiers of the

flats.

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

- 5.11 The gable wall of the apartment block will be situated 11m from the gable of No 24 Kingstown Road. The two windows positioned in the ground and first floor areas on the north elevation of the flats serve the hallways/entrance lobbies, which are a habitable rooms.
- 5.12 Whilst there are windows to the kitchen and living room in the side elevation of No. 24 Kingstown Road that face onto the proposed site, the current situation is that these windows are situated directly opposite the cottage at a distance of only 4.7m away. Under the proposed scheme the separation distance between No. 24 and the apartment block will increase to 10.5m, and although it is accepted that the proposal will be taller than the existing cottage, it is nonetheless considered that it will significantly improving the outlook for the occupiers of No. 24.
- 5.13 As such, taking into consideration the scale and position of the proposed development in relation to the existing neighbouring property it is unlikely that the living conditions of the occupiers of either existing or the proposed properties will be compromised through loss of light, loss of privacy or overdominance.

### 4. Access, Parking Provision and Highway Issues.

- 5.14 The Highway Authority has stated that the provision of four parking spaces, including the provision of one visitor space, would be sufficient to serve the development. As mentioned in paragraph 5.4 local residents have raised concerns regarding the use of the access lane to the rear and side of the neighbouring terrace. Currently the residents of the terrace have an informal "one way system" arrangement. The Highway Authority initially raised concerns about the width of the access to the site and as such recommended that the one-way system was formalised by way of a traffic regulation order (TRO). However, the residents of the site stated that they would not agree to the implementation of the TRO. As such the applicant proposes an alternative approach utilising part of the site to widen the junction of the lane with Kingstown Road to 5.5m. The Highway Authority is now satisfied that the access road is wide enough to accommodate two way traffic into the proposed site safely and the amendment to the TRO is no longer required.
- 5.16 The local residents are unhappy with the widened access, and have raised concerns regarding the safety of both vehicles entering/ exiting the site, as well as safety for pedestrians. These highway safety issues are noted; however, as the Highway Authority does not share these concerns a refusal of the application on this basis could not be substantiated.
- 5.17 The Highway Authority requested that the proposed wall screening the bin store and yard area from Kingstown Road was reduced to a maximum height of 1m. This plan was received on the 21st September and confirmed to be

acceptable by the Highway Authority.

## 5. Disposal Of Foul Sewage and Surface Water.

5.17 The applicant has indicated that foul sewage will be discharged to the sewer, which the Council's Drainage Engineer has confirmed is acceptable.

5.18 With regard to the disposal of surface water the Drainage Engineer has suggested that a sustainable drainage system is incorporated into the design or, alternatively, soakaways. In order to address this issue, a condition has been included requiring the applicant to submit a scheme for the provision of surface water drainage works.

## 10. Other Matters.

5.19 A local resident has expressed concern that access lane will not be able to support the increase in the number of vehicles, and will result in general 'wear and tear'. However, if the increased use of the short section of road by traffic were to worsen the existing situation it is a civil matter, to be resolved between the developer and the owners of the properties in question. This matter should not affect the determination of the application.

## Conclusion

5.20 In overall terms, the principle of the proposed development is acceptable. The scale and layout of the proposed apartment block is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking and amenity space would be available to serve the development. In all aspects the proposals are 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 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

## **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 dated 30th June 2010;
2. the location and block plan dated 30th June 2010 and numbered 09/1922/00A;
3. the plans and elevations as existing dated 30th June 2010 and numbered 09/1922/01B;
4. the plans, elevations and section as proposed dated 21st September 2010 and numbered 09/1922/04D;
5. the design and access statement dated 30th June 2010;
6. the desk top study regarding likelihood of contamination at the Proposed site dated 30th June 2010;
7. the Notice of Decision; and
8. 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. 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.

5. The use shall not be commenced until the access, parking and "yard area" requirements have been constructed in accordance with the approved plan. Any such access, parking and yard area provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.

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

6. Before any development commences, 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 inconvenience and danger to road users and to support Local Transport Policy LD8.

7. In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. The contamination would need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Policy LE28.

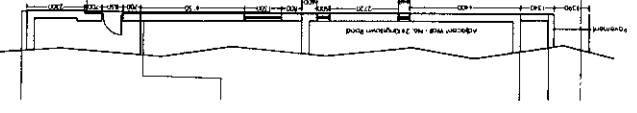
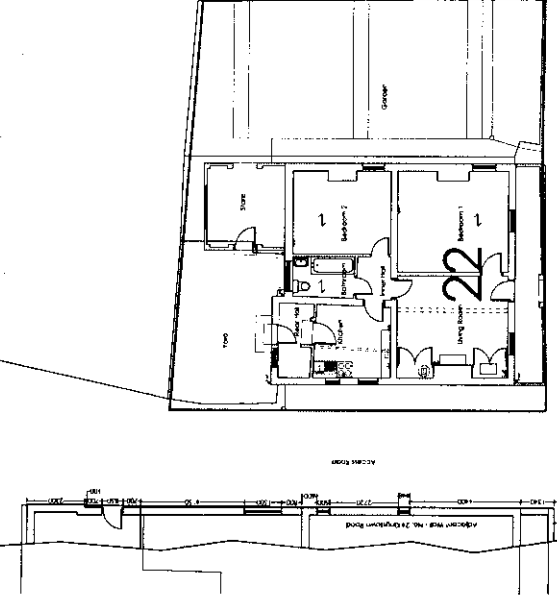
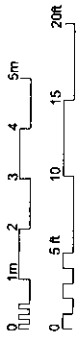
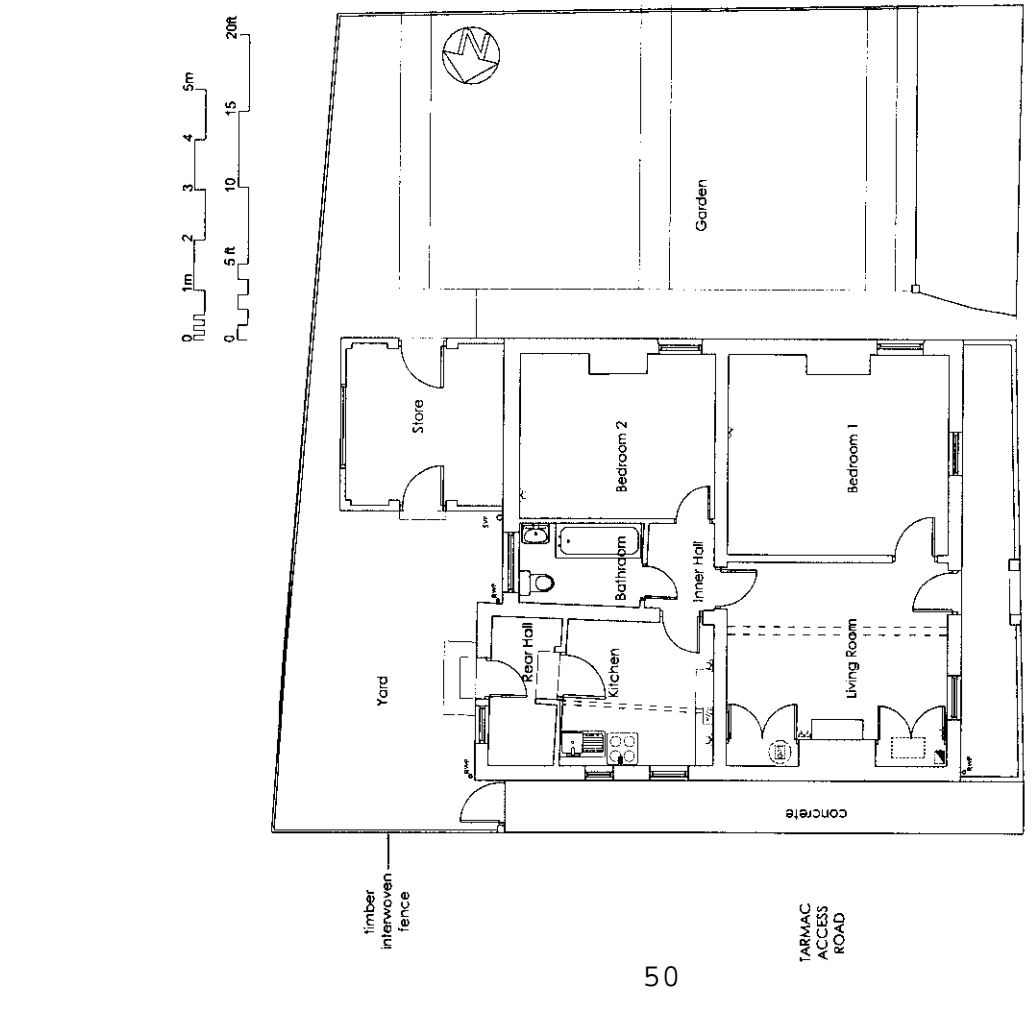
8. No development approved by this permission shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding by ensuing an acceptable means of surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

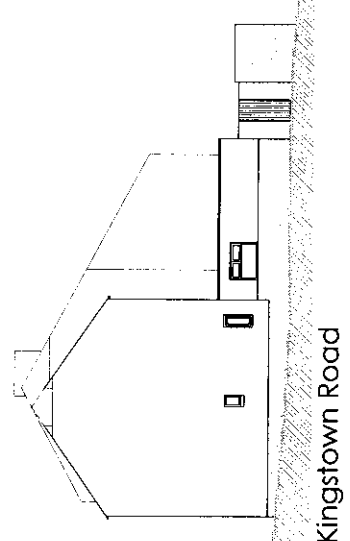
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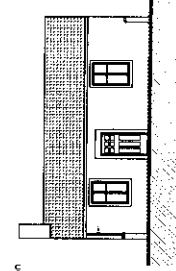
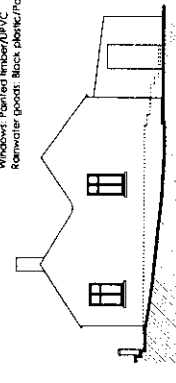
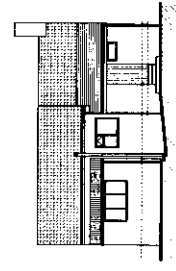
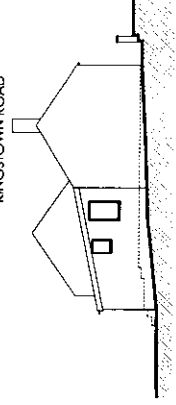




**Site Plan 1:100**



- Materials: As Exhibited**
- Roads: Grey Concrete Best/Natural Stone
  - Roofs: Grey Concrete Best/Natural Stone
  - Doors: Painted Timber
  - Windows: Painted Timber/PVC
  - Rainwater goods: Black plastic/painted cast iron



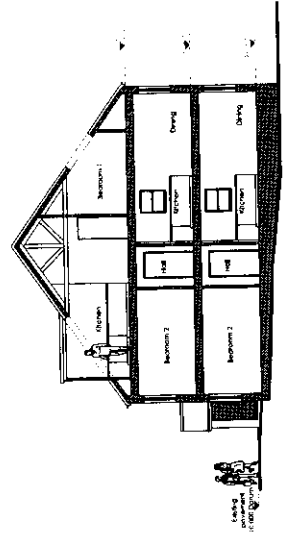
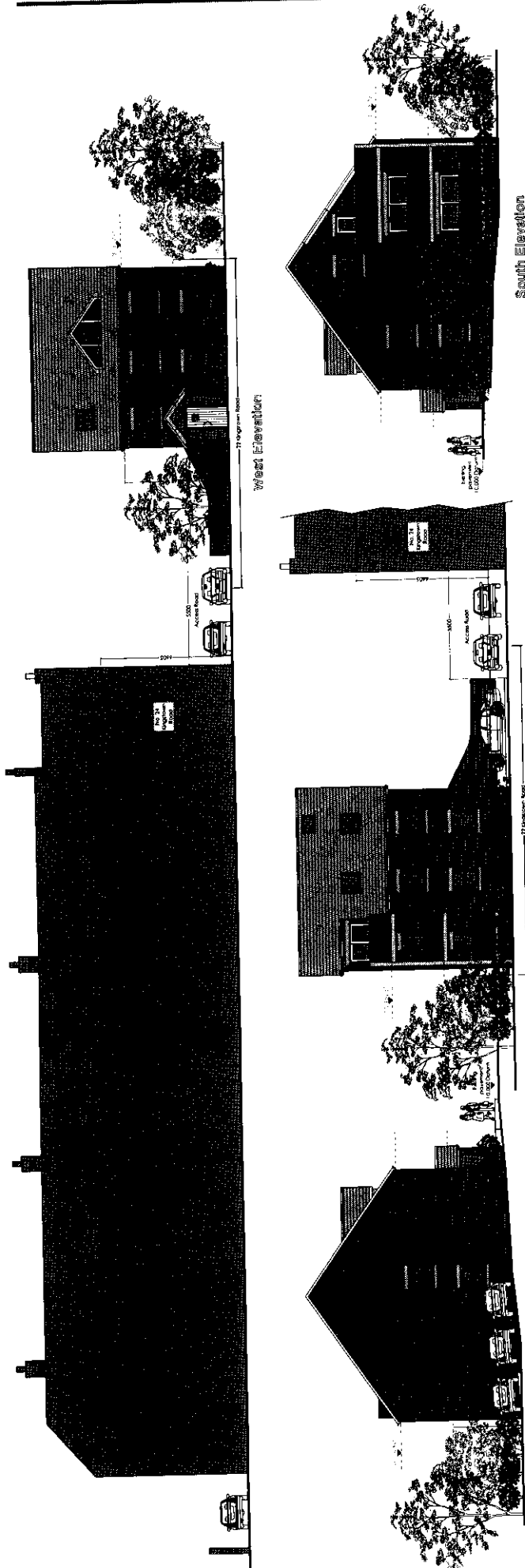
**GREEN DESIGN GROUP**

170 North Kingstown Road, Colindale, London NW9 1UH, UK  
 020 8996 4100  
 www.greendesigngroup.co.uk

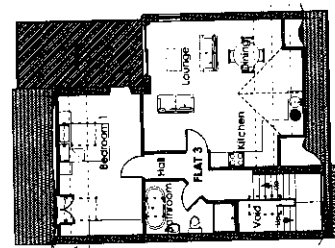
Project: 24 Kingstown Road  
 Scale: 1:100  
 Date: 09/12/2018

DR: [Signature]  
 AR: [Signature]  
 PR: [Signature]

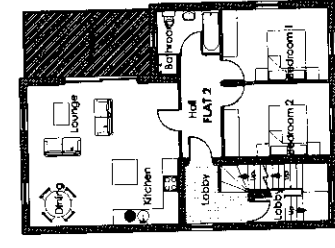
NO.	DATE	DESCRIPTION
1	24/11/2018	For my own use
2	27/12/2018	For my own use



Section

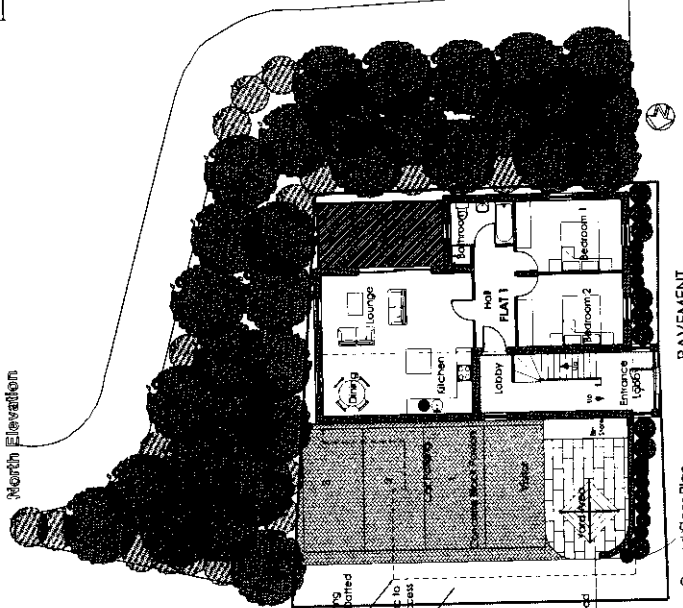


Second Floor Plan



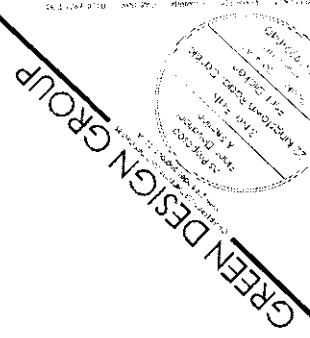
First Floor Plan

- Materials**
- Roof : Recycled Welsh Slate
  - Walls : Clay facing Bricks
  - Windows : Timber
  - Doors : Timber
  - Surrounds : Anthracite Heads & Cills
  - Balconies : Structural Cladding



Ground Floor Plan

PAVEMENT  
KINGSTOWN ROAD



## SCHEDULE A: Applications with Recommendation

10/0813

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Item No: 03

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0813

**Applicant:**  
Sawyers Construction

**Parish:**  
Carlisle

**Date of Receipt:**  
22/09/2010

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Castle

**Location:**  
1 Cranbourne Road, Carlisle, CA2 7JN

**Grid Reference:**  
338491 555924

---

**Proposal:** Erection Of 1no. Dwelling

**Amendment:**

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**REPORT**

**Case Officer:** Suzanne Edgar

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

This application is being presented to Members of The Development Control Committee as the Ward Councillor has requested the Right To Speak and more than four written objections to the application have been received.

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

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol T1- Parking Guidelines for Development**

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

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

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

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

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

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

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

The applicant must discuss full details of the site drainage proposals with George Chapman [planning.liaison@uuplc.co.uk](mailto:planning.liaison@uuplc.co.uk)

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

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

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

the 61 type. Minimise the run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot. Utilising drought resistant varieties of trees, plants and grasses when landscaping.

Install water efficient appliances such as dishwashers, washing machines;

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

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

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

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

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

### **3. Summary of Representations**

#### **Representations Received**

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

141 Newtown Road	29/09/10	Objection
143 Newtown Road	29/09/10	Objection
145 Newtown Road	29/09/10	Objection
147 Newtown Road	29/09/10	Objection
149 Newtown Road	29/09/10	Comment Only
Cllr - Castle		Objection

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

3.2 The letters of objection are summarised as follows:

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

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

3.3 The letter of comment raises the following:

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

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

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

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

4.1 There is no relevant planning history on this site.

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

##### **Introduction**

5.1 This application seeks approval for the erection of 1no. dwelling in the grounds of No.1 Cranbourne Road, a two storey semi-detached property constructed

from brick/rendered walls under a tiled roof. The property is surrounded by two storey terraced properties situated on the westernside of Cranbourne Road, an unadopted access lane to the north, single storey dwellings to the east and a two storey residential property to the south. Beyond the access lane to the north there are two storey terraced properties on Newtown Road whose rear gardens/yards back onto the access lane. The site is identified on the Proposals Map that accompanies the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area.

## **Background**

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

## **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following planning issues:
1. Whether The Principle Of The Development Is Acceptable
- 5.5 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. High priority for retailing, office and leisure uses is accorded in the urban area to sites that satisfy the sequential test while proposals for residential development are prioritized in favour of the re-use of previously developed land.
- 5.6 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area.
- 5.7 Occupiers of neighbouring residential properties have objected to the proposal on the grounds of "garden grabbing". Members will be aware of the revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 which removes gardens from the definition of "brown field" land. This



means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed. Planning Authorities still have to take decisions that are best for them and decide for themselves the best locations and types of development in their areas. The application site is situated within the urban area, approximately 1.8 miles from the City Centre, and is well located in relation to a choice of modes of transport. Accordingly, the principle of the residential development in this general area is acceptable.

## 2. Scale And Layout Of The Development

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

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

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

## 4. Impact On The Highway

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

## 5. Drainage

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

## 6. Biodiversity

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

## 7. Other Matters

- 5.15 Two objectors have indicated that the proposal could potentially lead to a reduction in house prices. Members should be aware that this is not a material planning consideration.
- 5.16 Objectors have also raised concerns regarding maintenance and pedestrian/vehicle access for those who currently use the unadopted access lane to the north of the application site. Members should be aware that this is

a Civil matter amongst the applicant and the occupiers of the terraced properties on Newtown Road and cannot be dealt with under planning legislation.

## **Conclusion**

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

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

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

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

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

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

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

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

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

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

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

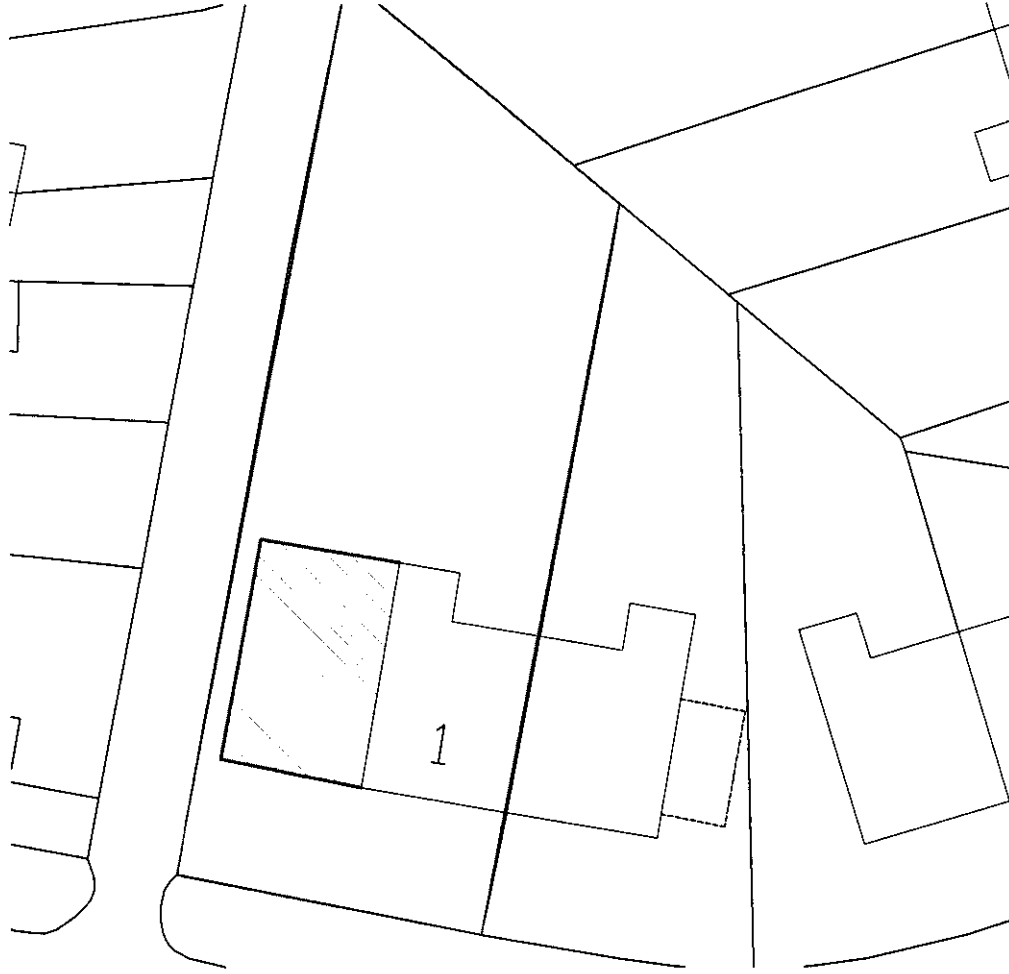
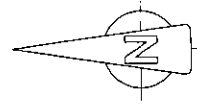
2. The approved documents for this Planning Permission comprise:
  1. the submitted planning application form;
  2. the Site Location Plan [Drawing No. ED/1037/01];
  3. the Block Plan [Drawing No. ED/1037/01];
  4. the Proposed Block Plan/Landscaping Plan [Drawing No. ED/1037/02];
  5. the Proposed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

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

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

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

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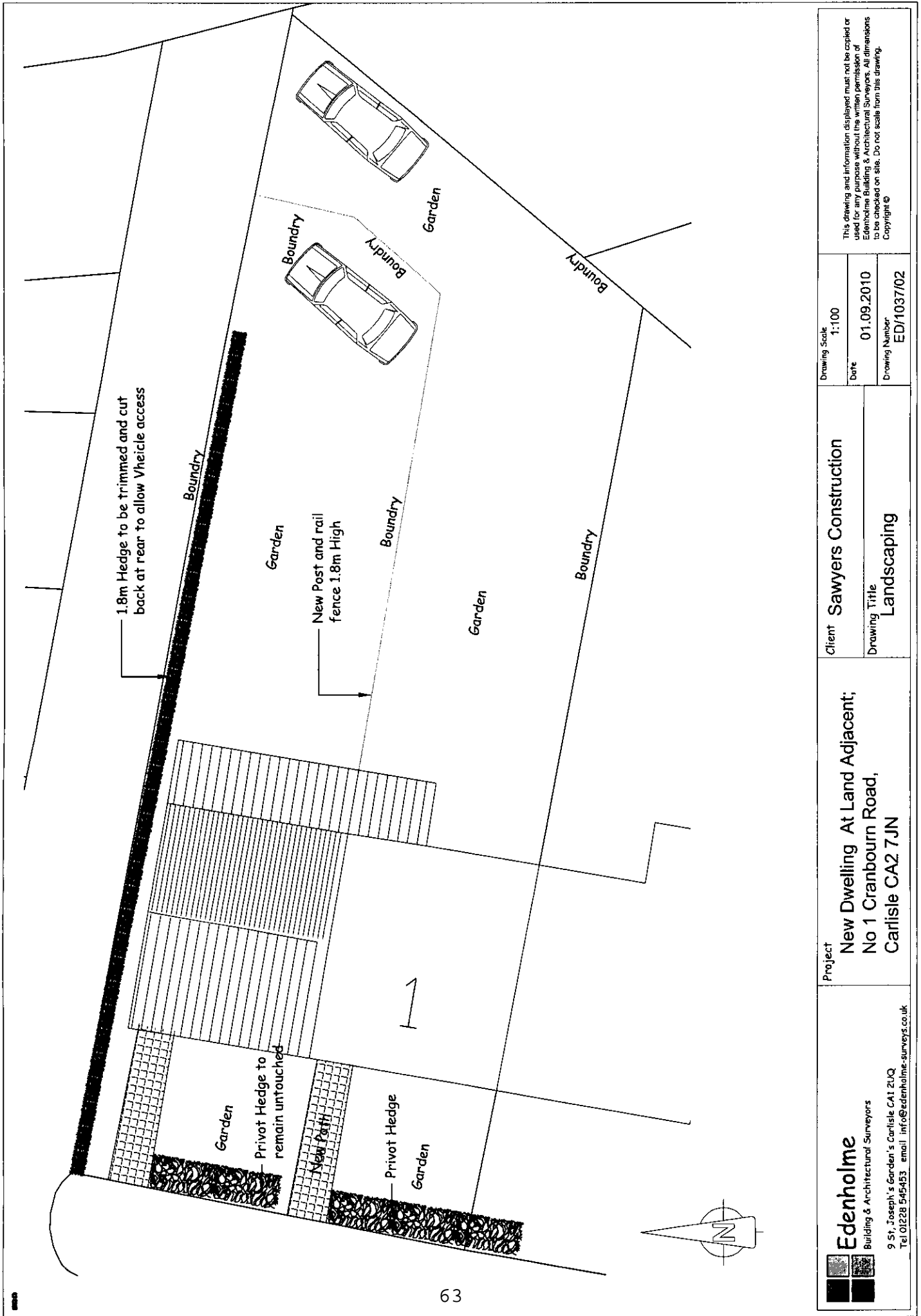
**Edenholme**  
 Building & Architectural Surveyors  
 9 St. Joseph's Garden's Carlisle CA1 2UQ  
 Tel 01228 946453 email: info@edenholme-surveyors.co.uk

**Project**  
 New Dwelling At Land Adjacent;  
 No 1 Cranbourn Road,  
 Carlisle CA2 7JN

**Client** Sawyers Construction  
**Drawing Title** Site Plan & Block Plan

**Drawing Scale** As Shown  
**Date** 01.09.2010  
**Drawing Number** ED/1037/01

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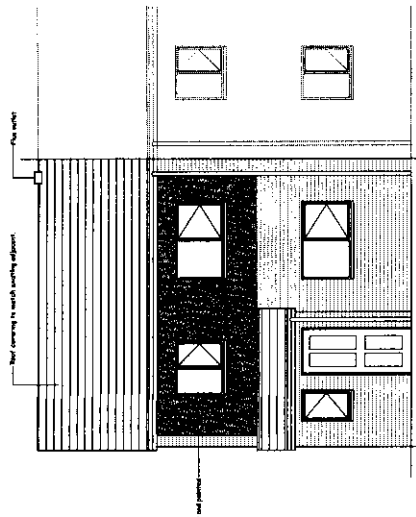
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 Date: 01.09.2010  
 Drawing Number: ED/1037/02

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 Drawing Title: Landscaping

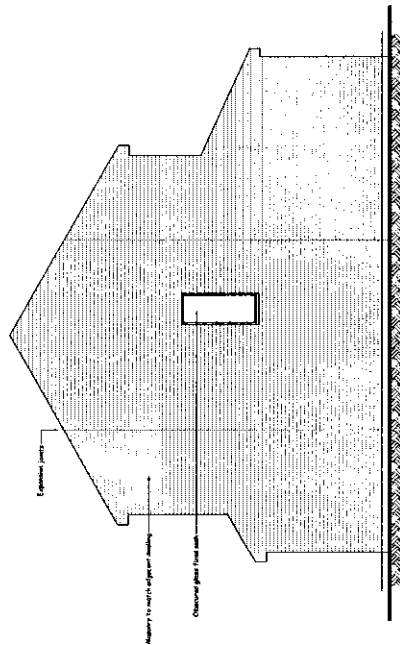
Project: New Dwelling At Land Adjacent;  
 No 1 Cranbourn Road,  
 Carlisle CA2 7JN

**Edenholme**  
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 9 St. Joseph's Garden's Carlisle CA1 2LQ  
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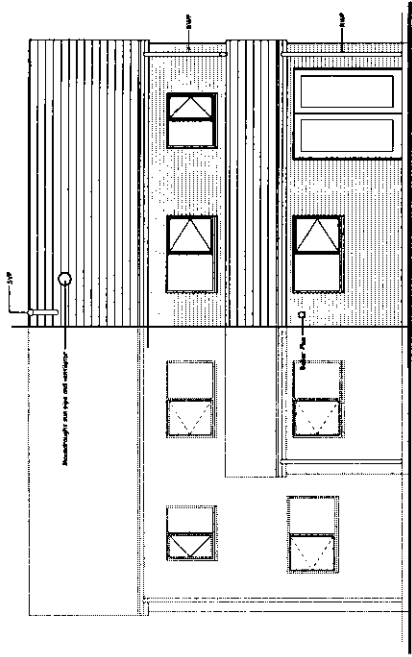
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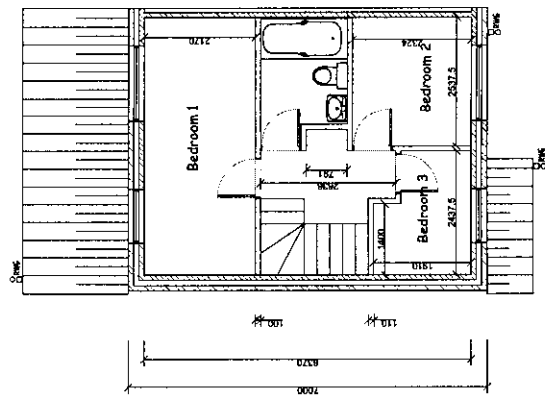
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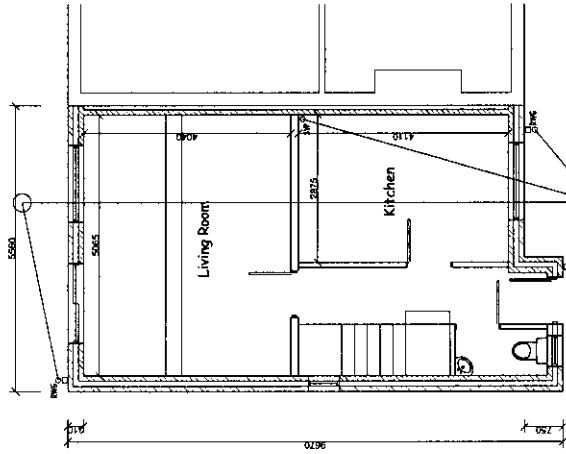
End Elevation



Rear Elevation



First Floor Plan



Ground Floor Plan

<p><b>Edenholme</b> Building &amp; Architectural Services P. 01 275 34500 E. 01 275 34500 www.edenholmebuilding.co.uk</p>	<p>Project: New Dwelling on Land Adjacent to 1 Cranbourn Road, Carlisle, CA2 7JN</p>	<p>Client: Sawyer Construction</p>	<p>Drawing Title: Plans &amp; Elevations</p>	<p>Drawing No: 11000 A1</p>	<p>Drawing Date: 02.09.2010</p>	<p>Drawing Author: JDS</p>	<p>Drawing Scale: A</p>	<p>Drawing Status: [ ]</p>	<p>The drawing and information displayed must not be copied or used for any purpose without the written consent of Edenholme Building &amp; Architectural Services. All drawings are to be read in conjunction with the contract documents. Do not scale from the drawing.</p>
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## SCHEDULE A: Applications with Recommendation

10/0857

**Item No: 04**

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0857

**Applicant:**  
Mr Ollie Holt

**Parish:**  
Carlisle

**Date of Receipt:**  
20/09/2010

**Agent:**  
S & H Construction

**Ward:**  
Stanwix Urban

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

**Grid Reference:**  
339944 556874

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

**Amendment:**

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

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**REPORT**

**Case Officer:** Sam Greig

**Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as Cllr Mallinson has requested a "right to speak" against the proposed development.

**1. Constraints and Planning Policies**

**Ancient Monument**

**Gas Pipeline Safeguarding Area**

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

**Affecting The Setting Of A Listed Building**

**Conservation Area**

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



Area.

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

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

**Local Plan Pol H2 - Primary Residential Area**

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

**Local Plan Pol LE12 - Proposals Affecting Listed Buildings**

**Local Plan Pol LE17-Dev.Involving Dem.Unlisted Bldgs CA**

**Local Plan Pol LE19 - Conservation Areas**

**Local Plan Pol T1- Parking Guidelines for Development**

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

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

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

**Local Environment - Drainage Engineer:** no comments received;

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

**Cumbria County Council - (Archaeological Services):** the site lies 200m south west of the Roman fort at Stanwix in an area considered to have been the location of a civilian settlement that lay immediately outside the fort. Considerable evidence for Romano-British and Roman activity has been revealed in the immediate vicinity and the archaeological evaluation that has been carried out has confirmed that important archaeological remains and finds survive on the site. These remains will be disturbed by the proposed development and, therefore, the site should be subject to a

programme of archaeological recording. This recording should be carried out during the course of the development (a watching brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the imposition of two conditions;

**Planning - Planning Policy & Conservation - Peter Messenger:** the minor extensions to the building will not have any detrimental impact on the setting of adjacent Listed Buildings or the appearance of the Conservation Area. Nor do they harm the overall appearance of the proposed new dwelling. The demolition and rebuilding of the boundary wall needs to be carefully carried out so that the bricks and sandstone coping can be re-used. A planning condition should be imposed to regulate these matters;

**Planning - Local Plans (Trees):** no objections;

**Northern Gas Networks:** no objections;

**Hadrians Wall Heritage Limited:** no comments received;

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

**Natural England:** no comments received.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
3 St Georges Crescent	29/09/10	Undelivered
5 St Georges Crescent	29/09/10	
6 Eden Mount	29/09/10	Objection
6 Cambeck Close	29/09/10	
2 Eden Mount	29/09/10	Objection
Eden Hey	29/09/10	
8 St Georges Crescent	29/09/10	
10 St Georges Crescent	29/09/10	
10 Etterby Scour	29/09/10	
6 St Georges Crescent	29/09/10	
9 Eden Mount	29/09/10	
7 St Georges Crescent	29/09/10	
4 St Georges Crescent	29/09/10	
1 Eden Mount	29/09/10	Objection
3 Eden Mount	29/09/10	Objection
5 Eden Mount	29/09/10	
9 Devonshire Terrace	29/09/10	
3 Cromwell Crescent	29/09/10	
2 Eden Mount	29/09/10	
4 Eden Mount	29/09/10	Objection

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

1. Previous applications for residential development have been refused by the City Council. An appeal against the refusal of the later of those two applications was also dismissed by the Planning Inspectorate, which reinforces the view that the site should not be redeveloped for residential purposes;
2. The current proposal is comparable to the previous scheme that was dismissed by the Planning Inspectorate;
3. The proposal is out of keeping with the Stanwix Conservation Area and, therefore, at odds with Policy LE19 of the Carlisle District Local Plan;
4. The approval of this scheme will set a precedent for further residential development within the grounds of Listed Buildings or within Conservation Areas;
5. The dwelling projects beyond the building line of St. Georges Crescent;
6. The dwelling has no rear garden, with its main recreational space to the front of the property, which is out of keeping with properties in the immediate vicinity;
7. Historically, railings were supposed to have been erected to the St. Georges Crescent frontage; however, this work has not been carried out;
8. The development will harm an archaeologically sensitive site;
9. The site has already been cleared and several trees have been removed. This work was undertaken without consultation with the local community or the City Council;
10. There is no means of safeguarding the proposed landscaping in the future should permission be granted. If the proposed trees are removed/lopped this inappropriate, cramped and modern development would be clearly visible to the detriment of the surrounding area;
11. The proposal will result in the demolition of a "Listed" boundary wall;
12. The loss of the trees and the resurfacing of the garden with hardstanding will be detrimental to the ecology and biodiversity of the site;

13. The dwelling will put increased pressure on the combined sewer which has previously blocked;
  14. The proposal will result in increased loss of light and privacy to neighbouring dwellings;
  15. The amended proposal result in a significantly larger dwelling than has been approved, which is contrary to the Council's justification for allowing that scheme;
  16. The development is tantamount to "garden grabbing", which is at odds with recent Government guidance;
  17. Access and egress from the proposed parking area will be difficult and visibility will be restricted, both during the construction phase and upon occupation of the dwelling. This problem will be exacerbated when other vehicles are parked in the lane to the rear of Eden Mount;
  18. The site has no legal right of access, as it is accessed from a private lane. The applicant has not liaised with the residents, as landowners, regarding this matter.
- 3.2 In respect of Point 18 Members are reminded that that "rights of access" are a civil matter to be resolved between the developer and the relevant land owner and that such issues are not material "planning" considerations in the determination of applications.
- 3.3 Councillor Mallinson, who is the Ward Councillor, has also expressed her wish to speak against the proposed development at the forthcoming Committee meeting, although no specific grounds of objection have been cited.

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

- 4.1 In March 1996 "Outline" planning permission was refused for the erection of a dwelling for the following reasons:
- i. *"The application seeks permission for residential development on a plot of some 275 square metres, located between the substantial properties No. 4 St George's Crescent and No. 1 Eden Mount. It is considered that the development of this plot would result in cramped development, unrelated to the surrounding buildings, in terms of scale, character and building line contrary to Proposal H2 of the Carlisle District Plan (Deposit Draft).*
  - ii. *Development of the proposed site would adversely effect the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Proposal E30 of the Carlisle District Plan (Deposit Draft)."*
- 4.2 In May 1998 "Full" planning permission was refused for the erection of a dwelling for the following reasons:

- i. *“The application relates to an area of 270 square metres, within the setting of the listed building, No. 1 Eden Mount and adjacent to the substantial property No. 4 St George's Crescent. It is proposed to erect a two storey dwelling across the width of the site. It is considered that this development would result in cramped development, with an adverse impact on the attractive street scene of St George's Crescent which is within the proposed Stanwix Conservation Area, contrary to Policy H2 of the Carlisle District Plan.*
  - i. *Development of the site in the manner proposed would have an adverse affect on the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Policy 35 of the Carlisle District Plan.”*
- 4.3 An appeal was lodged against the Council's Decision to refuse the above application; however, this was subsequently dismissed by the Planning Inspectorate.
- 4.4 In 2010 "Full" planning permission and Conservation Area Consent was granted for the erection of a dwelling (Applications 10/0221 & 10/0262 respectively).
- 4.5 In 2010 an application for Conservation Area Consent was submitted, but subsequently withdrawn as Officers' advised that Listed Building Consent was required in lieu of Conservation Area Consent (Applications 10/0856 & 10/0930 respectively).

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

### **Introduction**

- 5.1 This revised application seeks “Full” planning permission for the erection of a detached dwelling on land to the rear of No.1 Eden Mount, Stanwix. The site, which [according to the Officer's calculations] covers an area measuring approximately 280 square metres, is the former kitchen garden of No.1 Eden Mount; a Grade II Listed Building. It is segregated from that property by a private lane that runs along the rear of Eden Mount, which comprises a terrace of Grade II listed properties.
- 5.2 Whilst formerly associated with Eden Mount the site's principal frontage abuts St. George's Crescent, which is a privately owned road that lies to the south of the site. The site's north, east and west boundaries are defined by high brick walls whereas its southern boundary, which fronts St. Georges Crescent, is defined by a low stone wall with wooden fencing above.
- 5.3 To the east of the site, beyond the intervening lane, lies the Grade II Listed No.1 Eden Mount. To the west lies Nos. 4 and 6 St. Georges Crescent, a pair of substantial semi-detached dwellings. Whilst these two properties are not listed they are of architectural merit. To the north of the site lies the detached garden of No.2 Eden Mount, whereas to the south of the site, on the opposite side of St. Georges Crescent, is a modern detached bungalow, although it is

predominantly screened from view by its high boundary fence.

- 5.4 The site is identified on the Inset Map that accompanies the Carlisle District Local Plan as being within a Primary Residential Area, and lies within both the Stanwix Conservation Area and the buffer zone of Hadrian's Wall World Heritage Site.

## **Background**

- 5.5 The City Council has previously refused "Outline" and "Full" planning applications for the erection of a dwelling on this site (1996 and 1998 respectively). In both cases the reason for refusals, which have been cited in full in the "Planning History" section of this report, highlighted concerns regarding the appearance of what was perceived to be a cramped development and the subsequent impact that it would have upon the streetscene, the character of the Stanwix Conservation Area and the setting of No.1 Eden Mount, which is Grade II Listed.
- 5.6 A subsequent Appeal against the 1998 refusal was dismissed by the Planning Inspectorate, the Inspector who determined the Appeal sharing the City Council's concerns regarding the overdevelopment of the site and the impact the development would have upon the Stanwix Conservation Area.
- 5.7 In March this year a "Full" planning application was submitted for the erection of a dwelling on the site. That submission was accompanied by an application for Conservation Area Consent to remove a section of the boundary wall that is positioned parallel to the lane at the rear of Eden Mount. Whilst two previous residential schemes had been refused by the City Council on this site, one of which was upheld by the Planning Inspectorate, Officers were satisfied that the submissions addressed the previous issues that were raised. These applications were presented at the Development Control Committee meeting in June this year and Members concurred with the Officers' recommendation and approved both applications.

## **The Proposal**

- 5.8 This revised application seeks planning permission for the erection of a detached two storey dwelling. The accommodation to the ground floor comprises a living room, open plan kitchen/dining room, bathroom and a bedroom, with two further bedrooms to the first floor, each with en-suite shower rooms.
- 5.9 The proposed dwelling has an 'L' shaped footprint, although the two storey section of the dwelling would not occupy the full extent of the ground floor area. That element is set back towards the rear of the site and would occupy approximately two thirds of the site's width. A single storey element would project forward of the main building, parallel with the eastern boundary of the site. In total, the footprint of the dwelling measures 114 square metres (sqm) metres [a proposed increase in the ground floor footprint of the dwelling by 27 sqm] and it sits within a site that measures 280 sqm, which equates to a 40/60% split between the developed and undeveloped areas of the site.

- 5.10 The details of the external materials to be used are outlined in the supporting Design and Access Statement. It identifies that clay facing bricks, which would match the colour and texture of the bricks used in the immediate vicinity, would be used in the external walling of the dwelling. The roof would be covered with natural slate, which would be laid in equal courses, and the roof lights to the front and rear elevations would be of a conservation type (i.e. they will fit flush with the roof slope as opposed to standing proud). The stonework to the copings, kneelers, heads and cills will be formed from natural stone. The window frames, door and gates to the driveway will all be constructed from timber, albeit the finish has yet to be clarified. The proposed rainwater goods are to be cast iron and the cheeks of dormer window to the front elevation are to be clad with lead, with its face finished in timber.
- 5.11 The external appearance of the dwelling is very similar to that which has been granted permission. Although it is proposed to increase the ground floor footprint of the "approved" dwelling by 27 sqm dwelling, this enlargement has been achieved through modest extensions to certain aspects of the ground floor layout. Two small lean-to extensions, which measure 1m in depth are proposed to the south and west elevations. The previously approved single storey projection to the front of the dwelling is proposed to be extended by 1.1m in length and 0.6m in width. Although the width of the single storey has increased, it has been designed with an asymmetrical roof thereby ensuring that its ridge height would be no higher than previously approved.
- 5.12 The whole of the dwelling would be set down approximately 1m below the existing ground level thereby reducing the building's overall height when viewed in the context of the streetscene. A sunken terrace would be provided adjacent to the dwelling, which would be enclosed by a retaining wall finished in a combination of facing brick and stone.
- 5.13 A detailed landscaping scheme has been submitted with the application. It identifies proposed hard and soft landscaping works. The new driveway will be finished using conservation setts and any paths and steps, including the surfacing of the terraced area, will be laid with stone paving.
- 5.14 Under the previous scheme the architect indicated that the existing 2.4m high boundary wall to the east of the site would be retained, although the existing pedestrian door was to be bricked up and a new opening formed to provide vehicular access to the parking area, which was located to the rear of the dwelling. As part of this proposal the position of the driveway remains the same; however, the applicant's agent has advised that, as a consequence of lowering the ground level within the site, it will be necessary to demolish and rebuild the boundary wall in order to ensure that it is structurally stable. The existing timber fencing to the St. Georges Crescent frontage will be replaced with similar fencing, albeit at an increased height of 2.2m, which is 0.5m higher than the existing fence.
- 5.15 The application is also accompanied by a desk top study into the possible presence of contamination and an archaeological evaluation, which identifies the findings of the archaeological investigation that was undertaken in

advance of the application being submitted. It is proposed that foul and surface water will discharge to the mains sewer.

## Assessment

- 5.16 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, LE6, LE12, LE17, LE19 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.17 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.18 The application site, which lies within the urban area of Carlisle, is designated as a "Primary Residential Area" in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies. These are discussed in detail in the following analysis; however, Members should be mindful that the principle of erecting a dwelling on this site has already been established through the approval of the application that was submitted earlier this year.
2. Whether The Scale And Design Of The Building Is Acceptable In Relation To Its Setting.
- 5.19 In assessing whether this revised application is acceptable Members should focus on the changes between the current submission and the approved scheme. In summary, the external alterations to the dwelling relate to the provision of small single storey lean-to extensions to the south and west elevations of the dwelling; a marginal increase in the length and width of the single storey projection to the front of the property and a slight repositioning of the ensuite shower room windows to the rear elevation of the property.
- 5.20 In respect of the previous planning appeal, the Planning Inspector identified in the opening paragraphs of his decision letter that he perceived the principal issue to be the impact that the development would have upon the character of the Stanwix Conservation Area. The Inspector took the view that *"the site is not part of, and does not contribute to, the setting of the Listed Building"*. As such, the Inspector was of the opinion that the position of the dwelling [that which was refused in 1998] would not adversely affect and would, therefore, preserve the setting of No.1 Eden Mount, a Grade II Listed Building.
- 5.21 With this in mind Members need to consider whether the changes proposed detract from the character of the Stanwix Conservation Area. With the exception of the repositioning of the ensuite shower room windows to the rear elevation, the proposed changes relate solely to the ground floor of the property. The lean-to extensions would be screened from public view by the replacement 2.2m high timber fencing to St. Georges Crescent. In terms of the single storey projection to the front of the property, it would be positioned 1.1m closer to the road frontage; however, as it has been designed with an asymmetrical roof, its increased width would be masked by the proposed



timber fencing. Although the gable would be positioned closer to the road, this aspect alone would not result in sufficient detrimental effect [if any] to warrant refusal of the application on the basis on its impact upon the character and setting of the Conservation Area.

- 5.22 As part of this revised application it is proposed to remove the boundary wall that is situated along the length of the rear lane that separates the application site from Eden Mount. Whilst this did not form part of the approved scheme the agent has advised that it is necessary to maintain the structural integrity of the wall, particularly as the ground level within the application site is to be lowered by 1m. Members may recall that the reduction of the ground level was to reduce the physical mass of the building to such an extent that it would not be viewed as a separate dwelling, but as an ancillary curtilage building that serves the adjacent, more substantial, dwellings.
- 5.23 At the time that the earlier application was determined the Conservation Officer had not commented that the wall formed part of the domestic curtilage of No.1 Eden Mount when that property was "listed". Even though the site has since been separated in ownership from that property any alterations to that wall, such as those proposed by this application, require Listed Building Consent as opposed to Conservation Area Consent. Members will note that a separate application to obtain Listed Building Consent follows this Report in the Schedule.
- 5.24 In terms of the merits of removing the entire section of the wall, the Council's Conservation Officer has raised no objections, subject to the imposition of a condition that stipulates that the outer leaf of the wall, which faces towards the lane, must be rebuilt using the same bricks and that the detail of the mortar jointing must match the existing.
- 5.25 In summary, it is the Officer's view that the proposed changes to the scheme will not detract from the character or setting of the Conservation Area, a view which is supported by the Council's Conservation Officer. It is still pertinent to add that the quality of the design needs to be replicated in the selection of the external finishes. In respect of the latter a condition is recommended that requires all external materials to be agreed prior to development commencing on site. As a further precaution it is recommended that a condition is imposed that prevents future alterations to the building without the prior consent of the Planning Authority.

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

- 5.26 In respect of the approved scheme Members were advised that the scale and position of the proposed dwelling is such that the living conditions of neighbouring residents are unlikely to be adversely affected by loss of light or overdominance. Similarly, in terms of overlooking Officers' advised that the position of opposing habitable windows within the proposed dwelling and the existing properties was such that any line of sight is oblique or, where windows do face more directly towards one another, the difference in levels mitigates any significant impact. Consequently Officers advised Members that

the development was unlikely to result in a significant loss of privacy for neighbouring residents or the future occupiers of the proposed dwelling. The changes proposed by this current application do not affect this position.

#### 4. Access And Parking Provision.

5.27 Several local residents expressed concern regarding the means of vehicular access, together with the allegation that there is no right of access over the privately owned roads, which land lock the site. Members will appreciate that the latter is a civil matter to be resolved between the prospective developer and the relevant landowners and that this issue should not influence their consideration of the scheme. More relevant to the matters that Members should have regard to is the fact that the Highway Authority has raised no objection to the scheme.

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

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

5.29 The Council's Landscape Architect has confirmed that the proposed landscaping scheme is acceptable; however, details of tree protection barriers are required to safeguard the trees during the construction phase.

5.30 The Landscape Architect has identified that the tree protection barriers need to protect those trees within the site, but also the London Plane tree located on the pavement adjoining the application site. The implementation of the landscaping scheme and the erection of appropriate protective barriers can be ensured through the imposition of two planning conditions that are recommended.

#### 6. Archaeology.

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

### **Conclusion**

5.32 In overall terms, the principle of the proposed development remains acceptable. The scale, siting and design of the proposed dwelling is

acceptable in relation to the site and the surrounding properties. Similarly, for the reasons outlined in this report, there would be no adverse impact upon the setting of the Listed Building or the character of the Conservation Area. The living conditions of neighbouring properties would not be adversely affected and adequate car parking/amenity space would be provided to serve the dwelling. In all aspects the proposals are 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 20th September 2010;

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

**Reason:** To define the permission.

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

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

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

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

5. No development shall commence until details of the proposed hard surface finishes to all external areas within the proposed scheme have been

submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

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

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

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

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

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

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE6 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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

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

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

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

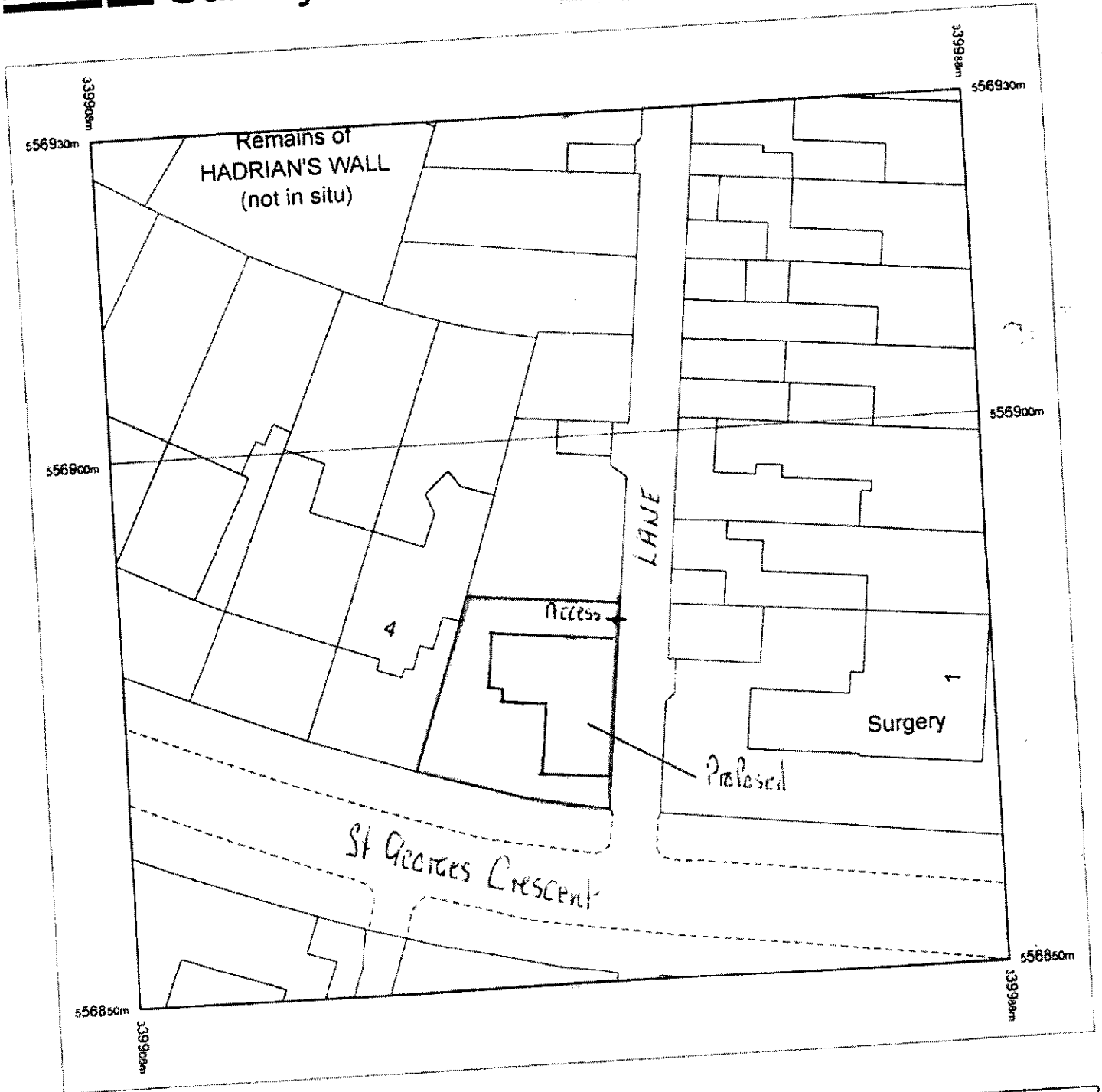
13. No development shall commence until details of the protective fencing to safeguard those trees to be retained, including the London Plane tree located within the pavement adjoining the application site, have been submitted to and approved, in writing, by the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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





20 SEP 2010  
10/0856



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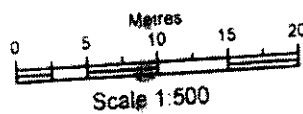
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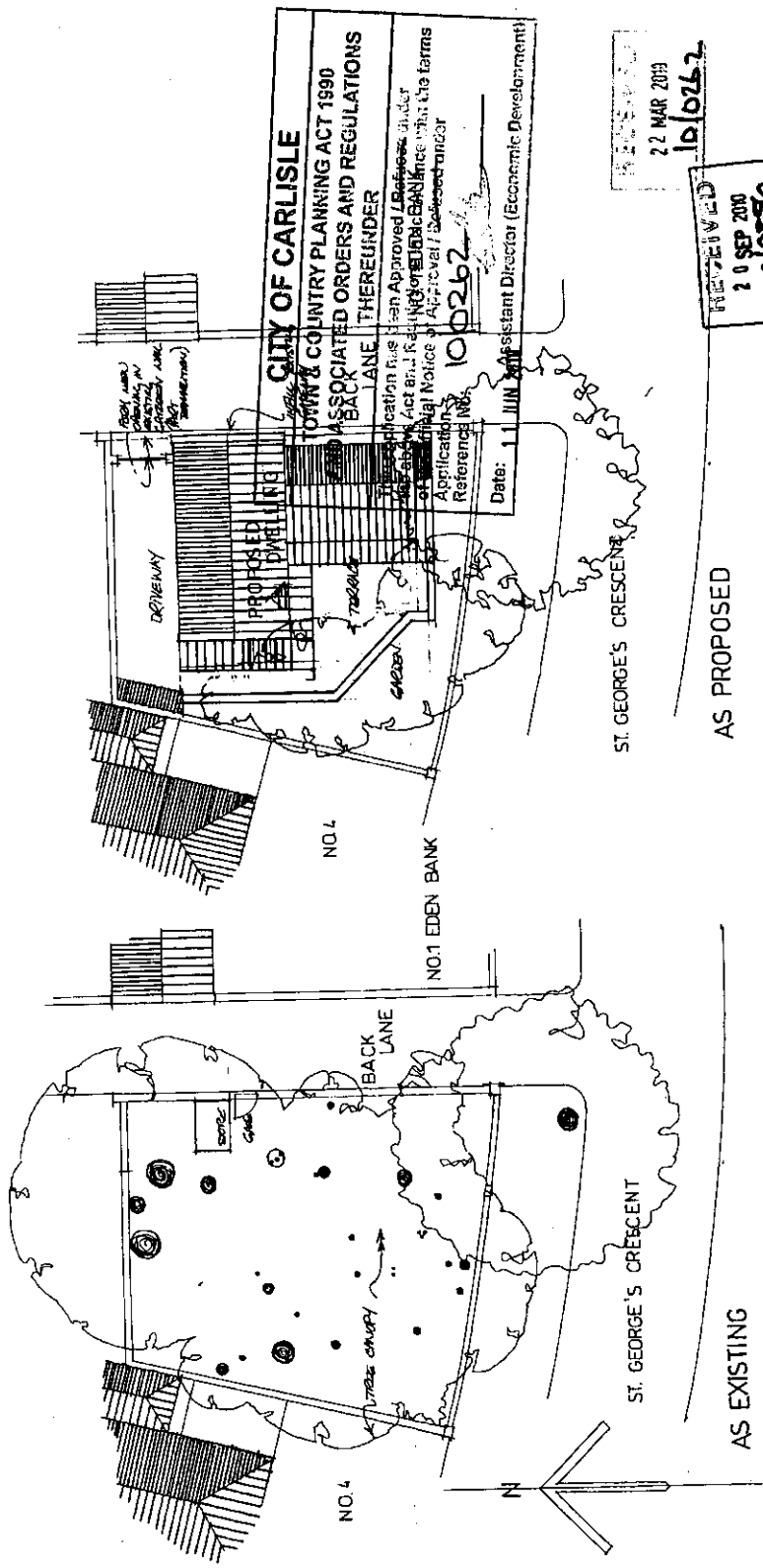
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**EDEN MOUNT/ST GEORGES CRESCENT**

CARLISLE





22 MAR 2010  
10/0262

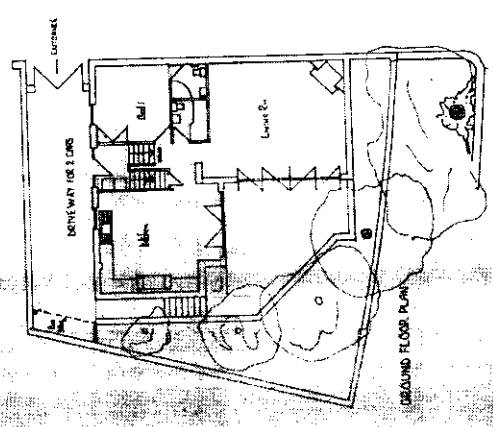
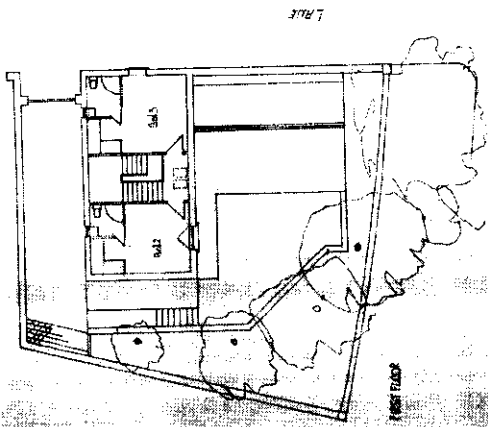
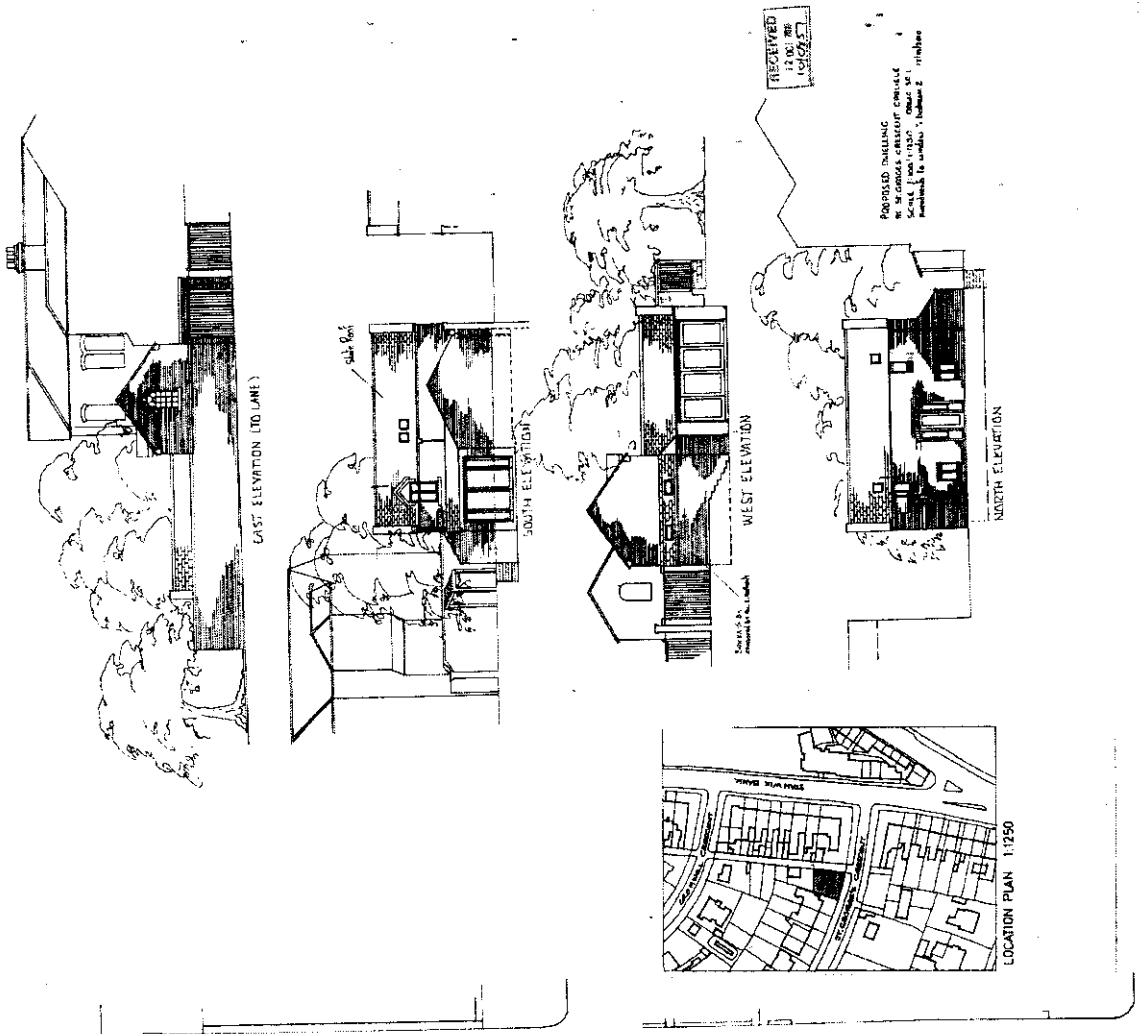
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10/0262

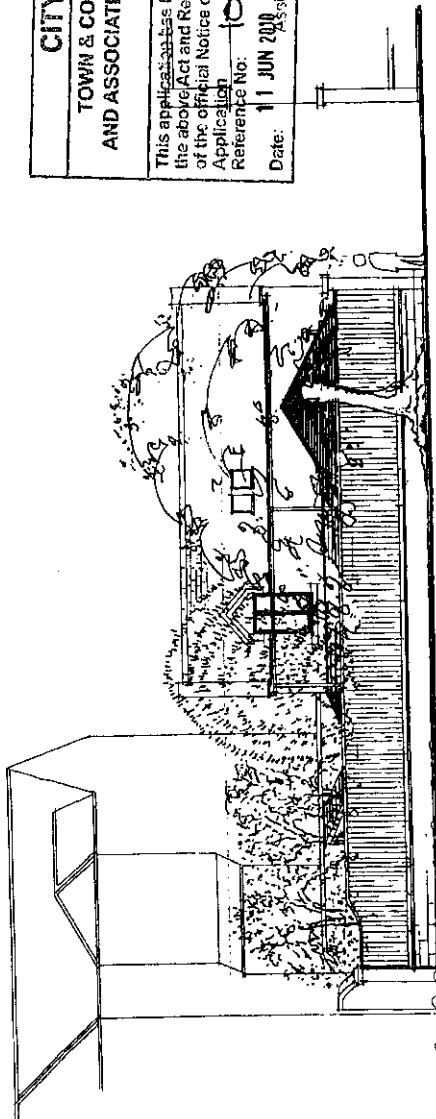


PROPOSED DWELLING  
ST. GEORGE'S CRESCENT, CARLISLE

BLOCK PLANS:  
EXISTING & PROPOSED

drawn: LC scale: 1:200 CHARTERED  
date: 03/10 drawing no: 2465/3 ARCHITECTS  
BRIDGE LANE STUDIO · CALDERGATE · CARLISLE · CUMBRIA · CA2 5SS · TEL: 01228 526266 · FAX: 01228 526409





ELEVATION (SOUTH) TO ST. GEORGE'S CRESCENT

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

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

Reference No: 1010856

Date: 11 JUN 2010 Assistant Director (Economic Development)

RECEIVED  
 20 SEP 2010  
 1010856

RECEIVED  
 21 MAY 2010  
 1010856

RECEIVED  
 12 OCT 2010  
 1010856

RECEIVED  
 20 SEP 2010  
 1010856

Revisions: addition of ground floor level to back end of ground floor  
 21/05/2010  
 20/05/2010

PROPOSED DWELLING  
 ST. GEORGE'S CRESCENT, CARLISLE

PLANS AS PROPOSED:  
 ROADWAY ELEVATION



drawn: LC scale: 1:100  
 date: 02/10 drawing no: 24651/2A

CHARTERED ARCHITECTS





## SCHEDULE A: Applications with Recommendation

10/0930

Item No: 05

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0930

**Applicant:**  
Mr Ollie Holt

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2010

**Agent:**  
S & H Construction

**Ward:**  
Stanwix Urban

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

**Grid Reference:**  
339944 556874

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

**Amendment:**

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### REPORT

**Case Officer:** Sam Greig

### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as Cllr Mallinson has requested a "right to speak" against the proposed development.

### 1. Constraints and Planning Policies

#### **Ancient Monument**

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

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

#### **Listed Building**

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

#### **Conservation Area**

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

## Listed Building In A Conservation Area

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

## 2. Summary of Consultation Responses

**Planning - Planning Policy & Conservation - Peter Messenger:** the minor extensions to the building will not have any detrimental impact on the setting of adjacent listed buildings or the appearance of the conservation area. Nor do they harm the overall appearance of the proposed new dwelling. The demolition and rebuilding of the boundary wall needs to be carefully carried out so that the bricks and sandstone coping can be re-used. A planning condition should be imposed to regulate these matters;

**Northern Gas Networks:** no objections.

## 3. Summary of Representations

### Representations Received

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

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty neighbouring properties. In response three letters of objection have been received that express concern regarding the loss of the wall and the impact that it will have upon the character and

setting of the Stanwix Conservation Area, as well as the adjacent Grade II Listed terrace.

- 3.2 The letters of objection also raise issues relating to the associated "Full" planning application for the redevelopment of the site to form a dwelling, which precedes this report in the schedule (Application 10/0857). Given that these objections do not specifically relate to this application for Listed Building Consent the issues raised have not been reiterated within this report. A summary of the representations received can be viewed within the "Summary of Representations" section of the preceding report.
- 3.3 Councillor Mallinson, who is the Ward Councillor, has expressed her wish to speak against the proposed development at the forthcoming Committee meeting, although no specific grounds of objection have been cited.

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

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



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

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

### **Introduction**

- 5.1 This application seeks "Listed Building Consent" for the demolition of a boundary wall on land to the rear of No.1 Eden Mount, Stanwix. The land is situated within the Stanwix Conservation Area and a row of Grade II Listed terraced properties, known as Eden Mount, is located immediately to the east of the site. The site previously formed the kitchen garden of No.1 Eden Mount; however, it has since been separated in ownership.

### **The Proposal**

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

### **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE17 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following planning issues:
1. Whether The Removal Of The Wall Is Acceptable.
- 5.5 The removal of this section of the wall will not have an adverse impact upon the character of the Stanwix Conservation Area or the Listed terrace of Eden Mount provided that it is undertaken in conjunction with an acceptable scheme to redevelop the site. It is, however, recommended that a condition is imposed that prevents this work from being carried out prior to a contract being agreed for the redevelopment of the site that is in accordance with an "approved" scheme.
- 5.6 Members are advised that if they were minded not to approve the application to redevelop the site (10/0857), which precedes this report in the Schedule, it would not be appropriate to approve this application. To do so may increase the likelihood of the wall being removed, which, if carried out in isolation, could detract from the appearance of the Conservation Area and setting of the Listed terrace. In the absence of an approved scheme to redevelop the site, the approval of this application would be premature.

### **Conclusion**

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

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

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

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

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

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

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

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

1. The planning application form received 12th October 2010;
2. The site location plan received 12th October 2010;

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

**Reason:** To define the permission.

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

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

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

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

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## SCHEDULE A: Applications with Recommendation

10/0551

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**Item No: 06**

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0551

**Applicant:**  
The Knells Country House  
Ltd

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
20/06/2010

**Agent:**  
Swarbrick Associates

**Ward:**  
Stanwix Rural

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

**Grid Reference:**  
341387 560579

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**Proposal:** Erection Of 12 Bedroom Care Home

**Amendment:**

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### REPORT

**Case Officer:** Stephen Daniel

### Reason for Determination by Committee:

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

### 1. Constraints and Planning Policies

#### **Tree Preservation Order**

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

#### **Ancient Monument**

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

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

#### **Health & Safety Executive Consultation**

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

#### **Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol H13 - Special Needs Housing**

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

**Local Plan Pol LE12 - Proposals Affecting Listed Buildings**

**Local Plan Pol T1- Parking Guidelines for Development**

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

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

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

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** no objections;

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

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

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

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

**Planning - Local Plans (Trees):** no objections to revised Drawing No.

1392/p/01g.

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

**Social Services Department:** comments awaited;

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

**English Heritage - North West Region:** no comments;

**Forestry Commission:** comments awaited;

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

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

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Green Pastures	29/06/10	

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

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

3.2 The letters of objection make the following points:

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

- this is a prime example of 'garden grabbing', which the Government is keen to stop;
- the application form states that there are no trees - there are, however, a number of trees on the site, including 2 with TPOs;
- the location of the proposed additional car park is unacceptable as it will be very close to two large, mature trees which subject of a TPO - the tree roots could suffer damage during the construction of the new car park;
- the construction of the Sewage Treatment Plant could damage the tree roots of the protected trees;
- seven trees will be removed and this will adversely affect wildlife, including bats and birds which are present;
- the occupiers of Tykes Neuk are concerned that the Sewage Treatment Plant would be located just up the slope from their home;
- the occupiers of Tykes Neuk and Tanglewood object to the soakaway being positioned close to their boundary - there is already a drainage problem in this area (land is very wet and water logged in the winter) which would be made worse;
- run-off from the car park with increase drainage problems;
- in wet conditions the problems of excess water in the area prevails - with standing water being evident in the site and in neighbouring gardens;
- been advised that no more properties should be dealt within the Knells House boundaries as the water table is too high;
- concerned that the brick wall near to the boundary with Yew Tree Cottage will effect the natural drainage flow from this property, which already suffers from water logging;
- the proposed new car park, sewage treatment plan and new drainage pipes could damage existing services - existing sewage pipes from the surrounding residential properties could be affected;
- the access from the Knells communal driveway onto the main road is extremely dangerous and the extra traffic generated by the proposal will increase the risk of an accident;
- existing driveway is inadequate and will not been able to cope with extra traffic;
- the proposal will generate extra traffic as everyone will have to drive to the site - there will be 45 staff employed at the site but only 13 spaces are shown - parking, which is already an issue, will become an even greater



problem - it will be impossible to keep clear the legal right of way for the occupiers of adjoining residential properties;

- parking currently occurs all round the main building and on some land which will be occupied by the new building - some existing parking spaces will be lost;
- parking causes continual problems, with residents gates being blocked and people parking anywhere they can;
- could demolish the outbuildings and use the space for car parking to solve the current parking problems;
- increased congestion from more parked cars could impede fire and ambulance services;
- large vehicles, including refuse collecting vehicles, take a circular route around Knells House and may not be able to negotiate the gap between the existing and proposed buildings - damage already occurs to the existing drive corner, where the end of the new building will be sited;
- the proposal will compromise access to existing residential properties and could affect the viability and amenity of these properties;
- the area is not served by a bus and there is no footpath, so walking to the site will be dangerous - this will increase car use;
- residents regularly suffer disturbance and noise nuisance from vehicles and the extra parking spaces will lead to disturbance to the occupiers of nearby properties;
- the car park will be opposite Yew Tree Cottage and will be visible from several of the rooms - it will take several years for the proposed landscaping to- it will bring additional noise, pollution and light (car lights) to this property at all times of the day and night
- the water pressure is low and increased demand for water will increase problems;
- the proposal will have a detrimental impact on property prices;
- the residents will suffer major disruption during construction - concerned were vehicles, plant, equipment and materials would be stored during construction - could prevent access to the neighbouring properties;
- any new buildings should be smaller, less intrusive and more sensitive to the character of the rural area;

3.3 The letters of support make the following points:

- the garages and outhouses where the development is proposed have fallen into severe dis-repair - the demolition of these buildings and the erection of a new single-storey block will enhance the appearance and outlook of this area;
- the proposed building would be tucked away from view and will utilise an awkward and not very easily usable site;
- the proposed building, because of its scale and form, will have very little impact on listed building;
- the footprint of the building is not that large - the site is narrow and an awkward shape;
- there is a lack of facilities that offer the higher level of support that the extension will cater for;
- the views of residents at the home should be considered - without the new facility a number of residents may have to leave the familiar surroundings and staff and move elsewhere;
- the extension will allow an increased number of people who wish to live in the community to do so and get the care and support that they deserve;
- although there might be extra vehicles on site, a staggered shift pattern is in operation and not all staff will be working at all times. Similarly, not all visitors will arrive at the same time;
- having visited the site numerous times, vehicles have always parked to allow other vehicles to pass;
- never encountered any problems entering or exiting the communal driveway;
- the proposed soakaway area could be re-landscape as lawn;
- the below ground drainage works can be done sensitively;
- permeable materials can be used for the car parking surfaces and it can be screened by landscaping;
- the proposed building would not adversely affect Yew Tree Cottage or Lane End, because of the configuration of the building, distances of these buildings to common boundaries and the surrounding spaces available;
- appropriate Tree Protection measures will limit impact to the existing trees;
- care of the elderly should be paramount and this unit would prevent residents being moved from a happy environment;

## **4. Planning History**

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

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

### **Introduction**

- 5.1 This proposal is seeking planning permission for the erection of a twelve bed care home at the Knells Country House, The Knells, Houghton. The Knells, which is a Listed Building, is an existing care home. A terraced garden is located to the front of the property and the upper section contains areas laid to lawn, seating areas which are used by residents and a summerhouse. The lower section, which is accessed by some steps, is also largely laid to lawn and this area contains the existing septic tank that serves Knells House, together with a septic tank which serves some adjacent properties. A low timber fence is located at the eastern edge of the garden, beyond which lies some below ground filter tanks. Open fields are located beyond this.
- 5.2 A further area of garden is located to the south of this property. This area contains a number of trees and shrubs, including two mature trees, which are the subject of a Tree Preservation Order. An additional area of garden is also located to the west of Knells House and this area contains some trees and shrubs and a number of benches, which are used by residents. This garden area is adjoined by a block of brick garages and some timber outbuildings, which are in a poor state of repair.
- 5.3 Knells House is accessed via private driveway from the Houghton to Scaleby Road. This driveway, which runs right round Knells House, has various areas of hardstanding adjacent to it, including a parking area located to the south of Knells House. Parking also takes place on some of the other areas of hardstanding, including on areas immediately adjacent to the north of the dwelling and in the northern corner of the site, adjacent to the timber outbuildings.
- 5.4 Six residential properties adjoin the curtilage of Knells House. Five of these are bungalows which share the access to nursing home and have a right of

way over it. The other is a one and a half storey dwelling, which has a rear elevation facing the site but which is accessed directly from the main road. Two further bungalows, which front onto the main road, also have a right of way over the access.

## **The Proposal**

- 5.5 The proposed twelve bed care home would cater for dementia and Alzheimer's sufferers and would complement the existing nursing home. It would be located to the west of the Knells House on land that currently contains a garden area, the brick garages and timber outbuildings and an area of hardstanding. The building would run from north to south, with the south elevation of the building lying in close proximity to the shared driveway. The east elevation would run parallel to the nursing home and would be separated from it by the driveway that runs around the building.
- 5.6 The building would measure 60m in length, with the width varying from 16m to 7.5m. The southern elevation of the building, adjacent to the driveway, would contain a dining area and recreation area and this section would measure 16m in width by 10.5m in length. This end elevation would be curved and would contain large glazed sections set on a brick plinth, which would be connected by a section of rendered wall. The roof would be hipped and would measure 3.5m to the eaves and 6.2m to the ridge.
- 5.7 A narrower section of the building would be located to the rear of this and this would contain six en-suite bedrooms and a corridor. This section would measure approximately 27m in length and would predominantly measure 7.7m in width. The ridge height of this section would be 4.6m. The building would then increase in width to 15.3m for a length of 9m, with this section containing a further three en-suite bedrooms. The ridge line of this section would be approximately 0.5m lower than the ridge on the front section of the building. The building would then narrow again to a width of 7.7m for its last 13.3m, with the ridge height dropping back to 4.6m.
- 5.8 The walls of the building would be finished in white render, with a brick plinth and head, whilst the roof would be constructed of blue/ grey slates and grey concrete ridge tiles.
- 5.9 A safe, outdoor space for residents would be created to the (rear) west of the building and this would be enclosed by a new retaining wall. The hedge between the application site and Yew Tree Cottage, which adjoins the application site to the west, would be retained and additional infill planting would take place in this area. The existing timber fence, which separates part of the garden of Yew Tree Cottage from the application site and the existing retaining wall/ fence which is located on the boundary between the application site and Rewanda would be retained.
- 5.10 Five additional car parking spaces would be provided to the south of the building, adjacent to the existing driveway.

## **Assessment**

- 5.11 The proposals need to be assessed against Policies CP3, CP5, CP6, CP12, H13, LE7, LE12 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.12 The proposals raise the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 5.13 The new care home would be located in the grounds of an existing nursing home. It would provide care for those with dementia and Alzheimer's disease. Existing residents would move to the new facility if necessary and there would be a sharing of staff between the two homes. The new care home would use the kitchens and laundry facilities in the existing home. In light of the above, there is a clear need for the care home, which would be classed as Special Needs Housing (Policy H13) to be in this location and it is, therefore, acceptable in principle.
2. Whether The Scale And Design Are Acceptable
- 5.14 Whilst it is acknowledged that the building would be long its' design, which breaks it up into a series of sections, would reduce its impact. Furthermore, the siting of the building, in close proximity to the rear of Knells House and adjacent to existing hedges and fences, would ensure that views of the long side elevations are limited. The building would be single-storey, would sit at a lower level than the dwellings to the west (Yew Tree Cottage and Rewanda) and would have a hipped roof, which would help to reduce its impact. The walls would be finished in white render, with a brick plinth and header and the roof would be blue/ grey slate, under grey concrete ridge tiles. In light of the above, the scale and design of the proposal is considered to be acceptable.
3. The Impact Of The Proposal On The Listed Building
- 5.15 The Council's Conservation Officer considers that the scale and massing of the new building is acceptable and would not detract from the character or appearance of Knells House, which is a Grade II Listed Building. The new building relates to the rear of Knells House, which is part stone but mostly rendered. The slate roof and render of the proposed building would blend in with the existing. The Conservation Officer has, therefore, raised no objections to the proposals, subject to conditions being attached to any planning permission requiring samples of roofing materials and window details to be submitted for approval. The proposal therefore, accords with Policy LE12 (Proposals Affecting Listed Buildings) of the adopted Local Plan.
4. The Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 5.16 Yew Tree Cottage would lie directly to the west of the proposed building. It would have a number of windows which would face the building, with the nearest of these being 14m away. The proposed building would sit at a lower level than Yew Tree Cottage and an existing hedge (which would be strengthened by additional infill planting) and an existing solid 2m high timber

fence would screen the walls of the building from this property, with only the roof being visible. There would, therefore, be no loss of privacy to the occupiers of Yew Tree Cottage.

- 5.17 The roof would be hipped and would have a maximum height of 6.2m, although the majority of the building would be 4.6m high. Yew Tree Cottage sits at a higher level than the application site, so the impact of the building would be reduced when viewed from this property. Furthermore, a large section of the building would sit in front of Knells House when viewed from Yew Tree Cottage and this has a ridge height of over 11m. The proposal would not, therefore, have a significant adverse impact on the occupiers of Yew Tree Cottage, through loss of light or over-dominance.
- 5.18 The property known as Rewanda, also adjoins the application site and the new building would lie adjacent to approximately half of the rear boundary of this property. This property, which is one and a half storey and has a rear conservatory, sits 0.8m higher than the application site and has a 0.9m high timber fence on the rear boundary. The rear elevation of the new building would be sited 2.3m from this fence and would measure 2.5m to the eaves and 4.6m to the ridge.
- 5.19 The nearest window in the main dwelling would be approximately 14m away from the rear elevation of the new building and would not directly face it. The nearest windows in the conservatory would also be approximately 14m away. Given that the rear elevation of the new building has no windows, these distances are considered to be acceptable and there would be no loss of privacy to the occupiers of this property.
- 5.20 The new building would only run along half the rear boundary of Rewanda and it would have a hipped roof, which would have a maximum height of 4.6m, but which would appear lower due to the changes of levels between the sites. Furthermore, Rewanda would not directly face the building but would face the land to the north of the building, which is located outside the application site and forms part of garden to the property known as Lane End. In light of the above, the proposal would not have a significant adverse impact on the occupiers of Rewanda due to loss of light or over-dominance.

## 5. The Impact Of The Proposal On Existing Trees

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

retained, during construction works.

## 6. Access And Parking

- 5.23 County Highways has raised no objections to the proposal. Its' Officers are satisfied that the proposed building would not impact on the existing access, that runs around Knells House. It is also satisfied that sufficient car parking spaces have been provided within the site to cater for both the existing and proposed nursing homes.
- 5.24 Local residents have raised concerns about their right of way being blocked during construction and post development. The owner of Knells House would, however, have to ensure that access to the surrounding residential properties is maintained at all times.

## 7. Drainage

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

## **Conclusion**

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

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

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

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

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
- Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form;
  2. Design & Access Statement (received 10 June 2010); Desk Study (received 20 June 2010); Arboricultural Report (received 7 September 2010);
  3. Proposed Site Layout (1392/p/01h - received 26th October 2010); Layout & Elevations (1392/p/02d - received 26th October 2010); Existing Site Plan & Location Plan (1392/p/03g - received 26th October 2010); Proposed Block Plan (1392/p/04d - received 26th October 2010);
  4. the Notice of Decision; and
  5. any such variation as may subsequently be approved in writing by the



Local Planning Authority.

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

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

**Reason:** To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

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

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

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

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

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

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

7. Prior to the commencement of development, protective fencing shall be erected in accordance with a scheme to be agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fencing shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees

to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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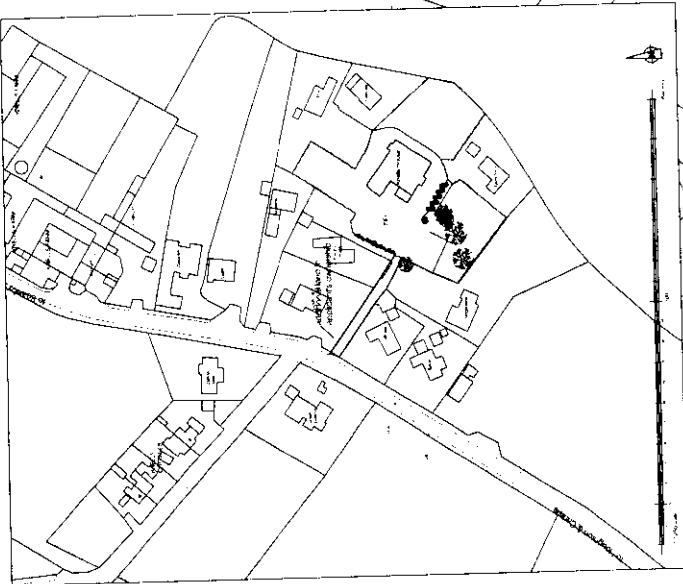


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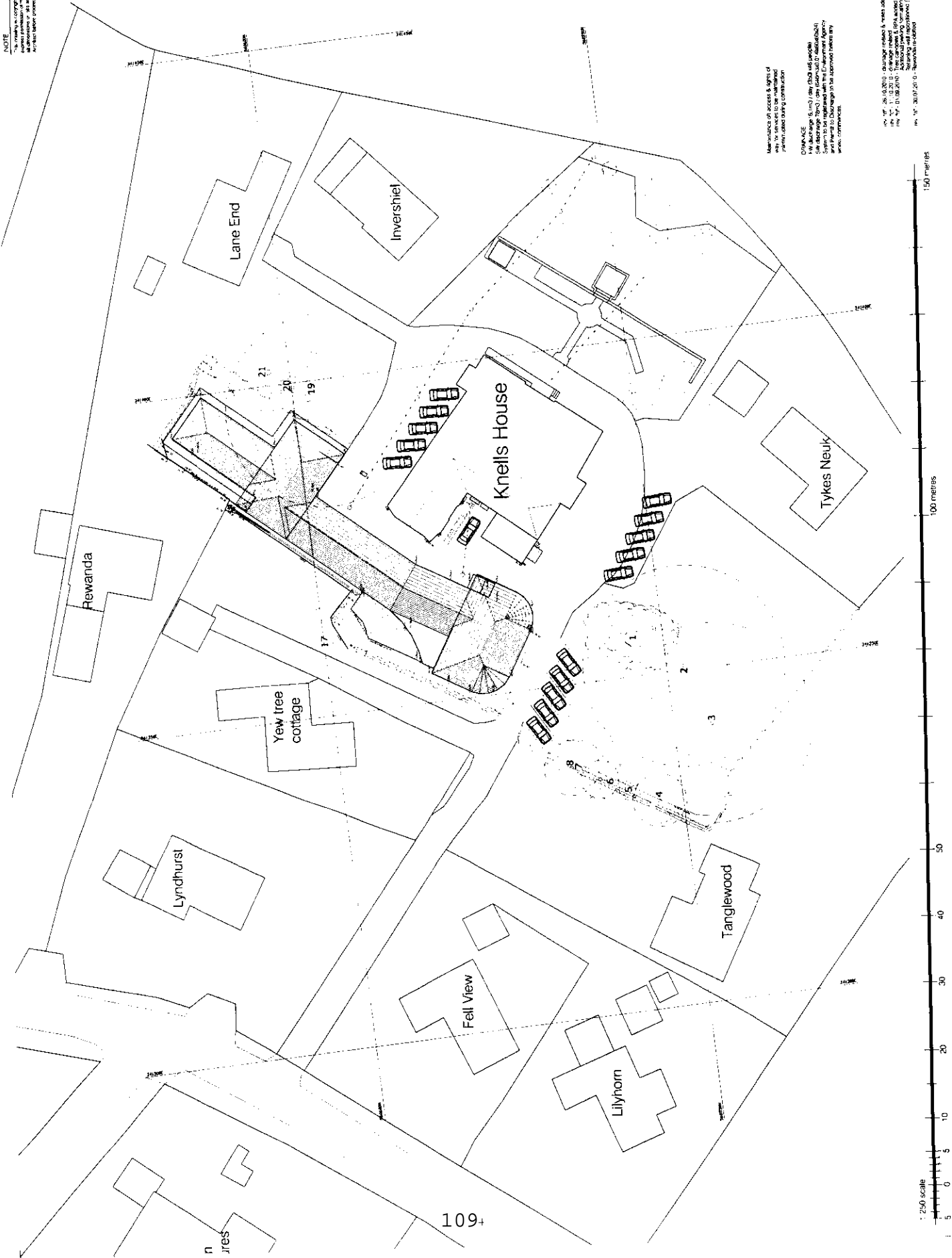
**THE KNELLS, HOUGHTON**  
Client: M. & M. L. Lutz  
Project: Houghton House  
Site: 1000 S. 10th Street, Charleston, SC 29403  
Date: 10/20/07

NO.	DESCRIPTION	DATE
1	Site Plan	10/20/07
2	Site Plan	10/20/07
3	Site Plan	10/20/07
4	Site Plan	10/20/07
5	Site Plan	10/20/07
6	Site Plan	10/20/07
7	Site Plan	10/20/07
8	Site Plan	10/20/07
9	Site Plan	10/20/07
10	Site Plan	10/20/07
11	Site Plan	10/20/07
12	Site Plan	10/20/07
13	Site Plan	10/20/07
14	Site Plan	10/20/07
15	Site Plan	10/20/07
16	Site Plan	10/20/07
17	Site Plan	10/20/07
18	Site Plan	10/20/07
19	Site Plan	10/20/07
20	Site Plan	10/20/07
21	Site Plan	10/20/07



Sheet 7: Cultural Resource Overlay Map  
Project: Houghton House  
Site: 1000 S. 10th Street, Charleston, SC 29403  
Date: 10/20/07  
Scale: 1:200

NOTE  
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Maintenance of access & rights of way to be agreed with the relevant authorities prior to commencement of construction.

CONTRACT  
 1/16 (2016)  
 1/17 (2017)  
 1/18 (2018)  
 1/19 (2019)  
 1/20 (2020)  
 1/21 (2021)  
 1/22 (2022)  
 1/23 (2023)  
 1/24 (2024)  
 1/25 (2025)  
 1/26 (2026)  
 1/27 (2027)  
 1/28 (2028)  
 1/29 (2029)  
 1/30 (2030)

1/26 (2026) - drainage works & water added  
 1/27 (2027) - drainage works & water added  
 1/28 (2028) - drainage works & water added  
 1/29 (2029) - drainage works & water added  
 1/30 (2030) - drainage works & water added

1/26 (2026) - drainage works & water added  
 1/27 (2027) - drainage works & water added  
 1/28 (2028) - drainage works & water added  
 1/29 (2029) - drainage works & water added  
 1/30 (2030) - drainage works & water added

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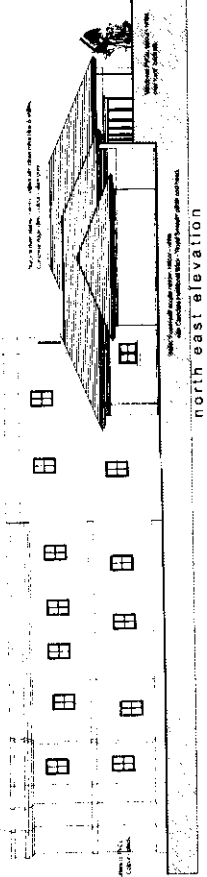
**THE KNELLS, HOUGHTON**

1/26 (2026)

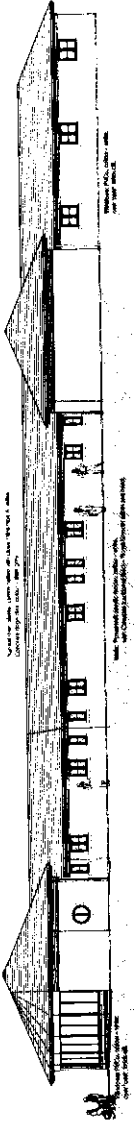
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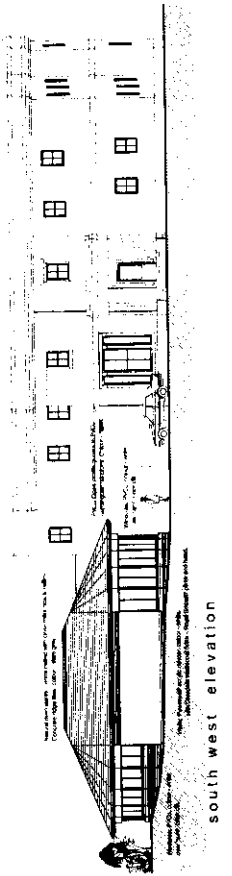
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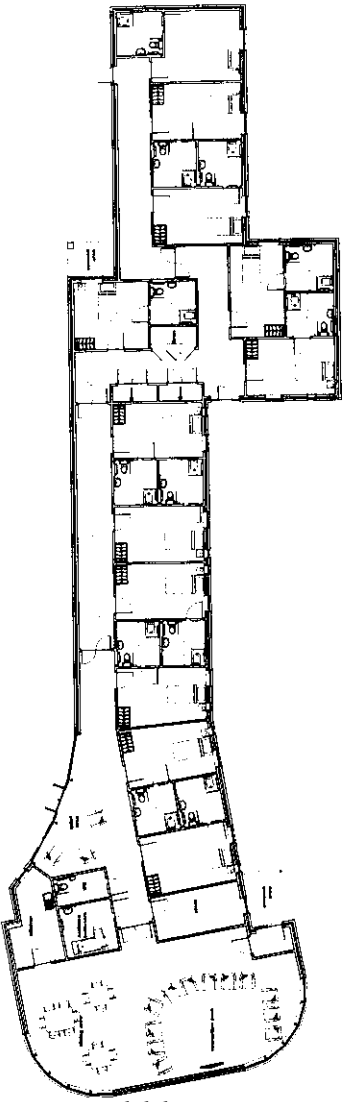
north east elevation



south east elevation



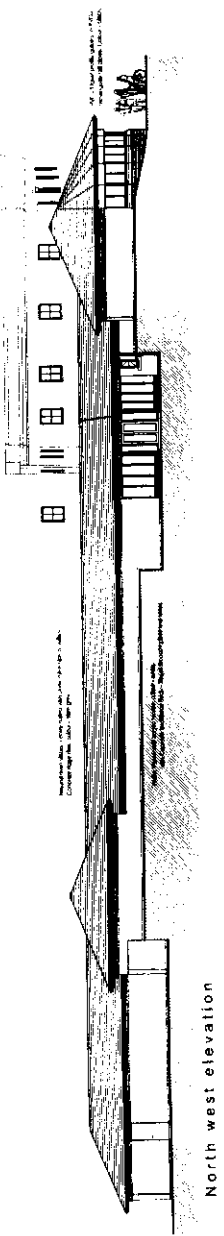
south west elevation



**FINISHES**

- Roof:  
 Natural riven 'blue' / gray slates, centre railed with close mitre hips & valleys.  
 Concrete ridge lines, colour - slate grey.
- PVCu:  
 'Ogee' profile to rectangular PVCu fall pipes. Colour - black  
 'Power-wall' acrylic render, colour - white.  
 with Caradale traditional Bllok - Royal Smooth plinth and head  
 Timber with timber frame & low-rise treethood.  
 PVCu, colour - white over 'cant' brick sill
- RW goods:  
 Fascias & soffits
- Walls:  
 External doors:  
 Windows:

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 Fax: 0191 274001  
 Email: newcastle@swablock.co.uk  
 Web: www.swablock.co.uk



North west elevation

## SCHEDULE A: Applications with Recommendation

10/0829

Item No: 07

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0829

**Applicant:**  
Mr George Woodhouse

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
10/09/2010

**Agent:**

**Ward:**  
Burgh

**Location:**  
Field 2024, Land to West of Junction of Dykesfield  
and Burgh Roads, Burgh by Sands, Carlisle

**Grid Reference:**  
331202 558245

---

**Proposal:** Change Of Use From Agricultural Field To Hard Core Compound With  
Erection Of Stables And Tack Room (Part Retrospective)

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee at the request of the Ward Councillor who also wishes to exercise his right to speak.

### 1. Constraints and Planning Policies

**Flood Risk Zone**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol LE24 - Equestrian Development**

**Local Plan Pol T1- Parking Guidelines for Development**

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

**Cumbria County Council - (Highway Authority):** this proposal involves the formation of a new access on to a 60mph road directly across from an existing road junction, that is going to be used by horseboxes. The applicant will have to provide details of the access, (construction, drainage, visibility splays etc.) as well as for the development. Information like previous traffic generation and proposed generation of the site is needed.

Without this info it would be impossible for me to comment on this application (apart from recommending that the application is refused due to inadequacy of information submitted);

**Tree Officer:** the proposal is unacceptable for the following reasons.

The development of stables in the rural area is acceptable if they do not have an adverse impact on the character of the area. This proposal will require the creation of a large hard core area in what is otherwise an agricultural field, and is out of keeping as a feature in a location such as this where there are no associated or adjacent buildings or farm stabling. Also, the proposed new build stables are stand alone structures that are not located within or adjacent to an existing building or group of buildings.

The boundary adjacent to the road side comprises an important hedgerow as determined using the methods and criteria within the 1997 Hedgerow Regulations. It is unclear from the plans whether or not any of the hedgerow will need to be removed; if it is to be removed this would not be acceptable due to the harm caused to a national biodiversity action plan priority habitat.

In conclusion, the proposal is contrary to Carlisle District Local Policy LE 24 Equestrian Development, and there is insufficient information to determine the effect of the proposal in relation to the important hedgerow;

**Ramblers Association:** comments awaited;

**Cumbria County Council (Footpath Officer):** comments awaited;

**Green Spaces (Countryside Officer):** comments awaited;

**Natural England:** no comment;

**Burgh-by-Sands Parish Council:** the Parish Council has submitted the following objection:

1. field number 2024 is not of sufficient size to sustain animals for any medium or long term period. It is only suitable for occasional grazing;
2. the proposed new entrance will be aesthetically disharmonious to the area;
3. the footprint is disproportionate to the proposed usage;
4. the gateway has been enlarged considerably and relocated from its original position in the south corner of the field which was away from the road junction. The Parish Council strongly object to the new style and the location as it is



- directly opposite a difficult road junction. The openness of a new double gate has a high visual impact in this rural area;
5. the proposed development is inappropriate in the setting of Burghmoor as it is of an open nature and would set a serious precedent; and
  6. there is insufficient drainage capacity to cope with surface water run off from the site and this will create a hazard (i.e. ice in winter) on the road, especially as it is situated at the highest point of a hill; and

**Cumbria County Council - (Archaeological Services):** no comment.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Burgh Moor House Cllr - Burgh by Sands	21/09/10	Objection

- 3.1 This application has been advertised by means of a site notice and direct notification to the occupier of a neighbouring property. At the time of writing this report, no representations have been received.

### **4. Planning History**

- 4.1 Planning permission was refused in 1972 for the erection of a bungalow.

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

#### **Introduction**

- 5.1 This application seeks "Full" Planning permission for the change of use from an agricultural field and construction of a hardcore compound, erection of stables and formation of a vehicular access at Field 2024 located to the west of the junction of Dykesfield and Burgh Roads, Burgh-by-Sands, Carlisle. The site is situated approximately 0.9 kilometres south-east of Longburgh and 1 kilometre south-west of Burgh-by -Sands. Directly opposite the site is a road junction with the road leading to Burgh-by-Sands. The site is within open countryside.
- 5.2 The site is bounded by a mature hedgerow to the frontage. Other land owned by the applicants abuts the site to the north and it is bounded by a public footpath which runs parallel with the northern field boundary, approximately 60 metres north of the application site. The boundary is formed by a hedgerow approximately 4 metres in height. There is a residential property, Burgh Moor House, approximately 140 metres to the south of the site.

- 5.3 The proposal involves the formation of a vehicular access and parking area. A double width vehicular access previously existed in the south-east corner of the site but it is now closed. The applicant has removed a section of hedgerow and repositioned an access approximately 10 metres north wards along the frontage. An area of land within the site has been surfaced with hardcore and a concrete hardstanding has been formed. It is proposed to construct a timber stable on the concrete hardstanding that would measure 11.3 metres in length by 3.5 metres in width. The mono pitched roof would measure 2.95 metres at the front and 2.25 metres to the rear. The building would be constructed from rendered blockwork under a dark green profile sheeted roof.

## **Assessment**

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP5, CP6, LE24 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues.
1. The Principle Of Development
- 5.5 Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Policy LE24 of the Local Plan discuss the issue of equine development. Paragraph 32 of PPS7 recognises that horse riding and other equestrian activities are popular forms of recreation in the countryside and is generally supportive of the principle of development.
- 5.6 Policy LE24 of the Local Plan states that the development of stables, horse riding schools and/or riding centres in the rural area will be permitted provided that: there will be no detrimental effect upon the landscape and character of the area; adequate access arrangements and on-site car parking can be achieved; the scheme will not have a detrimental effect upon nearby properties or surrounding land uses; the scheme reuses existing buildings where possible and any associated new build, where necessary, should be located within an existing group of buildings; the surrounding roads and bridleways are adequate for the increased use by horseriders, with the roads being suitable for both riders and motorists; the issue of lighting is addressed to ensure that there is no impact on surrounding uses; and the intensity of use is appropriate for the character of the area.
- 5.7 The objectives of national planning policy are reflected in Policy DP1 of the Carlisle District Local Plan. They require that the overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintains social progress and economic growth.
- 5.8 When viewed in isolation the proposed development is in an unsuitable location which is not supported by national or local planning policy; however, the applicant currently keeps horses on the land and there are existing chattels on the site to assist the applicant with their upkeep and welfare.

While a prime objective of the Development Plan is to focus new development in Carlisle and the Key and Local Service Centres, it is accepted that equestrian related development generally requires a rural location. The proposal would provide shelter for the horses and would not give rise to an intensification of the use of the site. The applicant (who lives in Carlisle) already makes the daily journey to the site and it is not considered that the development will generate additional car journeys. Accordingly, the proposal no issue regarding sustainability or conflict with Policy DP1 of the Local Plan is raised.

## 2. The Effect On The Character Of The Countryside

- 5.9 The site is located in open countryside outwith any recognised settlement. Policy CP1 of the Local Plan states that within open countryside permission will not be given for development or land use changes which would have an unacceptable effect on the landscape character. Furthermore, development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.
- 5.10 The building would be set back 18 metres from the front boundary of the site and located adjacent to the existing field boundary to the south, along which is a 1.8 metre high hawthorn hedge. Although the building would be a new build and not located adjacent to any existing buildings, the stable block would be appropriately sited within the field and would not adversely affect the character or appearance of the area. The applicant has begun to replant a hedgerow in the gap left by the closure of the previous access to the site, as required by the Council's Tree Officer. If left in its present state, the gap would otherwise afford views into the site. To mitigate the potential visual impact that this would generate, a condition is recommended that would require the hedge to be fully reinstated.

## 3. The Effect on the Living Conditions of Occupiers of Neighbouring Properties

- 5.11 The nearest residential property is approximately 140 metres to the south of the proposed stables. The scale and height of the building is not excessive. It is also well related to the boundaries of the site which are aligned by mature planting of reasonable height. Whilst the development would be visible from outwith the site, there is a significant amount of distance between the site and that nearest property. Consequently, the development would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

## 4. Highway Issues

- 5.12 The Highway Authority originally raised concerns about the visibility when emerging from the site together with details about the construction and drainage of the access. Additional information has been received from the applicant and has been forwarded to the Highway Authority. At the time of writing this Report, a formal response is awaited. The additional information

states that the visibility of the previous access was 30 metres to north and 10 metres to the south whereas the repositioned access provides visibility of 60 metres to the north and 140 metres to the south. The Highway Officer has verbally acknowledged that this is an improvement to the previous arrangement and it is anticipated that the response will be available for reproduction in the Supplementary Schedule. On the basis that the Highway Authority is satisfied with the information, the proposal would not raise any highway issues; however, if this is proven not to be the case, and further revisions cannot overcome these concerns, the application may not be viewed favourably.

## 5. Other Matters

- 5.13 The Parish Council has raised the issue that the field is only suitable for occasional grazing and is not of sufficient size to sustain animals for the medium or long term. Members should note that the applicant also owns the adjoining piece of land.

## Conclusion

- 5.14 In overall terms, the proposed building is of a scale and design that is appropriate to the application site. The building has been sited in such a manner as to minimise the impact on the character and appearance of the area and the building would not appear too obtrusive. The building would be sited adjacent to the southern boundary and would be sufficient distance from the nearest residential property thereby ensuring no adverse impact. The equestrian development would not adversely impact on this rural setting. At the time of writing this report, further information is awaited from the Highway Authority and this will be reported to Members prior to the Committee meeting. The recommendation is made on the premise that the Highway Authority is satisfied with the access arrangements and details. Should further objection be received, this will be reported and may necessitate a revised recommendation.

## 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. No floodlights shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In order to safeguard the character and appearance of the rural area in accordance with Policy CP1 of the Carlisle District Local Plan 2001-2016.

2. The stables hereby granted planning permission shall be used only by the applicant and by no other person.

**Reason:** In order to ensure that the stables remain in use by the applicant in accordance with sustainable planning objectives and Policy DP1 of the Carlisle District Local Plan 2001-2016.

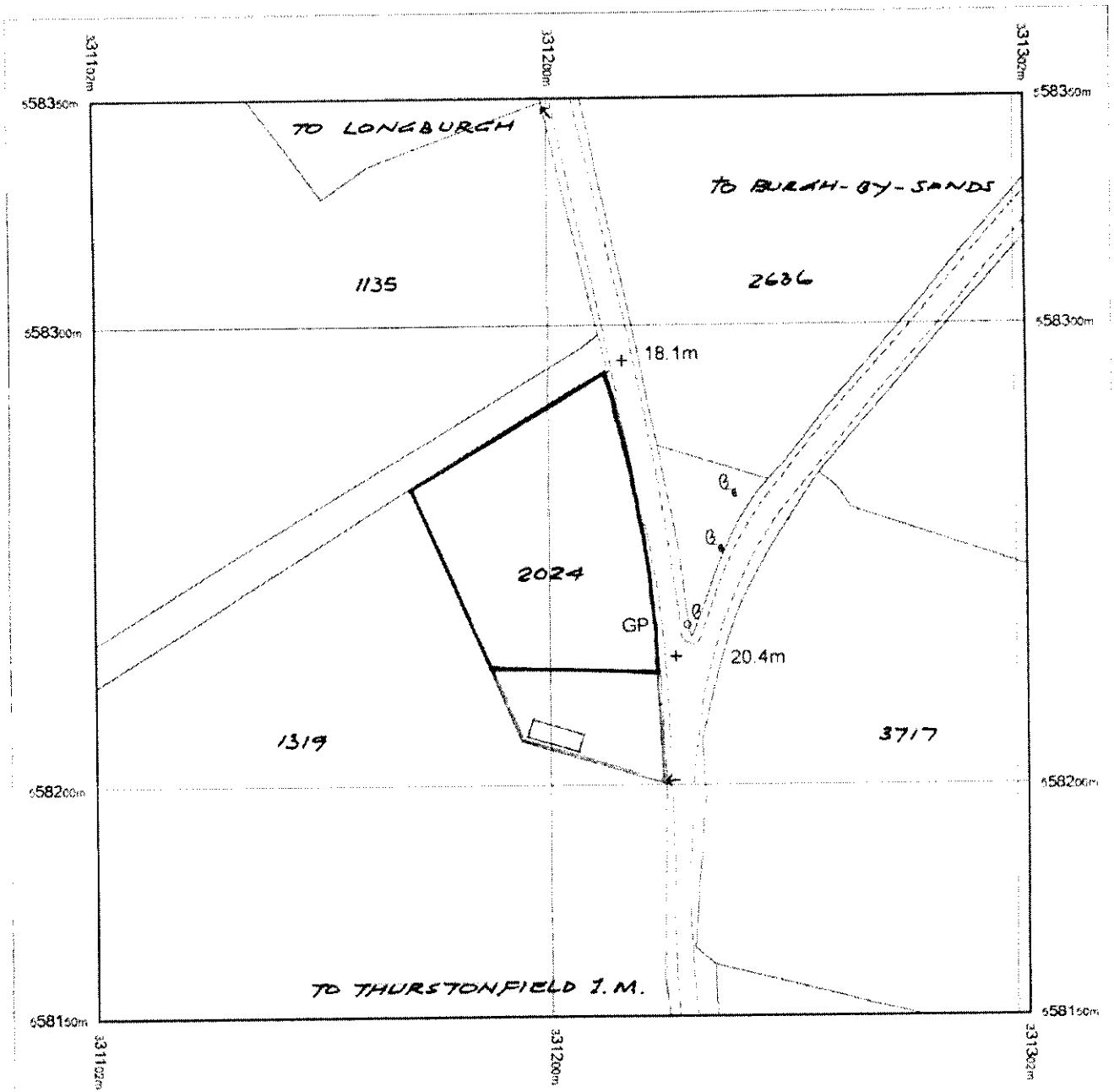
3. The stables shall be used for the keeping of horses only, for the domestic enjoyment of the applicant and his successor in title and shall and at no time be used for any commercial purposes.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies DP1 and CP1 of the Carlisle District Local Plan 2001-2016.

4. The replacement hedgerow shall be carried out in the first planting season following the completion of the development and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.





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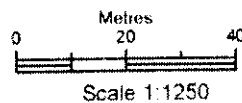
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The representation of features as lines is no evidence of a property boundary

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Ordnance Sur  
www.ordnanc

**Proposed erection of Stables and Tack Room  
Field no. 2024, THURSTONFIELD, CARLISLE**

**Location Plan 1:1250**

**09.10**





## SCHEDULE A: Applications with Recommendation

10/0814

Item No: 08

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0814

**Applicant:**  
Ms Davidson

**Parish:**  
Carlisle

**Date of Receipt:**  
06/09/2010 08:00:24

**Agent:**  
SPACE Designed Solutions Ltd

**Ward:**  
Stanwix Urban

**Location:**  
17 Strawberry Terrace, Carlisle, CA3 9LT

**Grid Reference:**  
339412 557363

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**Proposal:** Two Storey Rear Extension To Provide Kitchen & Living Area On Ground Floor With Enlarged Bedrooms Above; Single Storey Front Extension To Provide Study, New Entrance Hall With Access To Garage & WC

**Amendment:**

1. Amended/accurate proposed floor plans and elevations were submitted on the 21st October 2010.

---

**REPORT**

**Case Officer:** Shona Taylor

**Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination due to the receipt of four letters of objection.

**1. Constraints and Planning Policies**

**Conservation Area**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol H11 - Extns to Existing Resid. Premises**

**2. Summary of Consultation Responses**

**Cumbria County Council - Highway Authority:** no objection to the proposed development as it is considered that the proposal does not affect the highway;

**Planning Policy & Conservation:** no objections in principle subject to the design of the front dormer being reconsidered;

**Northern Gas Networks:** no objections, however, there may be apparatus in the area that may be at risk during construction works, should the planning application be approved then the promoter of these works will be required to contact Northern Gas to discuss their requirements in detail.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Strawberry Lodge	10/09/10	
The Orchard	10/09/10	
32 Strawberry Terrace	10/09/10	
34 Strawberry Terrace	10/09/10	
11 Etterby Scour	10/09/10	Objection
12 Etterby Scour	10/09/10	Objection
9 Etterby Scour	24/09/10	
10 Etterby Scour	24/09/10	Objection
Finkle Street		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to eight neighbouring properties. In response four letters of objection have been received. The grounds of objection are summarised as;

1. the proposal is out of character with the adjacent Conservation Area;
2. scale, massing and design of the proposal is not appropriate;
3. significant areas of glazing will overlook properties on Etterby Scour;
4. lack of additional landscaping;
5. the large extension to the rear and amount of glazing is inappropriate;
6. the extension will impact upon privacy of the surrounding properties.

### **4. Planning History**

4.1 The property has no relevant history.

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

### **Introduction**

- 5.1 The application is seeking approval for an extension and alterations to 17 Strawberry Terrace, Carlisle. The property is a one and a half storey, detached bungalow that is finished in painted render with a concrete tiled roof. The property is located within a Primary Residential Area, as allocated in the Carlisle District Local Plan 2001-2016, adjacent to the Stanwix Conservation Area, with other residential properties surrounding the site on all sides.
- 5.2 The property has a reasonable sized garden and parking area to the front, the curtilage of which is separated from the highway by way of an approximately 1m high brick wall. The property features an integral garage, which is partly set forward from the main front elevation of the property, and also features two large flat roofed dormer windows, one to the front and one to the rear elevation.

### **The Proposal**

- 5.3 It is proposed to erect a single storey extension to the front of the property, to provide a study and entrance hall, with an internal entrance into the garage and downstairs W.C. This extension will measure 6.2m in width and 1.6m in depth, and will feature a flat roof at the eaves level of the existing property. At first floor a new dormer is proposed, which will measure 3.5m in width, it will provide an enlarged bedroom and is set above the eaves and down from the ridge of the existing property. It will link into the existing flat roof dormer window.
- 5.4 To the rear it is proposed to erect two two-storey gable projections to form an extended lounge and kitchen at ground floor, with two extended bedrooms at first floor. The extensions will project out to the rear by a maximum of 2.1m, and will feature pitched roofs, which will match the height of the roof of the existing property. A juliet balcony is also incorporated to the rear of the master bedroom extension. To the rear of the westernmost gable extension it is also proposed to erect a single storey extension, which will have a maximum rearward projection of 3.8m, and feature a glazed roof. The extensions would be constructed from materials to match those of the existing property.
- 5.5 The relevant planning policies against which the application is required to be assessed are Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

### **Assessment**

- 5.6 The proposals raise the following planning issues:
1. The Impact Of The Proposal On the Living Conditions of Neighbouring Residents
- 5.7 Policy H11 and Policy CP5 of the Carlisle District Local Plan 2001-2016 seek

to protect the living conditions of adjacent properties from proposals which adversely affect them, through inappropriate scale, design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight.

- 5.8 Several of the objectors have cited possible overlooking to the rear rooms and garden areas of properties in Etterby Scaur. Their objections have been noted; however, the distance between the rear elevation of the proposal and the rear elevations of the nearest property on Etterby Scaur is in excess of 40 metres. It is not considered that the proposal would exacerbate the current situation to an unacceptable level to warrant refusal.

## 2. Whether The Proposal Is Appropriate To The Dwelling

- 5.9 As previously stated, Policies H11 and CP5 seek to ensure the development is appropriate in terms of quality to that of the surrounding area, is of good design and is of an acceptable scale. The proposals which are being presented for consideration are relatively minor with regard to increase in the floor area of the property. In such a context, therefore, it is considered that the proposal would not be disproportionate to the property. Likewise the design is considered acceptable, using materials to match the existing property.

## 3. The Impact Of The Proposal On The Stanwix Conservation Area

- 5.10 Whilst the property is adjacent to the Stanwix Conservation Area, the existing dwelling is modern, has little architectural merit and does not provide a positive contribution to the character or appearance of the area.
- 5.11 The City Council's Conservation Officer has been consulted and has no objections to the development.

## Conclusion

- 5.12 In overall terms, the principle of the proposed development is acceptable. 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 overdominance. In all 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.

## **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).

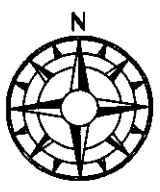
2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form;
  2. the design and access statment dated 6th September 2010;
  3. the location plan numbered 0910.30.09 and dated 6th September 2010;
  4. the block plan numbered 0910.30.08 and dated 6th September 2010;
  5. the site plan numbered 0910.30.10 and dated 6th September 2010;
  6. the existing floor plans and elevations numbered 0910.30.01 and dated 6th September 2010;
  7. the proposed floor plans and elevations numbered 0910.30.07 (Revision B) and dated 21st October 2010;
  8. the design and access statment;
  9. the Notice of Decision; and
  10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

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

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

**Reason:** To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

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PROPOSED EXTENSION AND ALTERATIONS TO 17 STRAWBERRY  
 TERRACE, CARLISLE, CA3 9LT

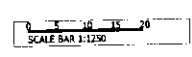
For  
**Mr J Toillit & Ms Davidson**

**Location Plan**

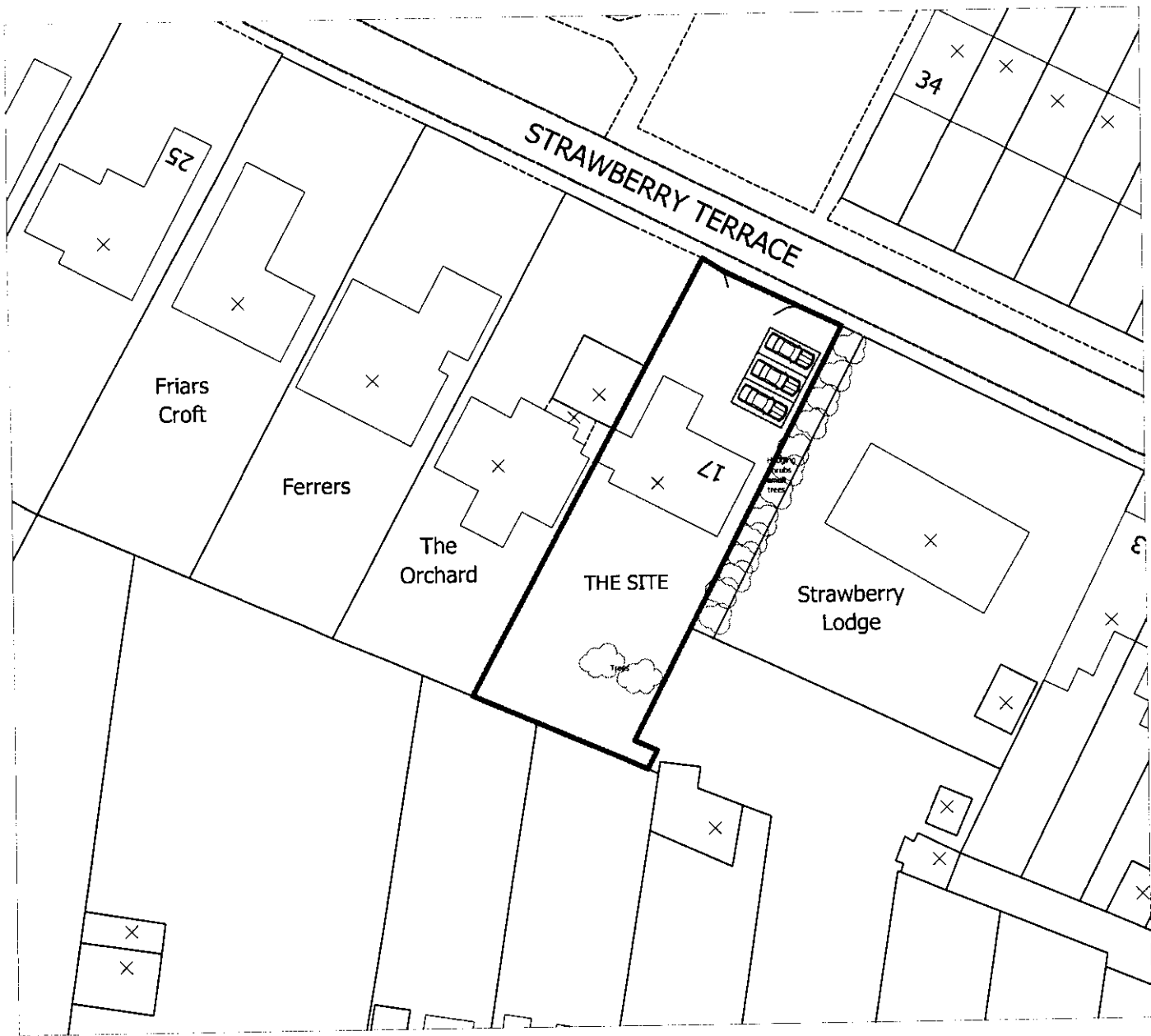
SCALE 1: 1250

**DRAWING No: 0910.30.09**

Date August 2010



Planning Application Drawings



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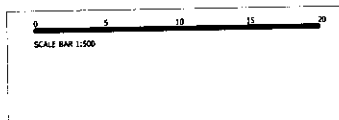
For  
**Mr J Toillit & Ms Davidson**

**Block Plan**

SCALE 1: 500

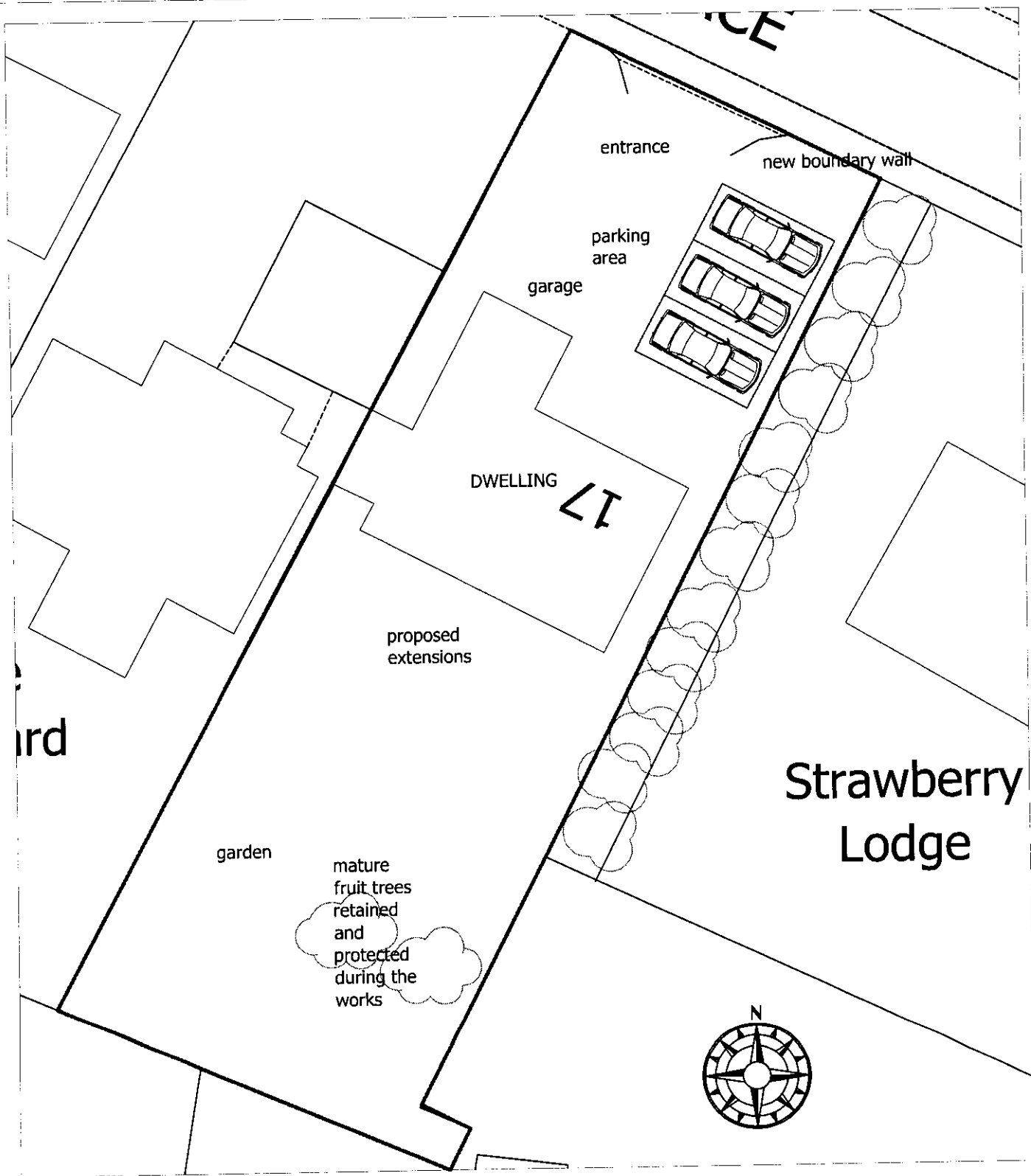
**DRAWING No: 0910.30.08**

Date August 2010



Planning Application Drawings





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PROPOSED EXTENSION AND ALTERATIONS TO 17 STRAWBERRY  
TERRACE, CARLISLE, CA3 9LT

For  
**Mr J Toillit & Ms Davidson**

**Site Plan**

SCALE 1: 200

**DRAWING No: 0910.30.10**

Date August 2010

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Planning Application Drawings

**Elevations 1:100**



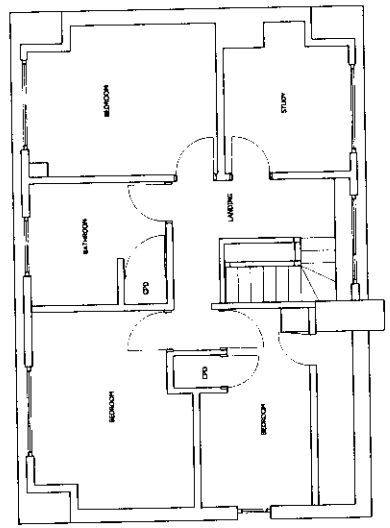
Side (North)

Rear (West)

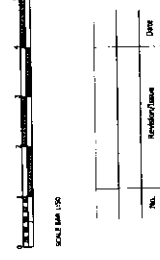
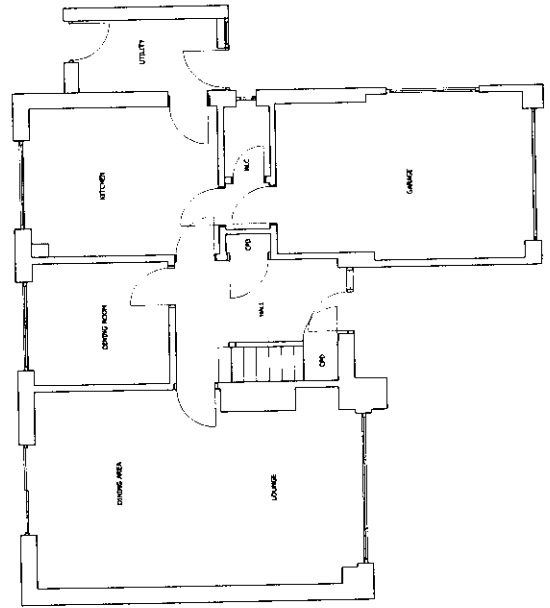
Side (South)

Front (East)

**First Floor Plan  
As Existing 1:50**



**Ground Floor Plan  
As Existing 1:50**

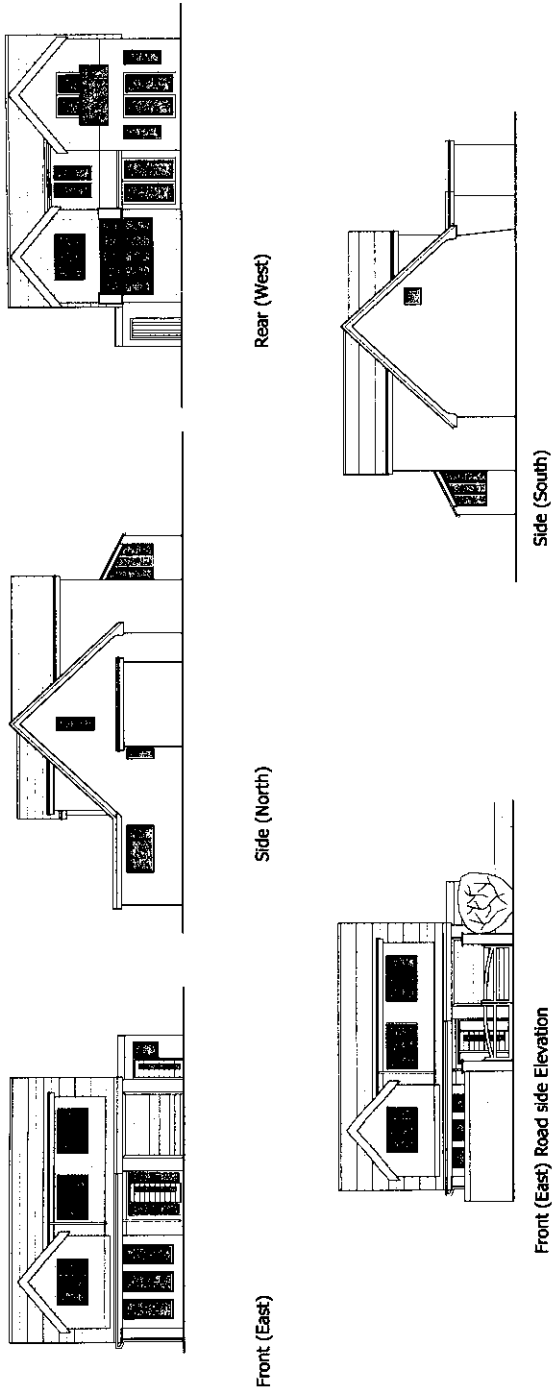


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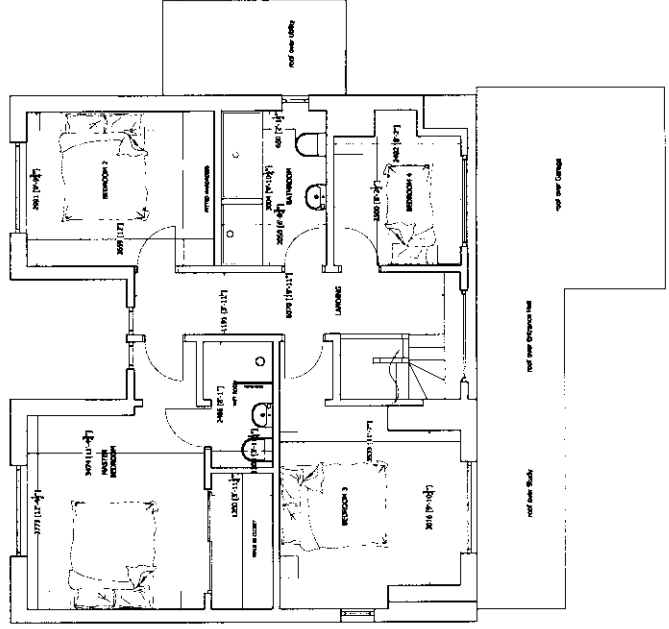
Client: Mr J Toile & Ms D Davidson  
17 Strawberry Terrace  
Stanwick  
Carlisle  
Date: 09.08.2010  
Time: 09:10.30  
Scale: 1:50 & 1:100  
HT  
0  
Planning

**Notes:**  
 1. The architect must check and verify dimensions of the building and site.  
 2. The drawings to be used for construction shall be the final approved drawings.  
 3. The drawings to be used for construction shall be the final approved drawings.  
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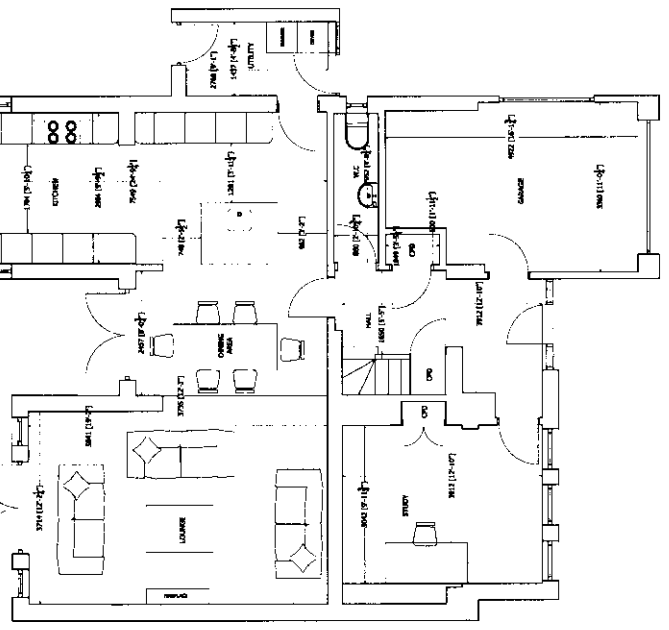
**Proposed Elevations**



**First Floor Plan As Proposed**



**Ground Floor Plan As Proposed**



**SPACE**  
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 Mr. J. Tolitt & Ms. D. Davidson  
 17 Strawberry Terrace  
 Carlisle  
 Refurbishment, Extensions & Alterations to 17 Strawberry Terrace  
 14.07.2010 0910.30  
 1:50 & 1:100  
 HT  
 Planning

## SCHEDULE A: Applications with Recommendation

10/0791

---

**Item No: 09**

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0791

**Applicant:**  
Mr Swailes

**Parish:**  
Westlinton

**Date of Receipt:**  
14/09/2010

**Agent:**  
MJN Associates

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Greenacres, Newtown, Blackford, CA6 4ET

**Grid Reference:**  
338699 562729

---

**Proposal:** Positioning Of Chalet For Temporary Residential Use For Care Of Mares  
In Foal

**Amendment:**

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**REPORT**

**Case Officer:** Angus Hutchinson

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

The application is not conventional in that it relates to an enterprise involving the breeding and training of race horses that does not fall within the definition of agriculture.

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

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP2 - Biodiversity**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP11-Prot.Groundwaters &Surface Waters**

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

**Local Plan Pol H7 - Agric,Forestry and Other Occup.Dwgs**

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

**Cumbria County Council - (Highway Authority):** facilities within walking distance are minimal and there is no bus service within walking distance of the site. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing site use.

If the applicant is therefore not in position to justify the erection of a dwelling on this property then it is recommended that this application be refused as the proposal is contrary to the aims of promoting accessibility, and therefore contrary to the intentions of Government policy.

If the applicant can however justify this dwelling (used only seasonally when the need arises), then this Authority will be more than willing to reconsider its recommendation.

**Local Environment (former Community Services) - Drainage Engineer:** comments awaited.

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

**Natural England - relating to protected species, biodiversity & landscape:** I have to make is to query whether this development will involve demolition of the derelict stable block mentioned in the D&A statement? If so, and depending on the condition and type of building, it may require a bat/barn owl survey. I refer you to the ALGE draft trigger list for species surveys in order to determine whether a survey is required in this instance.

**Westlinton Parish Council:** the Parish Council strongly oppose any dwelling on this property. A large shed has already been constructed - permission being gained by allegedly false information that it was to house sheep. There is an ongoing conflict in a neighbouring field where an enforcement order for eviction has not been carried out by the authorities; if Mr Swales gets his permission this will allegedly cause more problems.

The Parish Council would like a site visit and a site impact evaluation.

**County Land Agent (Capita Symonds):** the land occupied by the applicant for his business totals 15.7 hectares or thereabouts, of which 6.9 hectares are owner occupied and the remainder is held on various seasonal arrangements. Greenacres is a stable yard for the breeding of "Standard Bred" horses for trotting racing. Trotting has a worldwide following although the main interest in the sport is in North America and Europe. At present the applicant has 17 horses of which 11 are breeding mares in foal and 8 are young horses which are broken in or trained to race. The applicant confirmed that foaling generally takes place from January to mid-summer each year. This is an all grassland unit with approximately 4 hectares being cut and conserved as good quality hay or haylage each season. Concentrates

and additional feed are brought each season.

The applicant and his father operate the unit with occasional assistance. The applicant confirmed that he ran another business in building and roofing materials salvage.

The applicant confirmed that he required domestic accommodation at Green Acres to oversee the breeding business. The applicant reported that the stables had occasionally suffered losses of stock in the past, during foaling for instance, due to him not being resident on site. Additionally, he reported occasional vandalism and physical losses of materials and equipment through theft.

In the context of Annex A to PPS7 "Sustainable Development in Rural Areas" there is an established existing functional need on this unit arising from the care of horses. The labour requirement of the business based on existing numbers of livestock and cropping practices is in the region of 1 full time worker although the applicant confirmed that he ran this in conjunction with another business salvaging slates and building materials.

Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In agricultural terms this can mean a net income after all expenses such as feed, fertiliser and property maintenance at least equivalent to an agricultural workers minimum wage which is currently in the region of £14,500 per annum. Whilst the business will generate acceptable returns on occasions, the overall prospects of regularly achieving a net income equivalent to an agricultural worker's minimum wage are such that the holding cannot be considered financially viable and therefore the financial test is unlikely to be met. Should you wish to confirm this position it may be appropriate for independently audited accounts for the equine business to be confidentially provided.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Leagate	21/09/10	
Braemar	21/09/10	
Avonlea	21/09/10	
Hermitage	21/09/10	
Holly Cottage	21/09/10	Comment Only
Westerly	21/09/10	Objection

3.1 This application has been advertised in the form of a site notice and the direct notification of the occupiers of six neighbouring properties. At the time of preparing the report one letter raising the following concerns has been received:

1. there have been planning difficulties in the recent past where buildings have been erected and land occupied for residential purposes without

planning consent and without effective outcomes;

2. how temporary is "temporary"? Surely Mr Swailes has mares in foal on a regular basis? Up to now this has not been necessary. What is the urgency now?;
3. the applicant's neighbour, Mr Carrigan, first put caravans on his land, then a chalet, then got temporary permission. How temporary is "temporary" or is it the thin end of the wedge before we see a crop of bungalows popping up?
4. how confident can we be about the enforcement of planning decisions?

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

- 4.1 In 2000, under application number 00/0715, planning permission was refused for the erection of a general purpose agricultural and livestock building.
- 4.2 In June 2001, application number 01/0202, full permission was given for the erection of stables/loose boxes.
- 4.3 In July 2001, application number 01/0009/AGD, no objections were raised to the erection of a hay shed as an agricultural determination.
- 4.4 In 2004, application 03/1267, full permission was granted for the erection of a general purpose agricultural shed.
- 4.5 In 2007, application 07/0012/AGD, no objections were raised to the erection of a general purpose store as an agricultural determination.
- 4.6 In relation to neighbouring sites, in 2007 (application number 07/1083) temporary permission was given for three years for a gypsy caravan site at Parkfield Stables.
- 4.7 In relation to Blackmoss retrospective permission was refused for the siting of a residential caravan in 2001 (application 01/0699). In 2004, application 03/1149, outline permission was refused for the erection of a dwelling.

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

##### **Introduction**

- 5.1 Greenacres is located on the eastern side of the road leading between Newtown of Rockcliffe and Ross Castle/Westlinton approximately 250 metres to the north of the hamlet at Newtown. On the opposite side of the road there are open fields apart from the noticeable presence of some caravans at the property known as Blackmoss. The site is bound by open fields to the north, east and south although approximately 170 metres to the south Members may recollect that under application 07/1083 temporary planning

permission was given in December 2007 for three years for a single family gypsy caravan site at Parkfield Stables.

- 5.2 The application site currently consists of five structures, namely a feed/hay barn; four stables; a general purpose building; an open fronted storage shed under construction; and a double timber stable all sited to form a centralised yard. The feed/hay barn is a three bay mono-pitch structure supported by timber poles with black corrugated sheeting for the walls and roof. The four stables are constructed from rendered block walls with fibre cement sheeting on the roof. The general purpose building has four bays constructed from steel with block and box profile plastic coated sheeting to form the walls and fibre cement sheeting on the roof. One of the bays of the general purpose building contains three stables with the remaining floor space used to store feed, carts and tools. There is a paddock attached to the general purpose building. The open fronted storage shed is clad externally by plastic coated sheeting with the applicant verbally confirming to the Case Officer during the site visit that the intention is to use it for storing hay and possibly the stabling of foals. The original double timber stable is in a rather dilapidated condition.
- 5.3 Greenacres is used by the applicant for the breeding and training of his own "Standard Bred" horses for trotting/cart racing. At the time that the premises were visited by the Case Officer there were six horses present on site with the applicant explaining that 7/8 mares were off-site near Appleby and Stirling. The applicant resides at Greystone Road, Carlisle.
- 5.4 The boundaries of the application site are delineated by mature hedging and hedge trees along the western and southern boundaries.
- 5.5 The application site is in an area of open countryside, but is not subject to any special planning constraints. In overall terms the area immediate to the application site is characterised by its relatively flat landscape interspersed by rural lanes leading to the A7, fields delineated by hedgerows, extensive visibility across open terrain, and the sparse nature of settlement. Newtown of Rockcliffe is not identified as a Local Service Centre under Policy H1 of the Local Plan.

## **Background**

- 5.6 The current application seeks permission for the 10 month occupation on an annual basis of a chalet. The submitted plans show the chalet to consist of two bedrooms, a shower room, kitchenette and lounge/dining room measuring 10.66m by 3.96m with a veranda. The proposed chalet is to be sited in the north-western corner of the site and would involve the removal of the existing double timber stable.
- 5.7 The accompanying Design and Access Statement explains, amongst other things, that:
1. the breeding of the horses requires on site attendance on a 24 hour basis from March to October for foaling - normally outside these months attendance is required daily for feeding and cleaning etc although this



does not always require full day and night attendance;

2. this need is supported by the applicant's veterinary surgeon;
3. the applicant has used the land for Standard Bred horses for the past 12 years;
4. the chalet is to be of a traditional appearance but based on wheels and metal supports;
5. the land is not within public view due to the road side hedges and therefore does not impact upon the open nature of the surrounding land;
6. the existing access will be used and no additional traffic will arise as the access is already used 24 hours a day in the foaling season.

5.8 The application is accompanied by a letter from a veterinary surgeon based at Lockerbie, and a farmer at Segbushwell, Blackford. The veterinary surgeon's letter explains that proper management of all equines necessitates close supervision; always advises that owners stay at or adjacent to where the animals are kept; have experienced several incidents over the past few years whereby the welfare of injured animals has been compromised as no-one had been present when injuries have occurred; and, he strongly supports Mr Swailes desire to reside at Greenacres to allow him to give much closer control over his animals health and welfare. The letter from the aforementioned farmer states that being a dairy farmer he appreciates the necessity for a stockperson to be on hand twenty four hours a day to maintain the health and welfare of his animals – Mr Swailes situation is considered to be no different in order to care for the health and welfare of his horses.

5.9 The agent has also subsequently confirmed in e-mail correspondence that a report from a qualified drainage engineer will be submitted shortly; the proposed chalet will connect to existing services, water and electricity both being on site; outside any ten month period the chalet will be locked and secured and not used for any other purpose; Mr Swailes currently visits the site from Carlisle twice a day as a minimum during foaling – the proposed residential facility should reduce the number of vehicle trips to and from this site; and any issues with the development opposite appear to be immaterial as each case must be dealt with on its own merits. On a without prejudice basis, the agent suggests a condition re occupancy and use as follows:

"The chalet shall be used solely in connection with providing animal welfare for the breeding and care of horses on site and for no other purpose and shall be occupied for no more than 44 weeks on a continuous basis in any calendar year."

5.10 During the site visit by the Case Officer the applicant also verbally explained that:

1. the chalet is required for three reasons i.e. during the foaling season which lasts from February/March to August; during the training season from the end of February to October; and although there are cameras and an alarm, there is a need for greater security;
2. his main business is an “agricultural builder”; and
3. the horses need to feed four times a day with the general routine involving a feed at 05.00-06.00 hours; training/cleaning/aftercare; a feed at 10.00 hours; rest; feed at 15.00 hours; and feed at 18.00-19.00 hours.

## **Assessment**

- 5.11 When assessing this proposal it is evident that there are inconsistencies in the information provided with regard to such matters as the number of horses, the period of foaling, and the principle reason(s) justifying the presence of the proposed chalet. From March – October is 8 months as opposed to the 10 month period requested.
- 5.12 Members also need to be aware that under Section 336 of the Town and Country Planning Act 1990 the breeding and training of race horses is not included within the definition of “agriculture”. In addition, a caravan is not normally defined as a permanent structure unless it is adapted by additions that would clearly indicate that it is intended to be a permanent fixture e.g. connection to services. In effect, it is considered that the current proposal for a residential unit involves operational development as well as a change of use. Furthermore, the available records indicate that the site has been used as a composite use involving agriculture and equine purposes although this has evolved over the intervening period into just the breeding and training of race horses.
- 5.13 The relevant planning policy guidance and adopted Policies against which the application is required to be assessed are Planning Policy Statement 1: Delivering Sustainable Development; Planning Policy Statement 4: Planning for Sustainable Economic Growth”; Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7); and Policies DP1, CP1, CP2, CP3, CP11, CP12, and H7 of the Carlisle District Local Plan 2001-2016.
- 5.14 In this context and the comments received from interested parties it is considered that the main issue revolves around whether there is a proven need for the chalet that is sufficient to outweigh the aims of local and national planning policies that seek to restrict new development in the countryside. In the case of the latter regard has to be made to the impact on the character/appearance of the area and the sustainability of the location.
  1. Whether There Is A Proven Need For The Proposed Chalet
- 5.15 Policy EC6.2 g of PPS4 states that local planning authorities should, where appropriate, support equine enterprises and the needs of training and

breeding businesses that maintain environmental quality and countryside character. Policy H7 of the Local Plan indicates that permission will not normally be given for dwellings outside of land allocated for residential development other than that essential to agriculture, forestry and any other rural based enterprise and supported by a proven need. Paragraph 5.41 accompanying Policy H7 explains that in such cases the Council will refer to advice contained in Annex A to PPS7.

- 5.16 Under PPS7 the Government reiterates its overall aim to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Paragraph 10 of PPS7 highlights that new houses in the countryside will require special justification for planning permission to be granted. Where the special justification relates to the essential need for a worker to live permanently at or near their place of work in the countryside, PPS7 advises that Planning Authorities should follow the advice provided in Annex A of PPS7.
- 5.17 Identified within paragraph 3 of Annex A are five criteria which Local Planning Authorities should apply when determining applications for new permanent agricultural workers dwellings. These are:
- (i) there is a clearly established existing functional need;
  - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
  - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
  - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
  - (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied".
- 5.18 In relation to the current application, and although no figures have been provided on the number of injuries/fatalities, the County Land Agent has advised that there is an established existing functional need arising from the care of the horses. However, the County Land Agent also acknowledges that whilst the business will generate acceptable returns on occasions, the overall prospects of regularly achieving a net income equivalent to an agricultural worker's minimum wage are such that the holding cannot be considered financially viable, and thus the future financial sustainability is not secure. This is in the light of the applicant confirming that he runs another business.
- 5.19 The applicant has referred to occasional vandalism and theft. On this matter, PPS7 makes it clear that although the protection of livestock from theft or

injury carries some weight, it will not be sufficient on its own to justify a residential unit.

## 2. The Effect Of The Proposal On The Character And Appearance Of The Surrounding Area

- 5.20 It is appreciated that the site is bounded by mature hedgerow and trees along the immediate road frontage and the southern boundary. The proposed chalet would also be viewed in the context of the existing buildings on the site. However, there would be clear views into the site, notwithstanding field hedgerows, and the bulk of the proposed chalet would be readily apparent. It is considered that the proposed chalet (and any associated domestic paraphernalia) would stand out and contrast with the rural character of the setting. Landscaping and fencing could be introduced but in the case of the former would take time to mature, and in the latter provide an uncharacteristic hard edge. As such it is considered that the proposed chalet would be detrimental to the character and appearance of the area.

## 3. Whether The Site Is In A Sustainable Location

- 5.21 It is likely that most journeys to the application site would be undertaken by private vehicle. But this is little different from the applicant's current situation. Set against this is the fact that the applicant would be on hand to care for the horses at Newtown, and thus some journeys would be eliminated. Thus, any increase in vehicle movements from the site is likely to be modest.

### **Other Matters**

- 5.22 A parent of an employee of the City Council has raised concerns over the current proposal. Needless to say this employee has not been involved in the processing of this application.
- 5.23 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 favorable conservation of the protected species and their habitat. In this case, the proposal involves the demolition of a timber double stable that is of a size, design and condition not commensurate with the presence of any protected species. 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.

### **Conclusion**

- 5.24 At the time of preparing the report further information has been sought from the applicant based on the comments of the County Land Agent, and having sought clarification on those problems associated with the use of any existing building on the site to provide casual and spasmodic shelter. The applicant's agent has also confirmed that a drainage report will be submitted.
- 5.25 Government policy is to encourage sustainable economic growth that maintains environmental quality and countryside character with any new dwellings in the open countryside requiring special justification for permission to be granted. It is also recognised that legislation and case law draw a distinction between equestrian and agricultural enterprises and that paragraph 5.41 accompanying Policy H7 of the Local Plan explains that the Council will "refer to advice contained in Annex A to PPS 7".
- 5.26 When provisionally assessing the current proposal on its own merits, it is apparent that time, effort and money have been invested by the applicant associated with the current use of breeding and training his own "Standard Bred" horses. Inherent with this use is foaling. The presence of the proposed chalet would undoubtedly be more convenient for the applicant.
- 5.27 Conversely, the scale of the operation involves a relatively small number of stables for the applicant's own horses. Constant on-site supervision is advanced primarily to cover foaling. The enterprise is alleged to have been in operation over a number of years but no evidence has been submitted showing that there is a reasonable chance of the enterprise achieving viability although equine use is likely to continue in the future. The horse breeding and training does not appear to be the applicant's principle income. As such, refusal of permission would not deprive the applicant of his home, livelihood and/or occupation. In such circumstances the viability of the enterprise does not justify the proposed chalet, and it is considered that the arguments about a functional need do not outweigh both national and local policies to protect the open countryside. In the context that no evidence has been submitted showing that there is a reasonable chance of the enterprise achieving viability, a temporary permission is not considered appropriate. The proposal would therefore conflict with Policy H7 of the Local Plan.
- 5.28 It is considered that the proposed chalet would be harmful to the character and appearance of the area contrary to Policy CP1 of the Local Plan.
- 5.29 Subject to the awaited information the proposal is likely to be recommended for refusal.

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

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

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

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

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

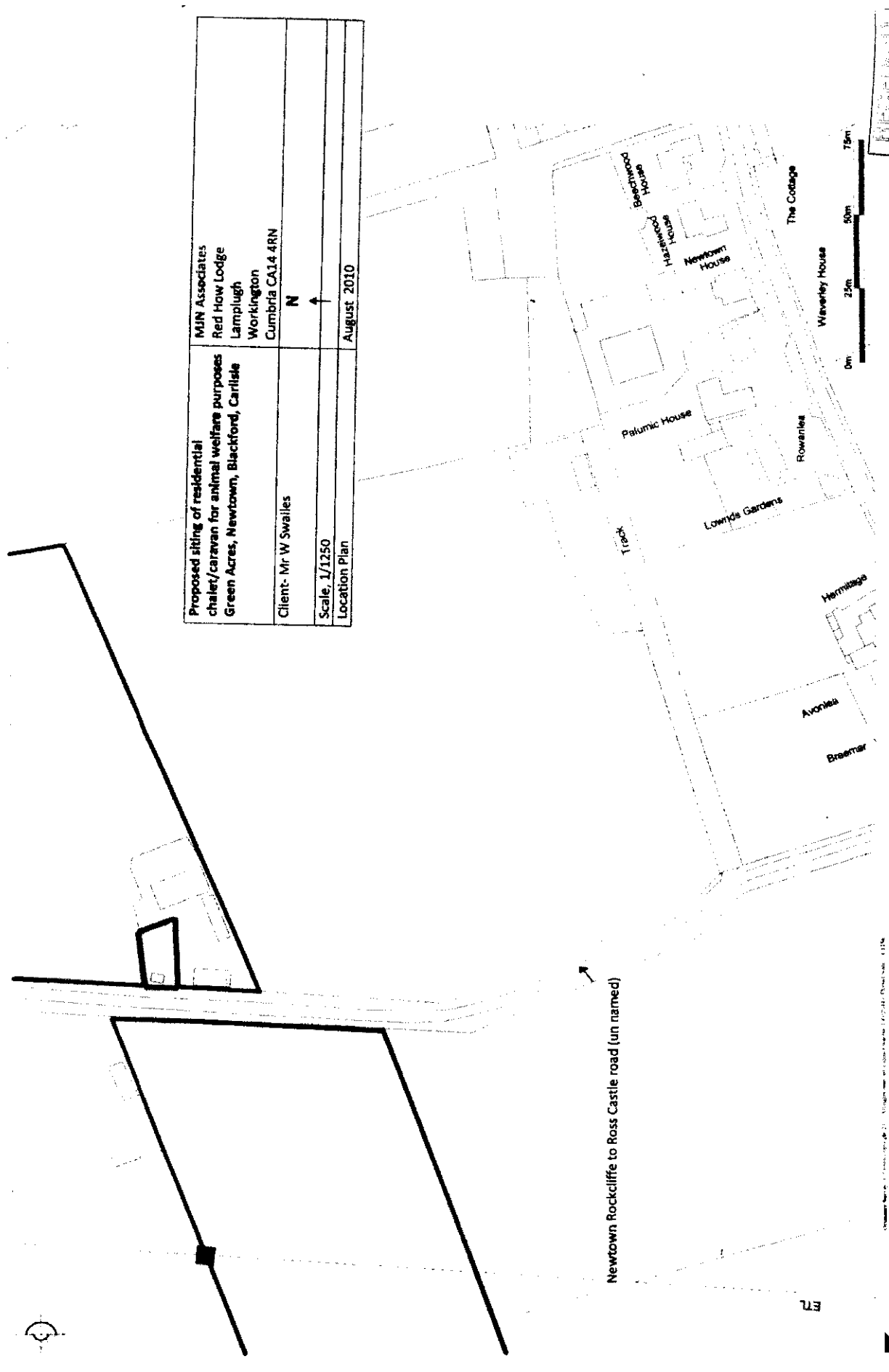
**Article 8** recognises the "Right To Respect for Private and Family Life";

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:** Greenacres is in open countryside approximately 250 metres north of Newtown of Rockcliffe, which is not identified as a Local Service Centre under the Carlisle and District Local Plan 2001-2016, and therefore is in a location where any new dwelling requires special justification. In this instance it has been established that the horse breeding and training enterprise has been in operation for a number of years but relates to a relatively small number of stables for the applicant's own horses. The overall prospects of regularly achieving a net income equivalent to an agricultural worker's minimum wage are such that the holding cannot be considered financially viable, and the horse breeding/training does not appear to be the applicant's principle income. In such circumstances the viability of the enterprise does not justify the proposed chalet, and it is considered that the arguments about a functional need during foaling do not outweigh both national and local policies to protect the open countryside. It is also considered that the proposed chalet would be harmful to the character and appearance of the area. The proposed chalet is therefore considered to be contrary to Policies H7 and CP1 of the Carlisle District Local Plan 2001-2016.
-

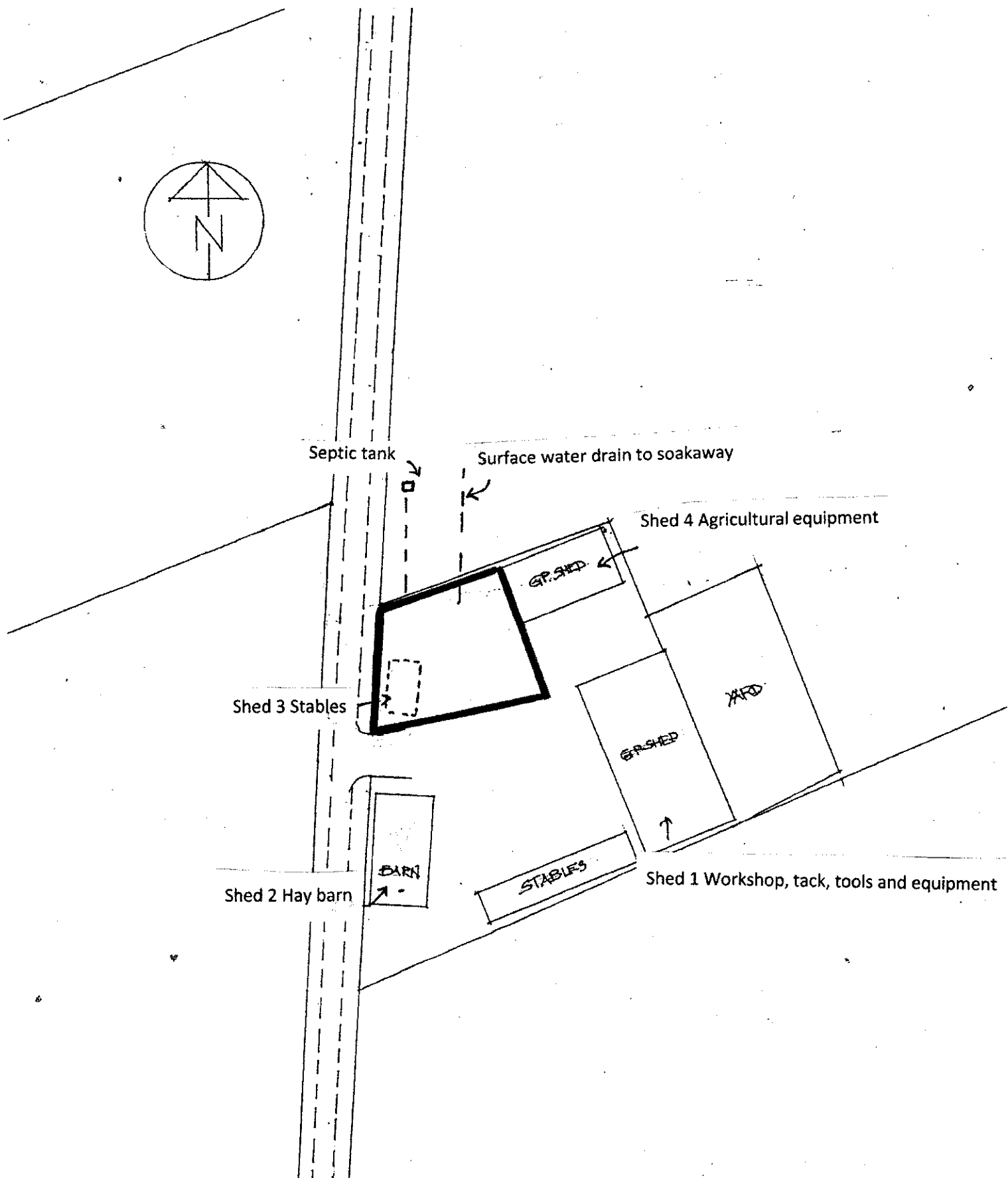


Proposed siting of residential chalet/caravan for animal welfare purposes Green Acres, Newtown, Blackford, Carlisle	MIN Associates Red How Lodge Lamplugh Workington Cumbria CA14 4RN
Client: Mr W Swailes	N ↑
Scale: 1/1250	August 2010
Location Plan	

RECEIVED  
 14 SEP 2010  
 101071

Promap  
 101071  
 14 SEP 2010





<b>Proposed siting of residential chalet/caravan for animal welfare purposes</b> <b>Green Acres, Newtown, Blackford, Carlisle</b>	MJN Associates Red How Lodge Lamplugh Workington Cumbria CA14 4RN
Client- Mr W Swailes 145	<b>N</b> ↑
Scale, 1/500 Site and Block Plan	August 2010 Amended 14 October 2010



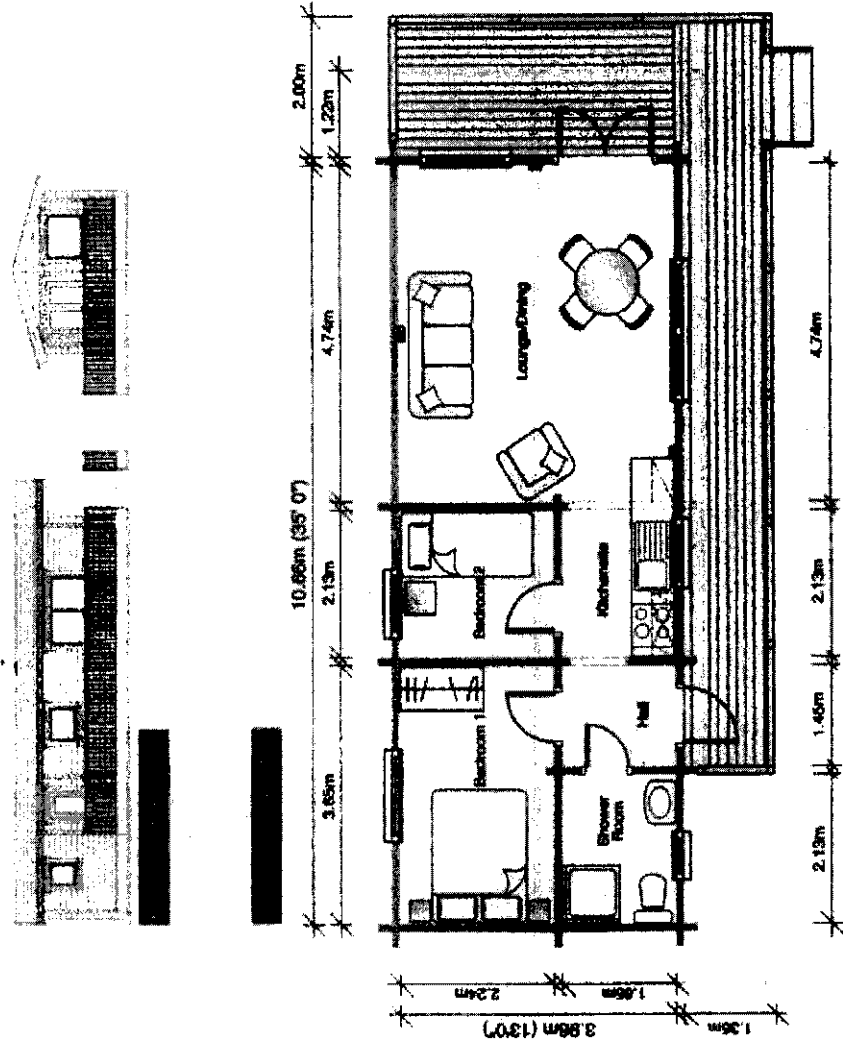
**Room Dimensions - Imperial measurements**

- Entrance Hall: 5' 5" x 4' 9"
- Lounge: 15' 6" x 13' 0"
- Kitchen: 7' 0" x 5' 5"
- Bedroom 1: 12' 0" x 7' 4"
- Bedroom 2: 7' 4" x 7' 0"
- Shower Room: 7' 0" x 5' 5"

**RECEIVED**  
 - 1 SEP 2010  
 2010/0791

*The various options shown here for furniture and fittings are for illustration purposes only*

<b>Proposed siting of residential chalet/caravan for animal welfare purposes</b> <b>Green Acres, Newtown, Blackford, Carlisle</b>
<b>Client- Mr W Swalles</b>
<b>Scale, 1/200 and 1/100</b>
<b>Indicative floor plan and elevations</b>
<b>MJN Associates</b> <b>Red How Lodge</b> <b>Lamplugh</b> <b>Workington</b> <b>Cumbria CA14 4RN</b>
<b>N</b> ↑
<b>August 2010</b>



**PROPOSED PLACEMENT OF CHALET FOR ANIMAL WELFARE  
PURPOSES, GREEN ACRES, NEWTOWN, BLACKFORD, CARLISLE CA6  
4ET**

**DESIGN AND ACCESS STATEMENT.**

**1. Introduction**

This statement is provided under the provisions of Dept for Communities and Local Government circular 01/2006.

It accompanies an application to place a moveable chalet (no fixed foundations) on land at Green Acres, Newtown, Blackford Carlisle.

**2. Design principles**

The proposal here relates to placement of a chalet (Indicative plans and elevations are provided). The chalet and non foundation structure will be placed within the yard comprising the Standard Bred stables at Green Acres Newtown. The stables comprise 7 units of stable accommodation together with feeds stores and a workshop. The stables breed horses for trotting racing (known as Standard Bred)

The chalet is required by the owner to provide accommodation on a temporary basis for foaling where an onsite presence is required from an animal welfare perspective.

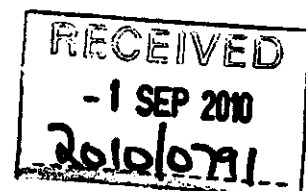
This need is supported by the applicants Veterinary Surgeon (letter attached to the application).

The activity requires on site attendance on a 24 hour basis from March to October for foaling. Normally outside these months attendance is required daily for feeding and cleaning etc. although this does not always require full day and night attendance.

For the avoidance of doubt consent is sought for 10 month occupation on an annual basis, with the use tied to the breeding activity at Green Acres.

Conditions to this effect would be acceptable to the applicant.

The applicant owns and rents some 15 ha of land in the vicinity and the holding has a registered holding number (108762363). Most of this land is used for grazing horses although some is cut for hay under contract. The applicant has used the land for Standard Bred horses for the past 12 years



### **3. Layout**

The layout of the development is constrained by the footprint of the fenced stable area and it is not proposed to extend the footprint of the stable area. The site for the unit would be on the north side of stables, part occupying the site of a semi derelict store/stable block.

### **4. Appearance.**

The chalet will be of traditional appearance for this kind of development made by a reputable manufacturer. The structure will be based on wheels and metal supports. Indicative plans and elevations are attached. The building would be modest in scale. This land is not within public view due to the road side hedges here; the proposal does not therefore impact upon the open nature of the surrounding land. No impacts to adjacent property or the surrounding landscape are expected.

### **5. Access**

The existing access will be used and no additional traffic will arise as the access is already used 24 hours a day in foaling season for attendance.

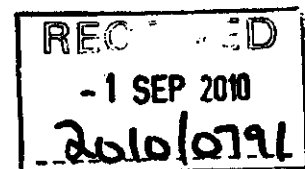
Access to the chalet will be via existing gates to the public road.

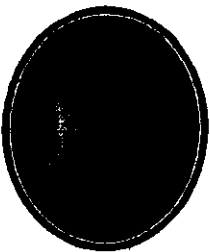
### **6. Drainage and Utilities.**

Surface water from the chalet will be dealt with via soakaway and foul drainage to an existing septic tank serving the stables. This tank was constructed some years ago to serve toilets in the workshop.

Water and mains electricity are present on site,

MJN August 2010



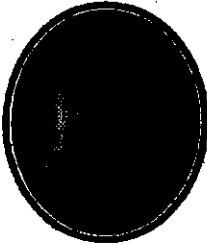


T.R. & J.H. Wharton  
Sedgehill, Blackford,  
Carlisle, Cumbria CA6 4EY  
Tel: 01228 74297

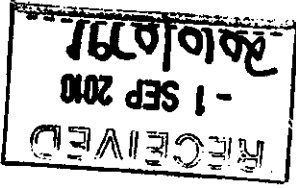
Mr Swales situation is no different  
in order to care for the health and  
welfare of his animals; horses

your faithfully

T.R. Wharton.



T.R. & J.H. Wharton  
Sedgehill, Blackford,  
Carlisle, Cumbria CA6 4EY  
Tel: 01228 74297



23<sup>rd</sup> July 2010.

Dear Sir - Madam

I am writing to you to endorse  
& support Mr Swales request to  
be able to reside near his stables,  
where he tends his breeding mares,  
& foals.

He has been a neighbour for several  
years - Seeing him on a daily basis  
working with his animals.

Being a dairy farmer I appreciate  
the necessity for a stockperson to be  
on hand twenty four hours a day,  
to maintain the health and  
welfare of our animals.

**Andrew Miller & Partners**  
**Veterinary Surgeons**



**ARK VETERINARY CENTRE, GLASGOW ROAD, LOCKERBIE DG11 2SE**  
Tel: (01576) 202552 (24 Hour) Fax: (01576) 203559  
email: arkvetcentre@btconnect.com Web: www.arkvetcentre.co.uk

7<sup>th</sup> July, 2010

**Ref – W. Swailes, Greenacres, Newtown, Blackford, Carlisle, CA6 4ET.**

**TO WHOM IT MAY CONCERN**

I have been attending veterinary surgeon for Mr Swailes for numerous years, at his yard at Greenacres.

Mr Swailes has quite a number of standard bred horses including brood mares and foals at his stables , and on numerous occasions concerns have been discussed about the distance Mr Swailes resides away from his premises.

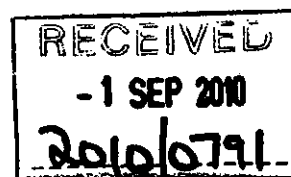
Proper management of all equines necessitates close supervision and as always I advise that owners stay at or adjacent to where the animals are kept.

We have experienced several incidents over the past few years whereby the welfare of injured animals has been compromised as no-one had been present when injuries have occurred.

I strongly support Mr Swailes desire to reside at Greenacres to allow him to give much closer control over his animals health and welfare.

Signed,

**A W Miller BVMS MRCVS**



## SCHEDULE A: Applications with Recommendation

10/0810

Item No: 10

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0810

**Applicant:**  
Mr Telford

**Parish:**  
Stapleton

**Date of Receipt:**  
02/09/2010 16:00:29

**Agent:**  
Planning Branch Ltd

**Ward:**  
Lyne

**Location:**  
High Mossthorn, Roadhead, Carlisle, CA6 6NJ

**Grid Reference:**  
351496 573435

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**Proposal:** Conversion Of Barn To Form 1No. 2 Bedroom Dwelling (Revised Application)

**Amendment:**

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**REPORT**

**Case Officer:** Stephen Daniel

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

This application has been called to committee by Cllr John Mallinson

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

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H7 - Agric,Forestry and Other Occup.Dwgs**

**Local Plan Pol H8 - Conversion of Existing Premises**

**Local Plan Pol CP5 - Design**

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

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

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

**Cumbria County Council - (Highway Authority):** recommend refusal as facilities within walking distance are minimal and there are no bus services. As a consequence, virtually all journeys to and from the development will be car borne. The proposal is, therefore, contrary to the aims of promoting accessibility;

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** no objections;

**Local Environment (former Community Services) - Drainage Engineer:** comments awaited;

**Stapleton Parish Council:** the application should be looked at sympathetically given the lack of local, affordable housing in the area and to help to keep young people in the area;

**Ramblers Association:** comments awaited;

**(Former Comm/Env.Services) - Green Spaces - Countryside Officer - RURAL AREA:** comments awaited;

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

**Planning (former Planning & Housing Services) - Local Plans, Planning - Planning Policy & Conservation:** this resubmitted application does not adequately satisfy previous justifications for objection in relation to application number 10/0440. As such the grounds for objection with regard to planning policy remain and are outlined below.

The proposed development is located in the remote rural area, with the nearest local service centre of Smithfield being approx 13km away. National and local policy does not support isolated housing development in the rural area unless it is supported by an agriculture, forestry or other rural based enterprise or local need. The supporting planning statement for this application states that the applicants have a wish to live in this location, (to help out on the farm at evenings, weekends and during the absence of the applicant) rather than a need, and that their main income is obtained elsewhere. As such no further justification for agricultural need has been submitted with this application. PPS7 states that new houses in the countryside will require special justification for planning permission to be granted. Annex A of PPS 7 which makes provision for agriculture, forestry and other occupational dwellings does not apply as the need for such a development has to relate to a full time worker, or one who is principally employed in agriculture. It does not relate to a part-time requirement, as is the case here.

The criteria for such developments are to take account of settlement patterns, accessibility to service centres and markets. PPS 7 does not support the application, as the re-use of buildings in the countryside is only acceptable where it meets sustainable development objectives. Governments policy is to support the re-use of

appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. This site would not meet sustainable development objectives due to its location, 13km away from the nearest local service centre.

PPS 3 states that government policy is to ensure that housing is developed in sustainable locations that offer a range of community facilities, and with good access to jobs, key services and infrastructure. However, this site is in an isolated location with no access to any of the above.

The proposal remains contrary to Policy H1 and DP1 of the adopted Local Plan, (which makes provision for new development in sustainable locations), as the proposal is in an isolated location. It is also contrary to Policy H7, which makes provision for agriculture, forestry and other occupational dwellings, as the main income of the applicant is obtained elsewhere and no evidence has been provided to demonstrate an essential need to live on site. In addition it is contrary to Policy H8 as the development does not comply with the criteria stated for granting permission for sites that are outside settlements identified within Policy H1 and DP1. The policy also states that development would be granted in areas that planning permission would not normally be granted if the building could be converted without extensions or major alterations which would destroy its character. This revised application seeks to alter and extend the fabric of the existing building. It is also contrary to Policy CP16 as the site does not offer a realistic choice of access by public transport, walking and cycling. Access to this site would therefore be solely reliant on the use of the private car which is unsustainable;

**Natural England - relating to protected species, biodiversity & landscape:**

note that there is a pond 100m to the south of the proposed development. Developer should either commission a Great Crested Newt Survey (which would have to be done next year) or a Habitat Suitability Survey - if this concludes the habitat is suitable for Great Crested Newts a full survey would need to be commissioned;

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Low Mossthorn	09/09/10	
Mossthorn Cottage	09/09/10	

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

### **4. Planning History**



- 4.1 In July 2010, planning permission was refused for the conversion and extension of a barn to form a two bed dwelling (10/0440).

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

### **Introduction**

- 5.1 Full planning permission is sought for the conversion and extension of a barn to form a two-bed dwelling at High Mossthorn, Roadhead. High Mossthorn is located approximately 1.5km south of Roadhead and consists of a range of modern and traditional agricultural buildings, set around a central hard surfaced courtyard. The building, subject of this application, together with the attached farmhouse, are located on the southern side of the courtyard. All operational buildings are located on the northern and eastern sides.
- 5.2 The application site comprises a single-storey redundant agricultural building, which is attached to the west elevation of the existing farmhouse. The main part of the building, which measures 20m in length by 4.9m in width, is of traditional stone construction, under a slate roof. A section of the building, which measures 10.9m in length by 4.9m in width extends west beyond the edge of the courtyard. This section is constructed of part stone and part block, under a corrugated steel roof. The north elevation of the building, facing into the courtyard, has five existing door openings, with the southern (rear) elevation having one door opening.

### **Background**

- 5.3 A planning application for the conversion and extension as this barn to form a two-bedroom dwelling was refused in July 2010 for the following reasons:
1. Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need. This application does not provide any evidence to support a special need for a dwelling in this location. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to certain settlements. The proposal is contrary to the objectives of the advice within Policies DP1 (Sustainable Development Locations), H1 (Location of New Housing Development) and H7 (Agricultural, Forestry and Other Occupational Dwellings) of the Carlisle District Local Plan 2001-2016.
  2. The proposed extension and the insertion of four new window openings in the south elevation would have an adverse impact on the character and appearance of the barn and the proposal is, therefore, contrary to criteria 1 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.

### **The Proposal**

- 5.4 The proposal is to convert the section of the building, which faces into the

courtyard, into a two-bed dwelling. Four existing openings in the north elevation would be retained and used to form two doors and three windows, with the fifth being sympathetically closed. The door in the rear elevation would be changed to a window and two new small windows would be added. Two new rooflights would be added to the south facing roofslope and one would be added to the north facing roof slope.

- 5.5 A single-storey extension measuring 5.2m in width by 4.6m in length would be attached to the rear elevation. This would largely be constructed of rendered blockwork, with stone detailing, under a slate roof. The dwelling would incorporate a sitting room, a living room/kitchen, a utility room, two bedrooms, a bathroom and a toilet. The western section of the building would be demolished and this would form part of a garden area, which would also extend to the south of the building. Two new windows would be added to the new western elevation of the building. Access to the new dwelling would be via the existing access, with vehicular parking being located to the front of the dwelling, in part of the existing courtyard.

### **Assessment**

- 5.6 The proposals need to be assessed against Policies DP1, H1, H7, H8, CP5, CP12 and CP16 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposals raise the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 5.8 The application site is located on an existing farm which lies within the open countryside. Policy DP1 of the adopted Local Plan seeks to focus development in sustainable locations. The policy establishes a settlement hierarchy with Carlisle identified as the Urban Area; Brampton and Longtown identified as Key Service Centres; and 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against a sequential approach for the need to be in the location specified. Outside these locations, development will be assessed against the needs to be in the location specified.
- 5.9 Policy H1 of the adopted Local Plan seeks to focus new housing development in sustainable locations. It establishes a settlement hierarchy, with the primary focus for new housing development being the urban area of Carlisle; followed by the Key Service Centres of Brampton and Longtown, which have a broad range of amenities and services; and finally, selected villages which perform a service role within the rural area. These villages are sub-divided into two groups, the first being the 20 larger villages that act as Local Service Centres and where the scale and nature of development will be determined by local form and character. The second group of 21, essentially small villages possessing very limited facilities and, hence, providing basic service provision, is regarded as being capable of accommodating only small scale infill development, which is evidenced by local need to be in that location.
- 5.10 The application site is not located within a settlement but lies within the open

countryside. As a consequence, any proposal for a new dwelling in this location needs to be assessed against Policy H7 of the adopted Local Plan. This policy requires that development proposals outside defined settlements are supported by a proven agricultural or forestry need. Whilst the application is to convert a barn to a dwelling on an existing farm, the application is not supported by a proven agricultural need. Indeed, the supporting information states that the whilst the applicants both contribute labour on the holding, their main income is obtained from off-site employment. The application is, therefore, contrary to Polices DP1, H1 and H7 of the Carlisle District Local Plan 2001-2016.

- 5.11 Policy H8 of the adopted Local Plan permits, in some circumstances, the conversion of non-residential property, to provide residential accommodation in locations where new build residential development would not be granted. These are where the building is of sufficient historic or architectural interest to warrant its retention. In this case, however, the building is not Listed and the applicant has not submitted any supporting information on the historic or architectural merit of the building.

## 2. Whether The Scale And Design Of The Proposal Is Acceptable

- 5.12 The proposal would largely retain the character of the existing building. Existing openings would be re-used, with the only changes being the blocking up a doorway in the front elevation, the insertion of two small new windows in the rear elevation and the creation of two new windows in the new west (side) elevation of the building. The new windows and doors would have stone surrounds to match existing. The existing stonework would be repaired and re-pointed and the slate roof would be repaired, with three new rooflights being added. A modest extension would be added to the rear of the property and this would be constructed mainly of rendered masonry, with stone detailing. The western section of the barn, which is partly constructed of block and has a corrugated sheet roof, would be demolished and a garden would be created in this area. In light of the above, the scale and design of the proposal would be acceptable.

## 3. The Impact Of The Proposals On The Living Conditions Of The Occupiers Of Any Neighbouring Dwellings

- 5.13 The building is attached to the side of the existing farmhouse. The front elevation would face existing farm buildings, which are located on the opposite side of the courtyard, whilst the rear elevation would face onto fields. The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighbouring properties.

## 4. Other Matters

- 5.14 Natural England has noted the presence of a pond within 100m of the application site and advise that survey work should be undertaken to establish if Great Crested Newts are present. If Members are minded to approve this application, permission could not be granted until the relevant surveys, to establish the possible presence of a European Protected Species, have been

completed and Natural England is satisfied that the proposal would not have an adverse impact on these protected species.

## **Conclusion**

- 5.13 In conclusion, the proposed development is not located within any of the settlements identified in Policies DP1 and H1 of the adopted Local Plan but is located in open countryside. Policy H7 of the adopted Local Plan only permits dwellings in the open countryside if they are supported by a proven agricultural or forestry need. The proposed development would, therefore, conflict with Policies DP1, H1 and H7 of the Carlisle District Local Plan 2001-2016.

## **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;

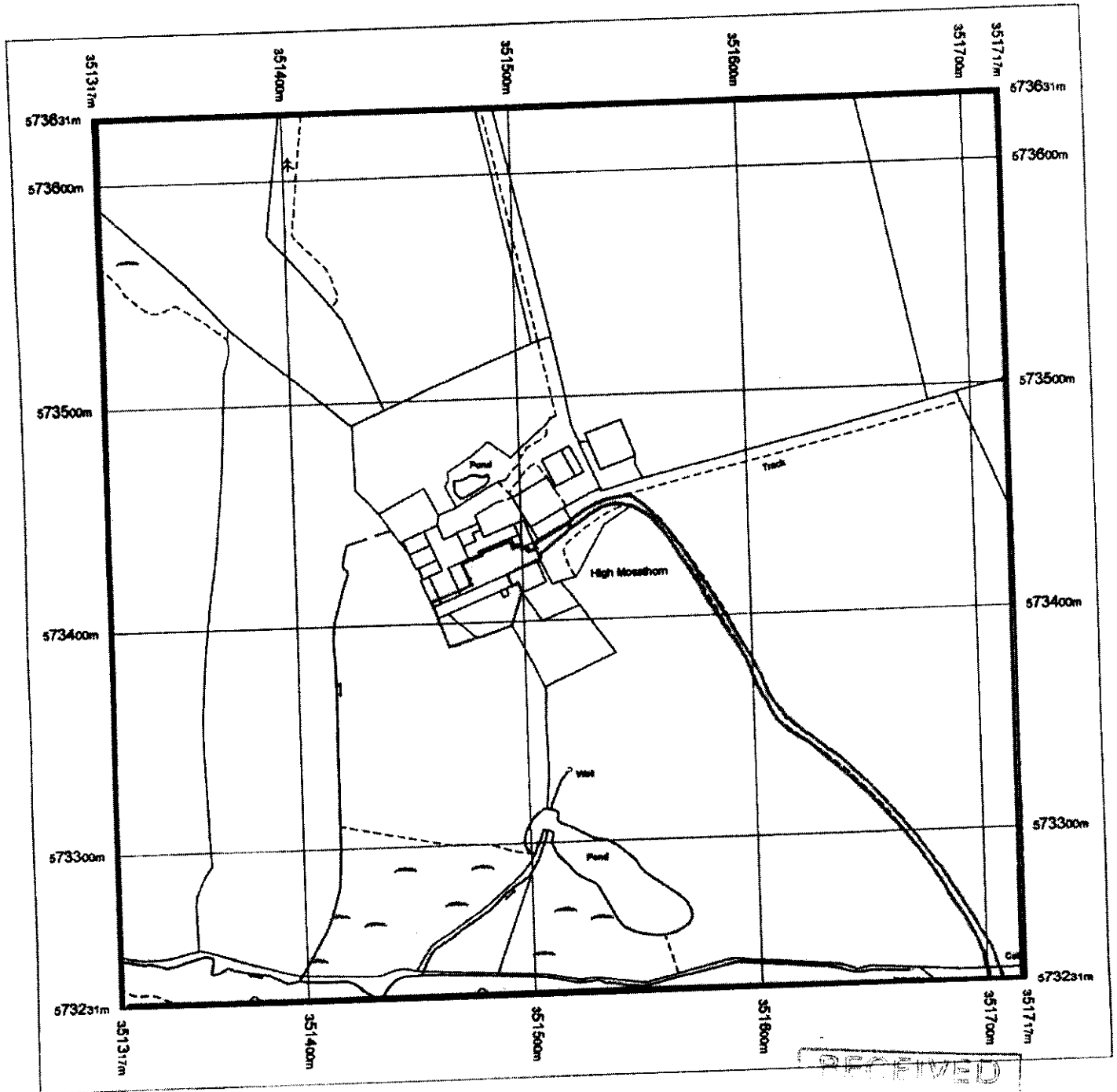
- 6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

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

1. **Reason:** Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need. This application does not provide any evidence to support a special need for a dwelling in this location. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to certain settlements. The proposal is contrary to the objectives of the

advice within Policies DP1 (Sustainable Development Locations), H1 (Location of New Housing Development) and H7 (Agricultural, Forestry and Other Occupational Dwellings) of the Carlisle District Local Plan 2001-2016.

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RECEIVED  
25 MAY 2010

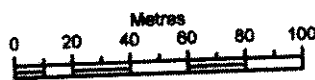
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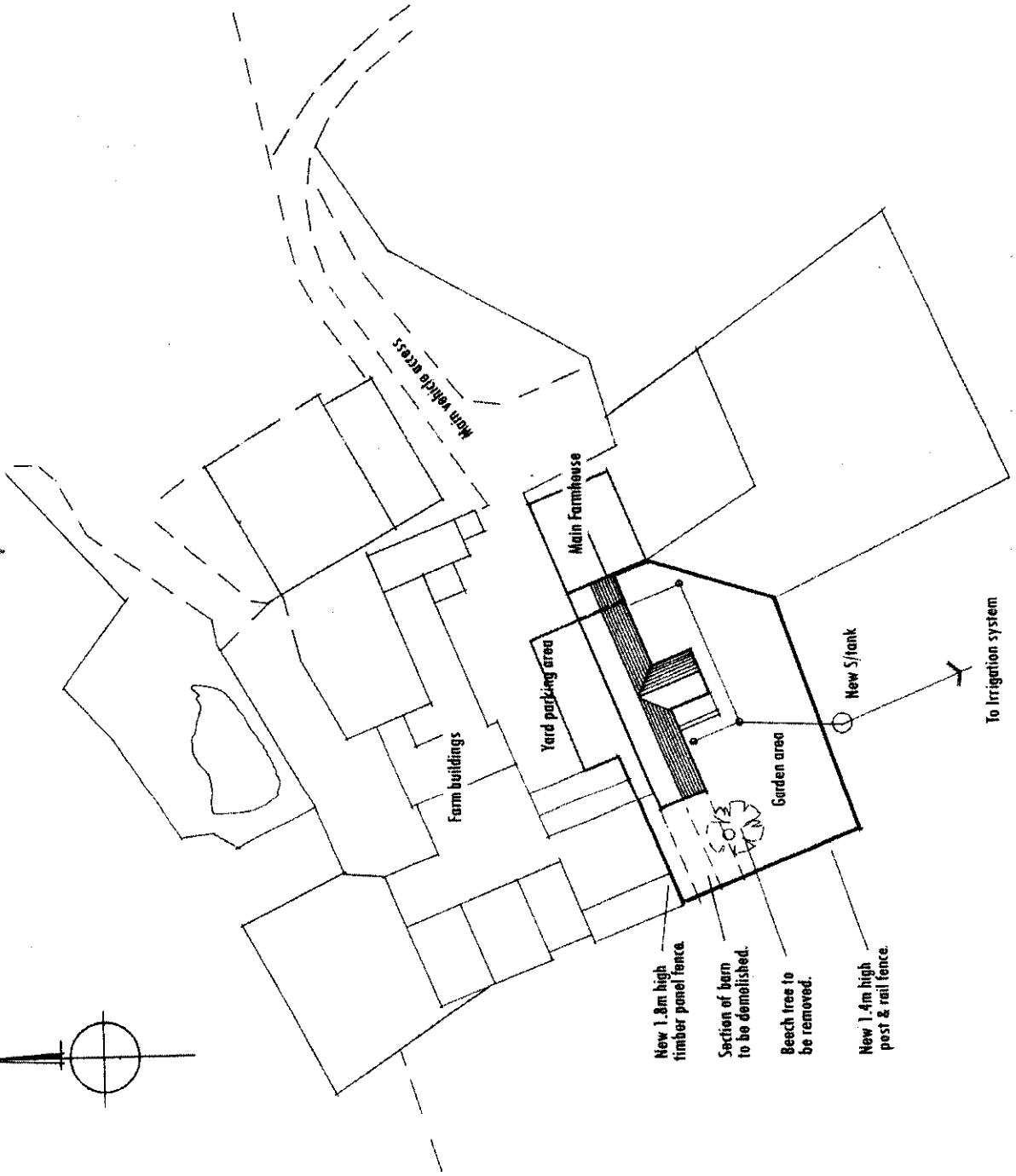
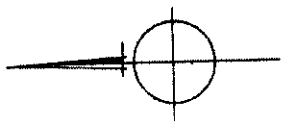


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Supplied by: Blackwell M and D C  
Serial number: 00343200  
Centre coordinates: 351617 573431

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site.

10/0440

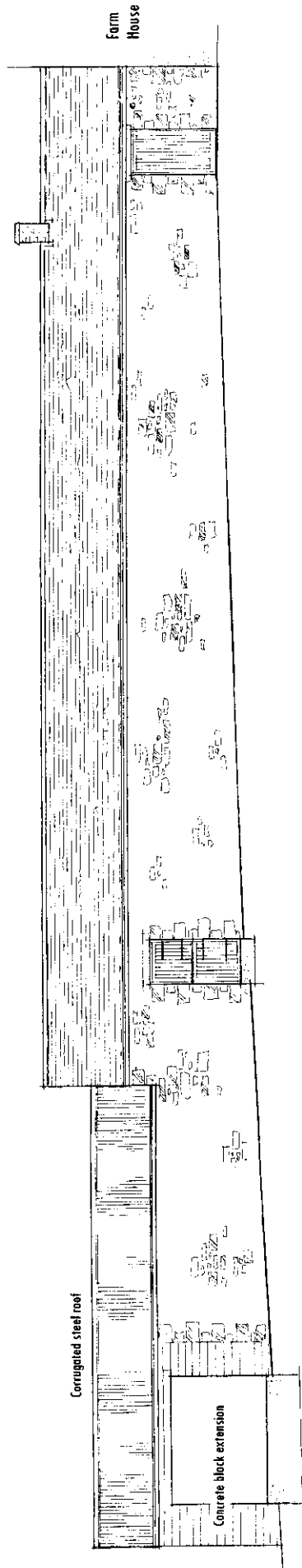


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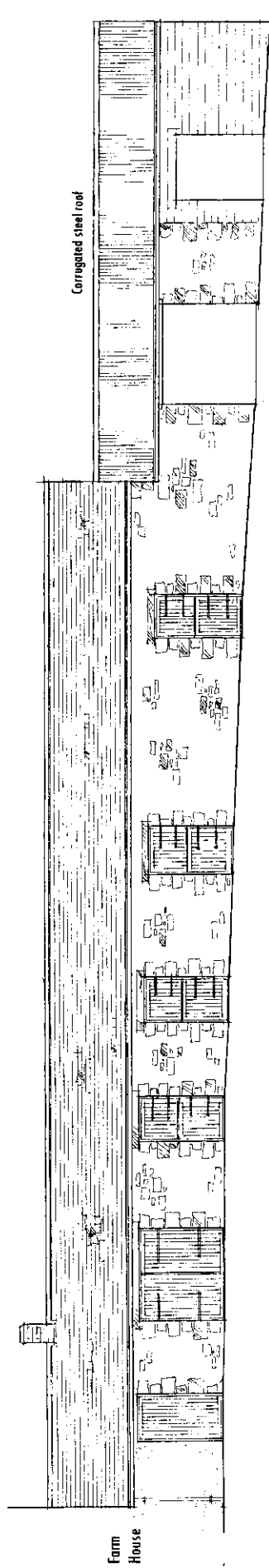
# MOSSTHORN

Conversion and extension of Barn  
To Form 1 No. 2 Bedroom Dwelling.

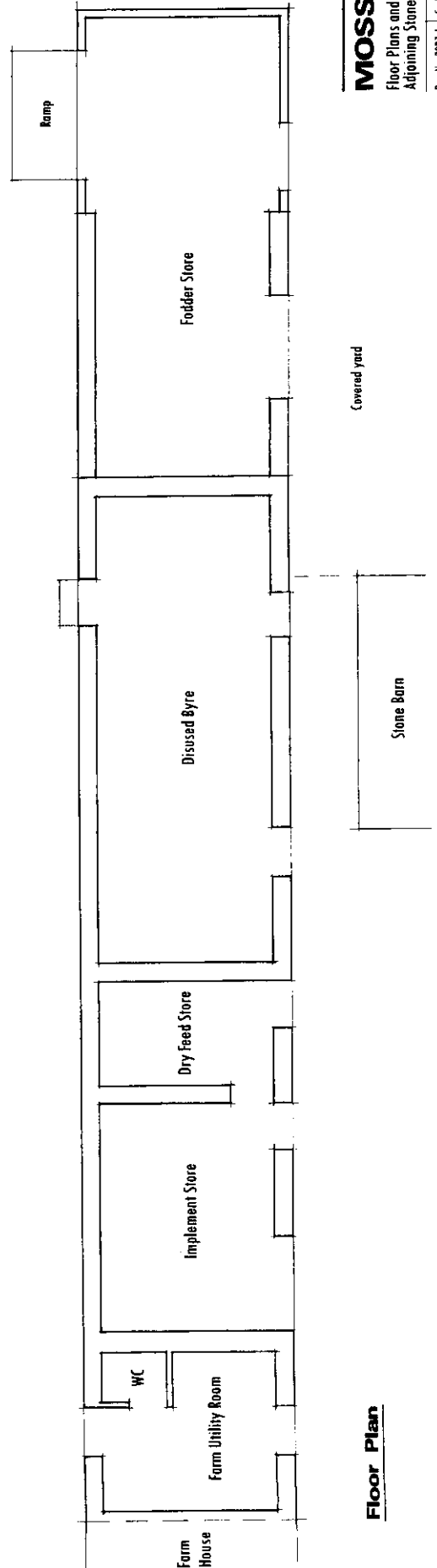
Site Plan. Scale 1:500



**Rear Elevation E.**



**Front Elevation W. (Courtyard)**



**Floor Plan**

Covered yard

Stone Barn

Fodder Store

Disused Byre

Dry feed Store

Implement Store

WC

Farm Utility Room

Ramp

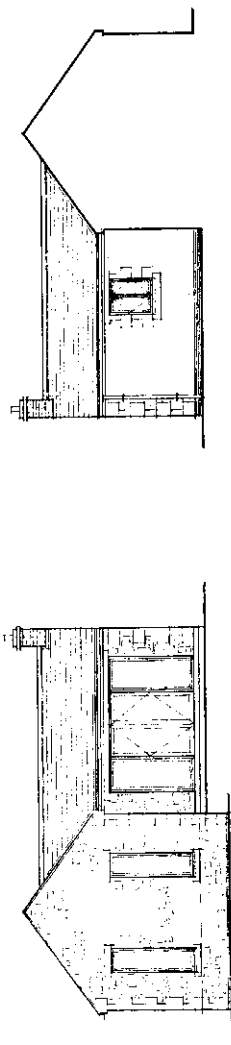
14/04/10

**MOSSTHORN**  
Floor Plans and Elevations of the  
Adjoining Stone Barn - as Existing

Fig. No. 2027-1 | Scale: 1:50 | Date: 29.3.2010.

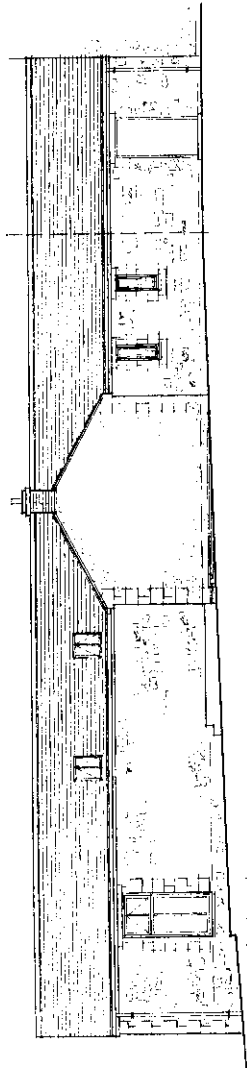
Rodney Jeremiah Architectural Services  
No. 01228 57724 Email: rodney@rodnejeremiah.com



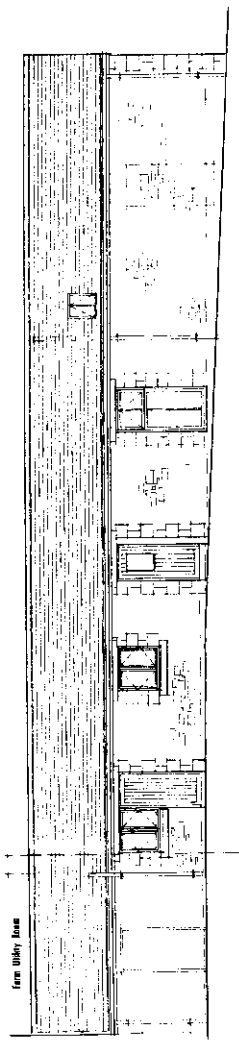


End Elevation S

End Elevation N



Rear Elevation E



Front Elevation W

**NOTE:**  
 The new window shown in front elevation (left opening) will be installed with existing trim. (1) Show opening.  
 The new utility room and kitchen window shown at the rear elevation will be installed with existing trim. The new window will be installed with existing trim.  
 The existing front door opening may require to be removed and a new door to be installed. The new utility room window shown in elevation will be installed with existing trim.  
 The new roof covering the utility room shown in elevation will be installed with existing trim.  
 The new roof covering the utility room shown in elevation will be installed with existing trim.  
 The new roof covering the utility room shown in elevation will be installed with existing trim.



1/24/2011

<b>MOSSTHORN Roadhead.</b>	
Project: Conversion and Extension of Barn to Farm 1 No. 2 Bedroom Dwelling	
Drawn: Elevations as Proposed	
Dwg No: 12132	Scale: 1/8" = 1'-0"
Date: 11/22/2011	Drawn: J.E.J.
Approved: [Signature]	
By: [Signature]	
Architect: [Signature]	
Address: [Address]	

**NOTES:**  
 1. The owner desires a new building to be constructed and the existing structure to be removed and replaced with a new structure.

**GENERAL NOTES:**  
 1. The existing structure is to be demolished and replaced with a new structure. The new structure is to be constructed in accordance with the attached plans and specifications.

**FOUNDATION NOTES:**  
 1. The foundation is to be constructed in accordance with the attached plans and specifications.

**FRAME NOTES:**  
 1. The frame is to be constructed in accordance with the attached plans and specifications.

**ROOF NOTES:**  
 1. The roof is to be constructed in accordance with the attached plans and specifications.

**MECHANICAL NOTES:**  
 1. The mechanical system is to be constructed in accordance with the attached plans and specifications.

**ELECTRICAL NOTES:**  
 1. The electrical system is to be constructed in accordance with the attached plans and specifications.

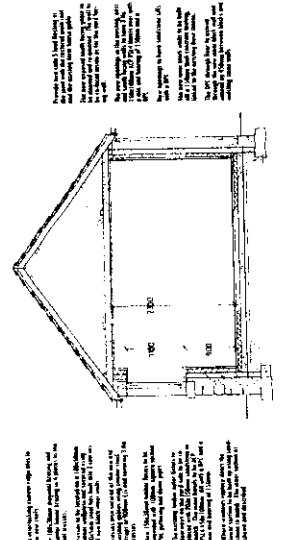
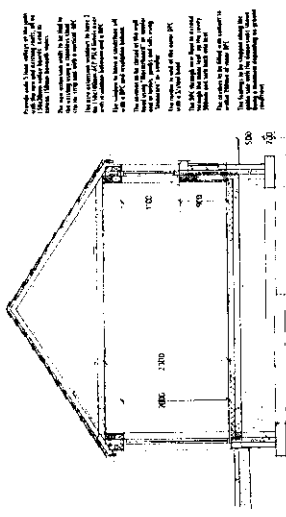
**PLUMBING NOTES:**  
 1. The plumbing system is to be constructed in accordance with the attached plans and specifications.

**PAINTING NOTES:**  
 1. The painting is to be constructed in accordance with the attached plans and specifications.

**FINISHES NOTES:**  
 1. The finishes are to be constructed in accordance with the attached plans and specifications.

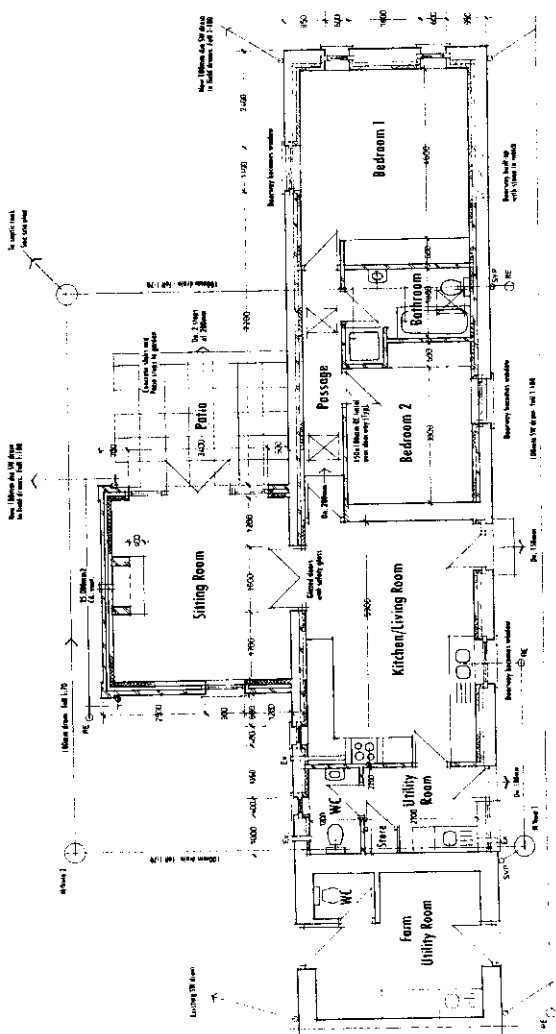
**GENERAL CONTRACTOR NOTES:**  
 1. The general contractor is to be responsible for the construction of the building in accordance with the attached plans and specifications.

**OWNER NOTES:**  
 1. The owner is to be responsible for the construction of the building in accordance with the attached plans and specifications.



Typical Section AA NTS

Typical Section BB NTS



Floor Plan 1:50

**NOTES:**  
 1. The owner desires a new building to be constructed and the existing structure to be removed and replaced with a new structure.

**GENERAL NOTES:**  
 1. The existing structure is to be demolished and replaced with a new structure. The new structure is to be constructed in accordance with the attached plans and specifications.

**FOUNDATION NOTES:**  
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**FRAME NOTES:**  
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**ROOF NOTES:**  
 1. The roof is to be constructed in accordance with the attached plans and specifications.

**MECHANICAL NOTES:**  
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**ELECTRICAL NOTES:**  
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**PLUMBING NOTES:**  
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**PAINTING NOTES:**  
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**OWNER NOTES:**  
 1. The owner is to be responsible for the construction of the building in accordance with the attached plans and specifications.

**MOSSTHORN Roadhead.**

Project: Conversion and Extension of Barn to form No. 2 Bedroom Dwelling

Client: [Name]

Architect: [Name]

Scale: 1:50

Date: [Date]

By: [Name]

## SCHEDULE A: Applications with Recommendation

10/0825

Item No: 11

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0825

**Applicant:**  
Mr David Hewat

**Parish:**  
Scaleby

**Date of Receipt:**  
09/09/2010

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Dunston House, Barclose, Scaleby, Carlisle, CA6  
4LH

**Grid Reference:**  
344259 563006

---

**Proposal:** Variation Of Condition 2 Of Application 06/0539 To Allow Family And Friends To Use The Field And Horse Arena And Variation Of Condition 3 Of Appn 06/0539 To Allow The Horse Transporter To Be Parked In A Specific Area Of The Site

**Amendment:**

1. The Description Of The Application Has Been Amended To Refer To A Variation Rather Than The Removal Of Condition 3 Of Application 06/0539.

---

### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as an objection has been received from Scaleby Parish Council together with four letters of objection from neighbouring residents.

#### 1. Constraints and Planning Policies

**Ancient Monument**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol LE24 - Equestrian Development**

## 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** the proposal will not lead to an increase in vehicular traffic to and from the site and the site will not be used for commercial purposes; therefore, the Highway Authority has no objection; and

**Scaleby Parish Council:** the occupiers of this residence have never adhered to the existing conditions of 05/0284 and 06/0539 in relation to where the transporter is parked and the Parish Council would like those original conditions to remain unchanged.

It was observed that allowing friends and family to use the arena could cover a very broad scope of people and raise issues of noise and traffic pollution.

## 3. Summary of Representations

### Representations Received

Initial:	Consulted:	Reply Type:
West View	20/09/10	Comment Only
Wayside	20/09/10	
The Shrubbery	20/09/10	Objection
Alby House	20/09/10	
Dunston Cottage	20/09/10	
Beechcliff	20/09/10	Objection
The Oaks	20/09/10	
Barclose Service Station	20/09/10	
Waterbeck		Support
Kirkhope House		Support
Merlin		Support
Beech Tree		Support

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

1. the applicant has persistently breached the planning conditions and parked the horse transported outwith the curtilage of his property. The vehicle can clearly be seen from Barr Lonning that leads to Scaleby Hill;
2. the wider use of the land has been a concern for some time and will open the doors to the public;
3. approval of this application will lead to an increase of noise by additional people using the arena;

4. if permission is granted, there would be an increase in traffic on the road and more vehicles turning into the site on what is already a fast road;
5. a leylandii hedge has been planted at the rear of a neighbour's property to stop the users of the arena looking into the property;
6. due to its size, the parking of the horse vehicle already overshadows a neighbouring garden and if it is moved would obstruct the view over the field and devalue the property.

3.2 In addition, four letters of support have been received. The issues raised are summarised as follows:

1. the applicant trains horses for competitions as he is a noted carriage driver competing at local and national level;
2. it would be inappropriate to park the vehicle in the curtilage and destroy the garden when there is a hardstanding that is available for use ;
3. the objections raised claim that the variation is only required to allow commercial activity. The applicant has never used the premises for commercial gain and these objections are negated by the wording in the variation to the planning condition;
4. the horse driving activities are a pleasure to watch. Carriage driving is a sport that cannot be undertaken single handed and the support of family and friends is whatever capacity is vital.

3.3 Following an amendment to the description of the application, all neighbours and interested parties were renotified and at the time of writing this report, no further comments have been received.

## **4. Planning History**

- 4.1 Planning permission was granted in 2005 for a change of use of part of OS Field No 2600 from agricultural to all weather horse arena.
- 4.2 In 2006, planning consent was granted for the use of the field for horsiculture.

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

### **Introduction**

- 5.1 The application seeks Full Planning permission for the variation of a planning condition relating to land at Dunston House, Scaleby, Carlisle. The land in question lies to the rear of Dunston House and also lies within the Hadrian's Wall Buffer Zone.

### **Background**

- 5.2 Planning permission was granted in 2006 for the change of use of the land for horsiculture. "Horsiculture" is generally defined as the keeping and training of horses for leisure purposes and in this particular case the land is used for both general riding/training and to practice a range of training activities associated with carriage driving. The consent was subject to three conditions, numbers two and three respectively read:

*"The field shall be used for the keeping and training of horses only, including carriage driving, and shall be for private use by residents of Dunston House only and shall at no time be used for any commercial purposes including equestrian tuition or leisure rides.*

*Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy E8 of the Carlisle District Local Plan and Policies CP1 and CP5 of the Redeposit Draft (2001-2016).*

*The horse transporter shall not be parked within OS Field No 2600.*

*Reason: To protect the amenity of the adjacent residential properties and the character of the rural area in accordance with Policy E8 of the Carlisle District Local Plan and Policies CP1 and CP5 of the Redeposit Draft (2001-2016)."*

- 5.3 In addition to the planning permissions granted for the site, the applicant has built within the curtilage of his property a stable block that measures 11 metres in length, 4 metres in width and 2.9 metres high. It has been constructed under Permitted Development rights.

## **Proposal**

- 5.4 This application seeks to vary condition 2 to allow family and friends to use the field and horse arena on a non-commercial basis. The application also seeks consent for the variation of condition 3. The vehicle is currently parked within the curtilage adjacent to the western boundary of the applicant's property and it is proposed to park the horse transporter outwith the curtilage but adjacent to the arena in the field that was subject of an earlier planning application.
- 5.5 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP5, CP6, LE7 and LE24 of the Carlisle District Local Plan 2001-2016. The issues for Members to consider are whether the variation of the conditions would raise any highway issues and whether they would prejudice the living conditions of the occupiers of the neighbouring properties.

## **Assessment**

1. Highway Implications

- 5.6 The principle of an equestrian use has been established on the site through the previous planning permission that has subsequently been implemented. The access to the site leads from the County highway and passes west of the applicant's property to the land to the rear. This arrangement would remain unaltered. No objection has been raised by the Highway Authority regarding the variation of the planning conditions.
- 5.7 Several objectors have stated that the road through Scaleby is used by both heavy goods vehicles and cars which travel at speed. If permission is granted, the objectors believe that there would be an increase in traffic on the road with more vehicles turning into the site which could pose a risk to users of the highway.
- 5.8 The proposed variation of the condition would allow not only the applicant but also friends and family to assist with the equestrian uses on the site. The site is located adjacent to a relatively busy road that is subject to the national speed limit, and there is good visibility in both directions. The road curves and narrows as it enters the village from the west which serves as a traffic calming measure. The level of activity proposed on the site would remain domestic but would allow the flexibility for the applicant to enlist assistance which is necessary in the specialist field of carriage driving. Members are reminded that the Highway Authority has raised no objection.

## 2. Impact On The Living Conditions Of The Occupiers Of The Neighbouring Residential Properties

- 5.9 There are residential properties parallel to the applicant's property to the east and west and further to the west, is a bungalow that faces the field and arena. Due to the vehicle's size, one of the objectors states that the horse transporter already overshadows his garden and if it is moved, he is concerned that the vehicle would obstruct the view over the field and devalue his property. The vehicle can currently be seen from the property known as 'The Oaks'. Although The Oaks is a bungalow, there is a 1.8 metre high timber fence and the vehicle can be seen over it; however, it is proposed to move the vehicle further back into the site from its current position to approximately 48 metres from The Oaks. Whilst the vehicle would be more visible as there would be a direct line of sight from the property as opposed to viewing it at an angle, there would be sufficient distance that the living conditions of the occupier of the property would not be adversely affected. Members are reminded in considering this proposal that the perceived devaluation of a property is not a material planning consideration.
- 5.10 The objectors have stated that the wider use of the land has been a concern for some time, it will open the doors to the public and that approval of this application will lead to an increase of noise by additional people using the arena. The proposed wording of the condition is explicit in that it clearly prohibits commercial activity on the site. The proposed variation would not give rise to a significant increase or deviation of the use of the site to result in levels of noise or disturbance that would adversely affect the living conditions of the occupiers of the neighbouring properties.

### 3. Impact On The Character And Appearance Of The Hadrian's Wall World Heritage Site

5.11 The site is within the Hadrian's Wall World Heritage Site. The vehicle would be parked close to the applicant's outbuildings and would not adversely affect the character or appearance of the area.

### 4. Other Matters

5.12 Within correspondence received from the objectors, it is stated that the applicant has persistently breached the planning conditions and parked the horse transporter outwith the curtilage of his property and that it can clearly be seen from Barr Lonning, a road from Scaleby to Scaleby Hill. The rear of the vehicle currently overhangs land which was subject to the previous application i.e. outwith his curtilage. This matter has been investigated by the Council's Planning Enforcement Officer and it was concluded that as only part of the vehicle is outwith the curtilage, there is no technical breach of planning control. If granted, this application would allow the applicant to park his vehicle adjacent to the arena but the technical breach should not prejudice the determination of this current proposal.

### Conclusion

5.13 In overall terms, the principle of the variation of the two planning conditions is considered acceptable. The relocation of the parked vehicle would not impact on the character of the area or adversely affect the living conditions of the occupiers of the neighbouring properties. The revision to condition 2 would restrict the use of the site whilst allowing reasonable flexibility of use for the applicant. In all aspects the proposal is considered to be 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 field and horse arena shall be used for the keeping and training of horses only, including carriage driving, for the domestic enjoyment of the applicant and his successor in title and shall and at no time be used for any commercial purposes including equestrian tuition, leisure rides, competition or events.

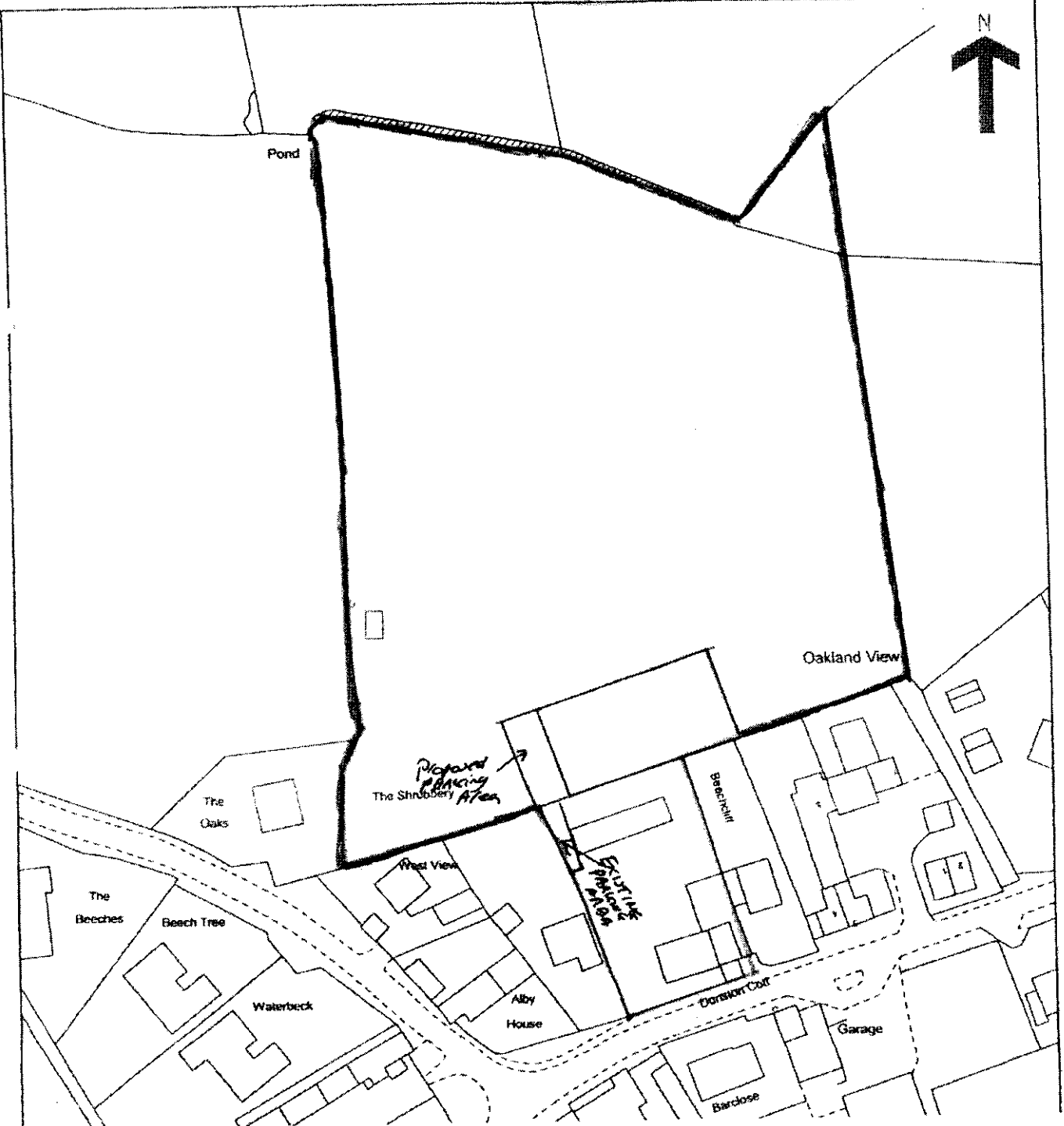
**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies CP1 and CP5 of the Carlisle District Local Plan 2001-2016.

3. The horse transporter shall not be parked within OS Field No 2600 except in the position shown on the site location plan received on 9th September 2010.

**Reason:** To protect the living condition of the occupiers of neighbouring properties and to protect the character of the rural area in accordance with Policies CP1 and CP5 of the Carlisle District Local Plan 2001-2016.

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2010/0825  
- 9 SEP 2010



## SCHEDULE A: Applications with Recommendation

10/0851

Item No: 12

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0851

**Applicant:**  
Mrs Angela Robinson

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
17/09/2010

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Land to the Rear of Wensleydale, Tarraby, Carlisle  
CA3 OJS

**Grid Reference:**  
341053 558080

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**Proposal:** Erection Of 4no. Bedroom Dwelling Unit Including New Access Road  
(Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Stephen Daniel

### Reason for Determination by Committee:

The Parish Council has objected to the proposal.

#### 1. Constraints and Planning Policies

##### Ancient Monument

##### Conservation Area

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

##### Local Plan Pol DP1 - Sustainable Development Location

##### Local Plan Pol H1 - Location of New Housing Develop.

##### Local Plan Pol H2 - Primary Residential Area

##### Local Plan Pol H9 - Backland Development

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

##### Local Plan Pol LE19 - Conservation Areas

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

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

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

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

**Local Environment (former Community Services) - Drainage Engineer:** comments awaited;

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** comments awaited;

**Cumbria County Council - (Archaeological Services):** no objections, subject to a condition requiring an Archaeological Watching Brief;

**English Heritage - North West Region:** comments awaited;

**Planning - Planning Policy & Conservation - Peter Messenger:** no objections to the proposals, now that the new access has been removed from the paddock and re-sited next to the existing dwelling;

**Local Plans (Tree Preservation), Economic Development:** in general the proposal is acceptable. However I have a concern regarding the proposed landscaping scheme. The scheme is not detailed enough, omitting as it does the size at the time of planting, the numbers/percentage of individual plants to be used and the spacings between the plants. Whilst a condition could be attached to the decision notice requiring a landscaping scheme, the area proposed for most of the planting i.e. the boundary of the adjacent paddock is outwith the red line area.

Also, there are limited details of service runs, and it must be made clear where these are to be routed in order to avoid unnecessary damage to the trees and hedges.

A condition must be attached to any granting of consent requiring the submission of a detailed method of tree and hedge protection to be agreed in writing and implemented prior to commencement of any works on site. There should be no storing, or stacking of materials, no changes to ground levels, or excavations, or any mixing of cement or concrete, or the washing of cement mixers, or the lighting of fires within the tree protection area;

**Stanwix Rural Parish Council:** objects to the application for the following reasons:

- concerns regarding access/ exit to the development on an unlit narrow lane;

- proposal, if permitted, would establish an undesirable precedent which would make it difficult to resist further such applications that would be detrimental to, and erode the character and amenity of, the open countryside setting of the Conservation Area;
- it would have a detrimental impact on the character, setting and skyline of the Conservation Area and the residential amenity of neighbouring properties within the Conservation Area;
- if permitted, would be contrary to previous planning decisions in respect of undeveloped sites within the Conservation Area;
- the application site lies between Hadrian's Wall and The Vallum and the proposal might threaten unidentified archaeological remains;
- loss of hedgerow to provide suitable visibility splays would have a detrimental urbanising effect upon a long established hedgerow, which constitutes a significant element of the immediate rural landscape character and street scene of the Tarraby Conservation Area;
- the proposal is contrary to Policies DP1, H1, H9 and LE19 and revised Annex B of PPS3: Housing;

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

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Ardleen House	28/09/10	Comment Only
Old Clydesdale Stud	28/09/10	
Silver Birch Cottage	28/09/10	
The Robins	28/09/10	
The Beeches	28/09/10	
Shortdale House		Comment Only

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to six neighbouring properties. To date one letter has been received from the occupiers of the neighboring property, which has requested that the hedge between the two properties and various trees should be retained for screening purposes. They have also requested that certain trees should be removed.

### **4. Planning History**

- 4.1 In August 2010, an application for the erection of a dwelling, including a new

access, was withdrawn prior to determination (10/0681).

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

### **Introduction**

- 5.1 This proposal is seeking planning permission for the erection of a dwelling on land to the rear of Wensleydale, Tarraby. Wensleydale is a large detached property which is constructed of brick under a tiled roof. The dwelling sits in a very large plot and is set back some 16m from the road. Large gardens are located to the side and rear of the property, with the rear garden boundary being 35m from the rear of the dwelling. A number of mature trees are located within the garden and the front boundary, which adjoins the road that links Whiteclosegate with Tarraby village, consists of a hedge. A timber stable is located to the east of the dwelling, adjacent to the boundary with Ardleen House, a modern detached dwelling. A paddock adjoins Wensleydale to the west with open fields being located to the rear of the property.
- 5.2 The dwelling is located within the urban area of Carlisle, as identified on the "inset" Map which forms part of the District Local Plan, and lies within the Hadrian's Wall World Heritage Site Buffer Zone. The dwelling is also located within the Tarraby Conservation Area, although part of the rear garden is excluded from this designation.

### **Background**

- 5.3 In August 2010, an application for the erection of a dwelling on this site was withdrawn. The application proposed to create a new access in the paddock that lies directly to the west of Wensleydale. This would have led to the removal of a large section of important hedgerow, that lies adjacent to the highway, and this was deemed unacceptable by the Council's Tree & Landscape Officer.

### **The Proposal**

- 5.4 The proposal is seeking planning permission for the erection of a two-storey, four bedroom dwelling in part of the rear garden of Wensleydale, in a plot measuring 43m by 20m. The dwelling would sit at right angles to Wensleydale and would have a side elevation facing this property. A double garage would be attached to this side elevation. The property would contain a living room, dining room, kitchen, utility room, study and toilet on the ground floor with four bedrooms (one en-suite) and a bathroom at first floor level. A conservatory would also be attached to the rear of the property. The two-storey section of the dwelling would measure 10.5m in width, 9m in length, 5m to the eaves and 9.2m to the ridge. The attached double garage and utility would be single-storey and would measure 7.2m in width by 6.7m in length and would have a pitched roof, which would have a ridge height of 5.5m. The front elevation of the dwelling would contain two bay windows at ground floor level and a portico. The rear elevation would contain a

monopitch roof, which would adjoin the dwelling just below the first floor windows and would link the garage and conservatory roofs. The dwelling would be constructed of red clay bricks, timber windows with stone surrounds, under a slate roof.

- 5.5 The existing access into Wensleydale would be used and a new driveway would be created from this to the new dwelling. The driveway would be located to the east of the dwelling, adjacent to the boundary with Ardleen House, and this would require the removal of the existing stables. It would be constructed of a plastic geo grid system in-filled with gravel to reduce run-off.
- 5.6 A number of mature trees would be removed as a result of the development and the existing front boundary hedge would need to be cut back to improve visibility from the access.

### **Assessment**

- 5.7 The proposal need to be assessed against Policies DP1, H1, H2, H9, LE7, LE19, CP3, CP5 and CP12 of the Carlisle District Local Plan 2001-2016.
- 5.8 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 5.9 The application site is located within the urban area of Carlisle and lies within a Primary Residential Area. The principle of residential development in such areas is supported by Policy H2 of the adopted Local Plan.
2. Whether The Scale And Design Of The Proposal Is Acceptable
- 5.10 The dwelling would be of a scale commensurate with other properties in the area. It would be of traditional design and would be constructed of red facing brick, timber windows with stone window surrounds, under a slate roof. The scale and design of the proposal would, therefore, be acceptable and in accord with the expectations of Policy CP5.
3. The Impact Of The Proposals On The Tarraby Conservation Area
- 5.11 The choice of materials and overall design of the dwelling respect the character of the surrounding buildings and its location immediately adjacent to the Tarraby Conservation Area. The Conservation Officer has raised no objections to the proposals, now that the new access has been removed from the paddock and re-sited next to the existing dwelling. In light of the above, the proposal would not have an adverse impact of the character or appearance of the Tarraby Conservation Area and satisfies the requirements of Local Plan Policy LE19.
4. The Impact Of The Proposals On Neighbouring Dwellings
- 5.12 A side elevation of the new dwelling would face the rear elevation of the host dwelling. This side elevation would not contain any windows and would be

over 24m away. Whilst a double garage would be attached to this side elevation this would be over 16m away from the rear elevation of Wensleydale.

- 5.13 The adjacent property, Ardleen, would be over 36m from the nearest part of the two-storey section of the new dwelling and given that it would sit at right-angles to the property, would not be overlooked. There might be some overlooking of part of the rear garden of this property, from two bedroom windows, but this would be limited due to the presence of trees along the boundary and would not have a significant adverse impact on the occupiers of this property.
- 5.14 In light of the above, 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.

## 5. Highway Matters

- 5.15 The existing access to Wensleydale would be used by the new property. The Highway Authority has raised no objections to this, subject to the provision of suitable visibility displays, which can be ensured by way of a condition.

## 6. Impact On Trees

- 5.16 The proposal would require the removal of a number of trees and the cutting back of part of a hedge. The applicant has agreed to plant a number of new native trees and a new section of hedge along the western boundary of the paddock. The Council, however, considers that the new hedge should be planted along the boundary of Wensleydale with paddock and the red edge will be amended to include this land. A condition has also been attached to the permission to ensure that suitable tree protection measures are put in place to protect the trees which are to be retained during construction works.

## 7. Archaeology

- 5.17 The site is located within the Hadrian's Wall World Heritage Site Buffer Zone and the County Archaeologist has requested that an archaeological watching brief be undertaken by a qualified archaeologist during the course of ground works. This has been secured by way of a condition.

## Conclusion

- 5.18 In overall terms, the proposal is acceptable in principle. The scale and design of the proposal is acceptable and it would not have an adverse impact on Tarraby Conservation Area or on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.



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

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

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

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

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

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

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

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

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Design & Access Statement (received 17 September 2010);
3. Tree Report (received 17 September 2010);
3. Site Location Plan;Site Layout (05118-04C - received 17 September 2010); Proposed Plans & Elevations (received 17 September 2010);
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the

Local Planning Authority.

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

3. 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 LE19 and CP5 of the Carlisle District Local Plan 2001-2016.

4. 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.

5. Prior to the commencement of development, protective fencing shall be erected in accordance with a scheme to be agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fencing shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to the commencement of development, a Method Statement shall be submitted for approval in writing by the Local Planning Authority. This Method Statement shall provide details of the methods of working, or any operations to be carried out, within the Root Protection Areas of the existing trees to be retained, to ensure that there is no damage to these existing trees.

**Reason:** In order to protect the existing trees on site, in accordance with Policy CP3 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 Wensleydale and the proposed dwelling, in accordance with Policies CP5 and H9 of the Carlisle District Local Plan 2001-2016.

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the north-east elevation of the dwelling 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 Policies CP5 and H9 of the Carlisle District Local Plan 2001-2016.

10. The development shall not commence until visibility splays providing clear visibility of 2 metres by 33metres 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 grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

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

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

12. The whole of the access area bounded by the carriageway edge, entrance

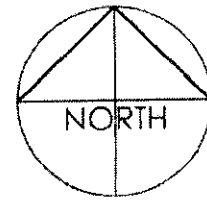
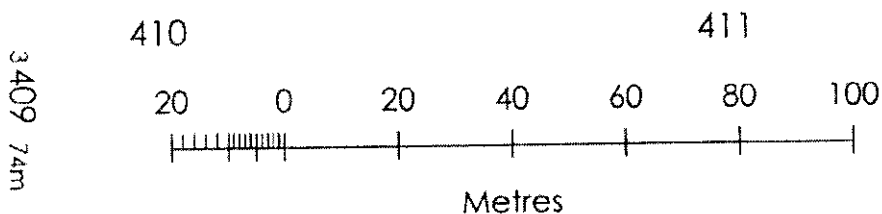
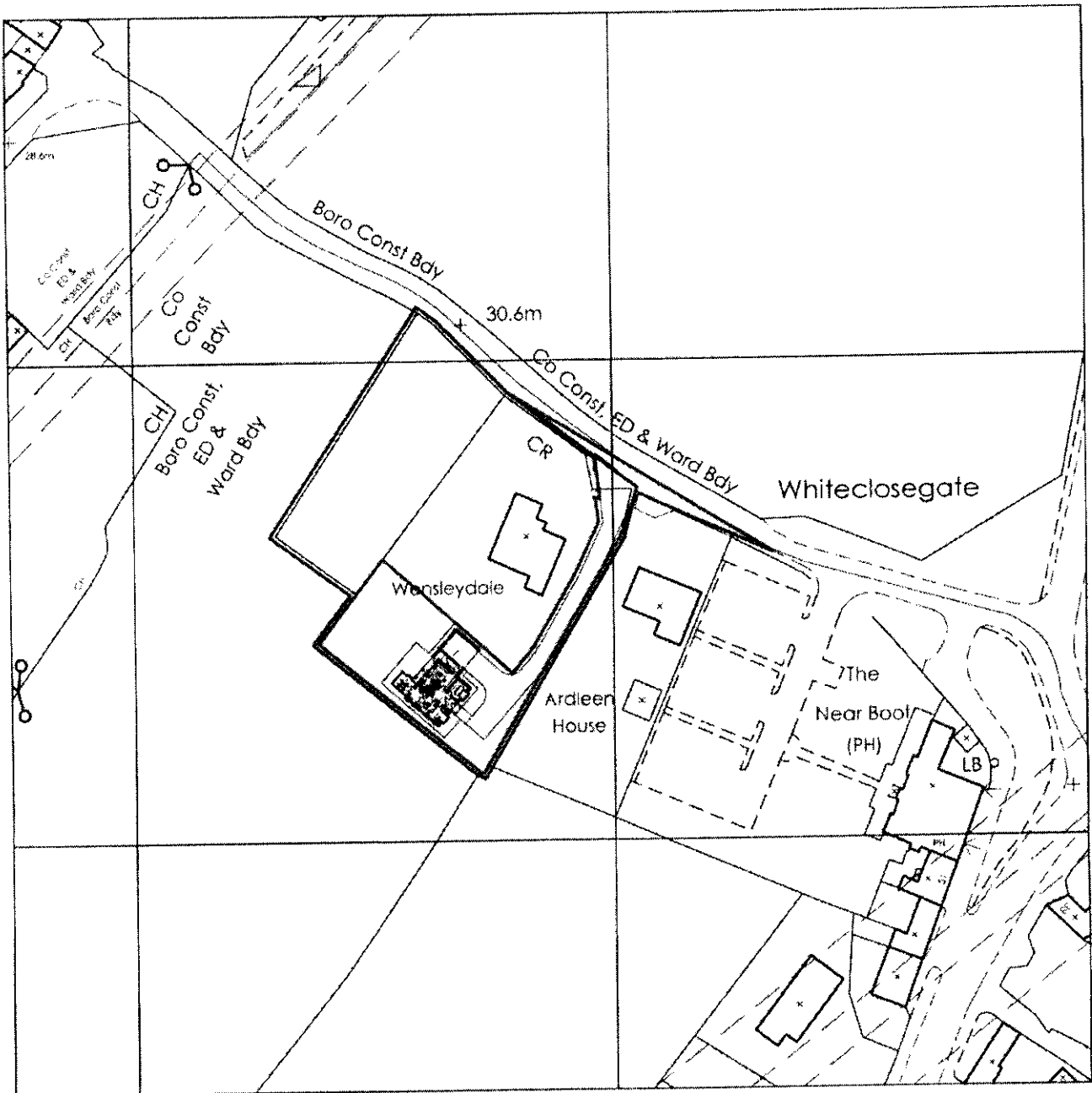
gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

13. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the dwelling hereby approved. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of the development. Within 2 months of the completion of the development, 3 copies of the report shall be furnished to the Local Planning Authority.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

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10 SEP 2010  
10/0851

A 10-09-10 ACCESS ROAD RELOCATED HOUSE REORIENTED  
Revision Date Description

RJW  
Revised by

Project  
**WENSLEYDALE, TARRABY, CARLISLE  
PROPOSED DWELLING**  
Drawing  
**SITE LOCATION**


**ARCHITECTS**  
**PLUS** *at*

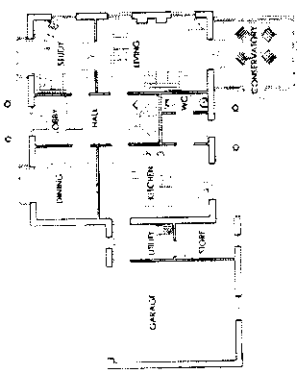
Scale Date User Cont'd No Number  
1/1250RA4 12/09 PJW GS 05118-06A

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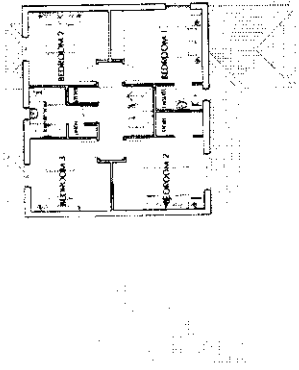
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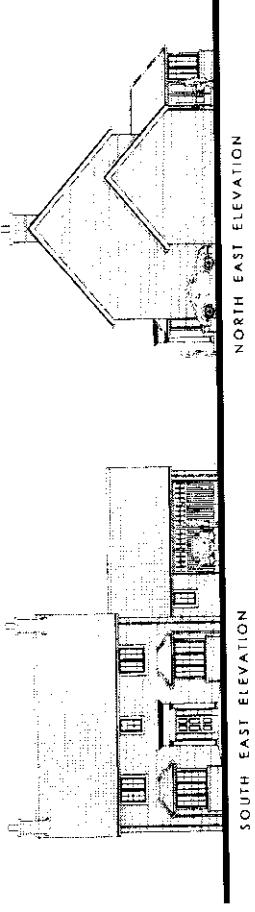
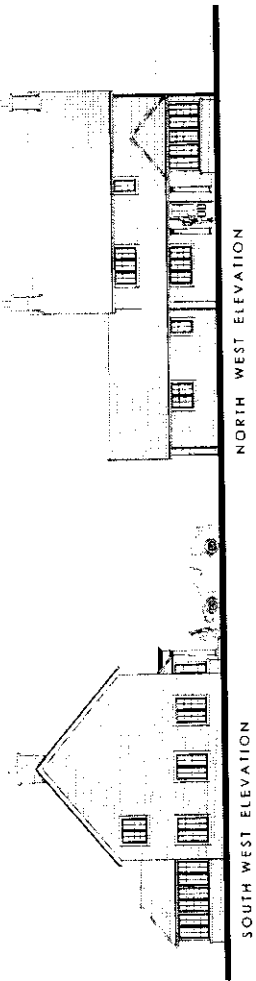

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GROUND FLOOR PLAN



FIRST FLOOR PLAN



**MATERIALS**  
 ROOF: BLUE BRACKENHURST  
 WALLS: RED BRICK  
 WINDOW SURROUNDINGS, CHIMNEY COLUMNS & PIERMENT: PRECAST STONE  
 DOORS & WINDOWS: PAINTED TIMBER

**ARCHITECTS PLUS**  
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 PROPOSED 4 BED HOUSE  
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 1/150 Scale Date: 05/18/05a  
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## SCHEDULE A: Applications with Recommendation

10/0847

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Item No: 13

Date of Committee: 12/11/2010

**Appn Ref No:**  
10/0847

**Applicant:**  
Mr Thomas Hedley

**Parish:**  
Wetheral

**Date of Receipt:**  
21/09/2010

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Hedley Cross, Scotby Road, Scotby, Carlisle, CA4  
8BJ

**Grid Reference:**  
343890 556158

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**Proposal:** Use Of Garage For Repair Of Motor Vehicles

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to an objection received from Wetheral Parish Council.

### 1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol EC11 - Rural Diversification

Local Plan Pol T1- Parking Guidelines for Development

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** the site is located adjacent to the A69 on Scotby Road (C1038) and is very close to the junction and the Highway Authority has concerns about the proposal.

From a highway point of view, there are a few potential dangers and the biggest concern would be that the site would become commercial premises, used for the



repair and selling of cars on this prominent site.

If this is the case, the Highway Authority would have no alternative but to recommend refusal, as the details do not justify such a development, nor does it show the impact of such a development on the highway network.

If the proposal is not commercial, the Highway Authority recommends the imposition of conditions on the consent prohibiting a commercial use, namely, that the consent should be personal to the applicant, only two vehicles to be repaired on the site at any one time, and that no vehicles should be sold from the site;

**Wetheral Parish Council:** local residents have expressed concerns to the Parish Council about this application. The Parish Council has asked that planning officers refer to the original conditions laid down when this new building was granted planning permission i.e. "Not to be used for Commercial Purposes" as the Parish Council feel that this is not an ideal site for a business, being situated on a junction with the village of Scotby and the busy A69.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
1 Wheelbarrow Court	29/09/10	
2 Wheelbarrow Court	29/09/10	
3 Wheelbarrow Court	29/09/10	
4 Wheelbarrow Court	29/09/10	
5 Wheelbarrow Court	29/09/10	
6 Wheelbarrow Court	29/09/10	
7 Wheelbarrow Court	29/09/10	
8 Wheelbarrow Court	29/09/10	
1 Holme Park	29/09/10	
2 Holme Park	29/09/10	
3 Holme Park	29/09/10	

3.1 This applicant has been advertised by means of a site notice and direct notification to the occupiers of eleven of the neighbouring properties. At the time of writing this report, no representations have been received.

### **4. Planning History**

4.1 Planning permission was granted in 1989 for the conversion of barns to form 1no. dwelling.

4.2 In 1995, planning consent was granted for the conversion of barns to form 1no. dwelling and construction of a new vehicular access.

4.3 Revised planning permission was granted later in 1995 for the conversion of the existing buildings into a dwelling, garages, office and store.

- 4.4 In 2002, planning consent was granted for the change of use of part of the adjacent agricultural field into domestic use and erection of 1.2 metre high boundary wall.
- 4.5 Planning permission was granted in 2009 for the removal of the existing plastic covering to part of the conservatory roof and replacement with matching slate rooflights.

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

### **Introduction**

- 5.1 This application seeks "Full" Planning permission for the use of the existing garages for the repair of motor vehicles at Hedley Cross, Wheelbarrow Junction, Scotby Road, Carlisle. The site is located on the corner of the junction with the A69 road and Scotby Road. There are residential properties opposite the site to the west and further along Scotby Road to the south. Properties also face the site from the north on the opposite side of the A69. The site is bounded by open countryside to the east and is within the Scotby settlement boundary as defined on the inset map that accompanies the Carlisle District Local Plan.

### **Background**

- 5.2 Planning permission was granted in 1995 for the conversion of the existing buildings into a dwelling, garages, office and store. This consent was subject to condition 4 which reads:

*"The proposed development shall be used solely for private, domestic purposes by the occupier(s) and his immediate family whilst resident at the premises and no trade or business shall be carried out therein or therefrom.*

*Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality."*

### **The Proposal**

- 5.3 The applicant runs a building company, known locally as Hedleys of Scotby where there is office accommodation on the site. His involvement in the business is diminishing and he wishes to pursue his interest in cars and repairing vehicles. There are existing garage facilities on the site comprising of three bays with an inspection pit and lifting apparatus. The applicant has stated that there would only be two cars being repaired on the site at any one time. If this was simply a hobby, planning permission would not be required but as it involves a commercial business, planning consent is required for the change of use.

### **Assessment**

5.4 The relevant policies against which this application is required to be assessed are Policies CP5, H2, EC11 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

5.5 The site is within the settlement boundary of Scotby and adjacent to the A69 road. Policy EC11 of the Local Plan allows for the reuse of existing buildings to diversify and expand upon the range of economic activities in the rural area, subject to consideration against the relevant policy criteria. The proposal would reuse an existing building on the site which is close to the highway network and transport links. The proposed level of use would not adversely affect the character or appearance of the area and in this respect, the proposal would be compliant with the Local Plan policy criteria.

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

5.6 The nearest residential property is 70 metres north of the application site. Given the level of use proposed and the distance from the neighbouring residential properties, the living conditions of the occupiers of these properties would not be adversely affected by the proposal.

3. Highway Matters

5.7 Concern has been expressed by the Parish Council regarding the proposed commercial use on the site which is located on a busy junction with the A69. The Highway Authority has raised no objection subject to the imposition of conditions that restrict the use of the site to the applicant; that permits only two vehicles to be repaired at any given time and does not permit car sales from the site. The imposition of these conditions is considered reasonable on highway grounds but will also ensure that the living conditions of the occupiers of the neighbouring properties and the character of the area is adequately protected.

## **Conclusion**

5.8 In overall terms, the proposal is acceptable in principle. The use of the building would not have an adverse impact on the living conditions of the occupiers of neighbouring properties or raise any highway issues, subject to the imposition of the aforementioned conditions. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

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

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

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

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

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

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

6.3 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 premises shall be used for electrical and mechanical repair and/or servicing works to motor cars and shall be confined to the use of two workshop bays and be restricted to a maximum of 2no. motor cars undergoing repair or servicing at any one time. No MOT's shall take place on the premises.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

3. No car sales shall take place from the site.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality and in the interests of highway safety in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. This permission shall not be exercised by the applicant or his successor in

title.

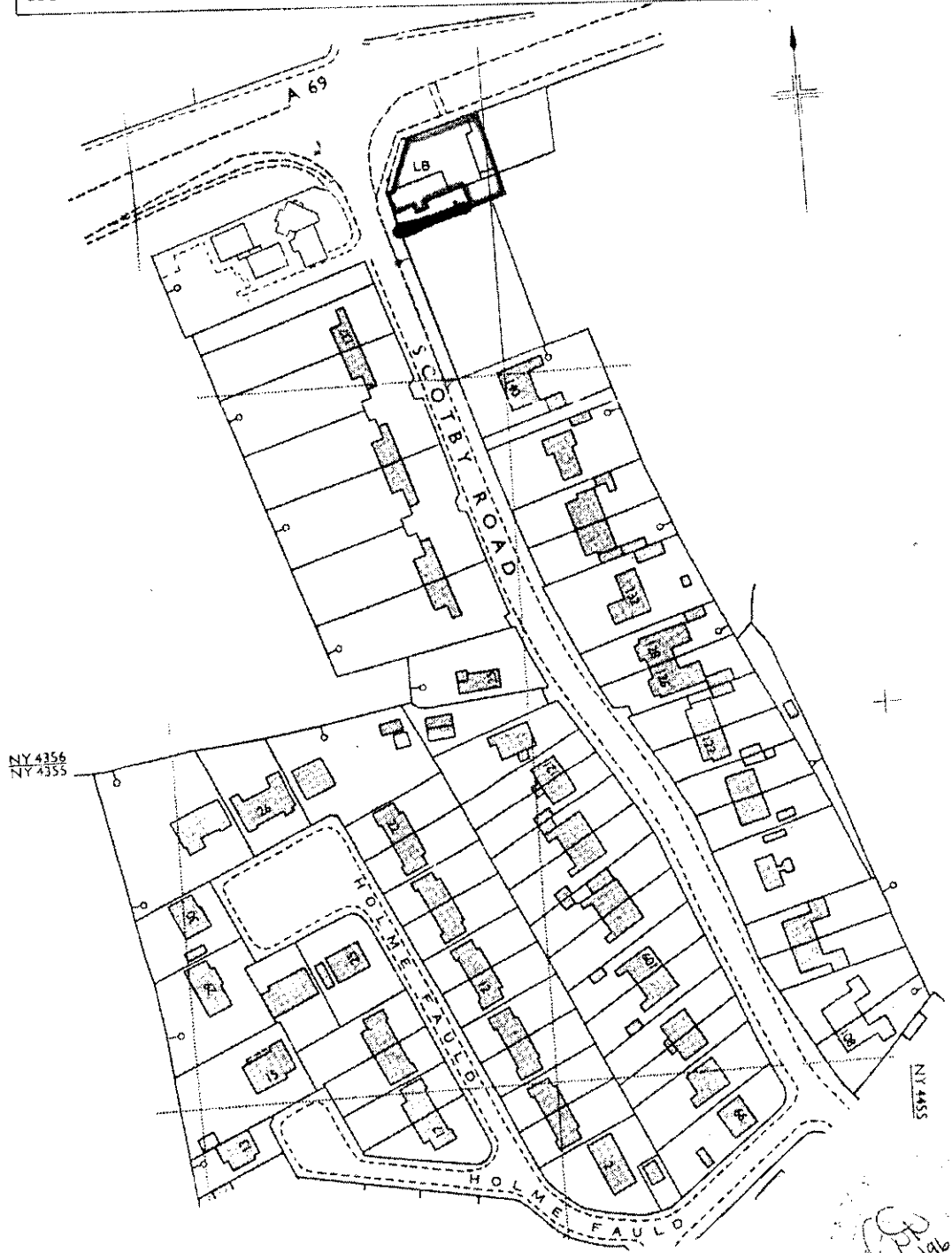
**Reason:** The site is inappropriate for large scale commercial activity and but for the special circumstances of the applicant permission would not be forthcoming and in the interests of highway safety in accordance with the objectives of Policies CP5 and T1 of the Carlisle District Local Plan 2001-2016.

5. The use of the premises hereby approved by this permission shall not commence until a scale drawing has been submitted to and approved in writing by the Local Planning Authority showing dedicated parking spaces for cars awaiting repair or that have been repaired and awaiting collection. Any car awaiting repair/collection shall only be parked in the approved car parking areas which shall be retained for the use approved thereafter.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality and in the interests of highway safety in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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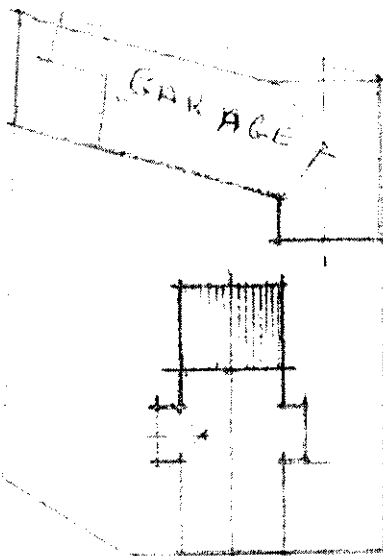
H.M. LAND REGISTRY		<b>CU 118365</b>	
ORDNANCE SURVEY PLAN REFERENCE	NY 4355	SECTION B	Scale 1/1250 Enlarged from 1/2500
COUNTY CUMBRIA	DISTRICT CARLISLE		© Crown copyright 1980



3/16

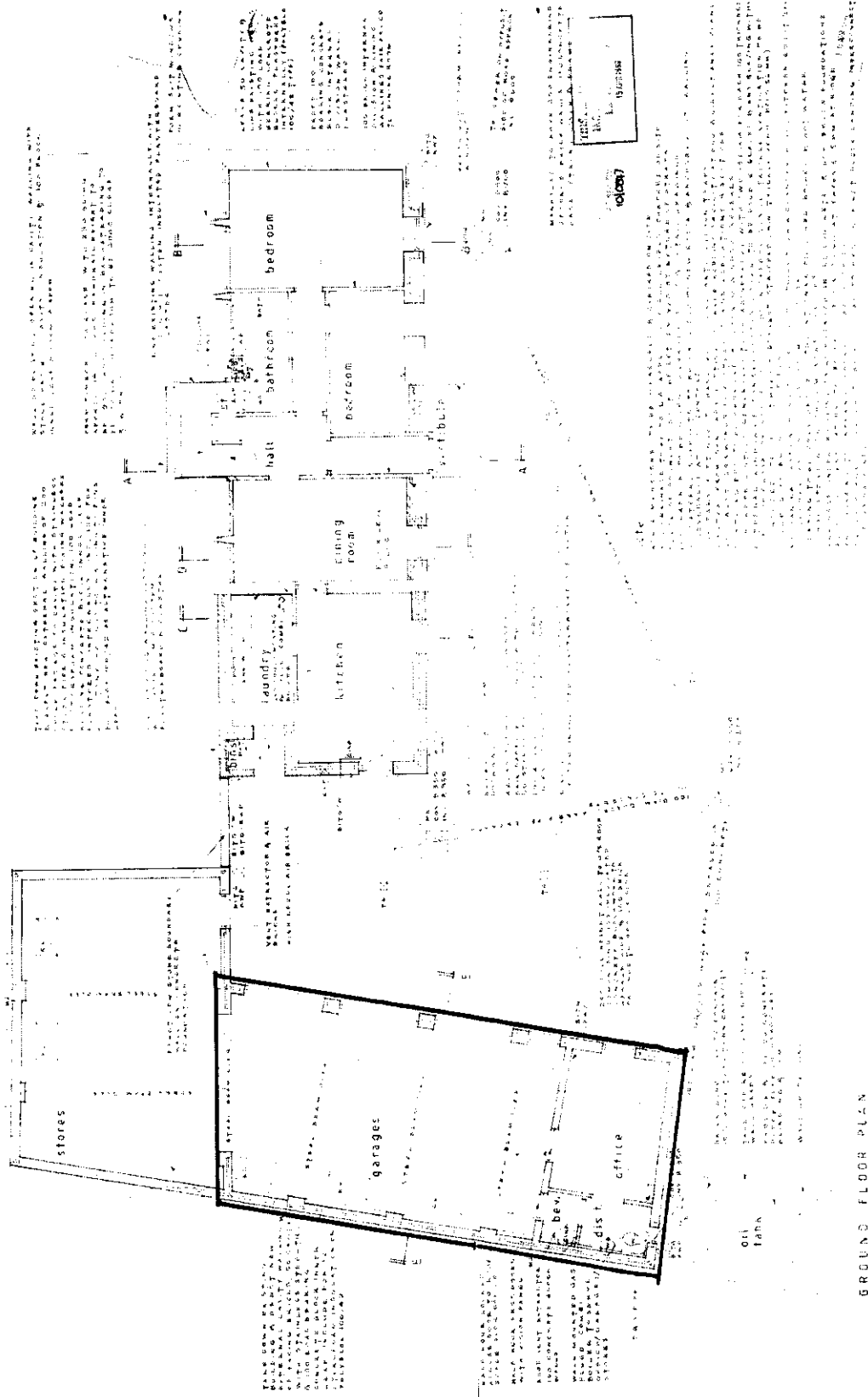
1010847

A 69



SCOTBY ROAD.

MR & MRS T. HEDLEY · SCOTBY  
BLOCK PLAN SCALE 1:500



GROUND FLOOR PLAN

**Nichol Armstrong Lowe**  
 Architects  
 100, Market Street, London, E.C. 2  
 Tel. 01-477 1111

**SEPTIM HEDLEY CROSS**  
 PROPOSED DEVELOPMENT  
 100, MARKET STREET

**Acanthus**  
 C428574 A



**SCHEDULE B**

**SCHEDULE B**

## SCHEDULE B: Reports Requiring Further Information

10/0164

Item No: 14

Date of Committee 12/11/2010

**Appn Ref No:**  
10/0164

**Applicant:**  
Top Notch Contractors Ltd

**Parish:**

Carlisle

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

**Agent:**  
Hyde Harrington

**Ward:**  
Denton Holme

**Location:**  
102 & 104 Denton Street, Carlisle

**Grid Reference:**  
339742 555044

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

### **Amendment:**

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

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### **REPORT**

**Case Officer:** Dave Cartmell

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

The application is brought before the Committee for determination as it is a revision to a previously approved planning permission (04/1196) for a substantial mixed residential/commercial redevelopment scheme in Denton Holme.

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

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

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

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

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP7 - Use of Traditional Materials**

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

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

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol EC7 - Neighbourhood Facilities**

**Local Plan Pol EC8 - Shopfronts**

**Local Plan Pol EC10 - Food and Drink**

**Local Plan Pol H2 - Primary Residential Area**

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

**Local Plan Pol H5 - Affordable Housing**

**Local Plan Pol LE27- Developed Land in Floodplains**

**Local Plan Pol T1- Parking Guidelines for Development**

**Local Plan Pol LC8 - Rights of Way**

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

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

The applicant's introduction of a presumably residents parking spaces on Northumberland Road has been noted. Although there are no objections to this being proposed the Highway Authority wish to point out that none of the costs involved in this order can fall to the public coffers.

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

with Residents Exemption Permits.

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

**Environment Agency (N Area (+ Waste Disp)):** the amended details have been considered and the Agency comment as follows:

The Agency OBJECT to this application because it has failed to meet the requirements of part (c) of the flood risk Exception Test and recommend that planning permission be refused on this basis for the following reasons:

Planning Policy Statement 25 (PPS25) requires the Exception Test to be applied in the circumstances shown in tables D.1 and D.3. Paragraph D9 of PPS25 makes clear that all three elements of the Test must be passed for development to be permitted. Part (c) of the Test requires the applicant to demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. Paragraph D13 requires that compliance with each part of the Exception Test is openly demonstrated.

The Revised Design and Access Statement dated 7<sup>th</sup> June states:

*"The finished floor levels (FFL) within the residential units at ground floor level was increased by 300mm. The FFL now being 16.45m AOD. This increase in height provides greater 'freeboard' in the event of a flood and is closer to the current recommended requirements of the Environment Agency. (Please refer to the flood risk assessment documents appended separately)."*

In the Agency's previous response it requested that a condition be included that stated:

Condition

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

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

*Reason*

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

Therefore, the Agency does not support the amended proposal to reduce the

Finished Floor Level's to 16.45m AOD as in the first instance this disregards the advice given by the clients consulting engineers amended Flood Risk Assessment, amended 3rd March 2010 produced by G A Noonan.

Secondly, this disregards post flood defence scheme residual risk flood modelling commissioned by ourselves on which G A Noonan's recommendations are based.

With the benefit of the breach modelling the Agency does not believe that any proposed habitable floor levels set below 16.75m AOD could be demonstrated as 'safe' and insufficient evidence has been provided to support a proposal to lower advised habitable floor levels.

If the applicant believes that the modelling is not sound and the precautionary principal not applicable, then they are advised to undertake their own bespoke flood modelling to support any proposals;

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

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

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

A response to the amended application is awaited;

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

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

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.
- A public sewer is on the perimeter of this site and we will not permit building over it. We will require an access strip width of 8 metres, 4 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption".

- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.'

A response to the amended application is awaited;

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

**Access Officer:** no objections.

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

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

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

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

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

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

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

( Response to the amended application awaited);

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

thank you for re-consulting me on this proposal. Further to my email of 13<sup>th</sup> March 2010 and subsequent meetings there has been some significant progress on this application.

Constrained as we apparently are by the building height and massing established as a result of the extant permission I feel that the applicants have improved the proposal largely in line with our recommendations.

It is unfortunate that the opportunity has not been taken to introduce active frontage along Northumberland Street via the provision of doors, as this will lead to a relatively dead elevation at ground floor level and reduce the animation of the street. I feel though that I have pressed as hard as I am able for this inclusion.

The overall building treatment is however significantly better than that originally tabled. I would however invite the applicant to alter the positioning of the windows to the Denton Street first and second floor elevation – the facade would be better if the proportion of central masonry was reduced by pulling each set of windows inwards slightly – The jpeg below illustrates this. Subject to this, I would support a recommendation for approval for this proposal.

Supplementary response:

An additional point has occurred to me which you may want to raise or cover via a condition – the access radius to the new parking area is specified as tarmac on the drawings supplied. Northumberland Street, typically in Denton Holme has a carriageway of basalt setts. In my view the crossover portion should be surfaced in setts – this will both tie in with the aspirations of the Denton Holme Design SPD and provided a surface which should encourage lower speeds than the smooth finish currently proposed;

**Planning & Housing Services - Housing Strategy:** Responded to the original application as follows:

following on from our telephone conversation yesterday (March 11) and the

likelihood of not being able to enforce Policy H5 of the Local District Plan due to Planning Permission being granted before Policy H5 was written, the increased site costs and the fact that its a renewal of planning permission. I still think I should briefly inform you of the 'headline findings' of the District Housing Survey 2006 that indicated the following.

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

In line with Policy H5 we (Housing Strategy Team) would request 5 properties (30% of the development) be made available for affordable housing likely to include 1 no 3bed property, we would not be interested in the 1 no 1bed apartment. However, I note from the Design and Assess Statement, provided by Hyde Harrington, that a total of 13 no. 2 bed properties are planned. In the past we have had difficulty acquiring purchasers for 2 bed apartments (Turnstone Park and Lowry Hill Gardens) mainly due to the credit crunch and the request for large deposits (up to 25%). Also, I believe the addition of the bistro or tapas bar (on-line News & Star Friday March 5, 2010) will probably act as a deterrent to some potential purchasers. Still, the apartments at Hanson Place did sell rather quickly possibly because of the central location and the larger discount on the properties at 30% instead of 20% as at Turnstone Park.'

No additional comments on the amended scheme;

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

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

**Landscape Architect/Tree Officer:** with regard to the trees located to the rear of the proposed car park, the large plum, as nice as the fruit are, has been badly pruned in the past, and along with the laurel and other shrubs of little importance. It



would be a good idea if there was some landscaping which included replacement fruit trees to mitigate the loss of the plum.

### **3. Summary of Representations**

#### **Representations Received**

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

3.1 Publicity was given to the proposed development by press and site notice and by direct notification of adjacent occupiers. One letter of objection was received pointing out the existence of the Dentonholme and Longsowerby Design Statement which states that 'residential character will be maintained'. The writer does not object to the building but takes exception to the balconies on the front elevation which are not in keeping with the area.

3.2 The revised proposals submitted on 22 July were renotified to neighbouring occupiers and at the time of writing this report no representations had been received.

### **4. Planning History**

4.1 While there have been previous approvals of planning permission and advertisement consent relating to the former public house, the only previous planning application for redevelopment of the site was 04/1196. Approval

was granted in 2005 for the (1) demolition of the Prince of Wales public house, (2) construction of 18 apartments and 2No commercial units with secure parking. (3) change of use of dwelling to form a commercial unit at ground floor and apartment at first floor and (4) provision of parking and servicing lay-by to Denton Street frontage.

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

### **Introduction**

- 5.1 Members may recollect that during their Meeting on the 20th August 2010 authority was given to issue approval subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement.
- 5.2 The applicant's agent has subsequently submitted revised plans (drawing numbers 70384/15/E and 70384/16/E) that detail two amendments, namely: 1) the lowering of the finished floor level of the commercial unit to 16.30m AOD i.e. the same level as the external pavement level; and 2) the removal of the internal ramps within the communal corridors which provide access to the residential units. The agent has also gone on to explain that there is no intended changes to the external appearance of the development or site layout as part of the proposed revisions; and under PPS25 "Development and Flood Risk" buildings used for shops, offices; financial/professional services, restaurants/cafes, and hot food takeaways are identified as being less vulnerable and thus appropriate in Flood Zones 1, 2 and 3a.
- 5.3 It is understood that the proposed revisions are to enable a greater depth to be provided between the ceiling height of the commercial unit and floor level of the residential units above, and reduce the length of ramp to minimise any loss in floorspace.
- 5.4 In order to help remind Members about the scheme what follows is background information on the proposal, and a repeat discussion of what were considered to be the main issues in the context of the proposed revisions compared to the agreed scheme.

### **Background**

- 5.5 This is an application for Full Planning Permission for the redevelopment of the site of the former Prince of Wales Public House, and the conversion of number 102 Denton Street, to form 16no. apartments and 1no. commercial unit with secure car parking to the rear of the development and the provision of parking and servicing lay-by's to the Denton Street frontage. The 'L-shaped' site, which includes the lane to the rear of numbers 16-34 Morley Street, is located on the corner of Denton Street and Northumberland Street within an area of mixed commercial and residential use.
- 5.6 Planning permission (04/1196) was granted in 2005 for (1) redevelopment of the site and conversion of number 102 Denton Street to flats to provide a total of 18no. apartments on three floors and 2no. commercial units with secure

parking and (2) the provision of parking and servicing lay-by to Denton Street frontage. Subsequent to the granting of this permission the public house was demolished following a fire. The site is now cleared and enclosed by security fencing.

- 5.7 The current application was submitted to address issues related (1) to 'Flood Risk' which have arisen in the period since 2005 and (2) the 'buildability' of the development which needed to be improved to accommodate the increased floor thickness required between each of the intermediate floors of the building and which stemmed from advice from a Structural Engineer.
- 5.8 The originally submitted details were based on the design approved in 2005, and was for 17no. apartments and 1no. commercial unit. The application was considered to be inappropriate in the light of (1) the subsequent reinforcement of the importance of design in PPS1, the Carlisle District Local Plan and Supplementary Planning Document 'Dentonholme and Longsowerby Design Statement' approved by the Council in January 2007 and (2) comments made by the Urban Design Officer and the Architectural Liaison Officer. An amended design with revised internal layout was submitted on 22nd July which comprised a total of 16no. apartments and one commercial unit. Of the 16no. apartments, the 14no. apartments in the new building consist of 9 two bedroom flats on the ground and first floors, 2 two bedroom flats and 3 three bedroom maisonettes on the second floor/third floor roof space). A lift is to be provided. Number 62 Denton Street is proposed to be converted to a single bedroom ground floor flat and a two bedroom upper flat.
- 5.9 The ridge height of the proposed building is 11.8 metres (1.8 metres above the ridge height of adjacent properties in Denton Street). However, to give a corner emphasis, and provide realistic living space on the third floor, the front corner of the property (between Denton Street and Northumberland Street) has been 'book ended' which involves raising the roof line a further 1.3 metres to 13.1 metres. The eaves to the front of the proposed development (overlooking Denton Street) has been dropped down to existing eaves level to give continuity with current street elevations. Additionally the eaves at the front corner drop down again to give continuity within the new street elevations along Northumberland Street.
- 5.10 Projecting wall bays are provided towards the rear of the Northumberland Street frontage in order to provide vertical emphasis along this elevation. Additional gables have been introduced to increase the vertical emphasis of the building. The proportions of the windows have been altered to reflect the local precedence and now incorporate decorative 'artstone' surrounds, again to reflect the local vernacular. The number of balcony structures along Northumberland Street have been reduced and removed from ground and first floors of the Denton Street elevation. The material used for their construction will be galvanised steel. All external meter cabinets have been removed from the scheme, as an all electric form of heating and hot water provision is now being provided to the apartments. Red/brown facing brick to match the existing adjoining terraced buildings is being used in the external wall construction, with blue/black natural slate being used for the pitched roof coverings. The western gable is hipped. The external walls no longer

incorporate render to break up the elevations, but rather decorative horizontal 'artstone' bands instead.

- 5.11 The commercial unit will have a glazed shop front with timber frames and it is proposed that the apartments will have timber or upvc double glazed windows in painted finish.
- 5.12 A refuse storage/recycling facility 17.5 metres by 3.8 metres, encased by a 1.8 metre high brick wall, is proposed adjacent to the rear entrance to the development.
- 5.13 Secure car parking is to be provided to the rear with access from Northumberland Street. A total of 17 parking spaces (including two disabled spaces) is proposed. While the access road is proposed to be tarmac, the surface of the bays will be concrete pavements. The entry to the parking area will be via galvanised steel, double swing, electronically operated gates. The applicant is also to provide a total of 11 spaces, partially set into the footpath, on the Denton Street frontage.
- 5.14 Planting beds are shown adjacent to the rear access to the building, to provide a buffer between parking spaces and the windows of Flat 4 on the ground floor and also within the projecting gables of the Northumberland Street frontage. Reinstated cobbles, removed from the rear lane, are to be re-used in raised strips adjacent to the access road and between the projecting gables on Northumberland Street.
- 5.15 The submitted Design and Access Statement (June 2101) makes the following salient points:
  1. although the development has been reduced from 18no. residential units with 2no. commercial units to 17no. residential units and 1no. commercial unit, the same number of off-street parking spaces remain;
  2. a one bedroom flat replaces the second commercial unit;
  3. the number of 2 bedroom units has been reduced by five to 13 while the three bedroom maisonettes have been created in the rear section of the building at second and third floor levels to replace the five two bedroom units;
  4. the finished floor level (FFL) with the residential units at ground floor level was increased by 300mm to 16.45 metres AOD. This increase in height provides greater 'freeboard' in the event of a flood and is closer to the current recommended requirements of the Environment Agency.
  5. The depth of intermediate floor construction has been increased from 300mm to 600mm between the ground floor commercial unit and first floor residential unit and 450mm elsewhere;
  6. with regard to disabled access:

- a) all approaches to the entrances are via hard surfaces;
- b) the car park is generally level and pedestrian access ramps to, and within, the residential units and commercial unit comply with BS 8300:2001;
- c) communal doors and frames will be of a colour to contrast with surrounding wall surfaces;
- d) wall finishes in communal areas will provide a visual differentiation from floors;
- e) tactile signage, incorporating colour contrasting symbols and numbers, will be provided within communal areas to identify floor number, flat number and location of the main stairs and lift.

7. with regard to Secured by Design issues:

- a) 'Building Manager' accommodation is to be provided within the ground floor unit of 102 Denton Street;
- b) the vehicular entry gates will be operated by a combination of the following controls
  - key fob remote controls (to allow residents to enter)
  - illuminated, vandal resistant, brushed stainless steel faced intercom (linked with 'Building Managers' accommodation) and digital key pad(s) mounted on the external wall of the building (to allow visitors and Morley Street residents to enter)
  - underground sensors within the car park to sense approaching vehicles (to allow vehicles to exit)
  - brushed stainless steel faced, manually operated, illuminated push pad(s) mounted on the gate post or the external wall of the building (to allow pedestrians to exit);
- c) a security alarm is to be provided within the commercial unit;
- d) all external lighting to comply with BS 5489 - 1:2003;
- e) audio/visual intercoms to be fitted to both main entrance doors;
- f) specifications are given for all doors and windows;
- g) individual front loading/front retrieval mail boxes to be provided for each residence are within the front entrance lobby.

9. The applicant intends to install an array of photo-voltaic panels on the flat section of the main roof. These will be inclined at an angle approximating 10 degrees from the horizontal, so will rise 200mm (approx) above the level of the flat roof. These panels will not be seen from street level.

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

- 1. whilst the FFL, with the new flood defences in place, will give alleviation against a forecast 1 in 200 year flood, in the very unlikely event of the flood defences breaching or a flood gate becoming damaged or left open, it is possible that flood damage could occur. The Environment Agency (EA) strongly recommend that approved removable flood gates/stop logs be available to fit across doorways to given an additional

400mm of protection;

2. occupants of the properties will automatically be warned by a telephone message from the EA in the event of an exception flood being forecast. Occupants should not opt-out of the Warning Scheme;
3. that an action plan be prepared for occupants of the properties to follow should an exceptional flood be forecast.

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

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

### **Assessment**

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

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

1. all allocated and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu;
2. proposals for shops within or adjacent to district centres meet the criteria specified in Policies EC7, EC8 and EC10;
3. development on previously developed land which is at risk of flooding is only permitted where a Flood Risk Assessment has been submitted which satisfactorily addresses flood related issues including the disposal of surface water generated by the site;

4. in design terms the proposal should complement or enhance the existing adjacent residential area by: (1) responding to the local context and form of surrounding buildings in relation to height, scale and massing; (2) making use of appropriate materials and detailing; (3) reinforcing local architectural features, where appropriate, promoting and respecting local distinctiveness and (4) ensuring retention of existing trees where appropriate and including landscaping schemes (both hard and soft) to assist the integration of the new development into existing areas. (5) taking account of the need for energy conservation and efficiency; and (6) ensuring that the layout and design incorporates adequate space for waste and recycling bin storage and collection;
5. there is no adverse effect on the residential amenity of adjacent residential property;
6. new developments offer a realistic choice of access by public transport, walking and cycling with priority being given to the provision for safe and convenient pedestrian and cycle access, including secure cycle facilities;
7. all new development contributes to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime;
8. satisfactory access and appropriate parking arrangements can be achieved;
9. development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities; and
10. account is taken of the need for energy conservation and efficiency; and provision of adequate space for waste and recycling bin storage and collection.

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

1. the principle of redevelopment for mixed residential and commercial development accords with the provisions of the Development Plan as it is vacant brownfield site within a neighbourhood centre of Carlisle;
2. the applicant obtained planning permission for the site (application reference 04/1196) for the demolition of the Prince of Wales public house for mixed residential and commercial development together with the provision of a secure car park and on-street parking bays. Demolition has taken place, and it is therefore considered that as implementation has commenced the planning permission is extant. As the existing (extant) permission did not include the provision of an element of affordable housing (or a contribution thereto) it is considered that it would be unreasonable to invoke the requirements of Policy H5 whereby *"all allocated and windfall sites of 10 or more dwellings in the urban area will*

*be expected to make a contribution of 30% of units on-site towards affordable housing";*

3. with regard to flood risk, to allow necessary development within Flood Zone 2 and 3, the Exception Test to justify development within a Flood Zone under PPS25, requires that: (1) the development provides wider sustainability benefits to the community that outweigh flood risk; (2) the development is on developable previously-developed land; and (3) that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

As the proposal involves (a) the provision of accommodation in a very sustainable location in close proximity to a wide range of facilities, employment opportunities and public transport; (b) visual benefits which would arise from the development of the derelict site and (c) a contribution to the regeneration and renewal of the part of Denton Street within which the site is situated, and (d) there is an extant planning permission for the site, the Environment Agency is satisfied that criteria (1) and (2) have been met. However the Environment Agency originally lodged an objection on the grounds that the proposal failed to meet criteria (3). This situation was subsequently resolved but appeared to have arisen as a result of inconsistencies between the Finished Floor Levels specified in the Design and Access Statement and the Flood Risk Assessment.

In relation to the revised plans received on the 12th October 2010, the observations of the Environment Agency are awaited.

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

4. it is considered that the revised proposals respond more fully to the local context in terms of appropriate materials and architectural details. The ridge height of the new building is approximately 1.8 metres above that of the adjacent Denton Street buildings whilst the chamfered section of the building on the Denton Street/Northumberland Street corner is 1.3 metres higher to create an elevated corner feature similar in character to the building containing the Spar shop further north on Denton Street. Although the 11.8 metre high ridge line is higher than the properties on the opposite side of Northumberland Street, it is not considered that it adversely impacts on the character of the local streetscene. The Urban Design Officer has no objection to the amended proposal but recommends that setts be used to form part of the surface of the access to the rear car park (a condition can be attached).



The extent permission (04/1196) did not require the trees to the rear of the site to be retained. The Tree Officer has advised that they have been badly pruned and are of little importance. He considers however that it would be a good idea to include some replacement planting as part of a landscaping scheme (appropriate conditions can be attached).

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

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

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

Clarification is being sought from the applicant regarding the intended use of the ground floor commercial unit to ensure that it is compatible with the adjacent residential use.

6. the site is within walking and cycling distance of the City Centre and public transport is available;
7. with regard to the development creating a safe and secure environment and minimising the opportunities for crime, a response is awaited from the Architectural Liaison Officer
8. Cumbria Highways have no objection to the proposal subject to the imposition of four conditions relating to access details, parking provision and surface water drainage and a Section 106 Agreement to fund the promotion and possible implementation of a Traffic Regulation Order. The TRO would relate to Parking Zone D which restricts parking to 2 hours from 8am to 8pm with residents exemption permits (this is to meet visitor parking requirements as the residents element is being provided for within the curtilage).

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

## **Conclusion**

- 5.21 In comparison to the previously agreed scheme the proposed revisions only potentially impinge upon those issues associated with flooding and access. At the time of preparing this report the observations of the Environment Agency and Access Officer are awaited. An updated report will be presented to Members during the Meeting but, providing no objections are raised, the revised proposal will be recommended for approval.

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

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

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

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

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

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

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

## **7. Recommendation**

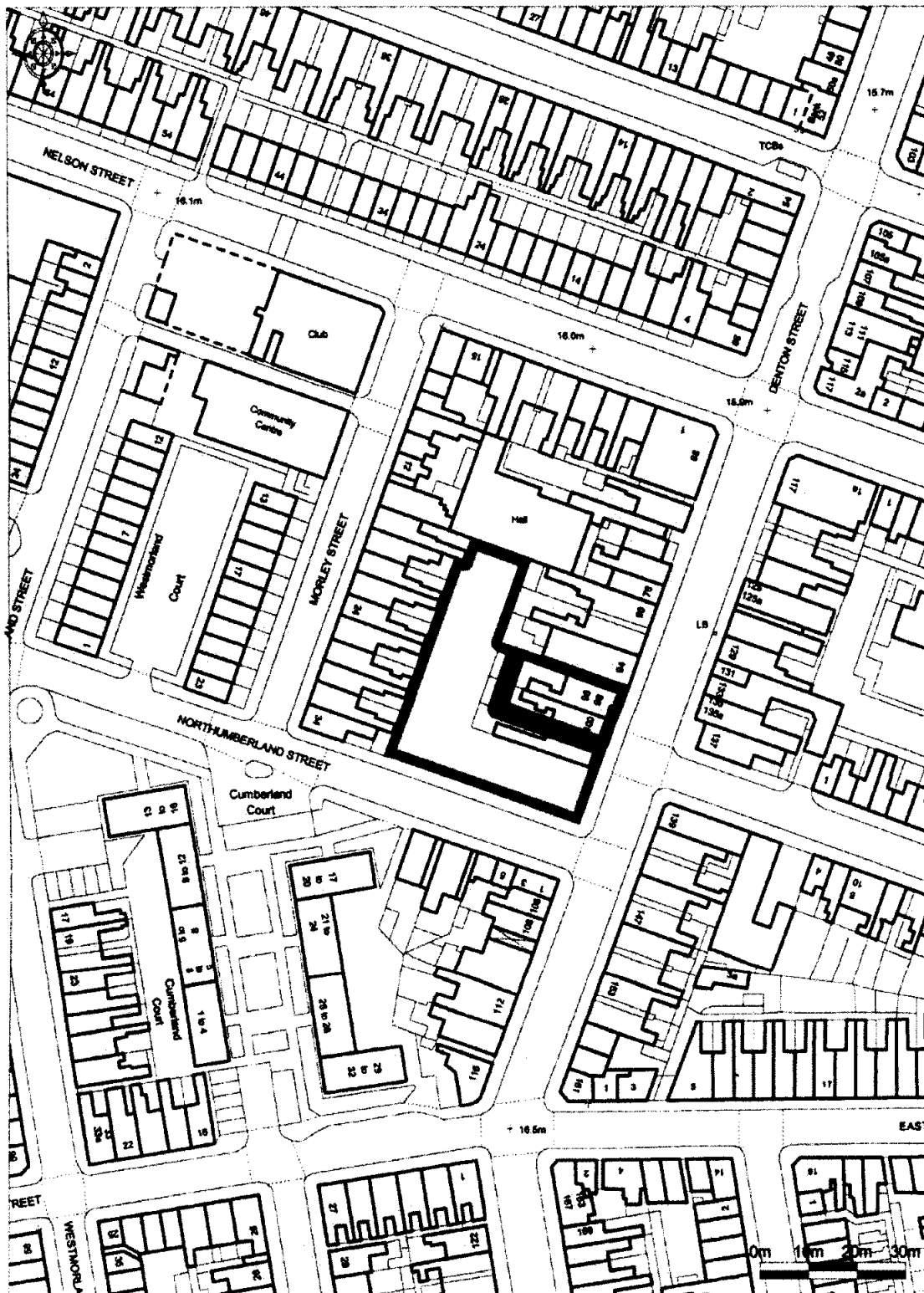
### **Reason For Including Report In Schedule B**

The application is included in Schedule B as there are outstanding consultation responses from consultees, the period for representations has not expired and there is an unresolved issue with regard to flood risk.

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102 and 104 Denton Street, Denton Holme, Carlisle

22 JUL 2010  
10/0164



**Promap**

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Notes :

22 JUL 2010  
10/0164

A Site boundaries revised 19/07/10 RY

Revision :

**Hyde Harrington**

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Project title :

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

Drawing title :

**Site location plan -  
As existing**

Drawing No.:

**70384/01**

Drawn by :

RY

Revision :

A

Date :

22/05/09

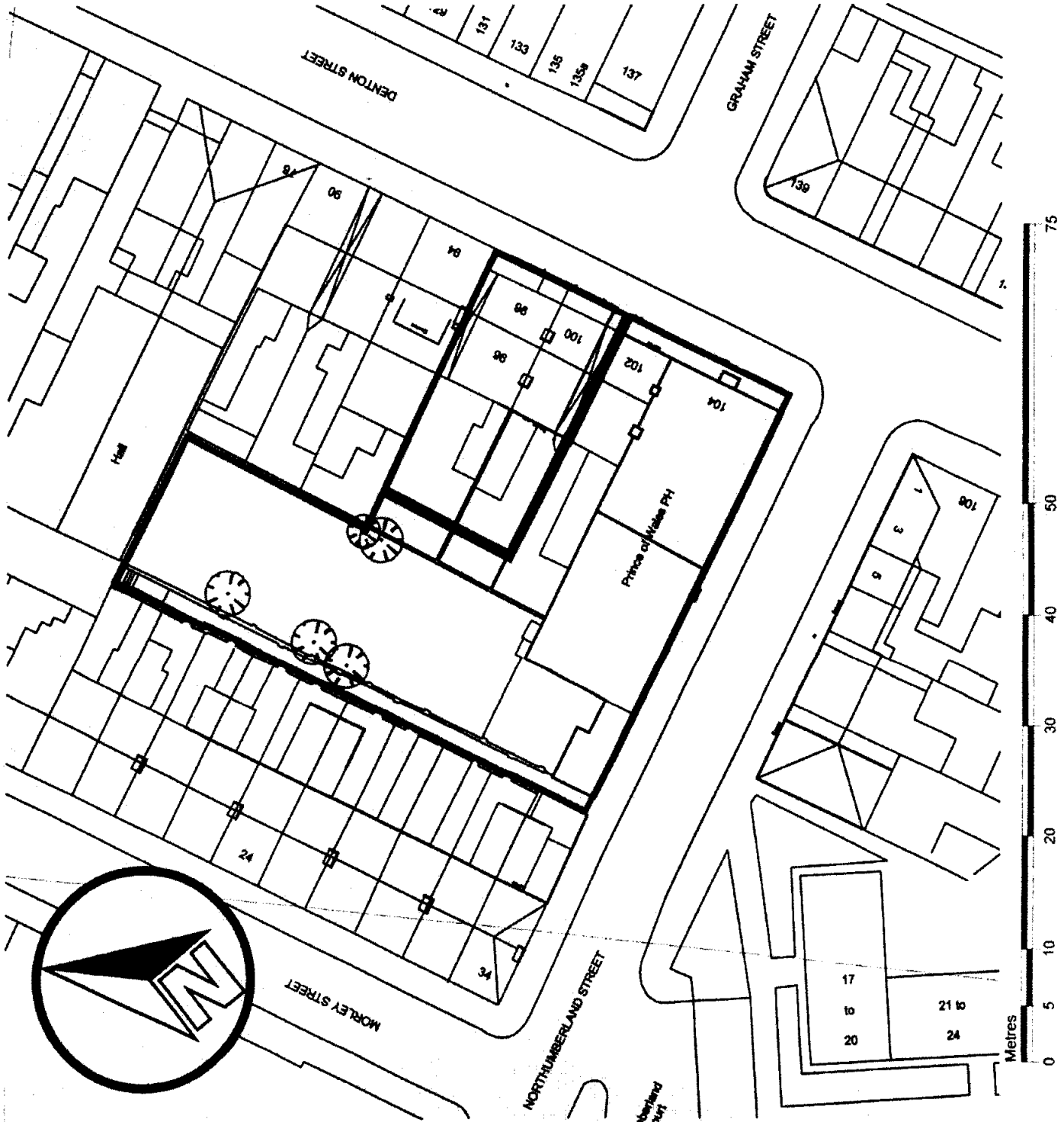
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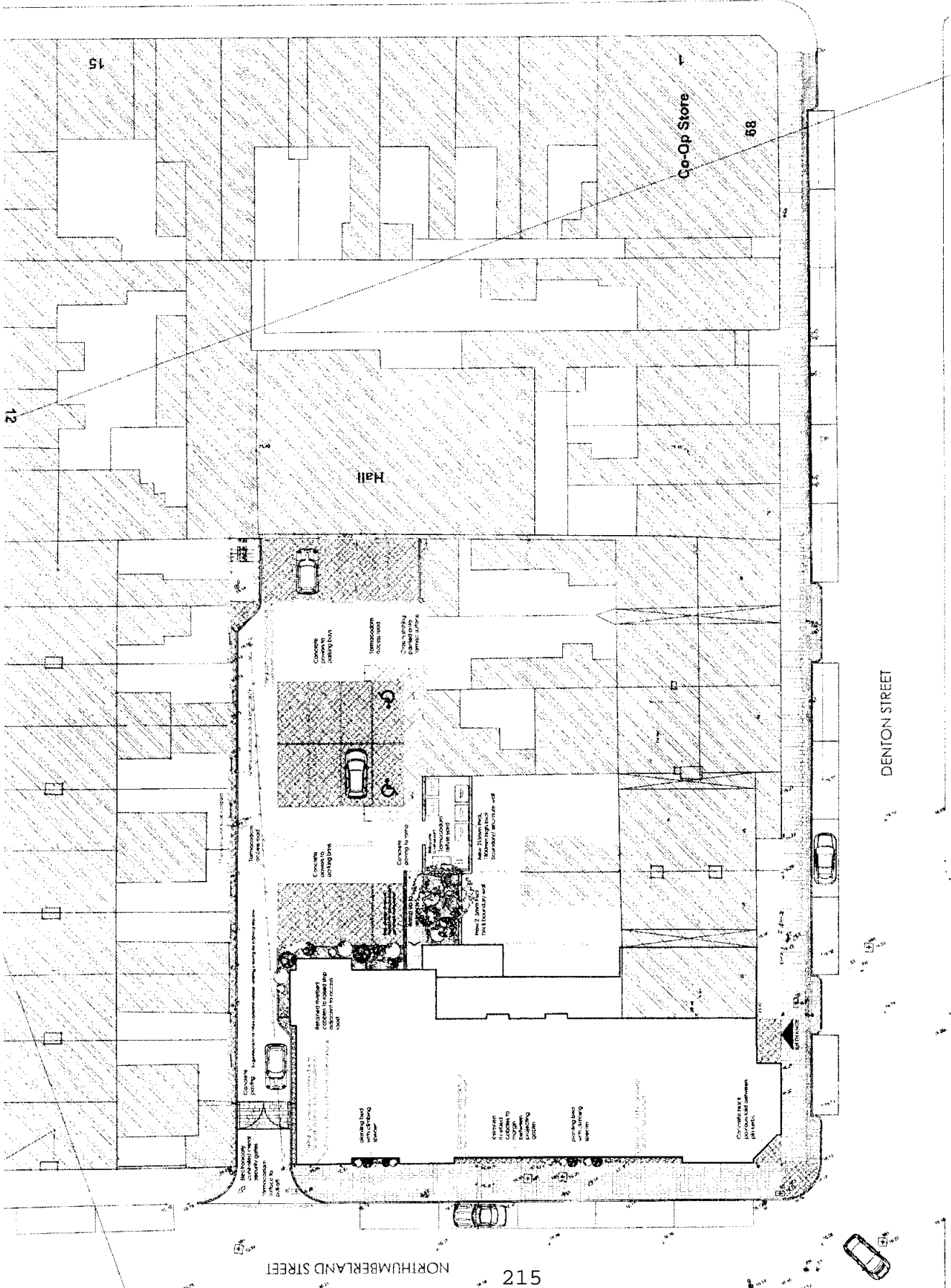
Revision :

A4

All critical dimensions to be confirmed on site  
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NELSON STREET

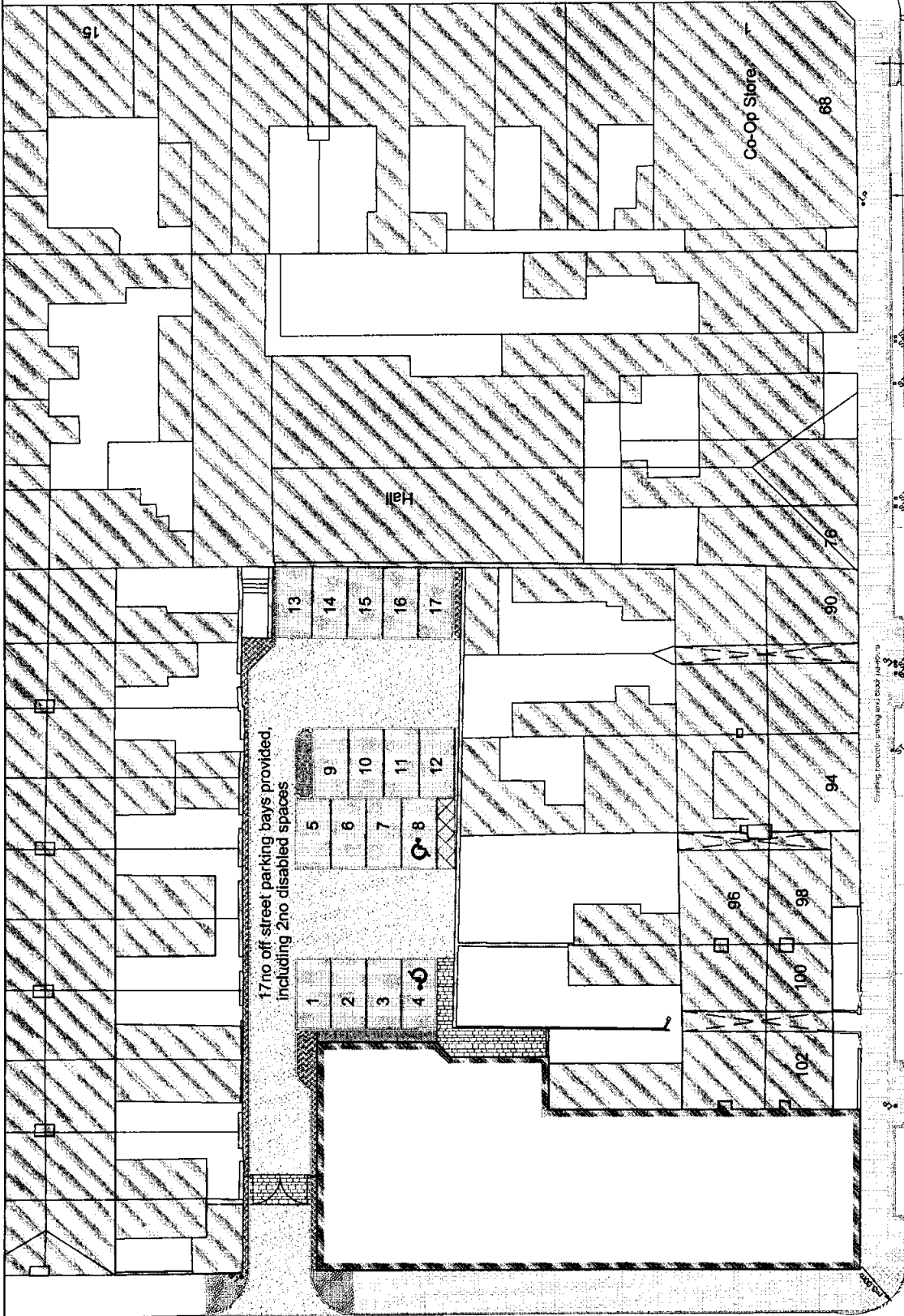


NORTHUMBERLAND STREET

2010/10



NELSON STREET



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

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

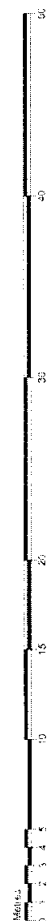
Existing on street parking bays

NORTHUMBERLAND STREET

216

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

DENTON STREET



Notes:

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

Drawn by: RY

Date: 11/01/10

Scale: 1:200

Revision: A2

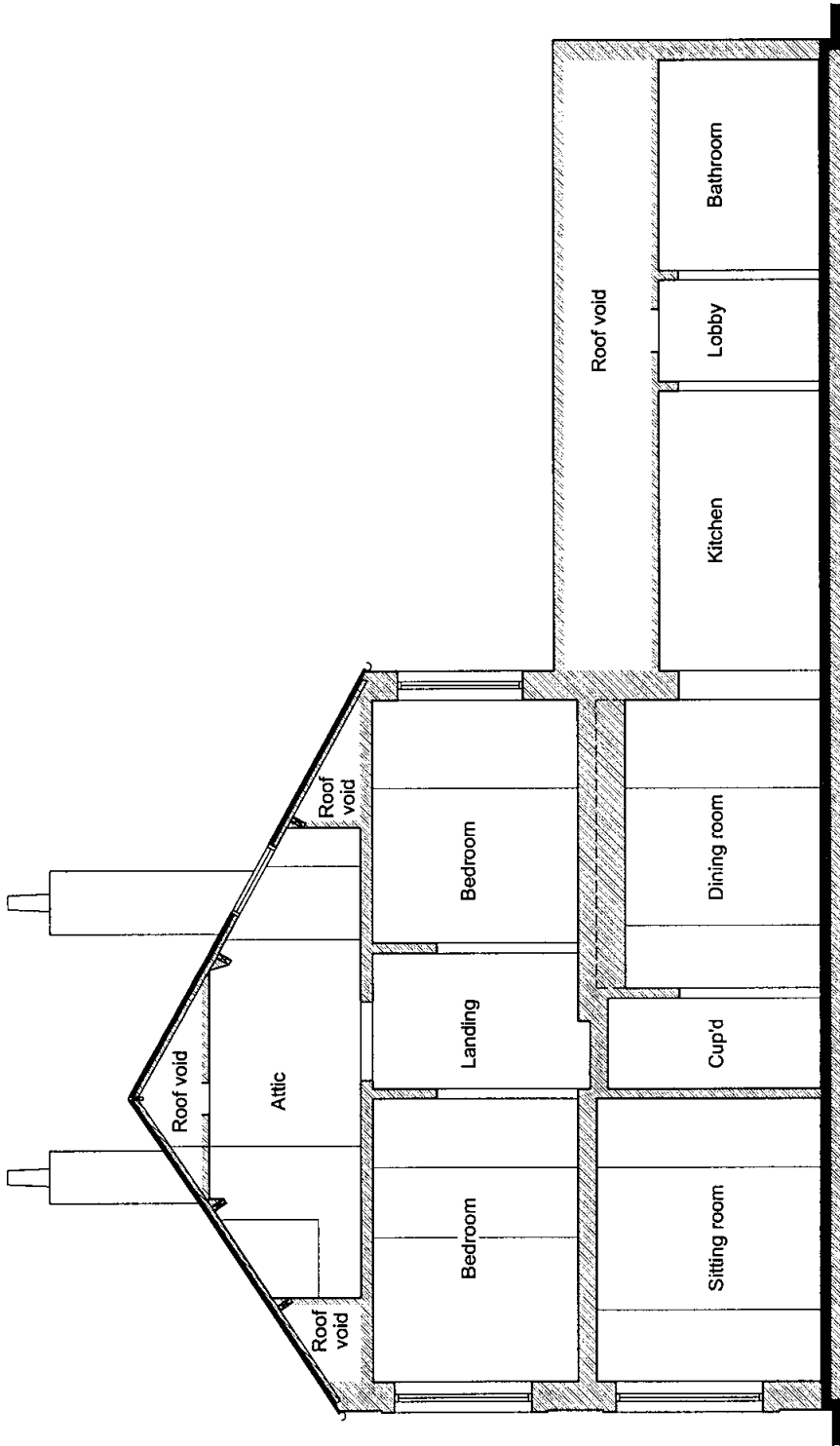
Drawing title: **On and off street parking provision - As proposed**

Drawing No.: 70384/11

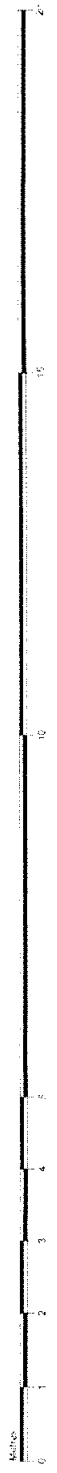


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All critical dimensions to be confirmed on site  
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SECTION A-A



Revision:



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

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

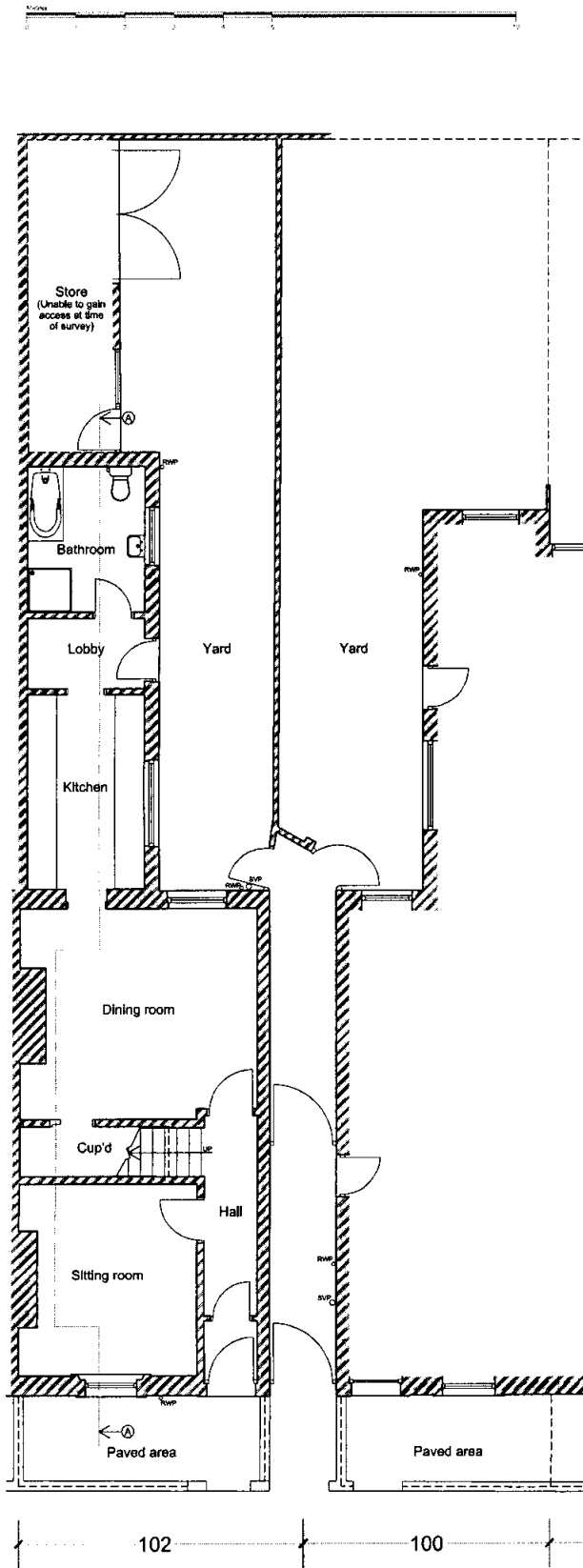
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70384/05

Revision	Date	Scale
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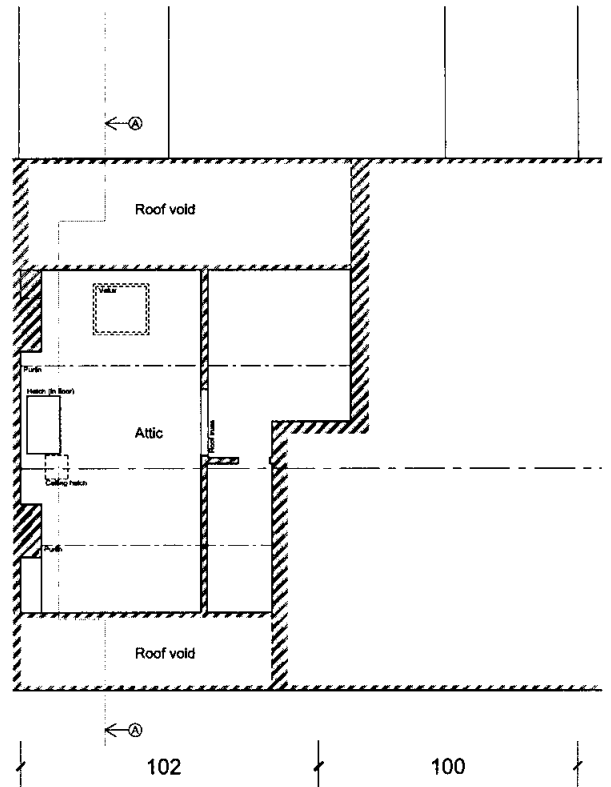
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A2

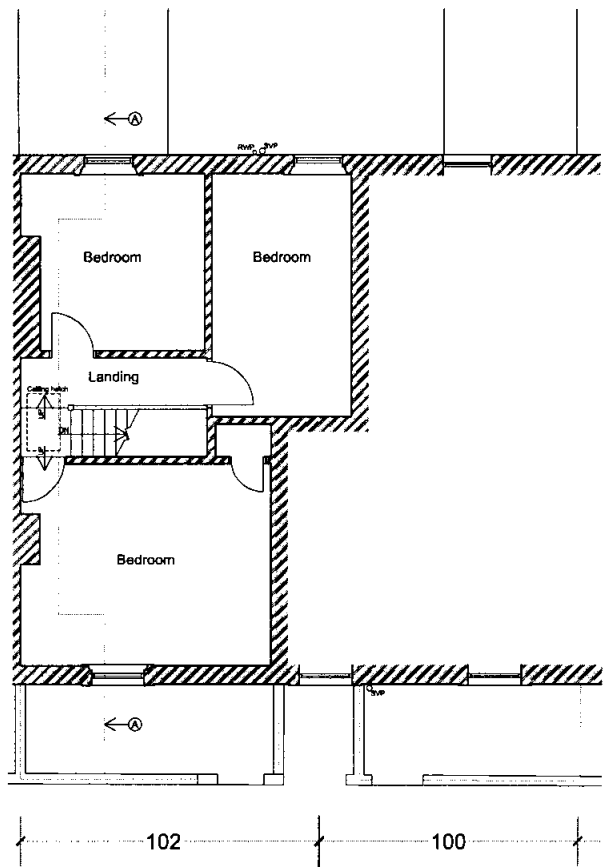




GROUND FLOOR PLAN

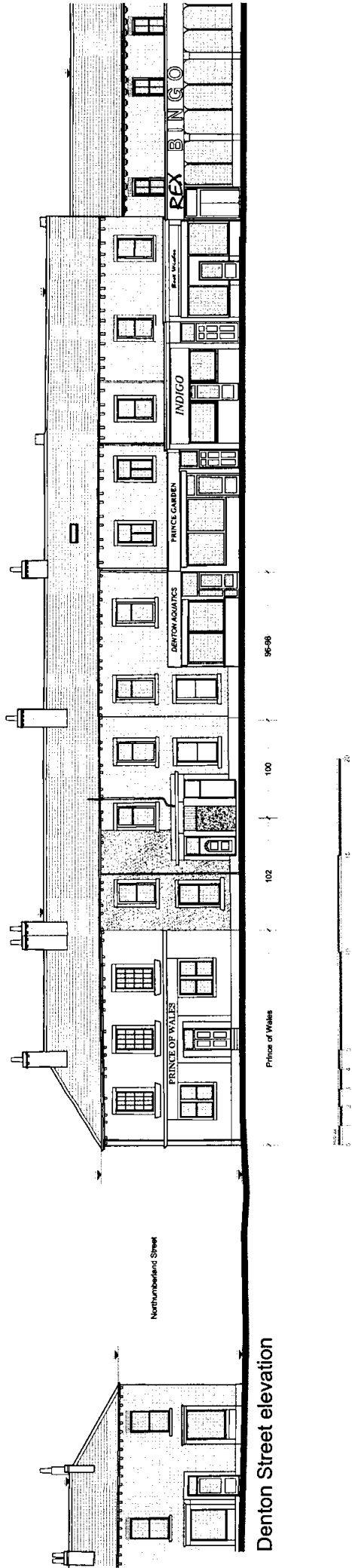


SECOND FLOOR PLAN

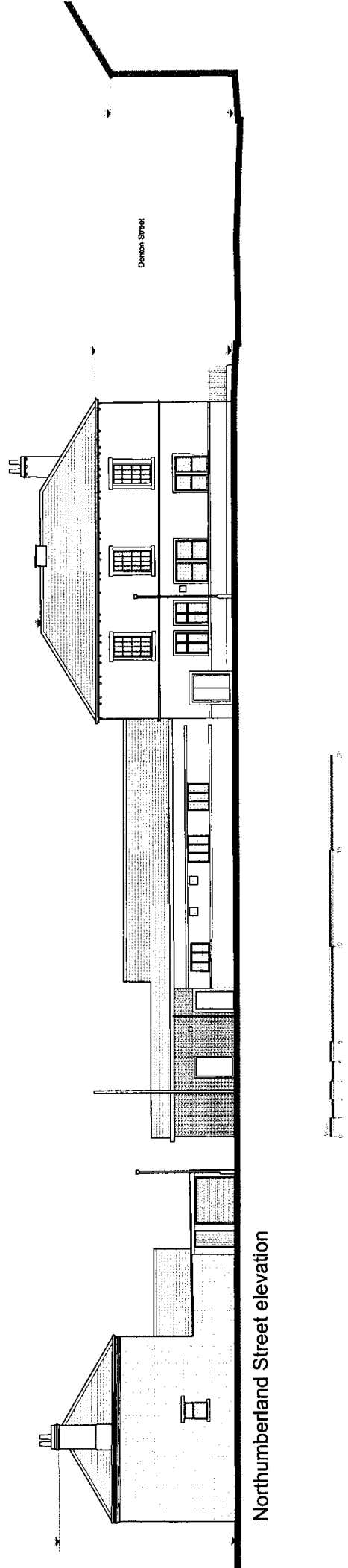


FIRST FLOOR PLAN

Notes:



Denton Street elevation



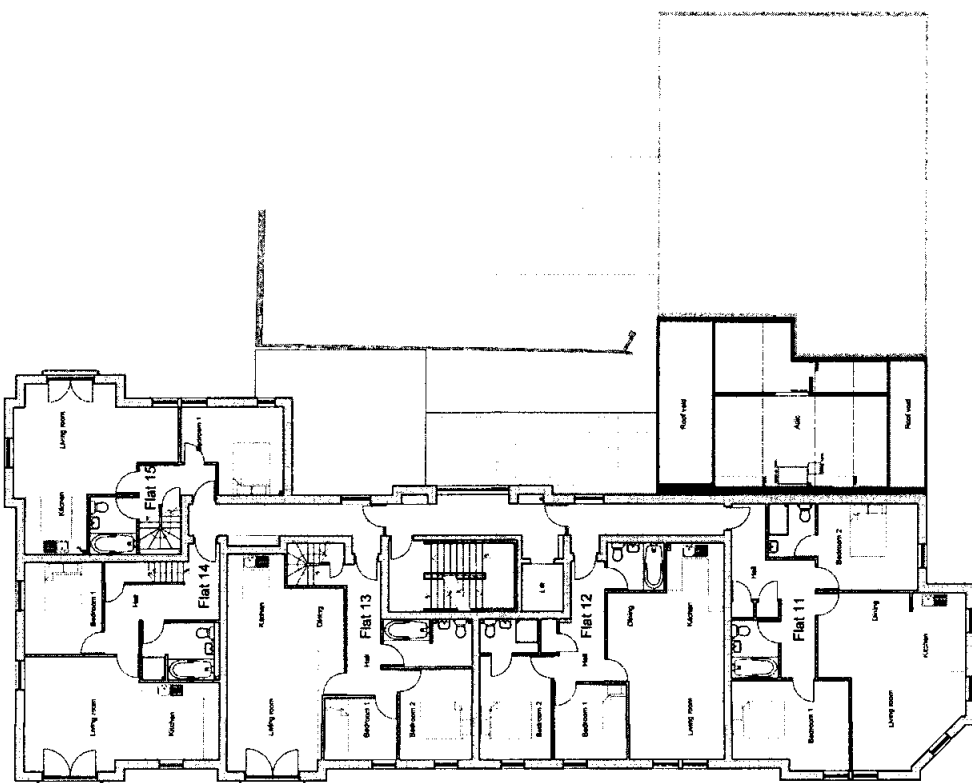
Northumberland Street elevation

Project Name: **Proposed demolition of former Princes of Wales Public House & No. 102 Denton Street, Carlisle**  
 Drawing No: **7038467**  
 Drawing Title: **As existing (Prior to demolition)**  
 Date: **11/06**  
 Scale: **A1**  
 Drawn by: **RY**  
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 Checked by: **RY**  
 Date: **11/06**  
 Scale: **A1**  
 Drawing Title: **As existing (Prior to demolition)**  
 Drawing No: **7038467**

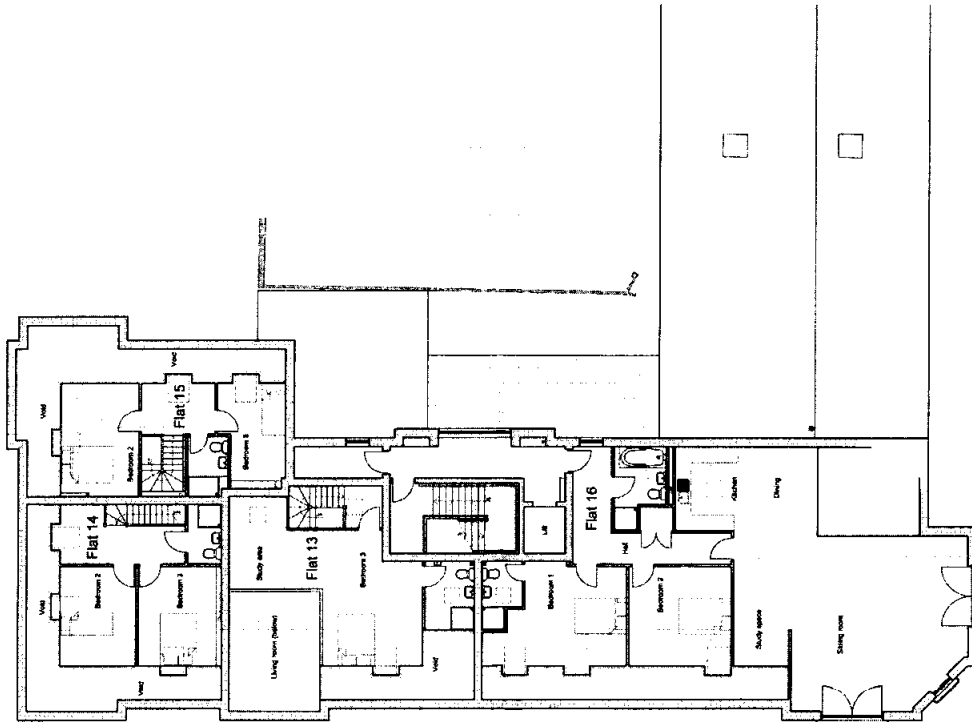
**Hyde Harrington**  
 Architects  
 100, Northumberland Street, Carlisle, Cumbria, CA1 1JH  
 Tel: 01273 533333  
 Fax: 01273 533334  
 Email: info@hydeharrington.co.uk  
 Website: www.hydeharrington.co.uk

**Floor Levels**

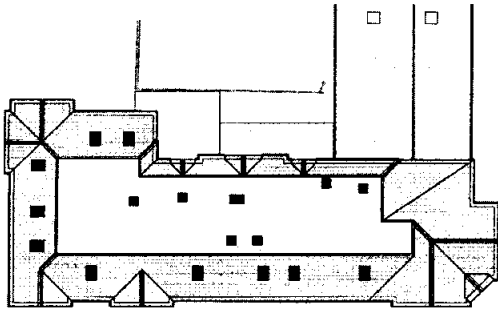
13.20m AOD (on completion of first structure)
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SECOND FLOOR PLAN



THIRD FLOOR PLAN



ROOF PLAN  
Scale 1:200

Floor levels  
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Architects  
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Project No: 70384/16  
Drawing No: 70384/16  
Revision: E  
Drawn by: RV Date: 20/05/08 Scale: 1:100  
Checked by: JG Date: 22/05/08 Scale: 1:100  
Approved by: JG Date: 22/05/08 Scale: 1:100





SCHEDULE C

SCHEDULE C

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 15**

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/9020

**Applicant:**

Property Unit - Cumbria  
County Council

**Parish:**

Carlisle

**Date of Receipt:**

24/08/2010

**Agent:**

Cumbria County Council

**Ward:**

Castle

**Location:**

13 Abbey Street, Carlisle, CA3 8TX

**Grid Reference:**

339738 556018

**Proposal:** Change Of Use From D1 To B1 (a) And A2

**Amendment:**

**REPORT**

**Case Officer:** Barbara Percival

**City Council Observations on the Proposal:**

**Decision:** City Council Observation - Raise No Objection      **Date:** 06/09/2010

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 24/09/2010

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

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CUMBRIA COUNTY COUNCIL

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

**NOTICE OF PLANNING CONSENT**

To: Property Unit  
Cumbria County Council  
Portland Square  
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 18 August 2010.

**viz: Change of use from D1 to B1(a) - Office**

**Herbert Atkinson House, 13 Abbey Street, Carlisle, Cumbria, CA3 8TX**

Subject to due compliance with the following conditions:

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

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:

- the submitted planning application form
- site location plan
- any details required by the conditions attached to this permission
- the Decision Notice

*Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.*

- 3 Not later than six months from the date of commencement of operation of the development hereby permitted, the date of which shall have been notified in writing to the Local Planning Authority not later than 5 working days prior to commencement, a Travel Plan shall be submitted to the Local Planning Authority for approval in writing. This shall identify measures that will be undertaken by the developer to encourage the achievement of a transport modal shift away from the use of private cars to visit the development to

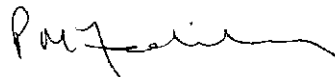
sustainable transport modes. The Travel Plan shall be implemented in accordance with the approved details for the duration of the development not later than twelve months from approval being given. Thereafter an annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be submitted to the Local Planning Authority for a period of not less than three years from the date of commencement of operation of the first approved Travel Plan and for any extended period beyond that date as may be required by the Local Planning Authority

*Reason: To aid in the delivery of sustainable transport objectives in accordance with Policy T31 of the Cumbria and Lake District Joint Structure Plan 2001 - 2016.*

### **Informative**

*Herbert Artkinson House is a Grade II Listed Building. Any physical alteration, damage or removal of any internal or external physical features, may require Listed Building Consent from the Secretary of State. The Local Planning Authority should be contacted prior to undertaking any such work*

Dated the 24<sup>th</sup> September 2010



Signed: Paul Feehily  
Assistant Director of Planning & Sustainability  
on behalf of the Council.

### **NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.
- Any approval to be given by the Assistant Director of Planning & Sustainability or any other officer of Cumbria County Council, shall be in writing.

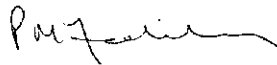
**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 24<sup>th</sup> September 2010



Signed: Paul Feehily  
Assistant Director, Planning & Sustainability  
on behalf of the Council.

SCHEDULE D

SCHEDULE D

## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 16**

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0634

**Applicant:**

Mr Springer

**Parish:**

Beaumont

**Date of Receipt:**

14/07/2010

**Agent:**

Gareth Storey Associates

**Ward:**

Burgh

**Location:**

Field 5718, Opposite Hollow Creek Farm,  
Kirkandrews on Eden, CA5 6DJ

**Grid Reference:**

335487 558245

**Proposal:** Extension Of Existing Agricultural Barn (Retrospective Application)  
Together With The Erection Of 1 No Furlmatic Windcharger And  
Installation Of 3 No Solar Panels On Northern Roof Slope of Adjacent  
Barn

**Amendment:**

1. New description agreed with applicant.

**REPORT**

**Case Officer:** Rebecca Burns

**Details of Deferral:**

Members will recall at Committee meeting held on 1st October 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to no issues being raised regarding the proposed wind turbine during the consultation period. The consultation period has now expired and approval was issued on 27th October 2010.

**Decision:** Grant Permission

**Date:** 27/10/2010

1. The approved documents for this planning permission comprise:
  1. the submitted planning application form;
  2. the Design and Access Statement;
  3. Drawing Number 10/074/1a;  
Drawing Number 10/074/2a;  
Drawing Number 10/074/3;
  4. Details of FM1803-2 Furlmatic Windcharger;
  5. Noise Report on FM1803-2 Furlmatic Windcharger;



## SCHEDULE D: Reports on Previously Deferred Decisions

**Decision:** Grant Permission

**Date:** 18/10/2010

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

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

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

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

3. The approved documents for this Outline application comprise:
  1. the submitted planning application form;
  2. the Design & Access Statement (received 15 July 2010);
  3. Supporting Information contained within a letter from the agent dated 14th July 2010 (received 15th July 2010);
  4. Site Location Plan (received 15th July 2010);
  5. Proposed Outline Plan (drawing 100502-01 received 15 July 2010);
  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.

4. The occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section

## SCHEDULE D: Reports on Previously Deferred Decisions

336 of the Town and Country Planning Act 1990, or in forestry, or dependants of such persons residing with him or her, or a widow or widower of such a person.

**Reason:** The unrestricted use of the dwelling would be contrary to the provisions of Policies H1 and H7 of the Carlisle District Local Plan 2001-2016 which seek to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

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 existing building 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 design and materials to be used are appropriate and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To ensure a satisfactory means of surface water and foul drainage



## SCHEDULE D: Reports on Previously Deferred Decisions

disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the dwelling hereby approved. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of the development. Within 2 months of the completion of the development, 3 copies of the report shall be furnished to the Local Planning Authority.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

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SCHEDULE E

SCHEDULE E

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 09/0842  
**Applicant:** Nigel Thompson Developments  
**Parish:** Wetheral

**Date of Receipt:** 30/09/2009 08:00:14  
**Agent:** Hunter Page Planning  
**Ward:** Great Corby & Geltsdale

**Location:** Lodge Gates (Unit 4), Low Allenwood Farm, Broadwath, Heads Nook, Brampton, CA8 9AJ  
**Grid Reference:** 348544 555402

**Proposal:** Erection Of 1No. Live-Work Unit (Revised/Retrospective Application)  
**Amendment:**

**Decision:** Granted Subject to Legal Agreement  
**Date:** 29/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 09/0956  
**Applicant:** Mr Cameron  
**Parish:** Orton

**Date of Receipt:** 30/10/2009 08:00:10  
**Agent:**  
**Ward:** Burgh

**Location:** South Lodge Cottage, Great Orton, Carlisle, CA5 6JX  
**Grid Reference:** 335860 552482

**Proposal:** Certificate Of Lawfulness For Use Of Property As A Dwelling  
**Amendment:**

**Decision:** Grant Permission  
**Date:** 27/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0246  
**Applicant:** Mr Jeffrey Betts  
**Parish:** Burgh-by-Sands

**Date of Receipt:** 12/03/2010  
**Agent:**  
**Ward:** Burgh

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Bridge House Farm, Longburgh, Burgh by Sands,  
Carlisle, CA5 6AF

**Grid Reference:**

330761 559009

**Proposal:** Erection Of 2 Storey Rear Extension To Provide Kitchen, Office And Bathroom On Ground Floor, With Living Room, 1No. Bedroom And Shower Room Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0267

**Applicant:**

Bannatyne Health Club

**Parish:**

Carlisle

**Date of Receipt:**

31/08/2010

**Agent:**

**Ward:**

Belah

**Location:**

Bannatyne Health Club, 50 Kingstown Road,  
Carlisle, CA3 0AD

**Grid Reference:**

339788 558210

**Proposal:** Display Of 2no. Non-Illuminated Fascia Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0384

**Applicant:**

Mr & Mrs Pears

**Parish:**

Dalston

**Date of Receipt:**

29/04/2010

**Agent:**

**Ward:**

Dalston

**Location:**

Wythmoor House, Stockdalewath, Dalston,  
Cumbria, CA5 7DN

**Grid Reference:**

338620 545065

**Proposal:** Discharge of Conditions 8 (Noise Protection); 10 (Material Samples); 11 (Window & Door Details); 12 (Rooflights); 13 (Level 3 Survey); 14

## SCHEDULE E: Decisions Issued Under Delegated Powers

(Provision for Bats and Barn Owls); and 16 (Foul Drainage) of Previously Approved Permission 08/0597

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0588

**Applicant:**  
Belted Will Lodge No.  
3189

**Parish:**  
Brampton

**Date of Receipt:**  
05/07/2010

**Agent:**  
James Associates

**Ward:**  
Brampton

**Location:**  
14-16 Market Place, Brampton, Cumbria, CA8 1RW

**Grid Reference:**  
353098 561097

**Proposal:** Internal Alterations Including Blockwork Wall To Separate Staircase From Retail Area, Relocation Of Toilet And Kitchenette, Rewiring And Installation Of Central Heating, Reinstate Previously Removed Wall Finishes & Installation Of Dado Panelling To Cover Rising Damp (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0600

**Applicant:**  
Mr Colin Hebson

**Parish:**  
Wetheral

**Date of Receipt:**  
06/08/2010

**Agent:**  
Tyler Design Services

**Ward:**  
Wetheral

**Location:**  
Land at Field 2261, Brackenbank, Wetheral  
Pasture, Carlisle

**Grid Reference:**  
348340 551612

**Proposal:** Erection Of Agricultural Workers Dwelling

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 22/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0609

**Applicant:**  
Botcherby Community  
Centre

**Parish:**  
Carlisle

**Date of Receipt:**  
29/07/2010

**Agent:**  
Mr David Kay

**Ward:**  
Botcherby

**Location:**  
Botcherby Community Centre, Victoria Road,  
Botcherby, Carlisle, CA1 2UE

**Grid Reference:**  
342023 555849

**Proposal:** Extension Of Existing Car Park

**Amendment:**

1. Incorporation Of Surface Water Drainage Scheme

**Decision:** Grant Permission

**Date:** 20/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0654

**Applicant:**  
Scania (GB) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2010

**Agent:**  
Hawes Signs Maintenance  
Department

**Ward:**  
Belah

**Location:**  
23 Peterfield Road, Carlisle, CA3 0EY

**Grid Reference:**  
339074 559199

**Proposal:** Display Of 2no. Internally Illuminated Fascia Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

10/0663 Mr James Dalgliesh Wetheral

**Date of Receipt:** 09/08/2010 **Agent:** TSF Developments Ltd **Ward:** Wetheral

**Location:** The Lodge House, Aglionby Grange, Aglionby, Carlisle, CA4 8AD **Grid Reference:** 343867 556423

**Proposal:** Demolition Of Existing Lodge House And Erection Of New Lodge House (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0684 **Applicant:** Mr & Mrs Willoughby **Parish:** Carlisle

**Date of Receipt:** 27/07/2010 **Agent:** Jock Gordon **Ward:** Stanwix Urban

**Location:** Land adj 12 Rosebery Road, Carlisle, CA3 9HU **Grid Reference:** 339922 557335

**Proposal:** Erection of 1No. Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0686 **Applicant:** Mr Sean Smith **Parish:** Carlisle

**Date of Receipt:** 03/08/2010 **Agent:** **Ward:** Botcherby

**Location:** 56 Cumrew Close, Durranhill, Carlisle CA1 2XA **Grid Reference:** 342493 555091

**Proposal:** Erection Of Two Storey Side Extension And Single Storey Rear

## SCHEDULE E: Decisions Issued Under Delegated Powers

Extension To Provide Sun Room On Ground Floor With 1No. Bedroom  
And 1No. Bathroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0689

**Applicant:**  
Mr Hodgson

**Parish:**  
Wetheral

**Date of Receipt:**  
30/07/2010

**Agent:**  
Planning Branch Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Willowdene, 14 Broadwath Holdings, Heads Nook,  
CA8 9BB

**Grid Reference:**  
348409 555226

**Proposal:** Discharge Of Conditions 3 (Details Of Materials); 5 (Surface Water Drainage); 6 (Landscaping Scheme); 8 (Ground Source Heat Pump And Rainwater Harvesting System) And 9 (Details Of Demolition) Of Previously Approved Application 10/0005

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0690

**Applicant:**  
Mr Roberts

**Parish:**  
Carlisle

**Date of Receipt:**  
23/08/2010

**Agent:**  
Mr David Shankland

**Ward:**  
Morton

**Location:**  
177 Wigton Road, Carlisle, CA2 6JX

**Grid Reference:**  
338050 554787

**Proposal:** Erection Of Two Storey Side Extension To Provide Kitchen/Dining Area On Ground Floor With 1No. En-Suite Bedroom Above

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 22/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0694

**Applicant:**  
Lambert Gill

**Parish:**  
Carlisle

**Date of Receipt:**  
06/08/2010

**Agent:**

**Ward:**  
Belah

**Location:**  
Lambert Gill Ltd, 70 Kingstown Broadway, Carlisle,  
CA3 0HA

**Grid Reference:**  
339086 559489

**Proposal:** Extension To Existing Joiners Shop Including W.C. & Office  
**Amendment:**

**Decision:** Grant Permission

**Date:** 21/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0696

**Applicant:**  
Wapping Property Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
28/07/2010

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Castle

**Location:**  
The Royal Hotel, 9 Lowther Street, Carlisle CA3  
9ES

**Grid Reference:**  
340235 555716

**Proposal:** Change Of Use Of Hotel To Restaurant On Ground floor, With 8No.  
Apartments On 1st And 2nd Floors

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0703

**Applicant:**  
Mr Andrews

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
03/08/2010

**Agent:**  
Concept A&D Services

**Ward:**  
Belah

**Location:**  
65 Belah Road, Carlisle, CA3 9TQ

**Grid Reference:**  
339375 557896

**Proposal:** Proposed 2 Storey Side Extension To Provide Garage On Ground Floor And New Dressing Room And Bedroom/bathroom Extension To First Floor. Together With Rear Single Storey Kitchen Extension.

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0708

**Applicant:**  
G & J Seddon Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
02/08/2010

**Agent:**  
Condy Lofthouse Architects

**Ward:**  
Harraby

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

**Grid Reference:**  
342170 554539

**Proposal:** Discharge Of Conditions 3 (Cycle Storage & Access), 7 (Materials), 8 (Hard Surface Details), 9 (Protection Of Hedgerows), 10 (Landscaping) & 13 (Screen Wall/Fence) Relating To Planning Reference 09/1125

**Amendment:**

1. Revised Site Plan (drawing No. 09-021-11 rev. D) received 17th September 2010 specifying provision of tactile paving to dropped kerbs.
2. Drawing number 09-021-SK37 received 24.09.10 detailing means of enclosure.

**Decision:** Partial Discharge of Conditions  
24/09/2010

**Date:**

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0712

**Applicant:**  
Mr Gordon Armstrong

**Parish:**  
Wetheral

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
06/08/2010

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Linden Holme, (formerly Craigmillar) Plains Road,  
Wetheral, Carlisle CA4 8LA

**Grid Reference:**  
346330 555037

**Proposal:** Single Storey Rear And Side Extension To Provide Snug, Dining Room  
And Utility Room; Erection Of Replacement Detached Garage And  
Conversion Of Existing Integral Garage To Bedroom With Formation Of  
Bay Window To Front Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0716

**Applicant:**  
Story Construction

**Parish:**  
Carlisle

**Date of Receipt:**  
03/08/2010

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
Story Construction, Burgh Road Industrial Estate,  
Carlisle CA2 7NA

**Grid Reference:**  
337738 556219

**Proposal:** Siting Of 4no. Modular Office Buildings Over Two Storeys For Use As  
Additional Office Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0717

**Applicant:**  
Mr Steven Pagan

**Parish:**  
Carlisle

**Date of Receipt:**  
11/08/2010

**Agent:**

**Ward:**  
Castle

**Location:**  
87 Warwick Road, Carlisle, CA1 1EB

**Grid Reference:**  
340574 555863

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection Of External Railings And Gate At Front Of Property (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0721

**Applicant:**  
Mr Michael Loxley

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
04/08/2010

**Agent:**  
Philip Turner Associates

**Ward:**  
Dalston

**Location:**  
Ardnaree, Carleton, Carlisle, CA4 0AA

**Grid Reference:**  
343376 552395

**Proposal:** Single Storey Extensions To Provide 1No. En-Suite Bedroom, Kitchen/Dining Area And Conservatory; Construction Of Raised Decking Area Adjacent To New Kitchen/Dining Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0722

**Applicant:**  
Mr Iain Kyle

**Parish:**  
Stapleton

**Date of Receipt:**  
27/08/2010

**Agent:**

**Ward:**  
Lyne

**Location:**  
Church View, Stapleton, Roweltown CA6 6LD

**Grid Reference:**  
350217 571683

**Proposal:** Erection Of Single Storey Side Extension To Provide 1No. Bedroom, Shower Room And Office; Erection Of Conservatory; Adding Pitched Roof Over Existing Flat Roof.

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0724

**Applicant:**  
Mr Steven Pagan

**Parish:**  
Carlisle

**Date of Receipt:**  
11/08/2010

**Agent:**

**Ward:**  
Castle

**Location:**  
87 Warwick Road, Carlisle, CA1 1EB

**Grid Reference:**  
340574 555863

**Proposal:** Erection Of External Railings And Gate At Front Of Property  
**Amendment:**

**Decision:** Grant Permission

**Date:** 27/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0726

**Applicant:**  
Ms Potts

**Parish:**  
Stapleton

**Date of Receipt:**  
09/08/2010

**Agent:**  
Green Design Group

**Ward:**  
Lyne

**Location:**  
Newlands, Hethersgill, Carlisle, CA6 6HU

**Grid Reference:**  
347622 569165

**Proposal:** Change Of Use From Existing Redundant Barn To Holiday  
Accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0728

**Applicant:**  
Story Homes

**Parish:**  
Brampton

**Date of Receipt:**  
06/08/2010

**Agent:**

**Ward:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Former Highways Depot & Dandy Croft, Station  
Road, Brampton CA8 1EU

**Grid Reference:**

353782 561006

**Proposal:** Discharge Of Conditions 3 (S106), Condition 4 (Road & Footway  
Details), Condition 9 (Ramp Details), Condition 11 (Materials) And  
Condition 17 (Underground Ducts) Relating To Planning Ref: 10/0346

**Amendment:**

1. Schedule of Finishes (ref. no. SH068/90/12/B) and Elevation Treatments  
(drawing no. SH068.90.9.SL.ET Rev. E) A received 30th September 2010.

**Decision:** Partial Discharge of Conditions  
30/09/2010

**Date:**

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0729

**Applicant:**  
Mr W J Kirkup

**Parish:**  
Arthuret

**Date of Receipt:**  
19/08/2010

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
4 Swan Street, Longtown, Carlisle CA6 5UY

**Grid Reference:**  
338003 568618

**Proposal:** Demolition Of Disused Building And Erection Of 1No. Detached Dwelling  
**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0730

**Applicant:**  
Mr W J Kirkup

**Parish:**  
Arthuret

**Date of Receipt:**  
19/08/2010

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
4 Swan Street, Longtown, Carlisle CA6 5UY

**Grid Reference:**  
338003 568618

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Demolition Of Disused Building And Erection Of 1No. Detached Dwelling  
(Conservation Area Consent)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0732

**Applicant:**  
Mr D Wyllie

**Parish:**  
Carlisle

**Date of Receipt:**  
20/08/2010

**Agent:**

**Ward:**  
St Aidans

**Location:**  
4 Watson Street, Carlisle, CA1 2LL

**Grid Reference:**  
341032 555255

**Proposal:** Change Of Use Of Dwelling To House Of Multiple Occupation

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0735

**Applicant:**  
Mr & Mrs Donaldson

**Parish:**  
Carlisle

**Date of Receipt:**  
09/08/2010

**Agent:**  
Jock Gordon

**Ward:**  
Belah

**Location:**  
120 Lowry Hill Road, Carlisle CA3 ODJ

**Grid Reference:**  
338926 558635

**Proposal:** Erection Of Single Storey Rear Extension And Part Conversion Of  
Existing Garage To Provide Lounge/Bedroom And Shower Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2010

---

Between 18/09/2010 and 29/10/2010

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
10/0739

**Applicant:**  
Mr & Mrs Armstrong

**Parish:**  
Carlisle

**Date of Receipt:**  
11/08/2010

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Yewdale

**Location:**  
255 Yewdale Road, Carlisle, CA2 7XB

**Grid Reference:**  
336809 555385

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0740

**Applicant:**  
Mr D Warwick

**Parish:**  
Scaleby

**Date of Receipt:**  
10/08/2010

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Blooming Heather, Scaleby Hill, Carlisle, CA6 4LY

**Grid Reference:**  
343596 563927

**Proposal:** Erection Of Detached Domestic Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0741

**Applicant:**  
Mrs Kathleen Moses

**Parish:**  
Carlisle

**Date of Receipt:**  
17/08/2010

**Agent:**  
Mr Keith Moses

**Ward:**  
Upperby

**Location:**  
20A Burnett Road, Harraby, Carlisle CA1 3DA

**Grid Reference:**  
341951 553403



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection of Detached Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0742

**Applicant:**  
Story Construction Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
20/08/2010

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
Rear of Burgh Road Industrial Estate, Carlisle, CA2  
7NA

**Grid Reference:**  
337753 556172

**Proposal:** Erection Of 2.5m High Acoustic Fence

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0744

**Applicant:**  
Dobbies Garden Centres  
PLC/Linton Tweeds Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
13/08/2010

**Agent:**  
Manson Architects

**Ward:**  
Dalston

**Location:**  
Westwood Garden Centre and Surrounding Land,  
Orton Grange, Carlisle CA5 6LB

**Grid Reference:**  
335325 551573

**Proposal:** Discharge of Conditions 10 (Lighting Scheme For External Areas); 11 (Details Of Materials); 13 (Programme Of Archaeological Work); 15 (Hard Surface Finishes); 16 (Details Of Walls, Gates, Fences And Boundary Treatments), 17 (Surface Water Drainage); 18 (Foul Drainage Works); 20 (Existing And Proposed Ground Levels); 25 (Detailed Drawings Of Allotment And Farmyard Buildings) Of Previously Approved Application 10/0429

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 07/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0745

**Applicant:**  
Mr McLean

**Parish:**  
Hayton

**Date of Receipt:**  
12/08/2010 13:00:46

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Hayton

**Location:**  
Site adjacent to, West View, Faugh

**Grid Reference:**  
351049 554596

**Proposal:** Erection Of 1No. Detached House, Garage And Formation Of Driveway  
(Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0747

**Applicant:**  
Russell Armer Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
13/08/2010 13:00:42

**Agent:**

**Ward:**  
Dalston

**Location:**  
Hawksdale Pasture, Welton Road, Dalston, CA5  
7EJ

**Grid Reference:**  
336023 547152

**Proposal:** Demolition Of Existing Farmhouse And Construction Of New 4no.  
Bedroom Farmhouse (Revised Application)

**Amendment:**

1. Deletion Of The Covered Pedestrian Link Between The Proposed Dwelling  
And The Adjacent Barn
2. Reduction In The Red Line Application Site Area

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 08/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0749

**Applicant:**  
Mr Steven Pagan

**Parish:**  
Carlisle

**Date of Receipt:**  
18/08/2010

**Agent:**

**Ward:**  
Castle

**Location:**  
87 Warwick Road, Carlisle, CA1 1EB

**Grid Reference:**  
340574 555863

**Proposal:** Replacement Windows To Front Elevation (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0750

**Applicant:**  
BP Oil UK Ltd

**Parish:**  
Rockcliffe

**Date of Receipt:**  
27/08/2010

**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:** Display Of 1no. Internally Illuminated Fascia Sign; 9no. Non Illuminated Free Standing Directional Signs; 3no. Internally Illuminated BP Helios Signs To Existing Canopy; 1no. Internally Illuminated Free Standing Gantry Sign; 2no. Non Illuminated Poster Boards; 2no. Internally Illuminated Fascia Signs; 4no. Internally Illuminated Projecting Signs And 1no. Internally Illuminated BP Helios Sign To Building Together With Externally Illuminated Canopy Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/10/2010

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Between 18/09/2010 and 29/10/2010

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
10/0751

**Applicant:**  
Mr John Van Lierop

**Parish:**  
Carlisle

**Date of Receipt:**  
16/08/2010

**Agent:**  
Mr David Lamond

**Ward:**  
Castle

**Location:**  
The Glasshouse, Devonshire Street, Carlisle, CA3  
8LG

**Grid Reference:**  
340185 555761

**Proposal:** Internal Alterations Including The Following: Relocation Of Existing Toilets From Basement To First Floor And Exposure Of Original Vaulted Stone Ceilings And Walls In Basement; Removal Of Existing Block Wall Adjacent To Staircase - Re-Instatement Of Stair Ballustrades And Panelling And Installation Of Fire Resistant Glazed Screens And Removal Of Plaster From Some Internal Walls And Exposure Of Original Brick And Stone Structure

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0752

**Applicant:**  
Mr Maurice Armstrong

**Parish:**  
Irthington

**Date of Receipt:**  
16/08/2010

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Rose Cottage, Laversdale Lane End, Laversdale,  
Carlisle, CA6 4PS

**Grid Reference:**  
347865 563647

**Proposal:** Erection Of Dog Breeding Kennel Facility For Personal Use (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

10/0755 David Hayton Ltd Carlisle

**Date of Receipt:** 20/08/2010  
**Agent:** McLaren Murdoch & Hamilton  
**Ward:** Belah

**Location:** Former County Motors Ltd, Site 18 Gearshill Road, Carlisle, CA3 OEW  
**Grid Reference:** 339416 559285

**Proposal:** Display Of 1no. Illuminated Lion Emblem To Front Elevation; 3no. Illuminated Fascia Signs; 1no. Externally Illuminated Freestanding Totem Sign & 6no. Flags

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0756  
**Applicant:** New Look Group PLC  
**Parish:** Carlisle

**Date of Receipt:** 31/08/2010  
**Agent:** Escott Signs Ltd  
**Ward:** Castle

**Location:** Unit B The Lanes, 51 Scotch Street, Carlisle CA3 8NT  
**Grid Reference:** 340133 555990

**Proposal:** Erection of 2No. Internally Illuminated Fascia Signs And 3No. Internally Illuminated Projecting Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0757  
**Applicant:** Mr Neil Dickinson  
**Parish:** Carlisle

**Date of Receipt:** 31/08/2010  
**Agent:**  
**Ward:** Stanwix Urban

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
3 Etterby Scaur, Carlisle, CA3 9NX

**Grid Reference:**  
339476 557273

**Proposal:** Reduction Of Chimney Height (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0759

**Applicant:**  
Rand Properties

**Parish:**  
Dalston

**Date of Receipt:**  
18/08/2010

**Agent:**  
Alan Fox

**Ward:**  
Dalston

**Location:**  
Barn E Moss End Farm, Welton Road, Dalston,  
CARLISLE CA5 7EL

**Grid Reference:**  
336115 545969

**Proposal:** Discharge of Conditions 2 (Demolition Of Barn B); 5 (External Materials); 9 (Hedging) 10 (Foul Drainage) And 11 (Bird And Bat Boxes) Of Previously Approved Application 07/0625

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0761

**Applicant:**  
Team Glubba

**Parish:**  
Dalston

**Date of Receipt:**  
18/08/2010

**Agent:**

**Ward:**  
Dalston

**Location:**  
1 Barras Lane, Dalston, Carlisle CA5 7ND

**Grid Reference:**  
336383 550675

**Proposal:** Change Of Use Of Part Of Garden For Siting Of A Mobile Workshop To The Side Of Dwelling For The Use Of Servicing And Repairs Of Scooters And Small Motorcycles; Ancillary Sales

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 11/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0762

**Applicant:**  
Mr David Irving

**Parish:**  
Hayton

**Date of Receipt:**  
18/08/2010

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**  
L/A the Bungalow to the rear of The Village Hall,  
Talkin CA8 1LE

**Grid Reference:**  
355007 557351

**Proposal:** Change Of Use From Agricultural Land To Domestic Use

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0763

**Applicant:**  
Mr M Robinson

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
19/08/2010

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Maisonette, Mill House, Brampton Old Road,  
Carlisle CA6 4QE

**Grid Reference:**  
342042 558811

**Proposal:** Replace Flat Roof With Pitched Roof And New Front Entrance To Cloak Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

10/0764 Mr M Robinson Stanwix Rural

**Date of Receipt:** 19/08/2010 **Agent:** **Ward:** Stanwix Rural

**Location:** Maisonette, Mill House, Brampton Old Road, Carlisle CA6 4QE **Grid Reference:** 342042 558811

**Proposal:** Replace Flat Roof With Pitched Roof And New Front Entrance To Cloak Room (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0766 **Applicant:** Mr & Mrs S Carruthers **Parish:** Kirkandrews

**Date of Receipt:** 03/09/2010 **Agent:** Tsada Building Design Services **Ward:** Longtown & Rockcliffe

**Location:** 29 & 30 Gaitle Bridge, Gaitle, Longtown, Carlisle, CA6 5LU **Grid Reference:** 335960 568525

**Proposal:** Demolition Of No. 29 & 30 Gaitle Bridge And Replacement Of 2no. Dormer Dwellings (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0767 **Applicant:** Mr G Allison **Parish:** Burgh-by-Sands

**Date of Receipt:** 20/08/2010 **Agent:** Black Box Architects Limited **Ward:** Burgh



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Beech House, Thurstonfield, CA5 6HE

**Grid Reference:**  
331565 556653

**Proposal:** Discharge Of Conditions 4 (Windows), 5 (Level 3 Survey), 6 (Vent Ducts & Soil Pipes), 7 (Render) & 8 (Mortar/Pointing) Relating To Planning Ref: 10/0284

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0768

**Applicant:**  
Mr Steven Pagan

**Parish:**  
Carlisle

**Date of Receipt:**  
20/08/2010

**Agent:**

**Ward:**  
Castle

**Location:**  
87 Warwick Road, Carlisle, CA1 1EB

**Grid Reference:**  
340574 555863

**Proposal:** Replacement Of Existing Kitchen Window With French Doors (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0769

**Applicant:**  
Mr Russell Miller

**Parish:**  
Carlisle

**Date of Receipt:**  
02/09/2010

**Agent:**  
Mr Michael Richardson

**Ward:**  
Denton Holme

**Location:**  
28 Shankly Road, Denton Holme, Carlisle, CA2 5SL

**Grid Reference:**  
339677 554677

**Proposal:** Single Storey Side Extension To Provide Dining Room And 1No. Bedroom

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 13/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0770

**Applicant:**  
Mr MacManus

**Parish:**  
Scaleby

**Date of Receipt:**  
02/09/2010

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Low House, Scaleby, Carlisle, CA6 4LW

**Grid Reference:**  
346640 562823

**Proposal:** Formation Of Link Extension Between Garage And Dwelling To Form  
Hall, Study & Living Room Extension

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0771

**Applicant:**  
DSG International

**Parish:**  
Carlisle

**Date of Receipt:**  
25/08/2010

**Agent:**  
Indigo Planning Ltd

**Ward:**  
Belah

**Location:**  
Unit D, Kingstown Retail Park, Parkhouse Road,  
Carlisle, CA3 0JR

**Grid Reference:**  
339228 559706

**Proposal:** Installation Of A1 Retail Mezzanine Floor Within Existing Unit

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0772

**Applicant:**  
Sainsbury's Supermarkets  
Ltd

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
25/08/2010

**Agent:**  
Turley Associates

**Ward:**  
Stanwix Urban

**Location:**  
Northgate (Formerly Gates Tyres) , 54 Scotland  
Road, Carlisle, CA3 9DF

**Grid Reference:**  
340020 557228

**Proposal:** Alteration To Unit 1 As Approved Under Planning Permission 09/0507  
To Create 2 Retail Units And External Alterations To The Shop Front  
And Elevations

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0773

**Applicant:**  
David Hayton Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
24/08/2010

**Agent:**  
McLaren, Murdoch &  
Hamilton

**Ward:**  
Belah

**Location:**  
County Motors (Carlisle) Ltd, Grearshill Road,  
Kingstown Industrial Estate, Carlisle, Cumbria, CA3  
0EW

**Grid Reference:**  
339416 559285

**Proposal:** Demolition Of Car Showroom, Conversion Of Workshop To New  
Showroom, Alteration And Refurbishment Of Motor Dealership To  
Provide First Floor Canteen And Toilets (Revised Proposal Including  
Alterations To External Appearance And New Wash/Valet Bay)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0774

**Applicant:**  
G4S Cash Solutions (UK)  
Ltd

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

24/08/2010 13:00:31

**Agent:**

P R Burrell & Associates  
Ltd.

**Ward:**

**Location:**

Securicor Ltd, Unit 4, Marconi Road, Burgh Road  
Industrial Estate, Carlisle, CA2 7NF

**Grid Reference:**

337687 556301

**Proposal:** Proposed Inclusion Of 3 Metre High Steel Palisade Security Fence In  
Front Of Part Of Building Together With 2.4 Metre High Anti Ram  
Steelwork

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/09/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0775

**Applicant:**

Mr Alan Polkinghorne

**Parish:**

Rockcliffe

**Date of Receipt:**

26/08/2010

**Agent:**

**Ward:**

Longtown & Rockcliffe

**Location:**

Lapwing Meadow, Redhills, Rockcliffe, Carlisle, CA6  
4AF

**Grid Reference:**

335645 561773

**Proposal:** First Floor Extension To Existing Bungalow To Provide A Third Bedroom  
With Bathroom, Walk-In Wardrobe And Work Space Together With  
Internal Alterations To Open Up Of The Ground Floor Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0776

**Applicant:**

Mr Kennedy

**Parish:**

Westlinton

**Date of Receipt:**

06/09/2010

**Agent:**

World Group

**Ward:**

Longtown & Rockcliffe

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

The Grange, Blackford, Carlisle, CA6 4ER

339949 562467

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0777

**Applicant:**  
Hayton C of E Primary  
School

**Parish:**  
Hayton

**Date of Receipt:**  
25/08/2010

**Agent:**  
Philip Turner Associates

**Ward:**  
Hayton

**Location:**  
Hayton C of E School, Hayton, Brampton CA8 9HR

**Grid Reference:**  
350746 557678

**Proposal:** Single Storey Extensions To East Elevation To Provide Wet Play And Cloaks Extensions

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0778

**Applicant:**  
Hayton C of E Primary  
School

**Parish:**  
Hayton

**Date of Receipt:**  
25/08/2010

**Agent:**  
Philip Turner Associates

**Ward:**  
Hayton

**Location:**  
Hayton C of E School, Hayton, Brampton CA8 9HR

**Grid Reference:**  
350746 557678

**Proposal:** Single Storey Extensions To East Elevation To Provide Wet Play And Cloaks Extensions; Internal Alterations And Removal Of Chimney Stack (LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 07/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0779

**Applicant:**  
Ms Graham

**Parish:**  
Scaleby

**Date of Receipt:**  
26/08/2010 08:00:18

**Agent:**  
CONCEPT Architectural &  
Design Services

**Ward:**  
Stanwix Rural

**Location:**  
Linkumdoddie, Long Park, Blackford, Carlisle, CA6  
4JA

**Grid Reference:**  
342492 562293

**Proposal:** Change Of Use Of Agricultural Land To Domestic Use To Incorporate  
Erection Of Detached Single Storey Building To Provide Hobby Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0780

**Applicant:**  
Mr Wilson

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
31/08/2010

**Agent:**  
Henrietta Hopkins

**Ward:**  
Dalston

**Location:**  
Bankdale Farm, Wreay, Carlisle, CA4 0RS

**Grid Reference:**  
341494 548942

**Proposal:** Erection Of 2no. Wind Turbines (11kW) Height 18 Metres On A  
Concrete Base To The South Of The Property

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection Of Farm Shed - Phase 1

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0785

**Applicant:**  
Network Rail (  
Infrastructure) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
27/08/2010

**Agent:**  
Network Rail (Property)

**Ward:**  
Currock

**Location:**  
Citadel Station, Court Square, Carlisle, CA1 1QX

**Grid Reference:**  
340247 555486

**Proposal:** Discharge Of Condition 3 (Details Of Waiting Areas) Relating To  
Planning Ref: 10/0340 (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0786

**Applicant:**  
Mr G Allison

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
27/08/2010

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Burgh

**Location:**  
Beech House, Thurstonfield, CA5 6HE

**Grid Reference:**  
331565 556653

**Proposal:** Discharge Of Conditions 4 (Windows), 5 (Level 3 Survey), 6 (Vent Ducts  
& Soil Pipes), 7 (Render) & 8 (Mortar/Pointing) Relating To Planning Ref:  
10/0285 (LBC)

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 19/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0787

**Applicant:**  
Mr Andrew Caig

**Parish:**  
Brampton

**Date of Receipt:**  
27/08/2010

**Agent:**  
Mr David Lamond

**Ward:**  
Brampton

**Location:**  
20 High Cross Street, Brampton, Cumbria, CA8  
1RP

**Grid Reference:**  
353067 561151

**Proposal:** Repair Renovation And Internal Alterations Including Replacement Of Fibre Cement Slates With Natural Slate On Roof; Removal Of Cracked And Loose Render Exposing Stonework; Repair And Replacement Of Existing Windows With Timber Sliding Sash Windows; New Ground Floor Incorporating A DPM And Insulation; Damp Proofing To Retaining Walls Internally And Creation Of New Bathroom And En-Suite On First Floor (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0788

**Applicant:**  
Mr Turnbull

**Parish:**  
Dalston

**Date of Receipt:**  
07/09/2010

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Dalston

**Location:**  
Standingstone, The Square, Dalston, Carlisle, CA5  
7LL

**Grid Reference:**  
336977 550256

**Proposal:** Erection Of First Floor Extension To Provide En-Suite Bedroom Together With Garage Extension To Create Double Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2010

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0789      **Applicant:** Environment Agency      **Parish:** Stanwix Rural

**Date of Receipt:** 27/08/2010 13:00:30      **Agent:** Jacobs      **Ward:** Stanwix Rural

**Location:** Land adjacent St John's Church, Low Crosby, Carlisle      **Grid Reference:** 344833 559647

**Proposal:** Discharge Of Conditions 2 (Variation To Approved Plans), 3 (Bat Roosting Boxes), 4 (Landscape & Habitat Maintenance), 6 (Tree Protection), 9 (Disabled Access Ramp & Steps) & 10 (Archaeological Watching Brief) Of Previously Approved Appn 10/0316

**Amendment:**

1. Drawing number B1360700-BSS837-2009-TPP1-Rev.C (Tree Protection Plan Overall Area) received 22/09/10.
2. Drawing number B1360700-M-008 Rev.D, 009 Rev.D, 010 Rev.D, 011 Rev.D and 012 Rev.D (Notice Plans) received 24/09/10.
3. Drawing number B1360700-BS5837-2009-TPP1-Rev.D (Tree Protection Plan Overall Area) received 28/09/10.
4. Drawing numbers B1360700/SK/01, /02, /04, and /05 (Temporary Fencing Plans) received 30/09/10.
5. Drawing number B1360700/C/004 Rev.1 (Churchyard Walls & Access Plan) received 19/10/10.

**Decision:** Partial Discharge of Conditions  
20/10/2010

**Date:**

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0790      **Applicant:** Mrs Christina Leith      **Parish:** Carlisle

**Date of Receipt:** 02/09/2010      **Agent:**      **Ward:** Castle

**Location:**      **Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

19 Spencer Street, Carlisle, Cumbria, CA1 1BE

340426 555954

**Proposal:** Conversion Of Part Of Outbuilding And Utility Room To Create A Toilet And Shower Room Together With Demolition Of Internal Wall (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0793

**Applicant:**  
Mr Marriner

**Parish:**  
Carlisle

**Date of Receipt:**  
30/08/2010 08:00:28

**Agent:**  
Edwin Thompson

**Ward:**  
Castle

**Location:**  
Office A, Treasury Court, CA3 8RF

**Grid Reference:**  
340033 556050

**Proposal:** Change Of Use From Office Accomodation To Yoga Studio

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0794

**Applicant:**  
Mr Marriner

**Parish:**  
Carlisle

**Date of Receipt:**  
30/08/2010 08:00:28

**Agent:**  
Edwin Thompson

**Ward:**  
Castle

**Location:**  
Office A, Treasury Court, CA3 8RF

**Grid Reference:**  
340033 556050

**Proposal:** Change Of Use From Office Accomodation To Yoga Studio (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2010

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0797  
**Applicant:** Physio to Go (Scotland) Ltd  
**Parish:** Carlisle

**Date of Receipt:** 07/09/2010  
**Agent:**  
**Ward:** Denton Holme

**Location:** 44 Denton Street, Carlisle CA2 5EG  
**Grid Reference:** 339806 555192

**Proposal:** Erection Of Non Illuminated Fascia And Window Signage  
**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0798  
**Applicant:** Etman Enterprises Ltd  
**Parish:** Dalston

**Date of Receipt:** 31/08/2010  
**Agent:**  
**Ward:** Dalston

**Location:** Dalston Hall Holiday Park, Dalston, Carlisle, CA5 7JX  
**Grid Reference:** 337516 551544

**Proposal:** Discharge Of Conditions 4 (Archaeological Evaluation), 5 (Drainage) & 6 (Tree Survey & Landscaping Scheme) Relating To Planning Ref: 07/0495

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0799  
**Applicant:** Mr Mark Gibson  
**Parish:** Carlisle

**Date of Receipt:** 01/09/2010  
**Agent:** Jock Gordon  
**Ward:** Stanwix Urban

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

1 Close Cottages, Well Lane, Stanwix, Carlisle, CA3  
9DU

**Grid Reference:**

340251 557171

**Proposal:** Repositioning Of Boundary Wall To Provide Vehicular And Pedestrian  
Access To The Property

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0802

**Applicant:**

JPL Joinery

**Parish:**

Carlisle

**Date of Receipt:**

07/09/2010

**Agent:**

**Ward:**

Yewdale

**Location:**

3 Birdoswald Drive, Carlisle, CA2 7XQ

**Grid Reference:**

336745 555599

**Proposal:** Removal Of Flat Roof; To Be Replaced With Pitched Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0804

**Applicant:**

Mr J Paterson

**Parish:**

Brampton

**Date of Receipt:**

01/09/2010

**Agent:**

TSF Developments Ltd

**Ward:**

Brampton

**Location:**

The Byre, Crooked Holme, Brampton, Cumbria,  
CA8 2AT

**Grid Reference:**

351110 561939

**Proposal:** Erection Of Greenhouse And Sun Room (Revised Application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 22/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0811

**Applicant:**  
Mr G G Reay

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
03/09/2010

**Agent:**

**Ward:**  
Burgh

**Location:**  
The Beeches, Boustead Hill, Burgh by Sands,  
Carlisle CA5 6AA

**Grid Reference:**  
329185 558983

**Proposal:** Change Of Use Of Agricultural Building To 16No. Stables With Disabled  
Access And Disabled Toilet Facilities And Tackroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0812

**Applicant:**  
Mr Ian Robinson

**Parish:**  
Carlisle

**Date of Receipt:**  
03/09/2010

**Agent:**  
Viaduct Developments

**Ward:**  
Currock

**Location:**  
Martindale, 63 Millholme Avenue, Currock, Carlisle  
CA2 4DW

**Grid Reference:**  
340337 554105

**Proposal:** Discharge Of Condition 3 (Samples Of Materials) Of Previously  
Approved Application 10/0543

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/10/2010

---

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

10/0816 Mr Andrew Chalmers Irthington

**Date of Receipt:** 10/09/2010  
**Agent:** Mr Rodney Jeremiah  
**Ward:** Stanwix Rural

**Location:** Scare Farm, Hethersgill, Carlisle, CA6 6EY  
**Grid Reference:** 348073 565070

**Proposal:** Conversion Of Existing Window To Form Access Door (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0819  
**Applicant:** Crossling Ltd.  
**Parish:** Carlisle

**Date of Receipt:** 08/09/2010  
**Agent:** AAA Signs Ltd.  
**Ward:** Belah

**Location:** Crosslings Ltd, Denmark House, 5 Kingstown  
Broadway, Carlisle, CA3 0HA  
**Grid Reference:** 339027 559124

**Proposal:** Display Of 1no. Non Illuminated Free Standing Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0820  
**Applicant:** Reiver Lodges Ltd  
**Parish:** Rockcliffe

**Date of Receipt:** 09/09/2010  
**Agent:** Black Box Architects  
Limited  
**Ward:** Longtown & Rockcliffe

**Location:** Dalton Auction Mart, Harker, Carlisle, CA6 6DS  
**Grid Reference:** 339518 560921

**Proposal:** Change Of Use Of Auction Mart To Modular Homes Showroom and

## SCHEDULE E: Decisions Issued Under Delegated Powers

Display (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0824

**Applicant:**  
Mr J McLean

**Parish:**  
Hayton

**Date of Receipt:**  
09/09/2010

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Hayton

**Location:**  
Site adjacent to, West View, Faugh

**Grid Reference:**  
351049 554596

**Proposal:** Discharge of Conditions 3 (Materials), 4 (Hard And Soft Landscaping); 5 (Tree And Hedge Retention) and 6 (Proposed Floor Levels) Of Previously Approved Application 09/1127

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0827

**Applicant:**  
Mr Holliday

**Parish:**  
Cummersdale

**Date of Receipt:**  
16/09/2010

**Agent:**  
Mr Mark Lightfoot

**Ward:**  
Currock

**Location:**  
293 Blackwell Road, Carlisle, CA2 4RW

**Grid Reference:**  
340311 553781

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2010

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0830

**Applicant:**  
Mr Craig Harrington

**Parish:**  
Carlisle

**Date of Receipt:**  
10/09/2010

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
217 Brampton Road, Carlisle, CA3 9AX

**Grid Reference:**  
340943 557699

**Proposal:** Erection Of Detached Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0838

**Applicant:**  
Enivonment Agency N W  
Regional Office

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
14/09/2010

**Agent:**  
Halcrow Group Ltd

**Ward:**  
Dalston

**Location:**  
Land adjacent to the River Petteril, the M6  
Motorway and Newbiggin Road, to the South of M6  
Junction 42 (Golden Fleece Roundabout)

**Grid Reference:**  
343554 551285

**Proposal:** Erection Of Building To House River Flow Monitoring Equipment At Site  
Of Existing Gauging Station

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0841

**Applicant:**  
Talkin Tarn Community  
Building Ltd

**Parish:**  
Brampton

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

15/09/2010

Bingham Yates

Brampton

**Location:**

Talkin Tarn Countryside Park, Talkin Tarn, Talkin,  
CA8 1HN

**Grid Reference:**

354459 559165

**Proposal:** Non Material Amendment Of Planning Application 09/0714 To Include  
2no. Fire Exit Doors

**Amendment:**

**Decision:** Amendment Accepted

**Date:**

11/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0842

**Applicant:**

Mrs Sheila Marr

**Parish:**

Wetheral

**Date of Receipt:**

21/09/2010

**Agent:**

**Ward:**

Great Corby & Geltsdale

**Location:**

3 Longthwaite Farm, Warwick Bridge, Carlisle,  
Cumbria, CA4 8RN

**Grid Reference:**

347983 556649

**Proposal:** Non Material Amendment Of Previously Approved Application 07/0343  
To Change Former Rear Garage Door To A Window, Insertion Of 2no.  
Slit Windows Either Side Of Front Door, Velux Window In Porch And All  
Windows To Be Hardwood

**Amendment:**

**Decision:** Amendment Accepted

**Date:**

30/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

10/0845

**Applicant:**

Wilson of Woodside Ltd

**Parish:**

St Cuthberts Without

**Date of Receipt:**

20/09/2010

**Agent:**

David Hetherington  
Environmental And  
Planning Services

**Ward:**

Dalston

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Woodside Farm, Wreay, Carlisle, CA4 0RJ

**Grid Reference:**  
343298 549954

**Proposal:** Erection Of Lean-To Extension To Provide Calf Shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0848

**Applicant:**  
Mr David Wernham

**Parish:**  
Carlisle

**Date of Receipt:**  
20/09/2010

**Agent:**  
Concept Support

**Ward:**  
Belle Vue

**Location:**  
263 Newtown Road, Carlisle, CA2 7LR

**Grid Reference:**  
337958 556024

**Proposal:** Erection Of Single Storey Rear Extension To Provide Extended Kitchen And Decking Area Together With Conversion Of Single Garage To Double With En-Suite Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0852

**Applicant:**  
Mr Michael Tiffen

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
17/09/2010

**Agent:**

**Ward:**  
Dalston

**Location:**  
Stackbrae, Durdar Road, Carlisle, CA2 4SU

**Grid Reference:**  
340220 553003

**Proposal:** Temporary Siting Of A Static Caravan For A Maximum Period Of 6 Months (Retrospective)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 25/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0858

**Applicant:**  
Mrs Tracey Sowerby

**Parish:**  
Beaumont

**Date of Receipt:**  
27/09/2010

**Agent:**

**Ward:**  
Burgh

**Location:**  
Hillgarth, Beaumont, Carlisle, Cumbria, CA5 6ED

**Grid Reference:**  
334654 559167

**Proposal:** Non Material Amendmant Of Previously Approved Application 10/0192  
To Change The Windows To The Rear Dormers

**Amendment:**

**Decision:** Amendment Accepted  
06/10/2010

**Date:**

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/0867

**Applicant:**  
Mrs S Routledge

**Parish:**  
Carlisle

**Date of Receipt:**  
24/09/2010

**Agent:**  
Jock Gordon

**Ward:**  
Morton

**Location:**  
52 Rashdall Road, Morton Park, Carlisle, Cumbria,  
CA2 6HR

**Grid Reference:**  
338504 554166

**Proposal:** Two Storey Rear Extension To Provide Lounge On Ground Floor With  
Bedroom Above Together With Conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

10/0878 Environment Agency North Arthuret Area

**Date of Receipt:** 30/09/2010 08:00:24 **Agent:** Jacobs Engineering UK Ltd **Ward:** Longtown & Rockcliffe

**Location:** Land Surrounding Longtown Beck, Bounded By Lochinvar Close/Bellsfield, Moor Road and Old Road, Longtown **Grid Reference:** 338667 568763

**Proposal:** Discharge Of Conditions 4 (Replacement And New Hedgerows) And 5 (Construction And Drainage Of Access Area) Of Previously Approved Application 10/0294

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0923 **Applicant:** Mr Alan Matthews **Parish:** Carlisle

**Date of Receipt:** 11/10/2010 **Agent:** Mr Nigel Harvey **Ward:** Upperby

**Location:** 35 Holmacres Drive, Harraby, Carlisle, CA1 3AB **Grid Reference:** 341608 553831

**Proposal:** Non Material Amendment Relating To Planning Reference 10/0313 To Change From Brick To Render

**Amendment:**

**Decision:** Amendment Accepted  
22/10/2010

**Date:**

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:** 10/0952 **Applicant:** Mrs Janet Shaw **Parish:** Carlisle

**Date of Receipt:** 21/10/2010 **Agent:** Carlisle City Council **Ward:** Botcherby

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
30 Merith Avenue, Carlisle, CA1 2TP

**Grid Reference:**  
342136 555456

**Proposal:** Non Material Amendment Relating To Planning Reference 10/0397 To Include French Doors To Rear Extension Rather Than A Window

**Amendment:**

**Decision:** Amendment Accepted  
28/10/2010

**Date:**

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/9019

**Applicant:**  
Cumbria Waste Recycling Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
06/08/2010

**Agent:**  
Cumbria County Council

**Ward:**

**Location:**  
Kingmoor Waste Recycling Centre, Kingmoor Road,  
Kingmoor Industrial Estate, Carlisle, CA3 9QJ

**Grid Reference:**  
338699 557852

**Proposal:** Extended Site Area; Revised Traffic Circulation including repositioned weighbridge and new weigh office; Construction of additional waste storage bays;and regularising the use of all areas of the site

**Amendment:**

**Decision:** City Council Observation - Raise Objection(s)  
**Date:** 20/09/2010

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Between 18/09/2010 and 29/10/2010

**Appn Ref No:**  
10/9021

**Applicant:**  
North West Recycling Ltd

**Parish:**  
Rockcliffe

**Date of Receipt:**  
24/09/2010

**Agent:**  
Mrs Maggie Mason

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Unit A, Rockcliffe Estate, Kingmoor Park, Carlisle,  
Cumbria, CA6 4RW

**Grid Reference:**  
336417 560788

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Section 73 Application To Amend Condition 19 In Order To Alter Site  
Layout And Deletion Of Condition 20 Of Planning Permission  
09/9002/CTY

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 18/10/2010

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